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SENATE—*Tuesday, June 28, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, give us today the gifts that bring us meaning. Shower us with the gifts of wisdom and courage so that we may choose right and strive to do Your bidding. Give us the gifts of strength and prudence, so that we will resist temptation and anticipate traps and snares. Bless our Senators with the gifts of diligence and perseverance, enabling them to accomplish the difficult and to never give up trying to do Your will.

Give them also the gifts of loyalty and forgiveness, so that they will be true to their friends and patient with their enemies. Give each of us the gift of purity, so that we will find pleasure in simple things and a desire to honor You in our thoughts and deeds.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ENERGY POLICY ACT OF 2005

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 6, which the clerk will report.

The legislative clerk read as follows:

> A bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following the opening statement of the two leaders, we will proceed to passage of the Energy bill. A lot of work has gone into this bill at this point, and this upcoming final passage vote is one further step toward a national energy policy. We look forward to a good conference with the House to produce a final Energy bill for the President to sign.

Following that vote, we will resume consideration of the Interior appropriations bill. Pending to that bill are approximately 40 first-degree amendments. The committee, over the course of the weekend and yesterday, had been reviewing those amendments and, hopefully, we can dispose of most of those amendments without rollcall votes. We will need to debate and vote on some of the pending amendments, and therefore we will have votes throughout the day. We would like to finish the Interior appropriations bill today, and I will be speaking shortly to the two managers with regard to progress that is being made.

We will be recessing from 12:30 to 2:15 today. When we conclude the Interior bill, the Senate will begin the Homeland Security appropriations bill, and we will finish that bill prior to the start of the July 4 recess. In addition to funding the work of the Department of Homeland Security, that legislation begins the hard work of enhancing the security of our borders. We will complete action on this piece of border security legislation this week.

It is also possible that the Senate could complete work on other appropriations bills beyond the two to which the minority leader and I have agreed. We will be working together with the chairman and the ranking member of the Appropriations Committee to see what we can accomplish in addition to the Interior and Homeland Security appropriations bills.

In addition, this morning, the Finance Committee is working on our free-trade agreement with several Central American countries. If the committee completes action on that, we would also take that up this week. Under the law, debate on the free-trade agreement would total no more than 20 hours equally divided, and we will do that later this week.

As I mentioned last week, we will also consider any other available conference reports or legislative or executive items that are ready for action throughout the week—the highway conference report extension, a welfare extension, as well as a series of important nominations that could be resolved this week as well: Lester Crawford to run our Food and Drug Administration, Tom Dorr to serve in the Department of Agriculture, Gordon English to serve in the Department of Homeland Defense. All of these are possible for action before the recess.

We are going to have a very busy final week and, I know, a productive week. We will be working through Friday. I want to announce to our colleagues once again, as I have before, that in all likelihood we will be voting on Friday, and intend to vote on Friday.

In addition, I ask unanimous consent that I be recognized at 3:45 today, to be followed by Senator BUNNING, to be followed by Senator MCCONNELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, will the majority leader yield for a question on the schedule?

The PRESIDENT pro tempore. Under the previous order, this is the time to vote on H.R. 6.

Mr. DORGAN. Mr. President, I ask unanimous consent we be allowed to have the majority leader respond to a question.

The PRESIDENT pro tempore. Is there objection?

Mr. FRIST. I will be happy to respond.

Mr. DORGAN. The majority leader suggested that perhaps CAFTA might be brought up later this week. As the majority leader knows, CAFTA is brought to us under something called fast-track procedures, No. 1, and No. 2, an expedited procedure by which, when it is brought to the floor, it is given 20 hours of debate. Some of us feel very strongly that fast track is wrong, but, nonetheless, that is the process.

I ask the majority leader if he is intending to bring up CAFTA under fast track as the last order of business because the suggestion then would be you bump fast track up against the Fourth of July recess. I think that would mistreat a very serious issue.

My hope is that the majority leader will not decide to make the CAFTA trade agreement the last order of the day in this week because, if so, that will suggest that there is a desire to truncate the debate, to shrink the 20 hours, and not have a thoughtful and full debate on a very important trade issue at a time when we have the largest trade deficit in the history of this country.

My question would be, is there consideration to bringing up the Central American Free-Trade Agreement when we return from the Fourth of July recess?

Mr. FRIST. Mr. President, as I mentioned, the Central American Free-Trade Agreement is currently being addressed by the committee. That will be done today and possibly into tomorrow. Before we make any definitive scheduling beyond that, we will let it get through the committee. I will be talking to the Democratic leader. It is an issue that we could, through a fast-track mechanism, address before we leave for our July recess. No final decision has been made. I will be in discussion with the Democratic leader.

The PRESIDENT pro tempore. Does the Democratic leader seek recognition?

Under the previous order, the hour of 9:45 having arrived, we will proceed to a vote on H.R. 6. The yeas and nays have not been ordered.

Mr. FRIST. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from New Mexico.

Mr. DOMENICI. I wonder if, in regular order, would it be appropriate for the Senator from New Mexico and two Senators to speak for 3 minutes on the bill?

The PRESIDENT pro tempore. By unanimous consent that could be the order.

Mr. DOMENICI. Mr. President, we will soon vote this morning on final passage of the Energy Policy Act of 2005. I hope and expect that my colleagues will vote overwhelmingly to pass it for a number of reasons, but I want to concentrate on two of the most significant.

First, this bill is a huge step forward in our quest to enact policies that will ultimately move us away from our dependence on foreign sources of energy. There are no quick fixes for the predicament we have created for ourselves over the past 50 years.

But Senator BINGAMAN and I, of all people, are keenly aware of the promise that research and development of new technologies holds for our future energy independence. He and I have had the good fortune to witness the tremendous accomplishments of the scientists at Los Alamos and Sandia over the years. We know that partnerships in science and technology between the government and the private sector can spur significant advancements in technologies we need for our future—a future where we become more productive, more efficient, less dependent on foreign sources, and more protective of our environment in the process.

We have provided in this bill the opportunities for those partnerships as well as other incentives for the private sector to make the advances we need to have for our energy future.

Secondly, this is a bipartisan product that deserves broad support. Senator BINGAMAN and I have worked together on the Energy and Natural Resources Committee for over 20 years.

We have struggled through the issues we address in this bill for many years. Over the past six months, we have garnered the fruits of that association into this bipartisan bill to create what I believe is a fine product to get us started on solving our energy problems.

This bill isn't perfect. No bill ever is. But Senator BINGAMAN and I believe it is a worthy product that deserves your support. We look forward to a speedy conference with the House of Representatives and hope to soon deliver a conference report to this body for passage.

I also express my sincere thanks to my staff, as well as Senator BINGAMAN's staff, for their many, many days of long hours and hard work to make this bill a reality. They have been open to all of you and your staffs, and, I believe, have honestly attempted to address any issue Senators have brought to them.

I especially want to thank Alex Flint, Staff Director, and Judy Pensabene, Chief Counsel, for managing this entire process. Other members of the staff who also lent their expertise and professionalism to the process are: Carole McGuire, Deputy Staff Director; Karen Billups, Deputy Chief Counsel; Counsels Kellie Donnelly, Lisa Epifani, and Frank Macchiarola; Professional staff members Dick Bouts, Kathryn Clay, Frank Gladics, Josh Johnson, John Peschke, and Clint Williamson; Mamie Funk, Communications Director, and Angela Harper, Deputy Communications Director; Colin Hayes, Legislative Aide; Carol Craft, Chief Clerk; Cherstyn Monson, Executive Assistant; and Staff Assistants David Marks, Amy Millett, and Steve Waskiewicz.

Lastly, I sincerely thank the majority leader and his excellent staff for helping us shepherd this bill through the Senate.

I believe today we will pass, for the first time in many years, a new policy for the United States with reference to our energy production, the energy needs of the future.

I think this is a very good bill. I think it will provide us with a significant number of alternative energy supplies, all of which will be predicated upon the proposition that energy should be clean, the energy that we produce in the future; much of it should be renewable; that, indeed, we have conservation; that nuclear should become part of our arsenal; that, in addition, innovation will be the order of the day.

Along with production of ethanol, the rest of the bill will produce jobs, jobs, jobs, and will secure jobs for our future.

With reference to natural gas, one of our most significant and serious problems today, we hope that there will be a new and invigorated supply which will give us an opportunity to have prices for natural gas stabilize or even come down, without which we have a very difficult future for millions of jobs that are dependent upon natural gas or derivatives from natural gas.

All in all, I think this is an exciting and good bill. I thank the Senate for its support, the leader for his support, Senator BINGAMAN for his support. This is truly the first major bill in a long time that is bipartisan in nature. That made it possible, and I am very proud to have been part of it.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the bill before us is not perfect. It does not go as far I would have liked, or others may have liked, to reduce our dependence on foreign oil, to improve our automobile fuel efficiency, or to reduce greenhouse gas emissions.

But it makes a good start. The bill puts the Senate on record, for the first time, as saying that global warming is a problem and that we need to take serious action to address it. The bill stops short of taking those actions itself, but it acknowledges the problem, and that is an important—indeed essential—step in the right direction.

The bill also takes major steps toward increasing the amount of energy we use to make our electricity and to fuel our cars and trucks from renewable energy sources. It promotes the development and deployment of new energy technologies, improves energy efficiency, and modernizes our electricity laws. It was a good bill coming out of committee and it has been made better on the floor.

Much of the credit for the bill goes to Chairman DOMENICI for the fair, open, and bipartisan process he used to draft the bill and shepherd it through the committee and on the floor. Not all issues were resolved the way he would have liked or I would have liked, but he let the committee and the Senate work their will. It has resulted in a good bill.

Special thanks must also go to the committee staff, both majority and minority, who put in long hours and hard work on the bill over the last several months. Everyone on the Democratic staff of the committee contributed to this effort: Bob Simon, Sam Fowler, Patty Beneke, Tara Billingsley, Jonathan Black, David Brooks, Michael Carr, Mike Connor, Deborah Estes, Amanda Goldman, Leon Lowery, Jennifer Michael, Scott Miller, Sreela Nandi, Dominic Saavedra, Al Stayman, Vicki Thorne, Bill Wicker and Mark Wilson. I especially wish to thank our Democratic staff director, Bob Simon. I would also like to single out Jonathan Epstein and James Dennis on my personal staff for their contributions to the bill.

I would also like to acknowledge the constant and valuable help given to us by the Democratic cloakroom staff and the staff of the Democratic Leader.

Our task now will be to keep our bipartisan bill from being undermined in conference. Twice before the Senate has sent an energy bill to conference, only to see it die in conference or on the floor. But I am confident that the third try is the charm.

Again, I commend Senator DOMENICI for his leadership and bipartisan approach to this effort. I think we have come up with a bill which should enjoy good bipartisan support here on the Senate floor.

There are obviously some provisions I wish were in the bill that are not. But I think we are going into conference with a good piece of legislation. I hope we are successful in persuading the House to agree with us on that. I do think we still have many hurdles to overcome, as we have learned from previous Congresses, but I am optimistic that this time we will succeed in completing action on an energy bill.

Mr. FEINGOLD. Mr. President, energy policy is an important issue for America and one which my Wisconsin constituents take very seriously. Crafting an energy policy requires us to address important questions about, for example, the role of domestic production of energy resources versus foreign imports, the need to ensure adequate energy supplies while protecting the environment, the need for additional domestic efforts to support improvements in our energy efficiency, and the wisest use of our energy resources. Given the need for a sound national energy policy, a vote on an energy bill is a very serious matter and I do not take a decision to oppose such a bill lightly. In my view, however, this bill does not achieve the correct balance on several important issues, which is why I will oppose it.

The Congressional Budget Office, CBO, estimates that implementing the bill will cost $5.1 billion in 2006 and $35.9 billion over the 2006-2010 period. I am concerned that this estimate does not include the at least $10.1 billion in unpaid-for tax breaks. The $10.1 billion includes $5.7 billion in production tax credits and $4.4 billion in various subsidies to the oil, gas, and nuclear industries. Although I support the extension of the wind energy production tax credit and incentives for alternative fuels such as biodiesel, I am concerned that these tax expenditures are not offset. This billion dollar figure does not include the potential costs of the billions of dollars in loan guarantees provided in the bill, which could prove extremely costly to taxpayers. According to the CBO, loan default risk is "well above 50 percent" leaving taxpayers to foot the bill. The oil, gas, coal, hydroelectric and nuclear industries are mature industries that do not need to be propped up by the taxpayers. I am also especially concerned about the tax subsidies for the oil and gas industry, which is already experiencing windfall profits as oil nears $60 a barrel.

Even before the Senate added the tax title to the bill or any other amendments, CBO estimated that implementing the bill would cost $5.1 billion in 2006 and $35.9 billion over the 2006–2010 period. None of this spending is offset, or paid for. Our nation's budget position has deteriorated significantly over the past few years, in large part because of the massive tax cuts that were enacted. We now face years of projected budget deficits. The only way we will climb out of this deficit hole is to return to the fiscally responsible policies that helped put our nation on a sound fiscal footing in the 1990s, and that means making sure the bills we pass are paid for. Otherwise we are digging our deficit hole even deeper and adding to the massive debt already facing our children and grandchildren.

In addition, this bill repeals the proconsumer Public Utility Holding Company Act, the Federal Government's most important mechanism to protect electricity consumers. The bill does include language from my colleague from Washington, Ms. CANTWELL, banning Enron-like energy trading schemes. I also welcome the addition of new language that gives the Federal Government more oversight of utility mergers. This language, however, in my opinion, does not adequately prevent utilities from using affiliate companies to out compete small businesses.

That is why I joined with the Senator from Kansas, Mr. BROWNBACK, in filing the consumer protection, fair competition, and financial integrity amendment. We believe that small businesses and consumers should be protected from abuses involving public utility companies' related businesses. We also share the belief that repeal of the Public Utility Holding Company Act in the underlying bill creates a serious regulatory void and market flaw that Congress should correct.

Our amendment would have improved the bill by making clear the actions that the Federal Energy Regulatory Commission—or FERC—must take to ensure that deregulated holding companies do not outcompete our small businesses, damage their financial standing, and then pass the costs of bad investments to consumers.

Our amendment was supported by a wide and impressive coalition of business, labor, financial, and consumer groups which include AARP, American Iron and Steel Institute, American Public Power Association, American Subcontractors Association, Associated Builders and Contractors, Association of Financial Guaranty Insurers, ACA Financial Guaranty Corporation, Ambac Assurance Corporation, Assured Guaranty Corporation, Blue Point Re Limited, CIFG, IXIS Financial Guaranty, Financial Guaranty Insurance Company, Financial Security Assurance, MBIA Insurance Corporation, Radian Asset Assurance Inc., RAM Reinsurance Company, XL Capital Assurance, ELCON, International Brotherhood of Electrical Workers, Mechanical Contractors Association of America, National Electrical Contractors Association, Plumbing-Heating-Cooling Contractors—National Association, Public Citizen, Public Interest Research Group, Sheet Metal and Air Conditioning Contractors' National Association, Small Business Legislative Council, and Wisconsin Public Power, Incorporated.

My State of Wisconsin is acutely interested in and concerned about the repeal of PUHCA and about ongoing abuses involving the unregulated corporate affiliates of regulated utilities. I have also heard from contractors and other small businesses across the Nation who have been harmed by unfair competition by affiliates of public utilities.

I am pleased this consumer protection amendment was a bipartisan effort. I believe we have broad support in this body and beyond for this amendment, which is why I was disappointed that we were not able to offer this amendment because of the threat of another amendment being offered that would eliminate the oversight provisions currently in the bill.

I am pleased, however, that we were able to obtain assurances from the chair and ranking member that they would hold a hearing on abusive affiliate transactions. I also appreciate the ranking member's commitment to request a GAO investigation of the potential for abusive transactions involving affiliates of public utility companies.

During debate on this important measure, I supported several efforts to improve the underlying bill and the bill contains many provisions that I support. Specifically, I strongly supported the amendment offered by the Senator from New Mexico, Mr. DOMENICI, No. 779. I am pleased that the Senate overwhelmingly passed this important measure. I support the national ban of methyl tertiary butyl ether, MTBE, and the measures in the bill that increase the supply of ethanol. I am also pleased that the amendment includes language I drafted to consolidate the number of Federal reformulated gasoline blends. I have worked closely with Congressman PAUL RYAN in an effort to reduce the number of Federal reformulated gasoline blends and increase gasoline supplies for consumers.

In recent years, fuel supply shocks such as pipeline problems and refinery fires have contributed significantly to gasoline price spikes in southern Wisconsin. Chicago and southeast Wisconsin use a specialized blend of reformulated gasoline to meet Federal Clean Air Act requirements that is not used elsewhere in the country. When supplies of this type of gasoline run low, Wisconsin is unable to draw on supplies of gasoline from other areas. Consolidation of the number of boutique fuels will help Wisconsin and consumers across the country. I look forward to working with my colleagues on both sides of the aisle to ensure that the boutique fuels issue is adequately addressed in the energy bill conference report.

I also supported Senator BINGAMAN's amendment to mandate a renewable portfolio standard requiring electric utilities to generate or purchase 10 percent of the electricity they sell from renewable sources by 2020. The Senate has previously considered renewable portfolio standards of 20 percent. We can do even better on renewable energy sources, but I am pleased that the Senate took a positive step forward on this important issue.

I am also pleased with the many energy efficiency incentives and the reauthorization of the Energy Performance Savings Contracts Program. I also support the inclusion of mandatory electricity reliability standards to prevent blackouts.

I supported the Cantwell energy security amendment, No. 784, because it would have helped to put America on the path towards independence from foreign oil. Reducing our dependence on foreign oil by 40 percent by 2025 will make our country stronger and safer. For years, the American economy has been subject to the whims of the Organization of Petroleum Exporting Countries, OPEC, cartel. The amendment did not address which technology should be used to reduce our dependence on foreign oil and does not mandate changes in fuel economy standards. The language is simple—it sets our goal and we have to figure out how to get there. We are a country of innovators. Whether it is wind, solar, biodiesel, or a technology we still have not dreamed of yet, we can—and we must—break our addiction to foreign oil. This bold, aggressive amendment would have ensured that we meet our goal of real energy independence. I was disappointed that the Senate did not adopt this amendment.

In sum, the American people deserve a more fiscally responsible energy policy than that is reflected in this bill, and I cannot vote in favor of it. This measure will need to be improved in conference to get my vote.

Ms. FEINSTEIN. Mr. President. I start by thanking Chairman DOMENICI and Senator BINGAMAN for all of their hard work on this bill. They said they were going to work to get a bipartisan bill and they accomplished their goal.

Overall, however, I believe that this Energy bill will help the country meet its energy needs in a number of important ways.

This bill provides strong consumer protections, aggressive energy efficiency standards, and a focus on new technologies to meet our energy needs in a more environmentally friendly manner.

Additionally, the bill takes a step in the right direction to reduce our consumption of fossil fuels, especially natural gas. This is a major improvement over past Energy bills, which have done nothing to reduce our use of fossil fuels.

As we learned during the Western energy crisis, Federal energy regulators did not have enough authority to prevent widespread market manipulation.

Through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $26.7 billion in 2001. The abuse in our energy markets was pervasive and unlawful.

So I am pleased to report that this bill includes provisions that I have sought over the past 4 years to strengthen consumer protections and hopefully prevent another energy crisis like the one we experienced in the West.

These consumer protections include: a broad ban on manipulation in the energy markets; stronger criminal and civil penalties in the energy markets to provide stronger deterrents to violations of Federal energy laws; elimination of the unnecessary 60-day waiting period for refunds at FERC, which may cost Californians millions of dollars; new provisions to make the energy markets more transparent; and a ban on traders who manipulated the natural gas or the electricity markets from ever trading in energy markets again.

I am also very pleased that Senators GRASSLEY and BAUCUS included in the Energy bill much of the energy efficiency tax incentives that Senator SNOWE and I sponsored.

The simplest, most effective thing we could do today to reduce our electricity use would be to use more energy-efficient appliances, such as air conditioners, refrigerators, and clothes washers.

We know that energy efficiency works. In California, efficiency programs have kept electricity consumption flat for the past 30 years, in contrast to the rest of the United States, where consumption increased 50 percent.

During the Western energy crisis, California faced energy shortages and rolling blackouts, but it could have been much worse. Ultimately, the State was able to escape further blackouts because Californians made a major effort to conserve energy. This reduced demand for electricity and helped ease the crisis.

By creating incentives to reduce demand, the energy efficiency tax incentives will help us avoid power shortages and blackouts in the future.

In addition, encouraging more efficient technologies will also reduce pollution and save consumers billions of dollars in the long run.

America cannot solve its energy challenges by simply adding more supplies. We must find ways to reduce demand for energy and create more efficient technologies. Including the energy efficiency tax incentives is a big step in the right direction.

For all of those reasons, I am supporting this bill. However, I still have some major reservations about the legislation as it now stands. Among them are:

Ethanol. The bill includes an 8 billion gallon mandate for ethanol when my State does not need it to meet clean air standards. I think this mandate is bad and costly public policy.

LNG Siting. This bill gives the Federal Energy Regulatory Commission exclusive authority over siting LNG terminals. I believe States should have a strong voice in this process.

Global Warming. Although we can already see the real effects of global warming, this bill takes no effective action to curb greenhouse gases.

Outer Continental Shelf. This bill provides for an inventory of the resources off our shores. This is not necessary unless we plan on drilling, to which I remain very much opposed.

Essentially, this bill takes no risks whatsoever to do the right thing. And though I will vote in favor of this bill, I would like to discuss these serious reservations that I have with it.

I am extremely concerned about the bill's 8 billion gallon ethanol mandate.

First, though, I would like to thank the committee for accepting an amendment I offered to protect California's air quality. It waives the requirement that California use ethanol in the summer months when it can end up polluting the air more than protecting it.

Despite this win for California's air quality, I still have concerns about the impacts of mandating that refiners use 8 billion gallons of ethanol by 2012.

President Bush has said over the past few months that this Energy bill will not do anything to reduce gas prices at the pump. I would like to add another note of caution: I hope this bill does not actually increase the price at the pump for consumers.

According to the Energy Information Administration, gas prices in California have been anywhere between 4 and 8 cents higher since ethanol replaced MTBE in California's gasoline, starting in 2003.

In May 2005, the Director of the Petroleum Division at the Energy Information Administration stated before the House Government Reform Committee that:

> . . . refiners lost production capability when replacing MTBE with ethanol. This, along with continued demand growth, has contributed to price pressures. From 2000 through 2002, California retail gasoline prices averaged about 19 cents per gallon more than the U.S. average gasoline price, but in 2003 as MTBE began to be removed, California prices averaged 27 cents per gallon higher than the U.S. average, and remained at that level through 2004.

So far this year, California's gasoline prices are at least 23 cents higher than the national average. To be clear, adding ethanol to our gasoline has increased the cost at the pump.

In addition, when the 8 billion gallon mandate is fully implemented in 2012 it will only reduce U.S. oil consumption by one-half of 1 percent.

Since ethanol has a somewhat lower energy content than gasoline, more of it is required to travel the same distance. This results in a vehicle's fuel economy being approximately 3 percent lower with ethanol-blended gasoline.

Further, this provision is both a mandate and a subsidy. Ethanol receives a tax credit of 51 cents per gallon. An 8 billion gallon mandate means a $2 billion loss to the U.S. Treasury over today's receipts.

I do not believe that we should be imposing this huge mandate at a time when there is already such a huge subsidy to the ethanol industry, and when the Nation has such huge budget deficits.

We should have either the subsidy or the mandate, but not both.

I also remain concerned about the provision in the bill that provides exclusive authority over siting onshore liquefied natural gas terminals to the Federal Energy Regulatory Commission.

Increased demand for natural gas means we need new natural gas supplies, and liquefied natural gas is one of the options available to us.

States will be responsible for the safety of these facilities for a long time after they are sited. That is why it is so important to preserve the rights of the States to participate in the process to determine where these facilities should be located.

For LNG facilities that are sited more than 3 miles offshore, the Governor has the right to approve or veto a project.

Yet for facilities that are located onshore, in our busy ports and near our closely packed communities, States have less input.

That is why I offered an amendment to provide Governors the same authority for siting onshore facilities that they already have for offshore facilities.

To give a remote Federal agency control when States are concerned about the safety of residents near a proposed site is a mistake.

I firmly believe that States should have the right to veto a project that could endanger the public safety of its citizens.

I thank Senators LIEBERMAN and MCCAIN for their efforts to address the growing and imminent problem of global warming.

I strongly supported their amendment to cap greenhouse gas emissions at the year 2000 levels by 2010 and implement a market-based emissions cap and trade system.

The United States has only 4 percent of the world's population, and yet we produce 20 percent of the world's greenhouse gas emissions. As the world's largest greenhouse gas emitter, the United States has a duty to act.

We have already begun to see the very real effects of global warming. The polar ice caps are shrinking, glaciers are melting, snowpacks are dwindling, and coastlines are falling away.

If we do not act, these problems will only grow worse. California depends on the Sierra Nevada snowpack as its largest source of water. It is estimated that by the end of the century, the shrinking of this snowpack will eliminate the water source for 16 million people—equal to all of the people in the Los Angeles Basin.

Much of the world is already reducing their greenhouse gas emissions and they are counting on us to do the same.

It is time that the United States—the world's largest contributor to climate change—stepped up and took responsibility for our actions and their impact on the world. Global warming is too serious a problem for us to keep ignoring it.

Yet the Senate voted against the McCain-Lieberman amendment. We missed a big opportunity to do the right thing for our country and for the world.

I am also concerned because the bill includes a provision that would allow the Department of Interior to conduct an inventory of the resources in the Outer Continental Shelf.

I joined my colleagues from Florida and New Jersey to strip this provision from the bill. Unfortunately, the amendment was not agreed to.

Why would we need to inventory the resources on the Outer Continental Shelf unless we intend to drill there? I believe this provision is the proverbial "nose under the camel's tent."

I strongly oppose lifting the moratoria on drilling on the Outer Continental Shelf and my State is unified in its opposition as well. Our coast is too important to California's economy and to our quality of life.

Despite soaring gas prices, this bill does not take any steps towards reducing our oil consumption, which could easily be done by holding SUVs and light trucks to the same fuel economy standards as passenger vehicles.

SUVs have gained popularity to the point that they now make up more than half of new car sales in the United States. That is why I believe SUVs and light trucks should be held to the same fuel efficiency and safety standards as the smaller passenger cars they are replacing on our roads.

This would both reduce our oil consumption and imports as well as curbing greenhouse gas emissions that cause global warming. In addition, increasing fuel economy in SUVs and light trucks would save owners hundreds of dollars each year at the gas pump.

Consumers are concerned about high gas prices, yet we do next to nothing in the bill to increase the fuel economy of our vehicles so that they use less gasoline.

Our dependence on oil is reaching critical levels. Crude oil is hitting record highs at nearly $60 per barrel this week and it is not going to fall any time soon.

Crude oil is a global commodity and global oil demand is rising, especially in China and India.

In the past 5 years, China's oil imports have doubled, and show no signs of slowing down. Chinese demand for oil is expected to double again by 2025, while its imports will quadruple to 60 percent of its total oil consumption.

China is now the world's second biggest oil consumer, behind only the United States. And today we heard the news that China wants to buy an American oil company.

In addition, India's oil needs are expected to grow rapidly in the coming years. Last year alone, India's oil consumption grew by 10 percent.

Their rapidly growing economies are fueling their growing dependence on oil—which makes continued higher prices inevitable.

The most effective step we can take to reduce gas prices is to reduce demand. We must use our limited fuel supplies more wisely.

That is why I am so disappointed that the Senate did not include any provisions to increase fuel economy in the bill.

I am pleased that the chairman and ranking member were able to work together on a bill that does not roll back environmental protections, as the House bill does.

I want to take a minute to point out the most egregious House provisions that I hope we will not see in a conference report. They include:

Retroactive liability protection for MTBE producers despite the fact that the courts have already found that they make a defective product. This provision protects oil companies from having to pay billions of dollars to clean up the water supplies across the country that MTBE has contaminated.

Even though I am supporting the Senate Energy bill, I will not hesitate to vote against the conference report if it includes MTBE liability protection.

Allowing communities to get out of requirements to clean up their air if they claim that part of its problem is a result of transported air pollution. This provision severely weakens the Clean Air Act.

Exempting the underground injection of chemicals during oil and gas development from regulation under the Safe Drinking Water Act.

Weakening the ability of States to have a say in Federal activities that affect their coasts, including limiting appeals related to pipeline construction or offshore energy development under the Coastal Zone Management Act.

Opening the Arctic National Wildlife Refuge to drilling.

Further, the House $8 billion tax package is completely lopsided in favor of oil and gas production—only 5 percent of the $8 billion goes toward incentives for renewable energy production.

While I am pleased that the bill includes strong consumer protections that will hopefully prevent another energy crisis, incentives for energy efficiency, and promotes new energy technologies, I am disappointed that the bill does not do the right thing on global warming, ethanol, fuel economy, the Outer Continental Shelf, or LNG siting.

And so, it is with reluctance that I cast my vote in favor of this Energy bill.

Mr. LEVIN. Mr. President, I am supporting the energy bill before us today because I feel that it is a step forward in establishing a sound energy policy for our Nation. With oil prices soaring to over $60 per barrel, consumer gasoline prices continuing to rise, and the impacts of global climate change increasingly apparent, we need to move toward diversity of our energy supply and reduction of our dependence on oil.

The bill before us today includes provisions that will increase the diversity of our Nation's fuel supply, encourage investment in infrastructure and alternative energy technologies, increase domestic energy production, take critical steps to improve the reliability of our electricity supply, and improve energy efficiency and conservation. This bill is not a perfect bill, but on balance it moves toward a sound energy policy that will lead the way to greater energy security and efficiency for the United States. It will increase our domestic energy supplies in a responsible manner, provide incentives to move toward more and diversified supply options, and provide consumers with affordable and reliable energy. When we consider energy policy, it is always a balance. Many factors must be taken into account—the environment, national security, our economy and jobs. Each and every vote on this bill required a balancing of these factors to determine what is best for Michigan and for our country.

Our policies have long ignored the problem of U.S. dependence on foreign oil, and we remain as vulnerable to oil supply disruptions today as we have been for decades. Taking the steps necessary to reduce our dependence on foreign oil is an important objective for this country. I have long supported a broad array of Federal efforts to meet that objective. I believe that we need a long-term, comprehensive energy plan, and I have long supported initiatives that will increase our domestic energy supplies in a responsible manner and provide consumers with affordable and reliable energy.

There are provisions included in this bill that will help take important steps in this direction—particularly those provisions of this bill that address energy efficiency and renewable energy and will lead us toward greater uses of alternative fuels such as ethanol and biodiesel. I have also long advocated Federal efforts that will lead to revolutionary breakthroughs in automotive technology that will help us reduce our oil consumption. We need a level of leadership similar to the effort of a previous generation to put a man on the moon. I believe we need our own "moon shot" in the area of automotive technology to develop alternatives to petroleum and to make more efficient use of all forms of energy.

I am pleased that the bill before us today is a bipartisan bill and, as such, it is a significant improvement over what the Senate has considered in previous years. This proves that when we work together in a bipartisan fashion, not only is the process better but so is the resulting policy.

The bill includes a wide range of energy efficiency provisions that will ensure that conservation and efficiency are a central component of our Nation's energy strategy. These provisions address Federal, State, and local energy efficiency programs, provide funding for important programs such as home weatherization, and establish efficiency standards for a wide variety of consumer and commercial products. Provisions of the bill will also ensure more efficient operation of Federal facilities, setting an important example by the Federal Government. The bill will also accelerate advances in energy-efficient appliance technologies by providing a tax credit for the production and sale of products such as super energy-efficient washing machines, refrigerators and dishwashers. Increasing the sale of these products will result in significant energy and water savings, thereby reducing dependency on foreign energy, reducing emissions and conserving water. Finally, because the tax credits apply only to U.S.-manufactured products, the bill can stabilize or increase American manufacturing jobs.

This legislation also takes critical steps to improve the reliability of our electrical grid and promote electricity transmission infrastructure development. Our economy depends upon electric power, and, in some cases, electric power literally saves lives. Failures in the electric system interrupt many crucial activities. Our current industry-developed, voluntary standards for the reliability of the electrical grid have long been in need of improvement. That need for improvement was underscored painfully by the August 2003 blackout. There were two key lessons from the blackout—the need for strong regional transmission organizations to ensure that reliability standards are carried out and enforced, and the need for additional transmission upgrades to maintain reliability. I regret that it has taken 2 years to get to a consensus on these issues. Nonetheless, I am pleased that the provisions of this bill authorize the creation of an electricity reliability organization to establish mandatory and enforceable reliability standards, which is a critical and necessary step forward.

The bill puts an increased emphasis on renewable energy technologies, such as wind and solar power. These technologies are becoming more economical every year. In fact, in some areas of the country these technologies are competitive with traditional fuels such as coal and natural gas. With this in mind, this bill includes a renewable portfolio standard, which requires sellers of electricity to obtain 10 percent of their electric supply from renewable energy sources by the year 2020. Existing hydroelectric pumped storage facilities—such as the Ludington pumped storage facility in Michigan—are included in the definition of hydroelectric facilities, which will ensure that these reliable existing sources of renewable power are calculated in a utility's base generation and can continue to be utilized to full potential. Finally, to promote the use of renewable fuels, the bill also includes a requirement for refiners to use 8 billion gallons of ethanol or biofuels by 2012. Overall, the increased use of renewable technologies will reduce our dependence on foreign oil and lead to the creation of tens of thousands of new jobs.

The bill also puts increased emphasis on diversity of supply and includes a broad range of provisions intended to encourage the use of new and cleaner technologies, particularly for power generation. Nearly 60 percent of electricity generation in Michigan is generated from coal, which will remain a vital resource well into the future. Programs authorizing research in clean coal-based gasification and combustion technologies will ensure that the most advanced technologies are developed for power generation. Other provisions of the bill also encourage the use of innovative technologies for both power generation and other end-uses.

Increased emphasis on diversity of fuel supply will help to take the pressure off of our tight natural gas supply, which is important for States such as Michigan with a large manufacturing base. Over the past 6 years, the tight natural gas supply and volatile domestic prices have had significant impacts on the U.S. manufacturing sector, which depends on natural gas as both a fuel source and a feedstock and raw material for everything from fertilizer to automobile components. As domestic production of natural gas has declined, demand for natural gas has increased dramatically, particularly in the area of power generation. Today, U.S. natural gas prices are the highest in the industrialized world, and many companies have been forced to move their manufacturing operations offshore. More than two million manufacturing jobs have been lost to overseas operations in the 5 years since natural gas prices jumped from $2.00 per million Btu to more than $7.00 per million Btu.

I am pleased that the Senate bill includes a significant research, development, demonstration and commercialization effort in the area of hydrogen and fuel cells. I believe that this program will help us make critical strides toward realizing the goal of putting hydrogen fuel cell vehicles on the road over the next 10 to 15 years.

We need a significantly larger effort than anything on the drawing boards, and we need to put greater Federal resources into work on other breakthrough technologies—such as advanced hybrid technologies, advanced batteries, advanced clean diesel, and hybrid diesel technology. Federal Government investment is essential not only in research and development but also as a mechanism to push the market toward greater use and acceptance of advanced technologies. Expanding the requirements for the Federal Government to purchase advanced technology vehicles will help provide a market for advanced technologies.

We also must have far greater tax incentives for advanced technologies than have been proposed to date. To that end, I had hoped to offer an amendment to the bill—along with Senators BAYH and ALEXANDER—to provide more generous consumer tax credits for purchase of advanced technology vehicles and to provide an investment tax credit to manufacturers to help defray the cost of re-equipping or expanding existing facilities to produce advanced technology vehicles. The Finance title of this energy bill includes laudable incentives, but I believe we need more generous consumer tax credits for a wider variety of vehicles—including advanced clean diesel, as well as hybrid and fuel cell vehicles—to encourage consumers to make the investment in these technologies. I also believe that an investment credit on the manufacturing side is necessary to offset the high capital costs of such an investment. I hope that more significant tax incentives for a wide range of advanced vehicle technologies will be considered during the House-Senate energy conference.

The Senate bill also includes an amendment I offered to have the National Academy of Sciences conduct a study and submit a budget roadmap to Congress on what level of effort and what types of actions will be required to transition to fuel cell vehicles and a hydrogen economy by 2020. If hydrogen is the right answer, we will need the equivalent of a moon shot to get there. We will need a significant Federal investment—well beyond anything we are doing today—in conjunction with private industry and academia to reach that goal. This study and roadmap will be an important step toward determining if that is the right path to follow.

I am also pleased to have cosponsored an amendment offered by Senator VOINOVICH to authorize $200 million annually for 5 years to fund Federal and State grant and loan programs that will help us to replace older diesel technology with newer, cleaner diesel technology. Our friends in Europe have taken advantage of the opportunities that diesel offers for improving fuel economy and reducing oil dependence. We have not been able to do so here in the U.S. because of our concerns about tailpipe emissions. Initiatives such as those included in this amendment will help the U.S. to develop advanced diesel technology that will be able to meet our emissions standards in a cost-effective manner.

Lastly, the Senate rejected resoundingly efforts to require significant and arbitrary increases in the corporate average fuel economy—CAFE—standards, adopting instead an amendment offered by Senator BOND and myself that offered a more balanced approach. Our approach requires an increase in both car and truck CAFE standards but it requires the Department of Transportation to set these standards looking at the maximum technological feasibility, taking into consideration a series of critical factors such as safety, the impact on manufacturing and jobs, and the lead-time required for developing new technologies. Other proposals offered in the Senate—but rejected—would have hurt domestic manufacturers and the U.S. economy, without doing much for the environment.

Gasoline prices have been extremely volatile over the past few years and are likely to stay high. Our demand for oil continues to increase while our supplies have remained about the same. To reduce the impact of high gasoline prices over the long-term, we need to reduce our consumption of oil by continuing to develop advanced vehicle technologies such as hybrids, advanced clean diesels, and fuel cells. In the short-term, however, I continue to be concerned about price fluctuations because gasoline prices can have a dramatic effect on not only the average consumer's wallet, but also the economy as a whole. During consideration of the energy bill, I supported an amendment offered by Senator BYRD designed to provide some relief to high gas prices, specifically for people who live in rural areas. This provision allows employers to provide tax-free commuter benefits to employees who live in a rural area and drive to work in an area that is not accessible by a transit system.

I was also pleased to support an amendment to help small businesses and farmers deal with the high price of fuel. This amendment, offered by Senator KERRY, gives small farms and businesses access to low-interest credit through disaster loan programs. These programs, through the Small Business Administration and the U.S. Department of Agriculture, will give much needed relief to these small businesspeople and small farmers who have been hurt by the price spikes in heating oil, natural gas, propane, gasoline and kerosene.

Lastly, I supported an amendment offered by my colleague from Michigan, Senator STABENOW, requiring the Federal Trade Commission to conduct an investigation and provide a report to Congress on whether the increase in gasoline prices is the result of market manipulation or price gouging. In 2002, as chairman of the Permanent Subcommittee on Investigations, I lead an investigation into how gas prices are set. Since that time, gas prices have continued to rise, and I believe a new investigation and report is warranted to hopefully result in some protection for consumers.

I am pleased that this bill contains an amendment that I offered with Senator COLLINS to direct the U.S. Department of Energy to develop and use cost-effective procedures for filling the U.S. Strategic Petroleum Reserve. The amendment requires DOE to consider the price of oil and other market factors when buying oil for the SPR and to take steps to minimize the program's cost to the taxpayer while maximizing our energy security. Since early 2002, DOE has been acquiring oil for the SPR without regard to the price or supply of oil. During this period the price of oil has been very high—often over $30 per barrel—and the oil markets have been tight. Many experts have stated that filling the SPR during the tight oil markets over the past several years increased oil prices. With this amendment, the bill directs DOE to use some common sense when buying oil for the SPR.

Any successful businessperson knows the saying, 'Buy low, sell high.' It makes sense for buying oil as well as pork bellies.

Finally, I want to mention an issue that was a source of strong debate in the Senate but which this bill does not adequately address: global warming. For years, almost all scientists have agreed that human actions are causing temperatures around the world to increase. Experts also agree that this global warming will lead to environmental problems and economic hardship, but there has been no consensus in the United States about what we should do to stop climate change.

The threat is real and growing, and the longer we wait to reach a reasonable consensus, the more painful the solutions will be. I believe two major policy changes are needed at the federal level: support for a new, binding international treaty that includes all countries, and a massive new federal investment in research, development and commercialization of new technologies. Both of these steps would provide real environmental and economic benefits while being fair to American workers. The Senate considered several well-intentioned proposals on this issue, though I did not believe they would have taken us in a comprehensive direction. I supported a sense of the Senate resolution that acknowledges the problem and calls on the administration to work with the Congress to enact a comprehensive national program to address this issue.

The energy bills considered by the Senate over the last couple of years have been doomed by a heavy-handed, partisan approach and by a conference committee that added many objectionable provisions before the bill came back to the Senate. We lost valuable time in putting us on the course toward a sounder energy policy. It is my sincere hope that the majority will pursue a different approach this year and produce a bill that will have strong bipartisan support.

Mr. INOUYE. Mr. President, I rise today to discuss two amendments that I filed concerning the Federal Energy Regulatory Commission hydro relicensing process and its impact on Indian tribes.

The two amendments were simple amendments that I had hoped to have included in a managers' package.

As presently drafted, section 261 will authorize license applicants to have veto authority over the Secretary's decision on whether to accept alternative conditions. This will have substantial adverse effects on Indian reservations that are occupied by hydroelectric project facilities as well as fishery resources that the United States holds in trust for Indian tribes.

The Federal Government has an obligation, a trust responsibility, to protect the resources and related property rights in them that we hold in trust for Indian tribes.

A cornerstone of Federal Indian policy regarding tribal natural resources is that development of them will not occur without the consent of the tribe for which the United States holds the resources in trust.

By injecting the judgment of a hydroelectric dam operator—whose interests may well be adverse to a tribe's—to override the Secretary's determination of the Federal trust responsibility for tribal resources affected by a license application seems to me to be a clear violation of our trust responsibility. In certain cases this could result in an applicant having a virtual veto over conditions relating to the protection of Indian lands and resources.

Congress acted to create reservations to fulfill solemn obligations to Indian tribes and vested in the Secretary the special responsibility to be the repository of expertise in the management and protection of those reservations as well as fisheries in which many tribes reserved rights in their treaties with the United States—treaties that were ratified by this Senate.

The tribal land and fishery resources that would be adversely affected by section 261 are vested property rights that the United States holds in trust. There is no justification for subordinating those rights to the activities and interests of a licensee in the manner provided for in this legislation.

The Federal Government has continuously broken its promises to Indian tribes. Over the past 60 years or so, this has cost us, and the taxpayers, hundreds of millions of dollars, if not more for breaking those promises. And we continue to face additional liability in the billions of dollars for breaking other promises and violating our trust responsibility. This has got to stop.

Justice Black once wrote at another critical juncture in the history of the Federal Power Act's relationship to tribal property rights: "Great nations, like great men, should keep their word."

Although I am disappointed that we may once again be violating our solemn obligation to the Indian tribes who have contributed so much to our great country, I note that Senator DOMENICI has assured me that he will continue to look at this matter.

I call on my colleagues in the conference of this legislation to work to ensure revision of the language that is antithetical to tribal rights and longstanding Federal Indian policy.

Mr. OBAMA. Mr. President, during the 2 weeks or so that we have been debating this Energy bill in the Senate, the price of crude oil has climbed to a record high of $60 a barrel. Gas is now up to $2.24 per gallon. The Saudis are pumping at near-full capacity, and their own oil minister says that the price of crude will probably stay at this level for the rest of the year.

At this price, the United States is sending $650 million overseas every single day. That is $237 billion a year—much of it to the Middle East, a region we have seen torn by war and terror. It doesn't matter if these countries are budding democracies, despotic regimes with nuclear intentions, or havens for the madrasas that plant the seeds of terror in young minds, they get our money because we need their oil.

As demand continues to skyrocket around the world, other countries have started to realize that guzzling oil is not a sustainable future. What's more, these countries have realized that by investing early in the energy-efficient technology that exists today, they can create millions of tomorrow's jobs and build their economies to rival ours.

China now has a higher fuel economy standard than we do, and it has got 200,000 hybrids on its roads. Japan's Toyota is doubling production of the popular Prius in order to sell 100,000 in the U.S. next year, and it is getting ready to open a brand new plant in China. Meanwhile, we are importing hydrogen fuel cells from Canada.

These companies are running circles around their American counterparts. Ford is only making 20,000 Escape Hybrids this year, and GM's brand won't be on the market until 2007. As falling demand for gas-hungry SUVs has contributed to Standard and Poor reducing the bond rating of these companies to junk status, these giants of the car industry now find themselves in the shadow of companies and countries that realize the time has come to move away from an oil economy.

So here we are. We have people paying record prices at the pump and America sending billions overseas to the world's most volatile region. We have countries such as China and India using energy technology to create jobs and wealth while our own businesses and workers fall further and further behind.

And we have the Energy bill that is before us today.

Now, this bill takes some small steps in the right direction. It will require utilities to generate 10 percent of their electricity from renewable sources. It will help us realize the promise of ethanol as a fuel alternative by requiring

8 billion gallons to be mixed with gasoline over the next few years, and by providing a tax credit for the construction of E85 stations all over America. It will provide funding for the clean coal technologies that will move America to use its most abundant fossil fuel in a cleaner, healthier way, including for low-emission transportation fuels. It will support the development of 500 mile-per-gallon automobile technology. And it will provide a good mix of tax incentives to move America towards more energy efficiency instead of simply rewarding the oil and gas industries, as the House bill does. The good that these proposals will do is reason enough to vote for this bill, and I will do so.

But we shouldn't kid ourselves today. This isn't time to pat ourselves on the back and think we have put America on the path to energy independence. Experts say that this bill will reduce our foreign oil consumption by 3 percent. Three percent. Our own Department of Energy predicts that American demand will jump by 50 percent over the next 15 years. So 3 percent doesn't amount to much—and it certainly won't make a difference at the pump. Even President Bush admits this. We tried to pass an amendment that would have reduced our foreign oil dependence by 40 percent in 2025, but too many Senators said no.

And so when you look at this energy crisis and realize that it is about so much more than energy, when you realize that our national security is at stake and that the global standing of our economy hangs in the balance, when you see prices continue to rise and other countries continue to innovate, you can't help but ask yourself, "Is this the best America can do?" The country that went to the Moon and conquered polio? The country that led the technological revolution of the 1990s?

It would be one thing if the solutions to our dependence on foreign oil were pie-in-the-sky ideas that are years away. But the technology is right at our fingertips. Today, we could have told American car companies, we will help you produce more hybrid cars. We could have made sure there were more flexible fuel tanks in our cars. We could have addressed the big reason why car companies are hurting in this country—legacy health care costs. Had we taken all of these actions, we could have put America on the path to energy independence once and for all.

We also could have addressed the fact that global warming is threatening us with higher temperatures, more drought, more wildfire, more flooding, and more erosion of our coastal communities. People who don't believe this can yell about it as loudly as they want, but it doesn't change the fact that the overwhelming scientific evidence proves this over and over again. We could have taken care of this problem now and left a better world to our children.

With each passing day, the world is moving towards new technology and new sources of energy that will one day replace our current dependence on fossil fuels.

And so America has a choice.

We can continue to hang on to oil as our solution. We can keep passing Energy bills that nibble around the edges of the problem. We can hope that the Saudis will pump faster and that our drills will find more. And we can just sit on our hands and say that it is too hard to change the way things are and so we might as well not even try.

Or we could realize that this issue of energy—this issue that at first glance seems like it is just about drilling or caribou or weird-looking cars—actually affects so many aspects of our lives that finding a solution could be the great project of our time.

It won't be easy and it won't be without sacrifice. Government can't make it happen on its own, but it does have a role in supporting the initiative that is already out there. Together, we can help make real the ideas and initiatives that are coming from scientists and students and farmers all across America.

Abraham Lincoln, who first opened our National Academy of Sciences, once said that part of Government's mission is to add "the fuel of interest to the fire of genius in the discovery of new and useful things."

Today, when it comes to discovering new and useful solutions to our energy crisis, the fire of genius burns strong in so many American innovators and optimists. But they're looking for leadership to provide the fuel that will light their way. This bill is a reasonable first step, but I know that we can do much, much better.

Mrs. BOXER. Mr. President, for several years now we have been debating a national energy policy. In 2002 and 2003, I voted against the Energy bills because I believed they were bad for California and emphasized expanding old, dirty sources of energy instead of investing in clean, renewable energy.

Today's bill, however, is slightly better. It is more balanced and more protective of consumers. I will, therefore, vote for it.

However, this is not a perfect bill, and it contains many provisions that I oppose. I am voting to move the process forward today, but if the bill returns to us from conference more like the House bill, I will have to vote against it.

Let me begin with how this bill is better than previous bills. For the first time, we have an Energy bill that creates a Renewable Portfolio Standard, RPS. What that means is that utility companies will have to get 10 percent of their energy from renewable resources, such as wind and solar, by the year 2020. That is enough to supply 56 million U.S. homes with electricity generated by renewable sources.

There are a variety of other provisions in the bill that will encourage conservation, energy efficiency, and development and use of clean sources of energy. For example, there are $6.4 billion in tax breaks in the bill to provide incentives for alternative and renewable fuels. That includes something I have been advocating for several years—extending and strengthening the tax break for people who purchase hybrid cars. It also includes a tax deduction for energy-efficient buildings, the production of energy-efficient appliances, and the expansion of the credit for environmentally friendly geothermal facilities.

Unlike previous Energy bills, this bill actually contains some protections for consumers. We in California know all too well what happens when energy companies are allowed to manipulate the market and gouge consumers. This bill specifically prohibits manipulative practices in the electricity market, and it contains provisions for better accountability and more transparency so that consumers can know what is happening.

Speaking of the electricity crisis in California, we are still waiting for the refunds that are owed to us. The Federal Energy Regulatory Commission, FERC, found that rates were unjust and unreasonable; they found that markets were manipulated. They have ordered some refunds, but California has yet to see a penny 4 years later. And FERC continues to drag its feet in ordering the full $8.9 billion that is owed to my State.

That is why I am pleased that this bill includes my amendment calling on FERC to conclude action on the refunds issue and requiring FERC, if it has not done so by the end of this year, to explain to Congress what exactly has been done and to spell out a timetable for the rest of the process. Californians deserve their refunds, and I hope my amendment will finally bring this matter to a conclusion.

I am also glad the Senate approved an amendment Senators DORGAN and STABENOW and I offered that requires the Federal Trade Commission to investigate the possible manipulation of the price of gasoline. We are seeing unprecedented prices at the pump that cannot be completely explained by the rise in crude oil prices. Oil companies should not be making undeserved, windfall profits at the expense of consumers who, in many cases, have no alternative but to drive to work.

While I oppose the ethanol mandate in this bill, I am pleased that the bill includes a proposal I originally offered with Senator LUGAR to count each gallon of ethanol made from agricultural waste products as 2.5 gallons toward meeting the mandate. This will be a big help to both the farmers and consumers of California. I am also pleased that this bill contains my original proposal to provide grants for the construction of agricultural waste ethanol production facilities.

As I mentioned, one of the bad things about this bill is the ethanol mandate. Even with the Feinstein provision to exempt California during the summer months, I am still concerned about what this mandate will mean for future gasoline prices in my State.

I am also adamantly opposed to the provision of this bill that requires an inventory of energy resources in America's Outer Continental Shelf. This could easily lead to future oil and gas development in some coastal areas. And an "inventory" is not as innocuous as it sounds. It will be conducted with seismic airguns, which shoot sounds into the seafloor for mapping. These sounds can injure marine mammals and fish, possibly leading to beachings and reduced fish catches.

The bill grants FERC the sole authority over the siting of liquefied natural gas terminals onshore, denying States the right to have a say in the decision.

This bill lacks what is probably the surest way to reduce our crippling dependence on foreign oil—increasing mileage standards on automobiles. Raising the fuel economy of passenger automobiles to 40 miles a gallon by 2016 would save about 95 billion gallons of oil by 2016.

Finally, I want to mention my disappointment at this bill's heavy reliance on nuclear energy at a time when we still have no solution for the nuclear waste problem and still have safety concerns about nuclear facilities. The bill reauthorizes the Price-Anderson Act to put the taxpayers on the hook in case of an accident, and it provides tax incentives and loan guarantees to encourage the construction of more nuclear powerplants. This does not make sense. We are subsidizing and encouraging the production of more nuclear waste when we have no place to put it.

As you can see, this is not a perfect bill. But, again, I will vote for it today in order to move the process forward and because it is better than the previous two Energy bills. I hope that the Senate conferees will fight to maintain the Senate's language during the conference. If they do not—if this bill returns to the Senate looking more like the backward-thinking House bill—I will have to vote against it.

Mr. OBAMA. Mr. President, I would like to express my gratitude to the managers of the energy bill, Senators DOMENICI and BINGAMAN, for their support of two amendments that I offered. I am proud that these amendments have been included in the legislation that the Senate will vote on today, and I believe that their enactment will help America increase its energy independence and transition our energy industry to full usage of 21st century technologies.

The first adopted amendment, which was cosponsored by Senator LUGAR, provides $85 million to three universities for research and testing on developing Illinois basin coal into transportation fuels, including Fischer-Tropsch jet fuel, a type of low-emissions diesel that can be used in jets and diesel. The funds provided in this amendment will assist Southern Illinois University, Purdue University, and the University of Kentucky in upgrading existing facilities and constructing new facilities to conduct research and testing on this technology. It is critical that our Government invests in domestic fossil fuel supplies in an innovative manner, and this is a commonsense way to expand our coal industry in an environmentally friendly manner.

The second adopted amendment, which was cosponsored by Senator BAYH, provides $40 million for research on combined plug-in hybrid and flexible fuel vehicles. Today, we have the technology to produce both plug-in hybrid vehicles, which run partly on electricity rather than fuel, and flexible fuel vehicles, which run on a blend of 85 percent renewable fuel and 15 percent petroleum. But we don't yet have the technology to combine both technologies into the same car. If we could do this, there is the potential for developing a car that could get 500 miles per gallon of gasoline. At a time when our country spends billions of dollars a year on importing foreign oil, it is imperative that we take meaningful, proactive steps that not only stem our future oil dependence but also reduce our reliance on overseas sources. My amendment would do just that by stimulating the commercialization of this technology at a cost of only 6 percent of our Nation's daily spending on foreign oil.

Again, I thank the bill managers for their assistance with these amendments.

I ask unanimous consent to have the following two articles on the potential of combined plug-in hybrid/flexible fuel vehicles printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Mar. 7, 2005]

IMAGINE: 500 MILES PER GALLON

(By Fareed Zakaria)

The most important statement made last week came not from Vladimir Putin or George W. Bush but from Ali Naimi, Saudi Arabia's shrewd oil minister. Naimi predicted that crude prices would stay between $40 and $50 throughout 2005. For the last two years OPEC's official target price has been $25. Naimi's statement signals that Saudi Arabia now believes that current high prices are not a momentary thing. An Asian oil-industry executive told me that he expects oil to hit $75 this decade.

We are actually very close to a solution to the petroleum problem. Tomorrow, President Bush could make the following speech: "We are all concerned that the industrialized world, and increasingly the developing world, draw too much of their energy from one product, petroleum, which comes disproportionately from one volatile region, the Middle East. This dependence has significant political and environmental dangers for all of us. But there is now a solution, one that the United States will pursue actively.

"It is now possible to build cars that are powered by a combination of electricity and alcohol-based fuels, with petroleum as only one element among many. My administration is going to put in place a series of policies that will ensure that in 4-years, the average new American car will get 300 miles per gallon of petroleum. And I fully expect in this period to see cars in the United States that get 500 miles per gallon. This revolution in energy use will reduce dramatically our dependence on foreign oil and achieve path breaking reductions in carbon-dioxide emissions, far below the targets mentioned in the Kyoto accords. "

Ever since September 11, 2001, there have been many calls for Manhattan Projects and Marshall Plans for research on energy efficiency and alternate fuels. Beneath the din lies a little-noticed reality-the solution is already with us. Over the last 5-years, technology has matured in various fields, most importantly in semiconductors, to make possible cars that are as convenient and cheap as current ones, except that they run on a combination of electricity and fuel. Hybrid technology is the answer to the petroleum problem.

You can already buy a hybrid car that runs on a battery and petroleum. The next step is "plug-in" hybrids, with powerful batteries that are recharged at night like laptops, cell phones and iPods. Ford, Honda and Toyota already make simple hybrids. Daimler Chrysler is introducing a plug-in version soon. In many states in the American Middle West you can buy a car that can use any petroleum, or ethanol, or methanol—in any combination. Ford, for example, makes a number of its models with "flexible-fuel tanks." (Forty percent of Brazil's new cars have flexible-fuel tanks.) Put all this technology together and you get the car of the future, a plug-in hybrid with a flexible-fuel tank.

Here's the math (thanks to Gal Luft, a tireless—and independent—advocate of energy security). The current crop of hybrid cars get around 50 miles per gallon. Make it a plug-in and you can get 75 miles. Replace the conventional fuel tank with a flexible-fuel tank that can run on a combination of 15 percent petroleum and 85 percent ethanol or methanol, and you get between 400 and 500 miles per gallon of gasoline. (You don't get 500 miles per gallon of fuel, but the crucial task is to lessen the use of petroleum. And ethanol and methanol are much cheaper than gasoline, so fuel costs would drop dramatically.)

If things are already moving, why does the government need to do anything? Because this is not a pure free market. Large companies—in the oil and automotive industry—have vested interests in not changing much. There are transition costs—gas stations will need to be fitted to pump methanol and ethanol (at a cost of $20,000 to $60,000 per station). New technologies will empower new industries, few of which have lobbies in Washington.

Besides, the idea that the government should have nothing to do with this problem is bizarre. It was military funding and spending that produced much of the technology that makes hybrids possible. (The military is actually leading the hybrid trend. All new naval surface ships are now electric-powered, as are big diesel locomotives and mining trucks.) And the West's reliance on foreign oil is not cost-free. Luft estimates that a government plan that could accelerate the move to a hybrid transport system would cost $12 billion dollars. That is what we spend in Iraq in about 3 months.

Smart government intervention would include a combination of targeted mandates, incentives and spending. And it does not have to all happen at the federal level. New York City, for example, could require that all its new taxis be hybrids with flexible-fuel tanks. Now that's a Manhattan Project for the 21st century.

[From the Los Angeles Times, March 24, 2005]

THE 500-MILE-PER-GALLON SOLUTION

HIGH-TECH CARS, ARCTIC DRILLING, NEW GAS TAXES: WE MUST HAVE THE WILL TO DO IT ALL

(By Max Boot)

Soaring oil prices—crude is over $55 a barrel and unleaded gasoline over $2 a gallon—are not much of an economic or political issue. Yet.

In absolute terms, today's prices are still half of the 1970s peaks, and the U.S. economy has become much less dependent on petroleum since then. (Computers run on electricity, not gasoline.) But imagine what would happen if Al Qaeda were to hit the giant Ras Tanura terminal in Saudi Arabia, where a tenth of global oil supplies are processed every day. Prices could soar past $100 a barrel, and the U. S. economy could go into a tailspin. As it is, high oil prices provide money for Saudi Arabia to subsidize hate-spewing madrasas and for Iran to develop nuclear weapons.

Both Democrats and Republicans know this, but neither party is serious about solving this growing crisis. Democrats who couldn't tell the difference between a caribou and a cow grandstand about the sanctity of the Arctic National Wildlife Refuge, even though 70 percent of Alaskans are happy to see a bit of drilling in this remote tundra. Republicans, for their part, pretend that tapping ANWR will somehow solve all of our problems. If only. A government study finds that, with ANWR on line, the U.S. will be able to reduce its dependence on imported oil from 68 percent to 65 percent in 2025.

How to do better? Biking to work or taking the train isn't the answer. Even if Americans drive less, global oil demand will surge because of breakneck growth in India and China. The Middle East, home of two-thirds of the world's proven oil reserves, will remain of vital strategic importance unless we can develop alternative sources of automotive propulsion and substantially decrease global, not just American, demand for petroleum. An ambitious agenda to achieve those goals has been produced by Set America Free, a group set up by R. James Woolsey, Frank Gaffney and other national security hawks.

They advocate using existing technologies—not pie-in-the-sky ideas like hydrogen fuel cells—to wean the auto industry from its reliance on petroleum. Hybrid electric cars such as the Toyota Prius, which run on both electric motors and gas engines, already get more than 50 miles per gallon. Coming soon are hybrids that can be plugged into a 120-volt outlet to recharge like a cellphone. They'll get even better mileage.

Add in "flexible fuel" options that already allow many cars to run on a combination of petroleum and fuels like ethanol (derived from corn) and methanol (from natural gas or coal), and you could build vehicles that could get—drum roll, please—500 miles per gallon of gasoline. That's not science fiction; that's achievable right now.

Set America Free estimates that if we convert entirely to flexible-fuel, plug-in hybrid electric vehicles, U.S. gasoline imports in 20 years will drop by two-thirds. As important, because Americans are the world's biggest car buyers, U.S. preferences would reshape the global automotive industry. Carmakers would wind up shipping hybrid electrics to Europe and Asia too. President Bush could hasten the transition through an international agreement to move major economies away from oil dependency. This would not only reduce the Middle East's strategic importance but also help reduce emissions to Kyoto-mandated levels.

There is, of course, a catch. Moving to hybrid electric cars won't be cheap. Automakers would have to retool their wares, gas stations would have to add alcohol-fuel pumps, parking lots would have to add electric outlets. Set America Free puts the price tag at about $12 billion over the next four years. It sounds like a lot of money, but it could easily be financed by slightly raising U.S. gasoline taxes (currently about 43 cents a gallon), which are much lower than in Europe and Japan. Higher taxes could also be used to encourage more domestic oil exploration and production, given that petroleum will never be entirely eliminated as an energy source.

There are many untapped sources of gasoline in North America, such as the tar sands of Alberta, Canada, and the shale of Utah, Wyoming and Colorado. But extracting oil from such sources costs at least three times more than pumping it out of the Arabian desert. Congress could make this more economically feasible by imposing a higher tax on oil that doesn't come from North America.

Needless to say, this runs smack dab into Republican orthodoxy that opposes new taxes and regulations, while the prospect of more drilling raises the hackles of Democratic environmentalists. Absent some political courage in both parties, we will continue to be at OPEC's mercy.

Mr. JEFFORDS. Mr. President, I intend to vote in favor of H.R. 6, as amended by the Senate, the Energy bill. I want to explain in detail my reasons for supporting this legislation and highlight my serious concerns regarding the House-passed version of H.R. 6. I strongly oppose many of the provisions in the House-passed bill, and the Senate conferees should hold strongly to the Senate-version of this bill and reject the House legislation.

Energy policy is an important issue for America and one my Vermont constituents take very seriously. The bill before us seeks to address important issues, such as the role of domestic production of energy resources versus foreign imports, the tradeoffs between the need for energy and the need to protect the quality of our environment, and the need for additional domestic efforts to support improvements in our energy efficiency, and the wisest use of our energy resources. Given the importance of energy policy, this bill is a very serious matter. I do not take a decision to support such a bill lightly. Although this bill is not exactly as I would have written it, it begins to move this Nation toward a more balanced approach to our energy needs.

During floor debate, the Senate modified the renewable fuels standard contained in the Energy Committee reported bill to more closely resemble legislation reported by the Environment and Public Works Committee, S. 606. Specifically, the bill would repeal the Clean Air Act requirement for oxygenated gasoline, and phase out the use of the additive methyl tertiary butyl ether, or MTBE, in 4 years. It would require refiners to use biofuels, presumably mostly ethanol, in volumes of 8 billion gallons by 2012. This is a much more aggressive goal than the 108th Congress Senate-passed bill that I supported, which included a 5 billion gallon by 2012 mandate. It is my hope that such a significant commitment will begin to reduce our dependence upon foreign oil.

I would like to share the history of the renewable fuels provisions included in this bill we are adopting today. I've long supported a more aggressive approach to replacing petroleum-based motor fuels with fuels made from domestic resources, including ethanol produced by farmers growing grains and fibers. I commend Senators DOMENICI and BINGAMAN on their leadership on this important matter.

Back in 1991, I introduced S. 716, the Replacement Fuels Act, to require gasoline refiners to replace increasing percentages of their product with domestically produced, nonpetroleum liquids. Many of us knew then that it was technologically possible, and now it seems that a majority has crossed that threshold of understanding.

When I first introduced my Replacement Fuels Act, many did not take it seriously. The oil industry certainly did not. But I made the rounds with several of my colleagues to convince them of the benefits of such a program, including the national security benefits of weaning ourselves from our dependency on foreign oil. At the time, I argued that the costs to our military, in terms of personnel and dollars, of protecting the shipping lanes of the Persian Gulf, and of attempting to quell the political unrest of the Middle East, were staggering then and only apt to grow larger.

I recall meeting with the distinguished Senator from New Mexico, now the chairman of the Energy Committee, in his office to discuss my bill. We agreed on the domestic benefits of moving in this direction—for our farmers; for our environment; for our national and domestic security. After considerable discussion, Senator DOMENICI agreed to cosponsor my bill.

I made the rounds to other members of the Energy Committee for their advice and support. Many of those cosponsored my bill are still here today—Senators BINGAMAN, BURNS, CRAIG and CONRAD, SHELBY and AKAKA. Four other committee members, since retired, also were cosponsors, making a majority of the committee and ensuring committee approval. Other Members who cosponsored my bill and who are here today include Senators GRASSLEY, REID, and WARNER.

In the end, the bulk of the language of my Replacement Fuels Act was included as title V of Public Law 102-486 the Energy Policy Act of 1992. Before final passage of that act, however, in every instance that "shall" appeared in my bill, it was changed to "may" in the final law. In other words, it changed from a mandate to an option, and we've only made modest gains in the past dozen years, when we could have made bold progress.

So, again, I commend Senators DOMENICI and BINGAMAN for their leadership to move us more aggressively toward domestic production of transportation fuels and away from our growing foreign dependence.

I urge Senators and the public to take note of the Sense of the Senate on climate change successfully included in the bill due to the efforts of Senators BINGAMAN, DOMENICI, SPECTER, and many others. It says that Congress should enact a comprehensive and effective national program of mandatory, market-based limits and incentives on emissions of greenhouse gases that slow, stop, and reverse the growth of such emissions at a rate and in a manner that, one, will not significantly harm the United States economy; and, two, will encourage comparable action by other nations that are major trading partners and key contributors to global emissions. Such a program regarding air pollution and environmental policy is clearly in the jurisdiction of the Environment and Public Works Committee, and I am strongly committed to holding hearings and reporting implementing and bipartisan legislation from that committee, on which I serve as the ranking member, as soon as possible.

During debate on the renewable fuels provisions, I agreed to modify the absolute deadline for EPA's long-awaited and long-delayed mobile source air toxics, MSAT, rule from July 2005 in Domenici amendment No. 779 to July 2007. EPA is widely expected to promulgate a final rule well before that later date, but this provision provides additional certainty and protection. In addition, the provision as amended and included by Senator INHOFE in the last manager's package, will allow EPA to regulate more stringently than the 2001–2002 toxics emissions reductions baseline in the final MSAT rule.

That more stringent rule will take the place of the baseline so long as it will achieve and maintain greater overall reductions in emissions of air toxics. Such reductions must occur in the same timeframe and result in overall reductions of each and every one of the air toxics emitted in the combustion of gasoline, when compared to the 2001–2002 baseline. This provision should not be construed to permit EPA to count reductions of less toxic pollutants like aldehydes equal in effect or equivalent to reductions of more toxic pollutants like benzene. The intent of this provision is not to allow EPA to avoid toxics potency weighting or sensible risk analysis and exposure assessment in determining the meaning of "overall reductions." This provision should also not be viewed as a vehicle for changes to the liability system for fuel additives. The Senate has spoken very strongly on this point, and the conferees should be aware that any new MTBE language addressing the issue of retroactive liability is likely to jeopardize passage of the conference report in the Senate.

I am also pleased that the Senate included a 10-percent renewable portfolio standard in this bill. I have worked for more than 20 years to boost the percentage of renewable sources used to generate our Nation's electricity. While I believe we could be taking a much more aggressive step, we need to take a serious first step, and the provisions in this bill do just that. Though I understand that the House has concerns with adding an RPS, it is my hope that the conferees will acknowledge that, for many States, renewable energy can and should be a bigger energy source.

I am pleased that the Senate has also chosen to promote renewable energy by accepting three amendments I offered to the bill during floor debate. It is my hope these modest provisions will be retained in conference. My first amendment will make significant reductions in energy use in the Capitol complex by requiring the Architect of the Capitol to review the possibility for energy savings in the Dirksen Building. The second two amendments expand the sources of grant financing available to utilities for projects involving renewables and efficiency. The Senate has agreed to add livestock methane, a promising source of energy in Vermont, as an energy source that is eligible to compete for grants under the Department of Energy's Renewable Energy Incentives Program. The Senate has also agreed to create a new $20-million-per-year grant program for upgrade of electric transmission.

As I mentioned, though, the bill is not perfect, and the conferees should carefully review several provisions. In title XIII there are a number of sections authorizing investigations that will recommend changes to environmental laws, such as the Clean Water Act, the Safe Drinking Water Act, the Clean Air Act, and the National Environmental Protection Act. Unfortunately, in a number of these areas the Environmental Protection Agency, whose responsibility it is to ensure the air we breath and the water we drink is safe, is not involved in developing or approving these recommendations.

While I proposed amendments to include the Environmental Protection Agency in these sections, not all of changes were adopted. The sections needing amending include: section 1306 Backup Fuel Capability Study: section 1309 Study of Feasibility and Effects of Reducing Use of Fuel for Automobiles; and section 1320, Natural Gas Supply Shortage Report. It is my belief that any studies that involve environmental compliance should include the involvement of the agency whose mission it is to oversee the implementation of these environmental laws.

I am pleased that my Recycling Investment Saves Energy, RISE, provisions were included as section 1545 of the final bill. The provisions will provide almost $100 million in tax incentives for recyclers over the next decade to preserve and expand our Nation's recycling infrastructure. The targeted 15 percent tax credit for equipment used in the processing and sorting of recyclable materials will increase quantity and quality of recyclable materials collected. This national investment is necessary to reverse the declining recycling rate of many consumer commodities, including aluminum, glass and plastic, which are near historic lows. It will also generate significant energy savings as increasing the U.S. recycling rate to 35 percent will result in annual energy savings of 903 trillion Btus, enough to meet the energy needs of an additional 2.4 million homes.

The Finance title includes an amendment that I authored to improve future Federal energy investment and policy decisions. It requires the Secretary of Treasury to contract with the National Academy of Sciences to complete a study and report to Congress on the health, environmental, security and infrastructure externalities associated with energy activities and how they may or may not be affecting revenues, the economy and trade. Such information will dramatically improve our ability to review the costs and benefits of energy legislation and tax policy changes.

I am pleased that my amendment to section 1305, the coal bed methane study, was adopted. My amendment requires that as it studies the issue the Department of Energy consult with States and the Environmental Protection Agency on the impacts of coal bed natural gas production on surface water and ground water resources. This consultation should occur, especially before making recommendations to

Congress on changes to the Clean Water Act and the Safe Drinking Water Act.

This bill does a reasonable job in balancing support for traditional fossil fuels and nuclear power and renewable energy, but I am perplexed by provisions in the Energy bill that provide $1.82 billion in grants for oil, gas and coal industries. With oil hovering around $60 a barrel and gasoline prices at record highs, I question the wisdom of providing additional subsidies for oil and gas exploration and production. While Americans pay more at the pump, multinational oil companies continue to report record profits. The bill also waives royalty payments for oil companies drilling in Federal waters and rewards these already profitable companies while depleting the U.S. economy of $100 million over 10 years.

The bill gives $1.8 billion to the dirtiest powerplants to build new coal powerplants, thereby giving them an economic advantage over powerplants that installed pollution control technologies. I am also concerned about provisions in the coal title that unfairly benefits mining companies with current leases on federal lands by doubling the acreage, 162 to 320 acres, of coal-leased lands; removing the 40-year limitation for leases; and doubling the time (from 10 to 20 years) current leaseholders can pay advanced royalties. These provisions will have the most significant impact on the Powder River Basin where three mining companies dominate current production. I question the wisdom in subsidizing these fossil fuel industries that will only continue to encourage our Nation's dependence upon these polluting and expensive energy sources.

I also urge the conferees not to include the Leaking Underground Storage Tank, LUST, reform provisions in the final bill. The Senate Environment and Public Works Committee is actively considering these issues and has planned a hearing for July 2005. Our Committee's actions led the Senate to enact bipartisan comprehensive LUST reform legislation last Congress by unanimous consent. Adding LUST reform onto the Energy bill would needlessly bypass our legislative consideration and prevent this issue from getting the careful attention that it requires.

The LUST provisions of the Senate's Energy bill, section 210, are problematic. Most significantly, the section raids the LUST Trust Fund and diverts dollars from their intended purpose—cleaning up contamination from leaking USTs. Without increasing the amount of money to be appropriated to the States, the provision expands the eligible uses of the LUST Trust Fund to pay for cleanup of spills from non-UST sources, such as pipelines, cars, and above ground storage tanks. In a letter to Rep. W.J. "Billy" Tauzin on May 7, 2003, former EPA Administrator Christine Todd Whitman opposed these provisions because they "would change the historical scope of the program, and could stress the Agency's ability to adequately address releases from USTs."

I am concerned because this section will go to conference with the House-passed LUST provisions that also contain significant flaws. The House provisions add a new periodic inspection requirement for USTs that is weaker than the 2-year minimum inspection frequency recommended by EPA and the 3-year minimum requirement recommended by the Government Accountability Office. For example, a tank last inspected in 1999 wouldn't need to be inspected again for over a decade. In addition, the House delivery prohibition provisions may preempt existing authority in 24 States. Finally, the provisions requiring secondary containment within 1,000 feet of existing community water systems includes an exemption that ignores prevention in favor of expensive cleanup.

So we have our work cut out for us. Today, the Senate is passing a good bill that needs some work in conference, but not a substantial overhaul or weakening. To retain my support the conferees need to prevent substantial modifications to this bill, resist the addition of controversial items added in the House-version of H.R. 6, avoid substantive modification to core titles of the bill, limit adjustments to the bill's fiscal scope and cost, and consider additions of provisions to provide energy security.

This is a good effort to develop energy legislation for America, which is a goal widely shared in both Houses of Congress. It is my hope that conferees seek this year to reach consensus on issues such as: national electricity reliability standards, the use of renewables, the phase out of methyl tertiary butyl ether, MTBE, and production of suitable oxygenate replacements, and the fiscally responsible extension of needed energy tax provisions. With this bill I am supporting today we send them a good template to achieve that goal.

Mr. KYL. Mr. President, H.R. 6, the Energy bill, is an effort to improve our Nation's energy supply and reliability, and for that it should be praised. Like any bill of its magnitude, the Energy bill includes a variety of good and bad provisions, and it has to be weighed for the relative good and bad it will do. I've come to the conclusion after careful study that the bad outweighs the good, particularly for the State of Arizona. And it is for that reason that I must vote no. This bill will likely raise the price of gasoline in Arizona, hurt our air quality, and raise the price of our electricity, all while increasing the Federal deficit with enormous subsidies, special projects, and tax breaks for everything from fish oil to luxury hybrid cars. I support the President in his efforts to reduce our dependence on foreign oil, and I wish this bill did more to accomplish that goal.

As I have said, some important provisions of this bill have much to recommend them. Unfortunately, the ethanol "Renewable Energy" title is not one of them. The ethanol provisions of the Energy bill are truly remarkable. They mandate that Americans use 8 billion gallons of ethanol annually by 2012. We use 3.4 billion gallons now. For what purpose, I ask, does Congress so egregiously manipulate the national market for vehicle fuel? No proof exists that the ethanol mandate will make our air cleaner. In fact, in Arizona, the State Department of Environmental Quality has found that ethanol use in the summer will degrade air quality, which will probably force areas in Arizona out of attainment with the Clean Air Act. Arizonans will suffer. California also expects that the summertime use of ethanol would harm air quality, but in the Senate bill, California is exempted from the summer mandate. If Arizona had the same exemption, then the ethanol mandate would still be expensive and unwarranted, but at least it would not actually cause physical harm.

An ethanol mandate is not needed to keep the ethanol industry alive. That industry already receives a hefty amount of Federal largesse. CRS estimates that the ethanol and corn industries have received more than $40 billion in subsidies and tax incentives since 1996. I repeat, $40 billion Yet, this bill not only mandates that we more than double our ethanol use, but provides even more subsidies for the industry. In the next 5 years, CBO estimates that the loan guarantee program by itself will cost $110 million, while CRS estimates that the tax incentives for ethanol will cost taxpayers $37.7 billion. Furthermore, according to the Energy Information Administration, a mandate of five billion gallons would cost between $6.7 and $8 billion a year—forcing Americans to pay more for gasoline. Not surprisingly, the 8 billion gallon mandate will cost even more.

Professor David Pimentel, of the College of Agriculture and Life Sciences at Cornell, has studied ethanol. He is a true expert on the "corn-to-car" fuel process. His verdict, in a recent study: "Abusing our precious croplands to grow corn for an energy-inefficient process that yields low-grade automobile fuel amounts to unsustainable, subsidized food burning." It isn't efficient, and will impede the natural innovation in clean fuels that would occur with a competitive market, free of the government's manipulation.

Ethanol is not the only mandate in the bill. This Energy bill also ignores state law and mandates a national one-size-fits-all renewable portfolio standard (RPS) for electricity. Currently, 19 States, including Arizona, and the District of Columbia have their own renewable standards. In Arizona, a State that gets its electricity mainly from coal, natural gas, and hydro facilities, our Corporation Commission has tailored the State's renewable standard to our unique circumstance as a desert State that receives a lot of sunshine, little wind, and has few other renewable resources. The current Arizona standard is 1.1 percent, of which 60 percent must come from solar energy. While solar energy is abundant in Arizona, it costs 3–5 times more than conventional energy and 2–4 times more than other more cost effective renewable energy such as wind and geothermal—a fact that is reflected in the Arizona standard. The Arizona Corporation Commission has recently proposed raising the State's renewable standard and changing the mix of alternative sources that would be acceptable. This proposal, however, is part of an open, collaborative process. All stakeholders have had the chance to submit comments both supporting, opposing, and refining the change. The Corporation Commission will weigh the costs to Arizona ratepayers, and is more likely than the Congress to find a renewable standard that works for Arizona.

Unfortunately, the Senate RPS requirement does not have Arizona ratepayers in mind. Utilities in Arizona will be forced, under this bill, to comply with both the State mandate and the Senate's RPS mandate that has different requirements. To meet the Senate's mandate, the bill punishes States that lack reasonably priced renewable resources such as wind and geothermal, hydroelectricity cannot be used under the Senate bill, by forcing them to go buy credits from wind-rich parts of the country or to buy those credits from the Federal Government for $ .015/kwh, adjusted for inflation. That means that if a State cannot find a renewable source that costs less than the conventional price of energy plus $.015/kwh, then it is cheaper to buy the government credit. Arizona simply does not have renewable resources that can compete with the Senate bill's $0.015/kwh RPS penalty. Paying the penalty will be more cost effective than producing solar energy or acquiring other renewable resources. The effective result will be a transfer of wealth from Arizonans to renewable-rich states or to the Federal Government. For my home State of Arizona, electricity rates will rise.

A nationwide renewable portfolio standard is, therefore, not only duplicative in Arizona, it would raise consumers' electricity prices and create inequities among States. In simplest terms, an RPS mandate would require electric utilities to forego inexpensive conventional energy for more expensive renewable technologies or purchase renewable energy credits from the Federal Government. Either way, an RPS mandate will result in an expensive, hidden tax on electricity consumers.

Now for the tax title. My overarching concern is that Congress continues to try to use special interest tax subsidies to set an industrial policy—failed strategy of "Government knows best"—on the strongest and most dynamic economy in the developed world.

I share the concerns of many of my colleagues that the budget deficit demonstrates a lack of wise stewardship of taxpayer dollars. The only way we will get the budget back into balance is to enact policies that support economic growth and spend taxpayer dollars with care.

Almost exactly 2 years ago, Congress, working with President Bush, approved one of the most important and best-designed tax cuts in recent memory: the jobs and growth tax bill. Quite simply, it cut tax rates on income and on dividends and capital gains. We know from widely accepted economic studies—most recently from our 2004 Nobel-Prize winning economist, Dr. Prescott from Arizona State University—that high tax rates discourage work, savings and investment and that to encourage these favorable economic activities, the best thing we can do is keep tax rates low and get out of the way.

When our economy is growing and businesses and individuals are making money they pay more in taxes, meaning the Government collects more revenue, even at lower rates—indeed, because of the lower rates. So far this year, Federal tax revenues are up significantly. From October 1 through April 30, revenues climbed by $146 billion to a total of $1.216 trillion; an increase of 13.6 percent over a year earlier and four or five times the inflation rate. Income tax receipts are up $66 billion, or 16 percent, to $547 billion. Corporate income tax receipts are rising even faster, up 48 percent to $134 billion.

Capital gains tax revenue is set to exceed the Government forecasts by $14 billion this fiscal year and by $16 billion in fiscal year 06. Roughly $5 billion of the dividend tax cut has been recouped through higher than expected dividend payments. These are the kind of tax policies Congress ought to be pursuing. Instead, we are spending over $18 billion on tax subsidies for the energy industry—subsidies that will not generate economic growth and that will not make a dent in our dependence on foreign oil.

The tax subsidies in this bill are exactly the wrong approach. Government should not try to force taxpayers into one favored type of investment by providing tax subsidies for that investment. If an investment is not economically viable without a Government subsidy, then perhaps it is not an activity that ought to be encouraged with taxpayer dollars. And if a technology is already viable without a taxpayer-financed subsidy, then we should not devote scarce resources to encourage what is already happening in the free market.

My primary complaint has to do with the use of tax credits by the Government. The Federal Government uses tax credits to induce individuals or businesses to engage in favored activities. This can distort the market and cause individuals or businesses to undertake unproductive economic activity that they might not have done absent the inducement. Tax credits are really appropriations that are run through the Internal Revenue Code and are a way to give Federal subsidies, disguised as tax cuts, to favored constituencies. It is something we should do sparingly—very sparingly. While tax credits can be effective in encouraging activities we consider laudable for one reason or another, I believe that, as stewards of the taxpayers' money, we must only support those credits that provide broad benefit to all taxpayers and that are worth the revenue they will cost the Federal Treasury.

I do not believe that any of the tax credits in the bill meet these tests. The bill extends and expands the credit provided in section 45 of the Code. This credit is available on a per-kilowatt-hour basis for energy produced from wind, solar, closed-loop biomass, open-loop biomass, geothermal, small irrigation, and municipal solid waste. I believe that the credit for wind energy should have sunset several years ago. Wind energy has been provided this credit since 1992, and if it is not competitive after a decade of taxpayer subsidies, it will never be competitive. In 2001, the wind industry was in fact touting its great success and competitiveness with other forms of energy, but here we are extending the wind credit for 3 more years. I wager that we will still be paying for the "temporary" advantage being given to these new energy forms a decade from now.

At best, we don't know whether the existing tax subsidies that this legislation extends work at all because we have never subjected them to a comprehensive review. At worst, we are simply funneling taxpayer dollars that could be better used by private individuals in the free market to favored constituencies. During the markup of the tax title in the Finance Committee, many of my colleagues on the Committee expressed sympathy with my concern that Congress passes a myriad of credits and incentives to encourage favored activities, but we never go back to see if the subsidies are working as intended. I am hoping that I can work with my colleagues who expressed these concerns to ask for a

Government Accountability Office study of the many subsidies and incentives included in this legislation to track their cost and effectiveness.

One subsidy we ought to watch closely is the alternative fuel vehicle subsidy. As much as we all support the goal of cleaner air, we must be careful not to create more problems than we solve. In my own State of Arizona, an alternative fuels subsidy program had to be repealed when its many scandalous deficiencies were exposed. Nor has there been any evidence that the vehicles to which the subsidy applies aren't simply priced higher by the amount of the subsidy. I have serious questions about whether the incentives are necessary and whether it is appropriate to use the tax code to persuade taxpayers to purchase one type of vehicle over another.

I know hybrid cars and alternative fuel cars are very popular, so Senators may hesitate to stand in the way of tax incentives for people to buy them. But I believe their very popularity argues that there is no need for the tax incentives. People are buying them today without being coaxed by the Federal Government. I hope we can agree to have the GAO study this new credit to determine how much the provision is really costing, how effective it is at encouraging the purchase of alternative fuel vehicles, and how long the credit will be needed.

I have spoken of the "bad" in the bill, now I want to discuss what is "good". I have been particularly interested in the provisions in the electricity title that are designed to restructure our electricity markets. Some of my colleagues have been tempted to move immediately to completely unregulated electricity markets; others favored imposing a more stringent regulatory regime as a result of problems in California.

Representing Arizona, I was well aware of the problems stemming from the California energy crisis but cannot agree with those who say the solution is to return to a command-and-control regulatory structure. I continue to believe that the most efficient way to allocate resources is through competitive markets. The bill encourages competitive markets while ensuring that safety and reliability are maintained. The reliability provisions of the electricity title will convert the current voluntary system of reliability procedures to a mandatory system that all utilities must follow, but that is sensitive to regional differences in the electricity grid. The electricity title also repeals the Public Utility Holding Company Act of 1935. As we all know, our energy markets have evolved significantly since the era of the Great Depression. State regulators are smarter, more well equipped, and able to protect consumers from the ills that gave rise to the Public Utility Holding Company Act of 1935 nearly 70 years ago.

On the downside, the electricity title also contains unfortunate provisions that would grant the Federal Energy Regulatory Commission (FERC) additional authority to regulate generation, natural gas utilities, and holding companies. Giving FERC new merger authority is going in the wrong direction. Utility mergers and acquisitions are already subject to multiple and overlapping reviews by FERC, SEC, DOJ, FTC, and the States. FERC uses exactly the same merger review guidelines as the antitrust agencies, DOJ and FTC—thus FERC performs essentially the same review those agencies already perform. There is no need to add new layers of review.

I have often expressed my concern with what some industry officials have termed a jurisdictional reach by FERC into the delivery of power to retail customers. The service obligation amendment that I worked on with the chairman has been included in this package, and I believe it provides a commonsense way to promote competitive markets while preserving the reliability that retail electric consumers expect and deserve. In its actions governing access to transmission systems, FERC has not adequately ensured that the native load customers, for whom the system was constructed, can rely on the system to keep the lights on. The bill adds a new section 218 to the Federal Power Act to ensure that native load customers' rights to the system, including load growth, are protected.

It is also worth noting that the Energy bill expands jurisdiction over those stakeholders in electric markets that were previously unregulated by the FERC. The "FERC-lite" provision that addresses the Federal Energy Regulatory Commission's efforts to provide open access over all transmission facilities in the United States again, in my mind, strikes the right balance. It requires FERC to ensure that transmission owners—whether they are municipal utilities, power marketing administrations, or electric cooperatives—deliver power at terms that are not discriminatory or preferential. However, this provision is limited and does not give FERC the ability to begin regulating the rate-setting activities of these organizations. FERC-lite does not confer further authority to FERC over public power systems. FERC cannot order structural or organizational changes in an unregulated transmitting utility to comply with this section. For example, if an integrated utility providing a bundled retail service operates transmission distribution and retail sales out of a single operational office, the Commission cannot require functional separation of transmission operations from retail sales operations.

Gratifying, as well, is that the Senate bill has not pursued a command-and-control approach with respect to regional transmission organizations, or RTOs. I believe the best approach, which is captured in this bill, is for FERC to provide incentives to encourage membership in RTOs and independent system operators. As lawmakers, we need to be sensitive to the policy changes we propose and how the laws we draft will affect Wall Street and the markets, and we must make sure we promote the investments that are needed. This is a prime example of how the Energy bill has sought to advance policies to which the investment community can respond favorably.

So, in conclusion, while this bill includes several meritorious provisions, especially the electricity title, I must vote against it because of the $ 18.4 billion in tax subsidies and the bill's irresponsible manipulation of the energy markets through an ethanol mandate and a national renewable portfolio standard. I hope that the conference of the House and the Senate is able to address these issues so that I can support this bill in the future.

Mr. ALLEN. Mr. President, as we consider the possibilities and challenges that face our great Nation and the tremendous dependence we have on foreign sources of oil, every effort to reduce that dependence becomes a key point for consideration by the Congress. In addition, the growing demand for oil by China and India only intensifies the need for action. We must become less reliant on foreign sources of oil and natural gas from unstable parts of the world.

I have been made aware that by reducing fuel consumption in the aviation sector through implementation of an idle reduction technology we would see fuel reductions in excess of 90 million barrels of petroleum each year after full implementation.

Implementing this type of technology would also greatly reduce the associated mobile source emissions greatly benefiting our metropolitan areas facing EPA nonattainment and the losses associated this categorization. The airline industry and the general public would also benefit from such technology through reduced costs and environmental improvements.

According to DOT, expenses for U.S. commercial airlines, fuel and oil expenses were equal to those of labor which has historically been the single largest expense for the carriers. By reducing the amount of fuel required through idle reduction technology, the U.S. commercial airlines could save well over $4 billion in fuel costs at today's fuel prices, a large percentage of the estimated losses for this year.

Applying innovative technology applications in this manner will assist in reducing our overall dependence on foreign oil while providing other benefits as well.

The Energy bill that has passed today includes support for research and development for optimizing fuel efficiency for commercial aircrafts. This is an important step in the right direction for America's energy future.

Mr. LEAHY. Mr. President, today we are voting on the Energy bill, which provides Congress with a historic opportunity. We should seize this opportunity and ensure that as this legislation goes to conference, the NOPEC bill, S. 555, remains an essential part of the underlying legislation.

America's fuel crisis continues to take hard-earned money from our families, farmers, and businesses. When President Bush took office, the price of 1 gallon of regular gasoline was about $1.45. Today, that same gallon will cost an American at the pump more than $2.20. And yesterday, our financial markets closed with the ominous and unprecedented news that a barrel of crude oil now sells for more than $60 per barrel. We know that these prices have a real impact—a major shipping carrier announced disappointing earnings last week in part due to the high price of fuel—and yet the administration has done nothing to address the situation.

In the face of continued inaction from the White House, it is time for Congress to substitute action for talk. It is time for us to finally pass NOPEC as part of the larger Energy bill.

We should have considered and passed this bill, S. 555, on its own. This bill passed out of the Judiciary Committee for a second time with overwhelming support earlier this year. I have repeatedly called for its consideration by the Senate over the last several months. It is long past time for the Congress to hold OPEC accountable for its anticompetitive behavior. This amendment will release the United States from being at the mercy of the OPEC cartel by making them subject to our antitrust laws. It will allow the Federal Government to take legal action against any foreign state, including members of OPEC, for price fixing and other anticompetitive activities in this regard.

The President's solution to high gasoline prices this summer is to open the Arctic National Wildlife Refuge, pristine wilderness area, to oil drilling. But drilling in ANWR will not provide any new oil for at least 7 to 12 years and will take an environmental toll. ANWR drilling will do absolutely nothing to help working Americans who have sticker shock at the gas pump or who will be facing record-high home heating prices in a few months. The Bush administration admits that its energy policies include no immediate help for gas prices and no short-term solutions.

The NOPEC bill is a unique element of this legislation. It can do something immediately to help relieve the situation we face every time we fill-up at the pump. We should insist that it be retained, enacted, and implemented. I hope that Republican leadership does not demand this provision be removed but that if it does, the Senate stands firm on behalf of the American people. We should not squander this opportunity to address the real concerns of the American public.

Mr. FEINGOLD. Mr. President, I voted in favor of the Bond-Levin amendment regarding CAFE standards, and I want to explain my views in detail. Fuel efficiency is a critically important issue for our country, for my home State of Wisconsin, and for our future. I remain committed to the goal that significant improvements in automobile and light truck fuel efficiency can be achieved over an appropriate time frame. My vote for the Levin-Bond is entirely consistent with that goal.

The Levin-Bond amendment seeks to renew the Department of Transportation's role in setting CAFE standards, acting through the National Highway Traffic Safety Administration, NHTSA. If Congress does not act to try to restore normalcy to the NHTSA process, we will keep having these fights which Congress attempts to either block or set CAFE standards, every 20 years or so, when the political will is sufficient to do so. NHTSA will never be able to carry out the normal process of reviewing and incrementally improving fuel efficiency for automobiles and light trucks, as Congress originally intended when it passed the CAFE law in the 1970s.

Both interest groups battling over the CAFE issue, the auto manufacturers and the environmental community, have switched their positions in this debate on this bill over the past several years. The auto industry, which once wanted CAFE perpetually frozen with a rider to an appropriations bill, now supports the Levin amendment. The environmental community, which once opposed the rider and wanted NHTSA to act, now wants Congress to set the standard rather than NHTSA. With my vote, I am maintaining my consistent position on this issue.

As I stated on the Senate floor in the debate on the CAFE rider on June 15, 2000, my vote was about "Congress getting out of the way and letting a Federal agency meet the requirements of Federal law originally imposed by Congress." I supported removing the rider back in 2000 because I was concerned that Congress has for more than 5 years blocked NHTSA from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards.

As I made clear in 2000, 2002, 2003 and many other previous debates on this issue, I have made no determination about what fuel economy standards should be, though I do think that an increase is possible. NHTSA has the authority to set new standards for a given model year, taking into account several factors; technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, the need to conserve energy, and the recommendations of the National Academy of Sciences. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I expect NHTSA to consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested citizens—in developing this rule. And, I expect NHTSA to act, and if it does not, this amendment requires Congress to act on a standard.

In opposing the Levin-Bond amendment, some subscribe to the view that NHTSA has a particular agenda and will recommend weak standards. I do not support that view.

NHTSA should be allowed to set this standard. Congress is not the best forum for understanding whether or not improvements in fuel economy can and should be made using existing technologies or whether emerging technologies may have the potential to improve fuel economy. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

In the end, I would like to see that Wisconsin consumers, indeed all consumers, have a wide range of new, more fuel efficient automobiles, SUVs, and trucks available to them, taking into account all appropriate energy, technological and economic factors. That balancing is required by the law. I expect NHTSA to proceed in a manner consistent with the law by fully considering all those factors, and this amendment ensures they do so.

In supporting this amendment, I maintain the position that it is my job to ensure that the agency responsible for setting fuel economy be allowed to do its job. I expect it to be fair and neutral in that process, and I will work with interested Wisconsinites to ensure that their views are represented and that the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. ALLEN. Mr. President, I rise today to talk about an important innovative in manufacturing related to America's needs for clean, reliable, and affordable energy that is important for national security, American jobs, and our competitiveness in the global marketplace.

In the Commonwealth of Virginia, we are fortunate to have a competitive manufacturing industry representing several sectors from pharmaceuticals to fire safety to paper products to refining. Virginia is also fortunate to have a strong base of smaller, progressive companies that are producing products that help America achieve cleaner air standards and decrease our dependence on foreign sources of energy.

One such company advancing these priorities is Afton Chemical located in Richmond, VA. Founded in 1921, Afton is a full-service global petroleum additives supplier. It has a strong commitment to innovative technology and world-class research. It operates a state-of-the-art research facility in Richmond and a European research and test facility in Bracknell, Berkshire, England. It has manufacturing facilities worldwide.

Afton develops, manufactures, blends, and delivers chemical additives that enhance the performance of petroleum products. One of these additives, MMT, is an organic-based fuel additive designed to boost octane levels in gasoline. MMT is used commercially in the United States and throughout the world. The product is added into fuel at very small concentrations.

MMT provides refiners with an economical octane improver. MMT achieves emission reductions by lessening the degree to which a barrel of crude oil has to be processed to make a gallon of gasoline. Because less refining is needed, fewer emissions are emitted to the air. Those fewer emissions include greenhouse gas emissions. Because less refining per barrel of crude is needed, a barrel of oil goes a lot further; thereby increasing refinery capacity.

In fact, refinery studies have shown that MMT, if used in all gasoline in the United States, would save up to 30 million barrels a year of crude oil, reducing our dependence on foreign oil. At today's crude oil prices, that is nearly $2 billion per year. Because refiners using MMT operate under less severe conditions, refinery emissions of greenhouse gases can also be reduced by millions of tons per year.

Now, more than ever, with high gasoline prices and greater dependence on foreign oil from unstable countries, we need products that help conserve oil and result in more efficient refining of oil. Afton Chemical has made production of cleaner burning fuel additives a priority. And because of their efforts in this area, I applaud their efforts in increasing energy efficiencies.

I am proud of all the companies in Virginia, like Afton, that are innovating to find solutions for more efficient, cleaner burning, and less toxic fuels for America's energy needs. Whether these companies are producing MMT or biodiesel made from home-grown Virginia soybeans, innovators from the Commonwealth are creating energy solutions to strengthen our national security, create new jobs and save current ones and most importantly, increase our competitiveness in the global marketplace.

Mr. BIDEN. Mr. President, today I joined my colleagues in voting for the Energy Policy Act of 2005 which passed the Senate by a vote 85 to 12. This legislation is not perfect, but it is a bipartisan framework that offers the basis of a comprehensive and balanced plan to address the energy needs of our country.

This bill takes important steps in shifting our dependence away from foreign oil. It spurs the development of renewable sources—biodiesel, wind, solar, and geothermal. Importantly, the Senate-passed bill contains a national renewable portfolio standard, requiring utilities to generate at least 10 percent of their electricity from renewable energy sources by 2020. The legislation also requires that we quadruple the amount of renewable fuels, such as ethanol, used annually in gasoline. Furthermore, this bill advances conservation by promoting energy-efficient homes and appliances, fuel cell vehicles, hybrid vehicles, and alternative fuel vehicles.

Among my greatest disappointments, however, is the Senate's failure to adopt the McCain-Lieberman climate stewardship amendment to establish an effective domestic program to reduce greenhouse gas emissions, and the Kerry-Biden resolution to return the United States to its leadership role in the global deliberations on climate change. We have to be creative and to recognize the many different ways we can begin to make real progress in reducing greenhouse gas emissions, with the goal of stabilizing the still-growing human impact on our climate. By not adopting these amendments, the Senate missed the chance to get back on the right side of history.

Although I supported passage of this bill before us today, I have grave concerns about what may be brought back to the Senate after final negotiations with the House of Representatives. If certain provisions in the House-passed Energy bill, including those that permit leasing the Arctic National Wildlife Refuge for oil and gas development, are in the conference report, I will not support passage of the bill. If the conference report steals from these new investments in renewable energy and diverts even more taxpayer dollars to oil companies, when this week oil is at $60 a barrel, I will not support passage of the bill. We have seen comprehensive energy policy legislation doomed in the past when those negotiating the final bill have sacrificed the long-term interests that we all share for shortsighted special interests. I urge my colleagues to preserve the progress toward energy independence promised in the bipartisan bill passed today.

Mr. KOHL. Mr. President, I rise today in support of the Energy bill. This country needs a coherent policy to meet the growing demand for energy that comes with economic growth. America needs a supply of affordable, reliable energy. We need an Energy bill that will give us lower prices, a cleaner environment, greater consumer protection and I believe this current version of the Senate Energy bill does just that.

We in Congress have had an opportunity to craft a far-reaching and progressive energy policy for this country. I believe we owe it to the American people to put together a well balanced plan that meets the needs of everyone, consumers and industry alike, instead of playing favorites and leaving the taxpayers with the bill. Unlike the House version, I am pleased that the Senate version of the Energy bill does not give the makers of the gasoline additive MTBE liability protection from environmental lawsuits. In the past MTBE has been a very contentious issue in the Energy bill, but I am optimistic that the Senate and House can garner an agreement on the MTBE provision. .

I support alternative energy development and I believe this legislation provides the necessary incentives for the development of alternative forms of energy. The bill protects the economic and environmental health of our country by encouraging the use of alternative power sources, including solar, wind, biomass, hydrogen, geothermal, and other renewable energy resources. By including a ten percent Renewable Portfolio Standard for utilities, the Senate took a bold step toward the promotion of clean, sustainable energy. I have long believed that our Nation must implement a sensible national energy policy which emphasizes greater energy conservation and efficiency, as well as the development of renewable resources.

Recent events in the Middle East, coupled with the environmental problems associated with the use of fossil fuels, have only increased the need for such a comprehensive policy. Simply put, we cannot continue to rely on imported oil to meet such a large part of our Nation's energy needs. This dependence places our economic security at great risk. At present, petroleum imports account for fully one-half of our national oil use and one-third of our trade deficit. In addition, the use of oil and other fossil fuels contributes to global climate change, air pollution, and acid rain. For these reasons I supported a strong ethanol mandate in the bill, to help improve our energy independence and help clean the environment.

This legislation, which I voted for, is not the perfect answer for solving our energy problems in this county. Few pieces of legislation that we vote on are, but I believe this legislation takes the right steps in helping our country move toward a more self-sufficient and well balanced society for our energy needs.

Mr. BUNNING. Mr. President, the provisions in the Energy bill will greatly improve the ability of electricity transmission operators to ensure the reliability of our grid, especially with the help of new technologies.

I want to make the Department of Energy and Federal Government aware that there is a company in my State that currently provides independent real-time energy information. This company's patented technology collects power supply information using a network of remote, wireless devices to monitor multiple points on the transmission grid. This information is provided to utilities, Federal agencies, and others responsible for monitoring our critical energy infrastructure and the markets associated with that infrastructure. I applaud them for their ingenuity and efforts to further increase the reliability of our electricity transmission grid.

It is my understanding that the Federal Government is looking at developing monitoring technology similar to the technology of other companies such as the one in my State and other States. I want to implore to the Department of Energy and other Federal Government agencies to not choke out these new innovations already being developed and deployed in the private marketplace. I ask that the Federal Government consider the new technologies already commercially deployed when examining the role the Federal Government should play when developing these new abilities.

Mrs. CLINTON. Mr. President, I rise to speak on the energy bill. I am pleased to say that I support this bill.

The bill includes provisions that will help develop new energy sources and technologies, encourage conservation and increased energy efficiency, improve the reliability of our electricity system, and address the challenge of climate change. I think that it should go further in some respects—particularly in making us less dependent on foreign oil. But overall, it represents a step in the right direction.

First, I want to discuss several provisions that I think are extremely important in helping us develop new energy sources and technologies. It is true that in the coming decades we will continue to rely heavily on traditional energy resources such as fossil fuels to heat and light our homes and power our cars. But there are new sources of energy and new energy technologies that offer great potential to help us meet many of these needs. We need to move beyond fossil fuels, and that goal must be a top priority of our national energy policy.

Hydrogen fuels cells are clearly one of the energy technologies that offer great promise. I am extremely pleased that the bill includes the major provisions of the Hydrogen and Fuel Cell Technology Act of 2005 that I have worked on for years with Senator DORGAN. This ambitious legislation authorizes significant funding for hydrogen research and development and sets aggressive goals for the deployment of hydrogen technologies. The research and development components authorize $3.75 billion over the next 5 years for work on hydrogen fuel cells, hydrogen powered automobiles, and a nationwide fueling infrastructure. But in addition to funding, the legislation sets ambitious goals for deployment of fuel cells in transportation: 100,000 hydrogen-fueled vehicles on the road in the United States by 2010, and 2.5 million on the road by 2020.

I am also pleased that the bill includes significant provisions to promote the development of renewable energy. It includes an extension of the wind production tax credit, which is critical to the continued deployment of windmills to generate electricity in New York and across the country. In addition, I am extremely pleased that the Senate adopted an amendment that I cosponsored to put a renewable portfolio standard into place. Under the amendment offered by Senator BINGAMAN, electricity producers will need to increase gradually the percentage generated from renewable sources to 10 percent by the year 2020. This is an important step forward, and I think it is critical that we retain this provision in conference.

In addition, the bill includes provisions to help us continue to develop clean coal technology. Coal is by no means new, but it is incredibly abundant here in the United States, and needs to continue to be a cornerstone of our future energy policy. Continued investment in clean coal technology not only offers the promise of new, clean coal plants here in the United States; it also means the development of technology that we can export. To accomplish these goals, the bill includes a Clean Coal Power Initiative that will provide $200 million annually for clean coal research into coal-based gasification and combustion technologies.

During Senate debate on the Energy bill, an amendment that establishes a renewable fuels standard was added to the bill. I strongly believe that ethanol has a role to play in helping to reduce our dependence on foreign oil, and the renewable fuels amendment contains elements that I support. For example, the renewables fuels standard provides incentives for the development of cellulosic ethanol, something that has the potential to be produced economically in New York. In fact, there is an exciting project underway to convert an old Miller Brewery in upstate New York to produce ethanol. This project, which is slated to begin production in the next year, will start with corn as a feedstock, but ultimately plans to use local hardwoods as feedstock. After extracting sugars from the wood, the chips would then be available as a raw material to pulp and paper mills in the area. The renewable fuels amendment can help to move this technology and this project along.

In spite of these and other positive aspects of the renewable fuels amendment, I could not support it as a whole because I believe it will lead to higher gasoline prices for New York consumers. In addition, I am concerned that unless measures are adopted to address the increased evaporative emissions caused by blending ethanol in gasoline, the amendment will make it more difficult for New York to reduce smog to meet the new federal health standards.

In addition to provisions to promote new energy sources, the bill includes excellent conservation and energy efficiency measures, which are the fastest and most lasting way to reduce our energy consumption. For example, the bill sets new efficiency standards for appliances and projects such as commercial refrigerators, freezers, and refrigerator-freezers, battery chargers, distribution transformers and commercial clothes washers. According to the American Council for an Energy Efficient Economy, these efficiency provisions, along with the others in the bill, will save 1.1 trillion cubic feet of natural gas and reduce peak electric demand by 50,000 megawatts by the year 2020. This reduction in peak demand means that we will eliminate the need to build 170 300 megawatt power plants. We need to retain these strong measures in conference.

While the bill does not go as far as I would like in terms of reducing our dependence on foreign oil, it does contain a provision that would reduce U.S. oil consumption by 1 million barrels of oil per day by 2015. It is critical that we retain this provision in conference.

As we approach the second anniversary of the August 2003 blackout, it is unbelievable to me that Congress has not yet adopted the top recommendation of the blackout task force—passing mandatory, enforceable reliability standards. I am pleased that this Energy bill contains these standards, but if the legislation stalls, then I will push for a stand-alone bill to put these standards in place, as I have in the past.

The Energy bill also includes legislation that I recently introduced as cosponsored with Senator VOINOVICH. The legislation would create a grant program at the U.S. Environmental Protection Agency to promote the reduction of diesel emissions. The bill authorizes $1 billion over five years to help in the retrofitting and replacement of existing diesel engines. This program will help to reduce harmful fine particulate emissions in a cost-effective way. In fact, EPA estimates that diesel retrofits yield $13 of health for every $1 spent on them.

Finally, I am pleased that the Senate is now on record in this legislation as supporting a mandatory program to start reducing the greenhouse gas emissions that are contributing to climate change. I think this represents a step forward for the Senate, and I hope that the Senate will follow this sense of the Senate amendment with the passage of legislation soon to put such a program in place.

This is by no means a perfect bill. I have mentioned some of the things that I think are lacking. But on balance, I think this bill represents a major step forward. I am pleased to back it.

However, as we pass this bill out of the Senate, I have to say that I am extremely wary of conference. I was dismayed that the Energy bill voted out by the House this year was even worse than what came out of the House last year. Again, it contains a liability waiver for the gasoline additive MTBE. MTBE has contaminated groundwater in New York and across the country. According to two new studies, commissioned by the American Water Works Association, AWWA, and the Association of Metropolitan Water Agencies, AMWA, the clean-up costs are likely to be in the range of $25–$33.2 billion and could be as high as $85 billion or more. If this provision is retained in conference, I will have no choice but to again oppose the Energy bill when it comes back from conference. In addition, I think it is critical that the many of the key features of the Senate bill—including the renewable portfolio standard and the strong energy efficiency provisions—be retained in conference.

Mr. CORZINE. Mr. President, I rise to express my opposition to the Senate Energy bill. I first want to commend and thank my colleagues, the Senators from New Mexico, for their hard work in getting this bill to the floor and ensuring fair debate on these important issues. They have worked tirelessly and in a bipartisan fashion to craft this bill and deserve our gratitude.

This Nation needs an energy policy that steers us toward energy independence, innovation and conservation. Unfortunately, however, I believe the bill in the Senate does not embody a sound overall energy policy, and requires a no vote.

The American people deserve an energy policy that truly reflects our national priorities and promotes energy independence. An effective energy policy must: reduce U.S. dependence on foreign oil; address climate change in a meaningful way; promote energy efficiency through fuel efficiency; expand our use of renewable energy sources; and protect the United States Outer Continental Shelf from offshore drilling.

Unfortunately, the bill we voted on today inadequately addresses these priorities.

We need an aggressive strategy to wean this country off of its reliance on foreign sources of energy. But this bill does nothing to reduce this Nation's dependence on foreign oil, or provide any relief for the soaring prices at the gas pump. The bill includes an oil savings goal of only one million barrels per day by 2015, and does not even provide a mechanism for enforcement. This is unacceptable. It would take savings of three to five million barrels per day to truly reduce our energy dependence. I supported the amendment offered by Senator CANTWELL to reduce imports of foreign oil by 40 percent over the next 20 years. Sadly, the majority of the Senate did not, and that amendment was not included in this bill.

In addition, the bill includes an 8-billion gallon ethanol mandate that will actually increase gas prices for many Americans. The cost of living in New Jersey is already one of the highest in the Nation, and the ethanol mandate will essentially add a new gas tax for New Jersey's residents. Furthermore, although the bill includes a higher renewable fuel standard level, this will not necessarily lead to more energy security, as its proponents claim. Increasing these levels would not significantly reduce U.S. oil imports because each gallon of gasoline blended with ethanol to make gasohol has less energy in it than regular gasoline, requiring increased petroleum product imports to make up that energy loss. Producing ethanol also requires a significant amount of fossil fuel. Finally, a larger renewable fuel standard could force the expanded use of ethanol in areas, such as New Jersey, and hinder—rather than help—state efforts to attain federal air quality standards.

Instead of establishing a national ethanol mandate, we should reduce the Nation's consumption of oil. A simple and cost effective way of doing this, would be to raise CAFE standards. In fact, improving the fuel economy of passenger vehicles not only reduces our dependence on foreign oil, but cuts global warming emissions and saves consumers thousands of dollars annually at the gas pump. Americans currently consume a little over 20 million barrels of oil per day. Senator DURBIN offered an amendment that would raise fuel economy standards from 27.5 to 40 miles per gallon by 2017 for all passenger vehicles and include SUVs in the passenger vehicle category. The amendment would also increase the standards for pickup trucks and other nonpassenger vehicles from 21 miles per gallon to 27.5 miles per gallon. Raising these standards and closing the SUV loophole would save over 101 billion gallons of oil by 2016.

The Energy Information Administration projects that if we do nothing to raise CAFE standards, by 2020 Americans will be consuming 12 million barrels of oil per day for fuel use alone. If the Durbin amendment were passed, however, we would be saving 3 million barrels of oil per day or a reduction of 25 percent in gasoline consumption by the year 2020. Furthermore, if we had implemented the Durbin amendment in 2001, Americans would be saving $5 billion per year at the pump. This is an aggressive strategy that I feel is not only necessary, but long overdue.

The Senate had an opportunity to make important choices with this bill, and if you do a cost-benefit analysis, it is clear the Senate has made many wrong choices. I supported stricter CAFE standards and more aggressive oil savings, yet these amendments were not included in the bill we voted on today.

Instead, this bill does include a provision that I strongly opposed, the seismic inventory of the Outer Continental Shelf. I have been very clear about my opposition to any provision in this bill that will weaken the moratoria on drilling in the Outer Continental Shelf. As my colleagues know, I spent many hours on the Senate floor last week to ensure that no amendments were offered to weaken the moratoria. This step onto a slippery slope is only reemphasizing our dependency on oil and gas.

It is important to note that New Jersey is a State that already does its part in supporting energy production and refining for the Nation. Along with traditional power plants, we have three nuclear power plants, support siting of an LNG terminal and are looking into alternative energy sources. And New Jersey is the East Coast hub for oil refining. New Jersey is doing its part. New Jersey recognizes the variety of ways to generate energy. It can be done without offshore drilling.

Yet this bill includes a provision that would allow an inventory of all potential oil and natural gas resources in the entire Outer Continental Shelf, including areas off of the New Jersey coast. It is a slippery slope toward drilling, which would devastate New Jersey's beautiful beaches as well as its coastal tourism industry, an industry that supports over 800,000 jobs and generates $5.5 billion in revenue. And the seismic explosions are themselves dangerous to the environment and our offshore fisheries.

That is why I voted with my Florida colleagues and others to strike the inventory provision from the bill. But that amendment failed. That was the wrong choice. It makes no sense to sacrifice the economies and environmental sanctity of coastal States for what many energy analysts have said would not end the long-term trend of growing dependency on foreign oil. It is the wrong analysis, and the wrong decision and just one more example of how this Energy bill includes wrong choices.

Another problem with the bill before us is that it fails to effectively address a crucial issue that is paramount to our health, our environment, our economy and our way of life—climate change. The science is increasingly clear that greenhouse gas emissions caused by human activity are changing the earth's climate. The rest of the industrialized world understands the danger of this problem. Unless Congress acts in a meaningful way, the effects of global warming may be devastating to the worldwide economy and environment. Recognition by the Senate that global warming is indeed a problem is a first step. However, we cannot stop here. I supported an amendment to ensure real, immediate action on global warming. This amendment would require a reduction in carbon dioxide emission levels to 2000 levels by the year 2010. But, this important program is not included in this bill. This is a significant failure and misses the opportunity to address a problem that, without quick action, we will pass on to our children and grandchildren.

Finally, the underlying bill gives the Federal Government too much authority over the siting of liquefied natural gas terminals in their communities. I am very supportive of the proposed terminal in South Jersey, which is projected to provide energy to 4 to 5 million residences. Unfortunately, the State of Delaware has hampered the siting of this facility. These complications, however, do not justify ceding authority over New Jersey's choices about its energy supply to Washington. I am disappointed that the Senate failed to pass an amendment that would ensure States have authority over LNG terminal siting.

As you can see, I have many concerns about this bill. But there are some provisions that are steps in the right direction. The Senate included an amendment, which I supported, that requires a 10 percent renewable portfolio standard. I am proud that New Jersey is one of the first States to adopt its own 20 percent portfolio standard, and I am pleased that the rest of the Nation will take a step to follow with this important effort to expand renewable energy sources. In addition, this bill includes important tax incentives that promote energy efficiency. I am especially pleased that I was able to secure provisions in the energy efficiency title that encourage the Department of Housing and Urban Development and the public housing authorities it oversees to increase energy efficiency in public housing projects.

But these provisions are not enough to plug the weaknesses left in this bill. I voted this bill out of committee with the hopes that by bringing it to the Senate floor, my colleagues and I could greatly improve the bill. The committee markup was a fair and bipartisan process, and I was pleased to be a part of it. But if the goal is to create a comprehensive energy policy that will move this Nation in a direction of energy security and independence, then the bill we voted on today in the Senate will not achieve that goal. It is my hope that this bill will be improved in the conference committee, and I urge my colleagues to take these important issues into account as we move forward.

Mr. REED. Mr. President, I would like to take this opportunity to say a few words about the Energy Policy Act of 2005, H.R. 6. While I did not support the bill for several reasons, I do acknowledge that the bill is, in many respects, better than the bill the Senate rejected in 2003. I am pleased, for example, that the bill we are sending to conference does more to address the reliability of our electricity grid, contains a 10 percent renewable portfolio standard for electricity production, and does not include an unnecessary liability waiver for the MTBE industry.

We all agree that reliable, affordable energy is critical to the economic well being of our Nation. And increasingly, our Nation's energy policy is central to our national security. As I considered how to vote on the energy bill, I asked myself three questions. First, would this bill take meaningful action to reduce our dependence on foreign oil? Second, would the bill enhance homeland security? And third, is this $48 billion bill fiscally responsible and does it set the right priorities for our Nation?

As for the first question, unfortunately, I find that this bill does not do nearly enough to reduce our dependence on foreign oil.

Oil prices have recently soared to around $60 a barrel, a level that, even when adjusted for inflation, has not been seen in over 15 years. Imports of foreign oil are draining valuable economic resources out of our communities and Nation. The U.S. imports 4.5 billion barrels of oil per year. With prices up $20 a barrel over the past year, an increase that appears to be with us for the foreseeable future, we are experiencing an effective annual reduction in domestic income of $90 billion. That is $90 billion that we could better invest in energy efficiency and renewable energy, as well as police, firefighters, workforce training, and education for our children.

Over the next 10 years the world's daily energy demand will grow to nearly 100 million barrels. We will have to find an extra 50 million barrels of oil per day to meet that demand. The industry is already spending $200 billion a year to find oil, but even at that extraordinary level of investment, there are enormous difficulties in finding recoverable reserves to fill the gap between supply and demand. The United States has about 2 percent of the world's oil reserves. We simply cannot drill our way out of this crisis.

Reducing our dependence on oil must be both a national energy and a national security priority. But that is not a high priority of this Energy bill. This bill fails to promote meaningful reductions in our oil dependence by casting aside a much-needed increase in CAFE standards for cars and by omitting Senator CANTWELL's 40 percent oil savings amendment.

According to the Rocky Mountain Institute, since 1975 the U.S. has doubled the economic activity wrung from each barrel of oil. Overall energy savings, worth about $365 billion in 2000 alone, are effectively the Nation's biggest and fastest-growing major energy source—equivalent to three times our total oil imports. CAFE standards were a primary reason for these savings. We must make even greater strides in fuel efficiency if we want to move our country towards true energy independence.

Gasoline consumption in the transportation sector represents about 44 percent of total oil consumption in the United States each year. If one includes diesel fuel, that number jumps to 57 percent. To bring about any serious reduction in our dependence on foreign oil we must increase the fuel efficiency of our cars and light trucks through an increase in CAFE standards, as well as by promoting the use of hybrids and vehicles that use alternative fuels. In model year 2002, the average fuel economy for cars and light trucks was 20.4 miles per gallon—a 22-year low. Yet, if performance and weight had stayed constant since 1981, the average fuel economy would have improved 33 percent—enough to displace the amount of oil we import from the Persian Gulf 2.5 times over. Not only will raising CAFE standards improve our energy security, it will also ensure our economic security. China is putting in place fuel efficiency rules that will be significantly more stringent than those in the United States. The Chinese standards call for new cars, vans, and sport utility vehicles to get as much as two miles a gallon of fuel more in 2005 than the average required in the U.S. and about five miles more in 2008. And they plan to export these cars to the United States. We need to improve efficiency to remain competitive.

For these reasons, I am an original cosponsor of S. 889, Senator FEINSTEIN's bill to close the SUV loophole by gradually increasing fuel efficiency standards for SUVs to 27.5 miles per gallon—the same standard that now applies to passenger cars—by 2011. The legislation would also require that the average fuel economy of new vehicles purchased by the Federal Government be increased by three miles per gallon by 2008 and six miles per gallon by 2011. In addition, the bill would increase the weight range within which vehicles are bound by CAFE standards, making it harder for automotive manufacturers to build SUVs too big to be regulated by CAFE standards. The legislation would save the United States 1 million barrels of oil a day; reduce our dependence on foreign oil imports by 10 percent; prevent about 240 million tons of carbon dioxide—the top greenhouse gas and the biggest single cause of global warming—from entering the atmosphere each year; and save SUV and light duty truck owners hundreds of dollars each year in gasoline costs. It is unfortunate that the Senate energy bill includes no provision to require increased CAFE standards so that we can make real progress in reducing our dependence on foreign oil.

Moving to my second question: would this bill enhance our homeland security? Unfortunately, it would not.

Consumption of natural gas is growing at a faster rate than for any other primary energy source and is growing in all sectors of the economy—families heat their homes with natural gas, businesses use natural gas to produce products, natural gas vehicles are becoming more common, and power producers generate cleaner energy with it. According to the Consumer Federation of America, since 2000, the toll of higher natural gas prices on consumers is an estimated $80 billion. Similar to oil, demand is growing faster than available supplies can be delivered and the tightening in supply is resulting in dramatic price volatility. One way to increase natural gas supply in the United States is through liquefied natural gas, known as LNG. Again, however, we would do well to learn from our lessons with oil. One-third of the world's proven reserves of natural gas are in the Middle East, nearly two-fifths are in Russia and its former satellites, and significant reserves exist in Nigeria and Algeria. Political stability and terrorism are very real threats to the reliability of natural gas from these countries.

On the domestic front, the siting of liquefied natural gas, LNG, import terminals is an issue that has taken on critical importance for me and for the people of Rhode Island in recent months, as the Federal Energy Regulatory Commission, FERC, is now considering proposals by KeySpan Energy and Weaver's Cove Energy to establish LNG import terminals in Providence, RI and Fall River, MA, respectively.

I recognize that natural gas is an important and growing component of New England and the Nation's energy supply, and that imported LNG offers a promising new supply source to complement our domestic natural gas supplies. In a post-September 11 world, however, we must consider the substantial safety and security risks associated with siting LNG marine terminals in urban communities and requiring LNG tankers to pass within close proximity to miles of densely populated coastline.

That is the major problem with the current siting process and with the underlying bill before us. While States do have certain environmental permitting authorities delegated to them under Federal laws like the Clean Water Act, the Clean Air Act, and the Coastal Zone Management Act, States have no clear authority over the siting of LNG terminals in the one area that everyone is most concerned about: public safety and security.

Senator FEINSTEIN and I offered an amendment that would have ensured that States have an authentic voice in the siting of LNG terminals by giving Governors the same authority to approve or disapprove onshore terminals that they now have over offshore terminals under the Deepwater Port Act. If a Governor has the right to say yes or no to an offshore LNG terminal, it only makes sense that he or she should have the same rights with respect to an LNG terminal located onshore or in State waters. The National Governors Association agreed and wrote in strong support of our amendment.

I know that some of the opponents of this amendment say this is all about NIMBY, or "Not in My Backyard," as if the issue is that our constituents would just rather not have to see these storage tanks and large vessels. But it is a much more serious and complicated matter than that.

The Sandia National Laboratory released a report last December that said a terror attack on a tanker delivering LNG to a U.S. terminal could set off a fire so hot it would burn skin and damage buildings nearly a mile away. For the terminals proposed in New England, that means schools, libraries, and thousands of homes, all within the damage zone. We can argue about the odds of such an attack, but when new LNG terminals are already being developed nearby in the Canadian maritime provinces—an area with reliable pipeline access to New England—and the first U.S. offshore LNG facility recently began receiving deliveries, there is no justification for placing these terminals in the heart of our communities.

I again want to emphasize that I recognize LNG's important role in the energy infrastructure of Rhode Island and the Nation, and I look forward to working with my colleagues to ensure reliable supplies of natural gas to our homes and businesses. I am disappointed that the Feinstein-Reed amendment was defeated, but our efforts have just begun. For now, I hope the 45 votes the amendment received will send a strong message to FERC that the agency should work more closely with Governors and the State environmental and first responder agencies that have firsthand knowledge of the geography and population of our States, so that we can bring more natural gas to our communities while minimizing the risk to our citizens.

Finally, we must ask ourselves, is the $48 billion cost of this bill fiscally responsible given our growing national debt and cuts in funding for other priorities such as education, water infrastructure, and transit? For me, the answer is no.

Over 11 years, this bill would provide $18.2 billion in energy tax incentives for electricity infrastructure, fossil fuels supply, energy efficiency, renewables, and vehicle and fuel incentives. I want to commend the Finance Committee for its work on the energy efficiency and renewable energy incentives in the bill. However, I am disappointed that the bill provides nearly $6 billion in tax breaks for oil, gas, and coal, and in addition, provides tax credits for nuclear energy. These tax breaks are provided despite the fact that President Bush has repeatedly stated that we do not need tax breaks for the oil and gas industry given the high prices Americans are experiencing.

Regrettably, this Energy bill also contains the Archer Daniels Midland ethanol mandate. In 2003, the United States consumed only 2.8 billion gallons of ethanol. But starting in 2006, the Energy bill will require Americans to purchase 4 billion gallons of ethanol, then 8 billion gallons by 2012, and then increasing amounts every year after 2012 in perpetuity by a percentage equivalent to the proportion of ethanol in the entire U.S. gas supply. So in addition to the already high gas prices Americans are paying at the pump, they will now be charged a tax to unnecessarily subsidize the ethanol industry, which already benefits from an income tax credit of 51 cents per gallon of pure ethanol, as well as a 54 cents per gallon tariff on imported ethanol.

The bill also provides loan guarantees for so-called innovative technologies, including nuclear power, a provision that would cost taxpayers $600 million. The legislation sets no limits on the number of projects, or the total principal that could be guaranteed for these speculative investments. As the Congressional Budget Office, CBO, points out, if a borrower defaults on a loan, the Department of Energy could take over a facility to recoup losses, or the Department could take over a loan and make payments on the loan for the borrower. To quote the CBO, "Such payments could result in DOE effectively providing a direct loan with as much as a 100 percent subsidy rate—essentially a grant—that could be used by the borrower to pay off its debt." Is this a responsible use of taxpayer dollars when we are dramatically cutting funding for education, clean water, and energy efficiency programs? In my opinion, the answer is no.

I believe the American people deserve a better Energy bill from the Senate. They deserve a bill that takes seriously the need to reduce our dependency on foreign oil. They deserve a bill that provides for both our national security and energy security. They deserve a bill that requires real reductions in the greenhouse gas emissions that cause global warming. They deserve a bill that reduces energy prices for consumers, not one that hands out unnecessary subsidies to industries. Unfortunately, if history is any indicator, this bill is going to get worse, not better, in conference with the House. I look forward to working with my colleagues to oppose the addition of MTBE liability waivers and any other onerous House provisions to the Energy bill. It is high time we gave the American people an Energy bill that deserves their full support.

Mr. McCAIN. Mr. President, I regret that the Senate has once again produced an Energy bill that does not serve either the present or future energy needs of our Nation. The provisions in this bill will not make us less dependent on foreign oil, will not enhance the reliability of the Nation's electricity grid, will not effectively promote energy efficiency and technological innovation, will not reduce the price of energy to consumers over time, and will not address our significant contribution to the serious problem of global warming.

While I commend the chairman and ranking member of the Energy Committee for the bipartisan process they have led throughout the debate, I cannot support the resulting bill. But I do want to acknowledge that compared to the last conference report on this issue, the measure before us is somewhat better in some respects and certainly more so than the recently passed House bill. For example, the Senate measure does include more emphasis on energy efficiency and renewable technology, doesn't include an MTBE waiver or hand-outs to Hooters, and a few special interests were left behind, although not enough.

However, when the price of gas reaches $3 a gallon, which some experts believe will occur within a year, and more manufacturing jobs are lost overseas due to soaring energy costs, and the next blackout occurs, and the wait lists for fuel-efficient cars grow even longer, and climatic changes increasingly affect American lives and livelihoods, the American public is surely going to judge that this Congress did not live up to the great challenge before it by passing a sound, far-reaching, national energy policy measure, despite the multiple years in the making. And, as we all know, Congress doesn't have any popularity points to squander at this time. But even more to the point is that we don't have the time to squander, now is the time we need to act to avoid disastrous economic and environmental consequences.

I am not spinning a doomsday scenario here, most of my colleagues appreciate the uncomfortable fact that these are our present energy supply realities. That is why I believe a more appropriate title for this bill would be "The Lost Energy and Economic Opportunity Act of 2005." Opportunity lost because as a body we should have the vision and the political courage to craft national energy policy that addresses the serious energy problems before us with effective, identified solutions that put us on a new course—a more secure, reliable, and smarter course. Not the same tired path this bill treads, and spending an estimated $16 billion from the Federal Treasury to provide taxpayers' subsidies largely for wealthy energy producers and corporations.

With the passage of this bill, we will have lost the historic opportunity to craft a national energy policy that relies on the market realities of high priced oil and gas instead of taxpayer subsidies to drive our country in the direction of energy efficiency, security, and independence, as well as global environmental stewardship. It doesn't make fiscal or common sense to provide billions of taxpayer subsidies to encourage the production of energy by companies that are already gaining tremendous riches at today's sky high oil and gas prices. But this bill does just that—it gives tens of billions of taxpayer dollars to the oil, gas, and coal industries. And if this was not sufficient, the bill provides an unlimited number of loan guarantees for the construction and operation of fossil fuel and nuclear projects far into the future. As such, no one can accurately assess how much this bill will end up costing American taxpayers. We can say with certainty that it is many times more expensive than the $6.7 billion that the Administration wanted and even much more costly than the House bill at $8 billion. The tax incentives alone in the Senate bill are estimated to be more than $14 billion by the Joint Committee on Taxation. Remarkable generosity with scarce taxpayer funds.

My colleagues supporting this bill contend that these taxpayer subsidies are necessary to increase domestic energy supplies and provide incentives for technological innovation. I believe that these subsidies largely amount to a multi-billion-dollar maintenance of the status quo which will only perpetuate and exacerbate our current national energy and environmental problems for the foreseeable future.

Let me be clear. I understand the need to encourage the development and deployment of zero and low emission technologies. That is why Senator LIEBERMAN and I added a comprehensive technology title to the Climate Stewardship and Innovation Act which we offered as an amendment last week. But the incentives provided in our legislation are different in many respects from those in the Energy bill.

For example, we propose a cost-sharing program with industry for first-of-a-kind engineering designs of facilities using advanced coal gasification, nuclear, and solar technologies as well as large scale biofuel production. Subsequent users of the designs generated under the program would pay a "royalty fee" on a per facility basis which would be used to reimburse the overall costs of the program.

Following the design phase, loans or loan guarantees would be allowed for the construction phase of the first facility utilizing advanced coal gasification, nuclear, solar, and large scale biofuel production technologies. These loans would be repaid at the end of the construction phase, and in the case of loan guarantees, the guarantees would terminate at the end of the construction phase. This is very different from the programs authorized under the base Energy bill which provides loan guarantees over the operational life of the facilities. The approach in the underlying bill leaves the taxpayers liable for a very long time, 30 years in some cases, as opposed to a construction period of maybe 5 years in our legislation. And in our bill, we envision all assistance would be funded through the revenues from the early auction of carbon allowances to industry rather than entirely from the taxpayers pockets as would be the case in the underlying bill.

Instead of our approach, the American public is going to be saddled entirely with the expense of this bill, which is running on empty—empty of new ideas—and further running up our deficit. The fuel we should be relying on to drive our national energy policy is American consumer demand. If we allowed consumer demand to drive our legislative actions, this bill would emphasize energy efficiency across all sectors of the economy and include a reasonable and progressive CAFE standard for SUVs and all other passenger vehicles. If it were up to American consumers, we wouldn't be imposing a meaningless 8 billion gallon ethanol mandate, but instead would be making it possible for people to obtain and operate their automobiles using clean and abundant biofuels that actually reduce our dependence on foreign oil and not just provide subsidies to the ethanol producers. If it were to the American public, we would not be repealing the Public Utility Holding Company Act, PUHCA, without replacing it with alternative protections for utility ratepayers, investors, and pension plans. Finally, if it were up to the American public, we would pass a bill that addresses global climate change: more than 75 percent of Americans believe that we need to reduce our greenhouse gas emissions and participate with our allies and other countries in a united effort. And in the process of reducing emissions, we would also improve the health of millions of Americans who suffer from asthma and other air quality-related conditions.

If these kind of policies were to be found in this bill not only would it satisfy the majority of the American public but it would significantly reduce our dependence on foreign oil while providing new jobs and financial benefits to the agricultural sector and a host of energy, technology, and service providers economy-wide. So why aren't we doing that in this bill? Why aren't we seizing the economic and environmental opportunities that are within our grasp, the available solutions to our current and future energy woes? There must be some good reason that we aren't giving the public what it wants but are giving special interests and rich corporations exactly what they want. I will leave that for the supporters of this bill to explain to the American public as we continue on our well-worn and convoluted energy path leading us no further than where we are right now. Only in the future, fuel prices will be higher, greenhouse gas emissions will be greater, and our economy, international relations, and environment will be in greater peril.

Ms. CANTWELL. Mr. President, I rise today to discuss the Senate energy bill that this body has passed today, on a resounding bipartisan vote of 85 to 12. For those of us on the Senate Energy and Natural Resources Committee, this day has been long in coming. Today is another milestone in the effort to craft a new energy plan for America: legislation that has been swirling around Capitol Hill in one form or another for at least the last 4 years.

I thank the chairman and ranking member of the Energy Committee for the skill and consideration they have shown in navigating a path forward for this legislation. It has taken a lot of work. But today's vote represents a concerted, bipartisan effort to find the compromises that can help move our nation forward on an energy strategy to meet the needs of a 21st century economy. The result has been a cleaner, more transparent process, and a cleaner energy plan for America.

I will not stand before this body today and suggest that this legislation is the solution to all of the challenges we are facing—and will continue to face for decades to come—when it comes to our national energy security. There are provisions contained in this lengthy and complicated bill that I do not agree with; and there are areas where this legislation does not go nearly far enough, particularly when it comes to curbing our dangerous overdependence on foreign oil imports, and tackling the emerging threat of global climate change. However, I am supporting this legislation because it represents a modest improvement on the status quo; and because I believe that this legislation is the beginning—rather than the end—of the Senate's consideration of these issues.

I have participated in this debate in the Energy Committee and on the Senate floor for the past 4 years, and I have listened intently to many of my colleagues and what they have had to say. I can tell you this: it seems to me that there is more agreement in this body today than at any other point in my memory as to the nature of the energy challenges we are facing as a nation, and the critical importance of addressing these problems if we want to ensure American competitiveness and economic security in the coming decades.

Four years ago, I do not believe many of us were discussing the impact of foreign, state-owned oil companies on our energy security. Few of us had recognized the emergence of China and India and what those countries' growing thirst for petroleum could mean to the dynamics of world energy markets and the American economy. Many Senators were skeptical about the potential market transformation that could occur with new hybrid vehicle technologies. Four years ago, there was far less consensus about the promise of new biofuel technologies using an array of different crops and materials. These technologies are capable of transforming the U.S. renewable fuels business from a boutique industry dominated by corn-growers to a real, national industry capable of displacing significant amounts of imported petroleum.

This Senate has come along way in four years—in thought, if not yet in deed. The fact the majority of Senators now recognize the need to address in a meaningful and binding way the threat of global climate change; and the fact that the majority of my colleagues now seem to recognize the perfect storm of economic and national security issues posed by our dependence on foreign oil are significant milestones. But I am disappointed that we do not yet have the same degree of unanimity on what to do about it.

That is why this legislation—and the debate about this legislation's successes and failings—is just the beginning. Our national energy security is an issue with which this country and its leaders absolutely must continue to grapple. When it comes to our Nation's oil dependence, America can and must make more progress. We must acknowledge the realities of geology and the international marketplace. Given that the U.S. sits on just 3 percent of the world's known oil reserves, we cannot drill our way to energy independence. And when any policymaker looks at the distribution of where the rest of those oil reserves lie—two-thirds of them in the Middle East—it becomes painfully obvious that the U.S. must step up and tackle this challenge head-on. Anything less jeopardizes our economic future and our national security.

I fundamentally believe that securing our Nation's energy future is among the biggest challenge faced by our generation. It is a challenge by which future generations of Americans will measure us. We did not get the job done with this particular Energy bill when it comes to America's energy security and dependence on foreign oil. Nor did we finish the job when it comes to the issue of global climate change. So this year, next year and for the foreseeable future, this Senator will stand up and ask her colleagues to pay more than lip service to these issues. The spirited and thoughtful debate that has characterized our consideration of this bill must guide us as we move forward to tackle these challenges. I believe it can be done. It must be done. And this Senator stands ready to work with her colleagues on both sides of the aisle to reach meaningful solutions to what are some of the most difficult economic security issues of our time.

But as I said at the outset, I do believe that this legislation will move our Nation forward in a number of other important ways. A comprehensive Energy bill touches every sector of our economy. The nature of our existing energy infrastructure is complex and interdependent, yet regionally diverse. Moreover, a maze of interlocking Federal and State regulatory authorities guide the production and sale of energy supplies in this country. For all of these reasons, the task of crafting a "comprehensive" energy policy is a massive undertaking. But even as this legislation has failed to address certain issues to this Senator's satisfaction, we have taken a number of important steps forward.

While we have not done nearly enough to address our economy's petroleum dependence—and hence, our dependence on foreign petroleum—this bill does put in place the basics for creation of a robust, American biofuels industry that can someday displace significant portions of our energy imports. While agricultural producers across the U.S. have long touted the energy and economic security benefits of fostering a domestic biofuels production industry, this country has nevertheless lagged behind in developing the technologies that would make a national biofuels strategy a reality. For example, 90 percent of the ethanol production in the U.S. is derived from corn and is produced in just five Midwestern States. Meanwhile, other nations such as Brazil have taken the lead on producing biofuels from other crops, and in the process have diversified their economies and energy supplies, begun to minimize their dependence on foreign petroleum, and lowered prices for consumers.

The key to growing this industry for the U.S. is investing in the demonstration and commercialization of new technologies that will make it possible to produce biofuels from a more diverse array of crops, including wheat straw and other biomass readily available in places like Washington State.

The Senate Energy bill contains a number of provisions key to moving forward on a national biofuels strategy. Specifically, I was pleased to add a number of measures that will help spur biofuels production in the Pacific Northwest. Making ethanol and biodiesel from more diverse feedstocks—in more regions of the country—is essential to making biofuels a sustainable and cost-effective solution to our Nation's emerging energy needs.

The Senate Energy bill contains a provision I authored to establish an "Advanced Biofuel Technologies Program." The new program provides $550 million over 5 years to demonstrate technologies for production of ethanol and biodiesel. The measure directs the Secretary of Energy to work toward developing and demonstrating no fewer than four different conversion technologies for producing cellulosic-based ethanol; and five technologies for coproducing biodiesel and value-added bioproducts. In other words, it would provide Federal support for universities, private sector researchers and entrepreneurs who are striving to invent the next generation of biofuels technology, and help demonstrate them in real-world applications. The program also directs the Secretary to prioritize the demonstration of projects that will enhance the geographical diversity of alternative fuels production, and focus on developing technology related to feedstocks that represent 10 percent or less of our Nation's existing ethanol and biodiesel production—agricultural products like wheat straw, canola and mustard that are readily available in Washington State and throughout the Pacific Northwest.

But in addition to pioneering the next generation of technologies, the Senate Energy bill would provide important market-based incentives for the very first producers of new sources of biofuel. The Senate bill is more ambitious that previous energy bills, as well as this year's House-passed version, in setting a target to produce 8 billion gallons of renewable fuel by 2012. But in addition, it contains my provision to more than double the incentives for refiners to use ethanol made from cellulosic sources such as wheat straw, and to ensure that by 2013 the U.S. is producing at least 250,000 gallons of ethanol from these new sources. These provisions are designed to help build a market for the very first producers of ethanol from nontraditional, noncorn sources—an important way to help move the technology toward broader commercialization.

The Senate Energy bill also recognizes that a national biofuels strategy is in the long-term energy security interests of the U.S., and provides Federal support for this emerging industry. First, the legislation authorizes Federal loan guarantees for the first cellulosic ethanol facilities that produce 15 million gallons of ethanol or more. Multiple sites in the Pacific Northwest are vying to be among the first in the U.S. to produce cellulosic ethanol. In addition, the bill would extend the biodiesel excise tax credit through 2010. Otherwise slated to expire in 2006, the tax credit is important to the very first refiners and distributors of biodiesel in Washington State, who are using this tax credit to lower costs to consumers at the pump. I believe all of these are valuable provisions that will contribute to our national energy security and put farmers across the country in the biofuels business.

In addition to the renewable fuels standard, this legislation will diversify our Nation's energy supplies with the inclusion of a renewable portfolio standard that would require 10 percent of our electricity to come from sources such as wind, solar and geothermal. This legislation also extends the renewable production tax credit and the renewable energy production incentive program to support the drive to diversify our sources of electricity.

I should also note that this legislation contains consensus reliability standards, to ensure mandatory rules are in place to govern operation of our electricity grid—an important provision that I have championed since I arrived in the Senate, and an effort that was initially begun by my predecessor, Senator Slade Gorton.

I was also pleased to have a role in crafting provisions to promote cutting-edge research and development in the area of "smart grid" technologies, which will build intelligence into our existing energy infrastructure in a way that improves both efficiency and reliability. This legislation also includes incentives for the adoption of existing technologies that can aid reliability such as "smart meters," which give utilities and their customers real-time information about energy usage.

This legislation also takes an important step to ensure that we are meeting the workforce needs of the electric utility sector. The National Science Foundation and energy industry interests have noted that as the baby boom sector of our workforce retires, a lack of training capacity will lead to a growing shortage of qualified engineers and innovators. Language that I worked to add to the bill in committee will ensure that the Energy and Labor Secretaries are closely monitoring our energy workforce, including the availability of power and transmission engineers, and will authorize the Federal Government to provide grants for appropriate workforce training investments. All of these reliability-related provisions will help ensure the stability of the electricity grid, which powers every sector of the American economy.

While I am on the topic of electricity, I must mention some of what I believe are among the most notable achievements of this legislation. There are provisions of this bill that I have championed related to Enron and the market manipulation that occurred during the Western energy crisis, which I believe represent the first meaningful Congressional response to the massive public mugging that took place. Certainly, Congress enacted aggressive new accounting reforms in the wake of Enron's collapse. But we have not yet done the same when it comes to our Federal energy laws.

I spoke at the outset about how the Senate has at least turned the corner in recognizing the problems posed by climate change and foreign oil dependence. Similarly, some of my colleagues may recall that, 4 years ago, many at first didn't believe that any market manipulation had taken place in the West. But with the release of Enron's smoking gun memos outlining the manipulation schemes, additional audiotape evidence that has surfaced since then, the guilty pleas of energy traders who executed these schemes four years later, this Senate has reevaluated its position, based on facts that are now a matter of public record.

I am optimistic about the notion that this Senate, in the foreseeable future, will get serious about addressing climate change and oil dependence because I have seen a sea change occur in the Senate on an energy issue before—in particular, on the issue of market manipulation and the need to protect our Nation's consumers against later-day Enrons. The Energy bill we passed today contained a number of important provisions to incorporate the lessons we learned from the Western energy crisis.

First, it puts in place a broad statutory ban on all forms of market manipulation in our Nation's electricity and natural gas markets. Second, it gives Federal authorities the ability to ban traders and executives implicated in energy market manipulation schemes from participating in the utility industry.

The Securities Exchange Commission has had this authority for decades and used it in some high-profile instances of individuals engaged in securities fraud. However, this authority does not currently exist in Federal energy law. Added unanimously as amendments during the Senate Energy Committee's markup of the bill, these provisions were inspired by recent court cases in which it is alleged that some of the same energy traders overheard on the now-infamous Enron audiotapes have been implicated in subsequent market manipulation schemes in other regions of the country.

Lastly, this legislation contains a provision of particular importance to my Washington State constituents. Section 1270 of this bill would prohibit a Federal bankruptcy court from forcing Washington State's Snohomish Public Utility District—PUD—and its customers to fork over another $122 million to Enron. Specifically, the provision prohibits the bankruptcy court from enforcing payments on power contracts that are unjust, unreasonable or contrary to the public interest. The provision was written to target manipulated power contracts between Enron and utilities in the West. The contracts were cancelled when the energy giant began its scandalous slide into bankruptcy. But once they were cancelled, Enron turned around and sued utilities for "termination payments," seeking to collect profits on power that was never even delivered.

While the Federal Energy Regulatory Commission—FERC—has been conducting its proceedings to provide remedies for the consumers harmed by market manipulation, Enron has nevertheless continued pursuing collection of these "termination payments" in bankruptcy court. In fact, the court has already ruled that other Enron victims—Nevada Power Company and Sierra Pacific Power Company—should have to pay these fees, which come to more than $330 million for the two Nevada utilities. The court went so far as to enjoin FERC from proceeding with its own specific inquiry into whether Enron is owed the termination payments in those cases.

The provision included in this bill says very clearly to FERC, "Do your job to protect consumers, and when you make a decision, that decision will stand." Interpreting our Nation's energy consumer protection laws is not the job of a bankruptcy judge. This responsibility lies with the Federal Energy Regulatory Commission.

I am aware that these provisions are in stark contrast to those included in the legislation passed by the House of Representatives. The House bill would ban only one type of manipulation scheme made infamous by Enron—roundtrip trading. It would do nothing to ban proven market manipulators from future employment in the energy business. And most inexplicably, it would actually give later-day Enrons a license to steal. It would lock in profits for would-be market manipulators under the guise of "contract sanctity." I recognize that reconciling these issues with the House may be difficult. But when it comes to the deeds of Enron—and putting in place tough new laws to make sure such a wide-ranging fraud is never again perpetrated against our Nation's consumers—I believe the Senate will have the American people firmly on our side.

In addition to these very important provisions, I must also make a few comments on other matters of importance in this legislation's electricity title. I regret that during the course of the debate on this bill, there was not enough time to discuss more fully its treatment of the Public Utility Holding Company Act—PUHCA. It is important that this silence not be confused with disinterest. It is because of the consumer protections provisions included in the bill—some that I have mentioned already—that this issue has not caused an uproar, as it has in the past.

It was crucial to me that, in PUHCA's stead, this bill include the refinements and enhancements of FERC's merger review authority that were worked out by Senators BINGAMAN and DOMENICI. I must still state my profound uneasiness with the notion that we are repealing one of our Nation's fundamental consumer protection laws at a time when many of us are concerned about mergers and consolidation within the utility industry. And I remain concerned that we have not done enough to address the issue of cross-subsidization of unregulated affiliates by utilities that are owned by the same holding company.

I ask my colleagues to remember: Enron was a company willing to turn a profit by any means necessary; but it was presented with a market and regulatory environment that presented innumerable opportunities for abuse. We have given FERC the tools in this bill to prevent those abuses; let's hope they take this responsibility seriously.

The bill's repeal of PUHCA is predicted by some to usher in a new wave of utility mergers. Consolidation can be beneficial, but it can also foreclose competition, frustrate effective regulation and create inefficiencies. Let us hope that Federal and State regulators both take their responsibilities to protect consumers seriously.

PUHCA repeal lifts diversification and investment bans that the leading financial rating agencies have determined were critical in protecting the financial health of utilities and preventing bad business investments. Let us hope that we don't regret this decision.

Again, this bill requires steps to prevent cross-subsidization when utilities merge, but is silent on the need to prevent cross-subsidization by those utilities that don't merge. Let us hope that consumers and independent competitors do not suffer from this decision.

I sincerely hope history will prove this Senator's instincts and skepticism wrong on the topic of utility cross-subsidization and PUHCA repeal—because otherwise, it is American ratepayers and investors who will be paying the price. But as I said, it is the consumer protections in this bill today that have led me to view this as a reasonable compromise. In addition to the provisions I mentioned before, this legislation also includes improved language on market transparency, accountability standards for the Nation's Regional Transmission Organizations—RTOs—and the protection of transmission rights needed to serve consumers, particularly in the Pacific Northwest.

Let me be perfectly clear: the provisions that I have mentioned, taken together, are the minimum needed in order to meet the needs of electric consumers. They were essential in earning the support of this Senator. Last Congress, one of the key factors that led to the defeat of the Energy bill was the failure of the conference report to protect electric consumers. While I believe we can and should do more, I commend both the Senators from New Mexico for their efforts. But their efforts will be wasted if the other body does not realize that these provisions are essential for final passage of an energy bill conference report.

It is also important to note that the Senate legislation we have passed today avoids the gratuitous special interest deals in the House bill—such as giving groundwater polluting MTBE manufacturers a free ride on clean up liability. It moves forward without the rollbacks of the Clean Water Act, Clean Air Act, National Environmental Policy Act, and Safe Drinking Water Act that are included in the House legislation. The Senate has spoken out against these bad environmental policies and we stuck to those principles in this bill.

We stuck to those principles and we worked across the aisle, in good faith at every turn. I hope the other body across the Capitol has paid some attention to this process. If leaders in the House are serious about delivering energy legislation to the President's desk for signature, then they will realize that a similar effort will be required during the conference on this legislation.

Make no mistake: the Senate Energy bill is far from perfect. There are missed opportunities. There are provisions that I outright oppose, such as surveying for oil and gas areas on the Outer Continental Shelf that are protected by drilling moratoria, originally established by President George H.W. Bush. But there are many, many more provisions in this legislation that I wholeheartedly support.

This bill positions the U.S. to make many of the right investments in energy research and development. It includes important measures to diversify both our domestic sources of biofuels and electricity. And it contains many important consumer protections for our Nation's energy ratepayers. In other words, the Senate Energy bill contains many of the basics necessary for our Nation to start moving in the right direction. It is a modest step. Yet I believe we should take this step, if we are committed to moving our country—even more aggressively in the coming years—toward an energy policy that will sustain American competitiveness in a rapidly-evolving global economy.

I thank my friends and colleagues who serve on the Senate Energy Committee, for the thoughtful and substantive consideration they gave a number of key aspects of this legislation. And again, my thanks to the chairman and ranking member for their leadership in navigating what were at times turbulent waters, with certain aspects of this bill. We will be counting on those navigational skills as this legislation moves toward conference with the House of Representatives.

DOMESTIC PRODUCTION

Mrs. HUTCHISON. Mr. President, I see that my good friend and colleague, the senior Senator from Iowa, has come to the floor. I want to thank Mr. GRASSLEY for his hard work on the Energy Policy Tax Incentives Act of 2005. I commend my good friend and Senator BAUCUS for their efforts to complete this important section of the Energy bill.

The Energy Policy Tax Incentives Act of 2005 supports the development of energy production from renewable resources and complements the Energy bill that Senators DOMENICI and BINGAMAN have worked in a bipartisan fashion to put together. I agree with my colleagues that we must continue to seek alternative sources of energy; it is in the best interest of America.

I would mention, however, that we must also continue to sustain domestic production of oil and gas. According to the National Petroleum Council's Natural Gas Study, a $10-billion-per-year investment over 20 years will be needed in order to meet future natural gas needs. We cannot overlook the importance of developing our domestic oil and gas resources. Domestic production is a critical first step toward energy independence while alternative sources are more fully developed. I ask my colleague from Iowa if he would agree with me that U.S. imports of foreign energy are at unacceptable levels, and the need to develop our domestic resources is an important step toward energy independence.

Mr. GRASSLEY. I say to my colleague from Texas that I do agree that our dependence upon foreign sources of energy is dangerously high. It is a threat to our economic stability and national security. We cannot continue to rely on foreign imports for 60 percent of our supplies. We must utilize available domestic resources, and I believe the Energy bill before the Senate is a good step forward.

Mrs. HUTCHISON. I thank the Finance Committee chairman. A central goal of the Energy bill is to enhance the production of U.S. energy sources, including oil and natural gas, and thus allow us to reduce our reliance on imported energy. To do that we need to make domestic oil and gas exploration projects cost competitive with those abroad. Allowing geological and geophysical expenditures to be amortized over 2 years will help make U.S. projects more economical by reducing the administrative cost burdens to both taxpayers and the IRS. It will especially help small operators take more risks to find new sources of oil and gas. This provision has been in every Energy bill—House and Senate—over the past several years. It has enjoyed bipartisan support because it makes sense. These expenditures are similar to research and development expenditures paid by other industries. Research and development expenses are either currently expensed or they receive a tax credit. Shorter amortization of geological and geophysical expenditures, while not as generous a tax treatment as expensing or a credit, would help to equalize the tax treatment of similar expenditures for all industries.

I would also raise the importance of similar tax treatment of delay rental payments. Congress needs to pass legislation to clarify that delay rental payments can be amortized over 2 years to enhance and preserve domestic oil and gas production. This is important for developers who cannot afford to run continuous operations on the properties they hold. The current uncertainty of how these costs are to be treated has led to costly litigation; prompt clarification will eliminate needless administrative burdens on taxpayers and the Internal Revenue Service.

Unfortunately, these two provisions were not included in the Senate Energy Policy Tax Incentives Act of 2005. They are both important provisions for a comprehensive Energy bill. I would ask my colleague if he would work with me to see that they are included in the final conference package.

Mr. GRASSLEY. I say to my colleague that I understand the importance of these provisions in a comprehensive Energy bill. I have supported these in the past and included them in our bill in the 108th Congress. I agree that sensible tax treatment that will promote the development of domestic oil and gas sources should be a part of the final bill. As we move forward to conference, we will work to include these two important provisions.

Mrs. HUTCHISON. I want to thank Senator GRASSLEY for his consideration and willingness to work with me.

Mr. MCCONNELL. Mr. President, I rise today in support of the Energy Policy Act of 2005. With its passage, America will begin to declare its independence from foreign sources of energy.

A strong energy policy is crucial to America's economic security and national security. We must become less dependent on foreign sources of energy.

In 1985, 75 percent of the crude oil used in American refineries was domestically produced. Only about 25 percent came from beyond our borders. But today, those proportions have been turned upside down: Only about 35 percent of crude oil used here is produced at home, and 65 percent is imported from foreign countries.

That precarious balance leaves our Nation's energy needs, and even our Nation's economic strength, in the hands of others. America can do better. Four years of debate is enough: I urge this Senate to pass this much-needed energy bill now.

Kentucky has not escaped the ill effects of America's energy needs. Commercial natural gas prices in Kentucky rose by 53 percent from 2000 to 2004. Gasoline prices in the Commonwealth, and throughout the entire Midwest region of the United States, have risen by 86 percent since 2002. The same gallon of gas that cost $1.13 then costs Kentuckians a whopping $2.11 today. America's lack of a strong, focused energy policy has imposed a tax on all Kentucky drivers.

This bill will provide that strong, focused energy policy. It will not make gasoline prices drop overnight. But it includes some simple, smart provisions that will provide cheaper, safer, and more plentiful energy for generations to come.

Passing the Energy Policy Act of 2005 will provide $2.9 billion in incentives for the development of clean coal technology and generation. America contains enough coal to meet our needs for the next 250 years, and Kentucky ranks third among the States in coal production. Coal provides over 50 percent of the electricity in America, and 97 percent of Kentucky's. We must take full advantage of such a cheap, abundant resource while also making sure we protect the environment.

This bill will do that. It provides money to research technologies that will remove nearly all pollutants from coal-fired power plants. We will be able to continue using coal in an environmentally friendly way. That will benefit Kentucky, and America. The bill also includes $1.4 billion in incentives for increased domestic oil and gas production. America hasn't seen a single new oil refinery since 1976. We need to build more now, and we can do so in an environmentally sensitive way.

The bill includes $7.9 billion for the development of alternative fuels. We can unleash the American genius on creating or refining new and better sources of energy for the future, such as hydrogen, ethanol, and biodiesel.

One day, automobiles can run on hydrogen instead of gasoline—and instead of exhaust fumes, they would emit pure water. Ethanol, made from corn, can be mixed with gasoline to make a cleaner, more efficient fuel. Increased production of biodiesel would further reduce our dependence on foreign sources of energy.

This bill also provides $278 million for more nuclear power facilities. Nuclear power is produced entirely here in America, and can create vast quantities of electricity. Nations such as France have long since realized the benefits of nuclear power. It is time America did the same. Nuclear power is safe and smart. It should be a major source of America's energy policy in the 21st century.

Passage of this bill will also provide money for increased energy efficiency and conservation, and a renewable fuels standard that will increase our amount of renewable fuel in the fuel supply to 8 billion gallons by 2012.

It is time America stopped outsourcing its energy production. The problems we face are simple to grasp—so simple that it is a wonder that Congress has waited this long to act. We must continue to use our primary source of energy, coal, while being sure to do so using environmentally safe technology. We must increase domestic oil and gas production, also using environmentally safe technology. We must develop cheap, safe, and clean alternative energy sources including nuclear energy. And we must increase energy efficiency and conservation.

American know-how has made us the economic envy of the world. We can lead the way in technologically advanced methods to take great care with our environment, while still meeting our energy needs, as well. This bill will accomplish these goals.

Mr. FRIST. Mr. President, the Senate will soon vote on final passage of the Energy bill. I want to applaud my fellow Senators for their hard work and cooperation. Senator PETE DOMENICI deserves special recognition. Senator DOMENICI's expertise on energy issues is unparalleled in the United States Senate, as he has demonstrated for a number of years on both the Energy Committee and the Energy and Water Subcommittee of the Appropriations Committee. His determination to produce a comprehensive national energy policy, and his hard work with his ranking member, Senator BINGAMAN, as well as the other members of his committee, is the reason why we stand here, today, on the cusp of final passage of a balanced, bipartisan energy bill. I congratulate Chairman DOMENICI and Senator BINGAMAN. I am confident that they will continue to work together in conference to deliver a strong Energy bill that will provide the clean, affordable energy we need to keep America moving forward.

Anyone who has filled a tank of gas recently, or paid an electric bill, knows that we've reached a crisis point. Energy prices are skyrocketing. Suddenly, instead of the lowest natural gas prices in the industrialized world, we have the highest. Because of high natural gas prices, manufacturing and chemical jobs are moving overseas. Farmers are taking a pay cut. Consumers are paying too much to heat and cool their homes. Communities across the country are suffering. And as many as 2.7 million manufacturing jobs have been lost because of soaring prices. All the while, we have grown dangerously reliant on foreign sources of energy. And some of those foreign sources do not have America's best interests at heart.

In the 1960s and early 1970s, the U.S. produced almost as much oil as we consumed. Imports were relatively small. But since then, U.S. oil production has been on the decline, while consumption has steadily increased. As a result, we've become more and more dependent on imported oil.

As we remember all too well, in the early 1970's, large oil exporters in the Middle East adopted an oil embargo against many Western countries. This marked the first time that oil was used as a political weapon. At the time, the U.S. imported 35 percent of our oil needs. Since then, we have become much more dependent on foreign sources of oil and natural gas. We are more vulnerable than ever to the use of energy as a political weapon.

In addition, many non-democratic countries and others maintain their hold on power through the redistribution of oil revenues. We see this happening in Venezuela. We currently import over one million barrels of oil a day from Venezuela. Meanwhile, its president, Hugo Chavez, actively opposes the United States, supports rogue states such as Cuba, and is working to destabilize Latin America. President Chavez maintains his political support with the aid of Venezuela's oil revenues. These revenues have also given him the ability to purchase arms and play a major role on the international stage.

These dynamics are equally evident for energy suppliers in the Middle East. President Bush and many of my colleagues here in the Senate have correctly argued that the spread of democracy, human rights, and the rule of law is essential for peace and stability, and for victory in the War on Terrorism. But regimes in the Middle East have been able to use their oil revenues to hang on to power and maintain non-democratic political systems. As a result, the conditions that breed hatred, violence, and terrorism often go unaddressed, and the problems of terrorism persist.

Passing the energy bill today will be a major step forward in addressing these serious national security challenges. It will also be a major step forward for our economic productivity and prosperity. The Energy bill promises to deliver exciting new technologies. Hydrogen fuel cells are one example. If just 20 percent of cars used fuel cell technology, we could cut oil imports by 1.5 million barrels every day.

The Senate Energy bill authorizes $3.7 billion over 5 years to support hydrogen and fuel-cell research, as well as the infrastructure we need to move toward this goal.

Last week, Senator HATCH and I had the opportunity to attend a hydrogen car demonstration here at the Capitol. The cars were stylish. They drove well. The technology is very promising. Hybrid cars are already gaining in popularity. Just this past week, Nissan announced that its first hybrid vehicle will be built at the Smyrna plant in Tennessee. This is one example of how technology can simultaneously promote conservation and efficiency, and boost the manufacturing sector.

In addition, the Energy bill's conservation and energy efficiency provisions far exceed those of other energy bills considered by the Congress in recent years.

According to the American Council for an Energy Efficient Economy, the Senate Energy bill will save 1.1 trillion cubic feet of natural gas by 2020, equivalent to the current annual consumption of the whole state of New York. It will reduce peak electric demand by 50,000 megawatts by 2020, the equivalent of 170 new power plants. And it will reduce U.S. oil consumption by 1 million barrels a day by the year 2015.

It encourages the use of home-grown renewable fuels such as ethanol and biodiesel, as well as wind and solar and geothermal energy. It provides incentives to facilitate the development of cutting edge technologies like coal gasification and advanced nuclear plants, which will produce clean, low-carbon energy to help address the issue of global climate change. And it will modernize and expand our Nation's electricity grid to enhance reliability and help prevent future blackouts.

The Senate energy bill will help us both conserve more energy, and produce more energy. It will also help produce more jobs. It is estimated that the energy bill will save over two million jobs and create hundreds of thousands more. The ethanol provision, for example, is expected to generate 230,000 new jobs over the next 7 years. Incentives for wind generated energy are expected to create another 100,000 jobs in the next 2. The investment in clean coal technology will create 62,1000 jobs, and 40,000 new jobs in the solar industry will come on line. These are good jobs, well paying, and right here at home.

The energy bill is good for America. It will move our country toward a more reliable supply of clean, affordable energy. I urge my colleagues to vote for this comprehensive, forward leaning plan. Casting a vote for the Energy bill is a vote for a safer and more secure America.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, there is so much negative written in the press about all the infighting that goes on in the Senate, how we don't work together. We work together on a lot of things. We don't get much appreciation from the public for that because they see all the negative that the press conjures up. But here is an example of two Senators, both very experienced, both from the same State, who are in positions of prominence in that very important committee that brought the Energy bill here. They worked together.

They had meetings where Senator BINGAMAN met with Republicans, Senator DOMENICI met with Democrats, and they crafted this bill. It wasn't a perfect bill, but there is not anything we do around here that is perfect. We did improve it and we had the opportunity to try to improve it even more. It was a free debate. And to indicate there was enough time on the debate, the cloture vote was overwhelming.

Mr. President, I hope as we proceed through the conference process on this—and as the distinguished majority leader knows, we have set the example of how a conference should be conducted with the highway bill—we are going to move forward on this and do everything we can in conference to sustain and uphold the position of the Senate.

This is a good bill. I commend and applaud the two managers, Senator DOMENICI and Senator BINGAMAN, for doing an outstanding job and setting the example of what should be the future of all bills that come before the Senate.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Alabama (Mr. SESSIONS).

Further, if present and voting, the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN), are absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 12, as follows:

[Rollcall Vote No. 158 Leg.]

YEAS—85

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
Dayton
DeMint
DeWine
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—12

Corzine
Feingold
Gregg
Kyl
Lautenberg
Martinez
McCain
Nelson (FL)
Reed
Schumer
Sununu
Wyden

NOT VOTING—3

Dodd
Lieberman
Sessions

The bill (H.R. 6), as amended was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. BUNNING. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. The clerk will report the pending bill.

The assistant legislative clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Burns (for Voinovich) amendment No. 1010, to prohibit the use of funds to take certain land into trust without the consent of the Governor of the State in which the land is located.

Burns (for Frist/Reid) amendment No. 1022, to provide for Congressional security relating to certain real property.

Dorgan (for Boxer) amendment No. 1023, to prohibit the use of funds by the Administrator of the Environmental Protection Agency to accept, consider, or rely on third-party intentional dosing human studies for pesticides or to conduct intentional dosing human studies for pesticides.

Dorgan amendment No. 1025, to require Federal reserve banks to transfer certain surplus funds to the general fund of the Treasury, to be used for the provision of Indian health care services.

Sununu/Bingaman amendment No. 1026, to prohibit the use of funds to plan, design, study or construct certain forest development roads in the Tongass National Forest.

Dorgan (for Kerry) amendment No. 1029, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Dorgan (for Bingaman) amendment No. 1030, to modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools.

Dorgan (for Bingaman) amendment No. 1031, to set aside additional amounts for Youth Conservation Corps projects.

Dorgan (for Durbin) amendment No. 1032, to prohibit the use of funds in contravention of the Executive order relating to Federal actions to address environmental justice in minority populations and low-income populations.

Dorgan (for Reed) amendment No. 1036, to modify certain administrative provisions relating to the brownfield site characterization and assessment program.

Dorgan (for Reed) amendment No. 1037, to authorize recipients of grants provided under the brownfield site characterization and assessment program to use grant funds for reasonable administrative expenses.

Salazar amendment No. 1038, to provide additional funds for the payment in lieu of taxes program, with an offset.

Salazar amendment No. 1039, to provide that certain user fees collected under the Land and Water Conservation Act of 1965 be paid to the States.

Burns (for Bond) amendment No. 1040, to set aside funds for the University of Missouri-Columbia to establish a wetland ecology center of excellence.

Burns (for Warner) amendment No. 1042, to set aside funds for the replacement of the main gate facility at the Wolf Trap National Park for the Performing Arts, Virginia.

Burns (for Ensign) amendment No. 1012, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway.

Burns (for Coburn) amendment No. 1002, to reduce total appropriations in the bill by 1.7 percent for the purpose of fully funding the Department of Defense.

Burns (for Coburn) amendment No. 1003, to require conference report inclusion of limitations, directives, and earmarks.

Burns (for Coburn) amendment No. 1015, to transfer funding to Wildland Fire Management from the National Endowment for the Arts and the National Endowment for the Humanities.

Burns (for Coburn) amendment No. 1019, to transfer funding to the Special Diabetes Program for Indians and the Alcohol and Substance Abuse Program within the Indian Health Service from funding for federal land acquisition.

Burns (for Coburn) amendment No. 1020, to express the Sense of the Senate that any additional emergency supplemental appropriations should be offset with reductions in discretionary spending.

Dorgan (for Feingold) amendment No. 1043, to require the Government Accountability Office to conduct an audit of the competitive sourcing program of the Forest Service.

Dorgan (for Byrd) amendment No. 1044, to set aside funds for the White Sulphur Springs Fish Hatchery.

Dorgan (for Conrad) amendment No. 1045, to set aside funds for a brownfields assessment of the Fortuna Radar Site.

Dorgan (for Sarbanes) amendment No. 1046, to provide for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail.

Kyl (for Smith) amendment No. 1048, to require the Secretary of Agriculture to report to Congress on the rehabilitation of the Biscuit Fire area of southern Oregon.

Kyl amendment No. 1049, to provide certain earmarks for State and tribal assistance grant funds.

Kyl amendment No. 1050, to modify the formula for the allotment of grants to States for the establishment of State water pollution control revolving funds.

Kyl (for Inhofe) amendment No. 1051, to encourage competition in assistance agreements awarded by the Environmental Protection Agency.

Byrd (for Murray) amendment No. 1052, making emergency supplemental appropriations for the fiscal year ending September 30, 2005, for the Veterans Health Administration.

Byrd/Cochran amendment No. 1053, to provide funds for the Memorial to Martin Luther King, Jr.

Dorgan (for Bingaman) amendment No. 1054, to set aside additional amounts for Youth Conservation Corps projects.

Dorgan (for Bingaman) amendment No. 1055, to provide for the consideration of the effect of competitive sourcing on wildland fire management activities.

Dorgan (for Bingaman) amendment No. 1056, to strike the title providing for the disposition of Forest Service land and the realignment of Forest Service facilities.

Dorgan (for Bingaman) amendment No. 1057, to extend the Forest Service conveyances pilot program.

Dorgan (for Bingaman) amendment No. 1058, to provide a substitute for title V, Facility Realignment and Enhancement Act of 2005.

Dorgan amendment No. 1059, to facilitate family travel to Cuba in humanitarian circumstance.

Dorgan (for Landrieu) amendment No. 1060, to make certain funding revisions relating to Historically Black Colleges and Universities, and Department of the Interior administrative expenses.

Dorgan (for Obama) amendment No. 1061, to provide that none of the funds made available in this Act may be used in contravention of 15 U.S.C. section 2682(c)(3) or to delay the implementation of that section.

Dorgan (for Obama) amendment No. 1062, to provide that of the funds made available under the heading "Environmental Programs and Management," not less than $100,000 shall be made available to issue the proposed rule required under 15 U.S.C. section 2682(c)(3) by November 1, 2005, and promulgate the final rule required under 15 U.S.C. section 2682(c)(3) by September 30, 2006.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENT NO. 1053

Mr. BYRD. Mr. President, I ask for the regular order regarding amendment No. 1053.

The PRESIDING OFFICER. That amendment is now pending before the Senate.

Mr. BYRD. I thank the Chair. Mr. President, I have no remarks at the moment. If the Senator who stands in front of me, with his hand across his heart, wishes to make some comments, I yield the floor.

Mr. BURNS. Mr. President, we are trying to work this out. The Senator's amendment is a very good amendment. I would like to visit with him a little bit about it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays on the adoption of my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to amendment No. 1053: WARNER, KENNEDY, MIKULSKI, LANDRIEU, JOHNSON, STABENOW, MURRAY, BINGAMAN, JEFFORDS, and in that order, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Also, Mr. President, I ask unanimous consent that my colleague from West Virginia, Senator ROCKEFELLER, be included and that his name occur in the order listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that Senator OBAMA be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that any other Senators on both sides of the aisle who wish to be added as cosponsors, that their names be added if they will let us know before the hour of 12 o'clock.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. BYRD. If they will let the leaders know. I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, without interfering with the orderly business of the Senate, I ask unanimous consent to speak as in morning business briefly.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1053

Mr. WARNER. It is my understanding of the parliamentary situation that an amendment by the distinguished Senator from West Virginia and the chairman of the Appropriations Committee, Mr. COCHRAN, is the pending matter. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I ask unanimous consent that I be made a cosponsor with them. I spoke to the sponsors earlier this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I commend these two Senators for taking the initiative to add an incremental part of the cost of the Martin Luther King Memorial, and I would like to take a minute to go back and recite the history of the Martin Luther King Jr. Memorial. During the 104th Congress, while Chairman of the Rules Committee, I joined my colleague from Maryland, Senator SARBANES, to authorize a project for construction on the national mall. Our bill, as I read from the Committee Report for S. 426 from December 19, 1995, authorized the Alpha Phi Alpha Fraternity, the oldest Black fraternity in the United States, to establish without cost to the Federal Government, a memorial in the District of Columbia and its environs to the late Dr. Martin Luther King.

Similar bills were introduced in the 100th, 101st, 102d, and 103d Congresses, reported favorably by the Committee on Rules and Administration in the 100th Congress, and in the 102d Congress the bill passed the Senate. Again, that reference, for those who want to go back and read this report, is Calendar No. 284, December 19, 1995.

I was privileged to work with Senator SARBANES on this legislation, and we did secure the authorization for this group and others to proceed with this memorial.

If I might say, Mr. President—and I say this with a great sense of humility—I have always had a deep admiration for Dr. King. It started at the time that he went to the Lincoln Memorial and addressed, indeed, the world, much less the United States, the Nation. I came down not as a participant but as a spectator, as a young man. I was drawn to the location, as were many others, and simply stood quietly on the side of the street as the marchers went by and then was able to get close enough to hear in some way some parts of the speech as it was so eloquently delivered that day.

Then in later years I was privileged to be a member of the Chapter of the Washington National Cathedral, the Chapter being the governing body of the Cathedral at that time, and the subject of his addressing the Nation from the pulpit came up. I always expressed support for that, and actually my term expired before the historic day when he was invited to take the pulpit at the Washington Cathedral and give his last sermon. He met his tragic and untimely death shortly after that.

So it is against that background that I joined with my dear and valued friend, Senator SARBANES, to introduce the original authorizing legislation. Construction was required to begin by November 2003. However, because of the difficulty in choosing a site, finalizing a design, and raising the $100 million that would be necessary, the project was still in need of funds. In 2003 I again joined my colleague from Maryland to extend the authorization so the Martin Luther King, Jr. National Memorial Project Foundation would have additional time to raise the funds necessary to erect a fitting tribute to Dr. King. We were able to pass another piece of legislation, S. 470, to extend the deadline to November of 2006.

Since that time, I am pleased to say that the Foundation has raised approximately $40 million toward the total cost of the Memorial. Today I join my dear friends Senators BYRD, COCHRAN, and SARBANES to provide an additional $10 million for the construction.

I simply add that, as noted in the December 1995 Committee Report, the first paragraph I read, about the public funding, at that time it was the hope and expectation that private funds could achieve the goals in their entirety. Although arduous and wonderful efforts have been put together by many people to raise the funding, I think it is appropriate that this increment of public funding be added. And I say that because I was—many of us—a part of the effort to establish the World War II Memorial. And there, again, it was, I think, 95 percent private funding largely through the efforts of our beloved colleagues, Bob Dole and Fred Smith, a citizen of national and international recognition and accomplishment, and together their large team of people did raise about $100 million. But at the very end there were expenses to be incurred that were not foreseen to enable a massive audience to come from all over the United States for the dedication. And at that time, as a Member of the Armed Services Committee, I was able to secure some modest amount of funds, several million dollars, to enable that ceremony to be completed. So I think precedent is established there for the use of public funds for memorials of enormous significance historically and otherwise to our Nation.

Dr. King serves as a reminder that change can be brought about most powerfully when it is done by non-violent means. Visitors will come to the Memorial from every part of this country and indeed the world, to be inspired anew by Dr. King's words and deeds, and the extraordinary story of his life. It will be of particular inspiration to the many school children who will visit for years to come.

Dr. King's dream is the fulfillment, in part, of the revolutionary words of great American patriots such as Thomas Jefferson and it is fitting that the two monuments will rest across from each other.

I have worked with my friend and colleague from Maryland, Senator SARBANES, from the beginning of the efforts in Congress to secure a site and build a memorial on the national mall. I am proud of our humble contributions to this project and look forward—with great expectation to the day that we can visit Dr. King's Memorial in its rightful place—among the giants of American history and liberty.

Mr. President, I again commend the sponsors and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to join my friend from West Virginia, the distinguished Senator who formerly served as chairman of the Senate Appropriations Committee, in offering this amendment for the consideration of the Senate.

I appreciate Senator BYRD inviting me to be an original cosponsor of this amendment and join him in this effort to see that the memorial previously authorized to be constructed on the Mall here in the Nation's Capital in honor of Dr. Martin Luther King be funded so construction can begin and this memorial be completed.

The Martin Luther King Memorial was authorized to be constructed on a 4-acre tract on the Mall to recognize and honor the influence on civil rights and justice for all—for all Americans—to which Dr. King devoted a lifetime of courageous service and leadership.

Although the legislation contemplates, as my friend from Virginia, Mr. WARNER, points out, that all of the funds for the construction of the memorial would be raised from private sources, much in the same way as the World War II Memorial was constructed—there has been $42 million of private donations made for this purpose—there is needed additional funds. It is hoped that the adoption of this amendment will show the serious commitment of the Congress in seeing that this memorial is completed at the earliest possible date. This could jump-start the final stage of fundraising and enable construction to begin. It is my hope the Senate will support this effort and approve the amendment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, I spoke on yesterday when I offered the amendment for the Senate's consideration. I will not speak further at this time except to say that my remarks of yesterday will be found on page 14301 of the CONGRESSIONAL RECORD.

I am very pleased that my chairman of the Senate Appropriations Committee, the distinguished Senator from Mississippi—I say "distinguished," the distinguished Senator, Mr. COCHRAN—I am delighted he is the chief cosponsor of the amendment. I appreciate his excellent remarks today.

I also express my deep appreciation to the distinguished gentleman—the distinguished "gentleman"—the Senator from Virginia. And I say that with all the emphasis that word's meaning carries. He is a great Senator. He believes in the Constitution of the United States. He swore to support and defend it, and he has not forgotten his oath. He has not forgotten his oath. And he has stated it and restated it, holding his hand on the Bible and the other hand to God and all men. He has restated it several times, and he has lived up to it. I commend him.

He has been in the forefront of the effort to honor Dr. Martin Luther King with a memorial on the Mall. He has been in that forefront over a period of several years. He cosponsored, as he has pointed out, the original authorization. I am so pleased he is cosponsoring this amendment. He stood as a spectator, he said, but he later became an active participant in the history that followed on to that moment in which he was a spectator watching from the streets.

So he has become a part of history. And what I say with regard to the distinguished gentleman, the Senator from Virginia—the Virginian—I say also with equal heartfelt thanks to the distinguished Senator from Maryland, Mr. SARBANES, who has announced he will not remain with us after next year, to my great sorrow and regret. But Senator SARBANES has been a leader in the march toward justice for all men and women. I commend him, likewise. And I thank him for being a cosponsor of this amendment.

While I have the floor, Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the amendment: Senator FEINSTEIN, Senator SCHUMER, Senator SARBANES, Senator BOXER, Senator HARKIN, and Senator CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I am very pleased to join in cosponsoring this amendment. I thank the Chairman and the ranking member of the Appropriations Committee for bringing this amendment forward. It is an enormously important contribution to the effort that is underway now to honor Dr. Martin Luther King, by placing his memorial between President Roosevelt's Memorial and the Lincoln Memorial on the National Mall.

I thank the Senators for their kind comments. My dear friend from Virginia, Senator WARNER, and I worked together on this project to help move it along. It has had overwhelming support in the Congress and in the country, but raising the money has been a difficult proposition. Let's be very clear about this—an enormous effort has gone into bringing this memorial to fruition and significant moneys have been raised.

While we are not yet there, this amendment will provide a tremendous boost to the fundraising effort. It shows clearly the support of the Congress. Senator COCHRAN and Senator BYRD, by coming forward with the amendment, at this critical time, have given this entire effort an impetus, which will bring it to a successful conclusion.

Interestingly enough, I, too, was there when Martin Luther King gave his "I Have a Dream" speech, that Mr. WARNER, the able Senator from Virginia, referred to earlier. It was clearly a historic occasion that helped to shape the nature of our country for the better—much for the better. Dr. King fought to establish the proposition that people should be judged by their character and not by the color of their skin. He enunciated that principle time and time again.

The other thing he did was he advocated his position in a nonviolent way. He asserted that in a democratic society, these goals could be achieved through peaceful means, through nonviolent means. He channeled the energy and the commitment that was devoted toward achieving racial equality in this country into peaceful paths. And our country has been much the better for his efforts.

So much work has gone into this Memorial—first in getting it approved and then in finding the location for it on the National Mall. But, it has been worth the effort because when schoolchildren come to the Nation's Capital in the year's to come, part of their visit to Washington will involve a trip to the Martin Luther King Memorial.

The plans that have been prepared are quite impressive. They will have an opportunity to visit that Memorial and to reflect upon the contribution which Dr. King made to our Nation: the healing he brought about, the realization of the American dream, that all of our people—all—have an opportunity to participate and to advance themselves and their families.

So I join with my colleagues. I thank them for their very kind remarks. I appreciate the Senator from Virginia reminding us of the effort that went into helping bring us to this day. I especially again thank Senators COCHRAN and BYRD for coming forward with this amendment at a very critical time, to give an impetus to the effort to do the fundraising that is necessary to build this Memorial and to have, in effect, this national treasure on the Mall.

Dr. King's statue is, of course, here in the Capitol, as we know. It is fitting now that we move beyond the Capitol and create this Memorial on the Mall in recognition of all he stood for and what he represented in terms of realizing the words and ideals embodied in the Declaration of Independence and the U.S. Constitution.

I thank my colleagues very much.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Maryland, a dear, dear friend. We have worked on so many things together, and continue to do so.

But I recall very vividly going down on the day we dedicated the site. It was a bitterly cold day. There was a small tent in which there was a heater going, and we emerged from the tent. I, for some reason, remember one line, not spoken by either of us but by several others who spoke at the occasion: The site was chosen so the sunrise cast its first rays on the memorial; and then, as the sun set, the final resting rays of the day would drape the memorial. I remember that phrase to this day.

I thank my friend for his kind remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we have some modifications to make, and we have a list of those amendments that have been cleared on both sides.

AMENDMENT NO. 1040, AS MODIFIED

Mr. President, I send to the desk a modification for Senator BOND on amendment No. 1040 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 154, line 12, strike "That" and insert "That from the amount provided for the biological research activity, $200,000 may be made available to the University of Missouri-Columbia to establish a wetland ecology center of excellence: *Provided further*, That".

AMENDMENT NO. 1041, AS MODIFIED

Mr. BURNS. Mr. President, I send to the desk Senator BYRD's modification to amendment No. 1044 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 139, line 5, before the period insert the following: ": *Provided further*, That of the total amounts made available under this heading, $350,000 may be made available for the mussel program at the White Sulphur Springs National Fish Hatchery".

AMENDMENT NO. 1045, AS MODIFIED

Mr. BURNS. Mr. President, I send to the desk a modification to amendment No. 1045 and ask unanimous consent that the amendment be so modified.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

On page 195, line 7, after "costs", insert the following: ", of which $200,000 may be made available for a brownfields assessment of the Fortuna Radar Site".

AMENDMENTS NOS. 1022; 1040, AS MODIFIED; 1048; 1044, AS MODIFIED; 1036; 1032; 1037; AND 1045, AS MODIFIED

Mr. BURNS. Mr. President, the following amendments have been cleared by both sides, and I ask unanimous consent that they be adopted: amendment No. 1022, offered by the leadership on both sides of the aisle; amendment No. 1040, as modified, offered by Senator BOND; amendment No. 1048, offered by Senator SMITH; amendment No. 1044, as modified, offered by Senator BYRD; amendment No. 1036, offered by Senator REED; amendment No. 1032, offered by Senator DURBIN; amendment No.

1037, offered by Senator REED; and amendment No. 1045, as modified, offered by Senator CONRAD. I ask for their adoption.

The PRESIDING OFFICER. Is there objection to the consideration and adoption of the amendments en bloc?

Mr. DORGAN. Mr. President, those amendments have all been cleared by both sides. I have no objection.

The PRESIDING OFFICER. If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1022; 1040, as modified; 1048; 1044, as modified; 1036; 1032; 1037; and 1045, as modified) were agreed to en bloc.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, will the distinguished manager of the bill yield?

Mr. BURNS. I will.

Mr. BYRD. Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to the Martin Luther King, Jr. amendment: Senators BROWNBACK, DEWINE, and LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair and the distinguished Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, we are on the Interior appropriations bill, waiting for additional debate. All amendments have been offered, but we are waiting for additional debate on some amendments. I am going to seek to speak in morning business.

Mr. BURNS. Will the Senator yield?

Mr. DORGAN. Yes.

Mr. BURNS. Mr. President, I remind Senators that we are going to start calling up these amendments right after lunch. I want to warn Senators to come down and defend their amendments. If not, we are going to start taking action on them first thing after lunch. We have the order already agreed to, and we want to complete this bill by tomorrow morning, if possible. There is more impending business before the Senate. It is important that the appropriations process move forward. We will be calling up those amendments this afternoon, and those Senators defending and offering those amendments should be on the floor to defend them.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CARLOS LAZO

Mr. DORGAN. Mr. President, to follow up on an issue I raised yesterday, I have not yet received a return call from the State Department. As I indicated, Karl Rove and the chief of staff at the White House had sent word to me following my discussion with Karl Rove last Friday that Mr. Zoellick at the State Department would be handling this issue. The issue is Mr. Carlos Lazo, a marine who fought in Iraq and won the Bronze Star for bravery and courage, came back to this country. He is a fellow who fled Cuba on a raft in 1992. His wife and children remain in Cuba unable to leave. He went to fight in the National Guard, went to Iraq to fight for this country, earned a Bronze Star last November in Iraq. He came back to this country to find out that his son was quite ill in Cuba. He wanted to go visit his son and was told he can't travel to Cuba because the President's current regulations and rules say you can only visit once every 3 years.

This young man who fled Cuba, came to this country, put on America's uniform, fought for this country in Iraq, won a Bronze Star fighting for freedom, comes back to this country. He doesn't have the freedom to go to see his sick child in Cuba. That is unbelievable to me. Why? Because there is no humanitarian exemption in the travel to Cuba regulation the President proposed several years ago.

I have asked all the folks involved: Do you mean there is no flexibility at all in this regulation proposed by the President?

None at all, they said. We have people calling. Their mothers are dying in Cuba, and we won't let them go. You can only go once every 3 years.

So Mr. Zoellick did tell me he is looking into it. I haven't heard back from him. Sergeant Lazo, who is walking around with a Bronze Star awarded by this country for his heroism on the battlefield, does not apparently have the freedom to go see his sick son. I will continue to ask these questions of the administration.

Incidentally, I have offered an amendment on this legislation. I agree it is going to take a two-thirds vote, but I want to see the people in the Senate who want to vote against giving this marine the opportunity to go see his sick child. It is not just him. It is all the other people caught in the web of this bizarre travel restriction. In an attempt to slap around Fidel Castro, we have decided to restrict the freedom of the American people to travel to Cuba. What a strange thing that is. We can travel to Communist China, Vietnam, but you can't go see your sick child in Cuba. You can't take your father's ashes to distribute on the church grounds of the church he ministered at in Cuba, after your dad died and his last wishes were to have his ashes distributed on the church property in Cuba. When you do that, you get hit with a big fine. It is unbelievable.

I won't go on except to say that I continue to wait by the phone for a call back from Mr. Zoellick who apparently is handling this. My hope is they will find a way to do the right thing. My hope is the Senate will be able to vote on this in the next day, and maybe the Senate will decide what the right thing is. The right thing is for humanitarian reasons to allow this courageous soldier who fought for freedom to have the freedom to go see his sick child.

HALLIBURTON

Mr. DORGAN. Mr. President, let me describe a hearing I chaired yesterday morning. It was a hearing on the subject of Halliburton. Typically, Halliburton has put out a statement saying that it was political. They have been saying this is political for a long while. I held a hearing because the authorizing committee won't. This is the fifth hearing I have held.

The highest civilian official in the Department of Defense, working with the Corps of Engineers, testified at that hearing. She was describing the meetings during which Halliburton was awarded no-bid contracts worth billions of dollars.

She said:

> I can unequivocally state that the abuse related to contracts awarded to KBR [the subsidiary of Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

She insisted these things be done right. They weren't done right. These were sweetheart deals, worth billions of dollars, given to a company without competition for the bid, companies that had an inside track to get the money, get the bid, and they did.

Let me describe one more piece of testimony from an employee of this company. We have had testimony from many others who worked for this company in the country of Iraq under the contract given to Halliburton. This is from an employee of Halliburton who testified yesterday. He was involved in food service, providing food to our troops:

> Food items were being brought into the base that were outdated or expired as much as a year. We were told by the [Halliburton] food service managers to use these items anyway.

They are feeding the American troops, and they are receiving food that has an expired date on it; some as much as a year ago have expired. They said give it to the troops anyway. This food was fed to the troops. Continuing to quote:

> A lot of these were frozen foods: Chicken, beef, fish, and ice cream. For trucks that were hit by convoy fire and bombings [during delivery], we were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit.

I will say that again:

> We were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told to turn the removed bullets over to the managers for souvenirs. When I had the military check some of the food shipments, they would turn the food items away. But there wasn't any making of the record, so KBR [Halliburton] just sent the food to another base for use.

It is unbelievable. We are talking about feeding soldiers here, and this is an employee of the company that was receiving billions of dollars to feed soldiers. In fact, what caught my attention about this issue is that Halliburton was charging us to feed 42,000 soldiers a day, and it turns out they were only feeding 14,000 soldiers. They were billing the Government for 42,000 soldiers and feeding 14,000. I didn't know they were feeding soldiers food that had expired on its label, food that had come in trucks that had been attacked with bullets and shrapnel embedded in the food to be removed first and then provided to the superiors for souvenirs. This is unbelievable.

Everybody here talks about honoring America's soldiers. What kind of honor exists in providing a sole-source, no-bid contract worth billions of dollars to a company that is feeding food to our soldiers that is outdated or expired on its label? They say do it any way, it doesn't matter, it is just soldiers. This is just one more example. Every time we hear this sort of thing, we get Halliburton putting out a statement that says this is just politics because the Vice President used to run Halliburton. We didn't talk about the Vice President yesterday. This is a company that got a sweetheart deal at the Pentagon and there are stories after stories of abuse. There was one about the guy who came to our hearing some while ago, and he held up a hand towel. He was in charge of buying supplies such as hand towels. Well, the hand towels he would have bought for the soldiers weren't what his boss wanted. He bought the ones his bosses wanted to buy; they were almost double the price. Why? They wanted the company logo on the hand towel. The taxpayers get bilked, and it increased the price of the hand towels used by soldiers.

Unbelievable. The stories we have heard are hard to believe. They ordered 50,000 pounds of nails, but they came in the wrong size. They are now dumped in the desert in Iraq. It is just a mistake. How about driving $85,000 trucks and when you get a flat tire, you leave the truck. An $85,000 new truck gets a flat tire or has a plugged fuel pump—just trash the truck, leave it beside the road and somebody torches it.

The stories are astounding every time we hear them. Mr. President, every time we hold a hearing, we have the same response. I am not interested in holding any more hearings. I have held five. The only reason we will hold hearings is the authorizing committee won't. You would think somebody would be halfway interested in this kind of fraud. Some of it is abuse or recklessness.

I will tell you one other thing. This is Mr. Rory Mayberry, former food production manager at KBR, a subsidiary of Halliburton. He happens to be in Baghdad at this minute, but he is not working for Halliburton. He is working for another contractor. Here is what Mr. Mayberry said. He said: When the Government auditors came to try to determine what they were doing, I was told all of the employees were told don't you dare talk to a Government auditor. Don't you speak to them. If you do, one of two things will happen. No. 1, you are either going to be transferred to an area where there is hostile activity, in a fire zone, or you are going to be fired. He talked to an auditor at one point, and he was sent to Fallujah during the fighting. That is the way they handled him. Then he quit.

It is unbelievable. They are telling employees you may not speak to auditors under the threat of being fired. You cannot talk or cooperate with Government auditors. Why? I suppose the reason is because this sort of nonsense is going on. They have a sole-source contract, a noncompetitive contract, with billions of dollars going out the door. There is massive waste, abuse and, yes, I believe, fraud. Now, we know there is, at this point, slightly more than $1 billion in billing to the Federal Government by Halliburton, which has a sole-source contract worth billions. We know there is $1 billion that has been formally objected to by the Pentagon. There is about $440 million above that for which there is not sufficient documentation. Yet, this Congress seems to be willing to snore through all of this.

In 1941, right on the edge of the Second World War, Harry Truman was a Democrat and here on the floor of the Senate. There was a Democrat in the White House. Maybe it was uncomfortable to have a Democratic Senator going after waste, fraud, and abuse in the military in contracting, but he did. They went after it for 6 years. I am sure Franklin Delano Roosevelt didn't like it, but the Truman committee, as it was known, held hundreds of hearings and, in 1940 dollars, saved $16 billion. Would that, could that, should that happen now? The answer is yes. Would it or could it? Probably not because no one is interested in having these hearings—no one. Is the White House interested in having hearings like this? Absolutely not. Is anybody going to respond to the question of whether expired food is being fed to soldiers? Will one person stand up downtown at the White House or at the Pentagon and demand answers now? Will there be one hearing by the authorizing committee? Will one person be angry enough to decide this should not happen any longer? I doubt it.

Month after month after month, through five hearings, nobody seems to give a damn about this. We have soldiers eating bad food, taxpayers being bilked, and nobody seems to care. Somebody should. This Congress has little reason to hold its head high when it decides to ignore these kinds of things. It is not of great interest to me to continue to hold hearings through our policy committee, but I will do it if the authorizing committees will not. I don't have the foggiest idea why somebody would want to have an authorizing committee if they weren't interested in following the trail of wrongdoing. Look, this doesn't take an "Inspector Clouseau." You don't need a funny looking hat to track this down. It is all out in front of you. The whole case is laid out. Yet, nobody seems to care.

We don't honor these soldiers, such as Sergeant Lazo, by saying you can fight for freedom and earn a Bronze Star, but you don't have the liberty or the freedom to go see your sick child. We don't honor our soldiers by deciding it is OK for someone to feed them bad food or expired food. I hope perhaps all those who talk about honoring soldiers will decide that honor means a responsibility to follow up. We have had these discussions on the floor of the Senate before about uparmoring humvees and other things. Every time it is raised, it is political, we are told. Perhaps sometimes we should understand there are areas of serious policy, serious concern that ought to embrace the time of this Congress. We spend so much time on things that have so little importance.

I said yesterday that this is a Congress that has tended to treat the light too seriously and the serious too lightly and important things that really matter and really make a difference in people's lives are largely not the center of debate here in the Congress. I regret that. We can, and should, do much better.

I ask unanimous consent to have printed in the RECORD, following my presentation, the entire testimony of Rory Mayberry, former food production manager at Halliburton's KBR.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DORGAN. Mr. President, I ask unanimous consent to have printed in the RECORD, following my remarks, the formal statements presented yesterday by the highest ranking civilian official in the Corps of Engineers at the Pentagon, Bunnatine Greenhouse.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DORGAN. She is a woman who had a wonderful career for a long time, was given high marks always, clearly someone with a sterling reputation and a great career, who ran afoul of the "old boy's network," it appears to me, in the Pentagon when they decided they wanted to steer certain contracts in certain ways. She said: You are not following regulations. That is the wrong thing to do, and we are going to see waste, fraud, and abuse as a result of it. She would not go along with it all. Guess what. They decided to tell her that, despite all those glowing performance evaluations, they are changing their mind on her if she would not go along, so she was either going to be demoted or fired. She testified yesterday, when she was told by the acting general counsel of the Corps of Engineers that it would not be in her best interest to speak publicly about these things. Oh, really? I thank her for the courage and the others for their courage. I also thank Rory for the courage to speak out. I suppose it would be easier not to speak out.

I will read the last sentence of the second paragraph of the statement of Bunnatine Greenhouse:

> I can unequivocally state that the abuse related to contracts awarded to KBR [Halliburton] represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

I continue to ask the question: Is there somebody here who cares? Is there somebody who has the reins of an authorizing committee that cares enough to begin a real investigation or shall we continue to hold hearings in the Policy Committee only because nobody else will?

I yield the floor.

EXHIBIT I

TRANSCRIPT OF THE TESTIMONY OF RORY MAYBERRY, FORMER FOOD PRODUCTION MANAGER, KBR, SENATE DEMOCRATIC POLICY COMMITTEE, JUNE 27, 2005

My name is Rory Mayberry. I'm sorry that I'm not able to be there in person to testify to the Committee, but I returned to Iraq on June 14. I am working as a Medical Examiner and Medic Supervisor for a company called Emergent Services.

I wanted to testify today about my experience working with Halliburton in Iraq. I was hired by Halliburton subsidiary KBR in January 2004 as the Food Production Manager for a dining hall at Camp Anaconda, Iraq. I worked under the Halliburton's LOGCAP contract from February 2004 until April 2004.

When I was assigned to the dining facility, KBR managers informed me that there were KBR practices that were to be followed everyday. These practices led to major overcharges.

First, KBR was supposed to feed 600 Turkish and Filipino workers meals according to their custom. Although KBR charged the government for this service, it didn't prepare the meals. Instead, these workers were given leftover food in boxes and garbage bags after the troops ate. Sometimes there were no leftovers to give them.

Second, KBR charged the government for meals it never served to the troops. Until late 2003, anaconda was a transition site for army personnel. Because there could be large numbers of extra personnel passing through everyday, KBR would charge for a surge capacity of 5,000 troops per meal. However, KBR continued to charge for the extra headcount even after Anaconda was no longer a transition site.

When I questioned these practices, the managers told me that this needed to be done because KBR lost money in prior months, when the government suspended some of the dining hall payments to the company. The managers said that they were adjusting the numbers to make up for the suspended payments.

I would prepare food orders each week in order to get the food we needed at the camp in the coming week. The KBR managers would triple the order every week to bring in much more food than we needed. They did this because they were charging an extra 5,000 troops they weren't actually feeding. Most of this food went to waste though.

Third, KBR paid too much for the food itself. Initially, a company called Tamimi Catering was KBR's sub-contractor for the food. Tamimi paid local prices for the food products in the towns and cities around the base in addition to orders sent to their main office. Tamimi's pricing was fair for the condition of the country. Then, KBR switched to a new supplier, PWC. PWC's prices were almost triple what Tamimi's were.

For example, tomatoes cost about $5 a box locally, but the PWC price was $13 to $15 per box. The local price for a 15-pound box of bacon was $12, compared to PWC's price of $80 per box. PWC charged a lot for transportation because they brought the food from Philadelphia. KBR switched from Tamimi to PWC because Tamimi complained about KBR's poor treatment of its staff; they were living in tents with sand floors and no beds.

There were other problems that were not related to KBR's costs:

Food items were being brought into the base that were outdated or expired as much as a year. We were told by the KBR food service managers to use these items anyway. This food was fed to the troops. A lot of these were frozen foods: chicken, beef, fish, and ice cream. For trucks that were hit by convoy fire and bombings, we were told to go into the trucks and remove the food items and use them after removing the bullets and any shrapnel from the bad food that was hit. We were told to turn the removed bullets over to the managers for souvenirs. When I had the military check some of the food shipments, they would turn the food items away. But there wasn't any marking of the record, so KBR just sent the food to another base for use. The problem with expired food was actually worsened with the switch to PWC because it took longer for the food items to get to the base as they were shipped from the U.S. to a warehouse in Kuwait.

KBR also paid for spoiled food. When Tamimi dropped off food, there was often no place to put it in to the freezers or refrigeration. Food would stay in the refrigeration and freezer trucks until they ran out of fuel. KBR wouldn't refuel the trucks so the food would spoil. This happened quite a bit.

In addition, KBR would cater events for KBR employees, like management parties and barbecues. This happened about 3 times a week. As a result, there were shortages of certain food items, such as beef, chicken, pork, salads, dressings, and sodas for the troops.

The food service personnel were given sanitation rules from the Military Preventive Medicine information programs and rules to follow by the Armed Forces, but KBR managers informed us that the information was not to be followed, that they knew best, and to keep following their instructions. So our employees weren't following sanitation rules as set forth.

Also, the Iraqi subcontract drivers of food convoys that arrived on the base were not fed. They were given MREs, or meals ready to eat, with pork, which they couldn't because of religious reasons. As a result, the drivers would raid the trucks for food.

Government auditors would have caught and fixed many of the problems. But KBR managers told us not to speak with auditors. The managers themselves would leave the base or hide from the auditors when they were on the base and not answer the radios when we called for them. We were told to follow instructions or get off the base. The threat of being sent to a camp under fire was their way of keeping us quiet.

The employees that talked to the auditors were moved to the other bases that were under more fire then Anaconda. If they refused to move, they were fired and sent home.

I personally was sent to Fallujah for 3 weeks. The manager told me I was being sent away until the auditors were gone because I had opened my mouth to the auditors. When I returned from Fallujah, the convoy was attacked. I was put in danger because the KBR managers didn't want me to talk with U.S. government auditors.

When KBR wanted me to go to Tikrit, I headed home on rotation. I wasn't officially fired and I didn't formally quit.

I am happy to answer any questions the Committee may have for me.

Mr. Mayberry, representatives of the Senate Democratic Policy Committee have provided me with several questions that they would like me to ask you now. Can I begin asking you those questions?

Q: Are you saying that Halliburton deliberately falsified the number of meals they prepared, and then submitted false claims for reimbursement, and that they did this to make up for past amounts auditors had disallowed?

A: Yes.

Q: So, when they couldn't get reimbursed legitimately, they committed fraud by submitting these false bills?

A: Yes.

Q: How many meals were served at the dining hall each day?

A: 2,500 meals, per meal, times four. There were four meals, breakfast, lunch, dinner and a midnight meal.

Q: So, every day, Halliburton was charging for 20,000 meals it never served?

A: Correct. They were charging for 20,000 meals, and they were only serving 10,000 meals.

Q: Was it rare for expired food to be served to the troops?

A: No. It was an everyday occurrence, sometimes every meal.

Q: You've described routine overcharging and unsanitary practices by Halliburton, as well as shortages of food items for troops because of private Halliburton parties. Halliburton managers were not only aware of these practices, they ordered them, is that correct?

A: Correct.

Q: How senior were these managers?

A: The managers, the main manager was a manager of all of Iraq, assigned by KBR.

Q: So these practices may have been ordered at other dining halls in Iraq?

A: Most likely, yes.

Q: When government auditors arrived, these senior managers deliberately avoided them?

A: Yes.

Q: And these senior managers ordered you and other employees not to discuss your concerns with the auditors?

A: Yes. We were informed if we talked, we would be rotated out to other camps that were under fire.

Q: Is it fair to say that the managers used the threat of transfer to a more dangerous base to intimidate employees into keeping quiet?

A: Yes.

Q: When employees did talk to auditors, what happened?

A: All the employees that did talk to the auditors were switched out to other camps or fired because they refused to go to the other camps.

Q: Is there anything else you'd like us to know?

A: Not at this time.

Thank you for your testimony, Mr. Mayberry.

EXHIBIT 2

BUNNATINE GREENHOUSE, U.S. ARMY CORPS OF ENGINEERS, SENATE DEMOCRACTIC POLICY COMMITTEE HEARING, JUNE 27, 2005

My name is Bunnatine H. Greenhouse. I have agreed to voluntarily appear at this hearing in my personal capacity because I have exhausted all internal avenues to correct contracting abuse I observed while serving this great nation as the United States Army Corps of Engineers ("USACE") senior procurement executive. In order to remain true to my oath of office, I must disclose to appropriate members of Congress serious and ongoing contract abuse I cannot address internally. However, coming forward is not easy. On June 24, 2005, I met with the acting General Counsel of the USACE. During the course of this meeting it was conveyed to me that my voluntary appearance would not be in my best interest. I was also specifically advised to clearly state that I do not appear as a representative of the Department of the Army or the United States Corps of Engineers.

I have been involved with government contracting for over twenty years. On June 9, 1997 I was sworn in as the Principal Assistant Responsible for Contracting ("PARC") for the USACE. Back then, the commander of the Corps asked me to do what I could to end what could be called casual and clubby contracting practices. To curb these practices I required Commanders to strictly follow the Federal Acquisition Regulations and began to institutionalize the contracting practices the Corps had to follow. However, as the command structure at the Corps changed, there was ever increasing pressure to return to the old ways. My determination to ensure that the Corps strictly adhere to contracting regulations was no longer viewed as an asset and I began to experience an increasingly hostile environment. The hostility peaked as the USACE was preparing contracts related to the Iraq War. At this juncture, the interference was primarily focused on contracting activity related to a single contractor, Halliburton subsidiary Kellogg Brown and Root ("KBR"). The abuse I observed called into question the independence of the USACE contracting process. I can unequivocally state that the abuse related to contracts awarded to KBR represents the most blatant and improper contract abuse I have witnessed during the course of my professional career.

The independence of the USACE contracting process was unquestionably compromised with respect to the issuance of the Restore Iraqi Oil contract, known as RIO. I observed, first hand, that essentially every aspect of the RIO contract remained under the control of the Office of the Secretary of Defense ("OSD"). This troubled me and was wrong. However, once the OSD delegated responsibility for the RIO contract to the Department of the Army, control over the contracting process by the OSD should have ceased. However, the OSD remained in control over the contracting process. In reality, the OSD ultimately controlled the award of the RIO contract to KBR and controlled the terms of the contract that was to be awarded even over my objection to specific terms that were ultimately included in the contract.

As the ramp-up to the Iraqi War escalated I was increasingly excluded from contracting activity related to the war effort. However, given my position, it was simply impossible to completely exclude me from the process. When I did gain access to some of the high level planning meetings related to the implementation of the RIO contract I sensed that the entire contracting process had gone haywire. I immediately questioned whether the Corps had the legal authority to function as the Army's delegated contracting authority. The Corps had absolutely no competencies related to oil production. Restoration of oil production was simply outside of the scope of our congressionally mandated mission. How then, I asked, could executive agency authority for the RIO contract be delegated to the USACE? I openly raised this concern with high level officials of the Department of Defense, the Department of the Army and the U.S. Army Corps of Engineers. I specifically explained that the scope of the RIO contract was outside our mission competencies such that congressional authority had to be obtained before the Corps could properly be delegated contracting authority over the RIO contract. Exactly why USACE was selected remains a mystery to me. I note that no aspect of the contracting work related to restoring the oil fields following the 1991 Persian Gulf War was undertaken by the USACE, and there was no reason why USACE should take over that function for the prosecution of the Iraq War.

I further raised a concern over which contract authorized payment for prepositioning work KBR was doing in anticipation of being awarded the RIO contract. I was generally familiar with the scope of the LOGCAP contract and was under the impression that the LOGCAP contract was being used to fund the initial preposition work being done by KBR before the Iraq War commenced. I specifically questioned whether using LOGCAP funding was legal and insisted that a new contract be prepared. My concern over this issue ended when I was apparently provided misinformation that a new contract had been issued. This is the first time I can recall being overtly misled about something as fundamental as the existence of an underlying contract authorizing work to be done.

I further raised a concern over the basis used to justify the selection of KBR as the sole source contractor for the RIO contract. I learned that a specific basis to be used for the selection of the contractor was a requirement that the contractor have knowledge of the contingency plan KBR prepared for the restoration of Iraqi oil. The inclusion of this requirement meant that the RIO contract would have to be awarded to KBR because no other contractor participated in the drafting of the contingency plan and no other contractor had knowledge of the contingency plan itself after it had been prepared by KBR. What was particularly troubling about this arrangement was that contractors who are normally selected to prepare cost estimates and courses of action, such as the work KBR did when it prepared the contingency plan, are routinely excluded from being able to participate in the follow-on contract. The reasons for prohibiting the contractor responsible for preparing costs estimates and course of action from obtaining the follow-on contract is obvious. The fact that it was a no-bid, sole source contract meant that the government was placing KBR in the position of being able to define what the reasonable costs would be to execute the RIO contract and then charging the government what it defined as being reasonable. Given the enormity of the scope of work contemplated under the RIO contract, the exclusion of the contractor responsible for pricing out the scope of work to be done under the RIO contract should have been an imperative. Instead, it formed the basis of awarding the RIO contract to KBR.

Ultimately, I was most concerned over the continuing insistence that the RIO contract be awarded to KBR without competitive bidding for an unreasonable period of time—two years plus the option to extend the contract an additional three years. I raised this concern with officials representing the Department of Defense, the Department of the Army and the Corps of Engineers. However, when the final Justification and Approval of the RIO contract was forwarded to me for signature—after the draft had been approved by representatives of the office of the Secretary of Defense—the five year, no-compete clause remained in place. I could not sign the document in good faith knowing that this extended period was unreasonable. However, we were about to prosecute a war and the only option that remained opened to me was to raise an objection to this requirement. Therefore, next to my signature I handwrote the following comment: "I caution that extending this sole source effort beyond a one year period could convey an invalid perception that there is not strong intent for a limited competition."

I hand-wrote this comment directly onto the original document because experience had taught me that a separate memo outlining my concerns could inexplicably be lost. I wrote my comment on the original J&A to guarantee that my concern was not overlooked. Instead, it was just ignored.

The RIO contract was subjected to public scrutiny when, on December 11, 2003, the Defense Contract Audit Agency (DCAA) issued a draft report concluding that KBR overcharged for the purchase of fuel by $61,000,000. However, the firestorm over this issue was significantly dampened a week later when the Commander of the USACE, Lt. General Flowers, took the unusual step of issuing a waiver absolving KBR of its need, under the RIO contract, to provide "cost and pricing data." The Corps simply asserted that the price charged for the fuel was "fair and reasonable," thereby relieving KBR of the contract requirement that cost and pricing data be provided.

However, the manner in which the waiver request was prepared and finalized demonstrates that the USACE Command knowingly violated the AFARS by intentionally failing to obtain my approval, as the PARC. The evidence suggests that the reasons why I was intentionally kept from seeing the waiver request were politically motivated and driven by the DCAA's conclusion that KBR had overcharged the government for the fuel by $61,000,000, rather than whether the granting of the waiver was in the interest of the government.

Significantly, it appears that a concerted effort was undertaken to ensure that I was kept in the dark about the waiver request. I have every reason to believe that the USACE knew I would object to the granting of the waiver if it had been presented to me for signature. So, I was specifically kept in the dark and did not learn of the existence of the waiver until I read about it in the press. Having reviewed the documentation used to justify the waiver, I can unequivocally state that I would not have approved it because the documentation relied upon to justify the fuel charges as "fair and reasonable" was grossly insufficient.

Eventually, a copy of the original J&A for the RIO contract was released in response to a Freedom of Information Act Request which prompted Time Magazine to attempt to find out why I felt it necessary to document my concern. Time Magazine contacted the USACE seeking permission for me to be interviewed. I later learned that this caused great consternation. According to sworn testimony given on October 15, 2004 by the Deputy Commander of the USACE, Major General Robert Griffin, the Department of the Army was figuring out how it was going to publicly respond and whether the Army would officially allow me to speak to a Time magazine reporter. According to MG Griffin, the problem was that I did not "know the Army's story" so the Army had to figure out who was going to respond. The difficult position the Army found itself in, according to MG Griffin, "was because she wrote this informal note at the bottom of this document, which actually makes my case, which is, you shouldn't write on official documents because they get taken out of context, somebody reads them and there you go." However, my comment was far from an informal note, and it was not being taken out of context. Rather, my concern had found its way to the light of day.

As public pressure mounted, my involvement and past actions related to the RIO contract became a thorn in the side of the USACE. As a result stating my concern in writing on the original RIO J&A and as a result of expressing other significant concerns over contracting matters related to KBR, I was eventually summoned to a meeting on October 6, 2004 at which time I was issued a memorandum notifying me that I was to be removed from the Senior Executive Service and from my position as PARC. At that point I knew that my ability to resolve the issues within the USACE had terminated. I had no other alterative at that juncture but to file a formal request for investigation with the then-Acting Secretary of the Army and to appropriate members of Congress.

In closing, I would like to thank my attorney, Michael Kohn, and the National Whistleblower Center, for the support and unbelievably hard work they have put forth. Without their effort I could not have survived the political fire storm that burns around me.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:17 p.m., and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

The PRESIDING OFFICER. The Senator from Montana.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005—Continued

Mr. BURNS. Mr. President, we are setting the priority of amendments now and consulting. We will have that decision made in just a bit. We want to work on that. We have a lot of work to do this afternoon and on into the evening. There have been some changes as far as amendments that have been offered.

In the meantime, I ask unanimous consent that the Senator from Georgia, Mr. ISAKSON, be allowed to speak as in morning business for 10 minutes, followed by Senator MURRAY—how much time will the Senator need?

Mrs. MURRAY. Mr. President, 15 minutes.

Mr. BURNS. Fifteen minutes, and after that, Senator KERRY will be recognized, and Senator AKAKA needs about 10 minutes.

The PRESIDING OFFICER. The Chair, as a Senator from Ohio, would like to know where I fit into that schedule.

Mr. BURNS. Right after the chairman is done with his duties.

The PRESIDING OFFICER. Is that 3 o'clock?

Mr. BURNS. Yes.

Mr. DORGAN. Mr. President, if I might make a point, because of the way the order is established, it could be 5 minutes after 3, but the Senator from Ohio will be in line following the Senators who have just been described by Senator BURNS as having time. It should turn out 10 minutes, 15, 10, and 10, and it should turn out to be just about the time the Presiding Officer leaves the chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BURNS. First let me add something, if the Senator from Massachusetts will withhold?

Mr. KERRY. Mr. President, I wish to speak. It is a little longer than 10 minutes. I do not know exactly how long.

Mr. BURNS. Then the Senator will follow the Chair.

Mr. KERRY. I appreciate that. I will follow the Senator from Washington.

Mr. BURNS. And Senator VOINOVICH of Ohio, and Senator AKAKA is after Mr. ISAKSON. Mr. AKAKA, Mrs. MURRAY, Mr. VOINOVICH, and Senator KERRY—

Mr. KERRY. Mr. President, the understanding was the Senator from Washington, the Senator from Hawaii, the Senator from Massachusetts, and then the Chair. It should be around 3 o'clock, and if the Senate proceeds now, we should be able to get there.

Mr. DORGAN. Mr. President, let me see if we can clear this up without taking more substantial time. Senator ISAKSON wants to speak for 10 minutes in morning business. We decided following that Senator MURRAY would be recognized. She sought 15 minutes to speak on her amendment. Following that, Senator AKAKA was to have been recognized for 10 minutes. At that point, before Senator KERRY came in, we had indicated the Senator from Ohio would be recognized, and then Senator KERRY from Massachusetts has asked to be recognized without a time limit.

The one thing that is unclear to me is how much time the Senator from Ohio wishes. I know he wants to speak on his amendment.

The PRESIDING OFFICER. No more than 10 minutes.

Mr. DORGAN. I think we can lock all of that in understanding the Senator from Ohio could take the 10 minutes and then Senator KERRY from Massachusetts would be recognized. I think that actually works out to about 3 o'clock, in any event.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the chairman and ranking member for allowing me this time.

Mr. President, I wish to take just a minute to address 48 extraordinary hours in my life this past weekend I spent with the men and women in the U.S. Armed Forces, first on Saturday in Ellijay, GA, at the funeral of 1LT Noah Harris of the U.S. Army, and then 24 hours later at Guantanamo Bay, Cuba, where I spent the day with U.S. Armed Forces in the work they are doing with the detainees in the war on terror.

I wish to do the best I can today to speak for those with whom I talked. I take responsibility for every word I say, but they are every bit a message from the people with whom I talked and who shared with me.

First, at the funeral of 1LT Noah Harris, I eulogized Noah on last Thursday and made a promise that I would make it to Ellijay, GA, on Saturday to be at his service. He was a distinguished Georgian, and like every other soldier who served and sacrificed, we mourn his death but we praise his service to our country. But this was an extraordinary funeral service.

A thousand Georgians—500 in the high school gym and 500 in the First Methodist Church—attended a 2½ hour service that passed in a microsecond, a service not by ministers but by laymen, Americans, citizens of Georgia to praise Noah Harris but also to praise our men and women in harm's way.

When the service came to a conclusion, it was his mother Lucy and his dad Rick who talked for the last 20 minutes. To honor what they said and their son to the best of my ability, I want to recount it to all of you.

Lucy stood up before that crowd of 500 and said: You know, when we got the word of Noah's death, I knew I had two choices: I could mourn and I could be sorrowful and I could grieve, and I have done all those, but I could also do the good and the godly thing, and that is to praise my son and all those other men and women who fight in Iraq on behalf of freedom and democracy.

She gave a beautiful and eloquent statement about the tribute her son's life was to that for which our men and women fight.

Then her husband stood up and asked rhetorically: What was it the American press is really writing about today? Everything you hear about what is going on in Iraq is negative and wrong, questioning our motives and our reasons for being there. Yet in this church in quiet Ellijay, GA, in northwest Georgia, thousands had come to honor a man who had sacrificed his life in harm's way for the people of Iraq and the principles of this great Nation.

Rick Harris asked the question: Have we forgotten 9/11? Have we forgotten that since that date there has not been an attack on American soil? Since we went after terror, wherever its exists, and since we committed the resources of our country, our Nation has been safer. And what we are doing is right—is not only right morally, but it is right for the future of peace and freedom and democracy.

So for Lucy and Rick Harris, on behalf of their son, I rise today in this Senate and send that message loud and clear that I got last Saturday from a thousand Georgians proud of their native son's service, sorrowful for his loss but appreciative of living in a country that has been willing to make the commitment we have made on behalf of freedom and democracy around the world and on behalf of the security of the United States of America.

And then, Mr. President, I went to Guantanamo Bay, Cuba. I went with two other Members of the Senate. I went with a specific desire in mind: the desire to go and see for myself that which I heard so many people talk about and have seen so much about on television.

I learned something very interesting. There must be two Guantanamo Bay, Cubas—the one I visited and the one all the news media talks about because they did not resemble one another. I thought when I landed at Guantanamo Bay and went to visit the detainees that I would see men incarcerated in cyclone fences with razor wire on top of it. That does not exist anymore. That was Camp X-Ray. It was closed 3 years ago. It was the original temporary place we took the enemy combatants to until we could spend the millions of dollars to build the buildings that now house them.

I saw 538 people who are intent on hurting and destroying Americans, who are incarcerated in a facility from which we are gaining intelligence that is saving lives of Americans and citizens around the world. The most hardened of those I saw are in air-conditioned facilities, not unlike what I have seen in the United States in sheriffs' jails and prisons. The food they eat is unbelievable. The medical care is first rate. The security is tight and, yes, they are controlled, but they are there because they are the enemies of our Nation and were captured in battle in the worldwide war on terror.

After seeing all those facilities and having totally dispelled that which television shows, I had lunch with two Georgia sailors. I promised them I would bring a message back to the Senate. They are on a 6-month rotation as guards guarding the enemy combatants, the terrorists who threaten America.

I asked them: If I could take back anything, what would you like me to do? They said: Please tell the American media to stop saying what they are saying about what we are doing in Guantanamo because what we are doing is right and what is being alleged is not correct. And tell them what we, the guards, the American soldiers, are subjected to.

The two gentlemen with whom I had lunch are two African-American citizens of the State of Georgia serving in the U.S. Navy. They go 12 hours on and 12 hours off, 4 consecutive days guarding enemy combatants. Every day, they have to take a shower more than once during their duty to wipe off and wash off the human waste that is thrown on them by the enemy combatants they guard. They are subjected to racial epithets that we in the United States would never accept. They continue to stay on their post and do their duty, and there is no harm to the enemy combatants. They are sitting there guarding the people who would take the lives of your loved ones and mine.

They are abused every day, and what is alleged by people in this Chamber and other places about what may or may not be happening at Guantanamo is not correct. The people subjected to abuse are the men and women in the Armed Forces of the United States who take it from those who would harm us and harm our loved ones.

They are standing guard in the front line in the war on terror. My time is about up, but I came to the floor for this time to deliver two messages. First, for Rick and Lucy Harris on behalf of their son, Noah, I hope I did an adequate job.

Second, to deliver the message by those two servicemen from Georgia, who stand on the front line of the war on terror guarding the enemy combatants from whom we are gaining the intelligence that is saving American lives: enemy combatants who are treated well, fed well, clothed well, and medically treated well; enemy combatants who would take the lives of our loved ones but because of the commitment of our President, this country, and the men and women in harm's way, are safely incarcerated, and from whom we are gaining the information necessary to win the global war on terror.

I hope tonight all Americans will watch our President on TV. I hope tonight in some small way the message I have brought back from those valued soldiers will help us to remain to stay the course against the war on terror for democracy and freedom and in support of this country, its leadership, and the liberty and freedom we all cherish and love.

I yield back my time.

The PRESIDING OFFICER. The Senator from Washington is recognized for 15 minutes.

AMENDMENT NO. 1052

Mrs. MURRAY. Mr. President, I rise today to speak to amendment No. 1052, an amendment offered by myself, Senator BYRD, and Senator FEINSTEIN regarding emergency supplemental funding for the Veterans Health Administration.

As my colleagues know, throughout the last 6 months I have been talking to this body about my deep concern that we were not going to have sufficient funding for our veterans, both our current veterans who are accessing the system, nor for our veterans who are now returning home in record numbers from Iraq and Afghanistan.

Throughout the budget process, I asked that we consider making sure we have additional funding. I was rejected in that request. Throughout the appropriations process, I have made it known time and time again that looking at what we know, we are not going to have sufficient funding for our veterans health care.

On the supplemental emergency bill, I offered an amendment to add an additional $1.98 billion for veterans services, and I outlined on this floor for all of my colleagues the exact numbers we were looking at as we went out and talked to our regional veterans administrations, as we heard the stories of shortfalls in every single place across this country, about service men and women who are waiting in line, about the high number of returning veterans from Iraq and Afghanistan who would need access to mental health care services for post-traumatic stress syndrome, and I asked that we add emergency supplemental funding because I knew, looking at the numbers, we had a shortfall.

On this floor, I was defeated on that amendment. Why? Because the Secretary of the VA, Secretary Nicholson, sent a letter to this body saying they had sufficient funds.

That was less than 3 months ago. Several weeks ago in the Veterans' Committee I asked the Secretary, when he was before us, if they had sufficient funding, and he told us they had adequate funding.

Last Thursday, to everyone's surprise, except a few of us, we were told that the VA is now over $1 billion short in funding this year. This is surprising to some, but it should be appalling to all of us.

As I told my colleagues when I was on the floor talking about the supplemental, we all know that the veterans in VA care have gone up by 88 percent. We know that medical inflation has gone up 92 percent. But the VA continued to go on a formula based on 2002 figures that did not adequately take into account our military who were going to be accessing the veterans services, nor the fact that we all know of medical inflation.

So here we are today, and it would be easy to say I told you so, but that is not going to solve the problem. So last Thursday, I called Secretary Nicholson. I said: How are you going to solve this problem? What are we going to do?

Well, he said to me that we were going to take the money out of maintenance and construction projects.

I would let every one of my colleagues know that all of them have VA facilities in their own States or in their own region that are serving our veterans today that need asbestos removal. There are new clinics that have been promised for years. There is maintenance due, long-term backlogs that have not been completed that we voted on in the 2005 appropriations bill and promised to our men and women back in our home States would be taken care of this year.

We cannot go back on that promise right now. Those veterans are waiting for that service. If we were to say, well, we have to suck it up and take the money out, that means we are just going to defer those costs until next year. If we are today basing our figures of the VA on 2002 numbers, then we know the $1.5 billion we are short this year is going to be multiplied by two or three times next year and those facilities will not be fixed.

So we have a problem. We have a big problem, and we need to address it now. I believe the best and most important way we can do that quickly is through an emergency supplemental bill passed through the House and Senate to get the VA the money they need to serve our veterans. This is an emergency.

None of our veterans who served in previous conflicts should be told that they have to wait 6 months or a year or 3 years. None of our veterans who are being served in our hospitals today should be looking at facilities that are falling down around them. None of our veterans who are coming home from Iraq and Afghanistan should be told that they do not have adequate care and we are not there for them.

I was just in Iraq 2 months ago and the first question that my soldiers from Washington State asked me is: Will my country be there for me when I get home?

The Senate has been responsible by passing a bill last year to begin to put in place those contracts, maintenance, and important facilities projections. We cannot take that away now. Our only responsible choice remaining is to pass an emergency supplemental.

I have to say I am deeply concerned about how our VA came to this, and I am frankly quite angry. Less than 3 months ago, our VA said, no problem. Our VA, 2-plus weeks ago, said no problem, and now they tell us they are well over a billion dollars short this year. In fact, what they are saying is we can fix that; we can take $600 million from construction, as I just talked about.

We cannot let them do that.

The other $400 million they are talking about coming up out of a reserve fund. I have been on this floor before talking about this. There is not a reserve fund. I asked Dr. Jonathan Perlin. He is the VA's Acting Under Secretary for Health. I asked him on April 5th: Is there a $500 million reserve?

He said to me:

> No . . . I do not know where that might have been suggested, but there is no $500 million reserve that is sitting there for future projects.

So the White House's solution, the VA's solution, to take $600 million from construction and $500 million from this reserve account does not exist. Those are already part of our appropriations and there is no reserve account. So it is time for us to be responsible. It is time for us to face up to the fact that we have not been given accurate figures from this administration on veterans, and we need to act responsibly to pass an emergency supplemental.

I want to say that Senator CRAIG, the chair of the Committee on Veterans' Affairs, and Senator HUTCHISON, the chair of the Appropriations Subcommittee on Military Construction and Veterans Affairs, and Related Agencies, have been responsible in the last few days by addressing this crisis. We have held a hearing this morning under Senator CRAIG's direction to hear from the VA what their solution was.

As I have said, that is simply unacceptable to me. It should be unacceptable to this Senate. I want to work with anyone to solve this problem. We have an amendment that is now pending. It is amendment No. 1052 to have an emergency supplemental to deal with this crisis. I know that my colleagues on the other side feel that we must address this as well, and I hope that we can work this amendment out and get it passed on the Interior appropriations, get it passed through the House and sent to the President so that our members who are serving us, both in previous conflicts and in Iraq and Afghanistan today, can look any one of us in the eye on the Fourth of July recess, when we all go home to march in parades and carry our flags, and we can say, yes, this country is there for you.

I can think of no more important issue that this body should address before the upcoming recess than this pending crisis before us. We owe it to the troops who have served us so honorably to be there for them when they come home. We cannot say to them that your clinics will not be built, that your hospitals will not be maintained, that there is a hiring freeze and you will not be seen if you show up.

We all have talked to generals who are in Iraq, and every member of this body knows that this is a 360-degree war. We have been told that time and time again. Our members in the military who are serving us in Iraq and Afghanistan do not have a front line to go behind to get some ease from this conflict. They are in this conflict every single minute of every single day that they are there, and as a result of that many of them will be facing emotional stress and post-traumatic stress syndrome when they get home.

It would be wrong of this country to tell those members who served us so well that there are no services for them when they come home. We have a responsibility not as a Republican, not as a Democrat, but as an American to be there for them. The most responsible way to do this is through this amendment with an emergency supplemental.

I think who said it best was George Washington back in 1789:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

I urge my colleagues to adopt this emergency supplemental funding, get it to the House, and get it to the White House so that we can address this crisis that has come before us. We can say a lot of stuff about the VA and why the numbers were wrong and why what we knew on this floor were not listened to and were not told to us honestly. We can spend time doing that, but I think the most important thing we can do is make sure this funding is there for our soldiers, and we do it through an emergency supplemental in a responsible way.

The President is going to address the Nation this evening. He is going to talk to us about the importance of staying the course in Iraq. Well, I would say to the President and to the Members of the Senate, when we send our troops to war, part of the cost of that is making sure we are there for them when they come home. I urge the President, when he addresses the Nation tonight, to tell us how this administration is going to be there for our soldiers when they return and work with us to pass this emergency supplemental as expeditiously as possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized for 10 minutes.

MUTUAL FUND REGULATION

Mr. AKAKA. Mr. President, the Securities and Exchange Commission—SEC—has been impressively led by Chairman William Donaldson. Chairman Donaldson inherited an agency in turmoil. The previous chairman left an agency with limited effectiveness and demoralized staff. The SEC needed a vocal, imaginative, and forceful leader to restore the trust of investors.

Chairman Donaldson has accomplished much during his tenure, such as reform of the mutual fund industry, the implementation of Sarbanes-Oxley, the registration of hedge funds, while improving the integrity of exchanges. He has been the friend and protector of investors. Unfortunately, this has brought him a lot of criticism. I have been impressed by his ability to fight for what he considers to be in the best interests of investors and the public. I was deeply saddened when Chairman Donaldson announced his resignation. I am concerned about the future of the Commission after his departure.

In particular, I am worried about mutual fund reform. Mutual funds are of particular interest to me because they are investment vehicles that millions of middle-income Americans utilize that provide diversification and professional money management. Wealthier individuals can have their own investment managers and private bankers, or invest in hedge funds. Mutual funds are what average investors rely on for retirement, savings for children's college education, or other financial goals and dreams.

I was appalled by the flagrant abuses of trust among mutual fund companies that were discovered by New York Attorney General Eliot Spitzer and the SEC in 2003. Ordinary investors were being harmed due to the greed of brokers, mutual fund companies, and institutional and large investors. In November 2003, I introduced S. 1822, the Mutual Fund Transparency Act of 2003. I introduced legislation to bring about structural reform to the mutual fund industry, increase disclosures in order to provide useful and relevant information to mutual fund investors, and restore trust among investors. Several key provisions of the legislation were the requirements that mutual fund chairman and 75 percent of board members be independent. The transgressions brought to light made it clear that the boards of mutual fund companies are not providing sufficient oversight. To be more effective, the boards must be strengthened and made to be more independent. Independent directors must have a dominant presence on the board to ensure that investors' interests are the paramount priority.

I applauded the efforts of the SEC to adopt proposals that will improve the governance of mutual funds and that mirrored provisions from my legislation. Again, Chairman Donaldson and the majority of the commissioners have made great attempts to address the widespread abuse of investors by the mutual fund industry. The independence requirements are an important part of the Commission's response that will ultimately lead to improved governance, better protect shareholders from possible abuse, and improve the transparency of fees. The SEC requirements for an independent chairman for mutual fund boards and an increase in the percentage of independent directors to 75 percent are significant steps towards ensuring that independent directors are better able to protect shareholders' interests. I believe that the Commission must go forward with the independence rule and address the concerns raised by the Federal appeals court.

Several of my colleagues have written to the Commission saying that the reissuance of the rule would be inappropriate. I respectfully disagree. It is not out of the ordinary for outgoing agency leaders to move rules forward prior to their departure. The uncertainy of the future of the independence rule for the mutual fund industry and of the outcome of the confirmation process, require that action be taken on the rule as soon as possible.

On May 16, I reintroduced a modified version of my original bill, S. 1037, to further strengthen the independence of boards, make investors more aware of the true costs of their mutual funds, and prevent several key reforms from being rolled back. Legislation is needed to ensure that the increased independence rule is applied universally among mutual funds, not just those that rely on exemptive rules.

I look forward to meeting with Representative Cox to discuss mutual fund regulation, prior to consideration of his nomination by the Senate. It is my hope that Representative Cox will be as aggressive in protecting investors as Chairman Donaldson has been.

I look forward to working with all of my colleagues to enact mutual fund reform legislation. I support the efforts to move the mutual fund independence requirements forward and appreciate all of the hard work of Chairman Donaldson and the SEC staff on this important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I know the order we agreed on was to recognize the Chair. I do not want to abuse that process. I will talk beyond 3, but it will not be that extensive. I ask the Chair if it meets with his approval to change the order so that I speak now and the Chair will speak when he is relieved.

The PRESIDING OFFICER. How long does the Senator from Massachusetts seek?

Mr. KERRY. I can't tell you exactly, 15 or 20 minutes, somewhere in that vicinity.

Mr. BURNS. I will take the chair.

Mr. DORGAN. Mr. President, while we are waiting, I ask unanimous consent to add Senator JEFFORDS and Senator SALAZAR as cosponsors to the Murray amendment.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

AMENDMENT NO. 1010, WITHDRAWN

Mr. VOINOVICH. Mr. President, I call up amendment No. 1010.

I ask unanimous consent the current order in terms of the amendment be waived so we can discuss this amendment at this time.

The PRESIDING OFFICER. The amendment is the pending business.

Mr. VOINOVICH. Thank you, Mr. President.

Mr. President, I rise today to discuss my amendment that will address an issue that is becoming a problem in my home State of Ohio and a number of other States nationwide—the explosive growth of Indian gambling.

I thank Senator ENZI, Senator DEWINE, Senator VITTER and Senator ALLARD for cosponsoring my amendment.

Currently, there are over 400 tribal casinos in 30 States. To build on the success of these tribal casinos, some Native American tribes are aggressively seeking to take gambling off reservations and into local communities all across the country—from States like California to New York, Oregon to Florida, and my home State of Ohio.

In this practice, commonly referred to as "reservation shopping," tribes are looking to acquire new, non-contiguous land to open casinos near large communities or next to major roads with easy access.

A loophole in the law that regulates Indian gaming, the Indian Gaming Regulatory Act, allows the Department of Interior to take land into trust for a tribal casino, even at great distances from their home reservation, if it advances the economic interest of the tribe.

Originally, many reservations were located in rural areas at great distances from population centers. They were unable to sustain profitable casinos, so they moved casinos to areas near cities that were part of the reservation. Now these casinos aren't enough—the tribes are looking at lands great distances from their reservations and near population centers like Cleveland, Chicago, Miami, the Bay Area of California, to name a few.

In Ohio, the Eastern Shawnee Tribe of Oklahoma has filed a land claim in

Federal court for 146 square miles throughout the State, alleging that this land was illegally taken in 19th Century treaties.

They have also reached an agreement with four separate mayors in the State to site casinos in their communities, stating that a casino complex would bring new jobs and increase the tax base. In announcing their lawsuit, the Eastern Shawnee announced they would also try to blackmail the State of Ohio—they will drop the land claim in exchange for the right to put an unlimited number of casinos in the State. The tribe's attorneys said the aim was not to seize cities and farms, but to negotiate a deal to open casinos where the tribe has been invited.

It is important to note here that the population of Ohio is more than three times the size of the population in Oklahoma, where the Eastern Shawnee already have a casino. The tribe sees dollar signs, dollar signs that they will make at the detriment of my constituents.

In response to the threat of reservation shopping nationwide, the Senate Indian Affairs Committee has held a number of hearings investigating the current issues, and Senator McCain, the Chairman of the Committee, has indicated that he will be offering legislation this Congress to address the reservation shopping created as an unintended consequence of the Indian Gaming Regulatory Act. It is my hope that his legislation will close some of the loopholes created by this law.

The amendment I have offered to the Interior Appropriations bill is simply a moratorium on taking land into trust by the Department of Interior for the purposes of gambling unless the Governor of a State specifically gives his consent. This moratorium will give Congress the time needed to pass thoughtful legislation that will protect States from the threat to States rights that the proliferation of these casinos will have.

Some of my colleagues may ask why I am opposed to the prospect of Indian casinos in Ohio. The answer is simple. This issue is really about families. Back when I was a State representative and just beginning my career in government, I was asked how I would confront the problems of Ohio if I had a magic wand.

My answer then was the same as it is now: I would use it to reconstitute and protect the family, which is the foundation of this country and the reason why most of us get up in the morning, go to work and hurry to get home at the end of the day.

In the late 1980s, when I was Mayor of Cleveland, the first attack against our families was mounted by the backers of what studies call the "crack cocaine" of gambling: casino gambling. Voters fought back at the polls in 1990. We defeated the effort to amend the Ohio constitution that prohibits gambling in Ohio, but it wasn't long before it surfaced in Ohio again.

In 1996, as Governor of Ohio, I was proud to lead a coalition of some 130 organizations, dozens of elected officials and thousands of individual citizens, in defeating State Issue 1, another effort to amend the Ohio constitution, the second ballot initiative that would have legalized casino gambling.

So here we are in 2005 and it's déjà vu all over again. It's a new millennium, but the same forces are back, but this time they are joined by the Shawnee tribe. They have regrouped and reappeared in different disguises.

This amendment, which just lasts one year, will guarantee that through stealth this tribe and others can not sneak into the Department of Interior and get land taken into trust and abrogate the Ohio constitution. It also gives urgency to the work by Senator MCCAIN as he grapples to deal with the proliferation of reservation shopping around the country.

This amendment is supported by the National Governors Association. I ask unanimous consent that the letter from Ray Scheppach, Executive Director of NGA, be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. VOINOVICH. Mr. President, this amendment is opposed by Senator MCCAIN as chairman of the Senate Indian Affairs Committee. It is opposed by Senator MCCAIN, not because he is not concerned about the proliferation of Indian gaming, but rather because he believes this is within the jurisdiction of his committee and that he is already addressing the issue.

He has indicated he will give me a hearing on my amendment right after the July break. This issue of Indian gaming is a serious threat to the people of Ohio and other people throughout the country. It is an issue in terms of States rights and the States' Constitution and their ability to deal with the issue of casino gambling.

Mr. President, I respectfully withdraw my amendment.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, June 27, 2005.

Hon. GEORGE V. VOINOVICH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR VOINOVICH: The nation's governors appreciate your efforts to ensure that states continue to play a meaningful role in the trust land acquisition process. The Governors are committed to working with Congress, the Executive Branch and Indian tribal governments to resolve the Complex issues involved in the implementation of the Indian Gaming Regulatory Act of 1988 (IGRA).

By requiring the consent of the governor before land can be placed into trust for gaming purposes, your proposed amendment would underscore the governors' role in the trust land acquisition process and in determining whether Indian gaming is consistent with existing state gaming policy.

Thank you for your continued leadership in support of a strong role for states in our federal system.

Sincerely,

RAYMOND C. SCHEPPACH.
Executive Director.

Mr. VOINOVICH. Mr. President, I would like to take this opportunity to express my continued concerns about the proliferation of off-reservation gambling by Indian tribes. I know that Senator MCCAIN is holding a number of hearings in the Indian Affairs Committee to investigate this issue. I urge him to act quickly on this issue. It is very important to my home State of Ohio.

Mr. MCCAIN. I understand the Senator from Ohio's concerns, and appreciate the Senator not calling for a vote on his amendment. I will be holding a hearing in the Indian Affairs Committee in July and would welcome Senator VOINOVICH to testify at that time.

Mr. VOINOVICH. I thank the Senator from Arizona for his leadership and accept his invitation to testify on this issue before his Committee.

The PRESIDING OFFICER. The Senator from Massachusetts. Let the Chair convey thanks to the Senator for his patience before making his presentation. It is appreciated very much.

Mr. KERRY. I thank the Chair.

Mr. President, if I may, Senator AKAKA had asked if he might make some comments on the amendment of Senator MURRAY, and so I would ask unanimous consent that I can yield to Senator AKAKA for 3 minutes and then hold the floor after that.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I thank the Senator from Massachusetts for yielding me the time.

I rise today in support of the amendment to rectify the funding crisis for VA health care. You heard Senator MURRAY expound on this eloquently. This morning, the committee held a hearing on the revelation that VA is more than $1 billion in the hole for this year. With the VA's announcement, we at least now have an admission that the VA hospitals and clinics are in the red, and this is the first step in turning things around.

Despite the tremendous pressure to keep quiet, VA's dedicated providers have been forthright with us about the fact that they were raiding capital accounts just to make ends meet. There seems to be some confusion about what kinds of projects will be done because of the $1-billion shortfall. We have asked for a specific list from VA and hopefully we will receive that shortly. At the very least, we are talking about deferred maintenance, and anyone who is familiar with the military knows that deferred maintenance means trouble for our troops. The same is true for a hospital or clinic. The purchase and replacement of equipment directly impacts the quality of care provided. Let there be no mistake about that. Deferring capital projects may also mean that needed clinics—and there are more than 120 clinics in the queue—will never come to fruition. My colleagues in the Senate will be familiar with this issue. Indeed, we raised the issue earlier this year on the Senate floor. Unfortunately, VA officials denied that trouble was ahead. Our amendment is a way to fix the problem. But let me say that I am open to any approach that ensures the highest quality health care for our Nation's veterans.

Mr. President, I yield the floor and thank the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 1029, WITHDRAWN

Mr. KERRY. Mr. President, I thank the Senator from Hawaii. Before taking time to speak in morning business, I have a couple of procedural items I need to do. One, I thank the Senator from Washington, speaking as a veteran and as somebody who has introduced an amendment that I am about to ask be withdrawn. In fact, let me do that if I may, Mr. President. I call up amendment No. 1029.

The PRESIDING OFFICER. The amendment is now pending.

Mr. KERRY. Mr. President, this is an amendment I had been working on in an effort to try to add money back to the VA, and I am delighted that the appropriators, led by Senator BYRD and Senator MURRAY, have undertaken to do that now. So I would ask unanimous consent—I am now a cosponsor of their amendment—that I withdraw this amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. KERRY. I thank the Chair. Senator MURRAY could not be more correct, and I thank her on behalf of veterans all across the country who understand how this game is affecting their lives. The fact is that this funding is one of the hidden costs of the war and now no longer hidden, and veterans are beginning to feel it and VA hospitals across our Nation. She has been a tireless, tenacious advocate on behalf of veterans, and we are all very grateful to her and grateful to Senator BYRD for their leadership.

(The remarks of Senator KERRY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 1052

Mrs. MURRAY. Mr. President, I rise to speak briefly on the pending amendment No. 1052, which is the emergency supplemental funding for the veterans services which I spoke about earlier. I thank my colleagues, Senators AKAKA and KERRY, for their remarks.

Mr. President, I ask unanimous consent to add the following Senators to our amendment as cosponsors: Senators JEFFORDS, SALAZAR, BILL NELSON, DAYTON, ROCKEFELLER, and HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I will ask for the yeas and nays on the amendment at the appropriate time.

The PRESIDING OFFICER. Does the Senator ask for the regular order with respect to the amendment?

Mrs. MURRAY. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The amendment is now pending.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have cosponsored the amendment offered by my colleague from Washington. I want to make a couple comments.

It seems to me, on the question of what the priorities are around here, what are the right choices, veterans health care has to rank right up at the top.

We had a hearing at one point. We had Secretary Rumsfeld come, and the Chairman of the Joint Chiefs. We asked a lot of questions about this issue because I think everyone wants the same thing. We want to say to young men and women who wear the uniform of this country: Please support this country's efforts. Go fight for freedom. Answer your country's call.

And when they do, and put themselves in harm's way—and most of us understand what "harm's way" means because we have been over to Walter Reed, we have been out to Bethesda Naval Hospital. We have seen these young men and women with lost limbs, limbs that have been blown off, and all kinds of other wounds. We understand the sacrifice that is made.

We asked the Secretary about the difference between someone who is a soldier on active duty and someone who has come home to a hospital to be treated for a lost leg or a lost limb or other devastating injuries and then is moved out of the service with a discharge—what is the difference between the level of health care for an active-duty soldier at Walter Reed or Bethesda and a veteran in a veterans hospital setting? Should there be a difference? No, there should not be. These are soldiers: active duty or retired, but soldiers.

I do not think there is a debate in this Senate about whether we adequately fund veterans health care. We all know the answer to that. The answer is no, we are not adequately funding it.

So the question is, will this be a priority? Will the Congress, will the Senate think this is as important as some other issues?

Someone once asked the question hypothetically: If you were asked to write an obituary for someone you had never met and the only information with which you could write that obituary was their check register, what would it tell you about the person? You could take a look and determine, what did that person spend money on? What did that person determine to be valuable?

You could make the same case with respect to the Federal Government. Take a look at the checkbook and evaluate, what did we determine was important? What were our priorities? Where was veterans health care, because we know the esteem in which this country holds its veterans? We know that starting with the poster that says "Uncle Sam Wants You" pointed to the face of Americans for decades to say: Join the service, represent this country, support and fight for it, fight for freedom. We know that call. But we also know a promise was made. The promise was, you do this for your country and, when you come back, we will have a veterans health care system available for you.

Some say—not publicly—why have a veterans health care system? Why not just have those folks go to a regular hospital? Especially after major wars, you don't ask that question because if you go to the veterans hospitals or Active-Duty hospitals that are treating these veterans, you will discover there is a kind of medical challenge that you don't find often in other hospitals.

I visited a young man at Walter Reed a couple times. I had appointed him to West Point. He is a proud member of the armed services. He went to Iraq. Because of an improvised explosive device, he lost his leg. He came back, was in Walter Reed, and went through a long period when they didn't know whether he was going to make it. He had a lot of infections and serious problems. He lost his leg right up to his hipbone.

Go visit those folks at the military hospitals or the veterans hospitals and understand these are different medical challenges than you find every day at the hospitals in the inner cities or the hospitals in the suburbs. I am not saying other hospitals don't face challenges. I am saying the wounds of war are deep, challenging. Go to the orthopedic section out here and understand the difference. It is a big difference.

I have told my colleagues about a Sunday morning at Fargo, ND. I will tell the story again because it is so important. It illustrates such an important point in support of my colleague.

A man served his country, left the Indian reservation when called during the Second World War and served. His name was Edmund Young Eagle—Native American, Standing Rock Reservation. He served in Africa, Normandy, Europe, served as his country asked him to, never complained about it. At the end of the war, he came back to the Standing Rock Indian Reservation, lived, had a tough life, didn't have a family of his own, loved to play baseball but had a tough life all of his life. Toward the end of his life, he went to the Old Soldiers' Home in North Dakota, and following that, he developed lung cancer.

His sister contacted my office and said: My brother has never had very much, but he was always very proud of serving his country and never received the medals he had earned for serving in Africa and Europe and Normandy during the Second World War. Could you help get his medals?

So I did. I got the medals that this Native American had never received from his country for going all around the world and fighting for America. By that time, Edmund Young Eagle was transferred to the VA Hospital in Fargo with advanced lung cancer. In his late seventies, on a Sunday morning, I went to his room at the VA Hospital with his medals. His sister came. The doctors and nurses from the ward came and crowded into Edmund's room. We cranked up his hospital bed to a seating position, and I pinned on his pajama top the medals that Edmund Young Eagle had earned fighting for his country in Africa, Normandy, and Europe.

This man, who would die 7 days later, said to me: This is one of the proudest days of my life.

He was a very sick man but enormously proud that his country had recognized what he had done for America in the Second World War some 50 years later.

The fact is, he and so many like him, particularly now, those Tom Brokaw called the "greatest generation" who went off to win the Second World War, beat back the forces of nazism and Hitler, the fact is they are now at an age where they claim an increasing amount of health care in their late seventies, eighties, and nineties. There is a strain on the VA medical health care system. Added to that, the Vietnam War and the age of those veterans, the gulf war, now the war in Iraq, this is a system that is straining at the seams.

My colleague offers an amendment. She has offered it before. I have supported it previously on many occasions. It says: Let us, on an emergency basis, decide as a country that veterans health care is our priority. Let someone years from now look back at what we spent money on and have some pride in knowing that we spent money on a priority that was critically important, a priority that said to us: We will keep our word to veterans. We promised health care. If you served your country. Now we are going to deliver it.

It is not satisfactory to me and to many others in this Chamber to decide that among a whole series of priorities, providing another tax cut is more important than providing health care or keeping a promise to veterans. That is not acceptable to me.

That is why I am happy to join. I mentioned a tax cut as one example. We tried to offer an amendment to the emergency supplementals that previously went through this Congress. We just had an $81 billion supplemental, none of it paid for. We have now a $45 billion emergency supplemental passed by the House that is coming this direction. My colleague from Oklahoma made the point that we have increased spending. We sure have increased spending. No question about that. Take a look at what has increased with respect to defense spending and homeland security spending post-9/11. I have not opposed that spending. I happen to think we need to replenish Army accounts when you send troops to Iraq. I happen to think we need more security at our ports and other places. But it seems to me logical that progressives, conservatives, moderates, everything in between at some point ought to decide to get together and say: If we are going to spend this money, we ought to pay for it. Instead of doing that, we have done emergency supplementals.

My colleague from Washington is saying, if you are going to do emergency supplementals for everything, how about doing it for the first and most important thing, and that is keeping our promise to America's veterans.

Mrs. MURRAY. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mrs. MURRAY. I wanted to ask if the Senator was aware that when our amendment was offered on the supplemental, Senators on this floor were told by the VA that they didn't need the funding. And last Thursday, the VA announced that they were indeed well over $1 billion short for this fiscal year alone for VA funding. That is why I needed to offer this amendment on this bill, and hopefully the Senate will pass it. I hope it will pass unanimously tomorrow. Is the Senator from North Dakota aware that is the situation we are now in?

Mr. DORGAN. Was there a question?

Mrs. MURRAY. I was asking if the Senator from North Dakota was aware that during the consideration of the emergency supplemental, when we offered our amendment, we were told by the administration they didn't need the funding. And then last Thursday they announced that they were, indeed, as we had warned, well over $1 billion short. That is why we are offering this amendment.

Mr. DORGAN. Let me say, that is why I support the amendment. It is a question of priorities. I know everyone has their own view of what priorities might be. One of the top priorities ought to be keeping your promise to America's veterans. I appreciate the amendment being offered.

I ask unanimous consent that Senator DURBIN be added to the Byrd-Cochran amendment No. 1053 as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I yield the floor.

AMENDMENT NO. 1002

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it is about time we got down to business this afternoon and start taking care of some of these amendments. We would like to dispose of this bill at least by tomorrow.

I call up the Coburn amendment No. 1002 and ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator ask for the regular order?

Mr. BURNS. I ask for the regular order.

Mr. COBURN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Is it not the offeror of the amendment who places in order the amendments that are called up and lays the other amendments aside?

The PRESIDING OFFICER. Any Senator can ask for the regular order.

AMENDMENT NO. 1015, WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 1015 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1019

Mr. COBURN. Mr. President, I now ask unanimous consent to call up amendment 1019.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, I ask to be recognized in support of the amendment.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COBURN. Mr. President, we just heard a good observation about the increase in spending, but it is important for the American people to understand, we did ramp up homeland security. We did ramp up defense. Let me read the increases in spending that have occurred in other areas since 2001: legislative branch, 40 percent; judiciary, 40 percent; Agriculture, 25.7 percent; Defense, 55 percent; Education, 109 percent; Energy, 48 percent; Health and

Human Services, 53.1 percent; Homeland Security, 153 percent; Housing and Urban Development, 38.2 percent; Justice, 22.7 percent; Labor, Health, and Human Services, 57 percent; Department of State, 74 percent; Transportation, 40 percent; Veterans Affairs, 44.5 percent; General Services Administration, 404 percent; National Science Foundation, 61 percent. The average has been almost 39 percent in the last 4 years. Outside of homeland security and defense, the increase in spending by the Congress has been almost 30 percent.

I come to the floor of the Senate to talk about the spending problems. I also want the American people to understand what is happening to us presently. This chart represents the on-budget Federal deficit. It is not the games that we play in Washington. This is the true amount of money we are going to spend that we don't have, that we are actually going to borrow money to pay for. As you can see, this year it is going to be $544 billion. That is $544 billion that we are going to ask our children and grandchildren to pay back. There is no question that we have some belt-tightening to do. There is no question that the authors of this appropriations bill have done some of that in the bill.

The amendment I wish to focus on presently is an amendment that reduces funding for land acquisition within the bill by $121.2 million, from $154 million, for a total of $32.8 million.

The reasoning behind this amendment is, there is $92 million in reserve accounts right now to buy land that had not been spent this year. The committee put forward another $154 million. Buying land to preserve our scenic heritage, natural wildlife areas, is a good goal. The problem is, do we need to do it now when we are in a time of war, when we are borrowing from our children's future to be able to accomplish that? Is now the time to spend money on it? If not, is there another need? Is there a priority on which we should be spending?

I would say that we need to have another priority. The current bill provides funding for land acquisition through four separate programs: $12.3 million for the Bureau of Land Management, $40.8 million for the Fish and Wildlife Service, $56 million for the National Park Service, and $44.9 million for the Forest Service. Within the amendment, land acquisition funding for both the Bureau of Land Management and the Forest Service is eliminated, while funding for both Fish and Wildlife Service and National Park Service is reduced by $32 million.

According to OMB and staff estimates, the estimated amount of unobligated balances for Federal land acquisition at the end of the current fiscal year will be $92 million. OMB estimates that BLM will have $28 million in unobligated balances. In contrast, the bill provides an additional $12.3 million for BLM. U.S. Fish and Wildlife Service, which is set to receive almost $41 million, will have an estimated $32 million in unobligated balances at the end of this year, according to OMB.

Of the $121.2 million savings produced, $60 million in this amendment is transferred to a special diabetes program for Indians, and $61.2 million is transferred to the Alcohol and Substance Abuse Program. Both programs are with the Indian Health Service. Why is that important? There are some important things about diabetes with Native Americans that need to be recognized.

The question is, Do we spend money on land or do we spend money to improve the people's lives that need us the most? We have a real crisis in health care in Indian Country.

The causes are many, but one controllable factor is the delivery of federally funded health care services. Quality of care is severely impacted by poor oversight, lack of competitive forces, and the serious lack of funding prioritization. My amendment addresses the latter. There are 107,000 Native Americans that suffer from diabetes.

The PRESIDING OFFICER. Under the previous order, the hour of 3:45 having arrived, the majority leader is recognized.

TRIBUTE TO SENATOR MITCH McCONNELL, THE LONGEST SERVING KENTUCKY REPUBLICAN SENATOR

Mr. FRIST. Mr. President, I rise today to pay tribute to a leader in the Senate, a true partner in guiding the 109th Congress and my friend. Today, we mark a momentous occasion for the senior Senator from Kentucky, MITCH McCONNELL.

With the opening of Monday's session, Senator McCONNELL surpassed the esteemed John Sherman Cooper as the longest serving Republican Senator in the history of his State. Sworn in on January 3, 1985, Senator McCONNELL has now served for over 20 years. For the last 2½ of these, I have worked side by side with MITCH in our capacities as leader and whip. I could not have asked for a steadier partner in guiding this Senate to accomplishment. Leading over 4 dozen strong-willed, independent Senators is not always easy. One of the things I like to say about the leader's job is that it is something similar to being the groundskeeper at a cemetery: You have a lot of people under you, but no one ever listens.

But more than anyone, MITCH is able to impress upon his colleagues the importance of working together to move America forward. MITCH and I work side by side not only as leader and whip, but also as Senators from the great States of Kentucky and Tennessee. Committed to the Union only 4 years apart, our States share the common interests of agriculture and commerce, a common culture of southern ingenuity, and hospitality, and a border over 320 miles long.

I have worked with MITCH on regional matters important to our States since I first entered this body in 1995. He is a fierce advocate for the people of his State, and I have watched him with admiration. Kentucky and Tennessee have a history of friendly partnership, and I am proud that MITCH and I work in that same spirit in the Senate.

MITCH and I have also both had the honor of being elected by members of our conference to chair the National Republican Senatorial Committee, the organization in this body charged with maintaining and building a Republican majority. MITCH chaired it from 1997 until 2001, and then he handed it off to me, from 2001 to 2003. Mr. President, there was never a smoother transition from one NRSC chair to the next than when MITCH turned over the keys to me in early 2001. Under his leadership, Republicans maintained control of the Chamber for over 2 election cycles under very extreme circumstances. When he passed the chairmanship to me, the NRSC was debt free, something almost unheard of, and in better shape than he found it. His legislative accomplishments are just as impressive.

Through his chairmanship of the Foreign Operations Appropriations Subcommittee, MITCH has shaped America's policy on promoting freedom abroad so strongly that he has become literally a hero in oppressed lands throughout the world. He believes in using American might to support democracy and civil institutions in nations that know neither.

He is not afraid to call the tyrants by their names. In Burma, an illegitimate junta has held Nobel laureate and democracy advocate, Daw Aung San Suu Kyi, under house arrest for the last 15 years. And 2½ years ago, she succeeded in sending a letter to Senator McCONNELL through a very, very circuitous route. Let me say that it didn't just arrive in his mailbox. She told him, in her words:

> You have been such a stalwart supporter of democracy. We have come to look upon you as a rock-like friend.

Whenever MITCH gives a friend or a cause his support, you can count on him. MITCH has led the fight every year to impose import sanctions on Burma, to force its tyrannical government to free Suu Kyi and stop jailing and harassing the country's freedom fighters. His record on freedom, protecting our national security, and promoting democracy abroad has been crystal clear and consistent since his first days in the Senate.

One of his earliest votes upon entering the Senate was in favor of sanctions against the apartheid regime then in South Africa. Through the appropriations process, he provided authority and funds to conduct democracy-building programs in Syria, Iran, and China. He has always been a staunch supporter of Israel which, along with Iraq, is one of the few models of democracy and liberty in a region plagued by tyranny and intolerance.

MITCH was the author of language that forced Russia to withdraw its troops from the Baltic states of Lithuania, Latvia, and Estonia in 1994. Throughout decades under Soviet rule, those three countries never formally surrendered, and they maintained their embassies here in Washington, DC. Thanks to MITCH MCCONNELL, the home soil of Baltic states became just as free as those embassy grounds a little sooner than otherwise.

MITCH is a solid rock when it comes to supporting freedom here at home as well as abroad. Take his fight in defense of free speech and against the changes to our system of financing political campaigns known as "campaign finance reform," that was one fight he ultimately lost. But even in losing, he won the hearts of his comrades as we watched him doggedly champion what he believed in—the first amendment and the right of every American citizen to have a free, unfettered voice in our democracy.

His good friend, Phil Gramm, our former Senate colleague from Texas, said on this floor:

> I don't know whether they will ever build a monument to the Senator from Kentucky, but he is already memorialized in my heart.

Senator Gramm, you are not the only one.

MITCH made his case with passion all the way up to the highest court. And when he lost there, he very graciously was the first to reach out and congratulate his long-time opponents and began healing the divide.

Mr. President, when I look at the impressive career of Senator MCCONNELL, studded throughout with so many successes—and, yes, a very few defeats, but always refueled again and again by his relentless energy—I have sometimes wondered, where does that drive come from?

Perhaps the answer lies 60 years in the past. MITCH's dad, A.M. McConnell, was fighting overseas in World War II. While he was away, 2-year-old MITCH contracted the dreaded disease polio. In 1944, before Dr. Jonas Salk invented his vaccine, polio very likely meant paralysis, sickness or death.

MITCH's mother, Dean, took her son to Warm Springs, GA, the polio treatment center that President Roosevelt established. Learning from the therapists there, she put him through a strenuous, tough regimen of physical therapy to save the use of his left leg. She made her son exercise his leg three times a day, and it was drilled into his head that to protect his leg, he had to refrain from walking on it. That hardly sounds like an easy reality for a typical 2-year-old. But she was successful. To this day, MITCH credits his mother with teaching him determination and tenacity.

Today, the world is virtually free of polio, with only about a thousand cases diagnosed every year. Most of those are in the developing nations. Through his subcommittee chairmanship, MITCH has appropriated over $160 million in the last 6 years toward wiping out the deadly virus. Those funds go to the U.N., The World Health Organization, and other agencies that take Dr. Salk's lifesaving vaccine into the world's poorest countries and deliver it to people who need it, bringing us closer and closer to eliminating polio once and for all.

No Kentucky history book would be complete without portraits of Henry Clay and Alben Barkley. Henry Clay dominated his State and this Senate in the 19th century and Barkley in the 20th. Well, I submit that MITCH will be viewed in the same light for the 21st century. Why? Because even with all of the accomplishments he has behind him, I predict that his greatest contributions are still ahead with his wife and life partner, who is a leader in her own right, Elaine Chao, at his side.

Like Clay and Barkley, MITCH speaks with a voice of principle. He is a rocklike friend to his fellow Senators, to this institution, to his State, to his country, and to defenders of freedom the world over.

I join my fellow Senators in congratulating my friend, the majority whip, on reaching this milestone.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Kentucky, Mr. BUNNING, is recognized.

Mr. BUNNING. Mr. President, I rise to pay tribute to my colleague from Kentucky, the senior Senator, MITCH MCCONNELL.

Today is somewhat of a historic occasion for my friend, this Senate, and the Commonwealth of Kentucky.

As of yesterday, our colleague, MITCH MCCONNELL, became the longest serving Republican Senator in Kentucky history. He surpassed the service of the legendary Senator from Somerset, John Sherman Cooper.

For over 20 years now—7,481 days, to be exact—MITCH has honorably served Kentucky.

In all that time, Kentuckians have been getting solid leadership and representation here in the Senate. MITCH is an effective and devoted legislator working hard on behalf of the bluegrass State. I could not have had a better partner in my fight for Kentucky.

Some of my friends may not know what kind of role MITCH has played in Kentucky's political scene. He has helped lead the fight to build the thriving, vigorous, two-party political system that Kentucky enjoys today.

MITCH MCCONNELL helped set the growth of Louisville—home of the Kentucky Derby—in motion over 20 years ago when he served as judge-executive of Jefferson County. Many of the initiatives he launched then to expand the city's economic growth and prestige have since borne fruit many times over.

In 1984, Judge MCCONNELL made history with his election to the Senate. He was the only Republican to defeat an incumbent Democratic Senator anywhere in the country. He was the first Republican to be elected statewide in Kentucky since 1968.

For a lot of people, that would have been enough. But not for MITCH. Thanks to him, 1984 was not just one election for one man. It was the beginning of an emerging and competitive two-party system in Kentucky.

Once upon a time, most Kentucky Republican organizations could hold their meetings in phone booths. I remember those days vividly and somewhat fondly because in the early 1980s, I was just one of nine Republicans in the Kentucky State Senate.

I bet that sounds good to some of my friends on the other side of the aisle, but in all seriousness, one-party rule is not good for anyone, including the party in power. If parties do not have to compete to sell their ideas, they stop coming up with new ideas and they get lazy. The people they serve are left without a voice because the people in power have no incentive to listen. I believe that to be true no matter which party is in power.

In the eighties, Senator MCCONNELL saw us all laboring under one-party rule and decided to do something about it. He helped recruit candidates to run, and he never shied away from explaining the Republican message every where he went. And he did it all with his trademark-focused determination.

Many of my colleagues know that once MITCH sets his sights on something, no one will outwork or outthink him in pursuit of his goal.

I am a witness to this. I first ran for the Congress in 1986, and I won. At that point, and in getting to know MITCH much better, it was already clear that MITCH had goals for Kentucky's Republican Party.

After helping to lay the groundwork for many years, these goals began to pay off. In 1994, we saw two Republicans—RON LEWIS and ED WHITFIELD—win seats in the U.S. House of Representatives that had been held by Democrats for years. In 1996, Congresswoman ANNE NORTHUP won another seat in Louisville held by a Democrat. Congressman Ernie Fletcher joined them in 1998, and Congressman GEOFF DAVIS, last year, won back my old fourth district House seat. Today, Kentucky sends a largely Republican delegation to Congress, and my colleague worked hard to help make that happen.

When I decided to run for the U.S. Senate in 1998, and when I ran for reelection in 2004, MITCH was there for me. His help was phenomenal and said so much about our friendship.

MITCH also helped influence Kentucky's State government. For decades, one party had a lock on the statehouse and the Governor's mansion, but that is not true today. Republicans gained control of the Kentucky Senate in 1999, and in 2003, they captured the Governor's mansion. I know MITCH was involved in these races to help build a viable two-party system in Kentucky.

MITCH has been a great friend in the Senate. In fact, he is my best friend in this body. But he has also been a great friend to the good folks of our Commonwealth over the last 20 years.

Last year, MITCH and I worked hard in the Senate on the passage of a tobacco buyout for our Kentucky tobacco farmers. This is one of the most significant events in the agricultural history of Kentucky. That tobacco buyout literally saved the livelihood of tens of thousands of Kentucky tobacco farmers, their families, and the communities in which they live. That old quota system that dictated to the farmers how much tobacco they could sell was broken. My office and Senator MCCONNELL received thousands of letters and phone calls from Kentuckians pleading for help. We answered their pleas and, MITCH, our Senate majority whip, had a major role in pushing this ball over the goal line.

Throughout my service in the Senate, I could not have asked for a better comrade in arms than MITCH McConnell. MITCH, is a fighter. When he is on your side, you feel unstoppable. When he is not, you know you have an uphill battle to fight. But he is always fighting for what he believes in and what is right. Kentucky is lucky to have him, and so is this Senate.

MITCH, I appreciate you, and I am proud to call you my best friend in the Senate. Congratulations on your milestone. You have my vote for Kentucky's political hall of fame.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). Under the previous order, the senior Senator from Kentucky, Mr. MCCONNELL, is recognized.

Mr. MCCONNELL. Mr. President, first, I extend my thanks to the majority leader for his exceptionally generous remarks about my service here, and I also want to take this opportunity to thank him for the extraordinary leadership he has provided over the last 2½ years. It has been a great pleasure working with the Senator from Tennessee almost every day as I try to assist him in conducting a chorus on our side that is occasionally slightly off key but, generally speaking, singing the same tune.

To my good friend and colleague from Kentucky, we share the same constituency. We have similar views on how America ought to be led. It has been a distinct pleasure, I say to my friend from Kentucky, to be associated with him, to enjoy his own electoral success, which has been quite extraordinary given the rather limited number of Republicans who have been elected to the Senate from our State. I thank him for his incredible, generous remarks.

Mr. President, I stand here today with a bit of disbelief. Forty-one years ago, as a young man long on desire but short on achievement and certainly devoid of connections, I met the man I considered to be one of the greatest Senators in Kentucky's history and certainly the greatest in my adult lifetime, John Sherman Cooper. I was 22 years old, had just graduated from the University of Louisville, and was intent—absolutely intent—on getting a Senate internship as the first step up what I hoped would be the ladder to a life of accomplishment.

Senator Cooper reached out and lifted me up to that first rung. He took me on as an intern in his office, and this was at a time when many Senators did not have internship programs at all. He gave me a chance to do that. I had the pleasure of being the only intern in the office and to stay for the entire summer—June, July, and August. So he became my boss, and he also became my mentor, and he became my friend. In fact, he was the first great man I ever met.

Now I stand in the same Senate Chamber as Senator Cooper, the longest serving Republican Senator in Kentucky's history, until yesterday. I am filled with gratitude for his helping hand, gratitude for Senator Cooper, and for a country where there are no limits to one's success.

Senator Cooper served for 7,479 days. My fellow Kentuckians elected him to this body five times. But Senator Cooper had a most unusual record of service. It was not unbroken, nor was he elected to a full 6-year term until his fifth race for the Senate. In fact, to serve his nearly 21 years he stood for election seven times. He won five and he lost two. He also lost a race for Governor before World War II. But he was never afraid to put himself before the people of Kentucky and be judged. He knew who he was and he knew where he stood. To borrow a phrase, he had the courage of his convictions.

To most Kentuckians, Senator Cooper was our emissary to places of power. I viewed him with simpler eyes. He was my hero. I learned more from him than from anyone else I have encountered in all of my years in public life. He taught me how to be a Senator. And he taught everyone who knew him the value of integrity, forthrightness, and moral character.

Senator Cooper stood fast for what he believed was right, no matter how large the opposition and no matter what the cost, even if that cost might mean his seat in this Chamber. When President Andrew Jackson said, "One man with courage makes a majority," he was talking about John Sherman Cooper.

I saw that firsthand during my summer here in Washington in 1964. That was the summer of my internship in the Senator's office. It was also the summer of the Civil Rights Act of 1964, and we all remember what a dramatic struggle that bill was.

Until that point, the Senate had been, for the most part, a graveyard for civil rights bills since reconstruction, courtesy of the filibuster. But as my generation was keen to say at the time, things were a-changing.

By mid-June of 1964, the Civil Rights Act had been debated in the Senate for 57 days. One Senator filibustered against it by speaking on the floor for over 14 hours. But not John Sherman Cooper.

Senator Cooper had advanced equality for every American citizen for his entire public life. In the 1930s, as county judge of Pulaski County in south central Kentucky, he felt moved to help his African-American constituents who were hit hard by the Great Depression just as much as his White ones who were equally devastated. He was known to take money out of his own pocket to buy a meal for a starving family of any color. In the 1940s, he was one of the first Kentucky circuit court judges to seat Blacks on juries.

In 1963, he tried to pass a bill barring discrimination in public accommodations. It was filibustered, just like all the others. He was determined that the 1964 Civil Rights Act would not meet the same fate.

Senator Cooper's office was besieged with mail from thousands who opposed the bill. Some just were not ready for this measure, although I am proud to say that things have come a long way since then.

Despite the considerable opposition back home, Senator Cooper never wavered. Steadfastly and with clear vision, he worked to get the votes to break the filibuster.

I must admit, seeing him stand his ground was a bit exciting for a young man. But I wondered how he could hold fast against such forceful opposition. So perhaps crossing the line of decorum between Senator and staff that existed in those days, I asked him one day: How do you take such a tough stand and square it with the fact that a considerable number of people who have chosen you have the opposite view? His answer is one I will always remember.

He said, "I not only represent Kentucky, I represent the Nation, and there are times you follow, and times when you lead."

From that one simple statement, I learned first-hand what I had never learned in school. Senator Cooper followed the Jeffersonian model of representative democracy: Put succinctly, the people elect you to exercise your best judgment.

He did not think a leader was someone who wet his finger and stuck it in the air to see where popular winds blew. He believed that even if voters don't agree with every position a leader might take, they would see that leader trying to do the right thing, they would respect that, and they would support him, or disagree with him and vote him out.

Senator Cooper believed that a leader should stand up for what he thought was right, regardless of the opposition, or the cost.

I think he stuck to this principle so firmly because he learned it the hard way. As I said, his career was filled with many peaks, but also a few valleys.

In 1939, he made his first bid for statewide office with a run for Governor, but did not even win the primary. He won his first statewide race in 1946, in a special election to fill a partial term in the U.S. Senate. But when he ran to hold the seat in 1948, the same electoral wave that propelled President Truman to a surprise second term, producing that famous "Dewey Defeats Truman" headline, also swept Senator Cooper and many other Republicans out.

It probably did not help that Kentucky's other Senator, Alben Barkley, the majority leader and a beloved Kentucky figure, was Truman's running mate.

Senator Cooper won his seat back in 1952, again for a partial term, when Gen. Dwight David Eisenhower sat atop the ticket. But he lost the seat in 1954, when he ran against the one Kentucky politician more popular than he, Alben Barkley, now a former Vice President running to return to the Senate.

He came back in 1956 to win his old Senate seat, and this time he held it until retirement in 1973. So he had three partial terms before ever being elected to a full term.

In 1966, his last election, he set a record for the largest margin of victory for a Republican in Kentucky history, a record that held for nearly 40 years until one of his former interns broke it in 2002.

Senator Cooper's peers on both sides of the aisle respected his wisdom and gravitas. But he was defeated by Senator Everett Dirksen for Republican leader in 1959, by a vote of 20 to 14—not exactly a cliffhanger as leadership races go.

Senator Cooper knew the bitterness of loss as well as the sweetness of victory. It is a sign of the respect he commanded, from both parties, that after every loss a new door opened, often as an important diplomatic assignment on behalf of the President of the United States.

After his defeat in 1948, President Truman asked him to serve as a delegate to the newly formed United Nations, alongside Eleanor Roosevelt. After his 1954 loss, President Eisenhower appointed him Ambassador to India, a crucial post, as this newly independent country was weighing whether to align with the free world or the Soviet bloc.

After his retirement from the Senate, President Ford called him back into public service to be America's first ambassador to East Germany. With all this diplomatic experience, I think Senator Cooper brought a perspective to foreign-policy issues that the Senate may have otherwise lacked.

As Senator Cooper's intern, I also had the pleasure of meeting his charming wife, Lorraine. Their marriage was proof of the old adage that opposites attract. Where he was soft-spoken, unpretentious, and humble, she was vivacious, full of good humor, and very much a member of high society. She threw many Washington parties, and in fact even though it was not a Washington party, I think I had my first glass of champagne courtesy of Lorraine Cooper.

Lorraine was not a native Kentuckian, and few would have mistaken her for one. When Senator Cooper ran in 1956, some of his aides recommended he campaign without her. He would hear none of it. Lorraine marched through every small, rural Kentucky town in her pinwheel hat and brocade dress, carrying a silk parasol and an emerald-studded cigarette holder, and they loved her.

At a diner in Berea, in central Kentucky, a woman admonished Lorraine for smoking at the lunch counter. "Listen," Lorraine replied, "I'm supporting the state's most valuable crop."

The first Tennessean who was majority leader of the Senate, Howard Baker, likes to tell the story about Lorraine Cooper. Right after he was chosen Republican leader, the phone rang and it was Lorraine Cooper on the phone. She said: Howard, do you have time to see me?

He said: Well, of course.

So Lorraine Cooper got an appointment, came up to the Senate, walked into his office and sat down and she looked at him. She said: Now, Howard, do you have any money?

Senator Baker said: Yes.

She said: You need new clothes.

Then she got up and walked out.

Senator Cooper was a confidante to Presidents. He and Lorraine were the first dinner guests of John F. Kennedy after the latter's election to the Presidency in 1960. I know my good friend, Senator KENNEDY of Massachusetts, has said that his brother the President thought very highly of Senator Cooper, as did he.

Senator KENNEDY once said that Senator Cooper "always brought light to the problem, rather than heat." What a wonderful description of this kind, thoughtful, wise and honorable man.

Let me add to Senator KENNEDY's description that Senator Cooper showed the same compassion and courtesy to the Kentucky farmer, to the Capitol Hill intern, or to the destitute of the Third World, as to the powerful and the mighty.

I know this from personal experience. One day in August 1965, I returned to Senator Cooper's office after completing my internship one year before. I was then a law student, having finished my first year at the University of Kentucky College of Law.

I was waiting to see Senator Cooper when suddenly he appeared and motioned for me to follow him. We walked together from his office in Russell 125 to the Capitol Rotunda, where I saw more people, and more security, than I had ever seen before. Then Senator Cooper told me what was happening: President Johnson was about to sign the Voting Rights Act that Senator Cooper had worked so hard and courageously to pass in 1965.

Sure enough, the President of the United States emerged. Every good biography of President Johnson describes him as a larger-than-life man, with an imposing physical presence. Let me testify right now that they are correct. President Johnson seemed to tower a head taller than anyone else in the room. He had a huge head, massive hands, and a commanding figure that immediately filled the Rotunda.

I was overwhelmed to witness such a moment in history, and moved that my hero, at the spur of the moment, had brought me to witness it.

I stayed close to Senator Cooper for the rest of his life. When I first won election to this body, Senator Cooper was retired and living in town. He invited me to stay at his home when I came to town to be sworn in. He would regularly come to my office to visit.

Harry Truman once said, "If you want a friend in Washington, get a dog." It doesn't sound like he had a very pleasant introduction to Washington. Mine could not have been more different. Senator Cooper gave me, as a new Senator, the gift of his 20-plus years of experience. We remained close, even as his health began to falter near the end of my first term.

John Sherman Cooper died in 1991 at 89 years old. Kentucky lost a leader, and the Senate lost a valued friend. Somewhere in a small town in Kentucky, a young boy or girl eager to enter public service lost a hero. I lost all three.

If not for John Sherman Cooper, I would not be here today. If not for him, all of the lives he touched—the farmer and the businessman, the indigent and the rich, the white and the black, the powerful and the least among us—would have a little less justice, and slightly narrower horizons.

I stand here 2 days past the 7,479 days that grand gentleman graced this floor.

To a kid whose dreams and ambitions greatly outstripped his means of ascent, I cannot begin to describe how that feels. It's humbling, and bittersweet. He looms in my memory. But I think of him today just as I first did on that bright day in 1964, a giant among men and a role model for life.

Thank you, Senator Cooper. You gave me more than I can ever repay.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I do not know how one signs on to all of what was just stated by my friend from Kentucky. I can also compliment him in a couple of areas and say that I would not be here had it not been for him. I do not know if I should mourn or celebrate that.

Nonetheless, if anyone ever visits Kentucky and takes in the traditions of Kentucky, they will find out the former Senator was a part of that landscape and the present-day Senator is the same way. So congratulations.

Mr. McCONNELL. I thank the Senator.

AMENDMENT NO. 1019

Mr. BURNS. I yield the floor back to the Senator from Oklahoma on his amendment where we were interrupted, amendment 1019, which is in order.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We were in the midst of talking about whether we buy land or take care of diabetes with native Americans. That is what this amendment does. It is obvious we are not going to be able to trim the spending in this bill, but it certainly is not obvious that we cannot reprioritize.

Let me give some facts and figures on Native American diabetes compared with diabetes in every other group in this country. The national U.S. population rate for diabetes is 6.3 percent. For Native Americans between 45 and 74 years of age, it is 45 percent, 7 times the national average. The most extensively studied, the Pima Indians, an estimated 50 percent of that population suffers from type II diabetes.

Native Americans who have diabetes suffer from increased rates of kidney failure, amputations, blindness, heart disease, and stroke. End stage renal disease in Native Americans with diabetes is six times higher than any other group in this country. Diabetic retinopathy, i.e., blindness from diabetes, occurs in 24 percent of Native Americans who have diabetes. Only 2 to 4 percent of the diabetes in the Native Americans is type I; 98 percent of it is type II diabetes.

Alcohol and substance abuse is where the other half of this money goes. Nineteen percent of Native American youth age 12 to 17 are consuming alcohol at an alarming rate, headed for addiction; 12.8 percent of the young 12 to 17-year-olds engage in binge drinking. That is five or more drinks, weekly. HHS estimates that 7.6 percent of Native Americans over the age of 26 are classified as heavy alcohol users. American Indians are five times more likely to die of alcohol-related causes than other groups and they face significant increases in carcinoma of the liver and chronic diseases such as psoriasis.

Mortality rates from alcohol and substance abuse are seven times higher in Native American populations than in the general population.

This amendment does not cut funding. It simply moves money from land to people, moves money from the purposes of why we are here to care for those who cannot care for themselves. I would say in Oklahoma, it is very evident to see the underfunding for the Indian Health Service, the number of true full-blooded Native Americans who cannot receive care that was promised under treaty to get the care they need for their diabetes, for alcohol abuse, and other substance abuse.

This is a simple amendment. I understand a budget point of order is going to be raised against it because it spends money faster than the land acquisitions do. I plan on moving to waive that point of order, but I would say to my friends on the committee, and I would say to the people of America, should we be buying more land when we cannot afford it? And if we are going to spend the money anyway, should we not be spending that on something that is going to increase the quality of life and increase the health care of those who are least fortunate in our society?

I would also ask, having looked at this and then refer to the increased spending since 2001, how many Americans have received a 39-percent pay increase since 2001? That is how much Federal Government spending, discretionary spending—that is not Medicare, that is not Social Security, that is not Medicaid, but discretionary spending—has risen. It is time for us to tighten our belt. This is one way to move the priorities back to where they should be in terms of caring for real people, not land.

The other point that I would make is when we buy land it costs us twice. No. 1, it takes it off the tax rolls which decreases the amount of income coming to the States, local communities, and municipalities. But No. 2, it markedly increases costs to care for that land. With $92 million unspent from last year, we are going to spend another $40 million to $50 million to maintain that land and close the purchase.

With that, I yield to the chairman of the subcommittee and thank him for the time to allow me to present my case.

Mr. BURNS. I thank the Senator from Oklahoma. The argument is made there are very few of us here who do not look for extra funds to put into IHS, and especially in the diabetes program. We know that is important.

This year, the committee has included an additional $135 million to support Indian health services. This is the largest increase in many years targeted specifically at providing greater support for hospital and clinical services, dentistry, nursing, diabetes, and other important health services. Funds for population growth and medical inflation have been included for the first time in probably a decade or more.

This increase comes at a time when most other agency budgets in the bill are not growing—in fact, many are declining. For example, EPA is reduced $144 million below their current year level; the Forest Service $648 million below; and the National Park Service, $52 million below. I point to these reductions both to underscore the commitment all of us share to improving health care in Indian country, but also to demonstrate that increases for any one agency come at the expense of others.

My colleague's amendment proposes to add funds to the special diabetes program. This program was initiated through the Balanced Budget Act of 1997 and reauthorized in December 2002 to provide $150 million annually for 5 years beginning in 2004. These are not appropriated dollars, it is a mandatory spending program for the prevention and treatment of diabetes within Indian communities. In addition to this program, the IRS itself spends over $100 million annually from within its appropriation to address diabetes treatment and prevention. There are also other programs funded outside this bill—the Centers for Disease Control comes to mind—that direct funds to Indian country for diabetes work. I mention these programs to highlight the fact there are significant resources being dedicated to diabetes work now with this committee's support and we are encouraged by the impact these funds are having in Indian communities.

Alcohol and substance abuse is another area where we are directing a substantial amount of funding into tackling this problem. This budget proposes a $6.3 million increase bringing the total for these efforts up to $145.3 million. Of this funding, 97 percent goes directly to tribally contracted or compacted programs. The committee has been an advocate for this program and has worked to increase funding over the years.

Funding levels for these two programs may not be in amounts that are ideal, but they are significant. Other programs of importance to our Members were proposed to take substantial reductions in the budget request, which we have struggled to restore. In the end, as I have said before, we have to strike a balance in this bill. I think the committee bill does a good job of hitting this balance and I urge Members to support the committee position.

Mr. COBURN. Will the Senator yield for a question?

Mr. BURNS. I yield for a question.

Mr. COBURN. There is no question a significant amount of money is being spent on these two programs, but when you compare it to every other group in this country, what you see is about $1 compared to $3 for everybody else in terms of diabetes. You cannot very well square that when there is six times the rate of end-stage renal disease in Native Americans. That is an important point because if you can prevent end-stage renal disease, you save $50,000 per year per person in not having them on dialysis, as well as the fact it is a miserable life being on dialysis.

So the point is that there are increases. I will recognize that. I still say how in the world can we justify buying land when we are stealing $541 billion from our grandchildren? And No. 2 is why not people instead of land? That is a legitimate question, especially in an underserved segment of our population that needs the dollars that will make a tremendous difference. I would just ask the Senator, can't we come to an agreement that a portion of this money should be moved to solve this very tragic problem that affects and afflicts Native Americans at a higher rate than any other group in this country?

Mr. BURNS. This bill has such a delicate balance that there could be—and I will raise it—a budgetary point of order. That is what we have to work with. The Senator from Oklahoma knows how to work with budgets and how we work with appropriations. It proposes to add $121 million to the Indian Health Service for a special diabetes program and an alcohol substance abuse program. The offset would be derived from an equivalent reduction in land acquisition. This transfer of funds results in a change of outlays that causes the bill to exceed its outlay allocation.

Now we might work on offsets in some other areas. As to the argument that you would make about land acquisition, we have always had land acquisition, but we have also had land sales. I wish I could stand here and report to you that we had as many sales as we have had acquisitions because I, for one, support the idea that there should be no net gain of land by the Federal Government. I come from county government. I know whenever the Government buys land, it takes it off the tax rolls. It hurts me as a county commissioner to provide all the programs that I have been asked to provide at the county level. In fact, we passed some legislation at one time when I first came here, which I was part of, of no net gain—or no net loss—whichever way you want to define it.

The way this is structured does raise a point of order, and I will raise that point. The pending amendment offered by the Senator from Oklahoma increases discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior and Related Agencies of the Committee on Appropriations. Therefore, I raise the point of order against the amendment according to section 302(f) of the Budget Act.

Mr. COBURN. Mr. President, I thank the Senator for his courtesy. I plan, in a moment, to move to waive the point of order, but before I do that I think every American ought to be asking the question this is $544 billion which we are going into the market and borrowing on budget this year, $544 billion that our kids and our grandkids are going to have to pay back at a minimum of 6 percent interest every year. So we are going to pay back about $2 trillion on this $544 billion. That is going to be about $70,000 apiece that we are going to wrangle their future with. And the question is, Should we be buying more land if we are going to put our kids in debt?

The PRESIDING OFFICER. The Parliamentarian advises that the point of order is not debatable.

Mr. COBURN. Mr. President, I move to waive the point of order.

The PRESIDING OFFICER. Does the Senator seek the yeas and nays?

Mr. COBURN. I do. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be. There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The motion to waive is debatable, and the Senator from Oklahoma is recognized.

Mr. COBURN. The question the American people have to ask themselves is, if we are going into hock and we are going to put this kind of lien on our kids, should we be taking money off tax rolls? Should we be spending more money to maintain the land? Or if, in fact, we are going to do this, should we not see an outcome that reduces our cost by reducing insulin dependence type 2, by reducing dialysis? I believe the choice is very clear, that we ought to be taking care of those who need us the most and not add land that is going to add cost. In fact we should, invest in those people where we are going to decrease the cost of the Indian Health Service. With that, I yield the floor.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. ROCKEFELLER. Mr. President, I had to be absent from the Senate today, and I missed votes beginning with the motion to waive the Budget Act with respect to amendment No. 1019, offered by my colleague from Oklahoma, Mr. COBURN. I had to miss the votes in order to travel to Charlotte, NC, to participate in a Base Realignment and Closing, BRAC, Commission Regional Hearing at Central Piedmont Community College. I am not absent from the Senate on days when we have votes without good reason.

This afternoon there was nowhere more important for me to be than at the BRAC Regional Hearing, which is part of the process whereby the fate of the 130th Air National Guard Wing, based in Charleston, WV, will be decided. I believe it is a crucial part of my duty as a United States Senator from West Virginia to protect the 130th. While I respect the difficult work done by members of the BRAC Commission, and understand that their preliminary recommendations were made in a good faith effort to improve the efficiency and efficacy of our armed services. However, I believe that gutting the 130th is wrong and I must make every effort to oppose it.

The 130th plays an important role in our national security, as well as the security of the greater Washington area. It has also provided hundreds of National Guard personnel who responded to the call of duty in Bosnia, Afghanistan, and Iraq. In addition to 340 full-time Guard members, the 130th employs 201 federal technicians, and more than 80 active guards. The State of West Virginia also employs more than 50 State employees whose jobs depend on the continued presence of the 130th. At a time when enlistments and retention for both our National Guard units and regular Army are suffering, the 130th had 96 percent reenlistment, fifth in the nation. Every single job in West Virginia is sacred to me, and as these jobs also protect my home State and are a vital part of our military family and national security, I believe very strongly that they should not be cut.

With regard to the amendment by Senator COBURN, I believe he made very persuasive arguments about problems in Indian Country of diabetes and drug and alcohol addiction. When you consider that Native Americans from the ages of 45–74 have a rate of diabetes roughly seven times the rate for all Americans, and that drug and alcohol addiction is rampant, I believe most of our colleagues would feel that all that can be done to help the Indian Health Service—IHS—combat these plagues should be done.

However, we are in a time of severe fiscal constraints, and I commend the Interior Appropriations Subcommittee for successfully completing the difficult task of meeting so many priorities as best they could. The underlying bill contains about $100 million in appropriated funds for diabetes programs under the IHS, and there are more than $150 million available in mandatory spending in other programs targeted at the same problem. Similarly, the bill funds alcohol and drug abuse programs at $145.3 million. Senator COBURN would have shifted additional funding to those important causes by transferring funds to be appropriated for land acquisition. The bill contains only about $154 million for Federal land acquisition. While IHS diabetes and drug treatment programs surely could have benefited from an extra infusion of cash, it was also important to fund the land acquisition program at a reasonable level.

I will support efforts to adequately fund all programs of the Indian Health Service, and while I would have opposed the Coburn amendment, I commend him for his obvious and careful attention to this matter.●

Mr. BURNS. Mr. President, I ask unanimous consent that this amendment be set aside. I believe the Senator from Oklahoma has another amendment.

AMENDMENT NO. 1053

Mr. DORGAN. Mr. President, I wonder if I might ask the Senator from Montana, my understanding is that we have a request from Senator BYRD, and I believe Senator COCHRAN, that on their behalf, the Byrd amendment, amendment No. 1053, be adopted by voice vote. My understanding is that both sides have had that request of Senator BYRD and Senator COCHRAN. I wonder if we might be able to accomplish that, I would ask the Senator from Montana.

Mr. BURNS. That is perfectly amenable to me. In fact, I would suggest the pending business be set aside and call up amendment No. 1053.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I ask unanimous consent the amendment be adopted by voice vote.

First, the unanimous consent is to vitiate the yeas and nays.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1053) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. FEINSTEIN. Mr. President, I am a cosponsor of the amendment offered by Senator BYRD and Senator COCHRAN to establish a Memorial to Martin Luther King, Jr. on the Washington Mall.

A memorial to Martin Luther King, Jr. in the heart of the Nation's Capital is a fitting tribute to a man whose vision and courage transformed the face of our Nation. Only a short distance from us here in the Capitol, Martin Luther King, Jr., delivered his famous "I Have A Dream" speech on the steps of the Lincoln Memorial. His inspirational words resonated with many Americans and helped spark the civil rights movement.

Dr. King started as a civil rights leader during the Montgomery bus boycott. Despite the bombings, arrests, and violence that Dr. King faced as a leader of this boycott, he continued to push for change. The Montgomery bus boycott successfully brought the glaring inequities facing African Americans to the fore of the American consciousness. In response to the boycott, the U.S. Supreme Court outlawed racial segregation on intrastate busses. However, as we know, Dr. King did not stop with this one legal victory.

Dr. King continued to tirelessly advocate for the principles of nonviolent protest as a means of addressing the injustices facing African Americans. Even in the face of tremendous opposition and cynicism, Dr. King persevered and helped concentrate the civil right movement's momentum for change. It is largely due to Dr. King's efforts that Congress rightly passed the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Over 4 decades later, I believe we are coming closer day by day to achieving Dr. King's dream, but still, more progress must be made. To memorialize Dr. King's dream here in our Nation's Capital would serve as a powerful reminder of the strides we have made but the steps we must still take together as a nation to weed out inequity.

I am pleased to have the opportunity to cosponsor this amendment with Senators BYRD AND COCHRAN to honor this great individual with a memorial in Washington, DC. The $10 million authorized by this amendment will help expedite the building of this memorial, which shall serve to remind future generations of Dr. King's sacrifices and his lasting legacy.

I urge my colleagues to support this amendment, and I ask unanimous consent that the full text of this proposed legislation be printed in the RECORD immediately following this statement.

AMENDMENT NO. 1003

Mr. COBURN. Mr. President, I call up amendment No. 1003. I would like to be recognized to speak on that amendment.

The PRESIDING OFFICER. The amendment is now pending, and the Senator from Oklahoma is recognized.

Mr. COBURN. I would like to call the attention of the Members to page 8 of the report language on the Department of Interior, Environment and Related Agencies Appropriations bill, 2006. No. 7 is entitled, "Report Language." I think it is important that we understand what this says. It says:

> Any limitation, any directive or any earmarking contained in either the House or Senate report which is not contradicted by the other report, nor specifically denied in the conference report, shall be considered as having been approved by both Houses of Congress.

Mr. President, I do not have objection to that other than the fact that the American people, when the report comes out of conference, will have no way to measure the earmarks, the directives, and other things in that bill without that inclusion. This amendment requires that any limitation, directive, or earmarking be included in the conference report. This amendment is about sunshine so that if you get the conference report you can actually tell what is earmarked, what is directed, what is limited by the language that individual Senators have placed in the bill. I do not expect this amendment to pass. I understand that. But I think in one of the steps of us ever getting to the point where we do not leave this heritage of tremendous debt to our children, sunshine has to come in. And when we pass a bill out of conference, the conference report ought to say what is in there, just like it does when we have a conference bill on the Senate side or a conference bill on the House side.

The current report language actually abdicates our authority in looking at what the House earmarks or what the House limits as a body. We do not get a chance to look at that because it is not in the report language coming out of conference. I believe the Senate has a responsibility to vote on everything that is in that bill and have knowledge of everything that is in that bill. The only way a Senator will be able to know that is to take the House language in their report, filter through the Senate language, and figure out what is and what is not included.

This amendment requires that all provisions must be included in the conference report. It allows both the Senate and the House the opportunity to vote on all provisions, as opposed to only those which happen to pass through their respective Chambers.

I believe the American people expect us to do that. I believe this body was, in fact, intended to look at what the House does. I believe the conference report ought to share what the House has limited, directed or earmarked for the benefit of individual Members or individual States, cities or otherwise.

So with that, I yield to the Senator from Montana and ask that he would support this amendment. It is a simple change. It is a change for open and more transparent Government. It is my belief that it is something we ought to consider.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. We all live by sunshine. I would tell the Senator from Oklahoma.

I think—I will have to ask counsel on this—whenever the House passes their bill and sends it to the Senate, and we take that bill to our committee, both the subcommittee and the full Committee on Appropriations, that House bill contains all of their earmarks. And some of those earmarks are covered up, agreed. But that bill is available for the Senators' perusal whenever it comes over here.

Now, most of these, however—recommended by the House and the Senate both—appear in the tables of the statement of the managers that accompanies that conference report. They are all there. All you have to do is kind of look for them. Some of them are not because the two bills are merged.

So in order to get the bills balanced out, merged, and back on the floor with a conference report—and you have to remember, the staff reads that whole bill, every word, before it is in its final form and comes back here for final consideration—some of those do get covered up. But in each body, all of those earmarks are a matter of public record, what goes on in their committees on the House side and the Senate side. This is to facilitate getting that report put together, the bill coming back on this floor, and getting it passed.

So what the Senator is asking for is more time between the time the House passes it, we pass it, it goes to conference, and then getting it back on the floor and full disposal of the conference report.

So it is not to hide anything. The way it is done is not meant to hide anything. And nothing is hidden. You just have to follow the trail in order to dig it out. And I realize sometimes the public would have a hard time doing that. But as a Senator, we even have to work at it at times. But, basically, that is the reason for the process: to save time, take some of the load off the staff that has to put this together.

So I would ask that the body oppose this particular amendment.

The PRESIDING OFFICER. The Senator from Oklahoma

Mr. COBURN. Mr. President, I think we are in a time when we can take the time to make sure the American public knows what is in the bills. As a matter of fact, I think it is wrong if we do not take the time. I read almost every bill. I am one of the few Senators who do. I can tell you that I will struggle through a House bill and then have to subtract out the conference bill to find out what was deleted from the House bill to be able to know what is and what is not there.

That is not sunshine for the American people. It is barely any sunshine for a Senator. I restate, the fact is, we ought to make it easy for the American people to find out where we are spending the money. A conference report that does not make it easy, does not direct where the money is directed, where the earmarks are, where the limitations are, is less than what the American people deserve.

This is a simple request. It will not add that much time. It is all printed out. In the conference, you all know what you are going to agree to and what you are not going to agree to. It is taking one computer screen: You punch "copy," and it goes into the report.

So I would beg to differ with the chairman. I love him dearly. I think he is a great man. But I think the American people deserve to know what is in every report that comes out of here in terms of spending so they can make an evaluation: Are we doing the right thing mortgaging the future of our kids? Is it legitimate?

But to pass a conference report that does not give that pathway to them, for them to see and make that judgment, I think is wrong.

I think it will help us as the Senate, as we look at what the other body does, to put that in that report. I believe anything less than that says we do have something to hide. We may not have anything to hide. But not being very transparent and very clear about what the limitations, earmarks, and directives are in a bill is something less than what the American people deserve.

I ask the chairman again to reconsider his opposition to this amendment.

Mr. BURNS. Well, I will tell you, I have read those conference reports, also—even the bills that come over from the House—like you. If you have a clear paper trail, and you read everything, about 80 percent of all earmarks are contained in the conference report. There are just a few that are matched up, and we do not get to see them in the conference report.

Mr. COBURN. Will the Senator yield for a question?

Mr. BURNS. I will. I am still going to fight for the 20 percent. How is that?

Mr. COBURN. But the point is, don't the American people need to see that 20 percent? Shouldn't they be able to see that 20 percent?

Mr. BURNS. Sure. Listen, I helped pass a law with Senator LIEBERMAN on E-Government. Any citizen can go to their computer and dial it up online, and they can follow it all the way through. There are ways of doing that. I was part of that debate on E-Government. And we are going to do another E-Government bill that is going to open it up even wider, we would hope.

Mr. COBURN. Will the Senator yield for another question?

Mr. BURNS. Yes.

Mr. COBURN. Do you believe the average American can get on a computer, after this bill comes through conference, and see where all the money is spent?

Mr. BURNS. I would answer that by saying those citizens who are really, really interested in how we budget and how we spend do have the capabilities and the knowledge to access that information and to follow it.

Mr. COBURN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1002 WITHDRAWN

Mr. COBURN. Mr. President, I ask unanimous consent that amendment No. 1002 of the Interior appropriations bill be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

AMENDMENT NO. 1052

Ms. STABENOW. Mr. President, I appreciate having the opportunity to speak for 5 minutes prior to the vote. I know we have two important votes that will be coming up shortly. But I did want to take this opportunity to indicate that I am very proud to be cosponsoring the Murray amendment concerning the important resources that are needed for veterans health care today.

The midyear budget review of the Department of Veterans Affairs confirmed what many of us have known for some time; that the VA is facing at least a $1-billion shortfall in meeting critical health care needs for the current budget, the 2005 budget. As a result, the VA officials say they are forced to take $600 million away from funds to improve VA hospitals and other infrastructure and to borrow $400 million from funds already committed to provide health care during the next fiscal year. The end result is that the quality of health care for our veterans will suffer. Essential services and programs are now at risk. This is not acceptable. We need to act today to do something about it.

We are creating more veterans, as brave men and women come home from Iraq and Afghanistan and around the world. Over 360,000 veterans have already returned from Iraq and Afghanistan, and over 86,000 have sought health care from the VA. The VA's patient growth for this year rose by 5.2 percent, an increase of over 3 percent from their original projections. We have men and women coming home every day, changing one hat for another. They come home with the assumption that we will keep our promise to make sure health care is there for them.

We know there are an additional 740,000 military personnel also serving in Iraq and Afghanistan. This next generation of veterans will also be eligible for VA health care, putting further demands on the system. Continued funding shortfalls and rising costs have already resulted in unprecedented waiting times for veterans seeking care. In my State of Michigan, I talk with veterans who have to wait 6 months to see a doctor. This is simply not acceptable. The VA's enrolled patient population has increased 134 percent. Funding for the VA has only increased 44 percent.

It really isn't about funding. We know this involves dollars. The real issue is whether we are going to keep our promise to our veterans who have kept their promise to each of us in fighting for our freedoms. The President's budget fails to keep this promise. I was proud, as a member of the Budget Committee, to be involved in efforts to turn that around. In the budget process this year, we did offer an amendment that would have increased the dollars for veterans health care. That was not successful at the time. Now is the time that we can make this right.

I also mention that in the President's budget this year, instead of adding the dollars needed for our brave men and women who are coming home and putting on the veterans cap, we saw a proposal to double veterans prescription drug copays from $7 to $15 per prescription and an increase of $250 in an enrollment fee for more than 2 million of our veterans. I was pleased as a member of the Budget Committee to lead the effort that took that out of the budget that came before the Senate.

Unfortunately, we are seeing proposed cuts with the budget proposed by the President, deep cuts in our VA nursing homes and private homes, State VA nursing homes. We are seeing continued efforts to roll back dollars rather than increase them.

I hope what we will do long term is move our veterans health care funding over to be mandatory funding rather than having to go through the budget process every year. We know that our veterans put their lives on the line for us without question. They are not asking will those funds we promised really be there for them. They assume we will keep our promise. Every year, we are debating whether veterans health care is fully funded. Now is the time to make this a mandatory promise that we keep based on the needs of our veterans, not a debate about the budget. We need an emergency supplemental to address this crisis.

I am proud to be a cosponsor with Senator MURRAY. I commend her for the amendment. We also need to take a hard look at this year's budget priorities and ask why we are not putting our veterans at the top of the list.

I urge support for the Murray amendment. Then we must get about the business of making sure that we are getting it right for our veterans every year, that we are fully funding their needs, the promises we have made to each veteran who is serving us today, served us yesterday, and will serve us tomorrow.

I urge adoption of the Murray amendment and yield the floor.

Mrs. FEINSTEIN. Mr. President, I rise today in support of the amendment that I am sponsoring with Senators MURRAY and BYRD, to provide the Department of Veterans Affairs with an additional $1.42 billion in emergency funding to shore up dramatic new shortfalls in the VA health care system.

Our soldiers are returning home from Iraq and the front lines of the War on Terror by the hundreds, to begin their transition back to civilian life—and they deserve our assistance and respect.

In California alone, there have been nearly 100,000 men and women deployed to Iraq and Afghanistan, all of whom will be eligible for at least two years of VA medical services when they return.

Over 1,400 Californians have been wounded during operations in Iraq and Afghanistan. Many of these recent veterans suffered injuries that will require specialty care for the rest of their lives.

Moreover, many of our combat veterans could have mental wounds we are not even aware of yet.

A report issued by the Government Accountability Office in September of last year found that:

> Mental health experts predict that because of the intensity of warfare in Iraq and Afghanistan 15 percent or more of the servicemembers returning from these conflicts will develop post-traumatic stress disorder—PTSD."

This is in addition to the veterans currently accessing the VA health care system.

And now, we have learned that the VA's budget forecast projections did not adequately provide for soldiers returning from Operation Iraqi Freedom and Operation Enduring Freedom.

How, if we know this, can we sit by and insist that there is no problem? This budget crunch is not just on paper.

In San Diego County alone, 4,000 more veterans have been treated by the VA this year as compared to last, and we are still three months from the end of the fiscal year.

This includes over 1,700 soldiers returning from combat in Iraq and Afghanistan. At the same time, the number of backlogs for appointments is growing, leading to longer wait times for veterans.

And the Los Angeles Times reported on March 20, 2005, that over the last decade, the VA hospital in Los Angeles has reduced the capacity of in-patient psychiatric beds from 450 to 90. Meanwhile, over the same 10 years, Los Angeles has seen an increase of 28 percent in mental health patients.

The crunch is coming and we need to start preparing. This amendment starts the preparation.

But I want to be crystal clear, this amendment only addresses needs this year. Much more work will need to be done in fiscal year 2006.

It appears that the fiscal year 2006 VA budget request also made use of similar data forecasting as this year's, making it highly probable that we will see a repeat of this shortfall next year.

Secretary Nicholson testifies today before the Senate Veterans Affairs Committee and acknowledge that the fiscal year 2006 budget request is insufficient. We look forward to the Administration's budget amendment for fiscal year 06 to deal with this problem.

Clearly, we will have a lot of work to do in the fiscal year 2006 appropriations process. In the meantime, this amendment would add needed funding this year and help to alleviate the budget problems we are seeing in VA hospitals across the country.

In closing, I would only add that this is not a Democrat issue and this is not a Republican issue. This is an issue that goes to the very heart of how we treat those men and women who have fought bravely on behalf of our nation and we need to be unified in showing them our support.

I respectfully urge all of my colleagues to vote for this amendment.

Mr. KERRY. Mr. President. George Washington said more than 215 years ago that, "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country."

Today, our veterans are appreciated, but we learned last week that they are not necessarily treated adequately when it comes to healthcare. The Department of Veterans Affairs, VA, disclosed it needs at least an additional $1 billion to provide healthcare to our Nation's veterans. If we don't do something about it, our veterans will be in jeopardy of having necessary healthcare delayed or even denied due to lack of funds. We must address this situation without delay. Our troops risk their lives every day defending freedom, and sacrificing to keep us safe. If we fail to meet our responsibility to them, and provide them the healthcare they need, we fail to honor their service.

I hope my colleagues will join me in supporting Senator MURRAY's important amendment to immediately cover this shortfall by providing $1.42 billion to the VA for veterans' healthcare under an emergency designation so we can ensure today's veterans receive the benefits they have earned fighting in Iraq and Afghanistan. I hope that none of us would tolerate the injustice of soldiers who have bled for our country being denied the medical care they need.

While the VA is replacing the lost funds, they do so at a great cost. The VA is cutting corners by squeezing other accounts. Those accounts provide funds for non-recurring maintenance and equipment—funding critical tasks like repairing leaky roofs, or purchasing equipment ranging from photocopiers to defibrillators.

Our VA hospitals should be shrines of gratitude to those who have borne the battle. They should not want for anything—not new roofs, not photocopiers—and most certainly not defibrillators.

At a time when a new generation of veterans is returning from war, set to use the VA in historic numbers, I hope that we will heed the words of Commander James E. Sursely. Commander Sursely spoke for the 1.2 million members of the Disabled American Veterans organization when he called upon Congress to ". . . act quickly to stem the flow of red ink that threatens health care for today's veterans and thousands of men and women injured or disabled during the wars in Iraq and Afghanistan."

Our veterans are humble Americans who every day exude the quiet strength that comes from having served their country when it needed them. Today, they need us. I ask all my colleagues to join me in supporting the Murray amendment, and do right by our veterans without delay. Let's not waste another moment in answering this call. Let's fill this gap now. Let's meet their need. Let's not forget that a new generation of veterans is watching to see what we do today.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Montana.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the vote in relation to the pending motion to waive with respect to the Coburn amendment No. 1019, to be followed immediately by a vote in relation to the Coburn amendment No. 1003, with no second degrees in order to the amendments prior to the votes and with 2 minutes equally divided for debate prior to the second vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1019

The PRESIDING OFFICER. The question is on agreeing to the motion to waive the Budget Act in relation to amendment No. 1019. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD), and the Senator from Connecticut (Mr. LIEBERMAN) are absent attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 17, nays 75, as follows:

[Rollcall Vote No. 159 Leg.]

YEAS—17

Akaka
Brownback
Coburn
Conrad
Dorgan
Enzi
Inhofe
Kennedy
Kyl
McCain
Murkowski
Nelson (NE)
Reid
Specter
Stevens
Thune
Wyden

NAYS—75

Alexander
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Bunning
Burns
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Cornyn
Corzine
Craig
Crapo
Dayton
DeWine
Domenici
Durbin
Ensign
Feingold
Feinstein
Frist
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Mikulski
Murray
Nelson (FL)
Obama
Pryor
Reed
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NOT VOTING—8

Burr
Byrd
DeMint
Dodd
Dole
Graham
Lieberman
Rockefeller

The PRESIDING OFFICER. On this vote, the yeas are 17, the nays are 75. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

AMENDMENT NO. 1003

The PRESIDING OFFICER. By agreement, the next order of business is Senator COBURN's amendment No. 1003, with 2 minutes evenly divided prior to a vote on the amendment.

The Senator from Montana.

Mr. BURNS. Mr. President, I urge the body to not support the amendment offered by my good friend from Oklahoma. Everything is listed in earmarks either in the House bill or the Senate bill. The conference report misses some of them because they overlap. I ask the body not to support this amendment and support the committee.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, the point I wish to make is the American people deserve to have sunshine on everything we do. The conference report would not adequately reflect the earmarks in the House, the directives in the House, or the limitations in the House. We are going to be voting on the bill without the knowledge of what those limitations or earmarks are.

I would like to turn for a second to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, if we are going to put any kind of brake on earmarking and some of the subterfuge that exists of putting earmarks into conference reports which are then interpreted by the agencies affected as mandatory, the amendment of the Senator from Oklahoma should be adopted.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to amendment No. 1003. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mrs. DOLE), and the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. BYRD) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. DODD) and the Senator from Connecticut (Mr. LIEBERMAN) are absent attending a funeral.

The PRESIDING OFFICER (Mr. THUNE). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 33, nays 59, as follows:

[Rollcall Vote No. 160 Leg.]

YEAS—33

Akaka
Alexander
Bayh
Biden
Bingaman
Boxer
Cantwell
Clinton
Coburn
Cornyn
Corzine
Dayton
Ensign
Feingold
Feinstein
Frist
Inhofe
Isakson
Kerry
Kohl
Kyl
Landrieu
Levin
Lugar
McCain
Nelson (FL)
Nelson (NE)
Schumer
Sessions
Specter
Stabenow
Sununu
Wyden

NAYS—59

Allard
Allen
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Durbin
Enzi
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Lautenberg
Leahy
Lincoln
Lott
Martinez
McConnell
Mikulski
Murkowski
Murray
Obama
Pryor
Reed
Reid
Roberts
Salazar
Santorum
Sarbanes
Shelby
Smith
Snowe
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—8

Burr
Byrd
DeMint
Dodd
Dole
Graham
Lieberman
Rockefeller

The amendment (No. 1003) was rejected.

Mr. BURNS. I move to reconsider the vote.

Mr. ENSIGN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1026

Mr. BURNS. Mr. President, we decided to call up amendment numbered 1026, the Sununu-Bingaman amendment regarding the Tongass National Forest.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BURNS. There is no time agreement on this amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, this year marks the 100th anniversary of the founding of the U.S. Forest Service. The creation of the Forest Service in the Department of Agriculture is remembered as probably one of the most significant conservation legacies of President Theodore Roosevelt.

During President Roosevelt's tenure, there were established 5 new national parks, 51 bird reserves, 4 game reserves, 18 national monuments, and 150 national forests, including the Tongass National Forest. All told, some 230 million acres of land was set aside for the public. It is no wonder that President Roosevelt is regarded not only as the first but perhaps the greatest conservation President.

President Roosevelt shared his vision for the national forests in an address to the Society of American Foresters on March 26, 1903. Here is what he said:

> First and foremost, you can never afford to forget for one moment what is the object of our forest policy. The object is not to preserve the forests because they are beautiful, although that is good in itself. Nor because they are refuges for the wild creatures of the wilderness, though that too, is good in itself. The primary object of our forest policy . . . is the making of prosperous homes. Every other consideration comes secondary. A forest that contributes nothing to the wealth, progress or safety of the country is of no interest to the Government, and should be of little interest to the forester.

He further said:

> Your attention must be directed to the preservation of forests, not as an end in itself, but as a means of preserving and increasing the prosperity of the nation.

I find it somewhat ironic that during the centennial year when we celebrate the achievements of the Forest Service and the professional foresters who manage these forests, that this particular amendment is offered today. This is an amendment opposed by the Society of American Foresters. This society represents 16,000 professional foresters from across the Nation. It is opposed by the National Association of Home Builders. It is an amendment opposed by the very people who were identified as the core stakeholders of our national forests by the Roosevelt administration.

This amendment is opposed by organizations which, like President Roosevelt, believe in the wise use of our forests. It is opposed by the National Association of Counties. It is opposed by America's working men and women who belong to the labor unions that make up the Forest Products Industry National Labor Management Committee. We have the International Association of Machinists and Aerospace Workers, the PACE International Union, the International Brotherhood of Carpenters and Joiners, the United Mine Workers, the Southern Council of Industrial Workers, and the Association of Western Pulp and Paper Workers.

The amendment we have before the Senate now does not comport with President Roosevelt's vision for the national forests. It is an amendment that turns our national forests, which are intended to support multiple uses, into wilderness areas. It is the falling domino in the nationwide campaign to lock up our national forests, throwing people out of work and wreaking havoc on our local economies. And most offensively, to me, it is an amendment that discriminates against just one forest—the Tongass National Forest, in the State of Alaska. It is only directed to the Tongass. It covers no other national forest in the Nation. I suggest to my colleagues in the Senate that first it is the Tongass; next it will be the forests in your home States.

Even though this amendment is cloaked in the language of fiscal responsibility, it should come as no surprise that the usual suspects are working hard for its adoption—those who seek to shut down and to prohibit any timber activity on national forest lands. It is not that they are fiscal conservatives themselves. It is because they specifically oppose logging in the Tongass. These are groups such as the Wilderness Society, the Alaska Rain Forest Campaign, the National Resources Defense Council, Friends of the Earth, Sierra Club, Earthjustice, formerly known as the Sierra Club Legal Defense Fund. These are organizations that have just said no, there shall be no timber activity in the Tongass.

The Sierra Club Legal Defense Fund, now known as Earthjustice, is a group that maintains an office in Juneau for the purpose of appealing and then litigating the timber sales that are presented in the Tongass.

It is no wonder the Forest Service finds it difficult to efficiently manage the timber program in the Tongass. I am told we have about 2 years of the Forest Service planned timber offerings that are either under appeal or litigation at any one time. This is four times the rate experienced by the Forest Service nationally.

It is fair to say the professional foresters, in whom President Roosevelt placed his trust, no longer manage the timber in the Tongass. I can tell you these professional foresters are very frustrated that what we have are trial lawyers and judges who have more to say about managing our forests than they do.

The proponents of this amendment will tell you this is about making the free market system work within our national forests. As long as the litigators can tie up the timber sales, tie up the forest management in knots, this is not a free market scenario.

When Congress passed the Tongass Timber Reform Act, which caused the cancellation of long-term contracts and the closure of the pulp mills in Ketchikan and Sitka, that was not the free market. It was not the free market that eliminated thousands of timber jobs in the State of Alaska. It was about timber politics, plain and simple.

It is not the free market that generates the high costs that the proponents of this amendment complain make the timber sales unprofitable. According to the Society of American Foresters, about 75 percent of the cost associated with timber sales in the Tongass is spent on environmental review, appeals, and litigation. So the remaining 25 percent of that is spent on actual preparation and administration of the sale.

So again, you look at the numbers, and you say, it seems, looking at just the columns, the numbers are higher. But keep in mind, 75 percent of those costs are directly associated with the environmental review, appeals and litigation. So we need to be very clear about what this amendment does. If it is passed, it essentially will enact a roadless rule on the Tongass National Forest. Because the Tongass is currently 95 percent roadless, and because it has stringent environmental standards, the amount of timber that could be harvested from the Tongass would be vastly reduced.

The current 150 million board foot program—and keep in mind, this was formulated after a very extensive scientific consultation, with public participation. It was a process which took 9 years and $13 million to complete this plan. Under this program that again was formulated in this very lengthy process, it would be reduced to 30 to 40 million board feet. This would result in the direct loss of two or more of the mills and loss of about 680 potential jobs.

Now, some of you may be saying: Well, 680 jobs does not seem that significant. In the southeastern part of the State of Alaska, where our population numbers are few and our unemployment numbers are very high, this is a huge loss. This is a devastating loss. This would truly be nothing more than the latest chapter in the campaign to shut down the Tongass and kill off the timber industry in southeast Alaska.

Now the proponents of this amendment would have us believe that if this amendment fails, then somehow or other there are going to be all these big corporations that stand to gain. But the timber industry in southeast Alaska is not made up of big corporations. It is made up of mom-and-pop businesses. These are owner-operated small businesses run by people such as Steve Seeley, out of Ketchikan; Kirk Dahlstrom, out of Klawock; Butch and Jackie DuRette. These are real people who are contributing to their local economy. These are people who could have cut and run when the timber industry turned sour, but instead they accepted the risk. They stayed around, and they tried to build their businesses. Believe me, these are people who know what the free market is. I know these people, and I am proud to tell you of the good job they do contributing to the economy of southeast Alaska.

So for the good of southeast Alaska, and for the good of sound forest management, I ask my colleagues to look at this amendment, look at it very carefully, look at who it is opposed by. It is opposed by the Nation's professional foresters. It is opposed by working men and women. It is opposed by the National Association of Counties. And it is opposed by our Nation's homebuilders. Let's look carefully at how we manage our forests and make sure we do it right.

One of the contentions you will hear is that the economics in the Tongass do not work. You will hear some numbers thrown around. I think it is important to recognize you would be operating off of a false assumption or a false premise if you were saying that the Forest Service is supposed to be a profit-making venture. As I indicated in those comments made by President Roosevelt some 100 years ago, conservation, in Roosevelt's mind, meant the wise use of forest resources for the greatest good, not necessarily locking them up under glass down in southeastern Alaska.

The question of why the Forest Service does not necessarily make a profit has been studied extensively. There is a think tank in Bozeman, MT, called the Property and Environment Research Center. They did a study in 1995 where they noted that the Forest Service is not expected by its governing law to make a profit. Its operations are governed by extensive environmental review processes that make it difficult to turn a profit.

Again, look at the numbers. Look at what the task, the mission, is in terms of multiple use, and what it is we are asking our foresters to do.

I will speak a little bit about the cost issue because there are those who will suggest this amendment is not being put forward because they are opposed to timber in the Tongass; they just think it is an unreasonable amount of money and that we are subsidizing. Well, we have a breakdown of the various regions across the country from the U.S. Forest Service that delineates the cost per acre of our respective national forests based on State. It sets forth the net acres, the gross receipts, as well as the monetary return per dollar invested.

If you look at the Tongass, we operate at about $6.05 in terms of cost per acre. As you go through this report across the country, you realize that $6.05 is actually a pretty good deal in terms of how we are operating on a cost-per-acre basis.

Running down through the States—not singling out any particular State, but in several of the California national forests, the cost per acre at Six Rivers National Forest is $27.35. The cost per acre in Plumas, CA, is $35.86; in San Bernardino National Forest, it is $189.20. As to the sponsor of the amendment, if you look at the White Mountain National Forest in the New Hampshire area, their cost per acre is $19.39.

So if we are talking about singling out one national forest in the entire national forest system, and we are saying it is too expensive in the Tongass, and we are not going to allow for any Federal dollars to go toward building roads because we think it is too expensive there, I challenge you: Take a look at what is happening with the operation of our other national forests in terms of our cost per acre and what it means.

Let's look to the monetary return per dollar invested in those national forests in California I made reference to. Their return per dollar invested is 1 percent. That is not a very good return if that is what you are going to base it on.

So again, to single out the Tongass, to single out the State of Alaska and say, "You are the only one where we, as a Congress, are going to decide how you are going to manage your forests because we are going to tell you that there are no dollars that can go for road-building activity," the land management plan that we have spent 9 years and $13 million on is thrown out the window because the Federal Government is going to tell us that our costs are a little bit too high—it is wrong. It is flat out wrong, and it needs to be stopped.

I mentioned those who oppose this amendment. It is important for us to recognize who the professional managers are, the professional foresters, some 16,000 professional foresters across the Nation who oppose this amendment. Our decision, should we adopt the Sununu amendment, would override the judgment of professional foresters. It would render meaningless the Tongass land management plan. We need to think about what it is we are doing should we move forward in support of this amendment.

I want to leave my colleagues with a few facts again about singling out the Tongass for this action in this amendment.

Alaska is a State. We are not a colony. We may have come late into the statehood battle, but we are still a State, and we deserve to be treated as a State. We sought statehood so we could gain control of our resources. But sometimes that goal remains pretty illusive. All we are asking for is that we have the ability to manage our Federal lands responsibly. We can—in conjunction with those professionals, those foresters who are working hard on this plan to make it work—manage the forests to provide for the multiple uses our national forests are tasked to do.

I know people think: Oh, we throw around these Alaska statistics all the time. But I think it is significant in this debate to put this in context. Ninety-four percent of the land in the southeastern part of the State is part of the Tongass National Forest. It is controlled by the Federal Government, the U.S. Forest Service.

In the State of Alaska, we have 54 percent of the Nation's designated wilderness. In one State, our State, we have 54 percent of the entire designated wilderness.

What are we doing with the Tongass National Forest now? Forty percent of that land in the Tongass, some 6.6 million acres, is already off limits to timber development. It is in a wilderness area. It is a national monument. It is a land-use designation II area. It is absolutely, positively off limits. That is 40 percent currently in the Tongass.

Another 56 percent of the Tongass National Forest is off limits to timber under the forest plan—this forest plan that I keep talking about that took 9 years and $13 million that this amendment will essentially kick aside. Fifty-six percent of the Tongass is off limits under that plan.

That leaves 4 percent of the Tongass, or approximately 655,000 acres, out of a total of 17.8 million acres in the Tongass. That 4 percent is what we are talking about that would be available for timber development. Allowing southeast Alaska, allowing people such as Steve Seeley and his sawmill, and Kirk Dahlstrom's sawmill in Klawock, allowing this development in an economy that is already very hard pressed, is not going to spoil the beauty of this incredible national forest—these 17.8 million acres. It is not going to doom any national treasures.

We have a plan we have worked hard to complete. We ask to be allowed to continue that, and to be able to provide for the few jobs we would like to continue in the area for the benefit of those who choose to call it home.

With that, Mr. President, I see the senior Senator from Alaska is here. As well, we are joined by our colleague from Oregon. I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH. Mr. President, I rise to speak about a national forest that is not in my State, and of constituents who are not in the State of Oregon. I do so because I see happening to my Alaskan colleagues and their constituents what I have witnessed for too many years in my own State of Oregon. As a predicate, I know the difference between environmentalists who make many good points, who have much to contribute, and, frankly, what I would term the "environmental conflict industry." Others have used that term. If this amendment that is offered by my friend, the Senator from New Hampshire, were really about saving money, it would be about streamlining costs associated with timber production as opposed to just an amendment that would effectively end any kind of multiple use in the Tongass National Forest.

The truth is, the Tongass is an area as big as many States in the lower 48. It is a vast resource. The truth is also that each of us, as Americans, use many pounds of wood in our lives every day. The question before this Senate is whether we want to have timber come from our country with high environmental standards or from other countries where there are few, if any, environmental standards. Many complain about the way the harvest is done in Indonesia or in Brazil. Some of us even complain that the way Canada harvests, across the border from the Tongass, is done on the basis of tremendous amounts of subsidies. They are called crown lands. The timber companies there are essentially given the raw product, provided access to the forest, and then are able to compete with American timber workers. That is to our great disadvantage.

Today I have to stand in defense of my colleagues and their State and their forest because America needs to be reminded that we have the best timberlands in the world. We can either use them or watch them, too often, go up in catastrophic wildfires. We know how to manage forests today. We know silviculture science. We know what works and what does not. Clearly, there have been abuses in the past. Clearly, things can be done better in the future. But the truth is, if we, as Americans, want timber products in our lives, that wood will grow and be harvested somewhere, if not from our country, then from where? If not up to high environmental standards, then as against what standards?

If you end the road-building component of timber sales in the Tongass National Forest, then you will end timber harvest in the Tongass National Forest because of the size of this area. You can't helicopter in and out everything that could be harvested and could be made available to American workers and American home builders and the tax base of the State of Alaska and, obviously, the Federal Government through timber receipts as well. It is expensive to build roads in forests, to maintain them. But, frankly, to do nothing is to abandon this industry.

Americans need to be reminded that timber does not come from the Home Depot. It comes from a tree that grows somewhere. But as to the environmental conflict industry that is pushing this particular amendment and, I am sure, some who want to save the taxpayer money, I want to suggest that it is the environmental conflict industry and not the timber industry that is feeding off the American taxpayer. With appeals and lawsuits, the cost of basic forest management skyrockets. The Tongass National Forest estimates that half of its timber budget is spent on paperwork that will be called into court. And to produce a 1,000-page NEPA document is now the rule rather than the exception.

The Tongass currently has 13 environmental impact statements delayed in court. Every forest plan on the Tongass has been litigated. And the environmental conflict industry will ask that their lawyer's fees be paid—by whom?—by you and by me, and by the taxpayer. In 2003, taxpayers were charged $200,000 by the Sierra Club for its lawsuit against the Tongass National Forest. It is a self-fulfilling prophecy for the environmental conflict industry to drive up costs of forest management and then grumble about those costs.

If this amendment were truly about fiscal responsibility, we would be discussing ways to produce timber from the Tongass at a lower cost instead of eliminating fiber production there altogether. Or we could be capping lawyers fees. Or we could be talking about other national forests that do not produce any revenue whatsoever, unlike the Tongass.

This amendment is not really about fiscal responsibility, it is about environmental responsibility. That ought to be our real objective.

If we buy wood products, just know that it grew on a tree somewhere. I would rather that it be managed in an American forest, such as the Tongass, providing American products for American consumers.

I felt it important that a Senator from a State who has already suffered, as they are now, and been attacked in the way that they are being attacked, ought to come down and speak for them. There are not a lot of people who stand up for timber workers anymore. These are not big companies operating in the Tongass. These are Americans in very rural places, trying to produce the products of the tree in a scientific way, according to high U.S. standards, so that we can meet the obligations of our law for multiple use as well as environmental stewardship.

I urge my colleagues to oppose this amendment and allow an environmentally sensitive industry, a timber industry that is living up to high environmental standards, to survive in a very rural and vulnerable part of our country in Alaska.

As I have said, I rise today in opposition to the Sununu amendment. I do so in defense of one of the basic functions of our National Forests—to produce timber.

This Friday signifies the 100th anniversary of the United States Forest Service. We celebrate this event because our forests are still there. Our forests are still beautiful. But certainly there's more to celebrate than that.

National Forests were originally set aside to produce two commodities: clean water and a continuous timber supply.

Ted Roosevelt said:

> The object (of our forest policy) is not to preserve the forests because they are beautiful . . . nor because they are refuges for wild creatures. . . . the primary object of our forest policy in the United States is the making of prosperous homes. Every other consideration comes as secondary.

With this in mind, I come to the Senate floor in defense of a National Forest not in my State, and on behalf of communities who are not my constituents.

But Alaskans are under the same siege that struck my constituents and National Forests in my State.

It is a siege of the "environmental conflict industry."

And it is this industry, not the timber industry, that is feeding off the American taxpayer.

With appeals and lawsuits, the cost of basic forest management skyrockets.

The Tongass National Forest estimates that half of its timber budget is spent on paperwork that will be called into court. And to produce a thousand-page NEPA document is now the rule, rather than the exception.

The Tongass currently has 13 environmental impact statements delayed in court. Every forest plan on the Tongass has been litigated.

And the environmental conflict industry will ask that their lawyer's fees be paid by the taxpayer.

In 2003, taxpayers were charged $200,000 by the Sierra Club for its lawsuit against the Tongass National Forest.

It is a self-fulfilling prophecy for the "environmental conflict industry" to drive up the costs of forest management and then grumble about those costs.

If this amendment were truly about fiscal responsibility, we would be discussing ways to produce timber from the Tongass at a lower cost—instead of eliminating fiber production altogether.

Or we would be capping lawyers' fees.

Or we would be talking about other National Forests that do not produce any revenue whatsoever.

This amendment is not about fiscal responsibility. It is about environmental responsibility.

I would remind my colleagues that a 2 x 4 does not come from Home Depot. It comes from a tree somewhere. The choice of the "where" is up to us.

If not from Alaska or Oregon, how about the rainforests of Brazil or Indonesia?

If not according to our environmental laws, then by whose?

If not to feed American families, then whose?

The United States has the most productive forests and the strictest environmental laws in the world.

To export our industry and our employment is both economically and environmentally appalling.

I do not believe this is the intention of the Senator from New Hampshire.

But this amendment runs against the very grain of the National Forest System we commemorate this week.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Oregon for his statement and his support. I thank my colleague from Alaska for her statement.

I come to the floor in opposition to the Sununu amendment, also. I hope Members will read it because it says:

> None of the funds made available by this Act may be used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals.

This amendment is premised on inaccurate information and faulty assumptions about our Nation's timber industry, the Tongass, and the state of our national forests. Unfortunately, this type of information has become commonplace. It is the inevitable result of special interest campaigns which are designed to distort the facts and mislead the American public. For many years, I have worked to set the record straight, especially when it comes to the false claims about Alaska's stewardship of our natural resources. Unfortunately, this amendment requires that I attempt, once more, to set the record straight.

Misinformation about management of our national resources now runs rampant. I believe it lies at the heart of this amendment. It is the result of propaganda campaigns raised by extreme environmentalists and special interest groups who often get the facts wrong because they ignore our history. Our State once had a thriving timber industry. It supplied almost 2 billion board feet a year, employed over 3,000 timber workers, and generated tens of millions of dollars in revenue for the U.S. Treasury. But in the spirit of compromise and cooperation, our timber industry agreed to reduce the amount of timber it could harvest per year. In fact, one timber employee recently stated "we cooperated ourselves right out of business."

The Tongass National Forest was established in 1917. At 17 million acres, it is the largest national forest in the United States. It is twice the size of Maryland and more than 25 times the size of Rhode Island. As a matter of fact, if we look at the map showing the New England area, it shows how big this forest really is. The part that is covered in black is that portion of the forest that is open to timber on a proportionate basis. The other map that I have shows the forest as a whole and shows the result of the plans that have been developed. The area in blue is area that is still available for harvesting. All of the white part of that map of the Tongass is permanently closed to timber harvest.

The Tongass compromises 90 percent of the lands of southeastern Alaska. The remaining lands are State, more Federal, and private lands. The Tongass is the only forest in Alaska in which timber may be harvested now. Alaska's other forest, the Chugach National Forest, which contains 5.5 million acres, is now under a management plan which has reduced the allowable sale quantity to zero. The Chugach is completely closed to logging. No timber can be logged from that very massive forest, 5.5 million acres.

Federal timber policy regarding the Tongass has had devastating effects on the 32 communities in Southeast Alaska that depend on timber harvests for their livelihood. When Congress passed the Tongass Timber Act in 1947, an allowable sale quantity, which we call the ASQ, for the Tongass was set at 1.38 billion board feet per year. This level was slowly eroded. Under the 1959 Statehood Act, the State of Alaska was allowed to select only 400,000 acres of its 103-million-acre entitlement in Southeast Alaska.

Because there is little private land to support our local economies, Congress committed to provide support for economic development through timber sales. Congress codified that support in a series of laws beginning in 1971. In 1971, the Alaska Native Land Claims Settlement Act set the ASQ, the allowable quantity, at 950 million board feet per year. During subsequent years, the timber industry in the Tongass supported almost 3,000 jobs and harvested an average of 520 million board feet per year. However, the amount of permissible harvest was again decreased in the Alaska National Interest Lands Conservation Act of 1980, which set an ASQ of 450 million board feet per year. At that time, the Senate believed that 450 million board feet per year would maintain a robust timber industry which was a major section of southeast Alaska's regional economy.

In addition, the Senate envisioned providing Federal funds for road building and advanced harvesting technology.

As former Senator Roth stated at that time in 1980, the bill:

> . . . permit[s] the established timber industries to maintain a rate of production necessary for their economic success. It was understood by Members of the Senate during this debate that a vital timber industry was necessary for the economic survival of the residents of southeast Alaska.

As Senator Paul Tsongas of Massachusetts said:

> Our commitment was to treat Alaska fairly.

The commitment was again put to the test during the debate on the Tongass Timber Reform Act, which was called TTRA, in 1990. That plan set the ASQ at 450 million board feet on 1.9 million acres. The Act also directed the Forest Service to provide a supply of timber which meets the market demand in southeast Alaska. At that time, several Members from both sides of the aisle in the Senate adamantly agreed that this bill would be the final word on the Tongass.

As Senator Johnson of Louisiana stated:

> I believe that the designation and disposition of the public lands in the Tongass National Forest pursuant to this act represent a responsible balance between the preservation of wildlife areas and the availability of lands for more intensive use as determined appropriate by administrative planning and management. I further believe that this agreement will allow Alaskans the certainty they need and deserve by resolving the issue once and for all.

Now, that was in 1990. Senator BINGAMAN—now an original cosponsor of the Sununu amendment, as a matter of fact—said at the time:

> This is a balanced bill that will adequately protect this majestic national forest, while assuring a sustainable supply of timber for current and future needs. . . . This legislation recognizes that some areas should be protected, while others should be managed for a sustained supply of timber.

That was at the time of the 1990 act.

I remember speaking on the floor prior to passage of the bill. After years of broken promises and severe declines in the timber industry, I trusted our colleagues to do the right thing and resolve the issue of the Tongass once and for all. That is what everybody at the time said—that Act was the final legislation pertaining to the Tongass timber harvest. I called on all Members of the House and Senate to listen to the voice of Alaskans. I received a promise, commitment, and assurance of those involved, who had the power to change these laws, that they recognized this was the end, that there would be no further divisions of the Tongass.

In 1997, however, the Forest Service completed the Tongass land management plan, which currently guides management of the Tongass. The development of that involved an unprecedented level of scientific review and public involvement. It took over 10 years and cost the taxpayers of the United States $13 million.

I opposed the plan because it contained again a drastic reduction in the amount of timber allowed to be harvested. It reduced the allowable sale quantity level to 267 million board feet per year. I thought the levels were much lower than they needed to be, and they violated the commitment previously made to me. Numerous scientists who found that the Tongass could sustain far greater development supported my conclusion.

Yet, today, that plan seems like the golden age of the Tongass timber industry. I now find myself defending a plan I initially opposed, because of continued efforts to erode the promises made to our State.

This plan addresses how to manage the Tongass—a largely undeveloped forest landscape—over time. The centerpiece is a biological conservation strategy that protects the "biological heart," as they called it, of the Tongass, designed to assure the sustainability of all resources and values, while allowing development on a relatively small portion of the Tongass to support communities in southeast Alaska through timber harvesting.

Mr. President, 93 percent of all forested areas in the Tongass are set aside under the 1997 plan; 93 percent are not available for timber harvesting. Timber harvesting can actually now occur on only 676,000 acres, or 4 percent of the 17 million acre forest. The allowable sale quantity under this plan is 267 million board feet—down, as I said, from over 1 billion board feet. An ASQ of 267 million board feet per year is the bottom quantity, as far as I am concerned.

Since 1990, the volume of timber harvested from the Tongass has dropped from hundreds of board feet per year. Last year, only 46 million board feet of timber was harvested—46 million board feet of timber from a forest of 17 million acres.

To comply with the Tongass Timber Reform Act, the current plan seeks to plan, prepare, and sell about 150 million board feet per year. Delays caused by litigation have prohibited the Forest Service from accomplishing this goal on the Tongass. Fourteen projects are currently under litigation. They represent over 238 million board feet of timber that should have been harvested in years gone by.

Direct timber jobs in the Tongass have declined from over 3000 in 1990 to less than 700 today. Unemployment in parts of southeast Alaska is well over 10 percent, all because of extravagant acts of those who oppose the very Act they championed at the time it passed in 1990.

Mr. President, 150 million board feet per year could support 959 direct timber jobs, totaling over $35 million in direct wages. Each direct timber job is estimated to support another 1.7 jobs in the local economy. These jobs are an important high-wage sector of the economy and provide much needed year-round employment for southeast Alaska. The benefits of a sufficient and sustained timber supply are obvious.

The timber industry in southeast Alaska has changed dramatically over the period we have described. The large pulp mills are closed. Three medium sawmills, one small sawmill, and a handful of micromills remain, but they are primarily idle because of the level of timber that can be cut right now. These businesses are family owned and community based and depend upon a supply of timber from the Tongass for their survival.

The remaining mills are involved in efforts to increase the demand for, and the stumpage values of, the timber in southeastern Alaska.

These people are trying to build a more integrated industry to provide finished products, such as window and door trim, to local, national, and international markets.

The Tongass timber program is working to complete investments in drying and planing lumber, having it graded, to sell in the local region.

Wood resources in southeast Alaska are now known to have unique qualities. Wood density and lumber strength is high. New lumber grades for Alaska yellow cedar and hemlock have recently been issued, which surpass the strength of other species currently used in construction in the lower 48, such as Douglas fir. This is also expected to increase the value of Alaska's timber.

In other words, we are trying to do what we can through technology to increase value of our timber, even though the amount of the timber is steadily declining.

The efforts of those remaining in the Tongass industry to adapt to current conditions will be worthless if Congress adopts the Sununu amendment. As I said, the amendment prohibits the Forest Service from using funds appropriated for the "planning, designing, studying, or construction" of timber roads.

Planning, designing, and studying are necessary to assure that we meet the multiple use consideration of the national forests. This forest area is full of small streams that contain migratory salmon. Wildlife is there. There are recreation values. A whole series of values require the Forest Service to study the areas that can be harvested. Careful planning, designing, studying, and construction is necessary to protect those values, as well as provide a transportation route so timber can be taken to market.

This amendment will effectively enact a roadless rule in the Tongass. It would prevent access to more than 300,000 acres of unroaded timber base in the areas that are open for timber harvest. Access to the small amount that is available should not be denied because of this amendment.

Data provided by the Forest Service shows at a minimum southeast Alaska will lose two mills and about 680 more jobs. These numbers will not support the industry described if this amendment passes.

Law requires that a sufficient timber supply be provided to meet market demand. That was one of the basic considerations that came from the 1990 Act. Current market demand is about 150 million board feet per year in our own area. Under this amendment, we would harvest less than 40 million board feet per year, bringing the industry to a standstill. I ask the Senate to reject this approach that would further renege on the obligation to southeast Alaska to fulfill the commitments that were made to Alaska and to southeastern Alaska under the Tongass plan.

Some of the Senators claim the Sununu amendment is about our fiscal responsibility to ensure taxpayers are not subsidizing the Tongass timber industry. But this is not about fiscal responsibility.

National environmental groups have spent millions appealing and litigating timber sales in the Tongass National Forest, causing program costs to soar and the number of sales to collapse. Almost 75 percent of all the costs associated with timber sales in the Tongass National Forest are spent on NEPA, appeals based on that Act, and litigation. The remaining 25 percent is the actual preparation and administration of a sale, including the building of roads.

Compliance with NEPA and other Federal laws and responses to appeals and litigation currently total about $110 per thousand board feet, or $110,000 per million board feet.

Without these costs, timber sale preparation and administration for the Tongass Forest would cost about $36 per thousand board feet. The average timber sale generates about $42.5 per thousand board feet. Without frivolous appeals and lawsuits, the Tongass timber program would yield a reasonable profit margin and make money for U.S. taxpayers.

Administrative appeals and litigation increase the cost of Tongass timber sales exponentially compared with the rest of the United States. The Forest Service estimates the timber sales in the Tongass are appealed and litigated more than four times that of timber sales in the national forests in the lower 48. It is the cost of this litigation and the cost of the environmental programs that are instilled by these extreme environmentalists that drive up the cost in the Tongass. Now they say we should stop harvesting timber because of the cost. Despite extensive environmental review and public participation, the majority of the timber projects in the Tongass are appealed and/or litigated.

Taxpayers are not subsidizing the timber industry. Under the National Forest Management Act, timber sale purchasers are required to competitively bid and pay market value for the sales they purchase. Purchasers also pay for all logging, transportation, and manufacturing costs.

In addition, the Multiple Use-Sustained Yield Act mandates that national forests be managed for multiple use benefits such as fish, wildlife, recreation, and clean water.

Ecological benefits include various land management objectives such as improving forest health and reducing the risk of catastrophic fire.

All of those costs are what the environmental groups say are part of the cost of the timber sale program. They are not. Seventy-five percent of all the costs have nothing to do with harvesting timber. They have to do with the attacks of extreme environmental groups that now bring this amendment to say you cannot use Federal money to build these roads, or even plan them, because it costs too much.

In the Tongass, timber sales also provide basic infrastructure, such as roads and docks. This infrastructure provides residents and visitors with access to hunting, fishing, recreation, and wildlife viewing. The whole spectrum of tourist activity in southeast Alaska is supported by the roads constructed. Some roads constructed by timber sales serve as the basic road system between communities and ferry terminals, which are the water highways of the island communities of southeast Alaska.

That area has no roads. Even our capital cannot be reached by road. This is an island area. It must have roads basically from the edge of the water to the area available for harvesting which, by definition, is back away from the view shed that we keep along the water's edge to assure that tourists will have the proper view of the area.

I do believe these water highways between our southeastern islands are connected, in a way, by virtue of the forest roads that are developed under these timber sale programs.

These timber sales provide benefits beyond revenues earned. Economic benefits include new jobs, additional income for individuals and businesses. Basic tax receipts of this area depend on the harvesting of timber in the Tongass.

The problem that I see now is that these communities have come to rely on timber sales not only for jobs but for their local economies. Timber sales revenues are important to local communities which receive 25 percent of the proceeds of these sales for public schools and roads, as do all areas that have national forests. By prohibiting these roads which will kill the sales, in effect, the contribution that is brought about by the laws that pertain to national forests will not be realized in Southeast Alaska because there won't be any harvest or 25 percent to support the schools that come out of the national program.

That program applies to the entire United States. The timber roads program applies to all States where there are national forests. In the year 2004, the timber harvest for all 10 forest regions was about 2 billion board feet. The gross receipts totaled $217 million and expenditures amounted to over $268 million, and that number does not take all costs into account.

The 1998 timber sale performance information reporting system found net losses in 8 of the 10 forest regions. Some States may be able to show a profit or even break even, but clearly the national timber sale program does not.

As a matter of law and policy, national forest managers are required to behave differently from private forest managers, so it does not make sense to judge their performance by private sector standards—profits.

If the Forest Service's goal was to maximize profits, contrary to the Multiple Use-Sustained Yield Act, the Forest Service would allow export of timber and sell it to the highest bidder worldwide in the global economy. But that would essentially outsource all of the value-added forest products industry of the United States, putting local mills out of business, eliminating jobs, and leaving local communities with few alternatives for revenue. Given our current economic climate, the United States cannot afford that policy.

I want to share a quote from President Roosevelt. Senator MURKOWSKI mentioned he established the Tongass National Forest. I think it is relevant today. He said:

> . . . First and foremost, you can never afford to forget for a moment what is the object of our forest policy. That is not to preserve forests because they are beautiful, though that is good in itself, not because they are refuges for the wild creatures of the wilderness, though that too is good in itself; but the primary object of our forest policy, as the land policy of the United States, is the making of prosperous homes.

This national forest concept was supposed to provide an alternative to the development of privately owned timber and be a yardstick for the management of timber resources in our country.

The construction of timber roads is important for both the economic and environmental health of our forests. They provide access to timber used for wood, paper products, and home construction. They enable citizens to access our forests for public recreation, and they enable Forest Service employees to manage those forests for the public good.

The timber road program in Alaska is managed in the same manner as the timber road program of every national forest in the United States. The only difference in our case is we provide special protections, such as culverts, to ensure safe fish passage, and we protect the terrain. We have learned from the mistakes of the past. We do not build roads the same as they do in other areas. We strive to strike a balance between conservation and economic development.

And now with this amendment, some Members of the Senate would penalize Alaska for doing the right thing. We have developed a basic approach to use our timber areas to protect other values besides timber harvests. We could seek to significantly reduce the amount of these protections required for our timber road system, and we could drastically reduce the funds required, but that would be inconsistent with proper stewardship of our national forest lands.

Because only 1 percent of Alaska's lands are privately owned, it is imperative that the Federal Government allow us to use some of our resources on Federal lands. The Federal Government manages, by the way, 235 million acres of Alaska's land.

We have a long, proud history as responsible stewards of our natural resources. Alaskans will always manage our lands in a way that ensures its vitality. Timber is a renewable resource. It can be—and will be—managed as such under the Tongass land management plan.

Much of Alaska will remain pristine wilderness. We have set aside a tremendous amount of it. But we need some certainty that we will be able to harvest small portions of the forest which are not already set aside. We need to know we will be able to sustain the timber industry today with the assurances of the past. We need assurances that our efforts will not be met by more resistance, such as the frivolous lawsuits and amendments such as this.

In order to give our communities a chance to be prosperous, Congress should allow the Tongass to be managed under the forest management plan without further unwarranted interference.

I remind the Senate, the same environmental groups that caused the Tongass to lose money through frivolous litigation and stalling tactics, as I said, are now calling for an end to the timber program under the guise of fiscal conservatism. It is disingenuous and duplicitous, and their approach is given sanction and credibility by this amendment. This amendment should be defeated.

I do hope that our colleagues will consider this: Taxpayers for Common Sense has repeatedly opposed Federal funds for the entire National Forest System. They argue that 105 of the 111 national forests spend more money in the operation of forests than they collected through timber sales. They want us to meet the cost of all multiple use values the cost of recreation, the cost of conservation, the cost of protecting wildlife—by the revenues coming in from the small amount of areas of the forest allowed to be harvested.

This group singled out several national forests as wasteful. I want to point out to the Senate that the Taxpayers for Common Sense attacked forests in California, Alaska, Montana, Oregon, Idaho, New Mexico, Arizona, Colorado, Washington, and Utah. I urge the Senators involved in this amendment to consider this. Why single out Alaska? Why is it that Alaskan roads cannot be built with Federal money? They are being built in all these other national forests deemed wasteful.

I am surprised my colleagues from New Hampshire and New Mexico would offer this amendment in view of the conditions of the forests in their own States. According to the Wilderness Society, the Forest Service's timber program in New Hampshire lost between $813,000 and $1.2 million. We are being attacked for something that does not exist in Alaska alone.

In New Mexico, the timber program lost between $365,000 and $414,000.

The same economics are applied to the Tongass Timber Programs as in all National Forests. The difference in Alaska is that four times as many lawsuits are brought against Tongass timber sales than in the rest of the United States.

If this amendment is designed to protect the taxpayer, then restrictions on Federal funds for timber roads should apply to all forests in every State. And I think special interests will come after those other areas, if this amendment is passed.

I call this an ill-conceived amendment. I urge it not be adopted. It would add weight to the logic embraced by Taxpayers for Common Sense who have attacked, as I said, almost every forest in the United States. It will send us down a slippery slope by setting a precedent for halting road programs in national forests.

The roads designed and built by the Forest Service are in the best interests of the Nation because they protect all the values of the multiple-use concept of our national forests. This is not only important to the timber industry, but it is important to millions of Americans who rely on roads for access to national forests.

I do not want to encourage environmental groups to continue waging frivolous lawsuits in the hopes of making timber programs throughout the United States too expensive to continue. What they are doing is increasing the costs. Again, I point out, 75 percent of the costs in Alaska are involved in compliance with the National Environmental Policy Act and the appeals and litigation that ensue whenever the Forest Service offers a timber sale in the Tongass.

Adopting this amendment would unfairly and unjustly distinguish one State—our State—sending a sobering message to Alaskans: Despite Congress's statements and actions in the past, a Senator voting for this amendment will be telling Alaskans that their economic well-being is secondary to special interests, and when push comes to shove, Congress will forget about the commitments of the past, forget about the promises of the past, and move to satisfy this extreme environmental movement that is the basic cause of the problem as far as the forests are concerned.

If Congress chooses to adopt this amendment, none of our forests are safe. No forest can afford to sit idly by. These special interest groups are designing ways to destroy an important Federal program based on spurious allegations with regard the economics involved. Those economics are affected more by the environmental movement, which is challenging most timber sales in the Tongass, than by the forest actions themselves.

Above all, I ask the Senate to remember that this amendment goes back on congressional promises made to Alaska. In exchange for withdrawing over 100 million acres of land for parks, refuges, and forests, including 17 million acres in Tongass National Forest, Congress promised that it would leave intact sufficient land to maintain a robust timber industry in Alaska.

Unlike the timber industry in other States, Alaska's timber industry is reliant on the Tongass, which comprises 90 percent of Southeast Alaska. Only 676,000 acres are currently open for timber harvesting.

Since 1980, jobs in the Alaskan timber industry have shrunk from over 3,000 to less than 500 today. We have only four small family-owned timber mills left.

This amendment is not about fiscal responsibility, it is a back-door attack on the timber industry to benefit this extreme environmental movement.

As I said, 75 percent of the timber sale cost is from NEPA, the National Environmental Protection Act, compliance, appeals, and litigation. Without those, the Tongass would make a 13-percent profit.

Many of the national forests in the United States have monetary returns per dollar invested, which is less than the rate of return of the Tongass, and they are not considered at all in connection with this amendment. This amendment would set a precedent that litigation can make the cost of timber programs in all national forests too expensive to continue.

If this amendment was really about fiscal responsibility, then all national forests would be included. Most of the timber programs throughout the United States—as I said, 8 out of 10 of them—are not profitable. In fact, according to the Forest Service—and I close with this point—the Tongass is one the best managed forests in the Nation. It has one of the lowest costs per acre, including the timber program.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, I rise to speak on my amendment. I had an opportunity to present more complete remarks last night so I will try to speak briefly this evening.

I appreciate the work of both Senators from Alaska and understand that this is naturally an issue of great personal interest and commitment for them.

I wanted to address briefly a few of the general remarks that were made, especially those, for obvious reasons, that referred to me. First, I do not think I have ever been accused of being an extreme environmentalist. I certainly do not consider myself an extreme environmentalist.

In that regard, I believe one simply has to look at the basic premise of this amendment. It does not create a new wilderness designation. For my part, I have opposed President Clinton's roadless initiative. I have supported the multiuse concept in national forest land across the entire country and will continue to do so. So I just do not think it is fair or appropriate to throw around a label like that cavalierly, and I trust that it was not meant that way.

Second, I emphasize the point that from my perspective, this is about fiscal responsibility and fiscal restraint.

The suggestion was made a number of times that it was not. Frankly, I do not think that is quite appropriate because it suggests a set of motives that just are not there.

One does not have to go any further than the amendment I offered last week to the Energy bill to strike some of the more egregious taxpayer subsidies in that Energy legislation or my vote against the highway bill that broke the budget or my vote against a prescription drug bill that we knew then and we know now had costs far in excess of its prescribed $400 billion or my vote against the Energy bill in its final form today. I believe it is fair to stand on my record that the votes I have cast, the amendments I have offered of this type that have dealt with taxpayer subsidies, have all been motivated by one thing and one thing only, and that is doing what I believe is appropriate and right when we are handling taxpayer resources.

In the case of the support and the subsidies that go to private logging firms, I believe we have to draw a line somewhere. When we look at the Tongass and see $49 million in costs for a timber program that yields for the taxpayers $800,000 in revenues, something is not right. The opponents of the amendment will say: Well, only $15 million, $20 million, or $25 million is going directly for the cost of building roads. But in my book, $25 million for $800,000 in revenue is still a pretty bad deal.

There are a lot of reasons listed for the high cost of a timber program on the national forests, and I am very sympathetic to many of the concerns raised: high legal costs, an unbearable bureaucracy, regulatory costs associated with not just completing, in some cases, redundant environmental studies but then defending them in court. I am willing and I have voted in the past to support efforts to deal directly with those costs and to support efforts to allow appropriate consideration, but deliberate consideration, of those challenges. I will continue to do so.

Because there are such things as frivolous lawsuits that are in the pipeline does not justify a $15 million subsidy or a $25 million subsidy or a $35 million subsidy or a $48 million subsidy. The subsidy itself cannot and should not be used to defend or respond to bad behavior in other ways. So we need to fight those costs, the legal abuses, and burdensome environmental regulations that are not appropriately applied, but those issues are separate from the question of whether we should use taxpayer funds to subsidize the construction of roads to support private timber firms.

Again, I come back to the basic point that this is about fiscal responsibility. When I hear that phrase, "this is not about fiscal responsibility," it really has to be read as questioning my motives or, frankly, the motives of any of those who are supporting this amendment. I do not think the Senate floor is the appropriate place for that kind of a question.

The facts are pretty straightforward. In fiscal year 2004, the timber program on the Tongass cost $49 million, and $800,000 was yielded in revenues. That does not mean that profitability as applied to a private firm should be the standard for any multiuse effort or any effort to harvest timber on national forest lands because we know national forest lands are unique, and we know that the Forest Service has to be involved in doing things that many private timber firms either cannot or would not be asked to do in the private sector. So I recognize that.

The Senator from Alaska made a point that the loss in New Hampshire in the timber program was about $800,000. If so, I would hope that over time we can do better than that in my state, but there is a big difference between $800,000 and $48 million. The disparity of cost or the costs associated per million board feet taken out are similarly quite significant, the loss per million board feet in New Hampshire being approximately one-third of that in the Tongass in data that I have seen.

So profit should not be the standard, but at the same time it is hard for me to justify taxpayers paying the cost of the roads. I do not think asking private firms to pay for the cost of building the roads to access the timber they purchase is too much of a burden to bear.

Finally, with regard to the multiuse concept that was mentioned, I strongly support the development and application of forest plans that are put together locally using local stakeholders. It has been very successful in New Hampshire. I imagine it has been successful in other parts of the country. In New Hampshire, we enjoy national forest lands for recreation, hunting, fishing, economic interests, and a timber management program. But even where multiple use is concerned, we need to strike a balance, a balance between the taxpayers' interest and a balance between the long-term health of the forest itself. Where the taxpayers are concerned, a subsidy of $45 million or $48 million per year, stretching as far as the eye can see at this particular time, is unnecessary.

I ask my colleagues to support the amendment. I hope this at least can lay the foundation for looking at subsidies not just in this industry but in other areas with a little bit of a sharper eye. At a time when we have $300 billion or $400 billion deficits, I do not think there is any area of the budget that does not deserve tougher scrutiny.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I appreciate the opportunity to respond to several of the remarks raised by my colleague from New Hampshire. I start off my comments by stating very clearly it was certainly not my intention, nor do I believe it was the intention of Senator STEVENS, to question motives or to imply somehow our colleague is an environmental extremist.

If, in fact, that was perceived from the remarks, that the Senator from New Hampshire falls in that category, again from my perspective that was not my intention, and I certainly would not want him to think that I have put him in that category of those who, as the Senator from Oregon indicated, are engaged in "professional environmental conflict," I think was the terminology he used.

I do wish to speak very briefly to a couple of the issues. The Senator from New Hampshire indicated that he was not, through his amendment, proposing any addition of wilderness designation. He stated that was not his intent. I understand that is not the intent. However, the practical effect, if we were to withhold any Federal dollars, any opportunity for Federal revenues to come in and help with the road building in that area, that would be the practical effect in the Tongass. It would put off limits those areas to any harvesting of the timber. If we cannot build a road in there, the harvesting will not happen.

As the Senator from Oregon mentioned, we are dealing with an incredible land mass. The acreage in the Tongass is 17.8 million acres. As has been said many times this evening, the area we are talking about that would be available for development is a small fraction of that. Just 4 percent of that would be available for any form of development, but still, if one is not able to put a road in, if they are not able to access the area, the harvesting does not happen, and in effect what is being created is an off-limits area, off-limits to development, off-limits to recreational use, off-limits to pretty much anything.

I was born in the Tongass. I was born in Ketchikan. At the time that I was born, Ketchikan was a very thriving timber community. The Tongass is not a place where one just goes to take a walk. It is an old growth forest that is as tangled and deep a forest as one can possibly imagine.

So those who would say, We want to make sure we have access to the Tongass for recreational purposes, the way that one is able to access for recreational purposes is through the roads that have been built as we have harvested in certain areas. My family goes out there and we want to use the area for hunting, but we do not go off the beaten track because it cannot be accessed. The animals are not in the areas that have not been cleared, to a certain extent. So for those who will engage in the multiple use of the Tongass, these roads are significant.

The statement was made that those of us who are in opposition to this amendment are saying that this really is not about the fiscal issue. I guess I have to just stop on that one and say, okay, if we really are looking at this from a cost perspective and we are looking to minimize the extent of Federal dollars going out and to be as cost efficient as we possibly can, why are we just looking at the Tongass alone? If what we are really talking about is to get those efficiencies, to make sure we do not have unnecessary subsidies, then tell me why this is just about one national forest in 1 State out of all of the 50 States. Because we are not going to balance the budget on what is happening in the Tongass in terms of the dollars that go out there.

I wish to speak just a little bit to the dollars. My colleague has indicated that the Tongass spent $49 million on its logging program and the logging roads in 2004. The total budget to operate the Tongassis is $49 million. In fact, the timber program on the Tongass cost $22.5 million. He has also indicated that the timber revenues on the Tongass in 2004 were $800,000. In fact, the timber revenues were nearly $2 million. So it is important to make sure we are using the right numbers.

Let us just look at what that $49 million buys us. Is this all about roads? No, it is not. Now, the road maintenance is an aspect of that, but it is also for bridge and road construction unrelated to timber harvesting, other engineering projects. The work that the Forest Service does in the Tongasssupports subsistence harvest, the fish and wildlife, basically keeping the grocery store open for thousands of rural Alaskans.

Senator STEVENS mentioned the fish culverts that are inserted to allow for the fish passage. We build those so fish can get to where they need to get. It is one of those things we do to make sure we are caring for the environment and are good stewards.

We developed an invasive species strategy to help prevent the nonnative plants from coming in and taking over, as we are seeing in some parts of the lower 48.

Basically, the bottom line is these dollars that are going out are not all directed at road building. They are dollars spent on recreation, visitor service, heritage, wilderness, minerals, vegetation, watershed, subsistence, wildlife, fish habitat, fire suppression, and land acquisition. And administrative costs are included in there, as well. So when we look to the Tongass and those costs, we must put it into perspective.

I spent a few minutes in my previous remarks looking at the costs per acre on other national forests across the 50 States, what is the dollar return on your investment if we are trying to make that connection. These are important to recognize. What is very important to recognize is the Tongass is not so way out of whack in terms of its management and its costs that it should be sending off signals and red flags. In fact, my colleague from Alaska has indicated the Tongass has been singled out and has been declared the best managed national forest in the system. That ought to count for something.

For my colleagues who are saying this is simply a fiscal issue and we need to look at it from the numbers perspective, let's look at it from the numbers perspective. Let's use the right numbers, but let's also recognize there is something terribly wrong with an amendment that pulls one national forest out of all of our national forests and says: There is too much going to you; we have to shut it off.

Folks, that is not right. It is not fair. I certainly hope my colleagues, when we have an opportunity to take this up in the Senate, vote down this amendment.

I yield the floor.

Mr. REID. Mr. President, many States, especially those in the West, are dominated by Federal lands. For those States, and many others, the Interior appropriations bill is a singularly important piece of legislation because of the funding it provides for our public land agencies.

Take Nevada, for instance. While my State contains nearly 71 million acres within its borders, 61 million of those are managed by Federal agencies. That's 86 percent of my State, or nearly 9 out of every 10 acres. And if that number doesn't get your attention, consider the fact that two out of every three acres in Nevada are controlled by one Federal agency: the Bureau of Land Management.

I offer these statistics to highlight the significance of today's debate. While the Department of Interior may not be the center of attention in some areas of our country, in the West, the agencies funded under this bill have a measurable impact on our quality of life, our access to public resources, and the protection of our greatest public assets.

Senator BURNS and Senator DORGAN have done a good job crafting this bill. We all know that this year is especially tough in terms of overall funding allocations and that some tough decisions had to be made. Considering the constraints they faced, these two senators have produced impressive legislation. I commend them for the time and effort that they and the rest of the committee have put into this bill.

Particularly, I am pleased that the committee funded a number of priority projects in Nevada. One of the key projects that this bill provides funds for is the construction and improvement of the Jarbidge Canyon Road. This road in northern Elko County washed out over 10 years ago and has been a major source of controversy ever since.

With the funding that the committee has helped provide, we will finally be able to bring resolution to the issue in a way that ensures greater access to our public lands while also protecting a threatened population of bull trout and shielding the road against future floods. This is a win-win situation for sportsmen, for the county, for the U.S. Forest Service, and for local residents.

I am also pleased that the committee saw fit to provide funding for a number of sewer and water projects that are difficult and often impossible for small and rural communities to fund on their own. Even in some of Nevada's larger population areas, the amount of Federal land in those areas still makes raising funds for these projects very difficult. So I thank the committee for their efforts to provide EPA grant funding.

I also want to recognize their efforts to increase funding for the Payment-In-Lieu-of-Taxes program. "PILT," as the program is popularly known, provides millions of essential dollars to Nevada's counties each year. Without these funds, the provision of basic local government services such as law enforcement and street repairs would be severely diminished. I look forward to the day when we will fully fund this program and finally live up to the responsibilities we have to our rural counties.

I am also strongly supportive of the increased funding levels contained in this bill for the National Endowment for the Arts, the National Endowment for the Humanities, and the Historic Preservation Fund. As our distinguished friend Senator BYRD has taught us on so many occasions, life can be not only enriched but measurably improved by a fuller understanding of our history, our cultural roots, and our common heritage. These programs deserve our respect and our support.

Before I close, let me remark briefly that we have a profound responsibility this year, and every year, to make sure that our public lands and our public resources are properly managed. As the demand for healthy outdoor recreation grows, so too must our commitment to proper stewardship.

I am concerned that in all too many places, budgets for agencies such as the BLM and the Park Service have stagnated or shrunk while the overall usage of our public resources has skyrocketed. The Lake Mead National Recreation Area, for instance, now sees nearly 8 million visitors a year, a strong increase from 10 years ago. But this same park has lost 40 rangers and support staff positions since 2002. We need to solve this and similar problems before our greatest natural treasures are lost or permanently compromised.

I look forward to a healthy debate on this bill and I hope Democrats have a chance to offer their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1052

Mr. DURBIN. Mr. President, the bill under consideration on the Senate floor is intended to provide appropriations for the Department of Interior. Unfortunately, we were forced by circumstances to shift our focus during the course of debating this bill to consideration of an emergency issue which faces our Nation that relates to funding for the Department of Veterans Affairs. This is because the President's budget did not provide enough funds to provide quality health care to veterans across America during the remainder of this fiscal year.

Last week, the Department of Veterans Affairs admitted to Congress that its budget for the current fiscal year will be at least $1 billion short of the amount needed. Part of the reason for this is reportedly that the Department based its budget needs on faulty estimates. Reportedly, the VA thought it would see a 2.3-percent increase in patient demand for services. In reality, they have experienced increases of 5.2 percent. In other words, the Bush administration miscalculated. Their estimate of veteran patient load was less than half of what actually proved to be the case.

Senator PATTY MURRAY of Washington has been our leader on this issue. Repeatedly in the Committee on the Budget and in the Senate she has said the Veterans' Administration was not asking for enough resources to take care of the veterans from other wars and the returning soldiers from Iraq and Afghanistan. She spoke at length in the Senate about the many opportunities we have had in the Senate over the last few months for the Bush administration officials to state their true budget needs. They repeatedly said they needed no more money this year. Now, belatedly, they admit they are at least $1 billion short of what they really need.

With the Murray amendment that Senator BYRD is joining and offering, the Senate has an opportunity to address this serious shortfall and to provide to America's veterans the real resources they need and deserve. One of the medical services that unquestionably, indeed, desperately needs funds is the treatment of post-traumatic stress disorder. The war in Iraq is producing a new generation of American veterans whose wounds are invisible. Already, we see recently returned veterans with depression, anxiety, substance abuse, and post traumatic-stress disorder.

As our men and women come home from battle, we must be ready to give them the help they need, the help they deserve, the help we promised. I have noted on numerous occasions the special need for additional VA capacity to treat returning veterans suffering from PTSD. Last year, the New England Journal of Medicine published data showing that roughly one in every six returning Iraqi veterans will likely suffer this debilitating mental health condition. With the number of troops having served in Iraq and Afghanistan now exceeding 1.1 million, it is absolutely clear—it has been clear for some time now—that the VA is going to see a big increase in the need for post-traumatic stress disorder treatment. Even the toughest warriors can have troubled feelings following the stress of combat. It is no sign of weakness. It is no sign of cowardice. It certainly is no sign of failure.

Frankly, they need to ask for help, and we need to give it. All our veterans need to know that services are available to them and they should not be ashamed to use them. Unfortunately, the VA's current capacity to help them is lacking. The Government Accountability Office reported last September that officials at six out of seven VA medical facilities said they may not be able to meet an increase in demand for PTSD services. Their own internal committee has made repeated recommendations about the need to expand PTSD treatment capability within the Department, but the GAO has also recorded that the Veterans' Administration has not fully implemented any of these recommendations.

Given the failure of the VA to expand PTSD treatment, as its own experts have advised, given the failure of the VA to adequately see the coming increase in patient need, given the failure of the VA to budget for its real requirements, it is time for Congress to do something, to take strong corrective action.

I have introduced legislation to fill in the gaps in the VA's treatment structure for PTSD to ensure that counselors and PTSD teams are available in every veteran center and VA hospital. But even before we make these structural changes, we can provide the funding increases to prevent long delays in service. This amendment we will consider from Senator MURRAY and Senator BYRD is an important step toward that goal.

It is a sad fact under the Bush administration's leadership that the Department of Veterans Affairs has failed to adequately budget for the health care needs of American veterans. Sad, but it is true. Where the administration has failed, Congress must step in and correct the problem. This amendment will help fill the gap.

In less than 20 minutes, President Bush will be speaking to America. He will be talking about the situation in Iraq. He will give his speech in the company of some of the best and bravest men and women who serve in our Armed Forces. He will undoubtedly say to them, on behalf of all Members, that we stand behind them. His words will be heartfelt and they will truly represent the way we feel about the men and women in uniform. But our commitment to soldiers and to veterans has to go beyond statements on television. It has to go beyond speeches. It has to go beyond some of the things that are left in the CONGRESSIONAL RECORD each day as a tribute. It has to be shown in our deeds.

We will have a chance with the Murray amendment to put the necessary funds in the Veterans' Department so that the hospitals and clinics across America can help our veterans from other wars and our soldiers coming back from Iraq and Afghanistan. The assistance which they need can help right now. The longer a soldier is troubled, the longer a soldier suffers from PTSD and the stress and anxiety and depression that comes with it, the more difficult it is for them to finally break away and to return to a normal life. Quick, professional care is necessary.

Don't look beyond the fact that many of these soldiers have spouses and children who are affected by their problems. They need help, too. Family therapy from VA should be part of this commitment.

As I traveled around Illinois a few months back and met with the soldiers coming back from Iraq and Afghanistan, I was stunned. Some of the youngest, strongest, best-looking soldiers who returned, men and women, who appeared to have no concerns at all, back at home in civilian life, were struggling with demons inside, demons that were created by things that they saw, things that they did, things that they were exposed to which many of us, thank God, will never have to see. We need to help them. We need to make sure that our commitment to them goes beyond a cheer, goes beyond a kind word, goes to the deeds that are necessary to prove our true commitment to the men and women in uniform.

This last group I spoke to was the Veterans of Foreign Wars Convention, a statewide convention in Illinois in the city of Peoria. It was a good meeting. They were mainly veterans from other wars, from the Persian Gulf, Vietnam, Korea, World War II. These were primarily men but some women who had served our country and were coming together. Time and again, they asked us to not only stand behind our troops, but also stand behind our veterans. They challenged me. They said: Senator, be the best Senator we have ever had in this State for the veterans and soldiers. I will try to show them that I can live up to the challenge.

With this amendment, the Murray amendment which I have supported before, and which now should pass, the Senate can go on record on a bipartisan basis saying we stand behind our soldiers and our veterans.

IRAQ

Let me say a word, Mr. President, about the President's speech this evening about the war in Iraq. Once again, it goes without saying that we are all committed to the men and women in uniform. The last time there was a supplemental appropriations bill on the floor that the President asked for, in the range of $81 billion, for the war in Iraq, it passed unanimously 100 to 0. I think that tells the story. Whether you agreed with the President's policy beginning this war or disagreed, we all agree that our men and women in uniform should have everything they need to execute this war.

But it is a war unlike any that we fought in recent times. It is hard to claim territory and hold it. Fallujah, just a few months ago, was the scene of great carnage, as American troops went in to root out the insurgents and terrorists. We lost a lot of our wonderful soldiers in that battle. They achieved their goal. They cleared out Fallujah. Yet, just a few days ago, we lost more soldiers in that same city; in this case, several women soldiers who lost their lives in the terrorism that has now become too commonplace. So claiming and holding territory is obviously very difficult in Iraq.

It is also difficult to identify an enemy that does not wear a uniform, does not stand in formation, and wreaks its havoc with these roadside bombs and other terrorist devices they use. It is a different type of war.

We are concerned as well about the status of the Government in Iraq. It is a government in formation. They are trying to put together a constitution.

Two of my colleagues in the Senate, Senator CARL LEVIN of Michigan and Senator SUSAN COLLINS of Maine, a Democrat and a Republican, sent a letter to the President to urge him, in his speech tonight, to make it clear to the Iraqis they have to hold fast to the timetables to form their own government and take responsibility for their own future. Those two Senators, one from each political party, said if they failed to do that, we had to make it clear to them that we would have to reassess our commitment in Iraq.

Those are strong words, bipartisan words, but I think they represent the feelings of many Americans. We have done a great thing in Iraq in removing Saddam Hussein. That was never the issue. The question, of course, was, what would happen afterward. We had a good plan to win the military side of this conflict and to win the war. We did not have a good plan to win the peace. More than 2 years after our invasion of Iraq, more than 1,734 American soldiers have given their lives, more than 13,000 have been gravely wounded. And, unfortunately, those numbers will increase.

Tonight, the President will talk to us about his plan. If this, what we have seen to date, is what the President's plan is in Iraq, we clearly need a much different plan. We need a plan for success, a plan for victory, a plan that will bring our troops home.

There is a feeling among many of us in this Chamber and across America that we do not have that plan today. The President has to be honest with us about the costs of this war, first in human terms and most certainly in dollar terms. Some of our early allies have picked up and left—more burden on American soldiers, more burden on American taxpayers.

Finally, this Congress needs to do its job, not just to provide the resources for those soldiers in Iraq and Afghanistan but to also make certain there is oversight. Yesterday, Senator BYRON DORGAN, Senator LAUTENBERG, and a few others, held a hearing from the Democratic Policy Committee on Halliburton. Halliburton is, of course, one of the largest contractors in Iraq. Hundreds of millions of dollars worth of contracts have gone their way without competitive bid and with precious little oversight.

What Senator DORGAN and others have disclosed in the course of those hearings is nothing short of shameful. We should be holding every contractor in Iraq accountable to produce good equipment, to produce good armaments, to provide our troops with what they need to succeed and come home safely. But this Congress, dominated by the President's political party, is loathe to even raise these difficult questions. So we have to hold a hearing on Monday mornings and hope that someone will notice as whistleblowers come forward and talk about some of the scandals that are occurring with the contractors in Iraq.

Congress has dropped the ball. We have a responsibility, regardless of who is in the White House and what political party he might belong to, to accept our congressional responsibility to ask hard questions.

President Harry Truman knew that. When he was a Senator from Missouri, he was the one asking the hard questions of Franklin Roosevelt's Democratic administration during World War II: Were they doing their job? Was there profiteering? Were there people taking advantage of taxpayers and our troops? Senator Truman was right with his Truman commission. Unfortunately, in today's Congress, there is nothing coming out of the Republican side of the aisle to ask those hard questions, to make sure our troops get what they truly deserve.

So tonight we will hear from the President that our goal is still democracy in Iraq. It is a good goal. It is one I hope we can achieve. But it is a difficult goal. And we have to understand that the Iraqis have premier responsibility for their own future.

Mr. President, 140,000 or 150,000 American troops, with their lives on the line every day in Iraq, remind us that we went into this war without a plan on how it would end, without an exit strategy. I hope the President will spell that out with some detail this evening. I am not expecting him to say there will be a timetable for withdrawal. He has already said he is not in favor of that. But we need to know what his plan for success will be.

Tomorrow, when we vote on this amendment on the Interior bill on the VA funding, I urge all my colleagues to support this measure for our veterans and for our soldiers. We must appropriate the funds the VA needs to provide our veterans the health care they deserve, to treat both the lasting battle scars that can be seen and those battle scars that remain invisible.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 1038, WITHDRAWN

Mr. SALAZAR. Mr. President, I call for the regular order in relation to amendment No. 1038.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SALAZAR. Mr. President, I, at the outset, thank both Senator BINGAMAN and Senator THOMAS for their willingness to sponsor this amendment, which is an important amendment for counties, especially in the western part of the United States where so much of our land is held in the hands of the Federal Government.

I would like to underscore the importance of the Payment in Lieu of Taxes Program. PILT funds are Federal payments to local governments. We all understand that property taxes are the main source of revenue for local governments. Anyone who has spent any time at all in Colorado or in the West will recognize that local governments there do not have a tax base because the Federal Government owns huge tracts of land in our States. In my State alone, approximately one-third of Colorado is owned by the Federal Government.

Earlier this spring, in my first Senate trip around our great State, I held meetings with local-elected officials.

Time and time again, these local-elected officials—mayors and county commissioners—informed me about the importance of full PILT funding and that it is their No. 1 priority.

Sadly, PILT has never been fully funded by this Congress. Congress regularly shortchanges local governments with Federal lands by appropriating less than the authorized levels. To that end, one of the first bills I introduced as a U.S. Senator would make full funding of PILT a mandatory priority for this Congress every year.

In 2005, more than $226 million was distributed to approximately 1,850 local governments in 49 of our 50 States whose jurisdictions contain tax-exempt Federal lands. In my State of Colorado, over $16 million was paid to local communities for over 2.3 million acres of tax-exempt Federal lands. These funds have been used to help improve local schools, water, and road systems.

President Bush's budget request cut PILT funding for 2006 by $27 million. Fortunately, Congress has responded forcefully to that request. The House of Representatives passed a bill with $242 million for PILT funding, and the good work of the Appropriations subcommittee in the Senate has gotten us to $235 million, which is the proposal in this bill.

My amendment would increase PILT funding to $242 million from the current level of $235 million in the Interior appropriations bill. That increase would be offset with $7 million from the Department of Interior's overhead funds.

Earlier this afternoon, I spoke with Interior Secretary Norton and with Senators BURNS and DORGAN about my amendment and my strong desire to see PILT funding as close to full authorization levels as possible. I appreciate the consideration that Senators BURNS and DORGAN have given to my amendment and to the importance of the issue of PILT. I know they will represent the hopes and needs of rural counties in the conference committee and will work to ensure that the conference report is at least at the House level of $242 million for PILT.

Therefore, Mr. President, I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. SALAZAR. I thank the Presiding Officer and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1049, AS MODIFIED; 1060, AS MODIFIED; 1055, AS MODIFIED; 1061; 1030, AS MODIFIED; 1020, AS MODIFIED; 1031; AND 1058, EN BLOC

Mr. BURNS. Mr. President, I call up the following amendments en bloc: amendment 1049, offered by Senator KYL, as modified; amendment numbered 1060, offered by Senator LANDRIEU, as modified; amendment 1055, offered by Mr. BINGAMAN, as modified; amendment numbered 1061, offered by Senator OBAMA; amendment numbered 1030, offered by Mr. BINGAMAN, as modified; amendment 1020, offered by Senator COBURN, as modified; amendment numbered 1031, offered by Mr. BINGAMAN; and amendment 1058, offered by Mr. BINGAMAN.

I ask unanimous consent these amendments be agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 1061, 1031, and 1058) were agreed to.

The amendments, as modified, were agreed to, as follows:

AMENDMENT NO. 1049, AS MODIFIED

(Purpose: To provide certain earmarks for State and tribal assistance grant funds)

On page 195, line 9, after the semicolon, insert the following: $1,500,000 may be for the expansion of the wastewater treatment plant in Lake Havasu City, Arizona; $1,000,000 may be for the expansion of the wastewater treatment plant in Avondale, Arizona;".

AMENDMENT NO. 1060, AS MODIFIED

Page 147, line 25 strike "$72,500,000" and insert "$74,500,000."

Page 148, line 1 after "2007" insert "of which $2,000,000 is for Historically Black Colleges and Universities.

Page 172, line 4 strike "$10,000,000" and insert "$12,000,000."

AMENDMENT NO. 1055, AS MODIFIED

(Purpose: To provide for the consideration of the effect of competitive sourcing on wildland fire management activities)

On page 250, between lines 23 and 24, insert the following:

(e) In carrying out any competitive sourcing study involving Forest Service employees, the Secretary of Agriculture shall—

(1) determine whether any of the employees concerned are also qualified to participate in wildland fire management activities; and

(2) take into consideration the effect that contracting with a private sector source would have on the ability of the Forest Service to effectively and efficiently fight and manage wildfires.

AMENDMENT NO. 1030, AS MODIFIED

(Purpose: To modify a provision relating to funds appropriated for Bureau of Indian Affairs postsecondary schools)

On page 182, strike lines 20 through 25 and insert the following:

SEC. 110.(a)(1) For fiscal year 2006 and each succeeding fiscal year, any funds made available by this Act for the Southwest Indian Polytechnic Institute and Haskell Indian Nations University for postsecondary programs of the Bureau of Indian Affairs in excess of the amount made available for those postsecondary programs for fiscal year 2005 shall be allocated in direct proportion to the need of the schools, as determined in accordance with the postsecondary funding formula adopted by the Office of Indian Education Programs.

(2) For fiscal year 2007 and each succeeding fiscal year, the Bureau of Indian Affairs shall use the postsecondary funding formula adopted by the Office of Indian Education Programs based on the needs of the Southwest Indian Polytechnic Institute and Haskell Indian Nations University to justify the amounts submitted as part of the budget request of the Department of the Interior.

AMENDMENT NO. 1020, AS MODIFIED

(Purpose: To express the Sense of the Senate that defense spending should not be underfunded to support increases in non-defense spending)

At the appropriate place, insert the following:

SEC.   (a) FINDINGS.—The Senate makes the following findings:

(1) The on-budget deficit for fiscal year 2005 is estimated to be $541 billion according to the Congressional Budget Office.

(2) Total publicly-held federal debt on which the American taxpayer pays interest is expected to reach $6 trillion by 2011 according to the Congressional Budget Office.

(3) The United States and its allies are currently engaged in a global war on terrorism.

(b) SENSE OF THE SENATE.—IT IS THE SENSE OF THE SENATE THAT:

(1) The servicemen and women of the United States Armed Forces deserve the full support of the Senate as they seek to preserve the safety and security of the American people.

(2) Activities relating to the defense of the United States and the global war on terror should be fully funded.

(3) Activities relating to the defense of the United States and the global war on terror should not be underfunded in order to support increased federal spending on non-defense discretionary activities.

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, I ask unanimous consent that other than a series of amendments which have been cleared by both managers, all other amendments be withdrawn, with the exception of the following amendments, and, further, that the amendments be considered as follows:

Boxer amendment No. 1023, regarding pesticides; I or my designee with a first degree relating to pesticides; further that there be 120 minutes equally divided to be used concurrently on both amendments, with a vote in relation to my amendment, followed by a vote in relation to the Boxer amendment;

Dorgan amendment No. 1025, regarding Indian health, 20 minutes equally divided;

Amendment No. 1026, offered by Mr. SUNUNU, regarding the Tongass, 30 minutes equally divided;

Senator MURRAY's amendment No. 1052, regarding veterans health; Senator SANTORUM's second-degree amendment to the Murray amendment relating to veterans health; provided that there be 110 minutes equally divided between the two leaders or their designees to be used concurrently on the first and second-degree amendments;

Senator DORGAN's amendment No. 1059, regarding Cuba travel, 20 minutes equally divided; provided that the vote occur in relation to the motion to suspend the rules relative to that amendment; further, that if the motion to suspend is agreed to, the amendment be subject to further debate and amendment;

Senator KYL's amendment No. 1050, 5 minutes for Senator KYL, with the amendment then withdrawn;

Senator SARBANES' amendment No. 1046, 5 minutes saved for Senator SARBANES.

Finally, I ask unanimous consent that the votes occur in relation to the above-listed amendments, with no second degrees in order to the amendments prior to the votes unless otherwise indicated; further that following the disposition of the above amendments, the bill be read a third time and the Senate proceed to a vote on passage of the bill, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there now be a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. FRIST. Mr. President, Senator DOLE is unable to vote on amendments this evening because she is in North Carolina where she testified early this afternoon before the BRAC Commission, and this evening is with the President at Ft. Bragg in Fayetteville, NC, where the President is addressing the Nation on the 1-year anniversary of the transfer of sovereignty to the Iraqi people.

Mr. CONRAD. Mr. President, last week I traveled to Grand Forks, ND, to organize and present testimony at a regional hearing of the Base Realignment and Closure, BRAC, Commission on the Grand Forks Air Force Base and Fargo's Air National Guard installation. These facilities are critically important to our national security and to my State's economy. As North Dakota's senior Senator, it was my pleasure and responsibility to host the Commission hearing. As a result, I was necessarily absent from the Senate and missed rollcall votes No. 145–153 on the Energy bill.

PRESIDENT'S ADDRESS TO AMERICA

Mr. KENNEDY. Mr. President, whatever our position on the Iraq war, we should all be concerned that the President does not have a winning strategy on Iraq. Our current strategy is not working, and Congress and the American people know it. I say this with sorrow and regret for our troops, for their families, and for our country.

Administration officials repeatedly claim that the insurgents are desperate, dead-enders, and in their last throes. The American people know they are not. Secretary Rumsfeld insists progress has been solid. With American casualties currently averaging nearly three a day, the American people know it is not. Secretary Rumsfeld insists the Army is not being stretched to the breaking point, but month after month recruiting goals go unmet and generals are sounding the alarm. Secretary Rumsfeld insists that we are not in a quagmire. The American people believe we are.

Secretary Rumsfeld says the administration is not painting a rosy picture. The American people know that they are. By last June, after the President declared mission accomplished, 852 American servicemembers had been killed in action. Today, the number has doubled to more than 1,700. By last June, 5,000 American servicemembers had been wounded in action. Today, the number has nearly tripled to over 13,000. A year ago, the United States had 34 coalition partners in Iraq. Today, we have just 25, and another 5 are scheduled to pull out by the end of the year.

The administration has been consistently wrong about Iraq. The American people know things are not going well and that we need to correct the course we are on. The administration statements do not square with reality, and the credibility gap continues to widen. It is ironic that Americans are learning the truth not from our own administration but from an ally. The truth should come from the White House and not Downing Street.

More than anything else, what America hopes to hear from the President tonight is the unvarnished truth of what is really going on in Iraq, how he plans to put a new strategy in place and assure success. He needs to clearly articulate our goals, the benchmarks for measuring progress, and the game plan to win. When President Bush addresses the Nation tonight, all of us hope he will state a new and more realistic and more effective strategy for the United States to succeed in Iraq.

Our current strategy is not worthy of the sacrifices our men and women in uniform are making. The war has clearly made America less safe in the world. It has strengthened the support for al-Qaida and made it harder to win the real war against terrorism, the war against al-Qaida.

The President needs an effective strategy to accelerate the training of a capable Iraqi security force. The President needs an effective strategy to rescue the faltering reconstruction effort, create new jobs, new hope for the Iraqi people, and neutralize the temptation to join the insurgents. The President needs an effective strategy to bring the international community into Iraq and to achieve the adoption on schedule of a constitution that protects all the people of Iraq. He needs an effective strategy to give our troops the equipment they need to fight the war and to ensure that veterans returning from Iraq have access to the quality health care services they so richly deserve. He needs an effective strategy to repair the damage the war has caused to our military and to our reputation in the world.

Realism is hard medicine to swallow. President Bush must face the facts and accept them. Our men and women in uniform deserve no less. Our strategy is not working, and I hope the President will outline a winning strategy this evening.

SUPREME COURT

Mr. KENNEDY. Mr. President, on another matter, we all wish the very best to Chief Justice Rehnquist. He has made the quality of the Federal courts the special mission of his leadership, and the Nation and judiciary are grateful for that leadership. Hopefully, he will continue to serve as long as he wishes and is able.

In the event of a resignation, a new Justice should be someone who is committed to the rule of law and the rights and freedoms of all Americans and can therefore win broad support in the Senate and the Nation. Like many Presidents before him, the President can easily choose such a nominee if he follows the constitutional requirement that he obtain the Senate's advice as well as its consent. I hope President Bush chooses the path of consultation and consensus and not the path of confrontation and conflict.

The Constitution requires the Senate to be an independent check on the President, especially in protecting the independence and fairness of our judges. The Founders very deliberately made the appointment of Federal judges a shared responsibility of the Senate and the President. It is ridiculous for some on the other side to claim that the Founders would not have wanted such consultation to occur. In fact, the Founders came within a hair's breath of assigning the entire responsibility for appointing judges to the Senate. It was a last-minute compromise at the Constitutional Convention in Philadelphia in 1787 that gave the responsibility to the President but only with the advice and consent of the Senate.

As the chairman of the Senate Judiciary Committee has clearly pointed out, the advice function is as important as the consent function in the exercise of the shared power of the President and the Senate in appointing judges and Justices. Presidents all the way back to George Washington and right up to Bill Clinton have consulted with the Senate on Supreme Court nominations, and when they have done so the result has been a better Supreme Court.

The wise procedure was made even more explicit in the memorandum of understanding written by the 14 Senators from both parties last month when they urged the President to consult with Members of both parties in the Senate. Why are some of our Republican colleagues in the Senate so opposed to such consultation? Do they fear that if the President seeks the advice of a broad range of Senators, he may be persuaded to make a consensus nomination to the Supreme Court? Are they against consensus? Do they see the Supreme Court nominations merely as political footballs in their political games? Before any person can be appointed to the Federal court, the Senate and the President have to agree that the person will be best for the whole country, not just for a narrow ideological and radical faction.

Some Presidents have ignored the requirement to obtain the advice of the Senate, but no President can avoid the requirement to obtain the consent of the Senate. I certainly hope President Bush will not heed those who think consultation and consensus are obsolete. Whether the confirmation process goes smoothly will be determined by the President's selection.

He can pick judges with us as the Founders wanted or he can pick fights with us as some of his political advisers and Senate friends seem to want.

The President's choice is clear. He could follow the Constitution and seek the advice of the Senate before he makes a nomination. If he does that, the confirmation process is more likely to be expeditious, constructive, and a unifying force for the entire Nation. Or he can listen only to the advice of the fringe factions of his own party, people so extreme they have even called for the impeachment of six of the current nine Justices because those Justices refuse to bow to the ideological dictates of the rightwing. If he does that, the confirmation process will be divisive and corrosive and likely unsuccessful. There are hundreds if not thousands of excellent lawyers and judges who could be consensus choices for the Supreme Court, and Senators will help the President find them if he seeks our advice. If he takes our bipartisan advice, he will have no trouble obtaining our bipartisan consent.

The next person who serves on the Supreme Court will not just serve for the remainder of the Bush administration. The lives and freedoms and rights of our children and our grandchildren may well be directly affected by the decisions of that Justice in the coming decades. For their sake and the Nation's sake we cannot accept a choice based on partisan politics or ideological agendas. What the Court and the Nation need is a demonstrated commitment to the rule of law and the basic values of our Constitution. I urge President Bush to listen to a respected former Republican, Senator John Danforth:

> If he truly wants to appoint a conservative he should make sure it is a judicial conservative, someone who is going to apply the law, not his political or philosophical beliefs.

PRESIDENT BUSH'S IRAQ STATEMENT

Mr. KERRY. Mr. President, tonight, as we all know, President Bush is going to speak to the Nation about the situation in Iraq. I think that we all have a pretty good sense of much of what he is going to say. He will talk, as he should, about the extraordinary courage of our troops across the world; he will talk, as he should, about the march of democracy; and he will speak with pride about Iraqi elections and the end of tyranny. He will stress, as we all share, the importance of the war on terror. All of us in this Chamber stand in awe of the courage of our troops and all of us in this Chamber and in this country are passionate about democracy. But the fact is that honoring our troops and extolling the virtue of democracy, those words alone are not going to be enough to improve the situation and the reality of the perilous direction that we are currently headed in Iraq. What we need are not just the words extolling the virtues of things with which we all agree. What we need is a policy that is going to address the complex and in some ways self-inflicted predicament that we face today. The best way to honor troops, Mr. President, the best way to protect our troops, is to provide them with the best policy possible. The fact is that that is not what we have today. Yesterday, I attended the funeral of Christopher Piper of Marblehead, MA, special forces, who died of wounds from an IED, and two other of his fellow soldiers died previously in that same incident. The overwhelming outpouring of emotion and patriotism—kids holding flags along the sides of the streets, people, good citizens, patriots all, coming out to say goodbye to their native son—was moving beyond words.

Christopher Piper, and all of the soldiers like him currently serving and all those who will go over there, deserve a Government leadership that makes the best decisions possible to be able to provide them the greatest security possible to accomplish the mission as rapidly and effectively as possible.

Today, I regret to say, the experience in Iraq has proven again and again to America and the world that we have no realistic comprehensive strategy to reduce the risks to our soldiers and to achieve our goals. While our military has done—and continues to do—a superb job, our civilian leadership has not, and our soldiers are paying the price every single day. It is time for a realistic plan for success.

To achieve that plan, we have to begin by tearing down the wall of arrogance. When the Vice President absurdly claims the insurgency is in its last throes, it insults the common sense and intelligence of the American people, and he diminishes our stature in the world. How can we expect the Iraqi people to take us seriously and do their part when the White House says the insurgency is fading, and yet Iraqis live in constant fear—explosions waking them up in the night, reminding them of the danger inherent in a short walk to work or to school the next morning.

I know that we should not dwell on mistakes. We need to understand, however, the consequences of the decisions we have made and our ability to effectively move forward because the only way you can move forward and have a comprehensive strategy is to understand where you have been. With allies reading the Downing Street memo and the American people increasingly aware that the rationalization for war changed midstream, it now becomes that much harder to rally the collective strength of the Nation and the world to our cause.

We have to acknowledge the past in order to overcome it because the truth is that, until this moment, the stubbornness of this administration has made a difference. It hurts our chances for success. It leads to frustrated expectations of Americans themselves. It makes it much more difficult for the Iraqi people to embrace the cause, and it makes it so much easier for sidelined nations to turn their back on a common interest and say: OK, it is their deal, let them go solve it because they don't seem to understand it.

The bottom line is that when it comes to war and the safety of American troops, there is no time for excuses. All of our troops deserve the best we can provide, and they deserve it now. This is the time for the administration to tell the truth about what is happening on the ground and be open to new ideas about how we are going to get the job done. Admitting mistakes is a necessary hurdle and a constructive tool for this administration if it wants to build the strength necessary to get it right in Iraq. Admitting mistakes paves the way for elected officials and the American people to come together and to move forward. Admitting mistakes actually lays the groundwork for the climate of cooperation that allows allies to add to our strength. Admitting mistakes eases the concerns of the Iraqi people and helps us make them understand that there will be no success unless they embrace the burden of their own future. And that includes acknowledging that Iraq today is something that it was not before the war—a breeding ground for jihadists. Today, there are 16,000 to 20,000 insurgents, and the number of jihadists among them is growing, according to our own estimates. So this is a growing challenge, and we need to take immediate steps to address it. Our officer corps reports that every time our troops kill or capture an insurgent, there are three more who just step forward to take his place. That is not a compelling strategy for success.

So I hope that tonight we hear something new from the President. I hope the President will recognize that the American people demand more than a communications strategy—they demand real leadership, with real decisions and real choices that provide a strategy for success and that get our troops home. If the President does this, he will begin to restore the confidence of the American people and the respect of the world. In showing real leadership, he will make it clear to the Iraqi people that it is time for them to take the lead.

I also hope the American people understand that there still can be a plan for success in Iraq if we move quickly, if we make the right choices, if we reach across the aisle for bipartisan effort, if we reach out to other nations. The mistakes that we have made do not change the fact that our military is the most powerful and competent in the world and that democracy is one of the world's most powerful ideas. The mistakes do not change the fact that the Iraqi people understand, through the powerful memory of generations, that they have a unique opportunity to shape their own future. If the President finally opens to these new ideas and gets this right, tells the truth about the complex challenge, and the Iraqi people get serious about doing their part and bearing the burden, we can have the success that we need and seek in Iraq.

So what can the President say tonight to get things right in Iraq and put us on the road to success? The President can start by immediately declaring that the United States does not seek permanent bases or any permanent military presence in Iraq. Erasing suspicion of indefinite occupation is critical to eroding support for the insurgency. Getting that right also means using the extraordinary leverage that we have to get the Iraqis to do their part. Our massive military presence is all that stands between the Iraqi people and complete chaos. Our special forces are protecting Iraqi leaders. With this kind of leverage, it is nothing short of shocking that the administration allowed 6 months to go by from the last election before including Sunnis in the political process. This was an obvious crucial prerequisite to success.

Yet there was no sense of urgency and minimal pressure applied. It is time for the administration to use its leverage to insist that the Iraqis do their part and establish a truly inclusive political process and meet the deadlines for finishing the Constitution and holding new elections in December. There can be no wavering from those dates.

Getting it right also means putting together a real plan for training Iraqi troops and following through on it. This should be our top priority. It is the key to getting our troops home and avoiding a humiliating withdrawal. It is time to move beyond fudging the numbers and finally put the training of Iraqi troops on a true 6-month wartime footing. That includes ensuring that the Iraqi Government has the full budget necessary to be able to deploy and continue the training.

It is also time to stop using the in-country training requirement as an excuse for refusing offers made by Egypt, Jordan, France, and Germany to do more. Why would we turn down the opportunity of other countries to help us do more? Why would we turn down the opportunity to be able to give our troops the relief they deserve?

Getting it right also means drawing up a detailed plan—a real plan, shared with the Congress of the United States—with the clear milestone of transfer of military and police responsibilities to the Iraqis after the December elections.

The administration's plan should take into account both political and security objectives, including Iraqi force structure and capacity, and it should be specifically tied to a series of specific tasks and responsibilities. This plan must have more than just dates and numbers. It must make it clear to the Iraqi Government that American patience is limited.

The Iraqi people need to understand that in America, today, when we see Army recruitments suffering, families organizing to protect their kids from recruiters, and when we see the divorce rate for military officers skyrocketing—I am told the divorce rate among officers for the last year is up some 70-plus percent; and since the year 2000, up over 300 percent—when we see this kind of damage to the long-term capacity of the American military, we need to take it seriously. I know the Iraqi people already understand that our troops are skilled and brave. Now they need to understand we must see legitimate progress that offers a real chance of American troops beginning to come home.

At the same time, if the administration wants the Iraqis to bear the burden, they need to move beyond the hollow "stay as long as it takes no matter what" talk that provides an endless security blanket—a disincentive for Iraqis to stand up for Iraq—and, instead, they must talk forcefully about the transfer of responsibility.

If the administration gets this plan right, and the Iraqis succeed in adopting a new constitution and holding elections as planned, trained Iraqi security forces should be ready to take on more responsibility at the critical moment when support for the insurgency is diminishing. That is the kind of careful, strategic planning we need to set the stage for American forces to be able to be reduced in number, as the Iraqi security forces assume more of the mission. But, again, this simply will not happen unless the Iraqi forces themselves assume more of their part. We must make the Iraqi Government understand the patience of America is finite, and that real progress must be achieved. We all understand that deploying capable Iraqi security forces is imperative to success. It always has been imperative to success. Yet the numbers we have been given again and again have been false. But the administration would also have us believe Iraqi forces alone could end the insurgency. That is simply not true. I hope the President strikes a different tone tonight and commits to work simultaneously, equally, forcefully on all fronts—security, economic, and political.

The administration should know by now that overly optimistic predictions for Iraq and rebuilding Iraq have actually been a drag on our mission. Reconstruction lags behind even in the Shiite south and in the Kurdish north, where security is far less of an issue. This sends the wrong message to those whom we ask to sacrifice for freedom.

We need to speed up work in these areas in order to demonstrate that progress will be made in the rest of Iraq. If Iraqis, particularly Sunnis, who fear being left out in the cold, see electricity flowing, jobs being created, infrastructure being built, and a government of their own choosing being formed, the lure of the insurgency will diminish. The violence and risk to our troops will decrease. To get it right in Iraq, we must show all Iraqis they are fighting not only for a future of freedom but for a tangibly improved future for their lives on a day-to-day basis, and for their children.

Getting it right also means understanding the neighborhood. It means getting those with an interest in Iraq, such as the Saudis, to act now.

Iraq is surrounded by Sunni neighbors with significant resources, yet complaints fall from these neighbors about being left out and about their concerns falling on deaf ears. Many of these countries could do much more to help, and we should encourage them to do so. Even short-term improvements, such as providing electricity from their grids, or supplying diesel fuel—an offer that has been made but is yet unfulfilled by the Saudis—would go a long way.

But we have to do our part and address their legitimate concerns. If we want these nations to step up to the plate and help us to secure Iraq's borders and help, particularly because of their Sunni background, to bring Sunnis into the political process or help to rebuild Iraq's economy and infrastructure, then we have to offer a coherent, strategic security plan for their region. We have to address their fears of an Iran-dominated crescent, and their concerns about our sporadic mediation between Israel and the Palestinians. This administration needs to show it understands there has to be some give-and-take in the process.

The administration could also give a significant boost to the rebuilding effort by recognizing the great untapped potential of private sector contributions. The conference that just took place in Brussels was a donor conference. What we need is more than donors; we need investment. The administration, working with the Iraqi Government, should organize a development conference for Iraqi businessmen and their regional counterparts who wish to invest in Iraq. Regional investment would not only strengthen Iraq's economy, it would give neighboring governments a greater stake in Iraq's success and another incentive for them to be able to provide more help. And the administration might want to consider the effect on regional businessmen when they read headlines about Halliburton's extraordinary dominance of local contracts.

Much of what I have discussed today—from administration mistakes, to the steps we need to move forward—all deals with laying the groundwork for long-term success. But the reality is, the elections are 6 months off. Iraq is not going to be rebuilt overnight, and it is going to take time to get the Iraqi troops ready.

In the coming months, even with perfect planning, there will be violence, turmoil, and hardship. That is why tonight it is critical that President Bush make clear there are actions we can take in the short term to ease the burden on our troops. He needs to get this right, not only to save American lives, but to elevate the confidence of the American people. For this to happen, the President must reconsider some hastily brushed aside options.

To date, the administration has been unwilling to entertain the idea of empowered militias, instead singularly focusing on a unified Iraqi security force. But Iraq, like Afghanistan, has numerous tribal, religious, and ethnic militias, such as the Kurdish Peshmerga or the Shiite Badr Army.

The fact is, these forces are structured, and, most importantly, they are accepted by the provincial populations. They are capable of providing protection while helping with reconstruction. In the interim, while a fully capable Iraqi security force is established, these forces could meet some of the critical security needs. They could fill the gap. If they can help do the job, why not let them?

It is time for the administration to put aside its concerns and prod the Iraqi Government to give the militias legitimacy. We can do this by integrating them into a kind of national guard, a force that would provide security in their own areas where they are respected and accepted.

The administration also needs to get it right on border security. For 2 years now, Senators and others have been commenting on the absence of adequate border security. The jihadists have been able to move in at will. If we want to ease the burden on our troops in the short term, we need to put that kind of adequate border security force in place. The truth is, it has been absent since day one, which is a shame, because that is precisely where our allies could help.

As opposed to providing security in urban areas, border security is generally much less risky for troops. The administration needs to work with the Iraqi Government to reach out to the world and establish a multinational force to secure Iraq's borders. Such a force, if sanctioned by the U.N. Security Council, could attract participation by Iraq's neighbors and powerful nations with a vested interest, such as India.

The administration has narrowed our options in Iraq, but there are still better choices available to us. There is still time to get it right in Iraq, and I hope, for the sake of our troops, the President will do so tonight.

We are at a critical juncture in this conflict, both at home and abroad. The last thing we need is the administration growing even more stubborn or more defensive. Today, our Nation needs honest, open leadership, and a comprehensive strategy for success. It is time for the President to reach out and work across the aisle and across the globe to clean up this mess.

The President must seize this opportunity to move forward, as the next months are so critical to the future of Iraq and to the future of our security. If the administration fails to take the steps that are available to them, and fails to hold the Iraqis accountable, we will stumble along, our troops at greater risk, casualties rising, the patience of the American people wearing thin, and the specter of quagmire staring us in the face.

Every misstep, every measure untaken, every wise course not followed carries an unbearable cost. The American people have a right to expect accountability. We need to decrease the risk to our troops and strengthen our chances for success. Our troops deserve better than they are getting. They deserve leadership that is equal to their sacrifice.

BONE MARROW AND CORD BLOOD THERAPY AND RESEARCH ACT OF 2005

Mr. BURR. Mr. President, I rise today to strongly support The Bone Marrow and Cord Blood Therapy and Research Act of 2005. I introduced this legislation with Senators HATCH, DODD, ENSIGN, and REED yesterday and I appreciate their interest in this important legislation.

The Bone Marrow and Cord Blood Therapy and Research Act will help provide adult stem cell transplant material for those patients who need them, and also provide adult stem cells for scientific research.

The House has passed similar legislation and we need to act in a timely matter on this bill. The legislation that we introduced yesterday also reauthorizes the National Marrow Donor Program, an important program helping to provide adult bone marrow to sick individuals. Unfortunately, thousands of Americans have died because there was not an appropriate donor of bone marrow. However, umbilical cord blood may provide an alternative to bone marrow transplantation. Ultimately, given the current limitations of bone marrow transplantation, cord blood could become a more widespread lifesaving therapy.

I am proud of the valuable work and research taking place in North Carolina. In particular, Dr. Joanne Kurtzberg of Duke University, the director of the Pediatric Blood and Marrow Transplant Program, is leading the fight on monumental diseases such as diabetes and Alzheimer's. Dr. Kurtzberg and her team are pioneers in the field, having already performed more than 600 cord blood transplants with unrelated donors more than anyone else in the world.

Cord blood transplantation has already been used to treat a number of diseases including leukemia, lymphoma, and sickle cell anemia. The legislation we introduced yesterday will establish an inventory of 150,000 new cord blood stem cell units that reflects the diversity of the people of the United States. The goal of this legislation is to create a network so that 95 percent of Americans who need a transplant will be able to receive an appropriately matched transplant. Calling transplants the "ultimate in recycling," Dr. Kurtzberg believes, as I do, that cord blood has the potential to save the lives of countless patients nationwide.

The Bone Marrow and Cord Blood Therapy and Research Act establishes a network of qualified cord blood banks to collect, test, and preserve cord blood stem cells. Additionally, this legislation will help match donors and recipients. I am hopeful that this legislation will provide facilities like the Carolinas Cord Blood Bank at Duke with the ability to save thousands of lives as the number of bone marrow donors and cord blood units increases.

The Senate needs to move forward on this legislation so that the Federal Government can help provide the infrastructure allowing these therapies to be extensively used. I stand ready to work with my colleagues so that we can enact this legislation quickly.

HONORING OUR ARMED FORCES

HONORING ARMY SPECIALIST NICK IDALSKI

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Crown Point. Nick Idalski 23 years old, died on June 21 during combat operations west of Baghdad near Ramadi. With his entire life before him, Nick risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 2001 graduate from Crown Point High School, Nick was killed in combat just 1 month before he was scheduled to return home. He had been in the Army for less than 2 years, first being sent to South Korea for a short time before his deployment to Iraq. His family recounted to a local newspaper Nick's passion for being a soldier and helping other people, saying that he died doing something he truly loved. They shared their memories of how selfless, jolly, and determined Nick was, and their pride in him when he decided to join the Army. I stand here today to express the same feelings of pride and gratitude for this young Hoosier's sacrifices and those made by his family on behalf of our country.

Nick was killed while serving his country in Operation Iraqi Freedom. He was a member of the Army's 2nd Infantry Division, and had been stationed in Ramadi since August. This brave young soldier leaves behind his mother and stepfather, Kim and Richard Greenberg; his father, Tony Idalski; his two brothers, Steve and Nathan Idalski; his stepbrother, Kevin Greenberg; two stepsisters; and his longtime girlfriend, Lisa Wheeler.

Today, I join Nick's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Nick, a memory that will burn brightly during these continuing days of conflict and grief.

Nick was known for his dedication to his family and his love of country. Today and always, Nick will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Nick's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg:

> We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here.

This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Nick's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Nick Idalski in the official Record of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Nick's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Nick.

NATIONAL HISTORY DAY PROGRAM

Mr. OBAMA. Mr. President, from June 12-16, 2005, students from the great State of Illinois were invited to Washington, DC, by the National History Day Program to present original history projects. This scholarly group of students used their critical thinking and research skills to create exhibits, documentaries, and performances on the theme, "Communication in History: The Key to Understanding."

Congratulations to the national qualifiers and finalists from Illinois: Audrey Auyeung, Zoe Netter, Charlotte Cook, Eric Jacobson, David Gainski, Lucy Honold, Chelsea Farmer, Brandon Jakub, Kyle Schoenfelt, Dakota Smith, Erich Grundman, Charlie Curran, Jonathan Taub, Alicia Patten, Peter Contos, Honghe Li, Sebastian Prokuski, Laura Muller-Soppart, Tomas Manghi, Elizabeth May, Aruj Chaudhry, Kyle Johnson, Kathryn Evans, Laura Guzman, Rebecca Strauss, Andriy Matyukha, Sean Gallagher, Brendon Gallagher, Dan Burasinsanga, Gian Santos, Mary Kowalkowski, Ellie Terrell, Lauren Brown, Nadine Ibrahim, Annika Kolasa, Courtney Kolbe, Marissa Suchyta, David Bailey, Joseph Tepper, Tamara Vaughn, Stephanie Ebbs, Lena Walker, Maria Carvell, Robby Krajewski, Allyson Schroeder, Elizabeth Hamman, Emily Dennis, Lisa Furby, Katie Damron, Andrea Martinelli, Cristen Sawicki, Kelsey McMahon, Amelia Wallace, Allison Nichols, Sarah Siegel, Eliseo Martinez, and Jessica Drachenberg.

Special congratulations to Marrissa Suchyta, the second place winner in the junior individual documentary category, and Aruj Chaudhry, the third place winner in the senior individual paper category.

Finally, dedicated Illinois teachers worked throughout the academic year with these students so that they could be successful in competing with over 500,000 students nationwide.

Congratulations to their teachers: Angie Carr, Balazs Dibuz, Mario Garcia, Melissa Craig, Ron Solberg, Carlton Oquendo, Betsy Brown, Patricia Grunde, Ann Patricia Duffy, Leslie Contos, David Barber, Sherri Massa, Chris Salituro, Aggie Nowak, Cathy Bednar, Peggy Hall-Heineman, Patricia Grimmer, Sandra Koehler, Janet Kelsey, Chris DeMato, Barry Bradford, Claire Finn, Therese Hawkins, Sandra Koehler, and Claire Finn.

I commend these students on their achievements and encourage them to continue their pursuit of academic excellence.

ADDITIONAL STATEMENTS

MAYOR-ELECT ANTONIO VILLARAIGOSA

• Mrs. BOXER. Mr. President, today I rise to salute a wonderful and historic event that is about to take place in my home State. On Friday, July 1, 2005, Antonio Villaraigosa will be sworn in as mayor of the great city of Los Angeles, CA.

With nearly 4 million residents, Los Angeles is a huge and dynamic city, and running it well will be a huge challenge. But Antonio Villaraigosa is ready, willing, and able to do the job.

I believe that Mayor Villaraigosa has the intelligence, talent, energy, courage, compassion, imagination, and experience needed to unite Los Angeles and move it forward to new greatness.

Antonio has shown this ability throughout his career as a labor leader, civic leader, and elected official. He has worked with Democrats and Republicans from all backgrounds and all parts of California to improve education, protect the rights of working families, expand health care coverage, and make our communities safer, better places to live.

Time and again, he has demonstrated the leadership skills that will help him make Los Angeles one of the world's great cities of the 21st century.

Antonio Villaraigosa has already made history by becoming the first Latino mayor of Los Angeles since 1872, but he has set his sights even higher. He hopes to make history by making Los Angeles work for all its residents, and I will do all I can to help him.•

TRIBUTE TO DR. PHYLLIS LEVENSTEIN

• Mrs. CLINTON. Mr. President, on May 28, New York and our Nation lost one of its finest child advocates, innovators, and clinicians. Dr. Phyllis Levenstein, longtime Wantagh, NY, resident and founder of The Parent-Child Home Program, an international early literacy, school readiness program, passed away shortly after returning to Long Island to celebrate the program's 40th anniversary.

She was born Phyllis Aronson in Boston and grew up in Detroit. After graduating from Wayne State University in 1937, she taught in Detroit before coming to New York, where she earned a master's degree in social work in 1944 and a doctorate from Columbia University in 1969. She met her husband, Sidney Levenstein while working as a social worker in Manhattan during World War II. They married in 1946 and moved to Wantagh in 1957. Sidney, an Adelphi University Professor, who died in 1974, helped Phyllis develop The Parent-Child Home Program model.

In 1965, she identified parent-child interaction as the key to the development of early language skills and working with her husband, a statistician, created a pioneering model program. The Parent-Child Home Program, which Dr. Levenstein first piloted in Freeport, NY, in 1965, is a home-visiting program for families with 2- and 3-year-olds challenged by poverty and low levels of education. The program encourages parent-child verbal interaction through talking, reading, and playing and helps families create a language-rich environment in their homes. Longitudinal research shows that children who complete the 2-year program enter school ready to learn and graduate high school at the same rate as middle-income students. The program that began serving just 5 Long Island families in 1965 will reach 5,000 disadvantaged families across the country this year.

Dr. Levenstein's genius was in seeing the critical importance of parents engaging in continual verbal interaction with their young children through talking, reading, playing, and asking questions.

Over the years, she conducted and published significant research on the program's design and outcomes. The 88-year-old clinical psychologist was working on an expanded edition of her 1988 book about parent-child verbal interaction, "Messages from Home," when she passed away. A practicing clinical psychologist, Dr. Levenstein was in private practice in Wantagh for 44 years and continued to see patients up until her death. She also was affiliated with Stony Brook University and a number of Long Island mental health and child guidance centers.

Dr. Levenstein was a fellow of the American Orthopsychiatric Association and the American Psychological Association and a member of the American Educational Research Association and the Nassau County and New York State psychological associations.

Her children describe her as a person who derived true joy from helping people and say that her soft touch was well-matched by her scientific toughmindedness. Her principled humanism led as well to a lifelong impassioned advocacy of peace and social justice. Her colleagues will remember her great intelligence, intensity, and wisdom, coupled with integrity, warmth, and humility.•

McCROSSAN BOYS RANCH CELEBRATES 50 YEARS

• Mr. JOHNSON. Mr. President, it is with great honor that I rise today to congratulate the McCrossan Boys Ranch of Sioux Falls, SD, as it celebrates 50 years of outstanding service on June 29, 2005.

Established by Melinda Bell McCrossan, as the result of trust she created in honor of her late husband, the McCrossan Boys Ranch is a private, not-for-profit organization "dedicated to providing a place for boys to grow into men." Since its inception, Mrs. McCrossan determined that the ranch would be "a home where boys find a new hope for a better life."

In 1953, money from the trust was used to purchase four hospital buildings from the Sioux Falls Air Force Base that had been used during World War II. The buildings were transported 8 miles northwest of Sioux Falls, to the current location of the McCrossan Ranch. In 1955, the McCrossan Boys Ranch came to fruition as a working horse and sheep ranch designed to help boys between the ages of 10 and 18 handle the conflict in their lives and successfully live up their own potential.

Education has always been one of the ranch's top priorities, as the organization stresses formal education, which includes academic and vocational instruction, as well as productive work and life skills. Prior to 1978, all residents on the ranch attended local public schools. However, now that the ranch operates its own on-campus approved special education program through a partnership with East Dakota Educational Cooperative, 85 percent of all residents attend the ranch's school. The other 15 percent attend local public schools, as reintegration into the public school system is the ranch's ultimate goal for all the boys.

Although residents are there for a myriad of reasons, the McCrossan Boys Ranch makes certain to provide each student with ample individual attention, in addition to the required weekly group goals sessions. Anger management, corrective thinking, victim empathy and various other issues are also addressed through these workshops.

In early 2004, McCrossan Boys Ranch received national accreditation from the American Corrections Association, with a 99.6 percent rating. This honor makes the ranch one of only three correctional facilities in all of South Dakota to hold this prestigious accreditation. In fact, only 1,500 correctional organizations throughout the Nation maintain this accreditation.

I am proud to have this opportunity to recognize the McCrossan Boys Ranch for its 50 years of outstanding service. It is an honor for me to share with my colleagues the exemplary leadership and strong commitment to education McCrossan Boys Ranch provides. I strongly commend their years of hard work and dedication, and I am very pleased that their substantial efforts are being publicly honored and celebrated.•

HONORING THE CITY OF CORSICA, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, I rise today to honor and publicly recognize the 100th anniversary of Corsica, SD. It is at this time that I would like to draw attention to and commemorate the achievements and history of this charming city on the South Dakota prairie, which stands as an enduring tribute to the fortitude and pioneer spirit of the Dakotans.

Corsica, located in northern Douglas County in southeastern South Dakota, was founded out of a need to service a new railroad built several miles from the existing towns of Harrison and Armour. On August 17, 1905, Corsica officially became a town when 25 acres of prairie where auctioned off to the highest bidders. It was suggested by several of the railroad company's employees that the town be named Corsica in honor of the island of Corsica, their native home, and the new residents agreed.

Corsica grew rapidly and within weeks included the Floete Lumber Company, a grocery store, the Hafsaas boarding house, Corsica State Bank, Farmers State Bank, a newspaper office, and several restaurants. The town was incorporated on January 24, 1905, and local elections quickly followed to select city officials.

After 2 years, Corsica's population was estimated at nearly 500 people, and the town then boasted three general stores, a furniture store, two newspapers, two hotels, two livery stables, two churches, a water system, and a public hall.

The history of Corsica is, however, marked with its share of tragedy, as well. On October 16, 1907, the first fire of which there is a record burned one of the town's most prosperous businesses to the ground. John Van Ommeren's livery barn was completely destroyed and five horses, several buggies, and other personal belongings were all lost.

Additionally, 8 years later, on July 15, 1915, a tornado struck the community, resulting in severe damage. Despite the devastation, Corsica's dedicated and resilient residents committed themselves to the rebuilding effort with undaunted determination.

One of Corsica's unique landmarks is the Priscilla Club Library, established in 1912. The library began as a book club, the Priscilla Club, comprised of 12 women sharing a dozen books between themselves. It evolved into an organization of women selling their embroidery and holding suppers in order to raise funds and purchase additional volumes. This small but well intentioned club amassed an immense collection of literature and cultural artifacts requiring an entire building to accommodate it all. The library now houses more than 10,500 books and hundreds of audiovisual materials. For a community of only 625 residents, this collection is a tremendous accomplishment and treasure.

Through the years, the proud residents of Corsica have demonstrated great flexibility and perseverance in their ability to thrive on the prairie of the Dakotas. I take this opportunity to recognize the history of the small city of Corsica and congratulate its residents as they celebrate their vibrant, century-long history on July 2–4, 2005.●

HONORING COMMISSIONER PAT KLABO

● Mr. JOHNSON. Mr. President, it is with great pride that I stand today in recognition of the long career of public service had by a very special woman, Aberdeen City Commissioner Pat Klabo, who is retiring from her position on June 30 after 18 years of dedicated service in city government. A tireless advocate for the health and well-being of her community, Commissioner Klabo's presence will surely be missed by residents of South Dakota's third-largest city.

Commissioner Klabo's rise to prominence in local government was not something preordained. As in most stories of American democracy, her call to lead was motivated not by personal ambition or pedigree but by the calls of those around her to take up the mantel of leadership. Her first foray into public service began when these calls of concerned citizens were beckoning her to bid for the Aberdeen mayor's office back in 1987. After a spirited campaign, she was defeated by fellow city commissioner Tim Rich, but was then appointed to fill out the remainder of Mr. Rich's term. Ever since that appointment, Commissioner Klabo has become a veritable fixture in Aberdeen politics.

In her position as commissioner of the water and wastewater departments for the last 17 years, Commissioner Klabo has proven to be a very capable leader on a number of issues that impact the vitality of both Aberdeen and the entirety of northeastern South Dakota. She was instrumental in overseeing the improvements made to Aberdeen's water treatment plant, an act that will prove key to the city's prospects for growth in the new millennium. Commissioner Klabo also oversaw the city's expanded use and development of wells on private lands, a partnership between public service and private enterprise that has proven beneficial to all in the community.

Even with such dedication to local government, Commissioner Klabo still somehow finds the time and energy to engage in other pursuits that benefit the community. Her work as a part of the group Persons With Disabilities is a prime example of this. Forty years of service helping some of society's most vulnerable individuals speaks to the highest character of humanity. Commissioner Klabo is also a founding member of the Aberdeen Mayor's Committee for Persons with Disabilities, a body on which she has now served for more than a decade. In this position, she has ensured that people with disabilities have a voice at the table when important decisions are made at city hall.

It is my great pleasure to share a few words about Ms. Klabo's accomplishments with my colleagues and to note in the public records her contributions to my home State. It will be difficult to lose such a committed civil servant, especially one who has proven to be such an asset to her community. On the behalf of all South Dakotans, I would like to wish her the very best for her retirement.●

HONORING THE COMMUNITY OF STICKNEY, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly recognize the 100th anniversary of the founding of the town of Stickney, SD. On July 4, 2005, Stickney residents look back on their community's proud past and look forward to a promising future.

Located in southeastern South Dakota in Aurora County, Stickney was platted August 17, 1905. Like many towns in South Dakota, Stickney got its start with help from the railroad, specifically the Milwaukee Railroad. In fact, the town was named for the oldest railroad agent in the United States, John B. Stickney of Mazomanie, Wisconsin.

Just before Christmas, 1905, construction of the tracks was finally complete. Shortly thereafter, on January 1, 1906, "Maude," the line's first train, ventured into town. Following Maude's arrival, Stickney quickly flourished. By mid-1906, the town boasted three lumber companies, two hardware stores, two livery barns, a funeral home, a general store, a post office, a hotel, a pool hall, a blacksmith shop, two banks, and four grain elevators.

On June 29, 1906, John McNeil published Stickney's first newspaper, Postal Card. Not long after its inception, McNeil sold the paper to J.S. Schuldt, who converted the printing shop into a schoolhouse. Grade school classes were held in the rear of the building, while high school classes were taught in the front. This establishment, like the paper, was also short lived, as a new school was constructed in 1907 to better accommodate the rapidly increasing number of students.

In the century since its founding, Stickney has proven its ability to thrive. Stickney's more than 300 proud residents celebrate the community's 100th anniversary on July 4, 2005, and it is with great pleasure that I share with my colleagues the history of this great community.●

TRIBUTE TO THE FAYETTEVILLE PUBLIC LIBRARY

● Mr. PRYOR. Mr. President, it is with the greatest pleasure that I rise today to honor the Fayetteville Public Library which was recently named the 2005 "Library of the Year" by Thomson Gale and Library Journal. The Library of the Year Award honors the library that is most dedicated to community service through its creativity and leadership. Thompson Gale and Library Journal will present a check for $10,000 to the Fayetteville Public Library later this month during the American Library Association's annual conference in Chicago, IL.

I would like to recognize Louise Schapter, executive director of the Fayetteville Public Library, and her outstanding staff, for their commitment to providing such a quality community resource to the citizens of Northwest Arkansas. During Ms. Schapter's tenure, library usage has soared. Visits have increased from 192,179 to 576,773, checkouts have risen from 271,187 to 718,159, program attendance has grown from 14,448 to 41,658, and cardholders have leaped from 15,662 to 48,419. What a remarkable accomplishment.

I would also like to mention that the library has more than 160 regular volunteers, who deliver books to the homebound, shelve and cover books, staff the computer lab and conduct various programs. This involvement by the community is truly commendable and makes all of us in Arkansas proud.

I ask my colleagues to join me in congratulating the Fayetteville Public Library on receiving this well-deserved honor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:35 a.m., a message from the House of Representatives, delivered by Mr. Croatt, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System.

H.R. 358. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

H.R. 1084. An act to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes.

H.R. 1412. An act to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes.

H.R. 1428. An act to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes.

H.R. 1512. An act to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel, Jr. Post Office Building".

H.R. 2362. An act to reauthorize and amend the National Geologic Mapping Act of 1992.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month.

H. Con. Res. 152. Concurrent resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year.

H. Con. Res. 155. Concurrent resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections.

H. Con. Res. 188. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia.

The message further announced that pursuant to 22 U.S.C. 2761, and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the British-American Interparliamentary Group: Mr. PETRI, Chairman, and Mr. BOOZMAN, Vice Chairman.

The message also announced that the House has passed the following bill, without amendment:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 458. An act to prevent the sale of abusive insurance and investment products to military personnel, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 38. An act to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

H.R. 458. An act to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 481. An act to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

H.R. 1084. An act to authorize the establishment at Antietam National Battlefield of a memorial to the officers and enlisted men of the Fifth, Sixth, and Ninth New Hampshire Volunteer Infantry Regiments and the First New Hampshire Light Artillery Battery who fought in the Battle of Antietam on September 17, 1862, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 1412. An act to amend the Ports and Waterways Safety Act to require notification of the Coast Guard regarding obstructions to navigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1428. An act to authorize appropriations for the National Fish and Wildlife Foundation, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1512. An act to direct the Secretary of the Interior to conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2346. An act to designate the facility of the United States Postal Service located at 105 NW Railroad Avenue in Hammond, Louisiana, as the "John J. Hainkel Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 2362. An act to reauthorize and amend the National Geologic Mapping Act of 1992; to the Committee on Energy and Natural Resources.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 71. Concurrent resolution expressing the sense of Congress that there should be established a Caribbean-American Heritage Month; to the Committee on the Judiciary.

H. Con. Res. 152. Concurrent resolution commemorating Mystic Seaport: the Museum of America and the Sea in recognition of its 75th year; to the Committee on the Judiciary.

H. Con. Res. 155. Concurrent resolution urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections; to the Committee on Foreign Relations.

H. Con. Res. 188. Concurrent resolution honoring the members of the United States Air Force who were killed in the June 25, 1996, terrorist bombing of the Khobar Towers United States military housing compound near Dhahran, Saudi Arabia; to the Committee on Armed Services.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2792. A communication from the Secretary of Veterans Affairs, transmitting, a report relative to a recommended change to 38 U.S.C. 8110(a); to the Committee on Veterans' Affairs.

EC–2793. A communication from the Acting Assistant Secretary (Legislative Affairs), Department of State, transmitting, pursuant to law, a report relative to the continuation of the waiver of certain provisions of the Trade Act with respect to Turkmenistan; to the Committee on Finance.

EC–2794. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of the Expiration Date for Several Body System Listings" (RIN0960–AG27) received on June 23, 2005; to the Committee on Finance.

EC–2795. A communication from the Chief, Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Tariff Treatment Related to Disassembly Operations Under the North American Free Trade Agreement" (RIN1505–AB41) received on June 27, 2005; to the Committee on Finance.

EC–2796. A communication from the Trade Representative, Executive Office of the President, transmitting, pursuant to law, a report relative to the Dominican Republic-Central America-United States Free Trade Agreement, a report of the Environmental Review of the Dominican Republic-Central America-United States Free Trade Agreement, a report of the United States Employment Impact Review of the Dominican Republic-Central America-United States Free Trade Agreement, and the Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua Labor Rights Report; to the Committee on Finance.

EC–2797. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Amendments to Annual Earnings Test for Retirement Beneficiaries" (RIN0960–AF62) received on June 23, 2005; to the Committee on Finance.

EC–2798. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Revenue Procedure 90–11" (Rev. Proc. 2005–40) received on June 27, 2005; to the Committee on Finance.

EC–2799. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Network Upgrade Payments Made to Utilities" (Rev. Proc. 2005–35) received on June 27, 2005; to the Committee on Finance.

EC–2800. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Termination of Tobacco Quotas and Price Support Programs" (Rev. Proc. 2005–51) received on June 27, 2005; to the Committee on Finance.

EC–2801. A communication from the counsel for the National Tropical Botanical Garden ("Garden"), transmitting, pursuant to law, the audit report for the Garden for the period from January 1, 2004 through December 31, 2004; to the Committee on the Judiciary.

EC–2802. A communication from the Acting Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, a report entitled "Plutonium Storage at the Department of Energy's Savannah River Site"; to the Committee on Energy and Natural Resources.

EC–2803. A communication from the Secretary of Energy, transmitting, pursuant to law, the Annual Report for the Strategic Petroleum Reserve covering calendar year 2004; to the Committee on Energy and Natural Resources.

EC–2804. A communication from the Chairman, Southeast Compact Commission for Low-Level Radioactive Waste Management, transmitting, the Commission's 2003–2004 Annual Report including the Annual Audit; to the Committee on Energy and Natural Resources.

EC–2805. A communication from the Attorney, Office of Legislation and Regulatory Law, Office of Procurement and Assistance Policy, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Small Business Programs" received on June 27, 2005; to the Committee on Energy and Natural Resources.

EC–2806. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, the designation of an Acting General Counsel, and the name of a nominee to fill the vacancy; to the Committee on Energy and Natural Resources.

EC–2807. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary, Fossil Energy and the designation of an Acting Assistant Secretary, Fossil Energy; to the Committee on Energy and Natural Resources.

EC–2808. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Director, Office of Civilian Radioactive Waste Management and the designation of an Acting Director for the position; to the Committee on Energy and Natural Resources.

EC–2809. A communication from the Director, Office of Human Capital Management, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary and the designation of an Acting Under Secretary; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORNYN:

S. 1318. A bill to protect States and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 1319. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans,, and for other purposes; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. FEINGOLD, Mr. LUGAR, and Mr. OBAMA):

S. 1320. A bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes; to the Committee on Foreign Relations.

By Mr. SANTORUM (for himself, Mr. CRAPO, Mr. SMITH, and Mr. HAGEL):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications; to the Committee on Finance.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1322. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1323. A bill to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska as the "Dorothy and Connie Hibbs Post Office Building"; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself and Mr. WYDEN):

S. 1324. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Ms. COLLINS, Mr. ALEXANDER, Mr. LUGAR, Ms. MURKOWSKI, and Mr. STEVENS):

S. 1325. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS:

S. 1326. A bill to require agencies and persons in possession of computerized data containing sensitive personal information, to disclose security breaches where such breach poses a significant risk of identity theft; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. COLEMAN (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ALLEN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. REED, Mr. SALAZAR, and Ms. MIKULSKI):

S. Res. 182. A resolution supporting efforts to increase childhood cancer awareness, treatment, and research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself, Mrs. LINCOLN, and Ms. SNOWE):

S. Res. 183. A resolution recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp; considered and agreed to.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 206

At the request of Ms. CANTWELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes.

S. 330

At the request of Mr. ENSIGN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 330, a bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent record or hardcopy under title III of such Act, and for other purposes.

S. 331

At the request of Mr. JOHNSON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 340

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 340, a bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media.

S. 369

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 369, a bill to establish protections against compelled disclosure of sources, and news information, by persons providing services for the news media.

S. 391

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 391, a bill to amend the Federal Election Campaign Act of 1971 to prohibit certain State election administration officials from actively participating in electoral campaigns.

S. 457

At the request of Ms. COLLINS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 457, a bill to require the Director of the Office of Management and Budget to issue guidance for, and provide oversight of, the management of micropurchases made with Governmentwide commercial purchase cards, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 593

At the request of Ms. COLLINS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 593, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries.

S. 601

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 601, a bill to amend the Internal Revenue Code of 1986 to include combat pay in determining an allowable contribution to an individual retirement plan.

S. 611

At the request of Ms. COLLINS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 618

At the request of Mr. SESSIONS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 618, a bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 722

At the request of Mr. SANTORUM, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 722, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

S. 731

At the request of Mr. CONRAD, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 731, a bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities.

S. 756

At the request of Mr. BENNETT, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 756, a bill to amend the Public Health Service Act to enhance public and health professional awareness and understanding of lupus and to strengthen the Nation's research efforts to identify the causes and cure of lupus.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 850

At the request of Mr. FRIST, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 850, a bill to establish the Global Health Corps, and for other purposes.

S. 860

At the request of Mr. ALEXANDER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 860, a bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes.

S. 962

At the request of Mr. GRASSLEY, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 962, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued to finance certain energy projects, and for other purposes.

S. 1082

At the request of Mrs. HUTCHISON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1186

At the request of Mr. DOMENICI, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1186, a bill to amend the Internal Revenue Code of 1986 to provide the same capital gains treatment for art and collectibles as for other investment property and to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1249

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1249, a bill to require the Secretary of Education to rebate the amount of Federal Pell Grant aid lost as a result of the update to the tables for State and other taxes used in the Federal student aid need analysis for award year 2005–2006.

S. 1272

At the request of Mr. NELSON of Nebraska, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1272, a bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II.

S. 1283

At the request of Mrs. CLINTON, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. NELSON), the Senator from Nevada (Mr. ENSIGN), the Senator from Virginia (Mr. ALLEN), the Senator from Montana (Mr. BURNS), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. KYL), the Senator from Wyoming (Mr. THOMAS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HATCH, the names of the Senator from New York (Mrs. CLINTON), the Senator from Maryland (Ms. MIKULSKI), the Senator from Tennessee (Mr. FRIST), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. TALENT), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Ohio (Mr. VOINOVICH), the Senator from Iowa (Mr. HARKIN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S.J. RES. 18

At the request of Mr. SUNUNU, his name was added as a cosponsor of S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

At the request of Mr. MCCONNELL, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S.J. Res. 18, supra.

S. RES. 42

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 154

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 154, a resolution designating October 21, 2005 as "National Mammography Day".

S. RES. 155

At the request of Mr. BIDEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. Res. 155, a resolution designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

At the request of Mr. VITTER, his name was added as a cosponsor of S. Res. 155, supra.

AMENDMENT NO. 1010

At the request of Mr. VOINOVICH, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Ohio (Mr. DEWINE), the Senator from Louisiana (Mr. VITTER) and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of amendment No. 1010 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1023

At the request of Mrs. BOXER, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Nevada (Mr. REID), the Senator from Maine (Ms. SNOWE), the Senator from Maine (Ms. COLLINS) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of amendment No. 1023 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1026

At the request of Mr. SUNUNU, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1026 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1036

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1036 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1037

At the request of Mr. REED, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1037 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1038

At the request of Mr. SALAZAR, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of amendment No. 1038 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1052

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Florida (Mr. NELSON), the Senator from Minnesota (Mr. DAYTON), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. DORGAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. BYRD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mr. REED, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Ms. CANTWELL, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

AMENDMENT NO. 1053

At the request of Mr. BYRD, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Louisiana (Ms. LANDRIEU), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Mrs. MURRAY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Vermont (Mr. JEFFORDS), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Illinois (Mr. OBAMA), the Senator from California (Mrs. FEINSTEIN), the Senator from New York (Mr. SCHUMER), the Senator from California (Mrs. BOXER), the Senator from Iowa (Mr. HARKIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Kansas (Mr. BROWNBACK), the Senator from Ohio (Mr. DEWINE), the Senator from Michigan (Mr. LEVIN), the Senator from Kentucky (Mr. MCCONNELL), the Senator from Arizona (Mr. MCCAIN), the Senator from Delaware (Mr. BIDEN), the Senator from Florida (Mr. NELSON), the Senator from New York (Mrs. CLINTON), the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KERRY), the Senator from Kansas (Mr. ROBERTS), the Senator from Vermont (Mr. LEAHY) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of amendment No. 1053 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. SARBANES, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. MARTINEZ, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mr. FEINGOLD, his name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1053 proposed to H.R. 2361, supra.

AMENDMENT NO. 1060

At the request of Mr. ALLEN, his name was added as a cosponsor of amendment No. 1060 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VITTER, his name was added as a cosponsor of amendment No. 1060 proposed to H.R. 2361, supra.

At the request of Ms. LANDRIEU, the names of the Senator from Maryland (Mr. SARBANES), the Senator from North Carolina (Mr. BURR), the Senator from Missouri (Mr. TALENT), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of amendment No. 1060 proposed to H.R. 2361, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORNYN:

S. 1318. A bill to protect States and Federal judges by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, I rise today to introduce important legislation to protect State and Federal judges against civil lawsuits, by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority.

To put it mildly, these are not easy days for members of the State and Federal judiciary. I am unaware of any member of this body who has not, at one time or another, criticized a member of the State or Federal judiciary for issuing one ruling or another—including the numerous controversial rulings that have captured the Nation's attention in recent years. Indeed, in each of the two previous Congresses, the Senate unanimously approved strongly worded resolutions "strongly disapprov[ing]" the infamous decision of the U.S. Court of Appeals for the Ninth Circuit striking down the voluntary recitation of the Pledge of Allegiance in public schools. See S. Res. 71 (108th Cong.) and S. Res. 292 (107th Cong.).

To be sure, judges are supposed to follow and apply the law—not legislate from the bench. On numerous occasions, I have spoken out against instances of judicial activism. But there are appropriate and inappropriate ways to register one's disapproval and disagreement.

The First Amendment guarantees every American the right to express disagreement with government officials—including State and Federal judges. There is certainly nothing inappropriate about criticizing judicial rulings with which one sharply disagrees. But it is entirely inappropriate to threaten the impeachment and removal of judges simply for issuing rulings with which one disagrees. It is inappropriate to file lawsuits against judges in the hope of pestering or bankrupting them in retaliation for judicial actions one does not like. And it is absolutely deplorable for any person to undertake violence, threats of violence, or other illegal acts against judges.

As a former State trial judge and State supreme court justice of 13 years, who has a number of close personal friends who still serve on the bench today, I am outraged by recent acts of courthouse violence. I personally know judges and their families who have been victims of violence. I have grieved with those families. And during the Easter recess earlier this year, I met with an old friend, a Federal judge in Texas, to make sure that we are doing everything that we can to protect our judges and courthouse personnel against further acts of violence. So I look forward to legislation that will soon be introduced to strengthen courthouse security and to otherwise bolster protections against violence for judges, their staff, and their families.

Today I would like to introduce legislation to protect State and Federal judges against a different kind of threat—a lesser threat than violence to be sure, but an important one nonetheless: the threat of civil litigation in retaliation for unpopular judicial actions. For centuries, our common law has protected judges against civil litigation by conferring upon them courtroom immunity. It has long been understood that judicial immunity is an essential element of protecting judicial independence and ensuring that judges have the ability and freedom to do their jobs. As the Senate Judiciary Committee noted less than a decade ago: "Even when cases are routinely dismissed, the very process of defending against those actions is vexatious and subjects judges to undue expense. More importantly, the risk to judges of burdensome litigation creates a chilling effect that threatens judicial independence and may impair the day-to-day decisions of the judiciary in close or controversial cases." Federal Courts Improvement Act of 1996—S. 1887, S. Rep. No. 104-366 at 37 (1996).

Throughout its legal existence, judicial immunity has been for the most part a creature of the common law. But there have been times when Congress has seen fit to step in and to strengthen judicial immunity—particularly when the courts have undertaken an unduly narrow view. In 1996, for example, Congress enacted the Federal Courts Improvement Act—important legislation that included a provision reversing a U.S. Supreme Court decision in order to expand the protections of judicial immunity.

It is appropriate for Congress once again to consider legislation to strengthen judicial immunity. This time, I hope Congress will respond to a recent decision by a Federal district court in Fort Worth, TX. That decision applied recent Supreme Court precedents in good faith, but in a manner that leaves judges potentially exposed to vexatious civil litigation. In Alexander v. Tarrant County, the Federal district court held that traditional judicial immunity does not protect State judges acting in their administrative capacities. Specifically, the court held that State judges authorized under State law to supervise local correctional facilities could not claim judicial immunity against suit. As a recent news report and editorial by the San Antonio Express-News make clear, that decision has left judges throughout the State of Texas in a state of uncertainty and anxiety about their exposure to lawsuits and liability. As the editorial rightly argues, the Alexander ruling, and I quote, "has sent shock waves through the judiciary. . . . Judges have a tough job. They should not be burdened with defending themselves for the administrative duties they perform." I ask unanimous consent that a copy of those articles be printed in the RECORD at the close of my remarks.

The legislation I introduce today is simple and straightforward. It protects State and Federal judges against civil lawsuits, by clarifying that Federal judicial immunity covers all acts undertaken by judges pursuant to legal authority. Specifically, it provides that State and Federal judges shall be immune against any Federal civil cause of action respecting the discharge of any legislatively or constitutionally authorized duty, except for actions involving malice. The legislation would not preempt any judicial immunity that already exists under current law.

This legislation was drafted with the support of two Texas State judges—the Honorable Dean Rucker, who presides over the 318th District Court in Midland, and who chairs the Judicial Section of the State Bar of Texas, and the former chairman, the Honorable Mark Atkinson of the Harris County Criminal Court. I want to thank them both for their service to Texas and for their help with this legislation, and I ask unanimous consent that their letter of support be printed in the RECORD at the close of my remarks. I am also grateful for the technical assistance provided by the Administrative Office of the U.S. Courts, as well as by the office of Texas Attorney General Greg Abbott, which has been intimately involved in the defense State judges against vexatious litigation. Finally, I am especially grateful for the support of the Chief Justice of the Texas Supreme Court, Wallace Jefferson, and I ask unanimous consent that his letter of support likewise be printed in the RECORD at the close of my remarks.

I hope that legislation to protect judges against deplorable acts and threats of violence will soon be introduced and quickly be enacted, and I hope that the legislation I introduce today to protect judges against vexatious litigation will likewise be considered favorably by my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUDGES SKITTISH WITHOUT IMMUNITY

(By Zeke MacCormack)

KERRVILLE.—Becky Harris didn't get far with her most recent status report to the Kerr County Juvenile Board on the detention center she manages.

After just two words, she was stopped by state District Judge Steve Ables, who said such a briefing could leave him and other board members "buck naked" and personally liable in the event of a lawsuit.

The concern stemmed from a recent federal judge's ruling that "judicial immunity" enjoyed by judges for courtroom duties doesn't necessarily extend to administrative duties they perform.

Judges still have qualified immunity as elected officials, but a ruling last fall by U.S. District Judge Terry Means in a lawsuit against 19 criminal court judges in Tarrant County has sent a chill across the Texas bench.

"It's got judges spooked all over the state," Kerr County Judge Pat Tinley, one of three judges on the juvenile board, said last week. "Until the Legislature reduces their (judges') exposure, they're all going to be as jumpy as the dickens."

Legislation now pending in Austin offers only a partial fix. It would bolster protections for judges acting in regard to adult probation departments, but not on juvenile matters, such as the aborted April 13 briefing in Kerr County.

"If we know what Becky's doing, and it turns out that something goes south, and there's a huge incident, the fact that we knew about it puts us maybe in a role of getting sued," Ables said, according to a transcript of the meeting.

Until legislation can solidify immunity for judges, he said, "we're telling everybody who's dealing with any type of administrative duty, 'Stay as far away from it as you can. Don't make any decisions.'"

State District Judge Karl Prohl, another member of the juvenile board, suggested Harris instead brief county commissioners, who assumed oversight of the center Feb. 14 when the county closed on the $1.9 million purchase of it.

But, he told her, "we can visit on an individual basis as friends."

Dean Rucker, a district judge in Midland who is chairman of the State Bar of Texas judicial section board, said he's "always had some concern about how far our judicial immunity went," adding the federal ruling "seems to indicate it has some limits."

The Tarrant County case stems from the 2001 pneumonia death of Bryan Alexander, 18, of Arlington, a detainee at a 350-bed detention center in Mansfield run by Correctional Services Corp.

Serving a six-month sentence on a misdemeanor, Alexander died after days of coughing up blood and seeking medical help. A nurse at the center was convicted in 2002 of negligent homicide for failing to give adequate care, got four years of probation and was ordered to pay $11,000 in restitution.

In 2003, Alexander's family won $38 million in a negligence lawsuit in state court against the nurse and Correctional Services. That's on appeal.

The family then filed a federal civil rights lawsuit against all Tarrant County judges with criminal court jurisdiction, in their individual capacity.

Last fall, Means let the lawsuit continue after denying a motion to dismiss that was based on a claim of judicial immunity. Means said the lawsuit's allegations are that judges performed administrative acts that fell outside their statutorily required duties regarding the center.

The local government code in Texas law says district judges trying criminal cases shall create community supervision and corrections departments and are entitled to help manage them. "What Judge Means is saying is, 'If you're going to assume those administrative duties, act responsibly,'" said Mark Haney, attorney for Alexander's family.

He said the Tarrant County judges approved an inadequate budget for the center, hired an operator for it who had problems elsewhere, and approved a policy that said ill detainees could not seek outside medical help until they'd taken over-the-counter drugs for three days. "You can't just give out a budget and then turn a blind eye to consequences," Haney said.

Assistant Attorney General David Harris, who is helping defend the judges, said "most judges were under the impression, I believe, that as long they were performing tasks assigned to them by the Legislature and making their best efforts, they would be protected by judicial immunity."

The judges had no direct management role in the center, he said, and relied on the operator and staff to act responsibly.

Harris has spoken to judges at conferences on how the case might affect them. "They need to be aware of the fact that they are not always acting in a judicial capacity, even if they think they are," he said.

He wouldn't comment on the deliberations of the Kerr County Juvenile Board. "I'm not advocating that any of them shirk their responsibility as a judge. I want them to approach their duties informatively, and to act discreetly and with an eye toward liability," he said.

Harris is slated to testify Tuesday before the Senate criminal justice committee on a bill sponsored by Sen. John Whitmire, D-Houston.

A Whitmire aide said the bill, which passed the House last month, clarifies that judges have judicial immunity when forming an adult probation department, passing its budget, naming its director and approving a community justice plan.

But it doesn't address juvenile boards that judges also serve on, because those duties are covered by a different statute, the aide said.

Haney said insulating judges from liability could backfire. "If there is no accountability, then I think it invites irresponsible behavior," said Haney, who expressed amazement at the Kerr Juvenile Board discussion. "That is just as irresponsible as acting with deliberate indifference," he said.

Some Kerr County commissioners also expressed concern about it, with Commissioner Jonathan Letz describing the juvenile board's posture as "head in the sand."

Commissioner Buster Baldwin said limited oversight by the judges might have fostered the financial woes that left the county with the choice of buying the insolvent juvenile center or losing it.

Reacting later, Ables, the district judge, said the juvenile board was more closely involved in supervising the facility before it was sold.

"Everybody (on the board) felt we could be involved because we had judicial immunity," until word of the Tarrant County ruling circulated early this year, he said.

[From The San Antonio Express-News]

EXTEND IMMUNITY FOR JUDGES

State lawmakers should protect judges from litigation spawned by the administrative duties they perform off the bench.

A federal court recently ruled that the immunity judges have for the duties they perform in the courtroom does not extend to their administrative actions, a decision that could have a big impact across the state.

In many counties, district court judges who try criminal cases are charged by state law with establishing community supervision and corrections departments.

However, the law does not provide the judges with protection from litigation for the decisions they make in that capacity.

As Express-News staff writer Zeke MacCormack reported, a federal court judge's ruling in a Tarrant County case has sent shock waves through the judiciary.

In that case, U.S. District Judge Terry Means denied a motion to dismiss a lawsuit filed against the 19 Tarrant County criminal court judges by the family of a man who died in custody.

The judges claimed judicial immunity. Means ruled they did not possess it for administrative acts.

Legislation pending in Austin would give judges judicial immunity when administering an adult probation department and providing a community justice plan.

However, it doesn't address their actions as members of the juvenile boards that oversee juvenile detention centers and juvenile probation departments across the state.

Judges have a tough job. They should not be burdened with defending themselves for the administrative duties they perform.

JUDICIAL SECTION,
STATE BAR OF TEXAS,
San Antonio, Texas, June 27, 2005.

Senator JOHN CORNYN,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR CORNYN: On behalf of the judges of the State of Texas, we would like to thank you for your proposed legislation addressing the important issue of immunity for judges in the performance of their duties.

The issue of judicial immunity for the performance of certain administrative duties was one of the Texas judiciary's highest legislative priorities during the recent regular session of the legislature. Governor Perry has now signed legislation that provides judicial immunity to Texas judges in the oversight of their local community supervision and corrections departments.

Your efforts to address the issue of judicial immunity at the federal level are of the utmost importance to Texas judges. If adopted, the legislation you have crafted will provide comprehensive immunity for judges in the performance of their statutorily and constitutionally authorized duties.

We extend our heartfelt appreciation for your efforts and for your steadfast support of the judiciary.

Yours very truly,

DEAN RUCKER,
Chair, Judicial Section, State Bar of Texas.

MARK ATKINSON,
Chair, Criminal Justice Legislative Committee Judicial Section, State Bar of Texas.

THE SUPREME COURT OF TEXAS,
Austin, TX, June 27, 2005.

Senator JOHN CORNYN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CORNYN: The Supreme Court of Texas is aware that Texas judges are concerned about a recent federal judge's ruling that the immunity judges have traditionally been accorded, does not necessarily extend to administrative duties they perform. So worried are Texas judges, in fact, that the Judicial Section of the State Bar of Texas made judicial immunity for administrative duties one of the its highest legislative priorities during the recent regular session of the Texas Legislature.

As Chief Justice of The Supreme Court of Texas, constitutionally charged with the responsibility of overseeing the administration of justice in the State, I share these concerns. The practical impact of limiting a doctrine that has offered protection for well over a century in this country—and centuries before in England—may be a reluctance by Texas judges to discharge their administrative duties, many of which are critical to a healthy, functioning judicial branch.

Texas citizens will be the unwilling victims of this reluctance. Contrary to suggestions in the media, judicial immunity was not fashioned for the protection or benefit of judges. Rather, the doctrine was intended to benefit the public, who has a keen interest in a judiciary that functions with independence and without fear of the personal consequences of discharging their duties.

I commend the leaders within the Texas judiciary who worked hard this session to press for legislation that protects the independence of the judiciary, through these reform efforts and others. I likewise applaud the Governor and our distinguished legislators who, through the stroke of a pen and the casting of a vote, tell Texas judges that they support judicial independence, not only with impressive rhetoric, but through recordable actions.

Despite these successes on the state level, more comprehensive reform may be in order. I support your efforts to do so at the federal level and extend my sincere appreciation for your continued support of the judiciary.

Sincerely,

WALLACE B. JEFFERSON,
Chief Justice.

By Mr. DEWINE (for himself, Mr. BIDEN, Mr. SANTORUM, Mr. FEINGOLD, Mr. LUGAR, and Mr. OBAMA):

S. 1320. A bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, in our search for ways to eliminate the crushing poverty that afflicts billions of people around the world, experience has taught us to be humble. There is no single policy or program that can deal with the underlying causes and symptoms of poverty.

But as the Hippocratic Oath reminds us, in the search for cures, "First, do no harm."

Right now, the burden of debt owed by the poorest nations of the world to the richest does harm not only to them, but to us.

In our new global environment, countries whose peoples live in abject poverty are not just a moral challenge to those of us who are blessed with affluence.

They can threaten the entire edifice of political and economic stability.

New technologies that have brought so much good to the world have shrunk the gaps in time and distance that once allowed us the luxury of inattention.

Now the very symbols of the technological superiority of our age, from the cell phone to the internet to jet airliners, have been transformed into weapons in the hands of those who are the declared enemies of our way of life.

They allow stateless actors to reach out from the shadows, from weak and failed states, to attack us here at home.

Poverty-stricken states are fertile ground for drug production and trafficking, feeding our own drug problems here.

With the scourge of AIDS and other diseases loose in the world, we cannot afford the existence of more states that cannot feed, house, educate, or innoculate their citizens.

For all of these reasons, we ignore the poverty that plagues other nations at our own peril.

That is why we need the legislation I am introducing today, with Senators DEWINE, FEINGOLD, LUGAR, and OBAMA, the Multilateral Debt Relief Act of 2005.

This legislation takes a first step in addressing that poverty it relieves the poorest nations of the world, specifically those who qualify for the Heavily Indebted Poor Country initiative of over a billion dollars a year in debt service payments that they are obliged to send the World Bank, the IMF, and the African Development Bank.

Since I worked with the President Clinton on the Enhanced HIPC initiative in 1999, we have searched for a workable definition of "sustainable debt" an amount that would not cripple a country's ability to take care of its own citizens and achieve economic growth.

In the end, it became clear that definition would continue to elude us. Whatever the best use of the limited resources of the poorest nation may be, sending checks to the multilateral banks established by the richest nations of the world is nowhere near the top of the list.

With the strong leadership of Prime Minister Blair, who will preside over the upcoming G8 Summit in July, we have cut the Gordian Knot of debt owed by the poorest nations of the world.

The announcement of the G8 Finance Ministers earlier this month on 100 percent debt relief cuts through years of debate and opens the way for a fresh start.

One hundred percent debt relief for those countries who meet the HIPC qualifications gets that debt out of the way of the many tasks before those countries in their search for economic growth.

None of our own foreign assistance programs will work to their best advantage if we send that assistance into nations who will turn around and send some of their money right back here to Washington, to the World Bank, to the IMF.

We must remember that this is indeed only the first step on a long path. With the funds this legislation will authorize, a burden of debt will be lifted, but we will still need to promote health, education, and other pillars of economic development.

We will need a more creative approach to trade with the poorest nations, who represent no economic threat, except for the threat that comes from their poverty itself. We have nothing to fear from a world in which fewer people wake up hungry, sick, and uneducated.

But with as much as $40 billion in outstanding debt stock owed by 18 countries to be removed from the books right away, our efforts in those areas have a greater chance to succeed. Up to $56 billion will be forgiven under this plan, once all 38 eligible countries are fully qualified.

I am pleased to note that this is a bipartisan initiative, one I share with Senators DEWINE, FEINGOLD, LUGAR, and OBAMA, an effort that began with the Clinton Administration and has progressed to this historic agreement under President Bush.

This legislation authorizes the funds needed for our share of the debt relief. It provides for further relief for other countries as they become eligible.

It lifts not only a debt burden from poor countries, but a moral obligation from our shoulders.

The poverty reduction it will promote will help millions around the globe and contribute materially to a more stable and secure world.

I urge my colleagues to join us in supporting it.

By Mr. SANTORUM (for himself, Mr. CRAPO, Mr. SMITH, and Mr. HAGEL):

S. 1321. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications; to the Committee on Finance.

Mr. SANTORUM. Mr. President, I rise to introduce the Telephone Excise Tax Repeal Act of 2005, a bill that would abolish a tax that is severely outdated.

The telephone excise tax originated on long distance service under the Spanish American War Act of 1898. At that time, only the wealthy had telephones, the U.S. had no income tax, and the country relied on excise taxes to fund the war. However, you would not know the intent of this tax by looking at your phone bill. The charge on your phone bill doesn't say "luxury tax" or "war tax." So why does this tax still exist?

Although created to cover war expenses in 1898, the revenue from the telephone excise tax goes into the general receipts of the U.S. Treasury and is not earmarked for any particular government function or service. From its inception, the federal telephone excise tax was repeatedly imposed on a temporary basis. However since 1932, the tax has continuously been imposed. This tax has been scheduled to expire—partially or completely—at least 17 different times. In 1990, and just before the tax was set to expire, Congress made the tax permanent at 3 percent of local and long distance services.

The Joint Committee on Taxation stated in its January 2005 report "there is no compelling policy argument for imposing taxes on communications services." The Congressional Budget Office took this a step further by stating in February 2005 that the tax "has harmful effects on economic policy."

Repeal of this tax provides consumers with two main benefits—removal of a regressive tax and elimination of an "invisible tax." First, the tax is considered a regressive tax because lower-income individuals spend a higher percentage of their income on the taxed item than those with higher-incomes. A 1987 study by the CBO concluded that excise taxes on telephone service had a greater impact on low-income families than did excise taxes on alcoholic beverages and tobacco products. Studies have shown that individuals and families with income less than $10,000 spend almost 10 percent of their income on telephone bills. Individuals and families earning $50,000 spend two percent of their income for telephone service.

Second, repeal eliminates this "invisible" tax that consumers pay through their telephone companies. Because phone companies collect the tax from their customers, the government is spared the expense. However, this convenience for the government makes the tax "invisible" to consumers by tying it to the payment of their phone bills. Additionally, any administrative costs associated with the collection of this tax are most likely passed forward to the consumers, artificially raising the cost of telecommunications with no benefit from the additional taxes.

Telephone service providers lose as well under the current tax, and its repeal would further reduce the cost of telecommunications for consumers. Providers carry the administrative costs of being the government's tax collector. Additionally, while providers do not bear this tax directly, the tax raises the cost of services for consumers and in turn reduces both the number of subscribers and the amount of services requested.

Common sense dictates that repeal of the telephone excise tax is long overdue. Communication is not a luxury. Rather, communications have become part of the basic fabric of our social and economic life. The growth of the technologies on which communications rides and the widespread use of communications in general should be encouraged and not taxed. The telephone tax is a regressive, inequitable, inefficient and unnecessary tax that Congressional policy makers have found to serve no rational policy purpose. I strongly urge my Senate colleagues to join me in supporting the repeal of the telephone excise tax.

By Mr. DURBIN (for himself, Mr. LEAHY, Mr. KENNEDY, and Mr. FEINGOLD):

S. 1322. A bill to allow for the prosecution of members of criminal street gangs, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, today, I am joined by Senators LEAHY, KENNEDY, and FEINGOLD in introducing the American Neighborhoods Taking the Initiative Guarding Against Neighborhood Gangs (ANTI-GANG) Act, which is a comprehensive bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes.

Gang violence is a serious, nationwide program. The National Youth

Gang Survey estimated that in 2002 there were 21,500 gangs comprised of 731,500 members in the United States. The FBI has noted that "[s]treet gangs and other loosely knit groups are responsible for a substantial portion of the increase in violent crime in the United States." The problem is clearly felt in Chicago, IL, where over 40 percent of the homicides last year were gang-related. The Chicago Police Department is currently tracking 68 identified gangs, with an estimated 68,000 members.

I would like to commend the State and local prosecutors and law enforcement agencies for their work in fighting this problem. The ANTI-GANG Act would authorize $862.5 million in grants over the next five years to provide them with the tools they need and have specifically requested of Congress to combat violent gangs.

For example, the National District Attorneys Association (NDAA) wrote the following: "We must find new methods of protecting those individuals brave enough to come forward as witnesses. Our biggest problem is getting the financial help to establish, and run, meaningful witness protection programs." The National Alliance of Gang Investigators (NAGI) also has identified a trend in witness intimidation that is "dramatically affecting the prosecution of violent gang offenders." The ANTI-GANG Act responds by authorizing $300 million over five years for the protection of witnesses and victims of gang crimes. This bill also would allow the Attorney General to provide for the relocation and protection of witnesses in state gang, drug, and homicide cases, and it would allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services.

The ANTI-GANG Act also authorizes $250 million over five years for grants to develop gang prevention, research, and intervention services. However, these grants should not be limited to those areas already identified as "high intensity" interstate gang activity areas. The NAGI also has identified a trend of gangs migrating from larger cities to smaller communities, which is fueled in large part by an increase in gang involvement in drug trafficking. This may be related to the spread of methamphetamine, which is the fastest-growing drug in the United States and, according to Illinois Attorney General Lisa Madigan, the "single-greatest threat to rural America today." In response to these trends, the ANTI-GANG Act would allow rural communities and other jurisdictions to apply for these grants, to prevent gang violence from occurring in the first place. The ANTI-GANG Act also authorizes $262.5 million over five years for the cooperative prevention, investigation, and prosecution of gang crimes. Most of this funding would be for criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities that would investigate and prosecute criminal street gangs in high intensity interstate gang activity areas (HIIGAAs). Importantly, this bill would allow HIIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIDTAs), to avoid conflicts in those areas where the two entities would coexist.

The ANTI-GANG Act also authorizes $50 million over five years for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors;

In addition to these new resources, the ANTI-GANG Act will effectively strengthen the ability of prosecutors to prosecute violent street gangs, by creating a stronger Federal criminal gang prosecution offense. This new offense criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. At the same time, it responds to concerns raised by the NDAA regarding potential conflicts with local investigation and prosecution efforts, by requiring certification by the Department of Justice before any prosecution under this bill could be undertaken in Federal court.

The ANTI-GANG Act also promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees. Almost a third of prosecutors' offices across the country have problems with recruiting or retaining staff attorneys, and low salaries were cited as the primary reason for recruitment and retention problems. This proposed loan forgiveness program is supported by the American Bar Association, the NDAA, the National Association of Prosecutor Coordinators, the National Legal Aid and Defender Association, and the American Council of Chief Defenders.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, State, and Federal level to prosecute violent street gangs, and it will give State and local governments the resources they need to protect witnesses and prevent youth from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservative jurists such as Justice Anthony Kennedy have criticized as "unfair, unjust, unwise." It also does not unnecessarily expand the Federal death penalty—a measure which has been included in other Federal gang legislation but is opposed by the Leadership Conference on Civil Rights, NAACP, ACLU, and National Association of Criminal Defense Lawyers.

Finally, the Juvenile Justice and Delinquency Prevention Coalition has raised the following concerns regarding Federal gang legislation that would allow more juveniles to be prosecuted as adults in the Federal system: "[T]he fact remains that transfer of youth to the adult system, simply put, is a failed public policy. Comprehensive national research on the practice of prosecuting youth in the adult system has shown conclusively that transferring youth to the adult criminal justice system does nothing to reduce crime and actually has the opposite effect. In fact, study after study has shown that youth transferred to the adult criminal justice system are more likely to re-offend and to commit more serious crimes upon release than youth who were charged with similar offenses and had similar offense histories but remained in the juvenile justice system. Moreover, national data show that young people incarcerated with adults are five times as likely to report being a victim of rape, twice as likely to be beaten by staff and 50 percent more likely to be assaulted with a weapon than youth held in juvenile facilities. A Justice Department report also found that youth confined in adult facilities are nearly eight times more likely to commit suicide than youth in juvenile facilities."

In light of these concerns, the ANTI-GANG Act provides Congress with the necessary data to decide whether to expand the Federal role in prosecuting juvenile offenders, by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. The American Bar Association has written that this study is "the more prudent course of action at this time."

The ANTI-GANG Act is a comprehensive, common-sense approach to fight gang violence. I urge my colleagues to join me in support of this important legislation.

I ask unanimous consent that a summary of the bill be printed in the Record.

There being no objection, the summary was ordered to be printed in the Record, as follows:

THE AMERICAN NEIGHBORHOODS TAKING THE INITIATIVE—GUARDING AGAINST NEIGHBORHOOD GANGS (ANTI-GANG) ACT

OVERVIEW

The American Neighborhoods Taking the Initiative—Guarding Against Neighborhood Gangs (ANTI-GANG) Act of 2005 is a comprehensive, tailored bill that will help State and local prosecutors prevent, investigate, and prosecute gang crimes in their neighborhoods. This bill contains four major provisions:

(1) It gives State and local prosecutors the tools they need and have specifically requested of Congress to combat violent gangs by authorizing $52.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $10 million for technology, equipment, and training to identify gang members and violent offenders and to maintain databases to facilitate coordination among law enforcement and prosecutors; $60 million for the protection of witnesses and victims of gang crimes; and $50 million for grants to develop gang prevention, research, and intervention services.

2. It replaces the current provision on criminal street gangs in Federal law, a seldom-used penalty enhancement, with a stronger measure that criminalizes participation in criminal street gangs, recruitment and retention of gang members, and witness intimidation. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner.

3. It will provide Congress with the necessary data to decide whether to expand the federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners.

4. It promotes the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees.

The ANTI-GANG Act will effectively strengthen the ability of prosecutors at the local, State, and Federal level to prosecute violent street gangs, and it will give State and local governments the resources they need to protect witnesses and prevent kids from joining gangs in the first place. This bill achieves these important goals without increasing any mandatory minimum sentences, which conservative jurists such as Justice Anthony Kennedy have criticized as "unfair, unjust, unwise". It also respects the traditional principles of federalism, by requiring certification by the Department of Justice before any prosecution under this bill may be undertaken in Federal court and by not unnecessarily expanding the Federal death penalty.

SECTION-BY-SECTION SUMMARY OF THE ANTI-GANG ACT

Title I—Criminal Street Gangs

Sec. 101. Criminal Street Gamgs—Definitions. Defines a criminal gang as a pre-existing and ongoing entity, e.g. having already committed crimes; targets violent criminal street gangs by requiring that at least one predicate gang crime be a violent gang crime; establishes evidentiary relevance of gang symbolism in prosecutions; and allows Federal prosecution of neighborhood gang activity when those activities substantially affect interstate commerce.

Sec. 102. Criminal Street Gangs—Prohibited Acts, Penalties, and Forfeiture. Creates three new Federal crimes to prosecute cases involving violent criminal street gangs. 1. It prohibits the recruitment and forced retention of gang members, including harsher penalties if an adult recruits a minor or prevents a minor from leaving a criminal street gang. 2. It prohibits participation in a criminal street gang if done with the intent to further criminal activities of the gang or through the commission of a single predicate gang crime. 3. It prohibits witness intimidation and tampering in cases and investigations related to gang activity. Before the Federal government may undertake a prosecution of these offenses, the Department of Justice must certify that it has consulted with State and local prosecutors before seeking an indictment and that federal prosecution is "in the public interest and necessary to secure substantial justice."

Sec. 103. Clerical Amendments.

Sec. 104. Conforming Amendments.

Sec. 105. Designation of and Assistance for "High Intensity" Interstate Gang Activity Areas. Requires the Attorney General, after consultation with the governors of appropriate States, to designate certain locations as "high intensity" interstate gang activity areas (HIGAAs) and provide assistance in the form of criminal street gang enforcement teams made up of local, State, and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each designated area. The ANTI-GANG bill also allows for HIGAAs to be integrated with High Intensity Interstate Drug Trafficking Areas (HIDTAs), to avoid conflicts and bureaucratic morasses in those areas where the two entities would coexist. Subsection (c) authorizes funding of $40 million for each fiscal year 2006 through 2010.

Sec. 106. Gang Prevention Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments, and qualified private entities to develop community-based programs that provide crime prevention, research, and intervention services designed for gang members and at-risk youth. Subsection (f) authorizes $50 million for each fiscal year 2006 through 2010. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 107. Gang Prevention Information Grants. Requires the Office of Justice Programs of the Department of Justice to make grants to States, units of local government, tribal governments to fund technology, equipment, and training for state and local sheriffs, police agencies, and prosecutor offices to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors. Subsection (f) authorizes $10 million for each fiscal year 2006 through 2010. No grant may exceed $1 million nor last for any period longer than 2 years.

Sec. 108. Enhancement of Project Safe Neighborhoods Initiative to Improve Enforcement of Criminal Laws Against Violent Gangs. Expands the Project Safe Neighborhood program to require United States Attorneys to identify and prosecute significant gangs within their district; to coordinate such prosecutions among all local, State, and Federal law enforcement agencies; and to coordinate criminal street gang enforcement teams in designated "high intensity" interstate gang activity areas. Subsection (b) authorizes the hiring of 94 additional Assistant United States Attorneys and funding of $7.5 million for each fiscal year 2006 through 2010 to carry out the provisions of this section.

Sec. 109. Additional Resources Needed by the Federal Bureau of Investigation to Investigate and Prosecute Violent Criminal Street Gangs. Requires the Federal Bureau of Investigation to increase funding for the Safe Streets Program and to support the criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Subsection (b) authorizes $5 million for each fiscal year 2006 through 2010 to expand the FBI's Safe Streets Program.

Sec. 110. Expansion of Federal Witness Relocation and Protection Program. Amends 18 U.S.C. 3521(a)(1), which governs the Federal witness relocation and protection program, to make clear that the Attorney General can provide for the relocation and protection of witnesses in State gang, drug, and homicide cases. Current law authorizes Federal relocation and protection for witnesses in State cases involving "an organized criminal activity or other serious offense."

Sec. 111. Grants to States and Local Prosecutors to Protect Witnesses and Victims of Crime. Authorizes the Attorney General to make grants available to State and local prosecutors and the U.S. Attorney for the District of Columbia for the purpose of providing short-term protection to witnesses in cases involving an organized criminal activity, criminal street gang, serious drug offense, homicide, or other serious offense. State and local prosecutors will have the option of either providing the witness protection themselves or contracting with the United States Marshals Service for use of the Federal witness protection and relocation program. Subsection (d) authorizes $60 million for each fiscal year 2006 through 2010 to fund the program. By providing significantly increased resources and flexibility for State and local prosecutors, this provision responds in a meaningful way to the need for effective witness protection emphasized by prosecutors during the September 17, 2003, hearing in the Judiciary Committee.

Sec. 112. Witness Protection Services. Amends 18 U.S.C. 3526 to allow States to obtain the temporary protection of witnesses in State gang cases through the Federal witness relocation and protection program, without any requirement of reimbursement for those temporary services. Currently, complex reimbursement procedures deter State and local prosecutors from obtaining witness protection services from the Federal government in emergency circumstances.

Title II—Related Matters Involving Violent Crime Prosecution

Sec. 201. Study on Expanding Federal Authority for Juvenile Offenders. This section requires the General Accounting Office to do a comprehensive report on the advantages and disadvantages of increasing Federal authority for the prosecution of 16- and 17-year-old offenders. Some have proposed indicting and prosecuting more juveniles in Federal courts as a step in combating gang violence. Although there is insufficient data to support this proposition, it is appropriate for the GAO to review the current treatment of such offenders by the States and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners. With this review, Congress can knowledgeably consider whether to expand the Federal role in prosecuting juveniles.

Sec. 202. Prosecutors and Defenders Incentive Act. This section establishes a student loan repayment program for prosecutors and public defenders that is modeled after the program currently available to federal employees. This would increase the ability of Federal, State, and local prosecutors and public defenders to recruit and retain highly-qualified attorneys. Attorneys in this program must agree to serve for a minimum of three years. Participants can receive up to $10,000 per year and a total of up to $60,000; these amounts are identical to the limitations in the program for federal employees. Subsection (h) authorizes $25 million for fiscal year 2006 and such sums as may be necessary for each succeeding fiscal year.

Mr. LEAHY. Mr. President, I am pleased to co-sponsor the introduction of the ANTI-GANG Act with my good friends on the Judiciary Committee, Senators DURBIN, KENNEDY and FEINGOLD.

The American Neighborhoods Taking the Initiative-Guarding Against Neighborhood Gangs Act of 2005 is a bill carefully crafted to target violent criminal street gangs whose activities extend beyond the neighborhood and have a substantial impact on Federal interests.

As a former county prosecutor, I have long expressed concern about making Federal crimes out of every offense that comes to the attention of Congress. I know that States have competent and able police departments, county sheriffs' offices, prosecutors and judges. Gangs are, more often than not, locally-based, geographically-oriented criminal associations, and our local communities are on the front lines of the fight against gang violence. We should be supplementing the work of our State and local law enforcement officers, not usurping them. This is why this bill specifically targets only those gangs where there is a provable Federal interest. This is why this bill requires consultation with our State and local counterparts before embarking on a Federal prosecution of historically State crimes. And this is why major provisions of the bill are directed toward helping State and local law enforcement officers prevent, investigate, and prosecute gang crimes in their own neighborhoods.

There are four major sections of the bill: first, the bill gives State and local prosecutors financial resources to guard against neighborhood gangs by authorizing $62.5 million for the cooperative prevention, investigation, and prosecution of gang crimes; $50 million for grants to develop gang prevention, research, and intervention services; and $60 million for the protection of witnesses and victims of gang crimes. Federal funds are provided for hiring new Assistant U.S. Attorneys and to fund technology, equipment and training grants to increase accurate identification of gang members and violent offenders and to maintain databases with such information to facilitate state and federal coordination.

The first defense in protecting our youth against gang influence is a good offense. I have long thought that programs aimed at combating gang activity must incorporate gang prevention and education—programs that would examine why our youth choose to associate in gangs and prey on others—to be effective. When Senator HATCH appropriately targeted gang violence as a subject for a full Judiciary Committee hearing in 2003, all agreed that we should be doing more to deter our youth from joining gangs in the first place. This bill heeds that call.

Another unifying theme of the expert witnesses at the Committee's hearing was the serious need for Federal assistance in protecting witnesses who will provide information about and testify against gangs from intimidation. Our bill not only provides funding to help protect witnesses, it also makes it a Federal crime to intimidate witnesses in certain State prosecutions involving gang activity.

Second, the bill defines a Federal criminal street gang by using well-established legal principles and providing recognizable limits. Rather than create yet another cumbersome and broad-reaching Federal crime that overlaps with numerous existing Federal statutes, this bill actually targets the problem that needs to be addressed: violent criminal street gangs. It recognizes that gangs are ongoing entities whose members commit crimes more easily simply because of their association with one another. Gangs prove the old adage: there is safety in numbers. Gang members can be sheep-like in their loyalty and allegiance to the gang. In this regard, the bill also explicitly and evenhandedly addresses the evidentiary significance of gang symbolism in gang prosecutions

In addition to witness intimidation, other important crimes established by this bill include: 1. participation in criminal street gangs by any act that is intended to effect the criminal activities of the gang; 2. participation by committing a crime in furtherance of or for the benefit of the gang, and 3. recruitment and retention of gang members. There are increased penalties for those who target minors for recruitment in a criminal street gang.

Third, the bill requires a comprehensive report on the current treatment of juveniles by the States, and the capability of the Federal criminal justice system to take on these additional cases and house additional prisoners, so that Congress can make an informed decision about whether or not to expand the Federal role in prosecuting juvenile offenders.

Some have suggested that the Federal Government has been unable to proceed effectively against gang crime because of Federal law's protections for juvenile offenders. I have not seen sufficient evidence to support this claim, but I think that Congressional consideration of this issue would benefit greatly from a comprehensive General Accounting Office study on this topic. We need to know both whether justice would be served by increasing the Federal role, and whether the Federal system—including both our prosecutors and the Bureau of Prisons—is prepared for such a step.

Fourth, the bill promotes the recruitment and retention of highly-qualified State and local prosecutors and public defenders by establishing a student loan forgiveness program modeled after the current program for Federal employees.

We have worked very hard in crafting this legislation not to further blur the lines between Federal and State law enforcement responsibilities or to add more burdens to the FBI as the primary Federal investigative agency. Federal law enforcement has been faced with a unique challenge since the September 11 attacks. The FBI is no longer just an enforcement agency, but also has a critical terrorism prevention mission. This mission is a daunting one, and our Federal law enforcement resources are not limitless. I, for one, do not want the FBI or U.S. Attorneys to focus these limited resources on cases that are best handled at the local level.

Combating gang violence should not be a partisan battle. The tragedy of gang violence affects too many. No community can afford to lose a single youth to the arms of a waiting gang. No gang should be allowed to flourish without consequence in our communities. I urge the Senate's support for this important bill.

Mr. KENNEDY. Mr. President, it's a privilege to join my colleagues Senator DURBIN, Senator LEAHY, and Senator FEINGOLD in introducing this important legislation, the ANTI-GANG Act.

Gang violence is a serious problem in many communities across the Nation, and it deserves a serious response by Congress. The keys to success include aggressive steps to take guns out of the hands of criminal gang members and other violent juvenile offenders, and effective prevention programs that discourage gang membership and provide realistic alternatives for at-risk youth.

As one example of what works, I urge my colleagues to consider the innovative, cooperative crime-fighting strategy developed in Boston. It engaged the entire community, including police and probation officers, clergy and community leaders, and even gang members in a united effort to reduce gang violence, strengthen after-school prevention programs, and take guns out of the hands of juvenile offenders.

The project also established new and effective channels of communication between the police and neighborhood leaders. This strategy was very successful—juvenile homicides dropped 80 percent from 1990 to 1995. It succeeded without prosecuting more juveniles as adults, without housing nonviolent juvenile offenders in adult facilities, and without spending large sums of money on new juvenile facilities.

The Massachusetts Legislature's Joint Committee on Public Safety issued a report last January which concluded unequivocally that successful anti-gang programs depend on a "wide variety of solutions." Relying on recommendations by the Office of Juvenile Justice and Delinquency Prevention, the report noted that "preventing youth from joining gangs is the most cost-effective long-term strategy." Reflecting the input from an investigative hearing and a working group of ten mayors in metropolitan Boston, the report recognized that there is "no silver bullet for combating gang violence."

It would be a mistake for Congress to ignore these successful efforts to stop gang violence. Since different communities may find different ways to combat these difficult issues, the bill does not adopt a one-size-fits-all approach that will only make the current problem of gang violence worse. Instead of ignoring the primary role of State and local governments in fighting violent gang crimes in their communities, our ANTI-GANG Act strengthens that role, by giving local law enforcement and prosecutors the resources they need by authorizing $862 million in grants over the next 5 years.

The provisions in the bill for witness relocation and protection are particularly important. Our bill meets this need by authorizing $60 million in assistance. The urgency of preventing witness intimidation in gang-related cases can not be overstated. Effective prosecution of such violence depends upon it.

In addition, our bill amends the current law on Federal witness relocation and protection to make clear that the Attorney General can use these provisions to protect witnesses in State gang, drug, and homicide cases. We also permit States to obtain the temporary protection of witnesses in gang cases, without any requirement of reimbursement. The current complex reimbursement procedures deter State and local prosecutors from obtaining assistance for witness protection from the Federal government, even in emergencies.

The ANTI-GANG Act respects the primary role of State and local governments in fighting street crime, but it also recognizes that violent gangs can have a substantial impact on Federal interests. According to the most recent National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in communities throughout the United States. Such gang activity interferes with lawful commerce and undermines the freedom and security of entire communities.

The Act strengthens the ability of prosecutors at all levels—Federal, State and local—to prosecute violent street gangs, and it does so without increasing mandatory minimum sentences or unnecessarily expanding the Federal death penalty to include State murder offenses.

Finally, the Act encourages the recruitment and retention of highly-qualified prosecutors and public defenders by establishing a student loan forgiveness program modeled on the current program for Federal employees. According to the National District Attorneys Association, this provision "would allow prosecutors to relieve the crushing burden of student loans that now cause so many young attorneys to abandon public service." The provision is also strongly supported by the National Legal Aid and Defender Association and the American Council of Chief Defenders.

I commend my colleagues for their leadership in developing this important legislation to protect American communities from gang violence without undermining fundamental principles of fairness and Federal-State relations. I urge the Senate to adopt this approach, and resist any suggestion that we need to federalize the State and local juvenile justice systems in our country.

Mr. FEINGOLD. Mr. President, I am pleased to support the ANTI-GANG Act, introduced today by the Senator from Illinois, Senator DURBIN. This critical legislation will provide State and Federal law enforcement with the tools and resources needed to successfully fight the expanding presence of violent gangs that bring drugs like methamphetamine into our communities.

Time and time again, we in Congress have heard the call of prosecutors and law enforcement for more resources to combat the problem of gang violence. The ANTI-GANG Act gives local prosecutors and law enforcement what they have asked Congress for most—targeted financial assistance. The bill will help combat the growth and proliferation of violent gangs by authorizing funds for the cooperative prevention, investigation, and prosecution of gang crimes. In addition, grant money will be made available for the protection of witnesses and victims of gang violence. These funds will not be tied to restrictive formulas that would keep the majority of the assistance from reaching suburban and rural communities. This money will be able to go to the communities in Wisconsin and the rest of the country where rural and smaller law enforcement agencies are financially limited in their ability to deal with the exploding increase in gang violence associated with methamphetamines and other narcotics.

The ANTI-GANG Act also promotes hiring and long-term service of highly qualified prosecutors and public defenders by establishing a student loan forgiveness program. Prosecuting gangs is some of the most demanding and challenging work a prosecutor will tackle. Loan forgiveness will allow the recruitment of the very best Assistant District Attorneys and Assistant Attorneys General and allow them to remain in public service longer so they can use their wealth of experience to combat gang violence.

The ANTI-GANG Act also replaces the current Federal RICO statute, which was never intended to be used against violent street gangs, with a tough statute that not only criminalizes participation in criminal street gangs, but also addresses the serious problem of the recruitment and retention of gang members. The ANTI-GANG Act targets gang violence and gang crimes in a logical, straightforward manner. The bill also recognizes that the vast majority of gang investigations and prosecutions have been and will continue to be done at the State and local level. The bill requires that Federal prosecutors consult with State and local law enforcement and certify that a Federal prosecution is in the public interest

Finally, the ANTI-GANG Act will provide Congress with the data necessary to decide whether to expand the Federal role in prosecuting juvenile offenders by requiring a comprehensive report on the current treatment of juveniles by the States and the capability of the Federal criminal justice system to take on more juvenile cases and to house additional young prisoners. Some have proposed indicting and prosecuting more juveniles in Federal courts as a way of combating gang violence. It is very hard to know whether this will work, and what effect if might have on the criminal justice system. With the review required by the ANTI-GANG Act, Congress can intelligently consider whether to expand to Federal role in prosecuting juveniles.

We all know that the gang problem is a serious one, and that it is only getting worse. Other members of Congress have proposed different approaches to combating the gang problem, and the House of Representatives has passed its own gang bill. But the ANTI-GANG Act is the approach most responsive to the needs of State and local prosecutors who are on the ground fighting this problem, day in and day. Other approaches go down the wrong path.

State and Federal prosecutors have not demanded unchecked and increased Federal jurisdiction over State crimes that diminishes the States' historic and primary role in fighting violent street gangs. They did not come to us seeking new and expanded Federal death penalty crimes, but rather effective laws that focus on the recruitment and retention of gang members. They never mentioned needing a massive and unwarranted reworking of the Federal rules used to prosecute juveniles as adults, regardless of whether the juvenile is in a gang or not. And, to my knowledge, no prosecutors have put increased mandatory minimums targeted at first offenders on their wish list. All of these approaches sound tough, but they aren't what prosecutors and law enforcement have asked for and they won't solve the gang problem.

Our citizens should be able to send their children to school, use their parks, and walk their streets without fearing that gang violence will grow unfettered in their community. The ANTI-GANG Act is an important step towards making all of our neighborhoods safe. I am proud to cosponsor it and I urge my colleagues to support it.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 1323. A bill to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the "Dorothy and Connie Hibbs Post Office Building"; to the Committee on Banking, Housing, and Urban Affairs.

Mr. STEVENS. Mr. President, Dorothy Hibbs came to Girdwood in 1952 and was its Postmaster from 1954–1976. During this time, the Post Office was housed in a two-story hotel called The Little Dipper. Mail came into Girdwood via train. The train would slow down and throw the sack of mail to Dorothy who would be waiting by the tracks. Unfortunately, this building burned down during the 1964 earthquake. After the Post Office burned, the operation moved to Dorothy's home until another building could be acquired.

Connie Hibbs began her love for the post office at a young age when her mother, Dorothy, was Postmaster of Girdwood. Because of her hard work and efforts, Connie became the Girdwood Postmaster in 1979 and held that position until 2005.

Connie came with her mother to Girdwood in 1952 and remained for 52 years. While her mother was Postmaster, Connie helped in the Post Office and at the age of thirteen began making money orders and sorting mail. Girdwood and the Post Office have always been a part of Connie's life. Connie says she loves Girdwood. It is her town. She spent the most wonderful years of her life there as the Postmaster and a "Post Office Kid."

Connie and Dorothy believe in the importance of the Postal Service and the need to enhance the service in Girdwood. It is only appropriate that we honor them by dedicating the Girdwood Post Office after them.

By Mr. FRIST (for himself and Mr. WYDEN):

S. 1324. A bill to reduce and prevent childhood obesity by encouraging schools and school districts to develop and implement local, school-based programs designed to reduce and prevent childhood obesity, promote increased physical activity, and improve nutritional choices; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FRIST (for himself, Mr. BINGAMAN, Mr. DODD, Mrs. CLINTON, Ms. COLLINS, Mr. ALEXANDER, Mr. LUGAR, Ms. MURKOWSKI, and Mr. STEVENS):

S. 1325. A bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, obesity ranks among the most serious health problems facing America today.

Since 1970, the percentage of overweight children between 6 and 19 has quadrupled. Today, nearly one out of three children is overweight and about one in six is obese.

Obese children develop type II diabetes at an alarming rate and they can begin puberty as early as age seven. Over 70 percent of obese children become overweight or obese adults. And, obesity in adults can have catastrophic effects—including heart disease, cancer, and stroke at very high rates. The medical profession knows this.

In the last several weeks, the American Medical Association has issued new guidelines for fighting obesity. And earlier this week, a group of economists reported that nearly 12 percent of all health care spending stems from obesity.

Obesity threatens our health, it threatens our future. And successfully addressing it requires action.

Dealing with it requires national leadership and community level commitment.

Through continued public education campaigns, we have reduced youth smoking. And I'm convinced we can do the same with obesity. That's why I'm reintroducing two bills to confront the challenge.

The first is called the Childhood Obesity Reduction Act: it will give the obesity crisis the attention it deserves. I am grateful to my colleague Senator WYDEN for his work in cosponsoring it.

The bill has two major components: first, it will establish a bi-partisan Congressional Council on Childhood Obesity which will evaluate plans to fight this health problem and give awards to "Congressional Challenge Winners."

Second, it will establish a private, non-profit foundation to fight obesity around the country.

The second bill, the Improved Nutrition and Physical Activity Act of 2005, or IMPACT, will provide the resources we need to fight obesity everywhere in the country.

This bill, which Senators BINGAMAN, DODD, and CLINTON have joined me in sponsoring, commits us to three policies: first, we'll train more health professionals in the problems associated with being overweight and ways that they can help Americans fight obesity.

Second, we will mobilize America's community organizations to fight this problem. Through education, outreach, and intervention, schools, non-profits, and churches will get the resource they need to fight obesity. We will also give States more flexibility to use existing grant programs to fight obesity.

Finally, we will redouble our efforts to collect information about obesity's extent, consequences, costs, and the ways we can deal with them.

Obesity stems from a combination of behavior, environment, and genetics. We cannot and should not expect any single Federal effort to end it. Much of the work in fighting obesity will depend on families and communities.

And both the Childhood Obesity Reduction Act and IMPACT 2005 bill will give this crisis the attention and the resources it deserves.

I ask unanimous consent that the text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1324

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Childhood Obesity Reduction Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Centers for Disease Control and Prevention, obesity may soon overtake tobacco as the leading preventable cause of death.

(2) In 1999, 13 percent of children aged 6 to 11 years and 14 percent of adolescents aged 12 to 19 years in the United States were overweight. This prevalence has nearly tripled for adolescents in the past 2 decades.

(3) Risk factors for heart disease, such as high cholesterol and high blood pressure, occur with increased frequency in overweight children and adolescents compared to children with a healthy weight.

(4) Type 2 diabetes, previously considered an adult disease, has increased dramatically in children and adolescents. Overweight and obesity are closely linked to type 2 diabetes.

(5) Obesity in children and adolescents is generally caused by a lack of physical activity, unhealthy eating patterns, or a combination of the 2, with genetics and lifestyle both playing important roles in determining a child's weight.

(6) Overweight adolescents have a 70 percent chance of becoming overweight or obese adults.

(7) The 2001 report "The Surgeon General's Call to Action to Prevent and Decrease Overweight and Obesity" suggested that obesity and its complications were already costing the United States $117,000,000,000 annually.

(8) Substantial evidence shows that public health risks can be reduced through increased public awareness and community involvement.

(9) Congress needs to challenge students, teachers, school administrators, and local communities to voluntarily participate in the development and implementation of activities to successfully reduce and prevent childhood obesity.

TITLE I—CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY

SEC. 101. CONGRESSIONAL COUNCIL ON CHILDHOOD OBESITY.

(a) ESTABLISHMENT OF COUNCIL.—There is established a "Congressional Council on

Childhood Obesity" (referred to in this title as the "Council").

(b) PURPOSES.—The purposes of the Council shall be—

(1) to encourage every elementary school and middle school in the United States, whether public or private, to develop and implement a plan to reduce and prevent obesity, promote improved nutritional choices, and promote increased physical activity among students; and

(2) to provide information as necessary to secondary schools.

SEC. 102. MEMBERSHIP OF THE COUNCIL.

(a) COMPOSITION OF THE COUNCIL.—The Council shall be composed of 8 members as follows:

(1) The majority leader of the Senate or the designee of the majority leader of the Senate.

(2) The minority leader of the Senate or the designee of the minority leader of the Senate.

(3) The Speaker of the House of Representatives or the designee of the Speaker of the House of Representatives.

(4) The minority leader of the House of Representatives or the designee of the minority leader of the House of Representatives.

(5) 4 citizen members to be appointed in accordance with subsection (b).

(b) APPOINTMENT OF CITIZEN COUNCIL MEMBERS.—

(1) METHOD OF APPOINTMENT.—For the purpose of subsection (a)(5), each of the 4 members described in paragraphs (1) through (4) of subsection (a) shall appoint to the Council a citizen who is an expert on children's health, nutrition, or physical activity.

(2) DATE OF APPOINTMENT.—The appointments made under paragraph (1) shall be made not later than 120 days after the date of enactment of this Act.

(c) VACANCIES.—Any vacancy in the Council shall not affect its powers, but shall be filled in the manner in which the original appointment was made under subsection (a).

(d) CHAIRPERSON.—The members of the Council shall elect, from among the members of the Council, a Chairperson.

(e) INITIAL MEETING.—The Council shall hold its first meeting not later than 120 days after the date of enactment of this Act.

SEC. 103. RESPONSIBILITIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall engage in the following activities:

(1) Work with outside experts to develop the Congressional Challenge to Reduce and prevent Childhood Obesity, which shall include the development of model plans to reduce and prevent childhood obesity that can be adopted or adapted by elementary schools or middle schools that participate.

(2) Develop and maintain a website that is updated not less than once a month on best practices in the United States for reducing and preventing childhood obesity.

(3) Assist in helping elementary schools and middle schools in establishing goals for the healthy reduction and prevention of childhood obesity.

(4) Consult and coordinate with the President's Council on Physical Fitness and other Federal Government initiatives conducting activities to reduce and prevent childhood obesity.

(5) Reward elementary schools, middle schools, and local educational agencies promoting innovative, successful strategies in reducing and preventing childhood obesity.

(6) Provide information to secondary schools.

(b) CONGRESSIONAL CHALLENGE WINNERS.—

(1) IN GENERAL.—The Council shall—

(A) evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2);

(B) designate the plans submitted under paragraph (2) that meet the criteria under paragraph (3) as Congressional Challenge winners; and

(C) post the plans of the Congressional Challenge winners designated under subparagraph (B) on the website of the Council as model plans for reducing and preventing childhood obesity.

(2) SUBMISSION OF PLANS.—Each elementary school, middle school, or local educational agency that desires to have the plan to reduce and prevent childhood obesity of such entity designated as a Congressional Challenge winner shall submit to the Council such plan at such time, in such manner, and accompanied by such information as the Council may reasonably require.

(3) SELECTION CRITERIA.—

(A) IN GENERAL.—The Council shall evaluate plans submitted by elementary schools, middle schools, and local educational agencies under paragraph (2) and shall designate as Congressional Challenge winners the plans that—

(i) show promise in successfully increasing physical activity, improving nutrition, and reducing and preventing obesity; or

(ii) have maintained efforts in assisting children in increasing physical activity, improving nutrition, and reducing and preventing obesity.

(B) CRITERIA.—The Council shall make the determination under subparagraph (A) based on the following criteria:

(i) Strategies based on evaluated interventions.

(ii) The number of children in the community in need of assistance in addressing obesity and the potential impact of the proposed plan.

(iii) The involvement in the plan of the community served by the school or local educational agency.

(iv) Other criteria as determined by the Council.

(c) MEETINGS.—The Council shall hold not less than 1 meeting each year, and all meetings of the Council shall be public meetings, preceded by a publication of notice in the Federal Register.

SEC. 104. ADMINISTRATIVE MATTERS.

(a) PAY AND TRAVEL EXPENSES.—

(1) PROHIBITION OF PAY.—Members of the Council shall receive no pay, allowances, or benefits by reason of their service on the Council.

(2) TRAVEL EXPENSES.—

(A) COMPENSATION FOR TRAVEL.—Each member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Council, to the extent funds are available under subparagraph (B) for such expenses.

(B) LIMIT ON TRAVEL EXPENSES.—Travel expenses under subparagraph (A) shall be appropriated from the amounts appropriated to the legislative branch and shall not exceed $1,000,000.

(b) STAFF.—The Chairperson of the Council may appoint and terminate, as may be necessary to enable the Council to perform its duties, not more than 5 staff personnel, all of whom shall be considered employees of the Senate.

SEC. 105. TERMINATION OF COUNCIL.

The Council shall terminate on September 30 of the second full fiscal year following the date of enactment of this Act.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $2,200,000 for each of fiscal years 2006 and 2007.

TITLE II—NATIONAL FOUNDATION FOR THE PREVENTION AND REDUCTION OF CHILDHOOD OBESITY

SEC. 201. ESTABLISHMENT AND DUTIES OF FOUNDATION.

(a) IN GENERAL.—There shall be established in accordance with this section a nonprofit private corporation to be known as the National Foundation for the Prevention and Reduction of Childhood Obesity (referred to in this title as the "Foundation"). The Foundation shall not be an agency or instrumentality of the Federal Government, and officers, employees, and members of the board of the Foundation shall not be officers or employees of the Federal Government.

(b) PURPOSE OF FOUNDATION.—The purpose of the Foundation shall be to support and carry out activities for the prevention and reduction of childhood obesity through school-based activities.

(c) ENDOWMENT FUND.—

(1) IN GENERAL.—In carrying out subsection (b), the Foundation shall establish a fund for providing endowments for positions that are associated with the Congressional Council on Childhood Obesity and the Department of Health and Human Services (referred to in this title as the "Department") and dedicated to the purpose described in such subsection. Subject to subsection (g)(1)(B), the fund shall consist of such donations as may be provided by non-Federal entities and such non-Federal assets of the Foundation (including earnings of the Foundation and the fund) as the Foundation may elect to transfer to the fund.

(2) AUTHORIZED EXPENDITURES OF FUND.—The provision of endowments under paragraph (1) shall be the exclusive function of the fund established under such paragraph. Such endowments may be expended only for the compensation of individuals holding the positions, for staff, equipment, quarters, travel, and other expenditures that are appropriate in supporting the positions, and for recruiting individuals to hold the positions endowed by the fund.

(d) CERTAIN ACTIVITIES OF FOUNDATION.—In carrying out subsection (b), the Foundation may provide for the following with respect to the purpose described in such subsection:

(1) Evaluate and make known the effectiveness of model plans used by schools to reduce and prevent childhood obesity.

(2) Create a website to assist in the distribution of successful plans, best practices, and other information to assist elementary schools, middle schools, and the public to develop and implement efforts to reduce and prevent childhood obesity.

(3) Participate in meetings, conferences, courses, and training workshops.

(4) Assist in the distribution of data concerning childhood obesity.

(5) Make Challenge awards, pursuant to subsection (e), to elementary schools, middle schools, and local educational agencies for the successful development and implementation of school-based plans.

(6) Other activities to carry out the purpose described in subsection (b).

(e) CHALLENGE AWARDS.—

(1) PROGRAM AUTHORIZED.—The Foundation may provide Challenge awards to elementary

schools, middle schools, and local educational agencies that submit applications under paragraph (2).

(2) APPLICATION.—Each elementary school, middle school, or local educational agency that desires to receive a Challenge award under this subsection shall submit an application that includes a plan to reduce and prevent childhood obesity to the Foundation at such time, in such manner, and accompanied by such additional information as the Foundation may reasonably require.

(3) SELECTION CRITERIA.—In the program authorized under paragraph (1), the Foundation shall provide Challenge awards based on—

(A) the success of the plans of the elementary schools, middle schools, and local educational agencies in meeting the plans' stated goals;

(B) the number of children in the community served by the elementary school, middle school, or local educational agency who are in need of assistance in addressing obesity; and

(C) other criteria as determined by the Foundation.

(f) GENERAL STRUCTURE OF FOUNDATION; NONPROFIT STATUS.—

(1) BOARD OF DIRECTORS.—The Foundation shall have a board of directors (referred to in this title as the "Board"), which shall be established and conducted in accordance with subsection (g). The Board shall establish the general policies of the Foundation for carrying out subsection (b), including the establishment of the bylaws of the Foundation.

(2) EXECUTIVE DIRECTOR.—The Foundation shall have an executive director (referred to in this title as the "Director"), who shall be appointed by the Board, who shall serve at the pleasure of the Board, and for whom the Board shall establish the rate of compensation. Subject to compliance with the policies and bylaws established by the Board pursuant to paragraph (1), the Director shall be responsible for the daily operations of the Foundation in carrying out subsection (b).

(3) NONPROFIT STATUS.—In carrying out subsection (b), the Board shall establish such policies and bylaws under paragraph (1), and the Director shall carry out such activities under paragraph (2), as may be necessary to ensure that the Foundation maintains status as an organization that—

(A) is described in subsection (c)(3) of section 501 of the Internal Revenue Code of 1986; and

(B) is, under subsection (a) of such section, exempt from taxation.

(g) BOARD OF DIRECTORS.—

(1) CERTAIN BYLAWS.—

(A) INCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation include bylaws for the following:

(i) Policies for the selection of the officers, employees, agents, and contractors of the Foundation.

(ii) Policies, including ethical standards, for the acceptance and disposition of donations to the Foundation and for the disposition of the assets of the Foundation.

(iii) Policies for the conduct of the general operations of the Foundation.

(iv) Policies for writing, editing, printing, and publishing of books and other materials, and the acquisition of patents and licenses for devices and procedures developed by the Foundation.

(B) EXCLUSIONS.—In establishing bylaws under subsection (f)(1), the Board shall ensure that the bylaws of the Foundation (and activities carried out under the bylaws) do not—

(i) reflect unfavorably upon the ability of the Foundation, or the Department, to carry out its responsibilities or official duties in a fair and objective manner; or

(ii) compromise, or appear to compromise, the integrity of any governmental program or any officer or employee involved in such program.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Board shall be composed of 7 individuals, appointed in accordance with paragraph (4), who collectively possess education or experience appropriate for representing the fields of children's health, nutrition, and physical fitness or organizations active in reducing and preventing childhood obesity. Each such individual shall be a voting member of the Board.

(B) GREATER NUMBER.—The Board may, through amendments to the bylaws of the Foundation, provide that the number of members of the Board shall be a greater number than the number specified in subparagraph (A).

(3) CHAIRPERSON.—The Board shall, from among the members of the Board, designate an individual to serve as the Chairperson of the Board (referred to in this subsection as the "Chairperson").

(4) APPOINTMENTS, VACANCIES, AND TERMS.—Subject to subsection (k) (regarding the initial membership of the Board), the following shall apply to the Board:

(A) Any vacancy in the membership of the Board shall be filled by appointment by the Board, after consideration of suggestions made by the Chairperson and the Director regarding the appointments. Any such vacancy shall be filled not later than the expiration of the 180-day period beginning on the date on which the vacancy occurs.

(B) The term of office of each member of the Board appointed under subparagraph (A) shall be 5 years. A member of the Board may continue to serve after the expiration of the term of the member until the expiration of the 180-day period beginning on the date on which the term of the member expires.

(C) A vacancy in the membership of the Board shall not affect the power of the Board to carry out the duties of the Board. If a member of the Board does not serve the full term applicable under subparagraph (B), the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(5) COMPENSATION.—Members of the Board may not receive compensation for service on the Board. The members may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Board.

(h) CERTAIN RESPONSIBILITIES OF EXECUTIVE DIRECTOR.—In carrying out subsection (f)(2), the Director shall carry out the following functions:

(1) Hire, promote, compensate, and discharge officers and employees of the Foundation, and define the duties of the officers and employees.

(2) Accept and administer donations to the Foundation, and administer the assets of the Foundation.

(3) Establish a process for the selection of candidates for holding endowed positions under subsection (c).

(4) Enter into such financial agreements as are appropriate in carrying out the activities of the Foundation.

(5) Take such action as may be necessary to acquire patents and licenses for devices and procedures developed by the Foundation and the employees of the Foundation.

(6) Adopt, alter, and use a corporate seal, which shall be judicially noticed.

(7) Commence and respond to judicial proceedings in the name of the Foundation.

(8) Other functions that are appropriate in the determination of the Director.

(i) GENERAL PROVISIONS.—

(1) AUTHORITY FOR ACCEPTING FUNDS.—The Secretary of Health and Human Services (referred to in this title as the "Secretary") may accept and utilize, on behalf of the Federal Government, any gift, donation, bequest, or devise of real or personal property from the Foundation for the purpose of aiding or facilitating the work of the Department. Funds may be accepted and utilized by the Secretary under the preceding sentence without regard to whether the funds are designated as general-purpose funds or special-purpose funds.

(2) AUTHORITY FOR ACCEPTANCE OF VOLUNTARY SERVICES.—

(A) IN GENERAL.—The Secretary may accept, on behalf of the Federal Government, any voluntary services provided to the Department by the Foundation for the purpose of aiding or facilitating the work of the Department. In the case of an individual, the Secretary may accept the services provided under the preceding sentence by the individual for not more than 2 years.

(B) NON-FEDERAL GOVERNMENT EMPLOYEES.—The limitation established in subparagraph (A) regarding the period of time in which services may be accepted applies to each individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation.

(3) ADMINISTRATIVE CONTROL.—No officer, employee, or member of the Board may exercise any administrative or managerial control over any Federal employee.

(4) APPLICABILITY OF CERTAIN STANDARDS TO NON-FEDERAL EMPLOYEES.—In the case of any individual who is not an employee of the Federal Government and who serves in association with the Department pursuant to financial support from the Foundation, the Foundation shall negotiate a memorandum of understanding with the individual and the Secretary specifying that the individual—

(A) shall be subject to the ethical and procedural standards regulating Federal employment, scientific investigation, and research findings (including publications and patents) that are required of individuals employed by the Department, including standards under this Act, the Ethics in Government Act of 1978 (5 U.S.C. App.), and the Federal Technology Transfer Act of 1986 (Public Law 9909502; 100 Stat. 1785); and

(B) shall be subject to such ethical and procedural standards under chapter 11 of title 18, United States Code (relating to conflicts of interest), as the Secretary determines is appropriate, except such memorandum may not provide that the individual shall be subject to the standards of section 209 of such chapter.

(5) FINANCIAL CONFLICTS OF INTEREST.—Any individual who is an officer, employee, or member of the Board may not directly or indirectly participate in the consideration or determination by the Foundation of any question affecting—

(A) any direct or indirect financial interest of the individual; or

(B) any direct or indirect financial interest of any business organization or other entity of which the individual is an officer or employee or in which the individual has a direct or indirect financial interest.

(6) AUDITS; AVAILABILITY OF RECORDS.—The Foundation shall—

(A) provide for biennial audits of the financial condition of the Foundation; and

(B) make such audits, and all other records, documents, and other papers of the Foundation, available to the Secretary and the Comptroller General of the United States for examination or audit.

(7) Reports.—

(A) In general.—Not later than February 1 of each fiscal year, the Foundation shall publish a report describing the activities of the Foundation during the preceding fiscal year. Each such report shall include for the fiscal year involved a comprehensive statement of the operations, activities, financial condition, and accomplishments of the Foundation.

(B) Inclusions.—With respect to the financial condition of the Foundation, each report under subparagraph (A) shall include the source, and a description, of all gifts to the Foundation of real or personal property, and the source and amount of all gifts to the Foundation of money. Each such report shall include a specification of any restrictions on the purposes for which gifts to the Foundation may be used.

(C) Public inspection.—The Foundation shall make copies of each report submitted under subparagraph (A) available for public inspection, and shall upon request provide a copy of the report to any individual for a charge not exceeding the cost of providing the copy.

(8) Liaisons.—The Secretary shall appoint liaisons to the Foundation from relevant Federal agencies, including the Office of the Surgeon General and the Centers for Disease Control and Prevention. The Secretary of Agriculture shall designate liaisons to the Foundation as appropriate.

(9) Inclusion of the President's Council.—The Foundation shall ensure that the President's Council on Physical Fitness is included in the activities of the Foundation.

(j) Federal Funding.—

(1) Authority for annual grants.—

(A) In general.—The Secretary shall—

(i) for fiscal year 2006, make a grant to an entity described in subsection (k)(9) (relating to the establishment of a committee to establish the Foundation);

(ii) for fiscal years 2007 and 2008, make a grant to the committee established under such subsection, or if the Foundation has been established, to the Foundation; and

(iii) for fiscal year 2009 and each subsequent fiscal year, make a grant to the Foundation.

(B) Rules on expenditures.—A grant under subparagraph (A) may be expended—

(i) in the case of an entity receiving the grant under subparagraph (A)(i), only for the purpose of carrying out the duties established in subsection (k)(9) for the entity;

(ii) in the case of the committee established under subsection (k)(9), only for the purpose of carrying out the duties established in subsection (k) for the committee; and

(iii) in the case of the Foundation, only for the purpose of the administrative expenses of the Foundation.

(C) Restriction.—A grant under subparagraph (A) may not be expended to provide amounts for the fund established under subsection (c).

(D) Unobligated grant funds.—For the purposes described in subparagraph (B)—

(i) any portion of the grant made under subparagraph (A)(i) for fiscal year 2006 that remains unobligated after the entity receiving the grant completes the duties established in subsection (k)(9) for the entity shall be available to the committee established under such subsection; and

(ii) any portion of a grant under subparagraph (A) made for fiscal year 2006 or 2007 that remains unobligated after such committee completes the duties established in such subsection for the committee shall be available to the Foundation.

(2) Funding for grants.—

(A) In general.—For the purpose of grants under paragraph (1), there is authorized to be appropriated $2,200,000 for each fiscal year.

(B) Programs of the department.—For the purpose of grants under paragraph (1), the Secretary may for each fiscal year make available not more than $2,200,000 from the amounts appropriated for the fiscal year for the programs of the Department. Such amounts may be made available without regard to whether amounts have been appropriated under subparagraph (A).

(3) Certain restriction.—If the Foundation receives Federal funds for the purpose of serving as a fiscal intermediary between Federal agencies, the Foundation may not receive such funds for the indirect costs of carrying out such purpose in an amount exceeding 10 percent of the direct costs of carrying out such purpose. The preceding sentence may not be construed as authorizing the expenditure of any grant under paragraph (1) for such purpose.

(k) Committee for Establishment of Foundation.—

(1) In general.—There shall be established, in accordance with this subsection and subsection (j)(1), a committee to carry out the functions described in paragraph (2) (referred to in this subsection as the "Committee").

(2) Functions.—The functions referred to in paragraph (1) for the Committee are as follows:

(A) To carry out such activities as may be necessary to incorporate the Foundation under the laws of the State involved, including serving as incorporators for the Foundation. Such activities shall include ensuring that the articles of incorporation for the Foundation require that the Foundation be established and operated in accordance with the applicable provisions of this title (or any successor to this title), including such provisions as may be in effect pursuant to amendments enacted after the date of enactment of this Act.

(B) To ensure that the Foundation qualifies for and maintains the status described in subsection (f)(3) (regarding taxation).

(C) To establish the general policies and initial bylaws of the Foundation, which bylaws shall include the bylaws described in subsections (f)(3) and (g)(1).

(D) To provide for the initial operation of the Foundation, including providing for quarters, equipment, and staff.

(E) To appoint the initial members of the Board in accordance with the requirements established in subsection (g)(2)(A) for the composition of the Board, and in accordance with such other qualifications as the Committee may determine to be appropriate regarding such composition. Of the members so appointed—

(i) 2 shall be appointed to serve for a term of 3 years;

(ii) 2 shall be appointed to serve for a term of 4 years; and

(iii) 3 shall be appointed to serve for a term of 5 years.

(3) Completion of functions of committee; initial meeting of board.—

(A) Completion of functions.—The Committee shall complete the functions required in paragraph (1) not later than September 30, 2008. The Committee shall terminate upon the expiration of the 30-day period beginning on the date on which the Secretary determines that the functions have been completed.

(B) Initial meeting.—The initial meeting of the Board shall be held not later than November 1, 2008.

(4) Composition.—The Committee shall be composed of 5 members, each of whom shall be a voting member. Of the members of the Committee—

(A) no fewer than 2 of the members shall have expertise in children's health, nutrition, and physical activity; and

(B) no fewer than 2 of the members shall have broad, general experience in nonprofit private organizations (without regard to whether the individuals have experience in children's health, nutrition, and physical activity).

(5) Chairperson.—The Committee shall, from among the members of the Committee, designate an individual to serve as the Chairperson of the Committee.

(6) Terms; vacancies.—The term of members of the Committee shall be for the duration of the Committee. A vacancy in the membership of the Committee shall not affect the power of the Committee to carry out the duties of the Committee. If a member of the Committee does not serve the full term, the individual appointed by the Secretary to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(7) Compensation.—Members of the Committee may not receive compensation for service on the Committee. Members of the Committee may be reimbursed for travel, subsistence, and other necessary expenses incurred in carrying out the duties of the Committee.

(8) Committee support.—The Secretary may, from amounts available to the Secretary for the general administration of the Department, provide staff and financial support to assist the Committee with carrying out the functions described in paragraph (2). In providing such staff and support, the Director may both detail employees and contract for assistance.

(9) Grant for establishment of committee.—

(A) In general.—With respect to a grant under paragraph (1)(A)(i) of subsection (j) for fiscal year 2006, an entity described in this paragraph is a private nonprofit entity with significant experience in children's health, nutrition, and physical activity. Not later than 180 days after the date of enactment of this Act, the Secretary shall make the grant to such an entity (subject to the availability of funds under paragraph (2) of such subsection).

(B) Conditions.—The grant referred to in subparagraph (A) may be made to an entity only if the entity agrees that—

(i) the entity will establish a committee that is composed in accordance with paragraph (4); and

(ii) the entity will not select an individual for membership on the Committee unless the individual agrees that the Committee will operate in accordance with each of the provisions of this subsection that relate to the operation of the Committee.

(C) Agreement.—The Secretary may make a grant referred to in subparagraph (A) only if the applicant for the grant makes an agreement that the grant will not be expended for any purpose other than carrying out subparagraph (B). Such a grant may be made only if an application for the grant is submitted to the Secretary containing such agreement, and the application is in such form, is made in such manner, and contains such other agreements and such assurances and information as the Secretary determines to be necessary to carry out this paragraph.

S. 1325

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Improved Nutrition and Physical Activity Act” or the “IMPACT Act”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) In July 2004, the Secretary of Health and Human Service recognized “obesity is a critical public health problem in our country” and under the medicare program language was removed from the coverage manual stating that obesity is not an illness.

(2) The National Health and Nutrition Examination Survey for 2002 found that an estimated 65 percent of adults are overweight and 31 percent of adults are obese and 16 percent of children and adolescents in the United States are overweight or obese.

(3) The Institute of Medicine reported in “Preventing Childhood Obesity” (2004) that approximately 60 percent of obese children between 5 and 10 years of age have at least one cardiovascular disease risk factor and 25 percent have two or more such risk factors.

(4) The Institute of Medicine reports that the prevalence of overweight and obesity is increasing among all age groups. There is twice the number of overweight children between 2 and 5 years of age and adolescents between 12 and 19 years of age, and 3 times the number of children between 6 and 11 years of age as there were 30 years ago.

(5) According to the 2004 Institute of Medicine report, obesity-associated annual hospital costs for children and youth more than tripled over 2 decades, rising from $35,000,000 in the period 1979 through 1981 to $127,000,000 in the period 1997 through 1999.

(6) The Centers for Disease Control and Prevention reports have estimated that as many as 365,000 deaths a year are associated with being overweight or obese. Overweight and obesity are associated with an increased risk for heart disease (the leading cause of death), cancer (the second leading cause of death), diabetes (the 6th leading cause of death), and musculoskeletal disorders.

(7) According to the National Institute of Diabetes and Digestive and Kidney Diseases, individuals who are obese have a 50 to 100 percent increased risk of premature death.

(8) The Healthy People 2010 goals identify overweight and obesity as one of the Nation's leading health problems and include objectives for increasing the proportion of adults who are at a healthy weight, reducing the proportion of adults who are obese, and reducing the proportion of children and adolescents who are overweight or obese.

(9) Another goal of Healthy People 2010 is to eliminate health disparities among different segments of the population. Obesity is a health problem that disproportionally impacts medically underserved populations.

(10) The 2005 Surgeon General's report “The Year of the Healthy Child” lists the treatment and prevention of obesity as a national priority.

(11) The Institute of Medicine report “Preventing Childhood Obesity” (2004) finds that “childhood obesity is a serious nationwide health problem requiring urgent attention and a population-based prevention approach . . .”.

(12) The Centers for Disease Control and Prevention estimates the annual expenditures related to overweight and obesity in adults in the United States to be $264,000,000,000 (exceeding the cost of tobacco-related illnesses) and appears to be rising dramatically. This cost can potentially escalate markedly as obesity rates continue to rise and the medical complications of obesity are emerging at even younger ages. Therefore, the total disease burden will most likely increase, as well as the attendant health-related costs.

(13) Weight control programs should promote a healthy lifestyle including regular physical activity and healthy eating, as consistently discussed and identified in a variety of public and private consensus documents, including the 2001 U.S. Surgeon General's report “A Call To Action” and other documents prepared by the Department of Health and Human Services and other agencies.

(14) The Institute of Medicine reports that poor eating habits are a risk factor for the development of eating disorders and obesity. In 2002, more than 35,000,000 Americans experienced limited access to nutritious food on a regular basis. The availability of high-calorie, low nutrient foods have increased in low-income neighborhoods due to many factors.

(15) Effective interventions for promoting healthy eating behaviors should promote healthy lifestyle and not inadvertently promote unhealthy weight management techniques.

(16) The National Institutes of Health reports that eating disorders are commonly associated with substantial psychological problems, including depression, substance abuse, and suicide.

(17) The National Association of Anorexia Nervosa and Associated Disorders estimates there are 8,000,000 Americans experience eating disorders. Eating disorders of all types are more common in women than men

(18) The health risks of Binge Eating Disorder are those associated with obesity and include heart disease, gall bladder disease, and diabetes.

(19) According to the National Institute of Mental Health, Binge Eating Disorder is characterized by frequent episodes of uncontrolled overeating, with an estimated 2 to 5 percent of Americans experiencing this disorder in a 6-month period.

(20) Additionally, the National Institute of Mental Health reports that Anorexia Nervosa, an eating disorder from which 0.5 to 3.7 percent of American women will suffer in their lifetime, is associated with serious health consequences including heart failure, kidney failure, osteoporosis, and death. According to the National Institute of Mental Health, Anorexia Nervosa has one of the highest mortality rates of all psychiatric disorders, placing a young woman with Anorexia Nervosa at 12 times the risk of death of other women her age.

(21) In 2001, the National Institute of Mental Health reported that 1.1 to 4.2 percent of American women will suffer from Bulimia Nervosa in their lifetime. Bulimia Nervosa is an eating disorder that is associated with cardiac, gastrointestinal, and dental problems, including irregular heartbeats, gastric ruptures, peptic ulcers, and tooth decay.

(22) On the 2003 Youth Risk Behavior Survey, 6 percent of high school students reported recent use of laxatives or vomiting to control their weight.

TITLE I—TRAINING GRANTS

SEC. 101. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSION STUDENTS.

Section 747(c)(3) of the Public Health Service Act (42 U.S.C. 293k(c)(3)) is amended by striking “and victims of domestic violence” and inserting “victims of domestic violence, individuals (including children) who are overweight or obese (as such terms are defined in section 399W(j)) and at risk for related serious and chronic medical conditions, and individuals who suffer from eating disorders”.

SEC. 102. GRANTS TO PROVIDE TRAINING FOR HEALTH PROFESSIONALS.

Section 399Z of the Public Health Service Act (42 U.S.C. 280h–93) is amended—

(1) in subsection (b), by striking “2005” and inserting “2007”;

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following:

“(b) GRANTS.—

“(1) IN GENERAL.—The Secretary may award grants to eligible entities to train primary care physicians and other licensed or certified health professionals on how to identify, treat, and prevent obesity or eating disorders and aid individuals who are overweight, obese, or who suffer from eating disorders.

“(2) APPLICATION.—An entity that desires a grant under this subsection shall submit an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the use of funds that may be awarded and an evaluation of the training that will be provided.

“(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through such grant to—

“(A) use evidence-based findings or recommendations that pertain to the prevention and treatment of obesity, being overweight, and eating disorders to conduct educational conferences, including Internet-based courses and teleconferences, on—

“(i) how to treat or prevent obesity, being overweight, and eating disorders;

“(ii) the link between obesity, being overweight, eating disorders and related serious and chronic medical conditions;

“(iii) how to discuss varied strategies with patients from at-risk and diverse populations to promote positive behavior change and healthy lifestyles to avoid obesity being overweight, and eating disorders;

“(iv) how to identify overweight, obese, individuals with eating disorders, and those who are at risk for obesity and being overweight or suffer from eating disorders and, therefore, at risk for related serious and chronic medical conditions;

“(v) how to conduct a comprehensive assessment of individual and familial health risk factors; and

“(B) evaluate the effectiveness of the training provided by such entity in increasing knowledge and changing attitudes and behaviors of trainees.

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $10,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.”.

TITLE II—COMMUNITY-BASED SOLUTIONS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS

SEC. 201. GRANTS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by striking section 399W and inserting the following:

“SEC. 399W. GRANTS TO INCREASE PHYSICAL ACTIVITY, IMPROVE NUTRITION, AND PROMOTE HEALTHY EATING BEHAVIORS.

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in coordination with the Administrator of the Health Resources and Services Administration, the Director of the Indian Health Service, the Secretary of Education, the Secretary of Agriculture, the Secretary of the Interior, the Director of the National Institutes of Health, the Director of the Office of Women's Health, and the heads of other appropriate agencies, shall award competitive grants to eligible entities to plan and implement programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity, being overweight, and related serious and chronic medical conditions. Such grants may be awarded to target at-risk populations including youth, adolescent girls, health disparity populations (as defined in section 485E(d)), and the underserved.

“(2) TERM.—The Secretary shall award grants under this subsection for a period not to exceed 4 years.

“(b) AWARD OF GRANTS.—An eligible entity desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a plan describing a comprehensive program of approaches to encourage healthy eating behaviors and healthy levels of physical activity;

“(2) the manner in which the eligible entity will coordinate with appropriate State and local authorities, including—

“(A) State and local educational agencies;

“(B) departments of health;

“(C) chronic disease directors;

“(D) State directors of programs under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

“(E) governors' councils for physical activity and good nutrition;

“(F) State and local parks and recreation departments; and

“(G) State and local departments of transportation and city planning; and

“(3) the manner in which the applicant will evaluate the effectiveness of the program carried out under this section.

“(c) COORDINATION.—In awarding grants under this section, the Secretary shall ensure that the proposed programs are coordinated in substance and format with programs currently funded through other Federal agencies and operating within the community including the Physical Education Program (PEP) of the Department of Education.

“(d) ELIGIBLE ENTITY.—In this section, the term ‘eligible entity’ means—

“(1) a city, county, tribe, territory, or State;

“(2) a State educational agency;

“(3) a tribal educational agency;

“(4) a local educational agency;

“(5) a federally qualified health center (as defined in section 1861(aa)(4) of the Social Security Act (42 U.S.C. 1395x(aa)(4));

“(6) a rural health clinic;

“(7) a health department;

“(8) an Indian Health Service hospital or clinic;

“(9) an Indian tribal health facility;

“(10) an urban Indian facility;

“(11) any health provider;

“(12) an accredited university or college;

“(13) a community-based organization;

“(14) a local city planning agency; or

“(15) any other entity determined appropriate by the Secretary.

“(e) USE OF FUNDS.—An eligible entity that receives a grant under this section shall use the funds made available through the grant to—

“(1) carry out community-based activities including—

“(A) city planning, transportation initiatives, and environmental changes that help promote physical activity, such as increasing the use of walking or bicycling as a mode of transportation;

“(B) forming partnerships and activities with businesses and other entities to increase physical activity levels and promote healthy eating behaviors at the workplace and while traveling to and from the workplace;

“(C) forming partnerships with entities, including schools, faith-based entities, and other facilities providing recreational services, to establish programs that use their facilities for after school and weekend community activities;

“(D) establishing incentives for retail food stores, farmer's markets, food co-ops, grocery stores, and other retail food outlets that offer nutritious foods to encourage such stores and outlets to locate in economically depressed areas;

“(E) forming partnerships with senior centers, nursing facilities, retirement communities, and assisted living facilities to establish programs for older people to foster physical activity and healthy eating behaviors;

“(F) forming partnerships with daycare facilities to establish programs that promote healthy eating behaviors and physical activity; and

“(G) developing and evaluating community educational activities targeting good nutrition and promoting healthy eating behaviors;

“(2) carry out age-appropriate school-based activities including—

“(A) developing and testing educational curricula and intervention programs designed to promote healthy eating behaviors and habits in youth, which may include—

“(i) after hours physical activity programs;

“(ii) increasing opportunities for students to make informed choices regarding healthy eating behaviors; and

“(iii) science-based interventions with multiple components to prevent eating disorders including nutritional content, understanding and responding to hunger and satiety, positive body image development, positive self-esteem development, and learning life skills (such as stress management, communication skills, problem-solving and decisionmaking skills), as well as consideration of cultural and developmental issues, and the role of family, school, and community;

“(B) providing education and training to educational professionals regarding a healthy lifestyle and a healthy school environment;

“(C) planning and implementing a healthy lifestyle curriculum or program with an emphasis on healthy eating behaviors and physical activity; and

“(D) planning and implementing healthy lifestyle classes or programs for parents or guardians, with an emphasis on healthy eating behaviors and physical activity;

“(3) carry out activities through the local health care delivery systems including—

“(A) promoting healthy eating behaviors and physical activity services to treat or prevent eating disorders, being overweight, and obesity;

“(B) providing patient education and counseling to increase physical activity and promote healthy eating behaviors; and

“(C) providing community education on good nutrition and physical activity to develop a better understanding of the relationship between diet, physical activity, and eating disorders, obesity, or being overweight; or

“(4) other activities determined appropriate by the Secretary (including evaluation or identification and dissemination of outcomes and best practices).

“(f) MATCHING FUNDS.—In awarding grants under subsection (a), the Secretary may give priority to eligible entities who provide matching contributions. Such non-Federal contributions may be cash or in kind, fairly evaluated, including plant, equipment, or services.

“(g) TECHNICAL ASSISTANCE.—The Secretary may set aside an amount not to exceed 10 percent of the total amount appropriated for a fiscal year under subsection (k) to permit the Director of the Centers for Disease Control and Prevention to provide grantees with technical support in the development, implementation, and evaluation of programs under this section and to disseminate information about effective strategies and interventions in preventing and treating obesity and eating disorders through the promotion of healthy eating behaviors and physical activity.

“(h) LIMITATION ON ADMINISTRATIVE COSTS.—An eligible entity awarded a grant under this section may not use more than 10 percent of funds awarded under such grant for administrative expenses.

“(i) REPORT.—Not later than 6 years after the date of enactment of the Improved Nutrition and Physical Activity Act, the Director of the Centers for Disease Control and Prevention shall review the results of the grants awarded under this section and other related research and identify programs that have demonstrated effectiveness in promoting healthy eating behaviors and physical activity in youth. Such review shall include an identification of model curricula, best practices, and lessons learned, as well as recommendations for next steps to reduce overweight, obesity, and eating disorders. Information derived from such review, including model program curricula, shall be disseminated to the public.

“(j) DEFINITIONS.—In this section:

“(1) ANOREXIA NERVOSA.—The term ‘Anorexia Nervosa’ means an eating disorder characterized by self-starvation and excessive weight loss.

“(2) BINGE EATING DISORDER.—The term ‘binge eating disorder’ means a disorder characterized by frequent episodes of uncontrolled eating.

“(3) BULIMIA NERVOSA.—The term ‘Bulimia Nervosa’ means an eating disorder characterized by excessive food consumption, followed by inappropriate compensatory behaviors, such as self-induced vomiting, misuse of laxatives, fasting, or excessive exercise.

"(4) EATING DISORDERS.—The term 'eating disorders' means disorders of eating, including Anorexia Nervosa, Bulimia Nervosa, and binge eating disorder.

"(5) HEALTHY EATING BEHAVIORS.—The term 'healthy eating behaviors' means—

"(A) eating in quantities adequate to meet, but not in excess of, daily energy needs;

"(B) choosing foods to promote health and prevent disease;

"(C) eating comfortably in social environments that promote healthy relationships with family, peers, and community; and

"(D) eating in a manner to acknowledge internal signals of hunger and satiety.

"(6) OBESE.—The term 'obese' means an adult with a Body Mass Index (BMI) of 30 kg/m2 or greater.

"(7) OVERWEIGHT.—The term 'overweight' means an adult with a Body Mass Index (BMI) of 25 to 29.9 kg/m2 and a child or adolescent with a BMI at or above the 95th percentile on the revised Centers for Disease Control and Prevention growth charts or another appropriate childhood definition, as defined by the Secretary.

"(8) YOUTH.—The term 'youth' means individuals not more than 18 years old.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $60,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2010. Of the funds appropriated pursuant to this subsection, the following amounts shall be set aside for activities related to eating disorders:

"(1) $5,000,000 for fiscal year 2006.

"(2) $5,500,000 for fiscal year 2007.

"(3) $6,000,000 for fiscal year 2008.

"(4) $6,500,000 for fiscal year 2009.

"(5) $1,000,000 for fiscal year 2010.".

SEC. 202. NATIONAL CENTER FOR HEALTH STATISTICS.

Section 306 of the Public Health Service Act (42 U.S.C. 242k) is amended—

(1) in subsection (m)(4)(B), by striking "subsection (n)" each place it appears and inserting "subsection (o)";

(2) by redesignating subsection (n) as subsection (o); and

(3) by inserting after subsection (m) the following:

"(n)(1) The Secretary, acting through the Center, may provide for the—

"(A) collection of data for determining the fitness levels and energy expenditure of children and youth; and

"(B) analysis of data collected as part of the National Health and Nutrition Examination Survey and other data sources.

"(2) In carrying out paragraph (1), the Secretary, acting through the Center, may make grants to States, public entities, and nonprofit entities.

"(3) The Secretary, acting through the Center, may provide technical assistance, standards, and methodologies to grantees supported by this subsection in order to maximize the data quality and comparability with other studies.".

SEC. 203. HEALTH DISPARITIES REPORT.

Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Director of the Agency for Healthcare Research and Quality shall review all research that results from the activities carried out under this Act (and the amendments made by this Act) and determine if particular information may be important to the report on health disparities required by section 903(c)(3) of the Public Health Service Act (42 U.S.C. 299a–91(c)(3)).

SEC. 204. PREVENTIVE HEALTH SERVICES BLOCK GRANT.

Section 1904(a)(1) of the Public Health Service Act (42 U.S.C. 300w–93(a)(1)) is amended by adding at the end the following:

"(H) Activities and community education programs designed to address and prevent overweight, obesity, and eating disorders through effective programs to promote healthy eating, and exercise habits and behaviors.".

SEC. 205. REPORT ON OBESITY AND EATING DISORDERS RESEARCH.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on research conducted on causes and health implications (including mental health implications) of being overweight, obesity, and eating disorders.

(b) CONTENT.—The report described in subsection (a) shall contain—

(1) descriptions on the status of relevant, current, ongoing research being conducted in the Department of Health and Human Services including research at the National Institutes of Health, the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, the Health Resources and Services Administration, and other offices and agencies;

(2) information about what these studies have shown regarding the causes, prevention, and treatment of, being overweight, obesity, and eating disorders; and

(3) recommendations on further research that is needed, including research among diverse populations, the plan of the Department of Health and Human Services for conducting such research, and how current knowledge can be disseminated.

SEC. 206. REPORT ON A NATIONAL CAMPAIGN TO CHANGE CHILDREN'S HEALTH BEHAVIORS AND REDUCE OBESITY.

Section 399Y of the Public Health Service Act (42 U.S.C. 280h–92) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

"(b) REPORT.—The Secretary shall evaluate the effectiveness of the campaign described in subsection (a) in changing children's behaviors and reducing obesity and shall report such results to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives.".

Mr. WYDEN. Mr. President, across this country, on couches in front of televisions and video game consoles, a silent killer called obesity is stalking America's youngsters—in epidemic numbers. Today, Senator FRIST and I are introducing a bipartisan bill, "The Childhood Obesity Reduction Act", to jump-start a nationwide, community-based campaign against this menace and help our children grow up healthy.

In my home State of Oregon, obesity may well become the number-two killer of our citizens—after tobacco, also the number-one killer nationally. According to the Oregon Department of Human Services, fully 22 percent of the adults in Oregon are obese and 60 percent are overweight. Even more tragic, and why we are here today, is that U.S. Centers for Disease Control and Prevention (CDC) says at least 31 percent of low income children between two and five years of age in Oregon are overweight or at risk of becoming overweight. A lot of those overweight kids are going to become overweight and obese adults if we just sit on our hands today. Our children are beginning to show signs of devastating diseases that will only lead to a life-long illnesses and increased health care costs. And no statistic can measure the emotional toll that illness takes on a child, their families and others who love them.

The Frist-Wyden legislation, "The Childhood Obesity Reduction Act", will work to turn the tide against childhood obesity in two ways. First, it will give teachers, parents and other community leaders a one-stop shop to fight obesity. The Congressional council created by this bill will launch a comprehensive website to help everyone from Physical Education teachers to scout leaders learn what's working in schools and public-private programs. It will also offer information about how to connect with those successful programs and how to adapt them in their own schools.

For example, when a teacher wants to see what can be done to help kids get 30 minutes of activity, something that studies have shown helps to combat childhood obesity, that teacher could go to the website and see what others in a similar situation have done. They would be able to see there are partners like Nike who are willing to step up to the plate and help with programs. But that teacher might also see that physical activity is only one part of the solution and they might find ways to bring in the nutritional aspect as well through other programs that have already proven successful.

The website will also offer help in establishing goals for cutting childhood obesity at that school or in that community—and all these plans will have been evaluated by outside experts for their effectiveness.

Second, after two years, the Congressional council turns the work over to a brand-new foundation. The foundation will keep the one-stop website up and running. But at the same time, they'll be able to raise money, and use it to reward programs that work and fund programs that are sorely needed where childhood obesity threatens most.

Here's an example of how the second component of our bill would work: say an urban school wants to work on getting kids to choose vegetables instead of French fries. When they visit the Web site, they may find a successful program about actually growing fresh vegetables—so they don't think vegetables just come from a freezer or a can. The Foundation will have the wherewithal to do more than just share that information—they may be able to provide the seed money, literally, for a school garden that will grow fresh produce, and change the way those children look at food.

It is not realistic to think that children won't be in a situation where unhealthy choices for foods and snacks are available. The goal ought to be to help them know what the healthy choices are, how to balance what they eat and drink and to know that they need exercise. And the Foundation can keep pursuing those goals for the long term.

I believe that our bipartisan bill is significant for two reasons. First, it emphasizes both sides of the equation—the need for proper nutrition and the need for physical activity. Second, it and because it will create an immediate, one-stop resource, in the form of a Web site, about what we know is working now so that individuals can begin to mobilize their communities and help their children. These are also important steps in assisting our children to become healthy adults.

All of us have the same, simple goal here: getting America's children healthy. There are a lot of folks competing for our kids' attention in this arena. A lot of the competition is pretty attractive: food that's not so nutritious but sure tastes good, and video games that don't burn any calories but can occupy you for an entire afternoon. It's tough for kids to make good choices on their own. That's why it's time to mobilize this nation—and particularly this Congress, by way of legislation—to beat the epidemic of obesity plaguing our children.

Mrs. CLINTON. Mr. President, I am proud to reintroduce the Improved Nutrition and Physical Activity Act or the IMPACT Act today with my colleagues Senators FRIST, BINGAMAN, and DODD. This legislation would take several important steps toward promoting healthy eating and physical activity and combating obesity and eating disorders. Eating disorders and obesity have become serious and 2 growing public health concerns in our country. Childhood obesity has emerged as an important issue in the public, as we have seen a significant increase in the number of Americans who are overweight or obese. Today, more than 15 percent of children and adolescents are considered seriously overweight. We know that obesity and the lack of exercise are directly linked with a broad array of health problems, including heart disease, high blood pressure, diabetes, arthritis-related disabilities, depression and some cancers.

In New York State alone, almost 60 percent of adults are overweight or obese, while 43 percent of the children in New York City's public elementary schools are overweight and a quarter qualify as obese. Obese adults incur significantly higher annual medical expenditures than those of normal weight adults. The cost now rivals that attributable to smoking. I believe that while nutrition education is one part of the solution to the obesity problem facing our youth, it is not enough to simply say that childhood obesity is caused by eating too much junk food. Instead, we must be aware of the complex environmental, genetic, and behavioral factors that have influenced the epidemic.

Included among the factors that affect children's eating habits and activity levels are increased hours in front of the TV or computer, working parents spending more hours at the office trying to make ends meet, deteriorating healthfulness or foods available in schools, reduced access to recess and physical education in schools, changes in the physical design of neighborhoods and communities, and low self esteem. And sadly, as the number of people battling obesity has increased, eating disorders have also reached epidemic proportions in the United States. It is estimated that between 8 and 10 million people experience an eating disorder, with millions of new cases being diagnosed each year. Eating disorders do not discriminate—they affect men and women or all ages, racial and ethnic backgrounds, socioeconomic classes, and religions.

Eating disorders are linked to a variety of health problems including heart failure, kidney failure, osteoporosis, gastric ruptures, and death. Eating disorders are also often associated with a variety of mental health problems including depression, substance abuse, and suicide. The age of onset for these disorders is getting younger and younger. According to the Center for Mental Health Services, 90 percent of those who have an eating disorder are women between the ages of 12 and 25.

Research indicates that 50 percent of females between the ages of 11 and 13 see themselves as overweight, and by the age of 13, eighty percent have attempted to lose weight. We know that the most common behavior that will lead to an eating disorder is dieting. In fact, 51 percent of 9 and 10 year old girls report feeling better about themselves when they are on a diet. It is estimated that currently as many as 17 percent of high school students have been diagnosed with an eating disorder. Our youth today are striving to reach an unrealistic body ideal. Fears of falling short of this ideal are leading to dire consequences. That is why I am proud to co-sponsor of the IMPACT Act.

This legislation would take several important steps toward promoting healthy eating and physical activity to combat obesity and eating disorders. This legislation addresses the growing public health problems of increasing rates of obesity and eating disorders by: training students and health professionals to diagnose, treat and prevent obesity, overweight, and eating disorders; funding demonstration programs that promote healthy eating behaviors and physical activity to prevent eating disorders, obesity and being overweight, and related serious and chronic medical conditions; directing the Center for Disease Control to collect information regarding fitness levels and energy expenditure among children; authorizing the Director of the Agency for Healthcare Research and Quality to review all research carried out under this act and include such information, where it is relevant, in its health disparities report; allowing states to use their Preventive Services Block Grant money to address and prevent overweight, obesity, and eating disorders; mandating a report on obesity and eating disorders research; authorizing a report on the effectiveness of a National Public Education Campaign on changing children's behaviors and reducing obesity.

Each of these steps is needed to address our country's growing problems of obesity and eating disorders. Any comprehensive approach to promote healthy lifestyles and prevent disordered eating in our youth must be multifaceted. It must include education about nutrition and physical activity, and most importantly, it must encourage open communication about body image and self esteem. Such an effort will require the leadership and resources of healthcare providers, local communities, advocacy organizations, parents and families, and schools.

It is time that we promote and celebrate healthy bodies and healthy lifestyles regardless of size, weight indexes, or arbitrary numbers on a scale. This is a delicate task and we must make sure not to let an unhealthy emphasis on thinness jeopardize the health of our children. I look forward to working with all of my Senate colleagues to promote healthy lifestyles across the lifespan.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 182—SUPPORTING EFFORTS TO INCREASE CHILDHOOD CANCER AWARENESS, TREATMENT, AND RESEARCH

Mr. COLEMAN (for himself, Mr. LIEBERMAN, Mr. BROWNBACK, Mr. ALLEN, Mrs. LINCOLN, Ms. LANDRIEU, Mr. REED, Mr. SALAZAR, and Ms. MIKULSKI) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 182

Whereas an estimated 12,400 children will be diagnosed with cancer in the year 2005;

Whereas cancer is the leading cause of death by disease in children under age 15;

Whereas an estimated 2,300 children will die from cancer in the year 2005;

Whereas the incidence of cancer among children in the United States is rising by about one percent each year;

Whereas 1 in every 330 Americans develops cancer before age 20;

Whereas approximately 8 percent of deaths of those between 1 and 19 years of age are caused by cancer;

Whereas while some progress has been made, a number of opportunities for childhood cancer research still remain unfunded or underfunded;

Whereas limited resources for childhood cancer research can hinder the recruitment of investigators and physicians to pediatric oncology;

Whereas peer-reviewed clinical trials are the standard of care for pediatrics and have improved cancer survival rates among children;

Whereas the number of survivors of childhood cancer continues to grow, with about 1 in 640 adults between the ages of 20 and 39 having a history of cancer;

Whereas up to ⅔ of childhood cancer survivors are likely to experience at least one late effect from treatment, many of which may be life-threatening;

Whereas some late effects of cancer treatment are identified early in follow-up and are easily resolved, while others may become chronic problems in adulthood and may have serious consequences; and

Whereas 89 percent of children with cancer experience substantial suffering in the last month of life: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should support—

(1) public and private sector efforts to promote awareness about the incidence of cancer among children, the signs and symptoms of cancer in children, treatment options, and long-term follow-up;

(2) increased public and private investment in childhood cancer research to improve prevention, diagnosis, treatment, rehabilitation, post-treatment monitoring, and long-term survival;

(3) policies that provide incentives to encourage medical trainees and investigators to enter the field of pediatric oncology;

(4) policies that provide incentives to encourage the development of drugs and biologics designed to treat pediatric cancers;

(5) policies that encourage participation in clinical trials;

(6) medical education curricula designed to improve pain management for cancer patients; and

(7) policies that enhance education, services, and other resources related to late effects from treatment.

Mr. COLEMAN. Mr. President, over 12,000 children are diagnosed with cancer each year and sadly, cancer will claim the lives of over 2,000 of these children each year. Today, I am proud to be submitting the Childhood Cancer Awareness Resolution with my friends Senators LIEBERMAN, BROWNBACK, ALLEN, LINCOLN, LANDRIEU, SALAZAR, REED, and MIKULSKI to help raise awareness about childhood cancer and support children and their families who are suffering from this terrible disease.

Cancer is the number one disease killer of children. Every day 43 children will be diagnosed and approximately 10 of those children will not survive.

Until we meet the day when every child can live a life free of cancer, we must continue to promote awareness and strengthen our investment in childhood cancer research, diagnosis and treatment.

I urge my fellow colleagues to join me in raisipg awareness of childhood cancer by supporting The Childhood Cancer Awareness Resolution.

SENATE RESOLUTION 183—RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE MIGRATORY BIRD COMMISSION ON THE OCCASION OF ITS 72ND ANNIVERSARY AND THE FIRST DAY OF SALE OF THE 2005–2006 MIGRATORY BIRD HUNTING AND CONSERVATION STAMP

Mr. COCHRAN (for himself, Mrs. LINCOLN, and Ms. SNOWE) submitted the following resolution; which was considered and agreed to:

S. RES. 183

Whereas the 2005–2006 Migratory Bird Hunting and Conservation Stamp, popularly known as the "Duck Stamp", marks the Migratory Bird Conservation Commission's 72nd anniversary;

Whereas June 30, 2005, will be the first day of sale for the 2005–2006 Duck Stamp;

Whereas the Migratory Bird Conservation Commission was created by Congress in 1929 to consider and approve any areas of land or water recommended by the Secretary of the Interior for purchase or rental by the United States Fish and Wildlife Service under the Migratory Bird Hunting and Conservation Stamp Act, and to consider the establishment of new waterfowl refuges;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005 and is featured on the 2005–2006 Duck Stamp; and

Whereas since its inception in 1934, the Federal Duck Stamp Program has raised over $700,000,000 through the sale of Duck Stamps to hunters, stamp collectors, and conservationists to help purchase 5,200,000 acres of wetlands habitat for the National Wildlife Refuge System: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Migratory Bird Conservation Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp;

(2) expresses strong support for the continued success of the Migratory Bird Hunting and Conservation Stamp;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding of, and appreciation for, the Migratory Bird Hunting and Conservation Stamp and the National Wildlife Refuge System by increasing partnerships on behalf of the National Wildlife Refuge System that will contribute to increased growth and development of the system; and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1065. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1066. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1029 proposed by Mr. DORGAN (for Mr. KERRY) to the bill H.R. 2361 supra; which was ordered to lie on the table.

SA 1067. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1010 proposed by Mr. BURNS (for Mr. VOINOVICH) to the bill H.R. 2361, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1065. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, strike "$1,420,000,000" and insert "$1,600,000,000".

On page 1, line 7, strike "$420,000,000" and insert "$600,000,000".

SA 1066. Mr. SANTORUM (for himself and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 1029 proposed by Mr. DORGAN (for Mr. KERRY) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 4, strike "$600,000,000" and insert "$1,600,000,000".

SA 1067. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1010 proposed by Mr. BURNS (for Mr. VOINOVICH) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 5, insert "and the legislature" after "Governor".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate at 10 a.m. on Tuesday, June 28, 2005, in SR–328A, the Russell Senate Office Building. The purpose of this hearing will be to review the Agricultural Risk Protection Act of 2000 and related crop insurance issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open Executive Session during the session on Tuesday, June 28, 2005, at 9 a.m. to consider favorably reporting S. 1307, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, and S.J. Res. 18, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Tuesday, June 28, 2005, at 10 a.m., to hear testimony on "Medicaid Waste, Fraud and Abuse: Threatening the Health Care Safety Net."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Commission on Indian Affairs be authorized to meet on Tuesday, June 28, 2005, at 10 a.m. in Room 106 of the Dirksen Senate Office Building to conduct an oversight hearing on the Regulation of Indian Gaming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMITTEE ON VETERANS' AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, June 28, 2005, for a committee hearing titled "Emergency Hearing to Examine the Shortfall in VA's Medical Care Budget.". The hearing will take place in Room 418 of the Russell Senate Office Building at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BURNS. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet, Tuesday, June 28, 2005, from 2:30 p.m.-5 p.m. in Dirksen G50 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on National Parks be authorized to meet during the session of the Senate on Tuesday, June 28th, 2005, at 10 a.m.

The purpose of the hearings is to receive testimony on the following bills: S. 206, a bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; S. 556, a bill to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; S. 588, a bill to amend the National Trails System Act to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study on the feasibility of designating the Arizona trail as a national scenic trail or a national historic trail; and S. 955, a bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including in the national park system certain sites in Williamson County, Tennessee, relating to the battle of Franklin.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet on Tuesday, June 28, 2005 at 10 a.m. for a hearing entitled, "Access Delayed: Fixing the Security Clearance Process."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Drake Bailey, an intern in my office, be granted the privileges of the floor today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Eric Boehm, in my office, be granted the privileges of the floor throughout the session today.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING THE ACHIEVEMENTS AND CONTRIBUTIONS OF THE MIGRATORY BIRD COMMISSION ON THE OCCASION OF ITS 72ND ANNIVERSARY

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 183, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 183) recognizing the achievements and contributions of the Migratory Bird Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005-2006 Migratory Bird Hunting and Conservation Stamp.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 183) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 183

Whereas the 2005–2006 Migratory Bird Hunting and Conservation Stamp, popularly known as the "Duck Stamp", marks the Migratory Bird Conservation Commission's 72nd anniversary;

Whereas June 30, 2005, will be the first day of sale for the 2005-2006 Duck Stamp;

Whereas the Migratory Bird Conservation Commission was created by Congress in 1929 to consider and approve any areas of land or water recommended by the Secretary of the Interior for purchase or rental by the United States Fish and Wildlife Service under the Migratory Bird Hunting and Conservation Stamp Act, and to consider the establishment of new waterfowl refuges;

Whereas the Waterfowl Population Survey, operated by the United States Fish and Wildlife Service, is celebrating its 50th anniversary in 2005 and is featured on the 2005-2006 Duck Stamp; and

Whereas since its inception in 1934, the Federal Duck Stamp Program has raised over $700,000,000 through the sale of Duck Stamps to hunters, stamp collectors, and conservationists to help purchase 5,200,000 acres of wetlands habitat for the National Wildlife Refuge System: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the achievements and contributions of the Migratory Bird Conservation Commission on the occasion of its 72nd anniversary and the first day of sale of the 2005–2006 Migratory Bird Hunting and Conservation Stamp;

(2) expresses strong support for the continued success of the Migratory Bird Hunting and Conservation Stamp;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding of, and appreciation for, the Migratory Bird Hunting and Conservation Stamp and the National Wildlife Refuge System by increasing partnerships on behalf of the National Wildlife Refuge System that will contribute to increased growth and development of the system; and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

NATIONAL MAMMOGRAPHY DAY

NATIONAL VETERANS AWARENESS WEEK

Mr. BURNS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged en bloc from further consideration of S. Res. 154 and S. Res. 155 and that the Senate proceed en bloc to their consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolutions by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 154) designating October 21, 2005, as "National Mammography Day".

A resolution (S. Res. 155) designating the week of November 6 through November 12, 2005, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country.

There being no objection, the Senate proceeded to consider the resolutions.

Mr. BURNS. Mr. President, I ask unanimous consent that the resolutions and preambles be agreed to en bloc, the motions to reconsider be laid upon the table en bloc, and that any statements relating thereto be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 154) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 154

Whereas according to the American Cancer Society, in 2005, 212,930 women will be diagnosed with breast cancer and 40,410 women will die from this disease;

Whereas it is estimated that about 2,000,000 women were diagnosed with breast cancer in the 1990s, and that in nearly 500,000 of those cases, the cancer resulted in death;

Whereas African-American women suffer a 30 percent greater mortality rate from breast cancer than White women and more than a 100 percent greater mortality rate from breast cancer than women from Hispanic, Asian, and American Indian populations;

Whereas the risk of breast cancer increases with age, with a woman at age 70 having twice as much of a chance of developing the disease as a woman at age 50;

Whereas at least 80 percent of the women who get breast cancer have no family history of the disease;

Whereas mammograms, when operated professionally at a certified facility, can provide safe screening and early detection of breast cancer in many women;

Whereas mammography is an excellent method for early detection of localized breast cancer, which has a 5-year survival rate of more than 97 percent;

Whereas the National Cancer Institute and the American Cancer Society continue to recommend periodic mammograms; and

Whereas the National Breast Cancer Coalition recommends that each woman and her health care provider make an individual decision about mammography: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 21, 2005, as "National Mammography Day"; and

(2) encourages the people of the United States to observe the day with appropriate programs and activities.

The resolution (S. Res. 155) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 155

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas, on November 9, 2004, President George W. Bush issued a proclamation urging all the people of the United States to observe November 7 through November 13, 2004, as "National Veterans Awareness Week": Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of November 6 through November 12, 2005, as "National Veterans Awareness Week"; and

(2) encourages the people of the United States to observe the week with appropriate educational activities.

ORDERS FOR WEDNESDAY, JUNE 29, 2005

Mr. BURNS. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 9:30 a.m. on Wednesday, June 29; I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 60 minutes, with the first 30 minutes under the control of the Democratic leader or his designee and the final 30 minutes under the control of the majority leader or his designee; provided that following morning business, the Senate resume consideration of H.R. 2361, the Interior appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BURNS. Tomorrow, following morning business, the Senate will resume consideration of the Interior appropriations bill. Under a previous order, we will be debating the amendments and voting throughout the day until final passage. I hope that all the debate time provided under the agreement will not be necessary. We have a lot of additional business ahead of us before we close this week, and every hour counts. Senators should anticipate these scheduled votes throughout the day until we complete the Interior appropriations bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BURNS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:02 p.m., adjourned until Wednesday, June 29, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 2005:

DEPARTMENT OF DEFENSE

PHILLIP JACKSON BELL, OF GEORGIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIEL READINESS, VICE DIANE K. MORALES, RESIGNED.

RONALD M. SEGA, OF COLORADO, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE PETER B. TEETS, RESIGNED.

DEPARTMENT OF COMMERCE

DAVID H. MCCORMICK, OF PENNSYLVANIA, TO BE UNDER SECRETARY OF COMMERCE FOR EXPORT ADMINISTRATION, VICE KENNETH I. JUSTER, RESIGNED.

DARRYL W. JACKSON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE JULIE L. MYERS.

ENVIRONMENTAL PROTECTION AGENCY

SUSAN P. BODINE, OF MARYLAND, TO BE ASSISTANT ADMINISTRATOR, OFFICE OF SOLID WASTE, ENVIRONMENTAL PROTECTION AGENCY, VICE MARIANNE LAMONT HORINKO, RESIGNED.

DEPARTMENT OF STATE

JOHN HILLEN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (POLITICAL-MILITARY AFFAIRS), VICE LINCOLN P. BLOOMFIELD, JR., RESIGNED.

JOSETTE SHEERAN SHINER, OF VIRGINIA, TO BE AN UNDER SECRETARY OF STATE (ECONOMIC, BUSINESS, AND AGRICULTURAL AFFAIRS), VICE ALAN PHILIP LARSON, RESIGNED.

GILLIAN ARLETTE MILOVANOVIC, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MACEDONIA.

MICHAEL RETZER, OF MISSISSIPPI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNITED REPUBLIC OF TANZANIA.

SMALL BUSINESS ADMINISTRATION

ERIC M. THORSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, SMALL BUSINESS ADMINISTRATION, VICE HAROLD DAMELIN, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHIEF OF STAFF OF THE AIR FORCE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8034 AND 601:

To be general

LT. GEN. JOHN D. W. CORLEY, 9553

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DONALD J. HOFFMAN, 5449

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. ANN E. RONDEAU, 9812

HOUSE OF REPRESENTATIVES—*Tuesday, June 28, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. JINDAL).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2005.

I hereby appoint the Honorable BOBBY JINDAL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 1 minute.

ANNOUNCING INTRODUCTION OF CREDIT RATING AGENCIES RELIEF ACT

Mr. FITZPATRICK. Mr. Speaker, every American remembers the financial hardships they faced when WorldCom and Enron went belly up. I certainly remember the broken investment accounts of my constituents and the people of Pennsylvania's 8th Congressional District. And it is extremely troubling that little known players in this crisis, Moody's and S&P, rated Enron and WorldCom at investment grade just days prior to the filing of their bankruptcies.

Two firms dominate the ratings market with SEC approval and this, Mr. Speaker, creates an uncompetitive marketplace, stifles competition from other rating agencies, lowers the quality of ratings and allows conflicts of interest to go unchecked. It is bad for the market and it is hurtful to individual investors.

Last week, I introduced the Credit Rating Agencies Relief Act of 2005, H.R. 2990, which will inject greater competition, transparency and accountability in the credit rating industry through market-based reform. I encourage my colleagues to review and to cosponsor H.R. 2990.

WRONG PRIORITIES AT VETERANS ADMINISTRATION

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, despite the Bush administration finally admitting that veterans' health care is underfunded by $1 billion, yesterday we learned that the VA's main priority has absolutely nothing to do with veterans. Instead, the number one priority surrounds a picture of VA Secretary Jim Nicholson. On May 27, an under secretary at the VA sent a memo out to all veterans' facilities around the Nation voicing concern that a large number of them did not have the most current picture of Secretary Nicholson hanging in their facilities. In the memo, the under secretary writes, "We are asking that you give this your highest priority. We will continue to ask for daily updates on the status of the picture until we are assured that all of our facilities have a current picture displayed."

Are they kidding, Mr. Speaker? At a time when the Department of Veterans Affairs is forcing drastic veterans' cuts, do they really want their officials out at their facilities concentrating on the best place to display a picture of the VA Secretary?

Here is the response from an official at one of the VA's facilities, and again I am quoting: "And here we're trying to figure out where our next patient meal is coming from and what furniture to sell to buy drugs next year."

Mr. Speaker, while Washington Republicans are willing to support our troops while they are at war, they are unwilling to properly support them when they return from the battlefield as veterans.

Last week, the Bush administration finally released budget information that showed veterans' health care is underfunded over the next year by $1 billion. Many of my Democratic colleagues have long suspected this funding shortfall, but the Bush administration did not come clean with the information until just last week. When Congress learned of the shortfall, House Republicans still refused to support an amendment to the Labor-HHS bill last week that would have restored the $1 billion needed for veterans' health care, including the health care of some 86,000 veterans who have returned from Iraq and Afghanistan.

Mr. Speaker, while House Republicans refuse to fund veterans' health care, the Veterans' Administration says its top priority is to make sure veterans' facilities have the most current picture of Secretary Nicholson on the wall. Talk about misguided priorities, Mr. Speaker. Rather than worrying about a picture of Secretary Nicholson, should the VA not be focusing on how it is going to continue to provide promised services to our Nation's veterans? At a time when thousands of soldiers are returning from Iraq and Afghanistan as new veterans, you would think House Republicans would be willing to stand behind their promise to provide necessary health care to these new veterans.

Mr. Speaker, it is sad that Washington Republicans are unwilling to give America's veterans the support they deserve. America's veterans should be outraged by the treatment they are now receiving from the Bush administration and the House Republican leadership.

CAFTA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last year, TOM DELAY, the most powerful Republican in the Congress, promised this House that we would vote on the Central American Free Trade Agreement, so-called CAFTA, before the end of last calendar year, before December 31 of 2004. Then earlier this year he promised we would vote on CAFTA sometime before Memorial Day. Then he promised that we would vote on CAFTA sometime before July 4. The simple question is why has Congress not voted on the Central American Free Trade Agreement? The simple answer is that dozens of Republicans and Democrats, small businesses and manufacturers, farmers, ranchers, workers, environmentalists and food safety advocates all across the board oppose this agreement. There simply are not enough votes in this Congress to pass the Central American Free Trade Agreement.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

During this whole period, supporters of CAFTA continued to make the same old, tired promises about trade. They promised that passage of CAFTA would reduce our trade deficit, but it continues the failed trade policy of the last dozen years. In 1992, the year I ran for Congress, we had in this country a $38 billion trade deficit. Last year, a dozen years later, our trade deficit had mushroomed to $618 billion. From $38 billion to $618 billion and the CAFTA supporters say that CAFTA will reduce our trade deficit.

CAFTA supporters say it will increase manufacturing jobs. Again, another broken promise from these trade agreements. The facts are that in the last 5 years, the U.S. has lost more than 2 million manufacturing jobs, more than 200,000 of them in my State of Ohio, another 200,000 in Michigan and Pennsylvania and New York, hundreds of thousands in Texas and California, in the southeast North Carolina, South Carolina, Georgia, those regions of the country.

Because no one believed these promises that it would cut the trade deficit, that it would increase our exports, the promise that it would raise the standard of living in Central America, they now are bringing out a whole nother round of promises. One promise they have made, CAFTA will stop illegal immigration from Central America. The facts are that based on a report by the Pew Hispanic Center, a quarter million undocumented Mexican-born workers entered the U.S. from 1990 to 1994, prior to NAFTA. Then NAFTA passed, the number of illegals entering the U.S. sharply increased to almost a half million from 2000 to 2004. Free trade agreements are not a solution for illegal immigration.

Another promise they made, another wild, unsubstantiated promise, is that CAFTA will stop illegal drugs from entering the U.S. However, all you have got to do is look at what happened with NAFTA. Despite the passage of NAFTA, the State Department says Mexico is the principal transit country for South American cocaine entering the U.S. The report says that Mexican drug traffickers have steadily increased operations in all illicit drug sectors in the U.S. during the period after NAFTA.

Another wild, unsubstantiated claim is that CAFTA will stop al Qaeda from utilizing our southern border to enter the U.S. Geography 101, Mr. Speaker, shows that our southern border is with Mexico, not Central America, and despite claims made about NAFTA, border security remains low. CAFTA supporters fail to argue how passage of the Central American Free Trade Agreement will fix the Mexico border problem.

Another wild, unsubstantiated claim is that Central American presidents support labor unions. The facts are very different from that. In every one of these CAFTA countries, Dominican Republic and the five countries in Central America, these nations are not compliant with internationally recognized labor standards today as defined by the International Labor Organization. Most CAFTA nations have inadequate protection for workers who try to join unions in violation of ILO Convention 98's right to organize and bargain collectively. They maintain onerous strike requirements in violation of the right to associate under ILO Convention 87. In Honduras, not a single one of the 8,000 workers in the Porvenir Export Processing Zone has the right of freedom of association. One worker in that zone said, "Look, there's a whole mountain of workers who have been fired over the last few years for trying to organize in the industrial park. They simply don't allow it." In other words, these nations, one after another, continue to violate International Labor Organization standards.

CAFTA would lock in those lower wage standards, lower worker safety standards, right to organize, bargain collectively, prohibition on child labor, all of those things that we hold dear as our moral values in this country, human rights issues, protecting workers, protecting children, protecting against forced labor.

Mr. Speaker, the answer is, defeat this CAFTA. It has been promised that it would come to the floor week after week, month after month. Defeat this CAFTA and renegotiate a Central American Free Trade Agreement that workers and small businesses and farmers and manufacturers and environmentalists and food safety advocates and businesses can support.

ON SUPREME COURT RULING REGARDING PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Texas (Mr. GOHMERT) is recognized during morning hour debates for 5 minutes.

Mr. GOHMERT. Mr. Speaker, in ancient days of kingdoms and fiefdoms, those in authority would sometimes arbitrarily and sometimes capriciously order the transfer of property from one owner to another person who was in greater favor with the ruler at that particular moment. The owner from whom the property was taken had no recourse once the king or ruler had made the decision to transfer the property. To back up the transfer, the tyrannical despot would make clear that the full weight of his military or local law enforcement could be brought to bear against anyone who attempted to stand in the way of the transfer.

In the recent Supreme Court case of Kelo et al. v. City of New London et al., the elaborate 20-page majority opinion of the United States Supreme Court is one of the most eloquent, articulate, intellectual efforts to ever rationalize or try to cerebrally legitimize the forced transfer from the legal, legitimate owner of nonblighted property to someone who is in greater favor with the ruler of that area. It is something that our high court can point to with pride that they almost make it sound fair that private property can be taken from one legitimate owner and forcibly transferred to one who offers greater financial rewards to the ruler of that area.

What a great day for the intellectual superiority of the highest court of the land as it gets a 10 rating in the field of mental gymnastics, even from the Russian judge. But what a very, very sad day for truth, justice and what used to be the American way.

UPPER MISSISSIPPI PROJECT TO BE CONSIDERED IN WRDA

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, the House Water Resources Development Act is on its way to the floor this week, perhaps as early as Thursday. In that bill, there is authorized a $1.8 billion expansion of lock work on the Mississippi and Illinois Rivers, despite three National Academy of Science reports concluding that realistic projections of the traffic that it is meant to deal with do not justify it. This project epitomizes the need for reform and modernization of the Corps and for Congress to exercise its oversight role.

In the year 2000, Corps economist Donald Sweeney filed for whistleblower protection after Corps leaders fired him when he claimed that Corps officials had ordered him to underestimate how much grain would be shipped to alternatives on the river. Two generals and a colonel ultimately lost their jobs after the Army Inspector General concluded that the Corps had indeed "cooked the books". Yet we have the project before us here today, an example still of the continuing problems of the Corps planning system where nonstructural alternatives such as congestion fees, scheduling and switch boats are ignored. This project demonstrates the need for independent review of huge Corps projects. If outside independent review had been applied in the beginning, we would have saved millions of dollars and decades on studies and we would not be arguing about it today.

Make no mistake, every Member of Congress has a stake in this argument, because if we pass this project, it will take up 10 to 15 percent of the entire Corps construction project for years to come. It will delay or eliminate funding for many worthwhile projects around the country when we currently have a $58 billion backlog of unfinished Corps projects and less than $2 billion a year to construct them.

Each Member of Congress should ask. Is there a demand for this project? Is it worth the money? Are there cheaper alternatives?

That demand issue is particularly important because this is a project to reduce river congestion on the upper Mississippi and Illinois Rivers. But according to the Corps' own data, barge traffic has declined 23 percent from 1992 to 2003. Last year it dropped 19 percent. Lock delays have significantly declined as well in recent years.

The cost justification according to three National Academy of Sciences studies over the last 4 years and the Office of Management and Budget have questioned the methodology used in this project. In 2001, an NAS panel concluded the Corps had relied on overly optimistic barge forecasts for traffic. In December 2003, a second NAS panel reviewed the revised study and renewed their objections. Yet another NAS report came out in 2004 and concluded that, and I quote, the Corps has made substantial progress on the study in the past 3 years but the study contains serious flaws, serious enough to limit its credibility and value within the policymaking process.

There are, in fact, cheaper alternatives. The National Academy of Science concluded in its 2004 report that nonstructural approaches for managing waterway traffic appear not to have been considered at all. Why should we go forward with a project on this scale until we have examined all the inexpensive, small scale congestion management measures that could be just as effective and make a much greater difference much quicker?

Last but not least, it should be pointed out that we have been pouring money into the area for years. Over the last 15 years, the Corps has rehabilitated many of the locks they now plan to replace. They have spent over $900 million extending the productive lives of the existing locks and dams.

People ought to take a very close look at this before it comes to the floor. As I mentioned, every Member has a stake in it. When you compare this to our overall water construction projects, it is actually five or six times larger than the "Big Dig" road project in Boston compared to our highway system.

I plan to offer amendments with the gentleman from Arizona (Mr. FLAKE) to make sure that if we go forward, that we do so with the proper assessment. We should not have political decisions take the place of economic analysis. We have to make sure we are funding legitimate projects, not politicizing the Corps.

NATIONAL HOMEOWNERSHIP MONTH

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. HARRIS) is recognized during morning hour debates for 2 minutes.

Ms. HARRIS. Mr. Speaker, I rise today in support of National Homeownership Month. I am a strong advocate of homeownership, not only because it is a key component of the American dream but also because it is vital to America's economic security. Statistics show that higher levels of homeownership translate into safer and stronger communities, communities in which people feel more rooted and engaged, in which they feel stronger stakes in their local schools, civic organizations, businesses as well as their churches and synagogues. Additionally, children who are raised in families that own their own homes have shown greater academic success as well as greater levels of self-esteem.

Two years ago, we passed the American Dream Downpayment Act which I introduced to help more American families enter the market for quality, affordable housing. This was an important step on the way toward making homeownership available to everyone, but it was only a first step. We still have much more work to do.

I am proud to have been a cosponsor of the resolution we passed yesterday in honor of National Homeownership Month and I look forward to working with my colleagues on both sides of the aisle to bring the American dream of homeownership to more families across this country.

COMMEMORATING THE ANNIVERSARY OF IRAQ'S SOVEREIGNTY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized during morning hour debates for 1 minute.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate the Iraqi people on the anniversary of the establishment of Iraqi sovereignty. A year ago today, Iraq took the first crucial step toward establishing a democracy and rejoining the international community as a free nation. In January, as all of us know, the Iraqi people took another step forward. In defiance of an insurgency threatening to "make the streets run with blood," 8.5 million Iraqis cast their ballots.

Now, the political and administrative duties of government are run almost entirely by Iraqis. With the help of U.S. and coalition troops, Iraq's security forces now number approximately 170,000. The people of Iraq deal a crushing blow to the insurgency each and every day through the spirit and courage that they demonstrate. The American people stand firmly beside the people of Iraq in their efforts to establish full democratic rule for themselves.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 23 minutes a.m.), the House stood in recess until 10 a.m.

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AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Reverend Dr. Ruffin Snow, Senior Pastor, Tri-City Baptist Church, Conover, North Carolina, offered the following prayer:

Heavenly Father, we bow humbly before You, for You have told us in Your word that You "resist the proud and give grace to the humble." Without You we can do nothing of good consequence. We embrace our place in history and our responsibility. With the psalmist we recognize that promotion comes from God: "He puts down one and sets up another."

We thank You, Lord, for this Nation. We beg forgiveness for our sins. May we become the Nation You intend.

We pray for all those in authority including the Members of this Congress, their staffs, and families in their pressurized lives. Please give our troops and their families strength, protection, and encouragement. Bring confusion to the forces of evil and terrorism.

Lord, we love You. You are the way, the truth, and the life. Help us lead others to know You and Your peace. We proclaim to all that Jesus is Lord, in whose name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. SHAW) come forward and lead the House in the Pledge of Allegiance.

Mr. SHAW led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program.

S. 1316. An act to authorize the Small Business Administration to provide emergency relief to shellfish growers affected by toxic red tide losses.

WELCOMING DR. RUFFIN SNOW

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, I would like to recognize a great American from my district who is here this morning. Dr. Ruffin Snow, who is the pastor of Tri-City Baptist Church in Conover, North Carolina, gave the morning prayer here on the House floor this morning.

Dr. Snow is one of the strongest men of faith that I have come to know in western North Carolina. For 7 years he has headed the Tri-City Baptist Church and has worked in ministry since 1963. He has both a Master's of Divinity and a Doctorate of Ministry. I have been to Pastor Snow's church. It truly embodies what he strives for his flock to be, and that is an Acts 1:8 church, telling people about Jesus in Jerusalem, Judea, Samaria, and the uttermost parts of the world, essentially taking the message of Jesus to the world, not just to the community, but to the whole world.

As part of that tradition, he is here today sharing his words with the Speaker and the Members of Congress.

Over 3,000 people come to worship every week at Tri-City Baptist, and the Holy Spirit is doing wonders there in that body of believers. I thank Pastor Snow and his family for being here today to be a part of this and for serving as our guest chaplain.

A FISCAL FIRST STEP

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, this week the House will complete its constitutionally mandated initial round of work on the annual appropriations bills that fund our national government.

This spring and summer, the House's restructured Committee on Appropriations and its staff have worked under an accelerated schedule and within an extremely disciplined fiscal budget environment, and they have produced bills that are worthy of the needs and values of the American people.

When the final two of the House's 11 spending bills are passed this week, Foreign Operations and the Transportation, Treasury and Housing and Urban Development bills, the House will have put us on track to hold domestic discretionary spending next year below this year's level.

If we hold to these levels, the Federal Government will realize a real cut in domestic discretionary spending in 2006 for the first time since the Reagan administration. By the end of this week, we will have targeted more than 100 low-priority government programs for termination, more than even President Bush proposed in his austere budget.

These difficult, but necessary, reductions will tighten the Federal Government's belt to the tune of $4.6 billion. In these bills, the House has met our Nation's pressing needs here at home and around the world, but at the same time has held every program accountable to the American people. Passage of these bills puts us on a path to deficit reduction, just as Republicans promised at the beginning of this Congress.

As we showed in the 1990s, the best, and indeed the only, way to cut the deficit is to hold down government spending while creating an environment for greater economic growth through tax relief. That is exactly what is happening now.

With Federal revenues up and spending checked and even reduced, the Congressional Budget Office has lowered its projected deficit for the year. We are finally on that glide-path to balance. The gentleman from California (Mr. LEWIS) deserves an enormous amount of credit for this achievement, and I would be remiss if I did not also thank the gentleman from Wisconsin (Mr. OBEY), the ranking member, for his work, especially given this year's accelerated schedule and restructured committee.

The House has taken the first step toward reaffirming fiscal accountability again in 2006; but with the process only half over, you can bet, Mr. Speaker, it will not be our last.

SAVE SOCIAL SECURITY FIRST

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, our Republican colleagues have unveiled a new proposal to privatize the Social Security surplus. Maybe I am a little confused, but was President Bush not just in West Virginia saying the Social Security trust fund and its surplus did not exist? In West Virginia the President said, There is no Social Security trust fund, just IOUs stacked in an old filing cabinet.

In Washington, D.C., this discovery of the surplus counts as progress. I welcome the Republicans' discovery of the Social Security surplus. The problem is in the last 5 years they have spent $630 billion of the Social Security surplus on everything under the sun but Social Security.

Privatization of Social Security is the poison pill to progress. Our first priority should be to save Social Security first. That is the position of the American people, and that is the position of the Democratic Party. Before we create private accounts or do anything else to fundamentally alter Social Security, we must guarantee its future. The goal is to strengthen Social Security for the future, something privatization fails to do. The American people have rejected the President's privatization proposal of Social Security, and they will undoubtedly reject this unbaked new idea.

SUPREME COURT COURTS CONFUSION

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, yesterday in the Supreme Court it was the Ten Commandments versus the Ten Commandments. The score: one for the Ten Commandments and one against the Ten Commandments.

The Supreme Court ruled in a Kentucky courthouse they have to take down those Ten Commandments. The Supreme Court ruled the same day, yesterday, that the Ten Commandments on the Texas capitol grounds, they can leave them up. This was a 5-4 decision, and the Supreme Court has created confusion to legal minds throughout the country and to citizens of this Republic.

Stephen Breyer voted one way in one case, and the other way in the other. He is the swing vote. So what do we do in the future when we want to address the Ten Commandments and where they should be placed? Do we call him on the phone and ask permission and wait for him to deny it or grant it?

Madam Speaker, the first amendment of the Constitution is very simple. It says Congress shall make no law respecting an establishment of religion. But there is a second phrase: or prohibiting the free exercise thereof. We have a Nation with a long religious history. Contrary to France whose Constitution states that it is a secular republic, in France religion and government never meet.

We are not that way. Congress starts with a prayer. We have In God We Trust above the flag. We have Moses in the back. The Supreme Court has the Ten Commandments above it in its Chambers.

The Supreme Court's ruling is confusing and defies predictability. The

Supreme Court has created a hostility towards religion. The Supreme Court has become a court of confusion.

FUTURE CONGRESSES WILL ASK

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, the President will address the Nation tonight on Iraq.

At some point in the future, Members of a future Congress will look back at the war in Iraq and ask how we could have let it happen. They will ask why did our leaders try hard to convince the American people that Iraq had something to do with 9/11 when it did not. They will ask why did our government use awesome destructive power against the people of Iraq who posed no imminent threat to our Nation, and did not attack us.

They will ask how our leaders were able to convince us to stay in Iraq for so many years at the cost of so many lives. They will ask why there was no discussion about the countless deaths of innocent Iraqi civilians. They will ask why our leaders talked us into spending money for an unnecessary war when so many real needs for education and health care were unmet. They will ask how did we let fear so penetrate our hearts and our psyches that we forgot who we were, that we forgot our duty to justice, that we forgot our duty to liberty, that we forgot our duty to truth.

GIRL SCOUT GOLD AWARDS

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to congratulate 10 Girl Scouts from the Sixth Congressional District of Georgia for earning the highly coveted Girl Scout Gold Award.

Through hard work, dedication and perseverance, Kathryn Cook, Kristen Crawford, Aimee Jarvis, Amy Kroeger, Tera Lekan, Elizabeth Roddy, Brittany Scott, Michelle Teplis, Kelly Watson, and Jordan Wynn, with their community service projects, have positively affected, literally, the world.

Collecting school supplies to donate to young Iraqi students, sewing and stuffing 250 teddy bears for pediatric and emergency ward patients, collecting and donating essentials to foster care children, and writing books for children in both English and Spanish. These are just some of the many projects taken on by these girls.

The Girl Scout program is based on four fundamental goals that encourage girls to develop to their full potential, relate to others with increasing understanding, skill and respect, develop a meaningful set of values to guide their actions and contribute to the improvement of society.

Congratulations to each of these young American girls for their accomplishments and for embracing worthy principles. We look forward to their continued excellent example and for their future leadership.

NO SECURITY IN PRIVATIZATION OF SOCIAL SECURITY

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to give voice to the youth of my district. I recently had a Social Security e-town hall where young adults joined me online to discuss this important issue.

Billy, a constituent of mine from Long Beach, is currently a student at the University of Southern California. He questioned the wisdom and the solvency of the President's plan. He specifically asked me what would the worst case scenario consequences of the President's plan be.

My answer to him was simple. It is clear that Republicans have no desire to strengthen Social Security for future generations.

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Instead, their only intention is to privatize this guaranteed retirement program.

Privatization is a first step on the road to the worst case scenario. Privatization proposals hurt everyone, including today's beneficiaries. But it especially hurts young workers who end up paying for the administrative costs of privatization on the front end and then end up paying for it twice with large benefit cuts on the back end. Privatization does absolutely nothing to extend the solvency of Social Security.

If we really wanted to save Social Security, let us work to ensure its solvency. Let us not dismantle guaranteed benefits, especially for young workers like Billy.

EMINENT DOMAIN DECISION

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Madam Speaker, I rise today against this recent Supreme Court decision in Kelo v. New London, which grossly misrepresents the intent and historical precedent regarding government taking of private property. Our Founding Fathers intended to protect private property by limiting government authority.

One would expect that private property taken by eminent domain would become land available for public use such as parks and roads. Unfortunately, this decision creates a loophole for government to manipulate the definition of public use simply to generate greater tax revenue.

Protection of private property is a fundamental right protected in a strong democracy. The Supreme Court's ruling is an insult to all Americans who have worked hard to have a home to call their own. It is a ruling that encourages the strong to take from the weak and flies in the face of what government is intended to do, that is, to protect the lives and property of all American citizens.

THE REPUBLICANS' SOCIAL SECURITY PLAN

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Madam Speaker, every working day, every salary and wage-earning American will pay 6.2 percent, or 12.4 if they are self-employed, of their salary to Social Security, that is, up to the first $90,000. That is creating a $168 billion surplus, which is being borrowed and spent by this administration, some of it to give tax breaks to the wealthiest among us.

Now the Republicans have a new plan. Here is what Congressional Quarterly says: "The House version essentially counts the Social Security surplus twice. First, the government would borrow the surplus from Social Security's trust funds in exchange for special Treasury bonds, as it does now. It would then direct the surplus into individual accounts, but then borrow it back again in exchange for more bonds. But only the debt to the individual accounts would appear in the government's budget; the debt to Social Security's trust funds would remain 'off budget,' as is now. The surplus itself would be spent as part of the regular budget."

Huh? That is the solution to the problems of Social Security? That is making the future retirement of Americans more secure? That is dealing with the fact that you are stealing money from working people and giving it to people who invest for a living? Give me a break.

SUPREME COURT'S RULING ON THE TEN COMMANDMENTS

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, I rise to voice my strong disapproval with the Supreme Court's ruling yesterday that barred individual States from displaying the Ten Commandments in courthouses. The five justices who voted for this ruling displayed extreme hypocrisy. As they outlawed this practice, they sat directly underneath our Ten Commandments.

In 1950, the Florida Supreme Court stated: "A people unschooled in the sovereignty of God, the Ten Commandments, and the ethics of Jesus could never have evolved the Bill of Rights, the Declaration of Independence, and the Constitution. There is not one solitary fundamental principle of our democratic policy that did not stem directly from the basic moral concepts of the Ten Commandments . . ."

The Ten Commandments are found more often in public buildings than in individual churches, demonstrating that Americans from all faiths and walks of life recognize their impact on our laws and culture.

Yesterday's ruling sets a dangerous precedent. What is next? Are we going to remove references to God from our pledge, remove the Bible from our court proceedings, and so forth?

Madam Speaker, I encourage my colleagues to look into ways to prevent this type of abusive judicial power. I also encourage the five justices to exercise better judgment in the future.

WE NEED A NEW TRADE POLICY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, this Bush administration keeps setting records, only they are the wrong kinds of records.

We have a record debt of over $7 trillion that breaks down to each citizen's share being over $26,000. And now they have a new record, a new record debt on our trade deficit. It set a new record of $195 billion in the first 3 months of this year. That is 6.4 percent of GDP on an annual basis, the largest such trade deficit ever in our history. This deficit has been created by the irresponsible trade policies of the Bush administration, and it is also being supported by the willingness at least so far of foreign investors and governments to keep extending us credit.

The administration cannot continue to ignore this problem. Even if we avoid a sudden flight from the dollar and an international financial collapse, the burden of paying off our mounting international debt will be a drag on our future standard of living. It will be a drag on the lives of our children and grandchildren. We need a new trade policy.

SOLDIERS AT GUANTANAMO SERVE WITH DISTINCTION

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, this weekend I joined a bipartisan delegation to Guantanamo Bay, Cuba led by the gentleman from California (Mr. HUNTER), House Committee on Armed Services chairman. We were all impressed by the professionals serving at Guantanamo and their commitment to maintaining a humane detention facility for hard core killers.

The patriotic U.S. soldiers protecting America's families are successors to the 132nd Military Police Company of the South Carolina Army National Guard. Commanded by Major Brian Pitts, the 132nd served with distinction from September, 2002, through September, 2003.

Upon their return, the media reported that Major Pitts summarized his service when he stated: "Our goal was to treat the detainees well, and hope that if we were detained, that we would be treated as well."

Guantanamo should be kept open as a symbol of America's resolve to win the war on terrorism. Ten released detainees have already resumed their horrific efforts to kill Americans, and further releases must be subject to administrative review.

In conclusion, God bless our troops and we will never forget September 11.

MIKE GORDON: A CALIFORNIA LEADER LOST TOO SOON

(Ms. HARMAN asked and was given permission to address the House for 1 minute.)

Ms. HARMAN. Madam Speaker, the seaside community of El Segundo in my congressional district, rich in so many ways, is a great deal poorer following the death on Saturday of its longtime Mayor and State assembly representative Mike Gordon. Those of us who knew Mike well and the countless others whose lives he touched are devastated by his unexpected and untimely passing.

In the course of my public career, few people have had a more profound impact on me and the policies I pursue than Mike Gordon. He was a natural politician, drawn to people, and driven to solve their problems, no matter how big or small.

Mike Gordon was a big thinker, one who could see around corners, anticipating the needs of his community and forging, in a strong but sensitive way, its future. He was a mayor, an assembly member, a baseball coach, community activist, party leader, good husband, father, and friend. And when he succumbed to brain cancer in the early morning hours of June 25, he was just 47 years old.

When Mike received his dire diagnosis 3 months ago, the broader world of California politics was just opening to him. Years of consensus building and goodwill and enormous potential were cut cruelly short.

I grieve for his family: his devoted wife, Denise; and four children: Ryan, Erika, Amanda, and Gordy; and for our larger loss.

Madam Speaker, Gordy Gordon designed a rubber bracelet which said "I am helping Mike fight." Though Mike lost that physical fight, we who survive him will carry on the fight for the beliefs we share.

CAFTA

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Madam Speaker, I rise today in support of the United States-Dominican Republic-Central American Free Trade Agreement, which will benefit American farmers, manufacturers, and businesses both small and large. Last year alone, the Central American countries and the Dominican Republic imported nearly $15 billion worth of United States agriculture and manufactured goods.

The DR-CAFTA countries combined represent our 13th largest export partner. That is larger than Brazil. As these numbers show, there already exists a strong relationship between the United States and Central America, and this relationship is destined to grow substantially.

With the agreement in place, more than 80 percent of the United States industrial and consumer products will become duty free immediately. The agreement also levels the playing field for United States manufacturers who are at a disadvantage to other countries that already have free trade agreements with the DR-CAFTA countries. This translates into increased exports and earnings for American farmers and manufacturers and more jobs.

I urge my colleagues to support this very important piece of legislation.

REPUBLICAN SOCIAL SECURITY SHAM; QUIT RAIDING SOCIAL SECURITY TRUST FUND

(Mr. STUPAK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STUPAK. Madam Speaker, congressional Republicans unveiled their own Social Security privatization plan last week, stating repeatedly that their proposal would protect the Social Security trust fund.

It is an interesting comment considering the fact that Republicans have raided $670 billion from the Social Security trust fund over the last 4 years alone to help pay for their giant tax breaks for the wealthiest elite. The majority party seems to forget that during the Clinton years, we ensured Social Security trust funds were locked away so they could not be used by the Federal Government. That quickly changed after President Bush came to town, and now congressional Republicans are being disingenuous by attempting to sell their Social Security proposal as a way to prevent the trust fund from being raided in the future.

Republicans are simply misrepresenting their proposal. When asked last week how the government would fund the programs now being funded by the Social Security trust fund money, the gentleman from Louisiana (Mr. MCCRERY), Social Security Subcommittee chairman, said that the cash can still be used the way it is now. In other words, despite their rhetoric, Republicans would continue to raid the Social Security trust fund.

Americans should not be fooled by this latest privatization proposal. If the President and Republicans are serious about saving Social Security, let us pay back what we owe on Social Security now.

TEN COMMANDMENTS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Madam Speaker, above the Speaker's chair in the people's house are boldly written the words "In God we trust." God. We, the House of Representatives, acknowledge God and have for over 200 years.

Why should it be any other way? Our Declaration of Independence states that we are endowed by our Creator with certain unalienable rights. Thomas Jefferson wrote, "Can the liberties of a nation be thought secure when we have removed their only firm basis, a belief in the minds of the people that these liberties are the gift of God?"

Now, Madam Speaker, the Supreme Court has ruled that we Texans can gaze upon the Ten Commandments at our statehouse, but the people of Kentucky cannot gaze upon them in their courthouses. This is not helpful. The establishment clause of our Constitution was written to ensure that the State respects all religions, not to declare hostility upon each.

We can and must acknowledge God in public life and in a way that equally respects the Muslim, the Jew, the Christian, the Buddhist, and all people of faith. For when we do, God will continue to bless America.

THE PRESIDENT'S SPEECH ON IRAQ

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Madam Speaker, President Bush has a golden opportunity to level with the American people tonight about Iraq. The question is: Will he?

The President stands at a crossroads. His credibility and the integrity of the entire administration is on the line. The American people have had enough of administration rhetoric. For a sitting Vice President to dismiss reality and proclaim the insurgency in its "last throes" grossly understates the threat to U.S. soldiers in Iraq and seriously undermines any shred of credibility that the administration has left with the American people. They know that U.S. involvement in Iraq is going badly. Republican Senator CHUCK HAGEL summed it up last week when he said, "The White House is completely disconnected with reality . . . The reality is that we are losing in Iraq."

The American people want the President to deliver a straight story and a realistic plan, something he has been unwilling to do up to now. We will see if we hear it tonight.

WE MUST NOT INDEFINITELY SUBSIDIZE TYRANNY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, today we will debate whether to keep pouring money into Egypt just to subsidize its military expansion. For the last 25 years we poured billions of dollars into Egypt. Each year we give that country about $1.3 billion just in military aid in addition to economic aid.

But all the money seems to do is reinforce a regime that refuses change and excuses oppression. It oppresses religious minorities, it obstructs democratic reforms, it censors the media. I think that money can be better spent elsewhere.

□ 1030

Today, I will offer an amendment redirecting some of this military aid to fighting malaria in Africa, a preventable disease that kills as many as 3 million people a year. Poor nations are most at risk, some 40 million in Africa.

While we have a strategic responsibility to support allies, we have a responsibility to help fight disease where we can, and reducing Egypt's military funding will serve as a wake-up call to a country that votes against the United States over 91 percent of the time in the U.N. We will not indefinitely subsidize tyranny.

Congress has the authority to determine what we subsidize. Today we will make that clear.

MISMANAGING NUCLEAR PROLIFERATION AND THE POLITICS OF IRAQ

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Madam Speaker, the President had a historic opportunity in 2003. He had the support of the Congress. He had the support of the United Nations. We had inspectors in Iraq. It was determined that they had no weapons of mass destruction, and yet the President decided to invade.

Just think what would have happened if instead of on that day an invasion began, the President said, Let's keep this international coalition together. Let's move to Iran with the coalition. Let's ensure that they do not have a nuclear weapon.

Now the new President of Iran is stating that the United States and the world will not get in the way of Iran and nuclear weapons. The United States is more in danger, Israel is more in danger, the world is more in danger, because of the bad decision President Bush made on that day in 2003 when he invaded Iraq.

Instead, we are on the brink of a nuclear Iran and North Korea, and we are in a quagmire in Iraq as we referee an insurgency that will breakout into civil war as soon as the United States leaves.

This is a historic mess. The President had a chance for a Nobel Peace Prize. Instead, he is going to go down in history as someone who completely mismanaged nuclear nonproliferation and the politics of Iraq.

TONING DOWN RHETORIC WITH REGARD TO CONFLICT IN IRAQ

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Madam Speaker, a year ago today, sovereignty was returned to the country of Iraq and the Coalition Provisional Authority left. But, Madam Speaker, over the past several weeks, the negative press over our progress and polls here at home seem to have undermined a lot of the good activity that has occurred there.

The goal of the attackers, the goal of the insurgents, is to discourage Iraqis from participating in their own government. A second goal, of course, is to weaken our resolve here at home. Ironically, they seem to be failing in the first choice, but succeeding in the second.

Madam Speaker, every time I have traveled to Iraq, I have been struck by the disparity between what I see on my television here at home in the United States and what is actually happening on the ground in Iraq. Our soldiers should not have to look over their shoulders to see if we support them in their mission.

I urge my colleagues in this House on both sides to carefully consider their rhetoric when they use words like "quagmire" and "civil war" in respect to the conflict in Iraq.

THE SITUATION IN IRAQ

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Madam Speaker, last year William F. Buckley, Jr., said if he had known in 2002 what he had since learned, he would have opposed the war in Iraq. A few weeks ago, he wrote that it is now time for the U.S. to get out and leave Iraq to the Iraqis. This is a man who has been described as the "godfather of conservatism."

On June 17, Mr. Buckley wrote that opposition to the war was mounting and summed up his feelings in this way: "A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride. It can't reasonably be disputed that if in the year ahead the situation in Iraq continues about as it has done in the past year, we will have suffered more than another 500 soldiers killed. Where there had been skepticism about our venture, there will be contempt."

We should heed these words of this very respected conservative leader. The American people do not want this war to continue for another 10 or 12 years, or even another 5 or 6 more years.

FIXING SOCIAL SECURITY IN A BIPARTISAN MANNER

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Madam Speaker, I want to talk about the issue of Social Security. Social Security is an important issue that affects every one of us in this country, yet it has become a partisan issue. It should not have to be a partisan issue. We are hearing comments from the other side that basically say do nothing at all to fix and address Social Security.

What we are proposing today is to try to come up with a consensus plan to at the very least take the surplus Social Security taxes that we are paying and spending on other government programs and apply that surplus to help workers prepare for their Social Security retirement benefit.

At the very least, let us make sure that the surplus taxpayers are paying today and for the next 12 years is dedicated toward preserving their Social Security retirement benefit. That is what we are hoping to accomplish here by trying to have an olive branch of consensus and bipartisanship. That is what we hope to accomplish with this latest plan we have introduced.

But more importantly, Madam Speaker, every year we delay fixing Social Security is another year where we add another $600 billion of debt to the Social Security problem. That is according to the trustees.

Congress needs to be serious about this. We need to stop being partisan, and we need to fix this very important program.

ALLOW SGT. CARLOS LAZO INTO CUBA

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, I rise today to draw attention to the case of Carlos Lazo. Sergeant Lazo has served our country honorably in Iraq. There has been a lot of talk about our soldiers in Iraq today. This sergeant returned from Iraq a while ago and wanted to visit his two children in Cuba. Carlos is a Cuban American who escaped that country on a raft several years ago.

He would like to go back, but our government will not let him. You see, he has visited Cuba once in the past 3 years, and that is all you are allowed under current policy. So this soldier, who received a Bronze Star in Iraq for his service and many other accolades, is not trusted by our government to visit his own family in Cuba.

This policy is wrong. The same policy prohibits a child with parents in Cuba from visiting them more than once every 3 years. So if your father dies one year, you go to his funeral. If your mother dies the next year, you cannot go to hers. How is that fair? Why is our government doing this?

We need to change this policy, Madam Speaker, and this week we may have an opportunity to do so. I would encourage my colleagues to join me in this endeavor.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. MILLER of Michigan). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

JUNK FAX PREVENTION ACT OF 2005

Mr. UPTON. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 714) to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

The Clerk read as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Junk Fax Prevention Act of 2005".

SEC. 2. PROHIBITION ON FAX TRANSMISSIONS CONTAINING UNSOLICITED ADVERTISEMENTS.

(a) PROHIBITION.—Section 227(b)(1)(C) of the Communications Act of 1934 (47 U.S.C. 227(b)(1)(C)) is amended to read as follows:

"(C) to use any telephone facsimile machine, computer, or other device to send, to a telephone facsimile machine, an unsolicited advertisement, unless—

"(i) the unsolicited advertisement is from a sender with an established business relationship with the recipient;

"(ii) the sender obtained the number of the telephone facsimile machine through—

"(I) the voluntary communication of such number, within the context of such established business relationship, from the recipient of the unsolicited advertisement, or

"(II) a directory, advertisement, or site on the Internet to which the recipient voluntarily agreed to make available its facsimile number for public distribution,

except that this clause shall not apply in the case of an unsolicited advertisement that is sent based on an established business relationship with the recipient that was in existence before the date of enactment of the Junk Fax Prevention Act of 2005 if the sender possessed the facsimile machine number of the recipient before such date of enactment; and

"(iii) the unsolicited advertisement contains a notice meeting the requirements under paragraph (2)(D),

except that the exception under clauses (i) and (ii) shall not apply with respect to an unsolicited advertisement sent to a telephone facsimile machine by a sender to whom a request has been made not to send future unsolicited advertisements to such telephone facsimile machine that complies with the requirements under paragraph (2)(E); or".

(b) DEFINITION OF ESTABLISHED BUSINESS RELATIONSHIP.—Section 227(a) of the Communications Act of 1934 (47 U.S.C. 227(a)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The term 'established business relationship', for purposes only of subsection (b)(1)(C)(i), shall have the meaning given the term in section 64.1200 of title 47, Code of Federal Regulations, as in effect on January 1, 2003, except that—

"(A) such term shall include a relationship between a person or entity and a business subscriber subject to the same terms applicable under such section to a relationship between a person or entity and a residential subscriber; and

"(B) an established business relationship shall be subject to any time limitation established pursuant to paragraph (2)(G)).".

(c) REQUIRED NOTICE OF OPT-OUT OPPORTUNITY.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)) is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(D) shall provide that a notice contained in an unsolicited advertisement complies with the requirements under this subparagraph only if—

"(i) the notice is clear and conspicuous and on the first page of the unsolicited advertisement;

"(ii) the notice states that the recipient may make a request to the sender of the unsolicited advertisement not to send any future unsolicited advertisements to a telephone facsimile machine or machines and that failure to comply, within the shortest reasonable time, as determined by the Commission, with such a request meeting the requirements under subparagraph (E) is unlawful;

"(iii) the notice sets forth the requirements for a request under subparagraph (E);

"(iv) the notice includes—

"(I) a domestic contact telephone and facsimile machine number for the recipient to transmit such a request to the sender; and

"(II) a cost-free mechanism for a recipient to transmit a request pursuant to such notice to the sender of the unsolicited advertisement; the Commission shall by rule require the sender to provide such a mechanism and may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, exempt certain classes of small business senders, but only if the Commission determines that the costs to such class are unduly burdensome given the revenues generated by such small businesses;

"(v) the telephone and facsimile machine numbers and the cost-free mechanism set forth pursuant to clause (iv) permit an individual or business to make such a request at any time on any day of the week; and

"(vi) the notice complies with the requirements of subsection (d);".

(d) Request To Opt-Out of Future Unsolicited Advertisements.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsection (c), is further amended by adding at the end the following:

"(E) shall provide, by rule, that a request not to send future unsolicited advertisements to a telephone facsimile machine complies with the requirements under this subparagraph only if—

"(i) the request identifies the telephone number or numbers of the telephone facsimile machine or machines to which the request relates;

"(ii) the request is made to the telephone or facsimile number of the sender of such an unsolicited advertisement provided pursuant to subparagraph (D)(iv) or by any other method of communication as determined by the Commission; and

"(iii) the person making the request has not, subsequent to such request, provided express invitation or permission to the sender, in writing or otherwise, to send such advertisements to such person at such telephone facsimile machine;".

(e) Authority To Establish Nonprofit Exception.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c) and (d), is further amended by adding at the end the following:

"(F) may, in the discretion of the Commission and subject to such conditions as the Commission may prescribe, allow professional or trade associations that are tax-exempt nonprofit organizations to send unsolicited advertisements to their members in furtherance of the association's tax-exempt purpose that do not contain the notice required by paragraph (1)(C)(iii), except that the Commission may take action under this subparagraph only—

"(i) by regulation issued after public notice and opportunity for public comment; and

"(ii) if the Commission determines that such notice required by paragraph (1)(C)(iii) is not necessary to protect the ability of the members of such associations to stop such associations from sending any future unsolicited advertisements; and".

(f) Authority To Establish Time Limit on Established Business Relationship Exception.—Section 227(b)(2) of the Communications Act of 1934 (47 U.S.C. 227(b)(2)), as amended by subsections (c), (d), and (e) of this section, is further amended by adding at the end the following:

"(G)(i) may, consistent with clause (ii), limit the duration of the existence of an established business relationship, however, before establishing any such limits, the Commission shall—

"(I) determine whether the existence of the exception under paragraph (1)(C) relating to an established business relationship has resulted in a significant number of complaints to the Commission regarding the sending of unsolicited advertisements to telephone facsimile machines;

"(II) determine whether a significant number of any such complaints involve unsolicited advertisements that were sent on the basis of an established business relationship that was longer in duration than the Commission believes is consistent with the reasonable expectations of consumers;

"(III) evaluate the costs to senders of demonstrating the existence of an established business relationship within a specified period of time and the benefits to recipients of establishing a limitation on such established business relationship; and

"(IV) determine whether with respect to small businesses, the costs would not be unduly burdensome; and

"(ii) may not commence a proceeding to determine whether to limit the duration of the existence of an established business relationship before the expiration of the 3-month period that begins on the date of the enactment of the Junk Fax Prevention Act of 2005.".

(g) Unsolicited Advertisement.—Section 227(a)(5) of the Communications Act of 1934, as so redesignated by subsection (b)(1), is amended by inserting ", in writing or otherwise" before the period at the end.

(h) Regulations.—Except as provided in section 227(b)(2)(G)(ii) of the Communications Act of 1934 (as added by subsection (f)), not later than 270 days after the date of enactment of this Act, the Federal Communications Commission shall issue regulations to implement the amendments made by this section.

SEC. 3. FCC ANNUAL REPORT REGARDING JUNK FAX ENFORCEMENT.

Section 227 of the Communications Act of 1934 (47 U.S.C. 227) is amended by adding at the end the following:

"(g) Junk Fax Enforcement Report.—The Commission shall submit an annual report to Congress regarding the enforcement during the past year of the provisions of this section relating to sending of unsolicited advertisements to telephone facsimile machines, which report shall include—

"(1) the number of complaints received by the Commission during such year alleging that a consumer received an unsolicited advertisement via telephone facsimile machine in violation of the Commission's rules;

"(2) the number of citations issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(3) the number of notices of apparent liability issued by the Commission pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(4) for each notice referred to in paragraph (3)—

"(A) the amount of the proposed forfeiture penalty involved;

"(B) the person to whom the notice was issued;

"(C) the length of time between the date on which the complaint was filed and the date on which the notice was issued; and

"(D) the status of the proceeding;

"(5) the number of final orders imposing forfeiture penalties issued pursuant to section 503 during the year to enforce any law, regulation, or policy relating to sending of unsolicited advertisements to telephone facsimile machines;

"(6) for each forfeiture order referred to in paragraph (5)—

"(A) the amount of the penalty imposed by the order;

"(B) the person to whom the order was issued;

"(C) whether the forfeiture penalty has been paid; and

"(D) the amount paid;

"(7) for each case in which a person has failed to pay a forfeiture penalty imposed by such a final order, whether the Commission referred such matter for recovery of the penalty; and

"(8) for each case in which the Commission referred such an order for recovery—

"(A) the number of days from the date the Commission issued such order to the date of such referral;

"(B) whether an action has been commenced to recover the penalty, and if so, the number of days from the date the Commission referred such order for recovery to the date of such commencement; and

"(C) whether the recovery action resulted in collection of any amount, and if so, the amount collected.".

SEC. 4. GAO STUDY OF JUNK FAX ENFORCEMENT.

(a) In General.—The Comptroller General of the United States shall conduct a study regarding complaints received by the Federal Communications Commission concerning unsolicited advertisements sent to telephone facsimile machines, which study shall determine—

(1) the mechanisms established by the Commission to receive, investigate, and respond to such complaints;

(2) the level of enforcement success achieved by the Commission regarding such complaints;

(3) whether complainants to the Commission are adequately informed by the Commission of the responses to their complaints; and

(4) whether additional enforcement measures are necessary to protect consumers, including recommendations regarding such additional enforcement measures.

(b) Additional Enforcement Remedies.—In conducting the analysis and making the recommendations required under subsection (a)(4), the Comptroller General shall specifically examine—

(1) the adequacy of existing statutory enforcement actions available to the Commission;

(2) the adequacy of existing statutory enforcement actions and remedies available to consumers;

(3) the impact of existing statutory enforcement remedies on senders of facsimiles;

(4) whether increasing the amount of financial penalties is warranted to achieve greater deterrent effect; and

(5) whether establishing penalties and enforcement actions for repeat violators or

abusive violations similar to those established under section 1037 of title 18, United States Code, would have a greater deterrent effect.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. UPTON) and the gentleman from Massachusetts (Mr. MARKEY) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 714.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. 714, the Junk Fax Prevention Act of 2005, legislation very similar to the bill which this House passed in the last Congress that had been sponsored by me, the gentleman from Massachusetts (Mr. MARKEY), the gentleman from Texas (Mr. BARTON), and the gentleman from Michigan (Mr. DINGELL). I want to thank those Members for their hard work and bipartisan cooperation, not only last year, but this year as well.

I also want to thank the House leadership for agreeing to expedite consideration of this very important legislation, because June 30, later this week, is when the sands of the hourglass were about to run out on the current stay of the FCC's new junk fax rules which this legislation fixes. No doubt time is of the essence and passage of this legislation is long overdue, that is for sure.

It is important to note that this bill does not overturn the ban on the faxing of unsolicited advertisements which has been outlawed since the passage of the Telephone Consumer Protection Act of 1991. So this bill does not protect the senders of those annoying, unsolicited faxes which so many of our constituents get that advertise purported investment opportunities, mortgage refinancing opportunities, vacation packages, who knows what, always sent by unfamiliar firms with whom our constituents have never done business.

I presume these firms are at best fly-by-night outfits, or at worst scam artists. In all events, they appear to be nuisances and violators of the Federal junk fax law, and this bill does not change that. Rather, the bill would clearly reinstate the FCC's previous rules which permitted businesses and associations to send faxes to those with whom they had "an established business relationship" without first having to get written permission slips from them.

If we do not reinstate the FCC's previous rules, the cost of complying with the FCC's new rules will be enormous, and it will severely hamper legitimate fax communications between businesses and their consumers and between associations and their members.

Additionally, and importantly, the bill would establish new opt-out safeguards to provide additional protections for fax recipients. Under the bill, senders of faxes must alert recipients of their right to opt out of future faxes and senders must abide by such requests. That is an additional level of protection that consumers do not have under the current law.

This Junk Fax Prevention Act is commonsense regulatory relief. I want to thank again the gentleman from Texas (Mr. BARTON), the gentleman from Michigan (Mr. DINGELL), and the gentleman from Massachusetts (Mr. MARKEY) for their bipartisan cooperation on this bill; and I would urge all of my colleagues to support it.

Madam Speaker, I reserve the balance of my time.

Mr. MARKEY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in full support of this legislation. I begin with my congratulations and thanks to the gentleman from Michigan (Mr. UPTON), the chairman of the subcommittee. He and I worked in the last session, along with the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) and other members of our committee, in order to draft legislation, which is very similar to the legislation which we are passing here today.

I would like, if it is permissible within the rules, to also thank the Democrat and Republican Members of the other body for their work on this legislation as well. We truly passed this legislation in a bicameral, bipartisan fashion.

First, let me state that back in ancient, prehistoric political times, back in 1991, that I was the principal House sponsor of the Telephone Consumer Protection Act, which contained the original junk fax prohibition. In 1991, that legislation passed this body and this general prohibition against junk faxes became law because of this intrusive form of advertising.

Every time someone junk faxes you, it is your paper that is coming out of the machine. You are paying for that paper. Your machine is tied up. It is just absolutely one of the most irritating things to people, to have to pay for someone else coming into your home or your business when you do not want them there. It is essentially a tax which is paid by the recipient of something that they never asked for in the first place.

This is something that ultimately takes up precious time as well. The machine is tied up, there is too much clutter that is associated with it, and important faxes are lost in the midst of the pile of junk faxes. How many people have just taken a pile of junk faxes, thrown it away, and in the middle of it was a fax you really wanted from someone, but you were just so ticked off by this generally unwanted clutter which has come into your home or your business.

So I think it is important to emphasize that the bill we bring to the House floor today retains the general prohibition against sending junk faxes. In other words, sending an unsolicited facsimile advertisement is against the law. We are not changing the law or the policy with respect to this. Sending a junk fax was illegal, and it remains illegal under this bill.

Neither are we changing any of the statutory enforcement mechanisms available to the Federal Communications Commission or to the individual consumers themselves in this bill. The legislation we are proposing will address certain provisions affecting an exception to the general prohibition against sending junk faxes and will improve the bill in these areas.

☐ 1045

I think that it cannot be emphasized enough how this bill is the product, again, of the bipartisan work that both parties have engaged in over the last 2 or 3 years to reach today's final product, and I urge the House to adopt unanimously this legislation today.

Madam Speaker, I rise in support of this bill. This legislation builds upon legislation that was passed by the House in the last Congress and which this year was negotiated out between both Democratic and Republican members in the other body over a number of months. I encourage members to support this legislation today.

First, let me state that I was the principal House sponsor of the Telephone Consumer Protection Act (TCPA) of 1991, which contained the original junk fax prohibition. Congress endorsed my call in 1991 for a general prohibition against junk faxes because of the intrusive nature of that form of advertising. Junk faxes represent a form of advertising in which the ad is essentially paid for by the recipient. The recipient of a junk fax pays for the fax paper and printer costs, pays in the form of precious lost time as the machine is tied up, and also in the form of the clutter in which important faxes are lost in the midst of a pile of junk faxes.

I think it is important to emphasize that the bill we bring to the House floor today retains the general prohibition against sending junk faxes. In other words, sending an unsolicited facsimile advertisement is against the law. We are not changing the law or the policy with respect to this—sending a junk fax was illegal and remains illegal under this bill. Neither are we changing any of the statutory enforcement mechanisms available to the FCC or consumers in this bill.

The legislation we are proposing will address certain provisions affecting an exception to the general prohibition against sending junk faxes and will improve the bill in these areas. Since the FCC originally implemented the 1991 junk fax provisions of the TCPA, Commission regulations contained an exception for faxes that were sent because an "established business relationship" existed between the sender and the recipient. These regulations were in place and the ability to send junk faxes based upon this exception was permitted by the Commission for over a decade.

This concept of an "established business relationship" permitted a commercial entity to invoke its ability to demonstrate such a relationship with a consumer in order to contact that consumer in spite of the general prohibitions of the law. The FCC has more recently determined that the term "established business relationship" was not specifically included in the provisions addressing junk faxes in the TCPA and therefore changed its regulations. The new rules proposed by the Commission require "written" permission from consumers and these new rules have been stayed from going into effect until June 30th of this year, just a few short days away.

The legislation before us is designed to put specific language into the statute permitting an "established business relationship" exception to the general prohibition against junk faxes. Many businesses have complained that written permission is too onerous a regulatory requirement for many of the faxes that they stipulate are routinely sent in the ordinary course of business to established customers or customers requesting such faxes. This has been done by reputable business entities presumably without complaints from the recipients of such faxes.

We must recognize, however, that many small businesses and residential consumers find many of these unsolicited faxes, including those faxes sent because a valid claim of an "established business relationship" was being asserted, to be a considerable irritant and strongly object to receiving them. The legislation, therefore, addresses additional issues, including putting into the statute an "opt-out" ability for consumers to object to receiving junk faxes, even when such faxes are sent to them based upon an established business relationship. For the decade that the original FCC regulations were in place, many consumers simply were not aware of the FCC's established business relationship exception, nor did very many know they had an ability to stop these faxes or any clear way in which to effectuate such a request.

The bill the House is considering includes new provisions requiring an "opt-out" notice and policy that we will add to the statute. The bill requires junk faxes to include, on the first page, a clear and conspicuous notice to consumers that they have the right not to receive future junk faxes from the sender. Second, the notice must include a domestic contact telephone number and fax number for consumers to transmit a request not to receive future faxes.

Third, the substitute requires the notice to conform with the Commission's technical and procedural standards for sending faxes under Section 227(d) of the law, which include the requirement to identify the entity sending the facsimile advertisement. This is an important provision because one of the biggest complaints from the FCC at the hearing, and with other law enforcement entities and aggrieved consumers, is that they have had difficulty legally identifying the source of many of the unsolicited faxes. In addition, there were some senders of junk faxes who evidently and falsely believed that simply because they were sending an unsolicited fax based upon their ability to prove they had an "established business relationship" with a consumer, and thus did not have to abide by the general prohibition against such faxes, that this also meant they did not have to abide by the other FCC and statutory technical rules. These statutory and regulatory rules include requirements that junk fax senders identify themselves in such faxes. Law enforcement entities and consumers need to be able to find the legal business name or widely recognized trade name of the entity sending a junk fax in violation of the rules in order to pursue enforcement actions.

Fourth, this bill makes it clear that a consumer can "opt-out" of receiving faxes to multiple machines, if they have more than one, rather than opting out solely for the particular machine that received the junk fax. Fifth, in this legislation the Commission is tasked with exploring additional mechanisms by which a consumer might opt-out, such as in person or by email or regular mail, and also requests that the Commission establish cost-free ways by which consumers can opt-out. These notice and opt-out requirements all represent new provisions to the law for which existing enforcement remedies will apply.

This legislation also includes the ability for the FCC to limit the duration of an established business relationship notwithstanding the fact that the law would include an opt-out notice and ability which avails consumers of the right to opt-out of receiving faxes at any point in time. I believe this is an important concept and one which deals with the legitimate expectations of consumers. If a consumer buys something from a store, consumers might expect to hear from that store within a reasonable period of time. Over time however, a consumer's expectation changes and there is a time after which the established business relationship can be said to have lapsed.

Finally, I think it is important to take a comprehensive look at overall enforcement of the junk fax law. I am concerned that some of the most egregious junk fax operations, the entities that broadcast such faxes to millions, often escape enforcement. They may be found guilty, cited by the FCC and sometimes fined—but often it appears as if they either ignore the fines, skip town, or live overseas. For these reasons the bill includes provisions that will give us an annual accounting of the FCC's enforcement activities as well as a GAO analysis of what additional enforcement tools may be necessary to provide sufficient deterrent, especially to the most egregious and abusive junk fax senders.

Again, I want to commend Chairman UPTON and Chairman BARTON for their work on this bill, and in particular for their willingness and openness in working with me and Mr. DINGELL in crafting the compromises needed to achieve consensus. I encourage all the members to support it.

Madam Speaker, I yield back the balance of my time.

Mr. UPTON. Madam Speaker, I yield myself such time as I may consume.

In closing, let me just say that I welcome my friend's comments. I would only say that we can now refer to "the other body" as "the Senate." We changed the rules beginning with this Congress, so we do not need to damn the other side by saying "the other body;" we can now thank them for their efforts, and this is maybe the first time that has ever happened. But we applaud their efforts led by Chairman STEVENS and others in the Senate.

Mr. MARKEY. Madam Speaker, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Madam Speaker, I thank the gentleman very much, because this is an incantation which I have never actually been able to make legally under the rules of the House in my 29 years in this body, so I would like for the first time to utter the phrase: I would like to thank the Senate for its work on this legislation. It is much appreciated.

Mr. UPTON. Madam Speaker, I thought the gentleman might want to revise and extend since we had something so gracious coming from the other body now called the Senate. But I want to thank them as well on a bipartisan basis for getting this legislation expedited to the floor. Madam Speaker, I would ask all of my colleagues to support this legislation.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in support of S. 714, the Junk Fax Prevention Act of 2005.

The FCC's recent proposal to require written permission to send commercial fax messages created a great deal of controversy, and I support this small amendment to the Junk Fax law that will make the larger law work better.

I am a strong supporter of the Telephone Consumer Protection Act and its ban on unsolicited commercial faxes, which place an undue financial burden on small business and individual recipients.

It's one thing to have to receive a unsolicited telemarketer's call—it's even worse to have to pay for it by having to replace the paper from your fax machine.

However, I agree that the explicit, written notification requirement contemplated by the FCC in its proposed rulemaking is problematic for some situations like trade associations, realtors, and others who already have existing business relationships.

As a result, I am pleased to join the bipartisan leadership of the House Energy and Commerce Committee in supporting S. 714, the Junk Fax Prevention Act of 2005.

This Act corrects the FCC's rule and allows for businesses to communicate with other businesses with whom they have an established business relationship, as long as they allow business to "opt-out" of future faxes.

This new law will not weaken protections for residential consumers or protection for businesses from unsolicited ads for printer toner, vacation deals, and other sales pitches that cost consumers money.

This new law will prevent businesses and realtors from having to fill out paperwork to communicate with each other about an existing business relationship.

Madam Speaker, I support this bill and urge its adoption by the full House.

Mr. UPTON. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. MILLER of Michigan). The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the Senate bill, S. 714.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 341 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 341

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "or" on page 113, line 26, through page 114, line 10. Where points of order are waived against part of a section, points of order against a provision in another part of such section may be made only against such provision and not against the entire section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, the rule provides 1 hour of general debate evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule also provides one motion to recommit with or without instructions.

I would like to take just a minute, Madam Speaker, to reiterate that we bring this rule forward under an open rule. Historically, appropriations bills have come to the House governed by an open rule, and we continue to do so, in order to allow every Member of this House the opportunity to submit amendments for consideration, obviously as long as they comply with all of the Rules of the House.

Madam Speaker, the legislation before us appropriates over $20 billion, an increase of $73 million, for operations across the globe. The bill is fiscally sound while, at the same time, compassionate and globally responsive to the needs of those plagued by disease and international disaster.

The bill bolsters the President's Millennium Challenge Corporation to $1.75 billion, nearly a quarter of a billion dollars more than in fiscal year 2005. The expansion of assistance is meant to help bring economic security and the rule of law to some of the most of the poorest nations of the world. The Millennium Challenge provides assistance through a competitive selection process to developing nations that are pursuing political and economic reforms basically in three areas, Madam Speaker: ruling justly, investing in people, and fostering economic freedom. Economic development genuinely succeeds when it is linked to free market economic principles as well as to democracy and where governments are committed to implementing reform measures in order to achieve these goals.

Two years ago in his State of the Union address, President Bush announced the President's emergency plan for AIDS relief, the largest international health initiative in history initiated by a single government to address one disease. This bill shows Congress's continued support of the fight against HIV/AIDS, as it includes over $2.6 billion to continue the fight against that horrendous deadly disease.

Our resolve to help all those across the globe who fight this disease is strong; it is serious. In addition to funding, the Federal Government enlists the expertise of various agencies, including the Food and Drug Administration, which assures that the medicines we send to the developing world are safe and effective to help those with HIV/AIDS.

In other foreign assistance, H.R. 3057 funds the Andean Counterdrug Initiative at the President's request, $734 million, $9 million more than last fiscal year. Economic growth in the area since the start of Plan Colombia is proof that the assistance we have provided Colombia has made a difference, a very important difference in that country. I myself visited in April of last year and was able to see the extraordinary progress that the Colombian government and the Colombian people have made against the narcoterrorists, and they constantly reiterate their gratitude to this Congress for the important assistance, Madam Speaker, that we have provided them and continue to do so.

However, we must not take progress in the Andean region for granted. If the United States turns its back on the region, a scenario may ensue which would require greater U.S. investment and involvement at a time when we obviously have significant responsibilities worldwide.

Madam Speaker, the underlying legislation also provides over $2.5 billion for military and economic assistance to Israel. We must continue to ensure that our friends and allies remain secure. I am fully convinced that a strong Israel is necessary not only for Israel, but also for the security interests of the United States. We are committed to do everything we can so that Israel is safe and secure within its borders.

Madam Speaker, H.R. 3057 was introduced by the gentleman from Arizona and reported out of the Committee on Appropriations on June 21 by voice vote. It is a good bill, essential to our continued commitment to the security and safety of all in the United States, and we bring it forth, as I stated before, under a very fair and, as a matter of fact, an open rule.

I would like to take this opportunity to thank the gentleman from Arizona and the gentlewoman from New York for their leadership on this important issue, and I obviously would urge my colleagues to support both the underlying legislation as well as this rule.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend, from Florida (Mr. LINCOLN DIAZ-BALART) for yielding me this time, and I yield myself such time as I may consume.

Madam Speaker, I rise today to express my significant concerns about the Foreign Operations bill for fiscal year 2006. The substance of the underlying legislation will be addressed later in my statement.

Madam Speaker, while the rule is similar to that of other appropriations bills, I am extremely disappointed that the majority has blocked our colleague, the gentleman from Texas (Mr. EDWARDS) from offering an amendment that would have provided $1 billion in emergency funding for the Veterans' Administration. All of our colleagues here in the House know that the Bush administration and the Republican majority, by their own admission, have underfunded the Veterans' Administration by $1 billion. Without the emergency funding proposed by the gentleman from Texas (Mr. EDWARDS), the VA will shortly run out of money, leaving veterans, and there are 86,000 of them coming back from Iraq and Afghanistan and elsewhere, with nowhere to turn. But because my friends in the majority on the Committee on Rules did not make the Edwards amendment in order, the House will not have an opportunity to consider this critical amendment now. Shame on all of us.

Madam Speaker, the underlying legislation has some admirable provisions yet, in several areas, it falls far short of meeting the United States' near and long-term policy needs.

The majority's excuse that the budget constraints prevent greater generosity is just that: an excuse. The simple fact of the matter is that the Republicans' reckless and irresponsible economic policies have left the United States with little room to meet our important international and domestic obligations.

Realize, I think that it is appropriate that we have funding allocated to fighting the plagues of our time, HIV and AIDS, malaria and tuberculosis. I applaud the current appropriations and encourage this body to continue supporting these efforts until these diseases have been completely eradicated.

I am also appreciative of the assistance levels for the Middle East. This past April, with the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), I had an opportunity to visit Israel and the Palestinian territories, and we met with officials from both sides of the conflict. I found them at that time to be committed to the pursuit of a fair and just peace and dedicated to ensuring an equitable resolution to the many issues that divide the Israelis and the Palestinians. The United States must continue to show its commitment to Israel, our most reliable ally in the Middle East. This legislation does just that. Further, we must be engaged in the region and reward positive efforts by the Palestinians with appropriate levels of assistance.

I am also pleased to note that the United States is the leading donor of humanitarian assistance to Darfur, with $350 million appropriated in this legislation. This assistance is important, but not nearly enough. Frankly, the Bush administration has been neglectful of the realities on the ground, even while acknowledging that genocide is taking place. There should be no action on earth that compels us to act more than genocide. However, the House continues to refuse to move the Darfur Accountability Act, which provides for sanctions against the regime and authorizes the President to use force, if needed, to save the lives of innocent civilians.

□ 1100

Is there a reason vastly more compelling than halting genocide that is forcing the United States to merely shake our finger in admonishment at the Sudanese Government? The world long remembers those instances in which the United States failed to take action to prevent genocide, and I fear that this is going to be another one of those times.

Despite all of the positive provisions in the bill, Mr. Speaker, there are several aspects of this bill that project the wrong message to the global community. At a time of intense international hostility toward many aspects of United States foreign policy, we should not be compounding the problem with a "sore loser" attitude and a lack of commitment to protecting human rights.

Allow me to expand. Section 528 of the underlying legislation withholds 25 percent of funding to the World Bank's International Development Association if it fails to continue implementing some procurement reforms that are supported by the United States. Once again, as with last week's United Nations Reform Act, Republicans are insisting on a my-way-or-the-highway approach. This is plain wrong. We will never reform these institutions by staying at home and complaining. We must accept compromise and continue to press for change while remaining a committed participant.

Mr. Speaker, typically, the foreign operations bill is one of the most bipartisan bills that this body passes every year. While I will most likely support the underlying legislation, I am greatly concerned by the overall amount of money appropriated in this bill. Later today, we will hear from the chairman and other Republican leaders who will claim that they did the best they could with what they were given. I do not doubt that, Mr. Speaker; and I applaud the chairman and ranking member of the subcommittee for the hard and dedicated work which they do for all of us. Nevertheless, the budget constraints which the chairman and others will speak of are the creation of the Republicans' fiscal mismanagement.

I am appalled that we have the money to provide egregious tax cuts to extremely wealthy people in our country; yet we do not have the money to meet our international humanitarian commitment. We have the money to provide billions in tax giveaways to the Bush administration's favorite corporate donors; yet we do not have the money to provide the necessary assistance to some of the poorest countries in the world. This is beyond shameful. It is negligent, and it leads many in the world to understandably question the seriousness of our rhetoric on human rights and the promotion of democracy.

Just once, Mr. Speaker, I would like to come to this floor with Republicans in the majority and President Bush in the White House and say, We do not have the money for tax cuts for millionaires and billionaires because we have to fulfill our commitment to improving the lives of billions of people around the world, including millions right here in our own country.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

With regard to some of the many, many points that were made by my distinguished friend, and I am certainly not going to address them all at this point, but I would like to make two points with regard to this foreign aid bill which we are bringing to the floor today with an open rule. We are providing over $20 billion in foreign aid in this bill. That is an increase of $73 million over last year. We are fulfilling our obligations and being quite compassionate as we do so.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. I thank my friend for yielding and thank him for his fine management of this very important rule.

Mr. Speaker, I rise in strong support of this rule which provides for an open amendment process. Any germane amendment that any Member chooses to offer will in fact be debated and voted upon here in the House. So understand that Members under the rules of the House will have an opportunity to amend this legislation as they see fit.

I was very happy to hear praise for the bill from my good friend from Fort Lauderdale, Florida (Mr. HASTINGS) as well as the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) and an understanding that at the end of the day there will be bipartisan support for this legislation.

We know full well that this is a piece of legislation that is often misunderstood by many Americans. There is a belief that somehow we expend 10 to 15 percent of the Federal budget on foreign assistance, on foreign aid; and there is a belief that we are taking our hard-earned tax dollars and sending them down a rat hole when, in fact, there needs to be an understanding that the foreign operations bill is comprised of less than 1 percent of the entire Federal budget.

I believe that the chairman and ranking member have done a great job in putting together a bill, and I will do exactly what the gentleman from Florida (Mr. HASTINGS) said and say correctly that with the resources that are limited, we frankly have done, I believe, extraordinarily well. There is a reason that resources are limited when it comes to the Federal budget. It is not, as my friend from Florida said, because of reckless and irresponsible policies that President Bush and the Republicans have put forward. It is the fact that both Democrats and Republicans are regularly saying that we need to bring about a reduction in the Federal deficit. We cannot continue to have deficit spending.

Now, the so-called reckless and irresponsible policies that have been categorized as that by my good friend are policies that have actually brought the Federal deficit to a level that is $73 billion lower than had been anticipated and projected in February. First, we saw in April a reduction of $50 billion; and then just 2 weeks ago, we got the report of an additional $23 billion reduction in the Federal deficit. Why? Because of the fact that we have seen strong, bold economic growth. We have a 3.5 percent GDP growth rate taking place in this country, and we also have seen the unemployment rate at 5.1 percent, lower than the average unemployment rate through the 1960s, 1970s, 1980s and 1990s.

And so this view, somehow, that we have created more problems when it comes to the deficit, we not only have not created more problems; we have got the deficit on a downward slope, we are still fighting the war on terror, and we are meeting these very important obligations.

The gentleman from Florida (Mr. HASTINGS) was absolutely right, Mr. Speaker, when he talked about the great trip that we took in traveling throughout the Middle East, going to Israel and the Palestinian territories. We were also in Egypt. I believe that the aid package that we have here for both Israel and Egypt is very important, and I would like to compliment my friend from Wisconsin (Mr. OBEY), the distinguished ranking minority member of the Committee on Appropriations, for his effort to focus resources on the democratization that is taking place in Egypt. We know that for the first time ever, we in September are going to see multicandidate elections take place in Egypt. I believe that that is a clear sign that the policies that we have been pursuing under President Bush in creating a chance for 8.5 million Iraqis to vote has been a very positive thing.

We know that today marks the first anniversary of the transition from the Coalition Provisional Authority to Iraqi sovereignty, which is a very, very important thing to mark. Obviously, we have tragically seen terrorist activities take place throughout the past year which have been designed to bring about destabilization. But because of what we have done, because of the resolve, and the President will be talking about this tonight in his nationally televised address from Fort Bragg, we as a Nation are determined to see political pluralism, the rule of law and the building of democratic institutions; and the effort that the gentleman from Wisconsin has put into that when it comes to Egypt is, I think, a very, very important one.

I also want to talk about the issue that was raised by the gentleman from Florida (Mr. HASTINGS), that being the concern that we all have over this issue of a shortfall in funding for our veterans. Mr. Speaker, we all know, Democrats and Republicans alike, that there is a great responsibility that we have to our veterans. Our veterans have shed their blood and shared their courage for the good of our country. They have given us our enduring freedom, and it is our duty to honor our country's commitment to them. It is our duty to do that.

Now, just this morning at 9 o'clock, we have seen the gentleman from New York (Mr. WALSH), the very, very distinguished chairman of the subcommittee that deals with this issue, the Subcommittee on Military Quality of Life and Veterans Affairs, hold a hearing focusing on the need to address this issue. We did, unfortunately, get this report of the shortfall, but it is important to note what it is that we have done for our Nation's veterans.

We passed by a vote of 425–1 the military quality of life appropriations bill. That legislation includes over $28 billion for the Veterans Health Administration, including $21 billion for medical services. Medical services are actually funded in the legislation at $1.6 billion above the current fiscal year. Over the last 2 years, funding for medical care for veterans has increased by 18 percent. That does not in any way diminish the fact that we have unfortunately gotten this report of the $1 billion shortfall; but, Mr. Speaker, it makes it very clear that we as an institution have a responsibility to encourage the Veterans Administration to have a degree of accountability.

When you provide $28 billion in resources, $21 billion for medical services, an increase of 18 percent over the last 2 years, it seems to me that steps need to be taken to ensure that we, in fact, look at and understand this problem of the $1 billion shortfall. We should not continue to subsidize what obviously is a problem.

That is why there is a strong commitment. The White House is committed to dealing with this issue. The gentleman from Indiana (Mr. BUYER), the chairman of the authorizing committee, is very determined to deal with this issue. And I believe that we have done the correct thing by saying the funds will be available through using surpluses that the Veterans Administration has and other operational funds while we try to deal with the challenge of this $1 billion shortfall.

There will be some who will try to claim that we are ignoring the problem of the $1 billion shortfall that has been announced if we do not defeat the previous question and turn back this rule. Nothing could be further from the truth. We face the problem head-on. We are going to responsibly deal with it working together in a bipartisan way with the executive branch and the legislative branch to ensure that we can address this issue.

I urge support of this rule. I thank my friend for his leadership that he has shown on this and a wide range of very important foreign policy issues.

I will close with one point that I raised with the gentleman from Arizona (Mr. KOLBE) when he testified and, that is, I am very proud that Speaker HASTERT and Minority Leader PELOSI have come together to establish a task force, a commission that is geared towards seeing the United States House of Representatives directly provide technical assistance and other expertise to emerging parliaments in these new democracies that are taking place around the world, and there are very important resources for that that are included in this bill. I would like to thank my colleagues who have been involved in that. I urge support of both the rule and the underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN) with whom I serve on the Rules Committee.

Mr. MCGOVERN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this rule for one simple reason: it shortchanges our Nation's veterans. I would say to my friend and colleague, the distinguished chairman of the Rules Committee, with all due respect, our veterans do not need more hearings. They do not need your sympathy. They need your action. They need this Congress to act, and they need this Congress to act now.

The Department of Veterans Affairs recently admitted they are $1 billion short. Last night in the Rules Committee, Democrats offered an amendment by the gentleman from Texas (Mr. EDWARDS) to correct this shortfall and to make sure that our veterans get the health care that they deserve. As the gentleman from Texas noted in his testimony before the committee, "There are three basic reasons why VA health funding must be increased above present levels.

□ 1115

"First, health care inflation is approximately 7 percent a year. Second, 86,000 Iraqi and Afghanistan war veterans have needed VA care. Third, health care and prescription drug costs have caused a net increase of 250,000 veterans per year using the VA health care system."

Mr. Speaker, despite this glaring need for more veterans health care funding, the Republican majority on the Committee on Rules refused to provide it on a partisan vote. What are our priorities?

Yesterday in The Washington Post, it was reported that senior VA officials are spending their time making sure that every VA facility has a framed portrait of the VA Secretary prominently displayed.

One senior VA official said that facilities should make the portrait their "highest priority."

I have a suggestion for the VA. Maybe their highest priority should be providing adequate health care for our veterans. Maybe their highest priority should be spending American tax dollars wisely.

There is a quote from Abraham Lincoln's Second Inaugural etched into the VA building downtown. It says, "to care for him who shall have borne the battle and for his widow and his orphan."

Lincoln did not say anything about the framed portrait of government officials.

Mr. Speaker, I urge my colleagues to vote no on the previous question so that we can provide adequate funding for veterans health care.

During this time of war, our veterans deserve more than nice words. They deserve the health care that they have earned.

I realize that this is not a tax cut for millionaires, something that you on the other side of the aisle embrace with urgency, but how can you turn your backs on the brave men and women fighting in the wars that you voted for?

Mr. Speaker, this is an outrageous situation that must be fixed today, not tomorrow, not next week, not next month. We do not need any more hearings. We need to fix it today. We owe the men and women who have worn the uniform of this country nothing less.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are very proud of our support for veterans. A few weeks ago, as a matter of fact, on May 25, this House of Representatives brought to the floor, considered and passed by a vote of 425 to 1 the appropriations bill for the next fiscal year on military quality of life. The legislation included over $28 billion for the Veterans Health Administration, including $21 billion for medical services. Medical services were funded $1.6 billion above the current fiscal year. Over the last 2 years, funding for the veterans medical care has increased by 18 percent.

We are very proud of our support for veterans. And I would like to say, Mr. Speaker, that I know of no two Members of this House who feel and have more concern for the rights of veterans than the chairman of the Committee on Veterans' Affairs, the gentleman from Indiana (Mr. BUYER), as well as the chairman, the gentleman from New York (Mr. WALSH) of the appropriations subcommittee that funds veterans affairs.

So this matter brought to our attention now of a shortfall is of extreme concern to them. And as we speak, Mr. Speaker, a hearing is taking place to fully investigate the causes and the issues of this shortfall, a hearing is taking place by the appropriations subcommittee dealing with this issue, Military Quality of Life Appropriations Subcommittee, called for by the chairman, the gentleman from New York (Mr. WALSH). And so not only are we not ignoring the issue, we are proud of our record of support for veterans and will continue to support veterans in a way which will make us all proud.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. What my colleague from Florida ignores is that we could do something today for those same veterans.

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, this bill spends a lot of money on foreign aid, but there is a major problem with this bill today. And that problem is not money that the bill contains. It is money that the bill does not contain.

Last week we were told by the Veterans Administration that after continually resisting efforts to increase funding for veterans health care, they were finally admitting that there was, in fact, a $1 billion shortfall in veterans health care funding for the present fiscal year.

My understanding is that at the hearing of the Subcommittee on Military Construction this morning, the VA amended that number and they are now telling us that in addition to the $1 billion shortfall which they said they had in this fiscal year, they are saying that they are going to need $1.5 billion next year, plus another $1.1 billion if the Congress does not take action with respect to co-payments and enrollment fees that the Congress has already decided that it will not support.

So in other words, there is a huge hole in the Veterans Administration health care funding and it is growing.

Now, we have had to endure a lot of cynical comments from some Members on the other side over the past 2 years because the gentleman from Texas (Mr. EDWARDS) and I and several others have tried at every opportunity to get more money into the budget for veterans health care.

In fact, I recall at one point the gentleman from Texas (Mr. EDWARDS) was called a demagogue by a member of the majority party because he stood up and insisted that we fund veterans health care at least a billion dollars higher level than it was being funded.

I think now we recognize, and I would hope our friends on the other side of the aisle would recognize, that the numbers which the gentleman from Texas (Mr. EDWARDS) and others have been citing are correct and that the numbers that the Veterans Administration has been citing are not.

I find it ironic that the majority party even removed from the Committee on Veterans' Affairs chairmanship, the gentleman who last year recognized along with us that we need higher funding for veterans health care. He was rewarded for being frank about the needs for veterans by being bounced out of his committee chairmanship.

I think we ought to take a look at what the facts are. Right now medical facilities are literally falling down around their patients. One veterans medical clinic had to put up scaffolding around walls to protect patients from falling bricks. Physicians at VA hospitals have reported that they had to visit neighboring hospitals to borrow supplies that they needed to carry out specific medical procedures.

The VA is proposing two solutions to the problem: diverting $400 million that was to be used for medical services next year, and using $600 million that was supposed to be used to improve hospitals. This, in our judgment, is just digging the hole deeper, and it is not the first time that we have seen this resistance.

In fiscal 2002 the administration would not allow the VA to spend $275 million that Congress had provided to meet the needs of veterans. In fiscal year 2004, the VA Secretary testified that the administration had cut his own request by $1.2 billion. They now admit there is a shortfall.

For 2006 the VA bill adds only 2 percent or $661 million for the Veterans Health Care Administration. Not nearly enough in light of today's revelations.

I will place into the RECORD, Mr. Speaker, a listing of our efforts over the past 2 years to raise veterans health care.

In short, I simply want to urge each and every Member of this House on both sides of the aisle to vote against the previous question on the rule on this bill so that we can try to respond to what is obviously an emergency situation and add to this bill the money that the gentleman from Texas (Mr. EDWARDS) tried to add on the floor last week to a previous bill so that we can clean up the shortfall in the VA health care budget for this year, and so that we do not dig the hole deeper for the following year.

Even the money that the gentleman from Texas (Mr. EDWARDS) was asking for last week will not be sufficient for the 2-year problem, but it is a whole lot better than hiding the problem under the rug as the administration has done for the past 2 years.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on Military Quality of Life of the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding me time.

I do not think I am incorrect in stating that this discussion regarding veterans health care does not belong on a foreign operations bill. Clearly there is a venue for discussion of veterans funding. And as Members know, we have had a full discussion of that before the House and in committee and it was done in a proper way.

I just want to make sure that everyone understands that we were provided additional information after the House had concluded its work on the Veterans and Military Quality of Life bill. That prompted us, my colleague, the distinguished gentleman from Texas (Mr. EDWARDS), my ranking member of the subcommittee, to jointly request an oversight hearing which was conducted just this morning for 2½ hours.

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding.

I would simply say I appreciate the oversight hearing but what we need is not so much a hearing but action. Secondly, I would grant to the gentleman that the preferred place to deal with this problem is not on this bill. The problem is we tried to deal with it on the bill where it belongs and we were blocked by the majority for doing so.

I thank the gentleman for yielding.

Mr. WALSH. Reclaiming my time, we can deal with this before the 2006 budget is implemented. We have time. It is June. We moved expeditiously to get the bill passed. We did that.

We now have new information and we have to respond to that. And the questions I can frankly say were aggressive and thorough, and the response from the Veterans' Administration, while complete, at least we believe complete at this time, was not as thorough as we would like.

And we asked questions, the gentleman from Texas (Mr. EDWARDS) and I and other members of the subcommittee have asked questions. We want to get at what exactly is the anticipated shortfall for 2006. We want to make sure that this projected deficit for 2005 is responded to. That there is no diminution of care or quality of care in our veterans hospitals and that is our responsibility. That is the proper venue for this debate. Not on the foreign operations bill. We will have time to respond to it.

We have had discussions with OMB and with the Veterans' Administration. We will not rest until we resolve this difference of what is needed to meet the needs of our veterans. But I assure the House and Members here today that we will get to the bottom of this, we will get the proper resolution. And if additional funds are needed, and I believe they are, we will find them.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to the gentlewoman from New York (Mrs. LOWEY), ranking member of the Subcommittee on Foreign Operations who has a great deal of dedication and skill in this arena.

Mrs. LOWEY. Mr. Speaker, I thank the gentleman for yielding me time.

I rise in opposition to this rule and urge my colleagues to defeat the previous question. I am grateful for the Committee on Rules for granting an open rule for consideration of H.R. 3057, the FY 2006 Foreign Operations Appropriations bill.

It is always my preference each year to allow as broad a debate as possible on the provisions in the bill and on United States foreign aid policy generally.

□ 1130

I believe this rule will accomplish that.

However, I did ask the Committee on Rules to grant a waiver to one amendment during today's debate, an amendment offered by the gentleman from Texas (Mr. EDWARDS) to provide $1 billion in emergency funding for veterans health care. While I do not usually support giving waivers to amendments on the foreign operations bill that are not directly related to the bill, I wholeheartedly support the gentleman from Texas' effort.

The administration's recent revelation of a $1 billion shortfall in veterans health care funding is already significantly impacting our veterans, as facilities across the country deny new requests for appointments. This admission, which emerged during a congressional hearing last week, comes less than 4 months after Secretary Nicholson wrote to the Senate with a bold assertion that the VA "does not need emergency supplemental funds in fiscal year 2005." It seems Secretary Nicholson was either misleading Congress or simply was not informed of the facts; and, frankly, I do not know which poses a greater threat to the veterans health care system.

The nonchalance with which the administration has handled funding for veterans health care is unbelievable, especially as our men and women in uniform continue to serve in Iraq, Afghanistan, and around the world. These brave Americans continue to give the ultimate sacrifice to defend our freedoms, and we must fulfill our commitment to care for them upon their return.

The gentleman from Texas' effort is not without precedent. The Committee on Rules made in order a Republican amendment to the Iraq War supplemental on REAL ID, allowing for adoption of this provision without any real debate or hearings. The committee also made in order a nongermane amendment to the legislative branch appropriations bill, arguing that the continuity of Congress was too important not to include.

Given what our veterans have done for this country, the gentleman from Texas' amendment is too important not to consider today, and I urge defeat of the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

We will get to the bottom of this problem. We will solve it, and we have heard from the chairman of the appropriations subcommittee that has jurisdiction over the veterans issue to that effect. We will hear as well shortly from the chairman of the Committee on Veterans' Affairs, and when I say we are going to get to the bottom of this and solve it, it is coming from the history of the House of Representatives that in the last 2 years alone has increased funding for veterans medical care by 18 percent. We are very proud of our record, and we are going to continue to have a record to be proud of.

So having said that, I would simply like to remind any colleagues who may be following this debate that with this rule what we are doing is bringing to the floor the foreign aid bill, the foreign operations appropriations bill, which includes about $22 billion, the foreign aid bill, includes about $22 billion, and it is almost $100 million over the amounts that we appropriated for the current fiscal year. That is what we are bringing to the floor again, Mr. Speaker, with this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friend from Florida, the distinguished gentleman, amazes me with his logic. We gave the veterans $2 billion more he said last year. What does that have to do with today and the fact that there is a $1 billion shortfall? This shortfall that has come to the attention of people is a mistake.

When can this administration say that we were wrong about something? The veterans need $1 billion and that is that.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas (Mr. EDWARDS) who has been denigrated for arguing this point over the last 2 years.

Mr. EDWARDS. Mr. Speaker, I think what the House has to decide today is what is more important: House procedures that we waive every single day for the most insignificant of reasons or taking care of a $1 billion-plus shortfall in veterans health care programs during a time of war.

Quite frankly, if the gentleman from New York (Mr. WALSH), my good friend and leader of the House Subcommittee on Military Quality of Life and Veterans Affairs, were Speaker of the House, I would withdraw my opposition to the vote against the rule that denies us a chance to provide adequate care for veterans; but the fact is he is not. The fact is that repeatedly this year, not the Committee on Appropriations on veterans affairs health care spending, but the House leadership has repeatedly said no to adequate funding for VA medical care.

The gentleman from Florida talked about how proud he was of his work on veterans programs this year. Let me just point out that if we go back and look at the budget resolution passed on a partisan basis in April, that budget resolution directs a cut compared to present services of $14 billion in veterans health care over the next 5 years. I am not only not proud of that; that is the reason I voted against the partisan budget resolution in April that began this process.

This problem was not created by the Committee on Appropriations. It was created by an inadequate budget resolution that was pushed through this House in April, strictly on a partisan basis. The fact is, I am less interested in how we got here and more interested in how we take care of veterans. That is more important than all the partisan disagreements we might discuss on the floor this day.

What are the facts? The facts are that the Veterans Administration has now admitted that it has approximately, or say minimally, a $1 billion shortfall. The fact is that kind of shortfall is delaying purchasing equipment that doctors and nurses at our VA hospitals say is needed to provide quality care for veterans. That shortfall is going to have a direct impact on the quality of care for America's veterans, including veterans coming back from the Iraq and Afghanistan wars.

If anyone questions how serious this shortfall is, let me just read to my colleagues a letter dated May 3 of this year from Barbara Watkins, a medical center director for the Alexandria VA Medical Center in Virginia. She says: "Dear Friend: As of April 29, 2005, the Alexandria VA Medical Center is no longer scheduling appointments for new Non Service Connected veterans." In laymen's terms, what that means is if you are a veteran that is unemployed, if you are a veteran that is making only $10,000 a year or so, perhaps on minimum wage, and you have a serious health care concern, you will not be given a medical appointment at the Alexandria VA Medical Center. My guess is that this kind of cut in services for veterans is occurring all over the country.

The fact is that in Togus, Maine, quoting the gentleman from Maine (Mr. MICHAUD), I can tell my colleagues, using Togus VA Hospital in Maine, the Togus facility actually had to put up scaffolding over the doors to block bricks from falling on patients or staff. This crisis is real. It is serious. It is today.

The gentleman from New York (Mr. WALSH), is correct: we should not normally have to deal with this on the foreign aid appropriations bill. Frankly, we should have dealt with it in April on the budget resolution that underfunded VA medical care. I wish we could have added this money in the VA budget that passed recently in the House. The fact is that is already through the House, and the problem is that if the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies has to deal with it in a nonemergency basis, guess where we will have to take $1 billion from to take care of the VA health care crisis?

It will come out of military construction. That is housing, day care facilities for our active duty servicemen and -women and their families, or it might have to come out of the defense health care budget. That is hospital care and medical care for active duty servicemen and -women, members of the Guard and Reserve who are fighting the war on terrorism.

This is not the best place to deal with the veterans health care crisis. But if not now, when? If not this bill, what bill? Let us vote "no" on the rule. Let us add $1 billion today to deal with the veterans health care funding crisis.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Indiana (Mr. BUYER), the chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I thank my colleague for the time.

I would like to give an explanation of how we got here. I have great respect for the gentleman from Texas (Mr. EDWARDS), my colleague, and his sincerity and his work not only on the commitment of men and women who wear the uniform but also our veterans.

I also extend congratulations. You are either that good, or it was the best guess that turned out to be right. What I really believe in my heart, since you are my friend, is the latter because we do not understand this health financing model as well as we should. So I know you just said I really do not want to say how we got here, let us take immediate action. First of all, we do not even know how to define the word "adequate." To take action, we need to have it based on an intellect, and we are not even there yet.

So what happened here? Let me tell my colleagues how we got here. Everybody in this town seems to be throwing out a budget number with regard to veterans health. Whether it is the American Legion who has a number, whether the independent budget has a number, whether Republicans have a number, whether Democrats have a number, whether VA has a number or the OMB or the President, everybody seems to have a number. So I said wait a minute, time out here.

I looked back into what we did in the mid-1990s when after the BRAC and prior to before we ever created TRICARE for life and we are trying to figure out the military health delivery system's budget number, and we never could get it right, and we always have to come back in the supplementals, right? So what do we do? We held a hearing on the finance models on the predictability of these budgets. So we increased the predictability.

What is going on now? The modeling still is wrong. So on June 23, in the full Committee on Veterans' Affairs, we held a hearing on the finance of how we do the health modeling with regard to what are the assumptions that are used in the model, what are the risk adjustments that may be necessary, what are the variances, what are the unexpected contingencies. All of these things are very important.

One thing I think is fascinating that we learned was that the model that we used, because the VA contracts with the private sector and when we contract, the model that is used in the private sector is done on an annual basis. In DOD, they use this model, and it is a 2.5 projection. In the VA, it is a 2.5 to 3.5, which means we are stressing the model itself.

I just want everybody to know this is extremely important. We are stressing the health finance model, which means we need to go back and perhaps do more science with regard to how we predict these budgets.

My colleagues say, Steve, what are you talking about? This is extremely important, and we are going to continue our work. Why? Because we need to make sure we define the word, what is "adequate."

So when the VA sends this dollar figure to not only the authorizers but, more importantly, the appropriators, so when you pass a budget you know what that budget is and you have confidence in it.

Now there is no hide-the-ball here. The VA conducts a mid-year review. When they conducted the mid-year review, unfortunately a week after the gentleman from New York's (Chairman WALSH) and the gentleman from Texas' (Ranking Member EDWARDS) product is passed by the floor, we learned from the mid-year review that they are off on the 2005 budget. They are off because of OIF and OEF and dental and personnel and increase on demand of services for older veterans, and now they have a shortfall with regard to 2005.

The Secretary informs us and says I have work-around solutions with regard to 2005. We in Congress authorize what is called a cushion, whether it is DOD health or VA health, and that cushion is around $400 million that goes from year to year. He says, well, I need to take $380 million out of the $400 million cushion, and I also then need to redirect or reprogram out of the capitalization accounts for 2005.

I agree with the gentleman from New York (Chairman WALSH) and the gentleman from California (Chairman LEWIS) with regard to our oversight responsibilities. Matter of fact, the Speaker said maintain our oversight to make sure that we maintain the quality of care and the services necessary for America's veterans. That is going to be done.

So as we listen and be a good listener with regard to the Secretary's work-around solutions for 2005, it is 2006. That 2006 budget number, I will submit there is no one here on this floor, despite whatever number they may advocate, that knows exactly what it is today.

□ 1145

Hearings are very important, and the hearings are going to continue. This is, as the Secretary said, evolution. Yes, this is going to be an evolutionary process to get it right about 2006. I do not care about just 2006, I care about getting it right from 2006 on. I care about getting it right in 2006 and beyond because of our commitment to veterans.

So it would be very good and very helpful and very appropriate for us to use the right words on this floor. No one owns a cornerstone in their advocacy to veterans and what they have done for this Nation. No one in this House. We all do. We all respect the service and sacrifice of our veterans.

So let us embrace the challenge of getting into the health modeling issue to make sure these issues are right; that we go in and work with our Senate colleagues to make sure we get the numbers correct with regard to the 2006 budget. And when we do this, we then define what is "adequate funding" for the VA.

Mr. Speaker, I want to work with my friend, the gentleman from Texas (Mr. EDWARDS) and with the chairman, the gentleman from New York (Mr. WALSH). I respect the leadership of Chairman WALSH, and I also thank him for his firmness and for his tough words with the Secretary. I look forward to working on this commitment.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I just want to indicate my strong support for the bill and particularly for the provisions relative to Armenia and the Nagorno Karabakh. Thanks to the chairman of the subcommittee, the gentleman from Arizona (Mr. KOLBE), the ranking Democrat, the gentlewoman from New York (Mrs. LOWEY), and also my friend and co-chair of the Congressional Caucus on Armenian Issues, the gentleman from Michigan (Mr. KNOLLENBERG), for their continued support we now have $67.5 million in the bill for humanitarian assistance to Armenia, which is $12.5 million more than what the President requested; and $5 million in assistance for Nagorno Karabakh, which is $2 million more than last year. I just want to thank all the members of the subcommittee for their continued support.

It is very important this House continue to recognize the plight of the victims of the Nagorno Karabakh conflict, and that is why we must support the committee's recommendations. It is also significant that the President requested and the committee has maintained military assistance parity between Armenia and Azerbaijan with $5.7 million allocated to each country. By allocating equal levels of military and security assistance to both nations, the U.S. Government will preserve its credibility as an impartial and leading mediator in the continued and sensitive peace negotiations for the Nagorno Karabakh conflict.

Given the ongoing Azerbaijani blockades and threats to renew military aggression against Armenia and Karabakh, it is critically important the administration continue to promote balanced, short- and long-term policies that elevate regional cooperation and reduce the risk of conflict in the South Caucasus region. The members of this subcommittee and the leadership on both sides of the aisle have for a long time played a major role in trying to provide balanced, short- and long-term policies that elevate regional cooperation in the Caucasus, and I thank them once again for the assistance levels that are in this legislation.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when the gentleman from Indiana (Mr. BUYER) was talking a moment ago about the gentleman from Texas (Mr. EDWARDS) either being lucky or being good, he chose that he was lucky during the last 2 years. However, the gentleman from Texas (Mr. EDWARDS) spoke with hospital administrators, and that is how he got his information. And if somehow or another we were not so interested in hanging the picture of the Committee on Veterans' Affairs chairman somewhere rather than trying to figure out what hospital administrators need, all of us could be good.

I know this much: At the Veterans Hospital in West Palm Beach, Florida, veterans wait 6 months on occasion to get themselves treated, and I think that is ridiculous.

Mr. Speaker, I will be calling for a "no" vote on the previous question. If the previous question is defeated, I will amend the rule so we can consider the amendment of the gentleman from Texas (Mr. EDWARDS) that was rejected in the Committee on Rules last night on a straight party-line vote.

Mr. Speaker, the Edwards amendment would provide additional badly needed health care funds for our Nation's veterans today. The Edwards amendment uses the supplemental authority provided in the 2006 budget resolution to correct the current $1 billion shortfall mistake in funding for the health care needs of America's veterans, including the approximately 86,000 new Iraqi and Afghanistan veterans.

Mr. Speaker, I am sure all of my colleagues are aware by now of the announcement last week by the Bush administration's own Secretary of Veterans Affairs that the VA is facing a $1 billion shortfall in veterans' health care. This is not news to this side of the aisle. We have known all along the funding was woefully inadequate. We have tried on numerous occasions to increase funding to care for our returning soldiers, but the Republican leadership has ignored our demands and has consistently rejected our many attempts to add money to the VA health care budget. Maybe now they will listen. Today, they will have a chance to show just how much they support our soldiers.

I want to assure my colleagues that a "no" vote will not prevent us from considering the foreign operations appropriations bill under an open rule. But a "no" vote will allow Members to vote on the Edwards amendment to help our brave returning veterans get the health care they need and deserve. However, a "yes" vote will block consideration of this amendment and, sadly, once again, this leadership will turn its back on our wounded veterans.

We make much of visiting veterans' hospitals. We make much of Veterans Day. All of these are appropriate undertakings. But when we learn that this administration has made a big mistake with reference to veterans in this Nation, we cannot muster here in the House of Representatives the oomph to do the things necessary for people that are putting their lives on the line for us and returning home in need of care.

Vote "no" on the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am pleased that my good friend from Florida, as he was wrapping up his remarks, as always with eloquence, talked about the "yes" votes and the "no" votes, because just 1 month ago, Mr. Speaker, when this House brought forth the bill to fund the Committee on Veterans' Affairs, the appropriations bill to fund Veterans' Affairs, there was a very interesting "yes" and "no" vote on this floor; 425 yes and 1 no.

So I simply want to put in context what has been said today. If we would be acting with such unfairness on the majority side, if we would be neglecting the interests of those men and women who we all hold in such admiration, then why was the vote to fund Veterans' Affairs 425–1 only 1 month ago?

As we have heard from the chairman of the Committee on Veterans' Affairs, from the authorizing committee, and the chairman as well of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations on these issues brought to our attention subsequent to that vote of 425–1, they are being addressed. They are being delved into. They will be solved. And we will continue to be proud of our record of support for our veterans.

Now, with regard to what this rule does, the rule we have been discussing today, it brings forth for consideration by this body the foreign aid appropriations bill, over $20 million in foreign aid. A lot of important programs, humanitarian programs; support for allies and friends; for poor people throughout the world; for the sick and the infirm. It is a good piece of legislation, Mr. Speaker.

So at this time, Mr. Speaker, I would request that the underlying legislation, the foreign operations legislation, be supported, as well as the rule that brings it forth, which is an open rule.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 341 RULE FOR H.R. 3057 FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS FY06 APPROPRIATIONS

At the end of the resolution, add the following new sections:

SEC. 2. Notwithstanding any other provision of this resolution, the amendment printed in section 3 shall be in order without intervention of any point of order and before any other amendment if offered by Representative Edwards of Texas or a designee. The amendment is not subject to amendment except for pro forma amendments or to a demand for a division of the question in the committee of the whole or in the House.

SEC. 3. The amendment referred to in section 2 is as follows:

AMENDMENT TO H.R. 3057, AS REPORTED OFFERED BY MR. EDWARDS OF TEXAS

At the end of the bill (before the short title), insert the following new title:

TITLE VI—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code: $1,000,000,000, to be available for obligation upon the enactment of this Act and to remain available for obligation until September 30, 2006: *Provided*, That the amount provided under this heading is designated as making appropriations for the purpose set forth in subparagraph (A) of section 402(a)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006: *Provided further*, That amounts made available under this heading may be transferred to other accounts of the Department of Veterans Affairs to the extent necessary to reimburse those accounts for prior transfers to "MEDICAL SERVICES" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided further*, That the transfer authority in this paragraph is in addition to any other transfer authority available to the Department of Veterans Affairs.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed in the following order:

Motion to suspend the rules on H.R. 458, by the yeas and nays;

Ordering the previous question on H. Res. 341, de novo;

Adoption of H. Res. 341, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 458, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 458, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 2, not voting 26, as follows:

[Roll No. 324]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
English (PA)
Eshoo

Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—26

Brown (SC)
Cleaver
Clyburn
Doolittle
Engel
Etheridge
Fossella
Herger
Higgins
Jefferson
Jenkins
Jones (NC)
Kilpatrick (MI)
Kingston
McHugh
Michaud
Murtha
Ortiz
Payne
Peterson (PA)
Price (NC)
Ross
Shays
Spratt
Sweeney
Taylor (MS)

□ 1219

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "An Act to prevent the sale of abusive insurance and investment products to military personnel, and for other purposes".

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore (Mr. LaHood). The pending business is the de novo vote on ordering the previous question on House Resolution 341 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 217, noes 189, not voting 27, as follows:

[Roll No. 325]

AYES—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan

Meek (FL)
Meeks (NY)
Melancon
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—27

Beauprez
Brown (SC)
Cleaver
Clyburn
Doolittle
Etheridge
Fossella
Higgins
Jefferson
Jenkins
Jones (NC)
Kilpatrick (MI)
Kingston
McHugh
Michaud
Murtha
Ortiz
Payne
Peterson (PA)
Price (NC)
Ross
Shays
Smith (NJ)
Spratt
Sweeney
Taylor (MS)
Walsh

☐ 1227

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JENKINS. Mr. Speaker, on rollcall Nos. 324 and 325 I was detained by business in my district. Had I been present, I would have voted "aye" on both.

PERSONAL EXPLANATION

Mr. FOSSELLA. Mr. Speaker, on rollcall Nos. 322, 323, 324 and 325, I was unavoidably detained. Had I been present, I would have voted "aye" on all four votes.

PERSONAL EXPLANATION

Mr. CLEAVER. Mr. Speaker, on Tuesday, June 28, 2005, I was detained and unable to cast my vote on H.R. 458, the Military Personnel Financial Services Protection Act. This important legislation will protect military services members from the sale of questionable financial products, curb abusive sales practices on military installations, and ensure regulatory oversight of financial services sales on military installations. Had I been present, I would have supported passage of the bill and would have voted "yea" on rollcall 324. In addition, I would have voted "no" on rollcall 325.

PERSONAL EXPLANATION

Mr. TAYLOR of Mississippi. Mr. Speaker, due to a family medical emergency, I missed rollcall votes 308 through 325, which took place on Friday, Monday, and Tuesday—June 24, 27, and 28, 2005, respectively. Had I been present, I would have voted as follows:

Rollcall votes—308 (Price of Georgia Amendment): "nay"; 309 (George Miller of California Amendment): "yea"; 310 (Brown of Ohio Amendment): "nay"; 311 (Filner of California Amendment): "yea"; 312 (King of Iowa Amendment): "yea"; 313 (Hefley of Colorado Amendment): "yea"; 314 (Hinchey of New York Amendment): "nay"; 315 (Hayworth of Arizona Amendment No. 14): "nay"; 316 (Van Hollen of Maryland Amendment): "yea"; 317 (Paul of Texas Amendment): "yea"; 318 (DeLauro of Connecticut Amendment): "nay"; 319 (Hinchey of New York Amendment for DeFazio of Oregon): "yea"; 320 (Motion to Recommit H.R. 3010): "yea"; 321 (Passage of H.R. 3010): "nay"; 322 (Motion to Suspend the Rules and Agree, as Amended, H. Res. 199): "yea"; 323 (Motion to Suspend the Rules and Agree, H. Con. Res. 155): "yea"; 324 (Motion to Suspend the Rules and Pass, as Amended, H.R. 458): "yea"; and 325 (Ordering the Previous Question, H. Res. 341): "nay."

Mr. Speaker, I ask unanimous consent to enter this personal explanation into the RECORD at the appropriate location.

PROVIDING FOR CONSIDERATION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 342 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 342

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the comma on page 5, line 25, through "and" on line 26; beginning with "for" on page 11, line 22, through the first comma on page 12, line 1; beginning with the colon on page 12, line 12, through "Program" on line 17; beginning with "Notwithstanding" on page 16, line 8, through the comma on line 8; sections 110, 112 and 130; beginning with the colon on page 32, line 25, through "Congress" on page 33, line 3; beginning with "Notwithstanding" on page 34, line 4, through the comma on line 4; and sections 151, 218, 808, 928, and 945. Where points of order are waived against part of a paragraph or section, points of order against a provision in another part of such paragraph or section may be made only against such provision and not against the entire paragraph or section. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 1 hour.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

☐ 1230

Mr. Speaker, the rule provides 1 hour of general debate, evenly divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. It provides for one motion to recommit, with or without instructions.

I would like to take a moment to reiterate that we bring this rule forward under an open rule. Obviously, historically, appropriations bills have come to the House floor with open rules; and we continue to do so in order to allow every Member in this House the opportunity to submit amendments for consideration, obviously as long as they are germane.

This is the last rule bringing forth an appropriations bill for the fiscal year 2006, Mr. Speaker; and I think that it speaks very highly of the Committee on Appropriations. Obviously, the chairman and the ranking member have had much to do with that, as well as all of the members of the Committee on Appropriations who have worked very hard in bringing forth all of these appropriations bills in such a timely fashion.

The bill that we are bringing forward today appropriates over $66 billion for the Departments of Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and independent agencies, an increase of 6 percent over last year.

The bill is fiscally sound. It represents our commitment to provide necessary resources for programs and projects throughout the Nation, ranging from transportation, to housing, the Judiciary, the Executive Office of the President, the District of Columbia.

As all Members of this House know, the transportation infrastructure of the country is really the backbone of the economy, and its continued strength is essential to foster economic growth. The underlying legislation brought forth today goes far in ensuring that we have a reliable and stable transportation infrastructure to continue to help the economy grow.

The bill includes $37 billion in funds for the highway system, representing an increase of almost $2 billion. H.R. 3058 includes $14.5 billion for the Federal Aviation Administration, an increase of $887 million. Included in that amount is $25 million to hire and train 595 new air traffic controllers. I think it is vitally important as air traffic controllers retire and air traffic continues to grow. This is really essential to so many of our districts.

In my district, home to Miami International Airport, the third largest international airport in the country, without an increase in the number of air traffic controllers, MIA would not be able to continue its projected growth and continue to serve really as the hub of the Americas.

The Department of Housing and Urban Development is funded at $37.5 billion, an increase of $1.5 billion. These funds will permit the Department to administer programs that assist the public with housing needs, economic and community development, and fair housing opportunities. These funds will also empower low- and moderate-income residents towards self-sufficiency.

Under HUD, the bill includes funding for such important programs as Tenant Based Rental Assistance, also known as section 8; and Project Based Rental Assistance. These two programs serve almost 3.5 million households with vouchers and project-based housing. The bill includes $20.63 billion in funds for the program, an increase of almost $1 billion. In Miami-Dade County alone, which I am honored to represent, the housing authority uses the funds provided through these programs to house over 30,000 residents and for payment vouchers for 16,000 units.

H.R. 3058 provides $5.8 billion for the judiciary, an increase of 6 percent over the current fiscal year. This will fully fund the courts' revised requests for security improvements at Federal judicial facilities and enable the courts to effectively process the priority criminal, civil, and bankruptcy cases.

This legislation was introduced by the chairman of the subcommittee, who has done a tremendous job, the gentleman from Michigan (Chairman KNOLLENBERG), and reported out of the Committee on Appropriations on June 21 by voice vote. It is good legislation. It is essential to our continued commitment to the security and safety of all in the United States, and we bring it forth under a fair and open rule.

Again, I thank the gentleman from Michigan (Chairman KNOLLENBERG) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their leadership on this important piece of legislation. I urge my colleagues to support both the rule and underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes.

Mr. Speaker, I rise today in opposition to this rule and to the bill. Simply put, this bill significantly and irresponsibly shortchanges key funding for Amtrak and several programs in the Housing and Urban Development Department. While this bill provides slight funding increases for highways, transit and aviation programs, it slashes Amtrak to the point of extinction and eliminates important HUD programs like Brownfields and Youthbuild.

This bill provides $550 million for Amtrak, an amount that places the future of national passenger rail in jeopardy. This $657 million cut will not only terminate all intercity passenger rail service, but will also cause a massive disruption of the commuter and freight rail system across the country. Quite literally, this allocation is a death sentence for Amtrak.

Ironically, the amount provided in this bill is a whopping $1.25 billion below the level that President Bush's appointed Amtrak Board of Directors recommended. President Bush and the Republican leadership believe that starving Amtrak will save it. The administration and the Republican leadership believe that a forced bankruptcy upon Amtrak will bring about a change for the better, that it will create a more efficient system.

Mr. Speaker, this just does not make any sense. You do not save starving children by denying them food, and I cannot understand how the President believes Amtrak can be saved by slashing its funding. I guess by "better," Amtrak opponents mean no intercity rail service anywhere, and by "more efficient," apparently these same opponents mean costs of upwards of $900 million for severance payments and mandatory debt service and labor payments. All in all, the closure of routes will result in layoffs of thousands of workers, which in turn creates hundreds of millions of dollars of immediate debt.

Mr. Speaker, this backward argument that squeezing the life out of Amtrak will save it is unacceptable and irresponsible. The only thing that starving Amtrak will do is destroy it.

On top of making Amtrak extinct, this bill eliminates several critical programs within HUD. Programs like brownfield cleanup, Empowerment Zones, section 108 loan guarantees and La Raza activities have all been eliminated. Every single one of these programs has contributed to the overall improvement of our communities, and it is shameful that Congress is turning its back on our neediest communities.

In my home State of Massachusetts, brownfields cleanup has proven to be a highly successful, efficient tool for cleaning up the environment and revitalizing a community. In the 2005 annual report of the Massachusetts Brownfields Redevelopment Fund, it is noted that 4,500 new housing units and 3,250 new jobs have been created by the Brownfields program. Because redevelopment is concentrated in areas that are already in use, brownfield cleanup preserves open space, bringing opportunity to economically distressed parts of a community. Zeroing out Brownfields is a bad move, and I encourage my colleagues to offer any amendments that could provide for its funding.

Another important program that has been placed on the chopping board is Youthbuild. Youthbuild is a nonprofit program which pays at-risk youth to build houses in low-income neighborhoods. This community development program offers job training, education, counseling, and leadership opportunities to unemployed and out-of-school young adults ages 16 through 24. These at-risk youth build and rehabilitate affordable housing in their own communities, garnering life skills and adding to revitalization in their own backyards.

Mr. Speaker, how can such a thoughtful program that is full of incentives be eliminated? There are 226 Youthbuild programs in 44 States across the country, attracting 7,000 young adults. In 2004 alone, 10,000 young men and women had to be turned down for the program due solely to the lack of funding. The demand is high and the need is even greater for programs like Youthbuild. We should not turn our backs on the youth of America.

It is clear that the Republican leadership is doing its best to protect tax cuts for the wealthiest in this country while eliminating programs that benefit the neediest. At the same time, the Republican leadership hides behind a veil of fiscal discipline.

Well, Mr. Speaker, that argument just does not cut it, and the American people know it. These programs are being starved simply because the Republican leadership in the House and the Senate refuse to acknowledge their mistakes. Their tax cuts have drained the Federal surplus. Their policies continue to drive this Nation further into debt.

This is an important bill. We have a responsibility to fund Amtrak, to fund Brownfields and Youthbuild, and we have the means to do it if the Republican leadership would just acknowledge their mistakes.

My friend from Massachusetts, the ranking member of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Massachusetts (Mr. OLVER), offered an amendment in the Committee on Rules yesterday that would have restored $1.2 billion of funding to Amtrak, as well as funding to Brownfields and Youthbuild. This funding would have been paid for by a slight reduction in the tax breaks given to millionaires.

Unfortunately, the Republican leadership once again proved that protecting millionaires' tax breaks is more important than keeping Amtrak trains running, and they denied the gentleman from Massachusetts (Mr. OLVER) the opportunity to have his amendment voted on.

Mr. Speaker, the American people deserve a fully funded, nationwide intercity rail system that services the entire country. They deserve effective housing programs. They deserve Brownfields funding and Youthbuild, which revitalize our communities and improves the quality of life.

I will vote "no" on the rule and vote against this bill because the American people deserve better than this.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KNOLLENBERG), the chairman of the subcommittee, who, along with the chairman of the full committee, have done tremendous work in bringing forth these pieces of legislation, including the one on the floor today.

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman from Florida for yielding me time and for bringing the rule to the floor on H.R. 3058. It is a bill making appropriations for, as has been mentioned, Transportation, Treasury, Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, and that is why we call it TTHUD.

□ 1245

This is a good rule for a really good bill. We have tried diligently to work with the many authorizing committees of jurisdiction on the various provisions of our bill, and I think we have come to a great deal of agreement on those provisions. I thank my colleagues for working with us in such good faith, and I appreciate their help in bringing this bill to the floor tomorrow.

This bill fully funds surface transportation programs as authorized by TEA-LU and aviation programs as authorized in VISION 100. I want to repeat this; at least I want to say it once and maybe twice: we fully fund Section 8 and many other housing and assistance programs under HUD. We fully fund Section 8. We have even managed to keep CDBG in HUD. Not one dime did we not fund in the request. Did we have to make some hard decisions? Yes, we did. But we funded the most important, the most beneficial, the most effective programs under our jurisdiction.

There are some programs, like Hope 6, Youthbuild, and Amtrak, which are in desperate need of reform or reauthorization. We felt that rather than continuing to throw money at these programs, we would let the authorizers have their chance to provide oversight and legislative direction. All in all, this is a balanced and good bill that we will consider tomorrow.

I thank the gentleman from California (Chairman DREIER) and the Committee on Rules, particularly the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) here today, for their work, and I urge a "yes" vote on this rule.

Mr. McGOVERN. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. MATSUI), my colleague on the Committee on Rules.

Ms. MATSUI. Mr. Speaker, we have seen repeated appropriation bills moved through the House ignoring the priorities of Americans, including those residing in my hometown of Sacramento. With each bill, we see the negative impact of the Republican-passed budget resolution on the day-to-day lives of our constituents.

As we take up the Transportation, Treasury, Housing and Urban Development, Judiciary, District of Columbia, and Independent Agencies appropriation bill, also known by some as the Throw the Leftovers Into One Tupperware Catch-all bill, we, yet again, see the bind the budget resolution has placed us in. We see the programs important to all of our constituents and our communities forced to compete against each other for limited funding, and we see these programs being gutted.

As it stands, this bill dismantles Amtrak, slashing funding by over half, threatening its long-term health. With 9.3 million passengers in California, Amtrak is extremely popular, especially in Sacramento. With the line closures and funding cuts, it will be impossible for Amtrak to continue to operate. After severance obligations and debt service pay, nothing would remain to continue running even the lines deemed successful. Further complicating the situation, the bill fails to even fund the minimum maintenance on tracks and trains necessary to keep the thriving lines operational.

I cannot begin to estimate the negative impact this will have. Businesses which rely on the dollars commuters spend in the community and the revitalization of the city, a transformation that is not exclusive to my hometown, will be affected. Because of Amtrak, Sacramentans are rediscovering downtown. And with funding from the Community Development Block Grants, the city is able to make needed improvements to downtown and the entire city, and that is a benefit to businesses and the overall economy of our region and State.

CDBG supports over two dozen projects improving Sacramento, but CDBG is not just throwing money at a city. In addition to improving the overall look of a city, it fosters a sense of community.

Earlier this year, I was home in Sacramento and participated in a program which receives money from CDBG called Rebuilding Together, an effort to rehabilitate homes for those with low and moderate incomes. Hundreds of people came out to give back to their community and neighborhood. And, because of their work, local senior citizens, who would otherwise find it challenging, received assistance to make the enhancements and repairs their homes need.

Because of funding from CDBG, Sacramento has a program to assist first-time home buyers with down payment and closing costs. We all know the benefits of homeownership to the community: improved neighborhoods, increased civic participation, and to the individual, tax benefits, increased wealth, and increased confidence.

Unfortunately, the misguided priorities of the Republican-passed budget mean cuts to funding for worthwhile programs like CDBG and Amtrak.

But this did not have to be the case. I was disappointed that an amendment offered by my good friend, the gentleman from Massachusetts (Mr. OLVER) was not made in order by the Committee on Rules. It would have restored the necessary dollars to fund programs like Amtrak and CDBG by reducing the tax benefits of those with incomes over $1 million. Instead of receiving a tax break of $140,000, they would receive $131,000, a $9,000 reduction.

Because of the need for the Olver amendment and, importantly, the need to continue these defective programs, I would urge my colleagues to vote "no" on the rule governing this bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I think this is a very important piece of legislation that deserves our support. And, obviously, the rule bringing forth the underlying legislation in an extremely fair manner, with an open rule, deserves our support, but also the underlying bill, the underlying appropriations bill. It grows, it increases over last year by approximately 6 percent. It provides over $66 billion for the

Departments of Transportation and Treasury and HUD, the Judiciary, and Independent Agencies. That is an increase of six percent, Mr. Speaker.

Now, we hear from our friends on the other side of the aisle more requests for spending, more and more and more and more. But I think it is important to keep in mind that what we are bringing forth, the bill that we are bringing forth to the floor increases spending, this bill increases spending by 6 percent over the current fiscal year. I think sometimes perspective is proper. So I wanted to mention that as I reiterate my support for the rule bringing forth this legislation as well as the underlying legislation and asking colleagues to support them both.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume. Let me just respond to the gentleman from Florida, my good friend.

Mr. Speaker, those on the other side keep on talking about the tough decisions that have to be made. My question is, why do always the tough decisions fall on the backs of middle income families and those who are most vulnerable? Why can not, for example, some of the sacrifice be made by those who are earning over $1 million? That is what the gentleman from Massachusetts (Mr. OLVER) tried to do yesterday in the Committee on Rules.

We disagree with your budget priorities. We disagree that all of this money should be going for tax cuts for millionaires and billionaires. We think that protecting programs like Youthbuild, that protecting Amtrak is important.

This bill, if it passes and the funding for Amtrak is not adjusted, is the death knell for Amtrak. It is that simple. There is no way to spin your way out of it. For those of us who support a vibrant, strong, intercity rail system, this bill, with these numbers right now, is unacceptable.

Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY), the ranking Democrat on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I oppose this rule for two reasons. One is because of this, a little piece of plastic called a credit card. All too often, little cards like this are issued by bloodsuckers. This bill, as it went to the Committee on Rules, contained a provision to defend average consumers from some of these credit card companies who abuse their privileges under the law and wreak havoc on people's financial rights.

Right now, there are a number of credit card companies who feel no compunction whatsoever about the idea of changing your interest rate on your credit card, even if you have never missed a payment, even if you have never been a day late with that company. They still reserve the right to jack up your interest rate to the default rate called the universal default rate if you have missed some other payment on somebody else's bill. Example: if you go on a vacation and you are a week late paying a mortgage bill, or you are a week late paying a light bill, if that gets reported on somebody else's credit report, a credit card company can make you pay 30 percent interest, no questions asked, even though you have never been late with a payment for them.

As Linda Sherry of Consumer Action said, "It is the only industry in the world to reprice something you have already paid for."

Now, the bill, as it went to the Committee on Rules, contained an amendment which I offered which passed by a 10-vote margin on a bipartisan basis in the Committee on Appropriations. Yet, the rule does not protect that provision from being stricken on a point of order.

So under this rule, any one Member out of 435 in this House can come to the floor and, for any reason they want, can knock this provision out of the bill.

Now, we will be told by friends on the majority side of the aisle, "Well, this provision belongs under the jurisdiction of another subcommittee, or another committee." There are dozens of provisions in the bill before us that require waivers of points of order, but this one was singled out to be not protected. It will be very interesting to see whether any individual Member has the chutzpah to come on to this floor and knock out this provision, which is a protection for consumers that is long overdue.

The second reason that I will vote against this rule is because it does not make in order the Olver amendment. The Olver amendment is very simple. It says that instead of giving people who make a million bucks a year a $140,000 tax cut next year, we ought to scale that back to $131,000 so you have enough room in this bill to meet our national obligations in funding Amtrak and in funding the other high priority plans in this bill.

Now, the Republican majority has steadfastly insisted on hanging on to those super-sized tax cuts for the most fortunate people in this society. And that is why we had to have a hearing in the Subcommittee on Military Construction this morning when we find out that even though the Veterans Department is now admitting that they are more than $1 billion short in veterans health care funding this year and they are going to be more than $2.6 billion short next year, even though we face those shortages, the majority is insisting that we not treat that problem as an emergency because, "oh, it will put pressure" on them to reduce the size of those tax cuts.

These are minimal actions that this Congress ought to take to protect the public who needs decent transportation, to protect veterans who need decent health care, and to protect consumers who are sick and tired of being bullied by shysters who take advantage of little print on their forms that charge people an arm and a leg on their credit cards.

☐ 1300

These three little things the majority could have helped out. They have not. Those are three good reasons for voting against this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I am going to surprise my colleague, the gentleman from Wisconsin (Mr. OBEY), and support what he just said, part of it, just parts of it. I voted with the gentleman from Wisconsin (Mr. OBEY) on the credit card issue in the committee. And I say to the gentleman from Wisconsin, I do not know where the right place is to do this, but just think about the issue itself. Any one of us, our children or anybody else can receive a notice, or the credit card company can get a notice, maybe you do not cash a check on time and you get it there, maybe you miss a payment. That person can notify the credit card company, and they can raise your rates by 30 percent. My own daughter went through a credit card fraud where there were people cashing her credit cards all over the country. And that was hard enough.

But the issue the gentleman from Wisconsin (Mr. OBEY) is talking about is a valid one. And I hope somewhere, someplace, if someone does object, I will not. We can resolve that issue because it is a terrible issue.

On the issue of tax breaks for the rich, of course we will arm wrestle. Fifty percent of the money that goes to Sub S corporations provides about 70 percent of the jobs in this country. And if you take a look, the economy is improving. The interest rates are low. Inflation is low. The job rate is 5.1 percent, and we are improving a lot because of the things that we have done together in many ways to stimulate the economy.

Now, the tax relief. I happen to believe that the death tax is absolutely wrong. You work your whole life and pay everything you have to build a farm or business, and then the government comes in and wants to take a portion of that. I do not care if it is a million dollars or a hundred million; it is money, labor that you put in to your investment. And many of us feel that that is just wrong. It is not a tax break for the rich, and it improves the economy.

So I do not disagree with my friend on the issue of the credit card. But what I would ask my colleagues, every single bill that I have seen come forward, it is bashing the administration, it is bashing the Republicans. If we take a look and get our arms around this budget and balance the budget, there is going to be more money.

It is like everybody here, you have a checkbook. If you continue to spend more money than you take in, and whether it is Big Bird, whether it is Amtrak, whether it is other things, most of us support the veterans; and hopefully that will come forward in the other body, and we will be able to add money to that. But I would sure like to see less bashing and us reaching across and trying to work together rather than partisan politics. I have a lot of friends on the other side of the aisle, and it grieves me over these last bills to see the action on the House floor.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Wisconsin (Mr. OBEY) had asked who would have the chutzpah to come on the House floor and to object to his provision regarding credit cards. I should tell you that last night in the Rules Committee, I offered an amendment to protect this language, the language that the gentleman from Wisconsin (Mr. OBEY) championed, the language that the gentleman from California (Mr. CUNNINGHAM) has said he agrees with. I offered an amendment to protect this from a point of order, and every single Republican on the Rules Committee that was present last night had the chutzpah to not protect it, which I think is outrageous.

Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. Mr. Speaker, I thank the gentleman for yielding time.

Mr. Speaker, once again the majority of this House shows its true priorities. The resolution that is before us, the rule that governs debate on the fiscal year 2006 Transportation, Treasury, Housing and Urban Development and Related Agencies bill, does not make in order my amendment that reflects important national public priorities. My amendment would have added an additional badly needed $2.092 billion to the bill.

Of that $2 billion, $657 million was for Amtrak, bringing funding for our national passenger rail system to exactly the present year's level, thereby avoiding the shutdown of 18 passenger rail routes and the termination of all passenger rail service in 23 States. But rather than funding Amtrak to keep passenger rail service available, the majority decided that tax cuts for millionaires were more important.

Of that $2 billion, $180 million was for tax law compliance. But rather than making a dent in the over $300 billion of taxes owed under the law that goes uncollected annually, tax cuts for the superwealthy were more important.

Of that $2 billion, $143 million was for the Hope VI program for revitalization of severely distressed public housing. Over the past 10 years, Hope VI has replaced thousands of the worst housing units in urban communities all over the country. Rather than funding Hope VI, which is zeroed out in this bill, tax cuts averaging $140,000 for all persons reporting taxable income of more than $1 million were more important.

Of that $2 billion, $250 million was for community development block grants, just to bring that appropriation up to the present year's appropriation, for a program that affects every State and virtually every community over 25,000 people in population, and a great many smaller communities as well. Again, tax cuts were more important for the superwealthy.

Of that $2 billion, $800 million was to fund the Help America Vote Act, the HAVA Act, and that $800 million which would pay for the national voter registration file that is mandated under the HAVA Act by the first of January 2006 in time for the 2006 elections, this Congress owes that money to the States. It is an unfunded mandate that ought to be paid. The majority chose those $140,000 tax cuts for each and every millionaire in America. Ninety-five percent of Americans do not have that total amount of income for a whole family as would be the amount of the tax cut for the few very most fortunate people.

Finally, Mr. Speaker, $62 million was for Youthbuild, a program which helps school dropouts gain construction skills and experience while building and rehabilitating housing. Rather than funding Youthbuild, which has been a proven success over 10 years and is requested by the President in his budget proposal, the majority once again believes helping the wealthiest Americans with huge tax cuts is more important.

The cost of this amendment was fully offset by a slight 6.5 percent reduction in the tax benefits received by those persons who report an annual taxable income of $1 million or more. Instead of receiving an average tax break of $140,000, they would receive an average of only $131,000 instead. This small reduction in tax cuts for the most affluent Americans is a very small price to pay for the priorities included in my amendment, which was not allowed to even be debated under this rule. And we will not be able to debate it tomorrow.

I do not blame the chairman of the subcommittee for the difficult choices in this bill. The President's budget was inadequate in these and other respects and left gaps that had to be filled. Under these circumstances, the chairman did his best to provide a fair allocation of the money within the amount assigned to the committee. Creative ways were found to plug some of the holes; however, many problems still remain because of the majority party's decision to make huge tax cuts for the wealthiest of Americans their number one priority, first and foremost, above all else, putting aside human needs, ignoring the largest yearly deficits in the history of our Nation, and the national debt that has gone up 50 percent in just the last 4 years. The majority party would rather help those that do not need it than those that do.

My amendment would have corrected this imbalance, and I urge all my colleagues to put our national public priorities first and oppose this rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a couple of points to put the debate back in the perspective and the context of what we are doing today. We are debating the rule bringing forth the appropriations bill that funds the Department of Transportation, Treasury, Housing Urban Development, the Judiciary. This bill includes over $66 billion. It provides to those Departments being funded an increase of 6 percent over the current fiscal year, an increase of 6 percent.

A number of issues have been brought out, for example, the issue of an amendment that was passed in the Appropriations Committee. The substance of that amendment was debated September 10 of the year 2003 here on the floor of this House on an authorizing bill, and again, this may sound technical to some folks, especially if they are watching on TV, the rules of the House say that appropriations bills should not be vehicles for legislating, in other words, for changing the law. Rather, they are vehicles to fund, to appropriate the Federal Government.

Now, on an authorizing bill, which is expected and called for in the rules of the House, this credit card issue was brought forth and it was debated. Again, September 10, 2003. The amendment by the gentleman from Vermont (Mr. SANDERS) on this issue was defeated 272–142. So I think it is important to mention that because facts, I think, should be relevant to debates.

And then, Mr. Speaker, again, the issue of tax cuts. We hear time and time again, no matter what the issue before us, tax cuts for the wealthy, tax cuts for the wealthy. The policies under the leadership of President Bush that we have put into law, including tax relief have benefited all taxpayers. Every taxpayer, every payer of Federal income tax in this country received tax relief. Obviously, if you paid more in taxes than someone else, and everybody gets relief, you get more relief than if you pay less taxes. But everybody obtained tax relief under our policies.

And I think it is relevant to put in context what has happened to the economy ever since we implemented those measures. Ever since we provided tax relief to the American taxpayer: 3 million jobs in the last 18 months alone, unemployment rate at 5 percent.

I think it is relevant, Mr. Speaker, when we hear these attacks continuously against the policies of the majority, I think it is relevant to learn, to note what those policies have accomplished. And the creation of over 3 million jobs in 18 months, an unemployment rate almost at record lows are something that I think all of us should be proud of.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, let me clear up one fact for my colleagues who are listening to this debate. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) just said that the rules of the House prohibit us from adding legislation to appropriations bills; that is the rules of the House. Well, the majority does that all the time. We routinely waive points of order on these appropriations bills. And this bill is no exception. We had a supplemental appropriations bill where you added the REAL ID legislation to that bill.

□ 1315

We had just recently a legislative branch appropriations bill where you added the continuity of Congress legislation.

The gentleman talks about how great this economy is. I want to tell you, there are a lot of people suffering out there. Poverty has increased since you guys took over here, since George Bush became President. There are more people that are hungry in this country. These jobs that you are talking about being created, a lot of them are jobs that provide people with less pay than they were making before.

Our problem here, and the reason why we want to amend this bill, is we think your priorities are wrong. We think it is more important to save Amtrak than to give a millionaire or billionaire a tax cut. In fact, we are even willing to give millionaires and billionaires a tax cut. What the gentleman from Massachusetts (Mr. OLVER) was trying to do was to reduce the amount of tax cut a millionaire would get from $140,000 a year to $131,000 a year. That money saved by doing that could have funded Amtrak, could have funded the Hope VI program for the revitalization of severely distressed public housing. It could have funded more money for community development block grants. It could have funded Youthbuild. It could have funded the Help America Vote Act.

But your priorities are different. You come on to the floor and you debate passionately about the need to give those with the most even more while you neglect what is happening to those who have the least.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise today to ask my colleagues to oppose the previous question.

Our Nation is facing a number of challenges. We are fighting a war against terror that will continue to require significant attention and resources. We are facing historic budget deficits with a national debt of almost $8 trillion.

Our country has pressing needs in education, health care, veterans services and other areas. With all of those challenges before us now, now is not the time for Members of the Congress to be voting themselves a pay raise. We need to be willing to make sacrifices. We need to behave like American families who make tough choices every day. We need to budget, live within our means, and make careful spending decisions based on our more pressing priorities.

A no vote on the previous question will allow Members to vote up or down on the automatic cost of living pay raise for Members of Congress. If the previous question is defeated, I will offer an amendment to the rule. My amendment will block the fiscal year 2006 cost of living pay raise for Members of Congress. Because this amendment requires a waiver, the only way to get to this issue is to defeat the previous question. So again, I urge my colleagues to vote no on the previous question.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wished to do when my good friend from Massachusetts (Mr. McGOVERN) had the floor, I wanted to ask him a question. I was trying to understand and I was a little confused.

Does the gentleman admit that 3 million jobs have been created in the last 18 months in this economy?

Mr. OBEY. Mr. Speaker, will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Let me say that thank God there were some jobs added in the last few months of the Bush presidency, that made up for the 3½ million jobs that were lost from the first 3 years of his presidency.

Mr. LINCOLN DIAZ-BALART of Florida. So the gentleman's answer is yes or no?

Mr. OBEY. You came within 100,000 jobs of being first President since Herbert Hoover not to add a single job in his term. It was the most anemic job growth of any president since Herbert Hoover.

Mr. LINCOLN DIAZ-BALART of Florida. Maybe the gentleman from Massachusetts (Mr. McGOVERN) could answer. Have 3 million jobs been created in the last 18 months, yes or no?

Mr. OBEY. 3 million jobs that have been destroyed in the first place by the policies of the very administration that you are bragging about. You destroyed 3 million jobs and then gradually the economy recovered and you built back so you came back to about square one. I would not brag about having the worst job creation record of any president since Herbert Hoover. If you think that is a great achievement, that puts us in a different league.

Mr. LINCOLN DIAZ-BALART of Florida. Reclaiming my time, I think, Mr. Speaker, what I have heard is yes. And I think that what we have seen is remarkable, considering that we had a recession that began toward the end of the year 2000 and that was coupled by the unprecedented attack on in country, including on our economy and on our way of life on September 11, 2001. Despite that unprecedented attack, the policies, yes, under the President's leadership that this Congress instituted have permitted and have incentivated the creation of 3 million jobs in the last 18 months.

We have a record, almost a record low unemployment rate of 5 percent. And I think that despite the static from which I am trying to learn, understand the answers of my respectful questions, the answer is yes. It is a remarkable achievement.

And so to keep in mind and in perspective of what we have seen, Mr. Speaker, job growth, almost a record low unemployment rate, and with regard to what we are doing today, which I think is relevant to remember and put in context. What we are doing today is bringing forth legislation, the appropriations bill on the funding the Treasury Department, Housing and Urban Develop Department, the Department of Transportation, that includes a 6 percent growth, 6 percent growth over and above the legislation for the current fiscal year.

I think the gentleman from Michigan (Mr. KNOLLENBERG) has done a great job. I think the Committee on Appropriations has done a great job.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself 30 seconds.

The recession began in March 2001 under the watch of President Bush. Secondly, poverty in this country has increased dramatically, and for anybody to get up here and to try to boast about this President's job creation record when he is dead last amongst all Presidents is pretty outrageous.

Go outside the Beltway and talk to some people about how they think this economy is going right now. I will tell you, people feel it is not going as rosy as you think it is. This President has also accumulated the largest debt of any President in history. That is not something we should be proud of. That is passing on a credit card bill to our kids and our grandkids. That is something you should be ashamed about.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I know there was hard work amongst the appropriators and what they had to work with, but I rise with a great deal of disappointment because poverty has, in fact, increased.

Just look at the number of homeless persons across America and the 44 million uninsured. And I would have hoped the Olver amendment could have been passed to allow for additional funds to go into Hope 6 because Hope 6 rebuilds distressed public housing and changes it into mixed housing for those individuals who are without housing.

Right now in my district, there is an application in one of the most distressed areas for a youth bill. Does anyone understand that youth bill puts inner city youngsters, rural youngsters to work building homes in their communities?

What is going to happen to brownfields in our respective areas, rural and inner city areas where we are not cleaning up horribly poisoned areas that could, in fact, contribute to the economy?

In the month of May, the unemployment among African Americans went through the roof. There are no jobs being created. And then, of course, the community development block grant was saved but those dollars are needed, even more dollars are needed to enhance development in our cities and in our rural areas.

It is a shame on America when we do not stand up for our inter city, our Amtrak, our rail system, light rail and rail. And I would have hoped we would have added more than $25 million for air traffic controllers because America's skyways are overcrowded and air traffic employees are needed to be retrained as well as additional employees are needed. We could have done more if we had cut into that over excessive tax cut for millionaires and billionaires. We could have provided an environmentally safe America with providing dollars for brownfields, a youth bill to ensure that youngsters who are at-risk can help build their community; more dollars for community develop; more dollars for Hope 6.

Yes, poverty is raging in America. There are people without jobs, but more importantly there are people living earning under $8,000 which is extreme poverty. They do not have housing and it is difficult to house them. This bill needed to do more.

I hope my colleagues will go back to the drawing board. I ask my colleagues to consider the necessary enhancement of funding in the bill to help the most vulnerable.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself 10 seconds.

I urge my colleagues to support any amendment that will be offered today to relax the travel restrictions on Americans to Cuba. I have met with Sergeant Lazo, who is a veteran who served in Iraq who, as a result of the U.S. law, is unable to visit his own parents in Cuba. That is wrong. This man served our country. We should be able to adjust that.

Mr. Speaker, I yield the balance of my time to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman yielding me time.

I want to focus on just one deficiency in this bill. I, too, am sorry that the Olver amendment was not made in order.

I want to focus for a minute on what would have happened with Amtrak. It is interesting that we have some in this Chamber who have an almost theological zeal to eliminate national rail passenger service in the United States, leaving us the only major country in the world, in fact, almost all the minor countries have national rail passenger service.

This is not about cost effectiveness. This is made repeatedly clear since I have been in Congress this year. We are going to be giving about $14 billion for airport construction, $11 billion for air traffic control. We gave $15 billion in the aftermath of 9-11 in grant and loans, this to an industry, the air passenger industry, that in its 75-year history has shown a total net profit of zero. Actually, given the performance of the last couple of years, it is less than zero. But Congress lavishes support on air traffic but it is not about to help rail passenger service.

That is particularly ironic because rail passenger service is 38 percent more energy efficient than air travel. It is six to seven times cheaper to upgrade track than build new highways. And, in fact, rail passenger service provides some competition for hard-to-serve communities. This competition holds down the price of airline tickets which would skyrocket, if people did not have a rail passenger alternative.

I am pleased that the gentleman from Ohio (Mr. LATOURETTE) of the majority and the gentleman from Minnesota (Mr. OBERSTAR) are going to bring forward an amendment to partially restore funding. I strongly urge my colleagues to support it. Instead of dismantling and starving Amtrak, we should build on our 150-year rail passenger investment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank all the colleagues on both sides of the aisle who have participated in this very interesting debate.

We are bringing forth the last of the appropriations bills with this rule. I think it is a remarkable achievement, and I think the gentleman from California (Chairman LEWIS) really deserves commendation as do all on the Committee on Appropriations. The gentleman from Michigan (Mr. KNOLLENBERG) has done a great job on this bill.

This particular bill that we are bringing forth with this rule is the Treasury and HUD, Transportation bill. I am not sure if it is the bill that increases the most from the current fiscal year, but it certainly has to be one of the most significant increases at 6 percent. We hear from our friends on the other side of the aisle requests and demands for further spending and for further government growth; and obviously, that is legitimate, that debate is very legitimate.

I think it is also important and legitimate to put in context that this bill which has caused so much angst in terms of it being categorized as insufficient in spending from the other side of the aisle includes 6 percent more than the current fiscal year.

☐ 1330

So it not only is an important piece of legislation, but it is funded, obviously, at a very high level.

With regard, again, to points that were made, so many of them were made by colleagues who took the floor. It is an undeniable fact, Mr. Speaker, that the economic downturn began in the third quarter of the year 2000.

It is an undeniable fact that September 11 of 2001 this country suffered a tremendous, unprecedented and horrible criminal attack. That obviously contributed to the economic downturn.

It is also an undeniable fact that due to the policies, certainly it is an undeniable fact that there have been 3 million jobs created in the last 18 months, that the unemployment rate is about 5 percent, and I think we all should be proud of that.

It is important to put in context, in the context of what has happened in the economy, I think, the attacks which we have heard so repeatedly, as though we were living in a different reality. The reality we are living is one of 3 million jobs being created in the last 18 months. The reality we are living is one that reflects one of the lowest unemployment rates in history. It is fair to point that out.

And I think it is fair to point out, yes, the gentleman from Massachusetts (Mr. MCGOVERN) talked about we will have a debate on the Cuban dictatorship. I am sure we will. There is a lot to report in terms of the repression and torture and the continuation in the local prisons and so much more. So, yes, we will probably see amendments to loosen sanctions on that dictatorship, amendments that, if passed and if they became law, would see flows of hard currency going to that dictatorship. We will have that debate, but at the end of the day, I am confident that this Congress will continue to stand with those who suffer and those who are repressed and not those who cause the repression.

So, Mr. Speaker, again, support the underlying legislation which I think, again, we owe a debt of gratitude to the entire Committee on Appropriations not only for having it brought it forth in such a timely way but especially the chairman who will now soon take the floor. We have much to commend, and I know that we have all of the chairmen we see here, the gentleman from Arizona (Chairman KOLBE) on the floor as well, so many who have worked so hard to make sure that all of these bills have come forth in really a remarkably timely way.

So, again, I am supporting the underlying legislation, as well as this very fair rule, which is an open rule and urging support for both by all of our colleagues.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MATHESON. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3057, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 341 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3057.

□ 1335

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Arizona (Mr. KOLBE) and the gentlewoman from New York (Mrs. LOWEY) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I am very pleased to present to the House H.R. 3057, the fiscal year 2006 appropriations bill for foreign operations, export financing, and related programs. This bill provides important funding for programs that support the global war on terror, the battle against HIV/AIDS and other infectious diseases, and the national interests of the United States.

The bill includes a total of $20.3 billion in new budget authority for fiscal year 2006. This represents a reduction of $2.6 billion, or 11 percent, from the President's budget request. The bill is $533 million above the fiscal year 2005-enacted level, not including the most recent supplemental appropriations of 2005. With all of the supplemental appropriations of last year included, the recommendation represents a decrease of $2 billion from the 2005 level.

As to whether this amount is considered adequate, I quote from two headlines in Associated Press articles that appeared after the subcommittee markup of June 14. The first reads: "Lawmakers Propose U.S. Foreign Aid Boost," and less than an hour later the headline reads: "GOP-Led Panel Slashes Foreign Aid Program." Those were headlines an hour apart. So Members can lend their support to this bill because it increases foreign aid, or they can oppose it because it slashes foreign aid, or they can do either way with either one of those ideas.

It is important to state at the outset that the bill was developed in a bipartisan manner. I give enormous credit to the gentlewoman from New York (Mrs. LOWEY), my ranking minority member, for engaging in a process that resulted in agreement on the basic components of this package, even if funding compromises had to be found on both sides.

We have made a focus of this year's proposal greater oversight of the expenditure of taxpayers' dollars. The report accompanying this bill includes language that requires more accountability of our foreign assistance dollars by urging the Department to set transparent goals and in tangible ways that measure progress toward these goals. Results, rather than resource levels, should be the yardstick for measuring U.S. assistance programs.

Furthermore, this bill and report include many requirements for the submission of financial plans, limiting expenditures until certain reforms are implemented, and continuation of congressional notification requirements prior to the obligation or expenditure of funds.

With that, let me turn to some of the highlights of the bill.

First, the Millennium Challenge Corporation. The administration requests $3 billion for MCC. That would have doubled our $1.5 billion appropriation last year. We are funding it at $1.75 billion, or an increase of $250 million, 17 percent, over 2005, but $1.25 billion less than the President asked for.

As chairman of the subcommittee, I have made the MCC a priority in this bill. I believe in the President's vision for a new form of development assistance, where a country's commitment to fighting corruption, its commitment to reform, its commitment to investing in its people is complemented by an assistance package from the United States, negotiated by the country in the form of a signed compact.

On the Global Environmental Facility, the budget included a $107 million request for the GEF, up from $106 million last year. Our bill has no appropriation for GEF. As part of this multilateral agreement with donors in 2002, the GEF agreed to establish a performance-based allocation system for the disbursement of funds. Despite this agreement, GEF has resisted attempts to establish this performance-based allocation system, and I think our reduction, not including any funds for this, sends a clear message about the imperative of reform to GEF.

On Afghanistan, the budget included a $430 million request for Economic Support Funds, ESF, for Afghanistan, an increase of $205 million over the 2005 level. It also included a request for $260 million for International Counternarcotics and Law Enforcement, an increase of $170 million over the 2005 level. This bill fully funds the $430 million in ESF and $211 million in INCLE for police and counternarcotics programs in Afghanistan. The bill also limits expenditures of about half of the ESF funds, or $225 million, until the Secretary of State certifies to the committee that the government of Afghanistan, at both the national and the local level, is fully cooperating with the United States-funded narcotics eradication and interdiction efforts.

On the West Bank and Gaza, the budget included a $150 million request in ESF for the West Bank. The bill funds the request and retains the fiscal year 2005 prohibitions and restrictions on the expenditure of these funds, including a GAO audit of U.S. assistance.

Neither the request nor the bill includes any direct budgetary support of the Palestinian Authority.

On the Emergency Plan for Aids Relief, the bill includes $2.695 billion for the Emergency Plan for AIDS Relief, the third year of this effort. This funding level is $131 million over the President's request and $502 million over the fiscal year 2005 level. The bill includes not less than $400 million, twice the amount requested by the President, for a U.S. contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria. Mr. Chairman, no one in this body, no one in this country, should doubt the commitment of this Congress to fighting the global AIDS battle.

Anti-corruption provisions. Following through on strengthening our oversight role, the bill includes a new anti-corruption measure, a provision that withholds 25 percent of the funds made available for the U.S. contribution to the World Bank's International Development Association, or IDA, until the Secretary of the Treasury certifies that the World Bank has incorporated certain procurement guidelines, withdraws its proposals concerning increasing the use of country systems procurement, establishes a threshold for competitive bidding and, subjects competitive bidding provisions to public advertisement.

On Iraq, the budget included a request for a total of $485 million for Iraq. Our bill includes no new appropriation for this request. We are not slighting Iraq. Instead, we assume these requirements can be financed from the nearly $5 billion that remains in unobligated funds previously appropriated in the November 2003 Iraq Relief and Reconstruction Fund in the emergency supplemental bill.

On the Andean Counterdrug Initiative, or ACI, the bill fully funds the budget of $734 million for the multiyear Andean Counterdrug Initiative, ACI. That is an increase of $9.3 million over the current fiscal year. The United States leads the international fight against coca and poppy cultivation overseas. The narcotics industry has become a source of funding for terrorists, especially in countries like Colombia and Afghanistan. As part of the war on terror, the bill funds the President's counterdrug initiatives for eradication, narcotics interdiction and alternative livelihood programs.

On the Conflict Response Fund, the bill does not include the administration's request for $100 million for a Conflict Response Fund, but it does have a new provision that allows the Secretary of State to reprogram and transfer funds as necessary for the purposes identified for the fund; and in other legislation, funds for the administration of that office and that program are included.

On Sudan, the bill includes $391 million, as requested, for assistance to Sudan, including $69 million for the terrible tragedy occurring in the western part of that country known as Darfur; but the assistance may only be given to the coalition government if it is in direct support of the comprehensive peace agreement with the southern part of Sudan. Development assistance to the government in the south and our humanitarian assistance in Darfur will continue unabated.

In preparing this bill, we were also faced with decreases in some areas of the budget, including for some key non-HIV/AIDS health programs and in the development assistance account. We have restored most of those reductions, and in the case of development assistance, added funds for basic education. I believe our development assistance program is a key component of our national security strategy and is critical to a positive U.S. image in foreign countries.

Basic education has become a signature issue for my ranking minority member, and I salute her for her commitment to this; but I will leave it to her to describe the details of our recommendation in this regard. Suffice it to say that I fully support her efforts to provide more educational opportunities to the impoverished youth of the world, especially women and girls.

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This bill recommends $465 million for basic education activities, and that is an increase of $65 million over the amount provided last year.

The bill also fully supports USAID's work to support the microenterprise lending. Report language accompanying the bill expresses the committee's expectation that USAID programs reach the largest possible number of microenterprises and recommends $200 million for this program.

We continue an emphasis in this bill on helping developing countries build their capacity to participate in the international trading system. We have $214 million for trade capacity building efforts, an increase of $15 million over last year. Of this amount, $40 million is made available for labor and environmental capacity building activities related to the free trade agreement with the countries of Central America and the Dominican Republic.

The bill fully funds the export finance agencies to promote U.S. investment overseas and create jobs in the United States' export sectors. The committee bill provides $311 million for these agencies, including the Eximbank, the Overseas Private Investment Corporation, and the Trade and Development Agency, and $275 million of that is offset by collections.

The bill provides $791 million for migration and refugee assistance programs, continuing the United States' leadership in the world for providing humanitarian responses to refugee crises. This amount is $27 million over the 2005 level but $102 million less than the request.

Finally, the bill mostly restores the large proposed reduction to the child survival and health program, providing $1.5 billion for these programs, an increase of $246 million over the President's request.

We have had to reduce sums by almost $2.6 billion from the President's request to meet our allocation for this bill. Therefore, we could not provide funding for a number of new and expanded initiatives, though requested by the President or brought to this committee's attention by committee members and other Members of Congress and outside groups.

The major reductions to the President's budget includes a cut of $1.25 billion for the Millennium Challenge Corporation, which I have already spoken of, $458 million from various programs in Iraq, and $300 million from the President's proposed local food purchases. This latter recognizes the decision to maintain U.S. food purchases through the PL-480 program funded in the agricultural appropriations bill. And, finally, the $100 million I spoke of from the President's proposed conflict are a transfer of funds instead of a new appropriation.

I believe this is a balanced bill, one that provides important support for our most critical national security needs while substantially increasing funding to respond to the global HIV/AIDS pandemic. It also embraces our support for overseas development assistance and humanitarian assistance activities. It meets the high priority needs of the President in these areas and accommodates congressional concerns as well.

As I said, this bill was developed in a bipartisan manner and it should have the bipartisan support of this House. So, Mr. Chairman, I urge a "yes" vote on this important legislation.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 3057, the fiscal year 2006 foreign operations appropriations bill, and I want to thank the chairman of our subcommittee, the gentleman from Arizona (Mr. KOLBE) for his hard work in putting together this bill. The good working relationship we share is evident in the product we present to the House today.

The President's fiscal year 2006 request, when compared with the subcommittee's 302(b) allocation, presented us with an array of difficult choices. Our allocation is a full $2.55 billion below the request level, and into this reduced allocation we had to fit increases in administration priorities, such as the Millennium Challenge Corporation and the President's emergency plan for AIDS relief.

While I do believe that the bill reflects, for the most part, a bipartisan compromise on the distribution of resources, I feel that this allocation fails to meet our overall foreign policy and national security needs at a time when the world is facing greater instability due to disease, deprivation and conflict.

The world's attention is focused on the upcoming G-8 Summit, in which wealthy nations will announce new commitments to achieve development progress. It is in this context that we must consider the bill before us today. We must ask if it is sufficient to lead the community of developed nations in creating a new compact for global development; if it will make the United States the standard bearer in a renewed effort to lift the least fortunate among us out of poverty; if it represents the commitment we must make to achieving the good governance and adequate financial resources to address the world's challenges.

My colleagues, we did the best we could with what we had, and I commend the chairman for that, but it is not enough. We are missing an opportunity today to demonstrate that the United States understands not just the need but the urgency of beating back the AIDS pandemic, getting children in school, encouraging reformers and oppressive societies, an opportunity to show that we understand business as usual simply will not do the job and that we are willing to take dramatic steps to bring the rest of the world on board.

This bill will do a great deal of good for a lot of people. It will address many of the challenges around the world that most directly affect U.S. national security, but it is not the bold statement that we all know it could be. Nevertheless, I generally agree with my chairman on the spending levels recommended within the reduced allocation. We worked closely together to ensure that in the face of these devastating cuts, we at least level-funded child survival and health and development assistance priorities.

We provided an increase over the President's request for HIV/AIDS, doubling his request for the Global Fund to fight AIDS, TB and malaria. Although I wish we could have done more for the Global Fund, I believe we are doing the best we can with the resources we have. We provided $465 million for basic education. We continued the U.S. reconstruction program in Afghanistan, and we fully funded our commitments in the Middle East, a powerful statement at such a critical time in the peace process.

The message we have sent with this bill is clear: In contrast with the President's request, Congress will not increase funding for MCC and PEPFAR on the backs of our core development accounts.

I am pleased that we were also able to restore deep cuts the President requested in reproductive health programs. This bill provides $432 million of bilateral funding, the fiscal year 2005 House-passed level, and earmarks an additional $25 million in International Organizations and Program funds for the United Nations Population Fund. The bill further specifies that any funds for the UNFPA that cannot be spent should be transferred to USAID specifically for bilateral family planning programs, a provision we carried in the fiscal year 2004 bill as well.

As I said, I am also pleased that this bill provides a total of $465 million for basic education, $65 million more than the fiscal year 2005 level. And, once again, we provide $15 million for a pilot program to eliminate school fees and, for the first time, require a GAO study on our education programs to ensure that we maximize the effectiveness of our aid dollars.

This bill fully funds Israel's annual economic and military aid package, including early disbursal of these funds within 30 days of the bill's passage. It also includes language carried in previous years, placing conditions on U.S. support for any future Palestinian state. This year, the bill includes an additional provision requiring a GAO audit of the fiscal year 2006 West Bank and Gaza program, as well as a project-by-project plan from the State Department on how these funds are being spent. And it extends a reporting requirement included in the fiscal year 2005 supplemental on the Palestinians' progress in reforming their security services, dismantling terrorist groups, and ending incitement against Israel. I agree with the chairman that these provisions are critical to monitoring the results we achieve as well as the money we disburse.

I am proud that the bill and report carry a number of provisions aimed at increasing the U.S. commitment to fighting gender-based violence around the world, including in areas with high HIV infection rates and in areas undergoing conflict and civil strife. I want to thank the chairman for including a provision requiring police, judicial, and military training programs funded in the bill to develop training curricula on how to prevent and deal with victims of gender-based violence. And I am pleased that we were able to increase funding for UNIFEM and the UNIFEM Trust Fund to a total of $5 million.

I want to point out a few specific concerns, however, I have with the bill. First, it provides no funding to the Global Environmental Facility, GEF. The GEF is the largest single funder of projects to improve the global environment, and every dollar invested by the U.S. in the GEF leverages $14 from other sources.

I do understand why the chairman has proposed this cut. The GEF has dragged its feet in implementing a performance-based allocation system. And while I agree with the chairman's desire to send a message that we are serious about reform, I do believe cutting funding is not the right way to accomplish this. I hope we will have the opportunity to restore funding to the GEF as this bill moves to the Senate and through conference.

I am also concerned that the bill places no conditionality whatsoever on U.S. military assistance to Indonesia and international military education and training for Guatemala. For the first time since Indonesian military-backed militias laid waste to East Timor in the wake of its August 1999 independence referendum, we will provide FMF to Indonesia free of any conditions. And despite the Guatemalan government's noncompliance with military reform stipulated in the Peace Accords, we have removed IMET restrictions on that country as well.

I regret that we were not able to fully fund the President's request for refugees and peacekeeping. The reduced allocation simply made it impossible. I am pleased that we were able to provide additional funding as part of the fiscal year 2005 supplemental, and I am optimistic we can increase funding for these accounts in conference.

Let me also say that even though this bill provides no funding for Iraq reconstruction, I take seriously the role this committee plays in exercising oversight over this effort. Reports of wasted money and poor accounting for taxpayer funds are certainly alarming. Congress, and particularly this subcommittee, has a responsibility to ensure that these funds are used properly and efficiently, and the chairman and I will continue to make this a priority.

Finally, I would like to point out that the Senate's allocation for foreign operations is a full $1.6 billion above the House. It is my hope that this allocation will enable us to significantly increase funding for a number of critical priorities in the final conference measure.

I want to thank the chairman once again for being such a good partner in the process. I particularly want to thank him and wish him a very happy birthday from all of us. With few exceptions, I believe we have put together a good bill within the context of our difficult allocation.

I appreciate the gentleman's help and the work of the staff, Nisha, Betsy, Alice, Rodney, Rob, Lori, Sean, and Beth, in bringing this bill to the floor and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. SIMPSON. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Idaho.

Mr. SIMPSON. Mr. Chairman, I appreciate the gentleman from Arizona yielding to me for the purposes of a colloquy on an issue of report language that accompanies H.R. 3057, the foreign ops appropriation bill, and for his willingness to work with me through conference on this report language.

Mr. Chairman, report language appears for a reason. It is meant to send a strong message to Federal agencies; in this case, the Export-Import Bank. I am greatly concerned about the message this report language sends. I am worried it has the appearance of trying to encourage the approval of a loan that does not meet the statutory requirements.

Before a loan should be brought before the board for a vote, it must meet the congressionally-mandated test for export additionality, foreign competition, and net benefit to the U.S. economy. If we want to consider changes to the statutory requirements, those changes should be addressed during the reauthorization of the Export-Import Bank that is scheduled to occur next year.

I look forward to working with the chairman and the Senate in conference regarding the committee's intent of any report language addressing this issue.

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Mr. KOLBE. Mr. Chairman, I want to say to the gentleman from Idaho (Mr. SIMPSON) that I sympathize with his statement. He makes his case with passion and knowledge. I want to clarify my intent with respect to the language in the committee report referring to applications from the U.S. Export-Import Bank.

The report language urged the Export-Import Bank to act promptly on requests for assistance. It also asked for the bank to report on the status of pending applications.

The report further noted the committee's request for "an explanation for any rejection of any requests for assistance, specifically applications affecting the semiconductor industry." This sentence could be misconstrued as prejudicing or prejudging possible applications for bank assistance.

Let me be clear. It was not and is not my intention to prejudice or prejudge the outcome of any pending application at the bank. This language is not intended to influence in any way any matter that is pending before the bank or reflect negatively on any decision made by the chairman or any other board member regarding any pending or past matter.

Loans brought before the bank must meet the bank's criteria for export additionality, foreign competition, and net benefit for the American economy. The Export-Import Bank has five full-time board members whose job it is to assess whether applications meet the bank's criteria for export additionality, foreign competition, and net benefit to the U.S. economy.

They are the ones who should make the judgments about which transactions the bank will support and those it would turn down. The committee report language in no way is intended to influence those judgments. I understand the gentleman from Idaho (Mr. SIMPSON) still has some concerns with the language, and I will be happy to work with the gentleman and the Senate in conference regarding the committee's intent.

Mr. SIMPSON. Mr. Chairman, I thank the gentleman.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of this bill, the fiscal year 2006 Foreign Operations Appropriations Act.

Let me begin by commending the gentleman from Arizona (Mr. KOLBE) for his work as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs. Every year he puts a great deal of effort into examining the issues thoroughly and giving sincere consideration to Members' requests. Thanks to his efforts, we have before us today an excellent bill.

I also commend the gentlewoman from New York (Mrs. LOWEY), the ranking member. She and I have worked together on a number of issues over the years, and together we have achieved some important results.

I also want to thank all of the staff for their hard work and the research they have done over the weeks and months to address the many issues in this bill. Their organization and discipline has made this year's process move more smoothly.

As Members of Congress, we have a responsibility to exercise our oversight to ensure taxpayer dollars are spent as effectively as possible. Oversight has been a primary focus of the Subcommittee on Foreign Operations this year, and there are important provisions in this bill to help make our foreign assistance programs more accountable.

This bill requires the administration and international organizations to set transparent goals and measure progress towards these goals in tangible ways. The bill also limits spending until certain reforms are implemented. Because of this oversight, the committee has been able to produce a bill that is $2.5 billion below the administration's request and still focuses on the important priorities.

Assistance to the Middle East is always a central part of this bill. For fiscal year 2006, Israel will receive $2.28 billion in military assistance, $240 million in economic assistance, and $40 million to help resettle Jewish refugees in Israel. I strongly support all of this funding.

I am also pleased that the bill provides $40 million for assistance to Lebanon, which is an increase of $5 million from last year. With Syria's military withdrawal from Lebanon and the recent elections, there is an opportunity for positive change. This extra funding will give the State Department and USAID some flexibility to take advantage of this opportunity.

There are also a variety of important programs in the bill that provide support to reform efforts within the countries of the broader Middle East, including $85 million for the Middle East Partnership Initiative.

Regarding Armenia, the bill provides $67.5 million in economic assistance. Unfortunately, Turkey and Azerbaijan continue to seal the transportation routes into and out of Armenia, so this funding is important to offset this economic blockade.

The bill also maintains parity in military assistance to Armenia and Azerbaijan, which is critical to our overall policy toward the South Caucasus.

There are other valuable programs in this bill, including the Millennium Challenge Corporation and funding to fight the scourge of HIV/AIDS.

But in addition to what this bill does include, what is equally important is what this bill does not include.

Specifically, this bill does not include any funding for the Global Environmental Facility. Plain and simple, this is a matter of accountability, and we cannot afford to waste money on organizations that refuse to implement good-government reforms.

Mr. Chairman, this is a responsive bill. It is the result of significant oversight. It is fiscally sound, and it focuses on priorities that will advance our interests. For all of these reasons, I strongly support this bill, and I urge all of my colleagues to join me in supporting it on the floor today.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan (Ms. KILPATRICK), a distinguished member of the subcommittee.

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank our ranking member, the gentlewoman from New York (Mrs. LOWEY), for yielding me this time and wish a happy birthday to our chairman and thank the gentleman from Arizona for his leadership as we work for the world right here in this Chamber.

I also want to thank the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for helping us to fashion a bill that is fair. Yes, we could use more money. Our 302(b) allocations limit what we can do, but I think it is a perfect start. The Senate has $1.5 billion more to spend than we have in our bill, and I believe in conference we will see a better bill.

I want to highlight a few things about why I strongly support this bill. Everyone says it is not enough. It is never enough. HIV/AIDS is funded at the highest level it has been. I want to commend the leadership of the subcommittee. We are over a billion dollars more than the President requested for HIV and AIDS.

The Sudan and peacekeeping operations there, we are going in the right direction. We believe with this money to help Sudan we will be able to see some stability in that region soon.

I want to speak about the Middle East. I am a strong proponent of peace in the Middle East. We must have that, and our partners there are working for that.

I recently visited Egypt on my second visit there, and found that Egypt, which I already knew, some 70-plus million people, is our strongest military ally in the region. Egypt purchases our weapons and does our training and also stabilizes the other countries: Israel, with 3 to 4 million people; Jordan with 7 or 8 million people; Lebanon, Syria. The government of Egypt and President Mubarak are the peacekeepers and have been very instrumental in the Abbas-Sharon talks, as well as the Lebanon and Syria talks. So I would hope we continue to fund Egypt to work with Egypt to make sure that they keep their commitments to the Middle East as well as to this government. I am very confident that as we work together with Egypt and with the Middle East, we will hope to see peace as we work there.

This bill also provides educational opportunities for thousands of young people all over the world who are unable to fund their own education. We know education is the difference between success and failure in young people's lives; and the better the education, the more options young people have.

Mr. Chairman, let us continue to work to build a better, stronger world. The U.S. is the largest country, the strongest country in the world. I would not want to be anywhere else. We have a responsibility to build, to grow, and to be good foreign partners. I believe this foreign ops bill for 2006 continues that effort. I urge a "yes" vote on the foreign operations bill. It is not perfect, but it is certainly a good piece of legislation as it moves through Congress.

Mr. Chairman, I rise in support of H.R. 3057, the Foreign Operations Appropriations bill for FY 2006. As a member of the House Appropriations Committee, subcommittee on foreign operations, I want to commend subcommittee Chairman JIM KOLBE and Ranking Member NITA LOWEY, Appropriations Committee Chairman JERRY LEWIS and Ranking Member DAVID OBEY for fashioning a bill that reflects consensus and a commitment to supporting the needs of the global community.

Our work on this bill was difficult given the limited 302(b) allocation that was imposed on the subcommittee. Despite the allocation constraints, the subcommittee members developed a bill that was roughly $2.5 billion below the president's request of $22.8 billion. Our bill recommends a funding level of $20.3 billion and includes a number of strong provisions.

Our bill provides substantial funding for HIV/AIDS, including a plus up of $131 million above the president's request. The Global Fund is funded at $400 million, and is an increase of $200 million above the president's request. The President's Emergency Plan for AIDS Relief (PEPFAR) is funded at $1.72 billion which is $150 million less than the president's request, and HIV/AIDS in the Child, Survival and Health (CSH) account is funded at $350 million, including $20 million in bilateral assistance to non-focus countries. Other HIV/AIDS funding totals $55 million. The level of funding in the bill reflects an awareness of the dimensions of the global pandemic and the necessity to commit resources to global communities that are being ravaged by the disease.

I am also pleased that my colleagues recognized the importance of funding peacekeeping operations (PKO) in Sudan. The conflicts in the north/south and Darfur necessitate a financial and peacekeeping commitment to mitigate the proliferating violence, despair and disease that is rampant in Sudan.

Given the prevailing tensions in the Middle East, particularly as those tensions relate to peace negotiations between Israel and the Palestinians, I am pleased about the level of funding provided to support the Palestinian Authority (PA) and for our allies in Egypt and Jordan. Our funding to the region reflects the importance the committee attaches to supporting countries that are committed to the goals of democratization and fighting terrorism. I also want to remind my colleagues that it is imperative that we continue to send the message to our allies in the Middle East and the Gulf region that their efforts to aggressively support democratization and to provide military security are greatly appreciated and reflected in our ongoing financial support.

Despite the good news in this bill, I want to stress my concern that U.S. foreign assistance comprises only 1 percent of our Federal budget. I believe more could be done around the world if our Nation did not have to contend with a spiraling deficit that continues to balloon because we are entrenched in a military engagement in Iraq that costs roughly $150 million per day, $5 billion per month and $60 billion per year. I am very dismayed by these figures because they highlight the reality that there is no prospect for the removal of our troops from harm's way in the near term.

Mr. Chairman, the bill before us, I believe, represents a good faith effort to address the foreign assistance needs of our global neighbors. And while I wish that more resources were available to support worthy programs, we were limited in our allocation. Given current economic realities, this bill represents a good faith effort to fund essential programs around the world. The Senate allocation for foreign assistance is $1.5 billion higher than the House figure, so I am hopeful that perhaps even greater levels of funding will be provided for other critical areas of need. I am pleased to support this bill and encourage my colleagues to vote "aye" on H.R. 3057.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. KIRK), an outstanding member of the subcommittee.

Mr. KIRK. Mr. Chairman, I congratulate the gentleman from Arizona on his birthday, rise in support of this bill, and compliment the ranking member, the gentlewoman from New York (Mrs. LOWEY), for her work.

This bill is vital to winning the war on terror. I am particularly happy that we have focused the soft power of the United States, USAID, the Board for International Broadcasting, et cetera, on key parts of Pakistan where the leaders of al Qaeda are hiding.

I do want to strike one note of warning, though. In the last 2 years, we have witnessed an explosion of heroin production in Afghanistan. Last year, drug lords in Afghanistan made over $6 billion in drug profits with some of the proceeds supporting terrorist groups. Al Qaeda and the Taliban now depend on the sale of heroin to wage their war on terror. Two years ago, drug profits sustained just two terror groups. Today, drug profits sustain four terror groups.

Last year, more drug money arrived in Afghanistan than it had in any other country, including Colombia, in history. Two years ago, only 8 percent of Afghan heroin arrived in the United States; now it is up to 12 percent, a 50 percent increase. Two months ago, the United States arrested Osama bin Laden's banker, Haji Bashir Noorzai, for attempting to smuggle $50 million of heroin into the United States. His attempt provides a stark warning that if Afghan drug dealers can smuggle heroin into the United States, they can also smuggle terrorists.

To date, our program to reduce the Afghan heroin crop has failed. From a low of only a few hundred acres in 2001, the Afghan heroin crop topped over 200,000 acres last year.

Alternative development programs for Afghan farmers are key, and we fully fund such programs to help farmers switch from poppies to the traditional products of Afghanistan, like wheat. But even the best legal crop can only command one-twelfth the price of heroin, so we also must fund enforcement programs.

Congress approved $92 million in the fiscal year 2005 supplemental to provide helicopters for the Afghan police to catch drug lords. The program inside the administration is now adrift, and we have wasted 6 months in designing a helicopter program to help Afghan police officers. Repeatedly, some in the administration have proposed cutting this program by half to fund other programs, proposing that we largely ignore the narcoterror threat in Afghanistan.

Mr. Chairman, Afghanistan now teeters on the brink of becoming a failed narco-state. Violence against American and other NATO peacekeepers is picking up, much of it funded by narcoterrorists. As our full committee chairman, the gentleman from California (Mr. LEWIS), advised Secretary Zoellick, Congress is looking for strong action against Afghan heroin; and we want the fiscal year 2005 funding for the helicopter program to move forward, and an end to rumors that the administration is cutting the fiscal year 2007 budget for this activity.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH), a distinguished new member of the committee.

Mr. FATTAH. Mr. Chairman, I rise to thank the gentleman from Arizona (Mr. KOLBE) and the ranking member, the gentlewoman from New York (Mrs. LOWEY). In working on this bill, we found agreement on an initiative that is very important to me, and I think important to our efforts in Africa in terms of combating some of the difficulties there, particularly related to HIV and the growing threat of AIDS.

We have report language that accompanies this bill that the chairman and his staff were willing to agree to that would bring together a number of our more capable agencies, including the Centers for Disease Control, the USAID and others, and have them develop a plan to take a nonincremental approach at creating a healthier blood supply in Africa. In Africa, millions of people who have contracted AIDS have done so through tainted blood transfusions, particularly pediatric AIDS cases. The ranking member and the chairman and the staff have helped us move forward an initiative to focus on this problem. I rise to thank them.

Secondly, the bill also talks about creating a more coordinated and comprehensive effort on infectious diseases and health challenges on the continent of Africa, particularly in the sub-Saharan region.

Also, I have had a chance to speak to the gentleman from California (Mr. LEWIS) and his top staffer, Frank Cushing, on this matter; and I really appreciate the majority's willingness to look anew at some of these issues and think through how we can approach this matter in a creative way. I thank the gentleman from Arizona (Mr. KOLBE) and his staff and the gentlewoman from New York (Mrs. LOWEY) and her staff.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume for the purpose of a colloquy.

Mr. ROYCE. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from California.

Mr. ROYCE. Mr. Chairman, I think the gentleman from Arizona (Mr. KOLBE) has done well to craft a bill in a very difficult budgetary environment. It prioritizes funding for important programs. I believe his and the ranking member's efforts are appreciated.

□ 1415

I do, however, rise to express concerns about the Global Environment Facility, or GEF, whose funding is eliminated in this bill. As co-chair of the House International Conservation Caucus, I am keenly interested in conservation programs because I believe that how nations of the world manage their natural resources is a vital U.S. interest, impacting our efforts to help create a more secure and prosperous world.

The GEF is the largest international funding source for programs and support good natural resource management around the world. In the roughly 15 years since its creation, the GEF has implemented 1,500 projects in 140 countries, with biodiversity and habitat conservation being the largest single area of focus. Importantly, U.S. funding has leveraged at least $14 for every $1 we have contributed. I believe this model where our resources are matched many times over by other public and private donors is a good approach. However, I strongly agree with the chairman's push for reform at the GEF. The United States should always be pushing for transparency and accountability at multilateral institutions, and the GEF is no exception. As the chairman knows, at the request of the U.S. Treasury and other donor nations, the GEF has been working to implement a variety of management improvements. Currently, the GEF is in the final stages of adopting a major element in this reform process, a system of prioritizing its funding decisions called the Resource Allocation Framework.

The Council of the GEF is meeting in late August in a special session to finalize the structure of this framework. The GEF Council recognizes the need for reform and is meeting in less than 2 months to complete work on the reform element most important to the U.S. Government.

And I would respectfully inquire whether the gentleman agrees that the GEF's programs and projects are beneficial to conservation worldwide and to the United States, and assuming that a framework is finalized at the upcoming special meeting of the GEF, would that constitute sufficient progress on reform to have the gentleman revisit GEF funding in the conference?

Mr. KOLBE. Mr. Chairman, reclaiming my time, I thank the gentleman from California for raising this important issue. I also support international conservation efforts, and I applaud the gentleman for his leadership as co-chair of the International Conservation Caucus.

I believe that the Global Environment Facility has done good work over the years to help conserve the environment and to address some of the more difficult international environmental problems that require international cooperation to be solved. Nevertheless, I have been concerned about the pace of reform within this organization.

My purpose in eliminating its funding is to ensure that the limited amount of resources in this bill are used in the most efficient possible way. My goal is not to definitively end U.S. contributions to the GEF this year or in the future. However, until the final GEF reforms are in place, I am concerned that GEF funding is not being used optimally.

I appreciate the unique role that GEF can play in international conservation, and I believe that a reformed and functioning GEF is worthy of support. If the GEF agrees to implement a performance-based allocation system at the August-September, 2005, Special Meeting of the GEF Council, then I would be willing and will be willing to work with the gentleman and the other body to help restore the U.S. contribution to the GEF during conference.

Mr. ROYCE. Mr. Chairman, I thank the gentleman for his response.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

I want to thank the gentleman from California for raising this important issue. As I have said repeatedly throughout the process of moving this bill to the House floor, I am deeply disappointed that this bill does not fulfill the U.S. commitment to the Global Environmental Facility.

Since its establishment in 1991, the GEF has provided $5 billion in grants, leveraged $16 billion in co-financing for projects in 140 countries around the world, has provided more than 4,000 grants directly to smaller organizations. The U.S. has provided close to $1 billion to the GEF over this same time frame.

The GEF is unique in its laser-like focus on environmental sustainability. It is the most effective way for the United States and other donor nations to support biodiversity and prevent climate change.

House passage of the bill with no funding for the GEF will send a strong message, but I hope not the wrong message. I agree with the chairman that the U.S. should encourage transparency, responsibility, and accountability of the institution. And I hope that is what the international community takes away from today's debate.

However, I do believe that in cutting off all funding to the GEF, we run the risk of sending the message that the United States no longer supports the good work of the organization. I am pleased that today's discussion will clarify that this is not true, and I join the chairman and the gentleman from California (Mr. ROYCE) in looking forward to the August GEF Council meeting, which will hopefully include the adoption of a performance-based Resource Allocation Framework. I am optimistic that the Senate will do the right thing by the GEF and that we will be able to provide the requested levels in conference. I look forward to working with the chairman and the gentleman from California (Mr. ROYCE) to see that this happens.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. FARR), who has been a real advocate for the environment.

Mr. FARR. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I rise today to speak on an issue that is probably best spelled out in The Los Angeles Times today by Sonni Efron, who is a writer for the Times. The Times article is entitled "Drug War Fails to Dent U.S. Supply."

I would like to thank the chairman and the ranking member for their commitment to international development and improving our national security by attacking the culture of poverty and injustice, which I think are the root causes of terrorism in this world. I would also like to thank the chairman for engaging in a debate with me during the full committee markup regarding the increased funding for alternative development in Colombia.

I had offered an amendment in committee that would have shifted funding from the military and fumigation side of the Andean CounterDrug Initiative to funding more alternative development programs. My amendment would have shifted funds in five of the departments, which are like "states" in Colombia that are receiving little or no alternative development assistance; yet they are being heavily fumigated. While we are using all stick and no carrot in these regions, only spraying a farmer's crop but not providing for an alternative livelihood is not a sustainable solution to a coca growing problem in the Andean region.

Given the chairman's commitment to work in conference to increase the funding for alternative development programs in Colombia and the Andean region as a whole, I withdrew my amendment in committee.

I would like to take this opportunity to remind the chairman of his commitment and thank him again for his efforts regarding the alternative development in Colombia, and I know the chairman has been a tireless supporter of development and security in Latin America. I look forward to working with him and the gentlewoman from New York (Mrs. LOWEY), ranking member, on these important issues and hope in conference that they can restore the funding that I am sure the Senate side will add to.

I would like to close by referring everyone to this L.A. Times article today. I think it speaks to the point that America needs to focus on working itself out of jobs, not making people dependent upon American jobs to develop economic security in their own countries.

[From the Los Angeles Times, Jun. 28, 2005]

DRUG WAR FAILS TO DENT U.S. SUPPLY

(By Sonni Efron)

WASHINGTON.—The Bush administration and congressional allies are gearing up to renew a plan for drug eradication in Latin America despite some grim news: The $5.4 billion spent on the plan since 2000 has made no dent in the availability of cocaine on American streets and prices are at all-time lows.

United Nations figures released this month show that coca cultivation in the Andean region increased by 2 percent in 2004 as declines in Colombia were swamped by massive increases in Peru and Bolivia. And the nonpartisan Congressional Research Service said last week that the anti-drug effort had had "no effect" on the price or purity of drugs in the United States.

The findings have fueled skepticism in Congress, where conservative groups have joined efforts to lobby against continued funding. The National Taxpayers Union called the anti-drug program a "boondoggle."

Nonetheless, a House committee last week approved the administration's request for $734.5 million for next year as part of a foreign aid bill. Debate on the bill could start as early as today. President Bush also may unveil a renewed multiyear commitment to South American anti-drug efforts this year when Colombian President Alvaro Uribe, a staunch U.S. ally, is expected to visit.

"We are heading in the right direction and we are winning," the federal drug czar, John P. Walters, told Congress last month.

"Plan Colombia"—a six-year effort by Washington and Bogota to eliminate drug trafficking, end more than 40 years of armed conflict with rebels and promote economic and legal reform in Colombia—expires this year. The Bush administration wants to continue it, a senior State Department official said.

"You adjust your tactics and you adjust your resources," the official said. "There's no inclination on the part of our administration to give up just because it's tough."

Negotiations with Bogota over details of a successor program to Plan Colombia will begin next month, the official said.

Administration and some congressional officials say Plan Colombia has had some striking success. Killings, massacres of villagers and other attacks blamed on drug trafficking all have fallen sharply since 2002, and kidnappings have fallen by half, according to Colombian Defense Ministry figures, even though this year has seen a resurgence of violence.

Drug crop eradication and drug interdictions are cutting into the profits of Colombia's right-wing paramilitaries and leftist rebels, Walters told Congress last month.

Walters testified that "cocaine production in the Andes has declined by 29% since 2001, and Colombia's opium crop was cut in half from 2003 to 2004." He said the reason that price and availability had not been affected was the lag of six months to a year between the time when the coca plant was harvested and when its cocaine was available on American streets.

The reports call the administration's assessment into question. Whereas cocaine production fell 11% in Colombia in 2004, it soared by 23% in Peru and 35% in Bolivia, according to the report by the U.N. Office on Drugs and Crime. Overall, coca cultivation in the region increased 2%, the U.N. study said.

"The [U.N.] numbers are devastating," said Adam Isacson of the Center for International Policy, which has argued that eradication campaigns must be accompanied by large-scale development efforts that offer peasants alternative livelihoods.

"The spraying, when it isn't accompanied by any alternative development, doesn't seem to discourage [coca farmers] from trying again, because there just aren't a lot of other good choices out there," Isacson said.

Peasants have responded by planting even more coca, hiding it under trees and among other crops, and turning to varieties that produce a higher yield, the U.N. report said.

Whether or not the anti-drug effort is succeeding, the U.S. foreign aid budget is under new scrutiny, especially with the war in Iraq costing more than $4 billion a month and a $379-billion deficit looming for 2006. Colombia, the fifth-largest recipient of U.S. aid after Iraq, Israel, Egypt and Afghanistan, could be a target for cuts.

The Congressional Research Service tallied State Department and Defense Department spending on the Andean Counterdrug Initiative at $5.4 billion since 2000. Though the anti-drug program aids Peru, Bolivia, Ecuador, Brazil, Panama and Venezuela, Colombia has received most of the money, about $4.5 billion. "While there has been measurable progress in Colombia's internal security, as indicated by decreases in violence, and in the eradication of drug crops, no effect has been seen with regard to price, purity and availability of cocaine and heroin in the United States," the research agency report said.

The report said Colombia was no closer to ending its decades-long armed strife. The conservative National Taxpayers Union last week called for the program to be cut back or killed.

"By all measurable criteria, Plan Colombia's effectiveness is dubious," said Paul Gessing, governmental affairs director of the anti-tax group. "It's a big taxpayer boondoggle."

Liberals also contend that the program is wasteful. Rep. James P. McGovern (D-Mass.) plans to offer an amendment to the foreign aid bill that would slash $100 million in U.S. military and security aid to Colombia.

One senior U.S. government policy advisor, who spoke on condition of anonymity out of fear he would be excluded from administration policy discussions, agreed with many of the critics.

"It's a complete waste of money," the advisor said. "You have to ask yourself, why are we in Colombia?"

He added: "The bottom line is not how much they produce or how much we eradicate, the bottom line is, is there enough supply to meet the demand [in the United States], and there always is. . . . The traffickers are always one step ahead of us."

Plan Colombia began under the Clinton administration primarily to fight drugs. But after the Sept. 11, 2001, attacks, the Bush administration has emphasized counter-terrorism and regional security.

While some conservatives wish to cut funding for Colombia, many Democrats want to spend less on its military and more on rural economic development. Democratic critics also wonder whether the U.S. has an exit strategy for Colombia.

Rep. Sam Farr (D-Carmel), a former Peace Corps volunteer in Colombia, said the U.S. effort there violates a key principle of international aid: "Work yourself out of a job."

After five years of U.S. funding, American military advisors are still training Colombian troops and American companies are still being paid to maintain expensive U.S. Black Hawk helicopters, Farr said.

> "Look at how much attention is being paid to building local capacity in Iraq so we can leave," Farr said. "This is where we're failing in the war on drugs, because we're not developing the capacity of these countries to handle their own problems."

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a distinguished member of the full committee.

Mr. CUNNINGHAM. Mr. Chairman, I would like to thank the ranking member and the chairman for this bill.

It is easy for some people to vote against foreign ops until they understand what it is. There are four legs of a table: the military foreign ops, intel, and homeland security; and probably a fifth now with the rising cost of fuel, energy.

Foreign ops is critical in that security table. Why? If we think about the position of the Palestinian-Israeli issue with Sharon, for the first time, I heard the gentleman from California (Mr. BERMAN) speak that we have hope in the Middle East, hope. If we take a look, it is easy to think about cutting certain countries, but think of what a thin edge they are on right now. Look at Indonesia with its problems, how they help us. Look at Saudi Arabia that is moving more and more toward a moderate state. Do they have problems? Yes. Look at Egypt, and it would be easy for someone to come up and have an amendment to cut them. But in Saudi Arabia I sure do not want "King Osama bin Laden," or in Indonesia, if we look at the thin thread. Or Pakistan. In Pakistan take a look at Hamboli; KSM, Khalid Sheikh Mohammed, who was a guy who planned 9/11. We just caught Abu al-Libbi, who is the guy who took Khalid Sheikh Mohammed's position. And they have stopped major events and attacks within the United States because of our foreign operations bill.

Look at Sudan. They ethically cleansed probably as many people as Saddam Hussein or in Kosovo or Bosnia, and that brings world peace.

But even worse, look at the HIV threat. There are more deaths in HIV in Africa than during the plagues, and if we support that, A, it makes a safer America, but it also protects and stabilizes Africa itself.

Mrs. LOWEY. Mr. Chairman, I yield 3¼ minutes to the gentleman from Maryland (Mr. HOYER), our distinguished minority leader, who has been a strong advocate for the United States' increased role in the world today.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman for yielding me this time. This is an important bill. The United States is the leader of the free world, and, frankly, the United States is far behind many in the industrialized world in investing in the peace and security of the international community.

Mr. Chairman, for several years, however, I have expressed serious concerns about the amount of dollars that we give to Egypt. Egypt is a friend and an ally. Egypt is number two in terms of the dollars that we invest, both in military and economic aid. However, Egypt has one of the largest and most modern militaries in the Middle East, with approximately $2.4 billion in annual defense spending. More than half of that funding, $1.3 billion in this bill, is provided by the United States.

Notwithstanding that, however, I do not believe that Egypt and its leadership is conducting itself in a way consistent with its alliance with this country. Nearly one out of five Egyptians live in poverty; yet we give very little economic aid, relatively speaking. Roughly half of Egypt's adults are illiterate. Unemployment is in double figures, and the country has a per capita income of just $700 per year.

In this context, Mr. Chairman, I am concerned that the United States provides almost three times the amount of military assistance to Egypt than we provide in economic assistance, $1.3 billion to $495 million in this bill.

That is not my principal concern. My principal concern is the relationship between the extraordinary investment that America makes in Egypt and the lack of cooperation as it relates to some of their policies not only on the military side, but on the human rights and discrimination side.

Regional stability and the efforts to stem the development of terrorist organizations are served not only by providing for Egypt's military strength, but also by ensuring prosperity and economic opportunities for the people of Egypt, and having Egypt cooperate in bringing down the level of hatred, discrimination, and prejudice in its own country and in the Middle East. Mr. Chairman, I would hope that we would make that message clear to our friends in Egypt.

I offered an amendment in committee. That amendment would have shifted $40 million from military assistance to the economic assistance. That, in my opinion, would have had the effect of educating more Egyptian children, bringing more Egyptians out of poverty, perhaps investing greater amounts in the economic development and job creation seen in Egypt. That would, in my opinion, have been a very positive step forward.

My friend, the chairman of the Foreign Operations, Export Financing, and Related Programs Subcommittee of the Committee on Appropriations urged me not to do that. And as a result of his urging, I withdrew that amendment.

One of the reasons I withdrew that amendment is because Egypt is an important ally. But I would hope that our Egyptian friends would address the issues of anti-Americanism, anti-Semitism, anti-Catholic/Christian, prejudice, and destabilization within their own country and within the Middle East. We need to continue to send that message.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. ROTHMAN), distinguished member of the subcommittee.

Mr. ROTHMAN. Mr. Chairman, I thank the ranking member for yielding me this time.

Let me just say at first that this bill is a well-crafted bill that I support within the confines of the amount of money that the majority has chosen to give us to work with.

□ 1430

I also want to acknowledge the extraordinary bipartisan work that has taken place here, and I want to thank our chairman and his staff for reaching out to us in the minority to include our priorities as well. I think this is a real bipartisan effort, and I am grateful for that.

I also want to acknowledge the support of our ranking member, the gentleman from Wisconsin (Mr. OBEY), and I want to thank our chairman, the gentleman from California (Mr. LEWIS), for all their support of the foreign operations bill this year and over the years.

Mr. Chairman, most Americans believe that America spends 10 to 15 percent of its budget on foreign aid. That is simply not the case, though. We only spend about 1 percent of our budget on foreign aid, and that 1 percent is very well spent.

We use that money, that foreign assistance, to help fellow democracies stay strong and secure. We help struggling democracies who are undergoing tough times because of the neighborhood they live in or because of their own economies. We also help people who want to be free and live in a democracy help create democracies.

Why do we care about democracies, other than being Americans and we believe everyone has a right to live free? Because we know that democracies are good trading partners and they do not go to war against one another. So there is a very practical reason for our foreign assistance program.

Beyond that, of course, is the humanitarian obligation, the moral obligation that we have to help people in need. Virtually every major religion in the world acknowledges our moral obligation to help poor people and those in need of charity and compassion.

So for all those reasons, Mr. Chairman, I believe this foreign aid bill is important. I do regret that the Global Environmental Facility is not being funded under this bill, and I look forward, as the chairman suggests, to that money perhaps being included in conference. That would make this bill complete. Then, of course, if there were as much money as the other body is designating for this foreign assistance, that would be even better.

But this is a good, bipartisan bill, because foreign assistance is in America's vital national interest, and also because it is the right thing to do.

Mrs. LOWEY. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from New York (Mr. CROWLEY), who has been very active in a whole range of issues involving our foreign aid program.

Mr. CROWLEY. Mr. Chairman, I thank my friend for yielding me this time. I want to commend her and the gentleman from Arizona (Mr. KOLBE) for their fine work on this balanced and bipartisan bill.

Under tight budgetary restrictions, they have crafted an important bill which addresses the priorities that affect the developing world while also shoring up our global allies. I thank the chairman and ranking member for supporting priorities of mine, including the Asian University For Women that is located in Bangladesh, and increased funding for Peace and Reconciliation programs in this legislation as well.

One of the groups included in the Peace and Reconciliation program is Project Children and Cooperation Ireland. Many of my colleagues have taken on interns from this program, and the young men and women from the north of Ireland have benefited greatly from these internships. As progress in the peace accord remains unsteady, we in the United States must continue to support programs that bring together the future leaders of the north of Ireland and show them their differences are not insurmountable. I hope the House conferees will work with the Senate to see that this program is funded during the conference committee.

This bill also includes $34 million for the U.N. Population Fund; but as has become a norm under this administration, the restrictions on providing this important funding will not be released by this administration. The administration seems determined to hinder the health of women around the world; and while I am troubled that this detrimental policy continues, there is much good in this bill, particularly when you look at the Middle East.

I strongly support the increase of $60 million to the State of Israel for a total of $2.3 billion in foreign military financing and economic aid in this bill. I believe the United States must do more, though, to combat the anti-Israeli and Western stances taken by our supposed allies like Saudi Arabia. Saudi Arabia still has not lived up to the test of the President's "you are either with us or against us." It is time for this administration to start treating Saudi Arabia like the supporter of terrorists that they are. We must take a stand in this House and let the Saudis know that their time of extremism is over, because we will not stand for it anymore.

Mr. Chairman—I want to commend my colleague Chairman JIM KOLBE and my good friend NITA LOWEY for their work to craft a fair and balanced bipartisan bill.

Representing one of the most diverse Congressional districts, I know how important U.S. foreign assistance is to nations around the World and I have seen the success of our assistance firsthand.

Under tight budgetary restrictions they have crafted an important bill which addresses the priorities that affect the developing world while also shoring up our global allies.

I was proud to work with the Chairman and Ranking Member on several initiatives that are important to my constituents and their families overseas.

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Many of my colleagues have taken on interns from this program and the young men and woman of the north of Ireland have benefited greatly from these interns.

As progress in the peace accords remains unsteady, we in the States must continue to support programs that bring together the future leaders of the north of Ireland and show them that their differences are not insurmountable.

I hope the House conferees will work with the Senate to see that this program is funded during the conference committee.

I believe these types of programs are a step in the right direction to help solve some of the problems that we face around the world.

This bill also includes $34 million for the United Nations Population Fund, but, as has become a norm under this administration, the restrictions on providing this important funding will not be released by this Administration

The administration seems determined to hinder the health of women around the world.

While I remain troubled that this detrimental policy continues there is much good in this bill, particularly when you look at the Middle East.

I strongly support the increase of $60 million to Israel, for a total of $2.3 billion in foreign military financing and economic aid in this bill.

As Prime Minister Sharon begins the courageous disengagement plan of removing Israeli settlers from the Gaza Strip, this funding is more needed than ever to help Israel's security and shore up civil society programs in the Palestinian Authority.

As we continue to support our friend Israel from outside threats, I believe it is time to start to rethink the way we provide aid to Egypt.

In the House International Relations Committee recent markup of the Foreign Relations Authorization Act the way aid is given to Egypt was changed by our Chairman and Ranking Member.

Egypt is at peace with all of its neighbors and I see no external threats against them that warrant the need for keeping military assistance constant.

The real threat in Egypt is from within, the limited amount of freedom that exists for her people as the level of poverty increases is a dangerous mix.

The Government of President Mubarrak has shown that it is quite quick to throw dissidents into jail, discriminate against the Catholic Minority, tolerate anti Semitism and anti Zionism in the official press, throw gay Egyptians into jail and some of my colleagues say this is ok, that the devil you know is better than the devil you don't know.

The United States must do more to help end this dangerous mix before the problem creates instability.

Egypt has been a strong friend and ally and has done much to help bring about a peaceful solution to the Israeli Palestinian conflict but we cannot allow that to cloud our judgment.

I believe the United States must do more to combat the anti Israeli and Western stances taken by our supposed allies like Saudi Arabia.

Saudi Arabia has still not lived up to the test of the Presidents you are either with us or against us.

It is time for this administration to start treating Saudi Arabia like the supporter of terrorists they are.

We must take a stand in this House and let the Saudis know that their time of extremism is over because we will not stand for it anymore.

I also commend my colleagues for holding this Administration accountable on their lack of distribution of funds in the Millennium Challenge Account. The MCA created with great fanfare, has not lived up to the expectations set by this Administration.

I will hope that during the next few months of the Conference this Administration will work with Congress to insure that the MCA reaches the potential it was created under.

I urge my colleagues to support this bill.

Mrs. MALONEY. Mr. Chairman, I rise today in support of H.R. 3057, the FY06 Foreign Operations Appropriations Act.

I am pleased that the bill includes $55 million in funding for Afghan women, including $5 million for the Afghan Independent Human Rights Commission. This funding builds upon funding for Afghan women and girls included in an amendment that I offered to the FY04 Emergency Supplemental Appropriations bill.

Over the past four years, the United States has invested in the reconstruction and development of Afghanistan both because it is the right thing to do and because it is critical to our security.

Afghan women were brutally oppressed by the Taliban regime, but they have been reclaiming their role in society, in part because of critical U.S. assistance provided to Afghanistan. Millions of girls are attending primary schools, equal rights for women are guaranteed in the constitution, and approximately three million women voted in the election held last year. These victories are especially important given that women comprise 55–60 percent of the total Afghan population and should be a driving force in Afghanistan's economic and political viability.

However, while women are vastly better off than they were, many continue to endure many hardships including targeted violence, limited mobility, illiteracy, and the highest rate of maternal mortality in the world. By improving health care facilities and by giving women access to the skills and opportunities that they need to become partners in creating Afghanistan's future, we will ensure that women will no longer be second-class citizens.

While I hope that all the aid for Afghanistan will help women, I commend the Appropriations Committee for continuing to recognize the needs of Afghan women.

I also am pleased that the bill includes $34 million for the life saving work of UNFPA, the United Nations Population Fund. UNFPA is a global leader in providing reproductive health care, including family planning services to the world's poorest women. UNFPA helps women undergo pregnancy and childbirth safely and helps women and men to plan their families and avoid unintended pregnancies and protect themselves from HIV/AIDS infections.

UNFPA also is a leader in addressing the reproductive health care needs of women in emergencies. Humanitarian crises are often reproductive health disasters. Complications of pregnancy and childbirth are the leading causes of death for displaced women of childbearing age, and UNFPA takes the lead in providing supplies and services to protect the reproductive health of people in crisis. Most notably, UNFPA has played an instrumental role in helping to save the lives of women in Afghanistan by providing mobile health facilities as well as rebuilding maternity hospitals. The Afghan government was so grateful for this assistance they gave UNFPA a symbolic donation of $100 to support their work.

As we are all aware, for each of the last three years, President Bush has refused to release the funding that Congress has appropriated for this vital program due to this Administrations' unproven assertions that UNFPA supports coercive abortion in China. It has been estimated that the loss of each year's funding could prevent 2 million unintended pregnancies; nearly 800,000 abortions, 4,700 maternal deaths, nearly 60,000 cases of serious maternal illness; and more than 77,000 infant and child deaths. The Bush administration's refusal to release these funds puts at risk the very lives and health of women and children in the world's poorest regions.

It is my hope that this year, President Bush reconsiders the impact of his decision and releases the life-saving funding that this chamber is wisely approving today.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 3057, the Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2005, which funds programs and activities carried out by the Departments of State, Treasury and Agriculture, the United States Agency for International Development, the Millennium Challenge Corporation, and the Export-Import Bank, among others.

This measure is the tenth appropriations bill to be considered under the fiscal year 2006 budget resolution, and provides for the foreign operations and export financing needs of our nation, clearly national priorities in a time of war.

I am pleased to report that it is consistent with the levels established by the conference report to H. Con. Res. 95, the concurrent resolution on the budget for fiscal year 2006.

H.R. 3057 provides $20.3 billion in appropriations for Foreign Operations, Export Financing and Related Programs for fiscal year 2006. The bill provides $571 million in funding above fiscal year 2005, but it is $2.6 billion below the President's request.

The bill provides $1.25 billion less then requested for the Millennium Challenge Corporation, $478 million less in Economic Support Funds and $146 million less in Foreign Military Financing funding. In addition, the bill recommends no funding for Iraq—a reduction of $459 million—as over $5 billion in funds previously appropriated for Iraq relief and reconstruction remain unobligated and could be used to fund the requirements presented in the fiscal year 2006 request. H.R. 3057 also provides no funding for the World Bank's Global Environment Facility until it adopts a performance-based allocation system—a reduction of $107 million from fiscal year 2005.

H.R. 3057 provides a record level of $2.7 billion in funding to combat HIV/AIDS, tuberculosis, and malaria: $131 million more than requested by the President land $502 million, or 23 percent, more than provided in fiscal year 2005. Of this total, $2.3 billion is provided specifically for HIV/AIDS programs. The bill also fully funds the President's request of $2.5 billion in assistance for Israel, $1.8 billion in assistance for Egypt, $1 billion in assistance to support reconstruction and democratization activities in Afghanistan. In addition, $437 million in funding is provided for International Narcotics Control and Law Enforcement, an increase of $111 million, or 34 percent, over fiscal year 2005.

H.R. 3057 does not contain any emergency-designated budget authority or advance appropriations, but it does include a rescission of $64 million in previously enacted discretionary budget authority.

With total fiscal year 2006 appropriations equal to its allocation, the bill conforms with the budget resolution. Accordingly, the bill complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority and outlays established in the budget resolution.

In conclusion, I express my support for H.R. 3057.

Mr. JACKSON of Illinois. Mr. Chairman, I want to start by saying that I support H.R. 3057, and intend to vote for it in its current form. I also want to recognize the majority and minority subcommittee staff for their dedicated and professional work in meeting the demands of all subcommittee members despite scarce resources.

However, in a forum such as this, I would be remiss if I did not raise the following issues that I have consistently raised over the last several years in every relevant hearing, markup and floor debate of this committee.

Yesterday, around the world, 15–20 thousand people died of extreme poverty. Today, around the world, 15–20 thousand people will die of extreme poverty. Tomorrow, around the world 15–20 thousand people will die of extreme poverty. Extreme poverty, like malnutrition and disease,—not conflict—are claiming these lives.

The Foreign Operations Appropriations bill has a real opportunity to turn around these numbers. Look at what has been done to date. Smallpox eradication begun in the 1960s. Control of river blindness in the 1970s. Increased child immunizations in the 1980s. Initiatives to fight Guinea worm, trachoma and leprosy in the 1990s. And the effort to end polio in this decade. Measurable results produced with the dollars the Foreign Operations subcommittee provides.

But more can be done.

There is a phrase that former Labor-HHS Chairman Porter, a member of the Foreign Ops. subcommittee, was fond of saying, "Noblesse oblige, the belief that the wealthy and privileged are obliged to help those less fortunate. In Luke, chapter 12, verse 48, Jesus simply says, "To who much is given, much is expected."

We are the wealthiest country in the world. We spend more money on our military than the entire world combined with the sole mission of protecting this country, its citizens and advancing U.S. interests.

We protect this country and advance U.S. interests by embracing the three Ds to a successful foreign policy: diplomacy, democracy and development. However, looking at all of FY 06 discretionary spending, I think we have been strongly emphasizing diplomacy and democracy and only given cursory treatment to development.

Providing significantly more resources to development would only further the dollars we spend on defense. Last year, Vice Admiral Lowell Jacoby of the Defense Intelligence Agency said, "a number of factors virtually assure a terrorist threat for years to come . . . Despite recent reforms, terrorist organizations draw from societies with poor or failing economies, ineffective governments and inadequate education systems."

I don't want anyone to misunderstand me. Given the circumstances, this bill is a tremendous effort. Chairman KOLBE, Ranking Member LOWEY and the subcommittee staff have put forward a laudable product.

But more should be done.

I keep hearing members of this committee and the House leadership say that this is a tight budget year. This tight budget year was not created by immaculate conception. Congress voted to make it a tough budget year. Congress approved the budget resolution. Saying it is going to be a tough budget year is like a farmer saying he is going to have a bad harvest because he didn't plant any seeds. Mr. Chairman, when Congress approved the FY '06 budget resolution we didn't plant any seeds. The budget allocation given to this subcommittee is not a natural disaster like a drought. This disaster was of our making.

In Matthew chapter 6, verse 21 , Jesus said, "For where your treasure is, there will your heart be also." If this verse is true, what does it say about us, about Congress, about our government that we pass budget resolutions each year that spend almost $400 billion on defense, and hundreds of billions on all kinds of tax cuts for the most well off, yet we can't even match the President's request for international development. I have a masters in theology from the Chicago Theological Seminary and have read my bible from cover to cover, and nowhere does it say, "only take care of the poor if it fits into your annual budget resolution."

Noblesse oblige Mr. Chairman.

In 1984, referring to Marxist-ruled Ethiopia, President Ronald Reagan said, "a hungry child knows no politics." I would also add that a hungry child doesn't know a 302(b) allocations from a point-of-order." All he knows is that he is hungry.

Again, I plan to support this bill.

But more needs to be done.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today to voice my support for the Global Environment Facility. The Global Environment Facility, GEF, is the primary financing mechanism for addressing global threats to the environment. After only a little more than a decade, the GEF has already established an outstanding record for cost-effective assistance to developing countries struggling with critical issues such as land-degradation, toxic pollution, energy efficiency, the elimination of ozone depleting chemicals, and the difficult task of facilitating sustainable development.

The GEF puts money into countries whose stability matters to us, and our participation in the GEF builds partnerships and a sense of cooperation with other donors in tackling global environmental issues. In addition to furthering U.S. interests, the GEF deserves support for the simple reason that it works. In the Middle East, for example, the GEF is crossing borders, bringing countries together to protect vital water and wetland resources.

U.S. leadership has played an important role in the GEF both as its leading donor and as a powerful voice for reform. Largely because of the United States, the GEF is now more effective, transparent and accountable than ever before. The institution has already met most of the reform criteria we have put forward, and the governing Council is nearing a compromise on the issue of performance-based allocation. Reaffirming our commitment in the current budget cycle will also send a positive signal for the next phase of GEF operations in which U.S. leadership will remain critical.

Clearly, I appreciate the tough decisions that this subcommittee has had to make with the allocation they were given. But we cannot allow the GEF to fail on our watch. I would like to thank Chairman KOLBE for his consideration in giving the GEF Council the opportunity to adopt pending reforms and, if they do so, in being willing to work to restore funding in conference for the GEF. I would also like to acknowledge the good work of my fellow co-chairs of the International Conservation Caucus, CLAY SHAW, JOHN TANNER, and especially Mr. ED ROYCE, for their good work on this issue.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today to voice my support for this bill, the Foreign Operations Appropriations Act for Fiscal Year 2006.

A strong foreign operations budget enables the U.S. to confront national security threats such as international terrorism and the proliferation of weapons of mass destruction, as well as strengthen relations with other countries, address challenges like the genocide in Darfur, help safeguard human rights, and address problems such as hunger and AIDS.

I am especially pleased with the strong and continued support in this bill for our close ally, Israel. This bill provides $2.5 billion in assistance for Israel, including $2.3 billion for military grants, and $240 million in economic assistance.

As Israel takes bold steps to promote the peace process by disengaging from Gaza and parts of the West Bank, relinquishing security control of West Bank towns, and releasing hundreds of Palestinian prisoners, this funding will be essential to Israel's security and economic well-being.

This bill also includes an important provision expressing the sense of Congress that Arab League countries should immediately end the boycott against Israel and its trading partners, and calls on President Bush to consider a country's participation in the boycott when determining whether to sell U.S. weapons to the country.

The bill also withholds U.S. funds for the International Red Cross headquarters building in Geneva until the organization recognizes the Magen David Adom Society as the national humanitarian society of Israel. Finally, the measure includes $40 million for the resettlement of refugees from the former Soviet Union, Eastern Europe and Ethiopia to Israel, provided through the Migration and Refugee Assistance Account.

To uphold our commitment to the only true democracy in the Middle East and America's closest ally in the war on terror, Congress must ensure Israel has the means necessary to defend herself.

Mr. Chairman, this bill provides these funds and reaffirms our dedication to Israel's well being, and for that reason, I urge my colleagues to join me in supporting it.

Mr. STARK. Mr. Chairman, I rise in opposition to the Foreign Operations Appropriations Act for FY 2006.

The United States should be the world's leading peace broker rather than its largest arms dealer. Unfortunately, about one-quarter, or about $5 billion, of the funding for this foreign operations appropriations bill is direct military aid and more than $2.5 billion are "Economic Support Funds," which are often used for security operations. Supplying so many weapons to other nations does more to promote war than it does to enable peace.

To be fair, there are positive provisions in this bill. For example, it increases funding for family planning programs and the United Nations Population Fund, UNFPA. Regrettably, this good news is tarnished by another provision in the bill that gives President Bush the power to unilaterally withhold funding from the UNFPA initiative. For several years, President Bush has withheld these funds claiming that UNFPA plays a role in the coercive abortion practices of the Chinese.

Despite that rhetoric, UNFPA does not provide funding for abortions or abortion services. It works to prevent the need for abortions by educating women in other countries on the many advantages to services such as contraception and disease prevention. UNFPA is the largest internationally funded source of population assistance to developing countries. For over three decades, the UNFPA has provided billions of dollars of assistance to more than 150 countries for voluntary family planning and maternal and child health care.

I am also disappointed that the bill fails to fund the Global Environmental Facility, GEF. The GEF is the largest single funding source for projects to improve our global environment.

I also oppose provisions in this bill that have removed all conditionality on U.S. military assistance to Indonesia and Guatemala. Indonesia continues to abuse the human rights of its people and Guatemala has violated numerous agreements stipulated in its domestic peace accords.

What message is this Republican Congress sending the world? On the one hand, President Bush sends Secretary of State Condoleezza Rice on a tour of the Middle East touting democracy. On the other hand, this Republican Congress is allowing brutal regimes to get military aid without any restrictions.

I cannot vote for this legislation. The large amount of military aid and the lack of commitment to promoting democracy and international family planning initiatives force me to vote against it. I urge my colleagues to join me in voting against this ill-conceived legislation.

Mr. POE. Mr. Chairman, I want to express my support for the underlying bill. I thank the Chairman for allowing an amendment in committee, by my colleague from Missouri, Ms. EMERSON, which reverses the Treasury Department's ruling against the definition of payment of cash in advance—a ruling that hinders rice exports to Cuba.

Since this Treasury Department ruling, rice exports to Cuba have been down 66 percent. Since the Trade Sanctions Reform and Export Enhancement Act that was passed in 2000, rice sales to Cuba had grown to $64 million a year and last year's rice imports from the U.S. amounted to 160,000 tons. According to the President of Cuba's Food Agency, Cuba expects to import 750,000 tons of rice this year. We need to make sure this is American rice and this amendment went a long way to ensure this. This amendment stops the Treasury Department's roadblocks in shipping American rice to Cuba.

The Cuban people will eat rice. If we will not sell it to them, they will get it elsewhere, from countries like Vietnam, Thailand, and China. I appreciate the hard work Ms. EMERSON, the U.S. Rice Producers, and the U.S.A. Rice Federation have done toward reversing these trade restrictions. American rice is the best in the world and our Government must encourage rice trade instead of preventing such trade.

I encourage my colleagues to support the underlying bill.

Mr. UDALL of Colorado. Mr. Chairman, this bill is far from perfect, but I think it deserves to be passed.

The bill provides important resources to help our allies in the struggle against international terrorism and against the narcotics trade. For example, it includes economic assistance for Afghanistan at the requested level of $430 million, $205 million above last year's level, but includes a new provision that withholds $225 million of the total until the Secretary of State certifies that the national and local governments in Afghanistan are fully cooperating with the U.S.-funded narcotics eradication and interdiction efforts. The bill also includes $220 million for military assistance for Pakistan to support their efforts in hunting terrorists along the Afghan border, as well as $347 million—$111 million above last year—for International Narcotics Control.

Some of the other high-priority items in the bill include much-needed assistance to combat HIV/AIDS, tuberculosis and malaria—$131 million more than the President's request and $502 million more than in fiscal year 2005.

The Peace Corps is funded at $325 million, $8 million above fiscal 2005, and the bill includes provisions to provide for a greater role in oversight of U.S. taxpayer contributions to international organizations.

Of course, the bill is far from perfect, and I do not agree with all its priorities. I voted for a number of amendments that would have improved it and regret that not all of them were adopted.

I also voted against some amendments, including two that dealt with the sensitive subject of extradition from other countries of people accused of crimes in the United States.

One of those amendments, by my Colorado colleague, Representative Beauprez, calls for cutting off any assistance to a country that refuses to comply with a request to extradite a person charged with killing a police officer in the United States.

Killing a policeman is a very serious matter, and I am a cosponsor of a bill (H.R. 2363) to authorize much more severe penalties for such fugitive killers of a peace officer—including any Federal, State, or local police officer.

However, I voted against the Beauprez amendment after receiving a communication from the District Attorney in Denver. He is currently working to complete the extradition from Mexico of a fugitive wanted in connection with the murder of a Denver police officer and has indicated that Congressional threats to reduce assistance as a way to bring pressure on the Mexican authorities run the risk of being counterproductive. I am not opposed to using leverage, including our foreign assistance programs, to insist that other countries extradite wanted fugitives, but the District Attorney's comments persuaded me that adoption of the amendment at this time could make it harder for the District Attorney's efforts with Mexico to succeed.

On balance, while the bill is not all that I would wish in all respects, I think it deserves approval and I will vote for it.

Mr. SHAYS. Mr. Chairman, I rise in support of international wildlife conservation efforts and the Global Environmental Facility, GEF.

Protecting and preserving our environment is one of the most important duties I have as a Member of Congress. We simply won't have a world to live in if we continue our neglectful ways.

I support maximizing the GEF's resources, leveraging the highest possible contributions from the other donor countries, and demonstrating U.S. leadership on international environmental issues.

The GEF is the primary financing mechanism for important environmental work around the world, helping developing countries address the many environmental challenges associated with ending poverty and enhancing economic development. Since its establishment in 1991, the GEF has provided $5 billion in grants, leveraged $16 billion in co-financing for projects in 140 countries around the world, and has provided more than 4,000 grants directly to community groups and non-governmental organizations. The U.S. has provided close to $1 billion to the GEF over this same time frame.

Because other countries' contributions are indexed to the United States' level of support, we have the ability to either gather great resources for the global environment or greatly limit the international response to issues such as tropical forest loss and the decline in coral reefs worldwide.

Funding the GEF is a good investment. Choosing to make the highest commitment to the GEF will truly help define American leadership on environmental issues to the rest of the world.

Mrs. LOWEY. Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—EXPORT AND INVESTMENT ASSISTANCE

Export-Import Bank of the United States

The Export-Import Bank of the United States is authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as may be necessary in carrying out the program for the current fiscal year for such corporation: *Provided*, That none of the funds available during the current fiscal year may be used to make expenditures, contracts, or commitments for the export of nuclear equipment, fuel, or technology to any country, other than a nuclear-weapon state as defined in Article IX of the Treaty on the Non-Proliferation of Nuclear Weapons eligible to receive economic or military assistance under this Act, that has detonated a nuclear explosive after the date of the enactment of this Act: *Provided further*, That notwithstanding section 1(c) of Public Law 103–428, as amended, sections 1(a) and (b) of Public Law 103–428 shall remain in effect through October 1, 2006.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word for the purpose of entering into colloquy with the distinguished chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations regarding the fiscal year 2006 budget for counternarcotics programs in Peru.

Mr. Chairman, as chairman of the Committee on International Relations Subcommittee on the Western Hemisphere, I have been extensively involved in United States counternarcotics efforts in Central and South America. As a result, I was deeply disappointed to see that the President's fiscal year 2006 request for the Andean Counterdrug Initiative for Peru is 16 percent below last year's enacted level. The President's budget aims to reduce the U.S. assistance for Peruvian counternarcotic eradication and interdiction from a level of $62 million enacted in 2005 to a request of $54 million in 2006, and reduces alternative development funds from a level of $54 million to $43 million.

I believe this is absolutely the wrong time for such a cut and such a low level of funding, if enacted, will only jeopardize the gains we have made in Peru in the areas of coca eradication, interdiction and alternative development.

In 2004, with the assistance of the United States, Peru eradicated almost 10,000 hectares of coca, of which 7,500 hectares were eradicated manually by the Peruvian police, and another 2,500 hectares were voluntarily eradicated by Peruvian communities in exchange for community development programs. Moreover, alternative development programs supported legally grown crops on almost 20,000 more hectares of Peruvian farmland.

Historically, Colombian narcotraffickers sent cocaine base from Peru to Colombia for conversion into cocaine HCL, but in recent years the traffickers have relied more on coca cultivation and base production in Colombia. But the traffickers in Colombia are under increasing pressure from the Colombian Government, thanks to the successes of Plan Colombia.

So far we have successfully avoided a so-called "balloon effect" from the successes of Plan Colombia in terms of seeing Colombian traffickers substantially shifting cultivation of narcotics crops back to Peru. But there are warning signs, indications that coca cultivation is starting to spring up outside the traditional cultivation zones in Peru that point to this happening if we do not take steps to prevent it.

Additionally, there is good intelligence that appears to indicate an upward trend in terms of poppy cultivation in Peru regarding heroin. I have spoken to officials in Peru, and they are deeply concerned about these warning signs, as well as the emerging opium threat.

Recent Ministry of Peru data indicates that Peru now may have 1,400 hectares of opium crops, mostly in the north near the Ecuadorian and Colombian borders, and there are strong indications that opium latex is now being moved by Colombian drug dealers through Ecuador into Colombia for processing into heroin. A recent seizure of 4,440 kilos of opium in Peru, nearly half a ton of opium, potentially 40 kilos of processed heroin, shows just how serious the growth of opium is becoming.

Taken as a whole, I believe, as do my colleagues in Peru, that this data indicate that enacting drastic cuts for Peruvian counternarcotic efforts at this time would seriously undermine Peru's coca eradication efforts in the long term and the ability of Peru to implement a similar opium eradication program.

So, Mr. Chairman, the government and, more importantly, the people of Peru have recognized the dangers of narcotics to their society. Public polls last year consistently found that Peruvians see narcotics as the second most serious problem in the country after the state of the economy. The people of Peru have taken a courageous stand against the drug traffickers; and like the people of Colombia, they are taking their country back from the criminals and terrorists. Now is not the time to reduce U.S. support for their efforts.

I would like to yield to my colleague from Arizona to hear his views about this funding.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding, and I am happy to respond. I want to thank the gentleman for his stalwart efforts in fighting narcoterrorism in Latin America. I share the gentleman's concerns and thank him for raising this issue here today.

Since 2002, Peru's budget under ACI has decreased slightly each year, but the decrease in the 2006 request was for an astounding 16 percent. Therefore, the committee included language in the House report rejecting these cuts and directing that not less than $61 million be made available for eradication and interdiction for Peru and not less than $53 million shall be available for alternative development and institution-building in Peru.

When the committee proceeds to conference negotiations with the Senate later this summer or fall, I commit to the gentleman that we will push for this funding in the final agreement.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I thank the gentleman. I really appreciate his hard work in this effort. We can count on the gentleman, I know.

Mr. BAIRD. Mr. Chairman, I rise to strike the last word to engage the Chairman in a colloquy for the purpose of discussing the international narcotics control in methamphetamine.

Mr. Chairman, 2 weeks ago, Members of both sides of the aisle joined me in affirming this body's strong support for combating international methamphetamine trafficking. Today, I would like to thank the Chair and ranking members for their work on the foreign operations approps bill and for supporting the State Department's international narcotics control and law enforcement efforts above the FY 2005 level, particularly the $40 million in programs for Mexico.

As you know, the effects of international methamphetamine trafficking have invaded our communities and homes. SONDCP reported earlier this year that approximately two-thirds of meth production comes from large labs increasingly from Mexico. The trade also has origins in China, India, Germany, and the Czech Republic in the form of precursor manufacturing.

Recently, the Oregonian reported that only nine factories manufacture the bulk of the world's supply. We simply must get a handle on this situation in order to stop the sweep of this drug across this country and prevent it from infesting our areas.

I see mention in this bill report language on poppy cultivation and heroin trafficking. However, I do not see any explicit language on the importance of controlling the importation of meth precursors such as sudafedrine and efforts to train international customs officials to better control these imports.

Has the chairman considered addressing this issue in report language of this legislation?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from Arizona.

Mr. KOLBE. The report language does not specifically raise the topic raised by the gentleman from Washington. I am certainly glad that he has taken this moment on the floor because of his interest in this issue, and I agree with him about the importance of our counternarcotics and law enforcement assistance in Mexico.

He correctly points out that the bill includes $40 million in international narcotics and law enforcement assistance for the country of Mexico. Part of this represents a restoration of funding to last year's level. The President had only requested $30 million for this purpose in this year's bill.

So I would be happy to work with the gentleman from Washington as we move forward with this bill with the Senate and in conference. We can work together to make sure that the issue of methamphetamine trafficking as it relates to Mexico is forthrightly addressed in the administration's request or in the final budget account. In representing a district right along the border, I understand fully the importance of this issue.

Mr. BAIRD. Mr. Chairman, reclaiming my time, I thank the gentleman for his leadership on this issue and his willingness to work together on this and appreciate the time.

Mr. SCHIFF. Mr. Chairman, I move to strike the last word for the purpose of a colloquy.

Mr. Chairman, 25 years ago this April, the breakaway British colony of Rhodesia emerged from years of guerilla conflict as the new nation of Zimbabwe. The United States and many other Western nations were hopeful that Zimbabwe's new President, Robert Mugabe, who came to prominence as a guerrilla leader in the 1970s, would moderate his Marxist views and build a better future for all Zimbabwe citizens.

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Zimbabwe's people also had high hopes. The country had considerable natural wealth and, despite years of bitter warfare, many in the business community opted to remain, providing crucial economic stability. Zimbabwe's people were determined not to share in the fate of so many of their neighbors, who had also emerged from colonialism amid fanfare and high expectations.

Now, after a quarter century of tyrannical and frequently bizarre misrule by Mr. Mugabe, Zimbabwe is shattered. Its inflation rate is the highest in the world, unemployment estimates range up to 80 percent, with seven in 10 Zimbabweans living below the poverty line. Zimbabwe has one of Africa's highest HIV/AIDS infection rates, with more than a quarter of the adult population infected.

While the Mugabe regime has frequently resorted to Draconian internal security laws and plain old thuggery to suppress and divide the Zimbabwe opposition, Harare's intimidation tactics have taken an especially nasty turn in the last 3 months since the country held parliamentary elections at the end of March.

Those elections, which were won by Mugabe's ruling party, were fraudulent and widened the schism between Zimbabwe's urban masses, who tend to support the opposition, and rural voters, who make up the bulk of the ruling party supporters.

To punish his opponents, Mr. Mugabe's government has waged a 6-week campaign, revealingly called "Operation Drive Out Trash," against opposition strongholds in Zimbabwe's cities. Tens of thousands of bewildered families have been forced into the open of the cold winter after police torched and bulldozed their shanty town homes on the flimsiest of pretexts. Street markets were also targeted and left smoldering in ruins.

Last week, the government, in a nation facing severe food shortages, moved on to vegetable gardens planted by the poor in vacant lots around Harare. Authorities claimed the gardens threatened the environment.

International human rights groups say at least 300,000 people have lost their homes by conservative estimates. The United Nations puts the figure as high as 1.5 million.

Mr. Chairman, I know that many of our colleagues share my anger and my sorrow at a state of affairs that is beginning to look eerily like Cambodia after the Khmer Rouge came to power in 1975. I have no desire to cut U.S. aid that goes to help the people of Zimbabwe and their struggles against HIV/AIDS and one-party rule, but I feel that we cannot stand by and watch Zimbabwe become a failed State.

I am especially frustrated by the failure of the African Union and SADC, the Southern African Development Community, to confront the horrors going on in Zimbabwe. I hope that the AU will, at the weekend summit in Sirte, Libya, take a firm stand against the Mugabe regime's excesses, and I urge President Bush to make it clear at next week's G–8 meeting that South Africa's President Thabo Mbeki, who has refused to confront Mr. Mugabe and we hope Mr. Mbeki will take a strong and unequivocal stand against the Zimbabwe regime.

Will the chairman work with me and the chairman of the full Committee on International Relations and other interested Members in developing policies that continue to assist the Zimbabwe people while putting additional pressure on the Mugabe regime?

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. SCHIFF. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to say that I share my colleague's abhorrence regarding the rule in Zimbabwe, and he has outlined it, I think, extraordinarily well. Through his mismanagement and outright oppression, he has driven Zimbabwe, once known as the bread basket of southern Africa, into the greatest source of instability in the region. I want to make it clear that no funding, no funding from this bill will be used to support Mr. Mugabe's government.

The bill does include $15 million to help the people of Zimbabwe. I feel strongly that this assistance is critical and must be sustained. Over $11 million of this is for HIV/AIDS and other health programs. Most of the rest is used to help strengthen citizen groups and other organizations, so one day the people may have an effective voice against Mr. Mugabe and his cronies.

Democratic change must be driven by the people. As we have seen in Georgia and Ukraine, our democracy programs can be effective in supporting that process. And, the people of Zimbabwe must not feel that the international community has given up on them.

While I feel strongly that our assistance to the Zimbabwean people must be sustained, I will be happy to work with the gentleman to find ways to increase pressure on President Mugabe.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for his leadership.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the gentleman from California for raising this issue. I too am very concerned about the repressive and totalitarian turns that Zimbabwe has taken in recent years under Mr. Mugabe.

The decision to evict thousands of poor people from their homes and bulldoze their property is one of the worst forms of brutality Mr. Mugabe has used against his own people, who are already suffering from food shortages and economic stagnation. He is truly relentless in his effort to quash any opposition he perceives.

As the chairman has said, there is no U.S. funding for Mr. Mugabe's regime contained in the bill. However, at a time when Zimbabweans are suffering so much, I am loathe to place conditions or limitations on any assistance that might help the beleaguered people of the country and ease their isolation from the rest of the international community. I am particularly concerned about any limitations on HIV/AIDS programs which comprise the bulk of our assistance to Zimbabwe.

Once again, I thank the gentleman from California (Mr. SCHIFF) for raising this issue, and I hope to work with him and the chairman as the bill progresses.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, last year I joined the chairman and the ranking member here on the floor to send a clear and, I thought, bipartisan message that it is not in the national interest, nor in the national security interest, of the United States to slash our development funding to our neighbors in our own front yard here in the Western Hemisphere.

Yet, I find myself here once again to send the same exact message. To be frank, it makes me question whether the administration was listening to what Congress said last year.

As the ranking member on the Subcommittee on the Western Hemisphere and as a member of the Congressional Hispanic Caucus, and as an American, I was outraged when the President, in his proposed fiscal year 2006 budget, slashed core development funding to Latin America by over 12 percent.

In his fiscal year 2005 budget, Latin America was the only region in the world, the only region in the world, to be cut in both total economic and development aid, and total narcotic and military aid. In his fiscal year 2006 budget, the President once again broke his pledge to the people of the Western Hemisphere. So much for looking southward, not as an afterthought, in U.S. foreign policy, an integral part of a forward-looking vision we were promised, this certainly is not it. So much for being an amigo, a friend of Latin America.

And, if we look below the broad 12 percent cuts, we find even more disturbing trends. Under the administration's proposed budget, basic education funding would be cut by over 20 percent and adult literacy funding would be cut by 28 percent, as compared to the fiscal year 2004 budget. In the midst of the debate on CAFTA, the President cuts development assistance funding to El Salvador by over 30 percent, and child survival and health funding to the Dominican Republic by over 18 percent. This will only exacerbate the gap between those who have and have not.

At a time when Latin American presidents are being toppled left and right by crowds frustrated with the failure of government to provide them with adequate education, housing, and health care; at a time when anti-Americanism is on the rise throughout the hemisphere; at a time when our hemisphere is growing smaller, when infectious diseases move throughout the hemisphere, when crime penetrates borders, when terrorists may use failed States as safe havens, these cuts are the wrong policy for the United States of America.

Let me be clear: a stable, safe, and prosperous neighborhood is in the national interest and national security interest of the United States. It is in the national interest of the United States to increase demand for U.S. goods in a region of 500 million people by enhancing economic development. It is in the national interest and national security interest of the United States to create greater economic growth in Latin America so that people will not seek to leave their homes out of despair. It is in the national interest and national security interest of the United States to increase stability in our hemisphere, because chaos and insecurity creates unwanted opportunity for terrorists and criminals throughout the region. That is the reality.

So I want to take this opportunity, as I express these frustrations and these criticisms, at the same time to commend the gentleman from Arizona (Chairman KOLBE) and the gentlewoman from New York (Ranking Member Lowey) for their bipartisan effort on this issue, particularly for including language which restores funding specifically to Central America directly in the bill text, since similar report language in our statements on the floor have been ignored in the past. I also hope our friends in the administration understand that the report language disagrees with the deep cuts to development assistance for the entire hemisphere.

I believe that we should restore all development funding that was cut to the hemisphere, not just to Central America. It has been static for so many years, and then we cut it in addition to that. It is woefully inadequate for the national interest and security interest of the United States.

But I do not believe that restoring funding to fiscal year 2005 levels is enough. In fact, that would be an overall decrease, even then, since there is no increase that accounts for inflation.

So I hope that we can move in a different direction. I know that Hispanic Americans in this country are increasingly paying attention to this issue. We are going to hear a lot of debate about Central America and the Central America Free Trade Agreement at the same time we are eviscerating the very programs that can help create stability and opportunity within the hemisphere.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentlewoman from New York (Mrs. LOWEY) is recognized for 5 minutes.

There was no objection.

Mrs. LOWEY. Mr. Chairman, I want to thank the gentleman for raising this important issue today. I agree with him that ensuring a robust level of funding for all of Latin America, particularly in the Child Survival and Development Assistance account, serves U.S. national interests. We need to remember that the challenges of development are not only found halfway around the world, they exist in America's own backyard as well.

I want the gentleman to know that the chairman and I worked hard to restore cuts proposed to these two accounts in the President's budget request, and it would be my expectation that the funding in this bill is sufficient to ensure that at least the fiscal year 2005 levels would be achieved. That was certainly our intent in working to avoid the proposed cuts.

I thank the gentleman again for raising this very important issue.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to make one point to the membership on both sides of the aisle. As has been the case with most appropriation bills this year, we are trying to work our way to a unanimous consent agreement that will limit time for discussion of amendments to this bill in such a way that we can finish this bill today.

Right now, the unanimous consent agreement which is being worked on would result, if you take into account the debate time plus the slippage time that occurs between each speech, we would probably be on the floor for about 6 to 6½ hours, not counting vote time. That means that we would be very lucky to finish this bill by 10 o'clock tonight.

We are being asked to do so earlier if possible so that we can finish the transportation bill by debating it on Wednesday and Thursday, trying to avoid a Friday session before the July Fourth break.

We are getting, frankly, crossed signals from Members. Some Members want to see to it that we get out by Thursday; other Members want to see the time on their amendments extended. We cannot accomplish both goals at the same time. So I ask Members to choose for themselves what they want, whether they want to be here Friday or whether they would like to reach a reasonably congenial agreement on time limits so that we can finish this bill at a reasonable hour tonight and finish the remaining appropriation bill by Thursday.

But this is really up to Members. We cannot control what Members offer on the floor; all we can do is deliver the bad news.

□ 1500

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, today I rise in strong support of the United Nations Population Fund. Regrettably, the underlying bill continues the Bush administration's policy of prohibiting the use of U.S. funds to pay for vital family planning services for millions of women around the world.

As we all know, UNFPA is the single largest global source of multilateral funding for maternal health and family planning programs. It works to provide support to over 150 countries by helping with the delivery of healthy babies, providing prenatal care and educating men and women about HIV and AIDS and other sexually transmitted diseases so people can live healthier lives.

This fund helps women and families in 30 countries in Latin America and the Caribbean and many more in Asia, Africa and Arab countries. In Nicaragua, Central America where my mother was born, families and poor women in particular struggle for survival. Infant mortality rates there are three times higher in the lowest income group and almost half of all Nicaraguan girls become pregnant by the age of 19. These infant mortality rates and teen pregnancy rates demonstrate the need for maternal health care and family planning services through this fund.

Also, the underlying bill continues the global gag rule which prohibits U.S. funding to any private or nongovernmental or multilateral organization that uses its own funds to directly or indirectly perform abortions abroad except in instances of rape and incest.

Restoring the UNFPA funding could prevent 2 million unintended pregnancies, nearly 800,000 abortions, 4,700 maternal deaths, and nearly 66,000 cases of serious maternal illnesses and more than 77,000 infant and child deaths.

We must work together to restore this funding and improve the lives of women all over the world.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I may not be able to be here during the debate on an amendment for veterans, and I wanted to speak to it. I want to offer a little history, but I think it is a balanced history from both sides. I remember when President Clinton's budget on the veterans, the VFW, the American Legion, Vietnam veterans, all rallied against the budget because it cut veterans health care. We worked with the other body, both of us on both sides of the aisle; and even some of those that voted with President Clinton on his budget voted with us to restore that health care by $1 billion.

We have increased veterans health care by 16 percent. But it is not enough. There is a shortfall and we must attend to it.

Historically, this body works with the other body in conference and I believe that some of those dollars will come forward, maybe not what we all want, but I believe some of those dollars will come together for veterans health care.

I remember in 1993 when my colleagues occupied the White House, the House and the Senate, veterans COLAs were cut. Military COLAs were cut. And there was a tax increase on the middle income.

In 1994, when Republicans took the majority, together with Republicans and Democrats, many of the same Democrats that voted with the President on his budget restored the military COLAs. We worked together to restore the veterans COLAs. And I would have to say probably on this side we will take a little more credit for restoring and reducing the tax on the middle class.

We have worked together, although we have not got what we want on concurrent receipts. For 40 years my colleagues on the other side did not address concurrent receipts. And we have. But at the same time, when it has been addressed under a Republican majority, then the Democrats have come forward and helped us.

Two different sessions we have passed bills on concurrent receipts together. And now there is a bipartisan commission going forward to see what direction we will write down.

I look at TRICARE for life, which we worked together on.

Subvention. I did not write the subvention bill, but my veterans in San Diego, California wrote that bill and put it forward, basically, where you can use Medicare dollars at VA health care.

The Filipino Veterans Equity Act. One of the gentlemen on the other side I very rarely vote with. But we worked together to restore the promise that was made to our Filipino veterans back during the MacArthur days, and we have worked together on that as well.

You do not have to look far to see where we come together, and I do not think any Member on either side of the aisle can look at another one and say, you do not care about veterans; you do not care about our military; you do not care about our Guard and Reserve. That is just not true.

Some people vote against military issues. Maybe their district has got extreme poverty and it is a way of funding their issues and their problems. It does not mean they do not care about the military itself.

The Republican budget looked at many years of substantial increases and almost every account, including veterans, including education and health care. But we decided to get our arms around the deficit.

Many of my colleagues on both sides talk about the deficit and the debt. If we, as Members, or you, Mr. Chairman, if you have got a checkbook and you spend more than you are going to take in, you are going to be bankrupt, and you are going to have less in the future to spend. For us to get our arms around this budget and still fund our priorities, I think we will when we come together with the other body.

A classic case of savings: the welfare reform bill passed many years ago which was lauded by President Clinton as one of the best bills to help people in this country. I also happen to agree with him.

But at the same time we have gone through these increases, we have been fighting the war on terror. If you look at Kadafi, his nuclear weapons are in the United States today. And even more important, we have found the black market that supported North Korea, Pakistan, India, and others. What kind of value is that to us, not just to our veterans, but our military and our homeland security?

I mentioned a minute ago Khalid Sheikh Mohammed and Hambali and Abu Halibi, the people that were actually planning raids on the United States. Now, those people are all made up of military that then become veterans, and we owe them a priority.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to ask the gentleman from Arizona (Mr. KOLBE) to engage with me in a colloquy. And I take this opportunity to thank the gentlewoman from New York (Mrs. LOWEY) for all of the fine work that she has done on this appropriation. And I would like to thank the gentleman from Arizona (Mr. KOLBE) for the concern and care that he has shown for Africa and on this issue of HIV/AIDS over the years. And I do appreciate it.

But I rise today to talk about the fact that back in 2003, January 2003, the President made a commitment. If you recall in his State of the Union address, he said he was going to provide $15 billion over 5 years. That is $3 billion a year for global HIV/AIDS programs.

In the past year, the President's Emergency Plan for AIDS Relief, or as it became known as PEPFAR, has been underfunded significantly. I do appreciate the work that you have done. But in fiscal year 2003, we only received $1.6 billion for global HIV/AIDS programs.

In fiscal year 2004, only $2.3 billion was provided for those programs. We have done better in 2005, receiving $2.9 billion.

So the total funding for the last 3 years is only $6.8 billion. Congress would have to appropriate $8.2 billion over the next 2 years to complete the commitment for $15 billion for the 5-year commitment.

Why do I push this? I push this because every year 3 million people die of AIDS. Every year 5 million people become infected with AIDS. Over 25 million are living with HIV/AIDS in sub-Saharan Africa and over 7 percent of the adults in sub-Saharan Africa are infected by this deadly virus.

So while I thank you, I guess the question I am asking is can we do more and can we even save this funding that is in the budget, given that one of your Members, the gentleman from Iowa (Mr. KING) is talking about cutting it?

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for her comments and for her kind remarks about my support for HIV/AIDS funding. It is a commitment that I share with the gentlewoman from California. I believe very strongly in the importance of this. In fact, when I became chairman of this subcommittee, I said there were three primary things that I wanted to do, and this was one of them.

I think the gentlewoman is forgetting something, and that is there is funding in another appropriation bill for international AIDS, largely in CDC and NIH, in the Labor-HHS bill. When you add those amounts in, this year, we are at $3.2 billion total funding for HIV/AIDS and international programs, so we are above. If you take the $15 billion over 5 years that the President talked about, $3 billion would be a level funding. We started off below that. This year in the third year we are above it. We are not only on target to meet the $15 billion; we will be above that by the end of the fifth year. So we are moving clearly in that direction. And I believe that we are showing our commitment.

We are $131 million this year above the amount requested by the President. We are $502 million above the amount that was appropriated in 2005. That is just in our particular appropriation bill.

So I do share the gentlewoman's concerns about this, and I believe, however, that we are moving very strongly in that direction. And perhaps the gentlewoman from New York would like to add something.

Ms. WATERS. Mr. Chairman, reclaiming my time, I was referring to the PEPFAR portion of this. It was my understanding that the $15 billion commitment was above and beyond the other programs that you are alluding to. But I do appreciate that.

Mr. KOLBE. If the gentlewoman would yield just for one clarification. I think the gentlewoman is mistaken on that. The $15 billion was a total for all HIV/AIDS programs, not just the PEPFAR's program. So when you look at all the programs that were already under way in bilateral programs, things being done in NIH and CDC as well as in the new PEPFAR program, the global fund, all of that, we will be well above. I think we will be considerably above the $15 billion.

Ms. WATERS. Well, I understand that and I appreciate the gentleman correcting my thinking relative to where the money was to come from, because in the AIDS activist community, we were all under the impression that the PEPFAR fund alone would produce the $15 billion. But we will certainly take that information.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

There was no objection.

Mr. KOLBE. Mr. Chairman, continuing this colloquy, just so you have the numbers correct here as we see them here: in 2004, total appropriations for international AIDS programs was $2.4 billion. In 2005 it was $2.9 billion; and in 2006, the current year that we are funding, it is $3.2 billion. That gives you a total of $8.5 billion which means that we have $6.5 billion left to do in the next 2 years in order to reach the $15 billion. That would be slightly less, actually, than $3 billion a year to meet that. So I do believe we are on target.

Mr. Chairman, I yield to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I thank the gentleman and I want to thank the gentlewoman for her commitment to combating the HIV/AIDS pandemic. She has been a strong and constant voice championing the cause of the poorest, and I agree with my colleague from California that more needs to be done to help address the HIV/AIDS pandemic.

The gentleman from Arizona (Mr. KOLBE) discussed the funding in the bill. However, we all agree, and I know the chairman agrees, that more needs to be done. And the U.N. has estimated the total resources needed to combat HIV/AIDS around the world to be $15 billion per year. An additional $5 billion is needed to combat TB and malaria. And while I do not believe that the United States can or should fulfill all of the need on our own, the amount that we are currently contributing, about 15 percent of the total need, is not representative of what we are capable of doing.

□ 1515

So although the Chair has mentioned, and I would agree that we have done as much as we possibly can in this bill, I would like to work with him, you, and certainly with the Chair to make sure that we continue to increase our commitment to HIV/AIDS. I thank the gentlewoman for entering into this colloquy.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I want to thank the gentleman for his commitment. The gentleman has demonstrated his commitment to this issue as much as anyone, more than most in the Congress of the United States. And I am going to review the numbers and take his representation of how that funding has come together and have further discussions with the AIDS community. They are so concerned because since the President's commitment, over 7 million people have died. And also we will have an amendment coming up today from the gentleman from Iowa (Mr. KING), and although I do not want to preempt the gentleman's presentation, I would hope the gentleman would join me in helping to put that down because that would undermine all the work that he has done.

Mr. KOLBE. I thank the gentlewoman for her comments.

My purpose in going through those numbers was simply to illustrate that we are meeting this commitment, not as the gentlewoman from New York (Mrs. LOWEY) suggested, not that it is enough. There is not enough. We are not doing enough. But I think we are meeting the commitment we did make. This is a pandemic of absolutely unprecedented proportions, and we need to be doing a lot more in Africa, in the Caribbean, in Southeast Asia, now in countries like China and in Russia where it is growing with great rapidity. So there is a lot more that needs to be done. I thank the gentlewoman for highlighting that and providing the clarion call today for this country and for the AIDS community around the world to respond to this need in this pandemic.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SUBSIDY APPROPRIATION

For the cost of direct loans, loan guarantees, insurance, and tied-aid grants as authorized by section 10 of the Export-Import Bank Act of 1945, as amended, $125,000,000, to remain available until September 30, 2009: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until September 30, 2024, for the disbursement of direct loans, loan guarantees, insurance and tied-aid grants obligated in fiscal years 2006, 2007, 2008, and 2009: *Provided further*, That none of the funds appropriated by this Act or any prior Act appropriating funds for foreign operations, export financing, and related programs for tied-aid credits or grants may be used for any other purpose except through the regular notification procedures of the Committees on Appropriations: *Provided further*, That funds appropriated by this paragraph are made available notwithstanding section 2(b)(2) of the Export-Import Bank Act of 1945, in connection with the purchase or lease of any product by any Eastern European country, any Baltic State or any agency or national thereof.

ADMINISTRATIVE EXPENSES

For administrative expenses to carry out the direct and guaranteed loan and insurance programs, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $30,000 for official reception and representation expenses for members of the Board of Directors, $73,200,000: *Provided*, That the Export-Import Bank may accept, and use, payment or services provided by transaction participants for legal, financial, or technical services in connection with any transaction for which an application for a loan, guarantee or insurance commitment has been made: *Provided further*, That, notwithstanding subsection (b) of section 117 of the Export Enhancement Act of 1992, subsection (a) thereof shall remain in effect until October 1, 2006.

AMENDMENT OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOOLEY:

Page 4, line 1, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Page 30, line 8, after the dollar amount, insert the following: "(increased by $5,000,000)".

Mr. KOLBE. Mr. Chairman, I say to the gentlewoman from Oregon (Ms. HOOLEY) that I am prepared to accept this amendment.

I have concerns about a large cut in Ex-Im Bank expenses, but I certainly agree that the need in Mexico is very great to fight methamphetamines, and I certainly am prepared to accept this amendment.

Ms. HOOLEY. Mr. Chairman, I appreciate the chairman's willingness to accept this amendment. I will be extremely brief.

Methamphetamine has traveled across this country. It is a huge problem. There are many children who are being referred to other people because of methamphetamine. In my State, 75 percent of the crime that is committed is because of methamphetamine.

We know that roughly 200 tons of pseudoephedrine is needed to produce all the meth sold in the United States. This pseudoephedrine from Mexico can produce half of our Nation's supply of this deadly drug. Again, we need to do everything we can to fight the spread of methamphetamine.

My amendment would provide the State Department with additional resources. With so much of meth in this country coming from Mexico, we must take action to stop the production and importation of this dangerous drug. As any cop in America will tell you, meth is destroying our communities. This should be one of the top foreign policy items on our bilateral agenda.

I thank the gentleman for accepting this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

Ms. BERKLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today to discuss foreign aid, American tax dollars that are going to the Palestinian Authority.

The problem the Palestinians have has nothing to do with money. The problem is a complete failure of their leadership. The United States has provided an average of $85 million a year per year since 1993. Not counting inflation, this comes to over a billion dollars. We have provided direct aid to the Palestinian Authority on three occasions, $36 million in 1994, $20 million in 2003, and another $20 million again in 2005.

Since 1975 we have given over $1.2 billion of assistance for the West Bank and the Gaza. Between 1994 and 1998 American taxpayers gave $65 million to expand economic opportunity in the Palestinian controlled areas and $85 million to help the Palestinian people establish their own government.

Before Congress decides to spend another $150 million, I would just like to know exactly what the Palestinian Authority has done with all of this money. With all of the money the United States has spent, with all of the international aid, the Palestinian people still live in squalor. After decades of aid and billions of dollars, it boggles the mind that there is no economic self-sufficiency and no improvement to the quality of life.

How is that possible? Because it is not about the money. It is about the Palestinian Authority failing to do what any responsible government would have done with several billion dollars, build infrastructure, improve health care, provide economic opportunities, improve education, and move the Palestinian people into the 21st century.

The money is not going into housing. Palestinians continue to live in wretched conditions in refugee camps with corrugated tin roofs and dilapidated ramshackle huts. The money is not going to schools. If it was, Palestinian children would not be rioting in the streets. They would be sitting in classrooms being trained as the next generation of doctors and engineers who will lead their people in the 21st century instead of being trained as terrorists and suicide bombers.

Palestinian education is little more than anti-Israel, anti-Semitic and anti-American rhetoric. The Palestinian

Authority continues to be financially corrupt and morally bankrupt and that is why the Palestinian people turn to Hamas, the most dangerous terrorist organization on the planet, to get their basic needs met.

The problem is not a lack of money. The Palestinian leadership is either unable or unwilling to provide for basic needs of its people. It is either unwilling or unable to lift them out of poverty. It is either unwilling or unable to prepare them for statehood and self-sufficiency.

Until they disarm the terrorists and dismantle the terrorist organizations, Abu Mazen and the Palestinian leadership are sentencing their people to continued misery, continued hopelessness, continued anger and continued self-loathing. Year after year, generation after generation.

The problem is a lack of Palestinian leadership, a lack of vision, a lack of hope for the future, not a lack of money. Mr. Chairman, if our money has not been doing any good, why are we giving more? Until we get some answers we should not give another penny to the Palestinian Authority. As a matter of fact, we should be asking for a refund.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OVERSEAS PRIVATE INVESTMENT CORPORATION

NONCREDIT ACCOUNT

The Overseas Private Investment Corporation is authorized to make, without regard to fiscal year limitations, as provided by 31 U.S.C. 9104, such expenditures and commitments within the limits of funds available to it and in accordance with law as may be necessary: *Provided*, That the amount available for administrative expenses to carry out the credit and insurance programs (including an amount for official reception and representation expenses which shall not exceed $35,000) shall not exceed $42,274,000: *Provided further*, That project-specific transaction costs, including direct and indirect costs incurred in claims settlements, and other direct costs associated with services provided to specific investors or potential investors pursuant to section 234 of the Foreign Assistance Act of 1961, shall not be considered administrative expenses for the purposes of this heading.

PROGRAM ACCOUNT

For the cost of direct and guaranteed loans, $20,276,000, as authorized by section 234 of the Foreign Assistance Act of 1961, to be derived by transfer from the Overseas Private Investment Corporation Non-Credit Account: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall be available for direct loan obligations and loan guaranty commitments incurred or made during fiscal years 2006 and 2007: *Provided further*, That such sums shall remain available through fiscal year 2014 for the disbursement of direct and guaranteed loans obligated in fiscal year 2006, and through fiscal year 2015 for the disbursement of direct and guaranteed loans obligated in fiscal year 2007: *Provided further*, That notwithstanding any provision of the Foreign Assistance Act of 1961, the Overseas Private Investment Corporation is authorized to undertake any program authorized by title IV of the Foreign Assistance Act of 1961 in Iraq: *Provided further*, That funds made available pursuant to the authority of the previous proviso shall be subject to the regular notification procedures of the Committees on Appropriations.

In addition, such sums as may be necessary for administrative expenses to carry out the credit program may be derived from amounts available for administrative expenses to carry out the credit and insurance programs in the Overseas Private Investment Corporation Noncredit Account and merged with said account.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

For necessary expenses to carry out the provisions of section 661 of the Foreign Assistance Act of 1961, $50,900,000, to remain available until September 30, 2007.

TITLE II—BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, and for other purposes, to remain available until September 30, 2006, unless otherwise specified herein, as follows:

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapters 1 and 10 of part I of the Foreign Assistance Act of 1961, for child survival, health, and family planning/reproductive health activities, in addition to funds otherwise available for such purposes, $1,497,000,000, to remain available until September 30, 2007: *Provided*, That this amount shall be made available for such activities as: (1) immunization programs; (2) oral rehydration programs; (3) health, nutrition, water and sanitation programs which directly address the needs of mothers and children, and related education programs; (4) assistance for children displaced or orphaned by causes other than AIDS; (5) programs for the prevention, treatment, control of, and research on HIV/AIDS, tuberculosis, polio, malaria, and other infectious diseases, and for assistance to communities severely affected by HIV/AIDS, including children displaced or orphaned by AIDS; and (6) family planning/reproductive health: *Provided further*, That none of the funds appropriated under this heading may be made available for nonproject assistance, except that funds may be made available for such assistance for ongoing health activities: *Provided further*, That of the funds appropriated under this heading, not to exceed $250,000, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of child survival, maternal and family planning/reproductive health, and infectious disease programs: *Provided further*, That the following amounts should be allocated as follows: $347,000,000 for child survival and maternal health; $25,000,000 for vulnerable children; $350,000,000 for HIV/AIDS; $200,000,000 for other infectious diseases; and $375,000,000 for family planning/reproductive health, including in areas where population growth threatens biodiversity or endangered species: *Provided further*, That of the funds appropriated under this heading, and in addition to funds allocated under the previous proviso, not less than $200,000,000 shall be made available for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That up to 5 percent of the aggregate amount of funds made available to the Global Fund in fiscal year 2006 may be made available to the United States Agency for International Development for technical assistance related to the activities of the Global Fund: *Provided further*, That of the funds appropriated under this heading, $65,000,000 should be made available for a United States contribution to The Vaccine Fund, and up to $6,000,000 may be transferred to and merged with funds appropriated by this Act under the heading "Operating Expenses of the United States Agency for International Development" for costs directly related to international health, but funds made available for such costs may not be derived from amounts made available for contribution under this and preceding provisos: *Provided further*, That none of the funds made available in this Act nor any unobligated balances from prior appropriations may be made available to any organization or program which, as determined by the President of the United States, supports or participates in the management of a program of coercive abortion or involuntary sterilization: *Provided further*, That none of the funds made available under this Act may be used to pay for the performance of abortion as a method of family planning or to motivate or coerce any person to practice abortions: *Provided further*, That nothing in this paragraph shall be construed to alter any existing statutory prohibitions against abortion under section 104 of the Foreign Assistance Act of 1961: *Provided further*, That none of the funds made available under this Act may be used to lobby for or against abortion: *Provided further*, That in order to reduce reliance on abortion in developing nations, funds shall be available only to voluntary family planning projects which offer, either directly or through referral to, or information about access to, a broad range of family planning methods and services, and that any such voluntary family planning project shall meet the following requirements: (1) service providers or referral agents in the project shall not implement or be subject to quotas, or other numerical targets, of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning (this provision shall not be construed to include the use of quantitative estimates or indicators for budgeting and planning purposes); (2) the project shall not include payment of incentives, bribes, gratuities, or financial reward to: (A) an individual in exchange for becoming a family planning acceptor; or (B) program personnel for achieving a numerical target or quota of total number of births, number of family planning acceptors, or acceptors of a particular method of family planning; (3) the project shall not deny any right or benefit, including the right of access to participate in any program of general welfare or the right of access to health care, as a consequence of any individual's decision not to accept family planning services; (4) the project shall provide family planning acceptors comprehensible information on the health benefits and risks of the method chosen, including those conditions that might render the use of the method inadvisable and those adverse side effects known to be consequent to the use of the method; and (5) the project shall ensure that experimental contraceptive drugs and devices and medical procedures are provided only in the context of a scientific study in which participants are advised of potential risks and benefits; and, not less than 60 days after the date on which the Administrator of the United States Agency for International Development determines that there has been a violation of the requirements contained in paragraph (1), (2), (3), or (5) of this proviso, or a pattern or practice of violations of the requirements contained in paragraph (4) of this proviso, the Administrator shall submit to the Committees on Appropriations a report containing a description of such violation and the corrective action taken by the Agency: *Provided further*, That in awarding grants for natural family planning under section 104 of the Foreign Assistance Act of 1961 no applicant shall be discriminated against because of such applicant's religious or conscientious commitment to offer only natural family planning; and, additionally, all such applicants shall comply with the requirements of the previous proviso: *Provided further*, That for purposes of this or any other Act authorizing or appropriating funds for foreign operations, export financing, and related programs, the term "motivate", as it relates to family planning assistance, shall not be construed to prohibit the provision, consistent with local law, of information or counseling about all pregnancy options: *Provided further*, That to the maximum extent feasible, taking into consideration cost, timely availability, and best health practices, funds appropriated in this Act or prior appropriations Acts that are made available for condom procurement shall be made available only for the procurement of condoms manufactured in the United States: *Provided further*, That information provided about the use of condoms as part of projects or activities that are funded from amounts appropriated by this Act shall be medically accurate and shall include the public health benefits and failure rates of such use.

AMENDMENT OFFERED BY MR. PITTS

Mr. PITTS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PITTS:

AMENDMENT TO H.R. 3057, AS REPORTED, OFFERED BY MR. PITTS OF PENNSYLVANIA

Page 7, line 2, after the dollar amount, insert the following: "(increased by $750,000,000)".

Page 8, line 3, after the dollar amount, insert the following: "(increased by $750,000,000)".

Page 41, line 1, after the dollar amount, insert the following: "(reduced by $750,000,000)".

Page 41, line 4, after the dollar amount, insert the following: "(reduced by $750,000,000)".

Mr. PITTS. Mr. Chairman, I commend the chairman for his work on these complicated issues but I rise to raise an issue that we just heard about from the gentleman from Maryland (Mr. HOYER) and which we have heard about in past years from the gentleman from California (Mr. LANTOS). I think the time has come to say enough is enough.

Since 1979 Egypt has been the second largest recipient of U.S. foreign assistance. Each year Egypt receives about $2 billion in economic and military aid. The money goes to support our strategic ally in the Middle East. But I think this money is largely misspent today on a nation that refuses change and excuses oppression.

The State Department tells us that Egyptian police routinely use torture to extract confessions and detain suspects without charge or trial. Egyptian authorities harass and imprison opposition party candidates on trumped up charges. The government is engaged in an unwarranted and dangerous military build-up. It oppresses religious minorities. It violates human rights. It obstructs democratic reforms. It censors the media. In fact, the media is controlled by the government there and they permit a lot of anti-Semitism and hate speech. It continues to arrest Christian converts who leave Islam. I could go on and on.

Egypt is an ally. But we can no longer afford to excuse oppression with the rhetoric of stability and the politics of fear.

We can no longer afford a wholesale subsidizing of such huge violators of basic human rights and basic freedoms.

My amendment would take some of the money that we spend to underwrite the Egyptian military and send it to programs that fight malaria by increasing USAID's Child Survival and Health Account for other infectious diseases, particularly malaria. Malaria kills as many as 3 million people each year. Up to 90 percent of these deaths occur in Africa and 90 percent are children under the age of 5. And though it is difficult to accurately assess the scale of the disease, the WHO estimates that 40 percent of the world's population is at risk of malaria, and there are between 350 and 500 million clinical cases every year.

Malaria disproportionately affects the poor. Fifty-eight percent of malaria deaths occur in the poorest 20 percent of the world's population, a higher percentage than for any other disease of major public health importance.

Reducing Egypt's military subsidy by $750 million will serve to send a strong message. Money sent to a nation, even a strong ally like Egypt, that refuses to make the necessary political, democratic and human rights reforms should be redirected to a place that better represents our values. In this case I can think of no better use for this funding than to treat and prevent malaria in Africa.

According to the CBO, this transfer will result in a savings of $400 million in FY 2006 in net outlays. A vote for this amendment is a vote for more responsible Federal spending. It is a vote for American values. It is a vote for kids. It is a vote against the status quo of Egypt's dictatorship.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment. Mr. Chairman, I do rise in strong opposition to this amendment. Our assistance to Egypt has been longstanding and Egypt remains an important ally in the Middle East.

I would be among the first in this body to admit my concerns about Egypt's actions or sometimes their lack of actions when it comes to building programs of democracy in that country. And we have had a lot of discussion at both the subcommittee and full committee levels regarding ways to address these concerns.

I accept the amendment offered by the gentleman from Wisconsin (Mr. OBEY) to fence $100 million of our economic assistance to Egypt and to put an earmark around those or to fence it so they could be used specifically for democracy and education programs. That is the first time that we have ever done that in this earmark for Egypt.

□ 1530

I think that sends a very strong message to Egypt. So this amendment, however well-intentioned, is not going to be constructive.

The relationship that we have with Egypt goes back 2 decades. We should not forget that prior to the Camp David agreement Egypt and Israel engaged in several wars and Egypt was an ally of the Soviet Union. That changed when President Sadat and Israeli Prime Minister Begin negotiated a peace agreement in 1978 with the help of the United States.

As part of that agreement and in an effort to bring stability and security to the region, the United States agreed to provide major economic and military assistance packages for both Israel and Egypt. Six years ago, the Committee on Appropriations under the leadership of my predecessor, former Congressman Sonny Callahan, initiated a policy to begin a phase-down of economic assistance for both Israel and Egypt. This resulted in a decision to phase out Israel's economic assistance by $120 million per year over 10 years, while increasing military assistance by $60 million. Egypt's economic assistance declines $40 million per year with no increase in military assistance.

The agreement reached 6 years ago modifying the Camp David funding formula was agreed to by the parties involved, including the administration. An amendment that would help to impose a new funding regime, a new funding formula on this money, this carefully balanced money that goes to the partners in the Camp David accords, not as a result of any discussion or negotiations with them, but by unilateral action by this body, would undo the delicate balance of economic and military assistance and would be diplomatically disastrous for the United States.

It would not be wise for Congress to disrupt any cooperation that exists between Israel and Egypt by cutting the military assistance to Egypt; and I can assure my colleagues, this is certainly not supported, though I do not speak for them, I feel quite certain in saying this is not supported by the Government of Israel.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman raises important issues. For the last several years, I have joined many of my colleagues in expressing concern about the composition of the U.S. aid package to Egypt. Why, at a time when Egypt has no major enemies, should we be providing over $1 billion each year in military assistance? Why, when Egypt lacks economic prosperity, should we maintain such a high level of military aid even as economic assistance levels drop?

In Cairo last week, Secretary of State Rice announced a new commitment to human rights in the Arab world, imploring the Egyptian Government to hold free and transparent elections and end human rights abuses, and I was very pleased to hear her remarks. For too long, we have coddled undemocratic regimes, looking the other way as democracy and freedom have been stifled.

Despite President Mubarak's pronouncements to the contrary, Egypt is a hotbed neither of democratic reform nor respect for the rights of the opposition.

In late May, members of the Egyptian movement Kifaya, which means "enough" in Arabic, were beaten and dragged through the street by a government-organized mob. Police stood by as women were sexually assaulted; and in some cases, police actively participated in beating and arresting protesters. What radical agenda does Kifaya have? Free, fair, and transparent elections.

Or consider the case of Ayman Nour, leader of a small Egyptian opposition party, who was jailed on charges of faking signatures to form his party. In the weeks leading up to his arrest, Nour had called for a constitutional overhaul to restrain Mubarak's powers. Nour spent 42 days in prison being beaten and held under inhumane conditions and is awaiting a trial that will start next week.

The Egyptian record on human rights is rivaled by its record on incitement in the media. Even as diplomatic relations between Israel and Egypt continue to progress, with the recent return of Egypt's ambassador to Israel, anti-Israel and anti-Semitic attacks in the official Egyptian media persist, with claims of Holocaust exaggeration, Zionist-Nazi collaboration, and anti-Semitic canards.

The amendment sends the message that the status quo is not okay. Baby steps toward political reform are unacceptable and will no longer be tolerated. Tepid efforts to stop smuggling along Egypt's border with Gaza are not enough. Disclaimers that the Egyptian press is free and cannot be influenced by the government will not be believed.

The tide in the Middle East is turning toward democracy and freedom, toward rights for women and educational opportunities for children. The tide is turning toward peace between Israel and its neighbors, toward economic cooperation and coexistence.

Egypt has been part of this turning tide. It was the first Arab country to make peace with Israel, and it is a needed partner in closing any peace deal between Israel and the Palestinians. But too often we have seen this powerful player in regional affairs place stumbling blocks in front of progress instead of easing the way.

We know Egypt is listening to our debate today. A lot is at stake. So the one message I have is this: great nations recognize when the changing times will leave them behind, and they stay ahead of the curve. I hope we will see the pace of reform quicken and the quality of cooperation increase in the coming weeks and months.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as this amendment is considered, I think it would be useful to remember what the committee has done with respect to our assistance to Egypt. As the gentleman from Arizona has indicated, the committee adopted an amendment offered by me which earmarked ESF funds for Egypt, doubling the amounts spent on democracy, governance, and human rights and providing additional funding for education within that account.

The amendment earmarked $50 million in ESF for democracy, governance, and human rights and $50 million for education. Both categories were projected at about $25 million in the administration request. So this essentially doubles that amount.

The reason for that has already been stated. We were looking for a way to send a clear signal to Egypt that we find their human rights record to be an embarrassment without thoroughly upsetting the administration's ability to continue to negotiate in that region, to try to move what is left of the peace process forward.

I have no idea whether the administration will be sufficiently serious about the issue. I have no idea whether or not they will be successful if they are serious, but I do just want to say one thing. I think every Member of this House would like to be able to vote for this amendment because we like where the money would be put; but we also have a responsibility, regardless of party, to try to see to it that in the attempt to send messages we do not blow things up in different regions of the world.

So I have absolutely no doubt that this amendment would produce a most irresponsible result in the region, but I think it will be interesting to note who supports the administration's position on this roll call and who does not. I intend, for one, to watch very carefully to see whether or not the leadership of the President's own party is going to be sticking with the President or not, and whether they do or not will send an interesting signal to those of us on this side of the aisle.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate my colleague yielding.

Indeed, this issue was discussed extensively in our full committee. There is little doubt that the committee, in a totally nonpartisan way, is interested in sending this message; and we are laying the foundation here to reflect the reality that America is at its best when we express ourselves overseas in as close to a bipartisan way as possible.

I must compliment the gentleman for his own statement at this time, but also in the full committee. I think we laid the foundation to let people in the Middle East know how serious we are about a clear message, and this message will be carried forward to the conference with other body as well.

So I appreciate my colleague yielding.

Mr. OBEY. Mr. Chairman, if I could just say, I would be most curious to know what the administration is clearly saying on this subject. I have just received a message which indicates that the administration is pleased with the language in the committee bill. I hope that they continue to clarify their position to make clear exactly where they stand on this amendment. If they do not, they will be the ones who have to explain the consequences.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PITTS).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. PITTS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 87, noes 326, not voting 20, as follows:

[Roll No. 326]

AYES—87

Akin
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Berry
Bishop (UT)
Blumenauer
Bono
Bradley (NH)
Brown (OH)
Burton (IN)
Cannon
Cantor
Cardoza
Carson
Clay
Coble
Crowley
Deal (GA)
DeFazio
Doggett
Duncan
Fossella
Foxx
Frank (MA)
Franks (AZ)
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Goode
Goodlatte
Gordon
Gutknecht
Harris
Hayworth
Hefley
Herseth
Hinchey
Hostettler
Jenkins
Johnson (IL)
Jones (NC)
Kennedy (RI)
King (IA)
Lantos
Lewis (GA)
LoBiondo
Lofgren, Zoe
Maloney

Matheson
McCollum (MN)
McHenry
Melancon
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Northup
Norwood
Otter

Paul
Payne
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Rogers (AL)
Royce
Ryun (KS)
Sensenbrenner

Serrano
Sherman
Souder
Stearns
Strickland
Tancredo
Tiberi
Towns
Udall (CO)
Udall (NM)
Watson
Weiner

NOES—326

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Becerra
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brady (TX)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp
Capps
Capuano
Cardin
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent

Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Frelinghuysen
Gallegly
Gilchrest
Gillmor
Gingrey
Gonzalez
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk

Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Neal (MA)
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad

Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)

Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Stark
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry

Tiahrt
Tierney
Turner
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watt
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—20

Brown (SC)
Capito
Clyburn
Doolittle
Etheridge
Hayes
Higgins

Hunter
Kingston
Linder
McHugh
McIntyre
Michaud
Mollohan

Ortiz
Price (NC)
Rahall
Ross
Spratt
Wolf

☐ 1605

Messrs. WAMP, MARSHALL, ROHRABACHER, OWENS, BUTTERFIELD, HYDE, THOMPSON of California, GREEN of Wisconsin, CULBERSON, and Ms. ESHOO changed their vote from "aye" to "no."

Ms. ZOE LOFGREN of California, Messrs. LoBIONDO, HEFLEY, GOODLATTE, UDALL of Colorado, UDALL of New Mexico, FRANKS of Arizona, CANTOR, FRANK of Massachusetts, BURTON of Indiana, SERRANO, TOWNS, and Ms. McCOLLUM of Minnesota changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. WOLF. Mr. Chairman, earlier today I was at Walter Reed Army Medical Center visiting Army Specialist Matt James, a constituent from Virginia's 10th District, who was wounded while serving in Iraq, and I missed the vote on rollcall 326.

Had I been present and voting, I would have voted "no" on rollcall 326, the Pitts amendment to H.R. 3057, Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. The pending business is the question on ordering the previous question on H. Res. 342 on which further proceedings were postponed earlier today.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on which the yeas and nays are ordered.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution and on any other votes arising in this series.

The vote was taken by electronic device, and there were—yeas 263, nays 152, not voting 18, as follows:

[Roll No. 327]

YEAS—263

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Barton (TX)
Bass
Beauprez
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capuano
Cardin
Carter
Clay
Cleaver
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw

Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doyle
Dreier
Ehlers
Emanuel
Engel
Eshoo
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Foley
Fortenberry
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gohmert
Gonzalez
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman

Harris
Hastings (FL)
Hastings (WA)
Hefley
Herger
Hinchey
Hinojosa
Hobson
Hoekstra
Honda
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy (RI)
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas
Lungren, Daniel E.
Lynch

Mack
Marchant
Markey
Matsui
McCarthy
McCotter
McCrery
McDermott
McGovern
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (MI)
Miller, Gary
Miller, George
Moore (WI)
Moran (VA)
Murtha
Myrick
Nadler
Neal (MA)
Ney
Nunes
Oberstar
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sánchez, Linda T.
Saxton
Schakowsky
Schwarz (MI)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Solis
Souder
Stark
Sullivan
Sweeney
Tancredo
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Upton
Van Hollen
Velazquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—152

Aderholt
Allen
Baird
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Bishop (NY)
Blackburn
Boozman
Boren
Boswell
Boustany
Bradley (NH)
Brown (OH)
Brown-Waite, Ginny
Burgess
Capps
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Chocola
Coble
Cuellar
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Dent
Doggett
Drake
Duncan
Edwards
Emerson
English (PA)
Evans
Fitzpatrick (PA)
Flake
Forbes
Ford
Fossella
Foxx
Gerlach
Gibbons
Gingrey
Goode
Gordon
Graves
Green (WI)
Hart
Hayworth
Hensarling
Herseth
Holden
Holt
Hooley
Hulshof
Inslee
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Jones (NC)
Kaptur
Keller
Kelly
Kennedy (MN)
Kildee
Kind
Kucinich
Kuhl (NY)
LaHood
Langevin
Latham
LoBiondo
Lofgren, Zoe
Maloney
Manzullo
Marshall
Matheson
McCaul (TX)
McCollum (MN)
McHenry
McKinney
McMorris
Melancon
Mica
Miller (FL)
Miller (NC)
Moore (KS)
Moran (KS)
Murphy
Musgrave
Napolitano
Neugebauer
Northup
Norwood
Nussle
Obey
Osborne
Otter
Paul
Pearce
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Ramstad
Reichert
Renzi
Rogers (AL)
Rogers (MI)
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Sanders
Schiff
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sherwood
Shimkus
Shuster
Simmons
Smith (WA)
Snyder
Sodrel
Stearns
Strickland
Stupak
Tanner
Taylor (MS)
Udall (CO)
Udall (NM)
Walden (OR)
Wamp
Wu

NOT VOTING—18

Brown (SC)
Capito
Clyburn
Doolittle
Etheridge
Hayes
Higgins
Kingston
Linder
McHugh
McIntyre
Michaud
Mollohan
Ortiz
Price (NC)
Rahall
Ross
Spratt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1623

Mr. FOSSELLA changed his vote from "yea" to "nay."

Mr. LEVIN and Mr. HONDA changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 219, noes 193, not voting 21, as follows:

[Roll No. 328]

AYES—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Clay
Cleaver
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—21

Brown (SC)
Capito
Clyburn
Doolittle
Etheridge
Gingrey
Hayes
Higgins
Kingston
Lewis (KY)
Linder
McHugh
McIntyre
Michaud
Mollohan
Ortiz
Price (NC)
Rahall
Ross
Spratt
Stark

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1631

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BROWN of South Carolina. Mr. Speaker, I was absent from 12:00 p.m. until 7:00 p.m. on June 28, 2005. The reason for my absence was that I was required to testify before the Regional BRAC Commission hearing in Charlotte, North Carolina on behalf of my constituents. Regarding the votes that I missed please see below for the way that I would have voted if I had been present:

Vote No. 324—Rolled Suspension Vote on H.R. 458—Military Personnel Financial Services Protection Act. "Yea."

Vote No. 325—Previous Question on the Rule for H.R. 3057—Foreign Operations, Export Financing and Related Programs Appropriations Act for Fiscal Year 2006. "Yea."

Vote No. 326—Pitts Amendment. "Nay."

Vote No. 327—Previous Question on the Rule for H.R. 3058—Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for Fiscal Year 2006. "Yea."

Vote No. 328—Adoption of the Rule for H.R. 3058—Transportation, Treasury, Housing and Urban Development, The Judiciary, District of Columbia, and Independent Agencies Appropriations Act for Fiscal Year 2006. "Yea."

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3057, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3057 in the Committee of the Whole pursuant to House Resolution 341, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

the amendment printed in the RECORD and numbered 4;

the amendment printed in the RECORD and numbered 6, which shall be debatable for 60 minutes;

an amendment by Mr. SANDERS regarding Export-Import Bank loans for nuclear power plants in China, which shall be debatable for 30 minutes;

an amendment by Ms. LEE regarding excess property transfers to Haiti, which shall be debatable for 20 minutes;

an amendment by Ms. LEE regarding the U.S. fund to fight AIDS, tuberculosis, and malaria;

an amendment by Mr. SCHIFF regarding funding for the Human Rights and Democracy Fund;

an amendment by Mr. KING of Iowa regarding funding for the Global HIV/AIDS Initiative;

an amendment by Mr. BEAUPREZ regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. DEAL of Georgia regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. BONILLA regarding an Inspector General at the Export-Import Bank;

an amendment by Mr. WEINER or Mr. FERGUSON regarding limiting funds for Saudi Arabia;

an amendment by Mr. BRADLEY of New Hampshire regarding limiting funds for Romania;

an amendment by Mr. OTTER regarding assistance to the Palestinian Authority;

an amendment by Ms. MILLENDER-MCDONALD regarding funding for pediatric HIV/AIDS centers;

an amendment by Mr. SIMPSON regarding Export-Import Bank loans to China;

an amendment by Mr. GARRETT of New Jersey regarding Federal employee participation in overseas conferences;

an amendment by Ms. WATERS regarding sense of Congress on Haiti elections;

an amendment by Ms. JACKSON-LEE of Texas regarding employment of minors in the military of other countries;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for Sudanese refugees in Chad;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for water security improvements in Sub-Saharan Africa;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for children in developing nations;

an amendment by Ms. LORETTA SANCHEZ of California regarding IMET funding for Vietnam;

an amendment by Mr. HEFLEY regarding an across-the-board cut;

an amendment by Mr. INSLEE regarding renewable energy;

an amendment by Mr. CAPUANO regarding Darfur;

and an amendment by Mr. KOLBE regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Foreign Operations, Export Financing, and Related Programs each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. OBEY. Mr. Speaker, reserving the right to object, I certainly will not object. I simply want to take this opportunity to explain to the House that what this timetable means is that if all of these amendments are indeed offered and debated to the full extent allowed under the unanimous consent request, we will be fortunate to be out of here by midnight tonight. That is how much time it will take, assuming that we have about one-third of these amendments that proceed to roll calls.

So for those Members who are asking what time we intend to get out tonight, I think it depends upon the zeal with which Members push forward with their amendments and with requiring recorded votes.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 341 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3057.

□ 1638

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Pennsylvania (Mr. PITTS) had been disposed of and the bill was open for amendment from page 6, line 20, through page 12, line 9.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

the amendment printed in the RECORD and numbered 4;

the amendment printed in the RECORD and numbered 6, which shall be debatable for 60 minutes;

an amendment by Mr. SANDERS regarding Export-Import Bank loans for nuclear power plants in China, which shall be debatable for 30 minutes;

an amendment by Ms. LEE regarding excess property transfers to Haiti, which shall be debatable for 20 minutes;

an amendment by Ms. LEE regarding the U.S. fund to fight AIDS, tuberculosis, and malaria;

an amendment by Mr. SCHIFF regarding funding for the Human Rights and Democracy Fund;

an amendment by Mr. KING of Iowa regarding funding for the Global HIV/AIDS Initiative;

an amendment by Mr. BEAUPREZ regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. DEAL of Georgia regarding assistance to countries that refuse to extradite certain individuals;

an amendment by Mr. BONILLA regarding an Inspector General at the Export-Import Bank;

an amendment by Mr. WEINER or Mr. FERGUSON regarding limiting funds for Saudi Arabia;

an amendment by Mr. BRADLEY of New Hampshire regarding limiting funds for Romania;

an amendment by Mr. OTTER regarding assistance to the Palestinian Authority;

an amendment by Ms. MILLENDER-MCDONALD regarding funding for pediatric HIV/AIDS centers;

an amendment by Mr. SIMPSON regarding Export-Import Bank loans to China;

an amendment by Mr. GARRETT of New Jersey regarding Federal employee participation in overseas conferences;

an amendment by Ms. WATERS regarding sense of Congress on Haiti elections;

an amendment by Ms. JACKSON-LEE of Texas regarding employment of minors in the military of other countries;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for Sudanese refugees in Chad;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for water security improvements in Sub-Saharan Africa;

an amendment by Ms. JACKSON-LEE of Texas regarding funding for children in developing nations;

an amendment by Ms. LORETTA SANCHEZ of California regarding IMET funding for Vietnam;

an amendment by Mr. HEFLEY regarding an across-the-board cut;

an amendment by Mr. INSLEE regarding renewable energy;

an amendment by Mr. CAPUANO regarding Darfur;

and an amendment by Mr. KOLBE regarding funding levels.

Each such amendment may be offered only by the Member named in the request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Foreign Operations, Export Financing, and Related Programs each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

Page 12, after line 9, insert the following:

In addition to the amount provided in the preceding paragraph for a United States contribution to the Global Fund to Fight AIDS, Tuberculosis and Malaria, $600,000,000 for such purpose, to remain available until September 30, 2007: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LEE) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first start by thanking the chairman, the gentleman from Arizona (Mr. KOLBE), and our ranking member of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the gentlewoman from New York (Mrs. LOWEY), for their hard work on this bill and for making sure that it is a bipartisan bill. I also thank them for their very difficult work in establishing the priorities in terms of our foreign policy funding priorities. I know that every year they are given, I believe, an inadequate allocation and that they both wish that they could do more to meet our foreign assistance priorities.

But, Mr. Chairman, I am compelled to come to the floor today and offer this amendment because every year the global HIV/AIDS, tuberculosis and malaria pandemics kill over 6 million people combined. Just imagine that, over 6 million every year. That is more than the number of people who die from war, famine, terrorism or natural disasters each year combined. That is really quite mind-boggling. What is worse, each of these three diseases is completely, completely preventible and treatable; and in the case of tuberculosis and malaria, they can be completely cured.

So while we have begun to focus our efforts and funding with regard to this pandemic, I believe that we cannot afford to drag our feet and just let 6 million people die like this year after year. When do we draw the line and say enough is enough and we are going to escalate our efforts and put more resources into this pandemic?

We cannot in good conscience, Mr. Chairman, ignore this human tragedy that unfolds around us each and every day. We must act, and we must act in a bold fashion.

That is why today I am offering an amendment to add $600 million in emergency funding to the Global Fund to fight AIDS, tuberculosis and malaria, adding to the $400 million already in the bill, and bringing our total contribution to $1 billion.

Unfortunately, last week $100 million was actually cut from the Global Fund in the Labor-HHS bill by this body. The Global Fund is one of the most powerful tools that we have as an international community to combat these three diseases. In fact, we created the framework for the Global Fund back in 2000 with the passage of the Global Aids and Tuberculosis Relief Act of 2000, which was signed into law by President Clinton.

□ 1645

And we provided the very first contribution in 2001 to help attract further financing from other donor nations.

Today, the Global Fund is a model for what the future of international development may look like. Designed strictly as a financing instrument, the Global Fund seeks to attract, manage, leverage, and disburse funding to support locally-driven strategies to combat AIDS, tuberculosis, and malaria. To date, the Global Fund has approved $3.4 billion for over 300 grants in 127 countries.

However, this year the Global Fund faces one of its biggest challenges: renewing over the $1.8 billion in existing grant agreements and approving upwards of $1 billion in new contracts, and this is still not enough. With the renewing of these contracts, there is just not enough money.

Without increased support from the United States and other donor nations, the fund may be forced to cut back on funding new grants and, worse, may be forced to cut crucial funding for people already on anti-retroviral therapy. Mr. Chairman, that would quite frankly just be totally disastrous.

Around the world, momentum is building in support of increased funding for the Global Fund and other international development initiatives. Two weeks ago, France announced it that would double its Global Fund contribution through 2007. Last week, Japan pledged $5 billion in new funding to help Africa combat AIDS, TB, and malaria, with a sizable contribution going to the Global Fund. And, with the upcoming G–8 summit taking place in Scotland next week, and with the British Prime Minister's focus on a huge new development initiative for Africa, the United States can and must do more. By providing $600 million in emergency funding, my amendment would take that first step.

Mr. Chairman, because my amendment is an emergency spending request, it will exceed the foreign operations subcommittee's 302(b) allocation and, therefore, I know that that is subject to a point of order. But I would hope that given the gravity of the pandemic, that my colleagues would consider this as a moral effort, strictly a moral effort to those who desperately need our help. Given the magnitude of the deaths and the pain and the suffering caused by HIV/AIDS, TB, and malaria, and the devastation that these diseases leave behind, I would ask the Chair to reject the point of order.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KOLBE. Mr. Chairman, I appreciate the gentlewoman's commitment and passion, and I certainly share her commitment about the need to do something about HIV/AIDS. Nonetheless, Mr. Chairman, I must make a point of order against the amendment because it does propose to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment does include an emergency designation and, as such, it constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling of the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mrs. LOWEY. I wish to be heard on the point of order.

I want to thank the gentlewoman for her leadership on the issue. I am pleased that the gentleman from Arizona (Chairman KOLBE) and I were able to double the President's request for the Global Fund in the bill from $200 million to $400 million, and, as the gentlewoman probably knows, given the allocation, it was simply the best we could do.

However, I understand the urgency of the situation, and I look forward to working with the gentlewoman as we move the bill forward to continue to meet our responsibilities, and then some, because of the tremendous, tremendous impact of HIV/AIDS in every part of this world.

The CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

DEVELOPMENT ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of sections 103, 105, 106, and subtitle A of title VI of chapter II, and chapter 10 of part I of the Foreign Assistance Act of 1961, $1,460,000,000, to remain available until September 30, 2007: *Provided*, That $214,000,000 should be allocated for trade capacity building, of which at least $20,000,000 shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic: *Provided further*, That $365,000,000 should be allocated for basic education: *Provided further*, That of the funds appropriated under this heading and managed by the United States Agency for International Development Bureau of Democracy, Conflict, and Humanitarian Assistance, not less than $15,000,000 shall be made available only for programs to improve women's leadership capacity in recipient countries: *Provided further*, That such funds may not be made available for construction: *Provided further*, That of the funds appropriated under this heading that are made available for assistance programs for displaced and orphaned children and victims of war, not to exceed $37,500, in addition to funds otherwise available for such purposes, may be used to monitor and provide oversight of such programs: *Provided further*, That funds appropriated under this heading should be made available for programs in sub-Saharan Africa to address sexual and gender-based violence: *Provided further*, That up to $15,000,000 should be made available for drinking water supply projects in east Africa.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For necessary expenses of the United States Agency for International Development to carry out the provisions of section 491 of the Foreign Assistance Act of 1961 for international disaster relief, rehabilitation, and reconstruction assistance, $356,000,000, to remain available until expended of which $20,000,000 should be for famine prevention and relief.

TRANSITION INITIATIVES

For necessary expenses for international disaster rehabilitation and reconstruction assistance pursuant to section 491 of the Foreign Assistance Act of 1961, $50,000,000, to remain available until expended, to support transition to democracy and to long-term development of countries in crisis: *Provided*, That such support may include assistance to develop, strengthen, or preserve democratic institutions and processes, revitalize basic infrastructure, and foster the peaceful resolution of conflict: *Provided further*, That the United States Agency for International Development shall submit a report to the Committees on Appropriations at least 5 days prior to beginning a new program of assistance: *Provided further*, That if the President determines that is important to the national interests of the United States to provide transition assistance in excess of the amount appropriated under this heading, up to $15,000,000 of the funds appropriated by this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961 may be used for purposes of this heading and under the authorities applicable to funds appropriated under this heading: *Provided further*, That funds made available pursuant to the previous proviso shall be made available subject to prior consultation with the Committees on Appropriations.

DEVELOPMENT CREDIT AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans and loan guarantees provided by the United States Agency for International Development, as authorized by sections 256 and 635 of the Foreign Assistance Act of 1961, up to $21,000,000, to remain available until September 30, 2008, may be derived by transfer from funds appropriated by this Act to carry out part I of such Act and under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That such funds shall be made available only for micro and small enterprise programs, urban programs, and other programs which further the purposes of part I of the Act: *Provided further*, That such costs, including the cost of modifying such direct and guaranteed loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That funds made available by this paragraph may be used for the cost of modifying any such guaranteed loans under this Act or prior Acts, and funds used for such costs shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the provisions of section 107A(d) (relating to general provisions applicable to the Development Credit Authority) of the Foreign Assistance Act of 1961, as contained in section 306 of H.R. 1486 as reported by the House Committee on International Relations on May 9, 1997, shall be applicable to direct loans and loan guarantees provided under this heading: *Provided further*, That these funds are available to subsidize total loan principal, any portion of which is to be guaranteed, of up to $700,000,000.

In addition, for administrative expenses to carry out credit programs administered by the United States Agency for International Development, $8,000,000, which may be transferred to and merged with the appropriation for Operating Expenses of the United States Agency for International Development: *Provided*, That funds made available under this paragraph shall remain available until September 30, 2007.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the "Foreign Service Retirement and Disability Fund", as authorized by the Foreign Service Act of 1980, $41,700,000.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $630,000,000, of which up to $25,000,000 may remain available until September 30, 2007: *Provided*, That none of the funds appropriated under this heading and under the heading "Capital Investment Fund" may be made available to finance the construction (including architect and engineering services), purchase, or long-term lease of offices for use by the United States Agency for International Development, unless the Administrator has identified such proposed construction (including architect and engineering services), purchase, or long-term lease of offices in a report submitted to the Committees on Appropriations at least 15 days prior to the obligation of these funds for such purposes: *Provided further*, That the previous proviso shall not apply where the total cost of construction (including architect and engineering services), purchase, or long-term lease of offices does not exceed $1,000,000: *Provided further*, That contracts or agreements entered into with funds appropriated under this heading may entail commitments for the expenditure of such funds through fiscal year 2006: *Provided further*, That none of the funds in this Act may be used to open a new overseas mission of the United States Agency for International Development without the prior written notification of the Committees on Appropriations: *Provided further*, That the authority of sections 610 and 109 of the Foreign Assistance Act of 1961 may be exercised by the Secretary of State to transfer funds appropriated to carry out chapter 1 of part I of such Act to "Operating Expenses of the United States Agency for International Development" in accordance with the provisions of those sections.

CAPITAL INVESTMENT FUND

For necessary expenses for overseas construction and related costs, and for the procurement and enhancement of information technology and related capital investments, pursuant to section 667 of the Foreign Assistance Act of 1961, $77,700,000, to remain available until expended: *Provided*, That this amount is in addition to funds otherwise available for such purposes: *Provided further*, That funds appropriated under this heading shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the amounts appropriated under this heading, not to exceed $55,800,000 may be made available for the purposes of implementing the Capital Security Cost Sharing Program: *Provided further*, That the Administrator of the United States Agency for International Development shall assess fair and reasonable rental payments for the use of space by employees of other United States Government agencies in buildings constructed using funds appropriated under this heading, and such rental payments shall be deposited into this account as an offsetting collection: *Provided further*, That the rental payments collected pursuant to the previous proviso and deposited as an offsetting collection shall be available for obligation only pursuant to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the assignment of United States Government employees or contractors to space in buildings constructed using funds appropriated under this heading shall be subject to the concurrence of the Administrator of the United States Agency for International Development.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For necessary expenses to carry out the provisions of section 667 of the Foreign Assistance Act of 1961, $36,000,000, to remain available until September 30, 2007, which sum shall be available for the Office of the Inspector General of the United States Agency for International Development.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of chapter 4 of part II, $2,558,525,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, not less than $240,000,000 shall be available only for Israel, which sum shall be available on a grant basis as a cash transfer and shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That not less than $495,000,000 shall be available only for Egypt, which sum shall be provided on a grant basis, and of which sum cash transfer assistance shall be provided with the understanding that Egypt will undertake significant economic reforms which are additional to those which were undertaken in previous fiscal years: *Provided further*, That of the funds made available under this heading for Egypt, not less than $50,000,000 shall be used for programs to improve and promote democracy, governance, and human rights and not less than $50,000,000 shall be used for education programs: *Provided further*, That with respect to the provision of assistance for Egypt for democracy and governance activities, the organizations implementing such assistance and the specific nature of that assistance shall not be subject to the prior approval by the Government of Egypt: *Provided further*, That in exercising the authority to provide cash transfer assistance for Israel, the President shall ensure that the level of such assistance does not cause an adverse impact on the total level of nonmilitary exports from the United States to such country and that Israel enters into a side letter agreement in an amount proportional to the fiscal year 1999 agreement: *Provided further*, That of the funds appropriated under this heading, not less than $250,000,000 should be made available only for assistance for Jordan: *Provided further*, That $20,000,000 of the funds appropriated under this heading should be made available for Cyprus to be used only for scholarships, administrative support of the scholarship program, bicommunal projects, and measures aimed at reunification of the island and designed to reduce tensions and promote peace and cooperation between the two communities on Cyprus: *Provided further*, That $40,000,000 of the funds appropriated under this heading should be made available for assistance for Lebanon, of which not less than $6,000,000 should be made available for scholarships and direct support of American educational institutions in Lebanon: *Provided further*, That funds appropriated under this heading that are made available for a Middle East Financing Facility, Middle East Enterprise Fund, or any other similar entity in the Middle East shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That not more than $225,000,000 of the funds made available for assistance for Afghanistan under this heading may be obligated for such assistance until the Secretary of State certifies to the Committees on Appropriations, that the Government of Afghanistan at both the national and local level, is cooperating fully with United States funded poppy eradication and interdiction efforts in Afghanistan: *Provided further*, That with respect to funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, the responsibility for policy decisions and justifications for the use of such funds, including whether there will be a program for a country that uses those funds and the amount of each such program, shall be the responsibility of the Secretary of State and the Deputy Secretary of State and this responsibility shall not be delegated.

INTERNATIONAL FUND FOR IRELAND

For necessary expenses to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961, $13,500,000, which shall be available for the United States contribution to the International Fund for Ireland and shall be made available in accordance with the provisions of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99–415): *Provided*, That such amount shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That funds made available under this heading shall remain available until September 30, 2007.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(a) For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989, $357,000,000, to remain available until September 30, 2007, which shall be available, notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961, for assistance and for related programs for Eastern Europe and the Baltic States.

(b) Funds appropriated under this heading shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act for the use of economic assistance.

(c) The provisions of section 529 of this Act shall apply to funds appropriated under this heading: *Provided*, That local currencies generated by, or converted from, funds appropriated by this Act and by previous appropriations Acts and made available for the economic revitalization program in Bosnia may be used in Eastern Europe and the Baltic States to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for East European Democracy (SEED) Act of 1989.

(d) The President is authorized to withhold funds appropriated under this heading made available for economic revitalization programs in Bosnia and Herzegovina, if he determines and certifies to the Committees on Appropriations that the Federation of Bosnia and Herzegovina has not complied with article III of annex 1–A of the General Framework Agreement for Peace in Bosnia and Herzegovina concerning the withdrawal of foreign forces, and that intelligence cooperation on training, investigations, and related activities between state sponsors of terrorism and terrorist organizations and Bosnian officials has not been terminated.

ASSISTANCE FOR THE INDEPENDENT STATES OF THE FORMER SOVIET UNION

(a) For necessary expenses to carry out the provisions of chapters 11 and 12 of part I of the Foreign Assistance Act of 1961 and the FREEDOM Support Act, for assistance for the Independent States of the former Soviet Union and for related programs, $477,000,000, to remain available until September 30, 2007: *Provided*, That the provisions of such chapters shall apply to funds appropriated by this paragraph: *Provided further*, That, notwithstanding any provision of the Freedom Support Act of 1992, funds appropriated under this heading in this Act or prior Acts making appropriations for foreign operations, export financing, and related programs, that are made available pursuant to the provisions of section 807 of Public Law 102–511 shall be subject to a 6 percent ceiling on administrative expenses.

(b) Of the funds appropriated under this heading, not less than $52,000,000 should be made available, in addition to funds otherwise available for such purposes, for assistance for child survival, environmental and reproductive health, and to combat HIV/AIDS, tuberculosis and other infectious diseases, and for related activities.

(c)(1) Of the funds appropriated under this heading that are allocated for assistance for the Government of the Russian Federation, 60 percent shall be withheld from obligation until the President determines and certifies in writing to the Committees on Appropriations that the Government of the Russian Federation—

(A) has terminated implementation of arrangements to provide Iran with technical expertise, training, technology, or equipment necessary to develop a nuclear reactor, related nuclear research facilities or programs, or ballistic missile capability; and

(B) is providing full access to international non-government organizations providing humanitarian relief to refugees and internally displaced persons in Chechnya.

(2) Paragraph (1) shall not apply to—

(A) assistance to combat infectious diseases, child survival activities, or assistance for victims of trafficking in persons; and

(B) activities authorized under title V (Nonproliferation and Disarmament Programs and Activities) of the FREEDOM Support Act.

(d) Section 907 of the FREEDOM Support Act shall not apply to—

(1) activities to support democracy or assistance under title V of the FREEDOM Support Act and section 1424 of Public Law 104–201 or non-proliferation assistance;

(2) any assistance provided by the Trade and Development Agency under section 661 of the Foreign Assistance Act of 1961 (22 U.S.C. 2421);

(3) any activity carried out by a member of the United States and Foreign Commercial Service while acting within his or her official capacity;

(4) any insurance, reinsurance, guarantee or other assistance provided by the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.);

(5) any financing provided under the Export-Import Bank Act of 1945; or

(6) humanitarian assistance.

INDEPENDENT AGENCIES

INTER-AMERICAN FOUNDATION

For necessary expenses to carry out the functions of the Inter-American Foundation in accordance with the provisions of section 401 of the Foreign Assistance Act of 1969, $19,500,000, to remain available until September 30, 2007.

AFRICAN DEVELOPMENT FOUNDATION

For necessary expenses to carry out title V of the International Security and Development Cooperation Act of 1980, Public Law 96–533, $20,500,000, to remain available until September 30, 2007: *Provided*, That funds made available to grantees may be invested pending expenditure for project purposes when authorized by the board of directors of the Foundation: *Provided further*, That interest earned shall be used only for the purposes for which the grant was made: *Provided further*, That notwithstanding section 505(a)(2) of the African Development Foundation Act, in exceptional circumstances the board of directors of the Foundation may waive the $250,000 limitation contained in that section with respect to a project: *Provided further*, That the Foundation shall provide a report to the Committees on Appropriations after each time such waiver authority is exercised.

PEACE CORPS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the provisions of the Peace Corps Act (75 Stat. 612), including the purchase of not to exceed five passenger motor vehicles for administrative purposes for use outside of the United States, $325,000,000, to remain available until September 30, 2007: *Provided*, That none of the funds appropriated under this heading shall be used to pay for abortions: *Provided further*, That the Director may transfer to the Foreign Currency Fluctuations Account, as authorized by 22 U.S.C. 2515, an amount not to exceed $2,000,000: *Provided further*, That funds transferred pursuant to the previous proviso may not be derived from amounts made available for Peace Corps overseas operations.

MILLENNIUM CHALLENGE CORPORATION

For necessary expenses for the "Millennium Challenge Corporation", $1,750,000,000 to remain available until expended: *Provided*, That of the funds appropriated under this heading, up to $75,000,000 may be available for administrative expenses of the Millennium Challenge Corporation: *Provided further*, That up to 10 percent of the funds appropriated under this heading may be made available to carry out the purposes of section 616 of the Millennium Challenge Act of 2003: *Provided further*, That none of the funds available to carry out section 616 of such Act may be made available until the Chief Executive Officer of the Millennium Challenge Corporation provides a report to the Committees on Appropriations listing the candidate countries that will be receiving assistance under section 616 of such Act, the level of assistance proposed for each such country, a description of the proposed programs, projects and activities, and the implementing agency or agencies of the United States Government: *Provided further*, That section 605(e)(4) of the Millennium Challenge Act of 2003 shall apply to funds appropriated under this heading: *Provided further*, That funds appropriated under this heading may be made available for a Millennium Challenge Compact entered into pursuant to section 609 of the Millennium Challenge Act of 2003 only if such Compact obligates, or contains a commitment to obligate subject to the availability of funds and the mutual agreement of the parties to the Compact to proceed, the entire amount of the United States Government funding anticipated for the duration of the Compact.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 29, line 12, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there any amendments to that section of the bill?

The Clerk will read.

The Clerk read as follows:

DEPARTMENT OF STATE

GLOBAL HIV/AIDS INITIATIVE

For necessary expenses to carry out the provisions of the Foreign Assistance Act of 1961 for the prevention, treatment, and control of, and research on, HIV/AIDS, $1,920,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than $200,000,000 shall be made available for a United States Contribution to the Global Fund to Fight AIDS, Turberculosis and Malaria (the "Global Fund"), and shall be expended at the minimum rate necessary to make timely payment for projects and activities: *Provided further*, That not more than $12,000,000 of the funds appropriated under this heading may be made available for administrative expenses of the Office of the Coordinator of United States Government Activities to Combat HIV/AIDS Globally of the Department of State.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 29, line 18, after the dollar amount, insert the following: "(reduced by $1,000,000) (increased by $1,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

Mrs. LOWEY. Mr. Chairman, reserving a point of order, I ask for clarification as to which of the two amendments the gentleman is offering to the House.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read the amendment.

The CHAIRMAN. The gentleman from Iowa (Mr. KING) is recognized for 5 minutes in support of his amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to clarify that point of order, again, this is the amendment that takes $1 million out and puts $1 million back in, and it is for the purposes of raising the issue to discuss some of the things that I think we should be doing, particularly in Africa with regard to AIDS.

I recall back in this Chamber in January of 2003 when the President gave his State of the Union address. I had been reading the articles about ABC for AIDS prevention in Africa, and particularly and directly in Uganda, the ABC program being abstinence, being faithful, and, with a small "c" of using condoms in the event that abstinence and being faithful is not utilized.

As the President called for the $15 billion, 5-year AIDS initiative, I saw a standing ovation in here, and that standing ovation was started over in this region, and I want to give credit that it appeared to me to be a lot of the members of the Congressional Black Caucus that stood for that ovation. I stood, too, because I had been getting a sense of how bad it was, and this is an international crisis. Millions of people are dying, and we do need to address this. We have a moral obligation to address the AIDS.

So I believe also in ABC. I continue to believe in abstinence, being faithful, and condoms as a last resort.

I went to Africa, Mr. Chairman, last July, late July and early August, visited Morocco, then Namibia, Botswana, and South Africa. In Morocco, the AIDS is less than 1 percent. When you get to Namibia and South Africa it is around 23 to 25 percent and, in Botswana, the HIV/AIDS infection rate is 38.8 percent. When you realize that four out of every 10 people you meet on the street are staring into a death sentence, you realize that something has to be done. Economically they have been destroyed.

As I went there, I asked the questions of the people who were implementing this multi-billion dollar policy, and it has become not an ABC policy, not a little "c" policy, it has been become a big "C" policy, a hand-out of condoms policy; when I asked, what you are doing to address the promiscuity, they told me, you do not change the culture. You cannot change the culture. Well, they are establishing a condom culture. If you can change it to a condom culture, you can promote the elimination of promiscuity and abstinence until marriage and monogamy after that.

The other question that I asked, and it is a question that Congress needs to ask is, are we saving more lives, or are we costing more lives, or are we putting people into maybe 30 more years of an active sex life, and are they going to use a condom right every time for the next 30 years, or are they going to infect more people. Some of the answers I got back was yes, condoms are the answer. They work 100 percent of the time according to the doctor from the CDC. I do not accept that. One of their other solutions was to delay the young ladies' sexual debut for perhaps another year, as if that made a statistical difference; and another one of those real good ideas was, and I say that facetiously, expedite the travel of trucks through the borders so that the prostitutes do not have as much opportunity to market themselves to the truck drivers. These were shallow approaches.

I think we need to put the drugs in there, the anti-retroviral drugs, we need to get the high-protein food there, and we need to keep people alive. I held some of those babies. We need to have a whole policy, one that is planned, an approach to save the maximum number of lives. One that puts the responsibility back on the individuals and changes the culture in that part of the world. That is the best thing we can do. I am asking that by next year we take a look at that, we get a report, and that is my initiative for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition, though I am not in opposition, and I yield myself such time as I may consume.

I have looked at this amendment and I think the gentleman has made some very good points. It does not change in any substantive way the bill, and I am prepared to accept the amendment.

Mrs. LOWEY. Mr. Chairman, if the gentleman will yield, I withdraw my reservation, because I understand from the chairman that this does not have any substantive changes being made in the bill. But I certainly think that the content of the gentleman's amendment deserves greater discussion at another time. The chairman and I were also in Botswana, we were also in South Africa, we were in Tanzania as well, and there is progress being made in some parts of the country, and some not. It is a tremendous challenge, but I think it is simplistic to say that only one area deserves further funding, and that the ABC approach may not be as successful as one may think.

So I think we need to discuss this further, and I would like to enter into dialogue with the gentleman at another time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I would just like to say I appreciate the chairman's work on this, and the comments that I have heard, and I look forward to that dialogue.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961, $437,400,000, to remain available until September 30, 2008: *Provided*, That during fiscal year 2006, the Department of State may also use the authority of section 608 of the Foreign Assistance Act of 1961, without regard to its restrictions, to receive excess property from an agency of the United States Government for the purpose of providing it to a foreign country under chapter 8 of part I of that Act subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That the Secretary of State shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That $10,000,000 of the funds appropriated under this heading should be made available for demand reduction programs: *Provided further*, That of the funds appropriated under this heading, not more than $33,484,000 may be available for administrative expenses.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentlewoman's courtesy and extend my appreciation to the Chair and Ranking Member for the work they have done. I feel, considering the modest allocation that they were given, they have managed to fashion a solid piece of legislation.

Ironically, we only give 0.16 percent of our Gross National Product to development assistance, even though ironically, most Americans think we give far more.

I wanted to make four brief points, if I could. I wanted to thank them for earmarking $50,000 for increasing access to clean water in Africa. We are going forward tomorrow in the Committee on International Relations to explore opportunities to increase this in terms of authorization, but I think we are making an important step in the right direction.

I also appreciate the report language explaining concern over USAID's urban programs.

Mr. Chairman, the CIA's Outlook 2015 that looked at threats to the United States pointed out that the rapid urbanization in the developing world was one of the top seven security concerns for our country. For the first time in human history, a majority of people live in cities, with a million people a week moving to cities in the developing world, a million new people a week in areas that are greatly stressed.

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Yet despite this, our country's USAID investment in urban programs is in continued decline. I appreciate the committee's spotlighting this, and I hope that we can work together to reverse this unfortunate trend.

I appreciate the colloquy that occurred earlier on the Global Environmental Facility, the GEF, that has funded over 1,000 projects in 160 countries. I think these innovative approaches to environmental challenges that can be replicated elsewhere and financed on a larger scale by non-GEF sources is very important.

I appreciate the difficulty. I know we have got a long way to go with this bill. I appreciate your efforts and would do anything I could because every dollar that we spend on GEF leverages 15 in funding from other sources in some of the most vulnerable areas of our country.

I appreciate your work. I appreciate the courtesy in permitting me to speak on this. I opted not to offer up amendments because, frankly, I could not see ways to repackage what you have done. I hope in the future we will have more leverage, more running room. But in the meantime, I appreciate your efforts; and I will support the bill.

Mrs. LOWEY. Mr. Chairman, I want to thank my colleague for his comments on the bill. And I hope the gentleman will work, certainly, with the chairman and myself and many of us who would support increased funding to address the critical issues that the gentleman mentions.

However, within this allocation, the gentleman knows it was very difficult; and I feel very strongly that in terms of our international policies, nothing is more important than expanding our support in the country for all the important initiatives included in this bill and increasing the dollars that we can spend on them.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANDEAN COUNTERDRUG INITIATIVE

For necessary expenses to carry out section 481 of the Foreign Assistance Act of 1961 to support counterdrug activities in the Andean region of South America, $734,500,000, to remain available until September 30, 2008: *Provided*, That in fiscal year 2006, funds available to the Department of State for assistance to the Government of Colombia shall be available to support a unified campaign against narcotics trafficking, against activities by organizations designated as terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and the United Self-Defense Forces of Colombia (AUC), and to take actions to protect human health and welfare in emergency circumstances, including undertaking rescue operations: *Provided further*, That this authority shall cease to be effective if the Secretary of State has credible evidence that the Colombian Armed Forces are not conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations: *Provided further*, That the President shall ensure that if any helicopter procured with funds under this heading is used to aid or abet the operations of any illegal self-defense group or illegal security cooperative, such helicopter shall be immediately returned to the United States: *Provided further*, That the Secretary of State, in consultation with the Administrator of the United States Agency for International Development, shall provide to the Committees on Appropriations not later than 45 days after the date of the enactment of this Act and prior to the initial obligation of funds appropriated under this heading, a report on the proposed uses of all funds under this heading on a country-by-country basis for each proposed program, project, or activity: *Provided further*, That funds made available in this Act for demobilization/reintegration of members of foreign terrorist organizations in Colombia shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations: *Provided further*, That section 482(b) of the Foreign Assistance Act of 1961 shall not apply to funds appropriated under this heading: *Provided further*, That assistance provided with funds appropriated under this heading that is made available notwithstanding section 482(b) of the Foreign Assistance Act of 1961 shall be made available subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That no United States Armed Forces personnel or United States civilian contractor employed by the United States will participate in any combat operation in connection with assistance made available by this Act for Colombia: *Provided further*, That of the funds appropriated under this heading, not more than $19,015,000 may be available for administrative expenses of the Department of State, and not more than $7,800,000 may be available, in addition to amounts otherwise available for such purposes, for administrative expenses of the United States Agency for International Development.

AMENDMENT NO. 6 OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MCGOVERN:

Page 31, line 7, after the dollar amount, insert the following: "(reduced by $100,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. MCGOVERN) and the gentleman from Arizona (Mr. KOLBE) each will control 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise in strong support of the McGovern-McCollum-Moore amendment to cut military aid to Colombia by $100 million.

For the past several years, we have debated Colombia policy here in the House. We are always being told that things are getting better; but they are not getting better, Mr. Chairman.

This policy has failed as an antidrug policy. It has failed as a human rights policy, and it has failed to have any impact whatsoever in reducing the availability, price or purity of drugs in the streets of America. In fact, illegal drugs are cheaper today than they were 6 years ago and $4 billion ago. And yet we will hear again today from supporters of Plan Colombia that everything is just rosy in Colombia, that we are winning the drug war, and respect for human rights is flourishing. Not true, Mr. Chairman.

It makes no difference whether you are looking at the United Nations numbers, the U.S. Office of National Drug Control Policy numbers, the Colombian National Police, or the CIA's. It all adds up to the same picture. Compared to where we were in 1999, right before the start of Plan Colombia, coca cultivation in Colombia has declined by only 7 percent and in the Andean region by only 9 percent. And the growing of coca did not decrease at all in the year 2004.

On top of that, the U.N. and the Colombian National Police agree that opium growing in Colombia did not decrease at all in 2004.

You have to twist yourself into a pretzel to make something good out of these numbers. You do that by deliberately ignoring where we were 6 years ago before Plan Colombia and picking and choosing bits and pieces of statistics, like starting your comparisons in 2003. Well, that only works because you ignore the huge increases in coca production in 2000, 2001, and 2002.

But, ultimately, the most damning numbers come from our own Department of Justice, which states that cocaine remains readily available on the streets of America, with wholesale and retail prices for cocaine and heroin at an all-time low and purity at or near historic highs.

Congress was told that we had to support Plan Colombia. We had to pour billions and billions of U.S. tax dollars into the Colombian military to stop the surge of drugs in America.

Well, what a waste of money it has been. Six years ago, the Rand Corporation told us that every dollar we spent trying to wipe out coca in remote areas of Colombia would be 23 times more effective if we spent it right here at home on drug treatment, prevention, and education and on local law enforcement.

But Congress chose to ignore that good advice; and here we are, 6 years and $4 billion later. Now, we may have thought our policy was tough on drugs, but it sure was not very smart.

So how about human rights? Is Colombia's human rights situation any better today? Colombia is still the most dangerous country in the world to be a trade union leader. It is the second most dangerous place to be a religious pastor or lay leader.

The United Nations High Commissioner for Refugees calls the issue of Colombia's internally displaced a great humanitarian crisis second only to Sudan. Death threats against human rights defenders have increased significantly over the past 18 months.

Abuses by the Colombian military are on the rise and the armed forces commit crimes with impunity, with no high-level Colombian military officer ever having been successfully prosecuted for human rights crimes.

Even our own State Department has not been able to certify any human rights progress in Colombia since March because the situation is so untenable. But has Colombia tried to improve their human rights situation at all so that the State Department could have something, anything that will allow it to certify? Not at all.

But so much pressure from the Pentagon and the Colombian Government and even from some members of Congress is building on the State Department to go ahead and certify anyway that I hear that the State Department is likely to certify right after this Congress breaks for the Fourth of July recess.

But the most galling thing of all is this: while U.S. taxpayers have sent over $4 billion of their hard-earned money to Colombia over the past 6 years, the wealthy elites of Colombia have hardly contributed a dime. Out of a population of 42 million people, only 740,000 Colombians pay any income tax at all, and even that is a pitiful amount. So Colombians are not paying to fight their own war, and they are not paying to improve the conditions that keep so many of their own people in poverty.

It is time that this House stood up and decided to stop sending a blank check to Colombia, year after year. It is time that we demand real progress on human rights as a condition to our aid. It is time that we stop being a cheap date.

We are not walking away from Colombia. We are just sending a long overdue message that it is time to take a cold hard look at our current course and change it.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I rise in opposition to any attempts to cut funding for the Andean Counterdrug Initiative. I think this is a time to reaffirm, not dismantle, our commitment to this program, to the people of Colombia and to American citizens who want illegal drugs off their streets.

How can we cut funding when we are seeing tremendous results in illegal crop eradication? Coca cultivation in Colombia has been reduced by 33 percent since 2002, and opium poppy cultivation dropped 52 percent in 2004 alone.

As a result of ACI funding, we have seen unprecedented levels of drug interdiction. And interdiction is what this amendment goes to, cutting $100 million.

From January to May of this year, 71.7 metric tons were seized from traffickers and destroyed before reaching our neighborhoods. Each week brings news of new seizures of cocaine and heroin, interdictions that are usually the result of U.S. supplied intelligence.

In fact, just last month, Colombian authorities seized 13.8 tons of cocaine worth about $350 million in what was one of the largest drug busts in history. Interdiction efforts like these would not be possible if the gentleman's amendment passes.

The Colombian Government is reestablishing state presence in areas where the country has lacked it for a century. Criminals who have remained at bay for years are being captured and extradited to the U.S. for prosecution. Colombia has extradited 271 Colombian citizens to the United States since August of 2002, mostly on narcotics related charges.

How do we justify pulling the plug on ACI funding when we are seeing record numbers of extraditions to the U.S. of FARC and drug cartel members?

In 2004 alone, more than 11,000 narcoterrorists were captured. More than 7,000 terrorists have deserted their organizations since President Uribe took office. Thousands of weapons and rounds of ammunition have been surrendered. The demobilization and reincorporation of illegal armed groups are part of a process that is providing stability to the entire region.

Colombians are finally beginning to feel safer. The murder rate dropped 14 percent in 2004. It has dropped 25 percent thus far this year.

Plan Colombia is working. I have been down there several times. I have seen firsthand just a month ago the devastation that drug production and trafficking has on that country. But to those who question our investment, I would ask them to visit Colombian soldiers who have lost their limbs or their eyesight or sustained permanent disabilities in their battle to return peace to their nation and keep drugs off American streets.

On a recent trip, we accompanied Colombian National Police to a manual eradication site in the mountains and helped them pull the coca crop from mountainous terrain that helicopters cannot reach. These are dedicated people giving up their lives to destroy the drug trade and rid their country of drugs and violence and prevent their illegal importation to the United States.

Our travels have shown how critical U.S. assistance is to their government. Of course it is not all rosy and a lot of obstacles remain. But the Uribe administration is committed to this war.

I ask, Mr. Chairman, that now is the time not to turn our backs on the progress we are making. We cannot win this war on drug-supported terrorism without the proper tools.

I urge a "no" vote on the McGovern amendment.

Mr. McGOVERN. Mr. Chairman, I want to assure the gentleman I have been to Colombia several times and have gone well beyond the areas that the embassy has recommended me to go, and I assure the gentleman things are quite bad.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM), the cosponsor of this amendment.

Ms. McCOLLUM of Minnesota. Mr. Chairman, the McGovern amendment to cut $100 million from Plan Colombia is about accountability and sending the message that cutting deals with narcotic traffickers who pose as politicians will not be tolerated by the American taxpayer.

After 6 years and over $400 billion, Plan Colombia is not reducing the supply of cocaine on our streets. But it has succeeded in making cocaine in America cheaper, more available, and more potent than ever before.

The drug war in Colombia is failing, failing the people of Colombia and the American taxpayer. Spending another $735 million to stay the wrong course and to continue to finance failure is irresponsible.

Let us send a message to Colombia that there are no more blank checks in the American taxpayers' checkbook.

Unfortunately, Plan Colombia has not made the Colombian people safer. More than 2 million Colombians have been forced to flee their homes. Ninety percent of the violent crime, murders, and rapes go unpunished. Human rights abuses among Colombia's military and law enforcement are all too common.

These are deeply disturbing trends: cheaper cocaine on American streets, millions of innocent people fleeing for their lives, lawlessness. This is hardly what we would call good governance.

In return for the narcoterrorism and corruption, the American taxpayers are being asked to reward the Colombian Government.

Now, a law passed by Colombia's congress and supported by President Uribe provides immunity and protection for right wing death squads and narcoterrorists.

For ending their participation in death squads, Colombia will be giving virtual immunity and protection from extradition to narcotraffickers, many who are sought by the United States.

One paramilitary death squad, the AUC, earns 70 percent of its income from narcotics trafficking. And the AUC is listed as an official terrorist organization by the U.S. Government.

The AUC's leader, Diego Murillo, is described as a brutal paramilitarian warlord who made a fortune in the drug trade. Under the plan for disarmament supported by our allies in Bogota, Murillo and terrorists like him who have committed massacres, kidnappings, drug trafficking, and murders of elected officials received freedom from prosecution. They get to keep their possession of riches.

In Colombia, if crime pays, if drug trafficking pays and terrorism pays, let us not have the American taxpayer pay for it. Congress needs to cut funding to Plan Colombia and save the American taxpayers $100 million and send a message that Colombia cannot protect narcoterrorists with our tax dollars.

I strongly urge my colleagues to support the McGovern amendment.

□ 1715

The CHAIRMAN. Without objection, the gentleman from Illinois (Mr. KIRK) may yield time on behalf of the gentleman from Arizona (Mr. KOLBE).

There was no objection.

Mr. KIRK. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. ROGERS), a former FBI agent.

Mr. ROGERS of Michigan. Mr. Chairman, the amendment is well-intended but horribly misguided.

If you have spent time in Colombia, then you know that incredible progress is being made. This is absolutely the worst time to turn our backs on the great efforts that these folks are making against narco-terrorism, the FARC, the AUC, other militia groups. They are making progress.

Let me tell you a little bit about it. Kidnappings from 2002 to 2004 are down 52 percent. That is because they are on the offensive. President Uribe, 18 assassination attempts and maybe even climbing, has stood tall for democracy and said he will not tolerate the FARC, and the AUC, and narco-terrorist groups trying to control Colombia and sending death to America by cocaine paste and cocaine kilos and everything that we know is bad and killing our children in the streets of America.

We have a true partner who is willing to take and literally risk his life and his presidency to stop this in Colombia. This is the wrong time, Mr. Chairman.

Right now, we have three United States citizens hostage to the FARC. What message would we send to our friends in Colombia who are risking their lives to rescue these citizens from the FARC and other AUC groups by cutting this funding. This is not the time, Mr. Chairman.

This is the chance that we stand up and say, We are making progress. We will support an aggressive attitude toward narco-terrorist trafficking in not only Colombia, but all of Latin America and make that difference, not only for the three United States citizens that deserve our support, but every American who fights to keep drugs out of their family, out of their schools, out of their community.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking Democrat on the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank the gentleman and I compliment my friend and colleague, the gentleman from Massachusetts (Mr. MCGOVERN) for this amendment, which is also co-sponsored by the gentlewoman from Minnesota (Ms. MCCOLLUM) and the gentleman from Kansas (Mr. MOORE).

This amendment is important because it will force this body to look hard at American policy in Colombia. Since Congress began funding support in Colombia under the Plan Colombia in fiscal year 2000, we have spent approximately $4.5 billion in counterdrug and military support. That is a lot of money, a lot of money under any circumstance, and it is certainly at a time when we are fighting two wars elsewhere.

Given the magnitude of what we have spent and the fact that Plan Colombia will expire this year, we should be asking some really tough questions. Such as, is the amount of money spent in line with the benefits to the United States and to our national security, and are the Colombians doing enough to provide for their own security?

Funding for Colombia was initiated in order to stem the flow of drugs to our country. Yet, the United Nations figures show that decreases in cultivation in Colombia have been more than matched elsewhere in that region. There has been no decrease in drugs coming into the United States.

Funding was also intended to promote peace in Colombia. Certainly on that front, there is some progress. I believe President Uribe is trying to do the very right thing for his country, and we should support his efforts, which we are. The question is whether we should support it at the cost at a time when our military and our foreign aid dollars, our defense dollars are spread so thin across the globe.

This amendment, Mr. Chairman, with this modest cut to overall aid to Colombia, should force a rethinking of our strategy in Colombia on whether we are achieving goals important to our own national security. At the same time, we need to ask whether the Colombians are doing all they can to provide for their own future security. Let me say that again. At the same time, we should ask whether the Colombians are doing all they can to provide for their own future security.

Their tax revenue continues to be at very low levels. Fewer than 750,000 Colombians contribute to their national defense through the tax base of a population of 42 million. Many Colombians with high school educations continue to avoid military service. The Colombians should be taking on more of a responsibility for their own effort. This amendment does not cut all funding for Colombia. Far from it. But it does send a clear signal that the American dollars invested are not yielding the results we need to.

At a time when we are engaged in two wars globally, we must even be more careful about where we are spending our resources, our dollars. We must urge our colleagues to support the amendment. I compliment the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. KIRK. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise in opposition to this amendment. I believe it would undermine the efforts to eradicate production and trafficking of cocaine in Colombia which is the primary source of narcotics entering our Nation.

We have heard some level of debate today about is the amount of cocaine down coming into the United States or not? But the real issue is, how much higher would it be if we did not have this program in place?

Operations under the Andean Counterdrug Initiative have been instrumental in reducing the cultivation of coca 33 percent since 2002 and cultivation of poppies 52 percent last year.

Are those exactly the percentages and which years do you compare? The point is not the exact numbers. The point is the trend and the trend is that there is less being grown because we know we are eradicating it every year. If we are eradicating it, if we are ripping this stuff out, if we are spraying it, if we are making sure it is not growing, that is that much more is not available. That seems pretty obvious on its face.

But this program is doing more to help improve the stability of the country of Colombia and the people who live there, particularly the realm of violent crime in Colombia. Kidnappings are down 34.5 percent in 2004 and almost 61 percent through May of this year. Homicides are down. Terrorist attacks are down. Internal displacement of people, also down by more than 50 percent. Over 200 Columbian narco-traffickers have been extradited to the United States in the last 2 years, including the leader of the Cali Cartel, an important FARC commander, and an AUC commander.

The point is we are taking these narco-traffickers out of the business of trafficking in narcotics, of bringing this terrible stuff to our borders and to our people. This is a good program that has done well and we need to continue to fund it.

Mr. MCGOVERN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to respond to the gentleman who just spoke. Maybe he has not been reading the newspapers but the Colombian government just passed an amnesty law that gives narco-traffickers and the paramilitaries and people who have been guilty of crimes against humanity a get-out-of-jail-free card. That is one of the reasons why I am here today expressing my outrage.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today in strong support of the McGovern-McCollum-Moore amendment to H.R. 3057, the Foreign Operations bill for FY 2006. This amendment recognizes the critical problems that need to be addressed in Colombia.

Six years ago, Plan Colombia was implemented with the goal of reducing the flow of cocaine into the United States and to improve respect for human rights and the rule of law in Colombia. Based on the administration's own target indicators and data, the drug eradication effort in Colombia has been an across-the-board failure.

Plan Colombia has not significantly deterred coca cultivation, curbed cocaine availability, forced price increases or reduced cocaine use.

After 6 years and an investment of more than $4 billion in taxpayer dollars, net coca cultivation in Colombia is only 7 percent below the 1990 level. The total area under coca cultivation is estimated to be 36 percent higher than in 2000. Furthermore, reports indicate that cocaine remains readily available on the U.S. streets. The cocaine and heroine problems in the United States are more acute today than they were 6 years ago with lower prices, higher drug purity, and increased usage.

Tragically, what we have seen in the past 6 years is an increase of human rights abuses, including violations by the army, unchecked government collusion with abusive paramilitary forces and violence against trade union members. We cannot be seen as condoning the ongoing human rights abuses in Colombia. We must be seen the world over as defending human rights. By supporting the McGovern amendment, we would be sending a strong signal to the international community that, yes, the United States does indeed value human rights.

For genuine, lasting and positive changes in Colombia, the Colombian government and Colombian people must take an active role in initiating and sustaining those changes.

Plan Colombia is not working and given the inexcusable ongoing human rights violations and military abuses in Colombia, reducing the allocation for Plan Colombia by $100 million is not only the responsible thing to do with taxpayer dollars, it underscores our Nation's standing as an advocate of human rights. Vote yes on the McGovern amendment.

Mr. KIRK. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chair of the Subcommittee on the Western Hemisphere.

Mr. BURTON of Indiana. Mr. Chairman, I have heard what they are against. What are you for?

We have got a drug problem that we are trying to deal with. Plan Colombia, according to the statistical data that has been quoted time and time and time again by my colleagues, and I am quoting a little bit about that, shows that we are making progress. You are against it, but what are you for?

I mean, we have got a war against drugs and you are standing here saying, okay, let us not do this, let us not do this, but the drug problem exists so what do you want to do about it?

Unless you have got some constructive alternative, I think you ought to take a hard look at what has been talked about here today by the colleagues on our side of the aisle.

Now, the gentleman from Indiana (Mr. SOUDER) sent out a "Dear Colleague" to my colleagues and I would like to read you a little bit about what is in his "Dear Colleague." Aerial eradication has reduced coca cultivation by 33 percent. That is a plus. Reduced coca cultivation by 16 percent in the Andean region in 2003 and by an additional 5 percent in 2004. That is a plus.

Opium poppy cultivation in Colombia dropped 52 percent in 2004, the third straight year of decline. That is a plus. They have got alternative development programs. Since 2000 we have supported and they have supported more than 63,000 hectares of legal crops, some substitutions. That is a plus. Resulted in the manual eradication of 23,200 hectares of illicit crops, coca and opium. That is a plus.

Security. Police presence is extended to all 158 municipalities in Colombia that did not have any police protection before. That is a big plus.

Colombia has extradited 271 Colombian citizens to the U.S. since August of 2002, mostly on narcotics-related cases. Another plus.

Human rights. Kidnappings were down 34 percent in 2004 and a further 60.9 percent through May of this year. Another plus. Homicides are down 14.2 percent and another 22.3 percent through May of this year.

There were 137,315 newly displaced persons in 2004. That is a drop of 67.5 percent. Those are all pluses. Those are things that are being accomplished.

Yes, we still have problems. Yes, there are narcotics in America. Yes, they are coming into this country. But we are making progress. And what you folks want to do is stop the progress. So what is your alternative?

I do not hear anything but complaints. This is the wrong time and it is the wrong message to send to our allies, President Uribe, who is making progress down there. It is also the wrong signal to send to the surrounding countries that have to deal with this drug problem and the drug cartel.

I guess I am out of time, but I think the point has been made. Unless you have a constructive alternative, I suggest you do what the gentleman from Indiana (Mr. SOUDER) has suggested. Read his "Dear Colleague."

Mr. MCGOVERN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond to the gentleman. I believe we need a balanced policy. And some of us tried in the Committee on International Relations and in the Committee on Appropriations to make some modest changes in support of increased alternative development aid, but we were shut down on even those modest changes. Maybe the gentleman did not listen to my statistics.

Also, we have a critique of the letter of the gentleman from Indiana (Mr. SOUDER) that he sent to Members of Congress, and I think the gentleman would be interested to know that some of the figures that the gentleman from Indiana (Mr. SOUDER) has cited we believe are totally inaccurate.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. MEEKS).

□ 1730

Mr. MEEKS of New York. Mr. Chairman, I am rising in support of this amendment partly because my colleagues on the other side of the aisle refuse to include reasonable amendments that direct or redirect funds to help the most in need in Colombia. In fact, they refuse to move on to a more balanced policy on Colombia.

For example, Afro-Colombians comprise approximately 26 percent of Colombia's total population. Nevertheless, they are overrepresented amongst the poorest of the poor. Eighty-two percent of this disadvantaged minority lack even basic public services.

There are problems with this bill, and we should not continue to throw good money after bad. Plan Colombia had 5 or 6 years to prove itself, and what it has proven is that the plan has caused more harm than good. Eighty percent of U.S. assistance to Colombia goes to the military and police. We need a more balanced policy on Colombia.

Plan Colombia's aerial fumigation strategy has forced coca growers not to stop growing but to move their coca crops further west and north to Afro-Colombian and indigenous territories. Fumigation is ruining food crops, animals and livestock, while threatening the health and environment of Afro-Colombians, especially in the department of Choco.

In 2002, only two municipalities in the department of Choco registered some sort of coca crops. Today, all 31 municipalities in that region have coca crops. Plan Colombia is destroying the traditional cultures of Afro-Colombians and their communities while providing little or no alternative development aid.

Furthermore, a primary U.S. objective for Plan Colombia has been to prevent the flow of illegal drugs into the United States. In my district in southeastern Queens, New York, and on the streets of the United States of America, cocaine remains available today and at lower prices than ever and the levels of use are stable, if not rising.

Therefore, Mr. Chairman, I urge my colleagues to support this amendment, and I ask my colleagues in conference to support alternative development and social programs that work and can make our policy in Colombia more balanced and thereby giving the American people a better bang for their buck in Colombia.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK), a distinguished member of the subcommittee.

Mr. KIRK. Mr. Chairman, this amendment will be defeated later on today because it would snatch defeat from the jaws of victory in Colombia. We see a close connection between narcotics and terrorism.

The people of Colombia saw that. When the Medellin cartel killed three major candidates for president, the people elected the last candidate left who wanted to fight the narcoterrorists. In their last election, the people of Colombia chose the candidate who took the hardest line against narcoterrorists, and after September 11, who could blame them?

President Uribe of Colombia has asked for our help, and so far, what has our assistance accomplished? Coca growing is down, kidnappings are down, terrorist attacks are down, opium growing is down, several hundred drug kingpins extradited to the United States, and desertions among terrorist groups are up.

In a recent poll, 73 percent of Colombians said they supported the U.S. assistance under Plan Colombia. We have seen narcoterrorists in Colombia offer training to other terror groups in other countries; and with these international links, we see Colombian drugs not only poisoning our kids but the profits from their sale are now supporting international terror.

If we give up on Colombia, a new narcoterrorist state will rise in our hemisphere, and when a narco-state took power in 1991 in Panama, it took the direct action of the U.S. military to restore democracy.

I think we should not give up on democracy in Colombia. We should listen to the voices of their people through their elected president and make sure that he and his team remain in power and that this stays as a Colombian struggle and is not surrendered to become a full blown American one.

Mr. McGOVERN. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond to the gentleman, Mr. Chairman, if I can, by saying, if the Colombian people support this policy so much, then why is it that only 740,000 Colombians pay income tax in a country of 42 million people? That is a fact. That was stated in the Council on Foreign Relations report that came out last year.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in strong support of this amendment. I would only ask my colleagues on this side of the aisle, where have all the conservatives gone? Where are the fiscal conservatives? A decade or so ago, the conservatives on this side of the aisle voted against all foreign aid. Now they are the champion of foreign aid.

We are running a national debt increase right now of nearly $600 billion a year, and the gentleman from this side of the aisle suggests that maybe we can spend $100 million less out of a budget that is over $20.3 billion, suggesting we could save $100 million, which sounds like pretty good sense, and all we hear are complaints about why we need this program.

One gentleman asked the question, what are we for if we are against this program down in Colombia. Plan Colombia? Well, I'll tell my colleagues what I am for. I am for the American taxpayer, and I will tell my colleagues one thing. I will bet them I am right on this. I will bet my colleagues, on either side of the aisle ever goes home and ever puts it into their campaign brochure and say, you know what, I voted $20 billion for foreign aid; and I know nobody over here will go home and brag about $100 million that they were able to vote against cutting from this side of the aisle. They will not do it.

I was here in 2000 when this debate was going on and strongly opposed it for various reasons, but I remember the pretext for Plan Colombia. The pretext was the drug war and this is what we have heard about today. The evidence is very flimsy. If there was any success on the drug war, production would be down and prices would be up. Production is up and prices are down, and that is an economic absolute.

So there has been nothing accomplished. There has been more production in other countries in the Andes, but the pretext there was only the drugs, but I remember so clearly in the year 2000 who lobbied for this bill.

Does anybody remember oil companies coming here to get their oil pipelines protected, and we still protect them? This is a little private army that we sent down there. We have 800 troops and advisers in Colombia and spending these huge sums of money.

Who else lobbied for Plan Colombia? Do my colleagues remember the debate on who would get to sell the helicopters? Would they be Black Hawks or Hueys?

Then we wonder where the lobby is from. It is not from the American people. I will bet my colleagues nobody wrote to anybody on this side and said please make sure you spend this $100 million dollars; this would be tragic if you would not spend it because it is doing so much good. That does not happen. It is the lobbying behind the scenes of the special interests whose interests are served by us being down there. It is part of this military industrial complex which exists, and I do not believe it has had one ounce of success. I think it is a complete waste of money; and besides, just incidentally it is unconstitutional for us to do this.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Arizona for the time.

I rise in opposition to the amendment. I do not doubt the sincerity of proponents of the amendment on either side of the aisle. Many compelling questions have been asked.

In the final analysis, it is my firmly held conviction that what many maintain would be re-evaluation, that this immediate reduction would send the signal of retreat.

We have heard criticisms of the taxation policies of Colombia. We have heard criticisms based on different political ideologies in the United States; but in the final analysis, as we conduct a worldwide war on terror, I would remind all in this House we are not just talking about Islamic fascism. We are talking about the rise of narcoterror.

For that reason I oppose the amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

I want to commend the gentleman for offering this amendment, and I certainly agree with his intent, which is to minimize United States investment in failed counternarcotics programs.

For far too long, we have supported policies and funded programs in Colombia that simply do not work. Our counternarcotics programs in Colombia have long been an inefficient use of taxpayer dollars.

The data we have from the National Drug Intelligence Center at the Department of Justice with respect to the success of this program is negative. It shows that the program has not decreased the amount of cocaine coming into the United States. In fact, the quantity of cocaine on our streets is increasing, and the price is decreasing, making it all the more affordable and attractive to our youth.

The billions that we have put into Plan Colombia have not been effective in substantially decreasing the amount of coca being grown in Colombia either. After spending over $4 billion and spending nearly 6 years, have we even cut coca production in half? No. We have decreased by less than 7 percent the number of hectares of coca in Colombia.

It is becoming even more difficult and costly to eliminate each hectare of coca. The U.N., whose own surveys found a small decrease in Colombian coca in 2004, found that for every acre of coca reduced in 2004, 22.8 acres of coca had to be sprayed. This ratio has never been so high.

U.N. statistics indicate that the overall amount of coca grown in the Andes increased by 3 percent last year, led by substantial increases in Bolivia, 17 percent; Peru, 14 percent.

Finally, the failure of this program to solve the problem of coca production is all the more compounded by the heavy toll it imposes on the rural communities in Colombia that are already suffering from armed conflict. Continuing to fund it at such a high level is simply bad policy.

I am troubled by the fact that this amendment cuts $100 million from the foreign operations bill without adding it back for one of the many programs that could use it. The allocation with which the gentleman from Arizona (Chairman KOLBE) and I had to contend is already $2.5 billion short of the President's request; and with the increased needs we face around the world, to combat the HIV/AIDS virus and other diseases, fight hunger, improve child health and education, and promote peace and security in the Middle East and elsewhere around the globe, I am concerned that this amendment further reduces our funding in the bill.

Again, I support the gentleman for raising these important issues, and I thank him for all the time he has spent really understanding the issue, working on the issue and trying to stress how useless this funding really is in making a dent in the coca operation.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA), who is a member of the Task Force on Drugs.

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me time.

I also had the privilege of chairing the Criminal Justice Drug Policy Subcommittee before the gentleman from Indiana (Mr. SOUDER) and inherited those responsibilities, actually, from the gentleman from Illinois (Mr. HASTERT), the Speaker of the House. All during that era, the Clinton era, we saw really the beginning of this incredible problem in Colombia.

During the 8 years of the Clinton administration, the other side of the aisle, even some of the folks that have spoken today, did everything they could to keep resources from going to Colombia; and when you do not have the resources to combat narcoterrorism, what happens?

I have a little map here, and it shows where the drugs come from. This is not a guessing game. We know from chemical analysis even the fields the cocaine and heroin came from.

So they blocked helicopters, they blocked assistance, they blocked eradication, interdiction, anything they could, because they did not want to harm the hair on a single leftist terrorist in that region.

□ 1745

But we are now trying to get a handle on that with the efforts of Speaker HASTERT, with this President.

They said Plan Colombia has not worked, when kidnappings are down a third in Colombia; they say it has not worked when murder is down a third; it has not worked when pipeline attacks from 2000, which were at 177 that year, to 20 last year. It has not worked?

Human rights? My colleague is concerned about human rights? Tens of thousands of people died, judges, legislators, thousands of police were slaughtered, and their human rights were not considered while you blocked aid and assistance.

We have a President of the United States who has a firm policy, we have a Speaker who has developed Plan Colombia and we are initiating that. We have success in that land because we have a President who is also getting the resources to another president, in Colombia, who has a tough stance against narcoterrorism.

The drugs in the United States are still killing our young people. We had over 26,000 people die, the silent deaths on our street. Our biggest social problem. This is where our few dollars and resources need to go, and that is where the drugs are, at their source, and we can eradicate them.

Talk to one mother or father who has had a child die of a drug overdose and you will see the worth of what we are doing here today. We know where these drugs are. We can eradicate them. And we can do that continuing Plan Colombia in an effective manner and not having the legs cut out from under us when we have made such great progress.

I urge defeat of the McGovern amendment. I urge defeat of attempts to again thwart the effort to stop drugs coming in across our borders.

Mr. MCGOVERN. Mr. Chairman, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership on this important issue.

I rise in strong support of the McGovern-McCollum-Moore amendment to cut $100 million from the Andean counterdrug initiative account, which, by the way, still leaves $634.5 million in the account. I am not against helping create a more peaceful nation for the people of Colombia, and of course we want to reduce the flow of drugs to this country and the use of them by Americans, but I do not support throwing good money after bad in the quagmire that is our Colombia policy.

I wanted to read from an article today in the L.A. Times written by Sonni Efron, the headline being "Drug War Fails to Dent U.S. Supply."

"The Bush administration and congressional allies are gearing up to renew a plan for drug eradication in Latin America despite some grim news. The $5.4 billion spent on the plan since 2000 has made no dent in the availability of cocaine on American streets, and prices are at all-time lows. United Nations figures released this month show that coca cultivation in the Andean region increased by 2 percent in 2004 as declines in Colombia were swamped by massive increases in Peru and Bolivia. And the nonpartisan Congressional Research Service said last week that the antidrug effort has had 'no effect' on the price or purity of drugs in the United States. The findings have fueled skepticism in Congress where conservative groups have joined efforts to lobby against continued funding."

Let me underscore that: "Conservative groups have joined efforts to lobby against continued funding. The National Taxpayers Union calls the antidrug program a 'boondoggle.'" That is from The L.A. Times.

And the policy of fumigation is not only ineffective, but it is inhumane. The majority of small farm families whose crops are sprayed do not receive assistance to transition to food crops from either the Colombian or the U.S. Governments. They are given no incentive to change their behavior, no alternative to make a living that will help them survive.

There are areas in Colombia where massive spraying is occurring and little or no development aid is provided. Even legal crops in those areas are killed. They are subsistence crops, and there is nothing given to replace that loss for those families. This is inhumane and it is also remarkably ineffective. Sixty-two percent of the coca fields detected by the U.N. in Colombia in 2004 were new; evidence that fumigation, in the absence of alternatives, is not moving farmers away from planting coca.

If we want a long-term and effective plan, it has to be a new one. It is not enough to send a report to our constituents each year and detail how much we are spending to go fight drugs. And it is not a real success when we reduce coca in one country while cultivation soars in another. We need to show them results, and this plan has provided none.

So if you truly care, you are going to support the McGovern-McCollum-Moore amendment and send a message that we need a new approach.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find this debate most interesting, especially the statement made by the previous speaker, the gentleman from Florida (Mr. MICA). It has been my experience on this floor through the years that the most baffling moments come not when we are talking about things we do not know, but when we are talking about things that we do know that "ain't" so.

I think the gentleman from Florida just illustrated what I mean. He stood here on the floor and suggested that somehow those of us on this side of the aisle who are skeptical about Plan Colombia had blocked all kinds of initiatives. He also suggested that this plan was a plan which had been forged into a successful program by President Bush and Speaker HASTERT.

Well, the fact is that I remember when Plan Colombia was first pushed through the Committee on Appropriations, because I opposed it vehemently. I thought, based on my experience in chairing the Subcommittee on Foreign Operations, for 10 years, that our drug interdiction programs were largely a flop. I know that I had officials from the Reagan administration tell me privately that we had intercepted less than 5 percent of the drugs that came across the southern borders from not just Mexico, but from elsewhere in this hemisphere.

I would ask what initiatives did we block? I wish we had blocked some, but what I remember is getting run over. And I was not run over by President Bush and Speaker HASTERT, I was run over by President Clinton and Speaker HASTERT. They were the two who pushed it down the throats of the Committee on Appropriations, each trying to compete with each other to show who was most zealous in their resistance to the drug problem.

So I would simply say I do not mind each of us rewriting a little history, if it is on purpose, but I hate to see history being rewritten by accident. That gets to be more than a little dangerous.

So I would simply suggest that on the merits, this program has had a long time to prove itself. In the end, the only way it could succeed is if you had a Colombian society that was determined to make it succeed, and that society has not been willing to do that. They have not been able to muster the forces necessary to deal with the problem effectively.

So we are left to ask what is ordinarily spoken of as a good conservative question, and that question would be: No matter how desirable this program is, does it work? And the answer is clear. This program has, at best, had only marginal success, very hard to see certainly, night or day. So I would simply suggest that with all of our challenges in the foreign aid area, even if we confine those challenges just to the Western Hemisphere, there are a lot of other places where we could more productively spend this money than we are in this initiative.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. LATHAM), a distinguished member of the Committee on Appropriations.

Mr. LATHAM. Mr. Chairman, I thank the chairman for yielding me this time, and first of all, I want to commend him and the ranking member for bringing this bill to the floor and for all their hard work. It is a very difficult bill, as we can see by the debate here.

Mr. Chairman, today I rise in strong opposition to the amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN). The Andean Counterdrug Initiative is an important antidrug effort that supports Colombia and the countries in the Andean region. After years of steady increases, cocaine and heroin production in the Andean Region is decreasing. For the third straight year, from 2002 to 2004, the ACI has helped reduce coca production by 33 percent in Colombia and 21 percent in the region. Opium poppy cultivation in Colombia dropped 52 percent in the year 2004 alone. The total land under coca cultivation in Colombia decreased 7 percent in 2004, the fourth consecutive annual decrease.

The United States and our allies disrupted the transport of 248 metric tons of cocaine headed through the transit zone before it could reach U.S. shores in 2004 alone. The ACI has helped streamline extradition procedures resulting in over 250 extraditions to the U.S. since August of 2002, including FARC leader Simon Trinidad and ex-Cali cartel leaders.

Over 60,000 families have received alternative crop development assistance, and almost 1,000 infrastructure projects have been built using ACI funds. Even as detractors cite individual instances of human rights' abuses, overall kidnappings dropped by almost 35 percent in 2004 and fell another 60 percent through May of this year. Homicides are down 14 percent in 2004 and dropped another 22 percent since May of this year.

Mr. Chairman, I would urge the Members to strongly oppose this amendment which would very much harm our ability to fight this scourge in our country.

Mr. MCGOVERN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Chairman, I rise with a great deal of concern about Colombia and in support of this amendment, because I think the facts I have heard here on the floor just misconstrue what is really going on down there.

We need to wake up and smell the coffee. The debate here should be about improving sales of Colombian coffee, not about the increased sales of Colombian coca. What was Plan Colombia has now become Plan K Street. What was supposed to help Colombians help themselves has now become Help American Corporations Stay in Business in Colombia. What should be money to eradicate the poverty that drives drugs in the first place has become a program to give Dyna Corporation $80 million, to give 16 U.S. contractors money to maintain Colombian helicopters and money to U.S. firms to own and fly the eradication aircraft. This is not about Plan Colombia anymore. This is about Plan K Street. Lockheed Martin got $9 million.

Congress Members here travel to Colombia almost monthly on what I have now called the Narcotourism Tour that American Congressmen like to have. They come home thinking that they have seen the problems in Colombia and that all we need to do is give more money. I am all for a real Plan Colombia, a plan that invests in Colombia, that lets Colombians do the jobs that Americans should be working themselves out of. For 5 years the same companies are doing the same things they have been doing; 5 years without the Colombians owning those companies, without the Colombians doing that work.

It is time that we make a statement. Cut this $100 million, put it into alternative development, do something that helps Colombians help themselves so that we do not have to keep American corporations on the handout from American Congress Members to keep their businesses going in the guise of trying to eradicate drugs in Colombia. It is time to stop.

Mr. Chairman, it doesn't take an inside-the-beltway policy work to understand that the current policy towards Colombia is broken.

My district on the Central Coast of California is filled with compassionate people who closely follow US foreign policy towards our southern neighbors and they recognize that our current policy towards Colombia is broken.

They are well aware that only eradicating a farmer's crops and not providing for alternative livelihoods is not a sustainable solution to the coca growing problem in the Andean region.

US assistance to Colombia is reflective of this flawed policy: 80 percent of funds have gone for military assistance and been eaten up by coca eradication.

Only 20 percent of funds have gone to social and economic programs. These programs are what build local economies and communities and provide alternatives to coca production.

This distribution of assistance is not a recipe for permanent coca eradication. It's not a recipe for peace. It's a recipe for disaster.

And that disaster is reflected in the Administration's own figures for coca production. The White House Office of National Drug Control Policy statistics for 2004 show that, despite a record number of crops sprayed in Colombia, data shows that coca production remains "statistically unchanged" and the US street prices of cocaine and heroin are at or near all-time lows.

I'd like to quote a constituent and friend of mine, Bert Muhly, who has traveled extensively throughout Latin America for decades and has been a tireless advocate for the downtrodden throughout the Western Hemisphere.

Bert correctly states:

"Plan Colombia must be abandoned in favor of a Plan for Peace where the billions our government spends on shoring up the military establishment of countries of Latin America that are used to suppress the hopes of their people is diverted to programs that will alleviate poverty and give hope to the people within those countries."

I was a Peace Corps Volunteer in Colombia in the 1960s and have visited Colombia many times since then. I have seen first hand that Colombians are resilient and bright people who desperately want peace.

Yet U.S. assistance and the Colombian government have not laid the ground work for peace.

The Colombian government has failed to focus on creating a rural development strategy to address the underlying causes of poverty.

With such a lop-sided policy that fails to invest in the innate capabilities of rural Colombians so that they can build a life for themselves that doesn't involve coca production, I am sad that my adopted country will remain stuck in this quagmire of civil war.

House rules prevent the $100 million from the McGovern-Moore-McCollum amendment to be reallocated to alternative development, which would be my preference. Absent that option, I strongly urge my colleagues to vote in support of this amendment which is a step in the right direction to encourage reform of U.S. policy in Colombia.

☐ 1800

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a member of the Committee on Ways and Means and also an individual who has spent a great deal of time in Central America and Latin America studying this issue.

Mr. WELLER. Mr. Chairman, I rise in strong opposition to this amendment offered by the gentleman from Massachusetts (Mr. MCGOVERN) and who I have great respect for, but disagree on some things, particularly this amendment. This amendment, I believe, would cut the rug out from under our democratically elected ally in Colombia.

Let us look at the facts. The facts are that Colombia is a democracy. The facts are that Colombia is our hemisphere's second oldest continuous democracy. The facts are that 90 percent of the cocaine and 50 percent of the heroin that comes into my home State of Illinois comes from the Andean region, particularly Colombia. The facts tell us that Colombian drugs in 2001 killed more Americans than the attack on the World Trade Center. The facts tell us that the criminal sale of narcotrafficking of drugs supports almost 30,000 terrorists, terrorists who are affiliated with two leftist terrorist groups, FARC and the ELN, and one right wing terrorist group, AUC.

I would note that these are terrorist groups that enslave child soldiers, sending children into battle against the democratically elected government of Colombia.

Today, 65 elected officials, judges, and a presidential candidate are held hostage. They are political prisoners, held by the FARC. These 65 political prisoners are the only political prisoners held in our hemisphere outside of Cuba, that brutal dictatorship.

We have a partner in President Uribe, and Colombia is making progress under Plan Colombia. Homicides are down, kidnappings are down, terror attacks are down, and 250 narcoterrorists and drug kingpins have been extradited to the United States for trial. Again, Plan Colombia is working.

When it comes to intercepting drugs this past year, 475 tons of drugs were eradicated or seized in 2004. I would note just this past week the Colombian Government was successful. In one drug bust, they seized 15 tons of street-quality cocaine, worth $400 million in Boston or Chicago. Again, progress is being made. Clearly, by voting "yes" for this amendment, Members pull the rug out from under the democratically elected government of Colombia.

I have worked with many friends on both sides of the aisle. We have talked about finding alternative crops to help the farmers in Colombia make money and have a profitable alternative to becoming cocaleros, and I am proud that through USAID our investments are paying off. Today, thousands of former cocaleros are now cafeteros, growing coffee for a more profitable market as coffee prices have increased in the past year. As part of that commitment, the United States joined the International Coffee Organization. Since then, prices have gone up $1 a pound.

Mr. Chairman, vote "no" on the McGovern amendment.

Mr. MCGOVERN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, let us look at the facts. The facts are that illegal drugs are cheaper today than they were 6 years ago and $4 billion ago when we began Plan Colombia. The facts are that the elites in Colombia want us to bankroll this war. It remains an embarrassing fact that only 740,000 Colombians pay income tax in a country of 42 million. They are relying on us to bankroll this war.

Mr. Chairman, the other fact is that widespread impunity for human rights abusers is getting worse. It has been widely publicized in our newspapers about the new law that the Colombian Government has passed to grant immunity and to grant amnesty, for the most part, to individuals in the paramilitaries who are guilty of crimes again humanity, many of them involved in the drug trade, and they are doing that right before our eyes.

The facts are that the human rights situation is so bad that our own State Department has yet to certify human rights progress in Colombia. We are being drawn into a quagmire. The legal limit on the number of military and contractor personnel had to be increased in 2004 from 400 to 800 military, from 400 to 600 contractors.

Let us try to solve the problem of drug abuse, not just throw money at failing strategies. We need to invest in drug treatment and prevention here at home and in the Andes, in alternative development programs to help small farmers transition permanently from growing illicit drugs. But this policy has failed.

Mr. Chairman, the question was raised before what are we for. I include for the RECORD a statement of what we are for.

RETHINKING PLAN COLOMBIA

Low-cost: use U.S. leverage far more vigorously in support of human rights and the rule of law; support the recommendations of the United Nations High Commissioner for Human Rights for Colombia; insist upon the complete dismantlement of paramilitary forces and structures, within an effective legal framework for justice, truth, and reparations; make trade consistent with sustainable drug policy and human rights; encourage negotiations with the guerrillas for a just and lasting peace; encourage Colombia's elite to use more of its own resources to improve governance.

Fund by reducing security assistance: support a strong judiciary and an independent human rights sector; expand alternative development within a comprehensive rural development strategy, and end aerial spraying; encourage the strengthening of civilian governance in rural areas, including local peacebuilding initiatives; increase and improve humanitarian assistance, and expand protection, to displaced persons and refugees; reduce U.S. demand for drugs through evidence-based prevention strategies and improved access to high-quality treatment.

Mr. KOLBE. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Arizona (Mr. KOLBE) for yielding me this time. I rise in opposition to the McGovern amendment.

This amendment would take valuable resources away from a program that is working to help keep drugs off our streets. The Andean Counterdrug Initiative was established to eliminate the cultivation and production of cocaine and opium, build Andean law enforcement infrastructure, arrest and prosecute traffickers, and seize their assets. The more we can disrupt the production of the drugs that are smuggled into our country, the safer our citizens will be.

The Andean Counterdrug Initiative has provided resources necessary to fight the war on drugs where these drugs are grown and processed, and efforts to disrupt the drug trade are working.

Aerial eradication efforts in Colombia have been impressive: 127,000 hectares were sprayed in 2003; 136,000 in 2004; and 95,000 hectares, or nearly

250,000 acres, have already been sprayed in this year alone.

Efforts like these, which are supported by resources from the Andean Counterdrug Initiative, have reduced coca cultivation in Colombia by 33 percent. Opium poppy cultivation in Colombia dropped 52 percent in 2004, which represents the third straight year of decline.

Due to these types of efforts, traffickers have been forced to decentralize their crops of coca, which has worked to decrease the total amount of coca cultivation. Efforts to seize drugs in Colombia have also seen impressive strides with the help of this important program.

Mr. Chairman, 114 metric tons of cocaine were seized in 2003, 178 metric tons in 2004. Drugs seized in Colombia are drugs that do not make it to the United States. Now is not the time to reduce funding for such a successful program. I urge my colleagues to oppose this amendment.

Mr. McGOVERN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if this policy is succeeding, why does cocaine remain readily available on U.S. streets at lower prices than ever, and the levels of use are stable if not rising? There is increased availability.

If this policy is such a success, why are there increased abuses by the army? Why are trade union murders on the rise? Murders of trade union leaders increased in 2004 over 2003.

Let us look at the facts here. The bottom line is that this policy has not succeeded. It is time for us to take a fresh look at it and to change course.

Mr. KOLBE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in strong opposition to the McGovern amendment. Assistance under Plan Colombia is not just about policies; it is about saving lives. It is about the countless judges and other innocent Colombians who have, throughout the years, perished under the violence of ruthless narcotrafficking networks.

It is about fighting a threat to stability and security in our own hemisphere and addressing the drug activity and the related criminal enterprises that create an environment where terrorist activities can blossom. It is about assisting our democratic allies in confronting a threat that gradually erodes the institutional framework necessary for the survival of these relatively new and fragile democracies. It is about going to the source of the problem and providing for the welfare of our children and our Nation's future.

Plan Colombia is working, and the funds appropriated in this legislation are vital for the continued success of this effort. If we truly care about the people of the Andean region, let us not abandon them. I ask my colleagues to vote "no" on the amendment.

Mr. McGOVERN. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, first, let me make a couple of points clear. This amendment does not save a dime. It merely transfers money from counternarcotics efforts to other efforts. Those Members who act like it saves money are wrong.

Secondly, it is about kids and families in America. It is not about contractors; it is about the cocaine on our streets and what is the best way to deal with it.

Look, this is a tough problem. I am not going to admit that it is not a tough problem. Rape is a tough problem. Child abuse is a tough problem. Spouse abuse is a tough problem, but we do not say let us give up efforts; let us give in because we have not seen a drop in spouse abuse or child abuse; why do we not just surrender and give the fight up.

Our problem is difficult here. This is a map of Colombia. If you look at the map, the reason you hear passing statistics going on here is because basically our policies have pushed the narcoterrorists out into the jungle, instead of on the streets of Bogota where they are assassinating elected officials, terrorizing individuals, as reported in Garcia Marquez's book, "Diary of a Kidnapping." We have pushed them into the jungle, so we have seen a tremendous drop in kidnappings and a tremendous drop in murders and blockades and all other types of things in the populist areas of this part of the country.

The fact is that now for the first time in modern history, every single city and town in this country has an elected official because he is not worried about being murdered.

I am all for alternative development. Alternative development, however, first requires you to get the guy from the FARC and the ultraparamilitary rightist groups away from them with a machine gun saying, plant palm heart and I will kill you. As you talk to the individuals, you can offer all of the incentives you want; but, quite frankly, they can make more money in coca. And as long as they are being terrorized and as long as they think they can make the money in coca and the terrorists think they can make money in coca, they are not going to let them do alternative development.

So we have to get control of the land. Just like in Afghanistan with heroin, it is fine for us to talk about alternative problems; but until you eradicate the heroin, it does not do any good to talk to them about planting a crop that will yield only about one-fifth the amount.

Now, I want to put a couple of other charts up here to show Members the depth of this problem. This is the eastern Pacific and western Atlantic. In this map from southwest Colombia in the eastern Pacific, you see the main trafficking routes. This is a Caribbean route, basically, going over to Yucatan.

The reason that is important is if you look at this map, the area we are trying to patrol in the eastern Pacific is basically as big as the continental United States. That does not even count the Caribbean.

Now, facts are stubborn things. In 1993, we cut 75 percent of the interdiction budget. What we saw was cocaine and heroin pour in from Colombia in that region to the point where after basically 10 years of effort, we have steadily reduced it back to where we were. It jumped 50 percent in 12 months when we cut the budget. We are now gradually working our way back down and trying to restabilize.

Let me conclude with this. This is not a Colombian problem; it is our problem. It is our addictions and Europe's addictions that have terrorized this 200-year-old democracy. Because we have not licked drug abuse in America, they have had 30,000 police killed. President Clinton, while initially he had bad policies in his administration, he is the one who came up with the Andean Counterdrug Initiative and came up with the Colombian Initiative, working with this Congress, because he realized it did not work to cut back.

It was terrorizing a legitimate democracy. An economy that has coffee, emeralds, oil, flowers, that had a flourishing middle class, that is an example of a country that fights for itself, where their police are dying. Unlike what it has taken in Afghanistan and Iraq to rebuild a police force, they had a police force. What they needed was helicopters, bullets, and communications systems. They needed help with their legal system and alternative development. They needed help with building roads into some of the rural areas where they had fled to. We provided that help to the Colombians.

This is a model of what we are trying to do in Iraq and Afghanistan; but it shows that when the terrorists can get drug money, whether it be in Afghanistan or Colombia, they are a threat to the stability, to the law and order, and to the people who want to follow the law. We need to stand behind them because it is our habit that has caused the problem.

Mr. McGOVERN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this amendment will not cripple our military support for Colombia. Currently, there is $332 million in the Andean Counterdrug Initiative for Colombia.

□ 1815

This amendment reduces that amount by $100 million. There is an additional $152 million for alternative development, human rights, and rule of law programs for Colombia in the ACI. We are not touching that money. There is another $90 million in military aid for Colombia in the FMF account in this bill. We are not touching that money. In the defense appropriations bill that we passed just a few weeks ago, there was another $165 million in military aid for Colombia.

And should this amendment prevail, I will be happy to work with the chairman, a gentleman I greatly admire, and the distinguished ranking member to ensure that the intent of this amendment is made clear in the final foreign operations conference report.

Mr. Chairman, we have heard some talk today about the new law passed in Colombia last week to demobilize the paramilitary forces. Maybe we should call the law up here what they are calling it in Colombia: the Impunity and Immunity law. It fails to establish any mechanisms that will ensure the dismantling of the paramilitaries' organizational structures or financial structures. Commanders who are major narco-traffickers and have committed crimes against humanity will get off with very limited, if any, sentences, probably spent under house arrest at their local hacienda, profits in hand.

Mr. Chairman, 6 years, over $4 billion. We are paying for Colombia's war. As I pointed out over and over in this debate, there are 42 million people who live in Colombia. Only 720,000 of them actually pay taxes. We are bankrolling this war. Maybe the elites in Colombia should put up some of their own money.

We need to send a strong message: We are not Colombia's piggy-bank. We cannot just keep writing blank checks. This policy has failed. It has failed. The availability of cocaine on the streets of the United States of America has never been more plentiful. The price has never been lower. This policy has not made a difference to any of the people in this country.

So I urge my colleagues to vote for the McGovern-McCollum-Moore amendment. Enough is enough.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

I do rise in strong opposition to the gentleman's amendment. I think this is the wrong time to send the signal to the world that the United States Congress does not fully support President Bush in his fight against terrorism and narcotics in this hemisphere. I believe that the current mix of the "hard side" versus the "soft side" of programs in Colombia has been vital to our success. The aerial spraying eradication program enjoys strong public support in Colombia. Part of the support is due to the fact that we are offering alternatives to farmers who used to cultivate coca and poppy. Illicit cultivation is not now their only option.

The soft-side programs promoting alternatives is even more effective in Colombia due to the realization if they do not stop cultivation and take advantage of legal opportunities, their coca or poppy will be sprayed and they will not have anything available to them. The carrot-and-stick incentive structure has proven to be very effective in Colombia. I think we have gotten the mix right.

The political will of the Uribe government is part of the reason for our success. However, Colombia has provided more than just political will. In the last 3 years, it has doubled its portion of the GDP that is devoted to public security and democracy. The narcoterrorists they face are smart, well financed, and ruthless. Therefore, both the government of Colombia and the United States must keep up the pressure to end narco-terrorism in Colombia.

Our government has been a strong supporter of Colombia, and President Bush has confirmed to President Uribe our firm commitment to support Colombia in its efforts to combat narcoterrorism. Secretary Rice has also confirmed this commitment during a recent visit to Colombia.

We need to consolidate the many successes of Plan Colombia. There has been almost a 33 percent reduction in coca cultivation in Colombia since 2001 and a 72 percent drop in poppy cultivation. We need to ensure that this trend continues.

Our goals in Colombia are to eliminate narco-terrorism, promote respect for human rights, create economic alternatives and opportunities, respect for the rule of law, and achieving peace. Democracy is flourishing in this important ally and terrorism is being defeated. We cannot afford to lose the momentum.

I urge a "no" vote on this amendment.

Mr. LEACH. Mr. Chairman, at issue in the case of Colombia are priorities, but in a different sense than is usually assumed. The "priority" debate today is not about whether stemming the drug trade is appropriate, but the methodology of going about it. Military approaches fit war scenarios. Civil war is more problematic; criminal activities even more so. My concern is that when America enters into internal conflicts we change the nature of ongoing struggles as well as the motivations of various combatants. We become implicitly accountable for a panoply of policies of any side we back and accordingly answerable to the people for that side's allegiance or lack thereof to social fairness and the rule of law itself.

In this context, would it not be better to limit our military involvement in this struggling, divided country and focus our efforts instead on alternative crop production, democracy building programs and the effective prosecution of human rights abuses? And at home wouldn't we be better off emphasizing education to reduce the demand for drugs?

Military involvement simply carries too many seeds of counterproductivity as well as the prospect of escalation if policies at one level of engagement prove insufficient.

Accordingly, I support the amendment before us, not out of a conviction it is an adequate answer to a real dilemma for both of our societies, but out of a belief that more balanced social involvement holds a better prospect for more productive economic and social development in Colombia and hence more comprehensive drug curtailment through national law enforcement.

Mr. VAN HOLLEN. Mr. Chairman, today I rise in support of the McGovern, McCollum and Moore Amendment to the FY06 Foreign Operations Appropriations Bill that will reduce counter-narcotics and military funding to Colombia by $100 million. The U.S./Colombia campaign against drugs and terrorism is not working. Not only have efforts to reduce the production of cocaine in Colombia not been effective, funds from the program that should have been used to fight terrorism are instead being used by paramilitary groups to commit human rights abuses.

The U.S. has invested billions of dollars into Plan Colombia and successive programs since passing the FY 2000 budget. The Bush administration wants to continue this misguided policy with a request for $734 million in the FY06 Foreign Operations Appropriations request for the Andean Counter-drug Initiative.

One of the main objectives of Plan Colombia has been to prevent the flow of illegal drugs into the U.S. At the center of this effort has been the aerial spraying of herbicides on Colombia's coca crops. But U.S. and UN reports confirm that aerial spraying has not produced any appreciable reduction in coca production. In fact, cocaine production in Colombia may even have increased. According to the UN, 62 percent of Colombian coca fields detected in 2004 were new!

The lack of any appreciable reduction in production combined with an increase in production in countries such as Bolivia and Peru has actually led to an increase of supply on the global market and a decrease in the cost of cocaine in the United States.

Mr. Chairman, I am also troubled by reports in the news that recently the Colombian Congress, while approving a law governing the disarmament of its country's death squads, at the same time, granted generous concessions to paramilitary commanders accused of human rights abuses. I am concerned that U.S. assistance is being used by Colombian security forces that operate in conjunction with paramilitary forces targeting social leaders with threats, disappearance, and execution. The U.S. should not provide assistance to governments that refuse to hold perpetrators accountable for human rights abuses.

Mr. Chairman, until I am convinced that the funds to Colombia are fixing the problem instead of making it worse, I cannot support full funding for aid to Colombia. That is why I support the McGovern, McCollum, Moore Amendment.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. McGOVERN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) will be postponed.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I thank the ranking member for yielding to me.

Mr. Chairman, the Foreign Operations appropriations bill is one of the best vehicles Congress has to address an issue of paramount importance, the Israeli-Palestinian conflict. This bill contains important Middle East provisions, but I believe we could have done better in our efforts to bring peace to these two long-suffering peoples.

I support our $2.3 billion package for Israel. Maintaining Israel's military superiority in the region is a prerequisite for any peace agreement, and I am pleased that the bill fulfills the President's request for an additional $150 million for the Palestinians. The President believes, as do I, that it is imperative to deliver U.S. assistance quickly to improve the Palestinians' quality of life and empower their democratically elected leadership. But I had hoped, Mr. Chairman, that the Committee on Appropriations could have seized this historic opportunity and provided direct funding to the Palestinian Authority. Instead, this bill prohibits direct funding and places excessive conditions and limitations on the aid package.

Of course, we must ensure transparency and accountability. But the requirements in this legislation continue to go far beyond what we ever demanded in the Arafat era. This strikes me as shortsighted. We should join with President Bush in strengthening President Abbas, especially in the face of a strong challenge from Hamas in the upcoming parliamentary elections.

As Israel and the Palestinian Authority prepare to implement the Israeli withdrawal from the Gaza, it is incumbent upon the United States to help both Prime Minister Sharon and President Abbas confront the extremists on each side who seek to derail this process. I hope, Mr. Chairman, that when this bill comes to the conference with the Senate, we can redirect some of our assistance directly to the Palestinian Authority. Fragile as it may be, a flicker of hope and optimism has been kindled in the Middle East. It may truly be our last hope, and what a tragedy it would be for Israel, for the Palestinians, and for America if we did not do everything in our power to bring an end to this conflict.

I thank, again, the ranking member for yielding to me.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross, assistance to refugees, including contributions to the International Organization for Migration and the United Nations High Commissioner for Refugees, and other activities to meet refugee and migration needs; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1980; allowances as authorized by sections 5921 through 5925 of title 5, United States Code; purchase and hire of passenger motor vehicles; and services as authorized by section 3109 of title 5, United States Code, $790,720,000, which shall remain available until expended: *Provided*, That not more than $22,000,000 may be available for administrative expenses: *Provided further*, That funds appropriated under this heading may be made available for a headquarters contribution to the International Committee of the Red Cross only if the Secretary of State determines (and so reports to the appropriate committees of Congress) that the Magen David Adom Society of Israel is not being denied participation in the activities of the International Red Cross and Red Crescent Movement.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For necessary expenses to carry out the provisions of section 2(c) of the Migration and Refugee Assistance Act of 1962, as amended (22 U.S.C. 2601(c)), $30,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For necessary expenses for nonproliferation, anti-terrorism, demining and related programs and activities, $400,350,000, to carry out the provisions of chapter 8 of part II of the Foreign Assistance Act of 1961 for anti-terrorism assistance, chapter 9 of part II of the Foreign Assistance Act of 1961, section 504 of the FREEDOM Support Act, section 23 of the Arms Export Control Act or the Foreign Assistance Act of 1961 for demining activities, the clearance of unexploded ordnance, the destruction of small arms, and related activities, notwithstanding any other provision of law that restricts assistance to foreign countries, including activities implemented through nongovernmental and international organizations, and section 301 of the Foreign Assistance Act of 1961 for a voluntary contribution to the International Atomic Energy Agency (IAEA), and for a United States contribution to the Comprehensive Nuclear Test Ban Treaty Preparatory Commission: *Provided*, That of this amount not to exceed $37,500,000, to remain available until expended, may be made available for the Nonproliferation and Disarmament Fund, notwithstanding any other provision of law that restricts assistance to foreign countries, to promote bilateral and multilateral activities relating to nonproliferation and disarmament: *Provided further*, That such funds may also be used for such countries other than the Independent States of the former Soviet Union and international organizations when it is in the national security interest of the United States to do so: *Provided further*, That funds appropriated under this heading may be made available for the International Atomic Energy Agency only if the Secretary of State determines (and so reports to the Congress) that Israel is not being denied its right to participate in the activities of that Agency: *Provided further*, That of the funds made available for demining and related activities, not to exceed $705,000, in addition to funds otherwise available for such purposes, may be used for administrative expenses related to the operation and management of the demining program: *Provided further*, That funds appropriated under this heading that are available for "Anti-terrorism Assistance" and "Export Control and Border Security" shall remain available until September 30, 2007: *Provided further*, That funds appropriated under this heading shall be made available for programs and countries in the amounts contained in the table included in the report accompanying this Act: *Provided further*, That any proposed increases or decreases to the amounts contained in such table shall be subject to the regular notification procedures of the Committee on Appropriations and section 634A of the Foreign Assistance Act of 1961 and notifications shall be transmitted at least 15 days in advance of the obligation of funds.

AMENDMENT NO. 4 OFFERED BY MR. ROYCE

Mr. ROYCE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROYCE:

Page 34, line 18, after the dollar amount, insert the following: "(increased by $7,000,000) (reduced by $7,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. ROYCE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I yield myself such time as I may consume.

This amendment seeks to direct $7 million in funding for the Small Arms/Light Weapons Destruction initiative that is housed within the Nonproliferation, Anti-Terrorism, Demining and Related programs account. That account is called the NADR account, and the entire NADR account is reduced by approximately 1.75 percent in order to account for the increase in this Small Arms/Light Weapons Destruction initiative.

I am very pleased here to have worked with the gentleman from Arizona (Chairman KOLBE) and with the gentlewoman from New York (Mrs. LOWEY), ranking member, to craft an amendment that I believe is acceptable to both of them. Seven million dollars is the fiscal year 2005 enacted level for this activity.

And, Mr. Chairman, of growing concern to the United States are these shoulder-fired, anti-aircraft missiles, referred to as MANPADs, which have proliferated throughout the world, especially since the collapse of the Soviet Union. These are U.S.-made Stingers, they are British-made Blowpipes, and most of them are Russian-made SA-7s. According to one report, 6,000 shoulder-fired missiles are outside of government control. There are known black markets for these shoulder-fired missiles throughout Africa, throughout the Middle East, and in Asia. And for between about $5,000 and $30,000, a MANPAD can be acquired: a low cost relative to the damage they could inflict in human loss as well as economic and psychological damage. A successful attack with one of these shoulder-fired missiles against an airliner could halt aviation, and recently we had a study done by RAND, and they released this report that found that the total economic loss resulting from an attack could be in the billions of dollars.

The alarming news is that more than two dozen terrorist groups are believed to be in possession of these weapons. Several incidents have highlighted the danger that these weapons pose: the November, 2002, attempted missile attack on an Israeli commercial airliner in Mombassa, Kenya; the August, 2003 sting in which a man was arrested trying to sell Russian-made shoulder-fired missiles to FBI agents posing as terrorists. Also in 2003 we had the British government deploying approximately 450 troops at Heathrow Airport after intelligence indicated a possible al Qaeda plan to use these shoulder-fired missiles against their civilian flights. Al Qaeda training films recovered by allied forces in Afghanistan contained detailed instruction on how to use Russian-made shoulder-fired missiles.

Most observers recommend a multilayered approach to defend against possible terrorist attacks using these shoulder-fired missiles. An important piece of this strategy are U.S. efforts to take these deadly weapons out of play around the world. Last week the International Terrorism and Nonproliferation Subcommittee that I chair held a briefing with administration officials on the State Department's efforts to identify, secure, and then destroy these shoulder-fired antiaircraft missile stocks.

The Small Arms/Light Weapons Destruction initiative is one part of our effort against this threat. To reduce the number of shoulder-fired missiles that could fall into the hands of terrorists, we are providing bilateral assistance to foreign governments to identify and destroy their stocks in excess of their security needs as well as to improve security at their storage facilities. The State Department is now overseeing the destruction or pledges to destroy shoulder-fired missiles from Bosnia-Herzegovina, from Cambodia, Nigeria, Liberia, Serbia, and other countries. And most importantly, I think, since 2003, this program has destroyed over 10,500 of these shoulder-fired missiles.

Unfortunately, there is a lot of work left to be done. This amendment helps to continue this work. At little cost these efforts are helping to mitigate a critical threat to our security.

So I want to thank the chairman and I want to thank the ranking member for working with me on this amendment. They have a tough task on this bill, and I look forward to working with them on this legislation as it moves forward.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition, although I am not in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do rise to say that I think that the issue that has been raised by the gentleman from California is a very important one, and we do accept this amendment.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman for yielding to me.

And I want to thank the gentleman for raising this issue today. I strongly support continued funding for programs to secure and destroy small arms and light weapons around the world, and I join my chairman in delightfully accepting the amendment.

Mr. KOLBE. Mr. Chairman, reclaiming my time, I would just say simply that the program is certainly a worthwhile one and we have no problem with it. We simply did not earmark specific dollars from this account for it. This would suggest that certain dollars are to be spent, and we do support what is being done.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROYCE).

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 70, line 19 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill from page 36, line 16 through page 70, line 19 is as follows:

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE

For necessary expenses to carry out the provisions of section 129 of the Foreign Assistance Act of 1961, $20,000,000, to remain available until September 30, 2009, which shall be available notwithstanding any other provision of law that restricts assistance to foreign countries.

DEBT RESTRUCTURING

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of modifying loans and loan guarantees, as the President may determine, for which funds have been appropriated or otherwise made available for programs within the International Affairs Budget Function 150, including the cost of selling, reducing, or canceling amounts owed to the United States as a result of concessional loans made to eligible countries, pursuant to parts IV and V of the Foreign Assistance Act of 1961, of modifying concessional credit agreements with least developed countries, as authorized under section 411 of the Agricultural Trade Development and Assistance Act of 1954, as amended, of concessional loans, guarantees and credit agreements, as authorized under section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100–461), and of canceling amounts owed, as a result of loans or guarantees made pursuant to the Export-Import Bank Act of 1945, by countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113, $65,000,000, to remain available until September 30, 2008: *Provided*, That not less than $20,000,000 of the funds appropriated under this heading shall be made available to carry out the provisions of part V of the Foreign Assistance Act of 1961: *Provided further*, That up to $45,000,000 of the funds appropriated under this heading may be used by the Secretary of the Treasury to pay to the Heavily Indebted Poor Countries (HIPC) Trust Fund administered by the International Bank for Reconstruction and Development amounts for the benefit of countries that are eligible for debt reduction pursuant to title V of H.R. 3425 as enacted into law by section 1000(a)(5) of Public Law 106–113: *Provided further*, That amounts paid to the HIPC Trust Fund may be used only to fund debt reduction under the enhanced HIPC initiative by—

(1) the Inter-American Development Bank;

(2) the African Development Fund;

(3) the African Development Bank; and

(4) the Central American Bank for Economic Integration:

Provided further, That funds may not be paid to the HIPC Trust Fund for the benefit of any country if the Secretary of State has credible evidence that the government of such country is engaged in a consistent pattern of gross violations of internationally recognized human rights or in military or civil conflict that undermines its ability to develop and implement measures to alleviate poverty and to devote adequate human and financial resources to that end: *Provided further*, That on the basis of final appropriations, the Secretary of the Treasury shall consult with the Committees on Appropriations concerning which countries and international financial institutions are expected to benefit from a United States contribution to the HIPC Trust Fund during the fiscal year: *Provided further*, That the Secretary of the Treasury shall inform the Committees on Appropriations not less than 15 days in advance of the signature of an agreement by the United States to make payments to the HIPC Trust Fund of amounts for such countries and institutions: *Provided further*, That the Secretary of the Treasury may disburse funds designated for debt reduction through the HIPC Trust Fund only for the benefit of countries that—

(1) have committed, for a period of 24 months, not to accept new market-rate loans from the international financial institution receiving debt repayment as a result of such disbursement, other than loans made by such institutions to export-oriented commercial projects that generate foreign exchange which are generally referred to as "enclave" loans; and

(2) have documented and demonstrated their commitment to redirect their budgetary resources from international debt repayments to programs to alleviate poverty and promote economic growth that are additional to or expand upon those previously available for such purposes:

Provided further, That none of the funds made available under this heading in this or any other appropriations Act shall be made available for Sudan or Burma unless the Secretary of the Treasury determines and notifies the Committees on Appropriations that a democratically elected government has taken office.

TITLE III—MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL MILITARY EDUCATION AND TRAINING

For necessary expenses to carry out the provisions of section 541 of the Foreign Assistance Act of 1961, $86,744,000, of which up to $3,000,000 may remain available until expended: *Provided*, That the civilian personnel for whom military education and training may be provided under this heading may include civilians who are not members of a government whose participation would contribute to improved civil-military relations, civilian control of the military, or respect for human rights: *Provided further*, That funds appropriated under this heading for military education and training for Nigeria may only be provided through the regular notification procedures of the Committees on Appropriations.

FOREIGN MILITARY FINANCING PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for grants to enable the President to carry out the provisions of section 23 of the Arms Export Control Act, $4,442,300,000: *Provided*, That of the funds appropriated under this heading, not less than $2,280,000,000 shall be available for grants only for Israel, and not less than $1,300,000,000 shall be made available for grants only for Egypt: *Provided further*, That the funds appropriated by this paragraph for Israel shall be disbursed within 30 days of the enactment of this Act: *Provided further*, That to the extent that the Government of Israel requests that funds be used for such purposes, grants made available for Israel by this paragraph shall, as agreed by Israel and the United States, be available for advanced weapons systems, of which not less than $595,000,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development: *Provided further*, That of the funds appropriated by this paragraph, $206,000,000 should be made available for assistance for Jordan: *Provided further*, That funds appropriated or otherwise made available by this paragraph shall be nonrepayable notwithstanding any requirement in section 23 of the Arms Export Control Act: *Provided further*, That funds made available under this paragraph shall be obligated upon apportionment in accordance with paragraph (5)(C) of title 31, United States Code, section 1501(a).

None of the funds made available under this heading shall be available to finance the procurement of defense articles, defense services, or design and construction services that are not sold by the United States Government under the Arms Export Control Act unless the foreign country proposing to make such procurements has first signed an agreement with the United States Government specifying the conditions under which such procurements may be financed with such funds: *Provided*, That all country and funding level increases in allocations shall be submitted through the regular notification procedures of section 515 of this Act: *Provided further*, That none of the funds appropriated under this heading shall be available for assistance for Sudan and Guatemala: *Provided further*, That funds made available under this heading may be used, notwithstanding any other provision of law that restricts assistance to foreign countries, for demining, the clearance of unexploded ordnance, and related activities, and may include activities implemented through nongovernmental and international organizations: *Provided further*, That only those countries for which assistance was justified for the "Foreign Military Sales Financing Program" in the fiscal year 1989 congressional presentation for security assistance programs may utilize funds made available under this heading for procurement of defense articles, defense services or design and construction services that are not sold by the United States Government under the Arms Export Control Act: *Provided further*, That funds appropriated under this heading shall be expended at the minimum rate necessary to make timely payment for defense articles and services: *Provided further*, That not more than $41,600,000 of the funds appropriated under this heading may be obligated for necessary expenses, including the purchase of passenger motor vehicles for replacement only for use outside of the United States, for the general costs of administering military assistance and sales: *Provided further*, That not more than $373,000,000 of funds realized pursuant to section 21(e)(1)(A) of the Arms Export Control Act may be obligated for expenses incurred by the Department of Defense during fiscal year 2006 pursuant to section 43(b) of the Arms Export Control Act, except that this limitation may be exceeded only through the regular notification procedures of the Committees on Appropriations: *Provided further*, That foreign military financing program funds estimated to be outlayed for Egypt during fiscal year 2006 shall be transferred to an interest bearing account for Egypt in the Federal Reserve Bank of New York within 30 days of enactment of this Act.

PEACEKEEPING OPERATIONS

For necessary expenses to carry out the provisions of section 551 of the Foreign Assistance Act of 1961, $177,800,000: *Provided*, That none of the funds appropriated under this heading shall be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

TITLE IV—MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment to the International Development Association by the Secretary of the Treasury, $950,000,000, to remain available until expended.

CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY

For payment to the Multilateral Investment Guarantee Agency by the Secretary of the Treasury, $1,741,515, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the Multilateral Investment Guarantee Agency may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital in an amount not to exceed $8,126,527.

CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION

For payment to the Inter-American Investment Corporation by the Secretary of the Treasury, $1,741,515, to remain available until expended.

CONTRIBUTION TO THE ENTERPRISE FOR THE AMERICAS MULTILATERAL INVESTMENT FUND

For payment to the Enterprise for the Americas Multilateral Investment Fund by the Secretary of the Treasury, for the United States contribution to the fund, $1,741,515, to remain available until expended.

CONTRIBUTION TO THE ASIAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the Asian Development Fund, as authorized by the Asian Development Bank Act, as amended, $115,250,000, to remain available until expended.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT BANK

For payment to the African Development Bank by the Secretary of the Treasury, $5,638,350, for the United States paid-in share of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the African Development Bank may subscribe without fiscal year limitation for the callable capital portion of the United States share of such capital stock in an amount not to exceed $88,333,855.

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

For the United States contribution by the Secretary of the Treasury to the increase in resources of the African Development Fund, $135,700,000, to remain available until expended.

CONTRIBUTION TO THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

For payment to the European Bank for Reconstruction and Development by the Secretary of the Treasury, $1,015,677 for the United States share of the paid-in portion of the increase in capital stock, to remain available until expended.

LIMITATION ON CALLABLE CAPITAL SUBSCRIPTIONS

The United States Governor of the European Bank for Reconstruction and Development may subscribe without fiscal year limitation to the callable capital portion of the United States share of such capital stock in an amount not to exceed $2,249,888.

CONTRIBUTION TO THE INTERNATIONAL FUND FOR AGRICULTURAL DEVELOPMENT

For the United States contribution by the Secretary of the Treasury to increase the resources of the International Fund for Agricultural Development, $15,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

For necessary expenses to carry out the provisions of section 301 of the Foreign Assistance Act of 1961, and of section 2 of the United Nations Environment Program Participation Act of 1973, $328,958,000: *Provided*, That none of the funds appropriated under this heading may be made available to the International Atomic Energy Agency (IAEA).

TITLE V—GENERAL PROVISIONS

COMPENSATION FOR UNITED STATES EXECUTIVE DIRECTORS TO INTERNATIONAL FINANCIAL INSTITUTIONS

SEC. 501. (a) No funds appropriated by this Act may be made as payment to any international financial institution while the United States Executive Director to such institution is compensated by the institution at a rate which, together with whatever compensation such Director receives from the United States, is in excess of the rate provided for an individual occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, or while any alternate United States Director to such institution is compensated by the institution at a rate in excess of the rate provided for an individual occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) For purposes of this section "international financial institutions" are: the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, the Asian Development Fund, the African Development Bank, the African Development Fund, the International Monetary Fund, the North American Development Bank, and the European Bank for Reconstruction and Development.

RESTRICTIONS ON VOLUNTARY CONTRIBUTIONS TO UNITED NATIONS AGENCIES

SEC. 502. None of the funds appropriated by this Act may be made available to pay any voluntary contribution of the United States to the United Nations (including the United Nations Development Program) if the United Nations implements or imposes any taxation on any United States persons.

LIMITATION ON RESIDENCE EXPENSES

SEC. 503. Of the funds appropriated or made available pursuant to this Act, not to exceed $100,500 shall be for official residence expenses of the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars.

LIMITATION ON EXPENSES

SEC. 504. Of the funds appropriated or made available pursuant to this Act, not to exceed $5,000 shall be for entertainment expenses of the United States Agency for International Development during the current fiscal year.

LIMITATION ON REPRESENTATIONAL ALLOWANCES

SEC. 505. Of the funds appropriated or made available pursuant to this Act, not to exceed $125,000 shall be available for representation allowances for the United States Agency for International Development during the current fiscal year: *Provided*, That appropriate steps shall be taken to assure that, to the maximum extent possible, United States-owned foreign currencies are utilized in lieu of dollars: *Provided further*, That of the funds made available by this Act for general costs of administering military assistance and sales under the heading "Foreign Military Financing Program", not to exceed $4,000 shall be available for entertainment expenses and not to exceed $130,000 shall be available for representation allowances: *Provided further*, That of the funds made available by this Act under the heading "International Military Education and Training", not to exceed $55,000 shall be available for entertainment allowances: *Provided further*, That of the funds made available by this Act for the Inter-American Foundation, not to exceed $2,000 shall be available for entertainment and representation allowances: *Provided further*, That of the funds made available by this Act for the Peace Corps, not to exceed a total of $4,000 shall be available for entertainment expenses: *Provided further*, That of the funds made available by this Act under the heading "Trade and Development Agency", not to exceed $4,000 shall be available for representation and entertainment allowances: *Provided further*, That of the funds made available by this Act under the heading "Millennium Challenge Corporation", not to exceed $115,000 shall be available for representation and entertainment allowances.

PROHIBITION ON TAXATION OF UNITED STATES ASSISTANCE

SEC. 506. (a) PROHIBITION ON TAXATION.—None of the funds appropriated by this Act may be made available to provide assistance for a foreign country under a new bilateral agreement governing the terms and conditions under which such assistance is to be provided unless such agreement includes a provision stating that assistance provided by the United States shall be exempt from taxation, or reimbursed, by the foreign government, and the Secretary of State shall expeditiously seek to negotiate amendments to existing bilateral agreements, as necessary, to conform with this requirement.

(b) REIMBURSEMENT OF FOREIGN TAXES.—An amount equivalent to 200 percent of the total taxes assessed during fiscal year 2006 on funds appropriated by this Act by a foreign government or entity against commodities financed under United States assistance programs for which funds are appropriated by this Act, either directly or through grantees, contractors and subcontractors shall be withheld from obligation from funds appropriated for assistance for fiscal year 2007 and allocated for the central government of such country and for the West Bank and Gaza Program to the extent that the Secretary of State certifies and reports in writing to the Committees on Appropriations that such taxes have not been reimbursed to the Government of the United States.

(c) DE MINIMIS EXCEPTION.—Foreign taxes of a de minimis nature shall not be subject to the provisions of subsection (b).

(d) REPROGRAMMING OF FUNDS.—Funds withheld from obligation for each country or entity pursuant to subsection (b) shall be reprogrammed for assistance to countries which do not assess taxes on United States assistance or which have an effective arrangement that is providing substantial reimbursement of such taxes.

(e) DETERMINATIONS.—

(1) The provisions of this section shall not apply to any country or entity the Secretary of State determines—

(A) does not assess taxes on United States assistance or which has an effective arrangement that is providing substantial reimbursement of such taxes; or

(B) the foreign policy interests of the United States outweigh the policy of this section to ensure that United States assistance is not subject to taxation.

(2) The Secretary of State shall consult with the Committees on Appropriations at least 15 days prior to exercising the authority of this subsection with regard to any country or entity.

(f) IMPLEMENTATION.—The Secretary of State shall issue rules, regulations, or policy guidance, as appropriate, to implement the prohibition against the taxation of assistance contained in this section.

(g) DEFINITIONS.—As used in this section—

(1) the terms "taxes" and "taxation" refer to value added taxes and customs duties imposed on commodities financed with United States assistance for programs for which funds are appropriated by this Act; and

(2) the term "bilateral agreement" refers to a framework bilateral agreement between the Government of the United States and the government of the country receiving assistance that describes the privileges and immunities applicable to United States foreign assistance for such country generally, or an individual agreement between the Government of the United States and such government that describes, among other things, the treatment for tax purposes that will be accorded the United States assistance provided under that agreement.

PROHIBITION AGAINST DIRECT FUNDING FOR CERTAIN COUNTRIES

SEC. 507. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance or reparations to Cuba, Libya, North Korea, Iran, or Syria: *Provided*, That for purposes of this section, except with respect to Libya, the prohibition on obligations or expenditures shall include direct loans, credits, insurance and guarantees of the Export-Import Bank or its agents.

MILITARY COUPS

SEC. 508. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree: *Provided*, That assistance may be resumed to such government if the President determines and certifies to the Committees on Appropriations that subsequent to the termination of assistance a democratically elected government has taken office: *Provided further*, That the provisions of this section shall not apply to assistance to promote democratic elections or public participation in democratic processes: *Provided further*, That funds made available pursuant to the previous provisos shall be subject to the regular notification procedures of the Committees on Appropriations.

TRANSFERS

SEC. 509. (a)(1) LIMITATION ON TRANSFERS BETWEEN AGENCIES.—None of the funds made available by this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

(2) Notwithstanding paragraph (1), in addition to transfers made by, or authorized elsewhere in, this Act, funds appropriated by this Act to carry out the purposes of the Foreign Assistance Act of 1961 may be allocated or transferred to agencies of the United States Government pursuant to the provisions of sections 109, 610, and 632 of the Foreign Assistance Act of 1961.

(b) TRANSFERS BETWEEN ACCOUNTS.—None of the funds made available by this Act may be obligated under an appropriation account to which they were not appropriated, except for transfers specifically provided for in this Act, unless the President, not less than 5 days prior to the exercise of any authority contained in the Foreign Assistance Act of 1961 to transfer funds, consults with and provides a written policy justification to the Committees on Appropriations of the House of Representatives and the Senate.

(c) AUDIT OF INTER-AGENCY TRANSFERS.—Any agreement for the transfer or allocation of funds appropriated by this Act, or prior Acts, entered into between the United States Agency for International Development and another agency of the United States Government under the authority of section 632(a) of the Foreign Assistance Act of 1961 or any comparable provision of law, shall expressly provide that the Office of the Inspector General for the agency receiving the transfer or allocation of such funds shall perform periodic program and financial audits of the use of such funds: *Provided*, That funds transferred under such authority may be made available for the cost of such audits.

COMMERCIAL LEASING OF DEFENSE ARTICLES

SEC. 510. Notwithstanding any other provision of law that restricts assistance to foreign countries, and subject to the regular notification procedures of the Committees on Appropriations, the authority of section 23(a) of the Arms Export Control Act may be used to provide financing to Israel, Egypt and NATO and major non-NATO allies for the procurement by leasing (including leasing with an option to purchase) of defense articles from United States commercial suppliers, not including Major Defense Equipment (other than helicopters and other types of aircraft having possible civilian application), if the President determines that there are compelling foreign policy or national security reasons for those defense articles being provided by commercial lease rather than by government-to-government sale under such Act.

AVAILABILITY OF FUNDS

SEC. 511. No part of any appropriation contained in this Act shall remain available for obligation after the expiration of the current fiscal year unless expressly so provided in this Act: *Provided*, That funds appropriated for the purposes of chapters 1, 8, 11, and 12 of part I, section 667, chapters 4, 6, 8, and 9 of part II of the Foreign Assistance Act of 1961, section 23 of the Arms Export Control Act, and funds provided under the heading "Assistance for Eastern Europe and the Baltic States", shall remain available for an additional 4 years from the date on which the availability of such funds would otherwise have expired, if such funds are initially obligated before the expiration of their respective periods of availability contained in this Act: *Provided further*, That, notwithstanding any other provision of this Act, any funds made available for the purposes of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 which are allocated or obligated for cash disbursements in order to address balance of payments or economic policy reform objectives, shall remain available until expended.

LIMITATION ON ASSISTANCE TO COUNTRIES IN DEFAULT

SEC. 512. No part of any appropriation contained in this Act shall be used to furnish assistance to the government of any country which is in default during a period in excess of 1 calendar year in payment to the United States of principal or interest on any loan made to the government of such country by the United States pursuant to a program for which funds are appropriated under this Act unless the President determines, following consultations with the Committees on Appropriations, that assistance to such country is in the national interest of the United States.

COMMERCE AND TRADE

SEC. 513. (a) None of the funds appropriated or made available pursuant to this Act for direct assistance and none of the funds otherwise made available pursuant to this Act to the Export-Import Bank and the Overseas Private Investment Corporation shall be obligated or expended to finance any loan, any assistance or any other financial commitments for establishing or expanding production of any commodity for export by any country other than the United States, if the commodity is likely to be in surplus on world markets at the time the resulting productive capacity is expected to become operative and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity: *Provided*, That such prohibition shall not apply to the Export-Import Bank if in the judgment of its Board of Directors the benefits to industry and employment in the United States are likely to outweigh the injury to United States producers of the same, similar, or competing commodity, and the Chairman of the Board so notifies the Committees on Appropriations.

(b) None of the funds appropriated by this or any other Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961 shall be available for any testing or breeding feasibility study, variety improvement or introduction, consultancy, publication, conference, or training in connection with the growth or production in a foreign country of an agricultural commodity for export which would compete with a similar commodity grown or produced in the United States: *Provided*, That this subsection shall not prohibit—

(1) activities designed to increase food security in developing countries where such activities will not have a significant impact on the export of agricultural commodities of the United States; or

(2) research activities intended primarily to benefit American producers.

SURPLUS COMMODITIES

SEC. 514. The Secretary of the Treasury shall instruct the United States Executive Directors of the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Inter-American Development Bank, the International Monetary Fund, the Asian Development Bank, the Inter-American Investment Corporation, the North American Development Bank, the European Bank for Reconstruction and Development, the African Development Bank, and the African Development Fund to use the voice and vote of the United States to oppose any assistance by these institutions, using funds appropriated or made available pursuant to this Act, for the production or extraction of any commodity or mineral for export, if it is in surplus on world markets and if the assistance will cause substantial injury to United States producers of the same, similar, or competing commodity.

NOTIFICATION REQUIREMENTS

SEC. 515. For the purposes of providing the executive branch with the necessary administrative flexibility, none of the funds made available under this Act for "Child Survival and Health Programs Fund", "Development Assistance", "International Organizations and Programs", "Trade and Development Agency", "International Narcotics Control and Law Enforcement", "Andean Counterdrug Initiative", "Assistance for Eastern Europe and the Baltic States", "Assistance for the Independent States of the Former Soviet Union", "Economic Support Fund", "Global HIV/AIDS Initiative", "Peacekeeping Operations", "Capital Investment Fund", "Operating Expenses of the United States Agency for International Development", "Operating Expenses of the United States Agency for International Development Office of Inspector General", "Nonproliferation, Anti-terrorism, Demining and Related Programs", "Millennium Challenge Corporation" (by country only), "Foreign Military Financing Program", "International Military Education and Training", "Peace Corps", and "Migration and Refugee Assistance", shall be available for obligation for activities, programs, projects, type of materiel assistance, countries, or other operations not justified or in excess of the amount justified to the Committees on Appropriations for obligation under any of these specific headings unless the Committees on Appropriations of both Houses of Congress are previously notified 15 days in advance: *Provided*, That the President shall not enter into any commitment of funds appropriated for the purposes of section 23 of the Arms Export Control Act for the provision of major defense equipment, other than conventional ammunition, or other major defense items defined to be aircraft, ships, missiles, or combat vehicles, not previously justified to Congress or 20 percent in excess of the quantities justified to Congress unless the Committees on Appropriations are notified 15 days in advance of such commitment: *Provided further*, That this section shall not apply to any reprogramming for an activity, program, or project for which funds are appropriated under title II of this Act of less than 10 percent of the amount previously justified to the Congress for obligation for such activity, program, or project for the current fiscal year: *Provided further*, That the requirements of this section or any similar provision of this Act or any other Act, including any prior Act requiring notification in accordance with the regular notification procedures of the Committees on Appropriations, may be waived if failure to do so would pose a substantial risk to human health or welfare: *Provided further*, That in case of any such waiver, notification to the Congress, or the appropriate congressional committees, shall be provided as early as practicable, but in no event later than 3 days after taking the action to which such notification requirement was applicable, in the context of the circumstances necessitating such waiver: *Provided further*, That any notification provided pursuant to such a waiver shall contain an explanation of the emergency circumstances.

LIMITATION ON AVAILABILITY OF FUNDS FOR INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 516. Subject to the regular notification procedures of the Committees on Appropriations, funds appropriated under this Act or any previously enacted Act making appropriations for foreign operations, export financing, and related programs, which are returned or not made available for organizations and programs because of the implementation of section 307(a) of the Foreign Assistance Act of 1961, shall remain available for obligation until September 30, 2007.

INDEPENDENT STATES OF THE FORMER SOVIET UNION

SEC. 517. (a) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union—

(1) unless that government is making progress in implementing comprehensive economic reforms based on market principles, private ownership, respect for commercial contracts, and equitable treatment of foreign private investments; and

(2) if that government applies or transfers United States assistance to any entity for the purpose of expropriating or seizing ownership or control of assets, investments, or ventures.

Assistance may be furnished without regard to this subsection if the President determines that to do so is in the national interest.

(b) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for assistance for a government of an Independent State of the former Soviet Union if that government directs any action in violation of the territorial integrity or national sovereignty of any other Independent State of the former Soviet Union, such as those violations included in the Helsinki Final Act: *Provided*, That such funds may be made available without regard to the restriction in this subsection if the President determines that to do so is in the national security interest of the United States.

(c) None of the funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" shall be made available for any state to enhance its military capability: *Provided*, That this restriction does not apply to demilitarization, demining or nonproliferation programs.

(d) Funds appropriated under the heading "Assistance for the Independent States of the Former Soviet Union" for the Russian Federation, Armenia, Kazakhstan, and Uzbekistan shall be subject to the regular notification procedures of the Committees on Appropriations.

(e) Funds made available in this Act for assistance for the Independent States of the former Soviet Union shall be subject to the provisions of section 117 (relating to environment and natural resources) of the Foreign Assistance Act of 1961.

(f) In issuing new task orders, entering into contracts, or making grants, with funds appropriated in this Act or prior appropriations Acts under the heading "Assistance for the Independent States of the Former Soviet Union" and under comparable headings in prior appropriations Acts, for projects or activities that have as one of their primary purposes the fostering of private sector development, the Coordinator for United States Assistance to Europe and Eurasia and the implementing agency shall encourage the participation of and give significant weight to contractors and grantees who propose investing a significant amount of their own resources (including volunteer services and in-kind contributions) in such projects and activities.

PROHIBITION ON FUNDING FOR ABORTIONS AND INVOLUNTARY STERILIZATION

SEC. 518. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of abortions as a method of family planning or to motivate or coerce any person to practice abortions. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for the performance of involuntary sterilization as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilizations. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be used to pay for any biomedical research which relates in whole or in part, to methods of, or the performance of, abortions or involuntary sterilization as a means of family planning. None of the funds made available to carry out part I of the Foreign Assistance Act of 1961, as amended, may be obligated or expended for any country or organization if the President certifies that the use of these funds by any such country or organization would violate any of the above provisions related to abortions and involuntary sterilizations.

EXPORT FINANCING TRANSFER AUTHORITIES

SEC. 519. Not to exceed 5 percent of any appropriation other than for administrative expenses made available for fiscal year 2006, for programs under title I of this Act may be transferred between such appropriations for use for any of the purposes, programs, and activities for which the funds in such receiving account may be used, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 25 percent by any such transfer: *Provided*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

SPECIAL NOTIFICATION REQUIREMENTS

SEC. 520. None of the funds appropriated by this Act shall be obligated or expended for Serbia, Sudan, Zimbabwe, or Pakistan, except as provided through the regular notification procedures of the Committees on Appropriations.

DEFINITION OF PROGRAM, PROJECT, AND ACTIVITY

SEC. 521. For the purpose of this Act "program, project, and activity" shall be defined at the appropriations Act account level and shall include all appropriations and authorizations Acts earmarks, ceilings, and limitations with the exception that for the following accounts: Economic Support Fund and Foreign Military Financing Program, "program, project, and activity" shall also be considered to include country, regional, and central program level funding within each such account; for the development assistance accounts of the United States Agency for International Development "program, project, and activity" shall also be considered to include central, country, regional, and program level funding, either as: (1) justified to the Congress; or (2) allocated by the executive branch in accordance with a report, to be provided to the Committees on Appropriations within 30 days of the enactment of this Act, as required by section 653(a) of the Foreign Assistance Act of 1961.

CHILD SURVIVAL AND HEALTH ACTIVITIES

SEC. 522. Up to $13,500,000 of the funds made available by this Act for assistance under the heading "Child Survival and Health Programs Fund", may be used to reimburse United States Government agencies, agencies of State governments, institutions of higher learning, and private and voluntary organizations for the full cost of individuals (including for the personal services of such individuals) detailed or assigned to, or contracted by, as the case may be, the United States Agency for International Development for the purpose of carrying out activities under that heading: *Provided*, That up to $3,500,000 of the funds made available by this Act for assistance under the heading "Development Assistance" may be used to reimburse such agencies, institutions, and organizations for such costs of such individuals carrying out other development assistance activities: *Provided further*, That funds appropriated by titles II and III of this Act that are made available for bilateral assistance for child survival activities or disease programs including activities relating to research on, and the prevention, treatment and control of, HIV/AIDS may be made available notwithstanding any provision of the Foreign Assistance Act of 1961 and any other provision of law that restricts assistance to foreign countries except for the provisions under the heading "Child Survival and Health Programs Fund" and the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (117 Stat. 711; 22 U.S.C. 7601 et seq.), as amended.

AFGHANISTAN

SEC. 523. Of the funds appropriated by titles II and III of this Act, not less than $954,000,000 should be made available for humanitarian, reconstruction, and related assistance for Afghanistan: *Provided*, That of the funds allocated for assistance for Afghanistan from this Act and other Acts making appropriations for foreign operations, export financing, and related programs for fiscal year 2006, not less than $50,000,000 should be made available to support programs that directly address the needs of Afghan women and girls.

NOTIFICATION ON EXCESS DEFENSE EQUIPMENT

SEC. 524. Prior to providing excess Department of Defense articles in accordance with section 516(a) of the Foreign Assistance Act of 1961, the Department of Defense shall notify the Committees on Appropriations to the same extent and under the same conditions as are other committees pursuant to subsection (f) of that section: *Provided*, That before issuing a letter of offer to sell excess defense articles under the Arms Export Control Act, the Department of Defense shall notify the Committees on Appropriations in accordance with the regular notification procedures of such Committees if such defense articles are significant military equipment (as defined in section 47(9) of the Arms Export Control Act) or are valued (in terms of original acquisition cost) at $7,000,000 or more, or if notification is required elsewhere in this Act for the use of appropriated funds for specific countries that would receive such excess defense articles: *Provided further*, That such Committees shall also be informed of the original acquisition cost of such defense articles.

HIV/AIDS

SEC. 525. (a) Notwithstanding any other provision of this Act, 25 percent of the funds that are appropriated by this Act for a contribution to support the Global Fund to Fight AIDS, Tuberculosis and Malaria (the "Global Fund") shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the Committees on Appropriations that the Global Fund—

(1) has established clear progress indicators upon which to determine the release of incremental disbursements;

(2) is releasing such incremental disbursements only if positive results have been attained based on those indicators; and

(3) is providing support and oversight to country-level entities, such as country coordinating mechanisms, principal recipients, and local Fund agents, to enable them to fulfill their mandates.

(b) The Secretary of State may waive paragraph (1) of this subsection if she determines and reports to the Committees on Appropriations that such waiver is important to the national interest of the United States.

The CHAIRMAN. Are there any amendments to this section of the bill?

If not, the Clerk will read.

The Clerk read as follows:

DEMOCRACY PROGRAMS

SEC. 526. (a) Not less than $27,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be allocated for the Human Rights and Democracy Fund: *Provided*, That up to $1,200,000 may be used for the Reagan/Fascell Democracy Fellows program.

(b) Notwithstanding any other provision of law that restricts assistance to foreign countries, up to $1,500,000 of the funds appropriated by this Act under the heading "Economic Support Fund" may be provided to make grants to educational, humanitarian, and nongovernmental organizations and individuals inside Iran and Syria to support the advancement of democracy and human rights in Iran and Syria, and such funds may be provided through the National Endowment for Democracy.

AMENDMENT OFFERED BY MR. SCHIFF

Mr. SCHIFF. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHIFF:

Page 70, line 21, after the dollar amount, insert "(increased by $9,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. SCHIFF) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. SCHIFF).

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Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the promotion of democracy has been one of the cornerstones of American foreign policy throughout the history of this Nation, but especially during the last century.

In his second inaugural address in January, President Bush committed this Nation "to seek and support the growth of democratic movements and institutions in every nation and culture." In enunciating this goal, the President reiterated a long-standing core principle of American national security policy. Promotion of democracy is not just aspirational; political liberty and transparent government increase the chance that a nation will be economically successful and politically stable, a responsible member of the international community.

I have been concerned for several months now at proposed reductions in funding for a whole range of our democracy promotion programs, many of which were deeply cut in the President's budget request. In March of this year, several of my colleagues joined me in asking the Congress to more fully fund these efforts. I understand the difficult circumstances that confront us on this bill. This is a tough environment for appropriators, and I know that we have prioritized efforts to expand the circle of democracy in the Islamic world as part of the war on terror.

Unfortunately, though, other important democracy programs have suffered greatly. For example, the National Endowment for Democracy for which the President recommended an increase of $20 million over fiscal year 2005 levels was actually cut in the State Department bill that we passed this month. This and other similar cuts have made the job of promoting democracy more difficult for American policymakers and diplomats. I believe these cuts also endanger our national security by pulling needed resources out of countries and regions that are at critical stages in their political development.

Other programs funded through the foreign operations bill have also been cut dramatically. The Support for the East European Democracy Act, SEED, has been an important act in the ongoing transition to democracy of the countries of Central and Eastern Europe. In the current fiscal year, SEED received an appropriation of $396 million. For fiscal year 2006, President Bush requested $382 million, but the bill funds SEED at only $357 million.

Similarly, the Freedom Support Act has been central to our efforts to transform the states of the former Soviet Union. In the current fiscal year, FSA appropriations totaled $555 million. The President requested $482 million. But the bill provides for only $477 million.

One of our most flexible tools, the State Department's Human Rights and Democracy Fund, promotes democracy, human rights and civil society in countries and regions of strategic importance to the United States. HRDF funds are important tools by which the Department of State maintains pressure for universal human rights, democratic processes, and civil liberties in all countries.

These challenges will be addressed by funding programs that promote democratic reform and result in greater political pluralism and respect for fundamental freedoms in countries with significant Muslim populations, and that promote the protection and enforcement of legal rights and an independent judiciary, increase popular participation in government, and develop civil society in China. HRDF funds also support programs around the world that include political party building, promoting independent media and labor and worker rights, and supporting civil society and democratic institutions.

In the current fiscal year, HRDF is being funded at $36 million; but the bill pares that back to just $27 million, a 25 percent reduction.

My amendment is simple: it would increase the recommended funding level back to $36 million. It is a modest, but important, signal to the world that America's commitment to democracy in Eastern Europe, the former Soviet Union, Africa, and Asia remains a central pillar of American diplomacy and national security strategy.

When he asked Congress to declare war on Germany in 1917, President Woodrow Wilson told the Nation that "the world must be made safe for democracy. Its peace must be planted upon the tested foundations of political liberty."

In that war and in the other wars that this Nation has fought to preserve those ideals, we have paid a dear price. Our efforts to promote democracy hold forth the promise of widening the circle of freedom, while also reducing the prospect of failed states, terrorism and the horrific human rights abuses that so often require the intervention of American military force. Shortchanging these programs is shortsighted and dangerous.

Mr. Chairman, I want to thank the chairman and the ranking member for their interest and support in this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, though I am not in opposition, I will claim the time in opposition.

The Acting CHAIRMAN (Mr. HEFLEY). The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just say the bill that we do have does provide that not less than $27 million of the funds appropriated under this section should be allocated for the Human Rights and the Democracy Fund. What the gentleman has been talking about I think is a very worthwhile program. The addition of the additional funds to that I think is worthwhile. For that reason, we would accept the amendment.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I, too, rise in support of the gentleman's amendment. Strengthening democracy and promoting human rights are at the heart of our national security strategy. The President has made these ideals central components of U.S. foreign policy.

The State Department's Human Rights and Democracy Fund focuses on the countries and regions of greatest strategic interest to the United States, supporting those who seek to bolster human rights and promote democracy in key areas of the world.

Unfortunately, the administration's request cut funding by $9 million below FY 2005 levels. This was in part because the administration requested increased funding for democracy programs through the National Endowment for Democracy in the Science-State-Justice-Commerce bill. However, the House did not grant the requested increases for NED; and, in fact, the SSJC appropriations bill cut funding for NED below the FY 2005 enacted levels.

I therefore am very pleased that the chairman will accept the gentleman's amendment so that we may ensure sufficient funding for democracy programs in the FY 2006 bill.

Mr. SCHIFF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to thank the chairman and the ranking member again.

Mr. Chairman, I am delighted to yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. SCHIFF).

The amendment was agreed to.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 132, line 13, be considered as read, printed in the RECORD and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the bill from page 71, line 10, through page 132, line 13, is as follows:

PROHIBITION ON BILATERAL ASSISTANCE TO TERRORIST COUNTRIES

SEC. 527. (a) Funds appropriated for bilateral assistance under any heading of this Act and funds appropriated under any such heading in a provision of law enacted prior to the enactment of this Act, shall not be made available to any country which the President determines—

(1) grants sanctuary from prosecution to any individual or group which has committed an act of international terrorism; or

(2) otherwise supports international terrorism.

(b) The President may waive the application of subsection (a) to a country if the President determines that national security or humanitarian reasons justify such waiver. The President shall publish each waiver in the Federal Register and, at least 15 days before the waiver takes effect, shall notify the Committees on Appropriations of the waiver (including the justification for the waiver) in accordance with the regular notification procedures of the Committees on Appropriations.

DEBT-FOR-DEVELOPMENT

SEC. 528. In order to enhance the continued participation of nongovernmental organizations in debt-for-development and debt-for-nature exchanges, a nongovernmental organization which is a grantee or contractor of the United States Agency for International Development may place in interest bearing accounts local currencies which accrue to that organization as a result of economic assistance provided under title II of this Act and, subject to the regular notification procedures of the Committees on Appropriations, any interest earned on such investment shall be used for the purpose for which the assistance was provided to that organization.

SEPARATE ACCOUNTS

SEC. 529. (a) SEPARATE ACCOUNTS FOR LOCAL CURRENCIES.—(1) If assistance is furnished to the government of a foreign country under chapters 1 and 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961 under agreements which result in the generation of local currencies of that country, the Administrator of the United States Agency for International Development shall—

(A) require that local currencies be deposited in a separate account established by that government;

(B) enter into an agreement with that government which sets forth—

(i) the amount of the local currencies to be generated; and

(ii) the terms and conditions under which the currencies so deposited may be utilized, consistent with this section; and

(C) establish by agreement with that government the responsibilities of the United States Agency for International Development and that government to monitor and account for deposits into and disbursements from the separate account.

(2) USES OF LOCAL CURRENCIES.—As may be agreed upon with the foreign government, local currencies deposited in a separate account pursuant to subsection (a), or an equivalent amount of local currencies, shall be used only—

(A) to carry out chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), for such purposes as—

(i) project and sector assistance activities; or

(ii) debt and deficit financing; or

(B) for the administrative requirements of the United States Government.

(3) PROGRAMMING ACCOUNTABILITY.—The United States Agency for International Development shall take all necessary steps to ensure that the equivalent of the local currencies disbursed pursuant to subsection (a)(2)(A) from the separate account established pursuant to subsection (a)(1) are used for the purposes agreed upon pursuant to subsection (a)(2).

(4) TERMINATION OF ASSISTANCE PROGRAMS.—Upon termination of assistance to a country under chapter 1 or 10 of part I or chapter 4 of part II (as the case may be), any unencumbered balances of funds which remain in a separate account established pursuant to subsection (a) shall be disposed of for such purposes as may be agreed to by the government of that country and the United States Government.

(5) REPORTING REQUIREMENT.—The Administrator of the United States Agency for International Development shall report on an annual basis as part of the justification documents submitted to the Committees on Appropriations on the use of local currencies for the administrative requirements of the United States Government as authorized in subsection (a)(2)(B), and such report shall include the amount of local currency (and United States dollar equivalent) used and/or to be used for such purpose in each applicable country.

(b) SEPARATE ACCOUNTS FOR CASH TRANSFERS.—(1) If assistance is made available to the government of a foreign country, under chapter 1 or 10 of part I or chapter 4 of part II of the Foreign Assistance Act of 1961, as cash transfer assistance or as nonproject sector assistance, that country shall be required to maintain such funds in a separate account and not commingle them with any other funds.

(2) APPLICABILITY OF OTHER PROVISIONS OF LAW.—Such funds may be obligated and expended notwithstanding provisions of law which are inconsistent with the nature of this assistance including provisions which are referenced in the Joint Explanatory Statement of the Committee of Conference accompanying House Joint Resolution 648 (House Report No. 98–1159).

(3) NOTIFICATION.—At least 15 days prior to obligating any such cash transfer or nonproject sector assistance, the President shall submit a notification through the regular notification procedures of the Committees on Appropriations, which shall include a detailed description of how the funds proposed to be made available will be used, with a discussion of the United States interests that will be served by the assistance (including, as appropriate, a description of the economic policy reforms that will be promoted by such assistance).

(4) EXEMPTION.—Nonproject sector assistance funds may be exempt from the requirements of subsection (b)(1) only through the notification procedures of the Committees on Appropriations.

ENTERPRISE FUND RESTRICTIONS

SEC. 530. (a) Prior to the distribution of any assets resulting from any liquidation, dissolution, or winding up of an Enterprise Fund, in whole or in part, the President shall submit to the Committees on Appropriations, in accordance with the regular notification procedures of the Committees on Appropriations, a plan for the distribution of the assets of the Enterprise Fund.

(b) Funds made available by this Act for Enterprise Funds shall be expended at the minimum rate necessary to make timely payment for projects and activities.

FINANCIAL MARKET ASSISTANCE IN TRANSITION COUNTRIES

SEC. 531. Of the funds appropriated by this Act under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", "Assistance for the Independent States of the Former Soviet Union", "Nonproliferation, Anti-terrorism, Demining and Related Programs", and "Assistance for Eastern Europe and Baltic States", not less than $40,000,000 should be made available for building capital markets and financial systems in countries in transition.

AUTHORITIES FOR THE PEACE CORPS, INTER-AMERICAN FOUNDATION AND AFRICAN DEVELOPMENT FOUNDATION

SEC. 532. Unless expressly provided to the contrary, provisions of this Act, and provisions contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs, shall not be construed to prohibit activities authorized by or conducted under the Peace Corps Act, the Inter-American Foundation Act or the African Development Foundation Act. The agency shall promptly report to the Committees on Appropriations whenever it is conducting activities or is proposing to conduct activities in a country for which assistance is prohibited.

IMPACT ON JOBS IN THE UNITED STATES

SEC. 533. None of the funds appropriated by this Act may be obligated or expended to provide—

(1) any financial incentive to a business enterprise currently located in the United States for the purpose of inducing such an enterprise to relocate outside the United States if such incentive or inducement is likely to reduce the number of employees of such business enterprise in the United States because United States production is being replaced by such enterprise outside the United States; or

(2) assistance for any program, project, or activity that contributes to the violation of internationally recognized workers rights, as defined in section 507(4) of the Trade Act of 1974, of workers in the recipient country, including any designated zone or area in that country: *Provided*, That the application of section 507(4)(D) and (E) of such Act should be commensurate with the level of development of the recipient country and sector, and shall not preclude assistance for the informal sector in such country, micro and small-scale enterprise, and smallholder agriculture.

SPECIAL AUTHORITIES

SEC. 534. (a) AFGHANISTAN, PAKISTAN, LEBANON, MONTENEGRO, VICTIMS OF WAR, DISPLACED CHILDREN, AND DISPLACED BURMESE.—Funds appropriated by this Act that are made available for assistance for Afghanistan may be made available notwithstanding section 512 of this Act or any similar provision of law and section 660 of the Foreign Assistance Act of 1961, and funds appropriated in titles I and II of this Act that are made available for Lebanon, Montenegro, Pakistan, and for victims of war, displaced children, and displaced Burmese, and to assist victims of trafficking in persons and, subject to the regular notification procedures of the Committees on Appropriations, to combat such trafficking, may be made available notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961.

(b) TROPICAL FORESTRY AND BIODIVERSITY CONSERVATION ACTIVITIES.—Funds appropriated by this Act to carry out the provisions of sections 103 through 106, and chapter 4 of part II, of the Foreign Assistance Act of 1961 may be used, notwithstanding any other provision of law that restricts assistance to foreign countries and section 660 of the Foreign Assistance Act of 1961, for the purpose of supporting tropical forestry and biodiversity conservation activities and energy programs aimed at reducing greenhouse gas emissions: *Provided*, That such assistance shall be subject to sections 116, 502B, and 620A of the Foreign Assistance Act of 1961.

(c) PERSONAL SERVICES CONTRACTORS.—Funds appropriated by this Act to carry out chapter 1 of part I, chapter 4 of part II, and section 667 of the Foreign Assistance Act of 1961, and title II of the Agricultural Trade Development and Assistance Act of 1954, may be used by the United States Agency for International Development to employ up to 25 personal services contractors in the United States, for the purpose of providing direct, interim support for new or expanded overseas programs and activities managed by the agency until permanent direct hire personnel are hired and trained: *Provided*, That not more than 10 of such contractors shall be assigned to any bureau or office: *Provided further*, That such funds appropriated to carry out title II of the Agricultural Trade Development and Assistance Act of 1954, may be made available only for personal services contractors assigned to the Office of Food for Peace.

(d)(1) WAIVER.—The President may waive the provisions of section 1003 of Public Law 100–204 if the President determines and certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that it is important to the national security interests of the United States.

(2) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to paragraph (1) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(e) SMALL BUSINESS.—In entering into multiple award indefinite-quantity contracts with funds appropriated by this Act, the United States Agency for International Development may provide an exception to the fair opportunity process for placing task orders under such contracts when the order is placed with any category of small or small disadvantaged business.

(f) CONTINGENCIES.—During fiscal year 2006, the President may use up to $45,000,000 under the authority of section 451 of the Foreign Assistance Act of 1961, notwithstanding the funding ceiling in section 451(a).

(g) RECONSTITUTING CIVILIAN POLICE AUTHORITY.—In providing assistance with funds appropriated by this Act under section 660(b)(6) of the Foreign Assistance Act of 1961, support for a nation emerging from instability may be deemed to mean support for regional, district, municipal, or other subnational entity emerging from instability, as well as a nation emerging from instability.

(h) WORLD FOOD PROGRAM.—Of the funds managed by the Bureau for Democracy, Conflict, and Humanitarian Assistance of the United States Agency for International Development, from this or any other Act, not less than $6,000,000 shall be made available as a general contribution to the World Food Program, notwithstanding any other provision of law that restricts assistance to foreign countries.

(i) NATIONAL ENDOWMENT FOR DEMOCRACY.—Funds appropriated by this Act that are provided to the National Endowment for Democracy may be provided notwithstanding any other provision of law or regulation that restricts assistance to foreign countries.

ARAB LEAGUE BOYCOTT OF ISRAEL

SEC. 535. It is the sense of the Congress that—

(1) the Arab League boycott of Israel, and the secondary boycott of American firms that have commercial ties with Israel, is an impediment to peace in the region and to United States investment and trade in the Middle East and North Africa;

(2) the Arab League boycott, which was regrettably reinstated in 1997, should be immediately and publicly terminated, and the Central Office for the Boycott of Israel immediately disbanded;

(3) all Arab League states should normalize relations with their neighbor Israel;

(4) the President and the Secretary of State should continue to vigorously oppose the Arab League boycott of Israel and find concrete steps to demonstrate that opposition by, for example, taking into consideration the participation of any recipient country in the boycott when determining to sell weapons to said country; and

(5) the President should report to Congress annually on specific steps being taken by the United States to encourage Arab League states to normalize their relations with Israel to bring about the termination of the Arab League boycott of Israel, including those to encourage allies and trading partners of the United States to enact laws prohibiting businesses from complying with the boycott and penalizing businesses that do comply.

ELIGIBILITY FOR ASSISTANCE

SEC. 536. (a) ASSISTANCE THROUGH NONGOVERNMENTAL ORGANIZATIONS.—Restrictions on assistance for foreign countries contained in this or any other Act shall not be construed to restrict assistance in support of programs of nongovernmental organizations from funds appropriated by this Act to carry out the provisions of chapters 1, 10, 11, and 12 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, and from funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States": *Provided*, That before using the authority of this subsection to furnish assistance in support of programs of nongovernmental organizations, the President shall notify the Committees on Appropriations under the regular notification procedures of those committees, including a description of the program to be assisted, the assistance to be provided, and the reasons for furnishing such assistance: *Provided further*, That nothing in this subsection shall be construed to alter any existing statutory prohibitions against abortion or involuntary sterilizations contained in this or any other Act.

(b) PUBLIC LAW 480.—During fiscal year 2006, restrictions on assistance to foreign countries contained in this or any other Act shall not be construed to restrict assistance under the Agricultural Trade Development and Assistance Act of 1954: *Provided*, That none of the funds appropriated to carry out title I of such Act and made available pursuant to this subsection may be obligated or expended except as provided through the regular notification procedures of the Committees on Appropriations.

(c) EXCEPTION.—This section shall not apply—

(1) with respect to section 620A of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to countries that support international terrorism; or

(2) with respect to section 116 of the Foreign Assistance Act of 1961 or any comparable provision of law prohibiting assistance to the government of a country that violates internationally recognized human rights.

RESERVATIONS OF FUNDS

SEC. 537. (a) Funds appropriated by this Act which are earmarked may be reprogrammed for other programs within the same account notwithstanding the earmark if compliance with the earmark is made impossible by operation of any provision of this Act or any other provision contained in prior Acts authorizing or making appropriations for foreign operations, export financing, and related programs: *Provided*, That any such reprogramming shall be subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That assistance that is reprogrammed pursuant to this subsection shall be made available under the same terms and conditions as originally provided.

(b) In addition to the authority contained in subsection (a), the original period of availability of funds appropriated by this Act and administered by the United States Agency for International Development that are earmarked for particular programs or activities by this or any other Act shall be extended for an additional fiscal year if the Administrator of such agency determines and reports promptly to the Committees on Appropriations that the termination of assistance to a country or a significant change in circumstances makes it unlikely that such earmarked funds can be obligated during the original period of availability: *Provided*, That such earmarked funds that are continued available for an additional fiscal year shall be obligated only for the purpose of such earmark.

CEILINGS AND EARMARKS

SEC. 538. Ceilings and earmarks contained in this Act shall not be applicable to funds or authorities appropriated or otherwise made available by any subsequent Act unless such Act specifically so directs. Earmarks or minimum funding requirements contained in any other Act shall not be applicable to funds appropriated by this Act.

PROHIBITION ON PUBLICITY OR PROPAGANDA

SEC. 539. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress.

PROHIBITION OF PAYMENTS TO UNITED NATIONS MEMBERS

SEC. 540. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations or, from funds appropriated by this Act to carry out chapter 1 of part I of the Foreign Assistance Act of 1961, the costs for participation of another country's delegation at international conferences held under the auspices of multilateral or international organizations.

NONGOVERNMENTAL ORGANIZATIONS—DOCUMENTATION

SEC. 541. None of the funds appropriated or made available pursuant to this Act shall be available to a nongovernmental organization which fails to provide upon timely request any document, file, or record necessary to the auditing requirements of the United States Agency for International Development.

PROHIBITION ON ASSISTANCE TO FOREIGN GOVERNMENTS THAT EXPORT LETHAL MILITARY EQUIPMENT TO COUNTRIES SUPPORTING INTERNATIONAL TERRORISM

SEC. 542. (a) None of the funds appropriated or otherwise made available by this Act may be available to any foreign government which provides lethal military equipment to a country the government of which the Secretary of State has determined is a terrorist government for purposes of section 6(j) of the Export Administration Act of 1979. The prohibition under this section with respect to a foreign government shall terminate 12 months after that government ceases to provide such military equipment. This section applies with respect to lethal military equipment provided under a contract entered into after October 1, 1997.

(b) Assistance restricted by subsection (a) or any other similar provision of law, may be furnished if the President determines that furnishing such assistance is important to the national interests of the United States.

(c) Whenever the waiver authority of subsection (b) is exercised, the President shall submit to the appropriate congressional committees a report with respect to the furnishing of such assistance. Any such report shall include a detailed explanation of the assistance to be provided, including the estimated dollar amount of such assistance, and an explanation of how the assistance furthers United States national interests.

WITHHOLDING OF ASSISTANCE FOR PARKING FINES AND REAL PROPERTY TAXES OWED BY FOREIGN COUNTRIES

SEC. 543. (a) Subject to subsection (c), of the funds appropriated by this Act that are made available for assistance for a foreign country, an amount equal to 110 percent of the total amount of the unpaid fully adjudicated parking fines and penalties and unpaid property taxes owed by the central government of such country shall be withheld from obligation for assistance for the central government of such country until the Secretary of State submits a certification to the appropriate congressional committees stating that such parking fines and penalties and unpaid property taxes are fully paid.

(b) Funds withheld from obligation pursuant to subsection (a) may be made available for other programs or activities funded by this Act, after consultation with and subject to the regular notification procedures of the appropriate congressional committees, provided that no such funds shall be made available for assistance for the central government of a foreign country that has not paid the total amount of the fully adjudicated parking fines and penalties and unpaid property taxes owed by such country.

(c) Subsection (a) shall not include amounts that have been withheld under any other provision of law.

(d)(1) The Secretary of State may waive the requirements set forth in subsection (a) with respect to parking fines and penalties no sooner than 60 days from the date of enactment of this Act, or at any time with respect to a particular country, if the Secretary determines that it is in the national interests of the United States to do so.

(2) The Secretary of State may waive the requirements set forth in subsection (a) with respect to the unpaid property taxes if the Secretary of State determines that it is in the national interests of the United States to do so.

(e) Not later than 6 months after the initial exercise of the waiver authority in subsection (d), the Secretary of State, after consultations with the City of New York, shall submit a report to the Committees on Appropriations describing a strategy, including a timetable and steps currently being taken, to collect the parking fines and penalties and unpaid property taxes and interest owed by nations receiving foreign assistance under this Act.

(f) In this section:

(1) The term "appropriate congressional committees" means the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

(2) The term "fully adjudicated" includes circumstances in which the person to whom the vehicle is registered—

(A)(i) has not responded to the parking violation summons; or

(ii) has not followed the appropriate adjudication procedure to challenge the summons; and

(B) the period of time for payment of or challenge to the summons has lapsed.

(3) The term "parking fines and penalties" means parking fines and penalties—

(A) owed to—

(i) the District of Columbia; or

(ii) New York, New York; and

(B) incurred during the period April 1, 1997, through September 30, 2005.

(4) The term "unpaid property taxes" means the amount of unpaid taxes and interest determined to be owed by a foreign country on real property in the District of Columbia or New York, New York in a court order or judgment entered against such country by a court of the United States or any State or subdivision thereof.

LIMITATION ON ASSISTANCE FOR THE PLO FOR THE WEST BANK AND GAZA

SEC. 544. None of the funds appropriated by this Act may be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza unless the President has exercised the authority under section 604(a) of the Middle East Peace Facilitation Act of 1995 (title VI of Public Law 104-107) or any other legislation to suspend or make inapplicable section 307 of the Foreign Assistance Act of 1961 and that suspension is still in effect: *Provided*, That if the President fails to make the certification under section 604(b)(2) of the Middle East Peace Facilitation Act of 1995 or to suspend the prohibition under other legislation, funds appropriated by this Act may not be obligated for assistance for the Palestine Liberation Organization for the West Bank and Gaza.

WAR CRIMES TRIBUNALS DRAWDOWN

SEC. 545. If the President determines that doing so will contribute to a just resolution of charges regarding genocide or other violations of international humanitarian law, the President may direct a drawdown pursuant to section 552(c) of the Foreign Assistance Act of 1961 of up to $30,000,000 of commodities and services for the United Nations War Crimes Tribunal established with regard to the former Yugoslavia by the United Nations Security Council or such other tribunals or commissions as the Council may establish or authorize to deal with such violations, without regard to the ceiling limitation contained in paragraph (2) thereof: *Provided*, That the determination required under this section shall be in lieu of any determinations otherwise required under section 552(c): *Provided further*, That the drawdown made under this section for any tribunal shall not be construed as an endorsement or precedent for the establishment of any standing or permanent international criminal tribunal or court: *Provided further*, That funds made available for tribunals other than Yugoslavia, Rwanda, or the Special Court for Sierra Leone shall be made available subject to the regular notification procedures of the Committees on Appropriations.

LANDMINES

SEC. 546. Notwithstanding any other provision of law that restricts assistance to foreign countries, demining equipment available to the United States Agency for International Development and the Department of State and used in support of the clearance of landmines and unexploded ordnance for humanitarian purposes may be disposed of on a grant basis in foreign countries, subject to such terms and conditions as the President may prescribe.

RESTRICTIONS CONCERNING THE PALESTINIAN AUTHORITY

SEC. 547. None of the funds appropriated by this Act may be obligated or expended to create in any part of Jerusalem a new office of any department or agency of the United States Government for the purpose of conducting official United States Government business with the Palestinian Authority over Gaza and Jericho or any successor Palestinian governing entity provided for in the

Israel-PLO Declaration of Principles: *Provided*, That this restriction shall not apply to the acquisition of additional space for the existing Consulate General in Jerusalem: *Provided further*, That meetings between officers and employees of the United States and officials of the Palestinian Authority, or any successor Palestinian governing entity provided for in the Israel-PLO Declaration of Principles, for the purpose of conducting official United States Government business with such authority should continue to take place in locations other than Jerusalem. As has been true in the past, officers and employees of the United States Government may continue to meet in Jerusalem on other subjects with Palestinians (including those who now occupy positions in the Palestinian Authority), have social contacts, and have incidental discussions.

PROHIBITION OF PAYMENT OF CERTAIN EXPENSES

SEC. 548. None of the funds appropriated or otherwise made available by this Act under the heading "International Military Education and Training" or "Foreign Military Financing Program" for Informational Program activities or under the headings "Child Survival and Health Programs Fund", "Development Assistance", and "Economic Support Fund" may be obligated or expended to pay for—

(1) alcoholic beverages; or

(2) entertainment expenses for activities that are substantially of a recreational character, including but not limited to entrance fees at sporting events, theatrical and musical productions, and amusement parks.

HAITI

SEC. 549. The Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control Act (22 U.S.C. 2751 et seq.), for the Coast Guard.

LIMITATION ON ASSISTANCE TO THE PALESTINIAN AUTHORITY

SEC. 550. (a) PROHIBITION OF FUNDS.—None of the funds appropriated by this Act to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 may be obligated or expended with respect to providing funds to the Palestinian Authority.

(b) WAIVER.—The prohibition included in subsection (a) shall not apply if the President certifies in writing to the Speaker of the House of Representatives and the President pro tempore of the Senate that waiving such prohibition is important to the national security interests of the United States.

(c) PERIOD OF APPLICATION OF WAIVER.—Any waiver pursuant to subsection (b) shall be effective for no more than a period of 6 months at a time and shall not apply beyond 12 months after the enactment of this Act.

(d) REPORT.—Whenever the waiver authority pursuant to subsection (b) is exercised, the President shall submit a report to the Committees on Appropriations detailing the steps the Palestinian Authority has taken to arrest terrorists, confiscate weapons and dismantle the terrorist infrastructure. The report shall also include a description of how funds will be spent and the accounting procedures in place to ensure that they are properly disbursed.

LIMITATION ON ASSISTANCE TO SECURITY FORCES

SEC. 551. None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: *Provided*, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: *Provided further*, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice.

FOREIGN MILITARY TRAINING REPORT

SEC. 552. The annual foreign military training report required by section 656 of the Foreign Assistance Act of 1961 shall be submitted by the Secretary of Defense and the Secretary of State to the Committees on Appropriations of the House of Representatives and the Senate by the date specified in that section.

AUTHORIZATION REQUIREMENT

SEC. 553. Funds appropriated by this Act, except funds appropriated under the headings "Trade and Development Agency", "Overseas Private Investment Corporation", and "Global HIV/AIDS Initiative", may be obligated and expended notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

CAMBODIA

SEC. 554. The Secretary of the Treasury should instruct the United States executive directors of the international financial institutions to use the voice and vote of the United States to oppose loans to the Central Government of Cambodia, except loans to meet basic human needs.

PALESTINIAN STATEHOOD

SEC. 555. (a) LIMITATION ON ASSISTANCE.—None of the funds appropriated by this Act may be provided to support a Palestinian state unless the Secretary of State determines and certifies to the appropriate congressional committees that—

(1) a new leadership of a Palestinian governing entity has been democratically elected through credible and competitive elections;

(2) the elected governing entity of a new Palestinian state—

(A) has demonstrated a firm commitment to peaceful co-existence with the State of Israel;

(B) is taking appropriate measures to counter terrorism and terrorist financing in the West Bank and Gaza, including the dismantling of terrorist infrastructures;

(C) is establishing a new Palestinian security entity that is cooperative with appropriate Israeli and other appropriate security organizations; and

(3) the Palestinian Authority (or the governing body of a new Palestinian state) is working with other countries in the region to vigorously pursue efforts to establish a just, lasting, and comprehensive peace in the Middle East that will enable Israel and an independent Palestinian state to exist within the context of full and normal relationships, which should include—

(A) termination of all claims or states of belligerency;

(B) respect for and acknowledgement of the sovereignty, territorial integrity, and political independence of every state in the area through measures including the establishment of demilitarized zones;

(C) their right to live in peace within secure and recognized boundaries free from threats or acts of force;

(D) freedom of navigation through international waterways in the area; and

(E) a framework for achieving a just settlement of the refugee problem.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the newly-elected governing entity should enact a constitution assuring the rule of law, an independent judiciary, and respect for human rights for its citizens, and should enact other laws and regulations assuring transparent and accountable governance.

(c) WAIVER.—The President may waive subsection (a) if he determines that it is vital to the national security interests of the United States to do so.

(d) EXEMPTION.—The restriction in subsection (a) shall not apply to assistance intended to help reform the Palestinian Authority and affiliated institutions, or a newly-elected governing entity, in order to help meet the requirements of subsection (a), consistent with the provisions of section 550 of this Act ("Limitation on Assistance to the Palestinian Authority").

COLOMBIA

SEC. 556. (a) DETERMINATION AND CERTIFICATION REQUIRED.—Funds appropriated by this Act that are available for assistance for the Colombian Armed Forces, may be made available as follows:

(1) Up to 75 percent of such funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2).

(2) Up to 12.5 percent of such funds may be obligated only after the Secretary of State certifies and reports to the appropriate congressional committees that:

(A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduria General de la Nacion, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

(B) The Colombian Government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

(C) The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).

(D) The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.

(E) The Colombian Government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.

(3) The balance of such funds may be obligated after July 31, 2006, if the Secretary of State certifies and reports to the appropriate congressional committees, after such date, that the Colombian Armed Forces are continuing to meet the conditions contained in paragraph (2) and are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.

(b) CONGRESSIONAL NOTIFICATION.—Funds made available by this Act for the Colombian Armed Forces shall be subject to the regular notification procedures of the Committees on Appropriations.

(c) CONSULTATIVE PROCESS.—Not later than 60 days after the date of enactment of this Act, and every 90 days thereafter until September 30, 2007, the Secretary of State shall consult with internationally recognized human rights organizations regarding progress in meeting the conditions contained in that subsection.

(d) DEFINITIONS.—In this section:

(1) AIDED OR ABETTED.—The term "aided or abetted" means to provide any support to paramilitary groups, including taking actions which allow, facilitate, or otherwise foster the activities of such groups.

(2) PARAMILITARY GROUPS.—The term "paramilitary groups" means illegal self-defense groups and illegal security cooperatives.

ILLEGAL ARMED GROUPS

SEC. 557. (a) DENIAL OF VISAS TO SUPPORTERS OF COLOMBIAN ILLEGAL ARMED GROUPS.—Subject to subsection (b), the Secretary of State shall not issue a visa to any alien who the Secretary determines, based on credible evidence—

(1) has willfully provided any support to the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), or the United Self-Defense Forces of Colombia (AUC), including taking actions or failing to take actions which allow, facilitate, or otherwise foster the activities of such groups; or

(2) has committed, ordered, incited, assisted, or otherwise participated in the commission of gross violations of human rights, including extra-judicial killings, in Colombia.

(b) WAIVER.—Subsection (a) shall not apply if the Secretary of State determines and certifies to the appropriate congressional committees, on a case-by-case basis, that the issuance of a visa to the alien is necessary to support the peace process in Colombia or for urgent humanitarian reasons.

PROHIBITION ON ASSISTANCE TO THE PALESTINIAN BROADCASTING CORPORATION

SEC. 558. None of the funds appropriated or otherwise made available by this Act may be used to provide equipment, technical support, consulting services, or any other form of assistance to the Palestinian Broadcasting Corporation.

WEST BANK AND GAZA PROGRAM

SEC. 559. (a) OVERSIGHT.—For fiscal year 2006, 30 days prior to the initial obligation of funds for the bilateral West Bank and Gaza Program, the Secretary of State shall certify to the appropriate committees of Congress that procedures have been established to assure the Comptroller General of the United States will have access to appropriate United States financial information in order to review the uses of United States assistance for the Program funded under the heading "Economic Support Fund" for the West Bank and Gaza.

(b) VETTING.—Prior to the obligation of funds appropriated by this Act under the heading "Economic Support Fund" for assistance for the West Bank and Gaza, the Secretary of State shall take all appropriate steps to ensure that such assistance is not provided to or through any individual, private or government entity, or educational institution that the Secretary knows or has reason to believe advocates, plans, sponsors, engages in, or has engaged in, terrorist activity. The Secretary of State shall, as appropriate, establish procedures specifying the steps to be taken in carrying out this subsection and shall terminate assistance to any individual, entity, or educational institution which he has determined to be involved in or advocating terrorist activity.

(c) PROHIBITION.—None of the funds appropriated by this Act for assistance under the West Bank and Gaza program may be made available for the purpose of recognizing or otherwise honoring individuals who commit, or have committed, acts of terrorism.

(d) AUDITS.—

(1) The Administrator of the United States Agency for International Development shall ensure that Federal or non-Federal audits of all contractors and grantees, and significant subcontractors and subgrantees, under the West Bank and Gaza Program, are conducted at least on an annual basis to ensure, among other things, compliance with this section.

(2) Of the funds appropriated by this Act under the heading "Economic Support Fund" that are made available for assistance for the West Bank and Gaza, up to $1,000,000 may be used by the Office of the Inspector General of the United States Agency for International Development for audits, inspections, and other activities in furtherance of the requirements of this subsection. Such funds are in addition to funds otherwise available for such purposes.

(e) Subsequent to the certification specified in subsection (a), the Comptroller General of the United States shall conduct an audit and an investigation of the treatment, handling, and uses of all funds for the bilateral West Bank and Gaza Program in fiscal year 2006 under the heading "Economic Support Fund". The audit shall address—

(1) the extent to which such Program complies with the requirements of subsections (b) and (c), and

(2) an examination of all programs, projects, and activities carried out under such Program, including both obligations and expenditures.

CONTRIBUTIONS TO UNITED NATIONS POPULATION FUND

SEC. 560. (a) LIMITATIONS ON AMOUNT OF CONTRIBUTION.—Of the amounts made available under "International Organizations and Programs" and "Child Survival and Health Programs Fund" for fiscal year 2006, $34,000,000 shall be made available for the United Nations Population Fund (hereafter in this section referred to as the "UNFPA"): *Provided*, That of this amount, not less than $25,000,000 shall be derived from funds appropriated under the heading "International Organizations and Programs".

(b) AVAILABILITY OF FUNDS.—Funds appropriated under the heading "International Organizations and Programs" in this Act that are available for UNFPA, that are not made available for UNFPA because of the operation of any provision of law, shall be transferred to "Child Survival and Health Programs Fund" and shall be made available for family planning, maternal, and reproductive health activities, subject to the regular notification procedures of the Committees on Appropriations.

(c) PROHIBITION ON USE OF FUNDS IN CHINA.—None of the funds made available under "International Organizations and Programs" may be made available for the UNFPA for a country program in the People's Republic of China.

(d) CONDITIONS ON AVAILABILITY OF FUNDS.—Amounts made available under "International Organizations and Programs" for fiscal year 2006 for the UNFPA may not be made available to UNFPA unless—

(1) the UNFPA maintains amounts made available to the UNFPA under this section in an account separate from other accounts of the UNFPA;

(2) the UNFPA does not commingle amounts made available to the UNFPA under this section with other sums; and

(3) the UNFPA does not fund abortions.

WAR CRIMINALS

SEC. 561. (a)(1) None of the funds appropriated or otherwise made available pursuant to this Act may be made available for assistance, and the Secretary of the Treasury shall instruct the United States executive directors to the international financial institutions to vote against any new project involving the extension by such institutions of any financial or technical assistance, to any country, entity, or municipality whose competent authorities have failed, as determined by the Secretary of State, to take necessary and significant steps to implement its international legal obligations to apprehend and transfer to the International Criminal Tribunal for the former Yugoslavia (the "Tribunal") all persons in their territory who have been indicted by the Tribunal and to otherwise cooperate with the Tribunal.

(2) The provisions of this subsection shall not apply to humanitarian assistance or assistance for democratization.

(b) The provisions of subsection (a) shall apply unless the Secretary of State determines and reports to the appropriate congressional committees that the competent authorities of such country, entity, or municipality are—

(1) cooperating with the Tribunal, including access for investigators to archives and witnesses, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension; and

(2) are acting consistently with the Dayton Accords.

(c) Not less than 10 days before any vote in an international financial institution regarding the extension of any new project involving financial or technical assistance or grants to any country or entity described in subsection (a), the Secretary of the Treasury, in consultation with the Secretary of State, shall provide to the Committees on Appropriations a written justification for the proposed assistance, including an explanation of the United States position regarding any such vote, as well as a description of the location of the proposed assistance by municipality, its purpose, and its intended beneficiaries.

(d) In carrying out this section, the Secretary of State, the Administrator of the United States Agency for International Development, and the Secretary of the Treasury shall consult with representatives of human rights organizations and all government agencies with relevant information to help prevent indicted war criminals from benefiting from any financial or technical assistance or grants provided to any country or entity described in subsection (a).

(e) The Secretary of State may waive the application of subsection (a) with respect to projects within a country, entity, or municipality upon a written determination to the Committees on Appropriations that such assistance directly supports the implementation of the Dayton Accords.

(f) DEFINITIONS.—As used in this section:

(1) COUNTRY.—The term "country" means Bosnia and Herzegovina, Croatia and Serbia.

(2) ENTITY.—The term "entity" refers to the Federation of Bosnia and Herzegovina, Kosovo, Montenegro and the Republika Srpska.

(3) MUNICIPALITY.—The term "municipality" means a city, town or other subdivision within a country or entity as defined herein.

(4) DAYTON ACCORDS.—The term "Dayton Accords" means the General Framework Agreement for Peace in Bosnia and Herzegovina, together with annexes relating thereto, done at Dayton, November 10 through 16, 1995.

USER FEES

SEC. 562. The Secretary of the Treasury shall instruct the United States Executive Director at each international financial institution (as defined in section 1701(c)(2) of the International Financial Institutions Act) and the International Monetary Fund to oppose any loan, grant, strategy or policy of these institutions that would require user fees or service charges on poor people for primary education or primary healthcare, including prevention and treatment efforts for HIV/AIDS, malaria, tuberculosis, and infant, child, and maternal well-being, in connection with the institutions' financing programs.

FUNDING FOR SERBIA

SEC. 563. (a) Funds appropriated by this Act may be made available for assistance for the central Government of Serbia after May 31, 2006, if the President has made the determination and certification contained in subsection (c).

(b) After May 31, 2006, the Secretary of the Treasury should instruct the United States executive directors to the international financial institutions to support loans and assistance to the Government of Serbia and Montenegro subject to the conditions in subsection (c): *Provided*, That section 576 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997, as amended, shall not apply to the provision of loans and assistance to the Government of Serbia and Montenegro through international financial institutions.

(c) The determination and certification referred to in subsection (a) is a determination by the President and a certification to the Committees on Appropriations that the Government of Serbia and Montenegro is—

(1) cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension, including making all practicable efforts to apprehend and transfer Ratko Mladic;

(2) taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions; and

(3) taking steps to implement policies which reflect a respect for minority rights and the rule of law.

(d) This section shall not apply to Montenegro, Kosovo, humanitarian assistance or assistance to promote democracy.

COMMUNITY-BASED POLICE ASSISTANCE

SEC. 564. (a) AUTHORITY.—Funds made available by this Act to carry out the provisions of chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961, may be used, notwithstanding section 660 of that Act, to enhance the effectiveness and accountability of civilian police authority through training and technical assistance in human rights, the rule of law, strategic planning, and through assistance to foster civilian police roles that support democratic governance including assistance for programs to prevent conflict, respond to disasters, address gender-based violence, and foster improved police relations with the communities they serve.

(b) NOTIFICATION.—Assistance provided under subsection (a) shall be subject to prior consultation with, and the regular notification procedures of, the Committees on Appropriations.

SPECIAL DEBT RELIEF FOR THE POOREST

SEC. 565. (a) AUTHORITY TO REDUCE DEBT.—The President may reduce amounts owed to the United States (or any agency of the United States) by an eligible country as a result of—

(1) guarantees issued under sections 221 and 222 of the Foreign Assistance Act of 1961;

(2) credits extended or guarantees issued under the Arms Export Control Act; or

(3) any obligation or portion of such obligation, to pay for purchases of United States agricultural commodities guaranteed by the Commodity Credit Corporation under export credit guarantee programs authorized pursuant to section 5(f) of the Commodity Credit Corporation Charter Act of June 29, 1948, as amended, section 4(b) of the Food for Peace Act of 1966, as amended (Public Law 89-808), or section 202 of the Agricultural Trade Act of 1978, as amended (Public Law 95-501).

(b) LIMITATIONS.—

(1) The authority provided by subsection (a) may be exercised only to implement multilateral official debt relief and referendum agreements, commonly referred to as "Paris Club Agreed Minutes".

(2) The authority provided by subsection (a) may be exercised only in such amounts or to such extent as is provided in advance by appropriations Acts.

(3) The authority provided by subsection (a) may be exercised only with respect to countries with heavy debt burdens that are eligible to borrow from the International Development Association, but not from the International Bank for Reconstruction and Development, commonly referred to as "IDA-only" countries.

(c) CONDITIONS.—The authority provided by subsection (a) may be exercised only with respect to a country whose government—

(1) does not have an excessive level of military expenditures;

(2) has not repeatedly provided support for acts of international terrorism;

(3) is not failing to cooperate on international narcotics control matters;

(4) (including its military or other security forces) does not engage in a consistent pattern of gross violations of internationally recognized human rights; and

(5) is not ineligible for assistance because of the application of section 527 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

(d) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to the funds appropriated by this Act under the heading "Debt Restructuring".

(e) CERTAIN PROHIBITIONS INAPPLICABLE.—A reduction of debt pursuant to subsection (a) shall not be considered assistance for the purposes of any provision of law limiting assistance to a country. The authority provided by subsection (a) may be exercised notwithstanding section 620(r) of the Foreign Assistance Act of 1961 or section 321 of the International Development and Food Assistance Act of 1975.

AUTHORITY TO ENGAGE IN DEBT BUYBACKS OR SALES

SEC. 566. (a) LOANS ELIGIBLE FOR SALE, REDUCTION, OR CANCELLATION.—

(1) AUTHORITY TO SELL, REDUCE, OR CANCEL CERTAIN LOANS.—Notwithstanding any other provision of law that restricts assistance to foreign countries, the President may, in accordance with this section, sell to any eligible purchaser any concessional loan or portion thereof made before January 1, 1995, pursuant to the Foreign Assistance Act of 1961, to the government of any eligible country as defined in section 702(6) of that Act or on receipt of payment from an eligible purchaser, reduce or cancel such loan or portion thereof, only for the purpose of facilitating—

(A) debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps; or

(B) a debt buyback by an eligible country of its own qualified debt, only if the eligible country uses an additional amount of the local currency of the eligible country, equal to not less than 40 percent of the price paid for such debt by such eligible country, or the difference between the price paid for such debt and the face value of such debt, to support activities that link conservation and sustainable use of natural resources with local community development, and child survival and other child development, in a manner consistent with sections 707 through 710 of the Foreign Assistance Act of 1961, if the sale, reduction, or cancellation would not contravene any term or condition of any prior agreement relating to such loan.

(2) TERMS AND CONDITIONS.—Notwithstanding any other provision of law, the President shall, in accordance with this section, establish the terms and conditions under which loans may be sold, reduced, or canceled pursuant to this section.

(3) ADMINISTRATION.—The Facility, as defined in section 702(8) of the Foreign Assistance Act of 1961, shall notify the administrator of the agency primarily responsible for administering part I of the Foreign Assistance Act of 1961 of purchasers that the President has determined to be eligible, and shall direct such agency to carry out the sale, reduction, or cancellation of a loan pursuant to this section. Such agency shall make adjustment in its accounts to reflect the sale, reduction, or cancellation.

(4) LIMITATION.—The authorities of this subsection shall be available only to the extent that appropriations for the cost of the modification, as defined in section 502 of the Congressional Budget Act of 1974, are made in advance.

(b) DEPOSIT OF PROCEEDS.—The proceeds from the sale, reduction, or cancellation of any loan sold, reduced, or canceled pursuant to this section shall be deposited in the United States Government account or accounts established for the repayment of such loan.

(c) ELIGIBLE PURCHASERS.—A loan may be sold pursuant to subsection (a)(1)(A) only to a purchaser who presents plans satisfactory to the President for using the loan for the purpose of engaging in debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(d) DEBTOR CONSULTATIONS.—Before the sale to any eligible purchaser, or any reduction or cancellation pursuant to this section, of any loan made to an eligible country, the President should consult with the country concerning the amount of loans to be sold, reduced, or canceled and their uses for debt-for-equity swaps, debt-for-development swaps, or debt-for-nature swaps.

(e) AVAILABILITY OF FUNDS.—The authority provided by subsection (a) may be used only with regard to funds appropriated by this Act under the heading "Debt Restructuring".

BASIC EDUCATION

SEC. 567. Of the funds appropriated by title II of this Act, not less than $465,000,000 shall be made available for basic education, of which not less than $250,000 shall be provided to the Comptroller General of the United States to prepare an analysis of United States funded international basic education programs: *Provided*, That the analysis, which should be submitted to the Committee within nine months of enactment of this Act, shall include, but not be limited to:

(1) the amount of funds provided for basic education by all United States Government agencies in fiscal years 2001, 2002, 2003, 2004, and 2005;

(2) a country-by-country and project-by-project breakdown of such funds;

(3) an analysis of host country contributions to education at the local, provincial, and federal level;

(4) the amount of funds, including loans, provided for basic education by other major bilateral donors and multilateral institutions, including United Nations agencies and the World Bank Group, including a historical view of such levels;

(5) an analysis of United States efforts to increase the commitment of other major bilateral donors and multilateral institutions to basic education;

(6) an analysis of how various United States Government agencies coordinate in the provision of such assistance, including how such coordination contributes to achievement of the Millennium Development Goals with respect to basic education;

(7) an analysis of the effect of the quadrupling of United States assistance for basic education since fiscal year 2001 on education programs in the developing world; and

(8) recommendations on the content and structure of United States assistance that would increase its effectiveness in promoting literary and numeracy.

RECONCILIATION PROGRAMS

SEC. 568. Of the funds appropriated under the heading "Economic Support Fund", not less than $15,000,000 should be made available to support reconciliation programs and activities which bring together individuals of different ethnic, religious, and political backgrounds from areas of civil conflict and war.

SUDAN

SEC. 569. (a) AVAILABILITY OF FUNDS.—Of the funds appropriated by title II of this Act, not less than $367,000,000 should be made available for assistance for Sudan.

(b) LIMITATION ON ASSISTANCE.—Subject to subsection (c):

(1) Notwithstanding section 501(a) of the International Malaria Control Act of 2000 (Public Law 106–570) or any other provision of law that restricts funds for foreign countries, none of the funds appropriated by this Act may be made available for assistance for the Government of Sudan.

(2) None of the funds appropriated by this Act may be made available for the cost, as defined in section 502, of the Congressional Budget Act of 1974, of modifying loans and loan guarantees held by the Government of Sudan, including the cost of selling, reducing, or canceling amounts owed to the United States, and modifying concessional loans, guarantees, and credit agreements.

(c) Subsection (b) shall not apply if the Secretary of State determines and certifies to the Committees on Appropriations that—

(1) the Government of Sudan has taken significant steps to disarm and disband government-supported militia groups in the Darfur region;

(2) the Government of Sudan and all government-supported militia groups are honoring their commitments made in the cease-fire agreement of April 8, 2004; and

(3) the Government of Sudan is allowing unimpeded access to Darfur to humanitarian aid organizations, the human rights investigation and humanitarian teams of the United Nations, including protection officers, and an international monitoring team that is based in Darfur and that has the support of the United States.

(d) EXCEPTIONS.—The provisions of subsection (b) shall not apply to—

(1) humanitarian assistance;

(2) assistance for Darfur and for areas outside the control of the Government of Sudan; and

(3) assistance to support implementation of the Comprehensive Peace Agreement.

(e) DEFINITIONS.—For the purposes of this Act and section 501 of Public Law 106–570, the terms "Government of Sudan", "areas outside of control of the Government of Sudan", and "area in Sudan outside of control of the Government of Sudan" shall have the same meaning and application as was the case immediately prior to June 5, 2004, and, Southern Kordofan/Nuba Mountains State, Blue Nile State and Abyei shall be deemed "areas outside of control of the Government of Sudan".

TRADE CAPACITY BUILDING

SEC. 570. Of the funds appropriated by this Act, under the headings "Trade and Development Agency", "Development Assistance", "Transition Initiatives", "Economic Support Fund", "International Affairs Technical Assistance", and "International Organizations and Programs", not less than $522,000,000 should be made available for trade capacity building assistance: *Provided*, That $20,000,000 of the funds appropriated in this Act under the heading "Economic Support Fund" shall be made available for labor and environmental capacity building activities relating to the free trade agreement with the countries of Central America and the Dominican Republic.

EXCESS DEFENSE ARTICLES FOR CENTRAL AND SOUTH EUROPEAN COUNTRIES AND CERTAIN OTHER COUNTRIES

SEC. 571. Notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)), during fiscal year 2006, funds available to the Department of Defense may be expended for crating, packing, handling, and transportation of excess defense articles transferred under the authority of section 516 of such Act to Albania, Afghanistan, Bulgaria, Croatia, Estonia, Former Yugoslavian Republic of Macedonia, Georgia, India, Iraq, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Pakistan, Romania, Slovakia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

CUBA

SEC. 572. None of the funds appropriated by this Act under the heading "International Narcotics Control and Law Enforcement" may be made available for assistance to the Government of Cuba.

GENDER-BASED VIOLENCE TRAINING

SEC. 573. Programs funded under titles II and III of this Act that provide training for foreign police, judicial, and military officials, shall include instruction on how to address incidences and victims of gender-based violence: *Provided*, That the Secretary of State, in consultation with the Secretary of Defense, shall report to the Committee on Appropriations, no later than 180 days after enactment of this Act, how such instruction is being incorporated into programs funded under titles II and III of this Act.

LIMITATION ON ECONOMIC SUPPORT FUND ASSISTANCE FOR CERTAIN FOREIGN GOVERNMENTS THAT ARE PARTIES TO THE INTERNATIONAL CRIMINAL COURT

SEC. 574. (a) None of the funds made available in this Act in title II under the heading "Economic Support Fund" may be used to provide assistance to the government of a country that is a party to the International Criminal Court and has not entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(b) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a North Atlantic Treaty Organization ("NATO") member country, a major non-NATO ally (including Australia, Egypt, Israel, Japan, Jordan, Argentina, the Republic of Korea, and New Zealand), Taiwan, or such other country as he may determine if he determines and reports to the appropriate congressional committees that it is important to the national interests of the United States to waive such prohibition.

(c) The President may, with prior notice to Congress, waive the prohibition of subsection (a) with respect to a particular country if he determines and reports to the appropriate congressional committees that such country has entered into an agreement with the United States pursuant to Article 98 of the Rome Statute preventing the International Criminal Court from proceeding against United States personnel present in such country.

(d) The prohibition of this section shall not apply to countries otherwise eligible for assistance under the Millennium Challenge Act of 2003, notwithstanding section 606(a)(2)(B) of such Act.

TIBET

SEC. 575. (a) The Secretary of the Treasury should instruct the United States executive director to each international financial institution to use the voice and vote of the United States to support projects in Tibet if such projects do not provide incentives for the migration and settlement of non-Tibetans into Tibet or facilitate the transfer of ownership of Tibetan land and natural resources to non-Tibetans; are based on a thorough needs-assessment; foster self-sufficiency of the Tibetan people and respect Tibetan culture and traditions; and are subject to effective monitoring.

(b) Notwithstanding any other provision of law that restricts assistance to foreign countries, not less than $4,000,000 of the funds appropriated by this Act under the heading "Economic Support Fund" should be made available to nongovernmental organizations to support activities which preserve cultural traditions and promote sustainable development and environmental conservation in Tibetan communities in the Tibetan Autonomous Region and in other Tibetan communities in China.

CENTRAL AMERICA

SEC. 576. Of the funds appropriated by this Act under the headings "Child Survival and Health Programs Fund" and "Development Assistance", not less than the amount of funds initially allocated pursuant to section 653(a) of the Foreign Assistance Act of 1961 for fiscal year 2005 should be made available for El Salvador, Guatemala, Nicaragua and Honduras.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT MANAGEMENT

SEC. 577. (a) AUTHORITY.—Up to $75,000,000 of the funds made available in this Act to carry out the provisions of part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used by the United States Agency for International Development (USAID) to hire and employ individuals in the United States and overseas on a limited appointment basis pursuant to the authority of sections 308 and 309 of the Foreign Service Act of 1980.

(b) RESTRICTIONS.—

(1) The number of individuals hired in any fiscal year pursuant to the authority contained in subsection (a) may not exceed 175.

(2) The authority to hire individuals contained in subsection (a) shall expire on September 30, 2008.

(c) CONDITIONS.—The authority of this section may only be used to the extent that an equivalent number of positions that are filled by personal services contractors or other nondirect-hire employees of USAID, who are compensated with funds appropriated to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", are eliminated.

(d) PRIORITY SECTORS.—In exercising the authority of this section, primary emphasis shall be placed on enabling USAID to meet personnel positions in technical skill areas currently encumbered by contractor or other nondirect-hire personnel.

(e) CONSULTATIONS.—The USAID Administrator shall consult with the Committees on Appropriations at least on a quarterly basis concerning the implementation of this section.

(f) PROGRAM ACCOUNT CHARGED.—The account charged for the cost of an individual hired and employed under the authority of this section shall be the account to which such individual's responsibilities primarily relate. Funds made available to carry out this section may be transferred to and merged and consolidated with funds appropriated for "Operating Expenses of the United States Agency for International Development".

(g) DISASTER SURGE CAPACITY.—Funds appropriated by this Act to carry out part I of the Foreign Assistance Act of 1961, including funds appropriated under the heading "Assistance for Eastern Europe and the Baltic States", may be used, in addition to funds otherwise available for such purposes, for the cost (including the support costs) of individuals detailed to or employed by the United States Agency for International Development whose primary responsibility is to carry out programs in response to natural disasters.

HIPC DEBT REDUCTION

SEC. 578. Section 501(b) of H.R. 3425, as enacted into law by section 1000(a)(5) of division B of Public Law 106–113 (113 Stat. 1501A–311), is amended by adding at the end the following new paragraph:

"(5) The Act of March 11, 1941 (chapter 11; 55 Stat. 31; 22 U.S.C. 411 et seq.; commonly known as the 'Lend-Lease Act')."

OPIC TRANSFER AUTHORITY

(INCLUDING TRANSFER OF FUNDS)

SEC. 579. Whenever the President determines that it is in furtherance of the purposes of the Foreign Assistance Act of 1961, up to a total of $20,000,000 of the funds appropriated under title II of this Act may be transferred to and merged with funds appropriated by this Act for the Overseas Private Investment Corporation Program Account, to be subject to the terms and conditions of that account: *Provided*, That such funds shall not be available for administrative expenses of the Overseas Private Investment Corporation: *Provided further*, That funds earmarked by this Act shall not be transferred pursuant to this section: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

CONFLICT RESPONSE

(INCLUDING TRANSFER OF FUNDS)

SEC. 580. Whenever the Secretary of State determines that it is in the national interest of the United States, the Secretary is authorized to furnish reconstruction and stabilization assistance, on such terms and conditions as the Secretary may determine, for the purpose of preventing, responding to, or enabling transition from conflict or civil strife in foreign countries or regions: *Provided*, That the Secretary may transfer up to $100,000,000 among accounts of the Department of State and to other Federal agencies as necessary to carry out these authorities: *Provided further*, That pursuant to a determination by the Secretary of State that it is in the national interest of the United States to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife assistance provided under this paragraph, as well as assistance provided with funds appropriated under titles II and III of this Act for countries subject to a determination made under this paragraph, may be used: *Provided further*, That the exercise of such authority shall be subject to the regular notification procedures of the Committees on Appropriations.

RESCISSION

SEC. 581. Of the funds provided in title II of Public Law 108–447, under the heading "Other Bilateral Economic Assistance, Economic Support Fund", $64,000,000 is hereby rescinded.

ANTICORRUPTION PROVISIONS

SEC. 582. Twenty-five percent of the funds appropriated by this Act under the headings "International Development Association", shall be withheld from obligation until the Secretary of the Treasury certifies to the appropriate congressional committees that—

(a) World Bank procurement guidelines are applied to all procurement financed in whole or in part by a loan from the International Bank for Reconstruction and Development (IBRD) or a credit agreement or grant from the International Development Association (IDA);

(b) the World Bank proposal "Increasing the Use of Country Systems in Procurement" dated March 2005 has been withdrawn;

(c) the World Bank is maintaining a strong central procurement office staffed with senior experts who are designated to address commercial concerns, questions, and complaints regarding procurement procedures and payments under IDA and IBRD projects;

(d) thresholds for international competitive bidding are established to maximize international competitive bidding in accordance with sound procurement practices, including transparency, competition, and cost-effective results for the Borrowers;

(e) all tenders under the World Bank's national competitive bidding provisions are subject to the same advertisement requirements as tenders under international competitive bidding; and

(f) loan agreements are made public between the World Bank and the Borrowers.

The Acting CHAIRMAN. Are there any points of order?

POINT OF ORDER

Mr. JENKINS. Mr. Chairman, I have a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. JENKINS. Mr. Chairman, I make a point of order against what was left unprotected by H. Res. 341 in section 565 that begins on page 113, line 26, through page 114, line 10, for the reason that it violates rule XXI, clause 2, which prohibits legislative language in a general appropriations bill.

The Acting CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. KOLBE. Mr. Chairman, I concede the point of order.

The Acting CHAIRMAN. The point of order is conceded and sustained. The provision is stricken from the bill.

AMENDMENT OFFERED BY MR. BEAUPREZ

Mr. BEAUPREZ. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEAUPREZ:

Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

SEC.   . None of the funds made available in this Act for the Department of State may be used to provide assistance to any country the government of which has notified the Department of State of its refusal to extradite to the United States any individual accused in the United States of killing a law enforcement officer, as specified in a United States extradition request.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. BEAUPREZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to first of all acknowledge the hard work and dedication of the chairman, the gentleman from Arizona (Mr. KOLBE), and the ranking member, the gentlewoman from New York (Mrs. LOWEY), for their dedication and the construction of a very, very good bill.

But I rise tonight with an amendment, and the intent of this amendment is very, very simple. It is to return cop killers back to the United States to stand trial in our country, the same country in which they committed their unthinkable crime.

The problem was brought to my attention last month after Denver Police Detective Donnie Young was allegedly executed by Raul Gomez-Garcia. After killing Detective Young and shooting and wounding his partner, Gomez-Garcia fled to Mexico, where he was tracked down and arrested weeks later. The Mexican Government now refuses to extradite him back to the U.S. if there is any chance he could spend life in prison without parole. Detective Young's widow and his two children now face the further tragedy of either partial justice or no justice at all being served to her husband's killer.

In another case, in 2002, a convicted felon who had been deported three times allegedly shot and killed a Los Angeles County sheriff following a routine traffic stop before fleeing to Mexico, where he remains today, essentially escaping justice.

The U.S. should not be forced to plea bargain with other countries in order to try criminals, especially cop killers, in our own courts. As a good neighbor, Mexico should live up to their end of our extradition treaty. Killing a police officer is one of the most egregious crimes, and we should have the right to seek justice for the families of the slain officers.

The U.S. is not obliged to give foreign aid, and we should not reward nations giving safe haven to cop killers. I ask my colleagues to vote for this commonsense amendment that will bring help and peace and justice to those who deserve it most.

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Mr. Chairman, I certainly appreciate the gentleman's leadership in the State of Colorado and here in Washington, D.C. on this issue, about fighting to protect our law enforcement officers.

There is a growing problem in this Nation where criminals will commit violent crimes, including murdering law enforcement officers, and flee to nations that refuse to extradite to the United States those criminals because of our tough sentencing laws, including mandatory minimum sentences.

This amendment is simple: it will not allow taxpayer funds to go to nations that refuse to stand with us against the vile act of murdering law enforcement officers.

Law enforcement officers across this country are bravely fighting crime, responding to emergencies, and protecting our rights. We have an opportunity to stand up for them with this amendment here today. When countries do not extradite their criminals, it actually creates a twisted incentive to be even more violent in their crimes. The more violent the crime, the tougher the sentence here in the United States; and the tougher the sentence, the less likely they are to be subject to extradition.

The Beauprez-McHenry amendment will apply the pressure that usually gets the best results, and that is withholding tax dollars to those countries. I, for one, think it is prudent and just that we require nations to extradite cop killers before receiving aid through this appropriations process.

Again, I applaud my colleague, the gentleman from Colorado (Mr. BEAUPREZ). I certainly appreciate his representation of his constituents in Colorado. I thank him for his leadership and friendship, and I urge my colleagues to vote for the Beauprez-McHenry amendment when the time comes and protect our law enforcement officers across this Nation.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do rise in strong opposition to the gentleman's amendment that would cut off assistance for U.S. programs in Mexico, and let us make it clear that Mexico is the country we are talking about today, no other.

The amendment is based on the wrong assumption that U.S. foreign assistance to Mexico is only in Mexico's national interests. I am here to say that the funding in this amendment prohibits the United States' national interest, so I would urge my colleagues to vote "no".

President Bush and his Office of National Drug Control Policy are fully supportive of the assistance we provide in this bill for the country of Mexico. The bulk of that assistance takes the form of international narcotics and law enforcement, roughly around $40 million. There is another $11 million in ESF funds that support democracy and the rule-of-law programs. Around $22 million supports child survival and development programs. All of these resources are central to the U.S. national interest.

This amendment could directly cut off $40 million in resources that are essential for our counternarcotics assistance, law enforcement assistance, and border securities. We do not, in other words, with this amendment, gain any kind of leverage over the country of Mexico.

I highlight the fact that this assistance is more for us than Mexico because the objective of this assistance is to increase U.S. national and border security, something I am acutely aware of, living along the border. Cutting off these funds would be very shortsighted and would serve to hurt U.S. interests, not the interests of Mexico.

For decades, the U.S.-Mexico relationship was one of acrimony, distrust, and a lack of good working relationship to meet the challenges of the enormous border relationship between our two countries.

Only with the passage of NAFTA, 10 years ago, were we able to write a new chapter in U.S.-Mexico relations. We started down a path of deeper cooperation in order to spur development in Mexico, secure our shared borders, and fight the flow of illegal drugs across our territories.

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Passage of this amendment could have a devastating impact on that effort to stop the flow of drugs.

I would point out that Mexico has offered tremendous cooperation in improving border security and counterterrorism efforts. Let me cite just a couple of things. During the threat to aviation security at the end of 2003, Mexico worked closely with the U.S. Government canceling some flights, Air Mexico flights to Los Angeles and stepping up passenger screening. They stopped those flights in direct response to our request. At the commencement of the war in Iraq, the Government of Mexico implemented a plan and its military assumed a higher state of alert for potential targets of international terrorism, including key infrastructure sites and centers of tourism. Third, multilaterally, Mexico is party to all 12 United States conventions and protocols against terrorism and has hosted several conferences on security.

I believe this amendment would undermine the spirit of cooperation and the degree of cooperation that we have achieved, and I do not think this amendment reflects the priorities of the national interest of the United States. I would urge my colleagues to vote "no" on it.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I rise to associate myself with the comments of the chairman. I think that this amendment would be detrimental to the national security, and I urge my colleagues to defeat it.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time.

Mr. BEAUPREZ. Mr. Chairman, I yield myself the remaining time.

I could not agree more with the chairman that this is more for the U.S.

than it is for our neighbors. I also want to state for the record that I have enormous fondness for our neighbors to the south. I have 20 percent Hispanics in my district and many of them came from Mexico. One of my earliest childhood memories is of migrant workers sitting around our kitchen table at our farm, my mother cooking them lunch as they harvested our crops, thrashing the grain crop from our dairy farm. I have great fondness for them but, I also believe, as the gentleman stated, in the rule of law.

Let me quote Steve Cooley, the Los Angeles District Attorney. "As you are aware, the Mexican Supreme Court unilaterally altered the Extradition Treaty in 2001." He goes on to say, "This decision and its application to the Extradition Treaty between the United States and Mexico is clearly violative of the Treaty."

That is what we are talking about tonight. We have a treaty in place. Good neighbors mean what they say and say what they mean, and live by treaties that are reached.

This amendment is all about just being honest and fair-dealing with good friends. We intend to be a good friend of Mexico and other nations around the globe. We will live by our treaties, and we ask that they live by theirs.

I urge my colleagues to support my amendment.

Mr. KOLBE. Mr. Chairman, I yield myself the remaining time.

I would just briefly close by citing just a few statistics on extraditions. I have had the privilege over the last 10 years now of serving as chairman of the U.S.-Mexico Interparliamentary meeting. I can remember when I first started attending 20 years ago, extradition was the issue that we are always talking about. We do not talk about that very much anymore, and the reason is very simple.

The first 14 years of the Extradition Treaty with Mexico, from 1980 to 1994, a total of 14 years, Mexico extradited eight, a total of eight fugitives to the United States. Between 1996 and 2000, Mexico extradited an annual average of 13 fugitives each year to the United States.

Mexico has extradited more fugitives every year between 1996 and 2000 than in the first 15 years of the Bilateral Extradition Treaty combined. In 2004 they extradited a record 34 fugitives to the U.S., up from the record numbers of 17 in 2001, a record number of 25 in 2002, and 31 in 2003. These include 19 Mexican nationals and 17 narcotics defendants.

So I think there is no question that Mexico is doing what they can do. Can there be more done? Can they do better? Do we have areas of disagreement? Yes, we do, and one of these issues is the matter of the length of term for which a person may be sentenced to prison. We are working with them on that.

But I would urge my colleagues that this amendment is certainly not going to help us get a cooperative attitude with Mexico if it were to pass. I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. HEFLEY). The question is on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. BEAUPREZ. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ) will be postponed.

PARLIAMENTARY INQUIRY

Mr. WEINER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. WEINER. Is this the appropriate place in the reading for a limiting amendment?

The Acting CHAIRMAN. The gentleman may offer his amendment.

AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WEINER:

At the end of the bill (before the short title), insert the following:

PROHIBITION AGAINST DIRECT FUNDING FOR SAUDI ARABIA

SEC. . None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance any assistance to Saudi Arabia.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. WEINER) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, perhaps the more appropriate question about this amendment is not why should we restrict any funds in this bill from going to the Nation of Saudi Arabia, but why should we allow any funds from this or any other budget to be going to Saudi Arabia.

There is not much in the bill, but there is $25,000 for the Saudis, the IMET program. More importantly, that money triggers allocations in future bills that permit the Saudis to buy U.S. arms at a discounted rate.

The administration, when they were asked to justify why we would give any money to a nation that exports terror, a nation that is getting almost $60 for a barrel of crude oil, here is what they say in their State Department budget justification: "While Saudi Arabia controls the world's largest oil reserve, it faces an increasing budget pressure."

So I guess one of the reasons we are providing aid to the Saudis is because of their budget pressures.

Frankly, we have heard a great deal over the course of years; in fact, the distinguished chairman of the subcommittee, who has done a terrific job on this bill in many ways, has argued in the past that the Saudis are doing better, they are doing better at cracking down on crime. But on May 28 of 2005, Syria arrested 300 Saudis trying to cross the border into Iraq to join the Jihad against the United States. I would say to my colleagues in the House that if you are relying on Syria to crack down on terrorism against Saudi Arabia, you know you have trouble.

Recently, a report in The Washington Post analyzed all of the Web sites where Jihadists brag about their so-called martyrdom, places where they list those who have given their lives so that they can blow up others, including our troops. They concluded that 70 percent of the homicide bombers on Islamic extremist Web sites are Saudis. Sixty-one percent of the Arab martyrs in Iraq are Saudis. This is just in recent months, in recent times since our last bill passed.

According to Ambassador Dory Gold, in testimony before a Subcommittee of the House Committee on International Relations in July of 2003, at least 50 percent of the funding for Hamas is Saudi blood money.

We all know the history of Osama bin Laden. When he left Saudi Arabia, he did so with, by some estimates, nearly $1 billion of Saudi blood money which was subsequently used, as we know, to attack my city, and others.

The time has come for us to say once again, just as we did last year in this bill, no aid to Saudi Arabia, no aid to a country that exports Wahabisim, no aid to a country that exports terrorism, no aid to a country that has been worse than uncooperative in our efforts to control worldwide oil prices.

There is no other way to view the Saudis except as our enemies, not as our friends. Nothing, I think, was more troubling for many of us than to see the President waiting in Crawford, Texas for over an hour while the Crown Prince came and then gave a lecture to our President on the way to fight terrorism.

The way we in the House should fight terrorism is to not provide any more aid to the Saudis, and my amendment would do that.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

This is another one of those amendments that is difficult to speak against. I suppose, because we all have our problems with the record in Saudi Arabia. But it is also one that when we look at it in the cold light, I think we recognize that it does not do what it says it is going to do, it is symbolic, and the symbolism comes down on the wrong side.

In the past there have been elements, certainly, of the Saudi Government that have not been helpful to the United States in its Global War on Terrorism but, in the past few years, the Government of Saudi Arabia has greatly increased its efforts to root out terrorism and has increased its cooperation with the United States Government.

Now, this bill provides a really very small sum of $25,000 to the International Military Education and Training program, or IMET, to help train and increase military contracts with the Saudi military. Some would say, what could you possibly do for $25,000, and why do we not charge the Saudi Government for this training? In fact, that is exactly what we do. By providing this sum of $25,000, about the cost of training one officer, we allow them access to the program, and this results in Saudi Arabia spending approximately $13 million of its own funds on an annual basis to train over 400 students at U.S. military schools. This training exposes Saudi officers to U.S. military doctrines, training regimes, systems and, most importantly, to U.S. values.

With the Global War on Terrorism, now is not the time to turn our backs on those who have albeit belatedly, turned to us for assistance and cooperation. We need all the friends and the allies that we can get in this fight against terrorism. There is no question that the Saudi Arabian government has been remiss in the past in its commitments to combating terrorism, but that is changing and, above all, we need to be encouraging the change, not discouraging it, which is precisely, of course, what this amendment would do.

So let us not drive a wedge between the United States and the Arab regimes that are cooperating with us on the War on Terrorism. I urge that we defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Weiner amendment. This provision was included in the fiscal year 2005 Foreign Operations bill, and I believe it should be included again.

This is a common sense amendment. It sends a message to Saudi Arabia that the United States is serious about reform.

We impatiently await Saudi Government efforts to eliminate anti-Semitic and anti-Israel propaganda from its state-controlled media. We are looking for democratic reforms in Saudi Arabia, including reforms that would allow the women of that country a voice in shaping their country.

We still have not seen Saudi Arabia disavow its propaganda campaign against Christians and Jews, a campaign that is alive and well here in our very own country, as Saudi-exported materials inciting hatred and prejudice are made available at Saudi-supported American mosques.

In short, it is all carrot these days and too little sticks. The Weiner amendment provides some incentive for change in Saudi Arabia. I urge my colleagues to support the amendment.

Mr. Chairman, I am happy to yield to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I thank the gentlewoman, and I want to thank the gentleman from New York (Mr. WEINER) for introducing this amendment yet again, which I have supported year after year. I rise in strong support of this amendment.

No one is born knowing how to hate; it needs to be taught. The Saudi Kingdom, our purported partner in peace, have turned teaching hatred into a perverted art form. Saudi textbooks, official publications of the Education Ministry, paint a hate-filled, distorted portrait of a world in which Israel does not exist, the 9/11 attacks were perpetrated by a worldwide Zionist conspiracy, and the protocols of the Elders of Zion is taught as history.

Saudi Arabia's religious beliefs have banned Barbie dolls, calling them Jewish toys that are offensive to Islam.

Last year, Saudi Crown Prince Abdullah was quoted as telling Saudi television that "Zionists" were behind the attack at the oil facility at Yanbu. The Crown Prince was also quoted as saying, "Our country is targeted, you know who is behind all of this. It is Zionism."

Fifteen of the 19 9/11 attackers were Saudi nationals; we all know that. Knowing this, did the Saudi government express one word of remorse or regret to the families of the victims? No, not one word.

The Saudis and President Bush are constantly declaring to the United States that they are our partners in the War on Terrorism. We are talking about the same Saudis that support, encourage, and finance terrorism, the same Saudis that exude racist and anti-Semitic hatred, the same Saudis that have the worst record on the planet when it comes to religious intolerance, racial intolerance, and discrimination against women.

Our world will never be safe when children are taught hatred and disdain, when the terrorist mission of death and destruction is being funded by the Saudis.

It is unbelievable to me that we continue to pretend that they are our allies, and it is completely inexplicable that one penny of American taxpayer money is going to Saudi Arabia.

I do not want my taxpayer dollars going to the Saudis, and I do not want anyone else's. Let us pass this and send a strong message to our so-called partner in peace that either they are with us or they are against us. They cannot have it both ways, and neither can our administration.

Mrs. LOWEY. Mr. Chairman, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Chairman, I want to respond to a couple of things that the chairman said.

For 3 years now, I have heard the argument for continued support for the Saudis as two somewhat contradictory positions. One, it is not a lot of money; and two, they are getting better.

Well, I think it is incumbent upon all of us, particularly in this bill when we are already short-funded, to justify why it is we provide any money at all if they are not an ally. If they are not espousing U.S. American views, if they are not improving democracy, what are they doing? I will tell you what they are doing, Mr. Chairman. They are traveling to Iraq and blowing up our troops.

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That is not according to me; that is according to their own bragging Web sites and The Washington Post assessment about who they are. There is a dramatic increase in the amount of violence since we offered this bill last year, not a decline. There is a dramatic increase in the exporting of Wahabiism, not a decline. And there is no sign of greater cooperation. You know, a sign of great cooperation is not hiring a very expensive lobbyist here, running TV ads, running newspaper ads. A sign of cooperation is saying we are going to start cracking down on terror, not moving it out of our country into someone else's problem.

The problem that we face here, whether it is $25,000, $25 million or $25 billion, is we articulate our values in this bill. And our values are simply not to be supportive of the Saudi Arabian Government.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Chairman, I thank the gentleman for yielding time. I want to thank the chairman for his very good work on this bill. It is an excellent bill. I know they put an enormous amount of work into it, and I rise in support of this amendment because I think we can make it even better; and that is why I am joining the gentleman from New York in offering this amendment, the Weiner/Ferguson amendment; and I rise in strong support of the amendment.

The Kingdom of Saudi Arabia continues to be one of the largest financers of terrorism in the world. And the fact that this bill provides American dollars to this country for U.S.-subsidized military training is nothing short of astounding.

Our own government's reports chronicle Saudi Arabia's continuing human rights abuses, ongoing financing of terrorist groups, and exporting of terrorist ideologies. It is amazing that we are looking to Saudi Arabia, one of the wealthiest countries in the world, and giving them money out of our legislation. Now is not the time to reduce pressure on Saudi Arabia. Instead of rewarding the Saudi Government for financing terrorism and harboring terrorists, we should be holding them accountable for well-documented human rights abuses and terrorist connections.

I urge my colleagues to join me in supporting the Weiner/Ferguson amendment.

Mr. WEINER. Mr. Chairman, I yield myself the balance of my time.

First of all, let me just say to the chairman and the ranking member, they have done an excellent job with a limited budget. But I think we should give them an extra $25,000 to work with by saying that we are not going to provide comfort to the Saudis, we are not going to provide aid, taxpayer aid to the Saudi Arabians.

This is not just the position of a bipartisan group here in Congress. The Council on Foreign Relations has said for years individuals and charities based in Saudi Arabia have been the most important source of funds for al Qaeda.

The 9/11 Commission said Saudi Arabia is "a problematic ally in fighting Islamic extremism." Our own State Department says Hamas receives funding from "private benefactors in Saudi Arabia."

There is not probably an observer of the scene today that does not recognize that Saudi Arabia has done a very deft two-face game. They come here, they send us a moderate face. They have convinced, obviously, our State Department, who walks along almost in lock step with everything that they say.

We here in Congress should say we understand that we are going to start judging nations in the post-September 11 world by what they do, not by what they say. And what the Saudi Arabians have done is export Wahabiism to the United States, export terrorism to the troops in Iraq, and export terror all around the world.

Vote "yes" on the Weiner/Ferguson amendment. Let us finally put an end to it.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time.

I just want to try to reiterate one argument and add a point on another argument that has just been made by the gentleman from the other side. First, on the issue of the funding, the financing of this program, I hope that the comments that I made have dispensed with that. For $25,000, in other words, the country has access to the program, they become a part of the IMET program, we get a $13 million payment from the country. So it is not as though we are giving money to the country of Saudi Arabia. It is a legal process that they have to do to access the program; and to do that we have to provide training for one officer, then they are able to provide training for the hundreds of other officers that come to the United States, and they pay fully for them.

And that money is here in the United States and stays here in the United States where these people are being trained. So I think that is a pretty good rate of return on the investment, $25,000 getting you $13 million. The foreign aid argument is untrue. It has nothing to do with whether Saudi Arabia is a rich country or not. It has to do with whether or not these countries should be getting any kind of training. And I think the kind of training that we give in the IMET program is exactly the kind of training we ought to be giving to military officers of other countries including Saudi Arabia.

And on the last point, the gentleman from New York made the suggestion that these people from Saudi, he said, where are they going. We know where they are going. They are going to Iraq and blowing up our troops. The implication that somehow the Saudi Government is involved in an official way in blowing up our troops in Iraq is an absolutely outrageous statement and has no basis in fact whatsoever. And so I would reject this statement.

And I think on this basis alone this amendment ought to be defeated because we should not be saying to the Saudi Government that we believe that somehow you are involved in blowing up troops in Iraq.

Mr. WEINER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from New York.

Mr. WEINER. Mr. Chairman, I just want to make it very clear that it has been the Saudi policy to export their worst troublemakers like bin Laden, like Wahabiism, so that the problem is not turned inward. That is their policy.

Mr. KOLBE. Mr. Chairman, reclaiming my time, the statement is made. The gentleman from New York has just confirmed what I thought. The statement is that the Saudi Government is officially involved in helping to kill American troops in Iraq. And I think that statement is an absolute outrage, and I do not think there is any basis of fact whatever for that.

I would urge my colleagues to defeat this amendment. It does not belong here. We should not do it. We should not be sending this kind of signal. I urge defeat of this amendment.

Mr. CROWLEY. Mr. Chairman, I rise today to speak in strong support of the Weiner-Ferguson-Crowley-Israel Amendment on Saudi Arabia.

I ask my colleagues—how long is this Congress going to continue to provide the Saudis with aid when they provide us with little to no assistance in fighting the war on terror?

The Kingdom of Saudi Arabia says they are making progress, but yet everyday we see that the leading source of foreign insurgents in Iraq are coming from Saudi Arabia.

The Kingdom says that they are opening up to reforms and point to the holding of partial elections for town councils as an example of this supposed opening.

Surprising that no mention is made about how women are still not allowed to vote.

While all these supposed reforms and actions against terrorists are going on we saw the arrests of 13 Saudi intellectuals for simply calling for Saudi Arabia to evolve into a constitutional monarchy.

This country, a country with the vast reserves of the world oil supply, the same country charging my constituents $2.25 and more a gallon for gas at the pump, also receives foreign aid, to bring military officers here for training.

Training officers to defend a regime which doesn't give equal rights to women, to non-Muslims, which exports terror to Iraq, and Afghanistan, and most painful of all, jacks up the price for every gallon of gas at the gas pump for Americans.

Support the Weiner-Ferguson-Crowley-Israel amendment. Say no to foreign aid to Saudi Arabia.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WEINER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WEINER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. WEINER) will be postponed.

AMENDMENT OFFERED BY MR. OTTER

Mr. OTTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OTTER:

Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE FOR PALESTINIAN AUTHORITY AND THE PALESTINIAN PEOPLE

SEC. . (a) Notwithstanding any other provision of law—

(1) of the total amount of funds that are available in this Act for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people, not more than 25 percent of such amount may be obligated and expended during each quarter of fiscal year 2006; and

(2) none of the funds made available in this Act may be made available for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people during any quarter of fiscal year 2006 unless the Secretary of State determines that the Palestinian Authority has not provided support for acts of international terrorism during the three-month period preceding the first day of that quarter.

(b) In this section, the term "quarter of fiscal year 2006" means any three-month period beginning on—

(1) October 1, 2005;

(2) January 1, 2006;

(3) April 1, 2006; or

(4) July 1, 2006.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Idaho (Mr. OTTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Chairman, I yield myself such time as I may consume.

I want to join with my other colleagues in congratulating both the chairman and the ranking member for having put together a foreign ops bill that certainly had to be an arduous task. But like the amendment that preceded me, I think that my amendment can improve on a near-perfect piece of legislation.

So, Mr. Chairman, I rise today to correct what I believe to be a fatal flaw in the way we administer our foreign aid. We cannot truly be effective, either domestically or in our role as the world leader on the world stage, when our foreign aid policy forces us to support our friends while we are indiscriminately doling out money to our and their enemies at the same time.

All the effort we put into promoting peace and cooperation is meaningless without requiring accountability from the recipients of our assistance. U.S. foreign aid should be based on a recipient's demonstrated willingness to support the ideals and the aspirations for their regions. When we provide aid to a country, we should be able to expect a marked change in that country's behavior in keeping with our and their goals.

Let me give you an example of what I am talking about here. When my children were younger, I gave them a monthly allowance. Unlike gifts that they got at Christmastime and holidays, this was money that they had to earn themselves. And this allowance came with certain strings attached. It came with an understanding that I could expect certain behavior from them. On occasion, they would forget our bargain, and their behavior would not reflect the expectations that I had set for them. But when they did not receive their allowance the next month, they were quick to fix the problem so that we could all then once again live peacefully together.

Foreign aid is like an allowance which the United States is neither obligated to offer nor give, and which does not come without strings attached. And yet we continue to act as if we are required to hand out money to nations and people who actively oppose the principles of democracy and peace. And this practice must end.

Today we have a golden opportunity to change the way we address the issue of foreign aid because of some important changes and changes in leadership of the Palestinian Authority. We have an opportunity to further the development for a partnership for peace between our countries. In light of the renewed request on foreign aid, we should act now to infuse any aid with common sense and accountability so that we can advance the realistic goals that the President has set for the Middle East.

My amendment, Mr. Chairman, is the first step. It states that no more than 25 percent of the funds appropriated to the Palestinian Authority or any other Palestinian entities will be available to the Palestinians during each financial quarter. What that means is that every quarter, the four quarters of the year, one fourth of the money in this bill that would otherwise go in one lump sum to the Palestinian Authority, but one fourth is all that will be able to be advanced to them during any one quarter. And then it will be advanced to them so long as we have the Secretary of State who will determine that the Palestinian Authority has not participated in or supported any acts of international terrorism during the previous 3 months.

In other words, our expectation is that they should quit killing people. They should quit creating acts of terrorism. And for that, we will pay them.

We know right now that those folks are being paid $25,000 a piece to wrap a bomb around themselves and go get on a bus in their so-called enemy's territory. And so that is why, with that expectation, then we make the payment.

The President is working to achieve lasting peace in this region, realistically and, I believe, in good faith; and I applaud his efforts. But if we are going to see a change in the Middle East, our approach to foreign aid must change as well. What better time than now to change our attitude and the way that we hand out foreign aid.

I encourage you to take advantage of this opportunity to assist in the peace process by making sure that our assistance carries with it the weight of our principles.

Mr. KOLBE. Mr. Chairman, if the gentleman will yield, I do not have any comments. I would make a point of order, though, if the gentleman is not prepared to withdraw his amendment.

Mr. OTTER. Mr. Chairman, I appreciate the chairman giving me the opportunity to make the point. One of these days, one of these years, perhaps during my lifetime in the United States House of Representatives, I will be able to frame this amendment so that it will not have a point of order successfully placed against it. And I thank the chairman for that opportunity to explain my amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Idaho?

There was no objection.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK OF THE UNITED STATES TO APPROVE AN APPLICATION FOR A LONG-TERM LOAN OR LOAN GUARANTEE WITH RESPECT TO A NUCLEAR PROJECT IN THE PEOPLE'S REPUBLIC OF CHINA

SEC. 601. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to approve an application for a long-term loan or loan guarantee with respect to a nuclear project in the People's Republic of China.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

This tri-partisan amendment has widespread support across the ideological spectrum, from Democrats and Republicans, from progressives to conservatives. It is being cosponsored today by the gentleman from California (Mr. ROHRABACHER), the gentleman from Ohio (Mr. RYAN), the gentleman from Texas (Mr. PAUL), and the gentleman from Ohio (Mr. KUCINICH). It also is being supported by a number of leading national organizations including the National Taxpayers Union; Friends of the Earth; Citizens Against Government Waste; the Green Scissors Coalition; Taxpayers For Common Sense; and U.S. PIRG, the U.S. Public Interest Research Group.

Mr. Chairman, this amendment is simple and straightforward. It would prohibit the Export-Import Bank from providing corporate welfare for the construction of nuclear power plants in China.

Mr. Chairman, I think the rationale for supporting this amendment is obvious. At a time when we have a $7.7 trillion national debt and a record-breaking Federal deficit, it is not only absurd, but it is dangerous for the taxpayers of this country to be subsidizing the construction of nuclear power plants in China.

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Mr. Chairman, amazingly enough, the company involved here, Westinghouse Electric, which builds nuclear technology is owned by British National Fuels which itself is a company wholly owned by the British government. So we are dealing with the absurdity of American taxpayers who are in the midst of a record breaking deficit, subsidizing the British government, a nation which, to the best of my knowledge, is not made up of starving, desperate people in the developing world.

Mr. Chairman, there is no debate, but that when these four nuclear power plants will be built at a cost which involves an Export-Import loan of some $5 billion, that when these nuclear power plants will be built, the Chinese will own the technology. And a question that every Member of this Congress should be asking is, is it really in the best interest of the United States of America to provide advanced nuclear technology to China. Furthermore, the Chinese company which is building these four nuclear power plants, the Chinese national nuclear company has been tied to at least three instances of weapons proliferation involving Iran and Pakistan.

Mr. Chairman, I do not always agree with the National Taxpayers Union. But let me briefly summarize what they say in a letter that they sent to me today.

NTU has long advocated total elimination of taxpayer funding of the Export-Import Bank for the simple fact that American taxpayers should not be forced to subsidize the overseas operation of U.S. corporation or foreign governments. Considering the rapid pace of economic growth in China and its emergence as a strong force in the global business environment, it is particularly egregious to waste taxpayer dollars on such a project.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Arizona (Mr. KOLBE) seek to control the time in opposition?

Mr. KOLBE. Mr. Chairman, I do.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 15 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment. As he said, this amendment would prohibit the Export-Import Bank from supporting the sale of nuclear power plant and technology in China.

It was 6 years ago in 1998 during the Clinton administration that the U.S. lifted the ban on the export of civilian nuclear power plants and fuel to China. After we became satisfied that China had met the conditions of the 1985 U.S.-China agreement on peaceful nuclear cooperation.

Last September the Secretary of Energy and the Secretary of Commerce expressed their support for increasing trade with China in nuclear energy technology and for the export of U.S. civilian nuclear power plants. In February of this year the Ex-Im Board of Directors approved a preliminary commitment of $5 million from Westinghouse Electric Company to enable it to make a bid on the design and construction of four 1,000 megawatt commercial power reactors on two sites in China.

These reactors will be the first in a series of 26 new commercial power plants planned for construction through the year 2020. So we are looking at a very large possible export in business for United States businesses. We are in heavy competition. Westinghouse is in heavy competition with companies from France and from Russia to provide the same or similar kind of technology. This order would create or sustain, according to Westinghouse, about 5,000 jobs: 5,000 jobs in the United States at Westinghouse and its American suppliers.

Because I have heard the gentleman from Vermont (Mr. SANDERS) on the floor railing against outsourcing and the China trade deficit, I thought, here is an opportunity for us to do something about that, to create jobs here at home for us to make sure that we are selling things to China. But this amendment of course would make it impossible for Westinghouse conduct this business while, other countries would get the kind of commitments that they need from the government to protect those kind of investments. We, the U.S. Government, would not be doing so for Westinghouse.

There can be no question about it. Prohibiting the Export-Import Bank from supporting this and future transactions is going to have a tremendously negative impact on U.S. exporters and U.S. employment. And it is going to send a signal to businesses that they better not be doing business in China. Nothing could be worse for us.

I strongly urge us to defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this amendment. And with all due respect, we have been hearing this type of argument for 20 years. When are the American people going to demand that the Members of the United States Congress start watching out for the interests of the people of the United States and not some small group of elite Americans and international financiers who will make a profit off this in the short run, but in the long run will create the situation that we have found in China today and the situation we find ourselves in here.

For 20 years we have been told by trading and having economic relations with this monstrous dictatorship that we would see liberalization, that we would see a change in the policies that the Chinese government has towards its own people. What have we seen instead? It is the same massive dictatorship. This is the world's worst human rights abuser, and it is the last country in the world that we should be subsidizing American business in order to create business in that country.

The fact is we have seen jobs and businessmen in this country go to China because business leaders in this country will personally make a quick buck by betraying the American working people. That is what is happening here. How can we think they would do anything else?

This government, as we are hearing today, is subsidizing this. Now, when it comes to Westinghouse, when it comes to Westinghouse, this is not even an American company. And we are going to have the United States taxpayers subsidizing a British company in order to build a nuclear power plant or a series of nuclear power plants for communist China? This makes no sense at all. We should not be subsidizing it even if it was an American company.

What are the Chinese going to do when they get this technology from Westinghouse? I can tell you right now, it is certainly something that is acknowledged in the business community, they will start building those plants and they will copy every piece of technology that we have spent, the American taxpayers have spent, developing the technology, and the Chinese will just take it and copy it. That is why today the greatest threat to our freedom, the greatest threat to America's prosperity is not radical Islam, although that is a challenge we have to face, but in the long run it is a China that is emerging on the scene that is belligerent to everything we stand for as a people.

The last thing we should be doing is building up their economy as we have been doing as a policy of this government for the last 20 years. And let me note, nuclear power plants? Has anyone looked at the proliferation record of the communist Chinese? Why do you think we are having a challenge right now to the world peace in Korea? Do you think the North Koreans just discovered all this technology on their own.

No, the fact is that the Chinese are the ones who are behind the nuclear development in Korea and the development of weapons that threaten Japan and the United States. The last thing we should be doing is helping them develop and perfect their technology that deals with nuclear energy.

This is, again, a no-brainer for me, but the American people need to find out whose side the Congress is on. The policies we have had to China in these last 20 years have created a Frankenstein monster that threatens not only the peace on the world, but threatens the prosperity of our people and the freedom of those who would seek freedom in China itself.

We have been cutting a deal with the devil and we are now coming to a point where everybody recognizes that threat, except perhaps the leadership, unfortunately, in the United States Congress.

So I would commend the gentleman from Vermont (Mr. SANDERS). I look forward to working with him on this.

Let us get the word out to the American people whose side we are on.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the Committee on Appropriations.

Mr. TIAHRT. Mr. Chairman, I thank the chairman for yielding me time. I appreciate the good job of leadership that he is providing on this issue.

I think a question seems to be resonating here and that is, who is going to look out for U.S. jobs? I think that is a very good question. Here we have on one side Westinghouse, who is working as an American company, a conglomerate, with other corporations trying to build some of the product to be able to export that product in order to create jobs here in America and provide something to China that they are going to get one way or another.

What are the options of that? Well, we can ignore the opportunities we have for American jobs. We can say, let us give the jobs to France. France is also bidding on this. Let France have the jobs.

We have a good example of how France is gaining ground on us in the aircraft industry. They have a government that is willing to do what is necessary in order to move the aerospace industry in France forward. And here we have an opportunity to move forward with the technology that we happen to have that other countries want. So we can either create the jobs here or we can allow them to be created in France. Or there is the other Russia company that is bidding on it as well. We could let the jobs be created in Russia.

So who is looking out for U.S. jobs? This supply of finance from the Export-Import Bank would meet all the guidelines that have been established and it would provide the funding for an American company to move forward and make jobs for here in America. And that is a good motive. But the overall question is, what is Congress going to do about United States jobs?

We hear a lot about outsourcing American jobs. Nobody ever stops to say, why are we outsourcing American jobs? We keep putting barriers in place for American jobs to be created. Here is a good example. We could have Westinghouse jobs or we could have French and Russian jobs. But it goes beyond that.

Congress has created barriers over the last generation that have driven this economy to a very difficult point. Our trade deficit was $670 billion last year. Our Federal deficit is going to be about $300 billion this year. And we are seeing the loss, the outsourcing of high-quality, high-paying jobs.

If you look at what we have done here in Congress, we have created barriers that have made it difficult for people who create jobs. Health care policy, driven largely by Medicaid and Medicare, is a socialist health care policy that has driven a whole lot of paperwork and a whole lot of unnecessary practices. For example, the Hospital Association in Kansas says for every hour of health care it takes an hour of paperwork to comply with it.

We have litigation here that drives up the cost of building products here. We have regulation that costs $8,000 for every American worker, 12 percent of every product driven up by Congress' rules, and that pushing jobs overseas.

Our tax policy ends up on the bottom line of our products. Our energy policy, that cannot to make law. We could create 700,000 American jobs but we cannot get an energy bill through the Senate. We have trade policy that is unenforced. When there is a violation of our trade policy, we do not get the proper support.

The one thing that we have a surplus of in this country that we do not export is lawsuits. The only way you export lawsuits is through trade policy. You have got to have a trade policy in place to do that.

We also need to improve our research and development and our lifelong learning, but we have got to protect American jobs and this is one way to do that.

I just want to finish this up by saying, we could do a lot in Congress to create an environment here in the U.S. that would keep and create jobs, but we put barrier after barrier in place, and here is one more opportunity for us to drive jobs to France, give the jobs to France.

Let's say no, let us not do it this time. Let us oppose this amendment. Let us support Westinghouse. Let us do something for an American company for once. Just because it has the name China as the destination for the product we shouldn't go into shock. That is not the point.

The point is American jobs, either you will have them in Westinghouse, or you will have them in Russia or you will have them in France. I say bring the jobs back to America. Let us remove these barriers that we have put in place. Let us create jobs in America. We can do it and we can do it today by defeating this amendment.

I thank the Chairman KOLBE for doing a fine job.

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Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

In another time and place, I would like to deal with many of the assertions made by my friend who just spoke, but now is not the time.

Mr. Chairman, I yield 3½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman from Vermont for yielding me time.

Why should the American taxpayers underwrite a British company to build nuclear power plants in China? That is exactly the transaction the Export-Import Bank has already given preliminary approval for. British Nuclear Fuel's U.S. division would receive loans of about $5 billion to build four nuclear power plants in China. Why should American taxpayers underwrite a British company to build nuclear power plants in China? According to the Export-Import Bank, "The nuclear power plants are being purchased to meet the increased demand for power in the heavy industrialized region of the country."

This is not the sort of transaction the Export-Import Bank, read American taxpayers, should be funding. First, the purpose of Export-Import Bank financing is to enable manufacturing sales to countries that are too poor to afford those U.S. goods without financing. But China has no shortage of U.S. dollars that they have earned mounting the largest trade deficit the United States has with any single country.

In the last 4 years alone, China added net $472 billion to its bank holding of U.S. dollars. Poor China. According to the International Trade Agency, that is the amount by which Chinese exports to the U.S. exceeded Chinese imports from the U.S.

Mr. Chairman, when I was growing up in Cleveland, there was a myth that, if you dug a hole deep enough, you could get to China. Well, you know what, we have succeeded in doing that with our trade deficit; and we will keep digging this hole with this proposal unless the Sanders amendment passes.

China does not lack access to substantial amounts of U.S. currency to enable it to buy U.S.-manufactured nuclear power plants without a taxpayer subsidy. Yet the Export-Import Bank is subsidizing China to buy nuclear power plants.

Now, if anyone here doubts China's wealth and thinks that we have to help China further, consider that just this last week a Chinese oil company offered $16.5 billion to buy Unocal. If they have that kind of wealth to spend on energy, do my colleagues not think they can afford nuclear power plants without a taxpayer subsidy?

Some might say that the sale of nuclear power plants to China would improve the trade imbalance with China and is therefore, beneficial; but do not believe it. If U.S. taxpayers have to buy the nuclear power plant, that is what the Export-Import Bank financing is, then we give it to China, and that will not make a difference in the fundamental imbalance of trade.

Unless the Sanders amendment passes, American taxpayers will be giving a gift of at least $5 billion for nuclear power plants in China.

The applicant for the Ex-Im Bank funding is a wholly-owned division of a British conglomerate. For those watching the trade deficit, the U.S. is already in hock to Britain as well as China. In the last 4 years, the U.K. has accrued $27 billion in surpluses. The profits from the sale of the nuclear power plants to China will flow to Britain, not to the U.S.

If my colleagues think the American taxpayers should not be buying nuclear power plants for China, then vote for the Sanders amendment.

Mr. KOLBE. Mr. Chairman, I reserve the balance of my time to close. I am the only other speaker at the moment that is here.

Mr. SANDERS. Mr. Chairman, how much time remains for either side?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 3½ minutes, and the gentleman from Arizona (Mr. KOLBE) has 8 minutes remaining.

Mr. SANDERS. The gentleman from Arizona closes; is that correct?

The CHAIRMAN. The gentleman is correct.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of the time.

The American middle class is shrinking, and one of the reasons that we are losing good-paying jobs is that corporation after corporation is throwing American workers out on the street and moving to countries like China where desperate people are paid 30 cents an hour, 20 cents an hour and go to jail when they stand up for their political rights or stand up for their right to form a union.

There is increasing concern by people from all walks of life that the economy of China, which is growing in leaps and bounds, is threatening the American standard of living. Whether it is blue collar jobs or white collar, information technology jobs, China is growing while our jobs are shrinking; and we are losing good-paying jobs and providing our young people with low-wage jobs, with minimal benefits.

If it makes sense to anybody in this country to be putting $5 billion of American taxpayer money at risk, to be subsidizing the development of nuclear power plants in China, providing them with the technology that can be used for military purposes, with a company that is owned by the British Government, if somebody got up here and proposed subsidies for a federally owned company, people on the other side would go ballistic; but it is okay to be subsidizing a nationalized company in Great Britain providing and building nuclear power plants in China.

I think that the time is long overdue that the United States Congress took a very hard look at Export-Import Bank in general. Over the years, what we have seen is they are providing huge subsidies to large corporations who are outsourcing American jobs. In this instance, they are providing a subsidy to a British company owned by their own government building nuclear power plants in China.

I think that is a very bad deal. I think the American people would be shocked if we allowed this to go through, and I hope that we can support this tri-partisan amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume, and I will not take that much time to close this debate.

The gentleman from Vermont talked about outsourcing jobs and jobs being moved to other countries in order for them to get this business. The exact opposite is the case here.

If we do not support this kind of business, it is a legitimate thing for a government, I think, to have an export-import kind of relationship. Virtually every major country in the world does that. It is a way of saying, without putting at risk the taxpayers' dollars, and so far Ex-Im Bank has never cost the taxpayers' dollars, any real money in terms of lost loans that we have had to pay for as taxpayers, it is a way of us making sure that we get jobs here in the United States, of keeping businesses here in the United States, and that is exactly what this would do: high-paying technology jobs, high-paying engineering jobs, high paying work, design work that would be done by engineers and others to support the construction of nuclear power plants in China, a very large project.

What we are talking about here today is only the tip of the iceberg. We are talking about building a large number of these plants over many years. No doubt whoever wins the initial contract, it will be like doing cookie cutters after that. They will get the rest of them. So I think we are talking about something much,, much larger than is shown here today.

It is for that reason that the State Department has strongly opposed this amendment, because they believe that it affects jobs that will result, and Westinghouse has said about the loss of 5,000 jobs if they are not able to get this contract. We think we have the technology to get it. We think we can get this contract, and we expect that we will win those jobs as a result of that.

I think it is ironic that even at a moment when my colleagues are talking about the weak economy or they are talking about the fact that we are losing jobs overseas because of the trade deficit that they want to create a larger trade deficit. They want to stop jobs from being created here at home. They want to stop American companies from exporting this kind of technology, all of which has been decided that it is safe and politically safe as well as technologically safe. They want us to stop us from exporting these kinds of jobs.

The last point I would make, Mr. Chairman, is that one of the reasons we want to do this, we should be so anxious that China increases its reliance on nuclear power, is that if they fail to do that, they are going to have to continue to use more and more fossil fuels, particularly petroleum: and we know it already is occurring. Virtually all of the incremental production in the world is being consumed by China which has a rapidly growing economy, and that is what is helping to drive up the price of oil in the world to the skyrocketing, the sky-high levels that it is today.

If we are not able to help with this kind of technology, China would perhaps have to go back to other kinds of fossil fuel-using plants. Not only does it have environmental degradation, but it obviously has enormous impact on the economy of the rest of the world.

For all of those reasons, this is a very bad amendment, ill designed, ill directed, and ill timed; and I urge its defeat.

Mr. CROWLEY. Mr. Chairman, I rise in opposition to the Sanders-Rohrabacher Amendment which cuts funding for the Export-Import Bank. While one may argue that this amendment will simply prohibit the Export-Import Bank from approving federal loans or loan guarantees for the construction of nuclear power plants in China, this amendment sends a bad message. This amendment is one more step in the attempts of some in the House to shut down Ex-Im completely.

Now I respect the sponsors of this amendment who are true opponents of Ex–Im, but we cannot be fooled by thinking that one can vote for this language and still be a supporter of the Export-Import bank or free trade.

The Export-Import Bank was created to help U.S. exporters match competition from foreign export credit agencies in Japan, Germany, France, Canada, and other countries. Ex–Im is also required by law to work toward securing international agreements to reduce government-subsidized export financing, thereby promoting a level playing field for U.S. exporters—which means jobs for Americans in America.

Ex–Im finances approximately two percent of U.S. exports annually. Among Ex–Im financed exports were U.S. civilian aircraft, electronics, energy-related products, engineering services, medical equipment, vehicles, and agricultural equipment.

Even the sponsors of this amendment acknowledge that the funds for this project will go towards creating jobs in the U.S. They can claim that Westinghouse is a British owned company, and thereby something that does not deserve U.S. support, but using that same argument, Chrysler Motors is now a German owned company—should we not have any dealings with Chrysler and the thousands of American workers and UAW employees employed there. Nonsense—oppose this amendment and support U.S. jobs and free and fair trade.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

Mr. DEAL of Georgia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DEAL of Georgia:

Page 132, insert the following after line 13:

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

SEC. 583. None of the funds made available in this Act for the Department of State, other than funds provided under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT", may be used to provide assistance to any country with whom the United States has an extradition treaty and whose government has notified the Department of State of its refusal to extradite to the United States any individual accused of committing a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. DEAL) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentleman from Georgia (Mr. DEAL).

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I have at the desk relates to the growing problem of lack of extradition of criminals who committed violent offenses in the United States and then flee across our borders and are not able to be returned by way of extradition.

This is a growing problem. It is a problem for a country such as ours that now has an estimated 11 million people illegally in our country. Mexico to our south has become a point of refuge. Many of the individuals who are committing these offenses are committing them and immediately fleeing to their home country of Mexico.

Some are not quite so quick. Some are offenses such as the one we have heard in a previous amendment as it relates to the killing of a police officer in the line of duty, but it is a growing concern for all of the citizens of the States of this country and one that I think we need to begin to point a finger at.

This amendment says that if you refuse to extradite for an offense that would have a life imprisonment or less, then if funds flow through the State Department, those funds would be withheld if they are refusing to extradite.

Let me give my colleagues a scenario. Let us assume that you have two men who rape and brutally murder a 4-year-old child. One is a citizen of the United States. The other one is a citizen of Mexico who is illegally in the country. Both flee across the border to Mexico. The district attorney or the prosecutor in the circuit indicts them, and of course, in those kind of cases, they face either life imprisonment or, in some cases, capital punishment. Mexico will extradite the United States citizen back here. They will not extradite the Mexican citizen back unless the prosecutor agrees to lower the offense to a crime that would be less than a life sentence.

Now, that is a hypothetical case. I will allude to the facts as they now exist in my community in a few minutes.

Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING), my colleague.

Mr. KING of Iowa. Mr. Chairman, I thank the gentleman from Georgia for yielding me time and for bringing this amendment to the floor.

This is a discussion and debate that this country needs to have, and it takes me back to about 6 weeks ago when the incident in Denver where the alleged shooter, Raul Gomez-Garcia, shot Officer Donny Young in the back of the head and killed him and wounded another officer. We suspected that he would abscond to the sanctuary of Mexico and he did, and the plea bargain has already taken place. I am not certain if he is back in the United States under that plea bargain; but this policy, this sanctuary policy that exists in Mexico is a policy that requires us to plea bargain down the crimes in this country and tells the shooters, you can shoot and run to Mexico.

I will pose a hypothetical situation, but it is one that could happen.

Just suppose Osama bin Laden was picked up by Mexican police in Mexico City. There is no way that Mexico extradites Osama bin Laden to the United States until we plea bargain that down to something less than life imprison, no capital punishment, no life in prison. Can my colleagues imagine sitting on the parole board for Osama bin Laden and having to release him into the streets of the United States of America because of a sanctuary policy that exists in the state of Mexico?

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That is the leverage that is out there now, and we are paying for these countries in foreign operations money to alter the crime and punishment policy in the United States. That must stop. It can stop with the Deal amendment.

Mr. DEAL of Georgia. Mr. Chairman, I would inquire as to how much time remains for me.

The CHAIRMAN. The gentleman from Georgia has 1½ minutes remaining.

Mr. DEAL of Georgia. Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment, and yield myself such time as I may consume.

Mr. Chairman, we just dealt with another amendment that, in a similar way, tried to criticize at the country of Mexico for the problems that we have with extradition, and during that debate, I think I outlined what I think has been the rather substantial improvement in the cooperation that we have had with Mexico on this issue.

During the first 14 years of the extradition treaty with Mexico, from 1980 to 1994, Mexico extradited, a total of eight fugitives to the United States. In the next 4 years, they extradited an average each year of 13. But in the last 4 years, in 2001 they indicted 17; in 2002, 25; in 2003, 31; and in 2004, they extradited a record of 34 fugitives to the United States. So I think there is little doubt that we have great cooperation.

The problem I have with the amendment offered by the gentleman from Georgia is it is not at all clear to whom this applies. I asked the gentleman, and he is not sure. We have asked the Department of State, and they are not sure. I know what his intention is and the country he is trying to effect, but we do not know it does not apply to other countries. There may well be other countries that it applies to.

I cannot say, for example, with certainty that this would not require us to cut off all of our counternarcotics efforts in Colombia. I am not sure it would not have some impact on a country like that. It could have an impact in Afghanistan. I do not know. Nobody seems to know for sure what the impact of this might be.

So for that reason, Mr. Chairman, I would suggest, and until we have a much clearer idea of how this would impact, I would urge that we not adopt this amendment and that it be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. DEAL of Georgia. Mr. Chairman, I yield myself such time as I may consume.

The amendment specifically excludes international narcotics control, and law enforcement money would not be subject to being withheld. That answers one of the concerns of the chairman. I do not know all the countries, but I can tell you some. Mexico, no sentence of life imprisonment or greater; Costa Rica, no sentence of more than 50 years; Spain, no life sentence; Venezuela, any sentence over 30 years; and Portugal, any sentence over 20 years.

Now, I gave the hypothetical of a 4-year-old girl raped and murdered and suspects fleeing over the border. In my county, this past weekend, a 4-year-old girl, about 3 feet tall, weighing less than 40 pounds, was brutally raped and murdered. The only suspect, the chief suspect, is now thought to have fled back across to Mexico. This is an individual who was deported from the United States less than 2 years ago and now is being sought again.

There is no way that our district attorney will be able to prosecute that case unless we agree that we are going to reduce it to substantially less than an American citizen would be charged with under the same circumstances.

I withdrew an amendment very similar to this last year in deference to the chairman and upon the assurances that the State Department would work to change the situation as it relates to Mexico. There has been no change.

Mr. Chairman, they may say that they are proud of extraditing 30 individuals last year to the United States, but in any district attorney's office in Southern California alone, they can tell you of hundreds of murder cases where extradition has not been achieved. And so I urge the adoption of the amendment.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time to close the debate.

Let me just note that we have just been advised by the State Department that this would affect Colombia. Of course, as the gentleman said, it does not affect the international narcotics control and law enforcement account, which is one of the big sums of money that goes to Colombia, but this would affect foreign military financing, FMF, for Colombia. It would cut off the money for IMET, the International Military Education Training programs. And it would affect the anti-terrorism programs that come under the NADR category. So it would have an enormous impact on our efforts in Colombia.

I think for that reason, I would certainly hope that this body would not accept this amendment, and I urge its defeat.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. DEAL).

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. DEAL of Georgia. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia (Mr. DEAL) will be postponed.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

Page 132, after line 13, insert the following:

PROHIBITION ON CERTAIN INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI

SEC. ____. None of the funds made available in this Act under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" may be used to transfer excess property of an agency of the United States Government to the Government of Haiti.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

The goal of the Lee-Conyers-Kilpatrick-Waters amendment is to limit the transfer of free guns and other defense articles to the Government of Haiti which have been used to wreak havoc on the Haitian people. Many in the general public and here in Congress have been under the misconception that there is an arms embargo to Haiti. However, since 2004, close to 3,000 weapons have been transferred to Haiti from the United States and, in all probability, have gone to arm the Haitian National Police force.

This amendment requires a limitation on all transfers of excess property to the Government of Haiti because they are using excess arms and ammunition from the United States to arm criminals in the Haitian National Police force. This amendment specifically would prohibit all arms transfers by the State Department in accordance with all relevant sections of current law.

This limitation is critical, Mr. Chairman, because the people of Haiti are not safe, and they remain targets of political violence, torture, and, in many cases, murder. Unfortunately, too often the perpetrators of this violence are the Haitian National Police. There have been numerous reports in the news and firsthand accounts of human rights' and faith-based groups who have traveled to Haiti and seen the hostile environment Haitians face.

The Haitian National Police are intimidating, murdering, and executing the poor and political opposition with weapons transferred from the United States to the Government of Haiti. This is simply unacceptable. The Government of Haiti has access to weapons for police training and security and have paid for defense articles out of their own budget without our government and this Congress' free transfer of arms and ammunition.

This amendment is basically about accountability and saving Haitians' lives. The United States must not be complicit in helping to arm criminals, and that is why I urge my colleagues to support the Lee-Conyers-Waters-Kilpatrick Haiti arms limitation amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition, but I will not oppose the amendment. In fact, Mr. Chairman, I want to say that I would be prepared to accept this amendment, however, I think it is extremely important that we make it clear that we want to express that our congressional intent with this amendment is that this prohibition not extend to medical equipment or excess property that is used for humanitarian purposes.

I do not believe that is what the gentlewoman is intending to do. I know what she is trying to get at, but I think it is very important we make it very clear in our intent here that we are not trying to prevent the transfer of medical equipment and other kinds of property that would be used for humanitarian purposes.

Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS), the co-chair of the Haiti task force.

Mr. CONYERS. Mr. Chairman, I appreciate the gentlewoman yielding me this time, and first of all, I want to assure the chairman that we are absolutely in agreement that medical equipment and supplies would not be affected by the reach of this amendment. I am glad the gentleman has put that in the RECORD, and I am sure we are all in total agreement.

Mr. Chairman, this amendment, the Lee-Lantos-Conyers-Waters-Kilpatrick amendment is something that we regret that we have to do. Haiti is in such a difficult situation, politically, economically, and socially, and it is so important that we try to stem the level of violence. That is the sole purpose of all of us coming together to work on this. I am so proud of the chairman for agreeing to accept this amendment, because it means that he sees and understands the underlying circumstances that have caused us to come together in the first place.

We need less violence. The election is coming up. How we are going to have an election there under these circumstances I am not even sure of. We have tried, some of us have tried to get it delayed, but we have not been successful. We need the United Nations to implement an effective disarmament program, because as long as there is as much a level of violence as we find there, we cannot even go down there.

So, please, let us support this amendment. I thank the Members on both sides that see the importance of it.

Mr. Chairman, Today I rise to support the Lee-Lantos-Conyers-Waters-Kilpatrick amendment which would preclude the State Department from transferring any "excess arms" that the State Department may have in its possession to the Government of Haiti and the Haitian National Police. Even though the United States has an arms embargo against Haiti, U.S. law grants authority to the President of the United States to provide weapons to Haiti, without any Congressional input, as long as these arms are identified as "excess." Recently, it has come to the attention of Congress that last August, the President transferred over 4,000 arms and ammunition to the Government of Haiti. These arms included hundreds of .38 caliber, .45 caliber, and 9 mm guns as well as M–14 rifles and sub-machine guns.

Presently, the Country of Haiti is in the midst of a political, economic and humanitarian crisis. As a result, many resources, financial and otherwise are sorely needed. However, the sending of arms to further the perpetration the violence is not the prudent course of action.

Specifically, the Haitian National Police, on numerous occasions, have not been described not as "law enforcement" but instead as "law breakers." Many incidents have been reported where the Haitian National police are accused of harassing, beating and killing Haitian citizens, including innocent children.

Due to the many problems plaguing the Haitian National Police, the policy of transferring "excess" weapons to them is particularly unsettling. I believe it is important we stop the flow of weapons to Haiti and work with the U.N. to implement an effective disarmament program. As long as violence is the way, the people will suffer. The passage of this amendment is one of life and death and is critical to the well-being of region, of a country and of a people.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume, and I also want to thank the chairman for supporting this amendment, and I want to assure him that if we need to, in conference, make it explicit that no humanitarian assistance or excess property would be prohibited by this, we will definitely do that.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank my colleagues from California, the cochairs of the Haiti task force, for their important work on this issue. So many of us continue to look at the horrors that are occurring every day, and instead of being minimized, they seem to increase in intensity. In talking to friends who have been there recently, each day the violence gets more grim, and it affects the average person who just wants to go about their business living normally. That is impossible.

So I am very pleased that the chairman is accepting this amendment, and I hope that we can work closely with the Haiti task force to see if we can come up with some kind of positive recommendations that can have an impact on the lives of people.

So I thank my colleagues for introducing this amendment and I look forward to working closely with them so that perhaps the average family can look forward to a decent life one day soon.

Ms. LEE. Mr. Chairman, I yield myself the balance of my time, and I thank the gentlewoman from New York and the gentleman from Michigan for their support and their very clear statements.

Also, if there are no other requests for time, I want to, once again, thank our chairman for his support and clarify again that the point he raised is certainly a concern all of us have, and we will make sure that humanitarian types of excess property that we all care about in getting to Haiti is excluded from this provision.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself the balance of my time and, again with the understanding that we are all in agreement that the intent of this prohibition is not to extend to medical equipment or other excess property used for humanitarian purposes, I accept this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BRADLEY OF NEW HAMPSHIRE

Mr. BRADLEY of New Hampshire. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BRADLEY of New Hampshire:

Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO ROMANIA UNDER THE SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

SEC. . None of the funds appropriated in this Act under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES" may be obligated or expended for assistance to Romania under the Support for East European Democracy (SEED) Act of 1989.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Hampshire (Mr. BRADLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Hampshire (Mr. BRADLEY).

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself such time as I may consume.

First, let me begin by thanking the chairman of the committee as well as the ranking member, and the gentleman from Massachusetts (Mr. McGOVERN) for cosponsoring this amendment with me.

It is not my intention to permanently withhold dollars that are appropriated under this bill from the country of Romania. It is my hope that by the time there is a committee of conference the issue that I will describe in just a moment will have been resolved.

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That issue involves preapproved adoptions from the country of Romania.

A couple of years ago, I met a family in my home State of New Hampshire. The woman's name is Allyson Schaaf, and she had already adopted a Romanian baby and had a second child that had been approved by the Romanian authorities. She was one of about 200 Americans families that had their adoption cases already approved before a change in the law by Romania.

Under pressure by the European Union in order to gain acceptance to the European Union, Romania changed its adoption policy without releasing the 200-or-so adopted children that already had families assigned to them here in this country.

I have met with numerous Romanian officials, including the president of Romania, the prime minister and the ambassador on several occasions, and pressed the case not only for my constituent, Ms. Schaaf, but also for the other 200-or-so American families in this circumstance.

These are families that have invested love, time, energy, and all of the commitment to try to unite their families in this country. It is my hope that with this amendment that would withhold some of the money for Romania, that that will be the signal that will be necessary for the Romanians to deal with this situation, to release the 200-or-so cases that have been previously approved; and then by the time the conference committee has been formed, hopefully these adoptions will have gone forward, and this amendment will no longer be necessary.

Once again, I thank the minority ranking member and the chairman for working with me so hard to ensure that this amendment is the appropriate amendment in terms of the parliamentary procedure.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I will not be in opposition to the amendment for the purpose of this discussion, and I thank the gentleman from New Hampshire (Mr. BRADLEY) for bringing this amendment to the floor, and I thank him for his remarks. As the gentleman suggested, this is a very emotional issue which cuts deeply with a number of American families that have adoptions pending in Romania.

The development assistance accounts in our bill accounts for roughly $20 million for Romania. I want to make it very clear it is not my intent to limit assistance to Romania for the entire year. The assistance we provide is very important for local police forces, for HIV/AIDS prevention, and for fighting human trafficking, very much the kind of thing that the gentleman from New Hampshire (Mr. BRADLEY) would want us to fight against. It helps fight corruption and money laundering and builds an independent media.

I have been working with the Romanian Government to address this issue, but I know not a great deal has been accomplished in this regard. I think by adopting this amendment this evening, we are impressing both on the State Department and I hope the Romania government, which I hope will get this message, how important it is to continue to work toward a solution. This does send a very strong signal to the Romanian Government. I am pleased to accept the amendment, but I do expect to work with the ranking member and the gentleman to work and revisit this issue in conference with the Senate and to find a solution that will not involve cutting off aid to Romania.

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I want to associate myself with the comments of the gentleman from Arizona (Mr. KOLBE), and I thank the gentleman from New Hampshire (Mr. BRADLEY) for clarifying the amendment. We understand the important purposes of our aid to Romania, and I hope we can really make a change in the adoption policy. I look forward to working with the chairman.

Mr. BRADLEY of New Hampshire. Mr. Chairman, I yield myself the balance of my time.

I thank the gentlewoman from New York (Mrs. LOWEY) for her gracious support and the gentleman from Arizona (Mr. KOLBE) for his gracious support, and it is my hope that the 200-or-so families that have gone through the process, that they will be able, by us taking this action tonight, I hope we can help them expedite the process to unite their families into loving, caring homes in the United States.

I have met a couple of children adopted by American families, and it is a wonderful story. Anything that we can do to expedite that will be a significant step for those families. I thank both the ranking member and the chairman of the subcommittee.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I urge an "aye" vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Hampshire (Mr. BRADLEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS:

Page 132, after line 13, insert the following:

SENSE OF CONGRESS REGARDING NATIONAL ELECTIONS IN HAITI

SEC. . It is the sense of Congress that national elections should not be held in the Republic of Haiti until conditions have been established to ensure that the elections will be free and fair. Such conditions should include the following:

(1) The disarmament of all gangs and illegally armed groups.

(2) An end to kidnappings of civilians.

(3) Security for all United States citizens working in Haiti.

(4) The establishment of security throughout Haiti in order to enable all candidates to campaign for office safely.

(5) Plans to provide security at all polling places.

(6) Plans to ensure security for United States and international election monitors.

(7) Fair trials or release for all persons in Haiti who are being detained without trial.

(8) Respect for internationally recognized human rights.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

One week ago today, the Canadian Government issued a travel advisory for Haiti, warning its citizens not to travel to the island nation unless they have critical or compelling business or family reasons. The advisory was issued after a Montreal woman said she was kidnapped in Haiti and beaten and burned with candles until her family paid a ransom.

The U.S. State Department issued a similar travel warning on May 26, urging all U.S. citizens to leave Haiti. The travel warning was issued the day after unknown gunmen fired five rounds of bullets at a U.S. embassy van traveling in downtown Port-au-Prince.

On May 31, unknown gunmen shot a French official and stole his car while he was driving from Cap-Haitien to Port-au-Prince. The official died at a hospital in Port-au-Prince several hours later. At least seven people were killed the same day when armed men opened fire and started a fire that spread throughout an entire market in Port-au-Prince.

By mid-June, the Peace Corps had suspended its operations in Haiti and evacuated 16 Peace Corps volunteers. The same week, gunmen wounded two U.N. peacekeepers during a shootout in Cite Soleil.

Mr. Chairman, the violence in Haiti has been escalating over the past year. Kidnappings are now commonplace, and security is nonexistent. The interim government of Haiti has been unwilling, unable, incompetent, has not disarmed the gangs that roam, enforced the rule of law, or provide security to citizens and foreigners.

But the government is creating as many problems as those gangs that are roaming the streets. The Haitian National Police contribute to the violence through their use of force and summary executions. On February 28, 2005, during a large nonviolent march for democracy, police officers opened fire on unarmed demonstrators in broad daylight in the presence of international observers and media.

Many Haitians do not trust the U.N. peacekeepers who stood by and watched while the police fired on the demonstrators. Police officers are widely considered to be corrupt; and Amnesty International has expressed concerns about arbitrary arrests, ill-treatment in detention centers, and other human rights violations. There are an estimated 700 political prisoners in Haiti, and most of them have been detained illegally for months without formal charges.

This is not an atmosphere that is conducive to the organization of free and fair elections. Nevertheless, the interim government of Haiti is persisting in its plans to hold elections in October and November of this year. If elections are held under the current conditions, candidates will be afraid to campaign for office, and individual Haitians will be afraid to leave their homes to vote.

My amendment expresses a sense of Congress that national elections should not be held in the Republic of Haiti until conditions have been established to ensure that the elections will be free and fair.

The amendment specifies that conditions should include the following: the disarmament of all gangs and illegally armed groups; an end to kidnapping of civilians, security for all United States citizens working in Haiti; the establishment of security throughout Haiti in order to enable all candidates to campaign for office safely; plans to provide security at all polling places; plans to ensure security for United States and international election monitors; fair trials or release for all persons in Haiti who are being detained without trial; and respect for internationally recognized human rights.

Mr. Chairman, until all candidates for office can travel safely throughout Haiti, they cannot be expected to campaign for office. Until American citizens can travel to Haiti without risking their lives, they cannot be expected to monitor the Haitian elections. And until the people of Haiti can walk outside of their homes in peace, they cannot expect to vote.

Mr. Chairman, we are fiddling while Rome is burning. Haiti is in an absolute mess. The police officers, many of them are corrupt who were rebels, who were part of the coup d'etat, who were in exile before this interim government took over, are now executing members of the Lavalos Party, are basically killing folks who belong to the party that will likely prevail if there are elections. This violence must stop.

This Congress must send a message to CARICOM and everybody else that we will not support elections in this atmosphere. We should stop this madness and help to stabilize Haiti.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment proposes to state a legislative position.

Mr. Chairman, for that reason I would insist on the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Ms. WATERS. Yes, Mr. Chairman.

I thank the gentleman from Arizona (Mr. KOLBE) for his interpretation of what I am attempting to do here. I do not know what law the gentleman is referring to. There is no law that would have us dictate when elections are to take place in Haiti. There is no law that we would be in violation of by not using our influence to make those elections happen.

As a matter of fact, Mr. Chairman, with all due respect, this is being driven by Mr. Noriega at the State Department because they have helped to create this chaos in Haiti with the removal of the democratically elected president, and this democratically elected president will probably not be able to return to Haiti. That is not a problem. That is not something that anybody should worry about.

What we should be concerned about is why they are insisting on holding these elections in this atmosphere of violence, corruption, and complete chaos in Haiti. So I do not think the gentleman is referring to any law that he can reasonably point to that we are in violation of.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The amendment offered by the gentlewoman from California (Ms. WATERS) proposes to express a legislative sentiment of the Congress.

As such, the amendment constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

Page 132, after line 13, insert the following:

LIMITATION ON FUNDS RELATING TO ATTENDANCE OF FEDERAL EMPLOYEES AT CONFERENCES OCCURRING OUTSIDE THE UNITED STATES

SEC. . None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a Federal department or agency at any single conference occurring outside the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Members from either side of the aisle may disagree exactly how we got to the point we are, in general, and that is that our deficit is too high and that we spend too much money. But I think we can both agree on one thing, that we should work together to try to solve that problem.

I am offering, therefore, today what I consider is a commonsense approach to deal with a spending abuse. It is an approach that this House agreed to in similar legislation in the past.

In essence, it is a limitation on the number of Federal employees that may go overseas to international conferences. This has grown out of a growing tendency in the past by various administrations for sending various numbers to international conferences, spending upwards of millions of dollars. Back in 2004, for example, over 130 Federal employees attended an AIDS conference in Thailand.

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Instead of spending all this money on sending personnel over there, instead we could have used it, in fact, to provide AIDS prevention and AIDS medicine; 216,000 newborns in Africa alone.

So this legislation grows out of a common problem in the past. Just sending too many people overseas, using taxpayers' dollars to do so.

Earlier in this session we had similar language which was approved by this House in the Interior bill, and I would encourage my colleagues on both sides of the aisle to approve it now in this legislation as well.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

I do not intend to oppose the amendment, but simply to say that I am willing to accept this amendment at this time and will revisit this and consider this, of course, in the conference.

But I appreciate the gentleman's bringing this issue to our attention, and I am prepared to accept the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I just want to take this time to thank the chairman for his work this time, as well as in the past, to visit this issue through the conference process. So I thank the gentleman for accepting this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CAPUANO

Mr. CAPUANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAPUANO:

Page 132, after line 13, insert the following:

AUTHORIZATION TO USE ALL NECESSARY MEANS TO STOP GENOCIDE IN DARFUR, SUDAN

SEC. ____. Consistent with the Convention on the Prevention and Punishment of the Crime of Genocide, the President is authorized to use all necessary means to stop genocide in Darfur, Sudan.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Massachusetts (Mr. CAPUANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, I yield myself such time as I may consume.

What this amendment does is it authorizes the President to use all necessary means to stop the genocide in Darfur, Sudan.

Before I start, I would like to comment very clearly that I know that the gentleman from Arizona has been very active on this issue and has been very supportive, understanding the rules and the difficulties they present. I respect the position he has to take tonight, but I also want to make it clear that I consider him a friend on this issue.

For those who do not know, the genocide in Darfur has been clearly documented. This Congress declared it a genocide in July of 2004. In September of 2004, Secretary of State Colin Powell stated: "genocide has been committed in Darfur and that the government of Sudan and the Janjaweed bear responsibility."

This Congress has passed enough money, I think it totals about over $400 million already, for the African Union Mission and the humanitarian relief in Sudan. We have done our job. The United States has supported financially and morally. The African Union has also stepped up. The African Union, in April of 2004, created a Cease-Fire Commission. They do not have the mandate to protect civilians, however, and that is the major problem. They do have 2,600 troops on the ground right now, but the job is not being done. In May they announced that they are going to send 7,700 troops to Darfur between July and September. NATO, the EU, and the United States are all supporting that effort.

Finally, the United Nations itself has taken action. Six resolutions have passed the Security Council to bring an end to the violence. Unfortunately, all of these efforts have failed to date. The violence has already claimed the lives of 400,000 people, and it is getting worse. For those who do not understand the concept of 400,000, that is the entire population of Oakland, California or Mesa, Arizona or Tulsa, Oklahoma or Omaha, Nebraska or Minneapolis, Minnesota. The violence has created 200,000 refugees and it has displaced 2 million people. That is the entire population of New Mexico.

What is going on in Sudan is a tragedy. The United States, I believe, has a moral obligation to step up and do whatever we can to stop this genocide. We have done it in other places for other reasons. We have failed to do it in other places for other reasons. We should not fail to do it here.

The government of Khartoum is a genocidal regime. They have demonstrated this policy again and again in every segment of their country. Reports of the fighting and the killing are getting worse, and this regime remains in power this whole time. We need to stand up and take some action.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. KOLBE. Mr. Chairman, I make a point of order against the amendment, but before I do so, let me say to the gentleman that I fully concur with what he is attempting to do here. I have been to Darfur. I went with the gentleman from Illinois (Mr. JACKSON), and we have seen some of the terrible things going on there. There is no question about it. We need to do everything we can to stop this. And I believe that our legislation does do a lot of that. For one thing, we have $69 million in the legislation for the assistance to Darfur for humanitarian assistance as well as other moneys to implement the peace accords in the south.

But, Mr. Chairman, this is a very broad amendment, and for that reason I must make a point of order against the amendment because it does propose to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

That rule states in pertinent part that:

"An amendment to a general appropriation bill shall not be in order if changing existing law, modifies existing powers and duties." This does that, and for that reason it would not be in order.

I ask for a ruling from the Chair.

The CHAIRMAN. Does the gentlewoman from New York (Mrs. LOWEY) wish to be heard on the point of order?

Mrs. LOWEY. Yes, Mr. Chairman.

The CHAIRMAN. The gentlewoman is recognized.

Mrs. LOWEY. Mr. Chairman, I would like to thank my colleague from Massachusetts for spending some time to discuss the genocide that is currently occurring in Darfur. He and I understand that the administration does currently have the authorization to take steps, and with his help and with the help of the Chair, I hope we can continue to keep this issue on the tops of our agenda so that the world does not actually watch what is going on without taking all appropriate action, and I want to thank the gentleman.

The CHAIRMAN. The Chair finds that this amendment includes language conferring authority. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. BONILLA

Mr. BONILLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONILLA:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK OF THE UNITED STATES

SEC. 601. Of the amounts provided in title I, under the heading "EXPORT-IMPORT BANK OF THE UNITED STATES—ADMINISTRATIVE EXPENSES", not more than $66,200,000 may be expended while there is a vacancy in position of the head of the Office of Inspector General in the Export-Import Bank of the United States.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. BONILLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman I yield myself such time as I may consume.

My amendment would do something very simple, and that is it would withhold 10 percent of administrative costs at the Ex-Im Bank until there is an Inspector General in place.

As we all know, Ex-Im Bank's mission is to assist in financing the export of U.S. goods and services to international markets. A by-product of this, of course, is the creation of U.S. jobs and the support of U.S. manufacturers. But all too often, it seems that the Ex-Im Bank is content to conduct operations in the shadows in a questionable manner. There appears to be a lack of official guidance in how credit worthiness is determined. There appears to be a lack of official guidance addressing the small business requirements that Congress has mandated. And more disturbing also is that we ask questions and we get no answers.

People empower us to keep an eye on these expenditures, and they are not being open with Members of Congress. All too simple questions sometimes that are set on basic policy either go unanswered or answered without any substantive information.

For example, in March of this year, I sent a letter to the Ex-Im Bank that, among other things, asked: "Under what circumstances does EX-IM permit its employees to share information about an ongoing investigation with third parties? The bank has acknowledged that they received my letter. The Director of Legislative Affairs replied that my concerns have been forwarded to the Office of General Counsel, and the General Counsel's office has acknowledged receipt of the letter, but yet the questions remain unanswered. Obviously, their inability to answer basic questions on policy raises a concern that the bank may be operating subjectively and without internal policies or controls to prevent waste, fraud, or abuse.

This agency has existed far too long and with far too great an expense to the taxpayer to not have an Inspector General keeping an eye on it. It is time that this agency provide taxpayers with the assurance that their hard-earned tax dollars are being spent wisely. It is time the Ex-Im respects the role that this body plays in keeping an eye on them and an oversight on this agency, which is very important.

I ask the chairman for his support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I rise to claim the time in opposition, but I will not oppose it.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that I think the gentleman's amendment is one that we can accept. The administration has requested $1 million to pay for an Office of Inspector General at the U.S. Export-Import Bank in addition to the $73 million that they have for regular administrative expenses.

For the past few years, the committee has not recommended separate funding for an Inspector General because we felt the bank was small. It only had 400 employees. The bank uses a private accounting firm to audit its books so a main function of the proposed IG is already being met.

Nonetheless, I understand the frustration that the gentleman from Texas has shown here this evening and has expressed. The bank should be responsive to the needs of U.S. exporters; so I do not intend to oppose the amendment.

I do want to say, however, Mr. Chairman, to the gentleman from Texas that I am concerned about what might be the unintended side consequences of this amendment. The U.S. Export-Import Bank is not able to control the nomination and confirmation process of the Inspector General, as we know. That comes from the White House, the President; so they cannot have any control over that. And without doubt it would penalize U.S. exporters and the bank itself if there were a delay through no fault at the bank in nominating and confirming the Inspector General.

So I intend to work in conference to ensure that the bank is not unintentionally harmed with respect to the support that it gives to U.S. exporters, and I am sure that that would be the intention of the gentleman from Texas as well.

I urge support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the chairman's support of my amendment and acknowledge his very thoughtful remarks. I would, however, point out that private accounting is not independent because they answer to the Ex-Im chairman and not the public. So, again, we are looking for answers. The public empowers us to keep an eye on how these funds are allocated, and they need to have the sun shine on them a little more, and the Inspector General would do that because obviously they are not being responsive at this time.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. BONILLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK

SEC. 601. Of the total amount made available in this Act to the Export-Import Bank of the United States for the extension of credit for transactions related to energy projects, the Bank shall use—

(1) not more than 95 percent for transactions related to fossil fuel projects; and

(2) not less than 5 percent for transactions related to renewable energy and energy efficiency projects.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Our amendment seeks to improve our investment internationally in renewable energy sources and energy efficiency technologies. There is a certain irony that while this amendment comes to the floor of the House now, the President is addressing the Nation about the Iraq War right now, a war in the middle of an oil-producing region that the world is largely dependent upon to sustain its economy. The instability of that region in and of itself ought to point out the need to use the Export-Import Bank to encourage the development not of the fossil fuel energy sources but renewable energy sources and energy efficiency standards. So our amendment would simply say that we have to use at least 5 percent of our energy products in renewable energy projects so we do not have to remain dependent on fossil fuel.

A couple of things that have happened to indicate the wisdom of this: In the last couple of weeks, oil has topped $60 a barrel. And since dinosaurs went to die in the Mid East, that is where the oil is. We have to break our dependence on oil internationally from any source.

Secondly, we have seen the effort by the Chinese government-owned oil company to buy a domestic United States producer as a precursor, a predecessor, of future disputes over this resource that we are now largely dependent on. We need to break our addiction to oil. We need to get serious about renewable energy.

And the third fact that has happened in the last several weeks is that we have learned that the debate about global warming is over. Debating whether or not global warming is occurring in large part or significant part during human activity is like now debating gravity. And just two facts that I hope that some Members who may be listening tonight may consider: A picture here of a glacier in Antarctica over a several-month period, showing a block of ice breaking off the Antarctic, 26 miles by 11 miles in width, breaking off, a phenomenon that is now occurring with, if not regularity, more frequency now as an indication of global warming.

I noticed seeing in the newspaper yesterday tourism is booming in Alaska because tourists say they want to see Alaska before it melts. We are now seeing with our own eyes the symptoms of global warming across our hemisphere. We need to do something about it.

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The science behind that, this is not just anecdotal. I would ask anyone when they think about energy sources to consider the fact that carbon dioxide now is at levels that we have never seen before in the history of the planet.

I refer you to a chart which shows the changes in CO_2 levels and temperature levels that have occurred on the globe over the last several thousand years. This chart basically shows that while there have been changes in the last several hundred thousand years, we have never seen spikes of carbon dioxide, the major global warming gas, like we have now.

Here is the present. We show that our carbon dioxide levels, over 376,000 parts per million, are the highest ever in global history since we have been able to ascertain, even looking at the trapped air bubbles at historical levels thousands of feet down in the glaciers.

What we see is the prediction, Mr. Chairman, that if this Nation and the world does not become serious about renewable and clean energy, those levels will spike to unprecedented levels, up to 980,000 parts per million by 2100. In the next century, we will have carbon dioxide levels, by 2100, three times higher than they have ever been in the history of the world, at least for several hundred thousand years.

We have to get serious about this issue. Our amendment would be one small step. I would like to pass it tonight. We will not, because a point of order has been raised against it. But I hope this is one small moment when Members can think that the next time we have an opportunity to get serious about global warming or respond to the needs of our grandkids, do not let this happen to this great Earth.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me just advise Members that might be listening that we are coming to the close of the end of the discussion here this evening and to the amendments, and I believe that we will be having votes in a very short period of time. I think the discussion that we have had here today, this evening, has been one that has been productive and I think has highlighted a number of the issues in foreign policy.

The foreign operations legislation appropriation bill is one which uniquely allows us to cover a broad range of foreign policy issues and allows the Congress of the United States to have its input on issues and give direction to the administration, as well as to other agencies, about how foreign policy should be conducted.

I think that some of the amendments which have been accepted here tonight have helped to strengthen the legislation that we have, and I think that the others that have not been accepted and will be voted on are ones that I hope will be defeated on the floor when it comes time to cast votes on these amendments.

So I would urge my colleagues to restrain themselves here at this late hour, and I believe that we can very quickly come to a conclusion on the bill and be able to conclude deliberations of this bill very quickly.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 132, after line 13, insert the following:

LIMITATION ON USE OF FUNDS TO REDUCE OUTLAYS FOR THE RETURN OF DARFURIAN REFUGEES

SEC. . None of the funds made available in this Act may be used to return displaced persons from Chad to Sudan.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent that the text of my amendment be read.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The CHAIRMAN. The Clerk will read the amendment.

The Clerk read the amendment.

Mr. KOLBE. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Arizona reserves a point of order against the amendment.

Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the ranking member and the chairman. I want to acknowledge the work that the gentleman from Arizona (Mr. KOLBE) has done and the gentlewoman from New York (Mrs. LOWEY) has done on the Darfur crisis as relates to the refugees; and I hope that maybe as we discuss this matter, I can work with the distinguished gentleman and the distinguished gentlewoman on conference language that responds to my concern.

We originally had this amendment include the words "not against their will." The reason, Mr. Chairman, is that in the time that I spent in Chad with the refugees that have been resettled in Chad, I saw that the crisis in Darfur and the surrounding border areas between Sudan and Chad still exist.

We have made great strides in providing resources to the region; but as I traveled to Chad and met with the leadership of Chad, they talked about the enormous challenges that they are presently having with their refugees and the refugees from Sudan and the need for resources. At the same time as I talked one on one to the refugees that were there, they expressed to me that the brutality was still going on.

Of course, in Chad we find that there is a lack of sufficient water, adequate medical supplies, and, of course, the possibility that the Janjaweed will come across the border and raid them at will. But at the same time, these refugees were frightened about the possibility of being returned to Sudan because the Government of Chad may be overwhelmed with the resources needed to protect them.

I believe, of course, that we can help provide the resources to Chad needed to protect those refugees, and the United Nations refugee resettlement effort was very much in force and very much an effective tool.

But as we know, the genocidal regime in Sudan has left 2.5 million people displaced and at least 380,000 people dead in Darfur. We also know that there is a continuing number of refugees that have come across the border.

Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch. The United States must move forward towards an effective action against this terrible crime.

We are gratified that this Congress voted on a genocide initiative and declared that genocide was occurring. The United Nations, of course, has had a more difficult time dealing with that question. But we know that genocide has occurred. We know that these refugees are fleeing for a very important reason. The United Nations Secretary General has described the situation in Darfur as "a little short of hell on Earth," and expert John Prendergast calls it "Rwanda in slow motion."

Under cover of a decade-long civil war that has claimed 2 million Sudanese lives, the government-backed Janjaweed continues their campaign to wipe out communities of African tribal farmers who live in the region.

I understand that there have been changes in the Sudanese Government. In Chad, I met with the Sudanese ambassador. I have met with the Sudanese ambassador, to the dismay of many here in the United States, trying to find common ground.

I want to applaud the work of the gentleman from New Jersey (Mr. PAYNE) and the Committee on International Relations and the Committee on Appropriations Subcommittee on Foreign Operations, Export Financing, and Related Programs, that has looked at this question and has fought it with great, great perseverance. The gentleman from Illinois (Mr. JACKSON) provided additional dollars.

But I want to make sure that any Darfurian refugee that is in Chad is not forced to leave for any economic reason. Of course, we need more dollars to help Chad, more support of the United Nations Commissioner on Human Rights and Refugees. But we also need to ensure that resources here by this appropriation do not force anyone to go back to a place where they do not want to go.

Some refugees may want to go back. When I met with them one on one, they talked about their cattle being destroyed, they talked about there being no place for them, their villages had been destroyed. We looked and spoke with the African Union at the aerial footage that would show how large villages had been destroyed, so there is not much for them to return to.

I want to be able to say that we are working at all ends, the declaration of genocide, the negotiations with Sudan to stop the violence and stop the devastating destruction of these individuals in Sudan and stop the fleeing from Sudan.

But now that we are in the predicament that we are in, which is 380,000, up to 400,000 and growing, refugees in Chad, we want to make sure that there is no fear, no, if you will, requirement, no demand, no shuttling. Refugees who do not want to go back, they should not have to go.

Let me say this as well: if you speak to the women and the children that I had a chance to speak to, I can only say that tears would come to your eyes, the raping, the brutalization, the fear, the apprehension. I would ask my colleagues to consider an amendment that simply wants to give to those who are in fear of their lives the opportunity not to return if they desire not to return.

Mr. Chairman, the amendment proposes to preclude the use of funds made available in this act to force repatriation of Darfurian refugees from the Republic of Chad back to Darfur, Sudan against their will. This act could be deemed authorized under Section 12 of the Sudan Peace Act as an effort to assist the African Union in its peacekeeping efforts; however, it could prove detrimental or deadly for many Darfurians.

I traveled to the Republic of Chad last April and saw the devastation and suffering firsthand by the Sudanese refugees. They lack sufficient water, adequate medical supplies, and protection from Janjaweed militia who raid them at will.

As many of you know, the genocidal regime in Sudan has left 2.5 million people displaced and at least 380,000 people dead in the Darfur. Due to increasing violence, 15,000 innocent civilians continue to die each month. Genocide cannot continue on our watch; the United States must move toward effective action against this most terrible crime. The United Nations Secretary General has described the situation in Darfur as "little short of hell on earth." Expert John Prendergast calls it "Rwanda in slow motion." Under cover of a decade-long civil war that has claimed 2 million Sudanese lives, government backed Janjaweed continue their campaign to wipe out communities of African tribal farmers who live in the region. The government-backed Janjaweed are razing villages, systematically raping women and young girls, abducting children, poisoning water supplies, and destroying sources of food. Unlike the recent tsunamis in Southeast Asia, the situation in Darfur is manmade and therefore can be addressed.

In my visit to the region, I had the opportunity to meet with Lt. General Ansu of the African Union, which is the single peacekeeping force supported by the United Nations. During the meeting, the general noted that there is nothing they can do pursuant to the current mandate. As a result, I recently co-signed a letter, along with other Congressional Black Caucus members, to the President of Nigeria, Mr. Obasanjo, asking him to use his influence as chairman of the African Union to change the mandate of the AU in Sudan. Additionally, I am also a co-sponsor of H.R. 1424, "The Darfur Genocide Accountability Act of 2005." H.R. 1424, among other things, also calls for changing the mandate of the AU. While these are positive steps towards ending the genocide, they are clearly not enough.

In addition to my visit with Lt. General Ansu, I also had the opportunity to visit refugee camps and spoke with many of the refugees regarding what they have seen. According to them, many of the women and young girls have been raped, and many of the men have been violently murdered. Furthermore, water and food supplies have been completely destroyed making it impossible for many to survive.

The time has come for the United States to take a substantive role in curtailing this situation. I ask that my colleagues support the Jackson-Lee amendment.

Mr. KOLBE. Mr. Chairman, I understand the Parliamentarian has made a decision that this would be in order, and, therefore, I would withdraw my reservation.

Mr. Chairman, I claim the time in opposition.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. KOLBE. Mr. Chairman, I am not at all sure what the gentlewoman is attempting to accomplish here, what the purpose of offering this amendment is. The only funds that would be affected by this, the only funds that we have in the bill that affect refugees is that we provide for the UNHCR, that is, the United Nations High Commissioner on Refugees.

I think it is quite apparent that when it comes to Darfur and the Sudan, the UNHCR would not support any kind of program of resettlement of refugees that had been, not displaced, but they are refugees that go from one place to another. Refugees that fled from Sudan into Chad, they would not support any program of resettling them back in Sudan if there were not a comprehensive peace settlement that would allow them to be resettled.

The effect of the gentlewoman's amendment would be to stop assistance for such an important program if there was to be a peace settlement that was to be achieved and everybody in Darfur and Sudan were to agree on it. I cannot believe that is what the gentlewoman really intends, because what she would be doing is taking a terrible human tragedy and simply compounding it and making it a much worse human tragedy.

Mr. Chairman, I would hope the gentlewoman would reconsider this amendment, because I do not believe that its intent is what she intends to do. Let me just make it clear, it would limit all money going to UNHCR for resettlement if there were a peace agreement in Darfur. If there were a peace agreement, we would want nothing more than to be able to return those refugees from Chad back to Darfur. I cannot believe that is what the gentlewoman intended.

Mr. Chairman, I reserve the balance of my time.

Mrs. LOWEY. Mr. Chairman, I move to strike the last word.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentlewoman very much for yielding.

Mr. Chairman, if I might engage the distinguished gentleman from Arizona, I think the amendment can be interpreted in the way the gentleman has offered, but I think it can be interpreted in the way I have offered it. The problem is as we visited, first of all I want to thank Chad for what it has offered to the refugees and, of course, refugee resettlement efforts with the United Nations, where Chad is hosting the United Nations and welcoming them for the many refugee camps that are there.

But there is a terrible economic burden on Chad as well, and this is simply language that suggests that we are monitoring or ensuring that our funds are being used to, in fact, provide for those refugees who are in fear of their lives.

Now, I would be happy if the gentleman would work with me to include this in report language, so that we would have at least that protection from what might happen or what might be thought of or what might cause, if you will, some sort of pressure to return those refugees because of the economic imbalance. When we were there, though Chad was very hospitable, and all of us have gone to Chad and gone through Chad to go to Sudan, but if, for example, the financial burden became so extensive, then there might be some pressure, Mr. Chairman.

□ 2045

So I would hope that we find common ground to realize that it is a concern. I would not have brought it to the floor if it was not. I think it is an important point to make, that we understand the brutality that these refugees have experienced, and because they have experienced such devastation, we want to cross the T's and dot the I's.

So that was the explanation I wanted to make. If I can work to get a commitment on precise report language, which I think answers the concern, then I think that that is a way of addressing a definitive concern that I saw, and I think it is real, and I think my interpretation clarifies that it is not in any way undermining the funding for the U.N. Refugee Resettlement Program, but it is to make clear that even if there is an economic burden on the host country; in this instance, Chad, and again, I repeat, I thank them for their hospitality to these refugees. They should be, as we have supported their efforts, but there would not be that intent to resettle these refugees beyond the time of them wanting to go back, or for those who do not want to go back.

Mrs. LOWEY. Mr. Chairman, reclaiming my time, I know the chairman's clear concern and commitment to focus on the severe issues in Darfur, and I certainly would be delighted to work with the chairman to see if we can come up with some report language that would clarify the intent of the gentlewoman from Texas' concerns as expressed in this amendment.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I understand then what the gentlewoman from Texas is suggesting. Certainly, none of us would want to require forced repatriation of people from Chad back to Sudan. That is certainly not what any of us would want. But this amendment, as it is drafted, would be overly broad and would simply not allow us to do any kind of program that would help to resettle refugees that have fled from Darfur to return them to their homes, and I know that is not what the gentlewoman desires.

So, therefore, I agree with the point she is making, and we are certainly willing to work with her when we get to conference and the statement of manager's intentions in conference to work on language that will make it clear that we would oppose any kind of forcible repatriation of refugees from one country to the other.

If that is acceptable, I would hope the gentlewoman would then withdraw this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentlewoman from Texas for a concluding statement.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me try to understand the gentleman. I guess we differ whether it is overbroad, but I am welcoming of the gentleman's generous offer, in understanding that he would work with me on report language that helps us not have forced repatriation back to Sudan.

Mr. KOLBE. Mr. Chairman, if the gentlewoman from New York would continue to yield to me, the House report for the House bill is completed, but in conference, yes, we could work on language in conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentlewoman from New York would continue to yield, that is the clarity that I was trying to secure.

The CHAIRMAN. The time of the gentlewoman from New York (Mrs. LOWEY) has expired.

The gentleman from Arizona (Mr. KOLBE) has remaining time.

Mr. KOLBE. Mr. Chairman, I am completed with my remarks and I am prepared to yield back the balance of my time, if the gentlewoman is prepared to withdraw the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, with that kind of offer and the understanding that the amendment was drafted to ensure that we did not have the forcing of refugees to return, I will look forward to working with the gentlewoman from New York (Mrs. LOWEY) and the gentleman from Arizona (Chairman KOLBE) to have language in conference on this matter.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

Page 132, after line 13, insert the following:

REDUCTION IN TOTAL APPROPRIATIONS

SEC. . Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $202,700,000.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is no surprise to anyone. I rise again today to offer an amendment to cut the level of funding in this appropriation bill by 1 percent, 1 cent on the dollar. This amounts to $202.7 million.

I have offered this kind of an amendment on a number of these bills, and it is because I feel so strongly about the need for us to come to a balanced budget which we once had, and we have gotten very far away from.

The committee has done a good job in the sense that the amount of this bill is $2.5 billion less than what the administration called for. However, it is still an increase of $750 million over last year's Foreign Operations budget.

My sense is that if you do not have the money, you do not spend more than last year. That is the situation we are in right now. I will not go into this whole thing; I simply encourage an "aye" vote on behalf of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, the bill before us today already cuts the President's request, and the gentleman from Colorado has mentioned this; it cuts the President's request by $2.6 billion. That is 11 percent, and that is the largest cut in terms of any of the appropriation bills that we have had on the floor or will have on the floor this year.

We have cut all of the fat I think, and then some, from this bill. I am sure everybody can find something that they do not like, but there are a lot of programs that I think are very valuable that did not get funded in this because of the 11 percent cut over the President's request that we had, certainly things that the President thought were important and should be done.

I think if my colleagues were to peruse the bill, they would see that there is a $1.4 billion dollar cut from the President's account for the Millennium Challenge Corporation. That has been a priority of the President and mine in this bill. We have cut all of the new programs that the President requested. We zeroed out the Global Environmental Facility. We withheld 25 percent of the funds from the World Bank and conditioned funds of the Global Fund to fight HIV/AIDS until detailed reforms are met.

So this is a fiscally conservative bill of which I am very proud, and I ask my colleagues to oppose this amendment that is offered by the gentleman from Colorado (Mr. HEFLEY).

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I want to express my appreciation for every one of the cuts that the gentleman from Arizona (Mr. KOLBE) mentioned, and they have done a good job where that is concerned, but I still hope we will get a positive vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MS. LORETTA SANCHEZ OF CALIFORNIA

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LORETTA SANCHEZ of California:

Page 132, after line 13, insert the following:

LIMITATION ON INTERNATIONAL MILITARY EDUCATION AND TRAINING ASSISTANCE FOR VIETNAM

SEC. . None of the funds made available in this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" may be used to provide assistance for Vietnam.

Mr. KOLBE. Mr. Chairman, I reserve a point of order, and I do so until we have had a chance to see the amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from California (Ms. LORETTA SANCHEZ) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I yield myself such time as I may consume.

I intend to withdraw this amendment, and the gentleman from Arizona (Chairman KOLBE) has been kind enough to agree to engage in a colloquy with me on the issue of International Military Education and Training, or IMET, funding for Vietnam.

I strongly support the IMET program. Sitting on the Committee on Armed Services, I understand that it is a vital tool for furthering regional security cooperation and promoting United States interests overseas.

Vietnam held off on agreeing to participate in the IMET program for quite a while because they were concerned about scrutiny of their human rights record, and those concerns are well-founded. Vietnam is responsible for a broad range of human rights abuses, including the repression of ethnic minorities, detention and torture of political dissidents, and the repression of religious freedom.

The U.S. designated Vietnam as a "Country of Particular Concern" in 2004 because of its violations of religious freedoms. With this designation, Vietnam joins a club including Burma, China, Iran, and North Korea.

So, should the United States provide IMET for these countries? Why should Vietnam be any different?

The Vietnamese military has reportedly been involved in numerous cases of human rights violations, including violence and brutal suppression of the peaceful Montagnard people in demonstrations in April of 2004.

Providing humanitarian assistance to a country is one thing. Establishing trade relations is yet another. But military assistance such as IMET requires an even higher standard. Why would we want to establish military relations with a repressive regime, one in which our potential counterparts are directly involved in that repression? I think Vietnam should not be eligible for IMET assistance until it has demonstrated a willingness to treat all its citizens with the fundamental dignity and respect that they deserve.

Can the chairman provide me with assurances that Vietnam's human rights record and the record of its military in particular will be taken into consideration as part of Vietnam's eligibility for IMET funding?

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Ms. LORETTA SANCHEZ of California. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, first, I withdraw the reservation of the point of order.

Mr. Chairman, let me just say that I appreciate the gentlewoman's concern about the human rights situation in Vietnam. I share those concerns, and I believe our foreign policy should stress its importance.

I can assure the gentlewoman that improved relations between the United States and Vietnam, particularly in the area of military relations, will not ignore our objectives for improved human rights protection in that country. However, I do not wish to make engagement through IMET contingent on a specific action by the Vietnamese. I think it could have very well the opposite effect if we were to do that.

One purpose of IMET funds is to provide English language instruction to the Vietnamese military. In a fundamental way, it thus serves as a tool to give the Vietnamese military exposure to U.S. instructors, to professionalism, to progressive ideas, and to the role of the military in civil society. IMET would promote mutual understanding and provide an additional context for the Vietnamese to understand how important it is for the United States to see improvements in human rights. Besides providing this context for understanding, I believe that IMET for Vietnam will help us address transnational issues such as counterterrorism and counternarcotics and contribute to greater security and regional stability in Southeast Asia.

I thank the gentlewoman for raising this issue and look forward to working with her in the future on this.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, reclaiming my time, I thank the gentleman for his interest in the issue, and I am glad to hear that our policy towards Vietnam will not ignore human rights objectives. I sincerely appreciate the chairman taking the time with this important matter.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 132, after line 13, insert the following:

LIMITATION ON MILITARY ASSISTANCE IN CONTRAVENTION OF THE CHILD SOLDIERS PROTOCOL TO THE CONVENTION ON THE RIGHTS OF THE CHILD

SEC. . None of the funds made available in this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" may used in contravention of the child soldiers protocol to the Convention on the Rights of the Child.

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Texas (Ms. JACKSON-LEE) and the gentleman from Arizona (Mr. KOLBE) each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I have worked on this issue for a long time, and I hope to be able to withdraw this amendment and engage the chairman in a colloquy.

I think all of us are reminded of the terrible wars in Liberia, Sierra Leone, and Rwanda. And, in addition to the enormity of the loss of life, one of the most troubling and very sad aspects was the use of child soldiers. In fact, even now, there are programs on the continent of Africa to restore the childhood to these children, children who had guns instead of soccer balls or basketballs or baseballs; children who had guns instead of sitting in classrooms and learning about science and math and the study of the stars.

So, it is unfortunate that even today, in 2005, we find the fact that child soldiers are still utilized. They are utilized in places like Burma, in the Republic of the Congo, and other places where wars arise.

I would think in this day and time of terrorism, we know that child soldiers are being used as terrorists around the world.

On June 18, 2002, the U.S. Senate gave unanimous consent to U.S. ratification of the Child Soldiers Protocol which was the optional protocol to the convention on the rights of children on the involvement of children in armed conflict.

□ 2100

This decision meant that the United States would not put anyone under the age of 18 in combat, nor would we approve or sanction any such activity.

However, despite that fact, there are many nations throughout the world that sign and ratify the protocol. The problem of children being put into combat situations is still prevalent in many regions of the world. Despite gains in awareness and better understanding of practical policies that can help reduce the use of children in war, the practice persists; and globally the number of child soldiers, about 300,000, is believed to remain fairly constant.

In some continued armed conflicts, child recruitment increased alarmingly. And I have cited some of the countries where they are being used to fight wars, boys and girls, which is enormously tragic. They have even been used as laborers and sexual slaves. We know that the governments of Burma, Burundi, the DRC, Liberia, and Sudan and other governments have used children to fight wars. Burma's National Army alone includes an estimated 70,000 child soldiers, which is nearly one quarter of the world's total and routinely sends children as young as 12 into battle against armed ethnic opposition groups.

Mr. Chairman, I would hope that this Congress would go on record in some manner. Even as this amendment may be subject to a point of order, I believe it was worthy of our discussion that we oppose the use of children as soldiers. We have certainly opposed violent conflicts around the world and we wish to promote peace; but we will do everything we can to ensure that our children of the world, the ones who can be leaders for peace if given half the chance, if given the chance to live in a free and open society where they can be children and learn to be the best that they can be. I would hope that these children would not be put to the test of fighting in battles.

Mr. Chairman, I rise today to support my Amendment to this Foreign Operations Appropriation bill, which states that none of the funds made available in this Act under the heading "INTERNATIONAL MILITARY EDUCATION AND TRAINING" or "FOREIGN MILITARY FINANCING PROGRAM" may be used in contravention of the child soldiers protocol to the Convention on the Rights of the Child. The nations known to use child soldiers do not deserve military assistance from our nation.

On June 18, 2002 the U.S. Senate gave unanimous consent to U.S. ratification of the child soldiers protocol, which was the optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. This decision meant that the United States would not put anyone under the age of eighteen in combat. However, despite that fact that many nations throughout the world signed and ratified the protocol, the problem of children being put into combat situations is still prevalent in many regions of the world. Despite gains in awareness and better understanding of practical policies that can help reduce the use of children in war, the practice persists and globally, the number of child soldiers—about 300,000—is believed to have remained fairly constant. In some continuing armed conflicts, child recruitment increased alarmingly. In Northern Uganda, abduction rates reached record levels in late 2002 and 2003 as over 8,000 boys and girls were forced by the Lord's Resistance Army to become soldiers, laborers, and sexual slaves. In the neighboring Democratic Republic of Congo (DRC), where all parties to the armed conflict recruit and use children, some as young as seven, the forced recruitment of children increased so dramatically in late 2002 and early 2003 that observers described the fighting forces as "armies of children."

However, it is not just non-governmental armed opposition groups who continue to use children to fight wars. Governments including those in Burma, Burundi, the DRC, Liberia, Sudan, and Ugandan have continued to recruit and use children in armed conflict. Burma's national army alone includes an estimated 70,000 child soldiers, which is nearly one-quarter of the world's total and routinely sends children as young as twelve into battle against armed ethnic opposition groups. Both Uganda and the DRC have ratified the optional protocol, but flout their obligations by using child soldiers. The Ugandan People's Defense Force has recruited children who escaped or were captured from the rebel Lord's Resistance Army, and has trained and deployed children recruited into local defense units. The government of DRC maintains children in its ranks despite a 2000 presidential decree calling for the demobilization of child soldiers.

While none of these nations are specifically targeted to receive any military assistance in this Appropriation, it is important that this amendment is passed so that a message against the use of child soldiers is sent throughout the world. Regardless of how unlikely it is that such funding may ever take place, we as a nation can not allow even the slightest possibility that taxpayer money may go to pay for military assistance to other nations who continue to use child soldiers. It is also important to note that these military assistance funds do not cover any humanitarian assistance, only funds under the International Military Education and Training and Foreign Military Financing Programs. It's a travesty that here in America we talk of holding our children above all else, but around the world children are being used as tools for war. I urge support for the Jackson-Lee Amendment to prohibit military assistance to nations that continue to use child soldiers.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I continue to reserve my point of order. I hope this will not be necessary. I think the gentlewoman's concern is certainly a very real one. None of us want to see child soldiers. None of us want to see this kind of child labor and abuses of children. And I would hope that this is a priority as far as I think the United States policy is concerned. I think the United Nations agencies, I think all of them have this as a policy. But I just would hope that the gentlewoman, we will continue to work with her on the right language here. But I hope the gentlewoman would withdraw this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if I might, to the gentleman, I would simply say I would like to work with the Chair and the ranking member. Again, I would like to call on your good graces to look at language during conference and work with you and have the language that is appropriate and of course acceptable to all of us and acceptable to the Chair and the ranking member.

I do think that silence on child soldiers is not helpful because there is continued recruitment, and so I would like to withdraw the amendment. I would like to yield to the gentleman, just to say can we work together on it.

Mr. KOLBE. Mr. Chairman, if the gentlewoman will yield, she has the assurance of the chairman that we will work with her on language in conference that would address this issue. I obviously cannot commit with the Senate exactly how that language would be worded, but certainly we will take this issue to the Congress, and we will work on language in the report language for the conference.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the chairman and let me ask and thank the chairman for his reservation of point of order. But let me thank him for entering into a discussion on this matter and allowing me to discuss it and bringing it to the attention of my colleagues.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 6 by the gentleman from Massachusetts (Mr. McGOVERN), amendment by the gentleman from Colorado (Mr. BEAUPREZ), amendment by the gentleman New York (Mr. WEINER), amendment by the gentleman from Vermont (Mr. SANDERS), amendment by the gentleman from Georgia (Mr. DEAL), amendment by the gentleman from Colorado (Mr. HEFLEY).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 6 OFFERED BY MR. McGOVERN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. McGOVERN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 234, not voting 10, as follows:

[Roll No. 329]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Ehlers
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Filner
Flake
Ford
Gordon
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kaptur
Kelly
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pitts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Aderholt
Akin
Alexander
Baca
Bachus
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Edwards
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Keller
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Maloney
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Oxley
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Cox
Doolittle
Hayes
Hinojosa
Kingston
Lynch
McIntyre
McKinney
Ortiz
Ross

□ 2127

Mrs. NORTHUP and Messrs. BACA, KENNEDY of Rhode Island and HOSTETTLER changed their vote from "aye" to "no."

Mr. TANCREDO and Mr. THOMPSON of Mississippi changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 329, had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. BEAUPREZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. BEAUPREZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 327, noes 98, not voting 8, as follows:

[Roll No. 330]

AYES—327

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLay
Dent
Diaz-Balart, M.
Dicks
Doggett
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kline
Kuhl (NY)
LaHood
Langevin
Lantos
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Markey
Marshall

Matheson
McCarthy
McCaul (TX)
McCotter
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Osborne
Otter
Owens
Pallone
Pascrell
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—98

Ackerman
Baird
Baldwin
Becerra
Berman
Blumenauer
Boucher
Brown, Corrine
Capps
Conyers
Cummings
Davis (FL)
DeGette
DeLauro
Dingell
Dreier
Ehlers
Eshoo
Farr
Filner
Frank (MA)
Gillmor
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hobson
Holt
Honda
Hyde
Jackson (IL)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kildee
Kilpatrick (MI)
Kirk
Knollenberg
Kolbe
Kucinich
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Matsui
McCollum (MN)
McCrery
McDermott
McGovern
McKinney
Meeks (NY)
Millender-McDonald
Miller, George
Nadler
Napolitano
Oberstar
Olver
Oxley
Pastor
Payne
Pelosi
Peterson (PA)
Rogers (KY)
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (VA)
Serrano
Shays
Sherwood
Slaughter
Smith (WA)
Solis
Stark
Sweeney
Tauscher
Thomas
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—8

Diaz-Balart, L.
Doolittle
Hayes
Kingston
Lynch
McIntyre
Ortiz
Ross

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 2136

Mr. CUMMINGS changed his vote from "aye" to "no."

Mr. SCHWARZ of Michigan, Ms. PRYCE of Ohio, Mr. ENGEL, Mrs. NORTHUP and Mr. JOHNSON of Illinois changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WEINER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. WEINER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 293, noes 132, not voting 8, as follows:

[Roll No. 331]

AYES—293

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Conaway
Cooper
Costa
Costello
Cox
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Dicks
Doggett
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hastings (FL)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kaptur
Keller
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McGovern
McHenry
McNulty
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norwood
Olver
Osborne
Otter
Owens
Pallone
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Ramstad
Rangel
Renzi
Reyes
Rogers (AL)
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (WA)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Westmoreland
Wexler
Whitfield
Woolsey
Wu
Wynn

NOES—132

Aderholt
Allen
Baldwin
Bartlett (MD)
Barton (TX)
Biggert
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boucher
Boustany
Bradley (NH)
Brady (TX)
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Cole (OK)
Conyers
Cramer
Crenshaw
Cunningham
Delahunt
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dreier
Ehlers
Etheridge
Everett
Foley
Gilchrest
Gingrey
Granger
Harris
Hart
Hastings (WA)
Hensarling
Hobson
Hoekstra
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Johnson (CT)
Kanjorski
Kelly
Kennedy (MN)
Kilpatrick (MI)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
McCaul (TX)
McCrery
McDermott
McHugh
McKeon
McKinney
McMorris
Mica
Mollohan
Murphy
Murtha
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Oxley
Pastor
Pearce
Peterson (PA)
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ruppersberger
Ryan (WI)
Sabo
Saxton
Schwarz (MI)
Sessions
Sherwood
Shimkus
Simpson
Skelton
Smith (TX)
Snyder
Stark
Sweeney
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Turner
Upton
Walsh
Weller

Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Doolittle
Hayes
Kingston
McIntyre
Meehan
Ortiz
Ross
Shays

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 2144

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 313, noes 114, not voting 6, as follows:

[Roll No. 332]

AYES—313

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cox
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Drake
Duncan
Emanuel
Emerson
Engel
English (PA)
Eshoo
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
Kucinich
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Rahall
Ramstad
Rangel
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Royce
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Solis
Souder
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Westmoreland
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—114

Alexander
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bonilla
Boucher
Boustany
Bradley (NH)
Brady (TX)
Cannon
Cantor
Carter
Case
Castle
Chocola
Cole (OK)
Conaway
Cooper
Cramer
Crenshaw
Crowley
Cubin
Davis (KY)
Davis, Tom
DeLay
Dicks
Doyle
Dreier
Edwards
Ehlers
Etheridge
Feeney
Frelinghuysen
Gilchrest
Goodlatte
Granger
Graves
Hall
Hart
Hobson
Hoekstra
Hulshof
Inglis (SC)
Jefferson
Johnson (CT)
Keller
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Larsen (WA)
Latham
Levin
Lewis (CA)
Lofgren, Zoe
Lungren, Daniel E.
Manzullo
McCrery
McMorris
Meeks (NY)
Mica
Miller (MI)
Miller (NC)
Moran (KS)
Murphy
Murtha
Myrick
Oberstar
Otter
Oxley
Pearce
Peterson (PA)
Pomeroy
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Ros-Lehtinen
Ruppersberger
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sessions
Shays
Sherwood
Shimkus
Simpson
Smith (WA)
Snyder
Spratt
Sullivan
Sweeney
Tauscher
Thomas
Thornberry
Tiahrt
Upton
Wamp
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)

NOT VOTING—6

Doolittle
Hayes
Kingston
McIntyre
Ortiz
Ross

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded there are 2 minutes remaining in this vote.

☐ 2151

Mr. LEACH changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DEAL OF GEORGIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. DEAL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 294, noes 132, not voting 7, as follows:

[Roll No. 333]

AYES—294

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehlert
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardin
Cardoza
Carnahan
Case
Chabot
Chandler
Chocola
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crowley
Cubin
Cuellar
Culberson
Cunningham
Davis (CA)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
Dent
Dicks
Doggett
Doyle
Drake
Duncan
Edwards
Emerson
Engel
English (PA)
Eshoo
Everett
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayworth
Hefley

Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Honda
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kuhl (NY)
LaHood
Langevin
Lantos
LaTourette
Leach
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McHenry
McHugh
McKeon
McMorris
McNulty
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nussle
Osborne
Otter
Owens
Pallone
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rothman
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanders
Saxton
Schiff
Schwartz (PA)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Sodrel
Spratt
Stearns
Strickland
Stupak
Sullivan
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Tiahrt
Tiberi
Turner
Upton
Van Hollen
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—132

Ackerman
Allen
Baldwin
Becerra
Berman
Biggert
Blumenauer
Blunt
Bonilla
Boucher
Brown, Corrine
Butterfield
Cantor
Capuano
Carson
Carter
Castle
Clay
Cleaver
Conyers
Cooper
Crenshaw
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Dreier
Ehlers
Emanuel
Etheridge
Evans
Farr
Frank (MA)
Frelinghuysen
Gilchrest
Granger
Grijalva
Gutierrez
Hastings (FL)
Hobson
Hoekstra
Holt
Hooley
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kilpatrick (MI)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Larsen (WA)
Larson (CT)
Latham
Lee
Lewis (CA)
Lewis (GA)
Lowey
Maloney
Markey
Matsui
McCrery
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Miller, George
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Oxley
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Price (NC)
Pryce (OH)
Regula
Rehberg
Renzi
Ros-Lehtinen
Roybal-Allard
Rush
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherwood
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Stark
Sweeney
Tauscher
Thomas
Thompson (CA)
Thornberry
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watson
Watt
Waxman
Wexler
Woolsey

NOT VOTING—7

Doolittle
Hayes
Jackson-Lee (TX)
Kingston
McIntyre
Ortiz
Ross

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are reminded 2 minutes remain in this vote.

□ 2158

Mrs. JOHNSON of Connecticut changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. MOORE of Wisconsin. Mr. Chairman, on rollcall No. 333, I inadvertently voted "aye" when I intended to vote "no." Please have the RECORD reflect that I would have voted "no."

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 117, noes 309, not voting 7, as follows:

[Roll No. 334]

AYES—117

Akin
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berry
Bilirakis
Bishop (UT)
Blackburn
Bonner
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Cannon
Cardoza
Chabot
Chocola
Coble
Costa
Costello
Cox
Cubin
Davis, Jo Ann
Deal (GA)
DeFazio
Diaz-Balart, M.
Duncan
Everett
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gibbons
Gohmert
Goode
Goodlatte
Graves
Green (WI)
Green, Gene
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hostettler
Hulshof
Inglis (SC)
Issa
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCotter
McHenry
McMorris
McNulty
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Pombo
Price (GA)
Radanovich
Rahall
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Tiberi
Upton
Walden (OR)
Westmoreland
Wilson (SC)

NOES—309

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Gordon
Granger
Green, Al
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hyde
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger

Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Doolittle
Hayes
Kingston
McIntyre
Ortiz
Ross
Waters

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 2204

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not rising because it happens to be my 19th wedding anniversary.

Mr. Chairman, it is my privilege to express my great appreciation for the fantastic work done by the chairman and the ranking member on this bill, and for all of us to come together to recognize the birthday of the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Arizona.

Mr. KOLBE. It is a few more than 19, too.

Mr. LEWIS of California. Let us all join in extending happy birthday wishes to the gentleman.

The CHAIRMAN. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

> This Act may be cited as the "Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006".

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3057) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 341, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 32, not voting 8, as follows:

[Roll No. 335]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—32

Bartlett (MD)
Berry
Cubin
Davis, Jo Ann
Duncan
Flake
Franks (AZ)
Gibbons
Goode
Goodlatte
Hefley
Hostettler
Hulshof
Jenkins
Jones (NC)
Keller
Lucas
Miller (FL)
Norwood
Otter
Paul
Petri
Pombo
Rahall
Rohrabacher
Ryun (KS)
Sensenbrenner
Stark
Stearns
Tancredo
Tanner
Taylor (MS)

NOT VOTING—8

Doolittle
Hayes
Kingston
Lewis (CA)
McIntyre
Mollohan
Ortiz
Ross

□ 2226

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Mr. Speaker, I was not present on votes held earlier this morning. Had I been present, I would have voted "yea" on H.R. 458, rollcall No. 324; and "no" on the previous question on H.R. 341, rollcall 325.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, earlier today I joined local community leaders from my district on behalf of Fort Bragg, Pope Air Force Base, going to the BRAC hearing in Charlotte and thereby missed a number of rollcall votes.

Had I been present, I would have voted "yes" on rollcall votes 322, 323, and 324, and would have voted "no" on rollcall votes 325, 326, 327, and 328.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 140

Ms. KILPATRICK of Michigan. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H. Con. Res. 140.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

THE PRESIDENT'S SPEECH

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, tonight President Bush talked with America about the great struggle and the suffering that our country has endured since September 11. It is clear that these memories are seared for us of that horrific day, and our hearts break for the soldiers that we have lost and the families that they have left behind.

But the President reminded us that when tragedy struck, we pulled ourselves together; got to work, as we always do; and that we have taken this war to those who attacked us, to be sure that our children never suffer through another September 11.

We do not believe in appeasing terrorism. We do not believe in turning a blind eye as evil gathers, hoping it will strike someone else. We are Americans. It is not our way to let bullies and thugs intimidate and destroy what we and other free nations have worked so hard to build. That is why we are in Afghanistan and that is why we are in Iraq.

Mr. Speaker, the front lines of this war are on America's main streets. They are also in Kabul and Baghdad. We are in this together and we will win together.

□ 2230

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was unavoidably detained and did not vote on the Deal amendment during consideration of H.R. 3057. Had I been present, I would have voted no.

A POOR AND FLAWED INTERPRETATION OF THE CONSTITUTION

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, five U.S. Supreme Court Justices yesterday strained the credibility of the court, ignored America's founding principles and denigrated the importance of the Ten Commandments and the Judeo-Christian faith in American culture and history. Allowing Texas to display the Ten Commandments on State property but disallowing Kentucky courthouses from doing the same is a poor and flawed interpretation of the U.S. Constitution.

This schizophrenia departs from the clear intent of our Founding Fathers. The court must remember that the first amendment says we should have freedom of religion, not freedom from religion.

American government was founded on a belief and a faith in God and in doing what is right and just. I would hope that in future cases the court will interpret the U.S. Constitution with a less jaundiced eye and heed the original intent of our founders.

APPOINTMENT OF MEMBERS TO NATIONAL COUNCIL ON THE ARTS

The SPEAKER pro tempore (Mr. MCHENRY). Pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the National Council on the Arts:

Mr. MCKEON, California;

Mr. TIBERI, Ohio.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), I hereby appoint Rep. Betty McCollum of Minnesota to the National Council On The Arts.

Best regards,

NANCY PELOSI.

APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES, JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Pursuant to Section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees of the John F. Kennedy Center for the Performing Arts:

Mr. KENNEDY, Rhode Island.

MAKING IN ORDER CALL OF PRIVATE CALENDAR ON TOMORROW

Mr. GINGREY. Mr. Speaker, I ask unanimous consent that the call of the Private Calendar be in order tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE 1-YEAR ANNIVERSARY OF IRAQI SOVEREIGNTY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, as we celebrate the 1-year anniversary of Iraqi sovereignty, I would like to take the time to express my gratitude and appreciation for the men and women of the United States military who are fighting for freedom in Iraq and around the world, both those still fighting and those who have fallen. These soldiers of liberty are following the tradition of what Franklin Delano Roosevelt described as "the greatest arsenal of democracy."

From Bunker Hill to Gettysburg, and from the beaches of Normandy to the rice paddies of Vietnam, no nation has lost so many in the name of liberty. Indeed, never before in the history of mankind has one people acted to free so many of the world's oppressed, both within and beyond its borders.

America does not fight for land, glory or riches. No, Mr. Speaker, we fight to free those who live on the land, to spread the bounties of freedom, and to bring the riches of liberty to those who cannot do the job alone. So it has been, and so it is in Iraq. Our brave soldiers and support personnel are engaged in a battle as important as any the United States has ever before waged, for the success of democracy in Iraq is a crucial test of the ideals this Nation was founded upon.

Our founding texts all proclaim freedom's universalism. Liberty is not the unique right of Americans or even Westerners, but is mankind's right. Indeed, it is a right that according to our Declaration of Independence is unalienable.

We went to Iraq because Saddam Hussein's dictatorship was a threat to his neighbors, the Middle East, the United States and his own people. We remain in Iraq because we know that sometimes liberty needs some nursing before it can grow on its own. We have not abandoned other people of the world after their liberation, and we will not abandon Iraq. We will continue fighting for freedom's survival.

And while we know that the men and women who are lost to freedom's cause will never be forgotten, that knowledge can never fully heal the pain of their families. The hole left in their lives by their lost loved-one can never be fully filled. Still, from their sacrifice, much solace can be taken.

In times of war, it is often best to look to our history to see how past generations of Americans dealt with the loss of their countrymen in just causes. During the civil war, the most trying time in this Nation's history, hundreds of thousands of families lost their sons as they tried to save the union.

At the height of the casualties, President Lincoln sought to reassure a wounded nation. The Gettysburg address was a clarion call to those who heard his immortal words. In memory of the soldiers lost at the Battle of Gettysburg, Lincoln delivered the greatest 2 minutes in American oratorical history.

The speech's poignancy may never again be matched, as in just over 20 words Lincoln honored the dead for their service, ensured that their sacrifice would not be in vain, and captured the essence of the American experiment.

But I am afraid that too often Lincoln's words are forgotten, so I would like to read them aloud now so that all Members might hear them and take them to heart when considering our current conflict. For Lincoln's words are as true for our lost men and women in Iraq as they were for the fallen at Gettysburg:

"Fourscore and seven years ago our fathers brought forth on this continent a new Nation, conceived in liberty and dedicated to the proposition that all men are created equal.

"Now we are engaged in a great civil war, testing whether that nation or any nation so conceived and so dedicated can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of it as a final resting place for those who died here that the nation might live. This we may, in all propriety do. But in a larger sense, we cannot dedicate, we cannot consecrate, we cannot hallow this ground.

"The brave men, living and dead who struggled here have hallowed it far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here."

This is the most appropriate part: "It is rather for us the living, we here be dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they here gave the last full measure of devotion, that we here highly resolve that these dead shall not have died in vain, that this nation shall have a new birth of freedom, and that government of the people, by the people, for the people shall not perish from the Earth."

Mr. Speaker, I am humbled by Lincoln's words. And while I cannot match their eloquence, I can heed their meaning. From the commitment of the fallen in Iraq, I will take increased devotion to the cause of liberty, the cause for which they fought, and I hope so too will all Members of this body.

President Lincoln used the Gettysburg address to honor the dead not by shirking from conflict, but rather by issuing a clarion call to continue fighting in their stead.

As we approach the Fourth of July, it is fitting that we celebrate Iraq's fledgling democracy, and remember those who fought for freedom's dawn there, and in other parts of the world.

Mr. Speaker, I thank the men and women of our Armed Forces, and hope they will return home soon with the knowledge that they have served in the tradition of America's Great Emancipator, and brought freedom to those who would otherwise never have known its glories.

INVESTIGATING GUANTANAMO DETENTION CENTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, whenever we approach this microphone in this institution, we do it with the greatest of respect. I respect my colleague who just spoke of the great duty and service given to America by the men and women on the front lines all over the world, but in this instance, particularly in Iraq and Afghanistan.

This weekend I had the opportunity to see another fine example of servicemen and women, soldiers and sailors, working together at Guantanamo. But as we respect and appreciate their service, I have also had the opportunity to engage in conversation with these brave young men and women, Reservists, National Guard, and the one thing they understand is that what they are fighting for is freedom, and they are fighting for the availability and the opportunity for there to be public disagreement, dissent. That is the basis of our Constitution. That is why we love America.

So I rise today to simply raise questions: to applaud the improvement that has occurred in Guantanamo, but also to suggest that there needs to be transparency, there needs to be an understanding that there was a before and now an after. We need to be able to investigate thoroughly allegations of inappropriate behavior, abuse, by those in the FBI, the media and non-governmental agencies, to be able to clear the stain that might be on those who are working hard now.

A bipartisan commission could investigate by way of talking to the detainees; understand fully what the military tribunals mean and how they operate; whether or not detainees have a right to counsel; why they are being held indefinitely; why there are no charges; why there has not been a prosecution and a conviction; and to emphasize the Rasul case, which talks about access to the courts through habeas corpus proceedings.

Again, what I said very clearly is progress has been made, and I applaud that progress. But progress will be greatly made if we have an understanding through a bipartisan process of what Guantanamo means, and ultimately to prosecute the bad and horrific terrorists, for none of us want to see terrorists released. But for those who are able to return home, to be detained at home, to be held at home, to be kept off the battlefield so that those in Guantanamo do not pose a threat to our soldiers on the battlefield and to be held against them if they happen to be caught by the enemy.

□ 2245

I ask for a simple point that freedom means airing, freedom means the opportunity to ask questions and to get answers. I say that again tonight, as we heard the President speak to the American people.

First, I applaud the fact that the President has come to the American people; it is something that I have asked for time and time again. But, Mr. Speaker, let me simply say this: we need a success strategy in order to be able to have our troops come home. It is not a cut-and-run strategy, and I resent the interpretation that those of us who have asked for a success strategy that will bring dignity and respect to our troops and freedom to the Iraqi people are in any way cutting and running.

The strategies that the President offered tonight do not lead us on that pathway. The relating of the war in Iraq to the 9/11 tragedy, the horrific terrorist act, does not comport, if you will. We are fighting a War on Terror. We need all of our allies to help us fight it. We need the Iraqis, we need the Jordanians, we need the Saudi Arabians, we need all of them. But this ongoing conflict and war in Iraq with our soldiers entrenched where the Iraqi people and the Iraqi government has not reached out to diversify their government to include the Sunnis, to make sure that they are fighting collectively against the bad elements in a unified force, that is what is keeping us from peace. Embedding our soldiers and Iraqi forces is a good military strategy, but it is not a political end to this war. And, yes, we are looking for the writing of a Constitution, the voting on a Constitution, but we need a success strategy, a time that we can look toward for our troops to be able to come home.

It would be well to give military strategies that include training our national Iraqi forces, which I agree with, and I offered an amendment on the Floor of the House, working with conferees on the Defense Appropriation, to ensure that that occurs. I support the Skelton-Harman bill that talks about reinforcing the Iraqi forces, but that is not a success strategy. Again, there is no fear to being able to talk about the time of our troops coming home, acknowledging the brave stand that they have taken and the success that they have had in initially toppling Saddam Hussein.

I disagreed with this war from the beginning because I believed that it was not a constitutional war because Congress had not declared war. But I am prepared to work with the President now, to work with our colleagues in order to develop a success strategy that comes with honor and dignity.

What we had tonight leaves us empty because, in fact, I would hope that we could believe that the insurgency would go down. But we cannot expect that, in the backdrop of Secretary Rumsfeld clearly saying that the insurgents would be active for 12 years, and tonight we did not hear any solution to the violence of the insurgents. I believe that with the presence of military forces with the United States there, the insurgents will continue to rise.

I look forward to working with my colleagues to bring peace to this crisis in Iraq. We cannot do it without an effective success strategy for our troops and for America.

EFFECTIVE STRATEGIES FOR PEACE IN IRAQ

The SPEAKER pro tempore (Mr. McHENRY). Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, it is interesting, my colleague was just talking about the President's speech tonight and I happen to disagree with her. I thought it was a strong, resolute speech that we heard from the President. America needs to hear from him and America needs to know that this President will not cut and run. The world needs to know that the Americans are not going to cut and run.

I think that for the past few months Americans, and probably a lot of folks around the world, have heard far too much from the cut-and-run caucus on this Hill. It is time that we make certain that they know we are committed to freedom. We have a President that is not going to give in to the terrorists, and that is exactly as it should be.

Some say that by being aggressive, that by taking this War on Terrorism to the Middle East, that we are helping the terrorists and helping the insurgent recruitment efforts. These naysayers count every single person who goes out and joins and becomes a part of the insurgency but, somehow, they forget something, and they forget this: that as we are over there fighting and working to bring democracy and freedom to Afghanistan and to Iraq, that there are hundreds of thousands and millions of people that are joining us in working toward freedom, working to build a democratic ally for our children there in the Middle East, and that they are going to see a different life than the hundreds of thousands that have found themselves in mass graves in Afghanistan and in Iraq.

Mr. Speaker, it is also interesting that many times, those on the left come in and they want to talk about a time line, give us a time line. Tell us exactly when we are going to get out of there. I always find that interesting, because many times I think that the liberals want a time line because they want to control it. They want to know exactly what is going to happen when, so they can micromanage it. Our military leaders need the ability to make those decisions that need to be made right there on the front lines. They do not need Congress micromanaging this war.

Also, we do not need to tell the terrorists, this is what we are going to do and this is when we are going to do it. We need to trust that leadership of our military and we need to believe in those men and women in uniform that are fighting.

My colleague also mentioned a trip that was made to Guantanamo Bay this weekend. I was also on that trip, and I will tell my colleagues, it is one of those things that kind of gets under my skin when I hear them say progress is being made at Guantanamo Bay. That insinuates that our men and women in uniform have done something wrong, and they have not, Mr. Speaker. I think it is important that the Members of this body, and also that the American people, know what Guantanamo Bay is about.

Guantanamo Bay is a detention center, and in that detention center are held 520 enemy combatants. Now, an enemy combatant is not somebody that got picked up for shoplifting or for running a traffic signal. An enemy combatant is a person that has ties to known terrorist groups: the Taliban, al Qaeda. They are people that have participated in trying to tear us down. They are people that have participated in the September 11 attacks, the Khobar Towers, the first World Trade Center bombing. That is what we have at Guantanamo Bay.

We hear that we should send them back to their country. There is a reason we do not, and that is because an enemy combatant is not a uniformed soldier in an Army fighting for a country. An enemy combatant is a terrorist and, many times, we do not know what country they are from. The reason we do not send them back is because there is not a country that we are going to be sending them back to. It is an important distinction that we need to make.

Mr. Speaker, as we go through this week, as we talk about the President's remarks tonight, as we talk about the time at Guantanamo Bay, it is important to remember that it is our men and women that we need to thank for our freedom. It is their families we need to thank for their support.

AMERICA IS LOSING HER INDEPENDENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, some people have loosely thrown the word "freedom" around here tonight. Well, America's freedom is declining because we are so increasingly dependent on imported petroleum. As oil prices rise, for super it is over $2.50 a gallon now at the pump and historic levels of $60 a barrel, I must rise tonight to say how sick I am of imported petroleum governing this economy. Look what it has done to our beloved republic economically, politically, environmentally, strategically. Rising oil prices control this economy. The lack of growth, every time that price ticks up, the stock market becomes very uncomfortable.

Oil prices keep us strategically locked to dictatorships all across this globe. That causes limitation in freedoms. What about the impact that oil prices have binding us to China and Iran now, looking at what is happening there, and the proposed Unocal purchase by China right at the ankles of Unocal's investments in Afghanistan right next door, as we become players in this 21st century oil market. America, wake up. Look at who gets the profit from your expenditures out of your wallet. Rising oil prices makes our economy vulnerable here at home. We lose more jobs, and the stock market remains very, very unsteady.

Rising oil prices mean we knock points off economic growth. Think about who gets those profits off those rising prices as our young men and women in the armed forces occupy the Middle East and Central Asia where most of our imported oil comes from. Now, over 60 percent of what we consume is imported from abroad; a majority of what is used in this country is imported. We are not free.

In fact, our soldiers are guarding more and more every day oil and gas pipelines from Afghanistan to Georgia to Turkey to places most Americans have not been very familiar with. U.S. foreign policy and military involvements in these areas parallel that of our global oil corporations. Unocal is not the only one. Chevron, Exxon, Arco, the names go on.

Now, this week, the Communist-owned oil company of China has decided it wants to pay more for Unocal than it is worth. Unocal does not drill anything in this country anymore; their investments are all over the world. Remember, Afghanistan was a key transit route before we got there with the military, the 18,000 of our soldiers who are stationed there now; Afghanistan was a key transit route from Unocal from the Caspian Sea Basin. They have been at this a long time. Sadly, U.S. foreign policy in that country has mirrored Unocal's satisfaction with the Taliban government there. They tried to be friends.

In fact, Unocal had plans for a new pipeline winding a far-ranging path from Turkmenistan's gas fields to the Arabian Sea. The giant oil company built cooperative relationships with the Taliban government in Afghanistan, as did the United States Government. When we supported the Taliban, as recently as 1999, U.S. taxpayers paid the salary of oil-hungry Taliban government officials. Ask yourself about that.

But as soon as the Taliban began making things a little difficult for Unocal, demanding more money for infrastructure and access to some of the oil themselves in the summer of 2001, well, our government's position began to change on the Taliban. Shortly thereafter, the Taliban became much more vulnerable after the September 11 attack, and the Bush administration was able to secure support for invasion of that country, but then maneuvered a former Unocal consultant named Khalized to be the first ambassador to Afghanistan and, guess what? Now he was just nominated and confirmed as ambassador to Iraq. Strange coincidence.

Ask yourself, who gets the profits off the rising gas prices you are paying for. China has raised its bid to purchase the U.S. oil giant Unocal, and what a twist of fate this is. It was U.S. oil dependency that drew us to secure Central Asia for oil, and now we find ourselves in the awkward position of having China buy us out. China is trying to trump our energy investments in that area because it is right next door to them, trying to buy Unocal to access what the U.S. had hoped to gain by the Central Asian invasion.

China is also courting favor with Iran. They are trying to trump us there to gain an energy edge as the Bush administration creates more barriers with Iran. Ask yourselves, who is getting the profits and why has the Bush administration made us more dependent on foreign oil, up another 10 percent, up to 63 percent now.

Mr. Speaker, America is losing her independence.

HONORING THE LIFE AND FRIENDSHIP OF STAFF SERGEANT JOSEPH BEYERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Mr. Speaker, last Tuesday, June 21, the gentleman from New Jersey (Mr. SAXTON), our distinguished subcommittee chairman of our great Committee on Armed Services, introduced H.R. 256 in remembrance of the brave servicemen who perished in the disastrous April 24, 1980 rescue attempt of the American hostages in Iran. That was called Operation Eagle Claw.

I appreciate the gentleman for bringing this legislation to the Floor, mainly because it is such an important resolution, but also, Mr. Speaker, because it prompted me to call an old friend.

Mr. Speaker, I rise tonight to pay tribute to the selfless service of that old friend from my childhood and a true American hero, Air Force Staff Sergeant Joseph J.J. Beyers.

□ 2300

I was reminded of my friend JJ because he was part of that rescue attempt, and he was one of the fortunate few who lived to tell about it. I had pretty much lost track of JJ after high school, although I knew, Mr. Speaker, that he was part of that rescue operation and I knew that he had been injured severely, burned severely, in critical condition for months, but that, thank God, he survived, and he recovered. But we had really lost track of each other for these many years until last week, after Mr. SAXTON introduced his resolution. I had an opportunity to track JJ down and to give him a call and to spend about 45 minutes talking to him about that operation and his life and what it meant to him and what it has meant to this country.

I want to share, Mr. Speaker, a little bit of JJ's life, our life as kids together growing up in North Augusta, South Carolina. We were both altar boys at Our Lady of Peace Catholic Church. JJ and I went to school together from the first grade.

Back in those days, Mr. Speaker, there was no pre-K or kindergarten. Everybody just showed up when they were 6 years old in the first grade. That is how long I have known that great American hero.

And a little bit later on, Mr. Speaker, and my colleagues, JJ Beyers and myself actually played in the same pony league baseball organization. He was a great athlete. He was a wonderful baseball player, an all-star in that pony league. We had some great athletes, and I would be remiss if I did not mention one who, like JJ Beyers, is another American hero, our age, our contemporary who gave his life for our country in another conflict, Vietnam.

But JJ Beyers and I went on to high school together to St. Thomas Aquinas High School in Augusta, Georgia where again we were both playing baseball and football. But after that, I went off to college. I went to Georgia Tech to college; and JJ joined the Air Force and was in the process of spending his entire adult life in the Air Force. He was a C–130 radio operator and had been assigned to Eglin Air Force Base in 1980, when Operation Eagle Claw was planned.

JJ volunteered for that duty, Mr. Speaker, to take the place of someone who had to drop out because of a sick parent. And JJ Beyers at that time was a single parent who had custody of his five children. And yet he stepped up to the plate and volunteered to fill in the gap to go on this dangerous mission, telling his commander at Eglin that his neighbors would take care of his children; that he wanted to go and do what was necessary to rescue these hostages in Iran. That is the kind of guy JJ Beyers is, and this opportunity tonight to share that with my colleagues, I think, is of tremendous importance.

Mr. Speaker, JJ, as I say, lived through that infamous collision between a Navy helicopter and that C–130 cargo plane. But he was trapped in that fuselage by raging flames after the crash and pulled to safety by two Delta Force pilots. And JJ has severe burns today and little use of both hands. He has been totally disabled. But here is what he says: "There is no doubt in my mind everybody involved would have gone again."

JJ is remarried now. He lives in Niceville, Florida. I just want to say one thing, Mr. Speaker, in conclusion. Something that happened in high school, I was a snapper for punts. I rolled that snap back to JJ Beyers in the biggest game of the year, the punt was blocked. The coach chewed my good friend JJ Beyers out. He never said a word. He took it like a man. I did not own up to the fact that it was my fault. JJ was a true hero then. He was a true hero in 1980, he is a true hero as we speak today, and I want to take this chance to thank him for his friendship and sacrifice.

EXCHANGE OF SPECIAL ORDER TIME

Mr. HAYES. Mr. Speaker, I ask unanimous consent to take the time of the gentleman from Texas (Mr. POE).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPRECIATION TO AMERICA'S TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.

Mr. HAYES. Mr. Speaker, I appreciate the time. And just having returned from Fort Bragg, the epicenter of the universe, home of the 82nd Airborne, I want to relate to you and others the speech that the President made tonight. And let me begin by saying that our heartfelt thanks and appreciation go out to the men and women in uniform everywhere tonight: Iraq, Afghanistan or wherever they may be. The President outlined very clearly tonight that this is a war against terror and terrorists that we are winning, that we must win, and that we will win. His resolve, as well as his appreciation for the troops, was most apparent.

Mr. Speaker, interestingly, I received a message early this morning from a good friend, 82nd trooper in Iraq, in which he said, we are winning. We will win. We must win. But he also cautioned us, the American people, that this is a difficult fight and we must be patient. His closing words were, a time line is a terrible idea and we must not rush to failure. Patience, honoring the sacrifice and the men and women who have given their lives so that Iraq could be a free and sovereign Nation is vitally important.

As we look at the upcoming drafting of their Constitution, starting on August 15, followed by ratification October 15 and then elections held by and for Iraqis on December 15, it is very clear that what we are doing is the right thing.

As I shared the night with Senator DOLE, the gentleman from North Carolina (Mr. MCINTYRE), Senator BURR, and those wonderful troopers of the 82nd Airborne Division, it was just so clear to me how vitally important this mission is. The Western way of life and freedom itself is at stake in this war against bloodthirsty, ruthless, ideologically incredibly wicked killers. That is the stake.

We are winning. We can win. The timetable is clear. We owe it to the members and to the families with whom President Bush spent several hours tonight consoling, praying, and, yes, shedding tears with them for the sacrifices they made so you and I and all Americans and others around the world can be free.

So, Mr. Speaker, my sincere love, gratitude, and appreciation to the men and women in uniform who serve us now who have given their lives to the families that support them, the heartfelt thanks of a Congress, a grateful Nation, and freedom-loving men and women around the world. God bless these men and women.

THE HISTORY AND WORKINGS OF THE PRIVATE CALENDAR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. COBLE) is recognized for 5 minutes.

Mr. COBLE. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all Private Bills are referred. Private Bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were Private Laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows' seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress, 1885 to 1887, the first Congress for which complete workload and output data is available, passed 1,031 Private Laws, as compared with 434 Public Laws. At the turn of the century the 56th Congress passed 1,498 Private Laws and 443 Public Laws—a better than three to one ratio.

Private bills were referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62nd Congress changed this procedure by its rule XXIV, clause six which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932, and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that Act banned the introduction or the consideration of four types of private bills: first, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims pocedure; third, those authorizing the construction of a bridge across a navigable stream, or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82nd Congress passed 1,023 Private Laws, as compared with 594 Public Laws. The 88th Congress passed 360 Private Laws compared with 666 Public Laws.

Under rule XXIV, clause six, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House.

On the first Tuesday of each month, after disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the Committee reporting it. No reservation of objection is entertained. Bills unobjected to are considered in the House in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so stricken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills so passed are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately.

Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on which such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members the Official Objectors Committee, the system the House has established to deal with the great volume of Private Bills.

The Majority Leader and the Minority Reader each appoint three Members to serve as Private Calendar Objectors during a Congress. The Objectors are on the Floor ready to object to any Private Bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

Should any Member have a doubt or question about a particular Private Bill, he or she can get assistance from objectors, their clerks, or from the Member who introduced the bill.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has .caused the six objectors to agree upon certain ground rules. The rules iimit consideration of bills placed on the Private Calendar only shortly before the calendar is called. With this agreement, adopted on June 28, 2005, the Members of the Private Calendar Objectors Committee have agreed that during the 109th Congress, they will consider only those bills which have been on the Private Calendar for a period of seven (7) days, excluding the day the bill is reported and the day the calendar is called. Reports must be available to the Objectors for three (3) calendar days.

It is agreed that the majority and minority clerks will not submit to the Objectors any bills which do not meet this requirement.

This policy will be strictly enforced except during the closing days of a session when the House rules are suspended.

This agreement was entered into by: The gentleman from North Carolina (Mr. COBLE), the gentleman from Ohio (Mr. CHABOT), the gentleman from Florida (Mr. FEENEY), the gentleman from Virginia (Mr BOUCHER), the gentleman from California (Mr. SCHIFF), and the gentleman from Arizona (Mr. GRIJALVA).

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance considerations to private bills by not asking that we depart from the above agreement unless absolutely necessary.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ETHERIDGE (at the request of Ms. PELOSI) for June 27 and until 5:00 p.m. June 28 on account of official business.

Mr. HIGGINS (at the request of Ms. PELOSI) for today before 5:00 p.m. on account of official business.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today until 1:00 p.m.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of official business in the district.

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of a BRAC hearing.

Mr. PRICE of North Carolina (at the request of Ms. PELOSI) for today from 10:30 a.m. until 5:30 p.m. on account of official business.

Mr. BROWN of South Carolina (at the request of Mr. DELAY) for today from 11:45 a.m. until 6:30 p.m. on account of a BRAC hearing in his district.

Mr. DOOLITTLE (at the request of Mr. DELAY) for today on account of illness.

Mr. KINGSTON (at the request of Mr. DELAY) for today and June 29 until 1:00 p.m. on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. GINGREY) to revise and extend their remarks and include extraneous material:)

Mrs. BLACKBURN, for 5 minutes, today.

Mr. COBLE, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, June 30.

Mr. MCHENRY, for 5 minutes, June 29.

Mr. GINGREY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HAYES, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 260. An act to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Resources.

ADJOURNMENT

Mr. HAYES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 29, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2470. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-119, "Anacostia Waterfront Corporation Board Expansion Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2471. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-102, "Board of Real Property Assessment and Appeals Reform Temporary Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2472. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-103, "Closing of Public Alleys in Squares 5579, S.O 04-10134, Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2473. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-101, "Adams Morgan Business Improvement District Temporary Amendment Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GUTKNECHT (for himself, Ms. HERSETH, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. SCOTT of Georgia, Mr. LAHOOD, Mr. BOSWELL, Mr. OSBORNE, Mr. FORTENBERRY, Mr. SALAZAR, Mr. BUTTERFIELD, Ms. FOXX, Mr. MORAN of Kansas, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. JOHNSON of Illinois, Mr. BURTON of Indiana, and Mr. LATHAM):

H.R. 3081. A bill to amend the Clean Air Act to increase the production and use of renewable fuel in the United States and to increase the energy independence of the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself, Ms. HERSETH, Mr. BILIRAKIS, Mr. BURTON of Indiana, and Mr. EVERETT):

H.R. 3082. A bill to amend title 38, United States Code, to require that 9 percent of procurement contracts entered into by the Department of Veterans Affairs be awarded to small business concerns owned by veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. REHBERG:

H.R. 3083. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

By Mr. STEARNS (for himself, Ms. SCHAKOWSKY, Mr. BASS, Mr. UPTON, Mrs. BLACKBURN, Mr. GENE GREEN of Texas, Mr. MARKEY, Mr. MURPHY, and Mr. SHAYS):

H.R. 3084. A bill to direct the Secretary of Commerce to issue regulations requiring testing for steroids and other performance-enhancing substances for certain sports associations engaged in interstate commerce; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAMP (for himself, Mr. BERRY, Mr. TAYLOR of North Carolina, Mr. BOREN, Mr. ADERHOLT, Mr. CRAMER, Mr. WHITFIELD, Mrs. EMERSON, Mr. SNYDER, Mr. BOOZMAN, Mr. DEAL of Georgia, Mr. GINGREY, Mr. DUNCAN, Mr. DAVIS of Tennessee, Mr. TANNER, Mr. FORD, Mr. SULLIVAN, Mr. LUCAS, and Mr. COLE of Oklahoma):

H.R. 3085. A bill to amend the National Trails System Act to update the feasibility and suitability study originally prepared for the Trail of Tears National Historic Trail and provide for the inclusion of new trail segments, land components, and campgrounds associated with that trail, and for other purposes; to the Committee on Resources.

By Ms. DELAURO (for herself, Mr. LEACH, Mr. JACKSON of Illinois, Mr. OWENS, Ms. MILLENDER-MCDONALD, Ms. ROYBAL-ALLARD, Mr. MENENDEZ, Ms. WASSERMAN SCHULTZ, Mr. MCNULTY, Mr. GRIJALVA, Mrs. MCCARTHY, Mr. STARK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Ms. SCHAKOWSKY, Mr. UDALL of New Mexico, Mr. MCDERMOTT, Ms. ESHOO, Mrs. CHRISTENSEN, Mr. DICKS, Mrs. MALONEY, Mr. BOSWELL, Mr. MCGOVERN, Mr. WAXMAN, Ms. JACKSON-LEE of Texas, Ms. WOOLSEY, Mr. MICHAUD, Mr. WEXLER, and Mr. BRADY of Pennsylvania):

H.R. 3086. A bill to reduce health care costs and promote improved health by providing supplemental grants for additional preventive health services for women; to the Committee on Energy and Commerce.

By Mr. GINGREY:

H.R. 3087. A bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain; to the Committee on the Judiciary.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 3088. A bill to provide mortgage payment assistance for certain employees who are separated from employment; to the Committee on Education and the Workforce.

By Mr. HOBSON:

H.R. 3089. A bill to suspend temporarily the duty on 1,3-bis(4-Aminophenoxy)benzene (RODA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3090. A bill to suspend temporarily the duty on Pyromellitic Dianhydride (PMDA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3091. A bill to extend temporarily the duty suspension on 4,4′-Oxydiphthalic Anhydride (ODPA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3092. A bill to reduce temporarily the duty on 4,4′-Oxydianiline (ODA); to the Committee on Ways and Means.

By Mr. HOBSON:

H.R. 3093. A bill to suspend temporarily the duty on 3,3′,4-4′-Biphenyltetracarboxylic Dianhydride (BPDA); to the Committee on Ways and Means.

By Mr. HOYER:

H.R. 3094. A bill to amend the Help America Vote Act of 2002 to improve the fairness and accuracy of voter registration in elections for Federal office, establish a uniform standard for the treatment of provisional ballots cast at an incorrect polling place, and for other purposes; to the Committee on House Administration.

By Mr. KING of Iowa (for himself, Mr. SHAW, Mr. SMITH of Texas, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. CALVERT, Mr. INGLIS of South Carolina, Mr. HAYWORTH, Mr. GOHMERT, Mr. FRANKS of Arizona, Mr. NORWOOD, Mr. LEWIS of Kentucky, Mr. BEAUPREZ, Mr. BACHUS, Mr. PENCE, Mr. LINDER, Mr. SENSENBRENNER, and Mr. GOODLATTE):

H.R. 3095. A bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Ms. HART, Mr. RANGEL, Mr. KIRK, Mr. DICKS, Mr. SMITH of Washington, Mr. MCNULTY, Mr. HASTINGS of Washington, Mr. SCHIFF, Mr. KILDEE, Mr. GOODLATTE, Mr. LEWIS of Georgia, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Ms. BORDALLO, Mr. WEXLER, Mr. SANDERS, Mr. OWENS, and Mr. BRADY of Pennsylvania):

H.R. 3096. A bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for more frequent hemodialysis treatments; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS:

H.R. 3097. A bill to amend title 5, United States Code, to clarify which disclosures of information are protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements to the effect that such policies, forms, and agreements are consistent with certain disclosure protections; and for other purposes; to the Committee on Government Reform.

By Mr. RYAN of Wisconsin (for himself, Mr. JEFFERSON, and Mr. CANTOR):

H.R. 3098. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. TIERNEY (for himself, Mr. GRIJALVA, Mr. NADLER, Ms. BALDWIN, Mr. BLUMENAUER, Mr. CLAY, Mr. CROWLEY, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. DELAURO, Mr. FARR, Mr. FRANK of Massachusetts, Mr. HINCHEY, Mr. HOLT, Ms. KAPTUR, Mr. KIND, Mr. LANTOS, Ms. LEE, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. OLVER, Mr. PASCRELL, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. STARK, Mr. VAN HOLLEN, Mr. WAXMAN, Ms. WOOLSEY, and Ms. ESHOO):

H.R. 3099. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Energy and Commerce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MELANCON (for himself and Mr. MCCAUL of Texas):

H. Con. Res. 194. Concurrent resolution expressing the sense of the Congress that the display of the Ten Commandments in public buildings does not violate the first amendment to the Constitution of the United States; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 98: Mr. SULLIVAN.

H.R. 111: Mr. CARTER, Mr. LIPINSKI, and Mr. BRADY of Pennsylvania.

H.R. 188: Mr. BROWN of Ohio, Mr. MEEKS of New York, Mr. NEAL of Massachusetts, Mr. DOGGETT, Mr. ENGEL, Mr. SANDERS, Mr. GONZALEZ, and Ms. WOOLSEY.

H.R. 213: Mr. BLUMENAUER.

H.R. 282: Mrs. WILSON of New Mexico and Mr. SANDERS.

H.R. 284: Ms. SCHAKOWSKY.

H.R. 303: Ms. SCHWARTZ of Pennsylvania.

H.R. 405: Mrs. JO ANN DAVIS of Virginia.

H.R. 484: Mr. MENENDEZ, Mr. CLEAVER, Mr. RUPPERSBERGER, and Ms. SCHAKOWSKY.

H.R. 551: Mr. DOGGETT, Mrs. CHRISTENSEN, Ms. VELÁZQUEZ, and Mr. CUMMINGS.

H.R. 559: Mrs. CHRISTENSEN.

H.R. 577: Mr. MILLER of North Carolina and Mr. PRICE of North Carolina.

H.R. 583: Ms. GRANGER.

H.R. 602: Mr. CLYBURN, Mr. BRADY of Pennsylvania, and Mr. LOBIONDO.

H.R. 615: Mr. WEINER.

H.R. 633: Mr. MCGOVERN.

H.R. 736: Mr. BRADY of Pennsylvania.

H.R. 747: Mr. PRICE of North Carolina and Mr. BRADY of Pennsylvania.

H.R. 771: Mr. UDALL of New Mexico.

H.R. 790: Mr. AL GREEN of Texas.

H.R. 839: Mr. SNYDER, Mr. HASTINGS of Florida, Mr. GEORGE MILLER of California, and Mr. BRADY of Pennsylvania.

H.R. 871: Ms. SCHAKOWSKY.

H.R. 893: Ms. ESHOO and Mr. SCHIFF.

H.R. 896: Mr. KUHL of New York, Mr. LATOURETTE, Mr. HONDA, Mr. SANDERS, and Ms. DEGETTE.

H.R. 923: Ms. HARRIS.

H.R. 934: Mr. WALSH.

H.R. 963: Mrs. CHRISTENSEN.

H.R. 967: Mr. ROHRABACHER.

H.R. 987: Mr. BACA and Mrs. LOWEY.

H.R. 997: Mr. PETERSON of Pennsylvania.

H.R. 1000: Ms. SCHAKOWSKY.

H.R. 1070: Mrs. EMERSON, Mr. PEARCE, and Mr. POE.

H.R. 1132: Mr. TERRY.

H.R. 1136: Mrs. LOWEY.

H.R. 1182: Mr. CONYERS and Ms. CORRINE BROWN of Florida.

H.R. 1184: Mr. SABO.

H.R. 1200: Mr. MCGOVERN, Ms. MCKINNEY, and Ms. ROYBAL-ALLARD.

H.R. 1204: Mr. LIPINSKI, Mr. ISRAEL, and Mr. LATOURETTE.

H.R. 1232: Mrs. MCCARTHY.

H.R. 1241: Mr. KENNEDY of Minnesota.

H.R. 1246: Mr. SCHIFF, Mr. MATHESON, Mrs. NAPOLITANO, Mr. AL GREEN of Texas, Ms. ROYBAL-ALLARD, and Mr. BISHOP of Utah.

H.R. 1248: Mr. HOSTETTLER.

H.R. 1272: Mr. Becerra.

H.R. 1290: Mr. Case.

H.R. 1298: Mr. Terry.

H.R. 1402: Ms. Slaughter and Mr. Chandler.

H.R. 1409: Mr. Al Green of Texas and Mr. Frank of Massachusetts.

H.R. 1424: Mr. Levin.

H.R. 1426: Mr. Engel.

H.R. 1431: Mr. Stark and Mr. Schiff.

H.R. 1440: Mr. Nadler.

H.R. 1449: Mr. Gallegly.

H.R. 1468: Mr. Emanuel.

H.R. 1471: Mr. Burton of Indiana and Mrs. Christensen.

H.R. 1547: Mr. Miller of North Carolina.

H.R. 1582: Mr. Royce.

H.R. 1589: Mr. Conyers.

H.R. 1608: Mr. Goodlatte and Mr. Gutknecht.

H.R. 1621: Mr. Tierney and Mr. Murphy.

H.R. 1645: Mr. Fitzpatrick of Pennsylvania.

H.R. 1667: Mr. Brady of Pennsylvania, Mr. Fitzpatrick of Pennsylvania, and Mr. Grijalva.

H.R. 1736: Mr. Akin, Ms. Matsui, and Mrs. Tauscher.

H.R. 1819: Mr. Waxman, Ms. Jackson-Lee of Texas, and Mr. Brady of Pennsylvania.

H.R. 1850: Mr. McNulty and Mr. McDermott.

H.R. 1861: Mrs. McCarthy, Mr. Kanjorski, Mr. Holden, Mr. Weiner, Mr. Stark, Mr. McDermott, Ms. Solis, Mr. Moran of Virginia, Ms. Loretta Sanchez of California, Mr. Emanuel, Mr. Baird, Ms. Kilpatrick of Michigan, Ms. Lee, Mr. Fattah, Ms. Berkley, Ms. Wasserman Schultz, Mr. Crowley, Mr. Bishop of New York, and Ms. Roybal-Allard.

H.R. 1898: Mr. Bonilla.

H.R. 1951: Mr. Cummings and Ms. Hart.

H.R. 1980: Ms. Hart.

H.R. 2063: Mr. Calvert.

H.R. 2106: Mr. McIntyre.

H.R. 2121: Mr. Crowley, Ms. Wasserman Schultz, Mr. Cardin, and Mrs. Maloney.

H.R. 2206: Mr. Baker and Mr. Miller of North Carolina.

H.R. 2207: Mrs. McCarthy and Mrs. Lowey.

H.R. 2229: Mr. Terry.

H.R. 2231: Mr. Garrett of New Jersey, Mr. Meek of Florida, Ms. Herseth, and Mr. Pastor.

H.R. 2238: Ms. Matsui, Mrs. Maloney, Ms. Eddie Bernice Johnson of Texas, Mr. Jenkins, and Mr. Baca.

H.R. 2320: Mr. Tiahrt and Mr. Kuhl of New York.

H.R. 2330: Mr. Ryan of Wisconsin and Mr. Davis of Alabama.

H.R. 2338: Mr. Sanders.

H.R. 2350: Mr. Terry.

H.R. 2355: Mrs. Capito.

H.R. 2409: Mr. Honda, Mr. Schiff, and Mr. Thompson of California.

H.R. 2410: Mr. Smith of Washington, Mr. Olver, Mr. Waxman, and Mr. Conyers.

H.R. 2457: Ms. Schwartz of Pennsylvania.

H.R. 2471: Mr. Terry.

H.R. 2526: Mr. Pitts, Mr. Butterfield, Mr. Olver, and Mr. Rothman.

H.R. 2533: Mr. Rush and Mr. Sanders.

H.R. 2567: Mr. McNulty, Mr. Gene Green of Texas, Mr. Whitfield, Mr. McCotter, Ms. Schakowsky, and Mr. Sanders.

H.R. 2617: Ms. Moore of Wisconsin, Mr. Brady of Pennsylvania, and Mr. Sanders.

H.R. 2648: Mr. Otter and Mr. Kennedy of Minnesota.

H.R. 2746: Mr. Sanders, Mr. Stupak, and Mr. Al Green of Texas.

H.R. 2793: Mr. Payne, Mr. Simpson, Mr. Graves, Mr. Gordon, Ms. Schakowsky, Mr. Wexler, Mr. Hinchey, Mr. Waxman, Mr. Holden, Ms. Jackson-Lee of Texas, Mr. Ramstad, and Mr. Sensenbrenner.

H.R. 2794: Mr. Burton of Indiana, Mr. Rogers of Michigan, and Mr. Baird.

H.R. 2802: Mr. Terry.

H.R. 2803: Mr. Miller of Florida, Mr. Bachus, Mr. Brady of Pennsylvania, and Mr. Jones of North Carolina.

H.R. 2830: Mr. Otter.

H.R. 2835: Ms. Schakowsky.

H.R. 2874: Mr. Grijalva, Mr. Serrano, Mr. Cummings, Mr. Simmons, Mr. McCotter, and Mr. Stupak.

H.R. 2876: Mr. Shays and Mr. Schiff.

H.R. 2877: Mr. Pitts and Mr. Butterfield.

H.R. 2932: Mr. Hensarling.

H.R. 2952: Mr. Conaway.

H.R. 2968: Mr. Gene Green of Texas and Mr. Snyder.

H.R. 3000: Mr. Rangel.

H.R. 3041: Mr. Sabo.

H.R. 3059: Mr. Kind and Mr. Owens.

H.R. 3064: Mr. Owens and Mr. Jefferson.

H.R. 3073: Mr. Sessions, Mr. Aderholt, Mr. King of Iowa, Mr. Pitts, Mr. Goode, Mr. Jones of North Carolina, Mr. Carter, Mr. Sam Johnson of Texas, Mr. Herger, Mr. Smith of New Jersey, Mr. Everett, Mr. Hefley, Mr. Baker, Mr. Duncan, and Mr. Burton of Indiana.

H.R. 3079: Mr. Kennedy of Minnesota.

H. J. Res. 53: Mr. Ney, Mr. Gallegly, and Ms. Foxx.

H. Con. Res. 27: Mr. Sherman and Mr. Fattah.

H. Con. Res. 59: Mr. Clyburn, Mr. Kildee, Mrs. Napolitano, Mr. Hastings of Florida, Mr. Serrano, and Ms. Millender-McDonald.

H. Con. Res. 85: Mr. Larsen of Washington.

H. Con. Res. 133: Ms. Moore of Wisconsin.

H. Con. Res. 140: Mr. Shays and Mr. Reynolds.

H. Con. Res. 168: Mr. Gutierrez, Mr. McCotter, and Mr. Leach.

H. Con. Res. 172: Mr. Gonzalez, Mr. Shimkus, and Mr. Udall of New Mexico.

H. Con. Res. 175: Mr. Fattah, Ms. Corrine Brown of Florida, and Mr. Menendez.

H. Con. Res. 187: Ms. Harris, Mrs. Jo Ann Davis of Virginia, Mr. Schiff, Mr. Saxton, Ms. Berkley, Mr. Wexler, Mr. Lantos, Mr. Brown of Ohio, Mr. Barrett of South Carolina, Mr. Smith of Washington, and Mr. McCaul of Texas.

H. Con. Res. 191: Mr. Schiff, Mr. Israel, Mr. McCotter, Mr. Kingston, Mr. McCaul of Texas, Mr. Green of Wisconsin, Mr. Wilson of South Carolina, Mr. Menendez, Mr. Smith of New Jersey, Mr. Royce, Mr. Chandler, Mr. Leach, Mr. McDermott, Ms. Harris, Mr. Gallegly, Mr. Poe, Mr. Wexler, Mr. Rohrabacher, Mr. Shimkus, Mr. Faleomavaega, Ms. Ros-Lehtinen, Mr. Regula Mr. Pitts, Mr. Brown of Ohio, Mr. Dingell, Ms. Bordallo, and Mr. Sanders.

H. Res. 67: Mr. Sherman.

H. Res. 214: Mr. McCaul of Texas.

H. Res. 215: Mr. Calvert.

H. Res. 276: Mr. McHugh, Mr. Foley, Mr. Davis of Illinois, Mrs. Christensen, and Mr. Crowley.

H. Res. 297: Mr. Gillmor and Mr. Bachus.

H. Res. 323: Ms. Bordallo, Mr. Whitfield, and Mr. Terry.

H. Res. 325: Mr. Grijalva, Mr. Cummings, Mr. King of New York, Mr. Weiner, and Mr. Bishop of New York.

H. Res. 326: Mr. Barrett of South Carolina, Mr. Pitts, and Mr. Lantos.

H. Res. 328: Ms. Ros-Lehtinen, and Ms. Watson.

H. Res. 335: Mr. Meeks of New York, Mr. Wexler, Mr. Ackerman, and Mr. Israel.

H. Res. 340: Mrs. Miller of Michigan, Mr. McCaul of Texas, Mr. Norwood, Mr. Goode, Mr. Bradley of New Hampshire, Mr. Gibbons, Mr. Cantor, Mr. Jones of North Carolina, Mr. Green of Wisconsin, Mr. Ferguson, Mr. Wolf, and Mrs. Cubin.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsor were deleted from public bills and resolutions as follows:

H. Con. Res. 140: Ms. Kilpatrick of Michigan.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3057

Offered By: Mr. Beauprez

Amendment No. 7: Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO FOREIGN COUNTRIES THAT REFUSE TO EXTRADITE TO THE UNITED STATES ANY INDIVIDUAL ACCUSED IN THE UNITED STATES OF KILLING A LAW ENFORCEMENT OFFICER

Sec. . None of the funds made available in this Act for the Department of State may be used to provide assistance to any country the government of which has notified the Department of State of its refusal to extradite to the United States any individual accused in the United States of killing a law enforcement officer, as specified in a United States extradition request.

H.R. 3057

Offered By: Mr. Bradley of New Hampshire

Amendment No. 8: Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE TO ROMANIA UNDER THE SUPPORT FOR EAST EUROPEAN DEMOCRACY (SEED) ACT OF 1989

Sec. . None of the funds appropriated in this Act under the heading "ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES" for assistance to Romania under the Support for East European Democracy (SEED) Act of 1989 (except $15,000,000 of such funds) may be obligated or expended before January 15, 2006.

H.R. 3057

Offered By: Mr. Deal of Georgia

Amendment No. 9: Page 132, insert the following after line 13:

GOVERNMENTS THAT HAVE FAILED TO PERMIT CERTAIN EXTRADITIONS

Sec. 583. None of the funds made available in this Act for the Department of State may be used to provide assistance to any country with whom the United States has an extradition treaty and whose government has notified the Department of State of its refusal to extradite to the United States any individual accused of committing a criminal offense for which the maximum penalty is life imprisonment without the possibility of parole, or a lesser term of imprisonment.

H.R. 3057

Offered By: Mr. Hefley of Colorado

Amendment No. 10: Page 132, after line 13, insert the following:

REDUCTION IN TOTAL APPROPRIATIONS

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $202,700,000.

H.R. 3057

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 11: Page 29, line 18, after the dollar amount, insert the following: "(reduced by $1,000,000)".

H.R. 3057

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 12: Page 29, line 18, after the dollar amount, insert the following: "(reduced by $1,000,000) (increased by $1,000,000)".

H.R. 3057

OFFERED BY: MS. LEE OF CALIFORNIA

AMENDMENT NO. 13: Page 132, after line 13, insert the following:

PROHIBITION ON CERTAIN INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT ASSISTANCE TO THE GOVERNMENT OF HAITI

SEC. ____. None of the funds made available in this Act under the heading "INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT" may be used to transfer excess property of an agency of the United States Government to the Government of Haiti.

H.R. 3057

OFFERED BY: MR. OTTER OF IDAHO

AMENDMENT NO. 14: Page 132, after line 13, insert the following:

LIMITATION ON ASSISTANCE FOR PALESTINIAN AUTHORITY AND THE PALESTINIAN PEOPLE

SEC. . (a) Notwithstanding any other provision of law—

(1) of the total amount of funds that are available in this Act for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people, not more than 25 percent of such amount may be obligated and expended during each quarter of fiscal year 2006; and

(2) none of the funds made available in this Act may be made available for assistance for the Palestinian Authority (or any other Palestinian entity) or for the Palestinian people during any quarter of fiscal year 2006 unless the Secretary of State determines that the Palestinian Authority has not provided support for acts of international terrorism during the three-month period preceding the first day of that quarter.

(b) In this section, the term "quarter of fiscal year 2006" means any three-month period beginning on—

(1) October 1, 2005;
(2) January 1, 2006;
(3) April 1, 2006; or
(4) July 1, 2006.

H.R. 3057

OFFERED BY: MR. SIMPSON OF IDAHO

AMENDMENT NO. 15: At the end of the bill (before the short title), insert the following:

TITLE VI—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON USE OF FUNDS BY THE EXPORT-IMPORT BANK TO SUPPORT EXPORTS TO THE PEOPLE'S REPUBLIC OF CHINA

SEC. 601. None of the funds made available in this Act may be used by the Export-Import Bank of the United States to guarantee, insure, extend credit, or participate in the extension of credit in connection with the purchase or lease of any product by the People's Republic of China or any agency or national thereof.

H.R. 3058

OFFERED BY: MR. DAVIS OF FLORIDA

AMENDMENT NO. 4: Page 224, insert the following after line 8:

SEC. 948. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

H.R. 3058

OFFERED BY: MR. GINGREY OF GEORGIA

AMENDMENT NO. 5: Page 77, line 24, after the dollar amount, insert the following: "(reduced by $10,000,000) (increased by $10,000,000)".

H.R. 3058

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 6: Page 2, line 10, after the first dollar amount, insert "(reduced by $17,339,000)".

Page 2, line 19, after the dollar amount, insert "(reduced by $2,052,000)".

Page 2, line 23, after the dollar amount, insert "(reduced by $1,910,000)".

Page 2, line 24, after the dollar amount, insert "(reduced by $1,422,000)".

Page 3, line 7, after the dollar amount, insert "(reduced by $11,895,000)".,

Page 3, line 17, after the dollar amount, insert "(reduced by $60,000)".

Page 4, line 11, after the dollar amount, insert "(reduced by $31,583,000)".

Page 6, line 22, after the dollar amount, insert "(reduced by $25,000,000)".

Page 9, line 11, after the dollar amount, insert "(reduced by $59,000,000)".

Page 29, line 10, after the dollar amount, insert "(reduced by $26,325,000)".

Page 30, line 10, after the dollar amount, insert "(increased by $657,000,000)".

Page 42, line 9, after the dollar amount, insert "(reduced by $6,592,000)".

Page 51, line 25, after the dollar amount, insert "(reduced by $2,500,000)".

Page 164, line 12, after the first dollar amount, insert "(reduced by $745,409,000)".

Page 164, line 12, after the second dollar amount, insert "(reduced by $9,500,000)".

Page 165, line 22, after the dollar amount, insert "(reduced by $9,500,000)".

Page 166, line 9, after the dollar amount, insert "(reduced by $568,409,000)".

Page 166, line 18, after the dollar amount, insert "(reduced by $133,417,000)".

Page 167, line 14, after the dollar amount, insert "(reduced by $434,992,000)".

Page 169, line 2, after the dollar amount, insert "(reduced by $150,000,000)".

Page 171, line 4, after the dollar amount, insert "(reduced by $17,500,000)".

H.R. 3058

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $669,350,000.

H.R. 3058

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 8: Page 150, line 1, strike "$750,000" and insert "$3,000,000".

H.R. 3058

OFFERED BY: MR. GARY G. MILLER OF CALIFORNIA

AMENDMENT NO. 9: Page 57, line 17, after the dollar amount, insert the following: "(reduced by $24,000,000)".

Page 77, line 24, after the dollar amount, insert the following: "(increased by $24,000,000)".

H.R. 3058

OFFERED BY: MR. NADLER

AMENDMENT NO. 10: Page 76, line 24, after the dollar amount, insert the following: "(increased by $10,000,000)".

Page 95, line 2, after the dollar amount, insert the following: "(reduced by $10,000,000)".

H.R. 3058

OFFERED BY: MR. NADLER

AMENDMENT NO. 11: Page 63, line 20, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 63, line 21, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 63, line 25, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 92, line 23, after the first dollar amount, insert the following: "(reduced by $36,000,000)".

Page 95, line 2, after the dollar amount, insert the following: "(reduced by $65,000,000)".

H.R. 3058

OFFERED BY: MR. POE

AMENDMENT NO. 12: Page 7, lines 8, 9, and 11, after the dollar amount, insert "(increased by $24,875,000)".

Page 30, line 10, after the dollar amount, insert "(reduced by $24,875,000)".

H.R. 3058

OFFERED BY: MR. SHUSTER

AMENDMENT NO. 13: Page 164, line 12, insert after the first dollar amount "(increased by $2,000,000)".

Page 166, line 9, insert after the dollar amount "(increased by $2,000,000)".

Page 167, line 12, insert after the dollar amount "(increased by $2,000,000)".

Page 171, line 4, after the dollar amount insert "(reduced by $2,000,000)".

H.R. 3058

OFFERED BY: MR. SIMMONS

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ____. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to enter into, implement, or provide oversight of contracts between the Secretary of the Treasury, or his designee, and private collection agencies. Notwithstanding this provision, the Secretary of the Treasury, or his designee, may continue to utilize any private collection contract authority in effect prior to October 22, 2004. Nothing in this provision shall impact the administration of any tax or tariff.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "INTERNAL REVENUE SERVICE–BUSINESS SYSTEMS MODERNIZATION" is hereby reduced by $5,000,000.

H.R. 3058

OFFERED BY: MR. SIMMONS

AMENDMENT NO. 15: At the end of the bill (before the short title) insert the following:

SEC. ____. None of the funds made available in this Act may be used to make taxpayer identification numbers (TINs) or social security numbers available to private collection agencies for the purpose of collecting taxes.

H.R. 3058

OFFERED BY: MR. SOUDER

AMENDMENT NO. 165: In title V, in the item relating to "Federal Funds—Federal Payment to the District of Columbia", insert the following:

(a) None of the funds contained in this Act may be expended for any action to enforce section 7-2502.01, District of Columbia Code, in relation to possession of a firearm; section 7-2506.01, District of Columbia Code, in relation to possession of ammunition; section 7-2507.02, District of Columbia Code, in relation to the keeping of a firearm; or section 22-4504, in relation to carrying a pistol, if—

(1) the person against whom the provision is sought to be enforced is not otherwise prohibited by section 922(g) or (n) of title 18, United States code, or by section 22-4503, District of Columbia Code, from possessing a pistol or other firearm, and would not be prohibited from receiving a registration certificate under section 7-2502.03(a), District of Columbia Code; and

(2) the pistol or other firearm involved is not a firearm described in section 5845(a) of title 26, United States code); and

(3) the possession, carrying or keeping of the pistol or other firearm occurred within such person's place of residence.

(b) This restriction shall not apply to any case in which a penalty could be imposed under section 924(c) of title 18, United States code if the defendant were tried and convicted in a court of the United States.

H.R. 3058

OFFERED BY: MR. SOUDER

AMENDMENT NO. 17: In title VI, in the item relating to "FEDERAL DRUG CONTROL PROGRAMS—OTHER FEDERAL DRUG CONTROL PROGRAMS", after each of the first and second dollar amounts, insert the following: "(increased by $25,000,000)".

In title VII, in the item relating to "GENERAL SERVICES ADMINISTRATION—REAL PROPERTY ACTIVITIES—FEDERAL BUILDINGS FUND"—

(1) after the aggregate dollar amount preceding paragraph (1), insert the following: "(reduced by $25,000,000)"; and

(2) after each of the dollar amounts in paragraphs (4) and (5), insert the following: "(reduced by $12,500,000)".

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 322 and 323. Had I been present, I would have voted "aye" on rollcall votes 322 and 323.

HONORING WALTER HAASE AS THE NEWEST ELECTED MEMBER OF THE NATIONAL UTILITY GROUP

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Walter Haase for being elected to the board of directors of the American Public Power Association. Mr. Haase was appointed to this prestigious position during the association's annual meeting in Anaheim, California.

Since the year 2000, Mr. Haase has served as the general manager of the Jamestown Board of Public Utilities. He has seen the BPU through numerous modernizations and updates. Currently, Mr. Haase is working to create a brand new power plant to replace the existing one.

To its credit, the nationwide association encompasses more than 2,000 community-owned electric utilities allowing it to serve more than 43 million customers.

Jamestown's board was formed in 1940 and is a charter member.

I am honored Mr. Speaker, to have an opportunity to honor Mr. Walter Haase for this noteworthy honor and for his innovations in the field of public utilities.

ANNIVERSARY OF TITLE IX

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. McCOLLUM. Mr. Speaker, I rise today on the 33rd anniversary of the day Congress passed Title IX, in support of the landmark legislation that prohibited gender discrimination in education programs and activities receiving federal funds.

Title IX provides for equal opportunity for women and girls in areas related to access to higher education, athletics, career education, education for pregnant and parenting students, employment, learning environment, math and science education, sexual harassment, standardized testing, and technology.

Unfortunately, recent action by the Bush Administration and Secretary Spellings has threatened provisions providing for equal opportunities for girls and women in sports. This new interpretation of Title IX compliance now only requires that schools survey current female students regarding their interest in sports. A lack of response can be assumed a lack of interest. This process has several flaws, including the reliance on using only email as an effective tool for soliciting feedback on such an important law.

Unfortunately, because this interpretation was deemed a simple "clarification" by the Bush administration, there will be no public comment period, despite the serious concerns the public has raised regarding this change. This is not the first time the American people have raised concerns regarding this issue, nor is it the first time this Administration has tried to weaken Title IX.

In 2002, the Administration attempted to change this policy through the establishment of the Commission on Opportunity in Athletics. The Commission made several negative recommendations that weakened the goals of Title IX, but significant public outcry prevented these misguided policy changes. Given this kind of public commitment to this issue, I am very concerned about the way in which this most recent "clarification" has happened—late on a Friday afternoon, without any consultation or time for feedback despite a clear history of interest in this issue.

Over the past 30 years, significant movements have ensured more opportunities for women and girls. In fact young women's participation in athletics has increased by 400 percent at the college level and by 800 percent in high schools. Title IX has provided opportunities for female I athletes; however, they continue to be shortchanged in terms of athletic scholarship opportunities, facilities, and other benefits and services. Women and girls receive only 41 percent of athletic opportunities today, despite the fact that they constitute more than half of student enrollments. Vigorous enforcement of Title IX, rather than the weakening of compliance measures, must be the goal of the Department of Education. This is a time to continue to ensure women and girls are offered equal athletic opportunities at all levels of their abilities.

Last month, I convened a roundtable discussion in my district with nearly 50 students, coaches, Title IX compliance officers, and athletic directors regarding the "clarification." They shared their stories about what sporting opportunities were like before Title IX compared to the opportunities girls and women have now, their commitment to Title IX, and their concerns regarding efforts to weaken it. In fact, some schools shared that because this particular measure of Title IX compliance is so weak in demonstrating equal opportunities, they do not plan to use it, but rather they will use other measures.

I am proud of the female athletes in Minnesota—not only for their accomplishments but for their willingness to stand up and ensure these opportunities remain for generations of women to come.

It is in their honor that I rise today in recognition of these women trailblazers in athletics and education to call on President Bush and Secretary Spellings to immediately withdraw this harmful "clarification" and to support efforts that strengthen, rather than weaken, Title IX.

PERSONAL EXPLANATION

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on Friday and was regrettably unable to cast my vote on rollcall No. 315, rollcall No. 316, rollcall No. 317, rollcall No. 318, rollcall No. 319, rollcall No. 320, and rollcall No. 321.

Had I been present, I would have voted "no" on rollcall No. 315, "yea" on rollcall No. 316, "no" on rollcall No. 317, "yea" on rollcall No. 318, "yea" on rollcall No. 319, "yea" on rollcall No. 320, and "no" on rollcall No. 321.

HONORING ROBERT BOOTH AS THE RECIPIENT OF THE DISTINGUISHED TEACHING PROFESSOR AWARD

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary educational service of Robert Booth, a resident of Chautauqua County, Village of Fredonia, upon receiving the title of Distinguished Teaching Professor, the highest rank bestowed by the SUNY system on faculty members.

Booth is a Visual Arts and New Media department official at the State University of New York College at Fredonia, and is one of only nine professors statewide to receive this honor.

Since 1978 Booth has dedicated much of his time and energy to his students, and is committed to them on many levels. He always is willing to help and guide them, while still letting them be ultimately responsible for his or her education.

In addition to teaching, Booth is also known in Chautauqua County for his art restorations of the Marks Fountain in Fredonia's Barker Commons and the King Neptune fountain that resided in Dunkirk's Washington Park. Booth

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is a well respected artist whose work is featured all over the eastern part of the United States.

Booth is currently the coordinator of the In Sight/On Site sculpture project at SUNY Fredonia and the facilitator of the GWB Visual Arts Award Scholarship. He resides in Fredonia, with his wife, and two children.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. CARSON. Mr. Speaker, due to a longstanding appointment in my Congressional District, I was unavoidably absent for the legislative day of Monday, June 27th, 2005.

Had I been present, I would have voted "yea" on rollcall vote 322 and "yea" on rollcall vote 323.

HONORING FOREST HILL FIRE-RESCUE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the Fire-Rescue station of Forest Hill, Texas. The Forest Hill department will soon be unveiling state-of-the-art equipment to help assist in widespread disaster.

The equipment to be unveiled was purchased with the funds issued by Texas State Homeland Security Grant and the Federal Assistance to Firefighters Grant of $523,000 and $37,600 respectively. On the morning of July 12th, Forest Hill Fire-Rescue will unveil the newest purchases in "specialized equipment" that will help serve during times of natural or man-made disasters. In addition to using the grant money in such sensible and viable means, the Forest Hill Rescue Department employed their newly acquired resources as means to establishing the much acclaimed Southern Emergency Response and Preparedness Association, SERPA. SERPA was designed to develop relationships with other local departments and to create standard operating guidelines in the case of widespread emergencies.

Mr. Speaker, as their Congressman, I want to congratulate Fire Chief Pat Ekiss and his department for allocating the grant funds in a useful manner and to thank them for their dedication in assisting and saving others. It is with the service and dedication of department's such as the Forest Hill Fire and Rescue that ensure the continuing protection and prominence of our communities and nation.

GAMBLING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WOLF. Mr. Speaker, gambling is no longer just limited to the casinos in Las Vegas and Atlantic City. There are now more than 400 tribal casinos in 30 States, online gambling is booming and ESPN and other cable networks bring high-stakes poker tournaments into our living rooms on a regular basis.

I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. More and more youth are also being seduced by gambling. According to a recent PBS NewsHour report, recent studies indicate that more than 70 percent of youth between the ages of 10 and 17 gambled in the past year, up from 45 percent in 1988.

The promotion of gambling is not a proper role of government. I share the concerns of National Coalition Against Gambling Expansion, NCAGE, that as a school of government, Harvard ought to use more discretion in allowing of its credentials to support gambling, which corrupts and addicts government at all levels. As you may know, Harvard Medical School Division of Addictions, Institute for Research on Pathological Gambling and Related Disorders, sits on the board of the National Center for Responsible Gaming, part of the American Gaming Association. Mr. Speaker, I would like to share a recent letter from the NCAGE to the Harvard University leadership outlining the coalition's concerns about what many might regard as an inappropriate relationship between the university and the gambling industry.

THE NATIONAL COALITION
AGAINST GAMBLING EXPANSION,
Washington, DC, June 23, 2005.

President LAWRENCE H. SUMMERS,
Harvard University,
Cambridge, MA.
HARVARD ALUMNI ASSOCIATION,
University Place,
Cambridge, MA.
HARVARD MEDICAL SCHOOL, DIVISION ON ADDICTIONS,
The Landmark Center,
Boston, MA.

DEAR SIRS AND MADAMS: It is with considerable disappointment that, after much study and thought, we come to the point where we must challenge the integrity of your work and the great name of Harvard.

We have listened and tried hard over the last few years to understand the logic and scientific protocols cited in the protestations of your scholars as they defend their "neutrality" on the subject of gambling. Frankly, we have never believed that Harvard should be "neutral" on issues that threaten public health. More importantly, we have come to the earnestly considered opinion that even this professed "neutrality" has been widely breached and replaced by academic activism for and in behalf of gambling interests.

In support of our charge, we cite the attitudes and activities of the Business School, Addictions Department and School of Government.

The Harvard Business Review lauds and publishes the success of business school faculty expatriate Gary Loveman who has guided Harrah's to its position as the Nation's largest casino business—by utilizing loyalty-marketing techniques to promote an addictive substance. It is as if the philosophy and ethics departments have been buried at the far end of the campus from the School of Business. Is there no duty to customers ever mentioned in the MBA programs of this generation at Harvard? Are our future CEOs being taught that the highest "loyalty" to the market is to sacrifice humanity on the altar of corporate expansion?

If not, then why does Harvard continue to celebrate such behavior?

If the business classes have no feeling for humanity, one would think a division of the medical school might. Not so. The head of the Harvard Medical School Division of Addictions, Institute for Research on Pathological Gambling and Related Disorders, now sits on the Board of Directors of the American Gaming Association's "responsible gaming" team. This AGA front organization, titled the National Center for Responsible Gaming, has been so pleased with Harvard's industry apologetics that it now exclusively funds "research" through the Harvard facility. The AGA repeatedly proffers the assumption that only "peer reviewed" materials filtered through this new association can be considered "valid." The veracity of that notion is irrelevant. The relevance is that the AGA is counting on Harvard to deliver its good name.

Their reliance is sadly valid.

We see the Harvard journal espousing its own self-aggrandized superiority as it smugly chides other scholars, pontificating, "The Wild West had its snake oil salesmen and the field of gambling studies is no different. . . Unfortunately, some contemporary authorities fail to adequately understand the principles of scientific inquiry and sustain conventional myths and unfounded casual relationships. . . Unpublished evidence that has not been subject to peer review has been presented as definitive. Preliminary evidence has been summarized in public testimony or press releases without necessary documentation, including methodological details that must be available for scrutiny. In each instance, this public behavior violates professional standards of conduct and tarnished the work of legitimate scientists.

The assumed antidote, of course, is to publish only through Harvard's brand of "peer review." The AGA uses that language to bolster its own propaganda. "Over the last five years, a small group of anti-gaming university professors have created, out of whole cloth, a series of economic models which purport to show that any economic benefits from gaming will be exceeded by the social costs caused by the industry. These professors, whose theories cannot stand the test of academic peer review, have created a circle of disinformation wherein they continually cite each other as sources to validate their erroneous theories. Three of the professors are from the University of Illinois and have testified before the National Gambling Impact Study Commission (NGISC) in Chicago. They are: Earl Grinols, Richard Gaze (now with the Federal Reserve Bank but formerly was Grinols' assistant) and John Kindt.

Curiously, it is Harvard's scholars who have been promulgating the self-citing circle of obfuscation. Despite editorial insistence on notational integrity and peer review, Shaffer and Korn, writing for Shaffer and Korn and repeatedly citing Shaffer, Korn and others in the Harvard sanctum, come to completely undocumented hypothesis that "Until Korn and Shaffer formally introduced the idea of healthy gambling, health care, addictions and public health officials professionals had not considered the possibility of positive health benefits."

Their paper, "Gambling and Public Health," draws lines between dissociated dots arriving at the hypothesis that gambling is healthy for individuals and communities.

"Like going to a movie, sitting in a pub, or participating in physical activity, going to a casino or horse race may provide a healthy change and respite from everyday demands or social isolation. This may be particularly important for older adults . . . (not annotated—but then where would one find a footnote to show feeding a slot machine is equal to physical activity).

"Gambling is a form of adult play. While importance of play has been recognized for the healthy development of children (annotated), play also is important for adults (annotated). For example, whereas children play card, board and video games, adults play blackjack, bingo and video slot machines. In addition to providing fun and excitement, some forms of gambling can enhance coping strategies by building skills and competencies such as memory enhancement, problem solving through game tactics, mathematical proficiency, concentration and hand-to-eye physical coordination. (Note how annotated concepts of play being good for children and adults proceed to the unannotated suggestion that gambling must be good as well. Good for adults, good for children? (Shaffer, et al, eschew logic in favor of empiricism as a basis for scientific inquiry. Given their command of logic, this is self-explanatory. (Play is good. Gambling can be called play. Gambling is good.—Communists wear red. Santa wears red. Santa is a Communist)).

This tome further suggests, "Health benefits can accrue to communities through gambling-related economic development . . ." and suggests without annotation that gambling created jobs and economic development accrue to the benefit of collective mental health.) (Jobs and money make people happy, so gambling makes people happy. Sadly, no footnotes elucidate the chasms between these dots either.)

Since co-morbidity is a generally accepted feature of addiction, this paper even suggests gambling addiction may "catch" people from progressing to a more serious addiction, like heroin. (Gambling addiction may preclude a worse addiction and is therefore a "benefit."

Within a handful of lines, this same paper sneers, ". . . An unsupported but commonly cited estimate for the annual cost to society of each pathological gambler is $13,200." Like numbers have been meticulously recalculated and duplicated, but because they weren't published in the proper Harvard-edited journal, apparently they are "unsupported." Because they did not emanate through halls funded by the American Gaming Association, they have not been appropriately "peer reviewed."

In this context, "Peer reviewed" has come to mean "gambling lackeys vouching for gambling apologists."

If the addictions group's advocacy of, or at least affinity for, the gambling industry is transparent, then the gambling industry association with Harvard's Kennedy School of Government is vivid.

Our attached comments speak plainly to deliberate and blatant examples of that school's use of Harvard credentials to support gambling, specifically through Indian tribes. It is shameful for an institution upholding itself a "school of government" to endorse a phenomenon which corrupts and addicts government at all levels. To my knowledge, no heroic figure or revered writer on the subject of American democracy has ever suggested that the promulgation of gambling is a proper role of government.

We believe the good name of "Harvard" has been co-opted by the gambling industry. It is apparent to any serious observer that "Harvard" is the brand of choice for those seeking to buy credibility for a product that ruins lives.

If this was a car, or a drug that damaged, ruined or ended the lives of one of each 100 Americans, we suggest you would not be "neutral," and certainly you would not be advocates.

Because your performance is tainted and your reputation threatened, we respectfully ask your institution to stand down from this debate, and let it be carried forward by unsullied hands.

We ask for your support for a regeneration of the activities of the National Gambling Impact Study Commission to assess the costs and benefits of legalized gambling in America from a less biased platform.

Sincerely,

DR. GUY C. CLARK,
Chairman.

Attached: Our bulletin article.

"HARVARD"—THE BEST NAME MONEY CAN BUY

Harvard, the venerable institution founded in 1636, is among America's most recognizable academic "Brands". Its public reputation is among the highest of America's institutions.

Through association, the phrase "Harvard says," becomes powerful validation, even when followed by statements Harvard didn't really make, or, perhaps, was paid to say. Thus it follows that when one of America's least reputable institutions—gambling—went shopping for a spokesman, they determined "Harvard" was the best name money could buy.

The American Gaming Association (AGA) opened shop in Washington, D.C. in 1995 to promote, in their own words, "better understanding of the gaming entertainment industry by bringing facts about the industry to the general public, elected officials, other decision makers and the media through education and advocacy."

The AGA became the propaganda machine for the commercial casino companies that funded it. The casinos faced tough questions from politicians and anti-gambling groups as gambling proliferated across the nation in the early 1990s.

Those questions intensified in 1996, when Congress funded the National Gambling Impact Study Commission (NGISC). Despite gambling's expensive attempts to stack the commission and its success in stripping it of subpoena power, the commission's final report in 1999 posted strong warnings about gambling expansion. It called for a "pause" in the expansion of gambling until more information on addiction, bankruptcy, crime, job cannibalization and other topics could be studied.

But gambling proponents were already staging their response. The same year the NGISC started its research, casinos founded their own "gambling research" organization, the National Center for Responsible Gambling (NCRG). Boyd Gaming Corporation provided the start-up funds for the NCRG and made a 10-year pledge of $875,000. Other leading gaming companies, including Harrah's Entertainment, Inc., International Game Technology, Mandalay Resort Group, MGM Mirage and Park Place Entertainment Corporation were "early and generous supporters," according to NCRG's own web site.

The site notes, "Today, with the contributions of the casino gaming industry, equipment manufacturers, vendors, related organizations and individuals, more than $13 million has been committed to the NCRG, an unprecedented level of funding for gambling research. This financial support has enabled the NCRG to attract the best minds from the most prestigious institutions to conduct research in this uncharted field." (Emphasis added.)

They boast the group is run by scholars and health care professionals, but it is chaired by professional lobbyist and former Congressman Dennis E. Eckart, with William Boyd, chairman of Boyd Gaming, serving as president, and the AGA's senior vice president and executive director, Judy Patterson as secretary-treasurer. Only five of the 21 remaining directors represent health care or academic organizations. The rest are all gambling executives or lobbyists.

Among the five is Howard J. Shaffer, Ph.D. Director, Division on Addictions, Harvard Medical School, which is funded by the gambling industry through NCRG.

Gambling interests funded the NCRG with, according to their own accounts, $13 million. Of that they have contributed $6 million to "research," with that funding now going exclusively to the Harvard Project.

Harvard insists the NCRG board exercises no control over its research, but at least two noted treatment experts left the NCRG board because of their concerns about just such problems. Both indicated the NCRG would not likely allow researchers to tackle the big issues of proximity, high-speed addiction of machines and other factors that could be damaging to the industry.

Clinical psychiatrist Dr. Henry Lesieur from the Rhode Island Hospital's gambling treatment program and UCLA's Dr. Richard Rosenthal resigned from the NCRG board three years ago after concluding that the gambling industry wielded too much influence over the research.

Still, Harvard's addiction department continues to disburse grants to other research applications. With Shaffer as editor and other Harvard staff on the editorial board, The Journal of Gambling Studies, served as a prestigious gathering point and filter for research. Harvard editors in turn spent considerable ink "debunking" other contributed research. As an adjunct to its publishing efforts, Harvard distributed the WAGER, an online review of current topics between 2004 and 2005. The typical WAGER review comprised an outline of a study's premise, followed by the study's findings. Typically the last WAGER paragraphs were dedicated to a repetitive disclaimer that results were not conclusive because of sample size or some other weakness.

A classic example was the August, 2002 examination of suicides and their relationship to gambling. "Do Casinos have Casualties? Mixed Evidence for a Gambling-Suicide Link." Why Harvard would choose to review this study, which it concluded was inconclusive and flawed in many regards, is unclear. The Harvard editor dismissed the study's results for a number of reasons, including, "relationships between gambling settings and suicide rates could potentially be due to common features that influence suicide other than casino presence. For example, Nevada is home to a great number of retirees, a population which has demonstrated higher suicide rates."

That would be interesting if it were true. Nevada ranks 44th in the nation for population over 65, Nevada has ranked first in the nation in suicide rates for 10 of the last 14 years, never coming in lower than fourth. In suicides per capita it was surpassed recently by Montana, which has more video lottery terminals and Gamblers Anonymous chapters per capita than any other state in the nation.

Still, AGA spokesman Frank Fahrenkopf traverses the country announcing that "peer reviewed" studies have "failed to prove" a relationship between gambling and suicide. In AGA logic, having "failed to prove" an assertion is equal to a "proof" of its antithesis."

Fahrenkopf and his peers have deceived numerous legislators with illusions of "peer reviewed" studies that "prove" there is no correlation between gambling and crime, no correlation between casino proximity and addiction, and that gambling takes money away from other businesses.

Harvard's addiction department is not the only tool of the gambling industry. The university's renowned Kennedy School of Government is deeply connected to Native American organizations dedicated to the economic and political development of Indian reservations. Unfortunately, those organizations have adopted the NIGA mantra of gambling as the "New Buffalo" which will elevate the reservations to the status of economically and politically independent nations.

Again, the "Harvard" brand is a deliberate purchase of the gambling tribes. In 2003, just after Time Magazine published a blistering expose on the status of Indian casino development, NIGA commissioned Harvard to produce a study deliberately designed to show the benefits of Indian gambling.

News reports at the time quoted Deron Marquez, chairman of the San Manuel Band of Mission Indians saying, "NIGA's fellow trade organization, the AGA, constantly produces numbers to help its cause. The data bolsters policy decisions and helps make problems go away. Our study would allow the same to take place."

The study was to be headed by Katherine Spilde, a former Director of Research for the NIGA, and an ardent proponent of gambling expansion. Spilde told reporters the study would help reverse "a bona fide public relations crisis," for Indian gambling.

NIGA's Marguez said the study would be "the centerpiece of a public relations campaign" to promote Indian gambling. "The PR and the research go hand in hand. The study will provide the necessary data, and the campaign the necessary visibility."

The study was funded to support an intended finding, with an advertising campaign as the intended result.

Spilde also played the "peer reviewed" card, noting the study would be "validated" by other academics. "A peer-reviewed report will have the highest integrity possible and insulate us from critics who may try to imply that funding from Indian Country has influenced the results," she said.

"Gambling industry lackies vouching for gambling industry apologists," fumes NCALG/NCAGE chairman Dr. Guy C. Clark. A dentist by trade, Clark said, "It reminds me of a mouthwash introduced some years ago with a claim that its in-house studies showed the product was highly effective at removing plaque. Later independent studies showed the product was 'slightly less effective than water.'

"Harvard's motives look about as transparent as water too, no matter what they claim for intentions. I would think they would want to be more protective of the school's heritage," Clark concluded. "These so-called studies are no more than gambling industry in-house advocacy dressed up as academics."

TRIBUTE TO THE HISPANIC CHAMBER OF COMMERCE OF SILICON VALLEY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to recognize the achievements of the Hispanic Chamber of Commerce of Silicon Valley as they celebrate 50 years as an advocate and resource for its members, business owners, professionals, students and the community in general by being the premier voice for Hispanic and minority businesses.

The Hispanic Chamber of Commerce of Silicon Valley, originally called the Mexican American Chamber of Commerce, was founded in 1955, and incorporated as a non-profit organization in 1975 when it began offering services to the Latino small business community.

Over the years, the Hispanic Chamber of Commerce has provided assistance and support to numerous Latinos and other minority small businesses in business education, economic assistance, international business, entrepreneurship, education, community development, loan program development, and procurement assistance, to name a few. The Hispanic Chamber has helped over 5,000 clients in the past 50 years and has helped businesses procure loans totaling over $3 million.

The Hispanic Chamber is a recognized leader and influential player in the development of the social, political and economic landscape of this region, and was recognized as the best Hispanic Chamber of Commerce in the United States by an independent auditing firm in 1999.

I am proud of the leadership, volunteers and network of supporters whose dedication has built Hispanic Chamber of Commerce of Silicon Valley into an integral part of the fabric of our local community. And, in so doing, the Hispanic Chamber is contributing to making Silicon Valley a place that recognizes the vital role Hispanic businesses play in the economic development of our nation.

PERSONAL EXPLANATION

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. KIRK. Mr. Speaker, on Monday, June 27, 2005, I missed the following votes: rollcall number 322, H. Res. 199, expressing the sense of the House of Representatives regarding the massacre at Srebrenica in July 1995; and rollcall number 323, H. Con. Res. 155, urging the Government of the Republic of Albania to ensure that the parliamentary elections to be held on July 3, 2005, are conducted in accordance with international standards for free and fair elections. Had I been present, I would have voted "yea" on both Rollcall number 322 and rollcall number 323.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. ANDREWS. Mr. Speaker, I regret that I missed votes on June 24th, 2005. Had I been present I would have voted "aye" on rollcall Nos. 309, 310, 311, 312, 314, 316, 318, 319 and 320. I would have voted "no" on rollcall Nos. 308, 313, 315, 317 and 321.

TRIBUTE TO ARMY SPECIALIST NICK IDALSKI

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great sadness and respect that I wish to commend United States Army Specialist Nick Idalski for the service and sacrifice he paid to this country. Specialist Idalski was tragically killed in the field of battle, while bravely conducting combat operations in Ramadi, Iraq, on June 21, 2005, just over a week shy of his 24th birthday. Specialist Idalski served our country with great honor, valor, and courage.

Specialist Idalski was assigned to the Army's 1st Battalion, 9th Infantry Regiment, 2nd Brigade Combat Team, and 2nd Infantry Division in Fort Carson, Colorado. His sacrifice will be remembered at funeral services on Wednesday, June 29, 2005, by a community that has been devastated by the loss of one of its own.

A native of Crown Point, Indiana, Specialist Idalski graduated from Crown Point High School in 2001. After graduation he went on to work for a local construction company and then to train as an emergency medical technician, where he finished at the top of his class. Instead of taking a more conventional route, Specialist Idalski bravely decided to enlist in the army to make a difference and to make his family proud.

Many of his friends and his family recall him as a free spirited teenager, so it came as a surprise when Specialist Idalski decided to join the Army. However, as his time in the army progressed and he finished basic training in 2003 at Fort Benning, Georgia, he made his friends and family proud. After spending time in Korea, he was sent to Iraq in August of 2004, where he courageously served his country. Specialist Idalski had chosen to make a career out of his service in the Army.

He loved his country and the members of his unit; however, Specialist Idalski treasured his family above all else. He is survived by his Mother, Kim Greenberg; Step-Father, Rick Greenberg, a retired Marine; Step-Brother, Army Sergeant Kevin Greenberg; and girlfriend, Lisa Wheeler. His community mourns with his family, and he is missed tremendously. The city of Crown Point, Indiana will honor Specialist Idalski with a moment of silence at the beginning of their Fourth of July parade.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring a fallen hero, United States Army Specialist Nick Idalski. Specialist Idalski sacrificed his life during Operation Iraqi Freedom, and his passing comes as setback to a community already shaken by the realities of war. Specialist Idalski will forever remain a hero in the eyes of his family, his community, and his country; thus, let us never forget the brave sacrifice he made in order to preserve the ideals of freedom and democracy.

IN HONOR OF ROLAND G. DOWNING, PH.D.

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the newly elected President General of the National Society of the Sons of the American Revolution (SAR), Roland G. Downing, Ph.D. Following in the footsteps of Howard F. Horne, Dr. Downing is the second Delawarean to lead the SAR in the past 5 years.

While growing up in Nashville, Tennessee, Roland was active inside and outside of the classroom, attaining the rank of Eagle Scout, playing for his high school football team, and serving as the President of the student body. This commitment to excellence would continue at Vanderbilt University, where Roland earned a degree in organic chemistry.

After graduation, Roland would embark on a successful career with the Delaware-based DuPont Company, culminating in a 38-year tenure as Research Manager, Product Manager and Market Development Manager. During this time, Roland would take a brief hiatus to further his education, earning a PhD in organic chemistry. In addition to being a successful scientist, Dr. Downing served in the United States Naval Reserve for over 20 years, including a 3-year deployment at sea during the Korean War.

Prior to his election as President General, Dr. Downing held numerous other positions within the SAR, including: Secretary General, Treasurer General, Historian General, Regional Vice-President, and membership on the Executive Committee. Joining him in celebrating this new position are his lovely wife Norma, a son, two daughters, and eight grandchildren.

Mr. Speaker, in closing, I congratulate the SAR on their exceptional choice of Dr. Roland G. Downing as President General. He is an exemplary citizen, devoted family man, and most of all, a proud American.

STATEMENT OF HARLEY SHAIKEN BEFORE THE HOUSE COMMITTEE ON WAYS AND MEANS ON THE DOMINICAN REPUBLIC—CENTRAL AMERICA FREE TRADE AGREEMENT (EXCERPTED)

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. LEVIN. Mr. Speaker, I submit into the RECORD the following statement of Professor Harley Shaiken, excerpted from the statement submitted in connection with the House Committee on Ways and Means hearing of April 21, 2005 on the Dominican Republic—Central America Free Trade Agreement.

THE DOMINICAN REPUBLIC—CENTRAL AMERICA FREE TRADE AGREEMENT

(By Harley Shaiken)

STATEMENT FOR THE HOUSE COMMITTEE ON WAYS AND MEANS, APRIL 2005

The standard by which to judge this agreement is straightforward: does the Dominican Republic-Central America Free Trade Agreement (DR-CAFTA) promote development and democracy, or does it create a small circle of wealthy winners and a far larger group of impoverished losers? Expanded trade has the potential to propel the former, but this agreement delivers the later. The result threatens rather than benefits U.S. workers. It's not that the train is moving too slowly, it's that DR-CAFTA is running in the wrong direction.

Plaguing the agreement is an unnecessary tradeoff: DR-CAFTA opens trade while locking in the labor status quo or worse. For citizens of Central America and the Dominican Republic, the tradeoff represents a squandered opportunity; for U.S. workers and their communities, it means an assault on wages and working conditions; for firms it may mean easier access to markets tomorrow but diminished markets in the coming years. DR-CAFTA provides strong language and tough penalties in all areas related to investment—at times riding roughshod over the six countries—but abandons labor rights largely to rhetoric and good intentions.

In some areas tough provisions favor special interests at the expense of the Central American countries and the Dominican Republic. Consider agriculture. The rural population ranges from 34 percent in the Dominican Republic to 60 percent in Guatemala. See Ferranti, D., G. Perry, W. Foster, D. Lederman, A. Valdez, "Beyond the City: The Rural Contribution to Development," (Washinton D.C.: World Bank, 2005). How are small farmers supposed to compete with heavily subsidized U.S. exports? Due to subsidies for rice production, the U.S. exported paddy rice to Central America at a price that was 18–20 percent lower than its cost of production. *See* Oxfarn International, "A raw deal for rice under DR-CAFTA," November 2003, (5), http://www.oxfam.org.uk/what___we do/issues/trade/downloads/bp68 Price. pdf. In pharmaceuticals, Professor Angelina Godoy has found that "the intellectual-property provisions in CAFTA actually extend the length of time during which the major pharmaceutical companies' products are guaranteed sole access to markets" which, in her view as well as that of many other observers such as Amnesty International, "just may be a death sentence for many in the Dominican Republic and Central America." See Angelina Godoy, "What makes free trade free?" Seattle Times, April 14, 2005, http://seattletimes.nwsource.com/ htmllopinion/2002240604___nocafta14.html; and Amnesty International, "Guatemala, Memorandum to the Government of Guatemala: Amnesty International's concerns regarding the current human rights situation," (Washington D.C.: Amnesty International, April 20, 2005) *http://web.amnesty.org/library/Index/ENGAMR340142005*. Many Latin Americans are likely to view provisions such as these as indicating that the U.S. is more serious about strong-arming weaker neighbors than sustainable economic integration.

Let's be clear from the start. This is not a debate about "free trade" versus "protectionism." Instead, the challenge is defining free trade for the twenty-first century. The right trade agreement could both encourage growth and move towards a more broadly shared prosperity, defining what one might call "smart trade." To do this, comparative advantage must be defined by innovation rather than repression. Labor standards are vital for protecting workers, but they also can help expand purchasing power, build healthier markets, and lay the basis for more robust trade.

What then is wrong with the labor provisions in DR-CAFTA? They send a clear message to the governments involved: the current situation on labor rights is acceptable and even fewer rights for workers will do. The agreement lays out lofty labor rights goals and then backs them up with weak, convoluted language and meager resources. Moreover, these inadequate provisions replace language that has had a modest positive impact. Consequently, firms willing to travel the low road will define competitiveness, cutting off those who want to do the right thing.

In this testimony, I plan to explore three themes: labor laws and their enforcement, the promotion of reform, and finally "smart trade."

LABOR LAWS AND THEIR ENFORCEMENT

For millions throughout Central America and the Dominican Republic, the issue of labor rights is not an abstraction but an urgent need. Although labor laws differ among these six countries, there is little serious debate among scholars as to the situation on the ground. The issue is not simply selective abuses but a systematic denial of the right to freely join a union or the right to bargain collectively. Numerous reports from the ILO, Human Rights Watch, the United Nations, and the United States Department of State confirm the seriousness of the problems. *See* U.S. State Department Bureau of Democracy, Human Rights, and Labor, "Country Reports on Human Rights Practices 2004," for Costa Rica, Dominican Republic, El Salvador, Guatemala and Nicaragua, February 29, 2005, *http://www.state.gov/g/drl/rls/hrrpt/2004/c14138.htm*; Human Rights Watch, "Deliberate Indifference: El Salvador's Failure to Protect Workers' Rights," vol. 15, no. 5, December 2003, *http://www.hrw.org/reports/2003/elsalvador1203/*; Human Rights Watch, "CAFTA's Weak Labor Rights Protections: Why the Present Accord Should be Opposed," March 2004, *http://hrw.org/englishl/docs/2004/03/09/cafta90days.pdf*; ILO, "Fundamental Principals and Rights at Work: A Labour Law Study," (Geneva, International Labour Office, 2003), *http://www.ilo. org/public/english/dialogue/download/cafta.pdf*.

When it comes to making the choice on whether or not to join a union, workers currently risk dismissal, blacklist, violence, and even death. The results are readily apparent in the low union density. In Guatemala less than 3 percent of the workforce belongs to a union. *See* U.S. State Department, Bureau of Democracy, Human Rights, and Labor, "Guatemala Country Report on Human Rights Practices 2004," February 29, 2005, http://www.state.gov/g/drl/rls/hrrpt/2004/41762.htm. In El Salvador, no independent trade unions have been formed in the last four years.

The low trade union density is only the tip of the iceberg. The unions that do exist tend to be fragmented, weak, and isolated. Effective collective bargaining has become a rarity rather than the norm. The percentage of workers covered by collective bargaining agreements in three ofthe six DR-CAFTA countries based on 2003 data ranges from a low end of 1.4 and 1.5 percent in Honduras and Nicaragua, respectively, to 4.3 percent in El Salvador—not exactly a critical mass for effective collective bargaining. See International Labour Organization Decent Work Indicators Database http://www.oit.or.cr/estad/td/indexe.php

A trade agreement should stimulate positive change, not ratify the status quo or worse. What type of labor standards might be rigorous enough to improve the conditions of work yet flexible enough to recognize different levels of development? One model is the five core labor standards developed by the International Labor Organization (ILO). See International Labor Organization, "Fundamental ILO Conventions," http://www.ilo.org/public/english/standards/norm/whatare/fundam/index.htm. particularly the right of association (Convention 87) and the right to organize and bargain collectively (Convention 98).

Although DR-CAFTA pays rhetorical homage to these standards, in practice it throws them overboard. The agreement calls for each country to enforce its existing labor codes, no matter how inadequate or distant from the ILO standards. The agreement recognizes "the right of each Party to establish its own domestic labor standards, and to adopt or modify accordingly its labor laws." It then goes on to state that "each Party shall strive to ensure that its laws provide for labor standards consistent with the internationally recognized labor rights. . . . and shall strive to improve those standards in that light." See United States Trade Representative, "The Dominican Republic-Central America Free Trade Agreement," August, 5, 2004, http://www.ustr.gov/Trade Agreements/Bilateral/DR-CAFTA/DRCAFTA_Final_Texts/Section_Index.html. "Strive to ensure" and "strive to improve"? This is the kind of language many would like to see on April 15 when they have to pay their taxes since it is virtually unenforceable. A standard based on effort is hardly a serious standard. Instead of "striving to ensure" international standards are met, the agreement could commit to upholding them and provide clear penalties if they are not upheld.

The domestic laws often read as if they are designed to thwart the formation of unions, and slipshod enforcement hardly improves the situation. Companies wanting to avoid unions can do just about anything: workers seeking to join unions face threats and intimidation. Protection against anti-union bias is akin to snow in San Francisco: it happens but not frequently. "In practice, labor laws on the books in Central America are not sufficient to deter employers from violations," an International Labor Rights Fund (ILRF) study found. See International Labor Rights Fund, "An Examination of Six Basic Labor Rights—Executive Summary of Reports on Honduras, Costa Rica, Nicaragua, El Salvador and Guatemala," based on a study by Asociación Servicios de Promoción Laboral (ASEPROLA), April 5, 2005, http://www.laborrights.org/. Byzantine regulations tend to tie unions into knots, laying out registration procedures that are more maze than procedure. In Honduras, for example, the ILRF found "obstacles and delays in union registration constitute a violation of ILO Convention 87 on the right to associate." Ibid. Weak as labor rights are, the track record hardly inspires confidence that they won't be ratcheted downwards in response to globalization.

Enforcement is squeezed by impunity and corruption, ineptitude and fear. In Guatemala, the U.S. State Department concluded in its 2005 human rights report that "Workers had little confidence that the responsible executive and judicial institutions would effectively protect or defend their rights if violated." The report stated that "the weakness of labor inspectors, the failures of the judicial system, poverty, the legacy of violent repression of labor activists during the internal conflict, the climate of impunity, and the long-standing hostility between the business establishment and independent and self-governing labor associations all constrained the exercise of worker rights." See U.S. State Department, Bureau of Democracy, Human Rights, and Labor, "Guatemala Country Report on Human Rights Practices 2004," February 29, 2005, http://www.state.gov/g/drl/rls/hrrpt/2004/41762.htm.

THE PROMOTION OF REFORM

There is little dispute that labor conditions are bad today: the real question is will DR-CAFTA make them better? In fact, it will make them worse. What makes the DR-CAFTA approach particularly problematic is that it replaces the modest existing protections for labor rights embedded in two unilateral trade preference programs: the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI). Much of the halting, modest reform that has taken place in the region over the last 15 years stems from the pressure brought through these programs. For example, El Salvador was put on GSP review for abusing worker rights in 1992 and labor law reform followed within two years. See AFL-CIO, "The Real Record on Workers' Rights in Central America," (Washington D.C.: AFL-CIO, April 2005), http://www.aflcio.org/issuespolitics/globaleconomy/upload/CAFTABook.pdf.

What impetus is supposed to change destructive practices this deeply rooted? The core problem is one of political will, not lack of technical resources. The most powerful incentive for change is conditioning U.S. ratification on domestic labor law reform. Unfortunately, that horse has already left the barn. Some proponents argue expanded trade will result in more democratic rights. Burgeoning trade does not seem to have done much in Mexico—especially in the export sector—in the first decade of NAFTA. Cross border trade between the U.S. and Mexico has tripled yet the number of independent unions remains in single digits.

Realistically, powerful elites retain a strong hold on the DR-CAFTA economies. If expanded trade simply translates to expanded income for these elites, a small number of wealthy families may become wealthier and happier, but little will be passed along to the majority of the people of these countries. The growth of the middle class will be thwarted and, ironically, the potential market for U.S. goods dampened. By the same token, the pressure will correspondingly increase on the wages and working conditions for U.S. workers. The goal should be to harmonize standards upwards not the other way around.

SMART TRADE

The entire ratification process has caused severe strains and protests in civil society throughout Central America. Reflecting the gap between the ratification process for DRCAFTA and popular sentiment is the fact that legislatures often had to pass the agreement in the dead of night. The Honduran Congress ratified CAFTA in an early morning surprise vote specifically because protests were expected. The Guatemala Congress approved CAFTA in emergency session and under exceptional circumstances also because of anticipated protests. It passed by a lopsided vote of 126–12 on March 10: a Gallup poll carried out two weeks later (March 14–23) found that 65 percent of those polled felt that the agreement would harm the country. *See* Matthew Kennis, "Despite Ratification Anti-CAFTA protests Continue in Guatemala." IRC Americas Program, (Silver City, NM: International Relations Center, April 13, 2005), *http://www.americaspolicy.org/pdf/commentary/0504guatcafta.pdf.*

When it came to the issue of labor rights, tough negotiating dissolved into acceptance of the status quo. The danger, according to former President of Costa Rica Rodrigo Carazo Odio, is that "corporations take advantage of cheap labor, operating in enclaves with limited links to the national economy, trapping the region in a spiral of low salaries, low aggregate value and lack of compliance with basic labor standards, such as the freedom of association and the right to collective negotiation." *See* Rodrigo Carazo Odio, letter to the Members of the United States Congress Washington, DC, May 27, 2004.

We need to reframe the debate on the issues of labor rights and development. It is not a question of free trade versus protectionism, but rather "smart trade" versus "polarizing trade." Smart trade recognizes rights, spurs economic growth with equity, and promotes democracy; polarizing trade might spur trade in the short run but the benefits go to the winners' circle while the number of losers grows far larger. Democracy itself could be a casualty.

Smart trade requires four provisions:

1. Upward harmonization of domestic labor law to match the core ILO conventions as the goal of a three-year phase-in period. The granting of trade and investment benefits would follow agreed upon reform in a country's labor law. *See* Carol Pier, "The Right Way to Trade," Washington Post, August 1, 2003.

2. The ILO five core labor rights embedded in the core agreement, subject to strong enforcement provisions and penalties.

3. A development fund targeted for infrastructure and education. This fund would reinforce competitiveness in the six countries and place them on the "high road."

4. Expanded adjustment assistance for U.S. workers negatively impacted by trade. This assistance should also be proactive in industries threatened by trade.

No trade agreement can solve all the problems of development and globalization, but it should point in the right direction. A trade agreement that fosters prosperity and promotes democracy is possible and essential for the region and for the United States. Smart trade lays the basis for growing incomes and markets in Central America and the Dominican Republic and expanded U.S. exports and jobs. It begins to define a better model for integrating into the global economy. Unfortunately, that model is not this DRCAFTA.

PROPERTY RIGHTS AND EMINENT DOMAIN

HON. CLIFF STEARNS

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 28, 2005

Mr. STEARNS. Mr. Speaker, last week, on this Floor I saluted the Supreme Court for a ruling that made citizens more free. Also, yesterday we passed H. Res. 312, Recognizing National Homeownership.

However, the Supreme Court I lauded was not ours, but the Canadian Supreme Court, for freeing the sale of health insurance. And in fact, USA homeownership may not be so liberating. Last Thursday, our Supreme Court backed that local governments can co-opt private property, and give it to another private entity, for economic development. This is under the power of eminent domain, and is an expansive setback to property rights advocates and all homedwellers.

The Fifth Amendment to our Constitution allows the government to take private property with "just compensation". Historically, it's been interpreted only for "public use": a highway, military base or other such infrastructure. Increasingly, and confirmed by Kelo v. New London, the Federal courts have said that private property could be taken for "public benefit," including tax revenues and job creation. Revitalization for the neighborhood trumps individual "homeownership".

Former bustling, now depressed New London, CT seeks to develop a private, commercial enterprise. They must compensate, but two homeowners don't want to budge. Susette Kelo has extensively remodeled her waterfront-view home. Wilhelmina Dery was born in her house in 1918 and has lived there her entire life.

You ask, why worry, how often? According to Institute for Justice, the public interest law firm litigating for the homeowners, nationwide, more than 10,000 properties were threatened or condemned in recent years.

Of the majority (Justices Stevens, Souter, Ginsburg, Breyer, and Kennedy), Justice Kennedy provided the dimmest hope, that states are free to pass additional protections. Fortunately for citizens of Connecticut,

Governor M. Jodi Rell is urging careful review, and possibly legislative solution in Hartford.

Florida is one of eight states that forbids the use of eminent domain when the purpose is not to eliminate blight. This does not reassure. A dismayed constituent cried that this decision has turned us into serfs who no longer own the land, we just inhabit it at the whim of the government. The Supreme Court's justices are appointed by our elected President and confirmed by our U.S. Senators, and affirm to uphold the U.S. Constitution, under which we think we are living. The Gainesville Sun polled "How do you feel about the Supreme Court ruling giving local governments power to seize private property to generate tax revenue?" Huge mistake, said 363 to 31. Similarly, the Marion Pulse of the Ocala Star Banner polled that 98.2 percent of its readers disavowed the ruling.

Justice O'Connor (joined by Rehnquist, Scalia, and Thomas) impassioned: "The specter of condemnation hangs over all property. Nothing is to prevent the state from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory. . . . . Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms. . . . As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

What did the Founders say? Thomas Jefferson wrote that "Charged with the care of the general interest of the Nation, and among these with the preservation of their lands from intrusion, I exercised, on their behalf, a right given by nature to all men, individual or associated, that of rescuing their own property wrongfully taken" (to W. C. C. Claiborne, 1810).

Yes, the less-connected and the feebler have more to fear. Justice Thomas reminded that urban renewal has historically resulted in displacement of minorities, the elderly and the poor. This is why civil rights-promoting groups such as the NAACP and AARP filed friendly briefs. Non-profits and religious organizations also worry—they don't generate taxes. So, the Becket Fund for Religious Liberty were Amicus supporting petitioners.

When I took this job I vowed to uphold the Constitution. I will work with my colleagues, the Institute for Justice, the NAACP, the American Farm Bureau, AARP, Cato Institute, the National Association of Homebuilders, Reason Foundation and other property rights advocates, to take back the Fifth amendment.

PERSONAL EXPLANATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 28, 2005

Mr. RAHALL. Mr. Speaker, I was unavoidably detained on official business on the afternoon of Monday, June 27, 2005. Had I been present I would have voted in the following manner: rollcall vote No. 322: yea; rollcall vote No. 323: yea.

TRIBUTE TO HOWARD ELINSON

HON. HENRY A. WAXMAN

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, June 28, 2005

Mr. WAXMAN. Mr. Speaker, Mr. BERMAN and I ask our colleagues to join us today in honoring Dr. Howard Elinson, who was born on the 11th of January, 1940 in New York City and who passed away on Friday June 17th, 2005 in Los Angeles at Midway Hospital.

Howard earned his B.A. and his Ph.D. in Sociology at UCLA. He taught for 1 year at Yale and for 7 years at UCLA. He worked as Administrative Assistant and Consultant for 27 years for Congressman HENRY WAXMAN. Six of those years were when Mr. WAXMAN was a State Assemblyman.

Howard is survived by his beloved and devoted brother Mark who is an admired and respected high school teacher of Social Studies in the Los Angeles City School system. He also serves as an Adviser to the L.A. Unified School District, instructing Social Studies teachers on the best techniques for teaching Social Studies.

Howard Elinson was and is unforgettable to any or all who knew or met him (no matter how casually or for how short a time). He changed the life of everyone in his personal orbit by his magnetic personality his unique insight into the human condition, his sharp wit his gigantic intellect his mastery of any human behavior subject, and his generosity and kindness.

But, unknown to most Californians and "Angelenos" (and unmentioned in media accounts) Howard Elinson changed the face of California and Los Angeles politics.

It was Howard Elinson who conceived and invented individually targeted computerized mail—the campaign technique that was instrumental in the 1968 primary election victory of HENRY WAXMAN for State Assembly (by, still to this date, the largest margin against an incumbent—this one a 26 year incumbent—of his own party), and the 1972 primary and general election victory of HOWARD BERMAN for State Assembly (the general against, ironically, a 26 year Republican incumbent).

It was Howard Elinson's ideas that were instrumental in electing Congressman HENRY WAXMAN, Congressman HOWARD BERMAN, Congressman Mel Levine, Congressman Julian Dixon, State Senator Herschel Rosenthal, State Assemblyman Burt Margolin, State Assemblyman Terry Friedman, and countless others.

And it was Howard Elinson who inspired the strategy and direct mail efforts that led to the election of Mayor Tom Bradley in 1973.

But Howard Elinson's life was much more than about politics. As a devout and Orthodox Jew his faith came first. And imagine this dark suited, yarmulke wearing, fast-talking man writing the "early 60's seminal study" of voting behavior for his Ph.D. thesis. He conducted lengthy and open-ended interviews, drawing out in their homes 50 white working class voters in Bell, California—the then-place-of-entry of the vast immigration from Oklahoma, the mid-west and the South to Southern California.

These Christian and working class people had perhaps never before met a Jew—and certainly not a readily recognizable Orthodox Jew. Yet they opened their hearts to this amazing man. They trusted him—no matter how "New York" he spoke, no matter how foreign he might have looked. That was the uniqueness, the special nature of Howard Elinson.

Perhaps inspired by his faith, or by his innate decency, Howard Elinson affected the lives of everyone who knew him. Many dozens of interns, staff, and budding politicians that came through HENRY WAXMAN's office sought Howard Elinson's advice and counsel—both personal and career. Hundreds of young people confused by the conflicts between a traditional religious life and modernity sought Howard Elinson's advice on how to cope—"who better to ask?" Children flocked to him—no child was unworthy of his attention, his sense of playfulness, his devotion to the child's value as a human being. No one in need (whether for a religious cause or in personal need) was turned down for a contribution. Howard Elinson's generosity was open ended and well known.

The untimely death of Howard Elinson was not just a loss to his family and friends, but to the people who have had in him a champion of a tolerant, liberal, and more humane America.

TRIBUTE TO THE VALLEY CULTURAL CENTER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SHERMAN. Mr. Speaker, as we approach July 4, 2005, the 229th celebration of America's independence, I rise to commemorate and commend the Valley Cultural Center. The Center is celebrating 30 successful years of promoting arts awareness across the San Fernando Valley of California. By fostering creativity and culture, the Valley Cultural Center has inspired the type of artistic individuality and cultural understanding that has contributed to the excellence, camaraderie, and ingenuity of our Nation.

Since its was established in 1975, the Valley Cultural Center has stood at the forefront of arts and culture in the San Fernando Valley, assisting the Los Angeles City Department of Recreation and Parks in bringing arts awareness to the community. The Center reaches out and engages the community through its awards and programs, including its annual Concerts in the Park, and performances at the Madrid Theater.

The Valley Cultural Center's awards and programs encompass the unique cultural and artistic dynamics of the San Fernando Valley. It inspires our youth to pursue a future of arts appreciation and cultural awareness by granting annually $10,000 awards in performing and visual arts scholarships to outstanding students. The Valley Cultural Center also organizes arts, entertainment, and culinary celebrations throughout the year, including the Golden Horn Awards, and the Food, Wine and Micro-brew Festival.

Featuring rock, classical jazz, R&B, Latino pop, country, cowboy, Dixieland, and folk music, The Valley Cultural Center's Concerts in the Park series has established a tradition of family entertainment and a sense of community and culture for over 140,000 residents and visitors each summer. Free to the public, the Concerts in the Park are a central gathering point for residents to experience and share the diverse culture of the San Fernando Valley.

The Valley Cultural Center's annual July 4th Extravaganza is one of the best attended events in the Valley. It includes big-bands such as Don Sweeney and the SRO Band. Each year I take pleasure in joining thousands of Valley residents in the festivities that feature music, food, and fireworks as we celebrate America's independence. It is a wonderful opportunity for everyone in the Valley to honor our Nation and to celebrate with our families and friends.

Mr. Speaker, please join me in celebrating the 30th Anniversary of the Valley Cultural Center in the San Fernando Valley. The Center's contributions have been invaluable in bringing enjoyment, cultural understanding, and individualism to our community. I commend its leadership and service to the San Fernando Valley.

HONORING THE LITHUANIAN KAIMAS FUND PROJECT

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SHIMKUS. Mr. Speaker, I rise today as Co-Chair of the Baltic Caucus to commend the work of the Lithuanian Kaimas Fund project. The project provides children in rural areas in Lithuania with educational opportunities. In just its third year, the project is having a positive impact on the lives of more than 2,000 young people in more than 60 rural villages across Lithuania. The Kaimas ("countryside") Fund is a private-public partnership between the American Lithuanian Economic Development Council, the Lithuanian Ministry of Education, the Lithuanian Embassy in Washington, DC and local non-governmental organizations who provide services to young people in Lithuania.

During a two-week summer program, community centers in the Lithuanian regions of Akmenes, Anyksciai, Marijampole, Moletai, Ukmerge, Utena, Skuodas and Vilnius will provide opportunities for youth to participate in educational and athletic activities, including computer training. Because the project is supported by contributions from American donors, the project also demonstrates the generosity of Americans and the shared values between our countries.

I would specifically like to commend the work of Lithuanian Ambassador Vygaudas Usackas, and his wife Loreta, who established the Kaimas Fund in 2000, and the leading American supporters of this important initiative: Dr. Daiva Bajorunas and Stephen Sarnoff, Stanley Balzekas, Beverly Bridges, Dennis and Sally Garrison, Audrey and Martin Gruss, Joseph Krivickas, Cynthia Pasky, John Prunskis, George Ramonas and Eugene Rainis.

Most importantly, I would like to encourage the young people and leaders of the community centers who are participating in this program in Lithuania. This summer, you are helping to strengthen the special friendship between Lithuania and America. You are also a vital part of the future of the special relationship our countries share.

MARKING THE 100 YEAR CELEBRATION OF THE CITY OF FIRTH, IDAHO

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to join with the townspeople of Firth, Idaho, in celebrating the city's 100th anniversary. This important milestone has been reached through the hard work and tenacity of the early settlers as well as the foresight and spirit of today's citizens.

The town of Firth officially came into existence in 1905 when Lorenzo Firth and his wife gave a plot of land for the town site and an acre for a one-room school house. The 4-room brick building which replaced that first school still stands on the original site, and the city has grown and prospered through the years. Some of the businesses which flourished in the early years of Firth included: a bank, barbershops, drug store, butcher shops and grocery stores, a lumberyard, harness shop, blacksmith shop, hardware store, theatre, grain mill, and potato warehouses. The original Firth Mill and Elevator continues to do business today. Collet's Bar and Grill is proud to have served the residents of Firth for over 75 years. Anthony's Auto and the Stop and Shop Grocery are early businesses still serving customers in the city.

The community's economy has its base in agriculture. Grain, hay, potatoes, and cattle were raised on the farms around Firth. Early civic organizations in Firth were the Riverview Grange, the Lions club, and the Firth Homemakers club. Three religious groups were significant in the success of the City of Firth: the Swedish Baptist Church; the Lutheran Church (which held its early services in the Swedish language); and the Church of Jesus Christ of Latter-day Saints.

Community leaders who have been committed to the success of the City of Firth include Rudolph E. "Bud" Rogers who served as mayor for 16 years and Sam Collet, a city councilman for almost 29 years. Credit goes to these civic minded individuals and others like them who were dedicated to making the City of Firth a great place to live, work, raise families, and educate children.

Mr. Speaker, I would like to congratulate everyone who has been involved in the "100 year celebration of the City of Firth". I know many of the citizens of Firth and have enjoyed their friendship over the years. I wish Mayor Kress, the City of Firth, and all its citizens well as they continue toward their second hundred years.

TRIBUTE TO SOL STETIN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call your attention to the life of a wonderful man, who sadly passed recently, Mr. Sol Stetin.

It is fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for his lifelong dedication to the labor movement.

Sol was born in Poland on April 2, 1910 to Hymen and Fanny Stetin. Shortly after his birth, the Stetin family decided to migrate to America and subsequently settled in Paterson, NJ. The Stetin family had to work hard during the turbulent years of the Great Depression which led Sol to take a job with a local dye shop in the "Silk City." It was not long after Sol began working, that he became witness to the atrocities being committed by warehouse managers and business owners. Appalled by inhumane working conditions and lack of worker rights, Sol decided to lead strikes and arrange union campaigns.

The Federation of Dyers, Finishers, Printers, and Bleachers of America was the first organization Sol helped form and the first forum for him to express his concerns for the American laborer. Later, he went on to work with the CIO's Textile Workers Organizing Committee (TWOC), he worked to build the TWOC into a permanent union under CIO standard. His work-ethic was unparalleled and his stellar reputation earned him the office of secretary-treasurer of the Textile Workers Union of America. In just 4 years, Sol climbed to the rank of President and immediately began managing the workers' rights campaign in the South.

Sol Stetin then decided to lead a merger with the Amalgamated Clothing Workers and Textile Workers Union, now known as UNITE/HERE. He served on the Executive Council of the AFL/CIO and as Executive Vice-President of the Amalgamated, until his retirement. True to Sol's nature, retirement could not slow him down. Instead of relaxing, Sol used his free time to found the American Labor Museum/Botto House National Landmark in Haledon, NJ. For Sol, the museum was the ultimate tribute he could offer to union members and it solidified his personal dedication to labor education.

In addition to Sol's many professional achievements, his personal accomplishments should not and cannot be overlooked. He was the devoted husband of Frieda and the proud father of two daughters, Sondra and Myra. He leaves behind five exquisite grandchildren and five beautiful great-grandchildren.

I have had the privilege to know and work alongside Sol Stetin. We shared many of the same concerns and opinions on workers rights, not to mention the same passion for our hometown, Paterson, NJ. I can say without reservation that the work of individuals like Sol will live on in the hearts of those whose lives were enriched by his work.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the efforts of devoted activists like Sol Stetin. I ask that you join our colleagues, Sol's family and friends, and most importantly, the countless American workers Sol has touched throughout his years of work within the labor community in recognizing the outstanding service of Sol Stetin.

THE MORTGAGE INSURANCE FAIRNESS ACT OF 2005

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RYAN of Wisconsin. Mr. Speaker, I along with my colleague Congressman WILLIAM JEFFERSON, have introduced the Mortgage Insurance Fairness Act. Our bill would allow residential mortgage borrowers to deduct as an itemized deduction for mortgage insurance premiums for private mortgage insurance, FHA insured mortgages, VA insured mortgages and GRH insured mortgages. Residential mortgage borrowers with annual incomes of $100,000 or less would be eligible for this tax deduction.

Nationwide, mortgage insurance is a critical factor in allowing minorities and middle income families to become homeowners. Mortgage insurances covers 57 percent of mortgage purchase loans made to African American and Hispanic borrowers and 54 percent of the loans to borrowers with income below the median income. This legislation will benefit the 12 million American families who presently use mortgage insurance.

In Wisconsin alone, this legislation would benefit 124,000 families. Insured mortgages made up 35 percent of home purchase loans in Wisconsin and cover 49 percent of home purchase loans by minorities and low income home buyers.

Mr. Speaker, homeownership is a vital part of creating safe communities and a vital part of our Nation's economy. I urge my colleagues to join us in promoting homeownership and support this important bill.

LEGISLATION COMPELLING VOTES OF THE EX-IM BOARD OF DIRECTORS IS BAD POLICY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to raise my concerns about a proposal being floated that would compel the Ex-Im Board of Directors to bring up and vote on every proposal for Ex-Im Financing, whether or not the proposal met the basic—congressionally mandated—conditions for approval.

This would be a bad policy in general, and particularly with respect to industries which affect our national security, such as, the semiconductor industry.

Legislation compelling the Board of Directors to vote on a particular application for Ex-Im financing—and one that the Chairman has carefully considered and rejected—is bad policy and threatens to subvert the structure, policies, and procedures of the Export-Import Bank. The Chairman is responsible for bringing financing proposals before the full Board of Directors and ensuring that only those financing proposals which meet the statutory criteria are presented for a vote. If a deal fails to meet the basic criteria for financing, then it should not be brought up for a vote. To do otherwise would ignore Export-Import Bank legal requirements and procedures, and completely and inappropriately politicize Ex-Im financing.

Earlier this year, Ex-Im Chairman, Phillip Merrill carefully considered a proposed $770 million financing package for a Chinese semiconductor manufacturer, SMIC, and ultimately determined not to bring the proposal before the Board of Directors. Because the proposal clearly failed the statutory requirements, the Chairman was completely justified in that decision. As Mr. Merrill noted at a hearing before the House Small Business Committee on April 6, 2005, "It is my job to take the case to the board if we believe the case does not violate the mandate of Congress."

In this case, the proposed SMIC financing failed two separate and independent statutory requirements for Ex-Im approval: namely, the "economic impact" requirement, and the "additionality" requirement. First, in evaluating the "economic impact" requirement, Ex-Im is required by statute to consider any serious adverse effect financing might have on the competitive position of U.S. manufacturers. Ex-Im is expressly prohibited from making a loan or guarantee if its analysis concludes that the competing domestic industry would be adversely affected because either (i) the product supported by the financing will compete with a U.S. producer, or (ii) the commodity is in oversupply. In reviewing this case, the Ex-Im Chairman evaluated a study that demonstrated that the products made in SMIC's Chinese fabrication facilities—DRAM and other types of semiconductors—would compete with U.S. producers and were in serious oversupply, and that if the deal went through it would result in the loss of thousands of high-paying technology jobs in the U.S. semiconductor sector. The study also pointed out the economic and political folly of having U.S. taxpayers finance the export of high-tech jobs and technology to China, particularly given the current exodus of U.S. manufacturing jobs to that country and the massive trade deficit the U.S. has with China. Based on this unrebutted evidence, the Chairman correctly concluded that the SMIC financing proposal failed the "economic impact" requirement.

The SMIC financing proposal also failed the separate "additionality" test. The Chairman is required to ensure that no proposal is submitted for vote when the proposal merely duplicates available private sector financing. The "additionality" test can be met if there is a confirmed competing loan guarantee on the table from a foreign export credit agency or if there is some sort of market failure and the transaction would otherwise not go forward without the Bank's involvement. Neither of those circumstances is present in the SMIC financing proposal. Indeed, recent developments confirm beyond any doubt that SMIC has no need for a guarantee funded by the United States taxpayers. Only two weeks ago, SMIC announced that it obtained a $600 million loan from Chinese banks—all without an Ex-Im guarantee. The Chairman correctly concluded that the SMIC financing proposal failed the "additionality" requirement.

CHINA DOES NOT NEED U.S. GOVERNMENT ASSISTANCE TO DEVELOP ITS SEMICONDUCTOR INDUSTRY

There is a significant danger in sending advanced semiconductor manufacturing equipment to China, especially if those exports are taking place as a result of subsidized support from the U.S. Export-Import Bank.

The economic costs of providing advanced manufacturing equipment to China are high. A recently-released report quantifies job displacement in the United States as a result of the United States' rising trade deficit with China since 1989: 20,000 lost jobs associated with the production of communications equipment; 64,400 lost jobs associated with the production of home audio and video equipment; and 53,300 lost jobs associated with the production of computers and office equipment. In addition, more than 46,200 jobs were estimated to have been lost in the semiconductor industry since 1997. Job losses in these electronics industries accounted for more than one-quarter of total job displacement documented in this report.

Another significant concern relates to the migration of high-tech production to China because of the strategic importance of this technology, and the ability of the Department of Defense to maintain an edge in the development and deployment of advanced communications, command and control and weaponry. According to a recent report by the Defense Science Board, the area of greatest concern is in the U.S. microelectronics sector which supplies defense, national infrastructure and intelligence applications.

Dependence on China for supplies of semiconductors and other microelectronics would leave the United States very vulnerable. Significant risks of supply interruptions exist and include natural disasters like earthquakes but also heightened tension between China and Taiwan could lead to significant disruptions of critical parts and supplies.

China also has taken steps to provide WTO-inconsistent subsidies to unfairly promote their semiconductor industry. China has adopted aggressive policies to promote domestic manufacture of semiconductors. Income tax incentives include a 5 year tax holiday plus 5 years at half-tax for reinvested capital with the clock starting when profits start. It is providing free land for industrial parks. Until recently, China applied a 17 percent value added tax (VAT) to imported chips, but not to those made in China. Agreements with the World Trade Organization on VAT may have negated the impact of the full 17 percent on imported chips however while amounts over 3–6 percent are still rebated for Chinese-made chips.

The number of engineering graduates in China is far outpacing U.S. totals so that students no longer have to come to the U.S. to attend school.

U.S. TAXPAYER SUPPORT FOR THE CHINESE SEMICONDUCTOR INDUSTRY: UNJUSTIFIED ON ANY GROUNDS

There is no economic justification for the United States government to be underwriting investments in the Chinese electronics industry. China has an extremely competitive and rapidly expanding electronics sector. Moreover, the Chinese government already offers a host of incentives for investing in integrated circuit ("IC") production facilities. The U.S. Semiconductor Industry Association ("SIA") has in fact raised repeated concerns regarding the level of government assistance to China's IC firms.

History has shown that the movement of electronics manufacturing to lower-wage countries has had deleterious effects on U.S. employment. Recently, it is higher-valued manufacturing activity that has exited the United States for China and other low-wage production sites. Electronics industry sources highlight that the exodus of advanced manufacturing has negative implications for engineering and R&D activity in the United States.

A just-released report quantifies job displacement in the United States as a result of the United States' rising trade deficit with China since 1989: 20,000 jobs lost associated with the production of communications equipment; 64,400 jobs associated with the production of home audio and video equipment; and 53,300 jobs associated with the production of computers and office equipment. In addition, more than 46,200 jobs were estimated to have been lost in the semiconductor industry since 1997. Job losses in these electronics industries accounted for more than one-quarter of total job displacement documented in this report.

The financing incentives contemplated by the Export-Import Bank are neither necessary nor appropriate. The Chinese IC industry has already been extremely successful in attracting investments through commercial channels, and the Chinese government already provides a wide range of incentives. In addition, assistance to the Chinese semiconductor industry will disadvantage a U.S. industry that provides high-value jobs and other economic benefits in the United States.

CHINA IS HIGHLY COMPETITIVE IN THE GLOBAL ELECTRONICS SECTOR

China has major advantages in electronics manufacturing. For one, China's labor pool is inexpensive, skilled, and highly motivated. Production worker wages are as low as $120 a month, and skilled IC designers make on average $2,000 a month. In sophisticated electronics, direct labor in China costs less than 10 percent of total costs of production. The number of trained engineers increases by 350,000 individuals annually. Young workers and managers willingly put in 12-hour days and work weekends. As for inflationary pressure on wages, the chief Asia-Pacific economist at Morgan Stanley notes that China's "vast pool of surplus labor . . . keep down labor's pricing power."

China also provides a huge and booming internal market that will further spur domestic production efficiencies. China's gross domestic product increased 9.1 percent in 2003, and the country emerged as the world's largest and most rapidly growing market for semiconductors. The existence of multiple suppliers creates intense domestic competition, further contributing to low wages and prices.

Electronics manufacturing in China began with finished consumer appliances, and now their component parts are also increasingly manufactured in China. The IC industry is one of the newer boom industries in China. A Chinese industry sources note that more than 10 fabs started operations in China in 2002.

Most of the early Chinese IC operations used the smaller 6-inch wafers, lagging the 8-inch and larger wafer technology common in the United States, Europe, and Korea. That is changing. SMIC is now at the forefront of global production technology for semiconductors by bringing a 12-inch wafer fab on line in 2004. SMIC plans four more 12-inch fabs to come on line by 2006.

The proposed equipment financing is substantial not only for SMIC but for the Chinese IC industry as well. China's 10th Five-Year Plan, which is in effect for the period 2001–2005, anticipates investments totaling $10.3 billion in new IC production lines. SMIC's new equipment purchases represent more than 10 percent of the entire amount anticipated to be invested in China over the course of 5 years. Moreover, China's revenue from fab operations was approximately $400 million in 2002. The proposed financing is thus three times the value of fab revenues in a recent year.

In 2003, China is estimated to have spent three times the amount on new fab construction as all of North America. China accounted for about 5 percent of existing fab capacity in 2003, ranking seventh in the world; however, China accounted for fully 33 percent of fab capacity under construction in 2003, ranking first in the world. Taiwan and Korea followed somewhat distantly, accounting for 14 percent and 13 percent, respectively of fab capacity under construction the same year. In other words, China is rapidly emerging as a major semiconductor producer with some of the most modern and advanced facilities in the world. As Harvard University economist Richard B. Freeman has observed, "China . . . can compete both with very low wages and in high tech. . . . Combine the two, and America has a problem."

There is simply no economic need for U.S. taxpayers to be underwriting investments in the Chinese electronics industry. Every indication is that industry is booming, with investment flowing from a variety of sources. One industry source estimates that China already produces one-third of the world's electronics, and that will rise to one-half by 2010 or 2012.

CHINA OFFERS A HOST OF INCENTIVES FOR INVESTING IN THE IC INDUSTRY.

China emerged as a contender in the global electronics industry as recently as the late 1990s. One product launched during China's Ninth Five-Year Plan (1996–2000) was the 909 Project, administered by China's Ministry of Science and Technology. Investments under the 909 Project totaled over $1.2 billion. The primary beneficiary was the Shanghai Hauhong NEC Electronics Co., with was formed to design and produce both memory and logic ICs.

In advance of China's joining the World Trade Organization (which occurred in 2001), a number of investment incentives were introduced in 2000. For example, in June 2000, State Council Document 18, entitled "Policies to Encourage the Development of the Software and IC Industries," established a framework to attract investment to the Chinese IC industry. These incentive applied primarily to fab operations, and were effected through the reduction of effective value-added tax ("VAT") rates.

In December 2000, Shanghai's Document 54, entitled "Policies and Regulations Related to the Development of the Software and IC Industries," expanded the Document 18 incentives to design, packaging, and test facilities. As noted further below, the U.S. Semiconductor Industry Association subsequently raised concerns that China's VAT incentives provided discriminatory treatment.

Also in 2000, the Chinese central government updated its list of industries for which foreign investment is encourages, including more advanced IC production operations. China's Ministry of Science and Technology also designated the IC industry as a high priority in its 863 Program, which supports key technologies through research and development. Within a few years, the 863 Program had provided grants to more than 100 IC design centers, which had more than 1 billion RMB in annual sales.

China ratified its Tenth Five-Year Plan in March 2001, and the government stated at that time that its goal was to invest $120 billion in the IC industry by the end of 2005. Also in 2002, State Administration of Taxation Document 70 authorized VAT reductions for the IC industry, and State Council Document 51 added incentives for venture capital investments in the same industry.

In additional to incentives from the central government, regional authorities compete to attract investment in IC facilities. The Shanghai region is a leading area for semiconductor activity. Even within this region, however, localities offer competing incentives. SMIC is located in the Zhangjiang High-Technology Park in the Pudong District. Incentives available to enterprises in Pudong include the following:

Subsidies for interest rate payments;

Investment tax credits for infrastructure expenses;

A variety of rebates of VAT taxes;

Allowance for deduction of salaries and training costs for corporate income tax purposes;

Additional subsidies allowed for new post-graduate positions created; and

Special tax incentives for fabs producing below the .25 micron level, including exemptions on any production and testing equipment.

THE U.S. SEMICONDUCTOR INDUSTRY ASSOCIATION HAS REPEATEDLY RAISED CONCERNS ABOUT CHINESE SEMICONDUCTOR INDUSTRY INCENTIVES

SIA has voiced numerous concerns about Chinese practices that discriminate against U.S. suppliers. As recently as December 21, 2004, SIA summarized its most pressing concerns in comments to the U.S. Trade Representative on foreign trade barriers. These comments highlighted the following:

China's VAT rebate scheme imposes a cost penalty on imported semiconductors. Such a scheme strongly suggests that China is not honoring the national treatment commitments required under Article III of the GATT, to which China is bound as a member of the World Trade Organization.

China had planned to implement a proprietary wireless encryption standard. According to SIA, "It was planned for implementation even though the technical details of the Chinese requirements were not readily available to international firms. Later reports indicated that Chinese authorities would require foreign firms to engage in value-added production with a select list of local firms to obtain import permits in order to sell wireless LAN equipment in China. Products already in-country would have also required permits. If enacted, such requirements would have set a dangerous precedent by imposing technology transfer and local content requirements that China committed to eliminate with WTO accession." China has delayed implementation but there is still significant pressure for a unique Chinese standard.

There have been other attempts to create unique Chinese standards, including for DVDs, HDTV, RFID, digital cameras, and electronic imaging for cellular phones. According to SIA, "Standards in China are often developed by government authorities through a nontransparent process, and without input of key stakeholders, in particular neglecting international ones. Unique Chinese requirements in many cases would require product redesign, creating additional costs to U.S. firms in development expenses and lost revenue."

China's intellectual property laws have serious deficiencies—to the point that China's compliance with the WTO TRIPs Agreement is in question. China's legal system hampers IP enforcement by making it more difficult both to bring, and to succeed in, cases against IP violators. SIA calls on China to enact legislative reforms in this area.

SIA also notes concerns as regards transparency in China's rule-making procedures. SIA questions, for example, whether environmental regulations are not in fact more trade barriers.

In October 2003, SIA also released a comprehensive review of Chinese incentive programs benefiting semiconductor producers. SIA concluded as follows:

> Maintaining U.S. leadership in microelectronics is critically important to the economy and national security of the United States. Government policy measures in any country or region which induce significant migration of the U.S. microelectronics infrastructure—capital, enterprises, individuals—warrant careful scrutiny by U.S. policymakers. Several aspects of China's current developmental effort in microelectronics are problematic because they could erode the U.S. microelectronics infrastructure and contribute to an eventual loss of U.S. leadership in this field.

HISTORICAL IMPACT OF THE LOSS OF ELECTRONICS MANUFACTURING IN THE UNITED STATES

The U.S. electronics industry has been migrating slowly to off-shore manufacture for many years. According to a study by the Bureau of Labor Statistics, U.S. competitiveness in consumer electronics began to slip in the 1960s. Television production was one of the first industry to migrate off-shore. Jobs in the U.S. television industry dropped by half from 1971 to 1981. Innovations were increasingly introduced by foreign television makers, and this is evident in the leading position of non-U.S. brand name domination of high-definition and digital television at the present time.

According to the National Advisory Committee on Semiconductors, U.S. electronics manufacturers lost nearly 15 percent of the global market in the second half of the 1980s. This translated into more than $100 million in lost revenues for U. S. companies during that period—a loss has since grown considerably given enormous expansion in global electronics markets.

A 1997 survey of electronics manufacturing in the Pacific Rim observed that "the rapid development of electronics manufacturing in East Asia poses a challenge to overall U.S. manufacturing competitiveness as the United States becomes increasingly dependent on Asian suppliers. . . . In this survey, China was already observed to attracting a great deal of component manufacture. Initially, China drew manufacturing from neighboring Asian countries, that could no longer compete on labor costs. U.S. electronics manufacturing has also been affected. The U.S. printed circuit board industry is losing jobs to China as U.S. producers have seen sales slump from $11 billion to less than $5 billion since 2001. Meanwhile, printed circuit board exports from China have doubled.

Semiconductor device production remained a leading U.S. electronics industry even as more labor-intensive assembly operations relocated to low-wage countries. One key has been the retention of high-value-added activities in the United States. But numerous voices are now concerned about the attraction of China for advanced electronics manufacturing.

The President's Council of Advisors on Science and Technology supports policies that encourage R&D and advanced manufacturing in the United States. A January 2004 report notes that the computer and electronics sector is a leading employer in the United States, and ranks very high in terms of value-added. The report notes as well the rise of China as an electronics producer:

> . . . China's rise as a high tech manufacturer has caused increasing concerns. China is a large emerging market and its industrial and economic policies associated with expanding this sector are likely to continue indefinitely.

This report also notes the variety of Chinese programs aimed at expanding the electronics sector, including numerous tax incentives, currency valuation policies, industrial parks, and employment incentives.

The U.S. Semiconductor Industry Association shares this concern. SIA recently urged U.S. policy makers to keep chip fabrication in the United States by "insuring that the U.S. remains an attractive locations for chip manufacturing. . . . If leading edge moves offshore because foreign governments have created more attractive investment environments, over time R&D facilities for manufacturing processes are likely to follow."

SIA has documented the substantial contributions of U.S. semiconductor manufacture to the U.S. economy, in a number of reports, including as in the following illustration:

> The semiconductor industry, which is the largest value-added sector in the U.S. economy, provides high quality employment to hundreds of thousands of U.S. citizens and is projected to grow at a compound annual rate of fifteen percent for the next several years. The growth will create opportunities for new applications that will spawn new industries and it will ensure the continued vitality of

many of the information technology industries.

SIA officials emphasized the potential of China in particular to attract leading edge semiconductor manufacturing in recent testimony before the U.S.-China Economic and Security Review Commission:

> Semiconductors are the building blocks for American competitiveness in a broad range of high technology goods—from computers to medical technology. A strong and vibrant semiconductor manufacturing industry is a key part of a healthy information technology ecosystem—it supports everything from research and development to a robust university capability in microelectronics. . . . the members of SIA also believe it is vital to retain leading edge manufacturing capability here in the United States. . . .
>
> China is growing into a major force in the information technology arena both as a customer and as a competitor. Given the size, growth, and potential of the Chinese market, it is essential that U.S. semiconductor firms have the chance to compete fairly.

A new report prepared for the U.S.-China Economic and Security Review Commission finds that 1.5 million U.S. job opportunities have been lost as a result of the ballooning U.S. trade deficit with China. As noted at the outset in this paper, more than one-quarter of job losses during 2001–2003 were in electronics. China's higher-value electronics exports, along with other products that require more skilled labor and advanced technologies, are growing much more rapidly than are China's lower-value, labor-intensive exports. The report notes that China's exports to the United States reached $32 billion, a figure that corresponds to the entire U.S. trade deficit in advanced technology products. Indeed, the U.S. exports and imports of advanced technology products as a whole are in balance; however, the U.S. has a significant and rising trade deficit in such products with China.

U.S. TAXPAYER SUBSIDIES TO THE CHINESE SEMICONDUCTOR PRODUCERS ARE UNJUSTIFIED ON ANY GROUNDS

As discussed above, the Chinese semiconductor industry does not need U.S.-taxpayer-supported financing. The Chinese industry benefits from advantageous labor costs, a dynamic internal market, a critical mass of component and finished goods production, and a multiplicity of Chinese government supports. The industry is literally booming, with investment flowing from a multitude of sources. SMIC in particular is a formidable competitor on a global scale.

In addition, from a policy perspective, what is the U.S. interest in hastening the pace of expansion within the Chinese electronics sector? This expansion comes at considerable costs to U.S. industries. U.S. policy makers have in fact long recognized the value to the broader economy of maintaining high-value manufacturing and their associated R&D activities in the United States. This Administration has consistently been given this advice by its senior science and technology specialists.

The economic reality may be that China's electronics industry will continue to strengthen, but that outcome should be market-driven. U.S. taxpayer subsidies to enhance advanced Chinese semiconductor manufacturing capabilities are unjustified on any grounds.

PERSONAL EXPLANATION

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, on rollcall No. 322 I was detained due to an aircraft malfunction.

Had I been present, I would have voted "yes."

CONGRATULATING CHRISTI LEHMAN ON HER PROMOTION TO VICE PRESIDENT AT CONNOLLY & COMPANY

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Christi Lehman in gratitude for her service, respect for her work, and congratulations on her promotion to Vice President at Connolly & Company.

I am also personally indebted to Christi for her help in 2004. Christi handled media relations for me with an adept hand and a cool maturity. Her ability to generate new ideas and pitch them to the appropriate media is consistently rewarded with tremendous results.

Brought on board as a media expert for Connolly & Company in 2002, Lehman excels in public relations through her creative approach and unique style. She has coordinated numerous media events and widely covered press conferences. Recently, she has focused on companies or individuals involved in litigation—ensuring their public image and message is protected and promoted.

I am honored to recognize Christi Lehman on her promotion to Vice President at Connolly & Company. She is a gifted writer who understands the media, but most importantly, knows how to produce real results. I continue to appreciate her support on both a personal and professional level, as I congratulate Christi on her outstanding work.

TRIBUTE TO CHRISTIAN AGUIRRE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WAXMAN. Mr. Speaker, I rise today to pay tribute to a courageous young man, Christian Aguirre, whom I am proud to represent in Congress. Christian is 12 years old and attends Christopher Columbus Middle School in Canoga Park, California.

Christian was diagnosed with Hodgkin's disease 2 years ago and has bravely undergone a series of treatments, many of them painful, since that time. Through it all, Christian has maintained his sense of humor and has met his challenge with grace and a remarkable outlook.

I know that his family, friends, doctors, nurses and teachers are delighted that Christian is doing well and has been able to return to school. The American Cancer Fund for Children recently awarded Christian with the "Courageous Kid" award. I want to congratulate him on receiving this award and ask my colleagues to join me in applauding Christian for his optimism and courageous resolve during his battle with Hodgkin's disease.

IN RECOGNITION OF TOP STUDENT HISTORIANS

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. DEGETTE. Mr. Speaker, I rise to honor the top student historians in the State of Colorado. Colorado History Day, an affiliate of National History Day, is a year-long education program that engages students in grades 6–12 in the process of discovery and interpretation of historical topics. Students produce dramatic performances, museum-style exhibits, multimedia documentaries, and research papers based on their own research related to a broad annual theme. Their projects are then evaluated in a series of local and state competitions, culminating in an annual national competition. Nationwide, more than 800,000 students are involved in the National History Day program. More than 4,000 Colorado students participate in History Day activities at the local level each year, and they represent every type of Colorado community, from the cities and suburbs of the Front Range to rural plains towns and mountain communities. At the Colorado History Day State Competition on April 23, 2005, held at the University of Colorado at Boulder, 54 students qualified to represent Colorado at the National History Day competition June 12–16 at the University of Maryland, College Park.

This year's National History Day theme, "Communication in History: The Key to Understanding," encompasses endless possibilities for exploration. Students embark on journeys of discovery that teach them about various facets of world, national, regional, and local history as they produce their original research projects. By encouraging young Coloradoans to take advantage of the wealth of primary historical resources available to them, students gain a richer understanding of historical issues, ideas, people, and events. Students in this program learn how to analyze a variety of primary sources such as photographs, letters, diaries, magazines, maps, artifacts, sound recordings, and motion pictures. This significant academic exercise encourages intellectual growth while helping students to develop critical thinking and problem-solving skills that will help them manage and use information, now and in the future. For more than 25 years the National History Day program has promoted systemic educational reform related to the teaching and learning of history in America's schools. The combination of creativity and scholarship built into the NHD program anticipated current educational reforms, making National History Day a leading model of performance-based learning.

These impressive students represent educational excellence in America, Every student in Colorado should have the opportunity to participate in this enriching program.

These students' teachers also deserve our respect. They are fine examples of the best in the teaching profession. Their encouragement and dedication has encouraged these students to strive for excellence and be successful in their endeavors.

The winners from Colorado's First Congressional District are Bryon Christman, Jacob DeCroce, Zander Chanin, Shannon Desmond, Tracy Fielder, Riley Price, Chloe Armao, Nyasha James-Davis, Aura Cruz, Jaqueline A. Meraz, Eboni Coleman, Faryn Tobler, Brigitte Siller, Norah Kissell, Jon Shockness, Akil Lugman, Nick Thorne, Alisha McKenzie, Jake Mundel, Kelsey E. Isberg, Annie Woodward, Ryan Brown, Kara Miller, Sarah Goode, Lila Creighton, Gabe Stein, Avery Colomb, Aaron Bernhardt, Adrian Leanzu, Brian Lays, Meera Rao, Laura King, Kira Newman, Adrienne Russman, David Schneider, John Stanford, Natalie Lays, Christie Collins, Madeleine Winslow, Chelsea Proctor, Cassie Cherry, Elliott Collins, Scott Sigman.

150TH ANNIVERSARY OF TAWAS CITY

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. STUPAK. Mr. Speaker, I rise today to honor a community in my district that is celebrating its 150th anniversary as a city. On Thursday, June 30, 2005 the residents of Tawas City, Michigan celebrate their history that 150 years ago began a rollercoaster of triumphs and tribulations. From fishing to lumber to railroad to a military base, this city has adapted to each new opportunity resulting in a rich history and growth.

In the early days of what is now known as Tawas Bay, the fish rich area was difficult to traverse because of the seafaring dangers. A lighthouse was constructed in 1853 attracting the first of the English settlers including Oakland County Judge Gideon O. Wittmore, founder of Tawas City. Whitmore was drawn to the increasingly valuable endless supply of timber in the area. Timber was in great demand as new settlements were established in the Midwest region. Whitmore constructed the first sawmill, Whitmore and Company, and platted the city in 1855 as Tawas City. The city was named after the local Native American Indian tribe the Ottawas.

Just 15 years after becoming an official village, the rough waters of Tawas Bay had brought sand and sediment unto Tawas Point rendering the lighthouse useless to mariners. Almost immediately, work began on a replacement lighthouse that was completed in 1876 and is still in use today. This lighthouse, the Tawas Point Lighthouse, was recognized in 1984 in the National Register of Historical Places.

Throughout the late 1800's, the lumber boom had become a major facet in the local economy as the home for sawmills and the historic Detroit and Mackinac Railroad. It also provided many tales of great lumberjacks from the Michigan lumber camps. Some local residents believe that many stories we tell today about the great Paul Bunyan originated from that area. However, by the 1890's the lumbering boom had dwindled from depleted resources and the immense damage to the forests. The land resembled that of a wasteland and farming quickly took over as a top industry alongside fishing. However, with the invention of the automotive assembly line, young sons of farmers headed downstate to make quick money leaving hundreds of family farms vacant.

With its natural resources exhausted, young people left the Tawas area. The once beautiful landside was left naked, polluted and over fished. Tawas thought it had seen the worst but, on July 11, 1911 a fire leveled communities of neighboring Oscoda and AuSable with five dead and 2,000 homeless. Tawas area residents took in survivors and helped the two devastated communities rebuild. In the process of rebuilding the communities, they had the opportunity to establish six hydroelectric dams in the AuSable River that are still in use today.

It was around that time that Tawas City would see nearly 70 years of revitalization and economic opportunity come to the area. In the 1920's the United States Army Air Corps began a flight training program that would evolve into Wurtsmith Air Force Base. From the mid 1920's to the 1950's the Civil Conservation Corps planted nearly 500 million trees to restore much of the area ravaged during the lumber years. In 1937, the Tawas Post of the Michigan State Police became a permanent part of the Tawas community. Even during the war years, Tawas played an important role in protecting America and its soldiers from poisonous attacks with the Tawas plant, staffed by women, producing up to 42,000 gas masks a day. In 1965, Tawas Point State Park was created and provided 175 acres of camping sites, picnic areas, beaches and the lighthouse area which attracts over 250,000 people per year.

In the 1990's Tawas City would see another great challenge with the closure of the Wurtsmith Air Force Base. However, after nearly a century and a half of rising to meet challenges in the past, the local community partnered with State, local and Federal resources to turn the base into a thriving opportunity. The Wurtsmith redevelopment was so successful in turning the economy around they were cited as an example throughout the country on how small towns can overcome the hardships of military base closures.

Mr. Speaker, the history of Tawas City is made up of the tales of brave fishermen, innovative entrepreneurs, legendary lumberjacks, dedicated neighbors, hardworking farmers, courageous soldiers, devoted workers, and All-American families. The values that extend from each industry, every challenge, and every triumph have added to the fabric of this community. I applaud the people of Tawas—past and present—for advancing this city to be the outstanding place it is today. Furthermore, I ask the United States House of Representatives to join me in congratulating Tawas City and its residents on their first 150 years and in wishing them well through the next century.

HONORING KEISHA CASON OF BROOKSVILLE, FLORIDA

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to honor Keisha Cason of Brooksville, Florida.

Keisha Cason is a high school senior, who was recently recognized by the National Federation of Independent Business (NFIB) as a 2005 NFIB Free Enterprise Scholars Award recipient.

Created in 2002, the award identifies high school seniors from all around the country who demonstrate scholarship and entrepreneurial achievement. From the 2,100 applicants nominated by NFIB members, an independent selection committee selected 378 rising scholars to each receive a $1,000 scholarship.

Keisha Cason represents the future voice of small business in America. As one of these gifted youth, she has displayed a sense of understanding of free enterprise far beyond her years. As she makes the transition to college, she will continue to perform at the highest standards.

Mr. Speaker, ambitious young men and women like Keisha Cason should be congratulated for their accomplishments. It is truly a privilege to honor Keisha Cason for her achievement as a National Federation of Independent Business Free Enterprise Scholar.

IN MEMORY OF WESLEY SCOTT

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to honor and celebrate the life of an esteemed advocate for equality, Mr. Wesley Scott. Mr. Scott, a longtime leader in the civil rights movement in Milwaukee, died May 28, 2005, at the age of 88.

The oldest of 18 children, Wesley Scott came of age in an impoverished community of West Virginia coal miners. After earning his B.A. from Xavier University in New Orleans in 1942, Mr. Scott went on to serve his country, fighting in the South Pacific during WWII. Upon returning home he continued his education, receiving his Masters degree from Ohio State University in 1950. By 1951, he was serving as Executive Director of the Massillon, Ohio, Urban League.

In 1958, Mr. Scott assumed the position of deputy executive director of the Milwaukee Urban League. Within a year he was promoted to executive director, a position he held for 23 years. At the helm of the Milwaukee Urban League, Mr. Scott distinguished himself with a dynamic yet dignified style of leadership. His contemporaries lauded his unflagging commitment to the advancement of African-Americans and poor people. He is credited with building bridges between white and black communities, seeking out opportunities for progress in a very difficult and often turbulent environment. Under his leadership, the Milwaukee Urban League became a premier organization in the fight for civil rights.

Even after leaving the Milwaukee Urban League, Mr. Scott continued to work for racial equality. As an advisor to the Metropolitan Milwaukee Association of Commerce, he helped open new doors for African-Americans in the corporate world, ensuring the development of a new class of African-American professionals in Milwaukee. He also worked on behalf of African-American businesses, advocating for stronger mechanisms to ensure that disadvantaged business enterprises would benefit from the construction of Miller Park.

Throughout his life, Wesley Scott was a tireless advocate for equality. Earlier this year, the Milwaukee Urban League announced plans to honor his legacy by transforming its headquarters into the Wesley L. Scott Senior Living Community. I rise today, Mr. Speaker, to salute Mr. Scott for his commitment to advancing equality and to celebrate the life he dedicated to serving our community.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. GUTIERREZ. Mr. Speaker, due to a family emergency, I was absent from this Chamber on June 24, 2005.

I would like the record to show that, had I been present, I would have voted "nay" on rollcall votes 308, 312, 313, 315, 317 and 321. I would have also voted "aye" on rollcall votes 309, 310, 311, 314, 316, 318, 319 and 320.

PERSONAL EXPLANATION

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. BISHOP of New York. Mr. Speaker, due to a personal conflict on Monday, June 27, I was not present in the chamber to cast my vote on rollcalls 322 and 323.

Please indicate in the appropriate place in the RECORD that had I been present, I would have voted "aye" on both measures.

RECOGNIZING MISS ALYSSA WILSON

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Miss Alyssa Wilson, from Altoona Pennsylvania, as one of twenty national winners in a new award program called The Alexander Hamilton Citizenship Achievement Award. The award is sponsored by a new 501 (c)3 non profit organization, The Alexander Hamilton Friends Association (AHFA) of Seattle, Washington. Fourteen States were represented and amongst the twenty winners, Pennsylvania had three, all whom happened to be from Altoona Area High School. Over 200 candidates were considered for the award and it is a remarkable achievement for these three students and the Altoona Area school district.

The Alexander Hamilton Friends Association is a non profit organization incorporated under the laws of the State of Washington. The AHFA's goal is to preserve Alexander Hamilton's legacy by recognizing and honoring young people who share Hamilton's strong sense of integrity, achievement, pragmatism, and service. For a student to win the award the student needs to exhibit a high degree of personal integrity and receive an outstanding rating in two of the five areas, which are: community service, school-related extracurricular activity, entrepreneurial skill, scholastic record, and personal achievement. George Cox, president of AHFA said, "The key question we asked ourselves, was this: If a young Alexander Hamilton were placed in a situation like this student, would he have responded in a similar manner? In the case of our winners, we think the answer is yes."

Miss Alyssa Wilson is a junior at Altoona High School and has organized several charitable events including the MS Walk, and the Heart Disease Walk. She is involved in the student council and through it she has helped organize student functions such as the spring musical dance and is involved in peer mediation. She participates in marching band, concert band, and jazz band. She is also a member of the school drama team and is active at her church where she teaches at Vacation Bible School.

Mr. Speaker, we would like to congratulate Miss Alyssa Wilson on her outstanding achievements in community service and we are proud to have her as one of our constituents.

100TH ANNIVERSARY OF THE MICHIGAN DEPARTMENT OF TRANSPORTATION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. STUPAK. Mr. Speaker, I rise today on behalf of the Michigan Congressional Delegation consisting of Senators CARL LEVIN and DEBBIE STABENOW, Congresswomen CAROLYN CHEEKS KILPATRICK and CANDICE MILLER, and Congressmen DAVE CAMP, JOHN CONYERS, JOHN DINGELL, VERNON EHLERS, PETER HOEKSTRA, DALE KILDEE, JOE KNOLLENBERG, SANDER LEVIN, THADDEUS MCCOTTER, MIKE ROGERS, JOE SCHWARTZ, FRED UPTON and me. We pay tribute today to an agency in Michigan that has spent the last 100 years improving the means by which those in the far reaches of our beautiful peninsulas utilize our most well-known state product, the automobile. Today, we in the Michigan Congressional Delegation would like to honor the 100th Anniversary of the Michigan Department of Transportation also known as MDOT.

It all began with the innovative spirit of a bicycle enthusiast and entrepreneur, Horatio "Good Roads" Earle, when he became Michigan's first highway commissioner. He began a movement by aligning the professional road builders and engineers to improve road transportation throughout the state. On July 1, 1905, the voters in the State of Michigan overwhelmingly approved state spending for roads making Michigan the 18th state in the Union to establish an agency to oversee transportation. Since that day that the State Highway Department was established, Michigan has not only led the world in automotive advancements but has achieved many firsts in the state, country and world for transportation initiatives.

There were many transportation firsts in Michigan including the construction of the first international underwater railroad tunnel (Port Huron-Sarnia Tunnel) in 1891; the first international underwater automobile tunnel (Detroit-Windsor Tunnel) in 1930; and the first freeway-to-freeway interchange on Jan. 18, 1955 at I–94 (Edsel Ford) and M–10 (John Lodge) in Detroit, permitting motorists to make turns "simply by moving in the direction they wish to go." Both the Ambassador Bridge in Detroit in 1929 and the Mackinac Bridge in 1957 were the world's longest suspension bridges when they were built. The world's largest automobile tire, utilizing the Ferris wheel ride from the World's Fair in New York from 1964, can be found next to eastbound I–94 just east of the M–39 (Southfield Freeway) interchange in Allen Park. MDOT was also the World's first transportation agency to automate management and processing of construction products from the construction site through contractor payment, saving taxpayers more than $20 million per year in 1993.

The national innovations are endless but include some of the most significant to our everyday living like the nation's first mile of concrete highway built by the Wayne County Road Commission on Woodward Avenue between 6 and 7 Mile roads in Detroit in 1909, the first painted centerline in 1911 and the first state trunkline in the nation to sport a centerline from Marquette to Negaunee Road (now US 41/M 28) in 1917. The nation's first highway materials testing lab was at the University of Michigan in 1912 and the nation's first four way red/yellow/green electric traffic light was at the corner of Woodward and Michigan Avenues in Detroit as the invention of Detroit Police Officer William Potts in 1918.

Other national firsts include the first roadside park on US–2 in Iron County, completed in 1919; the first practical highway snowplow was built in Munising in 1922; and the first "super highway" was an eight-lane divided highway with a 40–foot median built in 1923 along Woodward Avenue between Detroit and Pontiac. MDOT was the first highway department to use yellow centerlines to designate "no passing" zones in 1927. Michigan has the nation's first state operated information center which opened in 1935 near New Buffalo. Michigan was the nation's first state to complete a toll free border-to-border interstate on I–94 running 205 miles from Detroit to New Buffalo in 1960. In 1977 US–31 in Oceana County won the national "most beautiful highway" by the U.S. Department of Transportation. The nation's largest concrete segmental bridge opened up in 1988 when the Zilwaukee Bridge opened carrying I–75 over the Saginaw River. Recently, in 2003, Gloria Jeff was named the director of MDOT becoming the first female and African American State Transportation director in the nation.

Mr. Speaker these are only a few of the facts, figures and historical moments that are seemingly infinite examples that mark the significant influence this agency has had on transportation in our country and the world. In fact much of this information and a detailed outline of MDOT's history can be found through the resources of MDOT's centennial website at www.michigan.gov/mdot100. However, the greatness and innovation displayed by MDOT throughout this past 100 years is not limited to our history and evolution as a modern state. The recent state accomplishments and the goals laid out for the future show the numerous advancements this department continues to make on behalf of it residents.

Horatio "Good Roads" Earle would be proud of the efforts to make our roads, highways and bridges better each year. According to MDOT, since 1999, they have completed more than 93 percent of the road and bridge preservation programs announced in the fiveyear program making 88 percent of the vehicle miles traveled on Michigan freeways done so on good pavement. In the last three years, the capitol preventative maintenance program increased the life span of 3,710 miles of highway by up to seven years with a special treatment. Additionally, MDOT has made significant improvements to trunkline bridges through the state due to strategic planning as well as opening almost 80 miles of widened roadways and passing relief lanes to relieve congestion, reduce delays and improve safety. Other program successes have been in overall safety, economic development projects, parking, roadside programs, and environmental quality.

Mr. Speaker, on June 30th, a special ceremony to celebrate the 100th Anniversary of the Michigan Department of Transportation will be held at the Mackinac Bridge in my district, one of the world's largest suspension bridges that connects the Upper and Lower Peninsulas with five miles of concrete and steel innovation. Friday, July 1st, the department's employees will also celebrate the anniversary in Lansing, Michigan. Celebrating this milestone year at the Mackinac Bridge is most appropriate because of the symbolism the Mighty Mac shares with that of this accomplished state department. MDOT has connected people from Copper Harbor to Coldwater, has set a number of firsts in national accomplishments, and continues to look ahead at ways to improve transportation for Michigan residents and visitors. Since its inception by Mr. Earle, MDOT has focused on the quality of its services and resources, the effectiveness of their work, the dedication to the needs of their travelers, the integrity to improve transportation the right way the first time, and the pride of being the best as what they do. I ask the United States House of Representatives to join the Michigan Congressional Delegation in congratulating the Michigan Department of Transportation on its first 100 years and even better success through the next century.

CONGRATULATING THE PHOENIX COMPANIES

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. LARSON of Connecticut, Mr. Speaker, I rise today to congratulate The Phoenix Companies on its active commitment to Connecticut's capital of Hartford. Phoenix restated that commitment today with the celebration of three events significant to the city where it has operated since its founding in 1851. In that time, the Phoenix has evolved into a leading financial services company specializing in life insurance, annuities and asset management.

The company has returned all of its Connecticut operations to Hartford, and today welcomes back 450 employees who have relocated there. In February, the Phoenix's distinctive two-sided headquarters that is a signature of Hartford's skyline was added to the National Register of Historic Places. Considered a classic example of Modernist architecture, the building was designed in the early 1960s by Max Abramovitz, who is widely acclaimed for his role in designing the United Nations and Lincoln Center. The Phoenix is undertaking a major $25 million renovation to update its landmark boatshaped building into a state-of-the art office building while maintaining its exceptional architectural integrity.

As The Phoenix renovates its home, it has also reached out to help the citizens of Hartford become home-owners. Its philanthropic arm, The Phoenix Foundation Inc., is providing a $100,000 grant to The Neighborhoods of Hartford, Inc., which is responsible for implementing Mayor Eddie Perez's homeownership initiative. The Foundation's grant will reinforce and extend the initiative, providing funding for additional projects designed to tip transition neighborhoods into healthy ones. Last year, The Foundation's grants totaled $1.36 million, almost all of which went to Hartford-area organizations.

The Phoenix's investments and active participation in the city is admirable, and its embrace of its community roots is to be applauded.

HONORING OLEE LEWIS FOR HER SERVICE TO HENRY COUNTY

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to a great Tennessean and a dear friend of mine, Mrs. Olee Lewis of Paris, Tennessee. Olee recently completed her 38th year of serving our community at the Henry County Northwest Tennessee Economic Development Council.

As a daughter of a local tobacco farmer, Olee dreamed of being a missionary or a nurse, and as an adult, she made her dreams come true. Olee received her nurse's aide certification after high school and then began training at National Baptist Missionary Training School in Nashville. She had to leave missionary school before she was finished but still jumped into a life of missionary work back home.

Olee has directed the Henry County Northwest Tennessee Economic Development Council and has helped many people throughout her years there. One of Olee's greatest accomplishments is the "Sister to Sister and Brother to Brother" club, which organizes black men and women to meet the needs of the community. "Sister to Sister" has been so successful there is now a "Sister to Sister II."

She has also found the time to organize the SHARE program, serve as Secretary of the Tennessee Baptist Missionary and Education Ushers Department, and serve as a director of many different projects in her local church. For her extraordinary work in the community, Olee has received the Personalities of the South Award, was appointed to the important Families First Committee and was named a Kentucky Colonel. Married to the late Charles Wesley Lewis, Olee has been a wonderful mother to four foster children and also has five grandchildren and one great-grandchild.

Throughout her life, Olee has contributed much to our community, our state and our nation. She has never shied away from work when her skills and efforts were needed and could make a difference. Mr. Speaker, please join me as I recognize Olee's many achievements and contributions, and to say thanks to her for all she has done through the years to make the city of Paris, Henry County, and the State of Tennessee a better place to live.

TRIBUTE TO IRMA VELASQUEZ

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. LANTOS. Mr. Speaker, it is with great honor that I rise today in recognition of the extraordinary achievements of Irma Velasquez, who was recently awarded the Thomas Jefferson Award for Public Service for her creation of a school for autistic children in my district. With her son as inspiration, Ms. Velasquez started Wings Learning Center five years ago so children with autism would have the tools to excel in the face of even the toughest disabilities.

The Thomas Jefferson Award for Public Service has been nationally administered since 1972 by the American Institute for Public Service. The award is given to those who are committed to making a difference in their community. Ms. Velasquez was given her award by the San Francisco Chronicle for her tireless pursuit in search of techniques to let autistic children flourish.

Mr. Speaker, her son Aaron was diagnosed with autism at the age of three. Having received her bachelor's degree in Economics and Business Administration from San Francisco State University and working as an accountant, she was ill-prepared for the diagnosis. Ms. Velasquez knew little about how to help her son with his disability and how to interact with him in daily life. She searched for the right education that could help her son while at the same time she educated herself about autism. Not satisfied with the special education disabled students were receiving at the schools in her district, she and her husband, Sherman Chan, started a unique school for her son.

Wings Learning Center, in San Mateo, California, maintains a team approach in the classroom and creates play groups that focus on social and motor skills. In addition to a dedicated set of teachers, the staff also consists of speech and occupational therapists. Today this primary school has 14 students enrolled from all over the Bay Area with more students starting in the fall of 2005. Ultimately Wings Learning Center hopes to find enough space to expand into a high school and provide training and support programs for educators.

Mr. Speaker, I believe Irma Velasquez deserves more recognition. What started as love for her child and a drive to understand his world quickly turned into an opportunity to help other children and offer resources for parents in a similar situation. I urge my colleagues to join me in paying tribute to Irma Velasquez, and wish her well on a promising future as a provider of special education for autistic children.

BRAZILIAN GOVERNMENT'S DECISION TO ISSUE A COMPULSORY LICENSE FOR LOPINAVIR/RITONAVIR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. WAXMAN. Mr. Speaker, Brazil's HIV/AIDS program has been recognized by the United Nations AIDS program as one of the best in the world in both treatment and prevention. Working alongside nonprofit organizations, the government has aggressively fought the disease by offering universal antiretroviral treatment. Many of the first-line antiretroviral drugs used in Brazil are locally procuced by generic companies, allowing the country to afford to treat tens of thousands of patients.

But other second-line antiretroiviral drugs like the lopinavir/ritonavir combination, efavirenz, and tenofovir have been sold by their brand name producers at a high cost. These three drugs alone consume 70% of Brazil's AIDS budget. According to Brazilian Health Minister Humberto Costa, the Brazilian government pays more than $2,600 annually per patient to purchase doses of lopinavir/ritonavir.

Some who oppose Brazil's action have claimed that it violates trade rules. In fact, the World Trade Organization's 1994 Agreement on Trade Related Aspects of Intellectual Property specifically permits compulsory licensing. The 2001 Doha Declaration reaffirmed this option, stating, "Each member has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted."

As a signatory of the Doha Declaration, the United States should respect the rights of other nations to address important health problems.

MEETING BLAIR'S G-8 AFRICA GOALS—PROGRESS, BUT FAR FROM FINISHED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RANGEL. Mr. Speaker I rise to discuss the ongoing progress towards meetings the objectives of Prime Minister Blair's G–8 objectives. The announcement of a tentative debt relief agreement for certain developing countries, mostly in Africa, is an extremely promising development for Africa that is long overdue. The recent agreement on 100 percent debt relief will initially benefit 14 nations in Africa, and is largely based on the Heavy Indebted Poor Country (HIPC) Program, which already offers some debt relief to the world's poorest nations.

Several countries not included in the initial package are still technically eligible. An additional 9 African countries could qualify for full debt cancellation in the next 12 to 18 months, and a further 9 countries in Africa may potentially benefit from the agreement sometime in the future, if they continue to progress in meeting HIPC objectives, such as tackling corruption. But these additional countries are by no means guaranteed debt relief.

The current $40 billion debt relief package must be commended. It is by far the most significant and comprehensive debt relief package ever given to Africa. However, a recent article entitled "Plan That Falls Far Short of Global Needs" in the publication CaribNews suggests that the plan must be closely scrutinized. One glaring issue is that the current package at most cancels only one-sixth of Africa's $295 billion debt and leaves out several countries such as Nigeria and Kenya.

Nigeria, despite having a per capita GDP in line with HIPC eligible countries, and a staggering $36 billion debt, is not currently included in the deal, though G–8 representatives say that some type of Nigeria specific arrangement is in the works. As a leader in West Africa, if not the entire continent, its fate is closely linked to that of the region. As such, the inclusion of Nigeria in a debt relief package is crucial.

In addition to debt relief, the issue of increased assistance must be addressed. This was reiterated in a recent Op-Ed release by Bernice Powell Jackson, Executive Minister of the Justice and Witness Ministries of the United Church of Christ, which calls on the U.S. to do more to help Africa. President Bush has so far rejected Blair's call to double aid to Africa, as well as establish the UN sanctioned benchmark which calls on developed countries to devote 0.7 percent of their gross national income to overseas development assistance by 2015. Of the G8 countries, France, Germany, Italy and Britain, have all pledged to hit the 0.7 percent target in the allotted period. The European Union also a collective body has also agreed to the benchmark.

In 2004, the United States, the largest economy in the world, was second to last among industrialized nations in the amount of development assistance it gave as a percentage of Gross National Income—it was dead last in 2003. In sheer volume the U.S. gives the largest total amount of foreign development aid, but as a proportion of national income only 0.16 percent goes to aid, far short of the 0.7 percent UN target.

While we claim to be the leader of the free world, small countries such as Norway and Denmark dwarf us in the percentage of their national income dedicated to development. Indeed, these countries have long exceeded the 0.7 percent aid target that the U.S. has yet to adopt. In addition, a recent report released by the Brookings Institute argues that the extent of U.S. assistance in recent years is not as large as the Administration has asserted.

Lastly, the issue of trade liberalization must be tackled if Africa is to experience real and sustainable development. Africa has a population of 860 million, accounting for 13.6 percent of the world's population, yet it only accounts for only two percent of global trade volume—down from 6 percent in the 1980's.

This is compounded by industrialized countries' usage of unfair trading mechanisms, such as subsidies, which have prevented African farmers and firms from competing on an equal footing with other nations. While industrialized nations battle with each other over increasing the $50 billion they give in annual development assistance, they continue to spend over $300 billion on domestic agricultural subsidies.

For its part, the U.S. gives billions of dollars annually in subsidies to a very small group of largescale agricultural producers—while compelling poor countries to further open up their markets. The World Bank has estimated that an end to Western agricultural subsidies would allow developing countries to earn hundreds of billions—on their own. Concessions on trade may prove to be the hardest sell in Blair's G–8 agenda, but his agenda is one the world cannot afford to ignore.

HELPING THE LEAST OF THESE: CANCEL AFRICA'S DEBT AND SHARE THE WEALTH

(By Bernice Powell Jackson)

If you were only to read most of the newspaper headlines, you'd think that the U.S. government is being quite generous to the world's poorest continent, Africa, but it just ain't so. In fact, we're being awfully stingy and while President Bush is trying to put a happy face on his meetings with British Prime Minister Tony Blair, Mr. Blair must be pretty disappointed at how little he is coming away with for Africa.

The truth is that 34 of the world's 48 poorest nations are in Africa, which is also facing a rampant AIDS epidemic, where thousands die every day. Moreover, a number of African nations are still recovering from civil wars and/or enormous national debts, many of which were incurred by unscrupulous dictators and illegitimate governments who never used the funds for the hospitals and schools for which they were intended. The truth is that Africa is a continent whose natural resources of gold, diamonds, oil, chromium and other much-needed minerals have been ravaged by much of the rest of the world. Moreover, tens of millions of its most precious resource—human beings—died or were stolen in the African slave trade a century ago. I remember being on a World Council of Churches panel in 1998 in Zimbabwe, where an African leader reminded us that when you count the billions of dollars lost to Africa through these ways, "we don't owe

Europe and America anything. You still owe us," he said.

The truth is that for many of the poorest nations, paying back these huge national debts is not only burdensome, it is impossible. For most, they will never be able to pay off the principle, while the interest costs continue to mount. But many of these nations are forced to make these interest payments, which means that they cannot put funds into health care and education, which are critical to their national survival.

Even the new World Bank President, Paul Wolfowitz; has said that a case can be made for more funds going to development in Africa. President Bush, however, doesn't seem to agree with his protégé, Mr. Wolfowitz. In his meetings with Prime Minister Blair, President Bush has expressed an openness to canceling debts, but he has refused to increase substantially U.S. foreign aid to Africa. Instead, he has agreed to use $674 million already allocated by Congress for emergency famine relief to a few African countries.

The extra $25 billion a year for Africa sought by Mr. Blair, are not budgeted President Bush replied. Nevermind that almost the entire $220 billion allocated for the wars in Iraq and Afghanistan have been unbudgeted by this same administration.

Many Americans believe that we spend about 25 percent of our Federal budget on foreign aid to poor nations when we actually spend about 1 percent. Many Americans believe the headlines when our government agrees to fund programs like the $15 million announced for AIDS in Africa. The reality is that little of that money has been sent. Similarly, three years ago the U.S. signed onto the United Nation's Millennium Project. In it, the world's riches nations agreed to increase their aid to .7 percent by 2015 to the poorest nations. Two weeks ago the European Union agreed to double their aid by 2015. But, it seems the President Bush has told Mr. Blair that we won't be doing the same. It's the old story of the check is in the mail.

In a recent editorial, the New York Times pointed out that .7 percent of the American economy would equal about $80 billion. That's roughly equivalent to the amount the Senate approved for additional military spending in Iraq and a little more than half of the corporate tax cut last year.

Three hundred million Africans live on less than $1 a day on a continent trapped in $300 billion in foreign debt. If we're serious about fighting the war on terrorism and serious about living out the moral values we're so quick to talk about, then we must not only cancel the debt of Africa's poorest nations, but we must also substantially increase our foreign aid to Africa.

You can write or call President Bush and tell him so. You can write or call your Senator. You can ask others to join you—it's up to us, all of us.

PLAN THAT FALLS FAR SHORT OF GLOBAL NEEDS

Now that the euphoria of the G–8 debt deal to help poor Africa, Caribbean and Latin American states has died down the reality of the situation is hitting home.

And it is painfully obvious that what was initially sold as a dream scheme isn't what it was cracked up to be.

Promoted as a plan designed to ease the financial pain of high debt inflicted on some of the world's poorest countries by the World Bank and the International Monetary Fund in particular the $40 billion debt write off scheme approved by many of the world's richest nations—the U.S., Britain, France, Japan, Germany, Italy, Russia and Canada—falls very short of what is really needed.

It's true that the deal is an important first step but it's far from the generous package, which countries and commentators would have us believe.

Some figures underscore the need for the industrialized world to give more money to the designated beneficiaries and also to expand the list of highly indebted nations, which are crying out for help.

It's important that we bear in mind that when the figures, which are being tossed around in a vain attempt to highlight the generosity of the developed states, are looked at carefully, the actual amount and how it is parceled out is a drop in the bucket of requirements.

In today's money, according to Gary Duncan, Economics Editor of the Times of London, the value of the recent write-off is "only about $17 million for the 18 countries to enjoy immediately."

Actually, as Duncan pointed out in well-reasoned analysis, the amount that Tanzania, Guyana, Honduras and the other 15 beneficiaries would save in debt payment, which can then be ploughed back into education, health, roads and infrastructural development, is chicken feed. The relatively small amount of $1.5 billion in annual savings "is a fraction of the $50 billion a year needed to double annual aid flows," which Britain's Prime Minister, Tony Blair, and his Chancellor of the Exchequer, Gordon Brown, insist is needed to help Africa and other countries turn the corner by reducing poverty.

It is estimated that Britain's commitment under the deal calls for its taxpayers to provide $100 million a year for up to a decade, a sum that the United Kingdom can meet without breaking a sweat. The annual charge to the U.S. treasury is close to $175 million a year. That's not enough to pay for the public information system of the U.S. Justice Department. For Germany the bill would amount to about $50 million a year for the first three years. The sums get even smaller when we look at France's annual commitment of about $30 million.

It's obvious, then that we are not talking about large sums of money. Instead, the funds that don't even begin to scratch the surface of need in Africa, the Caribbean and Latin America. It's also clear that advocates of debt relief for the world's poor were right when they called for a broader debt relief and aid package.

For instance, Romilly Greenhill of Action Aid, raised question marks about the scheme when he called the plan very good short term news for the 18 countries that will benefit but complained that overall "it will do little to immediately help millions in at least 40 countries that also need 100 per cent debt relief. What is disappointing is the lack of any substantial concrete commitment on aid."

You can say that again.

What has hit home is that at a time when the United Nations Millennium Goals are coming up for review, the United States, the wealthiest of the wealthy, is unwisely opposing the International Finance Facility which the British Chancellor is seeking to establish to offer a greater helping hand to the poor by using bonds to raise billions of dollars. Washington's opposition is undermining efforts to boost aid and in the end is likely to cause greater suffering.

To make matters worst, Germany has made it clear that it doesn't intend to out up any new money to pay for the debt write-off. Instead it will use existing aid funds to finance its share of the deal, something that makes the whole thing laughable. In essence, then, we shouldn't be expecting any significant changes unless and until there is a substantial change in attitude towards the poor.

SOUTHERN ALAMANCE WINS 3–A CROWN

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. COBLE. Mr. Speaker, as baseball fans across America anxiously wait to see who will win this year's World Series, the Sixth District of North Carolina waits no longer for one of its champions to be crowned. On June 4, 2005, the Southern Alamance Patriots captured the North Carolina Class 3–A state baseball championship by defeating Northwest Cabarrus two games to one at Doak Field on the campus of North Carolina State University. This year, Southern Alamance captured its first state title since 1988 and its third in school history.

With the series tied at one in the third game of the series, the Patriots scored an unprecedented eight runs in the first inning. This was an anomaly after the Patriots were held to only three hits in game two. The (Burlington) Times-News reported that the Patriots learned from their mistakes and took advice from their coach Jason Smith when he told them to not try to, ". . . lift and hit it out. In this big park it is not going to happen." The players kept the ball on the ground and prevailed in what proved to be an exhilarating game.

Northwest Cabarrus went into game three on a "high" after beating the Patriots in game two. The game winning "high" was soon replaced with a "low" after the Trojan's starting pitcher, Robbie Gurley, walked two people and gave up a single in the first inning. Gurley was pulled and replaced by Joe Hubbard. After Hubbard could not get the job done and was replaced by a third hurler, the Patriots were confident after gaining an eight-run lead in the first inning. Among those who scored in the first were Thomas Sappelt, Michael Parker, Roy Albright, Brent Haynes, Jonathan Shields, and Brad Thornburg. Northwest Cabarrus coach Joe Hubbard was quoted in the Times-News saying, "We couldn't stop the first inning; it just snowballed on us."

The series' Most Valuable Player Brent Haynes stepped up to the plate in the bottom of the fifth inning with runners on second and third. Haynes hit a ground ball down the first base line and accumulated a RBI as Brad Thornburg whisked across home plate. Much to the dismay of the Northwest Cabarrus fans, the game ended under the 10-run rule.

After the dominating victory imposed by the Patriots, Coach Smith should be credited for much of the team's success. After coming off of a tough loss in game two, Coach Smith encouraged the players to play smart baseball instead of imitating the starlike swings of Barry Bonds or Sammy Sosa. Smart baseball for this team was to hit ground balls, which proved to payoff. Coach Smith had a strong coaching staff behind him that consisted of

Eddie Wood, Paul Bishop, Nathan Holcomb, and Andrew Thomas.

Although the players' hard work and commitment to team excellence helped them succeed, they would be the first to tell you that the key to their success was impeccable leadership. We congratulate the players: Jimmy Robbins, Michael Pernell, Dave Sappelt, John Crawford, Jonathon Thrasher, Jonathan Shields, Michael Parker, Brad Thornburg, Jay Liddle, Reid Straughan, Richard Allred, Roy Albright, Brent Haynes, Thomas Sappelt, Gabe Shoffner, Cale Rogers, Zach Robinson, Luke Vandall, score keeper Stephanie Smith, and team manager Holden Walker. Each member of the team played a valuable role in their commendable season, which ended with a 27–5 record and a state title.

This 3–A state baseball championship brings pride back to the baseball program at Southern Alamance, and we congratulate Principal Kent Byrd, Athletic Director David Vaughn, the community of the Southern Alamance Patriots and most importantly the team and coaching staff for a job well done.

GOOD ADVICE ON HURRICANE PREPARATION

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. RANGEL. Mr. Speaker, as the people of the Caribbean prepare for another chaotic hurricane season, I rise today to bring to the attention of my colleagues some important advice on the preparation and prevention efforts in the region. During last summer's hurricane season the small island nations of Grenada, Jamaica, and Haiti were severely impacted with terrible destruction of essential infrastructure and significant loss of life. This catastrophe caused the Members of the last Congress to include $100 million in relief assistance in the supplemental appropriations bill for Florida.

Our neighbors in the Caribbean were harder hit than even Florida. Homes, lives, and economic prospects were destroyed in the wake of hurricanes that beat down on the island nations of the Caribbean and the United States southern coastline. Many were shocked and surprised by the destructive force of these natural phenomena. Many felt the devastating blows of the hurricane splitting and eroding homes, towns, and communities. Others witnessed the indiscriminate winds that ripped roofs from homes, merchandise from store fronts and children from homes.

Hurricane season routinely strikes the Caribbean harder than the U.S. The fragile economies of these noble neighbors too often succumb to the might and power of these natural disasters. As staples of their economy, tourism and agriculture suffer significantly in the wake of the floods, winds, and aftermath of a destructive hurricane. The effect of hurricanes on the United States alone is often breathtaking and requires a mammoth community mobilization and effort of the surrounding states. Imagine its impact on the Dominican Republic, Jamaica, and St. Vincent.

As we enter this annual season of threat in 2005, this Congress should take the lead in preparing our Caribbean neighbors for the events to come. We should be ensuring that the resources are available to meet the humanitarian needs of the region. We should be securing the supplies and gear necessary for recovery. We should be certain that the regional infrastructure can handle the health and welfare needs that will arise.

CaribNews recently hosted a Caribbean conference in the Bronx on the subject of disaster preparedness. They focused on the planning and preparation of the region for the next major natural disaster. In a recent article, they established some important steps that should be taken to ensure that the region is prepared and ready to deal with the consequences of this year's hurricane season.

I submit for the RECORD the following editorial from the CaribNews on their conferences and recommendations for addressing the challenges of hurricane preparation.

WE NEED TO BE READY FOR THE CONSEQUENCES

Preparation, they say, is the mother protection. In this case, we are talking about protecting lives, property, and in many ways the future against the ravages of Mother Nature.

In the Caribbean and the South and the southwest of the United States, the need is to prepare against the often-ferocious high winds and the rain of hurricanes. And now that we are into hurricane season, and with the experts predicting some of the strongest weather patterns in recent years, it's important that the U.S. and the Caribbean nations be ready for what may befall us.

Just the other day, Adolfo Carrion, the Bronx Borough President, and this newspaper focused the city's spotlight on disaster preparedness. That was done at a highly successful Caribbean conference in the Bronx and participants in a panel discussion emphasized that we can't wait until a hurricane or other natural disasters strike and then respond.

After all, the geological and geographic features of the Caribbean archipelago almost guarantee that a hurricane can strike at any time during the second half of the year. While we can prevent trade conflicts, end political rows or avoid military adventures, there is precious little we can do to stop hurricanes, earthquakes, or floods from hitting us, affecting all those who live in a particular country or the region.

Last year's devastation in Grenada brought on by Hurricane Ivan was a case in point. Not only was it unstoppable but its effects will be felt for many years to come. The floods, which took thousands of lives in the Dominican Republic and Haiti, could not have been thwarted by human effort but the pain and suffering was prolonged by the inability to respond effectively once the tragedy had occurred.

Similarly, the damage caused by Ivan and other hurricanes in the Bahamas, Jamaica, Puerto Rico, Florida, St. Vincent and the Cayman Islands spoke more of the resilience of these countries to bounce back and the relatively good fortune that prevented them from being struck a mightier blow than to anything else.

We shouldn't forget too that Dominica was hit but spared extensive damage when an earthquake shook the Caribbean island. Unlike hurricane warnings, earthquake prediction didn't have any value in Dominica's case.

That's why the meeting in the Bronx was of such significance and why Caribbean nations, the international community and immigrant groups in New York, Miami, Boston, Hartford, and elsewhere must plan ahead in case the vulnerability of the small islands are exposed once again.

For as 2004 showed us, the twinkling of the proverbial eye and the decades long effort to build a country and put it in very good shape to propel living standards forward can be undone in a matter of hours.

Clearly, because natural disasters are inevitable, the emphasis must be placed on minimizing damage and responding to the needs of those affected.

To begin with Caribbean and U.S. governments must take measures to lessen pain, suffering and damage. Mutual assistance and self-help scheme at the institutional and individual levels are vital and must be integrated into sound natural disaster strategies. Building codes must be enacted and enforced to limit the effects of the troubles we have seen in recent years, not simply in the Caribbean but in the U.S. as well when entire villages come tumbling down.

It's incumbent upon home owners and business places whose structures were built several years ago or even recently to check to see to what extent their buildings can resist hurricane force winds, floods, or even seismic shocks.

Although Caribbean governments are already strapped for cash, they should consider providing tax incentives to property-owners to promote disaster mitigation. The tax system can be an important tool to achieve the goal of increasing the number of buildings that can withstand the winds and the rains spawned by hurricanes.

As for the Diaspora and the international community, not to mention local and state governments in New York State and other parts of the country, they must extend their disaster preparations schemes to include the Caribbean. After all, in places such as New York where hundreds of Caribbean immigrants live the inevitability of natural disasters is of great concern to many. So they must be included in the planning and the response.

Caribbean immigrants have in the past responded well and with alacrity to disasters in their respective homelands and in the region as a whole. But there is also an urgent need for a greater coordinated approach to relief.

The counterparts of the Bronx Borough President in Brooklyn, Queens and Manhattan should also consider the approach he adopted recently when he brought people and institutions together to consider the problem before it occur again. Assembling folks to discuss the potential perils ahead and putting mechanisms in place can go a long way in bringing relief after disaster has struck.

BIRTHDAY WISHES TO ROBERT "CY" LAUGHTER

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to express my congratulations and best wishes to one of my dearest friends, Robert "Cy" Laughter, on the upcoming occasion of his 80th birthday on July 26, 2005. As birthdays are often a time for reflection, I think it is fitting to pause and pay tribute to this truly remarkable man, and share some of his more memorable exploits. As a devoted husband, a father, grandfather and great-grandfather, industrious businessman, philanthropist, and veteran of World War II, Cy has truly led a full and distinguished life.

A life-long native of Dayton, Ohio—but to me an Honorary Hoosier—Cy is probably best known to his friends and neighbors as an industrialist and founder of the famous Bogie Busters Golf Tournament. Held for over 35 years in Dayton Ohio this charity tournament always drew a distinguished list of participants including a few former U.S. Presidents and Vice-Presidents, Cabinet members, Members of Congress, governors, athletes, celebrities and national business leaders. Numerous organizations, including the Multiple Sclerosis Society, the Johnny Bench Scholarship Fund, the Dayton's Children's Medical Center, and the City of Dayton itself received invaluable financial support and recognition through the Bogie Busters Tournament thanks to Cy's extraordinary efforts.

Over the years, Cy has given of himself in other ways, most notably by serving on the board of directors of Wendy's International, and as a trustee for Sinclair Community College and Wright State University of Dayton Ohio. And when President George Herbert Walker Bush called, Cy did not hesitate to answer that call to duty and service on the Federal Home Loan Board and the Battlefields and Monument Commission; just as Cy did not hesitate to answer his Nation's call to service during World War II in which he served as a U.S. Army light infantry foot soldier, and was awarded the Purple Heart for serious injuries sustained in combat during the legendary Battle of the Bulge. Cy recently came to Washington, D.C., to celebrate the 60th anniversary of the D-day invasion and listening to him talk about his experiences during the war it was obvious how profoundly he was changed by those events and how proud he is to have been a small part of saving the world from oppression and tyranny.

Mr. Speaker, I am deeply honored to consider Cy Laughter one of my dearest friends, and I respectfully ask my colleagues to join me in honoring Cy's lifetime of service to our Nation. I'm sure that Cy's family, longtime friends and colleagues will also join me in wishing him many more years of happiness. Happy birthday, Mr. Laughter.

RECOGNIZING ASTELLAS PHARMA ON OPENING ITS NORTH AMERICAN HEADQUARTERS

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. KIRK. I would like to recognize a very positive and significant development in the continuing growth of the biotech industry in Illinois. On April 1, 2005, Astellas Pharma U.S., Inc. officially opened its North American headquarters in my home Congressional district of Deerfield, Illinois.

Astellas Pharma U.S., Inc. is a new global company created by the merger of two leading pharmaceutical firms. Fujisawa Healthcare, Inc., based in Deerfield, and Yamanouchi Pharma America, Inc., based in New Jersey, merged their North American headquarter operations at Fujisawa's former headquarters in Deerfield, Illinois. This merger resulted in the creation and retention of a significant number of biotech industry related jobs for the State of Illinois and the 10th Congressional District. The merger of these two international pharmaceutical entities creates a global company with the mission of improving healthcare around the world through the provision of innovative and reliable pharmaceutical products.

In the past, this Deerfield based company has been an excellent corporate citizen and served the local healthcare community well. In addition to developing pharmaceutical therapies, Fugisawa's philanthropic activities included a large endowment to the Pediatric Dermatologic Research conducted through the Children's Memorial Institute for Education and Research. This particular act of philanthropy was the largest gift ever made to Children's Memorial Hospital by a corporation.

As the Co-Chair of the Congressional Kidney Caucus, I am aware of some of the life-saving therapies that Fujisawa and Yamanouchi already pioneered in areas such as solid organ transplantation, immunosuppression and urology. I look forward to working with the global firm of Astellas as it continues to tap the potential of the life sciences and support healthy living for people around the world. I congratulate the people of Astellas and wish them well in their efforts to make contributions to health and employment in Illinois.

ENSURING THE WELL-BEING OF VETERANS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. FILNER. Mr. Speaker and colleagues, I rise today to urge support for two bills that I have introduced that address the needs of our veterans. We have recently celebrated Flag Day, and I believe an appropriate way to celebrate Flag Day is to introduce bills that will help veterans in pursuing their education and gaining admission to state veterans homes.

My bill, H.R. 2365, the "Montgomery GI Bill Flexibility Act", improves education benefits. An important piece of the Fiscal Year 2003 Defense Authorization bill that Congress passed was a provision that extends the time limit from 10 to 14 years for members of the Selected Reserve to use their GI Bill education benefits. Life in 2005 can make it difficult to finish an education in 10 years. Many times, veterans with families, work commitments, and economic difficulties are unable to fulfill all their requirements to receive a degree or certification within the 10-year period, and Congress recognized this difficulty for members of the Selected Reserve. It is time to extend the number of years for all participants of the Montgomery GI Bill.

A veteran who is interested in seeing H.R. 2365 pass writes: "I served 8 years of active duty in the Army, including the Persian Gulf War. I am also a family member of an active duty service member. In support of my husband's military career, I have moved six times, currently planning move number 7, in the past 9 years. That, coupled with three babies, has made it difficult for me to use my GI Bill benefits." H.R. 2365 will ensure that more veterans are able to avail themselves of the educational opportunity that they have earned.

I have also introduced H.R. 3009, "A Guaranteed Home For Our Veterans Act", to address a problem that has been called to my attention by my constituents. One was told by his state veterans home in California that if he chose to transfer to his home state of Minnesota, he would have to wait a year in order to establish state residency before being accepted. Veterans should be able to transfer to any other state veterans home on a space-available basis. H.R. 3009 would make that change to save veterans from severe hardships if they want to move to be closer to their families.

Better Long Term Care and Education Benefits for our nation's veterans! I urge my colleagues to support these veterans' bills.

CONGRATULATING DR. GILBERTO VELEZ AND PASTOR SAMUEL RODRIGUEZ FOR THEIR LEADERSHIP IN THE HISPANIC CHURCH

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. CUELLAR. Mr. Speaker, I rise to recognize Dr. Gilberto Velez and Pastor Samuel Rodriguez for their leadership in the Hispanic Church.

Dr. Gilberto Velez, Policy Director for the National Hispanic Christian Leadership Conference, was recently recognized by the Assemblies of God as one of America's premiere Pastors. Gilberto began what would eventually become the Iglesia Cristiana Misericordia through a home Bible study in Laredo with a handful for people, in March of 1995. Just last week, the Iglesia Cristiana Misericordia celebrated their 10th anniversary with a brand new 3,300 seat facility.

Because of its growth and vision, National Hispanic Christian Leadership Conference President Samuel Rodriguez has chosen the Iglesia Cristiana Misericordia as the Evangelical Hispanic Church of the Year, a role model for other Hispanic Churches and Pastors to follow.

Through the National Hispanic Christian Leadership Conference, Pastor Rodriguez serves 15 million Evangelical/Born Again Christians in America, and helps advocate for family, socio-economic, and political empowerment for some 40 million Hispanics worldwide.

Samuel's efforts cross ethnic and denominational lines, preaching to all people regardless of culture or creed.

I am honored to recognize Samuel Rodriguez and Dr. Gilberto Velez. Their commitment to faith and the empowerment of the Hispanic community has set an example that we should all be proud of.

CONGRATULATIONS TO CHARLOTTE LATIN SCHOOL

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mrs. MYRICK. Mr. Speaker, I would like to extend my congratulations to Charlotte Latin School, a 3A private school in Charlotte, North Carolina, for being awarded the Wachovia Cup for the 2004–2005 athletic year. The Wachovia Cup is awarded to the school that boasts the best overall year in varsity athletics. The Charlotte Latin "Hawks" won the state championship in soccer (the school's second straight state championship), volleyball, wrestling (the school's third consecutive championship), and lacrosse (the school's first state championship). Again, I congratulate them on this fabulous achievement, and look forward to their continued success in the 2005–2006 athletic year.

HONORING CRAIG NOEL—A SAN DIEGO TREASURE!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 28, 2005

Mr. FILNER. Mr. Speaker, I rise to honor San Diego's own living treasure, Craig Noel—the founding director of the Old Globe Theater.

Born in New Mexico in 1915, Craig came to San Diego as a child and made his Globe debut as a 20-year old actor in 1937. According to Craig, "it's been a long tenure. You know, it took me 70 years to accomplish what anyone else could have done in 10—but then this is San Diego. Everything takes longer here. But the important thing is we've been able to keep it going."

Craig has enriched the quality of life in San Diego through visionary dreams that became reality. He has worked to improve the larger community through his support and encouragement of playwrights, actors and theatre artists and through the nurturing generations of citizens who have become today's theatregoers and arts supporters.

Craig established the world-renowned Shakespeare Festival at the Globe in 1949. He guided the theatre's transformation to professional status in 1959, establishing it as the oldest continuing, professional not-for-profit theatre in California.

Craig created an audience for new works through his early '60s spring seasons at the La Jolla Museum of Contemporary Art, where he introduced the works of Beckett, Ionesco, Anouilh, Pirandello, Brecht, Behan, Giraudoux and Albee to San Diegans. Their response was so enthusiastic that Craig instituted seasons of such works at the Falstaff Tavern, which was later remodeled and renamed the Cassius Carter Centre Stage (1969). Among Craig's other innovations are Globe Educational Tours and the Play Discovery Program, which began in 1974.

To fulfill his long-held dream of a theatre that would extend across the border to enrich artists and audiences of Southern California's two neighboring cultures, Craig instituted the Globe's bilingual theatre component, Teatro Meta, in 1983. Teatro Meta administers an award-winning, bilingual in-schools theatre program.

Craig's most recent world-premiere productions include Lillian Garrett-Groag's "The White Rose" and Reuben Gonzalez's "The Boiler Room." He also directed the U.S. premiere of Alan Ayckbourn's "Mr. A's Amazing Maze Plays" and "Intimate Exchanges."

Today, Craig, not willing to rest on his many past achievements, is in rehearsal for the Globe's upcoming production of "Moonlight and Magnolias."

In addition to his work at the Globe, Craig was the founder of the California Theater Council and a former vice-president of the California Confederation of the Arts. Craig has been recognized with many awards to include inclusion by the San Diego Union-Tribune on a list of 25 persons who shaped the city's history, the Governor's Award for the Arts and the University of Arizona Alumni Association's Outstanding Citizen for his contribution to their fine arts department.

Craig has had a distinguished 68-year career and staged over 225 productions of all styles and periods. Under Craig's devoted but demanding care, the Old Globe has developed into a major player in the world of theater and a training ground that has nurtured dozens and dozens of Broadway and Hollywood luminaries.

SENATE—*Wednesday, June 29, 2005*

The Senate met at 9:30 a.m. and was called to order by the PRESIDENT pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, thank You for Your promise to guide us by Your spirit. Give us wisdom to clearly comprehend Your promptings in our hearts so that we may follow You. Guide us away from contention and teach us to build bridges instead of walls. Keep us from sowing seeds of negativity so we will not reap a harvest of regret.

Bless the Members of this body in their legislative work, and keep them safe from harm. Give them a patience that persuades and a speech that brings unity. As they wrestle with the conundrums of our times, help them to seek timely advice.

Empower us all with the self-control that will enable us to honor Your Name.

We pray this in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning after our 60 minutes of morning business, we will resume debate on the Interior appropriations bill. Last night we reached an agreement which provides for debate and votes on the final amendments. We will start off with two amendments relating to pesticides. If all time is used on those two amendments, we will be voting at approximately 12:30. I hope we will not need all that debate time, but that we can expedite some of the votes in order to finish the bill at an early hour today. We will be voting on the bill throughout the day on the remaining amendments to the Interior bill. We will finish the bill today.

As a reminder to my colleagues, we need to keep things moving as efficiently as we possibly can because we have a lot of other work to consider this week, including the Homeland Security bill, possibly the CAFTA legislation, a highway extension, in all likelihood a welfare extension, and there are other appropriation measures and nominations that may become available for Senate consideration.

I know we have a lot of Members who are traveling and, specifically for BRAC reasons, are going back to their States. But we need to keep voting, keep the amendments coming forward to make progress for the American people.

We have today, Thursday, and Friday to accomplish a great deal. I encourage my colleagues to come to the floor. If you don't need extended debate, please take into consideration that we have a lot to do to finish this bill today.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

APPROPRIATIONS

Mr. REID. Mr. President, through the Chair to the distinguished majority leader, it is my understanding that sometime this morning CAFTA will be marked up and likely come out of committee. Is that the leader's understanding?

Mr. FRIST. That is my understanding.

Mr. REID. As the leader mentioned, we are going to go to Homeland Security appropriations next, is that right?

Mr. FRIST. That is the plan, although right now the Interior bill is taking an extra day, a day longer than I thought, so we are going to have to adjust the schedule appropriately given the fact the Interior bill was not finished yesterday as we had anticipated.

Mr. REID. As I spoke to the leader, because Senator DOMENICI and I have done the bill for so long, if we needed to do a bill in a shorter period of time, an appropriations bill, I think we could do ours in a day at the longest. I don't anticipate any trouble with that.

As I said privately and now I say publicly, I think we have a tremendous obligation to see what we can do to move appropriations bills. Before we leave, I would like to get two of them done. When we get back in July, after the obligations that you and I have set up—stem cells, China trade, native Hawaiians—then I hope we could get some more appropriation's bills done, but I know that is a big order.

In relation to what the majority leader has said, I do not think anyone should plan on staging their votes when they think there are going to be a lot of people here, when everybody will be here, because all week we will have a lack of attendance. People are flying all over the country attending BRAC hearings. That will be the way it is all week long.

I think we have to plow forward and try to get as much done as we can as soon as we can because we do have the Fourth of July festivities around the country starting as early as Saturday.

The PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Mr. President, in part in response to the distinguished Democratic leader, the week right now, with just Wednesday, Thursday, Friday—we have a lot to do. He looked ahead to next month. Again, that is the short list. We have a possible flag amendment, we have a possible gun liability, so July—in addition to stem cells and the others he mentioned, in addition to the appropriations. I say all that because we have Members who, on Mondays and Fridays say, We are not going to be there.

This Friday, even though it is before a recess, we are going to be gone and we will have the opportunity to go back to our States and do all the things that are very important for us to do. But we need to keep plowing through, working Wednesday, Thursday, and Friday. I made it clear to my caucus if it is necessary we will be voting Friday. I don't want to give a time on Friday, but our colleagues right now in their minds say, well, it is Thursday, time to get out, we are on recess, and therefore we are not going to stick around.

I want to put our side on notice, and I hope the distinguished Democratic leader will do likewise, because we have the appropriations bills—and I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

think there are several. Energy and Water—legislative branch should not take much time, but we have a number of others that will. Homeland Security is probably going to take some time to do. I again encourage our colleagues to offer amendments today, let's finish this bill, and then move on to other business. Then also, Friday, if we can't finish our business, we are going to need to be voting on Friday.

The PRESIDENT pro tempore. The Senator from Rhode Island.

PROGRESSIVE PRICE INDEXING

Mr. REED. Mr. President, I rise today to express my deep concern about the President's proposal to peg initial Social Security benefits to the growth in prices rather than wages, and the negative impact this so-called progressive price indexing scheme would have on future retirees.

The current method of calculating retirees' Social Security benefits was first put into place in 1979. Since then, the initial benefit level has risen with the growth in wages, ensuring that benefits reflect increases in living standards over time. Wages tend to grow faster than prices, so the effect of the President's proposed change would be a substantial reduction over time in initial benefit levels to people making more than $20,000 per year.

Two recent reports by the Democratic staff of the Joint Economic Committee indicate the extent of the benefit cuts that future retirees would face under the President's proposal. The first report, entitled "What If President Bush's Plan For Cuts In Social Security Benefits Were Already In Place?" finds that if a price indexing approach like President Bush's had gone into effect in 1979 instead of the current method, middle-class workers retiring this year would receive a benefit 9 percent smaller than they will get under current law.

This chart illustrates that for 65-year-olds, if we had adopted in 1979 this indexing proposal, they would be receiving roughly $1,400 less per year than they would under the current system. The current system replaces wages. It keeps up with a growing standard of living. It keeps seniors out of poverty and able to afford all their expenses. This chart illustrates the fact that these cuts would have been very real and very significant.

This second chart indicates that Social Security under the President's plan will replace a smaller percentage of wages because it would be tied to prices, not wages. This chart also shows that if in 1979 we had adopted progressive price indexing rather than wage indexing—for 65-year-olds, they would be receiving upon retirement 4 percent less than under current law, but for the 45-year-olds, the drop is significant. In effect, we are not keeping up with the cost of living. We are not keeping up with the standard of living. That is the essence of the President's proposal.

What we are seeing with this proposal is another way to cut benefit levels for seniors. It will affect, if it is put in place, not just the seniors who are retiring after that date, the 65-year-olds, but the whole generation of Americans who will follow.

Price indexing would also hit middle-income workers much harder than upper income workers because middle-income workers rely on Social Security for a much larger percentage of their retirement income than do upper income workers. While the highest earners retiring until 2045 would experience a bigger benefit cut, their total retirement income would fall by less.

This chart shows what would happen to a 25-year-old if the President's proposal had been adopted in 1979. For the medium earner, they would see a 26-percent reduction in Social Security benefits, but it would translate into a 17-percent reduction in their overall retirement income because they don't have many alternate sources to Social Security to rely on when they retire. Upper income workers would see a cut in benefits that is larger, but again their overall retirement income and benefits would be cut much less. So the impact really hits the medium worker if this scheme is advanced.

There is a second report the Democratic staff of the Joint Economic Committee has done, entitled "How President Bush's Social Security Proposals Would Affect Late Baby Boomers." There has been a lot of talk about how the President's proposal would not affect those 55 and above, but there is a whole large group of Americans—ages 40 to 45, sometimes called the late baby boomers—who would be significantly impaired by the proposal.

This chart shows the impact on benefits for today's 40-year-olds, those who are at the beginning of this late baby boom period. Under current law, they could expect retirement—these are medium-income earners, making $36,600 in 2005—they could expect annual benefits of $17,000. The President's plan cuts it to $15,450 if his benefit indexing plan alone is adopted.

With private accounts, it is further reduced to $12,470, if you adopt a very safe Treasury security investment approach—which, again, for the 40 and 45-year-olds, just 20 years or so from retirement, is probably the best, safest approach—you would still get less money than the current law benefit. The impact of progressive indexing, even with the private accounts, would be to reduce the benefits middle-income workers would receive.

Over all, this whole approach is one that will reduce benefits for middle Americans. It is one that, if it had been placed in effect in 1979, we would already see significant cuts in benefits to our seniors. I don't think there is any senior out there complaining they are receiving too much in their Social Security check. If this approach was adopted in 1979, they would be receiving on the order of 10 percent less, and their financial constraints would be even more severe.

There is another aspect to this whole issue of pension benefits and Social Security. In the past 25 years, there has been a major shift away from traditional defined benefit plans to defined contribution plans. This chart shows the late baby boomers are already assuming more of the risk in investing their own retirement assets than older generations. This line of the chart represents all pension plans, which this line shows defined benefit plans that essentially have been flat over many years, going back to 1980, to 1998, and beyond. The third line of the chart we see is the rise of defined contribution plans.

Most plans are offered to newer workers as they come into the workforce. These younger workers are assuming more of the risk of their retirement. They are assuming it under the defined contribution plans. As a result, they do not have the certainty that older generations of Americans had. They had the certainty of two defined benefit plans—one from their factory workplace, office place, their private defined benefit plan; and the second, of course, is from Social Security.

As we consider cutting benefits from the defined benefit plans, we are putting additional pressure on young Americans and middle-aged Americans who now see most of their assets tied up in defined contribution plans. The middle-income workers, the middle-aged workers of today, and the younger workers of today will face a future with less certainty and less security than other generations have enjoyed. That is another strong argument against using a progressive index to cut the one defined benefit plan most Americans can still count on—Social Security.

In addition, the President's price indexing proposal does not close the 75-year gap between promised Social Security benefits and the taxes expected to be paid into the system. It falls short by about 25 percent. Adding on private accounts would worsen Social Security solvency and increase the Federal debt enormously. If price indexed benefits were combined with private accounts, future generations would face the double burden of large cuts in their guaranteed Social Security benefits and paying down a much higher debt.

We all want to work with President Bush to promote a system of Social Security that is solvent, that will encourage savings throughout the United

States. But we have to find a plan that works, that does not penalize, particularly, the middle-income Americans.

We have to also address not just the issue of Social Security but the issue of private pensions. We are seeing tremendous pressure on our private pension plans. When you have huge companies such as United Airlines trying to eliminate their pension obligations through the Pension Benefit Guaranty Corporation, that is a wakeup call. Twenty years ago, no one thought when they got a job at United they would have to worry about their pension. That would be the last thing on their minds. Today, United workers and many workers in many other fields worry desperately about their private pensions. We have to pay attention to that. I argue that is probably a more pressing problem than the solvency issues of Social Security.

We hope to work with the President to devise a system to ensure the solvency of Social Security but a system that does not unduly penalize working middle-class Americans. I hope we can do that. From my perspective, it is incumbent, of course, that we move away from the issue of private accounts that certainly makes the system less solvent and does not provide sufficient benefits, particularly for Americans 40 years and older, and that we move to looking at other issues. I hope we can do that. Our commitment should be to ensure we have a Social Security system that works for all Americans and provides that true sense of security: People can count on it, it will be there, and it will be sufficient to support them when they are old.

I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, how much time is remaining in morning business?

The PRESIDING OFFICER. There is approximately 19 minutes remaining.

PRESIDENT BUSH'S SPEECH

Mr. DURBIN. Last night, President Bush stood in front of the soldiers of the 82nd Airborne and the members of the Special Forces and gave an important speech. Thankfully, he did not profess the unfounded optimism of Vice President CHENEY, who recently declared that the Iraqi insurgency was in "its last throes." Nor did he express the pessimistic view of Secretary of Defense Donald Rumsfeld, who said this last Sunday that this insurgency had an expected life of 5 to 12 years, adding he hoped the American troops could come home long before that.

In fact, Mr. Bush did not use the word "insurgency," although that is what is raging in Iraq. That insurgency is partially fueled and financed from outside groups. Those who come to Iraq to fight in this insurgency come from Saudi Arabia, Syria, and many other places. There is also a domestic war within Iraq against Americans and against many other Iraqis.

President Bush did not use the word "insurgency," but he did make at least six references to September 11. He said that he was drawing on the lessons of September 11. Well, on September 12, 2001, the day after the tragedy of September 11, virtually the whole world stood with the United States. One of the most important lessons I would draw from September 11 is that we can't afford to waste the support of friends and allies.

President Bush says he will not set a timetable. I understand that. I recognize the danger of posting a date and announcing that on that specific day, America will leave. But the fact is, the Iraqi people have their own timetable which they established. By August 15 of this year, they are charged with drawing up a constitution. By next February, they are to have adopted that constitution. These are clear deadlines, clear benchmarks. We do not need a timetable for withdrawal, but America needs a strategy for success with clear benchmarks.

The President announced nothing new last night. He repeated what he said before about the ultimate goal in Iraq of establishing democracy and bringing our troops home. He did not give any sign that he sees a need to change course.

In Iraq, 1,744 American soldiers have died in combat. Almost 13,000 have been grievously wounded. The insurgency continues. Insurgents are now using more sophisticated roadside bombs that can even pierce our armored vehicles. Our troops have done everything we have asked of them, but for each insurgent they kill, another seems to spring up, either from the cities and towns of Iraq or slipping across the porous border. For every IED that our soldiers detect and destroy, another one seems to be planted in its place, sometimes within hours.

There is an estimate that in Iraq today, unguarded, there are some 800,000 tons of ammunition and armament. It is a free market, a flea market, a bazaar of deadly weapons for insurgents and those who would use them against our troops. That is what our brave men and women are up against.

The streets are not safe for our troops. The streets are not safe for Iraqis. Without security, it is unlikely the Iraqis have much faith in a new government.

Unemployment levels in Iraq are as high as 50 percent. Without jobs, the Iraqis wonder what their future will be. More of the same is not good enough.

Our soldiers are doing everything right, everything that we ask of them. They are learning and adapting to the situation on the ground. Their Commander in Chief needs to do the same. We need benchmarks that will measure progress in security, reconstruction, governance, and international savings. And we need to ask ourselves. What do we do next if the benchmarks are not met?

Yesterday, a letter was sent by Senator CARL LEVIN and Senator SUSAN COLLINS to the President urging him to include in the speech an accountability of the Iraqi Government, saying that they must hold to their deadlines, they must understand that this is serious and that we are not going to stay there indefinitely. A New York Times editorial recently stated, "If the war is going according to plan, someone needs to rethink the plan." I believe they are right.

Finally, we also need to take better care of our soldiers when they come home. We are going to have an amendment in a few moments offered by Senator PATTY MURRAY of Washington. Make no mistake, she has been our leader in the Senate when it comes to funding for the Veterans' Administration. Time and again in the Committee on the Budget, with the budget resolution and with the supplemental appropriations, she has made the argument that there wasn't enough money in the VA to take care of our returning soldiers and veterans from other wars. She has been ignored, rejected, and criticized for standing up and saying the obvious—that we have a debt to our soldiers and our veterans.

Last week, Senator MURRAY was vindicated. The Veterans' Administration announced they made a gross miscalculation and were at least $1 billion short in the money they need right now to provide quality health care to our soldiers and veterans.

Senator MURRAY has fought the good fight, and she will win that fight today. In fact, it is going to be interesting to see many from the other side of the aisle who were critical of her call for more money for the VA rushing to provide even greater sums so they can argue that they are on the side of the VA and the veterans.

This is the way it should end. This debate should end with Senator MURRAY's leadership creating a bipartisan coalition for the Veterans' Administration. This should have been a bipartisan issue from the start. She was a lonely voice and faced a lot of criticism for a long time. Today, she will be vindicated. More importantly, the veterans will receive the quality health care which they deserve. That means the newly returning veterans of Fallujah and Baghdad, many suffering terrible wounds in battle and some facing invisible wounds of post-traumatic stress disorder, will have a chance for the kind of treatment they deserve at the Veterans' Administration.

The administration, when it comes to the Veterans' Administration as well as waging the war in Iraq and Afghanistan, has not anticipated the real costs of war. We can do better. We owe these men and women who are fighting these battles and those who have fought in past wars not only our thoughts and prayers, we owe them our resources so they can wage this war successfully, come home safely, and return to their families and their lives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. How much time is left on our side?

The PRESIDING OFFICER. There is approximately 11½ minutes remaining.

Mrs. MURRAY. Would the Presiding Officer indicate when 1 minute remains.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' ADMINISTRATION SHORTFALL

Mrs. MURRAY. Mr. President, I rise this morning to again talk about the situation facing our veterans. I thank my colleague from Illinois for his dedication to this issue and his tremendous work and support as we have tried to raise this issue for a number of months.

So all of my colleagues know, I came to the floor of the Senate early this year to talk about the situation facing those soldiers who have worked so honorably for this country in past wars and for those who are returning home from Iraq and Afghanistan today and the need to keep the promise that we gave to all of them that when they return we will provide them with the health care they need.

When I was in my State earlier this year, in January, I met with a number of the service organizations and the military to talk about reintegration, to talk about what happens to our soldiers when they return home, to make sure they have the services available to them, and to make sure they are taken care of. Many in those meetings were deeply concerned that we would not have the facilities available for them. They told me of already long waiting lines at our veterans clinics and our VA hospitals. They told me of soldiers who could not get appointments for as many as 6 months or 3 years. They told me of a looming budget crisis.

When I heard that, I talked to other organizations across the country and realized that we were, indeed, facing a tremendous shortfall at the VA. That is why in the Committee on the Budget I offered an amendment to increase the funding for VA. It was rejected by those on the majority side by an almost party-line vote. That is why, throughout the appropriations process and then on the emergency supplemental, I continued to come to the Senate to say that this is a looming crisis that we need to deal with.

In the Senate, I offered an amendment for $1.98 billion for an emergency supplemental, saying this is critical. Our soldiers are not getting the care they need. I was defeated on that amendment on an almost party-line vote because of the letter sent by the Secretary of VA to KAY BAILEY HUTCHISON, the Senator who is the chairman of the Subcommittee on Military Construction, saying they do not indicate a dire emergency. He said:

> I can assure you that the VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely quality service that is always our goal.

Based on that letter, many on the other side voted against my amendment because they believed the Secretary was being honest with them. Well, I continue to raise this specter saying we are going to face a crisis. Even several weeks ago, in a Committee on Veterans' Affairs hearing, the Secretary of the VA came before our committee and once again said there is no budget crisis.

Well, last Thursday, finally the truth came out. The VA told us they were well over $1 billion short in funding for this year. What was their solution? Their solution was to go back into this year's appropriations that have already been approved by this body, for which we already have the money flowing to construction and maintenance projects throughout the country—these are projects for seismic upgrades in our VA facilities, for asbestos abatement, for hazardous waste cleanup, for clinics that are being built where contracts are already let—and the VA is saying: We are going to take money away from those projects.

We cannot allow that to happen. These contracts are already being let. These facilities already need the maintenance. It has already been deferred for 2 years. We cannot go back to our States and tell these clinics: Gee, sorry. There was a mistake made at the VA. They didn't do the calculations correctly. You are not going to get the services.

That is not the promise we made to our men and women when we sent them overseas. We said we will be there. We said we will be there. That is a promise we need to keep now, as we face this budget crisis.

We looked at the VA and said, "How could you make such a mistake?" particularly when I was raising the specter of this for the past 6 months and knew from the ground, knew from looking at the VA's own numbers, that they were going to be facing this crisis.

Yesterday, Secretary Nicholson came before the Committee on Veterans' Affairs and said they had assumed that only 25,000 veterans from Iraq and Afghanistan would seek care at the VA in this fiscal year. Instead, what they have seen is 103,000 veterans already—already. And, as we know, many are still there, many more are to go, many more to be returning.

So the Committee on Veterans' Affairs was basing their calculations on 2002 numbers rather than saying, as we all know, that we are at war, that over a million men and women have been sent to Iraq and Afghanistan. They are in what the generals call a 360-degree war, meaning there are intense times for each one of those soldiers, 24/7, knowing, when they return, they will need help for mental health care and post-traumatic stress disorder. The VA never took that into account. They never looked at the world of what was happening and said: We are going to have increased costs for Veterans Affairs because we have more veterans returning.

So I find it appalling that the VA, the VA Secretary, and those who are required to be giving us honest numbers failed to look past their own desks and recognize what all of us throughout the country know; that is, we have a high number of veterans returning who need both physical care and mental health care. It is our job to appropriate the money to take care of them.

So where are we today? Senator BYRD and I and others on this side are offering an amendment on the Interior appropriations bill that we will be debating later this afternoon to add, again, $1.42 billion as an emergency supplemental to provide the funding for this year. I am very proud of the Members of this Senate who have stood time and again to say we need to be there for our soldiers who are returning from war, and we need to do it responsibly.

Senator CRAIG, the chairman of the Committee on Veterans' Affairs, told me, when we were on the floor debating this during the supplemental, when he used Secretary Nicholson's letter to justify voting no against my amendment, that if he was proved wrong, he would be out here to work with me to provide the funds.

I commend Senator CRAIG and Senator KAY BAILEY HUTCHISON for coming to the plate now and saying we need to deal with this, this year. They will be offering a second-degree amendment to my amendment this afternoon to add $80 million so we can provide the funds for this year. I am happy to join with them in making sure this body adopts that amendment, as well as the underlying Murray amendment, to the Interior bill so we can deal with this crisis today.

That is the responsible thing to do. The irresponsible thing to do is to say we can take care of this by moving the budget numbers; we can take care of this with budget gimmicks; we can ignore this; we can paper this over.

We have done that already for far too long. I commend my colleagues on the other side for now joining with us to say we need an emergency supplemental to provide the dollars for our veterans when they return home to make sure the facilities are there. No gimmicks, no just talking about it: we are going to do the right thing in the Senate body.

We now have to follow that through. We will have to make sure the House of Representatives comes to the table in negotiations and works with us to get this done. And I call on the President and the White House now to recognize this crisis, as well, and to not gloss over it, not to paper it over but to work with us to pass an emergency supplemental.

Every one of us is going to go home for the Fourth of July recess. Every one of us is either going to be in parades or talk to veterans or be out there making sure the country knows we are so proud of the men and women who are serving us regardless of how we voted on the war. Every Member of this body and every citizen in this country is proud of our soldiers and the work they have done for us.

We can show them that we keep our promises, today on the floor of the Senate, by passing the Murray amendment and the second-degree amendment that is going to be offered by the Senators from the other side to keep that commitment. We then have the responsibility to make sure the House of Representatives works with us to pass this as well and that the White House takes it on as a priority.

I listened to the President of the United States, last night, address this country. I listened to his impassioned plea to stay the course. What I did not hear was the President calling on the American public to make the sacrifice that is necessary in war. That sacrifice includes making sure we keep the promise to the men and women we are asking to serve in the war overseas, by being there to provide the health care services they will need when they come home and not in facilities that are falling down or crumbling, not with equipment that is failing, not with shortages and lines, but with real care and not just for the veterans who are returning home today but for the veterans who served us in prior conflicts.

Today, we are seeing an increase in the number of veterans in our VA facilities because—no surprise—the veterans from the Vietnam war are now reaching the age where they need additional health care dollars. Those figures have to be taken into account at the VA. They cannot bury their heads in the sand and look at reports from 10 years ago. They need to be real about what the costs are today. When we pass this amendment, we will hopefully get the President to work with us on an emergency supplemental to provide those funds. I will work with any Senator on this floor to make sure our Committee on Veterans' Affairs looks at the real numbers we need so we can project into the future the real costs and make sure we are doing the right thing on this end of Pennsylvania Avenue, to make sure we are providing the funds that our service men and women need.

The PRESIDING OFFICER. The Senator does have a minute remaining.

Mrs. MURRAY. Mr. President, last night, when I listened to the President of the United States, he called on the American public—he called on all of us—asking our young men and women to consider service to our country overseas. Part of that commitment is not just asking them to serve but being there for them.

He also called on all of us to put our flags up on the Fourth of July and to be proud as Americans and to honor those who are serving us and to tell them we are proud of them by raising our flags.

The other thing we can do is adopt this amendment on the supplemental and get the White House to agree with us to make it an emergency to provide the services that are necessary. We will raise our flags, we will honor our veterans, we will be proud of our soldiers, but we will also be there to take care of them when they come home.

That is what the Murray amendment will do today. I am proud to join with Senator CRAIG, Senator HUTCHISON, and others from the other side to do what is right. I call on the other Members of Congress, as well as the White House, to join us in this effort.

Thank you, Mr. President. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to start this morning by finishing something that Senator MURRAY just talked about and say that today the Veterans' Administration is going to step to the plate, along with Members of the Senate.

Senator MURRAY has been so helpful in working out some agreements that will allow us to pour another $1.5 billion into the veterans programs. We will talk more about that later today. But Senator SANTORUM, Senator KYL, Senator CRAIG, myself, Senator MURRAY, Senator BYRD, and Senator ROCKEFELLER have come together as a united front to assure that veterans who are coming back from this war in Iraq and Afghanistan are not shortchanged. This is the way we should work with the administration and the Senate.

IRAQ

Mrs. HUTCHISON. Mr. President, I do want to start our morning business time to talk about the President's speech last night, when he was talking to those wonderful soldiers at Fort Bragg, NC, and laying out for the American people not only the victories and the successes we are having in Iraq but also talking about the hard pull that we are making, that those soldiers are making.

I thought the President's candor was refreshing. He did not say: This is all hunky-dory. He said this is a long, hard road. He said: In the beginning, I said it would be. It has certainly proven to be. I think he was candid about exactly where we are, that we have had some great successes, and we have had some setbacks. Certainly, the vote of the Iraqi people was a huge success. That has set the stage for the next phase of trying to secure Iraq and making a difference in the Middle East.

When people talk about what is happening in Iraq, I do not think we hear enough about how much better off the Iraqi people are today. Oh, yes, it is hard to see suicide bombers taking innocent lives. It is. But remember how many innocent lives were taken by Saddam Hussein.

When Saddam Hussein was taking innocent lives, there was no hope for those people. There was no way out. Today innocent lives are being taken, but they are not being taken in vain. They are being taken in a cause for freedom that will end in democracy for Iraq. That is what the President laid out last night. The President has taken the Iraqi people from a despot who was torturing and killing innocent people—sometimes for sport—and is turning Iraq into a country that is trying to get its own feet on the ground and establish the roots of democracy.

When I look at some of the improvements that are being made in Iraq that I hear about from our armed services personnel returning from Iraq—and I have been to Iraq, but I always like to talk to the people who have been there most recently—when I talk to the young men and women on their R&R leave in the middle of their term, then I see that there are roads being built. The oil industry is being repaired. The electricity grids are being restored and improved. Schools are being opened. The Iraqis see Americans teaching in the schools and providing medical care, rebuilding their infrastructure. Within a year after the fall of Saddam Hussein, electricity generation was higher than prewar levels, and it has increased since then. Water supplies have been repaired and sewage systems have been fixed. It is incredible the progress that has been made.

We have to look at the big picture. What the President was saying last night is that we are on the cusp of beginning to show people throughout the

Middle East that self-governance is something all people can achieve. We are beginning to see the seeds of that self-governance today.

Our distinguished assistant leader, Senator McCONNELL, is here. I want him to have his full 5 minutes, so I will close my remarks.

I am proud that our President especially chose to go to Fort Bragg, NC, and give his report to the American people in front of those wonderful soldiers who are protecting freedom for America, just as those in World War I and World War II did. The people of America will stay the course. We will protect freedom for our children, and we are being led by our President to do so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I rise to discuss the situation in Iraq. President Bush, last night, reiterated America's commitment and resolve to finishing the job in Iraq. First, I think the President made it clear how high the stakes are in Iraq by demonstrating that Iraq is front and center in the global war on terror. Just listen to Osama bin Laden. Bin Laden is quoted as saying: "The whole world is watching this war" and that the Iraq war will result in either "victory and glory or misery and humiliation." Al-Qaida certainly recognizes how high the stakes are. So do our European allies.

German Chancellor Gerhard Schroeder said the other day that "[t]here can be no question a stable and democratic Iraq is in the vested interest of not just Germany, but also Europe." That was Schroeder, who was not exactly a cheerleader for the Iraq war.

Yet we continue to hear the refrain from some quarters that it is time to cut and run, that we should set arbitrary deadlines for withdrawal, to get out while we can. If September 11 taught us anything, it is that retreating in the face of terrorism and hoping for the best is not the way to protect American lives. Quite the opposite. It is a display of weakness, and it is an invitation to America's enemies. As the President forcefully conveyed last night, we must take the fight to the enemies, or they will take the fight to us on our shores and on their terms.

Second, the President outlined a clear plan regarding the future of our engagement in Iraq. He explained his two-tier strategy there, involving both the democracy building side and the military side of the equation.

On the democracy building side, the President rightly reminded the American people of the important progress that has been made in just 1 year. The terrorists, for all of their heinous acts, simply could not interrupt the transfer of sovereignty, nor could the terrorists derail the January elections. The Iraqi people were too determined to move their country forward. The Iraqi people cast their ballots for freedom and democracy and against terrorism. In so doing, the Iraqi people set an example other democracy activists in the Middle East have begun to follow. The Iraqi people are also moving forward in the drafting of their constitution, which their political leaders have publicly declared will indeed be completed by the August 15 deadline.

On the military side, President Bush discussed his new approaches to training the Iraqi security forces to fight the enemy and defend freedom. Some in this country belittled the Iraqi security forces. They have been running them down. Frankly, I find this reprehensible. More than 2,000 members of the Iraqi security forces have laid down their lives defending freedom in their country, fighting alongside our troops, and more Iraqis keep enlisting every single day. These volunteers are Iraqi patriots, and the President was right to acknowledge the supreme sacrifice made by these friends of freedom.

Iraq has two ways it can go. We can leave the country to be preyed upon by murderers who want to turn the country into a Taliban-like nation, a haven for terrorist camps, and a factory of hatred, or we can stand and fight by defending liberty and democracy in Iraq and demonstrating an alternative to the ways of terror and of Saddam Hussein. We can help Iraqis help themselves and, in the process, help the United States by making the Middle East a more democratic and peaceful region. And when Iraq is strong enough to stand up on its own two feet and Iraqi security forces can fully defend their own country, our troops will stand down and come home.

Third, the President rightly noted the progress that is being made on the ground. The elite media in our country, however, is always focusing on bad news. They teach them in journalism school that only bad news is news. You would never know, for example, that more than 600 Iraqi schools have been renovated to date, or that construction is underway at 144 new primary health care facilities across that country. You won't find that written about in the elite media.

Finally, I was pleased to see the President pay tribute to our brave men and women in uniform. They are an inspiration to all of us, and I am confident that the American people throughout our great land will take up the President's invitation to honor them over the Independence Day holiday.

Our work in Iraq is challenging, but it is a noble endeavor, an endeavor in which progress is being made every single day—a message President Bush delivered very clearly last night.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I yield 4 minutes to the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I thank the Senator from Texas.

The President's remarks last night on the 1-year anniversary of handing power over to the Iraqi Government was a good opportunity to remind Americans why it is so critical that we stay the course in Iraq. Interestingly, just a year ago, there was one Iraqi battalion. Today there are 100 Iraqi battalions. That is a good metaphor for what we are doing there and how we are going to succeed. And it is a good answer to those who say we need a plan. We need an exit strategy.

People who talk about that have not been listening to the President. His plan, as he outlined last night, is simple, and it is a plan that we have been following since over a year ago, when the transfer of power occurred. The plan is to enable the Iraqis to take over the security of their own country, and then we can leave. We are not going to leave before that job is done. No one knows exactly how long it will take, but the fact that we have increased a hundredfold the number of Iraqi units in the year since we turned over power is a good indication of what we intend to do and what we have been able to do.

The President noted last night that not all of these units are trained to the same level that the U.S. units are. That is obvious. But as we are able to do so, those Iraqi units will be able to take over more and more of the operation.

Eventually, as the President noted last night, the United States might be able to do more by simply embedding some of our officers in those units, thus reducing, again, the amount of American manpower actually on the ground.

There is a way that the United States is approaching this that will result in the United States withdrawing and the Iraqis being able to take care of their own security. That is the plan, and it is a wise one.

What is at stake if we were to either announce an early withdrawal or pull out early? The President made it clear last night that you don't announce to the enemy when you are going to leave. The enemy simply takes note of that and says, fine, waits until you leave, and then does all the bad stuff that it wants to do without any fear of retribution by the United States. That is not workable. Nor would it be workable for the United States to pull out too soon.

Think about what would happen. If the terrorists were to take back over in Iraq, even Saddam Hussein could be returned to power. That would become a hot bed of terrorism in the Middle

East. The progress that has been made in surrounding countries such as Pakistan, the efforts that are being made toward democracy in places such as Lebanon and Egypt and Saudi Arabia, all of those would go up in smoke. The problems that a country such as Pakistan would have would be horrendous. Countries such as Syria and Iran would decide that to be on the winning side, they want to continue their support of the terrorists. Our credibility would be absolutely destroyed. An opportunity to create a democracy in that part of the Middle East would have evaporated.

I can't think of anything worse than losing in Iraq. And since victory is within our grasp, we need to pursue that course.

The President was on the right track last night. There will be some who will never respond favorably toward his message because they are simply in such disagreement with him politically that they can't force themselves to acknowledge anything that he does is correct or good. Those people are not going to be persuaded. But the vast majority of Americans who were listening will appreciate the fact that we do have a good strategy, that the President is not trying to engage in happy talk. He repeatedly said this was going to be difficult. But it is also important for him to point out the successes because the news media is not likely to do that as fully as it should.

The President combined both a sober assessment of the realities, a pragmatic assessment, along with a good report of the progress that has been made, and we believe will continue to be made.

In all of these things, I believe President Bush should be complimented and that we, as a nation, should join behind him, just as the soldiers and the families of the soldiers at Fort Bragg did last night. It was evident to me that they support the President. It is important that the American people and we support the President as well.

Mrs. HUTCHISON. Mr. President, how much time remains on the Republican side?

The PRESIDING OFFICER. Approximately 14 minutes remain.

Mrs. HUTCHISON. Mr. President, I yield 5 minutes to Senator STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. I thank the Senator from Texas.

Mr. President, yesterday marked the 1-year anniversary of the transfer of sovereignty to the people of Iraq. We now stand at a crucial point in history. We can see how far we have come, but we know the final chapter has not been written. This is the time to take stock, both of our challenges and our achievements.

Many ignore the good news in Iraq, but there is good news. And we can't prepare for the road ahead without a balanced picture of where we are today. In the past year, there have been many accomplishments which stand as milestones on the paths of progress. Since the transfer of sovereignty, thousands of Iraqis have answered the call to serve their country. The Iraqi security force now numbers over 168,000, and another 50- to 70,000 Iraqis serve as site protection personnel.

By October, the number of trained Iraqi security personnel will reach 200,000.

This time last year only one Iraqi battalion was capable of deploying. Today, more than 100 stand ready.

In the past year, the Iraqi Government has taken shape. In January, more than 8 million Iraqis voted in free and fair elections for the first time in 50 years.

Today, Iraq has an interim constitution with checks and balances, separation of powers, and protection for individual rights, and women are involved.

The Iraqi National Assembly is drafting a new constitution, which is on schedule to be released on August 15. The Government is preparing for the October referendum on the constitution, and they are planning for a new set of elections which will be held in December.

Freedom has begun to take root in Iraq. Political parties, civil society groups, and a free press have emerged. A government once shrouded in secrecy now answers directly to the people and communicates with them through Iraqi newspapers, television, and radio stations.

In the past year, the reconstruction has moved forward. Many of these successful projects are part of the Commander's Emergency Response Program, a tool that enables our men and women on the ground to fund small-scale projects that have an immediate and visible impact on the lives of the Iraqi people.

This month, for the first time since October 2004, the electricity supply exceeded 100,000 megawatt hours. On average, 12 hours of power are now available across the nation each day.

More than 94 water treatment projects are underway. And we have broken ground on 144 new primary health care facilities across the country.

In the past year, 628 schools have been renovated. Another 86 are now under construction.

The international community has rallied around the new Iraqi Government. Just last week more than 80 nations and organizations from around the world attended the International Conference on Iraq in Brussels. The Iraqi Government shared their vision, and the international community reaffirmed their commitment to help Iraq secure its future.

I list these accomplishments because we must remember the path to progress is slow and steady. With the televised reports of car bombings and other terrorist attacks, it is easy to lose sight of the goals we have already reached.

Some of us have recently called upon President Bush to keep the American people informed so our constituents understand what we are doing and know how we plan to proceed. My concern has been that rising sentiments about the continued redeployment of Reserve and National Guard units could jeopardize the important work we are doing in Iraq and Afghanistan.

Last night, President Bush answered our calls for more information. In a speech before the American people, he outlined his strategy for completing the mission. Now, it is time to rededicate ourselves to the challenges that remain.

We still have work to do in Iraq. Today, the Iraqi Government has control of Najaf and Fallujah. The insurgents have lost their safe havens. Unable to expand their operations, they have resorted to acts of terrorism and targeted innocent Iraqi civilians. These are the facts of desperate men—men whose only comfort is the hope that we will lose our will and weaken our resolve.

The only way we can lose in Iraq is if we defeat ourselves—if we fail to stay the course. The American people—and those of us who have been chosen to represent them—cannot let that happen.

Americans do not abandon friends in hard times. We do not run from the duty and responsibility of history. Our will does not waver. Our resolve does not break.

More than 2 years ago, I joined many of you and supported the President's bipartisan resolution to commence this action in Iraq. When the Senate debated the resolution, I urged my colleagues to support it. I came to the floor of this Chamber and said: "A new history of international courage can be written now."

I repeat this call today—our Nation must have the courage to help the Iraqi people write the next chapter of their proud history in which the seeds of democracy—which have been sown by the Iraqi people and nurtured by the sacrifices of our men and women in uniform—will grow into a strong, free Iraq.

I urge the Senate not to divide over Iraq. Some continue to compare this situation to the one we faced in Vietnam. Iraq is not Vietnam. Those who make this comparison ignore the history.

I outlined the differences between these two conflicts in April and will not reiterate each of those differences today. The simple fact is we are in Iraq for reasons entirely different from the reasons we went into Vietnam. We can and will successfully conclude our operations in Iraq.

We must succeed. The stakes are high. Iraq is the central front in the war on terror. By their own admission, what terrorists fear most is a free, stable and democratic Iraq.

Over a year ago, we intercepted a message Abu Musab al-Zarqawi, a terrorist in Iraq, sent to Osama bin Laden. In the message, al-Zarqawi said, "The future has become frightening" for terrorists because democracy has gained a foothold in Iraq. He told Osama bin Laden, "Democracy is coming and there will be no excuse thereafter for the attacks."

Iraq has become the proving ground of our commitment to the war on terror. If we waver, our enemies will read our hesitation as victory. If we do not fight the terrorists abroad, we will be forced to fight them on our shores.

We must remain united behind our troops and committed to this mission. I urge the Senate to continue to support the strategy President Bush outlined last night.

I yield the floor.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska. He has been such a strong leader as chairman of the Appropriations Committee and chairman of the Defense Appropriations Committee as well. No one knows better how the troops in Iraq and Afghanistan are performing their duties and how this administration has stepped up to the plate to make sure they have what they need to do the job. He has been to Iraq and Afghanistan. He has visited the troops, as have I, and his words were very helpful in talking to the American people about this subject.

Mr. President, as we begin this day, we are also going to have a very important amendment that will help our veterans be able to have the service they need as they are coming home from Iraq and Afghanistan, as well as many of the veterans of previous wars who are now in the Veterans' Administration system.

Secretary Jim Nicholson, Secretary of Veterans Affairs, came to the Congress just this past week and said that there has been a surge in the use of veterans facilities that has caused the ability to determine what will be needed in the future to be skewed. All of the patterns of the past are now not in place for use today because we have more veterans coming into the system. That is not a bad thing.

We owe the veterans the care they thought they would receive when they entered the military service and which they so richly deserve. Whether they fought in a war or not, they were there to serve, and many of them did fight in wars—brutal wars. The one we are in now is a brutal war. There are actually more injuries and fewer deaths in the kind of war that we are fighting. That means that many people are coming back from Iraq and Afghanistan injured.

Our President has said unequivocally that we are going to take care of those people who have served, and we are going to treat their injuries because they deserve to have that treatment. So Secretary Nicholson has come to us and asked for an emergency appropriation. We are going to give Secretary Nicholson, of course, an emergency appropriation.

Senator MURRAY and Senator BYRD are working on an amendment. I have a second-degree amendment with Senators SANTORUM, KYL, and CRAIG. It is a leadership amendment because we put it together with the White House, the OMB, and the Veterans Affairs Department, to try to get the numbers. We wanted to know what we will need for this year, going into next year.

I am chairman of the Veterans Affairs Appropriations Subcommittee. I have worked with Senator CRAIG, who is the chairman of the Veterans' Affairs Committee, which authorizes the policies that affect veterans. We have put together a second-degree amendment to Senator MURRAY's and Senator BYRD's amendment that will put $1.5 billion into the system immediately, and it will be there until it is spent. It will take us into the next fiscal year, because we are not going to scrimp on serving our veterans. We need more prostheses; we need improved ability to help people who have lost arms or legs, or who have been burned. We are going to provide that help, Mr. President, and our amendment is going to be a consensus that will come together with everybody at the table.

We are going to do the right thing by our veterans with an emergency appropriation that will come to the Senate floor this afternoon. It will be put on the Interior appropriations bill. We worked with Senator BURNS and his staff to put this emergency in at the first possible vehicle, and the first vehicle is on the Senate floor today. We just got the numbers this week. That is why we are going to immediately put in force an emergency appropriation that will assure that our Veterans' Administration has the funds it needs to treat these veterans. It also is going to assure that we don't take from the building funds because we know there are many veterans facilities in the process of being built or promised to be built. We need more veterans facilities, not fewer. So taking from maintenance accounts or capital accounts didn't seem like the right thing to do.

We worked together with the Veterans' Administration, with the leadership of our President, with Democrats and Republicans, to come up with the right numbers to put it on the first bill that will go through the Senate this week. We hope the House will work with us to fund this appropriation and that nothing will be, in any way, delayed or denied to a veteran, either one coming back from Iraq or one coming back from Afghanistan or from anywhere in the world, or a veteran who has served previously.

Mr. President, I so appreciate the President's speech last night. I appreciate that he gave his speech at Fort Bragg, NC, in front of those men and women serving our country in the most noble way. I appreciate that the President said we hope more people will volunteer for the Army. We need more volunteers right now. We are ramping up the end strength of the Army by 30,000. This is part of our ongoing effort to revamp the Army. The Army is doing a fabulous job in Iraq. So are the Marines. The Navy and the Air Force are helping. But we need to have America come together.

I was so pleased that the President asked Americans to do something next week, on July 4, Independence Day. He asked every American to reach out to a family of someone serving today in Iraq or Afghanistan. I know the people of America will respond. I know they will go to that Web site and start the process of finding out how they can do more to give those young men and women with boots on the ground overseas fighting terror the opportunity to talk to their folks back home, to talk to their families.

The President is taking the lead, and the Senate—Republicans and Democrats—must come together to lead our country to do the right thing in the war on terror.

Mr. President, I yield the floor.

Mr. BURNS. Mr. President, I ask unanimous consent that we may proceed with a unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—BILLS DISCHARGED

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration, and the Senate proceed to the immediate consideration of the following postal naming bills en bloc: S. 571, S. 775, S. 904, H.R. 120, H.R. 289, H.R. 324, H.R. 504, H.R. 627, H.R. 1001, H.R. 1072, H.R. 1082, H.R. 1236, H.R. 1460, H.R. 1524, H.R. 1542, and H.R. 2326.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that these bills be read the third time and passed, the motions to reconsider be laid upon the table en bloc, and that any statements relating to the bills be printed at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSWOMAN SHIRLEY A. CHISHOLM POST OFFICE BUILDING

The bill (S. 571) to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building" was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSWOMAN SHIRLEY A. CHISHOLM POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, shall be known and designated as the "Congresswoman Shirley A. Chisholm Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Congresswoman Shirley A. Chisholm Post Office Building.

BOONE PICKENS POST OFFICE

The bill (S. 775) to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, shall be known and designated as the "Boone Pickens Post Office" was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOONE PICKENS POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, shall be known and designated as the "Boone Pickens Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Boone Pickens Post Office".

BRIAN P. PARRELLO POST OFFICE BUILDING

The bill (S. 904) to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"was read the third time and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BRIAN P. PARRELLO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, shall be known and designated as the "Brian P. Parrello Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brian P. Parrello Post Office Building".

DALIP SINGH SAUND POST OFFICE BUILDING

The bill (H.R. 120) to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building" was read the third time and passed.

SERGEANT FIRST CLASS JOHN MARSHALL POST OFFICE BUILDING

The bill (H.R. 289) to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building" was read the third time and passed.

ARTHUR STACEY MASTRAPA POST OFFICE BUILDING

The bill (H.R. 324) to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building" was read the third time and passed.

RAY CHARLES POST OFFICE BUILDING

The bill (H.R. 504) to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building" was read the third time and passed.

LINDA WHITE EPPS POST OFFICE

The bill (H.R. 627) to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office" was read the third time and passed.

SERGEANT BYRON W. NORWOOD POST OFFICE BUILDING

The bill (H.R. 1001) to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building" was read the third time and passed.

JUDGE EMILIO VARGAS POST OFFICE BUILDING

The bill (H.R. 1072) to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building" was read the third time and passed.

FRANCIS C. GOODPASTER POST OFFICE BUILDING

The bill (H.R. 1082) to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building" was read the third time and passed.

MAYOR TONY ARMSTRONG MEMORIAL POST OFFICE

The bill (H.R. 1236) to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office" was read the third time and passed.

CAPTAIN MARK STUBENHOFER POST OFFICE BUILDING

The bill (H.R. 1460) to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building" was read the third time and passed.

ED EILERT POST OFFICE BUILDING

The bill (H.R. 1524) to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building" was read the third time and passed.

HONORABLE JUDGE GEORGE N. LEIGHTON POST OFFICE BUILDING

The bill (H.R. 1542) to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building" was read the third time and passed.

FLOYD LUPTON POST OFFICE

The bill (H.R. 2326) to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office" was read the third time and passed.

MEASURES PLACED ON CALENDAR—S. 590, S. 867, S. 892, S. 1206, AND S. 1207

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration of S. 590, S. 867, S. 892, S. 1206, and S. 1207 en bloc, and these bills placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. I ask for the regular order.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2361, which the clerk will report.

The journal clerk read as follows:

A bill (H.R. 2361) making appropriations for the Department of the Interior, Environment, and Related Agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. BURNS. Mr. President, I ask unanimous consent that we proceed to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1023

Under the regular order, the Boxer amendment is now pending. The Senator from California.

Mrs. BOXER. Mr. President, what is the order? As I understand it, Senator BURNS will be offering an amendment, or has an amendment, and there will be a vote on my amendment and his side by side. First, mine; is my understanding correct?

Mr. BURNS. That is correct.

Mrs. BOXER. And then his.

The PRESIDING OFFICER. The vote will be on the Burns amendment first, followed by the Boxer amendment.

Mrs. BOXER. The time is equally divided an hour a side to debate both amendments; is that correct?

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Mr. President, I ask unanimous consent that any quorum calls when placed be divided evenly.

The PRESIDING OFFICER. Without objection, it is so ordered. The Chair notes that the Senator from Montana has not yet called up his amendment.

Mrs. BOXER. I defer to him. I yield the floor.

Mr. BURNS. Mr. President, we do not have it yet.

The PRESIDING OFFICER. The Chair believes that the amendment is not at the desk yet.

Mr. BURNS. Mr. President, I assure the Senator from California, I know we have it somewhere, and I will find it.

Mrs. BOXER. That is reassuring.

Mr. BURNS. That is reassuring; isn't it? Everybody gets to read it—that is different in the Senate. We have it.

AMENDMENT NO. 1068

Mr. BURNS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The journal clerk read as follows:

The Senator from Montana [Mr. BURNS], for himself, Mr. CHAMBLISS, and Mr. INHOFE, proposes an amendment numbered 1068.

Mr. BURNS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Administrator of the Environmental Protection Agency to conduct a review of all third-party intentional human dosing studies to identify or quantify toxic effects)

On page 200, after line 2, add the following:

SEC. ___. (a) The Administrator of the Environmental Protection Agency shall conduct a thorough review of all third-party intentional human dosing studies to identify or quantify toxic effects currently submitted to the Agency under FIFRA to ensure that they:

(1) address a clearly defined regulatory objective;

(2) address a critical regulatory endpoint by enhancing the Agency's scientific data bases;

(3) were designed and being conducted in a manner that ensured the study was adequate scientifically to answer the question and ensured the safety of volunteers;

(4) was designed to produce societal benefits that outweigh any anticipated risks to participants;

(5) adhered to all recognized ethical standards and procedures in place at the time the study was conducted; and

(6) are consistent with section 12(a)(2)(P) of the Federal Insecticide, Fungicide, and Rodenticide Act and all other applicable laws.

(b) The Administrator shall, within 60 days of the enactment of this Act, report to the House and Senate Committees on Appropriations; the Senate Committee on Agriculture, Nutrition and Forestry; and the House Committee on Agriculture on the results of the review required under subsection (a) and any actions taken pursuant to the review.

(c) Within 180 days of the enactment of this Act, the Administrator shall issue a final rule that addresses applying ethical standards to third party studies involving intentional human dosing to identify or quantify toxic effects.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I ask unanimous consent that the amendment be set aside and that the Senator from California be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California.

AMENDMENT NO. 1023

Mrs. BOXER. Mr. President, is it necessary to now call up amendment No. 1023?

The PRESIDING OFFICER. That amendment is currently pending.

Mrs. BOXER. Mr. President, I think we are about to have a very important debate about a very moral subject which deals with intentional dosing of human beings, including children, with dangerous pesticides. I say this is a moral issue. As a matter of fact, I believe I can call my amendment a faith-based amendment because every major religious organization in this country supports my amendment.

My amendment passed the House without a single dissenting vote. It was by unanimous consent. I am shocked and stunned that we even have opposition to this very simple amendment.

The amendment that was offered by my good friend, the Senator from Montana, in my opinion and in the opinion of people who know about ethics and science and pesticide testing, it is actually a very dangerous amendment. It is offered as, I call it a CY amendment, cover yourself amendment. You can vote for his amendment and then against mine. If you look at his amendment, it is a step back to what is happening currently. It is a dangerous amendment because we will push through a new regulation that already has been condemned by, as I say, every major religious organization in this country.

We will debate this for the next couple of hours, but I wanted to make a statement in reaction to the President's speech last night.

PRESIDENT BUSH'S SPEECH

Mr. President, the President had every opportunity last night to lay out his plan for success in Iraq. I had given a number of interviews where I urged him to do that, and colleagues on both sides urged him to do that. Instead, what we got was a defense of the status quo and absolutely no mention of the need to be ready when our troops come back, 13,000 plus, with horrific injuries, physical and mental—an opportunity to say our troops will have everything they need when they come home and every bit of equipment they need on the field in Iraq was blown last night. And then there was no plan of how we are going to get out of this thing, and a continuation of the myth that the war in Iraq had something to do with 9/11, which it did not.

I looked back yesterday at the Department of State as they looked at where al-Qaida was on September 11. Not one al-Qaida cell was in Iraq on September 11. There were more al-Qaida cells in my home State of California.

I am very sorry to see we are on that status quo and the daily news continues with the disastrous effects of a policy that is not geared toward success.

AMENDMENT NO. 1023

Mr. President, I am now going to talk about my amendment. I see the Senator from Florida is here. At an appropriate moment, I will yield to him. I want to lay out the general aspects of my amendment.

The amendment that I offer will simply say we need to take a timeout in terms of the environmental protections action on accepting for review and, in essence, condoning pesticide testing on human beings. We need a timeout. Christy Todd Whitman thought we needed a moratorium. She put one in place. Carol Browner, under President Clinton, put a moratorium in place. But now the moratorium has lapsed and, shockingly, EPA is considering and encouraging intentional dosing of human beings with dangerous pesticides. This is not rhetoric. I am going to show the charts and show the experiments.

What my friend and colleague is offering is a figleaf cover amendment: Don't vote for Boxer, it actually does something; vote for the Burns amendment which—listen to what it does—speeds up a regulation that is already going through EPA that is downright dangerous and involves testing of human beings, including newborn babies—very ill newborn babies—pregnant women, and fetuses. That is why every major religious organization in America has entered on the side of the Boxer amendment and opposed to the Burns amendment.

I am going to show the actual language of the Boxer amendment. It is exactly the language of the House-passed amendment:

> None of the funds made available in this Act may be used by the Administrator of the Environmental Protection Agency to
>
> (1) accept, consider, or rely on third-party intentional dosing human studies for pesticides; or
>
> (2) to conduct intentional dosing human studies for pesticides.
>
> It is simply a straightforward timeout so that we can look at the ethical, moral, and health issues surrounding the current policy at the EPA.

As I said, Carol Browner, a Democrat, put that moratorium in place; Christy Todd Whitman, a Republican, put that moratorium in place. But now it has been allowed to lapse.

I recently released a staff report with Congressman WAXMAN that reviewed 22 of the studies that EPA is currently looking at. I want to tell you what we found after reviewing these studies.

We found that human testing of pesticide moratorium was allowed to lapse by the EPA; that over 20 human dosing studies are currently being reviewed by the EPA; and that the studies—and this is the most important point, Mr. President—the studies routinely violate ethical and scientific standards laid out in the Nuremberg Code, the Declaration of Helsinki, the "Common Rule," and the National Academy of Sciences recommendations on human testing. In other words, we have nothing in place that would guide these experiments.

I am going to show you one of these experiments that is being reviewed by the EPA. So let's go to the UC San Diego study.

I care a lot about this because this happened in my State.

This is a study on chloropicrin. What is chloropicrin? It is a fumigant. It is an active ingredient in tear gas, and it was a chemical warfare agent in World War I.

I told you about chloropicrin. In the material safety data sheet which is put out by the manufacturer, this is what it says about chloropicrin which was given to UC San Diego students, and I will talk about the dose they received.

Warning statements and warning properties, this is what it says:

> Danger. May be fatal if inhaled or swallowed. Severe burn follows liquid contact with eyes or skin. May cause severe respiratory tract irritation. Causes eye and skin irritation. Lachrymator—

This means it is the tear gas property—

> poison may cause lung damage.

Chloropicrin was categorized as a category 1, which is the most toxic due to acute lethality and severe irritation.

Let's look at how the students got these doses. They were paid $15 an hour. They were told that this was not dangerous. They signed liability waivers. This is all unethical, and nothing in the Burns amendment will stop any of this and nothing in the Burns amendment addresses these issues.

Here we can see the students receiving this dangerous fumigant through this hose and breathing it in. This is right from the study:

> Figure 10. Showing subjects sampling from two cones through yokes that directed flow from the right cone into the right nostril and from the left cone into the left nostril. The subjects needed to decide whether they felt the chloropicrin on the right or the left.

Do you want your daughter breathing in this dangerous chemical at doses that are very large, which I will explain?

This is a picture of a young woman taking part in an experiment where the chloropicrin dose was up to 1.2 parts per million. I want you to remember 1.2 parts per million because this is the point. The workplace safety standard for chloropicrin is .1 parts per million. This experiment dosed these kids with 12 times higher than the average level allowed in the workplace.

Let me repeat that. This experiment dosed these students with 12 times the level that is considered safe. And this is a recent experiment. It ended in December of 2004.

I am going to show you what OSHA says you should wear when you are exposed to chloropicrin at levels higher than .1, 12 times lower than these students were dosed with. It requires a full-face plate respirator or powered air purifying respirator with organic cartridge to protect from the chemical, according to the manufacturer.

I have to say, what more of a moral issue can we be facing than allowing these students to have chloropicrin pumped through their nostrils at a rate 12 times higher than the safety level that OSHA, our Federal Government, says is safe? What right do we have to allow that to go on? Yet the Burns amendment will allow it to go on.

The only way to stop it is with the Boxer amendment, which is the identical amendment to the House amendment where not even TOM DELAY, who comes from the pesticide industry, registered a "no" vote.

How can we in the Senate, the most deliberative body in the land, walk away from a simple moratorium on this kind of situation?

Let us look at the next chart. This next chart shows the 20 studies under review since the moratorium was allowed to lapse. I could not even pronounce all of these properly, but I will give a few of them. Carbofuran, ethephon, amitraz, methomyl, oxamyl, malathion, and chloropicrin was the top one.

It also shows the dates. These are all studies similar to this one. Actually, in one study did they not have to swallow pesticide pills for breakfast? That is a fact.

Because I am a member of the Environment and Public Works Committee, as a result of that membership we demanded to see all of these studies. They were being kept from the public and we now know these things are going on.

In some studies subjects were harmed—for example, experiencing heart arrhythmias; that is, an uneven heartbeat, a racing heart, and we now know it was a result of that chemical that was being used. Many of the studies had very misleading consent forms. Some described the pesticide as a drug. In some studies adverse outcomes were dismissed. They said, oh, they went to the hospital because they did not feel good, but it had nothing to do with the dosing of the pesticide. Hard to believe.

Most of the studies had no long-term monitoring reviews and few were large enough to be statistically valid. The deficiencies are significant and widespread and that is why we need this moratorium on this timeout to allow a set of standards to be developed that governs the use of these studies. The development of sound standards is critical, if the problems with human pesticide testing are to be addressed.

At this point, I yield 8 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I am delighted to join my colleague from California. We have fought these battles before. We fought one of these battles when unbelievably the EPA wanted to conduct an experiment. They called it a study. It was a 2-year study they were going to perform on infants in my State in Jacksonville, FL. This 2-year study was going to expose those infants to pesticides. It was going to be done with the inducement by getting the parents of the infants to sign a contract of which over a 2-year period they were going to be paid $970, were going to be given a T-shirt, were going to be given other kinds of trinkets, and a certificate of appreciation in return for children over that 2-year period being exposed to pesticides that were going to be placed in the home.

Oh, by the way, guess which part of town this was going to occur in. You guessed it. It was going to occur in the lower income and minority sections of Jacksonville.

Senator BOXER and I got wind of it. Well, she got wind of it because she was sitting on the committee having to do with the confirmation of the head of EPA and she announced that, in fact, she was not going to let the EPA nominee go through. Then she came to me and pointed out that, in fact, this was occurring in Florida.

This was one of the brochures, if my colleagues can believe it, that EPA was going to send out. As a matter of fact, they had already sent it out in Jacksonville. They had gotten some 30 parents to already sign up for this program. It states: You're a parent. Learn more about your child's potential pesticide exposure. Am I eligible to participate? Only 60 participants will be selected. To be selected, you must be a parent of a child less than 3 months old or one between the ages of 9 and 12 months old.

Get this, in order to be eligible, one has to spray or have pesticides sprayed inside their home routinely.

The ad states: Will I be compensated? Oh, of course. You will receive up to $970 over the 2-year period. Your family will receive an official framed certificate of appreciation, a CHEERS bib for your baby, a T-shirt, a calendar, and a study newsletter. You will be allowed to keep the video camcorder they are going to give to you to record this study over the 2 years. You will be allowed to keep the video camcorder at the end of the study provided you have completed all of the study activities.

Can anyone believe this is going on in the United States of America in the year 2005?

Well, we put a stop to it because Senator BOXER put a hold on the nominee. I put a hold on the nominee. I had a conversation with the nominee and I told the nominee I had no objection to the nominee. As a matter of fact, I had heard awfully good things about the nominee. But as a Senator from Florida, I certainly was not going to let that sort of thing go on in my State and it should not be going on in any State. All I wanted the nominee to do was to cancel that study.

What they did not tell the local Jacksonville Health Department was that of the $9 million the study was going to cost, $2 million of the $9 million was being supplied by the pesticide industry. Needless to say, the Duval County Health Department did not like it when they found that out.

This is the kind of stuff we have had to go through with regard to human testing and it just should not be. So it is time to put it in this bill. This is unlike pharmaceutical studies on humans that offer the possibility that a human subject may benefit from the experiment. The human testing of pesticides offers no therapeutic benefit, and under this proposed rule EPA would be allowed to test on humans, children, pregnant women, newborns, and infants.

This senior Senator from Florida has had a bellyful of this kind of stuff to come in on the citizens of the State of Florida, and I want it stopped. Any exposure of an infant child or a pregnant woman to a toxin basically should be prohibited, even in doses that are not expected to do any harm.

With the experience I have had in Jacksonville, it was simply irresponsible for the EPA, whose very mission is to protect human health and the environment, to have proposed such a study. The last time I checked, I thought EPA stood for Environmental Protection Agency. Well, then it needs to fulfill its challenge. It needs to fulfill the goal of its name.

The happy ending to the story in Jacksonville was that we stopped it because the nominee for the head of the EPA cancelled the study. Senator BOXER and I lifted our hold and we send our great wishes to the new administrator of the EPA for a successful administration.

We need to help the administrator of EPA have a successful administration and we can do this with the Boxer-Nelson amendment.

I yield the floor.

Mrs. BOXER. Would the Senator please yield back his extra time to me?

Mr. NELSON of Florida. I certainly will.

Mrs. BOXER. I thank the Senator from Florida. He is a protector of children, families, and the vulnerable of his State. His help on that CHEERS program and getting that stopped was an enormous contribution. Many times we do big things around here that deal with huge issues and we do not know the impact of our work for a long time. When one works for clean air, clean water, it takes a while.

I say to my friend from Florida, this is something he can be proud of because we together, as a team, with the help of some of our colleagues on the Environment and Public Works Committee, were able to use the leverage each Senator has to force a cancellation of a program that was intentionally dosing little children with pesticides, paying off their parents who tended to be poor, giving the parents a video camera, and subjecting these children to dangerous chemicals. So I think we have to be proud that we saved some kids from this.

I want to say why my amendment is so crucial and why the Burns amendment is so bad if one cares about protecting children and families. The amendment I have offered with my colleague from Florida—and, by the way, I ask unanimous consent that the following Senators be added as cosponsors to this amendment: Senators SNOWE, COLLINS, NELSON of Florida, CLINTON, SCHUMER, OBAMA, JEFFORDS, KERRY, LAUTENBERG, REID, and LEVIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I think my colleagues can see this is a bipartisan amendment. We want to protect our children. This has nothing to do with politics. We want to protect our families.

Here is what is happening. The Burns substitute, which he is going to try to tell everyone is better than the moratorium, essentially encourages the EPA to continue with their rulemaking. It says, go on, hurry, finish it up, and it does nothing to stop any of the testing that is going on right now. So it is a step back. It is a dangerous step back.

Now, why do I say that? I will tell my colleagues about the EPA rule that is coming at us if we do not stop this. This is straight from the EPA. We are fortunate enough to have this information today.

> The Agency has decided not to include any proposed requirements relating to a Human Studies Review Board as suggested in the National Academy of Sciences recommendation 6–2.

The National Academy of Sciences—we looked for it so that we have ethical guidelines. The EPA has rejected the guidelines of the National Academy of Sciences and the Burns amendment says, oh, go right ahead, EPA, finish your regulations, and the Burns amendment makes no reference to the NAS. This is more from the EPA:

> The promulgation of rules prescribing such details [establishment of the Human Studies Review Board] would unnecessarily confine EPA's discretion . . .

So, in other words, they are admitting they are turning away the guidelines of the National Academy of Sciences because they do not want to be confined in doing what they do.

What do they want to do? When you find that out you will be rather shocked. Are you ready for this? I say to my friend from Montana, if this doesn't shake his confidence in his amendment, nothing will. This is a bombshell that I am about to tell you.

The EPA is considering continuing a limited number of scientific studies involving pregnant women—meaning they will be dosed with pesticides, fetuses—meaning fetuses will be dosed with pesticides, neonates of uncertain viability—and just for those of you who do not know, neonates are newborn babies—of uncertain viability—meaning they are ill: sick babies will be in these experiments, or nonviable neonates—meaning newborns who may not make it. They are going to dose them as well.

If we can't take a stand to protect the sickest of the newborn babies, then we don't deserve to be here. If we are going to stand with the pesticide companies against ill, very ill newborn babies, what are we doing here? We don't belong here.

Let's see what some of the religious groups are saying. For those people who want to have faith-based legislation, you are on the faith-based legislation when you support the Boxer-Snowe-Nelson-Clinton-Collins, et cetera amendment. This is the statement of the Leadership of Diverse Faith Groups on human testing. It is signed by the National Council of Churches and the Coalition on the Environment and Jewish Life.

> Our faiths teach us to protect the vulnerable among us and to do so we need a moratorium on the use of human testing data in the registration of pesticides, not another study or report.

The Burns alternative is another study. But worse than that, the Burns amendment encourages and orders the EPA to get their regulations in place, regulations that, as I told you, allow testing on newborn babies and fetuses and pregnant women and desperately ill newborns. Why are we having a debate? Why aren't we all supporting a moratorium, a timeout, just as Christie Todd Whitman did, just as Carol Browner did? This is a bipartisan effort.

Unfortunately, we have to choose. Instead of walking down this aisle together and saying we will not allow testing on pregnant women—can you imagine testing pesticides on desperately ill newborn babies and testing pesticides on fetuses? I just can't imagine that that is what we are going to do today by voting on the Burns amendment and telling EPA to hurry up with their regulations instead of taking a timeout.

Let's look at some of the churches that are involved in supporting the Boxer amendment. Let's take a look at the list of these churches and these religious organizations. I will just read some of them: The African Methodist Episcopal Church; the Alliance of Baptists; Archdiocese of America; the Diocese of the Armenian Church; Christian Church (Disciple of Christ); the Church of the Brethren; the Coptic Church; the Evangelical Lutheran Church; Friends United Meeting; Greek Orthodox Archdiocese of America; International Council of Community Churches; Korean Presbyterian Church; Moravian Church in America, Northern Province and Southern Province; National Baptist Convention of America; National Baptist Convention, USA; Orthodox Church in America; Polish National Catholic Church of America; Progressive National Baptist Convention; Syrian Orthodox Church of Antioch; Ukrainian Orthodox Church of the United States of America; United Church of Christ; The United Methodist Church.

It goes on.

The reason I am reading this is this is very unusual to see a faith-based amendment that deals with morality, to have so many of our religious leaders supporting us and opposing the Burns amendment. Why do we even have a debate? Certain things are right and certain things are wrong. Yes, it is an issue of social justice. Who is going to step up to the plate and offer up their newborn baby?

Let's take a look at that again, the statement about testing on newborns. I think Senator DURBIN is interested in this and said he wanted to ask a question about it. The fact is, all of the religious organizations have stepped up to the plate, in part, because of this. This is EPA's own words.

> EPA thinks it likely that it will continue a limited number of scientific studies involving pregnant women, fetuses, neonates [meaning newborns] of uncertain viability, or non-viable neonates [in other words, desperately ill babies] in the future.

It is hard to imagine how anyone in the Senate could vote for an alternative which encourages the EPA to hurry up and produce their regulation, when we can all come together as everyone did in the House of Representatives and say: Time out, EPA. This is a moral issue.

Mr. DURBIN. Will the Senator from California yield for a question?

Mrs. BOXER. I will.

Mr. DURBIN. I direct the question through the Chair. Those tuning in to this debate and starting to listen may not grasp what is at issue. The way you described it to us yesterday in the Senate Democratic caucus luncheon was that the Environmental Protection Agency is testing the toxicity, or poisonous nature, of pesticides on human beings here in the United States. Since this came to the attention of the House of Representatives, they have said this is wrong; we don't want to endanger anyone's life by testing them with pesticides, particularly children, pregnant women, others—for that matter, any person. So they decided to suspend, as I understand it, the authority of the EPA to go forward with this testing.

An argument is being made on the floor today, by those opposing your amendment, that we should go ahead and continue the testing? Is that what is at issue?

Mrs. BOXER. That is the essence. You can put lipstick on it but essentially the opposition is saying no to the Boxer amendment, and let's just tell the EPA to look at ethical guidelines and consider them and hurry up and issue a regulation.

Does it make any reference to the National Academy of Sciences, which has very strict regulations? It doesn't make any reference to any of the guidelines that are internationally recognized. So, in essence, the Burns amendment is the status quo with a kicker that we continue these studies and that, in essence, we say to the EPA: Hurry up with your regulation.

Mr. DURBIN. If the Senator will further yield for a question through the Chair, the photograph she displayed is the same one she brought before us yesterday. It depicts two young people, a man and woman, who are involved in some testing where they are inhaling pesticides to determine what the physical impact would be if they have a certain amount of pesticide in their system. Are you saying the Federal Government is paying for this research, and is paying these people to come forward and submit to this testing?

Mrs. BOXER. This test is being paid for by the pesticide maker, who wants to say that they should be allowed to use more chloropicrin in their pesticide. They have paid the University of San Diego to do this.

The EPA accepted that study. In other words, they are saying fine, we are going to look at the results of that study.

It was Ronald Reagan who put a stop to looking at the tests that came out of World War II. Because after World War II, we saw what was going on with medical studies. Ronald Reagan was the one who said we are going to stop this. We are not going to even look at these studies because they are immoral.

What we are saying today is, it is immoral to take a young woman like this—and tell her, by the way, she is not going to be harmed—make her sign a waiver of liability so she cannot really recover if she is sick, pay her $15 an hour because she is a student and probably needs the money desperately, and not tell her what this other picture shows, the man in the mask, that she is breathing chloropicrin at a rate 12 times the rate that our Federal Government, our OSHA says is dangerous.

If you were to have a concentration of this chemical 12 times less than what these kids are getting into their nostrils, into their lungs, you need to wear this type of full-face plate respirator or powered air purifying respirator with organic cartridge to protect from the chemicals.

Mr. DURBIN. How long has this been going on?

Mrs. BOXER. That is the interesting question. Under Bill Clinton's administration, in the late 1990s, Carol Browner, the Administrator of EPA, stopped this kind of acceptance of these tests by the EPA.

Christie Todd Whitman agreed with her and stopped all of this and said EPA is not going to look at these. It is immoral. It is wrong.

It is only recently that this moratorium was allowed to lapse and the current Administrator—it is Leavitt, I think—started to accept these studies. So it is very recent.

Remember, we had two EPA Administrators who had said no to this. Now, suddenly we are back in the game of utilizing these studies and sending a signal out to the scientific world: Go ahead and do these dosing studies.

Mr. DURBIN. If the Senator will further yield for a question?

Mrs. BOXER. Yes.

Mr. DURBIN. We have people stationed at the borders between the United States and Mexico who are testing fruits and vegetables that come into our country. The Food and Drug Administration does this. The U.S. Department of Agriculture is involved in this testing to determine whether there is pesticide residue on apples and tomatoes, vegetables and fruits that come in. And if there is just the slightest residue of certain pesticides, we confiscate the shipment, stop the shipment from coming into the United States for fear that just the slightest residue of the pesticide or the fruits and vegetables may be a danger to public health in America.

That is why it is so difficult for many of us who listen to this debate to understand that at the same time another agency of our Government, with the cooperation of a special interest group, the pesticide industry, is actually testing concentrations of these same pesticides on innocent people in America.

I think the Senator has gone on to say it is not just college students standing and being paid $15. The testing reaches a level where they are testing on fetuses and on neonates of uncertain viability?

Mrs. BOXER. Yes. Let me take back my time because the Senator from New York is on schedule. I want to make sure she has time to speak. But let me tell you this. The EPA's own words are that, in fact, they will consider testing on these neonates and the rest.

Yes. This is immoral. I would like to tell you, the U.S. Conference of Catholic Bishops, on their Web site, in 2005, say this:

> We are very concerned about using humans for the direct testing of pesticides under any conditions, particularly when they will not receive any direct or immediate health benefit but in fact may be harmed.

So we are not here testing pharmaceutical products that may help a baby. We are here looking at harming a baby, harming a pregnant woman.

So the Boxer moratorium vote is very important.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. GRAHAM). The Senator has 18 minutes.

Mrs. BOXER. I will yield 8 minutes to my colleague from New York, with an additional 2 minutes should she require it.

Mrs. CLINTON. Mr. President, I rise in strong, overwhelming support for the Boxer amendment. I agree with my friend and colleague from California that there should not be a single vote against this amendment. As was done in the House, this amendment should pass unanimously, and I hope at the end of this debate, led by the able Senator from California, that will be the conclusion of all of our colleagues, on both sides of the aisle.

This debate is not about whether pesticides can be useful. Pesticide use has improved crop yields, has helped to control insect and other pests. We can all agree on that.

I am sympathetic to the farmers that raised with me the concern they have about how our current system works for testing pesticides. The fact is, we ask our domestic farmers to comply with detailed pesticide requirements. We have no similar controls on overseas farmers. That is not fair. It does not keep our food as safe as it should be. That should be addressed at a later time.

Let's put that aside. What we are talking about is pesticide testing. Pesticides are inherently toxic. They have been linked to a broad range of human health problems, including cancer, damage to the central nervous system, interference with neural development, and the endocrine system. Children are particularly vulnerable to the toxic effects of pesticides.

This debate is about ensuring we protect our children and ourselves from the adverse effects of pesticides that could be administered through these testing programs. We need to ensure that any studies that Congress sanctions are conducted in a safe and ethical manner.

The reason we are debating this, as amazing as it is to many who might be watching, the administration is taking actions that undermine the protection we should be able to count on against misuse of pesticides and pursuing a path that leads to using testing regimens which are ill thought out, poorly conceived, and immoral.

At the urging of the pesticide industry, the EPA has reversed a moratorium on the consideration of studies in which humans are intentionally dosed with pesticides. In addition, the administration will soon propose a regulation that will greatly expand the funding and use of such studies.

This amendment, which I am proud to cosponsor, simply says we need to stop and take a much closer look at this issue before we continue down this dangerous path. At the present time, the EPA is reviewing more than 20 human pesticide studies. Many of them violate widely accepted ethical standards for research involving human subjects.

Specifically, there were instances where those who conducted the studies failed to obtain informed consent, inflicted harm on the human subjects, dismissed adverse outcomes or failed to conduct long-term monitoring.

That is not just my opinion. That is the conclusion of the National Academy of Sciences, in a report issued in 2004, which found that the EPA pesticide studies were in gross violation of ethical standards set out in the Nuremberg Code, the Declaration of Helsinki, and the common rule that guides medical research in our country.

In addition, the NAS concluded that pesticide manufacturers have submitted to EPA intentional oral dosing studies involving humans in order to justify the reduction or elimination of safety factors for the regulation of certain pesticides in food residues.

To begin with, it is clear the EPA should not be using these flawed studies in any way. That is one part of what our amendment would do: Prohibit the EPA from using or relying on third-party human pesticide studies. The amendment would also prohibit the EPA from funding such studies.

The reason it is so important is in plain view in yesterday's news report. According to them, the EPA is on the verge of issuing draft regulations that open the floodgate for new EPA, Government-sponsored studies involving human pesticide testing. These draft regulations are in direct contradiction to the key recommendations made by the National Academy of Sciences. For example, as my colleague from California has pointed out, the draft rule reportedly legitimizes pesticide testing on children, pregnant women, and newborns. It ignores recommendations for the establishment of an independent ethics review board to evaluate proposed studies on a case-by-case basis.

I don't see how any Member cannot be concerned about this regulation. We are going to be monitoring it very closely. It is clear that in addition to preventing the EPA from looking at human studies, we need to prohibit the EPA from conducting and sanctioning human studies.

I point out that this issue goes much further than even what we are discussing in the Senate. It has broad implications for how we protect our children. Pesticide manufacturers want to push for human testing because it may result in less stringent exposure standards. That concerns me. The Food Quality Protection Act of 1996 tightened the regulation of pesticide residues in food and specifically added more stringent safety factors to account for the increased sensitivity of infants and children. It also includes safety factors that apply to animal tests but not to human tests.

The EPA is clearly headed in the wrong direction. We should work diligently to make sure we pass the Boxer amendment. It is so important to take a stand on this. We do not need another study. We know the EPA has studied. They have looked at the National Academy of Sciences' recommendations. It is clear we need to pass this immediately to send a signal, joining with the House which passed such a prohibition, a moratorium by unanimous consent, that this cannot go forward.

I urge my colleagues to reject the second-degree amendment, to pass the Boxer amendment, and to take a stand against this kind of reckless, immoral testing and sanctioning of testing on children, on infants, and on all human subjects.

I thank my colleague for yielding me that time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator leaves, I thank the Senator from New York who has always been such a credible voice for our children and our families and for their health and well-being.

As she said, this should be what the younger generations calls a "no brainer." We need a timeout. We do not need to have the Burns amendment passed, which will speed up the EPA regulation which allows the testing of pesticides on newborn babies who are ill. It specifically says "ill newborn babies or near-death newborn babies." If we stand for something, we should stand with all the religious organizations in this country that support the Boxer amendment and oppose the Burns amendment.

I ask unanimous consent to be able to reserve the balance of my time until the conclusion of Senator BURNS's remarks and that the quorum call not be counted against my side.

If I could explain to the Senator from Alaska, I only have about 5 minutes remaining, and I want to retain that time for when Senator BURNS concludes. He knows this. I don't think he has a problem with it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I yield the floor, retain my remaining 9 minutes, and wait for the conclusion of the debate.

Mr. BURNS. Mr. President, we better open up this morning and characterize what the Burns-Chambliss-Inhofe amendment does compared to what is being advocated by my friend from California.

Our amendment directs the administrator of EPA to conduct a thorough review of all third-party intentional human dosage studies based on six principles listed at the National Academy of Sciences in their February 2004 report. The National Academy report found that, in certain cases, the societal benefits of such studies outweigh the risks.

This amendment also directs the administrator to issue a final rule that addresses applying ethical standards to third-party studies involving intentional human dosing to identify or quantify toxic effects within 180 days of enactment of this act. In other words, they have an open end now where they drag their feet as far as offering reports to Congress.

By the way, I ask unanimous consent Senator BROWNBACK of Kansas be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we know we can use very emotional examples to draw our attention to this issue. My first thought, I don't think there is a chemical engineer or a scientist in this Senate. I can't say that for sure, without having a degree in chemical engineering. Nonetheless, we have to rely on reports. We also have to rely on reports that are peer reviewed from many different sources.

What the Senator from California has brought to the Senate this morning has a few flaws. First of all, they are quoting from a staff draft of a study, and we do not know what the outcome will be. We do not know what the final rule will look like. The administrator has not even seen it, let alone made any recommendations to be agreed to. That is No. 1.

Basically, the Senator's amendment prohibits the EPA from conducting or accepting research involving intentional dosing of human subjects. She referred to the CHEERS study. What is the CHEERS study? In the CHEERS study, the agency proposed to monitor children's exposure to pesticide in a specific population. That is what it is was for. The proposed CHEERS study, developed by the Office of Research and Development at EPA, was an observational and biomonitoring study and not a dosing study. As a result, her amendment does not impact CHEERS or any other similar type of study. I want that in the RECORD. We should be very clear about that.

We are not chemists or chemical engineers. We are not scientists. All of the warnings and all of the charts we have seen this morning are a result of studies, be they EPA, through peer review or third-party studies with peer review. We would not know this information had there not been studies, third party or by the EPA. Her amendment is very clear. It just says we stop testing.

So I ask my colleagues, on this issue: How do we know? How can we find out? Because we need this information. Do we allow chemists or chemical engineers to do this, with no backup, working for a private corporation in the business of selling pesticides, fumigants, herbicides, detergents, car washes, carpets, the padding on our chairs? Everything we touch or we live with has a so-called chemical element to it. Do we just take their word for it, those who are in the business of selling these products? Unless there are third-party studies, with peer review and EPA studies with the same standards of peer review, that would be the case.

This is not like the testing of prescription drugs. Having no test on chemicals, no information on chemicals that we use in the production of food and fiber and shelter in this country is not a very good idea. It is not a good idea. As I said, would we know about the warnings that were used today had it not been for testing?

Senator BOXER's amendment is so far reaching that between 60 and 70 chemicals and 1,300 tolerances, or the allowable pesticide residue on foods, would be affected. It would mean taking those reports, putting them away, and never referring to them again. That does not make a lot of sense. Not only is there the time, money, and effort involved, but also some of the results we know of today we would not have known this morning in order to make this debate.

For example, I have a letter from the American Mosquito Control Association, which opposes this amendment offered by my good friend from California. By the way, they support our amendment. I am going to offer this letter in its entirety for the RECORD, but I want to read one little paragraph that I think speaks to the essence of this debate. I quote:

> The emergence and spread of West Nile Virus in the United States has re-emphasized the need for safe and effective mosquito control strategies that reduce the risk of acquiring this devastating disease. Personal protective measures such as repellents figure prominently in these strategies—as do federally-registered public health pesticides, when indicated. This amendment, as written, will effectively cease future research on alternatives to DEET and curtail sound, ethical studies on the toxicology of public health pesticides. The AMCA considers the availability of scientifically sound and ethically-obtained toxicology data to be essential in determining levels of risk from both disease and the means used to control it.

Mr. President, I ask unanimous consent that the entire letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MOSQUITO
CONTROL ASSOCIATION,
North Brunswick, NJ, June 24, 2005.

DEAR SENATOR: I am writing on behalf of the membership of the American Mosquito Control Association (AMCA) to express our deep concern over the amendment Senator Barbara Boxer (D-CA) recently introduced to the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006. As currently written, the amendment would prohibit research studies having a profound effect on establishing safety and toxicity profiles for a number of public health insect repellents, which are listed as pesticides. In addition, it would preclude the use of sound, ethically-derived data in the registration of several pesticides utilized in protecting public health. These studies are critical in evaluating exposure levels and risk assessment. Without them, extrapolations of risk could be unreliable, placing the public at undue risk.

The sole testing procedure currently accepted by the U.S. EPA (See: Product Performance Test Guidelines OPPTS §810.3700.

Insect Repellents for Human Skin and Outdoor Premises. Public Draft. United States Environmental Protection Agency. EPA 712–C–99–369. December 1999 requires repellents be applied to humans to demonstrate efficacy. Furthermore, the National Academy of Sciences (NAS), in a report entitled, Intentional Human Dosing Studies for EPA Regulatory Purposes: Scientific and Ethical Issues published in February 2004 stated that such studies "contribute significant and useful knowledge for regulatory standard setting and other forms of public protection." Indeed, the NAS stated, "[i]n some cases, intentional dosing of humans may be the only way to obtain data needed to set regulatory standards and protect public health".

The emergence and spread of West Nile Virus in the United States has re-emphasized the need for safe and effective mosquito control strategies that reduce the risk of acquiring this devastating disease. Personal protective measures such as repellents figure prominently in these strategies—as do federally-registered public health pesticides, when indicated. This amendment, as written, will effectively cease future research on alternatives to DEET and curtail sound, ethical studies on the toxicology of public health pesticides. The AMCA considers the availability of scientifically sound and ethically-obtained toxicology data to be essential in determining levels of risk from both disease and the means used to control it.

Furthermore, members of the United States Armed Forces rely extensively upon repellents and public health pesticides to reduce risk to the various exotic vector-borne diseases to which they are regularly exposed. Development of new repellents is urgently needed to obviate the need for broadcast pesticides to provide protection both here and abroad. To the extent that repellent use is curtailed because of acceptability issues, pesticide applications will have to be increased to afford the same level of protection.

Any reduction of human/mosquito contact commensurately reduces the risk of disease transmission. Newer, more acceptable and effective mosquito repellents would both protect humans while reducing environmental pesticide load. Research on these critical control adjuncts requires human subjects in order to assess their efficacy and safety. Establishment of safety exposure parameters to these and other chemicals that might contact human skin during their approved application can only be reliably obtained through research fully vetted through rigorous institutional review boards specifically organized for those purposes. These are already in place and are fully compliant with current laws and regulations.

Protection of the health of the American public and the environment is a core value of the AMCA. The provisions of this amendment in a very real way conflict with this important value. Indeed, the amendment neither promotes public health and safety nor provides greater protection for your constituents in any foreseeable tangible manner. Therefore, the American Mosquito Control Association strongly urges you to oppose the Boxer Amendment when the Senate considers the FY06 Interior Appropriations bill in the near future. Thank you for your consideration and attention to this critical matter.

Sincerely,

JOSEPH M. CONLON,
Technical Advisor, American Mosquito Control Association.

Mr. BURNS. Studies of this kind on safety must move forward or we will have a public health situation being created by the unintended consequence of not performing those studies.

Now, if I have not convinced you to vote with me yet, I also have an extensive list of pesticides that rely on human studies to determine safe exposure levels for more than 50 crops grown in our States. In fact, these pesticides, cited by Senator BOXER's and Representative WAXMAN's June 25 study, have critical uses in 39 States. A few of these States include: Arkansas, California, Florida, Georgia, Kansas, Louisiana, Maine, Nebraska, Ohio, and West Virginia. I say to the Presiding Officer, I am sorry, they did not mention South Carolina. But these pesticides, for every State listed, are used in the production of food and fiber for this country.

Now, I realize there are a lot of folks who do not really understand agriculture maybe that much, but you have to understand the second thing we do in this country every day—after we get up—is eat. For the first thing we do, we have a lot of options. But the second thing we do is eat.

The largest industry probably contributing to the GDP of California is agriculture. If it is not the largest industry, I would be surprised. Think about your brussel sprouts, strawberries, apples, dry beans. Look at all your almond production, beats, peppers, celery, cauliflower, pistachios. The list goes on and on of these chemicals, these pesticides, these fumigants, these herbicides, all used in the production of food and fiber for this country. It is pretty amazing.

Senator CHAMBLISS and I are offering a reasonable alternative from the amendment offered by the Senator from California. Our amendment is plum simple. It directs the Administrator of the EPA to "conduct a thorough review of all third-party intentional"—"intentional"—"human dosing studies" based on the National Academy of Sciences February 2004 report.

I think it is found in this book offered as a guideline. I will give you the headings: "The Four-Step Process of Human Health Risk Assessment." Step one: "Hazard Identification." "Dose Response Assessment," "Exposure Assessment," and "Risk Characterization." That is the guideline. Pretty simple—a little book. Anyone can order it. Send me your check and $5 for handling for mail, and I will get it out to you. But that is what it says.

We are directing the EPA to "issue a final rule that addresses applying ethical standards to third-party studies involving intentional human dosing" "within 180 days of the enactment of this Act."

We are putting them on a time line. We want to know. The public has a right to know. Everyone involved wants to know. People who work on allergies, many things that are normal in our everyday lives, want to know: Quit dragging your feet. Let's have it. Let's get the report because we think it is pretty important.

There are ethical standards established. They are already in place. Let's get the final rule. That is what we are telling this Director. That is what we are telling this agency—that we want to know—because as policymakers, we do not want to get caught in this idea of an unintentional consequence.

None of these warnings that we have on the label of our shirt or on our detergent when we wash our dishes at night—none of those warnings would be there had there not been extensive work in risk assessment and public health at heart if those tests had not been carried out.

Since that standard is set, what we are saying now is not to proceed just blindly down a path using no guidelines, but to write the rule that allows policymakers to move forward with adopting the public's attitude toward this issue.

And we can make a mistake. We usually base all our decisions on history. As to the history of this, we study this without going blindly off a cliff. We usually use history. If we monkey with it, if we take part of it out, and that is not available to us either, or to the EPA, or anybody else who is making a decision as to the reliability or the safety of that particular product, then we have done an injustice to the people who make the decisions. That seems pretty logical to this nonscientist, nonchemist from the State of Montana.

Let's take the emotion out of it, and let's look at things as they really are in the world around us. We do not touch anything, folks—we do not leave the garage, we do not even get up in the morning, we do not do anything in this environment around us where there are no chemicals. Some of them are even added by man. But we live in that kind of a world, with our relationship even with the Sun, the soil, and the water. We live in a chemically reactive world. The more we know about it, the more we know about our own environment and those steps we have to take in order to protect it.

So what I and my colleagues are proposing in this Burns amendment is that we proceed with standards and direct the EPA to make their rule final and publish it in the Federal record for all to see—and all to either uphold or criticize. That is all we are doing. It is pretty straightforward. But we cannot just say: Stop, stop the clock. We cannot do that. That is not fair to the American people. It is not fair to the American consumer, and it is not fair to the folks who are involved in producing food, fiber, and shelter for this country.

If you want more of your food to come from offshore, where there are no tests, there is no way to regulate, then you just stop the process because that is where it will be coming from, even with our tremendous ability to produce for a society that we think is probably the healthiest in the world.

I reserve the remainder of my time.

I yield the floor.

Mr. OBAMA. Mr. President, I rise today to speak in favor of the amendment offered by Senator BOXER regarding the testing of pesticides on humans. I am pleased to be a cosponsor of this amendment.

Unbeknownst to most of us, the Bush administration has quietly rescinded a ban on the human testing of pesticides even though the EPA is still developing guidelines for such testing. Instead of needlessly exposing people to dangerous pesticides, the 1-year moratorium proposed in this amendment is a reasonable solution until these guidelines are completed.

Let us be clear. We are not talking about the testing of life-saving medications. By definition, pesticides are designed to kill. They are potential carcinogens and neurotoxins. We need guidelines to ensure that human testing of these dangerous chemicals is limited and monitored and that the subjects fully understand the risks they are taking.

Who are the people being exposed to these chemicals? Typically they are young, poor and minorities. Let me give you two examples:

In Florida, an EPA study offered low-income families $970 over 2 years if they let their babies be tested after their homes were sprayed with pesticides. One can easily imagine a young mother trying to make ends meet, trying to pay the rent and put food on the table, reading that she can collect almost $1,000 if she allows her child to be tested.

In another study last year, 127 young adults, mostly Asian and Latino college students, agreed to be exposed to a suspected neurotoxicant for $15 an hour. Some were exposed in a chamber for 1 hour for 4 consecutive days, while others had the chemical shot into their eyes and nostrils at amounts 12 times the OSHA recommended levels. This chemical, chloropicrin, has a history: It was used as a chemical warfare agent in World War I. Yet the consent form for the 2004 study did not disclose that fact; it simply said, "We expect the discomfort to be short-lived."

All across America, there are college students working long hours so they can stay in school and get a shot at the American dream. How tempting it must be to pick up a handful of cash for letting a scientist expose you to some chemical. You are healthy, you need the cash, and you are probably not as wise as your parents would like you to be, so you borrow a chance against your future health and sign up for exposure. That is not the kind of government policy we want to be encouraging.

All told, the EPA is considering data from 24 studies that tested pesticides on humans. Many of these studies are flawed, so the risks these people undertook did not even contribute to a scientifically valid experiment. Many of these studies failed to take the health complaints of the subjects seriously, many failed to disclose the risk to the subjects, and many failed to conduct long-term monitoring of the health effects of the pesticides. All of these deficiencies should be addressed and prevented from occurring again.

Sadly, we do not need to do this human testing. For years, the EPA has worked with pesticide manufacturers and members of the science community without relying on human testing. For years, the agency has accomplished its goals through animal testing.

No one doubts that actual human health data, if properly collected from a sufficient sample size, would be advantageous to know. But sensible guidelines are needed to ensure that the benefits of any study far outweigh the potential risks to the study participants.

The commonsense approach is to temporarily stop this testing, wait for EPA to issue its guidelines, and safeguard the health of the human subjects.

I thank the Senator from California for her commitment to this issue, and I yield the floor.

I reserve the balance of my time and yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. BOXER. Mr. President, I yield myself 7 minutes and retain 2 minutes, if I may.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mrs. BOXER. The Senator from Montana has, as he usually does, made a very good presentation for his side. The only problem is he made a very bad presentation about the amendment I had written. In criticizing it, he is criticizing the Republican-run House of Representatives which passed this same amendment without dissent, including the one and only Congressman I know of who was an exterminator, Tom DeLay. So for all the eloquence about pesticides, the one person who was involved in the pesticide over there did not object.

And with all due respect to my colleague, I don't have to be lectured about agriculture. I have been elected three times from my State. Agriculture is an enormous source of pride to our State. I visited thousands of acres of farmland. I want the Senator from Montana to understand something about my State and my farmers. Not one of them called and said: Oh, Senator BOXER, we want to dose babies and infants and pregnant women and fetuses with pesticides. Not one. So let's set the record straight. Maybe he heard from some of his farmers. Not one called me.

Why? Because this is all scare tactics. They know we are testing pesticides on animals. They know we are using computer modeling. They know that research moves forward. I am one of the biggest proponents of developing new pesticides.

Then he uses the scare tactics. My God, if we have this moratorium—which, by the way, was put in place by Republican and Democratic administrations in the past—we won't be able to fight West Nile virus. Baloney. We are already using DEET. We know what to do. There are continuing studies and modeling going on. So let's get rid of the scare tactics.

I am offering a bipartisan amendment today that is the exact amendment that passed the House without a dissenting vote. The only people who don't like it are the pesticide makers. We have a chance to take a stand for the health of our kids or with the pesticide makers. That is just clear. We have a chance to take a stand with every major religious organization in this country. I have the list of those. The National Council of Churches, Jewish organizations, evangelical Lutherans, the Catholic bishops, all weighed in. My amendment is a faith-based amendment.

Then my colleague says: Let's not get emotional. Are we supposed to walk in here and lose all of our feelings? Are we not supposed to have emotion if we lose, for example, a constituent in the Iraqi war? If we visit Walter Reed Hospital, as many of us have done, are we supposed to check our emotions at the door when we are elected to the Senate? Let me tell you how I feel when I read about the kind of testing they are going to do which my colleague is endorsing with his amendment because he is saying the EPA should hurry up and bring out their regulation. By the way, he is wrong when he tells you it is a draft. It is a final draft, and we have the proof that this regulation was about to go for comment next week. So let's set the record straight.

Here is what my colleague supports. He supports an EPA regulation that says there will be a limited number of scientific studies involving pregnant women, fetuses, newborn babies of uncertain viability or nonviable newborns. Imagine, dosing a fetus with pesticides. Dosing a newborn baby. You want me to check my emotions at the door? Sorry. I will not be here and allow a rule to go into effect without doing everything in my power to stop it that is going to dose a dying newborn baby with pesticides because some poor mother is convinced to take $1,000 for it. This is just wrong. Why do you think we have all of these churches opposing the Burns amendment and supporting our amendment: We are appalled by the effort to go forward with yet another report--that is the Burns amendment—that does nothing to guarantee the well-being of the children and other vulnerable groups who are being subjected to pesticides by the chemical industry. We need a moratorium.

This moratorium was voted for without a dissenting vote in the House. Now my colleague calls for a thorough review based on the National Academy of Sciences standard.

There is not one mention of the National Academy of Sciences in his entire amendment. Not only is there not one mention there, there is not one mention of the Helsinki Accords. There is not one mention of any protocol that has ever been recognized nationally or internationally in his amendment. It is a general amendment. It is exactly what the EPA wants because they have told us, they don't want to be hemmed in. They don't want to have their options limited. They want to be able to dose or accept studies that dose people with chemicals whenever they want to and whoever these people are.

Here is what the EPA says they want: The promulgation of rules prescribing such details would unnecessarily confine EPA's discretion. Wonderful. My opponent is giving them that discretion by not referring to any acceptable scientific guidelines.

Then my opponent defends the CHEERS program. I have never heard anyone defend the CHEERS program. The CHEERS program was going to be done on these babies. Pay their parents in poor areas, give them a cam camera, tell them to continue dosing their homes with pesticides and study the reaction of the children, when we already know it is dangerous for kids to be exposed to pesticides. My esteemed friend—and he is my friend—actually gets up and defends this program which no one else in America has done. But it speaks to the purpose of his amendment which is to move forward with a rule that would allow all of this.

My opponent says I am stopping all testing. False. The testing will continue—animal testing, computer modeling. Do you know what Stephen Johnson of the EPA has said about human testing? I think it is important that Members know. He certainly doesn't agree with Senator BURNS because this is his quote:

> We believe that we have a more than sufficient database, through use of animal studies, to make licensing decisions that meet the standard—to protect the health of the public—without using human studies.

So my friend is contradicting Stephen Johnson, head of the EPA.

The PRESIDING OFFICER. The Senator has used 7 minutes.

Mrs. BOXER. I yield myself 1 more minute.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. The fact is the attack Senator BURNS has made on my amendment is false in every way. It is the same amendment as his Republican friends supported over in the House without a dissenting voice. It is the same policy that was put in place by Republicans and Democrats. And then my friend says: Wouldn't it be a waste to throw away studies, even if they did intentionally dose human beings? Ronald Reagan was faced with that same issue. His head of the EPA said there are certain times when you don't accept studies because there is moral right and there is moral wrong. That is why the Boxer amendment—supported by Senators SNOWE and COLLINS, Senators CLINTON and OBAMA and NELSON and others—is so important.

I ask unanimous consent to add Senator CORZINE as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. To quote President Reagan's EPA, they said they would not accept human dosing type of experiments from World War II because they were "morally repugnant."

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks time? The Senator from Montana.

Mr. BURNS. Mr. President, my amendment, to answer the National Academy of Sciences point, the six quantifying objectives, as mentioned, come from the book "Intentional Human Dosage Studies for the EPA, Respiratory Purposes, Scientific, and Ethical Issues." They were taken from that book. The National Academy is found in the amendment.

Again, we can characterize it any way we would like. I would just say that we still base our decisions on history. This amendment is paramount. And I understand, nobody likes the idea of human dosing. If we could get around it, if there was any sure way we could get around it, we would. I don't like it either. But nonetheless, as we talk about this, we are holding up testing on the world around us. We cannot afford to lose any time or information. We owe that to the American people, to the consumer. We also owe it to the people who produce food and fiber.

How much time is remaining on the other side?

The PRESIDING OFFICER. The Senator from California has 52 seconds remaining.

Mr. BURNS. Mr. President, we have a vote coming up, and we probably can get to that in the next 5 or 10 minutes, if that is OK with the Senator from California.

Mrs. BOXER. Absolutely.

Mr. BURNS. If you want to close, I will make a short statement. Then we will go to the vote.

Mrs. BOXER. Sure.

Mr. BURNS. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, this debate is a tough debate because when it comes to protecting the people of our country, there are going to be feelings on either side. This is what it is about. The quote of James Childress of the National Academy of Sciences, chairman of the panel, who said: A lot of us were troubled by the dosing studies. And personally my view is that the House amendment—that is what my amendment is—was within the range of ethically justifiable responses.

The fact is, there is no mention directly of the National Academy of Sciences in my colleague's amendment. My colleague's amendment is just a "cover yourself" amendment. I call it a "CY" amendment.

People can think they are doing something, but here is what I need to tell my colleagues: If they vote for the Burns amendment, they are taking us back. They are telling the EPA to hurry up with their regulations, regulations that we know will test pregnant women and babies. Every major religious organization views this as a faith-based debate, and the Boxer amendment is on the right side of that debate. I hope Members will vote for the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I will recap. Our approach is a commonsense approach. It just makes sense and logic that the information we need is only found in the work that we do on the safety of pesticides, fungicides, herbicides, all of that. It becomes very important to the agricultural producers, but also it is more important to the safety of our consuming public.

It has been a good debate. I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Is my friend going to ask for the yeas and nays on both his and my amendment, his first and then mine second?

Mr. BURNS. That is correct.

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mrs. BOXER. I ask for the yeas and nays on the Burns amendment and the Boxer amendment.

The PRESIDING OFFICER. Without objection, the yeas and nays may be requested on both amendments.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that there be 2 minutes of debate equally divided prior to the vote in relation to the Boxer amendment.

Mr. BURNS. The Senator has 1 minute prior to the vote on her amendment.

Mrs. BOXER. That is very good.

Mr. BURNS. I ask unanimous consent for that.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

Mr. BURNS. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Montana. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT) and the Senator from Indiana (Mr. LUGAR).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—57

Alexander
Allard
Allen
Baucus
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lincoln
Lott
Martinez
McCain
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—40

Akaka
Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Specter
Stabenow
Wyden

NOT VOTING—3

Bennett
Lieberman
Lugar

The amendment (No. 1068) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1023

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Boxer amendment.

Mr. BURNS. I yield to the Senator from California on her amendment. She has 1 minute.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, if I could have Members' attention just for one moment, I hope they will vote for this. The EPA is about to utilize studies that will actually intentionally dose babies with pesticides, pregnant women with pesticides, newborns with pesticides, newborns of uncertain viability, meaning they might die, nonviable newborns. We are talking about a policy that has won the condemnation of every religious organization in this country who backed the Boxer amendment.

The Boxer amendment passed without a single dissenting vote in the House. If Members voted for Burns they can vote for Boxer. All we are saying is we need a timeout to look at this immoral policy. That is why we have the Catholic bishops telling us that the intentional dosing of kids is immoral and they are very concerned about it. That is why we have the support of the National Council of Churches. If my colleagues ever wanted to vote for a faith-based amendment, this is the amendment. Stand on the side of the innocent, vulnerable kids and vote for the Boxer amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, it just makes sense that we do not suspend testing at all, as this amendment would do. It is bad logic to throw aside almost over 20 reports that give us the history and the institutional knowledge to complete the work for the safety of the consumer and also the people who produce food, fiber, and shelter in this country. I urge a "no" vote on this amendment.

I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1023. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), and the Senator from Indiana (Mr. LUGAR).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER (Mr. BURR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 37, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Collins
Conrad
Corzine
Dayton
DeWine
Dodd
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Harkin
Hutchison
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCain
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Snowe
Specter
Stabenow
Talent
Thune
Warner
Wyden

NAYS—37

Alexander
Allard
Allen
Bond
Brownback
Bunning
Burns
Burr
Chambliss
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Enzi
Frist
Grassley
Gregg
Hagel
Hatch
Inhofe
Kyl
Lott
Martinez
McConnell
Roberts
Santorum
Sessions
Shelby
Stevens
Sununu
Thomas
Vitter
Voinovich

NOT VOTING—3

Bennett
Lieberman
Lugar

The amendment (No. 1023) was agreed to.

Mr. DORGAN. I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed do.

AMENDMENT NO. 1025

Mr. BURNS. Mr. President, by previous order, we move to the Dorgan amendment No. 1025.

The PRESIDING OFFICER. The Senator is correct.

Mr. DORGAN. Mr. President, I ask for the regular order to consider amendment numbered 1025.

The PRESIDING OFFICER. The amendment is pending.

Mr. DORGAN. Mr. President, let me describe the amendment. This amendment is very simple. It does not require an elaborate explanation. It provides additional resources, desperately needed resources to particularly the Indian Health Service.

We have had a lot of discussion in the Senate in the last several years about the Indian Health Service. We have a responsibility for the health of Indians under trust responsibilities to the Federal Government. The Federal Government also has a responsibility for health care for Federal prisoners. It is interesting to note that the Federal Government spends almost twice as much per person for health care for Federal prisoners as it does to meet its trust responsibility per person for American Indians.

If you travel to Indian reservations in this country, there is a bona fide crisis in health care on reservations and in other areas as well. Go to a reservation, and you will find a dentist practicing out of a trailer house, a small trailer, for 5,000 people. That is the dentistry. Go to a reservation and find half a dozen kids have committed suicide recently. You will discover there is virtually no mental health treatment available for those kids who end up taking their lives.

There is such a desperate need to satisfy the obligation here for health care for American Indians. We are so short of funding, it is unbelievable. This amendment adds $1 billion to funding particularly for Indian Health Service but also to the BIA to provide the other services that are necessary on the reservations.

I have indicated we have a bona fide crisis in health care, housing, and education on Indian reservations. Let me tell a story I have told previously about a young girl named Tamara Demaris. Tamara was a 3-year-old. I read about Tamra in a newspaper. I met with her and her granddad. She was 3 years old and placed in foster care by a person who was handling welfare cases and so on. The woman who was handling the case was handling 150 cases. So this was a case of a 3-year-old child who was put in a foster care situation. But the person did not check out the home to which she was assigning the 3-year-old child. She was working on 150 cases. So Tamara Demaris goes to this home. There is in this home a drunken brawl and party. The aftermath of that drunken brawl and party was this 3-year-old girl named Tamara had a broken nose, a broken arm, and her hair pulled out at the roots.

This is a 3-year-old child. That was our responsibility. We did not provide sufficient funds for available resources to check the foster home in which they would put this little kid. The result is this little kid is scarred for life.

I helped fix it on that particular reservation so that will not happen now. But why did it happen? They do not have the resources. One person handles 150 cases? That is unbelievable. A child gets injured, badly. It is going on all across this country on Indian reservations.

Again, I have told my colleagues about a hearing I held in which a young woman who had just assumed the job on an Indian reservation—this was for child welfare—said on the floor of her office was a stack of folders with allegations of child abuse, including sexual abuse of children. She said they have not even been investigated. Those folders sit there without an investigation because they do not have the resources.

She broke down at the hearing and began to sob, began to cry. She said: I have to beg and borrow to try to get a car to take a kid to a clinic or take a kid to see a psychologist or get mental health treatment. I don't have a vehicle, let alone the money to investigate the cases in the files on the floor.

I could go on at great length about diabetes, about all of the issues faced on these reservations.

My late colleague, Mickey Leland, with whom I traveled to many areas of the world, was a great humanitarian. He died when his plane crashed into a mountain in Ethiopia. He was a Congressman who worked with me and others on hunger issues. Mickey Leland came to the three affiliated tribes in North Dakota to hold a hearing.

This is what we discovered that day in the testimony about diabetes. They do not have double, triple or quadruple the rate of diabetes of the rest of the population: theirs was 10, 12 times the rate of the rest of the population. It is a devastating situation on Indian reservations. It means people are losing their legs, losing their good health, losing their lives, sitting through dialysis in a crowded room.

We have so many challenges to meet, and we are so far from meeting them with the necessary resources. These are the first Americans. I am talking about American Indians. They are the ones who greeted Christopher Columbus. These books that say Columbus discovered America—I am sorry, he was greeted by the American Indians, the first Americans. Yet we are not meeting our trust responsibility.

I suggest now is the time simply to take the step and say, if we care about health care, if we care about funding for these needs on Indian reservations in this country, let's do it. We have Third World conditions in some of these areas. Sarah Swift talked about a grandmother who goes to bed, lies down on a cot, and freezes to death. She freezes to death in this country. This was a Native-American grandmother, an American-Indian grandmother who at 35 below zero in the middle of the winter was living in a house that had only plastic sheeting on the window. She froze to death. One would think, if you read in the paper, it was a Third World country. No, that wasn't. That was South Dakota. We have to do better. That is the purpose of my amendment.

This amendment is paid for with $1 billion we take from the Federal Reserve surplus funding. Most of my colleagues—perhaps none of my colleagues know—in the Federal Reserve Board, there is an $11 billion—yes, I said it right—an $11 billion surplus fund. I call it the rainy-day fund. They should not have it, first of all. The Federal Reserve Board was created in the nineteen teens. We have a rainy-day fund so that if they run out of money, they have some money—$11 billion. How do you run out of money when you actually create money, for God's sake? The Federal Reserve Board does not need $11 billion.

Senator REID and I had the GAO do an investigation of this back in the 1990s. That was at a time when they had $4 billion to $5 billion. Now they have $11 billion squirreled away. I say take less than one-tenth of that and invest it in the health of America's first citizens, citizens who now all too often are living in Third World conditions.

I will not describe at greater length the health challenges. I have done it before in speeches in the Senate. I want one person to tell me it does not matter that a young kid is lying in bed today on an Indian reservation thinking of committing suicide, and tomorrow or the next day they may find that young child hanging from the closet as they found Avis Littlewind hanging from her closet after missing 90 days of school. Her sister, by the way, committed suicide 2 years before. The mental health services on that reservation did not exist to help these kids.

The question is, Do we want to help these kids? Do we want to meet our responsibility? Do we want to keep our promise and tell people this matters? It does to me.

My hope is, with this amendment, my colleagues will finally decide to do what is right and do what is necessary to invest in the things in which we need to invest to say to the Native Americans: Your health matters, too. Your education matters, too. Housing matters for you as well. That is our obligation.

I recognize I have to make a motion to waive the applicable sections of the Budget Act. The reason is because people with very small glasses and very narrow breadth of thought have decided that $11 billion sitting in a squirreled-away bank account as a rainy-day fund for the Federal Reserve Board, a board full of people wearing gray suits, living in a concrete building, squirreling away $11 billion—there are some people with these tiny glasses who decided this $1 billion cannot be used for this because it would violate the Budget Act.

I might observe, however, that on previous occasions in the Senate other Members of the Senate have found a way to use a portion of this in the normal process. So I suggest perhaps there is not a greater need than doing what we should do for the children I have just described and for those who are suffering, those who are living in poverty, those who through no fault of their own are having a tough time. This would be a great way to reach out our hand and say to them: You are not alone. Let us help you up and out of this situation. Let us help improve your lives.

When my colleague rises, I am sure in aggressive support of my amendment, I will ask for a proper waiver of the Congressional Budget Act.

I ask unanimous consent Senators BINGAMAN and JOHNSON be added as cosponsors of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, we have increased Indian Health Service this year quite a lot at $135 million. I agree with my colleague from North Dakota—it does not cover all the bases. It is one of the places we have increased the funds in this year's budget and this year's appropriation. Committees also provided $82 million over the administration request for the Bureau of Indian Affairs.

The increase comes at a time when all other agency budgets in the bill are not growing. In fact, many are declining. The EPA is reduced by $144 million below their current year level. The Forest Service is $648 million below theirs. The National Park Service is $51 million below theirs. I mention these reductions saying we have done everything this committee could do to channel more money into the places needed. We did that with regard to the Indian Health Service.

There are seven reservations in my State. We are very much aware of the shortcomings. We have one reservation we are trying to work awfully hard with right now because there is a shortfall in health services. Of course, we are trying to take care of that, protect the integrity of the tribe and also their budgets and their expenditures. We are trying to do that now. We have a real job on our hands as to how we balance the act.

Right now, the offset the Senator from North Dakota has proposed is not correct as CBO will not score that. This $1 billion, of course, comes under another category.

Mr. DORGAN. Will the Senator yield?

Mr. BURNS. I will yield.

Mr. DORGAN. The Senator uses the acronym CBO; some call it the Confused Budget Office. Is that the Congressional Budget Office or, on this amendment, the Confused Budget Office?

Mr. BURNS. We will try the Congressional Budget Office.

Of course, there are other things that have entered into this. I have often wondered why they always call it OMB, Office of Management and Budget. I think maybe they call it OB. Nonetheless, we can kick that around.

It does not score with the Congressional Budget Office.

The pending amendment, 1025, offered by the Senator from North Dakota, increases the discretionary spending in excess of the 302(b) allocation to the Subcommittee on Interior and Related Agencies of the Committee on Appropriations. Therefore, I raise a point of order against the amendment pursuant to section 302(f) of the budget.

Mr. DORGAN. Mr. President, pursuant to section 904 of the Budget Act of 1974, I move to waive the applicable sections of the act for the purpose of the pending amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BURNS. I ask unanimous consent this vote be set aside and we have this vote immediately after the debate as to 1026, which is the amendment of Senator SUNUNU to this act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I guess I have some time remaining. I yield back that time.

We are awaiting the arrival of the manager of the Sununu amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 1026

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SUNUNU. Mr. President, is my amendment the pending business?

The PRESIDING OFFICER. The Senator is correct. His amendment is the pending business.

Mr. SUNUNU. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, there is 30 minutes evenly divided.

Mr. SUNUNU. Mr. President, we are preparing to vote on an amendment that I think does justice to the taxpayers. It doesn't make any sense to have a timber program that costs the taxpayers nearly $49 million but yields less than $1 million in revenue. Unfortunately, that is the situation we have in the Tongass. A significant portion of funding goes to building roads that support the efforts of private timber companies. I don't think it is too much to ask to simply require that those companies pay the expense of the road building themselves and not ask the taxpayers to provide that subsidy.

This is a straightforward amendment. It doesn't change any designation on land. It doesn't create any new wilderness area. It doesn't create any new roadless areas. It simply says for timber operations to continue, the private timber firms must put up the money to build the roads.

I am a strong supporter and will remain a strong supporter of a multiuse concept for the national forests. It makes sense because they are important places. They are places that should be able to be enjoyed for recreation hunting or fishing or snowmobiling—and they have economic uses as well. Where the taxpayers are concerned, where Federal funds are concerned, we need to be a little bit more cautious, especially in a time when we have $300 or $350 billion deficits. Spending nearly $49 million, which was the tally in fiscal year 2004, for a program that yields revenues of $800,000 doesn't make any sense.

I urge my colleagues to support the amendment, and I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, it is interesting to stand before the Senate this afternoon to discuss this amendment in the context of fiscal responsibility. The amendment that is proposed by my colleague from New Hampshire is about eliminating a subsidy for the timber industry. But when we look to it, it is very specific. It is not the elimination of subsidies for assistance throughout our National Forest System. It is just specific as to one national forest, and that is the Tongass, located in the State of Alaska. If, in fact, what we are focusing on today is looking at cost cutting, looking at efficiencies, looking at elimination of Federal funding in areas where it doesn't make sense, should we not be looking at this amendment and its application across the country? Wouldn't the supporters want to hold timber programs in all national forests to the same standards to eliminate subsidies and financial waste?

When we look at a list of our national forests, we have some 111 national forests spread across the country. Mr. President, 105 of the 111 national forests spend more on their timber programs than they collect in their receipts. This is not just focusing on the Tongass because it is way out of whack in terms of the costs that are expended on the Tongass; 105 out of 111 of the national forests spend more on their timber programs than they collect in receipts. What we have today is an amendment that singles out the Tongass National Forest and no other national forest in the country.

Let's continue with the fiscal argument and how this doesn't work as it relates to the Tongass. According to the Forest Service, in fiscal year 2004, it cost $6.05 per acre to manage the Tongass National Forest, which is very comparable, if not more efficient, than most of these other national forests for which we have the analysis.

Looking to the White Mountain National Forest in the State of New Hampshire, to manage that forest on a per acre basis is $19.39. Again, the Tongass cost per acre, in terms of management, is $6.05. Why aren't we looking at what is happening in the White Mountain National Forest in New Hampshire?

The Forest Service has in place in the Tongass a program that is designed to produce 150 million board feet a year. Yet 238 million board feet is on hold because of appeals and litigation. That is about a year and a half of product that can't get to market because of litigation. Seventy five percent of the costs associated with the timber program in the Tongass are the result of NEPA appeals and litigation. It is estimated that without these costs, the Tongass timber program could produce on average of about a 13-percent profit margin. So we recognize that we have some issues going on in the State of Alaska, particularly in the Tongass, that we are not seeing outside. We understand that the rate of litigation or the incidence of litigation in the Tongass is four times that of litigation that goes on with sales in any of the other national forests.

The economic argument, I contend, doesn't hold up. You can't separate the economic argument from the frivolous lawsuit argument. The reason the costs are so high is because of the lawsuits. You solve the lawsuit problem and you solve some of the economic problem.

It is interesting. The same organizations that are all about this amendment in trying to shut down any road activity in the Tongass are the same people filing the lawsuits. The reality is that the Tongass National Forest is singled out because it has been on the hit list of environmental groups who really oppose all logging, specifically in the Tongass.

I know my colleague's intention is not to change the status to wilderness. It is not to shut down the timber industry. But, in fact, that is what the impact of this amendment would be, to effectively shut down the industry in the Tongass. It would put hundreds of Alaskans in small rural communities out of work, communities that are dependent on the timber industry for their survival. It would work to eliminate the timber receipts that we receive in our schools that help educate our kids. It would devastate the economy in southeast Alaska, an economy that has already been so hard hit. We are looking at unemployment rates so far above the national average and, in the Southeast, an average that is absolutely unacceptable, 9 percent, 10 percent.

I understand it is not the intention of the Senator from New Hampshire and the Senator from New Mexico to shut down the Tongass, but that is what it is going to do.

If, in fact, we are going to talk about the fiscal side, if we are going to look to the elimination of subsidies, it should not just be about the Tongass. Let's take a look. Maybe we need to have hearings in the Energy Committee's Subcommittee on Public Lands and Forests and bring everybody together, put them at the table—the timber industry, the communities, the taxpayer advocate groups, environmental groups. Let's hear about it.

We have several colleagues who would like to speak on the amendment this afternoon. Before I sit, it is important to correct the record. Supporters of this amendment have said that the Tongass spent $49 million on its logging program in 2004. In fact, the correct amount that was spent on the Tongass program in 2004 was $22.5 million. They also say that the revenue on the Tongass in this same time period was $800,000. In fact, it was $2 million. I want to make sure we have the numbers straight as we are looking at this and where they are being spent.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator reserves the remainder of her time. Who yields time?

Mr. SUNUNU. Mr. President, the issue here isn't the cost to manage a national forest because we recognize national forests are special places. We want to manage them. We want to operate them. We want to run them for the enjoyment of people, and different forests are going to have different requirements and different costs associated with that management. Whether it is $1 an acre or $1,000 an acre, we want them to be run in an efficient way. It is not about the cost of management. It is not about the profitability of a timber program. As was pointed out, most of the timber programs technically lose money on a profit-and-loss basis. What it is really about is, in looking at those timber programs, should the taxpayers pay for the costs of building the roads, or is that a cost that should be borne by the private enterprise?

That is what this debate is about and the answer is no. Certainly, in the case of the Tongass, that is an area where more money is being spent to build more roads to benefit private companies with the least return imaginable.

I yield 4 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for yielding the time.

I want to speak briefly in support of the Sununu amendment. This amendment is simple. It is narrow. It is clear. It provides that none of the funds appropriated in the bill can be used to plan or construct new logging roads for private logging companies in the Tongass. Some would say: Why single out the Tongass? How does that relate to my State or the area of the country I represent?

I think we have to have a little context for this amendment. We are debating an extremely tight budget for the Forest Service, one that simply does not come close to meeting the needs of the National Forest System. That is the reality that is being brought on by the growing deficits and the resulting cuts in spending.

Let me give a few examples of the cuts that are found elsewhere in this bill. This bill cuts the State and Private Forestry account by $87 million. That includes a 45-percent cut in critical funding to protect communities from wildfires, leaving volunteer fire departments and other responders underfunded and leading to greater risk to life and property. This is made worse by a $353 million cut in the Federal Wildfire Management account. It also includes a 30-percent cut in the Forest Health Management account.

A program that rehabilitates and restores areas burned by wildfires is cut in this budget by 84 percent. The bill cuts more than $180 million from the Capital Improvements and Maintenance accounts, which fund the road construction and maintenance in the Tongass and in the rest of the country. That account already is more than $10 billion in the red. So that gives people some sense of the extreme cuts that are taking place elsewhere in the Forest Service budget.

In stark contrast to that are the accounts used to support logging in the Tongass National Forest. Rejecting the President's proposed cuts in those accounts, this bill would increase funding for logging programs in the Tongass. It takes money from the programs throughout the rest of the country and puts it into the logging program in the Tongass.

That is why it is important that this amendment pass. We need to be sure that taxpayer dollars are going where the most good can be done for the public. It is no wonder that Taxpayers for Common Sense, the National Taxpayers Union, Citizens Against Taxpayer Waste, and many other organizations and businesses have objected to this program and the funding that is being provided.

In February of this year, the Congressional Budget Office joined in and proposed eliminating the Forest Service timber sales in Alaska and elsewhere as a way to save taxpayers $130 million in 2006.

Mr. President, I believe this is a very meritorious amendment. I hope my colleagues will support Senator SUNUNU and me on this. The Federal deficit clearly is too high. It cuts critical programs in our States too deep. Taxpayer money is too precious for us to spend it in this way. This amendment would help correct that problem.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Ms. MURKOWSKI. I yield 1 minute to the Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise in opposition to this amendment. I have found myself in similar situations as the Senators from Alaska, with my State of Nevada being singled out and, for this reason, I am very sympathetic to their concerns. I believe that we cannot overemphasize the importance of this road funding to the people in southeastern Alaska. Local lumber jobs in the Tongass have decreased from 5,000 in 1990 to just a thousand today, putting a strain on the surrounding communities. Furthermore, the price of lumber has skyrocketed in the United States. My State is home to Las Vegas, which is the fastest growing city in America. We have seen the cost of lumber and other products soar.

I believe it is important to preserve funding for these roads so that we can continue to have a reliable supply of lumber across the country. I urge my colleagues to join with the Senators from Alaska in keeping this small part of the Tongass accessible to development.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, it is always frustrating when different people are working with different numbers. The suggestion was made that the program costs about $22 million. I have here the Forest Service budget submission for the coming fiscal year as well as data on fiscal years 2004 and 2005. For this region's two forests, Chugach and Tongass—there is no forest, paper, or timber program in the Chugach, so we have two line items. One is forest products, $23.342 million. The other is roads, $22.325 million. That adds up to more than $45 million in their budget estimate for fiscal year 2005. If you look at fiscal year 2004, forest products is $27.379 million and roads is $21.273 million. That adds up to nearly $49 million. And if you look at the coming fiscal year, fiscal year 2006, the budget request for forest products is $21.462 million and for roads it is $17.306 million. That adds up to almost $39 million.

I ask unanimous consent this list be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Allocations to Regions, Stations, Area, FY 2004-2005, Estimated FY 2006

($ in thousands)

	Region 10			Forest Products Lab		
	FY04	FY05	FY06 PB	FY04	FY05	FY06 PB
Forest and Rangeland Research	0	0	0	21,555	20,632	21,532
State & Private Forestry						
Forest Health Management - Federal Lands	2,025	2,133	2,053	0	0	0
Forest Health Management - Cooperative Lands	392	834	200	0	0	0
State Fire Assistance	1,132	823	603	0	0	0
Volunteer Fire Assistance	111	130	130	0	0	0
Forest Stewardship	697	705	840	15	0	0
Forest Legacy Program	478	57	671	0	0	0
Urban and Community Forestry	220	207	191	0	0	0
Economic Action Program	2,075	3,160	0	703	314	0
Forest Resources Information and Analysis	0	0	0	0	0	0
International Forestry	0	0	0	0	0	0
Total, State & Private Forestry	7,130	8,049	4,688	718	314	0
National Forest System						
Land Management Planning	906	1,067	857	0	0	0
NFS Hazardous Fuels	0	0	1,390	0	0	0
Inventory and Monitoring	7,934	8,004	4,837	10	0	0
Recreation, Heritage, and Wilderness	12,483	10,900	11,258	0	0	0
Wildlife and Fisheries Habitat Management	11,113	10,267	9,453	0	0	0
Grazing Management	0	0	0	0	0	0
Forest Products	27,379	23,342	21,462	0	0	0
Vegetation and Watershed Management	6,744	7,617	5,126	0	0	0
Minerals and Geology Management	2,175	2,318	2,535	0	0	0
Landownership Management	5,463	6,024	4,319	0	0	0
Law Enforcement Operations	3,027	0	0	0	0	0
Valles Caldera National Preserve	0	0	0	0	0	0
Centennial of Service	0	1,000	0	0	0	0
Total, National Forest System	77,224	70,539	61,237	10	0	0
Wildland Fire Management						
Fire Preparedness	3,237	3,397	3,394	0	0	0
Fire Operations -- Suppression	0	0	0	0	0	0
Hazardous Fuels	913	1,919	0	152	652	0
Rehabilitation and Restoration	0	0	0	0	0	0
Fire Research and Development	0	0	0	727	708	575
Joint Fire Sciences	0	0	0	0	0	0
Forest Health Management -- Federal Lands (NFP)	153	196	0	0	0	0
Forest Health Management -- Cooperative Lands (NFP	365	336	0	0	0	0
State Fire Assistance (NFP)	6,237	6,749	842	0	0	0
Volunteer Fire Assistance (NFP)	279	270	270	0	0	0
Total, Wildland Fire Management	11,184	12,867	4,506	879	1,360	575
Capital Improvement & Maintenance						
Facilities	12,810	13,830	8,365	3,283	3,746	10,043
Roads	21,273	22,325	17,306	0	0	0
Trails	6,300	5,522	5,082	0	0	0
Infrastructure Improvement	2,059	758	929	300	162	162
Total, Capital Improvement & Maintenance	42,442	42,435	31,682	3,583	3,908	10,205
Land Acquisition						
Land Acquisition -- Land and Water Conservation Func	39	60	60	0	0	0
Acquisition of Lands for National Forests, Special Acts	0	0	0	0	0	0
Acquisition of Lands to Complete Land Exchanges	0	0	0	0	0	0
Total, Land Acquisition	39	60	60	0	0	0
Range Betterment Fund	0	0	0	0	0	0
Gifts, Donations, and Bequests for Research	0	0	0	0	40	60
Management of NF Lands for Subsistence Uses	5,467	5,879	5,467	0	0	0
Permanent Working Funds						
Brush Disposal	0	0	0	0	0	0
Timber Salvage Sales	500	2,178	1,500	0	0	0
Other	0	3,222	4,746	0	0	0
Total, Permanent Working Funds	500	5,400	6,246	0	0	0
Trust Funds Subtotal	1,583	2,113	1,823	0	450	0
TOTAL, Regular FUNDS	145,569	147,342	115,709	26,745	26,704	32,372

Total does not include Payments to States
Amounts do not include Emergency or
Supplemental Funding

Mr. SUNUNU. Mr. President, I yield 4 minutes to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I applaud the Senator for his courage in taking on this issue. I have watched the Senator from Alaska, Senator MURKOWSKI, speak in a passionate and advocating fashion, and I admire her knowledge of the facts and her advocacy. Unfortunately, I am supporting the amendment. It offers Members an opportunity to vote for the taxpayers' interests and put a halt to wasting their hard-earned dollars for the construction of new roads in the Tongass National Forest. The word "new" is key here because, according to the U.S. Forest Service, the existing road system already allows loggers access to more timber than the average annual cut in the Tongass for the past 3 years.

Not only do the existing roads—5,000 miles already bought and paid for by taxpayers—offer access to more timber than the timber companies can harvest, the Forest Service can't even sell the harvested timber at rates to recoup the costs of road construction and timber sale preparation.

So this program is a double insult to American taxpayers. Federal funds are first used to construct Tongass roads and prepare the timber sale and then the Forest Service sells that timber for a fraction of the federal investment.

My colleagues from Alaska have argued that this amendment singles out this national forest from all the rest and they are simply seeking equal treatment for Alaska. The reason that this amendment recognizes the Tongass is because it is the most consistently wasteful timber sales program in the entire National Forest System.

While we can't fix the entire broken Forest Service timber sales program today, we can fix this most egregious example of waste and mismanagement of scarce Federal dollars and that is the Tongass.

The Forest Service website indicates that road building in the Tongass is by far the most expensive in the National Forest System, with construction costs of $150,000 per mile—remarkable. At the same time, the existing Tongass roads already face a $100 million maintenance backlog.

My colleagues from Alaska have not denied the fact that hundreds of millions of taxpayer dollars have subsidized the unprofitable Tongass timber program, but instead have made the extraordinary argument that "the timber sales program on National Forests is not supposed to be profitable".

When Congress established the Forest Service as stewards of the National Forests one hundred years ago, it was charged with the management of these public lands for commercial, recreational, and other purposes for the benefit of the American public. I'm sure no one conceived of the situation in the Tongass which has been detrimental to public interests for decades. Since 1982, taxpayers have provided more than $850 million subsidizing the logging industry in the Tongass National Forest alone. Between 1982 and 2002, cumulative losses for Tongass timber sales reached $750 million, or an annual average loss of $37 million.

In 2004, the Forest Service spent more than $48 million on the Tongass timber program, but took in less than $800,000 from timber companies. This amounts to a taxpayer subsidy of more than $160,000 per logging job in the Tongass. Nice industry profit, but it is long past time that we stop this.

Ironically, this program isn't even good for the Alaska economy. While a few hundred loggers are benefiting at taxpayers expense, many more Alaskan jobs that depend on recreation, small-scale logging, and tourism-related industries are harmed by the extensive road building, clear-cutting, and resulting degradation of water and wildlife resources.

Perhaps that is why more than 1000 sporting and gun clubs as well as local businesses have joined with taxpayer and conservation groups in opposition to the construction of new roads in the Tongass and in support of this amendment.

Every once in a while, a State or community has to go through a wrenching change: It is time for a change in the Tongass National Forest. I hope my colleagues will approve this amendment. Over time, I hope it will prove beneficial to the State of Alaska.

The PRESIDING OFFICER. Who yields time?

Ms. MURKOWSKI. I yield a minute and a half to my colleague from Idaho, with the balance of the time to be yielded to my colleague from Alaska.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, yesterday, our friend and colleague from New Hampshire said this amendment is not about being a wild-eyed environmentalist, but that it is about being fiscally responsible. So I am going to take the fiscally responsible side of that argument and say, let us open Pandora's box. I think this amendment does it. This bill includes $254 million for State and private forestry assistance. I doubt that New Hampshire gets any of that. It also includes $257 million for recreation, wilderness, and heritage management.

Should we not hold the recreational industry to the same standard we are holding the logging industry—no subsidy and everybody who hikes pay your own way? That is part of the argument. If we are going to hold the Tongass Forest to the standards we would be holding it to in this amendment, to cut the resources—what about the community action programs? The Senator from New Mexico said he made the decision—are we not going to invest in the community forestry program for the State of New Mexico and the communities that benefit from that? Cut them all. If that is the principle we apply here, cut them all. Eighty percent of the timber sales on public lands in this country to supply our fiber needs are now held up in the courts for legal action. Those are the realities, while the timber pours in out of Canada and cuts jobs out from rural America. That is exactly what is going on.

No, not a wild-eyed environmental logic, a fiscal logic; let's take out the programs for recreation and wilderness and trail maintenance and let the public pay their fair share.

Mr. SPECTER. Mr. President, I have sought recognition to discuss my vote on the Sununu-Bingaman amendment No. 1026 to the Interior appropriations bill for fiscal year 2006. I oppose the amendment due to my concerns that it unfairly singled out one national forest in Alaska instead of crafting a policy that may be implemented across the national forest system.

The Sununu-Bingaman amendment would prohibit any funds in the bill from being used to plan, design, study, or construct new forest development roads in the Tongass National Forest for the purpose of harvesting timber by private entities or individuals. I understand that the Federal Government subsidizes timber programs in all 111 national forests, including the Allegheny National Forest in Northwestern Pennsylvania. While the amendment did not prohibit logging in the Tongass, it would have created a special prohibition on new road building for logging operations in that forest when compared to other national forests.

If Congress is to craft rules pertaining to the Federal logging program, it should be done in a more constructive manner than offered today. The issues of road building, maintenance backlogs, and future logging should be dealt with first by each national forest individually, in the context of its management plan. Congressional action should be a last resort. If Congress should reconsider the Federal logging program, I urge the amendment's proponents to submit a plan for consideration.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, if the other side has time left, I will wait.

The PRESIDING OFFICER. The time is controlled by the Senator from New Hampshire and the Senator from Alaska.

Who yields time?

Ms. MURKOWSKI. Mr. President. I think my colleague from Alaska will allow the other side to go next, if that is OK with my colleague.

Mr. SUNUNU. I yield our remaining time to the Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to express my support for the Sununu-Bingaman Tongass amendment.

I support this amendment for one simple reason: it ends a fruitless subsidy that costs taxpayers millions of dollars a year. Yes, I do want to see the rare Alaskan Tongass rainforest protected, but that is not what this amendment does. Let me be very clear about this point. This amendment does not place a prohibition on logging. It does, however, place a prohibition on taxpayers footing the bill for logging.

Alaska's Tongass National Forest contains represents the biggest block of intact old-growth forest in Alaska and is the largest intact temperate rainforest in the world. Yet the Tongass is the Forest Service's biggest money-losing timber program. Since 1982, over $850 million has been lost on Tongass logging as a result of subsidies, uncompetitive bidding practices, and vastly undervalued timber sales.

We hear that this amendment will result in a loss of jobs. This argument concerns me because I recognize the timber industry's role in my home State of Wisconsin. Upon closer examination, though, I understand that this year alone, U.S. taxpayers have spent $163,000 for every direct timber job created by logging the Tongass. That is roughly four times the average U.S. household income this year—and certainly more than loggers in Wisconsin are getting paid in Federal dollars. Something is wrong with this picture.

I support the Sununu-Bingaman amendment and urge my colleagues who care about fiscal responsibility and care about the environment to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. It is unfortunate that some people don't read numbers correctly. The Tongass land use plan, for instance, cost $13 million. The Forest Service spends most of its money in Alaska on planning and designing the roads and defending the lawsuits brought by the environmental organizations that encouraged these Senators to bring this amendment. As a practical matter, of the 17 million acres in the Tongass, 676,000 acres—4 percent of the forest—is subject to harvesting.

Some time ago, Congress decided the Forest Service should build the roads in Alaska—not the private industry but the Forest Service—because of fish and wildlife concerns, recreation concerns, and concerns of those people who want access to the islands. There are no roads here. The reason we have this problem is we don't have Federal highway money in this area. The area is almost as big as New England. The only roads built there are for access to timber development. The study for those roads takes more money than building the roads. The defense of the litigation takes more money than both. As a matter of fact, 75 percent of the money spent in the Tongass is spent for environmental concerns and defending the litigation that is brought time and again against any contract to allow people to harvest timber.

Four times as many lawsuits are brought against timber sales in Alaska than are brought in all the rest of the country.

This amendment does not cut a dime from the budget—not one dime. It is not saving any money. It just says money cannot be spent in Alaska. Where is it going to be spent? It is going to be spent in the other National forests.

Mr. President, I will submit for the record a chart that shows that in the Tongass in fiscal year 2004, only $3.6 million was actually used in road support.

This is not a case of saving money. As a matter of fact, the Forest Service's planning, designing, and construction of timber roads is for the protection of the wildlife, the fish, and the scenic recreation areas for residents and visitors.

I do believe Alaska's timber roads are more expensive because of the environmental studies that must go on. They plan and design these areas for years before we are allowed access to the timber. We do that, again, to ensure the roads are designed properly.

This was a compromise with the environmental community. In years gone by, the private industry did build the roads. The environmental community did not like it. They said we couldn't do it unless we have a plan and the Forest Service carries out that plan. It designs and plans the roads and does all the environmental work that is not done in the private sector. Actually, only 25 percent of the money is spent for preparation and administration of these areas.

I do believe, unfortunately, that my friends are hiding the fact that they are bringing an environmental amendment. This is not an amendment to cut money. I challenge anyone to show it will save a dime. It will not save one dime because it does not cut money from this budget.

This is not about spending. If it were, it would apply to all forests. If Senators want to bring an amendment to reduce the budget, to cut the money for road building, then that would be another matter. The Tongass has a better monetary rate of return per dollar invested than 13 national forests and the same monetary return as 17 of them.

Mr. President, I ask unanimous consent to print in the RECORD two charts following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. STEVENS. Mr. President, this is not a fiscal amendment. This is an amendment to require that no money be spent to plan, design, or construct roads. What for? For timber development. But timber roads are also built for forest management, for fish and wildlife protection, for recreation. The people involved in the administration of fish and wildlife laws use those roads. The hikers and campers use those roads. The roads are built so pedestrians go across the bridges and do not go across the bottom of the streams, as they used to. In the private sector days, the Caterpillars used to go right through the streams, damage the streams, damage the habitat for fish and wildlife, and we changed that. The Forest Service plans and designs the roads, and we construct bridges over every single little stream. We protect the environment.

Now we are being accused of spending too much money because why? We are protecting the environment and defending the lawsuits against the environmental groups that bring them.

I urge the Senate to reject this amendment. As I say, it does not cut a dime from the budget.

EXHIBIT 1

FY 2004 TIMBER ROAD COSTS: TONGASS NATIONAL FOREST

CMRD Allocation: $19.04 million.
Timber Purchase Credit: $228,000.
Maintenance: $3 million.
Timber Road Support: $3.6 million.

The Tongass National Forest's monetary return per dollar invested is 2 percent.

THIRTEEN NATIONAL FORESTS THAT HAVE MONETARY RETURNS LESS THAN THE TONGASS'S

State/Forest	Monetary return per $ invested (percent)
California—Los Padres National Forest	1
California—Mendocino National Forest	1
California—Six Rivers National Forest	1
California—Plumas National Forest	1
California—San Bernardino National Forest	1
Illinois—Shawnee National Forest	0
Indiana—Hoosier National Forest	0
Montana—Bitterroot National Forest	1
Nebraska—Nebraska National Forest	0
New Mexico—Gila National Forest	1
New Mexico—Lincoln National Forest	1
Ohio—Wayne National Forest	1
Tennessee—Land Between the Lakes NF	0

SEVENTEEN NATIONAL FORESTS THAT HAVE THE SAME MONETARY RETURN PER DOLLAR INVESTED AS THE TONGASS—2

Forest/state	Monetary return per $ invested (percent)
Arizona—Apache Sitgreaves	2
Arizona—Coconino National Forest	2
Arizona—Coronado National Forest	2
Arizona—Prescott National Forest	2
California—Cleveland National Forest	2
California—Modoc National Forest	2
California—Sequoia National Forest	2
Georgia—Cattahochee Oconee National Forest	2
Kentucky—Daniel Boone National Forest	2
New Mexico—Carson National Forest	2
New Mexico—Cibola National Forest	2
New Mexico—Santa Fe National Forest	2
New Mexico—Tonto National Forest	2

SEVENTEEN NATIONAL FORESTS THAT HAVE THE SAME MONETARY RETURN PER DOLLAR INVESTED AS THE TONGASS—2—Continued

Forest/state	Monetary return per $ invested (percent)
Nevada—Humboldt-Toiyabe National Forest	2
Oregon—Ochoco National Forest	2
Tennessee—Cherokee National Forest	2
Utah—Manti-La Sal National Forest	2

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SUNUNU. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

VOTE ON AMENDMENT NO. 1025

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to amendment No. 1025. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

The PRESIDING OFFICER (Mr. SUNUNU). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 47, nays 51, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—47

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Coleman
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Smith
Stabenow
Thune
Wyden

NAYS—51

Alexander
Allard
Allen
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NOT VOTING—2

Bennett
Lieberman

The PRESIDING OFFICER (Mr. SUNUNU). On this vote, the yeas are 47, the nays are 51. Three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1026

The PRESIDING OFFICER (Mr. MARTINEZ). The question now is on agreeing to amendment No. 1026. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Utah (Mr. BENNETT).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 59, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—39

Bayh
Biden
Bingaman
Boxer
Cantwell
Carper
Chafee
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
McCain
Mikulski
Murray
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Sununu
Wyden

NAYS—59

Akaka
Alexander
Allard
Allen
Baucus
Bond
Brownback
Bunning
Burns
Burr
Byrd
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kyl
Landrieu
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Bennett
Lieberman

The amendment was rejected.

Mr. BURNS. I move to reconsider the vote.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to Senator SMITH for a brief statement without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I thank Senator BYRD. I will be very brief. I ask unanimous consent that I be permitted to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SMITH are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, there is a crisis in the veterans health care system. The VA has belatedly admitted it is desperately short of cash and cannot make ends meet. What are the results? As a result, our veterans are in real danger of being shut off from the medical care they so urgently need and so rightly deserve. They are already suffering the indignity and the physical toll of understaffed medical facilities and dangerous delays in treatment. This is a shabby way to treat America's veterans.

There are some who will say it is premature to add emergency funding for the VA to this bill and that we need to wait for more data to be collected and more numbers to be crunched. I say we have waited too long already. We have been hearing since the beginning of the year of the difficulties the current budget shortfall has caused the VA hospitals and clinics around the country. Due to budget shortfalls at the regional level, many of our local VA hospitals and clinics are being forced to institute hiring freezes and having to spend money set aside for equipment and maintenance on health care.

Let me give Senators one example. According to information gathered by the Senate Committee on Veterans' Affairs, the Togus Veterans Medical Center in Maine came up against a $14.2 million shortfall in mid-January for this fiscal year. To reduce the budget gap to $7 million, the center has diverted funds intended for equipment and left staff vacancies unfilled. The facility has not been able to purchase a needed magnetic resonance imaging, MRI, machine due to the budget shortfall.

That is just one example. The administration's plan to deal with the current shortfall includes postponing $600 million worth of repairs and equipment such as the MRI machine that the Togus Medical Center cannot afford to provide to its clients. Sophisticated diagnostic and imaging machines that produce MRIs, high-resolution X-rays, Sonograms, and CAT scans are essential to the delivery of first-rate health care.

We cannot have first-class health care in an outdated facility with second-class equipment. I am not willing to postpone fixing the roofs of clinics or purchasing needed equipment, and the VA should not be willing to do so either.

The people at the VA headquarters do not like to talk about these problems. They would like us to believe that everything is just fine. But from the stories many of us—many of us on both sides of the aisle—are hearing from our own States, we know better. The doctors and the nurses and the medical technicians in the field who are working in these understaffed, underequipped facilities, also know better. And our veterans—our veterans, the men and women who have put their lives on the line; our veterans—who are bearing the brunt of the budget shortfall know better, also.

The Department of Veterans Affairs continues to claim that it can work around the budget shortfalls this year, but to do so, they will have to rob Peter to pay Paul. By deferring spending for some items and shuffling money around in other accounts, the VA is just pushing the problem off into next year and compounding the difficulties already facing the VA health care system. Even Secretary Jim Nicholson admits that this is not a one-time problem. According to his testimony yesterday before the Senate Veterans' Affairs Committee, the VA faces a budget shortfall of about $1.5 billion—$1.5 billion, with a capital "B"—in fiscal year 2006. Mind you, now, mind you, Mr. President, this is on top—this is on top—of the $1-billion-plus shortfall the VA is experiencing this year.

Senator PATTY MURRAY warned of this shortfall 2 months ago. She was right. She was right then and she is right now. One does not wait for depth soundings to throw a lifeline to a drowning man, and we should not wait for the administration to keep testing the water before we throw a lifeline to our deserving veterans. The crisis in veterans' health care is now—now—now—and the time to act is now, today.

The Murray-Byrd-Feinstein amendment addresses the current shortfall. Our amendment provides $1.42 billion to restore the funding that the VA has had to divert from current requirements to balance the books this year and to provide a much needed shot of supplemental funding to the VA's regional operations.

I understand that our colleague, Senator LARRY CRAIG and others, as a result of his Veterans' Affairs Committee hearing yesterday, intend to offer a second-degree amendment to the Murray-Byrd-Feinstein amendment today that would round up—or round off—the amount of 2005 supplemental funding for the VA from $1.42 billion to $1.5 billion. I welcome Senator CRAIG's initiative. I hope we can come to an agreement that the entire Senate can support. And I look forward, to cosponsoring Senator CRAIG's modification.

Make no mistake about it, this amendment addresses only the administration's shortfall for 2005, which is why we are designating these funds as emergency funds. This will not solve the problem in fiscal year 2006 or beyond. To address those problems, we call on the administration—we call on the White House—to send up a 2006 VA budget amendment immediately and to budget responsibly for veterans health care in future budget requests.

But we cannot afford to wait until next year to address the immediate shortfall in the 2005 VA budget. This is not business as usual. This is not business as usual. The ability of the VA to deliver health care to scores and more scores of veterans is at stake. I welcome my Republican colleagues to the table. Come, sit down. Join us. I urge Senators on both sides of the aisle—over to my right and those on my left—to do the right thing for our Nation's veterans. The VA needs this money now. The Senate has both the opportunity and the obligation to provide it now. Let us not delay.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania.

AMENDMENT NO. 1071 TO AMENDMENT NO. 1052

Mr. SANTORUM. Mr. President, I call up a second-degree amendment that is at the desk, the Santorum-Craig-Hutchison-Kyl amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TALENT, Mr. THUNE, and Ms. COLLINS, proposes an amendment numbered 1071.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, line 2, strike the word "Sec" through page 1, line 9 and insert the following:

Sec. 429. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall be available until expended.

Mr. SANTORUM. Mr. President, this is the amendment that was just referred to by my colleague from West Virginia. It is an amendment that takes the level of funding in the underlying amendment up to $1.5 billion and has that money spread to where the need is the greatest with respect to the problems and the shortages within the Veterans' Administration. It leaves the Secretary the ability to make that decision. We think that is vitally important, when there is a shortfall, that the money goes to where it is most needed.

I would say that I do this on behalf of the Senate Republican leadership. All of us in our meetings this week have been quite dismayed by what was apparently bad management, bad forecasting over in the Department of Veterans Affairs, as well as the problems of communicating that information accurately to the Congress.

So as a member of leadership, we wanted to offer this amendment, in I think very strong terms, to show our concern about the lack of communication, about the problems that were going on in the Veterans' Administration in the health care area. It is vitally important, particularly at a time of war, when we have a lot of our men and women who have been injured in that war moving over from the Department of Defense health care facilities to the Veterans' Administration health care facilities, that we get accurate information as to what the impact of that is and that we can budget for it accordingly.

In fact, in April of this year, as the Senator from West Virginia just alluded to, many of us on this side of the aisle voted against an amendment by Senator MURRAY because of the understanding and assurances by the Veterans' Administration that there was sufficient funding to provide for veterans health care. We were in error. Senator MURRAY was right. And I am not happy that we were put in a position to vote against an amendment that, as we now find out, was needed. But we got bad information.

So this is an attempt to rectify that situation. Let's hope it does not happen again. It cannot happen again. I hope the fact that members of the Republican leadership are on this amendment, as well as the chairman of the Veterans' Affairs Committee, and the chairman of the subcommittee of jurisdiction, Senator HUTCHISON, on the Appropriations Committee, sends a very loud and clear message to the administration that we like straight dealing when it comes to the issues of providing quality health care to our Nation's veterans.

I congratulate our colleagues over in the House and the chairman of the Veterans Affairs Committee over there, Congressman BUYER, for his work in digging and getting some of this information to the fore.

I was at a VFW State convention a couple weeks ago, on June 17, and was asked some pretty pointed questions about veterans health care and was told that there were real problems in our State of shortages and the shifting of moneys. And so that was a Friday. The following Monday is when this hearing occurred—on June 20. Subsequently, as a result of the input I was getting from veterans in that hearing, I sent a letter to Secretary Nicholson last week expressing my, shall I say, deep concern about this and about this shortfall of funding and about the lack of candor on the part of the administration in telling us what was going on with the funding of our veterans facilities.

Mr. President, I ask unanimous consent that letter dated June 24, 2005 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
DIRKSEN SENATE OFFICE BUILDING,
Washington, DC, June 24, 2005.

Hon. R. JAMES NICHOLSON,
Secretary of Veterans Affairs, Department of Veterans Affairs, Washington, DC.

DEAR SECRETARY NICHOLSON: I WRITE TODAY TO EXPRESS MY GRAVE CONCERNS WITH DEPARTMENT OF VETERANS AFFAIRS' FISCAL YEAR 2005 BUDGET SHORTFALL.

News of this shortfall is extremely disturbing in light of your assurances that the Department of Veterans Affairs did not need additional funding in fiscal year 2005 to care for our nation's veterans. It was this assurance that influenced me to oppose emergency supplemental funds for the Department this spring.

Following the Senate's vote to reject these emergency supplemental funds, my staff and I met with veterans concerned about the immediate funding needs of the Department of Veterans Affairs. During these meetings, I learned that medical centers, because of financial constraints, had begun shifting capital funds into health care accounts to maintain health care services for veterans.

I am disappointed that the Department was not more forthcoming about these financial constraints. Had the Department been candid and transparent in its assessment of financial needs during the current fiscal year, the outcome of a recent Senate vote might have been very different.

So that we can be responsive to the health care needs of veterans, I urge you to immediately begin working with the White House, the Office of Management and Budget, and Congress to address the funding shortfall impacting the Department in fiscal year 2005. With the support of Chairman Craig and Chairman Hutchison of the Senate Appropriations Subcommittee on Military Construction and Veterans Affairs, I am confident the Senate can address this shortfall.

In the future, when providing comment to Congress, I urge you to be candid when asked for your personal views on matters impacting the needs of the Department of Veterans Affairs. There may be instances where you believe that the Administration has erred or provided incomplete information. We look to you to be the person who can inform Congress on the needs of the Department and our nation's veterans.

I appreciate your consideration of this matter and please know of my interest in working with you to address this problem.

Sincerely,

RICK SANTORUM,
U.S. Senate.

Mr. SANTORUM. I expressed in this letter that I was disappointed the Department was not forthcoming, and I was hopeful they would come forward and let us know what was necessary, how much money was needed, so we could then respond. And as I mentioned in the letter, I was confident the Senate and the House would respond.

I think what you are seeing here today is my prognostication is correct. We are going to respond, and we are going to respond with the money they say they need.

Now, I would suggest that if you look at the analysis that Senator BYRD provided for us as to where this money is coming from, some of it was unanticipated and, potentially, you could argue was something that could not have been forecasted or budgeted with the number of people who are transferred from the Defense Department over to the VA as a result of the conflict in Iraq and Afghanistan. But a lot of this was simply just poor administration and not accurately forecasting the utilization of the system.

I think we have to do a better job of understanding what the needs are, what the demands are and have a better understanding of what the budget should be and accurately reflect that budget in submissions to the Congress.

So I know the chairman of the Veterans Affairs Committee in the Senate, Senator CRAIG, has had those kinds of candid conversations with the Secretary. I know all of us look forward to working cooperatively with the new Secretary in making sure we can get the information we need to be able to properly provide for the health care needs of the veterans whom we have promised to serve.

Mr. President, I thank my colleagues for joining in putting this amendment forward. I thank the Senator from Washington for her work and for her diligence and early work in this area. I am glad we were able to work together. Hopefully, we will work in a bipartisan way not just to provide these resources but to make sure we get a better and more accurate accounting of the cost of providing the care that our veterans need here in America.

Mr. President, I yield the floor.

Mr. REID. Mr. President, this Monday all over America there will be celebrations regarding the Fourth of July, our Independence Day. It is a time that we celebrate our independence, but at this time in the history of our country, we certainly must celebrate and salute our veterans. Jim Nicholson is a veteran. I am sorry I didn't acknowledge his service to the U.S. military in addition to his being the chair of the NRC prior to his taking over the job as Secretary of the Department of Veterans Affairs. I thank him personally for his service.

But I will not be lectured to about civility by the junior Senator from Pennsylvania who has repeatedly disrespected veterans. Three times he opposed funding for veterans, votes in committee and here on the Senate floor.

I ask unanimous consent that his voting record be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RECORD VOTE **55**

BUDGET RESOLUTION, 2006
(VETERANS' MEDICAL CARE)

S. Con. Res. 18 **AMENDMENT NO. 149**

Akaka, et al., amendment which increases funding for veterans medical care by $2.8 billion in FY 2006; provides $2.8 billion in deficit reduction; and offsets by closing corporate tax loopholes.

AMENDMENT REJECTED

YEAS (47)			NAYS (53)			NOT VOTING (0)	
Democrats (45 or 100%)		**Republicans (2 or 4%)**	**Democrats (0 or 0%)**	**Republicans (53 or 96%)**		**Democrats (0)**	**Republicans (0)**
Akaka	Kerry	Chafee, L.		Alexander	Hatch		
Baucus	Kohl	Coleman		Allard	Hutchison		
Bayh	Landrieu			Allen	Inhofe		
Biden	Lautenberg			Bennett	Isakson		
Bingaman	Leahy			Bond	Kyl		
Boxer	Levin			Brownback	Lott		
Byrd	Lieberman			Bunning	Lugar		
Cantwell	Lincoln			Burns	Martinez		
Carper	Mikulski			Burr	McCain		
Clinton	Murray			Chambliss	McConnell		
Conrad	Nelson (FL)			Coburn	Murkowski		
Corzine	Nelson (NE)			Cochran	Roberts		
Dayton	Obama			Collins	Santorum		
Dodd	Pryor			Cornyn	Sessions		
Dorgan	Reed			Craig	Shelby		
Durbin	Reid			Crapo	Smith (OR)		
Feingold	Rockefeller			DeMint	Snowe		
Feinstein	Salazar			DeWine	Specter		
Harkin	Sarbanes			Dole	Stevens		
Inouye	Schumer			Domenici	Sununu		
Jeffords (I)	Stabenow			Ensign	Talent		
Johnson	Wyden			Enzi	Thomas		
Kennedy				Frist	Thune		
				Graham (SC)	Vitter		
				Grassley	Voinovich		
				Gregg	Warner		
				Hagel			

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YEAS NAYS VOTE
Democratic Policy Committee
INFORMATION

RECORD VOTE **89**

EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005
(BUDGET WAIVER—VETERANS MEDICAL CARE)

H.R. 1268 **AMENDMENT NO. 344**

"Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005"

Murray motion to waive section 402 of S. Con. Res. 95 (the FY 2005 Budget Resolution) with respect to the emergency designation provisions of the Murray, et al., modified amendment which provides $1.9 billion, to remain available until expended, for veterans medical care; designates the funding as emergency spending; and specifies that the funds should be used as follows: $610 million to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom, $840 million for the Veterans Integrated Service Network to meet current and pending care treatment requirements, and $525 million for mental health care and treatment.

MOTION TO WAIVE BUDGET ACT REJECTED (3/5THS VOTE)

YEAS (46)		NAYS (54)		NOT VOTING (0)	
Democrats (45 or 100%)	**Republicans (1 or 2%)**	**Democrats (0 or 0%)**	**Republicans (54 or 98%)**	**Democrats (0)**	**Republicans (0)**
Akaka Baucus Bayh Biden Bingaman Boxer Byrd Cantwell Carper Clinton Conrad Corzine Dayton Dodd Dorgan Durbin Feingold Feinstein Harkin Inouye Jeffords (I) Johnson Kennedy Kerry Kohl Landrieu Lautenberg Leahy Levin Lieberman Lincoln Mikulski Murray Nelson (FL) Nelson (NE) Obama Pryor Reed Reid Rockefeller Salazar Sarbanes Schumer Stabenow Wyden	Specter		Alexander Allard Allen Bennett Bond Brownback Bunning Burns Burr Chafee, L. Chambliss Coburn Cochran Coleman Collins Cornyn Craig Crapo DeMint DeWine Dole Domenici Ensign Enzi Frist Graham (SC) Grassley Gregg Hagel Hatch Hutchison Inhofe Isakson Kyl Lott Lugar Martinez McCain McConnell Murkowski Roberts Santorum Sessions Shelby Smith (OR) Snowe Stevens Sununu Talent Thomas Thune Vitter Voinovich Warner		

RECORD VOTE **90**

EMERGENCY SUPPLEMENTAL APPROPRIATIONS, 2005

(BUDGET WAIVER—VETERANS MEDICAL CARE)

H.R. 1268 **AMENDMENT NO. 344**

"Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005"

Murray motion to waive section 302 of the Congressioinal Budget Act of 1974 to permit consideration of the Murray, et al., modified amendment which provides $1.9 billion, to remain available until expended, for veterans medical care; and specifies that the funds should be used as follows: $610 million to address the needs of servicemembers deployed for Operation Iraqi Freedom and Operation Enduring Freedom, $840 million for the Veterans Integrated Service Network to meet current and pending care treatment requirements, and $525 million for mental health care and treatment.

MOTION TO WAIVE BUDGET ACT REJECTED (3/5THS VOTE)

YEAS (46)

Democrats (45 or 100%)

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords (I)
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

Republicans (1 or 2%)

Specter

NAYS (54)

Democrats (0 or 0%)

Republicans (54 or 98%)

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee, L.
Chambliss
Coburn
Cochran
Coleman
Collins
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham (SC)
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith (OR)
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING (0)

Democrats (0)

Republicans (0)

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YEAS NAYS VOTE Democratic Policy Committee INFORMATION

Mr. REID. Now, with an election cycle upon us, he supports, under pressure, voting for veterans. Talk about crass politics. The junior Senator from Pennsylvania can't run from his record. He owes the veterans more.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have said throughout this debate—as I spoke on the supplemental, as I have been out here on the floor many times and in our committee—veterans are not a Republican issue; they are not a Democratic issue; they are an American issue.

I think what you see happening on the floor this afternoon is exactly to that point. I congratulate the Senator from Pennsylvania, as well as the Senator from Idaho, LARRY CRAIG, and the Senator from Texas, Mrs. HUTCHISON, who have been working diligently with us in a nonpartisan way to address a real need, and that is to take care of the men and women who have served us so nobly in previous wars and in the current conflicts in which we are engaged.

From my side, I thank Senator BYRD, who stood with me valiantly as we have worked to provide the funds for the men and women who are serving us overseas. I thank him for his leadership on this issue. I thank Senator AKAKA, ranking member on the Veterans Committee, who has worked with us to make sure that on our side we are provided with accurate statistics and are moving forward.

At the end of the day who win are the men and women who serve us. It is a real tribute to this Senate that we are now standing here today with the amendment offered by the Senator from Pennsylvania to add $80 million to our amendment, to now be providing $1.5 billion for veterans services. We are here because we know when we ask men and women to serve us overseas, we tell them we will be there for them when they come home. What you see on the floor this afternoon is Republicans and Democrats standing together shoulder to shoulder to say in this body, we will be there for our men and women who serve us overseas.

There is going to be a lot of blame to go around. I have been asked: How did you know 2 months ago when no one else did? I started working with our veterans who are returning from Iraq and Afghanistan late last year, beginning in January, and hearing the same stories that Senator SANTORUM just talked about of how our VA facilities were turning vets away, how there wasn't enough care, particularly for post-traumatic stress syndrome.

I think we all know that in the conflict that is before us today in Iraq, it being a 360-degree war where there is no front line to return back from, we are going to see a number of our service men and women increasingly needing that kind of care. We are also seeing that facilities that have not been maintained well were counting on the appropriations that we had this year. We are talking about veterans from previous wars who are now turning 60 and needing more health care being turned away. I think I began to look realistically at the numbers from the VA and became concerned that their projections were not based on the reality of what was occurring, which is why I offered my amendment to the supplemental.

I especially pay tribute to Senator LARRY CRAIG from Idaho. When Senator AKAKA and I offered the emergency supplemental bill, he was given a letter from the VA that said: We don't need any money. This is not a crisis. Our projections say that we are just fine.

So Senator CRAIG and others from the other side opposed us on that amendment at that time. But Senator CRAIG said to me on the floor, if I am proved wrong, I will stand with you to make sure we provide the dollars for our veterans that are required. Since he was told by the Veterans' Administration last Thursday that there is, indeed, a shortfall of $1.5 billion or more—I hope it is not more, but at least that much—he said that he would work with me, and he has kept to his word. This is a real tribute to this country that we can come together on an issue such as this, recognize that errors have been made, but it is time to move on, time to provide the dollars.

I see Senator HUTCHISON from Texas who has been working with us as well. I want my colleagues to know we are going to stand shoulder to shoulder to meet this debt in front of us. I want to work with all of you so we have the right projections for next year as Senator HUTCHISON puts her 2006 appropriations bill together so we are not sitting here 6 months from now, a year from now, 2 years from now saying we were wrong again. This has given us a tremendous opportunity to get it right. I can't think of anybody it is more important to get it right for than those who serve our country.

Mr. DURBIN. Will the Senator yield for a question?

Mrs. MURRAY. I am happy to yield.

Mr. DURBIN. I was in my office as I heard the Senator debating. I would like to ask a question through the Chair. I am heartened by the fact that this is such a strong bipartisan effort. I salute Senator CRAIG, in particular, who joined us in the press conference as soon as there was an announcement of this shortfall, and I salute your efforts to bring this issue before the Senate which you have worked on diligently for months.

You made a particular reference to post-traumatic stress disorder, which is a concern I have within the Veterans' Administration. I would like to ask you if you believe these additional funds will allow the Veterans' Administration to put appropriate professional staff at clinics and hospitals to deal with veterans not only from wars in the past but currently coming home from Iraq and Afghanistan, as well as family therapy for their families, if they are faced with this disorder.

Mrs. MURRAY. I assure the Senator from Illinois that it is my understanding that this money in the amendment that has been offered by the Senator from Pennsylvania is specifically for medical services provided by the Veterans Health Administration which does include mental health services and post-traumatic stress syndrome.

Mr. DURBIN. I thank the Senator from Washington again. This is something that is growing in intensity and seriousness. It has been overlooked in previous wars. Our veterans have come home with scars that are not visible but which are serious and affect their lives. I am happy to hear the amendment by the Senator from Pennsylvania, as well as the Senator from Washington, is going to address this important challenge. I thank them for their leadership on both sides of the aisle.

Mrs. MURRAY. Mr. President, I know there are a number of other Senators who would like to speak. Certainly, I would like to yield to the Senator from West Virginia. Let me say, again, that I appreciate my colleagues on the other side of the aisle for coming together with us right before the Fourth of July recess. I can't think of a better time for all of us to send an American issue forward and to stand up for our vets. I thank them for working with us.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I compliment the distinguished Senator from Pennsylvania and the other Senators, including Senator CRAIG, for their offering of this amendment. As I indicated earlier, I want to be a cosponsor of the amendment, and I ask the distinguished Senator from Pennsylvania if he would ask that I be included as a cosponsor.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senator from West Virginia be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Senator.

Mrs. MURRAY. I ask unanimous consent to be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I yield to the chairman of the subcommittee of the Appropriations Committee that is responsible for the veterans appropriations, Senator HUTCHISON, such time as she may consume.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to, first of all, read the cosponsors of the amendment in the proper order. They are Senators SANTORUM, HUTCHISON, CRAIG, KYL, FRIST, MCCONNELL, TALENT, THUNE, COLLINS, MURRAY, and BYRD. That is the order of everyone coming on board. I so appreciate Senator MURRAY and Senator BYRD also being cosponsors of this amendment. Frankly, all of us were taken aback last week when we got this information, and we did come together in a bipartisan way to try to address the issue very quickly. That is why we are now trying to put an emergency amendment on the vehicle that is on the floor today. We want to make sure the Veterans' Administration has the money it needs and that it doesn't take from other very essential accounts, such as maintenance or capital. We want to have sound financial management as well as serving veterans needs.

It would be terrible to go into the next fiscal year, starting October 1, in any kind of a deficit situation. My bill, the Veterans' Administration and Military Construction Appropriations bill, was scheduled to be marked up tomorrow. Clearly, when we heard that the Veterans' Administration did have problems with its projections, we decided to put that off until mid-July. I hope—and it is my intention—by mid-July to have better information so that we will know what the $1.5 billion will cover between now and October 1 and what is going to be necessary for the 2006 budget, if anything, beyond the $1.5 billion. I will say that through the great cooperation of my ranking member, Senator FEINSTEIN, and the chairman and ranking member of the full committee, which would be Senator COCHRAN and Senator BYRD, we were able to get $1.3 billion above the allocation that we had originally been given for veterans even before this happened. So because of Senator COCHRAN, Senator BYRD, and Senator STEVENS, we were able to go forward with an extra $1.3 billion, knowing that the Veterans' Administration has been called on more than any projections would have anticipated. But today we are trying to now pass $1.5 billion over and above that $1.3 billion for 2005 purposes so that we are in a sound financial situation.

The President, speaking last night, started reminding people why we are in a war on terrorism and what it means to America and what it means to our security. Part of the war on terrorism, part of any war for freedom, is making sure that those Active-Duty and Reserve units serving right now with boots on the ground know that if they are injured, if they can no longer serve because they are injured, when they leave the service they will be taken care of. That is part of our responsibility as the stewards of our Government and certainly our appropriations process.

As the chairman, along with my ranking member, Senator FEINSTEIN, of the committee that will be doing the appropriations for veterans, this is an amendment that is very important. It is an emergency, and it will take us into fiscal year 2006 so that we will not have any kind of fiscal restraints. But we certainly are going to have to look at fiscal year 2006 as we go down the road and work with the Veterans' Administration and the OMB and our Democratic colleagues and our House colleagues to make sure that we are not in any way shortchanging the veterans.

I am pleased to work with Senator SANTORUM representing the leadership on our side of the aisle, and Senator MURRAY and Senator BYRD and the leaders on their side of the aisle to come together through the second-degree amendment offered by Senators SANTORUM, HUTCHISON, CRAIG, KYL, FRIST, MCCONNELL, TALENT, THUNE, COLLINS, MURRAY, and BYRD. This second-degree amendment will bring us in line, and it will assure that the Veterans' Administration has the flexibility to put this money where it is needed. That was a very important part of the amendment.

Also, it is important we keep the projects that are in the pipeline. There are veterans hospitals and clinics that are in the process of beginning to be built. We certainly did not want those to be delayed because the administration was having to use money for those purposes instead for the operations of this year.

I am pleased to be a part of this amendment, pleased to work with the Senator from Pennsylvania and the Senator from Washington and the Senator from West Virginia, along with Senator CRAIG, who has done an outstanding job as chairman of the Veterans' Affairs Committee. When we started working on this issue a few days ago, both of us talked to Secretary Nicholson. We talked to Josh Bolton at OMB to try to get the best approach. It is still up in the air exactly where this will come out. But I know we are working in a bipartisan way to do what is right by our veterans, to work with the administration. I know it is our President's clear commitment that we will assure there is no shortfall in the Veterans' Administration. This emergency appropriation will make sure that is the case.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I wish to thank the very distinguished senior Senator from the State of Texas for her leadership, her dedication. She is a member of the Appropriations Committee, a very fine member. I thank her for her leadership, and I thank her for her kind remarks today.

I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of the amendment that has been offered by the distinguished Senator from Pennsylvania, Mr. SANTORUM.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I am pleased about Senator BYRD's comments and especially to have Senator FEINSTEIN as a cosponsor of this amendment. She has been a part of this process all through the time we have wrestled with it. She has more veterans in her State than all of us do, so it is quite appropriate for her, as one of the leaders in this area, to be a cosponsor. I thank you.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators CONRAD and MIKULSKI be added as cosponsors to the original amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I yield to the ranking member on the Veterans Committee, the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, I rise today to laud this bipartisan effort to address the funding crisis in VA health care.

Yesterday, the Veterans Affairs Committee held a hearing on VA's admission that it is more than $1 billion in the hole this year.

With this announcement, we have the long overdue realization that VA hospitals and clinics are in crisis.

I think one of the lessons we can all take from this is: reach out to VA nurses and doctors and reach out to the veterans service organizations.

So many advocates have been bravely forthcoming about the desperate financial picture in VA over the past 6 months.

I welcome the administration's admission that there is a shortfall. But I caution that VA officials are not the only source of information.

By waiting for this revelation, we forced veterans to wait longer for needed care and providers to go for months with substandard medical equipment.

That said, I am delighted that we now have bipartisan recognition that there truly is a problem at VA. Both sides of the aisle are now working together to improve the quality of care for our Nation's veterans.

We shared with the Budget Committee what was needed for next year. This was based on early warnings from sources out in the field. And we raised the funding issue twice on the Senate floor.

During the budget resolution debate in March, I offered an amendment to increase VA's funding by $2.8 billion for next year. With the support of my colleagues, I stood before this body and outlined the case for a significant increase for VA.

But we were rejected because the administration claimed VA needed far less.

Then, again, during the war supplemental debate in April—while VA was beginning to see signs of a problem—we were denied in our efforts to secure more funding for this year.

Again, this was due to the administration's failure to acknowledge the plight that VA providers and patients were facing.

I do not believe that this is a scenario my colleagues would like to repeat in the future. Waiting until VA hits rock bottom and then taking action is simply not rational. We can do better.

Clearly, we have been able to force this issue, and now we do not have to wait for the administration. Let us move to fix the problem and fulfill our obligation to our veterans.

Because at the very least, this crisis will result in deferred maintenance, as VA is raiding capital accounts just to make ends meet. And my colleagues familiar with the military know that deferred maintenance puts troops in danger.

The same is true for veterans in need of health care. The purchase and replacement of equipment directly impacts the quality of care provided.

Raiding money for capital projects means that needed VA clinics are in jeopardy. I remind my colleagues that there are more than 120 new clinics waiting to be opened.

The list of jeopardized clinics includes locations in States where rural access to health care is a serious issue—such as in Maine, North Dakota, Texas, and 11 clinics in Tennessee alone.

In closing, I too appreciate the work that Senators CRAIG and HUTCHISON and our other colleagues have done to tackle this problem. I believe we have found a solution.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we have a number of colleagues who wanted to come and say a few words about this amendment and about service for veterans. I urge them to come to the floor, because it is clear we are ready to move at any time. If anybody has additional comments, please come.

I have been out on the floor several times over the last several days and I have expressed my anger at the Veterans' Administration for not being up front and honest about the numbers in the projections, even though it was clear to those of us looking at the numbers that we were facing a very severe crisis in the VA. That was the reason I offered an amendment for the Veterans' Administration on the emergency supplemental. It is why I have repeatedly raised this issue throughout the budget process, appropriations process, and throughout the last several months.

I think it is very clear that those of us who have been out on the ground talking to our veterans know this is a crisis. Yesterday, the VA came before the Veterans' Committee. Senator CRAIG had a hearing and had the Secretary before us. He was continuing to say we could fix this problem today by taking money from construction and maintenance projects that we had appropriated and allocated money for for 2005. I think it is very clear that the Senate now shortly will be on record saying we believe those maintenance projects need to go forward, that those construction projects need to go forward, and the medical equipment promised to our VA services needs to be in place. That is so important.

I was in Iraq a couple months ago, and our service men and women from Washington State met with me there. The very first question they asked me was: Is my country going to be there for me when I get home? Will I have health care?

I feel it is important that when we look our soldiers in the eye, we answer them honestly. Today, with the Senate going on record with an emergency supplemental to deal with this, we are going to be able to say we are doing the best we can to make sure the services are there. I urge the Veterans' Administration to do the same. I think it is disheartening and disconcerting to all of us when we rely on the Secretary and his agency to make sure they are honest about what the numbers are and they are incorrect. We need that so we can do our job in providing for our service men and women.

We are doing that with this amendment today. We all know there is work to come, and with the 2006 budget and appropriations bill, we need to have an honest assessment. We cannot continue to project a 2-percent increase for veterans when we already know the number of men and women coming back is much higher than that. We already know that the service men and women, particularly from the Vietnam war, who are reaching the age of 60, are increasingly accessing our veterans facilities. We already know that the maintenance projects out there are critical. We have to do the right thing. We have to make sure the funding is there.

Again, I commend Members on both sides of the aisle. I see the Senator from Idaho, Senator CRAIG, is here. I take this opportunity to thank him. He has been most generous in working with us, as we have moved this issue forward because information given to him that was erroneous at the time. He did give me his word that should things change, he would be there to work with us. He has kept his word in an admirable way, bringing the Secretary before the committee, working on this amendment on the floor, and he is here to speak as well. I tell him how much I appreciate his forthrightness and his willingness to work with us to solve this dilemma.

We will be voting on the Santorum amendment, which adds $80 million to our amendment that has $1.42 billion, making sure we have a total of $1.5 billion to provide for our veterans services for the 2005 budget and make sure we don't have to go into funds for other projects and put them in a waiting line, which would be a disservice.

I urge our Democratic colleagues who want to speak to this amendment to come to the floor as soon as they can. I thank my colleagues for working with us, the House, and the White House to hopefully have a supplemental in place before the July 4 recess.

I yield the floor.

Mr. SANTORUM. Mr. President, I will yield time to the chairman of the Veterans' Affairs Committee. I thank Senator HUTCHISON, whose principal responsibility is the appropriations process. I thank her and her staff tremendously for the work they have done. I thank Senator CRAIG and his staff for the tremendous work they have done, in coming forward and digging and getting the proper language for this amendment so we can provide funding for this year and for next year, as it is needed, to make sure we are providing the quality care our veterans deserve.

With that, I yield such time as he may consume to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho, Mr. CRAIG, is recognized.

Mr. CRAIG. Mr. President, I thank Senator SANTORUM, a member of the Republican leadership, a gentleman who has brought forth this amendment, who recognized the problem that has very rapidly emerged in the last several weeks with veterans health care.

At the outset—and I know a good deal has already been said and we are collectively working on this issue—health care, as you know, is a very dynamic entity. It is subject to a variety of forces that are not as predictable as we would like to have them be in the normal budgeting processes of Government.

The difficulty inside the Veterans' Administration today is health care.

That is the area that is consuming these large amounts of dollars at this moment at a very aggressive rate, just like health care is costing more everywhere around the United States, both public and private.

We found in the last several weeks something that we didn't know a month or two ago. It is something I wish we had known. I stood here on the floor telling my colleagues one thing, both in a supplemental and in amendments, as it relates to veterans' needs and, therefore, veterans health care services that at that time was not true. It was a frustration to me and an embarrassment. But that doesn't mean I hunkered down or that anybody else did. It means we solve a problem, because while we are dealing with a dynamic entity known as veterans health care, we are first and foremost concerned about caring for veterans and making sure they have access to the health care system we have promised them, and that they are being provided the best care.

Having said all of that, we were talking about a 2006 budget, feeling we had adequately resourced a 2005 budget. Here is what we didn't know, and probably some have already talked about it; that is, the peculiarity of the budgeting process inside our Government and inside the second largest bureaucracy in Government, known as Veterans' Administration—the difficulty of projecting a reasonable, contemporary budget 18 months out from implementation.

We did not do it well. The Veterans' Administration did not do it well. The actuarial organization that was doing it for the Veterans' Administration and has a great reputation around the country did not have a model that was feeding in all the right indices. So they were looking at 2003 expenditure levels in veterans health care to project a 2005 budget and factored in about a 2.3- or 4-percent growth rate. That is what we thought would work.

It did not work. It did not work for a lot of reasons. It did not work because the model was probably wrong. It did not have all the inflationary costs in that were needed. It did not foresee that in 2003, 2004, and 2005 we would invest nearly 10 percent more on an annualized basis in the veterans health care system and that it would improve it to the extent that it became a health care system of first choice to veterans when to some it had been a health care system of second choice.

You know the old adage: Build it and they will come. We did. We improved it dramatically, and they came. They came in numbers that could not be addressed effectively by the models. That is one part of the problem.

Here is the other part of the problem: The 2003 numbers had no reflection of Iraq, no reflection of Afghanistan, no reflection of active service personnel who would find themselves substantially injured in a way that they would have to seek the services of the veterans health care system. That is something in the 30-plus-percent range of these new figures.

The Veterans' Administration began to see this problem and did not communicate it to us effectively and responsibly. Then they did their midyear review. If you were going to graph this, you would have to graph it as a spike. All of a sudden, they saw their numbers spiking up. So that 2003 model of actuarial soundness of service at 2.3 percent all of a sudden becomes a 5-plus percent, 5.3, 5.4. Some would say, 3 percent in big business is not a bad miss. But 3 percent in a nearly $80 billion budget is big money.

When it comes to delivery of services, when it comes to the improvement of services, and you have to curtail that to fund other kinds of services, you have a problem. That is where we are today.

The Senator from Washington is absolutely right. Her view of it was different than mine at the time. She saw a different picture and proposed a different level of funding. I opposed her at the time, believing the numbers I had were accurate. I was successful. But I did tell her that if these numbers changed, if there were any indication of change, I would be the first to tell her and we would be back solving this problem. Why? We may disagree on some things, but we do all agree on one thing, and that is that the service to America's veterans should never be jeopardized and that we would stand united and bipartisan in that effort.

Within 4 or 5 hours after I knew these numbers, I was visiting with the Senator from Washington. The Senator from Texas, who has been an active partner and is chairman of the Appropriations Subcommittee for MILCON and Veterans Affairs, was engaged with us immediately, and we began to try to figure out how to solve the problem.

Solving the problem is getting the best numbers we can get in as factual a way as we can get them. I must tell you that all of us were a little suspicious that we had not been told what we needed to be told in a timely fashion. That is why I insisted and Secretary Nicholson responded yesterday to the full committee with a very valuable hearing in which a lot of these issues began to be laid out.

I must also tell you I believe the Secretary was every bit as frustrated as we were. He is new on the job, but he is a very skilled and successful businessman. If there is one thing he believes in, it is getting the numbers right and being able to deal from a position of truthfulness and understanding. You do not work that way in Government. You sure do not work that way in business, and Secretary Nicholson knows it. He was very forthright with us and very clear in what is necessary.

Do we know at this moment exactly what the numbers ought to be? No, we do not. The fair analysis is we do not, but we have a very good idea of where they probably will be and what is most important at this moment. As the agency borrows from one account and uses up another account, we effectively replenish that so services do not go lagging in certain areas.

As important is that the capital expenditure and the reinvestment in equipment and health care-related services to our veterans stays on schedule so the quality of health care to America's veterans does not slip.

While we are figuring all of that out, and they are scrambling at this moment—they, the Veterans' Administration, along with the Office of Management and Budget—while they are scrambling to get the numbers right, we are going to act. You can see by the character of what we are doing now it is going to be bipartisan once again, and we are going to stand united in behalf of America's veterans.

The Republican leadership understands that, the Democratic leadership understands that. I as chairman of the Veterans' Affairs Committee understand that, the ranking member, Senator AKAKA, who has been on the floor, clearly understands that, and certainly Senator MURRAY, who has been a strong advocate for veterans, understands that.

I see the Senator from West Virginia on the floor, Mr. ROCKEFELLER. He, too, has been the same and, of course, Senator KAY HUTCHISON of Texas, now chairman of the subcommittee that appropriates all this money, understands it. It is why we want to speak in a united voice today on behalf of America's veterans.

While that is going on, we have to figure out the rest of the story, and that we will. It will be accurate, and we will make sure that this—you never say "never"—will not happen again. But I have had conversations with the Secretary, and he is a very frustrated Secretary at this moment to find out on his watch that the numbers are not right and that what he was advocating has now slipped out from under him.

I am confident that he, working with his people, and the system will not only come up with a better way to do the numbers, but we are going to be insistent they come up with a better way to do the numbers. We are going to be insistent they report to us, not on an annual basis, but how about a quarterly basis, how about a quarterly analysis of where the expenditure of this kind of money is, because it is big money serving an awful lot of needy and worthy people, and we want to make sure it sustains itself in the appropriate way.

We also understand the limited nature of the public resource. It is not an endless system of money. We would expect efficiencies at the Veterans' Administration. We would expect responsibility at the Veterans' Administration. And what we do not expect and what we will not have happen again is for them to quietly think they can spend the money out and then, knowing they can come back to us and under the argument of motherhood and responsibility to America's brave men and women, we are going to fork over more money and never look back. This is one chairman who will look back, who is going to demand that systems are accurately accounted for, and that there is a reasonable and responsible quarterly measurement of the resources expended and the resources allocated.

As much as we owe to the veterans, we owe to the American taxpayers, who have agreed to help these veterans, a similar kind of responsibility and dedication to cost. That is not an unmanageable, an unsolvable, or an unmergeable concept. That is what we are about here, to deal with this in a direct way, and that we will. I think we are going to see a very strong vote today in behalf of what we are proposing.

The House is struggling with the numbers now. They may do something differently. But in the end, we will come together.

Our language is specific in one form. It is specific in recognizing that we do not have the exact figures yet. So we say the moneys that this authorizes are to be expended in 2005 and 2006, and then the chairman of the appropriations subcommittee and I and the ranking member—all of us together—will look at the 2006 needs in light of potential carryover that could come out of the appropriation we are talking about here. We will bring those numbers together and, very frankly, we will bring them together in a way that will cause the Veterans' Administration to come forward on a quarterly basis to report to us about their categories of expenditures and where they are in all of this issue.

We have to know the numbers. They have to be accurate. Our cause to serve America's veterans cannot be modified, nor will it be deterred. But it has to be accurate and it needs to be responsible. I support this amendment. I think it is the right thing to do now. It is now our job to make sure the future is one that is clear, understandable to all, and, most importantly, responsible both to the veteran and to America's taxpayers.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senators JOHNSON, KENNEDY, and LINCOLN be listed as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I yield to the Senator from West Virginia whatever time he may use.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I thank the floor manager, and I thank the chairman of the committee who had a lot to say and who operates the committee in a spirit which is very bipartisan and which is aimed at trying to solve problems. I say that at the beginning of every meeting and I say it here on the Senate floor.

I rise to support the Murray-Byrd amendment. It responds to a VA funding shortfall that is in excess of $1 billion. I will get into that in a moment.

What I have in my mind right now is about 5 days ago, I spent 2½ hours with 12 veterans, men and women who had come back from Iraq, one from Afghanistan—one several years ago, most of them within the last several months. They had sustained wounds and had healed some of those physical wounds. But what was particularly stunning to me was the degree of the psychological wounds, self-defined by them, after a period of relaxing. It takes time for veterans to open up when somebody with a dark suit and tie walks into their little circle. But they began to talk about their problems. They would not talk about what they had done because veterans do not do that. World War II veterans do not do that, Vietnam veterans do not do that, Operation Iraqi Freedom veterans do not do that. They talk about what hurts, the uncontrollable violence. They talk about deep depression. They talk about having no sense of the future. They talk about problems with their not being able to communicate with their wives—all kinds of problems.

These were mostly guardsmen and reservists, but there were some regular military. They were assembled at the Beckley, WV, Vet Center. I sort of point that out because one of the secrets of treating veterans in rural areas is you have to have Vet Centers near where veterans are. They can't all be expected to make long journeys to distant major veterans hospitals.

These folks at the Beckley Vet Center and other Vet Centers are about to be overwhelmed. They are going to be more overwhelmed when the other 130,000 soldiers return home whenever they do. And of course some soldiers will be returning to combat.

These soldiers had a very harsh and harrowing series of experiences serving their country. Once discharged, they still faced problems. They talked about difficulties in getting reimbursed. They all talked about VA appointments being put off for a long time.

As I indicated, they were reluctant to talk at all. But when they did talk, they made you very proud when they told you what they felt, not necessarily what they had been through, which they usually decline to do.

When our country called upon these brave West Virginians—and that would apply to each and every State—to serve, they answered the call of duty without question. In the case of Guard and Reserve, of course, they are always ready to do that and have to make enormous sacrifices to do that, often not being able to hold on to their jobs and retain the benefits which they had.

When they come back to West Virginia, they deserve the full care and support they have earned. Yet again, we just learned that our VA health care is well over $1 billion short on funding this year. This is outrageous, and it is shameful. Our veterans earned their VA health care benefits through their distinguished service.

They should not be delayed or denied care because of mismanagement at VA or OMB over poor budget models. This is where I disagreed a little bit with the distinguished chairman of the committee. This is not just about the Secretary of Veterans Affairs. This is not about the fact that he is new on the job. The Veterans' Administration is second only to the Pentagon in terms of the number of people who work there. If they were using a 2002 model—and at one point the Secretary said they were using the 2002 model, and then at another point he said the 2003 model—nevertheless it is a very old model. In 2002, we had not gone to war.

All of these months have passed. What was the magic that did not happen where VA or OMB management said, "gee, if we are going to go to war and we are sending all kinds of troops first to one combat zone in one nation and then to another combat zone in another nation, and plus there is the war on terrorism, what is going to happen with our returning veterans?" We have troops deployed all around the world and, yet nobody in VA or OMB of figures there is going to be a surge in the number of veterans we have to take care of so they do not change their model.

Well, I am sorry, I do not care whether the Secretary has been there for 6 years or 6 days, that does not work. It is the VA that has professionals who have worked there for years who should be able to adjust those models. That is no excuse whatsoever.

Yesterday, Secretary Nicholson testified that the VA had to borrow money for current accounts to cover immediate health care needs for this year, this year being 2005. Such borrowing would create at least a $1.5 billion shortfall for next year, that being fiscal year 2006. But the $1.5 billion is really at least $1.9 billion. We are not actually going to vote on either of those numbers. I sort of wish we were because of something which is not brought out but which I am going to bring out. The VA assumes the President's VA budget, which includes at least $400 million in health fees, will be collected from the veterans—what? Wait a second.

Yes, the VA Secretary is still seeking to double the co-payments for prescription drugs for veterans, and he is still supporting an enrollment fee of at least $250 for some veterans. So, yes, there is a shortfall, but then there is income VA expects but won't be collected, the shortfall will be larger. I think that requires a very sharp analysis on the part of the Veterans' Affairs Committee.

This Senator opposes such fees. I do not understand how that is done. How does one take somebody who gives up their job potentially, for example a National Guard member who works for the 130th Air Guard wing in Charleston, WV, which has complete control over the evacuation of the National Capital area, and then charge them for being able to get health care after they serve in combat? That is not what Abraham Lincoln wrote over the Veterans' Administration building.

So the VA budget is at least $1.9 billion short. Let that be understood by my colleagues. Our Members have not been told that amount, but that is because of the $400 million that VA assumes, but Congress never tries to charge our veterans. We should understand that. It is at least $1.9 billion if we fully respond to the health needs of returning veterans.

I expect, frankly, it will be more than $1.9 billion. In fact, I would say to the good Senator from the State of Washington that we discussed higher figures in our Veterans Affairs' Committee meeting.

Experts who I immediately reject, because I reject their theory on this, suggest that up to 40 percent of our veterans will have psychological wounds such as PTSD, post-traumatic stress disorder. I have yet to meet with a single group of veterans who would put the figure at anything less than 60 or 70 percent, and that is just post-traumatic stress disorder. We are also talking about depression. We are talking about schizophrenia. We are talking about uncontrollable violence. We are talking about rage. We are talking about nightmares. We are talking about people waking up sweating and screaming. This goes all the way back to World War I, the science now proves.

These West Virginia veterans who typify veterans from around the country return from Baghdad and Afghanistan, and they describe the experiences of their colleagues, and I truly fear that VA mental health care is going to cost a whole lot more than the two amendments that we will both be voting on and voting for, I hope, this afternoon. My view is that whatever the needs of our returning veterans are, they must be met, particular right now during a time of war.

Finally, I am personally stunned by the fact that the administration's budget experts and managers use these old models, and did not warn or advise Congress until now. I will go right back to that, their models did not fully estimate the effect of the war on VA health care spending. Again, blaming a poor old model from 2002 or 2003 does not cut it in anybody's book. It is unsustainable as an argument. As I say, the VA is second only to the Pentagon in the number of people it has. A lot of those folks work on budgets. They know what models are. They can come up with new models. They did not come up with new models, and that is the point. Each time this year, VA officials have testified they were confident of sufficient VA funding. That is what they told the committee in February, in March and in April. They were dead wrong. It is stunning. It is sad.

So we asked over and over whether they were prepared for the returning troops, and we were told mission accomplished; they had everything under control. Again, they were wrong. Our soldiers are returning home and expecting the VA health care they were promised. They are not going to be able to get it. The budget shortfall is unconscionable, and our troops deserve better. We must pass this amendment or any other amendments which raise this amendment. It will still not be enough money, and it will only take care of the present situation that we are in. We must ensure that such a significant shortfall never—and I rarely say never"—happens again.

I am committed to fighting for our veterans. I believe that is the duty of the Congress.

I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to start by thanking Senator MURRAY and Senator BYRD for working tirelessly with me to try and find a solution to the VA budget crisis that faces our Nation's veterans. I very much appreciate their leadership on this issue.

During the emergency supplemental under Senator MURRAY's leadership we brought this issue before the body and warned of the impending crisis.

As we all know, at that point Secretary Nicholson sent a letter to Chairman HUTCHISON stating that "I can assure you that VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely, quality service that is always our goal."

We now know this is not the case. Yesterday, Secretary Nicholson testified before the Senate Veterans Affairs Committee and acknowledged that in fact the VA is at least $1 billion short this year in veterans' medical care.

The VA is resorting to shifting funds from capital accounts as well as spending money budgeted as carry over for next year to make up the shortfall. Additionally, the Secretary stated that the VA budget request for next year is short by at least $1.5 billion.

As I have always stated, the care for our veterans should never get tangled up in partisan gamesmanship. This is why we have been working hard with our Republican colleagues to find a solution to this problem.

I am pleased that the modifying amendment would add an additional $80 million to help shore up this year's budget problems at the VA, and I commend Senator HUTCHISON, my chairman on the Military Construction and Veterans Affairs Appropriations Subcommittee, for her leadership and commitment to the needs of America's veterans.

However, let us not forget that while the emergency funds that I hope we will pass today helps solve the problem for this year, Secretary Nicholson testified yesterday that the budget request for next year is insufficient as well.

I am hopeful that the administration will take the necessary steps to transmit to the Congress an amended budget which provides an accurate estimate of the VA's needs for fiscal year 2006, and a realistic blueprint for meeting those needs.

I look forward to working with Senator HUTCHISON, Senator COCHRAN, Senator BYRD and my other colleagues on the Appropriations Committee to make sure that we provide sufficient funding in 2006 to keep the VA from being awash in red ink again next year.

Let me close by again thanking Senator MURRAY and Senator BYRD. Their leadership has been instrumental in helping to solve this problem.

I also want to thank Senator HUTCHISON and Senator CRAIG for working hard with us to try and ensure that veterans receive the care they need.

Ms. SNOWE. Mr. President, Less than 3 months ago, Congress was informed that the Department of Veterans Affairs would not require emergency appropriations for the current fiscal year. The Senate acted accordingly in supporting the existing appropriation. In the past week, we have been informed that the VA now faces a budget shortfall of approximately $1 billion.

Many of my colleagues are today discussing how we got here, and where the fiscal projections went wrong. The failure to consider the needs of returning veterans from Iraq and Afghanistan in forecasting expenditures demonstrates a critical and inexcusable deficit in planning. Some suggest a new means of budgeting the VA. These are vital issues and they will undoubtedly be discussed as in the context of future appropriations. However, what is most critical today is addressing the immediate and pressing needs of our veterans. We simply must maintain our commitment to those who have given so much in their service to our country.

Secretary Nicholson had told us that the current budget shortfall would be made up in two ways. The first would be to use approximately $600 million from maintenance and capital expenditure accounts, redirecting approximately half of such moneys to operating expenses. According to the Secretary, new construction would not be affected. Yet that leaves undone many pressing projects such as critical repairs and renovations. In many cases, these projects cannot be wisely deferred. The second means of addressing the shortfall would be to use approximately $400 million from a carryover account. This approach simply depletes resources and digs a deeper hole for the Department in the next fiscal year.

The answer to this problem does not lie in amplifying the shortfall in this fiscal year. We do not undertake emergency appropriations lightly, but we simply cannot deplete resources, and fail to properly budget for the needs of veterans. Those who have served us in the past, and those who continue to serve today, must know that VA services will not be disrupted. Thus I join my colleagues in supporting an emergency appropriation for the Department of Veterans Affairs to ensure that our veterans shall receive the timely services and support which they so deserve.

The Department faces great challenges. As our veterans grow older, their health care needs increase. The VA faces the same challenges in managing health care costs which all of America faces, yet anyone who has met a veteran with a service-connected injury or disability understands the many additional needs which we must meet, especially in light of the service of millions have given this country. Even today, as over 130,000 stand in areas of conflict to promote liberty for others, we must make clear that we will always stand by them, today, and tomorrow.

Mr. KYL. Mr. President, I am pleased to join with Senator HUTCHISON, Senator CRAIG, and others to offer this amendment responding to new information about shortfalls in the fiscal 2005 budget for the Department of Veterans Affairs.

Naturally, every Member of this body is distressed to learn that the Department is in these fiscal straits and that the Department has made the extent of the problem clear at this date late in the fiscal year.

I am pleased that the Appropriations and Veterans Affairs Committees have moved so quickly to pursue the oversight we now urgently need to determine: 1. How this could have occurred, and 2. what Congress and the VA will need to do differently to ensure that we do not confront shortfalls of this nature next year and thereafter.

But today, we will accomplish the even more urgent work of ensuring that the necessary funds—$1.5 billion—are available on an emergency basis for the current fiscal year so that there is absolutely no deterioration in the quality of services and facilities for our veterans.

I suppose it is inevitable that everything sooner or later becomes the subject of partisan dispute in Washington, DC, but it is disappointing that some have seen fit to make support for our veterans a partisan weapon.

I hope the action we take today will go some distance toward demonstrating that the irresistible temptation some feel to try to take partisan advantage notwithstanding and that Congress stands united in support of those who have served and sacrificed.

Mr. McCAIN. Mr. President, I will be necessarily absent for the later part of the day as I will be attending the Oath of Office Ceremony at the United States Naval Academy where my son is being sworn in as a midshipman.

I want to express my strong support for the two amendments that will be voted on today to address the unexpected and unacceptable funding shortfall for Veterans Administration medical services. I strongly endorse the two amendments that I am confident will be adopted overwhelmingly. It is incumbent on the Congress and the administration to continue to monitor the VA's funding situation closely and ensure proper medical assistance is readily available to our deserving veterans.

The PRESIDING OFFICER. Who yields time? The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, first I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I believe we are out of speakers, and we are prepared to yield back time. So I would yield to the Senator from Nevada, who I guess will wrap up debate, and then we can move on.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator has 15 minutes 29 seconds remaining.

Mrs. MURRAY. I yield to the Senator from Nevada. I believe the Senator from Colorado will be here for a couple of minutes. I will use the last 2, and we will be done on our side.

I yield to the minority leader.

The PRESIDING OFFICER. The minority leader is recognized.

PRESIDENT BUSH'S ADDRESS TO THE NATION

Mr. REID. If the Presiding Officer would alert me when I have used 9 minutes.

The PRESIDING OFFICER. The Chair would be happy to.

Mr. REID. Mr. President, like many Americans, I listened carefully to the President's Iraq speech last night. As I said in a letter to him yesterday prior to his speech, his address to the Nation afforded him an excellent opportunity to present to the American people his plan for success, to discuss the costs and sacrifices that will be required in the days ahead, and to assure our troops, active and retired, that he is committed to doing everything he possibly can to see that they get the services they have earned.

Unfortunately, I believe the President's address fell short on all of those accounts, and I will have more to say in the days and weeks ahead about the speech and the path forward in Iraq. But having said this, there is one part of the President's address that bears directly on my letter and the matters before the Senate right now. At the end of his speech, the President called on Americans to find a way to thank the men and women defending our freedom by flying a flag, sending letters to our troops in the field, helping the military families down the street, or going to the new Defense Department Web site. I think we owe the men and women in uniform—of course we owe them flying flags, mailing letters, and logging on to this new DOD Web site, but we owe them far more than that.

I share and support the sentiment and will continue to make sure we recognize the services and sacrifices of our military personnel and their families. Although the President chose not to mention our veterans in his address last night, as I suggested, I believe we have an equally solemn obligation—I choose that word purposely—to recognize their sacrifices and to thank them for their willingness to defend our freedom. The amendments before us give us the opportunity to do just that.

Just as the obligation is clear, so is the need. At the start of the year, we knew that over 130,000 troops had returned home from Iraq and Afghanistan. Analysts told us to expect that an additional 150,000 soldiers, sailors, and airmen would return in the months ahead. That is why in January and February Democrats, led by Senators MURRAY and BYRD, warned that the war in Iraq and the war on terror were generating hundreds of thousands of new veterans who would soon swamp the existing capacity of the VA health care system.

The Senator from Washington said this over and over again. She called me during her campaign last October and indicated there was a problem. After the election, she was concerned about the veterans, and we talked several times about veterans. So I applaud and commend the Senator from Washington for being so deliberate, so consistent and persistent in these efforts.

In addition to that, we were warned that many of the soldiers had suffered traumatic injuries that would require extended and intensive care. When I say this, my mind goes back to last Thanksgiving when I went to Bethesda and visited marines who had returned home with missing limbs, some who had been damaged in other ways. But before I left they asked me to go into the intensive care ward, and that is something that I will never, ever forget, the pictures of those men. Thank goodness I did not see any women. It would have been even more traumatic for me, I am sorry to say. I still feel that. I could see my little daughter there, which I did not—but it was very bad, terrible head injuries.

We had all these warnings, Democrats and independent veterans groups, to conclude that the veterans health care system was massively underfunded and unless drastic steps were taken immediately, tens of thousands of veterans, men and women, would be denied access to the health care this Nation owes them. Unfortunately, the Republicans responded by denying a problem existed. The Senate addressed issues that do not make a difference to most Americans. We worked for almost 2 months on something called the nuclear option, which was a way to try to help five people the President wanted to be judges. Other matters were just put to the side. Of course, this administration has wasted day after day, week after week, month after month talking about privatizing Social Security, but a problem does exist, and instead of talking about those issues, we should have been talking about veterans health care.

Keep in mind, the majority defeated Democratic efforts to provide our veterans the health care and resources they so clearly and desperately needed. At a time when hundreds of thousands of veterans were returning home in need of health care, the Bush administration submitted a budget request in February that did not contain a single dollar in additional resources to care for the newest generation of veterans. The administration budget was so out of step with reality that the head of the VFW, Veterans of Foreign Wars, called it shameful. That is a quote, "shameful."

The national commander of AMVETS called it, "woefully inadequate."

What did our Republican colleagues in the Senate do with that woefully inadequate and shameful budget? Did they support Democratic efforts to support veterans benefits, needed additional benefits? No.

Did they support Democratic efforts to increase veterans funding on other legislative vehicles? Did they make veterans a top priority of this session of the Congress?

The answer to every one of those questions, unfortunately, is no, no, no, no. While Senate Republicans found plenty of time to pursue issues that didn't matter, and don't matter, to the American people—I have named a few. We spent quite a lot of time on a matter that I don't think mattered for most Americans, but some of the things we worked on were intervening in the most private and personal decision a family can make—they found no time for tens of thousands of soldiers who they knew were coming home soon to a health care system that lacked resources to meet their needs.

On three separate occasions this year Senator MURRAY and Senate Democrats, led by Senator PATTY MURRAY, asked the Senate to vote on additional resources for the veterans health care system. On each occasion, Senate Republicans, including the lead sponsor of one of the amendments we will soon vote on, voted no: "no" to add additional funding for our veterans, "no" to giving them the quality health care they have earned, "no" to keeping our Nation's commitment to those who have served.

Three strictly party-line "no" votes by the Republicans.

The response of the Bush administration was similar and similarly out of touch. Rather than acknowledge there was a problem and addressing the concerns raised by Democrats and outside groups, the Bush administration initially chose a path of denial that ultimately bordered on outright deceit.

In April, after Senator MURRAY offered an amendment on the emergency supplemental to increase veterans health care funding by $1.9 billion, VA Secretary Nicholson—by the way, his qualifications are he was chairman of the national Republican Party. He is head of the veterans benefits now—he said:

> I can assure you that the VA does not need emergency supplemental funds in fiscal year 2005 to continue to provide the timely, quality service that is always our goal. . . . I do not foresee any challenges. . . .

The PRESIDING OFFICER. The Senator has used 9 minutes.

Mr. REID. I will use leader time now for the rest of my remarks.

Continuing with Mr. Nicholson:

> I do not foresee any challenges that are not solvable with our own management decision capability.

The concerns raised by this head-in-the-sand statement were greatly exacerbated yesterday. At a hearing before the Senate Veterans' Affairs Committee, Veterans Affairs officials from the Bush administration made two astonishing admissions. First, Mr. Nicholson acknowledged that funding for veterans health care programs is short by at least $2.6 billion because the administration dramatically underestimated the number of military personnel returning from Iraq and Afghanistan. This is the latest example of how poorly the administration planned for and prepared this Nation for what would be required in Iraq and the war on terror.

Second, and even more troubling, VA Under Secretary Perlin testified to Congress that at the same time Secretary Nicholson was assuring Congress no additional resources were needed, the VA was already dipping into reserve funds to meet its operational needs. And Secretary Nicholson admitted that a management decision had been made in early April—that is why I called what he said before "deceitful"—made in early April to also dip into capital funds to keep veterans health care operations going.

What does this mean? Taking away from capital projects, hospitals that need to be renovated and repaired, outpatient clinics that need to be rebuilt. They were dipping into those funds when he was before competent committees of this Congress not telling the truth, misleading us, being deceitful.

Think about this for just a bit. The administration sends hundreds of thousands of men and women, our troops, abroad to fight in Iraq and elsewhere but says it didn't expect they would return home and need health care services? The administration then fails to provide any additional funds to address the health care needs of these soldiers and, when pushed by Democrats, tells Congress no additional funds are needed. And in the final act, the administration acknowledges that the very time it was insisting no additional funds were needed, the VA was tapping into reserve funds, and the VA Secretary had decided to pay for day-to-day health care expenses by dipping into capital funds, which would severely impact medical facilities across our whole country—including, I might say, a major medical center that is needed in the most rapidly growing veterans population of any place in America, in Las Vegas, NV. Quite a performance.

Fortunately, today the Senate has a new day before it. At long last, we have the administration and Senate Republicans acknowledging there is a problem. And at long last, Senate Republicans are now willing to join Senate Democrats to do something about it. Although Republican support for our veterans has been long in coming, I welcome the 11th-hour conversion. While the needs of our veterans were not enough to get the attention of some of our colleagues on the other side of the aisle, apparently the 2006 elections are.

Regardless of their motivation, we welcome their support. I only hope the administration and Senate Republicans remain willing and eager to join with us in the future to ensure that our troops—active and retired—and their families, receive the respect and recognition they deserve.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Idaho.

Mr. CRAIG. Mr. President, I thought my comments on this issue had concluded, but I feel the statements just made by the Democratic leader deserve some response.

I will work very hard to sustain a calm tone and a bipartisan tone, as has been the character of the debate on this issue up until just a few moments ago when it took a dramatically partisan tone, tuned to the November 2006 elections. To me, that is disappointing, at best, and it is, at best, very misdirected.

To suggest that the Secretary of Veterans Affairs is only a party chairman means that that minority leader has not even read his bio, nor does he care to. So let me suggest that this Secretary of Veterans Affairs is a 1961 graduate of the U.S. Military Academy at West Point, he served 8 years on active duty as a paratrooper and Ranger-qualified Army officer, then 22 years in the Army Reserves. While he was in the Army Reserves, he finished his master's degree at Columbia University in New York City and his law degree at Denver University.

It means that you have to be highly qualified to be "just" a party chairman.

No, I am sorry, Democratic leader. This Secretary is highly qualified to be Secretary.

I am disappointed, at best, and I hope my colleagues will join with me in an overwhelming disappointment at a dramatically partisan statement at a time when this chairman has worked in good faith to be extremely bipartisan to resolve a problem.

The minority leader forgets that every year during the Clinton administration they proposed to underfund the Veterans Affairs and Veterans' Administration and we, in a bipartisan way, said "no." And every year since then, in the Bush administration, they funded it less than the Congress did. And we said "no," because we expected a higher level of service than the budget crunchers down at OMB would admit; Democrats and Republicans, that is the fact that the minority leader has forgotten for the purpose of partisan politics.

Minority Leader REID, I am highly disappointed. I will step back from the level of anger. You have impugned the integrity of a brave American, who is serving as Secretary of our Veterans' Administration, and you have impugned my integrity as a Senator, and I am disappointed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is left?

The PRESIDING OFFICER. Five minutes and fifty seconds.

Mrs. MURRAY. The Senator from Colorado is here and would like to make a statement. I ask if he could use 3 minutes, and I can use the remaining time.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Mr. President, let me at the outset say that the problem we are trying to deal with in the Senate is a matter of great importance to our veterans. Let me also say I believe the Senate Veterans' Affairs Committee has jumped on this problem to try to figure out a way that we can move forward. I think the most important response to this kind of crisis, where we are leaving so many veterans out of the fold in America, given the kind of shortfall we are seeing in health care, is that we acknowledge a problem, first of all; and, second of all, once having acknowledged the problem, that we move to fix the problem; and then, third, that we make sure that the problem does not happen again.

What we are doing with today's amendment sponsored by Senator MURRAY and Senator BYRD is fixing the problem for this year so we are able to provide the health care services to which our veterans are entitled. It is not good enough for us to support our troops in Iraq, as we all should. It is also necessary—mandatory—for us to make sure that when our troops return from Iraq or Afghanistan, we take care of them here at home.

The Veterans' Administration and the budgets that they have proposed have failed to do that because of the chronic underfunding that they have put on the table. If you analyze the underfunding we are looking at today, we potentially could be looking at a cut to veterans health services of somewhere between 10 percent and 15 percent. This is a problem which we need to address as a Congress for the years ahead as well.

This amendment that Senator MURRAY and Senator BYRD have put forward is a step in the right direction because it will help us fix a problem for this year. I am a proud cosponsor of that amendment. I believe both Senator BYRD and Senator MURRAY have done the right thing. I applaud Senator MURRAY's leadership in the committee to raise this issue to the attention of Senator CRAIG and the rest of the members of that committee.

But it is also very important that the Veterans' Administration, through Veterans Health, helps us figure out a way of avoiding this problem in the future. We should not let our soldiers from Iraq and Afghanistan down, and the only way we can do that is if we fix the funding formulas and fix the assumptions that are currently made.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized. She has 2 minutes and 15 seconds.

Mrs. MURRAY. Mr. President, as we wind up the debate, it would be easy for me to stand here on the floor of the Senate—after months of saying we need to address this issue, we need an emergency supplemental and we are finally here—to say I told you so. But that is not how I feel right now.

What I am thinking about at this point is my own father, who was a veteran of World War II, one of the first soldiers into Okinawa, who was injured, sent to Hawaii, was in the hospital there for 3 months, and he went back to serve in Okinawa again and then was in a wheelchair for most of my life before he passed away.

I am thinking of the men and women in the veterans' hospital in Seattle WA, back in 1972 when I was a senior in college and I volunteered at the veterans' hospital there during the Vietnam war, working on the psychiatric ward with young men and women my age who were returning from Vietnam and understanding what they were going through, and then going back onto the street and the public not aware of the sacrifice of these soldiers.

I am thinking of the young men and women I recently met in Iraq serving us today, who were asking us: Will my country be there for me?

I can assure you none of those soldiers were saying: Will the Republicans be there for me? Will the Democrats be there for me? They were asking: Will we, as Americans, be there for them? With Democrats and Republicans alike just about to vote for this amendment—that will make the underlying amendment $1.5 billion with the amendment of the Senator from Pennsylvania—what we can say is that this Senate stands in full support of our soldiers, from previous conflicts as well as the ones who are serving us today. I think that is a powerful message and one of which I am very proud.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SANTORUM. Mr. President, I thank the Senator from Washington again, as I did earlier, for her work. I thank her also for the tone and for the way she presented her case. I think it would express the concern and frustration on both sides of the aisle about the problems we are confronting and have confronted for many years in providing adequate funding through administration after administration—at least three I am aware of, three administrations I am aware of where the administration has not properly funded veterans' health care in particular. The Congress has always had to come and add more money. This is nothing new. What is new in this case is that we have had to come at a late time and add additional resources. I think it is unfortunate.

As I said earlier, I was very critical of this administration for not being more forthright and felt, as the Senator from Idaho suggested, that when we cast our votes against the Murray amendment, we did so not with the information we needed. The administration, justifiably, should be criticized for that.

Unfortunately, the tone the Senator from Nevada took, the Democrat leader, was not one of frustration that all were sharing but simply an attempt to launch into a partisan attack which, given the nature and tenor of what we have been working on, was very unfortunate. One of the most unfortunate comments, which I hope the Senator from Nevada will think better of and come back and correct the record, was to suggest that "the only qualifications of the Secretary of Veterans Affairs is that he was chairman of the Republican National Committee" is an insult to the Secretary of Veterans Affairs and his service to this country.

This is a man who is a West Point graduate who served 8 years in active military and served tours in Vietnam. He earned the Bronze Star. He earned the Combat Infantryman Badge, the Meritorious Service Medal, and two Air Medals. This is not a man whose only qualification was he was chairman of the RNC. He went on and served in the Reserves for 20 years, earned additional degrees, ran and started a business, and was ambassador to the Holy See. This man has a lot more qualifications as Secretary of Veterans Affairs than many prior Secretaries. I hope the Senator from Nevada would reconsider his shot at this Secretary.

Do I have concerns about the information provided? Absolutely. Does the Secretary have to come and have an accounting for what he said and what he did in his short term now as Secretary? Absolutely. Has he been called on the carpet in both the House and Senate? Absolutely. Will he be over the next few months? Absolutely. But to take a shot at him personally in such a partisan fashion is beneath the leader of the Democrat Party. I hope the leader of the Democrat Party would show some leadership in civility when it comes to addressing people who have served this country honorably and continue to do their best.

I yield back the remainder of my time and ask the votes on the Santorum and Murray amendments be stacked sequentially at a time so designated by the leaders.

I ask that Senator SNOWE be added as a cosponsor to the Santorum amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask that Senator CORZINE be added as a cosponsor to the Murray amendment, as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. We will shortly vote on the Santorum amendment, then the Murray amendment, as amended. I urge all of my colleagues to support both amendments.

The PRESIDING OFFICER. Those votes will occur at a time to be ascertained.

Mr. SANTORUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1059

Mr. DORGAN. Mr. President, my understanding is the next order of business would be my amendment numbered 1059, and there is 10 minutes per side?

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask to claim as much time as I may consume from the 10 minutes. Perhaps we can move through this rather quickly.

This relates to an issue I have already spoken to the Senate about on two occasions. It relates to a soldier named Carlos Lazo. Carlos Lazo escaped Cuba on a raft. He tried to escape once and was caught and put in prison in Cuba. The second time he escaped on a raft, he got to this country. His wife and children were not able to get out of Cuba. After he got to this country, he subsequently joined the National Guard, and went to Iraq on behalf of this country to fight in Iraq. Sergeant Lazo received the Bronze Star for from his country for courage and bravery in fighting in Iraq. He is now back in the U.S. from his service in Iraq.

He has a son who has been quite ill in Cuba, so he wanted to go see his sick son in Cuba. His Government, the U.S. Government, the Government that he served by going to fight for freedom in Iraq, said: No, you are not free to travel to Cuba to see your son. Why is that the case? Because the President of the United States has created a new regulation, and the regulation says you can only travel to Cuba once every 3 years.

So this soldier, the soldier that wins the Bronze Star fighting for this country in Iraq, is told he can't go to see his sick son because he does not have the freedom to do that. He visited me and asked me about it. I called Condoleezza Rice. She didn't call back. Bob Zoellick her deputy did. I called the Secretary of the Treasury, Secretary Snow. He did not call back. One of his underlings did. I called Karl Rove at the White House. He called back, and later the Chief of Staff's office called me and said that relative to Karl Rove's call, Bob Zoellick in the State Department would handle it. And I have not heard back from him. We talked once. He said he would call back, and I have not had the call.

The question is this. Is there a humanitarian relief exception to the travel ban for someone with a sick kid in Cuba, for a soldier to go see his sick kid? The answer, according to the head of the Office of Foreign Assets Control at Treasury, which runs this is, no, there is no humanitarian relief. He said: We get calls from people who say my mother is going to die in a few days, and we can't give them the opportunity to go to Cuba to see them if they have traveled once before in the 3-year period.

He said: I understand what you are saying, Mr. Senator, but we turn them all down because we must.

I said: But you created the regulation. What on Earth are you thinking about?

This soldier's story—and I have told the story about the woman that distributed free Bibles in Cuba, who gets fined by her Government, the U.S. Government, for doing it—this soldier's story begs out and screams for attention by this Congress. So I have offered an amendment that will provide for humanitarian circumstances under which Americans can travel to Cuba to visit or care for a member of the person's family who is seriously ill, injured, or dying; make funeral or burial arrangements for a member of the individual's family.

I am just wondering who in this Chamber is going to stand up for this soldier and this soldier's right. It is not just him, it is the others who are applying who say their mother or father or child is dying and now they are now being turned down by the Federal Government because there is no humanitarian exception.

This is unforgivable. There ought to be a humanitarian exception. I hope my colleagues will stand up for this soldier's rights. He fought for freedom in Iraq and now doesn't have the freedom to see his sick son? What can we be thinking about? Why do I need to go further?

I have spoken about this issue previously, but Sergeant Lazo obviously comes to us because he has a selfish interest. It is in seeing his sick son. That is a pretty good selfish interest as far as I am concerned. Others have come to me. Joan Slote, who is in her midseventies, took a bicycle trip in Cuba and got fined by her Government. It is unbelievable what is going on.

I come to the Senate today only because I am persuaded from last week's visit with Sergeant Lazo that this ought to stop. This Congress ought to have the courage to stand up and do what is right. If we don't have the courage to do this, we don't have the courage to object to anything the White House does. This came from the White House. This is all about politics. This rule that says Americans visit their family in Cuba only once in three years is all about Florida politics. Everybody in this Chamber knows it.

This amendment does not overturn the travel rule with Cuba. I happen to think people ought to be able to travel to Cuba. I know Fidel Castro pokes his finger in America's eye. The quicker we get rid of that Government, the better. But the fact is, we will do that, it seems to me, by allowing trade and allowing travel, just as we do with Communist China and Communist Vietnam. But that is not the way this country deals with Cuba because of Florida politics. We have decided that Sergeant Lazo shall not be allowed to go see his sick child.

The question is, Will the Senate, will the men and women in the Senate, have the courage and the good sense to cast the right vote and say to Sergeant Lazo and others, If you have a member of your family who is seriously ill, injured, or dying, you have a right to go see them? We will give you the license to do that.

We have had vote after vote on these issues. The question today is will we have enough Senators to decide to use a little common sense? If you care about families—a lot of people are talking about profamily these days—if you care about family, if you are profamily, cast the right vote. Cast the right vote on this amendment.

My understanding is the Senator from Montana will have some time, as well.

I reserve my remaining 3 minutes 50 seconds.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, the Senator from North Dakota brings up a good point on humanitarian needs. I don't know what the specifics are in the case of the sergeant. I have a strong feeling toward the sergeant. If he has family, and with the service to his country, I am prone to find out why his permission to travel to that country under these circumstances was denied. There must be something out there that we do not know.

We have been reluctant in our dealings with Mr. Castro and Cuba. Embargos and this type thing only hurt the people who are the average citizens of a country. I have a feeling for this. However, there is an objection to it. We will have a vote on it. I appreciate the Senator from North Dakota bringing up this circumstance. We should look into it and find out what the circumstance is behind it. There are some more maybe pending that we do not know anything about. Nonetheless, we will vote on this amendment.

Mr. President, I have no more comments on this. I reserve the remainder of my time. There was a speaker to come to the floor, and he has not arrived yet, so I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. COBURN). Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Well, Mr. President, if we are going to use the other time for someone who opposes the amendment, I would like to use my several minutes to close the debate on this amendment. So I ask unanimous consent to reserve my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENSIGN. Mr. President, I rise to oppose Senator DORGAN's attempt to waive the rules of the Senate. All of us operate under the constraints of the rules. The rules create a level playing field, provide stability, and bind the Senate together. According to CRS, similar attempts to waive the rules to legislate on appropriations bills have been tried twice since 1989, and failed both times. There is a good reason why the rules have not been successfully waived in recent Congresses. If waiving the rules becomes the practice of the Senate, just another tool for Senators, there will be chaos.

Many of my colleagues were Senators during times when authorizing on appropriations was routine. Do we want to potentially go down this path again? I think not.

Is my colleague seeking to waive the rules for a national emergency, an emergency in his State, relief from a terrorist attack, or a wartime emergency? No. He is seeking to waive the rules of the Senate to overturn regulations on travel to Cuba.

The regulations targeted by Senator DORGAN's amendment do not eliminate family travel. They simply limit the amount of times you can travel to Cuba for family visits—once every 3 years; in case of necessity—and limit it to visiting actual direct relatives. There used to be a tremendous abuse of people vacationing in Cuba claiming to visit their third uncle on their grandmother's side.

According to the State Department, the new regulations, which went into effect in July 2004, have cost the Castro dictatorship up to $375 million in lost revenue. I believe this is a good thing. Most of the money from travel, dollar stores, and hotels go directly to Cuba's military.

Recently, great media attention has been given to the case of SGT Carlos Lazo of Spokane, WA, who has two sons in Cuba. It is for cases of this nature that U.S. law allows his sons to visit him in the United States on a visitor's visa or to immigrate to the United States.

The proper statement for the Senate at this time is to go on record to demand that Castro let these boys go so they can see their father. I, for one, will do everything possible to see that his sons get here and have been assured that our State Department will work to facilitate this. The proper statement for the Senate is not to waive the rules of the Senate to create chaos in this Chamber and let more money go to subsidize Castro's repressive regime.

Mr. President, I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, it will be unbelievable to me if the Senate buys this line that somehow waiving the rules creates chaos in the Senate. That must be confusing appealing the ruling of the Chair with waiving the rules. Waiving the rules does not create any chaos. It simply says in this circumstance, with this set of facts, this Senate says that soldier, who fought in Iraq and won a Bronze Star, ought to have the right to see his sick kid. If this Senate cannot find that common sense, then there is something wrong, something dreadfully wrong.

So we are told: Well, why don't you have the kids come to the United States. Did you forget the word "sick"? We have a sick kid here, among other things. But this is not about common sense; it is about politics. It is about Florida politics. That is why a new regulation went into effect that replaced the old one. And, by the way, the old regulation did have a humanitarian exception. It did have a circumstance where this soldier would have been able to go to Cuba to see his sick son.

But when the President made it a new rule, a new regulation—only one visit every 3 years—they eliminated all exemptions. It does not matter. Your mother is dying on Saturday? Tough luck. A real "profamily" stand, as far as I am concerned. It seems to me there ought to be a humanitarian exception.

Look, if I were doing what I wanted here, I would lift the travel limitations completely. I am not doing that. I am providing a humanitarian exemption to say that if a member of your immediate family is seriously ill, injured, or dying, you ought to be able to get a license to go see them 90 miles off the coast of Florida.

So if you want to come to the floor and decide we should not do this, then, please, if you don't mind, call Sergeant Lazo tonight—I will give you his telephone number—and tell him why you don't think he has the freedom to see his sick kid. A guy who put on the uniform and traveled halfway around the world to fight for this country does not have the freedom to go see his sick child. There is something fundamentally bankrupt with that thought process.

If this Senate does not have the backbone to stand up to the White House on this—and, yes, it is the White House; that is who formed the rule, a rule with no exemption at all, no humanitarian exemption—if we do not have the backbone to stand up on this, I probably will not come with another story like this, because if you cannot do it for this soldier, you cannot do it for anybody. But it ought not just be this soldier. it ought to be anybody who has a sick or a dying relative who ought to have the right to go see them 90 miles off the coast of Florida.

This is not rocket science. For all the times that people stand up and talk about being compassionate, caring about the individual, talking about freedom, for all of those occasions they talk about being profamily, let's see it. Let's see it manifested on this vote, at this time. Do not vote against this and say: Oh, it had something to do with suspension, it had something to do with this, that, or the other thing.

This is simple. You cannot misunderstand this vote: Do you believe this guy ought to have the right to see his sick kid or not? Do you believe the American people ought to have the right to travel in circumstances where one of their relatives is sick, injured, or dying? If you do not, then vote against my amendment. But if you believe in some common sense here, then, please, support this amendment. Send the right message.

This does not eliminate the travel ban. It does provide the humanitarian exemption that used to always exist and should exist again.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BURNS. Mr. President, we have another speaker coming on our side who is on his way.

In the meantime, Mr. President, I ask unanimous consent that I yield time to Senator KYL for the purpose of withdrawing his amendment.

Mr. DORGAN. Mr. President, I will support that request, but I want to mention to my colleague from Montana that prior to going to the final vote, I believe Senator REID wishes time to speak. So I want to make sure that is preserved prior to final passage.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. Mr. President, I thank the Senator from Montana.

AMENDMENT NO. 1050 WITHDRAWN

Mr. President, I first ask unanimous consent to withdraw amendment No. 1050.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KYL. Mr. President, let me explain briefly what the amendment is, and why I filed it, and why we need to deal with that subject matter in the future.

I have spoken with Senator BURNS about this and have his agreement that he will try to work with us to find a way around the problem that the amendment was designed to resolve. I appreciate his cooperation in that regard.

Actually, for several years I have discussed this on the floor. We have had agreements in the past that the authorizing committees would work with us to change the formula for the Clean Water Act. We have not been able to get that done yet. So I am, once again, noting the fact that under the EPA-funded study to determine the needs of the States—a similar study which is used under the Clean Water Act—Arizona ranks 10th in terms of needs in the country, 10th out of all of the States.

In terms of the funding provided by the formula under this act, Arizona ranks 51st among the 50 States. Now, you may say: 51st? There are only 50 States. That is right. Actually, Arizona ranks behind Guam and Puerto Rico. So here we have one of the fastest growing States, with some of the greatest needs—according to the EPA, 10th in the country in needs—and the formula puts Arizona worse than any other State in the Union. That has to be fixed.

I believe my colleagues will understand if I say that in Arizona we cannot allow this situation to continue any longer. So if my colleagues do not like the formula we have put forward that would resolve this issue, then I invite them to come forward with some other kind of formula that would resolve the issue. But we are not going to very long abide by a situation which has been going on now for years that continues to put Arizona at the very bottom when our needs rank very close to the top.

Again, I appreciate the commitments that have been made by the distinguished chairman, the Senator from Montana, to try to work with us to find a way around this. I do appreciate that this is primarily an authorizing problem, so we will be talking to the authorizing chairmen as well. My colleagues will hear more about this in the future. In the meantime I have withdrawn the amendment that would fix this. But I hope my colleagues will work with us in the future.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I thank the Senator from Arizona. There is a larger problem on the Arizona River. We are all aware of it. It is going to take a lot of us working together to deal with that river because of population growth, especially in the wintertime, from Lake Mead and going south. Arizona is only a little piece of that. But, nonetheless, the Senator is very much interested in what happens all the way down, for the simple reason that with Nevada, Arizona, and California, it will take a lot of people working together to deal with that problem. I appreciate the Senator's interest in that, and I do pledge to work with the Senator on authorization.

Mr. President, I yield the floor to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

AMENDMENT NO. 1059

Mr. MARTINEZ. Mr. President, I rise to speak against amendment No. 1059 which would attempt to change foreign policy toward Cuba in an appropriations bill, which I think procedurally, as well as substantively, is the wrong thing to do. I urge my fellow Senators to vote "no" on this amendment.

The amendment would seek to unconditionally grant a concession to the repressive Castro regime. This is a government and a country that currently suppresses the human rights of its people. It has been on the list of states that assist terrorism, consistently right there with North Korea and other countries that are not particularly helpful to our global war on terror.

Aside from that, this policy of travel consists as one leg or one part of a more comprehensive travel policy toward Cuba that the United States put in place under the leadership of our President about a year and a half ago. It created some restrictions on travel. It limited travel even among Cuban families.

I know this community well. I know it is a policy that is largely supported by that community. I also would tell you that there is, in my own life, the knowledge that the denial of family reunification is something that for over 40 years the Cuban system has utilized as part of their endeavor in order to control people.

I had lived in this country for 4 years, and during those 4 years of separation from my mother and father—between the ages of 15 and 19—my family was not able to travel here to visit me. They were not allowed by the Cuban Government to at any point leave Cuba to visit.

The case of this brave soldier, whom I greatly respect and honor, Mr. Lazo, who has served his country bravely in Iraq, has been brought up. Let me say, specifically, on that case, this young man, who has sons in Cuba, wishes to go to Cuba to visit his sons. It is understandable. He has been there in the past 3 years. He wants to go again. His sons are 16 and 19.

We have asked Mr. Lazo if he would allow us to bring his children here so they could visit here. One of them has had some illness. Currently, he is not under medical care, but he has been recently. He could certainly seek medical care here when he came, under his father's auspices.

In addition to that, I believe it would be a nice thing for these children to have an opportunity to visit in a free society and a free country. That request, that offer, has been refused. For family reasons or other reasons, he doesn't care to pursue that. He wants to go there. I understand that. But I don't believe we can change the foreign policy of the United States to suit one individual situation.

I am sympathetic to family travel. I am sympathetic to humanitarian problems that may arise from time to time in people's families. I have lived those in my own family and my own life. However, I believe the policy of the United States, the law of the United States, ought to be followed and that it would be wrong for us in this instance at this time to change what is established foreign policy of our country, established in terms of our relationship with Cuba, simply to take care of this individual situation. I would like to think of how we might work on a humanitarian travel policy that might even include Cuba making concessions but that it would not be a unilateral concession to this tyrannical government.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. Mr. President, all time has expired.

The PRESIDING OFFICER. The Senator is correct.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1046

Mr. BURNS. Mr. President, we have accepted amendment No. 1046 on both sides. I ask unanimous consent that amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1046) was agreed to.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I ask unanimous consent that the Senator from Tennessee, Mr. ALEXANDER, the Senator from Delaware, Mr. CARPER, and the Senator from Pennsylvania, Mr. SANTORUM, be added as cosponsors to amendment No. 1046.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SARBANES. Mr. President, I express my appreciation to the managers of the legislation for accepting this amendment. The amendment provides for a study of the feasibility of designating the Captain John Smith Chesapeake National Historic Watertrail as a national historic trail. I was joined in this by my able colleague, Senator MIKULSKI, and by the two Virginia Senators, Mr. WARNER and Mr. ALLEN.

The year 2007—less than 2 years from now—marks the 400th Anniversary of the Founding of Jamestown, the first permanent English settlement in America.

The critical role that Captain John Smith played in the founding of Jamestown and in exploring the Chesapeake Bay region during the years 1607 to 1609 was a defining period in the history of our Nation. His contemporaries and historians alike, credit Smith's strong leadership with ensuring the survival of the fledgling colony and laying the foundation for the future establishment of our Nation.

With a dozen men in a 30-foot open boat, Smith's expeditions in search of food for the new colony and the fabled Northwest Passage took him nearly 3,000 miles around the Chesapeake Bay and its tributaries from the Virginia capes to the mouth of the Susquehanna. On his voyages and as President of the Jamestown Colony, Captain Smith became the first point of contact for scores of Native American leaders from around the Bay region. His relationship with Pocahontas is now an important part of American folklore. Smith's notes describing the indigenous people he met and the Chesapeake Bay ecosystem are still widely studied by historians, environmental scientists, and anthropologists.

The remarkably accurate maps and charts that Smith made of his voyages into the Chesapeake Bay and its tributaries served as the definitive map of the region for nearly a century. His voyages, as chronicled in his journals, ignited the imagination of the Old World, and helped launch an era of adventure and discovery in the New World. Hundreds, and then thousands of people aspired to settle in what Smith described as one of ". . . the most pleasant places known, for large and pleasant navigable rivers, heaven and earth never agreed better to frame a place for man's habitation." Even today, his vivid descriptions of the Bay's abundance still serve as a benchmark for the health and productivity of the Bay.

With the 400th anniversary of the founding of Jamestown quickly approaching, the designation of this route as a national historic trail would be a tremendous way to celebrate an important part of our Nation's story and serve as a reminder of John Smith's role in establishing the colony and opening the way for later settlements in the New World. It would also give recognition to the Native American settlements, culture and natural history of the 17th-century Chesapeake. Similar in historic importance to the Lewis and Clark National Trail, this new historic watertrail will inspire generations of Americans and visitors to follow Smith's journeys, to learn about the roots of our nation and to better understand the contributions of the Native Americans who lived within the Bay region.

Equally important, the Captain John Smith Chesapeake National Watertrail can serve as a national outdoor resource by providing rich opportunities for education, recreation, and heritage tourism not only for more than 16 millions Americans living in the Bay's watershed, but for visitors to this area. The water trail would be the first National Watertrail established in the United States and would allow voyagers in small boats, cruising boats, kayaks and canoes to travel from the distant headwaters to the open Bay—an accomplishment that would inspire today's explorers and would generate national and international attention and participation. The Trail would complement the Chesapeake Bay Gateways and Watertrails Initiative and help highlight the Bay's remarkable maritime history, its unique watermen and their culture, the diversity of its peoples, its historical settlements and our current efforts to restore and sustain the world's most productive estuary.

This proposed trail enjoys bipartisan support in the Congress and in the States through which the trail passes. The proposed trail has been endorsed by the Governors of Virginia, Pennsylvania, Delaware and Maryland. The measure is also strongly supported by The Conservation Fund, Izaak Walton League, the Chesapeake Bay Foundation and the Chesapeake Bay Commission.

But designating a new National Historic Trail is essentially a two-step process. First, Congress must authorize the Department of Interior to undertake a study of the national historic significance of the proposed trail and the feasibility of designating such a trail. National Historic Trails must meet 3 criteria: they must be nationally significant; have a documented route through maps or journals; and provide for recreational opportunities. Once the study is complete—usually a 3-year process that involves public hearings and input—a recommendation is submitted to the Secretary of Interior to designate the trail and Congress must enact legislation to authorize the trail.

We hope to make up some of the time by the work that is already underway by public and private sector organizations to document the history of Jamestown and John Smith's travels.

However, unless we can get this provision enacted shortly, the Park Service will be unable to complete the study and make recommendations on the proposed trail in conjunction with that anniversary.

Mr. President, we hope to get this study done before the Jamestown celebrations. In 2007, they are scheduled for celebrations at Jamestown. It will be a big national event. The Captain John Smith Watertrail is obviously very much connected to the Jamestown settlement. It involves, of course, the Chesapeake Bay. We are very hopeful this study will prove the feasibility of designating this water trail. I am pleased to join with my colleagues in putting this idea forward. Again, I thank the managers of the legislation for accepting the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, may I commend my distinguished colleague from Maryland and Senator MIKULSKI and others. The two Virginians and the two Marylanders have joined together, and it is a very important step to be taken in connection with a national commitment to the recognition of the Jamestown period.

I wish we could in some way reduce this for the record, but we simply can't do it. There is an excellent review in the National Geographic of June of this year, on the whole area. It is something that I think an inordinate number of Americans will be interested in reading about because it goes to the very roots of the foundation of this great Nation.

I thank the distinguished managers of the bill.

Come 2007, we will celebrate the 400th Anniversary of the founding of Jamestown, the first permanent English settlement in the New World, as well as the heroics of its first leader, Captain John Smith.

Lasting from 1607–1609, John Smith's historic 3,000-mile exploration of the Chesapeake's main stem and tributaries made him the first ambassador to the native peoples of the Chesapeake, allowing for the exchange of cultural customs and material goods.

Along his journey, Smith noted the incredible bounty of the Bay, writing that "oysters lay thick as stones" and fish were so prevalent you could catch them "with frying pans."

What would this trail accomplish? It would allow Americans to retrace the paddle strokes and footsteps of Captain Smith, to gain a better understanding of the perils he and his fellow settlers faced during the voyages they took to better understand the New World.

Ultimately, this proposed trail seeks to celebrate Captain Smith's foresight, the founding steps of America, and the bounty of the Chesapeake Bay. I urge my colleagues to join me in supporting this feasibility study for the Captain John Smith Chesapeake National Historic Watertrail.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, we are ready to move. I would call for the regular order under the previous order.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Parliamentary inquiry: Was the amendment agreed to?

The PRESIDING OFFICER. The amendment was agreed to.

Mr. SARBANES. I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to a series of stacked votes in relation to the amendments in the order they were offered, to be followed by third reading and a vote on passage of the bill as provided under the previous order. I also ask unanimous consent that there be 2 minutes between each vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1071

The PRESIDING OFFICER. The question is on agreeing to the Santorum amendment to the Murray amendment.

The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 165 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Bennett
Lieberman
Martinez
McCain

The amendment (No. 1071) was agreed to.

Mr. BURNS. I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1052, AS AMENDED

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the Murray amendment.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we are about to vote on the Murray amendment, as amended. I remind all of our colleagues, this has been a long road in coming to get to the point today where we stand as a united body to make sure we provide the funds for our veterans that are needed in this coming fiscal year.

As I said when we ended this debate, this is not a Republican issue; this is not a Democratic issue; this is an American issue. It is the right thing to do as we head into the Fourth of July recess to know that we are providing the funds in an emergency supplemental to make sure none of our members in the service from prior conflicts or the wars today who are coming home will be denied the services they have been promised.

This is a proud moment for the Senate. I want to work with my colleagues now to make sure the House and the White House work with us to expeditiously get these funds in place for our veterans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, this is, in a sense, the identical vote we just cast. This is the Murray amendment, as amended by the Santorum-Hutchison-Craig amendment. I encourage my colleagues to vote for this amendment.

I again thank the Senator from Washington. As we said during the debate, she was right and we got bad information. The Senator from Idaho, the Senator from Texas, as well as cooperation on the other side of the aisle, have gotten to the bottom of this. We have a lot more work to do. This is a good first step, and I encourage an "aye" vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1052, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 0, as follows:

[Rollcall Vote No. 166 Leg.]

YEAS—96

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—4

Bennett
Lieberman
Martinez
McCain

The amendment (No. 1052), as amended, was agreed to.

AMENDMENT NO. 1059—MOTION TO SUSPEND

The PRESIDING OFFICER. There is now 2 minutes of debate equally divided on the motion of the Senator from North Dakota, Mr. DORGAN, to suspend paragraph 4 of rule XVI to consider his amendment No. 1059.

Mr. DORGAN. Mr. President, I am not going to belabor the discussion. I think all Members understand what this is. This vote will be on whether we decide to provide a humanitarian relief piece in the legislation that otherwise does not allow a soldier—who went to Iraq to fight for America's freedom in Iraq, won the Bronze Star, and comes back here to have the freedom—to go see a sick child in Cuba. Why? Because there is no humanitarian relief in the regulation that was passed by the President.

I am not going to go on at great length. I have spoken about this three times. It is not just about this soldier but about others. When I called down to the Treasury Department, they said: No, there is no opportunity for this soldier to go see a sick child. In fact, we have people calling here saying, My mother is going to die on Sunday according to the doctor, and we say, Sorry you can't go. That is the regulation. The new regulation says you get one visit in 3 years. If you had that visit, no matter what is happening to your family in Cuba, you can't go. Period. So this young man goes to Iraq, fights for his country, wins the Bronze Star, and doesn't have the freedom to go see his sick child in Cuba. That is wrong, and everybody in this Chamber ought to know it.

Mr. NELSON of Florida. Mr. President, I rise to oppose suspending the rules to take up the Dorgan amendment to revise rules on family travel to Cuba.

I have always supported a strong economic embargo against Cuba, as well as a ban on tourist travel to the island. I believe it is in our national interest to keep the pressure on the Cuban dictatorship, and not give Fidel Castro access to resources that make it easier for him to oppress the Cuban people.

At the same time, how we treat Cuban-Americans during their moments of family tragedy reflects on our character as a Nation. We should ensure that our policy demonstrates compassion for these fellow citizens in their moments of grief. I have many constituents who have faced such wrenching circumstances in their lives.

Unfortunately, my colleague from North Dakota is proposing a fairly significant change in U.S. foreign policy as part of an unrelated appropriations bill. In order for us to take up the amendment, the Senate would have to vote to suspend its own rules that ban legislating on an appropriations bill.

I am not opposed to a debate about whether our current policies on Cuban-Americans' ability to travel to see their relatives may be too restrictive and whether they are in need of adjustments. But if we are to have such a debate, my colleagues in the Senate deserve enough time to consider fully such a major change in U.S. foreign policy. I would be willing to work with my colleagues to try to fashion a proposal that could gain broad support and would go through the proper legislative process. But for now, for the reasons I have stated, I must vote not to suspend the rules.

Mr. BURNS. Nobody can sum this argument better than the Senator from Florida and the Senator from Nevada. I would say this: This is a change in policy and regulation, and we should consider that.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER (Mr. COBURN). Mr. President, on this vote, the Senator from Florida, Mr. MARTINEZ, is absent and would have voted nay. If I were permitted to vote, I would vote yea. Therefore, I withhold my vote.

RECESS

The PRESIDING OFFICER. The Senate stands in recess subject to the call of the Chair. Standby for further instructions from Capitol Police.

Thereupon, the Senate, at 6:26 p.m., recessed until 7 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

The PRESIDING OFFICER. The clerk will resume the rollcall.

The assistant legislative clerk continued with the call of the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. MCCAIN), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 35, as follows:

[Rollcall Vote No. 167 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dorgan
Durbin
Enzi
Feingold
Feinstein
Hagel
Harkin
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lincoln
Lugar
Mikulski
Murray
Nelson (NE)
Obama
Pryor
Reed
Roberts
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Sununu
Talent
Thomas
Thune
Voinovich
Warner
Wyden

NAYS—35

Alexander
Allard
Allen
Brownback
Bunning
Burns
Chambliss
Cochran
Coleman
Cornyn
Corzine
Dole
Domenici
Ensign
Frist
Graham
Grassley
Gregg
Hatch
Inhofe
Isakson
Lautenberg
Lott
McConnell
Murkowski
Nelson (FL)
Reid
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Vitter

PRESENT AND GIVING A LIVE PAIR—1

Coburn

NOT VOTING—4

Bennett
Lieberman
Martinez
McCain

The PRESIDING OFFICER. On this vote, the yeas are 60, the nays are 35. Two-thirds of the Senators voting, a quorum being present, not having voted in the affirmative, the motion is rejected.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. COLEMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, this about winds up our work.

Mr. President, I raise a point of order on the pending amendment.

The PRESIDING OFFICER. The point of order is sustained. The amendment falls.

GRANTS MANAGEMENT

Mr. INHOFE. Mr. President, amendment number 1051 concerns the manner in which the Environmental Protection Agency awards direct assistance grants. Over the past 10 years, regardless of Presidential administration, the U.S. Government Accountability Office and EPA Inspector General have been extremely critical of the way EPA awards and administers grants programs. As chairman of the Senate Environment and Public Works Committee, I have made oversight of EPA grants management a Committee priority. Each year, the EPA awards half its budget in grants amounting to over $4 billion. This amount is comprised of non-discretionary grants awarded pursuant to regulatory or statutory formula for expenditures such as capitalization funding for State and local programs and comprised of discretionary grants awarded to a variety of recipients. In a hearing before the Environment and Public Works Committee early last year, the Government Accountability Office and EPA inspector general offered testimony critical of the lack of competition in awarding discretionary funds, the lack of measurable environmental results, and an overall lack of accountability of EPA personnel and grant recipients. More specifically, the GAO testified that due to a lack of competition in grants, EPA can't ensure the most qualified applicants receive grant awards. The EPA inspector general even testified that due to a lack of competition, there is an appearance of preferential treatment in grant awards. On March 31, 2005, the inspector general released an audit concluding that EPA needs to compete more grants and recommended that EPA eliminate noncompetitive justifications for national organizations that represent the interests of State, tribal, and local governments. My amendment reflects the inspector general's recommendation and would simply require open competition to ensure the value of those awards. However, the EPA inspector general's recommendation may be too broad of an approach. Perhaps the most important question that can be raised concerning EPA grants is the question, "What is the benefit to the environment?" The EPA has an obligation to ensure taxpayers that it is accomplishing its mission of protecting human health and the environment with the funds it awards each year. My interest is ensuring that EPA direct assistance grants demonstrate environmental value and EPA enacts necessary measures to reach that aim. Can I get the commitment from the chairman of the Interior Appropriations subcommittee to work with me to sufficiently address this issue?

Mr. BURNS. I appreciate the concerns raised by the chairman of the Environment and Public Works Committee and commit to working with him to address this issue of importance to him and the Environment and Public Works Committee.

Mr. INHOFE. I thank the Senator from Montana and chairman of the Interior Appropriations subcommittee for his commitment to work with me on this matter of great importance to me, and I congratulate him on a job well done with respect to this appropriations bill. With his commitment I will withdraw my amendment 1051 to H.R. 2361.

TRIBAL ASSISTANCE GRANTS

Mr. SMITH. Mr. President, in the Senate Report for the FY 2006 Interior and Related Agencies Appropriations bill, S. Rpt. 109-80, under State and Tribal Assistance Grants programs within the Environmental Protection Agency accounts, one of the line items gives a grant to a town in Oregon called Winchester. It is my understanding that the intended town which is seeking the grant of Federal assistance for water improvements is actually Winchester Bay, OR.

Mr. WYDEN. I concur with my colleague and ask through the chair that the managers of this bill fix this small but important typographical error in conference on this bill with the House of Representatives.

Mr. BURNS. Yes, we will certainly do that.

Mr. DORGAN. I concur with my colleague that we will indeed try to fix this conference.

REPLACEMENT OF THE FILENE CENTER MAIN GATE

Mr. WARNER. I would like to engage the chairman in a colloquy on the facility needs at Wolf Trap National Park for the Performing Arts. The President's budget request includes $4,285,000 to replace the main gate facility at the Filene Center. This project also includes the replacement of three temporary trailers. The purpose of this project is to vastly improve visitor services and security at the main gate entrance. These facility improvements are seriously needed to replace outdated and inadequate space for park employees, volunteers, park police and visitors. The current facilities, which have been considered "temporary" for over 20 years are functionally obsolete leaving visitors to wait in long lines for restrooms, and ticketing services.

I recognize that the Park Service's construction budget is under significant financial constraints, but I must emphasize the financial contributions made by the Wolf Trap Foundation to begin the conception design work of this long-awaited project. I respectfully request that the chairman keep these facts in mind, and ask if he could share with the Senate his views on this important project.

Mr. BURNS. I thank the Senator from Virginia, Mr. WARNER, for his support for this unique Park Service asset. As the Senator from Virginia has indicated, the facilities at the Filene Center's main gate are in serious need of replacement to improve employee space and visitor services. The Senator from Virginia has my commitment to ensure that the needs of this facility are fully evaluated as we work with our colleagues in the House of Representatives on the FY 2006 Interior and Related Agencies Appropriations bill.

Mrs. MURRAY. Mr. President, I engage the Senator from Montana, the distinguished subcommittee Chairman, and the Senator from North Dakota, the distinguished subcommittee ranking member, in a brief colloquy to clarify the location of the Forest Service land acquisition project listed as the "I–90 Corridor" on page 87 of the committee report.

Mr. BURNS. The subcommittee would be happy to assist the Senator in this matter.

Mrs. MURRAY. The project called "I–90 Corridor" is listed in the committee report as being in the Okanogan-Wenatchee National Forest. The parcels that are designated for acquisition by the Forest Service in FY 2006 are actually located in the Mt. Baker-Snoqualmie National Forest. I ask the Chairman and Senator DORGAN if that is their understanding as well?

Mr. BURNS. It is my understanding.

Mr. DORGAN. I concur and suggest we address this error through the conference report.

Mrs. MURRAY. I thank the chairman and ranking member, and appreciate the suggestion that we clarify this in the conference report accompanying H.R. 2361, so that the report will read "Mt Baker-Snoqualmie National Forest—I–90 Corridor" in the State of Washington.

Mr. BURNS. We will see that the change is made.

Mrs. MURRAY. I thank Chairman BURNS and Senator DORGAN for their assistance in clarifying this matter.

BIA WATER TECHNICIAN TRAINING PROGRAM

Mr. DOMENICI. Mr. President, I speak on the pending Interior and Related Agencies Appropriations bill for FY 2006. I would to discuss the Committee recommendation for the Bureau of Indian Affairs, BIA, Water Management and Planning program.

I thank the distinguished Chairman of the Interior Appropriations Subcommittee, Senator BURNS, and the distinguished ranking member, Senator DORGAN, for restoring $2 million to the President's budget request for BIA Water Management and Planning. These funds are very important to the Indian Tribes and Pueblos in the State of New Mexico.

I am particularly interested in the Water Technician Training program that is funded within this BIA program. The BIA Water Technician Training program trains Native Americans to manage water resources on their reservation lands. The program trains tribal members in a broad range of water-related fields, including hydrology, fish and wildlife biology, irrigation, soil surveys, dam operation, surface and ground water pollution, and forest management. Training is offered at university campuses, including New Mexico State University.

The program curriculum is developed with Federal agency partners, including the Bureau of Reclamation, Army Corps of Engineers, Department of Interior agencies, the Environmental Protection Agency, and the Forest Service. With this technical training, tribal members work to manage and preserve water and other natural resources for the benefit of the tribe. The program provides educational and employment opportunities and economic benefits.

May I inquire of the distinguished Chairman if it is the intention of the Subcommittee in restoring $2 million to the BIA Water Management and Planning Program to continue the Water Technician Training program, which is currently receiving $400,000?

Mr. BURNS. The Senator from New Mexico is correct. The committee restored $2 million to the BIA budget request for Water Management and Planning activities and continues funding for the BIA Water Technician Training program, which the administration proposed to eliminate.

Mr. DORGAN. I agree with the distinguished Senator from Montana that this is the intent of the committee bill, and the Senate expects the administration to fund the BIA Water Technician Training program at the current level of $400,000.

Mr. DOMENICI. I thank my colleagues for this assurance. I appreciate their confirmation as to continuation of funding for the BIA Water Technician Training program.

GRAND TETON NATIONAL PARK VISITORS CENTER

Mr. THOMAS. Mr. President, I would like to ask the distinguished chairman for his assistance in solving a problem that I hope he, too, would agree needs fixing.

In the fiscal year 04 and fiscal year 05 appropriations, Congress provided a total of $8 million in the NPS construction account to build a visitors center at Grand Teton National Park. Private partners will contribute $10 million.

The Park Service has asked the private partners to deposit their share in an escrowed Treasury account prior to the start of construction. To meet that requirement, the private partners will borrow the funds from a commercial bank and therefore begin accruing interest expense immediately even though the majority of the funds may not be needed for 12 to 18 months.

The private partners would prefer to meet their commitment by giving the NPS an irrevocable letter of credit due and payable from a bank or financial institution organized and authorized to transact business in the United State. It would save them upwards to $800,000 in interest payments over the construction period—funds that could be used for other park projects.

The National Park Service believes they don't have the authority to accept a letter or credit unless specifically authorized by Congress, Anti-Deficiency Act, 31 U.S.C. 1341(a)(1).

As chairman of the National Parks Subcommittee of the Energy and Natural Resources Committee, it is my goal to encourage partnerships that benefit our parks while at the same time insuring that the Government's interest is protected.

I ask that we work together between now and conference to evaluate ways these two goals can be accomplished. Specifically, I would like to grant the NPS the authority to accept an irrevocable letter of credit if we can be convinced the government's interest would be protected.

Mr. BURNS. Mr. President, the role of partnerships is rapidly changing and our subcommittee has encouraged the Park Service to develop guidelines and standards for their partners. I am encouraged by the progress. It also seems appropriate that we not hobble partners with unnecessary and expensive requirements. I will be glad to look at ways to do that.

RAHWAY VALLEY SEWERAGE AUTHORITY

Mr. LAUTENBERG. Mr. President, I would like to bring to the Senator's attention a very important project in my home State of New Jersey that I believe should be given strong consideration for funding. The Rahway Valley Sewerage Authority is currently undertaking a project on a grand scale. In 1998, the Environmental Protection Agency directed the authority to expand its wastewater treatment capacity in order to meet wet weather sanitary sewage overflow requirements by 2008. The estimated cost of this large project was $68 million at the time. That estimate proved to be optimistic. The present day cost estimate for the project is $235 million.

Mr. CORZINE. Mr. President, I thank my colleague, Senator LAUTENBERG, for bringing this project to the attention of the ranking member of the Interior Appropriations Subcommittee. This project is quite costly for the authority and the State of New Jersey and will lead to the tripling of sewer rates for residents in 12 communities in the area. I believe that any funding assistance that the federal government can provide would be put to very good use.

Mr. DORGAN. Mr. President, I thank the Senators from the State of New Jersey. This program sounds very important but how does the Rahway Valley Sewerage Authority plan to tackle this large task?

Mr. LAUTENBERG. The authority, as required by the consent order, has developed a comprehensive strategic plan to comply with the order. A critical component of the plan is the construction of a new gravity relief sewer that will convey combined sanitary sewage overflows for enhanced treatment at the upgraded plant. The authority has focused its request for Federal funding exclusively on this gravity relief sewer facility. The gravity relief sewer facility is estimated to cost $10.9 million in its entirety. Federal funding can play an important role in financing this cost and in facilitating the early construction of this much needed project.

Mr. DORGAN. I thank my colleagues from New Jersey and I thank them for bringing this project to my attention. This does sound like a good project and as this bill moves to conference we will try and do what we can for it.

Mr. BURNS. I concur with the ranking member. I believe this project does have merit, and we will see what we can do for this project as this bill moves to conference.

COMPETITIVE SOURCING PROCESS

Mr. FEINGOLD. Mr. President, it is no secret that there have long been concerns about the competitive sourcing process at the Forest Service. I commend the chairman and ranking member for their attention to this issue in the underlying bill, which reflects those concerns by limiting the amount of funding that the Forest Service may use during fiscal year 2006 for competitive sourcing studies and related activities. The underlying bill also requires agencies funded by this bill to "include the incremental costs directly attributable to conducting the competitive sourcing competitions" in any reports to the Appropriations Committee about such studies and stipulates that such costs should be reported "in accordance with full cost accounting principles." The fiscal year 2006 Interior appropriations bill that the other body passed last month contains similar language, and also directs the Forest Service to provide quarterly reports on its related business process reengineering efforts.

The American people deserve to know how their tax dollars are being spent and if the Forest Service's competitive sourcing process is resulting in true savings, which should include a full cost accounting of all of the related savings and losses associated with this process.

An amendment I proposed to the bill would have required the General Accountability Office to conduct an audit of existing Forest Service competitive sourcing procedures and to make recommendations on how these procedures can be improved, including recommendations on what accounting practices should be adopted, by the Forest Service to improve accountability.

It is my understanding that the chairman and the ranking member have agreed to work with me to request such an audit.

Mr. BURNS. The Senator is correct. I am willing to work with the Senator from Wisconsin, Mr. FEINGOLD, and the ranking member of the subcommittee, Mr. DORGAN to request in writing this audit by the Government Accountability Office.

Mr. DORGAN. I would be happy to assist with such a request for a GAO audit of the Forest Service's competitive sourcing initiative.

Mr. FEINGOLD. I thank the chairman and the ranking member for their assistance on this important issue. I look forward to reviewing GAO's findings.

NORTHEAST STATES FORESTRY RESEARCH COOPERATIVE

Mrs. CLINTON. Mr. President, I rise today to discuss an important matter with the Chairman and ranking member of the Interior Appropriations Subcommittee regarding a provision in the Senate bill which provides funding for the Northeast States Forestry Research Cooperative.

Congress authorized the creation of the Northeast States Forestry Research Cooperative in the 1998 Agricultural Research Act. The authorization directed the Secretary of Agriculture to provide funding to land grant colleges and universities and natural resources and forestry schools in the States of New York, Maine, New Hampshire, and Vermont for research, technology transfer and other activities related to ecosystem health, forest management, development of forest products and alternative renewable energy.

While I certainly support funding for Maine, Vermont and New Hampshire, I believe that New York, and our lead institution, the SUNY College of Environmental Science and Forestry, has been left out of the funding pool and ought to be included in this year's Interior Appropriations bill.

Mr. BURNS. I thank the Senator from New York for her comments about the Northeast States Forestry Research Cooperative. We did provide additional funding to allow Maine to become integrated into the cooperative and I appreciate the Senator's position with respect to her State of New York. I will consider additional funding as the bill moves to conference.

Mr. DORGAN. Mr. President, I thank the Senator from New York. I know the Senator has advocated for including New York in the account that funds the Northeast States Forestry Research Cooperative. This is a great program that provides significant research, economic development, and technology transfers related to our Nation's forests. I applaud the Senator for her continued advocacy and I want to assure her that I will work with the Chairman to consider additional funding as the Interior bill moves to conference with the House.

Mrs. CLINTON. I thank the Chairman and ranking member of the Interior Appropriations Subcommittee. When one considers that New York's northern forests are more than three times the size of those in New Hampshire and Vermont combined, I believe that adding New York for funding is the right thing to do.

The forest products industry is a major contributor to the New York State and national economy. New York's forest products industry is the fifth largest manufacturing sector employing more than 60,000 people. It is estimated that forest-based manufacturing and forest-related tourism and recreation contribute more than $9 billion to New York State's economy each year. Jobs in these areas must be sustained to ensure our forest communities remain strong. These forests must be managed wisely through sustainable development that recognizes the needs of these communities, but also values the benefits derived from America's forests. This is particularly true when considering that these forests cover 75 percent of the critical New York City watershed.

This investment will provide economic benefits that contribute to "smart energy" demonstrations and commercialization of wood-based biorefining technology which will advance biofuels, and other natural industries in New York State.

I thank the chairman and ranking member for their willingness to consider additional funding to include New York as part of the Northeast States Forestry Research Cooperative.

LAKE MEAD NATIONAL RECREATION AREA WATER SYSTEMS

Mr. REID. I am proud to represent a State with so many natural treasures. Of particular importance to me is the Lake Mead Natural Recreation Area, which is managed by the National Park Service. Because of its amazing natural beauty and its proximity to the residents of both southern Nevada and northern Arizona, Lake Mead receives nearly 10 million visitors a year. I rise today to bring attention to a water and wastewater maintenance project at Lake Mead that is need of serious attention. Is the distinguished ranking member familiar with the beautiful Lake Mead National Recreation Area?

Mr. DORGAN. I am indeed. The Senator should be proud to have such a jewel in his State. Lake Mead is not only a great recreation site within Nevada's borders, but is known worldwide for its clean waters and the unforgettable Hoover Dam that was a vital public works project during the Great Depression. I understand that the project that the distinguished minority leader is concerned with was included in the President's budget as one of the Park Service's main priorities. Is that correct?

Mr. REID. The Senator from North Dakota is correct. Because Lake Mead's water and wastewater facilities were constructed in the 1950s, and some as long ago as the 1930s, the National Park Service and the President put these projects forward as priorities. Failure of the water systems—including force mains, gravity mains and manholes—would cause significant risks to public health and the environment due to discharges of raw sewage from these systems. Sewage is generated at the lowest point in these systems due to waste-generating activities occurring close to the lake, so the pristine water quality of Lake Mead and Lake Mohave could be jeopardized if there were a major spill caused by catastrophic failure of one of these mains. Failure of any force main would also virtually shut down all commercial, residential, and recreational use within the development and could expose visitors and employees and their families to the risk of disease transmission via direct physical contact with raw sewage, as well as undermining roads, buildings, utility lines, or other structures due to high-pressure spray. In short, this is no little problem.

Mr. BURNS. It is my understanding, Mr. President, that the administration's budget requested $9.4 million to deal with phase-1 improvements to the water and wastewater systems at Lake Mead.

Mr. REID. The Senator is exactly right.

Mr. BURNS. Well, let me assure the minority leader that we will look for ways to help fund this long overdue maintenance of Lake Mead's water and wastewater systems. One option we can consider is to find funding for the failing wastewater system this year—I am told this is roughly $2.7 million—since it seems to pose the greatest threat to Lake Mead and its visitors. And we will certainly give the rest of the project the attention it deserves.

Mr. REID. The chairman and ranking member are very kind to share my interest in this project. I greatly appreciate their assistance on this important issue.

INDIAN HEALTH FACILITIES IN NEVADA

Mr. REID. The Indian Health Service which is funded by this bill, is the agency charged with providing health care services to Native American people. We in this body must work to ensure that the Indian Health Service is meeting the needs of all Native Americans. My State is home to 22 Indian tribes, all of which are served by the Phoenix area office of the IHS. That same office also provides health services to the Indians of Arizona and

Utah, except for the Navajo Nation. Am I correct that this year's appropriations bill contains $8 million in funding for the construction of one of the ambulatory care clinics in the Phoenix area of the IHS?

Mr. BURNS. The Senator is correct. The Phoenix Indian Medical Center Hospital System is at the top of the priority list for replacement of its inpatient facility. As part of this replacement, three ambulatory clinics will be constructed in the region to provide better health care services to the tribes in the area, including those in Nevada. The amount of $4 million in planning funds for design of two of the center's clinics was provided last year. This year, an additional $8 million for the construction of one of the clinics that is part of that project is recommended in the Senate bill.

Mr. REID. I thank the Senator. The tribes in my State are supportive of efforts to improve health care for tribes in Phoenix. They have told me that—of all the challenges that confront tribes today—health care is by far the most urgent, and perhaps the most daunting. I thank the Senator and the members of his subcommittee for realizing the importance of Indian health care and providing resources for it.

However, the tribes in my State face another challenge in terms of the replacement of this medical center system. The current plans call for the replacement of three out-patient clinics in the Phoenix metropolitan area, and will provide for the eventual renovation of the in-patient medical center. These are important projects. However, tribes in Nevada cannot realistically make use of these centers. Tribes in Northern Nevada, for instance, are more than a day's drive from Phoenix.

I am told that the Indian Health Services' plans to replace the Phoenix Indian Medical Center system were developed without adequately accounting for the health care needs of eligible beneficiaries in outlying areas, like Nevada, Utah or rural Arizona. I am also told that should those plans move ahead, the resulting health care delivery system will disadvantage eligible beneficiaries that reside a distance away from the Medical Center.

In order to address these concerns, it is especially important to me that the IHS meet and discuss with Nevada tribes ways to improve health care services in Nevada, including facility needs and the Contract Health Services Program. In addition, I expect that these meetings will result in a report to the committe, with recommendations, to assist the committee in its ongoing efforts to improve the quality of health care for Nevada's Native Americans.

Mr. DORGAN. I thank the Senator. My State has several Indian tribes as well, and I am aware of the challenges that they face. I assure the minority leader that the committee is aware of the Indian health needs in Nevada and expects that IHS will, No. 1, continue to meet and discuss with the 22 tribes in Nevada, as well as the Intertribal Health Board of Nevada and the Intertribal Health Board of Nevada, in an effort to find ways to improve the delivery and quality of health services to Native Americans in Nevada, and, No. 2, will report back to the committee in writing, with recommendations, on how to improve secondary and tertiary care in Nevada.

Mr. BURNS. My State of Montana is home to tens of thousands of Native Americans, and I am familiar with the health care challenges that they and other Native Americans around the Nation face. I understand that the minority leader expects IHS to meet with all Nevada tribes to discuss ways to improve their health care services.

Mr. REID. Mr. President, I look forward to working with the Senators to ensure that Indian beneficiaries in Nevada receive the critical health care funding that they need. I thank the Senators for their work on behalf of Native Americans throughout Nevada and the Nation, and I thank them for engaging in this colloquy.

AMENDMENT NO. 1030

Mr. BINGAMAN. Mr. President, on May 24, 1999, the Bureau of Indian Affairs produced an agreement regarding the funding formula for the two BIA postsecondary schools Southwestern Indian Polytechnic Institute, known as SIPI, and Haskell Indian Nations University. SIPI and Haskell agreed that while base funding for each institution would not be impacted, all new funds would be proportionately distributed to each school based on unmet student need. In accordance with the agreement, BIA developed a formula for unmet need.

In the conference report to Public Law 106–113, the Interior Appropriations bill, Congress then directed BIA to allocate funds for SIPI and Haskell for fiscal year 2000 as determined by such formula. Since then, however, BIA has not used the formula agreed upon by all parties, but should have, as Congress directed.

Mr. BURNS. The Senator from New Mexico is correct.

Mr. DORGAN. I agree with the chair and the Senator from New Mexico.

Mr. BINGAMAN. I ask if the chair and ranking member would work with me, should funding become available, to find $178,730 in conference for SIPI, which is the amount of funds I believe is needed to correct this situation for the period that the formula should have been used according to Congressional direction, up to and including fiscal year 2006.

Mr. BURNS. I will be happy to consider the Senator's request should funding become available.

Mr. DORGAN. I, too, will do my best to help solve this problem.

HIGHLANDS CONSERVATION ACT

Mr. CORZINE. Mr. President, on November 30, 2004, President Bush signed the bipartisan Highlands Conservation Act into law to authorize up to $11 million per year over the next 10 years for land conservation partnership projects and open space purchases from willing sellers in the four-state Highlands Region.

This law recognizes the national significance of land and water resources in the 3.5 million acre Highlands Region which stretches from northwestern Connecticut, across the lower Hudson River Valley in New York, through New Jersey and into east-central Pennsylvania. It will safeguard these critical resources to protect the pristine wilderness and wildlife of the Highlands.

The value of the natural, recreational and scenic resources of the Highlands cannot be overstated. In a study of the New York-New Jersey Highlands region alone, the Forest Service found that 170 million gallons are drawn from the Highlands aquifers daily, providing quality drinking water for over 11 million people; 247 threatened or endangered species live in the New Jersey–New York Highlands region, including the timber rattlesnake, wood turtle, red-shouldered hawk, barred owl, and great blue heron. According to the U.S. Forest Service, over 14 million people visit the New York–New Jersey Highlands for outdoor recreation, more than Yellowstone National Park and our most heavily visited natural treasures.

Mr. LAUTENBERG. According to the Forest Service, more than 5,000 acres of forest and farm land in the New York and New Jersey sections of the Highlands have been lost annually to development between 1995 and 2000, and nearly 300,000 acres of land critical to future water supplies remain unprotected. As the demand for new housing and other types of development continues to alter the vast areas of forest and open space in our region, it is important that Congress acts now to provide funding to preserve the high priority open space that remains. I appreciate the consideration by my colleagues from North Dakota and Montana of the importance of protecting the Highlands Region.

Mr. CORZINE. I was proud to work with my colleagues in the Senate, Senators LAUTENBERG, CLINTON, SCHUMER, SPECTER, SANTORUM, LIEBERMAN and DODD, and my colleague in the House of Representatives, Congressman FRELINGHUYSEN to enact the Highlands Conservation Act into law. To secure appropriations to match the authorization, we requested from the Interior Appropriations Committee $11 million to support open space protection in the four Highlands States for fiscal year 2006. Unfortunately, that funding was not included in the bill. This vital funding is needed to protect the Wyanokie Highlands, Scotts Mountain and Musconetcong Ridge in New Jersey, as well as to protect threatened areas in New York, Connecticut and Pennsylvania. It would also allow the USDA Forest Service to update its 1992 study of the Highlands Region to include the States of Connecticut and Pennsylvania. We would like to work with the chairman and ranking member to ensure they are protected. Will the Senators agree that should funding become available during the conference proceedings that they will work with us to secure funds to meet the goals of the Highlands Conservation Act and protect the Highlands, especially the New Jersey Region?

Mr. DORGAN. I agree with the Senators from New Jersey that the Highlands Region is a vital national resource. If there are funds available in the conference report, I will work with the Senators to see if we can secure the funding needed to protect this region.

Mr. BURNS. I understand the importance of the Highlands Region. Should funding become available during conference proceedings, I will work with my colleagues to seek funds to support land conservation partnership projects and open space purchases from willing sellers in the Highlands region.

AMENDMENT NO. 1031

Mr. BINGAMAN. Mr. President, my amendment provides more opportunities for Youth Conservation Corps to partner with the land management agencies funded through this bill. In addition, according to agency information, it would save the taxpayers money.

For decades, we have included a provision in this bill requiring the land management agencies to carry out some of their projects in partnership with the Youth Conservation Corps. In the mid-1970s, we funded the YCC program at $60 million each year. Unfortunately, Congress has more or less forgotten the YCC for the last 5 years, which is how long it has been since we increased the modest setaside for the programs to about $7 million.

YCC projects range from building trails and campsites, to restoring watersheds and monuments, to eradicating exotic pests and weeds. The Youth Corps bring to the agencies enthusiastic young adults that are ready to work hard to improve our public lands. The youth corps members come away with a good job and invaluable experiences.

In New Mexico, for example, the Rocky Mountain Youth Corps has partnered with all of these agencies to carry our many projects over the years. One project was to create a scenic lakeside trail with an interpretive nature component in the Carson National Forest. Recently, the site was listed as one of the top 15 camping sites in New Mexico, and the lakeside trail is an integral component of that camping experience.

We held a hearing on the YCC program in the Committee on Energy and Natural Resources a few years ago, and the Park Service Director testified that his agency received $1.70 in benefits for every $1.00 it invested in YCC projects. The Fish and Wildlife Service estimated that it received $2.00 dollars for every $1.00 it invested. Supporting this program is good fiscal policy.

My amendment would provide a modest increase of almost $2 million in the YCC setaside, to be spread among the four agencies. This does little more than prevent the program from shrinking from where it was 5 years ago, but it would result in tangible benefits to our youth, our public lands, and our budget.

This amendment is good education policy, good public lands policy, good economic policy, good government policy, and good fiscal policy. I am gratified that this amendment was adopted.

AMENDMENT NO. 1050

Mr. KYL. Mr. President, I rise today to speak to the withdrawal of my amendment No. 1050 to H.R. 2361, the pending Interior Appropriations bill. Although the amendment was withdrawn, I remain committed to addressing the funding inequities in the EPA-administered Clean Water Act State Revolving Fund—CWA SRF—the primary Federal mechanism for financing clean water and wastewater infrastructure projects nationwide.

I applaud both Senator BURNS and Senator DORGAN, the chairman and ranking member respectively, for recognizing the importance of this program and funding it at the fiscal year 2005 level of $1.09 billion in this tight budget year.

Our States do depend on CWA SRF to provide much needed financial assistance in the form of low interest loans to towns and cities to help defray the costs of maintaining and upgrading their water treatment systems. It is especially beneficial for small rural water companies that serve so much of the Western and Midwestern States.

However, providing level funding for the CWA SRF is not enough. We have a more fundamental problem that needs to be addressed with regard to the CWA SRF. That is, the inequities built into the current CWA SRF formula which will determine how much of the $1.09 billion each State gets. Senator BURNS recognizes that too, and has agreed to work with me to correct it.

Congress adopted the current allocation formula in the 1987 amendments to the Clean Water Act. The formula was developed behind closed doors during the conference.

Nowhere in the legislative history of Congress' final action on the 1987 amendments is there a clear statement about how it came up with the final allocation formula—it is even difficult to guess. The conference report on the final legislation merely states: "The Conference substitute adopts a new formula for distributing construction grant funds and the state revolving loan fund capitalization grant funds and the state revolving loan fund capitalization grants among the states for fiscal years 1987 through 1990." The allocations are fixed, statutory percentages. That is to say, once the Act was signed into law, each would receive the same share of available funds in perpetuity, unless the Act itself is amended.

This is not the first time I have come to the floor to persuade my colleagues to act to change this formula, and I doubt it will be the last. Some of you may remember that we had a very good debate on August 2, 2001, during the Senate's consideration of the VA-HUD appropriations bill on this very issue that resulted in the Senate expressing its sense about the need to report authorizing legislation that included an equitable, needs-based formula.

As my constituents remind me, we have yet to either amend or reauthorize the portion of the Clean Water Act pertaining to the CWA SRF or the faulty formula. Year after year promises are made but nothing happens. The authorizing committee has had years to change the formula and has not done so. There is a reason nothing happens—because the States that benefit from the current formula do not want it to change. There is nothing wrong with that. I do not blame them, but there comes a time when one's patience wears thin. I think we have an obligation to say enough is enough. We must change the formula.

After all, let's look at the current situation we face in the bill before us. We are appropriating dollars to an unauthorized program—it expired in 1990—using a statutory formula set 19 years ago that bears no relationship to the actual needs reported by the states. That is sad, and it needs to change.

It is interesting to note that, when Congress enacted the 1996 Safe Drinking Water Act, we ensured that no such inequity would haunt the newly created Drinking Water State Revolving Fund. From its inception, the Drinking Water Fund was allocated on the basis of a quadrennial infrastructure needs survey conducted by the various States under EPA supervision and guidance. The survey involves the States in determining their own needs for drinking water infrastructure to ensure compliance with EPA regulations. The EPA, in turn, validates the state submissions and compiles them in a report to Congress. The EPA then allocates Drinking Water Fund appropriations on the basis of each State's proportional share of the total need.

There is a fundamental fairness associated with allocating the funds on the basis of the survey. The States themselves participate in the survey. The

EPA has oversight, but in the end, valid needs are simply compiled into the aggregate, and the resulting State share of the total national need determine Drinking Water Fund allocations among the States.

Unfortunately, as we all know, the same is not true for the much larger CWA SRF. A Clean Water Needs Survey is performed by the States every 4 years called the "Clean Watershed Needs Survey" and the EPA in fashion similar to the compilation of the Drinking Water Needs Survey validates the State's submissions and compiles them in a report to Congress. The Clean Watershed Needs Survey, however, has no impact on CWA SRF allocations.

I believe, as I am sure do most of my fair-minded colleagues, that we must work together to right this wrong. There is no reason for the Drinking Water Fund to be allocated fairly on the basis of actual need, while the CWA SRF is allocated on an arcane set of fixed percentages that were established before most of us were elected to Congress.

So what does my amendment do? What my amendment would do is update the funding formula using the Drinking Water Fund formula as precedent. Under my amendment, each State would receive funds based on its share of the total 20 year-clean watershed infrastructure needs, as documented in the most recent Clean Watershed Needs Survey, with no State receiving less than 1 percent of the total appropriated for the CWA SRF. There would be up to 1.5 percent set aside for Indian Tribes and 0.25 percent for all the U.S. territories.

What I am saying is, let's even out the playing field and make sure that everybody gets at least a share closer to what the EPA says they deserve to have. That is what we are trying to do, make it fair for everybody.

Let me cite some examples that demonstrate the fundamental unfairness of the current formula in contrast to my amendment. There are 12 States that are receiving more funding than the minimum allocation and more than they documented in needs in the survey. These States would lose the windfall they are currently receiving under my amendment.

But there are some States, like New Jersey and Florida, that are receiving significantly less than their share. My amendment would correct this inequity. New Jersey, for example, would receive about $45 million under the current formula. It would receive almost $61 million under my amendment—about a $16 million increase. Florida would receive about $37 million under the current formula but would receive almost $48 million under my amendment—about a $10 million increase. The increases these States receive demonstrate the fact that they have been significantly shortchanged in the past. My home State falls into this category. Arizona ranks 10th in need according to the latest EPA Clean Watershed Needs Survey. However, Arizona ranks dead last, behind all the States and Puerto Rico in the percentage of needs met under the current formula. In terms of dollars, Arizona would receive about $7 million under the current formula, but would receive almost $31 million under my amendment. I am sure now it is clear why I am standing here.

My amendment also helps small States. Those States would receive the minimum allotment, which is actually a greater percentage than they should based on the needs they documented in the needs survey. There are five other States that will see a reduction in what they receive, but these States have had a larger percentage of their total needs funded under the current formula since it was enacted. The state of New York is an example. New York is No. 1 in need and No. 1 in total dollars received out of the CWA SRF. I should point out that although New York's total allocation would go down under my amendment it would continue to rank No. 1 in terms of dollars allocated. New York would receive approximately $95 million.

The formula that I proposed in my amendment assures that each State could meet the clean water needs of its citizens by bringing fundamental fairness to the allocation of the appropriated dollars. It ensures that all States receive a fair share, and recognizes that needs change over time. By changing the formula to comport with the needs survey, it will adjust to changing circumstances and, thus, will protect all states.

If my colleagues have a better formula I urge them to come forward with it. This issue is not going away. Senator BURNS recognizes that. In return for my withdrawal of this amendment, he has agreed to work with me to persuade the authorizing committee to get this done. I thank him for that.

Mr. CHAFEE. Mr. President, I wish to register my opposition to the Kyl amendment No. 1050 to H.R. 2361, the Senate Interior Appropriations bill.

The Clean Water State Revolving Fund Program is essential for protecting public health, watersheds, and the natural environment by providing critical federal seed money for the maintenance and improvement of water infrastructure. Despite important progress in protecting and enhancing water quality since the enactment of the Clean Water Act in 1972, serious water pollution problems persist throughout the Nation.

The need for continued Federal investment in the Nation's water infrastructure is undeniable. The Environmental Protection Agency's September 30, 2002 Clean Water and Drinking Water Infrastructure Gap Analysis found that there will be a $535 billion gap between current spending and projected needs for water and wastewater infrastructure over the next 20 years if additional investments are not made. In November 2002, the Congressional Budget Office estimated that the annual investment in clean water infrastructure needs to be at least $13 billion for capital construction and $20.3 billion for operation and maintenance.

The Kyl amendment would restructure the current formula for distributing federal funding to the states under the Clean Water State Revolving Fund, SRF, Program. As chairman of the Subcommittee on Fisheries, Wildlife, and Water, with authorizing jurisdiction over the Clean Water Act and the SRF Program, I thank Senator KYL for his interest in the clean water formula.

However, I believe the Interior appropriations bill is the wrong forum for discussion of any statutory changes to the Clean Water SRF formula. Members of the subcommittee and the Environment and Public Works Committee are working closely to craft water infrastructure legislation that would authorize new funding for the Clean Water and Drinking Water SRFs, as well as address the antiquated Clean Water SRF formula.

Senator KYL is correct, the Clean Water SRF formula is in need of revision. Arizona is one of many States that have seen their needs grow since the last time the formula was updated in 1987. The Environment and Public Works Committee is working on the necessary changes to the SRF, and hope to move water infrastructure legislation by the end of the summer.

I encourage my fellow colleagues to oppose the Kyl amendment and support the ongoing process of updating the Clean Water formula by the Environment and Public Works Committee.

Mr. INHOFE. Mr. President, to begin, let me assure my colleague that as chairman of the Environmental and Public Works Committee, I am fully aware of how important this issue is to his State of Arizona. His State's current allocation under the Clean Water Act is well below the State's proportional need.

As my colleague knows, the EPW Committee has for the past two Congresses passed legislation to reauthorize the Clean Water and Drinking Water SRFs. In those bills, the committee also rewrote the clean water formula. My colleagues Senators JEFFORDS, CHAFEE and CLINTON and I are working on a new proposal and feel confident that unlike our previous efforts, this bill will be enacted into law.

My State of Oklahoma would get more money under the Kyl formula than under the current allocation. I would like to support your amendment because it brings more dollars home to

Oklahoma. However, all States need more water infrastructure money as their systems age and struggle to meet the ever-growing list of Federal regulations. There is a significant nationwide shortage of funds that is affecting all States.

Given current Federal appropriations, there is simply no way to rewrite the formula so that all States win. If we change the formula, without reauthorizing the State Revolving Loan Funds, some States will have to lose money. In order to assure that each State receives sufficient funds to run an effective program, we need to enact water infrastructure legislation which raises the authorization level for this important program while also addressing the formula. The committee's long-term goal is to keep everyone whole because all States need more money not less. I hope all of my colleagues who care strongly about the Kyl amendment will rally around the bill that we hope to pass out of committee next month.

The committee will do as the Senate promised Senator KYL during the 107th Congress and pass another formula. We will put forth a proposal that minimizes the pain to those States that will see their clean water funding cut while providing modest increases to other States. We will continue to work to increase the authorization to this important program so that the needs of all States can be met.

I appreciate my colleague's willingness to withdraw his amendment and allow the committee to do its work.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Kyl amendment No. 1050.

This amendment seeks to change the distribution formula for the Clean Water State Revolving Fund which sends money to the states for water infrastructure projects.

The Clean Water Act is within the jurisdiction of the Environment and Public Works Committee, of which I am the ranking member. We are aware of the issues raised by Senator KYL in this amendment—the distribution formula is outdated. It was adopted in 1987 and has not changed.

Arizona receives a very small percentage of the total through this formula. However, an appropriations bill is not the right place for this change in authorizing legislation. A change of this magnitude needs to be worked through the authorizing committee.

There are serious consequences to this type of action. For example, under the Kyl formula, the State of Ohio loses 30 percent of its current allocation. Tennessee would lose 32 percent. Michigan would lose 57 percent. Massachusetts would lose 38 percent of its current allocation.

In the last two Congresses, the EPW Committee has acted to update the formula and increase funding levels for the Clean Water State Revolving Fund. This Congress, we are again planning to move this legislation through the committee in just a few weeks.

I cannot support an amendment making a change of this significance on an appropriations bill. There are also some problems with the language in the Kyl amendment.

It calls for States to receive at least 1 percent of the total if their need is less than 1 percent and it simultaneously calls for all other States to receive their need. This is simply impossible to do.

With a finite pot of money, in order to establish a 1 percent floor, it is necessary to take some funds away from nonfloor States. The Kyl amendment fails to include this step in the process.

In addition, the Kyl amendment includes a provision dealing with unallocated balances. Again, there are no unallocated balances in a formula that distributes 100 percent of the available money.

The Senate should not act on an authorizing change of this magnitude on an appropriations bill. The Environment and Public Works Committee is on the verge of marking up legislation dealing with this exact issue.

In addition, there are technical problems with the Kyl amendment that would make it impossible to implement. Therefore, I urge my colleagues to vote "no" on the Kyl amendment.

Mr. DODD. Mr. President, I was necessarily absent from the Senate yesterday and missed rollcall votes 158 through 160. There were two reasons for my absence. First, I attended a memorial service for Mrs. Marcia Lieberman, the mother of our colleague, JOSEPH LIEBERMAN. Second, I attended memorial services for Robert Killian Sr., the former Lieutenant Governor of Connecticut, a close friend to me and my family. Had I been present for these votes, I would have voted as follows:

Rollcall vote No. 158: "Yea"; rollcall vote No. 159: "Nay"; rollcall vote No. 160: "yea".

Mr. JEFFORDS. Mr. President, I would like to spend a moment talking about the funding of critical programs under the jurisdiction of the Environmental Protection Agency, EPA. While I am pleased with the Appropriations Committee's efforts to fund the State Revolving Fund for Wastewater Treatment and for Drinking Water at the highest possible levels, I am gravely concerned about the overall cut in environmental spending contained in the bill before us today.

A clean and healthy environment may be our most important legacy for our children. It saddens me to think that under the guise of fiscal responsibility, the bill before us today cuts spending at the Environmental Protection Agency, EPA, to levels not seen since fiscal year 2001. This bill funds the EPA at $7.88 billion. As recently as fiscal year 2004, the EPA received $8.365 billion. This is a cut of almost $500 million in just 2 years.

Because of the administration's fiscal policies and priorities, which have led to record deficits, we are now going to underfund many programs that are important to the protection of public health and the environment. While I appreciate the dire straits that the Interior Subcommittee members found themselves in, particularly relative to other subcommittee's allocations, I am very concerned with some of the proposed cuts. In addition, I am very concerned that these levels will drop further in conference with the House, which is significantly more hostile to such programs under its current leadership.

I want to highlight a few of the funding reductions in air protection programs that I am concerned about and hope will be increased in conference.

The bill includes a reduction for the Clean Air Allowance Trading program. This reduction will impede the implementation of the administration's recently and much-touted clean air interstate rule.

The bill recommends a large reduction in EPA's Federal Vehicle and Fuels Standards and Certification Program. Such a cut from the budget request appears designed to harm the Agency's ability to proceed on a number of fronts that would otherwise produce cleaner vehicles and air sooner. Specifically, the cuts will make it harder for EPA to propose and finalize, as promised in regulation and, in some cases, directed by Congress, a rule on mobile source air toxics, on locomotive and marine diesel engine emissions performance, and on small engine emissions standards.

This bill would cut by 10 percent EPA's research on national air quality standards. Such a cut goes against continuing scientific revelations about the significant harm that air pollution at all levels causes to public health. In addition, this cut could further delay the already late implementation rules for PM-2.5 and the second phase on the ozone standard. At a time when EPA should be focusing heavily on revisions to the PM-2.5 and ozone standards, and the necessary scientific research to support those reviews, as well as providing critical advice to the States and local governments on the most effective methods of control and monitoring, these reductions cause me great concern.

The bill would reduce the budget request for Federal Support for Air Quality Management by $22.7 million. This will cut back on plans for the national clean diesel initiative and substantially delay the EPA's efforts to improve the reliability and availability of Air Quality Index forecasts around the Nation. As Senators may know, this is a particularly important tool for the growing population of asthmatic children. Parents need to know ahead of time if the day will be code red, orange or otherwise dangerous to vulnerable populations. Related cuts in the Clean Schoolbus program request also need to be restored.

Finally, while I appreciate that this bill rejects the administration's proposed cuts in the domestic stratospheric ozone program, we seem to be headed again toward underfunding our commitment to the Montreal Protocol. This international treaty has been a resounding success in helping to protect the ozone layer from CFCs. I do not know of a good reason for the United States not to contribute its ratified share of the costs of phasing out ozone depleting substances and developing alternatives on a global basis.

This bill would cut spending at the EPA by $144 million from last year's level, and this does not take into account inflation or the mandatory cost of pay increases. I will vote for this bill in the hopes that it will become better in conference, and with the recognition that the appropriators have done a good job with limited resources.

Mr. OBAMA. Mr. President, I speak about the plight of children afflicted by elevated levels of lead in their blood. Although it has been three decades since lead was a component of paint, the effects of lead paint continue to linger in homes across the country. As the lead paint flakes off, the dust is inhaled, and some kids eat the chips.

Lead is a highly toxic substance that can produce a range of health problems in young children, including damage to the kidneys, the brain, and bone marrow. Even low levels of lead in pregnant women, infants, and children can affect cognitive abilities and fetal organ development and lead to behavioral problems.

Over 430,000 children in America have dangerously high blood lead levels. This is a particularly serious problem for Illinois, which has the highest number of lead-poisoned children in the nation. In Chicago alone, 6,000 children have elevated blood lead levels.

In 1992 Congress passed the Residential Lead-Based Paint Hazard Reduction Act. The law required the Environmental Protection Agency, EPA, to promulgate regulations by October 1996 regarding contractors engaged in home renovation and remodeling activities that create lead-based paint hazards. Renovation and repair of older residences is the principal source of lead-paint exposure to U.S. children. According to Federal studies, a large majority of the approximately 20 to 30 million renovations done on older homes each year are done without lead-safe cleanup and contamination practices.

The EPA analysis has found that a lead paint regulation would protect 1.4 million children and prevent 28,000 lead-related illnesses every year. Such a regulation would also lead to a net economic benefit of between $2.7 billion and $4.2 billion each year.

Despite the clear health and economic benefits, these regulations are now 9 years overdue, and there is no sign that EPA is moving any closer to issuing the required rules. Last month, I joined with Senator BOXER and Representatives WAXMAN, LYNCH, and TOWNS to express our concern about EPA's complete disregard of the statutory mandate to issue lead paint regulations.

To address the problem, I have introduced an amendment that would stop EPA from spending money on any actions that are contrary to Congress' 1992 mandate to issue lead paint regulations, including any delaying of the regulations. I thank the managers of this bill, Senator BURNS and Senator DORGAN, for their support of this amendment and for including it in the bill.

I hope EPA will read this amendment and understand that the time for these common-sense lead regulations is long overdue.

Mr. McCAIN. Mr. President, today the Senate is considering the Interior, Environment, and Related Agencies Appropriations bill for Fiscal Year 2006. This bill provides approximately $26.2 billion in discretionary spending—approximately $542 million over the President's request—for the Forest Service, the Environmental Protection Agency, the Indian Health Service, most agencies of the Interior Department—except the Bureau of Reclamation, and the National Foundation on the Arts and the Humanities. I commend the members of the Senate Appropriations Committee, and in particular, the efforts of the Interior Appropriations Subcommittee, for completing this appropriation bill in a timely manner.

Unfortunately, as is the case with many of the appropriations bills that come to the floor, this bill and its accompanying report contains earmarks and pork projects which have not been authorized or requested. The bill provides funding for critical programs like forest health and restoration, superfund cleanup, the Land and Water Conservation Fund, and PILT, but all too often, many of these accounts are eroded by unnecessary, unrequested earmarks.

This is especially frustrating given the $600 million annual maintenance backlog that is crippling the National Park system. There is not a single member of this body who does not have a National Park or monument, or other Park Service unit in his or her State that is not in need of attention. And while curbing the use of earmarks might not solve our Nation's enormous deficit or save our National Parks from long-term dilapidation, doing so would be a good step in repairing our broken appropriations process.

Let's take a look at some of the earmarks that are in this bill or its accompanying report: $875,000 for a new water storage tank in the Town of Westerly, RI; $1,000,000 for water treatment projects in the Town of Waitsfield, VT; $2,465,000 for sudden oak death research; $200,000 for a poultry science project at Stephen F. Austin State University, Texas; $1,000,000 for statewide cesspool replacement in the County of Maui, HI; $1,800,000 for eider and sea otter recovery work at the Alaska SeaLife Center; $1,114,000 for a research laboratory in Sitka, AK; $500,000 for the University of Northern Iowa to develop new environmental technologies for small business outreach; $250,000 for paper industry byproduct waste reduction research in Wisconsin; $500,000 to continue research on pallid sturgeon spawning in the Missouri River; $400,000 to complete a bear DNA sampling study in Montana—the fourth consecutive year this earmark has been added to an appropriations vehicle; $450,000 for a well monitoring project in Hawaii; $5,100,000 to complete the visitor center at the Little Rock Central High School National Historic Site, Arkansas; $6,059,000 to rehab bathhouses at Hot Springs National Park, AR; $160,000 for soil survey mapping in Wyoming; $400,000 for studies on the impact of lead mining in the Mark Twain National Forest; $500,000 for restoration at the Mark Twain Boyhood Home National Historic Landmark in Missouri.

In what has become perhaps one of the greatest examples of pork barrel politics, the Forest Service has lost more than $850 million since 1982 on timber sales and the construction of access roads for commercial logging in Alaska's Tongass National Forest. More than 4,000 miles of these roads criss-cross the Tongass and have accrued at least $100 million in deferred maintenance while serving little public purpose. And every year, Congress continues to appropriate funds to build new roads without accounting for the encumbrance imposed by existing roads. I support commercial logging, but not when it requires Federal subsidies that offer no return to the taxpayer. These federally funded roads are meant to stabilize the price of timber logged from the Tongass, but the program actually costs the Federal treasury tens of millions of dollars each year—nearly $48 million in fiscal year 2004 alone—because the value of Tongass lumber is not competitive and so the Forest Service takes a loss on almost every timber contract it manages. To clarify, Mr. President, that is hundreds of millions in Federal subsidies just to lose hundreds of millions in unprofitable logging.

Mark Twain, a cynic of politicians and government, once wrote: "One of the first achievements of the legislature was to institute a ten-thousand-dollar agricultural fair to show off forty dollars worth of pumpkins." I can only speculate what Mark Twain would say about the egregious waste of taxpayer money allocated to continue the timber subsidy program in the Tongass National Forest.

I am pleased to have joined with Senator SUNUNU and others in offering an amendment which would prohibit funding for road building in the Tongas National Forest. I hope my colleagues' will support this amendment.

Many of my colleagues may have forgotten, but it is a violation of Senate rules to legislate on an appropriation bill. Directing or authorizing policy is a function reserved for the authorizing committees, not the appropriations committee. As is done far to frequently, this appropriations bill includes a variety of policy changes. Examples include: Language that authorizes the construction of a replacement IHS facility in Nome, AK, on land owned by the Sound Health Corporation; Language that allows the Secretary of the Interior to collect parking fees at the U.S.S. Arizona Memorial; Language that restricts the use of Forest Service answering machines during business hours unless the answering machine includes an option that enables callers to reach an individual. Why is this appearing in an appropriation bill? Perhaps the appropriators could exert jurisdiction over the waiting lines at the DMV?

Also, language that requires National Recreation Reservation Service call centers to be located within the United States and language that extends Abandoned Mine Land program until June 30, 2006. This is the third time the AML program has been extended via the appropriations process.

I may not have qualms with many of these particular expenditures and policy items. Some of them may be truly needed and deserving of swift passage. However, it is the casual disregard for Senate procedure that concerns me deeply. We need to be protecting the American taxpayer, not waving rules and passing appropriation bills with wasteful spending. We need to be thinking about the future generations who are going to be paying the tab for our continued spending, not delivering pork projects to special interests and their lobbyists. Surely, my colleagues are aware of the fiscal challenges facing this Nation. The national debate is consumed by questions like: How will we pay for rising Medicare and Medicaid costs? Will we be protected from rising energy costs? Will Social Security be there for our children? The answers to those questions fall to the Congress my friends.

Mr. BURNS. Mr. President, I want to thank a lot of folks for their work on this bill we have considered today and over the last few days. This has been a bill we have worked our way through. I wish we could have sped it up. I thank the minority staff, Peter Kiefhaber and Rachael Taylor and Brooke Thomas. Of course, I thank my good friend from North Dakota who has really been good to work with. Also, over on our side, I thank Bruce Evans, Rebecca Benn, Leif Fonnesbeck, Ginny James, Ryan Thomas, Michele Gordon, and Ellis Fisher. I thank that staff because they have done yeomen's work. They have worked very long hours in order to pass this bill.

I ask the Senator, do you have any closing remarks?

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank my colleague, Senator BURNS, who I think has done a wonderful job. I appreciate working with him and his staff. I think this is a good bill, produced under difficult circumstances. This bill is actually substantially below the current fiscal year's spending.

The professional staff on the majority side—Virginia James, Leif Fonnesbeck, Ryan Thomas, Rebecca Benn, and Michele Gordon—have done a great job. Also, I thank Rachael Taylor on the minority side. And Bruce Evans and Peter Kiefhaber, the two clerks, both have done a lot of work to get us to this point. I want them to know how much we appreciate their work.

Mr. BURNS. Mr. President, I ask for third reading.

The PRESIDING OFFICER. The question is on engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The minority leader.

SENATOR FRANK R. LAUTENBERG CASTS HIS 7,000TH ROLLCALL VOTE

Mr. REID. Mr. President, the next vote that will be cast by my friend from New Jersey, Senator LAUTENBERG, the junior Senator from New Jersey, will be his 7,000th vote.

Senator LAUTENBERG was elected in 1982 to the Senate, and served three terms before taking a "sabbatical" in 2000. I repeat, he was not defeated, he took a "sabbatical." He decided to take leave of the Senate for a while. He ran again in 2002, when Senator Torricelli retired, and the Democrats were desperate for someone who could win in New Jersey. He stepped forward because he is always a sure winner. Senator LAUTENBERG has the rare distinction of having held both of New Jersey's Senate seats.

Senator LAUTENBERG may be a "freshman" of sorts, but the only other two Senators from New Jersey who have cast more rollcall votes than the junior Senator from New Jersey, my friend Senator LAUTENBERG, are Harrison Williams, who cast 8,349 votes over the course of his career, and Clifford Case, who cast 7,684 votes. Senator LAUTENBERG is third, having cast more votes than Senator Bradley, for example.

Senator LAUTENBERG's parents were poor but hard-working immigrants who came to America through Ellis Island. Senator LAUTENBERG joined the Army when he was 18 and served in the European Theater during World War II. When he returned from the war, he went to Columbia University on the GI bill. Then he and two friends started a payroll company. It was very small. They started from scratch. But they did not just start a company, they started an entire industry: computer services.

Today, that company—that little startup company, ADP—has annual sales of almost $8 billion a year, and employs 42,000 people worldwide. It issues the paycheck of one out of every six private sector workers in America, and it processes over 850 million investor transactions and communications every year.

After establishing and running one of the most successful businesses in America, Senator LAUTENBERG decided to "give something back," so he became a commissioner at the Port Authority of New York and New Jersey. Then after serving as a commissioner at the Port Authority of New York and New Jersey, FRANK LAUTENBERG became Senator FRANK LAUTENBERG. Senator LAUTENBERG's motto is "Only in America."

He has done many great things legislatively. They are too many to list here tonight. But one thing I will always look back at, as to what this great Senator did, is what he did for my children. Years ago, when we traveled back and forth across the country, my children were allergic to cigarette smoke, literally allergic. They did not like it, and the little ones cried. Children in America no longer have to worry about that because of the Senator from New Jersey. He did a favor for me—because it made it so much easier on my children—and the rest of America.

Senator LAUTENBERG is a great Senator. The people of New Jersey are so fortunate this good man, who was financially set, would take public service as his life's work. I so admire him. I know the rest of my colleagues join me in congratulating the "junior" Senator from New Jersey on this significant milestone in an already accomplished career.

(Applause, Senators rising.)

Mr. LAUTENBERG. Thank you very much.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I thank the Democratic leader for those kind comments. I had hoped he would go on a little longer.

(Laughter.)

But, in any event, I thank you and all of my colleagues.

There are 7,000 votes. If I were asked to recite which of those I liked the best or which of those I disliked the most, I would be hard pressed to remember them. But the fact is, even though we have disagreements on some issues and agreements on others, I speak sincerely when I say I am proud to serve with all of you.

I know each of us has a responsibility that carries way outside this Chamber. We make the decisions here. But the desire to be of service and the obligation originates in places that we are all too familiar with. So we have differences.

I am going to stick up for my views, and I know others will stick up for theirs. The fact is, we are here to serve. I am proud to serve with each and every one of you. I am grateful for the commentary and thank you all very much.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. Mr. President, being the junior Senator from New Jersey, I must say that of all of the people I have watched live the American dream and then believe that it is their obligation to give back—the distinguished minority leader itemized the life of FRANK LAUTENBERG—no one cares more about that American dream and making sure it is available for his children and all the children of America. I have to say as a colleague but, more importantly, as a friend, I am honored to serve with you every day, and I appreciate very much what you have done for the State of New Jersey. I know the people of the State of New Jersey care very deeply about FRANK LAUTENBERG.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, a number of people have asked about the schedule. We will have two more votes tonight. We will have a vote on final passage and then on a motion to proceed to the CAFTA bill. We will be addressing CAFTA tonight, and we will be on it—there are 20 hours—tonight and through tomorrow. We will be completing two appropriations bills before we leave this week, which means tonight will be busy. We will have no rollcall votes after the two which will be back to back shortly. We will be debating CAFTA through tomorrow, and then we will do two other appropriations bills sometime before we leave. It means that we may well be here Friday to vote, which we talked about earlier this morning.

In addition, as we said this morning, both the Democratic leader and I, when we come back after our recess, it is going to be important for people to recognize the huge amount that we have to do. We are competing with people going back to their States, people who are saying we need to work Tuesdays, Wednesdays, and Thursdays, but not Fridays and Mondays because we have other things to do. We are going to have to have people here voting on Mondays when we announce that and also on Fridays. But with that, we have two votes tonight. They will be back to back, and no more rollcall votes after those two.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. I am wondering if we could have unanimous consent that these next two votes be 10 minutes each. Everybody is here—10 minutes on the first one, 10 minutes on the second one. Then we can move on to the CAFTA bill at that time. I ask unanimous consent that be the case.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill having been read the third time, the question is, Shall the bill, as amended, pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), and the Senator from Arizona (Mr. McCAIN).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—94

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NOT VOTING—6

Bennett
Coburn
Gregg
Lieberman
Martinez
McCain

The bill (H.R. 2361), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DOMINICAN REPUBLIC-CENTRAL AMERICA UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—MOTION TO PROCEED

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, I now ask unanimous consent that the Senate begin consideration of S. 1307, the CAFTA legislation.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, I move to proceed to S. 1307.

Mr. DORGAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

UNANIMOUS-CONSENT REQUEST—LEGISLATIVE APPROPRIATIONS BILL

Mr. FRIST. Mr. President, I ask unanimous consent that following the vote, Senator ALLARD be recognized for the purpose of proceeding to the Legislative Branch appropriations bill under a consent agreement that there be 10 minutes equally divided for debate prior to the vote; finally, that this amount of time count against the majority's time under CAFTA.

We have cleared the Legislative Appropriations bill and this would allow us to consider that bill quickly, without a rollcall vote. Then we can begin the debate on CAFTA. Debate on the CAFTA legislation is under a statutory 20-hour time limit. Therefore, I expect the next vote to be the last vote of the evening.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FRIST. Mr. President, for the information of colleagues, this will be the last vote of the evening. We will be proceeding with CAFTA tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Oklahoma (Mr. COBURN), the Senator from New Hampshire (Mr. GREGG), and the Senator from Florida (Mr. MARTINEZ).

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 34, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—61

Alexander
Allard
Allen
Baucus
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Ensign
Feinstein
Frist
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kyl
Leahy
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—34

Akaka
Bayh
Biden
Boxer
Byrd
Clinton
Corzine
Dayton
Dorgan
Durbin
Enzi
Feingold
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Levin
Mikulski
Nelson (FL)
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Snowe
Stabenow
Thomas
Thune
Vitter

NOT VOTING—5

Bennett
Coburn
Gregg
Lieberman
Martinez

The motion was agreed to.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1307) to implement the Dominican Republic-Central America-United States Free Trade Agreement.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. It is my understanding under the rule there is 10 hours on each side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. I yield 5 hours to the ranking member of the Finance Committee, Mr. BAUCUS, and 5 hours to Senator DORGAN.

The PRESIDING OFFICER. The Senator has that right.

Who yields time on the bill?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I yield myself such time as I may consume.

Tonight the Senate begins its consideration of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, more commonly known as CAFTA. I will be speaking in some detail on this trade agreement tomorrow, but for tonight I want to open the debate with some observations about the process that brought us here.

CAFTA has proved itself to be the most controversial trade agreement to come before the Congress since the North American Free Trade Agreement a decade ago. It did not have to be this way. When the story of CAFTA is written, whether it passes or fails, the theme will be the politics of the last minute because even as we bring this bill to the floor parts of the CAFTA package are still being negotiated. In fact, they are being negotiated as we speak. We need to do better.

The Founding Fathers, in their wisdom, assigned primary responsibility for trade policy to the legislative branch. Article I, section 8, clause 3 of the Constitution states:

> The Congress shall have the power . . . to regulate Commerce with foreign Nations.

It quickly became obvious, however, that Congress is a body ill-suited by structure to negotiate trade agreements. So our predecessors quickly figured that the actual negotiating would have to be delegated to the executive branch. Still, the constitutional responsibility for trade remains with the Congress. That is why under U.S. law no trade agreement is self-executing.

Trade agreements such as CAFTA have no force or effect on domestic law until Congress passes implementing legislation. A system where one branch of the Government negotiates trade agreements and another must approve them and turn them into domestic law presents many challenges. To work well, it requires the highest degree of coordination between executive and legislative priorities.

Over the years, this system of shared responsibilities has been formalized into Senate procedures commonly called fast trade, or more recently, trade promotion authority. These procedures require the executive to negotiate agreements that meet a long list of congressional priorities, and they require very close consultation between the executive and Congress at every stage of the process.

I am sure that Ambassador Portman, our current USTR, and his staff can document that they followed these statutory procedures to the letter for CAFTA. I do not disagree. Their problem is that process for the sake of process does not work if there is no true spirit of cooperation. A statute can require a meeting, but a meeting of the minds cannot be mandated by law. A true meeting of the minds is what we need to make the consultive process work the way it is intended to work.

Congress and the executive need to be working closely together at every stage of a trade negotiation to make sure that everyone's priorities are being addressed, maybe not all agreed to but certainly all addressed. Unfortunately, that is not what happened with CAFTA.

Early on in the CAFTA negotiations, I could see that sugar was going to be a difficult issue so I asked former USTR Ambassador Zoellick to meet with the Senate sugar caucus. That meeting was not required by trade promotion authority, but it made sense to try to address a difficult issue as soon as possible. The meeting took place and views were exchanged, but there was no meeting of the minds and little attempt to continue the dialogue. Not surprisingly, CAFTA's sugar provisions were unacceptable to many Members, but CAFTA sat unchanged for more than a year.

Suddenly, last week, there began a series of around-the-clock sugar negotiations. Those negotiations were ongoing this morning when the Finance Committee marked up CAFTA. They are still ongoing as we speak. So those of us who have sugar producers in our States still do not know for sure what CAFTA means for our constituents.

This would have been resolved and should have been resolved months ago. We should not be on the floor debating an implementation package that is not final. The story is similar for the labor provisions. From the beginning, it was clear that labor rights were going to be a contentious issue in CAFTA. So I, together with a number of colleagues, began a dialogue with Ambassador Zoellick. We sought assurances that CAFTA's labor provisions would be stronger than those in other recent free-trade agreements, but little progress was made. Suddenly, within the past few weeks, there began a series of around-the-clock meetings between Ambassador Portman and several Democratic Senators and Members of the House.

Just this morning, as the Finance Committee came together to vote on CAFTA, brandnew labor and capacity-building provisions were revealed.

We should not be on the floor debating CAFTA when the ink is not yet dry on these provisions and nobody really knows what they mean. I know that there is another way. I have seen it work.

In the fall of 2003, I put out a series of proposals for strengthening CAFTA's environmental chapter. Ambassador Zoellick and I had a productive yearlong dialogue on these issues. It was very constructive, very rewarding. He was engaged; I was engaged. With commitment on both sides, we agreed on key improvements that are included in the text of this agreement. This is the model I want to follow in the future. not the last minute dealmaking but the long, thoughtful dialogue working to find accommodation, find agreement, which builds a greater consensus for trade, let alone the agreement in question.

Trade promotion authority expires in 2007. At that time, Congress will consider whether there are ways to improve the process. The truth is, the process is only as good as the goodwill of the people using it.

I do not say this to lay blame. We are all responsible. Members of the Senate are caught up in the press of business and do not always focus on their priorities early enough in the trade negotiation process. The executive hears but does not always follow the advice or pay attention to the advice it receives from Members of the Senate. The same would be the case for House Members.

Still, in the end our trade policy is only successful when it reflects the priorities of both the Congress and the executive.

In the coming months and years, let us rededicate ourselves to the purpose behind the process. Let us work together and truly mean it. That is the way we get things done. Again, under the Constitution, Congress has primacy in trade, but because we are not a parliamentary form of government but a constitutional form of government with separate branches we, by necessity, have to delegate the negotiating of trade agreements to the executive. But to make this work and to continue to have a consensus and to build a consensus on trade agreements, the administration must consider the wishes of Congress much more seriously in the future. Otherwise, it runs the real risk of losing, perhaps, trade promotion authority for other similar agreements.

I say this also because we stand at a moment in history, at a time when the United States has to work much more aggressively, much more cooperatively among ourselves, different sectors of the country, to meet the competitive challenges that we face overseas. Whether it is China, Japan, Europe, the flattening of the Earth, or changes in telecommunications technologies, we have to work a lot harder, invest more in education, address the high health care costs that put our American companies at competitive disadvantage, and be much more aggressive in enforcing our trade laws. There are many more actions we must take. When that happens, the more the President and the Congress in good faith can totally put politics aside because this is an American issue. This is not a partisan issue. This is an issue for America. If they were to do so, and we were to do so, we will fulfill the responsibilities we have, and it will help our people at the same time.

At the appropriate time, I will later yield time to the senior Senator from Connecticut, Mr. DODD.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I begin my remarks I want to thank the Senator from Montana, the ranking Democrat on the committee, and the former chairman of the committee for his cooperation and good-faith effort to have the Senate and our committee work to get its job done. Even though he has a different view on this legislation than I do, he has been very cooperative in helping things happen, even though he disagreed. I think it is that spirit that gets things done in the Senate. It is kind of the tradition of our committee, but I think it is particularly true of his and my working relationship. So I thank him very much.

Mr. BAUCUS. Mr. President, I must respond to that gracious statement by my good friend from Iowa. No member of this body can be more blessed to have a partner to work with in such cooperation and good spirit than I. I am lucky—more importantly the Senate is lucky—to have the chairman of the Finance Committee. He is a wonderful person to work with. We work very closely together. We are a real team and we think that our States are better for it. We also think that the country is better served as well.

For whatever reason, whether it is true or not, I want to very much give my utmost thanks and compliments to the senior Senator from Iowa.

Mr. GRASSLEY. I thank the Senator. Following on the spirit of the statement that he made and probably not directly germane to this discussion, though, is also the fact that too often the public draws conclusions that all we do is have partisan fights, Republican and Democrat, and that we are always at each other's throats. I think people, including my constituents in Iowa, get that view because conflict makes news. They never hear of the cooperative efforts that we have made.

In fact, the very week this bill was voted out of committee, we had some differences that were not entirely partisan. There were some Republicans who agreed with Senator BAUCUS and some Democrats who agreed with me on this bill. It was a very narrow margin in our committee. But that very same week we voted out a bipartisan Energy bill on a 20-to-0 vote, which shows one gets a lot of attention and the other one doesn't. But I think it shows you can have differences and still make the system work.

As you would expect, I have talked about this legislation over a long period of time. I am glad we are to the point of the Senate consideration of it, so it is no surprise to you or anybody else that I support what is referred to as the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. I am just going to shortly call that the Central American Free Trade Agreement or CAFTA for short.

The bill before us, then, implements the trade agreement that was negotiated between our executive branch and the leaders of these five countries over the past several months. Our President gets the authority to negotiate through what we call the trade promotion authority legislation, where Congress has the constitutional control over international trade; it is our constitutional responsibility. But since it is impossible for 535 Members of Congress to negotiate legislation, we delegate, under strict procedures, the President making those negotiations. These negotiations went on for several months, maybe even over a period longer than a year, and was signed a year ago.

Congress then has the responsibility of considering it. In most cases, we end up agreeing to it, but we pass these free-trade agreements—whether they are bilateral, multilateral or regional—in the form of legislation, so Congress has control over the final product and implements our constitutional responsibility through the agreements being passed by Congress in the form of legislation.

That is where we are now: The Senate's final consideration of adopting a law that includes the contents of the negotiated agreement between the United States and these five countries of Central America.

This agreement strengthens the ties of friendship, cooperation, and economic growth between our Nation and the growing economies of Central America and the Dominican Republic. It is also an agreement that is fundamentally in our national economic and security interests. If it were not in our national economic and security interests, obviously we would have no business having our President negotiate it. Or if it were not in our interests and he did negotiate it, the Congress should not be passing it as law.

Today, when it comes to the economic interests that we have with this legislation, most imports from the region enter our market duty free. They come from those countries into our market duty free. In contrast, exports from the United States to those countries face a myriad of tariffs and nontariff barriers in the region. That is where we are now. That is the status quo.

I have a chart here that obviously is not going to contain every product. I am not going to have on the chart every product that goes back and forth between our countries. But this chart illustrates, on this side where you see various products—let's say just on grains. I will just go to the first line. We pay now a 10.6-percent tariff to get our products into these countries. If those countries were shipping the same product to us, they would be paying zero tariffs.

Now, with this agreement before the Senate that we are considering, when it is fully implemented—because some of these are phased in—you will see that we will not have any tariffs that we now pay for getting our products into the countries. And of course it has not changed anything for them.

But this chart shows, if we do not do anything, what the status quo is. The status quo is on that side of the chart. It is kind of a one-way street. All the advantages are from products coming from Central America into America. All of the impediments are against products going from the United States down to those countries. So on this side of the chart, after the legislation is passed, you see a two-way street. You see the status quo has ended.

Let's be clear. A vote against this agreement is a vote for the status quo. It is a vote to maintain unilateral trade and to keep tariff barriers to our exports very high. I could say this another way by saying that the "F" in Central American Free Trade Agreement, the "F" in CAFTA, once we pass it, is really going to make it a Central American Fair Trade Agreement.

You can see what is unfair to American producers now. What is very unfair to American producers now, shipping to those countries down there, becomes a level playing field. It becomes a fair agreement, a fair, level playing field.

A vote against this agreement is a vote that denies logic. Make no mistake, these tariff barriers to our exports are real. They affect everyday Americans, maybe not in a way that they know, but when you study it, you see how it impacts them.

Under the status quo, an off-road loader manufactured by Caterpillar in Peoria and exported to Costa Rica must pay a 14-percent tariff. This is equal to a $140,000 tax on our export. With CAFTA, the tariff goes to zero—not tomorrow, but immediately. This is good news then for those UAW workers at Caterpillar, in Peoria, who make this vehicle within the United States.

On another example under the status quo is microchips produced in New Mexico and/or Oregon face a 10-percent tariff today. With this Central American Free Trade Agreement this tariff barrier is eliminated.

Under the status quo, manufactured auto parts cannot even sell in the Central American market. You don't get them in. It isn't a question of how high is the tariff; you can't get them into the market. Under CAFTA, we will be able to export these manufactured goods to the Central American market. So this means new opportunities for companies such as CARDONE Industries and their workers in Philadelphia, PA.

Under the status quo—in other words, if we didn't pass this agreement—DVDs produced across the country would be subject to tariffs of up to 20 percent before they can be sold to consumers in Central America. But with this agreement becoming law, those DVDs become tariff free, leveling the playing field, being fair to workers in America.

The story is very similar for products that I am very much involved in, in my State of Iowa, products from U.S. farms. Today, over 99 percent of the food and agricultural products that we import from the region of Central America come into the United States duty free, as evidenced by the zeroes there on the second column. Meanwhile, our food and agricultural exports to Central America are hit with an average 11-percent tariff, with some tariffs ranging as high as 150 percent.

CAFTA levels the playing field for U.S. farmers. It takes one-way trade and makes that one-way trade into a two-way street. It tears down unfair barriers to our agricultural exports. It gives our farmers a chance to compete in a growing and vibrant market of 40 million consumers.

If anybody thinks that globalization is bad, do you know what they are saying? They are saying that the United States ought to concentrate on selling to Americans. We make up 5 percent of the world's population; 95 percent of the world's population is outside the United States. That is a market that we need to be competing in. We are an exporting nation—agriculture, manufacturing, services. If we are an exporting Nation and our market is 95 percent of the people in the rest of the world, we have to be playing on that field. This gives us an opportunity to play on that field, not with all the other 95 percent of the people in the world, but at least with 40 million of those consumers who live in these five countries.

These barriers I have just referred to are real for our U.S. farmers. Pork producers in my home State of Iowa face import tariffs from 15 percent to 40 percent. When we have full implementation of this agreement, Iowa producers will be able to export pork products duty and quota free.

Today, rice producers from across the South must overcome in-quota tariff rates of from 15 percent to 60 percent. These tariffs are phased out and eventually eliminated under this agreement.

Prohibitive tariffs of up to 40 percent lock our beef exports out of the Central American market. This agreement provides immediate duty-free, quota-free access for high-quality U.S. beef, with eventual elimination of all tariffs on U.S. beef. And value-added agricultural products, such as breakfast cereal, will see tariffs reduced from 32 percent to zero immediately, providing new opportunities for U.S. workers.

The fact is, virtually every major agricultural producer in the country, in the United States, will benefit from the passage of this agreement, including dairy, Vermont; poultry, Arkansas; apples, Oregon and New York; barley, Montana; frozen french fries, Maine; nuts, New Mexico; dried beans, Wyoming. All in all, the total given to us by economists at the American Farm Bureau Federation is an estimated net gain to U.S. agriculture of nearly $1.5 billion each year upon full implementation.

The agreement also opens the services market to U.S. service exports. Key sector opportunities include telecommunications, banking, insurance distribution, audiovisual and entertainment, energy, transport and construction.

Our high-tech sector stands to benefit; the Dominican Republic, Guatemala, Honduras, Costa Rica, and El Salvador will join the agreement and eliminate tariffs on imports of high-technology products, thereby saving United States exporters more than $7 million annually on import duties that would be paid today.

The agreement goes far beyond reducing important tariffs, putting into place strong investment protections, anticorruption provisions, intellectual property protections, strong provisions on labor in the environment. This agreement is a solid win for the U.S. economy. It is a solid win also for the neighbors of these Central American countries.

For a third time, I say, let's be very clear. The alternative to this agreement is nothing but the continuation of the status quo. It is unilateral access to our markets and nothing in return for American exports. I don't think the status quo is good enough for our farmers and our workers. I don't think Congress should vote to keep barriers to our exports to these countries high when they can be eliminated. This is what this vote on the Central American Fair Trade Agreement is all about. It all boils down to a vote for unilateral trade and the status quo or a vote to reduce barriers for our farmers and workers. To me it is a very simple answer. Get this agreement passed as fast as we can and bring this level playing field for our farmers, our service industries, our manufacturers.

Too often, we talk in economic terms about trade. There are other compelling reasons to support this agreement. Over 20 years ago, Congress first opened our markets to products from Central America and the Caribbean. Why did we do that? That part of the world was in turmoil. Central America was a region in great political and economic upheaval. Civil strife, civil war, and political violence were part of daily life. As a result, too many innocent people lost their lives and many more lost their livelihood.

I have a chart of headlines accurately reflecting that gruesome and chaotic violence that was going on at that time. Whether it was Nicaragua, Honduras, or El Salvador, it was constant conflict. The headlines accurately reflect that violence.

So where are we 20 years later? We see a very different Central America. Through sustained political and economic engagement with the region, including the continuation of the unilateral trade preferences for over 20 years, the United States of America has helped this part of the world develop a very different story today. Today, that story is that with progressive leadership of these democratic governments, the people of Central America are enjoying the fruits of freedom, the fruits of democracy that we would describe as elected governments, participatory democracy, choice for the voters, and, as a result, generally stable civil societies.

Now we have this situation in Central America. These leaders, who many of us have had an opportunity to meet with, have given us confidence that this sort of leadership will continue in the future, but these leaders want more for their country. They want to cement the gains of the last 20 years since the civil wars have ended. They want to build a better foundation for that future. Part of that better foundation is the progressive ideas that are articulated in the CAFTA agreement. These ideas came not from the United States but from the leaders of Central America who first approached us with the idea of strengthening our trade relations at the Quebec Summit of the Americas in April 2001.

The fact is that passage of CAFTA is good both for our geopolitical and economic interests. We have very little to lose. We have much to gain with its passage. In contrast, we have much to lose and we have little to gain if this agreement is defeated.

I have a letter displayed from President Carter. He makes the point I just made very well. In that letter he recently wrote, saying through CAFTA:

> Our own national security and hemispheric influence will be improved with enhanced, improved stability, democracy and development in our poor fragile neighbors in Central America and the Caribbean.

Continuing from President Carter:

> There are now democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the Presidents of the six nations had to contend with their own companies that fear competition with United States firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by United States presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the United States.

The stakes are high. President Carter, being a President with a global view, saying the stakes are high, lends a great deal of credibility in a bipartisan way—he is a Democrat, I am a Republican—to the reasons and rationale behind this. That going beyond the economics of trade to the good that comes from trade.

I often say during debates on trade in this body we as political leaders, as Senators, our President of the United States, the Cabinet, our diplomatic corps, we always think we are negotiating all these things, we are making decisions that are going to bring about world peace.

Obviously, we set a standard or at least create an environment for either a peaceful society or a less peaceful society to exist. Our efforts are a spit in the ocean compared to what business men and women in America and other countries do in millions of transactions and the dialog they have in the process, breaking down, misunderstanding, creating friendship through what they do at their level, their citizen level of participating much more so than we can.

The things that are evidenced by our trade agreements over the last 50 years—and this is a little part of this 50-year effort to promote international commerce—have set a stage where business and commerce is doing more to bring about world peace than we as political leaders can do.

The United States, I suppose, has about 300 million people now; 40 million people down there. It is a small part of the world.

How do you make progress in peace? You make progress in peace by inches, not by miles. This may be a couple inches of helping us down the path to world peace, but we need to take every opportunity we can to encourage commerce. Yes, it creates jobs. It creates prosperity. It is also going to help bring about greater world understanding.

This is a very good agreement. I hope it receives very broad support in the Senate. I hope through my views I have helped colleagues understand the importance of it. I hope those colleagues will join me to ensure that we do not undermine the significant progress that has been made in this region of Central America over the last 20 years and to ensure our American exporters can enjoy the benefits of this agreement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that I may be able to use such time as I consume from the time under the control of Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, first of all, I commend our colleague from Iowa, the chairman of the Finance Committee, and Senator BAUCUS, the ranking member from Montana, and the other members of the Finance Committee for their efforts on behalf of the Central America-Dominican Republic Free Trade Agreement, or CAFTA, as it is known by most who follow this debate and discussion.

I voted for the motion to proceed. I would have preferred we had a little more time. I realize we are moving rather quickly on this legislation. I hoped we would have a few more days to work on this legislation, but obviously that is not the case. We are moving ahead with the 20 hours of debate under the procedures as established by the Congress to have a fast-track procedure when dealing with trade agreements. So we are given the time we have to debate and discuss these matters.

I am going to take advantage of this time and lay out for my colleagues and others my interests and my concerns about this matter.

First of all, let me say, as someone who has spent almost a quarter of a century in this body, I have dedicated a great deal of my service to my interest in Latin America, my interest in Central America, and the Caribbean. That interest arose almost 40 years ago when, as a recent graduate from college, I joined John Kennedy's Peace Corps and traveled to the Dominican Republic, where I spent the next 2 years as a young man in the mountains of what is called the Cordillera Central of the Dominican Republic not far from the Haitian border as a Peace Corps volunteer. I have a deep, deep affection for the people of the Dominican Republic, the people of Haiti, and the people of the Caribbean and Central America.

My oldest brother Tom was a professor at Georgetown University for 27 years and taught Latin American diplomatic history and also was our Ambassador to the nation of Uruguay and the nation of Costa Rica. Two others of my brothers studied in Mexico. My sisters speak Spanish. My mother did as well. There has been a strong interest in my family in Latin America for many years.

My strong hope and desire, as I rise this evening to talk about this agreement, is to be able to be supportive when the vote occurs at the end of the 20 hours of debate. I think it is important we try to do everything we can to improve the quality of the lives of the people who live in these countries. They have been through an awful lot just during my tenure here in this body.

For those who were Members of this body back 25 years ago, 24 years ago, we had some long and extensive debates about the political events in Central America. Civil wars raged. In Guatemala, the civil war raged for decades, as a matter of fact, long before I arrived in the Senate. You had civil wars raging in El Salvador, the civil war that went on in Nicaragua. The economic difficulties in Honduras were tremendous.

There has been political turmoil in the Dominican Republic. In fact, the year before I arrived in the Dominican Republic as a Peace Corps volunteer, there had been a minirevolution there, which caused Lyndon Johnson to send the USS *Boxer* off to the coast of the Dominican Republic. The Marines went down in 1965 and, in fact, were still there in 1966, when I arrived there as a Peace Corps volunteer, as a young man, to work in the mountains of that country.

Also, natural disasters have struck. I cannot recount the number of times they have hit the Dominican Republic and Haiti over the last number of years. Hardly a year goes by that some tragedy does not occur in these countries. Certainly, hurricanes have swept across the Island of Hispaniola, which is home to both Haiti and the Dominican Republic. I know my colleagues will recall the mud slides in Haiti, where literally thousands have lost their lives.

And then there are the repeated hurricanes that have hit Central America. I recall going down, in early 1993, after one of those hurricanes hit Nicaragua, to work with then-Vice President Gore's wife, Tipper Gore, trying to clear mud out of schools and impoverished communities. Bridges were wiped out. Crops were lost. The country was devastated.

To put it in brief, without going into long detail, these five countries of Central America and the Dominican Republic—Haiti is not included in this agreement. I regret that. I wish we were doing something more about Haiti. This body, a year ago, unanimously adopted a concessionary agreement with Haiti. Unfortunately, the other body refused to take up the matter. It could have made a difference, in my view, to provide some real assistance to people who are so desperately in need of help, the island nation of Haiti. It is one of the great tragic cases in the world, let alone in this hemisphere, the conditions under which people live there.

I had hoped we might bring up that concessionary agreement again, either as a part of or in conjunction with this CAFTA agreement. The irony, in a way, if this agreement is adopted, is that we will be providing some meaningful assistance to the Dominican Republic, which inhabits two-thirds of the Island of Hispaniola, and doing virtually nothing for one-third of the island where the most desperate conditions prevail—in Haiti. But hope springs eternal, and I hope, before this Congress adjourns, we will be able to convince the other body that there is a reason to try to do what we can for Haiti.

But back to the matter at hand, and that is this agreement affecting the Central American nations and the Dominican Republic. The people of these nations deserve our help, deserve something that will improve the quality of their lives. If that does not happen, quite candidly, what you are going to see is what people have done historically. They will express their feelings with their feet. They will walk. They will move. They will migrate. In many instances, I presume they will come to this country however they can make it here. We welcome, obviously, immigration. But a flood of immigration, which can occur as a result of economic conditions, in this country is something we ought to be mindful of as we consider the implications of this proposal.

So again, my hope is to be able to be supportive.

Let me outline, if I may, briefly, what my interests are. I had a very good meeting today with Ambassador Portman. I did not know him terribly well before, but I was very impressed with him and the team. We spent about an hour in my office discussing this matter. We had a very good meeting at the White House not too many days ago. President Bush, very graciously, invited a group of us down—I gather he has done that on several occasions now—along with people who are not committed to this agreement, to listen to various ideas. I commend him for that. I think there is a true desire to try to build strong support for this agreement in this body and in the other, if we can.

So if I can, Mr. President, very briefly, I would like to lay out my concerns, what I am doing, what I have done today, what I am doing this evening, and what I will do tomorrow morning in anticipation of a vote occurring either tomorrow or on Friday, with my strong, fervent hope that I will be able to support this agreement. But let me lay out my concerns. As you know, I have long been concerned, as I mentioned, and involved in all aspects of our policies with respect to the countries of Central America and the Dominican Republic. For those of us who were serving in this Chamber in the 1980s, we all remember the dark days and bitter debates about events in the region at that time and the U.S. response to them. Happily, those dark days are now behind us. Today, the situation, if you will, in Central America is a far more positive and fruitful one. The debate is, of course, how to enhance our economic relations with the region in a manner that benefits the United States and our neighbors.

I believe there are real possibilities for the CAFTA-Dominican Republic agreement being a vehicle for enhancing those relations and strengthening democratic institutions throughout the region. But I also believe that, even at this late date, there need to be certain understandings and clarifications if, in fact, we are going to achieve the very goals the CAFTA-Dominican Republic agreement lays out. Those clarifications relate to certain aspects of the agreement, if it is truly going to live up to the expectations the parties have set forth in it.

Those of us who want to advance respect and adherence to core internationally recognized labor standards were somewhat disappointed that the agreement is a weak instrument for doing so. In fact, it is weaker than current provisions under the Caribbean Basin Trade Partnership Act, which currently links unilateral trade benefits from the United States to the Caribbean Basin Trade Partnership Act-eligible countries to international workers' rights.

I welcome the efforts of Senator BINGAMAN, our colleague from New Mexico, to strengthen the capacity of these countries to effectively enforce and uphold internationally recognized labor rights. I believe the provision agreed to by the administration, to provide an additional $3 million to fund the International Labor Organization programs in CAFTA-DR countries, is a step in the right direction.

Ambassador Rob Portman has committed, on behalf of the Bush administration, to provide these moneys to the International Labor Organization so the organization can monitor and verify progress in the Central American and Dominican Republic Governments' efforts to improve labor law enforcement and working conditions.

To strengthen the effectiveness of the ILO in carrying out its work in the region, I believe there needs to be a clear understanding, before we vote on the CAFTA-DR agreement, of exactly what would be entailed in those ILO programs if they are going to be effective. That is why I met today with Ambassador Portman and have contacted the CAFTA-DR Ambassadors from these countries to describe what I believe is needed to make the ILO initiative meaningful.

Let me spell it out, if I can, very briefly. And it is not unreasonable and does not require renegotiation in any way.

I have requested answers in writing from the affected CAFTA-DR Governments as to whether jointly or severally they would each welcome and support ILO efforts to improve labor enforcement and working conditions in their countries in relationship to the implementation of the CAFTA-DR agreement. We would support and welcome an active role for the ILO representatives and their countries, including acceptance of the principle that ILO representatives would be granted unfettered access to workplaces, be permitted to establish mechanisms for receiving and investigating matters related to core ILO labor standards, make private recommendations to worker and employer organizations and appropriate officials within each Government, as well as issue periodic public reports of its findings on matters of concern related to the enforcement of core ILO international labor standards as specified in the International Labor Organization's Declaration on Fundamental Principles and Rights at Work and its followup adopted by the International Labor Conference in 1998.

I am not breaking new ground here at all. In fact, what I have just described is included in other labor and other trade agreements, most specifically the trade agreement with Cambodia which was renewed by the Bush administration only recently, adhering to the very principles that were negotiated under the Clinton administration. So this is something that has already been accepted.

Let me tell you why these provisions are important and why I think they help what we are trying to achieve with this trade agreement. I am hopeful the administration and the agreement governments will find this clarification useful and acceptable. If so, I believe the CAFTA-DR agreement will have made an important contribution to strengthening democracy in the region and improving the daily lives of their citizens. I await word from them in the coming hours.

As I said, I very much want to be able too support this agreement. But I also want to have some confidence that I will be helping to raise the living standards of American and CAFTA-Dominican Republic workers and not be an accomplice to a rush to the bottom in weakening working conditions in either the United States or elsewhere in the region. Let me be clear that we aren't somehow raising the bar on the issue of respect for core labor rights. Existing trade preference programs for the region provide that the President should at least take into account the extent to which beneficiary countries provide internationally recognized workers rights.

As currently written, the CAFTA-DR agreement would weaken standards these countries have been living under through the Caribbean Basin Initiative and Generalized System of Preferences. Instead of asking them to do more with the CAFTA-DR agreement, we are asking them to do less. Moreover, currently the trade benefits can be withdrawn in these other countries if a country lowers its labor laws below international standards or simply fails to meet those standards. And they can be withdrawn if a government directly violates internationally accepted workers rights that might not be protected under their laws. But this will not be the case under CAFTA and the Dominican Republic.

Let me reemphasize that. Under the Caribbean Basin Initiative agreements, we established very well for all involved that International Labor Organizations labor standards, which are not terribly high standards, ought to be enforced collectively. The irony would be that we are now moving away from the very agreement that has been beneficial to the Caribbean Basin Initiative countries. In fact, some of these countries are obviously under that agreement now, and these standards would be lowered, not enhanced, at a time we have been trying to improve conditions.

This is also important to us from an economic standpoint. It has always been our goal with trade agreements with less developed countries to try to create wealth, to be wealth producing in our trade agreements. Obviously, this is critically important in the long term because our higher value goods and our higher value services need to have markets in these underdeveloped countries. If there is not wealth creation in these nations, then how will they ever afford to buy the products and the services that are higher cost? We have always tried to, as part of our trade agreements, improve those standards with a long-term vision that we would be a beneficiary as a result of wealth creation. And also it helps to improve tremendously living standards in the countries with whom we are trading.

Moreover, the lack of an objective standard is troubling because it could create a race-to-the-bottom mentality where investors and companies play governments against each other seeking lower labor standards in a quest for increased profits. That type of situation would wreak havoc on civil society in these countries. At a time when we are trying to promote more civil societies, to strengthen democratic institutions, it could have the opposite effect. It could cost also American workers their jobs. By having one standard that applies to all, you avoid the race to the bottom which could occur.

Let me make the point. Under this agreement each country would set its own labor standard, whatever they decided. They are required to enforce that labor standard. But there is no requirement of what that labor standard ought to be. For those who have followed events at all in these countries and have great affection for them, you don't need to have a PhD to understand there is a lot of difficulty when it comes to labor standards. That is why we have insisted on the ILO standards across the board generally, to try to maintain a more decent level. When you leave it up to each one of these countries to set their own standards and then only require that they meet them, you are obviously inviting the kind of race to the bottom I have just described.

For the most part, CAFTA and DR nations have laws on their books, but they face a lack of resources and domestic political opposition from influential people which prevents them from enforcing these laws. This statement was expressed by U.S. Trade Representative Rob Portman at a June 9, 2005 speech, only a few days ago, that he gave before the Hispanic Alliance for Free Trade. I commend him for his speech. Let me quote it, if I may. In that speech Ambassador Portman said:

> The ILO study demonstrated that the laws on the books are not the main issue. The major problem is that enforcement of those laws clearly needs improvement.

Ambassador Portman went on to say:

> You can read the State Department's annual human rights report and quickly conclude that enforcement needs to be improved. You can read a recent White Paper published by the Labor Ministers of Central America, who themselves acknowledge that enforcement needs to be improved.

These are good statements. They are strong statements, and I agree with our ambassador when he makes them. That is all I am suggesting with the language that I have submitted to Ambassador Portman and to the Central American countries earlier this evening. In my opinion, enforcement problems are not a result of malice on the part of these leaders. I believe that these leaders and these countries want to do the right thing. But I would remind my colleagues that our neighbors to the South are democratic countries. As in all democracies, they have to deal with powerful opposition interests.

The administration seems to hold the view that the support for expanded trade and economic growth is incompatible with advocating core labor standards in developing countries. I believe the opposite is the case. In fact, when we have insisted upon better labor standards, we end up with a far better trading environment. In case after case after case, when we have insisted on stronger ILO standards, we have had a better trading relationship. When we have not, it has gone in the opposite direction. In fact, experts for the well-respected Institute for International Economics have concluded that "core labor standards support sustainable and broadly shared political, social, and economic development."

The operative word here is "shared," shared among citizens, not simply a handful of people who have the resources and the political influence to effect them.

So if this agreement is fixable—and I believe it is—it could be a win-win proposition. I believe it can be, and I hope the administration and the CAFTA-DR governments will welcome this fleshing out of the ILO role.

Again, I commend Senator BINGAMAN and Rob Portman and the administration for being willing to sit down at a late hour and to welcome ideas about how we might make this a stronger agreement. I think the votes are probably here to pass an agreement even without these suggestions, but I think it is a better trade agreement if we have the kind of ILO standards I have talked about.

Again, I emphasize, I very much want to support this agreement. I think it would make a difference in the long run, not only for our own country but also for these struggling democracies in Central America and the Dominican Republic. These are good friends. They have been through an awful lot. I mentioned earlier the political turmoil and strife, the loss of life through civil wars, the natural disasters that have crippled them. They deserve better. They are not going to get it through foreign aid. I know that. But they could get it through an improved trading relationship, by lowering barriers and working cooperatively. My hope is we will do it. There is only a small amount of trade between ourselves and these countries. It amounts to very little in terms of overall trade dollars. But I think we set a standard that could be used throughout the region in the coming years.

My hope—even at this late hour, without in any way requiring that we reopen the process for negotiation—is that by just requiring that the ILO would be allowed to actually visit sites in these countries, not just the labor ministries, which is what the agreement does right now—under the agreement, the ILO would go to the labor ministry and say: Are you complying or not complying. Obviously, we know what the answer will be. You are asking the very people to discipline themselves. Obviously, they are not likely to conclude that they are not complying. By doing what we did in the Cambodian Free Trade Agreement, in permitting the ILO inspectors to actually have site visits to determine whether the laws are being enforced and then, of course, to be able to work with employers as well as employees to try to fix the problem that exists there, we do a lot to strengthen this agreement.

Again, I don't think it is asking too much. It goes a long way to making this a better and stronger agreement. It will do many good things for the people of these countries. I urge the administration and these CAFTA countries with whom we have been communicating today to consider this language offered. I have had a rather positive response so far from several of them, not all of them. My hope is that Ambassador Portman, on behalf of the administration, would be willing to accept this additional language to be included in correspondence along the lines that was provided to Senator BINGAMAN.

I have drafted a letter to Ambassador Portman that outlines what I have described here this evening. I am not going to include that letter in the RECORD. I would rather Ambassador Portman have a chance to see it before it becomes a public document for him to take a measure of it and to let me know whether something might be done along the lines we described here. I look forward tomorrow to addressing this issue again during further debate. My strong hope would be to be able to stand before this body and to offer my unconditional support for this agreement. I believe what we have offered here is a reasonable proposal, one that could be included in this agreement and one that will allow us to have a strong vote.

My hope is it would convince some of our colleagues in the other Chamber who have expressed strong reservations about this agreement to come onboard. Most of the reservations have been focused on the labor standard issue. Again, I think we can strengthen that and convince many of our colleagues to support this agreement. The people of these little countries, desperately poor people, deserve better. If democracy is going to work here, if economic opportunity is to occur, then we ought to be doing more.

We have trade agreements with big powerful countries. Too often we allow too much to slip by and to allow these countries to take advantage of us. These small countries deserve some help and support. We spent $5 billion in the 1980s financing and underwriting a part of the civil war that occurred there. Thousands lost their lives. A great deal of our treasury was expended in Central America. It is time we expended some effort to see these people have a chance for a better life.

I think this agreement can do it. A few changes that we have suggested could help us achieve that goal. I look forward to that opportunity occurring with a decision by the administration and the CAFTA countries.

Mr. President, I would like to address the Senate on another matter. I want to be careful to make sure no one else wants to be heard on this matter.

Let me inquire of the Chair, would it be appropriate for this Member to ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. That would be appropriate.

Mr. DODD. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A FREE PRESS

Mr. DODD. Mr. President, two days ago the U.S. Supreme Court refused to consider overturning contempt citations against two journalists, Judith Miller and Matthew Cooper. This decision by the Court effectively paves the way for these two reporters to be sent, possibly, to jail. Yesterday the District of Columbia Circuit Court upheld the convictions of four additional journalists for contempt. They may appeal to the Supreme Court, but they are justifiably concerned that the Supreme Court will decline to consider their case, just as the Court declined to consider the Miller and Cooper cases the other day.

What did those journalists do to deserve criminal contempt convictions? Nothing more than their jobs, in my view. That is, they did nothing more than refuse to reveal to law enforcement officials the identity of sources to whom they had pledged confidentiality.

Thomas Jefferson once said that were he to have to choose between a free country and a free press, he would select the latter.

He understood—as did the other Founding Fathers—that nothing was more important to a free people than the free flow of information. An informed citizenry is the first requirement of a free, self-governing people.

Armed with knowledge, our people can govern themselves and hold accountable their elected leaders and other high public and private officials.

Today, that principle of a well-informed electorate holding their leaders accountable is at risk.

Along with the 6 journalists I have just mentioned, there are 20 or more others who have been convicted or face conviction for protecting the confidentiality of their sources. This is an unusually high number by historical standards.

Senator LUGAR and I have introduced legislation, S. 340, the Free Flow of Information Act. We are joined in the other body by Representatives SPENCE and BOUCHER. The purpose of this legislation is to protect the free flow of information that is so essential to maintaining our free society.

This legislation is not about conferring special rights and privileges on members of the Fourth Estate. It is, rather, intended to protect the right of all citizens to inform and be informed—including by speaking with journalists in confidence.

The bill is hardly radical in concept. It is based on Justice Department guidelines and on statutes that currently exist in 31 States and the District of Columbia. While those State and DC statutes would not be preempted, the bill would establish a uniform Federal standard for Federal cases involving journalists and their sources. It would balance the legitimate and often compelling interest in law enforcement with the critical need in a free society to protect the free flow of information.

It would achieve this balance by protecting the confidentiality of sources—while at the same time allowing courts to compel journalists to produce information about wrongdoing if that information is essential to an investigation and cannot be obtained from other sources.

Imagine for a moment what would happen if citizens with knowledge of wrongdoing could not come forward and speak confidentially with members of the press. Serious journalism would virtually cease to exist. Wrongdoing would not be uncovered. We would never have learned about the crimes known as "Watergate" but for the willingness of sources to speak in confidence with reporters.

My colleagues, when journalists are hauled into court by prosecutors, when they are threatened with fines and imprisonment if they do not divulge the sources of their information, then we are entering dangerous territory for a democracy, because that is when citizens will fear persecution simply for stepping out of the shadows to expose wrongdoing. When that happens, the information our citizens need to govern will be degraded—making it more and more difficult to hold accountable those in power.

And when the public's right to know is threatened, then all of the other liberties that we hold dear are threatened.

We are under no illusions as to the difficulty of our task in advancing this legislation.

We know that there are those who have a pavlovian response to words like "reporter" and may react negatively to this legislation. We also understand that it is critically important that we balance our Nation's compelling interest in preserving the free flow of information with its no less compelling interest in pursuing wrongdoing by criminals and others that would jeopardize the freedoms that we cherish as Americans.

Mr. President, again, I am joined by Senator LUGAR and my colleagues in the House, Congressmen SPENCE and BOUCHER. We would like to see some legislation at least be debated on the floor of the Senate and possibly passed by both Houses, if we have a chance to debate this.

The fact that reporters are going to jail because of their refusal to identify confidential sources ought to raise the concerns of everyone, regardless of their ideology or politics. We all understand there is a danger in this if we lose what has been critical as part of our self-governance. This evening, with two reporters we know facing very serious jail sentences, with others who may face similar sentences, with some 20 other people who have either been convicted or presently are in the process, we think it is very important that we act in this matter. We know it is not necessarily popular. This is not about reporters, it is not about the press, it is about whether the citizenry is going to have access to information they deserve to get. It is not about protecting journalists or sources if that is the only way we can get information we need to pursue criminal prosecutions. It ought not to be the first arrow drawn out of the prosecutor's quiver trying to deal with these matters. Too often that happens. They need to work harder to get to the bottom of these cases, without dragging the reporters in front of these courts.

I hope our colleagues on both sides of the aisle—conservatives, liberals, independents, moderates, or whatever—would be able to come together around this idea that in a free society of the 21st century the confidentiality of sources is something we ought to be willing to stand up and support. I urge my colleagues to consider this legislation and the leadership to put it on the calendar.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING CHAMPION GOLFER MICHAEL CAMPBELL

Mr. SMITH. Mr. President, I rise today to speak to a resolution I will submit honoring a true champion. I rise today out of two affections in my life: one for the land of New Zealand, and another grows out of my enjoyment of the game of golf.

Ten days ago, on June 19, Michael Campbell became the first New Zealander to win one of the United States Golf Association's major championships in 43 years, besting a field of the world's most talented golfers.

Mr. Campbell showed great perseverance and mettle throughout the Open, mastering an immensely challenging course. He was also the first player to come from behind to win a U.S. Open in 7 years.

Mr. Campbell's win is yet another chapter in a proud tradition of excellence in international sports for New Zealand.

The Kiwis have won two of the last three America's Cup yacht races and netted three gold and two silver medals at last summer's Olympic Games in Athens.

The competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's indigenous seagoing explorers, the Maori, of whom Michael Campbell is a descendent.

Mr. Campbell's victory in the U.S. Open also provides us with the opportunity to reflect on our relationship with New Zealand and at the same time to shape the future of our friendship.

Staunch allies in the two World Wars in the 20th century, New Zealand and its people have made tremendous sacrifices and heroic efforts to help protect freedom and democracy in the world.

Those efforts continue today, as New Zealand contributes regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism, and has helped to reconstruct a new, democratic Iraq.

Even though there have been some bumps in the road—the deterioration of the Australia-New Zealand-United States alliance comes to mind—New Zealand has been a great friend and an enduring ally over the years.

It is my hope that we will continue to foster this friendship.

On that note, I commend Michael Campbell and the nation of New Zealand for this momentous victory and express arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

ENERGY POLICY ACT OF 2005

Mr. DODD. Mr. President, yesterday I was necessarily absent from the Senate during final passage of H.R. 6, the Energy bill. I was attending the funeral of Mrs. Marcia Lieberman, the mother of my good friend and our colleague, Senator LIEBERMAN. Had I been here, I would have voted for the bill, albeit with considerable reservations.

I commend the chairman and ranking member for their hard work in crafting a bipartisan bill. But let me be clear, this bill is not perfect. All things being equal, it seeks to balance the economic needs of our country with the well-being of our environment and sets out a policy to provide Americans with a reliable and affordable supply of energy.

Overall, the Senate Energy bill is a more balanced approach to energy tax policy than the House bill. It provides just under 50 percent of the tax incentives to renewable energy and energy-efficient buildings, homes and appliances. Unfortunately, the bill also provides 50 percent of tax incentives to mature industries such as oil, gas, coal and nuclear.

The bill now includes a renewable portfolio standard, by which electric utilities must generate 10 percent of their power from renewables by 2020. In the past, I voted for a higher percentage because I believe our Nation can and should use even more renewable energy. However, the bill begins a smart, economic, and environmentally friendly path for this country to take and I am pleased that the Senate acted.

For the first time, the Senate is on record in acknowledging the existence of global warming and recognizing the need to take mandatory, market-based steps to slow, stop or reverse the growth of greenhouse gas emissions. It is a start, a baby step, but again, it puts this country on the right path and I look forward to working with my colleagues to determine the right proposals to combat these emissions. Air pollution must be reduced. Long-term exposure to toxic emissions and unhealthy air has been linked to increased risk of cancer, reduced lung function in children, and premature death of people with heart and lung disease. Asthma rates in Connecticut are over two and a half times the national average; 7.9 percent of adults and 8.9 percent of children under age 18 in Connecticut have asthma.

I am pleased the Senate included an amendment that I offered to study the effect of electrical contaminants on the reliability of energy production systems, including nuclear power facilities. In April, 2005, the Millstone 3 nuclear power plant in Waterford, CT, automatically shut down and the Nuclear Regulatory Commission, NRC, determined the cause to be a failure of a circuit card in a computerized reactor protector system. It was revealed that "tin whiskers" were present on the circuit card which led to the subsequent shutdown. Earlier this year, the January 10, 2005, edition of Fortune magazine had a lengthy article entitled, "Tin Whiskers: the Next Y2K Problem?" The article explained the seriousness of this problem.

Finally, I am just as pleased with a few items that were not included in the Senate bill. Unlike the House, this bill does not grant retroactive liability to producers of MTBE, a gasoline additive that my home State of Connecticut has already banned. I urge my colleagues to keep this provision out of the conference report. There is no explicit opening of the Arctic National Wildlife Refuge, although there are attempts to open that pristine land through other pieces of legislation. Finally, the Senate bill steers clear of removing environmental protections from the Safe Drinking Water Act and the Clean Water Act. Nor does the bill reduce environmental review for energy projects.

I am disappointed that H.R. 6 includes language to inventory the Outer Continental Shelf, OCS, including what is currently covered by a 23-year moratorium. Since 1982, Congress and the executive branch have prohibited new offshore leases in the OCS. While an inventory sounds benign, it is a costly endeavor that will cause irreparable harm to our coastal waters and could well set us on a slippery slope to drilling and exploration in these environmentally sensitive areas.

I am also troubled by section 381 of the underlying Senate bill that preempts state authority and gives exclusive authority to the Federal Energy Regulatory Commission, FERC, with regard to the siting, construction or expansion of liquified natural gas terminals. I understand the need for increasing our supply of natural gas, but I have grave concerns over the process for siting LNG facilities. This hits close to home because there is a proposal to place a 1,200 foot long, 180 foot wide, 100 foot high LNG facility within Long Island Sound. FERC authority is also augmented by authorizing it to site transmission facilities in certain areas if a State fails to act within one year. Again, every State's authority is undercut by this provision.

I am deeply concerned that the bill terminates FERC's proposed rulemaking for Standard Market Design, SMD, while doing nothing to address FERC's actions with regard to Locational Installed Capacity, LICAP. My attempts to insert a simple sense of the Senate amendment to clarify that governors and utility regulators throughout New England are opposed to LICAP and FERC should take their concerns and alternative proposals into account before a final ruling in September, were refused. The theoretical purpose of LICAP is to set prices that will provide an economic incentive for construction of new generation within New England. However, as proposed by FERC, LICAP will cost ratepayers more than $14 billion over 4 years without any guarantee that new generation will be built, with no penalty for not building new generation, and with no provision for refunding payments if no generation is built. I will continue to work with my colleagues to address this unfair situation.

Finally, on the day after the price of a barrel of crude oil topped $60 for the first time, we must recognize that this Energy bill does virtually nothing to stem the tide of rising oil, gasoline, and heating oil prices. The majority defeated efforts to even urge the administration to divert oil from filling the Strategic Petroleum Reserve, SPR, and to release oil from the SPR through a swap program.

I urge my colleagues participating in the conference to stand firm on the will of the Senate and return an energy conference report that moves our country on the path to energy security.

Mr. KERRY. Mr. President, last Thursday, June 23, the full Senate voted to pass amendment No. 825, the small business and farm energy emergency relief amendment of 2005, to the Energy bill, H.R. 6. I thank my colleagues for supporting my amendment. I want to also thank the cosponsors, Senators REED, SNOWE, KOHL, LEVIN, BAUCUS, JEFFORDS, HARKIN, PRYOR, SCHUMER, LAUTENBERG, KENNEDY, and LIEBERMAN.

Mr. President, the purpose of this amendment is to help small businesses and small farms struggling to make ends meet with the record high cost of energy—natural gas, heating oil, gasoline, propane, kerosene. We can do this very easily by making those small businesses eligible to apply for low-cost disaster loans through the Small Business Administration's Economic Injury Disaster Loan Program. To help small farms and agricultural businesses, Senator KOHL has included a provision making them eligible for loans through a similar loan program at the Department of Agriculture. It also includes a provision by Senator LEVIN, passed unanimously last time this was considered in Committee and the full Senate to promote the use of alternative energy sources.

The need for this type of safety net is clear. The volatile and significant rise in cost for these fuels over the past several years has threatened the economic viability and survival of many small businesses. For example, last week the spot price for oil hit a record high of $58.90, a cost when adjusted for inflation that has not been seen in over 20 years. This is raising the price of gasoline, with the average U.S. price now at $2.16 per gallon, an increase of 22 cents compared to last year. The cost of home heating oil has jumped as much as 45 percent, and the natural gas market is likely to tighten over the next few months as summer cooling demand picks up. Prices are projected to continue to increase as the winter heating season boosts natural gas demand.

As we've heard in testimony after testimony, these prices hurt small manufacturers that rely heavily on natural gas and cite energy costs as one of the top three factors driving them out of business. These prices hurt farmers that rely on natural gas and propane and gasoline to run their farms and produce crops. And these prices hurt small heating fuel dealers in the northeast.

Most small companies typically have small cash flows and narrow operating margins and simply don't have the reserves to compensate for significant and unexpected spikes in operating costs. For those businesses financially harmed by the energy prices, they need access to capital to mitigate or avoid serious losses or going out of business. Commercial lenders typically won't make loans to these small businesses because they often don't have the increased cash flow to demonstrate the ability to repay the loan.

There has been a bipartisan push for this assistance in Congress twice in the past few years. In the 107th Congress, in 2001, I introduced virtually the same bill, S. 295, and was joined by 34 cosponsors to pass it in the full Senate. Of those who voted to pass the bill, 77 are still in the Senate, including 37 Republicans. Most recently, in November, during the consideration of the mega funding bill, the fiscal year 2005 Omnibus Appropriations conference report, Senator REED, as head of the Senate Northeast-Midwest Coalition, worked to have a version of this amendment adopted as part of the the bill. Seventeen Senators signed a letter to chairmen STEVENS and GREGG, and ranking members BYRD and HOLLINGS requesting its inclusion. It makes no sense, but out of 3,000 pages of legislation and almost $400 billion in spending, this assistance was not included because the administration objected. The little guy was not helped.

As frustrating as that is, and while it would have been most helpful to these businesses—from small heating oil dealers to small manufacturers—to enact the legislation in November when the prices were at an all-time high, we can still be helpful now.

In that spirit, along with my colleagues mentioned earlier, I am very pleased to have offered the Small Business and Farm Energy Emergency Relief Act of 2005, S. 269, as an amendment to that energy bill. I ask my colleagues in the Senate and House to preserve the provision in the final bill—conference—as they work out differences between the two sides.

Mr. President, we have built a very clear record over the years on how this legislation would work and why it is needed. I am glad that my colleagues have gotten behind this bill and have put us one step close to making this law in the near future. In the past, this assistance has received bipartisan support and I am glad that this year is not different.

I ask unanimous consent that a copy of a bipartisan letter of support and a copy of the cosponsors from past bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEMONSTRATING BIPARTISAN SUPPORT OVER YEARS

List of S. 295 cosponsors: Senators Bond, Lieberman, Snowe, Bingaman, Landrieu, Johnson, Domenici, Levin, Wellstone, Jeffords, Harkin, Schumer, Clinton, Kohl, Edwards, Leahy, Baucus, Collins, Dodd, Chafee, Bayh, Kennedy, Inouye, Daschle, Akaka, Corzine, Reed, Murray, Cantwell, Cleland, Enzi, Torricelli, Smith, and Specter.

List of those who voted to pass S. 295 and are still in the Senate: Senators Allard, Allen, Bennett, Biden, Boxer, Breaux, Brownback, Bunning, Burns, Byrd, Campbell, Carnahan, Carper, Cochran, Conrad, Craig, Crapo, Dayton, DeWine, Dorgan, Durbin, Ensign, Feingold, Feinstein, Fitzgerald, Frist, Graham, Gramm, Grassley, Gregg, Hagel, Hatch, Helms, Hutchinson, Hutchison, Inhofe, Kyl, Lincoln, Lott, Lugar, McCain, McConnell, Mikulski, Miller, Murkowski, Nelson, Nelson, Nickles, Reid, Roberts, Rockefeller, Santorum, Sarbanes, Sessions, Shelby, Smith, Smith, Stabenow, Stevens, Thomas, Thompson, Thurmond, Voinovich, Warner, and Wyden. (40 Democrats, 37 Republicans, 1 Independent)

List of signatories to approps letter: Senators Reed, Collins, Kerry, Bingaman, Specter, Leahy, Dodd, Chafee, Kennedy, Lautenberg, Jeffords, Lieberman, Bayh, Schumer, Sarbanes, Mikulski, and Clinton.

U.S. SENATE,
Washington, DC, November 16, 2004.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. JUDD GREGG,
Chairman, Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, U.S. Senate, Washington, DC.

Hon. ROBERT C. BYRD,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.

Hon. FRITZ F. HOLLINGS,
Ranking Member, Appropriations Subcommittee on Commerce, Justice, State and the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS STEVENS, BYRD, GREGG AND HOLLINGS: We are writing to request you include a provision in the fiscal year 2005 Omnibus Appropriations Conference Report to make heating oil distributors and other small businesses harmed by substantial increases in energy price eligible for Small Business Administration (SBA) disaster loans. Many small businesses are being adversely affected by the substantial increases in the prices of heating oil, propane, kerosene and natural gas. The recent volatile and substantial increases in the cost of these fuels is placing a tremendous burden on the financial resources of small businesses, which typically have small cash flows and narrow operating margins.

Heating oil and propane distributors, in particular, are being impacted. Heating oil and propane distributors purchase oil through wholesalers. Typically, the distributor has 10 days to pay for the oil. The money is pulled directly from a line of credit either at a bank or with the wholesaler. Given the high cost of heating oil, distributors' purchasing power is much lower this year compared to previous years. In addition, the distributors often do not receive payments from customers until 30 days or more after delivery; therefore, their financial resources for purchasing oil for customers and running their business are limited. Heating oil and propane dealers need to borrow money on a short-term basis to maintain economic viability. Commercial lenders typically will not make loans to these small businesses because they usually do not have the increased cash flows to demonstrate the ability to repay the loan. Without sufficient credit, these small businesses will struggle to purchase the heating fuels they need to supply residential customers, businesses and public facilities, such as schools. These loans would provide affected small businesses with the working capital needed until normal operations resume or until they can restructure to address the market changes.

SBA's disaster loans are an appropriate source of funding to address this problem. The hurricanes that caused significant damage to the Gulf Coast along with the current instability in Iraq, Nigeria and Russia caused a surge in the price for oil and important refined products, especially heating fuels. The conditions restricting these small businesses' access to capital are beyond their control and SBA loans can fill this gap when the private sector does not meet the credit needs of small businesses.

A similar provision passed the Small Business Committee and Senate with broad bipartisan support during the 107th Congress when these small businesses faced substantial increase in energy prices. In addition, there is precedence for this proposal as a similar provision was enacted in the 104th Congress to help commercial fisheries failures.

Thank you for your consideration. Please find enclosed suggested draft language for the proposal. If your staff has questions about the proposal or the impacts of the current energy price increases on small businesses, please ask them to contact Kris Sarri at 224-0606.

Sincerely,

Jack Reed, John F. Kerry, Arlen Specter, Christopher J. Dodd, Edward M. Kennedy, James M. Jeffords, Evan Bayh, Susan M. Collins, Jeff Bingaman, Patrick J. Leahy, Lincoln D. Chafee, Frank Lautenberg, Joseph I. Lieberman, Charles E. Schumer, Paul S. Sarbanes, Hillary Rodham Clinton, Barbara A. Mikulski.

Mr. BAUCUS. President, I wish to explain my climate change votes. This is an important debate, and I appreciate the efforts of my colleagues to contribute substantively to our understanding of the issue and to offer solutions.

First, let me be clear that although I voted for Senator HAGEL's amendment relating to the promotion of climate change technology at home and abroad, I do not think that amendment goes far enough to address the issue of rising greenhouse gas emissions. At the very least, I would like to see more aggressive timetables and proposals for Federal action than are contained in Senator HAGEL's amendment.

At the same time, I am still not comfortable supporting the approach of Senator LIEBERMAN and Senator MCCAIN. I admire their hard work and dedication in advocating for immediate action to control U.S. emissions of greenhouse gases. They have helped to educate their colleagues, and have kept the issue on the front-burner in the Senate and made it impossible for us to ignore. And, as they have so often pointed out, the evidence that man-made greenhouse gas emissions are impacting our climate system is growing every year.

However, I am still not ready to support the mandatory cap and trade called for in their amendment that would freeze U.S. emissions of greenhouse gases at 2000 levels in 2010. I still have questions about the costs this proposal would impose on our economy, and in particular on my state that has the largest coal reserves in the lower 48. Projections vary widely, which makes it difficult to weigh costs and benefits. I also have concerns about whether we currently—or will in the immediate future—have the technological capabilities to meet the challenges of the McCain-Lieberman bill, without imposing significant costs on our economy or creating greater volatility in natural gas markets than already exists. Perhaps not in the short term, but beyond 2010, this concern only grows.

These are not trivial questions, particularly when some of our friends in the developing world will soon eclipse the industrialized nations as the largest emitters of greenhouse gases. We cannot ignore that fact, particularly as we contemplate placing a burden on our own economy that could impact our international competitiveness, while at the same time, will have little impact on overall global greenhouse gas concentrations.

I also was unable to support Senator BINGAMAN's sense of the Senate, calling on Congress to implement a mandatory program to reduce emissions of greenhouse gases soon. While I do agree that Congress should take this issue seriously and act sooner rather than later, I can't agree at this point that we are ready to enact a purely mandatory program in the short term.

Crafting truly bipartisan, comprehensive legislation to address greenhouse gas emissions will take a great deal of work that this Congress to date has avoided, except for the concerted efforts of individual Senators, like Senators MCCAIN, LIEBERMAN, BINGAMAN, BYRD and HAGEL. Unfortunately, individual efforts generally are not enough on legislation this complex and far-reaching without the structure and support of a committee-led process, and encouragement from the leadership and the administration.

This must happen, and I have been encouraged to hear many of my colleagues express similar sentiments about pursuing a broader approach to developing climate change legislation, rather than on an ad hoc basis on the Senate floor, particularly the Chairman of the Senate Energy Committee, Senator DOMENICI. This is a positive development.

Congress must act, and act in a concerted, thoughtful way. That's how we have addressed complicated environmental legislation in the past, including the Clean Air Act. But, we're talking about a potential regulatory scheme that could dwarf the scope and impact of even the Clean Air Act and is directly related to our future economic growth. We're also talking about controlling a gas—CO_2—for which we currently have no widely available, proven control technology. Implementing mandatory controls now looks to a certain extent like stepping off a cliff and hoping something breaks our fall. We need to take the time to do it right. I pledge my assistance to make this happen.

I also continue to believe that this administration must re-engage with the international community in a meaningful way. The best way to move forward in this body is concurrently with an international effort that encompasses all of the major greenhouse gas emitters—and those that will soon become the major emitters. Not only will this accelerate the technology development curve, but it will level the economic playing field. The fact that Kyoto left out much of the developing world, including China and India, was that treaty's fatal flaw. We don't need to go down that path again, and I think the world is ready to step beyond Kyoto.

As the current number one emitter of greenhouse gases, it is incumbent on the U.S. to lead, not follow, in this effort. That's why I supported Senator KERRY's sense of the Senate.

INDIAN HEALTH CARE IMPROVEMENT ACT

Mr. GRASSLEY. Mr. President, I want to take a few minutes to explain my action today related to S. 1239, a bill to amend the Indian Health Care Improvement Act. Today, with great reluctance, I asked Leader FRIST to inform me before entering any unanimous consent agreements related to consideration of this bill, which the Indian Affairs Committee reported by voice vote this morning.

S. 1239 would pencil the Indian Health Service, IHS, an Indian tribe, a tribal organization, or urban Indian organization to pay the monthly part D premium of eligible Medicare beneficiaries. The bill defines eligible beneficiaries as individuals who are Indian and who are eligible for the part D prescription drug benefit, but who do not receive any additional financial assistance made available under the Medicare Modernization Act of 2003, MMA, to beneficiaries with limited incomes.

I am all for providing assistance in paying premiums for beneficiaries in financial need. We devoted a lot of time to those provisions in the MMA. I am troubled, however, that as currently drafted, S. 1239 would permit the IHS, an Indian tribe, tribal organization, or urban Indian organization to pick and choose who will get premium assistance. Specifically, the bill would allow them to consider an eligible beneficiary's "expected drug utilization" and any other factors to determine the cost-effectiveness of paying the beneficiary's premium.

This provision might be an attempt to reflect that the IHS, tribes, and tribal organizations have limited resources. The bill language, however, raises a number of questions. First, how would the IHS and tribes determine expected drug utilization or cost-effectiveness? Would it be based on the number of drugs a person takes or the severity of illness? Second, how would they account for the fact that a beneficiary's drug needs could change dramatically with just one illness? That is the point of having insurance.

When we crafted the MMA, we were keenly aware of the potential for adverse selection—meaning that beneficiaries might wait until they need part D coverage to enroll in part D. This would have the effect of driving up the cost of the part D premium for all beneficiaries. The additional considerations currently included S. 1239 set a dangerous precedent by seemingly promoting adverse selection in the part D program. This is exactly opposite to what we sought to achieve in the MMA.

Mr. President, I welcome the opportunity to work with the sponsors of S. 1239, Senators MCCAIN, DORGAN, and BAUCUS, and with members of the Indian Affairs Committee on this matter. I had hoped to accomplish that before the bill was reported out of committee. Unfortunately, that did not happen. I do not take actions such as these lightly. But I am deeply troubled that as currently drafted, S. 1239 could end up having unintended consequences for the very people it is intended to assist and for all Medicare beneficiaries.

COMBAT METH ACT OF 2005

Mr. FEINGOLD. Mr. President, I am proud to add my name today as a cosponsor of the Combat Meth Act of 2005, S. 103. I want to thank Senator TALENT and Senator FEINSTEIN for their leadership on this issue. I have had the opportunity to work with my colleagues on a new version of the bill that I understand will be offered in the Judiciary Committee as a substitute when the bill is marked up, and I am very pleased to support this new version of the Combat Meth Act.

Meth is a highly addictive and particularly destructive drug that can be manufactured from widely available household items. In the last 5 years, the use of this terrible drug has skyrocketed, both nationally and in my home State of Wisconsin. When I talk to prosecutors and police officers from Wisconsin, they consistently tell me that meth use is the most daunting problem they are facing. They tell me that meth is the single most harmful drug—to addicts, families, children, communities, and the environment—that they have ever dealt with. This bill gives law enforcement officials a chance to stem the growing tide of meth use by restricting access to the cold medicines that are commonly used to make meth and by providing funds for programs that have been shown to combat the meth problem. The bill targets those who purchase over-the-counter drugs for the purpose of manufacturing meth, while still allowing law-abiding Americans to have adequate access to the cold medicines they need.

Methamphetamine is derived from pseudoephedrine, a chemical that is found in most common cold medicines. Meth "chefs" can manufacture the drug by buying large quantities of cold medicine, mixing it with other common chemicals, and heating it. This process can occur nearly anywhere and requires only limited knowledge and experience. Even beginners can easily manufacture this drug.

Given how easy it is it make, it is not surprising that meth use has been increasing rapidly. A recent report from the National Institute on Drug Abuse finds that meth use has swept across the country, starting in Southern California and moving steadily eastward. The situation has become particularly dire in the Midwest, where meth use accounts for more than 90 percent of all drug prosecutions. Literally millions and millions of individuals have reported using meth—and this trend shows no signs of slowing. Meth cases in my home State of Wisconsin have gone up 500 percent in just the last 4 years, from 101 prosecutions in 2000 to 545 in 2004. And Wisconsin is doing much better than many other Midwestern States thanks to proactive efforts by state officials in the late 1990s, before meth had taken hold, to educate communities about the dangers of meth and the need for prevention. These education and prevention efforts paid off, keeping the number of meth labs relatively low in Wisconsin compared to neighboring States, but the problem remains a very serious one.

Both the manufacture and the use of meth have devastating consequences for users and those around them. In the short-term, even occasional meth use leads to a whole host of physical and psychological problems. It causes inflammation of the heart lining, increasing the risk of heart attacks and strokes. It causes damage to the nervous system and creates abscesses on the skin. It also attacks the brain, leading to bouts of paranoia, anxiety, and insomnia.

Meth's long-term effects are even more destructive. It has highly addictive properties, quickly turning occasional users into desperate addicts. Meth addicts often go for days without eating or sleeping. They suffer from a variety of heart ailments and can sustain permanent and often irreversible brain damage. The drug's effect on the brain also leaves addicts vulnerable to the entire spectrum of mental health problems, from paranoia and depression to aggression and psychosis. And the drug's chemical effects are particularly insidious, meaning that addicts often require extended detoxification periods before they can begin treatment.

Sadly, meth's harmful effects are not confined to its users. The process of manufacturing meth creates unique environmental hazards that can poison surrounding communities. Cooking the chemicals that create meth can lead to explosions, fires, and the release of noxious gases. Remnants from the procedure are often washed down the drain or dumped in the ground, where they can contaminate local water sources.

Another related danger of significant meth use in a community is an increased crime rate. Meth addicts often resort to violence to gain access to the materials they need or to the money they must have to sustain their addiction. Additionally, people who are high on meth are disposed to aggressive and violent behavior. The results are apparent. For example, local news reports indicate that Eau Claire County in Wisconsin, which has been hard hit by the meth problem, has seen a significant increase in meth-related crimes as meth use has become more prevalent. This drug does not just poison users; it can affect entire communities.

And in the unkindest cut of all, children who are exposed to meth manufacturing or use can be scarred for life. Children of meth addicts are exposed to toxic fumes and volatile chemicals, resulting in potentially serious health problems, and they are often abused or neglected by those in the throes of addiction.

This problem calls for immediate Federal action. When Oklahoma was the first State earlier this year to pass a law that successfully restricted access to pseudoephedrine, the sale of products containing pseudoephedrine grew noticeably in neighboring States. The Oklahoma experience shows that States acting alone cannot address what has become a national meth problem. We need a law that creates national standards for the sale of products containing pseudoephedrine and puts the resources of the Federal Government behind the effort to stop meth use.

The new version of the Combat Meth Act provides the national response that we need. It attacks the meth problem at all stages of the process: It gives State and local officials the tools they need to prevent the sale of products used to make meth, to investigate and prosecute meth manufacturers, and to treat meth addicts and protect the children they harm.

This bill helps prevent meth use by restricting the sale of ingredients needed to manufacture meth. Under the new bill, cold medicines that contain pseudoephedrine will be placed behind pharmacy counters and purchasers will only be able to buy 7.5 grams of the product per month—more than enough for people who really need the medicine but not enough for those who are buying the medicine to make meth. It requires people purchasing pseudoephedrine products to sign a written log, but I am pleased that the new version of the bill ensures the privacy of this potentially sensitive medical information by allowing the information to be used only to find individuals who might be purchasing these products to make meth. The bill also provides funding to States to monitor the sale of products containing pseudoephedrine.

The Combat Meth Act gives States the resources they need to bring meth manufacturers to justice. It provides money for training programs for State and local law enforcement and expands the scope of currently effective meth investigation and clean-up programs. Once meth producers and traffickers are found, this bill helps put them behind bars by hiring additional Federal prosecutors, training local prosecutors in Federal and State meth laws, and cross-designating local prosecutors as Special Assistant U.S. Attorneys, allowing them to bring legal action in Federal courts.

While this bill strengthens enforcement and prosecution measures, it also recognizes that most meth addicts require treatment rather than harsh criminal sanction. To that end, the bill authorizes the creation of a meth treatment assistance center, which will help states learn how to effectively treat those who suffer from this awful addiction. And for this drug's most innocent victims—the children who are exposed to meth by the users around them—the bill provides a $5 million grant to allow Federal, State, and local entities to work together to help assist and educate children who have been harmed by a family member's meth addiction.

The widespread use of meth, particularly in the Midwest, has become an unsupportable burden for many families and communities. The new version of the Combat Meth Act is a commonsense response to a growing problem one that requires immediate Federal attention. While the bill does not address the increasing problem of meth imports from overseas, it will help cut back on domestic meth manufacturing and the many harms that accompany it. I am proud to support this new version of the bill and I urge my colleagues to support it.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay Latina woman was walking on the beach with her transgender male partner last year when they were approached by two unknown men. The men began making disparaging and intimidating comments at them. The two men then chased and threw rocks at the victims.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF JUD, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that just celebrated its 100th anniversary. On June 24–26, the residents of Jud, ND, celebrated their community's founding and history.

Jud is a small town of 368 citizens in south-central North Dakota. Despite its small size, Jud holds an important place in North Dakota's history. Like many of North Dakota's towns and cities, Jud began with the railroad. The Northern Pacific Railroad reached the present day site of Jud in 1903 and drew up a plot for the town of Gunthorpe. Shortly following this, the town's name was changed to Jud. Between 1905 and 1911 a plethora of businesses sprang up. Among other businesses, the town once had a weekly newspaper, a pool hall and even its own baseball team.

Today, Jud boasts a number of businesses including The Jud Café, Klassie Kurl Beauty Salon, and The Wander In. Especially unique to Jud is the town's impressive compilation of murals, which adorn twenty-six of the town's buildings.

I ask the United States Senate to join me in congratulating Jud, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Jud and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Jud that have helped to shape this country into what it is today, which is why the fine community of Jud is deserving of our recognition.

Jud has a proud past and a bright future.•

100TH ANNIVERSARY OF UPHAM, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. During the weekend of July 1st, the residents of Upham, ND, will celebrate their history and the town's founding.

Upham is a small town in north-central North Dakota with a population of 155. Despite its size, Upham holds an important place in North Dakota's history. Upham was founded during the summer of 1905 at a time when the entire State of North Dakota was growing at an incredible rate. During this time, the Towner-Maxbass branch line of the Great Northern Railroad was extended up towards the Souris River Valley. This led to the founding of Upham, which served as a focal point for the Icelandic, Norwegian, German, and German-Russian communities nearby. The first school in Upham was built soon after the town's founding, and it will be having an all student reunion to coincide with the centennial celebration. Upham has flourished as a farming community ever since.

Today, its citizens have settled into a comfortable life style, where families can enjoy the summer butterflies and wild flowers of the J. Clark Sayler National Wildlife Refuge, and the town elders can socialize at the American Legion or the 55+ Club.

I ask the United States Senate to join me in congratulating Upham, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Upham and all the other historic small towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Upham that have helped to shape this country into what it is today. I believe that the community of Upham is deserving of our recognition.

Upham has a proud past and a bright future.•

125TH ANNIVERSARY OF BUXTON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. Starting on June 29, 2005, the residents of Buxton, ND, will celebrate their history and founding.

Buxton is a small town in the eastern part of North Dakota with a population of 350. Buxton holds an important place in North Dakota's history. It began in 1880 when Budd Reeve plotted the town known today as Buxton. Budd Reeve obtained the townsite from the Great Northern Railroad in exchange for the land used for the old Union Depot in Minneapolis, MN. On October 5, 1880, three cars of lumber were delivered for the new town. At this time the only construction on the town site was an old sod house homestead. By November 2, 1880, a store had been built from this shipment of lumber and was being operated. During these same months a two-story station and a section house were built by the railroad. It was Budd's wife, Harriett Reeve, who suggested the new town be called "Buxton," for T.J. Buxton, a wealthy Minneapolis businessman and family friend. The post office was established November 8, 1880. Chester Fritz, the famous businessman, financier, and UND benefactor was born in Buxton in 1892.

Even after 125 years, Buxton is still a strong agricultural community. It is home to both the Central Valley Bean Cooperative and the Farmers Union Elevator. Rural Buxton is also home to the Central Valley Public School, which is a cooperative school district with Reynolds, ND.

I ask the United States Senate to join me in congratulating Buxton, ND, and its residents on their first 125 years and in wishing them well through the next century. I believe that by honoring Buxton and all the other historic small towns of North Dakota, we keep pioneering frontier spirit alive for future generations. It is places such as Buxton that have helped to shape this country into what it is today, which is why Buxton is deserving of our recognition.

Buxton has a proud past and a bright future.•

100TH ANNIVERSARY OF STREETER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to recognize a community in North Dakota that will be celebrating its 100th anniversary. On July 1–3, the residents of Streeter will gather to celebrate their community's history and founding.

Streeter is a vibrant community in south central North Dakota. Streeter holds an important place in North Dakota's history. Streeter was founded in the spring of 1905 when Mr. and Mrs. Alex Anderson's homestead was plotted and sold. Mr. and Mrs. Anderson had two daughters, Frances and Florence, whose names marked the first streets in the town. The town was named after the editor and newspaper writer of Emmons County, D.R. Streeter. The school opened in the fall of 1906, and the first council meeting was held on June 22, 1916. By special election in 1950, Streeter became a city, and Oscar Seher was elected mayor.

The residents of Streeter are enthusiastic about their community and the quality of life it offers. Today, Streeter has a bank, three churches, a farmer's co-op elevator, fire department, and post office. A more recent addition is the Streeter Community Cafe, which not only serves home cooking, but offers space for community events.

Planning for the centennial has been underway for the last several years. It is clear from the list of weekend events, which include a dance, parade, games, craft show, auction, and much more, that everyone takes great pride in their community and heritage.

I ask the United States Senate to join me in congratulating Streeter, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Streeter and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Streeter that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Streeter has a proud past and a bright future.•

100TH ANNIVERSARY OF SARLES, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 2nd and 3rd, the residents of Sarles, ND, will celebrate their history during the past 100 years.

Sarles is a small town in the northeastern part of North Dakota, with a population of 25. Despite its small size, Sarles holds an important place in North Dakota's history. The town is located close to the U.S./Canadian border, and was founded when the Great Northern Railroad extended access to this area in 1905. Ever since then, Sarles has served as a port of entry, with customs agent D.W. Elves serving for a large portion of that time. Sarles was founded in 1905, and was named after the newly elected Governor Elmore Y. Sarles, who served from 1905–1906. Sarles went on to produce a governor of its own, Allen I. Olson, who served as North Dakota attorney general from 1972–1980, and North Dakota Governor from 1981–1984. Today, Sarles remains an important port of entry into the United States, and a focal point for the greater farming community in the area.

I ask the United States Senate to join me in congratulating Sarles, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Sarles and all the other historic small towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Sarles that have helped to shape this country into what it is today. I believe that the community of Sarles is deserving of our recognition.

Sarles has a proud past and a bright future.•

100TH ANNIVERSARY OF EGELAND, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1–3, the residents of Egeland, ND, will celebrate their community's history and founding.

Egeland is a small town in the northeastern part of North Dakota with a population of just under 50. Despite its size, Egeland holds an important place in North Dakota's history. It began in 1905 when the Soo Line Railroad established a station and a settlement grew around it. Mr. Axel Egeland, a banker from Bisbee, North Dakota, was employed by the Soo Line Railroad to select the town-site and was, as a Soo agent, given the privilege of naming the new town. Lots were sold August 9, 1905, and on August 23, 1905, the country store and post office called "Lakeview" relocated in the town.

Today, most families in the Egeland area are involved in farming the land. Crops such as wheat, flax, and barley are typical, and farming provides an excellent livelihood for the area's residents. Due to its small size, the youth of Egeland attend school and participate in athletics in the nearby town of Cando. However, the rural nature of the community and the interconnectedness of its members make Egeland a wonderful location to raise a family.

I ask the United States Senate to join me in congratulating Egeland, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Egeland and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Egeland that have helped to shape this country into what it is today, which is why Egeland is deserving of our recognition.

Egeland has a proud past and a bright future.•

TRIBUTE TO SHERIFF JUAN HERNANDEZ

• Mr. DOMENICI. Mr. President, I rise to pay tribute to one of New Mexico's finest public servants, Sheriff Juan Hernandez of Las Cruces whom I am honored to consider a good friend as well.

There are few people in my State's history who have been honored with a special day to recognize their legacy and accomplishments. On December 31, 2004, the Doña Ana County Commission honored retiring Doña Ana County Sheriff Juan Hernandez for his 6 years of service by proclaiming Friday the 31st as Juan Hernandez Day.

Today, I seek to honor this man who has given greatly to his community and to the people of Doña Ana County through his allegiance to public service. Juan has worked in law enforcement for 34 years with both the Sheriff's Department and the Las Cruces Police Department. He served as the Doña Ana County Sheriff from January of 1999 to January of 2005, and I believe it is for this post Juan will always be remembered.

In this elected position, Juan sought not to just serve his county but to find ways to improve it. Though his official title was "Sheriff," he earned himself an added title as the "Grant Writing Machine." Over the past 6 years, Juan Hernandez secured $4.8 million in Federal grants for a variety of programs whose missions ranged from combating drug use and drunk driving to fighting crime and terrorism within the county.

Juan Hernandez's accolades are numerous and his hard work undeniable. While I could certainly continue at great length in listing his accomplishments, I believe his own words most eloquently describe the man behind the badge: "When you really make an effort to make a difference, the rewards are greater than you can ever imagine."

I feel especially honored to have seen this man's work first-hand and to have joined his efforts over the past years to develop Doña Ana County. Juan, you have made a difference in many lives, and for that you have my and the State of New Mexico's continued respect and admiration.•

A CENTURY FOR A "COMPANY TOWN"

• Mr. CRAPO. Mr. President, a small town in Idaho celebrates its 100th birthday this month. Potlatch, named after the lumber company that made its home there in the early part of the 20th Century, was started by Frederick Weyerhaeuser after scouts reported that it would be a fine place to establish a lumber company. When the mill opened, it was the largest white pine sawmill in the world and, in a very interesting way, a social experiment. Weyerhaeuser built a "company town" including homes, churches, a post office, schools, commercial buildings and even an opera house and ensured the new towns connectivity to commerce by building a railroad. When you think about it, this is quite a phenomenal achievement even for a large company and showed tremendous business foresight as well as a consideration of the needs of its workers. Older residents even tell stories about the rather unique way that students were kept in line at school: if the students got into trouble, the parents were told that they would lose their job at the mill if the bad behavior continued. How times have changed!

Although the population is only about half of what it was in its heyday, and no longer a "company town," the notion of community that was bred over decades lives on in Potlatch residents today. I congratulate Potlatch on 100 years of community success.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE ORDER THAT TAKES ADDITIONAL STEPS WITH RESPECT TO THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 12938 OF NOVEMBER 14, 1994, AMENDING EXECUTIVE ORDER 12938 AND EXECUTIVE ORDER 13094 OF JULY 28, 1998, BY BLOCKING PROPERTY OF WEAPONS OF MASS DESTRUCTION PROLIFERATORS AND THEIR SUPPORTERS—PM 16

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq. (IEEPA), I hereby report that I have issued an Executive Order that takes additional steps with respect to the national emergency declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction (WMD) and the means of delivering them, and the measures imposed by that order, as expanded by Executive Order 13094 of July 28, 1998.

This order is designed to combat WMD trafficking by blocking the property of persons that engage in proliferation activities and their support networks. It is intended to advance international cooperative efforts against WMD financing, including with our G-8 partners and through the Proliferation Security Initiative. This order also provides a model for other nations to follow in adopting laws to stem the flow of financial and other support for proliferation activities, as decided in United Nations Security Council Resolution 1540. It further implements a key recommendation of the Silberman-Robb WMD Commission.

Executive Order 12938, as amended, authorizes the Secretary of State to impose certain measures against foreign persons (individuals or entities) determined to have materially contributed to the proliferation efforts of any foreign country, project, or entity of proliferation concern. The measures that the Secretary of State may choose to impose under Executive Order 12938, as amended, are a ban on U.S. Government procurement from the designated foreign person; a ban on U.S. Government assistance to the designated foreign person; and a ban on imports from the designated foreign person.

Recognizing the need for additional tools to defeat the proliferation of WMD, I have signed the new order, which authorizes the imposition of a new measure—blocking—against WMD proliferators and their support networks. This action, sometimes referred to as freezing, will apply to property and interests in property of persons designated under the order and will deny such persons access to the U.S. financial and commercial systems. Modeled after Executive Order 13224 of September 23, 2001, the new order provides broad new authorities to target not only persons engaged in proliferation activities, but also those providing support or services to such proliferators.

In particular, the order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of (1) the persons listed in the Annex to the order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of WMD or their means of delivery (including missiles capable of delivering such weapons) by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, proliferation-related activities or any person blocked pursuant to the order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any blocked person.

In addition, the order amends section 4(a) of Executive Order 12938, as amended, by conforming the criteria for determining that a foreign person has engaged in activity described in that order to the criteria for designations by the Secretary of State set forth in section 1(a)(ii) of the new order. Executive Order 12938, as amended, will continue to be an important tool to combat WMD proliferation.

Actions taken under the order become effective on June 29, 2005. The new order recognizes the need for more robust tools to defeat the proliferation of WMD around the world. The steps that we are undertaking in this new order form yet another part of our evolving response to this challenge.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 28, 2005.*

MESSAGES FROM THE HOUSE

At 11:53 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R.432. An act to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

H.R. 3021. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restriction on separated and successor entities to INTELSAT, and for other purposes.

The message further announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2005, the Minority Leader appoints the following Member of the House of Representatives to the National Council on the Arts: Ms. MCCOLLUM of Minnesota.

The message also announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107-117, and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Mr. KENNEDY of Rhode Island.

The message further announced that pursuant to the National Foundation on the Arts and the Humanities Act of 1965 (20 U.S.C. 955(b) note), and the order of the House of January 4, 2005, the Speaker appoints the following Members of the House of Representatives to the National Council on the Arts: Mr. MCKEON of California, and Mr. TIBERI of Ohio.

At 2:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office".

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes.

ENROLLED BILL SIGNED

At 9:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 432. An act to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

H.R. 2490. An act to designate the facility of the United States Postal Service located at 442 West Hamilton Street, Allentown, Pennsylvania, as the "Mayor Joseph S. Daddona Memorial Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3057. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bills were discharged from the Committee on Homeland Security and Governmental Affairs by unanimous consent, and ordered placed on the calendar:

S. 590. A bill to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

S. 867. A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

S. 892. A bill to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

S. 1206. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

S. 1207. A bill to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2810. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority to the States of Iowa and Kansas for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP); and Maximum Achievable Control Technology (MACT) Standards" (FRL No. 7927-4) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2811. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans: Washington; Spokane Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes" (FRL No. 7929–7) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2812. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control of VOC Emissions from Aerospace, Mobile Equipment, and Wood Furniture Surface Coating Applications for Allegheny County" (FRL No. 7927–5) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2813. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Ohio; Revised Oxides of Nitrogen (NO_X) Regulation and Revised NO_X Trading Rule" (FRL No. 7923-2) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2814. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration; Correction" (FRL No. 7928-4) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2815. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vermont: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 7927-1) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2816. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing" (FRL No. 7925-8) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2817. A communication from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: NUHOMS-24P, -52B, -61BT, -32PT, -24PHB, and –24PTH Revision" (RIN3150–AH72) received on June 27, 2005; to the Committee on Environment and Public Works.

EC–2818. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Board's annual report summarizing the activities of nonmilitary U.S. international broadcasting: the Voice of America, Middle East Broadcasting Networks, Radio Free Europe/Radio Liberty, Radio Free Asia, the Office of Cuba Broadcasting, and the International Broadcasting Bureau; to the Committee on Foreign Relations.

EC–2819. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2820. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–2821. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin, Pesticide Tolerances for Emergency Exemptions" (FRL No. 7720–2) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2822. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Highly Pathogenic Avian Influenza; Additional Restrictions" (APHIS Docket No. 04–011–2) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2823. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Quarantined Areas" (APHIS Docket No. 05-005-2) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2824. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Phytophthora Ramorum; Vacuum Heat Treatment for Bay Leaves" (APHIS Docket No. 04-092-2) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2825. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Assessment and Apportionment of Administrative Expenses; Loan Policies and Operations; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Disclosure to Shareholders; Capital Adequacy Risk-Weighting Revisions" (RIN3052–AC09) received on June 22, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2826. A communication from the Chief, Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Extra Long Staple Cotton Prices" (RIN0560–AH36) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2827. A communication from the Regulatory Officer, Directives and Regulations Branch, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Clarification as to When a Notice of Intent To Operate and/or Plan of Operation Is Needed for Locatable Mineral Operations on National Forest System Lands" (RIN0596–AC17) received on June 23, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2828. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Child and Adult Care Food Program: Permanent Agreements for Day Care Home Providers" (RIN0584–AD69) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2829. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Changes in Container and Reporting Requirements" (FV05–915–2 IFR) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2830. A communication from the Acting Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Washington; Increased Assessment Rate" (FV05–946–1 FR) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2831. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly" (APHIS Docket No. 02–096–5) received on June 27, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. COCHRAN, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2006." (Rept. No. 109–95).

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. 1307. A bill to implement the Dominican Republic-Central America-United States Free Trade Agreement.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Tom Luce, of Texas, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself and Mr. Baucus):

S. 1327. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

By Mr. JEFFORDS (for himself and Mr. Sarbanes):

S. 1328. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water; to the Committee on Environment and Public Works.

By Mr. BAYH:

S. 1329. A bill to amend the Internal Revenue Code of 1986 to provide for a tax credit for offering employer-based health insurance coverage and to provide for the establishment of health insurance purchasing pools; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. Smith, Mr. Martinez, Mr. Reed, and Mr. Durbin):

S. 1330. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. Thomas, Mr. Enzi, Mr. Dorgan, Mr. Burns, Mr. Thune, Mr. Bingaman, and Mr. Baucus):

S. 1331. A bill to amend the Agricultural Marketing Act of 1946 to charge the date of implementation of country of origin labeling to January 30, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER (for himself and Mr. Leahy):

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; read the first time.

By Mr. CORNYN (for himself, Mrs. Lincoln, Mrs. Hutchison, Mr. Talent, Mr. Santorum, Mr. Coleman, Mr. Isakson, Mr. Roberts, Mr. Brownback, Mr. Bond, Mr. Hatch, Mr. Allard, Mr. Alexander, Mr. Martinez, and Mr. Pryor):

S. 1333. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for country of origin labeling of meat, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BUNNING (for himself, Mr. Stevens, and Mr. Rockefeller):

S. 1334. A bill to provide for integrity and accountability in professional sports; to the Committee on Commerce, Science, and Transportation and the Committee on Finance.

By Mr. DODD (for himself, Mr. Kennedy, Mr. Kerry, and Mr. Bingaman):

S. 1335. A bill to amend title XVIII of the Social Security Act to preserve access to appeals before administrative law judges under the medicare program; to the Committee on Finance.

By Mr. PRYOR:

S. 1336. A bill to establish procedures for the protection of consumers from misuse of, and unauthorized access to, sensitive personal information contained in private information files maintained by commercial entities engaged in, or affecting, interstate commerce, provide for enforcement of those procedures by the Federal Trade Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ENZI (for himself and Mr. Baucus):

S. 1337. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. Stevens):

S. 1338. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEAHY (for himself, Ms. Collins, Mr. Jeffords, Mrs. Boxer, Mr. Kerry, Mr. Biden, Ms. Cantwell, Mr. Carper, Mr. Rockefeller, Mr. Corzine, Mr. Dayton, Mr. Reid, Mr. Dodd, Mrs. Clinton, Mr. Durbin, Mr. Feingold, Mrs. Feinstein, Mr. Harkin, Mr. Kennedy, Mr. Kohl, Mr. Obama, Mr. Lautenberg, Mr. Levin, Mr. Lieberman, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Sarbanes, Mr. Schumer, Mr. Wyden, Mr. Akaka, and Ms. Snowe):

S.J. Res. 20. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SANTORUM (for himself, Mr. Feingold, Mr. Smith, Ms. Collins, Mr. Coleman, and Mr. Voinovich):

S. Res. 184. A resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. FEINSTEIN, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mr. LEAHY), and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 331

At the request of Mr. JOHNSON, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. 331, a bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care.

S. 335

At the request of Ms. COLLINS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 335, a bill to reauthorize the Congressional Award Act.

S. 484

At the request of Mr. WARNER, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 513

At the request of Mr. GREGG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 513, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 521

At the request of Mrs. HUTCHISON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 521, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 627

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 709

At the request of Mr. DEWINE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 709, a bill to amend the Public Health Service Act to establish a grant program to provide supportive services in permanent supportive housing for chronically homeless individuals, and for other purposes.

S. 713

At the request of Mr. ROBERTS, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 713, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 759

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes.

S. 792

At the request of Mr. DORGAN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 792, a bill to establish a National sex offender registration database, and for other purposes.

S. 828

At the request of Mr. HARKIN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 861

At the request of Mr. ISAKSON, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 861, a bill to amend the Internal Revenue Code of 1986 to provide transition funding rules for certain plans electing to cease future benefit accruals, and for other purposes.

S. 875

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Utah (Mr. BENNETT), the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Hampshire (Mr. GREGG) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1129

At the request of Mr. LUGAR, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1246

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1246, a bill to require the Secretary of Education to revise regulations regarding student loan payment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs.

S. 1269

At the request of Mr. INHOFE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1269, a bill to amend the Federal Water Pollution Control Act to clarify certain activities the conduct of which does not require a permit.

S. 1280

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1280, a bill to authorize appropriations for fiscal years 2006 and 2007 for the United States Coast Guard, and for other purposes.

S. 1305

At the request of Mr. BROWNBACK, the names of the Senator from Florida (Mr. MARTINEZ) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1305, a bill to amend the Internal Revenue Code of 1986 to increase tax benefits for parents with children, and for other purposes.

S. 1317

At the request of Mr. HATCH, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Kansas (Mr. ROBERTS), the Senator from North Carolina (Mrs. DOLE) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1320

At the request of Mr. DEWINE, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. RES. 31

At the request of Mr. COLEMAN, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 31, a resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes.

S. RES. 42

At the request of Mr. LUGAR, the names of the Senator from Rhode Island (Mr. CHAFEE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. Res. 42, a resolution expressing the sense of the Senate on promoting initiatives to develop an HIV vaccine.

S. RES. 172

At the request of Mr. BROWNBACK, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. Res. 172, a resolution affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through 17, 2005, should be designated as a national weekend of prayer and reflection for Darfur.

At the request of Mr. CORZINE, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Res. 172, supra.

S. RES. 182

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 182, a resolution supporting efforts to increase childhood cancer awareness, treatment, and research.

AMENDMENT NO. 1023

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1023 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1025

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 1025 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1030

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of amendment No. 1030 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1046

At the request of Mr. SARBANES, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. CARPER) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of amendment No. 1046 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1052

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, a bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. MURRAY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1052 proposed to H.R. 2361, supra.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 1052 proposed to H.R. 2361, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LOTT (for himself and Mr. BAUCUS):

S. 1327. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

Mr. LOTT. Mr. President, I rise today to introduce legislation proposing a change to the Internal Revenue Code that has been endorsed by both the Joint Committee on Taxation and the United States Treasury Department. It is a simplification measure that has been passed by this body on three separate occasions, and I am pleased to be joined by the gentleman from Montana, Senator BAUCUS, the Ranking Democratic Member on the Finance Committee, in introducing this common sense legislation today. It is now time for Congress to act again and include this meritorious provision in the next appropriate tax bill reported from the Finance Committee.

Corporations and affiliated groups of corporations, for any number of good reasons, find it appropriate and many times necessary to shed some of their businesses. If the business is not being sold, the Internal Revenue Code makes it possible to reorganize without having to recognize gain on the transaction. A typical transaction is a spin-off transaction performed per the terms of section 355 of the Internal Revenue Code, where a parent corporation distributes the shares of its subsidiary(s) to its shareholders who once had shares of just the parent corporation now have shares of both the parent and the shares of just the parent corporation now have shares of its subsidiary(s) to its shareholders who once had shares of just the parent corporation now have shares of both the parent and the subsidiary. As a matter of long-standing tax policy, there is typically no tax exacted with these kinds of divisions, nor should there be. Typically the business hasn't changed what it is doing: it is simply being done under a separated ownership structure and the shareholders have ownership in two corporations instead of one, with no overall change in their holdings.

In order to be accorded tax-free treatment, section 355 requires the corporation involved in the transaction to be engaged in an "active trade or business." Under the current regulations interpreting section 355 of the Internal Revenue Code, a much more rigorous test of "active trade or business" is imposed if a holding company seeks to spin-off a subsidiary than would be the case if the subsidiary were simply owned directly by the parent corporation. It is a distinction without substance and requires corporations, holding companies, to go through major restructurings to satisfy the requirements of section 355. There is absolutely no substantive policy rationale for such a result. The distinction is inappropriate and has been identified as such by both the staff of the Joint Committee on Taxation and the Treasury Department in 1999 and 2000. This legislation addresses that anomaly and treats both situations equally.

The cost of this provision is minimal, at about $8 million a year by the last revenue estimate from the staff of the Joint Committee on Taxation. This provision is a small but significant step toward simplification of the tax code, and I urge my colleagues on the Finance Committee and in this body to act on this change one more time, and hopefully for the last time.

Mr. BAUCUS. Mr. President, virtually everyone supports tax simplification. But for some reason, it is awfully hard to accomplish. Today, I am pleased to join my friend and colleague from Mississippi, Senator LOTT, in introducing tax legislation that is non-controversial and a clear tax simplification measure. Further, the bill we are filing today has been supported in the past by the Joint Tax Committee and the U.S. Treasury.

Normally, corporations are taxed on distributions of property to shareholders as if sold at fair market value. However, section 355 of the tax code provides corporations with the flexibility to distribute one or more of their businesses to their shareholders, such as in a spin-off, without triggering tax consequences if the transaction meets important requirements. Through this exception in section 355, corporations may make strategic business decisions without imposing tax burdens on their shareholders, but only if both the distributing and distributed businesses continue as an active trade or business. The regulatory structure that has evolved over the years under section 355 has created very different "active trade or business" tests depending on whether the distributing corporation operates as a holding company or whether it holds the business assets directly. There is no rationale to support that distinction.

Both the staff of the Joint Tax Committee and the Clinton Treasury Department recommended that the rules be conformed as a tax simplification measure. The Senate has passed legislation similar to what we are proposing today on three occasions. And, on one of those occasions, it passed the House as well in legislation that was later vetoed for other reasons. I have heard of no opposition to this change, which would simply apply a "look through" rule for the "active trade or business" test on an affiliated group level, so that parent holding companies could count the active businesses of its subsidiaries. And it would eliminate hours of wasted time and resources in tax planning activities that serve no function other than to try and conform corporate ownership structures to satisfy the literal language of current tax requirements.

Again, I should emphasize that this proposal does not bring wholesale change to section 355. Spin-off requirements dealing with the continuity of historical shareholder interest, continuity of business enterprises, business purpose, and absence of any device to distribute earnings and profits all remain. With a cost of less than $10 million a year, this is an affordable step we can take now to simplify the Internal Revenue Code.

I am pleased to join with Senator LOTT in working for passage of this important simplification bill, and I urge my colleagues on the Finance Committee and in the Senate give our bill every consideration.

By Mr. JEFFORDS (for himself and Mr. SARBANES):

S. 1328. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Lead-Free Drinking Water Act of 2005 with my colleague Senator SARBANES. We are joined by our colleagues, Congresswoman NORTON, Congressman WAXMAN, and others, who will be introducing the House companion bill today. Today, we introduce this bill for the second time.

Last year, we shared the shock felt by DC residents when it was first reported that lead levels in the DC public water system were significantly higher than Federal guidelines, and had been so for at least 2 years.

We sought answers to the same questions everyone was asking themselves—How much water did I drink? How much water did my children drink? What are the effects of lead in our bloodstream?

We shared the outrage felt by many DC residents, asking ourselves—why were we not told about this sooner? How did this happen? What are we going to do about it?

In the 108th Congress, we attempted to answer those questions. We held a hearing in the Senate Environment and Public Works Committee and listened to the concerns of DC parents worried about their children's health.

We listened to experts who identified weaknesses in the Safe Drinking Water Act and the lead and copper rule, governing how the public is informed when lead is present in a drinking water system and what corrective actions public water systems must take.

One of the most disturbing points is that many of the things that happened in Washington, DC, were within the boundaries of the existing rules that purport to protect the public from lead in drinking water.

We responded by introducing the Lead-Free Drinking Water Act of 2004, which sought to correct the weaknesses in those rules.

Today, we are reintroducing the Lead-Free Drinking Water Act of 2005. Our bill will overhaul the Safe Drinking Water Act to strengthen the Federal rules governing lead testing and regulations in our public water systems to ensure that our most vulnerable citizens—infants, children, pregnant women, and new moms—are not harmed by lead in drinking water.

Specifically, the bill requires the EPA to reevaluate the current regulatory structure to figure out if it really provides the level of public health protection required.

The bill calls on the EPA to establish a maximum contaminant level for lead at the tap, and if that is not practical given the presence of lead inside home plumbing systems, the bill requires EPA to reevaluate the current action level for lead to ensure that vulnerable populations such as infants, children, pregnant women, and nursing mothers receive adequate protection.

I look forward to working with EPA on this evaluation to determine which approach is most feasible and which provides the greatest level of public health protection.

EPA has three choices: keep current standard, an "action level" at 15 parts per billion; lower the current action level below 15 parts per billion; establish a "maximum contaminant load."

For example, it is clear that a maximum contaminant level, which is measured at the water treatment plant, would do little to protect people from lead-contaminated drinking water at their faucets. Our bill requires that standards be measured at the tap.

A low lead action level measured at the tap could provide more protection than a high MCL measured anywhere in the system if there were extremely strong and effective public notification procedures in place.

Public notice is the key to success of any lead regulation—parents say to me, "If only I had known, I could have protected my family." It is our job to be sure the public notice system we have in place gets people the information they need when they need it.

The bill will require information such as the number of homes tested, the lead levels found, the areas of the community in which they were located, and the disproportionate adverse health effects of lead on infants, be made public immediately upon detection of lead.

In addition, the bill requires that, as part of routine testing conducted, any residents whose homes test high for lead receive notification and appropriate medical referrals within 14 days.

Finally, we don't want the day of an exceedance to be the first time people have heard about lead in drinking water. The bill establishes a basic public education program to ensure that people have a basic understanding that lead may be present in drinking water and what the corrective actions might be even before their water system detects a problem.

The bill requires increased water testing and lead remediation in schools and day-care centers nationwide. This provision exists in law today, but it was affected by previous litigation. This bill corrects the problem by requiring the Administrator to execute this program if states choose not to. It is wholly unacceptable to do anything less than provide a learning environment for our next generation that does not degrade their intellectual capacity. Our bill provides $150 million over 5 years for this program.

And we strengthen existing requirements to ensure that all lead service lines will be replaced by a public water system at a rate of 10 percent per year until they are gone.

This is common sense—let us get rid of the lead in our systems and get rid of the lead in our water.

Our bill makes water systems responsible for replacing lead service lines, including the privately owned sections, once a system exceeds lead standards. Homeowners have the final say in whether their line is replaced.

We provide $1 billion over 5 years for lead service line replacement.

The EPA estimates that our Nation needs $265 billion to maintain and improve its drinking water infrastructure over the next 20 years.

If we do not address this, we will be facing more and more health and environmental issues as our Nation's water infrastructure degrades.

Lead service lines are only one part of the picture. Leaded solder was banned in 1987. However, "lead-free" plumbing fixtures are currently allowed to have 8 percent lead.

Our bill makes "lead-free" mean lead-free. It defines the term as trace amounts of lead—0.2 percent. It prohibits the use of pipes, or pipe or plumbing fitting or fixtures that are "high lead" which our bill defines as 2.0 percent lead within 1 year. And within 5 years, it prohibits the use of any plumbing components with anymore than 0.2 percent lead. This is a huge step toward making our water systems truly lead-free.

Our bill strengthens existing requirements for leaching by requiring independent third-party performance certification.

Finally, our bill requires that the existing requirements for leaching be revised to be as protective as the existing leaching standards in California which have set the bar for plumbing fittings and fixtures.

We urge our colleagues to support this legislation.

Last year, Good Housekeeping independently ran a piece about the Lead-Free Drinking Water Act and gave its readers information to contact us with their support. We received over a thousand responses from individual readers in 48 States and the District of Columbia.

In the 18th century, almost 300 years ago, Ben Franklin concluded that lead was poisonous. In a biography written by Edmund S. Morgan, this story is recounted:

> At the request of his friend and English publisher Benjamin Vaughan, he wrote out a proof of what he had once casually mentioned in conversation: his conclusion that lead was poisonous. After detailing his own and other printers' ailments from the continuous handling of lead type, he went on to describe his observations of the grass and plants that died from the fumes near furnaces where lead was smelted, of the effects of drinking rainwater that sluiced off lead roofs, and of his queries to sickened plumbers, painters, and glaziers in a Paris hospital. His observations of the toxic effects of lead, he noted, were nothing new; and he remarked wryly, "how long a useful Truth may be known, and exist, before it is generally receiv'd and practis'd on."

We have known lead is a poison for centuries. What are we waiting for? As we learned from the incidents in Washington, DC, and Boston, there are large deficiencies in Federal safe drinking water regulations. It is time to plug the holes in these regulations and fully protect the public from this poison. It is time to get the lead out.

Safe drinking water is not a privilege: it is a right—whether you live in Washington, DC, or Washington State or Washington County, VT.

I urge my colleagues to join us in working to pass the Lead-Free Drinking Water Act of 2005 to get the lead out of our pipes, out of our water, out of our families, and out of our lives.

By Mrs. CLINTON (for herself, Mr. SMITH, Mr. MARTINEZ, Mr. REED, and Mr. DURBIN):

S. 1330. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today during National Home Ownership Month to introduce the Housing America's Workforce Act.

Affordable and safe housing plays a vital role in creating and sustaining healthy communities and a vibrant workforce. The Housing America's Workforce Act creates incentives to expand employer-assisted housing initiatives across the Nation. I thank Senators SMITH, MARTINEZ, REED, and DURBIN for their co-sponsorship of this important legislation. I would also like to thank Congresswoman NYDIA VELÁZQUEZ for her leadership in introducing the companion bill in the House of Representatives.

The sad truth is that across our Nation, working full-time no longer guarantees that a family will be able to afford a secure and comfortable home. The shortage of workforce housing has become a national crisis as housing costs have far outgrown the rate of inflation in many markets and as the gap between wages and housing costs widens. The result is that affordable housing is out of reach for a growing number of working families. As a result, people who provide the backbone services for our communities—teachers, firefighters, police officers, and nurses—often cannot afford to live in the communities in which they serve. A recent workforce housing study released by the National Association of Home Builders found that for the most part, workers who provide these vital community services can only find housing they can afford in less than half of the nation's top 25 metropolitan areas.

Across the Nation, the number of working families with critical housing problems (defined as those paying more than half of their income for housing and/or living in dilapidated conditions) has increased by 67 percent between 1997 and 2003 to approximately 5 million families. Families that spend more than half of their income on housing have little income left over for other essentials such as food, healthcare, and transportation.

And despite overall improvements in home-ownership trends since 1978, working families—employed households with children earning less than 120 percent of Area Median Income—have actually experienced a decrease in homeownership rates. A 2004 Center for Housing Policy study shows that the homeownership rate for working families with children was at 62.5 percent in 1978, and only 56.6 percent through 2001.

Employer-assisted housing, EAH, is a local, innovative solution that a growing number of employers are using to meet the housing needs of their employees while increasing the competitiveness of their businesses. There are several types of EAH products, including homebuyer education, down payment assistance, rental assistance and loan guarantee programs. Employers often combine these products to meet their employees' specific needs in the most effective ways.

The benefits for employees and employers are impressive. The employee, in addition to receiving financial support from an employer to buy or rent a home closer to work, also regains extra time—formerly spent in traffic—for family or community life. The employer likewise benefits from a more stable workforce when employees live near work. They enjoy the advantages from the improved employee morale, lower turnover rate and reduced recruitment costs result in bottom line savings that the increased proximity brings. Furthermore, EAH programs benefit not only the workers and employers, but also the entire community. As former commuters buy homes near the jobsite, the surrounding community which previously suffered from traffic congestion, now enjoys new investment and property tax revenues.

The Housing America's Workforce Act is inspired in great part by lessons learned in States and local communities across the Nation, where EAH has proven to be an effective tool to promote housing affordability for working families and community revitalization. Through EAH programs, the private sector becomes part of the solution, investing in housing assistance for employees while experiencing bottom line benefits. This is clearly a public-private partnership that is proven and makes sense.

The Housing America's Workforce Act provides incentives to increase private sector investment in housing in three important ways. First, it offers a tax credit of 50 cents for every dollar that an employer provides to eligible employees up to $10,000 or six percent of the employee's home purchase price, whichever is less, or up to $2,000 for rental assistance. Second, to ensure that employees receive the full value of employers' contributions, the Act defines housing assistance as a "nontaxable benefit," similar to health, dental and life insurance. Third, the act establishes a competitive grant program available to nonprofit housing organizations that provide technical assistance, program administration, and outreach support to employers undertaking EAH initiatives.

In New York and in other parts of the country, EAH has caught on with the local business community, elected and appointed officials, and the broader housing arena. Its expansion indicates a growing understanding among the private sector that it pays to invest in workforce housing. I have worked with employers across my State to launch county employer-assisted housing programs in places such as Long Island, Rochester and Westchester.

I have met many of the families that have already benefited from Long Island's EAH program, which I helped launch in 2002. People like the Isaacs family, who were able to buy their first home in North Amityville in 2002 thanks to their employer's participation in the program. Pamela Isaac, like so many employees on Long Island, works as a Dietician at Our Lady of Consolation, part of the Catholic Health Services Network. Catholic Health Services' participation in the employer assisted housing program enabled Pamela and her husband Bartholomew to stay on Long Island and raise their three children in their own home.

I also worked in collaboration with Mayor William A. Johnson of Rochester to jumpstart the City of Rochester's EAH initiative. The City provides $3,000 for its own employees and also encourages other employers to provide a home purchase benefit by offering to match that benefit dollar for dollar up to a maximum of $3,000. Therefore, if an employer offered the maximum benefit of $3,000, he or she would produce a $6,000 benefit for his or her employees with the city's matching funds.

The Westchester County EAH, which was spEAHheaded by the Business Council and Fannie Mae, brings together the following Westchester County nonprofit organizations: Housing Action Council, Westchester Residential Opportunities, Westchester Housing Fund and Community Housing Innovations. Each of these nonprofits provides standardized, comprehensive education and counseling support to participating employers. The initiative also provides matching funds of up to $3,000 from Westchester County or from the cities of Yonkers, New Rochelle, White Plains or Mount Vernon. In addition, the nonprofit collaborative offers down payment and closing cost assistance programs that can match employer contributions.

The creation of Federal incentives to expand employer-assisted housing has been a consistent recommendation of experts in the broader housing arena, including the Millennial Housing Commission. In addition, former HUD Secretaries Henry Cisneros and Jack Kemp, along with Nic Retsinas and Kent Colton of the Harvard Joint Center for Housing Studies recently released a bipartisan platform for national housing policy, which includes EAH as one of its recommendations.

According to the Society for Human Resources Management's 2004 Benefits Survey, 12 percent of employers offered home ownership assistance in 2004, up from 7 percent in 2002. Since 1991, Fannie Mae has offered a nationwide EAH program through participating lending institutions and employers. Fannie Mae has helped about 750 employers of various sizes implement EAH programs and nearly 570 have been launched since 2000. Freddie Mac launched a similar national program in 1999, which it expanded in 2004. Several states have enacted EAH tax incentive programs, including Illinois, Connecticut, Missouri, and New Jersey.

Employer-assisted housing programs offer a fresh approach to addressing our Nation's housing challenge by allowing the private sector to play a direct role in promoting housing affordability. I hope every Senator will recognize that the Housing America's Workforce Act will create opportunities for us as a Nation to expand these public-private partnerships and will make a profound impact in the lives of our workforce, and I hope that you will support this important piece of legislation.

Mr. SMITH. Mr. President, I rise today to join Senators CLINTON, MARTINEZ, REED, and DURBIN to introduce the Housing America's Workforce Act.

Across the country, low- and moderate-income families face difficulty finding affordable housing. Homebuilding has not kept pace with job growth, and the cost of housing has skyrocketed. In the last 5 years, the number of working U.S. families paying more than half their income to put a roof over their heads has jumped to 4.2 million in 2003 from 2.4 million in 1997, a 76-percent increase in 5 years.

Our bill tries to address the issue of affordable housing from a new perspective, one that allows the private sector to play a direct role in promoting housing affordability. Specifically, our bill would create a Federal tax credit for businesses that offer housing assistance programs to their low- to moderate-income employees.

Employer assisted housing, EAH, programs have been used successfully for more than 100 years and have proven effective in helping to revitalize neighborhoods and to recruit and retain employees. In my home State of Oregon, EAH programs have been used by employers such as Legacy Emanuel Hospital & Health Center, Housing Authority of Portland, Multnomah County, and Wacker Siltronic.

In 1990, Legacy Emanuel developed an EAH program to encourage employees to purchase homes in the neighborhood near the hospital. The program shortened employee commute time, reduced traffic congestion, and helped spur a dramatic revitalization of the surrounding area. Similar programs have succeeded around the country and have helped to ease the spatial mismatch between where job growth is taking place and where people can afford to live.

Under our bill, housing assistance can be used for either homeownership or rental assistance. Homeownership assistance could be used for down payments, closing costs, financing costs, or contributions to an employee homeownership savings plan, such as an Individual Development Accounts. Rental assistance could be used for security deposits and rental payments.

Employer assisted housing programs are innovative ways to leverage public and private funds to make housing affordable for working families. As such, our proposal has been endorsed by National Housing Conference, National Association of Home Builders, National Association of Realtors, National Association of Housing and Redevelopment Officials, National League of Cities, National Association of Counties, Mortgage Bankers Association, National NeighborWorks Association, AmeriDream, and the National Association of Local Housing Finance Agencies.

I look forward to continuing to work with my colleagues to address the affordable housing shortfall.

By Mr. JOHNSON (for himself, Mr. THOMAS, Mr. ENZI, Mr. DORGAN, Mr. BURNS, Mr. THUNE, Mr. BINGAMAN, and Mr. BAUCUS):

S. 1331. A bill to amend the Agricultural Marketing Act of 1946 to change the date of implementation of country of origin labeling to January 30, 2006; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. JOHNSON. Mr. President, I rise to discuss an issue of great importance to producers and consumers in my home State of South Dakota and across the Nation. Mandatory country of origin labeling, COOL, remains an overwhelmingly popular provision not only as a consumer right-to-know issue, but also as a marketing tool for our Nation's farmers and ranchers.

Mandatory country of origin labeling was signed into law under this most recent Farm Bill and by this current President. As the primary author of the COOL language included in the 2002 Farm Bill, I am increasingly frustrated at the amount of heel dragging this Administration has shown for the program. I rise to introduce a bill to move forward with the implementation of mandatory COOL in a timely and reasonable manner, instating a January 30, 2006 mandatory date of implementation. COOL has experienced great bipartisan support in the Senate. I am pleased that Senator CRAIG THOMAS joins me in this bipartisan effort, as does Senator MIKE ENZI, Senator BYRON DORGAN, and Senator CONRAD BURNS.

I worked with my Senate colleagues to ensure that no delay language was included in the Senate version of the fiscal year 2006 Agriculture Appropriations Bill that was reported out of committee. As a member of the Senate Appropriations Committee, and specifically, the Agriculture Appropriations Subcommittee, I worked with my Senate colleagues to ensure we assembled a satisfactory bill that did not contain the same delay language as found in the House agriculture spending measure. The House fiscal year 2006 Agriculture Appropriations Bill contained a 1-year delay for meat and meat products, which is identical to the situation that unfolded with the program in fiscal year 2004.

While the House version of the fiscal year 2004 spending bill contained a 1-year delay for meat and meat products exclusively, the final omnibus contained a 2-year delay for all covered commodities except fish and shellfish. During closed door consideration of the measure, Senate leadership chose to bow to special interest groups despite the significant support COOL experiences from the majority of consumers and producers. While I was pleased to see the Senate version of the fiscal year 2006 bill that we reported out of committee contained $3.111 million for an audit-based compliance program for COOL implementation, the United States Department of Agriculture, USDA, Agricultural Marketing Service, AMS, will need substantive funding for the implementation of the full program. While the money funds an audit-based compliance program exclusively for fish and shellfish, additional dollars are needed for the inclusion of all covered commodities.

Mandatory COOL for fish and shellfish was implemented on April 4, 2005. USDA instituted a six month phase-in period to ensure adequate time for compliance, and the Department promulgated an interim final rule on September 30, 2004. Given this process, I see no reason why the Department should not proceed with the promulgation of the interim final rule for all covered commodities at the earliest possible time. If the implementation date is moved to January 30, 2006, then producers and consumers will at least see benefits under the program by late summer of 2006. Producers and consumers have waited long enough for program implementation, and it is high time USDA move forward with the implementation of this crucial program.

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information; read the first time.

Mr. SPECTER. Mr. President, I rise today to introduce S. 1332, the Personal Data Privacy and Security Act of 2005.

Not too long ago, our personal information—our Social Security numbers, our date of birth, our mothers' maiden name, where we live-all remained relatively private. Where we live, and what we paid for our house, and whether we had a mortgage might have been publicly available, but finding that information out would require a trip to the local recorders office. Our privacy was preserved by the sheer difficulty of obtaining the information. This privacy—the ability to be left alone—has been a cherished value throughout American history.

As our day-to-day transactions have become electronic, more and more of our personal data has been stored, transmitted and accessed electronically. Almost all of us have benefited from this change. Because our personal information is available electronically, we can purchase goods and services over the phone or on the internet. We can obtain a mortgage or rent an apartment in a matter of hours. We can apply for a credit card while we wait at the store and purchase things on-line. The availability of such information also helps law enforcement agencies conduct investigations and catch criminals. The information has also been used to do good. In one instance, Associated Press journalists matched Social Security numbers obtained from data brokers to Mississippi prison data exposing eight school teachers who failed to report that they had been convicted of sex offenses or drug crimes.

However, as Justice Warren prophetically wrote in the 1963 case, Lopez v. United States—a case balancing the privacy interests of an individual with the law enforcement needs of the government—"The fantastic advances in the field of electronic communication constitute a great danger to the privacy of the individual." In electronic form, our personal information is both more valuable and more vulnerable. As we have all witnessed in recent months, electronic data is more vulnerable because it can be accessed from afar and can be stolen in a split second. The problem first became apparent when data brokers, companies that buy and sell our personal data, announced that they had experienced large-scale breaches involving the personal data of hundreds of thousands of Americans. In February, ChoicePoint, one of the Nation's largest collectors of consumer information, notified over 145,000 Americans of a system security breach. In March, LexisNexis announced that unauthorized persons posing as legitimate customers obtained personal the personal data of over 300,000 Americans.

It soon became apparent that the problem extended beyond data brokers. In April, Carnegie Mellon University notified 19,000 students, alumni, faculty and staff that their personal data may have been compromised. In May, a data storage company lost information on 600,000 current and former employees of Time Warner. In recent days, MasterCard announced 40 million credit card numbers belonging to U.S. consumers were accessed by a computer hacker—the largest breach yet.

Even government agencies have not been immune. Personal data including Social Security numbers on nearly 6,000 current and former Federal Deposit Insurance Corporation employees was stolen early last year, some of which has been used for fraudulent purposes.

Electronic personal data is more valuable because identity thieves can steal large volumes and use it before anyone knows. For the last 5 years, Identity Theft has topped the FTC's list of consumer complaints. From 2002 to 2004, the number of complaints rose 52 percent, to 246,570. Put another way, that's once every 2 minutes. But this is only the tip of the iceberg. Not all consumers report identity theft to the FTC. Not all victims report identity theft to their local police. Sixty percent of those who did file a report with the FTC did not call their local police department. It stands to reason that many did not call the FTC.

A recent study by the Better Business Bureau concluded that 9.3 million Americans were victims of identity fraud in 2004, and that each victim lost approximately $5,800. Ultimately, nearly 20 percent Americans will become victims of identity theft. Worse, according to the study, it took victims an average of 28 hours on the phone with creditors and credit bureaus to clear their names. I use the term "clear" loosely, because in many cases the damage caused by identity theft is irreversible. Victims will have fraud alerts on their credit reports for years to come, making it more difficult to open new accounts or make major purchases. Some will be erroneously contacted by collection agencies.

Individuals whose personal information is not stolen also suffer. Businesses lose nearly $50 billion a year from identity thieves posing as customers. These losses translate into increased prices for every consumer.

In some cases, the availability of electronic personal data can lead to tragedy. In 1999, a former high school classmate of Amy Lynn Boyer obtained her former work address and social security number from an on-line data broker. By calling her home and posing as the former employer, he convinced Amy's mom to give him Amy's work address. He then drove to Boyer's workplace and fatally shot her.

In an effort to protect the privacy and security of our electronic personal information, and prevent future tragedies, small and large, my colleague Senator LEAHY and I are introducing the Personal Data Privacy and Security Act of 2005. First, this legislation goes after identity thieves by increasing penalties for crimes involving electronic personal data. For example, it increases penalties for computer fraud when such fraud involves personal data. It also goes after those who intentionally expose Americans to identity theft by punishing those who intentionally conceal a security breach that involves personal data.

The bill also empowers Americans to look after the privacy of their own data. The bill will allow individuals to obtain access to any personal information held by data brokers. For individuals who believe their information is wrong, data brokers must provide them with guidance on how to correct their information.

The legislation also puts the burden those that store, transmit and access electronic personal data. It will require the companies, government agencies, universities that keep significant amounts of personal data to assess the vulnerability of their systems and to adopt policies that will address those vulnerabilities. Some entities will choose to encrypt the personal data that they store and transmit. Others will pick a means more appropriate their size and the sensitivity of their data.

Of course, these provisions do not apply to data held by health care providers and financial institutions that is already regulated by other federal laws. This legislation fills in gaps left by other federal laws. It has become clear that many entities other than health care providers and financial institutions have large amounts of personal information. This legislation would require such entities to adequately protect their electronic data.

Such measures will not always be enough. As I've already noted, the nature of electronic data makes it vulnerable even when those who hold it take reasonable steps to protect it. Currently, no federal law requires those who maintain our sensitive personal data to notify affected individuals when such data is lost or exposed. This legislation would require those who maintained such data to notify affected individuals as well as law enforcement. As everyone knows, knowledge is power. Once individuals learn that their personal information is exposed, they can take steps to protect themselves. And, the company, school or agency that experienced the breach must help. They must provide individuals whose data was lost with a monthly credit report and they must provide information on the identity theft victim assistance available to them. For large breaches, the media must be notified. Media reports over the past few months have made Americans far more aware of the problem of security breaches. Hopefully, we can continue to raise awareness by requiring data holders to continue the practice of making public announcements regarding large breaches. Notice will also give law enforcement a head start in the effort to prevent harm to individuals as a result of a breach.

One of the most critical pieces of information that can be lost is one's Social Security number. We can all think of instances when we've been asked for our Social Security number to verify our identities—utilities, doctors, schools—I could go on. In itself, this is not harmful. Problems arise however, when the Social Security number gets passed along to others without the person's knowledge or permission. The legislation would prohibit companies from buying, selling or displaying a Social Security number without consent from the individual whose number it is. The bill also would prevent companies from requiring individuals to give their Social Security number in order to obtain goods or services. Finally, it would bar government agencies from posting public records that contain Social Security numbers on the internet. This legislation would not prevent the use of Social Security numbers altogether. We recognize that would not be practical. It would, however, protect the value of Social Security numbers by preventing their proliferation.

Finally, this legislation will protect the privacy of all Americans by providing a check on the government's use of databases maintained by data brokers. As I've already noted, federal law enforcement uses electronic personal data maintained by data brokers to track criminals and criminal activity. Correctly used, these databases can be very useful tools in the fight against crime. However, there should be some check on their use. In addition, the legislation aims at making sure the government's use of such data is secure. It will require audits to ensure that data brokers are keeping law enforcement inquiries private.

This bill represents a comprehensive effort to protect the privacy and security of electronic personal data. Our lives have all been made easier because our personal information is readily available to those who have a legitimate need for it. This legislation aims to keep such information out of the hands of those who have no legitimate need for it. I urge my colleagues to join me in supporting this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1332

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Personal Data Privacy and Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

Sec. 101. Fraud and related criminal activity in connection with unauthorized access to personally identifiable information.
Sec. 102. Organized criminal activity in connection with unauthorized access to personally identifiable information.
Sec. 103. Concealment of security breaches involving personally identifiable information.
Sec. 104. Aggravated fraud in connection with computers.
Sec. 105. Review and amendment of Federal sentencing guidelines related to fraudulent access to or misuse of digitized or electronic personally identifiable information.

TITLE II—ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT COMBATING CRIMES RELATED TO FRAUDULENT, UNAUTHORIZED, OR OTHER CRIMINAL USE OF PERSONALLY IDENTIFIABLE INFORMATION

Sec. 201. Grants for State and local enforcement.
Sec. 202. Authorization of appropriations.

TITLE III—DATA BROKERS

Sec. 301. Transparency and accuracy of data collection.
Sec. 302. Enforcement.
Sec. 303. Relation to State laws.
Sec. 304. Effective date.

TITLE IV—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—Data Privacy and Security Program

Sec. 401. Purpose and applicability of data privacy and security program.

Sec. 402. Requirements for a personal data privacy and security program.
Sec. 403. Enforcement.
Sec. 404. Relation to State laws.

Subtitle B—Security Breach Notification

Sec. 421. Right to notice of security breach.
Sec. 422. Notice procedures.
Sec. 423. Content of notice.
Sec. 424. Risk assessment and fraud prevention notice exemptions.
Sec. 425. Victim protection assistance.
Sec. 426. Enforcement.
Sec. 427. Relation to State laws.
Sec. 428. Study on securing personally identifiable information in the digital era.
Sec. 429. Authorization of appropriations.
Sec. 430. Effective date.

TITLE V—PROTECTION OF SOCIAL SECURITY NUMBERS

Sec. 501. Social Security number protection.
Sec. 502. Limits on personal disclosure of social security numbers for commercial transactions and accounts.
Sec. 503. Public records.
Sec. 504. Treatment of social security numbers on government checks and prohibition of inmate access.
Sec. 505. Study and report.
Sec. 506. Enforcement.
Sec. 507. Relation to State laws.

TITLE VI—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

Sec. 601. General Services Administration review of contracts.
Sec. 602. Requirement to audit information security practices of contractors and third party business entities.
Sec. 603. Privacy impact assessment of government use of commercial information services containing personally identifiable information.
Sec. 604. Implementation of Chief Privacy Officer requirements.

SEC. 2. FINDINGS.

Congress finds that—

(1) databases of personal identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the nation's economic stability, homeland security, the development of e-commerce, and the privacy rights of Americans;

(3) over 9,300,000 individuals were victims of identity theft in America last year;

(4) security breaches are a serious threat to consumer confidence, homeland security, e-commerce, and economic stability;

(5) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentially of that personally identifiable information;

(6) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(7) data brokers have assumed a significant role in providing identification, authentication, and screening services, and related data collection and analyses for commercial, nonprofit, and government operations;

(8) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(9) there is a need to insure that data brokers conduct their operations in a manner that prioritizes fairness, transparency, accuracy, and respect for the privacy of consumers;

(10) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(11) because government misuse of commercial data endangers privacy, security, and liberty, there is a need for Congress to exercise oversight over government use of commercial data.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGENCY.—The term "agency" has the same meaning given such term in section 551 of title 5, United States Code.

(2) AFFILIATE.—The term "affiliate" means persons related by common ownership or affiliated by corporate control.

(3) BUSINESS ENTITY.—The term "business entity" means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof engaged in interstate commerce.

(4) IDENTITY THEFT.—The term "identity theft" means a violation of section 1028 of title 18, United States Code, or any other similar provision of applicable State law.

(5) DATA BROKER.—The term "data broker" means a business entity which for monetary fees, dues, or on a cooperative nonprofit basis, regularly engages, in whole or in part, in the practice of collecting, transmitting, or otherwise providing personally identifiable information on a nationwide basis on more than 5,000 individuals who are not the customers or employees of the business entity or affiliate.

(6) DATA FURNISHER.—The term "data furnisher" means any agency, governmental entity, organization, corporation, trust, partnership, sole proprietorship, unincorporated association, venture established to make a profit, or nonprofit, and any contractor, subcontractor, affiliate, or licensee thereof, that serves as a source of information for a data broker.

(7) PERSONAL ELECTRONIC RECORD.—The term "personal electronic record" means the compilation of personally identifiable information of an individual (including information associated with that personally identifiable information) in a database, networked or integrated databases, or other data system.

(8) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means any information, or compilation of information, in electronic or digital form serving as a means of identification, as defined by section 1028(d)(7) of title 18, United State Code.

(9) PUBLIC RECORD.—The term "public record" means any item, collection, or grouping of information about an individual that is maintained by an agency, including—

(A) education, financial transactions, medical history, and criminal or employment history containing the name of an individual; and

(B) the identifying number, symbol, or other identifying particular assigned to an individual, such as—

(i) a fingerprint;

(ii) a voice print; or

(iii) a photograph.

(10) SECURITY BREACH.—

(A) IN GENERAL.—The term "security breach" means compromise of the security, confidentiality, or integrity of computerized data through misrepresentation or actions that result in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of and access to sensitive personally identifiable information.

(B) EXCLUSION.—The term "security breach" does not include a good faith acquisition of sensitive personally identifiable information if the sensitive personally identifiable information is not subject to further unauthorized disclosure.

(11) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term "sensitive personally identifiable information" means any name or number used in conjunction with any other information to identify a specific individual, including any—

(A) name, social security number, date of birth, official State or government issued driver's license or identification number, alien registration number, government passport number, employer or taxpayer identification number;

(B) unique biometric data, such as—

(i) a fingerprint;

(ii) a voice print;

(iii) a retina or iris image; or

(iv) any other unique physical representation;

(C) unique electronic identification number, address, or routing code; or

(D) telecommunication identifying information or access device (as defined in section 1029(e) of title 18, United States Code).

TITLE I—ENHANCING PUNISHMENT FOR IDENTITY THEFT AND OTHER VIOLATIONS OF DATA PRIVACY AND SECURITY

SEC. 101. FRAUD AND RELATED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1030(a)(2) of title 18, United States Code, is amended—

(1) in subparagraph (B), by striking "or" after the semicolon;

(2) in subparagraph (C), by inserting "or" after the semicolon; and

(3) by adding at the end the following:

"(D) information contained in the databases or systems of a data broker, or in other personal electronic records, as such terms are defined in section 3 of the Personal Data Privacy and Security Act of 2005;".

SEC. 102. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting "section 1030(a)(2)(D)(relating to fraud and related activity in connection with unauthorized access to personally identifiable information," before "section 1084".

SEC. 103. CONCEALMENT OF SECURITY BREACHES INVOLVING PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1039. Concealment of security breaches involving personally identifiable information

"Whoever, having knowledge of a security breach requiring notice to individuals under title IV of the Personal Data Privacy and Security Act of 2005, intentionally and willfully conceals the fact of, or information related to, such security breach, shall be fined under this title or imprisoned not more than 5 years, or both.".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1039. Concealment of security breaches involving personally identifiable information.".

SEC. 104. AGGRAVATED FRAUD IN CONNECTION WITH COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding after section 1030 the following:

"§ 1030A. Aggravated fraud in connection with computers

"(a) IN GENERAL.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly obtains, accesses, or transmits, without lawful authority, a means of identification of another person may, in addition to the punishment provided for such felony, be sentenced to a term of imprisonment of up to 2 years.

"(b) CONSECUTIVE SENTENCES.—Notwithstanding any other provision of law, should a court in its discretion impose an additional sentence under subsection (a)—

"(1) no term of imprisonment imposed on a person under this section shall run concurrently, except as provided in paragraph (3), with any other term of imprisonment imposed on such person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identifications was obtained, accessed, or transmitted;

"(2) in determining any term of imprisonment to be imposed for the felony during which the means of identification was obtained, accessed, or transmitted, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

"(3) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section.

"(c) DEFINITION.—For purposes of this section, the term 'felony violation enumerated in subsection (c)' means any offense that is a felony violation of paragraphs (2) through (7) of section 1030(a).".

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following new item:

"1030A. Aggravated fraud in connection with computers.".

SEC. 105. REVIEW AND AMENDMENT OF FEDERAL SENTENCING GUIDELINES RELATED TO FRAUDULENT ACCESS TO OR MISUSE OF DIGITIZED OR ELECTRONIC PERSONALLY IDENTIFIABLE INFORMATION.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines (including its policy statements) applicable to persons convicted of using fraud to access, or misuse of, digitized or electronic personally identifiable information, including identity theft or any offense under—

(1) sections 1028, 1028A, 1030, 1030A, 2511, and 2701 of title 18, United States Code; or

(2) any other relevant provision.

(b) REQUIREMENTS.—In carrying out the requirements of this section, the United States Sentencing Commission shall—

(1) ensure that the Federal sentencing guidelines (including its policy statements) reflect—

(A) the serious nature of the offenses and penalties referred to in this Act;

(B) the growing incidences of theft and misuse of digitized or electronic personally identifiable information, including identity theft; and

(C) the need to deter, prevent, and punish such offenses;

(2) consider the extent to which the Federal sentencing guidelines (including its policy statements) adequately address violations of the sections amended by this Act to—

(A) sufficiently deter and punish such offenses; and

(B) adequately reflect the enhanced penalties established under this Act;

(3) maintain reasonable consistency with other relevant directives and sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) consider whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves—

(A) the online sale of fraudulently obtained or stolen personally identifiable information;

(B) the sale of fraudulently obtained or stolen personally identifiable information to an individual who is engaged in terrorist activity or aiding other individuals engaged in terrorist activity; or

(C) the sale of fraudulently obtained or stolen personally identifiable information to finance terrorist activity or other criminal activities;

(6) make any necessary conforming changes to the Federal sentencing guidelines to ensure that such guidelines (including its policy statements) as described in subsection (a) are sufficiently stringent to deter, and adequately reflect crimes related to fraudulent access to, or misuse of, personally identifiable information; and

(7) ensure that the Federal sentencing guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The United States Sentencing Commission may, as soon as practicable, promulgate amendments under this section in accordance with procedures established in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that Act had not expired.

TITLE II—ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT COMBATING CRIMES RELATED TO FRAUDULENT, UNAUTHORIZED, OR OTHER CRIMINAL USE OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 201. GRANTS FOR STATE AND LOCAL ENFORCEMENT.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Assistant Attorney General for the Office of Justice Programs of the Department of Justice may award a grant to a State to establish and develop programs to increase and enhance enforcement against crimes related to fraudulent, unauthorized, or other criminal use of personally identifiable information.

(b) APPLICATION.—A State seeking a grant under subsection (a) shall submit an application to the Assistant Attorney General for the Office of Justice Programs of the Department of Justice at such time, in such manner, and containing such information as the Assistant Attorney General may require.

(c) USE OF GRANT AMOUNTS.—A grant awarded to a State under subsection (a) shall be used by a State, in conjunction with units of local government within that State, State and local courts, other States, or combinations thereof, to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information with State and local law enforcement officers and prosecutors, including the use of multi-jurisdictional task forces.

(d) ASSURANCES AND ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information, such as penal laws prohibiting—

(A) fraudulent schemes executed to obtain personally identifiable information;

(B) schemes executed to sell or use fraudulently obtained personally identifiable information; and

(C) online sales of personally identifiable information obtained fraudulently or by other illegal means;

(2) will provide an assessment of the resource needs of the State and units of local government within that State, including criminal justice resources being devoted to the investigation and enforcement of laws related to crimes involving the fraudulent, unauthorized, or other criminal use of personally identifiable information; and

(3) will develop a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading "Violent Crime Reduction Programs, State and Local Law Enforcement Assistance" of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105-119)).

(e) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the total cost of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title $25,000,000 for each of fiscal years 2006 through 2009.

(b) LIMITATIONS.—Of the amount made available to carry out this title in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(c) MINIMUM AMOUNT.—Unless all eligible applications submitted by a State or units of local government within a State for a grant under this title have been funded, the State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this title not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this title, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(d) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this title, the Attorney General may use amounts made available under this title to make grants to Indian tribes for use in accordance with this title.

TITLE III—DATA BROKERS

SEC. 301. TRANSPARENCY AND ACCURACY OF DATA COLLECTION.

(a) IN GENERAL.—Data brokers engaging in interstate commerce are subject to the requirements of this title for any offered product or service offered to third parties that allows access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, unless that product or service is currently subject to similar protections under subsections (b) and (g) of this section, the Fair Credit Reporting Act (Public Law 91-508), or the Gramm-Leach Bliley Act (Public Law 106–102), and implementing regulations.

(b) DISCLOSURES TO INDIVIDUALS.—

(1) IN GENERAL.—A data broker shall, upon the request of an individual, clearly and accurately disclose to such individual for a reasonable fee all personal electronic records pertaining to that individual maintained for disclosure to third parties in the databases or systems of the data broker at the time of the request.

(2) INFORMATION ON HOW TO CORRECT INACCURACIES.—The disclosures required under paragraph (1) shall also include guidance to individuals on the processes and procedures for demonstrating and correcting any inaccuracies.

(c) CREATION OF AN ACCURACY RESOLUTION PROCESS.—A data broker shall develop and publish on its website timely and fair processes and procedures for responding to claims of inaccuracies, including procedures for correcting inaccurate information in the personal electronic records it maintains on individuals.

(d) ACCURACY RESOLUTION PROCESS.—

(1) PUBLIC RECORD INFORMATION.—

(A) IN GENERAL.—If an individual notifies a data broker of a dispute as to the completeness or accuracy of information, and the data broker determines that such information is derived from a public record source, the data broker shall determine within 30 days whether the information in its system accurately and completely records the information offered by the public record source.

(B) DATA BROKER ACTIONS.—If a data broker determines under subparagraph (A) that the information in its systems—

(i) does not accurately and completely record the information offered by a public record source, the data broker shall correct any inaccuracies or incompleteness, and provide to such individual written notice of such changes; and

(ii) does accurately and completely record the information offered by a public record source, the data broker shall—

(I) provide such individual with the name, address, and telephone contact information of the public record source; and

(II) notify such individual of the right to add to the personal electronic record of the individual maintained by the data broker a statement disputing the accuracy or completeness of the information for a period of 90 days under subsection (e).

(2) INVESTIGATION OF DISPUTED NON-PUBLIC RECORD INFORMATION.—If the completeness or accuracy of any non-public record information disclosed to an individual under subsection (b) is disputed by the individual and such individual notifies the data broker directly of such dispute, the data broker shall, before the end of the 30-day period beginning on the date on which the data broker receives the notice of the dispute—

(A) investigate free of charge and record the current status of the disputed information; or

(B) delete the item from the individuals data file in accordance with paragraph (8).

(3) EXTENSION OF PERIOD TO INVESTIGATE.—Except as provided in paragraph (4), the 30-day period described in paragraph (1) may be extended for not more than 15 additional days if a data broker receives information from the individual during that 30-day period that is relevant to the investigation.

(4) LIMITATIONS ON EXTENSION OF PERIOD TO INVESTIGATE.—Paragraph (3) shall not apply to any investigation in which, during the 30-day period described in paragraph (1), the information that is the subject of the investigation is found to be inaccurate or incomplete or a data broker determines that the information cannot be verified.

(5) NOTICE IDENTIFYING THE DATA FURNISHER.—If the completeness or accuracy of any information disclosed to an individual under subsection (b) is disputed by the individual, a data broker shall provide upon the request of the individual, the name, business address, and telephone contact information of any data furnisher who provided an item of information in dispute.

(6) DETERMINATION THAT DISPUTE IS FRIVOLOUS OR IRRELEVANT.—

(A) IN GENERAL.—Notwithstanding paragraphs (1) through (4), a data broker may decline to investigate or terminate an investigation of information disputed by an individual under those paragraphs if the data broker reasonably determines that the dispute by the individual is frivolous or irrelevant, including by reason of a failure by the individual to provide sufficient information to investigate the disputed information.

(B) NOTICE.—Not later than 5 business days after making any determination in accordance with subparagraph (A) that a dispute is frivolous or irrelevant, a data broker shall notify the individual of such determination by mail, or if authorized by the individual, by any other means available to the data broker.

(C) CONTENTS OF NOTICE.—A notice under subparagraph (B) shall include—

(i) the reasons for the determination under subparagraph (A); and

(ii) identification of any information required to investigate the disputed information, which may consist of a standardized form describing the general nature of such information.

(7) CONSIDERATION OF INDIVIDUAL INFORMATION.—In conducting any investigation with respect to disputed information in the personal electronic record of any individual, a data broker shall review and consider all relevant information submitted by the individual in the period described in paragraph (2) with respect to such disputed information.

(8) TREATMENT OF INACCURATE OR UNVERIFIABLE INFORMATION.—

(A) IN GENERAL.—If, after any review of public record information under paragraph (1) or any investigation of any information disputed by an individual under paragraphs (2) through (4), an item of information is found to be inaccurate or incomplete or cannot be verified, a data broker shall promptly delete that item of information from the individual's personal electronic record or modify that item of information, as appropriate, based on the results of the investigation.

(B) NOTICE TO INDIVIDUALS OF REINSERTION OF PREVIOUSLY DELETED INFORMATION.—If any information that has been deleted from an individual's personal electronic record pursuant to subparagraph (A) is reinserted in the personal electronic record of the individual, a data broker shall, not later than 5 days after reinsertion, notify the individual of the reinsertion and identify any data furnisher not previously disclosed in writing, or if authorized by the individual for that purpose, by any other means available to the data broker, unless such notification has been previously given under this subsection.

(C) NOTICE OF RESULTS OF INVESTIGATION OF DISPUTED NON-PUBLIC RECORD.—

(i) IN GENERAL.—Not later than 5 business days after the completion of an investigation under paragraph (2), a data broker shall provide written notice to an individual of the results of the investigation, by mail or, if authorized by the individual for that purpose, by other means available to the data broker.

(ii) ADDITIONAL REQUIREMENT.—Before the expiration of the 5-day period, as part of, or in addition to such notice, a data broker shall, in writing, provide to an individual—

(I) a statement that the investigation is completed;

(II) a report that is based upon the personal electronic record of such individual as that personal electronic record is revised as a result of the investigation;

(III) a notice that, if requested by the individual, a description of the procedures used to determine the accuracy and completeness of the information shall be provided to the individual by the data broker, including the business name, address, and telephone number of any data furnisher of information contacted in connection with such information; and

(IV) a notice that the individual has the right to request notifications under subsection (g).

(D) DESCRIPTION OF INVESTIGATION PROCEDURES.—Not later than 15 days after receiving a request from an individual for a description referred to in subparagraph (C)(ii)(III), a data broker shall provide to the individual such a description.

(E) EXPEDITED DISPUTE RESOLUTION.—If by no later than 3 business days after the date on which a data broker receives notice of a dispute from an individual of information in the personal electronic record of such individual in accordance with paragraph (2), a data broker resolves such dispute in accordance with subparagraph (A) by the deletion of the disputed information, then the data broker shall not be required to comply with subsections (e) and (f) with respect to that dispute if the data broker provides—

(i) to the individual, by telephone, prompt notice of the deletion; and

(ii) to the individual a right to request that the data broker furnish notifications under subsection (g).

(e) STATEMENT OF DISPUTE.—

(1) IN GENERAL.—If the completeness or accuracy of any information disclosed to an individual under subsection (b) is disputed, an individual may file a brief statement setting forth the nature of the dispute.

(2) CONTENTS OF STATEMENT.—A data broker may limit the statements made pursuant to paragraph (1) to not more than 100 words if it provides an individual with assistance in writing a clear summary of the dispute or until the dispute is resolved, whichever is earlier.

(f) NOTIFICATION OF DISPUTE IN SUBSEQUENT REPORTS.—Whenever a statement of a dispute is filed under subsection (e), unless there is a reasonable grounds to believe that it is frivolous or irrelevant, a data broker shall, in any subsequent report, product, or service containing the information in question, clearly note that it is disputed by an individual and provide either the statement of such individual or a clear and accurate codification or summary thereof for a period of 90 days after the data broker first posts the statement of dispute.

(g) NOTIFICATION OF DELETION OF DISPUTED INFORMATION.—Following any deletion of information which is found to be inaccurate or whose accuracy can no longer be verified, a data broker shall, at the request of an individual, furnish notification that the item has been deleted or the statement, codification, or summary pursuant to subsection (e) or (f) to any user or customer of the products or services of the data broker who has within 90 days received a report with the deleted or disputed information or has electronically accessed the deleted or disputed information.

SEC. 302. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) PENALTIES.—Any data broker that violates the provisions of section 301 shall be subject to civil penalties of not more than $1,000 per violation per day, with a maximum of $15,000 per day, while such violations persist.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A data broker that intentionally or willfully violates the provisions of section 301 shall be subject to additional penalties in the amount of $1,000 per violation per day, with a maximum of an additional $15,000 per day, while such violations persist.

(3) EQUITABLE RELIEF.—A data broker engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Whenever it appears that a data broker to which this title applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this title, the Attorney General may bring a civil action in an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with this title;

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) OTHER INJUNCTIVE RELIEF.—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice that violates this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this title;

(C) obtain—

(i) damages in the sum of actual damages, restitution, or other compensation on behalf of affected residents of the State; and

(ii) punitive damages, if the violation is willful or intentional; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Attorney General—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Attorney General as soon after the filing of the complaint as practicable.

(3) ATTORNEY GENERAL AUTHORITY.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1931 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. 303. RELATION TO STATE LAWS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to the access, use, compilation, distribution, processing, analysis, and evaluation of any personally identifiable information by data brokers, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 301, relating to individual access to, and correction of, personal electronic records.

SEC. 304. EFFECTIVE DATE.

This title shall take effect 180 days after the date of enactment of this Act.

TITLE IV—PRIVACY AND SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION

Subtitle A—Data Privacy and Security Program

SEC. 401. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this subtitle is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the privacy, security, confidentiality, integrity, storage, and disposal of personally identifiable information.

(b) IN GENERAL.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 402 for protecting personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this subtitle, this subtitle does not apply to—

(1) financial institutions subject to—

(A) the data security requirements and implementing regulations under the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); and

(B) examinations for compliance with the requirements of this Act by 1 or more Federal functional regulators (as defined in section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809)); or

(2) "covered entities" subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

SEC. 402. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—Unless otherwise limited under section 401(c), a business entity subject to this subtitle shall comply with the following safeguards to protect the privacy and security of personally identifiable information:

(1) Scope.—A business entity shall implement a comprehensive personal data privacy and security program, written in 1 or more readily accessible parts, that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) Design.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of personal electronic records;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of personal electronic records; and

(C) protect against unauthorized access to use of personal electronic records that could result in substantial harm or inconvenience to any individual.

(3) Risk assessment.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of personally identifiable information or systems containing personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of personally identifiable information; and

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of personally identifiable information.

(4) Risk management and control.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3); and

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of personally identifiable information, including by employees and other individuals otherwise authorized to have access; and

(iii) protect personally identifiable information during use, transmission, storage, and disposal by encryption or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations).

(5) Accountability.—Each business entity required to establish a data security program under section 401 shall publish on its website or make otherwise available the terms of such program to the extent that such terms do not reveal information that compromise data security or privacy.

(b) Training.—Each business entity subject to this subtitle shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) Vulnerability Testing.—

(1) In general.—Each business entity subject to this subtitle shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) Frequency.—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) Relationship to Service Providers.—In the event a business entity subject to this subtitle engages service providers not subject to this subtitle, such business entity shall—

(1) exercise appropriate due diligence in selecting those service providers for responsibilities related to personally identifiable information, and take reasonable steps to select and retain service providers that are capable of maintaining appropriate safeguards for the security, privacy, and integrity of the personally identifiable information at issue; and

(2) require those service providers by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to this section, section 401, and subtitle B.

(e) Periodic Assessment and Personal Data Privacy and Security Modernization.—Each business entity subject to this subtitle shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to personally identifiable information systems.

(f) Implementation Time Line.—Not later than 1 year after the date of enactment of this Act, a business entity subject to the provisions of this subtitle shall implement a data privacy and security program pursuant to this subtitle.

SEC. 403. ENFORCEMENT.

(a) Civil Penalties.—

(1) In general.—Any business entity that violates the provisions of sections 401 or 402 shall be subject to civil penalties of not more than $5,000 per violation per day, with a maximum of $35,000 per day, while such violations persist.

(2) Intentional or willful violation.—A business entity that intentionally or willfully violates the provisions of sections 401 or 402 shall be subject to additional penalties in the amount of $5,000 per violation per day, with a maximum of an additional $35,000 per day, while such violations persist.

(3) Equitable relief.—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) Other rights and remedies.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law

(b) Injunctive Actions by the Attorney General.—

(1) In general.—Whenever it appears that a business entity or agency to which this subtitle applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this subtitle, the Attorney General may bring a civil action in an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with this subtitle; and

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) Other injunctive relief.—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) State Enforcement.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice that violates this subtitle, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this subtitle;

(C) obtain—

(i) damages in the sum of actual damages, restitution, or other compensation on behalf of affected residents of the State; and

(ii) punitive damages, if the violation is willful or intentional; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) Notice.—

(A) In general.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Attorney General—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) Exception.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) Notification when practicable.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Attorney General as soon after the filing of the complaint as practicable.

(3) Attorney general authority.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) Pending proceedings.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1) nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1931 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. 404. RELATION TO STATE LAWS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to security programs for personally identifiable information, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under section 401(c), relating to entities exempted from compliance with subtitle A.

Subtitle B—Security Breach Notification

SEC. 421. RIGHT TO NOTICE OF SECURITY BREACH.

(a) IN GENERAL.—Unless delayed under section 422(d) or exempted under section 424, any business entity or agency engaged in interstate commerce that involves collecting, accessing, using, transmitting, storing, or disposing of personally identifiable information shall notify, following the discovery of a security breach of its systems or databases in its possession or direct control when such security breach impacts sensitive personally identifiable information—

(1) if the security breach impacts more than 10,000 individuals nationwide, impacts a database, networked or integrated databases, or other data system associated with more than 1,000,000 individuals nationwide, impacts databases owned or used by the Federal Government, or involves sensitive personally identifiable information of employees and contractors of the Federal Government—

(A) the United States Secret Service, which shall be responsible for notifying——

(i) the Federal Bureau of Investigation, if the security breach involves espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11y of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service under section 3056(a) of title 18, United States Code; and

(ii) the United States Postal Inspection Service, if the security breach involves mail fraud; and

(B) the attorney general of each State affected by the security breach;

(2) each consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a), pursuant to subsection (b); and

(3) any resident of the United States whose sensitive personally identifiable information was subject to the security breach, pursuant to sections 422 and 423, but in the event a business entity or agency is unable to identify the specific residents of the United States whose sensitive personally identifiable information was impacted by a security breach, the business entity or agency shall consult with the United States Secret Service to determine the scope of individuals who there is a reasonable basis to conclude have been impacted by such breach and should receive notice.

(b) CONSUMER REPORTING AGENCIES.—Any business entity or agency obligated to provide notice of a security breach to more than 1,000 residents of the United States under subsection (a)(3) shall inform consumer reporting agencies of the fact and scope of such notices for the purpose of facilitating and managing potential increases in consumer inquiries and mitigating identity theft or other negative consequences of the breach.

SEC. 422. NOTICE PROCEDURES.

(a) TIMELINESS OF NOTICE.—

(1) IN GENERAL.—Except as provided in subsection (c), all notices required under section 421 shall be issued expeditiously and without unreasonable delay after discovery of the events requiring notice.

(2) 14-DAY RULE.—The notices to Federal law enforcement and the attorney general of each State affected by a security breach required under section 421(a) shall be delivered not later than 14 days after discovery of the events requiring notice.

(3) REQUIRED DISCLOSURE.—In complying with the notices required under section 421, a business entity or agency shall expeditiously and without unreasonable delay take reasonable measures which are necessary to—

(A) determine the scope and assess the impact of a breach under section 421; and

(B) restore the reasonable integrity of the data system.

(b) METHOD.—Any business entity or agency obligated to provide notice under section 421 shall be in compliance with that section if they provide notice as follows:

(1) WRITTEN NOTIFICATION.—By written notification to the last known home address of the individual whose sensitive personally identifiable information was breached, or if unknown, notification via telephone call to the last known home telephone number.

(2) INTERNET POSTING.—If more than 1,000 residents of the United States require notice under section 421 and if the business entity or agency maintains an Internet site, conspicuous posting of the notice on the Internet site of the business entity or agency.

(3) MEDIA NOTICE.—If more than 5,000 residents of a State or jurisdiction are impacted, notice to major media outlets serving that State or jurisdiction.

(c) DELAY OF NOTIFICATION FOR LAW ENFORCEMENT PURPOSES.—

(1) IN GENERAL.—If Federal law enforcement or the attorney general of a State determines that the notices required under section 421(a) would impede a criminal investigation, such notices may be delayed until such law enforcement agency determines that the notices will no longer compromise such investigation.

(2) EXTENDED DELAY OF NOTIFICATION FOR LAW ENFORCEMENT PURPOSES.—If a business entity or agency has delayed the notices required under paragraphs (2) and (3) of section 421(a) as described in paragraph (1), the business entity or agency shall give notice 30 days after the day such law enforcement delay was invoked unless Federal law enforcement provides written notification that further delay is necessary.

SEC. 423. CONTENT OF NOTICE.

(a) IN GENERAL.—A business entity or agency obligated to provide notice to residents of the United States under section 421(a)(3) shall clearly and concisely detail the nature of the sensitive personally identifiable information impacted by the security breach.

(b) CONTENT OF NOTICE.—A notice under subsection (a) shall include—

(1) the availability of victim protection assistance pursuant to section 425;

(2) guidance on how to request that a fraud alert be placed in the file of the individual maintained by consumer reporting agencies, pursuant to section 605A of the Fair Credit Reporting Act (15 U.S.C. 1681c–1) and the implications of such actions;

(3) the availability of a summary of rights for identity theft victims from consumer reporting agencies, pursuant to section 609 of the Fair Credit Reporting Act (15 U.S.C. 1681g);

(4) if applicable, notice that the State where an individual resides has a statute that provides the individual the right to place a security freeze on their credit report; and

(5) if applicable, notice that consumer reporting agencies have been notified of the security breach.

(c) MARKETING NOT ALLOWED IN NOTICE.—A notice under subsection (a) may not include—

(1) marketing information;

(2) sales offers; or

(3) any solicitation regarding the collection of additional personally identifiable information from an individual.

SEC. 424. RISK ASSESSMENT AND FRAUD PREVENTION NOTICE EXEMPTIONS.

(a) RISK ASSESSMENT EXEMPTION.—A business entity will be exempt from the notice requirements under paragraphs (2) and (3) of section 421(a), if a risk assessment conducted in consultation with Federal law enforcement and the attorney general of each State affected by a security breach concludes that there is a de minimis risk of harm to the individuals whose sensitive personally identifiable information was at issue in the security breach.

(b) FRAUD PREVENTION EXEMPTION.—A business entity will be exempt from the notice requirement under section 421(a) if—

(1) the nature of the sensitive personally identifiable information subject to the security breach cannot be used to facilitate transactions or facilitate identity theft to further transactions with another business entity that is not the business entity subject to the security breach notification requirements of section 421;

(2) the business entity utilizes a security program reasonably designed to block the use of the sensitive personally identifiable information to initiate unauthorized transactions before they are charged to the account of the individual; and

(3) the business entity has a policy in place to provide notice and provides such notice after a breach of the security of the system has resulted in fraud or unauthorized transactions, but does not necessarily require notice in other circumstances.

SEC. 425. VICTIM PROTECTION ASSISTANCE.

Any business entity or agency obligated to provide notice to residents of the United States under section 421(a)(3) shall offer to those same residents to cover the cost of—

(1) monthly access to a credit report for a period of 1 year from the date of notice provided under section 421(a)(3); and

(2) credit-monitoring services for up to 1 year from the date of notice provided under section 421(a)(3).

SEC. 426. ENFORCEMENT.

(a) Civil Penalties.—

(1) In general.—Any business entity that violates the provisions of sections 421 through 425 shall be subject to civil penalties of not more than $5,000 per violation per day, with a maximum of $55,000 per day, while such violations persist.

(2) Intentional or willful violation.—A business entity that intentionally or willfully violates the provisions of sections 421 through 425 shall be subject to additional penalties in the amount of $5,000 per violation per day, with a maximum of an additional $55,000 per day, while such violations persist.

(3) Equitable relief.—A business entity engaged in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) Other rights and remedies.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) Injunctive Actions by the Attorney General.—

(1) In general.—Whenever it appears that a business entity or agency to which this subtitle applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this subtitle, the Attorney General may bring a civil action in an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with this subtitle; and

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) Other injunctive relief.—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) State Enforcement.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been, or is threatened to be, adversely affected by a violation of this subtitle, the State, as parens patriae, may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that practice;

(B) enforce compliance with this subtitle;

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of that State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other equitable relief as the court may consider to be appropriate.

(2) Notice.—

(A) In general.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) Exception.—

(i) In general.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) Notification when practicable.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the attorney general of a State files the action.

(3) Attorney general authority.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) Pending proceedings.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) Rule of construction.—For purposes of bringing any civil action under paragraph (1), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths or affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(6) Venue; service of process.—

(A) Venue.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) Service of process.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. 427. RELATION TO STATE LAWS.

(a) In General.—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to protecting consumers from the risk of theft or misuse of personally identifiable information, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) Exceptions.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under—

(1) section 3(9), relating to the definition of "security breach";

(2) paragraphs (1)(A), (2), and (3) of subsection (a), and subsection (b) of section 421, relating to the right to notice of security breach;

(3) section 422, relating to notice procedures;

(4) section 423, relating to notice content, except that nothing in this section shall prevent a State from requiring notice of additional victim protection assistance by that State; and

(5) section 424, relating to risk assessment and fraud prevention notice exemptions.

SEC. 428. STUDY ON SECURING PERSONALLY IDENTIFIABLE INFORMATION IN THE DIGITAL ERA.

(a) Requirement for Study.—Not later than 120 days after the date of enactment of this Act, the Department of Justice shall enter into a contract with the National Research Council of the National Academies to conduct a study on securing personally identifiable information in the digital era.

(b) Matters to Be Assessed in Review.—The study required under subsection (a) shall include—

(1) threats to the public posed by the unauthorized or improper disclosure of personally identifiable information, including threats to—

(A) law enforcement;

(B) homeland security;

(C) individual citizens; and

(D) commerce;

(2) an assessment of the benefits and costs of currently available strategies for securing personally identifiable information based on—

(A) technology;

(B) legislation;

(C) regulation; or

(D) public education;

(3) research needed to develop additional strategies;

(4) recommendations for congressional or other policy actions to further minimize vulnerabilities to the threats described in paragraph (1); and

(5) other relevant issues that in the discretion of the National Research Council warrant examination.

(c) Time Line for Study and Requirement for Report.—Not later than 18-month period beginning upon completion of the performance of the contract described in subsection (a), the National Research Council shall conduct the study and report its findings, conclusions, and recommendations to Congress.

(d) Federal Department and Agency Compliance.—Federal departments and agencies shall comply with requests made by the National Science Foundation, National Research Council, and National Academies for information that is necessary to assist in preparing the report required by subsection (c).

(e) Authorization of Appropriations.—Of the amounts authorized to be appropriated to the Department of Justice for Department-wide activities, $850,000 shall be made available to carry out the provisions of this section for fiscal year 2006.

SEC. 429. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to cover the costs incurred by the United States Secret Service to carry out investigations and risk assessments of security breaches as required under this subtitle.

SEC. 430. EFFECTIVE DATE.

This subtitle shall take effect 90 days after the date of enactment of this Act.

TITLE V—PROTECTION OF SOCIAL SECURITY NUMBERS

SEC. 501. SOCIAL SECURITY NUMBER PROTECTION.

(a) In General.—No person may—

(1) display any individual's social security number to a third party without the voluntary and affirmatively expressed consent of such individual; or

(2) sell or purchase any social security number of an individual without the voluntary and affirmatively expressed consent of such individual.

(b) PREREQUISITES FOR CONSENT.—To obtain the consent of an individual under paragraphs (1) or (2) of subsection (a), the person displaying, selling, or attempting to sell, purchasing, or attempting to purchase the social security number of such individual shall—

(1) inform such individual of the general purpose for which the social security number will be used, the types of persons to whom the social security number may be available, and the scope of transactions permitted by the consent; and

(2) obtain the affirmatively expressed consent (electronically or in writing) of such individual.

(c) HARVESTED SOCIAL SECURITY NUMBERS.—Subsection (a) shall apply to any public record of a Federal agency that contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

(d) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

(1) as required, authorized, or excepted under Federal law;

(2) to the extent necessary for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

(3) to the extent necessary for a national security purpose;

(4) to the extent necessary for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

(5) to the extent necessary for research conducted for the purpose of advancing public knowledge, on the condition that the researcher provides adequate assurances that—

(A) the social security numbers will not be used to harass, target, or publicly reveal information concerning any individual;

(B) information about individuals obtained from the research will not be used to make decisions that directly affect the rights, benefits, or privileges of specific individuals; and

(C) the researcher has in place appropriate safeguards to protect the privacy and confidentiality of any information about individuals;

(6) if such a number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

(7) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all or a portion of a business; or

(8) to the extent only the last 4 digits of a social security number are displayed.

SEC. 502. LIMITS ON PERSONAL DISCLOSURE OF SOCIAL SECURITY NUMBERS FOR COMMERCIAL TRANSACTIONS AND ACCOUNTS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding the following:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF SOCIAL SECURITY NUMBERS FOR COMMERCIAL TRANSACTIONS AND ACCOUNTS.

"(a) ACCOUNT NUMBERS.—

"(1) IN GENERAL.—A business entity may not—

"(A) require an individual to use the social security number of such individual as an account number or account identifier when purchasing a commercial good or service; or

"(B) deny an individual goods or services for refusing to accept the use of the social security number of such individual as an account number or account identifier.

"(2) EXISTING ACCOUNT EXCEPTION.—Paragraph (1) shall not apply to any account number or account identifier established prior to the date of enactment of this Act.

"(b) SOCIAL SECURITY NUMBER PREREQUISITES FOR GOODS AND SERVICES.—A business entity may not require an individual to provide the social security number of such individual when purchasing a commercial good or service or deny an individual goods or services for refusing to provide that number except for any purpose relating to—

"(1) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

"(2) a background check of the individual conducted by a landlord, lessor, employer, or voluntary service agency;

"(3) law enforcement; or

"(4) a Federal, State, or local law requirement.

"(c) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1129(a).

"(d) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 208(a)(8).".

SEC. 503. PUBLIC RECORDS.

(a) IN GENERAL.—Except as provided in paragraph (2), paragraphs (a) and (b) of section 501 shall apply to all public records posted on the Internet or provided in an electronic medium by, or on behalf of, a Federal agency.

(b) EXCEPTIONS.—

(1) TRUNCATION AND PRIOR DISPLAYS.—Section 501(a) shall not apply to—

(A) a public record which displays only the last 4 digits of the social security number of an individual; and

(B) any record or a category of public records first posted on the Internet or provided in an electronic medium by, or on behalf of, a Federal agency prior to the date of enactment of this Act.

(2) LAW ENFORCEMENT.—Nothing in this subsection shall be construed to prevent an entity acting pursuant to a police investigation or regulatory power of a domestic governmental unit from accessing the full social security number of an individual.

SEC. 504. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT CHECKS AND PROHIBITION OF INMATE ACCESS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL ENTITIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) EFFECTIVE DATE.—The amendment made under paragraph (1) shall apply with respect to checks issued after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION ON INMATE ACCESS TO SOCIAL SECURITY NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)), as amended by subsection (b), is further amended by adding at the end the following:

"(xi)(I) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals.

"(II) For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to conviction of such individual of a criminal offense.".

(2) EFFECTIVE DATE.—The amendment made under paragraph (1) shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 505. STUDY AND REPORT.

(a) BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States (in this section referred to as the "Comptroller General") shall conduct a study and prepare a report on—

(1) all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law; and

(2) the uses of social security numbers in Federal, State, and local public records.

(b) CONTENT OF REPORT.—The report required under subsection (a) shall—

(1) identify users of social security numbers under Federal law;

(2) include a detailed description of the uses allowed as of the date of enactment of this Act;

(3) describe the impact of such uses on privacy and data security;

(4) evaluate whether such uses should be continued or discontinued by appropriate legislative action;

(5) examine whether States are complying with prohibitions on the display and use of social security numbers—

(A) under the Privacy Act of 1974 (5 U.S.C. 552a et seq.); and

(B) the Driver's Privacy Protection Act of 1994 (18 U.S.C. 2721 et seq.);

(6) include a review of the uses of social security numbers in Federal, State, or local public records;

(7) include a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(8) include a review of the advantages, utility, and disadvantages of public records that contain social security numbers, including—

(A) impact on law enforcement;

(B) threats to homeland security; and

(C) impact on personal privacy and security;

(9) include an assessment of the costs and benefits to State and local governments of truncating, redacting, or removing social security numbers from public records, including a review of current technologies and procedures for truncating, redacting, or removing social security numbers from public records (with separate assessments for both paper and electronic records);

(10) include an assessment of the benefits and costs to businesses, non-profit organizations, and the general public of requiring truncation, redaction, or removal of social security numbers on public records (with separate assessments for both paper and electronic records);

(11) include an assessment of Federal and State requirements to truncate social security numbers, and issue recommendations on—

(A) how to harmonize those requirements; and

(B) whether to further extend truncation requirements, taking into consideration the impact on accuracy and use;

(12) include recommendations regarding whether subsection (a) should apply to any record or category of public records first posted on the Internet or provided in an electronic medium by, or on behalf of, a Federal agency prior to the date of enactment of this Act; and

(13) include such recommendations for legislation based on criteria the Comptroller General determines to be appropriate.

(c) REQUIRED CONSULTATION.—In developing the report required under this subsection, the Comptroller General shall consult with—

(1) the Administrative Office of the United States Courts;

(2) the Conference of State Court Administrators;

(3) the Department of Justice;

(4) the Department of Homeland Security;

(5) the Social Security Administration;

(6) Sate and local governments that store, maintain, or disseminate public records; and

(7) other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

(d) TIMING OF REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall report to Congress its findings under this section.

SEC. 506. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates the provisions of sections 501 or 502 shall be subject to civil penalties of not more than $5,000 per violation per day, with a maximum of $35,000 per day, while such violations persist.

(2) INTENTIONAL OR WILLFUL VIOLATION.—Any person who intentionally or willfully violates the provisions of sections 501 or 502 shall be subject to additional penalties in the amount of $5,000 per violation per day, with a maximum of an additional $35,000 per day, while such violations persist.

(3) EQUITABLE RELIEF.—Any person who engages in interstate commerce that violates this section may be enjoined from further violations by a court of competent jurisdiction.

(4) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law

(b) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Whenever it appears that a person to which this title applies has engaged, is engaged, or is about to engage, in any act or practice constituting a violation of this title, the Attorney General may bring a civil action in an appropriate district court of the United States to—

(A) enjoin such act or practice;

(B) enforce compliance with this title; and

(C) obtain damages—

(i) in the sum of actual damages, restitution, and other compensation on behalf of the affected residents of a State; and

(ii) punitive damages, if the violation is willful or intentional; and

(D) obtain such other relief as the court determines to be appropriate.

(2) OTHER INJUNCTIVE RELIEF.—Upon a proper showing in the action under paragraph (1), the court shall grant a permanent injunction or a temporary restraining order without bond.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by an act or practice that violates this section, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction, or any other court of competent jurisdiction, to—

(A) enjoin that act or practice;

(B) enforce compliance with this Act;

(C) obtain damages, restitution, or other compensation on behalf of residents of that State; or

(D) obtain such other legal and equitable relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Attorney General—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Attorney General as soon after the filing of the complaint as practicable.

(3) ATTORNEY GENERAL AUTHORITY.—Upon receiving notice under paragraph (2), the Attorney General shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (4);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(4) PENDING PROCEEDINGS.—If the Attorney General has instituted a proceeding or action for a violation of this Act or any regulations thereunder, no attorney general of a State may, during the pendency of such proceeding or action, bring an action under this subsection against any defendant named in such criminal proceeding or civil action for any violation that is alleged in that proceeding or action.

(5) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations;

(C) or compel the attendance of witnesses or the production of documentary and other evidence.

(6) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

SEC. 507. RELATION TO STATE LAWS.

(a) IN GENERAL.—Except as provided in subsection (b), this title does not annul, alter, affect, or exempt any person subject to the provisions of this title from complying with the laws of any State with respect to protecting and securing social security numbers, except to the extent that those laws are inconsistent with any provisions of this title, and then only to the extent of such inconsistency.

(b) EXCEPTIONS.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under—

(1) section 501(b), relating to prerequisites for consent for the display, sale, or purchase of social security numbers;

(2) section 501(c), relating to harvesting of social security numbers; and

(3) section 504, relating to treatment of social security numbers on government checks and prohibition of inmate access.

TITLE VI—GOVERNMENT ACCESS TO AND USE OF COMMERCIAL DATA

SEC. 601. GENERAL SERVICES ADMINISTRATION REVIEW OF CONTRACTS.

(a) IN GENERAL.—In considering contract awards entered into after the date of enactment of this Act, the Administrator of the General Services Administration shall evaluate—

(1) the program of a contractor to ensure the privacy and security of data containing personally identifiable information;

(2) the compliance of a contractor with such program;

(3) the extent to which the databases and systems containing personally identifiable information of a contractor have been compromised by security breaches; and

(4) the response by a contractor to such breaches, including the efforts of a contractor to mitigate the impact of such breaches.

(b) PENALTIES.—In awarding contracts for products or services related to access, use, compilation, distribution, processing, analyzing, or evaluating personally identifiable information, the Administrator of the General Services Administration shall include the following:

(1) Monetary or other penalties—

(A) for failure to comply with subtitles A and B of title IV of this Act;

(B) if a contractor knows or has reason to know that the personally identifiable information being provided is inaccurate, and provides such inaccurate information; or

(C) if a contractor is notified by an individual that the personally identifiable information being provided is inaccurate and it is in fact inaccurate.

(2) Accuracy update requirements that obligate a contractor to provide notice to the Federal department or agency of any changes or corrections to the personally identifiable information provided under the contract.

SEC. 602. REQUIREMENT TO AUDIT INFORMATION SECURITY PRACTICES OF CONTRACTORS AND THIRD PARTY BUSINESS ENTITIES.

Section 3544(b) of title 44, United States Code, is amended—

(1) in paragraph (7)(C)(iii), by striking "and" after the semicolon;

(2) in paragraph (8), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(9) procedures for evaluating and auditing the information security practices of contractors or third party business entities supporting the information systems or operations of the agency involving personally identifiable information, and ensuring remedial action to address any significant deficiencies.".

SEC. 603. PRIVACY IMPACT ASSESSMENT OF GOVERNMENT USE OF COMMERCIAL INFORMATION SERVICES CONTAINING PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Section 208(b)(1) of the E-Government Act of 2002 (44 U.S.C. 3501 note) is amended—

(1) in subparagraph (A)(i), by striking "or"; and

(2) in subparagraph (A)(ii), by striking the period and inserting "; or"; and

(3) by inserting after clause (ii) the following:

"(iii) purchasing or subscribing for a fee to personally identifiable information from a commercial entity (other than news reporting or telephone directories).".

(b) LIMITATION.—Notwithstanding any other provision of law, commencing 60 days after the date of enactment of this Act, no Federal department or agency may procure or access any commercially available database consisting primarily of personally identifiable information concerning United States persons (other than news reporting or telephone directories) unless the head of such department or agency—

(1) completes a privacy impact assessment under section 208 of the E-Government Act of 2002 (44 U.S.C. 3501 note), which shall include a description of—

(A) such database;

(B) the name of the commercial entity from whom it is obtained; and

(C) the amount of the contract for use;

(2) adopts regulations that specify—

(A) the personnel permitted to access, analyze, or otherwise use such databases;

(B) standards governing the access analysis, or use of such databases;

(C) any standards used to ensure that the personally identifiable information accessed, analyzed, or used is the minimum necessary to accomplish the intended legitimate purpose of the Federal department or agency;

(D) standards limiting the retention and redisclosure of personally identifiable information obtained from such databases;

(E) procedures ensuring that such data meet standards of accuracy, relevance, completeness, and timeliness;

(F) the auditing and security measures to protect against unauthorized access, analysis, use, or modification of data in such databases;

(G) applicable mechanisms by which individuals may secure timely redress for any adverse consequences wrongly incurred due to the access, analysis, or use of such databases;

(H) mechanisms, if any, for the enforcement and independent oversight of existing or planned procedures, policies, or guidelines; and

(I) an outline of enforcement mechanisms for accountability to protect individuals and the public against unlawful or illegitimate access or use of databases; and

(3) incorporates into the contract or other agreement with the commercial entity, provisions—

(A) providing for penalties—

(i) if the entity knows or has reason to know that the personally identifiable information being provided to the Federal department or agency is inaccurate, and provides such inaccurate information; or

(ii) if the entity is notified by an individual that the personally identifiable information being provided to the Federal department or agency is inaccurate and it is in fact inaccurate; and

(B) requiring commercial entities to inform Federal departments or agencies to which they sell, disclose, or provide access to personally identifiable information of any changes or corrections to the personally identifiable information.

(c) INDIVIDUAL SCREENING PROGRAMS.—Notwithstanding any other provision of law, commencing 60 days after the date of enactment of this Act, no Federal department or agency may use commercial databases to implement an individual screening program unless such program is—

(1) congressionally authorized; and

(2) subject to regulations developed by notice and comment that—

(A) establish a procedure to enable individuals, who suffer an adverse consequence because the screening system determined that they might pose a security threat, to appeal such determination and correct information contained in the system;

(B) ensure that Federal and commercial databases that will be used to establish the identity of individuals or otherwise make assessments of individuals under the system will not produce a large number of false positives or unjustified adverse consequences;

(C) ensure the efficacy and accuracy of all of the search tools that will be used and ensure that the department or agency can make an accurate predictive assessment of those who may constitute a threat;

(D) establish an internal oversight board to oversee and monitor the manner in which the system is being implemented;

(E) establish sufficient operational safeguards to reduce the opportunities for abuse;

(F) implement substantial security measures to protect the system from unauthorized access;

(G) adopt policies establishing the effective oversight of the use and operation of the system; and

(H) ensure that there are no specific privacy concerns with the technological architecture of the system.

(d) STUDY OF GOVERNMENT USE.—

(1) SCOPE OF STUDY.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and audit and prepare a report on Federal agency use of commercial databases, including the impact on privacy and security, and the extent to which Federal contracts include sufficient provisions to ensure privacy and security protections, and penalties for failures in privacy and security practices.

(2) REPORT.—A copy of the report required under paragraph (1) shall be submitted to Congress.

SEC. 604. IMPLEMENTATION OF CHIEF PRIVACY OFFICER REQUIREMENTS.

(a) DESIGNATION OF THE CHIEF PRIVACY OFFICER.—Pursuant to the requirements under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H of Public Law 108–447; 118 Stat. 3199) that each agency designate a Chief Privacy Officer, the Department of Justice shall implement such requirements by designating a department-wide Chief Privacy Officer, whose primary role shall be to fulfill the duties and responsibilities of Chief Privacy Officer and who shall report directly to the Deputy Attorney General.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF PRIVACY OFFICER.—In addition to the duties and responsibilities outlined under section 522 of the Transportation, Treasury, Independent Agencies, and General Government Appropriations Act, 2005 (Division H of Public Law 108–447; 118 Stat. 3199), the Department of Justice Chief Privacy Officer shall—

(1) oversee the Department of Justice's implementation of the requirements under section 603 to conduct privacy impact assessments of the use of commercial data containing personally identifiable information by the Department;

(2) promote the use of law enforcement technologies that sustain, rather than erode, privacy protections, and assure that the implementation of such technologies relating to the use, collection, and disclosure of personally identifiable information preserve the privacy and security of such information; and

(3) coordinate with the Privacy and Civil Liberties Oversight Board, established in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), in implementing paragraphs (1) and (2) of this subsection.

Mr. LEAHY. Mr. President, today we introduce the Specter-Leahy Personal Data Privacy and Security Act of 2005. Reforms are urgently needed to protect Americans' privacy and to secure their personal data. There have been steady waves of security breaches over the past 6 months, with the latest involving a database containing 40 million credit card numbers at a company that most Americans never knew existed.

These security breaches are a window on a broader, more challenging trend. Advanced technologies have improved our lives and can help make us safer. Private data about Americans has become a hot commodity. This personal and financial information about each of us suddenly is a treasure trove, valuable and vulnerable, but our privacy and security laws have not kept pace. The reality is that in the digital era, a robust market has developed for collecting and selling personal information. Today, all types of corporate and governmental entities routinely traffic in billions of digitized personal records about Americans.

The data broker market has exploded in size to meet this demand. Insecure databases are now low-hanging fruit for hackers looking to steal identities and commit fraud. We are seeing a rise in organized rings that target personal data to sell in online, virtual bazaars.

In this information-saturated age, the use of personal data has significant consequences for every American. People have lost jobs, mortgages and control over their credit and identities because personal information has been mishandled or listed incorrectly. This trend raises new threats to our personal security as well as to our privacy. In one disturbing case, a stalker purchased the Social Security number of a woman with whom he was obsessed, used that information to track her down. He killed her, and then shot himself.

Americans everywhere are wondering, "Why do all these companies have my personal information? What are they doing with it? Why aren't they protecting it better?" And they are right to wonder. It is time for Congress to catch up with the data market and to show the American people that we are aware of these threats and will protect the privacy and security of their personal information.

Chairman SPECTER and I have worked closely together over many months to craft comprehensive legislation to fix key vulnerabilities in our information economy. We thought through these issues carefully and took the time needed to develop well-balanced, focused legislation that provides strong protections where necessary. We also provide tough penalties and consequences for failing to protect Americans' most personal information. Reforms like these are long overdue. This issue and our legislation deserve to become a key part of this year's domestic agenda so that we can achieve some positive changes in areas that affect the everyday lives of Americans.

First, our bill requires data brokers to let people know what information they have about them, and to allow people to correct inaccurate information. These principles have precedent from the credit report context, and we have adapted them in a way that makes sense for the data brokering industry. It's a simple matter of fairness.

Second, we would require companies that have databases with personal information on Americans to establish and implement data privacy and security programs. Any company that wants to be trusted by the public in this day and age must vigilantly protect databases housing Americans' private data. They also have a responsibility in the next link in the security chain, to make sure that contractors hired to process data are on the up-and-up and secure. This is critical as Americans' personal information is increasingly processed overseas.

Third, our bill requires notice when sensitive personal information has been compromised. The American people have a right to know when they are at risk because of corporate failures to protect their data, or when a criminal has infiltrated data systems. The notice rules in our bill were crafted carefully to ensure that the trigger for notice is tied to risk and to recognize important fraud prevention techniques that already exist. But our priority was making sure that victims have that critical information as a roadmap providing the assistance necessary to protect themselves, their families and their financial well-being.

Fourth, our bill provides tough new protections for Social Security numbers, which are the keys to unlocking so much of our financial and personal lives. The use of Social Security numbers has expanded well beyond the intended purposes. Some uses provide important benefits, but others have made Americans vulnerable. Social Security numbers are for sale online for small fees. Earlier this year, it was reported that a payroll and benefits company put the Social Security numbers of 1,000 workers on postcards—on postcards—brazenly visible for anyone to see. Worse still, those postcards described in detail how those Social Security numbers could be used to access employee benefits online. This is unacceptable, and this bill would make that kind of disregard and sloppiness illegal.

Finally, our bill addresses the government's use of personal data. We are living in a world where the government is increasingly looking to the private sector to get personal data that it could not legally collect on its own without oversight and appropriate protections. So ingrained has the data broker-government partnership become that a ChoicePoint executive stated, "We do act as an intelligence agency, gathering data, applying analytics." While these relationships can help protect us, there must be oversight and appropriate protections.

The recent decision to award ChoicePoint an IRS contract highlights this tension. It is especially galling right now to be rewarding firms that have been so careless with the public's confidential information. The dust has not yet settled and the investigations are incomplete on ChoicePoint's lax security practices. We should at least take a pause before rewarding such missteps with even more government contracts. This bill would place privacy and security front and center in evaluating whether data brokers can be trusted with government contracts that involve sensitive information about the American people. It would require contract reviews that include these considerations, audits to ensure good practice, and contract penalties for failure to protect data privacy and security.

The Specter-Leahy legislation meets other key goals. It provides tough monetary and criminal penalties for compromising personal data or failing to provide necessary protections. This creates an incentive for companies to protect personal information, especially when there is no commercial relationship between individuals and companies using their data.

Our legislation also carefully balances the need for Federal uniformity and State leadership. States are often on the forefront of protecting privacy and spurring change. The California security breach law has been an important lesson. My State of Vermont was among the first—if not the first—to require individual consent before sharing financial information with third parties, and to require a person or business to obtain consent from individuals before reviewing their credit reports. The role of States is important, and our bill identifies areas that require uniformity while leaving the States free to act elsewhere as they see fit. We also would authorize an additional $100 million over 4 years to help state law enforcement fight misuse of personal information.

This is a solid bill—a comprehensive bill—that not only deals with providing Americans notice when they have already been hurt, but also deals with the underlying problem of lax security and lack of accountability in dealing with their most personal and private information.

I commend Senator SPECTER for his leadership on this emerging problem. A number of us have been working on these issues—Senator FEINSTEIN, Senator NELSON, Senator CANTWELL and Senator SCHUMER, among others. I appreciate and recognize their hard work and look forward to making progress together. I am pleased to work closely with Senator SPECTER on this and believe that we have a bill that significantly advances the ball in protecting Americans.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

Mr. FEINGOLD. Mr. President, I am proud to join the chairman and the ranking member of the Senate Judiciary Committee in cosponsoring the Personal Data Privacy and Security Act of 2005. This bill is a much-needed solution to the daunting problem of ensuring the privacy and the security of our personal data, which has become such a precious commodity.

As we enter the 21st century, several forces are converging to make our personal information more valuable—and vulnerable—than ever. The world is going digital, and so is our personal data. In this day and age, almost everything we do results in a third party creating a digital record about us—digital records that we may not even realize exist. We seek the convenience of opening bank accounts and making major purchases over the Internet, often without ever speaking to another person face to face or even over the telephone, making identity theft easier and more lucrative. Businesses, nonprofits and even political parties are personalizing their messages, products and services to a degree we've never seen before, and they are willing to invest significant amounts of money in collecting personal information about potential customers or donors. And we are living in an age where identity-based screening and security programs can be vitally important, resulting in more information being collected about individuals in an attempt to identify them accurately.

As a result, personal information has become a hot commodity that is bought, sold, and—as so often happens when something becomes valuable—stolen.

We are at a crossroads. We all know about the security breaches that have been on the front pages of newspapers all over the country for the past 6 months. They have placed the identities of hundreds of thousands of Americans at risk.

But this is about much more than just information security. Until California law required ChoicePoint to notify individuals that their information was compromised and they might be vulnerable to identity theft, many Americans had never heard of this company. As news stories focused on the data broker business, many Americans were surprised to discover that companies are creating digital dossiers about them that contain massive amounts of information, and that these companies sell that information to commercial and government entities. The revelations about these security breaches highlighted the fact that Americans need a better understanding of what happens to their information in a digital world—and what kind of consequences they can face as a result.

When I am back home in Wisconsin, I hear from people who do not understand why companies have the right to sell their sensitive personal information. I hear from people who are shocked to discover that personal information about them is available for free on the Internet.

There is no question that data aggregators facilitate societal benefits, allowing consumers to obtain instant credit and personalized services, and police officers to locate suspects. But these companies also gather a great deal of potentially sensitive information about individuals, and in many instances they go largely unregulated.

Too many of my constituents feel they have lost control over their own information. Congress must return some power to individual Americans so that we can all better understand and manage what happens to our own personal data.

The Personal Data Privacy and Security Act takes a comprehensive approach to the privacy and security problems we face. It gives consumers back some control over their own information. The bill requires data brokers to allow consumers to access their own information, and to investigate when consumers tell them that corrections are necessary. And it requires companies to give notice to affected consumers and to law enforcement if there is a serious security breach, so that individuals know their identity may be at risk and can take steps to protect themselves.

In addition, the bill increases penalties for those who steal our identities. It provides grants to State and local law enforcement to help them combat data fraud and related crimes. It requires companies that buy and sell information to have appropriate data security systems in place. It provides protection to Social Security numbers by prohibiting the sale, purchase or display of Social Security numbers, with certain exceptions, and preventing companies from requiring customers to provide their Social Security numbers in order to purchase goods or services. These protections will help safeguard against future privacy violations and security breaches in the commercial data industry. But that is not all this bill accomplishes.

The bill also contains some critically important privacy and security provisions to govern the Government's use of commercial data. This is an aspect of the data broker business that has not yet gotten as much attention in the wake of the recent security breaches. The information gathered by these companies is not just sold to individuals and businesses; Government agencies of all stripes also buy or subscribe to information from commercial sources. The most recent example was the discovery that the Pentagon has a contract with a marketing firm to analyze commercial and other data about high school and college students.

While I believe the Government should be able to access commercial databases in appropriate circumstances, there are few existing rules or guidelines to ensure this information is used responsibly. Nor are there restrictions on the use of commercial data for powerful, intrusive data mining programs, an issue I have been particularly concerned about. The Privacy Act, which governs when Government agencies themselves are collecting data, does not apply because the information is held outside the Government and is not gathered solely at Government direction.

As a result, there is a great deal we do not know about Government use of commercial data, even in clearly appropriate circumstances such as when the agency's goal is simply to locate an individual already suspected of a crime.

We don't know under what circumstances Government employees can obtain access to these databases or for what purposes. We don't know how Government agencies evaluate the accuracy of the databases to which they subscribe, or how the accuracy level affects government use of the data. We don't know how employees are monitored to ensure they do not abuse their access to these databases, or how those who misuse the information are punished. And we don't know how Government agencies, particularly those engaged in sensitive national security investigations, ensure that the data brokers cannot keep records of who the Government is investigating, records which themselves could create a huge security risk in light of the vulnerabilities that have come to the forefront in recent months.

That is why I am so pleased that this bill includes provisions to address the Government's use of commercial data. A comprehensive approach to data privacy and security would be incomplete without taking on this piece of the puzzle. The bill recognizes there are many legitimate reasons for Government agencies to obtain commercially available data, but that they need to be subject to privacy and security protections. It takes a commonsense approach, pushing Government agencies to take basic steps to ensure that individuals' personal information is secure and only used for legitimate purposes, and that the commercial information the Government is paying for and relying on is accurate and complete.

Specifically, the bill would require that Federal agencies that subscribe to commercial data adopt standards governing its use. These standards would reflect long-standing basic privacy principles. The bill would ensure that Government agencies consider and determine which personnel will be permitted to access the information and under what circumstances; develop retention policies for this personal data and get rid of data they no longer need, minimizing the opportunity for abuse or theft; rely only on accurate and complete data, and penalize vendors who knowingly provide inaccurate information to the Federal Government; provide individuals who suffer adverse consequences as a result of the agency's reliance on commercial data with a redress mechanism; and establish enforcement mechanisms for those privacy policies.

The bill also extends to other screening programs the existing protections that already are in place to govern the Transportation Security Administration's possible use of commercial data for its identity-based airline passenger screening program, Secure Flight. If the Federal Government is going to rely on commercial data to screen Americans and decide whether to permit them to travel by air or engage in other common activities, it should do so only subject to explicit congressional authorization, as this bill provides. In addition, agencies should have to provide a redress process for those wrongly affected, and should have to operate under rules that govern the access, use, disclosure, accuracy and retention of that data.

The bill also directs the General Services Administration to review Government contracts for commercial data to make sure that vendors have appropriate security programs in place, and that they do not provide information to the Government that they know to be inaccurate. And it requires agencies to audit the information security practices of their vendors.

These are basic good Government measures. They guarantee that the Federal Government is not wasting money on inaccurate data, and that vendors are undertaking the security programs that they have promised and for which the Government is paying.

We live in a new digital world. The law may never fully keep up with technology, but we must make every effort we can. I am proud to be involved in this comprehensive, reasoned approach to privacy and security. I congratulate Chairman SPECTER and Ranking Member LEAHY for their excellent work on this bill. This bill is important and it deserves very serious consideration by the Senate.

By Mr. CORNYN (for himself, Mrs. LINCOLN, Mrs. HUTCHISON, Mr. TALENT, Mr. SANTORUM, Mr. COLEMAN, Mr. ISAKSON, Mr. ROBERTS, Mr. BROWNBACK, Mr. BOND, Mr. HATCH, Mr. ALLARD, Mr. ALEXANDER, Mr. MARTINEZ, and Mr. PRYOR):

S. 1333. A bill to amend the Agricultural Marketing Act of 1946 to establish a voluntary program for country of origin labeling of meat, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. CORNYN. Mr. President, I rise today to introduce the Meat Promotion Act of 2005.

This legislation is long overdue. When implemented, it will help assist our producers of cattle, pork, and other livestock to market and promote their products as born and raised in the United States. This proposal provides an efficient and effective solution to the country-of-origin labeling dilemma.

The Meat Promotion Act of 2005 will benefit U.S. food producers by promoting American-grown foods. This bipartisan effort is widely supported by producers, processors, and retailers as a means to finally move country-of-origin labeling forward.

This legislation provides for USDA implementation of a labeling program that will be similar to the many voluntary labeling programs that currently exist. Hundreds of programs that label products by region, state, and U.S. brand have already proven their value for producers and consumers alike. The Meat Promotion Act will put the marketplace in charge by allowing producers to meet consumer demand. Where that demand is demonstrated, more products labeled with country-of-origin will become available.

Country-of-origin labeling has been an issue in the Senate for quite awhile, and yet, after all this time, we're no closer to promoting U.S. products than we were a decade ago. In reviewing the storied history of this issue, it's clear that there is not a shortage of viewpoints. One view overwhelmingly vocalized is that U.S. producers of beef and pork want to market and promote their products as born and raised in the United States of America. They are proud of what they produce, and they should be: the U.S. produces the safest, most abundant food supply at the most affordable price, and our livestock producers want to capture the value they add to the market.

But just like every other debate in Washington, the debate over country-of-origin labeling has been about the means to accomplish the goal. It is not that we are fighting about whether or not promoting U.S. product is a good idea. We are fighting about how to do it. Some in the U.S. Senate and some around the country have said: "If it isn't mandatory, it's not labeling," or that the current mandatory labeling law that passed in the 2002 Farm Bill is the only way labeling will work. I strongly disagree.

The current mandatory law is an example of a good idea gone awry. The warning signs of the negative impact of this law have long been on the horizon. On a number of occasions the Government Accountability Office published reports and studies, and testified before Congress about the burdens of mandatory country-of-origin labeling.

In 1999—3 years before the current mandatory labeling law was passed—GAO testified before Congress that "There is going to be significant costs associated with compliance and enforcement" of mandatory labeling. At that same hearing, a representative of the Clinton administration testified that "There are a variety of regulatory regimes for country-of-origin labeling that could be adopted."

In 2000, the GAO released another study indicating that "U.S. Packers, processors, and grocers would, to the extent possible, pass their compliance costs back to their suppliers—U.S. cattle and sheep ranchers—in the form of lower prices or forward to consumers in the form of higher retail prices."

As if that was not enough, again in 2000, the USDA under President Clinton released another report which stated: "[C]ountry-of-origin labeling is certain to impose at least some costs on an industry which will either be passed back to producers in the form of lower prices or forward to consumers via higher prices. There would also be compliance and enforcement cost to the government. The extent of these costs would vary depending on the nature of the regulatory scheme and the amount of enforcement and compliance action."

Yet despite the warning signs, the current law passed as part of the 2002 Farm Bill.

When USDA issued the proposed rule, it contained a cost-benefit analysis that said implementation could cost up to $4 billion—with no quantifiable benefit. The rule was followed by a letter from the Director of Office of Information and Regulatory Affairs, Dr. John Graham, which said "this is one of the most burdensome rules to be reviewed by this administration."

And so, I am not surprised by how upset many of my constituents are, and that they have come asked me to do something about the burdens this law imposes on them. They ask: "How can something so popular, like marketing and promoting U.S. products be so expensive?" I am introducing this bill to help relieve that burden.

There has to be a better way to market and promote U.S. products, and I believe the Meat Promotion Act of 2005 will provide a better solution.

Some have said that voluntary labeling is like a voluntary speed limit—that it won't work. On what basis do they make that claim? Products like Certified Angus Beef, Angus Pride, Rancher's Reserve: these are all labeled on a volunteer basis under existing USDA programs. If producers want to have their products labeled, then they should participate in a voluntary labeling program rather than impose a costly burden on entire segments of our Nation's economy.

Others have argued that this is about food safety. Let's not kid ourselves: country-of-origin labeling is a product-marketing program, period. The security of our Nation's food supply is assured by a science-based, food-safety inspection system, not by labeling programs. In fact, the mandatory labeling law exempts food service and poultry. If this debate is about food safety, why are all poultry and the majority of beef imports for foodservice allowed an exemption? These exemptions clearly demonstrate food safety is not at issue.

Some have also pointed to the mandatory labeling law now in effect on seafood and fish, saying that the sky has not fallen on those industries. That is subject to interpretation. GAO analysis of the seafood provisions of the mandatory labeling law shows that the seafood industry could face up to $89 million in start-up costs and up to $6.2 million in additional costs in year 10 of the program. Likewise, USDA estimated total recordkeeping at $44.6 million for the first year and $24.4 million in subsequent years. The Office of Management and Budget found the rule to be an "economically significant" regulatory action and USDA believes the rule would adversely affect—in a substantial way—a key sector of the economy. GAO B-294914.

What do these numbers mean in a practical way? It means that these expenses are paid for out of the pockets of hardworking Americans, to fund a program that could be more efficient, more effective, and less costly.

I stand with the livestock producers that want to market and promote the products they are proud to raise. I believe they should be able to market and promote their products as born, raised, and processed in the United States, and I believe the Meat Promotion Act of 2005 provides the most effective and efficient opportunity for them to do so.

while adding value to their bottom line and helping the economy of rural America.

By Mr. BUNNING (for himself and Mr. STEVENS):

S. 1334. A bill entitled "The Professional Sports Integrity and Accountability Act"; to the Committee on Commerce, Science, and Transportation and the Committee on Finance.

Mr. STEVENS. Mr. President, I am pleased to support the efforts of my colleague Senator BUNNING in holding professional sports leagues in the United States to a higher standard with respect to testing their athletes for performance-enhancing drugs. Senator BUNNING's bill, "The Professional Sports Integrity and Accountability Act," is another step toward holding professional sports leagues accountable as custodians of our Nation's pastimes. I have cosponsored a similar bill with Senator MCCAIN, and I look forward to working with both of them in the effort to rid professional sports of performance-enhancing drugs and setting a positive example for our youth who are using these substances at an alarming rate.

Over the past few years, the Commerce Committee has taken a series of actions to review the issue of performance-enhancing drug use at all levels of athletic competition, professional and amateur. The results of that review have been alarming. The evidence is clear that an increasing number of young amateur and U.S. Olympic athletes are using these substances for a multitude of reasons, but primarily to enhance athletic performance. Some experts suggest that many of these young athletes seek to emulate their professional sports heroes and are drawn to whatever it takes to achieve similar athletic greatness. For those skeptics who question this link and doubt the powerful effect that athletes have on the lives of kids, I remind them of the five-fold increase in the sales of the steroid-like substance androstenedione—better known as "andro"—that occurred after Mark McGwire admitted to using the substance in 1998 while chasing Major League Baseball's home run record. Since then, the problem of harmful supplement use among children and teenagers has reached epidemic proportions.

In 2004, more than 300,000 high school students used anabolic steroids, which are scheduled as a controlled substances in the United States. Evidence shows that teenagers are using these substances not only for athletic performance enhancement, but also for vanity. Recent news reports have indicated that when surveyed, an estimated 5 percent of high school girls and 7 percent of middle school girls admitted using anabolic steroids at some point in their lives. Steroid use has doubled among high school students since the early 1990s.

The adverse health consequences associated with such use are indisputable. Medical experts warn that the effects on children and teenagers include stunted growth, scarring acne, hormonal imbalances, liver and kidney damage, as well as an increased risk of heart disease and stroke later in life. Psychologically, steroids have been associated with increased aggression, suicide, and a greater propensity to commit serious crimes.

Notwithstanding the dire health effects of anabolic steroids or steroid-like substances, the use of any performance-enhancing substance for the sole purpose of gaining a competitive edge over an opponent is unfair. Professional sports leagues must be held to the highest standard and be held accountable to their players, American consumers who pay to see a fair competition on the playing field, and the young athletes who are led by the example of professional athletes.

By Mr. DODD (for himself, Mr. KENNEDY, Mr. KERRY, and Mr. BINGAMAN):

S. 1335. A bill to amend title XVIII of the Social Security Act to preserve access to appeals before administrative law judges under the medicare program; to the Committee on Finance.

Mr. DODD. Mr. President, I rise today to introduce the Justice for Medicare Beneficiaries Act of 2005, legislation that will ensure that Medicare beneficiaries who are denied health-related benefits can appeal these denials in a meaningful way. Very simply, this initiative will ensure that Medicare beneficiaries have access to timely, impartial, and in-person hearings before Administrative Law Judges.

Sec. 931 of the Medicare Prescription Drug, Improvement, and Modernization Act requires the transfer of the Medicare appeals process from the Social Security Administration (SSA) to the Department of Health and Human Services (HHS). A proposed rule recently put forth indicates that current HHS plans to bring about this transfer will significantly and negatively affect Medicare beneficiaries' ability to seek redress from the denial of benefits such as access to prescription medicines, home health services, and services provided at skilled nursing facilities.

Specifically, the Administration's proposed transfer plan, slated to go into effect in only a handful of days on July 1, will reduce the number of sites where these appeal hearings can take place to four from the more than 140 sites currently operating nationwide. Today, Medicare beneficiaries that have filed coverage appeals are granted a hearing before an Administrative Law Judge (ALJ). Under the proposed transfer plan, Medicare beneficiaries will now have their hearings heard via video- or teleconference (VTC) and will only be allowed to appear in person by request and if HHS determines that "special or extraordinary circumstances exist." Moreover, beneficiaries granted an in-person hearing would not be assured that their cases would be heard within the 90-day window currently mandated by law. Lastly, the proposed transfer plan will endanger the independence and impartiality of Administrative Law Judges by requiring them to defer to program guidance provided by the Centers for Medicare and Medicaid Services (CMS) rather than on the Medicare statute and regulations, as they currently do.

Central to our system of justice is the right of aggrieved parties to appear before an impartial judge in person to have their cases heard. Appearing face-to-face before an impartial trier of fact is the best way to ensure that a full and fair hearing occurs. In person hearings allow parties to fully make their case. At the same time, they allow judges to best evaluate the demeanor and condition of the parties, and other aspects of a case. The Administration's proposed rule transferring the Medicare appeals process from SSA to HHS greatly endangers this right by gutting the current practice of guaranteeing the right of Medicare beneficiaries to appear in person before an ALJ when having their appeals heard and instead will now presume that these hearings will be heard via video- or teleconference.

Often when we talk about the denial of Medicare benefits, we are talking about the denial of services that literally have the ability to save lives. Medicare provides a critical safety net for millions of elderly and disabled beneficiaries and the proposed transfer plan's almost wholesale reliance on novel VTC technology may endanger the ability of many Medicare beneficiaries to accurately and personally portray the severity of their own health conditions.

The Justice for Medicare Beneficiaries Act of 2005 will ensure those Medicare beneficiaries that have filed coverage appeals have access to timely, impartial, and in-person hearings before Administrative Law Judges. Specifically, this initiative will ensure that Medicare appeals will be heard in person before an ALJ, as they presently are. While all Medicare beneficiaries will be entitled to appear in person for their hearing, any beneficiary may choose to have their hearing heard via video- or teleconference.

The legislation that I introduce today is in no way designed to prevent the adoption of the promising technology represented by VTC. Rather, this initiative simply seeks to preserve the critically important ability of Medicare beneficiaries to appear before the very judges charged with hearing their coverage appeals. By preventing the great majority of Medicare beneficiaries from appearing in person before the judge hearing their Medicare appeals, the Administration's proposed plan will greatly harm their ability to accurately and completely present all of the facts relevant to their case. And while I understand that many Medicare beneficiaries will choose to have their appeals heard via either video- or teleconference, I believe that we must preserve for Medicare beneficiaries the ability to appear in person before a judge when their cases are heard.

The legislation will also require that all Medicare coverage appeal hearings, regardless of whether a Medicare beneficiary appears in person or chooses to appear via video- or teleconference, will be heard within 90 days as mandated by the Benefits Improvement and Protection Act of 2000. All Medicare beneficiaries deserve to have their appeals heard in a timely manner regardless of whether their cases are heard in person or via utilizing VTC technology.

The Justice for Medicare Beneficiaries Act will also address the Administration's plans to reduce the number of sites where Medicare appeal hearings may be heard in person from the more than 140 sites currently available to four. This legislation will require at least one site for the hearing of in-person Medicare appeals in each state, the District of Columbia, and territory, with the nation's five largest states featuring two hearing sites geographically distributed throughout the state.

Lastly, this legislation will ensure the independence and impartiality of Administrative Law Judges by relieving them of the proposed transfer plan's mandate to grant "substantial deference" to CMS program guidance. Medicare beneficiaries appealing coverage decisions should be fully confident that the judges deciding their appeals are bound only by the merits of their case and not undue pressure from agency of administration interference.

I want to thank Senators KENNEDY, KERRY, and BINGAMAN for joining me in sponsoring this important initiative. The Justice for Medicare Beneficiaries Act is also supported by a number of national and local organizations dedicated to preserving the continued ability of Medicare beneficiaries to access needed health care services. Endorsing the legislation that I introduce today are the Center for Medicare Advocacy located in my own state of Connecticut, the National Health Law Program, the National Senior Citizens Law Center, the Medicare Advocacy Project of Vermont Legal Aid, the Medicare Advocacy Project of Greater Boston Legal Services, and the Senior Citizens' Law Office of Albuquerque, NM.

In Congress we far too rarely have the opportunity to stave off problems before they occur. Rather, too often we are forced to involve ourselves in matters only after they have already wreaked havoc on the lives of our constituents. With passage of the Justice for Medicare Beneficiaries Act of 2005, we have the opportunity to avoid the adverse impact that the Administration's proposed transfer plan will likely have on Medicare beneficiaries. This legislation will preserve for our nation's 41 million Medicare beneficiaries the ability to timely appear in person before judges who will impartially determine which health care services they're entitled to receive under Medicare. Medicare beneficiaries deserve no less than the vital protections offered by this act and I ask for the support of my colleagues for this critically important initiative.

By Mr. ENZI (for himself and Mr. BAUCUS):

S. 1337. A bill to restore fairness and reliability to the medical justice system and promote patient safety by fostering alternatives to current medical tort litigation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, I rise today along with my colleague Senator BAUCUS from Montana to introduce a bill that will help bring about a more reliable system of medical justice for all Americans.

In the last Congress, we had three robust debates on a critical issue—medical liability reform. Though a majority of the Members of this body wanted to begin working to pass legislation, we didn't have the 60 Senators necessary to invoke cloture and begin the real work on the bills. That was disappointing, because skyrocketing medical liability insurance premiums are forcing doctors to move their practices to States with better legal environments and lower premiums. This is endangering the availability of critical healthcare services in many areas of Wyoming and other states.

Throughout our debate, I heard many of my colleagues say that they wanted to work on this issue, but that they simply could not support the bill as it stood. While I disagreed with their positions then, I respected their opposition. I also trust that they sincerely wanted to help solve our Nation's medical liability and litigation crisis.

During those debates, I noticed something interesting. While we argued the "pros and cons" of the bills, no one stood up to defend our current system of medical litigation. In fact, even some of the lawyers in this body agreed that our medical litigation system needs reform.

Why didn't we hear anyone defend the merits of our current medical litigation system? It's because our system doesn't work. It simply doesn't work for patients or for healthcare providers.

Compensation to patients injured by healthcare errors is neither prompt nor fair. The randomness and delay associated with medical litigation does not contribute to timely, reasonable compensation for most injured patients. Some injured patients get huge jury awards, while many others get nothing at all.

Let's look at the facts. In 1991, a group of researchers published a study in the New England Journal of Medicine. The study, known as the Harvard Medical Practice Study, was the basis for the Institute of Medicine's estimate that nearly 100,000 people die every year from healthcare errors.

As part of their study, the researchers reviewed the medical records of a random sample of more than 31,000 patients in New York State. They matched those records with statewide data on medical malpractice claims. The researchers found that nearly 30 percent of injuries caused by medical negligence resulted in temporary disability, permanent disability or death. However, less than 2 percent of those who were injured by medical negligence filed a claim. These figures suggest that most people who suffer negligent injuries don't receive any compensation.

When a patient does decide to litigate, only a few recover anything. Only one of every ten medical malpractice cases actually goes to trial, and of those cases, plaintiffs win less than one of every five. In addition, patients who file suit and are ultimately successful must wait a long time for their compensation—the average length of a medical malpractice action filed in state court is about 30 months.

While the vast majority of malpractice cases that go to trial are settled before the court hands down a verdict, the settlements even then don't guarantee that patients are compensated fairly, particularly after legal fees are subtracted. Research shows that for every dollar paid in malpractice insurance premiums, about 40 cents in compensation is actually paid to the plaintiff—the rest goes for legal fees, court costs, and other administrative expenditures.

To sum up: most patients injured by negligence don't file claims or receive compensation. Few of those that do file claims and go to court recover anything, and those who are successful wait a long time for their compensation. And those who settle out of court end up receiving only 40 cents for every dollar that healthcare providers pay in liability insurance premiums.

It's hard to say that our medical litigation system does right by patients in light of those facts. Unfortunately, our system doesn't work for healthcare providers either.

Earlier, I spoke about those Harvard researchers who found that fewer than 2 percent of those who were injured by medical negligence even filed a claim. As they reviewed the medical records for their study, the researchers also found another interesting fact—most of the providers against whom claims were eventually filed were not negligent at all.

That's right—most providers who were sued had not committed a negligent act.

In matching the records they reviewed to data on malpractice claims, the Harvard researchers found 47 actual malpractice claims. In only 8 of the 47 claims did they find evidence that medical malpractice had caused an injury. Even more amazingly, the physician reviewers found no evidence of any medical injury, negligent or not, in 26 of the 47 claims. However, 40 percent of these cases where they found no evidence of negligence nonetheless resulted in a payment by the provider. Basically, the researchers found no positive relationship between medical negligence and compensation.

That study was based on 1984 data. The same group of researchers conducted another study in Colorado and Utah in 1992, and they found the same thing. As in the 1984 study, they found that only 3 percent of patients who suffered an injury as a result of negligence actually sued. And again, physician reviewers could not find negligence in most of the cases in which lawsuits were filed.

Now, I assume that the patients who sued had either an adverse medical outcome, or at least an outcome that was less satisfactory than the patient expected. But our medical litigation system is not supposed to compensate patients for adverse outcomes or dissatisfaction—it's supposed to compensate patients who are victims of negligent behavior. It's supposed to be a deterrent to substandard medical care.

It's not fair to doctors and hospitals that they must pay to defend against meritless lawsuits. Nor is it fair that they must face a choice between settling for a small sum, even if they aren't at fault, so that they avoid getting sucked into the whirlpool of our medical litigation system.

It's not hard to understand why physicians and hospitals and their insurers want to stay out of court. When they lose, the decisions are increasingly resulting in mega-awards based on subjective "non-economic" damages. The number of awards exceeding $1 million grew by 50 percent between the periods of 1994–1996 and 1999–2000. Today, more than half of all jury awards exceed $1 million.

As a result, when a patient suffers a bad outcome and sues, providers have an incentive to settle the case out of court, even if the provider isn't at fault. But is this how our medical litigation system is supposed to work—as a tool for shaking down our healthcare providers?

Let's face it—our medical litigation system is broken. It doesn't work for patients or providers. Even worse, it replaces the trust in the provider-patient relationship with distrust.

Then, when courts and juries render verdicts with huge awards that bear no relation to the conduct of the defendants, this destabilizes the insurance markets and sends premiums skyrocketing. This forces many physicians to curtail, move or drop their practices, leaving patients without access to necessary medical care. This is a particular problem in states like Wyoming, where we traditionally struggle with recruiting doctors and other healthcare providers.

Perhaps we could live with this flawed system if litigation served to improve quality or safety, but it doesn't. Litigation discourages the exchange of critical information that could be used to improve the quality and safety of patient care. The constant threat of litigation also drives the inefficient, costly and even dangerous practice of "defensive medicine."

Yes, indeed, defensive medicine is dangerous. A recent study found that one of every 1200 children who receive a CAT scan may die later in life from radiation-induced cancer. Knowing this puts a physician faced with anxious parents in a difficult situation. Does the doctor use his or her professional judgment and tell the parents of a sick child not to worry, or does the doctor order the CAT scan and subject the child to radiation that is probably unnecessary, just to provide some protection against a possible lawsuit?

We have a medical litigation system in which many patients who are hurt by negligent actions receive no compensation for their loss. Those who do receive compensation end up with about 40 cents of every premium dollar after legal fees and other costs are subtracted. And the likelihood and the outcomes of lawsuits and settlements bear little relation to whether or not a healthcare provider was at fault.

We like to say that justice is blind. With respect to our medical litigation system, I would say that justice is absent and nowhere to be found.

During our debates in the last Congress, I said that the current medical liability crisis and the shortcomings of our medical litigation system make it clear that it is time for a major change. I also said that regardless of how we voted, we all should work toward replacing the current medical tort liability scheme with a more reliable and predictable system of medical justice.

Today, Senator BAUCUS and I are introducing a bill that would help achieve that goal.

Most of us are familiar with the report on medical errors from the Institute of Medicine, also known as the IOM. Many of us may be less familiar with another report that the IOM published in 2003. That report is called "Fostering Rapid Advances in Healthcare: Learning from System Demonstrations."

Our Secretary of Health and Human Services at that time, Tommy Thompson, challenged the IOM to identify bold ideas that would challenge conventional thinking about some of the most vexing problems facing our healthcare system. In response, an IOM committee developed this report, which identified a set of demonstration projects that committee members felt would break new ground and yield a very high return-on-investment in terms of dollars and health.

Medical liability was one of the areas upon which the IOM committee focused. The IOM suggested that the federal government should support demonstration projects in the states. These demonstrations should be based on "replacing tort liability with a system of patient-centered and safety-focused non-judicial compensation."

The bill we are introducing today is in the spirit of this IOM report. This bill, the Fair and Reliable Medical Justice Act, would authorize funding for States to create demonstration programs to test alternatives to current medical tort litigation.

The funding to States under this bill would cover planning grants for developing proposals based on the models or other innovative ideas. Funding to States would also include the initial costs of getting the alternatives up and running.

The Fair and Reliable Medical Justice Act would require participating states and the Federal Government to collaborate in continuous evaluations of the results of the alternatives as compared to traditional tort litigation. This way, all States and the federal government can learn from new approaches.

By funding demonstration projects, I believe Congress could enable States to experiment with and learn from ideas that could provide long-term solutions to the current medical liability and litigation crisis.

In introducing this bill, I wanted to provide some alternative ideas that would contribute to the debate. As a result, the bill describes three models to which states could look in designing their alternatives.

For instance, a State could provide healthcare providers and organizations with immunity from lawsuits if they disclose an error that results in an injury and make a timely offer to compensate an injured patient for his or her actual net economic loss, plus a payment for pain and suffering if experts deem such a payment to be appropriate. This could give a healthcare provider who makes an honest mistake the chance to make amends financially with a patient, without the provider fearing that their honesty would land them in a lawsuit.

Another idea would be for a state to set up classes of avoidable injuries and a schedule of compensation for them, and then establish an administrative board to resolve claims related to those injuries. A scientifically rigorous process of identifying preventable injuries and setting appropriate compensation would be preferable to the randomness of the current system.

Still another option would be for a state to establish a special healthcare court for adjudicating medical malpractice cases. For this idea to work, the State would need to ensure that the presiding judges have expertise in and an understanding of healthcare, and allow them to make binding rulings on issues like causation compensation, and standards of care.

We already have specialized courts for complicated issues like taxes and highly charged issues like substance abuse and domestic violence. With all the flaws in our current medical litigation system, perhaps we should consider special courts for the complex and emotional issue of medical malpractice.

I believe one thing in our medical liability debate is absolutely clear—people are demanding change. The States are debating liability reform, and a number of states have enacted new laws. States are heeding this call for change, and Congress should support those efforts.

My own State, Wyoming, had had a number of lively legislative debates on medical liability reform over the past few years, but we have a constitutional amendment that prohibits limits on the amounts that can be recovered through lawsuits. The Wyoming Senate has considered bills recently to amend our State's constitution to create a commission on healthcare errors. That commission would have the power to review claims, decide if healthcare negligence had occurred, and determine the compensation for the death or injury according to a schedule or formula provided by law.

According to the key sponsor of these bills, Senator Charlie Scott, one of the biggest obstacles to passage is the uncertainty surrounding this new idea. No one has any basis for knowing what a proper schedule or formula for compensation would be. No one knows how much the system might cost, or how much injured patients would recover compared to what they recover now.

Senator Scott wrote me to say that federal support for finding answers to these questions might help the bill's sponsors sufficiently respond to the legitimate concerns of their fellow Wyoming legislators. We should be helping state legislators like Senator Scott develop thoughtful and innovative ideas such as the one he has proposed. That's one of the reasons I am offering this bill.

Clearly, the American people and their elected representatives have identified the need to reform our current medical litigation system. There is a real medical liability crisis, and Congress needs to act sooner rather than later.

My cosponsor Senator BAUCUS and I voted differently on medical liability reform in the last Congress, but we both agree that we ought to lend a hand to States that are working to change their current medical litigation systems and to develop creative alternatives that could work much better for patients and providers. The States have been policy pioneers in many areas—workers' compensation, welfare reform, and electricity deregulation, to name three. Medical litigation should be the next item on the agenda of the laboratories of democracy that are our 50 States.

No one questions the need to restore reliability to our medical justice system. But how do we begin the process? One way is to foster innovation by encouraging States to develop more rational and predictable methods for resolving healthcare injury claims. And that is what the Fair and Reliable Medical Justice Act aims to do.

In the long run, we would all be better off with a more reliable system of medical justice than we have today. I know that my fellow Senators recognize this, so I hope my colleagues on both sides of the aisle will work with me and Senator BAUCUS on this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1337

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair and Reliable Medical Justice Act".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to restore fairness and reliability to the medical justice system by fostering alternatives to current medical tort litigation that promote early disclosure of health care errors and provide prompt, fair, and reasonable compensation to patients who are injured by health care errors;

(2) to promote patient safety through early disclosure of health care errors; and

(3) to support and assist States in developing such alternatives.

SEC. 3. STATE DEMONSTRATION PROGRAMS TO EVALUATE ALTERNATIVES TO CURRENT MEDICAL TORT LITIGATION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. STATE DEMONSTRATION PROGRAMS TO EVALUATE ALTERNATIVES TO CURRENT MEDICAL TORT LITIGATION.

"(a) IN GENERAL.—The Secretary is authorized to award demonstration grants to States for the development, implementation, and evaluation of alternatives to current tort litigation for resolving disputes over injuries allegedly caused by health care providers or health care organizations.

"(b) DURATION.—The Secretary may award up to 10 grants under subsection (a) and each grant awarded under such subsection may not exceed a period of 5 years.

"(c) CONDITIONS FOR DEMONSTRATION GRANTS.—

"(1) REQUIREMENTS.—Each State desiring a grant under subsection (a) shall—

"(A) develop an alternative to current tort litigation for resolving disputes over injuries allegedly caused by health care providers or health care organizations that may be 1 of the models described in subsection (d); and

"(B) promote a reduction of health care errors by allowing for patient safety data related to disputes resolved under subparagraph (A) to be collected and analyzed by organizations that engage in voluntary efforts to improve patient safety and the quality of health care delivery.

"(2) ALTERNATIVE TO CURRENT TORT LITIGATION.—Each State desiring a grant under subsection (a) shall demonstrate how the proposed alternative described in paragraph (1)(A)—

"(A) makes the medical liability system more reliable through prompt and fair resolution of disputes;

"(B) encourages the early disclosure of health care errors;

"(C) enhances patient safety; and

"(D) maintains access to liability insurance.

"(3) SOURCES OF COMPENSATION.—Each State desiring a grant under subsection (a) shall identify the sources from and methods by which compensation would be paid for claims resolved under the proposed alternative to current tort litigation, which may include public or private funding sources, or a combination of such sources. Funding methods shall to the extent practicable provide financial incentives for activities that improve patient safety.

"(4) SCOPE.—

"(A) IN GENERAL.—Each State desiring a grant under subsection (a) may establish a scope of jurisdiction (such as a designated geographic region, a designated area of health care practice, or a designated group of health care providers or health care organizations) for the proposed alternative to current tort litigation that is sufficient to evaluate the effects of the alternative.

"(B) NOTIFICATION OF PATIENTS.—A State proposing a scope of jurisdiction under subparagraph (A) shall demonstrate how patients would be notified that they are receiving health care services that fall within such scope.

"(5) PREFERENCE IN AWARDING DEMONSTRATION GRANTS.—In awarding grants under subsection (a), the Secretary shall give preference to States—

"(A) that have developed the proposed alternative through substantive consultation with relevant stakeholders; and

"(B) in which State law at the time of the application would not prohibit the adoption of an alternative to current tort litigation.

"(d) MODELS.—

"(1) IN GENERAL.—Any State desiring a grant under subsection (a) that proposes an alternative described in paragraph (2), (3), or (4) shall be deemed to meet the criteria under subsection (c)(2).

"(2) EARLY DISCLOSURE AND COMPENSATION MODEL.—In the early disclosure and compensation model, the State shall—

“(A) require that health care providers or health care organizations notify a patient (or an immediate family member or designee of the patient) of an adverse event that results in serious injury to the patient, and that such notification shall not constitute an acknowledgment or an admission of liability;

“(B) provide immunity from tort liability to any health care provider or health care organization that offers in good faith to pay compensation in accordance with this section to a patient for an injury incurred in the provision of health care services (limited to claims arising out of the same nucleus of operative facts as the injury, and except in cases of fraud related to the provision of health care services, or in cases of criminal or intentional harm);

“(C) set a limited time period during which a health care provider or health care organization may make an offer of compensation benefits under subparagraph (B), with consideration for instances where prompt recognition of an injury is unlikely or impossible;

“(D) require that the compensation provided under subparagraph (B) include—

“(i) payment for the net economic loss of the patient, on a periodic basis, reduced by any payments received by the patient under—

“(I) any health or accident insurance;

“(II) any wage or salary continuation plan; or

“(III) any disability income insurance;

“(ii) payment for the non-economic damages of the patient, if appropriate for the injury, based on a defined payment schedule developed by the State in consultation with relevant experts and with the Secretary in accordance with subsection (g); and

“(iii) reasonable attorney's fees;

“(E) not abridge the right of an injured patient to seek redress through the State tort system if a health care provider does not enter into a compensation agreement with the patient in accordance with subparagraph (B) or if the compensation offered does not meet the requirements of subparagraph (D) or is not offered in good faith;

“(F) permit a health care provider or health care organization that offers in good faith to pay compensation benefits to an individual under subparagraph (B) to join in the payment of the compensation benefits any health care provider or health care organization that is potentially liable, in whole or in part, for the injury; and

“(G) permit any health care provider or health care organization to contribute voluntarily in the payment of compensation benefits to an individual under subparagraph (B).

“(3) ADMINISTRATIVE DETERMINATION OF COMPENSATION MODEL.—

“(A) IN GENERAL.—In the administrative determination of compensation model—

“(i) the State shall—

“(I) designate an administrative entity (in this paragraph referred to as the ‘Board’) that shall include representatives of—

“(aa) relevant State licensing boards;

“(bb) patient advocacy groups;

“(cc) health care providers and health care organizations; and

“(dd) attorneys in relevant practice areas;

“(II) set up classes of avoidable injuries, in consultation with relevant experts and with the Secretary in accordance with subsection (g), that will be used by the Board to determine compensation under clause (ii)(II);

“(III) modify tort liability, through statute or contract, to bar negligence claims in court against health care providers and health care organizations for the classes of injuries established under subclause (II), except in cases of fraud related to an injury, or in cases of criminal or intentional harm;

“(IV) outline a procedure for informing patients about the modified liability system described in this paragraph and, in systems where participation by the health care provider, health care organization, or patient is voluntary, allow for the decision by the provider, organization, or patient of whether to participate to be made prior to the provision of, use of, or payment for the health care service;

“(V) provide for an appeals process to allow for review of decisions; and

“(VI) establish procedures to coordinate settlement payments with other sources of payment;

“(ii) the Board shall—

“(I) resolve health care liability claims for certain classes of avoidable injuries as determined by the State and determine compensation for such claims;

“(II) develop a schedule of compensation to be used in making such determinations that includes—

“(aa) payment for the net economic loss of the patient, on a periodic basis, reduced by any payments received by the patient under any health or accident insurance, any wage or salary continuation plan, or any disability income insurance;

“(bb) payment for the non-economic damages of the patient, if appropriate for the injury, based on a defined payment schedule developed by the State in consultation with relevant experts and with the Secretary in accordance with subsection (g); and

“(cc) reasonable attorney's fees; and

“(III) update the schedule under subclause (II) on a regular basis.

“(B) APPEALS.—The State, in establishing the appeals process described in subparagraph (A)(i)(V), may choose whether to allow for de novo review, review with deference, or some opportunity for parties to reject determinations by the Board and elect to file a civil action after such rejection. Any State desiring to adopt the model described in this paragraph shall indicate how such review method meets the criteria under subsection (c)(2).

“(C) TIMELINESS.—The State shall establish timeframes to ensure that claims handled under the system described in this paragraph provide for adjudication that is more timely and expedited than adjudication in a traditional tort system.

“(4) SPECIAL HEALTH CARE COURT MODEL.—In the special health care court model, the State shall—

“(A) establish a special court for the timely adjudication of disputes over injuries allegedly caused by health care providers or health care organizations in the provision of health care services;

“(B) ensure that such court is presided over by judges with health care expertise who meet applicable State standards for judges and who agree to preside over such court voluntarily;

“(C) provide authority to such judges to make binding rulings on causation, compensation, standards of care, and related issues with reliance on independent expert witnesses commissioned by the court;

“(D) provide for an appeals process to allow for review of decisions; and

“(E) at its option, establish an administrative entity similar to the entity described in paragraph (3)(A)(i)(I) to provide advice and guidance to the special court.

“(e) APPLICATION.—

“(1) IN GENERAL.—Each State desiring a grant under subsection (a) shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require.

“(2) REVIEW PANEL.—

“(A) IN GENERAL.—In reviewing applications under paragraph (1), the Secretary shall consult with a review panel composed of relevant experts appointed by the Comptroller General.

“(B) COMPOSITION.—

“(i) NOMINATIONS.—The Comptroller General shall solicit nominations from the public for individuals to serve on the review panel.

“(ii) APPOINTMENT.—The Comptroller General shall appoint, at least 11 but not more than 15, highly qualified and knowledgeable individuals to serve on the review panel and shall ensure that the following entities receive fair representation on such panel:

“(I) Patient advocates.

“(II) Health care providers and health care organizations.

“(III) Attorneys with expertise in representing patients and health care providers.

“(IV) Insurers.

“(V) State officials.

“(C) CHAIRPERSON.—The Comptroller General, or an individual within the Government Accountability Office designated by the Comptroller General, shall be the chairperson of the review panel.

“(D) AVAILABILITY OF INFORMATION.—The Comptroller General shall make available to the review panel such information, personnel, and administrative services and assistance as the review panel may reasonably require to carry out its duties.

“(E) INFORMATION FROM AGENCIES.—The review panel may request directly from any department or agency of the United States any information that such panel considers necessary to carry out its duties. To the extent consistent with applicable laws and regulations, the head of such department or agency shall furnish the requested information to the review panel.

“(f) REPORT.—Each State receiving a grant under subsection (a) shall submit to the Secretary a report evaluating the effectiveness of activities funded with grants awarded under such subsection at such time and in such manner as the Secretary may require.

“(g) TECHNICAL ASSISTANCE.—

“(1) IN GENERAL.—The Secretary shall provide technical assistance to the States awarded grants under subsection (a).

“(2) REQUIREMENTS.—Technical assistance under paragraph (1) shall include—

“(A) the development of a defined payment schedule for non-economic damages (including guidance on the consideration of individual facts and circumstances in determining appropriate payment), the development of classes of avoidable injuries, and guidance on early disclosure to patients of adverse events; and

“(B) the development, in consultation with States, of common definitions, formats, and data collection infrastructure for States receiving grants under this section to use in reporting to facilitate aggregation and analysis of data both within and between States.

“(3) USE OF COMMON DEFINITIONS, FORMATS, AND DATA COLLECTION INFRASTRUCTURE.—States not receiving grants under this section may also use the common definitions, formats, and data collection infrastructure developed under paragraph (2)(B).

“(h) EVALUATION.—

“(1) IN GENERAL.—The Secretary, in consultation with the review panel established under subsection (e)(2), shall enter into a contract with an appropriate research organization to conduct an overall evaluation of the effectiveness of grants awarded under subsection (a) and to annually prepare and submit a report to the appropriate committees of Congress. Such an evaluation shall begin not later than 18 months following the date of implementation of the first program funded by a grant under subsection (a).

"(2) CONTENTS.—The evaluation under paragraph (1) shall include—

"(A) an analysis of the effect of the grants awarded under subsection (a) on the number, nature, and costs of health care liability claims;

"(B) a comparison of the claim and cost information of each State receiving a grant under subsection (a); and

"(C) a comparison between States receiving a grant under this section and States that did not receive such a grant, matched to ensure similar legal and health care environments, and to determine the effects of the grants and subsequent reforms on—

"(i) the liability environment;

"(ii) health care quality;

"(iii) patient safety; and

"(iv) patient and health care provider and organization satisfaction with the reforms.

"(i) OPTION TO PROVIDE FOR INITIAL PLANNING GRANTS.—Of the funds appropriated pursuant to subsection (k), the Secretary may use a portion not to exceed $500,000 per State to provide planning grants to such States for the development of demonstration project applications meeting the criteria described in subsection (c). In selecting States to receive such planning grants, the Secretary shall give preference to those States in which State law at the time of the application would not prohibit the adoption of an alternative to current tort litigation.

"(j) DEFINITIONS.—In this section:

"(1) HEALTH CARE SERVICES.—The term 'health care services' means any services provided by a health care provider, or by any individual working under the supervision of a health care provider, that relate to—

"(A) the diagnosis, prevention, or treatment of any human disease or impairment; or

"(B) the assessment of the health of human beings.

"(2) HEALTH CARE ORGANIZATION.—The term 'health care organization' means any individual or entity which is obligated to provide, pay for, or administer health benefits under any health plan.

"(3) HEALTH CARE PROVIDER.—The term 'health care provider' means any individual or entity—

"(A) licensed, registered, or certified under Federal or State laws or regulations to provide health care services; or

"(B) required to be so licensed, registered, or certified but that is exempted by other statute or regulation.

"(4) NET ECONOMIC LOSS.—The term 'net economic loss' means—

"(A) reasonable expenses incurred for products, services, and accommodations needed for health care, training, and other remedial treatment and care of an injured individual;

"(B) reasonable and appropriate expenses for rehabilitation treatment and occupational training;

"(C) 100 percent of the loss of income from work that an injured individual would have performed if not injured, reduced by any income from substitute work actually performed; and

"(D) reasonable expenses incurred in obtaining ordinary and necessary services to replace services an injured individual would have performed for the benefit of the individual or the family of such individual if the individual had not been injured.

"(5) NON-ECONOMIC DAMAGES.—The term 'non-economic damages' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), injury to reputation, and all other non-pecuniary losses of any kind or nature, to the extent permitted under State law.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary. Amounts appropriated pursuant to this subsection shall remain available until expended.".

Mr. BAUCUS. Mr. President, I rise today to join Senator ENZI in introducing the Fair and Reliable Medical Justice Act of 2005. We have debated the medical liability issue in this chamber for years now. But the Senate has failed to take action to make the situation better. We need to deal with the issue of rising liability costs, and I think this bill is a good place to start.

One of my top priorities in the Senate is ensuring appropriate access to affordable, quality health care. In a rural State such as Montana, where health care providers are often few and far between, that is a tall order. It is a job that is made all the harder by rising medical liability insurance premiums.

To ensure proper access to care, we need to make certain that our health care providers can afford their medical liability insurance. We also need to make sure that patients who are harmed by medical mistakes have access to timely, reasonable compensation for their injuries.

The Fair and Reliable Medical Justice Act promotes the testing of alternatives to current medical tort liability litigation. It aims to increase the number of injured patients who receive compensation for their injuries, and make such compensation more accurate and more timely, all at lower administrative costs than current systems. The bill also encourages patient safety by promoting disclosure of medical errors, unlike the current system which does not encourage disclosure.

The Fair and Reliable Medical Justice Act would establish State-based demonstration programs to help States test alternative systems of health care-related dispute resolution under three different models: early disclosure and compensation; administrative determination of compensation; and special health care courts. Under the bill, states may develop other alternative plans for resolving health care related disputes as well.

The first model involves a system of early disclosure, which encourages providers to disclose medical errors that harm patients and offer just compensation for injuries. This model would maintain patients' access to the traditional legal system if claims cannot be resolved by early disclosure, or in cases resulting from criminal or intentional harm or fraud.

The second model would establish a board made up of providers and health care organizations, advocates, and attorneys. The board would establish classes of avoidable injuries and determine compensation rates for each, including economic and non-economic losses, and attorneys' fees.

The third model involves special health care courts, presided over by judges with special health care expertise, and assisted by independent experts. The judges would be subject to the same criteria as other State judges and sit on the court voluntarily.

These models are based on innovative efforts currently underway in the private sector and in some States, where success is already being achieved. I think it is time for us to try to encourage more innovation and expand the range of options being considered. State-based demonstrations provide a great setting for experimentation and learning. The Institute of Medicine suggested as much in its 2002 report entitled "Fostering Rapid Advances in Health Care: Learning from System Demonstrations."

I thank Senator ENZI for his leadership on this issue. I am proud to have worked with him to develop legislation that I believe will enhance patient safety. It is unacceptable that around 100,000 Americans die annually as a result of medical errors. And it is unacceptable that many patients hurt by medical errors receive no compensation for their injuries

This bill is a good opportunity for us to make progress on both fronts—to look at the medical liability issue from a new perspective, through a set of commonsense pilot projects centered on improving patient safety. I urge my colleagues to support this important effort.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1338. A bill to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce a measure of benefit to my home State of Alaska, the Alaska Water Resources Act of 2005. The importance of water resource data collection to a State that has a resource-based economy cannot be overstated. Economic development is predicated on access to an adequate water supply, and in my State there is inadequate hydrologic data upon which to secure both economic development and the health and welfare of Alaskan citizens.

Alaska is an amazing State from a hydrological viewpoint. It is home to more than 3 million lakes—only about 100 being larger than 10 square miles—more than 12,000 rivers and uncounted thousands of streams, creeks and ponds. Together these water bodies hold about one-third of all the fresh water found in the United States.

Alaska is home to a number of large rivers. The Yukon, which originates in western Canada, runs 1,400 miles—discharging from 25,000 cubic feet of water per second in early spring to more than 600,000 cubic feet per second in May during the spring thaw. The Yukon drains roughly 330,000 square miles of Alaska and Canada, about one-third of the State. Besides the Yukon, Alaska is home to nine other major rivers and creeks all running more than 300 miles in length: the Porcupine, Koyukuk, Kuskokwim, Tanana, Innoko, Colville, Noatak, Kobuk and Birch Creek.

Alaska residents from early spring to fall face substantial flood threats, from spring flooding caused by breakup and ice damming to fall's heavy rains, but the State has fewer than 100 stream gaging stations operated by the U.S. Geological Survey—Alaska having less than 10 percent of the stream flow information that is taken for granted by all other States in the Nation. Alaska averages one working gage for each 10,000 square miles, while, as an example, Pacific Northwest States average one gage for each 365 square miles. To emphasize the lack of data now available for Alaska, I would point out that to equal the stream gage density of the Pacific Northwest States, my State would need to have over 1,600 total gage sites.

Alaska also supports the Nation's least modern and undeveloped potable water distribution system. Water for Alaska towns outside of the more densely populated "Railbelt" comes predominately from surface water sources Surface water sources often result in supply/storage problems since these surface sources freeze and are unavailable for up to half the year. The chances for water-borne contaminants to affect potable water supplies, including fecal matter from Alaska's plentiful wildlife populations, human waste from inadequate or nonexistent sewage treatment facilities, and natural mineral deposits (natural arsenic levels in mineralized zone creeks frequently exceeding EPA standards) are present and increasing. In areas that predominately depend on groundwater sources, such as the "Railbelt," there is only very limited knowledge of the nature and extent of the aquifers that support those critical groundwater supplies. Extensive permafrost further complicates the potential for adverse impacts to Alaska. In portions of Southcentral Alaska where there is a dependence on groundwater as the source for an adequate healthy water supply, the availability of that supply is starting to be in jeopardy. Allocations of water need to be based on scientific data, and the data needed upon which the allocations are made is unavailable. Users of water are only beginning to realize the potential conflicts that may arise, and the limits on future economic development that may result from inadequate knowledge of the water resource, particularly in the Matanuska-Susitna Borough, on the Kenai Peninsula and to a lesser extent in portions of the Municipality of Anchorage where groundwater provided by wells is a crucial part of the State's water distribution system and where there is little known about the size, capacity, extent and recharge capability of the aquifers that these wells tap.

Alaska, according to the Alaska Department of Environmental Conservation, still has some 16,000 homes in 71 generally Native villages not being served by piped water or enclosed water haul systems. There are still 55 villages in Alaska where up to 29 percent of the residents are not served by sanitary water systems, with more than 60 percent of residents not being served in 16 villages. Even though since Statehood the State and Federal governments have spent $1.3 billion on rural water-sanitation system improvements in Alaska, the state has an estimated need for nearly $650 million in additional funding to complete installation of a modern water-sanitation system.

Planning and engineering for those locations cannot be completed without better information as to the availability and extent of supply of water and better analysis of new technologies that could be used for water system installations, including possible desalination for some island and coastal communities.

For all these reasons, today I am introducing legislation authorizing the Department of the Interior's Commissioner of Reclamation and the Director of the U.S. Geological Survey to conduct a series of water resource studies in Alaska. The studies will include a survey of water treatment needs and technologies including desalination treatment, which may be applicable to the water resources development in Alaska. The study will review the need for enhancement of the National Streamflow Information Program administered by the U.S. Geological Survey. The Streamflow review will determine whether more stream gaging stations are necessary for flood forecasting, aiding resource extraction, determining the risk to the state's transportation system and for wildfire management. Groundwater resources will also be further evaluated and documented to determine the availability of water, the quality of that groundwater, and the extent of the aquifers in urban areas.

This type of study, already conducted for most all other Sates in the Nation, should help Alaska better plan and design water systems and transportation infrastructure and also better prepare for floods and summer wildfires.

There is literally "water, water everywhere" in Alaska, but too often, especially in communities such as Ketchikan that take water from surface sources, or the rapidly growing Mat-Su Valley, there may be less water to drink during unusually dry summers, There is a real and growing problem of maintaining an adequate supply of sufficient, pure water. This problem is only going to grow with a growing population and economy. This bill is designed to provide more information to help communities plan for future water needs and to help State officials plan for flood and fire safety concerns and economic development.

By Mr. LEAHY (for himself, Ms. COLLINS, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, Ms. CANTWELL, Mr. CARPER, Mr. ROCKEFELLER, Mr. CORZINE, Mr. DAYTON, Mr. REID, Mr. DODD, Mrs. CLINTON, Mr. DURBIN, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. KENNEDY, Mr. KOHL, Mr. OBAMA, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. SARBANES, Mr. SCHUMER, Mr. WYDEN, Mr. AKAKA, and Ms. SNOWE):

S.J. Res. 20. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act; to the Committee on Environment and Public Works.

Mr. LEAHY. Mr. President, along with Senator COLLINS and 28 of our colleagues, today I am introducing this resolution to halt the Bush administration's flawed and dangerous new rule on toxic mercury emissions. I am pleased that another leading cosponsor of this resolution is the ranking member of the Committee on Environment and Public Works, Senator JEFFORDS.

The Bush administration's new rule will continue to allow mercury, a substance so toxic that it causes birth defects and IQ loss, to continue to poison children and pregnant women. This disastrous rule should not be allowed to stand as the law of the land.

The bipartisan work that produced the Clean Air Act and the 1990 amendments established a process for us to begin cleaning up the toxic mercury spewing out of dirty power plants across the country. The 1990 amendments require the Environmental Protection Agency, EPA, to control each power plant's emissions of mercury and other toxics by 2008 at the latest. The act requires each plant to use the "maximum achievable control technology" on every generating unit. That is the law of the land. Anything less means more pollution.

But instead of working to enforce and implement the Clean Air Act, as two previous administrations had, the Bush administration has turned the Clean Air Act on its head. With this rule the administration revokes a 2000 EPA finding that it is "necessary and appropriate" to require that each power plant apply technology to reduce mercury emissions.

Let me repeat those plain, startling facts: By revoking the earlier EPA finding and deciding instead to coddle the biggest mercury polluters, the administration is saying it is no longer necessary or appropriate to adequately control mercury emissions. Although I am somewhat impressed that they can make this statement with straight faces, I am appalled at their audacious disregard for the health of the American people, and, like the scientific community, I am baffled by their gymnastic arguments.

The plain and simple truth is that this rule will allow more mercury into our environment than does the current law. Hundreds of the oldest, dirtiest power plants will not even control mercury emissions for more than a decade. That is what this rule gives us: More pollution, for longer than the Clean Air Act allows.

This rule is all the more shameful because the evidence of public health and environmental damage from mercury and other toxics is clear enough for action right now. We do not need to wait 10 or 20 years to know the facts about mercury's threats to human health. In fact EPA itself admits these threats. Look at EPA's own estimate of the number of newborns at risk of elevated mercury exposure, which has doubled to 630,000. EPA also found that 1 in 6 pregnant women has mercury levels in her blood above EPA's safe threshold. The National Academy of Sciences has confirmed scientific research showing that maternal consumption of unsafe levels of mercury in fish can cause neuro-developmental harm in children, resulting in learning disabilities, poor motor function, mental retardation, seizures and cerebral palsy.

Yet it seems the majority in Congress and this administration want to avoid any public daylight on this flawed rule. The Environment and Public Works Committee has refused to even hold a single hearing on this rule. Their aim is to keep the public in the dark, and I would guess that most Americans in fact do not yet know what EPA and the big polluters have been up to with this rule.

One reason for the administration's lack of candor clearly is the discovery that this rule has polluting industries' fingerprints all over it. EPA's first proposal for these rules lifted exact texts from memorandum provided by utility industry lobbyists. Another reason may be because the American people would find a process where the lobbyists are shut in and the public is shut out, where the scientific and economic analysis was manipulated, and where the public's health was ignored.

But the administration's arrogance does not stop there. EPA's own inspector general and the Government Accountability Office criticized almost every aspect of how EPA drafted this rule. Unfortunately, their recommendations to improve it were also ignored. So were more than 680,000 public comments—a record for any EPA rule. So were the comments of many state environment departments, attorneys general, doctors, educators, sportsmen groups and EPA's own advisory committees. And, although it should not come as a surprise after 4 years working with this administration, the comments of 45 Senate and 184 House members were also ignored.

Many of us in the Senate have spent the past 2 years—working with 3 different administrators—trying to make the administration follow the Clean Air Act and produce a rule that puts the public's health over the profits of special interests. A rule that heeds the science and encourages available technologies to solve this problem. They failed on all fronts, big time.

Instead they produced a rule that will do nothing for at least a decade, despite years of analysis by EPA showing the need for quick action. According to EPA's own regulatory impact analysis, we will be lucky if 1 percent of power plant capacity will have mercury controls by 2015, and only 3 percent by 2020.

As a Vermonter I know it is "appropriate and necessary" to limit the pollution plumes from grandfathered power plants. You cannot even see my state on EPA's maps showing mercury pollution because so much of it is being dumped on us from upwind power plants. Vermonters and New Englanders have been waiting for decades for EPA to take action so that our lakes can be cleaned up.

For all their talk of family values, the administration has yet again put the value of corporate contributions—not families—first. It is not a family value to tell a whole generation of women that their health is not important. It is not a family value to put another generation of young kids at risk of learning disabilities. These mercury rules do just that.

It is time to put people first, and to stop letting the big polluters and the special interests write the rules and run the show over at EPA.

This resolution will ensure that the health and safety of U.S. citizens are fully considered, before EPA rescinds its commitment to protect public health from the dangers of mercury pollution. To leave mercury pollution from power plants as the only source of toxic air pollution that is allowed to avoid rigorous emissions standards under the Clean Air Act is a risk to the public's health that we need not, and should not, accept.

I urge my colleagues to support this resolution.

SUBMITTED RESOLUTIONS

SENATE RESULTION 184—EXPRESSING THE SENSE OF THE SENATE REGARDING MANIFESTATIONS OF ANTI-SEMITISM BY UNITED NATIONS MEMBER STATES AND URGING ACTION AGAINST ANTI-SEMITISM BY UNITED NATIONS OFFICIALS, UNITED NATIONS MEMBER STATES, AND THE GOVERNMENT OF THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. SANTORUM (for himself, Mr. FEINGOLD, Mr. SMITH, Ms. COLLINS, Mr. COLEMAN, and Mr. VOINOVICH) submitted the following resolution: which was referred to the Committee on Foreign Relations

S. RES. 184

Whereas the United Nations Universal Declaration of Human Rights recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world";

Whereas United Nations General Assembly Resolution 3379 (1975) concluded that "Zionism is a form of racism and racial discrimination" and the General Assembly, by a vote of 111 to 25, only revoked Resolution 3379 in 1991 in response to strong leadership by the United States and after Israel made its participation in the Madrid Peace Conference conditional upon repeal of the resolution;

Whereas during the 1991 session of the United Nations Commission on Human Rights, the Syrian Ambassador to the United Nations repeated the outrageous "blood libel" that Jews allegedly have killed non-Jewish children to make unleavened bread for Passover and, despite repeated interventions by the Governments of Israel and the United States, this outrageous lie was not corrected in the record of the Commission for many months;

Whereas in March 1997, the Palestinian observer at the United Nations Commission on Human Rights made the contemptible charge that the Government of Israel had injected 300 Palestinian children with HIV (the human immunodeficiency virus, the pathogen that causes AIDS) despite the fact that an Egyptian newspaper had printed a full retraction to its earlier report of the same charges, and the President of the Commission failed to challenge this baseless and false accusation despite the request of the Government of Israel that he do so;

Whereas Israel was denied membership in any regional grouping of the United Nations until the year 2000, which prevented it from being a candidate for any elected positions within the United Nations system until that time, and Israel continues to be denied the opportunity to hold a rotating seat on the Security Council and it is the only member of the United Nations never to have served on the Security Council although it has been a member of the organization for 56 years;

Whereas Israel continues to be denied the opportunity to serve as a member of the United Nations Commission on Human Rights because it has never been included in a slate of candidates submitted by a regional grouping, and Israel is currently the only member of the Western and Others Group in a conditional status limiting its ability to caucus with its fellow members of this regional grouping;

Whereas the United Nations has permitted itself to be used as a battleground for political warfare against Israel led by Arab states and others, and 6 of the 10 emergency sessions of the United Nations General Assembly have been devoted to criticisms of and attacks against Israel;

Whereas the goals of the 2001 United Nations World Conference Against Racism were undermined by hateful anti-Jewish rhetoric and anti-Israel political agendas, prompting both Israel and the United States to withdraw their delegations from the Conference;

Whereas in 2004, the United Nations Secretary General acknowledged at the first United Nations-sponsored conference on anti-Semitism, that: "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time, the world must not—cannot—be silent.";

Whereas in 2004, the United Nations General Assembly's Third Committee for the first time adopted a resolution on religious tolerance that includes condemnation of anti-Semitism and "recognized with deep concern the overall rise in instances of intolerance and violence directed against members of many religious communities . . . including . . . anti-Semitism . . . ";

Whereas in 2005, the United Nations held an unprecedented session to commemorate the 60th anniversary of the liberation of the Auschwitz concentration camp;

Whereas democratic Israel is annually the object of nearly two dozen redundantly critical resolutions in the United Nations General Assembly, which rarely adopts resolutions relating to specific countries; and

Whereas the viciousness with which Israel is attacked and discriminated against at the United Nations should not be allowed to continue unchallenged: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) welcomes recent attempts by the United Nations Secretary General to address the issue of anti-Semitism;

(B) calls on the United Nations to officially and publicly condemn anti-Semitic statements made at all United Nations meetings and hold accountable United Nations member states that make such statements; and

(C) strongly urges the United Nations Educational, Scientific and Cultural Organization (UNESCO) to develop and implement education awareness programs about the Holocaust throughout the world as part of an effort to combat the rise in anti-Semitism and racial, religious, and ethnic intolerance; and

(2) it is the sense of the Senate that—

(A) the President should direct the United States Permanent Representative to the United Nations to continue working toward further reduction of anti-Semitic language and anti-Israel resolutions;

(B) the President should direct the Secretary of State to include in the Department of State's annual Country Reports on Human Rights Practices and annual Report on International Religious Freedom information on activities at the United Nations and its constituent bodies relating to anti-Semitism by each of the countries included in these reports; and

(C) the President should direct the Secretary of State to use projects funded through the Middle East Partnership Initiative and United States overseas broadcasts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

Mr. SANTORUM. Mr. President, I rise today to submit a resolution to express the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and to urge action against anti-Semitism by United Nations officials, United Nations member states, and the U.S. government. I am very pleased to be joined in this effort by Senators FEINGOLD, SMITH, COLLINS, COLEMAN, and VOINOVICH, who are original cosponsors of this legislation.

The past several years have revealed an upsurge in anti-Semitic violence around the world. We have seen incidences of it in Europe, the Middle East, and, unfortunately, even at the United Nations. While the United Nations Universal Declaration of Human Rights recognizes that "the inherent dignity and equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world," there are numerous examples of anti-Semitism and anti-Israel actions at the U.N. and by member states.

Allow me to list some examples of anti-Semitic and anti-Israel bias that have been included in the resolution. Clearly false accusations have been made against the Jewish people and the government of Israel at the U.N. Commission on Human Rights. These lies were not corrected for months or, in some cases, ever. Israel also continues to be denied the opportunity to hold a rotating seat on the Security Council, despite the fact that it has been a member of the organization for 56 years. It is the only member of the U.N. to be denied this seat. It continues to be denied the opportunity to serve as a member of the U.N. Commission on Human Rights. The goals of the 2001 U.N. World Conference Against Racism were undermined by anti-Jewish rhetoric and anti-Israel agendas, which led to both the U.S. and Israel withdrawing their delegations from the conference.

The resolution being submitted today delineates these examples of anti-Semitism, but it also welcomes the steps the U.N. has recently taken to address this problem and urges additional steps to be taken. In 2004, the U.N. Secretary General Kofi Annan acknowledged at the first U.N.-sponsored conference on anti-Semitism that, "It is clear that we are witnessing an alarming resurgence of this phenomenon in new forms and manifestations. This time the world must not—cannot—be silent." In 2004, a committee of the U.N. also adopted a resolution that condemned anti-Semitism and recognized the rise in incidences of intolerance and violence. Upon the 60th anniversary of the liberation of the Auschwitz concentration camps in 2005, the U.N. held an unprecedented session to commemorate the occasion.

However, the United Nations and its member states must go further in combating this menace. The resolution makes it clear that the United States Senate is committed to opposing anti-Semitism and calls on the U.N. to officially and publicly condemn anti-Semitic statements made at its meetings and to hold accountable member states that make such statements. The resolution urges educational awareness programs about the Holocaust to be implemented around the world to combat anti-Semitism, racism, and religious and ethnic intolerance. The U.S. Ambassador to the U.N. should also continue working to reduce anti-Semitic and anti-Israel language and resolutions.

Likewise, the resolution asks for action from the State Department. The U.S. State Department should include information on anti-Semitic activities at the U.N. and by member states in its annual human rights and religious freedom reports. These reports have been very useful in providing important information on the status of human rights and religious freedom around the world, and data on anti-Semitic activities falls clearly within the purpose of these reports. Lastly, the State Department should use projects funded through the Middle East Partnership Initiative and U.S. overseas broadcasts to educate Arab and Muslim countries about anti-Semitism, religious intolerance, and incitement to violence.

A similar resolution to this, introduced by Representatives ILEANA ROS-LEHTINEN and TOM LANTOS, passed the House of Representatives earlier this month by a vote of 409 to 2. I am hopeful that the Senate will similarly pass this resolution. It is time for the Senate to speak once more against the scourge of anti-Israel and anti-Semitic language and activity. This resolution will send a message to the United Nations and its member countries that we will require it to fight anti-Semitism. For this reason, I ask my colleagues to join me in supporting these efforts by cosponsoring this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1068. Mr. BURNS (for himself, Mr. CHAMBLISS, Mr. INHOFE, and Mr. BROWNBACK) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1069. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1070. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1071. Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TALENT, Mr. THUNE, Ms. COLLINS, Mrs. MURRAY, Mr. BYRD, Mrs. FEINSTEIN, Mrs. LINCOLN, Ms. CANTWELL, Ms. SNOWE, Mr. DEWINE, Mr. CORZINE, and Ms. LANDRIEU) proposed an amendment to amendment SA 1052 proposed by Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) to the bill H.R 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

SA 1072. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1073. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1074. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1075. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1076. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1068. Mr. BURNS (for himself, Mr. CHAMBLISS, Mr. INHOFE, and Mr. BROWNBACK) proposed an amendment to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 200, after line 2, add the following:

SEC. . (a) The Administrator of the Environmental Protection Agency shall conduct a thorough review of all third-party intentional human dosing studies to identify or quantify toxic effects currently submitted to the Agency under FIFRA to ensure that they:

(1) address a clearly defined regulatory objective;

(2) address a critical regulatory endpoint by enhancing the Agency's scientific data bases;

(3) were designed and being conducted in a manner that ensured the study was adequate scientifically to answer the question and ensured the safety of volunteers;

(4) was designed to produce societal benefits that outweigh any anticipated risks to participants;

(5) adhered to all recognized ethical standards and procedures in place at the time the study was conducted; and

(6) are consistent with section 12(a)(2)(P) of the Federal Insecticide, Fungicide, and Rodenticide Act and all other applicable laws.

(b) The Administrator shall, within 60 days of the enactment of this Act, report to the House and Senate Committees on Appropriations; the Senate Committee on Agriculture, Nutrition and Forestry; and the House Committee on Agriculture on the results of the review required under subsection (a) and any actions taken pursuant to the review.

(c) Within 180 days of the enactment of this Act, the Administrator shall issue a final rule that addresses applying ethical standards to third party studies involving intentional human dosing to identify or quantify toxic effects.

SA 1069. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 5_____. Notwithstanding any other provision of law, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency, may provide to the town of Olla, Louisiana, a 1-time exemption from the requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) under which the town shall be eligible to receive disaster relief funds made available under that Act for use in addressing damage caused by the tornado that struck the town on November 23, 2004.

SA 1070. Mr. ISAKSON submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE REGARDING BORDER SECURITY.

(a) FINDINGS.—Congress finds the following:

(1) The illegal alien population has risen from 3,200,000 in 1986 to 10,300,000 in 2004.

(2) In fiscal year 2001, United States Border Patrol agents apprehended almost 1,200,000 persons for illegally entering the United States.

(3) Senate Report 109–083 states, "there are an estimated 11,000,000 illegal aliens in the United States, including more than 400,000 individuals who have absconded, walking away with impunity from Orders of Deportation and Removal".

(4) Between 1,000 and 3,000 special interest aliens from countries with an active terrorist presence enter the United States each year.

(5) Of the 1,200,000 illegal aliens apprehended on the border between the United States and Mexico, 643 were from countries with known terrorism ties, including Syria, Iran, and Libya.

(6) Senate Report 109–083 states, "officials of the Department of Homeland Security have conceded the United States does not have operational control of its borders", including areas along the 1,989 mile southwest border between the United States and Mexico.

(7) The daily attempts to cross the border by thousands of illegal aliens from countries around the globe continue to present a threat to United States national security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this Nation cannot thoroughly address the security of the United States without recognizing the reality of terrorists taking advantage of inadequacies in border security along the border between the United States and Mexico;

(2) every effort should be made to increase the technology and efficiency in preventing these individuals from entering the United States across the Mexican border;

(3) the Mexican Government has an obligation to secure its side of the border between the United States and Mexico; and

(4) the Mexican Government must commit to addressing inadequacies in its own domestic and border security policies, which are contributing to the present dilemma in border security.

SA 1071. Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. FRIST, Mr. MCCONNELL, Mr. TALENT, Mr. THUNE, Ms. COLLINS, Mrs. MURRAY, Mr. BYRD, Mrs. FEINSTEIN, Mrs. LINCOLN, Ms. CANTWELL, Ms. SNOWE, Mr. DEWINE, Mr. CORZINE, and Ms. LANDRIEU) proposed an amendment to amendment SA 1052 proposed by Mr. BYRD (for Mrs. MURRAY (for herself, Mr. BYRD, Mrs. FEINSTEIN, Mr. KERRY, Mr. AKAKA, and Mr. DURBIN)) to the bill H.R. 2361, making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Or page 1, line 2.

Strike the word "Sec" through page 1, line 9 and insert the following:

Sec. 429.(a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,500,000,000 for the fiscal year ending September 30, 2005, for Medical Services provided by, by the Veterans Health Administration, which shall be available until expended.

SA 1072. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "$180,000,000" and insert "$250,000,000".

SA 1073. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "$180,000,000" and insert "$190,000,000".

On page 85, line 17, strike "$2,000,000,000" and insert "$1,990,000,000".

SA 1074. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "$180,000,000" and insert "$250,000,000".

SA 1075. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, line 12, strike "$180,000,000" and insert "$190,000,000".

On page 85, line 17, strike "$2,000,000,000" and insert "$1,990,000,000".

SA 1076. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. FEASIBILITY STUDY REGARDING ESTABLISHMENT OF IMMIGRATION AND CUSTOMS ENFORCEMENT FIELD OFFICE IN TULSA, OKLAHOMA.

(a) FINDINGS.—Congress finds the following:

(1) On July 17, 2002, 18 illegal immigrants, including 3 minors, were taken into custody by the Tulsa County Sheriff's Department and later released by the former Immigration and Naturalization Service.

(2) On August 13, 2002, an immigration task force meeting convened in Tulsa, Oklahoma, with the goal of bringing together local law enforcement and the Immigration and Naturalization Service to open a dialogue to find effective ways to better enforce Federal immigration laws in the first District of Oklahoma.

(3) On January 22, 2003, the Immigration and Naturalization Service office in Oklahoma City hired 4 new agents.

(4) On January 30, 2003, the Immigration and Naturalization Service office in Oklahoma city added 6 new special agents to its staff.

(5) On September 22, 2004, Immigration and Customs Enforcement authorized the release of 18 possible illegal aliens who were in the custody of the City of Catoosa, Oklahoma Police Department. Catoosa Police stopped a truck carrying 18 persons, including children, in the early morning hours. Only 2 of the detainees produced identification. One adult was arrested on drug possession charges, while the remaining individuals were released.

(6) Oklahoma has 1 Immigration and Customs Enforcement Office of Investigations, located in Oklahoma City, Oklahoma. Currently, 12 Immigration and Customs Enforcement agents serve 3,500,000 people.

(7) Interstate Highways I–44 and I–75 run through Tulsa, Oklahoma, and transport illegal immigrants to all areas of the United States.

(8) 7 Drug Enforcement Administration agents and an estimated 22 Federal Bureau of Investigation agents are headquartered in Tulsa, Oklahoma, but no Immigration and Customs Enforcement agents are located in Tulsa, Oklahoma.

(9) The establishment of an Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma, would help enforce Federal immigration laws in eastern Oklahoma.

(b) FEASIBILITY STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall commence a study on the benefits and feasibility of establishing an Immigration and Customs Enforcement Office of Investigations field office in Tulsa, Oklahoma.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 29, 2005, at 9:30 a.m., in open session to consider the following nominations: General Peter Pace, USMC for reappointment to the grade of General and to be Chairman, Joint Chiefs of Staff; Admiral Edmund P. Giambastiani, Jr., USN for reappointment to the grade of Admiral and to be Vice Chairman, Joint Chiefs of Staff; General T. Michael Moseley, USAF for reappointment to the grade of General and to be Chief of Staff of the Air Force; Ambassador Eric S. Edelman to be under Secretary of Defense for Policy; Mr. Daniel R. Stanley to be Assistant Secretary of Defense for Legislative Affairs; and Mr. James A. Rispoli to be Assistant Secretary of Energy for Environmental Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 29, 2005, at 3:30 p.m., to receive a classified briefing regarding detention operations and interrogation procedures at Guantanamo Bay.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday June 29, 2005, at 10 a.m., to hear testimony on "Medicaid Waste, Fraud and Abuse: Threatening the Health Care Safety Net."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, June 29, 2005 at 2:30 p.m. to hold a hearing on Nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions meet in executive session during the session of the Senate on Wednesday, June 29, 2005 at 9:50 a.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, June 29, 2005, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting on the following:

S.J. Res. 15 A bill to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. 374 A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River.

S. 113 A bill to modify the date as of which certain tribal land of the Lytton Rancheria is deemed to be held in trust.

S. 881 A bill to compensate the Spokane Tribe of Indians for the use of tribal land for the production of hydropower by the Grand Coulee Dam, and for other purposes.

S. 449 A bill to facilitate shareholder consideration of proposals to make Settlement Common Stock under the Alaska Native Claims Settlement Act available to missed enrollees, eligible elders, and persons born after Dec. 18, 1971, and for other purposes.

H.R. 797/S. 475 A bill to amend the Native American Housing Assistance and Self-Determination Act of 1996 and other Acts to improve housing programs for Indians.

S. 623 A bill to direct the Secretary of Interior to convey certain land held in trust for the Paiute Indian Tribe of Utah to the City of Richfield, Utah and for other purposes.

S. 598 A bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

S. . A bill to condemn certain subsurface rights to land held in trust by the State of Arizona, convey subsurface rights held by BLM, for the Pacsua Yaqui Tribe.

S. A bill to authorize funding for the National Indian Gaming Commission.

S. 1239. A bill to authorize the use of Indian Health Service funds to pay Medicare Part D premiums on behalf of Indians.

S.1231. A bill to provide initial funding for the National Fund for Excellence in American Indian Education previously established by Congress.

S. A bill to require former federal employees who are employed by tribes to adhere to conflict of interest rules.

S. A bill to amend the Tribally Controlled Community College and Universities Assistance Act.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, June 29, 2005, at 9:30 a.m. , for a hearing titled, "Vulnerabilities in the U.S. Passport System Can Be Exploited by Criminals and Terrorists."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 29, 2005 at 2:30 p.m. to hold a closed briefing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DISASTER PREVENTION AND PREDICTION

Mr. BURNS. Mr. President: I ask unanimous consent that Subcommittee on Disaster Prevention and Prediction be authorized to meet on Wednesday, June 29, 2005, at 2:30 p.m., on National Weather Service-Severe Weather.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. CLINTON. Mr. President, I ask unanimous consent that Melissa Ho, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Steve Borchard, a congressional fellow in Senator REID's office, be granted floor privileges for the remainder of the Interior appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Adam Elkington, Julie Golder, and Jorlie Cruz be granted the privilege of the floor during consideration of the CAFTA implementation bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that Russell Ugone be granted floor privileges for the remainder of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 2361

Mr. FRIST. Mr. President, I ask unanimous consent that with respect to the previously passed Interior appropriations bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

There being no objection, the Chair appointed Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CRAIG, Mr. ALLARD, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. REID, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. KOHL conferees on the part of the Senate.

MEASURE READ THE FIRST TIME—S. 1332

Mr. FRIST. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

> A bill (S. 1332) to prevent and mitigate identity theft to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

Mr. FRIST. Mr. President, I ask for its second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

ORDERS FOR THURSDAY, JUNE 30, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. on Thursday, June 30. I further ask that following the prayer and the pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of S. 1307, the CAFTA legislation; provided further, that there then be 16 hours remaining under the statute with the time equally divided; provided further, that of the 8 hours of remaining Democratic time, 5 hours be under the control of Senator DORGAN and 3 hours under the control of Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow we will resume the CAFTA bill. Although there are 16 hours remaining, we do not anticipate either side using all of that time. Half of that time is controlled by this side of the aisle, and we expect to yield back as much of that time as reasonable in order to complete this bill at some time early enough in the afternoon—hopefully, not evening—so that we can continue with the two additional appropriations bills we had discussed completing prior to our recess. We want to complete the CAFTA and two appropriations bills before we leave for the recess.

I do forewarn Senators that we are going to have a very busy day tomorrow with votes tomorrow, into tomorrow evening, possibly into Friday. There is a possibility we can finish tomorrow night. I think it will be late tomorrow night, but we will finish CAFTA and two more appropriations bills.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:41 p.m., adjourned until Thursday, June 30, 2005, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate June 29, 2005:

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

A. J. EGGENBERGER, OF MONTANA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2008. (REAPPOINTMENT)

DEPARTMENT OF DEFENSE

KEITH E. EASTIN, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MARIO P. FIORI, RESIGNED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KIM KENDRICK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE CAROLYN Y. PEOPLES.

DEPARTMENT OF THE TREASURY

PATRICK M. O'BRIEN, OF MINNESOTA, TO BE ASSISTANT SECRETARY FOR TERRORIST FINANCING, DEPARTMENT OF THE TREASURY. (NEW POSITION)

ROBERT M. KIMMITT, OF VIRGINIA, TO BE DEPUTY SECRETARY OF THE TREASURY, VICE SAMUEL W. BODMAN, RESIGNED.

DEPARTMENT OF STATE

KAREN P. HUGHES, OF TEXAS, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY, WITH THE RANK OF AMBASSADOR, VICE CHARLOTTE L. BEERS, RESIGNED.

KRISTEN SILVERBERG, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF STATE (INTERNATIONAL ORGANIZATION AFFAIRS), VICE KIM R. HOLMES, RESIGNED.

OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT A. MOSBACHER, OF TEXAS, TO BE PRESIDENT OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION, VICE PETER S. WATSON.

DEPARTMENT OF STATE

JAMES CAIN, OF NORTH CAROLINA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO DENMARK.

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF HOMELAND SECURITY, VICE MICHAEL J. GARCIA.

NATIONAL LABOR RELATIONS BOARD

RONALD E. MEISBURG, OF VIRGINIA, TO BE GENERAL COUNSEL OF THE NATIONAL LABOR RELATIONS BOARD FOR A TERM OF FOUR YEARS, VICE ARTHUR F. ROSENFELD, TERM EXPIRED.

DEPARTMENT OF EDUCATION

TERRELL HALASKA, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY FOR LEGISLATION AND CONGRESSIONAL AFFAIRS, DEPARTMENT OF EDUCATION, VICE KAREN JOHNSON, RESIGNED.

NATIONAL LABOR RELATIONS BOARD

PETER SCHAUMBER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2010. (REAPPOINTMENT)

DEPARTMENT OF HEALTH AND HUMAN SERVICES

JOHN O. AGWUNOBI, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE EVE SLATER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. GARY L. NORTH, 9194

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ERIC B. SCHOOMAKER, 8284

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEITH B. ALEXANDER, 9763

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN F. KIMMONS, 1861

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. PAULETTE M. RISHER, 2429

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. MICHAEL H. SUMRALL, 4259

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ALBERT M. CALLAND III, 0101

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. PAUL E. SULLIVAN, 4158

HOUSE OF REPRESENTATIVES—*Wednesday, June 29, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATHAM).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 29, 2005.

I hereby appoint the Honorable TOM LATHAM to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

Reverend Michael O. Canady, Director, Missions and Ministries Division, Louisiana Baptist Convention, Alexandria, Louisiana, offered the following prayer:

Almighty God, Creator and Sustainer of the universe, how great and how majestic is Your Name in all the Earth. We give thanks to You for the gift of life and for Your loving grace that enables us to enjoy Your presence each day.

Heavenly Father, we thank You for President Bush, Vice President CHENEY, the Cabinet, Members of the House of Representatives and their families. We ask Your divine blessings upon each of them as they give direction to our country. Give them wisdom, strength, and courage to accomplish the task of leading our great Nation.

Lord, we ask You to bless our soldiers and members of the Armed Forces that are in harm's way. Please watch over them with Your protective hand and give them courage to face each day with resolve and strength, and bless their families with Your daily presence and love.

Father, we give thanks unto You, for You are good and Your mercy endures forever. How majestic is Your Name in all the Earth.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from California (Ms. SOLIS) come forward and lead the House in the Pledge of Allegiance.

Ms. SOLIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. Pursuant to the order of the House of June 28, 2005, this is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

BETTY DICK RESIDENCE PROTECTION ACT

The Clerk called the bill (H.R. 432) to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park.

There being no objection, the Clerk read the bill as follows:

H.R. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, FINDINGS, AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the "Betty Dick Residence Protection Act".

(b) FINDINGS.—The Congress finds the following:

(1) Prior to their divorce, a married couple, Fred Dick and Marilyn Dick, owned as tenants in common a tract of land that included the property identified in section 2(b) of this Act.

(2) When Fred and Marilyn Dick were divorced, Marilyn Dick became the sole owner of the tract, but Fred Dick retained the right of first refusal to acquire it if Marilyn Dick ever chose to sell it.

(3) In 1977, Marilyn Dick sold the tract to the United States for addition to Rocky Mountain National Park, but Fred Dick, asserting his right of first refusal, sued to cancel the transaction.

(4) In 1980, the lawsuit was settled through an agreement between the National Park Service and Mr. Dick and his heirs, successors and assigns.

(5) Under the 1980 settlement agreement, Mr. Dick and his new wife, Ms. Betty Dick, were allowed to lease and occupy the 23 acres comprising the property identified in section 2(b) for 25 years.

(6) Mr. Dick died in 1992, but Betty Dick has continued to lease and occupy the property identified in section 2(b) under the terms of the settlement agreement.

(7) Betty Dick's right to lease and occupy the property identified in section 2(b) will expire on July 16, 2005, at which time Ms. Dick will have attained the age of 83 years.

(8) Ms. Dick wishes to continue to occupy the property for the remainder of her life, and has sought to conclude a new agreement with the National Park Service that would permit her to do so. However, the Park Service has not been willing to agree to such an arrangement and is demanding that she vacate the property by July 16, 2005.

(9) Since 1980, Betty Dick has consistently occupied the property identified in section 2(b) as a summer residence and has made it available for community events. During that period, she has been a good steward of the property. Her occupancy has not been detrimental to the resources and values of Rocky Mountain National Park and has not created problems for the National Park Service or the public.

(10) Under the circumstances it is appropriate for Betty Dick to be permitted to continue her occupancy of the property identified in section 2(b) for the remainder of her natural life under the terms and conditions applicable to such occupancy since 1980.

(c) PURPOSE.—The purpose of this Act is to require the Secretary of the Interior to permit continued occupancy and use of the property identified in section 2(b) by Betty Dick for the remainder of her natural life.

SEC. 2. RIGHT OF OCCUPANCY.

(a) IN GENERAL.—The Secretary of the Interior shall permit continued occupancy and use of the property described in subsection (b) by Betty Dick for the remainder of her natural life, subject to the requirements of this Act.

(b) IDENTIFICATION OF PROPERTY.—The property referred to in subsection (a) are the lands and improvements within the boundaries of Rocky Mountain National Park identified as "residence", "occupancy area", and "barn" on the map entitled "Betty Dick Residence and Barn" dated January, 2005.

(c) TERMS AND CONDITIONS.—Occupancy and use of the property identified in subsection (b) shall be subject to the same terms and conditions as specified in the document entitled "Settlement Agreement" between the National Park Service and Mr. Fred Dick dated July 17, 1980, except that Betty Dick shall be required to annually pay to the Secretary of the Interior an amount equal to one twenty-fifth of the amount specified in section 3(B) of such agreement.

(d) CONSTRUCTION.—Nothing in this Act shall be construed to permit construction of any structure not in existence on November 30, 2004, or to apply to occupancy or use of the property described in subsection (b) by any person other than Betty Dick.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

AMERICA SUPPORTS YOU

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, as our troops fight the war on terror, it is imperative that we show our appreciation for all of their sacrifices, their efforts and their courage. As Secretary Rumsfeld said, "Our country is proud of every member of our Armed Forces, and we are deeply grateful for those who have sacrificed for the cause of liberty."

Many Americans want to thank our troops; they just do not know how. There is a great program that America should know about. It is called America Supports You. It is a nationwide program run by the Department of Defense to recognize and communicate support by citizens for our military men and women. The program highlights many ways that Americans can get involved and join in the support effort. By going to www.AmericaSupportsYou.mil, you can donate frequent flier miles to provide tickets to hospitalized soldiers and their families, provide prepaid phone cards so their family members can keep in touch or just write a letter of gratitude.

Mr. Speaker, it is time we showed the troops how much we care. With the 4th of July approaching, let us take time to show our appreciation and give back to those who have made so many sacrifices for us and for our liberty.

AmericaSupportsYou.mil lets all Americans say thanks.

CORPORATE WELFARE DEMONSTRATES NEED FOR LOBBYING REFORM

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, on Monday, oil topped at $60 a barrel, and yet the House energy bill contains more than $8 billion in taxpayer funded giveaways to oil companies.

American taxpayers are being asked to subsidize big oil to do one thing: execute their business plan. So we pay twice, once at the gas pump and once on April 15. That is just business as usual here in Washington.

As USA Today points out today, corporate donors have given more than $120 million to Republicans during the last election, and now they are receiving their reward for loyalty.

Tobacco companies gave more than $40 million to Republicans, and they got a sweetheart deal from the Justice Department.

Pharmaceutical companies gave over $100 million to the Republican party and got a prescription drug bill resulting in $138 billion in additional profits.

To those industries, it is just good business: Invest a little now for a bigger return from Congress.

Special interests have attached themselves to Congress, and this is a parasitic relationship that is having a corrosive effect on the People's House. Congress has told corporate America to clean up their act. We have told professional sports to clean up their act, but when it comes to the People's House, things are squeaky clean.

The gentleman from Massachusetts (Mr. MEEHAN) and I have introduced lobbying reform legislation.

Mr. Speaker, when the gavel comes down, it should mark the opening of the People's House, not the auction house.

WHO TOOK MY HOME?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Supreme Court has opened the gate of chaos by allowing local governments to forcibly seize private homes so they can sell to private developers for the greater tax revenues. The result of this land-grabbing decision, in violation of the Fifth Amendment of the Constitution, the protection of private property, is occurring now even in the remote New England town of Weare, New Hampshire.

A developer has filed necessary papers with the city to condemn a local home, have it seized and destroyed so he can build a brand new hotel and museum. That will give the city greater tax revenue.

The Supreme Court should realize there are consequences for decisions that they make. They affect all Americans. The homeowner has no recourse, no place to turn.

So I say, to the homeowner, Supreme Court Justice David Souter who voted for the land-grabbing decision, your decision shows the Supreme Court has lost its way, and you may lose your home.

VAWA REAUTHORIZATION

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise in support of a comprehensive reauthorization of the Violence Against Women Act.

Throughout my career and as chair of the Democratic Women's Working Group, I have been actively involved in advancing domestic violence legislation.

Although domestic violence is blind to race, ethnicity, racial and ethnic minority women, immigrant women especially, we face unique challenges to reporting and getting help for these victims.

The comprehensive reauthorization of VAWA includes provisions that address these concerns.

The bill includes language that would help communities establish specialized domestic violence courts in order to speed up the processing time of domestic violence cases. Also, the bill includes a provision that would help educate minority and immigrant communities on how to prevent domestic violence and provide services available to those victims.

Our efforts to educate the public about domestic violence must directly address factors like cultural differences, linguistic differences and immigration issues.

It is my hope that the reauthorization for the Violence Against Women Act is comprehensive and meets the needs of all women.

GITMO GETS THE DEMOCRATIC GO-AHEAD

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to highlight comments published in Tuesday's edition of The Hill from Members of Congress who recently visited the U.S. naval base at Guantanamo Bay.

One Democratic Senator described the tour as "an eye-opening experience."

"We found a well-run and well-organized camp," he added. "Everything we heard previously was negative, but what we saw was much different from what we had heard and read about. While there may have been some inappropriate interrogation efforts in the past, they are not ongoing, and closing the prison is not one of the things we should pursue."

A Democratic Representative agreed, saying that "the Guantanamo we saw today is not the Guantanamo we heard about a few years ago."

Another Democratic Senator noted the care taken to respect the prisoners' religious beliefs, "they are given Muslim prayer rugs and Korans. There are arrows everywhere pointing them to Mecca. We even witnessed a prayer call announcing to the terrorists that it was time for them to turn to Mecca and pray."

Mr. Speaker, these praises for the Guantanamo Bay facility do not come from its supporters. They all come from Democrats.

It is unacceptable for anyone who has not visited this facility to condemn it and attempt to defame the military personnel who serve there. Comparing the staff with murderers and criminals is worse than hyperbole—it is uninformed, hurtful nonsense!

As one Democratic Senator who visited the camp asked, "Did the Nazis respect the Jewish faith? Did Stalin and Pol Pot practice religious tolerance?" The answer: Absolutely not!

INCREASE THE FUNDING FOR THE VA BUDGET

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, the Republicans started off their 1 minutes today, as the President did last night, by saying it is time to show the troops how much we care. Show them how much we care, except when they come home!

How do we show how much we care?

We have cut the VA budget. The VA budget that was just announced is $1 billion short this year, $2.5 billion short next year.

Our troops come back with post-traumatic stress disorder, and can get no services. They come back with dental problems, and have to wait a year for an appointment. That is how much we show how much we support our troops!

Mr. Speaker, the Democrats tried through this whole appropriations process to raise the amount of money for our veterans. I asked for $3 billion, which would have made up for this shortfall. I was ruled out of order.

Do my colleagues know what is out of order, Mr. Speaker? This administration is out of order. This Congress is out of order.

We have to show that we do support our troops by giving them the support they need when they come home to the veterans health system. We are not doing that today. Let us hope that we can add this money as the appropriations process proceeds.

HONORING THE LITHUANIAN KAIMAS FUND PROJECT

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today as the co-chair of the Baltic Caucus to commend the work of the Lithuanian Kaimas Fund Project. The project provides children in rural areas of Lithuania with educational opportunities.

In just its third year, the project is having a positive impact on the lives of more than 2,000 young people in more than 60 rural villages across Lithuania. The Kaimas, which stands for countryside, Fund is a private-public partnership between the American Lithuanian Economic Development Council, the Lithuanian Ministry of Education and the Lithuanian Embassy in Washington, D.C., and local non-governmental organizations who provide services to young people in Lithuania.

During a 2-week summer program, community centers throughout Lithuania will provide opportunities for youth to participate in educational and athletic activities, including computer training. Because the project is supported by contributions from American donors, the project also demonstrates the generosity of Americans and all the shared values between our two countries.

Most importantly, I would like to encourage the young people and leaders of the community centers who are participating in this program in Lithuania this summer; they are helping to strengthen the special friendship between Lithuania and America. They are also a vital part of the future of the special relationship that our two countries share.

BIG BIRD IS NOT A BILLIONAIRE

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, last week, we were told that Big Bird was a billionaire and did not need Federal support. Not true on either account.

The Sesame Street Workshop, the nonprofit educational organization, supports children's activities in 120 countries around the world for less than $100 million a year. Yet, Sesame Street, now in its 36th season, gets only $17.5 million, about 10 percent of that, from Federal sources.

The Federal money helped make it possible for stations to operate and to buy the programming.

The bottom line is, Big Bird is not a billionaire, and taking away the Federal money, he would still be here, but it would diminish the program and make it harder or impossible for kids to watch him on local, free, noncommercial public television, especially in small cities and rural communities.

□ 1015

I urge my colleagues to visit their local stations during the summer break and find out the truth about Big Bird.

TEN EUROS FOR THE IRAQI RESISTANCE

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, extremist groups in Europe are providing financial support to the insurgents in Iraq, and they will be openly gathering later this year on Italian soil to continue their plotting.

Shortly after the commencement of Operation Iraqi Freedom, they began a fund-raising campaign, asking people to donate "ten euros to the Iraq insurgency." The revolting image behind me, dramatizing a violent assault on a U.S. soldier, was taken from the Web site of a group actively supporting the 10-year-old campaign.

It seems to me it conveys accurately the murderous intentions behind this fund-raising initiative. When questioned as to whether the campaign would support terrorism in Iraq, a spokesman for the fund-raising effort said, "We support the armed struggle in Iraq. Our money is to help them. It doesn't matter to us if they use it to buy weapons, Kalashnikovs, or medicines for the people."

The group reportedly sent supplies to the Al Anbar province as recently as February of this year. Now they are notifying comrades of a conference this October in Rome to grow support for insurgents throughout the world.

My colleagues, we hold different opinions about our efforts in Iraq, but we should all stand together in fighting those who support the insurgents, killing Americans and innocent Iraqis.

VIOLENCE AGAINST WOMEN ACT

(Ms. ZOE LOFGREN of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ZOE LOFGREN of California. Mr. Speaker, this week I and over 60 of my colleagues will introduce a comprehensive reauthorization of the Violence Against Women Act. VAWA is set to expire on September 30 of this year, so it is vital that this Congress quickly consider and pass the reauthorization.

Since its passage in 1994, VAWA has been a great success. It has provided over $5.5 billion in Federal funding to improve our criminal and community responses to domestic violence. But the statistics remain alarming. One in every four women will experience domestic violence during her lifetime. Last year, California law enforcement received 198,000 domestic violence calls, with weapons involved in over 136,000 of those cases.

The reauthorization that we are putting forward this week will go a long way to stop this troubling reality. And I want to acknowledge particularly the hard work of my colleagues who worked on this bill. It is truly a collaborative effort that includes prevention, not just response. And we must, we must approve reauthorization before the expiration on September 1. It needs to be broad, and it needs to be this bill.

SUPREME COURT DECISIONS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, this week's Supreme Court decisions have been a mixed bag, and I did not like the eminent domain ruling which, in my view, is contrary to America's great tradition and respect for public property.

Why is it that Americans can be born poor and yet realize the American

Dream? It is because Americans can dream and create and own and benefit from their labor.

I was glad to see the Court reinforce private property, at least when it comes to intellectual property. It is so important that our digital marketplace not become a place where anything goes and where pirates and robber barons rule the Information Highway.

As a Member of Congress from Tennessee, I have a great number of constituents, small business owners who write music, create television programming, films, radio content, people who write books and publish them and develop software. The creative community is alive and well and working hard in Tennessee.

I can tell my colleagues that illegal downloading has hurt our songwriters and our performers. And I am not talking about millionaires; I am talking about small business people. They are the backbone of the entertainment industry.

As cochairman of the Congressional Songwriters Caucus, I applaud the Grokster decision and hope that they will promote a fair and digital marketplace.

REMEMBERING INNOCENT LOST DURING SREBRENICA GENOCIDE

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNAHAN. Mr. Speaker, I rise this morning to express my deepest sympathy for the thousands who lost their lives on this, the 10th anniversary of the Srebrenica genocide. We should remember all the innocent people who were brutally killed by honoring their lives and remembering their struggle for freedom during the 3-year conflict in Bosnia and Herzegovina.

In my district, I have the largest Bosnian population outside of Bosnia. Approximately 35,000 Bosnians reside in the St. Louis, Missouri, region. Of these, upwards of 5,000 are survivors of the Srebrenica massacre.

As a representative of my Bosnian-American friends in St. Louis, I am proud and honored to be a co-sponsor of House Resolution 199 which passed the House this week. It aptly commemorates those who died, seeks to hold accountable those responsible, and honors those who survived.

It is important for us to remember this stark chapter in history and to learn from it for the benefit of our future generations.

MUCH WORK LEFT IN AFGHANISTAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, last week, the minority leader said that the war in Afghanistan is over. That is news to most people, and even more so to our men and women fighting the remnants of the Taliban in Afghanistan.

The comments were just the latest in a series of comments that show some people still do not get it. Her comments, like many others made recently by leaders of the opposition, demoralize American troops and incite our enemies. And, worse, they discount the great progress that our soldiers have made in the war on terror.

Fifty million people have received freedom and are fighting for the future of their nation in Iraq and Afghanistan. Just a few years ago, 50 million people lived in tyranny in Iraq and Afghanistan, and today they live in the dawn of freedom.

Much work is left, but writing off the efforts of our troops today, the sacrifice being made today, the Democratic leader writes off the quest for freedom and the necessity for us to support it. Why is that so hard to understand?

SOCIAL SECURITY

(Mrs. McCARTHY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McCARTHY. Mr. Speaker, since 1935, Social Security has helped millions of our American families. It has helped them enjoy a secure retirement, and it has never been a day late or a dollar short.

Now, the Members of this body and the administration are pushing a plan that will cut benefits for nearly every American under 35. The administration has said in the past that Social Security is a bunch of IOUs. Now we are hearing that we have a surplus, and we are going to take that surplus and finance private accounts.

Where is the common sense in this? Social Security needs a solid source of funding, not a plan that drains trillions of dollars away from our American families that need it. We must commit to improving, not dismantling, the Social Security programs.

We can and we must do better. And let no one forget that Social Security covers people with disabilities and those women and men who have become widows and widowers.

APPRECIATION OF NATION'S VOLUNTEER HONOR GUARDS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Mr. Speaker, I rise to express my deep appreciation for our Nation's volunteer honor guards. As the Greatest Generation continues to age, a number of our World War II heroes are passing on. Volunteer honor guards serve as ceremonial guards, flag detail, rifle squads, and pallbearer escorts at many of these funerals.

The men of these honor guards receive no pay for their service. They purchase their own uniforms and provide their own transportation. Many of them are over age 70.

I would like to take a moment to personally thank the 23 men of the Bella Vista Honor Guard who served at my brother's funeral earlier this year. The men of the Bella Vista Honor Guard serve at more than 100 funerals in Benton and Washington counties in the Third District of Arkansas. Sometimes they serve at two funerals a day.

They are so representative of the thousands who volunteer nationwide to ensure that our veterans are given the honor and remembrance they deserve.

Mr. Speaker, I know I speak on behalf of our entire Nation when I express my gratitude for the dedicated men of America's volunteer honor guards.

PRESIDENT'S SPEECH TO THE NATION

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, the President of the United States misled this Nation to justify his invasion of Iraq. There were no weapons of mass destruction; there were no ties to al Qaeda. Our men and women are now engulfed in a violent quagmire and endless war. There is no strategy, only spin. Last night, in his speech to the Nation, the President shamelessly, in my opinion, invoked the terrible tragedy of September 11 to justify our continued occupation.

Mr. Speaker, the fact that Iraq has become a haven for terrorists is due to this President's failed policy in that country. Our continued massive presence fuels the insurgency and is a magnet for foreign fighters.

It takes no courage for a President or a Congressman to stand up and say "stay the course." It is not our lives that are on the line. We owe our soldiers better.

It is time for the President to admit that this war was a mistake. It is time for us to begin an orderly withdrawal of U.S. troops from Iraq. It is time for President Bush to end his war.

PRIVATE PROPERTY PROTECTION ACT

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, yesterday, I introduced the Private Property

Protection Act, a companion bill to legislation in the Senate designed to correct the erroneous decision made by the Supreme Court on June 23. That decision redefined the Constitution's fifth amendment. That decision, Kelo v. City of New London, was a slap in the face of homeowners, small businesses, and, frankly, Americans.

Ordinary private property owners stand to suffer from the corrupting influence this sweeping legislation will have because government officials, because government officials can aggressively use the powers of eminent domain purely for economic reasons.

Our legislation establishes two important standards that must be met before government decides to exercise its power and take and transfer private property.

The first standard is that eminent domain should only be used for public use, as guaranteed by the fifth amendment. The second is that this power should be reserved only for true public uses, not simply to provide private economic development so government can make more tax revenue.

Let us stop the abuse of eminent domain before it happens. I urge the Members of this body to support this very necessary piece of legislation.

LETTING MTBE MANUFACTURERS OFF THE HOOK

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, 2 months ago, the House narrowly voted down my amendment to the energy bill to hold MTBE manufacturers accountable for the groundwater contamination their product has produced. Many Members voted "no" because of some impending deal to address the issue once and for all. Now reports of the deal have leaked out. They are not pretty, and they will not address the MTBE contamination our constituents face.

This deal would provide full liability protection to the MTBE producers and establish an $8 billion trust fund to address the contamination crisis. One big problem: the cleanup of MTBE contamination will cost between $25 billion and $33 billion. It could be as high as $85 billion, dwarfing the deal's cleanup fund.

Another problem: at least half of this fund comes from taxpayers. Mr. Speaker, why should taxpayers pay to clean up MTBE contamination? Manufacturers caused this problem, and they should clean it up. It is a deal written by industry for the industry.

No surprise that water districts, cities, and counties across the country do not support this deal. They are the people who have to deal with the contamination. I urge my colleagues to oppose the liability waiver of MTBE and any deal like this.

ONE-YEAR ANNIVERSARY OF COALITION PROVISIONAL AUTHORITY'S TRANSFER OF POWER

(Ms. GRANGER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GRANGER. Mr. Speaker, today I rise to celebrate the 1-year anniversary of the Coalition Provisional Authority's transfer of power to the Iraqi people. Over the past 2 years, we have made great progress in Iraq. There are now 170,000 trained Iraqi security forces taking on increased security burdens. There are 2,400 schools that have been rehabilitated. Major roads and bridges have been rebuilt, and water and sewer treatment plants have been repaired.

On January 30, 8½ million Iraqis defied terrorist insurgents by coming out to vote for a free and democratic Iraq. That vote resulted in the election of the Iraqi National Assembly, which convened for the time in March.

The desire for freedom is universal, and the Iraqi people are no different from us. The 8½ million Iraqis who voted for democracy on January 30, and who are working tirelessly to rid their country of terrorist extremists, are evidence enough of their desire for freedom and democracy.

We must continue to support and pray for the Iraqis in their transition to democracy, and all the brave allied troops fighting and dying for Iraq and Afghanistan in the war on terror. Our continued support is critical to their success and our future security.

PRESIDENT'S SPEECH TO THE NATION

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, last night we watched a very sad event. The President of the United States came out here to try and convince the American people to support him yet again.

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The problem is that the President did not recognize while he was standing there that nobody trusts his judgment.

Nobody trusts the vice president's judgment, the man who says we are in the last throes of the problems in Baghdad. Even Rumsfeld has come forward and said, "We are going to be there 12 years."

Now, Mr. Speaker, when the President comes and tries to sell us another 12 years and says things are going well, it just does not work. This was ill-conceived. It was ill-prepared for. It has been poorly executed by the management, not by the troops on the ground. They have done the best they could. But they are there because the President of the United States wanted them there.

This is George Bush's war. This is not a war on terrorism; this is a war of conquest by George Bush.

DOING WHAT IS REQUIRED IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, Winston Churchill said, "Never, never, never believe any war will be smooth and easy, or that anyone who embarks on a strange voyage can measure the tides and hurricanes he will encounter."

Last night, the Commander-in-Chief addressed the Nation on the war in Iraq, laying out a clear strategy for victory built on the courage of our troops and the determination of the American people. The President reminded us that the war in Iraq is a central battlefield in the War on Terror that began the morning of September 11, and the President said, when Iraqi troops stand up, American forces will stand down.

President Bush reminded me of that great leader Winston Churchill, who also said, "It is not enough that we do our best; sometimes we have to do what is required."

Let us do what is required. Let us win the peace and democracy the good people of Iraq so richly deserve after decades of tyranny, and then, and only then, let us bring our troops home.

REPUBLICANS CANNOT HAVE IT BOTH WAYS ON SOCIAL SECURITY

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, Washington Republicans cannot have it both ways on Social Security. Since the beginning of this year, President Bush and House Republicans have been telling everyone who will listen that Social Security is going broke. President Bush went so far as to take a field trip to West Virginia to show the American people that there really is not a trust fund where all the surplus Social Security funds are kept.

Of course, the President was being dishonest. The vault is filled with Treasury bonds that must be paid back to Social Security in the years to come. Regardless, he went to West Virginia and told the American people that the Social Security trust fund did not exist.

So now Congressional Republicans have come up with a brilliant idea: Create private accounts with the money that exists in the trust fund. Who are Congressional Republicans trying to fool? It is clear that the Congressional Republicans are determined to privatize Social Security, despite very little support for the idea.

H. RES. 340 AND THE NEW LONDON DECISION

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to speak in defense of one of the most fundamental guarantees afforded us by our Constitution, our right to own private property. Unfortunately, Mr. Speaker, by the narrowest of margins, the Supreme Court has, for all practical purposes, placed a for-sale sign on the doorstep of every American home or business and it reads, "for sale by government."

Mr. Speaker, by a vote of 5 to 4, these sacred property rights have been thrown out in the name of expediency and greed. Justice O'Connor stated it best in the minority's dissent when she called the majority's opinion "perverse."

Mr. Speaker, this perversity cannot stand. Therefore, I introduce House Resolution 340 to demonstrate this House's resolve and dedication to defend our constitutionally guaranteed property rights. I call on all Members of this Chamber on both sides of the aisle to speak in one voice in defense of the Constitution.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). The Chair must remind all Members, and this does not refer to the immediately previous speaker, that they should not make derogatory statements toward the President.

THE SECURITY AND FINANCIAL EMPOWERMENT ACT

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, I thank the gentlewoman from California (Ms. ZOE LOFGREN) for including the Security and Financial Empowerment Act in her comprehensive VAWA bill.

Domestic violence, in addition to being a personal tragedy, costs employers millions of dollars in sick leave, absenteeism and loss of productivity, and it causes thousands of victims to lose their job, forcing them to stay in an abusive relationship when unable to provide for themselves and their children.

The provisions of the SAFE Act protect the economic security of these victims by permitting up to 30 days of unpaid leave to see a doctor, go to court or find a safe place to live. Further, it prohibits insurers from dropping their coverage due to this violence, and it assures that women forced to leave their lives because of this abuse are eligible for unemployment compensation.

Finally, the bill creates a resource center for businesses seeking to help employees who suffer from domestic violence.

Mr. Speaker, the SAFE Act is an important bill that must be included in the reauthorization of VAWA. It helps employers to keep valuable employees, and it empowers victims of domestic violence to leave their abuser.

FAMILY BUDGET PROTECTION ACT

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, every day families and businesses across America have to make tough decisions. They have to live within a budget and eliminate wasteful spending. The Federal Government should act no differently.

So I have joined my colleagues in reintroducing the Family Budget Protection Act in this Congress. It is legislation that gives the budget resolution the force of law. It limits the growth of spending. It places a premium on combating waste, fraud and abuse. And it forces us to honestly account for long-term funding obligations.

Together, these reforms will help balance the budget, promote more responsible spending and encourage Congress to make the same tough decisions that confront American families and small businesses every single day.

Mr. Speaker, I urge all of my colleagues to demonstrate our commitment to fiscal discipline and join me in supporting the Family Budget Protection Act.

ADMINISTRATION POLICIES IN IRAQ BASED ON FAILURE AND FALSEHOOD

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, our proud troops in Iraq last night deserved an address that showed a President committed to effectiveness and truth. The sad fact is that these administration policies are based on failure and falsehood.

The failure is that, a full 2 years after the Iraq war started, we still have less than 15 percent, less than three battalions, that this administration has effectively trained that are ready for combat operations to replace American military personnel and bring them home.

This is a spectacular record of failure. After 2 years of us here in this Chamber demanding that the President train these troops so that they can replace the American GIs and Marines, we have three battalions, and that is it; after 2 years?

This has happened because of the rose-colored glasses that this administration has worn, thinking we were going to be greeted like liberators in Paris. They were wrong. And it is based on falsehood, falsehood when the President stood right behind me and said that there was WMDs. There was not, and now he is trying to bait and switch.

THE TRUTH ABOUT SAVING SOCIAL SECURITY

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I have never heard so many negative statements as we see coming from the other side of the aisle, with speaker after speaker, most of them scripted, making false accusations as to what the Republicans are doing with Social Security.

If they are going to criticize what the Republicans are doing to try to save Social Security, let them come forward with their plan. Everybody knows that Social Security is going to be going into the red beginning in 2017. Everybody who has done any research knows there is a $26 trillion shortfall over the next 75 years in cash. So what are they doing? They are sitting there making false accusations about what we are trying to do.

One of the speakers just this morning said that we were going to diminish the trust fund by putting the Treasury bills into the individual accounts. Nothing could be more wrong.

I assume that these statements are being made out of ignorance and not out of knowledge of the truth, because we know what it is when you say something that you know is not true.

HONEST TALK, NOT GIMMICKS, NEEDED ON SOCIAL SECURITY REFORM

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I wanted to respond to the last one minute, indeed to set the record straight. The gentleman from Florida said the Republican plans do not make solvency worse. Read the DeMint plan. The only way that the Shaw-McCrery plan does not make it worse is by borrowing money and by counting the same money twice.

The gentleman talks about the urgency of the shortfall, but the McCrery-Shaw-et al. plan does zero to address the shortfall. It avoids the issue. It is what the gentleman from Florida (Mr. SHAW) called a "no-pain plan." It is a "duck-the-issue plan."

Essentially what the Republican plan proposed by the gentleman from Louisiana (Mr. MCCRERY) is, it is filled with gimmicks. We need honest talk, not more gimmicks.

IT IS TIME REPUBLICANS TAKE SOCIAL SECURITY PRIVATIZATION OFF THE TABLE

(Mr. MELANCON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MELANCON. Mr. Speaker, let me just say, first, before I start, you are doing a wonderful job this morning.

Mr. Speaker, last week, we learned how determined the majority party is to approve any Social Security reform bill as long as it includes privatization. Despite the fact that the American people have already rejected President Bush's privatization proposal, it appears that the Congressional Republicans are not willing yet to let privatization die.

The American people should know that this latest proposal is similar to the President's plan in several respects:

First, the new proposal would divert payroll contributions that are now being held for future beneficiaries into these risky, private accounts. By merely diverting Social Security funds, the plan would still force large benefit cuts on today's seniors and tomorrow's beneficiaries. And, just like the President's plan, the Republican legislative proposal does nothing to address the real issue facing Social Security, and that is solvency.

Mr. Speaker, the American people have seen what can happen to pensions and the stock market and how important a guaranteed Social Security benefit is to their retirement security. It is time that our Republican colleagues realize that privatization just is not going to fly, no matter how you package it.

MISGUIDED PRIORITIES AT THE VETERANS ADMINISTRATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I was appalled to learn that a VA Undersecretary stated that the highest priority of the VA was to display a picture of the VA Secretary in every VA facility.

I was appalled, because that very day I also learned that the VA Secretary admitted that there was a $1 billion shortfall in the veterans health care budget and that the administration knew this in April but presented their budget to Congress anyway, knowing that it was shamefully inaccurate and inadequate to meet the health care needs of our veterans. They lied to Congress.

As a member of the Committee on Veterans' Affairs, I saw firsthand the administration mock the veterans service organizations when they testified that the VA needed an additional $1.2 billion to provide health care to our veterans. They defended their numbers, knowing that they were $1 billion short.

One VA official said, upon learning that the highest priority was putting the VA Secretary's photo in every VA facility, "And here we are trying to figure out where our next patient meal is coming from and what furniture to sell to buy drugs next year."

Talk about misguided priorities.

SUPPORT PRESIDENT'S PROPOSAL TO REFORM SOCIAL SECURITY

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTON of Texas. Mr. Speaker, I rise in support of the President's proposal to reform our Social Security system. I also rise in support of the Members of the House of Representatives that have put forward a plan which would allow each individual in this country that is covered under Social Security to make a decision to have part of their payroll taxes invested in government securities, in U.S. Treasury bonds.

There are two differences between this proposal and the current law. Under current law, the surplus in the Social Security fund is invested aggregately in what are called Social Security Trust Bonds. Those are government bonds, except they are not marketable, and they are not in any individual's names.

The proposal that some Members of the House of Representatives propounded this week is to allow an individual to take parts of their individual payroll tax and invest it in a government security, a U.S. Treasury security in their name, which would be a marketable security.

I think this proposal is long overdue, and I rise first in strong support of the President's proposal to reform our Social Security program and in the proposal that the Members of the House have put forward.

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VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am very proud to be an original cosponsor of the Violence Against Women Act reauthorization authored by the gentlewoman from California (Ms. ZOE LOFGREN).

I am very pleased to say that the Violence Against Women Act has been a success in terms of protecting women, but the statistics on domestic violence remain alarming. Nearly one in four women experiences at least one physical assault by a partner during her adulthood. It is important that we stand united in protecting women across America.

I am delighted that two of my provisions will be included in this legislation containing issues on DNA and trafficking. We can stand together to protect women around America, and I hope this Congress will be wise enough to move this legislation along quickly so that we can stamp out the devastation of violence against women.

As women are violated, children are impacted, and protecting families means protecting women; it means having strong laws.

Support the Violence Against Women reauthorization for it to be reauthorized and to be able to stand tall against violence and to stand for protecting the sanctity of the family and our children.

OPPOSE CUTS TO HOUSING PROGRAMS

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Mr. Speaker, later today, the House will consider the Transportation, Treasury, HUD, the Judiciary, District of Columbia, and Related Agencies Appropriations Act for 2006. While I commend the Committee on Appropriations for rejecting the President's Strengthening America's Communities Initiative, which would have transferred the Community Development Block Grant from HUD to the Department of Commerce for consolidation of 17 other programs, I am concerned with the gross underfunding of HUD programs in this bill.

The good and decent people around this Nation need to know that the Department of Housing and Urban Development's programs are primarily designed to address the housing and community development needs of disadvantaged communities. Unfortunately, the House bill slashed its funding for a number of vital Federal programs that have been central to the revitalization efforts underway in our Nation's cities, including Kansas City, Lee's Summit, and Independence, Missouri. The bill proposes to fund CDBG at $250 million below fiscal year 2005 levels and provide zero funding for important programs such as section 108 loans, Youthbuild, Brownfields, Hope VI, and Empowerment Zones.

Mr. Speaker, I ask that my colleagues join me in opposing these cuts.

While we have all heard the Administration tout national homeownership rates, it is confusing because the House majority has proposed cutting programs that are designed to increase the homeownership rates for lower-income and minority households. These actions demonstrate that some in this legislative body seem more interested in securing tax breaks for the wealthiest 2 percent than they are in closing the homeownership gap or the creation of affordable housing.

Mr. Speaker, I ask that my colleagues join me in opposing these cuts.

WAR IN IRAQ MAKES U.S. LESS SECURE

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, as I listened to the President last night, I questioned just how much longer he will milk the tragedy of 9/11 to defend his actions in Iraq.

Maybe he does not know yet that the Iraq situation had nothing to do with 9/11, but the people of this Nation absolutely do know; and what we would want from the President and what we wanted last night was a promise to the troops, to their families, and to this country that he is putting together a plan to bring them home.

But, no. He continues to use 9/11 for his excuse for a preemptive war, a war that has made the United States less secure, not more secure.

REAUTHORIZING AND FULLY FUNDING THE VIOLENCE AGAINST WOMEN ACT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, ending violence against women should be a concern not just for the victims; it should be a national priority.

In 1994, Congress moved violence against women from behind closed doors into national policy. The Violence Against Women Act was reauthorized in 2000, and it must be reauthorized and fully funded this year.

The Violence Again Women Act is a comprehensive program that strengthened legal sanctions against stalkers, batterers, and rapists. It established a toll-free national domestic hotline. It funded battered women's shelters, and it provided funding for programs to improve both prosecution and victim services.

Last year, Congress strengthened VAWA by passing the Justice For All Act, which included my legislation with the gentleman from Wisconsin (Mr. GREEN). Our legislation gave law enforcement tools to process the backlog of rape kits containing DNA evidence that could convict rapists.

But there is still much, much more that remains to be done. We must pass the reauthorization and fully fund it this year.

COMMUNICATIONS SATELLITE ACT OF 1962 AMENDMENTS

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1282) to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill as follows:

S. 1282

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINANCIAL INTERESTS OF OFFICERS, MANAGERS, OR DIRECTORS.

Section 621(5)(D) of the Communications Satellite Act of 1962 (47 U.S.C. 763(5)(D)) is amended—

(1) by striking "(I)" in clause (ii);

(2) by striking "signatories, or (II)" in clause (ii) and all that follows through "mechanism;" and inserting "signatories; and";

(3) by striking "organization; and" in clause (iii) and inserting "organization."; and

(4) by striking clause (iv).

SEC. 2. CRITERIA FOR INTELSAT SEPARATED ENTITIES.

Subtitle B of title VI of the Communications Satellite Act of 1962 (47 U.S.C. 763 et seq.) is amended by striking section 623 (47 U.S.C. 763b).

SEC. 3. PRESERVATION OF SPACE SEGMENT CAPACITY OF THE GMDSS.

Section 624 of the Communications Satellite Act of 1962 (47 U.S.C. 763c) is amended to read as follows:

"SEC. 624. SPACE SEGMENT CAPACITY OF THE GMDSS.

"The United States shall preserve the space segment capacity of the GMDSS. This section is not intended to alter the status that the GMDSS would otherwise have under United States laws and regulations of the International Telecommunication Union with respect to spectrum, orbital locations, or other operational parameters, or to be a barrier to competition for the provision of GMDSS services.".

SEC. 4. SATELLITE SERVICE REPORT.

(a) ANNUAL REPORT.—The Federal Communications Commission shall review competitive market conditions with respect to domestic and international satellite communications services and shall include in an annual report an analysis of those conditions. The Commission shall transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

(b) CONTENT.—The Commission shall include in the report—

(1) an identification of the number and market share of competitors in domestic and international satellite markets;

(2) an analysis of whether there is effective competition in the market for domestic and international satellite services; and

(3) a list of any foreign nations in which legal or regulatory practices restrict access to the market for satellite services in such nation in a manner that undermines competition or favors a particular competitor or set of competitors.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATHAM). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken later today.

TANF EXTENSION ACT OF 2005

Mr. HERGER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3021) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3021

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "TANF Extension Act of 2005".

SEC. 2. EXTENSION OF THE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT PROGRAM THROUGH SEPTEMBER 30, 2005.

(a) IN GENERAL.—Activities authorized by part A of title IV of the Social Security Act, and by sections 510, 1108(b), and 1925 of such Act, shall continue through September 30, 2005, in the manner authorized for fiscal year 2004, notwithstanding section 1902(e)(1)(A) of such Act, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2005 at the level provided for such activities through the fourth quarter of fiscal year 2004.

(b) CONFORMING AMENDMENT.—Section 403(a)(3)(H)(ii) of the Social Security Act (42 U.S.C. 603(a)(3)(H)(ii)) is amended by striking "June 30" and inserting "September 30".

SEC. 3. EXTENSION OF THE NATIONAL RANDOM SAMPLE STUDY OF CHILD WELFARE AND CHILD WELFARE WAIVER AUTHORITY THROUGH SEPTEMBER 30, 2005.

Activities authorized by sections 429A and 1130(a) of the Social Security Act shall continue through September 30, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2005 at the level provided for such activities through the fourth quarter of fiscal year 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HERGER) and the gentleman from Washington (Mr. MCDERMOTT) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3021, the TANF Extension Act of 2005, as amended. This legislation will extend for 3 additional months certain welfare programs, including the Temporary Assistance For Needy Families and child care programs within the Committee on Ways and Mean's jurisdiction, so those programs would continue to operate at their current funding levels through September 30, 2005.

Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. NUSSLE), the distinguished chairman of the Committee on the Budget and a member of the Committee on Ways and Means.

Mr. NUSSLE. Mr. Speaker, I would like to enter into a colloquy with the gentleman from California (Mr. THOMAS), the distinguished chairman of the Committee on Ways and Means, and the gentleman from Texas (Mr. BARTON), the distinguished chairman of the Committee on Energy and Commerce.

Under the fiscal year 2006 budget resolution, it is necessary to offset the cost of the Transitional Medical Assistance extension, TMA. It is my understanding that the gentleman from California has agreed to extend TMA for an additional 3 months as part of this welfare extension bill. It is my further understanding that the gentleman has agreed to include this provision, with the understanding that the Committee on Energy and Commerce, which has jurisdiction over the TMA program, will bear the cost of this and any subsequent extensions.

I yield to the gentleman from California to determine whether or not that is his understanding.

Mr. THOMAS. Mr. Speaker, the gentleman is correct in his understanding. The Transitional Medical Assistance is an important work support for low-income families making the transition from welfare to work. Therefore, it is important that we are here today to continue this program.

Let me remind the House that the House has extended TMA nine times since the welfare reform law expired in 2002. In the course of these extensions, the Committee on Ways and Means has been charged with more than $500 million in costs associated with extending the TMA program, which is, as the chairman correctly noted, under the jurisdiction of the Committee on Energy and Commerce.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I appreciate the gentleman's willingness to continue this important program as he has in the past.

I would like to ask the distinguished chairman of the Committee on Energy and Commerce to further clarify how this TMA extension and future TMA extensions will be handled by the House.

Is it the gentleman's understanding that the TMA extension and future TMA extensions will be paid for with offsets under the jurisdiction of the Committee on Energy and Commerce that are in excess of the savings required under the budget resolution?

I yield to the distinguished chairman to find out if that is his understanding.

Mr. BARTON of Texas. Mr. Speaker, the gentleman's understanding is correct. This TMA extension and any further extensions will be offset with savings in addition to those required by reconciliation.

I would note that the proper place to address a TMA extension beyond the next 3 months would be in the context of Medicaid reform as part of reconciliation. However, the committee that I chair reserves the right to include these offsets in other legislative vehicles, as necessary.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I would like to thank both of these distinguished chairmen for their cooperation. I would commit, on behalf of the House Committee on the Budget, that when this bill and subsequent extensions of TMA are offset as part of the reconciliation or other legislation, the Committee on Ways and Means will be held harmless for the cost of this and arv future extensions of TMA.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this will be the 10th extension of these programs since the original authorization of the 1996 welfare reform law expired in 2002. That law produced remarkable results. Work among welfare recipients doubled. The poorest single-mother families reported a 67 percent increase in their real earnings between 1995 and 2002. Single mothers' real wages continued to increase during the 2000–2004 period, despite the 2001 recession and terrorist attacks.

Despite predictions of welfare reform opponents that the 1996 welfare bill would increase poverty, the number of children in poverty fell by more than 1 million. The black and Hispanic child-poverty rates hit record lows. Welfare caseloads fell 60 percent to their lowest levels since 1965. Welfare funds stayed constant, and child care funds grew, even as caseloads plummeted. Taxpayer resources per family on welfare more than doubled from $7,000 per year to $16,000 per year today.

In 2002 and 2003, the House passed comprehensive welfare reform legislation that would have extended these programs for a full 5 years. That legislation also included modest adjustments designed to encourage and support more work, higher incomes, stronger families, and less poverty. These House-passed bills offered up to $4 billion over 5 years and added child care funding to support more work.

Unfortunately, our friends in the Senate did not follow suit, and so we have been forced to come to the floor with repeated short-term extensions.

Mr. Speaker, it is important that we continue these programs, and I urge all Members to support this legislation. But while we mark time, we are missing out on many ways to help even more low-income parents and families leave welfare for work. We must do more to encourage States and local communities to support strong, healthy families.

The subcommittee I chair has, once again, approved legislation that tracks the comprehensive welfare reform bill of the House that the House passed before. I expect in the coming months the full committee on Ways and Means and this House will once again act on comprehensive welfare reform legislation as part of the budget reconciliation process. Regardless of the process, our goals remain the same: to encourage and support more work, less poverty, and stronger families.

Mr. Speaker, I believe this process of continued extensions of welfare programs is finally nearing an end. I look forward to working with our Members to get this done so more families can know the dignity of collecting paychecks instead of welfare checks.

□ 1100

In the meantime, I urge support of the legislation before us that continues these welfare programs in their current form.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, these are going to be the two classic glass-half-empty/glass-half-full speeches because the chairman has told you the good things that have happened, and there are some. But, today, we have two bad choices in front of us. The first is to support this BandAid approach that has temporarily continued the funding for TANF and the child care development block grants for yet another 3 months. The other alternative is to abandon our most vulnerable citizens until the Republican majority accepts its responsibility to chart a new course that provides a helping hand, not a slap on the wrist.

Now, I deplore these kind of crossroads at which we stand. Ten times in the last 3 years we have stood right here, as we do today, the lives and welfare of the disadvantaged hanging in the balance. At a time like this, America should shine. Instead, the Republican majority strains the needs of our most vulnerable citizens to the breaking point.

Ten temporary extensions over 3 years should send the House a clear and unmistakable message. We need to treat America's disadvantaged as first class citizens by charting a new course for the long-term reauthorization of the TANF program.

On this Republican watch, the House has taken up hopelessly divisive bills that have drawn the condemnation of mayors, governors, welfare directors, religious leaders and poverty experts. Time and again, the Republicans have tried to terminate Federal responsibility by replacing State flexibility with unfunded mandates and changing the focus of welfare reform from real jobs to make-work. Nothing good comes from this approach.

Instead, this wrong path has led to legislative gridlock. Those who suffer most are those who most need our help. The disadvantaged need our compassionate ideas and commitment to promote reforms that will help them leave welfare and actually escape poverty. This goal is particularly important when you consider that an additional 4.3 million Americans have fallen into poverty over the last 3 years for which we have data. In 2003 alone, almost another 800,000 children fell into poverty. Now, that should be a rallying cry, driving us to act.

But, instead, the Republicans use the misfortune of some Americans to suggest that poverty is rising because welfare recipients are not working hard enough. That is just wrong. It is callous and cold-hearted. The problem is not the unwillingness of people on welfare to work. The problem is too many of those leaving welfare are not finding work, or they are finding jobs that do not lift them out of poverty. We could, of course, help by providing more child-care assistance, job training and a higher minimum wage, but the Republican leadership and the President have resisted such reforms. Instead, the Republicans try to sell the same worn-out threadbare suit of clothes again.

It happened again in March when the majority unveiled their new 3-year old idea from the Ways and Means Subcommittee on Human Resources. Nothing has happened since. Nothing, leaving many to believe the Republican leadership intends to include the welfare legislation as part of the upcoming budget reconciliation bill rather than considering it as a separate measure. Such a process will make it harder to provide the necessary investments in child care because Republicans know the budget reconciliation process is meant to cut programs, not improve them. And that is just fine by the Republican leadership because they do not believe working families deserve any more help for child care. Like so much from their leadership, the rhetoric does not match the reality.

According to data from their own HHS, Health and Human Services Department, only about a quarter of the children who are eligible for child-care subsidies under State eligibility criteria actually receive assistance. This fraction drops to roughly one out of seven, if you use the Federal eligibility standard for daycare assistance. The data does not lie. We are falling short in helping low-income families meet the challenges of raising a family and at the same time going to work.

President Bush's response to this problem is to make it even worse. His proposed 2006 budget shows the number of people receiving child assistance will decline, decline by 300,000 over the next 5 years. So the administration is proposing even greater work requirements for welfare recipients at the same time that the President proposes cutting child care. So much for a helping hand.

My friends on the other side of the aisle suggest their bill is modestly more generous on child care than the administration's budget. However, that Republican package, in reality, underfunds child care assistance by $10.6 billion over the next 5 years. That is their calculation.

Republicans want to outsource Federal responsibility to the States without a dime more to address a $10 billion deficit. That leads nowhere except forcing States to face deep cuts in child-care assistance for the working poor.

Mr. Speaker, there is a better way. We have proposed legislation that gives the States the flexibility and the funding needed to move welfare recipients into real jobs and out of poverty. It is the right thing to do, and this is the right time to do it. And with that hope, I support this temporary extension of the current law. I will not abandon disadvantaged Americans at the very time they need us most.

Mr. Speaker, I reserve the balance of my time.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind the gentleman from Washington (Mr. MCDERMOTT) that, during the last several years, we have passed out of this House two bills, both of which have offered as much as $4 billion more for child care, both of which the gentleman from Washington opposed.

I might also mention that welfare case loads during this period of time of this legislation has fallen by 9 million, from 14 million recipients in 1994 to fewer than 5 million today. Again, the proof of the pudding is in the eating.

I think it is very clear how incredibly successful this program has been, and we need to move forward to make it even more successful.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me thank the gentleman from Washington (Mr. MCDERMOTT) for yielding me this time.

Mr. Speaker, I must tell you, I am extremely disappointed. In 2002, the TANF law expired. This is the tenth temporary extension. These are missed opportunities. The Democrats believe that we should extend the TANF bill. But we should stop trying to micromanage from Washington, one size fits all, and we should provide resources necessary for our States to be able to lift American families out of poverty.

Our objective in TANF reauthorization should be to lift families out of poverty, yet the bills that have passed this body that the chairman of the committee has referred to fails to incorporate lifting families out of poverty as a core requirement of TANF.

We should be providing education and training to the mothers leaving welfare so that they can move up the economic ladder, yet the bills that have passed this body have restricted our States in their ability to provide education and training to the people on welfare.

We should be providing safe and affordable child care so that families can, in fact, move up the economic ladder and accept employment opportunities. Yet the bills that have passed this body have provided inadequate funds for child care. We have provided more mandates, $11 billion more needed in child care alone, yet the bill that passed this body provides only $1 billion, an unfunded Federal mandate. We can do better.

If we really want to lift families out of poverty, let us sit down now. Stop stalling. Let us work together, Democrats and Republicans, so that we can have a TANF reauthorization bill that will help American families out of poverty rather than the bills that have passed this body that will step backward.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

I would like to remind, again, those who speak detrimentally of this legislation that, since their opposition to this, no additional $4 billion for child care over the next 5 years has been able to have been offered. No assurance for full TANF funding through 2010 has been able to be available, that would be available in this legislation. No assurance of supplemental grants for low benefits in poor States. No assurance. And it goes on and on.

Mr. Speaker, I reserve the balance of my time.

Mr. MCDERMOTT. I yield 1 minute to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, let me just point out to the gentleman from California, we have worked together when he was chairman and I was ranking member. I would just urge the gentleman to sit down and try to work out a bill that represents the views of all people of this country and all 435 Members of this distinguished body.

I would point out very clearly that, the last time I checked, the Republicans controlled both the House and the Senate and the White House since 2002, and yet we have been unable to pass a TANF reauthorization bill.

Stop placing blame. Let us sit down and work together. Give us a chance to sit at the table, and you are going to have a much better bill that will help American families escape poverty and will give the resources necessary to the States so that they can get the job done and will provide safe and affordable daycare, child care for the families that need it.

In my own State of Maryland, the only way you can get child care is to go on welfare. That is the wrong message. Let us get it done right.

Mr. MCDERMOTT. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, here we go again. Instead of making the TANF law better, instead of giving welfare recipients the tools needed to move from welfare to self-sufficiency, we are once again extending a bill that has continuously moved people from welfare into permanent poverty.

Why are we not making education or training count as a work activity for welfare recipients so that individuals can receive the skills they need for jobs that actually pay a livable wage, jobs that pay above the poverty level?

Why are we not providing quality available child care that includes care for infants and for weekend and evening workers to help welfare parents keep their jobs and become self-sufficient, because if parents do not have a safe convenient place to leave their children, they cannot go to work? And if they do, they can really concentrate on their job. Believe me, I know because, over 35 years ago, I was a single mother with three small children. My children were 1, 3 and 5 years old, and their father financially abandoned us. Even though I was working full-time, I needed welfare to keep our lives together. But it was not until my mother moved to our town and I could have her take care of the children during the day that I could pay 100 percent attention to the work that I was doing. As soon as she moved into town, I was promoted to management in my company because I did not have one ear and eye home and one at the job. And then when I got home, I was 100 percent there for my children. But when I was at work, I was 100 percent at work.

So I was promoted to management, and later, I worked my way off welfare and off poverty. Eventually, I started my own business, and now I am a seven-term Member of the House of Representatives. Let me tell you, I am not sure any of that could have happened without the help and the leg up that I received from the welfare system. And believe me, I have paid back into the system many, many times over, and so have most of the women who have been given a chance for a higher education, who have been given the support of a good child care system to help them stay in the work force so that they can achieve.

So why are we wasting our time extending something that has moved welfare recipients, yes, out of welfare, but yes, into poverty with an idea they may never be able to move out of poverty because they have not gotten the assistance that they need? They will pay back to the system many times over, I promise you.

Mr. MCDERMOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. LEVIN).

□ 1115

Mr. LEVIN. Mr. Speaker, as mentioned, this would be the 10th extension. And everyone has the right to ask, why another extension, instead of our buckling down and being able to pass a welfare reform bill.

There is an effort, I think, to blame the Senate. I do not think we forget who controls the Senate. But let us forget about that. Because I think the main problem is the approach of the House majority, and when it comes to this as has been true of so many other programs, it is their way or no way. And so far when it comes to further work on welfare reform, it has been no way.

Now, that may be better, and I think it is, than what they have proposed here; but still we should be able to, as I said, buckle down and tackle this issue. We have not done so.

There has been zero effort by the Republican majority in this House to sit down with Democrats and see where we go from here. Zero.

There has been success under welfare reform as we passed some years ago. There have been some successes. The rolls have been cut in half and the majority of those who are leaving welfare have worked since they left. And two-thirds now of the people receiving welfare or TANF are engaged in work. But the problem is that so many of them are not moving up the economic ladder.

These are the government figures: 60 to 70 percent of those who have moved from welfare to work, 60 to 70 percent are essentially earning at the poverty level or worse. In contrast, those who leave welfare and move into higher starting wages were 40 percent more likely to be working 2 years later, and those receiving child care assistance, the same way.

So some years ago we worked, President Clinton proposed it, there was passage by the House and Senate. He vetoed it twice because there was inadequate child care, inadequate health care. The Congress, with a number of us working on it, paid attention to those and it passed on a bipartisan basis. But there is no effort to move to another stage of welfare reform, and that is to make sure that it is structured so that people can move off welfare into jobs that do not lead them into poverty.

Instead, the Republican majority here has proposed not moving people off welfare into work that takes them out of poverty, but emphasizing or talking only really about those who are on welfare and moving into work regardless of the consequences. And we in the minority here have proposed bills that would continue State flexibility which would be taken away by the majority here and would reward States if they moved people off welfare into good-paying jobs. They would take care of the technical problems with health care, transitional Medicaid and also would restore full funding to the Social Services block grant.

So in a word, I say to the chairman of the subcommittee, instead of simply extending this bill because you are unwilling to sit down on a bipartisan basis and work on further important welfare reform, I urge you to instead of just kind of stonewalling, sit down with us and see if we cannot do still better.

Mr. MCDERMOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it really speaks volumes that there is no one who wants to come out here and talk about what happens to ordinary people here in this country.

The last election was one in which people said the issue was whether people had values or not. The values that the Democrats have stood for for 70 years, really since the Depression, were a minimum income for everyone.

Now, let us start with the minimum wage. We have not raised the minimum wage in this House since 1997. We raised our own salary yesterday 2 percent or whatever it was. I do not know. But the people at the bottom have not had an increase since 1997.

We take a young woman who has got a kid and got out of high school and did not graduate, and we send her out and say, go get a job, go get a job; and she gets a job at minimum wage which amounts to about 50 percent of the poverty level. That is not a value that I support.

Housing is another value that we should be talking about. These people are struggling to find a place to live in the city close to their job. In Seattle you cannot find very many places inside the city. As we gentrify the centers of the city, the people have to move out farther and farther and farther to the point where the bus lines require a couple of hours to get into the city to work at a minimum-wage job.

Health care, another value. There should not have to be a colloquy over here about whether we are going to provide health care for these people. We know that we need a workforce that is healthy. We need people going to work who are healthy, and we need children who are healthy who can go to school and learn and become part of an educated workforce. To fail these children in their earliest years is to present ourselves with a problem. Maybe not us, because we will not be here when the kids who are on welfare today become a problem for the Congress, but 20 years from now people are going to say, why did we not have health care?

The reason we wound up with a school lunch program in this country was because when they went to drafting people in the Second World War, they had so many recruits that had nutrition-related diseases that they had to reject them. And so, Mr. Truman, it was not some big-hearted thing, he started the school lunch program so that we would have healthy kids. And yet we are still questioning whether these youngsters, we are putting the pressure on the States to make cuts in welfare in every single jurisdiction.

The chorus of hollering is going to start when these bills start passing and State governments have to deal with what we have put out there as an insurmountable problem for them, a mandate from us that they have to find the money for.

Finally, education of kids. That is a value. You want kids to have an education. You want parents to have an education. Kids follow the model of their own parents. If we do not help these people on welfare get an education, if we make it an insurmountable task, the kids do not see their own mother or own father get an education.

My belief is we can do better than this, and I hope when we pass a permanent bill we will.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in 2002 and 2003 this House passed long-term reauthorization legislation to encourage more work among welfare recipients and to provide more resources for States to assist low-income families. And I have heard several on the other side, my good friend from Washington, talk about values, talk about Democrat values, Republican values. He spoke about the amount of funding.

Let me just mention that under the Democrat values of the programs that we had twice as many who were on welfare than were on welfare today because caseloads were cut in half during our current legislation while Temporary Assistance to Needy Families, TANF, funds were fixed and child care funds grew, Federal funds per TANF families more than doubled. As a matter of fact, in 1996 the average family under the old Democrat plan had $6,934 average approximate per family. In 2004 these same families had $16,185 because the program was block granted, and it was an equal amount of funding coming in and it was not reduced.

This, Mr. Speaker, would be the 10th extension of these programs since 2002. However, I believe this process of continued extensions of welfare programs is finally nearing an end. I expect that the House will soon act on and pass comprehensive welfare reform legislation as part of the budget reconciliation process. But until that happens, it is important that we continue these programs and we do need to pass this bill today. Therefore, I urge all of my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATHAM). The question is on the motion offered by the gentleman from California (Mr. HERGER) that the House suspend the rules and pass the bill, H.R. 3021, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HERGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3021.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3058 and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MAKING IN ORDER AMENDED VERSION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 3058, pursuant to House Resolution 342, the amendment that I have placed at the desk be considered as adopted in the House and in the Committee of the Whole and considered as the original text for purpose of further amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment to H.R. 3058 offered by Mr. KNOLLENBERG:

Strike the dollar amount on page 176, line 26, and insert in lieu thereof "$283,975,000".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 342 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3058.

□ 1129

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. MCHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to present to the House the Fiscal Year 2006

Transportation, Treasury, HUD appropriations bill which was passed out of committee via voice vote last week.

Before getting into the specifics of the bill, I want to commend the gentleman from California (Chairman LEWIS) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for their tireless work to finish these bills by the end of this week.

Here we are on June 29 marking up the final of the 11 spending bills. I am sure that the gentleman from California (Chairman LEWIS) has been saving best for last.

Mr. Chairman, I must acknowledge the role that my ranking member, the gentleman from Massachusetts (Mr. OLVER), played in assembling this bill. I consider him a partner in creating the product before you because his input has been invaluable. We have found common ground more often than not, and what few differences remain are the result of honest disagreement.

□ 1130

He and I have had several conversations about almost every facet of this bill. The staff has met repeatedly, and information has been shared in a timely manner. I believe the bill is stronger because of the input the gentleman from Massachusetts (Mr. OLVER) has provided.

I also want to mention, of course, the staff which has contributed heavily and in mighty ways, extraordinary ways, to the completion of this bill. My clerk, Dena Baron, Cheryle Tucker, David Gibbons, David Napoliello, Steve Crane, Tammy Hughes, Kristen Jones; and on the minority side, Mike Malone, the clerk, and Michelle Burkett. They have done tremendous work.

As my colleagues know, this is the committee's first year with its current jurisdiction, and I believe the product before us is worthy of this body's strong support. It is a fiscally responsible bill, funding high-priority programs and eliminating Federal funds for other programs that are duplicative or ineffective.

The bill before us is at our 302(b) allocation of $66.9 billion in BA and provides total budgetary resources, including transportation obligation limitations and mandatory spending, of $134.9 billion, an increase of $7.2 billion over last year and $8.8 billion over the request.

Let me be very clear here. These increases do not represent frivolous spending by the committee. The increases over the budget request and last year are due to House rules mandating certain funding levels for highways, transit and aviation programs. House rules that we voted for.

We also retained CDBG in the bill and were able to fund it at a level near last year's limit. As most of my colleagues know, the President proposed eliminating that program, but the response was overwhelming to keep it right here in HUD.

In transportation, we have met all of our guarantees for surface transportation and safety, and aviation infrastructure as included in TEA–LU and Vision-100. For FAA operations, we have provided funds for 595 new controllers, plus an additional $8 million over the request for safety inspectors.

I realize there will be a lot of attention paid to Amtrak today. The bill provides $550 million, $190 million more than was included in the budget request, and $657 billion below last year's enacted level. To that end, this bill prohibits Federal funds for any Amtrak route that requires a subsidy of $30 or more per passenger, most of which, of course, are long-distance routes. The 24 routes that require a Federal subsidy of less than $30 per passenger will continue to receive Federal aid, and those 24 routes account for more than 80 percent of Amtrak's annual ridership. Let me just repeat that: The 24 routes that will continue to receive the Federal subsidy make up more than 80 percent of the ridership.

Specifically, the bill permits Amtrak to use Federal funds to support operations for the following: All routes in the northeast corridor, including spurs that run from New York City to Albany, from New Haven, Connecticut, to Vermont, and from Portland, Maine, to Boston; routes running through Pennsylvania; most corridor routes in the Midwest; trains running from Portland, Oregon, to Vancouver; and corridor routes in California.

I want to also be clear that it does not prohibit Amtrak from using non-Federal resources to support other routes, nor does it mandate that any routes be shut down or truncated. We need to make it clear that Congress will no longer sanction the use of taxpayer dollars on such extremely unprofitable routes.

From the very first time I picked up the subcommittees gavel, I knew that Amtrak would be a major issue of contention. I came in with an open mind and had no preconceived notions of an outcome. I instructed staff to follow the facts wherever they may lead, and Mr. Chairman, they have led us right here. The Amtrak proposal before the House is an honest one and worthy of our support.

In the Department of the Treasury, we fully funded the budget request for the Office of Foreign Assets Control and the Financial Crimes Enforcement Network. The Community Development Financial Institutions program fund is funded at last year's level of $55 million.

The IRS is funded at a total of $10.5 billion, an increase of $313 million from last year and a decrease of $130 million from the request. This funding level allows IRS to maintain the critical balance between taxpayer services and enforcement activities. While the IRS requested more funds for enforcement, the request relied on a Budget Enforcement Act provision that our Committee on the Budget did not adopt in the budget resolution.

Also included in Title II is an administrative provision that prohibits the IRS from closing taxpayer assistance centers until IRS submits a report outlining the impacts of the closures on taxpayer compliance and consults with stakeholders.

The committee had two priorities to meet for HUD in 2006. First and foremost was the protection of all extremely low-income families currently receiving Section 8 and public housing rental assistance, and to continue to restore facilities and rental assistance for low-income individuals that are severely disabled or have HIV/AIDS, all of which the administration proposed for major reductions. Failure to fully meet this commitment would have resulted in thousands of families losing their assistance and becoming homeless. To achieve this, the committee added more than $2 billion over last year's funding level and more than $700 million over the administration's proposals for these programs.

Our second priority is to retain and restore to the maximum extent possible the formula funding for cities and towns across America through the Community Development Block Grant. As my colleagues know, the administration proposed to terminate this program, which was funded at $4.7 billion last year, but we were able to restore formula funding for CDBG to within 6 percent of the amounts provided in 2005.

To fund these high priorities, however, the committee had to do a broad sweep of duplicative and lower-priority programs throughout the Department, including boutique programs that have typically been funded by reducing the amounts in the formula CDBG program. It is never easy to stop funding a program once it gets started receiving Federal funds, but we have to make these decisions in order to meet our main funding objectives.

For the Judiciary, the bill provides sufficient funding to maintain current services of the Federal Judiciary, including rent and personnel increases. In addition, we fully fund the Judiciary's revised request for court security.

For the District of Columbia, we provided the budget request for Federal payments to the District, which includes tuition assistance, court costs and school improvement. As for the District's local budget, the bill appropriates the budget and financial plan by reference, and carries many of the same general provisions of the past.

We funded HIDTA, the High Intensity Drug Trafficking Areas Program at $227 million. That is the same as last year, and it was $77 million over the request. Other Executive Office of the President programs are funded at the requested levels.

As for the General Provisions, we recommend no substantive changes to the provisions carried in prior years.

All in all, after much hard work and discussion, I believe that we have a balanced bill before us. No, we did not fund every program, but we did fund the higher priorities under our jurisdiction that will deliver the best results to the most people, and that is our responsibility.

I would like to take a moment and talk about a few of the amendments which may be before us today. This is a large bill with a rather vast and disparate list of agencies under its title. When it comes to dividing up the 302(b) allocation, we really have to do a balancing act. Each agency has a responsibility to the citizens of this Nation and each has a role to play.

GSA has the responsibility for being the Federal landlord, for every citizen receiving Social Security or needing a passport or a visa, for every veteran needing his claim adjudicated, for every neighborhood waiting on an economic development grant, every citizen seeking justice in a Federal courtroom, or relying on the Department of Homeland Security to keep our borders safe. GSA provides those buildings to do its work, and the public, of course, to find the government. To view the Federal Buildings Fund as a bottomless offset for "program" spending is dishonest to the programs we propose to fund.

I do have an amendment to offer with the gentleman from Massachusetts, my friend, the ranking member of the subcommittee, that takes money from an unidentified project in GSA and moves it to CDBG for Youthbuild and tax law enforcement.

Other than that one amendment, I think it is a good bill. I urge its adoption quickly so we can move to other urgent business.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, too, want to congratulate the gentleman from California (Chairman LEWIS) and the gentleman from Wisconsin (Ranking Member OBEY) for managing to get us here before the end of June to the final bill. And with any luck at all, we will actually finish this final bill before the end of June.

For the second year in a row, last year as the Subcommittee on Transportation, Treasury and Independent Agencies, and this year now as the Subcommittee on Transportation, Treasury, House and Urban Development, the Judiciary, District of Columbia, and Independent Agencies, this has been the last subcommittee to report. The reorganization does not seem to make much difference. We are still the last subcommittee to report to the floor, and I do not know what else can be said or inferred from that except that the best has been left for last.

First, I want to thank the gentleman from Michigan (Chairman KNOLLENBERG) for the positive and constructive relationship that we have forged thus far in this expanded and reorganized subcommittee.

Mr. Chairman, as the gentleman from Michigan (Chairman KNOLLENBERG) put the bill together, he listened to both majority and minority Members, the concerns that they might have, and worked to resolve a good many issues. That cooperative approach was not limited to subcommittees or even subcommittee members or even to full Committee on Appropriations members. He considered all Members concerned, and where he was able to help, he did that, even to the last 12 hours, as he has indicated in his remarks, the amendment that will be offered early on in the process, and I thank him for that.

I particularly want to commend the gentleman from Michigan (Chairman KNOLLENBERG) for his mark in regards to his thoughtful approach to our capital city's budget which is embodied in this bill.

I also want to take a moment to thank the excellent staff on both sides of the aisle for their hard work on this legislation. On the minority side, Mike Malone, Michelle Burkett, Matt Washington, Kathleen Harris on my staff, and Shalanda Young.

On the majority side, Dena Baron, the majority clerk, Cheryle Tucker, Steve Crane, Dave Gibbons, Tammy Hughes, David Napolielo and Kristen Jones.

This bill has become more complex than I think any of us realized it would, and I appreciate the efforts and the long hours of each and every one of those staff members.

Mr. Chairman, every dollar of budget authority allowed in the severely inadequate allocation where a subcommittee has been used, were I in charge of the distribution of that allocation, it would be different. However, there would be still the same volume of holes. So I stipulate that this inadequate allocation created problems.

On the one hand, I am very pleased to see significant increases for transportation funding because transportation investments are critical for a healthy, growing economy for our growing and shifting population. For example, the Federal Aviation Administration funding is 13.5 percent above the President's request at $14.427 billion. The Federal Transit Administration is 9 percent above the President's request at $8.482 billion. Federal Highway Administration's allotment here is 4.5 percent above the President's request at $37.026 billion. Mr. Chairman, even the Federal Railroad Administration is 32 percent above the President's request at $732 million. Mr. Chairman, as we can see, these are good levels for transportation funding.

On the other hand, I am very concerned about the impact that meeting the House TEA–LU levels was having on other agencies and accounts in the bill.

In Title I, the transportation title, Federal aviation, Federal highway, Federal transit are funded substantially above the fiscal year 2005 enacted level and way above the President's request for 2006.

□ 1145

That is driven by current authorization on FAA and the anticipated authorization, which we all fervently pray for within the next month or so of Federal highway and Federal transit through the TEA–LU bill.

The lone exception to adequate funding is Amtrak. The chairman uses an extremely blunt instrument on Amtrak, somewhat like the proverbial 2-by-4 between the mule's eyes. The bill terminates all Federal subsidy on 18 long-distance lines, which are the most heavily subsidized lines, thereby terminating the very concept of a national passenger rail system. Those 18 lines carry roughly 20 percent of Amtrak's passengers and provide the only passenger rail service in 23 States, represented by a lot of Members of the House and, incidentally, by 46 Members of the other body.

The shutting down of those lines would incur $300 million in labor and contractual costs in fiscal year 2006 alone. That $300 million, plus $275 million in mandatory debt servicing, plus $130 million of Federal subsidy to keep the remaining 24 inner-city lines operating is already $150 million above the $550 million provided in the bill, and that is before any allocation for capital improvements on the deteriorating northeast corridor trackage, wholly owned by Amtrak and carrying 50 percent of all Amtrak passengers.

Mr. Chairman, if this body funds Amtrak at $550 million, it should be no surprise if there is no passenger rail service this time next year. And there will be one or more amendments offered to address that problem.

Mr. Chairman, there remain holes in title III, the HUD title. Section 8 and public housing accounts are relatively well funded, but there are substantial reductions from 2005 enacted levels in the community development accounts, and that is largely because the committee wisely rejected the proposal by the President to move almost all of the community development accounts into a different department and a different piece of legislation. And in rejecting and bringing back that material, which has always been the material of the community development portion of housing and community development, the funding ended up not being high enough to be anywhere close to enacted levels from last year.

As examples, the CDBG formula grants, which go to virtually all of our communities around the country, are down below the 2005-enacted level by 6 percent, and the HOPE VI and Brownfields Development are defunded, defunded, just as examples. The YouthBuild program, which is operated successfully in so many districts, is not yet funded.

So, Mr. Chairman, our bill has some shortfalls. These shortfalls should not be allowed to remain in this bill as it becomes law.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield 6 minutes to the gentleman from New York (Mr. SWEENEY), the vice chair of the subcommittee.

Mr. SWEENEY. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in strong, strong support of this very important bill. It is important in so many ways because it meets so many of the needs of our Nation, and it represents every year one of the significant milestones of the session. It represents that more so this year than almost any other.

And in saying that, I want to recognize the full committee chairman, the gentleman from California (Mr. LEWIS), and the ranking member, the gentleman from Wisconsin (Mr. OBEY), and congratulate them on what I think is not a small point, and that is that we will, as of the passing of this bill, have completed the work of the Committee on Appropriations initially here in this body.

That is important to the American people because it ensures for them, in an organized and reasonable manner, some transparency in order for us to really understand what the priorities are going to be. And as we go forward and focus more in conference and have discussions and debates with the other body about what the funding priorities are to be, the fact that we have gotten our work out of the way at this juncture is very important.

Secondly, I want to specifically recognize the chairman of the full committee for fulfilling a commitment to the American people to do something about the deficit. This appropriation process recognizes that we needed to symbolically, and maybe otherwise, make real commitments to ourselves and to the people of this Nation to reduce our spending habits. And in this process we have made that strong statement, or will have made that strong statement in the body.

Now, I also want to congratulate the chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG), and my neighbor, the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their work on this bill and the staffs of the committee for the great work they have done on this bill. This particular bill represented a unique challenge because for the first time the bill includes funding for highway transit, aviation and Amtrak, as well as the Department of the Treasury, IRS enforcement, and Housing and Urban Development. In addition, the bill also provides funding for the District of Columbia.

The needs of all of these competing programs are staggering, and the chairman and the ranking member really have done a noble job, as well as the staffs on both sides of the aisle having done a really noble job of trying to listen to the needs of all Members.

Let us talk about what this bill accomplishes. The bill increases highway spending and funding for the FAA to help make our roads and skies safer. I am especially pleased at the commitment in this bill for airport improvement, $3.6 billion and $104 million for essential air services. I come from the 32nd largest rural district in the Nation. This is a key, key component. The bill also includes funding to hire and train 595 new air traffic controllers. I hope to avert some potential problems that we may have in that human resources area.

In terms of housing needs, the bill provides funding for section 8 vouchers and project-based rental assistance. Importantly, this bill rejects an administration proposal to undermine the Community Development Block Grant, CDBG, program. CDBG is critical to our local communities, and this bill preserves the program in its current state.

I also want to highlight the contributions this bill makes in the war against drugs by providing funding to the Office of National Drug Control Policy and the National Antidrug Media Campaign. The work achieved by the Media Campaign, in conjunction with the Partnership for a Drug-Free America, is incredible and greatly contributes to our efforts to keep kids from experimenting with drugs.

Mr. Chairman, I thank the gentleman from Michigan for allowing me to speak. This bill is not perfect. No bill ever is. No appropriation bill ever is. It moves the process along. In putting this bill together, I know the chairman faced a $3 billion shortage in transportation guarantees and overall a $1 billion shortage with the inclusion of all these additional programs. The gentleman has met that challenge in fulfilling some basic structural needs to move it along, and he has met many other needs; and I wanted to congratulate the chairman.

On Amtrak, let me say this. I recognize there are negotiations and decisions to be made. We need to move it further. We need to begin the process of reforming Amtrak. We need to get realistic, or more realistic, about what that Federal subsidy needs to be. But in this bill the fact that the chairman has targeted 80 percent of ridership is a pretty good foundation piece, and I really respect the decisions the chairman had to make and how he made them.

For my constituents, and those of us on the lines that are most dependent upon Amtrak use, this bill ensures, as these negotiations go forward, that the essential services we need will be maintained. But that is not good enough, Mr. Chairman. We have to make sure that in going forward, we are able to bring about changes and reforms in Amtrak, changes that have been talked about for more than a decade.

And to Mr. Gunn at Amtrak, and those people who run Amtrak, as one who has worked with him in the past, I am deeply, deeply disappointed in their failure thus far, frankly, of bringing about meaningful proposals, other than asking for more money. It puts those of us who are Amtrak allies in a distinctly disadvantaged position. Because other than fighting over money, we do not ensure any strengthening of the system, or any increase in the vibrancy of the system.

I am going to vote for and support this bill. I probably will end up supporting some other amendments that will help move the Amtrak debates further along. But we cannot get to the point that we need to unless the people who are running the system get more interactive with us and propose more of the changes that we need in order to finally resolve the longstanding problems of that system.

Again, Mr. Chairman, our chairman has done a noble and terrific job. His staff has as well, as has the staff of the other side. And the leadership on the other side, I want to congratulate them for that and vow that we will continue to work together to make improvements where we can.

Mr. OLVER. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I want to thank the gentleman for yielding me this time, and let me simply say that I appreciate the fact that the gentleman from Michigan (Mr. KNOLLENBERG) has tried to do everything in his power to make this bill as acceptable as possible, given the circumstances. So I do not object to what he has done, but I do object to the circumstances.

I would simply say that the problem is that Chairman KNOLLENBERG has not been given the tools necessary to make this a desirable bill. It is sort of like giving a surgeon a spoon and telling him to go ahead and perform surgery. He needs more than that in order to get the job done.

This bill, I think, is an important failure in terms of our obligation to meet a number of national needs. As has been mentioned previously, we have a number of important HUD programs which are crunched and zeroed out. Brownfields, for instance. My community has had some wonderful successes in cleaning up polluted areas through the use of that program. That program, if this bill has its way, would be gone. We have other problems in the housing area which have already been discussed.

Amtrak. As my friends in this House know, I often quote my favorite philosopher, Archie the Cockroach. Archie said once: "Did you ever notice when a politician does get an idea, he gets it all wrong?" And I would say that this budget for Amtrak gets it all wrong.

Amtrak, frankly, does not impact my district to any significant degree, but the fact is it is an important national resource which should not be scuttled like it is an old World War I battleship. The fact is that it provides an important national service, and we ought to be able to preserve a national passenger rail system.

The idea that is wrong is the idea that somehow we ought to require passenger rail service in this country to show a profit. We do not require airlines to do that. The Federal Government pumps a lot of money into the budget in order to provide service to hard-to-serve areas in the country as far as air travel is concerned, and we need to treat rail transportation the same way.

We would not have a Federal highway system if we only built the routes that "paid for themselves." Most of rural America would be flat out of luck, especially the West, when it comes to highways, if we applied the same logic to highway construction that the House is trying to apply to railway transportation in this bill.

□ 1200

Another shortcoming, in my view, is the fact that it provides a $250 million reduction to the Community Development Block Grant. I do not represent a city over 40,000 in my entire district, but those small-town mayors that I represent make terrific use of the money in this program in order to revitalize neighborhoods in ways that they otherwise would never be able to do.

I would also say, and this is no particular fault of the gentleman from Michigan (Mr. KNOLLENBERG) either, but this bill represents the last chance that we have to do something about the fact that the administration for 2 years has kept the truth from Congress about the needs of the veterans health care system in this country.

We have been trying for 2 years to get more money into the VA for veterans health care. We have steadily been told by the administration, No, no, no, the budget is fully adequate, we do not need any more money. Now we know it has all been baloney.

Yesterday, the administration finally broke down and admitted that they are more than a billion dollars short for this year, and for the coming year, they will be $2.6 billion short. We have an obligation to do something about it. The Senate did something yesterday on the Interior bill. The Senate added $1.4 billion as an emergency appropriation to deal with what is an emergency situation in the veterans health care agency.

This is the last appropriation bill that is going to go through here on a regular basis, and because we were not allowed to offer this amendment on the subcommittee bill where it should have been offered, we have no choice but to try to get it offered to this bill, unless this House wants to sit, as FDR used to say, "frozen in the ice of its own indifference." I would hope we would not do that and would respond to the challenge at hand.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in support of this bill. I commend the gentleman from Michigan (Mr. KNOLLENBERG) for presenting a fair bill. It provides for critical transportation and housing needs of our country, as well as funding for the Federal Judiciary and the District of Columbia. In the interest of time, I am just going to summarize my remarks.

I think one of the key elements to a strong economy in a Nation is an interstate highway system so we can move goods and people. I often think how wise President Eisenhower was when he started the interstate system. We cannot imagine the United States without the interstate system. So this bill, under the gentleman from Michigan (Mr. KNOLLENBERG), really focuses on transportation, and that is a key element of the Nation's economy. It is a key element of providing quality of life and jobs for people.

In addition to the Federal system, this bill provides $37 billion for public roads, bridges and so on that deal with the safety issues. There is over $14 billion to the FAA because, again, safety in our airports, safety in facilities to expand the aviation capability of the United States. Along with that is the money for the air traffic controllers. Again, there is a need for a growing number. Many air traffic controllers will be retiring, and this bill addresses that by making investments in new hiring and training for almost 600 new air traffic controllers. I think we forget when we are up in the sky in an airplane; we assume safety. But we are dependent on the air traffic controllers to ensure that.

Housing needs, again an essential part of the quality of life in a country. This bill addresses the section 8 programs.

I would particularly commend the gentleman from Michigan (Mr. KNOLLENBERG) for restoring funding to the community development fund. This gives the local communities an opportunity to meet the needs and requirements of their people. I think it is a great way of involving local government and the people who know what the needs of their community would be to ensure that there is a quality of life.

Lastly, the High Intensity Drug Trafficking Areas program is part of the National Drug Control Policy. We do a lot of drug control programs in the Labor-HHS bill, but this is also an important part of that. This is critical in the State of Ohio for the HIDTA program. It is critical for local communities as well as Federal responsibilities.

For all of these reasons and many more, and the qualities of this bill, I urge my colleagues to support this important funding measure.

Mr. Chairman, I rise today in support of the Transportation, Treasury, HUD Appropriations Bill for Fiscal Year 2006. As a member of the Subcommittee, I commend Chairman KNOLLENBERG for presenting a fair bill that provides for the critical transportation and housing needs of our country, as well as funding for the Federal Judiciary and the District of Columbia.

I would like to highlight several issues that make this a good bill that deserves the support of this House.

First, a strong interstate highway system is essential for a growing and healthy economy. I am pleased the bill increased funding to Federal-aid highways to $37 billion to construct and improve our Nation's highways, public roads and bridges.

This represents an increase of nearly $2 billion from last year's enacted level. The Federal Highway Administration (FHWA) partners with States to assist in financing the construction and preservation of nearly 1 million miles of highways and other key routes, connecting cities and towns across the country.

The bill also provides over $14 billion to the Federal Aviation Administration (FAA); nearly 900 million over last year's level. This important funding supports the operations of a 24-hour a day national air traffic system and a continued commitment to safety and efficiency in our Nation's airways. I support the Chairman's increases of funding for the Airport Improvement Program to $3.6 billion and for the Essential Air Service program to $104 million. These important programs assist public use airports with costs of capital improvements and ensure that people living in small communities and rural areas have access to air service.

Air traffic controllers have the tremendous responsibility of providing for safety and security of our Nation's airways. With the expectation that 73 percent of controller work force will be eligible to retire over the next 10 years, I am pleased the committee directed $25 million in responsible investments to hire and train 595 new air traffic controllers.

Addressing housing needs, the bill includes $15.5 billion in funding for the Section 8 housing vouchers. This funding level represents a $765 million increase over last year and allows for the renewal of all existing tenant-based vouchers. The bill assumes completion of the transition from a "unit-based" to a "budget-based" system so that Public Housing Authorities will now have a set amount of funding to work with each year. Recognizing that numerous Public Housing Authorities were adversely affected by the three-month snap shot period used last year to set the budget totals, the bill provides $45 million to restore vouchers to those areas that need it most.

Section 8 housing vouchers are the safety net needed to help many low income working people provide a safe and secure home for their families.

I would like to commend Chairman KNOLLENBERG for restoring funding for the Community Development Fund to a level of $4.151 billion and maintaining this community development program in the Department of Housing and Urban Development where it can best serve our local community needs. This critical program provides local governments with flexible funds, allowing them to address specific needs existing within their communities.

I would also like to note that this bill maintains funding for the High Intensity Drug Trafficking Areas Program (HIDTA) within the Office of National Drug Control Policy and does not move the program to the Justice Department. The bill provides $227 million to fully fund the existing HIDTAs and allows some expansion where needed.

This program is critical in the State of Ohio to allow local, State and Federal law enforcement agencies to coordinate and work together to reduce drug trafficking in the State.

With that I urge my colleagues to support this important funding measure.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, I rise today in strong opposition to the irresponsible funding level of Amtrak in this bill. The funding level in this bill will kill Amtrak service. Among the 15 long-distance routes that will be eliminated is the Cardinal train, which connects my hometown of Indianapolis to Chicago and to New York City, serves over 88,000 passengers each year.

Also slated for elimination is Amtrak's Hoosier State train which connects my constituents to Chicago, serving about 18,000 passengers. In all, 100,000 Indiana passengers would be stranded without rail service. Over 1,000 Hoosier jobs will be threatened, including the 640 workers of Amtrak's Beech Grove heavy maintenance facility in my district.

This funding level is irresponsible. All transportation is subsidized by the government. When the airlines are in trouble, my colleagues do not hesitate to jump to their aid. Since Amtrak's creation, the Congress has subsidized air and highway transportation over $1.89 trillion. That is 63 times what we would have spent on Amtrak.

Let us not forget, it was Amtrak trains that brought stranded Americans home in the aftermath of September 11. I commend the gentleman from Ohio (Mr. LATOURETTE), and the ranking member, the gentleman from Minnesota (Mr. OBERSTAR) for bringing to the floor the amendment today that would raise Amtrak funding to $1.2 billion.

In closing, let me remind my colleagues, there is not a rail service anywhere in the world that is not subsidized by the government. It is a service to consumers and should be maintained. I would appreciate unilateral, universal support of the amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Chairman, I thank the gentleman for yielding me this time and thank him for his support of the Community Development Block Grant program and for working so hard to find funds for CDBG in this bill. As the appropriation process continues and the bill moves to conference, will the chairman continue to work to find additional funds to offset the reduction in the CDBG for fiscal year 2006?

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. TURNER. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Ohio (Mr. TURNER) for working with me on CDBG and for his efforts to help fund this program.

Restoring the funds for CDBG was our highest priority after funding assistance for the neediest families in our society. Funding for CDBG remains one of our highest priorities, and I will do everything to return the program as close to the 2005 enacted level as possible.

That was my intent during the development of this bill, and it remains my intent as we continue to final passage of this appropriation act for 2006.

Mr. TURNER. Mr. Chairman, I thank the gentleman from Michigan (Mr. KNOLLENBERG) for his response, and I look forward to working with him on CDBG. I appreciate the success that he has accomplished on this bill.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Committee on Financial Services.

Mr. FRANK of Massachusetts. Mr. Chairman, I invite Members to return with me to the thrilling days of the Reverse Houdini. That is what we are seeing today on the floor.

Older Members will remember Harry Houdini who had an act. His act was to have other people tie him in knots and then appear before the public and get out of the knots.

What my Republican colleagues will show you today, as they did in the Labor-HHS bill and other bills, is the Reverse Houdini. Under the Reverse Houdini, you tie yourself in knots. Then you appear before the public and tell them how much you wish you could help them, but you cannot because you are all tied up in knots. You do not mention that you tied the knots.

The gentleman from Michigan (Mr. KNOLLENBERG), in his capacity as chairman of the subcommittee, has done work which I admire and for which I am grateful. He rejected the shortsighted and thoughtless efforts by the administration to gut the CDBG program and to rearrange the section 8 program. And I admire and appreciate what they did. So given the very limited, indeed inadequate, resources with which the gentleman had to work, he did a very good job.

On the other hand, I must say to the gentleman from Michigan (Mr. KNOLLENBERG) and others on the other side, I admire what you did with inadequate resources, but I do not admire that you are the ones who made the resources inadequate. Members who voted for the tax cuts do not come to the floor with clean hands when they talk about the consequences of the tax cuts.

We will hear today, as we heard on the bill dealing with Labor, Heath and Human Services and Education, laments. The gentleman said he wished he could do more for CDBG. Well, who is stopping him? What is stopping him is the budget he voted for. The budget he voted for was dictated by the tax cuts he voted for.

The President said last night that the war in Iraq will go on and on. He will not waver. No, he will not waver. Funding for all these important programs will waver. A month in the war in Iraq would have been more than enough to make unnecessary all of the apologies we will hear. We will hear the Reverse Houdini again and again and again.

Members of the Committee on Appropriations will come, and they will accurately say that, given the resources they were provided, they cannot adequately fund all of these programs. But we ought to make clear, it is their own decision that led to these inadequate decisions.

In the housing area where I have some involvement and jurisdiction, virtually no program is adequately funded. They did better than the administration would have had them do, and I appreciate that important programs like Youthbuild are going to be resuscitated from having been snuffed out; but we will still have too little in CDBG, the Community Development Block Grant program.

The CDBG is an excellent program, and we are being told, maybe, if we are lucky, we will get it back up to where it has been, in an era of massive tax cuts for the wealthiest and an ongoing war in Iraq. Community development will be going on much better in Mosul and Baghdad than it will be in Pittsburgh and Chicago. I do not mean to deny the needs of people there, but we should not have it come at the expense of people here.

The section 8 program is better, but it will still not be enough. Let us also note that public housing, the entity that houses some of the poorest people in this country, will again not get what it ought to get. I would urge my colleagues, let us stop coming to the floor and apologizing for the consequences of your own actions. Let Harry Houdini rest in peace.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I note the committee's strong support for parallel electric hybrid buses. I agree, we must encourage the use of low-emission technologies as a way to reduce air pollution from our Nation's bus fleet.

I would like to point out that series-type hybrid systems, although they operate differently from parallel systems, strive to meet the same goals. Regardless of their operating systems, I believe there is value in these technologies and hope the chairman will join me in encouraging their use. I would welcome any comments the Chair might care to make.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, the gentleman raises a very important issue. I acknowledge that series-type hybrid systems have the same goals and encourage the Federal Transit Administration to increase the procurement of buses utilizing both types of systems.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his comments.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON), our capital city.

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Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to thank the gentleman from Massachusetts (Mr. OLVER), ranking member, and the gentleman from Michigan (Chairman KNOLLENBERG) for their work on a bill that happens to include the District of Columbia in this new consolidated appropriation. The chairman and the ranking member are making their debut, and I want to congratulate them on being in on time on one of the most complicated bills because it has many unrelated issues, and yet they have worked very collegially together.

I want to speak only briefly to three items. The least important part of the bill for every Member but me is the District of Columbia section. I appreciate the gentleman from California (Chairman LEWIS) and the gentleman from Michigan (Chairman KNOLLENBERG), who was once Chair, both of whom worked with the Subcommittee on the District of Columbia and the gentleman from Michigan (Chairman KNOLLENBERG) as a recent past Chair, for the way they have worked with the Committee on Rules to give us a rule that will just let this bill pass through as the least important part of what they are doing here today. I particularly respect the self-government respect they have shown to our city. The Mayor and the police chief were here yesterday. There will be a point of order regarding a matter on gun safety, and I think that that should simply take care of it.

On CDBG I was very pleased to hear the gentleman from Michigan (Chairman KNOLLENBERG) say he was trying to do what he can, because it must be hard to find a Member in this body who is not with us on this program, which has been so productive for large and small cities alone. All we see around us in the new economic development in the District of Columbia has been aided by the CDBG.

Amtrak is before us. It is perhaps the most controversial part of this bill. I am supporting the amendment to add funds and have myself, out of one of our authorizing bills, contributed funds out of one of our appropriations. That is just how important it is to me. But not just important to me, of course. Union Station is the second busiest behind New York. But what is important to Members of this House is the 500 stations and the 46 States that would essentially be left with the present level of funding with no Amtrak.

I ask Members to remember that no country in the world is able to run a railroad privately. This claptrap about the private sector and the States, I draw to their attention the only reason we have Amtrak at all is that in 1970 the private sector came and literally dumped it on the Congress, saying, We cannot run this; we lose too much money.

Railroads are first and foremost the responsibility of great nations. This is our responsibility. We cannot just hand it back to them. They cannot do it. If we cannot do it with a profit, why in the world do we think that the States, which are running to us screaming about Medicaid and other unfunded mandates, can do it?

I thank the gentlemen for all their work on this bill.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Chairman, I thank my colleague for yielding me this time.

I would like to ask the gentleman to address in conference the Federal Transit Administration's "accounting problem" that has been created by the current law treatment that split-funds each Federal transit program 80 percent from the Mass Transit Account of the highway trust fund and 20 percent from the general fund.

Because of Office of Management and Budget accounting rules regarding the treatment of split-funded programs, every FTA program is spending down much faster than the actual outlays of these programs. In H.R. 3, or TEA–LU, we fix this accounting problem by funding each transit program wholly from either the trust fund or from the general fund, while maintaining the agency's overall 80/20 split between the Mass Transit account and the general fund. Making this structural and funding source change will allow FTA programs to outlay at their actual programmatic rates.

I ask the gentleman to work in conference to make this change, as it will have no scoring impact on the appropriations bill. If we do not make this change now, in the budget year 2006 cycle, the Mass Transit account of the highway trust fund will have a negative cash flow by fiscal year 2007. If the appropriations bill does follow the program structure change in the TEA–LU authorization, the balances of the Mass Transit account will be stabilized and, in fact, will grow over the next few years because the trust fund will be spending out at the actual programmatic outlay rate.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. PETRI. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I am aware of the accounting problem that split-funding the Federal Transit Administration program has created. I will work on this issue in conference and trust that there will be a long-term authorization in place by the time the House Committee on Appropriations and the Senate Appropriations Committee convene a conference.

Mr. PETRI. Mr. Chairman, reclaiming my time, I thank the gentleman for his response.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise today in strong support of providing sufficient funding for Amtrak so as to preserve Amtrak's incomparable service. It is a vital engine of America's economy, particularly for those of us living on the northeast corridor. As an Amtrak rider myself, I strongly support preserving this safe, reliable, and cost-effective way for America's commuters and families to travel throughout the country. This bill would deny them that option, an approach that flies in the face of common sense and even the President's stated goals of growing the economy.

The events of September 11, 2001, proved America relies on rail, and Amtrak in particular. As planes sat grounded everywhere, goods, services, and people continued to move, thanks in large part to Amtrak. This bill says that when it comes to passenger rail, we have not learned enough from that day. Abandoning Amtrak would discard a system that we have never fully funded or given the chance to operate at full capacity. We rank a lowly 25th on the list of countries that provide commuter rail funds, behind countries like Estonia, Belgium, and Slovenia. Amtrak deserves better than that.

We move 850,000 commuters a day on Amtrak, and they rely on it to get to and from work. Therefore, I urge all of my colleagues to preserve Amtrak as an affordable option for America's families well into the future.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I want to congratulate the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER), ranking member, for the hard work they have done under this bill under very tight budget restraints.

I think that this is a good piece of legislation, although I do have some concerns about cuts in particular programs.

HOPE VI; the Empowerment Zone program; the Community Development Loan Guarantees; the HUD Brownfields program, a program close to my heart, which provides a second chance for reuse to many old industrial properties, all of which have been contaminated, we want to get them back on the tax rolls.

But perhaps most surprisingly the YouthBuild program, which provides a crucial second chance for a good life to thousands of disadvantaged young people in our Nation's urban communities, has been zeroed out in the legislation that we are debating today.

Mr. Chairman, I would like to describe to my colleagues today what I have learned about the tremendous success of YouthBuild in my years as mayor of the city of Paterson, New Jersey. In the work I have done with YouthBuild participants, I have heard scores of inspiring accounts from young kids who spent their lives struggling with poverty, dysfunctional or absent families, drug addiction and other forms of neglect and abuse. And be rest assured this program is not a handout. Through the challenging concrete task of building houses for the homeless, getting their hands dirty with demanding physical labor, these kids have been given the tools to begin to rebuild their own lives.

This is a model program that both sides of the aisle should enthusiastically support, a program that helps young people gain the self-esteem, self-reliance that come with a hard day's work in the service of another human being.

According to a recent study, an astounding 65 percent of the YouthBuild graduates say that they now expect to live an average of 32 years longer after YouthBuild experience than they expected to live before. Self-esteem is not the only thing that is raised through this program. Income potential and educational achievement have also soared. Seventy percent of YouthBuild graduates are either in post-secondary education or in jobs averaging $10 per hour.

This program is unquestionably a winner for young people across our Nation. YouthBuild develops job skills, leadership potential, civic involvement, and creates a community of adults and youth committed to helping each other achieve success in life. And through the construction of affordable housing, it contributes to the revitalization of our poorest neighborhoods.

It is hard to believe that a compassionate President and a Congress would want to wipe out any of these programs which epitomize our oldest and most sacred American values: hard work, self-reliance, and limitless optimism about the future.

I urge the House to find ways to increase funding for the valuable community revitalization initiatives that have been cut from this legislation.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise today to engage in a colloquy with the gentleman from Michigan, the chairman of the subcommittee, on the issue of flight attendant fatigue.

Mr. Chairman, 144 of our colleagues and I recently requested funding in the fiscal year 2006 Transportation-Treasury-HUD appropriations bill to continue studying the growing problem of flight attendant fatigue caused by work schedules that in some cases may provide as little as 5 hours for actual sleep. Sleep experts consistently warn that working long hours with little rest can impair a crew member's decision-making abilities and performance of critical safety duties.

As the chairman knows, the FAA's Civil Aeromedical Institute, or CAMI, is currently completing a study on flight attendant fatigue. While the Congress looks forward to the results of CAMI's study, 145 Members of Congress believe that CAMI may not have either the resources nor the time to complete a truly comprehensive study and that additional funding is necessary to study this life-threatening issue.

Accordingly, I ask the chairman's assistance in expediting the overdue CAMI study and ask him to consider the findings of that report.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, as the gentleman knows, we had included funding in last year's bill to study flight attendant fatigue. I understand the study was due to Congress on June 1, 2005, and I will be happy to work with the gentleman from California to determine the status of CAMI's current study and expedite its completion, if possible.

Mr. HONDA. Mr. Chairman, reclaiming my time, I thank the chairman for his willingness to work with me on this issue.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I certainly appreciate the opportunity to speak on this appropriation that is before us.

I am perplexed with how and why decisions are made, basically, by my friends on the opposite side of the aisle to do away with economic development. And as I look at what is happening, what is proposed, for example, to be transferred to Commerce, what is zeroed out, what I see is an attack on programs that could create some real initiative and self-reliance.

The YouthBuild program was just talked about. YouthBuild is an important program where young people are developing skills and attitudes to become independent. Why would we zero that out?

In addition to that, the section 108 loan guarantee program is an economic development program for cities that does job creation and helps to improve cities and build up the old towns. Many of our cities are using this; and for some of the little towns and cities, they absolutely depend on these kinds of economic development funds.

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Mr. Chairman, I do not understand why the attack on these economic development programs, these programs that will help to make our young people self-reliant, and the block grant program that is being reduced by 21 percent, that goes into our cities to help us deal with not only senior problems, young people, the gangs, et cetera. I think we are undermining our efforts to strengthen America and to invest in human potential by cutting these programs and zeroing them out.

I would ask that reconsideration be given, if no place else, but in conference. I am going to come back later on today with an amendment on section 108 loan guarantee programs, because that will not be scored against the budget. These programs are kind of guaranteed by CDBG moneys, and you do not have to spend the money to get this economic development.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I want to thank the chairman for his efforts to preserve the HIDTA program, the High Intensity Drug Trafficking program, as well as the National media campaign under the Drug Czar's office.

There will be several amendments offered today by the gentlewoman from Oregon (Ms. HOOLEY) and by the gentleman from Washington (Mr. LARSEN) and myself, one related to ad campaign and one related to HIDTA to further increase those fundings.

We have a meth epidemic sweeping this country. It is absolutely critical that we address it in our national ad campaign, which has been substantially reduced over the years, and through the most aggressive law enforcement program and the most effective law enforcement program, the HIDTAs.

We held a hearing Monday in Minneapolis. If you do not have meth next door to you, it is coming soon. It started in the rural areas and the rural States, and everybody kind of ignored it. But as it moves to the suburbs and as it moves to the east, we are seeing an epidemic of proportions we have not seen since the first outbreak of the crack epidemic. We either get on it now, or we are in deep trouble.

In Ramsey County, St. Paul, Minnesota, between 80 and 90 percent of all children in Child Protective Services right now are coming from meth families. That is not a rural community; it is a big city. Next door, in Hennepin County, 50 percent of the women in treatment right now through the drug courts are because of meth.

Formally, this was just at the little towns, and we saw it, although we could ignore it. But this is a freight train. We have to grab it. And in the authorization bill that matches this appropriations bill, we will make sure the ad campaign is designated, that a percentage of it has to go to meth if we can get adequate dollars to run that campaign.

In the HIDTAs, we have the first meth HIDTA in Missouri. We are moving to more meth HIDTAs, because we must get control of this before it wrecks every family in this country. When people become addicted to this, they go crazy.

We have never seen a drug that is harder to treat, that is more violent, has more environmental damage, and this Congress has to start to grab hold of the meth problem before it chokes our country.

Mr. OLVER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I think we have had a good general debate here for this hour that covered a lot of the different areas in the bill and certainly reflects some of the issues that we will be debating as the amendment process goes forward.

Again, I want to thank the chairman and the staff on the majority and the minority side for all the work that they have done. It has been a process which has gone a long way. It will go more in the next day or two. All of it should improve the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I, too, want to thank everyone that participated in this opening inning or two of activity. We have a long way to go. But I do think, with the work of the staff on both sides, who I think have done extraordinarily well to shape this product into what it is, I am very, very happy with where we are in terms of the kind of bill. I know there is going to be more debate, and we look forward to that.

Mr. HOYER. Mr. Chairman, I want to thank chairman KNOLLENBERG and ranking member OLVER for doing the best they could with the limited resources that were made available to the subcommittee.

The allocation that we were given highlights this inescapable fact: the budget resolution passed by the republican majority has real consequences.

It is clear, for example, that the funding for Amtrak is simply not adequate.

It seems to be an effort to shut down national passenger rail in this country.

Make no mistake: if we fail to provide Amtrak the funds it needs to operate, we won't just be shutting down the few routes identified by the committee to be closed.

The resulting layoffs, inability to fund capital upgrades, and lack of funds to operate remaining routes will eventually lead to the shut down of national passenger rail permanently.

However, despite this and other problems with the bill, I believe that it contains many good provisions that deserve our support.

For example, I am pleased that the committee adopted the Hoyer-Wolf-Moran amendment, providing a 3.1 percent pay adjustment for Federal civilian employees—which is consistent with the pay adjustment proposed for our military personnel.

We must recognize the contributions made by both Federal civilian employees and military personnel to the safety and security of this Nation.

I am also pleased that the $126.7 million that the president requested for the FDA consolidation was included in the bill. These funds will help relocate FDA employees from their current substandard facilities into modern, state-of-the-art facilities, and end the practice of extending costly leases for various FDA offices throughout the region.

Furthermore, I am pleased that the chairman recognized that the Federal Government has a responsibility to the general aviation airports in the metropolitan region that were shut down after 9/11—through no fault of their own.

In this bill, we reimburse those airports for their losses and the chairman has committed to working with me to increase that amount during conference to ensure full restitution.

That is fair. And, that is right.

Finally, I am pleased that this bill recognizes the important Federal role in helping States reform their election systems.

The bill sensibly provides $15.8 million to the new Election Assistance Commission so it can fulfill the high expectations Congress intended when it passed the Help America Vote Act of 2002.

I also am personally gratified that the bill's accompanying report urges the EAC to set aside $250,000 for the HAVA College Program, an innovative program that encourages college students all over the Nation to enlist as non-partisan poll workers.

To be sure, Congress has not carried out all its election reform obligations to the states. And, I am disappointed the bill does not provide the remaining $800 million we owe the States to upgrade their voting machines, provide voter and pollworker training, and improve voting machine security.

I appreciate the committee's hard work on this bill. This legislation is not perfect. But it contains many important, needed provisions that deserve our support.

Mr. NUSSLE. Mr. Chairman, not since 1988—more than a decade and a half ago—has the Appropriations Committee passed all its bills out of the House before the Fourth of July. This year the committee stands poised to do so—even though its subcommittees have been restructured, and it is the first year at the helm for the Committee's new Chairman, the gentleman from San Bernardino County. I applaud the Committee and the Chairman for the deliberate pace they have maintained.

The appropriations measure before us today provides funding for Transportation, Treasury, and Housing, as well as the Federal Judiciary and the District of Columbia. Under the reorganized subcommittee structure, this bill represents the first time Housing is matched with Transportation and Treasury in the same appropriations bill. I am pleased to report the bill is consistent with the levels established in H. Con. Res. 95, the House Concurrent Resolution on the budget for fiscal year 2006, which Congress adopted as its fiscal blueprint on April 28th.

THE BUDGET RESOLUTION

H.R. 3058 provides $115.2 billion in discretionary budgetary resources. This is a 7 percent increase over fiscal year 2005. Even so, the bill is consistent with the allocation to the subcommittee, and therefore complies with section 302(f) of the Budget Act, which prohibits consideration of bills in excess of an Appropriations subcommittee's 302(b) allocation of budget authority and outlays. The bill does not contain any emergency spending.

To meet their 302(b) limit, the bill rescinds $549 in mandatory contract authority previously provided to the FAA. The bill also rescinds $2.497 billion of previously enacted discretionary budget authority, all but $4 million of the discretionary rescissions come from the Public and Indian Housing certificate fund.

The bill also complies with the provisions in the budget resolution concerning advance appropriations. The bill includes $4.273 billion in such appropriations, all of them in accounts the budget resolution lists as eligible for advances. The House should be aware, however, these provisions—along with the $18.885 billion in advances already passed in the Labor/HHS/Education appropriations bill—reach the ceiling of $23.158 billion in total advance appropriations provided for in the budget resolution. Any further increase in advance appropriations would breach this limit and subject such legislation to a point of order.

PROGRAMMATIC PROVISIONS

The Department of Transportation is funded at $61.959 billion, $4,457 above the request. This includes $36.3 billion for Federal Aid-Highways and $14.4 billion for the Federal Aviation Administration. Treasury is funded at $11.6 billion, $358 million above 2005. Most of these funds—$10.5 billion—go to the IRS. The Federal Judiciary is funded at $5.4 billion, which represents a $326 million (6 percent) increase over 2005. The District of Columbia Federal payments are $603 million, $48 million above 2005 and $30 million above the President's request.

The bill addresses our critical housing needs by funding the Department of Housing and Urban Development [HUD] at $33.5 billion, $544 million above the 2005 level. The bill does not reflect the administration's proposal to move Community Development Block Grants [CDBGs] to the Commerce Department, instead keeping the program at HUD. Also, funding for Section 8 programs is split into two accounts to provide for better accountability and oversight.

CONCLUSION

Again, I commend the Chairman for balancing difficult priorities and delivering a bill within our agreed upon budget constraints. I express my support for H.R. 3058.

Mr. KILDEE. Mr. Chairman, for the last 2 years, the President's budget requests have failed to meet the housing needs of Indian Country. Native Americans continue to suffer from severe overcrowding in their homes and they have higher rates of homes with serious physical deficiencies than their counterparts. Some estimates indicate that Indian housing needs exceed $1 billion.

The President's FY 2006 funding request for the Native American Housing Block Grant (NAHBG) is $582.6 million, a decrease of $40 million from the FY 2005 enacted level of $622 million. But the real reduction to the NAHBG is even more drastic because the budget request calls for the $57.8 million in Indian Community Development Block Grant (ICDBG) funding to come out of the NAHBG account, resulting in funding for the NAHBG to be a mere $524.8 million. This is a reduction over a 3-fiscal year period of more than $125 million. This erosion of Federal funding for Indian housing and community development is simply unacceptable.

I appreciate the work of the gentleman from Michigan who was working within very tight allocations. The Committee increased the funding for NAHBG to $600 million, a $17.4 million increase above the President's request. However, its support of the President's proposal calling for $45 million in ICDBG funds to come out of the Community Development Block Grant (CDBG) account, would leave a total proposed allocation for NAHBG at a mere $555 million. Appropriated funding for the NAHBG reached a high point in FY 2004 when it was funded at $650 million.

I do not support the President's proposal to remove the ICDBG line item from the CDBG account. The ICDBG program has traditionally been funded by the CDBG account through a 1 percent set-aside. As I just indicated, a change to this current funding scheme would further reduce NAHBG funding.

We have a moral responsibility to provide safe, decent, and affordable housing for our country's First Americans. Housing is the backbone of economic and community development. It creates jobs and drives tribal economies. It is a basic need that can strengthen progress in other areas like education and health care.

I look forward to working with both sides of the aisle on restoring the funding of the NAHBG account to the FY 2005 enacted level and addressing my concerns regarding the ICDBG program as the FY 2006 Transportation, Treasury, HUD, Judiciary and District of Columbia appropriations bill proceeds through the legislative process.

Mr. HOLT. Mr. Chairman, I rise today in support of funding for the Community Development Block Grant program. The proposed cuts to this vital program for individual community improvement growth must be withdrawn and full funding restored.

H.R. 3058 seeks to cut $251 million from the Community Development Block Grant program, a 6 percent slash in funding and another reduction in a long string of cutbacks for the program. I stand strongly opposed to any effort to reduce funding to the CDBG program.

The nature of CDBG—funds for housing, economic development, public facilities, social services, and land acquisition, to name a few—incorporates a significant amount of flexibility to appropriate funds at the discretion of each community. What this means for each community is their ability to use Federal funds for a wide range of initiatives as well as to prioritize local needs while supporting national objectives. This great characteristic, leaving specific appropriations for local decision making, does not warrant reductions in the program, which would prevent Federal funds from being used where they are needed most.

In FY 2004, the Community Development Block Grant program provided $4.853 billion to communities across the Nation. In my home State of New Jersey, CDBG funds many important initiatives. In Trenton alone it supports childcare services, provides for job training programs, funds the food programs at local area soup kitchens, and is used towards building and repairing affordable housing in the city. Elsewhere, in Monroe Township the CDBG funds "A Friend in Need," a program which provides homecare to the elderly unable to afford it. It also aids the South Brunswick Citizens for Independent Living (CIL), which builds affordable housing for the disabled and provides training programs on financial independence. These are only a few local examples of this vital Federal program.

The 31-year history of this program has proven to us that investment in communities continues to benefit lower income persons in need of assistance. Most of the CDBG-funded programs have proved to be small in scale, neighborhood-based initiatives. Expenditures through the CDBG program for lower income individuals have repeatedly exceeded the minimums set by Congress.

The 6 percent reduction for the Community Development Block Grant program included in H.R. 3058 is much more damaging than it seems: due to the small nature of many of the programs CDBG funds, it would result in the complete cutting of numerous and invaluable local community projects. I firmly believe that the absence of these programs would neglect many pressing needs of the American people, negatively impact many communities, and, most importantly, prevent Federal funds from reaching those who need them most.

Mr. Chairman, I urge my colleagues to restore full funding for the Community Development Block Grant program as the bill moves to conference.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 3058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, namely:

AMENDMENT OFFERED BY MR. EDWARDS

Mr. EDWARDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EDWARDS:

On page 2, line 5 insert the following new title and renumber the succeeding titles accordingly:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and including medical supplies and equipment and salaries and expenses of health-care employees hired under title 38, United States Code, and aid to State homes as authorized by section 1741 of title 38, United States Code; **$1,000,000,000**, to be available for obligation upon the enactment of this Act and to remain available for obligation until September 30, 2006: *Provided*, That the amount provided under this heading is designated as making appropriations for the purpose set forth in subparagraph (A) of section 402(a)(1) of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for the fiscal year 2006: *Provided further*, That amounts made available under this heading may be transferred to other accounts of the Department of Veterans Affairs to the extent necessary to reimburse those accounts for prior transfers to "MEDICAL SERVICES" after notice of the amount and purpose of the transfer is provided to the Committees on Appropriations of the Senate and House of Representatives and a period of 30 days has elapsed: *Provided further*, That the transfer authority in this paragraph is in addition to any other transfer authority available to the Department of Veterans Affairs.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. EDWARDS. Mr. Chairman, I believe we have a moral obligation to support our veterans, especially so during a time of war. This amendment is out of the regular order of business, but I could think of no better reason to waive the rules of the House, which we do on a daily basis here, than to support our veterans, that are being underfunded in their health care by over $1 billion in this fiscal year.

Democrats tried during the budget resolution last year to add additional funding for VA health care because of the needs there. I tried an amendment in the Committee on the Budget this year, and we were voted down on a partisan basis. We tried an amendment in the Committee on Appropriations offered by the gentleman from Wisconsin (Mr. OBEY), and we were voted down on a partisan basis.

Now the Veterans' Administration leadership, part of the Bush administration, has admitted we have more than a $1 billion shortfall this year in VA health care funding. What that means, Mr. Chairman, is that every day that passes, there are veterans that are not receiving the VA health care they need and they deserve.

What I would like to ask, Mr. Chairman, is that, on a bipartisan basis, Members of the House and Senate, Members of the House, Republican and Democrat alike, recognize the need to fund this veterans health care. Let us do it today. Let us not wait until after a week-long vacation next week. Veterans do not delay in serving our country when we ask them to do their duty. We should not delay in fulfilling our moral obligation to provide quality health care for our veterans.

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Let me simply say, I hate to say, we told you so, but we told you so. We warned the majority that, if you listened to the denials of the Veterans Administration, you would eventually be embarrassed because their request was inadequate to meet the needs of returning veterans.

We have now been told yesterday, finally the VA is telling us the truth, and the fact is, this is the only remaining appropriation vehicle that we can use to add the necessary funds. The Senate added $1.4 billion yesterday to the Interior bill. That was not germane either, but the Senate did not let dunghill jurisdictional politics get in the way of dealing with the problems of veterans. I would urge the House to follow the lead of the Senate and to allow this amendment to be added so that we can take care of the problem.

We are not even adding the extra $400 million that the Senate added yesterday. We are simply saying, take what the VA has already admitted they need for this year. We know it is going to be more for next year. But at least take the $1 billion we know is needed now, so that we do not continue to listen to false promises from the VA.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. EDWARDS. Mr. Chairman, if no Member of the House objected to this amendment, if we accepted this amendment on a bipartisan basis, is there anything that would prohibit this amendment from becoming part of this appropriation bill, if no Member of the House objected, if on a bipartisan basis we accepted it?

The CHAIRMAN. If the gentleman's amendment were not to induce a point of order, it would come to a vote.

Mr. EDWARDS. Mr. Chairman, to be clear on the parliamentary inquiry, if we could on a good faith bipartisan basis, say, look, this is not the typical way we want to do business, but we did not get it done in the Committee on the Budget or Committee on Appropriations, so we could do it now, without an objection today, we could pass in this bill $1 billion in emergency funding for VA health care without objection. Is that correct?

The CHAIRMAN. The Chair would reiterate that, absent a point of order against the amendment, the amendment, as all amendments, would come to a vote.

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield to the gentleman from California (Mr. LEWIS).

Mr. LEWIS of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I do not have a serious reservation to having this bipartisan discussion regarding the growing understanding of the shortfall that lies in veterans health care. My reservation, and it is a serious one, is that it is one thing to want to take credit for doing something about this problem, but we are attempting to do it in a bill that is not going to become law for 2 or 3 months.

The gentleman knows that the appropriate committee had an oversight hearing just yesterday morning to begin to draw in the administration, get information, et cetera, in order to lay the foundation for expediting this process. The way to solve this problem and truly in a bipartisan way deal with the challenge that we have in serving our veterans is to come together and move something quickly. Any appropriations bill is going to take longer than that.

So I do not want to be pretending today that we are doing something by passing an amendment, when regular order will allow us to move much more quickly. We are trying to lay the foundation for that. That is why we had an oversight hearing yesterday.

Mr. Chairman, I would think we ought to proceed with regular order. So in that connection, I have a reservation in terms of what is being done here today. It appears to be a "credit" business rather than real business. I would look forward to working with the gentleman in the days ahead.

POINT OF ORDER

Mr. KNOLLENBERG. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. KNOLLENBERG. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriations bill and therefore violates clause 2 of rule XXI.

□ 1245

Further, the rule states, in pertinent part: "An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment includes an emergency designation and, as such, constitutes legislation in violation of clause 2 of rule XXI.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any Member seek recognition on the point of order?

Mr. EDWARDS. Mr. Chairman, very briefly, could I ask the Chair, or the gentleman from Michigan, for whom I have great respect, were there other points of orders against this bill that were waived in the rule that brought this bill to the floor?

Mr. KNOLLENBERG. Mr. Chairman, if the gentleman will yield.

The CHAIRMAN. If the gentleman from Michigan will suspend, the gentleman may not yield on the point of order. The Chair will hear each member in turn.

Mr. EDWARDS. Mr. Chairman, I guess I would direct my question to the Chair. The point of order being raised now on my amendment to support veterans health care is that it is contrary to some of the process rules of the House. Could I inquire of the Chair as to whether there were other rules of the House that were waived in bringing this bill to the floor for debate today?

The CHAIRMAN. The Chair would advise that House Resolution 342 waived all points of order against consideration of the bill and certain points of order against provisions in the bill.

Mr. EDWARDS. So all points of order against the bill. Some points of order were waived, but apparently the majority is not going to allow us to waive a point of order to help us bring $1 billion to veterans health care.

The CHAIRMAN. Do other Members wish to be recognized on the point of order?

Mr. OBEY. Mr. Chairman, I would simply state that the House is in a strange position today because, under the rules of the House, every item that is brought to the floor is supposed to be germane to the bill at hand unless the Committee on Rules has provided exceptions to that. My understanding of the rules is that notwithstanding the fact that the rule does not specifically allow for this amendment, if no Member objects, this amendment could be considered.

So I would simply ask every Member of the House, through the Chair, whether or not this matter is sufficiently important enough that a point of order not be lodged.

The gentleman from California suggested that this ought to be considered in some other venue. We would be happy to do that if someone had another suggestion; but right now, this is the only dog in the hunt. I am afraid that if the gentleman persists in his point of order, the gentleman from Texas and I would have to concede the point of order; but I would hope that we would not be pushed into that position.

The CHAIRMAN. Does any Member seek recognition on the point of order?

Mr. OLVER. Mr. Chairman, I am not sure whether this is on the point of order, but I would just like the body to know that there would be no objection on this side of the House to having this item made in order. Notwithstanding the comments by the chairman here, if that manages to keep this issue in the forefront, even though he is suggesting and has suggested that the final actions on this legislation would not occur for 3 months, if that manages to keep the issue before the body, it is important enough that that in itself would be valuable, that it be kept there so that we do indeed find a fast way of dealing with the matter.

The CHAIRMAN. If no other Member seeks recognition on the point of order, the Chair is prepared to rule.

The Chair finds that this amendment includes an emergency designation. The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $84,913,000, of which not to exceed $2,198,000 shall be available for the immediate Office of the Secretary; not to exceed $698,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed $15,183,000 shall be available for the Office of the General Counsel; not to exceed $11,680,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $7,593,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,052,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $23,139,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $1,910,000 shall be available for the Office of Public Affairs; not to exceed $1,442,000 shall be available for the Office of the Executive Secretariat; not to exceed $697,000 shall be available for the Board of Contract Appeals; not to exceed $1,265,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $2,033,000 for the Office of Intelligence and Security; not to exceed $3,128,000 shall be available for the Office of Emergency Transportation; and not to exceed $11,895,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KNOLLENBERG:

Page 2, line 10, after the first dollar amount, insert the following: "(increased by $250,000)".

Page 2, line 13, after the dollar amount, insert the following: "(increased by $250,000)".

Page 56, line 18, after the first dollar amount, insert the following: "(increased by $38,750,000)".

Page 77, line 24, after the dollar amount, insert the following: "(increased by $67,500,000)".

Page 77, line 26, after the dollar amount, insert the following: "(increased by $17,500,000)".

Page 164, line 12, after the first dollar amount, insert the following: "(reduced by $88,789,000)".

Page 164, line 12, after the second dollar amount, insert the following: "(reduced by $67,789,000)".

Page 165, line 21, after the dollar amount, insert the following: "(reduced by $67,789,000)".

Page 169, line 2, after the dollar amount, insert the following: "(reduced by $21,000,000)".

Page 171, line 4, after the dollar amount, insert the following: "(reduced by $17,711,000)".

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, this amendment provides an additional $38 million for tax enforcement efforts at IRS. These funds will significantly enhance our ability to close the tax gap by more than $400 million over 3 years.

Further, this amendment restores $67.5 million to CDBG. Some of these funds may need to be used to provide some funding for the YouthBuild program if the program is not authorized under the Department of Labor by the time of final passage of the appropriations act.

The program, for the moment, has been left in suspension because the administration has not yet submitted the needed legislation, but I am assured that the legislation will be submitted very soon.

I want to thank the ranking member, the gentleman from Massachusetts (Mr. OLVER), for his diligence on these issues and for working with us.

Mr. Chairman, I urge the adoption of the Knollenberg-Olver amendment.

Mr. OLVER. Mr. Chairman, I am pleased to cosponsor and endorse this amendment. This amendment represents exactly what I said an hour or so ago, that the gentleman from Michigan (Chairman KNOLLENBERG) has listened to both majority and minority Members' concerns and has worked to resolve all issues. He has considered all Members' concerns and, where he could help, he did; and I thank him for that.

With this amendment, the bill would now provide $50 million for YouthBuild and will keep YouthBuild alive while the authorizing committees figures out exactly where YouthBuild should best be authorized.

The YouthBuild program is a good program. Several other Members during general debate have talked about it. It is a program that serves young men and women in their late teens and early 20s who dropped out of high school, or graduates from high school who find 2 or 3 years later that they have no real job skills and poor prospects of a good job. Dropouts in this program get a GED and other key education for the construction industry. All participants get skills and experience in housing construction trades.

The program has been in place about a dozen years. Nearly 15,000 units of affordable housing have been built, and nearly 30,000 young people have learned the housing construction and building trades, thanks to the YouthBuild program. Many of these young people have gone on to college. Those who have been in trouble with the law earlier in life have a stunningly low recidivism rate after they have been in the YouthBuild program.

Each of the items in this amendment was included in my primary remarks at subcommittee markup and again at the full committee markup and in debate on adoption of the rule yesterday. I appreciate the gentleman from Michigan (Chairman KNOLLENBERG) listening and responding, and I hope the amendment will be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. Chairman, the worst construction accident in Federal transportation history in the city of Toledo, Ohio, took place on February 16, 2004 on the $200 million I-280 Maumee River Crossing Bridge, affecting serious loss of life. Crushed to death on the job, as a launching gantry crane collapsed, were Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Jr., age 44. As I mentioned before, all iron workers. There were injuries sustained by many other workers.

Since that time, the Lucas County prosecutor has been investigating the accidents to determine if there may be criminal liability in these deaths. The prosecutor's office has been working with the Inspector General of the Department of Transportation, but has needs that go beyond the assistance that the Inspector General can provide. The prosecutor needs technical assistance in determining answers to engineering and other special issues. One might expect that such expertise resides within the Department of Transportation, perhaps specifically at the Federal Highway Administration.

Mr. Chairman, would the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Ranking Minority Member OLVER) be willing to work with me to determine what resources may be available throughout DOT, including the Federal Highway Administration, to provide technical expertise in the ongoing investigation and to ensure that such assistance is provided to the Lucas County prosecutor?

Additionally, if such assistance is not available directly from the Department, would the chairman work with us to determine if the Department can provide assistance to the Lucas County prosecutor in the hiring of appropriate outside experts?

Mr. KNOLLENBERG. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I can assure the gentlewoman that I will do everything I can to work with her to make sure that we do address this issue. So I thank the gentlewoman for bringing it up.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman from Michigan. It is greatly appreciated.

AMENDMENT OFFERED BY MR. LA TOURETTE

Mr. LaTOURETTE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LaTOURETTE:

Page 2, line 10, after the first dollar amount, insert "(reduced by $17,339,000)".

Page 2, line 19, after the dollar amount, insert "(reduced by $2,052,000)".

Page 2, line 23, after the dollar amount, insert "(reduced by $1,910,000)".

Page 2, line 24, after the dollar amount, insert "(reduced by $1,422,000)".

Page 3, line 7, after the dollar amount, insert "(reduced by $11,895,000)".,

Page 3, line 17, after the dollar amount, insert "(reduced by $60,000)".

Page 4, line 11, after the dollar amount, insert "(reduced by $31,583,000)".

Page 6, line 22, after the dollar amount, insert "(reduced by $25,000,000)".

Page 9, line 11, after the dollar amount, insert "(reduced by $59,000,000)".

Page 29, line 10, after the dollar amount, insert "(reduced by $26,325,000)".

Page 30, line 10, after the dollar amount, insert "(increased by $626,248,000)".

Page 51, line 25, after the dollar amount, insert "(reduced by $2,500,000)".

Page 164, line 12, after the first dollar amount, insert "(reduced by $727,909,000)".

Page 164, line 12, after the second dollar amount, insert "(reduced by $9,500,000)".

Page 165, line 22, after the dollar amount, insert "(reduced by $9,500,000)".

Page 166, line 9, after the dollar amount, insert "(reduced by $568,409,000)".

Page 166, line 18, after the dollar amount, insert "(reduced by $133,417,000)".

Page 167, line 14, after the dollar amount, insert "(reduced by $434,992,000)".

Page 169, line 2, after the dollar amount, insert "(reduced by $150,000,000)".

Mr. LaTOURETTE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 40 minutes, equally divided and controlled by the proponent and myself as opponent, and that this limitation also apply to any amendments thereto, except one pro forma amendment each by the chairmen and ranking members of the Committee on Appropriations and its Subcommittee on TTHUD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Ohio (Mr. LaTOURETTE) is recognized for 20 minutes.

Mr. LaTOURETTE. Mr. Chairman, I ask unanimous consent that half of our time, 10 minutes, be yielded to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure, and that he be permitted to yield time from that 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LaTOURETTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the issue of Amtrak, the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) had an impossible task, and I know that we will hear that again and again and again. The original budget submission from the President talked about zero, and then we went up to $360-some million, and now we find ourselves with a bill at $550 million.

I am pleased to offer this bipartisan amendment with my colleague, the gentleman from Minnesota (Mr. OBERSTAR), as I said, the ranking member of the full Committee on Transportation and Infrastructure; and it ensures that we will maintain a little less than last year, but we will at least make sure that Amtrak can continue its valuable function. I want to thank my friend, the gentleman from Minnesota (Mr. OBERSTAR), for his guidance and leadership as we drafted this amendment, and for the assistance of his staff.

Unlike aviation, highways, and transit, there is no dedicated fund for investing in passenger rail development. These other modes all operate on predominantly federally owned or federally assisted infrastructure, and rely on government-supported security, research, and traffic controllers.

We are certainly willing to listen to reform proposals as they come forward. Already, as the chairman of the Subcommittee on Railroads, we have had two hearings dealing with difficulties of Amtrak. We are about to launch a series of hearings on reforms as we move into this next century, but this particular piece of legislation effectively strands millions of passengers and, I would assert, is irresponsible.

The funding levels of $550 million would force Amtrak to shut down all operations and declare bankruptcy.

□ 1300

If H.R. 3058 is enacted as it is now, Amtrak would be forced to pay $360 million in mandatory labor severance payouts for employees laid off from the elimination of the 15 long distance routes and three shorter routes in the bill, and $278 million for debt service. Since that total of $638 million is greater than 550, Amtrak, the railroad would be forced to default on its debts, abandon its labor agreements and declare bankruptcy.

Mr. Chairman, the amendment in the bill, the amendment we had printed in the RECORD originally would have taken us back to the $1.24 billion of last year. Due to some difficulties in scoring, this amendment would restore $1.176 billion. That represents only about 2 percent of the DOT's budget of $60 billion, whereas 50 percent of the Department's spending goes to highways; $20 billion goes to air travel. America relies on this service. This is not the amendment that I think either the gentleman from Minnesota (Mr. OBERSTAR) or I would have wanted to bring to the floor with some of the offsets we were required to choose. But that is the nature of the rules of the game. I think originally we talked about invading perhaps the F&E account and FAA, but thanks to some rather very clever authorizing work by the gentleman from Minnesota (Mr. OBERSTAR) in years past, we were prevented from doing that today.

This is a good amendment. I ask all of our colleagues to consider it.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds to express my gratitude to the gentleman from Ohio (Mr. LATOURETTE), one of our most principled Members and most thoughtful Members of this body for always seeking to do the right thing, policy-wise, and for the people.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN), the ranking member on our Rail Subcommittee, who has led the charge in support of Amtrak.

Ms. CORRINE BROWN of Florida. Mr. Chairman, a recent poll showed that 81 percent of the American people said that this Congress does not stand with them on their priorities. There is no better example than what we are discussing here today. I fully support the amendment, but if the amendment is not adopted, I want Members to be clear that this will be the end of Amtrak. Today is a day where we are going to fish or cut bait. This is your opportunity to stand up for the people that sent you here.

Why is it that we constantly, in the House, hope the other body will rescue us?

The current funding issue concerning Amtrak brings up a fundamental question of where this Nation stands on public transportation. We have an opportunity to improve a system that serves the needs for passenger rail service, or we can just let it fall apart and leave this country's travelers and business with absolutely no alternative forms of public transportation.

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get them to work each day waiting for a train that is not coming. We continue to subsidize highways and aviation, and by the way, one of the strongest vocal persons are Members against Amtrak. We have given aviation over $20 billion. We give Iraq $1 billion a week. That is $4 billion a month. But we refuse to give Amtrak what is needed for 1 week. One week that we spend in Iraq will fund the entire Amtrak system for the entire country for an entire year. This is the day. You either fish or cut bait on Amtrak today, and the American people are watching you.

Mr. Chairman, I rise in full support of this amendment. The current funding issues concerning Amtrak brings up a fundamental question of where this Nation stands on public transportation. We have an opportunity to improve a system that serves our need for passenger rail service, or we can let it fall apart, and leave this country's travelers and businesses with absolutely no alternative form of public transportation.

Without the funding Amtrak needs to keep operating, we will soon see people that rely on Amtrak to get them to work each day, waiting for a train that isn't coming.

We continue to subsidize highways and aviation, but when it comes to our passenger rail system, we refuse to provide the money Amtrak needs to survive.

This issue is so much bigger than just transportation. This is about safety and national security. Not only should we be giving Amtrak the money it needs to continue providing service, we should be providing security money to upgrade their tracks and improve safety and security measures in the entire rail system.

Once again we see the Bush administration paying for its failed policies by cutting funds to vital public services and jeopardizing more American jobs. This administration sees nothing wrong with taking money from the hard working Amtrak employees who work day and night to provide top quality service to their passengers. These folks are trying to make a living for their families, and they don't deserve this shabby treatment from the President.

We're spending 1 billion dollars a week in Iraq, $4 billion a month, but this administration zeroed out funding for Amtrak. Just one week's investment in Iraq would significantly improve passenger rail for the entire country for an entire year.

It's time for Congress to step up to the plate and make a decision about Amtrak based on what's best for the traveling public, not for the bean counters at OMB.

Some people think that the solution to the problem is to privatize the system. If we privatize, we will see the same thing we saw when we deregulated the airline industry. Only the lucrative routes would be maintained, and routes to Rural locations will be expensive and few.

I was in New York shortly after September 11th when the plane leaving JFK airport crashed into the Bronx. I, along with many of my colleagues in both the House and Senate took Amtrak back to Washington. I realized once again just how important Amtrak is to the American people, and how important it is for this Nation to have alternative modes of transportation.

This isn't about fiscal policy, this is about providing a safe and reliable public transportation system that the citizens of this Nation need and deserve.

I strongly encourage my colleagues to support this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Chairman, I too recognize the difficult position that the Appropriations Committee has been put in with the cost of Amtrak and the ongoing costs. I just caution the Members of this body that there are States like myself. I represent an entire State. The distance of my district spans the distance of Washington, DC, to Chicago. Our cities were not established in Montana because of rivers and a port. We were established because of the rail. Rail in Montana is not an essential service; it is a critical service. In many cases, we have good bus service. It just does not happen to be in the area where Amtrak is. We have good air service. Unfortunately, it just does not happen to be in the area where the rail is. And so, in our particular case, where you have a large geographical area with very little population, it becomes a critical service to provide not only our products but our passengers as well.

The Empire Builder in Montana has as many as 500,000 people traveling on it. Do we recognize it is subsidized? Yes, we do. But I do not think the founding fathers and I do not think this Congress ever intended it to be run entirely like a business. We want good quality service. We want a cheap price. The problem is there cannot be competition because you cannot set up a rail next to the other. You cannot have two railroads competing against each other. So Amtrak is one of those entities that cannot entirely be run like a business. And so I hope you have listened to the gentleman from Ohio's amendment because what it does is it lays the foundation of implementing the beginning of a reform initiative within Amtrak that will make it run more like a business. It can be supported, and ultimately, we will have the rail service in States like Montana and the rest of the long lines that are so critical within our transportation system. I hope you will support the amendment.

Mr. OBERSTAR. Mr. Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, first, I want to thank the gentleman from Michigan (Chairman KNOLLENBERG) for providing $550 million more for Amtrak than was originally submitted in the budget. And I want to thank the gentleman from California (Chairman LEWIS) for getting us to this point of finishing the appropriations bills before July 4.

Lastly, I want to thank the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Minnesota (Mr. OBERSTAR) for their work on this amendment in an effort to preserve the long-distance Amtrak routes. In my district, the long-distance route is the Southern Crescent Route that goes from New York and stops in Charlottesville, Lynchburg and Danville, and I hope it will be the pleasure of this body to preserve the Crescent Route, the Cardinal Route and many other long-distances routes.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I would like to inquire of the gentleman from Michigan whether he has a number of speakers, or is going to continue to reserve until our side has used all of our time. I think we would like to hear from those who would like to speak against us.

The CHAIRMAN. Does the gentleman yield time to the gentleman from Michigan (Mr. KNOLLENBERG) to respond to the inquiry?

Mr. OBERSTAR. Mr. Chairman, I yield 15 seconds to the gentleman.

Mr. KNOLLENBERG. Mr. Chairman, I continue to reserve my time, and I do not have at this point an additional speaker because there are a couple of things we are trying to work out right now.

Mr. Chairman, I continue to reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, Amtrak was there for America after 9/11. It performed beautifully. Its employees performed. This is delivering people, product, all over the United States of America. And if you look at the map, this is all wiped out, all in red. In red, mind you.

It is inexcusable that we are only funding half of what is needed for Amtrak. There could be no more illusion about the administration's desire to destroy Amtrak. The Federal Government took on the burden of passenger rail from the freight railroads in 1971, in a bill signed by President Richard Nixon. Read my lips. These private companies were relieved to be rid of what they knew was inherently a nonprofit operation.

Federal subsidization for other transportation modes is nothing new. Each year in New Jersey, 4 million New Jersey residents ride Amtrak. Pennsylvania, 5 million. And look at the investments in the many cities of Pennsylvania, and Amtrak, that they have invested capital improvements. We cannot accept half of a loaf.

Mr. Chairman, I rise in strong support of the amendment being offered by Chairman LATOURETTE and Ranking Member OBERSTAR which would give Amtrak a fighting chance to function next year.

It is inexcusable that the bill before us today contains only $550 million for intercity passenger rail service, effectively bankrupting Amtrak. There can be no more illusions about the Administration's desire to destroy Amtrak once and for all.

The Federal Government took on the burden of passenger rail from the freight railroads in 1971 in a bill signed by President Richard Nixon. These private companies were relieved to be rid of what they knew was inherently a non-profit operation.

Federal subsidization for other transportation modes is nothing new. We have been subsidizing the money-losing airlines time and time again.

This Congress properly provides tens of billions every year for highways, public transit, aviation, and maritime transportation infrastructure and operations. Passenger rail is just as deserving of our support as the rest.

Each year, about 4 million New Jersey residents ride Amtrak.

200,000 commuters up and down the Northeast Corridor rely on Amtrak to maintain the NJ Transit system. Amtrak has tremendous impact on our regional economy in the Northeast. Amtrak relieves congestion throughout the Northeast on the roadways and airways.

Like so many of our States, my home State of New Jersey already has a severely strained State budget. Passing the buck of rail operations and maintenance onto already struggling State budgets is not a solution based in reality.

Funding Amtrak at last year's level is the very least we can do to keep the trains running that Americans count on nationwide.

We must support the LaTourette/Oberstar amendment. We must defeat this ill-conceived proposal. The Congress must provide the dollars that Amtrak needs to run efficiently and effectively.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I rise in strong support of this amendment to save Amtrak, and that is what this bill is about: $550 million within the bill shuts down Amtrak entirely. It is not a scare tactic. It is not an exaggeration. It is a matter of hard financial truth. Amtrak would have nothing left basically to run its trains when it pays out its debt and its interest on its debt and its mandatory labor severance pay outs. And without Amtrak, for example, in the northeast corridor, 80,000 daily commuters in New Jersey and thousands more throughout other States would be stranded because many transit systems in those States, your States, my colleagues, depend upon Amtrak to run their trains for their commuters and their citizens. This is about small and mid-sized businesses having intercity rail service to sell their goods and services, to send their sales forces. This is about putting the country and linking it together, the United States of America. And after September 11, my God, if we do not understand that this is about national security, we are waiting for the next disaster like in Madrid. Vote for Amtrak.

Mr. Chairman, I rise today in strong support of the LaTourette-Oberstar-Menendez amendment to save Amtrak. We've heard the facts about what this appropriations bill would do. We know that 550 million dollars will shut down Amtrak entirely. This is not a scare tactic. This is not an exaggeration. This is a matter of hard financial truth. With the interest it pays on its debt and the mandatory labor severance payouts for discontinued routes, Amtrak would have nothing left—nothing—to run trains. And without Amtrak maintaining the Northeast Corridor, 80,000 commuters in New Jersey and throughout the Northeast would be stranded, because many transit systems depend on Amtrak in order to run their own trains.

As I said, we've already heard these facts. But I want to focus on the fundamental problem: a combination of unrealistic expectations and insufficient support that Amtrak has struggled with since its creation. I hear these complaints all the time: We keep pouring money into Amtrak, and it keeps getting worse. So we give Amtrak barely enough to get by. And then Amtrak gets worse. It's a vicious cycle, and it does nothing to improve passenger rail in this country. We cannot have an Amtrak on a starvation diet. Do you want to see an efficient, effective intercity rail system? Give it the money that it ultimately deserves.

There are some other facts about Amtrak that people tend to forget. First, we spend more money on highways in this bill alone than we have on Amtrak in its entire history. Second, Amtrak was created when the railroads begged the government to take the passengers off their hands. The freight railroads didn't want the burden of these unprofitable lines, so expecting Amtrak to be profitable on these same lines with bare-bones funding levels is totally unrealistic.

In addition, no mode of transportation pays for itself. Not aviation, not mass transit, and not highways. We subsidize them because they improve the quality of our lives. And that's what transportation is about. It's not just getting from one place to another. It's about creating jobs, revitalizing neighborhoods, stimulating commerce, redeveloping underutilized land, and making us more secure. Amtrak is part of all of that. It is a crucial link for businesses up and down the Northeast Corridor. It provides mobility options for rural communities that don't have airports or inter-city bus service. And as we saw on September 11th, it is a crucial element of our transportation system when the airlines are grounded.

Mr. Chairman, people ride trains in this country when you give them good service. What we've seen in California in the past few years is that when you run more trains, more often, and you run them on time, people flock to the trains. We should be arguing seriously about how to improve Amtrak. We should be making the commitment and the investment that we're willing to make for transit, highways, and aviation. We should be here talking about how to build a world-class intercity rail system, instead of trying to scrape together enough money so Amtrak can survive another year.

If you want to have a discussion about how to reform Amtrak, you have to have an Amtrak. This appropriations bill would kill it. Our amendment would save it. But it is still just enough to scrape by. Amtrak will continue to defer maintenance, and service will suffer. So we'll be back here again next year fighting the same fight. But we can do better than that. We can give Americans the intercity rail system they deserve. This amendment keeps Amtrak on life-support, but we need to start talking about rehabilitation and regrowth. I look forward to that discussion and urge my colleagues to support the LaTourette-Oberstar-Menendez amendment and keep Amtrak alive.

Mr. LATOURETTE. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise in support of the amendment to restore funding for Amtrak. I appreciate the gentleman from Ohio's work on this effort, and I thank the gentleman from Michigan (Mr. KNOLLENBERG), the subcommittee chairman for his willingness to work with Members on this extremely important issue.

While I agree that reform is necessary, the administration's goal of ending Federal support for passenger rail is at best half-baked. Unlike aviation highways and transit, there is no dedicated fund for investing in passenger rail development. Although these other modes rely on user fees for a great deal of their funding, they still receive a large amount from the General Fund. In addition, these other modes all operate on predominantly Federally owned or Federally assisted infrastructure and rely largely on government supported security, research and traffic controllers.

Despite the fact that passenger rail has proven to be such an easy security target in other parts of the world, the TSA's fiscal year 2005 appropriation included only about $12 million for passenger rail, compared to the $4.32 billion that was allocated for aviation security, close to half of which comes from the General Fund, not aviation security user fees.

While the TSA is currently spending $16 million a year on new uniforms for airport screeners, passenger rail relies on a total force of 342 Amtrak officers to protect 25 million yearly passengers traveling on 22,000 miles of track in 46 States. When you consider the fact that 20 percent of all Americans live in the northeast, and approximately 1,700 commuter trains travel the northeast corridor every day, we need to seriously consider the amount of congestion and overcrowding that would occur if these trains stopped running.

Passenger rail can be extremely effective in relieving congestion, cutting pollution and lowering our demand for oil while creating jobs and increasing security. We have barely scratched the surface of passenger rail's potential, and a commitment from Congress to improving the viability of this system would lead to greatly expanded possibilities.

The facts are clear. Amtrak needs Federal support to survive just like highways, ports and airlines. America is a world leader in all other modes of transportation. When it comes to rail, we are quickly falling behind.

Mr. Chairman, many Americans depend on Amtrak for both business and pleasure. Instead of bankrupting the organization, we should work together to improve passenger rail. Pass this amendment.

Mr. Chairman, I rise in support of the amendment to restore funding for Amtrak. I appreciate Mr. LATOURETTE'S work on this effort and I thank the Subcommittee Chairman for his willingness to work with Members on this extremely important matter.

The $550 million provided by the subcommittee is $650 million less than the funds appropriated for passenger rail in FY05. Based on the bill's instructions, Amtrak may use the funds to operate the North-East Corridor and short-distance trains, but will be prohibited from using funds to operate its 15 long-distance trains and 3 shorter distance routes. However, when you take into account Amtrak's considerable mandatory debt payments and the severance expenses that would result from shutting down these routes, there is a significant question as to whether anything would be left for operating expenses in the North-East.

While I strongly agree that reform is necessary, the Administration's goal of ending Federal support for passenger rail is at best half-baked. Unlike aviation, highways, and transit, there is no dedicated fund for investing in passenger rail development. Although these other modes rely on user fees for a great deal of their funding, they still receive a large amount from the general fund. In addition, these other modes all operate on predominantly federally owned or federally assisted infrastructure, and rely largely on government-supported security, research, and traffic controllers.

Despite the fact that passenger rail has proven to be such an easy target in other parts of the world, the TSA's fiscal year 2005 appropriation of $5.15 billion included only about $12 million for passenger rail—compared to the $4.32 billion that was allocated for aviation security, roughly half of which comes out of the general fund—not aviation security user fees. While the TSA is currently spending $16 million a year on new uniforms for airport screeners, passenger rail relies on a total force of 342 Amtrak officers to protect 25 million yearly passengers traveling on 22,000 miles of track in 46 states.

When you consider the fact that 20 percent of all Americans live in the North-East and approximately 1,700 commuter trains travel the Northeast Corridor every day, we need to seriously consider the amount of congestion and overcrowding that would occur if these trains stopped running. I–95 is already clogged and lines at airports are increasing. If this plan goes through, millions of travelers would be added to this already extremely congested transportation system.

The facts are clear; Amtrak needs Federal support to survive, just like highways, ports, and airlines. America is a world leader in all other modes of transportation. When it comes to rail, we are quickly falling behind.

I tend to believe that any successful plan to fix passenger rail will require vision and truly bipartisan collaboration. We need the foresight to ensure the survival of this system by improving the safety and efficiency of passenger rail. Putting Amtrak on the chopping block directly contradicts this goal. Dozens of reform proposals exist without jeopardizing the viability of Amtrak and they should be openly debated in Congress.

Mr. Chairman, many Americans, including thousands in my State, depend on Amtrak for both business and pleasure. Instead of bankrupting the organization, we should work together to improve Amtrak.

The Department of Transportation's Inspector General estimates that Amtrak needs at least $1.4 billion to survive and the Amtrak Board recently put forward a strategic reform initiative that requires $1.82 billion to make important improvements to the system. The funding included in this amendment would simply allow passenger rail to squeeze by in the short-term and provide Americans with effective transportation options.

Passenger rail can be extremely effective in relieving congestion, cutting pollution, and lowering our demand for oil while creating jobs and increasing security. We have barely scratched the surface of passenger rail's potential, and a commitment from Congress to improving the viability of this system could lead to greatly expanded possibilities.

Reform will take time and require cooperation. I know many of my colleagues, and the Chairman of the Rail Subcommittee on Transportation and Infrastructure, join me in my commitment to defining an appropriate reform strategy. In the meantime, supporting this amendment can help to sustain Amtrak for millions of Americans.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment, which is a wholesale slash-and-burn attempt to restore funding for Amtrak. First, I want to state clearly that I want to reform Amtrak. It is a broken system that has siphoned billions of dollars from other priorities over the years.

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For Members who agree that Amtrak needs to be reformed, this bill provides an excellent starting point. The bill preserves Federal funding for routes that are heavily utilized and that show signs of economic sustainability. It also preserves Federal subsidies for more than 80 percent of Amtrak riders, 80 percent. While the amendment proposes to leave the route limitation in place. I have little doubt that if it is successful another will follow to remove the limitation and return Amtrak to the status quo. I do not want to go to the status quo.

If that happens, Congress will again send the message to Amtrak that it is acceptable to run a route so unprofitable as to require a Federal subsidy of $466 per ticket. We have seen Amtrak's Federal subsidy grow from $521 million in fiscal year in 2002 to $1.2 billion in fiscal year 2005, and now Amtrak is asking for $1.8 billion. When is it going to end?

Continuing to throw good money after bad to maintain the status quo is totally unacceptable to me. Amtrak is threatening to shut down again because it is unwilling to make changes to improve its profitability. This marks the sixth time since 2002 that Amtrak's CEO, the sixth time since 2002, that Amtrak's CEO has threatened a shutdown if we do not provide more money.

The flaw in the argument that $550 million is not sufficient to operate trains is the assumption that Amtrak would have to shut down routes. There are cost-saving measures that Amtrak could adopt to continue long distance rail service, but it simply refuses to do so. Furthermore, the offsets to this amendment would cannibalize the Department of Transportation and important GSA facilities. These in effect would cause severe disruption to programs within the jurisdiction of the Committee on Transportation and Infrastructure.

First, the amendment proposes to completely eliminate several offices within the Office of the Secretary of Transportation.

Second, it cuts funding from the Transportation Planning, Research and Development account; $20 million of that funding is for commuter rail in the event Amtrak cannot meet its financial obligations. And $1.2 billion, if expanded to all routes, as I suspect will be offered, is according to Amtrak a "shutdown" number. So the amendment leaves commuter rail, particularly in the Northeast, in jeopardy.

Third, the amendment cuts funding from the DOT headquarters building. DOT's current lease runs out in June of 2007. If the building is not complete, significant rent increases on the old building will kick in, as will rent payments on the new one.

Fourth, the amendment eliminates railroad research and development which provide science and technology support for rail safety rulemakings. That means no funding for research on such things as grade crossing safety, derailment prevention, hazardous material transportation, like the chlorine tank cars that were involved in Graniteville, South Carolina, earlier this year, or simply passenger protection.

Fifth, the amendment cuts $435 million in repairs and alterations to government buildings nationwide. Some may be in your State. This funding is critical, given that the backlog in repairs and maintenance currently stands at $6.2 billion.

Six, the amendment takes funding from the Eisenhower Executive Office Building, which would delay completion of construction, including security-critical features and the cuts to building operations, much of which are a part of that. The Committee on Transportation and Infrastructure has repeatedly stressed the importance of modern, safe facilities.

If GSA is impacted in this fashion, we will not be able to pay for utilities, for maintenance, or cleaning. These cuts are in direct conflict with that policy.

Seventh, the amendment would void the FAA's flight service station contract that would deliver tremendous benefits to the general aviation community and save the FAA $2.2 billion over the next 10 years. Instead of realizing these savings, taxpayers will be on the hook for up to $350 million in additional costs to the FAA in the form of termination penalties.

This contract has been years in the making. Congress should not step in after the fact to stop this contract and deny better services to more than 600,000 private pilots.

Eight, the amendment eliminates the air transportation stabilization program which issues credit instruments to air carriers.

I know the authors of this amendment feel strongly about Amtrak, and I appreciate their interest in the issue. And what I am trying to do is to make sure that we do keep a system in the short term and one that will develop into a long-term situation. But if you obliterate important safety and construction projects, that is no way to go about funding a railroad that desperately needs to be reformed.

For these reasons, I ask Members to vote "no."

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, this bill is a backdoor attempt to shut down Amtrak, to guarantee an Amtrak bankruptcy. We simply cannot allow it to happen.

Amtrak is one of our most efficient modes of transportation. It provides a vital alternative to our clogged highways. We need to finally start investing adequate resources in Amtrak to allow the railroad to provide stable, reliable service.

We spend approximately $50 billion a year on highways and aviation, but only about $1 billion on Amtrak. We hear that Amtrak funding should be cut because the railroad is not profitable or is inefficient or mismanaged. Amtrak has had its problems, but they are largely a result of being systematically underfunded for 30 years. Deliberately forcing Amtrak into bankruptcy, destroying it, should be unthinkable.

We do not require highways or the air transport system to be self-sufficient or profitable. No transportation system is self-sufficient, and we should not require that of Amtrak either. It is an illusory goal. We should fund our transportation systems because they provide an important public service. They are critical to the economy and a vital part of national security.

On September 11, 4 years ago, Amtrak was the only mode of transportation into and out of New York City. Redundancy in transportation is key for national security. This amendment will restore Amtrak funding to close to last year's level and will avert a shutdown of the railroad. It ought to be adopted. I urge my colleagues to vote for it.

Mr. Chairman, I rise in support of the LaTourette-Oberstar amendment to restore funding for Amtrak.

The FY06 TTHUD Approps bill funds Amtrak at a paltry $550 million—a cut of $650 million from last year's level, which was barely enough to keep Amtrak running. This is simply a backdoor attempt to shut down the railroad—to guarantee an Amtrak bankruptcy. We simply cannot allow this to happen.

Amtrak is of particular concern to me given that my district contains Penn Station in New York City, the largest Amtrak Station in the country. In New York alone, Amtrak carries over 10 million passengers a year, employs over 2,000 New York residents, and contributes over $96 million in wages a year.

Amtrak is one of the most energy efficient modes of transportation. It provides a vital alternative to our clogged highways. We need to finally start investing adequate resources in Amtrak to allow the railroad to provide stable, reliable service. We spend approximately $50 billion a year on highways and aviation, but only about $1 billion on Amtrak. We hear that Amtrak funding should be cut because the railroad is not profitable or is inefficient or mismanaged. Amtrak has had its problems but they are largely a result of being underfunded for about thirty years. Deliberately forcing Amtrak into bankruptcy—destroying it—should be unthinkable.

We don't require highways or the air transportation system to be self-sufficient or profitable, and we shouldn't require that of Amtrak either. We should fund our transportation systems because they provide an important public service, they are critical to our economy, and a vital part of our national security. On September 11, 2001 Amtrak was the only mode of transportation into, or out of, New York City. Redundancy is key for national security, and we must preserve all modes of transportation, including rail.

The LaTourette-Oberstar Amendment will restore Amtrak funding to close to last year's level and will avert a shutdown of the railroad. It is essential that this amendment pass, and I urge all my colleagues to support it.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, it is with great regret that I rise in opposition to this amendment offered by my good friend from Ohio.

I would like to remind my friend who is the immediate past chairman of the Subcommittee on Public Buildings, which has jurisdiction over the Federal buildings fund, of the negative impact this amendment would have.

By cutting $750 million from public building projects, this amendment would endanger Federal workers nationwide by delaying and canceling fire and life saving projects, accessibility projects for disabled, perimeter and building security projects that protect against terrorist attacks, as well as preventing GSA from providing safe, secure, and functioning work space for Federal workers nationwide.

While I support his desire to increase funding for a reformed Amtrak, this is not the way to go about it. The gentleman's amendment cuts $570 million from the repair and alterations account. This means a cut in funding for the repair of the Old Executive Office Building, which is immediately adjacent to the White House. These repairs are desperately needed because nearly a third of the building has been closed since September 11 due to security concerns.

Of even greater consequence would be the $435 million cut from the general repairs and alterations account. This account provides funding for projects nationwide including buildings in nearly every State.

The amendment also cuts $150 million from the building operations account which, in addition to paying for cleaning service, pays the salaries of the men and women who keep our Federal buildings running.

My colleagues from New Jersey and New York are going to have to go home and answer to the senior citizens and the veterans that go to a Federal building to get their problems solved on why the air conditioning is not working, on why the ramps and the different projects to upgrade and make easier access are not in place. They are going to have to answer to the Federal law enforcement officials, the FBI, and our court systems on why we are not able to do the necessary security upgrades that are required and necessary to keep these buildings safe.

So while I applaud the gentleman for his dedication to ensuring continued operation of Amtrak, I must oppose this amendment which comes at the expense of Federal workers and their ability to provide services for our constituents all across this country.

I urge all of my colleagues to vote "no" on the LaTourette amendment.

Mr. OBERSTAR. Mr. Chairman, how much time remains on all sides?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 11 minutes remaining. The gentleman from Ohio (Mr. LATOURETTE) has 2½ minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 5 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds to rebut a red herring raised recently in the gentleman's remarks regarding the Eisenhower Building. It was not authorized. It has not been considered in a prospectus by the committee. The issue is nonexistent.

Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I applaud the committee for its accomplishments in crafting H.R. 3058, including increasing funding to public transit and preserving the CDBG program. I join my colleagues in expressing my disappointment that Amtrak has not been adequately funded.

By providing only $550 million for Amtrak, this bill would have the effect of pushing Amtrak into bankruptcy. Many people might think that $550 million is an enormous amount. In fact, $550 million is only 5 percent of the total amount that is provided in this bill for the air traffic control system, and it is $323 million less than Congress has appropriated to support the redevelopment of transportation infrastructure in Iraq.

In addition to failing to adequately fund Amtrak, the committee inserted a provision in the bill that would have the effect of eliminating up to 18 different Amtrak routes, including six routes that travel through my district in Baltimore.

Mr. Chairman, it is time we bring to close the prolonged debate about the future of Amtrak by recommitting ourselves to the value of our national intercity passenger rail service. I have therefore joined with my colleagues, the gentlewoman from Florida (Ms. CORRINE BROWN), the gentleman from West Virginia (Mr. RAHALL), and the gentleman from New Jersey (Mr. MENENDEZ), in sponsoring an amendment that would save these 18 routes and preserve passenger rail service in 23 States. I urge my colleagues to keep Amtrak on track.

Mr. KNOLLENBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I want to compliment the chairman for a great bill and especially this provision of the bill.

Mr. Chairman, the numbers simply do not lie. The current model for Amtrak is simply unsustainable. This issue has perennially haunted this subcommittee. Amtrak refuses to take a good hard look at the facts, instead relying on an annual congressional bail out. They would rather lobby Congress than reform the system.

When I chaired this subcommittee, we included a series of reporting requirements and business practice modifications for Amtrak so the Congress and the American taxpayers would know the financial stakes involved.

These reporting requirements included developing a quarterly grant process, giving the Secretary of Transportation direct oversight into Amtrak decisions, separating out operating and capital expenses, and also requiring monthly financial reports and zero-based budgeting. And we insisted that Amtrak employ generally accepted accounting principles in order to control spending and eliminate waste.

These modifications have been carried forth and expanded in the last four appropriations bills, including this one. And what did we discover with those procedures? Amtrak's financial records reveal that for every $1 Amtrak earns in food and beverage revenue, it spends about $2, resulting in a $245 million loss between the years 2002 and 2004.

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Amtrak's on-time performance fell 74 percent in 2003, 71 percent in 2004. Service is not getting better. It is getting worse.

Amtrak's current 2005 revenue projection will be $95 million short of its original estimate.

For the last 6 years, the average annual cash losses have exceeded $600 million.

Most notably, they are carrying an estimated $5 billion in what they need to repair and improve safety on the railroad.

The amendment that is before us does not address any of these problems; $900 million, or 75 percent of these moneys, in this amendment would restore operating expenses and debt service on $4.6 billion in accrued debt. No reform, no tough cost-cutting decisions, no recognition of the facts. This amendment simply kicks tough decisions down the track.

For too long, Amtrak has deferred critical maintenance on a system it simply cannot maintain. With this amendment, we simply increase the cost and increase the likelihood of a serious system failure.

The plan put forth by the chairman is a fair and equitable plan to limit the Federal contribution to routes that are simply imprudent. By capping the per-passenger subsidy at $30, Amtrak is given clear prioritization on its spending and forced to address supply-and-demand realities.

We simply cannot keep going on sending empty trains clear across the country with no riders. I would point out that on one of the crosscountry trains we are subsidizing every passenger by $420 per person. I can buy you a first class, round-trip ticket to California for less on an airline. How can we sustain such a thing?

Cut out these wasteful, expensive, riderless trains and save Amtrak for the places where people want to ride the trains, the northeast, the Midwest, the West Coast. It makes no sense to run these empty trains across the country with nobody on them. Save that money. Put it into the northeast corridor. Put it into the Chicago area. Put it into the California trains and the West Coast trains, and let us reform Amtrak.

I urge the defeat of this amendment.

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 30 seconds to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. OBERSTAR. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the courtesy.

This is the sixth time that we are approaching a shutdown, but it is not any failure of Amtrak. It is a failure of Congress.

There are people here who have a theological zeal that somehow Amtrak should be self-supporting, but they sit back as we lavish subsidies on the airline industry, which has not shown a profit in its passenger service for 75 years, despite $14 billion in airport subsidies, $11 billion in air traffic control. After 9/11, we gave them $15 billion in loans and grants. In fact, Amtrak and its operation helps keep down airline ticket prices because it provides some competition.

What is the problem? Well, first of all, our Republican leadership friends will not allow us to bring to the floor our bipartisan legislation that would reauthorize Amtrak. If we would do that, Amtrak would have stability rather than playing hand-to-mouth. Investing in Amtrak is the cheapest way to buy airport capacity and road capacity.

Amtrak is not refusing. To the contrary, David Gunn and the management there are a breath of fresh air. They are being very cooperative with the Congress that changes signals, makes unrealistic demands, will not let it manage, and yet ignores subsidies in other areas and pretends that we should be the only Nation in the world with unsubsidized rail passenger service, a test that Congress will not apply to the airline industry. Well, they do not apply it to the airline industry because they should not. We should have balanced transportation.

Last but not least, this starvation of Amtrak ignores the huge shutdown costs that will mean for years to come we will still be paying more but more so that Amtrak can't operate. Approve the amendment, reauthorize Amtrak, and we will make sure that we have a balanced transportation system for the future.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I thank the gentleman for yielding me time.

During the last 35 years, congressional funding for Amtrak has amounted to roughly $29 billion. It is $29 billion from the taxpayers that were given for a system which we really do believe in, but back in 1997 with its reauthorization, Amtrak came to the table with an agreement that they would change their operations and become profitable.

Today, Members of Congress come to the floor to ask, once again, for Amtrak to do exactly that. We have heard, boy, there is not enough money there; we are going from hand to mouth. Yet, we know that there is $83 million that Amtrak loses alone just in its food service on trains.

I would submit to this body that it is time now that we take additional steps to do the right thing, to give Amtrak that necessary kick in the pants that allows it to be able to offer its service on a more efficient basis, a market-based way, and this will allow us the opportunity to end this large subsidy, to have Amtrak do something that the American public not only has confidence in but is run on market-based forces. I would submit to my colleagues, they will become a better transportation service.

I support what the gentleman from Michigan (Mr. KNOLLENBERG) is doing in his bill. The President of the United States is correct, and the gentleman from California (Mr. LEWIS), our Committee on Appropriations chairman, is right. It is time that we take on this unwieldy process of spending $1 billion a year as a subsidy.

Mr. KNOLLENBERG. Mr. Chairman, I am just inquiring about the amount of time for each side.

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 5 minutes remaining. The gentleman from Ohio (Mr. LATOURETTE) has 2 minutes remaining. The gentleman from Minnesota (Mr. OBERSTAR) has 1¾ minutes remaining.

Mr. LATOURETTE. Mr. Chairman, it is my pleasure to yield 1½ minutes to the gentleman from Michigan (Mr. SCHWARZ).

Mr. SCHWARZ of Michigan. Mr. Chairman, no passenger rail system in the world that is worth its salt runs without subsidy.

After World War II, the entire rail system in Europe was destroyed, and they have built up from that time to the best passenger rail system in the world, France, Germany, the low countries, the UK, Italy, Spain. Spain, for God's sake, has a better passenger rail system than the United States.

The first four airlines in the United States are broke or going broke. If my colleagues have flown lately, and I know all of them have flown lately, they know what a great experience that is.

The gentleman from Oregon was correct in saying we are going to take traffic off the interstates. We are going to take passengers off the airplanes, especially east of the Mississippi and up and down the California coast, and put them on trains, but we cannot run this system unsubsidized. It is not possible, and our friends in Europe, our friends in Japan, that have the best rail passenger systems in the world, understand that.

I ask the body to fund Amtrak at the level suggested by the LaTourette amendment for another year. I also ask the body to appoint a commission to study Amtrak, to put together a plan to make Amtrak something that survives and is efficient, but my colleagues must know there will always be a subsidy. I find it an embarrassment that the passenger rail service in the United States of America is in its present state, and something needs to be done about it. It needs to be preserved.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the chairman for the time.

Mr. Chairman, I have been on the Committee on Transportation and Infrastructure of the House for some 13 years, most of that time on the Subcommittee on Railroads, and I always hear that Amtrak reform is right around the corner.

For the benefit of the gentleman who just spoke, in 1997, we put an Amtrak Reform Council, ARC, in place for some 4 years to 1991. They came up with a recommendation, and Congress ignored the recommendation. Yes, the problem is Congress. No, the problem is not just putting more money into Amtrak, as this amendment would do.

My colleagues heard the gentleman from Kentucky (Mr. ROGERS), the Committee on Appropriations subcommittee chair, talk about the waste in Amtrak. The GAO just testified before our subcommittee again, for every dollar that we get in food and beverage service, every dollar, it costs us $2. We lose $2.

The service, if we had service, my colleagues heard the gentleman from Kentucky (Mr. ROGERS) talk about subsidizing routes, the sunset limited, $466 per passenger. Now, it would not be bad if we paid that and, for example, the train got there on time. Do my colleagues know what its on-time performance was? 4.3 percent of the time it got there on time, an absolute disaster.

We had a hearing on the money that they lost in trying to put in high-speed service. We have neither high speed and we do not have service, an absolute farce, billions of dollars wasted, and no Acela high-speed service in the quarter.

Here is the GAO report. The President has called for this reform. The Amtrak Reform Council has called for this reform.

I am a critic of Amtrak, but I am a strong supporter. We need a nationwide system to supply an alternate transit system across the country, and we are behind countries. We are even behind Romania, which recently decided to privatize their railroad.

So I get letters. Here is a letter from an Amtrak employee. My colleagues heard some of the waste here. "There are so many other ways Amtrak squanders its money," he wrote me, and this is just one. He said. $20,000 for a 7-week course of which most of the people never even completed. "I still witnessed my share of a finely tuned money pit." Amtrak West headquarters, the fifth floor of the Port of Oakland's luxury high-rise, the place is full of employees but what they all do is a mystery. Then he says. We have another office 20 miles away. He said, I started to wonder if Amtrak owns stock in FedEx. They ship everything FedEx. He goes on and says they fly around the country on airline tickets, costing thousands of dollars each.

Here is the report of how we save money with Amtrak, not how we squander it.

Then we had the question of not just losing money but stealing money. Food service, over 135 employees were dismissed, resigned or disqualified for improper cash handling and 250 conductors stealing money. There is the report.

Give them more money. Go ahead, because we will be back here next year doing the same thing.

Mr. OBERSTAR. How much time remains, Mr. Chairman?

The CHAIRMAN. The gentleman from Minnesota (Mr. OBERSTAR) has 1¾ minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for the purpose of making a unanimous consent request.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise today in strong support of the LaTourette-Oberstar amendment aimed at keeping Amtrak on track.

This amendment restores funding for Amtrak to $1.176 billion, an increase of $626 million. This funding will save Amtrak from bankruptcy and allow the railroad to continue to operate in a safe and reliable manner.

No passenger railroad system in the world operates without some form of public subsidy. Yet, unfortunately, the bill before us would essentially end this country's passenger rail system as we know it.

Countries with well-developed passenger rail networks but much smaller populations such as Germany and Japan invest $3 to $4 billion annually on passenger rail, representing over twenty percent of their total transportation spending.

At five hundred and fifty million dollars, Amtrak would be forced to shutdown all operations, causing unnecessary disruption and hardship on millions of Americans that depend on this alternative mode of transportation.

Local economies and businesses that have benefited from Amtrak's service would also suffer. Amtrak's twenty thousand workers would be out on the streets looking for new jobs.

Last year Amtrak provided over eleven million dollars in wages for good paying jobs for Texas residents.

Bankruptcy is not the solution for Amtrak. The American people want and deserve a national passenger rail system.

All transportation is subsidized by American taxpayers.

Singling out Amtrak assumes wrongfully that taxpayers do want to invest in passenger rail and this just plain wrong.

Polls consistently show that Americans support federal funding for a national rail passenger system.

I urge my colleagues to renew this body's support for a national rail passenger system and vote yes on this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield for the purposes of making a unanimous consent request to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I, too, rise to support the amendment for increased Amtrak funding.

Mr. Chairman, the LaTourette/Oberstar Amendment will increase by $626 million the annual funding to AMTRAK.

Mr. Chairman, the President's push to eliminate Federal support of AMTRAK is a shortsighted, poorly-conceived policy. Federal support of national transportation systems is a national priority that goes back to Abraham Lincoln, and to act in the face of such an American tradition is to do so at our own peril.

AMTRAK provides a great service to California, and is an extremely important tool for my constituents. In the State of California alone, AMTRAK operates 70 intercity trains and over 200 commuter trains per day. The San Joaquins line, which services Fresno and Bakersfield in my district, is the fifth-busiest passenger line in the country, and carries over 700,000 people annually. As a matter of fact, three of the Nation's top five busiest intercity corridors are in California.

California recognizes the importance of AMTRAK, and has invested heavily over time to maintain its presence in the State. Over the past 10 years, California has invested approximately $100 million per year to work towards this goal. Many of the routes in California—including the San Joaquins—continue to experience double-digit ridership growth, demonstrating the importance AMTRAK has for my constituents and Californians.

While continued reform of AMTRAK is essential, it must be accomplished in a bipartisan fashion that reflects a post–9/11 view of the world. The United States requires an intermodal transportation system that has real interconnectivity, and protects our citizens' socio-economic needs in a flexible and cost-effective fashion. We must remember all forms of transportation in America have and continue to utilize some form of subsidy.

If this body chooses to not support Amtrak, it will ignore the needs of the citizens of this Nation. AMTRAK remains a vital and viable mode of transportation for many people in this Nation, and to undermine that service will go against a history of service this Nation has put into the national transportation network.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of time on our side.

Remarks have been made in all seriousness of purpose by people with genuine beliefs on all sides of this issue, but facts are stubborn. The cuts in GSA or the offsets, from cleaning and maintenance, security issues, that is provided by the Department of Homeland Security. We do not touch security at Federal buildings. The Federal Protective Service provides that.

Reference was made by the last speaker to comments of an Amtrak employee. Let me quote another Amtrak employee, the CEO, David Gunn who says that, with this funding level, Amtrak will close its doors and cease operations nationwide.

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The Association of American Railroads, I want to say for those who are interested in their views, supports this amendment. "A shutdown of Amtrak will cost the freight railroads $5.3 billion over the next 6 years."

I heard references to needing reform. Well, we passed a reform bill in 1997, a 5-year reform that concluded in 2002. Every year the appropriation bill imposes new restrictions on poor old Amtrak. Every month, under that reform, a business plan is submitted to the Congress.

Now, let us talk about the successes. The 5-year capital plan of Amtrak focused on restoring the northeast corridor to higher levels of reliability and safety, restoring the aging fleet of rolling stock, eliminated three long-distance routes, increased ridership from 22.5 million in 2000 to 25.1 million in 2004, and kept the cash operating requirement at or below $570 million. There were 256,000 concrete ties installed, 104,000 wood ties replaced, 226 miles of rail infrastructure restored, and 50 undergrade bridges have been improved.

There have been improvements. Those dollars have been invested wisely in the capital facilities of Amtrak. Give it an opportunity. David Gunn is the best operator we have had. Give him an opportunity to run this railroad right.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment, and I want to just comment on a couple of things that were said by the distinguished subcommittee chairman during the debate. He described this amendment as being a "slash and burn amendment." Well, I want to suggest that what was "slash and burn" was the budget resolution which has enforced these kinds of reductions across the budget.

In my view, it is the budget resolution which slashed and burned when it wound up producing an education budget that left No Child Left Behind education programs $800 million below last year. It was slash and burn which left the National Institutes of Health with 500 fewer medical research grants than they had 2 years ago. It was slash and burn that eliminated nine out of the 10 programs that were supposed to focus on the development of health professions in rural areas and in urban innercities. It was slash and burn which has caused this very bill to provide, in essence, a shutdown of Amtrak.

The gentleman from Oregon summed it up as well as anyone in the debate today when he pointed out the strange dichotomy that exists between believing that railroad transportation must show a profit, but airline transportation, passenger service at least, does not have to.

And I would add that there are hundreds of miles, thousands of miles in this country of interstate highway that in actuality have very few riders and standing alone could not justify their construction in the first place. So it seems to me, as has been said, we need a balanced set of transportation alternatives in this country. And you do not balance your transportation system by putting one leg of that transportation system out of business, as this committee product essentially does.

Mr. Chairman, I would urge support for the amendment. I do not like the reductions in the offsets any more than many other persons in this Chamber like them, but the fact is they were forced by every single Member who voted for that Republican budget resolution. So like it or not, those are the choices you enforced, and we choose not to shut down one of the major transportation legs in this country.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have risen to strike the last word, first, because I want to express my deep appreciation to the chairman of the subcommittee and the ranking member of the subcommittee for a rather fabulous job done on this bill overall. In a time of short financial circumstances, they produced a very balanced bill that reflects a cross-section of very important issues to the country.

I rise also to specifically talk about the job the committee has done relative to Amtrak. It is not like Amtrak does not have problems, and it is not like the chairman is suggesting we ought to shut it down by way of his bill but, instead, to deal with the reality that Amtrak has been going over a cliff for some time now.

In the last 3 fiscal years, the subsidy has grown from over .5 billion to over $1.2 billion. And, indeed, others in this town have decided its pathway is such we cannot afford it any longer, so recommendations were made to zero Amtrak. This subcommittee, in a very thoughtful way, in a very tough budget year, laid the foundation to eliminate the very expensive routes to support the northeastern corridor, the routes in the West, and at the same time try to make sense out of this process.

It is long past due that we reviewed this policy and put in place something that will work so we have a passenger rail system. If we continue on the path the way that we are, and the amendment presented by the gentleman from Ohio (Mr. LATOURETTE) essentially does that, takes us back to that pathway, eventually the train is going to go over the cliff and Amtrak will be no more.

I would suggest that the House recognize a rather fabulous job done by this subcommittee. I congratulate them for their work and in doing so urge my colleagues to vote "no" on the LaTourette amendment and to support the committee's product.

Mr. OLVER. Mr. Chairman, I move to strike the last word, and I yield for the purpose of making a unanimous consent request to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise in support of the LaTourette-Oberstar-Menendez amendment which would restore funding for AMTRAK.

As a member of the Transportation, Treasury, Housing and Urban Development, the Judiciary, and District of Columbia Subcommittee, I want to thank Chairman KNOLLENBERG and Ranking Member OLVER for their work on this legislation.

I also want to acknowledge both the Majority and Minority staff for their dedication to the difficult task of crafting this legislation that incorporates such a broad spectrum of different agencies of our government.

Chairman KNOLLENBERG was given a difficult task with what I believe was an inadequate allocation. I have appreciated his willingness to work with both sides of the aisle to make sure that all members of the subcommittee had input into this final product. Mr. KNOLLENBERG has done the best job he could with what he was given.

I especially want to thank him for his help with Teterboro Airport in my District.

Unfortunately, though, I disagree with the allocation for AMTRAK in this bill. That is why I support this amendment.

The $550 million provided for AMTRAK will certainly bring an end to passenger rail service as we know it.

Furthermore, this bill only funds the Capital Improvement Program for the Northeast Corridor line, which runs from Washington DC's Union Station to Boston's South Station, at $50 million.

This amount is hundreds of millions of dollars below what is needed to keep the Northeast Corridor in good repair.

Just maintaining the tracks and making needed safety improvements in my home State of New Jersey will cost $90 million. If AMTRAK where to uphold their agreement with the State of New Jersey to provide matching funds of $45 million for track maintenance, that would only leave $5 million left for the maintenance of the rest of the Northeast Corridor line.

I urge my colleagues to support this amendment to restore funding for AMTRAK to continue the stated goal of this bill to provide viable passenger rail service in the United States.

Mr. OLVER. Reclaiming my time, Mr. Chairman, I support this amendment. I believe very strongly that we should have a national passenger rail system, and I want to see that that is a successful system and a system that we can modernize and make into one that is truly a part of our balanced transportation system.

Several people have come to the floor in opposition to the amendment and pointed out how much money is expended by Amtrak. Well, yes, indeed, each of the last 3 years has been over $1.2 billion. One year, 3 years ago, it was $1.3 billion. But even at that level of expenditure, there has not been enough money to even make a serious dent in the capital needs for the northeast corridor, the northeast corridor which carries 50 percent of all of the passengers on our version of the national rail system. So we are being quite unrealistic in the idea that some seem to have that it is possible to run a passenger rail system on the cheap.

The number of dollars that are being talked about here simply does not run even the inner-city rail system, those 24 lines that the bill purports to support. As I have said earlier today, the chairman has used an extremely blunt instrument on Amtrak, somewhat like the proverbial 2-by-4 between a mule's eyes.

Well, the bill cuts out all Federal subsidy on 18 long-distance lines, which forces them to shut down. But the cost of doing that is, as the gentleman from Ohio pointed out, giving a more accurate number than I gave, I said $300 million, he said, I believe, $369 million in costs that are just to close down those lines in the first year. And it continues for several years, while those costs of abrogating contractual arrangements and labor costs would continue. That plus already the debt on Amtrak's capital debt, the debt service on Amtrak's capital debt, would be another $275 million and growing.

Those two items by themselves end up being more than has been suggested for funding by the bill. So the bill is a shutdown of Amtrak. It is not a reform of Amtrak. That is really for the authorizers to do over time. What the amendment does, as has been proposed by the authorizing committee, and I commend them for putting together a set of offsets which are difficult, but not nearly as difficult in dealing with Amtrak as the proposal is in the bill, what they have done is completely funded offsets within the authorization committee's area. And they are the ones ultimately that are going to have to figure out how to come up with a bill that in the long run provides a national passenger rail system and reforms it, which does not have to be by the basis of cutting out all of these long-distance lines.

The lines that are cut out, shown by that map that everybody has seen, cuts out all passenger rail service in 23 States, representing 154 Members of this House of Representatives and 46 Members of the other body. That is just not a realistic position. And the position which the authorizing Chair and the ranking member of the authorizing subcommittee have put forward is a position that still requires reform, because that number of dollars in the long run does not fully fund a functioning and efficient national passenger rail system.

Mr. Chairman, I support the amendment that has been put forward by the gentleman from Ohio and the gentlewoman from Florida. Both States, by the way, lose all of their passenger rail system. I hope the amendment is adopted.

Mr. LATOURETTE. Mr. Chairman, I yield myself the last 30 seconds of my time.

Mr. Chairman, what is wrong with Amtrak is that Congress has micromanaged its operation. What is wrong with Amtrak is that the United States Congress has not permitted David Gunn to implement the reform package that he sent up here in April of this year.

I heard a lot of comments about the food service. I conducted that hearing with the gentlewoman from Florida (Ms. CORRINE BROWN), and these statements made on the floor are a little less than accurate.

Lastly, I have to tell my colleagues that priority is important; but I need to remind people that I voted for a lot of stuff that I might not have thought is important: cranberry and blueberry research, sweet potato research, a tattoo-removal program, and even a national anger management program. Amtrak is at least as important as removing tattoos with Federal money.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

I want to just comment on a couple of things in closing. This has been recommended to the CEO of Amtrak over and over: eliminating sleeper car service would save 100 million a year. Just improving their food and beverage service would save $83 million a year. If it would match its train sets to the actual locomotives and the cars they need, they could save still more money. All those things have been ignored.

Let me tell my colleagues a little about our friend who is the CEO of Amtrak.

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This is a quote from David Gunn, "President Bush's proposal to give Amtrak just over half of what it is seeking in Federal subsidies would shut the railroad down just as more passengers are taking the train." That was February 10, 2004.

Secondly, "It would be a chaotic shutdown," says David Gunn, Amtrak president, on what would happen to the railroad if a bill passed last week by a House Appropriation Subcommittee becomes law. That was July of 2003.

Amtrak President David L. Gunn said last week that if the passenger railroad corporation does not get a loan of at least $200 million by the end of month, he will be forced to begin an orderly shutdown of all Amtrak passenger service in July; June 15, 2002.

And when he was with the folks in Toronto. "Bits and pieces of the Toronto Transit Commission risk being shut down and abandoned unless the cash-strapped organization gets proper funding from the metro and provincial governments, transit boss David Gunn said." That was in the Toronto Star, February 17, 1996.

Going back to December 30, 1982, "Authorities in Philadelphia and the New York area are bracing for possible shutdowns or slowdowns of commuter rail service beginning New Year's day. 'I would not assume my train will be there Monday morning,' General Manager David Gunn warned commuters."

Finally, "Without an emergency transfusion of public funds, this area's commuter-train service could die before next July, transportation officials have warned. 'There is the real risk of a shutdown for the rail service,' said David Gunn."

This gentleman has done nothing but ask for money; no reform, just money. And this amendment lies on a phoney offset to reward mismanagement of Amtrak. The bill fully supports rail service for four out of five riders or 80 percent of Amtrak's ridership. I oppose this amendment.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise to strongly support the LaTourette/Oberstar amendment for $626 million to restore funding for Amtrak.

Our vision for our country should be more far reaching, our dialogue more elevated. When we talk about the future of Amtrak it should not be in one year intervals. We should set forth a plan that begins with a responsible Amtrak reauthorization bill that Congress will commit to fund every year. This piecemeal approach that Congress currently engages in to budget for Amtrak is unacceptable and irresponsible.

The opponents of Amtrak should take a moment and look at all the Members of Congress lined up to speak on behalf of Amtrak today. Support for our nation's rail system is not fading—it is getting stronger.

The American people have spoken through action in their support of Amtrak. Last year, Amtrak provided service to 25 million passengers. For the past three years, Amtrak has had an increase in passengers. In Southern California, the Pacific Surf liner had an increase in ridership of 25 percent last year alone.

Given the increased ridership both locally and nationally, anything but a continued investment in Amtrak would be a tragic misuse of Federal resources and would be extremely shortsighted.

I look forward to standing here next year and praising our leadership for having done the responsible thing and budgeted for Amtrak, so that we will not have to debate this issue on the floor year after year.

I join my many colleagues in support of the LaTourette/Oberstar amendment.

Mr. HOLT. Mr. Chairman, I rise in support of the LaTourette/Oberstar amendment that would restore funding for Amtrak. The Fiscal Year 2006 Transportation Treasury, Housing and Urban Development Appropriations bill that we are debating today cuts funding for Amtrak to $550 million, half of its current funding level. Without increasing the funding level to $1.2 billion, Amtrak will be unable to survive and will be forced into bankruptcy.

In recent years the Administration and some members of Congress have repeatedly proposed significant cuts in Federal funding for Amtrak. They seem determined to eliminate this vital transportation service, and justify these actions by demonizing and blaming Amtrak for all of its problems. These opponents of Amtrak often forget that the Federal government subsidizes our nation's airports, roads, sidewalks, and even its bicycle paths. Why should it treat our national rail system differently?

Like the 25 million people that rode Amtrak in 2005, I appreciate the essential public service Amtrak provides. I am a frequent rail passenger, as are many of my constituents in central New Jersey. In fact, 4 million New Jersey residents rode Amtrak last year, and many New Jersey commuters ride Amtrak or use their infrastructure daily.

The loss of Amtrak would impact more than my constituents and other patrons across the nation who depend on its convenient service. Those customers that rely on Amtrak will be forced to descend on our already heavily congested roads and airports. These demands on our roadways will accelerate the loss of open spaces that will be paved over in order to construct new roads. The additional congestion will increase pollution in urban environments that already suffer from the ill effects of smog.

Furthermore, the economic impact of eliminating Amtrak should not be overlooked. In New Jersey alone, at least $200 million in annual revenues would be lost from the newsstands, convenience stories, cafes, and other retail businesses that are located near the rail lines and that count upon daily commuters for much of their cashflow. This economic dependence on Amtrak is similar along the Northeast Corridor, in cities across the Nation and in rural areas that depend on the train passing through their town.

I am disappointed that the Administration and some members here in Congress fail to recognize the benefits of Amtrak. I hope that the majority of my colleagues will appreciate the importance of Amtrak on America's transportation infrastructure and support the LaTourette/Oberstar amendment that will keep Amtrak running.

Mr. SIMMONS. Mr. Chairman, I rise today in support of the LaTourette amendment to ensure that we keep Amtrak up and running.

With hundreds of workers and thousands of riders, Connecticut relies every day on a healthy and efficient passenger rail service to sustain our way of life.

Were Amtrak to cease operations the ripple effect on my district would be near catastrophic. Hundreds of workers and their families would be without a source of income, thousands of riders would be forced to use an already-clogged 1–95 or equally congested local roads and millions of commuters and business in my district and throughout the state would be inconvenienced and perhaps worse.

Passenger rail in my district and throughout the heavily-populated Northeast Corridor simply cannot survive without Federal support.

While an improvement from the administration's allocation, the $550 million provided to Amtrak in this funding bill must be increased to sustain our passenger rail system.

I encourage my colleagues to join me in supporting the LaTourette amendment and to continue our Nation's commitment to a viable passenger rail system.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. LATOURETTE).

The amendment was agreed to.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would just like to bring the House's attention to one fact: Since Members keep asking me, are we going to be here Friday, I would like to make the point simply that this is the 224-page bill. We are still on page 2.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $8,550,000.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $40,613,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $120,014,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $18,367,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, to remain available until September 30, 2007: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731–41742, $54,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That the Secretary may transfer amounts appropriated to the Federal Aviation Administration under any heading in this Act or otherwise available to the Federal Aviation Administration, to make such amounts available for obligation and expenditure for the essential air service program, in satisfaction of the requirements of section 41742(a)(1) of title 49, United States Code, in advance of the collection of fees under section 45301 of title 49, United States Code: *Provided further*, That the Secretary shall reimburse such amounts to the Federal Aviation Administration proportionally by transfer, to the extent possible, from amounts credited to the account established under section 45303 of title 49, United States Code, as such fees are collected during the fiscal year: *Provided further*, That, in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I raise a point of order against the paragraph.

The CHAIRMAN. The gentleman may state his point of order.

Mr. MICA. Mr. Chairman, I raise a point of order against the phrase "to be derived from the airport and airway trust fund" beginning on page 5, line 25, and ending on line 26.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If no other Members wish to be heard on the point of order, the Chair is prepared to rule.

The provision would provide that funding for payments to air carriers be derived from the airport and airway trust fund. Authorization in law may exist for this funding from general revenues, but no specific authorization in law exists for this funding to be derived from the trust fund. This is consistent with the rulings of the chair of September 23, 1993, and June 26, 2001, and November 28, 2001. The Chair finds that the provision is not supported by an authorization in law.

The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

NEW HEADQUARTERS BUILDING

For necessary expenses of the Department of Transportation's new headquarters building and related services, $100,000,000, to remain available until expended.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. VELÁZQUEZ:

Page 6, line 22, after the dollar amount, insert the following: "(reduced by $20,000,000)".

Page 48, line 5, after the dollar amount, insert the following: "(reduced by $30,000,000)".

Page 91, line 19, after the dollar amount, insert the following: "(increased by $47,656,000)".

Ms. VELÁZQUEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

PARLIAMENTARY INQUIRY

Ms. VELÁZQUEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman may state her parliamentary inquiry.

Ms. VELÁZQUEZ. Mr. Chairman, I have been advised that the amendment has been cleared by the CBO and the parlimentarians, so I would like an explanation for the point of order.

The CHAIRMAN. The gentleman from Michigan has reserved as point of order. The chair will entertain argument on the point of order if it is raised.

Ms. VELÁZQUEZ. Mr. Chairman, in cities and towns across the country, lead paint hazards still pose a clear and serious risk to families, with exposure of toxins in the home triggering asthma at a great cost to American families and the national economy. At greatest risk are low-income and minority children living in older, substandard housing.

Despite these facts and the bipartisan effort to increase funding for HUD's lead hazard control grants, this bill cuts funding by approximately $48 million, risking the health and safety of children and families across the Nation. Even with last year's funding level, HUD was only able to fund one-third of the requests it received from cities and States, and the cut contained in this bill would only make this situation worse.

With this in mind, I rise today to urge Members to support the Velázquez-Slaughter-Terry amendment which restores funds to HUD's lead hazard control grants to last year's level for this critical program that makes great strides in eradicating lead poisoning in children.

We have a national goal of protecting our children from lead poisoning by 2010. HUD's lead hazard control grants are critical to achieving this goal. Without adequate funding, we run the risk of not being able to match the rhetoric with action.

This amendment reduces funding for salaries and expenses and at the Department of Treasury, and the Department of Transportation's new headquarters building. Despite the offsets, these two areas will still receive sufficient funding, with Treasury still above the fiscal year 2005 funding level. By adopting this amendment, we will protect the health and safety of children while maintaining sufficient funding levels, making this a win/win situation.

Even at moderate to low levels of exposure, scientific evidence shows that lead can adversely impair a child's performance on standardized intelligence tests, and it can affect school performance, educational attainment and, ultimately, career prospects. Voting for this amendment will help with prevention efforts and move us closer to the goal of eradicating lead poisoning altogether.

For the health and safety of children across the country and for the billions of dollars in potential savings by preventive outreach, I urge support of this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment.

This amendment would add $47.7 million to the fair housing budget. The amendment would more than double funding for the program over the 2005 level. There is no possible justification for doubling the program in 1 year.

Additionally, this program has one of the lowest spend-out rates in all of HUD. Simply put, these funds could never be used by HUD, and they are absolutely unnecessary. The committee has funded the program at the requested level which HUD has said is full funding. I have already indicated why this is the case.

Also, as drafted, all of the funds would go to the FHAP program. If Velázquez did not mean to double the total and put it all in the FHAP program, I strongly suggest that the gentlewoman should withdraw the amendment.

Ms. SLAUGHTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in strong support of the Velázquez-Slaughter-Terry amendment to restore the funding to HUD's Office of Lead Hazard Control.

The funding is critical to achieving our national goal of eradicating childhood lead poisoning by 2010. HUD's Office of Lead Hazard Control provides grants to cities and States to correct serious lead hazards in their homes. These grants are targeted to individuals vulnerable to the effects of lead, particularly children under the age of 6.

Lead poisoning affects nearly 434,000 American children between the ages of 1 and 5, and that is criminal. In my district, 1,200 Monroe County children fall victim to lead poisoning each year, and in response, Monroe County and the City of Rochester with its partners have used funding from HUD's lead hazard control grants to make 220 housing units lead free and safe for children.

The lead hazard control grants work, but only if they are available, and already one of my counties was forced to stop accepting applications this early in the year because the money had run out.

Last year, HUD's Office of Lead Hazard Control was unable to fund two-thirds of the requests it received due to the lack of founding. This year, the office is slated to be cut by $47 million. This cut will further reduce the number of grants awarded and leave children exposed to lead hazards.

It is a tragedy that failing to deal with this problem renders children many times brain damaged, with asthma and other seizures. They are going to continue to be at risk for hearing loss, developmental delays, osteoporosis, and kidney damage simply by breathing the air in their homes.

I encourage my colleagues to support the amendment to help eliminate lead poisoning exposure for our children. We can do better, and we should not squander this opportunity.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I am very opposed to increasing this program at the expense of other critical programs. There are a number of reasons.

The committee mark fully funds the amount requested by the administration and fully funds the program that has been in place for the last decade. These funds go to State and local governments to abate lead-based paint in homes that will not be restored through modernization or resale. Three years ago, the Senate began a new demonstration program and added between $50 million and $75 million. The House has not included these funds in subsequent years, and the Senate has attempted to continue the demonstration program each year. They may well try to do so again.

The committee is simply not in a position to absorb a $60 million increase in funding for this demonstration program at the expense of programs that are being funded at the 2005 level or below. This is not an appropriate trade-off.

Mr. Chairman, I urge that the amendment be defeated and we work to determine if the program should be included during conference.

□ 1415

Mr. TERRY. Mr. Chairman, I move to strike the requisite number of words.

Today I rise in strong support of the Velázquez-Slaughter amendment to H.R. 3058. This amendment will restore almost $48 million in critical funding to help States combat lead poisoning in children.

Just as a reference, my interest is in the children and the families who live in older areas of cities, including Omaha, Nebraska that I represent, who have to deal with the lead paint and lead dust in their houses. On top of that, in my city they also deal with contaminated lead. So EPA is coming in, cleaning up the lead soil in people's yards, but yet are not doing anything to clean up the lead poisoning from the paint inside and outside those homes.

The U.S. Department of Health and Human Services estimates that as many as 1,600 children in East Omaha have harmful levels of lead in their bodies. There are 86,000 residents in Omaha affected by the lead cleanup.

Parents wonder whether it is safe for their children to play outside, but they must continually check windowsills for lead dust and beware of cracking paint inside their homes to help protect their children from lead poisoning.

The dangers of lead poisoning are well known and heightened for young children. High levels of lead in the body can cause asthma, brain damage, mental retardation, hearing loss, hyperactivity, and developmental delays. The Federal Government will end up paying the costs of lead poisoning in Medicaid, S-CHIP, and IDEA dollars unless greater resources are directed toward lead remediation efforts such as the State grant program operated by the EPA's Office on Lead Hazard Control.

The amendment offered today will prevent a significant cut to this program from $166 million in fiscal year 2005 to $119 million in the Transportation-HUD appropriations bill under consideration right now. This year the EPA was only able to fund one-third of the State grant proposals for lead-based paint remediation. The city of Omaha in its dire need lost a $3 million grant for HUD assistance. This situation can only worsen unless the amendment is approved today.

I commend the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from New York (Velázquez) for championing this effort and strongly urge my colleagues to join me in voting for this commonsense amendment to help protect children from the dangers of lead poisoning.

Ms. VELÁZQUEZ. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The Acting CHAIRMAN (Mr. FOSSELLA). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I would like to respond to the chairman's statement regarding the fact that HUD did not use all the money last year.

Let me just say that HUD only funded one third of all grants applications that were submitted to HUD last year; so clearly there is a need.

Today we have the opportunity to send a strong message to the estimated 310,000 children that every year are poisoned by lead. Lead paint is a serious problem, taking an especially hard toll on low-income minority communities. If we do not address this issue now by investing in preventative measures, we run the risk of suffering the ramifications for decades to come.

We cannot put a price on a child's health. However, we can recognize the impact cutting funding for HUD's lead hazard control grants will have on the health and safety of children around the country.

This amendment will simply restore funding to last year's level while maintaining adequate funding levels for the programs it reduces through off-sets. With the need for this program outpacing the ability of community organizations to work with affected neighborhoods, we cannot sit idly by and fail to, at the very least, maintain current funding for such crucial services.

I urge the Members to support this amendment and vote in favor of holding the line to protect the lives of children in all our districts.

The Acting CHAIRMAN. Does the gentleman from Michigan withdraw his reservation?

Mr. KNOLLENBERG. I do, Mr. Chairman.

The Acting CHAIRMAN. The question is on the amendment offered by gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $8,042,920,000, of which $4,986,000,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $6,424,229,000 shall be available for air traffic services activities; not to exceed $951,042,000 shall be available for aviation regulation and certification activities; not to exceed $222,171,000 shall be available for research and acquisition activities; not to exceed $11,759,000 shall be available for commercial space transportation activities; not to exceed $50,583,000 shall be available for financial services activities; not to exceed $69,943,000 shall be available for human resources program activities; not to exceed $150,744,000 shall be available for region and center operations and regional coordination activities; not to exceed $140,337,000 shall be available for staff offices; and not to exceed $36,612,000 shall be available for information services: *Provided*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $7,500,000 shall be for the contract tower cost-sharing program: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: *Provided further*, That none of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card. In addition, $150,000,000 for transition costs associated with OMB Circular A–76 Flight Service Station competition.

AMENDMENT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KNOLLENBERG:

Page 7, line 8, after the dollar amount, insert "(increased by $263,000,000)".

Page 7, line 12, after the dollar amount, insert "(increased by $263,000,000)"

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, this is a very simple amendment. On page 7, line 8, after the dollar amount, insert "increased by $263,000,000," and page 7, line 12, after the dollar amount, insert "increased by $263,000,000."

What it does simply is it adds $263 million to FAA safety programs.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

I just want to say we agree with the amendment that has been offered.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. POE

Mr. POE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. POE:

Page 7, lines 8, 9, and 11, after the dollar amount, insert "(increased by $24,875,000)".

Page 30, line 10, after the dollar amount, insert "(reduced by $24,875,000)".

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

Mr. POE. Mr. Chairman, the FAA, in a report mandated by Congress in the Vision of 100 Act, reported that over the next 10 years, 73 percent of the agency's nearly 15,000 air traffic controllers will become eligible to retire. Total losses over this time are expected to be 11,000.

More than 649 million passengers flew our Nation's skies last year. As America's aviation system continues to expand, we must ensure we have the proper number of trained air traffic controllers to make travel move efficiently and safely. FAA's current staffing plan calls for the hiring and training of 12,000 controllers over the next 10 years.

While the underlying bill provides just under $25 million, up from $9.5 million in the fiscal year 2005 to do this, I believe it falls short and fails to account for the immediate specific staffing needs as well as additional controllers for expected increases in traffic volume, an expected 5 percent training failure rate, and the higher-than-normal retirement rates beyond 2014.

This amendment simply would add $24.875 million to the FAA's Air Traffic Services account which would double the funding called for in the bill to better address short-term and long-term air traffic controller staffing and training needs. It reduces overall spending in the bill by 4.5 percent for Amtrak.

Amtrak continues to operate at a deficit and requires substantial taxpayer subsidies to operate. At a time of flat budgets and large deficits, taxpayers cannot continue to subsidize the poor management and unprofitable services of Amtrak. According to the House Committee on Appropriations, Amtrak alone is to blame for the bulk of their problems, most notably taking on nearly $4 billion in debt. A rider taking a train from Orlando to Los Angeles receives a $466 taxpayer subsidy on top of a $165 ticket for a trip that takes more than 71 hours. For $211, less than half the Federal subsidy alone, the same traveler could fly from Orlando to Los Angeles in less than 6 hours. The Amtrak CEO has reported six times in the past that if it is not provided more funding, it is threatening to shut down.

So I ask my colleagues, why are we consistently throwing money at Amtrak when it consistently operates at a deficit, especially when we need this money for the FAA and air traffic controllers? People are going to continue to fly, Mr. Chairman; and it is important that we make the skies safe for them.

POINT OF ORDER

Mr. KNOLLENBERG. Mr. Chairman, I make a point order against the amendment because it increases an appropriation from the Airport and Airway Trust Fund over the amount authorized from that fund and therefore violates clause 2 of rule XXI.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair will rule.

The amendment offered by the gentleman from Texas (Mr. POE) proposes to increase the appropriation for a certain account in the bill that as presently proposed is at a level authorized by law.

Under clause 2(a) of rule XXI, such an increase must be specifically authorized by law. The burden of establishing the authorization law rests with the proponent of the amendment. In this instance, the proponent must show that the amendment does not cause the pending appropriation to exceed the level authorized in law.

Finding that this burden has not been carried, the Chair sustains the point of order. The amendment is not in order.

The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading; to be derived from the Airport and Airway Trust Fund, $3,053,000,000, of which $2,618,000,000 shall remain available until September 30, 2008, and of which $435,000,000 shall remain available until September 30, 2006: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2007 through 2011, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $130,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2008: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,600,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,600,000,000 in fiscal year 2006, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding any other provision of law, not more than $81,346,584 of funds limited under this heading shall be obligated for administration and not less than $20,000,000 shall be for the Small Community Air Service Development Program: *Provided further*, That of the amount authorized for the fiscal year ending September 30, 2005, under sections 48103 and 48112 of title 49, United States Code, $469,000,000 are rescinded.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order against the paragraph.

The Acting CHAIRMAN. The gentleman from Florida will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against page 11, line 22, beginning with ": for grants" through page 12, line 1, ending with the word "code."

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair will rule.

The provision proposes to earmark certain funds in the bill.

Under clause 2(a) of rule XXI, such an earmarking must be specifically authorized by law. The burden of establishing the authorization in law rests in this instance with the committee or other proponent of the provision.

Finding that this burden has not been carried, the point of order is sustained, and the provision is stricken from the bill.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a further point of order against the paragraph.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against page 12, line 12, beginning with "provided further" through line 17 ending with the word "program."

This provision also violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of the House rules.

The Acting CHAIRMAN. Does any Member wish to be heard on the point of order?

Hearing none, the Chair will rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 101. Notwithstanding any other provision of law, airports may transfer without consideration to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant: *Provided*, That the Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 102. None of the funds in this Act may be used to compensate in excess of 375 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2005.

SEC. 103. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 104. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 105. (a) Section 44302(f)(1) of title 49, United States Code, is amended by striking "2005," each place it appears and inserting "2006,".

(b) Section 44303(b) of such title is amended by striking "2005," and inserting "2006,".

SEC. 106. None of the funds made available in this Act shall be used for engineering work related to an additional runway at Louis Armstrong New Orleans International Airport.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $359,529,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $36,287,100,000 for Federal-aid highways and highway safety construction programs for fiscal year 2006: *Provided*, That within the $36,287,100,000 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $485,000,000 shall be available for the implementation or execution of programs for transportation research (as authorized by title 23, United States Code, as amended; section 5505 of title 49, United States Code, as amended; and sections 5112 and 5204–5209 of Public Law 105–178, as amended) for fiscal year 2006: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by sections 183 and 184 of title 23, United States Code, charge and collect a fee, from the applicant for a direct loan, guaranteed loan, or line of credit to cover the cost of the financial and legal analyses performed on behalf of the Department: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under 23 U.S.C. 188.

FEDERAL-AID HIGHWAYS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $36,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order against the paragraph.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. MICA. Mr. Chairman, I make a point of order against the phrase "notwithstanding any other provision of law" on page 16, line 8.

□ 1430

This phrase violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriations bill in violation of House rules.

The Acting CHAIRMAN (Mr. FOSSELLA). Is there any Member who wishes to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained and the provision is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 110. (a) For fiscal year 2006, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs funded from the administrative takedown authorized by section 104(a)(1)(A) of title 23, United States Code, for the highway use tax evasion program, and for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for the prior fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid Highways less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for sections set forth in paragraphs (1) through (7) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(8)) for such fiscal year less the aggregate of the amounts not distributed under paragraph (1) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) for section 201 of the Appalachian Regional Development Act of 1965 and $2,000,000,000 for such fiscal year under section 105 of title 23, United States Code (relating to minimum guarantee) so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such section (except in the case of section 105, $2,000,000,000) for such fiscal year;

(5) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4) for each of the programs that are allocated by the Secretary under title 23, United States Code (other than activities to which paragraph (1) applies and programs to which paragraph (4) applies) by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5) for Federal-aid highways and highway safety construction programs (other than the minimum guarantee program, but only to the extent that amounts apportioned for the minimum guarantee program for such fiscal year exceed $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under title 23, United States Code, in the ratio that—

(A) sums authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the sums authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations: (1) under section 125 of title 23, United States Code; (2) under section 147 of the Surface Transportation Assistance Act of 1978; (3) under section 9 of the Federal-Aid Highway Act of 1981; (4) under sections 131(b) and 131(j) of the Surface Transportation Assistance Act of 1982; (5) under sections 149(b) and 149(c) of the Surface Transportation and Uniform Relocation Assistance Act of 1987; (6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991; (7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century; (8) under section 105 of title 23, United States Code (but, only in an amount equal to $639,000,000 for such fiscal year); and (9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that such obligation authority has not lapsed or been used.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall after August 1 for such fiscal year revise a distribution of the obligation limitation made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code, section 160 (as in effect on the day before the enactment of the Transportation Equity Act for the 21st Century) of title 23, United States Code, and under section 1015 of the Intermodal Surface Transportation Efficiency Act of 1991.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds: (1) that are authorized to be appropriated for such fiscal year for Federal-aid highways programs (other than the program under section 160 of title 23, United States Code) and for carrying out subchapter I of chapter 311 of title 49, United States Code, and highway-related programs under chapter 4 of title 23, United States Code; and (2) that the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to the imposition of any obligation limitation for such fiscal year. Such distribution to the States shall be made in the same ratio as the distribution of obligation authority under subsection (a)(6). The funds so distributed shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL RULE.—Obligation limitation distributed for a fiscal year under subsection (a)(4) of this section for a section set forth in subsection (a)(4) shall remain available until used and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MICA. Mr. Chairman, I raise a point of order against section 110. This provision violates clause 2 of rule XXI. It changes existing law, and therefore, it constitutes legislating on an appropriations bill in violation of House rules.

The Acting CHAIRMAN. Is there any Member who wishes to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this section includes language imparting direction. The section therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 111. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 112. BYPASS BRIDGE AT HOOVER DAM. (a) IN GENERAL.—Subject to subsection (b), the Secretary of Transportation may expend from any funds appropriated for expenditure in accordance with title 23, United States Code, for payment of debt service by the States of Arizona and Nevada on notes issued for the bypass bridge project at Hoover Dam, pending appropriation or replenishment for that project.

(b) REIMBURSEMENT.—Funds expended under subsection (a) shall be reimbursed from the funds made available to the States of Arizona and Nevada for payment of debt service on notes issued for the bypass bridge project at Hoover Dam.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MICA. Mr. Chairman, I raise a point of order against section 112. This provision violates clause 2 of rule XXI. It changes existing law, and therefore constitutes legislating on an appropriations bill in violation of House rules.

The Acting CHAIRMAN. Is there any Member who wishes to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this section includes language conferring authority. The section therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIMITATION ON OBLIGATIONS)

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

None of the funds provided for expenses for administration of motor carrier safety programs and motor carrier safety research shall be available for fiscal year 2006, the obligations for which are in excess of $215,000,000: *Provided*, That for payment of obligations incurred to pay administrative expenses of and motor carrier research by the Federal Motor Carrier Safety Administration, $215,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended.

NATIONAL MOTOR CARRIER SAFETY PROGRAM

LIQUIDATION OF CONTRACT AUTHORIZATION

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out motor carrier safety grant programs in accordance with title 49, United States Code, $286,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds provided for the implementation or execution of motor carrier safety grant programs authorized by title 49, United States Code, shall be available for fiscal year 2006, the obligations for which are in excess of $286,000,000.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 120. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87, including that the Secretary submit a report to the House and Senate Appropriations Committees annually on the safety and security of transportation into the United States by Mexico-domiciled motor carriers.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $152,367,000, of which $135,367,000 is to remain available until September 30, 2008, and $17,000,000 is to remain available until expended: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended,

$75,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $75,000,000 for programs authorized under 23 U.S.C. 403.

NATIONAL DRIVER REGISTER

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out chapter 303 of title 49, United States Code, $4,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $4,000,000 for the National Driver Register authorized under chapter 303 of title 49, United States Code.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, and 410, to remain available until expended, $551,000,000 to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2006, are in excess of $551,000,000 for programs authorized under 23 U.S.C. 402, 405, and 410, and the State Traffic Safety Information Systems Improvements, High Visibility Enforcement, Child Safety and Booster Seat, and Motorcyclist Safety grants programs, to be allocated as follows: $229,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $136,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $129,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, $30,000,000 shall be for State Traffic Safety Information Systems Improvement grants, $15,000,000 shall be for High Visibility Enforcement grants, $6,000,000 shall be for Child Safety and Booster Seat grants, and $6,000,000 shall be for Motorcyclist Safety grants: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $10,000,000 of the funds made available for section 402, not to exceed $3,306,000 of the funds made available for section 405, and not to exceed $3,000,000 of the funds made available for section 410 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

ADMINISTRATIVE PROVISION—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 130. Notwithstanding any other provision of law, States may use funds provided in this Act under section 402 of title 23, United States Code, to produce and place highway safety public service messages in television, radio, cinema, and print media, and on the Internet in accordance with guidance issued by the Secretary of Transportation: *Provided*, That any State that uses funds for such public service messages shall submit to the Secretary a report describing and assessing the effectiveness of the messages: *Provided further*, That $10,000,000 of the funds allocated under section 405 of title 23, United States Code, shall be used as directed by the National Highway Traffic Safety Administrator to purchase national paid advertising (including production and placement) to support national safety belt mobilizations: *Provided further*, That, of the funds allocated under section 410 of title 23, United States Code, $6,000,000 shall be used as directed by the Administrator to support national impaired driving mobilizations and enforcement efforts, $14,000,000 shall be used as directed by the Administrator to purchase national paid advertising (including production and placement) to support such national impaired driving mobilizations and enforcement efforts.

POINT OF ORDER

Mr. MICA. Mr. Chairman, I make a point of order.

The Acting CHAIRMAN. The gentleman will state it.

Mr. MICA. Mr. Chairman, I raise a point of order against section 130.

Mr. Chairman, I raise a point of order against page 28, line 15, beginning with "provided further" through page 29, line 2.

These provisos violate clause 2 of rule XXI. They change existing law which constitutes legislating on an appropriations bill in violation of House rules.

Mr. SWEENEY. Mr. Chairman, I insist that the point of order be extended to the entire paragraph.

The Acting CHAIRMAN. Does anybody wish to be heard on the point of order? Hearing none, the Chair will rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of Rule XXI. The point of order is sustained, and the section is stricken from the bill.

Mr. MICA. Mr. Chairman, could I inquire as to what page that would apply to, through what page?

The Acting CHAIRMAN. It will apply to section 130, beginning on page 28, and ending on page 29, line 2.

The Clerk will read:

The Clerk read as follows:

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $145,949,000, of which $13,856,000 shall remain available until expended.

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $26,325,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT PROGRAM

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2006.

NEXT GENERATION HIGH-SPEED RAIL

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $10,165,000, to remain available until expended.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation, $550,000,000, to remain available until September 30, 2006: *Provided*, That none of the funds herein shall be available for the operation and maintenance of routes RT16A, RT18, RT19, RT22, RT25, RT26, RT27, RT28, RT30, RT32, RT33, RT34, RT45, RT48, RT52, RT54, RT63, RT66, as in existence on May 1, 2005: *Provided further*, That of the funds provided, $50,000,000 shall be used by the Secretary of Transportation to enter into contracts to make improvements to the Northeast Corridor, as authorized under chapters 241 and 249 of title 49, United States Code.

AMENDMENT OFFERED BY MS. CORRINE BROWN OF FLORIDA

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. CORRINE BROWN of Florida:

In the matter relating to "DEPARTMENT OF TRANSPORTATION—FEDERAL RAILROAD ADMINISTRATION—GRANTS TO NATIONAL RAILROAD PASSENGER CORPORATION", strike "none of the funds herein" and all that follows through "*further*, That".

Ms. CORRINE BROWN of Florida. Mr. Chairman, this amendment will strike the language in this bill that prevents funding for 18 important Amtrak routes throughout the country. Without this amendment, 23 States, over 154 Members and 258 local communities and over 4 million passengers will be waiting for a train that is not coming.

This assault on Amtrak by the President and some of his allies in the Congress is a perfect example of why 81 percent of the American people believe Congress is out of touch with their priorities. This is the People's House, and I would hope that the House would do the people's work and also not wait for the other body to rescue us.

We spend $1 billion a week in Iraq, $4 billion a month, but there is no money for Amtrak or its passengers. Just one week's investment in Iraq would fund passenger rail for the entire country for the entire year. In fact, listen up, we could fund Amtrak for a year with the $1 billion that the Pentagon said was misappropriated by Halliburton.

I just want someone to explain to the American people why investing in transportation in Iraq is more important than investing in passenger rail right here in the United States. No transportation system in the world pays for itself. We continue to subsidize highways and aviation, but when it comes to passenger rail systems, we refuse to provide money needed for Amtrak to survive. For years, we put Amtrak on a starvation diet, and now we are trying to kill it off.

Last year, we authorized more than $3 billion out of general revenue funds for the Federal Aviation Administration, and this is in addition to the $20 billion in financial relief that we provided to the airlines after 9/11, all paid for by the American public.

It is important to note that the Members who complain the loudest about Amtrak are the same Members that open up the American checkbook and ask how much do they need when the airlines come calling, all while ticket prices go up and service goes down.

I represent central Florida, which depends on tourists for its economy, and we need people to be able to get to the State to enjoy it. Ever since September 11, more and more people are turning from airlines to Amtrak, and they deserve safe and dependable service. But if this amendment is not passed, the 200,000 visitors that take the AutoTrain to Florida each year will not be visiting our great State.

This is just one example of Amtrak's impact on my State. Amtrak runs four long distance trains through Florida, employing 990 residents, with wages totaling over $43 million. They purchased over $13 million in goods and services last year, and they are doing it at the same time in every single State.

We have maps and information right here, and I would encourage my colleagues to see what impact Amtrak has on their State.

I want to thank all of the Members who have come to the Floor in support of Amtrak. I strongly encourage my colleagues to do the right thing for their constituents and support this important amendment. If we do not fund Amtrak, we will leave 25 million people waiting for a train that is not coming.

Mr. Chairman, you can fool some of the people some of the time, but you cannot fool all of the people all of the time. The American people support passenger rail service in this country. We will be the only civilized country that does not have passenger rail service.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this amendment would remove from the bill the limitation on routes that would be eligible for Federal funding, take them all out. It would strip any semblance of reform out of the House bill. All reform goes out the window.

If we want to talk about killing Amtrak, if you really want to kill it, this is the way to do it. In the FY 2006 grant request, Amtrak specifically stated that it cannot continue to operate all routes with $1.2 billion, all routes. The LaTourette amendment offered earlier provides less than $1.2 billion. If this amendment is adopted, the northeast corridor is in jeopardy, the northeast corridor is in real bad shape.

The limitation in the bill protects the northeast corridor. This amendment does not. Amtrak supporters in the northeast need to understand that supporting this amendment redirects the funding to the highly unprofitable routes, routes that carry Federal subsidies up to $466 per passenger, routes that carry less than 20 percent of Amtrak's riders, and it leaves more than 52 percent of Amtrak riders in the northeast exposed to a shutdown. 52 percent, over half.

Striking the limitation on route eligibility will siphon funding from routes that chill the promise of self-sufficiency, routes that are well used, to routes that will never, never, never under any circumstances be profitable.

I urge a "no" vote.

Mr. PASCRELL. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to remind my brothers and sisters from both sides of the aisle that this was a national system envisioned by the President in 1971, President Nixon, who had the bipartisan support of the Congress of the United States. And why was it proposed? It was proposed because the private companies wanted out. They no longer could pay for a system that serviced America.

Now, let me say what that system encompasses. I support this amendment by the ranking member, the gentlewoman from Florida (Ms. CORRINE BROWN), the ranking member on the Subcommittee on Railroads.

Just three of those routes in red that you want to dispose of, the Silver Service, the Silver Meteor and the Palmetto, from New York to Miami, Philadelphia, Wilmington, Baltimore, Washington, all the way to Jacksonville-Tampa and Fort Lauderdale, services 738,000 people. No small potatoes. That is a lot of folks. Where are you asking them to go? How are they going to get between destinations?

While I can accept that Amtrak must reform and while I can accept that we need to do away with any frivolous spending whatsoever, we need to sustain a system here, and we need to figure out on both sides of the aisle how to do it.

□ 1445

The Crescent from New York to New Orleans to Philadelphia to Wilmington, to Baltimore, Washington, Greensboro, Charlotte, Atlanta and Birmingham, 256,000 people, 256,000 passengers. And the Carolinian from Charlotte to New York City, 305,000 passengers. That is why I support the Brown-Menendez-Rahall amendment to keep these Amtrak trains on track.

I want to express in the strongest words here, Mr. Chairman, contrary to what one might expect, residents in my area of New York, New Jersey, Connecticut, Pennsylvania, they travel rail to Florida. They do not only travel the northeast corridor, they travel by rail to the Midwest, they travel up to New England beyond just Boston, and they like using the trains, the very same trains that brought us from place to place after 9/11, remember, when we could not travel. Thank goodness that we had some semblance of a national system.

Americans like the freedom to travel. They want to make choices. I believe it should be the goal of the Department of Transportation to expand transportation alternatives, not to cut back on those choices.

It was Amtrak that I rode home from Washington on to be with my constituents to assess the damage at Ground Zero, as well as folks from both sides of the aisle. It is too important to the American people and the American economy to settle for anything less than a national system.

Mr. Chairman, I have heard the presentations about reform. I have heard no explanations, no alternatives to in any way sustain those routes that are all in red. So if we took the red away, we have systems that are not interconnected, and many of those systems are connected to the intermodal part of transportation, which is what TEA-LU is all about, which is what TEA-21 was all about, intermodal transportation. The Amtrak system is part of it, whether we are talking about rail, whether we are talking about airlines, whatever we are talking about.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an important amendment because it does do away with the reforms that this appropriation subcommittee has imposed on Amtrak. As I said earlier, I have been on the Committee on Transportation and Infrastructure for some 13 years. I watched for more than 4 years when they had an Amtrak reform council look at the operations of Amtrak and come up with recommendations that were made to Congress; and, sure enough, they ignored those recommendations.

This is a tough business to reform Amtrak and eliminate some of these politically popular routes. But the cost of those routes, as we have heard, range from $242 subsidizing per ticket on the Sunset Limited, some $466 to run the route that we saw here. Some of those go into my State, Florida. But it is time to reevaluate those routes, and we must eliminate them if we have to, only by legislation, because the reform which we have tried to do through an advisory council and commission to look at this in an independent study, all that has failed.

I do support the President in really drawing a line in the sand and saying we must impose reforms on Amtrak.

Now, we have heard this analogy, and I chair the Subcommittee on Aviation, on how much we subsidize aviation. But every ticket that is sold by Amtrak is subsidized by $49, every single ticket. In aviation that is not the case, I say to my colleagues. We heard how much money goes in, but that money is raised by a 7.5 percent ticket tax. The next time you get your airline ticket, look at 7.5 percent, look at the other fees. There is a passenger facilitation fee, and that could be anywhere from a few dollars on up. There is an aviation security fee of $5. You hear the airlines complaining about how taxed their passengers are. The passengers are paying their full fare, including a fuel tax.

Amtrak pays no fuel tax, there is no passenger tax, there is no security fee. There is no contribution. Besides that, they are losing, on every ticket they sell, an average of $49.

Now, I am a strong supporter of mass transit, high-speed rail, rail as an alternative; and I do know that some of that has to be subsidized. I will vote to subsidize this. But a loss of nearly $500 a ticket, and that is what this amendment would do, will restore all those losing routes.

Now, why has Amtrak not changed out some of these routes? Let us be a little candid among friends here. Labor cut sweetheart deals so most of the Amtrak employees are going to get 7 years' salary and benefits assistance; some will get 5 years. There is a cost. We cannot eliminate one single route without paying those benefits that have already been negotiated. But at some time, we have to pay the piper, and sometimes we have to cut the losses.

Now, out in America right now, probably not watching the proceedings of this House, are millions of Americans who are working hard. It is hard for me to tell them to go out there and work even harder, maybe get another part-time job so you can send that money here to Washington, so we can have them waste it.

When they provide food service and take in a dollar, it costs them $2. They lost a third of a billion dollars in the past 3½ years on food service. When they try to put high-speed rail in, and I am a strong advocate of high-speed rail, we have neither high-speed and we do not have service. It is down the tubes. It was going 83 miles an hour. That is not high-speed service, even by our own standards which are, under Federal law, 120 miles an hour.

So let us make the reform that is necessary. The chairman and the subcommittee have done an excellent job in forcing some of these reforms that are long overdue. Let us defeat this ill-conceived amendment. Let us reform Amtrak. Let us provide good service, not a Soviet-style train endurance test for passengers, but modern, high-speed rail and long-distance service across the United States, and give service to passengers that do not have that service available, at the lowest cost to the taxpayers. We can do that.

Mr. SWEENEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise in opposition to this amendment, and I will acknowledge up front I do it rather reluctantly, because I am a huge proponent of the national rail system and recognize up front the need for some subsidization, fair and responsible and reasonable subsidization, as we do in other transportation routes; and a lot of speakers have addressed that issue and that point.

But just as the last speaker pointed out the inefficiencies in the system, in the process both at Amtrak and, frankly, how the Federal Government has provided oversight, I think that passage of this amendment represents a premature move to acceptance of those inefficiencies at a point, a critical point, in negotiations that we cannot do that. Facts are facts, and we have been asking for Amtrak to reform itself for a number of years. We have not gotten much of a response. In fact, we have gotten resistance. And the inefficiencies in the system continue to atrophy downward.

How it really impacts on people, in my district, just outside the northeast corridor, not part of the corridor, because the tracks are not owned by Amtrak, there is a continued deterioration; and there is no Amtrak plan, no Amtrak plan to resolve those issues, putting at risk an awful lot of people. I know what the chairman is trying to accomplish in this particular piece of legislation is force Amtrak back to the table to talk about what needs to be maintained, what is critical infrastructure, what are critical lines of connection that have to be in this; and if we simply just say we are going to go on with business as usual, we continue to promote the atrophy within the system.

Now, I think at some point in this process, many of these lines that are eliminated in this particular bill are reinstated before this bill becomes law. But we ought not to do it just willy-nilly; we ought not to just give it away. We need to force some people to make some tough decisions. We need to force some people to live by their commitments of the past, which they have not thus far. I think this is one of the few pieces of leverage that the gentleman from Michigan (Chairman KNOLLENBERG) and this subcommittee will have as we continue to try to find a way to get to the answers.

Now, we have gone from zero to now $1.2 billion in this bill. That is a real commitment to Amtrak. It is still, I would suggest, short of where we need to end up. But let us not just end up there by dealing away those funds; let us end up there by making sure that we bring efficiencies to the system.

Mr. POMEROY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the bill before us posed a double-barrel shotgun blast to the continuation of Amtrak. One barrel has been dealt with with the amendment passed earlier by this House restoring funding critically needed to keep national passenger rail available. But we cannot stop now. We have to also pass the Brown amendment, because without the passage of this amendment, investment in the routes denoted in red on this chart will end. Now, that continues to be the routing for many of the vast stretches across this country that truly make this a national rail system.

Coming from the heartland, representing North Dakota, a place of vast distances and not that many people, I must tell my colleagues that I am surprised at what I am hearing on the floor of the House, that this is a national service. Provided, it runs just between populated areas and short distances, some place for the Northeast, maybe the Southwest; but the rest of the expanse of this great country, forget about it. Are we the United States of America, or what?

In North Dakota, what is at stake is the Empire Builder. It is a route that has been operating for 76 years. This year, it will serve 89,000 North Dakotans. Amtrak links many rural cities and communities that are not serviceable by airlines. In North Dakota, Amtrak has a strong record of reliable service. It is an important transportation option for many North Dakotans and North Dakota businesses.

For the resident of Rugby, North Dakota, seeking to get to Minot, the regional medical center to attend to their medical needs in the middle of a cold, January day, or small businesses along the northern route, Devils Lake, depending upon the transportation option for the shipping of central materials for that particular business, Amtrak matters and it matters a great deal to us. In Minot, North Dakota, one station alone, 29,000 served last year.

Mr. Chairman, in rural America we do not have airports in every corner, we do not have the same kinds of options that the crowded areas of this country do, and that is why we need to continue this national commitment to national passenger rail.

We all have supported taxpayer dollars, and I mean over and above the ticket tax dollars, that have gone into the highway program. They have gone into the airport improvement program, and now it is time to do our proportional share for passenger rail. It is pennies on the dollar compared to the public subsidy of these other transportation alternatives. But take it from one from the heartland: passenger rail matters, and it matters just as much to us as it does in the northeast corridor.

I urge passage of the Brown amendment. Do not dismantle Amtrak. Do not take this service away from rural America.

□ 1500

Mr. KENNEDY of Minnesota. Mr. Chairman, I move to strike the requisite number of words.

I would like to speak in opposition to this amendment, Mr. Chairman. And I would agree with the gentleman from Florida (Chairman MICA) that I, like he, am for high-speed rail. We are for commuter rail that gets people in high volume areas back to work and forth. But if we want to preserve Amtrak as a viable entity, I agree also with the gentleman from Michigan (Chairman KNOLLENBERG) who said, if you care about Amtrak, oppose this amendment, because if we do not reform Amtrak, it is hard for us to be able to afford its survival.

I would just cite the Washington Post editorial of May of this year where they listed as the first test to whether Amtrak is going to make it is whether they force the closure of the most uneconomic routes. That is what this amendment tries to oppose.

The second test, according to the Washington Post, is that Amtrak needed better management. Better management would recognize this, would oppose this amendment. We need to stand up for both Amtrak's future and for our taxpayers. Oppose this amendment.

Mr. Chairman, I yield to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding.

What is interesting about this amendment is that only 20 percent of the people are involved in the elimination of these lines, but it is 50 percent of the cost. This is like a stake in the heart of a plan to establish some reform. You know, unfortunately, our national rail service is no longer a source of pride. Amtrak has suffered mismanagement, irresponsible investments, poor service and a tremendous backlog of, maintenance that has sunk the system to a new low.

Amtrak, as we know it, faces tremendous debt while operating in a fundamentally flawed management system. Amtrak goes back to 1971, and the conception at that time was to produce it as a for-profit business. And it was expected to be one within 5 years. Here it is 35 years later. Guess what, they are in worse shape than ever. As has been pointed out, unfortunately for the taxpayers, its self-sufficiency is only a pipe dream. On average, taxpayers will pay a $210 subsidy, even though you do not think you are paying it, because some pay $466, you are because the system needs an average of $210 per person. All other transportation systems in our country are paid for directly. Highways and aviation are funded through user fees and excise taxes. Rail is the only passenger transportation mode that relies solely on the generosity of taxpayers. And this charity is running out.

It is funny. I have not heard one word from anybody who is complaining about shutting those lines down who is interested in doing anything locally to provide resources to keep it going. That is an option. We are not mandating the closure. And the message should be clear. In a time of flat budgets and large deficits, we cannot afford the abuse of taxpayer dollars on irresponsible ventures, poor management and unprofitable services.

I know that reform is never easy. But in Amtrak's case, it is essential. We have come to the last stop. Amtrak is no longer helping us move forward. Passenger rail must be reformed, or it will end, be the end of Amtrak.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Members should be reminded that when yielding to another under the 5-minute rule the yielding Member must remain on his feet.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

This is a bit of a surreal debate at this point. To me, the only logical thing to do with this vote is to vote to strike the section that eliminates the long-distance routes. I believe that, in large measure, the vote that was taken earlier was a vote in adding money back to Amtrak, was a vote to allow Amtrak to operate another year, and leave the authorizers with a mandate or a very strong signal that they had to do something and finally get this matter settled through the normal authorization route.

My chairman, and I know, I respect what he is trying to do. He has this section which eliminates these long-distance routes that serve the only passenger rail service in 23 States, with all of those Senators on the other side of the Capitol and at least 154 of our Members in those States. And by eliminating those routes, he wishes to force reform of the system, to force the authorizing system to operate effectively. And in eliminating those routes, there is such a large cost for the elimination of the routes that the amount of money that was put in was simply not adequate to do the job, and so it was going to shut down the whole of the Amtrak system. I think that that, clearly, is what comes through as the end result of the way the bill was written.

Now, if we leave the routes in there and no subsidy can be placed on those routes, then that shuts down those routes and triggers the utter waste of $360 million a year of costs for abrogating the labor and other contractual obligations that relate to those routes. It is an utter waste, and that means, in fact, that I think the chairman is right. It probably means that then the system is likely to shut down again because the total amount of money is not going to be adequate.

But the chairman himself has indicated what the actual reform is. The chairman has pointed out that there is extremely high costs on these long distance routes through the luxury services, the sleeper services and the meals services, which cost $300 million or thereabouts to provide on these routes. So one could have one's cake and eat it, too, by eliminating that luxury service, those meals and sleeper services on the long-distance routes, continue to have the long-distance routes without those costs, which serve a very small group of people, a very small number of people, and then that process, the amount of money that was put in the bill would then serve to keep things going for the next year.

So it seems to me that the logical thing to do would be to strike these routes and, instead, provide the reforms, not by the bludgeon of eliminating these routes which triggers that high cost of contractual changes, rather than doing that, find the reform that is going to actually keep the national rail system going and allow the amount of money that was put in to provide that service at a much lower cost than what presently is the case. So I hope that the amendment will be adopted and that we will get somewhere to what would be a real reform.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Brown-Menendez-Rahall amendment aimed at keeping Amtrak on track. This amendment would strike current bill language that eliminates 15 long-distance trains and three shorter-distance routes, some of which provide essential transportation services to rural areas.

In the State of Texas, Amtrak operates one short-distance train, the Heartland Flyer, and two long-distance, the Sunset Limited and the Texas Eagle, which services my district.

H.R. 3058 eliminates Texas' only two long-distance routes. The elimination of these routes would have an adverse effect on Texas communities that depend on these routes and leave hard-working Texans, which depend on the $11 million in wages that Amtrak currently provides, unemployed.

I am fully aware that the money is very tight. We have a war to finance, and we have big tax cuts for some. But let us do something for the heartland of the USA.

Further, in certain rural parts of the State, these lines are often the only transportation alternatives to automobiles. The State of Texas is experiencing unprecedented population growth. The growth is placing enormous strain on the State's highway capacity. And all of us know where that bill is for the last 2 years.

As the construction of new highways becomes less practical, the need for a comprehensive passenger rail system will continue to grow. Passenger rail is a component of this Nation's economic and transportation backbone. Bankrupting and gutting our national passenger rail system is not the way to go.

I urge my colleagues to renew this body's support for a national rail passenger system and urge a yes vote on this amendment.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this House, just a short while ago, adopted the LaTourette and Oberstar amendment, the clear intent of which was to restore passenger service to the routes shown in the map that everybody has been showing around today, the areas, the routes in red. It was meant to retain a truly national passenger railroad service.

Without the subsequent amendment of the gentlewoman from Florida (Ms. CORRINE BROWN), that initial action by the House remains essentially meaningless, and it means that the only thing that the money would be used for, which was gained in that LaTourette amendment, would be to pay shutdown costs to the former employees of the parts of Amtrak that are being shut down. I do not think that action is going to please anybody. I do not think it is going to fool anybody. We clearly need this amendment, and I would urge support for it.

Mr. Chairman, I yield to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, if my amendment is not accepted, millions of passengers will be stranded. Commuters, operators will be disrupted. Thousands of jobs will be eliminated. States will be forced to figure out how to pay for new services under already tight budget restraints. Taxes on freight railroads and their workers would increase as a result of decreased revenue for the railroad retirement and unemployment program, and local economies and businesses that depend on Amtrak services will suffer. Save our Nation's passenger rail network. Vote yes for the Brown-Menendez amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Brown-Menendez-Rahall-Cummings amendment, and I offer just a little story. Because I heard the ranking member, the gentleman from Massachusetts (Mr. OLVER) mention the solution to our problem.

We just passed a very helpful and needed amendment by the gentleman from Ohio (Mr. LATOURETTE) that acknowledged America's commitment to long-distance rail. But then we have a slight problem. As we have supported his amendment, we have a sea of red that indicates that America will be disconnected.

Well, Mr. Chairman, let me tell you a little story. I have traveled on rail, heavy rail in the early stages of my life as a little girl. Not only was I not in the luxury seats, I was in the back of the train or the train designated for one group of people. In addition, I brought my own bag of food. Now, I might say that I enjoyed that delicious food that was given to me by my grandmother. But when it comes to saving our rail system, I believe we might just go back to eliminating the luxury but providing for the practical. My condition was a predicament of this society, segregation. But yet, now that we have a full and open society, we need to be able to continue a full and open transportation system. Although it notes that Texas may be included in the rail system, all of the red suggests that we will not be connected because of the cuts in the rail system.

□ 1515

So this amendment will eliminate a provision in the bill that prohibits Amtrak from using funds to operates all 15 of the railroad long-distance trains, some of which provide essential service to rural area and three short-distance trains. The amendment will eliminate the provision that prohibits Amtrak from using the funds to operate these particular long-distance trains. How can you have a system that eliminates all of these connecting aspects of our rail system? That is the benefit of rail. That gives us, the consumer, the choice: driving, bus service, flying, or, yes, the train service.

And if I might add to the esthetics of train travel, how many families have testified to the value of traveling together as a family along America's highways and byways, seeing America through the eyes of a train?

By yet there is more to the train service because some of our rural communities and smaller cities do not have access to any kind of interstate travel except for train travel. They do not have close enough airports. They may not have bus service. They may not have access to automobiles. And with the fuel prices, I will assure that you there will be many who will fall into this category.

The Brown-Menendez-Rahall-Cummings amendment is a good commonsense amendment. It plays right into the hands of the LaTourette amendment, the funding; but it also says that it is important to serve America. Why not cut the luxury service? Why not encourage families to bring their own home-cooked meals? Whatever the choice may be, bag lunches, however it is. But I would assure you that most Americans would rather have the kind of travel that is necessary for them to move about this Nation than some hot-cooked meal on a train that does not come to their doorstop.

I ask my colleagues to support this amendment. Texas will be mighty lonely. Even though it may be one of those States that has the service, we are disconnected because the routes going through our State will be disconnected and we will have no way of connecting to the rest of America. Support this amendment and give back to America its ability to travel.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take 5 minutes. I rise in opposition to this amendment. Congressman Ron Packard, a former Member here, was a very strong supporter of Amtrak. He pushed it every year that he was chairman on the Committee on Transportation and Infrastructure. He also realized that we had to reform Amtrak.

If we do not push the Department of Defense to make changes, they will never do it. This week this body made several votes to send a message. Let me give you a good example. I think the total outlay to Saudi Arabia was $24,000, but they voted to cut off funding for Saudi Arabia. Why? It is a message to keep them moving in a right direction.

I read recently where if you took Amtrak from Florida to San Diego, the ticket is about $135, but the Federal subsidy for that is $477. What we are trying to do is send Amtrak a strong message that someway they have got to reform.

Sleeper cars, now, that trip from Florida to San Diego would take 71 hours. Someone that is a senior citizen is not going to sit in a chair for 71 hours. It costs $100 million a year, the food service, $50 million it loses. Let us offer it up for bid and privatize it and at least go some of these reforms. This particular amendment does the opposite. It allows Amtrak to go on without any message to do just as they have. They have even said that ridership is up. Well, then, let us make it profitable for them so we can make a bigger and better Amtrak instead of one that takes billions of dollars just in subsidies to fund.

I am not opposed to the subsidy. Look at the Metro here in Washington, D.C. It costs a lot of money. We subsidize it. But now put all that traffic on the highway and see what it costs with pollution, with extra drive time and so on.

Yes, we do need a cross-country Amtrak, but we definitely need to send them a message. That is why I oppose this amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Brown-Menendez-Rahall-Cummings amendment to save the 18 Amtrak routes that would be cut in this bill represented with these red lines across the country.

This is a mode of transportation for millions of Americans who have chosen it as their form to get connected to other parts of this country.

Now, if the language in the bill stands, notwithstanding that the previous amendment added money to Amtrak's overall budget, but if we allow the rest of the language in the bill to stand, Amtrak would be eviscerated as a national rail passenger service, as a national rail passenger service from coast to coast, one country, the United States of America, the United States of America.

The map shows it all very clearly. All long-distance routes would be gone. The 23 States in yellow would lose Amtrak service. However, nearly every State would be affected by the loss of some of these routes, including my home State of New Jersey. And even if Amtrak were still able to run its short-distance trains, States with Amtrak service would still suffer.

And there are a lot of places, we keep hearing about these air traffic ticket fares. Well, they are very selective and they also do not speak to the volume that there are a lot of places in the country where you cannot get to that location through a direct flight or even sometimes through a connector flight. Amtrak brings the Nation together. And you cannot starve a horse and ask it to run like a thoroughbred. That is exactly what has happened to Amtrak time and time again.

Those who starve it then come here and say how inefficient it is, but it cannot function if it does not get the right resources in the first place.

Now, these long-distance routes are not just a lifeline for people in rural towns out west, although certainly Fargo, North Dakota; Minot, North Dakota; Cut Bank, Montana; Elko, Nevada; Trinidad, Colorado; Needles, California; Yazoo City, Mississippi; Newton, Kansas, and many more are what you are seeking to eliminate by eliminating these routes.

Those people in America, small-town America, rural America, they deserve the opportunity to be connected to the rest of the country as well, because these long-distance routes are not just the lifeline for people in the rural town out west who depend on trains like the Empire Builder and the Southwest Chief to be able get around the country.

This is about thousands of people, for example, in New Jersey who take the train to Atlanta or Florida each year. It is about tens of thousands of people who take the train from New York to Chicago. It is about maintaining the critical redundancy of our intercity transportation system, the importance of which we saw the days after September 11 when our airplanes were grounded, and it was Amtrak that was still connecting the Nation together.

Eliminating the long-distance routes will not solve Amtrak's financial problems. The Department of Transportation's Inspector General estimated that getting rid of all of these routes would only save Amtrak about $300 million, but because of mandatory labor severance payouts, it might be several years before Amtrak actually saves a single dime. In the meantime, the severance payouts would strain Amtrak's finances, starve good areas like the northeast corridor of essential maintenance money.

This is about ultimately degrading a national passenger system, a system that is critical after September 11.

The amendment is about our fundamental commitment to a national rail passenger network, a commitment that is an essential lifeline for people throughout the country, enhances our national security, eases congestion on our highways and our airports, and gives small and mid-size businesses the chance to sell their products and services at different points throughout the country.

Vote for the Brown-Menendez-Rahall-Cummings amendment. Make sure we stay together as one country.

Mr. BUTTERFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first let me thank the gentlewoman from Florida (Ms. CORRINE BROWN) for her extraordinary work on this issue. She is very effective, and I want to thank her very much for her work.

Mr. Chairman, let me join the chorus of support for this amendment. This amendment will eliminate a provision of the bill that prohibits Amtrak from using funds to operate all 15 of the railroad's long-distance trains, some of which provide essential services to rural areas, such as my rural district in eastern North Carolina.

This amendment will save our national passenger rail network by ensuring that 23 States, 258 local communities, and over 4 million rail passengers continue to benefit from Amtrak's service.

Mr. Chairman, Amtrak has been there. Amtrak has stood the test of time, and it must be preserved. I urge my colleagues to support this amendment.

Mr. CARNAHAN. Mr. Chairman, I rise today in support of Amtrak. I support the Brown-Menendez-Rahall Amendment, which we are debating now, and I also strongly support the amendment offered by Mr. LATOURETTE and Mr. OBERSTAR, which the House considered earlier.

Trains have been, and continue to be, an integral part of our Nation's transportation system. Every year, millions of Americans use Amtrak and our Nation's railways to travel throughout our great country, removing cars from our congested highways and travelers from our crowded airports. In my home State of Missouri, over 400,000 people used Amtrak last year.

However, despite this heavy volume of travel, one of the routes that would be eliminated by this appropriations bill passes through Missouri and serves the city of St. Louis.

It is vital that we stop the elimination of these routes and restore full funding to Amtrak so that it may continue to provide the same level of service to the people of the United States for generations to come.

I urge my colleagues to support this essential component of our Nation's transportation infrastructure and support the Brown-Menendez-Rahall amendment.

Mr. RAHALL. Mr. Chairman, I want to thank my fellow cosponsors—Ranking Member BROWN, Congressmen MENENDEZ and CUMMINGS—for bringing this issue before the House.

Today represents another attempt to derail Amtrak and the essential transportation services it provides to millions of Americans, particularly rural Americans, across the country. The 18 routes the Appropriations Committee has proposed to eliminate would leave nearly 4½ million Americans stranded without needed rail service in 23 States, including my home State of West Virginia.

Unilaterally eliminating these routes is not prudent, and would deal a significant blow to our rural communities.

I urge my colleagues to support the Brown-Menendez-Rahall-Cummings Amendment that would save rail service to rural America.

A vote in favor of our amendment is not a vote just in support of Amtrak, it is a vote for the millions of Americans who depend on rail service to meet their transportation needs.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN) will be postponed.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

Mr. KENNEDY of Minnesota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Minnesota:

Page 30, line 10, after the dollar amount insert "(reduced by $100,000,000)".

Page 80, line 19, after the first dollar amount insert "(increased by $100,000,000)" and after the second dollar amount insert "(increased by $100,000,000)".

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise today to offer an amendment to address two critical problems: preventing wasteful government spending and at the same time giving our States more resources they need.

My amendment will take $100 million in unnecessary government subsidies from Amtrak and redirect it to HUD's Homeless Assistance Grants to help States combat homelessness.

Mr. Chairman, I know we have just completed a very long debate on Amtrak, but creating a budget is all about setting and sticking to priorities and tightening your belt when you need to. In that process, I think it is important that we get the maximum return that we can from our Federal taxpayer dollars.

As we know, the President recommended eliminating funding for Amtrak unless they reform themselves, and we originally proposed $550 million; but now we are at near $1.2 billion. However, instead of being thankful, Amtrak President David Gunn claimed the impact of $550 million in Federal support would be the same as getting zero.

Where else but Washington can you hear someone complain that if you only get $550 million that they would be as well off as getting nothing.

This is not about the northeast corridor, which is very sustainable. It is about Amtrak's refusal to reform itself. Refusal to eliminate lines like the disastrous Sunset Limited that takes from 6 days to trek from Los Angeles to Orlando, costing taxpayers as much or more than it would cost to buy each passenger an airplane ticket.

Amtrak uses funding from its profitable areas in a forlorn attempt to prop up these lines. Mr. Chairman, this is simply unacceptable.

Instead of dumping more money into a failed Amtrak system, I propose that we take some of that money and give it to those who can actually use it. State housing agencies trying to end homelessness through HUD's Homeless Assistance Grants program.

The Homeless Assistance Grants program was created to fund HUD's four major programs that funds housing services for the homeless. These four programs form the core of HUD's Continuum of Care strategy to work with local governments and service providers to combat homelessness. They help States renovate and rehabilitate buildings for use for emergency shelters, provide transitional and permanent housing for homeless families with children and those with disabilities, and provide assistance to homeless adults who have serious mental illness or chronic substance abuse problems.

□ 1530

The bill before us today grants $1.34 billion for homeless grants, but it is $100 million short of the President's budget request.

Mr. Chairman, while some can debate whether or not this is the best and most efficient strategy for fighting homeless, there is no doubt these programs can help improve the lives of individuals in need more than continuing to throw even more money at Amtrak.

For States like Minnesota, which has a 10-year program to end long-term homelessness, the Homeless Assistance Grants program constitutes the bulk of matching Federal aid to support this goal. Adding $100 million to this program, according to one estimate, increases the number of housing units available to fight homelessness by up to 3,400 for a period of 4 years, or 13,500 unit-years of assistance.

I think it would be beyond irresponsible to deny the funding these programs need to work only to continue to prop up an Amtrak system that has been a neverending black hole of wasted taxpayers' dollars.

Mr. Chairman, if we are serious about curbing wasteful government spending and giving States the resources they need to fight challenges they face like homelessness, we must take action to ensure not another dollar is thrown away on Amtrak when it can be put to good use.

I urge all Members to take a stand against waste and in favor of helping those in need. Vote for the Kennedy amendment.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Hallelujah. Hallelujah. We have finally found a Republican who cares about any kind of a poor people program. Hallelujah. What has the world come to? Let me tell you some of the things that you scuttled for poor people before you started with crocodile tears on this amendment. Let me just list some of the programs for poor people you have scuttled over the last 4 years.

The earned income tax credit: You only qualify for it if you make less than $27,000 a year, but oh, you had to have a major effort on that side of the aisle to cut it.

Housing: How many times have you come to this floor cutting housing programs for low-income, squeezing housing programs for elderly, low-income?

Dental care programs: How many times in the Labor, Health, Education bill have you opposed efforts to try to increase dental care service? What did you do just last week in the Labor HHS bill when you scuttled the community services block grant, when you savaged it? That is a program that many rural communities use to help the homeless, to help the low-income.

What did you do about low-income heating assistance? Last week, you cut it by $200 million bucks.

What did you do about the minimum wage? How many times have you tried to block an increase in the minimum wage?

I just have to say, I am thunderstruck. I am amazed we have finally found a Republican who would put something on the Floor to help poor people, except that is not the real intent; is it?

Mr. Chairman, it seems to me that it is rather convenient that we have a newfound concern for the poor at a time when, by expressing concern for the poor, it facilitates the scuttling of a national transportation system. So I just have to say, I do not know how this amendment's going to go, but I have no doubt that the purpose of the amendment is simply to scuttle what is left of our ability to provide a national transportation system, and if, for a few moments, the poor people of this country are fooled into thinking that the other side actually cares about them, well, this is politically so much better for you; is it not?

Mr. LATOURETTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not have the revival gusto that the gentleman from Wisconsin (Mr. OBEY) does, but I do want to oppose strenuously this amendment.

We had, for a long time now, rather a vigorous discussion on the Amtrak system, and I do not know if the gentleman from Minnesota was present during that discussion, but when I hear the $550 that Amtrak should be thankful for, the evidence was pretty clear in the statements that we gave that that $550 was worse than a shutdown number; it was bankruptcy number, because Amtrak with its obligations for labor costs, almost $400 million, and for its debt service, almost $300 million, it would have forced the system into bankruptcy, ending not these long-distance routes, which were the subject of the last amendment, but all Amtrak service in all of the United States, including the northeast corridor and service out west.

What this amendment does not allow us to do, now that we have squeaked the Amtrak number back up, it is not $1.2 billion. It is $1.176 billion which is below last year's spending, which is $1.244 billion. To take $100 million now after a lot of hard work, quite frankly, by the gentleman from Minnesota (Mr. OBERSTAR) to identify some hard decisions for offsets, but that is the environment we find ourselves in, but we were successful in doing that, breathing new life into the Amtrak program, giving David Gunn the opportunity to implement the plan that he just sent to us on Capitol Hill in April of this year.

Are we so impatient that we have to identify long-distance routes and we have to take a meat axe approach to the Amtrak budget that we cannot let some of the reforms work?

David Gunn gets it. He gets that there is a problem with the food service, and he needs to do something about it. He gets the fact that the Acela high-speed train system has some difficulty with disk brakes that were manufactured in a poor fashion, and he needs to do something about it.

Those of us on the authorizing committee get it, and that is why we have already had two hearings dealing with difficulties at Amtrak. The next phase will be to invite people with all the good ideas, and everybody in this chamber has good ideas about how to fix something, anybody that has a good idea on how to reform Amtrak, to invite the States to participate in providing quality inter city train service in this country, will be invited to appear before our subcommittee and also the full committee to engage in that discussion.

But this amendment, I have to say, really is a wolf in sheep's clothing because its purports to help homeless people. Everybody in the Chamber I bet wants to help homeless people, but the real intent, I would suggest, is to take $100 million away from Amtrak that we have just been able to restore. It was unanimous. It was a voice vote. Everybody supported it on the last occasion, and that, again, puts us into a bankruptcy situation. It is bad policy.

Every other industrialized Nation in the world recognizes that passenger rail service is something worth keeping. The United States Congress, or some of us, seem to be the only body in the world that think that it is not worth saving.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last week, we had a rather unpleasant debate on this Floor about what we should be doing vis-a-vis religious conversion. The gentleman from Wisconsin was involved, but once again, he is today dealing with religious conversion, but today, he was welcoming converts. He was welcoming those who for many years have whittled away and chopped away and hacked away at our efforts to help low-income people, and now he has, as he said, found some people who understand it.

Some of us must tell my colleagues, we are a little skeptical. To be told by some of the supporters of this amendment that I and others who have been fighting so hard to prevent these savage cuts in housing for low-income people that we are somehow insensitive to the homeless is like being called silly by the Three Stooges.

The fact is that there has been a sustained attack on everything the Federal Government has tried to do to provide housing, and it is not just in the past.

The Committee on Financial Services, on which I serve, reported out by an overwhelming vote a bill which included a provision which would take some of the profits from Fannie Mae and Freddie Mac, not tax dollars but profits from corporations which get great Federal advantages, so we felt entitled to do this, and we were following a precedent set years ago with the Federal Home Loan Bank. We said, let us take 5 percent of their after-tax profits and help build houses for homeless people. It would produce an amount five or six times each year what this amendment deals with. You want to help the homeless, you have to try and build them homes.

Well, we have been told by some of the most conservative members of this body that that is a terrible thing, and we have been told that they are going to try and stop the bill from even coming up.

So, if Members want to genuinely help the homeless, there are at least two pending ways to do it. One, cut back on Amtrak. Two, let us take a percentage of the profits from Fannie Mae and Freddie Mac in a time-tested program, a concept endorsed I understand by Jack Kemp, a former Secretary of HUD, back when the Secretary of HUD was even on the Republican side, cared about housing, and let us go that way. Now, we say, well, but let us take it out of Amtrak.

I wish this concern for the poor had been around when we were doing some earlier bills. As I understand it, we voted a significant amount of money to send people to Mars. We cannot find enough money for the homeless so we have to take it out of Amtrak. Well, would it not have been better to take it out of the trip to Mars? I mean, literally, this Congress voted to start spending, at least this House did, to send people to Mars, and at the same time, we talk about, well, but we have to cut Amtrak to help the homeless. Where was the concern for the homeless when you were going to Mars?

Mr. Chairman, there are many ways to help the homeless. Many of us, in a bipartisan way on the Committee on Financial Services, and I would note that the gentleman from Ohio who just spoke was one of those Republicans on the Committee on Financial Services who voted with us on that proposal for affordable housing. He understands and voted, as did others on that committee from both parties, that there are better ways to do this.

I think, frankly, that we have done enough damage to low-income people. We are now giving true meaning to the phrase, let us add insult to injury; let us use the lowest-income people in this country as a pawn in this effort to dismantle a decent rail system.

I welcome them, as does the gentleman from Wisconsin, this newfound support for the poor. I am available to help people in a far less destructive fashion to let them learn how to do it. I understand, when you are new to something, you are not always good at it. When you are new at helping poor people, it may not come out too good. Some of us who have been trying this for a long time are available for instruction.

Mr. OLVER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to point out that, in the bill that we have before us, that the appropriation for homeless assistance grants is increased by about 8 percent over last year's, the 2005 appropriation. It is up by $100 million over the 2005 appropriation, but that is almost two-thirds of the way to what had been the budget request.

Now, there are many, many places in this bill that the budget request by the President is under two-thirds of the amount that had been requested in the budget by the President, and this is one where we are already at that level, at least. The increase of $100 million and an 8 percent increase in the budget is a very good set of funding, given the kind of allocation that the subcommittee was given. That, first of all.

Second of all, I point out that the gentleman from Minnesota who spoke earlier for retaining the elimination of the long-distance routes, which carries with it a cost of a total waste of money, carries with it a cost of $369 million which has been estimated as the cost of shutting down those routes. It seems to me that it would be far better to retain the routes, to retain the routes over the long haul and to make the savings of $300 million in other places in the high costs of those routes which we know how to do and still have the service and still have the national passenger rail system.

However, by the amendment that the gentleman offers, what he does is to now, after the previous decision adding $600 million roughly to the Amtrak, he takes $100 million of that out and puts them back in the position where the amount of money is not adequate to keep the whole system running for the year.

So this is really a counterproductive amendment from the Amtrak point of view. It puts them back in the position of not having enough money to run for the year, and at the same time, he has voted and spoken even for making certain that we waste the $370 million or thereabouts on the shutdown of those long-distance routes.

□ 1545

So I would hope that we would not adopt this amendment. I think that there are other ways that we could do that that would normally be for homeless assistance grants, except that there is already a very large increase in the homeless assistance grant, and in so doing we then return Amtrak to an untenable position. So I hope the amendment is not adopted.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is the most discouraging part of this discussion that we have had this afternoon. Everybody has been civil. I think everybody has attempted to be nonpartisan, which is how it should be on such an important piece of legislation. Even if we eliminated all the long-distance routes in Amtrak, we would save $300 million. But these savings do not occur in the first year because these are expenses that are accrued. This is not acceptable.

What is most reprehensible is to not only deal with the facts but make those who support this legislation of returning the $1.2 billion to its rightful place, that we somehow are going to be on the side of those depriving those who are homeless of necessary resources. That, to me, is despicable.

I really want to say a different word, but I respect the institution and I respect the gentleman from Minnesota. But this is horrible. We ought to take a good look at ourselves. We ought to take a look at how many letters we sign, how many parts of the petitions over the years we have come back to this Congress with to say, "Please restore the dollars for the homeless. Please restore the dollars for the downtrodden." Neither party is privy to virtue. Neither party is privy to who cares more about the homeless. But do not try to take it out of something that you know we have been fighting for that is necessary.

Now, I have an idea. Why do we not do away with the long-distance route the Carolinian? That is 305,000 passengers. Let us wipe it out tomorrow. You tell those people in Raleigh and Richmond and Washington, D.C., Baltimore, and Philadelphia, you tell them we are taking the route off because we think there are more productive routes and that this is the least productive. You write the letter and put your signature on it and tell them that. You put your signature on that.

We, as a body, must do for the homeless together, and we as a body must do for those who ride the trains all over this country. You have seen enough of the map. You have seen enough of those routes that go everywhere and every place. And if we are going to have a system of intermodal transportation in this country, we all have to pull together.

No one denies there should be some changes in Amtrak. I have fought for them myself. But do not stand there and tell me that I am not responding to the homeless. I take exception to that. You are pointing at me. You are not making a general statement. I am not going to let you get away with making a general statement that those of us on this side of the aisle and those of you on this side of the aisle do not care about the homeless.

So you have done, I think, a disservice to both sides of the aisle when you suggest that we can take a little off here and put it over there. This is not checkers. This is the real stuff. This is the real thing, and we need an intermodal system. We need a system of national transportation started by President Nixon in 1971.

I will end on that note.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join all our colleagues in asking us to come to our senses with reference to dealing with matters pertaining to the homeless. We talk an awful lot, and correctly so here in this institution, about homeless people and veterans. The connection seems to get lost in this particular argument that a significant number of the homeless are people who are former soldiers who once protected all of us in this country.

I shudder to think what is going to happen psychologically to some who are presently in Afghanistan and in Iraq when they return home. I suspect that we will see them, not all, but a lot of them, on corners, like we see some of the Vietnam veterans and we saw some of the Korean veterans and some of the Desert Storm veterans.

All of us want to assure that the homeless are properly cared for. Now, then, to say that the money to take care of them should come out of an intermodal system that is vital to our Nation's transportation is a bit disingenuous and, in many respects, is harmful to our overall structure.

Let me ask everybody to think about September 12, after the devastating impact of terrorism here on September 11. The entire air system of the United States of America was grounded. I have not heard the argument here from many of my colleagues on either side of the aisle that transportation, the intermodal system, becomes a national security matter.

Assume for the moment that those that would have Amtrak not operate, and I am not here to suggest that there are not necessary reforms within that rail system, and I believe we all know what they are, and I think a lot of us know how to help them achieve it, but as a national security matter, if by chance we did not have a passenger rail system of consequence in this Nation and we suffer yet another attack like we did on September 11, then we add to our interstate highway system the number of things that need to be transported and individuals who have necessary business.

I cannot begin to tell you the number of Congress people that had to go up that corridor on Amtrak to do the business of this Nation. Please look at it realistically. Do not do the homeless this way and do not do Amtrak this way. Let us come together in a bipartisan fashion and do something that we have not done well around here, and that is work together to better Amtrak and to assure that no one in this great Nation of ours is homeless.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, let me just say that the Republicans are very good at talking out of both sides of their mouths. Because as far as I am concerned, they practice what I call reverse Robin Hood: robbing from the poor and working people to give tax breaks to the rich. Not to Amtrak, but to the rich.

So let us be clear. This is not about whether or not we support the homeless. I have never not voted to support the homeless. In fact, one-third of the people that are homeless are veterans. They are veterans. And we do not adequately fund the veterans appropriations. All of a sudden you discovered that we are $1 billion short for the veterans. We have been saying all along, all of the independent budgets, that we are $3 billion.

So do not come up here and try to act Miss High and Mighty as far as this amendment is concerned. This is about Amtrak and whether or not we are going to have a National Transportation System in this country. It is clear that you have Republicans over there that do not support a National Transportation System, and we are going to have an opportunity to put it on the board.

The ink is not even dry. They have not even printed the amendment when you come up here to take $100 million from Amtrak. Let us not kid ourselves. This amendment is not about the homeless; this is about taking another bite at the apple. The House voted to fund Amtrak at $1.178 billion. Let us do not just start over again.

We have heard about the homeless. When do the Republicans support the homeless? Look at the budget. Over and over again, look at the record as to how you stand as far as the poor people of this country. In fact, we do not even use that word around here. Not poor people. We do not care anything about them. But transportation generates jobs and opportunity for the community, and that is what the question is on the table: Do we support a national rail system?

Do not be confused about the person and the amendment. The question is whether or not the American people support the foolishness that you keep bringing to the floor of this House. Eighty-one percent of the polls say that the Congress is not in tune with the views and values of the American people. Well, you can fool some of the people some of the time, but you cannot fool them all of the time.

I support funding programs for homeless, but I am going to vote against your amendment because I support a national rail transportation system.

Mr. ROTHMAN. Mr. Chairman. I move to strike the requisite number of words.

Mr. Chairman. first allow me to thank my subcommittee chairman and his staff for being so extraordinarily cooperative and bipartisan in word and deed when it came to the needs of everyone on our subcommittee, Republican and Democrat. We on our side of the aisle believe there was not a sufficient budgetary allocation to our Subcommittee on Transportation. But within the confines of what we were given under the budget resolution. I believe that our chairman and his staff, my ranking member, the gentleman from Massachusetts (Mr. OLVER), and his staff put together a wonderful bill, which needed help on Amtrak, which both sides of the aisle fixed about an hour ago.

So it does pain me somewhat to find out that there is an effort now to undo the solution that would have helped us keep intact a national rail system. A national rail system. Is that some wild idea that we just have here in America? No. They have it all over the world. All over Europe. China is investing tens of billions of dollars in their rail system, their infrastructure. Japan. Talk about rail system. They have the bullet trains. Where we here in the United States of America are struggling along with trains whose brake systems failed on these antiquated rail beds, et cetera. We are the greatest country in the world, and we are not keeping up with our infrastructure needs. That is wrong.

They say we are falling behind in education to all kinds of countries. India, China, other countries around the world, because we are not investing in the education infrastructure needs. And now there is this amendment to take away money that would have helped us try to keep some of our transportation infrastructure.

My colleagues, if you cannot move people, if you cannot move goods around your country, you are going to be a second-rate country. And how we got to be the first-rate country that we are is because our parents and grandparents did what it took to build an infrastructure, a world-class infrastructure of transportation. Now the majority party wants to destroy our national transportation infrastructure when it comes to passenger rail?

We have an airline system that the majority wants to subsidize, and has subsidized. So has the minority. Both sides of the aisle. We subsidize the roads and highways, superhighways all over America. Why can we not then subsidize passenger rail in America as they subsidize passenger rail all over the world?

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Because they want to privatize it. They want to privatize Social Security. They want to privatize rail. They want to privatize the Federal Government workforce. They want to privatize Medicare prescription drugs. They want to privatize the IRS. Did Members know that? They are contracting out the IRS to collect money from taxpayers. Private companies they are hiring, when the solution is simply: Give our chairman the power, the ability to reform our system. Maybe we need a separate capital account to maintain the rail beds and improve the stations, as well as an operating account. Make the reforms necessary, but we cannot do it on the cheap.

It is like you have three houses: One for airplanes, one for roads, and one for rail, and people live in those houses.

The house for roads, we pay the mortgage and provide money to fix the roof and keep the sewer system alive.

The same with airlines. We pay for the mortgage and keep the roof up and all of structures and systems intact.

But when it comes to the rail, the house of rail that the Republicans want to build, yes, they will pay most of the mortgage, but not all. But no money for the roof that is falling down. No money for the water system that is decaying and bringing lead-filled water into the home.

They say, if you managed your home budget better, rail system, that would be enough. Yes, maybe the rail system does not manage their money 100 percent as well as we would like, and that is why we need reforms: but we have to give them the money to fix the roof. We have to give them the money to fix the trains, fix the stations, and fix the rail beds, and have enough money to operate the trains safely, especially when there are threats of terrorism facing our railroads, and especially given the real world possibility of horrible incidents occurring.

The CHAIRMAN. The time of the gentleman from New Jersey (Mr. ROTHMAN) has expired.

(By unanimous consent, Mr. ROTHMAN was allowed to proceed for 1 additional minute.)

Mr. ROTHMAN. Mr. Chairman, we need three different kinds of national transportation systems in America: Airlines; highways for cars and trucks; and rail for freight and passenger service.

That is only if we want to be a first-class country. That is only if we want to be a first-class country, because we could give up that status and be a second-rate country, and then this amendment would fit right in. Just toss our national rail transportation network into the garbage. We do not need it because we want to be a second-class country.

Not on my watch, not without my objection. Reform, yes. We have Members on both sides of this aisle, people of goodwill and intentions who want reform, but we cannot starve the patient and expect it to live and run a marathon. We cannot tell the homeowner. We will give you almost as much as you need for your mortgage, but nothing for the roof falling down. It cannot be done.

Mr. Chairman. I urge my colleagues on both sides of the aisle to reject this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we cannot attribute good intentions to my good friend. I do not know his heart. And certainly there are homeless Americans, and the numbers are growing. Unemployment in America is soaring. The money spent for the war is ongoing. And when we begin to look at the landscape, more and more Americans are unemployment and underemployed. Forty-four million Americans are uninsured.

But here is what you call borrowing from a poor Peter to pay a devastated Paul. Homelessness in America needs its own special attention. In fact, I wish we were not under a massive budget cut, the low ebbing, if you will, of funding America's greatest needs.

I would hope the gentleman would join me and the colleagues that have spoken and really address the questions of homelessness. I would venture to say we can almost spend a billion dollars to provide housing for Americans.

But when it comes to taking money from an already crippled system that really assists the poorest of Americans many times in getting from place to place, we are not gaining, we are only losing.

In the midst of this fight and debate, there are many cities who are fighting for more light rail dollars. The city of Houston has been to be one. We are being frustrated by the new formulas that have been generated only because we do not have the money. I want to see the system in Washington, D.C., get the billions-plus they need for their light rail system, but because of the fact that we are out of money, cities and rural areas across America in fact are suffering in terms of expanding and growing their light rail system with artificial capping and victimizing those citizens who are needing service.

We are in a battle right now to get rail to minority communities in Houston that were promised it, and they are not able to get it right now because of formula cuts.

I would like to be able to take that money out of Amtrak and provide for light rail. I hope we will find a way to solve our problem, but in the sense of collegiality or recognizing that we have a crisis, I know we cannot cripple Amtrak any further.

I hope, my good friend, as they say, we will lock arms together and fight the problem of homelessness. I hope you will join us by adding dollars to the section 8 underfunded allotment that we have. I hope the gentleman will join in adding dollars for emergency home repair for senior citizens who live in dilapidated housing all over America.

But we cannot afford to take $100 million from someone who is crippled, as Amtrak is, and stifle transportation across America; and then, if you will, give money to a poor Paul, and that is for the homeless.

We want a collective, comprehensive effort that will really attack the question of homelessness. Might I say that homelessness also goes to societal concerns: Addiction, unemployment, lack of education. It just does not get solved with $100 million for those who are homeless and veterans who are suffering.

So I think this amendment bears consideration only because I do not judge the gentleman's heart, but we should oppose it because we need a more comprehensive response, and we cannot undermine an already broken system of heavy rail that people are needing to survive. And for those of us who are still fighting for light rail, we certainly need a lifeline. And obviously, we all need an infusion of dollars to provide for a comprehensive solution. I hope we will work together for that. For that reason, I oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Minnesota. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) will be postponed.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am not going to offer an amendment, but I do want to speak on this bill. First of all, I want to congratulate the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) for their hard work on this bill.

The last amendment demonstrates the folly of the Republican fiscal policies and the Republican budget. There are simply insufficient resources to cover the responsibilities, not the wants, but the responsibilities that we have. I want to speak about one of those.

I am pleased that the bill before us recognizes the importance of continuing our investment in helping States reform their election systems. This bill sensibly provides $15.8 million to the new Election Assistance Commission so it can fulfill the high expectations Congress intended when it passed the Help America Vote Act of 2002.

I am personally gratified that the bill's accompanying report urges the EAC to set aside $250,000 for the HAVA college program, an innovative program that encourages college students all over the Nation to enlist as nonpartisan poll workers.

But, Mr. Chairman, this bill falls short of what HAVA requires. Almost 3 years after HAVA was enacted, Congress has yet to carry out all its election reform obligations and promises to the States. I am especially disappointed the bill does not provide the remaining $800 million we owe the States to upgrade their voting machines, provide voter and pollworker training, and improve voting machinery technology.

I have not offered an amendment because there is not $800 million to take from one of the objects in this bill to an obligation that we have, so I am not offering an amendment. Moreover, starting on January 1, HAVA requires, and I want my friends, particularly on the Republican side of the aisle, who have been properly very concerned about unfunded mandates. They have talked a lot about unfunded mandates. I agree with you on unfunded mandates.

This bill, HAVA, required States to spend money and it requires them to have every voter online with the local precinct in statewide registration offices. That is expensive. It will help elections, but it is expensive. These systems, which will cost States tens of millions of dollars to install and maintain, will go a long way toward improving the accuracy and reliability of registration rolls and reduce fraud, something we all can agree on.

Today, Congress has appropriated $3 billion of the $3.8 billion promised in HAVA, roughly 78 percent of what was promised. That sum represents an important down payment to the States, and I thank the Speaker, the former chairman, the gentleman from Florida (Mr. YOUNG), and the gentleman from Ohio (Mr. NEY) for their strong support in securing this money. I might say that the administration was supportive of this as well. This was a bipartisan effort.

However, we clearly have not carried out our promise. I happen to believe that a promise only partially fulfilled is a promise unfulfilled. For those who would say appropriating 78 percent is enough, I would suggest to them that they ought to talk to their State administrators who are not able to get the money that we are requiring them, hear me, requiring them to spend.

The principal cosponsors spent considerable time estimating how much it would cost the States to fulfill all of the mandates prescribed in the bill. We consulted State and local election officials, the Congressional Research Service and the then-Government Accounting Office, among other authorities, before deciding $3.8 billion would provide the States with the resources necessary for comprehensive reform.

Indeed, there is reason to believe we underestimated what it would cost. Some credible reports estimated the cost will actually be over $6 billion. At a time when we are spending $1 billion a week building a viable democracy in Iraq, money which I have supported, an objective that I think is important, we can and must find it in ourselves to fund our own democratic infrastructure so that no eligible voter is ever refused the right to vote through administrative or mechanical error.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, from 1789 to 2002, the Federal Government got a free ride from the States in the administration of elections. We did not pay a nickel to elect any Member of Congress, any United States Senator, any President, or on running elections.

If we care about the quality and credibility of our election system, we must strive in the months ahead to provide the remaining $800 million.

Mr. Chairman, I hope you work with me. I intend to work with the gentleman from Illinois (Mr. HASTERT) and the gentleman from Ohio (Mr. NEY) and the gentleman from Massachusetts (Mr. OLVER) and the gentleman from Wisconsin (Mr. OBEY) in accomplishing this objective. It is an important objective to meet our promises and not have unfunded mandates, and to make sure that America's elections are run in a fashion that will continue to be an example for the rest of the world and the pride of our own country.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 47, line 19, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the bill through page 47, line 19, is as follows:

ADMINISTRATIVE PROVISION—FEDERAL RAILROAD ADMINISTRATION

SEC. 140. The Secretary may purchase promotional items of nominal value for use in public outreach activities to accomplish the purposes of 49 U.S.C. 20134: *Provided*, That the Secretary shall prescribe guidelines for the administration of such purchases and use.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,000,000: *Provided*, That no more than $80,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds available not to exceed $989,000 shall be available for the Office of the Administrator; not to exceed $7,284,000 shall be available for the Office of Administration; not to exceed $4,140,000 shall be available for the Office of the Chief Counsel; not to exceed $1,276,000 shall be available for the Office of Communication and Congressional Affairs; not to exceed $7,916,000 shall be available for the Office of Program Management; not to exceed $7,123,000 shall be available for the Office of Budget and Policy; not to exceed $4,712,000 shall be available for the Office of Demonstration and Innovation; not to exceed $3,113,000 shall be available for the Office of Civil Rights; not to exceed $4,155,000 shall be available for the Office of Planning; not to exceed $21,408,000 shall be available for regional offices; and not to exceed $17,884,000 shall be available for the central account: *Provided further*, That the Administrator is authorized to transfer funds appropriated for an office of the Federal Transit Administration: *Provided further*, That no appropriation for an office shall be increased or decreased by more than a total of 5 percent during the fiscal year by all such transfers: *Provided further*, That any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That any funding transferred from the central account shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $2,000,000 shall be reimbursed to the Department of Transportation's Office of Inspector General for costs associated with audits and investigations of transit-related issues, including reviews of new fixed guideway systems: *Provided further*, That upon submission to the Congress of the fiscal year 2007 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on new starts, proposed allocations of funds for fiscal year 2007: *Provided further*, That the amount herein appropriated shall be reduced by $20,000 per day for each day after initial submission of the President's budget that the report has not been submitted to the Congress.

FORMULA GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, 5335 and section 3038 of Public Law 105–178, $662,550,000, to remain available until expended: *Provided*, That no more than $4,417,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the amount available, $2,500,000 shall be available for the National Transit database.

UNIVERSITY TRANSPORTATION RESEARCH

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $8,000,000 of budget authority shall be available for these purposes.

TRANSIT PLANNING AND RESEARCH

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $24,049,000, to remain available until expended: *Provided*, That no more than $160,325,000 of budget authority shall be available for these purposes.

TRUST FUND SHARE OF EXPENSES

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $7,209,700,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $3,754,450,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $136,276,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $68,000,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $6,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $148,750,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $3,095,424,000 shall be paid to the Federal Transit Administration's Capital Investment Grants account.

CAPITAL INVESTMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $546,251,000, to remain available until expended: *Provided*, That no more than $3,641,675,000 of budget authority shall be available for these purposes.

JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $26,250,000, to remain available until expended: *Provided*, That no more than $175,000,000 of budget authority shall be available for these purposes: *Provided further*, That up to $300,000 of the funds provided under this heading may be used by the Federal Transit Administration for technical assistance and support and performance reviews of the Job Access and Reverse Commute Grants program.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

SEC. 150. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 151. Notwithstanding any other provision of law, unobligated funds made available for a new fixed guideway systems projects under the heading "Federal Transit Administration, Capital Investment Grants" in any appropriations act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 152. Notwithstanding any other provision of law, any funds appropriated before October 1, 2005, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $16,284,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $156,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $112,336,000, of which $23,750,000 shall remain available until September 30, 2006, for salaries and benefits of employees of the United States Merchant Marine Academy; of which $17,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy; and of which $11,211,000 shall remain available until expended for the State Maritime Schools Schoolship Maintenance and Repair.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $21,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, not to exceed $3,526,000, which shall be transferred to and merged with the appropriation for Operations and Training.

SHIP CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $2,071,280 are rescinded.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 160. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefore shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 161. No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriations Act.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Pipeline and Hazardous Materials Safety

Administration, $17,027,000, of which $645,000 shall be derived from the Pipeline Safety Fund.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $26,183,000, of which $1,847,000 shall remain available until September 30, 2008: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $72,860,000, of which $15,000,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2008; of which $57,860,000 shall be derived from the Pipeline Safety Fund, of which $24,000,000 shall remain available until September 30, 2008: *Provided*, That not less than $1,000,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2007: *Provided*, That not more than $14,300,000 shall be made available for obligation in fiscal year 2006 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5127(c), and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $4,326,000: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $62,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $26,622,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, to result in a final appropriation from the general fund estimated at no more than $25,372,000.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF TRANSPORTATION

(INCLUDING TRANSFERS OF FUNDS)

SEC. 170. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 171. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 172. None of the funds in this Act shall be available for salaries and expenses of more than 100 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 173. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 174. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 175. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 176. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 177. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administration; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 178. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 179. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term "improper payments", has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 180. The Secretary of Transportation is authorized to transfer the unexpended balances available for the bonding assistance program from "Office of the Secretary, Salaries and expenses" to "Minority Business Outreach".

SEC. 181. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 182. None of the funds made available under this Act may be obligated or expended to establish or implement a pilot program under which not more than 10 designated essential air service communities located in proximity to hub airports are required to assume 10 percent of their essential air subsidy costs for a 4-year period commonly referred to as the EAS local participation program.

☐ 1615

POINTS OF ORDER

Mr. LATOURETTE. Mr. Chairman, I raise a point of order against page 32, line 25, beginning with "provided further" through page 33, line 3.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The provision proposes to place a legislative condition on the availability of funds. As such, it constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

Mr. LATOURETTE. Mr. Chairman, I make a point of order against the phrase "notwithstanding any other provision of law" on page 34, line 4.

This phrase violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish be to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this provision explicitly supersedes existing law. The provision therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the provision is stricken from the bill.

Mr. LATOURETTE. Mr. Chairman, I raise a point of order against section 151 on page 35, line 25, through page 36, line 5.

This provision violates clause 2 of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Are there any amendments to this portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business, not to exceed $3,000,000 for official travel expenses; $187,452,000, of which not to exceed $7,216,000 for executive direction program activities; not to exceed $7,521,000 for general counsel program activities; not to exceed $32,011,000 for economic policies and programs activities; not to exceed $24,721,000 for financial policies and programs activities; not to exceed $16,843,000 for Treasury-wide management policies and programs activities; not to exceed $63,731,000 for administration programs activities: *Provided*, That $35,409,000 of the amount provided under this heading is for the Office of Terrorism and Financial Intelligence as authorized in Public law 108–447, of which $22,032,000 is for the Office of Foreign Assets Control, $5,882,000 is for the Office of Intelligence and Analysis, and $1,998,000 is for the Office of the Undersecretary: *Provided further*, That the Secretary of the Treasury is authorized to transfer funds appropriated for any program activity of the Departmental Offices to any other program activity of the Departmental Offices upon notification to the House and Senate Committees on Appropriations: *Provided further*, That no appropriation for any program activity shall be increased or decreased by more than 2 percent by all such transfers: *Provided further*, That any change in funding greater than 2 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That of the amount appropriated under this heading, not to exceed $3,000,000, to remain available until September 30, 2007, is for information technology modernization requirements; not to exceed $100,000 is for official reception and representation expenses; and not to exceed $258,000 is for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate: *Provided further*, That of the amount appropriated under this heading, $5,173,000, to remain available until September 30, 2007, is for the Treasury-wide Financial Statement Audit Program and internal control programs, of which such amounts as may be necessary may be transferred to accounts of the Department's offices and bureaus to conduct audits: *Provided further*, That this transfer authority shall be in addition to any other provided in this Act.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $21,412,000, to remain available until September 30, 2008: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement "Internal Revenue Service, Information Systems" or "Internal Revenue Service, Business Systems Modernization".

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $17,000,000, of which not to exceed $2,500 shall be available for official reception and representation expenses.

TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $133,286,000; and of which not to exceed $1,500 shall be available for official reception and representation expenses.

AIR TRANSPORTATION STABILIZATION PROGRAM ACCOUNT

For necessary expenses to administer the Air Transportation Stabilization Board established by section 102 of the Air Transportation Safety and System Stabilization Act (Public Law 107–42), $2,500,000 to remain available until expended.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $10,000,000, to remain available until September 30, 2008.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $73,630,000 of which not to exceed $6,944,000 shall remain available until September 30, 2008; and of which $8,521,000 shall remain available until September 30, 2007: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $236,243,000, of which not to exceed $9,220,000 shall remain available until September 30, 2008, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

Alcohol and Tobacco Tax and Trade Bureau

SALARIES AND EXPENSES

For necessary expenses of carrying out section 1111 of the Homeland Security Act of 2002, including hire of passenger motor vehicles, $91,126,000; of which not to exceed $6,000 for official reception and representation expenses; not to exceed $50,000 for cooperative research and development programs for laboratory services; and provision of laboratory assistance to State and local agencies with or without reimbursement.

United States Mint

UNITED STATES MINT PUBLIC ENTERPRISE FUND

Pursuant to section 5136 of title 31, United States Code, the United States Mint is provided funding through the United States Mint Public Enterprise Fund for costs associated with the production of circulating coins, numismatic coins, and protective services, including both operating expenses and capital investments. The aggregate amount of new liabilities and obligations incurred during fiscal year 2006 under such section 5136 for circulating coinage and protective service capital investments of the United States Mint shall not exceed $36,900,000.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $179,923,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2006 shall be reduced by not more than $3,000,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2006 appropriation from the General Fund estimated at $176,923,000. In addition, $70,000 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

Community Development Financial Institutions

FUND PROGRAM ACCOUNT

To carry out the Community Development Banking and Financial Institutions Act of 1994, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $55,000,000, to remain available until September 30, 2006, of which up to $13,000,000 may be used for administrative expenses, including administration of the New Markets Tax Credit, up to $6,000,000 may be used for the cost of direct loans, and up to $250,000 may be used for administrative expenses to carry out the direct loan program: *Provided*, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $11,000,000.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for pre-filing taxpayer assistance and education, filing and account services, shared services support, general management and administration; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,181,520,000, of which up to $4,100,000 shall be for the Tax Counseling for the Elderly Program, of which $8,000,000 shall be available for low-income taxpayer clinic grants, of which $1,500,000 shall be for the Internal Revenue Service Oversight Board; and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; conducting a document matching program; resolving taxpayer problems through prompt identification, referral and settlement; expanded customer service and public outreach programs, strengthened enforcement activities, and enhanced research efforts to reduce erroneous filings associated with the earned income tax credit; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $4,541,466,000, of which $55,584,000 shall be for the Interagency Crime and Drug Enforcement program: *Provided*, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Interagency Crime and Drug Enforcement Program: *Provided further*, That up to $10,000,000 may be transferred as necessary from this account to the IRS Processing, Assistance, and Management appropriation or the IRS Information Systems appropriation solely for the purposes of management of the Earned Income Tax Credit compliance program and to reimburse the Social Security Administration for the cost of implementing section 1090 of the Taxpayer Relief Act of 1997 (Public Law 105–33): *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 57, line 9, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,606,846,000, of which $75,000,000 shall remain available until September 30, 2007.

AMENDMENT OFFERED BY MR. AL GREEN OF TEXAS

Mr. AL GREEN of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. AL GREEN of Texas:

Page 57, line 17, after the dollar amount, insert the following: "(reduced by $7,700,000)".

Page 91, line 8, after the dollar amount, insert the following: "(increased by $7,700,000)".

Page 91, line 9, after the dollar amount, insert the following: "(increased by $3,900,000)".

Mr. AL GREEN of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. AL GREEN of Texas. Mr. Chairman, I rise today in the spirit of a great and noble American, the Reverend Dr. Martin Luther King, who reminded us, Mr. Chairman, that injustice anywhere is a threat to justice everywhere.

And I would like to thank my colleagues on both sides of the aisle who have fought injustice in housing. I especially thank the gentleman from Michigan (Chairman KNOLLENBERG); the gentleman from Massachusetts (Mr. OLVER), ranking member; and the gentleman from Massachusetts (Mr. FRANK), my ranking member on the Committee on Financial Services. I would also like to thank Democrats and Republicans of goodwill who have been engaged in this fight for housing justice because fighting injustice in housing is neither Democratic nor Republican.

Fighting injustice in housing is an American cause, and all people of goodwill understand that we cannot allow invidious discrimination to steal the great American ideal of having a place to call home. This is why 37 years ago, Mr. Chairman, this august body passed the Federal Fair Housing Act. However, 37 years later we still have more than 3.7 million Fair Housing violations annually.

This is why my colleagues have supported the funding of the Fair Housing Initiatives program and the Fair Housing Assistance program. Mr. Chairman, I thank God for those Democrats and Republicans who have supported the funding of these vital programs that not only educate consumers about housing discrimination but, more importantly, promulgate investigations that produce evidence of discrimination.

So today, Mr. Chairman, I call upon Democrats and Republicans of goodwill to restore these vital programs to the fiscal year 2005 levels. If we are to keep real the American ideal of homeownership for all, we need to restore this funding. If we want the American Dream embodied in the adage "there is no place like home" to thrive and survive not only for those in the suites of life but also for those in the streets of life, we are to restore this funding.

Mr. Chairman, when it comes to housing, we cannot claim justice for all of us as long as there is injustice against any one of us. We ought to restore this funding.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

I am opposed to increasing the budget for the fair housing programs for two reasons. The funds are not really needed, and a reduction in HUD staffing to pay for it is completely contrary to what HUD really needs. I do not disagree with the gentleman's interest in providing more for a worthwhile project. The increase in funds is not needed.

I think I have said this before. In 2002, 2003, and 2004, HUD was awarded $7 million in additional funding to conduct a new national survey of discrimination. This work was conducted by the Urban Institute and has now been completed, and the report is issued. However, in 2005 the increase in funds was retained to complete the work and reduce the backlog of discrimination cases that have built up at HUD and in the States. The backlog has been reduced and the report has been issued. Therefore, the administration requested that the budget return to historic funding levels, and the committee mark funds the program at the requested levels. We did not go below or above, but we did do it at requested levels.

So, therefore, I do not believe that a reduction in funding for HUD salaries and expenses is appropriate for an increase above the requested levels for fair housing programs. And what I figure is appropriate, I would say that we would urge the defeat of this.

I am prepared to go into specific details of why this does not represent any reduction in activity for the program if the gentleman would prefer, but the fact is that we have a very real and harmful cut to the agency's workforce in order to put more funds in FHIP. So I do not know where we go for more money, and that is the problem that I have.

The gentleman and I spoke yesterday; and the conversation was, I thought, very interesting; and also I admit to the fact that he has a point about things. I just wish that I could tell him this is what we can do, but we cannot do it under the circumstances.

I urge my colleagues, therefore, to prevent that from happening and vote "no" on the amendment. HUD can do better.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we agree with the gentleman from Michigan that reducing salaries and expenses would be a mistake, and there has been some confusion that is not the fault of the gentleman from Michigan. There was, as Members on our side talked about various offsets, some lacking at salaries and expenses, but, in fact, it has been changed, and the gentleman had no way to know this. He was not misrepresenting.

But the offset in this is not from salaries and expenses. It is from business systems modernization, a $199 million account for technology. And the gentleman is correct, and we spoke with various other people who represent those who work at HUD. So this is not now a reduction of salaries and expenses. It comes from the account on page 57, line 20, and following, $199 million for internal revenue.

Secondly, I would say this: when Secretary Jackson testified at his hearing before our committee, the Committee on Financial Services, in which the gentleman from Texas now makes a very important contribution from his own experience and awareness of the need here, I told Secretary Jackson I was disappointed to see this reduction from one year to the next. And Secretary Jackson's response, and it is available from the record and we will make it available for anyone who wants it, was that he agreed it would be a good idea to have more money, but he simply had to work within this limited budget. That is, Secretary Jackson did not say this is enough. He said it was not enough. He did not have enough resources.

We do believe the modernization is useful, but not at the expense of a fairly small amount. This is, what, less than 4 percent of the amount for modernization.

The fact is that housing discrimination continues to be a serious problem, and we have had recent hard evidence of that. By mandate of this Congress, we collect something that is known as the Home Mortgage Disclosure Act data, HMDA data people have heard; and the recent report from banks of the HMDA data shows a prima facie case of discrimination based on race. There may be some explanation for that, and we are going to be looking at that. People have said, well, there are other various reasons. But the fact is that the HMDA data is one indication of that.

I believe this country has made a great deal of progress in doing away with housing discrimination. It was not so long ago in the lifetime of many of us here when the Federal court still enforced racially restrictive covenants which said one could not sell their home to someone who was African American. That was changed less than 60 years ago. We still have racial discrimination. We still have racial discrimination particularly in housing; $24 million, which is what we would have if the gentleman's amendment passes, is hardly excessive for this country of 240-plus million people to deal with a continuing manifestation of what I think is the greatest single domestic problem we face from our inception, which is racial unfairness and racial discrimination.

The enforcement of racial discrimination is complicated. People have become sophisticated. They do not admit that they are discriminating. The need to test, the need to do very sophisticated work is important. People have a right, if they are prosecuted, to various procedural defenses. If we are going to make a good case to prove this, we need the money.

So I would agree with the gentleman from Michigan that it would have been a mistake to take it from salaries and expenses, and this does not do that. I also agree with Secretary Jackson, at least on this one occasion, and I am trying to think of others and they do not come to mind, that it would have been better if we had more money for housing discrimination, given the role that racial discrimination and unfairness have played in this country. The gentleman from Texas, from his own career and his own life, has a very profound understanding of this; and when he came to this Congress, one of the first things he asked those of us who had been on the committee about was can we address this.

And we asked him to take the lead, and he has done that very ably. This is a very well-thought-out, really quite moderate amendment. Adding $7 million out of this $199 million pool, I think, makes a great deal of sense. The money will clearly be well used. Yes, there had been other surveys, but no one familiar with the state of race relations in America thinks we have reached a point where housing discrimination has disappeared. And $24 million in this Nation of 240 million people, what is that, a dime a person? I do not think a dime a person is too much for this country to spend, and I thank the gentleman from Florida (Mr. HASTINGS) for confirming my arithmetic because I was a little unsure there, but I do not think a dime a person is too much for this country to spend in trying to further combat what has been one of our enduring obstacles towards reaching our constitutional goal.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the ranking member and the chairman of this committee. I recognize the constraints that they have operated under and we can go forward from there. But there comes a time when we do have to address consequential problems with reference to our actions.

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In this particular instance, the gentleman from Texas (Mr. AL GREEN), and the gentlewoman from California (Ms. LEE) and myself have seen fit to join hands and bring this amendment before the body because we know that this continues to be a concern and a serious problem in our Nation.

Two years ago, President Bush proclaimed June as National Home Ownership Month. In doing so, he pledged his support to help, and I quote him, "every citizen, regardless of race, creed, color or place of birth, have the opportunity to become a homeowner." Yet despite the administration's rhetorical commitment, more than 3.7 million fair housing violations continue to occur each year.

The Fair Housing Initiative Program and the Fair Housing Assistance Program play critical roles in fighting housing discrimination. Fair housing organizations and other nonprofit groups use Federal funds to provide vital services directly to communities. Grants are used for education and enforcement programs that educate consumers about how to recognize and report housing discrimination and to conduct investigations and testing of complaints of housing discrimination.

Despite this obvious need, funding for fair housing activities in fiscal year 2006 has been cut by more than 15 percent. This unnecessary cut will reduce services and leave many potential homeowners with no programs to advocate and enforce fair housing policies on their behalf.

The Green-Lee-Hastings amendment restores funding to fiscal year 2005 spending and levels the playing field for all who seek home ownership. Owning a home embodies the core American values of individuality, responsibility and self-reliance. Owning a home creates neighborhoods that promote growth and stability throughout our communities.

In my view, restoring this essential funding for fair housing activities ensures the American dream can become a reality. For the last 5 years, we have been about the business of a housing boom, and during that same period of time, 3.7 million discrimination acts a year have taken place.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for letting me correct myself.

Mr. Chairman, I misread this. Actually, the money comes out of the information system section of the IRS, not the business modernization. That is $1.6 billion, including hiring of passenger motor vehicles. So we are talking about car rentals for the IRS and other accounts. It is $1.6 billion.

Also I have been corrected by the gentleman from New York. The population is now closer to 290 million, so we are really talking about 8.5 cents a person. I would like to be precise. We are taking this out of the $1.6 billion information systems account.

Mr. HASTINGS of Washington. Mr. Chairman, reclaiming my time, I thank again my colleagues from California, Texas and Florida. I think that kind of at least covers the breadth of the Nation. In the breadth of the Nation, I think what happens sometimes is maybe some of our colleagues have never suffered discrimination, but I have gone seeking an apartment that later was rented to someone else and told that the apartment was not available. It hurts.

We should stop that kind of discrimination. We made progress, but we are not nearly there yet. This is a $7 million fund that can assist us in avoiding some measures of housing discrimination.

As far as the chairman's suggestion about the backlog, one of the reasons the backlog occurs is because people do not get on the front end and do their work. It is like EEOC. They have a backlog because they do not have the funds to do what we could have them do if we properly funded it.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this bill is woefully underfunded. It is unfortunate that the administration and many of our Republican colleagues seek to cut programs that help the most vulnerable in our country.

Fairness in housing should not be on the chopping block. This is America. That is why we are here to offer the Green-Lee-Hastings-Grijalva amendment. This amendment would restore much needed funding to the Department of Housing and Urban Development's Fair Housing Initiative in the amount of $7.7 million, equal to the fiscal year 2005 account level.

Mr. Chairman, the Fair Housing Initiative Program and the Fair Housing Assistance Program are essential programs at HUD. They handle over 3.7 million fair housing complaints annually. Housing should be a basic right of every human being, and no one should be discriminated against. It is really just that simple.

HUD's Office of Fair Housing works daily to address the concerns of fair housing, civil rights and the disabled. But they still have a long way to go to gain the public confidence in the enforcement of civil rights laws, protecting minorities and people with disabilities.

Currently, and let me just mention this, because a lot of our colleagues do not know this, but discrimination complaints against the disabled are on the rise. A HUD report found that some landlords profiting from federally subsidized housing discourage, they discourage and they continue to discourage, disabled people from applying for housing through discriminatory practices.

Mr. Chairman, this is just simply unacceptable. It is wrong. How in the world can we allow anyone in this country, any landlord, to discriminate against the disabled?

The Department of Housing and Urban Development has a responsibility to every person in this country to ensure that there is no housing discrimination in America. We must work with HUD and the Assistant Secretary for Fair Housing and Equal Opportunity to ensure that they have the resources and the authority needed to protect minorities and the disabled in public housing and prosecute those, yes, prosecute those, who have violated the civil rights of these individuals.

Mr. Chairman, I close by reminding this Congress that many people who are discriminated against, who are seeking fair, equal and quality housing are in our own congressional districts, in your congressional districts and in my congressional district. This is not a partisan issue, and should not be.

We must make sure that we restore the $7.7 million needed. We need really more than $7.7 million. Let us at least restore that in the fair housing accounts to ensure that housing is fair and accessible for all. That is a basic, basic principle in terms of our American democracy that we should always adhere to. We should not discriminate, and we should fund every program that allows for nondiscrimination efforts. We need to make sure that this $7.7 million is restored.

Mr. Chairman, I thank the chairman, and I ask my colleagues to support the Green-Lee-Hastings-Grijalva amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. AL GREEN) will be postponed.

AMENDMENT NO. 9 OFFERED BY GARY G. MILLER OF CALIFORNIA

Mr. GARY G. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. GARY G. MILLER of California:

Page 57, line 17, after the dollar amount, insert the following: "(reduced by $24,000,000)".

Page 77, line 24, after the dollar amount, insert the following: "(increased by $24,000,000)".

Mr. GARY G. MILLER of California. Mr. Chairman, I rise today to offer a modest amendment to ensure that HUD can continue to work to redevelop brownfields sites in our local communities.

As a member of the Committee on Financial Services and Committee on Transportation and Infrastructure, I would like to commend the subcommittee chairman, the gentleman from Michigan (Mr. KNOLLENBERG), for his hard work to adequately fund our Nation's housing and transportation needs through this difficult budget year.

What we are trying to do here today is, there has been a program zeroed out for brownfields. As we all know, on the BEDI grants on brownfields through HUD, HUD looks at a brownfield in a different way than EPA does. HUD looks at a brownfield in a fashion where they look and say, what benefit is it to the local communities, and how can we revitalize communities and create economic development? They do it in that fashion. They are very discriminatory in how they issue the grants, too.

On the other hand, the EPA looks at one issue, cleaning up polluted areas. That is all they look at.

Experts estimate in the United States that more than 450,000 vacant, unused industrial areas sit fallow today because we really have not taken and spent the time necessary to clean them up. If you look throughout our communities, there are many sites that you see that are fenced in, old plants, old industrial areas, that are sitting vacant that could be utilized today for housing and for many other areas. And they are just basically blighted sites throughout individual communities. They threaten our groundwater supply. They cost our communities jobs and revenues, and they contribute to urban sprawl.

It is estimated that if, we clean these sites up the way we want to, 550,000 additional jobs will be provided through this country and $2.4 billion in new tax revenues to cities and towns. To build the economies and attract employers, an increasing number of States and local governments are working to plan, clean up and redevelop brownfield sites.

There is a clear and critical role for the Department of Housing and Urban Development to get involved and play a role in this effort. The largest obstacle cities face in redevelopment of brownfield sites is a lack of capital needed for the initial work, the planning, the early stages, the assessment, remediation planning and basically actual cleanup.

Brownfields can be developed through HUD and developed in a positive fashion, but we do not do that today. BEDI grants are available. We have passed legislation now out of the authorizing committee, in fact, the gentleman from Ohio (Chairman OXLEY) was going to be here to speak in favor of this amendment today, to basically revitalize the BEDI process, to make it more simplistic, to make it easier for communities to be able to access the funds without pledging CDBG fund as they have had to in the past.

We need to return these contaminated sites to productive uses throughout our communities. BEDI programs give local communities valuable tools to address blight, create new jobs and expand their tax base.

It is completely different in every State today than EPA. EPA has a single goal, and that is just basically to clean up environmentally polluted sites. On the other hand, HUD looks at it in a different fashion. HUD looks at the BEDI process as a way to revitalize sites, to take an actual environmental condition that is perceived or real and basically develop it into a plan that currently exists.

They target for uses not just basically on one issue, but they target brownfields for use for economic development, to increase economic opportunities for low-and moderate-income persons, to stimulate and retain businesses or jobs, that would otherwise be left fallow and not lead to economic revitalization.

BEDI financed activities will provide near-term results and demonstrable economic benefits, such as job creation and increases in the local tax base. HUD does not encourage applicants who want to land bank, who want to go and acquire a site, remediate it, and then just let it sit there and allow it to remain fallow.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GARY G. MILLER of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from California has been a very creative leader on this. I just want to agree with what he has had to say. This is very important for all of the older, urban industrial areas. I do not want take time with my own 5 minutes because the gentleman from California has made the case, as will the gentleman from Texas. I just want to express my strong support and appreciation for his leadership on this and on the BEDI issue.

Mr. GARY G. MILLER of California. Mr. Chairman, reclaiming my time, I thank the gentleman.

The important part is you could generate $2.4 billion to local government by cleaning these sites up. We need to give HUD an opportunity to do what they do best, and that is local economic development, community development. We need to reform the program, there is no doubt about it. The legislation we have at hand does that. I would encourage support in this area.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I want to begin by commending the gentleman from Michigan (Chairman KNOLLENBERG) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for their good work on this bill in the midst of an extremely tight budget environment. Both gentlemen have had to make some very unpopular decisions. However, eliminating funding for a proven, results-oriented program like the Brownfields Economic Development Initiative is one I, along with my colleagues from California and Massachusetts, feel strongly should be reconsidered.

When cities redevelop brownfields, they boost their tax base, spawn job creation, spur neighborhood revitalization and provide environmental protection. Unfortunately, H.R. 3058 eliminates funding for the continued cleanup and redevelopment of urban brownfield sites for which $24 million was provided last year when no funds were requested.

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This amendment represents a renewed pledge to communities across the country signaling this body's commitment to creating and sustaining viable communities. This amendment increases grants available under the Community Development fund with the intent that this increase would be directed toward brownfields redevelopment activities.

The increase is offset by reducing the IRS information systems and telecommunications support program by $24 million. This account is $29 million above last year's appropriation and $16 million more than the President's budget requested.

The assessment and cleanup of brownfields are critical to the economic and environmental health of communities across the Nation.

Within the city of Dallas, a Federal investment of less than $2 million has leveraged more than $370 million in private investment and created or helped retain close to 3,000 permanent, full-time jobs. Over 1,600 units of housing, including 134 units of affordable housing, have been developed on former brownfields sites. The program has brought new vitality to long-distressed portions of the city, boosting the tax base, and bringing important economic opportunities to many neighborhoods.

According to the Government Accountability Office, there are well over

500,000 brownfields across the country. Brownfields affect cities of all sizes and represent lost opportunity wherever they exist. Yet, in spite of this fact, the National Report on Brownfields Redevelopment produced by the U.S. Conference of Mayors cites the lack of funds as the biggest impediment to meaningful brownfields redevelopment.

I am aware of the argument that the expanded authority of EPA to handle brownfields precipitated the current cut in HUD's the brownfields account. EPA's guidelines are much more restrictive. However, in my respectful view, that flexibility for our Nation's communities to utilize more than one funding source should not be eliminated. Further, many communities across the country already have existing relationships with their local HUD offices.

I urge my colleagues to renew this body's pledge to American communities and urge a "yes" vote on this amendment. I thank my colleagues for this partnership opportunity.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this is an amendment that is difficult for me, but I am looking at it, and I wanted to point out a few things that I think everybody ought to know about what the Brownfields amendment, what kind of heartburn it causes us on the committee. We typically oppose any amendment to the Brownfields because of the fact that there are several reasons why this program can and should be considered a low priority. Let me explain.

While this program has been funded at about $25 million each year, the EPA has an identical program which in 2005 was funded at over $160 million per year and which has addressed over 8,000 sites. In 2006, there was an increase of $10 million to over $170 million in EPA. The facts being cited about the number of projects that Brownfields funding has served must be referring to the EPA's program, because in the HUD program, it is very, very minimal. Let me give an example.

HUD's program has been extremely slow in spending money. Only $35 million of the $175 million in appropriations received from 1998 to 2004 has been spent; $35 million out of $175 million. Rather than putting these funds into project development, funds are often used as a loan loss reserve rather than for reconstructing sites.

Besides EPA, there are several other sources of remediation funding. Besides EPA, the Brownfields tax deduction of $200 million is what is really driving redevelopment decisions, not the small amount of funds that are in HUD. Where grants have occurred, HUD grants are a very tiny portion of project development. HUD funds on average are just about 2.3 percent of the total development cost of the project. Moreover, for each HUD dollar, there are $28 in private and $12 in State and local funds committed to this project.

What all this means is that Brownfields has found a home at EPA; and it clearly belongs there, where there are fewer restrictions and more funds. However, I would pause at this point and say that on the basis of the work of the gentleman from California (Mr. GARY G. MILLER) and what he has been doing, and we have had several conversations about this, and there may be a future again to look at this down the road, so I am not going to oppose it, but I wanted my colleagues to know something about what troubles us within HUD; and I am going to, in fact, offer to accept the gentleman's amendment.

Mr. GARY G. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. GARY G. MILLER of California. Mr. Chairman, I agree that a more flexible, widely accessible program needs to be developed. I believe my bill, H.R. 280, achieves that goal, and that is why the gentleman from Ohio (Chairman OXLEY) and I have been fighting very hard and believe that we do need this program. I think we need it. Does it need improvement? Yes, I agree. We are going to improve it, and I appreciate the gentleman's help.

Mr. KNOLLENBERG. Mr. Chairman, we accept the amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to congratulate the chairman and I want to congratulate the gentleman from California (Mr. GARY G. MILLER). If there is any area that will positively affect, positively affect our cities, as a former city mayor, it is this piece of legislation.

I drive by Paterson, New, Jersey and there are so many places that have been abandoned. Either the person could not keep up with the taxes, or he cannot clean up the property in the first place.

If there is anything that fosters private-public partnerships, it is this legislation, because it brings together the local community, the developer, usually State officials who have their own brownfields legislation themselves.

I want to commend the gentleman from California. I think that this is an excellent piece of legislation. I support the added $24 million. I think this is going to go a long way. This is something tangible and far from a lot of hot air we hear about helping cities from both sides of the aisle here. Congratulations.

Mr. Chairman, I rise in strong support of the Miller-Johnson Amendment to increase the Community Development Fund by $24 million—funding that will be allocated toward the HUD-Brownfields Redevelopment Program.

There are an estimated 500,000 to 1 million brownfields sites nationwide—covering nearly 200,000 acres of land across the country. Indeed, there are over 1,000 brownfields sites in the 2 counties that make up my district alone.

These sites are abandoned, often former industrial properties whose redevelopment can be an important ingredient in the economic recovery of urban areas.

As a former mayor, I can tell you that redevelopment is the only type of growth that is possible any longer in our urban communities.

Brownfields development can have a multitude of positive effects on our Nation's most troubled cities: they can help to create jobs, improve the quality of the environment, and spur smart growth and preservation of open space.

My district in New Jersey has many brownfields redevelopment success stories to tell. The formerly abandoned Boris Kroll Mill in Paterson has recently been transformed into market-rate rental housing—creating 39 new apartments for residents and 10,000 square feet of retail and office space.

With financial support from the Federal and local governments buttressing private support, the area surrounding the new redevelopment has been given new life.

The buildings have retained their beautiful 19th Century architecture with brick fronts, high ceilings and grid windows.

With the increasing commitment of Federal, State and local authorities to redevelopment, these success stories from our cities and suburbs are being heard around the country.

In the past decade, Congress has made an impressive bipartisan effort, as we are demonstrating in this amendment today, to raise the profile of brownfields redevelopment projects and pass laws to streamline the process.

Every member of the community benefits from increased Federal incentives for development: residents, land owners, developers, and businesses.

Unlike EPA brownfields funds, the HUD brownfields grants are primarily targeted for use in economic development projects.

This HUD program provides a powerful incentive for cities, developers and parties facing brownfields liability to convert dilapidated sites into engines of economic growth.

These redevelopment projects enable certain distressed communities to experience a type of rebirth.

They reconnect us to our historic past, renew our sense of pride in our cities, and infuse neighborhoods with the vitality and dynamism they once had in our great industrial past.

Let us not take a step backward by zeroing out funding for the important Brownfields Economic Development Initiative at HUD right at the moment when we are beginning to see real progress.

I urge the House to vote for the bipartisan Miller-Johnson amendment to add $24 million in funding to this important community renewal program.

Ms. SOLIS. Mr. Chairman, I rise today to oppose cuts for the Community Development Block Grant program. CDBG has served communities for over 30 years as a resource to help cities, counties, Native American communities and states meet their community development, affordable housing and economic development needs.

The proposed cuts would hurt my district's economically disadvantaged residents, who are the main beneficiaries of CDBG funded services. CDBG has helped to revitalize these neighborhoods. In my district, CDBG funds have been used for social service programs such as afterschool recreational activities for at-risk youth, health care treatment, senior services, and job training. Additionally, cities use the funds for capital improvement projects, including the development and rehabilitation of community centers, homeless shelters, parks, and neighborhood improvements, such as lead paint removal and traffic safety improvements. Also, CDBG funded services improve the quality of life and infrastructure of Native American communities.

The CDBG program allows communities to identify their own local needs and strategies to address them. I strongly believe that it is one of the most effective federal programs. It not only helps communities, but strengthens our nation's economy as a whole.

The need for these funds has never been greater as rising housing prices complicate efforts to expand affordable housing and stimulate economic development. Without the proper funding for CDBG, we risk undermining the social and economic well-being of our communities. I urge my colleagues to vote for sufficient funding for community development that helps the underserved neighborhoods throughout the country.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to congratulate the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and the gentleman from California (Mr. GARY G. MILLER) for their recognition that there are communities that are still suffering and that the brownfields cleanup has been something that even the least of those really understand. You go into a community where there has been, if you will, old oil cans piled up in their neighborhood, tires piled up in their neighborhood, and you will find that they understand what a cleanup and a brownfield is all about.

I wondered in the original drafting of this legislation whether there was full recognition of how important the brownfields cleanup is to our communities. In particular, in the community that I represent, we had a number of brownfields still waiting for dollars to provide that assistance. These extra dollars I hope will spread the opportunity for the cleanup but; more importantly, I hope that it will emphasize the importance of maintaining this program and maintaining it by funding it and letting it work.

Quality of life is something we owe all Americans. Many Americans live in neighborhoods where the quality of life is dependent upon public funding and public assistance. Brownfields dollars are extremely important. I would hope that our colleagues would vote for this amendment because it adds to the quality of life of Americans, some of whom cannot fight for themselves.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. GARY G. MILLER).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

BUSINESS SYSTEMS MODERNIZATION

For necessary expenses of the Internal Revenue Service, $199,000,000, to remain available until September 30, 2008, for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by 5 U.S.C. 3109: *Provided*, That none of these funds may be obligated until the Internal Revenue Service submits to the Committees on Appropriations, and such Committees approve, a plan for expenditure that: (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11; (2) complies with the Internal Revenue Service's enterprise architecture, including the modernization blueprint; (3) conforms with the Internal Revenue Service's enterprise life cycle methodology; (4) is approved by the Internal Revenue Service, the Department of the Treasury, and the Office of Management and Budget; (5) has been reviewed by the Government Accountability Office; and (6) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government.

HEALTH INSURANCE TAX CREDIT ADMINISTRATION

For expenses necessary to implement the health insurance tax credit included in the Trade Act of 2002 (Public Law 107–210), $20,210,000.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service or not to exceed 3 percent of appropriations under the heading "Tax Law Enforcement" may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 202. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with taxpayers, and in cross-cultural relations.

SEC. 203. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

SEC. 204. Funds made available by this or any other Act to the Internal Revenue Service shall be available for improved facilities and increased manpower to provide sufficient and effective 1–800 help line service for taxpayers. The Commissioner shall continue to make the improvement of the Internal Revenue Service 1–800 help line service a priority and allocate resources necessary to increase phone lines and staff to improve the Internal Revenue Service 1–800 help line service.

SEC. 205. None of the funds in this title may be used to modify the number or location of Taxpayer Assistance Centers until the Treasury Inspector General for Tax Administration completes a study detailing the impact that such closures would have on taxpayer compliance and submits such study to the Committees on Appropriatons of the House of Representatives and the Senate for review: *Provided*, That no funds shall be obligated by the Internal Revenue Service for such purposes for 60 days after receipt of such study: *Provided further*, That the Internal Revenue Service shall consult with stakeholder organizations, including but no limited to, the National Taxpayer Advocate, the Internal Revenue Service Oversight Board, the Treasury Inspector General for Tax Administration, and Internal Revenue Service employees with respect to the types of data to be included in the model that will determine which Taxpayer Assistance Centers should be closed and the relative weight of such data as it relates to such model.

ADMINISTRATIVE PROVISIONS—DEPARTMENT OF THE TREASURY

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 211. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations: *Provided*, That no transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 212. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 213. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 214. The Secretary of the Treasury may transfer funds from "Financial Management Services, Salaries and Expenses" to "Debt Collection Fund" as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such salaries and expenses account from debt collections received in the Debt Collection Fund.

SEC. 215. Section 122(g)(1) of Public Law 105–119 (5 U.S.C. 3104 note), is further amended by striking "7 years" and inserting " 8 years".

SEC. 216. None of the funds appropriated or otherwise made available by this or any other Act may be used by the United States Mint to construct or operate any museum without the explicit approval of the House Committee on Financial Services and the Senate Committee on Banking, Housing, Urban Affairs.

SEC. 217. None of the funds appropriated or otherwise made available by this or any other Act or source to the Department of the Treasury, the Bureau of Engraving and Printing, and the United States Mint, individually or collectively, may be used to consolidate any or all functions of the Bureau of Engraving and Printing and the United States Mint without the explicit approval of the House Committee on Financial Services; the Senate Committee on Banking, Housing, and Urban Affairs; the House Committee on Appropriations; and the Senate Committee on Appropriations.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 62, line 25, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 218. Not later than 60 days after enactment of this Act, the Secretary of the Treasury shall submit to the Committees on Appropriations a report defining currency manipulation and what actions will be construed as another nation manipulating its currency, and describing how statutory provisions addressing currency manipulation by America's trading partners contained in, and relating to, title 22 U.S.C. 5304, 5305, and 286y can be better clarified administratively to provide for improved and more predictable evaluation.

POINT OF ORDER

Mr. THOMAS. Mr. Chairman, I make a point of order against section 218 on page 63, lines 1 through 10 of this bill, H.R. 3058, on the grounds that this provision violates clause 2(b) of House rule XXI because it is, in fact, legislation included in a general appropriations bill.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section includes language imparting direction. The section therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

It is my understanding that the chairman intends to work with us to incorporate this provision into future legislation that the House will consider. Is that correct?

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. THOMAS. Mr. Chairman, the Chair is not rising to a point of order on the substance because the Chair supports the substance; it is the manner in which it is being carried in an appropriations bill. The Chair wishes to work with the chairman very closely to make sure that this position represented in the legislative portion of the appropriations bill is included in a legislative vehicle that will be before us fairly soon.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, that is exactly my understanding.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE III—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

TENANT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $15,531,400,000, to remain available until expended, of which $11,331,400,000 shall be available on October 1, 2005, and $4,200,000,000 shall be available on October 1, 2006: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $14,089,755,725 for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act: *Provided*, That notwithstanding any other provision of law, from amounts provided under this paragraph, the Secretary for the calendar year 2006 funding cycle shall provide renewal funding for each public housing agency based on each public housing agency's 2005 annual budget for renewal funding as calculated by HUD, prior to prorations, and by applying the 2006 Annual Adjustment Factor as established by the Secretary, and by making any necessary adjustments for the costs associated with the first-time renewal of tenant protection or HOPE VI vouchers: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, pro rate each public housing agency's allocation otherwise established pursuant to this paragraph: *Provided further*, That except as provided in the following proviso, the entire amount provided under this paragraph shall be obligated to the public housing agencies based on the allocation and pro rata method described above: *Provided further*, That up to $45,000,000 shall be available only (1) to adjust the allocations for public housing agencies, after application for an adjustment by a public housing agency and verification by HUD, whose allocations under this heading for contract renewals for the calendar year 2005 funding cycle were based on verified VMS leasing and cost data averaged for the months of May, June, and July of 2004 and solely because of temporarily low leasing levels during such 3-month period did not accurately reflect leasing levels and costs for the 2004 fiscal year of the agencies, and (2) for adjustments for public housing agencies that experienced a significant increase, as determined by the Secretary, in renewal costs resulting from the portability under section 8(r) of the United States Housing Act of 1937 of tenant-based rental assistance: *Provided further*, That none of the funds provided in this paragraph may be used to support a total number of unit months under lease which exceeds a public housing agency's authorized level of units under contract;

(2) $165,700,000 for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to the Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134), conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI vouchers, mandatory and voluntary conversions, vouchers necessary to complete the consent decree requirements in Walker vs. U.S. Department of Housing and Urban Development, and tenant protection assistance including replacement and relocation assistance;

(3) $45,000,000 for family self-sufficiency coordinators under section 23 of the Act;

(4) $5,900,000 shall be transferred to the Working Capital Fund; and

(5) $1,225,000,000 for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to $25,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs: *Provided*, That $1,200,000,000 of the amount provided in this paragraph shall be allocated for the calendar year 2006 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2005: *Provided further*, That all amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities, except that up to $200,000,000 of funds made available on October 1, 2006, to this account may be transferred to the "Project Based Rental Assistance Account" at the discretion of the Secretary.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 63, line 20, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 63, line 21, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 63, line 25, after the dollar amount, insert the following: "(increased by $100,000,000)".

Page 95, line 2, after the dollar amount, insert the following: "(reduced by $120,000,000)".

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Mr. NADLER. Mr. Chairman, this amendment would increase funding for section 8 housing vouchers for low-income people by $100 million to enable an additional 15,000 low-income families to afford safe decent housing.

To offset this increase, the amendment cuts the working capital fund, a poorly managed computer upgrade program that has been the subject of lawsuits and which the committee criticizes in its report on Page 108. Even with the reduction, the bill would still provide up to $110 million in working capital funds for IT projects.

Please note, the bill provides up to $65 million in working capital funds in 11 accounts scattered around the bill other than the working capital fund itself.

We have a choice, Mr. Chairman. Do we want to help thousands of families obtain safe affordable housing, or do we think it is more important to have a somewhat faster computer upgrade in HUD? If we support American families, we should support this amendment. The need for housing assistance is staggering. All over the country, local housing authorities have long section 8 waiting lists, years long, but are forced to reduce the number of housing vouchers they give out, not because there is not a huge need, but because we are failing to meet the need here in Washington.

In fiscal year 2001, we increased the number of section 8 vouchers by 79,000. For fiscal year 2002, the number of new vouchers dropped to 18,000. In fiscal years 2003, 2004 and 2005 not one new voucher at all was provided for. Rather, the debate concerned how much funding was necessary simply to maintain the same number of vouchers. And so it is again now as we debate the fiscal year 2006 budget.

Despite the committee's assurance that the bill fully funds section 8 voucher renewals, the committee has been flatly wrong in making this assertion in each of the last 3 years: 2 years ago, for example, we passed an amendment to boost section 8 voucher funding by $150 million. The committee opposed the amendment on the Floor arguing that vouchers were fully funded.

Yet the conference report adopted a few months later added $110 million over and above the $150 million we added on the Floor, meaning that the committee would have underfunded section 8 vouchers by over $1 billion while saying the account was fully funded. That was 2 years ago.

Last year, the conference report provided $89 million more for voucher renewals than did the House bill. Yet just 2 months after the approval of the conference report, the Department, HUD, acknowledged that even the conference report fell $568 million short of funding all voucher renewals.

Now the committee, once again, says it is fully funding section 8 voucher renewals. But the President, President Bush tells us that to renew all existing section 8 vouchers, we would need $314 million more than the committee thinks is necessary. So the committee understated by $1 billion, by $568 million, and now by $314 million in each of the last 3 years.

We all understand that the budget is extremely tight and that many programs are facing cuts. Our amendment therefore does not seek the $314 million above the committee amount that the President would recommend. It seeks merely to restore $100 million. This is less than the bare minimum of what is needed.

The amendment will not enable us to provide vouchers to any more families than receive them now, but it will allow us to continue to help 15,000 families who are now being helped. It enables us to avoid throwing 15,000 poor families out on the street. That is our choice. The section 8 housing voucher program provides safe affordable housing to approximately 2 million American families in urban and rural communities in every State across our country. These vouchers are often the only resource for low-income families confronted by our Nation's affordable housing crisis. Once again, the choice is, will we force an existing 15,000 families who are now living in safe decent housing out on the street because we do not have the money to renew their vouchers? Or will we slow down a computerization program for the bureaucrats at HUD? That is the choice. I hope we will elect to help the low-income families meet their critical housing needs by supporting this amendment. I hope everyone will vote yes on the Nadler-Velázquez-Frank amendment.

Mr. Chairman, I will also at this time include in the RECORD a chart which documents the 11 different accounts in which funding for the working capital fund is squirreled away, so that people do not think that our offset takes too much money away from this program. And I will include in the RECORD a letter in support of this amendment signed by nine religious organizations representing Catholics, Jews, Lutherans, Presbyterians and Methodists.

Account	*Amount*
Working Capital	$165,000,000
S&E—transferrable	15,000,000
Sect. 8 voucher acct	5,900,000
Sect. 8 project acct	1,000,000
Pub. Hsng. Capital	10,000,000
CDBG	1,600,000
HOME	1,000,000
Homeless grants	1,000,000
Sec. 202 elderly	400,000
Sec. 811 disabled	400,000
FHA—MMIF Acct	18,281,000
FHA—GI/SRI Acct	10,800,000
Total	230,381,000
Less reduction in Nadler amdt.	–120,000,000
Working Capital after Nadler amdt.	110,381,000

*Note: The bill hides $65 million in additional working capital on top of the Working Capital Account by sprinkling amounts in 11 other program accounts. This also has the misleading appearance of overstating the amounts made available for programs like Public Housing and Section 8.

JUNE 28, 2005.

To: Members of the U.S. House of Representatives.

Re: Funding for the Housing Choice ("Section 8") Voucher Program.

As members of the faith community, we are writing to express our concern about funding for the Section 8 housing voucher program, and to ask that you vote to increase funding for vouchers when the FY 2006 TTHUD spending bill comes to the floor of the House of Representatives.

Our organizations work with millions of low-income individuals and families who, despite their best efforts, are struggling to meet their basic needs. For many of these families, high housing costs present a major hurdle in this struggle, often forcing them to choose between paying rent and paying for food, clothing, prescriptions and medical care, transportation to work, and other essentials. The Section 8 voucher program offers critical assistance to two million such families, allowing them to live with dignity in decent, safe and stable housing. Through our work, we are witness to the important role that housing vouchers play in preventing homelessness, and in helping families whose members are unemployed, working low-wage jobs, or living on fixed incomes to make progress towards economic stability and self-sufficiency.

Congress has for many years expressed a strong commitment to the Section 8 voucher program, consistently voting to fully fund all vouchers. We were therefore disappointed to learn in January that HUD had announced a 4-percent cut in voucher renewal funding for FY 2005, despite Congress' intention to fully fund renewals for this year. This cut, which is equivalent to 80,000 housing vouchers, has reduced the availability of affordable housing in hundreds of communities around the country.

For FY 2006, the House Appropriations Committee has recommended increasing funding for Section 8 vouchers by $765 million, which is well below the President's request of over $1 billion. While the Committee recommendation would likely be sufficient to renew vouchers currently in use, it falls well short of restoring those vouchers that have been lost due to the FY 2005 funding shortfall.

Rep. Jerrold Nadler and other Members of the House are expected to introduce an amendment to increase Section 8 funding by $100 million in the House bill. This amount would restore funding for approximately 15,000 vouchers, thereby helping 15,000 poor families obtain decent, stable housing in the coming year. While more is needed, this amendment provides an important step forward in supporting these families. We therefore ask you to support the amendment with your vote.

As faith organizations, we are committed to strengthening our communities by assisting those who are the most vulnerable, and we believe that our work is not simply a matter of charity, but of responsibility and justice. We urge you to assist in in our work by renewing Congress' commitment to fully fund and expand the Section 8 voucher program.

Sincerely,

Call to Renewal.
Catholic Charities USA.
Jewish Council for Public Affairs.
Lutheran Services in America.
National Advocacy Center of the Sisters of the Good Shepherd.
NETWORK, A National Catholic Social Justice Lobby.
Presbyterian Church (U.S.A.) Washington Office.
Union for Reform Judaism.
The United Methodist Church, General Board of Church and Society.

Mr. Chairman, the conscience of this Nation is asking for this amendment. I ask this House to agree with that and to adopt this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment. The amendment would require HUD to close down most of its systems and its operations, and would result in a loss of almost 400 jobs at HUD. All of this would occur almost immediately after the passage of the act.

And tragically, all of this would occur just to add funds to the Section 8 program that are not needed. It adds funds for renewals of vouchers when the renewal of vouchers has already been fully funded.

This is a tragic outcome for HUD for absolutely no benefit to families on assistance.

Everyone agrees that the renewal of vouchers at $15.531 billion fully funds this program for 2006. The industry groups have said so and HUD has said so.

The only reductions in the Section 8 program that this committee took were in overhead and funds originally requested that the Department now agrees will not be needed in 2006.

Specifically, we reduced overhead and administrative fees to reflect the transfer of assistance from the tenant-based vouchers to project-based vouchers, and we reduced tenant protection funds because the Department indicates that the anticipated regulation that might require those funds is not going to be put out until after 2006.

What this amendment would accomplish is nothing, or to fund a shortfall of any kind. Each PHA will receive the amount it is entitled to, and then the additional funds will sit there and be swept up and used for other purposes by the administration, just as excess funds have been swept up and used for non-HUD purposes for years.

But here is what I want you to look at. Look at what happens to HUD in the meantime. The original request for HUD's working capital fund was for $265 million to maintain and develop new systems in HUD, new systems for accounting and new systems for programs.

The committee has already reduced the working capital fund by $120 million in order to fully fund critical assistance programs, such as the Section 8 program. The amount remaining is the barest of minimums that HUD has to have to keep its functions, keep its systems functioning and keep its functioning going.

The committee has already removed funds for all system enhancements and removed funds for all initiatives. Funds left were for maintaining the current systems and upgrades needed to meet Federal requirements such as their accounting system.

An additional cut of $120 million in their working capital fund would, according to HUD, simply shut down their systems, shut them down, and it would abrogate the contract they have with EDS and Lockheed Martin to maintain their systems. The contract itself runs over $100 million each year, and it is only maintenance. This amendment would leave all of HUD with only $45 million.

According to HUD officials, HUD would have to shut down the accounting system, the development of the new accounting system for FHA, system for PIH and to administer the Section 8 program, and then public housing programs will be shut down. Virtually all systems will be shut down.

Shutting down the contract that was painfully negotiated over a 4-year period will also throw HUD into chaos. They have no back up, nowhere to go except to the GSA schedule that will cost 150 percent of the cost of the contract, so with this amendment, HUD could not go there either.

I would just suggest to the gentleman that this is not workable by all of the investigation that we have done, and I would urge that we oppose this amendment.

Ms. VELAZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of restoring funding for Section 8 vouchers. Providing decent, safe affordable housing is one area that must not be overlooked in the greater debate on spending priorities. This bill funds Section 8 at the level of $314 million below the President's request, jeopardizing the housing of low-income families across the country. Without restored funding, hardworking families struggling to make ends meet will be left without homes and will be forced to turn to the already crowded shelter system.

If you are committed to end homelessness as we know it, today you have the opportunity to vote for this amendment. The Nadler-Velázquez-Frank amendment will restore $100 million for Section 8 providing vouchers for approximately 15,000 families by reducing funding for HUD's working capital fund which provides for the technology needs of the Department. This increase will ensure that families working to create a better life for their children will have a safe, decent place to call home.

Stable housing is the first step to economic advancement and positive outcomes for children. Without a steady home, children suffer from being shifted between shelters and the homes of family and relatives, missing school and lacking opportunity for the lasting relationships so crucial to healthy development. The Nadler-Velázquez-Frank amendment will help address this issue by restoring critical funding to a program that has had a tremendous impact on the lives of low-income families around the country.

The Section 8 program is a lifeline for hundreds of thousands of families without which they would face the cold reality of life on the streets or the uncertainty of navigating our Nation's swelling shelter system. This amendment will prevent 15,000 families from losing their homes, continuing the support so needed as they strive to achieve economic stability in the face of challenging circumstances.

In this body, day in and day out, we hear talk about family values. What issue could be more linked to the morals we espouse than providing safe and decent homes for America's families? The Section 8 program serves the approximately 2 million Americans in greatest need, and these families are depending on us here today.

The Nadler-Velázquez-Frank amendment will restore $100 million in funding for 15,000 vouchers. This is a modest but important increase to protect the homes of families working to overcome obstacles in difficult economic times. I urge support of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to begin by acknowledging that the gentleman from Michigan (Mr. KNOLLENBERG) did a very good job of dealing with a difficult issue that was dumped in his lap in Section 8, and I acknowledge that. And I think he provided a great deal of comfort to tenants and administrators throughout the country by relieving them of the uncertainty that some proposed very drastic changes were there. And I thank the gentleman for that. And I understand also that he had a difficult situation. I would like to see even more.

The point I would just make is this: From a number of decisions that we have made, Section 8 has become the main housing program of the United States. I wish it were not. I think it is a mistake to have no production. And we have virtually no production. I think we have made the Section 8 program, by default, carry more load than it ought to.

Secretary Jackson talks about what an increasing percentage of the HUD budget Section 8 has become. That is partly because they have cut out everything else. And so what the Section 8 program is, is a survivor. And in an ideal world, we might allocate a little bit more to housing production, et cetera. But that is not where we are. We very much need this money. It is not nearly enough, but we are in a tight budget situation. Some of us wish we were not. Some of us voted not to be in it, but facts are facts.

As to renewals, the gentleman from Michigan may be right that there is enough for renewals. I hope he is. He may not be. But the point is that nothing in this amendment says it is only for renewals. The gentleman from New York pointed out that we have not had any new ones. Does anyone think that all of the people in America who need Section 8 housing now have it, and that we only have to work with renewals?

We had an amendment offered earlier by the gentleman from Minnesota, and I should acknowledge the gentleman from Minnesota (Mr. KENNEDY) voted for that affordable housing program that I talked about, and I should not have implied if anyone thought that he had not. But he talked about a $100 million more for the homeless, taking it out of Amtrak.

If you want to provide $100 million for the homeless, vote for this amendment because, you know what makes you homeless? Not having a home. That is what homelessness means. And one way to deal with the homeless is to get them homes. An additional $100 million in Section 8 is the best, most efficient way to provide homes for the homeless. So we acknowledge that there is an unmet housing need. And as I said again, and I mean this very sincerely, I appreciate the gentleman from Michigan with regard to CDBG and HUD and Section 8 and HUD. He brought some order of a situation that was fraught with confusion for people, and I appreciate his willingness to do this.

□ 1715

We are talking now about a somewhat marginal increase. We wish it could be bigger. But I would say the argument against this on the merits has to be that you think America is now providing housing for everybody who needs it.

I would say to other Members, across party lines, across geographic lines, in past years when there have been threats for shortfalls in Section 8, I know all of us on the Committee on Financial Services that deals with housing have gotten anguished complaints from other Members saying, How can we stop this?

Well, I tell you the best way to stop another wave of threatened shortfalls, people not having enough. Rents can go up. You cannot entirely predict what the needs are going to be. I tell you a very good way to prevent yourself from being again besieged by fears that there will be people turned away, et cetera. Put this money in here now. If it is not needed for renewal, I hope it is not, I cannot be sure it is not, if it is not needed for renewals, then I think we will find in this country $100 million worth of people who need housing. And that is of course what we do.

I would say again, if you were tempted by the homelessness amendment before, taking it out of Amtrak, let us put it here. As far as HUD's administration work is concerned, I think we can probably find some ways to deal with that. But I do not think that we ought to sacrifice HUD's primary goal of providing housing for people to deal with some of the bureaucratic issues. So I hope the amendment is adopted.

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Nadler-Velazquez amendment to restore partial funding for the Section 8 Housing Choice Voucher Program. The underlying bill cuts some $314 million for vouchers that enables low-income families to rent safe, affordable housing. This amendment would restore a third of that money, $100 million, and thereby save about 15,000 low-income families from across this country from losing their homes.

If you are concerned about the homeless, then this should be a definite vote in favor of this amendment. This is very much a bipartisan issue. This past spring over 170 Members from both sides of the aisle signed a letter this spring to the appropriators urging them to restore full funding for the Section 8 voucher program. Those Members recognized that the Section 8 voucher program is the only effective Federal program supporting affordable rental housing in large urban areas such as New York City and Chicago and would be very much affected if this amendment does not pass.

Section 8 vouchers provide millions of families across the country a safe and affordable place to live and are critical to State and local efforts to end homelessness.

These cuts come at a time when Section 8 is already under attack due to program changes in April that threatened to cut over $50 million in vouchers in New York City alone. Due to underfunding in the last bill, many housing agencies have had no choice but to reduce the number of vouchers and cut the subsidy below local rental levels.

The proposed cuts make this very, very bad housing crisis a much worse situation. The money to fund this amendment comes out of a program for computer upgrades that the committee criticized in its committee report as "poorly managed and inefficient."

I would certainly say that keeping 15,000 families in their homes instead is a better choice that supports family values. My colleagues on the other side of the aisle constantly talk about family values. I cannot think of a more important family value than keeping families in their homes. This is what this amendment does.

In fact, a wide range of faith-based organizations have written an open letter to me and other Members of Congress making exactly that same point. And these faith-based organizations call the effort to save Section 8 vouchers "not just a matter of charity but of responsibility and social justice."

There are so many drastic cuts in this bill for worthy housing programs that protect the most vulnerable among us, cuts to housing for those with HIV/AIDS, cuts to fair housing programs that reduce discrimination in housing, and cuts to the Community Development Grant, program just to name a few.

I do want to compliment my colleagues for accepting the Miller amendment. It is very, very important to have monies in the budget for brownfields, particularly urban areas in order to spur economic development.

You cannot really build affordable housing without a Federal role. The Section 8 voucher program has been one of the most successful in this country's history in providing affordable housing to those in need, and it is unconscionable to have this cut. It would literally put 15,000 families out on the street and increase the need for more homeless housing.

So if you care about housing in general, if you care about not reducing the need for homeless housing, and the other cuts that the leadership of our ranking member, the gentleman from Massachusetts (Mr. FRANK), has pointed out so clearly on the floor, you should support this amendment. I urge my colleagues to support this amendment.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have examined very carefully this budget that we have oversight responsibility for in the Committee on Financial Services and the Subcommittee on Housing and Community Development, and it is a matter of whether or not we are going to stand up here on every issue and try and get those programs back that have been zeroed out and attempted to transfer over to Commerce, whether or not we are going to stand here and beg for some meager assistance to help us with the Section 8 program, whether or not we are trying to get the Brownfields back or the section 108.

Well, it is pretty difficult to choose which one you want to spend your time on. As ranking member of the Subcommittee on Housing and Community Development, I really would like to speak on all of them because it is really unconscionable that in this time in the United States of America, 2005, that we are haggling over dollars to help American citizens have a decent quality of life with decent housing.

We have a crisis in housing in America, not just in our cities, in our rural areas. People are not able to have decent housing. They are looking to their government for some help. We are giving some help. And I am appreciative of the gentleman from Michigan (Mr. KNOLLENBERG) for the hard work that he has put into this budget. I know that given what he had to work with, with the limitations of this budget, he has done the best job that he could possibly do. That is why some of us have been so opposed to these tax cuts.

We know that the tax cuts that we have passed in this Congress have benefited the richest 1 percent in America while we have people who are sleeping under bridges, families that are living in cars, people who work every day who cannot get into apartments because they cannot pay the first and last month's rent; children who go to school every day living in cars who are basically homeless because they do not have a place to live.

For those people who are fortunate enough to get the Section 8 vouchers, now we have to say to them as we did in Los Angeles that we cannot fund some of those vouchers. We made some mistakes in Los Angeles, and we over subscribed what we had. And we had people out there that we had given the authorizations to that we cannot honor. And now we are talking about taking money from one of the most profound programs in all of government, a program that simply allows individuals and families to have a decent place to live, and we are going to eliminate their ability to have decent housing because we want to spend money on some computers.

Well, I am all for good systems. I am all for upgrading. Now is not the time. Let us not take money from these housing subsidies in order to have computers when, in fact, if we take this amendment, we can fund 15,000 more vouchers. That is not too much to ask.

I know that there are those who have said we have made the additions. We are not going to undo them. We are not going to turn them around. But those of us who get these calls in our offices, ask us, Where can you find me a place to live? How can you help me?

The lines are long all over America. People wish to get in this Section 8 program because they cannot do any better.

Our ranking member referred to housing production. It is next to nothing. We do not have housing production. The cost of the land acquisition is too high. It is absolutely prohibitive to try and build low-cost units for people who really need them without some government help. And we do not have enough government help in order to acquire the lands and to write down the costs of building these units.

The best thing that we could do for those who could not do it without us is to provide them with Section 8 housing vouchers. I do not think it is too much to ask. I support this amendment, and I am very thankful that the gentleman from New York (Mr. NADLER) and the gentlewoman from New York (Ms. VELÁZQUEZ), despite the fact that they were advised not to do it, had the courage and the guts to do it. So I stand here with them to say no matter what else we are cutting, let us put the money back into this program.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply could not let the time go by without rising to support the Nadler-Velázquez amendment.

I realize the difficulty of finding resources. We all know about tight budgets, and we know that you cannot get blood out of a turnip. But the Section 8 housing voucher program is one of the best things that has happened for poor people in this country. Every day my phone rings incessantly with people asking if we know where they can find a place to live; do we know where they can find some low-income housing; do we know where they can find some affordable housing?

And while we are only talking about 15,000 vouchers, which is minimum, for those individuals who would be able to acquire them, it would be like receiving manna from heaven.

So I simply reiterate what has already been said and that is if we really want to help the homeless, do as the gentleman from Massachusetts (Mr. FRANK) said, provide them with a place to live. I support the amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise in strong support of the Nadler-Velázquez amendment. And I appreciate the gentleman from Michigan's (Mr. KNOLLENBERG) attempt to protect Section 8 in the bill. I respect his support for the program, but we are here about a debate in large respect about our values. That is what the budget process is. That is what the appropriations process is.

We speak to the different issues that we care about in this country and our personal values, and the total values of both our parties as well as our country are reflected in this national document that we call the budget and the appropriations process that fulfills that budget.

Now, when we think about values, what more values are there than of having a home, a place to call home, a place to bring your family, a place to bring your newborn child, a place where in fact that child is nurtured, a place where that child is going to study, a place where there will be celebrations, a place where difficult moments will be met together by family, a place that is secure and safe and warm and comforting and nurturing. That is a value when we talk about families because a family that does not have a home finds it very difficult to sustain itself as a family.

□ 1730

So this amendment strikes at the very heart of what we want to see, the ability of families to sustain themselves together in a nurturing environment that we call home. For too many people in this country, there is simply not a place for them to call home, and many times families are not even together because they are living with other family members. They are separated and apart.

So, ultimately, this is about creating an opportunity for more families to call someplace home, and I wish we were discussing an amendment that would be providing far more than $100 million for Section 8, but still, this move, this is a critical one towards fulfilling the gap that the bill leaves open. At a minimum, we should be able to meet the President's request which recognizes the shortfalls in the program last year.

Section 8 is our Nation's most successful Federal low-income housing program, but it has been the victim of continual underfunding, sweeping structural changes and last-minute policy changes.

I have seen that firsthand in my district the havoc that it wreaks on the lives of people who are in it, and the millions who are waiting throughout the country and certainly thousands that are waiting in my own district as they wait on the list, and they are told after waiting so long, oh, we are still further underfunded; we are not going to get to that list. Without warning or rationale, HUD has changed the formulas, capped funding, established policies retroactively, making it harder and harder for housing authorities to keep up.

Last year's appropriation left a shortfall of 80,000 vouchers. What will it be this year, 100,000? The ongoing shortfall comes at a time when the administration has also put forward a proposal that dramatically threatens the future of Section 8, and finally, at a time when the cost of living is rising, when rented housing prices are increasingly out of reach, particularly in high cost areas like New Jersey, the answer to these obstacles should not be weakening the very program that provides assistance to those who depend on it most. If home is where the heart is, let this Congress not be heartless and not make more people homeless at the end of the day.

Mr. DAVIS of Alabama. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I did not want this debate to end without expressing my support for what the gentleman from New York (Mr. NADLER) is doing today.

The reality is that, while this economy has improved in the last several years, while housing starts are on the rise, while the number of Americans with the chance at the dream of homeownership is rapidly expanding, there are a lot of breaks and gaps in this economy, and this program, Section 8, exists to remedy those breaks and those gaps.

The score of the amendment of the amount of money that the gentleman from New York (Mr. NADLER) proposes to add to this budget is roughly 1.6 percent of this bill. This is a fractional investment in the scheme of things, but it is a significant investment for numerous families who will benefit from Section 8.

So I want to thank the gentleman from New York (Mr. NADLER) for his outstanding work in raising this issue and being persistent and bringing it before this body.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Alabama. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding, and let me say that I also appreciate the work of the distinguished chairman from Michigan in bringing some order from the recommendation of the administration on this bill, but I have to make a couple of comments.

First of all, as I said before, look at what we have done on Section 8. We have hundreds of thousands of people on waiting lists, hundreds of thousands, waiting 8, 9, 10 years for decent housing for Section 8 vouchers. As recently as 2001, we increased the number of Section 8 vouchers by 79,000. In 2002, we increased it by 18,000. Since then, in 2003, 2004, 2005, we did not increase it by one, not by one. Instead, we debated, are we funding the existing number of vouchers, and this is what we are debating again now. I wish we were debating increasing the number of vouchers.

The gentleman from Michigan says Section 8 is fully funded. Well, I do not think it is, but even if it were, we should be increasing the number, and if we are wrong, and we are increasing the number by a few, that is the right thing to do, but the fact is, look at the history here.

Two years ago, the committee said we were fully funding Section 8. We added to that an amendment of $150 million. The conference report added $910 million above that, and that is what was necessary to fully fund it, $1 billion above what the committee said was fully funded. Last year, the conference report added $89 million above what the House did, $89 million more than what the committee said was necessary to fully fund existing Section 8, and HUD later acknowledged during the year that that did not fully fund it. It was $568 million short, and a huge number of people lost their vouchers.

Now the committee once again says it is fully funded, but the President says we need $314 million more to fully fund it. This amendment would give $100 million of the $314 million the President says is necessary to fully fund it, and again, what do we mean by fully fund? Not kick people out on the street, not increase by one, not shorten the waiting list. So we ought to be doing that.

Finally, let me say that we are told that the offset would leave only $45 million in its computer account. The fact is the co-committee has been very ingenuous in squirrelling away money in different accounts. I have here, and I submitted for the RECORD earlier, the list of all the places in the bill where money is squirrelled away. There is a total of $230 million. If we take $120 million away, as we will, that will leave $110 million for this purpose, which is enough for the computer upgrade program that they are talking about. Again, are we in favor of people having decent housing, or are we in favor of a somewhat faster computer upgrade at the Department?

Do not believe bureaucrats when they tell us that all will be lost if they do not get all the money they need. We should know better than that.

Finally, Mr. Chairman, Republicans many of them support this amendment. We passed a similar amendment 2 years ago with Republican support; 170 Members have signed a letter in support of this amendment, including many Members from the other side of the aisle. They voted for the same amendment 2 years ago.

I urge everyone on both sides of the aisle to vote for this amendment, to indicate that the very least we can do is not reduce the number of people who have the assistance, who are having decent housing. If we value family values, if we value decency in providing people with the ability to have decent housing, we will support this amendment, and the damage will be mitigated. It is not as much as the President wants, $314 million, but at least it is a third of that. Unfortunately, we could not find more offsets.

So I thank the gentleman for yielding. I thank the chairman. I urge everyone to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. GINGREY

Mr. GINGREY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GINGREY:

At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used to provide assistance under the community development block grant program under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) for any private economic development project (including assistance for any project under paragraph (17) of section 105(a) of such Act) involving the obtaining of property by the exercise of the power of eminent domain.

The CHAIRMAN. The Chair notes that the amendment addresses a portion of the bill not yet read for amendment. Is the gentleman seeking a unanimous consent request to proceed out of order?

Mr. GINGREY. Mr. Chairman, I do ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to its consideration at this point in the reading?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Mr. GINGREY. Mr. Chairman, I rise today to discuss an amendment that I have offered to H.R. 3058.

I would first like to thank the gentleman from Michigan (Chairman KNOLLENBERG) for this opportunity to speak on behalf of my amendment and to explain its intent within the greater context of the recent New London decision by the Supreme Court.

The amendment that I have offered would prevent any funds appropriated to the Community Development Block Grant program from being used to support an economic development project that acquires land through eminent domain.

Like many members of this body and most people in this country, I am incensed by the recent Supreme Court decision in the case of Kelo v. the City of New London that has effectively turned the deeds to every American home and business over to the government. Imagine a sign on every piece of real personal property that reads: For Sale By Government.

While most people recognize that eminent domain has been used historically for the building of a school or a road which serves the entire community, the American people will never accept the idea that government can arbitrarily take away one person's home or business and give it to someone else for the sole purpose of increasing that government's tax base. Government should never have the power to force a person out so that a mini mall can move in.

In the city of Augusta, Georgia, where I grew up there is a little shop called the Sunshine Bakery. Owned by the same family for over 100 years, the Sunshine Bakery may not be a Fortune 500 company, Mr. Chairman, but it is this family's livelihood, and it serves as an important part of the community. Yet, the City of Augusta could now shut down the Sunshine Bakery and sell the property and their life to the highest bidder. Frankly, such an act is not only un-American but it is also unconstitutional.

Unfortunately, by the narrowest of majorities, the Supreme Court last Thursday decided to abandon its responsibility to uphold the Fifth Amendment to the Constitution. By a margin of only one vote, five justices have thrown out over 2 centuries worth of precedent and protections. They have taken away the constitutional guarantee that no one's home or business could be forcibly taken away by the government except for public use and with just compensation.

Mr. Chairman, I encourage every American to read the majority's opinion. Rather than ruling about what is public use and what is not public use, this narrow majority just threw up their hands and allowed government to take, for all intents and purposes, whenever it so desires.

Congress cannot, and I trust will not, stand idly by while States and local governments abuse their power of eminent domain. From the largest State to the smallest city, no government should use the New London decision as cover to take away personal real property and give it to a developer to increase the tax base.

Make no mistake, I fully support economic development and improvement. Like most Americans, I believe that communities should work in conjunction with their citizens to build stronger, more economically vibrant communities. However, what has distinguished this great country of ours above all others is our bedrock belief in individual liberty and property protections and the security these liberties and protections offer. This security has fostered economic prosperity. It has created a society in which this prosperity can be enjoyed. The Supreme Court, by removing these protections, has struck a serious and dangerous blow to the American way of life.

Mr. Chairman, my amendment would use Congress' power of the purse to make sure that this government never subsidizes eminent domain abuse and never subsidizes the theft and destruction of people's homes and businesses. However, Mr. Chairman, in light of the point of order reserved against my amendment, momentarily I will ask to withdraw it.

This amendment marks only the start of this discussion, and it is my hope that this Congress will set the record straight for the sake of the American people.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENT OFFERED BY MS. KILPATRICK OF MICHIGAN

Ms. KILPATRICK of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KILPATRICK of Michigan:

Strike "*Provided*" in line 3 on page 64 and all that follows through line 19 on page 65, and insert the following:

Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph, for the calendar year 2006 funding cycle the Secretary shall allocate and provide renewal funding for each public housing agency (other than an agency with a special funding agreement under the Moving To Work demonstration program) based on leasing and per-voucher cost data for the most recent 12-month period for which such data is available as of the time of the such allocation determinations, as adjusted to reflect likely reasonable future costs (A) by applying 2006 local and regional Annual Adjustment Factors as established by the Secretary using the most recent data available, and (B) by applying such additional adjustments to such prior period data, to compensate for changes in the leasing rate or average voucher cost, as the Secretary may approve for a public housing agency, pursuant to application by the agency: *Provided further*, That application and approval of such additional adjustments shall be in accordance with such limitations as the Secretary shall provide, which shall include the use of objective and fair approval criteria established by the Secretary that provide that (A) adjustment to the leasing rate shall be approved if an agency demonstrates need for renewal of previously issued tenant protection vouchers or of other authorized vouchers to comply with court orders or to meet previous commitments to owners for project-based vouchers in projects ready for occupancy in 2006, and (B) adjustment of the per-voucher cost shall be approved if an agency demonstrates (i) rent increases, (ii) utility rate changes, (iii) known changes in subsidy costs due to enhanced vouchers, portability, increased average unit size, or approval of higher subsidy payments for people with disabilities due to reasonable accommodation, (iv) change in average tenant income, including adjustments needed for areas with seasonal employment if income variations are not adequately reflected in the period of data used by HUD, or (v) increase in number of families participating in the Family Self-Sufficiency program who are building escrow savings due to increased earnings: *Provided further*, That the Secretary shall use per-voucher cost data from 2004 for a public housing agency in lieu of the prior-period data specified above if requested by the agency and the agency certifies that the reduction in its per-voucher cost in 2005 or authorized leasing level in 2004 or 2005 was due to policy changes made by the agency to respond to a funding shortage in 2004 or 2005 and it is necessary to modify such policies to comply with requirements under law or goals under the Secretary's regulations relating to voucher renewal funding: *Provided further*, That the Secretary may deny the adjustments referred to in the preceding two provisos with respect to a public housing agency if the agency is not complying with section 8(o)(10)(A) of the Act (regarding rent reasonableness): *Provided further*, That the aggregate amount of such additional adjustments referred to clause (B) of the first proviso of this paragraph (1) and determined under the two provisos that follow such clause shall not exceed 2 percent of the total amount provided under this paragraph and each public housing agency for which such an adjustment is approved shall receive the same percentage of the approved amount: *Provided further*, That the Secretary shall, to the extent necessary to stay within the amount provided under this paragraph, prorate each public housing agency's allocation otherwise established pursuant to this paragraph, except that such proration shall not apply to the renewal of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act currently subject to proration;

Ms. KILPATRICK of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

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Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the amendment offered by the gentlewoman from Michigan.

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank the chairman for working with us, and I understand the point of order. It is something we need to bring to the attention of the Committee on Appropriations.

There has been much discussion already today about the section 8 program and the need of millions of Americans who are now in the section 8 program and millions more who are waiting for affordable, safe, clean housing. This amendment would talk about the distribution of the dollars, once we restore the section 8, and as we are in the section 8 program today.

In 1993, this Congress passed an act that would limit the distribution of those dollars and use a 3-month window to decide how those dollars would be distributed. First, the dollars are not enough, then they use a 3-month window rather than 12 months of the fluctuating cost of public housing authorities to decide how much each public housing authority will get in the section 8 housing choice voucher program.

I want to thank my colleague, the gentleman from Michigan (Mr. KNOLLENBERG), the chairman, and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for providing an appropriation in this bill to address some of that need in the 2006 budget. As of right now, as this bill was debated and as it passed the Congress in 2003, in 2004, my district and districts all over America lost hundreds of thousands of vouchers. And for my district, in the 13th Congressional District, that was 1,500 vouchers people had in 2004 that they do not have in 2005, and there is some help in this budget to rectify some of that.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK of Michigan. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding to me, and I just want to express my support for what she is doing. As an authorizing member of the committee, I am very appreciative of what she has done on the appropriations subcommittee, along with my neighbor and ranking member. Well, not quite my neighbor, but my colleague.

And I just wanted to express my support and my hope that the very important issue she is raising now will be worked out satisfactorily.

Ms. KILPATRICK of Michigan. Mr. Chairman, reclaiming my time, I thank the ranking member; and I hope to get it in an authorizing bill as well as to rectify it permanently.

We suggest that the formula would be better distributed on a fairer basis if it would use the 12-month rather than the 3-month window, so that the housing authorities can get the dollars they so sorely need and deserve.

I have a list here of several organizations who support this fairer funding amendment and will be working with the ranking member and the chairman of the authorizing committee to make sure that as we save the section 8 program that it is funded properly and that the money is then distributed properly.

Organizations such as the Center For Budget and Policy Priorities support the fairer distribution; organizations such as the National Association of Housing and Redevelopment Officials support the distribution using the 12-month window rather than the 3-month. The National Association of State Housing Agencies supports using the 12-month need and flexibility rather than the 3-month window, which has an unfair distribution of those dollars. Also, the National Leased Housing Association also believes that we ought to consider distributing those dollars on a 12-month average rather than a 3-month average. The National Low-Income Housing Coalition also believes we should do that as well.

It is important that as we look at the section 8 program, and as was mentioned earlier, and I will not go back over all of that again, that we not only know the need and how important it is but that public housing authorities must be able to meet those needs in a better and fairer way. We have to be able to do what is necessary so that the program is saved.

The portability of those vouchers is something we want to maintain so that individuals, families, and children are able to create and have safe, clean, decent housing. The disparity that exists when you use the 3-month window is really appalling and not equal and not fair. This prevents the displacement and the air that adds to the displacement of our elderly and disabled and other tenants who are sometimes in private development. They need these protections, and they need to make sure the distribution of the funding is fairer.

I know Chairman KNOLLENBERG has raised a point of order. Would my good Michigan colleague and chairman of the committee join me in a dialogue?

Mr. KNOLLENBERG. If the gentlewoman will yield, I will indeed.

Ms. KILPATRICK of Michigan. Mr. Chairman, reclaiming my time, I thank my colleague. I understand the gentleman's point of order, and I respect it highly as our chairman, but I wanted to ask if the gentleman would work with us to make a fairer distribution of the section 8 dollars as we go forward into next year.

I commend the chairman for putting in the extra dollars in this 2006 budget so that we can rectify some of that across the country.

Mr. KNOLLENBERG. Mr. Chairman, if the gentlewoman will continue to yield, I would say to my friend and colleague from Michigan that I will do everything I can to work with her. I intend to do that. I know that we have worked things out on some other issues, so we will do our darnedest to make sure we work in fulfilling her desire as best we can.

Ms. KILPATRICK of Michigan. Mr. Chairman, I thank the gentleman and appreciate his time and energy on that; and I am sure, Mr. Chairman, that we will work to strengthen the section 8 program in general and certainly the distribution of the funding. I hope that we will also work together to make permanent a 12-month distribution of those funds and not use the 3-month window, which will better serve the public housing authorities in this country.

Mr. Chairman, I rise today to offer an amendment addressing the growing concern I have with the unfair distribution of renewal funding for the Section 8 Housing Choice Voucher Program.

The trend of the past few years for providing allocations to state and local housing agencies for voucher renewal funding has been to base budget allocations on a 3-month "snap-shot," from May through July in 2005.

The justification for selecting those 3 months is only because that was the most recent fiscal quarter for which data was available. There was no consideration of local market condition changes throughout the year in different areas of the country.

While I greatly appreciate Chairman KNOLLENBERG and Ranking Member OLVER for recognizing this disparity, and including a set-aside of $45 million to adjust the allocations of the housing agencies whose snap-shot did not accurately reflect leasing levels and costs for 2004, this "fix" still does not address the fundamental problem.

The essential problem is that we are basing yearly budgets on just 3 months of costs. That leaves 9 months of fluctuating market conditions unaccounted for.

At a time when rising energy costs are driving utility costs up, and job markets are fluctuating, particularly in areas like Michigan with its manufacturing base, we cannot ignore the impact of these market changes on subsidy needs.

Similarly, housing agencies are required to pay portability costs for families who are relocating, though agencies have control over rent subsidies for those areas. They must simply compensate by reducing or denying assistance for someone else.

This arbitrary snap-shot creates a disparity where some housing agencies wind up with more money than they need to meet their commitments, and others will have to turn families out into the cold because their underestimated budgets could no longer support the same number of vouchers.

Mr. Chairman, my amendment would implement a formula for allocating renewal funding to state and local housing agencies that better captures the effects of fluctuating local conditions, while adding a cost containment incentive and retaining congressional control over total spending.

It would preserve a key feature of funding policy created last year in fiscal 2005 appropriations by continuing to base budgets on leasing and costs in the prior year, but to avoid unfair impacts of using a 3-month "snapshot," the most recent data available for a 12-month period would be used.

My amendment would help prevent the displacement of the elderly, the disabled, and the other tenants of privately owned developments by guaranteeing stable funding for tenant protection vouchers by exempting those un-negotiable costs from proration.

If total funding allocations are below the sum of the calculated budgets, the distribution of funds would be prorated so each housing agency would receive the same percentage of funds they should have if fully funded. Thus in times of constrained resources, there would be a shared sacrifice; each agency would still receive the same proportional amount.

Agencies currently manage their program over a 12-month period, with fluctuation in costs and leasing from month-to-month. A 12-month snapshot would provide a smoother and more accurate reflection of an agency's program reality than a 3-month snapshot, which could represent a hill or a valley in its budget year.

I know some may worry that agencies reimbursed for their actual costs, have no incentive to keep costs down, but all agencies will be constrained by the amount Congress provides regardless, and they know that, which in and of itself is a reason to constrain costs. This formula is simply a more fair way of distributing limited resources.

Mr. Chairman, if Congress wants to legitimately help American families have access to safe, affordable housing we must work toward a fair, balanced policy and seriously consider real market factors that families must face in their communities.

ENDORSERS OF THE PROPOSED HYBRID VOUCHER FUNDING POLICY

1. Center on Budget and Policy Priorities.
2. Jody Geese, Executive Director, Belmont Metropolitan Housing Authority (Martins Ferry, OH).
3. Neal Molloy, Executive Director, Housing Authority of St. Louis County, Missouri.
4. National Association of Housing and Redevelopment Officials (detailed proposal only, excluding item 4(a)(i)).
5. National Council of State Housing Agencies.

6. National Leased Housing Association.
7. National Low Income Housing Coalition.
8. Ohio Housing Authorities Conference.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the gentlewoman's amendment is withdrawn.

There was no objection.

PERMISSION TO OFFER AMENDMENT OUT OF ORDER

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Chair is informed that the reading of the bill has not yet progressed to the portion to which the gentleman's amendment may be offered.

Mr. DAVIS of Alabama. Mr. Chairman, the response I would make to that is that it is my understanding that because the funding has been zeroed out for HOPE VI, we are entitled to raise the amendment and that we can, in effect, either reach forward or reach backward as far as capturing these funds goes. That was the information relayed to me by the Parliamentarian.

The CHAIRMAN. The Chair is informed that the Clerk has read to page 67 and the gentleman's amendment proposes an insertion on page 73. So the gentleman's amendment should be held in abeyance until we reach that point.

Mr. DAVIS of Alabama. If that is the Chair's ruling, I would ask, without prejudice, permission to address it now, based on the absence of other people being on the floor. I would ask unanimous consent to address it now.

The CHAIRMAN. The Chair would ask, is the gentleman asking unanimous consent to offer his amendment at this point?

Mr. DAVIS of Alabama. I am, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

AMENDMENT OFFERED BY MR. DAVIS OF ALABAMA

Mr. DAVIS of Alabama. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Alabama:

Page 73, after line 4, insert the following new item:

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects, as authorized by section 24 of the United States Housing Act of 1937, as amended, and the amounts otherwise provided by this Act for "INDEPENDENT AGENCIES--GENERAL SERVICES ADMINISTRATION--FEDERAL BUILDINGS FUND" and for building operations under such item are hereby reduced by, $60,000,000.

Mr. DAVIS of Alabama (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 20 minutes to be equally divided and controlled by the proponent and myself, the opponent.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The CHAIRMAN. The gentleman from Alabama (Mr. DAVIS) is recognized for 10 minutes.

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself 4 minutes, and let me begin by thanking the chair of this committee and the ranking member of the committee for their diligence. We have obviously had a difficult task this budget year, given the constraints that we have; and I recognize this whole argument proceeds in that context.

Let me begin by stating that this is a bipartisan amendment that speaks to a program that was created by George H.W. Bush, the 41st President of the United States, and by Jack Kemp, the former Secretary of Housing and Urban Development. In 1989, the Bush administration came up with a striking insight, that rather than write off a lot of our inner-city neighborhoods, that we try to revitalize them; that we sustain a public and private commitment to draw resources back into the inner-city; and that we literally change the face of abandoned neighborhoods. And they encapsulated this vision as HOPE VI. It has been around for 16 years. It is very much a bipartisan creation, and it is zero funded at this point in this budget.

Mr. Chairman, we ask that $60 million be added, which of course is literally 1 percent of the value of this whole appropriations bill; that $60 million be added to sustain this program and to allow its good works to go forward. And perhaps the best recommendation that I can offer comes not from my side of the aisle, but it comes, frankly, from the other side.

Our friend and colleague, the gentleman from Pennsylvania (Mr. DENT), speaking on June 6 in a press release announcing the HOPE VI project in his district said, "More than just an upgrade, this $75 million project will be a catalyst for the revitalization of the entire community, and it will serve as a model of what public housing can and should be."

I also quote our friend and colleague, the gentleman from Mississippi (Mr. PICKERING), announcing a HOPE VI grant in his district in June of 2004: "This grant represents a significant investment into the overall economic development and renewal of the East Mississippi region."

I would next quote our friend and colleague, the gentleman from Michigan (Mr. UPTON), who states that "This is tremendous news for the Ben Harbor community. It is another example of local, State and Federal levels coming together for the betterment of Ben Harbor and surrounding areas."

And I could go on and on, Mr. Chairman; but the reason that this program has captured so much bipartisan support is it draws down our two best instincts. It draws down our public instinct that we can reinvest in abandoned communities, and it draws on our private instinct that we can use private sector dollars.

I am told by CBO, frankly, that this amendment is budget neutral because of the nature of the way HOPE VI funds are disbursed, the nature of the way they are drawn down in escrow. So as a practical matter, there is no significant dollar consequence from this amendment, no significant dollar objection to this amendment. The only question is whether or not we believe this is a valuable program.

We are told by some that the program is backlogged. We are told by some that the program takes a while to work its way to completion. And I think all of us in this House are hoping to change some of the structure of HOPE VI, but the changes should not be such that the program cannot go forward. The thrust of this bipartisan amendment is that we restore a level of funding, whatever changes can be made administratively can be made, and we give these communities a chance to flourish.

Mr. Chairman, I make the very simple proposition that 4 days after the U.S. Supreme Court has granted unlimited powers of domain to many of our communities, HOPE VI represents a principled, balanced approach that respects the needs of people living in the community and draws on our instincts for the betterment of those communities.

I am happy to be joined by my cosponsor, the gentlewoman from Florida (Ms. HARRIS), who has been so stalwart on these issues. I thank her for lending her bipartisan voice to this amendment.

Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida (Ms. HARRIS).

Ms. HARRIS. Mr. Chairman, I rise today to join my colleague in offering an amendment that would restore funding for the Department of Housing and Urban Development's HOPE VI program. Created in 1992 by former Secretary Jack Kemp and President Bush, this program offers to renovate existing public housing sites and replace them with new mixed-income housing.

This grant program has been remarkably successful in its revitalizing of some of the most troubled and distressed communities. We have all seen these conditions that exist in public housing developments throughout the Nation: dilapidated buildings and homes, rampant rodent and insect infestation, barely functioning plumbing, and sometimes sewage that flows into our children's playgrounds, with high rates of violence and crime. These are the conditions that have overtaken too many of our public housing facilities, the very same conditions in which too many families are struggling to live and to raise their children.

This program is aptly named because hope is exactly what these grants supply to our communities. I can speak firsthand of the outstanding results of this program I have seen in Tampa, St. Petersburg, and Bradenton, areas that have been completely revitalized as a result of HOPE VI.

For example, in Bradenton Village the successful partnership between Federal and local governments, as well as the private sector, has restored and revitalized a community that years ago was left crumbling and suffering. Today, Bradenton Village is a vibrant and thriving area and a testament to the success of the HOPE VI grant program.

That success is not limited to Florida programs; it has been remarkable and responsible for rebuilding substandard housing and replacing them with quality affordable housing across the country. It is not just about bricks and mortar. By creating more options, giving consumers more and better choices in housing, education, job training and job placement, HOPE VI grants transform lives.

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Our amendment, which I am so pleased to offer with the gentleman from Alabama (Mr. DAVIS) who has been a stalwart friend and supporter of housing programs, will ensure that Hope VI can continue to deliver on its promises.

The Davis-Harris amendment seeks to restore $60 million to the Hope VI program so it can continue its mission of revitalizing communities across America. $60 million is a far cry from the funding Hope VI has received in the past, but it is enough to keep the program going and keep hope alive, and we can continue to make a difference in our local communities.

Let us invest in Hope VI and invest in the strength and possibilities of our communities. I urge my colleagues to support the Davis-Harris amendment. Let us keep hope alive.

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself such time as I may consume.

As further proof of the bipartisan nature of this amendment, the National Home Builders Association, one of the larger lobbies that deals with this Congress, has also expressed its support for restoring these funds.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Let me respond and give a little history about Hope VI. I have been on the committee for 11 years, and I have seen this item come into view, and I have seen some of the experiences it has gone through.

First of all, we know Hope VI has had a difficult and varied history as a 10-year demonstration program. It has worked well in some cases, but in many more, it has not. The program has been unsuccessful in fulfilling its mission over the last 10 years and has been extremely difficult to implement. Consider the following: At the end of last month there remains $2.8 billion in appropriated funds that have been awarded to public housing agencies that has not as yet been spent.

Number two, Hope VI has failed to meet its mission. In the beginning, the idea was to demolish the 100,000 worst units. To date, over 133,000 of the worst units have been demolished, but only half of those were the result of Hope VI grants. The rest have been done by PHAs with their own money or with other Federal funds provided elsewhere in this bill.

Third, there are ample new funds available to continue the program until it is either fixed or dropped. No 2006 funds are necessary. I was one of the most supportive of this program when it first came on the scene, but I have grown tired over the years of seeing the subsidized failure that took place here.

The fourth item I would mention is that there would be a great disruption to the GSA programs if the amendment were adopted. The amendment proposes to seriously delay and reduce funding from seven important buildings that have been in the planning stage for many months.

I mention the security at the U.S. mission to the U.N., an FBI building in Houston, three courthouses in Missouri, Texas and New Mexico, and two border stations in Texas. These are critical projects that are scheduled for construction awards, and we plan to use them in 2005. These funds are not excess funds; far from it. They were added by GSA because of material, price increases, namely steel and concrete. Without the increases, these projects face real and significant funding shortfalls.

Last year, the committee had to reprogram funding five separate times from other projects because of materials' price increases on projects.

I know that there are places in the country that people can point to where they see this program working. But there are not as many as I would like, and for the reason I have already stated, I think this pretty much covers my position and what I feel would be the wrong move. As much as I know your hearts are strongly for this, I feel we cannot go there. We have been there, and it does not work. I ask for a "no" vote on the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Alabama. Mr. Chairman, I yield 1½ minutes to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I had an amendment at the desk that is a very similar amendment that I will not call up, and I would ask to be incorporated as a cosponsor of the Davis-Harris amendment, to be the Davis-Harris-Davis amendment.

Mr. Chairman, I represent more public housing I suspect than any Member of Congress other than perhaps the gentleman from New York (Mr. RANGEL) or the gentleman from New York (Mr. OWENS). Cabrini Green, Henry Horner, Rockwell Gardens, Obla, Ogden Courts, Laundale Courts, Hilliard Courts, Stateway Gardens, Ida B. Wells, Lakepoint Towers, all in Chicago.

If Members want to see where Hope VI has been working, we have a transformation plan in Chicago where thousands of people have been able to move out of high-rise buildings where they were packed together like sardines in a can, impossible for socialization to really occur.

I would agree Hope VI has not been perfect, but it has been the best thing that has happened to those individuals because they have been able to move from on top of each other. They have been able to have some breathing room and some space.

I recognize all of the things that the gentleman from Michigan (Chairman KNOLLENBERG) has pointed out, but let us continue to give people hope by providing the continuation of Hope VI programming and Hope VI funding.

Mr. KNOLLENBERG. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Alabama. Mr. Chairman, I yield myself the balance of my time.

First, in response to the gentleman's observations, with respect to where this account goes to sustain itself, where it goes to get the $60 million, the GSA building fund, that fund is $7.6 billion out of this budget. That is a $550 million increase over last year. I do not think moving $60 million from $7.6 billion is of any consequence.

And I will also reiterate what I said at the outset: Because of the way that Hope VI funds are drawn down, this amendment is viewed by CBO as being budget neutral. In fact, it is actually viewed by CBO as being an amendment that will actually save outlays of around $56 million this year. So, frankly, there is no dollar consequence this year. And in the scheme of things, even over the outyears, this is a very well-growing fund of $7.6 million.

The second point, the gentleman from Michigan (Mr. KNOLLENBERG) has made observations, and Democrats and Republicans have made, about some of the weaknesses and some of the delays in Hope VI, and I do not think there is any opposition on this side of the aisle, and certainly not from proponents of this amendment, to looking closely at why the projects do not expedite and why it takes them awhile to move to completion, but that is not an argument for doing away with the program. That is an argument to reforming the program.

Mr. Chairman, $60 million will amount to three or four projects around the country, but that will be three or four neighborhoods that have been written off and abandoned that can be reclaimed.

Finally, given the small dollar consequence of this, I think we ought to err on the side of these communities. We ought to err on the side of the community of the gentleman from Mississippi (Mr. PICKERING), we ought to err on the side of the community of the gentleman from Michigan (Mr. UPTON), we ought to err on the side of the community of the gentlewoman from Florida (Ms. HARRIS), and so many like it around the country.

We are in a phase where we can either write off a lot of our inner city neighborhoods, or we can reinvest in them. We can either consign them to being blighted places of neglect, or we can rebuild them, and this does it with our private and public dollars. I urge a "yes" vote on this amendment.

Mr. MENENDEZ. Mr. Chairman, it is a sad day when I am rising in support of an amendment that would provide only $60 million for this critical program.

But this is the situation in which we find ourselves with this bill, when priorities of the Republic budget are focused elsewhere and we are sent a budget that puts the future of our Nation's housing programs in jeopardy.

While I am relieved to see the Committee has rejected the extremely unsound proposal to rescind the funding we appropriated for this current Fiscal Year, I find it hard to comprehend that this bill still provides no funding for Hope VI.

Just to provide some perspective, we should realize that HOPE VI funding for the last two fiscal years combined is only roughly half of the funding level provided in 2003.

I think part of the problem my colleagues have is trying to quantify the success of this program.

Mr. Chairman, I understand it is very hard to see the accomplishments of this program on paper.

There are not clear numbers of statistics that make it easy to put it in a bureaucratic category that proves it is "demonstrating results."

But Mr. Chairman, I can tell you personally of the success this program has brought, not only to communities in my district, but across the country.

HOPE VI has successfully transformed some of the nation's most dilapidated public housing into revitalized mixed income communities, providing a second chance for neighborhoods that often had little or no hope of improvement.

I have seen the transformation HOPE VI funds have brought to communities in my district and around New Jersey.

I have stood at communities that have been completely rebuilt, where renovated townhouses replace crumbling buildings, where senior centers and new playgrounds invite the community in, instead of shut it out.

Because cycles of poverty and crime are likely to be concentrated at the most distressed and run-down public housing structures, there is often little chance for changing the surrounding community without providing a clean slate for the site.

HOPE VI proves neighborhoods with that chance.

What I think many have forgotten today is that this program was born out of strong bipartisan support.

HOPE VI began in 1992 with the express goal of demolishing and revitalizing 86,000 units of distressed housing.

Mr. Chairman, I have heard arguments that there is no longer a need for the HOPE VI program.

Are we really saying there are no more crumbling housing structures that are in need of repair?

Are we telling our communities struggling to find some hope of a better future that their neighborhood has no chance of revitalization?

That their children will not get a safe playground, that their family will never have a home they are proud to live in because the goals of HOPE VI have been accomplished?

Mr. Chairman, while we may have surpassed the original goal of transforming those 86,000 units, the program has not lost its need or effectiveness.

The fact remains that there is an ongoing need for fundamental revitalization in communities across the country that HOPE VI makes possible and which is currently unmatched by any other program.

HUD itself has noted the effectiveness of HOPE VI in affecting positive change beyond the housing structures and well into the community.

Perhaps most importantly, however, HOPE VI funds have become a critical source for localities to leverage private funds.

HOPE VI is thus not only a mechanism to bring about change, but it is a mechanism for drawing in critical investment.

Without HOPE VI as the incentive, communities will lose out on sources that are essential to ensuring true revitalization.

This program is a promise to people that if they live in a building that is unsafe, dilapidated, and beyond disrepair, we will not abandon them.

And it is a promise to our communities that our commitment continues far beyond the public housing structures we provided years ago—that we will be there to help all of communities be neighborhoods where we would be proud to raise our families.

Mr. Chairman, now is not the time to abandon our communities.

This program has provided many families and communities throughout the country hope of a better quality of life and we should not deprive additional communities of that chance.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Alabama, Mr. ARTUR DAVIS, which would restore funding to the Homeownership and Opportunity for People Everywhere program, more commonly referred to as HOPE VI.

The HOPE VI program is one of the Department of Housing and Urban Development's most successful programs, and it is a shame that it is one of the many valuable and worthwhile Federal programs that the Bush administration has targeted for elimination.

HOPE VI allows public housing authorities to revitalize neighborhoods affected by blighted public housing districts, and transform them into showcases of urban renewal and redevelopment.

For over 15 years, first as Mayor of the City of Alexandria and now as a Member of Congress, I have been involved in the revitalization of the former Samuel Madden public housing project, in the area known as the "berg."

While Samuel Madden was once a well-intentioned effort to provide affordable housing for those in need, it had become mired in controversy and the focal point of criticisms and problems synonymous with troubled public housing programs throughout the nation.

In 1999, the Alexandria Redevelopment Housing Authority received $6.7 million dollars in HOPE VI grant funds to redevelop the 100–unit Samuel Madden public housing site.

This new project, Chatham Square, is a 152-residential unit development, 52 of which will be affordable rental homes operated as public housing units, and 100 of which will be market-rate townhouses for sale to the public.

This former public housing site has now become an inclusive community that is a mix of market-rate and subsidized public housing and continues to serve the needs of moderate and low-income residents.

Last year, I was proud to stand with representatives from the Alexandria Redevelopment Housing Authority and other City of Alexandria leaders as we attended the celebration and ribbon-cutting ceremony of this new development. The cornerstone of the event was the presentation of house keys to the first residents to move into the development: one who bought a market-rate townhouse and one who receives assistance with housing needs.

The Chatham Square project serves as a model for what public housing should become and identifies a successful mechanism through which this transformation can occur.

I have already shared with you a successful HOPE VI program from my congressional district, and there are thousands more all across the nation.

While the Bush administration may be critical concerning the HOPE VI program, it does not deserve to be gutted in next year's budget.

Mr. DAVIS of Alabama. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Alabama. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Alabama (Mr. DAVIS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment by the gentlewoman from Florida (Ms. CORRINE BROWN), amendment by the gentleman from Minnesota (Mr. KENNEDY), amendment by the gentleman from Texas (Mr. AL GREEN), amendment by the gentleman from New York (Mr. NADLER), amendment by the gentleman from Alabama (Mr. DAVIS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MS. CORRINE BROWN OF FLORIDA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 152, not voting 12, as follows:

[Roll No. 336]

AYES—269

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Cleaver
Clyburn
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Rogers (MI)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shaw
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—152

Aderholt
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Burgess
Burton (IN)
Buyer
Calvert
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Cox
Cubin
Cunningham
Davis (KY)
Davis, Tom
DeLay
Doolittle
Dreier
Duncan
Emerson
Everett
Feeney
Ferguson
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Granger
Graves
Gutknecht
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Johnson (IL)
Johnson, Sam
Jones (NC)
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McHugh
McKeon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Nunes
Otter
Oxley
Paul
Pearce
Pence
Petri
Pitts
Poe
Pombo
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Shimkus
Simpson
Smith (TX)
Sodrel
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Walsh
Wamp
Weldon (FL)
Weller
Wilson (SC)
Wolf

NOT VOTING—12

Akin
Clay
Conyers
Culberson
Diaz-Balart, L.
Diaz-Balart, M.
Lewis (GA)
Murphy
Neal (MA)
Peterson (PA)
Ross
Scott (GA)

☐ 1830

RECESS

The CHAIRMAN (during the vote). Pursuant to clause 12(b) of rule I, the House will stand in emergency recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 30 minutes p.m.), the House stood in emergency recess subject to the call of the Chair.

☐ 1923

AFTER RECESS

The recess having expired, the Committee of the Whole House on the State of the Union resumed its sitting at 7 o'clock and 23 minutes p.m. with Mr. MCHUGH in the chair.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The CHAIRMAN. The Committee has resumed its sitting and is continuing the vote on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN). Members will have an additional period of 15 minutes to continue to record votes on this question. Members who previously recorded their votes may confirm their votes during this period.

The pending vote on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN) will be followed by four 5-minute votes, if ordered.

☐ 1943

Mr. WELLER, Mrs. CUBIN, and Mr. EVERETT changed their vote from "aye" to "no."

Messrs. BILIRAKIS, REGULA, BACHUS, CRENSHAW, FORBES, SAXTON, Miss MCMORRIS. Mr. SHUSTER, Mrs. JOHNSON of Connecticut, and Messrs. STEARNS, KUHL of New York and PUTNAM changed their vote from "no" to "aye."

Mr. PICKERING changed his vote from "present" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MURPHY. Mr. Chairman, due to official business speaking to the Circle of Friends for American Veterans, I was unavoidably detained and not present in the Chamber on Wednesday, June 29, 2005, and was regrettably unable to cast my vote on rollcall No. 336.

Had I been present, I would have voted "yea" on rollcall No. 336.

AMENDMENT OFFERED BY MR. KENNEDY OF MINNESOTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. KENNEDY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 59, noes 362, not voting 12, as follows:

[Roll No. 337]

AYES—59

Barrett (SC)
Biggert
Bilirakis
Blackburn
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Chabot
Chocola
Cooper
Cubin
Davis (TN)
Feeney
Flake
Foxx
Franks (AZ)
Graves
Green (WI)
Harris
Hayworth
Hefley
Hensarling
Hostettler
Hunter
Jindal
Jones (NC)
Kennedy (MN)
Kline
Linder
Mack
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pence
Poe
Porter
Price (GA)
Ramstad
Reichert
Renzi
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Tancredo
Thornberry
Tiberi
Wilson (NM)
Wilson (SC)

NOES—362

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—12

Akin
Clay
Conyers
Cox
Istook
Johnson, Sam
Lewis (GA)
Neal (MA)
Peterson (PA)
Ross
Scott (GA)
Stark

☐ 1953

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. AL GREEN OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. AL GREEN) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 191, not voting 11, as follows:

[Roll No. 338]

AYES—231

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gibbons
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee

Levin
Lewis (KY)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pickering
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—191

Aderholt
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pitts
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Akin
Clay
Cox
Johnson, Sam
Lewis (GA)
Miller, George
Neal (MA)
Peterson (PA)
Ross
Scott (GA)
Stark

☐ 2000

Mr. SCHWARZ of Michigan changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NADLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. NADLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 225, noes 194, not voting 14, as follows:

[Roll No. 339]

AYES—225

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boehlert
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Fossella
Frank (MA)
Franks (AZ)
Gonzalez
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hyde
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—194

Aderholt
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood

Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Akin
Bachus
Barrow
Clay
Cox
Foley
Johnson, Sam
Lewis (GA)
Neal (MA)
Nussle
Peterson (PA)
Ross
Scott (GA)
Stark

□ 2009

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF ALABAMA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Alabama (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 248, noes 173, not voting 12, as follows:

[Roll No. 340]

AYES—248

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Bartlett (MD)
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boren
Boswell
Boucher
Boustany
Boyd
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burton (IN)
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chandler
Chocola
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gibbons
Gilchrest
Gohmert
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Gutknecht
Harman
Harris
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kline
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rogers (AL)
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Westmoreland
Wexler
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn

NOES—173

Aderholt
Alexander
Baird
Baker
Barton (TX)
Bass
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Bradley (NH)
Brady (TX)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Green (WI)
Green, Gene
Hall
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Johnson (IL)
Keller
King (IA)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Oberstar
Osborne
Otter
Oxley
Paul
Pearce
Pence
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Thomas
Thornberry
Tiahrt
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Whitfield
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Akin
Bachus
Barrow
Clay
Cox
Johnson, Sam
Lewis (GA)
Neal (MA)
Peterson (PA)
Ross
Scott (GA)
Stark

□ 2028

Mr. BURGESS changed his vote from "aye" to "no."

Mr. ROHRABACHER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chairman, on rollcall Nos. 336, 337, 338, 339, and 340, I was absent to attend my son's induction into the U.S. Naval Academy. Had I been present, I would have voted: "nay" on 336, "nay" on 337, "nay" on 338, "nay" on 339, "nay" on 340.

Mr. KNOLLENBERG. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

□ 2030

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 3058, TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3058 in the Committee of the Whole pursuant to House Resolution 342, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 4, 8 and 13;

An amendment by Mr. NADLER regarding HOPWA;

An amendment by Mr. PICKERING regarding enforcement of the Individuals With Disabilities Parking Reform Amendment Act;

An amendment by Mr. OBEY regarding D.C. funding;

An amendment by Mr. SANDERS regarding contracting out flight service stations, which shall be debatable for 20 minutes;

An amendment by Ms. DELAURO regarding corporate entities chartered in Antigua, Panama, Bermuda, Barbados and the Cayman Islands, which shall be debatable for 15 minutes;

An amendment by Mr. OBEY regarding an OMB Circular, which shall be debatable for 40 minutes;

An amendment by Mr. CUELLAR regarding funding for the Community Development Fund;

An amendment by Mrs. JONES of Ohio regarding HOME Investment Partnership Program;

An amendment by Ms. WATERS regarding funding for the Community Development Fund;

An amendment by Mr. COSTELLO regarding cities of Alton and Granite City, Illinois;

An amendment by Mr. KING of Iowa regarding funding for the Supreme Court;

An amendment by Ms. HERSETH regarding judiciary funding;

An amendment by Ms. HOOLEY regarding increasing funds for HIDTA;

An amendment by Ms. VELÁZQUEZ regarding e-travel and small business protection;

An amendment by Ms. KILPATRICK of Michigan regarding the sale of Unocal Corporation;

An amendment by Mr. VAN HOLLEN regarding revisions to circular A–76;

An amendment by Mr. TIAHRT regarding regulations on U.S. business competitiveness;

An amendment by Mr. HEFLEY regarding an across-the-board cut;

An amendment by Mr. BROWN of Ohio regarding reporting on the cost of new prescription drugs;

An amendment by Mr. HINCHEY regarding private contractor activity;

An amendment by Mr. GARRETT of New Jersey regarding eminent domain;

An amendment by Mr. FLAKE regarding the travel ban with Cuba;

An amendment by Mr. FLAKE regarding religious exemption on the travel ban with Cuba;

An amendment by Mr. FLAKE regarding cap on remittances with Cuba;

An amendment by Mr. FLAKE regarding enforcement of the weight limit on baggage for travel to Cuba;

An amendment by Mr. FLAKE regarding amateur sports teams travel to Cuba;

An amendment by Mr. FLAKE regarding family travel to Cuba by members of the Armed Forces;

An amendment by Mr. FLAKE regarding trade agreements and their relationship with Cuba;

An amendment by Ms. LEE regarding academic institutions and travel to Cuba;

An amendment by Mr. RANGEL regarding enforcement of the economic embargo on Cuba;

An amendment by Mr. HONDA regarding military recruiters and the Department of Education;

An amendment by Mr. MARKEY regarding transfer of tax activity among countries;

An amendment by Mr. WYNN regarding financial contractors;

An amendment by Ms. JACKSON-LEE of Texas regarding section 12 of the U.S. Housing Act;

An amendment by Mr. CLAY regarding FHA loans and abusive lending practices;

An amendment by Ms. JACKSON-LEE of Texas regarding funding for the FAA;

An amendment by Mr. SOUDER regarding enforcement of firearms laws in D.C.;

An amendment by Mr. SIMMONS regarding private debt collection;

An amendment by Mr. SOUDER regarding media campaigns; and

An amendment by Mr. KNOLLENBERG regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Transportation, Treasury, and Housing and Urban Development each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

Mr. OBEY. Mr. Speaker, reserving the right to object, as I understand this unanimous consent proposal, what this means is that we still face the need to dispose of some 43 amendments. As I calculate it, given the time allotted to each, that means that with the slippage that normally occurs, we are looking at approximately 9 hours of additional debate on these issues, without counting the time that it takes to conduct the roll calls on whatever issues are put to a roll call.

I would urge Members to recognize that if all of these amendments are offered, we are going to be here until the cows come home, as they say in my area, and I think we would prefer to see debate more focused than that.

For instance, under this agreement, we face the prospect of having some 10 amendments on Cuba. I would hope that we could focus that issue on the most important issues that are involved.

Having said that, I would simply like to ask one question under my reservation: It is my understanding that if this unanimous consent agreement is agreed to, that we would proceed to debate further issues until 9:45 tonight. At 9:45, we will take whatever votes are pending. We would then resume action in the House tomorrow at 10 o'clock, and that this committee would be allowed to complete its business before any other matter comes before the House.

Is that a correct understanding?

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. On behalf of the leadership, let me try to respond. The gentleman's description of the schedule this evening is exactly on target, and it is our intention, the leadership's intention, to come to the Floor at 10 o'clock in the morning. This bill will be up and the committee's work will be done before we proceed to anything else. The gentleman is correct.

Mr. OBEY. Mr. Speaker, reclaiming my time, I thank the gentleman. I would simply like to point out, it is not particularly important to me whether we finish the appropriation bills before we leave for the July 4 recess or not, but I was under the impression that it was important to the gentleman from California and to the majority leadership. I am willing to cooperate in that effort, but I do not want any other committee business to come before the House that would get in the way of accomplishing that end.

So if that is the understanding and if the gentleman is in fact speaking for the leadership on that matter?

Mr. LEWIS of California. Mr. Speaker, if the gentleman would yield further. The gentleman and I discussed this earlier. On behalf of the leadership, they have given me direction to publicly outline that agreement. We will be coming in at 10 o'clock in the morning. Our bill will be completed before we proceed to any other matters.

Mr. OBEY. Mr. Speaker, with that understanding, I would be happy to withdraw my reservation of objection and wish Mr. KNOLLENBERG good luck.

The SPEAKER pro tempore. Is there further objection to the request of the gentleman from Michigan?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Williams, one of his secretaries.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 342 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3058.

☐ 2038

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. BASS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment by the gentleman from Alabama (Mr. DAVIS) had been disposed of and the bill had been read through page 67, line 12.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments printed in the RECORD and numbered 4, 8 and 13;

An amendment by Mr. NADLER regarding HOPWA;

An amendment by Mr. PICKERING regarding enforcement of the Individuals With Disabilities Parking Reform Amendment Act;

An amendment by Mr. OBEY regarding D.C. funding;

An amendment by Mr. SANDERS regarding contracting out flight service stations, which shall be debatable for 20 minutes;

An amendment by Ms. DELAURO regarding corporate entities chartered in Antigua, Panama, Bermuda, Barbados and the Cayman Islands, which shall be debatable for 15 minutes;

An amendment by Mr. OBEY regarding an OMB Circular, which shall be debatable for 40 minutes;

An amendment by Mr. CUELLAR regarding funding for the Community Development Fund;

An amendment by Mrs. JONES of Ohio regarding HOME Investment Partnership Program;

An amendment by Ms. WATERS regarding funding for the Community Development Fund;

An amendment by Mr. COSTELLO regarding cities of Alton and Granite City, Illinois;

An amendment by Mr. KING of Iowa regarding funding for the Supreme Court;

An amendment by Ms. HERSETH regarding judiciary funding;

An amendment by Ms. HOOLEY regarding increasing funds for HIDTA;

An amendment by Ms. VELÁZQUEZ regarding e-travel and small business protection;

An amendment by Ms. KILPATRICK of Michigan regarding the sale of Unocal Corporation;

An amendment by Mr. VAN HOLLEN regarding revisions to circular A–76;

An amendment by Mr. TIAHRT regarding regulations on U.S. business competitiveness;

An amendment by Mr. HEFLEY regarding an across-the-board cut;

An amendment by Mr. BROWN of Ohio regarding reporting on the cost of new prescription drugs;

An amendment by Mr. HINCHEY regarding private contractor activity;

An amendment by Mr. GARRETT of New Jersey regarding eminent domain;

An amendment by Mr. FLAKE regarding the travel ban with Cuba;

An amendment by Mr. FLAKE regarding religious exemption on the travel ban with Cuba;

An amendment by Mr. FLAKE regarding cap on remittances with Cuba;

An amendment by Mr. FLAKE regarding enforcement of the weight limit on baggage for travel to Cuba;

An amendment by Mr. FLAKE regarding amateur sports teams travel to Cuba;

An amendment by Mr. FLAKE regarding family travel to Cuba by members of the Armed Forces;

An amendment by Mr. FLAKE regarding trade agreements and their relationship with Cuba;

An amendment by Ms. LEE regarding academic institutions and travel to Cuba;

An amendment by Mr. RANGEL regarding enforcement of the economic embargo on Cuba;

An amendment by Mr. HONDA regarding military recruiters and the Department of Education;

An amendment by Mr. MARKEY regarding transfer of tax activity among countries;

An amendment by Mr. WYNN regarding financial contractors;

An amendment by Ms. JACKSON-LEE of Texas regarding section 12 of the U.S. Housing Act;

An amendment by Mr. CLAY regarding FHA loans and abusive lending practices;

An amendment by Ms. JACKSON-LEE of Texas regarding funding for the FAA;

An amendment by Mr. SOUDER regarding enforcement of firearms laws in D.C.;

An amendment by Mr. SIMMONS regarding private debt collection;

An amendment by Mr. SOUDER regarding media campaigns; and

An amendment by Mr. KNOLLENBERG regarding funding levels.

Each such amendment may be offered only by the Member named in the request or a designee, or by the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Transportation, Treasury, and Housing and Urban Development each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent.

The Clerk will read.

The Clerk read as follows:

HOUSING CERTIFICATE FUND

(RESCISSION)

Of the unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading or the heading "Annual contributions for assisted housing" or any other heading for fiscal year 2005 and prior years, $2,493,600,000 is rescinded, to be effected by the Secretary no later than September 30, 2006: *Provided*, That any such balances governed by reallocation provisions under the statute authorizing the program for which the funds were originally appropriated shall be available for the rescission: *Provided further*, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be cancelled: *Provided further*, That no amounts recaptured from amounts appropriated in prior years under this heading or the heading "Annual contributions for assisted housing" and no carryover of such appropriated amounts for project-based assistance shall be available for the calendar year 2006 funding cycle for activities provided for under the heading "Tenant-based rental assistance".

PROJECT-BASED RENTAL ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) ("the Act" herein), not otherwise provided for, $5,088,300,000, to remain available until expended: *Provided*, That the amounts made available under this heading are provided as follows:

(1) $4,940,100,000 for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation

contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act, for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph.

(2) $147,200,000 for performance-based contract administrators for section 8 project-based assistance: *Provided*, That the Secretary may also use such amounts for performance-based contract administrators for: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C. 1715z–1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); Section 236(f)(2) rental assistance payments (12 U.S.C. 1715z–1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959, as amended (12 U.S.C. 1701q, 1701q–1); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act; project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86–372; 73 Stat. 667).

(3) $1,000,000 shall be transferred to the Working Capital Fund: *Provided further*, That amounts recaptured under this heading, the heading, 'Annual Contributions for Assisted Housing,' or the heading, 'Housing Certificate Fund,' for project-based section 8 activities may be used for renewals of or amendments to section 8 project-based subsidy contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the "Act"), $2,600,000,000, to remain available until September 30, 2009: *Provided*, That notwithstanding any other provision of law or regulation, during fiscal year 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: *Provided further*, That for purposes of such section 9(j), the term "obligate" means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: *Provided further*, That of the total amount provided under this heading, up to $11,000,000 shall be for carrying out activities under section 9(h) of such Act: *Provided further*, That $10,000,000 shall be transferred to the Working Capital Fund: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: *Provided further*, That of the total amount provided under this heading, up to $17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 305 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006: *Provided further*, That of the total amount provided under this heading, $24,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: *Provided further*, That up to $8,820,000 is to support the costs of administrative and judicial receiverships.

PUBLIC HOUSING OPERATING FUND

For 2006 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g(e)), $3,600,000,000: *Provided*, That all funds made available under this heading shall be allocated to public housing agencies in accordance with the terms, conditions, criteria and methodology set forth in the "Post 4th Session Rule" issued on June 10, 2004 and shall not be allocated using any other formula unless approved by the Committee: *Provided further*, That of the total amount provided under this heading, up to $50,000,000 shall be for assistance for the conversion to asset management including project-based accounting, budgeting and management for public housing agencies operating three or more public housing projects, which will under the "Post 4th Session Rule" formula experience a loss of subsidy greater than 5 percent from the amount which would otherwise have been receivable under the Performance Funding System regulations superceded by such formula: *Provided further*, That, in fiscal year 2006 and all fiscal years hereafter, no amounts under this heading in any appropriations Act may be used for payments to public housing agencies for the costs of operation and management of public housing for any year prior to the current year of such Act: *Provided further*, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), $600,000,000, to remain available until expended. Notwithstanding the Native American Housing Assistance and Self-Determination Act of 1996, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race Census data and with the need component based on multi-race Census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts. Of funds made available under this heading, $1,200,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA; of which $2,308,000 shall be to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the training, oversight, and management of Indian housing and tenant-based assistance, including up to $300,000 for related travel; of which $45,000,000 shall be for the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.), for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, to be allocated using the same methodology as fiscal year 2005 funds of which up to $4,000,000 may be used for emergencies that constitute imminent threats to health and safety, notwithstanding any other provision of law (including section 205 of the Act): *Provided*, That of the amount provided under this heading, $2,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: *Provided further*, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $17,926,000: *Provided further*, That for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), $8,815,000, to remain available until expended, of which $352,606 shall be for training and technical assistance activities.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13a), $2,645,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $98,966,942.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $250,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

NATIVE HAWAIIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), $882,000, to remain available until expended: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $35,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for "Salaries and Expenses."

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), $285,000,000 to remain available until September 30, 2007, except that amounts allocated pursuant to section 854(c)(3) of such Act shall remain available until September 30, 2008: *Provided*, That the Secretary shall renew all expiring contracts for permanent supportive housing that were funded under section 854(c)(3) of such Act that meet all program requirements before awarding funds for new contracts and activities authorized under this section: *Provided further*, That the Secretary may use up to $1,000,000 of the funds under this heading for training, oversight, and technical assistance activities.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER:

Page 76, line 24, after the dollar amount, insert the following: "(increased by $5,000,000)".

Page 95, line 2, after the dollar amount, insert the following: "(reduced by $5,000,000)".

Mr. NADLER. Mr. Chairman, I just want to make sure before I start that we have the amended amendment that says $5 million, not $10 million.

The ACTING Chairman. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The ACTING Chairman. Pursuant to the order of the House today, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

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Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume, although I am not going to take 5 minutes.

This amendment would increase the appropriation for the Housing Opportunity For Persons with AIDS program.

Mr. Chairman, this amendment would increase the appropriation for the Housing Opportunities for Persons With AIDS program, or HOPWA, by $5 million.

I thank Chairman KNOLLENBERG and Ranking Member OLVER for recommending a $3 million increase from last year's appropriation, significantly more than the administration request. But this follows a $13 million cut last year.

Adequately meeting the housing needs of all those living with HIV/AIDS would take over $2 billion. More than 100 Members, from both sides of the aisle, joined me in asking the Appropriations committee for $385 million in HOPWA funding in FY06. This amendment, however, seeks only to restore the cuts from last year and return HOPWA to the FY04 level of $295 million.

The costs associated with the new AIDS treatments often force people to choose between essential medications and other necessities, such as housing. HOPWA answers this need. With 91 percent of HOPWA recipients having family incomes less than $1,000 per month, program recipients simply cannot afford the cuts HOPWA has taken.

HOPWA is an extremely fiscally sound program. It supplies a low-cost alternative to acute-care hospital beds, typically paid for by Medicaid. Acute-care facilities cost Medicaid, on average, more than $1,000 a day, while assistance under HOPWA costs as little as $55 to $110 a day.

Nationwide, thousands of people are now on waiting lists for HOPWA-funded housing. The housing crisis facing people living with HIV/AIDS imposes enormous costs on individuals with the disease and on their families and communities. Without adequate HOPWA funding, AIDS patients will continue to flood our emergency rooms and shelters, and our Medicaid rolls. Let's get back at least to the FY04 funding level.

I thank Messrs. SHAYS and CROWLEY for cosponsoring this amendment, and demonstrating the bipartisan support HOPWA enjoys. I strongly urge the adoption of this amendment.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I accept the amendment.

Mr. NADLER. Mr. Chairman, reclaiming my time, I was going to add that I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) for their cooperation, and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. CROWLEY) for cosponsoring the amendment. I appreciate the gentleman's acceptance, and I will take "yes" for an answer, happily.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in favor of the amendment to increase HOPWA funding to its Fiscal Year 2004 level of $293 million.

This amendment is tremendously important for thousands of people afflicted with AIDS. I appreciate the good work the Chairman has done on this bill, as well as the fiscal constraints of this budget cycle. The bottom line, Mr. Chairman, is when it comes to the HOPWA program I think we should provide more.

The Centers for Disease Control, CDC, estimates there are between 1 and 1.2 million Americans living with HIV and AIDS. A majority of these individuals will face a housing crisis at some point during their illness as a result of increased medical expenses and lost wages. HOPWA is the only federal program specifically designed to meet their needs.

The HOPWA program is one of the most cost-effective ways to provide people living with HIV/AIDS with adequate and affordable housing. Acute care facilities, under Medicaid cost more than $1,000 a day as compared to HOPWA community housing, which averages $55 to $110 per day.

The program keeps those living with HIV/AIDS off the streets and out of expensive acute care facilities.

My predecessor, Stewart B. McKinney, died of AIDS-related pneumonia. His wife, Lucie, carries on his work as chairman of the Stewart B. McKinney Foundation. This foundation is dedicated to providing housing to persons and families living with HIV/AIDS. The McKinney House and other HOPWA programs approach the HIV crisis in a truly caring, community-based and cost-effective manner.

Because 90 percent of HOPWA funds are distributed to States by formula, States and localities control how money is spent—not the Federal Government. Communities, are empowered to use HOPWA funds to meet their unique housing needs—from providing short-term supportive housing for low-income persons with HIV/AIDS, to building new community residences.

The flexibility has, in large measure, contributed to the widespread success of the HOPWA program. The bottom line is that money for HOPWA is money well spent. I urge support for this amendment.

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Nadler-Shays-Crowley amendment to increase funding for the Housing Opportunities for Persons with AIDS program by $10 million to $295 million.

HOPWA is the only Federal housing program that specifically provides cities and States hardest hit by the AIDS epidemic with the resources to address the housing crisis facing people living with AIDS.

New treatments and medications are allowing those suffering with HIV and AIDS to live longer lives, and the housing provided by HOPWA allows people to improve the quality of their lives and access life-extending care.

But make no mistake about it, AIDS is still a debilitating disease and we must ensure those suffering have the assistance, both in medical care and housing, that they need.

And the fact is, without adequate housing and nutrition, it is extremely difficult for individuals to benefit from the new treatments.

HOPWA is one of HUD's most successful programs serving roughly 80,000 households across 39 States, Puerto Rico, and the District of Columbia.

The HOPWA program serves as seed money as each dollar used for HOPA housing assistance is matched by a dollar of housing assistance from other government and private sources.

HOPWA is a successful program that has been of great benefit to people in some of the greatest need.

Please support this amendment to aid and comfort those suffering from HIV and AIDS.

Mr. NADLER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $10,000,000 to remain available until expended, which amount shall be competitively awarded by September 1, 2006, to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas.

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For assistance to units of State and local government, and to other entities, for economic and community development activities, and for other purposes, $4,151,500,000, to remain available until September 30, 2008, unless otherwise specified: *Provided*, That of the amount provided, $3,859,900,000 is for carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301 et seq.): *Provided further*, That unless explicitly provided for under this heading not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: *Provided further*, That $1,600,000 shall be transferred to the Working Capital Fund.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. WATERS:

Page 77, line 24, after the dollar amount, insert the following: "(increased by $6,944,000)".

Page 157, line 17, after the dollar amount, insert the following: "(reduced by $6,944,000)".

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from California (Ms. WATERS) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment that is basically known as the section 108 loan guarantee amendment. This is an amendment that is offered to the Community Development Grant Fund for cities and counties that would allow them to continue to have a section 108 loan guarantee program for the purpose of big-scale developments in the cities that would be guaranteed by the CDBG funds.

These are very important economic development funds. In the past, we have had a substantial amount of money in this fund, and it has been used by the cities to create jobs and to rebuild downtowns, to rehabilitate old towns, to basically not only create jobs, but revitalize cities.

So we are simply asking that we take a small amount of money from the advertising section of the drug policy section of the budget so that we not only not transfer, but we keep some money in this fund by which to keep section 108 a viable program.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I oppose any amendment to continue the section 108 loan program which is recommended for elimination as part of a broad sweep of lower-priority programs. We must reduce or eliminate these programs in order to free up the funds for the highest priorities in HUD: assistance to extremely low-income families and restoring funds for community development.

There are many good reasons for terminating the program which the administration has proposed to do for the last 4 years. This program has been rated as ineffective, underutilized, and lacks accountability.

First and foremost, this program duplicates several others that, relatively speaking, have a long history of success. CDBG economic development loans and grants average about $500 million annually. New markets tax credits, $15 billion in subsidy over 5 years. Empowerment Zones, enterprise and renewal community tax credits and SBA loans are part as well of this successful side.

Mr. Chairman, I want to state further that section 108 loans are among the most expensive forms of financing relative to tax-exempt State and local borrowing. The program is contrary to the Department of Treasury rules and principles in effect today for all loan programs.

The program is already in decline. Last year, only 74 took out section 108 loans, 74 out of 4,000 eligible communities.

Finally, the program will not end in 2006 even if there are no funds in 2006. Ample funds from prior years will carry the program forward for at least the next 2 years. Over $13 million is still available to guarantee over 550 million in new loans, even if no new funds are provided.

So I would urge my colleagues to vote against restoring this program. I know the gentlewoman wants it very badly, but we really do not have a need for it; and we want to preserve HUD's highest-priority programs instead.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I also want to talk briefly about the offset from ONDCP, the Office of National Drug Control Policy and the national ad campaign. This was funded under former President Clinton at a level of $180 million back in the 1990s. What we have seen is it is reduced all the way down to $120 million in this bill, which means that it is barely able to sustain itself, given that advertising costs have gone up.

There is an amendment later in this bill that the gentleman from Connecticut (Mr. LARSON) and I are doing in a bipartisan way to try to increase the dollars so we can afford and fund anti-meth campaigns around this country, as we are also doing under ONDCP in the High Intensity Drug Trafficking area.

This amendment, though it is not a large amount, would potentially be an absolutely crippling blow to this particular program and certainly would end any chance for us to do any meth advertising in this budget. Thus, I ask people who support our efforts to combat methamphetamine to vote against this amendment.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from Michigan has described something other than section 108 loan guarantee programs. Section 108 loan guarantee programs are considered one of the most potent and important public investment tools that HUD offers to local governments. It allows agencies to transform a small portion of their CDBG funds into federally guaranteed loans large enough to pursue physical and economic revitalization projects that can renew entire neighborhoods. It is a very effective public investment.

The small amount of money that I am asking to be taken from the drug program is from the advertising budget. I do not want to spend a lot of time talking about the ineffectiveness of that program; I simply can say that that program has not reduced drug use in this country, despite the millions of dollars that we have spent.

Again, $120 million is a lot of money for an advertising program that does very little to deter anybody from using drugs. I would hope that some day there will be some restructuring of that program to try and make it more effective, because I really do think it is a waste, practically, of the taxpayers' money.

Having said that, I would advise my colleagues that many of you have section 108 loan programs in your districts that are providing funds for great revitalization; and should these funds not be available or we not continue this program or show some support for this program, in addition to whatever dollars are remaining, I think you will find that your cities will be very disappointed, because this is the only money that they have been able to count on that is not scored against the budget to do this kind of revitalization and job creation.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The amendment was rejected.

The Acting CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. HAYES) assumed the Chair.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

H.R. 324. An act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 627. An act to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

H.R. 1082. An act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building".

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building".

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

H.R. 1542. An act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building".

H.R. 2326. An act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

The message also announced that the Senate has passed bills of the following titles in which concurrence of the House is requested:

S. 571. An act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building".

S. 775. An act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office".

S. 904. An act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building".

The SPEAKER pro tempore. The Committee will resume its sitting.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The Committee resumed its sitting.

The Acting CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Of the amount made available under this heading, $290,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of targeted economic investments in accordance with the terms and conditions specified in the statement of managers accompanying this Act: *Provided*, That none of the funds provided under this paragraph may be used for program operations.

HOME INVESTMENT PARTNERSHIPS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, $1,850,000,000 to remain available until September 30, 2008: *Provided*, That of the total amount provided in this paragraph, up to $41,700,000 shall be available for housing counseling under section 106 of the Housing and Urban Development Act of 1968, and $1,000,000 shall be transferred to the Working Capital Fund.

In addition to amounts otherwise made available under this heading, $50,000,000, to remain available until September 30, 2008, for assistance to homebuyers as authorized under title I of the American Dream Downpayment Act.

SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, $60,800,000, to remain available until September 30, 2008: *Provided*, That of the total amount provided in this heading $23,800,000 shall be made available to the Self Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996 as amended: *Provided further*, That $28,000,000 shall be made available for capacity building, of which $27,000,000 shall be for capacity building for Community Development and affordable Housing for LISC and the Enterprise Foundation for activities authorized by Section 4 of the HUD Demonstration Act of 1993 (42 USC 9816 note), as in effect immediately before June 12, 1997 and $1,000,000 shall be made available for capacity building activities administered by Habitat for Humanity International: *Provided further*, That $3,000,000 shall be made available to the Housing Assistance Council, $1,000,000 shall be made available to the Native American Indian Housing Council, $4,000,000 shall be made available to the Housing Partnership Network, and $1,000,000 shall be made available to the Special Olympics, to remain available until September 30, 2008.

HOMELESS ASSISTANCE GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the emergency shelter grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the supportive housing program as authorized under subtitle C of title IV of such Act; the section 8 moderate rehabilitation single room occupancy program as authorized under the United States Housing Act of 1937, as amended, to assist homeless individuals pursuant to section 441 of the McKinney-Vento Homeless Assistance Act; and the shelter plus care program as authorized under subtitle F of title IV of such Act, $1,340,000,000, of which $1,320,000,000 shall remain available until September 30, 2008, and of which $20,000,000 shall remain available until expended: *Provided*, That not less than 30 percent of funds made available, excluding amounts provided for renewals under the shelter plus care program, shall be used for permanent housing: *Provided further*, That all funds awarded for services shall be matched by 25 percent in funding by each grantee: *Provided further*, That the Secretary shall renew on an annual basis expiring contracts or amendments to contracts funded under the shelter plus care program if the program is determined to be needed under the applicable continuum of care and meets appropriate program requirements and financial standards, as determined by the Secretary: *Provided further*, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible, including Medicaid, State Children's Health Insurance Program, Temporary Assistance for Needy Families, Food Stamps, and services funding through the Mental Health and Substance Abuse Block Grant, Workforce Investment Act, and the Welfare-to-Work grant program: *Provided further*, That up to $11,674,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project and technical assistance: *Provided further*, That $1,000,000 of the funds appropriated under this heading shall be transferred to the Working Capital Fund: *Provided further*, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account be available, if recaptured, for Shelter Plus Care renewals in fiscal year 2006.

HOUSING PROGRAMS

HOUSING FOR THE ELDERLY

(INCLUDING TRANSFER OF FUNDS)

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing, $741,000,000, to remain available until September 30, 2009, of which amount $49,600,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects, and of which amount up to $24,800,000 shall be for grants under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q-2) for conversion of eligible projects under such section to assisted living or related use and for emergency capital repairs as determined by the Secretary: *Provided*, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 capital advance projects: *Provided further*, That $400,000 shall be transferred to the Working Capital Fund: *Provided further*, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration.

HOUSING FOR PERSONS WITH DISABILITIES

(INCLUDING TRANSFER OF FUNDS)

For capital advance contracts, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, and for tenant-based rental assistance contracts entered into pursuant to section 811 of such Act, $238,100,000 to remain available until September 30, 2009: *Provided*, That $400,000 shall be transferred to the Working Capital Fund: *Provided further*, That, of the amount provided under this heading $78,300,000 shall be for amendments or renewal of tenant-based assistance contracts entered into prior to fiscal year 2005 (only one amendment authorized for any such contract): *Provided further*, That of the amount provided under this heading, the Secretary may make available up to $5,000,000 for incremental tenant-based rental assistance, as authorized by section 811 of such Act (which assistance is 5 years in duration): *Provided further*, That all tenant-based assistance made available under this heading shall continue to remain available only to persons with disabilities: *Provided further*, That the Secretary may waive the provisions of section 811 governing the terms and conditions of project rental assistance and tenant-based assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further That amounts made available under this heading shall be available for Real Estate Assessment Center Inspections and inspection-related activities associated with Section 811 Capital Advance Projects.

OTHER ASSISTED HOUSING PROGRAMS

RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, non-insured rental housing projects, $26,400,000, to remain available until expended.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 2005, and any collections made during fiscal year 2006 and all subsequent fiscal years, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401 et seq.), up to $12,896,000 to remain available until expended, to be derived from the Manufactured Housing Fees Trust Fund: *Provided*, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: *Provided further*, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0 and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2006 appropriation.

FEDERAL HOUSING ADMINISTRATION

MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2006, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $185,000,000,000.

During fiscal year 2006, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $50,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $355,000,000, of which not to exceed $351,000,000 shall be transferred to the appropriation for "Salaries and expenses": and not to exceed $4,000,000 shall be transferred to the appropriation for "Office of Inspector General". In addition, for administrative contract expenses, $62,600,000, of which $18,281,000 shall be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed $65,500,000,000 on or before April 1, 2006, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $30,000,000.

GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of loan guarantee modifications, as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended, $8,800,000, to remain available until expended: *Provided*, That commitments to guarantee loans shall not exceed $35,000,000,000 in total loan principal, any part of which is to be guaranteed.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000, of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $231,400,000, of which $211,400,000 shall be transferred to the appropriation for "Salaries and Expenses"; and of which $20,000,000 shall be transferred to the appropriation for "Office of Inspector General".

In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $71,900,000, of which $10,800,000 shall be transferred to the Working Capital Fund: *Provided*, That to the extent guaranteed loan commitments exceed $8,426,000,000 on or before April 1, 2006, an additional $1,980 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $8,426,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000, to remain available until September 30, 2007.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $10,700,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $10,700,000, shall be transferred to the appropriation for "Salaries and Expenses".

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $60,600,000, to remain available until September 30, 2007: *Provided*, That of the total amount provided under this heading, $5,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative: *Provided further*, That of the amounts made available for PATH under this heading, $2,500,000 shall not be subject to the requirements of section 305 of this title: *Provided further*, That of funds made available under this heading, $750,000 shall be transferred to the National Research Council for a study in accordance with the accompanying Report: *Provided further*, That

$29,038,000 is for grants pursuant to section 107 of the Housing and Community Development Act of 1974, as amended, as follows: $2,989,000 to support Alaska Native serving institutions and Native Hawaiian serving institutions as defined under the Higher Education Act, as amended; $2,562,000 for tribal colleges and universities to build, expand, renovate, and equip their facilities and to expand the role of the colleges into the community through the provision of needed services such as health programs, job training and economic development activities; $8,967,000 for Historically Black Colleges and Universities program, of which up to $2,000,000 may be used for technical assistance; $5,979,000 for the Community Outreach Partnership Program; $5,979,000 for the Hispanic Serving Institutions Program; and $2,562,000 for the Community Development Work Study Program.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $38,800,000, to remain available until September 30, 2007, of which $16,100,000 shall be to carry out activities pursuant to such section 561: *Provided*, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, $119,000,000, to remain available until September 30, 2007, of which $8,800,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: *Provided*, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, Operation Lead Elimination Action Plan (LEAP), or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $25,000 for official reception and representation expenses, $1,152,535,000, of which $562,400,000 shall be provided from the various funds of the Federal Housing Administration, $10,700,000 shall be provided from funds of the Government National Mortgage Association, $150,000 shall be provided by transfer from the "Native American housing block grants" account, $250,000 shall be provided by transfer from the "Indian housing loan guarantee fund program" account and $35,000 shall be transferred from the "Native Hawaiian housing loan guarantee fund" account: *Provided*, That funds made available under this heading shall only be allocated in the manner specified in the Report accompanying this Act unless the Committees on Appropriations of both the House of Representatives and the Senate are notified of any changes in an operating plan or reprogramming: *Provided further*, That no official or employee of the Department shall be designated as an allotment holder unless the Office of the Chief Financial Officer (OCFO) has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives: *Provided further*, That the Chief Financial Officer shall establish positive control of and maintain adequate systems of accounting for appropriations and other available funds as required by 31 U.S.C. 1514: *Provided further*, That for purposes of funds control and determining whether a violation exists under the Anti-Deficiency Act (31 U.S.C. 1341 et seq.), the point of obligation shall be the executed agreement or contract, except with respect to insurance and guarantee programs, certain types of salaries and expenses funding, and incremental funding that is authorized under an executed agreement or contract, and shall be designated in the approved funds control plan: *Provided further*, That the Chief Financial Officer shall: (1) appoint qualified personnel to conduct investigations of potential or actual violations; (2) establish minimum training requirements and other qualifications for personnel that may be appointed to conduct investigations; (3) establish guidelines and timeframes for the conduct and completion of investigations; (4) prescribe the content, format and other requirements for the submission of final reports on violations; and (5) prescribe such additional policies and procedures as may be required for conducting investigations of, and administering, processing, and reporting on, potential and actual violations of the Anti-Deficiency Act and all other statutes and regulations governing the obligation and expenditure of funds made available in this or any other Act: *Provided further*, That up to $15,000,000 may be transferred to the Working Capital Fund.

WORKING CAPITAL FUND

For additional capital for the Working Capital Fund (42 U.S.C. 3535) for the development of, modifications to, and infrastructure for Department-wide information technology systems, for the continuing operation of both Department-wide and program-specific information systems, and for program-related development activities, $165,000,000, to remain available until September 30, 2007: *Provided*, That any amounts transferred to this Fund under this Act shall remain available until expended: *Provided further*, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts or from within this Act may be used for the purposes specified under this Fund, in addition to the purposes for which such amounts were appropriated.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $103,000,000, of which $24,000,000 shall be provided from the various funds of the Federal Housing Administration: *Provided*, That the Inspector General shall have independent authority over all personnel issues within this office.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $60,000,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund: *Provided*, That of the amount made available under this heading, $5,000,000 is for litigation and to continue ongoing special investigations of the Federal housing enterprises: *Provided further*, That the Director shall submit a spending plan for the amounts provided under this heading no later than January 15, 2005: *Provided further*, That not less than 80 percent of total amount made available under this heading shall be used only for examination, supervision, and capital oversight of the enterprises (as such term is defined in section 1303 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4502)) to ensure that the enterprises are operating in a financially safe and sound manner and complying with the capital requirements under Subtitle B of such Act: *Provided further*, That not to exceed the amount provided herein shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

SEC. 301. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437 note) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

SEC. 302. None of the amounts made available under this Act may be used during fiscal year 2006 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 303. (a) Notwithstanding section 854(c)(1)(A) of the AIDS Housing Opportunity

Act (42 U.S.C. 12903(c)(1)(A)), from any amounts made available under this title for fiscal year 2006 that are allocated under such section, the Secretary of Housing and Urban Development shall allocate and make a grant, in the amount determined under subsection (b), for any State that—

(1) received an allocation in a prior fiscal year under clause (ii) of such section; and

(2) is not otherwise eligible for an allocation for fiscal year 2006 under such clause (ii) because the areas in the State outside of the metropolitan statistical areas that qualify under clause (i) in fiscal year 2006 do not have the number of cases of acquired immunodeficiency syndrome (AIDS) required under such clause.

(b) The amount of the allocation and grant for any State described in subsection (a) shall be an amount based on the cumulative number of AIDS cases in the areas of that State that are outside of metropolitan statistical areas that qualify under clause (i) of such section 854(c)(1)(A) in fiscal year 2006, in proportion to AIDS cases among cities and States that qualify under clauses (i) and (ii) of such section and States deemed eligible under subsection (a).

(c) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of New York, New York, on behalf of the New York-Wayne-White Plains, New York-New Jersey Metropolitan Division (hereafter "metropolitan division") of the New York-Newark-Edison, NY-NJ-PA Metropolitan Statistical Area, shall be adjusted by the Secretary of Housing and Urban Development by: (1) allocating to the City of Jersey City, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Hudson County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS; and (2) allocating to the City of Paterson, New Jersey, the proportion of the metropolitan area's or division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area or division that is located in Bergen County and Passaic County, New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The recipient cities shall use amounts allocated under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in their respective portions of the metropolitan division that is located in New Jersey.

(d) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to areas with a higher than average per capita incidence of AIDS, shall be adjusted by the Secretary on the basis of area incidence reported over a three year period.

SEC. 304. (a) During fiscal year 2006, in the provision of rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) in connection with a program to demonstrate the economy and effectiveness of providing such assistance for use in assisted living facilities that is carried out in the counties of the State of Michigan notwithstanding paragraphs (3) and (18)(B)(iii) of such section 8(o), a family residing in an assisted living facility in any such county, on behalf of which a public housing agency provides assistance pursuant to section 8(o)(18) of such Act, may be required, at the time the family initially receives such assistance, to pay rent in an amount exceeding 40 percent of the monthly adjusted income of the family by such a percentage or amount as the Secretary of Housing and Urban Development determines to be appropriate.

SEC. 305. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title III of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989.

SEC. 306. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 307. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 308. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2006 for such corporation or agency except as hereinafter provided: *Provided*, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 309. None of the funds provided in this title for technical assistance, training, or management improvements may be obligated or expended unless HUD provides to the Committees on Appropriations a description of each proposed activity and a detailed budget estimate of the costs associated with each program, project or activity as part of the Budget Justifications. For fiscal year 2006, HUD shall transmit this information to the Committees by March 15, 2006 for 30 days of review.

SEC. 310. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 311. Notwithstanding any other provision of law, in fiscal year 2006, in managing and disposing of any multifamily property that is owned or held by the Secretary and is occupied primarily by elderly or disabled families, the Secretary of Housing and Urban Development shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 that are attached to any dwelling units in the property. To the extent the Secretary determines that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties or provide other rental assistance.

SEC. 312. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), to the City of Wilmington, Delaware, on behalf of the Wilmington, Delaware-Maryland-New Jersey Metropolitan Division (hereafter "metropolitan division"), shall be adjusted by the Secretary of Housing and Urban Development by allocating to the State of New Jersey the proportion of the metropolitan division's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan division that is located in New Jersey, and adjusting for the proportion of the metropolitan division's high incidence bonus if this area in New Jersey also has a higher than average per capita incidence of AIDS. The State of New Jersey shall use amounts allocated to the State under this subsection to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan division that is located in New Jersey.

(b) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development shall allocate to Wake County, North Carolina, the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)) to the City of Raleigh, North Carolina, on behalf of the Raleigh-Cary, North Carolina Metropolitan Statistical Area. Any amounts allocated to Wake County shall be used to carry out eligible activities under section 855 of such Act (42 U.S.C. 12904) within such metropolitan statistical area.

(c) Notwithstanding section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development may adjust the allocation of the amounts that otherwise would be allocated for fiscal year 2006 under section 854(c) of such Act, upon the written request of an applicant, in conjunction with the State(s), for a formula allocation on behalf of a metropolitan statistical area, to designate the State or States in which the metropolitan statistical area is located as the eligible grantee(s) of the allocation. In the case that a metropolitan statistical area involves more than one State, such amounts allocated to each State shall be in proportion to the number of cases of AIDS reported in the portion of the metropolitan statistical area located in that State. Any amounts allocated to a State under this section shall be used to carry out eligible activities within the portion of the metropolitan statistical area located in that State.

SEC. 313. Notwithstanding any other provision of law, for this fiscal year and every fiscal year thereafter, funds appropriated for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, shall be available for the cost of maintaining and disposing of such properties that are acquired or otherwise become the responsibility of the Department.

SEC. 314. The Secretary of Housing and Urban Development shall submit an annual report no later than August 30, 2006 and annually thereafter to the House and Senate Committees on Appropriations regarding the number of Federally assisted units under lease and the per unit cost of these units to the Department of Housing and Urban Development.

SEC. 315. The Department of Housing and Urban Development shall submit the Department's fiscal year 2006 congressional budget justifications to the Committees on Appropriations of the House of Representatives and the Senate using the identical structure provided under this Act and only in accordance with the direction specified in the report accompanying this Act.

SEC. 316. That incremental vouchers previously made available under the heading "Housing Certificate Fund" or renewed under the heading, "Tenant-Based Rental Assistance," for non-elderly disabled families shall, to the extent practicable, continue to be provided to non-elderly disabled families upon turnover.

SEC. 317. A public housing agency or such other entity that administers Federal housing assistance in the States of Alaska, Iowa, and Mississippi shall not be required to include a resident of public housing or a recipient of assistance provided under section 8 of the United States Housing Act of 1937 on the board of directors or a similar governing board of such agency or entity as required under section (2)(b) of such Act. Each public housing agency or other entity that administers Federal housing assistance under section 8 in the States of Alaska, Iowa and Mississippi shall establish an advisory board of not less than 6 residents of public housing or recipients of section 8 assistance to provide advice and comment to the public housing agency or other administering entity on issues related to public housing and section 8. Such advisory board shall meet not less than quarterly.

SEC. 318. The funds made available for Native Alaskans under the heading "Native American Housing Block Grants" in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 319. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 320. CLARIFICATION REGARDING MORTGAGE INSURANCE FOR PURCHASE OF EXISTING HEALTH CARE FACILITIES.—Section 223(f)(1) of the National Housing Act is amended by inserting "purchase or" immediately before "refinancing of existing debt".

SEC. 321. Notwithstanding any other provision of law, for fiscal year 2006 and thereafter, all mortgagees receiving interest reduction payments under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall submit only electronic invoices to the Department of Housing and Development in order to receive such payments.The mortgagees shall comply with this requirement no later than 90 days from the date of enactment of this provision.

SEC. 322. Notwithstanding any other provision of law, the recipient of a grant under section 202b of the Housing Act of 1959 (12 U.S.C. 1701q–2) after December 26, 2000, in accordance with the unnumbered paragraph at the end of section 202b(b) of such Act, may, at its option, establish a single-asset nonprofit entity to own the project and may lend the grant funds to such entity, which may be a private nonprofit organization described in section 831 of the American Homeownership and Economic Opportunity Act of 2000.

Mr. KNOLLENBERG (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 109, line 12, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Acting CHAIRMAN. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance, and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $60,730,000, of which $2,000,000 shall remain available until expended.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

Page 110, line 1, insert after the dollar figure the following: "(reduced by $1,500,000)".

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I bring an amendment here before this body to address an issue that we have discussed here in earlier amendments that has to do with the fifth amendment decision by the Supreme Court.

American homes and businesses are no longer safe after the recent Supreme Court ruling in the Kelo v. City of New London. The Supreme Court allowed the government to seize private property for private use, not public use, and without a justifiable public use, totally contradicting our Constitution. The fifth amendment to our Constitution is clear: the government can only seize private property for public use; and when it does, it must pay just compensation.

The fifth amendment says: "Nor shall private property be taken for public use without just compensation."

What good are the property rights protected by our Constitution if the government can take your own home away from you whenever it wants? Our free society is based upon property rights; and without the right to private property, our economy would fail, and Americans would be unable to keep or enjoy the fruits of their labor.

The use of eminent domain for private property is a perversion of what eminent domain is supposed to be. Eminent domain can be used to build roads and for other similar public-use projects, but the power of eminent domain has been abused by State and local governments to benefit private property development. That is simply wrong. The homeowners should not be forced out of their homes or to sell their other private interests by the strong arm of the Supreme Court. But the Kelo v. City of New London in its recent decision this week does that, Mr. Chairman; and it takes away the homes of a number of individuals, at least 15 of them, and I would point these out.

This is the home of Susanne and Matt Dery. They may lose their home of 20 years. And this is the home of Bill Von Winkle, it is his business, it is one of the 15 properties condemned for economic development, Mr. Von Winkle. Here is the subject of the lawsuit, Susette Kelo. She received notice of condemnation of her New London home from the Development Corporation of New London that had been granted the authorization by the city council the day before Thanksgiving in the year 2000.

This runs exactly contrary to the protection that we are to have in the fifth amendment; and yet the Supreme Court has disregarded the Constitution and, in fact, amended the Constitution in this rolling constitutional convention that seems to be coming at us nearly every week from the Supreme Court.

So my amendment strikes $1.5 million from the overall budget of the Supreme Court, out of the $60 million; and it is roughly the amount, the nominal amount of the homes that will be confiscated in New London. It is a token. It is nominal. It is not the full value of those homes, Mr. Chairman.

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But what it does is say is this Congress is going to speak up for the people whose property rights have been significantly diminished by this decision, this Kilo decision, and we are going to find a way to defend the property rights of the people of this country.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

The committee provided additional support for the Supreme Court salaries and expense accounts in order to hire additional police officers and a threat assessment officer. I understand part of what the gentleman is saying. He disagrees with the decision of the court. But I think the idea of reducing funding is going in the wrong direction. Reducing this funding would weaken security at the court at the very time when threats and violence against judges is a real concern. And I do understand the gentleman's concern with the recent imminent domain ruling. But I do not want to jeopardize court security to make a political point. I think it is the wrong decision.

Furthermore, I do not recall a single time in my tenure when this House cut funding for the Supreme Court to punish it for a ruling. And that is the part I disagree with very strongly. So I would urge a "no" vote.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. OLVER), my ranking member for any thoughts he has on this amendment.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding. I think this puts us on a remarkably slippery slope, the proposal that has been made by the gentleman from Indiana. Each of us take an oath to uphold the Constitution, and that includes upholding the separation of powers between the branches of this government, for one thing.

For a second thing, the Supreme Court is at this time, if I remember correctly, six out of the nine justices have been named by Republican conservative presidents or are supposedly from at least the Republican side. And so this is not a liberal court. This is a centrist court, if not a slightly conservative court. So here we are with a proposal. If I remember correctly, there were, in fact, two decisions, each of them taken by a five-to-four vote, and someone switched there. I do not remember exactly which person switched, so that the commentators that I saw commenting on this in columns suggested that the sum total of what had been done with those two decisions left the situation essentially what it was over the body of material that was being covered by the two decisions. So I think this is a remarkably bold suggestion that we should punish a court, a court in the situation that I have described for a decision which really makes a very minor change in the circumstances. And I would certainly oppose the gentleman's amendment.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. KING of Iowa. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I would point out that we did increase the budget to the Supreme Court this year and significantly. This is a $60 million operating budget. About $2 million of that goes for the wages of the Supreme Court Justices. The balance of that is for operations. This simply goes to their administrative fees. They would be the ones that could prioritize their security versus the overall cost. But if this is a precedent to reduce funding, in fact, it is not reducing funding. It is just reducing the increase in funding, $1.5 million. If this is a precedent, then so be it. It is time we had a precedent. The judges in the Supreme Court swear to uphold the Constitution just like we do, and they are the last people on this continent that should be amending the Constitution. They are charged to uphold the Constitution. This Congress needs to send a message.

I would point out, too, that I am far from in the minority on this opinion, and I do not look at the Supreme Court Justices as whether they are appointed by the Republicans or by the Democrats. When they go to court, they do not seem to maintain some of the semblance of their previous party, and I think we all recognize that. But I will say, it was a five-four decision. It was a decision as close as a decision can be, and if one of justices had changed their mind, it would be five-four the other way. And we have a Constitution that is at least partially whole for the fifth amendment. But what we have particularly, I want to point out on this Floor that Justice O'Connor is one who I agree with on this case, and she said, and I quote in her opinion: "The absurd argument that any single-family home that might be razed to make way for an apartment building or any church that might be replaced with a retail store, or any small business that might be more lucrative if it were instead part of a national franchise, it is inherently harmful to society and thus within the government's power to condemn."

I ask for a "yes" vote.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Just in closing, I recognize the gentleman has some difficulty in that decision. But as I said before, this is something that I have never heard in the history, certainly in my history, where we were asked to penalize the Supreme Court for a decision.

The thing I would say is, yes, there are individuals on the Supreme Court that we may have more identification with, more support for and would reinforce. But it is nine people that make the decision, not one. And so I think that we should leave it as it is, and I urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa (Mr. KING) will be postponed.

The Clerk will read.

The Clerk read as follows:

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon the Architect by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $5,624,000, which shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $24,613,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services, and necessary expenses of the court, as authorized by law, $15,480,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $4,348,780,000 (including the purchase of firearms and ammunition); of which not to exceed $27,817,000 shall remain available until expended for space alteration projects and for furniture and furnishings related to new space alteration and construction projects; of which $1,300,000 of the funds provided for the Judiciary Information Technology Fund will be for the Edwin L. Nelson Local Initiatives Program, within which $1,000,000 will be reserved for local court grants.

AMENDMENT OFFERED BY MS. HERSETH

Ms. HERSETH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HERSETH:

Page 111, line 5, after the dollar amount, insert "(increased by $6,900,000)".

Page 164, line 12, after the first dollar amount, insert "(reduced by $6,900,000)".

Page 168, line 25, after the dollar amount, insert "(reduced by $6,900,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from South Dakota (Ms. HERSETH) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Chairman, I yield myself such time as I may consume.

I would like to begin by thanking the gentleman from Michigan (Mr. KNOLLENBERG) and the gentleman from Massachusetts (Mr. OLVER) and the members of the subcommittee for their hard work on this appropriations legislation. I realize that we are working with limited resources, and I commend them for their bipartisan efforts to craft the best possible legislation within the constraints of the budget resolution. But I am compelled to offer this significant amendment to the Transportation, Treasury and Housing appropriations bill.

Within this bill that funds large Federal agencies like the Department of Transportation and the Department of Housing and Urban Development, the Federal Judiciary often is overlooked. Yet, this year, when the Congress has passed significant legislation that will increase the workload of the courts, we need to remember our responsibility to the Judiciary, our coequal branch of government.

I had the privilege of working not only with a Federal District Court judge but also a Federal Appellate Court judge. I recognize their workload, their commitment and their dedication to serving our country. And I think that this amendment is fairly straightforward in recognition of their continued hard work in light of the significant legislation that increases their workload. It would add $6.9 million to the salaries and expenditures account in the Court of Appeals, District courts and other judicial services subsection of title IV of this act. It would be fully offset from the Federal buildings fund of the General Services Administration.

This amendment will provide our Federal court system with the resources they need to manage the surge of complex litigation that they will receive as a result of the recently enacted Class Action Fairness Act of 2005. The administrative office of the U.S. courts has projected that as many as 300 complex class action lawsuits will be moved out of State courts and into Federal courts as a result of this new law, at an estimated cost of $23,000 per case for a total cost of $6.9 million.

Federal courts are already burdened with a huge docket of criminal and immigration cases. Failure to increase funding for Federal courts to account for the increase in complicated class actions that will flow from the Class Action Fairness Act will drastically delay the judicial process for thousands of plaintiffs and defendants seeking civil redress in our Federal courts.

The Senate has already recognized this need. In the 2005 emergency supplemental appropriations bill, it sought to provide increased funding to the Judiciary, but its language was stripped out in conference. It is time for the House to take responsibility for the anticipated impact of the Class Action Fairness Act when imposing significant new costs on the coequal branch of government. We have a duty to provide the necessary resources to meet those costs. My amendment will provide this funding, and I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume. This amendment proposes to add $6.9 million to the Judiciary to pay for class action lawsuits. And I am certainly familiar with class action lawsuits. What I am not concerned about is class action lawsuits but rather the fact that the money that is coming out of GSA is becoming a burden, a big burden.

The Judiciary has received an increase of more than $325 million above last year, or more than 6 percent. Of that total, the amendment received a $223 million increase in the bill. That is $223 million up.

While I am sympathetic to the needs of the Judiciary, I believe that sufficient funds are being provided in the bill to address the intent of the amendment.

Furthermore, as I said, GSA is being threatened, it seems, with death by a thousand cuts. I ask that the House not support amendment that compromise GSA's ability to provide safe and clean facilities for government agencies. And so therefore, I ask for a "no" vote.

Mr. Chairman, I reserve the balance of my time.

Ms. HERSETH. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the Chairman's concern about the GSA account. However, it is substantial. We know in our dealings with GSA that they can withstand certain cuts. I know other amendments throughout the day and this evening have been offered and have identified the GSA account for offsets. However, this is $6.9 million. I know that the chairman has acknowledged that the Judiciary has received an increase, but I would contend that it is nowhere near what is necessary for our coequal branch of government. Not only have we increased their jurisdiction from the Class Action Fairness Act, but other legislation passed by this body throughout this term. And I believe it is important especially when we are dealing with litigants who are trying to get civil relief.

I have seen for myself, in working at the District Court level, other civil actions that keep getting pushed back and pushed back and pushed back because of the need to handle the increased caseload in both criminal law and immigration cases. And so I contend that the $6.9 million can be withstood out of the GSA account, and that is necessary to increase this funding, particularly for the complex litigation that will make its way from the State courts into the Federal courts.

So while I acknowledge the chairman's concern, I would continue to urge my colleagues to take a close look; understand that this is not a significant amount coming out of a very sizable account for GSA to help our colleagues in the judicial branch.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

I said pretty much what I felt was at issue here. And I think again it is GSA. If you remember when we started earlier in the day, GSA became the focus for any kind of money for any kind of purpose. And if anybody is doing any totaling, they will know that we are really stretching what ultimately is going to become a difficult problem for GSA. So when does the money have to flow back into GSA? At some point. I would rather not even go that direction and say that, as I have said before, that I would really prefer that the House not support amendments that compromise GSA's ability to provide safe and clean facilities for government agencies, and so I ask for a "no" vote.

Mr. Chairman, I reserve the balance of my time.

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Ms. HERSETH. Mr. Chairman, I yield myself such time as I may consume.

Just a final point. It becomes difficult when we are trying to allocate these limited resources, I know; and I would commend GSA for the work that it has done. But I do believe that when we are looking at our colleagues in the judiciary, a co-equal branch of government, and in response to not only Supreme Court decisions that will increase the workload in the area of sentencing for many of our judges, but again, the continued increase that we have seen in the criminal case load, immigration cases and elsewhere, that our primary concern should be with civil litigants, and we should be able to find this offset from GSA.

Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Just briefly, the reason everybody is going to GSA is that is about the only place they can go for money. There is not any out there. So I, again, would ask strongly for a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from South Dakota (Ms. HERSETH).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. HERSETH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from South Dakota (Ms. HERSETH) will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $3,833,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

DEFENDER SERVICES

For the operation of Federal Defender organizations; the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended (18 U.S.C. 3006A); the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act of 1964 as amended (18 U.S.C. 3006A(e)); the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel; the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences; the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d); and for necessary training and general administrative expenses, $721,919,000, to remain available until expended.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)), $60,053,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, incident to the provision of protective guard services for United States courthouses and other facilities housing Federal court operations, and the procurement, installation, and maintenance of security systems and equipment for United States courthouses and other facilities housing Federal court operations, including building ingress-egress control, inspection of mail and packages, directed security patrols, perimeter security, basic security services provided by the Federal Protective Service, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702), $379,461,000, of which not to exceed $15,000,000 shall remain available until expended, to be expended directly or transferred to the United States Marshals Service, which shall be responsible for administering the Judicial Facility Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $70,262,000, of which not to exceed $8,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $22,249,000; of which $1,800,000 shall remain available through September 30, 2007, to provide education and training to Federal court personnel; and of which not to exceed $1,500 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $36,800,000; to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $600,000; and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $3,200,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $14,046,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

ADMINISTRATIVE PROVISIONS—THE JUDICIARY

SEC. 401. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and Other Judicial Services, Defender Services" and "Courts of Appeals, District Courts, and Other Judicial Services, Fees of Jurors and Commissioners", shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 810 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Notwithstanding any other provision of law, the salaries and expenses appropriation for Courts of Appeals, District Courts, and Other Judicial Services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $11,000 and shall be administered by the Director of the Administrative Office of the United States Courts in the capacity as Secretary of the Judicial Conference.

TITLE V—THE DISTRICT OF COLUMBIA

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, $33,200,000, to remain available until expended: *Provided*, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to $2,500 each year at eligible private institutions of higher education: *Provided further*, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: *Provided further*, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: *Provided further*, That the account shall be under the control of the District of Columbia Chief Financial Officer, who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: *Provided further*, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: *Provided further*, That not more than $1,200,000 of the total amount appropriated for this program may be used for administrative expenses.

FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, $15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: *Provided*, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been apportioned pursuant to chapter 15 of title 31, United States Code.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $221,693,000, to be allocated as follows: for the District of Columbia Court of Appeals, $9,198,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, $87,342,000, of which not to exceed $1,500 is for official reception and representation expenses; for the District of Columbia Court System, $41,643,000, of which not to exceed $1,500 is for official reception and representation expenses; and $83,510,000, to remain available until September 30, 2007, for capital improvements for District of Columbia courthouse facilities: *Provided*, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause "availability of Funds" found at 48 CFR 52.232–18: *Provided further*, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: *Provided further*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: *Provided further*, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided under this heading among the items and entities funded under this heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $45,000,000, to remain available until expended: *Provided*, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $83,510,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: *Provided further*, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the $83,510,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: *Provided further*, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided futher*, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), and such services shall include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, $203,388,000, of which not to exceed $2,000 is for official receptions and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed $25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which $131,360,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which $42,195,000 shall be available to the Pretrial Services Agency; and of which $29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: *Provided*, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further*, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: *Provided further*, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: *Provided further*, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursable basis: *Provided further*, That the Public Defender Service is authorized to charge fees to cover costs of materials distributed and training provided to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding section 3302 of title 31, United States Code, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

WATER AND SEWER AUTHORITY

For a Federal payment to the District of Columbia Water and Sewer Authority, $10,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: *Provided*, That the District of Columbia Water and Sewer Authority provides a 100 percent match for this payment.

FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE

For a Federal payment to the District of Columbia Department of Transportation, $5,000,000, to remain available until September 30, 2007, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL

For a Federal payment to the Criminal Justice Coordinating Council, $1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, $20,000,000: *Provided*, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia (CFO) a report on the activities to be carried out with such funds no later than March 15, 2006, and the CFO shall submit a comprehensive report to the Committees on Appropriations of the House of Representatives and the Senate no later June 1, 2006.

FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT

For a Federal payment for a school improvement program in the District of Columbia, $41,616,000, to be allocated as follows: for the District of Columbia Public Schools, $13,525,000 to improve public school education in the District of Columbia; for the State Education Office, $13,525,000 to expand quality public charter schools in the District of Columbia, to remain available until September 30, 2007; for the Secretary of the Department of Education, $14,566,000 to provide opportunity scholarships for students in the

District of Columbia in accordance with division C, title III of the District of Columbia Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 126), of which up to $1,000,000 may be used to administer and fund assessments.

FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY

For a Federal payment to the District of Columbia, $7,200,000, to remain available until September 30, 2007, for design, planning, and procurement costs associated with the construction of a bioterrorism and forensics laboratory: *Provided*, That the District of Columbia shall provide an additional $1,500,000 with local funds as a condition of receiving this payment.

District of Columbia Funds

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: *Provided*, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.50a) and provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2006 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or $8,700,158,000 (of which $5,007,344,000 shall be from local funds, $1,921,287,000 shall be from Federal grant funds, $1,754,399,000 shall be from other funds, and $17,129,000 shall be from private funds), in addition, $163,116,000 from funds previously appropriated in this Act as Federal payments: *Provided further*, That of the local funds, $466,830,000 shall be derived from the District's general fund balance: *Provided further*, That of these funds the District's intradistrict authority shall be $468,486,000: *Provided further*, That the amounts provided under this heading are to be allocated and expended as proposed under "Title II-District of Columbia Funds" of the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to the Congress of the United States by the District of Columbia on June 6, 2005: *Provided further*, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: *Provided further*, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: *Provided further*, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2006, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

GOVERNMENTAL DIRECTION AND SUPPORT

Administrative Provisions—District of Columbia

SEC. 501. Whenever in this title, an amount is specified within an appropriation for a particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 502. Appropriations in this title shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor, or, in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 503. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 504. (a) Except as provided in subsection (b), no part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

(b) The District of Columbia may use local funds provided in this title to carry out lobbying activities on any matter other than—

(1) the promotion or support of any boycott; or

(2) statehood for the District of Columbia or voting representation in Congress for the District of Columbia.

(c) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any of the issues referred to in subsection (b).

SEC. 505. (a) None of the funds provided under this title to the agencies funded by this title, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this title, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of $3,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center,

unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None the local funds contained in this title may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of $3,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 506. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this title shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 507. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1–601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees. For pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 508. No later than 30 days after the end of the first quarter of fiscal year 2006, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2006 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2007. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 509. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Official Code, sec. 2–303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 510. None of the Federal funds provided in this title may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 511. None of the Federal funds made available in this title may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 512. (a) Notwithstanding any other provision of this title, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this title.

(b)(1) No such Federal, private, or other grant may be obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed

and approved the obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this title, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 513. (a) Except as otherwise provided in this section, none of the funds made available by this title or by any other title may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2006, an inventory, as of September 30, 2005, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 514. None of the funds contained in this title may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2006 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2–302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 515. (a) None of the funds contained in this title may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 516. (a) None of the funds contained in this title may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this title and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this title.

SEC. 517. None of the funds contained in this title may be used after the expiration of the 60-day period that begins on the date of the enactment of this title to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this title (and the amendments made by this title), including any duty to prepare a report requested either in the title or in any of the reports accompanying the title and the deadline by which each report must be submitted: *Provided*, That the Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 518. Nothing in this title may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 519. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 520. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1–204.42), for all agencies of the District of Columbia government for fiscal year 2006 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) This section shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 521. None of the Federal funds made available in this title may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 522. Notwithstanding any other law, in fiscal year 2006 and in each subsequent fiscal year, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(1) and (2)): *Provided*, that the transferred funds are hereby made available and shall remain available until expended and shall be used by the Office of the Attorney General of the District of Columbia for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 523. (a) None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action brought against the District

of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of $4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer, or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

(b) In this section, the term "action" includes an administrative proceeding and any ensuing or related proceedings before a court of competent jurisdiction.

SEC. 524. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Education Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia. As part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification. The Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA. The Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 525. The amount appropriated by this title may be increased by no more than $42,000,000 from funds identified in the comprehensive annual financial report as the District's fiscal year 2005 unexpended general fund surplus. The District may obligate and expend these amounts only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify that the use of any such amounts is not anticipated to have a negative impact on the District's long-term financial, fiscal, and economic vitality.

(2) The District of Columbia may only use these funds for the following expenditures:

(A) One-time expenditures.

(B) Expenditures to avoid deficit spending.

(C) Debt Reduction.

(D) Program needs.

(E) Expenditures to avoid revenue shortfalls.

(3) The amounts shall be obligated and expended in accordance with laws enacted by the Council in support of each such obligation or expenditure.

(4) The amounts may not be used to fund the agencies of the District of Columbia government under court ordered receivership.

(5) The amounts may not be obligated or expended unless the Mayor notifies the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 526. (a) The fourth proviso in the item relating to "Federal Payment for School Improvement" in the District of Columbia Appropriations Act, 2005 (Public Law 108–335; 118 Stat. 1327) is amended—

(1) by striking "$4,000,000" and inserting "$4,000,000, to remain available until expended,"; and

(2) by striking "$2,000,000 shall be for a new incentive fund" and inserting "$2,000,000, to remain available until expended, shall be for a new incentive fund".

(b) The amendments made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Appropriations Act, 2005.

SEC. 527. (a) To account for an unanticipated growth of revenue collections, the amount appropriated as District of Columbia Funds pursuant to this Act may be increased—

(1) by an aggregate amount of not more than 25 percent, in the case of amounts proposed to be allocated as "Other-Type Funds" in the Fiscal Year 2006 Proposed Budget and Financial Plan submitted to Congress by the District of Columbia on June 6, 2005; and

(2) by an aggregate amount of not more than 6 percent, in the case of any other amounts proposed to be allocated in such Proposed Budget and Financial Plan.

(b) The District of Columbia may obligate and expend any increase in the amount of funds authorized under this section only in accordance with the following conditions:

(1) The Chief Financial Officer of the District of Columbia shall certify—

(A) the increase in revenue; and

(B) that the use of the amounts is not anticipated to have a negative impact on the long-term financial, fiscal, or economic health of the District.

(2) The amounts shall be obligated and expended in accordance with laws enacted by the Council of the District of Columbia in support of each such obligation and expenditure, consistent with the requirements of this Act.

(3) The amounts may not be used to fund any agencies of the District government operating under court-ordered receivership.

(4) The amounts may not be obligated or expended unless the Mayor has notified the Committees on Appropriations of the House of Representatives and Senate not fewer than 30 days in advance of the obligation or expenditure.

SEC. 528. (a) Notwithstanding section 450A of the District of Columbia Home Rule Act, during fiscal year 2006 the District of Columbia may allocate amounts from the emergency reserve fund established under section 450A(a) of such Act and the contingency reserve fund established under section 450A(b) of such Act and use such amounts to fund the operations of the District government during such fiscal year (consistent with the requirements of this Act and other applicable law).

(b) The aggregate amount allocated from the emergency reserve fund or the contingency reserve fund under this section may not exceed 50 percent of the balance of the fund involved as of October 1, 2005.

(c) If the District of Columbia allocates any amounts from a reserve fund under this section, the District shall fully replenish the fund for the amounts allocated not later than February 15, 2007.

SEC. 529. Notwithstanding any other provision of this Act, there is hereby appropriated for the Office of the Inspector General such amounts in local funds, as are consistent with the annual estimates for the expenditures and appropriations necessary for the operation of the Office of the Inspector General as prepared by the Inspector General and submitted to the Mayor and forwarded to the Council pursuant to D.C. Official Code 2–302.08(a)(2)(A) for fiscal year 2005: *Provided*, That the Office of the Chief Financial Officer shall take such steps as are necessary to implement the provisions of this subsection.

SEC. 530. (a) None of the funds contained in this title may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 531. None of the funds appropriated under this title shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 148, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $450,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code.

WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); and not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $53,830,000: *Provided*, That of the funds appropriated under this heading, $750,000 shall be for the Privacy and Civil Liberties Oversight Board.

AMENDMENT NO. 8 OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. MALONEY:

Page 150, line 1, strike "$750,000" and insert "$3,000,000".

MODIFICATION TO AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 8 offered by Mrs. MALONEY:

Page 150, line 1, strike "$750,000" and insert "$1,500,000".

The CHAIRMAN. Is there objection to the modification offered by the gentlewoman from New York?

There was no objection.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank very much the gentleman from Michigan (Mr. KNOLLENBERG) and the ranking member, the gentleman from Massachusetts (Mr. OLVER), for accepting my amendment and this modification which we worked on together with the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New Mexico (Mr. UDALL).

Our amendment would double the funding for the government wide Privacy and Civil Liberties Board.

Mr. Chairman, one way Congress and the President can show their support for a program is the level of funding appropriated.

When we passed the Intelligence Reform and Terrorism Prevention Act last year a key aspect of this legislation was the creation of a government-wide Privacy and Civil Liberties Board.

In the legislation, Congress and the President negotiated that this board would receive "such sums necessary" for the board's operations. We recognized that a robust civil liberties board is a critical tool in the fight against terrorism.

The board we have is a giant step toward this goal and I am pleased that the necessary appointments to this board have been made. Right now we are awaiting Senate confirmation of the chair and vice-chair.

The appropriations bill before us today and the budget the President submitted both include a sum of $750,000 for this board. This board is to be funded from the $53 million account provided for the Executive Office of the President.

Since the President made the request of $750,000, there has been concern that this was not an adequate funding level for a board charged with monitoring civil liberties and privacy government-wide. That is why we are offering an amendment to today's bill to increase funding for the board from $750,000 to $1.5 million.

Our amendment would increase the amount reserved for the board in the funding for the Executive Office of the President. Should our amendment prevail, the Executive Office of the President will still have discretion of over $50 million of their $53 million budget.

Increasing funding from $750,000 to $1.5 million is a modest, but important increase. Quite frankly, we provide much more than $750,000 to each Member to fund the operation of their Congressional Office. How can we expect a board to monitor privacy and civil liberties government-wide for less than the cost of funding one of our offices?

This funding will be the difference between a board that will struggle standing itself up due to budget constraints, to a board that is able to do their job with the staff and infrastructure needed to appropriately monitor privacy and civil liberties. Supporting this amendment will send a message that Congress fully intends to support this important board and that we take the job of protecting the American people's civil liberties seriously. To put this in perspective, a $1.5 million funding level is still far less than the $13 million budget for the Privacy Office at the Department of Homeland Security.

It should be noted that the 9/11 Commission in their Reports stated in their recommendation for the creation of a civil liberties board stated: "If our liberties are curtailed, we lose the value we are struggling to defend."

I know that I do not have to remind anyone here about the importance of preventing a future attack, but in order to make sure that the American people remain steadfast in our fight and we do not unduly violate the privacy and civil liberties we must empower this board to do their job.

I have a poster here of some very questionable headlines regarding civil liberties. Including: A New York Times headline: "Secret court says F.B.I. misled judges in 75 cases" or A Washington Times headline "Bill seen as threat civil liberties" and a CBS News headline of "Patriot Act Abuses Seen" They may speak the truth or they may be hyperbole, but we may never know unless we appropriately fund this board.

One issue that I would like the new board to investigate is the Social Security's use of their "adhoc" authority to release Social Security data after 9/11. While I have confidence that the Social Security Administration acted properly in releasing data, a front page story last week in the New York Times, as well as documents the administration released in a FOIA request, raises more questions than answers.

The story reported that the Social Security Administration has relaxed its privacy restrictions and searched thousands of its files at the request of the F.B.I. as part of terrorism investigations since the Sept. 11, 2001, attacks.

This might be all above the board or there might be something that is worth looking into. Regardless we need a board that has the resources to undertake such a project.

I would also like to mention that I and the other sponsors of this amendment have been advocates for an even more robust board. In the future I think we need to consider such things as granting subpoena power to the board. But today, we must make a commitment of funding to this board.

To quote former 9/11 Commissioner Richard BenVeniste: "The proposed budget of $750,000 for the new Board is plainly inadequate to carry out the robust oversight function the 9–11 Commission deemed critical to ensuring that enhanced governmental powers to combat terrorism are not misused."

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we will accept the amendment.

Mrs. MALONEY. Mr. Chairman, reclaiming my time, I thank the chairman for accepting the amendment and for accepting the doubling of the funding.

Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I thank the chairman for accepting the amendment.

I rise in strong support of this amendment, which would increase funding for the Privacy and Civil Liberties Oversight Board, created by the Intelligence Reform and Terrorism Prevention Act (P.L. 108–458), to $1.5 million.

The bill currently reserves $750,000 of the $53 million budget of the Executive Office of the President for the Privacy and Civil Liberties Oversight Board. The amendment would reserve $3 million of this $53 million budget. This level of funding is closer to what was initially given to the 9/11 Commission.

The purpose of the Privacy and Civil Liberties Oversight Board is to ensure the protection of civil liberties by the Federal Government. The appropriate amount of funding is crucial in ensuring that privacy and civil liberties concern are appropriately considered. This will prove significant in the implementation of laws, regulations, and executive branch policies related to efforts to protect our Nation against terrorism.

In addition, the additional funding will allow the board to develop the infrastructure they need to do their job and will demonstrate Congress' intentions to fully support this significant board.

We certainly understand the need to aggressively fight the war on terror, but the 9/11 Commission Report reminds us that, "The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown that this insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend."

The Privacy and Civil Liberties Oversight Board is an important body. We must do everything we can to ensure its efficiency and operation.

Mrs. MALONEY. Mr. Chairman, I yield for the purpose of making a unanimous consent request to the gentleman from New Mexico (Mr. UDALL).

Mr. UDALL of New Mexico. Mr. Chairman, I thank the chairman for graciously accepting this amendment.

Mr. Chairman, this amendment is a simple and straightforward way of ensuring that our privacy rights and civil liberties are adequately protected.

We all should applaud the creation of the Privacy and Civil Liberties Board in the Intelligence Reform bill. Recognizing that many of their recommendations called for increased government powers, the 9/11 Commissioners unanimously expressed the need for a viable Privacy and Civil Liberties Board to strike the right balance. They said that the choice between security and liberty is a false choice. They are right.

I was pleased that, after calling on President Bush last Spring to put forth his nominations and appointments for the Privacy and Civil Liberties Board, he did so on June 10th. The sooner we can get the Board up and running, the better.

If we want to take this Board seriously the current level of funding is clearly inadequate; $750,000 is simply not enough for a Board charged with monitoring privacy and civil liberties implications of Federal regulations, executive branch policies and procedures, and public law. 9/11 Commissioner Richard Ben-Veniste agrees, saying that the current amount is "plainly inadequate to carry out the robust oversight function the 9/11 Commission deemed critical to ensuring that enhanced governmental powers to combat terrorism are not misused."

The Maloney/Shays/Udall amendment increases the amount reserved for the Board to $3 million—the same amount that was initially given to the 9/11 Commission. And the level of funding in the bill for the Executive Office of the President will remain the same.

To be clear, a vote on this amendment is not a question of the Board's activities—which were laid out in the Intelligence Reform law. It is simply of an issue of giving the Board the funding they need to do the job it was created to do.

I urge a "yes" vote on this amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I rise today in support of this Amendment that would properly fund the government-wide Privacy and Civil Liberties Oversight Board.

In the wake of 9/11, many Americans have grown concerned that sweeping new law enforcement powers adopted to bolster national security may, in fact, be eroding the civil liberties that they were intended to protect.

The freedoms we enjoy as Americans—indeed, our way of life—are at risk if our government can spy and gather information on us simply under the guise of protecting those freedoms.

I know too well what happens when a government is left unchecked in its surveillance and spying efforts. While I was in college, I attended a speech given by Martin Luther King, Jr. My government responded by creating an FBI file on me. It seems like a whole generation of innocent Americans are at risk of having files created on them.

Those of us in Congress tried to address potential governmental violation of civil liberties by creating a Civil Liberties Board as part of the 9/11 bill passed last December. This board was created in response to the 9/11 Commission's concerns that the government lacked "an enhanced system of checks and balances to protect the precious liberties that are vital to our way of life." We intended the Board to be the mechanism by which civil liberties and privacy considerations would be elevated throughout and within the Federal Government and its myriad operations and programs.

The President supported and signed the bill. And then failed to fund it less than two months later. He has failed to fund critical border and aviation initiatives contained in the bill. And he has failed to fully fund the Privacy and Civil Liberties Board, giving it a mere $750,000. This lack of funding for a Board—which, by the way, he took almost 6 months to name Members for—suggests a lack of serious commitment to the preservation of civil liberties and privacy rights.

Too often, this White House has chosen to simply ignore that which it doesn't like.

Congress didn't vote to ask the Administration to think about having a privacy and civil liberties board. On the contrary, it voted to establish the Board and then gave the White House the power to fund it in a bill that the President said he supported.

Without an adequate budget, however, the Board is only a shell—a powerless entity unequipped to accomplish the goals envisioned for it by the 9/11 Commission.

Funding the Civil Liberties Board will fulfill our commitment to protect the rights of all Americans as our Nation battles against domestic and international terrorism.

I strongly urge my colleagues to join in support of this amendment.

Mr. SHAYS. Mr. Chairman, I rise in strong support of this amendment, which would increase funding for the Privacy and Civil Liberties Oversight Board, created by the Intelligence Reform and Terrorism Prevention Act (P.L. 108–458), to $1.5 million.

The bill currently reserves $750,000 of the $53 million budget of the Executive Office of the President for the Privacy and Civil Liberties Oversight Board. The amendment would reserve $3 million of this $53 million budget. This level of funding is closer to what was initially given to the 9/11 Commission.

The purpose of the Privacy and Civil Liberties Oversight Board is to ensure the protection of civil liberties by the federal government. The appropriate amount of funding is crucial in ensuring that privacy and civil liberties concerns are appropriately considered. This will prove significant in the implementation of laws, regulations, and executive branch policies related to efforts to protect our Nation against terrorism.

In addition, the additional funding will allow the board to develop the infrastructure they need to do their job and will demonstrate Congress's intentions to fully support this significant board.

We certainly understand the need to aggressively fight the war on terror, but the 9/11 Commission Report reminds us that, "The choice between security and liberty is a false choice, as nothing is more likely to endanger America's liberties than the success of a terrorist attack at home. Our history has shown that this insecurity threatens liberty at home. Yet if our liberties are curtailed, we lose the values that we are struggling to defend."

The Privacy and Civil Liberties Oversight Board is an important body. We must do everything we can to ensure its efficiency and operation.

Mrs. MALONEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY), as modified.

The amendment, as modified, was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $12,436,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $1,700,000, to remain available until expended, for required maintenance, safety and health issues, and continued preventative maintenance.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $4,040,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $3,500,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $8,705,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles, $89,322,000, of which $11,768,000 shall remain available until expended for the Capital Investment Plan for continued modernization of the information technology infrastructure within the Executive Office of the President.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109 and to carry out the provisions of chapter 35 of title 44, United States Code, $76,930,000, of which not to exceed $3,000 shall be available for official representation expenses: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made and shall be allocated in accordance with the terms and conditions set forth in the accompanying Report except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations.

AMENDMENT OFFERED BY MS. HOOLEY

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. HOOLEY:

Page 154, line 1, after the dollar amount insert the following: "(reduced by $9,000,000)".

Page 156, line 6, after the dollar amount insert the following: "(increased by $9,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Oregon (Ms. HOOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my three decades of public service I do not think I have ever seen a problem as pervasive and damaging as Oregon's meth epidemic.

Meth is one of the fastest growing drug problems in the Nation. It is cheap, easy to make, and give addicts an intense, long-lasting high; but it destroys their brain, causes them to abuse and neglect their children, and leads to paranoid acts of violence.

Meth production is also a serious threat to public health and safety. In Oregon, experts have estimated that meth is tied to more than 75 percent of crime and meth labs produce toxic fumes that poison the air in our neighborhoods and put our citizens in danger.

The cleanup of abandoned meth labs costs local governments and private citizens tens of thousands of dollars to dispose of the toxic materials left behind. As I traveled around Oregon talking to policymakers and law enforcement leaders about the meth problem, I heard one message loud and clear: law enforcement simply lacks the resources needed to extinguish this meth wildfire.

In Oregon, we have seen many of the regional drug task forces fall apart due to lack of funding and most other anti-meth efforts have faced underfunding as well.

The High Intensity Drug Trafficking Areas program provides State and local governments with enforcement that is critical to help our cities and towns fight meth abuse. It is particularly effective because the resources are targeted at those areas most adversely affected by drug trafficking. It allows communities to develop a comprehensive assault on meth and other illegal drugs, one that addresses law enforcement, prevention, and treatment and control of precursor chemicals.

Yet, in the FY 2006 Transportation, Treasury appropriations bill, the funding is level to this valuable program. I am offering an amendment that would provide a modest $9 million increase to the HIDTA program which will enable the Office of National Drug Control Policy to maintain full funding of all existing HIDTAs and also expand into new areas where necessary.

The HIDTA program not only helps law enforcement identify and dismantle labs but helps break the cycle of other crimes associated with meth use, crimes from domestic violence and child abuse to identity theft.

We must continue to support this valuable initiative so our communities have the resources they need to stop the spread of meth. I urge Members to support this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentlewoman for yielding me time. I thank the gentlewoman for her amendment. I appreciate the chairman's willingness to make sure that the HIDTAs are funded, but this is the most effective organization we have at the grassroots level. Almost all the new HIDTAs are dealing with meth. The demand for new HIDTAs is great, and thus I support her amendment.

Ms. HOOLEY. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Chairman, I want to commend my friend from Oregon for her leadership on this issue and the gentleman from Indiana (Mr. SOUDER) as well.

This meth problem is devastating our communities. When the President comes before our Nation and talks about the war on terror, we need to support that; but terror is happening in our families and in our homes and in our communities, and it is methamphetamine. We need to fully fund HIDTA, and we need to expand HIDTA resources.

I support the amendment. I encourage the gentlewoman to continue this fight that she has been so strong on in the past.

Ms. HOOLEY. Mr. Chairman, I yield back the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I claim the time in opposition to the amendment.

Mr. Chairman, I am opposed to this amendment because it does not significantly increase HIDTA, but would reduce the White House agency by more than 10 percent, and HIDTA is fully funded. We brought it up to its full funding level.

Given that HIDTA was fully funded in this bill, clearly such a trade-off is not merited. A $9 million increase to HIDTA would be useful no doubt, but this is not the right offset; and clearly the White House will not stand for this amendment. So I would strongly urge defeat of this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. HOOLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy: for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.); not to exceed $10,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $26,908,000; of which $1,316,000 shall remain available until expended for policy research and evaluation: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $30,000,000, which shall remain available until expended, consisting of $18,000,000 for counternarcotics research and development projects, and $12,000,000 for the continued operation of the technology transfer program: *Provided*, That the $18,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $227,000,000, for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2007, may be transferred to Federal agencies and departments at a rate to be determined by the Director, of which not less than $2,000,000 shall be used for auditing services and associated activities, and at least $500,000 of the $2,000,000 shall be used to develop and implement a data collection system to measure the performance of the High Intensity Drug Trafficking Areas Program: *Provided further*, That High Intensity Drug Trafficking Areas Programs designated as of September 30, 2005, shall be funded at no less than the fiscal year 2005 initial allocation levels unless the Director submits to the Committees on Appropriations, and the Committees approve, justification for changes in those levels based on clearly articulated priorities for the High Intensity Drug Trafficking Areas Programs, as well as published Office of National Drug Control Policy performance measures of effectiveness: *Provided further*, That a request shall be submitted in compliance with the reprogramming guidelines to the Committees on Appropriations for approval prior to the obligation of funds of an amount in excess of the fiscal year 2005 budget request: *Provided further*, That not to exceed $2,000,000 of the funds made available under this heading in excess of the fiscal year 2005 budget request shall be available for the Consolidated Priority Organization Target program.

OTHER FEDERAL DRUG CONTROL PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and for other purposes, authorized by the Office of National Drug Control Policy Reauthorization Act of 1998 (21 U.S.C. 1701 et seq.), $213,292,000, to remain available until expended, of which the following amounts are available as follows: $120,000,000 to support a national media campaign, as authorized by the Drug-Free Media Campaign Act of 1998: *Provided*, That ONDCP shall maintain funding for non-advertising services for the Media Campaign at no less than the Fiscal Year 2003 ratio of service funding to total funds and shall continue the corporate outreach program as it operated prior to its cancellation: $80,000,000 to continue a program of matching grants to drug-free communities, of which $750,000 shall be a directed grant to the Community Anti-Drug Coalitions of America for the National Community Anti-Drug Coalition Institute, as authorized in chapter 2 of the National Narcotics Leadership Act of 1988, as amended; $1,000,000 for the National Drug Court Institute; $992,000 for the National Alliance for Model State Drug Laws; $7,400,000 for the United States Anti-Doping Agency for anti-doping activities; $2,900,000 for the United States membership dues to the World Anti-Doping Agency; and $1,000,000 for evaluations and research related to National Drug Control Program performance measures: *Provided further*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the amounts appropriated for a national media campaign, not to exceed 12 percent shall be for administration, advertising production, research and testing, labor and related costs of the national media campaign.

AMENDMENT NO. 17 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 17 offered by Mr. SOUDER:

In title VI, in the item relating to "FEDERAL DRUG CONTROL PROGRAMS—OTHER FEDERAL DRUG CONTROL PROGRAMS", after each of the first and second dollar amounts, insert the following: "(increased by $25,000,000)".

In title VII, in the item relating to "GENERAL SERVICES ADMINISTRATION—REAL PROPERTY ACTIVITIES—FEDERAL BUILDINGS FUND"—

(1) after the aggregate dollar amount preceding paragraph (1), insert the following: "(reduced by $25,000,000)"; and

(2) after each of the dollar amounts in paragraphs (4) and (5), insert the following: "(reduced by $12,500,000)".

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this is a relatively simple amendment. It increases the national ad campaign run under the Office of National Drug Control Policy by $25 million. The authorizing bill is moving through the process. If we can get these additional funds, it will be spent on meth and designated as such.

The offset comes from the GSA. They have a $338 million increase for rental of space. They have $175 million building operations plus-up, so net this particular account has increased by a half a billion dollars.

The national ad campaign has been reduced from 180 in the 90s down to 120. If we are going to continue its success combined with the Partnership For Drug Free America, we need these additional dollars.

I think the meth crisis in America deserves these dollars and deserves this focus. More is needed in GSA, but not to the tune of a half a billion increase.

Mr. Chairman, I reserve the balance of my time.

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Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I also rise in opposition to the gentleman from Indiana's amendment.

I applaud his work on drug control issues, but if this amendment is enacted, once again, it will cause serious problems for Federal workers nationwide and what we are able to do in the Federal buildings.

All day long, the GSA has come under attack. It is up to almost $1 billion we are trying to cut out of the GSA's budget, and I just want to remind my colleagues that when they go home and there are seniors and veterans and law enforcement workers and constituents that are going to these Federal buildings, when the air conditioning is not working, when different parts of the building are not up to standards, they are going to have to answer that question: Why is the air conditioning not working, or why are the ramps for access for the disabled folks not up to the standards?

It is because tonight there has been an onslaught of cutting money from the GSA. So I strongly oppose this amendment and would urge my colleagues to once again look at what they are doing to the Federal buildings and the ability to provide services to our constituents.

Mr. KNOLLENBERG. Mr. Chairman, I reserve my time.

Mr. SOUDER. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington (Mr. LARSEN), my colleague, the cosponsor of this amendment and co-chairman of the Meth Caucus.

Mr. LARSEN of Washington. Mr. Chairman, I would like to express my support for the Souder-Larsen amendment to restore adequate funding to the National Youth and Anti-Drug Media Campaign.

I thank and recognize the subcommittee chair and ranking member for their efforts on drafting this bill. They have done an admirable job considering the tight budgetary restraints. Unfortunately, the funding level for the media campaign is not adequate.

The media campaign is an important component in our fight against drugs. It reduces demand for all drugs, not just marijuana. Reducing demand means reducing the number of lives lost to the scourge of drugs, particularly methamphetamine.

According to a leading global marketing firm, teens frequently exposed to strong anti-drug messages are 38 percent less likely to have tried meth and 31 percent less likely to have tried crack and cocaine.

When the media campaign began in 1998, it had a budget of $195 million. While the campaign has proven effective, it has continually been cut. This last year it was funded at $120 million. Meanwhile, the costs of advertising have skyrocketed. So in real advertising dollars, the campaign is operating at less than half of its original strength.

A study by the Kaiser Family Foundation reports that the average child watches 3 hours of television a day. That is about 21 hours a week, 1,008 hours a year. The media campaign uses the amount of time our kids are watching TV and gives them negative messages about drug use. Without additional funds, the campaign would not be able to produce our air-targeted ads against meth, ecstasy, or other emerging drug threats.

This current level of funding will fund only the bare minimum for a campaign that educates millions of young people on the dangers of drug abuse. To increase the ads on meth, we must increase funding for this important program.

I want to thank the gentleman from Indiana for his work on this issue, and I urge a "yes" vote on the Souder-Larsen amendment.

Mr. KNOLLENBERG. Mr. Chairman, can I get an idea of how much time is remaining?

The CHAIRMAN. The gentleman from Michigan (Mr. KNOLLENBERG) has 4 minutes remaining. The gentleman from Indiana (Mr. SOUDER) has 2½ minutes remaining.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me time.

I associate myself with the remarks of the gentleman from Pennsylvania (Chairman SHUSTER). I would not come to the Floor particularly to make a case here, and the maker of this amendment knows full well that I am on his subcommittee and have strongly supported this effort and all of his efforts on drug reduction.

But the fact is this fund, the Federal Building Fund, has become a habit, and when we get to the point where we have a $1 billion hit on one fund, we have an unsustainable hit, and here comes $25 million more.

The Members may be unaware that the courts, which have strong homeland security issues, came to our subcommittee and asked to be excused from putting any money into the Federal Building Fund. The administration strongly opposed that because it would collapse the Federal Building Fund.

I just want to draw to the attention of Members that this $1 billion hit collapses the Federal Building Fund, and it is not just about making sure that Federal workers are comfortable. It is about, for example, an amendment that the gentleman from Pennsylvania (Mr. SHUSTER) and I were going to put in and now are not going to put in, although he is going to offer it I think and perhaps later withdraw it, to transfer some funds from the GSA administration to glass refraction because we cannot begin to make all of the Federal buildings secure throughout the United States, but we can at least keep glass, should there be some kind of bombing like Oklahoma City, from, in fact, falling in on people with sharp metal and all the rest of it.

So I just ask that Members stop here, and we have got to find some money for the Souder amendment. I think we should find it, and I think we should find it in conference. I think we should defeat this amendment now.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE) who has been a leader in the fight against meth.

Mr. OSBORNE. Mr. Chairman, this is what the methamphetamine epidemic looked like in 1990. These two States had 20 or more meth labs at that time. This is what the methamphetamine epidemic looked like in 1998. This is what it looked like in 2004. So we can see the spread of meth. I think it is the biggest threat to the United States other than possibly terrorism today.

We have heard statements on the floor tonight that education does not work, advertising does not work. This is a picture of a young lady who started taking meth at age 30. She was arrested every year for 10 years. This is the last picture, and she is in the morgue. She lasted 10 years. This is unusually long on meth.

But when we show these pictures to kids, when we get in the schools; in my district, there are 200 schools. We have been in 100 schools in the last 5 months. When we show this kind of Power Point, it does affect them. We have kids every time come up and say, my folks have been picked up, my folks ran a meth lab; this has affected me.

So I realize that where we are taking the money from is not popular. I hope that in some way we can get this advertising money out there because it does make a difference. This is a critical problem. I appreciate what the gentleman from Indiana is doing and the gentleman from Washington (Mr. LARSEN) and I would really urge, Mr. Chairman, that some way we get some of this money restored to this program because it is so critical to this Nation at this time.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. OLVER), the ranking member.

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding me time.

This is an account which has been funded fully at the President's request. There are so many accounts that have not been funded at the President's request, number one.

Number two, I, of course, contributed to the great reduction in the Federal Building Fund, the GSA account that was the subject of the offset for the Amtrak amendment, and I even sat quietly while a couple of amendments for $5, $6, $8 million had come along, maybe three of them, but here we have a big one, and it is quite a sizeable number of dollars. I really do at this point feel that we have gone beyond what can be reasonably taken out of the building fund.

I supported the first one in large measure because the authorizers who authorized the GSA were saying that that was doable at that point. I think we have passed that point, and I would hope that we would not adopt this amendment.

Mr. SOUDER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Indiana (Mr. SOUDER) has 1 minute remaining.

Mr. SOUDER. Mr. Chairman, I yield myself the balance of the time.

As a member of the Committee on Government Reform, I understand the difficulty on the government buildings. They were plussed up nearly over half a billion dollars to start with. Clearly, at the very beginning of this, we transferred a lot to Amtrak, two lines of which are closing in my district. That is why we are here. It is about priorities.

I believe we need to make changes in our government buildings. Quite frankly, we have a meth crisis in America that is knocking at the doors of homes across this country, and it is about to steamroll all of us.

The question is, are we going to attack this before it runs us over? Are we going to attack it aggressively? Are we going to rue the day and spend hundreds of millions trying to address it after it has moved into our suburbs and cities just as crack cocaine did, and then we spent 10 or 15 years fighting it?

We have had the warnings. It is moving into rural areas. It is moving into suburban areas. It is moving in some urban areas, and this is a freight train coming, and we need to get at the front end of it.

We are here about priorities. I believe $25 million does not irrevocably damage GSA. I know it has been a difficult night, but I urge the passage of the Souder-Larsen amendment because this is one way we can address meth.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the remaining time.

I want to say that the gentleman from Nebraska's (Mr. OSBORNE) presentation was startling, and it is one that makes us think about how can we help.

I must say, this amendment will significantly impact all of GSA's owned and leased buildings, the tenants in those buildings and the visiting public. Already, today, this afternoon, we have taken over $1 billion out of GSA. We cannot go back to the same pool over and over.

With this amendment, GSA will not be able to make all of its lease payments for property it is leasing on behalf of government agencies. These reductions to the building operations account cannot be absorbed without a corresponding negative impact on the operating programs within the Federal Buildings Fund.

Funding for this account is GSA's highest priority. So let me note that many of these costs are fixed, for example, like fuels, cleaning, maintenance and utilities, and for that reason, I ask for a "no" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 163, line 6, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The remainder of the bill through page 163, line 6, is as follows:

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, as authorized by 3 U.S.C. 108, $1,000,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions; services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles, $4,455,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For the care, operation, refurnishing, improvement, and to the extent not otherwise provided for, heating and lighting, including electric power and fixtures, of the official residence of the Vice President; the hire of passenger motor vehicles; and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate, $325,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

TITLE VII—INDEPENDENT AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $5,941,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $62,449,000.

ELECTION ASSISTANCE COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Help America Vote Act of 2002, $15,877,000, of which $2,800,000 shall be transferred to the National Institute of Standards and Technology for election reform activities authorized under the Help America Vote Act of 2002.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended $29,965,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $54,700,000, of which no less than $4,700,000 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, and including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,468,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, $20,499,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

The CHAIRMAN. Are there any amendments? If not, the Clerk will read.

The Clerk read as follows:

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purposes of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $7,768,795,000, of which: (1) $708,106,000 shall remain available until expended for construction (including funds for sites and expenses and associated design and construction services) of additional projects at the following locations:

New Construction:

California:

San Diego, United States Courthouse, $230,803,000.

Colorado:

Lakewood, Denver Federal Center Infrastructure, $4,658,000.

District of Columbia:

Coast Guard Consolidation, $24,900,000.

Saint Elizabeths West Campus Infrastructure, $13,095,000.

Southeast Federal Center Site Remediation, $15,000,000.

Maine:

Calais, Border Station, $50,146,000.

Jackman, Border Station, $12,788,000.

Maryland:

Montgomery County, Food and Drug Administration Consolidation, $127,600,000.

New York:

Champlain, Border Station, $52,510,000.

Massena, Border Station, $49,783,000.

Texas:

Austin, United States Courthouse, $3,000,000.

Washington:

Blaine, Peace Arch Border Station, $46,534,000.

Material Price increases, various projects, $67,789,000.

Nonprospectus Construction, $9,500,000: *Provided*, That each of the foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 percent of the amounts included in an approved prospectus, if required, unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That all funds for direct construction projects shall expire on September 30, 2007, and remain in the Federal Buildings Fund except for funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date; (2) $961,376,000 shall remain available until expended for repairs and alterations, which includes associated design and construction services:

Repairs and Alterations:

Arizona:

Tucson, James A. Walsh Courthouse, $16,136,000.

District of Columbia:

Eisenhower Executive Office Building, $133,417,000.

Federal Office Building 8, $47,769,000.

Heating, Operation, and Transmission District Repair, $18,783,000.

Herbert C. Hoover Building, $54,491,000.

Main Interior Building, $41,399,000.

Georgia:

Atlanta, Martin Luther King, Jr. Federal Building, $30,129,000.

New York:

Brooklyn, Emanuel Celler Courthouse, $96,924,000.

New York City, James Watson Federal Building and Courthouse, $9,721,000.

Special Emphasis Programs:

Chlorofluorocarbons Program, $10,000,000.

Energy Program, $30,000,000.

Glass Fragment Retention, $15,700,000.

Design Program, $21,915,000.

Basic Repairs and Alterations, $434,992,000: *Provided further*, That funds made available in this or any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in this or any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations: *Provided further*, That the amounts provided in this or any prior Act for "Repairs and Alterations" may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2007, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) $168,180,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) $4,046,031,000 for rental of space which shall remain available until expended; and (5) $1,885,102,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 592(b)(2)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2006, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 592(b)(2)) in excess of the aggregate new obligational authority authorized for Real Property Activities of the Federal Buildings Fund in this Act shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

AMENDMENT NO. 13 OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SHUSTER:

Page 164, line 12, insert after the first dollar amount "(increased by $2,000,000)".

Page 166, line 9, insert after the dollar amount "(increased by $2,000,000)".

Page 167, line 12, insert after the dollar amount "(increased by $2,000,000)".

Page 171, line 4, after the dollar amount insert "(reduced by $2,000,000)".

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Pennsylvania (Mr. SHUSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

This evening I intended to offer a bipartisan amendment with the gentlewoman from the District of Columbia (Ms. NORTON) that would have reduced by $2 million the amount of money available to the administrator of the General Services and transferred that money elsewhere.

People are wondering why am I standing up now and wanting to cut GSA funding. It is because my amendment is going to hold GSA's feet to the fire and be responsive to the Congress because, over the past several years, the GSA has not delivered documents, information to Congress that is needed to authorize new projects on a timely basis.

Despite the fact these projects are included in the President's budget submission in February, there is actually no reason why GSA should take until May and sometimes even longer to forward detailed project information to Congress.

From fiscal year 1996 until 2001, 5 out of 6 years, GSA submitted a complete program before March 31. Since that time, the trend has been just the opposite: 4 out of 5 years, the program has not been submitted until after March 31. This year, it was the latest it had ever been. In fact, we did not receive a complete program until June.

In doing so, the GSA makes it difficult for the Subcommittee on Economic Development, Public Buildings and Emergency Management, which I chair and the gentlewoman from the District of Columbia (Ms. NORTON) serves as the ranking member, to do our jobs and authorize before the Committee on Appropriations is able to act.

☐ 2145

While there is no deadline in law for the submission of this information, practically speaking we have to get them by the end of March if we are to authorize these projects so that the Committee on Appropriations can do its work.

When they became aware of our amendment, I received a call from the administrator, Steve Perry, who has assured me GSA would do better in the future. And in fact has committed to me he would have that information to Congress by February for the fiscal year 2007 capital investment program, a deadline I plan to hold GSA to without exception.

I look forward to continuing working with the GSA and the subcommittee, as we have in the past, making sure we receive this information in a timely manner so that Congress may carry out its authorizing and appropriation functions as required by law.

Mr. Chairman, may I inquire as to how much time I have left.

The CHAIRMAN. The gentleman from Pennsylvania has 3 minutes left.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to strongly support his amendment. You see that this is a committee that is not adverse to reducing funding. We were not simply going to reduce it; we were going to put this funding where it was most needed, in the glass refraction program.

On the other hand, what led us to this moment was, of course, GSA's failures for the subcommittee, and those failures apparently have gotten the attention, at least the amendment of the gentleman from Pennsylvania (Mr. SHUSTER) has gotten the attention of GSA.

I share his frustration. GSA has not come forward with the information we wanted about its own housing. It wanted to move. We wanted to understand why it wanted to move out of owned space. Only cursory responses. We learned the courts want to waive any contribution to the building fund not initially through GSA. It was an outrage, and we learned it very late. And, of course, the prospectuses did not come before us, and the administrator himself was out of town when the hearing was to be held.

For that reason, I agreed entirely with the chairman that they needed to understand the professionalism that the subcommittee requires. They apparently now understand it. We want, frankly, to preserve as much of the Federal building fund now as is left, since it looks like we have virtually bankrupted it. So I would defer to the chairman as to what disposition he now wants to make of his original amendment.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time, and I want to thank the gentlewoman from the District of Columbia for her support and also encourage the chairman of the Committee on Appropriations, when we go to conference, to restore the almost $1 billion we have taken out of the GSA fund, because it is vital to the government buildings and to the services that those Federal employees provide to our constituents.

Mr. Chairman, I ask unanimous consent that I be allowed to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 194, line 7, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the bill through page 194, line 7, is as follows:

GENERAL ACTIVITIES

GOVERNMENT-WIDE POLICY

For expenses authorized by law, not otherwise provided for, for Government-wide policy and evaluation activities associated with the management of real and personal property assets and certain administrative services; Government-wide policy support responsibilities relating to acquisition, telecommunications, information technology management, and related technology activities; and services as authorized by 5 U.S.C. 3109, $52,796,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, for Government-wide activities associated with utilization and donation of surplus personal property; disposal of real property; providing Internet access to Federal information and services; agency-wide policy direction and management, and Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $7,500 for official reception and representation expenses, $99,890,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and service authorized by 5 U.S.C. 3109, $43,410,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ELECTRONIC GOVERNMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in support of interagency projects that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods, $3,000,000, to remain available until expended: *Provided*, That these funds may be transferred to Federal agencies to carry out the purposes of the Fund: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That such transfers may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken has been submitted to the Committees on Appropriations.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,952,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

FEDERAL CITIZEN INFORMATION CENTER FUND

For necessary expenses of the Federal Citizen Information Center, including services authorized by 5 U.S.C. 3109, $15,030,000, to be deposited into the Federal Citizen Information Center Fund: *Provided*, That the appropriations, revenues, and collections deposited into the Fund shall be available for necessary expenses of Federal Citizen Information Center activities in the aggregate amount not to exceed $32,000,000. Appropriations, revenues, and collections accruing to this Fund during fiscal year 2006 in excess of such amount shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

ADMINISTRATIVE PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 701. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 702. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 703. Funds in the Federal Buildings Fund made available for fiscal year 2006 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 704. No funds made available by this Act shall be used to transmit a fiscal year 2007 request for United States Courthouse construction that: (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5-year construction plan: *Provided*, That the fiscal year 2007 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 705. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 706. From funds made available under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 707. No funds in this Act shall be used to dispose of the GSA property located at 522 North Central Avenue, on the southwest corner of Central Avenue and Fillmore Street in Phoenix, Arizona.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978, and the Whistleblower Protection Act of 1989 (5 U.S.C. 5509 note), as amended, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, direct procurement of survey printing, and not to exceed $2,000 for official reception and representation expenses, $35,600,000 together with not to exceed $2,605,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, pursuant to the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5601 et seq.), $2,000,000, to remain available until expended, of which up to $50,000 shall be used to conduct financial audits pursuant to the Accountability of Tax Dollars Act of 2002 (Public Law 107–289) notwithstanding sections 8 and 9 of Public Law 102–259: *Provided*, That up to 60 percent of such funds may be transferred by the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation for the necessary expenses of the Native Nations Institute.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,900,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and Records Administration (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $283,975,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings: *Provided further*, That of the funds provided in this paragraph, $2,930,000 shall be for initial move of records, staffing, and operations of the Nixon Library.

ELECTRONIC RECORDS ARCHIVES

For necessary expenses in connection with the development of the electronic records archives, to include all direct project costs associated with research, analysis, design, development, and program management, $35,914,000.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $6,182,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $7,500,000, to remain available until expended: *Provided*, That of the funds provided in this paragraph, $2,000,000 shall be transferred to the operating expenses account for operating expenses of the National Historical Publications and Records Administration.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2006, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions, as authorized by 12 U.S.C. 1795 et seq., shall not exceed $1,500,000,000: *Provided*, That administrative expenses of the Central Liquidity Facility in fiscal year 2006 shall not exceed $323,000.

COMMUNITY DEVELOPMENT REVOLVING LOAN FUND

For the Community Development Revolving Loan Fund program as authorized by 42 U.S.C. 9812, 9822, and 9910, $950,000 shall be available until September 30, 2007, for technical assistance to low-income designated credit unions, and amounts of principal and interest on loans repaid shall be available until expended for low-income designated credit unions.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $76,700,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

(RESCISSION)

Of the available unobligated balances made available under Public Law 106–246, $1,000,000 are rescinded.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $118,000,000.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $11,148,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $119,952,000, of which $6,983,000 shall remain available until expended for the Enterprise Human Resources Integration project; $1,450,000 shall remain available until expended for the Human Resources Line of Business project; $500,000 shall remain available until expended for the E-Training project; and $1,412,000 shall remain available until expended until September 30, 2007 for the E-Payroll project; and in addition $102,679,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B), and 9004(f)(2)(A) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2006, accept donations of money, property, and personal services: *Provided further*, That such donations, including those from prior years, may be used for the development of publicity materials to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,614,000, and in addition, not to exceed $16,786,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771–775), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), as amended, the Whistleblower Protection Act of 1989 (Public Law 101–12), as amended, Public Law 107–304, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $15,325,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and not to exceed $750 for official reception and representation expenses; $24,000,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever the President deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, $1,499,000.

UNITED STATES POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $116,350,000, of which $73,000,000 shall not be available for obligation until October 1, 2006: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2006.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $48,998,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

TITLE VIII—GENERAL PROVISIONS THIS ACT

(INCLUDING TRANSFERS OF FUNDS)

SEC. 801. Such sums as may be necessary for fiscal year 2006 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 802. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 803. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 804. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 805. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 806. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 807. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 808. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy America Act").

SEC. 809. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 10a–10c).

SEC. 810. None of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; (5) augments existing programs, projects, or activities in excess of $2,000,000 or 10 percent, whichever is greater; (6) reduces existing programs, projects, or activities by $2,000,000 or 10 percent, whichever is greater; or (7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the statement of the managers accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: *Provided*, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committee on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: *Provided further*, That the report shall include: (1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level: (2) a delineation in the table for each appropriation both by object class and program, project, and activity as detailed in the budget appendix for the respective appropriation: and (3) an identification of items of special congressional interest: *Provided further*, That the amount appropriated or limited for salaries and expenses for an agency shall be reduced by $100,000 per day for each day after the required date that the report has not been submitted to the Congress.

SEC. 811. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations made available for salaries and expenses for fiscal year 2006 in this Act, shall remain available through September 30, 2007, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 812. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration: or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 813. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 814. For the purpose of resolving litigation and implementing any settlement agreements regarding the nonforeign area cost-of-living allowance program, the Office of Personnel Management may accept and utilize (without regard to any restriction on unanticipated travel expenses imposed in an Appropriations Act) funds made available to the Office pursuant to court approval.

SEC. 815. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefits program which provides any benefits or coverage for abortions.

SEC. 816. The provision of section 815 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 817. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)).

SEC. 818. None of the funds made available in the Act may be used to finalize, implement, administer, or enforce—

(1) the proposed rule relating to the determination that real estate brokerage is an activity that is financial in nature or incidental to a financial activity published in the Federal Register on January 3, 2001 (66 Fed. Reg. 307 et seq.); or

(2) the revision proposed in such rule to section 1501.2 of title 12 of the Code of Federal Regulations.

SEC. 819. Of the funds provided in title I of this Act under the heading, "Office of the Secretary, Transportation Planning, Research, and Development", $3,000,000 shall be available for necessary expenses to reimburse fixed-based general aviation operators and the providers of general aviation ground support services at Ronald Reagan Washington National Airport, and airports within 15 miles of Ronald Reagan Washington National Airport, for financial losses incurred by these operators while such airports were closed due to the actions of the Federal Government following the terrorist attacks on the United States that occurred on September 11, 2001: *Provided*, That such funds shall remain available until expended: *Provided further*, That obligation and expenditure of these funds shall be made conditional upon full release of the U.S. Government for all claims arising from the closing of these general aviation facilities.

SEC. 820. Section 640(c) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106-58; 2 U.S.C. 437g note), as amended by section 642 of the Treasury and General Government Appropriations Act, 2002 (Public Law 107-67) and by section 639 of the Transportation, Treasury, and Independent Agencies Appropriations Act, 2004 (Public Law 108–199), is amended by striking "December 31, 2005" and inserting "December 31, 2008".

POINT OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Chairman, I raise a point of order against section 808. This provision violates clause 2(b) of House rule XXI. It proposes to change existing law within the jurisdiction of the Committee on Government Reform and therefore constitutes legislation on an appropriation bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The Chair finds that this section, though in the form of a limitation on funds, conditions the use of those funds on compliance with an act not otherwise applicable. As such, the section constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment offered by the gentleman from Iowa (Mr. KING), amendment offered by the gentlewoman from South Dakota (Ms. HERSETH), amendment offered by the gentlewoman from Oregon (Ms. HOOLEY), amendment offered by the gentleman from Indiana (Mr. SOUDER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. KING OF IOWA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 42, noes 374, not voting 17, as follows:

[Roll No. 341]

AYES—42

Akin
Bishop (UT)
Blackburn
Chabot
Cubin
Davis, Jo Ann
Drake
Duncan
Foxx
Franks (AZ)
Gibbons
Gingrey
Gohmert
Goode
Gutknecht
Harris
Hart
Hayworth
Hefley
Herger
Johnson (IL)
Kelly
King (IA)
Lewis (KY)
Mack
McHenry
McIntyre
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pearce
Pitts
Poe
Pombo
Renzi
Rohrabacher
Shuster
Simmons
Taylor (MS)
Wilson (SC)

NOES—374

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake

Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hensarling
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Linder
Lipinski

LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)

Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—17

Bachus
Barrow
Bishop (GA)
Cooper
Higgins
Lewis (GA)

Neal (MA)
Ney
Peterson (PA)
Rangel
Ross
Scott (GA)

Stark
Thomas
Watt
Westmoreland
Young (AK)

□ 2213

Messrs. WYNN, ACKERMAN, and GRAVES changed their vote from "aye" to "no."

Mr. POMBO changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. HERSETH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from South Dakota (Ms. HERSETH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 232, not voting 13, as follows:

[Roll No. 342]

AYES—188

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel

Eshoo
Etheridge
Evans
Farr
Fattah
Fitzpatrick (PA)
Ford
Gohmert
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui

McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Serrano
Sherman

Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Strickland
Stupak
Tancredo

Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—232

Aderholt
Akin
Alexander
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carson
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Filner
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly

Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kaptur
Keller
Kennedy (MN)
Kilpatrick (MI)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy

Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pastor
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Taylor (NC)
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Waters
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—13

Bachus
Barrow

Bishop (GA)
Cooper

Lewis (GA)
Neal (MA)

Peterson (PA)
Ross
Scott (GA)
Stark
Thomas
Westmoreland
Young (AK)

☐ 2222

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HINOJOSA. Mr. Chairman, on rollcall No. 342, I inadvertently voted "yes" (by mistake) I wanted to vote "no". Please show me voting "no" on the Herseth amendment.

AMENDMENT OFFERED BY MS. HOOLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 315, noes 103, not voting 15, as follows:

[Roll No. 343]

AYES—315

Abercrombie
Ackerman
Alexander
Allen
Andrews
Baca
Baird
Baldwin
Barton (TX)
Bass
Bean
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehlert
Boehner
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Butterfield
Calvert
Camp
Cannon
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conaway
Conyers
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Franks (AZ)
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Harris
Hastings (FL)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Ney
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (NM)
Woolsey
Wu
Wynn

NOES—103

Aderholt
Akin
Baker
Barrett (SC)
Bartlett (MD)
Beauprez
Blunt
Bonilla
Bonner
Bono
Boozman
Brady (TX)
Brown (SC)
Burton (IN)
Cantor
Carter
Chocola
Cole (OK)
Cox
Crenshaw
Culberson
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Foxx
Frank (MA)
Frelinghuysen
Garrett (NJ)
Granger
Gutknecht
Hall
Hart
Hastings (WA)
Hayes
Hensarling
Hobson
Hoekstra
Hostettler
Hunter
Inglis (SC)
Istook
Johnson (CT)
Johnson, Sam
Kingston
Knollenberg
Kolbe
Lewis (CA)
Linder
Mack
Marchant
McCaul (TX)
McCrery
McKeon
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moore (WI)
Myrick
Neugebauer
Northup
Norwood
Paul
Pearce
Pence
Pitts
Platts
Pryce (OH)
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sessions
Simpson
Smith (TX)
Sodrel
Sullivan
Sweeney
Thornberry
Tiahrt
Turner
Walsh
Weldon (FL)
Wicker
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—15

Bachus
Barrow
Berman
Bishop (GA)
Buyer
Cooper
Lewis (GA)
Neal (MA)
Peterson (PA)
Ross
Scott (GA)
Stark
Thomas
Westmoreland
Young (AK)

☐ 2228

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 17 OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 268, noes 151, not voting 14, as follows:

[Roll No. 344]

AYES—268

Abercrombie
Ackerman
Akin
Alexander
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Boren
Boswell
Boustany
Boyd
Brady (PA)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Capito
Capps
Cardin
Cardoza
Carnahan
Case
Chabot
Chandler
Chocola
Coble
Conaway
Conyers
Costa
Costello
Cramer
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
Dent
Diaz-Balart, M.
Dicks
Dingell
Doyle
Duncan
Edwards
Ehlers
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Gordon
Graves
Green (WI)
Green, Al
Gutknecht
Hall
Harman
Harris
Hart
Hayworth
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Inslee
Israel
Issa
Jefferson
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kind
King (IA)
King (NY)
Kirk
Kline
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Latham
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy

McCaul (TX)
McCollum (MN)
McCotter
McDermott
McHenry
McIntyre
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Miller (MI)
Miller (NC)
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Owens
Pallone
Payne
Pence
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rothman
Ruppersberger
Ryan (WI)
Salazar
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thornberry
Tiberi
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Walden (OR)
Wamp
Wasserman Schultz
Waters
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Wilson (NM)
Wilson (SC)
Woolsey
Wu

NOES—151

Aderholt
Allen
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bono
Boozman
Boucher
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Burgess
Cantor
Capuano
Carson
Carter
Castle
Clay
Cleaver
Clyburn
Cole (OK)
Cox
Crenshaw
Culberson
Cunningham
Davis (CA)
DeGette
DeLauro
DeLay
Diaz-Balart, L.
Doggett
Doolittle
Drake
Dreier
Emanuel
Emerson
Evans
Feeney
Ferguson
Flake
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gonzalez
Goode
Granger
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hinojosa
Hobson
Hoekstra
Hoyer
Hunter
Hyde
Inglis (SC)
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Keller
Kildee
Kilpatrick (MI)
Kingston
Knollenberg
Kolbe
Kucinich
Larson (CT)
LaTourette
Leach
Lee
Lewis (CA)
Lowey
Lungren, Daniel E.
Maloney
Markey
McCrery
McGovern
McHugh
McKeon
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mollohan
Moran (VA)
Northup
Obey
Olver
Oxley
Pascrell
Pastor
Paul
Pearce
Pelosi
Petri
Pombo
Pryce (OH)
Regula
Rehberg
Reyes
Reynolds
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Rush
Ryan (OH)
Ryun (KS)
Sabo
Sánchez, Linda T.
Saxton
Scott (VA)
Sherman
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Solis
Sullivan
Taylor (NC)
Thompson (MS)
Tiahrt
Tierney
Towns
Turner
Visclosky
Walsh
Watson
Watt
Weldon (FL)
Whitfield
Wicker
Wolf
Wynn
Young (FL)

NOT VOTING—14

Bachus
Barrow
Bishop (GA)
Cooper
Istook
Lewis (GA)
Neal (MA)
Peterson (PA)
Ross
Scott (GA)
Stark
Thomas
Westmoreland
Young (AK)

☐ 2236

Mr. ROHRABACHER changed his vote from "aye" to "no."

Mr. CONYERS and Mr. JONES of North Carolina changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. KNOLLENBERG. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McHENRY) having assumed the chair, Mr. McHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-159) on the resolution (H. Res. 345) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mrs. CAPITO, from the Committee on Rules, submitted a privileged report (Rept. No. 109-160) on the resolution (H. Res. 346) providing for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART AND THE PRESIDENT'S IRAQ SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the headline in this morning's Washington Post reads: "Bush says War is Worth Sacrifice." Well, easy for him to say, because he has not sacrificed a thing, unless you count his sagging poll numbers.

This President needs to look into the eyes of more than 1,700 widows or grieving mothers and fathers and tell them his preemptive war is worth the sacrifice.

He needs to tell it to my friend Cindy Sheehan, who came to Washington two weeks ago and spoke movingly about what it was like to see her son Casey, lying in a coffin with the same lack of muscle tone he had as a newborn infant 25 years before.

Casey Sheehan and his family were told there were weapons of mass destruction. They were told Saddam Hussein was connected to the attacks on America nearly 4 years ago. And long after that myth had been debunked, President Bush still had the audacity to go before the American people last night and raise the "bloody flag of 9/11," as a New York Times editorial put it.

I have been to Fayetteville, North Carolina, where the President spoke last night. In fact, 3 months ago I spoke there at a peace rally organized by a group called Iraq Veterans Against the War. Fayetteville is actually home to a vibrant anti-war community. Not despite the fact that it is home to Fort Bragg, but because it is a military stronghold. With a majority of Americans turning against this war, it only makes sense that those who have sacrificed the most for this war are also opposed to it.

The President insisted last night that Iraq is the central front in the war on terrorism, and it is true that terrorists are now flocking to Iraq, like moths to a flame. But how did that happen? Iraq has become a terrorist breeding ground because of President Bush's premeditated, preemptive invasion of Iraq.

Every day that our soldiers are in Iraq is another day that the insurgents are emboldened by their hatred for America. It is the occupation itself that gives rise to the insurgency and inflames it, putting our troops in more danger than ever.

Perhaps what is most galling about the President saying Iraq is worth the sacrifice is that he and his administration do not truly honor that sacrifice.

☐ 2245

With their rhetoric, they do, perhaps, but what about their actions? If they honored the sacrifice, surely they would have found a way to get our soldiers the protective armor they need. And if they honored the sacrifice, why are they coming up $1 billion short of what is needed to deliver health care for our veterans?

We heard nothing new last night, no new information, no new plan, no new explanation or justification for 1,700 plus dead, thousands wounded, and over $200 billion squandered. It is time we showed our support for the troops by removing them from harm's way, by ending this disastrous war, by bringing them home to their families as soon as possible.

But that is not good enough, Mr. Speaker. We need an entirely new approach to defending America. Where is it written that a strong national security policy must involve violence and bloodshed?

I have proposed a new plan called SMART Security. SMART stands for Sensible Multilateral American Response to Terrorism for the 21st Century. Its guiding principle is that war should be the absolute last resort. It would protect America through stronger global alliances, a commitment to diplomacy, and vigorous weapons inspections. SMART would also address the root causes of terrorism by confronting the poverty, despair, and hopelessness that foster terrorism in the first place. And it includes an ambitious international development agenda: democracy-building, education, infrastructure projects, support for environmental stewardship, and more, for the troubled, underdeveloped nations of the world.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for multilateral leadership. SMART Security begins, in fact, and nothing would be smarter, with a plan to bring our troops home.

HONORING THE LIFE'S WORK OF THE REVEREND BILLY GRAHAM

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, I rise this evening to honor the life's work of a man whose mission is to serve the Lord, his God.

Last weekend, the Reverend Billy Graham held what could be his last crusade. The crusade in New York marked the culmination of a life dedicated to preaching faith, equality, and love to people the world over.

As a young man growing up in rural Kansas, I remember gathering in front of the television set with my mom and dad to hear this man speak. With integrity and truth he spoke of God's love for all people and our need to know this love in our own hearts. Even at that young age, I sensed that there was something special about this man; and, as I grew older, his words were a source of strength to my faith.

In times of trouble and disaster, we turn to God for strength and comfort. Three days after September 11, 2001, as our Nation grieved the loss of life, America needed to have its faith restored. Our sense of peace that we had felt in our neighborhoods and our towns and our country had been severely shaken, and our belief in the goodness of man had been severely challenged.

Billy Graham, showing the effects of Parkinson's disease and age, slowly climbed the steps to the pulpit at the National Cathedral during a service to reflect upon these events. Although physically frail, the strength of his spirit projected confidence. With the assurance of his faith, he helped us understand that despite the evil that we had seen, God's love remains. God's love never fails and, with that love as our foundation, we could prevail. Reverend Graham's words gave meaning to the lives lost and restored faith to a mourning Nation.

In 1957, Billy Graham held his first of seven crusades in New York City. Although his crusade in 1957 occurred at a time in our Nation's history when race divided all, Reverend Graham refused to preach in segregated audiences.

To begin one night of the crusade in 1957, Reverend Graham invited Dr. Martin Luther King, Jr. to give an opening prayer. Another night of the crusade, the event was presented in Spanish. Reverend Graham and his team went to great lengths to ensure that the crusade meetings were accessible to those with disabilities. Although he had intended the crusade to last only 6 weeks, he stayed 16, in order to meet the needs of the people of New York.

By refusing to restrict his message to one audience, Billy Graham affirmed the equality of all people and God's equal love for all. Returning last weekend to New York City, Reverend Graham continued sharing his message of faith, equality, and love for all people.

Billy Graham has been a spiritual adviser to every President since my fellow Kansan, Dwight D. Eisenhower. He has written 24 books. His radio program "Hour of Decision" has been broadcast on Sundays around the world for more than 50 years. Reverend Graham has even been rated 47 times by the American people as one of the "Ten Most Admired Men in the World." However, it is his ability to reach people with the message of God's love that makes Billy Graham truly a special man.

Throughout his ministry, Billy Graham has preached to over 210 million people in more than 185 countries and territories. Yet, it is his personal impact on my life and the encouraging words that he has left with our Nation that I am most grateful for and will always cherish.

Marking the occasion of his last crusade, I rise tonight to honor and thank Reverend Billy Graham for his influence on my life, on our Nation, and the world.

IN SUPPORT OF FULLY FUNDING THE NEEDS OF OUR VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, for 2 years, the Democrats in the House have been saying that the veterans budget is underfunded. It has been denied by the Bush administration. Last year we were joined by the Republican chairman of the Committee on Veterans' Affairs, the gentleman from New Jersey (Mr. SMITH) who knew that the veterans budget was underfunded. For supporting us in the effort to increase veterans spending to help meet the promises and the obligations of our government and the American people to those who have served our country in its time of need, he was removed from the committee chairmanship. He was torn out of that position because he had the temerity to say there was not enough money to meet the obligations to America's veterans.

As recently as yesterday, the Republican leadership resisted a Democratic amendment on a party-line vote to increase funding for veterans benefits because they said there was no problem.

Now, today they are scrambling to find $2.6 billion that they admit the budget is underfunded, and they say, well, no, we blame the actuaries. The political hack that Bush appointed to be head of the Veterans Administration, the former Republican National Committee chair, said they did not realize there was a war in Iraq or Afghanistan. The estimates were made in 2002, and he had not read the paper since. So he did not know there were any veterans coming home who had lost their limbs, who were grievously injured. So they did not revise those things until just yesterday, when they realized they are $1 billion short for this year and $2.6 billion short for next year.

Come on. Do you think the American people believe that the Bush administration does not read the papers, does not realize we are at war in Iraq and Afghanistan, when there are tens of thousands of Americans coming home who are only asking one thing: you made me a promise when I signed up and put my life on the line. You promised you would take care of me if I was wounded, and you promised you would take care of my family if I died. That is a pretty simple promise. We have made that to every person who signed up in an all-volunteer military, and this administration has broken that promise.

I have veterans who have been waiting 6 months for an initial appointment, veterans in pain who cannot get operations, and they say, come back in 2 years, 2 years. This has been going on for years now. Two years this has been going on with this administration as they slash the veterans budget, and they deny there is a problem and suddenly they say, it was their actuaries who were wrong because they made a prediction in 2002 and the Bush administration did not notice that we were at war since then and that we had a whole lot more veterans.

This is extraordinary. An administration that wants to wrap itself in the flag and talk about supporting the troops who is not willing to put up the money to deliver on the solemn promises that we have made to these veterans and to their dependents and to their families. This is outrageous. And just yesterday, they defeated, on a party-line vote, an amendment just to put $1 billion back in and take that money from the millionaires and billionaires in America, to reduce their tax cuts from $141,000 to $129,000 a year. Most Americans do not even earn that, but the Republicans could not even vote to reduce the millionaires' tax cuts that much to fully fund for this year, not next year, veterans benefits. We are going to need a lot more money next year for veterans who are going to need services. It is going to be very expensive to meet our promises and our obligations.

It is time that this administration and this Republican-led Congress acted in good faith to fully fund those benefits. No more denial of medical services and benefits to veterans because we say we do not have enough money. We have the money if we can restrict the permanent tax cuts for millionaires and billionaires to give to our Nation's veterans, those who have given so much in service to our country.

HOPE IN THE DARKNESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand on the floor of this House tonight with great hope in my heart for the future of this country, because even a cursory survey of America's history should impart hope to all of us.

By the time the 1860s had come to America, the world had marked 7,000 years of powerful societies enslaving their fellow human beings. Sadly, Mr. Speaker, this was also true of America. However, this country was never truly at peace in her heart with the hellish institution of slavery.

So it was that slaves began to earnestly pray in America for God to intervene. Mr. Speaker, it seems that God sent them Abraham Lincoln, a man who understood the true meaning of those magnificent words: "We hold these truths to be self-evident, that all men are created equal and endowed by their Creator with certain unalienable rights, and among these are life, liberty, and the pursuit of happiness."

Mr. Speaker, our Founding Fathers wrote those words down for us because they did not want us to forget their true meaning or to otherwise fall prey to those who would deliberately destroy it. This has always been the preeminent reason why we write down documents or agreements or declarations or, Mr. Speaker, constitutions in the first place, to preserve their original meaning and intent.

When the smoke of a horrible Civil War finally drifted from the air, 7,000 years of the world accepting the unrequited toil and misery of human slavery was over. The prayer of slaves had been answered, and the United States of America began to emerge as the true flagship of human freedom in the world.

But only 100 years later, we began to stray from that path. We began to think only of ourselves; and in 1973, Roe v. Wade was handed down by the U.S. Supreme Court and brought wholesale abortion-on-demand to the land of the free, and a veil of darkness fell upon America.

In that darkness we heard, but disregarded, the mortal cry of one little baby in the womb, and then another, and even another was heard, until that sound had become the soul-wrenching cry of tens of millions. And we found ourselves and our national conscience disoriented and awash in the blood of our own children. Millions of prayers called out for yet another leader to remind us of those forever words that speak the divine message of human dignity: all men, all men are created equal.

Mr. Speaker, from the time we are conceived, all human beings are created equal. We do not become equal when we reach a certain age or status. This is America's creed. This is our foundation. And how grateful we should all be that our Founding Fathers wrote those words down, and how desperate our commitment should be to remember what they mean.

□ 2300

And now that test has come upon us, for there is soon an opportunity for the President of the United States to nominate individuals to the Supreme Court who understand that all men are created equal. And Mr. Speaker, I believe in my soul that this President truly understands those words. Indeed, it is his commitment to their meaning that has given him the courage to stand resolutely against terrorists to protect innocent human life. But this president and each one of us must never forget that Roe vs. Wade has taken more than 15,000 times the number of lives lost on that tragic day on September 11. And we now live in a time when there is a glimmer of light breaking on the road before us. But the curve just ahead, Mr. Speaker, is sharp, and to miss it may be to forever plunge into that darkness. And the voice of destiny calls to this president, to our president and to all of us in these decisive days to steel our hearts and to ask anew, is it still true in America that all men are created equal?

Mr. Speaker, our legacy to future generations and the survival of human freedom in the world will depend upon our answer.

May God bless America and may God bless President George W. Bush.

CENTRAL AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore (Mr. MCHENRY). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, last week, finally, and mercifully, the national basketball season drew to a close. But the debate on the Central American Free Trade Agreement goes on and on and on. Last year, during 2004, the gentleman from Texas (Mr. DELAY), the most powerful Republican Member of the House, promised that we would vote by the end of the year, by December 31, 2004; promised we would vote on the Central American Free Trade Agreement. They clearly did not have enough votes to pass it, so he did not bring it up.

The gentleman from Texas then promised a vote on the Central American Free Trade Agreement by Memorial Day. Again, the votes were not there. He did not bring it up. Now the gentleman from Texas promised there would be a vote on CAFTA by July 4. We leave town tomorrow or Friday. Clearly, it will not come up for a vote. Again, the gentleman from Texas (Mr. DELAY) did not have the votes in order to pass it. The reason that the Central American Free Trade Agreement has not been voted on by this House is the majority of Members, dozens of Republicans and dozens of Democrats, workers in small businesses, farmers and ranchers, environmentalists and food safety advocates, the religious leaders in the United States, religious leaders in Latin America, person after person after person has said to this Congress: Renegotiate CAFTA. We do not want this agreement. And the reason that people say renegotiate CAFTA and do not vote on this CAFTA or defeat this CAFTA is because our trade policy simply is not working.

If you look at this chart, 1992, the year I ran for Congress, we had a trade deficit in this country of $38 billion. That means we exported $38 billion less than we imported. A dozen years later in 2004, last year, our trade deficit was $618 billion. From $38 billion to $618 billion. Clearly, our trade policy in this country is not working. Now maybe these are just numbers. These are just trade deficit numbers.

But Mr. Speaker, if you really look at what that means, that kind of trade deficit, it means we are outsourcing, we are losing all kinds of manufacturing jobs in our country. This chart of the 50 States shows the States, the States in red are States that have lost 20 percent of their manufacturing. Those in blue have lost 15 to 20 percent of their manufacturing. Ohio, my home State has lost 216,000 manufacturing jobs in only 5 years. Pennsylvania, 200,000; New York 222,000; Michigan, 210,000; Illinois, 214,000. Then you look at Mississippi and Alabama, have lost 130,000. The Carolinas, over 300,000. California, 353,000; Texas, 2001,000. These are manufacturing jobs that have simply disappeared, in large part jobs that have been shipped overseas because of failed U.S. trade policies, yet President Bush wants to continue this same sort of trade policy that our country has followed.

And when you look at 216,600 jobs in Ohio, that is just a number, too. But think what that means to a community. York Manufacturing in Elyria, Ohio, about 5 miles from where I live in Lorain, Ohio, York manufacturing shut down, moved a lot of their production to Mexico; 700 people lost their jobs. That is 700 bread winners did not have jobs. If they had jobs at all, they had jobs that paid much less than they were making. It hurt the school system in Elyria. It hurt the city, police and fire protection in Elyria because the city lost money, lost revenue, lost tax dollars. That is what it does to families, what it does to communities, what it does to our schools, what it does to our States. It clearly is not in the national interest to continue this kind of trade policy where we have huge trade deficits getting worse every year, and then we have this kind of manufacturing job loss.

Mr. Speaker, every year, every time there is a trade agreement, the President says and he promises that we will have more jobs, more manufacturing that will export products overseas and bring up the standard of living in those countries. Every time the President promises that, every time we pass a trade agreement, the opposite happens.

Mr. Speaker, Ben Franklin said the definition of insanity is doing the same thing over and over and over and expecting a different result. Yet the President wants to continue this kind of trade policy, as does the gentleman from Texas, Majority Leader DELAY, the most powerful Republican in this House, and we have the same kind of impact.

The opposition to CAFTA is broad. We have seen small manufacturers and farmers and ranchers. We have seen workers. We have seen religious leaders and environmentalists, people in Latin America, people in the United States that simply say no to this CAFTA, renegotiate a CAFTA. Renegotiate a Central American Free Trade Agreement that works for everyone.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1449

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1449.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent to give my special order in the place of the gentleman from North Carolina (Mr. JONES).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

TRIBUTE TO NOAH HARRIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. DEAL) is recognized for 5 minutes.

Mr. DEAL of Georgia. Mr. Speaker, last Saturday, I attended a birthday party in Ellijay, Georgia. It was not an ordinary birthday party. The honoree, Lieutenant Noah Harris, was not physically present. He had been killed in Iraq the week before. But his spirit engulfed all of us as we celebrated the life of this extraordinary young man.

I first met Noah Harris several years ago when he served as an intern in my Washington office. I had been told that he was something special, and after meeting him, I certainly knew that was true. To become a State wrestling champion, an outstanding football player, the leading actor in his school drama and a Presidential Scholar requires someone special. To be a friend to people from all walks of life, to excel in everything that he undertook, to dare to dream big dreams takes someone special.

After September 11, 2001, Noah Harris, who was a senior, in his senior year in college at the University of Georgia, wanted to join the Army ROTC program. He was told that that was normally too late to qualify, but because of his outstanding credentials, he was accepted and was later commissioned as a second lieutenant.

As we attended the ceremony and listened to his commanding officer who told a story of the fact that he had understood that this young man was the captain of the cheerleader squad at the University of Georgia, he decided to pick on him for hand-to-hand combat, not knowing until the day of his funeral that he had been the State wrestling champion. Needless to say, this champion wrestler soon taught his commanding officer with a wink and a smile that you just do not pick on cheerleaders.

In Iraq, Lieutenant Noah Harris was proud of what he and his buddies were doing. He loved the children of Iraq. And he soon started distributing Beanie Babies to them. His niece, in her school back in the States, started a program to raise money to buy Beanie Babies to send to Noah, and he would distribute them to the children in Iraq.

☐ 2310

That program continues today.

To lose your only son a few days before his 24th birthday is a heavy burden for any parent. But last Saturday, Lucy and Rick Harris celebrated the life of their son with friends who had known Noah as he was growing up. We were given replicas of his dog tag and a special sticker that I hold now. I am told that it translates, "We all love Iraq."

His mother says that Noah would say the words and the Iraqis would laugh probably because of his Southern accent. As I approached Ellijay, Georgia last Saturday, there were yellow ribbons on both sides of the road as far away as 20 miles out. It was a time for a small rural community in the mountains of north Georgia to celebrate the life of a unique young man.

They had watched him grow up. They had celebrated his achievements, and they were part of the mold that had shaped his life, and they were proud.

We all were proud to have been touched by Noah Harris. His spirit will live on in the lives of all of us.

To his parents, Lucy and Rick Harris, I extend my appreciation for the example that they have set and for the service their son gave to our country. Noah Harris is a true patriot. His courage, his self-discipline, and his compassion should be the standard for all of us. His was a life well lived. May his soul rest in peace.

EXCHANGE OF SPECIAL ORDER TIME

Ms. KAPTUR. Mr. Chairman, I ask unanimous consent to claim the time of the gentleman from Illinois (Mr. DAVIS).

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

DANGERS OF CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the people of the Buckeye State of Ohio send their sympathies to the Noah Harris family as well and pray for him and pray for his relatives and pray for all of those who have lost loved ones on the American side, on the Iraqi side, and those who are in theater this evening.

Mr. Speaker, I wish to dedicate my remarks this evening to CAFTA because the Bush administration cannot get the votes in this Congress, apparently, to expand NAFTA to Central America; and so they are now resorting to a number of myths in order to try to sell hard in these closing days. And one of the myths that they are talking about is jobs, and there was an ad in one of the newspapers up here on Capitol Hill today about blue jeans. And it is paid for by the very companies that are outsourcing our jobs and shipping them out to other places like Central America. And the ad gives us a really interesting choice on blue jeans. It basically says, do you want your blue jeans manufactured in the Dominican Republic, or do you want them manufactured somewhere in Asia?

My answer is I would like them manufactured in the United States of America where they used to be, in New York City, in Lower Manhattan, in North Carolina, in South Carolina, in Mississippi where people would like to be making the very products that we buy.

Interesting they do not even give the choice of manufacturing in the United States of America. That pretty much tells the whole story because workers in Central America make pennies, literally pennies. Largely women are sewing those jeans, and I have met some of them. They have to work 2 weeks, because their wages are so low, to afford one pair of jeans. And they make 400 to 600 pairs of jeans a day. Think about that. Think about who makes the profits off their sweat when you go to buy a pair of jeans.

In El Salvador and Nicaragua, two of the countries where they want to outsource more of our jobs, women workers can be fired for trying to stand up and get a contract to earn a decent wage, to be able to work for something more than starvation wages, which is what they termed what they work for. They are intimidated in the workplace.

In Guatemala and Honduras there are fines for anti-union discrimination, and you know what? Courts do not enforce them. Gosh. Does that shock us in Guatemala?

In Costa Rica company unions, that means the one who runs the company or owns the company, replace really legitimate independent unions. The business roundtable who paid for this ad, and it is not cheap to put an ad in this paper, really ought to tell us how to create jobs in America, in the United States of America.

Now, a second myth is labor rights. In fact, Ambassador Portman, the new trade ambassador, says expanding these trade agreements to Central America would provide the workers down there with the best labor standards of any trade agreements we have negotiated, except for one thing: he is totally wrong.

The truth is that the current trade system we have in place with the Caribbean countries allows our government to rescind trade benefits. It has real power for any country that is falling short in its labor commitments. The labor provisions in CAFTA by contrast have no teeth. So Ambassador Portman says, you know what, maybe they do not have any teeth, though I do not admit that publicly, but I will put some U.S. taxpayer dollars on the table, $40 million, and we are going to try to give them to those countries in hopes that they will enforce their laws.

Of course he does not say we are already giving over $50 million to all of those countries right now and they are not enforcing their labor agreements. They never have. Despite the current labor laws, all of the international reports show real enforcement of their laws do not exist. So why should we pass an agreement that undermines the Caribbean Basin Initiative Standards that helps to raise standards of living rather than lower them?

Finally, democracy. That is the other myth. If we just pass this CAFTA, why the people down there they will have more democracy. In fact, Ambassador Zoellick has said that. But you know what? The record shows in these countries when there is this kind of deregulation, the neo-liberal model, what you get is more people being put out of work. NAFTA cut wages in Mexico; NAFTA has created over 2 million people who were pushed off their farms who come here as illegal immigrants, people who are not treated with respect on this continent.

That is not the way to build friendships. You know what? In every one of those countries down there, in three of them no agreement has been passed; and in the other three, the agreement was ramrodded through in a very undemocratic way. We ought to begin democratically to treat our friends in Central America with the same kind of respect we demand of people here in the United States.

It is time to turn back CAFTA, renegotiate it, and start building a middle-class standard of living on this continent again.

BLOCKING PROPERTY OF WEAPONS OF MASS DESTRUCTION PROLIFERATORS AND THEIR SUPPORTERS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–38)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq. (IEEPA), I hereby report that I have issued an Executive Order that takes additional steps with respect to the national emergency declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction (WMD) and the means of delivering them, and the measures imposed by that order, as expanded by Executive Order 13094 of July 28, 1998.

This order is designed to combat WMD trafficking by blocking the property of persons that engage in proliferation activities and their support networks. It is intended to advance international cooperative efforts against WMD financing, including with our G–8 partners and through the Proliferation Security Initiative. This order also provides a model for other nations to follow in adopting laws to stem the flow of financial and other support for proliferation activities, as decided in United Nations Security Council Resolution 1540. It further implements a key recommendation of the Silberman-Robb WMD Commission.

Executive Order 12938, as amended, authorizes the Secretary of State to impose certain measures against foreign persons (individuals or entities) determined to have materially contributed to the proliferation efforts of any foreign country, project, or entity of proliferation concern. The measures that the Secretary of State may choose to impose under Executive Order 12938, as amended, are a ban on U.S. Government procurement from the designated foreign person; a ban on U.S. Government assistance to the designated foreign person; and a ban on imports from the designated foreign person.

Recognizing the need for additional tools to defeat the proliferation of WMD, I have signed the new order, which authorizes the imposition of a new measure—blocking—against WMD proliferators and their support networks. This action, sometimes referred to as freezing, will apply to property and interests in property of persons designated under the order and will deny such persons access to the U.S. financial and commercial systems. Modeled after Executive Order 13224 of September 23, 2001, the new order provides broad new authorities to target not only persons engaged in proliferation activities, but also those providing support or services to such proliferators.

In particular, the order blocks the property and interests in property in the United States, or in the possession or control of United States persons, of (1) the persons listed in the Annex to the order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the proliferation of WMD or their means of delivery (including missiles capable of delivering such weapons) by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological, or other support for, or goods or services in support of, proliferation-related activities or any person blocked pursuant to the order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any blocked person.

In addition, the order amends section 4(a) of Executive Order 12938, as amended, by conforming the criteria for determining that a foreign person has engaged in activity described in that order to the criteria for designations by the Secretary of State set forth in section 1(a) (ii) of the new order. Executive Order 12938, as amended, will continue to be an important tool to combat WMD proliferation.

Actions taken under the order become effective on June 29, 2005. The new order recognizes the need for more robust tools to defeat the proliferation of WMD around the world. The steps that we are undertaking in this new order form yet another part of our evolving response to this challenge.

GEORGE W. BUSH.

THE WHITE HOUSE, *June 28, 2005.*

STANDING STRONG

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Kentucky (Mr. DAVIS) is recognized for the remaining time until midnight as the designee of the majority leader.

Mr. DAVIS of Kentucky. Mr. Speaker, I would like to take this opportunity this evening to discuss the call to duty that our armed services have accepted, the importance of standing firm in the global war on terror, a war that was imposed upon us by those who seek to destroy not only our way of life but remove all vestiges of a culture of freedom, of tolerance and opportunity from this world.

It is an interesting thing that I have seen happen in the United States since the terrible days following September 11. At that time, our national populace was galvanized. The war was close at hand. People understood the pain. We all knew the emotions we feel as we saw the images over and over again on television, stories of friends and family who were touched directly by the loss of relatives or friends who had been wounded or hurt during that attack.

□ 2320

Now we have moved back into comfortable familiarity. We are forgetting the importance of this was a war that was imposed upon us, one, I might add, that was coming whether we liked it or not.

The burgeoning of radical Islamic extremist movements throughout southwest Asia, principally funded by Wahabist groups, groups like al Qaeda, other affiliated groups, were spreading quietly across the world, across the latitude 10-40 window and, yes, right even in the United States, even in cases where taxpayer dollars were going to institutions and organizations that were promoting activities that were destructive to our national way of life.

Indeed, as President Bush said our freedoms not only were used against us in the initial assault of September 11, but our freedoms are used against us with salacious speech, literally calls to Jihad taking place right inside the border of this country.

What do we hear from the other side in this body speaking of tolerance, of faith, of ethnic diversity, of belief? We hear nothing. We hear nothing to confront that reality.

Indeed, a poignant moment came for me in the War on Terror, a war that is equally as important to this future of this Nation as the struggle was in the Second World War.

This past Tuesday, I had a singular and great honor. I was invited to attend the funeral of Sergeant Michael McNulty who served in America's premier counterterrorist organization. He served all around the world, helping us to have the freedom to speak here tonight, that people could sleep in their beds safe, knowing that their men and women on the front lines were willing to lay their lives down, to go into harm's way, to stand firm, to train, to send a message to the world that our freedoms will be defended.

As the honor guard fired its volley, as the bandsman played Taps, as Mrs. McNulty wept with the four children next to her, the parents of Michael sitting behind them, looking at that flag-draped casket, we looked at a casket of a man who died fighting to preserve these freedoms. He died in western Iraq, but in the background what I heard was the sound of jets leaving Reagan National Airport, traffic on the roads, the sounds of tourists in the distance. I came back over to the city, and people were going about their day-to-day business, completely unaware, oblivious to the struggle that was going on with the exception of the occasional salacious news report that the liberal media puts into the newspapers or on television, not talking about the successes, not talking about the commitment, not talking about what is at stake for the future of this country and why, as a Nation, we must rise up and have a sense of duty, a sense of resolve and a sense of commitment.

One thing that we have learned in our history is to appease those who stand against our way of life, guarantees that the conflict that we seek to avoid will be brought upon us. Yet, we are not talking about this now. We hear empty rhetoric about exit strategies. We want to point to questions about the nature and motivation of, well, do we really want to be in this conflict.

Mr. Speaker, I need to share with my colleagues, we did not choose to be in this conflict. This conflict was imposed upon us by groups that were intent on bringing it to our shores, and men like Sergeant McNulty were among those who are working hard to keep it from our shores, especially since September 11.

As I look at this, one thing that I would share is that the best measure of the effectiveness and the belief in this mission is not public opinion polls to people who are not receiving the full story about this fight for freedom, this commitment to duty on the part of our Armed Services, the call to duty that I believe is upon every citizen of this country, as it has been for every generation that has come before us. What we need to understand is the best measure of belief in this mission in an army of the people who volunteer to serve is their morale and their commitment to stay the course.

Contrary to much of the empty rhetoric and hot air that I hear from many of the talking heads who have never served this country, I might add and have no concept of the things they speak of as we talk about these alleged problems, answer me this, Mr. Speaker. Why are active components exceeding their retention levels over 100 percent? Why is the Army, the active Army, this month in June going to exceed 100 percent of its initial recruitment quota? It is because the message is getting out.

I have talked to over 400 soldiers and Marines since I have been in Congress this session. I have walked the halls with the gentleman from Texas (Mr.

CONAWAY), my colleague who is going to share his views in a moment, and talked to wounded Marines. We have spoken with wounded soldiers. Over and over, we hear one thing: a commitment to their command; a belief in the mission; and a question of why the media is not accurately reporting the successes of our soldiers, our Marines, our airmen and our sailors in the theater.

We are not talking about the restoration of infrastructure that frankly did not exist in the Saddam Hussein regime in Iraq. We are not talking in the national media about the bringing for the first time in the history of this country true women's suffrage and women's rights and interest in the opportunity and the hope for families in Afghanistan. For the first time in the history of that part of the world, women went to the polls and chose a duly elected leader of the country.

One of my West Point classmates jokingly described Iraq as he found it, as a country run by the Sopranos. It was not run by the rule of law. It was run by thuggery, by terror, by intimidation and by corruption. The Iraqi people were standing up. They are standing up and they are taking hold, and our soldiers and our Marines, our airmen and our sailors see that every day as they serve. They see that commitment. They see the fact that the Iraqi people want us to stand by them as they stand up so they can stand completely on their own.

There are many things that we are going to address in this time tonight, but the first thing that I would like to do is introduce my colleague who has seen firsthand many of the exciting developments. He has seen firsthand the work of our civil affairs soldiers, the work of people in communities, helping them to rebuild, to have a hope and a future, a desire to raise their children and the quality of the people that we have.

Mr. Speaker, I yield to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank the gentleman from Kentucky for hosting this hour tonight. These chambers are home to an awful lot of rhetoric, and I hope that our ours tonight will add to the understanding that Americans have of how important it is that we finish this job, we finish this work in Afghanistan and, more importantly, in Iraq.

There were a couple of anecdotes earlier this evening by one of the speakers about folks opposed to the war. I, too, had an opportunity this past week, last Wednesday a week ago today, to attend the service for Lance Corporal Mario Castillo in Brownwood, Texas. I flew back to the district in order to do that.

The church, as my colleagues might expect, was full that morning in Brownwood, Texas, and the tribute letters that were read as a part of that service from Lance Corporal Castillo's colleagues and comrades-in-arms are very instructive as to the attitude that our military has.

To a person, to a man, these letters talked about what a wonderful person Mario was. His nickname was "Happy." The picture of Mario on the front of the program for the funeral showed a young man in full battle gear, helmet, goggles, but the most incredible white-toothed smile you had ever seen. Obviously, an individual loved by his comrades, respected for the job he was doing, respected for the risks he took. To a person, they talked about what a wonderful fellow Mario was, what a great job he was doing.

They also talked about what they were doing there and why and how important it was that we stay the course and how important it was that we did not let Mario Castillo's and his family's sacrifices go in vain.

As we left the church that day, the good citizens of Brownwood and Early, Texas, literally lined the route, the 5-plus mile route from Brownwood's church out to the Early Cemetery. This was a bright blue Texas day. It was noon, a blazing white sun, precious little wind. It was hot and uncomfortable, and many of these people had stood in that heat, in that sunshine for almost 2 hours, waiting for the procession to move through. An incredible display of support and honor for this family.

These were not people who were hired to come out and stand with the flag and with their hands over their hearts. These were people who loved and cared for Mario Castillo, who did not even know him until this event, young men and women, babies in strollers, teenagers, moms and dads.

This was a working day, Wednesday. Working families were out manning these roads, many of the businesses allowing as much of their staff as they could to go man the roads with the flags. It was just the most incredible site that anyone could have experienced.

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I also had the opportunity last November, just after I was elected, to sit with Amy Baker. Amy Baker is the young wife of Brian Baker. Brian was killed in Iraq in early November. I sat with Amy and cried with Amy and her mom and dad. Amy was pregnant with twins, about 7 months old, as they have since been born. We have an obligation to help that family.

But as I sat with Amy during the worst grief period you can possibly imagine, she looked at me with tears in her eyes, her eyes and my eyes, and she said, you tell President Bush under no circumstances is he to back away from this fight, because to do so would dishonor my husband.

We have an obligation to stay this course. We have plenty of blood on the battlefields of Iraq. Our treasure is there. We are winning this battle.

A couple of other things I want to talk about. One of the previous speakers this evening talked about loving our enemies out of their position. I do not think I have ever seen that happen. It may be scriptural, but it just does not happen. As an example: my colleague, I have spent some time in Guantanamo Bay. One of the detainees there, one of the early detainees, who has since been, for all intents and purposes, been awarded an academy award for his act because he was able to convince our people in Guantanamo Bay that he was not in fact a threat; that he just got swept up in the battlefield and was one of those people that should be returned to Afghanistan and Pakistan because he was not a belligerent; he was just an innocent who had gotten swept up in an event beyond his control.

When he presented himself he had suffered a battlefield injury, losing a leg. We nursed him back to health, fitted him with a prosthesis. We loved this individual and we let him go, turned him back to Pakistan and Afghanistan, whereupon he changed his name. He is now referred to as Mohammad Masoud. He has been implicated in the kidnapping and killing of two Chinese engineers, killed one of them; he has been implicated in the car bombing of a bus carrying journalists; he has been implicated in the bombing of a hotel. He is a bad guy.

We loved him. We did the right thing. We should have done what we did for him, fix his wounds and fit him with that prosthesis, but it did not change his heart. He is a bad guy and he wants to hurt us, and so we have to stay the course.

Let me finish up by talking about something that happened earlier this afternoon. We have a life here in America that is relatively fear free. It is fear free because we have good men and women manning the wire, manning the walls, planning the threat points to our country and doing greats work in Iraq, and so we rarely have fear enter into our lives. We stand in the center, the epicenter of democracy not only of the United States but of this world. These hallowed Chambers are home to democracy.

Early this evening, we had some sort of alarm go off. Immediately, Members, our colleagues, began to flee these Chambers. And as I walked out of here, I was struck by the fear and the panic in some of our colleagues. It was not Republican or Democrat. It was just that there were folks on both sides of the aisle who looked scared. There was fear in their eyes. They wanted to get out of this building, period; and they were running past me towards the door. And it struck me what an odd event that was.

Here we are in the epicenter of democracy, as I said, and yet a wayward airplane, a twin engine plane, was causing the elected Members of this body to run fleeing out of these Chambers, and what a rare occurrence that is. What if that was an everyday event? There is a possibility that could be an everyday event, with the threats that we are constantly getting from al Qaeda, from the terrorists around this world. They would love nothing more than to be able to be setting off car bombs and to have suicide bombers blowing up sidewalk cafes, and all the kinds of things we see happening in Iraq.

They would dearly love to be doing that inside this country, putting a real threat to the fear that some of my colleagues felt this afternoon as they fled these Chambers, on a regular basis instead of the odd occurrence that happens every once in a while.

With that, Mr. Speaker, I will yield back to my good friend, the gentleman from Kentucky (Mr. DAVIS), and appreciate his hosting this hour tonight.

Mr. DAVIS of Kentucky. I thank the gentleman from Texas for his commitment to our troops, to the families in his district, and in the country as a whole.

I did find some of the time during both evacuations interesting. Certainly, when we were walking out of the Capitol and moving down the hill, there were gentlemen standing next to me and a policeman came up and said run. I turned to him, along with two colleagues from the other side of the aisle, and we said no. I was asked why not, and I said the first reason why not is to run in a situation like that is only going to create more disorder as opposed to calm. And the second thing, more importantly, is from a standpoint of leadership and the example that is set not only for people in this Nation, for the confidence they can have of their leadership, but more than that, the world is watching this country. It is important that the rhetoric in this Chamber and the way that Members act in this Chamber, their words and their actions reflect a commitment to freedom, to liberty and a resolve to stand firm.

Somebody who has shown great resolve and steadfast leadership in dealing with the war on terror with unconventional warfare and threats emerging in this hemisphere and the other side of the world is the chairman of the House Task Force on Terrorism and Unconventional Warfare who also now serves as our chief deputy whip, the gentleman from Virginia (Mr. CANTOR). He has become a good friend and is nationally recognized, and certainly recognized in this body as a leader and also a committed student of this issue, and also committed to bringing about all of his energies toward ultimate victory to preserve our freedom here at home and expand freedom in the world.

Mr. Speaker, I yield to the gentleman from Virginia.

Mr. CANTOR. Mr. Speaker, I thank the gentleman from Kentucky, and I want to salute him as well as the gentleman from Texas for their remarks this evening. I also want to recognize the importance of this debate that we are having here tonight to point out where we are in Iraq, to salute our men and women in uniform, and to really set the record straight.

As the gentleman from Kentucky has said, there has been much rhetoric tonight in this Chamber and throughout the last couple of months aimed at the President's policies and our policies, the American policies in Iraq. And, in fact, it is those policies that I think represent a bold approach to safety for the citizens of this country. They are also a bold approach which represents and reflects an awareness that we must act in this country, in a new world and a new paradigm, against an enemy the likes of which we really have not seen before.

It is this so-called Bush doctrine that takes a very courageous stand against the terrorists and says that we will never, ever condone the killing of innocent people. It is that sense of moral clarity that governs the actions of this administration, and I salute this President for his strength and his courage.

But I think there are some important points that we ought to make this evening, an evening that is just 1 day after the 1-year anniversary of the return of sovereignty to Iraq. A few points I would like to make are, number one, we must fight the terrorists abroad, otherwise the terrorists will strike us here at home.

And thank God, Mr. Speaker, for the men and women in uniform who have sacrificed so much to go over there to defend our liberty that we may enjoy here while they are abroad. I salute them and I salute their families for what they do for all of us here in America.

Secondly, our mission in Iraq is clear: we must help Iraqis build a free nation, strong enough to defend itself and also to advance freedom in the broader Middle East. This, Mr. Speaker, will make us more secure here at home by closing yet another potential terrorist outpost around the world.

Mr. Speaker, it is this notion, that we must seek out the threat and go after it before it comes after us, that this President has pursued. That is our mission in Iraq. That, unfortunately, is what the other side of the aisle has consistently condemned this President for, the strength and courage that he has exhibited.

Thirdly, Mr. Speaker, I would say that the sacrifice that our troops make, the sacrifice that their families make is difficult and often painful. But, clearly, Mr. Speaker, their efforts and their sacrifice are worth enduring because it is that sacrifice that lays the foundation for peace for our children and our grandchildren and the future generations of this country.

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Fourth, I would say that our soldiers, sailors, airmen and Marines serve with pride. They serve with pride and honor despite the attacks, despite what I call the irresponsible rhetoric that has come from many of the leaders on the other side of the aisle in this body and others questioning the sense or the wisdom of our mission in Iraq.

Once this mission has taken place, once we have gone over to Iraq, the mission the President has set out is very clear. We are there. The exit strategy is for the Iraqi soldiers, the Iraqi security forces to be in place, to be able to defend that country. That is when we will leave. These young men and women have fought bravely, and they deserve our respect and certainly our honor.

I would like at this time to bring to Members' attention a letter from one of my constituents currently serving in Iraq. I think it demonstrates really the sense of pride that is felt by our young men and women in uniform.

Marine Corps Captain Matthew James Markham is an F-18 fighter pilot. He wrote to me recently. "I am about to begin my fifth month of deployment to the Al Anbar province of Iraq, where I am serving as a pilot with the Fighting Bengals, an F-18 Marine Fighter Attack Squadron. Our squadron was here for the election, and I was proud to be piloting a Hornet over Baghdad on that historic day. Since then, we have provided overwatch for many convoys, directed cordon and searches, located and destroyed enemy mortar sites, and provided air cover for many special operations forces raids. While all these jobs are important, nothing has excited us more than to see the increased role the Iraqi security forces and Iraqi defense forces have been providing in defending this young democracy.

"Morale among our individual Marines remains high. I am amazed how enthusiastically our Marines perform their jobs despite the intense heat and long hours, and I am honored to lead such individuals."

Mr. Speaker, I submit that the morale of our troops is high, their mission is clear, and thank God for the young men and women serving in the United States military.

Mr. DAVIS of Kentucky. Mr. Speaker, I thank the gentleman from Virginia (Mr. CANTOR) for his remarks and thank him and his team for being willing before September 11 to engage in groundbreaking work in this body to bring to light this issue.

It was important to mention that aviator's comments. One of the things that is not done enough in this body or frankly in the national media is to talk about the tremendous successes our soldiers, sailors, airmen and Marines are seeing on the ground, not seeing simply where our troops are involved, but also with the Iraqis helping themselves. We have had historic events over the last 3 years that have been constantly pooh-poohed by those in the media, by pundits, by those who have never served and without experience in that part of the whole. Always being prophets of doom and gloom, always seeking to minimize or remove every opportunity for success. It is almost as if some of the commentators, some in this own body, would rather have this country defeated and have this Islamic extremism rampant throughout the world, bringing a cloak of darkness over every area in the world where the light of freedom has begun to shine.

I want to talk about some of the successes because they are significant when we look at the accomplishments of the troops and of the Iraqi people themselves.

A year ago yesterday, there was a formal transfer of power. Iraq had a provisional government. They were in charge. More than that, we followed in January with a historic election where people freely chose their leader. Everybody was able to come out and vote, and 8 million Iraqis responded. America saw the benefit, saw the eyes and the faces of the men and women who went to vote, the tears shed by those who cast that ballot for the first time, who had lived in a culture of fear, hopelessness, and had an ambivalent feeling toward government, now were able to come together under rule of law.

It took a few months to form a government. There are hundreds of tribes, thousands of clan groups, three major religious ethnic groups, yet they formed a government. The commentators and some of the people who are even in this body would say it is a failure because it took so long. If that were true, why did it take the United States when it formed from 1776 to 1787 to even have its Constitution, and then a Civil War many years later, 87 years later, to bring about the true unification of this Nation.

I think the accomplishments of the Iraqi people are remarkable considering the pressures they are under. We will see a constitution that they will write and implement and, finally, full parliamentary elections where the Iraqi people elect that government internally in the country. Polling shows this clearly on the Iraq streets; people have confidence in their local leaders. There are people volunteering for the police force. The power grid is coming back. Services are being delivered in some communities for the first time in over a decade; in some places, for the first time ever.

These are the projects and the work, the bulk of the time that our men and women in uniform have invested themselves in, to rebuild that infrastructure, strengthen this community and provide a helping hand, something that our men and women in uniform have done since the beginning of this country.

Setting a timetable on this insurgency is wrong, and oftentimes I think we do a disservice when we say the Iraqi troops are not standing up to the quality of our Special Operations Forces. That is not the measure of success. The measure of success is that they can adequately protect their communities, that the people in the neighborhoods have confidence in them, and we have much to be very encouraged and very pleased about.

At this time last year, only one battalion of the new Iraqi Army were trained and equipped. Now there are over 100. There are over 80,000 other forces in border police, Ministry of Interior forces, and facilities protection. The Iraqi government took it upon itself to develop pipeline protection battalions to protect their energy infrastructure.

The jihadists are extremely violent, and only maybe 1 percent of the population. They are formed of a unique core of jihadists who have come from the outside who perform the most spectacular attacks against the Iraqi people, with al-Zarqawi being the best-known leader of that group; former Baathists who were disenfranchised, and frankly corrupt, vulgar, violent politicians whose interest is not the future of Iraq, but is to have power restored under that old regime.

The positive signs we see are dialogue between the Shiite and the Sunnis. Even those who seek to reject the regime are in dialogue now. They understand that militarily there is no possible way that they can win. And the enemies of freedom in these Islamic extremist terrorist groups around the world understand very clearly that the battle for their future has to be won in Iraq. If they cannot win in Iraq against the Iraqi people, then their ideology of hatred, murder, retribution, and of intolerance will be swept away and defeated and cast, to use the President's words, literally on the ash heap of history, where it belongs.

One of the exciting signs that we have seen, 2 weeks ago, Australian hostage Douglas Wood was rescued. No American forces were involved whatsoever. Iraqi security forces receiving intelligence from Iraqi citizens in the neighborhoods passed through the police chain of command, were moved along, and they rescued Douglas Wood. They set him free.

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They captured terrorists in the process, and I think the positive thing is they are willing to shed their blood to build their country and to provide freedom. And working together, we will be able to decrease our forces. In fact, one thing that is exciting to see is our forces are already reduced 21,000 troops since January. That is a positive step.

As we reduce our footprint, they are increasing, they are strengthening; and we are not going to walk away from this until they have the infrastructure in place to be able to stand alone, and I think they are going to be an exciting partner in the future.

There are a small group of regime elements, as I mentioned before, that are resisting at every turn, every opportunity to bring freedom to the very people these folks seek to govern. But they do not seek to govern from an American world view, from a Western world view based on the rule of law. They seek to govern through corruption, through extortion, and through violence. In fact, General John Vines, commander of the Multinational Corps in Iraq said that if they had a bumper sticker, the former Baathists, the Baath Party rejectionists, it would go something like this: "If you liked Saddam, you'll love us," because they simply want to resume power.

I think that there are some other indicators. I mentioned recruiting and retention, America's active Army components, especially units that are deployed in theater where troops continue to reenlist, to stay with their units. That is also applicable to the Iraqi security forces and the police. Recruiting remains strong. Even though attacks on Iraqis, Iraqi security forces, have approached 70 a day in some cases, that trend of men coming to join remains very strong.

One of the things I deeply regretted when the police station bombing took place on February 18 and 118 people were killed, the news media sent their cameras out to show that carnage of that heinous act of murder, that atrocity. What they did not tell us, Mr. Speaker, was that the next day over 300 men were there to volunteer because their commitment was not to let thugs rule their neighborhoods and rule their cities.

This is a tremendous struggle for the future of a free and democratic Iraq, freedom in that region, and ultimately one that leads to freedom at home to deal with the most pernicious threat that this Nation has faced since World War II.

I think another indicator that is very positive as well is the fact that information from Iraqi citizens themselves is coming forward. Throughout the region, people tire of this. They want a stable life. They want a life of hope, a life of opportunity, a life of freedom. The fact that people braved threats of death in many communities to go out and vote, to cast that vote, shows they want to provide their children with that hope and opportunity. And I think it is a tremendous disservice to have talk in this Chamber about withdrawal timetables.

Even JON CORZINE, Democratic Senator from New Jersey, made a statement today understanding very clearly, regardless of one's views, and I think there is always opportunity and one of the things we have in this body is the great opportunity to disagree openly because on both sides of the aisle on differing view points even within our own caucuses or conferences, we have a deference to the rule of law.

That is not the case for the majority of the world; and when the world watches us, they are viewing our rhetoric through the filter of their world view. When we denigrate our leadership or the regrettable comments of the leadership of the minority party in the House and the Senate about our soldiers, sailors, airmen, and Marines; they are fueling the propaganda machine that emboldens the enemies of our way of life, our freedom, and ultimately that rule of law that we cherish so deeply.

I think that it is important that we know that an exit strategy is simply this: it is winning the war. It is sending a clear message of national resolve. It is having a President who is willing to lead from the front, a Defense Secretary who is willing to lead from the front.

Certainly our commanders in the field understand that clearly. I think it is incumbent upon those in this body that we measure our rhetoric, that we understand that the world is watching, and not use our soldiers, sailors, airmen, and Marines as human shields to advance a political agenda, regardless of which side of the aisle that comes from. Mr. Speaker. What is most important is that we stand united, that we stand firm, and that this Nation has given its word to a people that we are going to stand with them until they are free.

And what makes this Nation strong is its ability, the power, and the will to keep its word and to keep its promise. And I think that that is fundamentally important. And I hear that not only, Mr. Speaker, from people from Iraq, from citizens in my district. I hear it from the soldiers, sailors, airmen, and Marines who are serving this Nation right now.

Victory sets its own schedule, wrote Brendan Miniter in a June 21 Wall Street Journal column. I think it is important to understand that determination, as many of us in this body know who have run tough races, many of us who have served in the military know, that prevailing in a situation or a circumstance, a struggle that one might face in life, means staying that course, having that sense of duty and commitment, whether it is to a member of our family, whether it is to our community, whether it is to fellow servicemembers if we are serving in the military at some point. Making that commitment to stand fast is a tremendous elixir and gives hope to those also and infectious enthusiasm to stand firm, and that is the message that we need to send.

I believe that we have a call to duty in this country to finish this job. We have a duty to our soldiers, sailors, airmen, and Marines to stand behind them; and we have a duty to the American people and, frankly, to the free world to stand firm.

I would like to take a moment before I close to recognize the accomplishments of one particular unit. We have a unit from the great Commonwealth of Kentucky that distinguished itself and its mission serving, these citizen soldiers from the 617th Military Police Company.

It was established in October 2002 and was reorganized as a combat support military police company from a headquarters detachment of a combat engineer unit. It came about as a result of force structure changes within the Kentucky Army National Guard, quite apart from the war.

The company strength is currently close to 175 soldiers deployed in theater right now with about 80 in the rear detachment. The soldiers of the 617th are employed in the civilian sector with varying occupations that all of us in this body, back in our communities, those watching on C-SPAN can relate to: school teachers, law enforcement officers, nurses, retail sales and management, information technology professionals, college students, even an attorney.

On 16 November of 2004, after completing training and validation at Fort McCoy, the unit departed for Iraq. The unit remains in Baghdad, and their principal purpose there is to conduct route security and convoy security, and they also support two Iraqi highway patrol stations as a backup, as a force to come alongside and to help these units stand up. The 617th has been very successful in their mission, as evidenced by the achievement and the valor of their soldiers who are willing to stay the course, who understand the importance of this mission, who see the fruits and the potential of their service and their sacrifice and that of their comrades. Soldiers in this unit have received three Silver Star Medals; three Bronze Star Medals for Valor; four Army Commendation Medals for Valor; and, additionally, 15 soldiers have received 17 Purple Hearts.

This is not about counting medals; but when a unit has that level of achievement, that speaks to discipline, to esprit, to integrity, to the acceptance and the inculcation of a sense of duty that is being acted out every day that brings great honor to the Commonwealth of Kentucky, to the United States of America, and to the United States Army. And I thank those members of the unit.

I would like to recognize some who distinguish themselves. One of the things that I learned in the military is what one friend said who won the Congressional Medal of Honor, which is, the valor, the commitment, and the discipline and courage of a man or woman is not measured by what they wear on their chest but some who were in a certain place at a certain time who received that recognition. I believe if we were to talk to these soldiers, they would point that out, that they were just there to help their buddies to accomplish that mission and they did what they believed was their duty, that any of their fellow soldiers would have done as well.

First, I would like to recognize Sergeant Leigh Ann Hester of Nashville, Tennessee. She joined the Guard on April 20, 2001. She was awarded the Silver Star for Valor in Combat. Staff Sergeant Timothy Nein of Henryville, Indiana, joined the Kentucky National Guard on November 26, 1996, was awarded the Silver Star for Valor. Sergeant Dustin Morris of Murray, Kentucky, joined the Kentucky Army National Guard as a junior in high school under the split option program. This week, as I speak of that, it reminds me of my own journey into the Army, enlisting 29 years ago on June 21. I look at the sacrifices of these young people. He was awarded the Army Commendation Medal V device for Valor.

Specialist Casey Cooper of Eddyville, Kentucky, joined the Kentucky National Guard after completing 2 years of college at Murray State University, awarded the Bronze Star Medal with V device for Valor. Specialist Jason Mike of Radcliff, Kentucky, joined the Kentucky National Guard after September 17, "to give back to my country," he said. He was awarded the Bronze Star Medal with V device for Valor.

Specialist Jesse Ordunez of Gilbertsville, Kentucky, joined the Kentucky Army National Guard in March of 2000, awarded the Army Commendation Medal with V device for Valor. And, finally, Specialist Ashley Pullen of Edmonton, Kentucky, joined the Kentucky Army National Guard on December 19, 2001, at the age of 17, the same age I was when I enlisted 29 areas ago while still attending high school. His award was the Bronze Star with V device for Valor.

When I look at the commitment and the service of these young people, with their sense of duty and commitment, as they stand literally at the tip of spear to preserve our freedom, I am thankful that they are there, that Americans can sleep well and safely tonight as we standing with Iraqi people to see a successful mission as we accept that duty and stand with resolve.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Barrow (at the request of Ms. Pelosi) for today after 8:00 p.m. on account of BRAC hearings in the district.

Mr. Holt (at the request of Ms. Pelosi) for today on account of official business in the district.

Mr. Ross (at the request of Ms. Pelosi) for June 28 and the balance of the week on account of a family emergency.

Mr. Peterson of Pennsylvania (at the request of Mr. DeLay) for today at noon and the balance of the week on account of attending the funeral of Richard Lee Wiles, a senior district staffer and long time dear friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. Woolsey) to revise and extend their remarks and include extraneous material:)

Ms. Woolsey, for 5 minutes, today.

Mr. DeFazio, for 5 minutes, today.

Mr. Brown of Ohio, for 5 minutes, today.

Mr. Davis of Illinois, for 5 minutes, today.

Mr. Engel, for 5 minutes, today.

Ms. Kaptur, for 5 minutes, today.

(The following Members (at the request of Mr. Deal of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. Deal of Georgia, for 5 minutes, today.

Mr. Mack, for 5 minutes, June 30.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 571. An act to designate the facility of the United States Postal Service located at 1915 Fulton Street in Brooklyn, New York, as the "Congresswoman Shirley A. Chisholm Post Office Building"; to the Committee on Government Reform.

S. 775. An act to designate the facility of the United States Postal Service located at 123 W. 7th Street in Holdenville, Oklahoma, as the "Boone Pickens Post Office"; to the Committee on Government Reform.

S. 904. An act to designate the facility of the United States Postal Service located at 1560 Union Valley Road in West Milford, New Jersey, as the "Brian P. Parrello Post Office Building"; to the Committee on Government Reform.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition of junk fax transmissions.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on June 27, 2005 he presented to the President of the United States, for his approval, the following bill.

H.R. 1812. To amend the Public Health Service Act to authorize a demonstration grant program to provide patient navigator services to reduce barriers and improve health care outcomes, and for other purposes.

ADJOURNMENT

Mr. DAVIS of Kentucky. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Thursday, June 30, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2474. A letter from the Director, Legislative Affairs Staff, NRCS, Department of Agriculture, transmitting the Department's final rule—Conservation Security Program (RIN: 0578-AA36) received June 1, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2475. A letter from the Director, Office of Executive Secretariat, Department of the Interior, transmitting the Department's final rule—Conforming Amendments to Implement the No Child Left Behind Act of 2001 (RIN: 1076-AE54) received June 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2476. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2477. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2478. A letter from the Acting White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2479. A letter from the Chairman, Tennessee Valley Authority, transmitting the Authority's Annual Performance Report for FY 2004, in accordance with the requirements of the Government Performance and Results Act of 1993; to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PUTNAM: Committee on Rules. House Resolution 345. Resolution providing for consideration of motions to suspend the rules, and for other purposes (Rept. 109–159). Referred to the House Calendar.

Mrs. CAPITO: Committee on Rules. House Resolution 346. Resolution providing for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes (Rept. 109–160). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself, Mr. Lantos, Mr. Hunter, Mr. Faleomavaega, Ms. Ros-Lehtinen, Mr. McCotter, Mrs. Jo Ann Davis of Virginia, Mr. Burton of Indiana, Mr. Smith of New Jersey, Mr. McCaul of Texas, Ms. Harris, Mr. Weller, Mr. Boozman, and Mr. Issa):

H.R. 3100. A bill to authorize measures to deter arms transfers by foreign countries to the People's Republic of China; to the Committee on International Relations.

By Mr. KUHL of New York (for himself, Mr. Boehlert, Mr. Reynolds, and Mr. Higgins):

H.R. 3101. A bill to authorize the United States Department of Energy to remediate the Western New York Nuclear Service Center in the Town of Ashford, New York, and dispose of nuclear waste; to the Committee on Energy and Commerce.

By Mr. EDWARDS (for himself and Mr. Obey):

H.R. 3102. A bill making emergency supplemental appropriations for the Department of Veterans Affairs for fiscal year 2005 for veterans medical services; to the Committee on Appropriations.

By Mr. SCHIFF (for himself and Mr. Pallone):

H.R. 3103. A bill to direct the Secretary of State to submit a report outlining the steps taken and plans made by the United States to end Turkey's blockade of Armenia; to the Committee on International Relations.

By Mr. YOUNG of Alaska (for himself, Mr. Oberstar, Mr. Petri, and Mr. DeFazio):

H.R. 3104. A bill to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Science, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEAUPREZ:

H.R. 3105. A bill to suspend temporarily the duty on certain aramid chopped fiber; to the Committee on Ways and Means.

By Mr. BEAUPREZ:

H.R. 3106. A bill to suspend temporarily the duty on fabric woven with certain continuous filament wholly nylon type-66 textured yarns; to the Committee on Ways and Means.

By Ms. HARRIS:

H.R. 3107. A bill to protect against child predators and trafficking in persons; to the Committee on the Judiciary.

By Mr. ISRAEL (for himself, Mrs. CAPPS, and Mrs. DAVIS of California):

H.R. 3108. A bill to establish the Commission on Religious Freedom and Respect in the Armed Forces to assess the freedom of religion and respect for the diversity of spiritual values in the Armed Forces; to the Committee on Armed Services.

By Ms. JACKSON-LEE of Texas (for herself, Ms. ZOE LOFGREN of California, Mr. THOMPSON of Mississippi, Mrs. CHRISTENSEN, and Mr. DICKS):

H.R. 3109. A bill to authorize the Secretary of Homeland Security to establish a program to award grants to institutions of higher education for the establishment or expansion of cybersecurity professional development programs, and for other purposes; to the Committee on Science, and in addition to the Committees on Education and the Workforce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JINDAL:

H.R. 3110. A bill to amend the Endangered Species Act of 1973 to provide for treatment of distinct population segments of the Eastern oyster as separate species; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut (for herself, Mr. JEFFERSON, and Mr. MCCRERY):

H.R. 3111. A bill to amend the Internal Revenue Code of 1986 to improve the operation of employee stock ownership plans, and for other purposes; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3112. A bill to suspend temporarily the duty on certain decorative plates, decorative sculptures, decorative plaques, and architectural miniatures; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3113. A bill to suspend temporarily the duty on certain cups, with or without saucers, of porcelain or china; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3114. A bill to suspend temporarily the duty on certain flags; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3115. A bill to suspend temporarily the duty on certain clocks; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3116. A bill to suspend temporarily the duty on certain glass articles; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3117. A bill to suspend temporarily the duty on certain glass articles of lead crystal; to the Committee on Ways and Means.

By Mr. KIRK:

H.R. 3118. A bill to suspend temporarily the duty on certain music boxes; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3119. A bill to extend the temporary suspension of duty on carfentazone ethyl; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3120. A bill to suspend temporarily the duty on certain cores used in remanufacture; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 3121. A bill to amend title 39, United States Code, to prevent certain types of mail matter from being sent by a Member of the House of Representatives as part of a mass mailing; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Kentucky:

H.R. 3122. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 3123. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain restaurant buildings; to the Committee on Ways and Means.

By Mr. SHERWOOD:

H.R. 3124. A bill to authorize the Secretary of the Interior to allow the Columbia Gas Transmission Corporation to increase the diameter of a natural gas pipeline located in the Delaware Water Gap National Recreation Area; to the Committee on Resources.

By Mr. SIMPSON:

H.R. 3125. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. MEEHAN (for himself, Mr. ALLEN, Mr. WAXMAN, Ms. PELOSI, and Mr. COOPER):

H.J. Res. 56. A joint resolution disapproving a rule promulgated by the Administrator of the Environmental Protection Agency to delist coal and oil-direct utility units from the source category list under the Clean Air Act; to the Committee on Energy and Commerce.

By Mr. SCHIFF:

H. Con. Res. 195. Concurrent resolution commemorating the Armenian Genocide of 1915-1923, urging the Government of the Republic of Turkey to acknowledge the culpability of its predecessor state, the Ottoman Empire, for the Armenian Genocide and engage in rapprochement with the Republic of Armenia and the Armenian people, and supporting the accession of Turkey to the European Union if Turkey meets certain criteria; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. OXLEY, Mr. HUNTER, Mr. BARTON of Texas, Mr. NEY, and Mr. HYDE):

H. Res. 344. A resolution expressing the sense of the House of Representatives that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take action that would threaten to impair the national security of the United States; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. KIRK introduced A bill (H.R. 3126) to provide for the liquidation or reliquidation of certain entries; which was referred to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. AL GREEN of Texas.

H.R. 65: Mr. TERRY.

H.R. 97: Mr. MICA.

H.R. 115: Mr. CUMMINGS, Mr. LANTOS, Mr. MARKEY, Mr. RANGEL, Ms. ROYBAL-ALLARD, Mr. SPRATT, and Mr. WEXLER.

H.R. 151: Mr. FATTAH.

H.R. 226: Mr. FATTAH.

H.R. 302: Mrs. CAPPS and Mr. STRICKLAND.

H.R. 312: Mr. SCHWARZ of Michigan and Mr. PRICE of North Carolina.

H.R. 363: Mr. FATTAH, Mr. STUPAK, and Mr. CHANDLER.

H.R. 371: Mr. LEVIN.

H.R. 515: Mrs. MCCARTHY, Mr. GEORGE MILLER of California, and Ms. SOLIS.

H.R. 521: Mrs. MILLER of Michigan.

H.R. 558: Mr. BARROW and Mr. ROTHMAN.

H.R. 581: Ms. CARSON.

H.R. 602: Mr. ENGEL, Mr. HINOJOSA, and Mr. DAVIS of Illinois.

H.R: 611: Mr. WELLER.

H.R. 653: Mr. EMANUEL and Mr. MEEHAN.

H.R. 690: Mr. LANTOS and Mr. UDALL of Colorado.

H.R. 743: Ms. ROS-LEHTINEN.

H.R. 791: Mrs. CHRISTENSEN.

H.R. 813: Mr. OWENS, Mr. BISHOP of New York, and Ms. WASSERMAN SCHULTZ.

H.R. 822: Mr. PAYNE, Mr. MEEKS of New York, Mr. DAVIS of Illinois, Mr. JEFFERSON, Ms. DELAURO, and Mr. SERRANO.

H.R. 823: Mr. WELLER, Mr. LANGEVIN, Mr. BOOZMAN, Mr. MEEHAN, Mr. PICKERING, and Mr. HINCHEY.

H.R. 859: Mr. MURPHY.

H.R. 881: Mr. MCNULTY, Mr. ANDREWS, Ms. JACKSON-LEE of Texas, Mr. WEXLER, and Mr. BROWN of South Carolina.

H.R. 884: Ms. LINDA T. SÁNCHEZ of California and Mr. DAVIS of Florida.

H.R. 920: Mr. DENT.

H.R. 939: Mrs. NAPOLITANO.

H.R. 976: Mrs. MYRICK.

H.R. 997: Mr. UPTON.

H.R. 1010: Mr. JEFFERSON.

H.R. 1059: Ms. MATSUI.

H.R. 1106: Mrs. CHRISTENSEN and Ms. HERSETH.

H.R. 1125: Mrs. CHRISTENSEN.

H.R. 1153: Mr. SCOTT of Georgia and Mr. ENGEL.

H.R. 1192: Mr. GRIJALVA and Mr. PLATTS.

H.R. 1227: Mr. LEVIN.

H.R. 1243: Mr. JINDAL, Mr. PICKERING, Mr. REHBERG, Mrs. MILLER of Michigan, and Mr. KINGSTON.

H.R. 1245: Mrs. LOWEY, Mr. SAXTON, Mr. MEEK of Florida, Mr. MCCAUL of Texas, and Mr. FERGUSON.

H.R. 1246: Mrs. JO ANN DAVIS of Virginia and Mr. ENGEL.

H.R. 1254: Mr. SABO.

H.R. 1277: Mr. FATTAH.

H.R. 1298: Mr. LEWIS of Kentucky, Mr. FRANK of Massachusetts, and Mr. PLATTS.

H.R. 1333: Mrs. CHRISTENSEN, Ms. SCHWARTZ of Pennsylvania, and Mr. SHERMAN.

H.R. 1355: Mr. BROWN of South Carolina and Ms. HART.

H.R. 1390: Mr. FATTAH, Mr. EMANUEL, Mr. MCNULTY, Ms. SCHAKOWSKY, Mrs. TAUSCHER, and Mr. WYNN.

H.R. 1402: Mr. PALLONE, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, and Mr. DOYLE.

H.R. 1409: Mr. CONYERS, Mr. GUTIERREZ, and Mr. KUCINICH.

H.R. 1410: Mr. AL GREEN of Texas.

H.R. 1438: Mr. SIMPSON.

H.R. 1447: Mr. PICKERING.

H.R. 1498: Mr. MCHENRY, Mr. COSTELLO, Mr. SIMPSON, Ms. KAPTUR, Mr. GINGREY, Mr. OWENS, and Mr. UPTON.

H.R. 1507: Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. MCDERMOTT, and Mr. GRIJALVA.

H.R. 1508: Ms. DELAURO.

H.R. 1558: Mr. FERGUSON.

H.R. 1588: Mr. GORDON, Mr. RANGEL, and Mrs. CHRISTENSEN.

H.R. 1671: Mr. COBLE.

H.R. 1686: Mr. CLAY.

H.R. 1696: Mr. MEEK of Florida and Mr. LIPINSKI.

H.R. 1704: Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. MCNULTY, and Mr. CLAY.

H.R. 1806: Mr. BISHOP of Georgia.

H.R. 1807: Mrs. CHRISTENSEN, Mr. SERRANO, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. FRANK of Massachusetts, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. RANGEL, and Mr. GRIJALVA.

H.R. 1819: Ms. HARRIS and Mr. FOLEY.

H.R. 1898: Mr. BOOZMAN, Miss MCMORRIS, Mr. BASS, and Mrs. DRAKE.

H.R. 1946: Mrs. CHRISTENSEN.

H.R. 1973: Mr. FALEOMAVAEGA.

H.R. 2017: Mr. UDALL of New Mexico.

H.R. 2034: Mr. SCHWARZ of Michigan and Mr. HASTINGS of Washington.

H.R. 2045: Mr. GREEN of Wisconsin.

H.R. 2048: Mr. FATTAH and Mr. GRIJALVA.

H.R. 2112: Mr. CALVERT and Mr. WILSON of South Carolina.

H.R. 2194: Mr. DENT, Mr. KUHL of New York, Mr. ALEXANDER, and Mr. GREEN of Wisconsin.

H.R. 2207: Mr. HASTINGS of Florida, Mr. SANDERS, and Mr. FATTAH.

H.R. 2209: Mr. LAHOOD.

H.R. 2238: Mr. OBERSTAR.

H.R. 2290: Mr. ISTOOK.

H.R. 2292: Mr. FATTAH.

H.R. 2317: Mr. KELLER and Mr. WYNN.

H.R. 2357: Mr. WELDON of Pennsylvania.

H.R. 2358: Mr. GONZALEZ.

H.R. 2386: Mr. GIBBONS, Mr. CAPUANO, Mr. KUHL of New York, Mr. OWENS, Mrs. Drake, Mr. PAUL, Mr. CANNON, and Mr. GOODE.

H.R. 2423: Mr. BOEHLERT.

H.R. 2491: Mr. CAMP.

H.R. 2498: Mr. COSTELLO, Ms. JACKSON-LEE of Texas, Mr. KLINE, and Mr. MOORE of Kansas.

H.R. 2526: Mrs. JOHNSON of Connecticut and Mr. PLATTS.

H.R. 2560: Mr. SCHIFF, Mr. BRADY of Pennsylvania, Ms. SCHAKOWSKY, Mr. OWENS, and Mr. WEXLER.

H.R. 2648: Mr. BOOZMAN.

H.R. 2662: Ms. SCHWARTZ of Pennsylvania.

H.R. 2671: Mr. DOGGETT, Mr. ORTIZ, and Ms. SCHAKOWSKY.

H.R. 2715: Mr. OTTER, Mr. SANDERS, Mr. PAUL, and Mr. STARK.

H.R. 2717: Mr. GONZALEZ, Mr. HOLDEN, Mr. HOLT, Ms. SCHWARTZ of Pennsylvania, Mr. BAIRD, Mr. STUPAK, Mr. SKELTON, and Mr. WAXMAN.

H.R. 2736: Mr. GONZALEZ.

H.R. 2780: Mr. BISHOP of New York.

H.R. 2793: Mr. BOOZMAN, Mr. PLATTS, Mr. KIRK, Mr. FRANK of Massachusetts, Mr. TERRY, and Mr. SANDERS.

H.R. 2794: Mr. JENKINS and Mr. PETERSON of Minnesota.

H.R. 2815: Mr. MCGOVERN, Mr. SANDERS, and Mr. FORD.

H.R. 2835: Mr. SANDERS.

H.R. 2842: Mr. ISSA.

H.R. 2869: Ms. SCHAKOWSKY and Mr. HONDA.

H.R. 2872: Ms. MCCOLLUM of Minnesota, Ms. KAPTUR, Mr. CAPUANO, Mr. BROWN of Ohio, Mr. GILLMOR, Ms. SCHAKOWSKY, Mr. HOLT, Mr. MARSHALL, Mr. CASTLE, Mr. SCHIFF, Mr. FORD, Mr. KLINE, Ms. CARSON, Mr. HALL, Mr. HASTINGS of Florida, Mr. RYAN of Ohio, Ms. HART, Mr. STRICKLAND, Mr. OWENS, Mr. GONZALEZ, and Ms. ROS-LEHTINEN.

H.R. 2874: Mr. BASS.

H.R. 2876: Mr. MEEHAN, Mr. KENNEDY of Rhode Island, and Mr. CHANDLER.

H.R. 2877: Ms. WOOLSEY.

H.R. 2878: Mr. PAUL.

H.R. 2891: Mr. SNYDER and Mr. STRICKLAND.

H.R. 2893: Mr. BERMAN and Mr. MICHAUD.

H.R. 2933: Mr. FOLEY.

H.R. 2942: Mr. BURTON of Indiana.

H.R. 2947: Ms. ROS-LEHTINEN, Ms. MATSUI, Ms. WOOLSEY, and Mr. OWENS.

H.R. 2960: Mr. CLEAVER and Mr. STUPAK.

H.R. 2990: Mr. FEENEY.

H.R. 3003: Mr. MORAN of Virginia.

H.R. 3006: Ms. SOLIS, Ms. DELAURO, Mr. OWENS, Mr. SCHIFF, Mr. LEVIN, Mr. CLAY, Mr. HINCHEY, Mr. OLVER, and Mr. BLUMENAUER.

H.R. 3047: Mr. HINCHEY, Ms. JACKSON-LEE of Texas, and Mr. OWENS.

H.R. 3059: Mr. COSTELLO and Mr. PETERSON of Minnesota.

H.R. 3081: Mr. HOLDEN.

H.J. Res. 30: Mr. RANGEL.

H.J. Res. 45: Mr. FILNER.

H.J. Res. 55: Ms. SLAUGHTER, Mr. CUMMINGS, Mr. WU, and Mr. SANDERS.

H. Con. Res. 175: Mr. WELLER and Mr. KUCINICH.

H. Con. Res. 177: Ms. ROS-LEHTINEN, Mr. TERRY, and Mr. PENCE.

H. Con. Res. 184: Ms. BORDALLO, Ms. KILPATRICK of Michigan, Mr. LANGEVIN, Mr. ANDREWS, Mr. CROWLEY, Mrs. DAVIS of California, Mr. MEEK of Florida, Mr. BRADY of Pennsylvania, Mr. BERMAN, Mrs. LOWEY, Mr. RANGEL, and Mr. ABERCROMBIE.

H. Con. Res. 191: Mr. MACK, Mr. PENCE, Mr. BURTON of Indiana, Mr. CHABOT, Mr. MANZULLO, and Mr. FRANK of Massachusetts.

H. Res. 13: Mr. RAMSTAD.

H. Res. 220: Mr. AL GREEN of Texas, Mr. ENGEL, and Mr. SPRATT.

H. Res. 317: Mr. PETRI, Mr. KENNEDY of Minnesota, and Mr. ROHRABACHER.

H. Res. 325: Mr. TOWNS, Mr. SERRANO, and Mr. CAPUANO.

H. Res. 332: Mr. BONNER and Mr. KILDEE.

H. Res. 333: Mr. BROWN of Ohio and Ms. JACKSON-LEE of Texas.

H. Res. 340: Mr. MACK, Mrs. MYRICK, Ms. FOXX, Mr. LEWIS of Kentucky, Mr. JINDAL, Mr. COBLE, Ms. BERKLEY, Mr. GARRETT of New Jersey, Mr. PITTS, Mr. FEENEY, Mr. WAMP, Mr. WICKER, Mr. KING of Iowa, Mr. BROWN of South Carolina, Mr. AKIN, Ms. HART, Mr. RYUN of Kansas, Mr. GUTKNECHT, Mr. HENSARLING, Mr. RYAN of Wisconsin, Mr. WELDON of Florida, Mr. FLAKE, Mr. HERGER, Mr. SODREL, Mr. CHOCOLA, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. TANCREDO, Mr. ROHRABACHER, Mr. HOSTETTLER, Mr. BRADY of Texas, Mrs. MUSGRAVE, Mr. BURGESS, Mr. BISHOP of Utah, Mr. SHIMKUS, Mrs. JOHNSON of Connecticut, Mr. SIMPSON, and Mr. RAMSTAD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1449: Ms. JACKSON-LEE of Texas.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3058

OFFERED BY: MR. KING OF IOWA

AMENDMENT NO. 18: Page 110, line 1, insert after the dollar figure the following: "(reduced by $1,500,000)".

H.R. 3058

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 19: At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used to enforce the judgment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

H.R. 3058

OFFERED BY: MR. KENNEDY OF MINNESOTA

AMENDMENT NO. 20: Page 30, line 10, after the dollar amount insert "(reduced by $100,000,000)".

Page 80, line 19, after the first dollar amount insert "(increased by $100,000,000)" and after the second dollar amount insert "(increased by $100,000,000)".

H.R. 3058

OFFERED BY: MR. TIAHRT OF KANSAS

AMENDMENT NO. 21: At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 30, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine funding for the Corporation for Public Broadcasting.
SD–192

JULY 12

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine stem cell research (single cell technique without destruction of the embryo).
SD–124

JULY 14

2 p.m.
Veterans' Affairs
To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.
SR–418

JULY 19

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.
SD–366

JULY 21

10 a.m.
Veterans' Affairs
Business meeting to consider pending VA legislation.
SR–418

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HOUSE OF REPRESENTATIVES—*Thursday, June 30, 2005*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

May today's prayer rise before You, O Lord, and give You praise.

May the acts of Congress be accomplished this day according to Your holy will, and generate a new spirit among the Members that will give them satisfaction in their work and bring justice and security to the Nation.

May those who are in most need of Your mercy take refuge in You today.

May this day bring joy and laughter to children, relief of suffering to the sick and loving consolation to the elderly.

At the end of the day, may all rest from their labors and may You grant the world peace.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize up to five 1-minute speeches on each side.

PLACEMENT OF THE TEN COMMANDMENTS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the Supreme Court once again has made complex that which is clear.

In their decisions regarding placement of the Ten Commandments on public property, an alleged violation of the first amendment, their rulings are inconsistent. They have said that the Ten Commandments must be removed from those courthouses in Kentucky. On the same day, the same Supreme Court said that the Ten Commandments placed on the State Capitol grounds of Texas, that is okay.

The Supreme Court, the Ten Commandments police, has created confusion, chaos and calamity. What if folks in Kentucky decide to remove those forbidden Ten Commandments from inside the courtrooms and place them on the courthouse grounds, is that permitted?

Well, the chief of police of the Ten Commandments police, Justice David Souter, would be the one to decide because he ruled one way in one case and the opposite way in the other case.

Mr. Speaker, the Supreme Court ruling should be simple for all Americans to understand. The Ten Commandments are simple to understand. The 10 amendments to the Constitution are simple to understand. It is ironic that the same Supreme Court, policing the Ten Commandments throughout courthouses, in their own courtroom above their head, Moses holding the Ten Commandments. This ought not to be.

HONORING LOS ANGELES COUNTY DEPUTY JERRY ORTIZ

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today with a heavy heart to honor the life and public service of Los Angeles County Sheriff's Deputy Jerry Ortiz.

A 15-year veteran of the police department, as well as an Army veteran, husband and father, Deputy Ortiz was slain in the line of duty while valiantly working to wipe out gangs in southeast Los Angeles County.

Deputy Ortiz's tragic murder shows how the gang epidemic has gotten out of hand, and he paid the ultimate price trying to make his community safer.

Deputy Ortiz was a model law enforcement agent and was admired and respected by his colleagues.

He was awarded the Lakewood City Medal of Valor for arresting a robbery suspect, and he will be remembered as a tireless crime fighter who personified the ideals of community-based policing.

On behalf of every resident of the 39th Congressional District, I thank and honor Deputy Ortiz for dedicating his life to defending our country and making our community a safer place to live and to raise a family.

May God bless and give strength to Deputy Ortiz's wife and children as they mourn their tragic loss. Deputy Ortiz will truly be missed.

EMINENT DOMAIN

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, as a former judge and now a Member of Congress, I rise today to protest the attack on individual private property rights contained in the recent Supreme Court decision Kelo v. City of New London.

Following the Court's logic, nothing can stop a local government from replacing a church with a Wal-Mart, or a family farm with a shopping mall, because these will produce greater tax revenues for the government in charge.

Private property ownership is vital to both our freedom and our prosperity. The Kelo decision now puts every home and every business owner on notice that their property may be taken by the government at any time.

This is not the American way, Mr. Speaker. The Court's decision is an abdication of its responsibility to protect individual property rights, and it is a gross misinterpretation of the Constitution.

As we approach our Nation's Day of Independence, we should be concerned about protecting our freedoms, not curtailing them. A just and wise government values individual ownership and protects it.

Mr. Speaker, it is a sad day. Our Nation is built on many, many important tenets, and protection of private property is certainly not the least of them.

EXPRESSING THANKS

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute.)

Mr. AL GREEN of Texas. Mr. Speaker, on yesterday this august body amended the Transportation-Treasury-HUD appropriations bill to include $7.7 million to fight discrimination in housing. I stand before this body today, Mr. Speaker, to thank all of the persons who supported this amendment, both Democrats and Republicans because it could not have been done without bipartisan support, and for that, I am thankful.

I also thank my staff, Mr. Speaker, because no one does anything without a capable, competent and qualified staff, and I think I have one of the best.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Finally, Mr. Speaker, I want to thank another group of people. On yesterday, we had another event wherein we had to leave rather untimely. I want to thank those many security persons who work on our behalf. They are not only helpful and respectful, they are also full of care for us. Mr. Speaker, as we rush out, they rush in to uncertain danger. I want them to know that we care about them. Mr. Speaker, I do not know exactly what we pay them, but whatever it is, it is not enough for the service that they render.

HONORING BARNEY CHAPMAN

(Mr. BISHOP of Utah asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of Utah. Mr. Speaker, I rise today to honor a constituent and friend, who after 37 years is retiring as an officer of the largest credit union in my congressional district, the America First Federal Credit Union.

Barney B. Chapman's service to constituents' financial needs in my district over the years is impressive, but his work in the community is the reason he deserves the respect and thanks today.

The organizations which have benefited from him include: The Air Force Reserves, Boy Scouts of America, Chamber of Commerce, Legislative and Military Affairs Committee, the Federation of Independent Business, several Governors Advisory Boards, Salt Lake Community College, the Junior League, Junior Achievement of Utah, the United Way, Weber School District and Weber State College.

Like the good old boy scout that he is, Barney Chapman does his best to do his duty to God and his country and to help other people at all times, but I am particularly grateful for his commitment to the Air Force. A good airman lives by three principles: integrity first, service before self, excellence in all he does. These are the Air Force core values, and as a full colonel retired, they are his as well. They typify the life of Barney Chapman, and for that, I do honor and thank him today.

REPUBLICAN REFUSAL TO FUND VETERANS HEALTH CARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, America's veterans are still waiting. It has been a week now since the Department of Veterans Affairs finally admitted that veterans health care funding was short $1 billion. As a result of that shortfall, VA facilities around the country can no longer schedule appointments for new veterans.

House Republicans, however, do not seem to be too concerned. Democrats have tried repeatedly over the last week to offer amendments that would provide the VA the $1 billion so veterans can get the services they were promised, but Republicans have shot down every effort to increase funding.

Last week, the gentleman from Texas (Mr. EDWARDS) tried to offer an amendment to the Labor-HHS bill to eliminate the Republican VA funding shortfall, but the Republican majority refused to allow a vote. Then, yesterday the gentleman from Texas (Mr. EDWARDS) wanted to offer the amendment to the Transportation spending bill, and once again, Republicans refused to allow a vote.

Mr. Speaker, this House should not adjourn for the 4th of July recess until we honor our promise to our veterans.

CONGRATULATIONS TO THE ELDER PANTHERS

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, earlier this month, Ohio's number one-ranked Elder Panthers capped off a season of domination in grand fashion by celebrating its 12th State baseball championship.

Here is my dentist's son, the catcher, Billy O'Conner, and pitcher, Matt Klausing, moments after the win on the front page of the Delhi Press.

The 3-0 shutout over Toledo Start gave the Panthers 28 victories for the year, the most in school history, and marked the third consecutive Division I State baseball championship by a Cincinnati area team following in the footsteps of fellow GCL rivals Moeller back in 2004 and St. Xavier in 2003.

Cincinnati Elder is no stranger to being honored on this House floor for its long-standing tradition of athletic and academic excellence.

It gives me great pleasure to, once again, congratulate Elder High School and its players and coaches and students and teachers and parents on capturing yet another State title. As always, they make the west side of Cincinnati proud.

An Elder Panther family, the Lysaghts, dropped off this T-shirt at my office, celebrating the win, and this La Salle Lancer intends to wear it with pride. Go Elder.

□ 1015

EIGHTH ANNIVERSARY OF KHOBAR TOWERS BOMBING

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this past Monday, June 25, marked the eighth anniversary of the bombing of the Khobar Towers in Saudi Arabia. At 9:50 p.m. local time, a truck bomb exploded with the force of 20,000 tons of TNT, and 19 Americans were left dead, Americans who were due to return home 2 days later on June 27.

Mr. Speaker, we now know that this was one of the first battles in the global war on terror, and we have since seen other such battles, and other Americans have lost their lives. Now we are engaged in what the President describes as a forward strategy of the war on terror, and he articulated that vision again for the American people 2 nights ago, and I was grateful for his ability to do that.

Mr. Speaker, the recollection of our record in what has happened in the past 10 years' time around the world has so changed everything that we do in this House, and the events of last evening have shown us one more time how the world has changed around us.

I salute the families of the men and women who died at the Khobar Towers. God bless them, God rest their souls, and God bless every one of our American troops serving today.

GENERAL LEAVE

Mr. KNOLLENBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 3058, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. BOOZMAN). Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The SPEAKER pro tempore. Pursuant to House Resolution 342 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 3058.

□ 1017

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, with Mr. MCHUGH in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 29, 2005, the amendment by the gentleman from Indiana (Mr. SOUDER) had been disposed of and the bill had been read through page 194, line 7.

Mr. KNOLLENBERG. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 210, line 18, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the bill through page 210, line 18, is as follows:

TITLE IX—GENERAL PROVISIONS, GOVERNMENT-WIDE

Departments, Agencies, and Corporations

Sec. 901. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

Sec. 902. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2006 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

Sec. 903. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

Sec. 904. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

Sec. 905. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person: (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

Sec. 906. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

Sec. 907. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

Sec. 908. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Sec. 909. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Sec. 910. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

Sec. 911. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service or under the charge and control of the Postal Service. The Postal Service may give such guards with respect to such property, any of the powers of special policemen provided under 40 U.S.C. 1315. The Postmaster General, or his designee, may take any action that the Secretary of Homeland Security may take under such section with respect to that property.

Sec. 912. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a joint resolution duly adopted in accordance with the applicable law of the United States.

Sec. 913. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2006, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by the comparable section for previous fiscal years until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2006, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section; and

(2) during the period consisting of the remainder of fiscal year 2006, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2006 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2006 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in the previous fiscal year under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2005, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2005, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2005.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 914. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the term "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 915. Notwithstanding section 1346 of title 31, United States Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 916. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Department of Homeland Security, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of National Intelligence or the Office of the Director of National Intelligence.

SEC. 917. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for the current fiscal year shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 918. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 919. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 920. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: "These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.": *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 921. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 922. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 923. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

AMENDMENT OFFERED BY MR. HINCHEY

Mr. HINCHEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HINCHEY:

Page 210, line 20, after "used" insert "directly or indirectly, including by private contractor,".

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, I yield myself such time as I may consume.

This amendment, Mr. Chairman, clarifies that the existing anti-propaganda section of the bill also includes contracting out for these services to publicity experts and others. Its intent is to simply prevent contracts with journalists and other publicity experts without authorization by the Congress, and it will prevent additional embarrassing reports in the future because it will prohibit these bogus news reports, generated by contracts between the government and those willing to take the money and spin the information.

Examples of administrative propaganda are numerous. Last month, The Washington Post reported that the National Resource Conservation Service paid a freelance writer at least $7,500 to write articles touting so-called Federal conservation programs and placed them in outdoors magazines. These articles were placed and not one of them disclosed the fact that the writer was under Federal contract and that these were not objective articles.

Last year, the conservative commentator Armstrong Williams was paid $241,000 by the Education Department to promote the administration's education policy. And columnist Maggie Gallagher received $21,500 from the Department of Health and Human Services to work on the administration's marriage initiative. Again, neither of these individuals informed the public that they were working for the government and that they were not writing objective articles.

Finally, it has recently surfaced that a semi-invisible PR group had received $200 million of taxpayers' dollars to spread anti-Saddam Hussein propaganda prior to the Iraq war. In fact, soon after the attacks on our country on September 11, 2001, the company received a $100,000-a-month contract from the Pentagon to offer media strategy advice. This was part of the misinformation campaign that led to the war in Iraq; and the result of that misinformation was that two-thirds of the American people thought that Saddam Hussein was actually behind the 9/11 attacks. We know, of course, that that was not the case. And eight out of ten Americans thought that Iraq had nuclear weapons because they were afflicted with this misinformation campaign.

While the administration has been embarrassed by their contracts, at least the ones that have been made public, the agencies knew what they were doing when they hired these people to promote these misinformation campaigns. Many have questioned the legality of all of these contracts. The GAO, in fact, is looking into the legality of Armstrong Williams and the Gallagher case, and that ought to determine whether or not the administration violated the ban on covert propaganda.

It is obvious, however, Mr. Chairman, that we need to make this statement with greater clarity and define more clearly what cannot be done by this or future administrations to misinform and mislead the American people by contracting out and engaging in a propaganda campaign using taxpayer dollars to misinform the American people.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member wish to claim time in opposition to the amendment?

Mr. KNOLLENBERG. Mr. Chairman, I claim the time in opposition, but we accept the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HINCHEY. Mr. Chairman, is there an opposing argument to the amendment?

The CHAIRMAN. The gentleman from Michigan claimed the time in opposition, and he has reserved his time.

Mr. KNOLLENBERG. Mr. Chairman, if I may inquire, does the gentleman have any time remaining?

The CHAIRMAN. The gentleman from New York (Mr. HINCHEY) has 1½ minutes remaining; and the gentleman from New York has inquired if there are Members who wish to be heard in opposition. The gentleman from Michigan (Mr. KNOLLENBERG) controls the time in opposition.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume to note that there are no Members here that are in opposition, and I have no position on this matter except to accept the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I yield myself the balance of my time, and I thank the gentleman for accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 924. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofor authorized by the Congress.

SEC. 925. (a) In this section the term "agency"—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the Government Accountability Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 926. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, funds made available for the current fiscal year by this or any other Act to any department or agency, which is a member of the Joint Financial Management Improvement Program (JFMIP), shall be available to finance an appropriate share of JFMIP administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 927. Notwithstanding 31 U.S.C. 1346 and section 910 of this Act, the head of each Executive department and agency is hereby authorized to transfer to or reimburse "General Services Administration, Government-wide Policy" with the approval of the Director of the Office of Management and Budget, funds made available for the current fiscal year by this or any other Act, including rebates from charge card and other contracts: *Provided*, That these funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, the Chief Human Capital Officers Council for human capital initiatives, and the Federal Acquisition Council for procurement initiatives). The total funds transferred or reimbursed shall not exceed $10,000,000. Such transfers or reimbursements may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 928. None of the funds made available in this or any other Act may be used by the Office of Personnel Management or any other department or agency of the Federal Government to prohibit any agency from using appropriated funds as they see fit to independently contract with private companies to provide online employment applications and processing services.

POINT OF ORDER

Mr. ISSA. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ISSA. Mr. Chairman, I raise a point of order against section 928. This provision violates clause 2 of House rule XXI. It proposes to change existing law within the jurisdiction of the Committee on Government Reform and, therefore, constitutes legislation on an appropriations bill in violation of House rules.

The CHAIRMAN. Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this section addresses funds in other acts. This section, therefore, constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and this section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SEC. 929. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 930. Notwithstanding section 1346 of title 31, United States 945./Code, or section 910 of this Act, funds made available for the current fiscal year by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 931. Any request for proposals, solicitation, grant application, form, notification, press release, or other publications involving the distribution of Federal funds shall indicate the agency providing the funds, the Catalog of Federal Domestic Assistance Number, as applicable, and the amount provided: *Provided*, That this provision shall apply to direct payments, formula funds, and grants received by a State receiving Federal funds.

SEC. 932. Subsection (f) of section 403 of Public Law 103–356 (31 U.S.C. 501 note), as amended, is further amended by striking "October 1, 2005" and inserting "October 1, 2006".

SEC. 933. (a) PROHIBITION OF FEDERAL AGENCY MONITORING OF INDIVIDUALS' INTERNET USE.—None of the funds made available in this or any other Act may be used by any Federal agency—

(1) to collect, review, or create any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any Federal Government Internet site of the agency; or

(2) to enter into any agreement with a third party (including another government agency) to collect, review, or obtain any aggregation of data, derived from any means, that includes any personally identifiable information relating to an individual's access to or use of any nongovernmental Internet site.

(b) EXCEPTIONS.—The limitations established in subsection (a) shall not apply to—

(1) any record of aggregate data that does not identify particular persons;

(2) any voluntary submission of personally identifiable information;

(3) any action taken for law enforcement, regulatory, or supervisory purposes, in accordance with applicable law; or

(4) any action described in subsection (a)(1) that is a system security action taken by the operator of an Internet site and is necessarily incident to the rendition of the Internet site services or to the protection of the rights or property of the provider of the Internet site.

(c) DEFINITIONS.—For the purposes of this section:

(1) The term "regulatory" means agency actions to implement, interpret or enforce authorities provided in law.

(2) The term "supervisory" means examinations of the agency's supervised institutions, including assessing safety and soundness, overall financial condition, management practices and policies and compliance with applicable standards as provided in law.

SEC. 934. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO; and

(B) OSF HealthPlans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 935. The Congress of the United States recognizes the United States Anti-Doping Agency (USADA) as the official anti-doping agency for Olympic, Pan American, and Paralympic sport in the United States.

SEC. 936. Notwithstanding any other provision of law, funds appropriated for official travel by Federal departments and agencies may be used by such departments and agencies, if consistent with Office of Management and Budget Circular A–126 regarding official travel for Government personnel, to participate in the fractional aircraft ownership pilot program.

SEC. 937. None of the funds made available under this or any other Act for fiscal year 2006 and each fiscal year thereafter shall be expended for the purchase of a product or service offered by Federal Prison Industries, Inc., unless the agency making such purchase determines that such offered product or service provides the best value to the buying agency pursuant to governmentwide procurement regulations, issued pursuant to section 25(c)(1) of the Office of Federal Procurement Act (41 U.S.C. 421(c)(1)) that impose procedures, standards, and limitations of section 2410n of title 10, United States Code.

SEC. 938. Notwithstanding any other provision of law, none of the funds appropriated or made available under this Act or any other appropriations Act may be used to implement or enforce restrictions or limitations on the Coast Guard Congressional Fellowship Program, or to implement the proposed regulations of the Office of Personnel Management to add sections 300.311 through 300.316 to part 300 of title 5 of the Code of Federal Regulations, published in the Federal Register, volume 68, number 174, on September 9, 2003 (relating to the detail of executive branch employees to the legislative branch).

SEC. 939. Each Executive department and agency shall evaluate the creditworthiness of an individual before issuing the individual a government travel charge card. The department or agency may not issue a government travel charge card to an individual that either lacks a credit history or is found to have an unsatisfactory credit history as a result of this evaluation: *Provided*, That this restriction shall not preclude issuance of a restricted-use charge, debit, or stored value card made in accordance with agency procedures to: (1) an individual with an unsatisfactory credit history where such card is used to pay travel expenses and the agency determines there is no suitable alternative payment mechanism available before issuing the card; or (2) an individual who lacks a credit history. Each Executive department and agency shall establish guidelines and procedures for disciplinary actions to be taken against agency personnel for improper, fraudulent, or abusive use of government charge cards, which shall include appropriate disciplinary actions for use of charge cards for purposes, and at establishments, that are inconsistent with the official business of the Department or agency or with applicable standards of conduct.

SEC. 940. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 941. From funds made available in this or any other Act under the headings "The White House", "Special Assistance to the

President and the Official Residence of Residence of the Vice President", "Council on Environmental Quality and Office of Environmental Quality", "Office of Science and Technology Policy", and "Office of the United States Trade Representative", the Director of the Office of Management and Budget (or such other officer as the President may designate in writing) may, 15 days after giving notice to the Committees on Appropriations of the Senate and the House of Representatives, transfer not to exceed 10 percent of any such appropriation to any other such appropriation, to be merged with and available for the same time and for the same purposes as the appropriation to which transferred: *Provided*, That the amount of an appropriation shall not be increased by more than 50 percent by such transfers: *Provided further*, That no amount shall be transferred from the heading "Special Assistance to the President and the Official Residence of the Vice President" without approval of the Vice President.

SEC. 942. Section 4(b) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270) is amended by adding at the end the following new paragraph:

"(5) Executive agencies with fewer than 100 full-time employees as of the first day of the fiscal year. However, such an agency shall be subject to section 2 to the extent it plans to conduct a public-private competition for the performance of an activity that is not inherently governmental.".

SEC. 943. (a) No funds shall be available for transfers or reimbursements to the E-Government Initiatives sponsored by the Office of Management and Budget (OMB) prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget or receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

(b) The report in (a) shall detail:

(1) the amount proposed for transfer for any department and agency by program office, bureau, or activity, as appropriate;

(2) the specific use of funds;

(3) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds; and

(4) a description on any such activities for which funds were appropriated that will not be implemented or partially implemented by the department or agency as a result of the transfer.

SEC. 944. (a) The adjustment in rates of basic pay for employees under the statutory pay systems that takes effect in fiscal year 2006 under sections 5303 and 5304 of title 5, United States Code, shall be an increase of 3.1 percent, and this adjustment shall apply to civilian employees in the Department of Defense and the Department of Homeland Security and such adjustments shall be effective as of the first day of the first applicable pay period beginning on or after January 1, 2006.

(b) Notwithstanding section 913 of this Act, the adjustment in rates of basic pay for the statutory pay systems that take place in fiscal year 2006 under sections 5344 and 5348 of title 5, United States Code, shall be no less than the percentage in paragraph (a) as employees in the same location whose rates of basic pay are adjusted pursuant to the statutory pay systems under section 5303 and 5304 of title 5, United States Code. Prevailing rate employees at locations where there are no employees whose pay is increased pursuant to sections 5303 and 5304 of title 5 and prevailing rate employees described in section 5343(a)(5) of title 5 shall be considered to be located in the pay locality designated as "Rest of US" pursuant to section 5304 of title 5 for purposes of this paragraph.

(c) Funds used to carry out this section shall be paid from appropriations, which are made to each applicable department or agency for salaries and expenses for fiscal year 2006.

SEC. 945. (a) IN GENERAL.—Section 604(d) of the Fair Credit Reporting Act (15 U.S.C. 1681b(d)) is amended to read as follows:

"(d) LIMITATION ON USE OF CONSUMER REPORT.—

"(1) IN GENERAL.—A credit card issuer may not use any negative information contained in a consumer report to increase any annual percentage rate applicable to a credit card account, or to remove or increase any introductory annual percentage rate of interest applicable to such account, for any reason other than an action or omission of the card holder that is directly related to such account.

"(2) NOTICE TO CONSUMER.—The limitation under paragraph (1) on the use by a credit card issuer of information in a consumer report shall be clearly and conspicuously described to the consumer by the credit card issuer in any disclosure or statement required to be made to the consumer under this title.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 604(a)(3)(F)(ii) of the Fair Credit Reporting Act (15 U.S.C. 1681b(a)(3)(F)(ii)) is amended by inserting "subject to subsection (d)," before "to review".

□ 1030

POINT OF ORDER

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) will state his point of order.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I make a point of order that section 945 of H.R. 3058 is in violation of clause 2 of rule XXI.

That rule precludes changes in existing law from being report in a general appropriation bill. The section directly amends the Fair Credit Reporting Act, an Act within the jurisdiction of the Committee on Financial Services regarding the use of credit reports.

The section beginning on page 222, line 23, through 223, line 20, clearly constitutes legislation on an appropriations bill.

I would note further that House Resolution 342, the rule providing for consideration of the bill, did not waive points of order under clause 2 rule XXI against this section.

I would urge the Chair to sustain the point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, I rise to be heard on the point of order.

Section 945 to which the gentleman objects is in this bill for the purpose of ending a practice under which a credit card company can jack up a cardholder's interest rates to the default rate which can be as high as 30 percent. Even if that person has never missed a payment and never been a day late on any payment to that credit card company, that interest rate can be jacked up if that consumer was 1 day late in the payment of some other bill and that was reported on a credit report.

This language is in here to correct a glaring and obscene omission in legislation which was passed by the House several weeks ago, the infamous bankruptcy bill.

As I understand the rules, the gentleman is objecting to this language because it is legislation on an appropriation bill and falls under the jurisdiction of another committee. As I understand the rules, while the Rules Committee did not protect this section in the rule under which the bill is being debated, this section could be passed by the House if no Member chooses to object to it.

I would respectfully suggest to the gentleman, in the interest of protecting consumers in this country from these bloodsuckers, I would suggest that the gentleman would do the country a great service if he would withdraw his point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, this issue has been debated at length by the House. There was a similar amendment that was debated at length. It was rejected by the membership of this House by a significant vote. In this case today on an appropriations bill, legislating this issue, that has been debated and rejected in an appropriate forum, this is not clearly an appropriate forum. I reiterate my point of order.

Mr. OBEY. Mr. Chairman, I would have to reluctantly concede because of the warped rules which the majority party passed out of the Committee on Rules, which protected countless other provisions from points of order, but neglected to protect this section so that some of the biggest banks in the country can rip-off Americans. I would have to confess that under that myopic and misguided rule, I would have to concede the point of order.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The Chair must first dispose of the point of order. Does the gentleman wish to be heard on the point of order?

Mr. OLVER. Mr. Chairman, I will wait until the point of order has been disposed of and then claim my 5 minutes.

The CHAIRMAN. The Chair is prepared to rule on the point of order.

The Chair finds that this section directly amends existing law. The section, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the section is stricken from the bill.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to repeat some remarks that I made on the floor the other day. I happen to have a Visa card. I have had it for years.

The other day I received in the mail a notification that this Visa card had been transferred to another bank. If you take a look at the fine print on the notice that accompanies that transfer, the fine print makes clear that the following can occur.

Let us say that for 10 years the gentleman from Florida who just lodged the point of order, let us say for 10 years that gentleman has held this same Visa card, and that for that 10-year period he has not been late a single day in any payment to this credit card company. Nonetheless, the gentleman from Florida, or any other citizen of America, can have the interest rate on this card raised to the default rate if, for instance, that person had gone on vacation and while on vacation that person's wife, let us say, had broken her arm. And let us say she was responsible for writing the checks each month and because she was hurt she could not write the checks for a couple of weeks. And if that late payment because of that injury—to another company on another account—wound up in a credit report totally unrelated to your performance on the initial card, nonetheless, that credit card company claims the right to jack up interest rates to 30 percent.

In my view, that is nothing but blood-sucking usury, and I find it incredible that the majority party in this House finds ways time and time and time again to genuflect to the special interests like these credit card companies and to use the technicalities of the rules of this House to deny the average American citizen the protection that they ought to have a right to expect from representatives of this body who are supposed to represent the general interests rather than the special interests of these credit card companies.

It is an outrage that this body would allow this kind of a practice to continue. It is an outrage that the well-connected shysters who engage in this practice are not stood up to unanimously by 435 people in this House.

So all I can say is if the majority wants to hide behind the technicalities to protect yet another well-paying special interest, I cannot do a whole lot about it except raise my voice, and that is what I am doing today.

I would hope that the American consumers would take notice who it is that decides that the technicalities of the rules are more important than giving the consuming public a fair shake.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. As the designee of the gentleman from Wisconsin (Mr. OBEY), the gentleman from Massachusetts (Mr. OLVER) is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, last week the full Committee on Appropriations voted 33 to 25 to accept this provision that prevents credit card issuers from using totally unrelated consumer information to raise the annual percentage rates on cardholders. The provision could have been protected by the Committee on Rules. It was not. Therefore, the point of order was possible. The gentleman from Wisconsin (Mr. OBEY) has accepted the point of order reluctantly.

But this provision in no way prevents companies from raising interest rates, but simply states that banks can only base that decision on the interest rate on information that is relevant to the account that they issue. This provision would make sure that people who pay their credit card account on time and remain within their credit limit do not have their annual percentage rates increased.

The practice of using unrelated information to increase those rates is not allowed when lenders issue home mortgages, and it simply should not be allowed when they issue credit cards. It is outrageous that this practice is legal.

I hope that the discussion here, since the issue has been ruled out of order, will be the impetus for the Committee on Financial Services, which has raised the point of order, it will be the impetus to get rid of this practice.

Mr. HINCHEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from New York.

Mr. HINCHEY. Mr. Chairman, I find this inexplicable. This is the House of Representatives. We are here purposefully to protect the interests of the American people. There is no situation in which it is more clear as to where the interest of the American people lie than in the context of this amendment that has been offered today by the gentleman from Wisconsin (Mr. OBEY). I assume that is why it passed the Committee on Appropriations by such a strong vote.

But for political reasons, the Committee on Rules has decided not to protect the amendment, not to allow it to come out here and not be subject to the kind of opposition it received a moment ago from the gentleman from Florida.

This issue should be debated on the floor of this House. This amendment should be passed. Why? Because the credit card companies are increasingly putting American families deeper and deeper and deeper in debt. The average debt now, according to the Federal Reserve, the average debt of the average American family is 115 percent of income and the main reason for that is credit card debt.

The credit card companies attract consumers, often attracting them in at relatively reasonable interest rates, and then very rapidly for extraneous reasons and circumstances, increase those rates. And the debt that people owe to credit card companies is going up and up and up.

That is one of the reasons why this House of Representatives passed that atrocious bankruptcy bill not long ago, a bankruptcy bill which, in effect, in large part was influenced strongly by the credit card companies. What have we become? This House, which is supposed to represent the interests of the American people, the average American, the average American family, has fallen now to represent narrower and narrower special interests, and the obvious special interest in this case are the credit card companies which has become the fastest growing and one of the most lucrative businesses in America. And why? Because we are not doing our job. This House of Representatives is not doing what it is supposed to do: Protect the interest of the average family and not allow usurious interest rates to take place here over and over and over again.

□ 1045

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, the practical result of the point of order lodged by the gentleman from Florida is to make the credit card companies the only people in America who can raise the price of something you bought after you bought it. If people are comfortable putting themselves in that supine position, I cannot do anything about it. But I find it interesting that the gentleman is a member of the Rules Committee, which cleverly left this measure exposed and then exploited that failure on the part of the Rules Committee in order to knock this language out of the bill. That is a nice sleight of hand operation.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 946. Unless otherwise authorized by existing law, none of the funds provided in this Act or any other Act may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States, unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 947. None of the funds made available in this Act may be used to administer, implement, or enforce the amendment made to section 515.533 of title 31, Code of Federal Regulations, that was published in the Federal Register on February 25, 2005.

AMENDMENT NO. 14 OFFERED BY MR. SIMMONS

Mr. SIMMONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SIMMONS:

At the end of the bill (before the short title), insert the following:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to enter into, implement, or provide oversight of contracts between the Secretary of the Treasury, or his designee, and private collection agencies. Notwithstanding this provision, the Secretary of the Treasury, or his designee, may continue to utilize any private collection contract authority in effect prior to October 22, 2004. Nothing in this provision shall impact the administration of any tax or tariff.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for "INTERNAL REVENUE SERVICE-BUSINESS SYSTEMS MODERNIZATION" is hereby reduced by $5,000,000.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of June 29, 2005, the gentleman from Connecticut (Mr. SIMMONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SIMMONS).

Mr. SIMMONS. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very straightforward. It simply requires that the collection of Federal taxes will continue to be done by officials of the IRS and not by private contractors. This amendment is similar to one that was introduced by the gentlewoman from West Virginia (Mrs. CAPITO) last year and passed by voice vote, although it was ultimately taken out of the bill in conference.

I think all of us, Mr. Chairman, want a Federal system that efficiently collects taxes, but we cannot do it at the expense of taxpayers' rights or privacy. If the IRS is allowed to go forward with the outsourcing of tax collection, millions of taxpayer files will be made available to private debt collection companies. These companies, in turn, will collect up to a 25 percent fee for any collections from American taxpayers.

This type of incentive system on the part of collectors is ripe for abuse and ripe for harassment, which is why the IRS specifically prohibits its own employees from being engaged in a quota system with regard to tax collection.

Mr. Chairman, each year millions of Americans voluntarily disclose sensitive personal information to the IRS with the expectation that it will be handled with the utmost discretion and care, that it will be protected from erroneous or deliberate disclosure outside the IRS. Yet current law allows the IRS to disclose this information to third-party contractors. This cannot be allowed to stand.

Do we really want to release commission-hungry tax collection agents on the American public? Is this really good public policy?

Mr. Chairman, at a time when we are concerned about identity theft, we should not be in the business of putting sensitive information into the hands of private contractors. Just today, the Washington Post did an editorial, Have You Been Stolen? And it says, "Once your name, date of birth, address and Social Security number go astray, you are permanently at risk."

Yet, if we do not pass this amendment that I have offered here today, millions of American taxpayers will be permanently at risk.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I am pleased to join with my colleague from Connecticut in offering this amendment to ensure the fair treatment of the American taxpayer.

Mr. Chairman, it was just back in 1998 that, in response to overly aggressive IRS collection tactics, the Congress passed the IRS Restructuring and Reform Act. That act specifically prevented IRS agents and their supervisors from being evaluated based on how much taxes they collected. They couldn't get a bonus based on how much tax they collected. The reason was pretty simple. We wanted to make sure that the IRS agents had an objective approach, that they weren't harassing taxpayers for their own personal benefit.

That brings us to why we are offering this amendment here today. The provision that was included last year in the FSC corporate tax bill reversed that policy. In fact, even worse, it said that private collection agencies could go out and collect these taxes and that they would get a 25 percent bonus if they collected those taxes. In other words, they were on a commission, based on how much they collected, which creates exactly the wrong incentive, an incentive that we tried to address back in 1998 when we passed that earlier legislation.

Furthermore, it hurts the American taxpayer in another way. Right now, when the IRS agent goes out and collects taxes, 100 percent of those taxes go to the public Treasury to be spent on education and health care and other things that this Congress may decide to invest in for the American people. Under the existing special interest provision that got stuck into the law last year, 25 percent of those moneys are now going to go, not to the Federal Treasury for public purposes, but they are going to be pocketed by these private bounty hunters, essentially, debt collectors who are out there, who have an incentive to be overly aggressive with the taxpayer, have an incentive not to look at the issue fairly; and at the end of the day, they pocket 25 percent instead of those funds going to the benefit of the American taxpayer.

Mr. Chairman, I commend my colleague for offering this amendment and I urge its adoption.

Mr. SIMMONS. Mr. Chairman, could I ask how much time I have remaining?

The CHAIRMAN. The gentleman from Connecticut has 30 seconds remaining.

Mr. SIMMONS. Mr. Chairman, in those 30 seconds I would like to say that taxes today are complicated. Senior citizens have problems with them. Single moms have problems with them. Small business owners have problems with them. Mistakes can be made. But the collection should not be turned over to commission-based bounty hunters. We should not adopt a policy that turns these people loose on our citizens.

Mr. Chairman, I ask unanimous consent that this amendment be withdrawn, as I understand that there is a point of order against it.

The CHAIRMAN. Without objection, the gentleman's amendment is withdrawn.

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do understand that the point of order lies, and I understand why my chairman has raised the point of order. I just want to make something clear on the record, however, that I believe that collection of tax is an inherent role of government, and if the point of order had not lay against the provision, I would have supported the amendment that was offered by the gentleman from Connecticut.

Given the ongoing reports of identity theft and lost data these days, I have come to abhor the very idea of putting private and sensitive information in the hands of debt collectors. It seems to me, as I have already pointed out, it is an inherent role of government to collect taxes. It is a fundamental responsibility of government. We shouldn't privatize this activity, particularly when it will cost taxpayers more money than collecting the owed taxes by Federal employees.

For that reason, I would have supported the amendment, but I do understand the point of order as my chairman has raised it.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill (before the short title) insert the following:

SEC. ____. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.561 of title 31, Code of Federal Regulations, as published in the Federal Register on June 16, 2004, with respect to any Member of the United States Armed Forces.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. A point of order is reserved.

Pursuant to the order of the house of June 29, 2005, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself such time as I may consume. I had assumed that a point of order would be raised. I know that those opposing this amendment don't want to talk about this amendment, and I can understand why.

Carlos Lazo escaped from Cuba in the late 1980s. He hopped a raft, but unfortunately he was caught; he was caught by Castro's forces. He was taken back to Cuba where he spent 1 year in Castro's prisons.

A little later he decided that the pull from freedom was strong enough that he would try again, and he did. He got on another raft and this time he made it. He made it and he became an American. Not only did he become an American, he became a soldier. Not only that, he went over to Iraq and served us proudly. In fact, Sergeant Lazo was recently awarded the Bronze Star for bravery in action in Iraq.

Last June, when he came home from Iraq, he wanted to visit his two sons who are still in Cuba. He is divorced. They and their mother live in Cuba. He tried to do so. He went to the Miami Airport only to find that since he had been in Cuba once in the past 3 years, he couldn't go again for another 3 years. He was prevented from going to see his family.

Here we are, our government, telling one of its finest, a soldier who put his life on the line in Iraq, a soldier that we trust in Iraq, but don't trust to be able to go and see his family more than once out of every 3 years. We acknowledge that he should be able to go see his family, but only once every 3 years.

What kind of a policy is that for us to have? And who would object to that? How hard-hearted do you have to be to say a soldier serving his country cannot go home and see his two kids?

Those on the other side might say, well, why don't we just bring his family over here? And he says, well, I have a good relationship with their mother and she wants them to stay there, and who am I to say any different? He also would like to see his grandmother and relatives while he is over there, that couldn't come here.

The notion that we should tell him what is best for him is at the root of this whole policy of denying Cuban-American families the right to see their families. If this amendment is indeed ruled out of order and we are unable to decide the fate of Sergeant Lazo, the only alternative is to vote for the Davis amendment that will be offered shortly.

POINT OF ORDER

Mr. LINCOLN DIAZ-BALART of Florida. Point of order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LINCOLN DIAZ-BALART of Florida. Is debate supposed to be on the point of order?

The CHAIRMAN. The gentleman from Florida reserved a point of order. The Chair has recognized the gentleman from Arizona for 5 minutes on his amendment pursuant to the unanimous consent agreement.

Mr. FLAKE. Mr. Chairman, let me point out again, this is another thing that the other side doesn't want you to hear. That is why I was just interrupted.

□ 1100

The only way we can allow Sergeant Lazo to see his family is to vote for the Davis amendment, which will allow him and other Cuban American families to go see their families better than once every 3 years.

I think Sergeant Lazo says it best. He says, Cubans pray every day that their parents die 3 years apart if their parents are in Cuba, so they are able to go see them.

Who are we? Who are we as Americans to tell other Americans that they should only be able to go and see their family, their mother, their father, or their kids in this case once every 3 years? What kind of policy is that?

Again, I am not able to offer this amendment. It is going to be ruled out of order. So the only way we can allow Sergeant Lazo or other Cuban Americans or others to see their families more than once every 3 years is to vote for the Davis amendment that will be offered shortly.

Again, Cuban Americans are only allowed once every 3 years. If they have a mother in Cuba and she dies and they decide to attend her funeral, if their father's dies 2 years later, they cannot go to his under this policy unless we vote for the Davis amendment.

I ask my colleagues to please look at their hearts here, see if this is what they want to do as an American to deny another American the right to see their family in Cuba. That is what this amendment is all about. Because we are unable to offer this one, that is what the Davis amendment will be about.

When we are debating the Davis amendment, I suppose we will hear on the other side, as we have heard in the past, hey, we oppose this, we live in a Cuban American community, we know that they do not want to go see their families. Perhaps the people they know feel that way, but I can tell my colleagues, I represent some Cuban Americans as well. People do all over.

Sergeant Lazo comes from the State of Washington, and they would like to go. And who are we, who is anyone to tell others that they cannot go there?

At the root of what we are trying to do is to give people the freedom to make that choice themselves rather than imposing that choice upon them, a choice whether to go see their families, to be able to visit their kids, as a soldier. And there are other soldiers as well; he is not the only one.

I would ask Members to please vote for the Davis amendment if we are unable to vote for this one.

Mr. FARR. Mr. Chairman, the hypocrisy of this Administration is stunning. Sergeant Lazo was sent by his commander in chief to fight in a war that President Bush has claimed is a "fight for freedom."

Yet this same Sergeant Lazo, an American citizen, has been told by the Government he serves that he is forbidden from seeing his children simply because they live in Cuba.

This tragedy is an extension of the administration's idiotic policy to restrict travel to Cuba.

This myopic policy is anti-family, anti-democratic values and it must be repealed.

I have been a strong supporter of lifting the travel ban and embargo; there is no better way to spread democracy and improve relations between Cuba and the United States then by allowing for people-to-people exchanges and unlimited family travel and promoting trade between our two countries.

But because of the restrictive travel policies implemented by this administration, each and every U.S. citizen should be very concerned that fellow American citizens do not enjoy the same rights and freedoms that each one of us has.

Sargeant Lazo is a tragic victim of a flawed 40-year-old policy. It is time for change. Support the Flake amendment and allow Sargeant Lazo to visit his children.

POINT OF ORDER

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law." The amendment at hand requires a new determination. And so I make the point of order against this amendment.

We will have discussion today, Mr. Chairman, on the right of all the people of Cuba to be free and the right for them not to have families divided. They pray every day for freedom, and they work for it. We will have that debate. But not on amendments that violate the rules of this House.

I ask for a ruling from the Chair.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Hearing none, the Chair is prepared to rule.

The Chair finds that this amendment includes language requiring a new determination by Federal officials to discern whether a person is a member of the Armed Forces. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I cannot believe what has just happened on the floor of this House. In effect, what has happened is that some of these same people who tried to stick their noses into the question of how the Schiavo family should deal with an end-of-life issue at a time of great pain for that family, some of the people in this House who felt compelled to stick their noses into that case are now trying to stick their noses into the question of how often someone who is wearing the uniform of the United States can see their family.

I am getting awfully tired of having people on this floor bleat about family values and then take actions which keep families apart. I am awfully tired of hearing people, in effect, suggest that because we dislike Mr. Castro so much that the only way someone wearing the uniform of the United States is going to be able to see his family in Cuba is only if they are lucky enough to see Castro go.

What happens in the meantime? Where are these vaunted family values?

I will tell the Members where they are. When they get in the way of people's political ideology or family squabbles in Cuba, they get tossed out the window. What a pitiful joke.

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF FLORIDA

Mr. DAVIS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. DAVIS of Florida:

Page 224, insert the following after line 8:

SEC. 948. (a) None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to section 515.560 or 515.561 of title 31, Code of Federal Regulations (relating to travel-related transactions incident to travel to Cuba and visiting relatives in Cuba), as published in the Federal Register on June 16, 2004.

(b) The limitation in subsection (a) shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Florida (Mr. DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, may I first ask, as a matter of procedure, who will be claiming time on the other side?

The CHAIRMAN. Time has not yet been claimed.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 2¾ minutes.

Today I am offering an amendment to repeal the administration's rules restricting family travel to Cuba. I offered this same amendment last September. It passed by a vote of 225 to 174. Unfortunately, the amendment was not included in the conference report. I am asking my colleagues, Democrats and Republicans, to join me again today in correcting this cruel injustice.

As was just described in the prior amendment, the Department of Treasury introduced rules in June of 2004 that limit to once every 3 years the opportunity of anybody in my home State of Florida of the United States to visit their own flesh and blood, their family, in Cuba regardless of the circumstances.

Furthermore, the policy that I seek to repeal through this amendment is an unforgivable policy that redefines the family to exclude aunts, uncles, and cousins. And I ask anybody on the floor of the House today to stand up and defend this indefensible aspect of the policy.

A vote for my amendment is to reinstate the prior rule that allowed people here in the United States to visit their own family once a year and to apply for a specific license if there were an emergency: a birth, a death, or someone who is very sick and might die.

I represent hundreds of people in the Tampa Bay area, like many Americans, who simply would like to be with their family in these tragic times. This policy prohibits it.

Let me be clear. My amendment does not address the broader issue of the embargo or unfettered travel to Cuba. That is a debate for another day. This is simply about families. This Congress, this country should be in the benefit of supporting families, not undermining them, not separating. This policy punishes Cubans on both sides of the straits, and it has no positive impact on the embargo issue. I represent many people who are trying to reach out to their families at a time they have little hope, little support, under this oppressive regime in Cuba I have seen with my own eyes.

As was mentioned earlier, Sergeant Lazo was good enough to be sent to Iraq to defend our country as part of the Washington National Guard. He has two sons in Cuba, one of whom, I understand, is in the hospital. He is not allowed to go visit his own son because he was in Cuba 2 years ago.

A deputy assistant secretary of the United States State Department summed this up last year. He said, an individual can decide whether they want to visit Cuba once every 3 years and the decision is up to them, and if they have a dying relative, they have to figure out the best time to travel. These are words that no one would dare speak on the floor of this House of the United States of Representatives. How outrageous.

This Chamber is constantly taking steps to defend and support families: tax relief, marriage penalty relief, child tax credits. Everyone on the floor of this House of Representatives talks about family values here and at home. This is a chance to act on family values. We have an opportunity today to support families who may be divided in geography, but they are not divided in flesh and blood and commitment to each other.

I hope this body, which is divided on the embargo, will come together, support families, and adopt the Davis amendment.

Today I am offering this amendment to repeal the administration's rules restricting family travel to Cuba.

As you may remember, I offered this same amendment last September. The House of Representatives recognized this injustice and passed my amendment by a bipartisan vote of 225 to 174. Unfortunately, my amendment was not included in the conference report. I call on my colleagues to pass this amendment once again.

On June 30, 2004, the Department of Treasury implemented new restrictions on family travel to Cuba. Cuban Americans are now limited to one 14-day visit with their Cuban relatives every 3 years.

The administration has also attempted to redefine the Cuban family. Cuban-Americans are no longer permitted to visit their aunts, uncles or cousins in Cuba.

My amendment would prohibit funds in this bill from being used to implement, administer or enforce the changes made to family travel.

A vote in favor of my amendment is a vote to reinstate the previous policy, which allowed Cuban-Americans one trip per year under a general license, allowed for additional emergency visits under a specific license and kept aunts, uncles and cousins where they belong—as part of the family.

Mr. Speaker, let me be clear. This amendment deals exclusively with keeping families together and would not permit unfettered travel.

But the United States should not be in the business of separating families. The new family travel rules undermine families, punish Cubans on both sides of the Florida straits and have minimal effect on the Government of Cuba.

The Cuban people are talented and ambitious, but under Castro's oppressive rule, they are left with little hope. For many, their only lifeline is the emotional and financial support they receive from relatives in America.

Mr. Chairman, I have spoken with numerous Cuban Americans in my district of Tampa Bay and across Florida who were heartbroken by these regulations. And, most recently, I met with SGT Carlos Lazo, a Cuban American who bravely served our country in Iraq. He is not even permitted to visit his two sons in Cuba.

In fact, last year, a deputy assistant secretary at the U.S. Sate Department summed up the outrageous insensitivity of these rules when he was quoted by Reuters as saying, "An individual can decide when they want to travel once every three years and the decision is up to them. So if they have a dying relative they have to figure out when they want to travel."

Mr. Chairman, this chamber is constantly celebrating and supporting America's families. We've passed marriage penalty relief and child tax credits. But these sweeping changes on family travel to Cuba were enacted without so much as one hearing in Congress.

Again, we have an opportunity to right this wrong. We have an opportunity to celebrate the positive relationships between the United States and Cuba. We have the opportunity to support families who may be divided in geography, but not in flesh and blood and certainly not in love.

This body may be divided on whether the United States should allow travel to Cuba for tourism or business reasons, but I hope that today we can unite in support of families. I urge my colleagues to vote in favor of the Davis amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the gentleman from Florida's amendment.

A year ago I too had concerns about the changes in the regulations on family travel when they were first introduced, and I voted with the gentleman from Florida (Mr. DAVIS) because I believed that Cuban Americans had virtually no notice that the regulations were about to be changed and they could not plan their travel to Cuba accordingly. But a year later my view of these concerns no longer applies.

So now the question becomes the focus on the impact of travel to Cuba, and I would like to share with Members of the House a letter that many of us recently received from the leading Cuban opposition leaders: Martha Beatriz Roque Cabello, Rene de Jesus Gomez Manzano, Felix Antonio Bonne Carcasses. These are the same opposition leaders who, on May 20 of this year, organized an historic Assembly to Promote Civil Society on the 103rd anniversary of Cuban independence.

This event brought many civil society organizations together for the first time to discuss democracy in Cuba. And as we learned in a hearing earlier this year in the Subcommittee on the Western Hemisphere, of which I am the ranking Democrat, the organizers and the participants in this event risked their personal freedom for the freedom of the Cuban people. In fact, these leaders have already suffered in Castro's jails for speaking out on behalf of the Cuban people. And it is the same group of leaders who risked their lives for democracy in Cuba, not those here in the diaspora, but those who are inside of Castro's Cuba, who ask this Congress in their letter not to adopt any changes, any changes, which would either partially or totally change the nature of the embargo.

In fact, they clearly state that any such change would be interpreted as a new policy of compromise with the Castro regime and cite that nothing has been done by the regime to move forward to an accommodation with that element of civil society that ultimately seeks to change the fundamental basics of human rights that we seek to promote throughout the world. And I think we have to heed the warning that they are sending, and we must send a clear message to the Castro regime that we will not compromise when it comes to human rights, freedom, and democracy in Cuba; that we will not dilute the embargo in any way and that we must respect the voices of those very same Cubans who suffer under the regime.

And, finally, let me just say that one cannot seek political asylum from a country and then constantly travel back to it. One is either a political asylee or one is not. One cannot keep traveling back to a country from which they are a political asylee.

And, lastly, we all know the great difficulties, those of us who are not only Cuban Americans but who represent 99 percent of all Cuban Americans in the country; and they have one voice, and that voice is to do everything we can to end the suffering of the Cuban people.

We hear those voices from Cuba. We should listen to them.

Mr. DAVIS of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, some may ask why the Cuban American community overwhelmingly not only supports these measures to limit resources to the terrorist regime, but elects Members, each and every Member, Cuban American Member whether they are Republicans or Democrats, who also agree with the overwhelming majority of the Cuban American community on measures to limit resources to the terrorist regime.

Among the reasons for that, obviously, it is because it is a terrorist regime, an anti-American terrorist regime, that oppresses the Cuban people and has done so for 46 years; but also because Cuban Americans know that freedom never comes free. The only country in the world that has the benefit of a law here in the United States that says one reaches soil in the United States and they are treated like a political asylee are Cubans. And with those great privileges, the great privilege of the Cuban Adjustment Act, come responsibilities.

If one is from any other country in the world, as the gentleman from New Jersey (Mr. MENENDEZ) said, and they are a political asylee, they cannot go back once every 3 years. They cannot go back, period, until the political situation changes in the country they have left. But Cubans not only are treated, and rightfully so, because they are fleeing a Communist tyranny in this hemisphere, as though they were jumping over the Berlin Wall, they are treated as political asylees, but they can go back and visit family every 3 years; whereas from any other country in the world, political asylees cannot.

□ 1115

So, at this point, I would say this is a very serious issue, but suffice it to say that it is not by chance that all the Cuban American Members of this House and the overwhelming majority of the community support all of these measures to limit resources from the terrorist regime.

Mr. Chairman, I reserve the balance of my time.

Mr. DAVIS of Florida. Mr. Chairman, I yield myself 1 minute.

The argument has been made that this debate is about limiting resources. Does anyone want to stand on the floor of this House of Representatives and tell anyone that they cannot go visit a dying member of their family because that is an appropriate limitation on resources?

I have been down to Cuba and seen with my own eyes the suffering and injustice and misery under this oppressive regime. This government is treating their people terribly. One of the few things they have left in life, apart from their own faith and pride, is the support of our own family. No one, no one dares stand on the floor of this House today and answer the question, what do you tell somebody I represent or you represent when someone in their family is having a baby, is approaching death or may die and cannot go down to visit their own family because they were just there 2½ years ago. That is indefensible. It is unforgivable. This is not a debate about the embargo. This is a debate about whether we are going to stand on the floor of the House of Representatives and support families and support family values.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the distinguished leader and Member from the International Relations Committee.

Ms. ROS-LEHTINEN. Mr. Chairman, when we eliminate all the emotional rhetoric here on the floor, what we get to is this amendment. This amendment provides an economic lifeline to the dictatorship. By prohibiting OFAC from enforcing U.S. laws and regulations, this amendment removes those safeguards and it provides the Castro regime with the much needed currency to continue its reign of terror.

Prisoners of conscience are languishing in squalid cells in Cuba, and yet, what are we doing? We are going to bestow this pariah state another victory. Castro is very happy when we do these amendments. Former political prisoners in my Congressional district who endured the most inhumane treatment are the first ones to oppose any weakening of these restrictions.

I urge my colleagues to vote "no" on the Davis amendment.

Mr. DAVIS of Florida. Mr. Chairman, I yield 15 seconds to anyone who opposes this amendment, that wants to defend a policy that says that your family or mine or anybody's family cannot include aunts, uncles or cousins.

I would be happy to yield to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the reason that President Bush implemented these regs, the reason we have an embargo is because we want the political prisoners freed, because we want political parties legalized, labor unions legalized, the press legalized, and elections scheduled, and we want to retain the leverage of those billions of dollars in travel until the dictatorship releases political prisoners. And you know something, yes, there is pain involved in the Cuban tragedy. But the pain comes from the tragedy of the dictatorship and not because of our policies.

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, the silence is deafening here. With all due respect to my colleague, with whom I agree on many Cuba policies and respect, no one dares stand on the floor of the House of Representatives and answer the question why we are supporting a policy that says that your uncle, aunt or cousin is not a member of your own family, your own flesh and blood.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Florida. I yield to the gentleman from Florida.

Mr. LINCOLN DIAZ-BALART of Florida. Did the gentleman not hear when I spoke 10 seconds ago?

Mr. DAVIS of Florida. Mr. Chairman, reclaiming my time, this is not a debate about the embargo. This is a debate about who is considered a member of the family. No one dares stand on the floor of the House of Representatives today and answer the question why we are going to deny to an individual the right to visit a member of their own family who may be having a child, who may be dying. I represent people who every day are facing the cruel injustice of this policy. For them it is not about a message. It is not about rhetoric. It is about the facts. The fact is we are denying Sergeant Lazo, who was good enough to represent our country and our families, including our aunts, uncles and cousins in Iraq, the ability to visit his own sons in Cuba, including one who in the hospital. This is an unforgivable indefensible policy.

I would urge Democrats and Republicans to once again adopt the amendment.

Mr. DELAY. Mr. Chairman, the author and proponents of this amendment, which would lift the longstanding prohibition on American travel in Cuba, support it for perfectly valid motives. They believe the infusion of both American money and American culture—however limited—will be a net positive for Cuba's struggling economy. And if, in fact, Cuba's economy was simply struggling, I would whole-heartedly support this amendment. But Cuba's economy is not struggling—it is strangled. It is dominated, oppressed, and leeched by Fidel Castro's terrorist regime in Havana.

Cuba has no economy, not in the way we understand the term; it merely has economic extensions of Castro's tyranny. In Castro's Cuba, any money taken in from tourists is pilfered by the government and used to fund its decades-old machinery of oppression. There is no free market; just a command economy. There are no small businessmen; just Castro's button-men. There is no service industry; just a giant money-laundering apparatus for a murderous tyrant. Proponents of this amendment, Mr. Chairman, would have us believe Cuba could become America's playground if only the economic sanctions were lifted—that once Cuba's economy and culture were exposed to American dollars and sensibilities, we would have a tropical paradise, an exotic vacation Mecca, right around the corner.

But Mr. Chairman, the difference between Cuba and Bermuda is not the absence of tourists in the former but the absence of secret police in the latter! The money Americans would spend in Cuba under this amendment would directly—not indirectly, but directly—benefit Fidel Castro's dictatorship, his aiding and abetting of international terrorism, his oppression of the Cuban people, and his hijacking of Cuban history. The only solution is to not spend that money in the first place.

President Bush is right, as he has been for four years, to promise to veto any legislation that enriches Fidel Castro or benefits his regime. The president is right. I stand with him, and I urge all my colleagues to do the same.

Mr. MCGOVERN. Mr. Chairman, these cruel anti-family restrictions need to be reversed. They have already caused too much human pain and suffering.

Nelson Diaz arrived in the U.S. in 1981, leaving his father, brothers and extended family in Cuba. He visited his family in May 2004—and is now not eligible to return until May 2007. His father is 87 years old and in failing health. If he is forced to wait the full three years, Diaz will not see his father alive again.

Waldo Parravicini left his family behind in 1958 when he came to the U.S. Until last June, he saw them on a regular basis, delivering vital medicines to his aging father. Under the new restrictions, Waldo has missed the deaths of his father and grandfather, aunts, uncles, cousins and friends, as well as the births and baptisms of nieces and nephews. If Waldo and his 93-year-old mother have to wait two more years, she may never see her oldest daughter and grandchildren again. Regarding the new limits on family travel, Waldo says they are "not worthy of any nation that truly values family and God."

Ana Karim, a pastor with the Richmond Mennonite Fellowship in Richmond, Virginia, has family throughout Cuba, who she visited regularly until last year. She brought medicine, clothing and food to her two uncles, one suffering from cancer and the other from Parkinson's disease. Now Ana cannot visit any of her family in Cuba because the new law declares that her uncles, aunts and cousins are not immediate family.

Mr. Chairman, who in this Chamber can possibly, in good conscience, support a policy that deliberately creates such family pain and suffering?

We're supposed to be the good guys.

Stop punishing these innocent families.

Support the Davis amendment.

PROFILES OF CUBAN-AMERICANS HARMED BY THE NEW FAMILY TRAVEL RESTRICTIONS ON CUBA

MARISELA ROMERO

Marisela Romero is a 56-year-old Cuban-American woman who lives in Miami. Her only sister and her mother had died in Cuba several years ago, leaving her to manage the care of her elderly and demented father who lived in a small coastal town on the island. Prior to last summer she had traveled every two to three months to visit him. She sent him medicines, diapers, and other supplies to make his life easier, and hired several Cubans who provided him with the round-the-clock care that allowed him to stay in his own home. Then, in 2004 our government dramatically restricted Cuban-Americans in terms of both traveling to Cuba and sending material aid. She was forbidden to send money to those who were caring for him. She was forbidden to visit him more often than once every three years. She was even forbidden to send him the diapers he needed because they were not deemed to be "medicine." After several months of not seeing his only living child, he died. Both he and his daughter suffered irreparable harm because of the new regulations. It is unacceptable to treat either American families or Cuban families with such cruelty.

NELSON DIAZ

Nelson Diaz arrived in the United States in 1981, leaving his father, brothers, and extended family in Cuba. He was able to visit the island in May 2004 and is not eligible to return until May 2007. However, his father is 87 years old and in failing health. Diaz fears that if he is forced to wait the full three years that he will not see his father alive again. He also worries about his limited ability to send money and goods to the rest of his family. Despite having built a successful life in the United States, according to Diaz, "I cannot be completely happy if my family and friends in Cuba are in need and I cannot help them."

WALDO PARRAVICINI

Leaving behind his family in Cuba, Waldo Parravicini came to the United States in 1958 to attend college after Batista shut down the University of Havana. Until last June when the regulations governing family travel to Cuba changed and restricted visits to once every three years, Parravicini visited his family on a regular basis, delivering vital medicines to his aging father during his long battle with illness.

Referring to the travel restrictions, Parravicini says, "its hypocrisy and double standard are incredible . . . and not worthy of any nation that truly values family and God."

Because of the limitations on travel to Cuba, Waldo has missed important family events including the deaths of his father and grandfather, aunts, uncles, cousins, and friends; and the births and baptisms of nieces and nephews. If Waldo and his 93-year-old mother have to wait two more years to visit Cuba, his mother may not be able to see her oldest daughter and grandchildren again.

ANA KARIM

Ana has family throughout Cuba and has made a habit of visiting them at least once a year. On her visits to Cuba, Ana brings medicines, clothing, and food. These gifts are particularly helpful to her two uncles, one suffering from cancer and the other from Parkinson's disease.

While her uncles have received free medical treatment from the Cuban government, they face a drastic shortage of medicine, particularly ibuprofen. When Ana visited last May, she took several bottles of the pain medicine with her; a gift which was immensely appreciated.

Under new travel restrictions, effective June 30th, Ana is no longer able to visit her family in Cuba. The new law dictates that aunts, uncles, and cousins are not in one's "immediate family" and Cuban Americans cannot legally visit those relatives.

Ana works as a pastor with the Richmond Mennonite Fellowship in Richmond, VA. She has traveled to Cuba in this capacity as well leading two-week seminars in Cuba that fulfill a class requirement for students at Baptist Theological Seminary at Richmond. The new restrictions now prohibit any programs lasting shorter than 10 weeks, severing this opportunity from her as well.

Mr. FARR. Mr. Chairman, I rise in strong support of the Davis amendment to the Treasury Transportation bill.

Our foreign policy should reflect our Democratic values. The Administration claims that family values are the bedrock of our society, yet this same Administration has instituted one of the most anti-family policies in US history.

In June 2004 the Office of Foreign Assets Control issued regulations that only permit Cuban-Americans to visit their immediate family members in Cuba every three years.

Are any of us willing to trade places with Cuban-Americans living in the United States who are denied the opportunity to visit freely with their family members . . . because of geography? I think not.

What does such a restrictive policy say about American values to Cuban Americans? What does such a restrictive policy say about American values to the rest of the world? What does such a policy say about the civil rights of Cuban Americans living in the United States?

It is akin to a "separate but equal" policy since Cuban Americans, who should enjoy the same civil liberties that all other Americans enjoy, cannot freely visit their families in Cuba.

As this Nation prepares to celebrate its 229th birthday on July 4, I urge my colleagues to remember the democratic principles our Founding Fathers enshrined in the Constitution. Don't treat Cuban Americans as "separate but equal."

Overturn the ban on travel to Cuba and support the Davis amendment.

Ms. DELAURO. Mr. Chairman, none of us come here to defend the Cuban Government or its historically poor human rights record and repressive system of government. But 46 years of the same failed policy have accomplished nothing. And the more we normalize relations with Cuba, the faster Fidel Castro will lose his grip on the Cuban people. This is why we should be making it easier for Americans to go to Cuba.

Yet we seem to be going in the opposite direction. Rather than being committed to political openness and the free exchange of goods and ideas—powerful forces—we are clamping down on our own citizens—in the process, preventing any liberalization of the Castro regime and penalizing law-abiding Americans.

Last week, I met with U.S. Army Sgt. Carlos Lazo, who has two sons in Cuba, one critically ill. This is a man who won the Bronze Star for fighting in Iraq, but our government will not let him visit his own son. Why? Because he traveled to Cuba last year. Even the Cuban government has said Sgt. Lazo's son can come here to visit his father.

So, Mr. Speaker, this is an issue of human rights and economic freedom. Limiting the rights of Americans to travel back to Cuba, or to send money home to their families is no way to bring change to Cuba.

In committee, we already acknowledged as much from the business end. There, we recognized how much progress we have made in the last few years on the economic front, with agriculture sales growing to almost $400 million from almost nothing 4 years earlier. That is why the committee unanimously agreed to loosen traveling restrictions to Cuba with respect to agribusiness.

There is no reason we should not do the same for these families. Now is a time for compassion. Particularly when we are talking about men and women in the United States military uniform, who are defending our freedom overseas, we should show them that their Congress recognizes that freedom begins at home. Support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. DAVIS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. DAVIS of Florida. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida (Mr. DAVIS) will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FLAKE:

Page 224, insert the following after line 8:

SEC. 948. None of the funds made available in this Act may be used to amend section 515.566 of title 31, Code of Federal Regulations (relating to religious activities in Cuba), as in effect on June 29, 2005.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve a point of order on Mr. FLAKE's amendments. He has got, I believe, eight of them, and I am not sure if all of them are consistent with the rules of the House. So what I would like to do because I do know that some at least or at least another one is not, I reserve a point of order on Mr. FLAKE's amendments.

The CHAIRMAN. The point of order is reserved.

Pursuant to the order of the House of June 29, 2005, the gentleman from Arizona (Mr. FLAKE) and the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) each will control 5 minutes.

The Chair recognizes the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would rather respond to the questions on this. What this amendment simply does, those who are opposed to change in Cuba have said let us keep the current regulations. Let us keep the current exemptions that we have. Let us keep it all the same. The gentleman from New Jersey (Mr. MENENDEZ) just stood and said the dissidents are saying that, let us keep it exactly the same.

This amendment, with regard to the religious exemption that exists, says keep it the same. That is what we are doing with this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, again, I was not aware of which of the multiple amendments that the gentleman from Arizona (Mr. FLAKE) has filed he was going to bring up at this time. My understanding is that this particular amendment, of the many that he has filed, is in order. So I look forward to the debate.

The CHAIRMAN. Does the gentleman withdraw his reservation of the point of order?

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself such time as I may consume.

My understanding of this, of the many amendments that Mr. FLAKE has filed with regard to matters that would increase currency to the regime, this amendment states that he wants to tie the President's hands from issuing any further regulations that could have the effect of changing the current regulation that does permit religious travel to Cuba. So I want it to be clear, there is currently a category in U.S. law that permits travel for religious purposes to Cuba.

What the gentleman from Arizona (Mr. FLAKE) is saying is, well, I do not know if in the future the President could do something that I disagree with, and so I want to prohibit something the President may do in the future with this amendment. For example, the regime, colleagues, I am sure are aware of the fact, has had about 15 spies arrested in the United States in the last 3 or 4 years. If the administration should find that the religious travel category were being utilized to either train spies or intensify the efforts of Cuban state security against the United States, this amendment would prohibit the President from issuing, in effect, further regulations on that.

Religious travel is legal. That is not being debated at this time. What the gentleman from Arizona (Mr. FLAKE) is saying is that he wants to tie the hands of the President in the future with regard to one of the six remaining terrorist states in the world. It is wrong. We should not tie the President's hands, and so I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I yield myself 1 minute. I offered this amendment to see what the other side would do on this, and just to let this body know how far we are going here. They claim to respect religious liberties and to allow religious visits to Cuba. Yet, when I say let us protect that current exemption that exists, they say we might want to go further. We might want to apply a religious test and, in fact, it is happening right now in Miami. There are groups that are going down under a certain religion, and now we have our own Department of Treasury and the Congress apparently saying we are not sure you are really that religion, we are not sure you really believe that. And so we might restrict that further.

In fact, regulations were just issued a few months ago to say that, you know, we think, and this is without approval of Congress, just new regulations saying it ought to only be 25 people that could go at one time. Anything else is unreligious apparently. That is where we are going. It just baffles me to see where we are going here.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I think the gentleman from Arizona's amendment is very dangerous. Let me tell you why. Read the amendment. It says none of the funds made available in this Act can be used to amend this section relating to religious activities. If the administration or any future administration, if this amendment were adopted, wanted to increase the flow of religious activity into Cuba, which is permitted under existing law by license, is permitted under existing law by license, if there came a point in time in which the floodgates wanted to be open, the gentleman from Arizona's amendment would prohibit the Federal Government from doing so.

That is a prohibition that is not in the national interest, security or in the foreign policy of the United States, and it is very clear that religious institutions right now have all the wherewithal and have been traveling to Cuba.

Mr. FLAKE. Mr. Chairman, I yield myself 2 minutes. Mr. Chairman, believe me, given the history of this issue, the last thing any of us worry about is for those who oppose changes on the Cuba issue to liberalize or to allow more religion and more religious travel, because every effort is to restrict, is to tell people we know better than you. We apparently can define whether you are really religious or not or whether you really believe in that faith. That is what this is about. We are simply trying to protect it.

I would love the President to say, hey, let us open it and I would sponsor legislation to do that certainly. I have. But the last thing we are worried about here is for religion to be opened up because every effort by those who oppose the freedom to travel to Cuba has been to restrict people's freedoms and rights and religion.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield the balance of my time to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my friend from Florida for yielding time.

Mr. Chairman, this amendment is prospective. It seeks to prohibit the use of funds on something that may or may not happen, may be looser, may be stricter, legislating on hypotheticals. And once again, U.S. law already allows individual members of religious organizations to travel to Cuba for religious purposes. The only requirement is that they have a specific license. That is a safeguard in U.S. law to ensure that travel is in fact for the stated purposes, and not for the purposes of tourism.

□ 1130

The regulations ensure that financial donations are not provided to the regime under the guise of religious activity. Current law seeks to prevent the manipulation of legitimate activities to practice or share as one believes about the Cuban people.

The practice of religion should be reaching out, in solidarity, in total respect for the fundamental rights of each and every human being. But what happens in Cuba? The Cuban people continue to live mired in misery and oppression. In Cuba, people are denied their freedom of conscience, their freedom of belief, their freedom of religion. They are persecuted, prosecuted for those beliefs because they run contrary to the Communist doctrine.

Proponents of this amendment and others seeking to revoke U.S. policy toward the Castro dictatorship argue that they are doing it to help the Cuban people. But when we speak of helping the Cuban people, Mr. Chairman, we need to focus on the freedom of the Cuban people. Help is liberty. Help is helping to ensure that every Cuban can speak their minds, not be imprisoned or threatened or beaten to death for it. Help is ensuring that the Cuban people are permitted to practice their religion in true freedom. That is not taking place in Cuba right now.

I urge my colleagues to vote against this amendment. This amendment will just free, open so much of the lawlessness that is going on with the permitting process. It promotes lawlessness because it states we are not going to regulate it in the future. We do not know what will happen.

Reject this amendment.

Mr. FLAKE. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Arizona has 2½ minutes remaining.

Mr. FLAKE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I offered this amendment to allow people to see what this is all about. And the notion that what the other side wants to defeat this amendment for, because they might allow more religious travel, is pretty much laid bare by opposition to the other amendments that have been offered, allowing family members to travel or military members to travel, or support for regulations in the past to restrict religious freedom; to say, hey, if you are of a certain religion, then we at the Department of Treasury, we are going to decide how many are really in your congregation, what kind of religion you have or whether it is really a religion at all. That is what this is about.

But I am cognizant of the fact that if this is twisted, like many of the amendments offered on Cuba are, and people misunderstand it as this is something to lift the whole embargo, in fact, the talking points just read refer to a different amendment because it talked about lessening.

I am talking about keeping. I am cognizant that if this were to go down, that would embolden this side to restrict religion even further, saying we have license. The House has said, let us restrict religion even further.

That is the last thing I want, and I will not be party to that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. LEE:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to implement, administer, or enforce the amendments made to paragraphs (a) and (b) of section 515.565 of title 31, Code of Federal Regulations (relating to specific licenses for United States academic institutions and other specific licenses), as published in the Federal Register on June 16, 2004 (69 Fed. Reg. 33772). The limitation in the preceding sentence shall not apply to the implementation, administration, or enforcement of section 515.560(c)(3) of title 31, Code of Federal Regulations.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from California (Ms. LEE) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is very simple and, hopefully, should be very noncontroversial. It passed this body last year by voice vote, and I am asking for support again this year. This amendment is good for education, the budget, and our national security concerns and it supports our students. It is good for the spread of democracy. Let me explain why I say that.

This amendment prohibits funds in this bill from being used to enforce new regulations, promulgated in June of 2004, that severely restrict and in many cases eliminate opportunities for United States students to study abroad in Cuba.

The revised travel regulations take our policy towards Cuba in exactly the wrong direction. These regulations are plain punitive and undemocratic. They simply do not make sense for Americans. Regulations that have already denied and will continue to deny many American college students the basic opportunity to gain experience, knowledge and insight through study abroad in Cuba should not be funded.

This is an issue of freedom for our students to travel and gain invaluable experience and educational opportunities that only international study abroad programs can provide.

After the House passed this amendment last year, students and institutions from across the country were very relieved. They want the opportunities to conduct their studies, learn about other cultures, and make independent judgments for themselves.

Mr. Chairman, this amendment simply moves students closer to what they really deserve. And make no mistake, isolating Cuba and preventing these important contacts between students and Cuba will not change the Government of Cuba.

In 1963, let me remind you that Attorney General Robert Kennedy sought to lift the entire U.S. travel ban to Cuba. He believed that the travel ban was inconsistent with our views, our views of a free society. More than 40 years later we are still debating an outdated policy from a bygone era, but this is just a very simple amendment that will speak right to our American students. We need this policy to allow our young people to change ideas, values and experiences.

These types of exchanges are what will truly bring change to Cuba. Our students are the best ambassadors for democracy. Also, Mr. Chairman, money spent enforcing these regulations, I think this money would be better spent tracking down terrorist finances.

Before the new regulations were enacted, the Miami Herald reported that the Office of Foreign Assets, which, of course, is the department responsible for tracking the finances of terrorists, international narcotics, and weapons of mass destruction, has six more times personnel, I could not believe this, six more times personnel working on Cuba licensing than tracking bin Laden.

Now, OFA officials are tracking students and Cuban American families instead of focusing on terrorists.

Today, I stand against squandering our resources to enforce these ineffective, outdated policies as they relate to our students and to our education. And I ask Members to support the ranks of American students to be educated, to travel abroad, to gain experience and to make judgments for the themselves.

American students are allowed to visit and participate in educational opportunities and programs in China and in other countries which we may or may not agree with, and so I believe that our own young people deserve this right. It is basic to their educational desires if they choose to do this.

Finally, I want to remind my colleagues that last year the State Department and the 9/11 Commission both underscored the importance of our youth in spreading American values. Patricia Harrison, Assistant Secretary of State for Educational and Cultural Affairs, stated before the Committee on International Relations, on which I serve, she said, One of our greatest assets in public diplomacy is the American people themselves. Programs, she said, that which bring Americans and foreign citizens in direct contact, can and do have tremendous positive impact.

The recommendations of the 9/11 Commission report stated that we must rebuild the scholarship exchange and library programs that reach out to young people and offer them knowledge and hope. I cannot agree more. It is in our best interest to allow our youth to spread the message of American values and hope so that people can see for themselves who America is and what we stand for.

This amendment is straightforward, Mr. Chairman, and should not be controversial. We are talking about mainstream family values, education, freedom to learn and the freedom to export our American principles.

I urge my colleagues to vote "yes" on the Lee amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, it is interesting how amendments make themselves to the floor, find their way to the floor with regard to the Cuban terrorist dictatorship, with language of freedom, talking about education, talking about reunification, talking about students.

Over 100 pro-democracy activists, leaders in Cuba met last month at great risk to their lives and to their families' lives, and they met publicly for the first time in 46 years. They held a convention. Many of them were not permitted to arrive. State security kept them in their homes, threw them in prison, but over 100 did arrive at the convention.

They met there and for the first time in 46 years they had elections and they elected leaders of the prodemocracy movement. They issued positions calling for the release of political prisoners and democracy, free elections. And they sent us a letter, Mr. Chairman, signed June 24, the three leaders of the Assembly to Promotes Civil Society.

They asked us in this letter with great respect for the decisions of a sovereign Congress, to reject each and every amendment that was going to be presented this week, either completely or partially eliminating sanctions against the dictatorship. And the dictator, Mr. Chairman, has gone on his state television, obviously, the only channel that belongs to him, and has said, "A severe response" awaits those mercenaries.

The omnipotent, totalitarian dictator, Mr. Chairman, until one day, omnipotent, goes on television and says "a severe response" awaits. The Cuban people know what that means. At any moment these leaders or their families will be thrown in dungeons and subjected to the torture that thousands of political prisoners are subjected to in Cuba each day and hundreds of thousands have been subjected to for 46 years.

Now, this letter, should we give it the credence and authority and respect that its courage, its heroism demands? I believe we should. This is a very serious issue. We have a policy to help the Cuban people and not the jailers of the Cuban people, not the oppressors of the Cuban people.

Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 2½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve the balance of my time.

Ms. LEE. Mr. Chairman, I yield myself such time as I may consume.

First, let me comment with regard to the gentleman's presentation, and I thank the gentleman for calling to our attention the letter. But I am opposing U.S. foreign policy. And it is my contention that we should not allow letters from foreign citizens to dictate those types of foreign policy measures that the United States of America should be making in terms of our educational programs for our American students.

This is about American students and their right to participate in educational programs. It has nothing to do with any of the issues that this letter addresses.

The CHAIRMAN. The time of the gentlewoman has expired.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, with over 160,000 American students studying abroad each year, the United States acknowledges the potential contribution of true educational exchanges, and Cuba is no exception.

Under current law, educational activities by American students in Cuba are permitted. In fact, under current law, these activities are enhanced by regulating the manner in which students may fulfill these study semesters abroad. Therefore, if it is truly the opportunity for education that the Lee amendment attempts to preserve, then I would like to respectfully remind my colleagues here today that American students are afforded this opportunity through the implementation of current regulations.

The regulations in place merely serve to ensure that those students traveling for educational purposes are doing just that. Current law establishes that specific licenses for educational activities be preserved for undergraduate and graduate institutions. These measures were enacted and must been enforced to prevent the abuse of educational activities such as spring break getaways and island shopping sprees.

I urge my colleagues to join me in voting "no" for the Lee amendment because educational travel is already permitted.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Florida (Mr. LINCOLN DIAZ-BALART) has 1½ minutes remaining.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I have been listening to this debate, and one of the things that was said today is that we should not accept letters from even freedom fighters, heroes who are suffering under Castro's oppression.

If we should not listen to them, maybe we should listen to what the dictator himself has said about amendments such as this in the past. When an amendment such as this passed a couple years ago, he said, "The House of Representatives voted with determination and courage for amendments that bring glory to that institution. We should always be grateful for that gesture."

That is the dictator himself, grateful for amendments like this. Should we be on the side of the Cuban people or should we be taking actions that the dictator himself calls glorious?

□ 1145

I think that is something that clearly this body needs to take in consideration.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield myself the remaining time.

I would ask all of colleagues who may be watching this debate to realize this is a very serious issue, that the policy of the United States is a well-thought through policy. It permits travel for educational reasons, humanitarian reasons, family reasons. There are 13 categories of legal travel.

Remember, it is terrorist state that has shot down Americans just years ago, that has the head of its air force indicted for murder of American citizens, shot down over the straits of Florida. It has the head of its navy indicted for drug trafficking. It is a terrorist state, one of six remaining states.

So these are serious issues. We must keep this policy to deny hard currency to the regime while permitting the 13 categories of legal travel.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. LEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Ms. LEE) will be postponed.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

At the end of the bill (before the short title), insert the following: "None of the funds made available in this Act may be used to provide for the competitive sourcing of flight service stations."

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Vermont (Mr. SANDERS) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 10 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

This tripartisan amendment is being cosponsored by the gentleman from Indiana (Mr. HOSTETTLER), the gentlewoman from South Dakota (Ms. HERSETH), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Oklahoma (Mr. BOREN), the gentleman from Connecticut (Mr. SHAYS), and the gentlewoman from Connecticut (Ms. DELAURO). It also has the strong support of the AFL–CIO, representing 13 million American workers, the Transportation Trades Department, the Professional Airway Systems Specialists and the National Association of Air Traffic Specialists.

Mr. Chairman, on February 1, 2005, the FAA awarded a $1.9 billion contract to Lockheed Martin to close 38 out of 61 automated flight service stations across the country and privatize 20 others. This contract is not scheduled to go into effect until October 1, 2005.

If this contract is implemented, over 1,000 highly trained air traffic control specialists will be in danger of losing their jobs, and the retirement benefits of some 2,500 Federal aviation workers will also be in jeopardy.

Mr. Chairman, this privatization scheme is a bad idea, a wrong idea for a number of reasons. First and foremost is the question of air safety, something that is on the mind of every Member of Congress and every American person who flies.

Flight service stations are crucial to the safety and security of our Nation's air space. They provide a host of critical services to more than 600,000 general aviation pilots, as well as providing assistance to military and commercial pilots.

Air traffic control specialists advise pilots on such information as terrain, pre-flight and in-flight weather information, suggested routes of flight, altitudes and indications of turbulence or icing. As a matter of fact, when this country was attacked on September 11, 2001, the key national security function of air traffic control specialists was on full display. During that national tragedy, air traffic control specialists communicated crucial information to planes in the air and on the ground and were responsible for restarting air traffic in the days following. In addition, Mr. Chairman, keeping airplanes out of restricted air space is the responsibility of air traffic control specialists.

Further, air traffic control specialists are critical to protect our airways during a natural disaster. When hurricanes hit the southeast last year, flight service stations remained open, and air traffic control specialists remained working to ensure the safety of airline passengers, even though other FAA facilities were shut down.

Mr. Chairman, it is my very strong opinion that we should not be compromising air safety by privatizing air traffic control specialists to a corporation, Lockheed Martin, whose main function in life is making a profit. When passengers get on a plane, when passengers take off and land at an airport, they want to know that everything possible is being done to protect the safety of those flights and not that operations have been turned out to the lowest possible bidder.

Interestingly enough, Mr. Chairman, Congress has already passed a provision prohibiting three flight service stations in Alaska from being privatized, and that provision has been signed into law by the President. Mr. Chairman, I support that law and believe that what is good for Alaska, a State highly dependent on air travel, should be good for the rest of the country and that we should prevent flight service stations across the country from closing, which is exactly what this amendment will do.

Mr. Chairman, the second important reason that we should pass this amendment is that at a time when millions of American workers are worried that the pensions that have been promised to them will not be there when they retire, we must show that Congress will not be complicit in that process and that we will stand up for them when their pensions are going to be slashed.

Mr. Chairman, if this amendment fails, not only will 1,000 highly trained air traffic control specialists be in danger of losing their jobs, but the retirement benefits of some 2,500 Federal aviation workers, most of whom are over the age of 40, will be in jeopardy. That is wrong.

The Federal Government must set an example to the private sector. When we promise a Federal employee that he or she will get a pension, that promise must be kept. If we do not keep our promises regarding pensions to Federal employees, how can we expect that United Airlines or other major corporations will keep their promises?

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Let me respond to the Sanders amendment, which I am opposed to. It is a transparent attempt to void a contract that would deliver tremendous benefits to the general aviation community and save the FAA $2.2 billion over the next 10 years.

It also could result in up to $350 million in additional costs to the FAA in the form of termination penalties.

There is no erosion of safety associated with contracting out flight service stations. Simply put, flight service stations do not control air traffic. Flight service stations receive and file flight plans and provide pilot weather briefings, en route communications, and search and rescue services to general aviation pilots.

The contract will enhance all of these services to the general aviation community. It has strong support from private pilots because they know that better services will result in a safer system.

This contract will have little or no impact on commercial or military pilots who get these services from different sources.

It also protects existing flight service station employees. Lockheed Martin will offer jobs to all incumbent employees. Salaries will be matched, including locality pay. Lockheed Martin will provide a sign-on bonus, as well as a retention bonus for many positions, as well as up to $50,000 for relocation allowances. Additionally, Lockheed Martin will offer a 401(k) savings plan, income protection plan and performance bonuses.

The contract was fairly bid, and the flight service station employees competed in the offering.

This contract has been years in the making. Congress should not step in after the fact to stop this contract and deny better services to more than 600,000 private pilots.

Let me turn to some of the pilot private pilots on this. This is a quote: "After spending 90 minutes getting an advance look at a 21st century flight service station and asking hard questions, all I can say is, Wow! On the basis of what the contractor will deliver under the contract, pilots are going to be much better served and much safer."

Another: "For the first time in history, pilots are going to get a contractual guarantee that a live briefer will answer their phone calls within 20 seconds and acknowledge their radio calls within 5 seconds. Flight plans will be filed within 3 minutes. It's in the contract."

Then: "And as any pilot who has been stuck on hold for 20 minutes trying to get a weather briefing can tell you, the system is overloaded and frequently non-responsive."

These are all quotes from people who actually are involved in this process. So I strongly urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Chairman, I rise today in strong support of the amendment offered by the gentleman from Vermont (Mr. SANDERS), of which I am a cosponsor.

It is very important that we pass this amendment to protect aviation security and safety. The service provided by the flight service station specialists is an inherently governmental function. It is important to the community of McAlester, Oklahoma, in my district where we have many, many people employed and not only to McAlester, Oklahoma, but to our Nation because flight service stations across the country are a critical component of our air traffic system.

At a time when we all agree it is critical to strengthen aviation security and safety, privatizing these jobs is the wrong way to go. While there is a role for the private sector to competitively provide certain government services, this is not one of those services.

It is imperative they not be turned over to a for-profit company. We should not outsource our Nation's air traffic control functions. The safety of the flying public should not be offered to the lowest bidder, and these highly trained and experienced specialists should continue to provide their critical service to keep our Nation's air space safe and secure.

Mr. KNOLLENBERG. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I thank the gentleman for yielding me time, and I rise in very strong opposition to the Sanders amendment.

I chair the Subcommittee on Aviation, and I can say that we have been involved for a number of years. We have had a comprehensive 3-year study by the Federal Aviation Administration, and in February of 2005, we awarded a contract to provide automated flight services for the next 10 years by a competent contractor.

This competitive sourcing process was supported by the aircraft owners and pilots association. They are the primary organization that represents many of the 600,000 pilots that we heard the sponsor of the amendment refer to. They are the main users of flight service stations, private pilots.

Flight service stations do not control air traffic. Flight service stations receive and file flight plans and provide pilot weather briefings, en route communications, and search and rescue services to the general aviation pilots.

According to their pilots, again AOPA, and this is Phil Boyer, he said this is the way the current system works for the safety of our pilots and so-called security in the air: "Any pilot who has been stuck on hold for 20 minutes trying to get a weather briefing can tell you, the system is overloaded and frequently non-responsive. The system had to change, and this is a change for the better." He also said, "Pilots are going to be much better served and much safer."

□ 1200

Now, private pilots do recognize that the current system that we have in place is antiquated and it is costing us more than $600 million a year. So the worst part about this is we are paying more and getting bad service, or no service, as the head of the Aircraft Pilots Association has said.

So this contract is estimated to save the taxpayers about $2 billion over the next 10 years and provide dramatically improved service. If this amendment passes, in fact, there will be no transition money; and on top of that, there will be a $350 million penalty for termination of the contract.

Under the FAA reform plan, $2.2 billion in taxpayers' dollars will be saved, and again we will have new technology to make the airspace for our general aviation pilots safer, with the best, most efficient, cost effective technology and, at the same time, we protect the employees that are in place.

Mr. Chairman, I urge Members to consider this amendment and defeat it.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise in support of this amendment to protect hard working Federal employees in my district from having their jobs transferred to the private sector and ultimately lost.

The Federal Aviation Administration recently awarded to Lockheed Martin to run the Flight Service option of air traffic controller. The AFSS facilities in Cleveland, Ohio, will be closed down in the next year or 2, and approximately 32 jobs will be lost.

The only winner here is the contractor, Lockheed Martin, who will certainly profit handsomely. From my past experiences with the A76 process, I can predict with certainty that the Federal Government will lose money, many jobs will be lost, and the essential services of air traffic control will suffer. Privatization of essential government jobs is dangerous and unnecessary.

The FAA has steadfastly refused to answer several questions I and several other Members of Congress have asked about this privatization effort. We asked questions about the process of this privatization effort, employee transfers, the retirement options, opportunities to challenge the privatization, and future health care benefits. These are the sort of questions that employees should have had answers to months ago but still lack today.

We raised concerns as Members of Congress about how the vendor bids were evaluated, how risk was assigned to these bids and how the priority of the relationship between the FAA and the winning vendor was justified. We asked for copies of various vendor bids to make sure the process was fair. To date, the FAA has not responded to any letters that Members of Congress who are concerned about this have sent. This is outrageous and evidence that FAA privatization is faulty.

If the FAA cannot even respond to simple Congressional inquires, I question their ability to perform a fair process. Employees deserve better. Support the Sanders amendment and stand up for Federal employees.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I wish to thank the gentleman from Vermont for bringing this issue before us today.

Mr. Chairman, I have a station in my district that would be impacted by this; hard working people who work to protect all of the general pilots that come into that area, the City of Hawthorne, will lose their jobs. I do not understand why somehow the Alaska Flight Service Stations are protected from this privatization effort but all of the other stations are not, and they are going to consolidate and basically close down most of these 61 Flight Service Stations in the United States that service the needs of general aviation pilots, but not the Alaskan service stations.

In addition to that, I do not know what pilots the gentleman is referring to who have gotten behind consolidation and closing down these stations. It is not true of the pilots who call me. They do not like the privatization. They want to do away with it. They support the amendment of the gentleman from Vermont that we have before us, and I would ask the Members of this Congress to stand behind this amendment.

Save these Federal jobs and keep the protection that we have with these very caring Federal employees who do not want to be placed in a situation of unemployment.

Mr. KNOLLENBERG. Mr. Chairman, pardon me, but what is the time allotment on the other side and here?

The CHAIRMAN. The gentleman from Vermont (Mr. SANDERS) has 30 seconds remaining and the gentleman from Michigan (Mr. KNOLLENBERG) 3½ minutes remaining.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. SANDERS. Mr. Chairman, may I inquire as to how many more speakers the gentleman from Michigan has?

Mr. KNOLLENBERG. I have no speakers left, but I reserve the right to close, so I want to continue to reserve my time.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the issue here is a simple one: We cannot compromise the air safety of the United States of America to the lowest bidder, whose main function in life is profiteering rather than protecting the needs of American air travelers.

Equally important, we cannot turn our backs on the promises made to 2,500 Federal employees in terms of their pensions. If we turn our backs on them, we are turning our backs on millions of American workers whose pensions can also be slashed. Let us protect Federal employees. Let us pass this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

Let me close with just a few points, Mr. Chairman. To summarize: Contracting out Flight Service Stations will result in no erosion in safety. It is a safer system and 600,000 general aviation pilots will get better service. The contract will save taxpayers money. Not a bad idea. Employees will be protected. This, in my judgment, is a no-brainer.

Mr. Chairman, I oppose the gentleman's amendment very strongly and urge all Members to oppose this amendment.

Ms. HERSETH. Mr. Chairman, I rise in strong support of this amendment, and I urge my colleagues to support it for several reasons.

This amendment would prevent the FAA from privatizing the critical flight safety functions that are currently performed by highly trained flight service professionals. Some government functions, like ensuring safe airspace for the flying public, play such a significant role in protecting public safety and enhancing homeland security, that we must insist that they remain government functions. Privatization, when used selectively, can deliver savings and efficiency, but not all functions are good candidates for privatization. Flight service falls into this category.

We have a flight service facility in Huron, South Dakota, that employs specialists who live in the community, and many of them are pilots themselves. The decision by the FAA to close Automated Flight Service Stations across the country would include the Huron station. Its functions are set to be delegated to facilities hundreds of miles away in other States. Taking this step would greatly strain the national capacity of the flight service and reduce pilots' access to the localized knowledge of weather and topography that the Huron station currently provides.

Of even more concern, this decision also could mean the elimination of virtually all of the flight service stations across the Northern Plains; an area of the country that relies on general aviation much more than the more densely populated regions of the country.

Finally, this step will not only weaken our Nation's air safety system, it will unfairly treat thousands of dedicated flight service employees that would be affected. While I agree that we cannot oppose privatization proposals solely because some Federal employees might lose their jobs, we also have an obligation to treat our dedicated public servants fairly. Most of the professionals that would be affected by this change, including many at the Huron flight service facility, have given many years of their professional lives to the Federal flight service. Many are within years or even months of qualifying for their Federal Government pensions. This policy would have the effect of unfairly slashing the retirement benefits that they have earned, and it is another reason why we should delay this action for a year and devise a more reasonable approach.

This amendment will give us time to devise a plan to ensure that vital aviation safety functions are provided by a well-trained and highly qualified workforce, and it would enable us to treat fairly those that have worked for many years to provide this important service. I urge my colleagues to support this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Vermont (Mr. SANDERS) will be postponed.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RANGEL:

At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except that the foregoing limitation does not apply to the administration of a tax or tariff.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, right now in the Committee on Ways and Means there is a lot of discussion going on in reporting out a Central American Free Trade Agreement, which includes the Dominican Republic. This is part of an effort on the part of our great country to try to open up the doors and to make certain we give an opportunity to people throughout the world, but especially those in our own hemisphere to have an opportunity for a better quality of life.

This concept has been extended to Communist China, to North Korea, and to other countries. But here, we believe, in Cuba, it has nothing to do with anything except politics. It has nothing to do with the economy. It has everything to do with a small group of people in Florida. With all due respect to their strong feelings against Castro, it would seem to many of us that the best way to get rid of a dictator is to really open up the country; to be able to go to send remittances to families; to be able to travel; but certainly to be able to have an exchange of commodities between their country and ours.

It seems to me that American businesses are losing billions of dollars by not being able to trade. And who is being hurt? It is certainly not Castro. It is the poor people in the country. And if we cannot believe or bring ourselves to see that this policy for over 45 years has cost us in prestige around the world that respects international trade agreements; that has cost us in money; but I really believe it has cost us by allowing Castro to tell the people in Cuba that every economic crisis that they have is based on the United States' embargo.

As an American, if every country in the world has recognized this man, why can we not say that we recognize the Cuban people? Why can we not allow our business people to establish a relationship so that we are not blamed for what is happening in Cuba?

We have tried to do this before. The United Nations believes that we are in violation of international law. The CARICOM nations in the Caribbean believe that we are violating the law. The World Trade Organization certainly cannot support what we are doing. In many areas it is considered an act of war to surround a nation and not allow ships to go in or to penalize a country.

Most importantly, however, this is an un-American concept. We should not be afraid that any small island nation can take away from the strong deep-seated principles of democracy that we enjoy here.

Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in support of the Rangel amendment. The current policy of trying to starve Castro out of Cuba by imposing travel bans and embargoes was put in place in 1960. Since then, Castro has outlasted nine Presidents, from Eisenhower to Clinton, and he may outlast a 10th.

It does not seem like this policy has been very successful. It has not driven Castro from power. It has not caused him to improve his human rights' record. It has not prevented him from oppressing his people. In the meantime, the power of American economy and culture has brought about changes in terrible and despotic regimes in various corners of the world.

This amendment, and others like it, simply recognizes the truth about the situation; that our current policy is a failure and needs to be replaced by something that has demonstrated success. By easing travel restrictions and the economic embargo we have a chance to overwhelm Castro with America's culture of freedom, democracy, and free markets. I urge a "yes" vote on the Rangel amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I claim time in opposition, and I yield myself such time as I may consume.

Mr. Chairman, just 2 years ago three young men, three young black Cubans, tried to leave Cuba to come to the United States for a better life; obviously fleeing the oppression of the totalitarian regime. They were captured by the dictatorship and, under orders of the dictator, they were summarily executed.

The distinguished gentleman from New York at that time stated, and I saw his quote in a New York newspaper, La Prenza, "I am shocked," he said. "There is nothing that the Cuban government could tell me that would interest me. It is totally incredible that a government would justify this type of action. The execution of these people puts an end to any possible discussion there could have been."

Now, that was 2 years ago. What we have seen in the interim, further repression, further torture of political prisoners, and, just in the last 2 months, more than 500 young men, over 90 percent of them black, have been rounded up by the dictatorship in Cuba and thrown in prison under what is known as preventive, preventive detention. And they are thrown in the most brutal of gulags under the concept of preventive detention.

That is what is new since the author stated that he was shocked. Also what is new, what is current, is that there are indictments at this time against the head of the Air Force of the Cuban dictatorship for murder of American citizens, indictments at this time for drug trafficking against the head of the navy of the Cuban dictatorship; that 15 spies of the dictatorship have been sent to prison in the United States in the last year alone for spying against American interests. That is what is new. What would be rewarded, in effect, Mr. Chairman, by the amendment if it were to pass.

This is a normalization of relations amendment that would reward the most brutal conduct by the only dictatorship in the Western Hemisphere. I ask our colleagues to reject it.

Mr. Chairman, I reserve the balance of my time.

□ 1215

Mr. RANGEL. Mr. Chairman, I yield 30 seconds to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, in the Committee on Ways and Means we are debating CAFTA, and market analysts estimate the U.S. economy is losing up to $1.24 billion annually in agricultural exports alone because of the Cuban embargo.

According to the USTR, CAFTA would bring $1.5 billion in agricultural trade. Six countries, $1.5 billion; one country, $1.24 billion in trade.

The administration says CAFTA is a way for America to support freedom and democracy and economic reform in our hemisphere, yet the Cuban embargo they say is also a way to support freedom, democracy and economic reform to developing Cuba.

The consistency in your trade policy would bring a smile to George Orwell's face.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. MACK).

Mr. MACK. Mr. Chairman, I rise today in opposition to this amendment and would start off with the simple question: Do we want to reward the most notorious human rights abuser in our hemisphere with American trade, American travel, and American currency? Does this House want to appease the only state sponsor of terrorism in this hemisphere? I think the answer to that is no.

This is a call to conscience in this body. Do we stand for freedom, or do we stand with tyrants? The choice today could not be more black and white. Either you stand for freedom, or you stand with Fidel.

I urge all of my colleagues to vote "no" on this amendment. There have been many examples where Fidel Castro has abused any kind of trade, any kind of currency that is brought to his country, where he has done so only for himself, always looking to oppress and to hold down the wishes and hopes of others.

I today stand with the Cuban people, not with a dictator who only seeks harm.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I thank the gentleman from New York (Mr. RANGEL) for his leadership and for helping us correct a failed 40-year policy which does not work.

This is about the right of American businesses, the right of Americans to travel, to create jobs, to create a level playing field for our country and the world economy.

Let me just respond to the gentleman from Florida. I think what the gentleman just talked about in terms of Cuba's black population, I need to remind the gentleman of the prison population here in America of African Americans. Look at the health disparities and look at the unemployment rates.

I think we need to understand that we who are supporting this amendment are talking about the right of Americans to travel, to create businesses, to create business opportunities and jobs. This is about giving Americans the opportunity to develop their own perspectives and own opinions. It has nothing to do with incarceration rates, and it has nothing to do with our own incarceration rates in America.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. RANGEL. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from New York.

Mr. RANGEL. Mr. Chairman, I appreciate what was pointed out by the gentlewoman from California (Ms. LEE). I have no idea why the gentleman from Florida would refer to the victim of this atrocity that was committed in Cuba as being black. I do not see what that adds to the discussion as to whether or not as a free country we should not continue to respect international trade. I think that is what we are trying to do.

We are trying to say the best way to get after dictators is to make certain that we have communication between nations. The best way to have people to understand what democracy is all about is to demonstrate what democracy is about by allowing Americans to go where they want to go when they want to go, to allow Americans to send money to whomever they want to send money to in Cuba.

I truly believe all of the things that have been said, we would all agree. I believe that Saddam Hussein was a terrible man; but I do not believe we had a right to have a preemptive strike against a country. What we are trying to talk about is the value of trade, the value of countries communicating with each other.

Who is being penalized? No embargo works when only one country is perpetrating the embargo. If all of the countries in the world are trading with Cuba, the best we do is lose money and restrict ourselves from showing that when it comes to competition, quality goods, farm goods, that America is the best. But when people say they do not want to offend a handful of people in Cuba, and therefore we put an embargo against an independent country, it is not the democratic, American thing to do.

Mr. OBEY. Mr. Chairman, I simply add to the gentleman's thoughts this point. I find it quaint, indeed, that this House would appear to want to try to promote the freedom of Cubans by denying freedom to Americans. That makes no sense to me.

The last time I looked at it, we are supposed to be representing Americans; and the people I represent ought to have a right to travel anywhere they choose so long as they are citizens of what is supposed to be the greatest, freest democracy in the world. I wish everyone in this Chamber would have a better understanding of that than they seem to have. I thank the gentleman for his efforts.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, the previous speaker asked as to the relevance of the fact that the dictator had summarily executed three young black Cubans 2 years ago. It is quite relevant and it is quite consistent with the fact that the dictator has consistently embarked on policies of hatred against the Cuban people, especially the black people of Cuba, which should not surprise anyone, because at the end of the 19th century, his father was sent to Cuba as a member of the Spanish Army that was fighting against Cuba. He is, in effect, the historical revenge of Spanish colonialism.

And, yes, the prisons are full of young men and women, especially young black men, that he summarily rounds up and puts under preventive detention. This is a very relevant issue, Mr. Chairman. It is very relevant. The oppression of the Cuban people and the hatred of the dictator against the Cuban people, especially the black people, it is very relevant.

Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, we have had sanctions in different parts of the world: Jackson-Vanik with Soviet Jewry, disinvestment in South Africa. There are those who would seek disinvestment and sanctions in the Sudan and many other parts of the world, so we understand that these are ways that we can ultimately bring the end of totalitarian regimes and democracies to those people, yet we hear no voices in opposition to that.

After 2 million people visit Cuba every year, spending $2.3 billion, this regime has become more repressive, not less repressive. Let us not add to that repression.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

AMENDMENT OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SOUDER:

Page 224, insert after line 8 the following:

TITLE X—LIMITATION

SEC. 1001. None of the funds contained in this Act may be used to enforce section 702 of the Firearms Control Regulations Act of 1975 (sec. 7—2507.02, D.C. Official Code).

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer an extremely simple, commonsense amendment that is a first step towards restoring the rights of self-protection, a right guaranteed under the second amendment to the citizens of the District of Columbia.

My amendment would restrict funds from being used to enforce section 703 of the D.C. Firearms Control Act. This section requires that every registered gun owner "shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business or while being used for lawful recreational purposes within the District of Columbia."

This amendment does not legalize anything that cannot be legally owned now: No machine gun, sawed-off shotguns, AK–47s, or Uzis. All it does is let people keep the handguns purchased before 1976, shotguns, or rifles unlocked or loaded that they already have registered in their homes.

My amendment gives D.C. citizens the same rights at home as they have at work. Under the current law, a legal gun owner who owns a business in the District of Columbia can register a gun at their place of business to defend their business against criminals. The same person cannot use a legally registered gun to protect his or her life or family at home.

Over the past 30 years, there have been too many times where staffers or residents who live and work right here on the Hill have been at home and have come under attack from dangerous criminals. The way the current law is set up, these law-abiding citizens are forbidden from using a legally registered gun in defense of his or her home or family. I believe the good people of D.C. deserve the recognition of this basic civil right.

Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I appreciate that the gentleman from Indiana (Mr. SOUDER) has pulled back from total repeal of our gun safety laws. I wish I could thank him, but I do not think Mayor Williams or Chief Ramsey would yet be ready to do so. Our moderate, even-tempered Mayor, who has worked so well with this Congress and the administration, is much praised in this Congress, is really beside himself when at a time crime is at a 20-year low, here comes the Congress to do what he and the police chief say will surely increase crime.

Disassembled weapons, yes, citizens may have them in their house. Look what this does: loaded shotguns, loaded handguns, as long as citizens had them before 1976, in your home or in your place of business. Let me say that the Board of Trade does not want them in our places of business. They came to testify in total support of the laws as they are. The businesses of the District of Columbia have petitioned the Congress to keep our laws exactly as they are. Businesses say the last thing they want is the kind of liability and responsibility they would have for keeping a gun in the place of business, so they do not do it.

Post-9/11, do Members really want to legalize shotguns, handguns grandfathered in the District of Columbia at a time when we are still stopping people at checkpoints to see whether they are terrorists? Do Members know what can happen here? Someone can take one of these rifles or shotguns to the roof of an apartment or office building, aim it at foreign visitors, tourists, Members of Congress or their families, not to mention residents of the District of Columbia. I am particularly worried about children, teens.

Imagine big long guns, now loaded. Some people would call that an attractive nuisance. That is a term of art in the law. Parents, I think, would call it an unattractive, deadly, very lethal weapon. That is who is most likely to be attracted by this new set of gear that you can have loaded in your home.

There must be countless handguns that have been disassembled that were held before 1976. Now just load them up. So the same kids who knew they were unloaded before, do not know perhaps that now the guns are loaded, and here we have kids among the thousands who die every year in play from guns.

□ 1230

Mr. Chairman, no Member of Congress has the right to usurp our right to protect ourselves and our kids as we see fit. That is a basic right of self-defense of every jurisdiction.

Mr. Chairman, I reserve the balance of my time.

Mr. SOUDER. Mr. Chairman, I yield myself 1½ minutes.

I thank the gentlewoman from the District of Columbia. She serves on my subcommittee. We work together on many issues and we have a deep disagreement on this one. I believe a constitutional right to bear arms supersedes local authority.

A couple of facts here are very stubborn things: One is that as far as accidents, the total rate of firearm accidents from 1981 to 2002 in the District of Columbia was 2.5 times higher than across the border in Maryland which does not have a storage law. The fact is that it has not reduced accidents. It is a nice thought to talk about that, but the facts don't bear that out. Secondly, this has nothing to do with businesses. This is about self-protection in your home. If a rapist is breaking into your house or a murderer is coming after you and your children and you are struggling to find the key to the lock and then have to get your gun out and put it together, odds are pretty good you are not going to make it. And under current D.C. law, if you find the lock and get your gun out and get your gun put back together and defend yourself, you can be prosecuted. What in the world is going on?

We heard that the crime rate has dropped in the District of Columbia. For 15 of the last 16 years, the District of Columbia has been the murder capital of the United States. In the last statistics, they were again for the fourth year in a row. How can it get worse than that? Former Mayor Barry has one of my favorite quotes: Outside of the killings, Washington has one of the lowest crime rates in America.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not believe in gun control laws. I think in most instances they don't work and I think lots of times they are designed by people who would not know one end of a gun from the other. But having said that, there is something that bugs me about this amendment, and that is that I did not come here to be a city councilman for the District of Columbia. I represent the people of my congressional district. The other thing that bugs me is that the citizens of the District of Columbia have no vote in this body, and in my view, as long as the citizens of the District of Columbia have no vote in this body, this body has no business telling the District of Columbia what their municipal laws ought to be.

Now, I have an amendment that I am going to offer if this amendment passes and that amendment reads as follows: "The salary for individual Members of Congress shall be paid out of the funds provided in this bill for the District of Columbia and shall be limited to $92,500." That is the salary of a District of Columbia city councilman. If the people of this House want to act like you are a D.C. city councilman, then you ought to get paid like you are a D.C. city councilman, which means you can take about a $70,000 pay cut and I think that would be fitting.

I do not have the slightest idea what kind of laws the District of Columbia ought to have with respect to guns, but I do know one thing. I very often simply vote "present" whenever any matter affecting the District of Columbia comes up on this floor, because I think we have no business trying to interfere with what the city does on any subject so long as that city and its citizens do not have a vote in this Chamber. The gentlewoman from the District can speak, but when it comes to voting, she is out in the hall, just like anybody else who is not a Member of Congress.

So what you are saying is that you are going to take advantage of the fact that she has no ability to defend her district by voting in this place and you are going to say, "Well, that's tough, but we're going to impose our judgment." If you want to tell the District of Columbia what their laws ought to be, run for the city council. This is not the city council. We look ridiculous and abusive when we try to act as though we are.

Ms. NORTON. Mr. Chairman, I yield myself 1 minute.

The gentleman talked about somebody breaking into your house. What his amendment does is to legalize shotguns, rifles. Already it seems to us insane that you would have a handgun at the ready when somebody broke in. And, remember, handguns grandfathered before 1976 would be legal. But imagine somebody breaks in and you go get a long rifle or a shotgun. This isn't about self-defense. This is about pressing forward the gentleman's preferences on the District of Columbia where unanimously every mayor of the city of D.C., every city council member overwhelmingly, all the residents have voted "no."

Mr. SOUDER. Mr. Chairman, I reserve the right to close.

Ms. NORTON. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN (Mr. BASS). The gentlewoman from the District of Columbia has 1 minute remaining.

Ms. NORTON. Mr. Chairman, I yield myself the balance of my time. No Member of Congress has the right to encourage guns in homes where the overwhelming evidence is that they are mostly used for suicides and in domestic quarrels, and please do not do that here in the District of Columbia because that is the most likely use of such guns in homes. The most bankrupt rationale offered for this outrageous interference in a local jurisdiction is that we already have gun violence in the District of Columbia. Let me hear the cosponsors argue with a straight face that allowing guns in people's homes will reduce rather than increase the gun violence in the District of Columbia.

The most deeply held principle of the Founders was local control. First local from England, and then because they were so deeply principled, they denied to the national government that they themselves created any control of the local jurisdiction. The Congress gave us this control in the Home Rule Act. I ask the Congress of the United States to respect the mayor, the council and the residents of the District of Columbia by in fact defeating this amendment.

PARLIAMENTARY INQUIRY

Mr. SOUDER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. SOUDER. Do I have the right to close at this point?

The Acting CHAIRMAN. The gentleman does have the right to close, and the time of the gentlewoman from the District of Columbia has expired.

Mr. OLVER. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman. I thank my friend, the ranking member from Massachusetts, and I also want to associate myself with the distinguished gentleman from Wisconsin and his remarks. We have no right to overturn a law that has been on the books for three decades. The gentleman from Indiana, I know, believes in democratic governance. But he wasn't elected by D.C. residents. He was elected by his constituents in Indiana. What right does he have to overturn D.C.'s law particularly in this situation that puts D.C. residents at such serious risk? If the Souder amendment were made law, it would allow anyone who owns a firearm to carry it loaded and without a trigger lock on city streets throughout the District of Columbia. How does that make sense from a homeland security perspective? We have spent hundreds of millions of dollars to secure our Nation's Capital from terrorists and now we are going to turn around and make it okay to carry a loaded AK–47 or a .50-caliber sniper rifle down Independence Avenue? Are we serious? That is perhaps the unintended effect, but it is clearly the effect of this legislation.

In 2003, the police confiscated 1,982 firearms from criminal suspects. They would not be able to do that if this amendment passes. They confiscated almost 2,000 last year. This overturns their ability to do that. This amendment is an affront to the concept of home rule, my colleagues, a slap in the face to the people of the District of Columbia. It gives a new meaning to hypocrisy when we talk about fighting so hard to achieve democracy in Iraq. We have an insurgency raging in another part of the world. We are committing lives and billions of dollars to achieving that objective of a democracy, of giving people the right to represent their own interests, to have the people they elect making the laws that govern them. Yet we would consider an amendment that opens another front on the city streets of our Nation's Capital? This is unbelievable that we would even be considering such an amendment.

I strongly urge a negative vote against this outrageous amendment.

Mr. OLVER. Mr. Chairman, I yield to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Chairman, certainly no disrespect is intended to my colleague from Indiana (Mr. SOUDER). I have come to this microphone before this year criticizing Congress for meddling. I think this is another clear example of how Congress meddles in areas in which he or she has no business. I was reminded of a story in my district where a lady came home with her baby from the hospital, her 2-year-old was playing at her feet, went on the couch and got a gun, shot it, a 2-year-old, mind you, and killed the mother and the newborn baby. If the gun had been protected, that tragedy would have never existed.

Homicides remain unabated, especially among kids from 14 to 18. A lot of those guns are stolen from people's homes. If we had a mechanism that would prevent those kind of incidents, perhaps all of society would be better. I would encourage you to vote down this amendment with no deference to the author.

Mr. OLVER. Mr. Chairman, I yield to the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Committee on Government Reform which is the committee of jurisdiction for our Capital City.

Mr. TOM DAVIS of Virginia. Mr. Chairman, let me just make a couple of points. My friend from Indiana with whom I have worked on so many issues, I tend to agree with him on the substance of the issue, an individual being able to keep a weapon in their own home to defend themselves, but the issue here is larger than that. It really goes to the question of respecting the rights of the District of Columbia to make their own laws and the mayor and the council have spoken on this innumerable times. They seem to have the support of the vast majority of the city.

Our committee held a lengthy hearing on this, hearing from all sides just 2 days ago. It was an illuminating hearing that I think highlighted both sides very, very well. But to me the issue comes down to one of home rule. Are we going to allow cities and States to make these jurisdictions or are we going to try to federalize everything out of Washington? I would just caution my colleagues that once we start doing everything out of Washington, it may be on your side, but tomorrow it could go the other way. We have to respect the Federal system that was set up.

This does not affect the workings of government, so in my judgment, Congress really should not be intervening in this matter although we have the legal right to do so.

I also want to note that there is pending the case of Parker v. District of Columbia that offers the opportunity for second amendment advocates to answer with finality the question of does this violate the second amendment. Passing this amendment today could possibly moot that decision which is currently on appeal to the D.C. Court of Appeals. This is one opportunity because the court has looked for ways out of deciding this decision. This is a way we may be able to speak with clarity and finality. If this amendment passes, we won't have that. It is a very two-edged sword, and I urge opposition to this amendment.

Mr. Chairman, I rise today in strong opposition to the D.C. Personal Protection Amendment. Let me say that I respect my colleague from Indiana's perspective on this issue. There is room in the Congress for debate on the merits of some of our nation's gun laws. My opposition is based on the legislation's blatant and potentially dangerous assault on home rule in the District of Columbia.

The Committee on Government Reform held a hearing this week on this very issue. We heard compelling stories from Mayor Tony Williams, Chief Charles Ramsey, and an array of witnesses, including residents of the District of Columbia and representatives from national think tanks and community organizations on both sides of the debate. I was disappointed that my friend from Indiana, the author of this amendment, was not able to attend the hearing to hear these views himself.

I am a strong supporter of Home Rule. For our system of federalism and democracy to work, states and localities need to be able to make their own decisions on these sorts of matters—even if some of us think they're bad ones.

There is an appropriate place for a debate on D.C.'s gun laws—and that place is the chambers of the District of Columbia Council, not the floor of the House of Representatives.

Proponents of this bill want to frame this debate in terms of the Constitutionality of the District's law. Various lawsuits have been filed in recent years questioning the constitutionality of the D.C. gun law under the Second Amendment. There's a case pending on appeal right now, Parker v. District of Columbia, that offers the opportunity for the Second Amendment challenge to be answered with finality. Proponents of this amendment have the opportunity for the courts to declare that the D.C. ban violates the Second Amendment. So what's the rush? What are they afraid of? We (and for that matter, the City Council) can consider the gun ban in light of the result of that case. In fact, if this Amendment becomes law, it could moot the ability of the Court of Appeals to address this critical 2d Amendment with finality. We are only here today because of Congress' plenary power over the District. This is a constitutional authority that is, unfortunately, occasionally abused, as is the case with this legislation. D.C. leaders have enacted gun laws that reflect their constituents' view that any increase in the number of guns in the District increases the odds that crimes will be committed with those guns. That's their view, and it should be respected.

I'm not saying I agree with the District's gun ban. Frankly, I don't. But I strongly oppose this amendment because I have a profound respect for Home Rule, for the right of local jurisdictions to craft their own local laws—even laws some of us don't agree with. This District law has no bearing on Congress and no bearing on the ability of the federal government to conduct its business. That should be the litmus test for federal involvement in the District.

□ 1245

Mr. SOUDER. Mr. Chairman, I yield myself the balance of my time.

First, I want to say again for the record this only applies to one's home. It does not also apply to Uzis. It applies to already registered legal guns that one is forced to put under lock and key and separate; and if a criminal breaks into their house, unlike a business, they have to find their key, unlock the box, put the gun together to defend themselves, and if they defend themselves, they can be prosecuted.

This is a straight second amendment vote. If Members believe in the right to bear arms, if Members believe in the second amendment, it is not a question of home rule. Home rule does not cover the right to abrogate constitutional rights. It does not give the right to abolish free speech. It does not give the right to abolish freedom of religion, and it does not give the right to abolish the right to bear arms.

Last year on a broader vote, we had 250 votes in this House. We had 230 cosponsors of this bill. We have 210 this year. This is a much narrower amendment. But I would urge my colleagues who support the second amendment, who believe that the Constitution overrides local laws, to vote "yes" on this amendment.

Mr. CUMMINGS. Mr. Chairman, I rise today to express my opposition to the Souder Amendment that would prevent the use of funds in the bill to enforce the District of Columbia's laws prohibiting the possession of a firearm or ammunition, as well as laws relating to keeping a firearm or a pistol. It is the apex of hypocrisy to defend the right of local communities to govern themselves free from the burden of needless federal interference, but deny that very right to the citizens of our Nation's capital. I encourage members of this body to agree that we need not agree on the merits of the District's gun safety laws to respect home rule for the District of Columbia.

Since the passage of the District of Columbia Self-Government and Governmental Reorganization Act or Home Rule Act in 1973, the District has utilized its authority to not only elect a Mayor and a City Council, but also to regulate firearms. In 1976, the District of Columbia Council passed the Firearms Control Regulations Act, establishing one of the most robust limitations on gun ownership in the nation with the intention of and protecting public safety.

Specifically, this gun safety law required all firearms in the District be registered, restricted the classes of individuals who can register a firearm, and generally banned the registration of all handguns. Despite the suggestion by my colleagues on the other side that all firearms are banned in the District, it must be noted, however, that since 1976, 100,000 firearms have been lawfully registered.

Although Mayor Williams and Metropolitan Police Department Chief Ramsey testified just yesterday before the Committee on Government Reform that they passionately support the District's gun safety laws, this amendment would undermine their efforts to safeguard their city from the ravaging effects of gun violence.

In evaluating the District's limitations on firearm possession, one is compelled to ask two central questions: one, are the District's gun safety laws effective; and two, are they constitutional? In short, the answers to both those questions seem to be yes. The District's gun safety laws are effective at discouraging gun violence by making firearms less widespread throughout the city and assisting law enforcement efforts in recovering unlawful firearms that endanger the lives of police officers and law-abiding citizens. What is most tragic is the fact that some in Congress would seek to undermine or repeal the District's gun safety laws at a time when the District's homicide rate is the lowest it has been since 1986.

Secondly, the two lawsuits challenging that the District's gun laws are a violation of the Second Amendment rights, failed to overturn these laws on constitutional grounds. Specifically, the judges in both cases ruled that the District's gun safety laws were constitutional declaring that the Second Amendment does not confer a protected right of private gun ownership, rather the Second Amendment applies solely to State militias.

Mr. Chairman, it seems wise to move forward guided by the principle that democracy often functions best when those closest to an issue are empowered to address it. The residents of the District of Columbia speak through their elected Mayor and City Council that their existing approach to gun safety is best for their community.

If the residents of the District want to repeal their gun safety laws, then we should let democracy work and permit them to elect those leaders who will ease the existing restrictions on firearms within the city. Until then, let us embrace the constitutional principle from whence our great Nation was born—the right of self-determination—and let the District of Columbia manage this matter how best it sees fit. When the sun rises tomorrow, let it rise upon a city where the right of self-determination is not subject to the interest of the NRA or a congressional veto.

Mr. SOUDER. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. BASS). The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana (Mr. SOUDER) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. . The salary for individual Members of Congress shall be paid out of funds provided in this bill for the District of Columbia and shall be limited to $92,500.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I reserve a point of order against the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I ask unanimous consent that the Clerk read the amendment.

The Acting CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is simple. I happen to agree with the gentleman from Indiana that I think that the provision in D.C. law that he referred to on guns is a dumb law, and I would hope that it would be overturned by the city council. But what I resent is year after year after year having to vote on issues that belong in the backyard of the D.C. City Council, not the House of Representatives.

I have taken this position for a good long time. The second term I was here, I organized the effort that eventually freed up the money for the D.C. subway, when our distinguished friend Bill Natcher decided to hold up that money until the District of Columbia was forced to proceed with building the Three Sisters Bridge. Thankfully, that bridge was never built, and the Congress did not dictate to the District that they do so.

But the purpose of this amendment is simply to illustrate the fact that the Congress is acting like it is the city council for the District of Columbia; and as long as it is acting that way, that is the way it ought to be paid.

I do not object to any Member of Congress having any view he wants with respect to the District of Columbia, but I feel strongly that it is wrong for this Congress to dictate to the District what any of their local laws are so long as their representative does not have a vote. That is the point that I am trying to make to the gentleman from Indiana. The problem is not that Congress has opinions about the District. The problem is that the District of Columbia has no way to express their own views on their own issues through their own elected representative because their elected representative does not have a vote in this Chamber. Until she does, I think the Congress ought to stay out of these issues.

Much though I agree with the gentleman from Indiana on the substance, in this case it seems to me that democratic processes are much more important than my individual opinion on any subject matter.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, a point of order has been reserved, and I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LEWIS of California. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. OBEY. Mr. Chairman, the gentleman from California has made a point of order. I am simply offering the amendment to make a point.

I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used to enforce the judgment of the United States Supreme Court in the case of Kelo v. New London, decided June 23, 2005.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself 2 minutes.

I rise today to offer an amendment to help protect one of America's most cherished rights of an American, to own their own home, to own their own property.

Last week the U.S. Supreme Court, by the slimmest of margins, ruled that a local government can come in and seize people's homes, seize their small businesses against their will for other private economic development. This decision now will allow cities to come in and bulldoze their house, bulldoze their business, tear it all down just so that they can build a shopping center owned by somebody else.

The Garrett-Kennedy amendment seeks to prohibit any funds made available under this act from being used to enforce the judgment of the U.S. Supreme Court in the case of Kelo v. New London.

The practical effect of this will mean that we will prohibit Federal dollars from going out to be used for support purposes, infrastructure and the like, so that a private developer will benefit from the loss of these people's homes. It will mean that a bus stop will not be able to be built on what was once their home in order that a commercial building can be built there instead. It will prohibit Federal dollars from building a new entrance ramp or an exit ramp in partnership with that developer so that that developer can build a strip mall there instead.

I believe that if a private developer is going to push someone off their land, out of their house, and destroy that house or small business, then he should foot the bill for any infrastructure that he is going to build. I want to ensure that the Federal Government does not contribute in any way financially to this terrible Supreme Court decision.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. OLVER) is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America has enjoyed the oldest and the most successful democracy in the history of the world. I think this amendment puts us on a very slippery slope. This amendment places our greatest document, the Constitution of this country, which gives us three co-equal branches with a separation of powers among those branches and a whole host of checks and balances set up within that Constitution, it puts the whole Constitution under attack. When the Supreme Court of the U.S. gives final adjudication, that is the law of the land, whether it is a 9–0 or a 7–2 or a 5–4 decision.

Let me just mention a few of the 5–4 decisions that I believe I am correct on: one of them was Chief Justice Marshall's 5–4 decision against a government policy to remove American Indians west of the Mississippi River. Then President Andrew Jackson was quoted roughly, and I am perhaps not being precise in this quote: Judge Marshall has spoken, or has ruled, I guess was probably the word he used, now let them enforce it. And there resulted the complete removal of American Indians west of the Mississippi River, which was one of the blackest blots on our history.

Brown v. Board of Education, if I remember correctly, was a 5-4 vote. With an amendment of this nature, we would still have segregated schools. And then there was a 5-4 vote that assured one person, one vote. It was called "one man, one vote" at that time, which has assured each and every citizen that their vote would be of about the same value. That decision was not enjoyed by a sizable number of people.

I think this amendment leaves us with serious problems, and I urge the Members to oppose this amendment.

Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in opposition to the amendment as well. The Supreme Court has ruled on the matter of eminent domain and its constitutionality. Yesterday, we debated for quite some time the issue of eminent domain, for 45 minutes I would suggest. We voted and we overwhelmingly rejected, by a margin of 42 to 374, the 374 opposing, obviously, the amendment, which I thought was a very punitive amendment, to cut funds from the Court because of its ruling.

This amendment, I am afraid to say, sets a more dangerous precedent. It would allow the legislative branch to override the independent decisions of the Court. If this passes, then what will be the next Supreme Court decision that will be effectively overturned? While we may not agree with the Court's ruling, and I understand the gentleman has a right to believe what he wants, if we do not agree on the Court's ruling, we must respect it.

For this reason and for those that have already been mentioned, I ask all Members to vote "no" against the Garrett amendment.

Mr. OLVER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have been reminded that the Brown v. Board of Education was actually a unanimous vote, and I just want to say that regardless of whether it was unanimous or a 5-4, it is the Court's decision to make, not ours, and one where the separation of powers and the checks and balances should be upheld.

I urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I rise today to stand with the gentleman from New Jersey (Mr. GARRETT) because I am deeply concerned about the potential effects of the recent Supreme Court decision in Kelo v. The City of New London.

The fifth amendment of the Constitution provides that private property shall not be taken for public use without just compensation. The language is meant to prohibit government, not give a grant of power to government. However, on June 23, the Supreme Court handed down this decision under which any private property may now be taken from its owner for the benefit of another private property.

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The Court held in this decision that even the possibility of positive economic effects to the city was sufficient public purpose to justify the taking of one's properties. Under this standard, the seizure of virtually any private property for almost any purpose would be allowable.

Mr. Chairman, I am deeply concerned about the grave effects this decision will have on property owners. Because of this decision, State and local governments now have the power to determine that a property owner is not sufficiently using his or her own property. I urge my colleagues to think about how this decision will disproportionately affect the poor, the elderly, and minorities. Cities may choose to take a person's property for anything they believe will increase their tax base. Certainly, those with less political power and less resources will make for the easiest targets.

As Sandra Day O'Connor said in her dissenting opinion: "Nothing is to prevent the State from replacing a Motel 6 with a Ritz Carlton, any home with a shopping mall, or a farm with a factory."

The fifth amendment was supposed to stop that, Mr. Chairman. That is why this decision was opposed by such groups as the NAACP, the AARP, in addition to the National Taxpayers Union, the Americans for Tax Reform, the Institute for Justice, the NFIB, the National Association of Homebuilders, and the list goes on.

Mr. Chairman, property rights are fundamental freedom. There is an opportunity for every American to control their own destiny. They serve as our fundamental protection from the utter destruction of government. Congress must take action to protect property owners in the aftermath of this flawed decision.

I encourage all Members to stand with the gentleman from New Jersey (Mr. GARRETT) and me on this important amendment.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

I will just close by addressing the comment by the chairman, and I appreciate the chairman's remarks.

This decision of the Supreme Court will continue to be respected by this House and by the people of New London, Connecticut and the State of Connecticut as well. This legislation simply sees to it that the taxpayers of that community and the taxpayers and the citizens of the United States of America will not subsidize those private developers in that instance.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if this amendment passes, you might as well tear up the Constitution and toss it in the ash basket. That is what this amendment does.

I happen to think that the Supreme Court decision that came down last week was nutty, and I agree with the gentleman on the substance. But if we disagree with court decisions, folks who are a heck of a lot smarter than we are, the Founding Fathers, spelled out a way to deal with that. It is called passing a law.

All we have to do if we do not like the Supreme Court decision is to bring legislation into this House, take it before the proper committee, have the committee have sensible hearings so that all points of view can be heard, and then bring to the floor either a piece of legislation or a constitutional amendment, whichever you want.

But the idea that this House, every time we do not like a court decision, should decide that we are not going to allow Federal money to be used to enforce that court decision is as nutty as the original court decision in the first place.

So I would hope that we would recognize that the Founding Fathers created the system of separation of powers; they created three independent branches of government for a purpose.

I would not ordinarily rise to oppose an amendment like this, because it is so ridiculous on its face, but it follows in a long line of actions that I have seen coming from that side of the aisle since the beginning of the year.

First, you called the Congress back in order to try to pass legislation saying that you knew better than the Florida courts in the Schiavo case. Then we had another attack launched on independent judges in the form of speeches given by your majority leader and others, and then we have seen various other activities; in fact, I listened to the majority leader himself in a conversation the other day tell some Supreme Court Justices that they were way out of line, and that if they wanted to understand American public opinion, they needed to go through the United States Congress.

Well, God help us if the Supreme Court ever starts going through the

United States Congress for its advice on every subject under the sun. They are supposed to use their own independent judgment and, once in a while, they may make a screwy decision, and I think they did last week. But that does not mean that we ought to act in a way which is just as screwy as the original Court decision.

I would urge that we vote down this ridiculous amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GARRETT of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DELAURO:

At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available in this Act may be used to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from Connecticut (Ms. DELAURO) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 7½ minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I yield myself 2½ minutes.

This amendment would prevent the Departments and agencies under this bill from using any funds to contract with American companies which have created shell corporations in tax-haven countries in order to reduce their U.S. taxes. The Department of Homeland Security is operating under a similar contracting ban.

Recent data shows that despite costing our government $5 billion in lost revenue, corporate expatriates reaped $1.4 billion in Federal contracts in 2002 alone. This in the middle of a budget crisis. In every appropriations bill we have considered this year, we have heard the same refrain: we have done the best we could under the circumstances. But this budget crisis did not create itself; it is a direct result of the budget and tax choices of this Congress; and as a result, this bill lacks sufficient funding for public transit, Amtrak, housing. Perhaps if we did more to discourage companies from setting up post offices overseas to reduce their tax burden here, we would have more funding available for these critical investments.

Four of our top 100 Federal contractors have incorporated in tax-haven countries. One of them actually holds a contract with the IRS. The agency charged with collecting taxes willingly contracted with a company that is determined to avoid paying them.

These companies are not overtaxed. In fact, effective corporate tax rates have fallen by 20 percent since 2001, even as pretax profits jumped 26 percent. Between 2001 and 2003, our 275 largest companies paid taxes totaling about half of the 35 percent corporate tax rate.

I should emphasize that this amendment will not affect existing contracts. It will not affect existing contracts. It simply ensures that in the future, we will favor good corporate citizens with government contracts, rather than rewarding companies for moving overseas and putting tax-paying American companies at a permanent competitive disadvantage. Corporate expatriate companies have made a clear choice: leave the country and not pay their taxes. It is up to us to make the choice and set a standard. If they are going to manipulate loopholes in our Tax Code, they should no longer be able to reap the benefit of current government contracts.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I rise to oppose this amendment and also to manage the time on this side of the issue, and I yield myself such time as I may consume.

Mr. Chairman, Congress addressed the issue of corporate inversions in the JOBS Act, the Jobs Creation Act of 2004. The JOBS Act added a new section to the Tax Code, section 7874, which treats U.S. companies that complete a corporate inversion transaction after March 4, 2003, as domestic U.S. corporations for tax purposes.

Congress also addressed the issue of corporate inversions by enacting a contracting ban. Section 835 of the Homeland Security Act of 2002 does prohibit the Secretary of the Department of Homeland Security from entering into contracts with companies that have completed corporate inversions as defined by the act. Congress revisited the issue in the 2005 Department of Homeland Security Appropriations Act where Congress expanded the scope of section 835.

Critics may argue that companies that have engaged in corporate inversions prior to March 4, 2003, should be covered by the JOBS Act. However, Congress should not bar companies from competing for government contracts because of legal transactions that they performed more than 2 years ago. Companies that qualify for government contracts and successfully fulfill their responsibilities should not be barred from future contracts because of retroactive legislation.

The rules for competing for Federal contracting should not be changed in midstream.

Retroactively imposing a contracting ban on companies would be severely punitive, particularly if a company's incorporation was conducted in compliance with existing law.

I strongly urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time. She has provided great leadership on this matter, and I think it is the right thing to do.

This amendment very simply would prohibit companies that have renounced their American citizenship in an effort to avoid their responsibilities as American citizens from taking part in getting contracts where they would be paid with taxpayers' dollars.

At a time when we have men and women on the battlefield and they have to pay taxes on the monies that they receive for their families; at the time when they are on the battlefield to protect this country in the most unselfish way you can imagine, we are going to say, if you renounce your American citizenship and avoid taxes and get an advantage, then come and bid on our contracts and take taxpayers' dollars. That makes me want a dip of snuff.

I cannot imagine why anybody would do anything like that. I cannot imagine why this government would do it. I know the gentleman that opposes this. I know several of them. They are good people. They have good sense. I do not understand why we cannot as a body deal with this issue and stop people from getting good hard-earned taxpayers' dollars when they have renounced their United States citizenship. If they do not want to be citizens of the United States, as far as I am concerned, good riddance. Let them go. Excenture can go to Bermuda or wherever in the Sam Hill they want to go. And I say, good, let us be rid of them, but do not give them U.S. contracts in the government. Do not give them government contracts. That is all we are talking about doing here.

Mr. Chairman, it is time to hold these people accountable, and it is time for us to be responsible to our men and women on the battlefield.

Mr. KNOLLENBERG. Mr. Chairman, I am delighted to yield 2 minutes to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. First of all, we should understand that the companies that are at issue here pay American taxes. They pay taxes on all of the income that is derived from Federal contracts that they are performing and on work done in the United States. Many of these companies are multinational corporations, and they may be headquartered in Panama or Bermuda for other reasons, and maybe how they treat their global income, but their American income is all fully taxed.

We should not force companies to reincorporate in the United States; and, in the case of a company just mentioned here, it was never incorporated in the United States. They just happened, as a multinational partnership, when they decided to go as a corporation, to locate their headquarters outside the United States, but they employ tens of thousands of Americans who are paying taxes every day. Why do you want to put them out of business, particularly if they are providing a service to the American Government that is the best value for the American taxpayers?

Why, if a company provides the best body armor or provides the best mechanics or the best service, are we excluding them and making the American taxpayer pay a higher rate for the same service that may be inferior? That is what this does.

□ 1315

Our procurement system should be based on getting the best value for the American taxpayer. If you do not like the tax system, let us go back to the Tax Code. And as the chairman said, Congress addressed this issue of corporate inversion in the JOBS Act. The JOBS Act added a new section to the Tax Code which treats U.S. companies that complete inversion transactions as domestic, U.S. corporations for tax purposes.

This amendment is not going to produce any more jobs, but it will produce higher costs for American taxpayers that buy goods and services. It will produce less of a marketplace that we can go out and shop and get the best value for our troops in the field and for government services. And for that reason it ought to be voted down. This is outdated in a global economy.

I urge my colleagues to vote against this amendment.

Ms. DELAURO. Mr. Chairman, I yield myself such time as I may consume.

This amendment does not affect existing contracts. That is something people would like to portend to our colleagues, but it is not the fact. And later in the conversation, I will talk about dispelling some of the inaccuracies that have been talked about this afternoon.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. Mr. Chairman, I thank the gentlewoman for yielding time to me. And frankly, if this business had been taken care of in the JOBS Act we would not be here today trying to pass this amendment.

And no corporation just happens to go to Bermuda to incorporate. They go so that they can avoid paying taxes. You know, let us be realistic about it.

I want to support this amendment because new contracts would have to go to companies that pay taxes and operate in America. Corporations who set up the offshore tax havens cost us approximately $5 billion a year in tax revenue. And of course, as you say, the employees that they have here pay taxes. But all of us pay more taxes when corporations get out from under their tax liability. These companies received $1.4 billion in Federal contracts in 2002 alone.

Now, corporations located in the United States that conduct their business in the United States and employ most of their workforce in the United States should not skirt their tax obligations by opening a Post Office box in Bermuda. And it is unconscionable that we would reward these corporate tax cheats with millions of dollars in taxpayer funded Federal contracts. The corporate expatriates hurt the other U.S. taxpayers by shifting more of the tax burden on to their shoulders. This is a point that somehow we fail to grasp here. When other people get out of the burden of paying taxes the taxes do not go away. They are simply shifted to the rest of us. They drain funds from this budget that are desperately needed here in America for essential services, Medicaid, Social Security, health care for veterans from Iraq. You have heard already that that is underfunded by $2 billion. For education, housing, child care, transportation programs, that just names a few.

This government needs a stronger safeguard to ensure that we are not pumping hardened American tax dollars into the coffers of the same corporations that maneuver and scheme to exploit tax loopholes. This is a pro business amendment that ensures that only the responsible U.S. companies can benefit from Federal contracts.

I urge my colleagues to support this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the gentleman, the chairman of the appropriation subcommittee for yielding me the time.

Notwithstanding what my good friend, the gentlewoman from Connecticut (Ms. DELAURO) said, this really goes back to a contract that was issued more than a couple of years ago. It was as a result of very competitive bidding and the winning contractor is required to pay U.S. taxes on every dollar earned in the United States. Every employee employed has to pay U.S. income taxes on the revenue they earn.

Now, if the gentlewoman wants to suggest that there are any contracts where money is not being paid in taxes for revenue earned in the United States, I would agree with her, or if there are employees working in the United States not paying taxes I wholly agree we should collect from them.

But also bear in mind when we do these things, they often come back to haunt us. Trying to change the Tax Code in an appropriations committee is generally not the most effective or appropriate place to make tax law. It can come back to haunt us because we have got so many other corporations that are doing business in other parts of the world and we do not want to be suggesting to them that they ought to shut off that business. What goes around, though, generally comes around. The revenue earned overseas does generate tax revenue into our government here. But it won't if foreign countries decide to punish American corporations who might win bids on European or Asian or Latin American government contracts.

Like it or not we must compete in a global economy. We have got to be very careful with the precedent that we set. The contract that was issued was competitive. It is a Homeland Security contract. And from everything I understand, they are doing good work and paying 100 percent of the taxes due.

Ms. DELAURO. Mr. Chairman, I yield myself 1 minute.

Let me just try to correct some inaccuracies. First of all, once again, this amendment does not deal with existing contracts. It is contracts in the future. We are not discussing the Homeland Security bill. We are discussing the Transportation Treasury bill, so this does not affect what happened with Homeland Security.

I might also add under the Homeland Security bill, this ban is in place and we voted on it in this institution.

Secondly, my colleagues have talked about the JOBS Act. Very quickly, the JOBS Act does not solve the existing problem that we have here today. Corporations who are paying their taxes in the U.S. to the full amount. Let us take a look at what Accenture is doing. Accenture earned $503 million in the United States in 2004, up from $243 million in 2002. They reduced their tax liability to $135.5 million from $241 million. Their tax burden is going down because they have set up very intricate and elaborate structures in order to reduce the amount of taxes owed in the United States. That is what this is about. They are free to go to tax haven. They should not get any contracts because they are lowering their tax obligation to the United States at a time of a budget crisis and a time of war.

Mr. KNOLLENBERG. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, it is rare that I find myself in opposition to my good friend, the gentlewoman from Connecticut. But I thought that we had settled this the last time around. And this is an example of why it is so difficult to legislate tax matters on an appropriations bill.

The company in question did not flee the United States and create an elaborate tax structure. I went back and checked this because it came up prior. And the fact is, my research indicated this company had never been incorporated in the United States. It is international in scope, although it employs tens of thousands of Americans, and the information I put in the record last time indicated that their tax rate was actually above the effective corporate tax rate at that time. And I looked at more recent information. But the point is, they are paying taxes. They have never been incorporated in the United States. We want to make sure that we are sending the right signals at the right time. And I could not agree with the gentleman from Virginia more.

I am going back at the break to Oregon. I am setting up meetings with Oregon companies that are practiced in sustainable development, in land use planning, in environmental technology. I am working with them so that they can be more effective marketing their goods around the world, in China, in India, in Japan, in Singapore.

And for us to sit here and say we are not going to permit opportunities for people who are incorporated in targeted companies is undercutting a message I am taking back home. But as I say, I really think we have solved this before and I have not heard anything new that makes me think that this amendment is good policy.

Mr. KNOLLENBERG. Mr. Chairman, I will be very brief.

I think the points that have been made by the several individuals who have spoken out against this amendment pretty much says it all. I just would follow by saying I urge strongly a no vote on this amendment.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding.

You know, of all the many, many injustices for which this House Republican leadership is responsible, surely there are few that are less defensible than their defense of corporations that flee America. And how appropriate that we bring to the House this amendment at this time as we approach our Nation's Independence Day on July the 4th, because a few corporations have declared their independence from America when it comes to paying their taxes. They formally fled our shores. They dodge their taxes by reincorporating in some tax haven, buying a mailbox and having a beach-side board meeting.

To add insult to injury, the same corporations that renounce America stretch their hand out to all of us who are paying our fair share, businesses and individuals, and say "can we have some of your tax money?" They ask to be given the opportunity to bid on government contracts that they are not contributing to pay for. That is right. An outrage that exists that has been defended by this Republican leadership. Why do we do this in an appropriations bill? Because the House Ways and Means Committee, on which I serve, has, under the Republican leadership, as its primary responsibility to protect corporations just like those that flee and then ask to do government business.

What about this argument that these corporations are paying taxes on their government business? Well, frankly, it is a half truth. Let me tell you, these corporations do not go to Bermuda for the shorts. They do not go there for the suntan. They go there to dodge taxes. And the way they do that, as in the case of Accenture, one company that has been mentioned, is to strip away earnings and have them taxed there—at non tax rates really—in Bermuda. For example, the name Accenture did not exist a few years ago.

And so Accenture used its American presence to advertise and build up the value of the name. And so when they come to their name being owned by a foreign corporation, when they come to calculate any taxes they owe in the United States, they deduct all the royalties that they pay to that foreign corporation. So they may be paying a certain tax rate on their income, but they do not include all their income because they have stripped it and sent it abroad.

What of the argument that we will lose the opportunity for the best contract? We are not saying that Accenture or any other company cannot contract for business. Just pay your fair share of taxes like every other American is all that we say through this amendment.

And what makes the opposition to this amendment particularly shameful at this time is that wealthy tax-dodging corporations are not sacrificing at all, while we call on some young Americans to give their all and sacrifice for America. Middle-class Americans are paying hundreds of billions of dollars for this adventure abroad, while tax dodgers and tax cheats avoid paying their fair share. It is wrong. We ought to correct it with approval of this amendment.

Mr. OLVER. Mr. Chairman, I yield to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I thank the gentleman for yielding.

Let me just first say once again, and I will say it as many times as we have to. This does not affect existing contracts. It does not affect existing contracts.

Second, the Department of Homeland Security is operating under a similar contracting ban now. We are not talking solely about one company. There are some 25 or 26 companies who, in fact, have reincorporated in tax haven countries in order to be able to diminish their tax obligation to the United States. Accenture, in fact, has its roots back to 1953, as part of the Illinois-based Arthur Andersen Company. It incorporated in Bermuda in 2001. Their CEO was based in Dallas. And the fact of the matter is that they are now having it both ways.

□ 1330

I would make the point that this comes down to a question of values. Do you stand with corporations who have abandoned our country in a time of war, who have gone through these elaborate contortions to reduce their U.S. tax burdens, or do you stand with the companies who, in fact, have been good corporate citizens? They are paying their taxes, they are employing Americans, and they are living up to their obligations of their country.

Now, as it has been said by my colleagues, these companies can go and do what it is that they would like. And if they want to diminish their tax burden here, we should not allow it, but we do at the moment. But the fact is, should we then add insult to injury to other American corporations and to American citizens by allowing these companies to get billions of dollars in Federal contracts? Again, it does not affect existing contracts.

We have a historic low in Federal corporate income taxes. The fact is these folks set up these mailboxes overseas. That they are overtaxed is not, in fact, the case. It is time we tell these corporate expatriates the free ride is over. I urge my colleagues to vote in favor of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. SHIMKUS). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY:

At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act) or of section 552.224 of title 48 of the Code of Federal Regulations.

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just briefly explain the intent of this amendment.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I would be happy to accept the gentleman's amendment.

Mr. MARKEY. If I may explain what the amendment is before the gentleman accepts it?

Mr. KNOLLENBERG. We know what it is; but if the gentleman wants to take a moment or two, yes.

Mr. MARKEY. Reclaiming my time, I will take just a moment.

There has been a recent wave of massive privacy breaches that has highlighted the need to reaffirm the principles of the Privacy Act. This week the IRS announced that they are going to have a $20 million contract with ChoicePoint, the same company involved in a massive privacy breach in its operations in February of 2005. This reminder of the potential compromise of information is, of course, very necessary if the IRS is going to contract with ChoicePoint, with the very sensitive information of Americans.

So this amendment restates the importance of the Privacy Act being implemented. I ask the House to adopt this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment No. 4 by the gentleman from Florida (Mr. DAVIS), amendment by the gentlewoman from California (Ms. LEE), amendment by the gentleman from Vermont (Mr. SANDERS), amendment by the gentleman from New York (Mr. RANGEL), amendment by the gentleman from Indiana (Mr. SOUDER), amendment by the gentleman from New Jersey (Mr. GARRETT), amendment by the gentlewoman from Connecticut (Ms. DELAURO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MR. DAVIS OF FLORIDA

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. DAVIS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 208, noes 211, not voting 14, as follows:

[Roll No. 345]

AYES—208

Abercrombie
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boehlert
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Cox
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Ehlers
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Garrett (NJ)
Gilchrest
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Herger
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wynn

NOES—211

Ackerman
Aderholt
Akin
Alexander
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Engel
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Northup
Norwood
Nunes
Nussle
Ortiz
Oxley
Pallone
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Bachus
Bishop (GA)
Cooper
Cramer
Everett
Kingston
Moore (WI)
Peterson (PA)

Reyes
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

☐ 1357

Messrs. BARRETT of South Carolina, JONES of North Carolina, UPTON, DANIEL E. LUNGREN of California, and BAKER changed their vote from "aye" to "no."

Mr. HIGGINS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE of Wisconsin. I was unavoidably detained and missed the vote on this amendment. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. COX. Mr. Chairman, on rollcall No. 345 I am recorded as having voted "aye." I intended to vote "no," and ask that the RECORD reflect this.

AMENDMENT OFFERED BY MS. LEE

The Acting CHAIRMAN (Mr. SHIMKUS). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 233, not voting 13, as follows:

[Roll No. 346]

AYES—187

Abercrombie
Allen
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berman
Berry
Biggert
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carson
Castle
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gilchrest
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Harman
Herger
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—233

Ackerman
Aderholt
Akin
Alexander
Andrews
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Beauprez
Berkley
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carnahan
Carter
Case
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Higgins
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—13

Bachus
Bishop (GA)
Boozman
Cooper
Cramer
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. SHIMKUS) (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1405

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLAKE. Mr. Chairman, I inadvertently voted "no" on rollcall No. 346. I intended to vote "aye" on rollcall No. 346.

AMENDMENT OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. SANDERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 177, not voting 18, as follows:

[Roll No. 347]

AYES—238

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bass
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boehlert
Bonner
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conaway
Conyers
Costa
Costello
Crowley
Cubin
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge

Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Foley
Ford
Fortenberry
Fossella
Frank (MA)
Gerlach
Gibbons
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Jones (OH)
Kanjorski
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski

LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Nussle
Oberstar
Obey
Olver
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rogers (MI)
Rothman

Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Sodrel
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn
Young (FL)

NOES—177

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble

Cole (OK)
Cox
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Feeney
Ferguson
Flake
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves

Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
King (IA)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
Lewis (CA)
Lewis (KY)
Linder

Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Moran (VA)
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Otter
Oxley

Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Reichert
Renzi
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Sensenbrenner
Sessions
Shadegg

Shaw
Sherwood
Shimkus
Simpson
Smith (TX)
Souder
Sullivan
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Upton
Walden (OR)
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NOT VOTING—18

Bachus
Barrow
Bishop (GA)
Brown, Corrine
Cooper
Cramer

Everett
Johnson, E. B.
Kaptur
Kingston
Ortiz
Peterson (PA)

Rogers (AL)
Ross
Schiff
Scott (GA)
Stearns
Westmoreland

☐ 1412

Mr. NUSSLE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chairman, on rollcall No. 347, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 250, not voting 14, as follows:

[Roll No. 348]

AYES—169

Abercrombie
Allen
Baca
Baird
Baldwin
Bean
Becerra
Berry
Biggert
Bishop (NY)
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Brady (PA)

Brown (OH)
Capps
Capuano
Carson
Clay
Cleaver
Clyburn
Conyers
Costello
Crowley
Cummings
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro

Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Eshoo
Farr
Fattah
Filner
Flake
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al

Grijalva
Harman
Herger
Herseth
Hinchey
Hinojosa
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kolbe
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Matheson

Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Osborne
Otter
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Roybal-Allard
Ruppersberger
Rush

Ryan (OH)
Ryan (WI)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Slaughter
Smith (WA)
Snyder
Solis
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Woolsey
Wynn

NOES—250

Ackerman
Aderholt
Akin
Alexander
Andrews
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berkley
Berman
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa

Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall

Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Higgins
Hobson
Hoekstra
Holden
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kuhl (NY)
Lantos
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCotter
McCrery
McHenry

McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Ortiz
Oxley
Pallone
Pascrell
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Turner
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—14

Bachus
Bishop (GA)
Cooper
Cramer
Evans
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Shadegg
Westmoreland

☐ 1421

Mr. DICKS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SOUDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. SOUDER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 161, answered "present" 1, not voting 12, as follows:

[Roll No. 349]

AYES—259

Aderholt
Akin
Alexander
Baca
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Cardoza
Carter
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Feeney
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kind
King (IA)
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wu
Young (AK)

NOES—161

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bono
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Carnahan
Carson
Case
Castle
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Foley
Frank (MA)
Frelinghuysen
Gilchrest
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hinojosa
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (NY)
Kirk
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Ramstad
Rangel
Rothman
Roybal-Allard
Ruppersberger
Rush
Sabo
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (VA)
Serrano
Shays
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Wolf
Woolsey
Wynn
Young (FL)

ANSWERED "PRESENT"—1

Obey

NOT VOTING—12

Bachus
Bishop (GA)
Cooper
Cramer
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

☐ 1430

Mr. MEEK of Florida and Mr. SMITH of Texas changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 189, not voting 13, as follows:

[Roll No. 350]

AYES—231

Abercrombie
Aderholt
Akin
Alexander
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Berry
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)

Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Chabot
Chandler
Chocola
Clay
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Costello
Cox
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hoekstra
Hooley
Hostettler
Hulshof
Hunter
Hyde
Issa
Istook
Jackson-Lee (TX)
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kline
Kuhl (NY)
LaHood
Leach
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Pallone
Paul
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rehberg
Renzi
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ruppersberger
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simmons
Slaughter
Smith (NJ)
Smith (TX)
Sodrel
Souder
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thornberry
Tiberi
Upton
Walden (OR)
Wamp
Waters
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Woolsey
Young (AK)
Young (FL)

NOES—189

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Cleaver
Costa
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Tom
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ehlers
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hinojosa
Hobson
Holden
Holt
Honda
Hoyer
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Knollenberg
Kolbe
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pascrell
Pastor
Payne
Pelosi
Price (NC)
Rahall
Rangel
Regula
Reichert
Reyes
Reynolds
Rothman
Roybal-Allard
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Serrano
Shays
Sherman
Sherwood
Simpson
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stearns
Strickland
Stupak
Thomas
Thompson (CA)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Wexler
Wolf
Wu
Wynn

NOT VOTING—13

Bachus
Bishop (GA)
Cooper
Cramer
Everett
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Tiahrt
Westmoreland

☐ 1438

Ms. DELAURO and Mr. RYAN of Ohio changed their vote from "aye" to "no."

Messrs. BOREN, LINDER, and CONYERS, and Mrs. MUSGRAVE and Ms. LORETTA SANCHEZ of California changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. TIAHRT. Mr. Chairman, on rollcall No. 350 I was unavoidably detained. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MS. DELAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 231, not voting 12, as follows:

[Roll No. 351]

AYES—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bass
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Boucher
Bradley (NH)
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Doggett
Doyle
Duncan
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green (WI)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller, George
Mollohan
Moore (WI)
Moran (KS)
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Rahall
Rangel
Reyes
Rohrabacher
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schwartz (PA)
Serrano
Shays
Sherman
Sherwood
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Stark
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wamp
Wasserman Schultz
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Alexander
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doolittle
Drake
Dreier
Ehlers
Emanuel
Emerson
English (PA)
Etheridge
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)

Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hooley
Hostettler
Hulshof
Hyde
Inglis (SC)
Issa
Istook
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Walden (OR)
Walsh
Waters
Watt
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bachus
Cooper
Cramer
Everett
Gillmor
Kingston
Peterson (PA)
Rogers (AL)
Ross
Schiff
Scott (GA)
Westmoreland

☐ 1448

Mr. JEFFERSON changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Committee will rise informally.

The SPEAKER pro tempore (Mr. PETRI) assumed the chair.

ENROLLED BILLS SIGNED

The Speaker pro tempore, Mr. PETRI, announced the signature of the Speaker to enrolled bills of the following titles:

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 627. An act to designate the facility of the United States Postal Service located at 40 Putman Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

H.R. 1082. An act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building".

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building".

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

H.R. 1542. An act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building".

The SPEAKER pro tempore. The Committee will resume its sitting.

TRANSPORTATION, TREASURY, HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, THE DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2006

The Committee resumed its sitting.

AMENDMENT NO. 7 OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HEFLEY:

At the end of the bill (before the short title), insert the following:

SEC. ____. Appropriations made in this Act are hereby reduced in the amount of $669,350,000.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. I have learned to do these pretty fast, and I do not think there is anyone here in doubt as to what it is.

I rise today to cut the level of funding in this appropriation bill by approximately 1 percent. This equals approximately $670 million. The bill is 6 percent over last year.

It seems to me that when we do not have the money, we do not spend over last year, or should not. I will emphasize again this is not an across-the-board cut; this is an off-the-bottom-line. They can make a choice of where it comes from.

This is the seventh time that I have offered an amendment of this type this year; and had those amendments been adopted, we would have saved $3.3 billion out of our spending for this year. Now, $3.3 billion sounds like a lot of money to most of us, but it is not in comparison with the overall budget we have for the United States Government; but, still, it is a tremendous step in the right way.

It is important to remember that we do not have this money. This money is debt we are burdening our children and grandchildren with to pay back someday.

I would like to congratulate the chairman and the ranking member and the committee on addressing an issue I followed in the spending bill for years. While I would have preferred not to spend a dime on Amtrak, the committee has dramatically reduced the spending in the bill, and that would go a long way towards forcing Amtrak to change its ways. Now, I know there was a vote to reverse that last night, but I trust that this battle is not over, and I hope it is not over.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, my good friend, the gentleman from Colorado, has offered this any number of times; and I am not counting, but I know he has done this before. He is getting very good at it.

With all due respect to the gentleman from Colorado, I believe this to be an unnecessary amendment. The Congress cannot and should not abdicate its responsibility to review individual programs and make individual recommendations based on that review. The desire to hold spending in check should be based on congressional oversight of specific programs. We should not take a meat-ax approach, and we should not yield our power to the executive.

I ask, therefore, that this amendment be defeated.

Mr. Chairman, I yield back the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

I would just say to the gentleman, who is a dear friend and for whom I have the highest respect, we should not, he is absolutely right, we should not abdicate our responsibility to the executive branch; but sometimes around here what should be done and what is reality are two different things. I know what it is to get bills out of committee. The gentleman and I worked on the subcommittee on military construction for years together, the gentleman on appropriations and me on the authorizing, and we know what it takes to get bills out of committee sometimes. Sometimes this may be the only way to do it to get a hold on spending.

But anyway, Mr. Chairman, I encourage an "aye" vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. HEFLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) will be postponed.

AMENDMENT OFFERED BY MS. KILPATRICK OF MICHIGAN

Ms. KILPATRICK of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. KILPATRICK of Michigan:

Page 224, insert the following after line 8:

SEC. 948. None of the funds made available in this Act to the Department of the Treasury may be used to recommend approval of the sale of Unocal Corporation to CNOOC Ltd. of China.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from Michigan (Ms. KILPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK of Michigan. Mr. Chairman, I yield myself such time as I may consume.

I rise to prohibit the sale of an American oil company to the Chinese National Offshore Oil Corporation, recommending in this bill that Treasury not be allowed to make a favorable recommendation that our ninth largest oil company should be sold to the Chinese.

Some people say, why is the gentlewoman from Michigan interested in this amendment? We are interested because we believe that Americans ought to be able to have and hold and own American companies. Did my colleagues know that 53 percent of the privately held debt of this country is held by private investors, private countries? Japan being first, China being second. This is not the time to now sell our ninth largest oil refinery to a Chinese company.

Our trade deficit with China is $160 billion. We buy $160 billion more from China that they buy from the United States. This is not the time, if there ever is. Our national security, which is what the CFIUS committee will look at, that is the Committee on Federal Investments in the United States chaired by Secretary of the Treasury Snow, also on that panel is the Defense Secretary as well as the Secretary of State; we believe that this is not right for our country, it is not right for our economic security.

We must also look at, and CFIUS right now only looks at national security, and probably that ought to be amended. CFIUS was established in 1988, a 12-member committee. They should probably also look at economic security, and we are looking at offering an amendment to amend that legislation as well.

China is an economic and military power. They are one of our largest competitors. In my own district, General Motors put $2 billion into China last year and just 2 months ago said that they closed 30 plants, they closed 30 General Motors plants in America and laid off thousands of workers.

Should we work with China? Yes, we should. Should we turn over our government business to China? No, we should not. This amendment that I am offering would not allow the Treasury Department to issue a favorable recommendation to the President of a China company, Chinese National Offshore Oil, to sell our own, very own Unocal company.

So I am hoping that as we go through this debate and as we come to talk about this issue, we take care of Americans first.

I was just in a meeting this morning where we talked about the loss of our American jobs. We hope, Mr. Chairman, that as we have this debate, we will continue and make sure that we maintain American ownership of American corporations. Fifty-three percent of the privately held debt in America today, the bulk of it is held by Japan first, as I mentioned, and also then China. Intellectual property rights, the Chinese have no respect for our intellectual property rights. In the auto industry right now, China also abuses our parts and uses our technology.

So, Mr. Chairman, I am asking that this amendment be accepted by our entire body, that we make sure that American companies stay in America, and that we continue to employ, that we continue to train and educate our children so that your grandchildren and mine will have an America that is strong.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to first yield to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in opposition to this amendment.

We have done this to ourselves. We are $9 trillion in debt. We cannot purchase all this debt. We rely upon other countries throughout the world, whoever is willing to, to purchase our debt. The highest proportionate increase is attributable to China. China is buying up our debt faster than anyone else.

Now, what do we think they are going to do with it? If they choose to dump it on the world financial markets, we go into a depression, I say to my colleagues. It is a financial guillotine they are holding over our neck. Far better that they use these financial assets to purchase American corporate assets in the same way that Japan did several years ago. If you do not want China purchasing our assets, then do not put us into the kind of deficit situation that we have created.

It is far better that China diversify their holdings. If they do not buy American oil companies or Western oil companies, since they desperately are in need of energy to sustain their economy, where are they going to go? They are going to go to Iran, they are going to go to other countries that are not in our interests, and we are going to start contributing to a bipolar world again. We just got through a Cold War with the Soviet Union. If we act in this way, and I know the domestic politics of it, but if we start doing things like this, we are going to contribute to another bipolarity, another Cold War here, which is not in our interest We have American oil companies who own drilling rights and oil resources off China's shore.

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It is in our interest to start balancing the budget and issue less debt. But it is not in our interest to forbid China from purchasing assets, even within the United States with that cash and U.S. debt securities that they own. They need to do that. We need to be serious about this and levelheaded. And so I would oppose the amendment.

Ms. KILPATRICK of Michigan. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentlewoman for yielding and for her leadership on this important subject. As a distinguished member of the Appropriations Committee, she has been a voice for strong national security in our country, including this initiative today.

Mr. Chairman, I believe that the comments of the previous speaker speak eloquently to the need for us to get our fiscal House in order because we are seeing the consequences of going so deeply in debt to other countries where we are really held hostage in terms of our own decision making because they own our debt.

Mr. Chairman, the Chinese National Overseas Oil Company's bid to acquire UNOCAL Corporation is a graphic example of America's energy vulnerability. President Bush should refuse to prove the acquisition and Congress should indicate its disapproval as well.

I urge my colleagues to support the gentlewoman from Michigan's amendment. And again I thank her for her leadership on this issue.

The Chinese bid for UNOCAL is compelling evidence of America's strategic energy vulnerability. China has clearly decided to meet its growing demand by obtaining control of energy assets around the world.

I would say to the gentleman from Virginia (Mr. MORAN), it is true. China will turn to Iran and Sudan and other countries. In fact, they already have. Arrangements have been made in Iran, Sudan, Venezuela and other places that illustrate their strategy. With the UNOCAL bill the Chinese plan reaches our doorstep. The Chinese government's control of CNOOC made the bid possible, not the free market.

My Republican colleagues and Democratic colleagues who are all dedicated to the free market system should understand that this is not a free market transaction. Government-provided low interest loans allow the company to bid at rates not otherwise available. And if acquisition of UNOCAL is critical to the Chinese, they would probably allow the bid to be increased to any level needed to seal the deal.

Control of energy assets by China means China controls where those assets go and when. That raises serious national security concerns for the United States. Among those other serious national security concerns are the transfer of technology associated with the UNOCAL acquisition. It is reported that China could assume ownership of the cavitation technology with applications. Cavitation is a process which UNOCAL uses to go into deep water drilling for oil. That same technology can be used by the Chinese to do nuclear tests underground and to mask them so we would not ever be able to detect them. It would also have applications again for locating matter in deep water.

Given China's commitment to improving its military capabilities, why would the United States permit the sale of this kind of technology? Left on its own, we probably would not. But as part of the UNOCAL deal, it is being pulled through with this Trojan horse.

The reason the Chinese believed a bid for UNOCAL could succeed, as the gentleman from Virginia (Mr. MORAN) mentioned in his support, no, his opposition to our position, the reason the Chinese believe a bid for UNOCAL could succeed lies in our dependence on them to finance a significant portion of our massive budget deficit. Our reliance on the Chinese to finance our debt gives them far too much leverage over our decision making process.

I go back, you know, 15 years now, our arguments that expanded trade with China would result in increased freedom for the Chinese people. We were proved wrong long ago. At that time just before Tiananmen Square, our trade deficit with China was $3.5 billion a year. And we thought, with that huge trade deficit that it would give us leverage for improving China's human rights record, for improving their behavior in terms of fair trade and for stopping China's proliferation of weapons of mass destruction. We failed in persuading Congress to do that, and today the trade deficit with China, not $3.5 billion a year, has grown to $3.5 billion a week. $3.5 billion a week. With all that capital China is able to purchase our debt, have leverage over us so that now we have to, hopefully not, but some believe, agree to their buying a strategic asset which UNOCAL represents. Our reliance on China to finance our debt weakens our ability to influence China on human rights, proliferation of weapons of mass destruction, North Korea, you name it.

This is the price we pay for failing to live within our means, and it is long past time we recognize that danger and addressed it. On that, the gentleman from Virginia (Mr. MORAN) and I agree. Let us heed the wake up call provided by the Chinese bid for UNOCAL. Let us get serious on both issues, reducing risk in energy by adopting an innovative energy policy for the 21st century and getting our fiscal House in order.

And again, I caution our colleagues that a serious transfer of technology that would be contained in this purchase of UNOCAL and urge our colleagues to support the Kilpatrick amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK) will be postponed.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY:

At the end of the bill (before the short title), insert the following:

SEC. . None of the funds made available in this Act may be used in contravention of that portion of OMB Circular No. A-11, section 22.2, entitled "Congressional testimony and communications" that states that in testimony before Congressional committees and communication with Members of Congress, witnesses will give frank and complete answers to all questions.

Mr. OBEY. Mr. Chairman, I ask unanimous content that the Clerk read the amendment in its entirety.

The CHAIRMAN. Without objection, the Clerk will report the amendment.

There was no objection.

The Clerk read the amendment.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Wisconsin (Mr. OBEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

The OMB circular which was just read reads, or which was just referred to in the amendment reads as follows: "When testifying before any congressional committee or communicating with Members of Congress, witnesses will give frank and complete answers to all questions." The purpose of this amendment is simply to make certain that none of the funds in this bill may be used to, in any way, assist in any communication from the Executive Branch of government, which is not frank and complete and truthful.

Now, that may seem like an odd thing to ask, but let me point out recent years are replete with examples of how the executive branch, including this administration, have grossly misled Congress on matters of national importance. Example, the Department of Veterans Affairs deliberately withheld information related to the cost of veterans medical care that was needed during consideration of the fiscal year 2005 supplemental, which they now admit has resulted in a $1 billion shortfall in veterans health care. In fact, they have stonewalled us over the past 3 years in terms of being frank about the needs of veterans health care.

This administration has consistently and repeatedly declined to provide a full accounting of anticipated cost for the Iraq war. Previous OMB Director Mitch Daniels once said that because of oil revenues, the war would be "affordable," and probably would only cost the U.S. 50 to $60 billion.

Instead, the President continues to request funding for the war, and yet when you ask everyone from the Secretary of Defense on down, they are steadily refusing to give us real figures about the anticipated cost of that war.

We will all recall that just a year ago a Federal Medicare actuary was threatened with dismissal by a high administration official for disclosing the exact cost of the Medicare prescription drug benefit before Congress voted on the measure. And we will all remember, no doubt, former economic advisor Larry Lindsey, who was criticized by his colleagues and eventually fired for correctly predicting an Iraq war that would cost the U.S. at least $200 billion. At the time his prediction was termed outlandish by higher officials in the government.

The former Chief of Police at the National Park Service was fired for publicly discussing budget shortfalls that she argued threatened the safety of her police force and hindered their ability to protect national park lands.

And former Member of Congress, Mike Parker, who once served in this very institution was fired for speaking candidly about the budget request of the Army Corps of Engineers.

And I must say that I had the unpleasant experience in the 10 years that I chaired the Foreign Operations Appropriations Subcommittee of having well-known administration witnesses purposely mislead our subcommittee about the Iran-Contra issue. And several of those officials who were much less than candid at the time are now serving in this administration. So unfortunately, I think there is a long track record, not just with this administration, but with many, of misleading the Congress, of telling us half truths, of telling us no truths at all. And I do not know how you can change human nature to insist that the persons testifying before our committees be more forthcoming. But at least you can have the Congress spell out, through a vote, the fact that each and every Member of this Congress expects the administration to allow its witnesses to tell the truth.

We should not have to, as Senator SPECTER was forced to do last year, we should not have to change the law to require that officials from the National Institute of Health or anyone else can answer Members' questions without referring to higher-ups in the administration to get a politically correct answer.

So that is the purpose of this amendment. And I would hope it would be adopted by this House.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I am prepared to accept this amendment.

The CHAIRMAN. The gentleman will suspend. Does the gentleman move to strike the last word?

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 20 minutes and reserves the balance of his time.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. PELOSI), the distinguished minority leader.

Ms. PELOSI. Mr. Chairman, I thank the distinguished gentleman for yielding me this time, and I acknowledge the great leadership of the gentleman from Michigan (Mr. KNOLLENBERG) as the chair of the Appropriations Subcommittee.

I say to the gentleman from Wisconsin (Mr. OBEY), every chance I get I want to salute his leadership, his championing the rights of America's families and now today something that should be very clear and obvious, but having to make the point that we should have truth and honesty in our dealings with the American people.

Mr. Chairman, I rise in strong support of the Obey amendment.

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It is ridiculous that we are debating on the floor of the people's House the need for truth. The need for truths is self-evident.

The truth and trust are fundamental to a democracy. We owe every American the truth in our dealings here. All Americans, as I say, deserve the truth. But our veterans deserve it even more. They are willing to make the supreme sacrifice for us. They are courageous, they are patriotic. They have given us the opportunity to have peace on Earth, good will to men over generations, and now they are not being dealt with honestly.

The need for truth is made painfully clear in the current crisis we are facing on veterans health care funding shortfalls. On April 5, Department of Veterans Affairs Secretary Jim Nicholson said, "I can assure you the VA does not need emergency supplemental funds in FY 2005 to continue to provide timely quality service."

Last week, less than 3 months later, Secretary Nicholson and the Bush administration finally acknowledged their failed budgetary policies and misplaced priorities and owned up to the shortfall in veterans funding. In the meantime, the supplemental bill passed the Congress, went to the President's desk without covering that shortfall because of the misrepresentations that were made by the Secretary to the Congress.

This should come as no surprise to anyone. Over the past 2 years, Democrats have stood shoulder to shoulder with veteran service organizations calling for adequate funding for the VA. Time after time, Democrats have put forward proposals to increase funding for our veterans, and time after time Republicans have voted them down. We have had straight party line votes. There have been some moments of clarity and truth from Republicans in this fight.

In February 2004, Veterans Affairs Secretary Anthony Principi acknowledged the inadequacy of President Bush's FY 2005 budget for the VA. He said, "I asked OMB for $1.2 billion more than I received." It was his professional judgment that that $1.2 billion was needed a year and a half ago for fiscal year 2005 and here we are today still without it. Secretary Principi knew then that the Bush budget was inadequate.

The Committee on Veterans' Affairs chairman, the gentleman from New Jersey (Mr. SMITH), knew that the Bush budget was inadequate. That is why he joined the ranking Democrat on the Committee on Veterans' Affairs, the gentleman from Illinois (Mr. EVANS), a champion for veterans, in calling for additional funds for the VA.

The result? Not increasing funding for veterans but ousting the chairman, the gentleman from New Jersey (Mr. SMITH), for daring to stand up to the Republican leadership and a new VA Secretary who hides the truth so that he can be in lockstep with the failed budgetary policies and misplaced priorities of this administration.

How can we even face our veterans when we as a Congress say to them, and as a country, including the President, it is more important to us, we place a higher value in giving the people who make over a million dollars a year, $140,000 in tax cuts, but we are not giving you the health benefits that you earned, that you deserve, and that you were promised.

Democrats are united on this issue. Every single Democrat joined me yesterday in writing to President Bush calling for an emergency supplemental to fund veterans health care. This should not be partisan and I hope that later today we will right this wrong. But even if we pass a bill on the floor today, we will go into the Fourth of July weekend without correcting the situation, because it would have to come back after the recess, go into conference, et cetera, pass the Senate with which there is no guarantee.

Our veterans deserve nothing less than our honoring our commitment to them.

Mr. Chairman, in time of war, the military says we will leave no soldier behind on the battlefield. When they come home we must leave no veteran behind when it comes to delivering our promises to them.

Our Founding Fathers, over 200 years ago, declared independence with their wisdom, their enlightenment, their courage, and their willingness to sacrifice, they launched what would become the United States of America, a free and independent country. Our veterans have kept us that way. We honor our Founding Fathers' vision and we honor the sacrifice of our veterans, our men and women in uniform, when we keep our promises to them. We owe them nothing less. I support the Obey amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the distinguished chairman for yielding me time.

I rise in opposition to this amendment. But first on the merits of this discussion about the veterans budget, we held a subcommittee hearing, an oversight hearing on Tuesday with the Secretary of Veterans' Affairs. The gentleman from Indiana (Chairman BUYER) held a hearing this morning with the Secretary of Veterans' Affairs to try to sort this shortfall out and that is exactly what it is. It is a shortfall.

I do not believe that there is any intent to mislead or deceive the Congress. And if this amendment is an attempt to belie the confidence of the American public in the process that we have, I think it is a mistake.

The Secretary of Veterans Affairs and his administration made a mistake. They made an estimate as to what the costs would be for 2005. Now we have 3 months left in 2005. They have completed their mid-year review and they have found that there was an error in their assumptions. Now, this is a 30-plus billion dollar budget. So a 3 percent mistake, which is what this was, they were off by 3 percent, that is a billion dollars.

Now, I cannot speak for any other Member of Congress, but I suspect there have been times when my office budget has been either overestimated or underestimated by 3 percent. It is a small percentage, but when you are talking huge amounts of money like we are talking about here, it comes out to be a very large number, a billion dollars. But I believe that they made an error. They made a mistake. I do not think they tried to deceive us or mislead us.

Let us be honest. The appropriations process moved very quickly this year. Their mid-year review came after we completed most of the deliberations in our hearings on this bill. So we are going to fix that. I mean, if the idea here is to get at the problem we have, we found the problem. By the way, it was oversight by the Committee on Veterans' Affairs that discovered this in consultation with the Veterans Affairs Administration. So we are sorting it out. And I think we have done the responsible thing.

We have identified what that shortfall is. Somewhere in the neighborhood, plus or minus $5 million, of about $975 million. It is a lot of money, but we fortunately will be able to remedy that today. The last bill, I believe, that we work on tonight will be a supplemental bill to provide those funds to make sure that we keep the Veterans Health Administration whole.

They planned to work around the solution. They were going to use capital funds. They were going to take from their own hide, basically the capital account of $600 million and they had a reserve plan for $375 million. We want them to have that reserve. We want them to have those capital expenditures. We do not want them to defer maintenance and repair and purchases of computers and MRIs and other medical equipment. We want no diminution, no reduction in the quality of service our veterans have, especially in this time of war.

So we are moving. We are moving at a pace, and we will have this resolved at least on the House side this evening.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 10 minutes remaining. The gentleman from Michigan (Mr. KNOLLENBERG) has 16 minutes remaining.

Mr. OBEY. Does the gentleman have any other speakers besides himself?

Mr. KNOLLENBERG. I do.

Mr. OBEY. Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LEWIS), the chairman of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I do not find myself always happy with what witnesses before our committees have to say. Just because I disagree with them does not mean they are not being as complete as they would choose to be.

I do not always have witnesses provide me with the answers that are my answers. But I do remember early on in my career here, it was my second term, I was a new member of the Committee on Appropriations. In those days the issues swirled around what was going on in Central America. There was a divide in the House it seemed. Most of the people on that side were very much concerned about changes in Central America. I remember the debates about the Sandinistas and there was discussion that maybe the witnesses were not being totally open and fair and straightforward.

It is convenient to point a finger and suggest one administration's witnesses is not being straight, another one is answering questions fully. The fact is that it is pretty obvious we expect people to be straightforward with us.

I would suggest if the gentleman really has a problem in some of his committees, he might want to urge that people take the oath everywhere. I do not tend to follow that pattern in my own committees. But indeed it is important to recognize that people in public service, whether they are working for the administration, maybe working for the State Department or otherwise, do come to us generally and try to do as full a service as they possibly can.

I must say that I sense a pattern here where issues are being raised in this fashion because perhaps some people have ambitions to do something else with their life besides just sitting in a committee. But indeed, it is important that we not distort our process to the point where public affairs becomes a political battle, a partisan confrontation at every turn.

If there have been partisan votes on the floor, let me submit the vast percentage of those have come that way because there was a direction from the Democratic side that we are going to be together and be opposed to whatever those Republicans are doing.

That is not a healthy way to carry forward public affairs. I am very concerned about the pattern. I do not believe I will carry my discussion about this much further than I am today but I may because it is very disturbing to this Member of Congress.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, if I understood the chronology correctly, the gentleman from California (Mr. LEWIS) was pointing out that there were Reagan administration witnesses, of which people had similar complaints. And I would stipulate to that. But this is not a question of just one administration or another. It is a disturbing failure of this House to carry out its constitutional responsibilities for independence.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate the gentleman yielding because, indeed, that was the Reagan administration. And during that time the Democrats were supporting the Sandinistas and we were fighting for freedom.

Mr. FRANK of Massachusetts. Reclaiming my time, first of all, the gentleman from California (Mr. LEWIS) got here and I do not think most people understood that he was talking about the Reagan administration. He talked somewhat vaguely about a previous administration, as if we were somehow being partisan, and he cited the Reagan administration did the same thing.

Then he follows that up with this outrageous comment that we were supporting the Sandinistas and they were supporting freedom. If that is the gentleman's example of how not to be partisan, than I do not think the gentleman is going to be finding many people follow his example.

The problem we have here is a failure of this House to fulfill its constitutional responsibilities.

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You say, oh, nobody was trying to be dishonest. Have people forgotten so soon the prescription drug issue? When the Department of Health and Human Services responsible officials refused to let one of their officials tell the truth, threatened their officials with retaliation, that was not an honest error. That was a deliberate pattern of suppression.

I mean, what we have here is a degree of submissiveness on the part of the Republican majority and the executive branch that I believe is unprecedented in American history.

You want an example of it? I believe the Republican membership has over the years become more afraid of its own leadership than of anything else, including terrorism. And you want the proof?

We had a very prolonged rollcall yesterday which had to be interrupted because we had a potential terrorist problem. The rollcall that was extended, because we had to evacuate and deal with the terrorist threat, took a lot less time than the rollcall that you used to pass the prescription drug bill. You were more afraid on your side of retribution from your leadership if you did not get that bill passed than you were of a terrorist threat.

I remember when the Clinton administration was new and the Democrats were in power. I served on the Committee on the Judiciary that had a very tough oversight hearing on Waco, called Janet Reno up and was very tough on her. I served on the Committee on Banking that had hearings on Whitewater.

Oversight has disappeared; and when we do have conscious and deliberate lies and we know the Health and Human Services misrepresented the cost of the prescription drug bill, they knew one thing and they threatened with retribution somebody who might have told the truth, and there was not any complaint from the Republican side.

As to the veterans budget, I do not think it is accidental that the underestimate came. It was not an overestimate, and it was not just an arithmetic error. There were people saying you do not have enough, you do not have enough. We remember. The gentleman from Wisconsin reminded me when the veterans affairs people sent out a notice telling their own people not to try to do outreach, do not bring us more people, and the gentleman from New York said it is going to be fixed. Well, at the cause of some disruption. Having the heads of the Department have to stop and say, well, we will take some capital funds, that is not a useful way to run things.

So there has been a deliberate pattern here of a failure to oversee, and that is what the gentleman from Wisconsin's amendment seeks to remedy.

Mr. KNOLLENBERG. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER), chairman of the defense authorizing committee.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me time.

I think most of my colleagues know that we had a hearing 2 days ago on something that is not an easy subject, that is, Guantanamo, the treatment of the detainees, many of whom were picked up on terrorist battlefields around the world, including the 20th hijacker, the bodyguard for Osama bin Laden and an institution which is at the focal point of a great deal of public discussion.

We had Brigadier General Hood, the commander of Guantanamo; Sergeant Major Menendez; and Lieutenant Commander Ostergaard, who runs the medical facilities. They gave us straight ahead, candid, absolutely truthful answers, and every member of the committee, Democrat and Republican, had a chance to ask them questions, cross-examine them. I would just ask my colleagues to look at the statements that came from Democrats and Republicans regarding the quality of the testimony.

Now, each year, we put together a $400 billion-plus defense budget. That requires candid, up-front testimony from the people that wear the uniform of the United States and the civilian officials that oversee the Pentagon.

In addition to that budget, we bolt on and bolted on this year a $50 billion bridge appropriations; and to do that, we had to ask of the services and of our military leadership, and we drilled down right to the platoon level; we had to ask them for unfunded requirements, that is, we said what did you need that was not in the budget but in your estimation, in your candid opinion, General, Captain, Lieutenant, Sergeant, what do you think we need for the Armed Forces of the United States.

They answered us candidly; and because of that, we were able to put together a complete and robust statement of the requirements that we had, and we were able to meet those with the $50 billion bridge fund that we then bolted on to the defense authorization bill.

Our process has been one that has been marked by candor, by truthful testimony, and I think by respect from Republicans and Democrats for the process.

Mr. OBEY. Mr. Chairman, how much time do we have remaining on both sides?

The CHAIRMAN. The gentleman from Wisconsin (Mr. OBEY) has 6½ minutes remaining. The gentleman from Michigan (Mr. KNOLLENBERG) has 11 minutes remaining.

Mr. OBEY. Mr. Chairman, I reserve my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield 6 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, in 13 years I have seen a lot of amendments in subcommittee and in full committee and on the House floor. This one is a bit peculiar. I do not even, frankly, know what the gentleman from Wisconsin (Mr. OBEY) is trying to say. I think it is perhaps being used just so he can come to the floor and speak, I suppose.

No moneys can be used in contravention of the OMB circular that states that in testimony before congressional committee and committee before Members of Congress the witnesses give frank and complete answers to all questions. Man, blow me away today.

I want to share with my colleagues with regard to the Veterans Administration. Let me give a record as I understand it from testimony and actions that have occurred with reference to the 2005 budget.

On April 5 of 2005, a letter to Senator HUTCHISON, the chairman of the Senate Appropriations Subcommittee on Military Construction and Veterans Affairs, stating that the VA, as part of good management, prudently uses reserve funding whenever trends indicate the need to refocus priorities, and the Secretary before the full committee on the House Veterans Affairs testified about that today.

On April 7 of 2005, Dr. Perlin testified to the Senate Veterans' Affairs Committee at his confirmation hearing that reserve funds were being used to meet operational needs in 2005.

On April 12 of 2005, Dr. Perlin sent a letter to the Senate VA Committee stating that projected carryover of fiscal year 2006 might be diminished to address current operational demands, including care in OIF and OEF returning combat veterans noting that "we do feel confident that VHA has sufficient resources for the remainder of 2005."

On April 19 of 2005, VA staff met with both majority and minority Members of the House appropriations subcommittee. During the meeting, management decisions to reallocate capital funds for direct patient care in 2005 was discussed.

On June 3 of 2005, a meeting with the House and Senate majority staff at the request of the staff detailing the modeling differences between the independent budget and the VA's annual budget process.

On June 9, a meeting with Secretary Nicholson and the general counsel regarding the budget shortfall and the extent to which reprogramming had already taken place.

On June 21, a meeting with Secretary Nicholson regarding the upcoming hearing on budget modeling.

On June 22, a meeting with Dr. Perlin, Under Secretary for Health, regarding the mid-year review and the reprogramming of capital assets and rollover accounts into medical services.

I am going down this entire list. I should have opened with a March 24 letter that Secretary Nicholson had sent to the appropriators, in particular to the gentleman from New York (Mr. WALSH), chairman of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies, along with the very same letter that I have here in hand that was sent to the gentleman from Texas (Mr. EDWARDS), the ranking member of that subcommittee, regarding the reprogramming and redirection of funds.

I do not want to have to repeat that, but I just want to let my colleagues know that notice was given with regard to this reprogramming. So with regard to this question about hide the ball, there was no hiding the ball.

On June 22, 2005, there is a meeting with Dr. Perlin, the Under Secretary for Health, regarding the mid-year review and reprogramming of capital asset and rollover accounts into medical services.

On June 23, there is a hearing before the House Committee on Veterans' Affairs investigating the budget modeling process at the VA and the independent budget and the private sector, and at this hearing is where Dr. Perlin testified with regard to his shortfall of $975 million. That is when the public became fully aware.

On June 28, Secretary Nicholson testified before the House Committee on Appropriations, Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies, regarding the newly identified budget shortfalls for 2005 and 2006.

June 28, 2005, Secretary Nicholson then testified before the Senate Veterans' Affairs Committee regarding newly identified budget shortfalls for 2005 and 2006.

June 29, Secretary Nicholson joined the House Committee on Veterans' Affairs at a press conference to alert everyone that he was going to come up with an exact number yesterday and then give testimony before the House Committee on Veterans' Affairs regarding that number.

Today, he came before the House Committee on Veterans' Affairs. He testified with regard to an actual shortfall, made an oral request for a supplemental appropriation in the amount of $975 million to cover the shortfall.

I would say everybody's been pretty up front. I am pretty impressed on how things have moved in a bipartisan fashion. I want to compliment the veterans service organizations. I want to compliment the gentleman from Texas (Mr. EDWARDS). I want to compliment the gentleman from Illinois (Mr. EVANS), because what we have here is we want to move in regular order.

What happened over in the Senate is that they make it as an amendment on a 2005 supplemental on an 2006 Interior bill. What I am really pleased about is the leadership of the gentleman from California (Chairman LEWIS) and the gentleman from New York (Chairman Walsh) that they are going to take appropriate action; they are going to act on the Secretary's request for the shortfall.

Why? Because all of us believe and understand in the fabric of the common bond of why we call ourselves American is to care for the men and women who wear the uniform; and when they take off the uniform, we care for them when they are veterans. If they fall in the service of their country, we pick them up and attempt to make them whole. If they fall and die, then we make sure that we give them an honorable burial, and we take care of their widows and their orphans.

That is what this is going to do. We are going to take this measure up tonight. I applaud the chairman for his immediate action. I want to thank the gentleman from Wisconsin (Mr. OBEY) for his cooperation in making sure this happened tonight; and I know the gentleman from Wisconsin (Mr. OBEY) has been equally impatient, but we are going to make this happen, and we are going to come together to make this happen, and I thank the gentleman.

Mr. OBEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Chairman, I thank the gentleman for the time.

Mr. Chairman, the amendment offered by the ranking member ought to win the support of every single Member of this House.

Truth should be our expectation. In fact, that proposition is a legally binding directive of the Office of Management and Budget.

I tell my friend from Indiana, the amendment that he seems to feel is peculiar simply says to the administration, tell the truth. Is that peculiar?

Yet on one of the most important pieces of legislation that this Congress has considered in recent memory, the Medicare prescription drug bill, officials in the current administration purposely, deliberately, and cynically suppressed the real costs of that bill because it did not further their political agenda.

When that legislation was under consideration in November of 2003, the Congress was told that it would cost $395 billion between fiscal year 2004 and 2013. Yet just 3 months later, in February 2004, it was disclosed that the office of the Medicare actuary actually estimated that bill would cost $534 billion. In other words, it was not a 1 or 2 percent misrepresentation; it was a 95 percent misrepresentation. Then we now hear it may cost up to $1.2 trillion.

So on the prescription drug bill, I tell my friend from New York in particular, it was not a 1 or 2 percent mistake. It was a 300 percent mistake that was made on the prescription drug bill. That is a misrepresentation.

The truth is, Mr. Chairman, the Members of this Congress, Republicans and Democrats alike, purposely had the cost hidden because the Republican leadership, in my opinion, knew that the bill would not pass if the truth were told.

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That is what this amendment says: tell the truth.

The chief Medicare actuary, in fact, Richard Foster, told Congress in March 2004, that he had consistently estimated that the legislation would cost more than $400 billion, and he had prepared dozens of analyses that said it would be over $500 billion. But Mr. Foster told Congress that he had been ordered by Tom Scully, the head of the Centers for Medicare and Medicaid Services in this administration, to withhold his cost estimates from Congress.

The failure to tell the truth is a lie. In fact, the Government Accountability Office has found that Mr. Scully violated Federal law when he threatened Mr. Foster's job. Now, luckily for him, he was not working for the Federal Government then so no sanctions can be taken.

The gentleman from Wisconsin (Mr. OBEY) simply says, tell the truth, administration, when you talk to Congress. Mr. Chairman, this sorry episode ought to trouble, indeed infuriate, every Member of this House and, indeed, every American.

Mr. Chairman, I urge my colleagues to vote for truthfulness. That is all this amendment says. Do not be so defensive on your mistake on the veterans' funding. The Democratic budget told you the truth on the funding necessary and you simply ignored it. Vote for the truth.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from Indiana (Mr. BUYER) said he found this amendment "peculiar." I do not know what is peculiar about simply saying that any witness who appears before Congress ought to tell the truth. I find it peculiar that someone thinks that that is peculiar.

Let me also make the point that he is chairman of that committee today, the Committee on Veterans' Affairs, because the previous committee chairman, Republican chairman, was removed by his party's leadership because the previous committee chairman agreed with Democrats that the veterans' budget was inadequate. He told the truth and he paid a high price for it.

There is no question that this administration has hidden the cost of the Iraqi war. They have revealed the cost on the installment plan, a little bit at a time. There is no question that the administration threatened the firing of the man who was charged with telling Congress what the cost of the new Medicare prescription drug program would be. And there is no question that they did fire the National Park Service Chief of Police for telling the truth about the safety of her forces. And there is no question they did fire former Congressman Mike Parker for telling the truth with respect to the Corps of Engineers.

With respect to the ridiculous contention on the part of the gentleman from California that during the Nicaraguan war, Democrats were "for the Sandinistas." I would remind the gentleman that we signed a letter to the Sandinistas demanding that they listen to the Reagan administration's demands for free elections in Nicaragua. I would also remind the gentleman that what we were opposed to was the illegal arms-for-hostages trade with the Iranians. And I would remind him that we were against an illegal, and I emphasize "illegal," war in Nicaragua. So so much for the gentleman's ridiculous contention.

I have a simple suggestion, Mr. Chairman. If the gentlemen on the other side of the aisle think that witnesses should not tell the truth when they are before the Congress, then, by all means, vote against this amendment.

I remember Lyndon Johnson lied to this country about the war in Vietnam, and we paid a high price for it for years. And when he did that, I vowed, every day I served in this Congress, that I would see to it that whoever testified before us, and whoever talked to us, whether it was President or the most lowly administration official, would be held to a high standard of truth. Because when they are not, people die.

Mr. KNOLLENBERG. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. DELAY), the majority leader.

Mr. DELAY. Mr. Chairman, frankly, I support the words in this amendment, but I reject the politics that brings it here. I think this House has sunk to a very new low, using veterans and trying to scare veterans for political gain.

It is absolutely amazing to me that because you disagree with policies of the administration, you try to lead the Nation to think that people are lying. There is no lying here. Questioning the motives of military heroes that come to testify before this House and before the Senate is a new low. Questioning people's honest, forthright presentation of the facts as they know them at the time that they testify as lies is a new low. And that is what we have come to. It has come to politicizing everything. It does not matter what it is.

And not only politicizing it, but trying to scare people into supporting your position. I remember very distinctly when this issue came to us, because the Veterans Administration had done a mid-year review and found the problem with the shortfall in veterans health. They properly informed the people that should be informed, both Democrat as well as Republican. Instead of doing what the responsible thing is, which is what our chairmen of the relevant committees did, that is, start looking at the problem, making sure we understand the problem, and then finding a solution for the problem, what did the other side of the aisle do; they immediately ran down here and tried to pass an amendment to a bill and throw over $1 billion at a problem they did not even understand.

Why? Why would you do that? Why would you do such an irresponsible thing? The only reason you would do it is for politics. They had no idea what was required. As mentioned earlier, the Veterans Administration had suggested that they just move money around to get us through this fiscal year so that we could appropriate the next year. That was not a good solution. And the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. WALSH) understood that and worked with the administration, and we are going to pass the solution tonight, understanding that we need not only to replace this money that is in the shortfall, but to make sure that there is enough money forward.

I mean, in the bill that most of this House voted for that funds Veterans' Affairs, this House and our committees knew that there was a shortfall in what was presented by the administration, in our opinion. Not because we were lied to, but in our opinion. And we put $1.64 billion more than what was requested by the President, thinking that would take care of the problem. And it still may take care of the problem next year. And that is what these bills are all about, funding next year. We will take care of the problem now.

And I say to the veterans in this country, you will not miss one day of health care that is coming to you. Do not listen to the politics and be afraid that you may lose your health care. That is not going to happen. We will take care of it, just as we have always taken care of it.

Since the Republicans became the majority in 1995 funding for veterans has increased 77 percent. When the Democrats controlled this House from 1984 to 1994, spending per veteran rose from $923 to $1,300. Yet in the next 10 years, in the years that we have had the majority, it rose to $2,773. From $1,300 to $2,700. Funding for the Montgomery GI bill rose 35 percent when they were in charge. But since we have been in charge the last 10 years, the GI bill funding rose 147 percent. And yet we are constantly trying to play politics and cover up the facts.

The bill that we passed for next year will take care of this. From 2001 to 2005, the percentage increase in the VA health care funding, 40 percent, was larger than the Defense Department's increase: 33 percent. And this is a time of war. We are providing for the needs of our veterans. We are taking care of our veterans.

Do not let the political rhetoric and the political posturing and the demagoguery say otherwise. Because the facts, if you really want the truth, the facts say that we are not only taking care of our veterans, not only do we understand our responsibilities to our veterans, not only do we understand what veterans have contributed to this Nation and our welfare and our freedom, we are doing more than talking about it. We are taking the responsible way of taking care of our veterans and not playing irresponsible politics.

Mr. Chairman, I ask my colleagues to vote "no" against this cynical, political amendment.

Mr. HAYES. Mr. Chairman, I would like to submit the following article in regard to the Obey amendment alleging that the Bush Administration and Congress are deliberately mislead on a variety of issues.

[From the Weekly Standard, Jun. 30, 2005]

A CNN ANCHOR GETS IRAQ AND AL QAEDA WRONG. BUT WILL THE NETWORK ISSUE A CORRECTION?

(By Stephen F. Hayes)

"There is no evidence that Saddam Hussein was connected in any way to al Qaeda."

So declared CNN Anchor Carol Costello in an interview yesterday with Representative Robin Hayes (no relation) from North Carolina.

Hayes politely challenged her claim. "Ma'am, I'm sorry, but you're mistaken. There's evidence everywhere. We get access to it. Unfortunately, others don't."

CNN played the exchange throughout the day. At one point, anchor Daryn Kagan even seemed to correct Rep. Hayes after replaying the clip. "And according to the record, the 9/11 Commission in its final report found no connection between al Qaeda and Saddam Hussein."

The CNN claims are wrong. Not a matter of nuance. Not a matter of interpretation. Just plain incorrect. They are so mistaken, in fact, that viewers should demand an on-air correction.

But such claims are, sadly, representative of the broad media misunderstanding of the relationship between Iraq and al Qaeda. Richard Cohen, columnist for the Washington Post, regularly chides the Bush administration for presenting what he calls fabricated or "fictive" links between Iraq and al Qaeda. The editor of the Los Angeles Times scolded the Bush administration for perpetuating the "myth" of such links. "Sixty Minutes" anchor Lesley Stahl put it bluntly: "There was no connection."

Conveniently, such analyses ignore statements like this one from Thomas Kean, chairman of the 9/11 Commission. "There was no question in our minds that there was a relationship between Iraq and al Qaeda." Hard to believe reporters just missed it—he made the comments at the press conference held to release the commission's final report. And that report detailed several "friendly contacts" between Iraq and al Qaeda, and concluded only that there was no proof of Iraqi involvement in al Qaeda terrorist attacks against American interests. Details, details.

There have been several recent developments. One month ago, Jordan's King Abdullah explained to the Arabic-language newspaper al Hayat that his government had tried before the Iraq war to extradite Abu Musab al Zarqawi from Iraq. "We had information that he entered Iraq from a neighboring country, where he lived and what he was doing. We informed the Iraqi authorities about all this detailed information we had, but they didn't respond." He added:

"Since Zarqawi entered Iraq before the fall of the former regime we have been trying to have him deported back to Jordan for trial, but our efforts were in vain."

One week later, former Iraqi Prime Minister Iyad Allawi told the same newspaper that the new Iraqi government is in possession of documents showing that Ayman al Zawahiri, bin Laden's top deputy, and Zarqawi both entered Iraq in September 1999. (If the documents are authentic, they suggest that Zarqawi may have plotted the Jordanian Millennium attacks from Iraq.)

Beyond what people are saying about the Iraq-al Qaeda connection, there is the evidence. In 1992 the Iraqi Intelligence services compiled a list of its assets. On page 14 of the document, marked "Top Secret" and dated March 28, 1992, is the name of Osama bin Laden, who is reported to have a "good relationship" with the Iraqi intelligence section in Syria. The Defense Intelligence Agency has possession of the document and has assessed that it is accurate. In 1993, Saddam Hussein and bin Laden reached an "understanding" that Islamic radicals would refrain from attacking the Iraqi regime in exchange for unspecified assistance, including weapons development. This understanding, which was included in the Clinton administration's indictment of bin Laden in the spring of 1998, has been corroborated by numerous Iraqis and al Qaeda terrorists now in U.S. custody. In 1994, Faruq Hijazi, then deputy director of Iraqi Intelligence, met face-to-face with bin Laden. Bin Laden requested anti-ship limpet mines and training camps in Iraq. Hijazi has detailed the meeting in a custodial interview with U.S. interrogators. In 1995, according to internal Iraqi intelligence documents first reported by the New York Times on June 25, 2004, a "former director of operations for Iraqi Intelligence Directorate 4 met with Mr. bin Laden on Feb. 19." When bin Laden left Sudan in 1996, the document states, Iraqi intelligence sough "other channels through which to handle the relationship, in light of his current location." That same year, Hussein agreed to a request from bin Laden to broadcast anti-Saudi propaganda on Iraqi state television. In 1997, al Qaeda sent an emissary with the nom de guerre Abdullah al Iraqi to Iraq for training on weapons of mass destruction. Colin Powell cited this evidence in his presentation at the UN on February 5, 2003. The Senate Intelligence Committee has concluded that Powell's presentation on Iraq and terrorism was "reasonable."

In 1998, according to documents unearthed in Iraq's Intelligence headquarters in April 2003, al Qaeda sent a "trusted confidante" of bin Laden to Baghdad for 16 days of meetings beginning March 5. Iraqi intelligence paid for his stay in Room 414 of the Mansur al Melia hotel and expressed hope that the envoy would serve as the liaison between Iraqi intelligence and bin Laden. The DIA has assessed those documents as authentic. In 1999, a CIA Counterterrorism Center analysis reported on April 13 that four intelligence reports indicate Saddam Hussein has given bin Laden a standing offer of safe haven in Iraq. The CTC report is included in the Senate Intelligence Committee's review on prewar intelligence.

In 2000, Saudi Arabia went on kingdom-wide alert after learning that Iraq had agreed to help al Qaeda attack U.S. and British interests on the peninsula. In 2001, satellite images show large numbers of al Qaeda terrorists displaced after the war in Afghanistan relocating to camps in northern Iraq financed, in part, by the Hussein regime. In 2002, a report from the National Security Agency in October reveals that Iraq agreed to provide safe haven, financing and weapons to al Qaeda members relocating in northern Iraq. In 2003, on February 14, the Philippine government ousted Hisham Hussein, the second secretary of the Iraqi embassy in Manila, for his involvement in al Qaeda-related terrorist activities. Andrea Domingo, head of Immigration for the Philippine government, told reporters that "studying the movements and activities" of Iraqi intelligence assets in the country, including radical Islamists, revealed an "established network" of terrorists headed by Hussein.

Can CNN stand by its claim that "there is no evidence that Saddam Hussein was connected in any way to al Qaeda?"

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken: and the Chairman announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

AMENDMENT OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TIAHRT:

At the end of the bill (before the short title) insert the following:

SEC. . None of the funds made available in this Act may be used to promulgate regulations without consideration of the effect of such regulations on the competitiveness of American businesses.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Kansas (Mr. TIAHRT) and a Member opposed each will control 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. A point of order is reserved against the amendment.

The Chair recognizes the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I yield myself such time as I may consume, and I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) for this opportunity to talk about some issues that I think are very important to America and to our current economic and future economic environment.

My amendment is very simple. It says "none of the funds made available in this Act may be used to promulgate regulations without consideration of the effect such regulations have on the competitiveness of American business."

Recently, just about an hour ago, we had an amendment on the floor here from the gentlewoman from Michigan expressing her concern about the sale of Unocal, an American company, to a Chinese company. Now, I too am concerned. But perhaps we should ask the question: How did this company get in the situation where they are so susceptible to a hostile takeover by a Chinese company?

Perhaps we can learn a lesson from this situation, with this threat of a hostile takeover. The problem that has occurred with many businesses, including Unocal, is that they have to face barriers and overcome barriers that have been created by Congress over the last generation. The barriers have made American companies less competitive and more vulnerable.

The less competitive American companies always will have to struggle against having some outside business, especially if it is subsidized by a foreign government, taking them over. The barriers that have been created by Congress include unbridled rising health care costs. The costs have been driven up by Medicaid and Medicare and the government bureaucracies that control them.

It is also litigation abuse that has driven up the cost of insurance. In the average settlement, Mr. Chairman, 60 percent of the cost now goes to lawyers instead of those who have been taken advantage of.

Also, we have the regulation costs to comply with, which drive up costs for companies complying with confusing red tape.

We have a tax policy that punishes success. We have an energy policy that we have passed five times in the House of Representatives, and yet we have not been able to get it into law. And we could be creating 700,000 jobs and bringing down the cost of energy for our companies.

☐ 1600

We have a trade policy that fails to open up new markets like Central America and the Dominican Republic. We have research and development that we need to focus on the future economy, and we have lifelong learning issues and barriers created by Congress that have failed to address the needs of a future economy and provide the engineers and scientists and those in math and other areas of technology that will be needed in the future economy.

These policies are preventing the creation of jobs, and the result has been the loss of high-quality, high-paying jobs here in America.

The amendment I have focuses on regulations because regulatory costs are killing jobs. Less government regulations will mean granting the freedom to allow Americans to pursue their dreams, and it also means providing the space for business to thrive and create opportunities.

Instead, our Federal Government has become a creeping ivy of regulations that strangle enterprise. Unrealistic, impractical, unnecessary environmental prohibitions, OSHA mandates and the like are literally driving our industries and small businesses and our health care system to a grinding halt.

How can we expect our economy to develop and grow when bureaucracy prevents business from starting and expanding jobs; when doctors cannot even keep up with the ever-changing regulations and codes; when teachers are forced to spend more time filling out paperwork than they do in the classroom. It is estimated that the total regulatory burden as of the year 2000 was $843 billion. That is $8,000 per manufacturing worker. The regulatory compliance burden on U.S. manufacturers is equivalent to a 12 percent excise tax. It is no wonder we are having trouble competing worldwide. It is no wonder our companies are more vulnerable to hostile takeovers by foreign companies.

As we approve spending allocations by the Departments of Transportation, Treasury, HUD, and related agencies, including the OMB, we need to remind them of the importance of their actions with that funding.

Each and every Federal agency should take into consideration the effects of proposed policies on competitiveness of U.S. businesses, and they should be held accountable for those effects.

We should be concerned when a U.S. company is threatened by a hostile takeover by a foreign company. We need to change the economic environment today so we can look forward and create jobs.

I intend to withdraw this amendment, but I want to thank the gentleman from Michigan (Mr. KNOLLENBERG) for looking out for American jobs. I am confident we can work together to make this possible to bring jobs back into America and to keep and create more jobs by changing the economic environment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio:

At the end of the bill (before the short title), insert the following:

Sec.   . None of the funds made available in this Act may be used by the Council of Economic Advisers to produce an Economic Report of the President regarding the average cost of developing and introducing a new prescription drug to the market at $800 million or more.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Ohio (Mr. BROWN) and the gentleman from New Jersey (Mr. FERGUSON) each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, this amendment is coauthored with the gentleman from Minnesota (Mr. GUTKNECHT).

The Economic Report of the President is supposed to be an educational tool, not a drug industry PR piece. On page 167, it asserts: "On average, a new drug takes 12 years to develop and costs $800 million to introduce to the market."

That cost estimate, by drug industry-backed researcher Dr. Joseph DiMasi, is used widely by drug companies to justify the high and rapidly rising prices they charge American consumers. But the DiMasi estimate is based on a widely disputed methodology that dramatically inflates actual R&D costs. The most blatant shortcoming is that the DiMasi estimate generalizes from the cost of developing a breakthrough product to the cost of developing any new drug. Most new drugs on the market are me-too drugs, or second generation products. They are by their very nature far less expensive to develop than the original.

Even more troubling is the accounting gimmick unearthed by Professor Donald Light and Associate Professor Joel Lexchin. They write, "About half of the $800 million figure consists of 'opportunity costs,' the money that would have been made if R&D funds had been invested in equities."

Treating opportunity costs as actual costs is a good way to inflate the R&D estimate, but a bad way to give the public honest data on actual R&D spending.

By such an accounting, the cost of producing a stick of bubble gum could include the box office revenue foregone by the manufacturer's decision to make gum instead of motion pictures.

As Light and Lexchin write: "Minus the built-in profits, R&D costs would average about $108 million 93 percent of the time, and $400 million 7 percent of the time."

By that reckoning, the industry estimate overstates the cost of developing a new drug by 740 percent. But in his economic report, President Bush uses the drug industry's estimate without question, without qualification, without even attribution.

Put simply the Brown-Gutknecht amendment would fix that. It prevents the Council of Economic Advisers, which works with the President to produce his economic report, from using that bogus estimate next year.

Mr. Chairman, I reserve the balance of my time.

Mr. FERGUSON. Mr. Chairman, I do not understand the purpose of this amendment. It is designed to restrict information used by the President's Council of Economic Advisers.

Just because a Member does not like the findings of an independent study does not mean we should be trying to prevent the White House from using that information. What kind of precedent would this set? Where can Congress stop in restricting the President's Council of Economic Advisers and the executive branch from discussing the findings of independent studies? What other type of economic data will Members try to restrict then?

The $800 million figure that the gentleman from Ohio cites is from a 2003 Tufts University study. Is Tufts University no longer able to provide information to this government with studies? Which university will be next? Harvard University? Are they good enough? Princeton? It seems to me Tufts University is a good source of independent information.

This information was put together independently. It was not created out of thin air. It was not created by the White House. The fact is this amount of money that pharmaceutical companies spend on R&D is considerable. They spend enormous resources on research and development. In 2003, pharmaceutical companies spent an estimated $33.2 billion on research and development. In the same year, the budget for the entire NIH, the entire budget for the National Institutes of Health, their operating budget was $27 billion, less than what the industry had spent on R&D alone.

Over the past 10 years, pharmaceutical research companies, scientists and researchers have earned an average of 32 new drug approvals a year. In 2003, a total of 35 new drugs, including 21 new molecular entities and 14 new biologics, were approved by the Food and Drug Administration.

These were important products. These are products used to prevent or treat conditions like Alzheimer's, cancer, HIV infection, asthma, pneumonia, psoriasis, and other infectious diseases. The President's advisers should not be censored while talking about this world-leading American industry and the amount of money that they spend on research and development.

I urge opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. GUTKNECHT), the cosponsor of the amendment.

Mr. GUTKNECHT. Mr. Chairman, I do not think anyone should be censored, but I think having no information can sometimes be better than having bad information. And what the Council of Economic Advisers did was they took lock, stock, and barrel failed research. Then it gets repeated and repeated and repeated, this $800 million figure.

According to the pharmaceutical company themselves, that $800 million figure includes $400 million of opportunity costs. That means they could have taken that money and bought Microsoft shares and made more money. That is ridiculous.

Mr. Chairman, just read this report that I will include for the RECORD by Dr. Donald Light. He is from New Jersey. He teaches at a little school called Princeton. He also teaches at the Princeton medical school. He is the one who went through this. More importantly, in this 2-page report there are almost a page of footnotes. They document what they do.

The problem with the Council of Economic Advisers is they just took this number and they repeated it. They do not document it. They do not ask questions, and so now everyone is running around saying it cost $800 million to develop a new drug. That is not true, and it is worse than having no information at all.

This is one way to send a message to the Council of Economic Advisers, that if they are going to put out information so policymakers at the White House or here on Capitol Hill make decisions based on that information, you better make sure you check the numbers and document them first because bad information is worse than no information at all.

[From the American Journal of Bioethics, Jan. 2004]

WILL LOWER DRUG PRICES JEOPARDIZE DRUG RESEARCH? A POLICY FACT SHEET

(By Donald Light and Joel Lexchin)

This documented fact sheet provides evidence that all drug research by large firms, net of taxpayers' subsidies, is paid for out of domestic sales in each country, with profits to spare. Prices can be lower without jeopardizing basic research for new drugs. More exposure to global price competition would encourage more innovative research and less of the derivative me-too research that now dominates.

In the U.S., the FDA Commissioner, Mark McClellan, and the drug industry are responding to pressures for lower costs by mounting a large campaign to pressure all other affluent countries to raise their prices to U.S. levels. They claim that lower prices do not pay for drug research costs, but we provide evidence that this is untrue. Ultimately, however, such nationalistic arguments are based on regarding basic research and new discoveries, which can happen anywhere, and the cost of trials, which are carried out in the countries deemed most commercially advantageous, as part of national companies and national accounts, when in fact they are part of a global economy for pharmaceutical products.

FDA MYTHS

1. FDA Commissioner, Mark McClellan, holds that other affluent countries like Canada and the UK set their prices for patented drugs so low that they do not pay for research and development (R&D) (McClellan 2003). We can find no evidence to support that claim.

On the contrary, audited financial reports of major drug firms in the UK, show that all research costs are paid, with substantial profits left over, based solely on domestic sales at British prices (Pharmaceutical Price Regulation Scheme 2002). Likewise, 79 research drug companies in Canada submitted reports showing their R&D expenditures have risen more than 50% since 1995, all paid for by domestic sales at Canadian prices (Patented Medicine Prices Review Board 2002). Sales to the U.S. and elsewhere are in addition to the positive, domestic balance sheets.

2. FDA Commissioner McClellan says that European or Canadian prices are "slowing the process of drug development worldwide" (McClellan 2003). There is no known verifiable evidence to support this claim. In fact, drug research has been increasing steadily in Europe as well as in the U.S., with some countries having a more rapid increase than the U.S. (Patented Medicine Prices Review Board 2002).

3. FDA Commissioner McClellan says that "price controls discourage the R&D needed to develop new products" (McClellan 2003). But there is no known verifiable evidence to support this claim.

R&D expenditures have been growing rapidly, though it is becoming more and more difficult to discover breakthrough drugs on targets not already hit (Harris 2003). The truth kept from Americans is that first-line treatment for 96% of all medical problems requires only 320 drugs (Laing et al. 2003). In wealthy countries, more drugs might be appropriate to treat people who do not respond to first-line agents.

4. FDA Commissioner McClellan charges that efforts to negotiate lower prices for patented drugs by other countries (and by major employers, unions and governors in the U.S.) are "no different than violating the patent directly" to make cheap copies (McClellan 2003). This charge echoes the drug industry and implies that large buyers seeking better value should be considered a criminal act.

5. FDA Commissioner McClellan paints a picture of other wealthy countries driving down their prices to marginal costs, but the widening gap between prices for patented drugs in the U.S. and other countries is due to drug companies raising U.S. prices, not other countries lowering theirs (Sager and Socolar 2003; Families USA 2003).

6. The "free-rider" problem that McClellan emphasizes can be solved by U.S. prices coming down to European levels, where they will cover all R&D costs, plus profits that are higher than those in most industries.

7. Drug company profits, after all R&D costs, have long been more than double the profits of Fortune 500 corporations. In recent years they have jumped to triple and even quadruple the profits of other major companies (National Institute for Health Care Management 2000). The global firms spend two and a half to three times more for marketing and administration than for research (Families USA 2001).

8. Americans pay for more R&D than any other country because the United States accounts for more sales than any other country. But while the U.S. accounts for 51% of world sales, it took 58% of global R&D expenditures invested in the US to discover only 43% of the more important new drugs (NCEs) (European Federation of Pharmaceutical Industries and Associations 2003). This means that other countries are helping to pay for the large, inefficient U.S. R&D enterprise, the opposite of what the editors of Business Week claimed (Business Week editors 2003). William Safire's claim of a "foreign rip-off" as Americans pay for the world's R&D is contradicted by the facts above (Safire 2003).

RESEARCH IS MISDIRECTED BY THE INDUSTRY, AGAINST PATIENTS' INTERESTS

9. Most drug innovation provides little or no therapeutic advantage over existing * * *

Independent review panels plus a major industry review conclude that only 10–15% of "new" drugs provide a significant therapeutic breakthrough over existing drugs and involve a new chemical or molecule (Barral 1996; Prescrire International 2003; National Institute for Health Care Management Research and Education Foundation 2002). Other industry-sponsored figures are much higher but not reliable.

10. The FDA approves drugs that are better than nothing (placebo) but does not test them against the best existing drugs for the same problem. Most research is for "new" drugs to treat problems already treated by other drugs.

11. About 18% ofthe drug industry's research budget goes to basic research for breakthrough drugs. About 82% goes to derivative innovations on existing drugs and to testing.

The long-standing survey of basic research by the National Science Foundation estimates that basic research has increased to 18% of the total research and development (R&D) budget for the pharmaceutical industry. It used to be less (National Science Foundation 2003). Industry-sponsored figures based on secret unverifiable data are much higher but not reliable (DiMasi, Hansen, and Grabowski 2003). The 85–90% of "new" drugs that have little therapeutic gain reflects equal protection from competition for much less investment and risk.

12. Congress has repeatedly extended patent protection for drugs beyond what other industries enjoy, despite much higher profits year in and year out. Government protection from normal competition is now more than 50% greater for the drug industry than a decade ago (National Institute for Health Care Management 2000). These incentives reward research into derivative large markets, rather than to finding effective treatments for diseases that have none.

13. These facts constitute the Blockbuster Syndrome: the lure of monopoly pricing and windfall profits for years spurs the relentless pursuit for drugs that might sell more than $1 billion a year, regardless of therapeutic need or benefit. Research projects for the disorders of affluent nations proliferate, as do clinical trials. Doctors are paid like bounty hunters to recruit patients for thousands of dollars each. Most patients get the misimpression that the experimental drug will be better than existing ones (Wolpe 2003). The corruption of professional judgment, ethics and even medical science follow (Williams 2003; Wazana 2000; Barnett 2003; Lexchin, Bero, Djulbegovic et al. 2003; Bekelman, Mphil, and Gross 2003; Villanueva, Peiro, Librero et al. 2003; Fletcher 2003).

DRUG RESEARCH COSTS MUCH LESS THAN CLAIMED

14. Drug companies claim to spend 17% of domestic sales on R&D, but more objective data reports they spend only 10% (National Science Foundation 2003). Thus, only 1.8% of sales goes to research for breakthrough new drugs (18% x 10%) (Love 2003).

15. Taxpayers pay for most research costs, and many clinical trials as well.

In 2000, for example, industry spent 18% of its $13 billion for R&D on basic research, or $2.3 billion in gross costs (National Science Foundation 2003). All of that money was subsidized by taxpayers through deductions and tax credits. Taxpayers also paid for all $18 billion in NIH funds, as well as for R&D funds in the Department of Defense and other public budgets. Most of that money went for basic research to discover breakthrough drugs, and public money also supports more than 5000 clinical trials (Bassand, Martin, Ryden et al. 2002). Taxpayer contributions are similar in more recent years, only larger.

16. The average amount of research funds the drug industry needs to recover appears to be much less than the industry's figure of $800 million per new drug approved (NDA).

The $800 million figure is based on the small unrepresentative subsample of all new drugs. It excludes the majority of "new" drugs that are extensions or new administrations of existing drugs, as well as all drugs developed by NIH, universities, foundations, foreign teams, or others that have been licensed in or bought. Variations on existing drugs probably cost much less because so much of the work has already been done and trials are simpler.

About half of the $800 million figure consists of "opportunity costs", the money that would have been made if the R&D funds had been invested in equities, in effect a presumed profit built in and compounded every year and then called a "cost." Drug companies then expect to make a profit on this compounded profit, as well as on their actual costs. Minus the built-in profits, R&D costs would average about $108 million 93% of the time and $400 million 7% of the time.

The $800 million estimate also does not include taxpayers' subsidies via deductions and credits and untaxed profits (DiMasi, Hansen, and Grabowski 2003; DiMasi, Hansen, Grabowski et al. 1991). Net R&D costs are then still lower.

Contrary to some press reports from the industry, screening for new compounds is becoming faster and more efficient and the time from initial testing to approval has shortened substantially (Kaitin and Healy 2000). The large size of trials seems more due to signing up specialists to lock in substantial market share. Advertising firms are now running clinical trials (Bassand, Martin, Ryden et al. 2002; Peterson 2002; Moyers 2002).

17. Because clinical trials have become a high-profit sub-industry, trial "costs" appear to be much more than is necessary.

An international team of experts estimates that clinical trials could be done for about $500 per patient rather than $10,000 per patient, a 95% reduction (Bassand, Martin, Ryden et al. 2002). The most detailed empirical study of trial costs also concludes that costs can be much less than reported (The Global Alliance for TB Drug Development 2001).

U.S. DRUG PRICES VERY HIGH

18. Americans seem unaware how much more they are paying for drugs than other countries, in the name of the "free market" where prices are controlled by corporations. So-called "price controls" abroad are negotiated wholesale prices. Corporate price controls in the U.S. are un-negotiated monopoly prices, which then large buyers negotiate down.

According to a detailed analysis, American employers and health plans pay at wholesale 2.5–3.5 times the prices in Australia and other countries with comparable prices for patented drugs (Productivity Commission of Australia 2001). There is no evidence that these prices do not cover research costs. U.S. generic prices shadow patent drug prices and are also 2.5–3.5 times more.

19. High American prices are essentially monopoly rents charged to employers in every other industry. They shift profits from other industries to the drug industry.

20. If American prices were cut in half, research budgets would not have to suffer unless executives decided to cut them in favor of marketing, luxurious managerial allowances or high profits. They probably would not, because R&D gets such favorable tax treatment compared to other expenses. Lower prices would save other Fortune 500 companies billions in drug benefit costs, and drug company profits could come into line with the profits of the companies who pay for their drugs.

REALIGN INCENTIVES TO REWARD TRUE INNOVATION

21. Current incentives strongly reward derivative innovation. We get what we reward.

22. Because the U.S. is by far the biggest spender, it has by far the most R&D and new drugs. Four other industrialized countries, however, devote more of their GDP to R&D for new drugs than the U.S. (Patented Medicine Prices Review Board 2002).

23. Officials of drug companies commonly claim that nearly all new drugs are discovered in the U.S. However, the industry's own studies (and others) show that over the past quarter century, the U.S. has accounted for less than or about the same as its proportionate share of international new drugs, not more and certainly not nearly all (Barral 1996; European Federation of Pharmaceutical Industries and Associations 2000). Until 2002, even the U.S. pharmaceutical industry was investing an increasing percent of its R&D budget in highly productive research teams abroad (Pharmaceutical Research and Manufacturers of America 2002).

24. Americans are getting less innovation and paying a lot more. Competing countries profit from these American self-delusions by covering their R&D and keeping their own drug prices reasonable, while leaving drug companies to make bonanza profits from the monopoly American market.

25. Price competition has been the greatest spur to innovation for over 200 years. Price protections reward derivative and me-too innovation as well as excessive costs and a focus on blockbuster marketing. If we want lower prices and more breakthrough innovations, we need to change the incentives to reward those goals (Baker and Chatani 2002).

Mr. FERGUSON. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in strong opposition to the amendment. The Brown amendment seeks to prevent the President's Council of Economic Advisers, a highly reputable group, from referencing an independent study that concluded the average new drug or medicine takes $800 million to develop in its future economic reports.

This $800 million figure comes from a 2003 Tufts University study, not from the PhRMA, pharmaceutical industry, and not from the administration. There is nothing partisan or slanted about its findings. To try to block information just because you disagree with it is not the way to serve the American people who deserve and expect debate on the real costs of researching and developing pharmaceuticals. This amendment amounts, basically, to censorship and deserves to be defeated.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from Cleveland, Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, is the administration manipulating information to benefit the pharmaceutical industry? Is the economic report of the President? And in that economic report, the administration parrots Big Pharmaceuticals' claims that drug prices need to be so high because of the costs of continuing to develop innovative life-saving drugs.

But this assumption is directly at odds with the assumption the administration made in its cost estimate of the new Medicare drug benefit. CMS assumed that escalating drug costs would slow because drug companies will be churning out fewer innovative drugs. Which is it?

If the drug industry is spending big on the next generation of innovative drugs, then projected costs of the Medicare drug benefit will be higher than the administration estimates. Then again, if the drug industry is not, in fact, spending big on innovative research, then the high prices charged by Big PhRMA amount to price gouging, plain and simple. I urge support for the Brown amendment.

Mr. FERGUSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I will take just a few moments to rise in opposition to this amendment which attempts to use the appropriations process to control the content of information about our economy, which I think is a wrong thing to do. I believe the committee is about learning facts, not ignoring them or being denied them.

Moreover, the proposed amendment does not change the 2005 economic report of the President which discusses the average cost of developing and introducing a new prescription drug, as has been mentioned, a new drug to the market at $800 million or more. I have been informed that the administration strongly objects to the proposed Brown amendment. Preventing any discussion on the factors that contribute to pharmaceutical pricing or in fact any other topic that might be controversial would compromise the credibility of the future economic reports of the President.

So I join my colleagues in opposing the Brown amendment and urge that it be defeated.

Mr. FERGUSON. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I hear my friend from New Jersey, well, all of my friends from New Jersey. They are arguing on behalf of the drug industry. Here is what this is all about, as the gentleman from Minnesota (Mr. GUTKNECHT) said.

The drug industry funds a study. They do it through Tufts University.

They find a professor at Tufts. This Dr. DiMasi has been doing these studies for the drug industry for several years. This is, I believe, his third study. After the study is done saying it costs $800 million, numbers just pulled from all over the place as the gentleman from Minnesota (Mr. GUTKNECHT) proved in his comments, they get that study in a government report, and then that number gets all over the place to try to justify continued high drug prices, the kind of prices that the gentleman from Minnesota (Mr. GUTKNECHT) and others on this floor have tried to do something about for several years.

So when the industry does a study, then you put it in a government report, it simply does not make sense to do that for the public interest.

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There is a lot at stake here. The industry uses that fabricated cost estimate to justify charging our constituents the highest prices in the world. Two, three, four times Americans pay what Canadians or French or Germans or Israelis or Japanese pay; prices that force way too many American seniors to choose between their medicine and food; prices that drive up employer-sponsored health care costs, making American companies less competitive. Look at the problems at GM that my State faces. Prices that drive up tax bills by exploding the cost of Medicaid and Medicare and other public health programs.

With that much at stake, the very least we should do is make sure we get the numbers right. This will be the first step in debunking this $800 million myth. This will be the first step in getting the numbers right so that we can get on in dealing with real prescription drug legislation in the future.

I ask support for the Brown-Gutknecht amendment.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I just want to come back to one point because I think a lot of people may not have been paying attention. This study that we are talking about where we got the $800 million figure originally started with a study that was funded by pharmaceutical companies. That number then gets repeated by the President's Council of Economic Advisers, and we all believe that it is true. We have an independent research that was not financed by PhRMA. That was done by a professor who was at Princeton from New Jersey. More importantly, he was an adviser to this President on health policy. Let me add one other thing: He is a Republican.

Now, this is, I think, far more credible than that number that keeps getting bantered around and bantered around. Bad numbers are worse than no numbers at all. This is the one way to say to the Council of Economic Advisers to the President of the United States they ought to be ashamed.

Whether or not this amendment passes, the point, I think, is made: that if they are going to put information out to the President, out to the public, out to policymakers about important issues like this, they had better make sure that the facts are correct.

Mr. FERGUSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it seems that the sponsors of this amendment are intent on impugning the integrity of Tufts University, and that is unfortunate. And they are also intent on censoring the White House and the Council of Economic Advisers of what they can say. Does the gentleman believe that we should apply this message to a President from his party as well? Should the President be unable to reference independent studies on global warming or international labor issues or the minimum wage, or is this really just partisan censorship?

The gentleman uses rhetoric and figures that I may not agree with, but I certainly do not disagree with his right to say it.

This is a bad amendment. I urge its defeat.

The CHAIRMAN. The time of the gentleman has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. BROWN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio (Mr. BROWN) will be postponed.

AMENDMENT OFFERED BY MR. KNOLLENBERG

Mr. KNOLLENBERG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KNOLLENBERG:

Sec.   . The amount otherwise provided under the heading "Management and Administration—Working Capital Fund", in title III is hereby increased by $22,000,000.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Michigan (Mr. KNOLLENBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment. It would simply partially restore funds to HUD's Working Capital Fund that were cut by an amendment adopted yesterday. This amendment has been cleared with the minority, and I urge its adoption.

If I were to just briefly talk about it, this is not just a random pot of money. The Working Capital Fund pays the cost of all computers and phones at HUD, which is a huge expenditure. So, briefly, that is the essence of it.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I have no objection to this amendment.

I just want to point out that we had quite a number of different places from which money was taken as a result of the amendments. During the course of the debate yesterday, very sizable money was taken from the GSA accounts, the building account, that is to say, the building fund in the GSA; and also from the Secretary of Transportation's budget; as well from, as the amendment here suggests, the Working Capital Fund within HUD. There is also money taken from the Air Transportation Stabilization Fund.

And if I could remember off the top of my head, I would probably be able to come up with about six other places where money was taken from from last year's. But I think what the chairman has proposed is to put this back in the Management and Administration Working Capital Fund of the Department of Housing and Urban Development, and this one is as difficult a spot. So I have no objection to having that done in that place.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Briefly, we have had, what is it, over the last 15 hours, some interesting conversations about money, and we have drawn money from a number of sources and, frankly, not too many sources, and some of that does create pain. In the case of this particular situation, these moneys are needed now. So I very much appreciate the gentleman's agreeing with me that this money should go to that particular source.

So I am content to accept his approval and move forward.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. KNOLLENBERG).

The amendment was agreed to.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as we are coming now close to the very end of this bill and as it would appear there are about three or four other people from, in fact, both sides of the aisle who have indicated that they wish to propose amendments, I want to take a couple of minutes to allow for the possibility that they may, in fact, come in defense of their positions and the amendments that they had, and to again commend the staff for the great work that they have done on this committee.

The people on both the minority and majority side, the majority clerk, Dena Baron, and the other members of her staff; and on the minority side, Mike Malone and Michelle Burkett, who are seated next to me and have done a yeoman's service in providing assistance to the minority and the minority members, the minority members of the subcommittee and the general minority members in the preparation of this legislation.

The gentleman from Michigan (Chairman KNOLLENBERG) has been an entirely fair chairman for this subcommittee. It is the first time that he is dealing with this newly expanded subcommittee. It is actually, of course, the first time that I have served as ranking member of the expanded Transportation, Treasury, HUD, The Judiciary, District of Columbia, and Independent Agencies Subcommittee, now covering a good many more agencies than it did before. And I found that it is very easy to work with the chairman. I appreciate very much the kind of relationship that we have been able to have. He has been very accessible and very kind in his consideration of all of the amendments and positions that I have brought forward to end on my own part and on the part of members of the subcommittee and, at the same time, for members of the minority that are not on the subcommittee that may be on the full committee or not on the Committee on Appropriations at all.

And I know that he has listened very carefully to the concerns of people from all of those categories within the House of Representatives, those that I have mentioned.

In particular, I want to thank him at this time for having listened, at a late stage in the preparation of the legislation, to the concerns that I had about the funding for the accounts for tax law compliance in the IRS, for the development and the funding for YouthBuild, which we actually chose a very creative way to allow for the funding of YouthBuild by giving some additional money which was needed back to the account for the Community Development Block Grant and then speaking here on the floor about the use of that money for the continuation of YouthBuild.

I would hope that, in fact, by the time we get to a conference committee, we may have well have had a reauthorization of YouthBuild in a different place. And if that is the case, then that money will be available for Community Development Block Grant purposes without the consideration of use for YouthBuild, but it then serves as a possibility of dealing in either place of working in either location, and I am very grateful for him to do that.

Earlier in the process, the chairman was very responsive to the request to provide funds for the Community Development Financial Institutions Fund in the Department of the Treasury and funded that well for the coming year, the 2006 fiscal year.

So there were those and a whole number of other occasions when we were able to work together well.

AMENDMENT OFFERED BY MR. CLAY

Mr. CLAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CLAY:

At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used to provide mortgage insurance under the National Housing Act (12 U.S.C. 1701 et seq.) for any mortgage or loan made by a lender that has been determined, by the Secretary of Housing and Urban Development, under the Home Mortgage Disclosure Act of 1975 (12 U.S.C. 2801 et seq.) to have engaged in lending practices that are not prudent.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order against the gentleman's amendment.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Missouri (Mr. CLAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

The amendment seeks to prohibit funds available in this Act for the provision of mortgage insurance under the National Housing Act to lenders who engage in lending practices that are not prudent as referenced in the Home Mortgage Disclosure Act and the FDIC Improvement Act.

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Given the chairman's willingness and commitment to collaborate with the ranking member from Massachusetts, the gentlewoman from Texas (Ms. JACKSON-LEE) and I seek to engage the conferees to include language that speaks to the issue referenced in this amendment.

Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise as a cosponsor of this amendment.

Specifically, the amendment seeks to prohibit funds in this act for the provision of mortgage insurance under the National Housing Act to lenders who engage in lending practices that are not prudent, as referenced in the Home Mortgage Disclosure Act and FDIC Improvement Act.

The gist of this amendment is to stop predatory lending. I want to pay tribute to the National Community Reinvestment Coalition and the hearing that was just held with the members of the Committee on Financial Services, including the gentlewoman from California (Ms. WATERS), the gentleman from North Carolina (Mr. WATT), and the gentleman from Missouri (Mr. CLAY), that presented this report from the National Community Reinvestment Coalition that indicated minorities, women, and low- and moderate-income borrowers across the United States of America receive a disproportionate amount of high-cost loans.

It also says that the Community Reinvestment Act has been unsuccessful, for example, in examining subprime lenders. So they have not been able to weed out those who might raise the interest rates so high that minorities and women and others are impacted negatively.

In order to improve the housing market and to give access to better interest loans, we believe that there should be greater oversight. So this amendment was constructed to provide greater oversight.

I am delighted to be able to join the gentleman from Missouri (Mr. CLAY) on this amendment, but I hope that we will have the opportunity to work with our colleagues and really be able to provide an answer to this report, the "2004 Fair Lending Disparities: Stubborn and Persistent."

Mr. CLAY. Mr. Chairman, reclaiming my time, I thank the gentlewoman for her willingness to cosponsor the amendment. I also thank the chairman for his willingness to talk to us about this amendment, and I appreciate this opportunity.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I do appreciate and share the concern that my colleagues have about abusive lending practices and the need to eliminate predatory lending by financial institutions. I also recognize that HUD has been working on a regulation for more than 3 years to address the problem, the very problem my colleague mentioned.

I commit to my colleagues that, as this bill moves forward, I will work with my colleagues to include report language which helps to evaluate and accelerate a solution to what is a national problem.

Mr. CLAY. Mr. Chairman, reclaiming my time. I thank the chairman. I also wanted to make him aware that there is legislation being crafted by our colleagues, the gentleman from Ohio (Mr. NEY) and the gentleman from Pennsylvania (Mr. KANJORSKI), as well as the gentleman from California (Mr. GEORGE MILLER) and the gentleman from North Carolina (Mr. WATT), to address this issue and it is winding its way through the Committee on Financial Services.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to make sure that we acknowledge and yield to the ranking member and thank him for his interest in this area and, of course, to be able to work with him during conference on this very important issue of trying to stop predatory lending.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. CLAY. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, I appreciate my colleagues for bringing this matter before the House, as I agree that predatory lending is a well-recognized problem in many jurisdictions around the Nation. I will be happy to work with the chairman, as he has already indicated, to work with our colleagues as we go on through this process to conference in bringing this legislation to fruition, which will be some months from now.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman from Missouri will continue to yield, I want to thank the chairman very much. I did not hear the conclusion; I do not know if the gentleman from Michigan concludes after we conclude, with respect to report language, but I assume that is what we might be able to work with the chairman on.

Mr. CLAY. Mr. Chairman, reclaiming my time, I appreciate the cooperation of all sides on this issue. The chairman has given a commitment to work with us, and at this point I thank also the gentlewoman for her willingness to cosponsor the amendment.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. VELÁZQUEZ:

At the end of the bill (before the short title) insert the following:

SEC. _____. None of the funds made available in this Act may be used by the General Services Administration to carry out the eTravel Service program.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, small businesses still struggle to participate in the Federal marketplace. For the past 4 years, the Federal Government has not met its small business contracting goal, costing entrepreneurs billions of dollars in lost opportunities.

By failing to take advantage of their exceptional quality and reasonable prices, the Federal Government is losing out on the best value for taxpayers' dollars.

One of the primary reasons the Federal Government has failed is because of contract bundling. These megacontracts have been responsible for a 56 percent drop in available contracts to small businesses in 9 years. After all this time, we have yet to see one dime in savings of taxpayers' dollars.

The latest chapter in small business lost opportunity comes from the General Services Administration. GSA is moving forward with an ill-conceived megacontract called e-travel. With this contract, GSA is poised to eliminate a whole sector of the small business community, travel agents, from working with the government. This is an industry small businesses dominate, as 99 percent of its firms have 30 employees or less.

This move is despite the President's small business agenda and his repeated statements that contracts should be broken into smaller pieces. Completely ignoring this, GSA is cutting small businesses out, all in the name of streamlining, which they cannot even prove.

It is not a new issue. In fact, recognizing the potential harmful impact that this contract will have for small businesses and local economies, the conference report for the fiscal year 2004 omnibus appropriation took the extraordinary step of telling GSA it needs to preserve these contracts for small businesses.

Despite this mandate, GSA did just the opposite, and made the e-travel project mandatory barely 1 month after the conference report. This means that no local or Federal office can use their neighborhood travel agency, even if they already have for years.

The results of GSA's actions are massive losses which industry estimates project costing small travel agencies at least $100 million in contracting opportunities, and possibly more. With only 78,000 jobs being created last month, can we afford to lose out on more opportunity in areas of the country that so desperately need jobs?

GSA is ignoring the President's small business agenda designed to increase contracting opportunities. They are ignoring the will of Congress. They care nothing about saving taxpayers' dollars. The amendment I am offering today will make sure they listen and stop pushing small businesses out of the Federal marketplace.

Let us not forget the important role small travel agencies have played. On September 11, when thousands of people were stranded in airports, they took as long as was necessary to figure out ways to get people home. When people stopped traveling out of fear, they got them going again. The thanks they got from the airline industry was a loss of booking fees and direct competition. The airline industry decided it could do their job.

Now the Federal Government is telling them that their services are no longer needed. This is not only shortsighted, but it fails to recognize the value that these companies add.

My amendment will balance contracting opportunities in the travel industry, much like the previous system. It would allow large providers to perform on the national contracts, but it would not prevent a Federal agency from using a local travel agent if that is what they prefer to do.

Let me make one thing clear. If this amendment is not adopted, not one single small business travel agent will be able to do business with Federal agencies, and this is outrageous. These megacontracts have clearly gone too far; and it is time that we say enough is enough.

This amendment has received the support of the Society of Government Travel Professionals, as well as the U.S. Women's Chamber of Commerce. I am urging my colleagues today to protect small business contracting by supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentlewoman from New York (Ms. VELÁZQUEZ) has expired.

Does any Member seek to claim time in opposition?

Mr. KNOLLENBERG. Mr. Chairman, I seek the time in opposition, and I yield myself such time as I may consume.

I oppose this amendment because it will shut down the GSA e-travel program.

In 1996, GAO recommended that travel management should be consolidated government-wide; and in 2001, they found that decentralized travel operations at the agency level resulted in the following: inconsistent and/or duplicative travel processes and procedures. It is costly to maintain these multiple, redundant systems on a stand-alone basis and with an inability to effectively monitor and manage the travel function at the agency level.

Further, many agencies were developing expensive in-house custom systems. These "boutique" systems, if you will, were not connected, causing a heavy burden on the traveler. OMB recommended that a common government-wide travel management service would significantly improve the traveler's experience and save the government money. Government-wide e-travel is projected to save approximately $450 million over the 10-year cycle. It is expected to achieve a 15 percent savings in transactional costs over status quo in the base period of the contract, and 20 percent in outlying years.

So I do not believe that this is the answer that the gentlewoman is seeking, which brings forward the shutdown, entire shutdown of the e-travel program. So I would suggest that we all unite and vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am going to support the amendment that has been offered by the ranking member of the Committee on Small Business; and for the reason. I will just cover it simply, for the reason that in the conference report for the fiscal year 2004 omnibus appropriation covering GSA, concern was expressed about the mandatory nature of the e-travel service.

In fact, the report states, and I am quoting from the report: "The conferees agree that GSA has been responsive to the House's concerns that e-travel initiatives should not involve mandatory participation by Federal agencies. Furthermore, the conferees agree that in its management of e-travel prime contractors, GSA should seek to preserve that portion of the Federal travel agent business that is currently served by small businesses and local entrepreneurs."

Now, not to demand that there be a particular portion or whatever that goes to those Federal travel agent businesses that are currently served by small businesses and local entrepreneurs but, rather, to point out that the vast majority, probably over 90 percent of travel agencies have fewer than 30 employees, and are, therefore, categorized as small businesses.

While I recognize what the chairman has said, that sometimes by a very large economy-of-scale kind of contract you give everything to one, you can then wipe out the small businesses from being able to compete in that process, I think that, as I have quoted from the conference report for the 2004 appropriations act concerning GSA, there was the sense of the Congress that we did not want that to happen, that we wanted some of this business to remain with the local and small business entrepreneurs.

So I support the amendment.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, I just would like to respond for the record to a statement made by the chairman that the e-travel will save taxpayers' money. Let me just say that an industry review of the booking fees listed on the Federal Supply Schedule, it appears that GSA's figures on travel booking fees may have been estimated too high by as much as $20 per transaction, and these are the big industries, the big travel agencies, not the small businesses.

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Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

Let me say this about the amendment. What the amendment would do, it would shut down E-travel, just shut it down. The E-travel system saves money, saves taxpayers money and is easier to navigate for travel. The answer to the question that she has does not involve shutting down E-travel.

I would simply urge a no vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The question was taken; and the chairman announced that the noes appeared to have it.

Ms. VELÁZQUEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) will be postponed.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WYNN:

At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available by this Act may be used to pay a Federal contractor with respect to a contract if the contractor—

(1) fails to enter into a subcontract with a small business in accordance with the contractor's subcontracting plan (under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) for the contract, unless the contractor provides written justification; or

(2) was not in compliance under a previous Federal contract with the contract clause required by section 8(d)(2) of the Small Business Act (15 U.S.C 637(d)(2)) with respect to timely payment, as found by the awarding agency, and is the subject of litigation or an administrative claim relating to a late payment to a subcontractor by the contractor.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The gentleman reserves a point of order.

Pursuant to the order of the House of June 29, 2005, the gentleman from Maryland (Mr. WYNN) and a member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I yield myself such time as I may consume.

In this House, we frequently proclaim the importance of helping small businesses. Consider, in fact, that the Small Business Act states, in part, it is the policy of the United States that small business concerns shall have the maximum practical opportunity to participate in the performance of contracts let by any Federal agency, including subcontracts.

Mr. Chairman, my amendment addresses two issues that are, in fact, already part of the Small Business Act but continue to be problems for the small business community. First, under current law, proclaimed by the Small Business Act, it is required that the successful bidder shall have a subcontracting plan included in the contract, and that prior compliance of the bidder with other subcontracting plans shall be considered by the Federal agency to determine if the bidder is responsible in the award of the contract.

However, the fact is that, in far too many cases, the subcontractors that are listed on the subcontracting plan of the bidder that wins the contract are never used to perform the contract work. As a result, small businesses, women-owned businesses, African American businesses, other ethnic minority businesses who, we are told, are being included in Federal contracting are, in fact, often excluded. They are not allowed to perform the work. This practice constitutes fraud and undermines small businesses, and we need to put a stop to it.

My amendment penalizes Federal contractors that fail to subcontract with small businesses as submitted in their subcontracting plan. Should the contractor not use the subcontractor laid out in their plan, the amendment requires that the contractor provide written justification or lose the award. Small business contractors deserve adequate protection from dishonest contractors.

The second issue raised in this amendment is a problem that, in many cases, after a subcontractor successfully performs the work they are not being paid in a timely manner to allow them to meet their obligations. Again, the Small Business Act currently addresses this issue. It says that the policy of the United States is that prime contractors establish procedures to ensure the timely payment of amounts due pursuant to the terms of their contracts with small businesses.

Unfortunately, all too often this does not happen. It is hard enough to survive in business without the added burden of late payments affecting cash flow and growth potential. Small businesses cannot afford to wait long periods of time to be paid after completing a job, especially a small business contracting on a government contract.

A growing number of small businesses have complained to me about the threat to their survival as a result of having late payments or having to pursue claims through litigation or administrative procedures in order to get paid. This problem has caused me to introduce prompt payment legislation in the last few Congresses. This amendment addresses the problem by providing that when a prime contractor has been found to be out of compliance with prompt payment provisions, or are the subject of administrative claims or litigation, they should be denied the ability to be awarded Federal contracts.

My amendment addresses the problem of subcontractors not receiving payment for services to a prime contract in a timely manner. We need to stop paying lip service to the small business community and roll up our sleeves and address the specific problems they confront. They confront the problem of being listed in Federal contracts but never used, and they confront the problem of not being paid on time and having to pursue litigation remedies. This amendment will address both of these issues. I believe it is, in fact, germane to the bill that no money shall be used to pay contractors who violate these two provisions, accurate subcontracting and prompt payment.

I urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. KNOLLENBERG. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore violates clause 2 of rule XXI. That rule states in pertinent part, an amendment to a general appropriation bill shall not be in order if changing existing law. This amendment requires a new determination, and I insist on the point of order.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. WYNN. Mr. Chairman, I would just add that this bill does not change existing law. If you will note, I actually read into the RECORD the status of existing law regarding the requirement to list your subcontractors and the requirement for prompt payment. This bill merely adds the provision to enforce existing law.

The CHAIRMAN. Do any other Members wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The amendment offered by the gentleman from Maryland would require a new determination by the relevant executive branch official. Specifically, the amendment would require a determination of whether a contractor has a history of late payments or is the subject of litigation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

AMENDMENT OFFERED BY MR. VAN HOLLEN

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VAN HOLLEN:

At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

The CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Maryland (Mr. VAN HOLLEN) and the gentleman from Michigan (Mr. KNOLLENBERG) each will control 5 minutes.

The Chair recognizes the gentleman from Maryland (Mr. VAN HOLLEN).

Mr. VAN HOLLEN. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, this amendment deals with the process that we now have in place in the Federal Government for contracting out work that is performed by Federal employees around the country, in other words, what process is in place for privatizing certain Federal Government jobs. That process, which is known by the Office of Management and Budget, A–76 process, is a broken process. In fact, both Federal Government employees and private contractors have serious legitimate concerns and complaints about the existing competitive sourcing process. This amendment would, in fact, encourage OMB to go back to the drawing board and develop a competitive sourcing process that addresses everybody's concerns. And it is an amendment that is identical, word for word, to an amendment that has passed the House on this appropriations bill in the last 2 years.

And we have passed this bill for the past 2 years for a very simple reason. We recognize that the existing contracting out process is unfair and that it needs to be fixed. And that has not changed from last year to this year. In fact, already this year the Appropriations Committee and this House have recognized the fact that the existing contracting out process is broken because we have passed a number of bills to change that on an ad hoc basis. For example, the Defense appropriations bill, which has already passed this House, changed the A–76 contracting out rules for Department of Defense Federal employees in a number of ways. It insured, first of all, that Federal employees of the Department of Defense would always have the opportunity to compete to keep their jobs through forming what is known as the most efficient organization. The Defense appropriations bill also required that when a private contractor is trying to take over work it demonstrates that it can provide some minimal level of savings to the taxpayer. After all, that is what competition should be about.

That is something the GAO has recommended, and it is something the Appropriations Committee put in the Defense appropriations bill but it is not part of the normal contracting out process. The Defense appropriation bill also prevents private contractors from gaining an advantage by providing less health benefits to their employees. We as a Federal Government should be setting an example to the public, not trying to encourage people to dump health coverage for their employees. And so the appropriations for defense did that.

There are also things we did with respect to the authorization bill for the Defense Department that changed the contracting out rules. For example, we made sure that during the appeals process, that the appeals rights of Federal employees would be the same as appeal rights for private contractors. That seems to make sense. That is only fair.

In fact, if you look at different appropriations bills that have come out, the Homeland Security appropriations bill, the Interior appropriations bill, the Agriculture appropriations bill, all of those bills had changes to this contracting out process.

So the question arises if the Appropriations Committee itself has changed the contracting out rules in all these other bills, does it not make sense to ask the Office of Management and Budget to go back and get it right, come up with a uniform policy that applies governmentwide, rather than have five different tests in different appropriations bills.

That is what this amendment is all about. It does not get rid of the competitive sourcing rules. It would say to OMB, go back to the rules that were in place before May 2003 until you fashion a new set of rules that make sense for everybody.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

The Van Hollen amendment harms taxpayers, in my judgment, by preventing agencies from conducting public private competitions under OMB's revised circular A–76. By forcing agencies to return to the rules of the old circular world, the old circular world would disadvantage, Number 1, Federal employees by allowing much of their work to be directly converted to private sector performance without even considering in-house capabilities or the cost implications of outsourcing. It will also harm taxpayers by making them bear the cost of processes that are outdated, inefficient and not results oriented. The advantages of the revised circular are that they were developed with broad input, broad input from the public to ensure competition is used in a fair manner that accommodates the diverse needs of our citizens. And it focuses on achieving the best results for the taxpayer by requiring agencies to evaluate cost and permitting agencies to also consider the quality of the service provided such as technology support and security.

I would just stop there, but suggest to the gentleman from Virginia that this is not a friendly amendment in regard to the taxpayer. It truly is not. The committee opposes it and certainly I oppose it, and I would ask or urge for a no vote.

Mr. Chairman, I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself 1 minute.

I would just pose the question to the subcommittee chairman, I thank him for those remarks, but if the current A-76 contracting out process works so well, if that is the ideal that we want to have, why has the Appropriations Committee, on five different bills that it has reported out, changed those rules with respect to several agencies?

With the Interior appropriations bill there was a rider that came out that passed the House that limited the amount of money that may be used for privatization review by the Department of the Interior and for the Forest Service specifically.

On the Homeland Security appropriations bill, you prevented the Department of the Interior from reviewing for privatization work performed by three different categories of employees who serve on the front lines of the war against terrorism.

On the Agriculture appropriations bill, the Appropriations Committee in this House included provisions that prevented the Department of Agriculture from reviewing for privatization any employees involved in rural development or farm loan programs.

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So I would just say to my colleagues, if the existing system works so well, why has the Committee on Appropriations in this House this year already voted to change it in so many ways? Let us have a uniform policy that applies equally across Federal agencies.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me respond to the gentleman's comments. Those appropriations bills, I believe there were five, it was different in each one of them because it was applied specifically, tailored to that particular bill and the operation of that bill.

Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman yielding me time. I appreciate the gentleman from Maryland (Mr. VAN HOLLEN) coming forth and asking questions which are very important, and I believe the chairman talked about that, and that is that where we believe appropriate that the government be involved in inherently government operations, the government should be. However, we know that this government is huge and has many areas in which they are not only behind in their ability to be prepared technologically-wise but also to meet the demands and needs of taxpayers and people out in this country who need to make sure that this government works and works properly.

I would like to remind the gentleman that this is part of the President's management agenda, part of the management agenda where he has talked very clearly to the American public and to Congress about things where we need to change, to change and incorporate changes so that taxpayers and people in need are able to get better benefits and better services.

What the gentleman is doing today says, we are going to wipe out the President's management agenda. We are not going to allow competitive outsourcing and then come to the floor and say, look, you have done it five times. Is that not an indication that this is a broken system?

It is not. It is a system that will continue to be reformed. What the gentleman from Michigan (Mr. KNOLLENBERG) has done is to say very clearly where reform is necessary, we will do it; but the taxpayers and people who need the things which government or government money does to implement change within our system is very important.

Mr. Chairman, I will tell you, I oppose the Van Hollen amendment and the taxpayers would too. I hope that our colleagues all hear this debate because it is important not only for taxpayers but for government efficiency.

Mr. VAN HOLLEN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is not about getting rid of the competitive sourcing program. There always has been competitive sourcing in the government, and there will continue to be. The issue is what rules apply. I would suggest to my colleagues that the defense appropriations bill rider that was attached said when you have these competitions, you should at least demonstrate that the taxpayers would be saved some money. A minimum of at least 10 percent of the funds was a good idea. That was required by this House. That is not required by the current A-76 process. We should make that. That should not just apply to the Defense Department that we get a good deal for the taxpayer. That should apply.

The provision of health benefits, let us do what the House has already done two times, which is adopt this exact language. We did it last year on this bill. We did it the year before. I urge my colleagues to do it again this year.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have no intention of taking 5 minutes. I just want to point out since my friend, the chairman, has the chance to close, I just want to point out that this amendment has been passed each of the last 2 years in the House by fairly strong bipartisan votes. And it has then gone to conference committee and never reappeared from the conference committee in either of those years.

It suggests that there is no intention on the part of the majority of adhering to the will of the House which ought to carry at least as much weight as the President's management agenda, so-called, and so I am going to just urge that we again pass this and give the conference one more chance to reject the will of the House, which seems to be its full intent year after year to do and thereby show its total contempt for the will of the House of Representatives.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

In closing very quickly, the gentleman from Maryland (Mr. VAN HOLLEN) referenced the fact that his idea actually was passed last year, included in the bill and there was a threat of a veto then, and so it was removed from the bill. And this administration is prepared to do the very same thing this year. So I would suggest to him that it is enough of a problem or an annoyance to them that it will be something that will be subject to a veto threat and perhaps go through the same process again.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Van Hollen amendment to H.R. 3058, the Transportation, Treasury and HUD Appropriations bill for FY 2006.

Representative VAN HOLLEN's amendment would prevent the Administration from using federal funds to conduct public-private competitions under the new A–76 process announced in May of 2003. The amendment stops the Administration from playing politics with the civil service system and it deserves your strong support.

The independent think tank, the Brookings Institution, and others explain that the true size of the federal government includes the "shadow workforce" of private contractors. Brookings has found that the private contractor workforce of the federal government is now 16.7 million. That is almost 10 times the size of the federal civil service.

The rush to privatize the civil service system is dangerous, because when the government turns to poorly supervised private contractors, the potential for waste, fraud, and abuse soars.

This is not my assessment. GAO has issued countless reports on contractor abuses and inadequate contract management by federal agencies. The problem is so bad that contract management at DOD, the Energy Department, and NASA—the three agencies that most heavily rely on contractors—has been on GAO's list of "high risk" federal programs for years. And to make matters worse, agencies, particularly DOD, have cut the number of acquisition personnel in a misguided attempt to save money. That means that there are not enough people to conduct adequate contract oversight.

The Van Hollen amendment prohibits public-private competitions from being conducted under revised rules that give an unfair advantage to private contractors. It's passage would provide Congress and the Administration the opportunity to address several critical matters, including: creating a reliable way to keep track of the costs of service contractors, guaranteeing federal employees the right to compete fairly for their jobs before they are privatized, and ensuring a level playing field by giving federal employees the same legal rights as contractors enjoy.

The Washington Monthly has written that, "even the federal payroll can become a source of patronage. . . . And while doing so may or may not save taxpayers much money, it will divert taxpayer money out of the public sector and into private sector firms, where the GOP has a chance to steer contracts towards politically connected firms."

We must stop the destructive and misguided effort to send federal jobs to private contractors at any cost. Vote "yes" on the Van Hollen amendment and stop this Administration's war on federal employees.

Mr. KNOLLENBERG. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. TERRY). The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. VAN HOLLEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) will be postponed.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. 948. None of the funds made available in this Act may be used to implement section 12(c) of the United States Housing Act of 1937 (42 U.S.C. 1437j(c)).

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the amendment.

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I discuss this amendment to help educate my colleagues and to remind them that this amendment was passed in previous Congresses and the work of many of my colleagues, including the gentleman from New York (Mr. RANGEL), has been ongoing to try to bring fairness to this process.

I would first like to say that none of us disagree with the idea of volunteer service. But my amendment simply says that it prohibits the use of funds in this act to implement the community service requirement for public housing tenants.

This proposal has a long history, and of course the reason is because this is a difficult provision to enforce. Part of the enforcement in this time of decreasing public housing is to evict individuals from public housing, the individuals who are most vulnerable, the individuals who are most needy, and the individuals who may be least able because of their physical condition to perform community service.

I have a letter here from the National Association of Housing and Redevelopment Officials which indicates: "Dear Representative Jackson-Lee: I write on behalf of the National Association of Housing Redevelopment Officials to support your amendment to halt the implementation of the public housing community service requirement. This organization is the Nation's oldest and largest association of housing community development professionals and the leading advocate for adequate and affordable housing and strong, viable communities for all Americans, particularly those with low and moderate incomes. Our 21,000 agency and individual members help millions of families nationwide find safe and affordable housing.

"This organization has been opposed to the community service requirement since its enactment in 1998. Although a limited percentage of families nationwide meet the criteria for being subject to the community service requirement, all families must be screened and tracked for compliance. This requirement is an unfunded mandate that public housing can ill afford. In time of scarce resources, we believe that Federal funds could be better focused on maintaining safe, decent housing for 12 million low-income families."

In essence, they are committed to providing this service themselves.

In fact, they say, "many agencies partner with local service organizations to assist in case management and provide services. Other communities find it is necessary to augment local resources with programs and services that are easily accessible by public housing communities. The community is in the best position to make this decision."

This amendment is a clean-up amendment. It allows the local authorities to provide the opportunities for community service, but it does not burden those public housing entities by using Federal funds to require the oversight and then to evict those most needy for public housing.

I would ask my colleagues to support this amendment.

NATIONAL ASSOCIATION OF HOUSING
AND REDEVELOPMENT OFFICIALS,
Washington, DC, June 29, 2005.

Hon. SHEILA JACKSON-LEE,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVE JACKSON-LEE: I write on behalf of the National Association of Housing and Redevelopment Officials (NAHRO) to support your amendment to halt the implementation of the public housing community service requirement under Section 12(c) of the US Housing Act of 1937. NAHRO is the nation's oldest and largest association of housing and community development professionals and the leading advocate for adequate and affordable housing and strong, viable communities for all Americans—particularly those with low- and moderate-incomes. Our 21,000 agency and individual members help millions of families nationwide find safe, affordable housing and economic opportunities through a variety of local, state, and federal programs, such as Public Housing, Section 8 Housing Vouchers, Community Development Block Grants, HOME and the Low Income Housing Tax Credit.

NAHRO has been opposed to the community service requirement since its enactment in 1998. Although a limited percentage of families nationwide meet the criteria for being subject to the community service requirement, all families must be screened and tracked for compliance. This requirement is an unfunded mandate that public housing can ill afford. In a time of scarce resources, we believe that federal funds could be better focused on maintaining safe, decent housing for 1.2 million low-income families, 47 percent of which are headed by the elderly or persons with disabilities, and supporting self-sufficiency programs that get real results.

Total funding for public housing has declined steadily in recent years. The President's FY 2006 budget requested 20 percent less funding for public housing than Congress provided in 2001. A Harvard Operating Cost study found that public housing has traditionally been underfunded compared with all other assisted housing. At the same time, basic housing operating costs have increased exponentially due to factors beyond local agencies' control, including employee health care costs, energy and utility costs, and public facilities insurance increases following 9/11. The cumulative effect of several years of this funding crunch has been to undermine local agencies' ability to provide basic services and maintain our country's $90 billion investment in affordable public housing.

We are pleased that Subcommittee Chairman Knollenberg and Ranking Member Olver have been able to improve upon the President's requested funding levels for Public Housing Capital and Operating Funds in HR 3058. Despite their efforts in this area, however, public housing is far from fully funded. With so many stresses on our public housing, the unfunded mandate of the community service requirement is simply a drain on local agencies' ability to meet the core mission of providing housing and meaningful support for families seeking a better life.

Thank you for your efforts to remove this unfunded mandate and pennit local housing agencies to focus on our core mission of assisting families and preserving the country's investment in affordable housing.

Sincerely,

SAUL N. RAMIREZ, Jr.,
Executive Director.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I withdraw my point of order.

The Acting CHAIRMAN. The point of order is withdrawn.

Mr. KNOLLENBERG. Mr. Chairman, I rise to claim time in opposition to the amendment.

Mr. Chairman, in 1998 the last time the Congress authorized the public housing and section 8 programs, they established this policy that tenants of public housing should undertake two responsibilities: number one, they should do some community service. The act requires that individuals in public housing do 8 hours of public service each month. There are numerous exemptions from their requirements for those that cannot do even the most minimal amount of service. The act also requires tenants to be part of the self-sufficiency program, a program designed to help tenants get jobs, keep jobs, and move off and out of public housing so other people may benefit.

My own view is that this was a sound policy then, and it is a sound policy now. Neither appears to be a huge burden and the Department of Housing and Urban Development has not indicated any large-scale problems with the provision that would need this type of action.

This is clearly an amendment that should be taken to the authorizers, and they are, by the way, right now reviewing all public housing assistance programs. So until Congress changes the policy, I believe that the policy should remain in force.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many of these residents are not able-bodied; and as indicated by the National Association of Housing and Redevelopment Officials, it is best utilized at the local levels. They have been partnering with local organizations to try to work through service. We all believe in service.

This is an unfunded mandate. It is a burden on those who are most vulnerable in housing that cannot, either because of their physical or mental condition, perform this service and they are vulnerable to conviction.

I would suggest to my colleagues it is worthy of eliminating.

Mr. Chairman, I reserve the balance of my time.

Mr. KNOLLENBERG. Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentlewoman from Texas (Ms. JACKSON-LEE) has 1½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me indicate that I believe it is an unfunded mandate; but more particularly I hope that we will get to a point, if this amendment is not accepted by my colleagues, that we can come together and work for what is best for those most vulnerable. That is what public housing is for.

When it was passed in 1998, there were many good intentions. It was in the climate of welfare reform. But it is an unfunded mandate. It is burdensome. And it is disrespectful to suggest that those who are poor are not desirous of public service. It is discriminatory and it is unfair, patently so.

I hope that my colleagues will work together with many of us who believe that we can ensure good citizenship by those in public housing; at the same time we can be fair by making sure that they do not get the ultimate penalty which is eviction and force unfunded mandates and public housing authorities who can least afford this in this time of declining funds.

This is a burden. And I would ask that they go in any neighborhood of homeowners and ask the homeowners association whether or not to stay in your house, other than keeping your own house in a good condition, whether you are demanded to perform public service. Public service should be voluntary, and it should be out of your heart. I can assure you that poor people believe in public service. This is high-handed, up-handed, if you will, and elitist; and we know that it is a problem. And I would hope that my colleagues would vote for my amendment.

In the option they do not, we will keep working because we believe in fairness to all who are deserving of public housing and who need public housing and are the most vulnerable.

I ask my colleagues to vote for this amendment.

Mr. KNOLLENBERG. Mr. Chairman, I yield myself the balance of my time.

I just reiterate what I said. I am in opposition to the amendment, and I urge everyone to oppose this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was rejected.

□ 1715

AMENDMENT OFFERED BY MR. PICKERING

Mr. PICKERING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN (Mr. TERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PICKERING:

Page 224, insert after line 8 the following:

TITLE X—LIMITATION

SEC. 1001. None of the funds contained in this Act may be used to enforce the Individuals With Disabilities Parking Reform Amendment Act of 2000 (D.C. Law 13—279).

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentleman from Mississippi (Mr. PICKERING) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 5 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. PICKERING).

Mr. PICKERING. Mr. Chairman, I yield myself such time as I may consume.

I rise today with an amendment at the desk. I want to thank the chairman of the Committee on Appropriations subcommittee for his work on this. I want to thank the gentlewoman from the District of Columbia (Ms. NORTON) for her attention and help. I also want to thank the responsiveness of the Mayor's office and the city council.

I will submit into the RECORD at this point letters from the Mayor's office and from Carol Schwartz, council member on the District of Columbia council.

Quickly, let me tell my colleagues the issue that was brought to my attention by one of my constituents in the last week, and as we come to the 4th of July, when millions will come to the District, when thousands of veterans, many of whom are disabled, will be visiting our Nation's capital and going to our monuments, what was brought to my attention by Viola Cupit from Bogue Chitto, Mississippi, who called my office last week.

She had come to our Nation's capital. She happens to be disabled. She has a disabled license plate from the State of Mississippi. She parked on Constitution Avenue. The parking sign says disabled, 4 hours free parking. She thought that she was correctly parked and would not face any fine or ticket.

She returned to discover that it is free for D.C. residents, but not free for those who travel to our Nation from other States. If you are from Mississippi or from Tennessee or from California, if you were to come to the District, you are disabled and you were to park, you would either have to pay or go to the DMV, which can be a long, difficult and frustrating process in the District of Columbia to get a District disabled placard card.

Now, we know in our Nation's capital that we want equal treatment. We do not want discriminatory treatment, especially for our disabled citizens and veterans. We do not want to see them differently. I do not think it was the intent of the District of Columbia and their regulations to have this unequal, discriminatory treatment; but it nonetheless is.

I think the intent of the letters of the Mayor and the city council member indicate that they want to correct this inequity.

I also want to submit for the RECORD a letter from the Paralyzed Veterans of America who have also asked that this discriminatory practice cease, and they stand willing and ready to work with the District of Columbia to have a fair policy.

I will insert the letters that I have referred to into the RECORD at this point.

PARALYZED VETERANS OF AMERICA,
Washington, DC, June 29, 2005.

Hon. CHARLES W. PICKERING, Jr.,
Washington, DC.

DEAR REPRESENTATIVE PICKERING: Paralyzed Veterans of America (PVA) is pleased to support your efforts to correct a policy of the District of Columbia to charge people with out of state placards for accessible parking. PVA expressed our concerns to the D.C. government before this policy went into effect. We oppose paying for accessible parking when in fact the parking is provided on a discriminatory basis. While we understand the need to curb abuse, we do not believe that the city made sufficient parking truly accessible or gives adequate notice to those who need it.

The current policy is confusing and discriminatory. Disabled drivers with D.C. placards or plates are allowed four hours of free parking. Drivers with a valid placard from any other jurisdiction must pay, but the only notice of the requirement to pay is on the sidewalk side of each meter. Simply finding that notice may require the person to get out of the car, wheel through traffic to a curb cut (assuming there is one), then wheel back on the sidewalk to the meter. At that point, the visitor can only hope that the meter itself is accessible.

PVA believes the District's policy violates the "reciprocal agreements" under Public Law 100–641 (23 CFR 1235). The law established guidelines for states and jurisdictions to follow in designing accessible parking spaces, placards and license plates and urged reciprocity in enforcement and parking privileges granted by other jurisdictions.

Again, thank you for your leadership on this issue. PVA is ready to work with you to ensure accessible parking privileges in the District of Columbia are equally available to all disabled drivers, regardless of jurisdiction.

Sincerely,

LEE PAGE,
Associate Advocacy Director.

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, June 30, 2005.

Hon. CHIP PICKERING,
Congressman, Third District, Mississippi, Washington, DC.

DEAR CONGRESSMAN PICKERING: I appreciated the opportunity to speak with you at length this morning about the District's enforcement of the "Individuals with Disabilities Parking Reform Amendment Act of 2000." I am committed to revisiting the law to ensure that all disabled persons, regardless of where they live, are treated equally. This was always our intent, but I also recognize that there may have been some unintended consequences.

As I said in our conversation, I will work with the Mayor to develop satisfactory solutions to the problems we discussed, and I appreciate the opportunity to address your concerns.

I am available at your convenience to discuss the matter further if necessary, and may be reached in my office at (202) 724–8105.

Sincerely,

CAROL SCHWARTZ,
Councilmember, At-Large, Chair, Committee on Public Works and the Environment.

GOVERNMENT OF THE DISTRICT OF COLUMBIA, EXECUTIVE OFFICE OF THE MAYOR,
June 30, 2005.

Hon. CHARLES PICKERING,
Congressman, Third District, Mississippi, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN PICKERING: On behalf of the Mayor, who is traveling out of town, I want to give you our administration's assurance and commitment to review the Individuals With Disabilities Parking Reform Amendment Act of 2000 to assure that it meets our intention that disabled visitors to our city enjoy equal treatment. We were seeking to curb abuses, not to create difficulties for disabled visitors to our city. We are especially proud to be an important tourist destination receiving 20 million visitors annually. We also take pride in our policies regarding equal treatment for disabled people. I would very much appreciate your courtesy in giving me the opportunity to work with Public Works and the Environment Committee Chair Carol Schwartz and our City Council to correct the flaws you have found in this statute. I appreciate your bringing this matter to our attention. I would be pleased to discuss this matter with you, or have the appropriate staff answer any questions you or your staff may have.

Thank you again for your attention to this important issue and for respecting our right to self-government by calling the matter to our attention.

Sincerely yours,

ROBERT BOBB,
City Administrator.

What I would like to do at this point is enter into a colloquy with the gentlewoman from the District of Columbia (Ms. NORTON) as to the steps that we hope will be taken to rectify this.

Ms. NORTON. Mr. Chairman, will the gentleman yield?

Mr. PICKERING. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, I thank the gentleman for doing so.

I rise to claim my time in opposition, but I do not intend to oppose because I believe when we are finished with this colloquy that the amendment will be withdrawn because of assurances from me and from the responsible officials in the District of Columbia.

If I may, I want to thank the gentleman for the way in which he handled this matter. First, I want everyone to know that the gentleman did not come to the floor first. The gentleman called the District of Columbia, and I want to apologize to the gentleman that the staff who handled this did not tell me that a Member of Congress had done them the courtesy of calling about a matter so that I might have become a part of this beforehand because the gentleman did exactly the right thing.

The gentleman from Mississippi went to the source of the problem to see if he was really reading correctly that disabled people who came here, for example in a wheelchair, might have to go to the DMV in order to take advantage of the same free parking that someone in a wheelchair here would have.

The staff involved simply told him the reason for the policy. The reason for the policy is sometimes rather flagrant abuses by residents and nonresidents. Usually, the nonresidents live a whole lot closer to us, I say to the gentleman, than his own constituent from Mississippi, and as a result, this matter was not resolved, and the Member did what one might expect. This was the chance then that he had to do it. It came to my attention only last night.

At that point, I thought I ought to go upstairs and talk to not the staff who apparently had been involved but to the Mayor, the chair of the City Council and the chair of the committee that has jurisdiction.

The Mayor was getting on a plane. I did not have time to talk to him in depth, but he said something to the effect, you know, Eleanor, this is the mecca of equal opportunity; I cannot imagine how we can have unequal treatment of that kind. I told him about the DMV, and he is famous for jokes about the DMV.

The Acting CHAIRMAN. The gentleman from Mississippi's time has expired.

Mr. PICKERING. Mr. Chairman, if I could strike the last word.

Ms. NORTON. I have time.

The Acting CHAIRMAN. The gentleman is not permitted under the unanimous consent agreement to strike the last word.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

I will in a moment yield to the gentleman from Mississippi for him to respond. I just wanted to explain myself because frankly I am embarrassed by the fact that the gentleman had to call our officials.

Needless to say, everyone has gone out of their way to assure the gentleman from Mississippi and to thank him frankly for bringing the matter to our attention. I just want to read one part of the letter on behalf of the Mayor from the city administrator, the top person under the Mayor.

"We were seeking to curb abuses, not create difficulties for disabled visitors to our city. We are especially proud to be an important tourist destination receiving 20 million visitors annually. We also take pride in our policies regarding equal treatment for disabled people. I would very much appreciate your courtesy in giving me the opportunity to work with Public Works and the Environment Committee Chair Carol Schwartz and our City Council to correct the flaws you have found in this statute."

Ms. Schwartz, who is the committee chair, by the way the only Republican on the City Council, wrote, and she said that, "this was always our intent, but I also recognize that there may have been some unintended consequences." She has spoken directly to the gentleman from Mississippi, and I am grateful that she herself spoke with him.

Again, could I invite all Members, when you see something like this, maybe we can get it done, maybe we cannot, but if you would follow the example of the gentleman from Mississippi and go directly to the source, but by the way, always tell me so I can hammer them, too; then we will try to correct such matters, to keep them from taking up the time of the House.

Mr. PICKERING. Mr. Chairman, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, it is my understanding, based on our conversations, that the gentlewoman would encourage the city to do something similar to what they did when the World War II memorial was opened, and that is, to grant an emergency status to make sure that the disabled had free parking in the district. Is it the gentlewoman's intention to do so, and during the interim, until they are able to clarify the regulations, that no one would be ticketed that is disabled from out of the District who would come to visit our Nation's capital?

Ms. NORTON. Mr. Chairman, I want to assure the gentleman that they have represented to me, and I believe that they are sincere, that they meant no discrimination between the disabled out of state and the disabled here. Therefore, citing the precedent the gentleman himself has indicated, I will represent to him that there will be no disabled out-of-state tickets given during the time that this matter is being straightened out.

Let me also represent to the gentleman, because Members are accustomed to coming to me about tickets that should not have been issued, Members under certain circumstances may not get tickets in the District of Columbia. They sure know how to find me. I want my colleagues to know if they have any constituent who is ticketed during this interim period, they should find the Congresswoman from the District of Columbia so she can see that those tickets are not outstanding, and I represent that to the gentleman from Mississippi.

Mr. PICKERING. Mr. Chairman, if the gentlewoman would further yield, I want to thank the gentlewoman from the District for her very effective representation, her advocacy for her constituents. All politics is local. Nothing is more local than parking tickets; and as we go into the 4th of July, I thank the gentlewoman for her help for those who are disabled, especially our disabled veterans, to make sure that they do not face unequal or discriminatory treatment as they find their place to park on Constitution Avenue or by our monuments or wherever it may be.

Again, I thank the gentlewoman for the spirit in which we have worked together and look forward to other opportunities in the future.

Ms. NORTON. Mr. Chairman, I thank the gentleman, again, for the way in which he has handled this matter, and may I say as well that I thank him for bringing it to our attention. This is a tourist destination and is frankly embarrassing that this matter was not taken care of beforehand.

Mr. PICKERING. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. OLVER. Mr. Chairman, I hope for the last time I move to strike the last word, and I yield to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank my friend from Massachusetts for yielding to me.

I want to thank the ranking member for doing that, and I rise to speak about the issue of the FAA and school soundproofing funding.

I recently heard from a school in my district, the Lexington School in Queens, that was awarded Federal funding for soundproofing from the FAA, and I thank the gentleman for the time for a colloquy between himself and the ranking member and the chairman.

They have completed all of the initial investigations and are finalizing the specs as mandated by the FAA, and they anticipate obtaining bids by the end of this year. The school is now awaiting their promised soundproofing funds, which are now mysteriously being held up by the FAA because the school does not have bids in this fiscal year.

This certainly appears to be contradictory to the intent of Vision 100 legislation and FAA's own guidance on priorities for issuing discretionary funds which recognizes that a project is considered started if bids are received in the fiscal year or within 6 months from the end of the fiscal year.

I am concerned that other schools may also be waiting for delayed funding.

These soundproofing funds are vital for schools, and this money must be forthcoming.

I ask the chairman and ranking member if they will work with me to look into this concern with respect to the FAA funding for soundproofing.

Mr. KNOLLENBERG. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from Michigan.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for raising his concerns on this matter. If there has been a slow-down in the release of Federal soundproofing dollars from the FAA, we do need to know. We appreciate the gentleman bringing this to the floor. I thank the gentleman for his comments and pledge to work with him on this issue.

Mr. OLVER. Mr. Chairman, I thank the gentleman from New York for raising the issue. I, too, am concerned about the reported slow-down in this release of funds for an obviously good cause, the release of soundproofing funds to eligible recipients, in this particular case, the Lexington School in Queens.

Though I do not know whether it is very close to La Guardia Airport or to Kennedy Airport, I, too, pledge to work with the gentleman from New York on this issue to ensure the early release of these funds.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I thank my friends, the gentleman from Michigan (Chairman KNOLLENBERG) and the gentleman from Massachusetts (Ranking Member OLVER), for their commitment to helping me find a solution to this FAA funding as it pertains to soundproofing.

For the record, the Lexington School is about anywhere between a quarter mile or half a mile as the crow flies from La Guardia Airport, so it is very proximate, very close; and on behalf of my constituents, I thank both gentlemen for their assistance in this.

Mr. OLVER. I did not want to put it in the flight path of La Guardia Airport, so I brought in Kennedy Airport as well.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair reminds those that cell phone use on the floor is prohibited.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

SEC. ___. The amounts otherwise provided by this Act are revised by reducing the amount made available for "Department of Transportation-Surface Transportation Board–Salaries and Expenses", and increasing the amount made available for "Federal Aviation–Operations" derived from the General Fund, by $5,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of June 29, 2005, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. KNOLLENBERG. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIRMAN. The gentleman from Michigan reserves a point of order.

The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

☐ 1730

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume to take this opportunity to discuss what I think is a very important issue.

While recognizing that this committee, the chairman and the ranking member, funded the air traffic controllers at the rate that the President asked for, at 595; and recognizing as well that there had been additional dollars placed in FAA for additional services which might be used for air traffic controllers, and I hope that will be the case, as recently acquiring Houston Intercontinental Airport in my Congressional district, and let me also say that I support the previous colloquy of the gentleman from New York (Mr. CROWLEY) on the dollars for soundproofing because all who live in the area are well aware of that need, but I wanted to quote for my colleagues the news report of the incident of yesterday: Stray Plane Sets Off Evacuation At Capitol. The last paragraph in the article in The Washington Post says "A Federal official said radio communications between the pilot and the authorities indicated the pilot ended up in a restricted area while trying to avoid bad weather."

I can only say, since it does not designate who the authorities were, that we know air traffic controllers are enormously busy. We are looking at increasingly congested skies and we are looking at overburdened and overworked air traffic controllers. In fact, in one airport in Texas, it was found that at this particular airport air traffic controllers and managers routinely covered up serious operational errors and deviations, including aircraft, for the last 7 years. The U.S. Office of Special Counsel said the controllers had allowed airplanes to fly too close to each other near the airport, and that supervisors either failed to investigate or did not report the incidents to the FAA headquarters as required. The independent Federal agency said the cover-up of controller mistakes have been jeopardizing air traffic safety.

We need more air traffic controllers, because 595, in my view, is certainly not enough. So my amendment was to offer $5 million that was offset by the Department of Transportation's Surface Transportation Board salaries and expenses.

This amendment is about establishing priorities. And even though the amount of monies is capped off and no more monies can be allowed in that particular account, I think that is an important issue. And I hope my colleagues, as they move into the next year and the next session in this appropriations process, they will recognize that our skies are getting busier and busier, our air traffic controllers are getting tireder and tireder, and they need increased training and they need relief.

I want to applaud our air traffic controllers. This is a very, very, very, very serious business. It requires great attention to detail. It requires nerves of steel, and we understand that. But the key is that there is a great need for more than 595.

Mr. Chairman, I will submit for the RECORD, at the appropriate time, this letter that I will read: "I write this letter to support your amendment to H.R. 3058, to increase the amount made available for the Department of Transportation with respect to air traffic controllers. In these times of shortages of personnel and training, this amendment would provide much-needed relief to continued budgetary shortfalls. Please accept our a gratitude for your efforts." This is the National Association of Air Traffic Specialists.

So I am hoping we will have an opportunity to work on this. The point of order, of course, refers to the capping of this particular account, and I recognize the hard work of this committee, but I think in all seriousness, besides the danger that was proposed yesterday, we do know our skies are busy with small and large planes.

Mr. Chairman, the amendment seeks to increase the "Federal Aviation Administration Operations" account on page 6 by $5 million and would offset this amount from the "Department of Transportation-Surface Transportation Board-Salaries and Expenses" account in Title I.

This amendment is about establishing priorities. While the salaries of the staff within the Department of Transportation is of enormous concern, I would think that my colleagues would agree with me that providing funds to help navigate the ever-increasing air traffic is of a higher priority, especially given our new utilization of equipment such as we find at the Boston Terminal Radar Approach Control (TRACON)—which is America's newest FAA consolidated facility.

New technology requires adequate staffing. Therefore, my amendment would provide the necessary funds to make new employee recruitment and training possible. Problems exist within our Federal Aviation Administration, Mr. Chairman. I cite the June 24, 2005 article in the Dallas Morning News (page 1A) entitled "Agency: Air traffic errors covered up Controller at D/FW spurs inquiry into unreported close calls":

> The U.S. Office of Special Counsel said the controllers had allowed airplanes to fly too close to each other near Dallas/Fort Worth International Airport and that supervisors either failed to investigate or didn't report the incidents to Federal Aviation Administration headquarters as required.
>
> The independent federal agency said the cover-up of controller mistakes had been "jeopardizing air traffic safety."
>
> "This was a substantial and specific danger to public safety," it said.
>
> [Furthermore,] a number of corrective actions' were taken after a March report from the Department of Transportation's Office of Inspector General substantiated . . . allegations.
>
> Specifically, the D/FW Terminal Radar Approach Control, or TRACON, was placed on probation for two years, the center's quality assurance manager was reassigned, and one air traffic controller was decertified.
>
> In addition, the FAA placed the facility manager, operations managers, supervisors and other controllers on probation.

This citation alone underscores major problems in the system. In addition, it highlights the fact that the jobs should not be outsourced, an issue that my colleague Mr. SANDERS has championed.

The key national security function of Air Traffic Control Specialists was evident during and immediately after the horrific 9/11 attacks. During this national tragedy, Air Traffic Control Specialists communicated crucial instructions to planes in the air and on the ground, and were responsible for re-starting air traffic in the days afterward. Air Traffic Control Specialists also play a vital role in keeping commercial and general aviation airplanes out of restricted airspace, including the restricted airspace around the White House. And, Air Traffic Control Specialists are critical during a natural disaster. For example, when hurricanes hit the Southeast last year, the FAA closed air traffic facilities in the region, but kept Flight Service Stations open and Air Traffic Control Specialists working to ensure the safety of airline passengers.

We should be strengthening, not weakening air traffic safety. In the 1980s we had 315 Flight Service Stations across the country. Today, we only have 61, and if the FAA gets its way there will only be 23 Flight Service Stations left in this country responsible for protecting over 600,000 general aviation pilots, as well as military and commercial pilots. This could only make our Nation's airspace less secure.

Mr. Chairman, we must support our Air Traffic Controllers by providing them with the support they need. I ask that my colleagues support this amendment.

NATIONAL ASSOCIATION OF
AIR TRAFFIC SPECIALISTS,
Wheaton, Maryland, June 30, 2005.

Hon. SHEILA JACKSON LEE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE JACKSON LEE: I write this letter to support your amendment to H.R. 3058 to increase the amount made available for "Department of Transportation—Surface Transportation Board Salaries and Expense Federal Aviation Operations Derived from the General Fund by $5,000,000. In these times of shortages of personnel and training this amendment would provide much needed relief to continuing budgetary shortfalls.

Please accept our gratitude for your efforts in this regard and let me know if I can be of any help in securing this amendment.

Sincerely,

KATE BREEN,
President.

Mr. Chairman, I reserve the balance of my time.

POINT OF ORDER

Mr. KNOLLENBERG. Mr. Chairman, I insist on my point of order, and I would like to respond in this fashion.

I raise a point of order against the amendment. The amendment proposes to increase an appropriation not authorized by law and, therefore, is in violation of clause 2(a) of rule XXI.

Although the original account funding for FAA operations is unauthorized, it was permitted to remain in the bill pursuant to the provisions of the rule that provided for the consideration of this bill. When an authorized appropriation is permitted to remain in a general appropriations bill, an amendment merely changing that amount is in order; but the rules of the House apply a "merely perfecting standard" to the items permitted to remain and do not allow the insertion of a new paragraph, not part of the original text permitted to remain, to increase a figure permitted to remain.

The amendment cannot be construed as merely perfecting and, therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

The Acting CHAIRMAN. Does anyone wish to speak on the point of order?

Ms. JACKSON-LEE of Texas. I do, Mr. Chairman. Let me say that I have acknowledged the point of order by the fact that the account itself is capped and, as was indicated, the issue regarding the authorization. But I raised this amendment, and I intend to withdraw this amendment, but I raised it because the discussion and the dollars are clearly needed.

I am hoping my colleagues will see that 595 air traffic controllers are not enough for the increasingly busy skies over the United States of America. I have cited in one airport the incident of air traffic controllers being cited for routinely covering up serious operational errors and deviations involving aircraft; I have cited, of course, the support by the National Association of Air Traffic Specialists.

I think that the difficulty is that we have a cap. We have $25 million for 595. I think we could use 1,000. Because of the budget shortfall, and because we do not have the money, we are faced with this dilemma. I happen to think the safety and security of Americans warrants increased dollars and an increased number of air traffic controllers.

I know that the busy airport I represent, Houston Intercontinental Airport, could stand additional well-trained air traffic controllers, the opportunity to give relief to air traffic controllers who, in fact, are working very hard. I am hoping, Mr. Chairman, that we will have an opportunity to work on this issue and recognize the dire needs and the crisis that we face if we do not continue to grow air traffic controllers, to train them and provide them the kind of support services necessary to protect the Nation's skies.

Mr. Chairman, I ask unanimous consent that I be allowed to withdraw my amendment.

The Acting CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. OLVER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, did the gentleman not already do that before?

Mr. OLVER. Mr. Chairman, yes, I have done this before. In fact, I was going to apologize to the staff and the chairman of the subcommittee for destroying the good working relationship that we have had over time, and that I complimented them so broadly about earlier, by actually offering this motion to strike the last word at a point when I really was not expecting to do so.

I do know that this may have lasting implications, given the work that has been done by Dena Baron, Cheryle Tucker, Dave Gibbons, Steve Crane, Tammy, Hughes, Kristen Jones, and David Napoliello, all of whom would dearly love to get off this floor and on to the votes that we have coming before us.

This bill has been a long slog year, and I have heard some people on the other side have had low-level headaches. There have been times here, as the afternoon has worn on, that I have nearly sunk under the table when amendments came, as long as the amendments we have had here today and yesterday, and with the votes on the rule on the day before, I think, though I may have lost a day in this process, so that there comes a point where I would be surprised if the chairman or I actually were able to remember our names. And it has been just suggested that I could also thank David Pomerantz of our staff, which is probably the only person I have not previously thanked.

And with that, Mr. Chairman, I do, in fact, apologize to the chairman and all of the staff, not only the majority staff but the minority staff as well, because the ranking member has concluded that he does not wish to speak.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment offered by the gentleman from Colorado (Mr. HEFLEY), amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK), amendment offered by the gentleman from Wisconsin (Mr. OBEY), amendment offered by the gentleman from Ohio (Mr. BROWN), amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ), amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. HEFLEY

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. HEFLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 338, not voting 7, as follows:

[Roll No. 352]

AYES—88

Akin
Andrews
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Blackburn
Brady (TX)
Brown-Waite, Ginny
Burton (IN)
Buyer
Cannon
Chabot
Chocola
Coble
Cox
Cubin
Davis (TN)
Davis, Jo Ann
Deal (GA)
Diaz-Balart, M.
Duncan
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Garrett (NJ)
Gibbons
Gohmert
Graves
Gutknecht
Harris
Hart
Hayworth
Hefley
Hensarling
Herger
Hoekstra
Hostettler
Inglis (SC)
Jenkins
Jindal
Johnson, Sam
Jones (NC)
Keller
King (IA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
McHenry
McMorris
Mica
Miller (FL)
Musgrave
Myrick
Neugebauer
Norwood
Otter
Paul
Pence
Petri
Pitts
Poe
Price (GA)
Radanovich
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sensenbrenner
Sessions
Shadegg
Shimkus
Stearns
Tancredo
Tanner
Taylor (MS)
Terry
Thornberry
Westmoreland
Wilson (SC)

NOES—338

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Baca
Baird
Baker
Baldwin
Barrow
Becerra
Berkley

Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Burgess
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chandler
Clay
Cleaver
Clyburn
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Hastings (FL)
Hastings (WA)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Maloney
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Nadler
Napolitano
Neal (MA)
Ney
Northup
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Peterson (MN)
Pickering
Platts
Pombo
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Strickland
Stupak
Sullivan
Sweeney
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—7

Everett
Harman
Kingston
Peterson (PA)
Ross
Schiff
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. TERRY) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1805

Messrs. BECERRA, SPRATT, ISRAEL, BERMAN, and ABERCROMBIE changed their vote from "aye" to "no."

Mrs. MYRICK and Messrs. COBLE, POE, and SESSIONS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KILPATRICK OF MICHIGAN

The Acting CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 333, noes 92, not voting 8, as follows:

[Roll No. 353]

AYES—333

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Baldwin
Barrett (SC)
Barrow
Bass
Bean
Becerra
Berkley
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Bonner
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Castle
Chabot
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Doyle
Drake
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Gallegly
Gerlach
Gibbons
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Harris
Hart
Hastings (FL)
Hayworth
Hefley
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hyde
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
Kline
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sherman
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—92

Alexander
Bachus
Baird
Baker
Bartlett (MD)
Barton (TX)

Beauprez
Berman
Biggert
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boustany
Brady (TX)
Burgess
Cannon
Cantor
Carter
Chocola
Cole (OK)
Conaway
Cooper
Davis (KY)
Davis, Tom
Delahunt
Dicks
Doggett
Dreier
Ehlers
Farr
Flake
Frelinghuysen
Garrett (NJ)
Gilchrest
Granger
Graves
Hall
Hastings (WA)
Hayes
Hensarling
Hoekstra
Honda
Hulshof
Inslee
Istook
Jindal
Johnson (CT)
Johnson (IL)
King (NY)
Kirk
Knollenberg
Kolbe
Larsen (WA)
Latham
Leach
Levin
Lewis (CA)
Lofgren, Zoe
Lungren, Daniel E.
McCrery
McDermott
McMorris
Moran (VA)
Murtha
Neugebauer
Oxley
Paul
Petri
Price (GA)
Price (NC)
Pryce (OH)
Ryan (WI)
Sessions
Shadegg
Shaw
Shays
Sherwood
Smith (TX)
Smith (WA)
Snyder
Stark
Thomas
Thornberry
Upton
Walsh
Waxman
Weldon (PA)
Wilson (SC)
Young (AK)

NOT VOTING—8

Cox
Everett
Harman
Kingston
Peterson (PA)
Ross
Schiff
Waters

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1814

Mrs. JOHNSON of Connecticut and Miss MCMORRIS changed their vote from "aye" to "no."

Mr. BARRETT of South Carolina and Mr. WELLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 215, not voting 10, as follows:

[Roll No. 354]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Simpson
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—215

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Smith (NJ)
Smith (TX)
Sodrel
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiberi
Turner
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Everett
Harman
Kingston
Peterson (PA)
Ross
Schiff
Sherwood
Shuster
Sullivan
Waters

☐ 1822

Mr. WAXMAN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. BROWN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 284, not voting 8, as follows:

[Roll No. 355]

AYES—141

Ackerman
Allen
Baldwin
Barrow
Bartlett (MD)
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Brown (OH)
Brown, Corrine
Burton (IN)
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Conyers
Costello
Crowley
Cummings
Davis (FL)
Davis (IL)

DeFazio
Delahunt
DeLauro
Doggett
Edwards
Emanuel
Emerson
Evans
Farr
Fattah
Filner
Ford
Gibbons
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Herseth
Higgins
Hinchey
Hinojosa
Hoekstra
Hoyer
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lynch
Maloney
Manzullo
Matsui
McCarthy
McCollum (MN)
McDermott
McKinney
McNulty
Meehan
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moran (VA)
Nadler
Napolitano
Neal (MA)
Northup
Oberstar
Olver
Ortiz
Otter
Owens
Pallone
Pastor
Paul
Payne
Pelosi
Pomeroy
Rangel
Reichert
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Scott (GA)
Serrano
Slaughter
Solis
Stark
Strickland
Stupak
Tancredo
Tauscher
Taylor (MS)
Tierney
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Weiner
Wexler
Woolsey
Wynn

NOES—284

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Engel
English (PA)
Eshoo
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Hobson
Holden
Holt
Honda
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kind
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Mack
Marchant
Markey
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Norwood
Nunes
Nussle
Osborne
Oxley
Pascrell
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stearns
Sullivan
Sweeney
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Walden (OR)
Walsh
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—8

Everett
Harman
Kingston
Obey
Peterson (PA)
Ross
Schiff
Waters

□ 1829

Messrs. WAXMAN, SMITH of Washington, MARKEY and McGOVERN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. VELÁZQUEZ

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 192, not voting 8, as follows:

[Roll No. 356]

AYES—233

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Coble
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Forbes
Ford
Fortenberry
Frank (MA)
Gerlach
Gibbons
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall
Hastings (FL)
Hayworth
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Osborne
Owens
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pickering
Platts
Poe
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Ros-Lehtinen
Rothman
Roybal Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Shuster
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOES—192

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capuano
Carter
Castle
Chabot
Chocola
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Feeney
Ferguson
Flake
Foley
Fossella
Foxx

Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Green (WI)
Gutknecht
Harris
Hart
Hastings (WA)
Hayes
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Otter
Oxley
Paul
Pence
Peterson (MN)
Petri
Pitts
Pombo
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Sabo
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Boozman
Everett
Harman
Kingston
Peterson (PA)
Ross
Schiff
Waters

□ 1837

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. VAN HOLLEN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 222, noes 203, not voting 8, as follows:

[Roll No. 357]

AYES—222

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gerlach
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Platts
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rogers (AL)
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Shimkus
Simmons
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—203

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Tom
Deal (GA)
DeLay
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Keller
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
LaHood
Latham
Leach
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Cox
Everett
Harman
Kingston
Peterson (PA)
Ross
Schiff
Waters

□ 1844

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last four lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006".

Mr. KNOLLENBERG. Mr. Chairman, I submit the following for the RECORD:

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	86,536	87,046	84,913	-1,623	-2,133
Immediate Office of the Secretary	(2,202)	---	(2,198)	(-4)	(+2,198)
Immediate Office of the Deputy Secretary	(699)	---	(698)	(-1)	(+698)
Immediate office of the Secretary and Deputy Office of the General Counsel	(15,272)	---	(15,183)	(-89)	(+15,183)
Office of the Assistant Secretary for Aviation Office of the Under Secretary for Transportation Policy	(12,526)	---	(11,680)	(-846)	(+11,680)
Office of the Assistant Secretary for Budget and Programs	(8,504)	---	(7,593)	(-911)	(+7,593)
Office of the Assistant Secretary for Governmental Affairs	(2,297)	---	(2,052)	(-245)	(+2,052)
Office of the Assistant Secretary for Administration	(23,249)	---	(23,139)	(-110)	(+23,139)
Office of Public Affairs	(1,914)	---	(1,910)	(-4)	(+1,910)
Executive Secretariat	(1,444)	---	(1,442)	(-2)	(+1,442)
Board of Contract Appeals	(698)	---	(697)	(-1)	(+697)
Office of Small and Disadvantaged Business Utilization	(1,268)	---	(1,265)	(-3)	(+1,265)
Office of Intelligence and Security	(2,037)	---	(2,033)	(-4)	(+2,033)
Office of the Chief Information Officer	(11,301)	---	(11,895)	(+594)	(+11,895)
Office of emergency transportation	(3,125)	---	(3,128)	(+3)	(+3,128)
User fees	(-2,500)	(-2,500)	(-2,500)	---	---
Spending of user fees	(2,500)	(2,500)	(2,500)	---	---
Subtotal	(86,536)	(87,046)	(84,913)	(-1,623)	(-2,133)
Office of Civil Rights	8,630	8,550	8,550	-80	---
Rescission of excess compensation for air carriers	-235,000	---	---	+235,000	---
Transportation planning, research, and development	19,840	9,030	40,613	+20,773	+31,583
Working capital fund	(149,846)	---	(120,014)	(-29,832)	(+120,014)
Minority business resource center program	893	900	900	+7	---
(Limitation on guaranteed loans)	(18,367)	(18,367)	(18,367)	---	---
Minority business outreach	2,976	3,000	3,000	+24	---
New headquarters building	67,456	100,000	100,000	+32,544	---
Payments to air carriers (Airport & Airway Trust Fund)	51,584	---	54,000	+2,416	+54,000
Total, Office of the Secretary	237,915	208,526	291,976	+54,061	+83,450
Federal Aviation Administration					
Operations	7,712,800	8,051,000	8,042,920	+330,120	-8,080
Flight Service Stations A-76 transition	---	150,000	150,000	+150,000	---
Subtotal	7,712,800	8,201,000	8,192,920	+480,120	-8,080
Facilities & equipment (Airport & Airway Trust Fund)	2,519,680	2,448,000	3,053,000	+533,320	+605,000
Emergency appropriations (P.L. 108-324)	5,100	---	---	-5,100	---
Research, engineering, and development (Airport and Airway Trust Fund)	129,880	130,000	130,000	+120	---
Grants-in-aid for airports (Airport and Airway Trust Fund)(Liquidation of contract authorization)	(2,800,000)	(3,300,000)	(3,600,000)	(+800,000)	(+300,000)
(Limitation on obligations)	(3,472,000)	(3,000,000)	(3,600,000)	(+128,000)	(+600,000)
Small community air service pilot program	(19,840)	---	(20,000)	(+160)	(+20,000)
2006 F&E Pop-up contract authority	---	605,000	---	---	-605,000
Rescission of contract authority (2006 F&E Pop-up)	---	-605,000	---	---	+605,000
Rescission of contract authority (2006 AIP)	---	-600,000	---	---	+600,000
Rescission of contract authority (prior yr Pop-up)	-265,000	-469,000	-469,000	-204,000	---
Emergency assistance to airports (Airport and Airway Trust Fund) (P.L. 108-324)	25,000	---	---	-25,000	---
Subtotal	(3,232,000)	(1,931,000)	(3,131,000)	(-101,000)	(+1,200,000)

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
War risk insurance (extension)	-50,000	---	-80,000	-30,000	-80,000
Total, Federal Aviation Administration	10,342,460	11,384,000	11,295,920	+953,460	-88,080
(Limitations on obligations)	(3,472,000)	(3,000,000)	(3,600,000)	(+128,000)	(+600,000)
Rescissions of contract authority	-265,000	-1,674,000	-469,000	-204,000	+1,205,000
Total budgetary resources	(13,549,460)	(12,710,000)	(14,426,920)	(+877,460)	(+1,716,920)
Federal Highway Administration					
Limitation on administrative expenses	(343,728)	(367,638)	(359,529)	(+15,801)	(-8,109)
Federal-aid highways (Highway Trust Fund):					
(Liquidation of contract authorization)	(35,000,000)	(35,000,000)	(36,000,000)	(+1,000,000)	(+1,000,000)
(Limitation on obligations)	(34,422,400)	(34,700,000)	(36,287,100)	(+1,864,700)	(+1,587,100)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
(Transfer to NHTSA)	(-156,127)	---	---	(+156,127)	---
Rescission of contract authority (Highway Trust Fund)	-520,277	---	---	+520,277	---
Appalachian development highway system	79,360	---	---	-79,360	---
Emergency relief programs (Highway Trust Fund)	735,072	---	---	-735,072	---
Emergency appropriations (P.L. 108-324)	1,202,000	---	---	-1,202,000	---
Rescission of contract authority (Hwy Trust Fund)	-741,000	---	---	+741,000	---
TIFIA (rescission of contract authority)	-100,000	---	---	+100,000	---
Belleair causeway bridge	33,728	---	---	-33,728	---
Unobligated balances(rescission of contract authority)	-14,408	---	---	+14,408	---
Unobligated balances (rescission)	-2,000	---	---	+2,000	---
Total, Federal Highway Administration	2,050,160	---	---	-2,050,160	---
(Limitations on obligations)	(34,422,400)	(34,700,000)	(36,287,100)	(+1,864,700)	(+1,587,100)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
Rescissions	-2,000	---	---	+2,000	---
Rescissions of contract authority	-1,375,685	---	---	+1,375,685	---
Total budgetary resources	(35,833,875)	(35,439,000)	(37,026,100)	(+1,192,225)	(+1,587,100)
Federal Motor Carrier Safety Administration					
Motor carrier safety (limitation on administrative expenses)(liquidation of contract authorization)	(257,547)	---	---	(-257,547)	---
(Limitation on obligations)	(255,487)	---	---	(-255,487)	---
National motor carrier safety program (Highway Trust Fund)(Liquidation of contract authorization)	(190,000)	---	(286,000)	(+96,000)	(+286,000)
(Limitation on obligations)	(188,480)	---	(286,000)	(+97,520)	(+286,000)
Motor carrier safety grants (Highway Trust Fund)					
(Liquidation of contract authorization)	---	(232,000)	---	---	(-232,000)
(Limitation on obligations)	---	(232,000)	---	---	(-232,000)
Motor carrier safety operations and programs (Highway Trust Fund)(Liquidation of contract authorization)	---	(233,000)	(215,000)	(+215,000)	(-18,000)
(Limitation on obligations)	---	(233,000)	(215,000)	(+215,000)	(-18,000)
Total, Federal Motor Carrier Safety Admin	---	---	---	---	---
(Limitations on obligations)	(446,027)	(465,000)	(501,000)	(+54,973)	(+36,000)
Total budgetary resources	(446,027)	(465,000)	(501,000)	(+54,973)	(+36,000)
National Highway Traffic Safety Administration					
Operations and research	---	---	152,367	+152,367	+152,367
Operations and research (Highway trust fund)					
(Liquidation of contract authorization)	(72,000)	(227,367)	(75,000)	(+3,000)	(-152,367)
(Limitation on obligations)	(71,424)	(227,367)	(75,000)	(+3,576)	(-152,367)
(Transfer from FHA)	(156,127)	---	---	(-156,127)	---
National Driver Register (Highway trust fund)					
(Liquidation of contract authorization)	(3,600)	(4,000)	(4,000)	(+400)	---
(Limitation on obligations)	(3,571)	(4,000)	(4,000)	(+429)	---

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H R. 3058)

(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Highway traffic safety grants (Highway Trust Fund)					
(Liquidation of contract authorization)	(225,000)	(465,000)	(551,000)	(+326,000)	(+86,000)
(Limitation on obligations):					
Highway safety programs (Sec. 402)	(163,680)	(172,000)	(229,000)	(+65,320)	(+57,000)
Formula grants (Sec. 402(k))	---	(183,000)	---	---	(-183,000)
Formula grants (Sec. 402(l))	---	(50,000)	---	---	(-50,000)
Occupant protection incentive grants (Sec. 405)	(19,840)	---	(136,000)	(+116,160)	(+136,000)
Alcohol-impaired driving countermeasures grants (Sec. 410)	(39,680)	---	(129,000)	(+89,320)	(+129,000)
Emergency medical services grants (Sec. 407)	---	(10,000)	---	---	(-10,000)
State traffic safety information system improvement grants (Sec. 412)	---	(50,000)	(30,000)	(+30,000)	(-20,000)
High visibility enforcement	---	---	(15,000)	(+15,000)	(+15,000)
Child safety and booster seat grants	---	---	(6,000)	(+6,000)	(+6,000)
Motorcyclist safety	---	---	(6,000)	(+6,000)	(+6,000)
Subtotal	(223,200)	(465,000)	(551,000)	(+327,800)	(+86,000)
Total, National Highway Traffic Safety Admin.	---	---	152,367	+152,367	+152,367
(Limitations on obligations)	(298,195)	(696,367)	(630,000)	(+331,805)	(-66,367)
Total budgetary resources	(298,195)	(696,367)	(782,367)	(+484,172)	(+86,000)
Federal Railroad Administration					
Safety and operations	138,651	145,949	145,949	+7,298	---
Railroad research and development	35,737	46,325	26,325	-9,412	-20,000
Railroad rehabilitation and improvement program	6,000	---	---	-6,000	---
Next generation high-speed rail	19,493	---	10,165	-9,328	+10,165
Alaska Railroad rehabilitation	24,800	---	---	-24,800	---
Grants to the National Railroad Passenger Corporation	1,207,264	360,000	550,000	-657,264	+190,000
Total, Federal Railroad Administration	1,431,945	552,274	732,439	-699,506	+180,165
Federal Transit Administration					
Administrative expenses, general fund	---	83,500	---	---	-83,500
Administrative expenses	9,672	---	12,000	+2,328	+12,000
Administrative expenses (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(67,704)	---	(68,000)	(+296)	(+68,000)
Office of the Administrator	(892)	---	(989)	(+97)	(+989)
Office of Chief Counsel	(4,067)	---	(4,140)	(+73)	(+4,140)
Office of Civil Rights	(2,989)	---	(3,113)	(+124)	(+3,113)
Office of Communications and Congressional Affairs	(1,233)	---	(1,276)	(+43)	(+1,276)
Office of Budget and Policy	(6,874)	---	(7,123)	(+249)	(+7,123)
Office of Planning	(4,138)	---	(4,155)	(+17)	(+4,155)
Office of Program Management	(7,337)	---	(7,916)	(+579)	(+7,916)
Office of Demonstration and Innovation	(4,608)	---	(4,712)	(+104)	(+4,712)
Office of Administration	(6,468)	---	(7,284)	(+816)	(+7,284)
Central Account	(16,302)	---	(17,884)	(+1,582)	(+17,884)
Regional offices	(19,988)	---	(21,408)	(+1,420)	(+21,408)
National Transit database	(2,480)	---	---	(-2,480)	---
Subtotal	(77,376)	---	(80,000)	(+2,624)	(+80,000)
Formula grants	499,990	---	662,550	+162,560	+662,550
Formula grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(3,499,928)	---	(3,754,450)	(+254,522)	(+3,754,450)
Formula grants and research (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	---	(6,135,000)	---	---	(-6,135,000)
Subtotal	(3,999,918)	(6,135,000)	(4,417,000)	(+417,082)	(-1,718,000)
University transportation research	744	---	1,200	+456	+1,200
University transportation research (Highway Trust Fund Mass Transit Account)(limitation on obligations)	(5,208)	---	(6,800)	(+1,592)	(+6,800)
Subtotal	(5,952)	---	(8,000)	(+2,048)	(+8,000)

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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Transit planning and research	15,872	---	24,049	+8,177	+24,049
Transit planning and research (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(111,104)	---	(136,276)	(+25,172)	(+136,276)
Rural transportation assistance	(5,208)	---	---	(-5,208)	---
National transit institute	(3,968)	---	---	(-3,968)	---
Transit cooperative research	(8,184)	---	---	(-8,184)	---
Planning (TEA-LU)	---	---	(103,325)	(+103,325)	(+103,325)
Research (TEA-LU)	---	---	(57,000)	(+57,000)	(+57,000)
Metropolitan planning	(59,903)	---	---	(-59,903)	---
State planning	(12,513)	---	---	(-12,513)	---
National planning and research	(37,200)	---	---	(-37,200)	---
Subtotal	(126,976)	---	(160,325)	(+33,349)	(+160,325)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(6,744,500)	(689,700)	(7,209,700)	(+465,200)	(+6,520,000)
Capital investment grants	414,014	---	546,251	+132,237	+546,251
Capital investment grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	(2,898,100)	---	(3,095,424)	(+197,324)	(+3,095,424)
Major capital investment grants	---	872,800	---	---	-872,800
Major capital investment grants (Highway Trust Fund, Mass Transit Account)(limitation on obligations)	---	(689,700)	---	---	(-689,700)
Subtotal	(3,312,114)	(1,562,500)	(3,641,675)	(+329,561)	(+2,079,175)
Fixed guideway modernization	(1,204,684)	(1,531,250)	(1,386,670)	(+181,986)	(-144,580)
Buses and bus-related facilities	(669,600)	---	(693,335)	(+23,735)	(+693,335)
New starts	(1,437,830)	---	(1,561,670)	(+123,840)	(+1,561,670)
Metropolitan and statewide planning activities	---	(31,250)	---	---	(-31,250)
Subtotal	(3,312,114)	(1,562,500)	(3,641,675)	(+329,561)	(+2,079,175)
Job access and reverse commute grants	15,500	---	26,250	+10,750	+26,250
Job access and reverse commute grants (Hwy Trust Fund, Mass Transit Account)(limitation on obligations)	(108,500)	---	(148,750)	(+40,250)	(+148,750)
Subtotal	(124,000)	---	(175,000)	(+51,000)	(+175,000)
Total, Federal Transit Administration	955,792	956,300	1,272,300	+316,508	+316,000
(Limitations on obligations)	(6,690,544)	(6,824,700)	(7,209,700)	(+519,156)	(+385,000)
Total budgetary resources	(7,646,336)	(7,781,000)	(8,482,000)	(+835,664)	(+701,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	15,773	8,000	16,284	+511	+8,284
Spending from proposed mandatory user fee	---	8,284	---	---	-8,284
Total, Saint Lawrence Seaway Development Corp	15,773	16,284	16,284	+511	---
Maritime Administration					
Maritime security program	97,910	156,000	156,000	+58,090	---
Operations and training	108,602	113,650	112,336	+3,734	-1,314
Ship disposal	21,443	21,000	21,000	-443	---
Maritime Guaranteed Loan (Title XI) Program Account:					
Administrative expenses	4,726	3,526	3,526	-1,200	---
National defense tank vessel construction program	74,400	---	---	-74,400	---
Rescission	---	-74,400	---	---	+74,400
Ship construction (rescission)	-1,979	---	-2,071	-92	-2,071
Total, Maritime Administration	305,102	219,776	290,791	-14,311	+71,015
Pipeline and Hazardous Materials Safety Administration					
Hazardous materials safety	---	26,324	26,183	+26,183	-141

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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Administrative expenses	---	16,382	16,382	+16,382	---
Pipeline Safety Fund	---	645	645	+645	---
Subtotal	---	17,027	17,027	+17,027	---
Pipeline safety:					
Pipeline Safety Fund	54,331	54,165	57,860	+3,529	+3,695
Oil Spill Liability Trust Fund	14,880	19,000	15,000	+120	-4,000
Subtotal	69,211	73,165	72,860	+3,649	-305
Emergency preparedness grants:					
Emergency preparedness fund	198	200	200	+2	---
Limitation on emergency preparedness fund	(14,300)	---	(14,300)	---	(+14,300)
Total, Pipeline and Hazardous Materials Safety Administration	69,409	116,716	116,270	+46,861	-446
Research and Innovative Technology Administration					
Research and development	---	6,274	4,326	+4,326	-1,948
Research and special programs	46,738	---	---	-46,738	---
(By transfer)	(645)	---	---	(-645)	---
Total, Research and Innovative Technology Admin.	46,738	6,274	4,326	-42,412	-1,948
Office of Inspector General					
Salaries and expenses	58,528	62,499	62,499	+3,971	---
Surface Transportation Board					
Salaries and expenses	21,080	24,388	26,622	+5,542	+2,234
Offsetting collections	-1,050	-1,250	-1,250	-200	---
Total, Surface Transportation Board	20,030	23,138	25,372	+5,342	+2,234
Total, title I, Department of Transportation	13,656,167	11,871,787	13,791,544	+135,377	+1,919,757
Appropriations	(14,303,731)	(13,620,187)	(14,262,615)	(-41,116)	(+642,428)
Rescissions	(-238,979)	(-74,400)	(-2,071)	(+236,908)	(+72,329)
Rescission of contract authority	(-1,640,685)	(-1,674,000)	(-469,000)	(+1,171,685)	(+1,205,000)
Emergency appropriations	(1,232,100)	---	---	(-1,232,100)	---
Offsetting collections	---	---	---	---	---
(Limitations on obligations)	(45,329,166)	(45,686,067)	(48,227,800)	(+2,898,634)	(+2,541,733)
(Exempt contract authority)	(739,000)	(739,000)	(739,000)	---	---
(By transfer)	(156,772)	---	---	(-156,772)	---
(Transfer out)	(-156,127)	---	---	(+156,127)	---
Net total budgetary resources	(59,724,333)	(58,296,854)	(62,758,344)	(+3,034,011)	(+4,461,490)
Transportation discretionary total	13,656,167	11,871,787	13,791,544	+135,377	+1,919,757
TITLE II - DEPARTMENT OF THE TREASURY					
Departmental Offices					
Salaries and expenses	156,299	195,253	187,452	+31,153	-7,801
Executive direction	(7,216)	(16,656)	(7,216)	---	(-9,440)
General Counsel	(7,142)	---	(7,521)	(+379)	(+7,521)
Economic policies and and programs	(31,405)	(32,011)	(32,011)	(+606)	---
Financial policies and programs	(25,863)	(24,721)	(24,721)	(-1,142)	---
Financial crimes	(10,548)	(39,938)	(35,409)	(+24,861)	(-4,529)
Treasury wide management	(16,626)	(16,843)	(16,843)	(+217)	---
Administration	(57,499)	(65,084)	(63,731)	(+6,232)	(-1,353)
Subtotal	(156,299)	(195,253)	(187,452)	(+31,153)	(-7,801)

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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Foreign Assets Control	22,113	---	---	-22,113	---
Department-wide systems and capital investments programs	32,002	24,412	21,412	-10,590	-3,000
Office of Inspector General	16,368	16,722	17,000	+632	+278
Treasury Inspector General for Tax Administration	128,093	133,286	133,286	+5,193	---
Air transportation stabilization program account	1,984	2,942	2,500	+516	-442
Community development financial institutions fund program account	55,078	7,900	55,000	-78	+47,100
Treasury building and annex repair and restoration	12,217	10,000	10,000	-2,217	---
Expanded access to financial services (rescission)	-4,000	---	---	+4,000	---
Violent crime reduction program (rescission)	-1,200	---	---	+1,200	---
Financial Crimes Enforcement Network	71,922	73,630	73,630	+1,708	---
Total, Departmental Offices	490,876	464,145	500,280	+9,404	+36,135
Financial Management Service	229,083	236,243	236,243	+7,160	---
Alcohol and Tobacco Tax and Trade Bureau:					
Salaries and expenses	82,336	62,486	91,126	+8,790	+28,640
Spending from proposed mandatory user fees	---	28,640	---	---	-28,640
Subtotal	82,336	91,126	91,126	+8,790	---
Bureau of the Public Debt	173,765	176,923	176,923	+3,158	---
Payment of government losses in shipment	1,000	1,000	1,000	---	---
Total, Dept. of Treasury, non-IRS	977,060	969,437	1,005,572	+28,512	+36,135
Internal Revenue Service					
Tax administration and operations	---	10,013,555	---	---	-10,013,555
Contingent appropriation	---	446,496	---	---	-446,496
Processing, assistance, and management	4,056,857	---	4,181,520	+124,663	+4,181,520
Tax law enforcement	4,363,539	---	4,541,466	+177,927	+4,541,466
Information systems	1,577,768	---	1,606,846	+29,078	+1,606,846
Subtotal	9,998,164	10,460,051	10,329,832	+331,668	-130,219
Business systems modernization	203,360	199,000	199,000	-4,360	---
Health Insurance Tax Credit Administration	34,562	20,210	20,210	-14,352	---
Total, Internal Revenue Service	10,236,086	10,679,261	10,549,042	+312,956	-130,219
Total, title II, Department of the Treasury	11,213,146	11,648,698	11,554,614	+341,468	-94,084
Appropriations	11,218,346	11,648,698	11,554,614	+336,268	-94,084
Rescissions	-5,200	---	---	+5,200	---

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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE III - DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT					
Public and Indian Housing					
Tenant-based Rental Assistance:					
Direct appropriation	10,599,520	11,645,194	11,331,400	+731,880	-313,794
Renewals	(13,355,285)	(14,089,756)	(14,089,756)	(+734,471)	---
Tenant protection vouchers	(161,696)	(354,081)	(165,700)	(+4,004)	(-188,381)
Family self-sufficiency coordinators	(45,632)	(55,000)	(45,000)	(-632)	(-10,000)
Administrative fees	(1,200,426)	(1,295,408)	(1,225,000)	(+24,574)	(-70,408)
Working capital fund	(2,881)	(5,949)	(5,900)	(+3,019)	(-49)
Additional rental subsidy	---	(45,000)	---	---	(-45,000)
Advance appropriations provided in previous acts	4,166,400	4,200,000	4,200,000	+33,600	---
Subtotal	14,765,920	15,845,194	15,531,400	+765,480	-313,794
Advance appropriations provided in current year	4,200,000	4,200,000	4,200,000	---	---
Total, Tenant-based rental assistance	18,965,920	20,045,194	19,731,400	+765,480	-313,794
Project-based rental assistance	5,298,272	5,072,100	5,088,300	-209,972	+16,200
Renewals	(5,195,203)	(4,923,100)	(4,940,100)	(-255,103)	(+17,000)
Contract administrators	(101,085)	(147,200)	(147,200)	(+46,115)	---
Working capital fund	(1,984)	(1,800)	(1,000)	(-984)	(-800)
Public housing:					
Capital fund	2,579,200	2,327,200	2,600,000	+20,800	+272,800
Operating fund	2,438,336	3,407,300	3,600,000	+1,161,664	+192,700
Revitalization of severely distressed public housing	142,848	---	---	-142,848	---
Native American housing block grants	621,984	582,600	600,000	-21,984	+17,400
Indian housing loan guarantee fund program account	4,960	2,645	2,645	-2,315	---
(Limitation on guaranteed loans)	(145,345)	(98,967)	(98,967)	(-46,378)	---
Native Hawaiian housing:					
Block grant	---	8,815	8,815	+8,815	---
Loan guarantee fund	992	882	882	-110	---
(Limitation on guaranteed loans)	(37,403)	(35,000)	(35,000)	(-2,403)	---
Total, Public and Indian Housing	30,052,512	31,446,736	31,632,042	+1,579,530	+185,306
Current year advance appropriations	4,200,000	4,200,000	4,200,000	---	---
Net Total (excluding current year advances)	25,852,512	27,246,736	27,432,042	+1,579,530	+185,306
Community Planning and Development					
Housing opportunities for persons with AIDS	281,728	268,000	285,000	+3,272	+17,000
Rural housing and economic development	23,808	---	10,000	-13,808	+10,000
Empowerment zones / enterprise communities	9,920	---	---	-9,920	---
Community development fund	4,671,328	---	4,151,500	-519,828	+4,151,500
Community development fund (sec. 424)	30,752	---	---	-30,752	---
Emergency appropriations (P.L.108-324)	150,000	---	---	-150,000	---
Section 108 loan guarantees:					
(Limitation on guaranteed loans)	(275,000)	---	---	(-275,000)	---
Credit subsidy	5,952	---	---	-5,952	---
Administrative expenses	992	---	---	-992	---
Brownfields redevelopment	23,808	---	---	-23,808	---
HOME investment partnerships program	1,899,680	1,941,000	1,900,000	+320	-41,000
Homeless assistance grants	1,240,511	1,440,000	1,340,000	+99,489	-100,000
Self-help homeownership opportunity program	---	30,000	60,800	+60,800	+30,800
Total, Community Planning and Development	8,338,479	3,679,000	7,747,300	-591,179	+4,068,300
Housing Programs					
Housing for the elderly	741,024	741,000	741,000	-24	---
Housing for persons with disabilities	238,080	119,900	238,100	+20	+118,200
Housing counseling assistance	---	39,700	---	---	-39,700

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(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Manufactured housing fees trust fund	12,896	13,000	12,896	---	-104
Offsetting collections	-12,896	-13,000	-12,896	---	+104
Rental housing assistance	---	26,400	26,400	+26,400	---
Total, Housing Programs	979,104	927,000	1,005,500	+26,396	+78,500
Federal Housing Administration					
FHA - Mutual mortgage insurance program account:					
(Limitation on guaranteed loans)	(185,000,000)	(185,000,000)	(185,000,000)	---	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses	354,051	355,000	355,000	+949	---
Offsetting receipts	-2,234,000	-1,309,000	-1,309,000	+925,000	---
Offsetting receipts (legislative proposal)	---	18,000	---	---	-18,000
Administrative contract expenses	77,376	62,600	62,600	-14,776	---
Additional contract expenses	992	1,000	1,000	+8	---
FHA - General and special risk program account:					
(Limitation on guaranteed loans)	(35,000,000)	(35,000,000)	(35,000,000)	---	---
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	---	---
Administrative expenses	225,945	231,400	231,400	+5,455	---
Offsetting receipts	-248,000	-300,000	-339,000	-91,000	-39,000
Credit subsidy	9,920	8,800	8,800	-1,120	---
Non-overhead administrative expenses	85,312	71,900	71,900	-13,412	---
Additional contract expenses	3,968	4,000	4,000	+32	---
Total, Federal Housing Administration	-1,724,436	-856,300	-913,300	+811,136	-57,000
Government National Mortgage Association (GNMA)					
Guarantees of mortgage-backed securities loan guarantee program account:					
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	---	---
Administrative expenses	10,609	11,360	10,700	+91	-660
Offsetting receipts	-368,000	-368,000	-368,000	---	---
Total, Gov't National Mortgage Association	-357,391	-356,640	-357,300	+91	-660
Policy Development and Research					
Research and technology	45,136	69,738	60,600	+15,464	-9,138
Fair Housing and Equal Opportunity					
Fair housing activities	46,128	38,800	38,800	-7,328	---
Office of Lead Hazard Control					
Lead hazard reduction	166,656	119,000	119,000	-47,656	---
Management and Administration					
Salaries and expenses	542,819	579,000	579,000	+36,181	---
Transfer from:					
Limitation on FHA corporate funds	(560,673)	(562,400)	(562,400)	(+1,727)	---
GNMA	(10,695)	(10,695)	(10,700)	(+5)	(+5)
Community Development Loan Guarantees Program	(1,000)	---	---	(-1,000)	---
Native American Housing Block Grants	(150)	(146)	(150)	---	(+4)
Indian Housing Loan Guarantee Fund Program	(250)	(244)	(250)	---	(+6)
Native Hawaiian Housing Loan Guarantees	(35)	(34)	(35)	---	(+1)
Subtotal	(1,115,622)	(1,152,519)	(1,152,535)	(+36,913)	(+16)
Working capital fund	267,840	265,000	165,000	-102,840	-100,000
Office of Inspector General	79,360	79,000	79,000	-360	---
(By transfer, limitation on FHA corporate funds)	(24,000)	(24,000)	(24,000)	---	---
Subtotal	(103,360)	(103,000)	(103,000)	(-360)	---

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Federal Housing Enterprise Oversight	58,735	60,000	60,000	+1,265	---
Offsetting receipts	-58,735	-60,000	-60,000	-1,265	---
Total, Management and Administration	890,019	923,000	823,000	-67,019	-100,000
Rescissions:					
Housing certificate fund	-1,557,000	-2,500,000	-2,493,600	-936,600	+6,400
Public housing elimination grants	-5,000	---	---	+5,000	---
Revitalization of severely distressed public housing	---	-142,848	---	---	+142,848
Title VI credit subsidy	-21,000	---	---	+21,000	---
Indian housing credit subsidy	-33,000	---	---	+33,000	---
Rental housing assistance	-675,000	---	---	+675,000	---
GI/SRI credit subsidy	-30,000	---	---	+30,000	---
Subtotal	-2,321,000	-2,642,848	-2,493,600	-172,600	+149,248
Total, title III, Department of Housing and Urban Development	36,115,207	33,347,486	37,662,042	+1,546,835	+4,314,556
Current year advance appropriations	4,200,000	4,200,000	4,200,000	---	---
Net total, excluding current year advance	31,915,207	29,147,486	33,462,042	+1,546,835	+4,314,556
Appropriations	(32,841,438)	(29,622,334)	(33,844,538)	(+1,003,100)	(+4,222,204)
Rescissions	(-2,321,000)	(-2,642,848)	(-2,493,600)	(-172,600)	(+149,248)
Emergency appropriations	(150,000)	---	---	(-150,000)	---
Offsetting receipts	(-2,862,896)	(-1,972,000)	(-2,028,896)	(+834,000)	(-56,896)
Offsetting collections	(-58,735)	(-60,000)	(-60,000)	(-1,265)	---
Previously enacted advances	(4,166,400)	(4,200,000)	(4,200,000)	(+33,600)	---
(Limitation on direct loans)	(100,000)	(100,000)	(100,000)	---	---
(Limitation on guaranteed loans)	(420,457,748)	(420,133,967)	(420,133,967)	(-323,781)	---
(Limitation on corporate funds)	(596,803)	(597,519)	(597,535)	(+732)	(+16)
TITLE IV - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,985	2,000	2,000	+15	---
Other salaries and expenses	55,387	58,730	58,730	+3,343	---
Subtotal	57,372	60,730	60,730	+3,358	---
Care of the building and grounds	9,846	5,624	5,624	-4,222	---
Total, Supreme Court of the United States	67,218	66,354	66,354	-864	---
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	2,257	2,000	2,000	-257	---
Other salaries and expenses	19,263	24,462	22,613	+3,350	-1,849
Total, US Court of Appeals for the Fed Circuit	21,520	26,462	24,613	+3,093	-1,849
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,757	2,000	2,000	+243	---
Other salaries and expenses	12,956	13,480	13,480	+524	---
Total, US Court of International Trade	14,713	15,480	15,480	+767	---

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	289,877	305,145	301,000	+11,123	-4,145
Judges COLA	---	5,000	---	---	-5,000
Other salaries and expenses	3,835,444	4,172,744	4,047,780	+212,336	-124,964
Subtotal, Salaries and expenses	4,125,321	4,482,889	4,348,780	+223,459	-134,109
Vaccine Injury Compensation Trust Fund	3,254	3,833	3,833	+579	---
Defender services	667,351	768,064	721,919	+54,568	-46,145
Fees of jurors and commissioners	60,713	71,318	60,053	-660	-11,265
Court security	327,565	390,316	379,461	+51,896	-10,855
Total, Courts of Appeals, District Courts, and Other Judicial Services	5,184,204	5,716,420	5,514,046	+329,842	-202,374
Administrative Office of the United States Courts					
Salaries and expenses	67,289	72,198	70,262	+2,973	-1,936
Federal Judicial Center					
Salaries and expenses	21,447	22,876	22,249	+802	-627
Judicial Retirement Funds					
Payment to judiciary trust funds	36,700	40,600	40,600	+3,900	---
United States Sentencing Commission					
Salaries and expenses	13,126	14,700	14,046	+920	-654
Total, title IV, the Judiciary	5,426,217	5,975,090	5,767,650	+341,433	-207,440
Mandatory appropriations	332,576	351,745	347,600	+15,024	-4,145
Discretionary appropriations	5,093,641	5,623,345	5,420,050	+326,409	-203,295
TITLE V - DISTRICT OF COLUMBIA					
FEDERAL FUNDS					
Federal payment for Resident Tuition Support	25,395	33,200	33,200	+7,805	---
Federal payment for Emergency Planning and Security Costs in the District of Columbia	14,880	15,000	15,000	+120	---
Federal payment to the District of Columbia Courts	189,274	221,693	221,693	+32,419	---
Defender Services in District of Columbia Courts	38,192	45,000	45,000	+6,808	---
Federal payment to the Court Services and Offender Supervision Agency for the District of Columbia	178,560	203,388	203,388	+24,828	---
Federal payment to the District of Columbia Water and Sewer Authority	4,762	---	10,000	+5,238	+10,000
Federal payment for the Anacostia Waterfront Initiative	2,976	5,000	5,000	+2,024	---
Federal payment to the Criminal Justice Coordinating Council	1,290	1,300	1,300	+10	---
Federal payment for the Unified Communications Center	5,952	---	---	-5,952	---
Federal payment for Public School Libraries	5,952	---	---	-5,952	---
Federal payment for the Family Literacy Program	992	---	---	-992	---
Federal payment for Transportation Assistance	2,480	---	---	-2,480	---
Federal payment for Foster Care Improvements in the District of Columbia	4,960	---	---	-4,960	---
Federal payment to the Office of the Chief Financial Officer of the District of Columbia	32,240	---	20,000	-12,240	+20,000
Federal payment for School Improvement	39,680	41,616	41,616	+1,936	---
Federal payment for Bioterrorism and Forensics Labs	7,936	7,200	7,200	-736	---
Total, Title V, District of Columbia	555,521	573,397	603,397	+47,876	+30,000

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs Request
TITLE VI - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
The White House					
Salaries and expenses	---	183,271	---	---	-183,271
Compensation of the President and the White House Office:					
Compensation of the President	450	---	450	---	+450
Salaries and expenses	61,504	---	53,080	-8,424	+53,080
Executive Residence at the White House:					
Operating expenses	12,658	---	12,436	-222	+12,436
White House repair and restoration	1,885	---	1,700	-185	+1,700
Council of Economic Advisers	4,008	---	4,040	+32	+4,040
Office of Policy Development	2,282	---	3,500	+1,218	+3,500
National Security Council	8,861	---	8,705	-156	+8,705
Privacy and Civil Liberties Board	---	---	750	+750	+750
Office of Administration	91,531	---	89,322	-2,209	+89,322
Total, The White House	183,179	183,271	173,983	-9,196	-9,288
Office of Management and Budget	67,864	68,411	76,930	+9,066	+8,519
Office of National Drug Control Policy:					
Salaries and expenses	26,784	24,224	26,908	+124	+2,684
Counterdrug Technology Assessment Center	41,664	30,000	30,000	-11,664	---
Total, Office of National Drug Control Policy	68,448	54,224	56,908	-11,540	+2,684
High intensity drug trafficking areas program	226,523	---	227,000	+477	+227,000
Other Federal drug control programs	211,990	213,300	213,292	+1,302	-8
Unanticipated needs	992	1,000	1,000	+8	---
Emergency appropriations (P.L. 108-324)	70,000	---	---	-70,000	---
Special Assistance to the President	4,534	4,455	4,455	-79	---
Official Residence of the Vice President: Operating expenses	330	325	325	-5	---
Total, title VI, Executive Office of the President and Funds Appropriated to the President	833,860	524,986	753,893	-79,967	+228,907
Appropriations	(763,860)	(524,986)	(753,893)	(-9,967)	(+228,907)
Emergency appropriations	(70,000)	---	---	(-70,000)	---
TITLE VII - INDEPENDENT AGENCIES					
Architectural and Transportation Barriers Compliance Board	5,641	5,941	5,941	+300	---
Consumer Product Safety Commission	62,149	62,499	62,449	+300	-50
Election Assistance Commission	13,888	17,612	15,877	+1,989	-1,735
Federal Deposit Insurance Corporation: Office of Inspector General (transfer)	(29,884)	(29,965)	(29,965)	(+81)	---
Federal Election Commission	51,742	54,600	54,700	+2,958	+100
Federal Labor Relations Authority	25,468	25,468	25,468	---	---
Rescission	-3,000	---	---	+3,000	---
Federal Maritime Commission	19,340	20,499	20,499	+1,159	---
General Services Administration					
Federal Buildings Fund:					
Limitations on availability of revenue:					
Construction and acquisition of facilities	(708,542)	(708,106)	(708,106)	(-436)	---
Repairs and alterations	(980,222)	(961,376)	(961,376)	(-18,846)	---
Installment acquisition payments	(161,442)	(168,180)	(168,180)	(+6,738)	---
Rental of space	(3,657,315)	(4,046,031)	(4,046,031)	(+388,716)	---
Building operations	(1,709,522)	(1,885,102)	(1,885,102)	(+175,580)	---
Subtotal	7,217,043	7,768,795	7,768,795	+551,752	---
Repayment of debt	(41,000)	(40,000)	(40,000)	(-1,000)	---

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY, DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Government-wide policy	61,603	52,796	52,796	-8,807	---
Operating expenses	91,438	99,890	99,890	+8,452	---
Office of Inspector General	42,012	43,410	43,410	+1,398	---
Electronic Government Fund	2,976	5,000	3,000	+24	-2,000
Allowances and Office Staff for Former Presidents	3,081	2,952	2,952	-129	---
Federal Buildings Fund (rescission)	-106,000	---	---	+106,000	---
Federal Citizen Information Center Fund	14,788	15,030	15,030	+242	---
Total, General Services Administration	109,898	219,078	217,078	+107,180	-2,000
Merit Systems Protection Board					
Salaries and expenses	34,400	34,400	35,600	+1,200	+1,200
Limitation on administrative expenses	2,605	2,605	2,605	---	---
Total, Merit Systems Protection Board	37,005	37,005	38,205	+1,200	+1,200
Morris K. Udall Foundation					
Morris K. Udall Trust Fund	1,980	---	2,000	+20	+2,000
Environmental Dispute Resolution Fund	1,299	700	1,900	+601	+1,200
Total, Morris K. Udall Foundation	3,279	700	3,900	+621	+3,200
National Archives and Records Administration					
Operating expenses	264,809	280,975	283,975	+19,166	+3,000
Electronic records archive	35,627	35,914	35,914	+287	---
Reduction of debt	-7,810	-8,488	-8,488	-678	---
Repairs and restoration	13,325	6,182	6,182	-7,143	---
National Historical Publications and Records Commission: Grants program	4,960	---	7,500	+2,540	+7,500
Total, National Archives and Records Admin	310,911	314,583	325,083	+14,172	+10,500
National Credit Union Administration:					
Central liquidity facility:					
(Limitation on direct loans)	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on admin expenses, corporate funds)	(310)	(323)	(323)	(+13)	---
Community development revolving loan fund	992	950	950	-42	---
National Transportation Safety Board:					
Salaries and expenses	76,086	76,700	76,700	+614	---
Rescission of unobligated balances	-8,000	-1,000	-1,000	+7,000	---
Neighborhood Reinvestment Corporation	114,080	118,000	118,000	+3,920	---
Office of Government Ethics	11,148	11,148	11,146	---	---
Office of Personnel Management					
Salaries and expenses	124,496	124,521	119,952	-4,544	-4,569
Limitation on administrative expenses	127,434	100,017	102,679	-24,755	+2,662
Office of Inspector General	1,614	1,614	1,614	---	---
Limitation on administrative expenses	16,329	16,329	16,786	+457	+457
Govt Payment for Annuitants, Employees Health Benefits	8,135,000	8,393,000	8,393,000	+258,000	---
Govt Payment for Annuitants, Employee Life Insurance	35,000	36,000	36,000	+1,000	---
Payment to Civil Svc Retirement and Disability Fund	9,772,000	10,072,000	10,072,000	+300,000	---
Total, Office of Personnel Management	18,211,873	18,743,481	18,742,031	+530,158	-1,450
Office of Special Counsel	15,325	15,325	15,325	---	---
Selective Service System	26,090	25,650	24,000	-2,090	-1,650
United States Interagency Council on Homelessness	1,499	1,800	1,499	---	-301
United States Postal Service					
Payment to the Postal Service Fund	28,768	---	43,350	+14,582	+43,350
Advance appropriation provided in previous acts	36,229	61,709	61,709	+25,480	---
Subtotal, FY2006 funding	64,997	61,709	105,059	+40,062	+43,350

DEPARTMENTS OF TRANSPORTATION, TREASURY, AND HOUSING AND URBAN DEVELOPMENT, THE JUDICIARY,
DISTRICT OF COLUMBIA, AND INDEPENDENT AGENCIES, FY 2006 (H.R. 3058)
(Amounts in thousands)

	FY 2005 Enacted	FY 2006 Request	Bill	Bill vs. Enacted	Bill vs. Request
Advance appropriation provided in current year........	61,709	87,350	73,000	+11,291	-14,350
Emergency preparedness................................	496,000	---	---	-496,000	---
Mail irradiation facility (emergency).........	6,944	---	---	-6,944	---
Total, United States Postal Service............	629,650	149,059	178,059	-451,591	+29,000
United States Tax Court..........	40,851	48,998	48,998	+8,147	---
Total, title VII, Independent Agencies..........	19,755,915	19,948,096	19,984,910	+228,995	+36,814
Appropriations...............................	(19,768,033)	(19,800,037)	(19,851,201)	(+83,168)	(+51,164)
Emergency appropriations.	(6,944)	---	---	(-6,944)	---
Rescissions..................................	(-117,000)	(-1,000)	(-1,000)	(+116,000)	---
Advance appropriation provided in previous act	(36,229)	(61,709)	(61,709)	(+25,480)	---
Advance appropriation provided in current year	(61,709)	(87,350)	(73,000)	(+11,291)	(-14,350)
(By transfer)................................	(29,884)	(29,965)	(29,965)	(+81)	---
(Limitation on direct loans).................	(1,500,000)	(1,500,000)	(1,500,000)	---	---
(Limitation on corporate funds)..............	(310)	(323)	(323)	(+13)	---
Title VIII - General Provisions, This Bill					
HHS info match- new hires............................	-125,000	---	---	+125,000	---
Total, General provisions, This Bill...........	-125,000	---	---	+125,000	---
Grand total (net)................................	87,431,033	83,889,540	90,118,050	+2,687,017	+6,228,510
Appropriations................................	(84,752,146)	(81,764,729)	(86,637,908)	(+1,885,762)	(+4,873,179)
Emergency appropriations......................	(1,459,044)	---	---	(-1,459,044)	---
Offsetting collections........................	(-2,862,896)	(-1,972,000)	(-2,028,896)	(+834,000)	(-56,896)
Rescissions...................................	(-2,682,179)	(-2,718,248)	(-2,496,671)	(+185,508)	(+221,577)
Rescission of contract authority.............	(-1,640,685)	(-1,674,000)	(-469,000)	(+1,171,685)	(+1,205,000)
Negative subsidy receipts.....................	-58,735	-60,000	-60,000	-1,265	---
Advance appropriation provided in previous act	(4,202,629)	(4,261,709)	(4,261,709)	(+59,080)	---
Advance appropriation provided in current year	(4,261,709)	(4,287,350)	(4,273,000)	(+11,291)	(-14,350)
(Limitation on obligations)..................	(45,329,166)	(45,686,067)	(48,227,800)	(+2,898,634)	(+2,541,733)
(Exempt contract authority)..................	(739,000)	(739,000)	(739,000)	---	---
(By transfer)..............................	(186,656)	(29,965)	(29,965)	(-156,691)	---
(Transfer out).............................	(-156,127)	---	---	(+156,127)	---
Net total budgetary resources...........	(133,499,199)	(130,314,607)	(139,084,850)	(+5,585,651)	(+8,770,243)
Discretionary total..................................	68,199,215	65,035,795	69,995,700	+1,796,485	+4,959,905

Mr. LoBIONDO. Mr. Chairman, I rise to make my colleagues aware of the failure of this bill to provide funding for a critically important economic development program. The Round II Empowerment Zone initiative provides Federal assistance to support the comprehensive revitalization of designated communities across the country. It is a 10-year program that targets Federal grants to distressed communities for social services and community redevelopment and provides tax and regulatory relief to attract and retain businesses.

In my district, the Cumberland County Empowerment Zone is a successful collaborative revitalization effort among the communities of Bridgeton, Millville, Vineland and Port Norris. Cumberland has committed nearly 100 percent of the $25 million that has been made available by HUD so far. Over 1,400 jobs have been created to date and over 166 housing units have been renovated, rehabilitated, constructed or purchased in EZ neighborhoods. Cumberland County has funded over 120 initiatives through the EZ program and has established a $4 million loan pool available to be reinvested back into the targeted communities. These projects are estimated to leverage a total of over $238 million in private, public and tax exempt bond financing. Put plainly, the Cumberland EZ has leveraged nearly $12 in private investment for every $1 of public funding, a remarkable achievement that demonstrates the success and promise of the Zone.

While I am very proud of the accomplishments of the Cumberland EZ, I recognize the reluctance of the subcommittee to provide funding for the program. As the subcommittee has noted before, the IG, and HUD itself, have found too many of the other Zones have had problems spending grant funds, accounting for expenditures and spending funds consistent with their strategic plans. I further recognize the reluctance of the subcommittee to continue to provide funds for the program when the Senate has sought to eliminate this program for the past 2 years.

While I main tremendously disappointed this bill fails to fund the Round II Empowerment Zone program, I will reluctantly vote for it. I do so with the hope that the Senate will find funding for this program, and that if that should happen, I will have the opportunity to work the subcommittee to restore funding for this critical program.

Mr. ANDREWS. Mr. Chairman, as we consider the FY06 Transportation, Treasury, HOD, Judiciary, and District of Columbia Appropriations Act today, I would like to take this opportunity to express my opposition to the proposed Runway 17–35 expansion at the Philadelphia International Airport. Over the past several months, I have strongly urged the FAA to investigate and pursue the construction of a new parallel runway, rather than continuing with its endorsement of Build Alternative 1, which is an ineffective use of taxpayer dollars.

The information presented in the final Environmental Impact Statement, EIS, indicates that there will be minimal gains in airport efficiency with the extension of Runway 17–35. The projected average delay per operation in 2007 is 15.3 minutes under the No-Action Alternative. The EIS indicated that Alternative 1 would cost the taxpayers approximately $36 million, yet would only result in an 84-second delay reduction. While this alternative purports a slightly greater reduction in the 2015 projected delays, the EIS indicated only a 6.5-minute delay reduction, which is less than the 7.5-minute delay reduction that was projected in the Draft EIS, DEIS. I think it would be a much better use of taxpayer funds to evaluate the potential installation of a new parallel runway rather than extending Runway 17–35; it makes no sense to spend $36 million with no real ensuing benefits. The FAA still has not released the underlying data used to calculate projected delay reductions.

It greatly concerns me that the FAA has indicated that it does not have data indicating what percentage of delays at the Philadelphia International Airport are a direct result of airport runway problems, as opposed to other causes. Common sense would indicate that this information is necessary in order to determine that the proposed runway extension would be effective in increasing airport efficiency, particularly when the projected delay reduction achieved by this project was decreased by more than 13 percent between the time the DEIS was issued on October 15, 2004, and the issuance of the EIS on March 11, 2005.

The Record of Decision, ROD, indicates that Alternative 1 will have no significant noise impacts on the surrounding communities, which defies logic. The proposed runway extension would allow more and larger aircraft to utilize the runway, and common sense dictates that this would result in a substantial appreciation in noise levels for the southern New Jersey communities within the flight paths and directly across the Delaware River from the Philadelphia International Airport.

Again, I strongly urge the FAA to explore a parallel runway option so that all interested parties can evaluate the relevant facts and form a judgment on the potential benefit a new parallel runway would have to the entire Philadelphia region.

Mr. BLUMENAUER. Mr. Chairman, I was heartened by the way Members from both sides of the aisle worked together to produce an appropriations bill that truly reflects the will of Congress. While initially deeply flawed, the House was able to work together and pass amendments that restore funding to essential transportation and housing programs.

I was particularly pleased by the passage of an amendment offered by Representatives LATOURETTE and OBERSTAR that restored Amtrak funding to approximately $1.2 billion. Public support of transportation modes is both necessary and desirable. Our past investments have made our country stronger and more secure.

I was also happy to see the passage of amendments that restored funding to important housing programs that aid in community and economic development and provide housing opportunities for the least well off in our society. I was particularly pleased to see the restoration of HOPE VI funding. A 2001 HOPE VI revitalization grant is enabling the Housing Authority of Portland to revitalize Columbia Villa, a dilapidated World War II era housing cluster, into a vibrant, mixed use, mixed income neighborhood, improving the livability of the surrounding region.

I am hopeful that the improvements that were adopted by the House during floor consideration of the bill will be preserved throughout the appropriations process and will not be swept under the rug during conference committee.

Mr. STARK. Mr. Chairman, I rise against H.R. 3058, the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, because it shortchanges critical needs of the most vulnerable Americans while continuing to make room for tax breaks for millionaires and our unwinnable quagmire in Iraq.

This bill eliminates funding for the Housing and Urban Development Brownfields program and Youthbuild. It cuts funding for the successful HOPE VI public housing redevelopment program by over $80 million and for Community Development grants by $250 million.

The Brownfields program helps cities redevelop abandoned and underused industrial sites. Youthbuild allows unemployed young people aged 16 to 24 to work toward their high school diploma while building housing for low-income people and the homeless.

All of these programs could have been fully funded for $430 million more, or about the cost of 3 days of the Iraq occupation. I will not vote to deny a high school diploma to an underprivileged youth who's willing to build housing so that Halliburton can waste more than $1 billion, including charges for 10,000 meals never served, $152,000 in "movie library costs," and $1.5 million for tailoring.

A Democratic colleague of mine wrote an amendment to reverse these cuts by reducing the 2006 tax break for individuals making more than $1 million by a mere $9,000. But the Republican majority would not even allow a vote on the issue. Perhaps a direct vote on their morally bankrupt priorities would have proved too uncomfortable.

Finally, this bill continues the Republican majority's pursuit of its right-wing social agenda against the citizens of the District of Columbia who have no voting representation in the Federal Government. The bill bars the District from using any Federal or local funds for needle exchange programs, which are proven effective in reducing the spread of HIV. It overturns the city's ban on handguns, blocks implementation of a medical marijuana program, prevents DC from forcing all insurers to offer full contraceptive coverage, and limits a woman's right to choose. Ironically, it also prevents the District Government from lobbying for voting representation so it can avoid suffering the social experiments of the modern day Pharisees.

While the bill could have been worse and funds some important programs, I cannot in good conscience support its misplaced priorities, and therefore I vote "no."

Ms. McCOLLUM of Minnesota. Mr. Chairman, I rise today in opposition to the Republican Labor-HHS-Education appropriations bill. This legislation clearly illustrates the Republican party's values. The cuts to education, job training and health care in this bill are necessary because the majority's top priority is tax breaks for corporations and those making more than $1 million a year. This bill is the consequence of the irresponsible Republican budget resolution passed earlier this year, and the American people will pay the price.

This bill provides $1.6 billion less than the amount necessary to maintain current services and among its many mistakes, contains three major flaws: painful cuts in education, health care, and job training. Republicans have cut No Child Left Behind and the Individuals with Disabilities Education Act, reducing funds for students and schools already struggling with Federal testing mandates. It slashes funding for health care training programs while we face a shortage of health care workers and the Preventive Health Block grant, which in Minnesota is used to address health care disparities. This bill cuts funding for job training, while we continue to have a faltering economy in which 7.6 million Americans are out of work.

The Republicans claim to have provided an increase for the National Institutes of Health, NIH. However, this paltry increase of 0.5 percent is far less than the NIH needs to keep up with current research costs. This disinvestment threatens future life-saving breakthroughs which have the possibility of improving the health of our country and saving limited health care dollars.

The Republican bill takes particular aim at the most vulnerable in our communities. Even with gas prices skyrocketing, this bill cuts funding for the Low Income Home Energy Assistance Program. It essentially freezes funding for Head Start and the Child Care Block Grant, and provides only a 1 percent increase for senior nutrition programs.

Our priority as members of Congress should be the well-being of American families. We are not prioritizing children when we decrease the ability of schools to provide a quality education for all. We Are not putting families first when we reduce the access to health care. And we are not on the side of the working men and women when we limit opportunities to provide for their families.

I support the Democratic alternative offered by Ranking Member OBEY. This amendment reflects the values of Minnesotans by investing in the American people's education, health and future. For example, the Democratic alternative would have increased funding for Pell grants to improve access to higher education, increased the Federal Government's contribution to special education, provided additional funding for reading and math for 1 million more students, funded community health centers and invested in biomedical research. My constituents know that our competitiveness, quality of life, and the health of our communities are at risk under the Republican plan. I will continue to fight to put families, and our future, first.

Ms. HERSETH. Mr. Chairman, I would like to express my extreme disappointment that the fiscal year 2006 Housing and Urban Development Appropriations bill again reduces Federal support for Native American housing. The current bill shrinks the Native American Housing Block Grant, NAHBG, from $622 million in 2005 to only $555 million in 2006. Earlier this year, I requested that funding for NAHBG be increased to $1 billion for fiscal year 2006.

Many tribal areas face severe housing shortages, leading to overcrowding and homelessness. On South Dakota's Pine Ridge Indian Reservation, it is not uncommon to find 25 individuals or more living in one housing unit. This problem is not localized to any one area and similar hardship can be found on reservations across the United States.

The historic underfunding of Native American housing programs has created a desperate need for housing in Indian Country. This year's HUD appropriations bill marks the second consecutive year of NAHBG decrease compounding the problem many tribes face in providing for the most basic housing needs of their members. Even level funding would have perpetuated the problem; but another decrease in Federal support is egregious and irresponsible.

The Federal Government has a responsibility to meet its obligations to tribal governments. It is unfortunate that when we should be responding to the serious housing needs in Indian country, the House has again cut funding for this most fundamental program.

I sincerely hope our colleagues in the Senate will be more responsive to the housing situation facing tribal leaders and members across the United States.

Mrs. TAUSCHER. Mr. Chairman, today the House debates funding important to all of our constituents who use our Nation's highways and transit systems, fly for business or pleasure, and who are concerned about the safety of our Nation's roadways.

Mr. Chairman, Americans are spending more time in traffic today than they ever have before. They're commuting hours to work, missing their children's soccer games, and losing their precious free time to traffic.

Commuters in my district in San Francisco's Bay Area are suffering in the second worst city in America for gridlock. They're losing a total of over $2 million in wasted fuel and several hours each week, away from their offices and their families.

This week, the House will have to take up an eighth temporary extension of highway transit and highway safety programs. I have said time and time again, Mr. Chairman, that we must get our work done on the highway bill if we are to ensure increased investment in our Nation's transportation infrastructure. And yet, time and time again, this Congress has delayed action on the legislation.

While I am disturbed by our inability to finish the highway bill, I am pleased that the House will today adopt an appropriations bill which will continue to ensure that, while limited, federal investment is available for our Nation's transportation infrastructure.

Mr. Chairman, this bill however, is far from perfect. Shockingly, the legislation came to the Floor of the House with a funding level which would all but assure the end of Amtrak service in this Nation as we know it. The end of Amtrak would be devastating to the continued operation of inter-city rail throughout California and especially the Capitol Corridor line along the I–80 corridor in Northern California.

In 2004, over one million commuters used the Capitol Corridor and directly benefited from the fixed-price operating agreement between Amtrak and the Capitol Corridor. Because of this agreement, the Capitol Corridor is able to stabilize operating costs and reinvest revenues above business plan projections—or any other cost savings—into service enhancements. Without Amtrak's existence, these savings which have been realized year after year, would no longer exist.

I am pleased that the House adopted an amendment to adequately fund Amtrak and I hope that this funding will ensure the continued success of the inter-city passenger rail service in my district and throughout our Nation.

Additionally, Mr. Chairman, I would like to voice my continued displeasure with the FAA's management of the Standard Terminal Automation Replacement (STARS) program.

As laid out in the latest Department of Transportation's Inspector General's report, the STARS program is 194% over-budget and delayed by seven years. A program which was first estimated to cost the FAA $940 million has ballooned to a whopping $2.7 billion. And yet, with ballooning costs, the FAA has failed to provide Congress with any analysis on the efficacy of continuing to move forward with the STARS program or how the agency plans on completing this program.

I was pleased to see that the House Report to H.R. 3058 echoes my concerns and I will continue to demand that the FAA provide Congress with a plan to address the overruns associated with the STARS program.

Mr. UDALL of Colorado. Mr. Chairman, I am disappointed in the way this bill has been considered.

Our colleague from Utah, Mr. MATHESON, wanted to offer an amendment that would have canceled the next scheduled cost-of-living increase in our salaries.

I would have voted for that amendment—but under the restrictive procedure under which the bill was considered, it could not even be offered.

In my opinion, it is a serious error for the Republican leadership to prevent the House from even debating and voting on that proposal—especially now, in wartime and a time of serious budget deficits caused by the recent recession, the costs of responding to terrorism and increasing homeland security, and the excessive and unbalanced tax cuts the Bush Administration has pushed through Congress.

That is why I voted to allow the amendment to be considered. Unfortunately, I was in the minority on that vote.

However, despite that, I think the bill itself, while far from perfect, is worth supporting.

The bill provides important resources to help support our Nation's infrastructure, community development, and courts. Examples of this include the $37.0 billion for federal highway programs and $8.5 billion for federal transit programs, which is an increase above the Fiscal Year 2005 allocation and the request made by the Bush Administration.

Further, thanks to adoption of several important amendments, the bill provides much more of the needed funding for Amtrak than the appropriations committee had originally allocated. This is important for Colorado, including many communities in my district as well as other parts of the state.

Additionally, I am pleased the legislation rejects the Bush Administration's "Strengthening America's Communities Initiative" that would consolidate a number of quality programs in Department of Housing and Urban Development (HUD) including the Community Development Block Grant (CDBG) which provide decent housing and expands economic opportunities to cities and towns throughout Colorado.

Of course, I do not agree with all its priorities included in the legislation. I supported a number of amendments to improve the legislation, and am glad that at least some were adopted, including an increase in the Section 8 Tenant-Based assistance.

I also voted against some amendments, for various reasons.

I voted against an amendment to block enforcement of part of a local law adopted by the District of Columbia City Council dealing with firearms.

I did so because I think its enactment would be an abuse of our authority as Members of Congress and would reduce the right of self-government for one group of Americans—those who reside in Washington, D.C.

It's true the Constitution gives Congress the power "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia—even though the residents of the district are not fully represented in either the House of Representatives or the U.S. Senate. But Congress, through the Home Rule Act, has authorized the district's residents to elect a city council and mayor with immediate responsibility for governing the city.

I am convinced this was the right thing to do. I support home rule for Washington, D.C. because I think Americans who live in the district deserve to be able to govern themselves as much as possible consistent with the necessary functioning of the federal government. And this amendment flew in the face of that principle.

There is plenty of room to debate whether this D.C. law is good public policy, but I think that debate should not take place in Congress. The law the amendment would override was duly adopted by the elected government of the district and has not interfered with the orderly functioning of the federal government. So, in my opinion, decisions about retaining, amending, or repealing it should be made by the City Council, which is elected by and accountable to the people who are subject to it.

The effect of the amendment would be to substitute the judgment of Congress for that of the local elected government—in effect denying their constituents the right to govern themselves on this subject. We cannot—and we should not—do that to the residents of Colorado or any other state. I do not think we should do it to the people who live here in Washington, D.C. We may not think this local law is well-designed. But I think we should allow those covered by the law to decide that for themselves.

I also voted against an amendment to block funding to enforce a recent ruling of the U.S. Supreme Court dealing with the scope of a local government's authority to condemn private property.

I have serious concerns about that decision, but I voted against the amendment because I thought the amendment's approach was not an appropriate way to express those concerns.

If Members of Congress disagree with the Supreme Court's interpretation of a law or of the Constitution, that disagreement can be expressed in a resolution such as the one (H. Res. 340) dealing specifically with the eminent-domain decision. And if a Member thinks stronger action is required, he or she can seek to change the law or amend the Constitution.

But in the absence of such a change in the law or the Constitution, a court's decision—unless and until reversed—is settled law that must be respected, and Congress should not attempt to undermine it or attempt to use the power of the purse to influence the outcome of future cases.

Both those amendments were adopted, to my regret. I think the bill would have been better if they had been rejected. However, on balance, while the bill is not all that I had hoped for I think it deserves approval and I will vote for it.

Mr. KNOLLENBERG. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PUTNAM) having assumed the chair, Mr. MCHUGH, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3058) making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Pursuant to House Resolution 342, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 405, nays 18, not voting 10, as follows:

[Roll No. 358]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Ortiz
Osborne
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy

Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tanner
Tauscher
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—18

Baldwin
Carson
Conyers
Cooper
Flake
Franks (AZ)
Hefley
Jones (NC)
Kind
Matheson
Miller (FL)
Obey
Otter
Paul
Sensenbrenner
Stark
Tancredo
Taylor (MS)

NOT VOTING—10

Boustany
Everett
Harman
Kingston
McCrery
Peterson (PA)
Rangel
Ross
Schiff
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PUTNAM) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1902

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOUSTANY. Mr. Speaker, on rollcall No. 358 I was inadvertently detained. Had I been present, I would have voted "yea."

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART II

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure, the Committee on Science, and the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 3104) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

Mr. PETRI. Mr. Speaker, House and Senate negotiators are meeting daily and making great progress in trying to finalize a multi-year reauthorization bill. It is accurate to say that we are closer to completing a conference report than we have ever been in the past.

But these are complicated issues and as we work through all the difficult questions, we need additional time to complete policy issues and resolve the distribution of funds to the States. This is an intricate puzzle that must be put together to ensure all the moving pieces fit and work together in a coherent way.

I know Members may be impatient and I join them in that sentiment. But I can assure Members that we are meeting and working every day. We are trying to meet the overwhelming demands placed on this program and develop a conference report that can be passed by both bodies.

To that end, I urge support for H.R. 3104, which will extend our highway, transit and safety programs through July 19.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to support the 19-day extension of the surface transportation bill. This is our ninth time extending our Nation's transportation bill. Our transportation bill is over 18 months, late.

Chairman YOUNG and Ranking Member OBERSTAR, I applaud your good faith efforts to complete negotiations on a balanced conference report by the July 4th recess. Unfortunately, it was not to be.

As Members of Congress, we will all have to answer to our constituents and businesses about the state of our transportation infrastructure when we return home tomorrow. The Fourth of July is one of the busiest travel holidays of the year and our transportation infrastructure will be put to the test, as it is everyday.

In parts of my district, Long Beach, California, as we celebrate the Fourth of July, under the colorful umbrella of our annual fireworks display when we look out over the Pacific Ocean, we will be reminded just how much we need this transportation bill.

Ships are lined up against the horizon of the California coastline because the congestion on our highways is impeding the movement of goods through our ports.

Chairman YOUNG and Ranking Member OBERSTAR, you have heard me say this before: 80 percent of the goods that come into this country from the Pacific Rim and upwards, of 45 percent of all containerized goods come through the ports of Long Beach and Los Angeles. Fifteen percent of our Nation's economy travels on the I–710 annually, which is a corridor of national significance and the lifeline of our national economy.

Our national and regional economy begins in Long Beach. We need this bill. We need to invest in our infrastructure and our economy. I look forward to completing this bill when we return from recess.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ``Surface Transportation Extension Act of 2005, Part II''.

SEC. 2. ADVANCES.

(a) IN GENERAL.—Section 2(a)(1) of the Surface Transportation Extension Act of 2004, Part V (23 U.S.C. 104 note; 118 Stat. 1144; 119 Stat. 324) is amended by striking ``and the Surface Transportation Extension Act of 2005'' and inserting ``, the Surface Transportation Extension Act of 2005, and the Surface Transportation Extension Act of 2005, Part II''.

(b) PROGRAMMATIC DISTRIBUTIONS.—

(1) SPECIAL RULES FOR MINIMUM GUARANTEE.—Section 2(b)(4) of such Act (119 Stat. 324) is amended by striking ``$2,100,000,000'' and inserting ``$2,240,000,000''.

(2) EXTENSION OF OFF-SYSTEM BRIDGE SET-ASIDE.—Section 144(g)(3) of title 23, United States Code, is amended by striking ``June 30'' inserting ``July 19''.

(c) AUTHORIZATION OF CONTRACT AUTHORITY.—Section 1101(l)(1) of the Transportation Equity Act for the 21st Century (118 Stat. 1145; 119 Stat. 324) is amended by striking ``$25,521,678,000 for the period of October 1, 2004, through June 30, 2005'' and inserting ``$27,223,123,200 for the period of October 1, 2004, through July 19, 2005''.

(d) LIMITATION ON OBLIGATIONS.—Section 2(e) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1146; 119 Stat. 324) is amended—

(1) in paragraph (1)—

(A) by striking ``June 30'' and inserting ``July 19'';

(B) by striking ``and the Surface Transportation Extension Act of 2005'' and inserting ``, the Surface Transportation Extension Act of 2005, and the Surface Transportatioon Extension Act of 2005, Part II''; and

(C) by striking ``$^{9}/_{12}$'' and inserting ``80 percent''; and

(2) in paragraph (2)—

(A) by striking ``June 30, 2005, shall not exceed $26,025,000,000'' and inserting ``July 19, 2005, shall not exceed $27,760,000,000''; and

(B) by striking ``$479,250,000'' and inserting ``$511,200,000''; and

(3) in paragraph (3) by striking ``June 30'' and inserting ``July 19''.

SEC. 3. ADMINISTRATIVE EXPENSES.

Section 4(a) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1147; 119 Stat. 325) is amended by striking ``highway program'' and all that follows through ``2005'' and inserting ``highway program $281,619,200 for fiscal year 2005''.

SEC. 4. OTHER FEDERAL-AID HIGHWAY PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE I OF TEA–21.—

(1) FEDERAL LANDS HIGHWAYS.—

(A) INDIAN RESERVATION ROADS.—Section 1101(a)(8)(A) of the Transportation Equity Act for the 21st Century (112 Stat. 112; 118 Stat. 1147; 119 Stat. 325) is amended—

(i) in the first sentence by striking ``$206,250,000 for the period of October 1, 2004, through June 30, 2005'' and inserting ``$220,000,000 for the period of October 1, 2004, through July 19, 2005''; and

(ii) in the second sentence by striking ``$9,750,000'' and inserting ``$10,400,000''.

(B) PUBLIC LANDS HIGHWAYS.—Section 1101(a)(8)(B) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 325) is amended by striking ``$184,500,000 for the period of October 1, 2004, through June 30, 2005'' and inserting ``$196,800,000 for the period of October 1, 2004, through July 19, 2005''.

(C) PARK ROADS AND PARKWAYS.—Section 1101(a)(8)(C) of such Act (112 Stat. 112; 118

Stat. 1148; 119 Stat. 325) is amended by striking “$123,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$132,000,000 for the period of October 1, 2004, through July 19, 2005” .

(D) REFUGE ROADS.—Section 1101(a)(8)(D) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking “$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(2) NATIONAL CORRIDOR PLANNING AND DEVELOPMENT AND COORDINATED BORDER INFRASTRUCTURE PROGRAMS.—Section 1101(a)(9) of such Act (112 Stat. 112; 118 Stat. 1148; 119 Stat. 326) is amended by striking “$105,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$112,000,000 for the period of October 1, 2004, through July 19, 2005”.

(3) CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.—

(A) IN GENERAL.—Section 1101(a)(10) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “$28,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$30,400,000 for the period of October 1, 2004, through July 19, 2005”.

(B) SET ASIDE FOR ALASKA, NEW JERSEY, AND WASHINGTON.—Section 5(a)(3)(B) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1148; 119 Stat. 326) is amended—

(i) in clause (i) by striking “$7,500,000” and inserting “$8,000,000”;

(ii) in clause (ii) by striking “$3,750,000” and inserting “$4,000,000”; and

(iii) in clause (iii) by striking “$3,750,000” and inserting “$4,000,000”.

(4) NATIONAL SCENIC BYWAYS PROGRAM.—Section 1101(a)(11) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “$19,875,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$21,200,000 for the period of October 1, 2004, through July 19, 2005”.

(5) VALUE PRICING PILOT PROGRAM.—Section 1101(a)(12) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “$8,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$8,800,000 for the period of October 1, 2004, through July 19, 2005”.

(6) HIGHWAY USE TAX EVASION PROJECTS.—Section 1101(a)(14) of such Act (112 Stat. 113; 118 Stat. 1148; 119 Stat. 326) is amended by striking “$3,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$4,000,000 for the period of October 1, 2004, through July 19, 2005”.

(7) COMMONWEALTH OF PUERTO RICO HIGHWAY PROGRAM.—

(A) TECHNICAL CORRECTION.—Effective May 31, 2005, section 4(a)(7) of the Surface Transportation Extension Act of 2005 (119 Stat. 326) is amended by striking “1101(a)(15)(A)” and inserting “1101(a)(15)”.

(B) INCREASED FUNDING.—Section 1101(a)(15) of the Transportation Equity Act for the 21st Century (112 Stat. 113; 118 Stat. 1149; 119 Stat. 326) is amended by striking “$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(8) SAFETY GRANTS.—Section 1212(i)(1)(D) of such Act (23 U.S.C. 402 note; 112 Stat. 196; 112 Stat. 840; 118 Stat. 1149; 119 Stat. 326) is amended by striking “$375,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$400,000 for the period of October 1, 2004, through July 19, 2005”.

(9) TRANSPORTATION AND COMMUNITY AND SYSTEM PRESERVATION PILOT PROGRAM.—Section 1221(e)(1) of such Act (23 U.S.C. 101 note; 112 Stat. 223; 118 Stat. 1149; 119 Stat. 327) is amended by striking “$18,750,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$20,000,000 for the period of October 1, 2004, through July 19, 2005”.

(10) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION.—Section 188 of title 23, United States Code, is amended—

(A) in subsection (a)(1) by striking subparagraph (G) and inserting the following:

“(G) $104,000,000 for the period of October 1, 2004, through July 19, 2005.”;

(B) in subsection (a)(2) by striking “$1,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$1,600,000 for the period of October 1, 2004, through July 19, 2005”; and

(C) in the item relating to fiscal year 2005 in table contained in subsection (c) by striking “$1,950,000,000” and inserting “$2,080,000,000”.

(11) NATIONAL SCENIC BYWAYS CLEARINGHOUSE.—Section 1215(b)(3) of the Transportation Equity Act for the 21st Century (112 Stat. 210; 118 Stat. 1149; 119 Stat. 327) is amended—

(A) by striking “$1,125,000” and inserting “$1,200,000”; and

(B) by striking “June 30” and inserting “July 19”.

(b) AUTHORIZATION OF APPROPRIATIONS UNDER TITLE V OF TEA–21.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 5001(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking “$77,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$82,400,000 for the period of October 1, 2004, through July 19, 2005”.

(2) TECHNOLOGY DEPLOYMENT PROGRAM.—Section 5001(a)(2) of such Act (112 Stat. 419; 118 Stat. 1149; 119 Stat. 327) is amended by striking “$37,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$40,000,000 for the period of October 1, 2004, through July 19, 2005”.

(3) TRAINING AND EDUCATION.—Section 5001(a)(3) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “$15,000,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$16,000,000 for the period of October 1, 2004, through July 19, 2005”.

(4) BUREAU OF TRANSPORTATION STATISTICS.—Section 5001(a)(4) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “$23,250,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$24,800,000 for the period of October 1, 2004, through July 19, 2005”.

(5) ITS STANDARDS, RESEARCH, OPERATIONAL TESTS, AND DEVELOPMENT.—Section 5001(a)(5) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “$82,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$88,000,000 for the period of October 1, 2004, through July 19, 2005”.

(6) ITS DEPLOYMENT.—Section 5001(a)(6) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 327) is amended by striking “$91,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$97,600,000 for the period of October 1, 2004, through July 19, 2005”.

(7) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5001(a)(7) of such Act (112 Stat. 420; 118 Stat. 1150; 119 Stat. 328) is amended by striking “$19,875,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$21,200,000 for the period of October 1, 2004, through July 19, 2005”.

(c) METROPOLITAN PLANNING.—Section 5(c)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1150; 119 Stat. 328) is amended by striking “$163,125,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$174,000,000 for the period of October 1, 2004, through July 19, 2005”.

(d) TERRITORIES.—Section 1101(d)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 111; 118 Stat. 1150; 119 Stat. 328) is amended by striking “$27,300,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$29,120,000 for the period of October 1, 2004, through July 19, 2005”.

(e) ALASKA HIGHWAY.—Section 1101(e)(1) of such Act (118 Stat. 1150; 119 Stat. 328) is amended by striking “$14,100,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$15,040,000 for the period of October 1, 2004, through July 19, 2005”.

(f) OPERATION LIFESAVER.—Section 1101(f)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking “$375,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$400,000 for the period of October 1, 2004, through July 19, 2005”.

(g) BRIDGE DISCRETIONARY.—Section 1101(g)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “$75,000,000” and inserting “$80,000,000”; and

(2) by striking “June 30” and inserting “July 19”.

(h) INTERSTATE MAINTENANCE.—Section 1101(h)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “$75,000,000” and inserting “$80,000,000”; and

(2) by striking “June 30” and inserting “July 19”.

(i) RECREATIONAL TRAILS ADMINISTRATIVE COSTS.—Section 1101(i)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended by striking “$562,500 for the period of October 1, 2004, through June 30, 2005” and inserting “$600,000 for the period of October 1, 2004, through July 19, 2005”.

(j) RAILWAY-HIGHWAY CROSSING HAZARD ELIMINATION IN HIGH SPEED RAIL CORRIDORS.—Section 1101(j)(1) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) by striking “$3,937,500” and inserting “$4,200,000”;

(2) by striking “$187,500” and inserting “$200,000”; and

(3) by striking “June 30” each place it appears and inserting “July 19”.

(k) NONDISCRIMINATION.—Section 1101(k) of such Act (118 Stat. 1151; 119 Stat. 328) is amended—

(1) in paragraph (1) by striking “$7,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$8,000,000 for the period of October 1, 2004, through July 19, 2005”; and

(2) in paragraph (2) by striking “$7,500,000 for the period of October 1, 2004, through June 30, 2005” and inserting “$8,000,000 for the period of October 1, 2004, through July 19, 2005”.

(l) ADMINISTRATION OF FUNDS.—Section 5(l) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking “and section 4 of the Surface Transportation Extension Act of 2005” and inserting “, section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II”; and

(2) by striking "the amendment made by subsection (a)(1) of this section or the amendment made by section 4(a)(1) of such Act" and inserting "the amendments made by subsection (a) of this section, section 4(a) of the Surface Transportation Extension Act of 2005, and section 4(a) of the Surface Transportation Extension Act of 2005, Part II".

(m) REDUCTION OF ALLOCATED PROGRAMS.—Section 5(m) of such Act (118 Stat. 1151; 119 Stat. 329) is amended—

(1) by striking "and section 4 of the Surface Transportation Extension Act of 2005" and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act of 2005, Part II";

(2) by striking "and by section 4 of such Act" the first place it appears and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II"; and

(3) by striking "and by section 4 of such Act" the second place it appears and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II".

(n) PROGRAM CATEGORY RECONCILIATION.—Section 5(n) of such Act (118 Stat. 1151; 119 Stat. 329) is amended by striking "and section 4 of the Surface Transportation Extension Act of 2005" and inserting ", section 4 of the Surface Transportation Extension Act of 2005, and section 4 of the Surface Transportation Extension Act, Part II".

SEC. 5. EXTENSION OF HIGHWAY SAFETY PROGRAMS.

(a) CHAPTER 1 HIGHWAY SAFETY PROGRAMS.—

(1) SEAT BELT SAFETY INCENTIVE GRANTS.—Section 157(g)(1) of title 23, United States Code, is amended by striking "$84,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$89,600,000 for the period of October 1, 2004, through July 19, 2005".

(2) PREVENTION OF INTOXICATED DRIVER INCENTIVE GRANTS.—Section 163(e)(1) of such title is amended by striking "$82,500,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$88,000,000 for the period of October 1, 2004, through July 19, 2005".

(b) CHAPTER 4 HIGHWAY SAFETY PROGRAMS.—Section 2009(a)(1) of the Transportation Equity Act for the 21st Century (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "$123,750,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$132,000,000 for the period of October 1, 2004, through July 19, 2005".

(c) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—Section 2009(a)(2) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "$54,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$57,600,000 for the period of October 1, 2004, through July 19, 2005".

(d) OCCUPANT PROTECTION INCENTIVE GRANTS.—Section 2009(a)(3) of such Act (112 Stat. 337; 118 Stat. 1152; 119 Stat. 329) is amended by striking "$15,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$16,000,000 for the period of October 1, 2004, through July 19, 2005".

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANTS.—Section 2009(a)(4) of such Act (112 Stat. 337; 118 Stat. 1153; 119 Stat. 329) is amended by striking "$30,000,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$32,000,000 for the period of October 1, 2004, through July 19, 2005".

(f) NATIONAL DRIVER REGISTER.—

(1) FUNDING.—Section 2009(a)(6) of such Act (112 Stat. 338; 118 Stat. 1153; 119 Stat. 330) is amended by striking "$2,700,000 for the period of October 1, 2004, through June 30, 2005" and inserting "$2,880,000 for the period of October 1, 2004, through July 19, 2005".

(2) CONTRACT AUTHORITY.—Funds made available by the amendments made by paragraph (1) and by section 5(f) of the Surface Transportation Extension Act of 2005 (119 Stat. 330) shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 6. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAM.

(a) ADMINISTRATIVE EXPENSES.—Section 7(a)(1) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended by striking "$192,631,044 for the period of October 1, 2004, through June 30, 2005" and inserting "$206,037,600 for the period of October 1, 2004, through July 19, 2005".

(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

"(8) Not more than $135,200,000 for the period of October 1, 2004, through July 19, 2005.".

(c) INFORMATION SYSTEMS AND COMMERCIAL DRIVER'S LICENSE GRANTS.—

(1) AUTHORIZATION OF APPROPRIATION.—Section 31107(a) of such title is amended by striking "(5) $14,958,904 for the period of October 1, 2004, through June 30, 2005." and inserting the following:

"(6) $16,000,000 for the period of October 1, 2004, through July 19, 2005.".

(2) EMERGENCY CDL GRANTS.—Section 7(c)(2) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1153; 119 Stat. 330) is amended—

(A) by striking "June 30" and inserting "July 19"; and

(B) by striking "$747,945" and inserting "$800,000".

(d) CRASH CAUSATION STUDY.—Section 7(d) of such Act (118 Stat. 1154; 119 Stat. 330) is amended—

(1) by striking "$747,945" and inserting "$800,000"; and

(2) by striking "June 30" and inserting "July 19".

SEC. 7. EXTENSION OF FEDERAL TRANSIT PROGRAMS.

(a) ALLOCATING AMOUNTS.—Section 5309(m) of title 49, United States Code, is amended—

(1) in the matter preceding subparagraph (A) of paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(2) in paragraph (2)(B)(iii)—

(A) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(B) by striking "$7,800,000" and inserting "$8,320,000"; and

(C) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (3)(B)—

(A) by striking "$2,250,000" and inserting "$2,400,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in paragraph (3)(C)—

(A) by striking "$37,500,000" and inserting "$40,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005".

(b) FORMULA GRANTS AUTHORIZATIONS.—Section 5338(a) of title 49, United States Code, is amended—

(1) in the heading to paragraph (2) by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in paragraph (2)(A)(vii)—

(A) by striking "$2,545,785,000" and inserting "$2,675,300,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (2)(B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in paragraph (2)(C) by striking "June 30, 2005" and inserting "July 19, 2005".

(c) FORMULA GRANT FUNDS.—Section 8(d) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1155; 119 Stat. 331) is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in the matter preceding paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (1) by striking "$3,637,462" and inserting "$3,879,960";

(4) in paragraph (2) by striking "$37,500,000" and inserting "$40,000,000";

(5) in paragraph (3) by striking "$73,197,001" and inserting "$76,231,201";

(6) in paragraph (4) by striking "$194,277,040" and inserting "$202,330,313";

(7) in paragraph (5) by striking "$5,212,500" and inserting "$5,560,000"; and

(8) in paragraph (6) by striking "$2,782,400,997" and inserting "$2,897,738,526".

(d) CAPITAL PROGRAM AUTHORIZATIONS.—Section 5338(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$2,012,985,000" and inserting "$2,235,820,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005".

(e) PLANNING AUTHORIZATIONS AND ALLOCATIONS.—Section 5338(c)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$48,346,668" and inserting "$47,946,667"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005".

(f) RESEARCH AUTHORIZATIONS.—Section 5338(d)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)(vii)—

(A) by striking "$32,683,333" and inserting "$36,933,334"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in subparagraph (C) by striking "June 30, 2005" and inserting "July 19, 2005".

(g) ALLOCATION OF RESEARCH FUNDS.—Section 8(h) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1156; 119 Stat. 332) is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in the matter preceding paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in paragraph (1) by striking "$3,937,500" and inserting "$4,200,000";

(4) in paragraph (2) by striking "$6,187,500" and inserting "$6,600,000"; and

(5) in paragraph (3)—

(A) by striking "$3,000,000" and inserting "$3,200,000"; and

(B) by striking "$750,000" and inserting "$800,000".

(h) UNIVERSITY TRANSPORTATION RESEARCH AUTHORIZATIONS.—Section 5338(e)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005";

(2) in subparagraph (A)—

(A) by striking "$3,700,000" and inserting "$4,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(3) in subparagraph (B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(4) in subparagraphs (C)(i) and (C)(iii) by striking "June 30, 2005" and inserting "July 19, 2005".

(i) ALLOCATION OF UNIVERSITY TRANSPORTATION RESEARCH FUNDS.—

(1) IN GENERAL.—Section 8(j) of the Surface Transportation Extension Act of 2004, Part V (118 Stat. 1157; 119 Stat. 332) is amended—

(A) in the matter preceding subparagraph (A) of paragraph (1) by striking "June 30, 2005" and inserting "July 19, 2005";

(B) in paragraph (1)(A) by striking "$1,500,000" and inserting "$1,600,000";

(C) in paragraph (1)(B) by striking "$1,500,000" and inserting "$1,600,000"; and

(D) in paragraph (2) by striking "June 30, 2005" and inserting "July 19, 2005" .

(2) CONFORMING AMENDMENT.—Section 3015(d)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5338 note; 112 Stat. 857; 118 Stat. 1157; 119 Stat. 332) is amended by striking "June 30, 2005" and inserting "July 19, 2005".

(j) ADMINISTRATION AUTHORIZATIONS.—Section 5338(f)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005" ;

(2) in subparagraph (A)(vii)—

(A) by striking "$48,100,000" and inserting "$52,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in subparagraph (B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005".

(k) JOB ACCESS AND REVERSE COMMUTE PROGRAM.—Section 3037(l) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5309 note; 112 Stat. 391; 118 Stat. 1157; 119 Stat. 333) is amended—

(1) in paragraph (1)(A)(vii)—

(A) by striking "$92,500,000" and inserting "$80,000,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005";

(2) in paragraph (1)(B)(vii) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(3) in paragraph (2) by striking "June 30, 2005, not more than $7,500,000" and inserting "July 19, 2005, not more than $8,000,000".

(l) RURAL TRANSPORTATION ACCESSIBILITY INCENTIVE PROGRAM.—Section 3038(g) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note; 112 Stat. 393; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking paragraph (1)(G) and inserting after paragraph (1)(F) the following:

"(G) $4,200,000 for the period of October 1, 2004, through July 19, 2005."; and

(2) in paragraph (2)—

(A) by striking "$1,275,000" and inserting "$1,360,000"; and

(B) by striking "June 30, 2005" and inserting "July 19, 2005".

(m) URBANIZED AREA FORMULA GRANTS.—Section 5307(b)(2) of title 49, United States Code, is amended—

(1) in the heading by striking "JUNE 30, 2005" and inserting "JULY 19, 2005"; and

(2) in subparagraph (A) by striking "June 30, 2005" and inserting "July 19, 2005".

(n) OBLIGATION CEILING.—Section 3040(7) of the Transportation Equity Act for the 21st Century (112 Stat. 394; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking "$5,818,500,000" and inserting "$6,166,400,000"; and

(2) by striking "June 30, 2005" and inserting "July 19, 2005".

(o) FUEL CELL BUS AND BUS FACILITIES PROGRAM.—Section 3015(b) of the Transportation Equity Act for the 21st Century (112 Stat. 361; 118 Stat. 1158; 119 Stat. 333) is amended—

(1) by striking "June 30, 2005" and inserting "July 19, 2005"; and

(2) by striking "$3,637,500" and inserting "$3,880,000".

(p) ADVANCED TECHNOLOGY PILOT PROJECT.—Section 3015(c)(2) of the Transportation Equity Act for the 21st Century (49 U.S.C. 322 note; 112 Stat. 361; 118 Stat. 1158; 119 Stat. 334) is amended—

(1) by striking "June 30, 2005," and inserting "July 19, 2005"; and

(2) by striking "$3,750,000" and inserting "$4,000,000".

(q) PROJECTS FOR NEW FIXED GUIDEWAY SYSTEMS AND EXTENSIONS TO EXISTING SYSTEMS.—Subsections (a), (b), and (c)(1) of section 3030 of the Transportation Equity Act for the 21st Century (112 Stat. 373; 118 Stat. 1158; 119 Stat. 334) are amended by striking "June 30, 2005" and inserting "July 19, 2005".

(r) NEW JERSEY URBAN CORE PROJECT.—Subparagraphs (A), (B), and (C) of section 3031(a)(3) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2122; 118 Stat. 1158; 119 Stat. 334) are amended by striking "June 30, 2005" and inserting "July 19, 2005".

(s) LOCAL SHARE.—Section 3011(a) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 118 Stat. 1158; 119 Stat. 334) is amended by striking "June 30, 2005" and inserting "July 19, 2005".

SEC. 8. SPORT FISHING AND BOATING SAFETY.

(a) FUNDING FOR NATIONAL OUTREACH AND COMMUNICATIONS PROGRAM.—Section 4(c) of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c(c)) is amended by striking "(6) $7,499,997 for the period of October 1, 2004, through June 30, 2005;" and inserting the following:

"(7) $8,000,000 for the period of October 1, 2004, through July 19, 2005;".

(b) CLEAN VESSEL ACT FUNDING.—Section 4(b)(4) of such Act (16 U.S.C. 777c(b)(4)) is amended to read as follows:

"(4) FIRST 292 DAYS OF FISCAL YEAR 2005.—For the period of October 1, 2004, through July 19, 2005, of the balance of each annual appropriation remaining after making the distribution under subsection (a), an amount equal to $65,600,000, reduced by 82 percent of the amount appropriated for that fiscal year from the Boat Safety Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 to carry out the purposes of section 13106(a) of title 46, United States Code, shall be used as follows:

"(A) $8,000,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 5604(c) of the Clean Vessel Act of 1992 (33 U.S.C. 1322 note).

"(B) $6,400,000 shall be available to the Secretary of the Interior for 3 fiscal years for obligation for qualified projects under section 7404(d) of the Sportfishing and Boating Safety Act of 1998 (16 U.S.C. 777g–1(d)).

"(C) The balance remaining after the application of subparagraphs (A) and (B) shall be transferred to the Secretary of Transportation and shall be expended for State recreational boating safety programs under section 13106 of title 46, United States Code.".

(c) BOAT SAFETY FUNDS.—Section 13106(c) of title 46, United States Code, is amended—

(1) by striking "$3,750,003" and inserting "$4,000,000"; and

(2) by striking "$1,500,003" and inserting "$1,600,000".

SEC. 9. EXTENSION OF AUTHORIZATION FOR USE OF TRUST FUNDS FOR OBLIGATIONS UNDER TEA-21.

(a) HIGHWAY TRUST FUND.—

(1) IN GENERAL.—Paragraph (1) of section 9503(c) of the Internal Revenue Code of 1986 is amended—

(A) in the matter before subparagraph (A), by striking "July 1, 2005" and inserting "July 20, 2005",

(B) by striking "or" at the end of subparagraph (K),

(C) by striking the period at the end of subparagraph (L) and inserting ", or",

(D) by inserting after subparagraph (L) the following new subparagraph:

"(M) authorized to be paid out of the Highway Trust Fund under the Surface Transportation Extension Act of 2005, Part II.", and

(E) in the matter after subparagraph (M), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005" and inserting "Surface Transportation Extension Act of 2005, Part II".

(2) MASS TRANSIT ACCOUNT.—Paragraph (3) of section 9503(e) of such Code is amended—

(A) in the matter before subparagraph (A), by striking "July 1, 2005" and inserting "July 20, 2005",

(B) in subparagraph (I), by striking "or" at the end of such subparagraph,

(C) in subparagraph (J), by inserting "or" at the end of such subparagraph,

(D) by inserting after subparagraph (J) the following new subparagraph:

"(K) the Surface Transportation Extension Act of 2005, Part II.", and

(E) in the matter after subparagraph (K), as added by this paragraph, by striking "Surface Transportation Extension Act of 2005" and inserting "Surface Transportation Extension Act of 2005, Part II".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Subparagraph (B) of section 9503(b)(6) of such Code is amended by striking "July 1, 2005" and inserting "July 20, 2005".

(b) AQUATIC RESOURCES TRUST FUND.—

(1) SPORT FISH RESTORATION ACCOUNT.—Paragraph (2) of section 9504(b) of the Internal Revenue Code of 1986 is amended by striking "Surface Transportation Extension Act of 2005" each place it appears and inserting "Surface Transportation Extension Act of 2005, Part II".

(2) BOAT SAFETY ACCOUNT.—Subsection (c) of section 9504 of such Code is amended—

(A) by striking "July 1, 2005" and inserting "July 20, 2005", and

(B) by striking "Surface Transportation Extension Act of 2005" and inserting "Surface Transportation Extension Act of 2005, Part II".

(3) EXCEPTION TO LIMITATION ON TRANSFERS.—Paragraph (2) of section 9504(d) of such Code is amended by striking "July 1, 2005" and inserting "July 20, 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(d) TEMPORARY RULE REGARDING ADJUSTMENTS.—During the period beginning on the date of the enactment of the Surface Transportation Extension Act of 2003 and ending on July 19, 2005, for purposes of making any estimate under section 9503(d) of the Internal Revenue Code of 1986 of receipts of the Highway Trust Fund, the Secretary of the Treasury shall treat—

(1) each expiring provision of paragraphs (1) through (4) of section 9503(b) of such Code which is related to appropriations or transfers to such Fund to have been extended through the end of the 24-month period referred to in section 9503(d)(1)(B) of such Code, and

(2) with respect to each tax imposed under the sections referred to in section 9503(b)(1) of such Code, the rate of such tax during the 24-month period referred to in section 9503(d)(1)(B) of such Code to be the same as the rate of such tax as in effect on the date of the enactment of the Surface Transportation Extension Act of 2003.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMITTING INDIVIDUALS CURRENTLY SERVING IN OFFICE OF COMPLIANCE TO SERVE ADDITIONAL TERM

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the bill (H.R. 3071) to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

Ms. MILLENDER-McDONALD. Mr. Speaker, I reserve the right to object, and I yield to the gentleman from Ohio (Mr. NEY) for an explanation of his request.

Mr. NEY. Mr. Speaker, I want to thank the gentlewoman, our ranking member from California, for yielding to me.

Mr. Speaker, I rise today in support of H.R. 3071, a resolution permitting the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term. I support this initiative as it was a recommendation contained in the February 2004 Government Accountability Office report on the Office of Compliance, which stated that allowing these individuals to serve for more time will increase the institutional continuity and therefore potentially the effectiveness of the organization.

I believe that this is a better serving of our institution and that the current executive staff who have the opportunity to serve an additional term so the Congress that way can evaluate and decide how best to move forward with the GAO's recommendation.

I appreciate the gentlewoman's work and her staff on this issue. Again, I think this will better serve us and the Office of Compliance and our constituents and the staff of the House.

Mr. Speaker, I rise today in support of H.R. 3071, a resolution permitting the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term. A February 2004 Government Accountability Office report on the Office of Compliance, concluded that allowing these individuals to serve for longer than one term could increase the institutional continuity and potentially the effectiveness of the organization.

Though the statute originally limited staff to one term, the flexibility to have the executive staff serve for an additional term, may better serve the institution and we must have some way of evaluating the GAO's recommendation. Therefore the current executive staff will have the opportunity to serve one additional term. When their terms have expired the Congress can re-evaluate whether term limits serve the interests of the Office of Compliance and this institution.

Ms. MILLENDER-McDONALD. Mr. Speaker, I further reserve my right to object and thank the chairman for his explanation.

I do now join the chairman in support of his request to permit the incumbent Executive Director, the two Deputy Executive Directors, and the General Counsel of the Office of Compliance to serve second 5-year terms.

The Congress passed the Congressional Accountability Act of 1995 and created the Office of Compliance as a reform design to ensure that Congress must live under the same laws as everybody else. The Act limited the service of the office board of directors and of its senior staff to single 5-year terms. Last year, Congress unanimously passed legislation allowing the members of board to serve second 5-year terms.

This bill will allow the four incumbent senior staffers who must otherwise leave their posts later this year also for an additional 5 years. In a recent report requested by the House Committee on Appropriations, the Government Accountability Office concluded that this change would enhance the Compliance Office's business continuity. In recent testimony before the Senate appropriations legislative branch subcommittee, the board of directors requested such a change for that reason.

Mr. Speaker, I believe the changes make sense. I urge the House to support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMITTING CURRENT EXECUTIVE DIRECTOR, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF OFFICE OF COMPLIANCE TO SERVE ONE ADDITIONAL TERM.

(a) EXECUTIVE DIRECTOR.—Notwithstanding section 302(a)(3) of the Congressional Accountability Act of 1995 (2 U.S.C. 1382(a)(3)), the individual serving as Executive Director of the Office of Compliance as of the date of the enactment of this Act may serve one additional term.

(b) DEPUTY EXECUTIVE DIRECTORS.—Notwithstanding section 302(b)(2) of such Act (2 U.S.C. 1382(b)(2)), any individual serving as a Deputy Executive Director of the Office of Compliance as of the date of the enactment of this Act may serve one additional term.

(c) GENERAL COUNSEL.—Notwithstanding section 302(c)(5) of such Act (2 U.S.C. 1382(c)(5)), the individual serving as General Counsel of the Office of Compliance as of the date of the enactment of this Act may serve one additional term.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3071.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. PUTNAM. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 345 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 345

Resolved, That it shall be in order at any time on the legislative day of Thursday, June 30, 2005, for the Speaker to entertain motions that the House suspend the rules. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this resolution.

SEC. 2. Upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

The SPEAKER pro tempore. The gentleman from Florida (Mr. PUTNAM) is recognized for 1 hour.

Mr. PUTNAM. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 345 provides that suspensions will be in order at any time on this legislative day. The resolution also provides that the Speaker or his designee shall consult with the minority leader, or her designee, on any suspension considered under the rule. Additionally, the rule provides that it shall be in order, any rule of the House to the contrary notwithstanding, to consider concurrent resolutions providing for adjournment of the House and Senate during the month of July.

Mr. Speaker, the leadership of this House set out a positive and aggressive legislative plan for this week on behalf of the American people. The goal of this plan has been to pass a number of bills that will allow for USAID to foreign nations, transportation and infrastructure improvements for our Nation, improved housing for those in need, and important funding for executive agencies and our judiciary along with the District of Columbia.

I want to particularly commend the gentleman from California (Mr. LEWIS) and his Committee on Appropriations and the staff for sticking to the time table that they laid out at the start of this session. As of today, the House has passed all 11 appropriations bills prior to the July 4 district work period. And I note that the ranking member of the Committee on Appropriations is also on the floor and we certainly appreciate the work that he and his committee members and staff have also put into that. It is a tremendous accomplishment that the House has completed its appropriations work prior to the July 4 work period.

We now await action from the Senate so that we may finish the appropriations process and avoid a cumbersome omnibus funding bill at the end of the year.

This week we have spirited debate, particularly on the previous two appropriations bills, the Foreign Operations appropriations bill and Transportation, Treasury, Housing and Urban Development appropriations bill.

I understand that Members on both sides of the aisle have differing viewpoints on how to address these issues, and we have had the opportunity to hear that spirited debate from both sides of the aisle on all of these issues. But some of this legislation that also needs to be considered this week has broad support among Members of both the majority and minority. In an attempt to make sure that this important work is completed by the end of this legislative week, we are here today to pass a rule to provide a process for consideration of these bills under rules that would require them to pass by a two-thirds majority. This will allow us to consider items in a timely manner and ensure that last minute issues are resolved prior to adjournment for the Fourth of July work period.

This balanced rule provides the minority with the ability to consult with the Speaker on any suspension bill offered, ensuring that input and views are duly considered before any legislation considered under the rule is brought to the floor.

I am proud of the accomplishments of this House over the last weeks and months. I now ask my colleagues to support this rule so that we may continue the work of the American people in a timely fashion this evening. Completing consideration of these suspensions ensures that Congress may accomplish as much as possible before we return to work in our home States and districts and observe our Nation's birthday.

□ 1915

Mr. Speaker, I encourage my colleagues on both sides of the aisle to support this balanced rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleague, the gentleman the Florida (Mr. PUTNAM), for yielding me the customary 30 minutes.

Mr. Speaker, as the gentleman from Florida has explained, this rule would do two things. It would allow the House to consider legislation under suspension of the rules, and it would waive a provision in the Congressional Budget Act that prohibits the House from adjourning for more than 3 days unless it has completed consideration on reconciliation.

Mr. Speaker, in general, I think far too much of the legislation passed around here is done by suspension, a process that waives all House rules and prohibits all amendments, and even precludes a motion to recommit. Having that said, however, I must add that tonight is somewhat different.

I would ordinarily have more concern about allowing yet another day for considering legislation in this manner, but I do realize that in limited instances, it may be necessary to waive this rule in order to expedite legislation that is truly emergency in nature. It is evident today that two of the four items which are to be considered under suspension are indeed particularly urgent.

One is the temporary extension of the highway bill. Without this legislation, the highway programs will be shut down and significant layoffs will occur. I am hopeful, as I am sure many of my colleagues are as well, that this will be the last time that we will have to pass a short-term extension of this bill. The conferees must finish their work on the highway authorization bill quickly so we can begin building and repairing our Nation's decaying highways and infrastructure.

The other critical bill before us today is the emergency supplemental bill for veterans medical care. We Democrats attempted to address this emerging veterans crisis earlier this week when we advocated for the Edwards amendment and also in March when the gentlewoman from Oregon (Ms. HOOLEY) and the gentleman from Washington (Mr. BAIRD) brought in a resolution asking for an amendment to be approved by the Committee on Rules to include $1.3 billion more. They were turned down.

The Department of Veterans Affairs is being flooded with veterans from the wars in Iraq and Afghanistan, four times as many as had originally been budgeted for. Trying to help 103,000 of our brave men and women with a budget designed to assist just over 25,000 has produced a shortfall in the Veterans Department funds of more than $1 billion this year, a staggering sum.

The gentleman from Texas' (Mr. EDWARDS) amendment would have filled in a shameful gap between our Nation's professed support for its veterans and its actual action on their behalf; but, Mr. Speaker, the Republican majority in our House was not concerned with this chasm separating rhetoric from reality.

As I said, the Edwards amendment was voted down on a party-line vote. Not a single Republican voted for the necessary health care for our wounded veterans; and on the emergency supplemental bill, as I mentioned before, the Baird-Hooley amendment to provide $1.3 billion that was in March was not allowed by the Committee on Rules on a party-line vote.

This issue is not about Republicans or Democrats. It is about our soldiers. We have a patriotic duty to uphold our end of the bargain and properly care for the fighting men and women of this country.

This is a sacred bond of trust, a contract that the majority has violated; but my fellow Americans believe that refusing to care for our veterans after having voted to send them to war is the height of hypocrisy, and the public is outraged.

As a result, House Republicans have reversed course. They received the wake-up call. They have come back to the table so we can hammer out the funding we need to care for our troops, as we should have earlier this week and in March.

This is a pattern that has become all too familiar. The majority does something unpopular, the public gets incensed, and the majority backs off. It has happened over and over with the ethics crisis in the House. It happened with the recent Republican attempt to kill public broadcasting in America; and now less than 7 days later, they are at it again, having to fess up to the fact that their priorities are out of step with the American people, their values are out of the mainstream.

Have they had a change of heart regarding the issue before us? Perhaps, or perhaps they just do not want to go home to July 4th parades in their districts before they have dealt with the tangible and pressing need of the veterans they will be saluting.

Let me say I find it absolutely scandalous that the Veterans Administration failed to tell us of this shortfall.

Now, Mr. Speaker, while I give my friends on the right credit for admitting their error and working to fix it, I regret to report that their proposed solution is just not good enough.

They have proposed increasing veterans spending by $975 million, which is still $25 million short of what the Veterans Affairs Department says it needs just this year, and more than half a billion dollars short of what the Senate pledged yesterday. Their bill does nothing to address the issue of veterans funding in 2006, where we are told there will be another more than $1 billion deficit.

I hope and pray we do not have to have this embarrassing debate again next year and can instead solve this problem now. We should always remember, Mr. Speaker, that it is easy to make the right decision when the whole world is watching, but what defines our character is what we do when no one is watching.

The Members of the majority have repeatedly been coerced by popular pressure into doing what is right when all eyes are on them. Now, both I and my colleagues on the Democratic side implore them to do something more: to summon the courage and the wisdom to do what is right when the only eyes on them are their own.

Mr. Speaker, I reserve the balance of my time.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentlewoman's comments and certainly understand the importance that she has placed on us rectifying the situation with regard to veterans funding and as it relates to highway spending.

I am glad that the House by unanimous consent, before we took this rule up, adopted the extension of the existing highway authorization. So I am glad we have taken that off the table. It is precisely the type of immediate action that we need to take before we go home for the district work period.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, I thank the gentleman for the time.

We have actually done some good things for veterans over the last 4 years. I would like to point those out.

We have passed concurrent receipt legislation which we have been trying to get done for a period of time. Death and survivor benefits have certainly been very helpful to servicemembers over the past 4 years. The VA budget has been increased from $48 billion to $68 billion, a 42 percent increase; and nearly 5 million veterans receive health care benefit services this year, which is about 1 million more than 4 years ago. So many good things have happened.

I realize that the current shortfall is really unacceptable and would like to comment that even though this was due to an actuarial miscalculation, certainly was unintentional and certainly is fixable, we do find that some of our rural veterans are really struggling for health care.

Many of these people have to travel long distances; and the older they get and the sicker they get, the more difficult it is to get them health care. They often have to have a friend, a child, drive them down one day. The next day they come back, and it may be for very routine issues such as blood pressure, adjustment of medications and so on.

What I am saying here at this particular time is that this seems to be a neglected group, and ofttimes our rural veterans are the people who really serve our country in the highest number, highest percentages.

What we would like to propose is that legislation that I have introduced, H.R. 1741, the Rural Veterans Access to Care Act, would establish a pilot program to assist highly rural or geographically remote veterans who are enrolled in the VA and are obtaining primary health care at a medical facility closer to home, in other words, their local hospital. If they need to adjust their medications, they can go and check there, and VA reimburses them for that. This would, I think, in some cases save money. It certainly would provide a lot more services for those who badly need the health care.

I would just like to make that comment, and I thank the gentleman for his time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I would like to point out two things: first of all, in response to my dear friend from Nebraska, when he mentioned that the majority, or that this body, had passed or fixed concurrent receipt, he neglected to mention that was following a Democratic discharge petition that essentially shamed the majority into doing something that the administration had opposed, the Republican majority had opposed. They finally did it in the late term of the last Congress, just in time for an election; but they still did not put in a permanent fix for it.

When the gentleman talked about the other things that the majority party has supposedly done for veterans, he neglected that just a couple of weeks ago, right here on this floor, the majority party rejected the gentleman from Mississippi's (Mr. TAYLOR) passionate request that we provide additional TRIO health care access to Guardsmen and Reservists. They rejected that.

So to come here and say look at what all we have done for veterans is mighty hypocritical when you know the full record.

Let me talk about what happened this past March. I have worked in VA hospitals as a clinical psychologist with returning veterans. We had Task Force Olympia coming back to my region, and I said we have got thousands of soldiers coming back and it is a logical, reasonable question to say do we have the resources in place to treat those soldiers and their families when they come back.

I worked with the gentlewoman from Oregon (Ms. HOOLEY), and we held a whole series of meetings with veterans and their families, and the veterans said, we are not getting the care already that we need. We talked to staff within the veterans hospital, and they told us, we are not meeting the demands of the people already back home, let alone do we have the capacity to meet the demands of thousands coming back.

Based on that information and other information we had gleaned from prior hearings within this Congress, the gentlewoman from Oregon (Ms. HOOLEY) and I offered an amendment to the supplemental appropriations bill to provide $1.3 billion to make sure that those veterans came back and got the care they needed.

The distinguished gentleman from Florida was part of the Committee on Rules that voted unanimously to not allow that amendment to be brought to the floor. Had we brought that amendment to the floor and passed it as part of the emergency supplemental, we would not be having this debate, veterans would not be waiting in lines, their families would be receiving the services they need, and we would be honoring our commitments to the men and women who served.

Instead, what we are doing now months later is trying to jerryrig something that we could have solved. You have let the veterans and their families down. It is a historical fact. It is a current reality, and it is shameful.

The President in his speech the other night said let us all wave flags on July 4th. We are all for the flag and we are all for our soldiers; but when the rubber meets the road, when the time comes to armor the Humvees, to equip our soldiers, to adequately provide for their health care before they deploy, to take care of them when they come back, you folks are AWOL.

We could do the right thing tonight. We could do the right thing tonight, pass a bill through the House that would immediately be taken up by the Senate and immediately pass and get the money into the system that it needs. We are not going to do that; and, yet again, we are not going to do the right thing because of the opposition of the majority party which will then somehow claim that they stood up for veterans, and I think that is a disgrace, and it is inaccurate compared to the historical record.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman attempted to give his version of the history. The history speaks for itself.

Concurrent receipts is an issue that was never brought to the floor under the Democratic majority. The gentleman from Florida (Mr. BILIRAKIS), a champion for veterans, filed that bill year after year after year for over a decade. It did not get a hearing until the Republicans took over. It was the Republican majority that passed it. It is under Republican leadership that funding per veteran has nearly doubled.

Where the rubber meets the road, as the gentleman put it, has been in funding and support for America's soldiers, sailors, airmen and Marines and our veterans; and it is unfortunate that we had this actuarial model problem, but the fact of the matter is this rule allows us to fix it tonight. I hope my colleagues will support that rule. Because of that fact, it is freeing up those funds for our veterans to correct this problem. It is also allowing us to move forward on other issues before we go home for the 4th of July work period.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield to the gentleman from Washington (Mr. BAIRD) for a unanimous consent request.

Mr. BAIRD. Mr. Speaker, I include for the RECORD the report from the Committee on the Budget hearing in which the majority denied our efforts to add the $1.3 billion back in March.

The rule waives all points of order against consideration of the bill. The Committee anticipates that the waiver includes: Rule XIII, clause 4 of House rules (requiring a three-day layover of the committee report and requiring the three-day availability of printed hearings on a general appropriation bill): Section 306 of the Congressional Budget Act (prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by the Budget Committee); and Section 401 of the Congressional Budget Act (prohibiting consideration of budget-related legislation, as reported, that is not subject to annual appropriations).

COMMITTEE VOTES

Pursuant to clause 3(b) of House rule XIII the results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 10

Date: March 14, 2005.

Measure: H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

Motion by: Mrs. Slaughter.

Summary of motion: To make in order and provide the appropriate waivers to the amendment offered by Rep. Hooley to add $1.3 billion in funding to the FY06 Supplemental Appropriations bill to provide health care and readjustment assistance to the veterans of Iraq and the War on Terror. Specifically, the amendment would provide $1.2 billion for the Veterans Health Administration and $100 million for the reintegration of Army National Guard members being released from active duty.

Results: Defeated 3 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Rules Committee Record Vote No. 11

Date: March 14, 2005.

Measure: H.R. 1268, Making emergency supplemental appropriations for the fiscal year ending September 30, 2005, and for other purposes.

Motion by: Mr. McGovern

Summary of motion: To make in order and provide the appropriate waivers to the amendment offered by Rep. Tierney to establish a select committee to study, among other things, the bidding, contracting, and auditing standards in the issuance of government contracts; the oversight procedures and forms of payment and safeguards against money laundering; the accountability of contractors and government officials involved in procurement; and the allocation of contracts to foreign companies and small businesses.

Results: Defeated 3 to 9.

Vote by Members: Diaz-Balart—Nay; Hastings (WA)—Nay; Sessions—Nay; Putnam—Nay; Capito—Nay; Cole—Nay; Bishop—Nay; Gingrey—Nay; Slaughter—Yea; McGovern—Yea; Hastings (FL)—Yea; Dreier—Nay.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, all I can say to our Republican friends on the other side of the aisle is: "Welcome Aboard," even if you are a little short and even if you are a little late.

The fact is that for the last 3 years we have had a history of resistance by the majority party in this House to efforts by the gentleman from Texas (Mr. EDWARDS) and me to add funding for veterans health care above the amounts that the Republican majority saw fit to provide.

Example: fiscal 2005, the budget resolution. We asked that $1.3 billion more be made available for veterans health care. We were turned down. In a continuing resolution for fiscal 2005, we tried to add $2.5 billion for veterans health care. We were turned down.

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As recently as a month ago, the gentleman from Texas (Mr. EDWARDS) was called a demagogue by a member of the majority party because he was insisting that the VA estimates were too low and that we needed more money.

Now the VA belatedly admits that they have found a problem. The only problem is even under their story they found it in April and they did not reveal it until now. I would suggest that the VA also has a history of trying to chisel on veterans' benefits. Three years ago, they sent out instructions to veterans' service officers not to engage in outreach in order to inform veterans what they were entitled to, and we had to scold them day by day on this House floor to try to get them to back off, and they are still being penurious about it.

The sad fact is that tonight what we ought to do is to take what the Senate did. We ought to take the $1.5 billion that the Senate Appropriations Committee reported out unanimously, every Republican, every Democrat, $1.5 billion, and they suggested that if we passed that, we could pass it immediately, no need for a conference, and we would be in great shape.

We were told yesterday we should not bother with bringing funding up on the Treasury Transport bill because we wanted to rush bills through that could be signed faster. Well, the best way to get a bill through this place immediately is to take the same number the Senate is taking and pass it.

Let me also simply say that I find amusing this scramble by the majority party leadership to finally get on board in a recognition that veterans need more funding. It was just 6 months ago that the majority party dumped the gentleman from New Jersey (Mr. SMITH) from his chairmanship of the Committee on Veterans' Affairs because he had been too insistent on adding money for veterans' health care. So when he got out of line, you dumped him and you substituted someone you thought would be more compliant with party leadership.

The gentlewoman from Oregon (Ms. HOOLEY) pointed out to me that this message was on a billboard in a veterans hospital in her district. It reads: "Important: We regret to inform you that, due to budget issues, we can no longer supply meals to patients. Please bring a meal from home if you are going to be in the short-stay unit. We apologize for any inconvenience."

Well, I think this Congress ought to apologize for the inconvenience that they have caused veterans for the past 3 years by refusing to recognize that these budgets are inadequate. We are oh so good at praising the soldiers when the bands are playing and they are going off to war. We have an obligation to be just as enthusiastic in meeting their needs when they come home.

I thank the gentlewoman for yielding me this time, and I hope we would vote against the previous question so we can adopt the $1.5 billion solution which the Senate, on a unanimous basis in the Senate Appropriations Committee, indicated was necessary.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume to comment, as the gentleman is aware, that this rule allows us to move that funding as expeditiously as possible. It requires a two-thirds vote from the House to move forward. I am hopeful that he and the rest of his side will support us on this rule so that we can get that fix through. We can then restore the full funding to the veterans that they require.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York (Mr. WALSH), the distinguished chairman of the Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations.

Mr. WALSH. Mr. Speaker, I thank the gentleman from Florida for his leadership in bringing this rule to the floor that provides for consideration of several suspension bills, including a very important one.

I have heard a lot of bellyaching tonight about what happened before and why we should have done something else, and why did we not do something this way and why did we not do it that way. I suspect that when all the bellyaching is over, that we will have a near unanimous, if not unanimous, vote, at least I hope we do, to provide these resources.

We have a very logical process that we follow. It is according to our rules and according to our traditions. In the Committee on Appropriations we hold hearings in the spring, we take testimony, we provide oversight, we then receive our allocation, and provide the resources every year to meet the needs of our Nation. Again this year, as we did last year, and the year before, and the year before, and the year before, and the year before, the Veterans Administration receives the highest increase of any budget within the entire Federal budget. Year after year after year.

The House has the power of the purse. We set our priorities with the money that we have. Clearly, year after year this budget, the Veterans Administration budget, has been our highest priority. Whether you are a Republican or you are a Democrat, that is the way most Members believe. I feel that. I hear that from my colleagues, both sides of the aisle, members of my subcommittee and members of the full committee. And that is the way we have proceeded. It is not a partisan issue, and I hope we will not make it one tonight. Because at the end of the day, literally, that will be your last vote, and I hope we are all together on it.

What has happened since we had these hearings is that we move rapidly. I think everybody noticed that tonight. The appropriation bills for 2006 are complete. We moved rapidly. But the Veterans Administration has a midyear annual review, which they had just recently. Ensuing hearings by the Committee on Veterans' Affairs, providing oversight, determined that there was a shortfall. The Veterans Administration brought that forward, about $1 billion, or $975 million. They also explained that they had a work-around solution, $600 million out of capital and $375 million in anticipated reserve that they would utilize to fill that void.

We then held additional hearings, the subcommittee and the Senate authorization committee and the House authorization committee, and what we have found is that we have an accurate picture now of what that shortfall is. We also have an accurate sense of the Congress that we do not want to work-around solution. We want to provide those resources so that the Veterans Administration does not have to set aside repair and maintenance and acquisition of equipment, MRIs or computers or research equipment or laboratory equipment. We do not want them to have to do that.

So we are going through our normal procedure. And parts of that procedure, when you have to go back and take a look-back at a budget, is a supplemental budget request. This supplemental budget request will be presented for the consideration of the House tonight. The request is to provide that shortfall, $975 million, to the Veterans Administration to meet the needs to complete 3 more months of this year.

Now, people say, well, $1 billion, how could they be off $1 billion? My colleagues, this is a $30 billion-plus budget. This $1 billion means they were off by 3 percent, 3 percent, in their estimation. Now, is that unforgivable? Of course not. Is it a mistake? It sure is. And we have a way to resolve that mistake, to fix it, to correct it, and again to show our commitment to our Nation's veterans, especially in a time of war.

We are sending a signal not only to our current veterans, but we are sending a signal to those heroes that are out there in the field today, in Iraq and Afghanistan and around the globe. We want them to know that the commitments we have made to them we will keep, even if it has to be in an extraordinary measure like this.

So I would welcome additional comment. I would welcome the opportunity of those individuals who looked ahead and offered additional resources. But I would ask you to look at the logic of what we are doing. Look at the thread of logic through this whole process. We want to do this right, and I think we have done it right. So let us have the debates tonight. If you feel compelled to say "I told you so," go ahead. But stick with us and vote for this bill and support our veterans in a process that is reliable and is predictable and has a thread of logic all the way through it.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on this important issue. I also want to acknowledge the gentleman from Wisconsin (Mr. OBEY). He and the gentleman from Texas (Mr. EDWARDS) have been such champions for America's veterans.

Mr. Speaker, as we approach this 4th of July, we remember the sacrifice, the vision of our Founding Fathers, the courage, the imagination, and the intellect and values they presented in the Declaration of Independence. Since then, our country has always been about shared sacrifice in time of war and in time of peace. That is, up until now.

As Americans, we make a simple yet sacred promise to our veterans: You take care of us and we will take care of you. How we repay the service of our veterans speaks volumes about the character of our country. Unfortunately, under Republican leadership, the Congress is failing to keep faith with the veterans who have defended our freedom with their very lives.

Veterans of this country deserve some answers. Why does the Republican leadership in Congress find billions of dollars of tax cuts for the wealthiest Americans but does not find enough money for the veterans who risk their lives for our Nation? Why are veterans' affairs initiatives consistently underfunded and shortchanged, forcing thousands of veterans to wait months for health care? Why did the Bush administration suddenly discover a shortfall when we had been talking about this for months? Democrats and veterans organizations have been saying that the VA has been underfunded for more than 2 years now.

The answer is simple: The shortfall is the direct result of the failed budget policies and misplaced priorities of the Bush administration and the Republican Congress. Republicans here have either been in denial about the plight of our veterans or it simply has not been a priority for them.

This did not have to happen. Veterans across our country did not have to hear that the government had underfunded their health care. Our veterans did not have to give up only part of their patriotism and bravery in defending our Nation. Let today be the day when we begin to enact a GI Bill of Rights, and we can begin by responding to the call from the Senate.

The reason that we are here this evening, and the effect of the motion that is made to the Committee on Rules on the previous question, would say that if we defeat the previous question, the resolution offered by the gentleman from Texas (Mr. EDWARDS) would come to the floor and would fund by $1.5 billion the needs for veterans' health care.

Senator CRAIG said in a unanimous vote that the appropriators in the Senate voted to authorize the Senate to quickly take up the $1.5 billion emergency supplemental if the House approves such a measure. So a vote "no" on the previous question says "yes" to bringing up the Edwards resolution, which would immediately send it to the Senate, where they would take it up immediately, pass it, and send it to the President's desk.

Instead, the Republicans are advocating a different position, which is to once again shortchange America's veterans. On a battlefield, Mr. Speaker, the military pledges to leave no soldier behind. As a Nation, let our pledge be that when they return home, we leave no veteran behind. We can support our veterans with a "no" vote on the previous question, and a 'yes' on the Edwards resolution, and a "yes" for our veterans. That would be the appropriate observation of the 4th of July.

Mr. Speaker, I support the President's call for flying the flag on the 4th of July. Let us fly the flag and fund veterans' benefits.

Mr. Speaker, as we approach this Fourth of July, we remember the sacrifice of our Founding Fathers—the courage, the imagination, the intellect, and the values they presented in the Declaration of Independence. And since then, our country has always been about shared sacrifice—when it came to war, and when it came to peace. That is, up until now.

As Americans, we make a simple yet sacred promise to our veterans: "You have taken care of us, so we will take care of you." How we repay the service of our veterans speaks volumes about our national character. Unfortunately under Republican leadership, the Congress is failing to keep faith with the veterans who have defended our freedom with their very lives.

Veterans in this country deserve some answers. Why does the Republican leadership in Congress find billions in tax cuts for the wealthiest Americans, but does not find enough money for the veterans who risked their lives for our Nation? Why are Veterans Affairs initiatives consistently underfunded, forcing thousands of veterans to wait months for health care? Why did the Bush Administration suddenly discover a shortfall, when Democrats and veterans have been saying that the VA was underfunded for more than 2 years now?

The answer is simple: this shortfall is the direct result of the failed budget policies and misplaced priorities of the Bush Administration and the Republican Congress.

This did not have to happen. Veterans across our Nation did not have to hear that their government had under funded their health care; our veterans did not give only part of their patriotism and bravery in defending our Nation.

For more than two years, Democrats and veterans' organizations have stood together, calling for adequate funding.

We have sent letters, we have offered amendments, and we have launched a discharge petition to try to force a vote on additional funding for veterans' health care. We have tried time and time again, only to be rebuffed by the Republicans in Congress every step of the way. Vote after vote failed on the party line.

For our latest attempt, we sent a letter, signed by every single Democrat, to President Bush calling for an emergency supplemental to fund VA health care.

It seems that our voices were finally heard. Democrats have made this too hot for the Republicans to handle.

The truth has come out. The Bush Administration and the Republicans in Congress are finally admitting to what we've been saying for 2 years.

And today we have a chance in taking the first step in righting a wrong. The problem is that once again, the Republicans are a day late and dollar short.

The Senate Appropriations Committee has authorized the Senate to quickly take up a $1.5 billion emergency supplemental if the House passes the same.

The Chairman of the Senate Veteran's Committee has stated, and I quote, "Clearly there is a disagreement here on the number, but it's clear that we all want to do the right thing for our veterans. We do not want to leave the Department of Veterans Affairs short of funds. Working with our colleagues in the House, I'm sure we can achieve that objective."

The VA desperately needs this funding. And to get it done today the House must pass $1.5 billion for our veterans.

The ultimate fix would be what veterans and the Ranking Democrat on the Veterans Affairs Committee, LANE EVANS, have been calling for. They are correct, the only way to assure funding for VA health care: make it mandatory.

But let us start today by voting no on the previous question, so we can offer an amendment that would increase the amount for veterans to $1.5 billion to match the Senate amount.

Caring for our veterans shouldn't be a partisan issue. It should be our number one priority. Our veterans deserve better.

We must fulfill our sacred obligations to those who have worn this Nation's uniform.

My wish is that today's vote will lead to a renewed bipartisan commitment for our veterans.

Let today be the beginning of a new chapter, let today be the day when this government no longer ignores the promises we've made, and provide the support our veterans have earned and deserve.

Let today be the day when we begin ending the Disabled Veterans' Tax for every single veteran.

Let today be the day when we begin fully ending the Military Families Tax.

Let today be the day when we begin to enact a new GI Bill of Rights for the 21st Century.

On the battlefield, the military pledges to leave no soldier behind. As a Nation, let it be our pledge that when they return home, we leave no veteran behind.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, my friend from New York called this frustration bellyaching. It is not. In my office last month was a wounded veteran from Iraqi Freedom. His leg had been nearly blown off by an IED. He had been repeatedly and routinely denied care just as a default to say "you are not service-connected here." I saw the leg. It was damn near blown off.

Because of shortfalls in funding, the people who have served this country and nearly gave their lives, but did give their limbs, are not getting the care they need. It is more than bellyaching to stand up for them. I would invite the gentleman from New York to do something we do not do very often here. Let us step out of the box and stop the partisan fighting.

Here is the situation here today. If we pass the $975 million that the majority is putting forward, there is no way the Senate can conference that before the July 4th recess. The other body has said that if we pass $1.5 billion in the House, the same bill as theirs, it will be on the President's desk and can be signed and we can do something substantive rather than symbolic before July 4th. What is wrong with doing that for our veterans?

Mr. WALSH. Mr. Speaker, will the gentleman yield?

Mr. BAIRD. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, the Senate attached this 2005 funding to an 2006 bill, which will not take effect within the 2005 year. If they take up this bill on a stand-alone basis, the President can sign it tomorrow.

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Mr. BAIRD. Mr. Speaker, my understanding is different. The gentleman may be right.

My point is we have tried repeatedly on our side of the aisle to get additional funding for the veterans. We had hearings before the Committee on the Budget. The $1.3 billion figure that the gentlewoman from Oregon (Ms. HOOLEY) and I tried to add and were defeated by the majority, we did not draw out of thin air. It came from hearings before the Committee on the Budget. Veterans groups, as the gentlemen know, roundly criticized the majority budget as woefully underfunding veterans' needs. This did not come as a surprise. We saw it coming. We tried to tell you it was coming. You denied it repeatedly; and the sad part is for all of our bickering and complaining here, the people who suffered were the soldiers, and they are suffering today. We need to solve this problem.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from New York for pointing out the flaws in the argument. If we pass the $975 million tonight, the Senate can take it up tomorrow. The relief is there immediately. It is not a game of political one-upsmanship or the Polk County fair where we have this bidding contest going on.

The $975 million is out there before the July 4 break. It will be on the Senate's desk for them to take up. That is the responsible approach for this House to adopt at this point in the week as we continue to work through all of our avenues of support to get all of this assistance and help and rehabilitation to the veterans in need.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to point out that if we pass $1.5 billion, we can do the same thing, take the Senate bill and get it finished tomorrow.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Speaker, I have been on the Committee on Veterans' Affairs for 13 years, and let me say one thing: we do not have a shortage of money here in this Congress. We pass whatever we want whenever we want. The problem is, and I rise on behalf of all of the veterans, the problem is that there is not the will. The veterans are not the priority.

What I said in committee I say on this floor today. We can send $1.5 billion over to the Senate. They can pick it up, pass it, and tomorrow morning the President will be taking pictures, taking credit for it: but who wins will be the veterans.

I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating at this time: "The willingness with which our young people are likely to serve in any war, no matter how justifiable," and we are going to question that, "will be directly proportionate as to how they perceive the veterans of earlier wars were treated and appreciated."

Now let us not sham them. Everybody knows that the veterans need $3 billion; not $1 billion, $3 billion. That is what the independent budget says. The other side of the aisle is not surprised. They know what they need.

Why is it we cannot come together and give them something more than this lip service? You all talk a great talk. Let us all come together and walk the walk for the veterans tonight.

Mr. Speaker, I rise in support of veterans everywhere. What has been introduced here today is a sham. The emergency supplemental sent over by the President and accepted by the Republican leadership is wholly inadequate. This $975 million breaks down with money for many needed accounts; however, why should we believe their numbers now?

They lied to us when submitting their budget in February, they lied to us when they came to our committees in April, they did not discuss any issues with the minority members of the Veterans Committee. What do we know that the Senate does not? Why is there more than $500 million less for veterans in this bill? Why are we still trying to balance the budget on the backs of the veterans?

The 3 surgical operating rooms at the White River Junction VA Medical Center in Vermont had to be closed on June 27 because the heating, ventilation, and air conditioning system was broken and had not been repaired due to the siphoning of maintenance funds to cover the budget shortfall.

The Community Based Outpatient Clinics needed to meet veterans' increased demand for care in the North Florida/South Georgia VA Healthcare System have been delayed due to fiscal constraints. As of April, the Gainesville facility has nearly 700 service-connected veterans waiting for more than 30 days for an appointment. As a result of cost cutting measures to make up for the shortfall in FY 2005, the Portland, Oregon, VA Medical Center is delaying all non-emergent surgery by at least six months. Veterans in need of knee replacement surgery won't be treated because of the budget shortfall.

The goal of the Republicans and President Bush is to delay funding to veterans health. By passing this level of funding, we are guaranteed a conference. That will delay funding. Our veterans cannot wait! Support our Veterans! Defeat the Previous Question and fully fund veterans health care! I am reminded of the words of the first President of the United States, George Washington, whose words are worth repeating at this time:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the veterans of earlier wars were treated and appreciated by their country.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, we are asking young Americans, men and women alike, to fight a war in Iraq, a war in Afghanistan. As we debate funding for veterans tonight, if the Congress is going to err, should we not err a little bit on the side of veterans rather than erring on the side of shortchanging them?

I must say I appreciate the gentleman from New York (Mr. WALSH) and his effort in this process to fix a hole in veterans funding that I believe was created by repeated denials of the Republican House leadership at a real cost of providing quality health care for our veterans. It has been going on for 2 years, not 1 or 2 weeks, but 2 years.

I thank the gentleman from New York (Mr. WALSH) for his efforts this week. This bill would move it a step forward. But why in the world would the House Republican leadership refuse to even consider the $1.5 billion funding level that I think is needed to adequately fund VA health care during a time of war?

Let me put this debate in perspective. Over a year ago, the Republican chairman of the VA committee, the gentleman from New Jersey (Mr. SMITH), stood up and said in a bipartisan letter to the House Committee on the Budget that if you do not add $2.5 billion in 2005 to the VA health care budget, we are going to have to cut veterans services during a time of war, and the gentleman from New Jersey (Mr. SMITH) said that was wrong, and he was right to say it would be wrong.

How did the House Republican leadership honor the gentleman from New Jersey (Mr. SMITH) for standing up for veterans? Did they salute him? No, they fired him. They not only fired him from his position as chairman of the House Committee on Veterans' Affairs, took him off the Committee on Veterans Affairs' altogether.

Now the same leadership that punished a Member of the House for standing up for veterans during a time of war is asking us on a few minutes' notice to support the funding level for the VA health care crisis that is nearly $600 million less than that approved on a bipartisan basis by the United States Senate.

If we are going to err, why not err on the side of veterans? The same people who provided the numbers that put together this bill, it was put together on a partisan basis. I was not approached as ranking member of the Subcommittee on Military Quality of Life and Veterans Affairs to help determine what the number should be.

If this had been done on a bipartisan basis today, perhaps we could have all come up with a number that we all could have agreed upon.

If the gentleman from New York (Mr. WALSH) had his way, I think it would have been done in a bipartisan way. But the decision to make this a partisan bill tonight was made by the same House Republican leadership that chose a year ago to turn its back on veterans when it fired the gentleman from New Jersey (Mr. SMITH) for saying we should adequately fund veterans health care.

Let us err on the side of honoring our veterans tonight, not shortchanging them. And the Senate, the other body, has made it perfectly clear that it would take up immediately the bill that we would like to have voted on the House tonight to add $1.5 billion to VA health care spending for the year 2005.

It is a sad day when Members of this House are punished for standing up for veterans. Let no one on the Republican side of the aisle say these are just Democrats making partisan fights. We have been accused of that for the last 2 years by some who now want to say you were right, our numbers were wrong.

We should come together tonight. I would plead on a bipartisan basis to support the $1.5 billion funding level for veterans health care that the Senate has already adopted on a bipartisan basis. I would urge the House Republican leadership to stop punishing and intimidating Members of this House who will put their loyalty to veterans above their loyalty to partisanship. Let us do the right thing.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

The gentleman continues to say this is a partisan issue. I would venture to agree with the gentleman from New York (Mr. WALSH): the vote on this will be anything but partisan. I would venture to say that the support for restoring the $975 million mistake that the VA made will be a very broad, bipartisan, nonpartisan vote because I cannot imagine that anybody would stand in the way of that money finding its way into the veterans' hands, and the medical clinics and hospitals that so desperately need it.

The gentleman from Texas (Mr. EDWARDS) has identified the need as being $1.5 billion. The gentlewoman from Florida (Ms. CORRINE BROWN) has identified the need as being $3 billion. The VA and the administration has said it is $975 million. If we as a House pass that $975 million, get it into the hands of the people who need it, if we find between now and the end of the fiscal year, because that is the number that has been stated that is needed for the remainder of the fiscal year, but we will be back here in a week, and if we find that more is needed, without question it would be given again on a broad bipartisan vote.

But we believe that the correct number based on the new actuarial study, based on the request of the Secretary, based on the request of the administration is $975 million. The gentlewoman from Florida (Ms. CORRINE BROWN) believes it is $3 billion, but she is only willing to put half of that up by asking for $1.5 billion. We are willing to fund all that we believe the VA has requested to get them through the remainder of this fiscal year. This is not a partisan issue. This is an issue of huge importance to all of our veterans. I think that all of us on a broad bipartisan basis should pass this rule which allows us to get this money to them.

I want to correct another issue that continues to be repeated by the other side of the aisle. The Senate has not passed a penny for the veterans. It has been reported out of their committee. What we are doing here tonight allows the entire House to act on this appropriations request and get it over there to the Senate as quickly as possible.

As usual, we are ahead of the Senate on this issue, and we are acting as quickly as possible to get them the request the administration has made for the remainder of the fiscal year. It has not been taken up by the Senate. It has not passed out of the Senate, it has only come out of committee. We have put this thing on the fast track to get veterans the help they need.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. Mr. Speaker, I echo the sentiments of the gentleman from Texas (Mr. EDWARDS), who has been a tireless advocate of veterans benefits. I am a veteran and a son of a veteran who has a son who just became a veteran, so I echo the gentleman's sentiments.

Mr. Speaker, I rise today in support of our veterans, our troops, and H.R. 3130. Since I was elected, we have buried five soldiers in the Third Congressional District. As we drape our Nation's flag over their coffins, are we supposed to tell their families that our budget prevents them from getting promised benefits? As we celebrate July 4 and march in parades alongside the heroes of World War II, Vietnam, Korea, and the Persian Gulf, are we supposed to tell these veterans that last week's accounting error will prevent them from being seen by a doctor? And that not only will they have to travel 5 hours to see a doctor, but once they get there, they will be turned away?

They did not turn away when we called upon them to serve our country. They did not turn away from putting their lives on the line for our freedoms. We cannot turn away from them now.

It should not take an emergency or bad press coverage for this administration to care about the health of our Nation's veterans. In a time of war, bringing our troops home safely and taking care of our veterans is our number one priority.

This administration has let our Nation's heroes suffer because of a mismanaged budget. This is absolutely shameful and unacceptable. No one should ever let the troops and veterans be an afterthought. We need to provide this money now. We need to guarantee all future funding for the Veterans Administration so our Nation's heroes never have to suffer from a mismanaged budget again.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would just like to say in response to the comments of the gentleman from Florida (Mr. PUTNAM), he cannot name one Democrat in this House that was approached in putting together this bill dealing with veterans health care. If that is not partisan, I do not know what is.

What were the Republicans afraid of in working with Democrats to come up with a bill to fix the problem that the Republican leadership created? By the way, the same leadership passed a budget resolution this year cutting veterans health care benefits by $14 billion over the next 5 years. Forgive me if I do not trust that same leadership coming forward with this bill tonight.

Mr. PUTNAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas is a champion for veterans and has been for years, and I do not take anything away from him on that. But the fact of the matter is that for the last 10 years, veterans funding per veteran has doubled under Republican leadership. The funding overall has continued to grow. It has grown, as the gentleman from New York (Mr. WALSH) pointed out, at the highest rate of any agency in the government. As I said earlier, the vote on this issue will not be a partisan one. Every Member is committed to move this funding to the veterans as quickly as possible.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

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Mr. SPRATT. Mr. Speaker, let me quickly point out that this should come as no surprise. The President's budget for 2005 cut veterans appropriated funding $248 million below the Congressional Budget Office estimate of what was needed to keep pace for inflation in 2005 and $13.4 billion below current services over 5 years. For 2006, the President's budget called the even deeper cuts. Excluding the proposal to impose new and unrealistic fees, it cut funding for veterans appropriated programs $759 million below current services necessary to keep pace with inflation, $18 billion below inflation over 5 years.

Democrats have offered alternatives every year on this floor that would have covered the shortfalls the V.A. has identified. In 2005, we offered a budget resolution with $2.5 billion more than the President requested. In 2006, we offered a budget resolution with $2.3 billion over the President's request. And every year the outyear funding that we proposed was also substantially more than they proposed, and that is a problem we are not even discussing tonight because consistently what has happened here is there has been a little plus-up in the near term and a flattening out in the long term, and we inherit the consequences and episodes like this.

If we had passed the resolutions that Democrats supported and brought to this floor, we would not be here tonight discussing this bill.

Mr. PUTNAM. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

I always take a keen interest in these debates on veterans' health care issues. I actually work in a veterans' health care facility. I volunteer once a month; I see patients. And I have been doing it for years. and we have seen for years a tremendous explosion in demand for access to our veterans' health care system. And some of it has been generated by this Congress. We relaxed some of the access requirements. Some of it has been generated by the high cost of prescription drugs. A lot of the new patients coming into the system are people who do not have a prescription drug benefit. And. of course, now we have increased demand with the consequence of the war.

And I want to commend the gentleman from Florida (Mr. PUTNAM) on this rule. I think it is a good rule, and I want to commend the gentleman from New York (Mr. WALSH). He has worked very hard to address this shortfall. And, personally, I think we, as a Congress and as a Committee on Appropriations, need to take a very close look at the bill that we have already passed to address the 2006 needs, and this situation that we are dealing with today, I think, is the right thing for us to do. It is the best thing for our veterans. I know in the State of Florida, where I work and where I live, it has more than doubled, the number of veterans that have come into the system in the last 6 years, and it is truly breathtaking the number of people who are coming into the veterans system on a regular basis.

So I commend the author of this supplemental, and I believe it is the right thing for us to do for our veterans. We are in a state of war, and we need to send a signal to young people who want to enlist, to people who are serving and the people who have served that the Congress is going to stand with them and we are going to address these needs properly.

Ms. SLAUGHTER. Mr. Speaker, I yield 15 seconds to the gentleman from Washington (Mr. BAIRD).

Mr. BAIRD. Mr. Speaker, the gentleman from Florida and the gentleman from New York have repeatedly said that this will be a nearly unanimous passage. That may be true because the only thing we can unanimously agree on is the lower number. The Republicans will not agree on the higher number, which is what the veterans need. The Democrats will agree on the lower number because it is all they are really willing to give us. But if they truly cared for the veterans, they would agree with us and we would have unanimous vote on the $1.5 billion.

Mr. PUTNAM. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Before I start, I will insert in the RECORD the news release from Senator CRAIG, Committee on Veterans' Affairs chairman, and the New York Times editorial today called "The True Cost of War."

SENATE TO QUICKLY TAKE UP $1.5 BILLION MEASURE FOR VETERANS IF SENT FROM THE HOUSE

WASHINGTON, DC—The U.S. Senate Appropriations Committee retreated its position today that the Department of Veterans Affairs need $1.5 billion to fill a spending gap for the Department of Veterans Affairs. In a unanimous vote, the appropriators voted to authorize the Senate to quickly take up a $1.5 billion emergency supplemental if the House approves such a measure.

That action came after the Bush Administration indicated earlier today that the agency needs $975 million.

"Clearly there is disagreement here on the number, but it's clear that we all want to do the right thing for veterans. We do not want to leave the Department of Veterans Affairs short of funds," said Sen. Larry Craig who serves on the Appropriations Committee and is Chairman of the Senate Committee on Veterans' Affairs. "Working with our colleagues in the House, I'm sure we can achieve that objective."

[From the New York Times, June 30, 2005]

THE TRUE COST OF WAR

In anger and embarrassment, Congressional Republicans are scrambling to repair a budget shortfall in veterans' medical care now that the Bush administration has admitted it vastly underestimated the number of returning Iraq and Afghanistan personnel needing treatment. The $1 billion-plus gaffe is considerable, with the original budget estimate of 23,553 returned veterans needing care this year now ballooning to 103,000. American taxpayers should be even more furious than Congress.

The Capitol's Republican majorities have shown no hesitation in signing the president's serial blank-check supplemental budgets for waging the war, yet they repeatedly ignored months of warnings from Democrats that returning veterans were being shortchanged. One Republican who warned of the problem—Representative Christopher Smith of New Jersey—lost his chairmanship of the Veterans' Affairs Committee after pressing his plea too boldly before the House leadership.

But partisan resistance melted in a flood of political chagrin once the administration admitted the budget error, which was first discovered in April but only now disclosed. The explanation offered—the gaffe was due to using dated formulas based on prewar calculations—left Republicans sputtering all the more.

All wars necessarily involve mismanagement, even successful ones. But there is no excuse for treating the needs of wounded and damaged warriors as a budgetary afterthought. Congressional Republicans were far from innocent victims of administrative ineptitude or deception. After years of approving record tax cuts and budget deficits, they stuck to this year's pre-election script of fictitious "budget tightening" that underestimated inevitable expenses and shortchanged returning veterans with higher health care enrollment fees and drug co-payments. The only comfort for the American public is that unlike many of the war's problems, this one can be repaired, providing partisan combat is suspended in the Capitol.

Ms. SLAUGHTER. Mr. Speaker, I am going to be asking Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to immediately consider H.R. 3136, legislation introduced by the gentleman from Texas (Mr. EDWARDS) and the gentleman from Wisconsin (Mr. OBEY) that provides an immediately desperately needed $1.5 billion in funding for veterans medical service. This amount is the same level that was approved by the Senate last night and is what is needed to fully care for our Nation's veterans.

Mr. Speaker, it is too bad that the White House and the VA were not honest about this shortfall in the first place because if they had been, as the gentleman from South Carolina (Mr. SPRATT) said, we would not need to be here tonight. But I think now even the most skeptical of my colleagues in the House realize that our veterans' health care system is in a serious crisis. And while it is encouraging that after feeling the pressure brought to bear by the American people that the Republican leadership has reversed course and agreed to take some action, it is unclear to me why they are providing only $975 million instead of the full amount needed. How can we believe the same people who told us there was no problem?

Senator CRAIG is asking the leadership of this body to pass a bill and let him have that $1.5 billion out of here so they can finish work on this in the morning. Clearly, clearly, we must do that for our veterans. Remember, we have a contract with them. When we sent them off to war, we guaranteed that we will meet their needs.

So please vote "no" on the previous question, and we can vote today for full funding of our veterans.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. PUTNAM. Mr. Speaker, for the purpose of closing, I yield the balance of my time to the gentleman from New York (Mr. WALSH), distinguished chairman of the Military Quality of Life and Veterans Affairs, and Related Agencies Subcommittee of the Committee on Appropriations; who has been a champion for veterans funding, who has been there year in and year out. He shepherded, along with the gentleman from Florida (Mr. BILIRAKIS) and other Members of this House, the first concurrent receipt bill in the history of this country, double-digit funding increases for veterans, a doubling of funding for veterans over the last decade, a real champion for the veterans.

Mr. WALSH. Mr. Speaker, I thank the gentleman for yielding me this time.

After all the speeches and the rhetoric, really the big difference here is the dollar amount. We all realize there is a shortfall. We all support closing the gap. So the issue is $1.5 billion that the Senate acted on. One Member said it was 3, but I think most people, at least on the opposite side of the aisle, agree that it is $1.5 billion. We believe it is $975 million. So everything else really at this point is rhetoric. We just need to try to address that. And I tried for the life of me to figure out where this $1.5 billion figure came from. I know the Senate is working with that figure, because everything we have heard from the Veterans Administration was that they had a work-around solution to come up with $600 million out of their capital fund and $375 million out of their reserve fund to close this gap in different lines of health care within the hospital system, and that would add up to that $975 million.

The $1.5 million is still a big question mark, and the only thing I can come up with is that, in a conversation I had with OMB Director Bolten, he mentioned that there may be, they do not know but they are working on it, a shortfall in 2006, in 2006, of somewhere between $1.1 and $1.6 billion. And that is 2006. No one, no one, has ever mentioned the fact that there is a shortfall in 2005 of $1.5 billion. So we have what I think is a number that is provided through a logical process, through testimony in the hearings presented by the head of the health administration and the Department of Veterans Affairs Secretary.

This, I believe, is as close to what we can get as what the gap is. Let us support it on a bipartisan basis. Let us support the rule and consider the bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

At the end of the resolution add the following new section:

"SEC. 3. Immediately upon the adoption of this resolution it shall be in order without intertention of any point of order to consider in the House the bill (H.R. 3136) making emergency supplemental appropriations for the Department of Veterans Affairs for fiscal year 2005 for veterans medical services. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit with or without instructions.

Mr. PUTNAM. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PUTNAM. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 191, not voting 26, as follows:

[Roll No. 359]

YEAS—216

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Herseth
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—26

Berman
Boehner
Butterfield
Cardin
Cramer
English (PA)
Everett
Harman
Higgins
Keller
Kingston
Musgrave
Norwood
Oberstar
Paul
Peterson (PA)
Radanovich
Rahall
Rogers (KY)
Rogers (MI)
Ross
Schiff
Smith (NJ)
Solis
Waters
Wicker

□ 2030

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 359 on H. Res. 345 concerning the previous question, I was unavoidably detained. Had I been present, I would have voted "nay".

Mr. RAHALL. Mr. Speaker, on rollcall No. 359, had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

RECORD votes on postponed questions will be taken later today.

EXPRESSING THE SENSE OF THE HOUSE THAT A CHINESE STATE-OWNED ENERGY COMPANY COULD TAKE ACTION THAT WOULD THREATEN THE UNITED STATES

Mr. NEY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 344) expressing the sense of the House of Representatives that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take action that would threaten to impair the national security of the United States.

The Clerk read as follows:

H. RES. 344

Whereas oil and natural gas resources are strategic assets critical to national security and the Nation's economic prosperity,

Whereas the global demand for oil and natural gas is at the highest levels in history;

Whereas the global excess capacity of oil production, at between 1,500,000 and 2,000,000 barrels per day, is at its lowest level in the past several decades, contributing to world oil prices reaching historic highs of above $60 per barrel;

Whereas natural gas globally is the fastest growing component of primary energy consumption, projected to increase by nearly 70 percent by 2025;

Whereas the National Security Strategy of the United States approved by President George W. Bush on September 17, 2002, concludes that the People's Republic of China remains strongly committed to national one-party rule by the Communist Party;

Whereas China's daily consumption of crude oil grew by nearly 850,000 barrels in 2004, accounting for more than one-third of the increase in world demand for oil in 2004;

Whereas China's consumption of crude oil is expected to grow by an additional 7.5 percent in 2005, and world oil prices are projected to rise significantly as a result of increasing demand from China for oil;

Whereas notwithstanding the increasing demand from China for oil, domestic Chinese output of oil has remained relatively stagnant;

Whereas on June 23, 2005, the China National Offshore Oil Corporation (CNOOC) announced its intent to acquire Unocal Corporation, in the face of a competing bid for Unocal Corporation from Chevron Corporation;

Whereas the People's Republic of China owns approximately 70 percent of CNOOC;

Whereas a significant portion of the CNOOC acquisition is to be financed and heavily subsidized by banks owned by the People's Republic of China;

Whereas Unocal Corporation is based in the United States, and has approximately 1,750,000,000 barrels of oil equivalent, with its core operating areas in Southeast Asia, Alaska, Canada, and the lower 48 States;

Whereas CNOOC has made various representations about its intention to sell oil developed in the Gulf of Mexico to the United States, but has not made any commitment to sell other natural gas and oil it develops into global energy markets instead of shipping it directly to China;

Whereas a CNOOC acquisition of Unocal Corporation would result in the strategic assets of Unocal Corporation being preferentially allocated to China by the Chinese Government;

Whereas a Chinese Government acquisition of Unocal Corporation would weaken the ability of the United States to influence the oil and gas supplies of the Nation through companies that must adhere to United States laws;

Whereas Unocal Corporation was responsible for the production of energy equivalent to approximately 411,000 barrels of oil per day in 2004, which is approximately one-third of all global excess oil production capacity;

Whereas CNOOC's control of Unocal Corporation's productive capacity would mean control of approximately one-third of all global excess oil production capacity;

Whereas the petroleum sector uses a range of sensitive technologies for exploration (such as seismic analysis and processing, downhole logging sensors, and modeling software), production, and refining (such as processing technologies and equipment), including technologies that have "dual-use" commercial and military applications;

Whereas several of the technologies used in oil and energy production require export licensing for export from the United States to China;

Whereas the CNOOC acquisition of Unocal Corporation could provide access to Unocal Corporation's sensitive dual-use technologies that the United States would otherwise restrict for export to China;

Whereas oil companies owned by the People's Republic of China are active in parts of the world, such as Sudan and Iran, that are subject to United States sanctions laws, and the national security of the United States is threatened by the export of sensitive, export controlled, and dual-use technologies to such countries;

Whereas barriers to the ability of the United States Government to enforce export controls and sanctions could pose a direct threat to the national security of the United States; and

Whereas section 721 of the Defense Production Act of 1950 (50 App. U.S.C. 2170) authorizes the President to suspend or prohibit any foreign acquisition, merger, or takeover of a United States corporation that threatens the national security of the United States, if the President finds that "there is credible evidence that leads the President to believe that the foreign interest exercising control might take action that threatens to impair the national security" and other provisions of law "do not in the President's judgment provide adequate and appropriate authority for the President to protect the national security": Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the Chinese state-owned China National Offshore Oil Corporation, through control of Unocal Corporation obtained by the proposed acquisition, merger, or takeover of Unocal Corporation, could take action that would threaten to impair the national security of the United States; and

(2) if Unocal Corporation enters into an agreement of acquisition, merger, or takeover of Unocal Corporation by the China National Offshore Oil Corporation, the President should initiate immediately a thorough review of the proposed acquisition, merger, or takeover.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. NEY) and the gentlewoman from Michigan (Ms. KILPATRICK) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise today in support of House Resolution 344, introduced by the gentleman from California (Mr. POMBO), and urge its immediate adoption.

Briefly, this resolution asks that the President initiate a thorough review of any potential takeover of Unocal Corporation by the Chinese National Offshore Oil Company as soon as any agreement of such a takeover is announced, on the grounds that such a purchase could threaten the national security of the United States.

Mr. Speaker, at a time of rising prices on global oil supplies, ready access to energy resources is a vital element to our economic security. It is imperative that the United States protect its access to Unocal's energy resources in order to protect our economy and our national security.

Just as importantly, Mr. Speaker, I and many Members are extremely skeptical of assurances that the Chinese oil company executives have sought to offer that they would dedicate any oil production from this region to consumption in the United States.

Mr. Speaker, we know from a number of past experiences that the Chinese do not look at trade the same way we do, that agreements made or treaties signed are more of a starting point for negotiation than documents that must be adhered to. Especially in this purchase, the Chinese company and the Chinese government are not playing fair. This company is 70 percent owned by the Chinese government, is said to be receiving more than a quarter of the funding of its bid for Unocal at zero percent or at highly subsidized interest rates.

Mr. Speaker, American companies who are interested in buying Unocal cannot get funding deals like that. They borrow on the open, non-subsidized credit market, or they would be able to offer a few billion dollars more in an instance like this. I call that an unfair trade practice, and a good enough reason for the deal to be waved off all by itself.

But, Mr. Speaker, there is a much more serious reason to be skeptical of this proposed purchase, and it is for that reason I support this resolution.

In my view, a purchase of Unocal by a company that the Communist government of China controls, a government that is one of our major trading partners but also one of our major trade competitors, threatens the national security of this country by holding out the prospect that every drop of oil, every unit of natural gas produced by that company could end up being shipped to China.

We are all reminded every time we go to the gas pump what has happened to the price of oil recently, and if the Chinese shut off the Unocal tap, the United States supply of oil would be that more scarce and a gallon of gas or heating oil that much more expensive.

You only need 2 numbers to understand how serious this problem potentially could become: the global excess capacity of oil production right now is estimated to be just 1.5 to 2 million barrels of oil a day, the lowest in the past several decades. Compare that to this: last year, China's increase in demand for crude oil is said to have been 850,000 barrels a day, with the demand expected to grow another 7.5 percent this year alone.

Mr. Speaker, the Chinese economy is inhaling oil, and a lot of other commodities, at a staggering rate. How can we imagine that a government-owned oil company will not send its fuel to feed that government's economy, and not our own?

Mr. Speaker, I urge support of this resolution that is so needed.

Mr. Speaker, I reserve the balance of my time.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the resolution. The House went on record earlier today in a strong, bipartisan way, to support that we would, first of all, make sure that CFIUS, which is the Committee on Investments in the United States chaired by the Secretary of the Treasury Snow, that we go on record making sure that we not spend money at this time for a Chinese company that is Communist-owned by the Communist government to take over our ninth largest oil company. The Congress has spoken, and we are happy that we did so in a loud, strong voice.

The sense of the Congress resolution before us is one that we also support. General Motors is losing technology to China, and it is costing the company $12 billion a year. Intellectual property rights are not being protected, and China has been abusing those rights.

We must protect American business, and we must do what is necessary. So, I am proud of the Congress and the gentleman from California (Mr. POMBO) for introducing this resolution that we also further state our strong support for not allowing the sale to go through.

Mr. Speaker, I reserve the balance of my time.

Mr. NEY. Mr. Speaker, I yield 2 minutes to the Chairman of the Committee on Energy and Commerce, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution, and I am proud to be one of the original cosponsors. I would like to point out a couple of problems with the proposed transaction.

Number one, if Unocal was trying to buy the Chinese National Offshore Oil Company, they could not do it, because Chinese law does not allow a foreign company to have a controlling interest in a company in China. That is one problem.

Number two, CNOOC is a front company for the Communist Chinese government. Seventy percent of the equity in the company is owned by the Communist Chinese government. The money that is going to be used to buy Unocal comes from the Communist government in the form of a loan. This loan almost doubles the total amount of debt; in fact, it over-doubles the total amount of debt that the company currently has.

Number three, if we wanted to sell our products in China, under current law, that probably would not be allowed. So I am in strong support of this resolution.

I chair the committee that has jurisdiction over the Committee on Foreign Investment of the United States, CFIUS, and I plan to hold a hearing on this when we get back sometime in the very near future, after the July Fourth recess. There is no reason that we cannot find a buyer for Unocal that meets all of the tests that a company in the United States would have to meet.

So I am in strong support of this resolution, and I hope all Members of the House of Representatives will support it.

Ms. KILPATRICK of Michigan. Mr. Speaker, at this time, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I do not have any objection to a review of this contract, and I certainly understand the domestic politics, but I think we need to be fully aware of two things about this: how China is able to purchase UNOCAL, and why they need to.

The how is all about what we have done to ourselves. With $9 trillion of public debt outstanding, somebody has to buy it, and 44 percent of our Treasury debt, I say to my colleagues, is foreign-owned. The fastest-growing component of that foreign ownership is in China, and it is a darn good thing for us that they are buying it, because if they were not, our interest rates would be much higher than they are today. They are keeping our interest rates low, but it does not come for free.

The fact is, if we say that they cannot use that money legally to purchase assets, to give 16+ billion to American shareholders in return for a corporate asset, what are they likely to do? They are going to say this currency is not as valuable to us as it is to other people in other countries, so we are going to have to dump this, and imagine what that would mean. They are holding a financial guillotine over the neck of our economy, and they will let it drop if we do things like this that are not well-considered.

Now, the why. They desperately need energy to keep their economy sustained, but if we do not let them invest in western firms, what are they going to do? They are going to invest more capital in Iran, in Sudan; they are going to make those governments even stronger than they are today and a much greater threat to us. So think seriously about this.

Now, the reality is that UNOCAL only produces about 1 percent of our oil and gas production, and they intend to market that and continue providing that to the United States. Also bear in mind, though, that American oil companies have a whole lot of drilling rights and oil reserves off the coast of China. We have an investment all over the world, and when we start with these kinds of resolutions, start deciding, well, we are not going to let the market work, we are not going to let free enterprise control this, this is not truly a globally free economy if it is not completely to out liking. We are going to treat China differently.

I cannot stand State-controlled economies. But when we start doing things like this, there are ramifications that we have not thoroughly thought out, and I think we need to be very careful about passing resolutions like this.

Again, I understand the domestic politics, I understand why we do not want State-owned companies controlling American oil companies, but I also understand why China is doing this. Their CEO was educated in the United States. They will keep all of UNOCAL's employees. Chevron plans to save millions by firing most of them. This is one of the better-run Chinese companies. Ultimately what they are proposing is much more in our interests than the alternatives also available to them. So let us fully consider this before we pass this resolution. I'm voting no.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time.

I support the attempt to block this sale. This sale involves a strategic asset and, more importantly, a strategic lever for Communist China. Our policy for the last many years has been to deter the Chinese government in Beijing from ever coming into the position where they thought they had enough leverage over the U.S. to cross the Straits of Taiwan. This would be a major lever that would accumulate to the Chinese Communist government on top of the Sovereign class missile cruisers that they have acquired, on top of the MiG fighter production that they have acquired, on top of the other acquisitions of major U.S. economic interests.

□ 2045

I hope everyone votes against this, votes to block this important transfer of a strategic asset to, and make no mistake about it, the communist government, not a private entity, but the communist government of China.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. CAPUANO), a member of the committee.

Mr. CAPUANO. Mr. Speaker, this is a good resolution, and I support it, and the issue is important. However, I just wanted to stand tonight to point out the fact that we are really just talking about the tail. This is not the dog; it is simply the tail. It is important. I do not want to minimize it. But the truth is we are talking a $16 billion sale most of which will go to American shareholders.

However, what we are not talking about is the elephant in the room where right now as of today, after 4½ years of this administration, we currently owe China $277 billion. That is what we owe them right now. That is a 257 percent increase over 4½ years ago. We are going to have a 40-minute debate tonight on this particular issue. In that 40 minutes, on average, over the last 4½ years, America will have borrowed $3 million from China. By the time we are finished talking, we will owe them another $3 million. I do not want to pick on China. China is only one of the issues. It is not the only country.

In the last 4½ years, 84 percent of all debt sold, all private debt sold by the United States Government has been sold to foreign governments and foreign corporations of which China is only the second largest.

To me this is an important issue. I support it. I am glad we are taking action. But more importantly, we had better wake up. We are sending too many jobs, too much money, too much economic power overseas. China is only one of them. But they are a large one. I just wanted to use this opportunity to make sure that we know this is only the beginning. It is not the end.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, I rise in strong support of the resolution. This legislation is going to send a much needed strong signal to China. We do not support government-sponsored acquisitions of American corporations that clearly threaten our national security. I am extremely concerned at CNOOC's proposal to buy Unocal, one of our Nation's leading independent natural gas and crude oil exploration companies. The Chinese Government owns over 70 percent of the China National Offshore Oil Corporation.

This is frightening. China is the second largest consumer of energy in the world behind the U.S. China's only desire to purchase this energy company is to meet the demands of their ever-growing population and economy. We cannot let this purchase move forward. What type of precedent would it set? What would the Chinese take next? They have already taken the textile industry jobs, thousands of jobs from other business, whether it is currency manipulation, the intellectual property rights or even government subsidies. China does not play by the rules. Why in the world would we expect them to do so now?

Folks, this is a no-brainer. It is time for America to take a stand and say no. We have suffered too much. We cannot allow the Chinese to lock into one of our most precious resources and leave our Nation vulnerable.

Support the resolution. I commend the gentleman from California (Mr. POMBO). Stop this move now.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy in permitting me to speak on this bill. There are a number of things in here that I have no objection to, that I think we should do in terms of preserving our national security.

But what is striking about H. Res. 344 is that it basically misses the point. It is inadequate. It talks about only a little bit of the equation.

The problem that we have now is first, we have a reckless fiscal policy in this country aided and abetted by this Congress. We are as addicted to the Chinese loans, to their credit to us, as we are to Saudi oil. Nothing in this resolution talks about getting our fiscal house in order. What would happen if instead of using their money that we have given them to purchase this oil company, what if they purchased something in another area or if they start dumping our bonds. What would happen to interest rates and the problems in this country?

It is also interesting that the resolution talks about the Chinese oil supply being stagnant in terms of their domestic production. Our supply in the U.S. is not just stagnant; it is going down. Even if you suck the entire oil supply out of the Arctic wildlife refuge and threaten our offshore areas with drilling, we are still in decline.

This resolution does not talk about energy independence for the United States. In fact, the Republican majority's energy bill, according to the Department of Energy, is going to increase our dependence on foreign imported oil by 75 percent. Interesting. We have gone from a one-third in the 70s, 56 percent imported today, it will be 68 percent in 2025; yet the best that my friends in the majority can do is bash China a little bit and not do anything about our oil addiction, not do anything about diversifying our sources of energy, not do anything about the reckless fiscal policy that puts us at their mercy.

As my colleague from Virginia pointed out, 44 percent of our debt is foreign owned, an increasing percentage from China. Our addiction to things from Wal-Mart means that it is going to be more the case in the future.

What are the Chinese doing? They are diversifying their supply. They are taking some of the money we have given them to invest. They are increasing the energy efficiency of their cars, something that, sadly, the Republican energy bill does not allow in any meaningful way.

I would suggest, ladies and gentlemen, that you can examine the national security implications of dual-use technology. That is fine. But what really has us at risk is that we are addicted to imported oil, wasting energy and a reckless fiscal policy. This resolution is completely beside the point on these critcial factors.

Mr. NEY. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I had hoped to come to the well to speak on a bipartisan resolution. Given the preceding remarks from the well, it may be difficult for international observers to detect the bipartisanship. Rather than succumb to the temptation of snappy rejoinders in the field of domestic political debate, rather than use this time as a pretext for a campaign screed that would criticize the opposing party instead of deal with the resolution at hand, rather than rephrase history about troubling campaign donations that emanated from the People's Republic of China, perhaps it is best, Mr. Speaker, to deal with the resolution at hand, and find some common agreement, apart from the grandstanding and campaigning that is so easily enjoined.

Fact number one: just as Dwight Eisenhower warned America about the growing influence of a military industrial complex, the fact is, there is a political business military complex in the martial markets of communist China. What do I mean by that? The communist Chinese do not enjoy free markets. They, instead, have a program of martial markets. American investment is kept in minority status; and every application, from the most innocuous widget to the fried chicken drumstick, eventually brings proceeds to the Chinese Red Army. And now we have the most graphic example, where the Chinese-owned energy company, with government, Communist government investment, seeks to buy an American oil company.

It has been said that information is power. Energy literally is power. Early in the 21st century, though we may look to new technological advantages, the fact is this: a nation that surrenders its energy concerns, its energy technology is a nation inviting vulnerability. And so I would enjoin Members of this House, Mr. Speaker, as tempting as political debate and one-upsmanship might be, not to succumb to the temptation, not to stand as Republicans or Democrats or Independent or Libertarians or vegetarians, but to stand as Americans. Support this resolution because we dare not yield our energy future to the Communist Chinese.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the gentlewoman from Michigan (Ms. KILPATRICK) for yielding 3 minutes to me and wish to rise in support of the resolution, but also to compliment the gentlewoman from Michigan for successfully passing an amendment this afternoon that stopped this merger by claim with Unocal from going through. That is in the base bill that we were debating for the entire day.

This resolution is helpful. It gives us a sense of the Congress that the U.S. does not want to lose her strategic energy edge. But this July 4th weekend, it is important for America to think about our independence, indeed, our diminishing independence due to imported petroleum. It is the largest share of our trade deficit with the world; 63 percent of what fuels this economy has to be imported.

Yes, America has lost her independence, and under this President, it is 7 percent worse than it was before he took office now, with the cost of a barrel of oil over $60 and gas at the pump $2.50 and rising all over this Nation.

So what are the Chinese trying to do? They are trying to trump our strategic edge over in Afghanistan now, because the Unocal pipeline running through Afghanistan has all that natural gas just ready to flow, but it is right on the border of China. So China has been very smart with the money she has earned off this market. She is buying pieces of us or what some claim to be "U.S. companies," but in actuality they have their assets spread all over the world. It's no secret we have pumped ourselves dry except for what is left up in Alaska.

And so we ask ourselves what is going on here? What is going on here is America is losing her independence, starting with petroleum. The Chinese need petroleum too. What America needs is energy independence here at home and the sooner we realize that, the fewer resolutions we would need to try to interfere with the free market. But you know what? We do not have any more choice, because we expect we will be 75 percent dependent on petroleum if this Congress does not trump this President of the United States and produce a real energy bill that will put us on the road to true energy independence. We need new biofuels, new energy from fuel cells, from hydrogen, from solar, from renewables, from all kinds of new energy sources that should be tapped and built in this country.

Meanwhile, we sort of have to limp our way across the finish line on this July 4th celebration and admit America is losing her energy edge around the world. We should not be dependent. We should not have to kneel down in front of the Chinese, the Communist Chinese, vegetarians as Mr. Watt referenced, or anyone else. We should become energy independent here at home. This resolution points us in the only direction open to us now. The gentlewoman from Michigan's amendment earlier in the day hit a real home run in blocking the merger. We compliment her for her excellent work.

Mr. NEY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, both The Wall Street Journal and the New York Times agree, a rare event, that we should not interfere with free markets in this way. America stands for freedom, and that means not just voting for who we want, speaking the way we want, but also the right to buy and sell from whoever we wish.

I remember when Japanese investors moved to buy Rockefeller Center, at inflated prices, and many in this body wanted to stop that deal. We did not. And only a few years later the Japanese sold it back to the United States for pennies on the dollar. Bottom line, we made a killing. And Americans are better off for letting the market work.

If we take this action, China could rightfully cancel American investments in China now totaling $25 billion. Wal-Mart, Conoco, Motorola, United Air Lines all bought companies in China and should be allowed to do so.

□ 2100

We should recover the conviction of our own convictions, especially in our Republican party, to make sure we let the market work and let efficiency and fair play rule the day.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Mr. Speaker, I will enter into the RECORD a letter that a number of us in this House wrote to the Secretary of the Treasury with respect to this transaction.

I am one who has supported free trade since I have been in the Congress and I support it today. If it were true that this were a market-based transaction, as the preceding speaker has said, I would not be standing here talking about this issue whatsoever. The fact of this is this is not a free market transaction. This is a transaction by a government-owned company, financed by the government of China, financed with subsidies with the government of China and it puts every other competitor for the assets that they are seeking to acquire at a disadvantage.

There are substantial questions here about the motives of the Chinese as well. I have been dealing with oil and gas issues for a very long time as a representative from Louisiana, and ordinarily one thinks of the oil and gas market as one where free commodities move and oil is a very fungible commodity. But what we have here is a Chinese government with an accelerating demand for oil and gas trying to find a way to corner a market here and to put it to their exclusive use. This is unheard of in the oil and gas commodities market.

No one ever thinks that one explores for oil and then uses the oil only in the place where they have their own demand and not make it available to the rest of the world. That is the scary part of what is happening here.

As China seeks more and more assets that they themselves control and they themselves corner, it makes it much more difficult for us to argue that this is a free economy, a market-based economy. That is the real reason I have come to this microphone tonight.

I think it is important to support this resolution, and I think the actions we are taking today by the Congress were appropriate to be taken. I think the warning signs that are going up from this House about the Chinese government's interest in cornering the market on a strategic asset such as petroleum today, is a dire warning indeed and one we should take heed of.

So I urge the Members of the House and all who are within the sound of our voice to take heed of this warning and to support this important resolution.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 24, 2005.

Hon. JOHN W. SNOW,
Secretary of the Treasury, Department of the Treasury, Washington, DC.

DEAR MR. SECRETARY: Energy security is a matter of significant and ever increasing importance for the United States. In particular, we are very concerned about China's ongoing and proposed acquisition of energy assets around the world, including assets of U.S.-based energy and oil companies.

China is now the second largest consumer of energy in the world, right behind the United States. In order to fulfill the energy consumption requirements of its growing population, China has developed an aggressive strategy to acquire offshore assets to supplement its limited domestice supply of resources. It will become increasingly difficult for U.S.-based companies to compete for scarce energy resoures on the world market against China's state-owned and/or controlled energy companies.

To that end, we are very concerned to read reports that the China National Offshore Oil Corporation (CNOOC)—whose majority owner is the Chinese government—is planning to make an offer to acquire one of America's leading independent natural gas and crude oil exploration and production companies. Moreover, it is our understanding that two influential Chinise government agencies have reportedly given tentative approval to this acquisition by CNOOC.

As you are aware, the Committee on Foreign Investment in the United States (CFIUS) was established to monitor the impact of foreign investment in the United States and to coordinate the implementation of U.S. policy on foreign investment. In 1988, CFIUS was given additional authority under Section 721 of the Defense Production Act of 1950 (the Exon-Florio Amendment) to authorize the President to conduct investigations to determine the impact of foreign acquisitions of U.S. companies on national security.

Given what we know about CNOOC to date, we think this potential transaction should be reviewed immediately by CFIUS to investigate the implications of the acquisition of U.S. energy companies and assets by CNOOC and other government controlled Chinese energy companies. As the official chair of CIFUS, we would request that the Treasury Department look into this proposed acquisition to determine whether an official CFISUS investigation should be undertaken should an official offer come from CNOOC. Specifically, the CFIUS should review the following issues, among others:

Whether and to what extent the Chinese government is involved in financing any potential acquisitions by CNOOC;

Whether such investments by CNOOC are market-based and free of subsidies;

Whether there are technology transfer implications of these investments that present national security concerns; and

How CNOOC investments in the U.S. energy sector and acquisitions of U.S.-based energy and oil companies advance China's energy agenda to the detriment of U.S. national security objectives.

Mr. Secretary, we know that you understand well the critical importance of ensuring U.S. energy security and the critical need to secure the future availability of energy resources for American consumers. We ask that you treat this matter with the utmost urgency and report back to us with yout findings.

Sincerely,

William J. Jefferson, Al Green, Dana Rohrabacher, Edolphus Towns, Sheila Jackson-Lee, Roger Wicker, Bobby Jindal, Kevin Brady, Michael Rogers of Michigan, Joseph Crowley, Devin Nunes, Ginny Brown-Waite, Richard Baker, George Radanovich, Ellen Tauscher, Gary Miller.

Gregory Meeks, Gene Green, Darrell Issa, Frank Wolf, Barbara Cubin, Charlie Melancon, Ted Strickland, Geoff Davis, Gene Taylor, Ralph Hall, Bill Jenkins, Wally Herger, Charles Boustany, Walter Jones, John Tanner, Bart Gordon.

John Shimkus, Michael Burgess, Paul Gillmor, Lincoln Davis, Ted Poe, J.D. Hayworth, Jim Walsh, Bob Goodlatte, Donald Manzullo, Roy Blunt, John Sullivan, Bernard Sanders, Collin C. Peterson, Roscoe G. Bartlett, John Doolittle, Peter T. King.

John J. Duncan, Jr., Bart Stupak, Dennis Cardoza, Thomas Reynolds, Eric Cantor, Carolyn Kilpatrick, Darlene Hooley, Mary Bono, Mark Foley, Robin Hayes, Tom Tancredo, Ken Calvert, Melissa Hart, Mark Souder, Jo Ann Davis, Michael Rogers of Alabama.

Mr. NEY. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me time.

First of all, I want to thank the gentleman from Louisiana (Mr. JEFFERSON) for the work he has put in to this issue and for the tone that he used in this debate. This is an important issue and it never ceases to amaze me to see that Members come to the floor and try to make it a partisan issue and try to complicate what is already a very complicated issue.

This is not about free trade or free markets. If it was it would be a very different debate. If we were talking about Exxon and Chevron or BP competing to buy Unocal, that would be a completely different debate.

What we are talking about is a company that is 70 percent owned by the Communist government of China, competing against a U.S. company to purchase a U.S.-based energy company. That is not free market. And no matter how you twist or turn or try to make this sound good, that is not free market. That is free market competing against the Communist-financed company. That raises concerns just because of that.

But let us look at it a little bit more and look at the assets of the company they are trying to buy. They are trying to buy a major U.S. energy provider. That is a major concern. In the world today, in the world market today we are near an energy crisis. We are almost equal in terms of supply and demand, and that is why the price of oil has gone up dramatically. The U.S. economy is growing. The Chinese economy is growing. The Indian economy is growing. The Brazilian economy is growing. All of these different economies are growing and they are competing for the same source of energy. And that has caused energy prices to go up worldwide.

Now, I tell my colleagues, you have got to wake up here. This is a wake-up call to all of us, to America and to us here, the Chinese have figured out that in order for their economy to grow, they need a safe, dependable supply of energy, primarily oil, coming into their market, in order for their economy to continue to grow. That is how you grow your economy. It is based on energy.

What are we doing to increase our domestic energy supplies? What are we doing to provide a greater amounts of a safe, dependable supply of energy into this country? We have been trying to pass an energy bill for 5 years. Wake up. It is time for us to get together and figure out what our energy future is. We cannot, in my opinion, we cannot afford to have a major U.S. energy supplier controlled by the Communist Chinese. But what we are asking for in this resolution is for the President, for the administration to convene the Commission on Foreign Investment into the United States and investigate this possible sale, to look at it and determine whether or not this is in the best economic and national security interests of the United States. That is the purpose of the Commission on Foreign Investment. That is what we are asking them to do.

We are asking them to step forward and look at this and report whether or not this is in our best interest. It is my opinion it is not. It is my opinion that it is a huge risk that we run to allow a foreign government to own one of our major U.S. energy producers. That is a huge risk that we are running. At a time like this when we are looking at international shortages on energy, skyrocketing prices, we need to do what we can to increase domestic supplies and to hold on to what we have got. And at the same time I would encourage my colleagues to begin to put enough pressure so that we finally get an energy bill passed.

I heard one of the previous speakers talk about alternatives and solar and wind and fuel cells. I would just suggest read the energy bill. That is in it. But it also has the realistic view that in the short term, we are dependent on fossil fuels which are oil, gas and coal. That is the reality. That is what fuels the U.S. economy today.

We need to do both. Part of it is increasing domestic production of our fossil fuels and making that competitive in this market. The other part of it is looking at the future and how are we going to replace our dependence on current technology. That is the direction we are going. If we allow this sale to go forward, we are taking a huge risk. And I would encourage my colleagues to support this resolution. It is the right policy, the right thing for this country, and the right thing for Congress to do.

Ms. KILPATRICK of Michigan. Mr. Speaker, how much time remains on each side?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Michigan (Ms. KILPATRICK) has 6 minutes remaining. The gentleman from Ohio (Mr. NEY) has 3½ minutes remaining.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from Michigan (Ms. KILPATRICK) for yielding me time. I want to thank her, first of all, for focusing the House on this very important issue, and as has been said before, giving us an opportunity to affirmatively stand against an idea whose time has not come.

If there is ever a time to speak about investing in America I think the time is now. On the shadow of celebrating the freedom day, July 4, our day of independence, it is a time now to stand up for investing in America. And I guess in discussing this purchase of Unocal by China, I think we should make the point that China has been and hopefully will continue to be our friend. We engage in cultural exchange and educational exchange. It is a great opportunity to learn from each other to do research with each other.

But in this instance, I think any purchase of Unocal by China at this time would be a disservice and a detriment to our homeland security. For example, one of the reasons why Unocal is such an attractive purchase is because it has deep reserves. And one of the reasons it has deep reserves is because it is one of the few companies that has developed the kind of technology that has allowed it to project into the future and be able to keep and find the amount of reserves that keep it with a sizable amount of reserves in place.

Then, of course, China is dropping cool cash, $18 billion, which puts at a disadvantage a number of American companies in particular who are interested in purchasing Unocal.

Now, of course, this is a private purchase and shareholders rights have to be taken into consideration, but I think this Congress, although we are a capitalist society, should look at the government money that Communist China is going up to buy not only in America but in South and Central America, in the Caribbean, in Africa, more and more in the Middle East and elsewhere. We need to begin to put together a package that suggests that we will be able to help some of our companies who are trying to invest in America companies and purchasing them.

Well, an unusual idea but one whose time may have come. We cannot compete. We need to be able to support our companies such as General Motors. Why does General Motors owe China $2 billion. Why do we owe China almost $300 billion? Because we have not kept our eye on the prize and we have not reminded not only our individuals, but our large corporate sector of investing in America.

I rise to support this amendment. There should be bipartisan support. I thank the distinguished gentlewoman from Michigan (Ms. KILPATRICK) for her very affirmative amendment that keeps the money away from this deal. But I believe the sense of Congress should acknowledge that this is a protracted deal. We need oversight, and it should not go forward unless we pass the litmus test of national security, homeland security, investing in America and allowing American companies to purchase Unocal. Because I remind my friends, the technology that you lose today is the technology that you will regret tomorrow.

This purchase should not go forward. I ask for the support of the amendment.

Mr. NEY. Mr. Chairman, I reserve the balance of my time.

Ms. KILPATRICK of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thank you for allowing us to have this debate. I believe it has been a good debate and we do support the amendment, many of us on this side of the aisle, although a couple who spoke do not support it.

It is important as we talked about it earlier today that we remembered that 53 percent of America's private debt is held by foreign countries, 53 percent. That means many of our debt and the two owners of those debts are Japan first, and China second. 53 percent of our private debt is owned by foreign countries. I think that is not good for our country, for our grandchildren. We have got to strengthen America, calling those debts when we are able to pay them off, and give America back to Americans.

Should we have work with China? And I said this earlier, yes, we should, and other foreign markets. This is an international, global community that we live in. But we should always put America first, and I think the debate that we have had today, and I thank the gentleman from California (Mr. POMBO) for some of his remarks and for the resolution, the sense of the Congress, again, will reinforce what we have done earlier today.

We have got to make sure that American companies stay strong so that Americans can continue to work, so they can take care of their families, pay taxes, help cities, towns and villages maintain themselves with the revenue that it gets from them.

So trade, yes, and this is free trade. Somebody said free trade. This is not that deal. This is something less than that. As the gentleman from Louisiana (Mr. JEFFERSON) spoke, it is getting the corner of the market because you can pay $18.5 billion in cash at a time when our country has $160 billion trade deficit and then you turn some of that money back and want to buy our company. It is not a good deal.

We call on CFIUS, the Committee on Foreign Investment in the United States, Secretary Snowe and his 12-member committee to look closely at what is before them, to do the proper investigation and then not to recommend to the President that we go forward with this sale.

It is not the right time for America. It will weaken our economy. And our national security interests as well as our economic interests, as well as our energy interests are at stake.

□ 2115

So, Mr. Speaker, let us not do this sale. Let us continue to build America and keep America strong.

Mr. Speaker, I yield back the balance of my time.

Mr. NEY. Mr. Speaker, I yield myself the time remaining.

Mr. Speaker, I want to thank the gentlewoman from Michigan for standing up tonight for this resolution, standing up for the American people.

I want to thank the gentleman from California (Chairman POMBO) for this resolution and also the gentleman from Ohio (Chairman OXLEY) for expediting this, also being a cosponsor, but expediting this to the floor.

Mr. Speaker, national security has to include economic security. This is an important resolution. Never in a million years would China let us do this type of deal over there, and do not fool yourselves about that.

This deal is not good for America. It is not good for American workers. As we near our birthday of this country, let us not give a gift to the Chinese Government. Let us give a gift to the American people and support this important resolution.

Mr. PAUL. Mr. Speaker I rise with great reservations over this legislation. Why is the federal government involving itself in the sale of a private American company? Do we really believe we have this kind of authority?

I would remind my colleagues that Unocal is a private company with shareholders and a board of directors. That is the governance of the company—not the U.S. Congress. Do we really believe that we should be the real board of governors of Unocal?

If in the United States a private company does not have the right to be sold on the free market, should we really be criticizing the lack of freedom in China? Many conservatives who have decried the recent Supreme Court decision that severely undermines the principle of private property in the United States are now on the other side, cheering this blatant Congressional attempt to do something that may be even worse than Kelo vs. New London.

I voted recently against allowing the EximBank to use U.S. taxpayer money to underwrite Chinese construction of nuclear power plants. I do not support subsidizing the Chinese government's economic activities. But I also do not support the U.S. Congress involving itself in the private economic transactions of U.S. companies.

Some have raised concerns that the purchase of Unocal by a company tied to the Chinese government will create security problems for the United States. I would argue the opposite. International trade and economic activity tends to diminish, not increase tensions between countries. Increased economic relationships between the United States and China make military conflict much less likely, as it becomes in neither country's interest to allow tensions to get out of hand.

Mr. Speaker, we should not criticize a lack of economic freedom in China when Congress, as evidenced in this legislation, attempts to restrict the economic freedom of American citizens.

Mr. STARK. Mr. Speaker, I rise in opposition to H. Res. 344, which blames China for our dependence on foreign oil.

The Republican Majority has already sold the entire farm to foreign central banks and multinational corporations, and now they're trying to tell the American people that they're standing up for them by stopping China from buying a leftover chicken.

Mr. Speaker, where were these patriotic Republicans when the House passed an energy bill and couldn't even muster the votes to raise fuel economy standards on automobiles? Where were they when we passed trade deals and tax laws to make it easier for their corporate friends to ship jobs to China? Why has President Bush refused to stand up for American workers who wither against illegal dumping practices and an undervalued Chinese currency?

The American people need to know: as long as the Republican Majority and their corporate friends get their tax breaks and boondoggle defense contracts, they don't care who pays the bill. China, in turn, is happy to prop up the dollar and finance the debt because it gives them great leverage over the U.S. for years to come. No empty resolution like this or indignant politician can change that.

So why are we talking about China now when they have been stocking oil supplies and U.S. currency for years with no change in course from this administration? It's very simple: cheap Chinese imports and labor enrich the pockets of the people who really matter in the Republican party, but a Chinese company owning Unocal does nothing for the base. This non-binding resolution is a talking point for July 4th barbecues, just the way the Republicans will tell their constituents that they're making them safer by throwing billions more into the quagmire in Iraq.

Mr. Speaker, I have proudly voted for renewable energy, against trade deals that sell out American workers, and against tax breaks for millionaires financed by foreign governments. I support real economic security, and I will not support this sham resolution to give cover to my greedy colleagues and their corporate contributors.

Mr. GARY G. MILLER of California. Mr. Speaker, I rise today in support of H. Res. 344, which expresses the sense of the House of Representatives that a Chinese government acquisition of a critical United States energy company could impair our national security and therefore justifies a comprehensive review.

As a member of the Congressional China Caucus, I would like to commend Chairman POMBO for his hard work to ensure our country and its resources are protected.

The bid by the China National Offshore Oil Corporation (CNOOC), whose majority owner is the Chinese government, to acquire Unocal Corporation is China's first attempt to secure energy resources in the United States and must be thoroughly evaluated.

Unocal is one of America's leading independent natural gas and crude oil exploration and production companies. It is the country's ninth largest oil company, producing 159,000 barrels of oil and more than 1.5 billion cubic feet of natural gas per day.

The Chinese oil company's plan to buy California-based Unocal poses serious questions about national security. In addition, this acquisition could mean less energy for the United States.

In a free market economy, mergers and acquisitions are a common way to enter foreign markets. However, China does not yet comprehend laissez faire economic principles. While our economy promotes competition for the sake of consumers, China's economy is easily influenced by political forces. As a state-owned corporation with ties to Chinese government leaders, I am worried that CNOOC's motivation is aligned to political and nationalistic goals. Specifically, I am troubled that CNOOC may use Unocal's technology to advance China's military.

As is evidenced by passage of the Energy Policy Act in the House and the Senate, I know that all Members of Congress understand the critical need to secure the future availability of energy resources for American consumers. I fear China is attempting to buy Unocal not as an investment, but to use the company's vast reserves, especially its natural gas fields, for its own benefit at the cost of the U.S. economy. For these reasons, Congress must ensure the Chinese company's bid is carefully reviewed by all of the relevant agencies.

I urge my colleagues to support this resolution to demonstrate that we will not let China damage our economy or compromise our national security through hostile acquisitions of oil and natural gas resources.

Mr. OXLEY. Mr. Speaker, I rise in strong support of the resolution authored by the gentleman from California concerning the bid by CNOOC Ltd. to purchase Unocal Corp.

Mr. Speaker, I remain fully committed to free and fair trade. However, I don't believe that this offer constitutes free and fair trade. The offer also could threaten our national security. This resolution would encourage immediate review of a merger agreement, which is authorized by the statute already, rather than waiting for bureaucratic processes to kick in. Acting quickly is important because national security reviews of proposed merger transactions often take months and can last over a year.

Mr. Speaker, a review of any Unocal merger agreement with CNOOC would be done by the Committee on Foreign Investment in the United States, known as CFIUS, which was created pursuant to language inserted into the Defense Production Act (DPA) nearly two decades ago. It is chaired by the Department of the Treasury and includes Commerce, Homeland Security, Defense, State, the U.S. Trade Representative and other parts of the government.

The DPA is solely in the jurisdiction of the Committee on Financial Services because it seeks to identify, stop or mitigate negative effects on the economy from our efforts to protect the Nation's security. As Chairman of the Committee of jurisdiction, I believe it is critically important that the Administration act quickly to review any merger agreement so that shareholders who would need to review potentially competing bids would have all relevant information at their disposal.

Mr. Speaker, the national security implications of a proposed merger between CNOOC and Unocal are unmistakable. China's appetite for energy is enormous. I agree with the gentleman from Ohio, Mr. NEY, that national security includes economic security here. It is important for CFIUS to review the possibility that the Chinese might divert from the United States all of Unocal's energy production to China to feed its energy appetites if a merger with Unocal were to be completed. I think we can all agree that this would be a blow to the U.S. economy.

Please consider the following facts:

China's consumption of crude oil is expected to double within the next two decades.

World production of oil exceeds capacity by the smallest margin in decades.

China's need for energy is so great that electricity has been rationed to some factories, and the Chinese are reported to be investing in technology to "cook" low-quality coal into gasoline. This is costly, inefficient and has environmental problems.

China is the world's largest economy without a meaningful strategic petroleum reserve.

The U.S.-China Commission's 2004 Report to Congress indicated that China's strategy for securing oil supplies "is still focused on owning the import oil at the production point . . . The Chinese policy is to own the barrel that they import '. . . to gain control of the oil at the source. Geopolitically, this could soon bring the United States and Chinese energy interests into conflict.'" The United States, in contrast, has a free market strategy "based on global market supply and pricing."

The same report indicates that China "plans to expand its strategic reserve to fifty to fifty-five days worth of oil imports by 2005 and sixty-eight to seventy days by 2010."

So, as today's Washington Post points out, it makes perfect sense that a majority-owned Chinese oil company seeks to acquire control of oil and gas production and reserves.

Make no mistake about it, Mr. Speaker, this offer comes from the Chinese government. CNOOC is 70 percent owned by the Chinese government. One quarter of the funding for its cash offer comes at no or minimal interest rates. If that is not a subsidy, Mr. Chairman, I do not know what a subsidy is. News reports indicate that more than $5 billion of the Unocal offer is available at no interest—more than $2 billion of the bid—or at 3.5 percent interest. These are not market rates.

I absolutely agree with a spokesman for China's Foreign Ministry, who is quoted in the Post article as saying: "We think that these commercial activities should not be interfered in or disturbed by political elements." By that I mean: without a Chinese government subsidy.

Mr. Speaker, I would like to add that I doubt whether the CNOOC proposal will result in a deal which would trigger CFIUS review. The Chevron offer will go to Unocal shareholders August 10. The Chevron offer now has all of the appropriate regulatory approval. The CNOOC offer comes late in the process and has not received any regulatory approvals to date. It is far from clear, even with the Chinese government subsidies, that the CNOOC bid would be competitive with the Chevron bid . . . but that is a decision for Unocal shareholders to make, not us.

Mr. Speaker, I urge immediate approval of this resolution and immediate review of any accepted CNOOC offer for Unocal.

As well, Mr. Speaker, I urge swift convening of a conference committee on a comprehensive energy bill for the United States, an adoption of the President's comprehensive energy program for the U.S. and swift adoption of the conference report.

Mr. NEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 344.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. NEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 344.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

EXPRESSING THE GRAVE DISAPPROVAL OF THE HOUSE REGARDING MAJORITY OPINION OF SUPREME COURT IN KELO v. CITY OF NEW LONDON

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 340) expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.

The Clerk read as follows:

H. RES. 340

Whereas the takings clause of the fifth amendment states "nor shall private property be taken for public use, without just compensation";

Whereas upon adoption, the 14th amendment extended the application of the fifth amendment to each and every State and local government;

Whereas the takings clause of the 5th amendment has historically been interpreted and applied by the Supreme Court to be conditioned upon the necessity that Government assumption of private property through eminent domain must be for the public use and requires just compensation;

Whereas the opinion of the majority in Kelo et al. v. City of New London et al. renders the public use provision in the Takings Clause of the fifth amendment without meaning;

Whereas the opinion of the majority in Kelo et al. v. City of New London et al. justifies the forfeiture of a person's private property through eminent domain for the sole benefit of another private person;

Whereas the dissenting opinion upholds the historical interpretation of the takings clause and affirms that "the public use requirement imposes a more basic limitation upon government, circumscribing the very scope of the eminent domain power: Government may compel an individual to forfeit her property for the public's use, but not for the benefit of another private person";

Whereas the dissenting opinion in Kelo et al. v. City of New London et al. holds that the "standard this Court has adopted for the Public Use Clause is therefore deeply perverse" and the beneficiaries of this decision are "likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms" and "the government now has license to transfer property from those with fewer resources to those with more"; and

Whereas all levels of government have a Constitutional responsibility and a moral obligation to always defend the property rights of individuals and to only execute its power of eminent domain for the good of public use and contingent upon the just compensation to the individual property owner: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) disagrees with the majority opinion in Kelo et al. v. City of New London et al. and its holdings that effectively negate the public use requirement of the takings clause; and

(B) agrees with the dissenting opinion in Kelo et al. v. City of New London et al. in its upholding of the historical interpretation of the takings clause and its deference to the rights of individuals and their property; and

(2) it is the sense of the House of Representatives that—

(A) State and local governments should only execute the power of eminent domain for those purposes that serve the public good in accordance with the fifth amendment;

(B) State and local governments must always justly compensate those individuals whose property is assumed through eminent domain in accordance with the fifth amendment;

(C) any execution of eminent domain by State and local government that does not comply with subparagraphs (A) and (B) constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment;

(D) eminent domain should never be used to advantage one private party over another;

(E) no State nor local government should construe the holdings of Kelo et al. v. City of New London et al. as justification to abuse the power of eminent domain; and

(F) Congress maintains the prerogative and reserves the right to address through legislation any abuses of eminent domain by State and local government in light of the ruling in Kelo et al. v. City of New London et al.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 340.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 340, a resolution introduced by the gentleman from Georgia (Mr. GINGREY) strongly condemning the Supreme Court's 5–4 decision in Kelo v. City of New London. In this case, handed down on June 23, the Supreme Court transformed the public use doctrine under the fifth amendment's takings clause to allow the government to take property for economic development.

The fifth amendment of the U.S. Constitution specifically provides that private property shall not be taken for public use without just compensation. This decision insults the constitutional rights of all Americans and unsettles decades of judicial precedent.

As the dissent in this case pointed out, under the majority's opinion, "Any property may now be taken for the benefit of another private party. The government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result."

To give legislative force to this resolution, today I introduced H.R. 3135, the Private Property Rights Protection Act of 2005. This bipartisan bill will help restore the property rights of all Americans that the Supreme Court took away last week. I am pleased that the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, is the lead Democratic cosponsor and that 64 additional Members have already agreed to support this measure.

This legislation would prevent the Federal Government from using economic development as a justification for taking privately owned property. It would also prohibit any State or municipality from doing so whenever Federal funds are involved with the project for which eminent domain authority is exercised. American taxpayers should not be forced to contribute in any way to the abuse of government power.

The impact of this decision cuts across social, economic and demographic lines. In their joint amicus brief, the NAACP and the AARP stated, "The takings that result from the Court's decision will disproportionately affect and harm the economically disadvantaged and, in particular, the racial and ethnic minorities and the elderly."

In its brief, the American Farm Bureau Federation stated, "Each of our members is threatened by the decision with the loss of productive farm and ranch land, solely to allow someone else to put it to a different private use."

The representatives of religious organizations have stated that the Supreme Court's decision will "grant municipalities a special license to invade the autonomy of and take the property of religious institutions."

Mr. Speaker, I commend the gentleman from Georgia (Mr. GINGREY) for introducing this important resolution and encourage my colleagues to support it. I also ask Members to join me in cosponsoring H.R. 3135 to assure the American people that we will not allow our churches, our homes, our farms and other private property to be bulldozed in abusive land grabs that solely benefit private individuals whose only claim to that land is that their greater wealth will increase tax revenues.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this sense of Congress resolution.

This is a great evening in the House of Representatives. We had the gentleman from Wisconsin, the chairman, joining me and the great civil rights organizations of America that he has named, all working in common cause to right a decision that has come out of the Supreme Court about eminent domain that will require the attention of all of the Members of this body.

In a way, I am reluctantly in opposition to the sense of Congress resolution because if I had had a little part in drafting it, I can tell my colleagues we would have taken out some of the over-the-top criticism of the Court itself, and I would probably be arguing for this sense of Congress resolution.

I have serious concerns regarding the misuse and overuse of eminent domain procedures in this country and oppose the elevation of corporate profits and corporate uses of land over individual rights. So like the chairman of the Committee on the Judiciary, I joined NAACP, the Southern Christian Leadership Council, Operation Push, and the Leadership Conference on Civil Rights because I think this Court opinion makes it too easy for private property to be taken and transferred to another private owner. This is a particular problem. Eminent domain has been used historically to target the poor, people of color, and the elderly.

Since I am a cosponsor of the bipartisan legislation that the chairman of the committee has called for, then what is my problem with the resolution? Well, it gratuitously overtargets the judicial branch. There are terms in here that are not helpful as we engage in a debate with a co-equal branch of government.

The resolution insists that Congress, and Congress alone, can address abuses of eminent domain. I am not so sure about that. That ignores and demeans the historic role the courts have played in protecting individual rights and property rights.

The other problem that leads me not to be supportive of the sense of Congress resolution is that it inaccurately misstates the scope of the Supreme Court's ruling. For example, the resolution states that the majority opinion justifies the forfeiture of a person's private property through eminent domain for the sole benefit of another private person. As a matter of fact, Justice Stevens stated at the outset of his opinion that the sovereign may not take property for the sole purpose of transferring it to another party.

The resolution states that the majority opinion renders the public use provision in the takings clause meaningless, but it is more accurate to say that the public purpose requirement is still applicable, although somewhat diminished.

In reality, the majority opinion held that the eminent domain may be used where the plan serves a public purpose. The issue of eminent domain in takings are complex, fact-specific issues. They warrant more than the short discussion that we will be limited to today. The issue deserves full legislative hearings, which our legislation will, of course, provide for in the Committee on the Judiciary.

We want to all work on this constitutional issue. It is sensitive. We cannot go over the top on this. We have got to keep it down.

I am tired of corporations wiping out communities because they need a plant or casinos developed and taken under eminent domain. We need to rein this in, and this case gives us an opportunity to do so.

I am shocked that I am standing in the well here reciting the members that signed the dissent: Scalia, Rehnquist, Thomas and O'Connor. What an evening this has been for those of us here in the House.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY), the author of the resolution.

Mr. GINGREY. Mr. Speaker, I rise today as the author of H. Res. 340, a resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London, Connecticut. I encourage all of my colleagues on both sides of the aisle to support this bipartisan resolution.

Mr. Speaker, I first would like to take this opportunity to thank the leadership of this House and the gentleman from Wisconsin (Chairman SENSENBRENNER) for so expeditiously scheduling and shepherding this resolution to the floor for a vote. I would also like to thank the over 75 Members who have contacted my office to become cosponsors of the resolution and those who are speaking in support of it tonight.

H. Res. 340 demonstrates the commitment of this House to not stand idly by, but rather to act now in addressing this atrocious and negligent decision. By a margin of only one vote, the Supreme Court has struck down 2 centuries' worth of precedents and constitutional protections for property owners.

It is the responsibility of this House to ensure that the American people, the owners of this great country, are never run over by a handful of judges who refuse to enforce the written laws of this land and to uphold the guarantees of the Constitution.

□ 2130

Mr. Speaker, despite the failings of the majority in the New London decision, at least there were four justices who got it right. I applaud them in their steadfast determination and commitment to uphold the Constitution and express their own dismay at the majority's rulings.

As Justice O'Connor writes in the dissenting opinion: "Any property may now be taken for the benefit of another private property, and the beneficiaries are likely to be those citizens with disproportionate influence and power in the political process."

No home, no business, no property, no person is safe from the destructive consequences of this decision. Imagine a local city council using its power of eminent domain to condemn and demolish the local church or synagogue and put up a Starbucks because God is not making them any money.

As Americans across this country prepare to celebrate the 229th anniversary of our independence, I can think of no greater tribute to our fine and Founding Fathers and no greater gift to the American people than declaring that this land is their land and not the government's.

Mr. Speaker, I again want to thank the leadership of this House and the gentleman from Wisconsin (Mr. SENSENBRENNER), and I would encourage all of my colleagues to pass this resolution and speak united in one voice declaring liberty and justice for all.

Mr. Speaker, I rise today as the author of H. Res. 340, a resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. the City of New London Connecticut. I encourage all of my colleagues on both sides of the aisle to support this bipartisan Resolution.

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Mr. Speaker, despite the failings of the majority in the New London decision, at least there were four justices who got it right. I applaud them in their steadfast determination and commitment to uphold the Constitution and express their own dismay at the majority's ruling. As Justice O'Connor writes in the dissenting opinion: "any property may now be taken for the benefit of another private party . . . and the beneficiaries are likely to be those citizens with disproportionate influence and power in the political process."

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Mr. Speaker, I again want to thank the Leadership of this House and Chairman SENSENBRENNER, and I would encourage all of my colleagues to pass this Resolution and speak united in one voice declaring liberty and justice for all.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER), the ranking member on the Subcommittee on the Constitution.

Mr. NADLER. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased that my colleagues have focused on the importance of the Supreme Court's Kelo decision. The power of eminent domain is an extraordinary power that must be used rarely and with great care. Even where the constitution might permit the exercise of this extraordinary power, government must take great care to respect the rights of families, of small businesses and of communities. This is not a power that should be used for the benefit of private parties who might be well connected, as Justice O'Connor said. It is a power that can be abused, and that has been abused.

I want to point out that the Supreme Court, in this decision, is essentially saying that power that communities have exercised, they can continue to exercise, where some thought that we ought to pull it back. For example, when President Bush was one of the owners of the Texas Rangers baseball team, they were able to get the town of Arlington, Texas, to condemn private property to give them land to build a baseball stadium. Ask the Mathes family about the abuse of power. The city condemned 13 acres of their land for George Bush's baseball team, and the Mathes family had to go to court to compensate them for the actual value of the land.

Now, I think we would agree that was not right, and the Supreme Court now says that that is okay. We cannot allow private individuals to be enriched at the expense of their neighbors by hijacking and abusing the power of government.

The Kelo decision raises a great many questions, and I want to commend my colleagues, the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), and the ranking member, the gentleman from Michigan (Mr. CONYERS), for introducing legislation and allowing the Committee on the Judiciary to consider the full impact of the court's decision and draw the proper line between the public interest and private enrichments. We need to protect families like the Mathes family, victimized by the Texas Rangers and the town government in Texas, and we need to protect our communities from the abuse of government power to benefit private interest.

Now, I am going to reluctantly vote against the resolution because, as the gentleman from Michigan (Mr. CONYERS) said, it says things about the decision that probably are not accurate. I do not think the decision said that you can use the power of eminent domain for the sole benefit of another private person. It might be the incidental benefit of a private person if you could concoct a theory of public benefit. I do not think it completely negates the public use requirements of the takings clause.

Having said that, the basic purpose of the resolution is a good one, and the basic purpose of the legislation that the chairman has introduced is a good purpose. But I hope we will hold a series of hearings on the Committee on the Judiciary. We should hold one hearing to determine from experts exactly what the Supreme Court said; how far it went and how far it did not go. When the dissent says it went this far, it does not mean that is what the majority meant. Dissents often overemphasize the implications of the majority decision.

So I think we should have one hearing on what the Supreme Court actually said and what we are faced with, and I think we should have another hearing on where we think we should draw the line. Communities need to be able to use eminent domain for legitimate economic development, but they should not be able to use it for private enrichment. How do you draw that line?

These are serious questions that we should consider adequately. I think we should hold a few hearings and craft careful legislation to limit the effect of the Supreme Court's decision, and I would hope that we could craft legislation carefully that we could all support in this House.

So, again, I commend Chairman SENSENBRENNER, and I am glad to be able to have the opportunity to do that after recent history. I commend Ranking Member CONYERS. But I will reluctantly vote against this resolution because, although I approve of its main thrust, I believe it says things about the court decision that are not quite accurate, and I look forward to working with my colleagues to fashion legislation that we can all support and that gets us what the Greeks called the proper mien to protect the rights of communities for proper economic development, but protect the rights of individuals. But I do, once again, thank the gentleman for bringing this subject to our attention.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 seconds to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Speaker, I thank the gentleman for his generosity in yielding me this time.

Mr. Speaker, the Constitution of the United States was written as much for any other reason as to protect the private property rights of the American people. The Supreme Court last week, in the already infamous Kelo case, essentially rejected the very idea of private property rights at all.

I know some believe that the Supreme Court is some Citadel with all knowledge and all wisdom and that every decision they make is the right decision. But by this narrow 5-4 decision, our high court essentially set aside the most basic fundamental tenet of the social contract that underlies self-government, the inviolability of private property rights: the unchangeable principle of politics, morality, and common sense; that what is mine is mine, and what is yours is yours.

What the court decided last week was that what is mine is not really mine and what is yours is not really yours; that, in fact, private property only exists as a political expedient, a psychological contrivance wholly subject to the government's whim. The court ruled that private property, your home or your small business, may be taken by the government and given to someone else who, in the government's judgment, will put that property to better use.

This is not the taking of someone's property without compensation for specific public use, like a highway or a military base. Congress and States are explicitly granted such power in the Constitution. This is, instead, the government taking your home and giving it to some business because they will generate more tax revenue. Indeed, given the risible logic employed by the court's majority last week, there is no reason your city council cannot kick you out of your house and give it to a wealthier family who will add on to the home and, therefore, pay higher property taxes down the road.

Mr. Speaker, I am not a lawyer, so do not just take my word for it. Justice O'Connor, writing in dissent of this awful decision said: "If predicted, or even guaranteed, positive side effects are enough to render transfer from one private party to another constitutional, then the words "for public use" in the Constitution do not realistically exclude any takings." Justice Thomas adds, "If such economic development takings are for public use, any taking is, and the court has erased the Public Use Clause for our constitution."

Both Justices O'Connor and Thomas went on to warn the result of this foolhardy decision would be that people most vulnerable to the government preying on their property would be the poor, the elderly, and racial minorities. No kidding. Those people with the least economic and political power, with the least means to fight back, and the most need for government protection of their God-given rights have been told by the Supreme Court that while property rights are sacred, some people's property rights are more sacred than others.

This is madness, Mr. Speaker, and it must not stand. The court's Kelo decision will go down in history as a travesty. It is not a debatable ideological overreach but a universally deplorable assault of the rights of man. The only bright lining to it is that this time the court may have finally gone too far and the American people will reassert their constitutional authority.

We can only hope, Mr. Speaker, that this resolution will be the first step in a long overdue process of constitutional renewal. Begin that process and vote "yes" on this resolution.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume to thank the Supreme Court for bringing us all together here in the House tonight. It is very unusual.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. FRANK), an active member for many years on the Committee on the Judiciary who is now on leave.

Mr. FRANK of Massachusetts. Mr. Speaker, I thank the distinguished ranking member for yielding me this time, and, like him and the ranking member of the subcommittee, I have some differences with the wording here. I was particularly struck by the second whereas. "Whereas upon adoption, the 14th amendment extended the application of the fifth amendment to each and every State and local government." In fact, it did not. Not at adoption.

When the 14th amendment was adopted, it was not considered to extend it. And, in fact, it was what some would have called a liberal Supreme Court that decided to apply the Bill of Rights to the States through the 14th amendment. Now, I am glad they did, and I welcome the support in this resolution for that concept. I know not everybody on that side agrees with it.

Having said that, I am going to vote for the resolution, even though I disagree with some of the wording. I long ago had to come to the reluctant conclusion that voting for resolutions and literary criticism were two very different activities, and too high an aesthetic standard applied to resolutions would make me always vote no. So I tend to not pay too much attention to the whereases. I look at the resolves, and I agree with these resolves.

But let me rephrase the question, because this is the question the majority is asking. Remember, the Supreme Court, the five-member majority, made what I think is a wrong decision, but they did not take the property. You know who took the property? The elected government of the City of New London, people who were elected, and they did it pursuant to laws adopted by the elected legislature and governor of Connecticut. So what you are accusing the Supreme Court of, and I am agreeing with, is very simple: They were insufficiently activists.

Here is this Supreme Court majority letting elected officials do what they want. And the majority is asking an often-asked question: Where is judicial activism when we need it? Because people are not opposed to judicial activism, they are only opposed to judicial activism when they do not want the result. This is judicial activism you are calling for.

Let me read your resolves. "State and local governments should only execute the power of eminent domain for those purposes." "State and local governments must always justly compensate." It is State and local governments in the resolution that we are telling what to do. And your problem with the Supreme Court is that it is letting those pesky elected local and State governments do what they want.

My colleagues are saying, wait a minute, we cannot have elected officials just doing whatever they want. We cannot let elected officials deciding to do these things. If they violate constitutional rights, we want a Supreme Court that stops them. Well, so do I. But sometimes you call that activism. Because that is what you are asking for.

The Supreme Court has never taken a piece of property. Go right across the street. You can look. It has not gotten any bigger. I have been here 25 years, and they have not expanded one tree. What they did was allow locally elected and State elected officials to do it. So let me say that I agree with your complaint about insufficient judicial activism in this case. Let us just not think that that is a faucet you turn on and off.

The second issue is let us get consistent application of it. The gentleman from New York correctly mentioned a case where they took land in Texas for a baseball stadium. A number of Members here have been enjoying the new baseball team in Washington. We have seen a couple of outrageous assaults on the notion that Mr. Soros should be allowed to buy the team. Whoever believes in free enterprise ever thought they had the right to dictate who is the owner of a private team. That is an argument that you will lament for lack of judicial activism. But what they are doing here, the government of Washington, D.C., is doing exactly what you are saying is wrong here.

So I guess Members here are going to boycott that stadium. They are taking property down there on O Street. May not be property everybody here wants to go to, it may not be your farms and your beaches, but it is private property, and the District of Columbia Government is going to take that private property over the objection of the owners to build that baseball stadium. So instead of trying to drive out some owner that you do not like, why not look into that situation?

But then there is finally an even more important aspect to this. In my earlier years on the then-Committee on Banking, we dealt with something called UDAG, Urban Development Action Grants, and I and some others, including a former Republican Member of this House, who went on to become the

Mayor of Dallas, Mr. Bartlett, joined together to object to displacement.

□ 2145

We have had Federal programs that have given money to local governments for urban renewal, it was originally called, for various forms of advancement. So I would assume, and I have been upset with displacement of poor people with no replacement housing. It is considered a good thing if you remove blight. Do Members know what blight is? Blight is poor people with houses with peeling paint, and we have too often in the past funded the destruction of that housing and not funded its replacement.

Let me serve notice now, I will be, as we deal with legislation in the Committee on Financial Services, and hope others will do it as well, every piece of legislation that comes through here where we use public money in a way that would diminish the housing opportunities for low-income people, let us provide alternative opportunities, because here is the problem. The problem is this, they do not own. I think these are important principles.

But the resolution says it right: you do not let those with more resources benefit at the expense of those with fewer resources. The people with the fewest resources are poor people who rent.

So even though it is not the exact constitutional principle, I hope Members will join us when we say you are not going to use public money and public powers to destroy housing that low-income renters live in, because that will be in that spirit. And then we will go to a nice activist Supreme Court and ask them to enforce it.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I must say the gentleman's logic is impeccable, and I think the gentleman has convinced me to vote for the resolution despite what I said before.

My question is this: According to principles of this resolution and of the draft legislation introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), if that were to pass, do you think that would prevent or would have prevented the seizure of land for the Texas Rangers baseball stadium and it would prevent the seizure of land for the Washington National baseball stadium?

Mr. FRANK of Massachusetts. Mr. Speaker, if Federal money is involved, and Federal money is involved in a lot of ways.

By the way, I am a great believer in autonomy for Washington, D.C. I belive they should be able to do what they want to do; but the money does pass through here, so people better be very careful how they draft it, or they may knock out that stadium. But certainly that would be the case.

I never ever voted for funding for a public stadium. I am glad to see this because the biggest abuse of this is low- and middle-income taxpayers who are taxed to build public stadiums so people can make tens of millions of dollars having a good time playing ball. And, yes, I do believe if there were any Federal funds involved in either the Texas stadium, and that could include State funds depending upon their fungibility, but certainly it is the case, as I understand what is going on in Washington, D.C., it violates the principles here and it would be stricken by the minority and it would perhaps be stricken by the bill if Federal funds were involved.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), the Chair of the Western Caucus.

Mr. CANNON. Mr. Speaker, I find myself in the anomalous position of associating myself with the comments of the gentleman from Massachusetts (Mr. FRANK), and I hear some chuckles on the other side, and I think that is appropriate, as to, in particular, the constitutional history cited, the effect on the poor, and the problem with the aesthetics of this resolution, which I strongly support.

We have already heard the Supreme Court decision in Kelo v. City of New London represents a clear blow to private property rights. The Supreme Court has now established that local governments can seize private land if government and business interests think they have an idea for more profitable use for the property. If commercial development now meets the definition of "public use," no private property is safe from government hands.

Worst of all, the groups most affected by the decision are the poorest and least likely to be able to defend themselves. The frightening prospect of the wealthy and connected preying on the poor does not escape the public.

The Daily Herald, my local newspaper, stated, "The true beneficiaries of this deal are the private developers who are getting the land they want without the hassle of protracted real estate negotiations. Rather than trying to find a price at which the residents would sell or finding a willing seller somewhere else, the developers just got the city to do their dirty work. Eminent domain leaves little room for quibbling or sentimentality. One of the residents who challenged New London was an 87-year-old woman who was born in the house she lived in and planned to spend the rest of her life there."

Historically, the fifth amendment has restrained government's ability to take away people's homes through eminent domain. Despite the holdings of the Court in this decision, State and local governments should not use the New London decision as cover to abuse eminent domain powers and trample cherished individual property rights.

But, unfortunately, this process has already begun. This mistaken ruling has already emboldened governments and developers seeking to take property from home and small business owners and local communities in Texas, Missouri, New Jersey, Wisconsin, and Tennessee; and other States are likely to follow.

I would encourage them to do a better job of protecting their citizens, their residents, and their voters rather than following the license now allowed them by the Supreme Court.

I believe it is incumbent upon Congress as a coequal branch of government to protect these local communities as well as countless others around the country. Thankfully, the gentleman from Wisconsin (Mr. SENSENBRENNER) has prepared a timely piece of legislation that will prevent any State or municipality from using economic development as a justification for exercising its power of eminent domain wherever Federal funds are involved in any way.

Mr. Speaker, I encourage the support of this resolution and the bill that will be introduced by the gentleman from Wisconsin (Mr. SENSENBRENNER) in the near future.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. BLUNT), the distinguished Republican whip.

Mr. BLUNT. Mr. Speaker, I rise today in support of the resolution. I also think I rise in support of four of the Supreme Court Justices who agreed with the spirit of the resolution, four of those Justices disagreeing with the other five in a principle of long-term property rights.

This ruling effectively rewrote the fifth amendment to the Constitution which says that private property cannot be taken for public use without just compensation. Private property cannot be taken for public use without just compensation.

The Bill of Rights clearly intended that the government's power to take someone's property was limited by two conditions: first, that just compensation be provided; and, second, that the property be taken and used for public use. Five of the Supreme Court Justices have decided that that second condition would no longer apply. That second condition applied for 218 years without a problem, and suddenly it is gone.

I think Justice O'Connor in her dissent said it better than I might when she said: "The specter of condemnation hangs over all property, nothing is to prevent the State from replacing any Motel 6 with a Ritz-Carlton, any home with a shopping mall, or any farm with a factory."

When the Supreme Court decides that the public good benefits only by the best taxpayer, the highest tax use benefits the public, that is a hugely wrong step. I look forward to not only supporting this resolution, but I understand that the chairman and the ranking member of the Committee on the Judiciary intend to move legislation that will do what we can do in the Congress of the United States to see that the four members of the Court who upheld a long constitutional provision ultimately prevail.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that we add 6 additional minutes to the time of each side.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, just a few hours ago I voted for the amendment to the appropriations bill that addressed this question. But I rise this evening to further emphasize as a former member of a local city council that sometimes it is appropriate for property owners to have the hand of the Federal Government to protect their constitutional rights.

Although I might quarrel with the language of the resolution as it relates to the description of the Court's decision, there is no doubt that I quarrel with an understanding of being able to take private property for private use.

So I rise simply to support the idea of a remedy for those who have been harmed. I always believe that the Federal Government, using the Constitution, using the issue of due process, even though this falls under the question of taking, the taking clause, but simply giving those homeowners who were facing up against a large obstacle of government and corporate interest the right to protect their property.

In this instance, this was not a depressed area, the facts will determine. These are homeowners who have been providing or keeping their homes and all of a sudden because they are on choice property, they now become vulnerable to a heavy hand.

I believe this is a right direction, and I have joined the chairman and the ranking member of the Committee on the Judiciary in legislation that not only remedies or corrects the unlawful taking of the property in New London, Connecticut, but will protect Americans around the Nation, rural and urban areas, from overaggressive taking of eminent domain when taking for private purpose, and a government is taking your property for private purpose.

I ask that my colleagues do continue on this bipartisan ground because I believe that the first step we made was the appropriation announcement of our opposition to this particular decision; but clearly, clearly, I believe the Supreme Court made a misdirected decision in taking the property away from homeowners and due owners of their property for truly private purpose.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. POMBO), the chairman of the Committee on Resources.

Mr. POMBO. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I have been waiting for this day for 13 years, and that is to have all of my colleagues down on the floor talking about protecting private property rights.

The Supreme Court did do us all a favor because this is a battle that has been going on across rural America for decades, where they have misused and abused Federal and State law to take private property away from property owners.

What this particular case does is it takes it right into urban and suburban America. It goes right into every homeowner in this country; and they say you are not safe in your home, we can take it away from you if we want to. That is exactly what they have been telling every farmer and rancher in this country for the last 30 years, that is, if we think your property is better used as critical habitat to recover species or to protect a wetland, we are going to take it, and there is nothing you can do about it.

Now Mr. and Mrs. America realize what the farmers and ranchers and property owners of this country have been going through for the last 30 years. The Supreme Court has now told you we do not care that it is your private property. We do not care. The Constitution does not count because if the city, the county, the State or the Federal Government decides that your property is a better use for something else, we are going to take it.

Yes, we have taken the debate, we have taken the battle right into suburban America. And you know who is really going to get hurt in all of this, the same kind of people who are hurt in rural America. It is not the big guys. It is not the big landowners that get it; it is the little guys who end up getting it because what this law, what this decision allows is it allows the city to decide who gets your property.

If they decide that someone else can make a better and higher use of your property, they will take it by eminent domain and give it to them. That is what it allows. It is not the big developer; it is not the rich corporation. It is the guy who does not even know who their city councilman is that is going to get it. It is the guy who cannot afford to hire a lobbyist, a lawyer, an attorney, a biologist, to go in and defend them.

Thank you for coming down here and defending property rights.

□ 2200

And I am thrilled that this House is going to finally pass legislation hopefully unanimously to protect Mr. and Mrs. America and their single family home. But I ask Members, when we bring a bill to the floor to protect the farmers and ranchers in this committee, to join me in passing that unanimously as well.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER), the distinguished whip, to close the debate on our side.

Mr. HOYER. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), my friend, the ranking member of the Committee on the Judiciary, very much for yielding me this time.

And I rise in recognition that there is a pretty broad consensus on this floor, which I share. As I sat here and listened to the debate of the gentleman from Massachusetts, I lamented that I am neither as smart nor as articulate nor as incisive nor as humorous as the gentleman from Massachusetts (Mr. FRANK). But then again, I thought that I fell in the category of 434 others of us on this floor as well. And I adopt the remarks of the gentleman from Massachusetts (Mr. FRANK) almost in their entirety, for I have reservations about some of the whereas clauses but recognize the whereas clauses are not the gravamen, as we lawyers would say, of this resolution.

The central portion of this resolution is to address whether or not government can decide that there is a public purpose for a taking of private property and thereby make it so. My own belief is that that ought not to be the case, that there ought to be better protection for individuals and particularly, as the previous gentleman said, usually smaller individuals in terms of their power and influence; individuals who may want to retain that home that their mom or dad bought, left to them and they live in and want their kids to live there as well and see a government who says, oh, no, we think this property can be used for a better purpose. The constitutional framers were careful in addressing that issue, careful in the sense they wanted to make sure that the king could not come in and say, "I am going to take your property." That was not what they thought America ought to be. They thought it ought to be a country where only under law for public use could property be taken.

I seldom find myself in agreement with the legal opinions of the Supreme Court Justices Thomas or Scalia. Neither of them will be surprised of that, I am sure, nor will some of my colleagues here. Nor, for that matter, do I often find myself in agreement with a number of the sponsors of this resolution. But I do tonight.

I believe, however, and I want to make this comment, as I have adopted the remarks of the gentleman from Massachusetts (Mr. FRANK), that when dealing with the court at any level, we frankly should be more temperate than we have been. I think this resolution, which I am going to support, is, nevertheless, premature. We have not had the opportunity to digest it, to analyze it, to determine how better we might state the resolution. But having said that, the resolution is here.

Tonight I do agree with the proponents of this legislation in disagreeing with the Supreme Court five-to-four decision. Since our Nation's founding, the protection of private property has been a bedrock principle of our society. It ought to remain so. The fifth amendment provides in relevant part, as has been quoted, "nor shall private property be taken for public use without just compensation." That amendment, of course, does not prohibit all takings, nor should it. Instead, it permits the government to take private property so long as it has a good public use for the land and so long as it provides just compensation. However, in this decision, the Court's majority greatly weakened, in my opinion, this basic constitutional principle. It held that a public use could be defined more broadly as a "public purpose." I agree with the gentleman from Massachusetts's (Mr. FRANK) finding irony in the positions with reference to activism on the courts, for after all in this case, the Court deferred to the legislature. But, in fact, the Constitutional Framers said not even the legislature, not even the people's representatives, could take property unless it was for a public use. I agree with that proposition and therefore disagree with this decision.

As Justice O'Connor wrote in dissent: "Under the banner of economic development, all private property is now vulnerable to being taken and transferred to another private owner, so long as it might be upgraded."

We do not want to leave our citizens vulnerable in that position. As a result, I will join my colleagues in voting for this resolution.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 10¾ minutes remaining, and the gentleman from Michigan (Mr. CONYERS) has 1 minute remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me this time and for bringing this resolution to the floor tonight.

This 5-to-4 decision by the Supreme Court in the Kelo case is one that will ultimately be very harmful to our freedom and our prosperity. Even a brief study of economics and world history shows that the most prosperous nations in world are those that have given the most freedom to their people and the greatest protection to private property. Some have said we do not need to worry about this decision because this new power will be used sparingly by local governments. Those who say that either do not believe very strongly in the right of private property or they do not realize how government at all levels can rationalize or justify almost anything, especially almost any taking of property.

People do not really get upset unless or until it is their property being taken. Yet we can never satisfy governments' appetite for money or land. They always want more.

Will your property be next?

The City of New London wanted more tax revenue than these small homes could provide. As I said, we can never satisfy governments' appetite for money or land.

Justice O'Connor wrote that there is now no realistic constraint on the taking of private property. Her words have already been quoted at length, but I will insert them in my statement.

In my home region of East Tennessee, government has taken huge amounts of land. Almost all has been taken from poor or lower-income families who would be wealthy today if they still had their beautiful land.

Justice Thomas said in his dissent, "Something has gone seriously awry with this Court's interpretation of the Constitution. Though citizens are safe from the government in their homes, the homes themselves are not." He went on to say, "The consequences of today's decision are not difficult to predict and promise to be harmful . . . Extending the concept of public purpose to encompass any economically beneficial goal guarantees that these losses will fall disproportionately on poor communities. Those communities are not only systematically less likely to put their lands to the highest and best social use, but are also the least politically powerful."

Mr. Speaker, this decision by the U.S. Supreme Court is a very dangerous one and will end up being especially harmful to the poor and lower-income and working people of the country.

Thomas Jefferson once said, "A government big enough to give you everything you want is a government big enough to take away everything you have."

Justice O'Connor wrote that there is now no realistic constraint on the taking of private property.

She said: 'any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process . . . As for the victims, the government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.'

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a member of the Committee on the Judiciary.

Mr. KING of Iowa. Mr. Speaker, I thank the chairman for yielding me this time, and I thank also the gentleman from Georgia for bringing this resolution before this Congress this evening and for acting as quickly as we all have.

It is a good feeling to be here with my colleagues on both sides of the aisle with the Committee on the Judiciary talking about defending the Constitution in concert instead of conflict. I appreciate this opportunity to do so.

And I found myself standing on the floor last night quoting Justice O'Connor and agreeing with Justice O'Connor, and it has been a little while. But she nailed it exactly right. What happened, though, in this case, in the Kelo case, was five of nine Justices amended our Constitution. That is exactly what they did. They amended our Constitution with their sliver thin majority opinion. Fifth amendment: "nor shall private property be taken for public use without just compensation." They drew a line through the words "for public use," and now the fifth amendment reads: nor shall private property be taken without just compensation; and, by the way, government will decide what just compensation is, who shall be compensated, and for what purpose, be it public or be it private.

The economic strength of the United States of America has been rooted in our property rights. We look across our history, and we see this Nation that we have and the wonderful economy that has grown. It has grown because we had collateral called "real property." Real property that could be collateralized by bankers and financial institutions so investors and entrepreneurs could pledge that collateral and borrow the capital and build the businesses. That is what put the transcontinental railroad across this country. That is what has built the businesses on Wall Street and in Washington, D.C., in Iowa, and all across this land has been the guarantee of property rights. We look at a Third World country where there are no guarantees like that, and it is easy to see these people cannot borrow money against their collateral, they cannot ensure their property as collateral; so when they get a paycheck, they buy two or three bricks and they go home and they mix a little mortar and they lay two or three bricks up alongside that house, and over 30 years, they build a house two or three bricks at a time as opposed to paying for that mortgage payment one payment at a time. That is how much difference it makes to have property rights.

The victims of this, I happen to have brought along some pictures of these individuals. Here are three entities that are affected by this decision: Here is Susette Kelo. She received notice of condemnation from the New London Development Corporation, which, by the way, is an entity that was empowered by the City of New London, a private corporation. This was the day before Thanksgiving in 2000, and "we are going to take your home."

And this: Bill Von Winkle's, one of the 15 properties condemned because of this decision. And Susanne and Matt Dery, both may lose their home. They have had that home for 20 years.

The difference of what happens between small towns and large towns too, in an incorporated community of 50 people with five council members representing 10 percent of that city, three of them, a majority of that, can decide that they do not like a particular blighted region like a single house and condemn that house and put up a convenience store. They can do so also in a large city by wiping out whole sections of communities, whether they be business interests or not.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. BEAUPREZ).

Mr. BEAUPREZ. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

I especially want to commend the gentleman from Georgia (Mr. GINGREY) for bringing this resolution to the floor tonight, and I rise in strong support of it.

As has been cited repeatedly in this debate, the fifth amendment of the Constitution of the United States states clearly that private property cannot be "taken for public use without just compensation." The recent egregious ruling by the Supreme Court in the Kelo versus the City of New London case ignores the word "public" and opens the doors for the government to deprive any individual of his or her private property for any reason, including to directly benefit a private individual or private corporation. Under the guise of economic development, State and local officials can now arbitrarily kick families out of their homes, farmers and ranchers off their land, and close small businesses that do not provide enough tax revenue for the city or the State. Mr. Speaker, that is unbelievable in the United States of America.

I believe in the same thing that our Founding Fathers addressed when drafting the Declaration of Independence and our Constitution. Government is morally obliged to serve the people, namely by protecting life, liberty, and, yes, private property. The Supreme Court should honor these values, and I applaud the gentleman from Georgia (Mr. GINGREY) and those other Members who are actively taking the initiative tonight to protect the fundamental private property rights of all Americans.

I urge every Member to support this resolution expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the Kelo versus the City of New London case.

□ 2215

Mr. CONYERS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have had a great debate on this resolution. I would like to close with a quote from the amicus brief filed by the National Association for the Advancement of Colored People in the Kelo case:

"In this case, public use has been defined so broadly that eminent domain authority has no practical limits. Allowing a taking simply because the party to whom the State wishes to transfer the property has a greater ability to maximize the value of the property fails to account for the rights of the individual property owners and would systematically sanction transfers from those with less resources at their disposal to those with more. Moreover, expanding the scope of public use to include the potential for economic development that may ultimately benefit the public would arguably include virtually any case, and thus render meaningless the judicial review of taking cases."

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I believe that the debate that has gone on in this House for the better part of the last hour has very clearly shown the dangerous consequences of the majority opinion in the Kelo case. It is a decision that will have profound impact in terms of the relationship of the owners of private property with their government in this country for years to come, unless we take immediate action to limit or even reverse those consequences.

I would point out that the property that is probably the most at risk under the Kelo case is that which belongs to our religious institutions and other organizations that have been granted tax exempt status pursuant to State law.

The Kelo case holding essentially says that if a municipality can get more tax revenue out of a condemnation and sale to another private party, then the public purpose clause of the fifth amendment to the United States Constitution no longer applies. And what property is most vulnerable to that erroneous interpretation, but property which is tax exempt, belonging to our churches, our synagogues, our mosques, our private schools, our fraternal societies, and any other organization that has gotten a tax exemption because the legislature has determined that the public policy of the State is advanced by the granting of that exemption.

I believe that this decision may have the same effect in the long term as the Dred Scott decision, which started a civil war in our country because the Supreme Court made a serious mistake in the 1850s.

This resolution is the first step to express the outrage of Congress and the fact that Congress is standing up to protect the private property rights of the citizens who vote to send us to this Congress to act in their name.

The gentleman from Michigan (Mr. CONYERS) and I have introduced H.R. 3135, which takes away the Federal funding of municipalities that wish to use taxpayer dollars for this perverse purpose. There is a cosponsor sheet that I will have on the desk for those that wish to be a part of the crusade to legislate taking away Federal funding to municipalities and States that wish to do this.

We are on a crusade here. I would urge an "aye" vote on the resolution, but the Committee on the Judiciary will be very active in making sure that the door to the Federal Treasury is locked shut and locked shut tight so that no municipality will be coming to Washington to ask for money to finance goofy condemnations like the Supreme Court upheld in the Kelo case.

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this resolution expressing disapproval of the majority opinion of the U.S. Supreme Court in the case of Kelo et al. v. New London et al.

That case involved the question of the scope of a local government's authority to use the power of eminent domain, and in particular whether local governments may condemn private houses in order to use the land for uses that are primarily commercial.

The question before the court was whether such use of eminent domain is consistent with the U.S. Constitution's Fifth Amendment—made applicable to the States by the 14th Amendment—which says "nor shall private property be taken for 'public use without just compensation." Answering that question required the court to decide what qualifies as a "public use."

The case involved actions aimed at redevelopment of a particular neighborhood in New London, Connecticut to encourage new economic activities. Toward that end, a development corporation—technically a private entity although evidently under the city's control—prepared a development plan.

The city approved the plan and authorized the corporation to acquire land in the neighborhood. However, nine people who owned property there did not wish to sell to the corporation. The city of New London chose to exercise its right of eminent domain and ordered the development corporation, acting as the city's legally appointed agent, to condemn the holdout owners' lots. These owners were the petitioners in this case, with the lead plaintiff being Susette Kelo, who owned a small home in the development area.

The owners sued the city in Connecticut courts, arguing that the city had misused its eminent domain power, but lost. They then asked the U.S. Supreme Court to review the Connecticut Supreme Court's decision in favor of the city, arguing that it was not constitutional for the government to take private property from one individual or corporation and give it to another, simply because the other might put the property to a use that would generate higher tax revenue.

The Supreme Court agreed with the City of New London in a 5–4 decision. The majority decision, written by Justice John Paul Stevens, said that local governments should be afforded wide latitude in seizing property for land-use decisions of a local nature. The primary dissent, written by Justice Sandra Day O'Connor, suggested that the use of this power in a reverse Robin Hood fashion—take from the poor, give to the rich—would become the norm, not the exception: "Any property may now be taken for the benefit of another private party, but the fallout from this decision will not be random. The beneficiaries are likely to be those citizens with disproportionate influence and power in the political process, including large corporations and development firms." A separate dissent was written by Justice Clarence Thomas, while Justice Anthony M. Kennedy wrote a separate concurrence with the majority's ruling.

The court's decision in this case has attracted considerable comment and criticism. For example, the Rocky Mountain News said "The 5-to-4 decision expands the already expansive definition of 'public use' to mean anything that might conceivably benefit the public through economic development. As Justice Sandra Day O'Connor said in her stinging dissent, the effect is to 'wash out any distinction between private and public use of property.' Other editorials and opinion columns were even harsher.

I am not a lawyer, and certainly no expert on this aspect of Constitutional law. But I find Justice O'Connor's analysis of the likely fallout of the decision persuasive and I share the concerns of many of those who have been critical of the decision, especially those related to the possible abuse of the power of eminent domain in situations such as the one involved in this case.

That is why I am voting for this resolution.

I do not fully agree with every word of it—especially the statement that the majority's decision in the "Kelo" case "renders the public use provision in . . . the fifth amendment without meaning."

But I definitely agree that, as the resolution states, "State and local governments should only execute the power of eminent domain for those purposes that serve the public good . . . must justly compensate those individuals whose property is assumed through eminent domain . . . [and] any execution of eminent domain by State and local government that does not comply [with the conditions stated] constitutes an abuse of government power and an usurpation of the individual property rights as defined in the fifth amendment."

I also am in sympathy with the parts of the resolution that state that "eminent domain should never be used to advantage one private party over another," and that state and local governments should not "construe the holdings" in the Kelo case "as a justification to abuse the power of eminent domain."

And I certainly agree that "Congress maintains the prerogative and reserve the right to address through legislation any abuses of eminent domain by State and local government."

However, of course Congress can only take such action in ways that are themselves consistent with the Constitution, and in any event I think we should be reluctant to take actions to curb what some—perhaps even a temporary majority—in Congress might consider improper actions by a State or local government.

The States, through their legislatures or in some cases by direct popular vote, can put limits on the use of eminent domain by their agencies or governments. I think this would be the best way to address potential abuses, and I think we in Congress should consider taking action to impose our ideas of proper limits only as a last resort.

Mr. TIAHRT. Mr. Speaker, the U.S. Supreme Court this week effectively changed our Constitution by removing the protection of a fundamental right of a free people—the right to private possession of land and property. Our Founding Fathers knew how vital private land ownership is to a democratic society. Article V of the U.S. Constitution states, "nor shall private property be taken for public use without just compensation." For centuries Americans have relied upon this article for protection against abusive land transfers from one person to another.

Yet last week, five Supreme Court justices ruled that private property can be taken by a government and then transferred to another private owner if such a taking will supposedly result in greater economic benefit to the community.

With a weak majority ruling, a massive blow has been dealt to Americans' basic right to own and manage private property, without fear of the government taking that property. History reminds us that nations that disregard the rights associated with private property ownership disregard other fundamental rights of the citizenry. In fact, our own Supreme Court at its inception in 1789 called eminent domain a "despotic power."

We have recognized there are times when governments need to purchase private land to build a road or construct a school for use by the general public, sometimes against a landowner's wishes. Our Founders believed that only under these extreme reasons should land be taken from a private property owner for the greater public good. However, the idea that a government would use this eminent domain power to take land from one private owner and transfer it to another private owner for economic reasons smells of Robin Hood gone corrupt.

Local governments and States will now be able to use this case to seize any land believed to make a higher profit if it were owned by a more entrepreneurial owner. Houses of worship, charitable organizations and other non-profits are extremely vulnerable to land grabs by greedy governments seeking more tax revenue.

Even the icon of the American spirit, the family farm, could effectively be forced to sell to another private owner who has grand plans for an economic development project. Farmers and ranchers whose families have worked the land for generations could have to unwillingly forfeit their heritage so a shopping mall can be constructed.

A mom-and-pop business could be forced to sell its property to a corporate competitor, or simply an entrepreneur who wants the land for other revenue-generating purposes. First-time home owners in poorer neighborhoods could easily be targeted for development projects against the will of the community. These are not over-hyped scenarios. The very case the Supreme Court ruled on this week forcefully removes longtime Connecticut homeowners out of their homes so a developer can build a hotel and office buildings.

This distorted "public use" definition is nothing short of public abuse. Under the Supreme Court's new definition, everyone's property is suddenly for sale, and the auctioneer is any government that wants more tax revenue.

If we do nothing and the Court's ruling goes unchallenged, the public good submits to the whim of the wealthy abetted by government's insatiable appetite for more money.

I urge my colleagues to join me today in supporting Mr. GINGREY's resolution that appropriately expresses outrage at this misguided decision by the Nation's highest court.

Mr. INSLEE. Mr. Speaker, today I voice my opposition to the Supreme Court's recent decision granting local governments the power to seize private property for economic development. The Constitution protects an individual's right to own a home free of government intervention, and ensures just compensation for any property taken in the name of the greater public good, such as vitally necessary roads or water projects. The Court erred in its determination that private development interests constitute a legitimate public good. Private interests should not justify the bull-dozing of homes in a working-class neighborhood. This divided decision, Kelo v. New London, may represent an open invitation for abuse by local governments and private developers at the expense of hardworking Americans who have a right to their property. While I oppose the Supreme Court's decision, I also believe in the separation of powers and do not believe it is appropriate for Congress to seek to punish the Court for its decision. It is my hope that the Supreme Court has another opportunity to correct this bad decision, and provide greater protections for homeowners.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 340.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MAKING SUPPLEMENTAL APPROPRIATIONS FOR VETERANS MEDICAL SERVICES

Mr. WALSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3130) making supplemental appropriations for fiscal year 2005 for veterans medical services.

The Clerk read as follows:

H.R. 3130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for fiscal year 2005:

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $975,000,000, to remain available until September 30, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. WALSH) and the gentleman from Texas (Mr. EDWARDS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this evening I bring to the floor a bill to provide urgently needed funding for the Department of Veterans Affairs. During the last week, it has become known to most of us that the Department is in dire straits with regard to funding for medical services. It has been pointed out to us in hearings that funding originally allocated for capital expenditures is being diverted to pay for medical services, and reserves which were intended to cover future requirements were instead needed this year.

Based upon information provided by the Secretary of Veterans Affairs in a hearing today before the Committee on Veterans' Affairs, as well as information provided on Tuesday when he appeared before the Committee on Appropriations, I am asking the House to pass this supplemental appropriations bill today in the amount of $975 million. This amount is within the 302(a) allocation for 2005 available to the committee and therefore does not need to be offset.

In the coming weeks, the committee will work with the Department to determine the implications for fiscal year 2006 of their recent changes in workload and utilization. This will allow us to use the most accurate information available to ensure that sufficient funding is also provided when we complete the 2006 bill later this year.

To make it clear, this funding we are talking about tonight in this supplemental is just for 2005. I expect full cooperation and disclosure by the Department as we develop the final number for fiscal year 2006. I do not expect, nor will I accept, partial or vague information or misinformation. This process can only work well if we all work together. That is what I expect of everyone involved in solving this problem.

For today, the bill I bring to the floor provides the necessary resources to ensure that all veterans receive the medical care promised. This funding will also allow the Department to restore funding to its capital accounts to ensure that maintenance and repairs are completed and necessary equipment procured so that future care will not be placed in jeopardy nor held in abeyance.

I regret that the Congress and the committee was not informed of the very real problems at the Department earlier in the process. Having said that, I look forward to working together with my friend and colleague, the ranking member, the gentleman from Texas (Mr. EDWARDS); the Department of Veterans Affairs; the Office of Management and Budget; and the Members of the other body to be sure that we do not run into this situation again.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will vote for this emergency funding bill for veterans health care for two reasons: first, the VA desperately needs the $975 million right now to address a very serious shortfall in VA health care funding, a shortfall that I wish had never occurred; second, unfortunately, the House Republican leadership decided earlier this evening that the House, Republicans and Democrats alike, would not even be allowed to vote on the $1.5 billion emergency funding bill for VA health care that the Senate has already passed on a unanimous basis 96 to zero earlier this week.

For the record, I want to say that I believe the $975 million probably will not cover all of the hole that has been dug for veterans health care for this year. I hope I am wrong; but I was not wrong earlier this year, and I was not wrong last year when I said that the present VA budget would provide cuts in real health care services to veterans during a time of war.

Also I want to say for the record that I appreciate very much the leadership of the gentleman from New York (Mr. WALSH), whose commitment to America's veterans is genuine, deep, and consistent. Had he not called hearings this week and brought the VA leadership before the House in his Subcommittee on Military Quality of Life and Veterans Affairs, and Related Agencies of the Committee on Appropriations, I do not think we would be here on this floor tonight debating additional emergency money for VA health care spending.

I want to commend my friend and colleague, the gentleman from Indiana (Mr. BUYER), who worked very hard to bring to light this immediate crisis that we are facing. His leadership on the House Committee on Veterans' Affairs was instrumental in us being here today.

Having said that, I believe the American people and America's veterans, Mr. Speaker, have a right to know how we got into this $1 billion hole for veterans health care during a time of war, and, most importantly, need to help us understand how not to get into this hole again.

This issue did not just come up. This problem did not just pop up overnight or this week or last week. For 2 years, respected national veterans organizations have been pleading with the administration and Congress to provide adequate funding for the VA health care system. Unfortunately, their pleas were often ignored by the Republican leadership in the House.

As far back as February of 2004, the Republican chairman of the House Committee on Veterans' Affairs, then the gentleman from New Jersey (Mr. SMITH), signed a bipartisan letter saying that unless we funded $2.5 billion more than the administration budget request for VA health care, real services for real veterans would have to be cut this year during a time of war. Did the House leadership salute the gentleman from New Jersey (Mr. SMITH) for standing up for veterans? No. In fact, they fired him. They did not just take away his chairmanship of the VA committee; they took him off the committee itself.

What was the crime of the gentleman from New Jersey (Mr. SMITH)? He refused to support an inadequate budget resolution for VA health care for 2005 which the Republican leadership had endorsed. He put his loyalty to America's veterans above blind partisan loyalty to the House leadership, and he was right to do so.

While America's veterans were honoring the gentleman from New Jersey (Mr. SMITH), the House Republican leadership was punishing him.

In the spring of 2004, House Republicans passed a fiscal year 2005 budget on a partisan basis, a budget that veterans groups, Democrats, and the gentleman from New Jersey (Mr. SMITH) had said would require more than $1 billion in cuts to veterans health care services this year. The insight of time has proven that Democrats, veterans groups, including the DAV, American Legion and VFW, were right. The House Republican leadership was wrong; wrong on veterans health care budget resolutions and wrong to put partisanship above loyalty to veterans and veterans health care.

Repeatedly over the past 2 years, House Democrats, myself included, have asked the Republican leadership to join on a bipartisan basis to stop real cuts in veterans health care services during a time of war. Over a year ago, we tried genuinely to increase the veterans health care budget for 2005. The leadership said no.

This year, veterans groups and Democrats pleaded with the Republican leadership to provide more adequate funding for veterans health care. On the 2006 budget resolution, they said no.

Then in May of this year. Democrats and veterans groups pleaded with the Republican leadership one more time to add additional VA health care spending to the Iraqi war supplemental appropriations bill. Once again, the leadership said no.

That was not the last time they said no. The gentleman from Wisconsin (Mr. OBEY) tried to add an amendment in the Committee on Appropriations increasing funding for VA health care so we would not get into this hole, cutting services for veterans during a time of war. Again, the answer was no.

That is not even the worst of it. The House leadership on a partisan basis pressured Republican colleagues of mine this year to vote for a House budget resolution, and, listen to this, vote for a House budget resolution that would cut present services for veterans by $14 billion over the next 5 years.

□ 2230

Let me repeat that in case anybody did not hear it or believe it, because it is a fact: the House leadership passed a budget resolution in this very room earlier this year that would require a $14 billion cut in present health care services to veterans. And, by the way, that includes over 100,000 veterans of the Iraqi and Afghanistan wars who have needed VA health care. I must wonder which Members of the House leadership will include in their Fourth of July speeches the fact that they pushed through this House a budget resolution this year to cut veterans' health care services by $14 billion over the next 5 years. I hope to join with my colleagues on a bipartisan basis in the years ahead to undo what would be a terribly harmful cut to our veterans and send a destructive message to our active duty servicemen and women serving in Iraq and Afghanistan.

Having said all of that, we come today to face a shortfall that the gentleman from New Jersey (Mr. SMITH), the Republican chairman of the House Committee on Veterans Affairs predicted a year ago, and the VA, American Legion, VFW, and Democrats predicted a year ago. I wish we were voting for a $1.5 billion increase in emergency funding. I think our veterans deserve it. Certainly, the Senate, on a unanimous vote, 96 to 0, endorsed that level of funding.

But, thanks to the goodwill and the genuine leadership of people such as my colleague and friend, the gentleman from New York (Mr. WALSH), we have a chance to take a step forward today, an important step forward, in funding, more adequately funding veterans' health care, and for that I am grateful. I hope we can work together, as the gentleman mentioned a few minutes ago, on a bipartisan basis to see that we never, ever again dig this kind of a hole for veterans' health care in time of war or peace, but certainly we should never do it in time of war.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I certainly thank the chairman for yielding me this time.

I rise today in very strong support of the Veterans' Health Care Supplemental Appropriations Act. We are here tonight because the VA needs $975 million for the remaining 3 months of fiscal year 2005. Earlier today, Secretary Nicholson made it clear that the shortfall resulted from faulty, outdated and, quite honestly, unrealistic forecasting models.

I represent the highest number of veterans of any Member of this body. I have very often taken on my own party to fight for increased veterans' funding. And do you know what? They responded. We have consistently provided more than what the VA has requested over the 3 brief years that I have been here. This side of the aisle has recognized the problem, and we are acting swiftly to resolve it by passing the supplemental today. I commend the Republican leadership for their speedy response to a real need.

Mr. Speaker, I urge the other side of the aisle to stop the petty bickering and mud-slinging and ask everyone to support this very important bill. Republicans have increased veterans' funding over 43 percent since 2001. We will continue to fight to meet the needs of veterans' health care and other veterans' needs, because we provide solutions and action, not useless fingerpointing.

Mr. Speaker, earlier today, another Member from Florida engaged in some political diatribe in committee and said she could not understand why veterans vote for Republicans. Clearly, they vote for Republicans because we are very quick to respond to a need and that we produce solutions, not just useless rhetoric.

Mr. EDWARDS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I support this measure, but I believe that it does not go far enough. Already, the VA has acknowledged a $2.7 billion problem next fiscal year.

Health care for veterans today is being affected by budgetary shortfalls. Although the VA insists that $975 million is sufficient, there also argued as recently as just only 2 days ago that any additional funding was unnecessary.

I do not know what we tell the homeless people in this country who would get no assistance if the committee bill would be dropped. We want to know how much money we could have saved by closing down State nursing homes and all the other innovative programs that the VA has been in favor of. If we cannot run a first-class hospital system, then shame on us for not fighting for the defending people of our Nation as much as we fight for other wars for people from foreign lands.

I thank my colleagues and urge quick passage supplemental funding.

Mr. WALSH. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. BROWN), a member of the Committee on Veterans' Affairs.

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

No one wants to be told that the Department needs nearly $1 billion more than anticipated, but the Secretary of Veterans Affairs has frankly come forward and acknowledged that their budget model has been simply overpowered by a host of factors, including an unexpected surge in demand this year.

The numbers that we discuss is important, because they have a real impact in all of our districts and for our constituents who have served this great Nation. The consequences of chronologically underestimating the funding requirements, in my mind, are simply unacceptable.

As chairman of the Subcommittee on Health of the Committee on Veterans Affairs, my job now and our collective job tonight is to fix this problem. I want to commend my chairman, my good friend from Indiana (Mr. BUYER) for his leadership and having the courage to dig deep into this issue and address this in a head-on way. I also want to commend the gentleman from New York (Mr. WALSH) for his efforts in moving quickly to get this measure to the floor tonight. Together, with our Senate colleagues, I hope we can move forward in a bipartisan manner to get these much-needed funds into the hands of those who provide the quality care to our veterans every day across this great Nation.

I think it is critical that we continue the dialogue with the VA that we have started so that we can ensure that the health care needs of our veterans continue to be met in a reliable and timely fashion. Equally important, I want to continue to work with the Secretary and the administration to refine the budget process for coming years, making sure that we avoid similar shortfalls in the future.

As the chairman of the Subcommittee on Health, I want to assure all of the veterans that are out there tonight that we are going to be absolutely sure that their health care needs are met in a timely manner.

With that in mind, Mr. Speaker, I would urge my colleagues here in the House to support this resolution.

Mr. EDWARDS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. REYES), a member of the Committee on Veterans' Affairs.

Mr. REYES. Mr. Speaker, I rise in support of H.R. 3130, the day-late-and-dollar-short legislation.

Where were we last year when Secretary Principi said that he was underfunded by $1.3 billion? Where were we in March when I sat here in this very same seat and asked to fund $1.3 billion out of the supplemental fund? Earlier tonight, we could have funded our veterans at the same level as the Senate did last night, at $1.5 billion, but no, we could not do it the right way, we could not do the right thing.

So tonight as an American, I am angry; as a veteran, I am outraged; and as a Member of Congress, I am ashamed. Angry, outraged, and ashamed that our only option is a supplemental of $975 million when we need $1.5 billion. I am angry because in this House, if you need an emergency supplemental, no problem. If you need another one, no problem. Need yet another emergency supplemental? Again, no problem. But do not even think about an emergency amendment of $1.3 billion for veterans' health care. No, all $300 billion has been spoken for, and no veteran need apply.

Mr. Speaker, I am outraged as a veteran because, like emergency supplementals, if you need a tax cut, no problem. Need another one? No problem. Want a third? No problem again. What a deal. The richest 1 percent in this country get a gold mine; our veterans get the shaft.

As a Member of Congress, Mr. Speaker, I am ashamed and frustrated. Why? Because we have consistently failed to stand up for our veterans and have failed to stand up to an administration that continues to mislead and deceive, an administration that adopted Pinocchio as their mascot and has trampled on the rights and the needs of our veterans. Just once, I wish we would do the right thing for our veterans: fund them at $1.5 billion.

I do support this legislation, a day late and a dollar short.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

I just am thunderstruck by the rhetoric that I just heard. Stomping and trampling on the rights of our veterans? That is really beneath the dignity of this institution. Everyone I know, and I know most Members in this body, has the greatest respect for our veterans, the greatest respect. The gentleman asked the rhetorical question, I believe it was a rhetorical question, where were we last year when Secretary Principi asked for an additional $1.3 billion? Mr. Speaker, we were there. When we completed our budget, our appropriation for 2005, we put an additional $1.3 billion in, based on that request.

So let us try to dampen the rhetoric and stick to the facts.

Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST), one of our Nation's veterans.

Mr. GILCHREST. Mr. Speaker, I thank the chairman of the subcommittee for yielding me this time, and I thank him for bringing this supplemental to the floor this evening. I am also encouraged that I am sure all of my colleagues will vote for this today.

I want to make sure that another voice is heard. I am a veteran, as there are many veterans on this floor. I have been in Navy hospitals, I have been in veterans' hospitals, and I have gone through the veterans' health care system.

I also want to say that in the last 10 years, in my district, there have been three health care clinics for veterans built just in those 10 years that provide excellent care. We have a veterans' hospital for the psychiatric problems that veterans often experience that go from Alzheimer's to posttraumatic stress syndrome from Vietnam and other conflicts, to people with schizophrenia. Nothing is perfect. There are no utopias on the planet. We need to provide this supplement until the end of this fiscal year, and make sure we do not make the same mistake in the next fiscal year. But we have done a great deal, and we will continue to work hard for the veterans of this country, and we have.

Mr. EDWARDS. Mr. Speaker, I yield 2½ minutes to the gentleman from Maine (Mr. MICHAUD), a member of the House Committee on Veterans' Affairs.

Mr. MICHAUD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I strongly support addressing the funding crisis that is hurting veterans, so I will vote for this measure this evening, but I am deeply disappointed that we are not providing the VA with an additional $1.5 billion. Because this amount is less than the $1.5 billion offered by the Senate, veterans will be in limbo, forced to wait for the care that they have earned. I will vote "yes" because I want veterans to get a measure of relief as soon as possible, but we can do better in this House, and we all know it.

Mr. Speaker, we should not even be here. We would not be here if the VA, the administration, and the leadership had listened to the veterans groups and the members of the Committee on Veterans Affairs who warned about this problem in recent years. Let us make no mistake: this shortfall is definitely hurting our veterans.

At Togus VA Medical Center, they ran out of money for medical care, so they had to divert their maintenance fund. Now, when their own brick building is crumbling, they cannot fix the problem. Instead, workers had to put up scaffolding to keep bricks from falling on the heads of sick veterans and their medical staff. This is a disgrace. This is what this shortfall is doing for our veterans.

We also know that even the funding that will be approved this evening still leaves a major gap. For example, I am concerned that this supplemental may not address the shortfall funding for mental health services. Today, I asked Secretary Nicholson whether the $975 million would cover the gap in service for mental health care, including substance abuse.

□ 2245

He would not give me a clear yes or no answer. So we are left wondering again if this supplemental will solve the full shortfall in veterans health care. I am also concerned that the supplemental offered does not deal with the half a million veterans who are barred from seeking care from the VA. Since January of 2003, this administration has instituted a policy of banning a group of veterans referred to as Priority 8 veterans from enrolling in health care. This is wrong.

So in closing, I will vote to support this measure because it is the first step in correcting the outrageous problem, but it should never have been in the first place.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

I would just like to respond to a couple of the points made by the gentleman who just spoke. The first is that we have provided in the 2005 bill $2.11 billion for mental health for our veterans. That is a very substantial amount of money. And in the 2006 budget, we have proposed $2.2 billion, and we fenced it so that that money cannot be used for any other purpose. That has never been done before in a veterans appropriations bill. And I am very proud that our subcommittee took that action, and it was a bipartisan action.

The second point is that we have before us a straightforward stand-alone supplemental bill that provides just under $1 billion for the Veterans Administration health administration for this year, for 2005, only for 2005. And so it is very simple. If we pass it, and send it to the Senate they can act on it tonight or tomorrow as a stand-alone bill, identical bill, and the President could sign it tomorrow before the Fourth of July, and that is what I hope happens because I believe we will get broad support. I cannot imagine anyone voting against this bill.

But the Senate bill, and the Senate has not passed a bill that includes this funding. They have not. Out of committee they have passed an interior appropriations bill for the 2006 fiscal year that has a $1.5 billion attachment to it for veterans affairs. That bill is a 2006 bill. It will not even take effect in law until 2006, which will not help the 2005 budget at all. This is the vehicle to use. And I am very hopeful that once we pass it and send it to the Senate with a strong unanimous or bipartisan voice from the House that it will become law.

Mr. Speaker, I reserve the balance of my time.

Mr. EDWARDS. Mr. Speaker, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY), also a member of the House Veterans Affairs' Committee.

Ms. HOOLEY. Mr. Speaker, I thank the gentleman for yielding who has been such a champion of veterans.

Mr. Speaker, veterans care is in a state of crisis. As the gentleman from Wisconsin (Mr. OBEY) pointed out earlier in the evening, veterans at the Portland VA Medical Center in Oregon have arrived at the short-stay unit only to see this sign which says, "We regret to inform you that due to budget issues, we can no longer supply meals to patients. Please bring a meal from home if you are going to be in the short-stay unit. We apologize for any inconvenience."

Well, this is not about the food. But it is about our health care for veterans. We have had to close beds because we are 150 people short at the VA hospital. This is no way to treat our heroes. The Portland VA does a wonderful job. It is not their fault. This is our responsibility.

I have been working on this issue for years calling for more funding for VA health care. If the leadership had allowed a vote on an amendment I tried to offer with the gentleman from Washington (Mr. BAIRD) to add $1.3 billion to the supplemental for VA health care, we would have dealt with this issue months ago. This did not have to happen. Not one soldier who puts his or her life on the line should have to worry about health care.

While I am glad that we are finally acknowledging the financial needs of the VA, I cannot help but be disappointed that even now, when we know they are desperate for additional funding, we are still not giving them all of the money they need to serve our veterans.

As a result of this budget shortfall, the Portland VA Medical Center is delaying all non-emergency surgery by at least six months. For example, veterans in need of knee replacement surgery won't be treated because of the budget shortfall. Recent visitors to the short care stay unit were surprised to see a handwritten sign declaring that "due to budget issues, we can no longer supply meals to patients," and asking patients to bring a meal from home.

The facility is reducing staff as a cost-cutting measure and is now short at least 150 hospital staff, including nurses, physicians, and social workers. As a result of budget cuts for staffing, the VA has cut the number of medical beds available to care for veterans. And for fiscal year 2005, the facility needed $13 million for medical and clinical equipment but only received $2 million.

But this should not come as a surprise to us. All you have to do is visit the VA health care facilities to see the overcrowded waiting rooms, the worn equipment, to know that they need additional funding. And we've been saying this for years.

Just this March, the Republican leadership of the House refused to allow us to debate and vote on an amendment that I tried to offer that would have added $1.3 billion to the Supplemental Appropriations bill specifically for Veterans Health Care. Had we been allowed to debate whether the VA needed supplemental funding in March, or any of the numerous other times that House Democrats have tried to raise the issue, we could have dealt with this problem long before it became a crisis.

Not one soldier who puts his or her life on the line should have to worry about getting health care when he or she returns from battle. But how are we supposed to provide adequate health care to these new veterans when we can't even meet the needs of our current veterans? Our veterans deserve better.

Mr. EDWARDS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, tonight we are scrambling around to make up for a shortfall in veterans funding that was caused by the poor planning of this administration. The VA medical system cares for the brave men and women who have risked life and limb to serve this country without questioning why. Let us not forget that the VA's medical system serves as a back up to the Defense Department during national emergencies and as a Federal support organization during major disasters.

Please consider my district, the city of San Diego. Our VA Medical Center is well managed, but is being forced to divert millions of its maintenance funds to partially cover its operating expenses while our communities' veterans sit on waiting lists of over 750 patients.

Mr. Speaker, we are the keepers of the promise to America's veterans. We are obligated to address this funding crisis quickly and prevent it from happening again. The lives of countless men and women who defend it, or our own lives, may very well depend on it.

Mr. EDWARDS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we should not be in this hole. We did not have to be in this hole. I am glad we are taking a partial step to get out of this hole, a hole that we put veterans in, veterans who have served our country in combat, veterans who have been unfortunately denied care this year that they had a right to receive because of inadequate funding in the past. I am glad we are moving forward.

I wish we were moving forward with a $1.5 billion emergency funding bill passed unanimously by the United States Senate. I do not know why the House leadership felt 96 Members of the Senate, including the Senate Republican leadership, were being too generous to veterans. I do not think they were being too generous to veterans. But I am glad we are taking a step forward. And I do genuinely appreciate the gentleman from New York (Mr. WALSH) and the gentleman from Indiana's (Mr. BUYER) work on this effort.

The most important thing we need to do tonight is learn the lesson of how we got in this hole and how not to get into it again. I have heard some say, well, we have increased veterans funding over the last few years so we should be happy with that and veterans should not complain about it, in effect. But the fact is that there has been an increase of 250,000 veterans a year each year for the last 4 or 5 years into the VA health care system.

You add that to VA health care inflation, drug cost inflation, and the fact is that we have not kept up with even current services for veterans in the budgets we have passed in the last 2 years. For some, not so much in tonight's debate, but in other debates this week, who have suggested, well, these are Democrats being partisan, well, some of those charges were leveled when we said a year ago and 5 months ago and 2 months ago that this budget was going to provide a shortfall for funding.

But let us take it out of the debate of Republicans versus Democrats. Let us go to the respected Disabled American Veterans. Alan Bowers, the national commander of the DAV said, not last week or last month, he said on March 23 of 2004 about the 2005 budget resolution, "The VA will be required to delay medical care for some veterans and deny it all together for other sick and disabled veterans just to enable it to meet inflationary costs."

To the veterans of this Nation it is incomprehensible that our government cannot afford to fund their medical care and benefit programs at a time it can afford generous tax cuts costing hundreds of billions of dollars more.

Let us go beyond the Disabled American Veterans. Let us look at the legislative directors of Paralyzed Veterans of America, the AMVETS, the Veterans of Foreign Wars. This is what they said about the 2005 budget resolution passed on a partisan basis in this House over the objection of Democrats. They said passage of the budget resolution as presented "would be a disservice to those men and women who serve this country and who are currently serving in Iraq, Afghanistan and around the world in our fight against terrorism."

No Member of this House questions any other Member's respect for veterans. But we are not talking about good feelings tonight. Good feelings and good intentions do not fund veterans health care. We are talking about budget priorities. And we on the Democratic side of this House believe that adequate funding for veterans health care should trump tax cuts for billionaires. It seems to me that the leadership of America's major veterans organizations agree with us.

I hope, perhaps, from this day forward we can go together on a bipartisan basis to see that we do not ever, ever, ever again cut real services for America's veterans during a time of war.

I encourage my colleagues to vote for this resolution, despite my deep disappointment that the House Republican leadership would deny us even the right to vote on the $1.5 billion emergency funding for veterans hospitals that 96 Senators in a unanimous vote said was needed by our Nation's former service men and women.

Mr. WALSH. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER), the distinguished chairman of the Veterans Affairs' Committee and himself a veteran of the Gulf War.

Mr. BUYER. Mr. Speaker, I thank the gentleman from New York (Mr. WALSH) for his leadership in bringing this supplemental, being responsive to the administration's requests. I would also like to thank the gentleman from Texas (Mr. EDWARDS), the ranking member, for working cooperatively with the gentleman from New York as he has done since he assumed this position. The gentleman's leadership is important and it is valuable.

Yesterday, the gentleman from Texas (Mr. EDWARDS) and I kind of joked with each other when I came up to the gentleman and I said, what is the powerball? And the gentleman looked at me and said, what? And I said what is the powerball, because if the gentleman could actually guess what the number should be for the veterans budget, the gentleman should also know what the powerball is. We kind of had fun, we had some laughter amongst each other because what we are dealing with is hard. It is difficult. There are people that are a lot smarter than me and that have Ph.D.s in how to do the actuarial studies.

And it is rather interesting that the VA, for the longest time, I want to share with my colleagues what had been done was that the VA would formulate the health care portion of their budgets using historical trend analysis, inflation, and then they would also take into consideration new initiatives. Then the VA said, well, we ought to change that. Let us improve workload projection capabilities, and let us do some better forecasting.

And so they go out and they hire Milliman Incorporated, which is an outside actuarial firm that provides expertise and guidance to the top private health companies in America. Well, that sounded like a pretty good idea to do. Then what we learned on June 23 in the Full Committee on Veterans' Affairs as we get into the issue on health care modeling, I know you say, my gosh, why are you talking about this? This is pretty important. What we learn about the modeling is, is that model wrong that the VA is using to protect the budgets? How come we get into these positions? What we learned is it is not necessarily that the model is in error. The model that is used in the private sector and that is used to guide the VA is adjusted for these private firms on an annual basis.

The VA uses this model and stresses it. They stress the model to project between 2.5 and 3.5 years out. Now, that is not right. So what we are going to do, and the gentlemen from New York (Mr. WALSH) and the gentleman from Texas (Mr. EDWARDS) and myself and the gentleman from South Carolina (Mr. BROWN) and the gentleman from Maine (Mr. MICHAUD), we are going to work together here because we are going to stop this stuff going on. If they recognize that the data is old and stale and that their assumptions are not right and they are not doing annual risk adjustments, then we are going to have to do it for them. Right?

So it is important for us to continue our oversight. So when this was brought out in the hearing last week, the administration, the testimony of Dr. Perlin was we have some work around solutions. Well, we listened to it. And then we began to talk among ourselves, Republicans and Democrats alike, listening to evidence and stories from our own districts and said, you know, this does not feel right and we should take some action.

☐ 2300

The administration responded. What we said to the administration was, and I share with my colleagues in the Senate because their immediate response, we were not even done with our hearing in the House and the Senate calls a press conference and says we are going to fund it at 1.5 or 1.6.

They are making up numbers over in the Senate. We are not going to make up numbers here in the House. I have heard some of my dear friends on the Democrat side say, I am really disappointed it is not $1.5 billion. Where do you get $1.5 billion? We cannot make it up.

If our responsibility to the taxpayer is to get the number right, then let us get the number right. So when we asked the Secretary to come over and testify and he did this morning, we said we want an exact number and that is exactly what he delivered to us.

So of the $975 million supplemental, this morning he said I need $273 million to fund health care for returning Operation Iraqi Freedom, Operation Enduring Freedom veterans, including members of the Guard and Reserve. They also needed $226 million to continue funding of the shared Federal and State VA long-term care nursing home program. They need another $200 million to fund unanticipated increases in the health care for priorities 1 through 6 veterans. He needed $95 million to fund unanticipated energy, fuel, and utility costs. He needed $84 million to buy emergency medical equipment and $39 million to pay for the increase in health care benefits for dependents of 100 percent service connected veterans as the need has increased at a rate greater than expect.

And there is another number that no one has talked about. You know what it is? Accounts receivables. So I asked the VA, you came and told us you need $975 million. What is your accounts receivables? What in the final quarter of 2005 do you anticipate that you are going to collect? $325 million.

So basically what we have, if you are in business we have a cashflow problem. We also have a shortfall. So they have accounts receivables out there and they have a bogey, a deficit. So when we say okay, we are going to do an infusion. So we do an infusion of $975 million, you know what? The number is higher than that. Because it is $975 million plus the $325 million of accounts receivables. It is $1.3 billion is the infusion. That is the monies available for the VA in the final quarter. That is the exact number.

So I am hopeful that when we pass this bill, and I agree with the gentleman from New York (Chairman Walsh), I do not think there is going to be one vote against this because we will all speak together in a unified voice. We will send this to the other body and say this bill comes to a total of $1.3 billion in available resources that the VA can use in the final quarter and those monies that you cannot use we will move over into 2006. We will continue to work on the 2006 number. We will work on that budget amendment.

The next thing we will do is the VA is working on the 2007 budget because they have responsibilities to get that transferred soon to OMB. We will get all this worked out because this Secretary owns that 2007 budget and he owns the 2006 budget and he owns this mistake and he understands that.

I urge all of my colleagues in a bipartisan fashion and in a big voice, let us wake up the other body. We pass it tonight. They can pass exactly what we have here, and we can make a tremendous impact on the veterans community. Let us pass this bill.

I congratulate the gentleman from New York (Mr. WALSH).

Ms. SCHAKOWSKY. Mr. Speaker, I rise to express my great disappointment about the fact that the Republican majority has refused to allow Representative EDWARDS the opportunity to offer his bill to provide $1.5 billion in emergency funding for veterans health care. Instead, we are being asked tonight to vote up or down on a bill that will provide only part of the funds that are desperately needed to provide essential care to those who served our country so well. Full funding is critically needed by the Veterans' Administration to overcome its massive budget shortfall caused by the Bush Administration's war in Iraq and the Republicans' shameful budget.

Last Friday, the Washington Post reported that the Bush Administration finally acknowledged that it is short $1 billion for covering current needs at the Department of Veterans Affairs, despite repeated efforts by House Democrats to adequately fund VA healthcare. Even that admission is likely to be short of the mark. Earlier today, the Chairman of the Senate Veterans' Affairs Committee reiterated that the Senate would quickly pass a $1.5 billion emergency supplemental if the House would first approve the measure. Unfortunately, the Republican majority has offered a bill that provides only $975 million, and then denied us the opportunity to offer an amendment to increase that level. To shortchange our veterans during a time of war is not only shocking, it is greatly disrespectful to the brave men and women who have volunteered their service to defend our country.

The shortfall that the VA is experiencing has resulted in some VA medical facilities no longer scheduling appointments for veterans, others not filling vacancies of medical and nursing staff, and others having to close operating rooms or not replace basic medical equipment, such as hospital beds.

Because of the Republicans' refusal to provide sufficient funding, many of the 50,000 veterans who are currently waiting in line for medical appointments will be forced to continue their wait. It is shameful that the Republicans in Congress have once again failed our veterans. It is apparent that the Republicans do not represent the priorities of the American people. At a time of war, Americans want the Congress to offer bipartisan support and services for our veterans and their families. They do not want us to shortchange military families and they certainly believe that taking care of our Nation's veterans should be a higher priority than providing tax breaks for millionaires. The Republicans should have done the right thing and worked with the Democrats on this nonpartisan issue.

Mr. HOLT. Mr. Speaker, I rise today in support of this supplemental, but not of the process that brought it to the floor.

Last Friday, the Washington Post reported that the Bush Administration acknowledged that it is short $1 billion for covering current needs at the Department of Veterans Affairs this year, despite repeated efforts by House Democrats to fund VA healthcare. In response, the Senate voted unanimously on Wednesday to give the VA an extra $1.5 billion this year to cover the health care shortfall. But House Republicans today offered just $975 million, meaning additional work will have to be done to correct this serious problem.

But the problem we face is larger than dollars and cents. There is an emerging credibility gap, one that Secretary of Veterans Affairs Nicholson would do well to address and quickly. It simply strains credulity to suggest, as some in the House have this week, that neither the Secretary nor his staff could have foreseen this problem. Mr. Nicholson's predecessor, former VA Secretary Anthony Principi, who is currently chairing the Base Realignment and Closure Commission, certainly had no difficulty giving the Congress honest assessments on the VA's needs. Indeed, Secretary Principi was too forthright for White House officials, who were undoubtedly both embarrassed and angered by his candor during the last Congress.

You remember the story, I'm sure. At the annual VA budget hearing on February 4, 2004, in response to a question by my friend and colleague from Illinois, Mr. Evans, then-Secretary Principi acknowledged that he needed at least $1.2 billion more to meet the medical needs of America's veterans than President Bush had requested in his Fiscal Year 2005 budget submission to Congress. My friend from Illinois showed his usual courage and tenacity, and fought to get Secretary Principi the money they both knew—the money we all knew—was needed to properly care for our veterans. And even if this supplemental funding is provided, there will still be at least a $600 million shortfall in VA funding this fiscal year.

What does this shortfall mean in human terms? It means not enough psychiatric nurses to care for veterans with post-traumatic stress disorder (PTSD) and other psychiatric disorders. It means some veterans will not get prosthetic devices they need to function in the real world. It means that hospital administrators will have to raid medical care accounts in order to pay for equipment repairs to keep air conditioners functioning and electrical systems working. It means longer clinic waiting times for veterans seeking appointments. All of these shortages are both unacceptable and avoidable.

If we can find the money to buy the hardware to send our men and women into battle, there's no excuse for us not to find the money to pay for their wounds of war after they come home. Shortchanging America's veterans on America's birthday is truly a manifestation of Tom Paine's sunshine patriotism. I urge my colleagues to not only support this supplemental, but to demand that the President and the House leadership provide the full funds the VA needs to care for our wounded warriors.

Ms. SOLIS. Mr. Speaker, I rise in strong support of the supplemental appropriations for veterans' medical care. This measure corrects the $1 billion shortfall in veterans' health care funding, which was belatedly acknowledged by the Bush Administration last week. House Democrats have been standing with America's veterans fighting to increase support for veterans' health care. Republicans have consistently chosen other priorities and voted against veterans' healthcare, leading to a shortfall that did not have to happen.

This measure is a first step to correcting this gross underfunding of our veterans' health care system. However, additional steps need to be taken to comprehensively address this serious problem. I am troubled that many of our Nation's veterans are unable to receive the health care they need in a timely fashion. Without adequate funding, veterans will continue to stand in line, waiting for the services they have earned. Let us keep our promises to our veterans and servicemembers who have fought for our country. I will continue to fight for funding that meets our active and retired military personnel's health care needs.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of the supplemental appropriation of $975,000,000 that will fill the huge gap that was left by the Administration's FY 2005 request for the Veteran's Administration health care system. While my veteran constituents such as a 23-year old male who now suffers from kidney and liver failure due in part to administrative failings in the Veterans Healthcare Administration. The paltry funding levels set by the Administration and codified by the Republican Congressional Leadership have caused young soldiers like my constituent to suffer unnecessarily and cause their parents to shed tears. I just visited this young man at the Walter Reed Medical Center last week, and his condition reminded me of the very irresponsible work of this Administration.

Hundreds of thousands of veterans just like my young constituent are being told that they cannot enroll in VA health care. When the current Administration decided to ban new Priority 8 veterans from enrolling in January 2003, it estimated that by 2005 the number of affected veterans would be 522,000. Some veterans' hospitals are reporting shortages of medical supplies. Furthermore, the number of Operation Iraqi Freedom veterans lined up for treatment is expected to rise dramatically as the poorly managed war effort causes physical and mental ailments to increase exponentially.

In the 18th Congressional district of Texas alone there are more than 38,000 veterans and they make up almost ten percent of this district's civilian population over the age of 18. Yet, despite these large numbers we often forget about our veterans. We do this in part because our men and women of the armed services come home from war and lead normal productive lives; often our veterans go unnoticed in the general population. However, our veterans are not normal people; they are truly extraordinary individuals who have changed the course of our lives in ways that we may not even realize. I hope we will always keep this thought in mind; we cannot forget to celebrate our veterans, for if we forget to honor them, we forget all that makes this nation truly great.

There are over 26,550,000 veterans in the United States, the great majority of whom rely upon these services to maintain a healthy standard of living. In the 18th Congressional District alone there are there are more than 38,000 veterans and they make up almost ten percent of the district's civilian population over the age of 18. These veterans rely upon the great services offered at the Michael E. DeBakey VA Medical Center in Houston. Of course any great medical facility is only as good as its health care personnel.

Mr. Speaker, today's vote is the first step to correcting an enormous underfunding of our veterans. However, this amount does not match that offered by the other body—therefore, the problem has not been solved, and soldiers like my young constituent at Walter Reed will continue to suffer the dire and potentially fatal consequences.

This body must increase funding to $1.5 billion so that our debt to those who have sacrificed for us is paid. Even if my colleagues pass this measure, these men and women will not receive the benefits before July 4! The amount offered by the House Republicans did not match the figure that passed in the other body. It is truly shameful that we must watch our Republican colleagues give piecemeal care to our veterans when the needs are so urgent.

For the reasons above stated, I support this measure, but I ask that my colleagues continue to press for full funding at the level passed in the other body.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 3130 because it provides much needed medical care funding for our Nation's veterans.

As we approach our Nation's 229th birthday, we reflect upon what has kept the United States as a free and sovereign Nation—it is our veterans, who have fought to protect the freedoms we cherish every day.

The passage of H.R. 3130 is critical, as it provides nearly $1 billion in emergency funding for the Department of Veterans Affairs to continue treating veterans' health care needs. We made a promise to our veterans to provide them with health care when they made a promise to our Nation to defend us from evils around the world.

Since 1995, Congress has doubled the spending for each veteran. In just the last five years, Congress has increased spending on veterans health care by $10 billion—and this is not counting the additional funding, nearly $1 billion, in H.R. 3130.

H.R. 3130 solidifies the fact that the House of Representatives stands committed to ensuring that the needs of our Nation's veterans are met.

I urge all my colleagues to vote in favor of this very important legislation. I continue to hold all armed forces veterans in the highest regard and pray for the safety of those currently serving in the armed forces around the world.

Mr. LANGEVIN. Mr. Speaker, I rise today to voice my unwavering support for H.R. 3130, the fiscal year 2005 emergency supplemental for the Veterans Health Administration. We promised to provide medical care to our veterans long ago, and we can not fail them.

Every time I meet with veterans in my district, they ask me why it has become so hard to get quality care at our local Veterans Administration medical center. I know as well as they do that right now, there are more than 50,000 veterans waiting months for appointments at Veterans Administration medical centers around the country, and this problem is only getting worse as more injured soldiers return from Iraq and Afghanistan. Unfortunately, the President's budget for this year provided only $106 million more than last year for veterans health care, well below the amount needed to maintain services without a major change in policy. Now, we are faced with a system in crisis, and we must act immediately to repair it.

On June 24th, the Bush Administration admitted that the Department of Veterans Affairs budget for healthcare would need an additional $1 billion this year in order to continue operating without loss of services. In response, the President requested an additional $975 million for veterans' health care, which Chairman BUYER and Ranking Member EVANS pledged to provide as quickly as possible. This bill, H.R. 3130, will provide that additional $975 million and prevent a lapse in services. I firmly believe all of my colleagues will join me in supporting this bill, as we must keep the promise we made to our veterans. I hope that this legislation will be sent to the President for his signature as soon as possible.

Even as I am proud to express my strong support of this bill, I remain concerned with the state of veterans' health care in our country. I am pleased that we will pass today a vital emergency supplemental for that system, but I am also extremely troubled that the Veterans Health Administration had this budget shortfall in the first place. The state of veterans health care funding is extremely disappointing, especially given the fact that this entire problem could have been prevented. Instead, it occurred because the Republican leadership has repeatedly denied efforts by Democrats to fund VA healthcare at an appropriate level, claiming that the budget for fiscal year 2005 was more than adequate to serve the rapidly increasing veterans population.

Over the past two years, Democrats in the House have repeatedly stood with America's veterans in the fight to increase funding for veterans' health care. Meanwhile, Republicans have chosen other priorities. Consequently, we do not know when these vital funds will reach this system which is already in crisis. We sought to add $1.2 billion for veterans' health care on the $82 billion Iraqi supplemental, which was denied. We tried to provide a $2.5 billion increase over the President's budget for veterans' health care and Republicans voted no. As recently as June 24th, House Republicans voted to block consideration of amendments offered by Democrats to add the needed funds for VA health care. This obstruction is outrageous, unacceptable, and has led to the shortfall we face today.

Mr. Speaker, I call on the House Republican Leadership to stop their attempts at budget gimmickry and deliver the necessary $1.5 billion to the VA immediately. Our veterans chose to answer the call of duty to their Nation without hesitation, dedicating themselves to the preservation of freedom, liberty and the security of others no matter the risk. On the battlefield, the military pledges to leave no soldier behind. As a Nation, it must be our pledge that we leave no veteran behind. We must honor their service to our grateful Nation and provide our veterans with the benefits they deserve.

Mr. WALSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. WALSH) that the House suspend the rules and pass the bill, H.R. 3130.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. WALSH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 198) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. CON. RES. 198

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 30, 2005, or Friday, July 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, July 11, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 30, 2005, Friday, July 1, 2005, or Saturday, July 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 11, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CONDITIONAL ADJOURNMENT TO TUESDAY, JULY 5, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on this legislative day, it adjourn to meet at 6 p.m. on the third constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 198, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, JULY 13, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, July 13, 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERNATIONAL RELATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, JULY 8, 2005, TO FILE REPORT ON H.R. 2601, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 2006 AND 2007

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the Committee on International Relations have until midnight July 8, 2005, to file the report on H.R. 2601, the State Department Authorization bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 344, by the yeas and nays;

House Resolution 340, by the yeas and nays;

H.R. 3130, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

EXPRESSING THE SENSE OF THE HOUSE THAT A CHINESE STATE-OWNED ENERGY COMPANY COULD TAKE ACTION THAT WOULD THREATEN THE UNITED STATES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 344.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. NEY) that the House suspend the rules and agree to the resolution, H. Res. 344, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 15, not voting 20, as follows:

[Roll No. 360]

YEAS—398

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Conaway
Conyers
Cooper
Costa
Costello
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—15

Baird
Blumenauer
Davis, Tom
Dicks
Inslee
Kirk
Larsen (WA)
Lungren, Daniel E.
McDermott
Moran (VA)
Paul
Shays
Smith (WA)
Stark
Thomas

NOT VOTING—20

Berman
Clay
Cole (OK)
Cox
Cramer
Everett
Fattah
Gerlach
Harman
Higgins
Johnson, Sam
Kingston
McCaul (TX)
Murtha
Pelosi
Peterson (PA)
Ross
Schiff
Solis
Waters

□ 2327

Mr. BLUMENAUER and Mr. BAIRD changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker during rollcall vote No. 360 on H. Res. 344, I was unavoidably detained.

Had I been present, I would have voted "yea."

EXPRESSING THE GRAVE DISAPPROVAL OF THE HOUSE REGARDING MAJORITY OPINION OF SUPREME COURT IN KELO V. CITY OF NEW LONDON

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 340.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 340, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 365, nays 33, answered "present" 18, not voting 17, as follows:

[Roll No. 361]

YEAS—365

Abercrombie
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Cardoza
Carnahan
Carson
Carter
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green (WI)
Green, Gene
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Honda
Hooley
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Issa
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kanjorski
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Obey
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Spratt
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—33

Allen
Baird
Case
DeGette
Dicks
Dingell
Fattah
Green, Al
Grijalva
Hastings (FL)
Hostettler
Inslee
Jackson (IL)
Jones (OH)
Kilpatrick (MI)
Larsen (WA)
Lee
Levin
Lowey
Matsui
McDermott
Miller (NC)
Moran (VA)
Nadler
Oberstar
Pastor
Payne
Rothman
Sherman
Stark
Watson
Waxman
Wynn

ANSWERED "PRESENT"—18

Ackerman
Blumenauer
Capuano
Granger
Holt
Kaptur
McCollum (MN)
Neal (MA)
Olver
Paul
Sabo
Sanchez, Loretta
Schakowsky
Snyder
Tierney
Turner
Watt
Wu

NOT VOTING—17

Berman
Clay
Cramer
Everett
Harman
Higgins
Johnson, Sam
Kingston
McCaul (TX)
Murtha
Pelosi
Peterson (PA)
Reynolds
Ross
Schiff
Solis
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 2335

Mr. ROTHMAN changed his vote from "yea" to "nay."

Mr. FARR changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. REYNOLDS. Mr. Speaker, on rollcall No. 361, I was unavoidably detained. Had I been present, I would have voted "yea."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 361 on H. Res. 340, I was unavoidably detained. Had I been present, I would have voted "yea."

MAKING SUPPLEMENTAL APPROPRIATIONS FOR VETERANS MEDICAL SERVICES

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3130.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. WALSH) that the House suspend the rules and pass the bill, H.R. 3130, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 362]

YEAS—419

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al

Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—14

Berman
Clay
Cramer
Everett
Harman
Higgins
Kingston
Murtha
Pelosi
Peterson (PA)
Ross
Schiff
Solis
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 2344

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 362 on H.R. 3130 I was unavoidably detained. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2355

Mr. TOWNS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 2355.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONGRATULATING SAN ANTONIO SPURS FOR WINNING 2005 NATIONAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Ms. FOXX. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 339) congratulating the San Antonio Spurs for winning the 2005 National Basketball Association Championship, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 339

Whereas on June 23, 2005, the San Antonio Spurs won the National Basketball Association's (NBA) Championship with an 81–74 victory over the Detroit Pistons;

Whereas the Spurs' win resulted in their third NBA championship title in franchise history;

Whereas the Spurs competed against the Pistons to win the series 4–3;

Whereas the Detroit Pistons and their coach, Larry Brown, put up a battle worthy of a championship series;

Whereas under the guidance of Coach Gregg Popovich, the Spurs' Tim Duncan, Manu Ginobili, Tony Parker, Robert Horry, Bruce Bowen, Nazr Mohammed, Brent Barry, Beno Udrih, Rasho Nesterovic, Glenn Robinson, Devin Brown, and Tony Massenburg played valiantly to bring the NBA trophy back home to San Antonio;

Whereas congratulations are due as well to the Spurs' owners, Peter and Julianna Holt, and all of the other people in the Spurs' organization.

Whereas Tim Duncan was for the third time named the finals' Most Valuable Player following the Spurs' victory;

Whereas Coach Gregg Popovich is only one of two active coaches to win three championship titles and only the fifth in league history; and

Whereas San Antonio has the best hometown crowd in the league and the Alamo City is the perfect setting for a championship celebration: Now, therefore, be it

Resolved, That the House of Representatives congratulates the San Antonio Spurs and Coach Gregg Popovich for another exciting basketball season and for winning the 2005 National Basketball Association Championship.

Ms. FOXX. Mr. Speaker, this resolution congratulates the San Antonio Spurs—and especially, 3-time NBA Finals Most Valuable Player Tim Duncan, the pride of Wake Forest University, which is located in my district—for winning the 2005 NBA championship.

Mr. CUELLAR. Mr. Speaker, I rise today to congratulate the San Antonio Spurs for winning their third National Basketball Association Championship in seven years. The 2005 World Champion Spurs deserve recognition for this achievement, and the class and sportsmanship they displayed in victory.

The Spurs won their third championship against a most worthy opponent, the tough and determined defending champion Detroit Pistons. In this seven-game series, both the Spurs and the Pistons blew each other out for two games apiece, but in the last three games each team showed the championship-caliber mettle that made this series a classic.

The Spurs displayed the skills, determination, and courage to overcome an opponent displaying the same qualities and playing with the same philosophy. This provided for scintillating games five, six, and seven, in which each team would give no ground, and the winner deserved the victory.

This final, championship round featured two juggernauts of team defense, and the results showcased the simple beauty of the game the focus not strictly on the hype of individual scoring and acrobatic plays. The pride and joy of the Spurs and Coach Gregg Popovich is cohesive and tenacious defense that takes victory for its own.

The San Antonio Spurs are champions not only on the court, but off. The Spurs are the paragon of professionalism and teamwork, and while this may not sell for the casual fan, it sells very well for the fans in San Antonio and South Texas who admire these values. The San Antonio Spurs are both a vital member of the community and a community concept viewed with pride by all San Antonians.

Mr. Speaker, I am proud to enter the names of these champions into the RECORD: Tim Duncan; Manu Ginobili; Tony Parker; Bruce Bowen; Nazr Mohammed; Robert Horry; Brent Barry; Devin Brown; Rasho Nesterovic; Beno Udrih; Tony Massenburg; Glenn Robinson; Head Coach Gregg Popovich, and Chairman Peter Holt.

I congratulate them on this momentous victory, and thank them for the pride and happiness they bring to all San Antonio.

Mr. GONZALEZ. Mr. Speaker, I rise in support of House Resolution 339, which honors the newly crowned champions of the NBA, the San Antonio Spurs. The Spurs have just won their third title in seven years. In a hard fought victory, the Spurs eventually triumphed over the defending NBA champions the Detroit Pistons in a back and forth series that culminated in a decisive seventh game. I must also honor the spirit of the Detroit Pistons who did not quit after the Spurs routed them in the first two games nor when the Spurs won the crucial game five. Even though the Pistons very reluctantly surrendered the title, they pushed the series to the full seven games, the first NBA finals to go the distance in 11 years.

Every significant structure must have a sound and strong foundation, and the Spurs are the model of stability in professional sports as the principal owners, Peter and Julianna Holt, allow the people they hire to run the team without interference. Coach Greg Popovich and General Manager R.C. Buford have created an atmosphere that fosters the spirit of winning basketball and epitomizes the ideals of teamwork, cooperation, and the axiom that the whole is more than the sum of the parts. It is a style that demands sharing the ball, team defense, relentless effort and, above all, selfless play.

Moreover, the international composition of the team reflects the increasingly diversified, more tightly knit world in which we live. General Manager, R.C. Buford, spends a great deal of his time in gyms all over the world looking for the next Manu Ginobili, the Argentine swingman whose acrobatic drives into the lane electrified fans and dazzled the opposition. Given the range of languages and cultures of the Spurs, Coach Popovich has done an amazing job of integrating his players into a formidable and cohesive whole.

Mr. Speaker, I agree with San Antonio native Dean Aguillen, a die-hard Spurs fan and one of my constituents, when he says that "The greatness of the Spurs players who hail from Argentina, the Virgin Islands, France, Slovenia, New Zealand, and from across the U.S. have made San Antonio the capital of the international basketball world."

Naturally, the city of San Antonio has longed embraced the Spurs and considers them family. Spurs basketball suits the Alamo City as a place where substance matters much more than style and people hold others to their words. When the Spurs say they will give their all, they do. So, it is never a surprise when the colors of silver and black sweep the city come springtime as the Spurs work deeper and deeper into the playoffs.

So, I would like to honor Tim Duncan, Tony Parker, Manu Ginobili, Bruce Bowen, Nazr Mohammed, Rasho Nesterovic, Robert Horry, Devin Brown, Beno Udrih, Brent Barry, and Tony Massenburg. I would also like to recognize Greg Popovich who has now moved into elite coaching company with his third title.

The Spurs truly embody our national motto, e pluribus unum, which of course means out of the many come one. All of San Antonio is very proud of the Spurs and of this momentous accomplishment.

Mr. BONILLA. Mr. Speaker, I rise today to recognize the outstanding achievement of the San Antonio Spurs and congratulate them for winning the 2005 National Basketball Association Championship on June 23. This is the third time in the past five years that National Championship trophy has come home to San Antonio. This was a dramatic seven game series against the Detroit Pistons, and hard fought at every step along the way. Under the guidance of Coach Greg Popovich, the Spurs' Tim Duncan, Manu Ginobili, Tony Parker, Robert Horry, Bruce Bowen, Nazr Mohammed, Brent Barry, Beno Udrih, Rasho Nesterovic, Glenn Robinson, Devin Brown, and Tony Massenburg played valiantly to bring the NBA trophy back home to the fans of San Antonio. In fact, Tim Duncan earned recognition as the final's most valuable player for the third time due to his performance, leadership and character. In life it's not just whether you win, it's how you play the game. America has seen how the Spurs are a true team of character, no ball hogs, no billboard tattoos, no nose rings. It is a team that worked like a well oiled machine. No longer can anyone in the NBA say "nice guys finish last".

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2985. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 2985) "An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes." requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ALLARD, Mr. DEWINE, Mr. COCHRAN, Mr. STEVENS, Mr. DURBIN, Mr. JOHNSON and Mr. BYRD, to be the conferees on the part of the Senate.

The message announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3104. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.R. 3021. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

THE ACCOMPLISHMENTS OF THE 109TH CONGRESS

(Mr. HASTERT asked and was given permission to address the House for 1 minute.)

Mr. HASTERT. Mr. Speaker, this week marks a significant time in the history of the House of Representatives, and in the future of the American people.

Just 6 months into the 109th Congress, we have made some great strides. And this week we mark a milestone.

You see, by the end of today, for the first time in nearly 20 years, the House of Representatives will have completed all of its appropriations bills before the July 4th holiday. It is an unprecedented success, and I want to thank and congratulate the gentleman from California (Mr. LEWIS), chairman; the gentleman from Wisconsin (Mr. OBEY); and the Committee on Appropriations for all their hard work and long hours.

I am especially proud of Members under the House Republican leadership for their input and support for our overall agenda.

Just like families must live within their budgets, the Federal Government must live within its means. We have passed appropriations bills that have been fiscally responsible while recognizing our national priorities.

We set out important goals in our budget: to provide overall increases only to defend America at home and abroad. We have kept that promise.

Earlier this spring, we passed a wartime supplemental that gives our troops the tools they need to fight the war on terror. That same legislation, which is now law, includes provisions to protect our borders from terrorists by establishing Federal driver's license guidelines and beefing up our deportation laws.

We passed a budget that continues to cut the deficit. It also requires us to slow the growth of entitlement programs for the first time since 1997. For the first time, we are going to reform these programs and we are going to save our taxpayers more money by eliminating waste and fraud and abuse.

By restraining spending and by cutting the deficit, Republican policies are helping to keep our economy strong.

Currently, our Nation's unemployment stands at 5.1 percent. That is the lowest it has been since before the September 11 attacks. More Americans, especially minorities, own homes now than ever before. Federal revenues are coming in well above estimates, which means the deficit will be lower than expected.

And just yesterday we learned that overall economic growth was 3.8 percent for the first quarter of 2005, higher than expected.

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America's economy has now had 14 straight quarters of growth.

On the domestic front, we passed legislation that will maintain our status as the world leader. We have passed legislation which the President signed into law which would curb class action lawsuits. This is a problem that has been devastating to our small businesses across this country. Many of them spend on average $150,000 per year on litigation expenses. Our legislation will bring relief to those mom and pop small businesses.

We passed a bankruptcy bill that will help curb the number of abusive and frivolous bankruptcy filings. That bill is now law. While the bill allows relief to those who truly need it, it is going to rein in those fraudulent bankruptcies that drive up the cost of credit to hard-working Americans who pay their bills.

We have moved to ease America's energy crisis. I am sure you have all heard from constituents upset about raising gas prices. In the long term, the comprehensive energy bill passed in this House will ease our dependence on foreign oil and curb high gas prices. It would also create nearly half a million jobs. I am pleased that the Senate this week passed their version of the bill, and I urge the Senate to quickly appoint conferees so that House and Senate negotiators can develop a compromise and send it to the President for his signature.

We have passed and are now awaiting Senate action on legislation that permanently ends the death tax. Many of our small businesses are wrapped up in a loved one's estate. Figures show that 70 percent of family businesses do not survive a second generation. Ending the death tax penalty will do much to keep our economy moving.

House and Senate negotiators have been working on a compromise for a transportation bill that would make much-needed improvements to Federal highways. Tonight they came to an agreement, both on a bipartisan and bicameral agreement, to move that bill forward. Economists estimate that for every $1 billion spent to improve our highways, 40,000 jobs will be created.

On all of these accomplishments, I want to thank those Members on the other side of the aisle who chose to work together to get good things done for the American people.

Our work is far from done. Next month we should complete work on conference reports, on job creation bills like the highway bill and the energy bill, as well as legislation dealing with CAFTA. We also plan to take up the PATRIOT Act, reauthorization of the Voting Rights Act and the taking of people's private property by the government. And soon we will begin the steps of reforming Social Security for coming generations.

I am proud that this House under Republican leadership has stayed focused on a real agenda. We are doing what we can to improve conditions for America's families and to foster job creation, economic growth and innovation. We are getting the work done.

One of my heroes, Ronald Reagan, once said, "Government can and must provide opportunity, not smother it; foster productivity, not stifle it." That has been the goal of our Republican Conference each time the American people have sent us back into leadership.

In the end, I really do believe that we will be judged by our work and our accomplishments for the American people. The partisan sniping that has become the mainstay of Washington does nothing for the farmer back home in the cornfields of Illinois, the housewife in Philadelphia, Pennsylvania or the struggling family in Greenville, Mississippi. We help the American people most by showing leadership, by taking action, by keeping our promises.

This 109th Congress is off to an unprecedented start, and I thank our Members for their perseverance, their dedication and their commitment to the people of the United States of America. God bless you all.

TRIBUTE TO STEVEN FRANCIS GAUGHAN

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, too often today we call people "heroes" when in fact their actions do not rise to the level of the heroic. Tonight, however, I want to say a few words to honor the memory of a true hero, Prince George's County, Maryland, police officer Steven Francis Gaughan, who was killed in the line of duty on June 21 trying to protect the community that he loved.

Officer Gaughan was a 15-year veteran of the police force, and was a member of a special unit that tracks and arrests drug dealers and violent criminals. According to all who knew him, Steven was devoted to his work, his church, sports teams and family; his wife, Donna, his son, Daniel, and his daughter, Rachel. To Donna, his children and all his family and friends, I extend on behalf of all of us our deepest sympathies.

Let me close, Mr. Speaker, by quoting the Washington Post, which stated: "Steven's exemplary courage, and his profound sacrifice, stand as painful reminders of how little is truly routine about police work, and of the debt of gratitude that officers are owed by society. His death is a blow to the community, but by his bravery he set an example and left a legacy that will not be soon forgotten."

Mr. Speaker, Steven Gaughan was a hero, and he will be deeply missed. May God bless his soul and comfort his family.

NEED TO FIX SOCIAL SECURITY NOW

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, Social Security is an issue that needs our attention now. We are dedicated to a solution. We are dedicated to securing the funds we have promised to today's seniors and securing funds for future generations.

Allowing workers to place part of their Social Security money in a personal account with their name on it ensures that Congress will have to find the money elsewhere.

It is time to stop the raid on Social Security. We are reaching out across the aisle in an attempt to address this issue in a bipartisan manner, Mr. Speaker. However, members of the minority have chosen to mislead and obstruct, rather than work together to help the American people.

Congress has been spending Social Security money on programs other than Social Security. A philosopher once said, "The ultimate test of a moral society is the kind of world it leaves to its children." How can we call ourselves moral and effective legislators if we simply deny the problem and leave the mess for future generations to clean up? But how can we do this if Congress keeps raiding the Social Security cookie jar.

On March 6, the minority leader stated on Fox News Sunday, "We must stop raiding the Social Security trust fund of its money to pay for other things." The minority leader has since changed her tune. This week she stated that "there is nothing wrong with Social Security lending money with the prospect of returning it."

The minority should join the effort to strengthen Social Security, and help secure the retirement security of future generations.

PROVIDING FULL FUNDING FOR VETERANS HEALTH CARE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, for a long time I have shared the neighborhood with the Houston Veterans Hospital.

Today, Mr. Speaker, just a few minutes ago, we rose to the floor of the House to cure the unpardonable, and that is, of course, the mistaken numbers and the failure to provide the right kind of information to be able to provide the right dollars to serve America's veterans. $1.5 billion is what the Senate passed.

Frankly, the need is $1 billion and more, with the number of returning Iraqi veterans and Afghanistan veterans, those who have been maimed and injured on the fields of battle.

It certainly is a shame that we came to the last hours and finally were able to provide for those veterans who were willing to give the ultimate sacrifice. Right now in the Nation's hospitals, veterans are languishing all over America. Families of enlisted personnel are suffering because of the lack of funds for TRICARE. I even know today a young man who is a veteran who is suffering in one of our Nation's military hospitals because of insufficiencies in our local hospital in Houston.

Mr. Speaker, they need more resources, they need more staff, they need our commitment. I hope the majority will not have us end up in the same predicament by allowing this to happen again. I hope we will work through and provide full funding for veterans and veterans health care in America.

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SOCIAL SECURITY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, the money set aside for Social Security should be spent on Social Security. Americans know this only makes sense. The money set aside for Social Security should be spent on Social Security.

Others, however, do not believe in this principle. In March of this year, the minority leader was against robbing the Social Security trust fund. On Fox News she stated it crystal-clear. She said, "We must stop robbing the Social Security trust fund of its money to pay for other things."

Today, the minority leader finds nothing wrong with sticking her hand in the Social Security cookie jar. In a recent interview she said, "There is nothing wrong with Social Security lending money with the prospect of returning it." Prospect of returning it? That is not good enough. It is that kind of thinking that has gotten us into our current trouble.

Mr. Speaker, this is exactly why Americans should be able to put part of their Social Security money in a personal account with their name on it.

Raiding the Social Security trust fund is not a solution. It is irresponsible, and it pushes the consequences to our children and grandchildren, consequences that we should fix now.

NO PLACE LIKE THE UNITED STATES OF AMERICA

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, "We hold these truths to be self-evident, that all men are created equal. They are endowed by their Creator with certain unalienable rights. That among these are life, liberty, and the pursuit of happiness." Words of Thomas Jefferson in our Declaration of Independence.

As we end this evening tonight, Mr. Speaker, at midnight, and we go into the July Fourth weekend, we must remember these words of the Declaration of Independence and know that liberty has always cost, as we should remember the words of President Kennedy when he said, "Let every Nation know, whether it wishes us well or ill, that we will pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty."

We are involved in a war against terrorism. We have lost over 1,700 Americans in this war; but we must remember, Mr. Speaker, that we must be vigilant. We must remember the words of Ronald Reagan, that "those people who cry peace, peace, do not understand that there can be no peace as long as there is one American somewhere dying for the rest of us."

So this July Fourth weekend, we must fly the flag, wear the red, white and blue, and thank the good Lord that there is no place like the United States of America.

TREATMENT OF ENEMY COMBATANTS AT GUANTANAMO BAY

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, in recent weeks, there have continued to be reckless, anti-American comments made by some who even work in this very Capitol building.

The truth has been emerging more recently of our soldiers' incredibly hospitable treatment of our enemies. Though there is still some rhetoric denouncing our amazingly humane treatment of combatants, others have begun to change their comments, congratulating our servicemembers on their progress since they were called Nazis and cruel.

The fact is, our treatment has not had to progress. Our servicemembers were never Nazis, were not cruel. Their humane treatment of evil combatants who throw urine and fecal matter or semen and spit on them has been unparalleled in combatant history. The constant demonizing of our servicemembers has been played and replayed by our enemies abroad and has done more damage to us, our servicemembers, and our reputation than any isolated members themselves may have done.

Some liberals have worried about what might happen in the future to American POWs because of our treatment at Guantanamo. Let me give a quick reminder. They killed thousands of people on 9/11, innocent people. They took people they captured and took hostage, put them on their knees with blindfolds, and sawed and cut off their heads. These are not nice people. They have not been nice before anybody ever heard of Guantanamo. Quit beating yourselves up. We have got to learn that we are in a battle for our lives against evil men who do not admire weakness among their enemies.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JULY 11, 2005

The SPEAKER pro tempore (Mr. MCHENRY) laid before the House the following communication from the Speaker:

WASHINGTON, DC, JUNE 30, 2005.

I hereby appoint the Honorable FRANK R. WOLF or, if he is not available to perform this duty, the Honorable TOM DAVIS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through July 11, 2005.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

COMMUNICATION FROM THE HONORABLE RANDY "DUKE" CUNNINGHAM, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RANDY "DUKE" CUNNINGHAM, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 28, 2005.

Hon. J. DENNIS HASTERT,
Speaker,
House of Representatives,
Washington, DC

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by a Federal Grand Jury for the Southern District of California, for documents.

After consulting with counsel, I have determined that compliance with the Subpoena is consistent with the precedents and privileges of the House.

Sincerely,
RANDY "DUKE" CUNNINGHAM,
Member of Congress.

VACATING FILING OF REPORT ON H.R. 1158

The SPEAKER pro tempore. Without objection, the filing of the report by the Committee on Science to accompany H.R. 1158, and the referral thereof to the Committee of the Whole House on the State of the Union, are vacated.

There was no objection.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

January 7, 2005:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

March 25, 2005.

H.R. 1160. An act to reauthorize the Temporary Assistance for Needy Families block grant program through June 30, 2005, and for other purposes.

March 31, 2005.

H.R. 1270. An act to amend the Internal Revenue Code of 1986 to extend the Leaking Underground Storage Tank Trust Fund financing rate.

April 15, 2005.

H.R. 1134. An act to amend the Internal Revenue Code of 1986 to provide for the proper tax treatment of certain disaster mitigation payments.

April 29, 2005.

H.R. 787. An act to designate the United States courthouse located at 501 I Street in Sacramento, California, as the "Robert T. Matsui United States Courthouse".

May 5, 2005.

H.J. Res. 19. An act providing for the appointment of Shirley Ann Jackson as a citizen regent of the Board of Regents of the Smithsonian Institution.

H.J. Res. 20. An act providing for the appointment of Robert P. Kogod as a citizen regent of the Board of Regents of the Smithsonian Institution.

May 11, 2005.

H.R. 1268. An act making Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief for the fiscal year ending September 30, 2005, and for other purposes.

May 31, 2005.

H.R. 2566. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

June 17, 2005.

H.R. 1760. An act to designate the facility of the United States Postal Service located at 215 Martin Luther King, Jr. Boulevard in Madison, Wisconsin, as the "Robert M. La Follette, Sr. Post Office Building".

SENATE BILLS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following date, he had approved and signed bills of the Senate of the following titles:

February 28, 2005.

S. 5. An act to amend the procedures that apply to consideration of interstate class action to assure fairer outcomes for class members and defendants, and for other purposes.

March 21, 2005.

S. 686. An act to provide for the relief of the parents of Theresa Marie Schiavo.

March 25, 2005.

S. 384. An act to extend the existence of the Nazi War Crimes and Japanese Imperial Government Records Interagency Working Group for 2 years.

April 20, 2005.

S. 256. An act to amend title 11 of the United States Code, and for other purposes.

April 27, 2005.

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COOPER (at the request of Ms. PELOSI) for June 29 after 8:30 p.m. through 6:00 p.m. today on account of official business regarding a BRAC hearing in Atlanta, Georgia.

Mr. HIGGINS (at the request of Ms. PELOSI) for today after 8:00 p.m. on account of a death in the family.

Mr. BACHUS (at the request of Mr. DELAY) for today until 5:00 p.m. on account of attending a BRAC hearing.

Mr. EVERETT (at the request of Mr. DELAY) for today on account of attending a BRAC regional hearing and meeting with the Governor of Alabama.

Mr. KINGSTON (at the request of Mr. DELAY) for today on account of attending a BRAC hearing and attending to his father's illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles,which were thereupon signed by the Speaker:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 324. An act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

H.R. 2326. An act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

H.R. 3104. An act to provide an extension of highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

H.R. 3021 An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1282. An act to amend the communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

ADJOURNMENT

Mr. POE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the previous order of the House of today, the House stands adjourned until 6 p.m. on Tuesday, July 5, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 198, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon, (at 12 o'clock and 7 minutes a.m. Friday, July 1, 2005, legislative day of June 30, 2005), pursuant to the previous order of the House of today, the House adjourned until 6 p.m. on Tuesday, July 5, 2005, unless it sooner has received a message transmitting its adoption of House Concurrent Resolution 198, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2480. A communication from the President of the United States, transmitting a request for FY 2005 supplemental appropriations for the Department of Veterans Affairs; (H. Doc. No. 109–39); to the Committee on Appropriations and ordered to be printed.

2481. A letter from the Attorney, Office of Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Small Business Programs — received June 16, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2482. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System; Modification of the Hazardous Waste Manifest System; Correction [FRL-7925-1] (RIN: 2050-AE21) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2483. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule — Hazardous Waste Management System: Identification and Listing of Hazardous Waste; Dyes and/or Pigments Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; CERLA Hazardous Substance Designation and Reportable Quantities; Designation of Five Chemicals as Appendix VIII Constituents: Addition of Four Chemicals to the Treatment Standards of F039 and the Universal Treatment Standards; Correction. [RCRA-2003-0001; FRL-7924-9] (RIN: 2050-AD80) received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2484. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio; Redesignation of Cincinnati to Attainment of the 1-Hour Ozone Standard and Approval of Ozone Maintenance Plan; Approval of Volatile Organic Compound Emissions Control Regulations; and Approval of Motor Vehicle Emissions Budgets [R05-OAR-2005-OH-0004; FRL-7925-3] received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2485. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Determination of Attainment for Atlanta 1-Hour Severe Ozone Nonattainment Area and Severe Area Vehicle Miles Traveled [R04-OAR-2005-GA-0002; R04-OAR-2005-GA-0003; R04-OAR-2004-GA-0003-200517; FRL-7924-2] received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2486. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Georgia. Redesignation of Atlanta Severe 1-Hour Ozone Nonattainment Area to Attainment for Ozone; Maintenance Plan; Motor Vehicle Emission Budgets; Revisions to Rules for Air Quality [R04-OAR-2005-GA-0002; R04-OAR-2005-GA-0003; R04-OAR-2004-GA-0003-200517; FRL-7924-7] received June 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2487. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Cannelton and Tell City, Indiana) [MB Docket No. 04-436; RM-11112] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2488. A letter from the Special Assistant to Chief Financial Officer, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Sections 0.11, 0.231, and 1.8002 of the Commission's Rules [MB Docket No. 04-251] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2489. A letter from the Legal Advisor to the Bureau Chief, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Refugio, Sinton, and Taft, Texas) [MB Docket No. 04-299; RM-10958] received May 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2490. A letter from the Acting Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks; Standardized NUHOMS -24P, -52B, -61BT, -32PT, -24PHB, and -24PTH Revision (RIN: 3150-AH72) received June 23, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 940. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel support employees, and for other purposes; with an amendment (Rept. 109-161). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself, Mr. Payne, Mr. Smith of New Jersey, Mr. Lantos, Mr. Royce, Mr. Tancredo, Mr. Wolf, Ms. Jackson-Lee of Texas, Mr. Rangel, and Mr. Capuano):

H.R. 3127. A bill to impose sanctions against individuals responsible for genocide, war crimes, and crimes against humanity, to support measures for the protection of civilians and humanitarian operations, and to support peace efforts in the Darfur region of Sudan, and for other purposes; to the Committee on International Relations.

By Mr. WAXMAN (for himself, Mr. Shays, Mr. Davis of Illinois, Mr. Foley, Mr. Frank of Massachusetts, Mr. Kolbe, Mr. Hoyer, Mr. Engel, Ms. Baldwin, Mr. Van Hollen, and Ms. Norton):

H.R. 3128. A bill to affirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary; to the Committee on Government Reform.

By Mr. DeLAY:

H.R. 3129. A bill to protect foster children and provide appropriate sentencing for child sex predators, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALSH:

H.R. 3130. A bill making supplemental appropriations for fiscal year 2005 for veterans medical services; to the Committee on Appropriations, considered and passed.

By Mr. UPTON (for himself and Mr. Towns):

H.R. 3131. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself, Mr. Green of Wisconsin, Mr. DeLay, Mr. Foley, Mr. Chabot, Mr. Poe, Ms. Ginny Brown-Waite of Florida, Mr. Gillmor, Mr. Pomeroy, Mr. Cramer, and Mr. Graves):

H.R. 3132. A bill to make improvements to the national sex offender registration program, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself and Mr. Cramer):

H.R. 3133. A bill to provide for the registration of sex offenders and for appropriate notification of their whereabouts, and for other purposes; to the Committee on the Judiciary.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Nussle):

H.R. 3134. A bill to amend title 40, United States Code, to require the Federal Real Property Council to carry out a pilot program for the expeditious disposal of underutilized Federal real property, and to improve the economy and efficiency of Federal real property; to the Committee on Government Reform.

By Mr. SENSENBRENNER (for himself, Mr. Conyers, Mr. DeLay, Mr. Blunt, Ms. Waters, Mr. Coble, Mr. Smith of Texas, Mr. Gallegly, Mr. Goodlatte, Mr. Chabot, Mr. Daniel E. Lungren of California, Mr. Jenkins, Mr. Cannon, Mr. Bachus, Mr. Hostettler, Mr. Flake, Mr. Pence, Mr. Forbes, Mr. King of Iowa, Mr. Feeney, Mr. Issa, Mr. Franks of Arizona, Mr. Gohmert, Mr. Aderholt, Mr. Alexander, Mrs. Biggert, Mr. Boehner, Mr. Bonilla, Mrs. Bono, Mr. Bradley of New Hampshire, Mr. Buyer, Mr. Davis of Tennessee, Mr. DeFazio, Mr. Doolittle, Mrs. Drake, Mrs. Emerson, Mr. Fossella, Ms. Foxx, Mr. Gibbons, Mr. Graves, Ms. Harris, Mr. Hayworth, Mr. Herger, Ms. Herseth, Mrs. Johnson of Connecticut, Mr. Jones of North Carolina, Mr. Kirk, Mr. Kline, Mr. Mack, Mr. McCaul of Texas, Mr. McCotter, Miss McMorris, Mrs. Myrick, Mr. Neugebauer, Mr. Norwood, Mr. Otter, Mr. Peterson of Pennsylvania, Mr. Pombo, Mr. Ramstad, Mr. Ryun of Kansas, Mr. Simpson, Mr. Taylor of North Carolina, Mr. Tiahrt, Mr. Walden of Oregon, Mr. Crenshaw, Mr. Burgess, Mr. Bonner, Mr. Poe, Mr. Hefley, Mr. Kennedy of Minnesota, Mr. Radanovich, Mrs. Miller of Michigan, Mr. Shimkus, Mr. Filner, Mr. Gingrey, Mr. Duncan, Mr. Reichert, Ms. Jackson-Lee of Texas, Mr. Brown of South Carolina, Mr. Westmoreland, Mr. Sodrel, Ms. Ginny Brown-Waite of Florida, Mr. Gillmor, Mr. Cunningham, Mr. Wilson of South Carolina, Mr. Miller of Florida, Mr. Osborne, Mr. Pearce, Mrs. Jo Ann Davis of Virginia, Mrs. Blackburn, and Mr. Price of Georgia):

H.R. 3135. A bill to protect private property rights; to the Committee on the Judiciary.

By Mr. EDWARDS (for himself and Mr. Obey):

H.R. 3136. A bill making emergency supplemental appropriations for the Department of Veterans Affairs for fiscal year 2005 for veterans medical services; to the Committee on Appropriations.

By Mr. NORWOOD (for himself, Mr. BOYD, Mr. HYDE, Mr. COBLE, Mr. SMITH of Texas, Mr. JENKINS, Mr. BACHUS, Mr. McINTYRE, Mr. GALLEGLY, Mr. HOSTETTLER, Mr. ISSA, Mr. FORBES, Mr. KING of Iowa, Mr. FRANKS of Arizona, Mr. WESTMORELAND, Mr. GINGREY, Mr. PRICE of Georgia, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. LINDER, Mr. SULLIVAN, Mr. GARRETT of New Jersey, Mr. HAYWORTH, Mr. ROYCE, Mr. BASS, Ms. HART, Mr. DUNCAN, Mr. JONES of North Carolina, Mr. McCAUL of Texas, Mr. GARY G. MILLER of California, Mr. CULBERSON, Mr. SIMPSON, Mrs. MUSGRAVE, Mr. BURTON of Indiana, Mr. OTTER, Mr. HOEKSTRA, Mrs. MYRICK, Mr. LEWIS of Kentucky, Mrs. KELLY, Mr. PITTS, Mr. FORD, Mr. KELLER, Mr. WELDON of Florida, Mr. GRAVES, and Mr. GOODE):

H.R. 3137. A bill to provide for enhanced Federal, State, and local assistance in the enforcement of the immigration laws, to amend the Immigration and Nationality Act, to authorize appropriations to carry out the State Criminal Alien Assistance Program, and for other purposes; to the Committee on the Judiciary.

By Mr. MICA (for himself, Mr. PASCRELL, Mr. FOSSELLA, Mr. BILIRAKIS, Mr. ISRAEL, Ms. NORTON, Mr. PAYNE, Mr. McCOTTER, Ms. CORRINE BROWN of Florida, Mr. TANCREDO, and Ms. DeLAURO):

H.R. 3138. A bill to award posthumously a Congressional gold medal to Constantino Brumidi; to the Committee on Financial Services.

By Mr. LIPINSKI (for himself and Mr. INGLIS of South Carolina):

H.R. 3139. A bill to amend the Public Health Service Act to provide for the public disclosure of charges for certain hospital and ambulatory surgical center services and drugs; to the Committee on Energy and Commerce.

By Ms. BEAN (for herself, Mr. DAVIS of Alabama, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. GUTIERREZ, Mr. WATT, Mr. ACKERMAN, Mr. FORD, Mr. CROWLEY, Mr. CLAY, Mrs. McCARTHY, Mr. LYNCH, Ms. WASSERMAN SCHULTZ, and Ms. MOORE of Wisconsin):

H.R. 3140. A bill to expand the protections for sensitive personal information in Federal law to cover the information collection and sharing practices of unregulated information brokers, to enhance information security requirements for consumer reporting agencies and information brokers, and to require consumer reporting agencies, financial institutions, and other entities to notify consumers of data security breaches involving sensitive consumer information, and for other purposes; to the Committee on Financial Services.

By Mr. KIRK:

H.R. 3141. A bill to direct the President to terminate the designation of Brazil as a beneficiary developing country for purposes of title V of the Trade Act of 1974; to the Committee on Ways and Means.

By Mr. ALLEN (for himself, Mr. DUNCAN, Mr. THOMPSON of California, Mr. INSLEE, Mr. McNULTY, Mr. PALLONE, and Mr. McDERMOTT):

H.R. 3142. A bill to declare that it is the policy of the United States not to maintain a long-term or permanent military presence in Iraq; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARRETT of South Carolina (for himself, Mr. GINGREY, Mrs. MUSGRAVE, Mr. HOSTETTLER, Mr. BRADY of Texas, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. WICKER, Mr. GOODE, Mr. KUHL of New York, Mr. MILLER of Florida, Mr. ISTOOK, Mr. CHOCOLA, Mr. WILSON of South Carolina, Mrs. CUBIN, Mr. FLAKE, Mr. BROWN of South Carolina, Mr. WELDON of Florida, Mr. PENCE, Mr. WAMP, Mr. GUTKNECHT, Mr. FEENEY, Mr. ROYCE, Mr. TERRY, Ms. HART, Mr. JONES of North Carolina, Mr. CHABOT, Mrs. MYRICK, Mr. CANTOR, Mr. ROHRABACHER, Mr. TANCREDO, Mr. BISHOP of Utah, Mr. McHENRY, and Mr. SOUDER):

H.R. 3143. A bill to require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes; to the Committee on Government Reform.

By Mr. BARTLETT of Maryland (for himself, Mr. GINGREY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. BEAUPREZ, Mr. GUTKNECHT, Mr. NORWOOD, Mr. OSBORNE, Mr. MARSHALL, Mr. CULBERSON, Mr. WELLER, Mr. ROHRABACHER, Mr. PRICE of Georgia, Mr. HEFLEY, Mr. BILIRAKIS, Mr. ENGLISH of Pennsylvania, Mr. CANNON, Mr. GILCHREST, and Mr. DEAL of Georgia):

H.R. 3144. A bill to amend the Public Health Service Act to provide for a program at the National Institutes of Health to conduct and support research in the derivation and use of human pluripotent stem cells by means that do not harm human embryos, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BASS (for himself, Mr. FERGUSON, Mr. SIMMONS, Mr. VAN HOLLEN, Mr. RAMSTAD, Mr. BRADLEY of New Hampshire, and Mr. MORAN of Kansas):

H.R. 3145. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part; to the Committee on Education and the Workforce.

By Mrs. BLACKBURN (for herself and Mr. WYNN):

H.R. 3146. A bill to promote deployment of competitive video services and eliminate redundant and unnecessary regulation; to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. GREEN of Wisconsin, Mr. OWENS, Mr. FOLEY, Ms. HARRIS, Mr. FITZPATRICK of Pennsylvania, and Mr. JONES of North Carolina):

H.R. 3147. A bill to amend title 38, United States Code, to improve the Veterans Beneficiary Travel Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. GREEN of Wisconsin, Mr. MARIO DIAZ-BALART of Florida, Mr. McHENRY, Mr. FEENEY, Mr. KIRK, and Mr. FOLEY):

H.R. 3148. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Administrative Procedures Committee; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. FARR):

H.R. 3149. A bill to withdraw the Los Padres National Forest in California from location, entry, and patent under mining laws, and for other purposes; to the Committee on Resources.

By Mr. ISSA (for himself, Mr. SMITH of Texas, and Mr. DREIER):

H.R. 3150. A bill to amend section 276 of the Immigration and Nationality Act to impose mandatory sentencing ranges with respect to aliens who reenter the United States after having been removed, and for other purposes; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. RAMSTAD):

H.R. 3151. A bill to amend part D of title XVIII of the Social Security Act to remove the exclusion of benzodiazepines from required coverage under the Medicare prescription drug program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN:

H.R. 3152. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for the production of qualified hybrid motor vehicles; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself, Mrs. WILSON of New Mexico, Mr. BEAUPREZ, Mr. MATHESON, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. SALAZAR, Mr. CANNON, Mr. BISHOP of Utah, Ms. DeGETTE, Mrs. MUSGRAVE, Mr. PEARCE, and Mr. TANCREDO):

H.R. 3153. A bill to reauthorize the Upper Colorado and San Juan River Basin endangered fish recovery implementation programs; to the Committee on Resources.

By Mrs. CUBIN (for herself, Mr. BAIRD, Mr. MATHESON, Mr. BAKER, Mr. LaHOOD, Mr. BONNER, Mr. DAVIS of Alabama, Mr. GINGREY, and Mr. WELDON of Florida):

H.R. 3154. A bill to provide incentives for pharmaceutical companies, biotechnology companies, and medical device companies to invest in research and development with respect to antibiotic drugs, antivirals, diagnostic tests, and vaccines that may be used to identify, treat, or prevent an infectious disease, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California:

H.R. 3155. A bill to establish a pilot program to encourage certification of teachers in low-income, low-performing public elementary and secondary schools by the National Board for Professional Teaching Standards, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. DAVIS of California (for herself, Mr. WAXMAN, and Mr. DINGELL):

H.R. 3156. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to dietary supplements; to the Committee on Energy and Commerce.

By Mr. DINGELL:

H.R. 3157. A bill to require certain actions to be taken against countries that manipulate their currencies, and for other purposes; to the Committee on Ways and Means.

By Mr. DUNCAN (for himself and Mr. Wamp):

H.R. 3158. A bill to designate the Cherokee Overhill Territory in Polk, McMinn, Monroe, and Meigs Counties in Tennessee as a National Heritage Area; to the Committee on Resources.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Jefferson, Mr. McCrery, Mr. Turner, Mrs. Jones of Ohio, Mrs. Johnson of Connecticut, Mr. Carnahan, Mr. McGovern, Mr. Udall of Colorado, Mr. Jenkins, Mr. Miller of North Carolina, Mr. Miller of Florida, Mr. Andrews, Mr. Menendez, Mr. Neal of Massachusetts, Mr. Wolf, Mr. Lewis of Georgia, Mr. Ross, Mr. Baker, Mr. Paul, Mr. Davis of Alabama, Ms. Herseth, and Mr. Boehlert):

H.R. 3159. A bill to amend the Internal Revenue Code of 1986 to modify the rehabilitation credit and the low-income housing credit; to the Committee on Ways and Means.

By Ms. ESHOO (for herself, Mr. English of Pennsylvania, Ms. Baldwin, Ms. DeLauro, Mr. Brown of Ohio, Mr. Frank of Massachusetts, Mr. Grijalva, Ms. Hart, Mr. Honda, Ms. Jackson-Lee of Texas, Mr. Kildee, Mr. Kind, Mr. Lantos, Ms. Lee, Mr. Lewis of Georgia, Mrs. Lowey, Ms. McCollum of Minnesota, Mr. McNulty, Mr. George Miller of California, Mrs. Napolitano, Ms. Schakowsky, Ms. Slaughter, and Mr. Waxman):

H.R. 3160. A bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FERGUSON (for himself, Mr. Hoyer, Mr. Andrews, Mr. Smith of New Jersey, Mr. Rangel, Mr. Cardin, Mr. McNulty, Mr. Boucher, Mrs. Miller of Michigan, and Mr. Stark):

H.R. 3161. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B for medically necessary dental procedures; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY (for himself, Mr. Farr, Mr. English of Pennsylvania, Mr. Garrett of New Jersey, and Mr. Cannon):

H.R. 3162. A bill to amend the Internal Revenue Code of 1986 to restore the 80-percent deduction for meal and entertainment expenses; to the Committee on Ways and Means.

By Mr. GOODE:

H.R. 3163. A bill to amend the Help America Vote Act of 2002 to delay for 48 months the deadlines by which States must comply with the election administration requirements of title III of such Act, and for other purposes; to the Committee on House Administration.

By Mr. GORDON (for himself and Mr. Cooper):

H.R. 3164. A bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit; to the Committee on Ways and Means.

By Mr. AL GREEN of Texas (for himself, Mr. Owens, Ms. Jackson-Lee of Texas, Mr. Gene Green of Texas, and Mr. Waxman):

H.R. 3165. A bill to amend the Occupational Safety and Health Act to provide for criminal liability for willful safety standard violations resulting in the death of contract employees; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRIJALVA (for himself, Ms. Woolsey, Mr. Moran of Virginia, Mr. McDermott, Mr. Kildee, Ms. Lee, Mrs. Davis of California, and Mr. Blumenauer):

H.R. 3166. A bill to provide compensation to livestock operators who voluntarily relinquish a grazing permit or lease on Federal lands where conflicts with other multiple uses render livestock grazing impractical, and for other purposes; to the Committee on Resources, and in addition to the Committees on Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.R. 3167. A bill to amend the Internal Revenue Code of 1986 to require that each employer show on the W-2 form of each employee the employer's share of taxes for old-age, survivors, and disability insurance and for hospital insurance for the employee as well as the total amount of such taxes for such employee; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 3168. A bill to amend the Public Health Service Act to provide for Centers for Clinical Discovery through grants from the Director of the Agency for Healthcare Research and Quality; to the Committee on Energy and Commerce.

By Mr. KELLER:

H.R. 3169. A bill to provide the Secretary of Education with waiver authority for students who are eligible for Pell Grants who are adversely affected by a natural disaster; to the Committee on Education and the Workforce.

By Mr. KING of Iowa:

H.R. 3170. A bill to establish a Livestock Identification Board to create and implement a mandatory national livestock identification system; to the Committee on Agriculture.

By Ms. ZOE LOFGREN of California (for herself, Ms. Pelosi, Ms. Solis, Mrs. Capps, Ms. Schakowsky, Ms. Roybal-Allard, Ms. Slaughter, Mrs. Maloney, Ms. Jackson-Lee of Texas, Ms. Moore of Wisconsin, Mr. Conyers, Mr. Rangel, Mr. Frank of Massachusetts, Mr. George Miller of California, Mr. Dingell, Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez of California, Mr. Van Hollen, Ms. Wasserman Schultz, Mr. Waxman, Mr. Grijalva, Mr. Hinojosa, Ms. Matsui, Mr. Pallone, Mr. Filner, Mr. Butterfield, Mr. Pastor, Mr. Bishop of Georgia, Mr. McDermott, Ms. Millender-McDonald, Mrs. Lowey, Mr. Honda, Mrs. Napolitano, Mr. Neal of Massachusetts, Mr. Boswell, Mrs. Jones of Ohio, Ms. Lee, Mr. Case, Mr. Dicks, Ms. Norton, Ms. Kilpatrick of Michigan, Mr. Costa, Mr. Kennedy of Rhode Island, Mr. Gutierrez, Mr. Olver, Mr. Owens, Mr. Payne, Mr. Brady of Pennsylvania, Mr. Meeks of New York, Ms. Woolsey, Mr. Sanders, Mr. Hinchey, Mrs. McCarthy, Mr. Stark, Mr. McNulty, Ms. Watson, Ms. McCollum of Minnesota, Ms. Baldwin, Mr. Moran of Virginia, Mr. Higgins, Mr. Inslee, Mr. Holt, Ms. Carson, Mrs. Tauscher, Mr. Markey, Ms. DeLauro, Mr. Wynn, Mr. Ackerman, Mr. Kildee, Mr. Larson of Connecticut, Mr. Cuellar, Mr. McGovern, Ms. Herseth, Mr. Peterson of Minnesota, Mr. Evans, Mr. Cummings, Mr. Oberstar, Mr. Clay, Ms. Loretta Sanchez of California, Ms. Eshoo, Ms. Corrine Brown of Florida, Mrs. Christensen, Mr. Lipinski, Mr. Moore of Kansas, Ms. Berkley, Ms. Bordallo, Mr. Gene Green of Texas, Ms. DeGette, Ms. McKinney, Mr. Emanuel, Ms. Harman, Mr. Abercrombie, Mr. Crowley, Mr. Lewis of Georgia, Ms. Velázquez, Ms. Eddie Bernice Johnson of Texas, Mrs. Davis of California, Ms. Kaptur, Ms. Schwartz of Pennsylvania, Ms. Bean, Ms. Hooley, Mr. Lantos, Mr. Blumenauer, Mr. Price of North Carolina, and Mr. Davis of Illinois):

H.R. 3171. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Ways and Means, Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself and Mr. McDermott):

H.R. 3172. A bill to amend title 49, United States Code, to repeal the security screening opt-out program for airport operators; to the Committee on Homeland Security.

By Mrs. McCARTHY (for herself, Ms. Eddie Bernice Johnson of Texas, Mr. Boswell, Mr. McNulty, Ms. Herseth, Mr. Grijalva, Mr. Owens, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Mr. Frank of Massachusetts, Mr. Allen, Ms. Matsui, Mr. Pascrell, Mr. Moore of Kansas, Mr. Leach, Mr. McGovern, Mr. Wexler, Mr. Moran of Virginia, and Mrs. Capps):

H.R. 3173. A bill to create a pilot program to increase the number of graduate educated nurse faculty to meet the future need for qualified nurses, and for other purposes; to the Committee on Education and the Workforce.

By Mr. McDERMOTT (for himself, Mr. Dicks, Mr. Owens, Mr. Cummings, Mr.

Smith of Washington, Mr. Clay, Mr. Meek of Florida, Mr. Inslee, Ms. Kilpatrick of Michigan, Ms. Carson, Mr. Jefferson, Ms. Watson, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Watt, Mr. Rangel, Mr. Scott of Virginia, Mr. Taylor of Mississippi, Ms. Solis, Mr. Jackson of Illinois, Mr. Conyers, Mr. Baird, Mr. Larsen of Washington, Mr. Honda, and Mr. Grijalva):

H.R. 3174. A bill to direct the Secretary of the Army to carry out without delay a thorough review of the cases of all 28 individuals convicted in the court-martial arising from a disturbance at Fort Lawton, Seattle, Washington, on August 14, 1944, and to require the Secretary to correct the military records (including the record of the court-martial in such case) of any individual as necessary to rectify error or injustice; to the Committee on Armed Services.

By Mr. McDERMOTT (for himself, Mr. Rangel, Mr. Payne, Ms. McCollum of Minnesota, Mr. Lewis of Georgia, Mr. Conyers, Mr. McNulty, Mrs. Christensen, Mr. Meeks of New York, and Ms. Millender-McDonald):

H.R. 3175. A bill to implement measures to help alleviate the poor living conditions in Africa; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 3176. A bill to amend the Caribbean Basin Economic Recovery Act to provide preferential treatment for certain apparel articles that are both cut (or knit to shape) and sewn or otherwise assembled in one or more beneficiary countries under that Act from fabrics or yarn not widely available in commercial quantities; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 3177. A bill to prohibit registered lobbyists from making gifts to Members of Congress and to congressional employees, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself and Mr. Waxman):

H.R. 3178. A bill to amend the Safe Drinking Water Act to ensure that the District of Columbia and States are provided a safe, lead-free supply of drinking water; to the Committee on Energy and Commerce.

By Mr. ORTIZ:

H.R. 3179. A bill to reauthorize and amend the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Resources.

By Mr. PAUL:

H.R. 3180. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified attorney fees in computing minimum tax; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3181. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income qualified attorney fees; to the Committee on Ways and Means.

By Mr. POMBO (for himself and Mrs. Tauscher):

H.R. 3182. A bill to reauthorize the Water Desalination Act of 1996, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Davis of Florida, Mrs. Maloney, Mr. Mario Diaz-Balart of Florida, Mr. Bishop of Georgia, Mr. Gonzalez, Mr. Hastings of Florida, Mr. Platts, Mr. Gordon, Mr. Weiner, Mr. Lantos, Mr. Case, Mr. Meek of Florida, Ms. Lee, Mr. Tierney, Mr. McDermott, Mr. Lincoln Diaz-Balart of Florida, Mr. Schiff, Mr. Sanders, Mr. Cannon, Mr. Reyes, Mrs. McCarthy, Mr. Jefferson, Mr. Brown of Ohio, Mr. Foley, Ms. Woolsey, Ms. Norton, Mr. Menendez, Mr. Frank of Massachusetts, Mr. Udall of Colorado, Mr. LaHood, Mr. McGovern, Mr. Shays, and Mr. Israel):

H.R. 3183. A bill to amend title 5, United States Code, to provide to assistant United States attorneys the same retirement benefits as are afforded to Federal law enforcement officers; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself and Mr. Lantos):

H.R. 3184. A bill to ensure that countries that have signed a Small Quantities Protocol also sign, ratify, and implement the Additional Protocol and provide access by IAEA inspectors to their nuclear-related facilities and to direct the United States Permanent Representative to the IAEA to make every effort to rescind and eliminate the Small Quantities Protocol and ensure compliance by all Member States of the IAEA with IAEA obligations and the purposes and principles of the Charter of the United Nations; to the Committee on International Relations.

By Ms. ROYBAL-ALLARD (for herself, Mrs. Maloney, Ms. Solis, Mr. Moran of Virginia, Mr. George Miller of California, Mr. Van Hollen, Ms. Watson, Mr. Honda, Mr. Kildee, Mr. Moore of Kansas, Mr. Udall of New Mexico, Ms. Woolsey, Mrs. Capps, Ms. Loretta Sanchez of California, Mrs. Tauscher, Ms. Matsui, Ms. Linda T. Sánchez of California, Mrs. Napolitano, Ms. Lee, Ms. Baldwin, Ms. Millender-McDonald, Ms. Eddie Bernice Johnson of Texas, Ms. Corrine Brown of Florida, Ms. Jackson-Lee of Texas, Ms. DeLauro, Ms. Velázquez, Ms. Kaptur, Mr. Hinchey, Mr. Serrano, and Ms. Berkley):

H.R. 3185. A bill to promote the economic security and safety of victims of domestic and sexual violence, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYUN of Kansas (for himself, Mr. Al Green of Texas, Mr. Ney, Mr. Jones of North Carolina, Mr. Neugebauer, Mr. Reyes, Mr. Ortiz, and Mr. Tiberi):

H.R. 3186. A bill to amend the Department of Housing and Urban Development Act to exclude amounts received as a military basic housing allowance from consideration as income for purposes of eligibility for federally assisted low-income housing programs; to the Committee on Financial Services.

By Mr. SAXTON:

H.R. 3187. A bill to authorize the acquisition of land and interests in land to improve the conservation of, and to enhance the ecological values and functions of, coastal watersheds and estuarine areas to benefit both the environment and the economies of coastal communities, and for other purposes; to the Committee on Resources.

By Ms. SCHAKOWSKY (for herself, Mr. Conyers, Ms. Jackson-Lee of Texas, Ms. Zoe Lofgren of California, Mrs. Napolitano, Mr. Gutierrez, Ms. Solis, Mrs. Capps, Mr. Filner, Mr. Honda, Mr. Hinojosa, Mr. Lantos, Mr. Kind, Mr. Moore of Kansas, Ms. Roybal-Allard, Ms. Slaughter, Mrs. Maloney, Ms. Moore of Wisconsin, Mr. Waxman, Mr. Berman, Ms. DeLauro, Ms. Eddie Bernice Johnson of Texas, Ms. McCollum of Minnesota, Ms. Lee, Ms. Watson, Ms. Linda T. Sánchez of California, Ms. Bordallo, Mr. Abercrombie, Mr. Ackerman, Mr. Baca, Ms. Baldwin, Ms. Berkley, Mr. Blumenauer, Mr. Brown of Ohio, Mr. Davis of Illinois, Ms. Carson, Mrs. Christensen, Mr. Crowley, Ms. DeGette, Mr. Doggett, Ms. Eshoo, Mr. Farr, Mr. Frank of Massachusetts, Mr. Gonzalez, Mr. Al Green of Texas, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Hinchey, Mr. Jackson of Illinois, Mr. Jefferson, Ms. Kaptur, Mr. Kennedy of Rhode Island, Mr. Kildee, Mr. Kucinich, Mr. McDermott, Mr. McGovern, Ms. Matsui, Mr. Meek of Florida, Mr. Meeks of New York, Mr. Moran of Virginia, Mr. Nadler, Mr. Neal of Massachusetts, Ms. Norton, Mr. Oberstar, Mr. Owens, Mr. Pallone, Mr. Payne, Mr. Rush, Ms. Loretta Sanchez of California, Mr. Serrano, Mr. Stark, Mr. Stupak, Mr. Towns, Ms. Wasserman Schultz, Mr. Weiner, Mr. Wexler, Ms. Woolsey, and Mr. Wu):

H.R. 3188. A bill to amend the Immigration and Nationality Act to provide protection for immigrant victims of violence; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Agriculture, Financial Services, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 3189. A bill to promote the development of democratic institutions and full respect for human rights in the countries of Central Asia; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. Royce, Ms. Zoe Lofgren of California, Mr. Sam Johnson of Texas, Mr. Tom Davis of Virginia, Mr. Wolf, Mr. Rohrabacher, Mr. Payne, Mr. Pence, Mr. Green of Wisconsin, Ms. Ros-Lehtinen, Mr. Crowley, and Ms. Loretta Sanchez of California):

H.R. 3190. A bill to promote freedom and democracy in Viet Nam; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself and Mr. Payne):

H.R. 3191. A bill to provide multilateral debt cancellation for Heavily Indebted Poor

Countries, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. George Miller of California, Mr. Owens, Ms. Woolsey, and Mr. Lantos):

H.R. 3192. A bill to provide for a paid family and medical leave insurance program, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 3193. A bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

By Ms. VELÁZQUEZ:

H.R. 3194. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VISCLOSKY (for himself, Mr. Kildee, Mr. Berry, Mr. Rangel, Mr. Ruppersberger, Ms. Solis, Mr. Grijalva, Mr. McDermott, Mr. Towns, Mr. Lynch, Mr. McGovern, and Mr. Tanner):

H.R. 3195. A bill to amend title 38, United States Code, and title 10, United States Code, to provide for an opportunity for active duty personnel to withdraw an election not to participate in the program of educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. Markey, Mr. Brown of Ohio, Ms. Schakowsky, Mr. Gene Green of Texas, Mr. Allen, Mr. George Miller of California, Mr. Pallone, Mr. Berry, Ms. Slaughter, Mr. Stupak, Mr. McDermott, Mr. Hinchey, Mr. Frank of Massachusetts, Mr. Oberstar, Mr. Andrews, Mr. Meeks of New York, Mr. Delahunt, Mr. McNulty, Mr. Berman, Mr. Wexler, Ms. Woolsey, Ms. Herseth, Mr. McGovern, Mr. Grijalva, Mr. Sanders, Mr. Weiner, Mr. Conyers, Mr. Kucinich, Mr. Kennedy of Rhode Island, Mr. Olver, and Mr. Abercrombie):

H.R. 3196. A bill to amend the Public Health Service Act to expand the scope of information required for the data bank on clinical trials of drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WELDON of Pennsylvania (for himself, Mr. Thompson of Mississippi, Mr. Etheridge, Mr. Brown of Ohio, Mrs. Christensen, and Mr. King of New York):

H.R. 3197. A bill to authorize the Secretary of Homeland Security to regulate the production, storage, sale, and distribution of ammonium nitrate on account of the prior use of ammonium nitrate to create explosives used in acts of terrorism and to prevent terrorists from acquiring ammonium nitrate to create explosives; to the Committee on Homeland Security.

By Mr. WEXLER (for himself, Mr. Honda, Mr. Grijalva, and Mrs. Maloney):

H.R. 3198. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. ISTOOK (for himself, Mr. Bishop of Georgia, Mr. Aderholt, Mr. Akin, Mr. Alexander, Mr. Bachus, Mr. Baker, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Beauprez, Mr. Bishop of Utah, Mr. Bonilla, Mr. Bonner, Mr. Boozman, Mr. Boustany, Mr. Brady of Texas, Mr. Brown of South Carolina, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Burton of Indiana, Mr. Calvert, Mr. Carter, Mr. Chabot, Mr. Chocola, Mr. Coble, Mr. Cole of Oklahoma, Mr. Conaway, Mrs. Cubin, Mr. Culberson, Mr. Davis of Kentucky, Mrs. Jo Ann Davis of Virginia, Mr. Deal of Georgia, Mr. DeLay, Mr. Doolittle, Mr. Duncan, Mrs. Emerson, Mr. English of Pennsylvania, Mr. Everett, Mr. Feeney, Mr. Flake, Mr. Forbes, Ms. Foxx, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gibbons, Mr. Gingrey, Mr. Goode, Mr. Hall, Ms. Harris, Mr. Hayworth, Mr. Hefley, Mr. Hensarling, Mr. Herger, Mr. Hoekstra, Mr. Hunter, Mr. Issa, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. Kingston, Mr. Kuhl of New York, Mr. LaHood, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas, Mr. Marchant, Mr. McCaul of Texas, Mr. McCrery, Mr. McHenry, Mr. McIntyre, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Neugebauer, Mr. Norwood, Mr. Otter, Mr. Pearce, Mr. Pence, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Platts, Mr. Price of Georgia, Mr. Radanovich, Mr. Rahall, Mr. Renzi, Mr. Rogers of Kentucky, Mr. Rogers of Michigan, Mr. Rogers of Alabama, Mr. Ryun of Kansas, Mr. Sessions, Mr. Shimkus, Mr. Shuster, Mr. Smith of New Jersey, Mr. Souder, Mr. Stearns, Mr. Sullivan, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Terry, Mr. Tiahrt, Mr. Wamp, Mr. Weldon of Florida, Mr. Westmoreland, Mr. Whitfield, Mr. Wicker, Mr. Wilson of South Carolina, Mr. Jindal, Mr. Davis of Tennessee, and Mr. Hayes):

H.J. Res. 57. A joint resolution proposing an amendment to the Constitution of the United States protecting religious freedom; to the Committee on the Judiciary.

By Mr. MICA (for himself, Mr. Young of Alaska, Mr. Daniel E. Lungren of California, Mr. Costello, and Mr. DeFazio):

H. Con. Res. 196. Concurrent resolution honoring the pilots of United States commercial air carriers who volunteer to participate in the Federal flight deck officer program; to the Committee on Homeland Security.

By Ms. LEE (for herself, Mr. Blumenauer, Mr. Conyers, Mr. DeFazio, Mr. Grijalva, Mr. Hinchey, Ms. Kilpatrick of Michigan, Mr. Kucinich, Mr. McDermott, Mr. George Miller of California, Mr. Olver, Mr. Sanders, Mr. Serrano, Mr. Sherman, Ms. Solis, Mr. Stark, Ms. Woolsey, Ms. McKinney, Mr. Rush, Mr. Delahunt, Mr. Lewis of Georgia, Mr. Cummings, Ms. Waters, Mr. Honda, Mr. Jackson of Illinois, Mr. Payne, Ms. Eddie Bernice Johnson of Texas, Mrs. Jones of Ohio, Mr. Towns, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Mr. Watt, Mr. Al Green of Texas, Mr. Moran of Virginia, and Ms. Schakowsky):

H. Con. Res. 197. Concurrent resolution declaring that it is the policy of the United States not to enter into any base agreement with the Government of Iraq that would lead to a permanent United States military presence in Iraq; to the Committee on International Relations.

By Mr. DELAY:

H. Con. Res. 198. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Con. Res. 199. Concurrent resolution supporting the goals and ideals of the International Polar Year; to the Committee on Science.

By Ms. ZOE LOFGREN of California:

H. Con. Res. 200. Concurrent resolution expressing the sense of Congress that secondary schools should consider starting school after 9:00 in the morning; to the Committee on Education and the Workforce.

By Mr. ORTIZ (for himself and Mr. Weldon of Pennsylvania):

H. Con. Res. 201. Concurrent resolution welcoming the Prime Minister of Singapore, His Excellency Lee Hsien Loong, on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its support in the reconstruction of Iraq and its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of Congress to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on International Relations.

By Mr. PASCRELL (for himself, Mr. Bilirakis, Mrs. Maloney, and Mr. Mica):

H. Con. Res. 202. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth; to the Committee on House Administration.

By Mr. RANGEL (for himself and Mrs. Johnson of Connecticut):

H. Con. Res. 203. Concurrent resolution expressing the sense of the Congress that the United States should work expand membership in the Agreement on Government Procurement of the World Trade Organization and should urge the People's Republic of China to enter into immediate negotiations to join that agreement, and for other purposes; to the Committee on Ways and Means.

By Mr. CLEAVER (for himself, Mr. Butterfield, Mr. Clay, Mr. Al Green of Texas, Ms. Carson, Mr. Meeks of New York, Ms. Lee, Ms. Wasserman Schultz, and Mr. Crowley):

H. Res. 347. A resolution condemning the Government of Mexico for printing and distributing blatantly racist postage stamps and urging Mexican President Vincente Fox to immediately cease printing and distributing the postage stamps and recall from circulation those postage stamps currently on the market; to the Committee on International Relations.

By Mr. ISSA (for himself, Mr. RAHALL, Mr. LAHOOD, Mr. DINGELL, and Mr. BOUSTANY):

H. Res. 348. A resolution congratulating the people of Lebanon on successfully conducting democratic parliamentary elections in May and June 2005; to the Committee on International Relations.

By Mr. FATTAH:

H. Res. 349. A resolution recognizing the importance of addressing extreme poverty in Africa, recognizing the devastating impact that HIV/AIDS has had on the African economy, recognizing the need for the development of a safe blood supply in Africa, and congratulating the city of Philadelphia, Pennsylvania for hosting the "Live 8 2005" concert; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. SWEENEY, Mr. BASS, Mr. MCNULTY, Mr. SMITH of Washington, Mr. DINGELL, Mr. ALLEN, Mr. MCDERMOTT, Mr. MICHAUD, Mr. PETERSON of Minnesota, and Mr. KILDEE):

H. Res. 350. A resolution expressing appreciation to the people and Government of Canada for their long history of friendship and cooperation with the people and Government of the United States and congratulating Canada as it celebrates "Canada Day"; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. WAXMAN and Mr. LOBIONDO.

H.R. 97: Mr. ALEXANDER and Mr. NORWOOD.

H.R. 111: Mr. GUTKNECHT.

H.R. 127: Mr. FATTAH.

H.R. 147: Mr. SANDERS, Ms. CORRINE BROWN of Florida, and Mr. POMBO.

H.R. 188: Mrs. MCCARTHY, Mr. PETERSON of Minnesota, and Mr. HOLT.

H.R. 229: Mr. KINGSTON, Ms. HART, Mr. GENE GREEN of Texas, Mr. CUMMINGS, Ms. WATSON, Mr. LEWIS of Georgia, Mr. KUCINICH, and Mr. WEXLER.

H.R. 282: Mr. BROWN of Ohio, Mr. GALLEGLY, Mr. AKIN, Mr. ENGLISH of Pennsylvania, Mr. TAYLOR of North Carolina, and Mr. LAHOOD.

H.R. 292: Mr. PEARCE.

H.R. 303: Mr. GILLMOR, Mr. GERLACH, Mr. JEFFERSON, and Mr. GIBBONS.

H.R. 558: Mr. EDWARDS and Mr. GERLACH.

H.R. 602: Mr. GERLACH.

H.R. 615: Mr. JENKINS, Mr. BOREN, and Mr. WESTMORELAND.

H.R. 653: Ms. WATSON and Mr. WEXLER.

H.R. 698: Mr. ALEXANDER.

H.R. 713: Mr. FOLEY.

H.R. 759: Ms. MOORE of Wisconsin.

H.R. 772: Mr. MICHAUD, Mr. KANJORSKI, Mr. VAN HOLLEN, Mr. CRAMER, Mr. KUHL of New York, Mr. ABERCROMBIE, Ms. HART, Mr. REYES, Mr. BAIRD, Mr. TANNER, and Mr. DELAHUNT.

H.R. 783: Mr. STUPAK, Mr. JEFFERSON, and Mr. LANGEVIN.

H.R. 817: Mr. EHLERS, Mr. HASTINGS of Florida, Ms. SOLIS, Mr. CUMMINGS, Ms. NORTON, Mr. TERRY, Mr. BROWN of Ohio, Ms. BALDWIN, Mr. BISHOP of New York, Mr. LARSEN of Washington, Mr. DOYLE, Mr. LARSON of Connecticut, Mr. KUCINICH, Mr. CLYBURN, Mr. BILIRAKIS, and Mr. LANGEVIN.

H.R. 818: Mr. ROHRABACHER.

H.R. 822: Mr. SCOTT of Virginia.

H.R. 827: Mrs. BONO, Mr. BASS, Mr. BILIRAKIS, and Mr. PICKERING.

H.R. 864: Mr. MCDERMOTT and Mr. STARK.

H.R. 896: Ms. SOLIS and Mr. CARDOZA.

H.R. 898: Mr. NUSSLE.

H.R. 916: Mr. HALL, Mr. ALLEN, Mr. FILNER, Mr. CRAMER, Mrs. MUSGRAVE, Mr. BROWN of Ohio, and Mr. ABERCROMBIE.

H.R. 920: Mr. TIAHRT.

H.R. 923: Mr. FOLEY.

H.R. 930: Mr. LINDER and Mr. CHOCOLA.

H.R. 939: Mr. WEXLER.

H.R. 945: Mr. FATTAH.

H.R. 947: Mrs. EMERSON.

H.R. 949: Mr. PAYNE, Mr. WEXLER, Ms. KAPTUR, Ms. WOOLSEY, Ms. BERKLEY, Mr. MEEKS of New York, Ms. ROYBAL-ALLARD, Mr. BERMAN, Mrs. CAPPS, Mr. HONDA, Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. SCHIFF, Mr. HINCHEY, and Mr. GENE GREEN of Texas.

H.R. 968: Mr. JINDAL, Mr. ABERCROMBIE, Mr. MATHESON, and Mr. RUSH.

H.R. 988: Mr. SAXTON, Mrs. CUBIN, Mr. LIPINSKI, and Mr. SABO.

H.R. 1020: Mr. NADLER.

H.R. 1070: Mrs. MYRICK.

H.R. 1079: Mr. MCHENRY.

H.R. 1088: Mr. ALEXANDER.

H.R. 1100: Mr. PICKERING, Mr. DEAL of Georgia, and Mr. KLINE.

H.R. 1106: Mr. OLVER.

H.R. 1130: Mr. ANDREWS.

H.R. 1156: Mr. OXLEY.

H.R. 1159: Ms. DEGETTE.

H.R. 1172: Mr. GONZALEZ, Mr. GRIJALVA, Mr. AL GREEN OF TEXAS, AND MS. WOOLSEY.

H.R. 1175: Mr. PICKERING.

H.R. 1176: Mr. BURTON of Indiana and Mr. GREEN of Wisconsin.

H.R. 1191: Mr. ISRAEL.

H.R. 1200: Mr. JACKSON of Illinois.

H.R. 1216: Mr. ANDREWS and Mr. TANCREDO.

H.R. 1222: Mr. MEEK of Florida.

H.R. 1245: Mr. DAVIS of Florida.

H.R. 1259: Mr. MEEK of Florida, Ms. MILLENDER-MCDONALD, Mr. WATT, and Ms. LEE.

H.R. 1264: Ms. BALDWIN.

H.R. 1288: Mr. CUNNINGHAM, Mr. ISSA, Mr. RADANOVICH, Mr. FRANKS of Arizona, Mr. MURPHY, Mr. RYAN of Wisconsin, and Mrs. EMERSON.

H.R. 1298: Ms. ZOE LOFGREN of California, and Mr. ENGLISH of Pennsylvania.

H.R. 1306: Mr. CLAY, Mr. GILLMOR, Mr. LINDER, Mr. OXLEY, Mr. HINOJOSA, Mr. SHUSTER, Mr. GIBBONS, Mr. ISSA, Mr. ROHRABACHER, Mr. HOSTETTLER, Mr. BURTON of Indiana, Mr. STUPAK, Mrs. MYRICK, Mr. CRAMER, and Mr. LOBIONDO.

H.R. 1312: Mr. EMANUEL.

H.R. 1323: Mr. OWENS and Mr. HOLT.

H.R. 1350: Mr. WAMP.

H.R. 1372: Ms. SCHWARTZ of Pennsylvania, Mr. SALAZAR, and Mrs. MCCARTHY.

H.R. 1390: Mr. FILNER, Mr. GUTIERREZ, Ms. ZOE LOFGREN of California, Mr. SANDERS, and Mr. WAXMAN.

H.R. 1402: Mr. DOGGETT.

H.R. 1409: Mr. SABO and Mr. CLYBURN.

H.R. 1426: Mr. KING of New York.

H.R. 1435: Mr. EVANS and Mr. LEVIN.

H.R. 1494: Mr. PETERSON of Minnesota.

H.R. 1498: Mr. PAYNE and Ms. KILPATRICK of Michigan.

H.R. 1504: Mr. SNYDER, Mr. HONDA, and Mr. GORDON.

H.R. 1510: Mr. DENT.

H.R. 1523: Mr. GEORGE MILLER of California and Mr. KILDEE.

H.R. 1549: Ms. WOOLSEY, Mr. RYUN of Kansas, Mr. ABERCROMBIE, Mr. MCCOTTER, Mr. BEAUPREZ, Mr. GRAVES, Mr. CARNAHAN, Mr. ISSA, Mrs. DRAKE, Mr. WYNN, Mr. WAXMAN, Mr. MARSHALL, Mr. GREEN of Wisconsin, Mr. BOYD, and Mrs. JONES of Ohio.

H.R. 1591: Mr. ALLEN, Mr. FARR, and Mr. NEAL of Massachusetts.

H.R. 1592: Mr. ALLEN and Mr. FARR.

H.R. 1615: Mr. MILLER of North Carolina, Mr. TIERNEY, Mr. MEEKS of New York and Mr. MORAN of Virginia.

H.R. 1632: Mr. ROSS.

H.R. 1645: Mr. DOYLE.

H.R. 1648: Mr. BERMAN, Ms. CARSON, Ms. EDDIE BERNICE JOHNSON of Texas and Ms. KAPTUR.

H.R. 1663: Mr. BLUMENAUER.

H.R. 1668: Ms. ROYBAL-ALLARD, Mr. OWENS, and Mr. CUMMINGS.

H.R. 1671: Mr. MOORE of Kansas.

H.R. 1689: Mrs. NORTHUP.

H.R. 1704: Mr. ISRAEL, Mr. SHAW, Ms. LORETTA SANCHEZ of California, and Mr. PITTS.

H.R. 1707: Mr. KUCINICH.

H.R. 1708: Mr. CLEAVER.

H.R. 1736: Mr. CARDOZA and Mr. REHBERG.

H.R. 1745: Ms. MATSUI.

H.R. 1748: Mr. WELDON of Florida.

H.R. 1749: Mr. MELANCON and Mr. GIBBONS.

H.R. 1790: Mrs. JO ANN DAVIS of Virginia.

H.R. 1850: Mr. CAPUANO.

H.R. 1861: Mr. DEFAZIO.

H.R. 1898: Mr. TIAHRT, Mr. NUSSLE, Mr. MEEK of Florida, and Mr. GONZALEZ.

H.R. 1946: Mr. LEVIN and Mr. PRICE of North Carolina.

H.R. 1951: Mrs. DRAKE, Mr. PASTOR, and Mrs. JO ANN DAVIS of Virginia.

H.R. 1957: Mr. MCCAUL of Texas and Mr. POMBO.

H.R. 1981: Mr. BRADY of Pennsylvania and Mr. HOLT.

H.R. 1986: Mr. BARTLETT of Maryland.

H.R. 1994: Mr. THOMPSON of Mississippi, Mr. WYNN, and Mr. MEEK of Florida.

H.R. 1996: Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, Mr. LIPINSKI, Mr. FARR, and Mr. CASTLE.

H.R. 1998: Mrs. MUSGRAVE.

H.R. 2048: Mrs. JONES of Ohio, Mr. FOLEY, and Mr. GIBBONS.

H.R. 2061: Mr. EVERETT, Mr. BONNER, Mr. DEAL of Georgia, and Ms. HERSETH.

H.R. 2076: Mr. FARR.

H.R. 2121: Mr. WELLER, Mr. BACHUS, Mr. RUPPERSBERGER, Mr. BAKER, Mr. MEEK of Florida, and Mr. MOORE of Kansas.

H.R. 2207: Mr. MORAN of Virginia.

H.R. 2209: Mr. RAHALL and Mr. SABO.

H.R. 2218: Mr. PASTOR, Mr. HINCHEY, and Mr. GONZALEZ.

H.R. 2229: Mr. SOUDER.

H.R. 2238: Mr. STRICKLAND and Mr. MCCOTTER.

H.R. 2290: Mr. MARCHANT, Mr. MCCAUL of Texas, and Mr. BOEHNER.

H.R. 2317: Mr. RADANOVICH and Ms. HERSETH.

H.R. 2320: Mr. UPTON.

H.R. 2322: Mr. GUTIERREZ.

H.R. 2327: Mr. ISSA and Mr. ORTIZ.

H.R. 2343: Mr. ENGEL.

H.R. 2355: Mr. TOM DAVIS of Virginia.

H.R. 2356: Mrs. EMERSON, Mr. GINGREY, Mr. RAHALL, Mr. AKIN, Mr. ROGERS of Alabama, Mr. GONZALEZ, Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. MORAN of Virginia, Mr. EDWARDS, Mr. FRANK of Massachusetts, Mr. FARR, Mr. MCCOTTER, and Mr. YOUNG of Florida.

H.R. 2358: Mr. LIPINSKI and Mr. COSTA.

H.R. 2363: Mr. TERRY, Mr. PUTNAM, and Mr. ROGERS of Kentucky.

H.R. 2386: Mr. McCAUL of Texas, Mr. DEAL of Georgia, Mr. BLUMENAUER, Mr. BLUNT, Mr. BASS, Mr. PRICE of North Carolina, and Ms. ROS-LEHTINEN.

H.R. 2412: Mr. RANGEL.

H.R. 2423: Ms. HART and Mr. TANNER.

H.R. 2458: Mr. WESTMORELAND.

H.R. 2470: Mr. OTTER, Mr. HENSARLING, Mr. RYUN of Kansas, Mr. PENCE, Mr. MACK, Mr. INGLIS of South Carolina, Mr. KINGSTON, Mr. DOOLITTLE, Mr. SAM JOHNSON of Texas, Mr. CASE, Mr. ROGERS of Michigan, Mr. GREEN of Wisconsin, Mr. AKIN, Mr. PITTS, Ms. HARRIS, Mr. CULBERSON, Mr. ISTOOK, Mrs. MUSGRAVE, and Mr. BARTLETT of Maryland.

H.R. 2498: Mr. GILLMOR.

H.R. 2510: Mr. SHERMAN.

H.R. 2526: Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. BERMAN, Mr. RYAN of Ohio, and Mr. WAXMAN.

H.R. 2533: Mr. MARSHALL and Mr. OTTER.

H.R. 2564: Mr. POMEROY and Mr. RUPPERSBERGER.

H.R. 2567: Mr. LARSEN of Washington.

H.R. 2588: Mr. SHERWOOD.

H.R. 2642: Mr. TAYLOR of Mississippi, Mr. CRAMER, Mr. BERRY, Mr. THOMPSON of California, Ms. HARMAN, Mr. BOREN, Mr. PETERSON of Minnesota, Mr. DAVIS of Tennessee, and Mr. SALAZAR.

H.R. 2658: Mr. DOOLITTLE.

H.R. 2669: Mr. FITZPATRICK of Pennsylvania.

H.R. 2671: Mr. McINTYRE.

H.R. 2679: Mr. GINGREY.

H.R. 2680: Mr. WEXLER, Mr. SANDERS, Mr. BRADY of Pennsylvania, and Mr. HINCHEY.

H.R. 2682: Mr. GONZALEZ, Mr. GERLACH, and Mr. WOLF.

H.R. 2683: Mr. WYNN, Mr. MEEK of Florida, and Mr. CASE.

H.R. 2684: Mr. PRICE of Georgia.

H.R. 2686: Mr. BROWN of South Carolina, Mr. ENGLISH of Pennsylvania, and Mr. EHLERS.

H.R. 2687: Mr. BERMAN.

H.R. 2717: Mr. OLVER and Mr. ROTHMAN.

H.R. 2727: Mr. DICKS.

H.R. 2730: Mr. ROTHMAN, Mr. GENE GREEN of Texas, Mr. SKELTON, Mr. BERMAN, Mr. CASE, Mr. BISHOP of New York, Mr. RANGEL, Mr. DENT, and Mr. NORWOOD.

H.R. 2735: Mr. BRADLEY of New Hampshire.

H.R. 2787: Mr. ROGERS of Kentucky.

H.R. 2793: Mr. SCHIFF, Mr. HAYES, Mrs. CHRISTENSEN, and Mr. STARK.

H.R. 2794: Mr. BROWN of South Carolina, Mr. DEFAZIO, and Ms. BALDWIN.

H.R. 2807: Mr. TANNER, Ms. JACKSON-LEE of Texas, and Mr. LEWIS of Kentucky.

H.R. 2876: Mr. FORBES, Mr. JINDAL, Mr. SPRATT, Ms. HERSETH, Mr. RAHALL, and Mr. LANGEVIN.

H.R. 2930: Mr. OBEY, Mr. GREEN of Wisconsin, and Mr. LIPINSKI.

H.R. 2945: Ms. SCHAKOWSKY, Mr. McGOVERN, Mr. BURTON of Indiana, Mr. McCAUL of Texas, Mr. FITZPATRICK of Pennsylvania, Mr. PAYNE, and Mr. CUMMINGS.

H.R. 2946: Ms. JACKSON-LEE of Texas, Mr. WEXLER, and Mr. OWENS.

H.R. 2947: Mr. MEEKS of New York and Mr. JEFFERSON.

H.R. 2960: Mr. BERMAN.

H.R. 2965: Mr. GONZALEZ, Mrs. NORTHUP, Mr. FRANKS of Arizona, Mr. OXLEY, Mr. NUNES, Mrs. CUBIN, Ms. PRYCE of Ohio, Mr. TIAHRT, Mr. BRADY of Texas, Mr. GOHMERT, Mr. WATT, Mr. ENGLISH of Pennsylvania, and Mr. GOODE.

H.R. 2966: Mr. SOUDER, Mrs. CHRISTENSEN, and Mr. GRIJALVA.

H.R. 2989: Mr. LAHOOD, Mr. MARSHALL, Mr. WALSH, Ms. SCHAKOWSKY, Mr. KOLBE, Mr. FERGUSON, Mr. SENSENBRENNER, Mr. SIMMONS, Mr. ETHERIDGE, Mr. SAXTON, Mr. HUNTER, Mr. BAKER, Mr. SHAYS, Mr. HYDE, and Mr. PAUL.

H.R. 3000: Mr. MEEKS of New York.

H.R. 3004: Ms. HART and Mr. TURNER.

H.R. 3011: Mr. ROGERS of Kentucky and Mr. ALEXANDER.

H.R. 3038: Mr. PAYNE.

H.R. 3041: Mrs. MALONEY.

H.R. 3046: Mr. SANDERS.

H.R. 3050: Mr. JEFFERSON, Mr. OWENS, Mr. BERMAN, and Mr. McNULTY.

H.R. 3055: Mr. GENE GREEN of Texas.

H.R. 3065: Mr. GRAVES.

H.R. 3073: Mr. POE.

H.R. 3086: Ms. SOLIS.

H.R. 3095: Mr. NUSSLE.

H.R. 3096: Mr. MORAN of Virginia.

H.R. 3100: Mr. POE.

H.J. Res. 55: Mr. FRANK of Massachusetts, Mr. FATTAH, and Ms. BALDWIN.

H. Con. Res. 43: Mr. TIBERI.

H. Con. Res. 90: Ms. WATSON, Mr. SHERMAN, and Mr. WHITFIELD.

H. Con. Res. 125: Mr. BILIRAKIS, Mr. KINGSTON, Mr. BOUSTANY, and Mr. MANZULLO.

H. Con. Res. 128: Mrs. NAPOLITANO.

H. Con. Res. 151: Mr. ACKERMAN, Mr. BISHOP of New York, and Mrs. McCARTHY.

H. Con. Res. 175: Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. SCOTT of Virginia and Mr. RUPPERSBERGER.

H. Con. Res. 178: Mr. LYNCH, Mr. SHADEGG, Mr. DAVIS of Illinois, Mrs. MYRICK, Mr. CALVERT, Mr. WEXLER, Mr. BRADY of Pennsylvania, Mr. BOOZMAN, Mr. WELDON of Florida, and Mr. BARTLETT of Maryland.

H. Con. Res. 186: Mr. PAUL.

H. Con. Res. 194: Mr. ALEXANDER.

H. Res. 97: Mrs. MYRICK.

H. Res. 103: Mr. FATTAH.

H. Res. 123: Mr. WELLER and Mr. MANZULLO.

H. Res. 158: Mr. FATTAH.

H. Res. 259: Ms. WATERS.

H. Res. 286: Mr. BRADY of Pennsylvania, Mr. BERMAN, and Ms. CARSON.

H. Res. 289: Mr. PUTNAM, Mr. ROSS, Mrs. CHRISTENSEN, Mr. DOGGETT, Mr. MARKEY, and Mr. McDERMOTT.

H. Res. 295: Mr. FATTAH.

H. Res. 308: Mr. WAMP and Mr. ROGERS of Kentucky.

H. Res. 311: Ms. WOOLSEY and Mr. KUCINICH.

H. Res. 325: Mr. ISRAEL and Mrs. McCARTHY.

H. Res. 326: Mr. WOLF and Mr. WHITFIELD.

H. Res. 332: Mr. BISHOP of New York.

H. Res. 336: Mr. HOLDEN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, Mr. TERRY, Mr. ETHERIDGE, Mr. CARDOZA, Mr. SMITH of New Jersey, Ms. ZOE LOFGREN of California, Mr. LEVIN, Mr. OXLEY, Mr. GREEN of Wisconsin, and Mr. RAMSTAD.

H. Res. 340: Mr. FRANKS of Arizona, Mr. REHBERG, Mr. DENT, Mr. BACHUS, Mr. YOUNG of Florida, Mr. TAYLOR of North Carolina, Mr. LAHOOD, Mr. MARCHANT, Mr. ALEXANDER, Mr. ROGERS of Alabama, and Mrs. BIGGERT.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2355: Mr. TOWNS.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3058

OFFERED BY: MR. RANGEL

AMENDMENT NO. 22: At the end of the bill (before the short title) insert the following:

SEC. ___. None of the funds made available in this Act may be used to implement, administer, or enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except that the foregoing limitation does not apply to the administration of a tax or tariff.

H.R. 3058

OFFERED BY: MR. VAN HOLLEN

AMENDMENT NO. 23: At the end of the bill (before the short title), insert the following:

SEC. ___. None of the funds made available by this Act may be used to implement the revision to Office of Management and Budget Circular A–76 made on May 29, 2003.

H.R. 3058

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 24: At the end of the bill (before the short title), insert the following:

SEC. _______. None of the funds made available in this Act may be used by the Council of Economic Advisers to produce an Economic Report of the President regarding the average cost of developing and introducing a new prescription drug to the market at $800 million or more.

SENATE—*Thursday, June 30, 2005*

The Senate met at 9 a.m. and was called to order by the Honorable LINDSEY O. GRAHAM, a Senator from the State of South Carolina.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Dr. Beryl G. Rosenberger, Healing Ministries for the Church, Anderson, SC.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

O God, two centuries and 29 years ago this week, You called our Founding Fathers to set in writing the Declaration of Independence. Fondly do we hope, fervently do we pray, that this document stand as a beacon before all peoples.

And now, Lord God, You remind us to call unto You and that You will answer and tell us great and mighty things, which we do not know. You truly are our refuge and strength and ever-present help in trouble. These Senators assembled in this Chamber want wisdom and help in preparing for the next generation to continue this freedom of our generation. Any prayer that we pray begins with You and floods into our being, providing courage to come into Your presence with the assurance that You will answer.

So come, Eternal God, and ignite us once again with the brand plucked from the fire to speak, to lead, and to give vision to those to come.

Thank You for holding us accountable in decisions we make here today that grant liberty and justice for all, and thank You for giving us wills of iron and hearts of tenderness, determination and compassion, stubbornness and forgiveness as Your truth marches on. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LINDSEY O. GRAHAM led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—Continued

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1307, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1307) to implement the Dominican Republic-Central America-United States Free Trade Agreement.

The PRESIDENT pro tempore. Under the previous order, there are 16 hours for debate equally divided. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will resume consideration of the pending CAFTA legislation. Last night we began debate under the 20-hour time limitation. We now have 16 hours remaining and we do not expect to use the entire debate time allocated. Chairman GRASSLEY has indicated that he would not require all of the 8 hours remaining under his control. Thus, I hope we would be able to yield back some time, which would allow us to vote on this bill at a reasonable time today.

As mentioned yesterday on a number of occasions, we have two additional appropriations measures to complete this week, one of which is the Legislative Branch appropriations bill. It is ready for floor consideration. That bill will require only a short debate and could be finished without a rollcall vote.

Also, we expect to consider and complete the Energy and Water appropriations bill. It is possible we could finish both of those late tonight. It depends on how much debate time is used on the CAFTA bill and also how much time Energy and Water will require.

We have a number of other items to be completed before our recess, including the highway extension, as well as some nominations. It will take a lot of cooperation and a lot of hard work to be able to complete all of this. Again, there is a possibility we could finish late tonight but, if not, we are going to complete all this business, including the two appropriations bills, by Friday, and we could have votes into Friday as well.

We have our jobs and our tasks laid out for us. We need to stay here until we complete them before we leave for our recess.

CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. President, I want to comment on the CAFTA legislation which we turned to last night, the Central American Free Trade Agreement. We will vote on final passage of that agreement later today. CAFTA is a good bill. It is a fair bill and an evenhanded bill that Members from both sides of the aisle should be able to support in that this legislation expands the market for America's goods and thereby grows jobs here at home.

The agreement which President Bush signed in May of 2004 promises to eliminate trade barriers between the United States, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic. By doing so, it will level the playing field and by leveling the playing field will stimulate economic growth which, in turn, will stimulate job creation. America's market is already open. Nearly 80 percent of exports from the CAFTA region to the United States come into America duty free. Those barriers are already down.

Under CAFTA, the six CAFTA countries would reciprocate and immediately allow 80 percent of our exports to enter their countries duty free, lowering that barrier. As a result, CAFTA will create our second largest export market in Latin America, behind only Mexico. From Washington State apples all the way across the country to Florida oranges, America's producers will thrive.

This represents a tremendous opportunity both for sellers and buyers and for all the people who make transactions happen—again, economic growth, creation of jobs.

If I look back—and become a little bit provincial—to my home State of Tennessee, we are the third largest agricultural exporter to the CAFTA countries. Last year Tennessee businesses sold $271 million worth of goods and services to the CAFTA region. Tennessee farmers and factory workers rely on exports for their jobs and their livelihoods. One plant, the Levi Straus plant in Powell, TN, for example, exported $34.8 million in apparel last year to these countries. The Memphis-based company, Drexel Chemical, has been exporting to Guatemala for the last 30 years, since the early 1970s. Its chairman tells the Memphis Commercial Appeal newspaper that CAFTA would have a tremendous impact on her business.

She has good cause to be optimistic. Since America signed NAFTA, the North American Free Trade Agreement, in 1993, Tennessee's combined exports to Canada and Mexico have grown a whopping 190 percent.

Free trade grows America's businesses and puts more money in the pockets of America's families. It is estimated that NAFTA and the Uruguay Round generate $1,300 to $2,000 a year for the average American family of four.

CAFTA will open the doors to 44 million new consumers of American goods.

More sales to Central America means more jobs right here at home. Strengthening our mutual economic interest also will strengthen our national security. Twenty years ago, only two of the CAFTA nations, Costa Rica and the United States, were established democracies. Today, all seven can be counted among the free nations of the world.

Unfortunately, however, the forces of totalitarianism and oppression still hover on the edges of these young democracies. Fidel Castro still oppresses the Cuban people and denies them precious human freedoms. Hugo Chavez moves Venezuela closer and closer to Castro every day. These regimes tend to work to spread their brutal methods and totalitarian philosophies, trying to infect the rest of Latin America and we simply cannot let them succeed.

The free nations of Latin America need our support. They deserve our support. That support can be reflected through CAFTA. By linking their economies with democratic capitalism, CAFTA will help gird these nations against the threats at their door. It will strengthen their democracies and provide a model for freedom, a model for freedom seekers—indeed, freedom seekers around the world.

The Washington Post agrees that:

> CAFTA and similar alliances provide hard evidence of America's lasting commit to strengthening alliances, fighting global poverty, and creating the building blocks of democracy.

In 1823, James Monroe warned that continued European efforts to colonize the New World would endanger American peace and safety. He understood that advancing liberty throughout the world required that we begin in our own backyard.

Since then, the United States has worked to protect the freedom and independence of our hemisphere. I urge my colleagues to support growth and prosperity. The United States has always stood for freedom and liberty around the world. Under CAFTA we will help keep the Americas moving forward.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order the time on the Democratic side shall be divided with 5 hours under the control of the Senator from North Dakota, Mr. DORGAN, and 3 hours under the control of the Senator from Montana, Mr. BAUCUS.

Who yields time? The Senator from Montana.

Mr. BAUCUS. Mr. President, parliamentary inquiry: Does the other side of the aisle control any time?

The PRESIDENT pro tempore. It was previously announced that there is 16 hours for debate equally divided. The majority side is under the control of Senator GRASSLEY.

Mr. BAUCUS. How much time does he have?

The PRESIDENT pro tempore. He has 7 hours 54 minutes.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum, and I ask the time be equally divided between both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, last night we started debate on the Central American Free Trade Agreement. Last night, in addition to the economic factors involved in the approving of this bill, I spoke about the national security importance of this Central American Free Trade Agreement. I also talked—as, obviously, we do on most trade legislation—about the benefits of the agreement to the U.S. economy in general. This morning, I will focus on the benefits of this agreement for U.S. agriculture.

As a Senator from Iowa and as a person who lives on and has an interest in a family farm my son operates, I have major interest in the U.S. agricultural policies that benefit American farmers. Moreover, as chairman of the Finance Committee, I pay particularly close attention to trade issues as they affect agriculture.

I consulted frequently with the U.S. Trade Representative during negotiations on this agreement, the Central American Free Trade Agreement. I do that because that is the responsibility my committee has under trade promotion authority, which is a process by which Congress delegates the process of our carrying out our constitutional responsibility of control over international trade to the President to negotiate because it is quite impractical for 535 Members of Congress to negotiate with foreign countries.

U.S. negotiators went to great lengths to see that the Central American Free Trade Agreement would be a good agreement for American farmers. Their efforts were successful. The negotiations resulted in an agreement that is particularly strong for U.S. agriculture and the agribusiness community that affects so many nonfarm jobs throughout the United States.

I am fully convinced that implementation of this Central American Free Trade Agreement by the United States is in the best interests of U.S. agricultural producers. That is why I go to great lengths urging my colleagues to support it.

U.S. farmers and ranchers are well aware of the fact that the international playing field for agricultural exports is presently far from level. Average tariffs of other countries on imports of U.S. agricultural products in the case of most commodities is significantly higher than those imposed by the United States. That worldwide average would be 60-some percent of tariffs of U.S. agricultural products going into another country, whereas those same countries throughout the world bringing products into the United States face an average of only an 11-percent tariff.

It is common sense to negotiate other countries' tariffs against our agricultural products down some or a lot and hopefully down to a point where we are in a win-win situation for American agriculture and the nonfarm jobs involved in the processing and handling of agricultural products. That is our long-term goal. In fact, that is the goal we have right now in the Doha round World Trade Organization negotiations going on this year. That is for the entire 150 countries that are members of the World Trade Organization. We hope that Doha round is a major breakthrough for the reduction of high worldwide tariffs against agricultural products.

Now, as this unequal situation I just described has clearly demonstrated, and specifically in this trade relationship we have between the United States and these five countries of Central America, over 99 percent of agricultural products from Central American countries coming to the United States currently come in here not with an 11-percent average tariff I talked about worldwide, they come in with hardly any duty—except for an occasional product—and are duty free right now. That is unfair to American farmers.

When we send products down there, the average bound tariff of these five Central American countries is over 44 percent. The current trading relationship between the United States and the CAFTA countries is not only an unlevel playing field but also a one-way street. CAFTA farm products do not pay tolls to enter the U.S. market today. Yet U.S. agricultural products are charged hefty tolls to enter the markets of these five countries. This is all going to be changed by the Central American Free Trade Agreement. A downhill one-way street will become a level two-lane road.

Under the agreement, the CAFTA countries will eliminate tariffs on virtually all products. U.S. tariffs will remain largely unchanged. After all, the vast majority of agricultural products of the CAFTA countries already enters the United States duty free. For example, the treatment under the agreement of the four major U.S. commodities—pork, beef, corn, and soybeans—demonstrates how the Central American Free Trade Agreement will remove disadvantages faced by U.S. agricultural producers. These commodities are of importance not only to my State of Iowa but to most agricultural States in our country.

The Central American Free Trade Agreement countries currently apply tariffs of up to 47 percent on imports of U.S. pork. Their bound rates reach as high as 60 percent. Under the agreement, these tariffs of the Central American countries will be reduced to zero.

With beef, they apply tariffs of up to 30 percent on imports of U.S. beef. Their bound rates reach as high as 79 percent. Under CAFTA, these tariffs of the Central American countries will be reduced for our U.S. farmers to zero.

The CAFTA countries currently apply tariffs of up to 45 percent on imports of U.S. corn. Their bound rates reach as high as 75 percent. Under the agreement, tariffs of CAFTA countries on corn, the predominant product we export, will be reduced to zero, with the exception of the Dominican Republic, in which case duty-free access will be locked in.

Soybeans is another example. CAFTA countries currently apply tariffs up to 5 percent on imports of our soybeans and up to 20 percent on U.S. soybean oil. Their bound rates reach as high as 91 percent for soybeans, 60 percent for bean meal, and 232 percent for the soybean oil. Under the agreement, tariffs of the CAFTA countries on U.S. soybeans, bean meal, and soybean oil will be reduced to zero.

The leveling of the playing field with regard to CAFTA countries will result in real gains for U.S. agriculture. According to the Farm Bureau Federation, CAFTA would increase U.S. agricultural exports to those countries by $1.5 billion at the end of the full implementation. CAFTA will result in dollars in the pockets of U.S. farmers and ranchers.

Recognizing that CAFTA will profit their members, numerous agriculture and food organizations have expressed their support for this agreement. I have a letter from 73 such groups that back the agreement. These organizations represent diverse commodities produced in the area regions including among the 73 the Farm Bureau Federation, Soybean Association, Chicken Council, Corn Growers, Milk Producers, Pork Producers, Potato Council, Turkey Federation, Rice Federation.

Moreover, six former U.S. Secretaries of Agriculture, both Republican and Democrat, have announced their support for the Central American Free Trade Agreement. Let me read those: Ann Veneman, Republican; Dan Glickman, a Democrat; Mike Espy, Democrat; Clayton Yeutter, Republican; John Block, Republican; Bob Bergland, Democrat. They all noted in a recent letter to Congress that they back CAFTA "because the benefits are very significant and the costs are minimal."

I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Letter From Former Secretaries of Agriculture to Members of the U.S. House of Representatives and the U.S. Senate

DEAR MEMBER OF CONGRESS: As former secretaries of agriculture, we understand the importance of negotiating trade deals that minimize the costs and maximize the benefits to U.S. farmers, ranchers, and food and agriculture organizations. We support the Free Trade Agreement with Central America and the Dominican Republic (CAFTA-DR) because the benefits are very significant and the costs are minimal. We urge you to pass CAFTA-DR quickly and without amendment.

A vote for CAFTA-DR is a vote for fairness and for reciprocal market access. Under CAFTA-DR all of our food and farm products will receive duty free treatment when the agreement is fully implemented.

A vote against CAFTA-DR is a vote for one-way trade. Virtually all of what we import from the six CAFTA countries now enters the U.S. duty free as a result of the Generalized System of Preferences (GSP) and the Caribbean Basin Initiative (CBI). Yet, our food and agricultural exports to these six nations are restricted significantly because of high tariffs. As a result of the current one-way trade deal, we are running an agricultural trade deficit with these six countries.

In addition, a formal trade agreement with the United States will help ensure the economic stability and growth that the region needs to avoid a return to the civil wars, insurgencies, and dictatorships of the recent past. As economic freedom and democracy take deeper root, incomes will increase and demand for our food and agriculture products will expand.

Failure to approve CAFTA-DR will have a devastating effect on U.S. efforts to negotiate trade agreements on behalf of U.S. agriculture. The World Trade Organization Doha Development Round would be dealt a serious blow. Other countries would be less willing to negotiate with the United States knowing that CAFTA-DR, a trade agreement so clearly beneficial to U.S. interests, could be rejected by the U.S. Congress.

The future of American agriculture continues to lay in expanding opportunities for our exports in the global marketplace, where 96 percent of the world's population lives. We must not forego these opportunities, especially when the benefits to our nation are so unmistakable.

ANN M. VENEMAN.
DAN GLICKMAN.
MIKE ESPY.
CLAYTON YEUTTER.
JOHN BLOCK.
BOB BERGLAND.

Mr. GRASSLEY. Most sectors of U.S. agriculture support the CAFTA. I realize one—sugar—is a commodity we did not have their support. I respect the sugar industry. They are very important. Outside of that group, we have agriculture represented behind this group.

An economic study by the American Farm Bureau Federation confirms that CAFTA will not harm the U.S. sugar program or other agricultural commodities.

While CAFTA is important in itself for U.S. agriculture, the implementation of this agreement would boost U.S. efforts to liberalize agricultural trade around the world. The implementation of CAFTA would give further momentum toward the completion of agricultural negotiations in the Doha Round of the World Trade Organization, negotiations in which the United States is seeking to cut tariffs, harmonize levels of domestic support, and eliminate export subsidies.

Mr. President, CAFTA is a straightforward win for the bulk of U.S. agricultural producers. A current one-way trading relationship will end. The CAFTA countries will dismantle their tariffs to U.S. agricultural products while the United States will provide little additional access for CAFTA commodities. This will result in increased sales for U.S. agricultural exporters, sales of up to $1.5 billion a year by the end of the agreement's full implementation. Not surprisingly, CAFTA is widely supported in the U.S. agricultural community.

The CAFTA is good agricultural policy and good trade policy. I urge my colleagues to support it.

Mr. President, I yield to the Senator whatever time he needs.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I rise to speak in favor of S. 1307, the CAFTA Implementation Act, because it advances America's economic and security interests. As someone who spent over 20 years in business before entering public service, I continue to be amazed by those in Washington who support outdated policies that make it harder and harder for American businesses to compete. Excessive taxation, regulation and litigation are driving American employers out of their minds and American jobs overseas. Yet too many politicians continue to support higher taxes, junk lawsuits, and trade barriers that effectively put signs on our beaches that say: Go do business somewhere else.

If we are going to have the best jobs in the world, we must make America the best place in the world to do business. This starts by reforming our complicated Tax Code, reducing mindless Government regulations, and eliminating frivolous lawsuits that, together, add mountains of needless costs on our businesses. Creating a pro-business environment in the United States also means we must open international markets to American exports so our workers can compete on a level playing field. CAFTA, for example, would expand the market for U.S. goods with 44 million consumers in Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic.

Nearly 80 percent of goods from the six CAFTA countries currently enter the United States duty-free. Yet American exports are taxed virtually across the board when they enter CAFTA markets.

On U.S. motor vehicles and parts, CAFTA countries levy an average tariff of 11 percent, while the U.S. rate is zero. On vegetables, fruits, and nuts, the CAFTA region's average is 16.7 percent, again compared with zero in the United States. On grains, it is 10.6 percent to zero; and on meat products, it is 14.7 percent, while the U.S. rate is just 3 percent. CAFTA would eliminate these disparities.

The agreement would level the playing field by eliminating 80 percent of the tariffs on American exports immediately, with the remaining tariffs phased out over 10 years. This would help exporters in my home State of South Carolina like BMW, Caterpillar and General Electric, as well as farmers and ranchers raising soybeans, peaches, pork, and poultry. The American Farm Bureau Federation estimates CAFTA could expand U.S. farm exports by $1.5 billion a year. Manufacturers would also benefit, especially in sectors like information technology products, agricultural and construction equipment, paper products, pharmaceuticals, and medical and scientific equipment.

According to a recent economic impact study conducted by the U.S. Chamber of Commerce, in the first year alone CAFTA would increase output in South Carolina by $167 million and create over 900 new jobs. In 9 years, the study shows a potential increase in output across all industries of $701 million and the creation of over 6,000 jobs. The South Carolina State Ports Authority has told me CAFTA will contribute to greater economic development in South Carolina by stimulating commerce and the shipment of freight through the Port of Charleston. In 2004, Central America represented $359 million of the total value of the Port's business. In fact, Charleston's exports to Central America have grown faster than the average export growth. Most exporters agree: CAFTA is a great deal for South Carolina business.

Yet there is a small group in the textile industry whose opposition poses a threat to this step forward. They say CAFTA will allow China to exploit a "loophole" in the agreement. But they fail to recognize that without CAFTA there will be no loop at all—just one giant hole that China will use to destroy our industry. The truth is that a vote against CAFTA is a vote for China. Garment factories in Central America purchase large amounts of American fabric and yarn. In fact, the region is the second-largest world market for U.S. textile fabrics and yarns. Under CAFTA, these garments made in the region will be duty-free and quota-free only if they use U.S. fabric and yarn. In fact, more than 90 percent of all apparel made in the region will be sewn from fabric and yarn made in the United States, thereby supporting U.S. textile exports and U.S. textile jobs. This is especially important for South Carolina workers. In 2004, South Carolina's exports of fabric mill products to the CAFTA region were valued at $180 million, more than half of the State's total exports to the region.

If we going to continue to have these exports and not lose the business to Asia, we must pass CAFTA. The American Apparel and Footwear Association made this point in a recent letter to President Bush where it said, if CAFTA "is not enacted soon, U.S. apparel and footwear companies will place more of their business outside this hemisphere." And the National Council of Textile Organizations recently endorsed CAFTA, saying, Central America "is a very important part of the domestic industry's supply chain and we need (CAFTA) to ensure that the U.S. textile industry can remain competitive against China."

The elimination of quotas on Chinese textiles has eroded the partnership the U.S. has with the Central American region. Our existing partnership is also weakened by burdensome documentation requirements and by the fact that it will expire soon. All of these factors reduce the incentive to make cloth ing in the region using U.S. inputs. CAFTA, however, will solidify and stabilize this partnership by making the current program broader, easier to use, more flexible, permanent, and reciprocal. The agreement will create new sales opportunities for U.S. textile and apparel products by providing permanent incentives for the use of U.S. yarns and fabrics in textile articles made in the region. And it will also give us new advantages over our competitors by promoting duty-free access for U.S. textile and apparel exports to local markets in the region.

I also thank the President and his administration for their efforts to make the agreement even stronger. Specifically, I have worked closely with U.S. Trade Ambassador Rob Portman to strengthen provisions dealing with textile pocketing. On May 9 of this year, Ambassador Portman wrote me about his desire to use the agreement's amendment mechanism to include pocketing in the rule of origin. He wrote:

> I assure you that USTR will utilize this mechanism, working closely with our textile industry, to seek an amendment to the CAFTA so that pocketing would have to originate in one of the signatory Parties.

This is very important to textile manufacturers in South Carolina who make pockets and want to have a strong partnership with the CAFTA region.

It is time to stop saying "no" to every trade agreement, regardless of the benefits. We must stop acting like we are operating in the business environment of 50 years ago. We must stand up and fight for a better deal today. We can't build a wall around our country and expect to remain competitive. And we can't keep sticking our heads in the sand. Instead, we must fight back with new agreements that knock down barriers and create new markets. We must fight back and win because that is what Americans do. We have the best workers in the world and we can compete with anyone in the world.

CAFTA also provides a unique opportunity to promote democracy, security, and prosperity in a part of the world that was once characterized by oppression and military dictatorship. This agreement is critical to the economic and political stability of these young democracies, and it is a signal of our Nation's commitment to democracy and prosperity in this hemisphere. As we continue to fight the war on terrorism, America has a vested interest in making sure these countries do not turn their backs on freedom.

I had the opportunity to personally meet with the Presidents from the CAFTA countries earlier this year, and many of them are taking significant political risks to promote economic freedom. We need to stand with them. We must stand with them and pass this agreement. The benefits of CAFTA are clear. The agreement will strengthen our economic ties with our democratic neighbors, it will promote opportunity and prosperity in the United States and the region, and it will strengthen our security at home by promoting democracy and prosperity in our hemisphere. This agreement is a forward strategy for freedom, and I encourage my colleagues to support it.

Mr. President, again, I thank you for this time this morning. I do stand to speak on behalf of CAFTA, and I appreciate the Senator on the other side of the aisle yielding this morning.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield myself such time as I use.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DORGAN. Mr. President, if ever there was a triumph of hope over experience, it is bringing this bill to the floor of this Senate: a new trade agreement with the background of failed trade agreement after failed trade agreement, lost jobs after lost jobs, higher deficits every year, believing this new chapter of the same failed book of trade strategy will produce a different result. It is unbelievable to me.

But before I begin, let me ask a question. There is a substantial lack of opportunity to ask questions on the floor because very few will attend this debate. But I was wondering whether in this trade agreement there is anything that has to do with exotic dancers or strip clubs. I wonder if anyone could respond to that.

Let me tell you the reason I ask the question——

The PRESIDING OFFICER. The Senator should be aware that Senators are not permitted to ask other Senators questions unless they have been yielded time on the floor.

Mr. DORGAN. Let me say to the Presiding Officer, it is a fair point. I have not directed questions to other Members of the Senate. I ask a rhetorical question, and perhaps the Presiding Officer, in his capacity as a Senator from New Hampshire, would respond. But I ask the question, is there anything in this trade agreement that deals with exotic dancers or strip clubs? And if any of my colleagues would like to come to the floor to respond to that today, I would be glad to hear it.

Let me tell you why I ask the question. We debated something called NAFTA on the floor of the Senate some years ago. It did not turn out very well—huge trade deficits. American jobs rushing off to Mexico. It did not turn out well at all. But now I discovered, going to the computer last night, using a Google search, that NAFTA had something in it about "special skills." Let me read this to you. This is from my Google search last evening on the computer: "Claiming a shortage of homegrown talent, strip clubs in Canada have used NAFTA to find new recruits in Mexico."

I thought, well, that is interesting. NAFTA had something that allows strip clubs in Canada to search for dancers from Mexico? Well, I found out what that was with a little further Google search: Employment authorizations based on NAFTA agreements were available for professionals, company transferees, traders, investors, and people with special knowledge: exotic dancers, et cetera—apparently, under this "special skills" category. Quite remarkable, isn't it?

Did anybody know that existed in NAFTA before it was voted on? Does anybody want to claim credit, I ask rhetorically? Does anybody want to claim credit for a provision in NAFTA that allows Canadian strip clubs to recruit exotic dancers from Mexico? Oh, probably not. Probably no one wants to claim credit for that today. But, apparently, that opportunity existed in NAFTA. It sure did.

Is there anything in this trade agreement we ought to know about? Is there anything in this trade agreement that will probably persuade me to come to the floor of the Senate 5 years from now, 2 years from now, and say: Did you know about this? We probably will not learn that today, either. Let me tell you what we should learn today. Here, as shown on this chart, are our trade deficits. These are our trade deficits—year after year after year. I have always wondered what "reeducation" means as a term—"reeducation." It is quite clear to me there is no reeducation anywhere near this 50 or 60 square miles of ground because we are about, today, in the Senate to pass another trade agreement which is exactly the same kind of trade agreement that has caused a massive trade deficit year after year after year, a gathering trade debt that is dangerous to this country.

On these red lines on this chart there are no names. But I can give you some names. And I will today. These are the people who lost their jobs, the people who came home one night after work and said: "Honey, I have been fired. I worked at my plant for 19 years. I was a good worker. I loved my job. But I got fired today. Do you know why? Oh, they are going to still make the products I made, but they are going to make them in China. They shipped my job to China because they found somebody who can do it for 30 cents an hour."

Every one of these lines has tens of thousands—hundreds of thousands—of names of American workers who have lost their jobs.

And so in the first 4 months of this year, our trade debt is up another 20 percent. Last year it was a record. It is up another 20, 22 percent. We are headed in exactly the wrong direction.

What is the response of this Congress? What is the response of the President? Well, let's do some more of what we have been doing. This is the law of holes: Create a hole and just keep digging, according to these people.

Let me make a couple of other opening observations. This bill should not be on the floor of the Senate. It does not comport with the Constitution of the United States. I think everyone in this Chamber knows that. This is a tariff bill. My colleague from Iowa described in great detail the tariff provisions in the bill. This is a tariff bill. A tariff bill, by the U.S. Constitution, cannot originate here. It cannot. It must originate in the House of Representatives.

This bill is improperly on the floor of the Senate and I may today make a constitutional point of order. Every Senator knows it is not here in accordance with the Constitution, and yet we all put on our dark suits and come to the Chamber and vent for hours, acting as if nothing has changed, nothing is wrong, we have not read the Constitution. Tariff bills must originate in the House, not in the Senate.

So we will pass this today, I am told. I am told the votes exist to pass this failed trade agreement. And then what will happen is the House will take it up, take up their version of it, and at some point it will be sent over here to be exchanged for the version we have already completed in the Senate. The problem is, I would say to the leaders, then there will be another 20 hours under fast track, 20 hours of debate to which we are entitled. Perhaps this will not work out so well after all.

I find it interesting. I must say to the majority leader, I apologize for being irritated last night, but that irritation hasn't abated this morning. I knew what was going to happen with CAFTA. It was negotiated over a year ago. It was signed over a year ago and has never been brought to this Chamber. Why? Because they don't know if they have the votes in the House. So over a year it languished. I knew at some point they were going to try to fold it up into a tight, little package and sort of stick it through the keyhole before some kind of congressional recess. Sure enough, that is exactly what they have done. Lord knows, you don't want to have a long debate on the floor of the Senate about trade strategy.

Having, for example, a debate of 3, 4, 5 days on one of the most significant problems we face is not something the majority party wants, not something the President wants. Do an agreement. Sign it up. Wait for a year. Buy off the votes with roads, bridges and dams and perhaps some refrigerators. I don't mean "buy up" votes; I mean persuade people by saying we will support your project—that was not a sensitive thing to say—persuade people who would have voted against you to decide they will vote for you, if you can get 3 or 4 miles of road somewhere near the hometown. You get enough votes, and then, a year later, fit this into this little crevice before the July recess. Then all the dust settles over the Fourth of July recess, and we come back and act as if there are no trade issues.

So here we are. Some of my colleagues will speak about an issue that I care a lot about as well—sugar. This is the first step in the direction of deciding to take the sugar program apart and to devastate, particularly in our region of the country, the beet growers—beet growers in the Red River Valley of North Dakota—because they can't compete with this kind of dump-price sugar that comes from these regions. This agreement, in itself, will not ruin the sugar industry, but it is going to hurt it. It is the first step in a direction, a strategy, that will ruin the industry in which a lot of beet growers out there, working on the farm, who got up this morning hoping they could continue to make a living, are going to be mighty concerned about where this heads. The next agreement that will come after this is the Free Trade Area of the Americas with Brazil and others. It is an ominous direction and is a disservice to the one farm program that does work in this country.

I would like to read a couple things. Most of you probably know Puff Daddy. Actually, Sean Combs is his name. He changed his name to P. Diddy. I never understood why somebody named Puff Daddy would change their name to P. Diddy. He is an artist, a musician. He also makes clothing, or at least he has someone make clothing with his name in the label.

So I held a hearing one day. We had workers, from Honduras, working in a plant in Honduras. Their job was to sew the sleeves on the shirts that were the Sean John label rather than Puff Daddy or P. Diddy. It seems to me—I am not in the shirt business—that Puff Daddy or P. Diddy might have been a better label, but they chose Sean John. So they contracted out for shirts to be produced in a plant in Honduras.

I have been there. I have watched. I have been to Honduras. I have watched people make cigars and various things. We had three employees of the plant in Honduras that makes these shirts come and testify. I invited Sean Combs to come and testify. He chose not to. Let me describe what was said at this hearing. It is directly related to signing up to a trade agreement with these kind of economies and the allegation that will be made by my colleagues that there are no labor standards that are enforceable or are enforced in these countries.

Let me read this. This was from Lydda Eli Gonzalez. In her report to us, she talks about her job. She says:

> I get up at 5 a.m.—

She is a young woman—

> to go to work at 6:45. I take two buses. When I get to the factory, I have a tortilla with beans. I buy the cheapest lunch I can, just a small piece of chicken, rice, beans and water.

And she describes the cost of that. And then she describes her day at the factory:

> My job is attaching sleeves to the shirt. There are different styles of Sean Jean shirts, but for long-sleeved shirts, a production line of 20 workers has to sew 190 dozen shirts a day—that's 2,280 shirts. Management demands we reach this goal, but it is impossible.

And she goes on:

> They call us filthy names—you can't answer—like "bitch," "Maldito," "donkey." You can't answer the supervisors or they will fire you. It is very hot in the factory. You are sweating all day. There is a lot of dust in the air. I breathe it in. You go into the factory with black hair. You come out with hair that is white or red or whatever the color of the shirts we are working on. It is forbidden to talk. You have to ask permission to use the bathroom. We have to get a pass from the supervisor and give it to the guard in front of the bathroom who also searches us before we go in. You can go once in the morning and once in the afternoon. Also they watch the time, and if you are gone more than three or four minutes, they call you on the loudspeaker. Another thing, the bathrooms are very dirty. There is almost never any toilet paper or soap. They don't permit us to get up to get water. If the worker next to you goes, you try to take some advantage and see if they can bring just a bit of water to you. You have to focus, work as fast as you can, to complete the production goals, always under pressure.

She talks about being fired. She was one of 20 workers who were fired. All the new employees are required to take a pregnancy test. If it comes out positive, they are fired. "Older workers suffer harassment and discrimination because the management prefers workers between 17 and 25 years old. When a woman gets to be 30, she can't work in these factories. And if she can get to work and if she is working, often she is harassed and sent to worse positions to try to make her quit."

She says:

> They search us physically when we enter the plant. If one of us has candy, gum or lipstick, they take it away because they think it could stain the clothing. They search them in the bathroom.

The point is this, this young woman, with 20 others, decided they really needed to try to organize to see if they could improve their lot. And 15 of them began to organize, and they were fired. You can't organize. Workers can't get together to try to organize to negotiate with management. They are fired—out of luck, out of a job.

These countries say to us: We have labor standards. Sure they do. They have labor standards on the books, totally unenforced. This is what we are signing up to.

This was Sean Combs. You remember the stories about Kathy Gifford and others. Sean Combs, I believe, to his credit, said he did not know this contracted labor was occurring, and I believe that he quickly took action to deal with that and moved this kind of production away from that plant.

But let me ask the question: Does anybody think this is the competition for American workers that we ought to sign up for? Shouldn't we be doing trade agreements with countries that have labor standards? Shouldn't we decide, on behalf of American workers, that we care first and foremost about American workers and, second, we also care about the workers in the country with whom we are going to do a trade agreement? What does it say about us, about our value system, to suggest it doesn't matter?

This is about money. This isn't about workers. It is about companies being able to access cheap labor, working under any labor conditions, in order to boost and fatten profits.

I am well aware that there are those who take a look at those of us who don't support these trade agreements and they say: You are just a bunch of xenophobic isolationist stooges. You don't understand it. You probably don't have the capacity to understand it. We are describing a new world order. It is a global economy. Don't you get it?

I wonder when things changed in this country to decide that we should not stand up for our economic interests. When did that happen? When did it happen that it was OK to decide those who stood up for America's economic interests—that is, for the demand that when we have a trade agreement, there would be fair labor standards, fair standards with respect to the environment, that we want to keep jobs in America—when did it become fashionable to say: You're a protectionist. You don't get it. You are sort of an economic nationalist. You are one of these America-first types. Shame on you.

It seems to me the first goal of every trade agreement should be to recognize, from our standpoint, that we are interested in standing up for our economic interests, for our jobs. But that is not the case.

I would like anybody to explain to me these dramatic and deepening trade deficits which Warren Buffett, not necessarily a shrinking violet, says is heading us toward becoming sharecroppers, and that is exactly the case—I would like anybody to explain to me how, with this background, the decision is made that we ought to do more of it. We are told over and over and over again what we are doing with this next trade agreement is we are opening foreign markets for American products. That is absolutely nonsense. Give us a break. We have been through this.

Later today, I will talk specifically about China because we did a bilateral on China. We have had a lot of trade relationships with China. The fact is, what we are doing with these trade agreements is not opening foreign markets, to any great degree, to American goods. I would love to take my time—and I have 5 hours allotted to me—to go through a debate. Others probably have different views. They believe it is fine, for example, for the country of Korea to ship us 680,000 cars a year on boats that land on the shores of the United States so American consumers can buy Korean cars. And then we only get 3,800 cars from the United States into Korea. That is fine, some people might think. I would love to debate that. Perhaps we have somebody who wants to stand up later today during my time and have a real discussion about that. I would be happy to do that. I don't need three people. I would just like one person to say: "Boy, I like the way this is going. This sure looks good for America. And I sure like what is going to happen with China and bilateral automobile trade, and I sure like what happened in the bilateral with China by which we are allowed to charge a tariff that is one-tenth the tariff charged by the Chinese in bilateral automobile trade or I sure like the notion of what happened post-NAFTA."

Let me do this for a moment. I think it is important for people to understand. We passed NAFTA, the North American Free Trade Agreement. When we did, we had a very slight trade surplus with Mexico and a modest deficit with Canada. We very quickly turned a slight trade surplus with Mexico into a very large deficit, and we turned a modest deficit with Canada into a very large deficit.

The promises for NAFTA were grand promises about massive new numbers of American jobs and so on. None of that was accurate. There were those who stood on this floor and said, with respect to NAFTA: What that means is, we are going to get the product of unskilled labor coming in from Mexico. That is what that means. And so what are the three biggest imports from Mexico now? Automobiles, automobile parts, and electronics—all the product of high-skilled labor. They were all wrong. No one, of course, will stand on the floor and say: I admit that. But they have all been wrong. All we have seen is an exodus of American jobs. This chart is a certification to the U.S. Government of companies laying off U.S. workers due to NAFTA. We know that because they are required to certify to the Department of Labor in order for their workers to be available for trade adjustment assistance. Trade adjustment assistance is a melodic, soft-tone that says: When you fire your workers because of a trade agreement, you are able to get the Federal Government to pay your workers a little something. It is like extra unemployment.

So we know these companies have said: Because of NAFTA, we are laying off workers. We want them to be eligible for trade adjustment assistance.

Let's go down the list a bit. Fruit of the Loom. I can see the title on the book: "When America Lost its Shorts." I remember the day that Fruit of the Loom announced that it was going to move its production out of this country. It was headline news, going to get rid of all the workers. Doesn't mean they are not going to make shirts and shorts any more. They are going to make them elsewhere, Mexico and China.

Levis, 15,676 workers making Levis. There is not much more all-American than Levis.

What a great American brand. Levi. Everybody likes them. I wear Levis. Levis are gone. There is not one pair made in the United States—not one. And, furthermore, the company that made Levis has certified to the Federal Government that due to NAFTA, 15,676 employees should be eligible for trade adjustment assistance. I will say that in English. It means that because we passed the NAFTA trade agreement, this company decided to get rid of 15,676 workers, and they want, under trade adjustment assistance, to be eligible to get extra money from the Federal Government.

Is there anybody in the Senate who knows the name of a worker that made Levis and lost their job? I am guessing not. I am guessing that almost every one of these 15,676 people were like every other worker in this country—proud to get up in the morning, put on some clothes, go to work, and feel as though they had a sense of self worth to provide for their family and to do a job. Some probably worked 25, 30 years for that company and did the best they could. And they had to come home and say to their spouse: "Honey, I have lost my job. It doesn't mean they are not going to make Levis anymore. They are just going to make them in Mexico or China or Indonesia or Sri Lanka or Bangladesh—you name it. They say I make too much money."

I have told this story repeatedly, and I will do it again even if it bores people. Huffy bicycles is the classic one. It is the easiest to understand. I believe Huffy has about 20 percent of the American marketplace. You buy them at Wal-Mart, Sears, and K-Mart. Huffy bicycles used to be made in Ohio in this country by workers who, by one account, made $11 an hour plus benefits. Huffy wrote to me and said it was more than that. So whatever it is—it could have been $15 or $18 an hour plus benefits—they made a good bicycle. They had a decal of the American flag on the front of them. They fired the workers who made Huffy bicycles. Those workers are gone. In fact, the last job they performed was to take the American flag decal from the bicycle and replace it with a decal of the globe. All Huffys are now made in China by people who work for 30 cents an hour, 7 days a week, 12 to 14 hours a day. The folks in Ohio are told they cannot compete with that. I can understand why. Should you be expected to compete with people who make 30 cents an hour?

So American workers lose their jobs. Do you think some people from Huffy Bicycle, who were proud to make them for many years, and came home to tell their families: "I lost my job because they found somebody in another part of the world—halfway around the world—who will work 7 days a week, 12 hours a day, and they can pay them 30 cents an hour—and they can hire kids, by the way." Does anybody in this Chamber know the names of these people who worked for Levi's or Huffy Bicycle or Fig Newton Cookies? Does anybody know the names of the people who worked for the company called Radio Flyer, which makes little red wagons? They are gone from America.

I can stand here for an hour and talk about those kinds of issues. On this chart are the 100 largest companies certifying to the Department of Labor jobs lost due to these trade agreements. Let me tell you something else. You cannot get these numbers anymore. They are not available. Do you know why? The Department of Labor won't make them available. This chart says "The Labor Department withheld trade reports." Let me quote from this article: "The Labor Department has kept secret for more than a year, studies that supported Democratic opponents of the Bush administration's new Central American trade deal."

There was a report paid for by public funds that documented the working conditions in CAFTA and the Central American countries of the type I just described, and, of course, that document was covered up, kept secret. The official Government document from the Department of Labor that would have provided numbers of how many jobs were lost, as a result of certifications by companies that were going to get rid of their workers—this information doesn't exist anymore either.

I have called the Secretary of Labor and said: You are collecting this data and you are choosing now not to make it public. Why? She says: I will look into it.

I placed a second call yesterday, but I have not heard back. In fact, you cannot get this information anymore. If there is bad news, cover it up, I guess. Don't let bad news out.

Madam President, let me just read for a moment from something written by someone I deeply admire. I like Warren Buffet a lot. I don't know him well, but I consider him a friend. I have met him a good number of times. He is the second richest man in our country, or probably in the world. He is remarkably successful. He doesn't walk the talk or sound like somebody with billions and billions of dollars. He is just a wonderful, remarkable guy with a great spirit. He wrote a piece to the shareholders of his company, Berkshire-Hathaway, that was very interesting to me. I called Warren about his speech. He said this about the trade deficit, the current account deficit:

> Large and persistent current account deficits produce an entirely different result. As time passes and as claims against us grow, we own less and less of what we produce.

He means that we have a trade deficit of almost $2 billion every day, 7 days a week, and it means foreign governments or foreigners have assets in the form of American dollars, American stock, and are buying American real estate. That is why you saw that China wants to buy a big oil company. They have the money to do it.

With respect to the trade deficit we have with China or the trade surplus they have with us, he says:

> Should we continue to run current account deficits comparable to those now prevailing, the net ownership of the United States by other countries and their citizens a decade from now will amount to roughly $11 trillion. And if foreign investors were to earn only 5 percent on that net holding, we would need to send a net of one-half billion dollars in goods and services abroad every year just to service the U.S. investments then held by foreigners.
>
> A country that is now aspiring to be an ownership society will not find happiness in a sharecropper society. Yet, that is precisely where our trade policies, supported by Democrats and Republicans alike, are taking us.

Perhaps there are some in this Chamber who think this is not the case, that these trade policies are just wonderful, that this red ink is just another innocent color, that these trade agreements have really worked well for America. That is probably because nobody in this Chamber has ever lost their job to a bad trade agreement. No journalist has either, for that matter.

We have an interesting situation in this country. We have now, for about the last 30 years, seen a dramatic change in the economies of our country and others. It is described as a global economy. It has galloped forward in a very aggressive way, but the rules have not kept pace. So the largest international corporations—many of them American—have defined the new economy in their own image. They want to produce where it is cheap and sell into our marketplace. They want to be able to produce, for example, in China and Indonesia and Bangladesh and Sri Lanka and be able to sell that product to Des Moines, IA; Fargo, ND; Denver; Chicago; or Los Angeles. That is quite a strategy about fattening profits: Produce where it is cheap, where you can hire kids, where you can build a factory and not worry about having a safe workplace, where you can dump chemicals into the air and water, and especially where you can decide if your workers want to form a union, you can fire them just like that. If you produce there, you can produce for pennies, take that product and sell it into the established marketplace in the United States, and you can fatten your profits. Pretty good deal—if you are one of the companies who wants to do it.

But the rules for this globalized economy have not kept pace at all. There have been virtually no rules. Everyone in this Chamber knows that we have signed up to trade agreements with countries that say to companies: You can fire your workers if they try to unionize. Now, that is not a comparative advantage—going back to Ricardo. Ricardo described the doctrine of comparative advantage, which says it is easier to raise sheep and produce wool in England and easier to grow grapes and produce wine in Portugal; so each should do what is in its own best interest and what it does best and then trade. So you raise sheep, you share the sheep, get the wool in England, grow the grapes and stomp the grapes and produce wine in Portugal, and the English trade their wool to Portugal, and the Portuguese send wine to the English. That is the doctrine of comparative advantage—doing what is most beneficial and efficient for each. There is no doctrine of comparative advantage when you have a country deciding they are going to have 30-cent labor because we will fire people who try to unionize because we will not enforce restrictions with respect to the requirement that you have safe workplaces. We will have cheap labor because we will let you hire 12-year-old kids, work them 12 hours a day, and pay 12 cents an hour, and we will turn the other way. That is a political advantage. That is a decision by a government to continue to repress its workers.

Our trade agreements, historically, rather than lifting others up, which we ought to do in trade agreements, have had the effect of pushing American workers down. That can work for a while, but it cannot work for a long while because, ultimately, the question is going to be this: Who is going to buy those products made with 30-cent labor in China? Will it be the people who lost their jobs in the United States? Will it perhaps be one of these hundreds of thousands of people, each just a number, but each represented by a family? Will they buy those products when they are out of a job? You may say unemployment is not so high here and many of these people have been rehired. Yes, many have—at lower wages. That is the way this global economy has been working.

In my judgment, this does not work for our country. It is just not working. My colleague from Iowa made the point—a fair point—should we not want to lower tariffs in other countries? Absolutely. Can I remind my colleagues, and others, that we are so ham-handed and fundamentally incompetent in negotiating trade agreements, using beef as an example—let's go back for a moment prior to the discovery of a Canadian cow that had mad cow disease in the United States. Prior to that time, we were 15 years away from a beef agreement we made with Japan in the late 1980s. Fifteen years later, after a beef agreement with Japan, a country with whom we have had a very large deficit always—and still do—there was a 50-percent tariff on every pound of American beef going into Japan. What a miserable failure that is. It happens to us in virtually every circumstance.

I will mention one additional thing. Our trade negotiators do such a terrible job on behalf of this country. I assume they do it on behalf of whoever sends them out with instructions. Let me ask, if during the discussion today—and we will be here for some hours—I would like one Senator—if we can find somebody who knows the answer to this—to tell me, in the bilateral trade agreement with China, a country with whom we have a giant trade deficit, an alarming and dangerous trade deficit, how it is justified that China shall impose a 25-percent tariff on any U.S. automobiles we sell in China, and we will impose a 2.5-percent tariff on Chinese automobiles sold in the United States?

How is it that we have a bilateral agreement that imposes a tariff 10 times higher on U.S. cars that we sell in China than Chinese cars sold in the United States? I want one person—I have asked this question for years—I want one person to tell me how that happened because the Chinese are now gearing up an automobile export industry. In fact, General Motors has gone to court to sue the Chinese because they say the Chinese have stolen the entire production line blueprints for a car called the QQ. General Motors said they stole the production line blueprints of a General Motors car. This company is called Chery, C-H-E-R-Y, which is interesting; it is one letter away from Chevy, C-H-E-V-Y. This Chinese company called Chery is producing a QQ car that General Motors says is the stolen production line blueprints of a car they have. They are doing that, and all the press says they are gearing up for a substantial Chinese automobile export market.

Guess what. When they do that, they will find a very friendly tariff in our country that is one-tenth the tariff that now exists in China by virtue of acceptance of a trade agreement we have with China. It is unbelievable to me, the incompetence of having that sort of thing happen.

I will not go on at length. We do not make any automobiles in North Dakota, so I am not representing the automobile manufacturers. I am just telling my colleagues that it does not matter whether it is automobiles or textiles or farm products.

My colleague from Iowa cares a lot, I am sure, about agricultural products. We work together on a lot of agricultural issues. I know he cares a lot about family farmers. Interestingly enough, when we did the bilateral agreement with China, we had a provision in that agreement about the number of million metric tons of wheat that China would be expected to allow in duty free. Right after that was done, of course, the Chinese Agriculture Minister went down to the southern part of China and said to the South Asia Post: "That doesn't mean anything; that doesn't mean we are actually going to import that wheat from America. That is just something in writing." Indeed, they have not. When will we understand that promises not kept are not promises at all?

I suppose you can make a case to hook up in a trade agreement with almost any region in the world. Somebody said to me: How on Earth can you suggest these small countries would threaten our country? I am not suggesting that. I am just saying when you are doing something wrong, stop doing it, change it, and do it right. That is not rocket science.

This trade agreement, with its pathetic provisions dealing with labor and its pathetic provisions protecting the environment, is exactly the same as all the other trade agreements. You can say the environmental provisions do not matter. Don't they really? We inhabit this Earth. There are 6 billion of us. We have 6 billion neighbors on this little planet called Earth. We circle the Sun. Somehow we end up here in the United States—just in this place—and there is no place like it on the face of the Earth. We are living in a fishbowl. We can clean up our part of the fishbowl, but if somebody on the other side is pumping in sludge, we are all breathing it. So environmental standards and labor standards matter a lot.

This trade agreement is exactly like the others. It hooks up the countries—and I already read the description—that do not enforce their standards at all. Second, it decides we will have another loophole by which you can transship goods through these countries into the United States.

One of my colleagues said to me: So what, it is coming in anyway from China. So what? The fact is, if anybody in this Chamber were one of these statistics—and there are about 200,000 of them on this sheet—if anyone in this Chamber were one of these statistics, nobody would say "so what."

"So what" is we are losing jobs in this country. There is no social program we work on in this Chamber that is as important as a good job that pays well and allows people to take care of their families. There is no social program as good as that. I am telling you, in case after case, we are seeing good jobs leaving our country because others will do them for less under conditions we would never accept in this country.

I have said many times that we had people die in the streets of this country fighting to organize as workers. People were literally killed in the streets of America for that purpose. We had people who went to the streets for America demanding the opportunity to work in a safe workplace. We have been through this for a century, describing the conditions of production in this country that were fair. And in a moment, some companies can pole-vault over all those impediments and say: I don't like them, never liked them; they represent regulations, they represent things we don't support, and we are going to move our jobs to China; and by the way, when we get there, we don't have to worry about unions, we can fire them if they try to unionize, and if we don't fire them, the Chinese Government will take care of them.

What is happening is wrong. I am not saying we should build walls around our country. I am not saying we should retreat from the global economy. I am saying we ought to recognize there has to be a set of fair rules to represent this country's economic interest. If we do not have that set of fair rules, then we cannot possibly succeed.

Some say the Americans can compete anywhere, we can win anywhere. We can compete if the rules are fair. But post-Second World War, in the last 50 years, some very shrewd economic competitors have developed in this world.

These trade deficits I have shown describe a circumstance in which we cannot compete with one arm tied behind our back. We cannot compete if it is unfair. We cannot ask American families to decide if $10- or $15-an-hour wages is something of which they should be ashamed because it is so much more than would be paid to workers hired in Bangladesh or China. We cannot do that to American workers without in the longer term dramatically changing the standard of living in this country.

Others will say: You are talking about manufacturing. You should understand that we are going to create new jobs; we are creating new jobs. Take a look at what is happening with software engineers, with white-collar jobs. Pick up the New York Times from last week on IBM and then go to India and go to China and find out what kind of jobs are coming in addition to factory jobs. It is not just factory workers. It is white-collar jobs. It is engineers.

Every young person in this country who is in earshot of this debate should understand their future is going to be affected by what we are doing. Their opportunity for good jobs will be affected by what we are doing.

I, obviously, have additional comments and additional time in which to do it later today. We have colleagues who have been waiting. I apologize for taking as much time as I did. This is a very important issue. I regret very much that we are doing it this way, just sticking it in a little keyhole crack between now and when we get out of here for the July Fourth week. I knew this was going to happen. One year ago, this bill got done. We did not hear about it for a year. I knew one day we would find it stuck in a little keyhole, hoping we would not have a real debate about trade on the floor of the Senate.

I guess now we are on autopilot. They are going to finish this maybe late tonight, and they have accomplished their purpose, but they have done America no service. It is no service to America to avoid facing straight in the eye a serious problem facing this country.

Once again, to all those listening who call this protectionism, you are just wrong. This is not about protecting in the sense of being a protectionist and wanting to build walls around our country. It is about standing up for American interests. It is about trade agreements that should be mutually beneficial, not one-way trade agreements, and it is about finally suggesting that we be hardheaded and make trade agreements economic policies, not softheaded foreign policy down at the State Department.

I could talk later about, for example, it is recommended we take action against China on this and that for trade, but the State Department says: You can't do that; that is all foreign policy. So our country walks around half hunched over worried about lost jobs and not willing to talk about it. And what do we do? We negotiate another trade agreement of the same type. Is anybody thinking? Let's hope through this debate perhaps we can begin to think through some of these issues and turn a corner.

Let me also say it was probably impolitic of me at the start of this discussion to ask about exotic dancers in strip clubs. I will ask again just because it probably is impolitic if there is anything in this trade agreement about exotic dancers in strip clubs. The reason I ask is because in the NAFTA agreement that passed the Congress, according to what I have found doing a Google search, Canadian strip clubs have used NAFTA to find dancers from Mexico under the extended visas and employment applications in NAFTA—exotic dancers were part of the provision dealing with special skills. I am just guessing that there is no one in the Chamber of the Senate who voted on NAFTA who would have guessed it would have application to exotic dancers having special skills. Maybe I am wrong.

I ask the question: Is there anything in this trade agreement that we should know about that perhaps I will come to the floor of the Senate and talk about several years from now, such as this?

The point I am making is, most people do not understand what is in these trade agreements. They do not understand the circumstances and the consequences of the trade agreements. All we hear is just more tired-sounding platitudes about reducing tariffs.

By the way, when we passed NAFTA, as my colleagues know, NAFTA reevaluated the peso, meaning it obliterated everything under NAFTA with respect to tariffs almost immediately.

I will cover additional material at a later point today. I yield the floor.

The PRESIDING OFFICER (Ms. MURKOWSKI). Who yields time? The Senator from Iowa.

Mr. GRASSLEY. Madam president, I yield such time as the Senator from Colorado may use.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, I thank the chairman of the Finance Committee for yielding. I compliment him on his tremendous leadership in the Finance Committee, particularly on the issue of trade.

I rise today in strong support of the U.S. Central America and Dominican Republic Free Trade Agreement, known as CAFTA, and our administration's current trade policies.

We sometimes forget what history has taught us. If we look back to the early part of the 20th century, the early 1900s, our country was struggling economically. One of the reasons, it was decided after a while, is because we were too restrictive on our trade policies. We had high tariffs on a lot of different products coming into this country. All of a sudden, the economists began to wake up: If we liberalize our trade policies, we begin to open trade to the entire world, and we benefit. Lo and behold, we found our country began to do better economically.

We forget what history taught us. We do not want to go back to some of the old tried-and-failed solutions some of my colleagues on the other side are talking about. They do not work. It destroys your economy.

If we look with other countries to liberalize our trade agreements, we raise the entire tide. Sure, other countries benefit, but we benefit even more. We will see that as we move forward with this debate.

NAFTA has not hurt this country, it has helped it. It has created more jobs, not less. So many figures we will hear presented here are focused on one particular group, it is one side of the ledger. Nobody talks about what has happened on the other side of the ledger when we created more jobs, particularly on the service side of our economy.

Another point I would make is look at the poor countries in the world today. They have more trade restrictions than those more modern countries that are doing well economically. Doesn't that tell us something? Doesn't that tell us that if we can get them to relax their tariffs, they can begin to benefit with us and what is happening in the growth of our economies? Not only do we help them, but we help ourselves. So it is a mutual win-win agreement on these international trade agreements.

We can look at all these trade agreements and see how they have helped us economically. They have helped our friends and trading allies. They have helped us to export the idea of democracy and what free markets are all about. It is what makes a difference between our success and many other countries that do not have a democracy, that do not talk about how important it is to have free markets.

I rise today in strong support of this trade agreement. Prior to the Bush administration, momentum of trade liberalization had clearly slowed. Thankfully, Congress reapproved executive authority for trade agreements, and with the leadership of President Bush, the administration has made international trade a high priority for the health and well-being of the American economy. That is good.

We have acted to strengthen the President's ability to eliminate trade barriers with other countries. The first steps have been taken toward a new era of trade liberalization.

At the end of 2002, the Bush administration completed free-trade negotiations with Chile and Singapore which were first begun by the Clinton administration in 2000. This is not a partisan issue, it is a bipartisan issue. These free-trade agreements with Chile and Singapore entered into force on January 1, 2004.

In 2004, the agreements with Australia and Morocco were signed and approved by Congress, and this Australian trade agreement recently came into force this January.

These agreements make a strong statement about the commitment of the United States to international trade, and CAFTA continues the trend of reaching bilateral trade agreements in our own hemisphere and abroad.

The countries entering into CAFTA are among the developing countries that already enjoy duty-free access to U.S. markets for the majority of their exports. That is their goods coming into our country. While these developing countries have high tariff and nontariff barriers on U.S. exports and impose restrictions on U.S. businesses, the agreement will liberalize trade in goods, services, government procurement, intellectual property investment, and address important labor and environmental issues. We are going to let them join with us in our economic prosperity. That is not going to hurt the United States. It is going to benefit our economy.

Trade between the United States and CAFTA countries totaled over $33 billion alone last year. The United States exported almost $16 billion in goods to five Central American countries and the Dominican Republic in 2004—more than all exports to Russia, India, and Saudi Arabia combined.

This agreement will create the second largest U.S. export market in Latin America—$16 billion—behind only Mexico, and the 14th largest U.S. export market in the world. The market access and trade discipline provided by CAFTA offer an opportunity to expand U.S. exports to a region that is already seeing high export growth rates. In fact, from 2000 through 2004 export shipments to CAFTA designations grew by almost 16 percent compared to 5 percent for U.S. overall exports.

CAFTA also helps to move the current trading relationship from one-way preferences to a more reciprocal partnership. Currently, about 80 percent of the region's exports enter the United States duty free, while U.S. goods exported to CAFTA countries face significant tariffs. However, with this agreement in place CAFTA will boost opportunities for exporters throughout the country, providing new market access for these producers.

Specific to my home State's interests, the State of Colorado. CAFTA immediately eliminates tariffs on 80 percent of U.S. exports and eliminates all tariffs within 10 years, including up to 15 percent tariffs on Colorado's exports of machinery, manufactured products, and transportation equipment. The information technology producers will also gain with the elimination of distribution barriers and elimination of information technology tariffs, as well as the opening of key information technology services, including telecommunications, and will also protect intellectual property rights.

For Colorado's farmers and ranchers CAFTA will eliminate tariffs on 50 percent of U.S. exports immediately and most remaining duties within 15 years, benefiting beef and pork producers with the immediate elimination of tariffs over 15 years; dairy products with duty-free tariff rate quotas that will expand from over 10,000 tons in year 1 and out of quota tariffs eliminated over 20 years; and finally corn, wheat, and grain products with the immediate binding at zero of tariffs on wheat, barley, oats, and rye as well as for corn in Costa Rica and sorghum in the Dominican Republic and Guatemala. All remaining tariffs on feedgrains will be eliminated over 15 years.

Clearly, this agreement greatly benefits my State of Colorado and the Nation as a whole. I am pleased to stand behind the agreement reached by former U.S. Trade Representative Robert Zoellick and our current USTR, Rob Portman.

On noneconomic impact, I have already said that even if we were to set aside all the economic benefits for continuing liberalization of international trade like CAFTA, there are still many other reasons, most notably humanitarian reasons. History has shown it is the isolated closed societies that are the most brutal and repressed. International contact brought about by increased trade with businessmen, foreign goods exchanges, corporate presence, and marketing serves to increase access to a higher standard of living and a better quality of life.

International trade also requires important reforms of the domestic, legal, and business environment that are key to encouraging business development and investment. Such reforms include providing greater transparency for Government to strengthen the rule of law and improving protection and enforcement of intellectual property rights. We must always remember that America's No. 1 export is democracy, and overreaction to our trade deficit, increasing tariffs, or other false barriers to trade will damage not only our bottom line but also our national security interests. We cannot allow that to happen.

Madam President, we have heard a lot of doomsday predictions from opponents of this fair trade agreement that CAFTA will lead to all kinds of job loss both here and in Central America. A lot of these people said the same thing about NAFTA. Remember the great sucking sound of jobs that were supposed to go to Mexico? Well, it just did not happen.

Let's take a look at this chart. This is the chart on U.S. jobs from 1993 to 2004. Remember that we adopted NAFTA in 1993, I guess 1994. What this chart shows is the number of jobs in the United States from 1993 out to 2004, that if the trade critics were right, you would expect to see a fall in the number of jobs in the United States. Following the passage of NAFTA, look at it. It just did not happen. The blue line is manufacturing jobs—basically, a straight line, a little bit of reduction on the end. And look at what has happened, though, to nonmanufacturing jobs. This is the purple line or the light pink line, what is happening in the growth. We simply have not lost any jobs since the start of NAFTA. In fact, the United States had almost 17 million manufacturing jobs in 1994. That number rose to 17.26 million by 2000. Now it is falling only after the recession hit us in the year 2000. That was about the time we had 9/11. In fact, after NAFTA passed, the U.S. unemployment rate dropped.

Take a look at the U.S. unemployment rate from 1993 to 1994. In 1993, the U.S. unemployment rate was about 6.9 percent as reflected here, and in 1994, the year NAFTA passed—right in here reflected by this chart—it fell to 6.1 percent, and then it continued to fall reaching only 4 percent in 2000. Then at its peak postrecession point, the unemployment rate was 5.5, still lower than it was in 1994, I might add. So NAFTA clearly did not cause massive unemployment in the United States as predicted by trade critics.

Well, then the critics will say that maybe they were wrong with the numbers. Maybe there was no massive loss of jobs, but NAFTA caused us to substitute good-paying jobs for bad-paying jobs. Again, the facts show that they were wrong. Let's take a look at real hourly wages from 1983 to 2004. What we see happening here is a drop in real hourly wages until we get down to 1994 when we then adopted NAFTA.

Lo and behold, look what happens to wages, both the real average manufacturing wages, which is reflected by this top line, and then what has happened with the real hourly wages in the private sector. Look at the climb that we have seen in real hourly wages. Real hourly wages have risen since NAFTA for all workers. In fact, wages that were in decline in the decade prior to NAFTA have increased steadily since the NAFTA agreement was reached.

We also heard that NAFTA would result in the flood of cheap imports from Mexico. Again, the critics were simply wrong. I point to this next chart which reflects U.S. imports from Mexico prior to NAFTA, and under NAFTA, as a share of total U.S. imports. U.S. imports from Mexico have held fairly steady at 7 percent, as we can look across here, as a percent of total U.S. imports, not much higher than they were in the 5 years prior to NAFTA.

We also heard that U.S. companies would start investing all their money in Mexico because U.S. workers can't compete with Mexico's wage rates. Again, the doom and gloom crowd was simply wrong. Look at the chart. What we see, talking about U.S. direct investments, is that U.S. investments didn't migrate to low-wage countries as predicted. In fact, after NAFTA went into effect, U.S. investment in Europe increased by 48.5 percent of total U.S. investment abroad to 53.8 percent in 2003.

Here is what happened with the investment in Mexico. If we look at the larger peaks that we have over here, this reflects what has happened with Europe. These are modern countries that we are dealing with, and we have the poorer countries down here. We did not see our investments being soaked up by low-wage countries. We still continue to maintain our trade with modern countries. So our challenge is to get poorer countries up into our modern sphere.

In contrast, U.S. direct investment in Mexico accounted for 2.8 percent in 1994 and just 3.4 percent 10 years later. Put another way, Europe's share of investment increased by 5.3 percentage points, and Mexico's by .6 percentage points.

We also heard that Mexico was just too poor to buy our product so we should not trade with them. Wrong again. Mexican consumers increased their purchases of U.S. consumer goods since NAFTA went into effect. In fact, U.S. exports of consumer goods are 66 percent higher in 2004 than they were in 1993.

U.S. exports of home entertainment equipment grew from $984 million to $1.293 billion. Exports of household goods have grown from $1.4 billion to $2.1 billion. And U.S. agriculture has benefitted. Since the implementation of the agreement, U.S. agricultural exports to Mexico have nearly doubled. Mexico now imports nearly $6.5 billion of U.S. agricultural products, making them our third largest market.

It is important for all of us to realize that we can take some of these figures, if we just talk about certain individual commodities or certain individual industries, and we can talk about just that particular—we can single out industries that for one reason or another have problems. The overall figures shown on these charts indicate what is happening with trade and what is happening with the economy as a result of liberalizing our trade and opening it up. I don't think anybody can deny that we have not benefitted. And I don't think that anybody can deny those countries that have traded with us have not benefitted. So we all benefit from this rising tide. That is why I feel so strongly that we need to move forward. I think the doomsday scenarios predicted by the critics did not happen. They were wrong about the North American Free Trade Agreement then and they are wrong about the Central American Free Trade Agreement now.

Madam President, we need to move forward. I applaud the leadership for moving this issue forward quickly. I particularly applaud the chairman of the Finance Committee for his superb leadership on this particular issue. I know it is difficult and demanding, but it is important, important to the welfare of everyone in America, not just a few. It is important to the welfare of our trading partners, not just a few. This is an overall policy where many people benefit, and we should not forget that the whole economy of the United States will be better because we have liberalized our trade. What we saw in the early 1900s is a lesson we should not forget because we had high tariffs and trade restrictions that did not work. Now we are in a different era. We don't want to forget the lessons history taught us.

Madam President, I want to yield the floor and thank the leadership and particularly Chairman GRASSLEY on this issue.

I ask unanimous consent to have two editorials printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the (Denver) Rocky Mountain News, May 14, 2005]

CAFTA STILL CRITICAL

Six Latin American presidents made an unprecedented joint trek to the Capitol this week in a last-ditch effort to drum up support for the Central American Free Trade Agreement. But the protectionist mood sweeping much of the nation appears to have infected all too many of Washington's political elites.

At risk is America's global economic leadership, which some lawmakers seem all too willing to trade away for support from Big Labor, environmental groups and especially the sugar lobby. Because it is having trouble mustering the votes for passage, the White House has in recent days taken to reminding Congress that CAFTA is also necessary to help secure democracy and development in a region wracked by civil war, drugs, human trafficking and economic stagnation over the past two decades.

Interestingly enough, this same argument—that CAFTA is good for our own national security—is being made by a conga line of diplomats from both political parties, including former Secretary of State Warren Christopher, former defense secretaries William Cohen and William Perry, Bill Clinton's special envoy to the Americas, Thomas McLarty, and Jimmy Carter's trade representative Robert Strauss, to name but a few.

CAFTA would end duties on 80 percent of the $15 billion in U.S. exports to the 44 million consumers of Costa Rica, Honduras, El

Salvador, Guatemala, Nicaragua, and the Dominican Republic in the Caribbean. Currently, those countries levy average tariffs ranging from 10 percent to 20 percent on a host of U.S. goods such as motor vehicles, grain and meat, while the U.S. rate is zero. The U.S. Chamber of Commerce predicts U.S. sales to the region could expand by more than $3 billion in the first year once CAFTA tariff limits take effect. The American Farm Bureau estimates agriculture exports—about $1.6 billion in 2003—would grow $1.5 billion a year. Winners would include Colorado's feed, potato, grain, pork and cattle industries.

If CAFTA fails, it will be in part because the powerful U.S. sugar lobby has plied Capitol Hill with a fictional doomsday scenario in which the trade pact destroys the domestic industry. The truth is American sugar import quotas would rise by a scant 1 percent of the total U.S. market in the first year, and ascend over the next 15 years to a whopping 1.7 percent. What's really at stake for the sugar industry is prices that are two to three times the world market.

Democrats are leading the assault on CAFTA, claiming the pact's requirement that the countries enforce their own labor and environmental standards is too weak. But this objection ignores the fact that wherever U.S. companies plant themselves in the world, labor and environmental standards invariably rise over time. Voting CAFTA down would surely deal a blow to Central America's reform-minded political leaders. But defeat would also mean the loss of new markets for U.S. workers and farmers, a failure that could cripple America's ability to forge more far-reaching trade liberalization in the coming years.

[From the Denver Post, Mar. 26, 2005]

CAFTA Worth Our Support

In two weeks, Congress starts debating a treaty that will shape America's future role in our hemisphere. Since lawmakers previously gave President Bush "fast track" authority to negotiate the pact, lawmakers can't change any provisions in the Dominican Republic-Central American Free Trade Agreement (CAFTA)—they can only vote yes or no. We think that vote should be yes.

CAFTA is modeled on free trade deals Congress OK'd a decade ago with Mexico and Canada, in 2000 with Jordan and in 2004 with Morocco. CAFTA would eliminate trade barriers on most goods and services and encourage commerce among the United States, the Dominican Republic, Costa Rica, Honduras, El Salvador, Guatemala and Nicaragua.

The issue splits Colorado's congressional delegation. Leaning in favor of it are Republican Reps. Bob Beauprez of metro suburbs and Marilyn Musgrave of the Eastern Plains. Leaning against it are Democratic Reps. Mark Udall of Boulder and John Salazar of the Western Slope. Undecided are Democrats Sen. Ken Salazar and Rep. Diana DeGette of Denver, and Republican Reps. Joel Hefley of Colorado Springs and Tom Tancredo of the metro suburbs. Sen. Wayne Allard, a Republican, declined comment.

Colorado's sugar beet farmers oppose CAFTA because they say it will let cheap, subsidized sugar flood U.S. markets. While concerns may be understandable, Congress shouldn't let one industry decide U.S. hemispheric policy.

The real arguments in favor of CAFTA involve global issues and the future of our hemisphere's small democracies. Central America will never rival U.S. economic clout—but China is trying. CAFTA could help the Western Hemisphere better position itself to compete with China's burgeoning industries, Central American leaders say.

As a tool that can help rebuild Central America's struggling economies, CAFTA also has a political dimension. Although Costa Rica has been a stable democracy for more than a half century, its neighbors endured dictatorships, civil wars and insurgencies through the 1990s.

Central America's democracies are still fragile, and its governments need to show their impoverished people there's a hope for a brighter future. CAFTA is one tool to nurture that hope.

U.S. foreign policy interests would be well-served by helping to build prosperity and freedom among all the nations in our hemisphere.

The PRESIDING OFFICER. Who yields time? The Senator from Montana.

Mr. BAUCUS. Madam President, I yield 20 minutes to the Senator from Massachusetts, and ask it be taken off the time allocated to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, because we have a number of Senators on the floor—I am happy to defer to my senior colleagues, but if we could establish a kind of queue? I know Senator LEAHY has a statement. I am interested in speaking on CAFTA. I ask the distinguished Senator from Montana, could we see if we could get an order among the Senators who are on the floor?

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. I modify the request: 20 minutes to the Senator from Massachusetts taken from the time of the Senator from North Dakota; when he has finished, 5 minutes to the Senator from Vermont, that time to be taken off the time allocated to the Senator from Iowa. Then, following that, I yield 15 minutes to the Senator from Oregon, that time to be taken off the time allocated to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I wish my friend from Colorado were on the floor. I listened very carefully to his description of the state of our economy from 1993 on. As we remember, President Clinton was elected in 1992. I think modern economists would say we had the longest period of economic growth and price stability in this century—certainly in this century, and for at least 100 years during that period of time. That is what is reflected in these numbers.

To tie those into questions about lost manufacturing jobs in terms of NAFTA, it is better to look at the various analyses, the business analyses that have been done. The EPI studies show that more than 900,000 manufacturing jobs have actually been lost due to NAFTA.

I am proud of the record of President Clinton. I was proud to vote in support of his economic policies, to put that into play. As a matter of fact, it did not have a single vote here by a Republican in the Senate. It does reflect in the strong economic indicators that the Senator from Colorado showed, but relating that to what were the manufacturing jobs that were lost, in terms of NAFTA, I did not hear explained very closely.

I support free trade. I have long voted for trade agreements that truly leveled the playing field for our country and for our workers.

Will the Chair let me know when I have 3 minutes left?

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Free trade removes unfair barriers to American goods and world markets and creates a fair playing field for competition between American workers and workers abroad. Free and fair trade creates jobs and strengthens our economy. But this Central American agreement is not free trade. I urge the Senate to reject this unfair agreement.

Especially at this time when American workers are deeply concerned about their jobs being outsourced overseas, the Bush administration is wrong to negotiate an agreement that refuses to protect them. I am coming back to that in a moment. It allows participating countries to use labor practices that fail to meet international standards. It means that American workers, the best in the world, will be forced to compete with countries whose workers are abused and exploited. That is not fair trade.

I am for progress and economic development in Central America, dating back to President Kennedy's Alliance for Progress. But this agreement does nothing to improve labor rights for the workers in the CAFTA nations. All it asks is that they enforce their existing laws. It does nothing to create a community of nations that respects the basic rights and dignity of workers.

Most CAFTA nations give their workers no real rights such as an 8-hour day, overtime pay, or protection against discrimination. Laws in some CAFTA nations are even hostile to organized labor. Workers in El Salvador, Nicaragua, and Honduras can be fired for joining a union or even intending to organize a union. In Nicaragua, strikes are prohibited without government permission. Even where laws do exist, violations often cannot lead to fines or sanctions.

Those working conditions are not just what I have to say. There is an excellent study that was commissioned by the Department of Labor to review the working conditions among these countries that would be affected by this agreement. When the results came in, what did the administration do? They tried to hide the report. They went out and pulled all the paper that the study had been written on. What the study showed very clearly—and I will read the excerpts. The Government-paid study concludes:

> Countries proposed for free trade status have poor working environments and fail to protect workers' rights. The department instructed its contractors to remove the reports from its web, ordered it to retrieve paper copies before they could be made public, banned the release of the new information from the reports, and even told the contractor it could not discuss the studies with outsiders. The working countries are so bad in those countries that the administration's own independent report stated so. Do we have anything in this particular agreement that will do anything about it? Absolutely not.

Have we at other times tried to do something about the conditions in these other countries? We certainly have. The agreement which stands out is the Jordanian agreement. In the Jordanian agreement they have very clear understanding about what the Jordanians were going to do to try to realize the international labor standards. No. 1, they were going to eliminate slave trade; No. 2, they were going to make advances moving ahead on child labor; No. 3, they were going to permit the organizing of various labor organizations with real enforcement going in there, and penalties and sanctions if there were a violation. In other words, under the labor provisions in the Jordanian agreement that was passed by this body, we were moving forward, upward, to meet the international labor conditions. That is what ought to be in this agreement.

But is it in this agreement? Absolutely not. Were there any provisions in this agreement that, as a result of this agreement, American workers would get some kind of compensation for loss of their jobs as we have done at other times? Absolutely not. That proposal was defeated in the Finance Committee.

In other words, we are leaving American workers out there, high and dry, and are asked to go ahead and pass this without any serious effort to provide at least some protection for workers in those countries where there are going to be profits that will certainly not trickle down to the workers in that country and where real American workers will pay with the loss of their jobs because of this agreement.

CAFTA does not just ignore international standards for Central American workers; it also fails to include the aid for American workers likely to be displaced. When the Senate Finance Committee debated this agreement, it recommended that CAFTA include aid for displaced American workers, but the White House ignored the bipartisan recommendation. The President effectively abused his power and presented Congress and the American people with a take-it-or-leave-it plan. We know it can be better and we should reject this defective agreement, send it to the White House and go back to the drawing board.

Although CAFTA is the administration's top trade priority, it actually does very little to reduce the Nation's growing overall trade deficit. Trade in the region accounts for less than 1.5 percent of total U.S. trade. It will barely lead to any improvement in GDP, an increase of only one-tenth of 1 percent. Instead of a policy to reduce our trade imbalance with China and deal with its currency manipulations and WTO violations, the administration has spent more than a year on this trade agreement that will do embarrassingly little to improve jobs and the economy. It is out of touch with sensible trade priorities for this country and ignores the needs of American families.

I want to take a few moments to show the pressure American families are under and why they are wondering why we are considering this legislation that provides no protection even for the workers in those countries and why it will accelerate additional pressures on American workers. Look what is happening in this country. More than 37 million Americans, 28 percent of the workforce, work more than 40 hours a week. Nearly 1 in 5 workers work more than 50 hours a week. More than 7.4 million Americans are working at 2 or more jobs, and 300.000 have 2 full-time jobs. Americans' work hours have increased more than in any other industrialized nation. American workers are working longer, are doing better, are increasing their productivity. Is there any recognition and respect for this extraordinary achievement? I certainly do not see it.

What do we have here? Workers are not benefiting from their work. This chart shows there is an increase in productivity from 2001 to 2004. Productivity is growing 43 times faster than wages.

Generally, in our country, when we have seen the expansion in productivity, we have also seen a growth in American workers' wages. That is the way it has been since we have been an industrial nation, with the exception of the present, current time. Currently, workers have been increasing their productivity—they are working longer, they are working harder, and they are increasing their productivity—but effectively their wages are stagnant.

What kind of life do these American workers face? They face an increase in their health insurance. Their wages are stagnant, their health insurance costs increase 59 percent; college tuition for their children is up 35 percent; housing is up 36 percent; and gas 38 percent. We just passed an energy bill. You would have thought in an energy bill we would try to do something about the cost of gas that working families and middle-income families are paying every single day. Right? Wrong. Wrong. We did nothing. We did nothing about the increased cost of gas.

We took care of the major companies that are producing it, but effectively we have done nothing that has helped the workers in that particular program.

Look at what has happened. This President is the first President since Herbert Hoover to lose private sector jobs. These are the figures: 2001, 111,622,000 were working in the private sector. Now we are 111.598.000 in May of 2005. We have seen the reduction of jobs that are available in the private sector. There has been some growth, but it has all been in the public sector, not the private sector.

I saw the earlier presentation of the Senator from Colorado. He talked about the recoveries we have had. We have seen in this recovery of this administration, it is the lowest one we have had in recent years. What we find now is, as a result, we have 7.6 million Americans who are out of work; 1.6 million more unemployed than in 2001. These are the numbers of Americans who are out of work. The ones who are working are working longer and working harder.

This is a quote from Kevin Hassed, director of Economic Policy Studies, the American Enterprise Institute, which is a conservative institute:

> Usually at this point in a recovery job creation is skyrocketing, but so far that hasn't happened: It's not a partisan issue, it's a fact. The labor market is worse than in a typical recovery.

These are the economic conditions. Now we have of those 7.6 million Americans, they are trying to compete for job openings. There are 3.6 million job openings in this country. These are hard-working Americans, trying to compete for a limited number of jobs.

Another very important point to know about the condition of American workers is the number of those who are long-term unemployed. We have seen that grow from 680,000 in 2001 to this in May of 2005, up 1.5 million. These are the workers who have been unemployed for 26 weeks or longer. This is an indication of the stagnation of our economy. Here we have seen 2.8 million manufacturing jobs lost over the period since 2001. There it is, 2.8 million jobs lost, manufacturing jobs lost. They have been lost in virtually every one of the States; 47 States have lost manufacturing jobs. Now we are being asked to pass another piece of legislation that is going to accelerate that? That is what this legislation will do.

We know what is happening to the American workforce. They are working longer, harder. They have a greater increase in productivity. Their wages are flat. The things they pay for are going through the roof. And we know those workers are going to lose their jobs. What jobs are out there for them? This is the growth in the next decade, low-paying occupations. Seven of the ten fastest growing occupations pay $27,000 a year: Retail, food prep, cashiers, janitors, waiters, customer reps, and nursing reps.

We should be in the Senate debating and arguing how we can ensure our workforce is employed in the country that has the greatest economy, certainly the greatest national security, and the greatest military. We want to keep it that way. The way to keep strong is with a manufacturing base. The way to do that is invest, invest, invest; invest in those workers to make sure they have good training, upgrade their training, invest in innovative and creative ways to expand our ability to manufacture and expand.

Are we debating those issues? No, we are trying to pass legislation that is going to put workers that do have jobs at greater risk. That is what this does.

It is against this background I mention the latest UNICEF study from 2004 revealed Costa Rica has 127,000 children working in their plants. Guatemala, virtually the same. Those countries are virtually the same. Will this legislation get those children out of those plants and factories? No. Absolutely, no.

The interesting aspect, there is one limited program sponsored by the Labor Department that permits the Labor Department to inspect plants and factories across the country regarding employment of child labor. What did this administration do? It cut the guts out of it. 80 percent of the appropriation. They cut the guts out of it. Does this add up or make sense; an 80-percent reduction in appropriations of the program that provides the inspection for child labor in these countries? The children are going to be in those sweat houses. Our workers will be losing jobs. The American workers are going to be losing jobs. There is virtually no penalty. Actually, yes, there is a penalty that could be imposed against the country but not against the specific industry. The industries really do not care. Those countries will be negotiating those penalties.

It does not have to be this way. We ought to be able to have a program that is going to be fair to American workers, uplift the working conditions of those countries around the world, and also be something that all members of this Senate would be proud to support. That is not this legislation. It is heavily flawed. As a result, there will be not only enormous numbers of people in that region that are going to be exploited, but we will pay for it with the price of American workers.

I yield back my remaining time.

The PRESIDING OFFICER (Mr. BURR). The Senator from Vermont, under a previous order, is recognized for 5 minutes.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon is recognized for 15 minutes.

Mr. WYDEN. Mr. President, I have decided to support CAFTA. Because I know I will have a lot of welts on my back for it, I want to take a few minutes to describe how I arrived at my decision.

A special concern to me is that if CAFTA is rejected, China will have yet another opportunity to grow its economy and strengthen its economic base at America's expense. Why Americans would want to do that defies logic.

China is already an economic juggernaut. But as of now, they are not going to get duty-free exports to Central America. Only the United States has that prospect, and only with CAFTA–DR. If America walks away from this agreement, does anyone really think the Chinese will sit on the sidelines? As the kids say, "hello!"

The Chinese would love the opportunity to get an economic toehold in our backyard. I, for one, don't think we ought to give them that opportunity. Personally, I believe we ought to be more vigilant in terms of watchdogging trade with China than we have been. That is why last week I pushed the Bush administration to immediately move to do a review of the proposed purchase of Unocal by China's state-run oil company under the Exon-Floria law, to examine the national security and economic implications of a deal that is essentially unprecedented.

If you are a free trader—and I am willing to be called that—you ought to protect your interests. That is why I favor, for example, doing a vigorous review of that proposed purchase of Unocal, and I also propose standing up for our interests in Central America rather than walking away from the region and handing the Chinese yet another golden economic opportunity to strengthen their economic base. In my view, it will be an opportunity we have given up, and gratuitously so.

My view is that with respect to international trade, we ought to make things and grow things in the United States of America and then sell them around the world. Particularly, I want to sell more value-added products made in the United States of America. There is an opportunity in Central America to sell those value-added products made in the United States such as health care equipment, energy production and conservation goods, computer chips, communications gear—a whole host of products. The reason I say that is that the Presidents of various countries in Central America have written me indicating they are prepared to now make those purchases. They are interested in U.S. suppliers.

Some have asked, how is someone in Central America going to have the money to purchase these health care products and chips, computers, and communications gear? The reality is, the first purchases will be made by governments in Central America. The governments have indicated to me they are the ones that want to spend on our value-added products: computers and chips and energy-production devices.

For example, Honduras is starting a "Telephony for All" program. They intend to increase dramatically the number of telephones, wireless devices, and the various technologies that will allow them to be part of the information age. We ought to make sure those products are made in our country and sold there. We will have an opportunity to do more of that under this agreement, which will allow us to send American exports into Central America duty free.

Now, I would be the first to say this is not the agreement I would have written. For example, I feel very strongly about using the Jordan Free Trade Agreement as the model for labor and environmental standards. I think it is a major mistake that was not done. I also think our inability to get a strong trade adjustment package into this legislation is something the Senate will greatly regret.

I see my good friend from Montana on the floor, Senator BAUCUS. He has championed Trade Adjustment Assistance, along with myself and Senator ROCKEFELLER and Senator COLEMAN. We got 54 votes in the Senate not long ago for our bipartisan legislation to try to assist workers who are adversely affected by trade.

It seems incomprehensible that we cannot modernize this program. It is decades old. It ought to be extended to service workers. There is bipartisan support for it in the Senate. It would be yet another message to the workers of this country, who are out on the shop floors, that we are concerned first and foremost for their well-being.

So I am going to continue to come back and prosecute this cause with the Senator from Montana. The chairman of our committee, Senator GRASSLEY, knows full well how strongly Senator COLEMAN and I feel about it, because it is unacceptable to me there is not a trampoline for workers who are adversely affected by trade to get other family-wage jobs. We ought to have that opportunity for them to bounce back when they are adversely affected by trade. We have it in other areas. The failure to extend it to service workers, who could be affected by this and other trade agreements, I think is a major mistake.

There are other changes I would have wanted, particularly in the pharmaceutical area. I think this legislation is not well conceived in that it clearly favors brand names over generic ingredients. But I will say to colleagues that even with these concerns—the inability to have a modernization of the trade adjustment program and some of the labor issues addressed in the way I would—it is a bigger mistake to reject this agreement. If you reject this agreement, you send a message to China: You ought to head for Central America as fast as you can because you have an opportunity to get a toehold in America's backyard.

You are denying the opportunity to a lot of American exporters, people in Oregon and other states who make those value-added products, the high-skill, high-wage products and technologies to sell those goods in Central America.

I want colleagues to know I have met with a lot of those companies and the governments in Central America. I would like to see us bring them together. There is no reason why energy production and conservation products made in our country, and computers and chips and health care technologies, should not be sold in Central America, when the governments in that part of the world are prepared to make major purchases.

Let's do more to try to make sure those purchases come from American exporters rather then Chinese exporters. I urge colleagues to support the agreement.

The PRESIDING OFFICER. Who yields time?

The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Senators be recognized in this order: Senator ROBERTS, 15 minutes, with the time to be taken out of the time allocated to the Senator from Iowa, Mr. GRASSLEY; Senator HARKIN, 20 minutes, with the time to be taken out of the time allocated to the Senator from North Dakota; and Senator GRAHAM, 15 minutes, with the time to be taken out of the time allocated to Senator GRASSLEY.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, might we at this point find out what time remains of the three allocations of time on this bill? You can proceed with the unanimous consent and then perhaps give us the time remaining.

The PRESIDING OFFICER. The Senator from Iowa has 7 hours 7 minutes remaining. The Senator from Montana has 2 hours 50 minutes remaining.

Mr. BAUCUS. Two hours 50 minutes?

The PRESIDING OFFICER. Two hours 50 minutes.

Mr. BAUCUS. Thank you.

The PRESIDING OFFICER. The Senator from North Dakota has 3 hours 52 minutes remaining.

Mr. DORGAN. I thank the Presiding Officer.

The PRESIDING OFFICER. Is there objection to the unanimous consent request for ROBERTS, 15 minutes; HARKIN, 20 minutes; and GRAHAM, 15 minutes?

Without objection, it is so ordered.

The Senator from Kansas is recognized for 15 minutes under the previous order.

Mr. ROBERTS. I thank the Presiding Officer.

Mr. President, today I rise in support of the Central American and Dominican Republic Free Trade Agreement called CAFTA. I also want to state a word of caution in regards to an issue that is commensurate with this vote; and that is the waning support for free trade in this country, more especially in farm country.

It was not long ago when the prospect of expanding our trading opportunities with our neighbors across the ocean—the 96 percent of the rest of the world in terms of trade—was met with great optimism and urgency. I do not know of anybody who made a farm speech who did not say: OK, point No. 2, point No. 3—in the laundry list of things they were trying to get done in Washington—without involving trade and expanding exports. Times have changed.

Today I think we are suffering from what I call "trade fatigue." That is to say, many times we oversell and we overestimate what is going to happen in regard to the expectations of a particular trade agreement. We oversell it. I know that many more times we overcriticize them. As a result, in farm country, I think our producers of food and fiber are a little weary and a little wary of this animal we let out of the chute called free trade.

There have to be better examples, specific examples, in regard to how our producers basically benefit from free trade during very challenging times in farm country—a time when we see a lot of industry concentration going on and consolidation, not only in farm country but throughout our entire economy.

Well, I am privileged to represent the State of Kansas where farm exports support over 47,000 jobs, both on the farm and in food processing and transportation. Farm exports from the State of Kansas are estimated at $3 billion, compromising one-third of all farm income. Our State is the Nation's top exporter of wheat and the second largest beef exporter, both of which rely heavily on increased market access. In short, an opportunity such as CAFTA is going to be essential for Kansas.

But in my hometown of Dodge City, and in the rest of farm country, you hear the discussion of trade and exports, and there is some reservation, not expectation. I do not think it is isolationism. I do not think it is protectionism. Too many times farm organizations and commodity groups are looking out for their own commodity interest instead of the big picture, which involves opportunity for all American farmers and businesses.

Perhaps more importantly, this is an issue of national security and stability, just south of our border as well. Let me touch on that.

Our country has benefitted from trade agreements with Chile, Australia, Canada, and Mexico. Since NAFTA was signed—you do not get the specific instances of this in the press; you always get the instances of somebody who has suffered economically or seen their job outsourced or whatever—but basically, these Kansas exports to Canada and Mexico combined have increased by more than 120 percent. In the first year of the Chilean Free Trade Agreement, our Kansas exports to Chile actually grew by more than 9 percent.

CAFTA will build on this trend by securing 44 million new consumers. Under the agreement, half of the current U.S. farm exports to CAFTA countries will become duty free immediately. This includes high-quality cuts of beef and cotton and wheat and soybeans—major commodities.

Under the existing World Trade Organization commitments and tariff preferences, most exports under CAFTA countries already enter the U.S. duty free. However, U.S. exports could face potential tariffs of up to 250 percent in the case of beef. Despite these tariffs, why, our producers in Kansas exported to CAFTA countries a total of $23 million last year.

Earlier this month, the U.S. Census Bureau reported that our Nation's international trade deficit measured $57 billion. That was a $4 billion increase from previous reporting. As we face the growing competition in global agriculture, it is more important than ever to secure duty-free rates in these countries.

Now I want to touch on this business of security just south of our country. As chairman of the Intelligence Committee, and as a member of the Armed Services Committee, I must stress this agreement is not only about expanding market access. We are talking about stability, stability within these countries, and our own national security. Specifically, I am talking about the big issues of immigration, drug trafficking, and energy.

If you put in Mexico and Venezuela, for instance, albeit they are adjacent to the CAFTA countries, we are talking about 23 percent of our energy supply. I do not think it is an exaggeration to say that without this trade agreement we run the risk of these countries falling prey to others who have far less interest in democracy and stability than in manipulation and power within these countries. I do not want to go back to the days of the 1980s. I do not want to go back to the Nicaraguan situation and Danny Ortega. That is not in the best interests of these countries in the region, and it certainly is not in the best interests of our national security.

So given this reality, it is difficult to understand how the interests of one commodity—one commodity; and I am talking about sugar—has largely outweighed the potential for regional stability in CAFTA countries. In the past, whether in trade agreements or trade disputes, whether it be in farm bills or budget reconciliations, our commodity and producer groups sank or swam together. We either hung separately or we basically tried to hang together.

But today that is not the case. And, I am not trying to pick on the sugar industry or the sugar representatives or the hard-pressed sugar producers in the United States. It is just that I am terribly concerned that instead of "one for all and all for one," we have "all for one and one for one." And that is not right in regards to how we approach this from the standpoint of the agriculture interests in this country.

Sugar is already under one of the most protected U.S. agricultural programs. In fact, when compared to the rest of the world, our producers enjoy the highest world price for their product. I know about their cost inputs. I know about the difficulty, but my previous statement is correct. In recent years, we have journeyed down a dangerous road in our negotiations with the Australian Free Trade Agreement and now with CAFTA, by allowing the singular interests of one commodity to dictate the livelihood of a comprehensive and well-intended agreement. I do not think it is right for one commodity to dictate in regard to their self-interests to the detriment of other interests in agriculture.

I remember the whole-herd dairy buyout, which pretty well ruined the entire beef industry. I do not want to go down that road again. I think this is an example of that case.

Under CAFTA, during the first year of the agreement, allowable sugar imports will amount to only a little more than one day's U.S. production—one day. The Secretary of Agriculture pulls out of his pocket two sugar packets and says that is what every consumer will have in extra supply in regard to the CAFTA agreement. Despite the nominal projected effect on the U.S. sugar prices and production, our domestic sugar industry has demanded that they go unharmed by this and, plausibly, by any other trade agreement.

Despite efforts by the administration and others to try to reach some accommodation, many in this Congress support the sugar industry—and I have as well. As chairman of the House Agriculture Committee during 1996 and through six farm bills, I tried to be helpful to the sugar industry. Every time we have a reconciliation bill, every time we have an appropriations bill, every time we have any votes on a farm bill, we have tried to be of help to the sugar industry. Usually those votes are very close, by two votes, four votes, five votes in the House of Representatives, and the same happens in the Senate. So you stand up and say: OK, let's really try to stay together in regard to the agricultural lobby and be fair to our producers nationwide, nobody singled out. I am saying to the sugar industry, you may win this battle, but you may also lose the war.

Sugar's insistence upon receiving special treatment makes it very likely that the rest of agriculture, which overwhelmingly supports CAFTA, may opt not to participate in sugar's defense the next time that program faces a WTO challenge, budget reconciliation measure, and the endless amendments to end sugar's support program during the next farm bill. Let that warning be heard.

Some of my colleagues have expressed their concern—we just heard Senator WYDEN, the distinguished Senator from Oregon—in regard to labor and human rights standards in the CAFTA countries, arguing the agreement does not set strict enough standards in these areas. I am concerned about the environmental concerns in these countries and the labor concerns in regard to these countries and the human rights standards, but trade agreements are not the appropriate forum for addressing these issues. Basically the country will say: Thank you very much. We are a sovereign country. We are not going to trade with the United States. We will trade with somebody else. We will address these problems on our own. It is a little bit impervious in regard to that concern.

I don't think we can expect these countries to establish and value the same high labor standards we have overnight. Rather, we should encourage and facilitate the emergence of such standards.

Today the most important question is not what happens if we approve CAFTA but, rather, what would happen if we don't pass this agreement. Only an ocean away, China is aggressively pursuing opportunities to compete in both the high tech and production agricultural sectors. We have only gotten a glimpse of the economic capability and resources of this country. Furthermore, we face additional and continued threats and allegations from the WTO in regards to our international food aid and export programs. I am talking about our food aid and export programs. The recent cotton case brought by Brazil is one of the most serious agriculture trade disputes we have ever faced. And farm country has not awakened to this challenge. The Senate has not awakened to it. The ramifications of this decision in this case are far-reaching and could potentially affect every section of our farm export programs.

If we fail to approve CAFTA, we stand to lose credibility in these negotiations and, in turn, the ability to aptly protect the food aid programs and the development assistance that are essential in our war against terror and our efforts to prevent children in the Sudan from going hungry.

We have not come this far to take one step forward in the WTO and, with our other bilateral trade negotiations, to take two steps backward by failing to approve CAFTA. If we do not approve CAFTA, I don't know what we do with the Free Trade in Americas Act. I don't know what we do as we go into the WTO negotiations facing the Brazil challenge. I don't know what we do in the next farm bill in regard to how we structure the farm bill if we do not rely on trade and exports, at least to the realistic degree that we should. What do you do? Do you write the farm bill and say: Go back to your domestic production and then pay a higher subsidy for which we do not have the budget dollars? I don't think so.

I urge my colleagues to support this agreement. It is in the best interest of the United States, not only on behalf of agriculture and all the other business activities that will benefit from the agreement, but also from a security standpoint as well.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Iowa is recognized for 20 minutes.

Mr. HARKIN. Mr. President, as the Senate debates the Central American Free Trade Agreement implementing legislation today, we know that it has been more than 13 months since the United States and its six partner countries in Central American and the Dominican Republic formally signed the agreement. So what has taken so long? The reason I think for the long delay, obviously, is that supporters have had a hard time selling this agreement to the American people. The supposed benefits are murky, in the distance, while the flaws are all too obvious. This is a shame because we could have a much better agreement that would have won broad bipartisan support.

I have evaluated CAFTA with a genuinely open mind, having supported most major trade agreements during my three decades in Congress. I have no philosophical or ideological bias for or against trade. Far from it. I take a strictly pragmatic approach, and generally I am in favor of trade. But that same pragmatism tells me that it is folly to load all of our economic and diplomatic hopes on the slender back of inadequate trade agreements.

As has been my practice with past trade agreements, I have carefully weighed the prospective advantages and disadvantages of CAFTA. Under the fast-track procedure, our only option is to vote up or down. And late last evening, after thoroughly looking at this, I finally had to come to the conclusion that the problems with CAFTA, as we have it before us, clearly outweigh the very small benefits. On balance, the facts and reasons against CAFTA are significantly stronger than the arguments for it. Therefore, I must vote no on this implementing legislation today.

As one would expect, proponents of CAFTA have presented a glowing picture of the agreement's benefits, but there has been an awful lot of overselling, in some cases outright exaggeration about how important this agreement really is. Let's take agriculture, for example. On paper, CAFTA appears to offer opportunities for some U.S. farmers and negatives for others, and the magnitude of these pluses and minuses is part of the debate. But while in theory agriculture should benefit overall, the projected benefits are strikingly modest, and they come many years in the future.

Economists at the American Farm Bureau Federation estimate that U.S. agricultural exports would increase by about $1.5 billion a year when the agreement is fully effective. That is 15 to 18 years from now. So if we assume an average annual inflation rate of about 2.3 percent, that $1.5 billion increase by 2024 would be only about $930 million in today's dollars. That is about 1.5 percent of our total agricultural exports. So the benefits 15 to 18 years from now, calculated in today's dollars, are relatively small.

There is one other aspect to this. The International Trade Commission of the U.S. Government also had a study. It showed that they predicted a $100 million decline in net annual exports from the United States to the six partner countries as a result of CAFTA. So we get a small 1.5-percent increase in agriculture in 2024. But the International Trade Commission says we are going to have a $100 million decline in net annual exports from the United States.

Whether CAFTA's modest predicted benefits actually materialize is in dispute. Average per capita income in CAFTA countries is about $1,800 a year. Are they going to become good customers? About a third of the population there lives on $2 a day or less. How are they going to buy a New York strip steak or one of our delicious Iowa pork chops that some are so optimistic that we are going to export to those countries?

Potential for big gains is further limited by the fact that we already dominate trade in those countries. In 2003, we accounted for about 45 percent of all merchandise exports to the region. The benefits that CAFTA backers optimistically predict are based on the assumption that CAFTA will spur economic growth in these generally poor and small countries. Right now, under existing trade preference programs, these six countries already face zero tariffs on 80 percent of the goods they ship to the United States, meaning that additional tariff reductions will not spur significant economic growth in those countries. Many are skeptical of these claims about CAFTA and the economic growth in Central American countries.

One of the reasons that has moved me to the "no" column on this is, I recently had a meeting in my office with a Catholic bishop, Bishop Alvaro Ramazzini, a senior Catholic prelate in Guatemala, who came to my office to lobby against CAFTA. I spent time with him. I quizzed him about it. I wanted to know why he felt so strongly that CAFTA would not be in the best interest of his parishioners. He said that he and other advocates for the poor in Central America opposed CAFTA because its benefits would go mostly to the economic elites and it would deepen the disparity between rich and poor. So if, as the bishop says, CAFTA would not raise incomes broadly for Central America's people, it won't help them and it won't help us.

The previous speaker mentioned something about Daniel Ortega. Talk about a ghost out of the past. I am talking about the Catholic bishop of Guatemala who came to this country a few months ago to tell us that this would not be in the best interest of his small farmers, his campesinos, and their families. He said it would drive them off their farms and push them more into cities where there is no work for them.

CAFTA will make it harder for U.S. workers, farmers, and businesses to succeed in the increasingly competitive global economy. We can compete on a truly level playing field. It is not fair competition if other countries allow their manufacturers or farms to disregard internationally recognized labor rights and child labor protections or if those countries have lax or nonexistent environmental rules. This CAFTA does virtually nothing to deal effectively with the competitive issues relating to labor and environmental standards. For labor, the internationally recognized rights are pretty basic, such as the right of association and bargaining, prohibition of forced or prison labor, and protection of children from working at young ages or in hazardous or exploitative jobs. I have worked for many years in the effort to eliminate abusive child labor around the world. It is morally wrong, and it leads to all kinds of other injustices and inequalities.

Reports from our own Department of State and the International Labor Organization have documented labor rights and child labor problems throughout the six countries of CAFTA. Just yesterday morning, we learned that our U.S. Department of Labor had been hiding from us a report it commissioned that found serious labor violations in the countries that signed CAFTA. Right now—this is what is important—under current U.S. law, if one of those CAFTA countries condones abusive child labor or other violations of internationally recognized labor rights, we can keep that country from shipping goods to us at low tariff rates. In other words, our U.S. trade law right now allows us to enforce international labor rights. This came about because in 2000, I worked with then-Senator Jesse Helms to modify our Generalized System of Preferences Program, the GSP Program, so that countries that allow abusive child labor are ineligible to ship products to the United States at low GSP tariffs.

The other provision is in the Caribbean Basin Initiative. It allows our Government to deny the benefit of lower CBI tariffs to enforce the broader set of internationally recognized labor rights; that is, if a country is tolerating violations of international labor rights, we can take action so that goods from that country coming into the United States are subject to a higher tariff than is applicable to goods from other CBI countries. In fact, we have taken action under that CBI provision against violations of international labor rights.

So right now, as pertains to these CAFTA countries, we have strong provisions in law to protect against child labor and internationally recognized labor rights. Guess what. CAFTA would supersede and abolish both of these labor rights enforcement features of our current U.S. law with respect to the six other CAFTA countries. Talk about a giant step backward. Five years ago, this Congress added—and the President signed it into law—provisions that protect children, protect people who want to organize and bargain collectively, protect against forced or prison labor in these countries. Guess what. CAFTA does away with it.

What is happening? I thought we were supposed to be progressing in the world, in terms of recognizing basic, fundamental human rights. What could be more fundamental than the human right of children not to be exploited and find themselves in abusive types of labor situations and forced to work? Yet, CAFTA removes these countries from being covered by those laws. It says: Fine, if one of these countries were to use kids working in places where it would be in violation of internationally recognized human rights labor standards, we cannot do a thing about it—nothing. Today we could. When CAFTA passes and goes into effect, we won't. Not too many people know that. I guess that is the major reason why I am opposing this CAFTA—the giant step it takes backward in protecting against abusive child labor.

Under this bill, we have no ability to hold a CAFTA country to internationally recognized labor rights and child labor protections if its own laws are weaker than the international standard. So we are faced with a contradiction. One of the big reasons that I keep hearing to support CAFTA is to boost economic and social progress in these countries. Yet, we are taking a giant step backward in our ability to press our CAFTA trading partners to combat abusive child labor practices and other violations of internationally recognized labor rights.

Elsewhere, this administration insists on social and political reform as a condition for allocating aid to developing countries. For example, eligibility standards for the Millennium Challenge Accounts require progress on social and political fronts. Why should we jettison such requirements under CAFTA? Should free trade come at the cost of progress in combating abusive child labor practices? Of course not. It is not acceptable for me, and it should not be for any of us. That is the problem with the bill before us.

Again, if the President would have worked with us and consulted with us in good faith and said we are going to keep these provisions that we put into law in 2000 and the provisions we put in the Caribbean Basin Initiative to protect child labor, well, you've got my vote. But they didn't do that. In discussions with U.S. negotiators before the text was completed on CAFTA, Members and staff made clear our concerns about all these issues. Unfortunately, little or no effort was made to address those concerns until after the agreement was completed and the White House recognized it might fall short of the necessary votes. At that point, it was too late; the final agreement had been negotiated.

Mr. President, from a broader view, the modest benefits that we are theoretically promised 15 years from now under CAFTA simply do not offset the harm it will do to kids and poor people and small farmers in those countries. The modest benefits do not compensate for what is going to happen if our small manufacturers in this country rush down there for cheaper labor, lower environmental standards, make products down there, pay people low wages, don't give them decent benefits, don't recognize appropriate labor standards, use children as workers, dump the refuse out in the environment, and then ship the products back to the United States. That is what we are voting on here.

Mr. President, I don't consider this agreement worthy of passage. Modest benefits, 15 years from now, may or may not be realized. But we are taking a giant step backward in terms of protecting labor rights and child labor and the environment. For that reason, I believe this CAFTA bill, as it is written, is a big mistake. I do not oppose all free-trade agreements with Central America. But for these reasons, I oppose this one. We can, and we should, do better for our people, our farmers, our small manufacturers but also for the poor people of Central America and the campesinos there who need to have their standard of living raised, not have their children working and not going to school, not have refuse dumped into the environment which threatens their health in the future. That is why this is unfair. That is why it ought to be defeated. We ought to have a better trade agreement than this one.

With that, I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator GRAHAM was to be recognized.

The Senator from Montana is recognized. Who yields time?

Mr. BAUCUS. Mr. President, I do not see Senator GRAHAM here. I ask unanimous consent that the order be vitiated, and I will yield to him when he arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, in a narrow sense, the Senate today is considering the free-trade agreement with five Central American countries and the Dominican Republic, but in a larger sense, the Senate is debating how the United States can remain competitive. In a larger sense, the Senate is debating how America can continue to earn $37,000 per person, or more, when there are hundreds of millions of people in China who earn $1,100 per person a year.

Little agreements like that before us today cannot be the answer. It may be a partial answer but, frankly, in the larger scheme of things, it is really much less important than the central question facing America today with respect to economic competitiveness. The agreement before us today will not open enough markets for American exports to make that much of a difference. That is clear.

No, we need a much more aggressive strategy. On trade policy, we need to try to negotiate bigger agreements—not these small ones, but bigger ones that have much greater commercial value. We need to open negotiations with trading partners who represent a larger share of American trade. There are many examples. We are not doing that, but we should and we must. Time is ticking by. We need to give renewed emphasis to multilateral agreements like the Doha Round. And we need to do a better job enforcing the trade agreements we have already entered into.

Each Senator can list many agreements the United States has entered into with other countries, but the other countries, by and large, have not lived up to the agreements. The most glaring example is intellectual property. We know who the countries are that have not lived up to their obligations to honor intellectual property rights and, as a result, American companies are losing billions of dollars a year. The United States must be much more aggressive in enforcing those agreements.

We need to improve America's education. We need to ensure that we can remain more productive than workers in other countries. That too is clear. We need to give teachers the recognition and compensation they need to ensure that they can help to educate the most productive workers in the world. We need to increase the incentives for students to study the basics—math, science, engineering. Why? So that American students can remain the source of tomorrow's new ideas. We pride ourselves—we have in the last several decades—in being the country that is the most innovative and creative, and that has been true. We also know that others are catching up. There is no reason why people in other countries cannot be as creative and as innovative as Americans. There is no reason—none. They are people, and we are people. They are human beings, as we are. Their brains are the same as our brains. It really comes down to who is the most educated, the most aggressive, who works the hardest, and who works better together. And people in other countries are becoming very well educated, very aggressive. They are hungry. They are working closely together, and they are investing in areas to increase their productivity. They are catching up very quickly.

We also need to increase our national savings. America has an abysmal national savings history. It will not be much longer, if that trend continues, when we are going to face very dire economic consequences. We have to do something about that; we are not. Our private savings rates are zero. Americans do not save. They spend. We spend. We like to buy refrigerators, cars, boats, clothes. We consume; we do not save. With housing prices so high these days, what do we do? We borrow against the equity in that house. What do we do with the borrowing? We spend. To make matters worse, the Federal Government not only has a savings rate of zero, it has a dissavings rate, huge deficits and debts.

We cannot continue like this. That is one part of the agenda that we must work on if we are going to address American competitiveness. This agreement before us is an important debate, but it is not the real debate. It is an important issue, but it is not the real issue. It is only a small part of the central issue we should be facing. We need to expand incentives for employees to save through work, for example. There is no glamor or rocket science in this. It doesn't make the evening news. That is one reason we don't do it because we are people with such a short attention span. It is the instant view—what is now—and not what can be 10, 15 years from now. We need to expand incentives for employees to save through work, which is a small step in the right direction to increase savings. We need to stop running massive Federal budget deficits because they are reductions in national savings.

We need to address our outsized and very expensive health care system. We spend twice as much on health care per capita than the next highest country. I ask, are we twice as healthy? Of course not. We are not twice as healthy. Why do we spend twice as much? A lot of reasons. It is very complex, but we do. What is the consequence of that? One consequence, clearly, is that our companies are having a very difficult time competing—particularly our larger, older companies. They have extremely high health care costs, legacy costs to employees and retirees. Their competitors don't have them nearly that high.

I have talked to CEOs of large companies who say they are thinking of locating their plants in other countries largely because the health care costs for those employees in those countries is much lower and so they can compete.

I remind my colleagues, this is an incredibly competitive world. It is incredibly competitive, and just the slightest margins make a difference. We have to, therefore, be incredibly competitive ourselves. It is teamwork. It is Americans working together. We are not working together.

Look at this debate. This debate is pretty sterile. One side exaggerates; the other side exaggerates. We are not talking with each other. We are not focusing on the real problem. I hope in future days, weeks, and months we start to wake up and not get so involved with the periphery. CAFTA is not really the periphery, but it is not far from the periphery. We should, rather, focus on the central questions.

We also need to foster much greater use of information technologies in health care. Did you know, Mr. President, that the equivalent of two 747s crashing every day is the number of Americans who die on account of medical errors? Between 58,000 and 98,000 people a year in America die because of medical errors. It is not true in other countries. It is in America. Much better information technology in the health care industry will reap immense benefits.

What is one of the reasons we do not invest in IT in America in health care? It is pretty simple. It is reimbursement. Hospitals will spend thousands of dollars on CAT scans and on PET scans, the latest technologies. Why? Because the Medicare program reimburses them for those machines. It is also competition, keeping up with the Joneses. What is the Medicare DRG for IT? There isn't one. We have a system that reimburses and sets up incentives that discourages development of IT in health care, which we have to have, which will reduce medical errors. It will have all kinds of positive consequences if we get a much better IT system. We have to get going in this country. We are behind the eight ball.

In sum, to be competitive, we need to have a plan. This is a bit simplistic, but I think it somewhat makes the point. I mentioned earlier how competitive this world is. We all know that. If we put two teams on the playing field—by the way, I am an American. I am for the American team. I do not want to denigrate other people or hurt other people. The ideal is that everybody around the world is doing extremely well. I am an American. I am on the American team. I want America to do well.

If we put two teams out on the playing field—let's take football. One team has a quarterback, blocking backs, the linemen, they have a coach, a play, a plan. That is one team. The other team has 11 players on the field. One person wants to do one thing; he wants to carry the ball. Someone else says: I want to carry the ball. No, I want to kick. No plan, no coach. They are out doing their own thing. They are entrepreneurial. It is free competition, going in their own directions, doing what they want to do.

Which team wins? I grant you, that is simplistic. That is very simplistic, but I think it does make a point.

Other countries have plans. I can name them: China. China has a plan. Japan has a plan. I think some European countries do; I am not sure. I do not know how much better organized they are, but the main point is we do not have a plan. I am not asking for a centralized plan where somebody decides what everybody does, but I am asking for much greater cooperation, much more working together so that Americans can compete.

I go back to what I said earlier. So much of this is education. It is value added. We need to add value up here at all levels—K through 12, continuing education, vo-tech, and so forth. Ultimately, that is where it is at—education. There is nothing else but education—math, science, and other areas.

I see the Presiding Officer taking notes. I can see he is listening to me. I can tell I am making some points that maybe make sense and he is going to do something about it. I appreciate that. I wish others would, too.

Mr. President, I ask unanimous consent that the following Senators be the next recognized for debate: I see Senator GRAHAM is in the Chamber. He will have 15 minutes, and that time will be taken out of the time allocated to Senator GRASSLEY. Senator CONRAD of North Dakota wants 15 minutes, and his time will be taken out of the time allocated to Senator DORGAN. Senator THOMAS will be recognized for 15 minutes, and his time will be taken out of the time allocated to Senator GRASSLEY.

The PRESIDING OFFICER. Is there objection?

Mr. GRAHAM. Mr. President, I believe my time should come from Senator DORGAN because I oppose the bill.

Mr. BAUCUS. I do not know that it matters, Mr. President. For the sake of moving along, we will stick with what we have.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the order, the Senator from South Carolina is recognized for 15 minutes.

Mr. GRAHAM. Mr. President, I thank Senator BAUCUS. Senator BAUCUS made some very telling points that I think we should all listen to in trying to get a game plan.

I rise today as a "no" vote to CAFTA. I do not think that surprises many people. The point I am trying to make with my vote is many of the things being said about the benefits of CAFTA are very true. I think it will help the Central American countries, the CAFTA nations that are trying to emerge as democracies in some regard. There will be some benefit to the economy. There is no doubt there is some benefit in any trade agreement. But my concern is of a geopolitical concern dealing with China.

The trade agreement we negotiated with Central America, the CAFTA agreement, has many loopholes that China will exploit, just as they have exploited every other trade agreement we have done. The cumulative effect of China on our trading situation throughout the world and our relationship is becoming devastating.

In April, the U.S. trade deficit was $62.2 billion. With China it grows $7.83 billion per month. Since we gave PNTR status to China in 2001, the trade deficit with China has gone from $100 billion to $162 billion. It is 47 percent greater this year than it was last year.

It has been devastating to the textile and other industries. During the first quarter of 2005, imports from China have grown 1,250 percent for cotton knit shirts and blouses, 1,500 percent for cotton trousers, and 300 percent for cotton and manmade underwear.

The bottom line is products coming in from China are not conforming with international trade regimes. They are not conforming with the standards we would like to see throughout the world.

The bottom line is they are cheap. They take advantage of trade agreements negotiated—NAFTA and eventually CAFTA—through transshipments. What is going to happen very clearly, to me, is Chinese companies will move into the CAFTA. They will take material made in China with slave-wage conditions, horrible conditions, throw a label on it as if it were made in

CAFTA, and get it into our country in a way they could not do directly from China. It is called transshipment.

Particularly, this agreement is poorly drafted. It does not realize exactly with whom we are dealing. The combined effect of the CAFTA nations, in terms of a market for us, is the size of San Diego. So those who sell this agreement as a major way to create export opportunities for America I think are not realistic. If you took all the combined countries' economic buying power, it is the size of San Diego, and that is not going to fuel the American economy.

We are going to see goods from the CAFTA nations cheaper than we can produce here. It is going to have an effect on manufacturing in my State and other States that will be part of an overall trend that is getting to be more than we can bear.

China will take advantage of this. It has many loopholes for China. The rule of origin provisions requiring a yarn for arrangement is only for the essential fabric of the garment. What that means in English is we are trying to lock down the fabric and the yarn to be tied to our country, to give a benefit to our textile manufacturers, and that is a good thing. That helps us get into that market.

It does not deal with pockets, collars, and nonvisible jacket liners. They are exempt from that yarn for arrangement. There is a side deal having to do with pockets to address what will happen in my State. I have about 500 to 600 workers who make pockets for garments. The Chinese companies are going to put them out of business because the pockets to be made in a CAFTA nation are not going to come from South Carolina or other places in the United States. They are eventually going to come from China because the pocket agreement, trying to protect the pocket part of a garment, requires all six CAFTA countries to ratify it. That is just not realistic. It is not going to happen. So there are going to be people in my State, unfortunately, if this gets passed, who are going to be put out of a job because China is going to come into the CAFTA region and they are going to put American manufacturing, when it comes to textile goods with regard to pockets, out of business.

There are other loopholes. The single transformation provision allows for pajamas, boxer shorts, and bras to be imported into the U.S. duty free regardless of origin so long as they are assembled in a CAFTA country. In other words, you can have all the material made in China for these products and do the sewing in CAFTA, and they come into our country, and that is going to be devastating to Fruit of the Loom and other people who have come by to talk about it.

This agreement, like all other agreements I have voted for, except Australia, which I thought was a pretty good deal for America, has major loopholes within it to allow China to take advantage of it even though they are not party to it.

The problem we have with China and the way they manipulate their currency, the way they have no regard for intellectual property, the way they transship by cheating, sending goods from China into other regions of the world where we have existing trade agreements, is having a cumulative effect.

We have lost 21.6 percent of the manufacturing jobs in South Carolina in the last 5 years. Some of it is due to modernization. Some of it is due to factors beyond international trade. But a lot of it has to do with international trade that is not being fairly policed.

We have a 6.5-percent unemployment rate in South Carolina. We are fifth in the Nation. Our State has a manufacturing-based economy. The side deals that are being touted for people in this agreement are going to be like most other side deals when it comes to agreements in the last 15 years. Eighty-three percent of these agreements, according to a report by Public Citizen, a watchdog group, were not kept, reversed, or became meaningless.

So my concern about CAFTA is my concern about trade in general. Until we regulate and get buy-in by the Chinese to live within the family of nations when it comes to trading and doing business, every time we expand an area of trade, it becomes another portal for China to enter into our marketplace and to do things they could not do in a direct relationship with the United States.

They will be able to do things in the area of textiles in the CAFTA countries they could not do directly with the United States. It is just not going to be textiles. Eventually it is going to be other products.

The buying power of these nations, again, combined is the size of San Diego, but what will happen is the ability of China to exploit this agreement is going to be much larger than the buying power of San Diego.

I do believe that trade can help emerging democracies and that there is a logic to the idea the President is proposing for these emerging democracies for which we could create economic opportunity.

However, unfortunately, I believe the way this deal has been negotiated, the way it will be implemented, and the way it will be exploited is not going to improve the democracies in Central America because they are going to lose jobs to China eventually. It is going to hurt the manufacturing base of this country, which is already in jeopardy. That is why I will choose to vote no.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I will take a few minutes to talk about the topic that is on our agenda today, the CAFTA trade agreement. Certainly, it is something in which all of us are interested. Trade agreements are very important, of course, and whether they fit or not they are always there and we have to deal with them.

Frankly, I have been very involved in this, partly because sugar is one of the products from my State and it is one of the things that has been a very controversial portion of this trade agreement.

Trade agreements are not easy. Whether we like it or not, trade moves around the world and so what we need to do is to find a way to make that trade work as well as we can for ourselves and for others. Sometimes I am a little disappointed. When we passed the free-trade agreement, I think we should have called it the fair-trade agreement. Free trade is not always the way things are.

There is a book called "The World Is Flat," talking about how there is equality throughout the world, but it is changing. Well, it is changing, but it has not all changed. There is a great deal of difference between one country and another in terms of their economy, in terms of the way it works and whether one is getting paid $2 a day or $20 a day or $20 an hour.

So when one talks about free trade, one has to make sure that they recognize the differences that are there. All I am saying is it is difficult. Of course, we want to work with other countries. Part of the reason for having CAFTA before us is we are looking for relationships with the Central American countries. That is a good idea.

We are looking at countries that are fairly undeveloped or newly developed, certainly a different economy than we have here. Yet we want to strengthen those. I think over time, in terms of thinking about trade, it is going to be important that this hemisphere be together and be strong as we see things develop in Asia and other places around the world. So it is important that we do this.

We are the largest Nation of purchases in the world. So we have some strength to bargain and even though we need to be fair about it, we need to exercise that muscle a little bit because we are in a position to do that. So it is a matter of coming up, hopefully, with fair trade and equality as much for everyone as we possibly can. It is not just a matter of helping others.

There are other ways to help others. It is not just a matter of strengthening other countries but having a relationship that is fair.

I mentioned sugar. Sugar is not the biggest industry in the world, but it is an industry that is important to this country. It is an integral part of our economy. It is a little unique. Agriculture is a big thing in Wyoming, of course; mostly livestock, as one might imagine, in the open space and so on. In our agricultural economy, livestock produces the most by a great deal. The second actually is hay and feed for livestock, but third in crops is sugar. So it is a relatively large one for us.

Sugar is unique as a commodity. If one raises oats and something happens to the price, they can raise barley or some other kind of grain. That is not the case with sugar. With sugar, there is a high investment in particular equipment such as thinning equipment. They used to use Mexican workers mostly to go out with a hoe and thin sugar beets. Well, they do not do that so much anymore. They use expensive equipment to do it. So it is a little different.

The second thing that is different about it is that the producers now also are owners of the processing equipment. So in our State where we have relatively little manufacturing, we have some sugar processing plants which are unique. It is about the only agricultural product in our State that is processed to the extent it is ready for the grocery store shelf when it leaves our State. So even though, as the New York Times, I think, erroneously reported that it was not very important, there are lots of people hired in that industry who are not farmers, but they are producers. So it is unique and it has been treated uniquely over time in the farm bill and other places.

So as one bargains into a trade agreement it is one of the things that one really does not have much flexibility to work on.

Now, in regards to CAFTA, it is important that we deal with our neighbors in that part of the world. We need to work to have a relationship there. They need to strengthen their economy. There is no question about that. That is a good thing. But it is a relatively small market, about half of what some of the larger cities would be in the United States. So we do need to work at it, but we need to understand that it is not going to change the world in terms of what we are doing.

We have made some efforts to make it work, and I am willing to say to my friends and others that several of us who are particularly interested in this have worked with the sugar beet and sugar cane growers over the country and have had a number of meetings with them, have listened to their issues and have worked with them before. We have also worked very closely with the Secretary of Agriculture, and I want to commend him for his efforts to try to find some arrangements that could make it better. We did, finally.

However, one of the strange things about this is that this trade agreement was signed about a year ago and was not brought up to the floor until last week. So when we heard it was coming, I think, a week ago today, we had the very first meeting with the Secretary, with some congressional members who were interested, and the sugar people. There was a great deal of discussion, as there should be, but no one was prepared to make decisions in that short time. So we tried to get back together again, work some over the weekend and be back again on Monday. Lo and behold, here comes the bill to the Finance Committee, of which I am a member, before we even had our second meeting.

I tried to suggest we need a little more time and maybe we could work something out. Nevertheless, that is where it was. Part of our problem was we have not had much time. I do again want to say the Secretary came in with some ideas. He still has some ideas and they are good ones. Our new trade ambassador, Rob Portman, is doing a great job. He has done everything he could possibly do to make this workable. Of course, he had nothing to do with negotiating it in the first place, but nevertheless both of those gentlemen have worked at it very hard. There has not been time to do something.

The problem basically is that this sugar program has been one over time that has been kind of measured in trying to hold its production to the demand in the country. Currently, for example, there is lots of sugar being stored in Wyoming because production is over demand and our own sugar is not being put on the market because there is not enough capacity for it now.

So the Secretary did agree that he could do some things until the next farm bill comes up, which is 2 years from now, and I think he can. He may have to use some CCC activities, exchange of one goods for another, to handle a relatively small amount of sugar that could come under this pact. The problem is, with the sugar people and others, that it is simply about a 2-year remedy. They need to look at something much further than that down the road.

I say to my colleagues, it is not just exactly the CAFTA agreement that is of concern to us. It is also the fact that the NAFTA deal with Mexico will expire in 2 years, presumably opening up the market there not only for sugar but fructose and other things that could come here and could have a real impact on this fairly difficult to manage sugar industry in our country. So we have to keep in mind we are not just talking about CAFTA, we are talking about the impact that can come from the changes that take place in NAFTA as well.

In addition, if we do something with CAFTA—and we are—then the next thing we are going to be looking at is other countries in Central America, Ecuador, and Brazil—finally, Brazil, which is a big sugar producer. So the precedent that is set with respect to sugar is one that is very concerning to the sugar industry.

What are we going to do in the next immediate trade agreements? So these things all go into it, and that is why a 2-year solution—even though I really respect the fact that they tried to do something, we still will work at it. We are not through trying to find a remedy, but it apparently cannot fit into this. So I do, again, want to respectfully thank them for what they have done.

In any event, those are some of the problems that we have. Finally, one other point, and that is that there seems to be, to me at least, a little lesson in this in terms of negotiating trade contracts. The authority to do that comes from the Congress, asked for by the Executive. As this is done, it seems to me we ought to have a little more input into it before it is resolved.

What really happens in this case, at least practically, is that the negotiators go on, and when their negotiation is finished they come to us with a package over which in this case, because some of the countries had already agreed to it, there really was not any opportunity for changes in it when it came here. So I think we ought to have more input. We could deal with this.

Two more points. One is how important this is. I got calls from the Secretary of Defense, from the Secretary of State, the President, and the Vice President talking about not only is the trade aspect important but also the relationships. I do not disagree with that, but I also have to say that I met with the six Presidents on this and they said the same thing, that this is more than just trade. I say to them and to myself, Why do we let this relatively little thing hold it up? Why did we not fix that knowing it was going to be a problem before we got there?

I think we can do a better job in the future. I think we are going to be faced with some more of these kinds of issues. We ought to be able to deal with them.

I am sorry we didn't have more time to perhaps come up with a remedy before we have to vote. I voted against it the second time in the committee. Unfortunately, I cannot support it this time. But I do hope we can make some changes and deal with it in the future.

I yield the floor.

Mr. BAUCUS. Mr. President, I ask unanimous consent that subsequent to the remarks of the Senator from North Dakota, Mr. CONRAD, pursuant to the existing agreement, Senator MCCAIN be recognized to speak for 10 minutes and that time be taken from the time allocated to Senator GRASSLEY; following Senator MCCAIN, that Senator DAYTON be recognized for 15 minutes and that time to be taken from the time allocated to myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the ranking member of the Finance Committee, Senator BAUCUS of Montana, for his leadership on this issue and for the outstanding work he does on the Finance Committee. I sometimes wonder if Senator BAUCUS ever gets any sleep at night, given the number of things on his plate.

I thank my colleague from Wyoming, Senator THOMAS, who has been a great ally in an attempt to protect an American industry from unfair provisions that will decimate an industry that employs 146,000 people in this country. Senator THOMAS has truly been a great advocate for the people he represents on this issue. I very much appreciate working with him.

I support free trade that opens markets and benefits American farmers, businesses, and workers. I supported the Uruguay Round WTO agreement. I supported PNTR for China. I supported the Chile agreement, the Singapore agreement, and the Morocco agreement. I did so because I believed those deals would benefit America and the people I represent in North Dakota. But I have come to the conclusion that our trade policy is not working. It is not a free trade policy. It is not a fair trade policy. Increasingly, it is a failed trade policy. This trade policy is clearly off track.

I am beginning to wonder what are we thinking about in this town when we look at the results of the trade policy followed by Republican and Democratic administrations for an extended period of time. Here are the results of this trade policy that is supposed to be such a great success.

This chart shows the trade deficit year by year, going back to 1992. Up, up, and away it goes. The trade deficit now totals $617 billion in 2004. For a very long time we never had a trade deficit above $100 billion in a year. Now we are over $600 billion, and the latest numbers show we are headed for $700 billion.

Colleagues, how can anybody call this a success? If this is a success, what would be a failure?

We keep signing these agreements that are supposed to benefit the country and our position keeps getting worse. In the 10 years since the North American Free Trade Agreement took effect, a period in which we adopted the WTO agreement, China PNTR, free-trade agreements with Chile, Singapore, Morocco, and Australia, our trade deficits have exploded.

Up until 10 years ago, our annual trade deficit had never exceeded $100 billion. When we look at these individual agreements, we see the same story. Our trade agreement with Canada is one I opposed because I thought it would be injurious to my State, and indeed it has been. When we passed the Canadian agreement, we had a $9 billion deficit with Canada in trade. After the great success of the Canadian Free Trade Agreement, is the deficit less or is it more? Those who say more are right—not just a little bit more but a lot more. The trade deficit with Canada now is not the $9 billion we had when we entered into the agreement. Now it is $66 billion.

The same is true with Mexico. On Mexico, remember we were told what a great opportunity this was going to be. If we just signed up to it, our trade relationship would flourish. At the time we entered into the agreement, we had a $2 billion trade surplus with Mexico. Let's go back and check the records. What is it now? Do we still have a trade surplus with Mexico? No. Instead, we have a massive and growing deficit. We went from a $2 billion trade surplus with Mexico to a $45 billion trade deficit. And the very people who negotiated that agreement are now going all over town telling us that this next one is another great success.

I told them it reminds me a little of the German general in World War II who said that he knew things were going bad for Germany when the victories kept getting reported closer to Berlin. They had one great victory after another, but the victories were all getting closer to Berlin, as our forces approached.

You know, I look at these great successes. My question is: How many more of these great successes can we afford? What are we doing with these rapidly growing trade deficits that mean we are borrowing hundreds of billions of dollars all over the world—over $600 billion from Japan, over $200 billion from China? We have even borrowed tens of billions of dollars from South Korea. Does anybody think that makes our country stronger? I don't. I think it makes us weaker, more vulnerable.

What are we doing about it? We are not taking action to get China to stop manipulating its currency or stealing our intellectual property. That is not being done. We are not making progress to reopen the Japanese and Korean beef markets. That is not being done. We have not put a stop to Airbus's unfair subsidies. That is not being done. We have not put a stop to Mexico's unfair tax on beverages sweetened with corn. That is not being done. We have not put a stop to Canada's unfair softwood lumber subsidies. That is not being done.

We have lost focus in these WTO talks, allowing them to drift in the wrong direction. Instead, the focus is on CAFTA. I love these CAFTA countries. They are wonderful people. But the combined economic impact of these countries is equivalent to Columbus, OH. This is our priority when we have a trade deficit of this magnitude? What earthly sense does this make?

When I look at this agreement—I am on the Finance Committee. I have listened, at length, to our ambassadors and our negotiators, for whom I have high regard. They are wonderful people. But they have come back with a lousy agreement. They have gone all over America telling people this is a great opportunity for the United States. They say 80 percent of Central American goods come tariff free into the United States, yet we face tariff barriers when we export to their countries.

OK. I understand that. It sounds logical and reasonable that this might be a good opportunity for us, if 80 percent of their goods come into our country tariff free, but our goods face tariff barriers going into their countries that would look like an opportunity. So when you analyze it, I assumed this would mean great progress with respect to trade deficits. Here is the report from our own International Trade Commission. This is not the U.N.'s trade commission. This isn't the CAFTA countries' trade commission. This is our own trade commission.

On this chart is the conclusion they come to. That is what happens to imports, to our imports from the CAFTA countries. This is what happens to our exports. The import number is bigger than the export number. In other words, our trade deficit with the region is getting bigger—and they call this a success, when we already have record trade deficits? This negotiating team goes down there, spends years and comes back and says: Boy, have we done a great job. We have gotten an agreement that increases the trade deficit with the region.

Hello. Is anybody paying attention? Not only does it make the trade deficit with the region worse, here is what the International Trade Commission says it will do for our economy.

After listening to these speeches, listening to this testimony about how this is a great opportunity for America, I assumed that when they did the analysis of what it would mean for our economy, there would be a big plus. Guess what. Here is what the International Trade Commission found in their report. This is not my report. This is our own International Trade Commission report. They are the body that is responsible for scorekeeping on these agreements. Here is what they concluded. Here is what it would add to the gross domestic product of the United States. I don't know if they can see that on television—that is a zero. Any gain is so modest it doesn't even show up: Zero.

Zero is a very low number. That is what this agreement would do for the U.S. economy, according to our own International Trade Commission—zero.

But you know what, it also poses a very big risk, at least to one industry in this country. The industry that it puts at risk is the domestic sugar industry. The domestic sugar industry employs 146,000 people in this country. Apparently, our negotiators decided to just negotiate that industry away. It is a $7 billion industry in the United States; a $2 billion industry in the Red River Valley of North Dakota and Minnesota. These trade negotiators who brought back a plan that worsens the trade deficit with the region—that according to our own scorekeepers adds nothing to the economy of the United States, adds zero percent to the GDP—puts at risk an entire industry. It is no wonder that our country is in trouble. It is no wonder that we are running record trade deficits. It is no wonder that those record trade deficits are getting even worse with a trade policy like this one.

For months, the USTR has been telling us: Don't worry. This is going to be a little trickle of sugar that is going to come in here. You don't have to worry. It will be equivalent to a teaspoon. I wish it were true. It is a glib description and characterization of what it will do. The fact is, this would threaten an entire industry. Why? Because, under this agreement, it would permit 109,000 metric tons of additional sugar to come in. But that is not the only agreement that is being negotiated. If that same precedent would apply to the agreements with South Africa, Thailand, and the Andean countries that are being negotiated, you can see that would put us at over 500,000 tons of sugar coming into this country, over and above what comes in now.

Every economist has said another 500,000 tons of sugar coming into this country would collapse the price of sugar below the redemption price, would unravel the sugar program and destroy the domestic sugar industry.

That does not end the story. It is not just the agreements with South Africa, Thailand, and the Andean countries that are a problem, it is the previous agreement already entered into with Mexico under NAFTA.

For months, USDA has been saying we can absorb the CAFTA amount of sugar because there is a cushion between our WTO import obligations and the farm bill trigger in the sugar program. But that cushion assumed Mexico would not export significant amounts of sugar to the United States. Guess what. That assumption was wrong. It is just not true. USDA just revised its Mexican sugar projections, and Mexico now is projected to have net surplus production of over 440,000 tons. That means under the NAFTA agreement, Mexico can send us another 250,000 tons of sugar duty free, completely eliminating the so-called cushion.

But it gets worse, much worse. Mexico's total exportable surplus this year is now projected to be more than 900,000 metric tons. So they can send us 250,000 duty free. But the story does not stop there. On top of that, they can bring sugar in under what is called Tier 2, where they pay a modest tariff, a tariff that makes it completely in their interest to pay the small tariff on that second tier and bring in the sugar. That means another 650,000 metric tons of sugar above and beyond the 250,000 tons of duty free sugar. Put it all together, and over 1.151 metric tons of sugar comes into this country.

The point is this: When we put together the treaties being negotiated and we put together what USDA has just said will be the capability of Mexico to send sugar into this country, we are way above the amount of sugar that would collapse the sugar industry in this country.

There has been a side deal offered to the sugar industry. I will talk for just a minute about that deal. I have three words for those who think the deal might solve the problems I just described: Don't be fooled. That is not a deal, it is a figleaf. Here is why. The Secretary of Agriculture has suggested to certain Members of Congress that he intends to limit sugar import to 1.53 million tons. He says that will ensure the farm bill provision that turns off marketing allotments will not be triggered.

Unfortunately, it does not work. Why not? First, the deal is only good for 2 years. Second, it does not address the next farm bill or other trade agreements that are under negotiation or what happens in 2008 when the NAFTA sugar protections are gone. In fact, the way this is structured, it almost guarantees that any additional access in future agreements will be backloaded into 2008.

My colleagues, that creates the potential for a perfect storm that will leave the market badly oversupplied going into the next farm bill. Despite highly unpopular payments to foreigners to keep them from sending us sugar—what an idea that is. Want to start paying countries not to send us stuff? Are we really going to do that? How long will that last? How long will it last, that we pay countries not to send us stuff? It will make it virtually impossible to retain the program in its current form and threaten the existence of an entire industry in this country that employs 146,000 people.

I would be remiss if I did not make brief mention of the process that has gotten us to this point—fast track. Fast track prevents Senators from having the right to amend. Instead, we conduct what is called a mock markup in the Finance Committee and in the Ways and Means Committee in the House. We are supposed to be able to offer amendments there that would change the contour and the direction of an implementing bill as part of the Congress's constitutional responsibility for foreign commerce. But it turns out amendments in the Finance Committee mean nothing.

Last year, when we considered the agreement with Australia, the Finance Committee set the precedent that if an amendment was adopted in the so-called mock markup and a majority of the committee rejected the proposed implementing bill, the committee action could be ignored. I got an amendment passed in the committee. It meant nothing.

This year, with the Wyden amendment, the committee has set the precedent that when an amendment is adopted by the committee and the underlying proposed implementing bill is then approved by the committee, that amendment, too, can be ignored. So now we have a situation where this mock markup is a total mockery. It means nothing.

What has happened is Senators have given up their right to amend, and they are left with nothing except the opportunity for a straight up-or-down vote on the whole agreement. There is no opportunity to change the bill in committee or in the Senate. There is no other legislation that moves through this Senate that can be dealt with in that way. That is not how the process is supposed to work.

In conclusion, CAFTA is the wrong agreement at the wrong time. It has been pushed through a process that in itself is wrong. It adds $100 million to our trade deficit with the region, it puts a $7 billion industry at risk, creates the likelihood of increased illegal immigration, and it provides immeasurably small benefits for the economy as a whole. It does not make much sense to me.

Here we have record trade deficits, the biggest they have ever been—and growing—and our negotiators go out and reach an agreement that makes the trade deficit with the region in question worse and threatens an entire industry. They call it a success. Colleagues, I don't know how many more of these successes we can afford.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, I will respond.

Mr. BAUCUS. Does the Senator want more time? We can certainly find it.

Mr. McCAIN. I may ask for an additional 5.

Mr. BAUCUS. I make that request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank my friend from Montana.

The Senator from North Dakota just stated. Who pays? I wonder, who pays when my wife goes to the supermarket and pays 13 cents more for a pound of sugar than she does and would if we had sugar from these countries able to come into this country?

I am not in the business of producing or selling sugar, nor are many American families. But there are a whole lot of American families who are in the business of buying products that have sugar in them. They pay an exorbitantly higher price because of the protectionism that is practiced for the sugar industry. Since when can't the United States compete on a level playing field?

The opposition to this is clearly one that is protectionist in nature—for an industry that, in my view, should be able to compete with foreign producers. That is not what this debate really should be all about.

The stakes could hardly be higher—whether we import or export sugar, whether the Central American Free Trade Agreement passes has implications, whether the American farm exports will enter the Dominican Republic duty free, or whether Guatemala will be able to increase its textile protection.

By the way, I say to the Presiding Officer, if Guatemala is unable to export its textiles into the United States, I don't believe it will be the United States that would be producing textiles; I believe it will be the Chinese and others.

I don't want to be hyperbolic, but I believe the vote we will soon take on CAFTA is one of the most important that will be cast in the Senate this year. It is important because at stake is the future of Central America in its economic and political dimensions and, hence, its security dimensions. It is important because it will determine whether the free-trade agenda as laid out by President Bush proceeds toward a successful Doha round of global trade talks or whether the effort will be stopped in its tracks. It is important because it will help determine whether the invigorating effects of free trade are experienced in our country anew or whether the protectionists are able to erect their walls around us. It is important because it will show whether a trade policy in America is determined by sugar growers, unions, and other special interests or whether it is determined by leaders who place at the forefront the interests of our Nation as a whole.

A few years ago, we concluded a free-trade agreement with Chile. There are certain facts that are available already. There were the usual arguments against it from the protectionists. In 2004, the first year the agreement was effective, two-way trade increased by 33 percent. In the first 4 months of this year, it grew even faster—45 percent. Exports from the United States to Chile have risen at still higher rates—nearly 35 percent in 2004 and almost 63 percent in the first quarter of this year. Preliminary numbers suggest that in 2005, U.S. exports to Chile may nearly double those recorded in 2003. That is what free trade is all about. That is based on the firm conviction that most of us have that American products can compete with any in the world.

Now, some can't. And that is terrible, and that is why we have trade adjustment assistance. When industries in the United States are directly affected by importation of products from other countries as a result of trade agreements, we have trade adjustment assistance to provide workers retraining to upgrade their ability to find other employment. We need to do more in that area. But to somehow reject the benefits of free trade because of the damage it may do—and I emphasize "may"—to certain industries is very shortsighted.

We see in Latin America today a growing skepticism about democracy—equated in the minds of many with austerity programs and lack of improvement in the standard of living. Disturbing polls suggest that discontent with democracy is on the rise and that large percentages would prefer a strong man who could improve living standards to a democratically elected leader who could not. CAFTA has the potential to illustrate the tangible benefits that come from democracy—free market economics and partnership with the United States.

Let me give one concrete example. The apparel industry is critical in the regional economy, accounting for $9 billion in exports each year. CAFTA will lift duty on most apparel and non-apparel goods, immediately bolstering an economic sector that represents tens of thousands of jobs in the region. The overall effect of this and other benefits would be to help lock in Central America's political and economic gains.

Let's consider what happens if CAFTA fails. Rejecting the pact would be seen by our Central American partners as American disengagement from a region important to our security. Thousands of apparel production jobs would likely be lost as they move production facilities from Central America to China, further exacerbating illegal immigration to the United States. It would signal to the people of Central America that the support of the United States for their freedom and prosperity is more rhetorical than real—even in a win-win situation for both sides. It would have a devastating effect on our effort to lower trade barriers with other partners around the world and to push forward the Doha round of multilateral talks and put another notch in the post of the special interests as they despoil the public good for their private gain.

We need CAFTA. It is important to our economy. But it is also vital to our political security and humanitarian interests in Central America.

The former President of Costa Rica, a Nobel Peace Prize winner, Oscar Arias, speaking of CAFTA, said it represents "an unparalleled opportunity to transform Central America into a dynamic economy, deeply integrated with worldwide flows of trade and technology. We ask not for charity, but enlightened self-interest from our northern neighbor."

I am concerned about the state of democracy in Central America. I am disturbed that in Nicaragua there is every likelihood we may see Daniel Ortega as the next President of that country. I am disturbed about the failing economy and corruption that exists in El Salvador. I am concerned about the continuing stagnation of the economies of Guatemala and Honduras.

Mr. President, if the countries of Central America continue to fail economically, it will give rise to a situation that I do not want to revisit. When I first came to the Senate, one of the overriding and compelling challenges we faced was the rise of communism in Central America, the influence of Castro in countries such as Nicaragua, the Sandinistas in power, the effect it had on neighboring countries such as Honduras and El Salvador where there was an ongoing revolution. Billions of dollars of American taxpayers' dollars were poured into the region in aiding El Salvador in combating others in the region.

One of the most emotional and unpleasant debates I have ever engaged in on the floor of this Senate had to do with aid to the Contras. I do not want to revisit those days of the 1980s. I do not want to go back to a region that may be beset by corruption, anarchy, and possible insurgencies.

We have another individual on the rise in our hemisphere, and his name is Chavez from Venezuela. He espouses policies and programs that I believe are not in the best interests of the people of Venezuela. And he also, I believe, is having an influence in the region. If there is anything we need today, it is strong, viable economies in Central America, so they can progress, so they can be strong, and they can again be allies of the United States of America, not in a military fashion but in their advocacy for free and open societies, democracies, and places where people can raise their families in a situation of security and peace.

I would like to mention again, if there is one lesson we have learned in the challenge of illegal immigration in this country, it is that if people cannot feed themselves and their families where they are, they will go to places where they think they can. If that means risking their lives crossing the Arizona-Sonora border, they will do so.

Mr. President, I strongly urge—I strongly urge—my colleagues to not only understand the trade implications of this agreement but the political, social, as well as economic reasons for us to consider favorably this agreement. The stakes are very high. I believe, with the leadership of this President and the bipartisan support of this body, we will prevail.

I thank my colleague from Montana for allowing me this time. I yield back the remaining time.

The PRESIDING OFFICER (Mr. BURR). The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following Senators be recognized next to speak after Senator DAYTON: Senator KERRY for 15 minutes, with the time taken from the time allocated to me; and then a Republican Senator not yet named, for 10 minutes, with the time taken from the time allocated to Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Minnesota is recognized for 15 minutes.

Mr. DAYTON. Mr. President, I thank my distinguished colleague, the leader of our representation on the Senate Finance Committee, the Senator from Montana, who has been outstanding in his guidance to all of us in our caucus and in standing up for the interests not only of his own State but for the farmers and the workers and the people of Minnesota and America, as well as Montana. I thank him and I thank my colleagues from North Dakota who also have been in the forefront of this issue because they, like myself, represent people who are seriously at risk with this agreement.

TRIBUTE TO THE U.S. CAPITOL POLICE

Mr. President, before I address DR–CAFTA, I would like to take a moment to pay tribute to the courageous men and women of the U.S. Capitol Police, who risked their lives yesterday, once again, to help evacuate the rest of us safely from the Capitol Complex.

This is, unfortunately, my fifth evacuation from the Capitol Complex, beginning with September 11, 2001. This has been the best of them, if such a word can be applied to that race against time and the possible horror that is involved.

But as my staff and I walked out of the Russell Senate Office Building's nearest door yesterday afternoon, which is directly across the street from the Capitol, and hurried down the street away from the Capitol and the buildings, I saw several Capitol Police officers who stood directly exposed while they were calmly directing everyone else to safety. Other officers, I am told, remained once again at their posts inside or right outside the Capitol Building itself, helping everyone else to exit as quickly and safely as possible.

Had the plane yesterday been a hijacked jetliner, as it was on 9/11, it would—if it had not been shot down—have struck its target within 2 minutes of that evacuation alarm. It is questionable whether the evacuation of everyone in this complex would have been completed by then. But it is almost certain that the Capitol Police officers—who were doing their jobs heroically—would have still been at those posts, or very close to them, at that time. They kept themselves exposed to mortal danger to help their fellow citizens escape it. To all of them and to the other Senate staff who were involved, I say a heartfelt thank you.

It is unfortunate, Mr. President, that exceptional virtue—to place the best interests of other Americans ahead of one's own—does not apply to this trade agreement called DR–CAFTA. It is a wolf in sheep's clothing. It pretends to help American workers and American farmers, to provide net gains to our domestic economic and employment growth, and also to benefit the people in six neighboring countries, when, in fact, its driving motivations are higher corporate profits and capital gains by shifting American jobs and their production to those nearby countries to exploit their low wages, scarce benefits, nonexistent protections for workers, environments, local economies, and lower transportation distances and costs than in China, India, Vietnam, and other places, to increase corporate profits and personal wealth at the expense of other Americans and our national economic health.

This is the era of un-American capitalism, with great riches and no taxes for the richest Americans and lost jobs, lower incomes, and less financial security for the rest of Americans.

Those are the facts from a decade of NAFTA, the unfortunate, unpleasant but actual real-world economic, employment, and trade facts resulting from 10 years of the North American Free Trade Agreement.

As with DR–CAFTA now, NAFTA's proponents prior to its enactment peddled lots of wonderful promises and projections: that NAFTA would create big economic gains for every country and almost everyone in them; there would be increases in U.S. exports to NAFTA countries that would exceed the increased imports from them; and that net gain would increase domestic employment, domestic production, and domestic prosperity.

They turned out to be, unfortunately, domestic dilutions. The real net effects from NAFTA have been exactly the opposite of those promotional fantasies. Over the last 10 years, U.S. imports from Mexico and Canada have increased by 10 times more than our exports to them, resulting in huge net losses, estimated to have cost over 900,000 American jobs.

Many of them have been good-paying jobs, benefit-providing, company-pension-offering and previously secure, reliable, lifetime jobs, the kind of jobs that create stable, secure, healthy, and prosperous communities all across America, throughout all of our 50 States—the jobs that were the economic engines and the social foundations for the hard-working, productive, and successful people who had those jobs for their families, who were—and still are—themselves the greatness of America.

But those ingredients of America's greatness—those jobs that support families, provide security, provide health benefits, provide pensions, allow Americans to earn the American dream—they are being dissipated, outsourced, traded away for immediate profits and financial gains for a few, at the expense of many more dislocated workers, destructed families, damaged communities, destitute seniors, and deficit-plagued local, State, and Federal governments, with serious trade imbalances that are increasing private and public debt, and having a weaker national economy with even more serious consequences ahead.

The proponents of these free-trade agreements—and they are on both sides of the aisle, and they come from the preceding administrations as well as this one—remind me of the story of the crew that was blazing a road in the jungle. After quite a bit of work, the foreman sent somebody up to survey their progress. He climbed up to the top of the highest available tree and looked out and said: Stop, stop. We are going in the wrong direction. The foreman called back: But we can't stop now, we are making so much progress.

These trade agreements have made progress but in the wrong direction. The proponents' solution to that predicament is more of the same—yet another trade agreement with the same bad effects for much of America. In fact, DR–CAFTA is the worst of NAFTA. It involves countries that have even lower standards of living than our own. The per capita income, the average citizen's income, in those six countries range from one-tenth of the U.S. per capita income to one one-hundredth of our per capita income.

We are told, by those who want to pass this agreement, that it is going to create these great export opportunities for our own industries. But exports require people in those countries who can afford to buy what Americans produce. There will be a marginal increase, to be sure, if there is increased employment in those countries. That is positive. I hope—and we should hope—that any trade agreement we make will be good for our fellow world citizens.

However, we should make our trade agreements for our own citizens first and foremost, and not for anyone else's, because every other country in the world, every government in the world, whether capitalist, Socialist, or even Communist—if it is rational in its economic policies—makes trade agreements in its own national self-interest. And then they try to maximize the benefits to their country from those agreements. Unfortunately, we have seen other countries' governments far more effective, even within the scope of these previous trade agreements, at maximizing to their advantage, and often to our detriment, what they can gain from the exploitation of those agreements.

Our trade policy should not be based on free trade or fair trade or any other kind of policy ideology or economic idolatry, as it has almost become, but on what is the best policy with the best economic results for the most Americans. By that measure, what is the broad public interest—after you take the winners and the losers, which in an enormous, complex, diverse economy such as our own, almost any trade agreement is going to have gains and losses—you have to look at the net effects, what is in the broad public interest, to decide what is best for America.

The U.S. International Trade Commission—independent of all of us; tasked by law with developing the expertise to carry out these agreements and to analyze them and to analyze each of these proposed agreements in advance of our voting—has already concluded by its independent, expert analysis that under the DR-CAFTA agreement, as proposed, the U.S. trade deficit with those six nations will increase by an estimated $110 million per year.

That is because the increases in their imports into the United States will be greater than the increases of our exports into those countries. That is the net balance. That is the bottom line. That is not, as some people say, one group's interests or another group's interests. That is America's best combined interest, and it is exactly the opposite of what proponents have been saying is going to be one of the benefits. Once again, the facts, based on the International Trade Commission's projections, but also consistent with the facts as we have seen from 10 years' experience with NAFTA, do not support the Bush administration's false assurances and the claims of others who will benefit and are promoting this agreement.

The response, one would hope, from the administration, in light of that projection by the International Trade Commission that came out about 6 months ago, would be to negotiate changes in the agreement so that we would come out as a net winner rather than a loser. But that has not been their response. It is to increase the advertising, increase the paid promotions for this proposed agreement by those who will benefit from it and by, reportedly—and I have heard this directly from some of those involved in the sugar industry who have been in direct negotiations with the administration—to threaten those who oppose the agreement because they perceive, correctly, that it will have serious negative consequences for their own livelihoods, for their own families, their friends, their neighbors, threaten them with reprisals in the future if they persist in their opposition, or to try to, as we are seeing now, buy them off with some special side deal.

I don't hear anybody on either side of the argument, for or against CAFTA-DR, who disputes the projections by the experts and the industry itself that the American sugar industry—sugar beets in northwestern Minnesota and central Minnesota and neighboring States, sugar cane in other States—would be seriously and negatively affected.

The extent is perhaps debatable, but the negative effects are indisputable, if CAFTA-DR is approved. So to tell them that they should sign off on their own economic death warrant, or they are going to suffer future reprisals for not doing so is wrong. It is unfair.

The latest approach has been, well, we are going to offer you this special side deal for a couple years to buy you off. I don't know all the details. It has just been disclosed. I don't fault my colleague in the Senate from Minnesota who is purportedly instrumental in that negotiation. I don't agree. I strongly disagree with the arrangement, as I understand it. But I fault the administration for insisting that he or others try to work out such a deal. It is like being handed a huge lemon and being told to make lemonade. Unfortunately, with this trade agreement, there is not enough sugar in all of America to sweeten what is wrong with CAFTA, even for the sugar industry.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DAYTON. I ask unanimous consent for 5 more minutes to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAYTON. I thank the Chair.

The proponents want this agreement so much that they are going to use—one way or another, directly or indirectly—U.S. taxpayer dollars to subsidize domestic sugar production or to buy off some of the otherwise imported sugar from these CAFTA countries at taxpayer expense in order to promote a free-trade agreement. It has the added irony, bitter irony of using tax dollars from working Americans in some cases to subsidize an agreement that is going to cost them their jobs. It underscores how the policy is bad economics, how it is bad trade policy. But the proponents of it want it so badly, because of its benefits for those companies that can outsource their jobs, based now in the United States, and that production to nearby countries, taking advantage of low wages there, costing American jobs, costing American communities their businesses and their employment and their social stability for the benefit of the wealthy few corporate interests who are bankrolling this effort, and now, in the ultimate bitter conclusion, taking taxpayer dollars to pay for the political grease to get this agreement through.

If I really wanted to be Machiavellian in my thinking, I would say also—as a big proponent of the domestic ethanol industry, which is now just reaching, because of the world oil price, competitive parity, even without the public tax subsidy for ethanol, of price competitiveness, even a price advantage in my State of Minnesota with regular gasoline—that by taking this, as some reports have said, excess sugar production and providing what will be an effective subsidy of an additional dollar for a gallon of the ethanol produced from it, distorting the economics, the competitiveness of ethanol, distorting the supply in the competitively growing, successful domestic ethanol industry and trying to show how—in this case, with sugar beets or sugar cane in this country—price uncompetitive making ethanol is from those products is poisoning the well, the public support, is going to reinforce those opponents of ethanol who will then say: Look at how uncompetitive it is and how outrageous this additional taxpayer subsidy is for the production of ethanol from it. And in this case they will be right. And they will use that, I believe, unfortunately, to try to poison the political and public well of support for ethanol, which is a very important, promising part of our energy independence and economic future.

This is a bad agreement for America. It is bad for the sugar industry, and I oppose it for that reason. But even taking sugar aside, it is bad for the rest of America. It is bad for American workers, American industry. It is bad, as the International Trade Commission has concluded, on the basis of the bottom line—the trade imbalance increased, trade deficit with those countries increased, imports that will exceed the increase in our exports. That means, net result, it is bad policy, bad trade for America.

I oppose it. I urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that I be allowed to speak in place of Senator KERRY for 15 minutes, and that the next speaker after me be a Republican Senator under the time Senator GRASSLEY was previously granted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I come to the floor today to announce my opposition to CAFTA. Some expect Democratic Senators to by and large oppose trade agreements and Republican Senators to support them. I come to this debate as a Democratic Senator who has supported trade agreements in the past. I supported NAFTA, permanent normal trade relations for China, trade agreements for Chile, Singapore, Morocco, and Australia. I think globalization is as inevitable as gravity. We have to accept the fact that America cannot be a rich and prosperous country by selling to ourselves. Merely doing one another's laundry will not create wealth and will not improve our standard of living. We need markets. That is why I have supported trade agreements in the past.

I also understand that as you expand trade, there is pain and there is gain. We have seen it happen throughout the history of the world that as trade expands, some industries expand with it and others decline. When we Americans look at the course of history, we find strong evidence that joining together democracy and free markets is a winning combination. Expanding trade goes hand in hand with pushing the concepts of freedom, ingenuity, innovation, efficiency—all sorts of respect for people at every level. That is one of the reasons I have supported some trade agreements in the past. That is the very reason I oppose CAFTA.

I am disappointed. If there is one casualty in CAFTA, that casualty would be the worker—not just the American worker but the workers in Central America. We know what is happening. We have seen over the past 4 years that America has lost one out of every six manufacturing jobs in the last 4 years and few months. It hit my State pretty hard. Several hundred thousand manufacturing jobs in Illinois are gone, never to return. It is happening across America. The trade policy we have today is exporting jobs. How long can this continue?

We would like to believe that we are going to educate and train a new group of American workers for the 21st century economy. We have to. But in the meantime, should we be entering into trade agreements that encourage the export of good-paying manufacturing jobs from the United States? Should we, instead, be saying that we are going to have trade agreements that make certain we aren't playing to the lowest level? If we have to compete with the countries that pay the lowest wages in the world, we will always lose.

What are we going to say to American workers? Compete at a wage level the same as another country? If you do that, you know what is going to happen to the standard of living. How can you provide for your family? How can you expect to have health insurance? How can you put any money away for your retirement, when you play to that level? That is what this trade agreement does.

Let me tell you two specifics. Senator RON WYDEN of the State of Oregon offered an amendment to this CAFTA agreement which said: If American workers in the service industries lose their jobs because of our decision to enact this trade agreement, we will help retrain them, give them new skills and education so they can go back to work. Displaced workers from service industries would have a fighting chance to get back on their feet and be able to compete. The amendment was rejected by the Bush administration, leaving these workers, who are the victims of CAFTA, high and dry. But there are other workers at stake here, too. I don't think it is unreasonable for us to ask, when a country says they want to trade with us, How do you treat your workers? Do you treat them with dignity? Do you give them a chance to bargain collectively for their future? Do you allow child labor? Do you allow slave labor? Why in the world would we want to get into a trade agreement with a country that is exporting goods to the United States because they exploit the very people who live in their country?

The language in CAFTA is the weakest language I have ever seen in a trade agreement. It basically says to the Central American countries: Just play by your own rules, whatever they happen to be.

That is not enough. It isn't as if we don't know what is coming. Our U.S. Department of Labor, under the Bush administration, ordered a study of the labor laws in the Central American countries that we are entering into this agreement with. That study came out and made the following report:

> In practice, labor laws on the books in Central America are not sufficient to deter employers from violations, as actual sanctions for violations of the law are weak or nonexistent.

What does that mean? It means that if you hire children to make textile goods or whatever it happens to be, if you exploit these little kids in one of these countries, if you work people enormous hours without adequate compensation, if you stop them from organizing and bargaining collectively, the laws in Central America are not going to be there to protect those workers. Ordinarily we say: Life is different in other parts of the world. We shouldn't worry about it. These are the very workers who will make the products who will compete with America. That is what it comes down to. Are we going to continue to play to the lowest common denominator, that as long as businesses are profitable in their trade agreements, we don't want to know the details? That is what this trade agreement does.

Under this administration, workers are expendable. They are expendable in the United States, and they are expendable in the countries that we are entering into agreements with.

That is a sad reality.

I know that there are going to be changes, and we have to accept economic change. But wouldn't we want to stand by American workers first and their families? We have done it in some other agreements—the Caribbean Basin Initiative and the Generalized System of Preferences. This agreement is one of the weakest I have ever seen when it comes to the rights of working people. In those countries in Central America, it is not uncommon to face blacklisting, violence, even assassination of union organizers. It goes largely unpunished. This agreement would not move us one step toward more civilized treatment of workers in those countries.

If we truly care about the basic protections that are supposed to be behind a free-market economy and democracy, we ought to protect American workers first, not rush to the bottom when it comes to labor standards. We ought to enter into trade agreements where parties are not free to ignore labor standards and basic human rights. That is what is at stake.

Since this President took office, we have lost 2.8 million manufacturing jobs—1 out of 6—and 140,000 in my home State in the last 4½ years. It is a tragic, dismal, and shameful record of American workers losing their opportunities. And this trade agreement, sadly, will only make it worse.

Let me tell you about the group that, frankly, will prosper the most from this agreement. It will come as no surprise to you if you understand the political dynamics of Capitol Hill.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 7½ minutes remaining.

Mr. DURBIN. Please advise me when I have 2 minutes.

One of the special interest groups with more power in Washington than any others is the pharmaceutical industry. We have seen it time and time again. When we go into a bill for Medicare prescription drug benefits, we say: Would you not want Medicare to bargain with the drug companies so seniors across America would pay lower prices? No way. It was kept out of the bill so that the pharmaceutical and drug companies can charge exorbitantly high prices to American citizens. That is why people are going to Canada, Mexico, and Europe trying to find cheaper drugs. It is because their Governments care, they force competition, they keep prices down. Not our Government. Along comes a trade agreement. What could that have to do with the pharmaceutical companies and drug companies? There are roughly 165,000 people in the Central American nations living with HIV/AIDS. These are low-income countries where the people are struggling to survive and medicine is barely affordable.

Doctors Without Borders—you may have heard of this fabulous organization based out of France, doing wonderful work all around the world. They provide drugs to HIV patients, and 1,600 in Guatemala alone. They rely on generic drugs because they cannot afford the most expensive drugs. They cost less than brand-named drugs. They can keep a person alive with HIV/AIDS in Guatemala for $216 a year. If they had to pay for the brand name, it would be $4,818. That is the difference—more than 20 times the cost.

I know these patents to drug companies are important. They help to spur innovation by rewarding companies for investing. We need a careful balance where we allow generic drugs in these Central American countries and not abuse the patents of the drug companies unnecessarily. At the global level, there has been an active debate about this very issue. We have had agreements that have been entered into. These agreements try to strike a careful balance between allowing more inexpensive drugs in the poor countries and still protect the patents.

Sadly, this CAFTA agreement destroys the balance that has been entered into in previous agreements. This CAFTA trade agreement requires CAFTA countries to adopt provisions, such as keeping testing data for drugs secret for longer periods of time than even required in the United States of America. And without access to testing data, it becomes nearly impossible for new generic companies to break into the market and provide the drugs for these people in Central America, and some, of course, in our region.

CAFTA will require countries to extend the lives of patents, under certain circumstances, for even longer periods of time than is permitted under U.S. law. This is a bonanza for pharmaceutical companies. They will make more money out of this agreement because we put their special interest provisions into this trade understanding. These provisions will apply to new drugs as they are developed, not existing generics.

The long delays that CAFTA will impose means patients will have to wait even longer to get access to lifesaving treatment. I think when you look at this and you understand workers are losing, you have to understand as well that a lot of sick people with HIV/AIDS are going to lose, too. People are struggling to survive, and they will fall victim to the profit margins of American pharmaceutical companies. Those are the priorities—the priorities of CAFTA.

Why aren't the American workers the priority of CAFTA? Why aren't the workers of Central America the priorities of CAFTA? Why is America's record of humanitarian care when it comes to using these drugs all around the world—why isn't that the priority?

Let me speak about agriculture. I come from a strong agricultural State. I have promoted or stood behind many trade agreements in the past because it helped create agricultural markets. But CAFTA countries, Central American countries, have a combined population of about 31 million people who generally have limited incomes with which to purchase agricultural products. The market is worth about $1.6 billion in annual agricultural exports. That is a large sum, but in the perspective of all of the exports we have, it is not overwhelming. Many key U.S. commodities already have open access to the Central American market. About 94 percent of all grains imported into the six CAFTA countries comes from the United States. This domination means there is little room for further upward growth when it comes to agriculture. So I think when we look at this, we have to ask a more important question: Think about the Central American country for a moment. Think about a subsistence farmer living in the countryside of one of these Central American countries who is growing grain.

Assume it is corn for the moment. Think about the possibility that this trade agreement means that more and cheaper corn will come in from the United States to this Central American country. Think what happens to that poor farmer and his family if he can no longer eke out a living for himself and his family and sell enough to continue on, and he has to leave his farm—and it happens all the time—because of this agreement. Where does that peasant farmer go? His first stop is likely to be a large city in Central America, San Jose in Costa Rica, or some other city. Failing to find a job in that city, where is his next stop? El Norte, the United States.

So as we assault the economies of Central America, without respect for their workers, without respect for their farmers, we create economic instability which moves families into cities first, and finally, in desperation, to anyplace they can go to find any job to survive. Now, there may be large companies that will make great profits out of CAFTA. But, sadly, they are not taking into consideration what it is going to mean to workers and to a lot of smaller companies in the United States that will not survive this trade agreement.

If there was ever a time in our history when we should step back, as we face the largest trade deficit in the United States, as we see countries such as China around the world exploiting us because they are buying our debt—the largest national deficit in the history of the United States under the Bush administration—and understand that China and these countries will continue to exploit us on the trade side—China manipulates its currency, and we don't do anything about it. We don't even talk about it. Because of that manipulation, they take away American jobs.

This Senator has voted for trade agreements in the past. I will not vote for this one. If we are going to have trade agreements, there should be laws enforced on both sides, exporters and importers. Sadly, that has not been the case. This CAFTA agreement will hurt American workers, hurt the workers of Central America, be a bonanza for American pharmaceutical companies, and create instability in the United States.

It could not come at a worse time. I look forward to voting against it.

Mr. HATCH. Mr. President, I ask unanimous consent that the next Senator to be recognized be Senator CORNYN for 10 minutes from our time, and then Senator KERRY for 15 minutes from Senator BAUCUS's time, and then Senator VITTER for 10 minutes from Senator GRASSLEY's time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I rise today to lend my voice and my support for the Dominican Republic-Central America-United States Free Trade Agreement. CAFTA would be a great benefit to the United States and all countries involved. Momentum continues to build for this important accord which will, notwithstanding what some have said on the floor today, actually grow jobs in the United States and grow jobs in Central America. It will boost opportunities for exporters in the United States and provide additional market access for our products in Central America. Congress should pass this important agreement for the good of both our economy and our national security, as well as those of our neighbors.

Economic growth brought about by free trade and free markets creates new jobs and raises income. This growth lifts people out of poverty, even as it spurs positive economic development. Free trade supports sustainable development and strengthens private property rights while encouraging competition, transparency, regional integration, and the open flow of technology. And a strong world economy based upon free trade and transparency advances not only the prosperity of nations but the cause of peace and liberty around the world.

A vibrant, free market that values innovation and competition is one of the vital components of American success. For consumers here in the United

States and the DR-CAFTA countries—Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua—free-trade will provide real and tangible benefits. It will demonstrate our commitment to the economic prosperity of that region, and it will also encourage the spread of democracy, transparency, and respect for the rule of law.

DR-CAFTA countries are our 12th largest export market, with nearly 44 million consumers. Currently, nearly 80 percent of products from these countries enter the U.S. duty-free, but the average tariff on our goods is between 7 and 9 percent. DR-CAFTA would eliminate this imbalance and provide instead for reciprocal trade between all parties to the agreement—this means the playing field would be leveled for American exporters.

The benefits of this agreement are clear: When CAFTA is implemented, 80 percent of U.S. products will enter DR-CAFTA countries duty-free, with the remaining 20 percent being phased in over 10 years. Currently, the average tariff imposed on U.S. exports to Central America is between 7 and 9 percent—and some farm products being taxed as much as 16 percent.

Key U.S. export sectors stand to significantly benefit from the agreement, including medical and scientific equipment, information technology products, construction equipment, and paper products.

As well, agriculture exports will be allowed to expand: More than half of current U.S. farm exports to Central America will become duty free immediately, including cotton, wheat, soybeans, fruits and vegetables, high-quality cuts of beef, processed food products, and wine. It is estimated that U.S. agriculture producers will increase their exports by $900 million as a result of the DR-CAFTA agreement. Finally, after tariff liberalization has been fully implemented, and all economic adjustments have occurred, overall U.S. welfare is likely to increase in the range of $135.31 million to $248.17 million. As well, the U.S. International Trade Commission has found that the effect of the agreement would be to reduce the overall U.S. trade deficit by $756 million.

Furthermore, over half of current U.S. farm exports to Central America will become duty-free immediately, and other U.S. exports, such as information technology products, agricultural and construction equipment, paper products, chemicals, and medical and scientific equipment will immediately gain duty-free access.

Workers in Central America and the Dominican Republic support the agreement. They recognize that it will help create more and better paying jobs. This in turn will help fight poverty, lifting these workers out of circumstances where they currently survive on only a few dollars a day. Enhanced opportunities for economic growth will provide these governments with additional resources for much-needed health care, education, and basic infrastructure.

By working to alleviate poverty in Central America, we increase the likelihood that would-be immigrants would instead choose to stay and work in their own countries. We have seen the flow of immigrants who flock across our borders—they come here to work hard so they can send money home to support their families and relatives. They may be well-intentioned, but these hard workers are doing little to help the economy of Central Amerixa.

The young democracies of Central America still face resistance from those opposed to the spread of democracy and economic freedom. In supporting DR-CAFTA, the United States will stand alongside those who support these ideals—those who believe in the rule of law, and will demonstrate that America does not merely view Central America as a trading partner, but that we intend to support the continued democratic development of our neighbors.

Congress should promptly pass DR-CAFTA, as agreements that remove unnecessary barriers to free markets are good for America, and it is in our economic and national security interests to support a prosperous Central America. DR-CAFTA will encourage economic prosperity, stability, transparency, and respect for the rule of law throughout the region. I ask that my colleagues join me in supporting this important agreement.

Mr. President, let me focus, in the time I have remaining, on immigration. I heard the Senator from Illinois claim that if we pass CAFTA, it will somehow displace Central American workers and they will be caused to immigrate—illegally, perhaps—to the United States. I could not disagree with him more.

About a year ago, I traveled to Central America to five of the countries involved in this agreement, and in each and every one of those Central American countries we were told that their new democracies' future depends on ratification of these free-trade agreements. To a man, the leaders of those countries asked us to do everything we can to see that this free-trade agreement passes.

While certainly we want to be a friendly neighbor if we can, I would not support this agreement if it weren't in the best interests of the United States on a number of bases. There is one conversation I remember in particular that relates to the comments we just heard from the Senator from Illinois about immigration. In Guatemala, at the Ambassador's residence, a gentleman told me, "We want to export goods and services, not people."

Mr. President, that stuck with me because what he was saying is that by our ratifying CAFTA, we create jobs and opportunities for the people of Central America where they live, so they don't have to come to the United States—illegally or otherwise—to be able to support their families. That is one of the reasons I am so strongly for this agreement.

I am also for this agreement because these new democracies, many of which were engaged in civil war not that many years ago—and countries such as Nicaragua, where Daniel Ortega is hoping and praying that we will somehow turn our back on that country and these other new democracies—there are literally people waiting to take advantage of America if we turn our back on these countries, and to claim that instead we should align our interests with people like Fidel Castro, Daniel Ortega, and others.

It is in our best interest to make sure that these new and fragile democracies flourish, that people who live there can also find work there and support their families. The irony is that we hear people argue that unless we have stronger labor provisions or environmental provisions for these agreements—this agreement in Central America—that we somehow should not pass it. The fact is, there are strong labor provisions and environmental provisions in this agreement. But do you know what. The best guarantee for a good environment is democracy. The best guarantee for good labor laws and the rule of law in these countries is democracy.

If we turn our backs on Central America and these countries in this free-trade agreement, critics and enemies of this country will point to us and our actions and our rejection of this agreement and claim victory and say that America was not serious about helping; America does not care about anyone but itself, when in fact the opposite is true.

We know, further, that the avenues used for illegal immigration up from South America, Central America, through Mexico's southern border, through seaports, and in the air are being used by organized criminals who smuggle human beings, who traffic in persons, who smuggle weapons, and who smuggle illegal narcotics. In other words, they are organized criminals who care only about making money, and they don't care one whit about the human suffering that they cause.

It is simply in America's self-interest that we enter into this agreement which provides new markets for our producers in this country. It opens our markets further to those fragile democracies and market economies in Central America. It gives democracy a root in a way that cements our interest and reinforces our national interest, not only in this country, but in this hemisphere in Central and South

America, an area that could sorely use the attention after what has been called a period of benign neglect.

I urge my colleagues to vote with me in promptly passing CAFTA as agreements that remove unnecessary barriers to free markets which is in the economic and national security interest of the United States and a prosperous Central America.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that Mr. VITTER be recognized for his 10 minutes, and then we will go immediately to the distinguished Senator from Massachusetts, Mr. KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana is recognized for 10 minutes.

Mr. VITTER. Mr. President, I rise today in opposition to S. 1307, the bill to implement the Dominican Republic-Central America Free Trade Agreement. I do it for one very clear and specific reason. CAFTA will greatly harm Louisiana's sugarcane industry. It is, quite frankly, a raw deal for Louisiana sugar.

Because of the great disruption in our domestic sugar market that this agreement would cause, I have been actively opposing this agreement since it was signed. This agreement would allow an additional 122,000 tons of imported sugar into the United States in its first year alone, with annual increases following. These steady increases in imports threaten to flood the U.S. market and truly devastate the Louisiana sugarcane industry, as domestic sugar is displaced by highly subsidized foreign imports.

Our current sugar program is designed to limit imports to help counter unfair trade actions, and these limits help mitigate the ill effects of dumping by other nations. Unlike programs for many other foreign commodities, it should be noted that this U.S. sugar program provides no cash payments and operates at no cost to the U.S. taxpayers through cash payments as mandated by the farm bill.

Even with that existing program in import controls, the U.S. still stands as the fourth largest net sugar importer in the world, importing 15 percent of our sugar consumption every year. Allowing more imports from select CAFTA trading partners truly brings a potential flood to the market, displacing even more domestic sugar. CAFTA really could set the stage for future bilateral agreements focused on the largest sugar-producing nations, and these impacts are compounded with other pending changes, such as the NAFTA-mandated change that will allow Mexican sugar complete unfettered access to U.S. markets after 2008.

When the Jesuit priests introduced sugarcane to Louisiana in the 1750s, I guess they could not have imagined that sugar would essentially be a $2 billion industry and, much more importantly, even a vital part of Louisiana's history and way of life for over 250 years. It is this economic and even cultural impact and the thousands of families who rely on sugarcane for their livelihood and their way of life which lies behind my decision to oppose CAFTA.

The Louisiana Farm Bureau estimates CAFTA would have caused an $8.5 million reduction in Louisiana's agricultural sector, and sugarcane constitutes one of the foundations of this important sector of Louisiana's overall economy.

Louisiana is home to 27,000 sugar industry jobs, 15 sugar mills, 2 sugar refineries, and more than 580,000 acres of sugarcane throughout 24 parishes. All told, Louisiana alone produces 20 percent of all of our domestic sugar.

As I said, this represents an enormous economic impact. But even more importantly, it truly represents a culture and a valued way of life.

The administration made a last-ditch, three-part proposal to the sugar industry to mitigate CAFTA's impact, but I truly believe that it is untenable.

First, they committed to hold harmless the sugar program but only through the reauthorization of the 2002 farm bill. This is something modest, something I could and will support, but it is my understanding that it is already the responsibility of the Secretary of Agriculture, under this farm bill, to operate the program at no net cost and its import trigger.

I know that sugarcane farmers in my State appreciate the Secretary's commitment to provide this short-term relief from a flood of sugar import commitments, but this temporary protection will not help them avoid the flood in the medium and long term. We, in Louisiana, know a lot about hurricanes and floods, and I fear that in the past 2 years, our sugar industries have drowned in this flood of foreign imports.

The second component of the proposed deal from the administration is perhaps the most problematic. If imports threaten to exceed the 1.523-million-ton trigger in the farm bill, the Agriculture Department would commit to compensating foreign producers for not selling their sugar within our market. U.S. tax dollars are going to compensate foreign producers. USDA would also establish a pilot program to divert imported sugar into ethanol use up to the amount coming in under CAFTA.

The prospect of paying foreign producers is very troublesome, perhaps politically untenable. Regardless of the Secretary's statement that he has the authority to implement such a program, there are so many unanswered questions on how it would work and if it would be politically supportable. Do we really want to make cash payments to foreign governments or private foreign corporations in exchange for a commitment not to export sugar to our market? I don't think so. This proposal is expected to cost $200 million a year.

Sending our tax dollars to our foreign competition I think is an untenable position for a variety of budgetary, policy, and political reasons, making this long-term proposed solution untenable.

The ethanol diversion program has its own uncertainties on how it will work, and it seems to signal a desire to purchase foreign sugar for possible ethanol use instead of assisting the domestic industry in developing new markets for our own production and likely spend significant more of the taxpayers' dollars on those foreign sources in the process.

Third, there has been a proposal for a feasibility study on converting sugar into ethanol to be submitted to Congress no later than July 1, 2006. We already know sugar can be turned into ethanol because they are doing just that in other countries.

Worldwide, more ethanol is produced from sucrose than from corn, and we now need to jump start our own efforts and truly implement a program to provide sugar access to the national renewable fuels program.

The Energy bill we passed this week provides for 8 billion gallons per year of renewable fuels, most of which will be ethanol. The new renewable fuels program would amount to more than quadruple the ethanol currently being consumed in the U.S. So there is plenty of room to accommodate diverse sources of ethanol, including a modest room for sugar.

Access to ethanol was the crux of the sugar industry's proposal to deal with CAFTA—not a study, but real access to that established program moving forward in the Energy bill. They asked for a short-term increase in the tax credit during the developmental phase of this program, something that I understand was done for the beginning of the program for corn.

With so much uncertainty facing the industry because of NAFTA, CAFTA, and other trade negotiations already in progress, I think this was a fair ask from the industry, from an efficient domestic industry that has been a robust engine for jobs in our economy for over 2 centuries. I wish the administration could have accepted that full and robust proposal in terms of ethanol.

Our sugar farmers and processors work hard and deserve a level playing field. What I have been asking, what others have been asking is not simply protectionism for our domestic industry as far as the eye can see, but a level playing field dealing with this sugar issue on a global WTO basis so it can be dealt with fairly so our domestic sugar industry has at least a chance. That is exactly what I will continue to fight for. That is precisely why I will continue to fight against CAFTA and urge its defeat in this body and in the House.

In closing, I wish to take this opportunity to thank Chairman CHAMBLISS and Senator COLEMAN for their efforts to find a solution to the sugar issue within CAFTA. They have been leading a bicameral effort, working diligently. It did not yield the results I hoped, but I salute them for their efforts.

Unfortunately, as I said, those efforts did not prevail. That is why I strongly oppose CAFTA and why I ask my colleagues to do so, and specifically my colleagues in the House as this measure most probably moves there.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be able to speak instead of Senator KERRY under the previous order, to be followed by Senator LAUTENBERG for 10 minutes under the time controlled by Senator DORGAN, to be followed by a Republican Senator to speak under the time of Senator GRASSLEY.

The PRESIDING OFFICER. Is there objection?

Mr. VOINOVICH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be able to speak instead of Senator KERRY under the previous order for up to 20 minutes.

The PRESIDING OFFICER. Is there objection to the second unanimous consent request that the Senator from Wisconsin be able to fill the time of Senator KERRY for 20 minutes instead of 15 minutes? The Senator from Utah.

Mr. HATCH. Mr. President, I ask unanimous consent that the distinguished Senator from Wisconsin on the Democratic side be the next speaker for 20 minutes, that he be followed by Senator LAUTENBERG for 10 minutes, and then Senator VOINOVICH will immediately follow Senator LAUTENBERG for at least 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to oppose the Central American Free Trade Agreement, known as CAFTA, the latest expression of the disastrous trade policies of this administration which are, unfortunately, a continuation of the disastrous trade policies of previous administrations.

I hold listening sessions in each of Wisconsin's 72 counties every year. I have held those listening sessions for over 12 years now, listening to tens of thousands of people from all over Wisconsin. I recently completed my 900th of those sessions, and I can say that there is nearly universal frustration and anger with the trade policies we have pursued since the late 1980s. Even among those who would have called themselves traditional free-traders, it is increasingly obvious that the so-called NAFTA model of trade has been a tragic failure.

I voted against NAFTA, GATT, and permanent most-favored-nation status for China, in great part because I felt they were bad deals for Wisconsin businesses and Wisconsin workers. At the time I voted against those agreements, I thought they would result in lost jobs for my State.

Even as an opponent of those trade agreements, I had no idea just how bad things would be.

And things could hardly be worse. One can see the results of those policies in hundreds of communities around my State. As one might expect, our largest communities—places like Milwaukee, Madison, and Green Bay—lost thousands of jobs as a result of those trade policies, most notably NAFTA and permanent most-favored-nation status for China. But less obvious to some may be the devastation experienced by smaller towns and cities across my State. In those communities, the legacy of our trade policy has been especially cruel.

Even if we only use the extremely conservative statistics collected by the Department of Labor, statistics which many argue grossly understate actual job loss, smaller communities all over Wisconsin have been the victim of the trade policies of the past decade.

NAFTA's legacy of lost jobs includes places such as: Baraboo, with 190 lost jobs; DeForest, with 40 lost jobs; Elkhorn, with 354 lost jobs; Hawkins, with 443 lost jobs; Marinette, with 54 lost jobs; Mauston, with 48 lost jobs; Merrill, with 263 lost jobs; Montello, with 70 lost jobs; Oconto Falls, with 100 lost jobs; Peshtigo, with 95 lost jobs; Platteville, with 588 lost jobs; Spencer, with 23 lost jobs; and Waupaca, with 130 lost jobs.

Some might suggest that 23 lost jobs in Spencer, WI are not all that many but when a small town loses a business, and the dozens or possibly hundreds of jobs that business provides, the impact surges throughout the entire community. Families are left without a breadwinner, or sometimes even two breadwinners. Stores are left without customers. New homes are not built. Families may be forced to move away. Schools lose children. The tax base drops, putting an increased burden on those who remain.

When a bad trade deal results in lost jobs, it is not only those who lost a job who suffer.

And the suffering in Wisconsin has been considerable. Altogether, Wisconsin has a net loss of more than 23,000 jobs because of NAFTA, and thousands more because of the other trade agreements into which we have entered in recent years.

Now we have CAFTA, which is based on that same failed model of trade.

I should note at this point that in too many instances, these trade agreements have been lose-lose trade agreements. They have been bad deals for our workers as well as the workers of our trading partners.

This is a vital point, because many who are advocating CAFTA argue that the agreement is critical for promoting economic growth and reducing poverty in these Central American nations. In fact, the experience of the flawed trade model has been just the opposite.

Eleven years of NAFTA have lowered living standards in Mexico, both for urban workers and in rural areas. Professor Riordan Roett of Johns Hopkins wrote on this very issue in a recent column, and this is what he had to say:

> Mexican workers under NAFTA lost precipitously through the 1990s, despite the extravagant promises made by proponents of the model on which CAFTA is based.
>
> At least 1.5 million Mexican farmers have lost their livelihoods under NAFTA. According to a 2004 report by the Carnegie Endowment for International Peace, "Agricultural trade liberalization linked to NAFTA is the single most significant factor in the loss of agricultural jobs in Mexico. " Thus far, limited employment growth in Mexico's manufacturing sector has failed to absorb displaced rural workers.
>
> This does not bode well for the CAFTA countries. A 2004 U.S. International Trade Commission study on the potential impacts of CAFTA leads one to conclude that the agreement will displace many in the rural sector in Central America. Following a recent visit to Guatemala, United Nations Special Raporteur for Food Jean Ziegler determined that CAFTA will increase hunger and poverty once the agreement fully kicks in. . . . one is left to wonder where the displaced rural population of Central America will find employment.

If the arguments made by the proponents of CAFTA sound familiar, it is because they are. CAFTA's advocates are making exactly the same arguments today that the proponents of NAFTA made a little over 10 years ago. Because our markets are already largely open, they argue, it will be American businesses and American workers who will benefit from this trade agreement.

It is an argument that sounds neat and simple, but let's compare the rhetoric to the record. In 1993, before NAFTA was implemented, our trade deficit with Canada and Mexico was $9 billion. In 2004, 10 years after NAFTA was implemented, our trade deficit with those two countries has ballooned 1,200 percent—1,200 percent—to $111 billion. By one estimate, the massive growth of imports into this country from Canada and Mexico relative to exports to those two countries has displaced almost one million jobs.

Giving China permanent most-favored-nation trading status and ratifying the creation of the World Trade Organization have only made matters worse. Our trade deficit is now more than $600 billion.

Far from improving our trade balance, NAFTA and these other trade agreements have only made matters worse.

Our trade policy is fundamentally flawed. This is not a new problem, nor is it the fault of only one political party. The leadership of both parties have pushed these deeply flawed agreements, and too many Members from both parties were ready to support them without scrutiny.

When questions were raised about the actual provisions of these flawed agreements, supporters were quick to play the free trade card and label those who questioned these policies as "protectionist."

It is somewhat encouraging that some who blindly accepted these agreements are now beginning to read the fine print.

One might think it obvious, but apparently it needs to be reiterated, these are not your father's trade agreements, and the elegant theories of Adam Smith and others do not apply to the agreements we are asked to approve. As Thea Lee wrote in a recent column in the Wall Street Journal:

> We should all understand by now that modern (post-NAFTA) free-trade agreements are not just about lowering tariffs. They are about changing the conditions attached to trade liberalization, in ways that benefit some players and hurt others. These are not your textbook free-trade deals. These are finely orchestrated special-interest deals that boost the profits and power of multinational corporations, leaving workers, family farmers, many small businesses, and the environment more vulnerable than ever.

Millions of working families across Wisconsin know this.

I sometimes think that if instead of exporting manufacturing goods China exported editorial writers, the opinion pages of our newspapers might reflect an understanding of this as well.

The argument we hear is that trade deals like CAFTA may cause some short-term pain but they are ultimately good for all countries concerned. Maybe we lose a few jobs to Mexico or China, the argument goes, but we would also gain jobs. Each country would engage in the economic activity for which it has a so-called "comparative advantage" and everyone wins.

But this nice, neat academic theory bears little relation to what is actually happening in the real world. And one of the reasons for this disconnect is that in an arena that has been fundamentally changed by technical advances, such as the Internet and the rapid flow of capital, we are not playing by the same rules as our trading partners.

The trade agreements into which our country has entered in recent years too often lack even the most reasonable of standards to prevent a race to the bottom, and ensure that our businesses and workers can compete on a level playing field.

This is certainly the case with CAFTA, which fails to include meaningful labor standards, and the weak standards that it does include are effectively unenforceable.

CAFTA states that member countries cannot, for their own benefit, fail to enforce their labor laws. But the agreement also states that nothing in the agreement "shall be construed to empower a Party's authorities to undertake labor law enforcement activities in the territory of another Party." Thus, any protections that might be afforded by the requirement to enforce current labor laws are left to each government to self-enforce. This really does nothing.

Unlike the commercial provisions in CAFTA, the labor provisions cannot be enforced through binding dispute settlement, or trade sanctions. If a country violates its commercial obligations, sanctions can be imposed quickly, but a violation of workers' rights is only subject to a possible fine.

In the unlikely event that a country is forced to pay a fine, it pays that fine to itself. While the fine is supposed to be used to fund domestic labor initiatives, we all know that such revenues are fungible, and there is no way to prevent a violating country from also transferring money out of its labor budget, so the fine adds no new net resources for enforcement. This is not an academic concern. Studies have documented serious labor violations in Central American countries.

American businesses and American workers should not have to compete with countries with such flawed labor records.

CAFTA also fails to include adequate environmental safeguards. What environmental provisions there are in CAFTA are largely cosmetic in nature.

As with worker standards, the environmental standards that are in the agreement lack the kind of enforcement teeth provided to commercial provisions in the agreement.

For example, while the agreement includes the establishment of a process under which citizens can identify failures to enforce environmental laws effectively, advocates note that the proposed citizen process has no clear enforcement mechanism to ensure action on public complaints. By contrast, the enforcement mechanisms for investment related provisions are real. Investors can demand monetary compensation of governments under CAFTA's investment rules.

In fact, any hope that CAFTA countries might, on their own, strengthen environmental standards to make the playing field a bit more level is undermined by the investment rules included in the trade agreement.

Those rules allow foreign investors to challenge environmental laws and regulations in front of international trade panels, circumventing local courts. Moreover, the threat of having to pay investor interests heavy monetary damages if a challenge is successful is certain to have a chilling effect on the willingness of CAFTA government, both federal and local, to establish the kinds of environmental protections that might help that region and provide better balance for American firms that must live under our own strong environmental laws.

Among the rosiest of predictions made by the proponents of CAFTA are the positive impacts they claim for U.S. agricultural sectors. But our experience with NAFTA again leaves me deeply skeptical of such claims. The promises made to farmers that we heard over the early 1990s, have largely failed to materialize.

But even setting aside for the moment the failure of NAFTA to deliver on those promises, even if we accept the most optimistic of projections by CAFTA's proponents, there is no scenario under which this helps small family farmers in Wisconsin or the Nation. The American market dwarfs the CAFTA market, so any benefits will be miniscule and concentrated in the middlemen and large agribusinesses.

I am afraid to say that is the up side. The down side is that CAFTA sets up an unfair playing field that could put our farmers at a long-term competitive disadvantage.

As my visits with Wisconsin farmers have shown me, American farmers are not afraid of competition and I would not hesitate to put them up against any other farmers across the world on an equal footing. The problem is that CAFTA does not provide this fairness. Instead, Wisconsin and the rest of America's farmers are required to meet environmental and labor standards to both keep the water, air and land clean and at the same time pay their employees a living wage.

As I have noted, CAFTA does not require the same standards in other countries.

Our farmers can attest that our environmental and labor standards are very real and enforced. CAFTA does nothing to level the field on which our farmers will be asked to compete, and that tilted playing field apparently extends even beyond CAFTA countries.

For example, ethanol production has long been considered an opportunity for American farmers to reap greater and consistent income from their crops, while helping to reduce our dependence on foreign fuel. But under CAFTA, Central American countries could become a conduit for cheap ethanol exports to the United States, importing unlimited amounts of ethanol tariff free even if they were blended with 50 percent ethanol from non-CAFTA countries like Brazil.

Perhaps most concerning to me is that while CAFTA would put American farmers at a competitive disadvantage with the relatively small CAFTA market, its impact could be far greater. CAFTA will likely be used. as the blueprint for the much larger Free Trade Agreement of the Americas. If this retreat from the principle of fair trade is repeated there, the negative effects could be dramatic and felt throughout U.S. agriculture.

Wisconsin has paid a heavy price for CAFTA's predecessors. Since 2000, Wisconsin has lost nearly 92,000 manufacturing jobs. NAFTA, the GATT, and most-favored-nation treatment for China have devastated local businesses and punished working families, taking away family-supporting jobs, and offering lower-paying jobs, if any, in return.

When the impact of these agreements comes crashing down on people's lives, it is clear that we have already traded away too much in a series of bad deals.

CAFTA promises more of the same devastation brought by the agreements that have come before it, putting our businesses, workers and farmers at a competitive disadvantage, while also undermining the economic development that might benefit workers, farmers and small businesses in Central America.

This trade agreement fails on every count. I urge my colleagues to scrap it and tell the administration to come back with a deal that is fair to American businesses, workers and farmers, as well as the small businesses, workers and farmers of our trading partners.

I yield the floor.

Mr. BAUCUS. Mr. President, under the order the Senator from New Jersey is recognized next for 10 minutes. I ask unanimous consent he be given an additional 5 minutes, total of 15, and the time to be taken out of the time allocated to Senator DORGAN.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey is recognized.

IRAQ

Mr. LAUTENBERG. Mr. President, I thank the Senator from Montana. Today I want to discuss the speech made by the President Tuesday night about Iraq. I think it is encouraging that the President is reaching out to the country and attempting to explain his policy in Iraq. But I think, to be more effective, the President has to be candid and upfront with the American people.

Frankly, in my view, the credible speech on this subject should have come from the Oval Office, not from a stage with uniformed service people all around. Apparently, a patriotic backdrop behind the President, and rows of soldiers in dress uniforms, was necessary to speak to the American people about the crisis our country faces in Iraq. It was, I thought, good theater, but not a very informative speech. Maybe that is why the soldiers didn't applaud until the White House staff urged them on.

Tuesday night's staged show reminded me of another Hollywood-type event, when President Bush declared "mission accomplished." We all remember this picture very clearly. It was on an aircraft carrier, with signs up—their authorship was denied by lots of people. The Navy personnel were standing there directly behind the President. The speech took place on May 1, 2003, just slightly over 2 years ago, when the President said to the country at large that major combat was over in Iraq.

How wrong he was. Before the "mission accomplished" speech on May 1, we had lost 139 people and had about 500 of our troops wounded. Since President Bush's "mission accomplished" declaration, we have lost 1,594 Americans in Iraq—versus that 139, 2 years ago. Almost 1,600 versus 139; and 12,000 seriously wounded versus 500 at the time, in that 2 years.

It has been a terrible 2 years. Despite the gigantic banner and the theatrical presentation on the aircraft carrier 2 years ago, the mission was not accomplished then and it is not accomplished now. In fact, the mission isn't even close to being accomplished, as all of us in America, and I am sure the President is included, would like to see.

We are not going to solve our problems in Iraq through spin and photo ops. We will solve these problems only with a tangible plan that gets our troops home and then we will all truly celebrate mission accomplished. Not only are we not seeing a plan, but high level administration officials seem to be in serious disagreement about the status of the insurgency. One day we saw Vice President CHENEY say that the insurgency is in its "last throes." Then a few days later we see Secretary Rumsfeld say that the insurgency could last "12 years."

This war has turned into a quagmire and Americans want to hear what changes we are making to address our growing difficulties in Iraq, and unfortunately a lot of what we heard from the President Tuesday night was rhetoric. Unfortunately, much of the President's rhetoric focused on September 11. But simply referencing September 11 over and over again does not explain how we are going to move forward in Iraq. In fact, it only serves to remind the American people that our most dangerous enemy, Osama bin Laden, is still on the loose, and we are all perplexed by the statement made by Mr. Goss, the head of intelligence, that we know where Osama bin Laden is. I don't know why we don't go get him if we know where he is.

Nearly 4 years after the 9/11 attacks, Osama bin Laden, the leader of the terrorist group that killed almost 3,000 Americans, including 700 of our neighbors and friends from my State of New Jersey, continues to inflame his terrorist network. Al-Qaida cannot be effectively dismantled unless we capture bin Laden, and getting him should be our No. 1 priority, but it seems it has moved its way down on the President's priority list.

I urge President Bush not to use September 11 again as a way to support our failures in Iraq. The American people would rather you simply address the problems and fix them.

Poor planning for the war in Iraq is causing serious long-term problems for our military. Mainly we are failing to meet our recruiting goals. Yes, I know we had a blip up in the present month, but in May the Army fell about 25 percent short of its recruiting target. That is after they lowered their target. The Army also missed its monthly targets in April and March and February of 2005, each month worse than the one before. In February it fell 27 percent short. In March the gap was 31 percent short. In April it was 42 percent. Things are so bad that the Army is contemplating $40,000 signing bonuses for new recruits. It reminds me of some of the bonuses offered athletes who sign contracts. That may rival what professional ballplayers get. And the Army is perhaps going into a new deal that allows for very short enlistment periods, as low as 15 months of active duty.

The National Guard and Reserves are even farther behind in recruiting this year. The Army Reserve met only 82 percent of its May recruitment goal and the Marine Corps Reserve met only 88 percent of its recruiting goal. This raises questions. Even if the President agrees to send more troops to Iraq, where are they going to get them? I don't think it is simply the casualty numbers that are hurting recruiting. It is a sense that this administration does not have a plan for Iraq—and maybe they never did. After all, in March of 2003 Vice President CHENEY predicted that the conflict would last "weeks rather than months." Now it is years and, according to Secretary Rumsfeld, it could be over a decade before the country is stabilized.

What about those Army service men and women who return to our country and become veterans? Look at how they are being treated by this administration. My Democratic colleagues Senator MURRAY and Senator BYRD tried three times to increase funding for the VA this year because they understood that veterans returning from Iraq are going to need more help. What happened? Republicans voted those amendments down each time. Why? Because the administration kept saying "we don't need the money."

But just this week the VA Secretary, Jim Nicholson, suddenly realized he is facing a $1 billion budget shortfall. Nicholson said it was "unexpected." Unexpected? How could they not expect increased needs from the troops coming back from Iraq? We know people are being severely wounded there, and returning and needing a lot of attention. What kind of message does this send to our troops? We forgot to fund your veterans health care needs? I think it is shameful and shows a lack of respect.

Only now, because of embarrassment, did we see the other side of the aisle vote for Senator MURRAY's amendment to increase VA funding. All of a sudden a prominent member of the Republican leadership, the junior Senator from Pennsylvania, after repeatedly opposing increases to VA funding, has become an enthusiastic cheerleader. It is interesting how elections motivate people.

Our service men and women and their families are getting a raw deal. Because of the administration's lack of planning, military families are stuck with extended tours of duty leading to family problems and serious financial difficulties. A real eye opener is to talk to some of the Reserve and Guard people who have returned from Iraq and find themselves in desperate situations with family problems, upset relationships, financial disaster. It is terrible.

The bottom line is we need plain, straight talk coming out of the White House and not staged events such as "mission accomplished" in Tuesday night's speech.

One of my distinguished Republican colleagues, a combat veteran of the Vietnam war, recently said:

> The White House is completely disconnected from reality.

And it is tragically true.

If the President wants to earn back the American people's trust on his Iraqi planning, he needs to start by being truthful and admitting some mistakes. So far that hasn't happened and I plead with the President and this administration: Level with the American people. It is a very discouraging picture out there when we see the casualties mount and the morass thicken.

Mr. President, I yield the floor with this plea: Say it like it is.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Ohio is recognized for 20 minutes.

Mr. VOINOVICH. Mr. President, I rise today to discuss the Central American Free Trade Agreement—CAFTA. I have been a long-time supporter of expanding United States trading relationships. I believe trade is vital to the long-term health of the U.S. economy and to raising living standards around the globe. Since my days as Governor, I have worked to open markets around the world for Ohio's exports. Exports are extremely important to the Ohio economy. When I was Governor, exports were one of my four economic development priorities.

During my tenure in the Senate I have supported the vast majority of trade agreements that have been brought before the Senate. However, in the last year and a half or so, I have been troubled by several aspects of our trade policies that I believe severely, and understandably, undermine the American people's support, as well as my own support, for new trade agreements.

In particular, I believe the failure of the United States to properly enforce its existing trade agreements has contributed to growing skepticism of the American people about the benefits of trade. In particular, the failure to enforce the intellectual property right protections in our trade agreements has contributed to a proliferation of counterfeiting and pirating of American products across the globe.

I have met with numerous Ohio business leaders whose support for trade has been severely tested when their company's products were counterfeited by firms operating in countries whose governments simply refuse to live up to their commitments to protect intellectual property rights.

I believe in free trade, but the cornerstone of free trade is the protection of property rights. It is unreasonable to expect American companies to compete against companies from countries that do not abide by this basic principle.

Last year I was so troubled by the lack of enforcement of our trade agreements I decided the United States should hold off entering into any new trade agreements until our enforcement efforts dramatically improved. Accordingly, I voted against the Australian and Moroccan Free Trade Agreements. Those were not popular votes, but they were necessary to draw attention to the need to enforce our trade agreements.

Although I have been critical of the way our trade agreements have been enforced, I remain committed to seeing the United States continue its leadership in promoting lower trade barriers and global trade. My criticism is that of a friend of trade and one who wants to see the U.S. trade policy succeed.

Accordingly, I have been very pleased with the administration's new efforts to improve the enforcement of our trade agreements. Earlier this year, I held a hearing by the Homeland Security and Governmental Affairs Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, to examine the administration's new Strategy Targeting Organized Piracy or STOP! Program which aimed to combat intellectual property theft abroad and help small and medium size businesses protect their intellectual property. Although much more needs to be done, STOP! is off to a very good start.

I hope my colleagues in the Senate will familiarize themselves with the STOP! program because it will be of great assistance to small businesses in States that have had their intellectual property rights infringed upon.

Mr. VOINOVICH. I am very pleased with the efforts of Secretary of Commerce Thomas Gutierrez and my good friend Ambassador Rob Portman at USTR to help several Ohio companies, victims of intellectual property theft abroad. They have shown the importance of enforcing our trade agreements and are committed to improving our enforcement record, especially in the area of property rights. I am very impressed by how much progress they have made during their short tenures in raising the issue of intellectual property rights abroad, and I am confident they will continue to work closely with Congress to address trade issues.

Our trade policies are only as good as the people who execute them. I am pleased to say we have excellent leadership right now in Secretary Gutierrez and Ambassador Portman. They both have a good background on trade. Secretary Gutierrez has firsthand experience with trade issues due to his work as CEO of Kellogg. Ambassador Portman has unique knowledge of trade legislation as a result of his work as a member of the Ways and Means Committee while he was a Member of Congress.

Recently, I sent a letter to the President asking him to appoint a coordinator for all of the agencies that deal with commerce—Commerce, the Patent Office, USTR, Homeland Security, Customs, Border Patrol, and the Justice Department. They need someone to coordinate them so they get the job done.

I was also pleased to hear Treasury Secretary Snow's comments earlier this week that he is prepared to cite China if it does not address the yuan's overvalued exchange rate against the dollar.

In light of the administration's new effort to improve enforcement of our trade agreements and in consideration of the merits of the agreement, I have decided to support the Dominican Republic-Central America-United States Free Trade Agreement. Passage of CAFTA will lay the foundation for a growing and valuable trade relationship with CAFTA countries as well as strengthen the U.S. leadership position in promoting global trade.

I believe CAFTA embodies precisely the type of long-term economic planning that we too often fail to integrate into our policies. CAFTA will not only facilitate the expansion of trade between the United States and other CAFTA countries by eliminating most trade barriers but will also help American companies get on the ground floor in those developing countries, ahead of our competitors in Europe and in China.

Right now, the CAFTA countries have relatively small economies, but they have made great progress over the last decade. Over the past 5 years alone, U.S. exports to Central America have increased by 35 percent. As these countries continue to grow, we will see growing demands for our exports. Presently, about 44 percent of the region's imports come from the United States, so as their economies expand, so will purchases of American products.

Moreover, the United States has already accorded duty-free treatment to more than 80 percent of Central American imports to the United States under the Caribbean Basin Trade Partnership Act and other trade agreements. As a result, CAFTA is largely a one-way lowering of trade barriers by the CAFTA countries and will measurably improve our opportunity to export to those countries.

Presently, the CAFTA countries impose high tariffs on agricultural products, especially on several of Ohio's top agricultural exports such as soybeans, corn, dairy products, beef, and pork. Under CAFTA, these tariffs will be eliminated, making Ohio's agricultural exports much more competitive in the CAFTA country. Since most agricultural products from CAFTA countries already enter the United States duty free, CAFTA levels the playing field and gives American farmers the same access to the markets in the CAFTA countries. For Ohio farmers, CAFTA is a good deal. Not surprisingly, CAFTA has received support from the Farm Bureau, the Ohio Cattlemen Association, Soybean Association, Poultry Association, and, of course, the Ohio Corn Growers Association.

CAFTA is also very important to the survival of the U.S. apparel industry. Only with open access to CAFTA can American apparel compete with China. Unless CAFTA is passed, we will see the entire American apparel industry move to China.

CAFTA also improves the protection of intellectual property in the CAFTA countries. Under CAFTA's intellectual property provisions, they are obligated to ratify numerous international agreements on intellectual property rights to which the United States is already a signatory and will be obligated to enforce intellectual property rights. The ratification of these agreements is a very important step to protecting American companies from intellectual property theft abroad. While some may argue that more needs to be done, the fact is, if CAFTA does not pass, American companies will not have the protection of even those basic agreements.

We often forget that trade agreements are about more than just trade. They are key components of American foreign policy. They are one of the best ways this country can develop better relationships around the globe. At a time when I believe the United States badly needs to improve its relationship with other countries, trade agreements offer us an excellent opportunity to reach out to the other countries and foster economic ties.

The CAFTA countries are exactly the types of countries with which we should build better relationships. After decades of civil wars, the CAFTA countries have made dramatic progress toward establishing democracy and market-based economies. Because the United States is their largest trading partner and foreign investor, the CAFTA countries need a good trade relationship with the United States to fuel their development and help them to continue their reforms. By passing CAFTA, we can help ensure that our southern neighbors succeed in their reforms and in the process greatly expand our influence in the region. I note that President Jimmy Carter supports CAFTA for precisely this reason.

It is in the best strategic interest of the United States to see that CAFTA countries become successful republics and do not once again fall victim to economic crises and civil wars. The existence of stable and prosperous countries in our southern border will not only be good for American commerce but also good for American security.

Approval of CAFTA will also send an important signal to the countries in the region as well as other developing countries that the United States is committed to assisting them in building their economies. If the United States does not develop closer relationships with these countries, they will undoubtedly look elsewhere for help, such as the European Union or, more troubling, to Cuba, Venezuela, or China. Rejection of CAFTA will only clear the way for our competitors to enter our backyard. In my opinion, a defeat of CAFTA is a victory for China and Cuba.

In addition to rejecting CAFTA, it would greatly damage Ambassador Portman's ability to open markets for U.S. exports at the Doha round of WTO negotiations and with respect to the planned trade agreement with the Andean nations and for the free trade area of the Americas. The U.S. trading partners would have a reduced incentive to agree to open their markets to U.S. goods because they would claim, sincerely or tactically, that the U.S. commerce will not be willing to approve a final agreement. To get other countries to agree to politically unpopular reductions in trade barriers, the United States needs to have credibility that it will do the same.

Since the end of World War II, the United States has been the driving force in promoting trade liberalization. Because of U.S. leadership, global trade barriers have steadily fallen for nearly 60 years, greatly expanding world trade and helping to improve living standards around the world.

I believe it would be unfair to Ambassador Portman to reject CAFTA and undermine his ability to continue the U.S. leadership on trade, especially given that he only recently assumed his post. Members who have worked with Ambassador Portman know he is very talented and a skilled legislator and negotiator who understands the importance of close consultations with Congress during the negotiation of any trade agreement. Hence, I think we have a great opportunity to improve Congress's involvement in the negotiation of trade agreements which would build support for future trade agreements by having Congress's concerns addressed early in the process. Too often, it comes in too late.

We have somebody there as our new U.S. Trade Representative—and I have spoken to him about it—who understands because of his legislative experience that he needs to get over here and spend some time with Congress before the final touch is put on those trade agreements. By voting down CAFTA, however, we would undermine Ambassador Portman's ability to respond to our concerns in the future and negotiate better agreements.

CAFTA is a good agreement which will further integrate the United States in the world economy and help ensure the United States remains the world's leader in global trading. I urge my colleagues to vote in favor of this agreement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I have a rough understanding that Senator DORGAN will speak next. He is not here.

I suggest the absence of a quorum and ask consent that it be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I will respond to some of the speakers through the course of debate on this bill who pointed to a report of the International Trade Commission on CAFTA as evidence that this trade agreement is not meaningful to the United States.

Let me explain that the International Trade Commission is an agency of the Federal Government, but it is an agency that is very independent, with 9-year terms for members to serve. They do a great deal of research in international trade and are very well respected for the reports they put out.

This report that was referred to as evidence of this trade agreement not being helpful to the United States misrepresents the scope of the International Trade Commission estimates as well as the scale of the CAFTA agreement itself. Critics point to one part of the International Trade Commission report which estimates the tariff and quota liberalizations under the agreement will result in zero percent change in welfare for the United States.

Now, those critics ignore the Commission's conclusion that if CAFTA is fully implemented, overall U.S. welfare will increase in a range of $135 million to $248 million, with minimal impact on U.S. employment and output.

In fact, the Commission estimates that no sector of the U.S. economy is likely to experience a decline in output, revenue, or employment greater than 2.5 percent once CAFTA is fully implemented.

So critics fail to acknowledge that the Commission's estimates are based only on the tariff and quota liberalization provided under this agreement. The Commission's estimates do not quantify the other very important elements of this agreement—which the people using this report to justify a vote against CAFTA take into consideration—such as the benefits from an improved regulatory environment, improved protection of intellectual property rights, efforts at trade facilitation, and liberalization of regulations governing investment and the provision of services we will sell to those countries of CAFTA.

The Commission report does not attempt to quantify any broader geopolitical benefit to the United States of improved economic well-being and political stability in the CAFTA countries as a result of the agreement. But the fact remains that those benefits—not referred to by the opponents of this agreement, who find it convenient to quote one part of a trade commission study but not the whole study—the fact remains, then, that if you look at the whole report of the International Trade Commission, those benefits are a part of this agreement, as well, and will materialize and are obviously good reasons for voting for this bill.

After some critics are done arguing that CAFTA is meaningless to the United States, they do, however, point to another part of the Commission's report and offer another doom-and-gloom scenario. They point to the Trade Commission's estimates that suggest that once CAFTA is implemented we will increase our bilateral trade deficit with these countries by as much as $110 million. Those critics ignore the Commission's conclusion that if you take into account likely changes in our global pattern of trade, once CAFTA is fully implemented, then our overall trade deficit is likely to decline by $750 million.

Now, how does the figure of $750 million get ignored, but a $110-million figure gets taken into consideration? Well, it is quite obvious that the people who are quoting from this report quote what benefits their position for voting against CAFTA and do not look at the overall beneficial impact of CAFTA on the United States.

That $750 million is a very important number. Our bilateral trade balance with individual countries or regions may be interesting to consider, but the one number that is of significance to our economic health is our overall trade deficit. According to the ITC, the International Trade Commission, CAFTA will help reduce that trade deficit by $750 million.

Now, all the people crying about our trade deficit, are they going to take into consideration $750 million? Why on Earth would we walk away from that benefit, as the opponents of this agreement will have the United States do with their "no" vote?

I hope this dispels the critics' misinformation about CAFTA. The fact is, when you read the ITC report in its entirety, it becomes clear that implementing CAFTA offers meaningful benefits to the United States, both in terms of improving the economic welfare of the United States and in terms of reducing our overall trade deficit.

Again, CAFTA offers us those benefits with minimal impact on U.S. employment and output. That is not what Senator GRASSLEY says, that is what the International Trade Commission says. And if you add all the other economic and geopolitical benefits that are not readily quantified, I believe the tremendous benefit of this agreement to the United States is then seen in its proper light.

So I urge my colleagues not to be misled by the critics. The ITC report corroborates that CAFTA will be beneficial to the United States.

Also, let me suggest that during this debate, I have heard much talk about the lack of Government policies concerning the trade deficit. I am not here to justify any trade deficit. I am not here to say those people who say it is too big are wrong. But I think I have heard left out of this entire debate a policy that we have had under Republican and Democrat administrations for a long period of time, and that is, the freedom of the American consumer to have access to any product made anywhere in the world that they want to buy. Because we believe in freedom, we believe in choice for our consumers. We believe the consumer ought to have the benefit of choice, of quality, and price. And we happen to have the consumers of America buying much and saving little.

Now, is that right? I do not know. But people who are concerned about our trade deficit, do they want to shut off the faucet that allows our consumers to have the choice of anything? I may be speaking too sweepingly when I say this next sentence but I believe we let anything into our country that consumers want to buy, except for pharmaceutical drugs. Senator DORGAN and I have been working together to make sure the consumer has that choice as well, to drive down prices, and give them the best product they can get.

Now, I do not think anybody wants to take freedom of choice away from American consumers. If we are spending too much on consumer products, importing too much, maybe we ought to have more incentives for savings, maybe we ought to be, without a doubt, enforcing our antitrust laws, antisurging laws, countervailing duties to be applied, and all those things that need to be done about the problem that exists. But our deficit is overwhelming because of consumer products coming into the United States.

Wal-Mart brings in $18 billion from China—$18 billion of our imports; just one company. Now, when you go to Wal-Mart—I don't care. I happen to go to a Wal-Mart some. I don't go there as much as I go to our small businesses in Iowa to buy things but occasionally go there. Are you going to take that choice away from the American consumer by not having Wal-Mart import? I don't know. I don't see anybody suggesting that.

Somehow we are led to believe that China is like a Japan with these big surpluses. China has a trade deficit as well. China has 3 percent of our national debt in bonds. Japan has 8 percent. Yet you would think that somehow that 3 percent is a major problem.

I would suggest that what we ought to be doing here is encouraging our consumers to buy American, buy American, or don't buy so much consumer goods yourself, and invest that money that we send to Japan through Wal-Mart directly in U.S. bonds. Buy American products. Do as we did in World War I and World War II, be patriotic and buy U.S. bonds to help our economy.

Consumers in America are king. And when consumers in America decide to cut down on our trade deficit, it will be cut down. I think consumers ought to continue to be king in America because that is economic freedom, that is individualism, that is America.

Mr. DORGAN. As to the question is all this a good thing, has it strengthened our country, or is this just gloom and doom by those who oppose the current trade strategy, my colleague is quite right, this is not a strategy that is just the George W. Bush strategy. This strategy has developed over about 25 years, although I must say that this administration is the most helpful to corporate interests that I have seen. But it is not just a strategy of the last year or two.

But it is hard—very hard—to take a look at these devastatingly dangerous trade deficits that get worse and worse and worse, and then hear some people say it is getting better and better and better for us. It is, of course, not getting better for us.

Ronald Reagan used to tell that old story about the young boy who would look at the pile of manure and insist there must be a Shetland pony someplace. The fact is, there is no Shetland pony here. This is bad news. And the quicker we decide to confront it, look it square in the eye and decide as a country to do something about it, the better for our country.

The question is about freedom. I agree with that. It is about freedom, freedom for the American consumer, also freedom for American workers to be able to reasonably expect in this great country they will be able to find a decent job that pays well with benefits. That is freedom that is important as well.

When American workers are told on a Monday or a Friday—most characteristically a Friday—by Maytag or by Levi's or by Fruit of the Loom or by Fig Newton cookies or by Huffy bicycles or by Schwinn—and I could go on—that their job no longer exists because their employer has the freedom to get rid of them and hire somebody for 30 cents an hour—that is freedom. Yes, that is freedom.

What does it do to the country we built? This country was built on a debate in this Chamber about a wide range of critically important issues: Should you have the right to organize as workers? Should you have the right to expect to be able to work in a safe workplace? Should you have child labor laws? Should you prevent dumping pollution into the skies and the streams of this country and this world? We fought that battle for 100 years.

Now those who want to avoid those onerous restrictions pole vault over all of them and say: My jobs are going to China. And you American workers? Sayonara. See you later. Goodbye. So long. It doesn't matter. You were just tools. You were like a wrench or a pair of pliers, ready to be thrown away when we were done with you.

I have a lot to talk about this afternoon and a fair amount of time in which to do it. I yield to my colleague from Colorado, Senator SALAZAR, 15 minutes.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today to speak on the Dominican Republic-Central America-Free Trade Agreement. At the outset, let me say I appreciate the efforts of Commerce Secretary Gutierrez and his heartfelt advocacy for this agreement. I look forward to working with him to create jobs in Colorado and on trade and commerce issues, including future revisions to this trade agreement. I have spent the last several months learning more about the CAFTA agreement, listening to individual farmers and ranchers throughout Colorado on their concerns about being left behind. Based on extensive deliberation, I regret that I must oppose this agreement because it continues a policy in Washington that forgets huge parts of our country. Let me summarize my opposition to this agreement.

First, there are huge parts of our country, including the eastern plains of Colorado, which have been forgotten by administration after administration, and they continue to wither on the vine. Those rural communities that continue to decline in population are going to be impacted in a very negative way by the implementation of the CAFTA agreement.

Secondly, I am troubled by the fact that we have not had a policy to deal with the real geopolitical challenges that we face with Central and South America. When one thinks back to the days of John Fitzgerald Kennedy and his announcement of an Alliance for Progress for the Americas, he had a strategy with respect to how we are going to make friends both to the north and to the south, that we are going to help to rebuild the democracies of Central and South America.

We have not seen that kind of a comprehensive policy from this administration. Instead, what we have seen is an episodic approach to dealing with the issues of Latin America. It is for those reasons that I have decided to oppose this agreement.

In my State of Colorado, I have seen firsthand the forgotten America. Surveys done by the Colorado Department of Agriculture have cited steady declines in the number of cattle across my State. The inventory of cattle is reported the lowest in Colorado since 1962. Furthermore, in 2002, 60 percent of farms and ranches in Colorado had annual sales of less than $10,000. Specifically, the eastern plains of Colorado, which would be the place most impacted by the CAFTA agreement, is truly the place where you see the forgotten America in its most difficult of times. It is home to farmers and ranchers and small communities that are vanishing, left behind by a Washington, DC, that has lost touch with what is important to the people and to the communities of the heartland. The eastern plains of Colorado is also home to the sugar beet farmers of my State who, in 2002, in order to save their farms, banded together with over 1,000 other sugar beet growers in Nebraska, Montana, and Wyoming to form the Western Sugar Cooperative, a sugar processing facility which continues to successfully operate today across Colorado and the other States. In order for them to do that, they mortgaged their homes, their farms, their ranches, their tractors in order to be able to build this facility for the good of the rural communities and the operations they represent.

The sugar beet growers believe that DR-CAFTA will set a precedent. It is a precedent that will send a message to our trade representatives that Congress will continue to allow haphazard negotiations of free-trade agreements like CAFTA that will chip away at important industries and programs here in the United States. I will do all I can not to let these families and these communities continue to wither on the vine.

At the same time, the International Trade Commission has stated that the U.S. trade deficit with CAFTA countries is projected to grow by more than $100 million. As my good friend from North Dakota said, speaking about the trade imbalance we are facing, this agreement will add to the trade imbalance of our country. Therefore, other Colorado organizations and many farmers and ranchers from throughout my State have joined together in opposition to CAFTA. It is uncommon in my State, frankly, to find the Colorado Farm Bureau and the Rocky Mountain Farmers Union coming together and speaking with one voice, saying this agreement is bad for agriculture. Yet it has happened with respect to this agreement. They both say this agreement is bad for agriculture.

I also recognize that trade agreements are fundamentally geopolitical documents with important impacts on our foreign policy. It pains me personally to have to vote against this agreement. I do so because I recognize that many of our friends in these six countries see it as an important symbol of America's commitment to them. It pains me that I am not able to vote for this agreement. I do so, looking back at the history of our relationship between the United States and the Central American countries. During the 1980s, this country spent $5 billion on Central America in an effort to ensure that democracy and freedom markets triumphed in that part of our troubled world. Because of the courage and strength of our Central American friends, like Archbishop Oscar Romero, we see a region today that is defined by democracy and freedom, a region about which we could only have dreamed a short 20 years ago.

It is in that context that I have come to conclude that this agreement is a missed opportunity. Twenty years ago, you could not pick up a newspaper anywhere in the United States without a headline on the front page talking about some event or some episode in Central America. Today those countries barely merit a mention in an occasional newspaper. Presidents in the last 100 years have pursued the good policy, the Alliance for Progress, and the Summit of the Americas, and so forth. These policies have been pursued through administrations in differing parties, Democrats and Republicans, but they all shared a sense of commitment and focus on Latin America. I am sad to conclude that the last several years have seen a policy that has been, at best, disinterested in the issues of South America and Central America.

Consider this: The President's flagship foreign assistance program, the Millennium Challenge, has yet to distribute a single dime to Central America. Next, in the President's budget request for this year, Government investments in each of the countries subject to this agreement were cut, not increased. And finally, Latin America rarely appears in the administration's public remarks, despite the challenges of extreme poverty in Central America and democratic instability throughout the Andean region of South America. Supporters of this agreement are now telling us that to vote against CAFTA is to vote against Latin America. That could only be true if you believe that our policy toward this important region should be based only on a single trade agreement. It is not. It should not be. I have personally urged the President to work with members of both parties to reinvigorate our policy toward this important region of our world.

Such a policy would do a number of things. For example, it would consolidate the democratic gains the region has made throughout the last two decades by investing in democratic parties. Instead of deepening democracy, the United States seems paralyzed as we watch democracy take hits in countries such as Venezuela and Bolivia. Next, we must battle underdevelopment in the region by investing in its people and microenterprise, health care, and education. Instead, Latin America is the only region that has not seen increases in U.S. Government investment in the last several years. Finally, we should fight corruption and deepen law enforcement cooperation to fight the scourge of illegal narcotics that passes through Central America on its way to our streets, affecting our kids and increasing criminality within our own communities.

Such a policy should be, and must be, based on a vision larger than a single agreement. I regret that the tremendous energy the administration is now expending on this agreement has not laid out a vision and plan for the larger challenges, such as illegal immigration, drug trafficking, poverty, and the other issues that affect this important region of our hemisphere. That is why, in my view, this agreement represents a lost opportunity of action for our Nation.

Lastly, let me say that I support trade for the Americas. I support trade for our Nation. I recognize that increased trade is good for our economy, for our businesses, farmers, workers, and families. But again, I wish we were here today talking about how we are opening new markets for our producers. Even under the most optimistic scenario, when this agreement is fully implemented, U.S. world exports are expected to increase by only a minuscule amount, if at all, to this small region. We simply need to do better at opening new markets, not just spend our time fighting to keep those we already have. If we spend all of our time fighting yesterday's battles on market access, we will miss the opportunity to leverage the major market opportunities that we have. That is why I have spent much of my first 6 months in the Senate working with the Department of Commerce and State to promote new markets, particularly for Colorado's agricultural products. That is why I asked Secretary Gutierrez to come to Denver last weekend to speak with Colorado's business, labor, and agricultural leaders. I am grateful for the Secretary having made this trip. I appreciated his candid discussion with my constituents in Colorado. That is why I have met with the Ambassador of China to urge him to send a trade delegation to Colorado on trade opportunities. And that is why I met with the director of the Taiwan Economic and Cultural Office to urge Taiwan to send a delegation to Colorado for the same reason.

At the end of the day, I am hopeful there will be a CAFTA I can support. But just as importantly, I hope even more that we, as a Federal Government, will redouble our efforts to promote American exports into new markets around the world, including our own backyard.

As I have deliberated on how to vote on this important agreement, I have thought a lot about Archbishop Romero, a courageous voice for dignity, change, and opportunity in Central America, and the lessons that we learned from his martyrdom in El Salvador. Shortly before he was assassinated, he said in Spanish:

El Reino está ya misteriosamente presente en nuestra tierra: cuando venga el Señor, se consumará Ésta es la esperanza que nos alienta a los cristianos. Sabemos que todo esfuerzo por majorar una sociedad, sobre todo cuando está tan metida esa injusticia y el pecado, es un esfuerzo que Dios bendice, que Dios quiere, que Dios nos exige.

(English translation of the above statement is as follows:)

God's reign is already present on our Earth in mystery. When the Lord comes, it will be brought to perfection. That is the hope that inspires Christians. We hope that every effort to better society, especially when injustice and sin are so ingrained, is an effort that God blesses, that God wants, that God demands of us.

This agreement is not our best work as a nation. As we try to improve our society and the societies of Central America and the Dominican Republic, we can do better.

I hope we get the chance to do better. I look forward to working with the administration to craft a better agreement with CAFTA.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I compliment my colleague from Colorado. These have not been easy issues for him. I appreciate his position and understand it fully. I think he has represented that position well in the comments he offered today. We share—perhaps in some cases for different reasons—a feeling that this trade agreement is not a good one for our country.

I yield 10 minutes to my colleague from Michigan, Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I thank my friend and eloquent leader on this issue, the Senator from North Dakota.

Mr. President, I rise today, also, to share my great concern about this agreement and to oppose what I view as an unfair trade agreement. We can do much better than this. This country has been in an economic slump since 2001, and since then we have lost more than 2.7 million manufacturing jobs. Certainly, in my State, it has never been more clear as we see the headlines every day regarding job loss, jobs going to Mexico, China, and India—every day, headline after headline.

At the same time, we have grown record budget deficits and a record trade deficit. Workers are losing their health care and higher education is becoming even more expensive. What is the response? Well, the administration decides to push through a CAFTA trade agreement that will dig the job holes even deeper. This makes absolutely no sense to me.

This agreement will cost us jobs. It will increase our trade deficit. It will hurt our country's middle class, the backbone of our economy, our way of life. What makes us different from other countries is that rather than just having a few very wealthy people and a lot of poor people, we have a vibrant middle class, people who work hard, save, put their kids through college, and they know they can count on having—up until this point—a pension when they retire or they receive health care through their jobs. All of that is at risk right now for the people in Michigan and others around the country.

This fight that we are having, this debate, is critically important. I think there is not a more critical debate to have on whether we are going to continue to support American businesses and American jobs and the American middle class. That is really what is at stake. We should pass legislation that will be creating jobs. We should be passing legislation that will lower the trade deficit and will create more access to health care, lowering the cost of care and for college. There is a lot we should be doing.

Unfortunately, I have concluded that this trade pact really moves us backward. It will lead us to more offshoring of American jobs. It would be better titled "NAFTA part II."

However, so that I am not misunderstood. I do support trade. Obviously, the debate about trade or not to trade is not the right debate anymore. You could not put a wall up around this country if you wanted to. The Internet reaches anywhere. The question is, Are we going to be smart so that we can compete up rather than down, compete in a way that increases the middle class in other countries that will buy our products rather than losing our middle class and exporting our jobs? What is at stake here is really fundamental.

I have supported trade agreements in the past. In fact, I voted in favor of six trade agreements in the last 4 years. I will give you an example of one of them. I supported the United States-Australia trade agreement because our economies are similar. Our workers get paid roughly the same amount of money. Our companies can sell their products in Australia because it has a high minimum wage, sound environmental laws, and good labor standards. We can sell and trade back and forth.

Unfortunately, the CAFTA agreement does exactly the opposite. This packet will ship jobs overseas and provide fewer export markets for American companies, and it is because in these countries the minimum wage is very low. In Guatemala, the minimum wage is 25 cents an hour. I don't want our workers having to compete with 25 cents an hour. You cannot live on that. Mr. President, how can we expect to export to a market and compete with an economy where workers make 25 cents an hour, and there are no basic environmental laws and labor standards? I want to compete with a country where you can drink their water, where they can live on their wage, where we are competing up, not down.

I believe we should try to support agreements that actually lift up workers in other countries as well as our own, as I said, so they can purchase our products. That is not what this does. Tragically, the countries involved in the CAFTA agreement are poor countries. For example, the median GDP in Nicaragua is only $2,300 a year. And 40 percent of all workers covered under the agreement survive on less than $2 per day. It would make sense if we were putting in place an agreement that would raise those wages so they can buy our products. But I fear, from what I have seen in the past, that will not be the case. The entire purchasing power of all six of the CAFTA countries combined is less than the purchasing power of half of the city of Detroit.

We are not competing on an equal playing field in this CAFTA agreement. I ask, how many Nicaraguans are going to be able to buy a $20,000 automobile made in Michigan? We want them to buy cars made in Michigan, by the way, Mr. President. We all know those who don't understand history are forced to repeat it. I am afraid that is what is happening.

When we look at NAFTA, after Congress passed NAFTA, hundreds of thousands of American jobs were lost to Mexico. It is still happening. Last year, Electrolux, a plant in Greenville, MI, that makes refrigerators, announced they were going to move to Mexico, with 2,700 good-paying jobs gone. Why? So they can pay $1.50 an hour in Mexico, with no health benefits. This is having a devastating effect on a small town community in the middle of Michigan. That is not the only story. There are hundreds of those.

Right now, if we use NAFTA as a comparison, we see that over the past 11 years U.S. workers have lost nearly a million jobs due to the growing trade deficits with our NAFTA partners. During the same time period, real wages in Mexico went down. Now, it would be different if it were true that wages went up, as we often hear, because that would make sense economically. But instead, in Mexico, wages have fallen, while the number of people living in poverty in Mexico has actually grown. It makes no sense to follow that line out again with another trade agreement. Since NAFTA took effect in 1994, the U.S. trade deficit with Canada and Mexico has ballooned to 12 times its pre-NAFTA size, reaching $111 billion in 2004.

I believe we can expect more of the same from CAFTA, unfortunately. We can do better than this for American farmers, we can do better for American businesses, we can do better for American workers, and for American families. I hope we will reject this proposal and send them back to the drawing board. There are other models, other prototypes that have gotten it right. There are other agreements we have voted for on this floor that do a better job of creating and protecting our middle class and our jobs and businesses in America than this agreement. We can do better than this. We need to do better than this. I urge my colleagues to reject this agreement.

We are once again rushing into a trade agreement that doesn't help, and in fact, has the potential to hurt American workers and their families.

This country has been in an economic slump since 2001. Since that time, we have lost more than 2.7 million manufacturing jobs.

At the same time, we have grown record budget deficits and record trade deficits. Workers are losing their health care and higher education is becoming ever more expensive. And, in Michigan we suffer from the nation's highest state unemployment rate.

What is this administration's response? It has decided to push the CAFTA trade treaty that will dig the jobs hole even deeper. And, the administration has stripped out a trade adjustment assistance provision that would have helped workers displaced by CAFTA.

This trade pact moves this Nation backwards. It will lead to more offshoring of American jobs.

It will cost us jobs, increase our trade deficit and hurt our country's middle class. It will turn the haves into the have-mores and the have-nots into have-nothings.

We should be negotiating trade agreements that involve exporting products, not jobs and we should pass legislation that will help create jobs, lower our trade deficit, and help working families get access to health care and college.

However, so that I am not misunderstood I support free trade on a level playing field. I have voted in favor of six free-trade agreements over the past 4 years.

For example, I voted for the U.S. Australia Free Trade Agreement because when we trade with Australia we trade on a level playing field.

That agreement works because our economies are similar and our workers get paid roughly the same wage. Our companies can sell their products in Australia because it has a high minimum wage, sound environmental laws and good labor standards.

Unfortunately, the CAFTA agreement goes in exactly the opposite direction.

This agreement will ship jobs overseas and provide few export markets for American companies.

My State of Michigan certainly will not benefit because this agreement does not provide a meaningful export market for Michigan manufacturers.

That is because in order to have an export market you need to be selling to people who can afford your goods. But the typical wage in the CAFTA countries is very low.

Tragically, these countries are poor. For example, the median GDP in Nicaragua is only $2,300 per year.

And 40 percent of all workers covered under this agreement survive on less than $2 per day.

The entire purchasing power of all six of the CAFTA countries combined is half that of the city of Detroit alone.

In Guatemala, the minimum wage is approximately 25 cents an hour.

How can we expect to export to a market where workers make 25 cents an hour and lack basic environmental laws and labor standards?

We should try to lift up the impoverished workers in these countries so they can purchase American made products. But this agreement will not do that.

As we all know, those who do not understand history are forced to repeat it. Let's take a look at what has happened in recent history.

After Congress passed NAFTA, hundreds of thousands of American jobs were lost to Mexico. And it is still happening. Just last year, Electrolux closed a plant in Greenville, MI, and put 2,700 high paid workers on the street.

Despite the fact that the company was making a profit and its workers were productive, the management closed the plant in Greenville and will soon open a new one in Mexico.

If we use NAFTA as a comparison we see that over the past 11 years U.S. workers have lost nearly 1 million jobs due to growing trade deficits with our NAFTA partners.

During the same time, real wages in Mexico have fallen while the number of people living in poverty there has grown, according to the Carnegie Endowment for International Peace.

Since NAFTA took effect in 1994, the U.S. trade deficit with Canada and Mexico has ballooned to 12 times its pre-NAFTA size, reaching $111 billion in 2004. Imports from our NAFTA partners outpaced exports to them by more than $100 billion, displacing workers in industries as diverse as autos, aircraft, apparel and consumer electronics.

I believe we can expect more of the same under CAFTA.

American farmers have also felt the impacts of NAFTA. We quickly discovered that this trade deal was no deal because it accelerated the agricultural products trade deficit.

Consider that in the three years before NAFTA our trade surplus with Mexico and Canada increased by $203 million.

After NAFTA, our surplus fell by $1.5 billion.

The result is that some American crops, like tomatoes, have been pushed to the brink of extinction.

Also, in 1994, Congress passed the General Agreement on Tariffs and Trade more commonly known as GATT.

After we signed that agreement, we began to lose jobs to India, Indonesia and other East Asian countries.

Now, workers in India are doing thousands of jobs that Americans used to do.

They now staff call centers, provide technical support for our computer networks, and even process our tax forms and read our medical x-rays.

To make matters worse, we passed so called most favored trade status for China in 1998. And since then, hundreds of thousands of Americans jobs are now done in China.

Mr. President, you would think that after what has happened after previous trade agreements that we would know better than to pass another free trade agreement with countries that don't share our wage structure, labor standards, or environmental standards.

Before we pass another free-trade agreement, why don't we first enforce our existing trade agreements.

Currently, two of our major trading partners, China and Japan, are violating world trade rules by manipulating their currencies, which has the effect of making their products cheaper here and our products more expensive over there.

Additionally, China refuses to seriously combat the rampant counterfeiting of auto parts.

This hurts Michigan companies and costs American workers their jobs. This is unacceptable.

That is why I, along with Senators GRAHAM and BAYH, have introduced a bill that would create a trade prosecutor. This ambassador-level position within the office of the U.S. Trade Representative would be appointed by the President and confirmed by the Senate, with the authority to ensure compliance with trade agreements to protect our manufacturers against unfair trade practices.

In practical terms, this prosecutor will have the authority to investigate and recommend prosecuting cases before the World Trade Organization and under trade agreements to which the United States is a party.

Senator GRASSLEY has assured me that this approach would be seriously debated while we continue to move forward on trade reauthorization and I look forward to working with him on this important piece of legislation.

In addition to enforcing our current trade laws, we should pass other legislation that would help protect our jobs.

First, we should close loopholes in the tax code that actually reward companies for shipping jobs overseas. Senator DORGAN has introduced such legislation to do so. Why aren't we passing that in the Senate?

Second, why don't we help our companies deal with the runaway cost of health care so they can be more competitive overseas and keep our jobs here?

Third, why aren't we more aggressively moving comprehensive pension reform to help our workers and companies through this very difficult economic time?

Fourth, while we are building infrastructure over in Iraq, why can't we do the same here at home? Our roads, bridges, transit systems, and sewer systems are in dire need of repair. Why aren't we setting aside the resources now to repair them? Doing so would create hundreds of thousands of new jobs.

Finally, why aren't we doing more to invest in new science and technology so our companies can better compete in the future? With very little federal funding, we are on the verge of producing a commercially viable hydrogen car and being the leader in the world on stem cell research.

So, Mr. President, I ask my colleagues, why aren't we using our time to pass job producing legislation? How can we ask our workers to compete against economies that don't allow for collective bargaining, that don't maintain reasonable environmental standards, and don't maintain workplace safety requirements on par with the U.S.?

It is not fair to their workers and it is certainly not fair to our workers.

Why don't we work with these countries to help lift up their workers? Let's work with them to raise wages, provide health care, protect their environment and then we can enter into a free-trade agreement.

This agreement represents a race to the bottom.

A race to the bottom makes the world a poorer place—not a richer one.

There are many things we can do to increase our trade with the world in a commonsense way. CAFTA is not one of them.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I rise to speak in favor of this agreement. Twelve years ago, I rose in this Chamber to speak about NAFTA to express a vision that free trade will one day encompass all of North, Central, and South America. Today, we have an opportunity to further that vision by entering into an agreement that will strengthen U.S. trade relations and promote democratic reform in Central America.

CAFTA will provide the U.S. exports with market access to Central America, similar to the duty-free access we have given Central American exports. Although nearly 80 percent of Central American and the Dominican Republic exports enter the U.S. duty free, America continues to pay high tariffs on over $1.5 billion of annual exports to Central America, our tenth largest export market globally.

CAFTA rectifies this inconsistency by providing open market access to U.S. goods, services, and farm product exports. Specifically, over 80 percent of U.S. consumer and industrial product exports to Central America and the Dominican Republic will be duty free immediately upon implementation of CAFTA. The remaining tariffs are phased out over 10 years.

Almost 20 years ago, Central American countries were ruled by dictators and communist insurgencies creating chaos and fostering corruption. With American support and encouragement, Central America has evolved into a region of fragile democracies. Elected leaders are welcoming freedom and encouraging economic diversity, while looking to the United States for a means to develop a mutually beneficial relationship. CAFTA allows the United States to strengthen the economic ties we currently have with Central America and the Dominican Republic, while supporting political stability.

History shows us that bilateral and regional free-trade agreements promote economic growth by significantly increasing U.S. exports. In my home State of Texas, exports to Chile have doubled since the Chile free-trade agreement was implemented in 2004. The success of NAFTA in the last 10 years yields similar results. Since NAFTA was implemented, combined exports from America to Mexico and Canada have increased by more than 150 percent in Texas, and 113 percent nationally.

CAFTA shows the same promise and encourages U.S. growth as well. One out of ten jobs in the United States depends on exports. Similarly, foreign companies which invest in the United States create jobs. In fact, since 1990, foreign companies have invested more than $1.5 trillion and employed more than 6 million U.S. workers. Free-trade agreements encourage export growth and help create jobs.

I think it is important, also, to look at this from a hemispheric point of view. I do believe that it is important that we have free trade from the very north, Canada, all the way through the tip of South America. Strengthening our hemisphere will be good for America, and it will be good for every country in this hemisphere. It will also help us with many of the problems that we face with disparate economies. Many of our immigration issues come from people wanting to come to the United States because they cannot earn a living for their own families where they live. It is not that they want to leave their countries, it is that they are trying to provide for their families. If we have more free trade in our hemisphere, people will be able to support their families where they live, and we will have healthy economic relations with those countries rather than dealing with that on the basis of an immigration problem.

So I do think that as we are looking at the places where we can strengthen economies, and where it is in our best interests to strengthen economies, we should look in our own backyard. We are having trade issues with China and with the European Union. Why not look to our own hemisphere, our own backyard, for strengthened relationships? That is what CAFTA will continue us on the right track to do. We have NAFTA and now we have Canada, the United States and Mexico; we have Chile and we have other countries in South America. I think the Central American agreement will add another component to that.

I want free trade with every country in South America with which we can get an agreement. This is a very important part of our long-term stability and the strength of our economy and the economy of our whole hemisphere.

I hope we will look at the big picture. I know that many Senators are concerned about jobs in their States and the impact this might have. Many people in Texas were very concerned about NAFTA because of the labor being less expensive just across the border, but NAFTA has been an overall plus for Texas, as it has been for America. We want to continue to strengthen our relationships with Mexico, Central America, and all the way through the tip of South America.

Mr. President, I urge my colleagues to support this agreement.

I ask unanimous consent that the time I consumed be charged to Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield such time as I may consume from my allocation.

There has been some discussion today about the U.S. International Trade Commission report on the CAFTA agreement. One of the complaints although not stated directly, is that this is an independent agency. Funny thing, independent agencies seem to be the most reliable agencies, at least, they are around this town. We do not get material from them that is colored one way or the other. It is an independent analysis.

This probably is the most devastating critique of CAFTA. We have all of these people who load up their saddlebags and rush to the floor of the Senate telling us how wonderful this is going to be. They pull out all the goodies and say how terrific this trade agreement is for America. The problem is it is at odds with the independent analysis from the U.S. International Trade Commission.

They say effects of tariff removal under this agreement are likely to result in virtually no benefit to our country. They say there will be little or no benefit to U.S. consumers. It says little or no change in U.S. production in distinct industry sectors, with one exception; the largest decrease in production is for manufactured sugar and sugar crops, of which the output of both will decrease.

Then it says this will increase our trade deficit by $100 million. I don't know, maybe it is confusing to throw facts into this discussion about theology and economics and trade and all the things that are going on here. But here is a set of facts that is pretty hard for people to refute. They say, I have heard: "You have to read the entire ITC report." I don't know, maybe so. I have looked at this report. I am reading the summary and the sector results, and it says if we sign on to this trade agreement, there is really no benefit to American consumers, virtually no benefit to American consumers, but a detriment to sugar producers and an increase in the trade deficit by $100 million.

I went to a really small school, but I learned in a small school that this would add up to a net deficit for our country. I do not understand how someone looks at this and says: "All right, I have looked at this. It says this is bad for our country, but I think it is good for our country. And the problem is this is an independent agency."

That is a problem having an independent analysis on issues such as this that take off the rosy glasses and say: Look, here is what you are dealing with.

Let me put a few charts up to show a few of the facts. I have said many times that everyone is entitled to their own opinion on this floor, but not everybody is entitled to their own set of facts. Facts are stubborn things. Let's talk about them.

Since NAFTA began in 1994—that is the North American Free Trade Agreement—that is when we hooked Mexico and Canada with our trade. At that point, we had a slight trade surplus with Mexico. We have been able to ratchet that up to a huge deficit through this trade agreement. We had a modest trade deficit with Canada, and that has now become a huge trade deficit through this agreement.

We have lost about 71,000 family farms. We have had a drop in agricultural trade surplus with Mexico and Canada by 71 percent. There have been 900,000 manufacturing jobs lost. There has been a drop in net farm income of 22 percent.

I have told my colleagues, and I will tell them again, one day I drove to the Canadian border with a farmer named Earl Jensen. We got up to that border with a 12-year-old orange truck. This little old orange truck had about 150 bushels of durum wheat on it. So in an old orange truck, we pull up to the Canadian border. All the way to the United States-Canadian border, we had been meeting trucks hauling Canadian wheat into our country at secret prices which had been set by the Canadian Wheat Board, a sanctioned state monopoly in Canada that would be illegal in our country. All the way to our border we met these 18 wheelers hauling Canadian grain into our country.

Earl Jensen and I, with our little orange truck, get to the border, and they would not let us through. You cannot take American durum into Canada. It was not just us with the orange truck. There was a woman from Bowman, ND, who married a Canadian. She went to Canada for Thanksgiving. She got some wheat, put it in a paper sack and put it in the car because she wanted to use that to grind up and produce whole wheat bread. "You cannot do that." they said, when she got to the border. "You have to dump out that sack of wheat." At the same time, we were flooded with Canadian durum coming into our country.

Fair trade? Of course not. It is absurdly unfair. Nobody is willing to do a thing about it. It all came about because of NAFTA. We had a written agreement from Clayton Yeutter, who said representations of good faith in NAFTA are there will not be a substantial increase of grain trade across the border. In fact, that happened immediately by the Canadian Wheat Board—as I said, a sanctioned monopoly that would be illegal in this country—shipping into this country at secret prices a massive quantity of grain, taking money right out of the pockets of American farmers.

Earl Jensen can probably be excused, at the Canadian border stop that afternoon, wondering how on Earth our Government policy allows Canadian grain to flood into our marketplace, and he and I cannot drive a 12-year-old orange truck into Canada with just a small amount of U.S. wheat.

The answer is quite simple. These trade agreements are incompetently negotiated, No. 1. and. No. 2, they are not enforced. That is where we are. That is what has happened since NAFTA. All bad news: A drop in the trade surplus in agricultural goods with Mexico and Canada; massive lost jobs in agriculture; 71.000 family farms lost.

But it is not all bad news. It is bad news for the little guy. Corporate agribusiness profits are up 175 percent. Pretty good for them. The trade deficit with Mexico and Canada increased 266 percent. There is $4.3 billion in agricultural trade deficits with these two countries.

The point is not everybody lost. You see, the corporate agribusiness profits went up when we lost farms and jobs. The little bee sucks the blossom, the big bee gets the honey; the little guy picks the cotton, the big guy gets the money. Bob Wills & His Texas Playboys sang that 70 years ago and it still applies today and it applies in these trade agreements.

The U.S. Government estimates that CAFTA will increase the trade deficit by $100 million. That is the ITC report I just described.

I don't know how anyone can come to the floor of the Senate and say: I have my own set of glasses. I haven't cleaned them for a long time, but when I look through these glasses, I see nothing but nirvana, nothing but good news, when, in fact, no matter what glasses you wear around here, here is the ITC report which says this trade agreement we are about to sign onto will increase this country's deficit.

This trade agreement, of course, is one more bit of the circular economic winds. This chart shows CAFTA will allow transshipment of foreign textiles through Central American markets from China, from Canada, down through the CAFTA countries into the United States.

Somebody said today to me: "So what. It happens anyway." Are we all giving up on helping American jobs remain viable? I don't understand that.

Let me talk for a moment about sugar. There has been a lot of discussion about sugar. Sugar is an interesting commodity. I happen to like sugar. We produce sugar beets in the Red River Valley. All of us can be excused for liking something quite as wonderful as sugar. It, in fact, is organic. You plant a beet in the ground, watch that green stuff come up, and then see the growth and then pull that beet out of the ground during the beet harvest, run it through a plant, slice it, dice it, squash it, and get the juice out of it. It doesn't smell so hot in that plant when they are processing it, but pretty soon you have sugar, and most sugar in this world is traded country to country on long-term contracts. That is the way most sugar is traded in the world, country to country, in long-term contracts.

The sugar that is outside of that, the sugar that is left over or in surplus is what is called dump sugar. It moves around the world at very low prices, just pennies a pound, very low prices. That is what our colleagues who know nothing about sugar, except the taste, come to the floor and lecture us about: "Well, the world price of sugar is a nickel or 6 cents." Sorry, that is not the world price, that is the dump price for sugar. You cannot raise sugar for that. You cannot grow sugar beets for that. Most of the sugar is traded at higher prices than that on long-term contracts.

We have a sugar industry in this country, and we have a sugar program in this country. Some do not like it, especially those who produce candy bars do not like it. The last time we had a debate on the floor of the Senate about sugar, I held up a Baby Ruth candy bar and read the ingredients. Oh, man, it is a long bunch of ingredients. Most of the things in candy bars you cannot pronounce. But there is a lot of sugar in candy bars, and that is what the debate has been about regarding the sugar program.

Those who use sugar for their confections and candy bars do not want a sugar program; they want to buy dump sugar. The sugar program has been a good program to help stabilize prices in the country, yes, for producers and consumers. We have had times when sugar spiked way up, and then sugar prices came back down. Did you see a change in the cost of a can of pop or soda, a can of Coca-Cola, Pepsi, or Sprite? Did you ever see their prices come down when the price of sugar came down from a high spike? No, it didn't happen.

This sugar debate has always been about those who use a lot of sugar in candy, soft drinks, and so on. They want to buy dump sugar at dump prices, and they would like to get rid of the sugar program.

This sugar program is one part of the farm program that has worked consistently to provide consistent stability of income for American farmers. Yet a relentless urge in this Chamber is to take apart the one part of the farm program that has worked.

Let me talk about sugar and this trade agreement. This trade agreement provides an opportunity for the movement of additional foreign sugar from the CAFTA countries into our country. We know they can produce sugar dirt cheap in some of these CAFTA countries. We know when we turn to the next trade agreement under the Free Trade Area of the Americas, they can probably produce it less expensively in Brazil and massive quantities of it. If we are going to be the recipients of dump sugar and be like a cork on the waves of the price of sugar, we will be subjected to the price spikes up high and then sometimes cheaper sugar.

The fact is we will also destroy the current sugar producers in this country. In the Red River Valley of North Dakota and Minnesota, we have sugar beet growers. They go out in the morning and plow the fields, tend the crops, plant these beets. They are good people. They have a farm program that works called the sugar program. This is the first step in the direction of taking that sugar program apart, much to the glee of some because they never liked it. This is the first step of several steps because the next step in the Free Trade Area of the Americas will be the giant step.

It is very interesting when you listen to these discussions about sugar. The Agriculture Secretary says this will increase sugar imports by about 1½ teaspoons of sugar a week for every one of our nearly 300 million citizens. That is an interesting way to look at it. Another way to look at it would be that CAFTA will let in enough sugar to fill 5.389 semi-trucks. This is just the first step in the wrong direction.

This is just the first step in the wrong direction for trade. Through trade initiatives, we have done a lot of damage to our economy—good jobs leaving, jobs that pay well leaving, huge increased deficits. That means that it is the Chinese, it is the Japanese, the Europeans, the Mexicans, the Canadians who hold American dollars, American stock, American real estate in exchange for the trade deficit we have which grows by $2 billion-a-day—every day, 7 days a week.

I said this morning that Warren Buffett describes this as heading toward share cropper days because others in other parts of the world will own an increasing part of America. Piece by piece, day by day, they are buying part of our country.

I finish with the sugar program to say this: I am not bashful at all about supporting our economic interests in this country. I am just a little sick and tired of people who are so quick to negotiate away our economic interests. Every trade agreement we have seen in recent years has negotiated away the economic interests of our country. I believe trade agreements are beneficial if they become trade agreements that bestow mutual benefits on the trading partners, but that has not been the case.

Can anyone in this Chamber honestly look at the United States, Canada, and Mexico, the three countries combined, united in a trade agreement called NAFTA, and describe a manner in which this country won? Can anyone describe that honestly? They cannot. In each case, we ended up with a much larger trade deficit, and that trade deficit is a measurement of substantially greater imports into this country than exports from this country.

It also means, then, that we lost jobs, lots and lots of jobs. No one wearing their Senate blue suit ever lost his or her job as a result of this trade agreement. It is just other folks who lost their jobs, people who loved their jobs, worked hard at their jobs, cared about their jobs, often worked for 20, 25, 30 years, only to find out one Friday their job was over because we negotiated trade agreements that moved American jobs elsewhere.

When do we stop that? How much evidence does one need to decide it ought to stop, especially with respect to the issue of the sugar program and the sugar trade with Central America? Let us just instantly understand they can produce sugar much less expensively than we can, and I am going to go through some things and talk about the circumstances of labor in Central America and describe why they can produce sugar less expensively than we can. But they cannot produce a living wage for their workers in Central America. So let me go through some of those and connect it to the sugar program among other things.

Under the labor laws in El Salvador and Nicaragua, it is legal to fire workers who belong to a union. In Honduras, it is legal to fire workers who say they intend to organize. In Nicaragua, it is legal to prohibit strikes without government permission. Our country wants to sign up to a trade partnership in which our workers should compete with countries with those labor standards? Are we thinking clearly here? Who wants to do that? Does that not by its very definition denigrate standards in this country? I believe it does.

This is a chart that shows something about El Salvador. This was published some while ago:

> Jesus Franco, 14, has scars crisscrossing his legs from his ankles to his thighs and more on his small hands. For more than half of his young life, he's spent long days cutting sugarcane. He has the machete scars to prove it and so do his four brothers and sisters, age 9 to 19, all of whom work in the sweltering cane fields of El Salvador.
>
> Jesus' story is repeated countless times across Latin America where children even younger than he is are found working in cane fields at subsistence wages. More than 17 million children between the ages of 5 and 14 are working in that region.
>
> Sugarcane workers, including children, use machetes to cut the hard, sharp stalks of thickly planted fields where there is little room to maneuver. Children and family members said cuts requiring stitches are common in the fields and many more children suffer burns from the caustic fertilizer they spread by hand.

Thirty-three percent of the sugarcane workers in the fields of El Salvador are under the age of 18. Many children in El Salvador start working in sugarcane fields between the ages of 10 and 13, and the number of children between the ages of 5 and 14 working in Central America is 17 million.

This is a young boy working in a sugarcane field in Central America. This is a picture of the living conditions for sugarcane workers in Guatemala. This is a picture of the type of injuries which children and adult workers sustain while cutting sugarcane. This photo is from Human Rights Watch.

I do not know how much more evidence is necessary to understand what we are trying to do. The majority who believe in this trade agreement are trying to hook this country into a competition with other countries that have decided they can fire workers who want to unionize, that have decided even if they have labor rules they do not need to enforce them, that have decided it is okay to have 9-, 10-, and 12-year-olds in the cane fields hacking away with machetes, and those are the conditions under which we compete. That is what the majority, many in this Chamber, will say when they vote for this trade agreement. They have said it before repeatedly with trade agreements, and they are going to say it again today. In the face of all evidence to the contrary, they are going to say it again today. It is unbelievable to me.

So last evening, when I got a little cranky and objected to unanimous consent requests and was walking around a little upset, I was upset because of this. This trade agreement, the Central American Free Trade Agreement, was negotiated over 1 year ago. It was not brought to the Senate floor, not brought to the floor of the House, not brought to the Congress at all. Do my colleagues know why? Because they did not think they had the votes in the House of Representatives. But I knew some day the President and the majority would say, "We are going to vote on CAFTA," and they would wedge it in right in that little corner, right in that crevasse before we go home for a break.

Next week, we are not in session. There is a Fourth of July break. Sure enough, last night, that is exactly what the majority leader did. I am sure White House instructions were to get this done.

It has been over a year. We think we now have purchased enough votes, we have given up roads and bridges and dams, and we have enough people who are willing now to vote for this. So we are going to have this discussion, we are going to have it now, and it is going to be done before we go home for the Fourth of July recess, and we are not going to have a 2-day or 3-day discussion about real things that matter a lot.

We are going to have a discussion about flag burning, I guess, I am told probably in the month of July. The flag is very important in this country. It is a symbol of America's patriotism and freedom. I would not ever make light of that, but I would say this: As disgusting as it is, and it is disgusting to see anybody desecrate an American flag, one might well be hard-pressed to find someone who has burned an American flag. Look at the label. It might well be made in China because much of our textiles come from China these days. The people who used to make those textiles—shirts and trousers and, yes, flags—used to be American workers, but now they are foreign. They are gone because we have a trade strategy that says we want American workers to compete with workers in China, Sri Lanka, Bangladesh, and Indonesia. Those workers will work pretty inexpensively. Those are workers who can work 7 days a week, and we can ask them to work 12 hours a day. We can pay them 30 cents an hour and that will be just fine, and American workers cannot compete with that—that is tough luck.

I happen to think that what we have built on this little planet called Earth, the only spot on Earth that is the United States of America, is extraordinary. One of the reasons it is extraordinary is we had the guts as a country, all of us did, both parties and people marching in the streets, to do what was right. We said there is a right way to do things and a wrong way to do things. One has capital, labor, and all of these things that come together to produce. Both have rights, both ought to be protected, and so people chained themselves to the White House fence, people died in the streets of Detroit, people manifested a belief and a passion that workers have the right to organize, they have a right to work in a safe work plant, they ought to have child labor laws, and companies ought not be able to dump their sewage and chemicals into the streams and into the air. We made a lot of progress doing that, so we have a better country because of it. We use much more energy now than we did 25 years ago, and we have a cleaner country.

All of those things we have done to make this a better place in which to live, to allow jobs to be available that allow workers to provide for their families, are now being considered largely irrelevant because one does not have to bother with those things in production here at home. They can just produce elsewhere, and workers can be treated like a pair of pliers or a wrench: When you are done with it, just throw it away, just get rid of it, just leave it somewhere else. Do not worry about it because you can find another one 8,000 miles away. You can transfer the capital immediately, you can transfer the technology immediately and combine the capital and the technology with somebody who will work for 30 cents an hour. Do not worry about the consequences for the American workforce because if one is an international corporation interested in shareholder profits, they do not have to say the Pledge of Allegiance. So do not worry about that.

Those are the values we ought to be talking about when we talk about these trade agreements, values long forgotten, in my judgment, during these debates, values that no one wants to discuss much. That is why we are here for 1 day on the Senate floor on an issue this important, just wedging it right in between now and the Fourth of July recess.

As I close, I ask my colleagues to look at this one more time. This is a trade deficit chart that tracks the loss of American jobs and tracks the selling of America to foreign interests. Every single day, $2 billion of American cash, American assets, American real estate, ends up in the hands of foreign interests. It is what Warren Buffett means when he says that we as a country are headed toward a share cropper future. I defy anyone in the Senate to come to the floor and tell me this is moving in the right direction, tell me this is good news.

This is a disaster. This is dangerous for our country. This is evidence of a Congress that refuses to stand up, that does not have the backbone, the will, and the strength to stand up for this country's interests and is not willing to stand up and say: "I want to protect America's interests." Why will they not say that? Because they are worried that somebody is going to call them protectionists. Well, sign me up, for God's sake. My interest in putting on a suit in the morning and coming to work is to protect the economic interests of this country. Yes, I think we have a global economy and, yes, I think trade can be beneficial, but if trade agreements are not mutually beneficial, then this country has no business signing up to trade agreements that cost this country jobs and economic strength and cost us an opportunity for a better future.

I will have more to say about a range of these issues later this afternoon, but I hope we will continue to hear from colleagues about the underlying premise of this set of failures and how we can turn it around. How do we turn it around? Every kid in this country who is now in school is going to have a future that is injured by this strategy unless we turn it around. Only we can do that. There is no one better able to do it than us, but we have to have the will to do it. I hope that perhaps at the end of the day, when we finally vote, we will find a will to quit moving in this direction and stand up for the economic interests of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I spent the last few minutes listening to my colleague from North Dakota discuss a very important issue for our country. While he and I have come to the same conclusion as to how we are going to vote on this issue, we have come from different points of view to arrive at I believe a similar conclusion.

Mr. DORGAN. Might I inquire of the Senator from Idaho, my intention was to yield 10 minutes to the Senator from Idaho off our time. Is that the Senator's intention as well?

Mr. CRAIG. I would ask that be done, if that is necessary. Ten minutes is clearly adequate. I need no longer than that.

Mr. DORGAN. I yield 10 minutes to the Senator from Idaho.

Mr. CRAIG. Since Congress gave the President fast-track trade negotiating authority in August of 2002, we have had to face the reality that comes with it. I supported giving the President that authority because clearly the executive branch is the branch that negotiates trade agreements.

But while giving him that authority, I said that I would look at each trade agreement and study it thoroughly to determine whether I believed it was in the best interests of our country to approve it, and, as important, in the best interests of my State of Idaho. Three agreements have been reached and Congress has dealt with all three of them. I have voted for two of those three.

The administration has been actively pursuing a vigorous bilateral and free-trade agenda around the world, and I believe it is in the best interests of our country, both economically and socially, to trade where we can, when we can, as long as it is fair and balanced and it recognizes all of the tradeoffs involved.

Trade with foreign nations is a valuable component to promoting economic opportunities at home. This is not a one-sided economic playing field. If we were to produce only that which America consumed, then, working America, half of you go home. It is clearly in our best interests to trade and we know that.

At the same time, we should not be trading off one segment of our economy against another. Trade agreements ought to be there to promote general economic growth in our country. Certainly it ought to be able to promote economic growth around the world. But in the end, when that trade agreement is struck and implemented, we ought to be able to say it serves all of America well.

Congress is now debating, as we speak, the Central American Free Trade Agreement, otherwise known as CAFTA. I became involved with our trade negotiators as the President and our then-Trade Representative, Bob Zoellick, began negotiating with CAFTA nations. As an agricultural State, Idaho has a large stake in these agreements, and agriculture right now is currently learning how to restructure itself in our global markets to remain highly competitive, to supply not only food and fiber to America but to consumers around the world.

As many know, a major agricultural crop in my State is sugar. Idaho is the second largest producer of sugar beets, behind Minnesota, in the United States. Idaho's sugar industry employs somewhere in the neighborhood of 7,000 to 8,000 people and generates nearly $800 million in economic activities in my State. The sugar industry of Idaho and in most other sugar-producing States has had to restructure itself in the last several years because of the unprofitability of it. Farmers have pooled their money, they have created cooperative processing plants to market their sugar, and so inherently have developed large personal investments in all levels of the production of sugar.

It is well known that the world sugar market is one of the most distorted agricultural markets in the world and that most world sugar supplies are simply dumped on the markets at prices well below the cost of production. As the Senator from North Dakota was showing a few moments ago, some of that production is done at the lowest of costs and at a tremendous cost to human capital. U.S. producers already face an oversupply situation, with significant quantities in storage at the expense of the producer. Prices have slowly declined. Yet production costs in the United States have skyrocketed.

Although the United States is the fourth largest importer of sugar in the world—no, we have not shut the world out, we are a very large importer of sugar—CAFTA seeks to significantly compound an already ugly situation and set a "precedent of no return" for further negotiations already underway with major sugar-exporting countries such as Thailand and Panama. In other words, this is not the last bilateral agreement this Senate will see before it that deals with the issue of sugar.

CAFTA nations already enjoy duty-free quota access for sugar with the United States. I am not prepared to trade away an industry so vital to my

State to the overall well-being of some other country's sugar industry.

Other Idaho agricultural groups understand that those farmers who are sugar producers also are potato producers and bean producers and grain producers. We are not just talking about impacting one commodity. We are talking about impacting a lot of commodities. If Idaho were to lose the acreage that it now commits to sugar, it would have to grow something else. It would put pressure on other commodities.

We have sought and have obtained a relatively well balanced economy in agriculture. In my opinion, CAFTA will distort that. Our U.S. negotiators are willing to open our markets to increased sugar imports while other competitors maintain unfair economic advantages in domestic subsidies and minimal market access commitments.

Myself, along with my colleagues from sugar-producing States, took our concern with CAFTA to the administration. With the help of my good friend and chairman of the Senate Agriculture Committee, Senator CHAMBLISS, we met late into the night with our trade ambassador, Rob Portman, and with the Secretary of Agriculture, Secretary Johanns. I must say in all fairness to them they not only listened but finally, after well over a year and a half of me saying "don't go there" and then when they did, saying "come work with us," they finally fully began to engage.

They brought forth a proposal that, in my opinion, was not all bad. At the same time, it modified the 2002 farm bill, in large part, and it committed U.S. money to a program to save, if you will, or maintain, if you will, that we had told our Senators on the floor was going to have no net cost to the American taxpayer.

As a result, while I thought it was a significantly improved proposal, the sugar industry of this country looked at it and looked at what they felt was a very weakened position because of CAFTA and because of NAFTA and because of what was happening in Mexico now and because of a position they would be placed in the 2007 farm bill negotiations, and they simply had to say no.

Trade agreements ought not to be trading one industry off against another. These trade agreements ought not to have to come to Idaho and any other State and say: We have weakened the capacity of your State, or the agricultural industry of your State in this instance, to be competitive and to produce and to sustain ourself and your livelihood.

It is for all of these reasons that I will be voting against CAFTA. However, I applaud this administration for their diligent and willing work with us on this issue. In the final hours, they tried. The problem is, they didn't try a year ago, or 2 years ago, when this issue was being negotiated. More than once I sat down with Ambassador Zoellick and said: Don't touch sugar. It has a very static market today. It is in a highly competitive market. And it will be most difficult for that industry to sustain itself, let alone sustain itself in a diminishing market environment.

They didn't listen. We have CAFTA. Anybody can waive two little packets of sugar around and say that is all it is about.

But what about the Colombian agreement? What about the Thailand agreement? What about the Panamanian agreement? What about the South African agreement? All are sugar-producing nations. All are ready to sit down and negotiate and ask for a piece of the U.S. sugar market. That is why the producers in Idaho and around the Nation, when provided this last moment agreement, simply had to say no. They are placed, by this agreement, in a most difficult situation. As a result, in my support of them, I will oppose.

Again, trade agreements ought not be about trading one segment of our economy off against another, trading winners and losers, and therefore creating an environment that pits one head to head with another. That is unfair. Our Government ought not be doing that.

While there are many benefits to be gained by CAFTA, there are winners and losers. I believe the sugar producers of this Nation become losers. I have to vote no.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to make a unanimous consent request on the order of speakers to be recognized: Senator KERRY for 20 minutes, and that is from the time of Senator BAUCUS; Senator INHOFE, for 15 minutes from my time; Senator BINGAMAN, 8 minutes from the time of Senator BAUCUS; and Senator BROWNBACK for 10 minutes from my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, it is interesting, listening to the Senator from Idaho, who, as he said, came to this decision from a different place than the Senator from North Dakota, and listening to the Senator from North Dakota; both of them have raised issues they tried to get the administration to respond to. I am very sympathetic with the sense they have that the administration just didn't respond to them and really was unwilling to try to accommodate what I think are very reasonable concepts.

In May of 2003 I sent a letter to Ambassador Zoellick, asking the administration to delay tabling CAFTA's labor chapter until Congress had an opportunity to consult. I wrote again in October 2003, raising similar concerns.

All we got was a very sort of abrupt and short letter that basically never engaged in the kind of discussion that could have benefited all of us so we would not have the kind of divide we have in the Senate and in the country today.

During the debate of TPA in 2002, I offered an amendment to allow communities to be able to preserve their health and safety laws which were being challenged under NAFTA. Even now, with a lawsuit pending against the State of California for attempting to protect their drinking water—imagine that. The State of California wants to protect its drinking water and the interests of its citizens. But nevertheless they included the very same provisions that have led to that kind of challenge in CAFTA.

In the summer of 2003, I suggested to the administration, in the context of the Chile and Singapore agreements, that the labor standards achieved in those agreements would not be adequate for CAFTA. The reason for that is in Chile, in Singapore, and in Australia—all three agreements which I supported last year—you have capacity for enforcement. You have specificity with respect to the laws on the books that can be enforced. And you have a record of that enforcement. All three of those ingredients—capacity, specificity of law, and record of enforcement—are absent in too many of the countries that are involved in this agreement.

We tried to get the Trade Representative to understand that there is an evenhanded way to open a fair agreement to trade but to address those kinds of concerns. Regrettably the labor standards in the Chile and Singapore agreements may be good for those countries, but they should not be applied to CAFTA because of the lack of those three critical ingredients.

Even in this last month, as CAFTA was considered in the Senate Finance Committee, I offered an amendment that specifically laid out what the administration could do to fix this agreement. That amendment lost on a tie vote—10 to 10 was the division in the Finance Committee, in no small part a division that was that close because the administration opposed it.

So I regret enormously that we are where we are with respect to this agreement at this point in time. I have been in the Senate now for 21 years, and I was one of those who was on the cutting edge and leading the effort in our party to try to make it clear that we ought to trade and that it is important to the United States. I still believe that. I voted for NAFTA, the Uruguay Round, China PNTR, and the many bilateral agreements negotiated by both the Clinton and Bush administrations.

Last year, while I was not here to vote, I supported the Chile, Singapore, and Australia agreements precisely for the reason that they had a strong ability and a strong record of enforcement, that they had very specific laws, and that they had the capacity to be able to enforce those laws.

There are some colleagues who have always opposed each and every one of these trade agreements; and there are some who have been for everything no matter what the balance is. For a number of years now I have been trying to suggest not as a matter of ideology, not as a matter of party label, because I don't think this should have a party label, but as a matter of common sense, I have been trying to suggest that the consensus we have built globally for trade, a consensus built around the notion that, yes, there are some winners and losers, but you do your best to mitigate the impact on losers, that you have sufficient trade adjustment assistance, that you do enough education and training, that you do enough with health care and COBRA payments so people can cover themselves with health care during a transition, that you ease the pain, so to speak.

At the same time, as you attempt to maximize the rising of all boats in the tide that we proverbially think about, the rising tide lifts all boats, the fact is, in many countries, it is not lifting all boats. The standard of living does not move at the rate it ought to. The standards for health, safety, labor organizations, or environment do not change in the way they ought to. All of these are quality-of-life issues and value issues, fundamental value issues that ought to be part of our agreements.

This is not just basic economics. Particularly when you look at the chart showing the deficits in trade that are growing, it is hard to make a new economic argument about it. The fact is there are larger issues at stake in a trade agreement.

For rigid ideological reasons, over the years, we have had tension in the Senate and a fight over whether you embrace some of these other considerations in a trade agreement. Part of the reason we have had such intense reactions to trade meetings around the world, with riots in Seattle and with other demonstrations around the globe, is because of the raging pace of globalization and the discomfort it brings to a whole bunch of people who feel powerless to be able to do something about it. If we, the people who have the power to do something about it, do not choose to do so, we leave people out in the cold and hurting even more.

The fact is, the consensus—which has been global, that has helped us to be able to build the trade structure—is fraying. It is fraying not just in the United States but it is fraying in other countries as well. The administration had a unique opportunity in this agreement to try to address some of those concerns. We all understand that opening markets sets in motion economic transition that everyone here knows creates winners and losers at the same time.

While you may want to mask some of that impact, the personal impact to people's lives with an unemotional language of economics in the Senate, the fact is if you go to Ohio, Wisconsin, Minnesota, Idaho, North Dakota, or other parts of the country, it is having a profound impact on communities. It is having a profound impact on the fabric of life in America and on our ability to be able to have a long-term strategy for success.

We all know the numbers. Since 2001 we have shed nearly 3 million manufacturing jobs. We have endured 42 consecutive months of economic decline in the manufacturing sector. Fifteen years ago, 20 years ago, 30 percent of America's economic pace was services and 70 percent was manufacturing. Today, it is 30 percent manufacturing and 70 percent services. Many of those services are not the kind of high value-added paying jobs Americans have come to expect.

We have long understood if we want a broad consensus for free trade in America, we have to make these trade agreements work for all Americans, not just for the winners, but for the people who temporarily are in the losing position.

In the 1990s we began to respond to that. First we looked at the trade agreements themselves and we decided we must protect American workers from unfair competition. American workers should compete on the basis of pay and skill and effort. But it is unfair, fundamentally unfair, to ask Americans to compete against child labor or against habitually depressed wages or habitually unfair working conditions.

In the Jordan agreement of 2001, President Clinton had come to understand that in the later part of the 1990s. His administration moved specifically to include these other values within the four corners of a trade agreement. We gave basic labor protections the same standing we give in the protections we provide to corporate America. In other words, we made a new bargain with the American worker in order to hold on to the consensus. The bargain was very simple: We will protect your economic interests, your job from unconscionable competition such as child labor, just as we protect a corporation's economic interests, which are its product, from dishonest competition such as copyright theft. It seemed like a very fair bargain, a very fair form of protection.

In CAFTA, we go backwards from that standard. We go backwards from that standard for no explicable reason. Once again, our corporations get the protections they need with an elaborate system of rules, complaints, appeals, compensation, and strict enforcement. But all our workers get is some flowery language with no teeth behind it.

We are going to hear that CAFTA has the strongest labor provision of any trade agreement. That is what some folks have been trying to say. Look at this agreement, read the language, and you realize that is once again spin. It comes down to this: There is only one labor provision in CAFTA that is enforceable. It is a nation's commitment to "enforce its own laws." Now, that sounds good, or it sounds like something, but in reality this provision does nothing to protect workers because, No. 1, there is no stipulation whatever as to what those laws are; No. 2, some of those laws are completely inadequate; No. 3, there is no enforcement capacity in some of those countries to enforce even the inadequate laws, if you can understand what they are. There could have been a stipulation as to what they are. There could have been an understanding in the four corners of this agreement as to what standard we would try to reach.

Moreover, if the provision does lead to an attempt at enforcement, guess what. The maximum so-called penalty is $15 million. There is a cap. There is no cap on the corporate penalty. But there is a maximum cap. Guess what. It is a so-called penalty because the fine is then returned to the offending country, ostensibly, to be used to fix the problem, but without any real enforcement mechanism to do so.

Senator BINGAMAN will say to the Senate that he has secured an agreement from Trade Administrator Portman that they will put $40 million a year into the enforcement efforts. Again, if you do not have adequate laws and you do not have adequate specificity and you are enforcing in a structure that has a cap on the payment and the payment goes to the country that offended, you are not enforcing the standards of workers.

There is another labor provision in CAFTA. It asks a nation to strive to eliminate "the worst forms of child labor." We do not even define what the gradations of the forms of child labor are. Just the worst forms of child labor. There shouldn't be any form of child labor. But we are only going to seek to strive to get rid of the worst forms, sweatshop conditions and other problems.

But if a nation fails to do that, we can only consult. In other words, we can talk about ending child labor in a CAFTA country, but we cannot take any action to end child labor in a CAFTA country. That is wrong. That is contrary to the values of our country and to the fundamental values of American workers. Words alone are not going to do anything for kids who are suffering in work sweatshops. They will not do anything for the American workers who lose their jobs as a consequence of being undercut by that level of competition.

I ask my colleagues to answer a simple question: Why is there a double standard that we are going back to when we passed an agreement that set a higher standard, and there is no showing as to why that standard hasn't worked, shouldn't work, and shouldn't be part of this agreement? Why do Americans not have the same standing as a corporation? Why don't they have the same standing to end child labor or sweatshop conditions that corporations have to go out and protect copyright or patent theft? Why the double standard that punishes American workers?

I share with many of my colleagues a longstanding commitment to the development of the well-being of Central America, but I am concerned that CAFTA is insufficient to provide for steady and balanced economic growth in the region. The administration claims supporting CAFTA is a security issue. I agree, it is a security issue. It is about the economic security of some of the more vulnerable economies in our hemisphere. We have to ensure that a trade agreement with Central American countries grows their economies, protects their workers, helps them preserve their sensitive ecosystems, and, most importantly, encourages balanced and widespread economic growth and opportunity for all of the people in the region.

The most troubling aspect of CAFTA is that its shortcomings, particularly the administration's indifference to our own workers, are part of a larger problem. I will speak about that for a minute. What CAFTA underscores is the need for a national policy to make sure America is competitive, the leader in the global economy of today and of tomorrow. The reality is, there is no comprehensive strategy to meet the needs of a fast-changing playing field.

What am I talking about? Certainly when we negotiate trade deals with nations that have an insufficient or lackluster labor record, you have to give citizens the same standing to be able to end child labor that corporations have to end copyright and patent theft. It seem to me it is a pro-trade, free-trade policy that builds consensus and which considers all Americans. But it was refused in this agreement.

After you have the agreement in place, we need to defend America's interests. This is true of all of our agreements. The administration has to stop giving in to competitors. The Clinton administration brought an average of 11 trade cases to the World Trade Organization per year. This administration has brought a total of 12 cases in the first 4½ years.

The administration also needs—and many colleagues have spoken about this—to take action against China's currency manipulation. We keep hearing about it. People talk about it. And they talk about it. And they talk about it. And they talk about it some more. The Senate has actually voted and gone on record that the administration needs to do something other than talk. But nothing has happened.

In the administration's recent dealings with China, according to our trade representative, counterfeiting and piracy in China are at epidemic levels. That piracy costs U.S. companies $20 to $25 billion annually. We are told the problem is getting worse, not better. According to press reports in May, the United States presented the Chinese with a list of modest proposals to curtail intellectual property violations. Modest proposals. We gave them a list. The Chinese rejected the proposal outright.

What did the administration do? They did not respond by pressing the Chinese. They did not respond by taking any particular action. Guess what they did. They told United States companies to go file lawsuits in Chinese courts to defend their rights. It is insulting and it is ridiculous. It is not just putting the agreements in place, it is also enforcing them that the American worker is asking for.

In addition to that, we have all heard about the Chinese firm recently seeking to purchase Unocal, an American energy company. What many people do not know is that Chinese company borrowed money from the Chinese Government in order to make the bid. It should not come as a surprise since it is 80 percent Government owned. That has upset a lot of people and generated a lot of press. But it ought to concern us even more that we are doing the same thing in the United States in the following way. Since the start of the Bush administration, the Federal Government has borrowed billions of dollars to fund our national debt and cover questionable and, some think, even reckless tax choices in fiscal policy. Billions of dollars have been borrowed from—guess where—none other than the Chinese Government.

Mr. President, I yield myself an additional 5 minutes off their time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, we ought to be concerned about the missed opportunities that are related to trade adjustment assistance. The Senate has supported trade adjustment assistance. If people lose their jobs, they have the right to expect that we are going to try to help transition. We have done that because we have understood the movement to open markets means this economic transition.

Guess what. Once again, the administration has ignored the will of the entire Finance Committee on this issue, which voted to include TAA for service workers in the CAFTA agreement. In the Commerce Committee, Senator ENSIGN held an excellent hearing on America's competitiveness. Our witness was the administration's point person on manufacturing, Al Frink. He told us he believes there is a shortage of skilled workers in America. And that shortage of skilled workers is hurting our economy.

What the Under Secretary did not say, or maybe he did not know, is that the Bush administration has resisted congressional efforts to fund worker retraining and vocational education, which would, in fact, address the skilled worker shortage.

The administration's indifference to competitiveness goes deeper. We have a tax policy that rewards American and multinational companies for housing operations abroad instead of housing them here in the United States. It is hard to imagine a more backward tax policy. We should end it. But for this administration, it is not only not a priority, it is not even an afterthought.

We also do not adequately fund the basic science and research that will produce the revolutionary technologies and products of tomorrow. Not surprisingly, fewer and fewer American students are choosing to study science and engineering. The Bush administration has proposed cutting Federal research and development spending for the first time in 10 years. The story is much the same in our public schools. Bill Gates has called our high schools obsolete because they fail to prepare our kids to compete. Alan Greenspan said much the same thing before the Finance Committee last week. Yet every year the administration refuses to fully fund No Child Left Behind, seeming perfectly content to see those kids not study science and engineering, or perhaps not study at all. And all of this time, the administration negotiates trade deals that remain indifferent to American workers and fail to defend our legitimate interests at home, all the while refusing to adequately invest in science, research, training, and ignoring the problems that drain our businesses, such as health care.

The competition is hard at work at every single one of these. China and India will probably turn out 300,000 engineers each over the next year—way ahead of the United States. While our shortsighted policies stunt our competitive advantage, China, India, and all of Asia and Europe have developed long-term investment plans, long-term infrastructure investment plans, long-term trade, and long-term educational plans, all aimed at one thing: eliminating America's economic dominance. They have national programs aimed at educating workers, reducing capital costs, and attracting businesses. And we are falling dangerously behind.

I was visited just the other day by the new president of MIT. Every Senator here, I know, respects that institution. She was deeply concerned. She expressed this enormous concern about what is happening to the competitive advantage of our great science and technology institutes across the country and our commitment to science as a whole as a Government.

In the Commerce Committee, we heard how Japan and the European Union are implementing large-scale, long-range R&D projects aimed at developing leading-edge commercial technologies. For example, from 1995 through 2001, the emerging economies of China, South Korea, and Taiwan increased their investments in research and development by approximately 140 percent.

It is urgent we consider real measures to advance America's competitiveness and forge a new global consensus on trade in our country. That global consensus begins with a set of rules that makes sense to the American worker, rules that work for the American worker, even as we open new markets, which we must do.

We can do better than this trade agreement. We need to.

Mr. President, the bottom line is that CAFTA is not a good deal for America. It is a good deal for some companies. It is a good deal for some investors and shareholders. It is a good deal even for some of the countries that are a party to it. But it is not a good deal for the American worker. So I hope colleagues will help America stay at the top, while making trade fair for Americans. And I hope colleagues will join in saying no to this agreement in its current shape.

Thank you, Mr. President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I think under the UC I have been allocated around 15 minutes. I ask unanimous consent to be granted such time as I shall consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Thank you, Mr. President. I think I will be able to do it within that time, anyway.

Let me make a couple comments. I think almost none of these items have been covered before. It is approaching this whole CAFTA idea from a different perspective.

Let me first of all say that when this first came up, I just heard "CAFTA," and I said: I am against it. I led the opposition against NAFTA 11 years ago. I thought this was more of the same, and so I was opposed to it. Then someone showed me how my Oklahoma farmers might be affected.

I am not sure you can see this chart, but it shows the various grains, cattle, meat products, dairy products, vegetables, and so forth. The blue bars are the tariffs that are charged to our farmers, and the others are what are charged to imports coming in. I have found that in every case, when this is fully implemented—if it is—my Oklahoma farmers will benefit, and benefit materially.

So I actually went and talked to some of the farmer groups that were leaning against the agreement for a number of reasons—a number of reasons that have been posed on this floor—only to find out they have changed their minds and they are very much supportive.

That is not really why I am here today. I think that is something very specific we can look at. We know it is true. I would like to look at this in a little different way. I was distressed a little bit because some of my very good friends in the conservative communities were opposing CAFTA. I have gone to any lengths to try to determine specifically what their opposition was.

There are five organizations that are conservative organizations—they are great organizations. I agree with them almost 100 percent of the time. Their argument was: We are against this as we are against all treaties because anything that is this kind of a multinational thing will infringe upon our Nation's sovereignty.

Well, I have to tell my good friends in these five conservative organizations, there is no one who is stronger in this position than I am. I am the guy who stopped the Law of the Sea Treaty. Quite frankly, I think it was going to pass. It actually had passed out of the Senate Foreign Relations Committee with a unanimous vote. I found out what was in it. I found out we were ceding our jurisdiction—our sovereignty, if you will—over some very important parts of the water-covered part of the planet. I felt it was wrong. And we have not—I am not saying it is all dead in the water right now, to use a phrase, but I think it is. Certainly it has been stalled. I led the opposition. I was opposed to it. I was not for it.

The Kyoto treaty, you all know how I feel about that. We debated climate change on the Senate floor 2 weeks ago. I spent 2 whole days talking about that. I think we know that under that treaty, according to the Wharton Econometrics Survey from the Wharton School of Economics, if we had to comply with the Kyoto treaty, it would have cost our average family of four $2,700 a year. It would have doubled the price of energy and gasoline and all that. We know that is true. I led the opposition to that and was very proud to do that.

Eleven years ago, we had NAFTA. I was in the other body, in the House of Representatives, 11 years ago. I was elected in a special election to come over to this body. So the year they had NAFTA, I was able to lead the opposition to the ratification of NAFTA in both the House and the Senate. I was the only one who could do that. So I came over here to the Senate.

I say to my good friend from North Dakota, who posed some excellent arguments against NAFTA just a few minutes ago, this CAFTA is not NAFTA. On the NAFTA part, I agree. I remember standing on the floor of both the House and the Senate saying: If we pass NAFTA, that is going to allow a Mexican trucker to pick up a load in Brownsville, TX, take it to Tulsa, OK, and not have to comply with any of our health standards, our environmental standards, our wage and hour standards. Sure enough, these things turned out to be true. I do not think it was a success. I think it was a failure.

So getting back to the ones who are for this agreement and against it. I would have to say to the very small number of conservative organizations that are opposing this, the vast majority of the organizations in the conservative column are supporting it.

Listen to this. Those organizations that are supporting CAFTA include Americans for Tax Reform, Center for Security Policy, National Tax Payers Union, The Heritage Foundation, David Keene of the American Conservative Union, Citizens Against Government Waste, Competitive Enterprise Institute, Oklahoma Council of Public Affairs, The Club for Growth, the National Tax-Limitation Committee—that is Lew Uhler and his group—Citizens for a Sound Economy, Empower America, and the James Madison Institute. That is just to name a few. They are the 40 most prominent—except for 5—organizations that are supporting it.

I am very sensitive to this. Maybe I should not be that sensitive, but I am because, according to the American Conservative Union, in their rating, I am not No. 2 or No. 3 or No. 4 but the No. 1 most conservative Member of the Senate. Now, I am qualifying myself for this because I keep hearing that conservatives are somehow opposed to this agreement, as they were NAFTA. Of course, I agreed with them back at the NAFTA time.

Now, what kind of liberal groups are opposing CAFTA? We have already talked about the conservative groups that are supporting CAFTA. Those who are opposing it are Earthjustice, National Environmental Trust, Friends of the Earth, EnviroCitizen, Freedom Socialist Party—there is another great group—the Berkeley Fellowship of Unitarian Universalists' Social Justice Committee, Nonviolence International, Progressive Democrats of America, Safe Earth Alliance, Public Citizen, Social Welfare Action Alliance, Community Alliance for Global Justice, Gray Panthers of Austin, San Francisco Neighbor-to-Neighbor, New York State Green Party, and the Holland Peacemakers. I could go on and on. And we will insert more of them in the RECORD.

But by and large, what I am trying to get across is that virtually every far-left, extremist, liberal group in America is opposing CAFTA. And somebody has to say it. I was sent an e-mail from my State of Oklahoma saying that they understood I was still undecided. The responses are about 9 to 1 in opposition to CAFTA, and, therefore, you cannot dare go ahead and support CAFTA.

Let me just say, on many occasions, when the people at home do not have available to them the information that we do because that is what we are paid to do for a living and we find out the information is wrong, I do not mind doing that. I can explain this to the people in my home State of Oklahoma. They do not want to identify themselves with that group, that liberal group I just read off. And when they find out about it, they will be very supportive.

But I only bring that up to say that if anyone is out there with the thought that this is a conservative versus liberal issue, it is, but it is on the other side. The liberals are opposed to it. The conservatives are supporting it.

But I have another concern that is far greater, that far outweighs even the benefits it might give to my farmers in my State of Oklahoma, even the benefits that would be achieved by passing this to the very conservative groups in America; that is, I happen to be old enough to remember what happened in the 1980s. I remember Ronald Reagan, a great President. I remember at that time we had Communist regimes in Grenada, El Salvador, Nicaragua, and Costa Rica, and that they were infiltrating—at that time, it was still the Soviet Union—they were trying to take over America by doing it through Cuba, and then all these organizations, all of these countries where they had taken over the government.

By failing to pass this treaty, we could undo all of those successful democratizations of the Reagan and the first Bush administrations. I remember the Contras, the freedom fighters, who were down in Nicaragua at that time, and the fight that was almost impossible; they were fighting for their freedom. I remember those five countries that are part of this treaty: the Dominican Republic, El Salvador, Honduras, Nicaragua, and Costa Rica. They have all committed troops in support to the Iraqi coalition forces and have demonstrated their support for the global war on terrorism. They are fighting side by side with our troops over in Iraq and Afghanistan. These are the people we want to reward. These are not people we want to somehow punish, as though they have done something wrong. They are fighting for freedom.

CAFTA approval for these countries and their economies should aid security there and counter the influence by Cuban and Venezuelan Governments under Castro, Chavez, Ortega, and others opposed to the United States influence in the region.

I mentioned Chavez, Ortega, and Castro. They are among the anti-U.S. forces in the region, and they are all against CAFTA. These Communists, these enemies of the United States, Chavez, Ortega, and Castro, are all in opposition to CAFTA. If you want to be on their side, you would vote against CAFTA. They fear its passage would show support for and facilitate the efforts of the pro-American countries and parties in the region. Also, Daniel Ortega, former Nicaraguan president and Sandinista leader, is making attempts to elevate his obsolete ideology based on Marxist-Leninist theory. Further, upon his capture, Ortega expressed solidarity with Saddam Hussein against what he called the Yankee occupiers of Iraq. In other words, here is a guy who has been ousted as President of Nicaragua, one we defeated back in the 1980s, one who was trying to spread communism against freedom and democracy in Latin America. He was on the side of Saddam Hussein and called us the Yankee occupiers of Iraq.

A couple weeks ago I had a pretty bitter competition with one of my friends here in the Senate from Arizona, Senator MCCAIN. I disagreed with him on an issue, and we spent 2 days debating that issue and fighting with each other. I have to say that I wholeheartedly agree. I happened to hear some of his remarks a few minutes ago. I share his concern about the state of democracy in Central America. Failing economies will create an environment in which regimes such as those of Fidel Castro and Hugo Chavez may once again poison the future of these nations. The historical threat of communism in Central America, the influence of Castro in countries such as Nicaragua, and the Sandinistas in power also affected neighboring countries such as Honduras and El Salvador. CAFTA can protect these emerging democracies.

For example, Nicaragua, the second poorest country in the Western Hemisphere, second only to Haiti, has a President Enrique Bolanos. He is a pro-American President. He is facing a tough 2006 election, and the candidate he is facing is none other than Daniel Ortega. Bolanos knows that CAFTA is the keystone to his plans to boost economic growth and blunt the political attacks of the Sandinistas. Who would have ever thought in the last 10 years that they would reemerge, but they have. So now we have Daniel Ortega back there trying to do some things. To quote Senator MCCAIN:

> If there's anything that we need today, it is strong, viable economies in Central America so that they can progress, so that they can be strong and they can again be allies of the United States of America, not in a military fashion but in their advocacy for free and open societies, democracies, and places where people can raise their families in a situation of security and peace.

That is what Ronald Reagan did back in the 1980s.

I heard the junior Senator from Massachusetts speaking in opposition to the agreement. I don't know whether it is because of his past relationship with what was going on down in Nicaragua some 12 or 14 years ago, but I would like to quote from an April 26, 1985 edition of the Washington Post. Keep in mind, this was back when we had Daniel Ortega down there being promoted by Castro and by the Soviet Union to try to spread communism in Central America.

> The lengths to which some Democrats were willing to go in pursuit of nonintervention were extraordinary. Sens. Tom Harkin and John Kerry returned home from an 11th-hour trip to Managua [Nicaragua] clutching a piece of paper signed by President Daniel Ortega which they announced was a "new, bold and innovative approach" and "a wonderful opening." At their arrival home, only the umbrella was missing.

We have a difference of opinion. We don't agree. We didn't agree back in the middle 1980s about Daniel Ortega and what the Communists were trying to do in Central America and we don't agree today.

For those who weren't around at that time, it was a very emotional time. The contras were the freedom fighters. They were supposed to win. I used to go down there. There was a hospital tent that was right across the border in Honduras. That is where they would take the freedom fighters from Nicaragua. They would take them over there to treat them. This tent was about the size of this Senate Chamber. It had beds all around the periphery. In the middle, not even screened, was the operating table. The only operations they performed there were amputations because of all the mines that were there. And so these freedom fighters would come in there and be mended and go back and fight for their freedom across the border in Nicaragua. There must have been 40 beds all the way around, people who had had these amputations.

At that time I did a pretty good job of speaking Spanish. I thought, you kids—the average age was 16 years old because the older ones had already been killed—you kids are fighting for your freedom, you are fighting against this force, the Communists, supplied by Castro and the Soviet Union. It is impossible. Why are you doing this? And I went around and talked to each one of them. I remember coming up to a little girl who was 15 years old. Her name was Elena Gonzales. I asked her that question. And she looked up to me. It was her third trip back to that hospital tent, and they had amputated her right leg a few hours before. The blood was coming from the bandages. She looked up at me with teary brown eyes and she said:

Es porqué han tomado nuestros campos . . . han tomado todo de lo que tenémos. Pero de veras, ustedes en los Estados Unidos entienden. Porque ustedes tuvieron luchar para su libertàd lo mismo que estamas luchando ahora

(English translation of the above statement is as follows:)

Yes, it is almost impossible, but we are fighting. We are fighting because they have taken our farms and ranches. Why would you in the United States question why we are doing this? You had to fight against the same odds for your freedoms as we are fighting now.

That little girl didn't know whether the Revolutionary War was 200 years ago or 20 years ago. But she knew we were that beacon of freedom and that the beacon was about to go out in their country. They were willing to fight. And they died and they won. So now we have the rest of the story.

This is an opportunity for us to do something that is good down there. Yes, I think it is good for my Oklahoma farmers. And yes, the conservatives support it, and the extreme liberals oppose the CAFTA treaty. But I think the strongest argument is that this is an opportunity for us to keep the Ortega and Chavez and Castro forces from undoing all the progress that was made throughout the 1980s and the early 1990s.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I yield myself 8 minutes off the time on this side.

I want to speak briefly about the CAFTA agreement. I start from the proposition that increased trade with the international community can advantage us, and it also can advantage those with whom we trade. Most of the trade of these countries that are covered by this CAFTA-DR agreement, most of their trade, over 70 percent of their trade, is, in fact, with the United States. It is very much in our interest that that circumstance remain the case. It can benefit us, and it can benefit these countries to see that trade increase. And it is very much in our interest, not only to strengthen our own country's economy but to see the economies of this region strengthened.

This trade agreement comes at a time when our trade imbalance with the world is enormous. It is the largest in the history of our country. It is the largest in the history of any country in the world. Unfortunately, it is continuing to grow. As far as I can tell, our own Government has no strategy to deal with that problem. We have no strategy to promote investment in the United States. We have no strategy to promote the building of productive capacity or to keep this country competitive in the global economy.

I hope very much that the Finance Committee, which I am privileged to serve on, can play a role in developing such a strategy over the next few months. When we had the markup of this legislation yesterday, I discussed that with Senator GRASSLEY and Senator BAUCUS. It is my hope they will be able to schedule some hearings to begin understanding this issue better and helping us to craft a set of proposals to help deal with the very real problem we have in global trade.

That being said, when I look at the provisions of this DR-CAFTA agreement, I do not see them contributing significantly to that trade imbalance. These are countries that have exported over 85 percent of what they send to the United States duty free. They have done that since the implementation of the Caribbean Basin Trade Partnership Act in 2000, and before that they were shipping most of their product into the United States duty free under the Caribbean Basin Initiative. The main effect of this agreement we are now debating will be to phase out and eliminate tariffs that they currently impose upon our products that we are exporting to them.

I don't see the basis for the claim, which I have heard on the Senate floor and from others around the country that this agreement will result in the further export of jobs from the United States to Central America. The reality is that U.S. companies have many options about where to build their next plant, where to manufacture the products that they sell. Central America has been one of those options for a very long time. There is nothing I know of pending here in the Congress that would change that circumstance. In my view, this agreement would not change that circumstance as well.

I would hope and expect that if this agreement is implemented, as I expect it will be, we will see the encouragement of more investment in productive capacity in Central America, but at the same time, as our exports to that region increase, we will see more investment in productive capacity here in the United States.

There are clearly some problems with this agreement. Many of those have been pointed out. I don't suggest I have answers for all of those, by any means. Two of the problems that have particularly concerned me are, No. 1, the serious lack of attention to the enforcement of worker rights in these countries and, secondly, the inadequate provision of assistance with regard to the negative impacts that U.S. exports of agricultural product into that region may cause.

Let me talk first about enforcement of worker rights. I have urged the administration to commit resources to this as a priority. It is not reasonable to require U.S. producers and workers to compete with foreign producers who do not afford their workers certain basic rights. To begin addressing this issue, Ambassador Portman, our trade representative, has assured me the administration will propose and will support funding for worker rights enforcement to the extent of $40 million per year for fiscal years 2006 through 2009. Second, on monitoring of compliance with the various requirements on worker rights, there is a need for an independent and transparent monitoring of the treatment of workers in these countries. I have urged the administration to fund the International Labor Organization, or ILO, headquartered in Geneva, to conduct ongoing monitoring on worker rights in Central America. This would include reports that they would publish every 6 months beginning when the agreement goes into effect and continuing to the end of the 2009 fiscal year.

The administration has agreed to commit $3 million per year to accomplish that task. That $3 million would come out of the $40 million per year in funding that they are otherwise committing for enforcement of worker and environmental rights.

I believe both of these commitments—to worker rights enforcement and the commitment to ILO monitoring—should be a part of all trade agreements that we have with developing countries. In addition, of course, I hope that the actual commitment to workers' rights standards in the language of the treaties, in any future treaties we sign, will be stronger than we find in this agreement. I believe it is also incumbent upon us to urge the next administration, after President Bush leaves office, to continue with these same commitments in the future.

The other issue I mentioned is agricultural assistance—adjustment assistance for those working in the agricultural sector. I have also urged the administration to commit resources to allow subsistence-level farmers to make a transition without undue dislocation problems. This should help reduce the problem of dislocation of workers in these countries and the additional illegal immigration to the United States that likely would result if that dislocation occurs.

Again, the administration is committed to provide increased support to address this issue. The level of funding is not what I would like it to be, but if these countries do receive funding under the Millennium Challenge Corporation grants, those funding levels should increase substantially.

Mr. President, each of these commitments that I have referred to are set out in a letter that Ambassador Portman has provided to me.

I ask unanimous consent that that letter be printed in the RECORD following my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1)

Mr. BINGAMAN. Mr. President, with these additional commitments, I have concluded that I can support the implementation of this trade agreement. I will do so when the roll is called later today.

I yield the floor.

EXHIBIT 1

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, June 28, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR JEFF: As the Congress considers the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR), you have raised concerns about ongoing efforts to improve enforcement of labor laws and to monitor progress in this regard in the CAFTA-DR signatory countries. As you know, Congress appropriated $20 million in FY05 specifically for projects to improve labor and environmental law enforcement in these countries.

The recent House Appropriations Committee mark-up of the FY06 Foreign Operations appropriations bill increases this commitment for the next fiscal year, with $40 million earmarked for labor and environmental enforcement capacity-building in the CAFTA-DR signatory countries. The Administration is willing to support this level of funding in the FY06 Senate appropriations bill.

Furthermore, because we are willing to make a longer-term commitment to improve labor and environmental law enforcement in the CAFTA-DR countries, the Administration is willing to propose and support this same level of labor/environment capacity-building assistance for the next three fiscal years, FY07 through FY09.

More specifically, you have suggested the assistance of the International Labor Organization (ILO) in monitoring and verifying progress in the Central American and Dominican governments' efforts to improve labor law enforcement and working conditions.

We are willing to implement your idea. Your proposal, as I understand it, is that the ILO would make a transparent public report of its findings every six months. The Administration has now consulted with the ILO and determined that this function would require additional funding to the ILO of approximately $3 million annually. The Administration is willing to devote approximately $3 million of the $20 million in FY05 labor enforcement assistance monies to support and fund this ILO monitoring initiative. To ensure that this monitoring continues, the Administration is willing to continue a funding commitment to ILO monitoring for the next three fiscal years, FY07 through FY09.

The Administration also shares your goal of ensuring that we pair expanded trade opportunities with economic development assistance designed to ease the transition to free trade, especially for rural farmers in our CAFTA-DR partners. On June 13, 2005, the U.S. Millennium Challenge Corporation (MCC) signed a $215 million compact with Honduras targeted specifically at rural development and infrastructure, and on the same day the MCC announced a $175 million compact with Nicaragua that will be signed shortly.

As Secretary Rice and I have already communicated to you, we are willing to give high priority to negotiating compacts with El Salvador, Guatemala, and the Dominican Republic when those countries become eligible for MCC assistance under higher per capita income caps next year. I anticipate that such compacts would provide substantial U.S. economic assistance for rural development in these countries.

In addition, the Administration has worked with the Inter-American Development Bank (IDB) to provide new assistance, including $10 million in new grants announced by the IDB earlier this month for rural development and institution building. I hope you will join me and officials from the IDB, World Bank, and other institutions next month for an international donors conference to discuss other ways we can direct development assistance toward meeting the needs of rural populations.

To address your specific concern about the period before MCC compacts might be negotiated with El Salvador, Guatemala, and the Dominican Republic, the Administration is willing to support additional spending for rural development assistance of $10 million per year for each of those countries starting in FY07 for a total of five years, or until the signing of an MCC compact with such country, whichever comes first. This amounts to a $150 million commitment in transitional rural assistance for these countries over five years.

These monies will provide transition assistance to rural farmers in these three countries for a defined period, while preserving a very strong incentive for candidate countries to meet the statutory criteria to receive what would likely be much higher levels of economic assistance under an MCC compact. Since the implementation of CAFTA-DR requires steps which reinforce the statutory criteria for funding under the MCC law, I believe that implementation of the agreement will assist these three countries to move quickly toward qualifying for a successful MCC compact with the United States.

Furthermore, because many of the agreement's requirements for agriculture liberalization in the CAFTA-DR countries for sensitive commodities—such as dairy, poultry, and rice—will not fully occur until ten, fifteen, or even twenty years after CAFTA's implementation date, I am confident that this transitional mechanism provides ample time for adjustment in the rural economies of these nations.

Sincerely,

ROB PORTMAN.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, I ask for approximately 10 minutes.

Mr. BINGAMAN. Mr. President, may I ask my colleague to yield for a unanimous consent request?

Mr. OBAMA. I yield for that purpose.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order of speakers be as follows: Senator OBAMA, 15 minutes from the time of Senator DORGAN; Senator BROWNBACK, 15 minutes from Senator GRASSLEY's time; Senator COLEMAN, 15 minutes from Senator GRASSLEY's time; Senator CORZINE, 10 minutes from Senator DORGAN's time; and Senator BURR, for 10 minutes from Senator GRASSLEY's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. OBAMA. Mr. President, as the previous speaker, I rise to speak on the Central American Free Trade Agreement.

I have thought long and hard about this agreement, and I come to the floor predisposed to support free trade. In the end, I believe that expanding trade and breaking down barriers between countries is good for our economy and for our security, for American consumers and American workers.

On the margins, I recognize that CAFTA, although a relatively modest trade agreement by the standards of the U.S. economy, would benefit farmers in Illinois as well as agricultural and manufacturing interests across the country. The language in the agreement is also optimal with respect to intellectual property and telecommunications, issues that are of particular interest when it comes to trade with other countries, such as China. Unfortunately, CAFTA falls short, as a matter of process and substance, in protecting workers' rights and interests. My colleague, Senator BINGAMAN, mentioned some of those concerns.

I recognize that we should not kid ourselves into believing that voting against free-trade agreements will stop globalization, especially agreements like CAFTA, where the countries involved have combined economies one-sixth the size of the State of Illinois.

Globalization is not someone's political agenda. It is a technological revolution that is fundamentally changing the world's economy, producing winners and losers along the way. The question is not whether we can stop it, but how we respond to it. It is not whether we should protect our workers from competition, but what can we do to fully enable them to compete against workers all over the world.

That brings me to the problem. So far, America has not effectively answered these questions, and American workers are suffering as a result. I meet these workers all across Illinois—workers whose jobs moved to Mexico or China and are now competing with their own children for jobs that pay $7 an hour and offer no health or pension benefits. In town meetings and union halls, I have tried to tell these workers the truth—that the jobs they have lost are not coming back; that globalization is here to stay: and that they are going to have to train more and learn more to get the new jobs of the future.

I don't mind delivering that message. But when these same workers ask me exactly how are they going to get their training and their education, and when they ask what will they do to pay for their health care bills in the interim, and how will they deal with lower wages and the general sense of financial insecurity that seems to be growing every single day, I cannot look them in the eye and tell them honestly that their Government is doing a single thing about these problems.

Since I have arrived in the Senate, I haven't seen us debate—much less pass—legislation that would address these issues. That is the reason I will be voting against CAFTA when it comes up later today.

There are real problems in the agreement itself. It fails to uphold the principles set out in previous trade agreements that say we must give equal protection to the rights of workers and the rights of commercial interests. But CAFTA, while encouraging the protection of commercial rights, does less to protect labor rights than some of the agreements that we have already passed. So there is a sense that we may be going backward instead of forward. Nor does CAFTA do much in the way of enforcing environmental standards in these countries.

I recognize that no piece of legislation is perfect, and if it were just these provisions, perhaps I could do what my colleague from New Mexico has done and obtain a letter of agreement from the White House, indicating they will try to address some of these problems.

But the real problem is more than CAFTA. It goes beyond the four corners of this piece of legislation. The real problem is what is missing, generally, from our prevailing policy on trade and globalization: meaningful assistance for those who are not reaping the benefits of trade, and a plan to equip American workers with the skills and support they need to succeed in the 21st century.

So far, almost all of our energy and almost all of these trade agreements are about making life easier for the winners of globalization, while we do nothing for those who find their lives getting harder as a consequence of trade liberalization. In 2004, nearly 150,000 workers were certified as having lost their jobs due to trade and were thus eligible for trade adjustment assistance—and that number doesn't count the janitors and cafeteria workers who may have lost their jobs.

Senator WYDEN and others have tried to encourage the Administration to modernize this assistance and expand it to displaced service workers, but the Administration refuses to help on this issue.

But even beyond displaced workers, our failure to respond to globalization is causing a race to the bottom that means lower wages and stingier health and retiree benefits for all Americans. It is causing a squeeze on middle-class families who are working harder but making even less and struggling to stay afloat in this new economy.

I recognize the soundness of the economic argument that free trade reduces overall prices in this country. But as one downstate worker told me during a recent visit back in Illinois: "It doesn't do me much good if I am paying a dollar less on a t-shirt, but I don't have a job."

So now we have to choose. It is a choice that is bigger than CAFTA and bigger than our trade agreements. It is one that America has faced time and time again in our history, and we have responded. To ease our transition from an agricultural to an industrial economy, we set up the public school system, busted up monopolies, and allowed workers to organize. To help us emerge from the Great Depression, we regulated the market, created unemployment insurance, and provided all workers access to a secure retirement. At the end of World War II, we grew the largest middle class in history by providing our returning heroes with a chance to go to college and own their own homes.

Now we face the same choice. We are at the same juncture today. We have to decide whether we are going to sit idly by and do nothing while American workers continue to lose out in this new world, or if we will act to build a community where—at the very least—everybody has a chance to work hard, get ahead, and reach their dreams.

If we are to promote free and fair trade—and we should—then we have to make a national commitment to prepare every child in America with the education they need to compete; to make sure college is affordable for everybody who wants to go; to provide meaningful retraining and wage insurance so that even if you lose your job, you can train for another; to make sure worker retraining helps people without getting them caught up in a bureaucracy; that such training helps service workers as well as manufacturing workers; and that it encourages people to reenter the workforce as soon as possible.

We also have to figure out a way to tell workers that no matter where you work or how many times you switch jobs, you can take your health care and your pension with you always, so you have the flexibility to move to a better job or start a new business.

All of this is possible. It is not going to be easy, and it is not going to be quick. I don't expect the Administration to try to shoehorn all the solutions to the displacements caused by globalization into a single trade agreement. But what I do expect—and I said this directly to the President when I met with him in the White House on this matter—is that we at least have, on a parallel track, an effort to deal with the losers in globalization, our displaced communities and displaced workers. We must not only look after profits and shareholders, but also those folks who are adversely affected by trade. Lower prices are good and important, but we also have to make sure that jobs exist that provide people the opportunity to raise a family.

Mr. President, in order to compete, every single one of us is going to have to work more, think more, train more. I am not afraid of global competition, and I don't think a single American worker is afraid of it. We cannot insulate ourselves from all of the dislocations brought about by free trade, and most of the workers don't expect Washington to do so. On my side of the aisle, we cannot resort to protectionist language over the long term if we are, in fact, going to be looking toward the future of America. We have the talent and the brain power to continue to lead the world in this challenging new century, but now we need the political will. Now we need a national commitment. And that, so far, is what appears to be lacking on Capitol Hill.

In America, we have always furthered the idea that everybody has a stake in this country, that we are all in it together, and that everybody deserves a shot at opportunity. The imbalance in this Administration's policies, as reflected in the CAFTA debate, fails to provide American workers with their shot at opportunity. It is time we gave them that shot.

I yield back my time.

(Applause in the Gallery.)

The PRESIDING OFFICER. Expressions of approval or nonapproval are not permitted in the Senate Chamber.

Who yields time. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Dakota has 1 hour 32 minutes remaining.

Mr. DORGAN. How much time remains for the Senator from Montana and also on the majority side?

The PRESIDING OFFICER. There remains 1 hour 11 minutes for the Senator from Montana, 5 hours 20 minutes for the Senator from Iowa.

Mr. DORGAN. Mr. President, it would seem to me the Senator from Iowa would want to use some time at this point. I suggest the absence of a quorum and ask that the time run against the Senator from Iowa.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, on this beautiful day in Washington, DC, we are about to create some great opportunities for Kansas farmers, Kansas manufacturers, and opportunities of hope for people in Central America. That is to me what this CAFTA bill represents. I do not want to oversell it. I do not think it should be oversold. I do not think it is a panacea for democracy building or opportunity in Central America. I do not think it is a panacea for all my farmers and manufacturers in the State of Kansas. But I do think it is a little more good in the world, a little more good for opportunities for people in the United States, lowering tariffs and trade barriers in our neighborhood, in this region of the world, a little more good and opportunity for economic chances and opportunities in Central America and the Dominican Republic, chances that do not exist today, chances that are not doing well today in Central America, chances that are hurting the spread of democracy, free societies, even in our own hemisphere.

I was troubled recently when I read a poll published by one of the major newspapers in this country. The poll was asking people in Central and South America would they give up their democracy if their economy would grow. In other words, if a dictator comes in and can produce economic reform and opportunity where you would have a growing economy instead of the stagnant situation you are in today, would you give up democracy?

A surprisingly large number of people said yes. I suppose in their hierarchy of needs, what they were looking at is: Look, democracy is great, but what I need right now is a job, what I need right now is income for my family, what I need right now is to be able to pay my bills and send my kids to school. If I have to give up this other right to do that, I am willing to look at it.

I was very troubled by that poll. I have relatives traveling to Central America talking with me in return about the troubling aspects of what they are seeing in the willingness to give up democracy and the fragility of democracy in our own hemisphere because of a lack of economic opportunity.

I think as well a lot of this is because of the juggernaut China is today, more than we solve by CAFTA. CAFTA is a little more good. CAFTA is a positive step in the right direction for those democracies to build economies and for opportunities for us in this country. It is not opportunities for everybody. There will be winners and some losers, as there are in trade agreements, because on the basis of a trade agreement, each country does what they do best and then you trade goods back and forth. Overall, the economy is lifted. There are people who are dislocated and harmed in these processes.

Overall, there is a betterment of societies, cultures, and opportunities. That is what I think overall will take place with CAFTA.

I do believe we have an extra issue that is at risk and is rewarded by CAFTA, and that is democracy building in our hemisphere. I do not think it can be put forward too lightly.

While I do not think people in Central America will say, OK, I am going to rejoice with the passing of CAFTA, that this is going to solve all my problems, I do think it will remove a great deal of hope if this does not pass. It will certainly have a negative impact in Central America if it does not pass, and I think we have to look at that as well.

Everybody has heard the numbers until I am sure they are blue in the face. The U.S. tariff regime is one of the lowest in the world, 3 percent. For a State such as mine, Kansas, having open markets is vital for the exportation of agricultural commodities. The aircraft industry is also dependent upon an export market. So additional liberalization should benefit our producers.

About one-third, or $3 billion in farm cash receipts out of a total of $9 billion of gross farm income in Kansas comes from exports. Kansas ranks sixth in the Nation for States with the greatest share of agricultural exports. Movement toward freer economies is helpful in doing that.

I want to focus briefly in the time I have on a couple of specific products that will benefit my State. As I mentioned, we have a heavy agricultural export industry. Agricultural exports support some 47,000 jobs in Kansas. I think, in this particular case, we have a decent chance of expanding more agricultural exports.

Beef is our largest section of the agricultural economy of my State. We are the second largest beef exporter in the country. As I mentioned, it provides the single largest source of cash receipts in agriculture in my State at over $5.6 billion. We believe CAFTA will help the cattle industry.

Pork producers, who add about $252 million to Kansas annually, will also benefit from the trade agreement.

Current import tariffs on U.S. beef exports is as high as 30 percent in some of these countries. Duties on the products most important to the U.S. beef industry—prime and choice cuts—would be eliminated immediately in these Central American countries.

I don't want to paint that again as a panacea because I don't think there is going to be a large initial export. There is not a large market of that cut initially, although there is market opportunity.

The American Farm Bureau Federation economic analysis of CAFTA estimates that Kansas will increase meat exports to the six countries by $130 million per year on the full implementation. That full implementation has a very long window to it, 2024. This is some period to come.

These are economic analyses which are useful to use to generally show trend lines. I have learned enough over the years to not rely upon these as money in the bank because factors come in to play—sanitary issues enter the picture, and we have recently been wrestling with BSE. Those all are major factors. Still, it points to a positive trend line.

As the Nation's top wheat exporter and with State farm cash receipts of $1.3 billion, Kansas wheat producers will benefit from CAFTA. Grain suppliers will benefit from zero tariffs immediately on wheat in all six countries, as well as some processed grain products.

Again, the American Farm Bureau economic analysis of CAFTA estimates that Kansas will increase wheat exports to the six countries by $8 million per year. Again, this is after full implementation of CAFTA. That is some time in the future. Its economic analysis could well be off, but it shows a generally positive trend line—small but positive. That is why I say a little more good in the world for my producers.

I conclude by saying, as we continue to fight this global war on terrorism, we must continue to spread democracy and hope throughout the world. Engaging in free trade practices and policies helps improve relationships with other countries and improves the standard of living in these developing countries. Helping to improve other countries' standard of living will result in a more hopeful society and a more peaceful world.

Certainly we have learned over the years that democracies are far easier and better for us to deal with. If we can help strengthen democracy, particularly in our hemisphere, by this passage, minor as it might be as a positive point, that is a good and hopeful sign and something we should do.

I support CAFTA, and I urge my colleagues to vote in favor of passage of the CAFTA trade agreement.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise in support of CAFTA. There are a lot of reasons to support this trade agreement. I came to this decision, by the way, in the last couple of days.

As chairman of the Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs of the Foreign Relations Committee, I understand how pivotal CAFTA is on U.S. foreign policy goals, not just in Central America but Latin America and the Caribbean. There are folks in Latin America looking at this agreement and what we do with it. I think they are going to judge us as to whether we are committed to strengthening this hemisphere, committed to strengthening the democracies that are now in Central America. There have been decades of civil war. We have democracies flourishing in Central America. Every President in those countries was democratically elected. These leaders have come to us and said: We want to reform, we want to grow our economies and strengthen democracy.

CAFTA is important. Democracy in Central America is still fragile. Poverty is endemic. There is weakening enthusiasm for democracy. Pressures are already present in Nicaragua. That is what we have.

We have to be realistic about CAFTA. It alone is not going to ensure democracy or prosperity in Central America, but it will put in place building blocks for economic growth in the future. It will help these nations compete with the face of a rising China and, perhaps most of all, CAFTA is a political message that the United States recognizes how far these nations have come and stands shoulder to shoulder with our democratic hemispheric neighbors. That is important.

I try to guide myself at times by the physicians' adage, which is, "Do no harm." Up until 2 days ago as I looked at CAFTA, it did harm. It did harm to an industry that is very important to me in Minnesota. I represent probably the largest production of sugar beets in the country. People say: You are protectionist of an industry. It is not about an industry, it is a matter of 40,000 moms and dads whose economic livelihood is dependent on what happens with sugar. There is $2 billion a year injected into that economy in that region, and that is important.

As my colleagues know, yesterday the Agriculture Committee chairman, SAXBY CHAMBLISS from Georgia, and I secured a commitment from the White House to address the serious concerns we had regarding CAFTA and sugar. Chairman CHAMBLISS—I don't think they grow a lot of sugar beets in Georgia. In fact, I was expecting by the end of that negotiation that there would be a peach-to-ethanol program coming out of that arrangement, but that did not happen.

Chairman CHAMBLISS made it very clear that he is going to protect the farm bill, see the continuation of the farm bill which is set to expire in 2007.

As we looked at CAFTA as we negotiated, it would have violated the farm bill in that it had the prospect of having sugar from CAFTA countries entering this country, if it reaches a certain level and goes over that—I will not get into the technicalities of the sugar program—one sees the collapse of the sugar program. One sees sugar forfeited to the Government, prices falling, economic disaster for those involved in the sugar industry.

So Chairman CHAMBLISS showed great leadership and great courage in saying he was not going to support CAFTA because it had this hole in the agreement that would in the end perhaps amount to a violation of provisions of the farm bill. He stood firm. Together, then, with a number of our other colleagues, both in the House and the Senate, he had a series of discussions with the administration, with the sugar industry, and got a commitment. Again, I want to thank Chairman CHAMBLISS, who stood with those of us who represent sugar, though that was not a personal thing. It was simply the right thing to do. That is the way he operates, with good Georgia common sense and that incredible Georgia strength.

The commitment we have from the administration pledges to ensure that the maximum sugar import cap established under the 2002 farm bill will never be violated through the life of this farm bill. So that magic level of 1.532 million tons that we call short tons is not going to be violated. This commitment was made in the context of CAFTA, but the commitment is not limited to CAFTA and that is important. During the course of our discussions, we became aware that other things were going on regarding sugar, that under NAFTA we were facing a situation in which resolving a high fructose corn syrup issue that involves the ability for us to bring more of that into Mexico, the result would have been more Mexican sugar coming into the United States and, again, then going over this level and triggering the collapse of the program.

In the end, as I stood there working for my sugar growers and those whose livelihoods depend on sugar, I wanted to make sure our folks were held harmless by CAFTA. We got that commitment from the administration. We wanted to make sure they were held harmless by the impact of what is happening with NAFTA. We got a commitment to hold them harmless during the course of this farm bill.

Then we were concerned about other trade agreements that are being negotiated at this time. There are discussions with Panama, discussions with Thailand, all of which could have had the same effect of reaching that maximum sugar import cap and violating and causing a collapse of the program. We wanted to be held harmless for that, our sugar growers did, and we got them that commitment.

Under this agreement any sugar imports above the current cap established by the farm bill, whether under CAFTA, NAFTA, or any other trade agreement, would be denied entry into the United States altogether unless an equivalent amount of U.S. sugar is converted into ethanol or other nonfood uses with at least 109,000 tons—and that is what we would have gotten from NAFTA—being converted to ethanol under a pilot program run by the USDA.

In addition, we received a commitment to begin a study on the long-term promise of the sugar-to-ethanol program. That promise is real. I was in Brazil not too long ago. Fifty percent of all the new cars in Brazil run on ethanol. Those cars are manufactured—the largest manufacturer is General Motors, an American manufacturer, and all the ethanol in Brazil is done by sugar. So we know the rest of the world does it. We can do it here.

The commitment has been made. The commitment stands. It is through the length of the farm bill. The farm bill goes for another 3 years, but if it should be extended—and I think it should be—the White House commitment is also extended.

The bottom line is this: Not only do we prevent CAFTA from breaking the farm bill limit on sugar imports, but we prevent NAFTA and all future trade agreements from breaking the farm bill cap as well.

In addition, what we do—and I think this is so critically important—is lay the ground for the long-term future of the U.S. sugar industry which lies not just in production in the United States—because we do not export sugar to other countries; it is for domestic consumption—but production to fuel our country through renewable fuels right alongside corn and soybeans. That is the future.

This country is beginning to understand that we simply cannot deal with the continuing increase in imports of foreign crude. A barrel of oil is $60. A price of a gallon of gas is $2.30, $2.40, $2.50, $2.70. We have our own oilfields, and there are cornfields, soybean fields, and sugar fields, beet and cane. They are providing an opportunity—we have sugar now on the path.

I know many of my sugar farmers and cooperatives do not agree with me on this commitment, do not agree with me on this solution. I respect that. What we have is a concern that they would much rather see a permanent solution. We have permanent solutions now with corn into ethanol and soybeans into ethanol. These are dedicated folks. They sat at the table the whole time.

One of the critics of this proposal or commitment that I have, and I take it seriously, said, this is a Band-Aid on a gaping wound. I would say to my friends at American Crystal, at Minn-Dak, at Southern Minnesota, and other cooperatives and other places throughout the country that, in fact, there is a gaping wound; that the sugar industry is one that is right now in a fragile place. I would argue that rather than a Band-Aid, this is a tourniquet; that for 3 years we stop the bleeding; for 3 years we then will be able to begin to develop a nascent sugar-to-ethanol industry; that we then get ourselves to focus on the next farm bill and try to make sure we have a program that has greater permanence, that has greater long-term security so the kids in Fisher and Hallock and throughout, certainly, Western Minnesota can go to school with moms and dads not worrying about their jobs. I am talking not just farmers but truckers and factory workers and seed dealers and implement dealers. The list goes on and on. Up and down Main Street, sugar makes a positive mark on communities throughout my State. So, for me, this is worth fighting for. It is worth defending. That is what I believe we have done with this commitment.

Without it, the Red River Valley has zero protection from NAFTA, zero protection, obviously, from CAFTA which we are talking about today, zero protection from future trade agreements. Again, under NAFTA alone there is some discussion of perhaps 900,000 tons of Mexican sugar pouring in over the border the next couple of years. Without this protection, without this commitment, prices would tank and the U.S. sugar policy would be placed in serious jeopardy. That keeps me up at night. That worries me.

I am going to sleep a little easier knowing that my farmers are protected with this commitment. That is what we have then, this 3-year window to turn all the attention and energy we had to focus on the past on putting our fires toward creating a positive solution and a future for this industry. That is my choice. That is the future that I choose.

That said, let me be very clear about something, and I want to lay this on the line, kind of talk as we look to the future. Two years ago, I said sugar should not be included in these bilateral regional agreements. We would not have these discussions, if that was the case. Just as domestic support for every other American farmer is not included in these kinds of agreements, sugar was not asking for anything special. The fact is, sugar should not be included in these agreements because the distortions in a global sugar market cannot be addressed fairly in any other setting other than WTO. This has to be addressed on a global perspective; otherwise, what we have is little bits and pieces come in. Ultimately, we flood this country without dealing with what is happening in this global environment.

Europeans have a lot more protective interests and support they provide for their sugar growers than what we face right here. So every sugar-producing country in the world subsidizes and supports this industry, which is why American sugar farmers, who are among the top third in efficiency, need a strong U.S. sugar policy to stand with them.

We did what is right in the Australian agreement, which is why it passed so quickly. For some reason, this common sense did not show through when CAFTA was negotiated. Again, the good news is in the near term we have a commitment from this White House to hold the U.S. sugar program harmless not only under CAFTA but under NAFTA and any future trade agreements.

At the end of the day, let me say that I share the disappointment of those in the sugar industry who want something more permanent, but I do feel I have to grab hold of the possible when the optimal seems to be out of reach. I think politically it would be easy for me to just cast a "no" vote, just say to my producers the industry does not like this and kick the can down the road. Then, if 900.000 tons of NAFTA sugar gets dumped in, I can maybe pretend that it is just enough to be angry, just enough to say why did we not do something.

The easy thing is not always the right thing to do. Sometimes when one is dealing with friends, they have to be told they are wrong. Sometimes leadership is letting people know that we have to go to a certain place even if they do not yet see the righteousness of going there.

The right place to be is to have this insurance policy, to have protection from CAFTA, from NAFTA, from future trade agreements, and really important, get us involved in the sugar-to-ethanol industry.

Last comment: I listened as I sat in the Presiding Officer's chair to a lot of debate. I heard so many of my colleagues today saying we have to be doing more for Central America, except the one thing Central Americans say they want and need most. It reminds me of a joke we have in Minnesota about the Scandinavian guy who loved his wife so much he almost told her.

I listened to my friends across the aisle and they tell me they care so much, and we have to be doing more, but they do not want to do anything. They want to protect the workers, those in Central America, give them economic opportunity. Listen to their elected leaders who say this is important rather than lamenting what we should have done or could have done but did not do.

We have an opportunity to do something, and that is what we are doing. In the end, my decision was only made in the last couple of days because the concern about sugar has been so great. Maybe it is the dad on me who focuses not so much on the ones who are doing well but the ones who need a little help. Our friends in sugar needed a little help after this agreement was negotiated. We provided that help.

Doing that, I can then stand with all the other producers in my State: the commodity groups, the cattlemen, the corn growers, the soybean growers, the pork producers, the businesses, the chambers of commerce, the high-tech folks, the 3Ms—all who say this is a good thing for jobs in Minnesota, this is a good thing for the economic future, and as a result I will cast my vote for CAFTA.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that my time be charged against that of Senator GRASSLEY, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I first want to say thanks to my good friend from Minnesota for his kind comments. I am going to have more to say about him in a few minutes. The one thing we all find out in this great institution that we have the privilege of serving in is that everybody in their own way represents, in a very strong manner, the constituents who sent them here. Nobody has represented their constituents better over the last several weeks relative to this issue of CAFTA, and particularly the sugar issue, like NORM COLEMAN has.

Senator COLEMAN has been a true advocate for the interests of his State. They need to erect a big sugar beet for him and call it the Senator COLEMAN Memorial back in Minnesota.

I rise today to support the Dominican Republic-Central America Free Trade Agreement or DR-CAFTA. Earlier this year, I expressed opposition to DR-CAFTA since a provision in the agreement violates a part of the 2002 farm bill.

As chairman of the Senate Agriculture Committee, I have a responsibility to the agricultural community to ensure Congress fulfills the commitments that we made to farmers and ranchers back in 2002 when we negotiated the farm bill and when it was passed by the House, by the Senate, and signed into law by the President.

My specific concern centered on a provision that severely impacts the implementation of the farm bill by increasing sugar imports into the United States.

We grow very little sugar in my State. This is not a parochial interest to me. Senator COLEMAN is right, perhaps I should have negotiated a peach, tobacco, or cotton ethanol provision in here. My whole point in this matter is that we have to maintain the integrity of the farm bill. It could just as easily have been a corn issue, wheat issue, or a peanut issue, but it just happened to be sugar. This could potentially result in exceeding the import trigger provided for in the farm bill.

Exceeding the import trigger is of utmost concern because it is designed to manage domestic supplies and ensure the program operates at a no net cost to the U.S. taxpayer. The DR-CAFTA could compromise that trigger when combined with existing commitments to Mexico under the North American Free Trade Agreement, or NAFTA.

In addition, the so-called compensation mechanism in the DR-CAFTA does not provide any additional comfort. I do not think it is a good idea to pay other countries not to import sugar into the United States when we can use those resources to promote fuel security here at home. I believe we all should be chastised back home if we let that happen.

There have been several long weeks of discussions between the administration, which included the White House, USDA and USTR officials, Senators and House Members, and industry representatives. After much hard work, the administration has agreed to a proposal that addresses my concerns relative to this trade agreement.

Secretary Johanns has sent me a letter that provides assurances that the sugar program will operate as we originally intended through the 2007 crop year. Furthermore, the Secretary committed to holding the sugar program harmless for the next 2½ years, to the completion of this farm bill, from any harmful effects of CAFTA, of NAFTA, and of any other trade agreement that may be negotiated during the interim period.

Mr. President, I ask unanimous consent the Secretary's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF AGRICULTURE,
Washington, DC, June 29, 2005.

Hon. SAXBY CHAMBLISS,
Chairman, Committee on Agriculture, Nutrition and Forestry, Russell Building, Washington, DC.

Hon. BOB GOODLATTE,
Chairman, House Agriculture Committee, Longworth Building, Washington, DC.

DEAR CHAIRMAN CHAMBLISS AND CHAIRMAN GOODLATTE: The purpose of this letter is to provide assurance that the Dominican Republic-Central America-United States (CAFTA-DR) Free Trade Agreement will not interfere with our ability to operate the sugar program in a way that provides the full benefit to domestic growers through the remainder of the Farm Security and Rural Investment Act of 2002.

The Farm Bill contains a sugar "import trigger" of 1.532 million short tons which if exceeded precludes the use of domestic marketing quotas and thus could prevent the program from being operated on a "no net cost" basis as required by the law.

Since the U.S. Government already is obligated under international agreements to import annually 1.256 million short tons, there is some concern that annual imports from NAFTA, CAFTA, and other trade agreements in addition to this amount could exceed the Farm Bill trigger and thus jeopardize operation of the program. However, the Charter Act of the Commodity Credit Corporation (CCC) provides additional tools required to preclude that eventuality.

In the event I determine that sugar imports will exceed the current Farm Bill trigger, appropriate steps will be taken to ensure the program is not put at risk. As Secretary of Agriculture, I have the authority to preclude the actual entry of imported sugar into the domestic sweetener market by making payments to exporters and direct purchase of the sugar for restricted (nonfood) use, including ethanol. It would be my intention to use agricultural commodities in payments or to make direct purchases.

Two possible situations could obtain:

If I determine that the Farm Bill import trigger will be exceeded and that the domestic market is adequately supplied with sugar (i.e., that the imported quantities above the trigger will jeopardize sugar program operation), then I will direct that excess imported sugar up to an amount equivalent to the CAFTA-DR imports be purchased by CCC and be made available for conversion into ethanol. Excess sugar above that amount could either be precluded entry by payment to exporters or made available for non-food use, as I deem appropriate.

If I determine that the amount of sugar that can be provided by domestic growers plus the minimum import requirement is insufficient to meet the domestic market's needs and that imports sufficient to do so will exceed the Farm Bill import trigger, then those imports will be allowed and no sugar would be diverted for conversion to ethanol.

In addition, USDA will undertake a study of the feasibility of converting sugar into ethanol. Data obtained from any conversion of sugar to ethanol, as noted above, will become a part of the study analysis. This study will be completed and submitted to the Congress not later than July 1, 2006.

Such actions would ensure that the Farm Bill trigger is not exceeded to the disadvantage of growers and that U.S. sugar procedures will still have a share of the market no less than the amount provided for by the Congress through the sugar program.

I will establish a special monitoring mechanism to review all U.S. Customs, Bureau of the Census, and other import data through the year. This mechanism will enable me to stay apprised of the pace of imports and to use the Charter Act authorization in a timely manner. Also, the Office of the U.S. Trade Representative has analyzed this approach and concluded that it is not inconsistent with our World Trade Organization obligations.

Sincerely,

MIKE JOHANNS.

Mr. CHAMBLISS. Specifically, if the farm bill import trigger is exceeded and the domestic market does not need additional quantities, then the excess imported sugar, up to an amount equivalent to the DR-CAFTA imports, will be purchased by the Commodity Credit Corporation and made available for conversion into ethanol. Excess sugar above the trigger in the DR-CAFTA amount would be precluded entry by payment to exporters or preferably directed to other nonfood uses, such as additional ethanol production.

I think this is a very important development, since it is the first time the Department is committing itself to a sucrose-to-ethanol program. The Department will also conduct a feasibility study examining the economics of sucrose-based ethanol. The study will be completed and submitted to the Congress not later than July 1, 2006. This should be enough time for us to use the information contained in the study to develop a long-term future program for the sugar industry in the next farm bill.

On Tuesday of this week, we passed a very historic bill in this body. Our country has the greatest natural resources of any country in the world, but yet we have never established a long-term energy policy. For the first time in the history of the country we passed an Energy bill that will move us in the direction of becoming less dependent on foreign imports of oil for our petroleum and other fuel needs in this country. A major part of that Energy bill was a provision for alternative fuel resources like ethanol. In fact, there is a provision in there for the production of 8 billion gallons of ethanol per year in this country, which would be great if we could produce that amount and have it available all across America and not in the limited areas where it now is used.

The reason it is in limited areas today is because we simply do not have the production of organic-based material to provide ethanol all across America. But with this provision that has been negotiated as a part of this agreement with the Secretary and USTR, we are going to take another crop, sugar, and we are going to convert sugar into ethanol in much the same way that we convert corn into ethanol, so we can have a greater supply of an alternative fuel, other than gasoline, for use by the American consumer.

Under this agreement, the Secretary will have the ability to meet any changing domestic market conditions. If the amount of sugar provided by domestic growers, plus the minimum import requirement, is insufficient to meet the domestic market's needs and imports sufficient to do so will exceed the farm bill import trigger, then those imports will be allowed and no sugar would be diverted for conversion to ethanol.

Another important aspect of this agreement will ensure that the USDA will review all U.S. Customs, Bureau of Census, and other import data to monitor imports throughout any given year. Many of us have heard criticism with regard to past trade agreements about lax enforcement and implementation of their provisions to the detriment of our producers. This will help address those concerns.

In spite of the letter from Secretary Johanns and the assurances of the administration, the sugar industry opposes this agreement and will not support passage of this trade agreement. While I may disagree with their conclusions, that is their right. I want to say, at this time, that we have had a number of meetings between Members of the House, Members of the Senate, members of the industry—which have included USTR and other administration officials, including Secretary Johanns. We have had meetings with them and without them. At every single crossing, the sugar industry has negotiated in good faith and they have been very straightforward and above board with us. I commend those men.

It is a great country that we live in that will allow us to dialog over an issue that is so important, as is this, to those farmers, to the Members of the House, and the Members of the Senate, as well as to others who have a significant interest in this, and to come out at the end of the day with an agreement with which some of us agree but with which others still have the opportunity to disagree.

This agreement can be a real building block for sugar provisions in the next farm bill. Let me emphasize that my concerns have been fully satisfied, and I do plan to vote in favor of DR-CAFTA.

This trade agreement is also important to many people in my home State of Georgia. I have heard from many workers who will reap the benefits of increased trade with Central America and the Dominican Republic. Reducing trade barriers will not only enhance American economic growth but will greatly benefit businesses in Georgia as well, by allowing more Georgia-made products to be sold into Central America.

The DR-CAFTA region is an important trading partner with Georgia. Georgia's exports to the DR-CAFTA region increased $113 million from 2000 to 2004, and collectively the countries of DR-CAFTA were Georgia's 9th largest export destination.

According to the Department of Commerce, the DR-CAFTA will help Georgia's textile manufacturers, chemical and paper manufacturers, as well as Georgia's farmers, because DR-CAFTA provides U.S. suppliers with access to these markets and levels the playing field with other competitors.

Let me take a moment to praise the efforts of the Secretary Mike Johanns and U.S. Trade Representative Rob Portman for their hard work and their tireless efforts. These officials addressed each and every issue that we discussed. Without their good-faith efforts, this agreement simply would not have been possible.

Special note should also go to my good friend, Senator NORM COLEMAN. His leadership and hard work in this effort has only increased my enormous respect for him. We have worked very closely over the past couple of weeks helping lay the foundation for a long-term and profitable future for the U.S. sugar industry. He is a workhorse, and I want him on my side every time.

Let me conclude by saying I am very pleased with what we have crafted. This agreement will protect the sugar industry for the next 2½ years, through the life of this current farm bill. It deserves the support of the Congress. I look forward to voting for DR-CAFTA.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. CORZINE. If the chair will be so kind to let me know when I have 2 minutes left?

The PRESIDING OFFICER. Certainly.

Mr. CORZINE. Mr. President, let me say from the start, I have thought about this long and hard. I believe in the seriousness and the potential for free-trade agreements. But after looking at this particular one, and looking at it in the context of our overall macroeconomic policy, I am unfortunately going to have to vote against this proposed Dominican Republic-Central America-Free Trade Agreement.

I have supported other agreements: Australia, Jordan, and Morocco. I believe in comparative advantage. There are lots of good reasons why free-trade agreements that are fair are ones we ought to promote. But they need to preserve and protect important labor, environmental, and security interests as well. I do not think this one does that. As a matter of fact, a trade agreement between the United States and Central America with the proper safeguards I think is a good thing. I just do not believe that we have embedded those in this particular agreement.

American workers justifiably feel insecure in today's economy, particularly with the outsourcing or exporting of American jobs that comes from so much of our trade policy. People are concerned whether those American jobs are going to stay at home. The increasing trade deficit puts an exclamation point on "there is something afoul" with our trade policy.

All I have to do is point to this chart. Since 1993, when we started with NAFTA to where we are today, we have seen nothing but red ink flow from the trade agreements and trade arrangements that we have. Something is not working.

I would like to understand how this agreement is not just another piece, another one in a long line of bad trade agreements. Before we rush forward with this, I would like to understand what is happening that has brought about this kind of problem. We have a $617 billion trade deficit on an annualized basis this year. I believe we have a lot of evaluation that needs to be taken before we step forward on this. We are clearly on the wrong track, based on the policies that we have.

On a parochial level, since NAFTA was implemented back in 1994, New Jersey has lost 130,000 manufacturing jobs. We used to have about 25 percent of our workforce in the mid-1980s in the manufacturing industry. Today it is below 9 percent.

We have seen the textile industry in New Jersey absolutely decimated. From the economic calculations that I have seen, 46,000 of those 130,000 manufacturing jobs lost were due to NAFTA.

We had great companies—Allied Signal, American Standard. All of Patterson's textile industry left our State. We have had enough of it. I think we need to understand what we are doing and what the implications are for working men and women of this country of another free-trade agreement.

If you put this into a context that the gross metropolitan product of the city of Newark is $103 billion, and this is only $85 billion for all these countries—I don't understand why this is such a priority, particularly given all the other issues that we have in this country and particularly while we are thinking about it in the context of a $617 billion trade deficit.

I don't think we have our priorities ordered right here. I particularly think we do not have them ordered right when you compare this issue with our trade deficit with China, which is $162 billion. This, I am told, is the No. 1 priority of the administration with regard to trade policy. Where does that come from, when we have all of these difficulties in our trade arrangements?

China has had a fixed currency pegging versus the dollar since the late 1990s, not working to protect intellectual property rights between our two countries, and there are all kinds of enforcement issues with the WTO. I don't get it. Where are our priorities? We have a $617 billion trade deficit. We are talking about something that will be a minuscule piece of that. And we are doing it with a blind eye to major problems in our trade policy.

That is the major reason I am voting against it. There are a whole host of other issues that need to be considered. What happens to labor rights and what happens to environmental rights not only with regard to our workers but in those countries themselves? Where are we going to go, when we look at the lack of enforcement with regard to labor principles in those individual countries? The same thing goes for environmental issues. I don't understand why we are ceding the ground on these issues. Believe me, we have enforcement standards with regard to commercial rights and investment rights, but when it comes to working men and women, when it comes to our environmental protection—which, by the way, is a global issue—we just say it is up to them with regard to their own standards.

That is not the way to do business, in my view, and I think this is a failed piece of legislation. It is a step back from what we did with Morocco and Jordan and other trade agreements that had positive enforcement responsibilities with regard to labor and environmental rights. This harms workers in those countries, not only harming workers in the United States.

There is a very clear example. I want to talk a little bit about it. NAFTA's liberalization, so-called, was supposed to promote job growth in Mexico. It lost 1.7 million rural farmers their access into the agricultural sector in Mexico, with the only increase, of about 800,000 new jobs, in the industrial sector. Some of those are now leaving because they are losing out to other parts of the world that have even lower labor standards and environmental standards and lower costs of labor. There is something wrong with this vicious cycle of eroding jobs here at home, even in some of the places that we think we are promoting them.

through these free-trade agreements, and we have to get this settled out.

I do not understand why we continue to stay on the same track—and I am an old, washed-up businessman. I believe in making sure the comparative advantage follows in the proper way. If it turns out you go from a balanced trade arrangement to a $617 billion trade imbalance in a given year, and you have seen almost nothing but a straight line fall off in our ability to export our goods on a relative basis to the rest of the world, we are making a big mistake, and we have a lot to reevaluate.

It is time for a change with regard to our trade policies because they are not working economically and we are losing our ability to control our own destiny in our foreign reserves in other countries. It is not working because we are losing jobs at home and undermining working men and women's ability to have a high-quality standard of living, and we are not particularly helping others overseas. It is not a net boom for the countries we think we are trying to support.

If we are not going to have strong labor, strong environmental rights, if we are not going to get some kind of benefit, a major macroeconomic benefit, I don't understand why we are approving all of these trade agreements. That is why I will be voting no on this CAFTA legislation before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield myself 10 minutes from the time of Senator GRASSLEY.

Mr. DORGAN. Mr. President, I shall not object, but I wonder if I might add to the unanimous consent request. Senator DEWINE has asked for 10 minutes of Senator GRASSLEY's time; we ask that Senator BYRD be recognized for 20 minutes from my time following the presentation by Senator DEWINE; following that, Senator BURR be recognized for 10 minutes from Senator GRASSLEY's time; following that, Senator REID will be recognized for 10 minutes from Senator BAUCUS's time. I ask that by unanimous consent.

The PRESIDING OFFICER. Would the Senator specify which Senator REID?

Mr. DORGAN. Senator REID from Nevada.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Thank you. I apologize for interrupting my colleague.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes.

Mr. DEWINE. Mr. President, DR-CAFTA is good for my home State of Ohio, and it is good for our country.

I was in the House of Representatives in the 1980s when significant strides were made toward democracy in Central America. We all remember that struggle. We all remember the resources that were put into Central America by the United States. It is time for us to refocus on Central America. If Central America is going to flourish, if democracy is going to continue in Central America and the economy is going to develop there, this is an essential component of that, an essential piece of that. While it is true that DR-CAFTA is only one piece of the puzzle, it is an important piece in determining the economic health of our neighbors to the south. Also, it is important to our own Nation as well.

DR-CAFTA is about fairness. It is about reciprocity. It would provide U.S. exporters with the same market access to Central America that Central American exporters unilaterally received through the past 20 years through various trade agreements. These trade agreements led to a one-sided lowering of tariffs. Currently, approximately 80 percent of Central America's exports enter the United States duty free. This unilateral tariff reduction helped Central American countries export to the United States but left U.S. producers facing steep and often prohibitive tariffs when they tried to export their own goods into Central America.

With DR-CAFTA, more than 80 percent of U.S. manufacturing exports to the region will be duty free immediately, and the remaining tariffs will be phased out over 10 years, including the up to 15 percent tariffs on some of Ohio's top exports to the region such as chemicals, electrical equipment and appliances, machinery, plastics, rubber, paper, processed foods, and transportation equipment. For Ohio's agricultural producers, DR-CAFTA would eliminate tariffs on 50 percent of U.S. exports immediately and most remaining duties within 15 years.

A perfect example of the benefits of DR-CAFTA is a situation faced by Heinz. Heinz has a catsup production facility in Fremont, OH, where they produce 80 percent of the catsup consumed in the entire United States. Heinz also produces numerous other condiments throughout the United States. Yet Heinz faces 15 to 47 percent tariffs on their products when they try to export to Central America. DR-CAFTA will change that. CAFTA will help ensure that the up to three generations of workers in Fremont, OH, in that factory will have jobs for themselves, jobs for their children when they grow up. This is just one example of why Ohio needs DR-CAFTA and why this entire country needs DR-CAFTA.

Another good example is Polychem, located in Mentor, OH. They have been in business for over 30 years. They have grown to more than 200 employees. They manufacture industrial strapping but cannot export into the Central American market competitively now because of high tariffs. DR-CAFTA would level the playing field for Polychem, allowing them to expand their exports and grow jobs in Ohio.

By requiring Central American countries to lower their tariffs on U.S. products, the United States would be able to sell into a consumer base 45 million strong that already today buys American. The 45 million citizens represented by the DR-CAFTA agreement purchase today more U.S. goods than the 1.53 billion citizens of India, Indonesia, and Russia combined. DR-CAFTA will simply increase that.

Not only do these consumers already buy America but, significantly for my State, they buy Ohio. In the past 5 years, Ohio exports to the DR-CAFTA region have grown by 90 percent, far outpacing their demands for exports from any other State in America. In 2004 alone, Ohio exported $197 million in manufactured goods to the region, including chemical and manufacturing goods, plastics, rubber products, fabric milled goods, electrical equipment, and appliances. These are just the largest categories. Each and every Senator could easily come to the Senate today and add a list similar to this.

The list of DR-CAFTA support is long in my home State of Ohio. In Ohio, the Ohio Pork Producers Council, the Ohio Soybean Association, the Ohio Poultry Association, the Ohio Dairy Producers, the Ohio Cattlemen's Association, the Ohio Farm Bureau, the Ohio Farm Growers, and the Ohio Wheat Growers Association all support DR-CAFTA. Those are just the supporters in the Ohio agricultural sector.

While many are helped by free trade, we understand whenever we have free trade legislation or free trade there are some individuals in society who are hurt. We need to make sure we always are concerned about them, that we pass legislation that assists them, and we must continue in this Congress to do that. Yet if we turn our backs on free trade, we would ultimately have far more unemployed Americans, and our economy would be a fraction of what it is today.

For example, in the first year after the enactment of the United States-Chile Free Trade Agreement, Ohio's exports to Chile grew 20 percent; and since NAFTA was enacted in 1993, Ohio's combined exports to Canada and Mexico have increased by more than 106 percent. More exports means more jobs for Ohio and more jobs for our country as a whole.

Mr. President, as I said already, DR-CAFTA is good for Ohio, it is good for the United States. I urge my colleagues to vote in favor of this important free-trade agreement. But let me say one additional thing. As much as I support DR-CAFTA, there is something else that needs to be done, and that is this Congress needs to pass trade legislation that will assist the country of Haiti.

Last year, the Senate passed an important trade bill for Haiti, only to see that trade agreement die in the House of Representatives. I have raised this issue with the administration and with my colleagues in both the House and the Senate. Haiti, the poorest country by far in our hemisphere, arguably needs our attention the most. To leave them out and to not pass trade legislation to assist them is shortsighted, it is wrong, and it is not helpful. We make a mistake by leaving them out.

If nothing is done by this Congress soon to pass a trade agreement that will be of assistance to Haiti, it will really be a deathblow to what remains of Haiti's economy, and we will be seeing boats swollen with Haitians heading back to our shores again.

Mr. President, I simply implore my colleagues, as well as the Bush administration, that after CAFTA is passed, we look again to legislation that I have proposed with many of my colleagues to be of assistance to Haiti. It is the right thing to do from a humanitarian point of view, but it is also the right thing to do from a foreign policy point of view as well.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BURR). Under the previous order, the Senator from West Virginia is recognized for 20 minutes.

Mr. BYRD. Mr. President, I thank the Chair.

Mr. President, on April 6 of this year, Senator DORGAN and I introduced S. Res. 100, a resolution to prevent a 2-year extension of the so-called fast track or trade promotion authority, which the Congress granted the administration in the Trade Act of 2002. If our resolution were approved, existing fast-track negotiating authority would expire this year. If only it would. If only it would. Wouldn't it be ideal if it would expire? I think so. But, instead, it will be extended through 2007. That is a crying shame.

Senator DORGAN and I introduced that resolution of disapproval to fast track because we oppose giving any executive—any chief executive, Democrat or Republican—the unfettered authority to negotiate trade agreements such as CAFTA which cannot be amended by the Congress. It cannot be amended. All of this praise I hear of CAFTA—we have too little time here to consider and no time to amend. We cannot amend. Too little time. Too much praise. Too much short shrift. Too much short shrift is given to this, the Constitution of the United States, which I hold in my hand. Yes, too much praise, too little time, too much short shrift.

I opposed fast track when it was used to negotiate the NAFTA; I opposed fast track when it was used to negotiate the Uruguay Round; and I oppose fast track today.

Let me restate what I have said so many times—so many times—in the past, something that I think people may be finally beginning to comprehend. Article I, section 8 of this Constitution, which I hold in my hand, states that the Congress—hear me—that the Congress, not the executive, shall have the power to "regulate Commerce with foreign Nations." And under Article I, section 7, the Senate is permitted to "propose or concur with" amendments to all revenue bills.

But under fast track—this shabby, shabby piece of trash—under fast track—this trumped-up power grab called fast track which is now disingenuously called trade promotion authority—listen to that: trade promotion authority—the Congress is left with no ability to modify the text of these trade agreements. And we did it to ourselves. Congress did it to itself. As a result, they are negotiated by a small band of bureaucratic gnomes—bureaucratic gnomes—accountable to whom? Accountable to no one, bureaucratic gnomes accountable to no one. But we should not blame them. We should blame ourselves. The Congress of the United States cut its own throat.

Under fast track, the Congress cannot modify, the Congress cannot amend, the Congress cannot delete any section of trade agreements negotiated by the USTR. Congress is excluded from the process, just like we did to ourselves when we shifted the power to declare war to a President, one man. We did it to ourselves. We shifted power under this Constitution—lodged in the Congress, which shall declare war under this Constitution—we shifted that power to one man, and in so doing we relegated ourselves to the sideline.

So today what can we say? We cannot say anything. We did it to ourselves. We said: Here, Mr. President, take it. It is yours, lock, stock, and barrel. That is what we did when it came to declaring war. And we are paying for it in Iraq.

But let's get back on this matter. We did it to ourselves again. We excluded ourselves from the process. We cut ourselves out of the loop. We cast ourselves aside, like excess baggage, shunned, shunned like the woman who wore the scarlet letter.

But unlike Nathaniel Hawthorne's Hester Prynne, who had to sport only one letter as a symbol of her wrongdoing, the shamed in this story should be forced to wear three letters to highlight their humiliation. And those letters are "TPA," which stands for "trade promotion authority." What a misnomer. How disingenuous can we become? Fast-track negotiating authority is an abomination—an abomination.

Is this what we think the Founding Fathers had in mind when they created our three separate branches of Government? We don't pay too much attention to that these days. Is this what they had in mind when they created our three separate branches of Government? First, in this Constitution, the legislative branch, then the executive branch, then the judicial branch. But that first branch, the people's branch, is this what they had in mind when they created that first branch? Blind adherence to agreements negotiated behind closed doors, dictated word for word by only one branch of the Government, the executive branch? Is that what they had in mind? That is not what the Constitution says. It says that the Congress shall regulate foreign commerce.

But the Congress, like blind mice or hyperactive lemmings, time and time and time again just keeps on making the same mistake. It approves fast track. Each agreement negotiated under fast track destroys more American jobs and leads our Nation into deeper and deeper deficits.

The overall U.S. trade deficit in 1993, when NAFTA was enacted, was $75.7 billion. Today what is it? Not $75.7 billion. It is nearly $700 billion. Back in 1993—that hasn't been too long ago, back in 1993—the United States had a trade surplus with Mexico of $2.4 billion. Not too long ago, 1993. Look backward, O time, in thy flight. We had a trade surplus with Mexico of $2.4 billion in 1993, $2.4 billion. Last year we ran a trade deficit of $45 billion with Mexico. There you have it. The facts speak for themselves. Were these some of the promised benefits of NAFTA? It is too easy to forget. Were these some of the promised benefits of NAFTA? Sky high, yes, way up in the stratosphere, sky-high trade deficits? Since NAFTA and the Uruguay Round were negotiated under fast track, the United States has lost thousands—thousands, I say—of manufacturing and service jobs, a substantial portion of which have been outsourced—we hear much of that word these days, "outsourced"—to India or to China, leaving American workers' jobs without health care and with diminished pensions.

I have seen it over and over again in West Virginia. I have seen it happen time and time and time and time again, firsthand, in West Virginia. It has happened in our steel industry in West Virginia. It has happened in the aluminum industry. It has happened in the glass industry. It has happened in the communications industry. It has happened in the special metals industry. It has happened in the furniture industry. It has happened in textiles. It has happened in handtools. Were these the promised benefits of NAFTA? Were these the promised benefits of the Uruguay Round? Who could have foreseen that these agreements would cause such massive dislocation, such grief? Who? Who?

I will tell you who: Those of us who wisely voted against them. I did, and so did about a third of the U.S. Senate.

But the majority back then refused to see what was coming. The majority refused to look. The majority blindfolded itself and refused to see what was coming. I hope they recognize what they see today.

Administrations like to allege that because they sometimes deign to "consult" with the Congress on fast track trade agreements, their consultations satisfy the need of Congress to be involved in drafting the text of these agreements. We all know what a sham that is. Yes, they condescend to consult with Congress, the people's elected representatives. The President is indirectly elected by the electors, the representatives of the people. We are elected by the people, directly by the people. I come here, as it were, directly from the voting booth of the people. Despite all the assurances we heard during the 2002 trade debate, I have been told that even members of the Finance Committee, the Senate Committee that is charged with jurisdiction over trade matters, have been shut out. Can you believe it? Let me say that again. I can hardly believe what I am saying.

Despite all the assurances we heard during the 2002 trade debate, I have been told that even members of the Senate Finance Committee, the Senate committee that is charged with jurisdiction over trade matters, have been shut out of substantive consultations on CAFTA. My, how the mighty have fallen. Since only certain members of the Finance Committee are part of the congressional oversight group which was supposedly created in 2002 to "consult" with the White House, other Senators on the Finance Committee who are not a part of that group have rarely been consulted on CAFTA at all. What kind of consultation is that? What kind?

Similarly, the majority-controlled Senate Finance Committee refused to hold a hearing on the TPA resolution of disapproval that Senator DORGAN and I introduced in April. The committee also refused—maybe I should say "declined"—to discharge the resolution so it could receive an up-or-down vote on the Senate floor.

You hear that a lot around here, this demand for an up-or-down vote. I hear it said that nominees deserve an up-or-down vote. Who said that? The President and others say the nominees deserve an up-or-down vote. The Constitution doesn't say that. Here is the Constitution. It doesn't say that. What do the American people deserve? That is what counts.

Well, the Senate leadership refused to give our resolution an up-or-down vote. Instead, they killed it in committee. It died a natural death. They killed it in committee, despite a written request asking for its discharge that was sent by Senators DORGAN, GRAHAM, ROCKEFELLER, JOHNSON, LEVIN, INOUYE, DAYTON, and myself.

The proponents of fast track, TPA, and CAFTA argue that by expanding free trade in Central America we will help the workers in those countries—I have heard some of that today—become more stable and less of a national security threat. That is what we were told about NAFTA. What happened? Did NAFTA stabilize immigration? No. Since NAFTA was implemented, the number of those migrating illegally into the United States to seek work has doubled. Perhaps this is because the wages of Mexican workers have declined and the number of people in poverty there has grown.

Yet the administration wants us to enact now another NAFTA, this time called CAFTA—NAFTA, CAFTA; NAFTA CAFTA. Poetic, isn't it? It has a rhyming sound. NAFTA, CAFTA. Yesterday NAFTA, today CAFTA, what the AFL–CIO tells us will not require its members to maintain or improve their labor laws or to protect the core labor rights of their workers.

So the administration continues to negotiate these failed free-trade agreements, when it should be focusing on the real trade crises that face our Nation.

For example, while the administration has been spending its resources on these agreements, it is doing nothing to address our Nation's enormous trade deficit, which soon will surpass $700 billion. What a deficit—$700 billion.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD. I am so sorry about that, Mr. President. I ask unanimous consent that I may be given 5 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair for his courtesy. May I say that the chairman of the Finance Committee is a man whom I like. He is always friendly, always courteous to me, and in Shakespeare's words, "He's a man after my own kidney."

The administration also refuses to bring WTO cases against other countries that violate international law. Yet it acquiesces when the WTO unfairly and deliberately twists international rules to strike down our own laws. In fact, the current administration has taken on only 12 cases to the WTO in over 4 years, compared with its predecessor, which filed an average of 11 WTO cases per year.

The U.S. Trade Representative sits idly by while the WTO tries to undermine and/or eliminate our most critical trade laws, including the Continued Dumping and Subsidy Offset Act, also known as the Byrd amendment. A strong majority of the Senate supports the Byrd amendment, and this law will not be repealed or modified in response to the WTO. In fact, in the fiscal year 2004 and 2005 Consolidated Appropriations Acts both Houses of Congress directed the administration to start negotiating a solution to this WTO dispute. In response to this congressional mandate, the administration, in early 2004, submitted a proposal to a negotiating group in Geneva to reverse this WTO ruling against our law. But the administration has done nothing to advance those negotiations since April 2004. The administration needs to stop stalling and start solving this problem.

History shows that it is a big mistake for the Congress to cede its authority to negotiate trade agreements to the Executive—and I am not just talking about this administration. I have been in Congress 53 years, and it is the same in every administration, Democratic and Republican. They follow the State Department line all the time—because the outcome of those agreements can have disastrous consequences for American industry.

How much more negative history, how many more flawed consequences must our Nation suffer before we wake up and realize that fast track has been a disaster? Instead of negotiating more unfair, at any rate, agreements such as CAFTA, we should be fighting aggressively to preserve our Nation's trade laws and to protect the American workers and their families, and also protect the Constitution of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. BURR. Mr. President, I probably won't be as eloquent as the senior Senator from West Virginia, but rest assured that I am just as passionate about the issue before this body.

I rise today, after months of countless discussions with interested parties, farmers, manufacturers, textile workers, and small businesses, to voice my support for the Central American Free Trade Agreement. It is not a decision that I have reached lightly.

While some in my State continue to raise concerns with this agreement and trade in general, I believe this agreement is in the long-term best interests of North Carolina and our Nation. When I wake up in the morning, I look forward, I don't look back; I look to the future. Simply put, Mr. President, voting no on this agreement would be the easy thing to do. However, I believe voting yes is, in fact, the right choice for the State of North Carolina and its economic future.

It is only through agreements with our friends, neighbors, and allies that we will be able to compete with Asia. Many will argue that this agreement is a jobs loser, and I certainly understand that feeling and respect those opinions. After all, my home State of North Carolina is undergoing a significant economic transition which is changing the nature of our job market. However, I believe CAFTA will provide opportunities for economic growth in my State down the road.

CAFTA will provide garment makers in the region with a critical advantage in competing with Asia—particularly Chinese—garment manufacturers. This is crucial for one very important reason: those regional garment makers buy their yarn, their fabric, from American companies. Many of those companies are based in North Carolina. Those American companies buy their cotton from American farmers. This is not the case in Asia.

I am persuaded by the impressive level of trade between North Carolina and Central America today. North Carolina exported almost $2 billion worth of merchandise to Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua in 2004 alone. Only Florida and Texas exported more. My State's exports to the region last year accounted for almost 10 percent of our total exports. These exports translate into real jobs in North Carolina.

I am also persuaded by the side agreements that I know the President is well aware of—side agreements intended to address shortcomings in the underlying agreement. Our new Trade Representative, my friend, Rob Portman, has committed he will utilize the CAFTA amendment mechanism to pursue a rule-of-origin change for pockets and linings, helping ensure that $100 million in U.S. pocketing and lining exports to the region are not lost. The administration has also reaffirmed its commitment to negotiate an aggressive customs enforcement agreement with Mexico before the cumulation provisions of CAFTA can be used. Finally, Nicaragua has committed to allocate its trade preference levels, or TPLs, to its current nonqualifying U.S. trade, ensuring that existing U.S. business is not impacted by this provision.

I am not the only one persuaded by these side agreements. On June 27, 10 organizations, representing textile and apparel businesses, wrote Members of the House and Senate in support of CAFTA. Those organizations wrote:

> This agreement is vitally important for the United States textile and apparel industry and the more than 600,000 workers who are still employed in the United States in this industry.

I ask unanimous consent, Mr. President, that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 27, 2005.

DEAR SENATOR/REPRESENTATIVE: We are writing to express our strong support for and urge passage of the implementing legislation (HR 3045/S 1307) for the U.S.-Central America-Dominican Republic Free Trade Agreement (CAFTA-DR).

This agreement is vitally important for the U.S. textile and apparel industry and the more than 600,000 workers who are still employed in the United States in this industry.

Last year, we exported more than $4 billion of textile and apparel products to Central America and the Dominican Republic. More than 25 percent of all U.S. fabric exports and 40 percent of all U.S. yarn exports go to this region. As a result, garments imported from the region contain on average more than 70 percent U.S. content. In contrast, garments imported from Asia contain less than 1 percent U.S. content.

Recent changes in the international trade regime—through the elimination of quotas have eroded the competitiveness of the partnership we now have with Central American region. Moreover, the existing program—because of burdensome documentation requirements and because it will expire soon—no longer provides as strong an incentive to make clothing in the region using U.S. inputs.

CAFTA-DR will solidify and stabilize this partnership by making the current program broader, easier to use, more flexible, permanent, and reciprocal. It will create new sales opportunities for U.S. textile and apparel products by providing permanent incentives for the use of U.S. yarns and fabrics in textile articles made in the region. And because it will promote duty free access for U.S. textile and apparel exports to local markets in the region—which currently does not exist—it will give us new advantages over our competitors.

For all these reasons, textile and apparel companies from across the supply chain have come together to express support for CAFTA-DR and to urge its swift approval.

On behalf of the U.S. companies we represent and the workers they employ, we urge you to support the agreement and vote YES on the CAFTA-DR.

Sincerely,

American Apparel & Footwear Association (AAFA),
American Cotton Shippers Association (ACSA),
American Fiber Manufacturers Association (AFMA),
American Textile Machinery Association (ATMA),
Association of the Non Woven Fabrics Industry (INDA),
National Cotton Council (NCC),
National Council of Textile Organizations (NCTO),
Sewn Products Equipment & Suppliers of the Americas (SPESA),
Textile Distributors Association (TDA),
United States Hosiery Manufacturers Coalition (USHMC).

Mr. BURR. Mr. President, North Carolina textile and apparel firms are by no means unanimous in their support of CAFTA. I clearly understand that. But when companies as diverse as Sara Lee, Russell, Glen Raven, National Textiles, and Parkdale, companies that have not agreed before, agree on this, we should take notice, and I have.

Without CAFTA, more and more garment manufacturing will simply find its way to China to be manufactured. As Central American manufacturers are forced out by Chinese manufacturers, more American jobs will be put at risk for the simple fact that Chinese manufacturers do not use American yarn, they do not use American fabric, and they do not use American cotton.

I am persuaded by agriculture's support for this agreement, and in a letter to me recently, North Carolina's Farm Bureau president Larry Wooten said:

> On balance, the CAFTA-DR is a positive trade deal for North Carolina agriculture. It will boost our State's number one industry by helping North Carolina's farm families develop new markets for their products. North Carolina Farm Bureau strongly supports CAFTA-DR.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH CAROLINA FARM BUREAU FEDERATION,
Raleigh, NC, June 30, 2005.

Hon. RICHARD BURR,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURR: As the U.S. Senate prepares to vote today on the Central America—Dominican Republic Free Trade Agreement (CAFTA-DR), I am writing you to express North Carolina Farm Bureau's support for this important agreement. Thank you for your vote last night to invoke cloture on S. 1307, and we hope you will vote for this measure again on final passage today.

Currently, U.S. agriculture faces a $700 million trade deficit with the six countries included in the CAFTA-DR. This is largely the result of the General System of Preferences (GSP) trade provisions and the Caribbean Basin Initiative (CBI), which together allow 99 percent of Central American and Dominican Republic agricultural products to enter U.S. markets duty free. Conversely, U.S. exports to the region are subject to applied tariffs that range from 15 to 43 percent. Indeed, North Carolina's farm families have already paid for this agreement.

CAFTA-DR will eliminate these trade barriers, and provide North Carolina farmers and agribusinesses with the same duty-free access that CAFTA-DR countries already enjoy in our markets. In fact, many U.S. competitors in the region, like Chile, already receive preferential access from the CAFTA-DR countries.

A News & Observer article published earlier this year reported that, according to the U.S. Department of Commerce, North Carolina exports to the CAFTA-DR countries grew by $678 million from 2001 to 2004, the largest increase in the nation. The article went on to say that North Carolina is the CAFTA-DR region's third largest trading partner behind Texas and Florida. Clearly, North Carolina agriculture has much to gain from CAFTA-DR's enactment.

According to a recent study conducted by the American Farm Bureau Federation (AFBF), II CAFTA-DR is a good deal for North Carolina agriculture. In 2003, North Carolina's farm cash receipts equaled $6.9 billion. Of that figure, $1.3 billion, or about 19 percent, came from agricultural exports. If CAFTA-DR is enacted, AFBF estimates that North Carolina will increase agriculture trade to this region by nearly $70 million per year by 2024.

As you know, North Carolina is a major producer of pork, poultry, and cotton, as well as a significant producer of soybeans. Under CAFTA-DR, North Carolina could expect to increase meat exports to CAFTA-DR nations by $24 million per year once the agreement is fully implemented. Poultry, our third largest agricultural export, would experience export increases of $42 million per year. Exports of cotton would increase approximately $1 million per year, while soybeans and soybean product exports would grow by $770,000 per year.

It is important to remember that the global community is closely monitoring congressional deliberations regarding CAFTA–DR. Rejecting this agreement will damage U.S. credibility in the World Trade Organization (WTO) and deter other nations from negotiating future trade agreements with us. Further, failing to approve CAFTA–DR and any subsequent trade agreements will exert more pressure on Congress to increase Farm Bill spending.

On balance, the CAFTA–DR is a positive trade deal for North Carolina agriculture. It will boost our state's number one industry by helping North Carolina's farm families develop new markets for their products. North Carolina Farm Bureau strongly supports CAFTA–DR, and we urge you to support on the Senate Floor today.

As a friend of North Carolina Farm Bureau, you have always been accessible and I appreciate your support for North Carolina's farm families. As you consider how you will vote on this critical matter, please know that I stand ready to assist you in any way. I look forward to hearing from you soon.

Sincerely,

LARRY B. WOOTEN,
President.

Mr. BURR. Mr. President, current agricultural trade between the United States and the region can be a one-way street. That street is often closed to our farmers by regional barriers. CAFTA will remove those barriers, increasing access for U.S. farmers. With exports accounting for 20 percent of North Carolina's farm cash receipts, almost $1.5 billion, my State's farmers stand to make tremendous gains in Central American markets.

The key to making this trade agreement an economic success for North Carolina, though, is enforcement. I am a proponent of free trade, but I am an even bigger proponent of fair trade. The rules must be enforced. I intend to make sure that neither this Nation nor our partner countries turn a blind eye to the provisions set out and the assurances made in CAFTA.

Several of my colleagues have come down to the Senate floor to express their concerns with China. Let me be specific. I have concerns about China, too. I voted against normal trade relations status for China eight times as a Member of the other body. Hindering our Nation's trade with other nations to get back at China is not the answer. Enforcing our laws and enforcing the provisions of the trade agreement with China is the answer to China.

If I held up a chart today and suggested that chart listed every time China had voluntarily broken our trade agreements, it would be blank. If we want trade to work, we as a country have to enforce the agreements we have with our partners.

This is not the China free-trade agreement. It is the Central American Free Trade Agreement. We need to stop holding our friends in Central America and elsewhere accountable for China's unlawful practices. We should not let China get away with unfair trade practices, and we must strengthen our trade enforcement efforts. If China is going to break the rules, let's call them on it. Let's make them pay for it. But we should not make other countries the scapegoat for China.

In the 2 years since CAFTA was signed, I have worked to better understand the agreement and the impacts it will have on my State. Today I am convinced there is no choice—no choice—but to look to the future and approve this agreement. The new and emerging sectors of North Carolina's economy, from computer manufacturing to biotechnology and established sectors such as financial services and agriculture, depend on agreements such as this.

What makes CAFTA fairly unique is the recognition by many in the textile and apparel industry that CAFTA represents one of their last, best chances to compete with Asia. We cannot afford to wall ourselves off from the rest of the world if we hope to compete in a global marketplace and to create jobs in the United States.

I urge my colleagues to look at the long-term benefits of prosperous, successful, established democracies to our south and the economic opportunities it provides for our own citizens here. If we fail to look to our friends in the south, we will only be strengthening our competitors to the west.

I urge my colleagues at the end of this debate to vote in favor of the CAFTA agreement, and I urge my colleagues to stay vigilant, whether it is CAFTA or China, as it relates to enforcement mechanisms with our trade partners.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes and that the time be charged under the control of Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California may proceed.

Mrs. FEINSTEIN. Mr. President, I have been listening to the debate upstairs on television. I thought I might come down and indicate the reasons I am going to vote for this Central American Free Trade Agreement.

This agreement has sparked a great deal of debate about our trade agenda, the effects of trade agreements on labor rights and the environment, and the impact of increased imports on sensitive domestic industries. I understand the concerns of my colleagues, including members of my own party, who do not support this agreement.

For me, I have always approached these agreements on a case-by-case basis. I have supported some, and I have opposed others. For example, I opposed the North American Free Trade Agreement and the Singapore-Chile Free Trade Agreement. I opposed NAFTA because of the concerns about the impact of jobs and the environment, and I opposed the Chile-Singapore Free Trade Agreement because of the inclusion of immigration provisions.

But in my view, this is an important opportunity for this Congress to go on record in support of economic growth and political stability in these countries and new markets and opportunities for our manufacturers and farmers.

Bottom line, this agreement provides immediate benefits for American exports. It balances an uneven trading relationship. Some have said this, but I do not think it has sunk in: approximately 80 percent of goods manufactured in these countries and 99 percent of their agricultural products already enter the United States duty free. But America's exports into these countries face stiff tariffs on a number of key products. Let me give some examples.

Wood products have an average tariff of 10 percent; motor vehicles and parts, an average of 11.1 percent; vegetables, fruits, and nuts, an average of 16.7 percent—that is today—dairy products, an average of 19.5 percent and up to 60 percent in some cases. In some cases, to send dairy products into these countries, they face a tariff of 60 percent; grains, an average tariff of 10.6 percent; beef, up to 30 percent; rice, up to 60 percent; and wine is as high as 35 percent.

Upon enactment of this agreement, 80 percent of U.S. industrial exports will enter the CAFTA countries duty free, with the remaining tariffs eliminated over 10 years. That is good for us. That is good for our workers because in these industries it will produce more jobs. Fifty percent of agricultural exports become duty free immediately, with remaining tariffs eliminated over 15 and 20 years.

A World Bank and University of Michigan study estimates that with the agreement, U.S. income will rise by $17 billion and the income of CAFTA countries by $5 billion. I think that is substantial. According to the American Farm Bureau, CAFTA would increase U.S. agricultural exports by $1.5 billion annually.

Now let me just talk about my own State of California. It has often been said we are the fifth largest economic engine on Earth. We have a $1.4 trillion economy. We are a leader in U.S. and global markets, with products ranging from high tech to agriculture. Our workers, our farmers, and our businesses need access to new and expanding markets to sustain that leadership position.

In 2004, my State exports to the CAFTA countries totaled $660 million. That was the sixth largest of the 50 States. Manufactured goods accounted for 89 percent of the total, including computers and electronic equipment, fabric mill products, and coal products.

CAFTA will provide significant opportunities for several California export industries. Let me go over them. Let us take dairy, for example. California's producers represent a $4 billion dairy industry. We know it is the largest in the Nation. Their exports face duties as high as 60 percent today. Each country in this agreement establishes tariff rate quotas for certain dairy products totaling 10,000 metric tons across the six CAFTA countries. Access will increase by 5 percent a year for the Central American countries and 10 percent a year for the Dominican Republic, and all duties will be eliminated over 20 years.

Beef: Current duties on beef are as high as 30 percent. Duties on prime and choice cuts will be eliminated immediately in the Central American countries. Duties on other beef products will be phased out over 5 to 10 years.

Wine: Current duties on American wine are as high as 35 percent. Duties on standard size U.S. bottled wine will be eliminated immediately. All others will be phased out over 15 years.

Rice: Currently, U.S. rice exports face tariffs of up to 60 percent. Under the agreement, each country will establish a tariff rate quota for milled rice and rough rice, except for the Dominican Republic, which will have a tariff rate quota for brown rice. In the first year, 400,000 metric tons will be imported duty free, growing as the tariff is eventually eliminated.

Fruits: Duties of up to 20 percent on U.S. grapes, raisins, fresh and canned peaches, and fresh and canned pears will be eliminated immediately upon enactment of the agreement.

Tree nuts: Duties of up to 20 percent on U.S. walnuts, almonds, and pistachios will be eliminated immediately upon enactment of the agreement.

Services: The agreement provides broad market access and regulatory transparency for telecommunications, insurance, financial services, distribution services, computer and business technology services, and tourism, among others. U.S. financial service suppliers will have full rights to establish subsidiaries, joint ventures or branches for banks and insurance companies.

High tech: The agreement eliminates distribution barriers for information technology products. It requires countries to eliminate information technology tariffs by signing the World Trade Organization Information Technology Agreement, and it opens up information technology services. All exports of products covered by the Information Technology Agreement, including computer equipment and communications equipment, will receive immediate duty-free treatment.

Entertainment: California is a big entertainment State, and this is very important. The agreement provides for increased market access for U.S. films and television programs through cable, satellite, and the Internet. Currently, movies face tariffs ranging from 5 to 20 percent. Compact discs and DVDs face tariffs of up to 10 percent. The agreement provides for zero tariffs on movies, music, consumer products, software, books and magazines, and nondiscriminatory treatment for digital products such as U.S. software, music, text, and videos. It also includes protections for U.S. trademarks, copyrighted works, patents, trade secrets, and penalties for piracy and counterfeiting. As a matter of fact, Peter Chernin, the CEO and president of the Fox Group, said this: This agreement sets a template for what agreements should look like.

Textiles: Apparel from garment factories in Central America supporting 400,000 jobs will be duty free and quota free in the United States if they contain U.S. fabric and yarn, thus benefiting U.S. fabric and yarn exports. The CAFTA countries are the largest market for U.S. apparel and yarn exports. That is $2.2 billion in 2003. Tariffs on U.S. textile exports are currently 18 percent, and they will be eliminated immediately upon enactment of the agreement.

Now, these are all win-win-win for my State and I believe for the United States. Perhaps because of the NAFTA agreement, which was a very different agreement, people look at this agreement as they looked at NAFTA. In fact, CAFTA countries now export most of their products into the United States at no tariff, and most of our products face tariffs which would either be eliminated immediately or eliminated over a period of time under CAFTA.

So I do not think it should come as any surprise that there is very wide support among California businesses, farmers, and agricultural organizations: the Farm Bureau, the Wine Institute, the United Dairymen, the Rice Commission, the Cattlemen's Association, the Pork Producers, the Table Grape Commission. In high tech, virtually every company: Cisco, Intel, National Semiconductor, Apple, Oracle, Hewlett-Packard, Qualcomm, IBM, Kodak, and the Telecommunications Industry of America. This is opening markets for our products. Entertainment: the Motion Picture Association of America, the Recording Industry of America, the Independent Film and Television Alliance, and the Entertainment Software Association.

As the New York Times stated in an editorial:

> Denying poor people in Central America the benefits of better access to the American market is certainly not the way to lift them out of poverty.

That is the flip side of this, that by creating an agreement that reduces these tariffs on American products, a more competitive and higher quality marketplace is produced for citizens of these countries, and that is not bad.

Denying these countries access to the U.S. market is certainly not the way to reward them for advances made in the area of democracy, human rights, and the rule of law. Twenty years ago, these countries were marred by constant warfare, human rights abuses, poverty, and political instability. Since then, they have all made enormous strides, and passage of CAFTA will not only promote economic development and rising standards of living by allowing their products to compete in the U.S. market, it will also lock in economic reforms, respect for the rule of law, and solidify democratic institutions. Each country now has a democratically elected leader, and I think we should reward those allies and not turn our backs on them.

I ask unanimous consent to have a letter from former President Jimmy Carter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 8, 2005.

Hon. CHARLES E. GRASSLEY,
Hart Senate Office Building,
Washington, DC.

TO SENATOR CHARLES GRASSLEY: As you prepare for your initial consideration of the Central American Free Trade Agreement (CAFTA) with the nations of Central America and the Dominican Republic, I want to express my strong support for this progressive move. From a trade perspective, this will help both the United States and Central America.

Some 80 percent of Central America's exports to the U.S. are already duty free, so they will be opening their markets to U S. exports more than we will for their remaining products. Independent studies indicate that U.S. incomes will rise by over $15 billion and those in Central America by some $5 billion. New jobs will be created in Central America, and labor standards are likely to improve as a result of CAFTA.

Some improvements could be made in the trade bill, particularly on the labor protection side, but, more importantly, our own national security and hemispheric influence will be enhanced with improved stability, democracy, and development in our poor, fragile neighbors in Central America and the Caribbean. During my presidency and now at The Carter Center, I have been dedicated to the promotion of democracy and stability in the region. From the negotiation of the Panama Canal Treaties and the championing of human rights at a time when the region suffered under military dictatorships to the monitoring of a number of free elections in the region, Central America has been a major focus of my attention.

There now are democratically elected governments in each of the countries covered by CAFTA. In negotiating this agreement, the presidents of each of the six nations had to contend with their own companies that fear competition with U.S. firms. They have put their credibility on the line, not only with this trade agreement but more broadly by promoting market reforms that have been urged for decades by U.S. presidents of both parties. If the U.S. Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the U.S.

For the first time ever, we have a chance to reinforce democracies in the region. This is the moment to move forward and to help those leaders that want to modernize and humanize their countries. Moreover, strong economies in the region are the best antidote to illegal immigration from the region.

I appreciate your consideration of my views and hope they will be helpful in your important deliberations.

Sincerely,

JIMMY CARTER.

Mrs. FEINSTEIN. Former President Jimmy Carter states:

> If the United States Congress were to turn its back on CAFTA, it would undercut these fragile democracies, compel them to retreat to protectionism, and make it harder for them to cooperate with the United States.

I do not think there has been any American President that has reached out more fully to the rest of the world with more humanitarian work and more concern about human rights and labor rights than Jimmy Carter.

I understand several of my colleagues believe labor and environmental provisions of the agreement fall short of what is needed to protect workers' rights and the natural resources of the CAFTA countries. I think free-trade advocates often make the mistake of arguing that these agreements are a panacea for the ills of the developing world, including lax labor and environmental standards. I certainly do not believe that.

The passage of the CAFTA alone will not bring labor and environmental standards and the capacity to enforce those standards up to United States levels. We have to admit that. But—and I say "but"—combined with a robust assistance package to help the CAFTA countries identify shortcomings and improve the enforcement of their laws, this agreement will mark an important step in the right direction. This is not about sacrificing the rights of workers and the protection of the environment for open markets and increased trade. We can provide new opportunities for American and Central American goods and services and establish programs to help those countries raise their labor standards.

What Senator BINGAMAN said when he came to the floor is very constructive. I give him a great deal of credit and credit to the administration. This is the first trade treaty I can remember when they have been open to change.

Mr. President, I ask unanimous consent just 5 additional minutes.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

Mrs. FEINSTEIN. This is the first trade agreement where the administration, perhaps because they have had to struggle for the votes, has been welcoming of suggestions; not only welcoming of suggestions, they made some changes. That is appreciated.

One of the changes was $40 million earmarked for labor and environment capacity building for the CAFTA countries, from 2006 through 2009, and $3 million annually through 2009 for the International Labor Organization to monitor and verify progress in CAFTA countries in improving labor law enforcement and working conditions, with periodic reports that are transparent, every 6 months, on such projects.

That is a first and I think it is important and I do believe it can make a difference. I do believe the comments of those who are concerned about impact on Central America's labor laws are right to be concerned. I join them in that concern. This $3 million can go a long way to seeing the kind of enforcement that is necessary to begin to bring those countries up to where it is an approximately level playing field. This is a significant commitment, and I thank Ambassador Portman for his willingness to engage with the Congress on this issue.

I also look forward to providing assistance to workers in this country through the Trade Adjustment Assistance Program for those who have lost their jobs because of increased trade.

This is where I think the rub really is. It is always hard to see whether the benefits of free trade do in fact outweigh the negatives. But we must recognize that some workers lose their jobs and they have to be helped to learn new skills. We have to find ways to keep manufacturing in this country. We have to find ways to limit research and development tax credits to the production of jobs in this country.

Some of us were struck a mortal blow when we repatriated tax funds and there was an amendment on the floor of the Senate that said "as long as those funds will be used for production of jobs in this country," and that amendment failed. That, for me, was a dark day because I believe that American corporations do have an obligation to this country, not only to the bottom line but an obligation to their workers. American workers are the best in productivity and the best in the world. We have to find ways to see that this country is competitive in education, in standards, to be attractive for manufacturing once again.

Today, the Democrats in the Democratic Policy Committee heard a very interesting presentation which pointed out how necessary manufacturing jobs, production line jobs—not high-skilled jobs—were going to be to the future of this great country. I remember when I was mayor of San Francisco, Akio Morita, the chairman of Sony, at that time he was the head of The Keidanren, saying to me that when America loses its manufacturing edge, it is the first step to America becoming a second rate power. I believe that is correct. Yet a trade agreement which reduces tariffs on our exports is not bad; it is good. I think that is the benefit of that, and of this agreement.

With that in mind, and because I believe virtually every industry in my State is in support of this agreement, I intend to vote aye.

I thank the Chair for the extension of time, and I yield the floor.

I appreciated the recent efforts the administration made to engage the sugar industry to work out an agreement. However, I am concerned that the two sides only recently came to the table to address this divisive issue. The trade agreement has been signed for nearly a year, but talks only began about 3 weeks ago. The problem should have been recognized and truly addressed earlier in the process. I am convinced that an agreement could have been reached. As it was, the sugar industry chose not to accept a short-term offer by the administration. The offer would have provided a remedy for the length of the farm bill, this year and next year's sugar beet crop. As I stated before, sugar beet farmers in Wyoming have made long-term investments in their processing facilities. They need a long-term solution, not a short-term fix.

This problem will not go away. As the administration continues to seek additional free-trade agreements with countries that desire to send their sugar to our markets, this issue will resurface. I recommend that the administration and the sugar industry continue creative discussions to identify a long-term solution beyond the next farm bill to ensure the viability of the sugar industry and the small family farmers that the industry supports in the United States.

Beyond Wyoming sugar, Wyoming cattle producers have made it clear to me that they want mandatory country of origin labeling implemented before new trade agreements are signed that could bring in additional beef and meat products. I agree that consumers should have the opportunity to make an informed purchase regarding their meat's country of origin at their grocery store. U.S. beef is competitive, but it does not receive a chance to compete when it is not labeled as U.S. beef for consumers.

With my vote against this bill, it would be easy for my opponents to cast me as a free-trade obstructionist. I remind them that until today, I have never voted against a free-trade agreement on the floor of the Senate. The principles of fair trade, which I support, generally bring about increased democracy, more transparency in Government and increased productivity. Along these lines, there are industries in Wyoming that communicated their support of CAFTA to me. I am pleased the agreement will improve market access for important industries, such as soda ash and oil and gas. I recognize the benefits this agreement will bring to many and applaud the administration for their hard work in bringing this agreement to fruition. Unfortunately, I cannot vote for the agreement today because the costs outweigh the benefits for my State as a whole.

Mr. ENZI. Mr. President, I rise today to express my opposition to the Dominican Republic-Central American-United States free trade agreement, known as CAFTA. I am opposing the implementing legislation before the Senate today due to the negative impact that passage of the agreement will have on the domestic sugar industry. I also believe mandatory country of origin labeling should be implemented before we sign trade agreements that will bring in additional meat products.

The production of sugar is vitally important in Wyoming. Behind hay, which is fed to our livestock, sugar beets is the No. 1 cash crop in Wyoming. So small sugar beet farms in Wyoming have a big impact on my State's economy. For example, my office received calls from bankers and local economic development agencies in towns that depend upon the viability of the sugar beet industry. They were concerned about the impact of CAFTA on the health of their local economies—the economies of my home State.

In addition, the sugar industry is vertically integrated. Sugar beet farmers are invested in their land and specialized farming equipment. However, across the Nation, sugar beet farmers have also banded together to purchase the processing plants that add value to their crop. So their investment in sugar is higher than the investments of other farmers in their crops. Many of these plants have been purchased in recent years with a long-term debt load. Wyoming sugar beet farmers have a special interest in ensuring that their industry has long-term viability. The sugar that would be imported from CAFTA countries under this agreement, in addition to the sugar expected to be imported from Mexico under NAFTA, would have a detrimental impact on the sugar beet industry in the near and distant future.

The PRESIDING OFFICER. Who yields time? The Senator from Connecticut.

Mr. DODD. Mr. President, I ask unanimous consent I be allowed to speak for up to 30 minutes from the time under the control of Senator DORGAN, to be followed by Senator MARTINEZ for up to 10 minutes from the time under the control of Senator GRASSLEY.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut is recognized for 30 minutes.

Mr. DODD. Mr. President, let me begin by commending, again, the chairman of the Finance Committee, Senator GRASSLEY, and Senator BAUCUS, the ranking Democrat, and members of that committee. It is a very important committee of the Senate, obviously. They are charged with the responsibility of dealing with trade agreements. The implications of these trade agreements obviously go beyond just the jurisdiction of the Finance Committee. It can be argued, I think very correctly, that these agreements have huge foreign policy implications, national security implications as well as, obviously, labor implications. So the Finance Committee is asked to grapple with very compelling issues that touch on a lot of other subject matters when they deal with it.

I rise today to speak about this Central America-Dominican Republic Free Trade Agreement, known as the CAFTA-DR agreement. Yesterday evening, I came to the floor to express my hopes that this agreement could be strengthened in the waning hours before a vote on its implementing legislation. I did so because I very much want to support this agreement.

Let me explain why again. Many of my colleagues, I suppose, know the reason. As long as I have been a Member of this body I have served on the Senate Foreign Relations Committee. I have, for most of those years, been either the chairman or the ranking Democrat of the subcommittee dealing with Latin America.

My colleagues, many of them, know as well that some 39 years ago, as I finished my college education, I joined the Peace Corps and traveled to the Dominican Republic where, for about 2 years I served as a Peace Corps volunteer in the wonderful mountain village of Bonito Moncion, not very far from the Haitian border. I have a special affection for the Dominican Republic. The people of that small mountain village embraced me as one of their own. In fact, only a few weeks ago I traveled back to that mountain village of Moncion after a 24-year absence and spent a remarkable day with people I had known, who had such a wonderful impact on my life as a young Peace Corps volunteer.

When I came to this body and went to the Congress in 1974, along with Paul Tsongas of Massachusetts, we were the first two former Peace Corps volunteers to be elected to the U.S. Congress.

Paul Tsongas came to the Senate 2 years before I did. When I arrived here, we became the only Peace Corps volunteers to have served in this Senate. Today, I believe I am the only one to have had that privilege of being a volunteer in the Dominican Republic and to serve in this Senate. The countries of Central America I know well. I have traveled to all of them extensively over the years. I know the heads of states of each of these countries and have known virtually all of the heads of state over the last 24 years. It is with a great deal of personal interest, in addition to the subject matter interest, that draws me to this debate and to the Senate this afternoon. I have worked closely with many of these countries. As much as any Member of this Senate, I understand what a great boom a well-crafted agreement on trade can be to the people of Central America and for the Dominican Republic, as well as for we Americans.

I don't expect CAFTA-DR agreement to be perfect. No trade agreement ever is. There are always matters either left unaddressed or under-addressed when we have these agreements. The question should be whether trade agreements, on balance, serve to protect American interests and lift up the countries that we are negotiating with, or whether they will lead us all in the opposite direction.

That is why I welcome the efforts of my colleague from New Mexico, Senator BINGAMAN, to strengthen the capacity of these nations of Central America and the Dominican Republic to effectively enforce and uphold internationally recognized labor rights. I believe the commitment by the administration to provide funds for the International Labor Organization, the ILO as it is called, in these CAFTA-DR countries is a step in the right direction. I commend my colleague from New Mexico, Senator BINGAMAN, for pursuing this provision. I commend Ambassador Portman for accepting the idea.

But to strengthen the effectiveness of the International Labor Organization in carrying out its work in Central America, I believe there also needs to be a clear understanding, before we vote on the CAFTA-DR agreement, of the freedom activity that the International Labor Organization must have if its efforts are going to be effective. After all, the problem is not just about capacity building, as important as that is, which was the focus of the agreement with our colleague from New Mexico, it must also, out of necessity, be about enforcement of those rights.

That is why I met yesterday, at some length, with Ambassador Portman and his staff and contacted the ambassadors of the five Central American countries and the Dominican Republic to describe what I believe is needed to make the International Labor Organization initiative of this agreement a meaningful one.

As my colleagues know, over the years, I have generally been a supporter of free-trade agreements. If properly constructed, I believe trade agreements are in the best long-term interests of the United States. That is because, in today's highly interconnected world, we must keep up and adjust to the changes around us if we are going to compete effectively.

This great surge toward a globalized world economy has brought gains and losses here in our own country. Some industries have benefitted greatly; others have struggled to compete. On balance, I believe free trade has benefitted our country. But we have not done enough, especially during the past few years, to help ease the transition for those many Americans who are struggling.

Globalization has affected other nations around the globe. From Latin America to India, Africa to China, no country has escaped the impact of this process. The difference is that while globalization has helped lift many nations, it has also left many others behind.

In this hemisphere, the results have been mixed. Countries such as Brazil and Chile are doing quite well.

Others have stagnated or, worse, even regressed. I put this in context for my colleagues when it comes to Central America and the Dominican Republic. When considering this debate and the conclusion of it, consider that one-third of the entire population of Latin America currently lives in poverty. In the nations south of the Rio Grande River, 128 million people survive on less than $2 a day; 50 million on less than $1 a day. That is more than a third of the entire population of these nations. In Central America alone, three out of every five citizens live in conditions of poverty. Two out of every five are indigent or in conditions of extreme poverty.

In Nicaragua, for instance, there is widespread malnutrition and unemployment rates are way over 40 percent. Nicaragua is the second poorest nation in this hemisphere, with nearly half its population living on less than $1 a day.

In Guatemala, the situation is also dire. Malnutrition rates are among the highest in the world. Life expectancy as well as infant and infant mortality rates are among the worst in this hemisphere. Illiteracy exceeds 30 percent and most people have less than 5 years of a formal education.

But there is not only tremendous poverty in these nations, income and equality in Latin America is also one of the highest in the world. Consider that the richest 10 percent of all Latin Americans earn roughly 50 percent of the total national income in these nations; whereas the bottom 10 percent earn only 1.6 percent of income.

Despite economic growth throughout the 1990s, unemployment in Latin America has actually increased. The Central American region has suffered greatly as a result of natural disasters. Hardly a year goes by that some natural tragedy does not occur in these nations. My colleagues will recall the mud slides in Haiti which last year cost thousands of people their lives and homes. There are repeated hurricanes that have hit Central America over the last decade and a half.

In early 1993, after one of those hurricanes hit Nicaragua, I went down to work with the people of those nations to clear mud out of schools and impoverished communities. Bridges were wiped out, crops were lost, the country was devastated.

In 1998, Hurricane Mitch, a category 5 storm, hit Honduras, Nicaragua, Guatemala, and El Salvador, killing 9,000 people and leaving more than 700,000 people in those four countries homeless.

We are also talking about nations, many of which were almost ripped apart by brutal civil wars and political violence. Guatemala's troubled history dates back to 1954, when a military coup overthrew Guatemala's popularly elected president, Jacobo Arbenz Guzman, triggering a bloody civil conflict that lasted more than 30 years. Guatemala's conflict was largely a struggle for land rights and resulted in the murder or disappearance of more than 200,000 people, many of them indigenous Mayans living in the highlands of Guatemala. Fortunately, this armed conflict ended in 1996, with the signing of the peace accords between the Guatemalan Government and the armed opposition, grouped together as the Guatemalan National Revolutionary Unit.

In El Salvador, it was discontent over social inequalities, a poor economy and a repressive dictatorship that in 1980 finally ignited a civil war between a repressive military government and leftist guerilla groups who united under the Farabundo Marti National Liberation Front. During 12 years of that civil war, 75,000 Salvadorans, mostly civilians, were killed and thousands more fled to refugee camps in Honduras and many more made their way north to the United States as immigrants. The United States provided more than $5 billion in economic and military assistance to the Salvadoran Government over the course of that conflict. But it took the U.N. to broker a peace accord to end a conflict that military force failed to resolve.

Nicaragua's story is almost somewhat similar. In 1979, the Sandinista National Liberation Front of Nicaragua overthrew the 40-year dictatorship of the Somoza family and took control. In 1981, the Reagan administration responded aggressively to regional concerns with respect to the leftist regime. The United States funded and organized the new paramilitary force which became known as the Contras. The Contra war, as it became known, lasted until 1988 and resulted in more than 25,000 deaths in that country and 700,000 refugees and displaced people.

Although Honduras faced no serious civil conflict of its own, it served as a staging ground for efforts of the United States to fight the insurgencies in Guatemala and El Salvador and to overthrow Nicaragua's Sandinista government.

Honduras's geographically central location made it a convenient base of operations for the Contras and a center of training and supply for the Salvadoran and Guatemalan militaries.

Even democratic Costa Rica felt the ripple effects of its neighbors' conflicts as displaced persons from other countries took up residence in that nation.

Finally, the governments of Central America courageously decided to take matters into their own hands. In 1987, without any real assistance from the United States, the Presidents of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica negotiated and signed an agreement to create conditions for peace in Central America, which became known as the Esquipulas Agreement. That agreement marked a turning point for the people of Central America and created real possibilities for peace, reconciliation, and prosperity for the people of that region.

Since 1990, the countries of the region have made progress. The guns have been silenced. There has been political reconciliation. There have been domestic or democratic elections. But still the region struggles for many of the root causes that sparked the civil conflicts in the first place: poverty and inequality and injustice.

Taken individually or as a whole, this poverty, inequality, suffering, and political instability have severe implications. First, they threaten the political stability of Latin America. And I am very worried not only about this region but also other nations in the hemisphere that are democratic governments but are very fragile democracies. And second, by extension, they also threaten the national interests of the United States, as political instability did in the 1980s.

To understand how this is possible, I would point to—and advise my colleagues, if they have the time, to read—a 2004 report by the United Nations Development Program.

According to that report, progress in extending elective democracy across Latin America is threatened by ongoing social and economic turmoil. Most troubling, the report suggests that over 50 percent of the population of Latin America would be willing to sacrifice democratic government for real progress on economic and social fronts. That is a very frightening statistic. And it should make crystal clear the urgency of this situation.

Two decades of democratic progress in our hemisphere are at risk. Certainly, strong trade relations remain a key to creating a healthy economy both here in the United States and throughout the region. But trade alone cannot address the myriad of challenges facing Latin America, where millions of citizens in this hemisphere remain marginalized by economic insecurity and social dislocation. And, sadly, the attention and foreign aid dollars of the United States have been diverted to other parts of the world in recent years.

That is why I welcome the Bush administration's decision to reengage with the region and to strengthen economic ties by negotiating a regional free-trade agreement. I believe that the right kind of trade agreements can help these countries get on the proper course to stronger and more just societies.

The question is whether, on balance, the agreement before us is that right kind of agreement. I stress the term "agreement" because it reminds us that these documents are about much more than free trade.

They are about the worker who could lose his or her job. They are about the average citizen trying to provide for their families. And they are about social cohesion and political stability.

These agreements are also about the future of a nation's economy. They are about protecting our national security. And they are about ensuring that the next generation will inherit a stronger foundation on which to build their futures.

Or at least they should be.

We, in the Congress need to decide if these agreements live up to these standards. As I said earlier, I have been, throughout my years here, a strong supporter of free-trade agreements. The case we have before us—of course, CAFTA-DR, deals with the Dominican Republic, Guatemala, Nicaragua, Honduras, El Salvador and Costa Rica.

A meaningful agreement with these countries could, in my view, benefit the United States and the nations involved alike. For the most part, they need help. Poverty, corruption, social dislocation, and instability are all too familiar to the citizens of many of these nations.

But the CAFTA-Dominican Republic agreement has some weaknesses, ones we tried to address over the last several days.

Mr. President, I understand the sense of urgency the administration feels in having this agreement be decided upon in the waning hours before the Fourth of July recess. I regret, unfortunately, that we have to rush at this. But I understand why. If you do not have these agreements up under these time constraints, then they may not pass at all. So I appreciate the politics of why it is up under this shortened time-frame or up against the wall of this recess.

That said, I regret we did not have a few more days. If we did have some more time I believe we might have been able to make some very important improvements to weaknesses in the current agreement.

The most fundamental of these weaknesses I discussed last evening and I talked about at great length with Ambassador Portman yesterday.

I also sent him a letter addressing the specificity of them; and that is, namely, the issue of labor laws in the CAFTA-Dominican Republic countries.

When I speak of labor laws, I am speaking about the kinds of laws that these countries have enacted and about the enforcement of these laws. I am also speaking about current trade packages in this hemisphere that have been a major step forward to guarantee improvements in quality of life, creating wealth in these countries which, obviously, benefits us, as we want trade with nations that have people who can afford the cost of our goods and services. Both of these issues are critical components, I might add, to protecting Americans and to ensuring real progress is made in these nations.

I would turn here to the issue of labor laws. According to the CAFTA-Dominican Republic agreement, signatory countries must simply enforce the labor laws of their own nations—whatever they may be—in order to be in compliance. Indeed, I would note that the Dominican Republic and all the Central American countries, except El Salvador, have ratified what the International Labor Organization refers to as its eight fundamental conventions on labor rights. El Salvador, I might add, has ratified six of the eight. And while El Salvador needs to be brought up to speed, other signatories' laws seem to be at least minimally sufficient to the task, in my view.

Why then does the current arrangement, with respect to labor laws, weaken this agreement? Because of two things. First, it does not hold those countries to the same objective standards. In fact, the CAFTA-DR agreement would actually lower current standards. Second, it ignores the impact that a lack of objective standards could have on the region.

Let me explain.

Previous trade preference programs for the region—previous ones; this is not new ground; previous ones—provided that the President should at least take into account the extent to which the beneficiary countries provide internationally recognized workers' rights. This is not the case with the CAFTA-DR agreement.

In addition, as currently written, the CAFTA-DR agreement would weaken standards that these countries have been living under through the Caribbean Basin Initiative and the Generalized System of Preferences, where these agreements are not required. So instead of asking them to do the same with the CAFTA-DR agreement—or more—we are actually asking them to do less. It is a step backwards.

Under the current trade agreements in this region, trade benefits can be withdrawn if a country lowers its labor laws below international standards or simply fails to meet these standards. And they can be withdrawn if a government directly violates internationally accepted workers rights that might not be protected under their laws.

Under the Caribbean Basin Initiative, and the GSP, the right to file a complaint for violations of these rights is extended beyond just governments and to civil societies. But again, with this agreement, we exclude all of that.

Under this agreement, governments will only have to enforce whatever laws they have on their own books at any given time. They will not be held to any international standards. That means the ocean floor is the limit, with respect to how weak these laws can get.

Moreover, the lack of an objective standard here is troubling because it could create a race-to-the-bottom mentality where investors and companies play governments, one against the other, seeking lower labor standards in a quest for increased profits. That type of situation, in my view, could wreak havoc on civil societies in these countries, and it could also cost American workers their jobs.

A second facet of the labor rights question deals with the issue of enforcement.

As I said earlier, for the most part, CAFTA-DR nations have laws on their books. But they face a lack of resources, as well as domestic political opposition from influential people, which prevent them from enforcing these laws.

Again, this is not about pointing the finger or accusing these government leaders of malice toward their workers. I don't believe that. I don't believe that is the case here either. I believe they actually want to do the right thing. I know these leaders. I respect them. But our neighbors to the south are democratic countries. And as in all democracies, they have to deal with powerful opposition interests.

The question remains, will CAFTA-DR help these nations overcome this opposition to enforcement? In my view, it doesn't go nearly far enough to do so. That is why I met with Ambassador Portman yesterday to see if we could strengthen the prospects for enforcement. Laws that can't be enforced might as well not be there.

The administration seems to hold the view that support for expanded trade and economic growth is incompatible with advocating core labor standards in developing countries. But, in fact, experts in this area from the well-respected Institute for International Economics have concluded that "core labor standards support sustainable and broadly shared political, social, and economic development." The operative word being "shared."

Let me say clearly I believe this agreement is fixable. I wish it could have been fixed. Ambassador Portman and I met. We exchanged letters. We worked hard yesterday to try and see if we couldn't strengthen this agreement with respect to enforcement. What we sought was the following, exactly what exists in the Cambodian Agreement that was negotiated by the Clinton administration and renewed by the Bush administration, to their credit. There we said that the International Labor Organization ought to be able to make site visits to actually go to plants and industries to see whether the labor standards were being upheld. Under CAFTA-DR, all they can do is go to the labor ministries and ask them whether the laws are being enforced. Obviously, in most of these countries the labor ministries are political appointees. They are not likely to be critical of their own government's efforts. By not having any standard which all countries must meet, each country will be able to set the floor. When they do so, of course, the competition to have a lower floor to attract more industry from outside the country lowers the living standards for the very people I have described who are living under some of the worst conditions anywhere in the world.

I am deeply troubled by this. I so much wanted to be for this agreement. I care so much about this region and what happens to these people. I would like nothing more than to be standing here today urging my colleagues to be supportive of this. This is not a minor point. It goes right to the heart of what we try to do with trade agreements; that is, to reduce these barriers, expand markets for our businesses and industries, create opportunities for additional job creation, and also to create and generate wealth in these countries so that in the long term, we can produce high value products, high value services, that are affordable in these countries.

So trade agreements have worked both ways—expanding economic opportunities for ourselves and creating wealth and opportunity in the countries with whom we trade. That is why I supported NAFTA and the Jordanian Free Trade Agreement and others. Indeed, I have supported far more of these agreements than I have opposed. But with CAFTA-DR, we are stepping backwards in a region of the world that needs a commitment to lift up the quality of life for its citizens.

I am not suggesting we could do it solely through this agreement, but you can begin to make a difference in these people's lives by insisting that they have to meet some minimum standards.

This is what we should be saying: We want to do business in your country. We want to accept your products. We want to trade with you. But the small price we ask is that you have some basic standards for the people who are going to do the jobs.

When you eliminate that, then you invite the kind of problems we are going to see with these people.

I am terribly disappointed today. I had hoped I would be able to support this agreement. I wanted to be a part of this effort. I respect immensely the President inviting us down and talking about this. I raised the issue with him. I also respect Rob Portman. He is a good man. Obviously, he has the difficulty of dealing with all 535 of us, in both this Chamber and the other, to try and get the votes to pass these agreements. This agreement is probably going to be passed tonight. My hope was that we would be able to broaden the specter along bipartisan support for this agreement both here and in the other Chamber. Unfortunately, I don't believe that will be the case.

Let me say to my colleagues: Even with the adoption of this agreement and the absence of these labor standards I feel so strongly about, it is my intention, through appropriate vehicles, to condition aid and other assistance on improving these standards in these countries. I will find one way or the other to try and improve them, to insist that these countries, in exchange for getting the kind of access to our markets, at the very least they ought to be required to improve the quality of life and the standards under which many of these people work.

We stand today at a moment of great opportunity and great risk for this hemisphere. The past two decades have witnessed the rise of democratic governments in nations that have long languished under dictatorship of left or right. But this progress is endangered. Globalization and free trade promise to bring historic levels of prosperity to nations north and south. But economic and social conditions for millions of men and women continue to lag dangerously far behind, threatening what we have worked so hard to build. Through well-crafted trade agreements, the United States can enhance its own prosperity and lift other nations on a stable and democratic path.

That is why I am so disappointed the administration wasn't able to explicitly support the efforts to give the ILO a greater role in the monitoring and verification process. I believe that in doing so, we would have significantly strengthened this agreement, especially given the troubled history of the region and the potential for mutual prosperity that a CAFTA-DR agreement held for all. Unfortunately, the agreement before us won't do that.

Last night I sent Ambassador Portman a letter detailing proposals that have already been adopted in other agreements. This is not breaking new ground. I appreciate Ambassador Portman's response today in the letter he wrote back to me, but I regret that his letter included no real concrete commitment that the U.S. Government would guarantee the implementation that I am requesting—specifically, that the ILO would be granted unfettered access to workplaces, permitted to establish mechanisms for receiving and investigating matters related to ILO labor standards, to make private recommendations to worker and employer organizations and appropriate officials within each government, and to issue periodic public reports of its findings on matters of concern.

Therefore, I am left to conclude that instead of breaking new ground and raising standards, the CAFTA-DR agreement is a step backwards from existing law. That fact saddens me deeply. This agreement will create a weaker set of standards that could very well negatively impact the people of this region, negatively impact American workers and our national security, and weaken democracy in these countries.

Regrettably, I won't be able to support this agreement when it comes to a vote. I say this with a very heavy heart.

But I will make a promise to the American people and to the people of these countries that I will work vigorously to ensure as we move forward with this agreement, workers' rights are protected and new avenues are explored for pursuing this goal. I hope at the end of the day, with all of the interests in this agreement, that our keeping the light shining on labor rights issues will make this agreement work. Because even though I can't support this agreement in its current form, I truly want to it work for all.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida will be recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I rise today to speak in support of this CAFTA Free Trade Agreement. Like the distinguished Senator from Connecticut, I care greatly about this part of the world. This is a part of the world I know well, having been born in the Caribbean myself. I do believe it is an important moment, and it is an important agreement from a geopolitical sense for the United States and for Central America. I believe this is a good-faith effort on our part to further strengthen the struggling democracies and economies of our neighbors in Central America against the forces opposed to democracy and economic freedom and opportunity. I believe this also opens an important neighboring market of 40 million people and levels the playing field for American businesses as we seek to export our goods into this region.

Although I do think it is important to recognize this agreement will not come close to solving all of the problems in Central America, it should be a building block in addressing the great needs of this important part of our hemisphere. I believe DR–CAFTA is an important moment. I believe its adoption does not fix all that needs to be done. I think its rejection would be a tremendously bad signal to this region. It would be a tremendous blow to our furtherance of democracy and stability and economic prosperity for Central America. It is a very important step in improving labor conditions, boosting economic growth throughout the Central American region.

CAFTA is a critically important trade agreement for the State of Florida. We are the gateway to Latin America, to Central America particularly. Countries in Central America and the Dominican Republic form the largest foreign market for Florida exports.

In 2004, Florida exported $3.2 billion of merchandise to the region, far surpassing that of the other 49 States. CAFTA is Florida's largest export market for paper, electronic equipment, and fabric.

The CAFTA region is Florida's second largest export market for computers and computer equipment, machinery, and processed foods. Most of DR–CAFTA agricultural goods already enter the United States duty free. This will now even the playing field for our exports into the region.

The CAFTA treaty is supported by the Florida Chamber of Commerce, Greater Miami Chamber of Commerce, the Orlando Regional Chamber of Commerce, the Greater Tampa Chamber of Commerce, Governor Jeb Bush, Florida Citrus Mutual, Seaboard Marine, Associated Industries of Florida, the Florida Ports Council, the Florida Poultry Federation, the World Trade Center of Florida, Florida East Coast Industries, and many others.

No other State stands to benefit more economically from CAFTA than Florida.

Mr. President, I have been undecided in my position on CAFTA, as much as I support free trade and understand the power of leveling trade barriers, an important sector of Florida's agricultural industry was left unprotected by the original CAFTA agreement.

The sugar industry in Florida is an incredibly important part of our State. It provides over 23,000 jobs, mostly in rural Florida. Over $2 billion in economic activity is generated in Florida from the production of corn and sugar sweetener products. And because of this critically important economic engine for our State, I have resisted supporting CAFTA because of the potential impact on Florida's sugar producers.

So I and other colleagues began working to see what type of compromise might be reached for Florida's sugar producers so that they would be treated fairly in the event of a CAFTA agreement.

After many meetings, phone calls, conference calls, and hard work by Secretary of Agriculture Johanns, Ambassador Portman, my good friend, the distinguished chairman of the Agriculture Committee, Senator CHAMBLISS, along with a group of colleagues that Senator CHAMBLISS pulled together, an agreement has been offered that I believe extends and offers an opportunity to deal with the sugar problem.

I thank our Trade Representative, Rob Portman, for his hard work in trying to address the concerns of this important part of our agricultural industry. I am also very thankful for the leadership of my colleague, Senator CHAMBLISS, chairman of the Senate Agriculture Committee. Secretary Johanns, from the Department of Agriculture, was also instrumental in ensuring that we could come to a proposal on how we could best ensure that our domestic sugar producers were treated fairly after a CAFTA agreement. I thank them all for their work on this important issue to our State.

My goal was to ensure that the Florida sugar industry was treated fairly, be given a viable role in the future, and that they did not become the one industry in Florida, the one segment of our agricultural industry that would be harmed by a CAFTA agreement. But I do believe that this proposal offered by Secretary Johanns and the administration is the best case scenario for Florida's sugar producers.

The Secretary's offer is multifaceted. One, foreign sugar from all foreign countries cannot exceed the farm bill's 1.532-million-ton limit, regardless if it came from CAFTA countries, Mexico—which is under NAFTA and not subject to the farm bill—and other future trade agreements. This agreement will last until the current farm bill expires.

Two, USDA will conduct a feasibility study on the potential development of using sugar to produce ethanol on a wide scale in the United States.

Thirdly, if the domestic market reaches the sugar trigger from foreign sugar, USDA will purchase the excess amount of CAFTA sugar that is imported to the United States and then use it to produce ethanol. This pilot program will last until the farm bill expires. It essentially guarantees that if CAFTA sugar is proven to depress the marketplace, the U.S. Government will purchase this sugar from Florida farmers and others to produce ethanol.

This is a very substantial offer. It is an agreement that I think represents the sugar industry's best chance to plan for a future. It holds the industry harmless from CAFTA and, more than that, from NAFTA. The future of the domestic sugar industry lies in new technology and ethanol production, and this treaty allows them to begin that very important process.

Mr. President, this is an important moment for us and Central America and the Dominican Republic. It represents a future partnership in trade and economic development, a better future, a better life, and will hopefully help improve economic conditions and provide political stability.

We have a chance to help our Nation's manufacturers, businesses, farmers, and ranchers knock down trade barriers and help our country remain competitive in a global marketplace.

In summary, I have said consistently that before I voted for CAFTA, I wanted to ensure that all of Florida's agricultural sectors were treated fairly under this agreement, including the sugar producers.

I have worked hard to find a compromise that would offer protections to Florida's sugar producers from the threat of a flooded domestic sugar market.

I believe the proposals put forth by Secretary Johanns and the administration to hold imports of sugar to levels included in the 2002 farm bill is the best case scenario for Florida's sugar producers and ensures that they are treated fairly not only under CAFTA but NAFTA as well.

The sugar industry is incredibly important to our State, to our economy, and a vital part of our agricultural sector. The industry provides, as I said, over 23,000 jobs. Therefore, this is an industry that we want to make sure was not overlooked as we went about seeking this agreement.

Having obtained what I thought was a fair and reasonable offer, I believe now I can wholeheartedly support the CAFTA agreement. I believe it will be good not only for the United States and the State of Florida, but also for our neighbors in Central America and the Dominican Republic. I think it will provide a new opportunity and beginning and a new hope for this region to begin on a much stronger road to economic development, to economic self-sufficiency, and, hopefully, tied into that is political stability, democracy, the rule of law, and the free market system.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAUCUS. Mr. President, I yield 10 minutes to the Senator from Florida, and following the remarks of the Senator from Florida, I ask unanimous consent that 10 minutes then be allocated to Senator SESSIONS and that the time be taken out of the time allocated to Senator GRASSLEY.

The PRESIDING OFFICER. Did the Senator yield 10 minutes to the Senator from Florida?

Mr. BAUCUS. Yes. 10 and 10.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Florida.

Mr. NELSON of Florida. Mr. President. I worked on this trade agreement pretty hard. Now that this agreement is in front of us, despite some lingering concerns I have. I will support it. This agreement affects my State of Florida more than any other State in the Union. For example, in 2004. the State of Florida exported $3.2 billion worth of merchandise to the DR–CAFTA region. Florida has the highest total among any State. The next nearest State. Texas. exported $1.8 billion. And the DR–CAFTA region accounts for 11 percent of Florida's total exports.

Florida does stand to gain a great deal from this agreement. Miami, which is really the capital of the Americas, is the national gateway to Central America and the Dominican Republic. Throughout the rest of Florida, we have other industries that will also increase their business and explore new opportunities in the region.

These Florida industries stand to grow enormously. Because of our unique relationship, we have been talking about thousands of jobs created in the first year and tens of thousands of jobs in the coming years as a result of DR–CAFTA's enactment.

I have been to the Dominican Republic. I have spoken with the President, Leonel Fernandez. I recently went to Honduras at the invitation of the President Maduro and spent a couple of days there and spoke at length with not only our U.S. embassy personnel but members of the Government of Honduras.

I believe that dramatically lower tariff barriers also will lead to increased exports to the region from Florida and through Florida's ports. This increase in business and industry for my State is a good deal and will increase our connections with these countries and all of Latin America.

This agreement is also, I believe. in our national interest. Free and fair trade creates new economic opportunities for Americans. and it creates economic uplift in these other countries. This economic uplift is critical to ensuring that these countries remain stable and people are not forced to emigrate in search of employment.

As we try to stabilize countries in the region. promote democracy. clearly their economic enhancement is in the interest of the United States, in order to see those struggling democracies flourish. And that is the clear message I heard as I traveled extensively throughout Latin America.

Unfortunately, as we know, free-trade agreements do not affect all industries equally, and Florida has vulnerable industries that we must protect from unfair trade practices. My colleagues have heard me speak many times about the Florida citrus industry and the threat that it faces from Brazil. Today, I raise my concerns about another important Florida industry, and that is the sugar industry.

DR–CAFTA. as negotiated. asks our sugar industry to sacrifice more than other commodities. American sugar producers face an international market where sugar is sold at artificially low prices because of unfair labor practices and habitual dumping.

In the last FTA, the Australia agreement, interestingly, sugar was excluded, but the administration changed course on CAFTA negotiating extra sugar access and, at the same time, establishing a new precedent.

I worked with numerous Senators, especially over the last 3 weeks. I have raised sand with the administration about these provisions. I have let them know that there was more that could be done to protect the American sugar industry. In response. the administration has made some commitments that I believe will help mitigate the impact on our domestic sugar producers through the life of the 2002 farm bill, which will go for another 2 or 3 years.

Sugar levels available on the U.S. market will not go above the level established in the farm bill. Ambassador Portman. the U.S. Trade Representative, and I had a personal eyeball-to-eyeball meeting this afternoon. He made it clear to me that there is no prospect of any substantial sugar concessions being included in any other trade agreements through the life of the farm bill. This was an individual conversation. and he is not going to take that position officially because he does not want to tie his hands, but that is the bottom line of our conversation.

The administration has also committed to study the feasibility of converting sugar into ethanol. At my urging, the Deputy Secretary of Agriculture—and this was arranged by Ambassador Portman who directly gave me his word—said: Do you want it in writing? I said: I accept your word, that is good enough for me. but others may like to see it memorialized. He said: I will get you a letter.

I have this letter, and I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY
OF AGRICULTURE,
Washington, DC, June 30, 2005.

Hon. BILL NELSON,
U.S. Senator, Hart Building,
Washington, DC.

DEAR SENATOR NELSON: I write to provide further guidance on the feasibility study outlined in Secretary Johanns' June 29. 2005 letter to Senator Chambliss (attached), which was the result of discussions between the Senator. the Administration and the Members of Congress that the Senator brought together.

They agreed that the Secretary would conduct a feasibility study on converting sugar into ethanol and submitting the results of the study to Congress not later than July 1. 2006. The Department of Agriculture will begin the feasibility study immediately and I intend to have an initial meeting with our economists during the week of July 4. Furthermore. it would be USDA's intention to issue an interim report by December 15. 2005.

I hope this additional clarification is helpful to you.

Sincerely,

CHARLES F. CONNER,
Deputy Secretary.

Mr. NELSON of Florida. Mr. President, this letter is from the Deputy Secretary of Agriculture. who has promised to commence a feasibility study on converting sugar into ethanol and to start it immediately, with an initial meeting of the agricultural economists next week. the July Fourth week. I believe at that point they will and should lay out a baseline of the knowledge we have on this issue.

I expect that will occur. and I expect that quite a lot of research on converting sugar into ethanol has already been carried out and that this study should acknowledge this research and build upon it. In other words, don't start the feasibility study from scratch.

The Deputy Secretary has also promised me that the Department of Agriculture will issue an interim report in addition to what they had earlier promised. a report that would be concluded by July of next year, 2006. In this letter. the Deputy Secretary says they will issue an interim report by December 15, 2005.

The feasibility study is a start. but we can do much more. In every other ethanol program around the world. sugar is included. I urge the conferees on the Energy bill and the administration to make sugar a part of the ethanol program established in that bill.

I ask unanimous consent that my letter to the conferees be printed in the RECORD.

There being no objection. the material was ordered to be printed in the RECORD. as follows:

U.S. SENATE.
Washington, DC. June 30, 2005.

Hon. PETE V. DOMENICI,
Chairman, Senate Energy and Natural Resources. U.S. Senate, Washington, DC.

Hon. JOE BARTON,
Chairman, House Energy and Commerce. House of Representatives, Washington, DC.

Hon. JEFF BINGAMAN,
Ranking Member. Senate Energy and Natural Resources. U.S. Senate, Washington, DC.

Hon. JOHN D. DINGELL,
Ranking Member, House Energy and Commerce, House of Representatives, Washington. DC.

DEAR SIRS: I support the inclusion of provisions in the House and Senate energy bills to increase the renewable content of our motor vehicle fuel. Renewables such as ethanol burn cleaner, reduce tailpipe emissions and decrease the amount of oil in our gasoline.

But, I urge the Energy Bill Conference Committee to require that 100 million gallons of the five to eight billion gallon-a-year ethanol mandate be sugar-based.

As you know, sugar cane stalks, or bagasse, produce almost twice as much ethanol per acre as corn and several countries use sugar-based ethanol to fuel their motor vehicles. In fact, Brazil reduced their importation of oil from 80% of their demand in the 1970s to 11% today in part by using ethanol, much of it sugar-based. For these reasons, specifying that a 100 million gallons of sugar-based ethanol be required as part of the overall ethanol motor vehicle fuels program would be an important step towards decreasing our use of fossil fuels and increasing our use of renewable fuels.

Thank you for your consideration.

Sincerely,

BILL NELSON.

Mr. NELSON of Florida. Expansion of alternative fuel programs is an urgent national priority. If we are concerned about importing 60 percent of our daily oil consumption from foreign lands, we best develop a substitute, and ethanol works in our existing gasoline engines.

In conclusion, frankly I believe the administration could have done better. They could have started discussions with the industry sooner by allowing all parties to explore the available options. I believe more time could have led to further agreements and compromise, but I must look not to the interests of one very important industry in my State but also to the greater interests of Florida and especially the Nation as a whole.

I will vote for CAFTA today. It is important to my State and it is important to the Nation.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have great respect for all of my colleagues no matter what they decide to do on this vote. I think the vote is probably predetermined this evening. I must say there are a lot of promises I have heard on the floor the last day or so. There have been a lot of promises made downtown. I would only point out that I have seen the result of most of these promises after the votes are taken and most of them have not been worth the paper they are written on or the assurances given have not been valuable at all.

One might want to look at the side agreement dealing with sugar from Mexico; one can then go on to a sweetener agreement with Mexico; then can go on to a lot of these areas and understand that there are a lot of promises in order to get these bills passed, but by and large they do not amount to very much. They will not need anybody in this Senate after the "yes" votes are cast.

I start at the beginning, if I might. I know we are nearing the end of this debate. I do not want to go all the way back to the beginning, but let me go back a fair piece. It is when John Adams is in Europe as they are putting this new country together. He is in Europe representing our country. He writes back to his wife Abigail and asks Abigail the question: Where is the leadership going to come from? Where will the leadership emerge to help form this great country of ours, to help form a new government?

He plaintively kept asking, where will the leadership come from? Then in subsequent letters he would say to her, there is really only us. There is me. There is Thomas Jefferson, Ben Franklin, George Washington, Madison, Mason. Of course, in the rearview mirror of history, the only "us" represents some of the greatest human talent ever assembled. They wrote a document that is the most remarkable document. It is a document called the U.S. Constitution that begins with "we the people." That Constitution that begins with "we the people" provides mechanisms, the framework of our Government, the framework of a representative democracy.

Over many years, with that document providing the fabric of the growth of this great country, we have been a country that has been divinely blessed in many ways. We have built a place unlike any other place on the face of this Earth. There is no place like it. One can spin the globe and on this little planet called Earth, with 6 billion neighbors, there is no place quite like the United States of America.

We created an expanded set of opportunities for all Americans, through a lot of good decisions; for example, universal education. We as a country decided long ago every young child ought to be whatever their God-given talents allow them to be. We are not going to separate kids in our school system. They get to go to school and they get to become whatever their talents allow that child to become.

That universal education for all Americans has created a country that is unlike any other in the world. We went from the Colonies to the States. We survived a Civil War. We beat back a Depression. We resisted the oppression of Adolf Hitler, won a Second World War. We provided a GI bill, and when those soldiers came back from that war, they went to college. They got their college degrees. They came back to their communities. They built a home, got married, raised a family, built schools, built communities. What a remarkable country this has been.

It all comes back to this book, this Constitution. Other countries have constitutions, but none are quite like this Constitution. This Constitution says something about international trade and commerce. It describes the regulation of commerce and trade to the Congress. It is our responsibility, not the President's responsibility.

So over a number of years we have worked on and dealt with these issues and then we have had in many ways an almost breathtaking series of decades. We have split the atom, we have spliced genes, we have cloned animals, we invented plastics, nylon, the radar, the silicon chip. We cured polio, smallpox. We built airplanes, learned to fly them. We built rockets, flew to the Moon and walked on the Moon. We created telephones, television sets, computers. What a remarkable set of achievements for the men and women in this country who are the doers, the achievers, the inventors. We stand on each other's shoulders looking to the future.

So about three decades ago things began to change. This world became smaller. We started hearing about the global economy. We began to do more and travel more and have more connections with other parts of the world, and particularly large corporations which were developed because of economies of scale. Those large corporations began to be able to do business in more than one country. Then they defined for their own interests the opportunities by which they would do that business. It then became a global economy. In that global economy, we began to hear the term free trade, free trade, like a chant, almost like the hare krishna chanting on a street corner, wearing robes: Free trade.

Well, free trade is of little interest to me. I am very interested in expanded trade and fair trade, but free trade, there are a lot of things that are free.

This country built a place unlike any other on the face of this Earth and we need to be concerned about its continuation. So the question is what kind of trade gives us the opportunity to continue improving the standard of living in America, creating an economy that produces new jobs and new opportunities?

I am sure every single set of parents in this country wants things better for their kids. If there is something in second place, beyond the importance of their children, I guess I understand that, but everybody would believe, I expect, that what is most important in their lives is their children. We care about these things that affect our children. Are we sending our kids to good schools? Are we proud of these schools? Do we believe we are able to leave a world that is a better place in which to live than the one we found? Is that what we are going to do for our kids?

So as we confront this question of the new global economy and a new global strategy, the galloping globalization of our economy, without a set of rules that has kept pace, the question for all of us is: What does it mean for our country? What does it mean for our future? What does it mean for our kids—especially our kids?

In the past decade, we have seen a very substantial loss of American jobs.

Some people say, do not worry, be happy, ignore it. It is all part of the transition. What we will see is our low-skilled jobs move elsewhere, we will educate our children, and we will assume the role of high-skill, high-paying jobs; don't worry.

So we pass trade laws. They are called CAFTA and NAFTA and GATT, WTO. We do all of these things. Then somehow, at the end of this process, we look back and we see, you know, something fundamentally has changed. Somebody has pulled the rug out from under what are the basic strengths of this country—a good job that pays well, that provides benefits, that you can count on.

About 30 years ago the biggest corporation in America was General Motors. In most cases, people who went to work for General Motors expected to work there for a lifetime. They were paid well and they had benefits, health care and retirement. That was 30 years ago.

Now the largest corporation is Wal-Mart. They do not pay so well. Most people do not spend a lifetime at Wal-Mart. The average wage is much lower, and a fairly substantial number of their employees do not have benefits.

That is a very substantial change, really a dramatic change in our country. But the biggest change has been the development of a set of ideas by those who are able to influence thought in this country, particularly the largest corporations that have unlimited quantities of money, who convinced us that free trade, as a moniker, is a mechanism for success in our country.

So we pass trade agreements, the end of which means we lose American jobs, lose economic strength, and somehow believe that somewhere in the future things are going to get better.

I want to show a chart I have shown many times during this debate. It is a chart that shows what has happened with our trade deficit. This is a dangerous trend. Behind these red lines are lost jobs, families who lost their jobs, hundreds of them, thousands of them, and millions of them. Not many people in here know those people. No one in this Chamber lost his or her job because we all put a suit and necktie on and come to work. Nobody is going to get outsourced or offshored in the Senate. But all these folks did.

I have lists of companies and lists of names of people who just lost their job because of this new approach, a new defined approach in international trade that says in our country, we will be the leader that says go ahead and find, with the mechanism of production, the lowest cost production in the world. Get your Gulfstream, circle the globe and find out where you can produce for 30 cents an hour. Move that job to that area and, by the way, when you do, we will give you a tax cut. Let me say that again, because that is kind of a Byzantine proposition. When you close your American factory and fire your American workers, you get a tax cut from our Government. And, yes, I have tried twice to change that in the Senate and, yes, a majority of the Senate voted to keep a tax cut for workers who get fired and companies that move those jobs overseas. I will put in the CONGRESSIONAL RECORD their names. I really don't need to. A very easy Nexis-Lexis search will give you the names of who decided they should keep their tax cuts for companies that move their jobs overseas.

The point is, we are seeing this inevitable, relentless move to produce where it is cheap and then sell into the established marketplace. The problem is, this is unsustainable. This is a theory that is off track and it is a practice that injures this country.

Why do I say the theory is off track? Henry Ford decided, when he was going to make Fords, that he wanted to pay his production workers sufficient money so that they could buy the cars they were producing. That is pretty simple. That is simple economics. If you are paying your workers enough money so they can buy the products they are producing, you have a market and a consumer for the product. A pretty smart guy, Henry Ford.

Now it has changed. Now we should produce those shirts and those shoes and those trousers and all the trinkets where you can do it for 30 cents an hour and then ship it to Fargo and Toledo and Dayton and Los Angeles and New York and sell it there.

The question is, Who ultimately is going to buy that? Who ultimately will buy this?

We have a lot of dislocations that are dangerous. I have not talked at all about this, and I will not talk at length. A part of this, by the way, is oil. A part of this is oil. There are some on this globe who are lucky enough to have enough oil under the sands so if you stand in a depression in the sand with boots, your soles are going to look oily because some parts of this world are loaded with oil, particularly the Middle East. So the Saudis, Kuwaitis, Iraqis, and others have a lot of oil. We are desperately and hopelessly addicted to it. Our economy is addicted to it, and that is part of this. It also relates to jobs because, when you have the purchase of oil from these countries—Saudi Arabia and Kuwait and so on—they end up with American dollars, which means they want to buy American companies. They want to buy American stock. It is a way of buying part of our country.

In today's newspaper it says, "China Tells U.S. Not To Meddle in the Bid for California Oil Giant."

The story is the Chinese want to buy the ninth largest oil and gas company in the United States called Unocal.

Why would they want to buy Unocal? They are like everybody else. They want to control oil to the extent they can. The Chinese, I am told, now have 20 million cars. They have 1.3 billion people. By 15 years from now they are expected to have 120 million automobiles. They are going to need gas. They are going to need a lot of gas. The price of oil is not going to go down, it is going to go up. They want to buy an oil company. I don't think this should happen in a million years, by the way. I don't think we should have the Chinese buying American oil companies, but I will tell you why this is happening. It is happening because these trade deficits are putting massive amounts of money in the hands of Chinese, and it gives them the opportunity to purchase, on the open market, America's stocks, bonds, companies.

I mentioned previously that Warren Buffett, whom I like a lot—I think he is the second richest man in the world, but you would never know it. Warren is just a great guy. Warren Buffett described this problem as "a country that is now aspiring to an ownership society will not find happiness in a sharecropper society."

This is where we are heading, he says, a sharecropper society. He describes this is when every day, 7 days a week, you put $2 billion in the hands of foreigners. You are buying $2 billion more from foreigners than you are selling to them every day, 7 days a week. You are putting $2 billion more into hands of foreigners and foreign governments. That means each day they have more purchasing power to buy another part of America. That is where this comes from. The Chinese want to by Unocal. That is where the money comes from, the $140 billion trade deficit with China last year. That means they have our country's currency. They have the capability of buying our stocks and our companies.

The question is, Do we care about that? Does anybody here want to change the strategy or do you want to do some more of it?

The attitude in the Senate, as I think we will discover when the vote is taken tonight is that if you are digging yourself into a hole, what you need is more shovels and just dig a little harder. That makes no sense to me.

If there is one person in the U.S. Congress who does not understand the danger of this, then they are in the wrong business. This is trouble. This comes from CAFTA, it comes from GATT, it comes from incompetent trade negotiators and bad trade deal after bad trade deal. I just heard on the floor of the Senate today. I will bet you six people who talked about promises that have been made to them in order to get this trade deal through the Congress. These promises mean nothing. These are totally, completely empty promises.

Let me briefly describe this. I am going to use Warren Buffett to describe it because, again, I like Warren Buffett. He described it this way. Stay with me just for a moment.

> To understand why, take a wildly fanciful trip with me to two isolated, side-by-side islands of equal size, Squanderville and Thriftville. Land is the only capital asset on these islands, and their communities are primitive, needing only food and producing only food. Working eight hours a day, in fact, each inhabitant can produce enough food to sustain himself or herself. And for a long time that's how things go along. On each island everybody works the prescribed eight hours a day, which means that each society is self-sufficient.
>
> Eventually, though, the industrious citizens of Thriftville decide to do some serious saving and investing, and they start to work 16 hours a day. In this mode they continue to live off the food they produce in eight hours of work but begin exporting an equal amount to their one and only trading outlet, Squanderville.
>
> The citizens of Squanderville are ecstatic about this turn of events, since they can now live their lives free from toil but eat as well as ever. Oh, yes, there's a quid pro quo—but to the Squanders, it seems harmless: All that the Thrifts want in exchange for their food is Squanderbonds (which are denominated, naturally, in Squanderbucks).
>
> Over time Thriftville accumulates an enormous amount of these bonds, which at their core represent claim checks on the future output of Squanderville. A few pundits in Squanderville smell trouble coming. They foresee that for the Squanders both to eat and to pay off—or simply service—the debt they're piling up will eventually require them to work more than eight hours a day. But the residents of Squanderville are in no mood to listen to such doomsaying.
>
> Meanwhile, the citizens of Thriftville begin to get nervous. Just how good, they ask, are the IOUs of a shiftless island? So the Thrifts change strategy: Though they continue to hold some bonds, they sell most of them to Squanderville residents for Squanderbucks and use the proceeds to buy Squanderville land. And eventually the Thrifts own all of Squanderville.
>
> At that point, the Squanders are forced to deal with an ugly equation: They must now not only return to working eight hours a day in order to eat—they have nothing left to trade—but must also work additional hours to service their debt and pay Thriftville rent on the land so imprudently sold. In effect, Squanderville has been colonized by purchase rather than conquest.

That is my friend Warren Buffett's description of what is happening. And it is why, by the way, the Chinese have the money to buy Unocal. This is about Squanderville and Thriftville. The question he asks: Is anybody listening? Regrettably, the answer in the Senate is: Precious few.

I have spoken at great length about companies. I have not spoken previously about Pennsylvania House, which I will do just for a moment. I have talked about Huffy bicycles, Radio Flyer little red wagons, Fig Newton cookies—which, by the way, went to Monterrey, Mexico, so if you want some Mexican food, order Fig Newton cookies.

Let me tell you about Pennsylvania House Furniture, high-end furniture made with Pennsylvania wood, hardwood and cherry wood, high-end, terrific furniture, made for many decades in Pennsylvania and marketed as Pennsylvania Furniture.

Pennsylvania House Furniture was purchased by Lazy Boy Corporation about 4 years ago. Lazy Boy decided it is just too expensive to manufacture Pennsylvania House furniture in Pennsylvania, so we have to move it to China. Now Pennsylvania House furniture will be made in China. They will ship the wood from Pennsylvania to China, the hardwood, the cherry wood. They will put it together in China and ship the furniture back.

So it is for Robert Zechman. Robert Zechman worked for that company for 29 years. On December 21, four days from Christmas, he got his letter: You get $92-a-year severance for the service you have given this great company. Now we are shipping the wood and your job to China. They put the furniture together and ship it back. We will still call it Pennsylvania House Furniture, but the only Pennsylvania part of that furniture is the wood. The people are expendable.

The question is, Does anybody care about that? Does it matter to anybody? It mattered to Pennsylvania. Governor Rendell said: We have 500 people who work here. We would like to save these jobs. They put together an effort to save those jobs. Finally, we were told that Lazy Boy said: We are not interested in having competition domestically, so we are not going to sell. We are moving to China.

Same story with Huffy bicycles. Same story with dozens and dozens and dozens of companies.

I spoke last week about a refrigerator company that decided they will close their American plant, notify the workers: No jobs in this country for you anymore. Why? Because we are going to make those refrigerators in Mexico. And, by the way, just to rub salt in the wound, one part of the manufacturing plant with which they will manufacture those refrigerators in Mexico has an Ex-Im Bank loan. That is a loan subsidized by this Government to build a part of a plant in Mexico to house the jobs of the workers who were fired in this country to build some refrigerators.

Does it matter? Maybe not to some. It matters to me. Does it matter whether we make refrigerators? Does it matter whether we make fine furniture? Does it matter whether we have a manufacturing base? Will America remain a strong world-class economy if it gives its manufacturing sector away?

In the last 25 years, we have lost one-half of our manufacturing capacity. Is there anybody here who is having an apoplectic seizure about that? Not hardly. We snore our way through this. President after President gives us a new trade law to see if we can improve on this massive debt that keeps growing and growing and growing. In the meantime, Robert Zechman will probably ask his Congressman or his Senator: What is going on there? Are you standing up for America, standing up for jobs in this country? Absolutely, he will hear. You bet your life. We are all for American jobs. It is just that the trade agreements trade them away—quickly. The majority of the people in the House and the Senate are going to vote for these trade agreements.

America Online—December 2003—had just laid off 450 American employees, mostly design engineers and software engineers, in its California offices. Then those same engineers read that America Online was trying to hire software development teams and engineers in Bangalore, India. Does that mean you change your name to India Online, or is it still America Online that divests itself of U.S. employees and hires the engineers in Bangalore?

The list is endless. We come down, finally, to a choice, a choice this Senate will make once again on another trade agreement. The NAFTA trade agreement, called North American Free Trade Agreement, was negotiated between the United States, Mexico, and Canada. It was just one more chapter of bad trade agreements. But before that trade agreement, we had a slight surplus in trade with Mexico. We had a modest deficit with Canada. Now we have had about 10 years of trade agreements called NAFTA, and now we have a very large trade deficit with Mexico and a larger trade deficit with Canada. One would wonder if somebody would stand up and scratch their head and say: Gee, I wonder if we didn't make a mistake here.

The economists, by the way, who most trumpeted the benefits of NAFTA, the North American Free Trade Agreement, were two economists named Hufbauer and Schott. I am sure they are still practicing economists. I see the names Hufbauer and Schott.

I actually used to teach economics. Economics is just a little bit of psychology pumped up with a lot of helium. I taught it for a little while and was able to overcome that experience and still lead a productive life.

But these economists, Hufbauer and Schott, said: If you just pass NAFTA, we will promise you a remarkable future. What will happen is jobs will transpose. We will see low-income, low-skilled jobs being performed by Mexicans and high-skill, high-wage jobs now producing a product to be sold into an emerging middle class in Mexico, and those will be produced in America.

These people were totally, completely wrong about everything. Has anybody said, We were wrong? Of course not. In this debate on CAFTA, which is another acronym—NAFTA, CAFTA, SHAFTA, whatever it is—on this debate, we are now hearing NAFTA was really good. Boy, if we could just get some more of this spoiled trade agreement, somehow things would be better off. They would not be better.

Let me try to tell you what I believe our obligation is. Yes, I want a strong economy. Yes, I want American companies to understand we support their interest in competing around the world.

But I believe that, first of all, in the boardrooms they ought to say the Pledge of Allegiance from time to time. If we charter American corporations as artificial people—and that is what a corporate charter is about. We say we are going to create you as an artificial person. We are going to give you a charter which gives you limited liability. You can sue and be sued, contract and be contracted with. You are, in fact, an artificial person. If that artificial person, by corporate charter, given by this country, is in America, then it ought to care just a bit about this country's interests. And, yes, maybe just a recitation of the Pledge of Allegiance, occasionally, in the boardroom might help.

When we hear people say, "We want all the benefits for our corporation being American, except the responsibility for paying taxes is something we want to shed," I worry about loyalty and commitment to this country. And, yes, that is happening. We see what is called inversions, where corporations want to renounce their American citizenship to become citizens of the Bahamas. Why? Because they want to become Bahamian citizens? No. Because they want to avoid paying U.S. taxes. I have always said, if they want to do that, if they run into trouble, let them call out the Bahamian Navy. My understanding is, there are about 24 people in the Bahamian Navy. Let them call on the Bahamian Navy.

The point is, I think we ought to support American companies in competing around the world, but we ought to expect certain things from them as well. The same is true with respect to other countries. Whether it is China, Japan, Europe or Korea, we should not any longer sit idly by and roll our eyes at trade agreements that are unfair to our workers and unfair to our companies.

Let me again mention just one specific piece of information. I do not mean to pick on Korea for the sake of picking on Korea. I have spoken about the Chinese automobile trade previously. Korea, this year, if this year is similar to last year, will likely send us about 680,000 Korean cars, all on ships, to be delivered to the United States, and to be sold in the United States—680,000 cars produced in Korea, with Korean labor, to be shipped to the United States.

Do you know how many cars the United States will produce that we will be able to sell in Korea? Do you think it will be 680,000? No, 3,900. Do you know why? Because Korea does not want American cars sold in Korea. They had a little spurt once on the Dodge Dakota pickup, and they shut that down real quickly. So 680,000 cars coming this way; 3,900 cars going from the United States to Korea.

I think for us to put up with this stuff is unbelievable, just unbelievable, in its ignorance. I would say to the Koreans, with respect to that piece of bilateral trade, if that is what you want to do on bilateral automobile trade, then, for a while, why don't you sell your cars in Zambia? Just ship them to Zambia, and we hope you have a good commercial success with them. Very soon, they would understand they need the American marketplace, and in exchange for needing the American marketplace, to have their marketplace wide open to us.

We know, those of us who will vote against this, and especially those who speak as I do, we know that the Washington Post, which will largely not run any op-ed pieces from those of us who hold our view, they and the other institutional thinkers on this will say: Well, do you know what you are? We have just heard you speak, and you basically ignore the world as it is. You are willing to reject the global economy, despite the fact that it exists and is there. And what you are is a xenophobic, isolationist stooge that simply is incapable of seeing over the horizon. You don't have the breadth of thought we do. And because you don't, you have a basic level of ignorance. That is how they treat people who do not buy into the jingoism of free trade.

This country used to be known as a country of shrewd Yankee traders. We were good. Our country wants us to succeed. We should want us to succeed. And we want to help others succeed with trade relationships that help lift others up, not push us down. But I have described already what we have gone through in the last century.

Unlike almost any other country on Earth, in the last century we decided some pretty basics things. And there are some people who had a tough time forcing these things to happen. I do not have the names of the people who were killed on the streets of America who were demanding the right for labor to be able to organize, but they died. Those who fought for a safe workplace, they suffered. Those who demanded a fair part of the income stream in this country for those who work for a living, they too paid the price for that. Those who fought, who said, belching chemicals into the air and water out of our factories, it is poisoning where we live, and you have to stop it—and they forced Congress to put an end to it—they paid a price for that as well.

But we did all that. It made sense. And now all of a sudden we see that does not matter. What matters is to be able to pole-vault over all of those regulations and go set up a factory in Guangzhou and produce that commodity and send it to Pittsburgh. And the consumer may get a $25 lower bill for that commodity. The consumer probably lost their job to the worker in the factory in Guangzhou, but they are able to pay slightly less for that commodity. That is not a bargain for our country. It is a way for our country to lose economic strength and to lose its way.

Now, let me just conclude by saying I have great hope for this country. If I did not have hope, I would not serve here in the Senate. We come here from a quiltwork of interests around the country—some big States and some small States, some big towns, some small towns, ivy league colleges and State schools. I come from a town of 300 people. I think it is a thrill every day to go to work. I think it is a special privilege to be here. If I did not have hope, I would not keep coming here. I would not have run for reelection last fall.

I still have hope that, in the long run, we will understand that the path we are on cannot be sustained and there is a better path. And it is not a path that is selfish. It is not demanding "us or nothing." It is just a path that understands our first responsibility is to nurture and strengthen and protect this country of ours and to do what we think is necessary to give our kids opportunities. We need to leave this place better than the way we found it. And that is not what is going to happen unless we change course.

So I am on the floor of the Senate, not to preach but just to try to play a role in seeing if we cannot finally make a U-turn on these issues and head in the right direction, in a direction that says to our trading partners—China, Korea, Africa, South America, CAFTA, Central America—it says to them: Yes, we care about this. We want to help you. We want to work with you. But we do not want to do that at the expense of taking the American economy apart. We do not want to do that at the expense of saying to American families: We are busy helping somebody else down there, and so we do not have time to worry about your job.

If this country says to the people who make bicycles, "You are paid way too much. You are paid $11 an hour plus benefits. We cannot afford that. Those jobs go to China," there is destined, in my judgment, to be nothing but hopelessness for those who come after us. I do not believe we can allow that to be the case.

I started by saying John Adams used to write back to his wife, when he was helping put this great country together, and asked her plaintively: Where is the leadership? Who will be the leaders? Where will the leadership come from in this country? And the answer in every generation in America has been to provide that leadership. And that question is a loud question in this country, again. It begs for an answer. Who will be the leaders? Where will the leadership come from to put this country back on track, to put its economy back on track, so 5 years, 10 years, and 25 years from now we can see something that gives us some confidence and some faith this is going to be a better place for our children.

Mr. President, I reserve the remainder of my time and yield the floor.

U.S.-DOMINICAN REPUBLIC, CENTRAL AMERICAN FREE TRADE AGREEMENT

Ms. MIKULSKI. Mr. President, I rise to oppose the U.S.-Dominican Republic, Central American-Free Trade Agreement, CAFTA. I support free trade when it is fair trade. Yet this agreement is not fair for workers in America or in Central America.

The truth is, this agreement will not dramatically change the trade relationship between the United States and our neighbors in Central America.

Thanks to existing agreements, like the Caribbean Basin Initiative, there are relatively few trade restrictions today between the U.S. and the nations of CAFTA.

The small increases in trade of textiles and agriculture products that will result under CAFTA represent a very modest increase in U.S. revenue. According to the U.S. International Trade Commission, CAFTA will generate a net increase in U.S. revenues of just 0.01 percent per year.

So this agreement is not going to do much to help the American economy. But it contains provisions on labor, the environment and sugar that could harm America's working men and women and their families.

I think we have widespread agreement that workers in the CAFTA countries face very difficult conditions.

In most countries, workers have a very hard time trying to unionize and bargain collectively. Intimidation of union organizers is not unusual. It often goes unpunished.

There is even a significant amount of child labor in some sectors in these countries.

So CAFTA is a prime example of a trade agreement that must have strong labor provisions if it is to guarantee trade that is not just free, but fair.

But there is only one labor provision in this agreement that is enforceable through the regular dispute settlement procedures, and it is a weak one.

It does nothing more than require a country to enforce its own trade laws, no matter how weak. And if a company is found in violation of its national trade laws, the government pays the fine—not the company.

That is not much incentive to encourage employers to abide by the law and treat their workers with respect and dignity.

Let me be very clear about one thing. I support trade. I encourage trade. Trade is very important to my State. Maryland workers can compete successfully in a global marketplace, if they're given a level playing field. That's why I support expansion of fair trade.

I have supported past trade agreements, like the Jordan Free Trade Agreement, that included strong, enforceable labor provisions. This agreement does not live up to those standards.

CAFTA's weak labor provisions are a raw deal for American workers.

They send a terrible message to the men and women in CAFTA nations who are trying to earn a fair wage to support their families.

Our message to them is, we want to do business with the companies you work for, but we aren't concerned about how they treat you. That's not the message I want to send to our neighbors.

On the environment, we also face some serious challenges in the CAFTA countries.

As with the labor provisions, the environmental provisions in CAFTA are too weak. The one enforceable environmental provision simply requires countries to "effectively enforce" their own environmental laws.

Again, I believe in free trade that is fair trade. And fair trade must include environmental protections. We need strong, enforceable environmental provisions to protect American jobs. We also need them to ensure that our neighbors have access to the same clean air and safe drinking water that we enjoy.

Finally, Mr. President, I am very concerned that CAFTA unfairly exposes the American sugar industry without opening other markets for U.S. sugar.

Even the administration recognizes that CAFTA as it was negotiated will unfairly target our sugar industry. That is why they have come up with a complicated scheme to pay CAFTA-nation governments and sugar producers not to export sugar to America.

But this deal is no deal for the men and women of America's sugar industry. And it is no deal for the American taxpayer who, under this plan, would pay between $150 million and $200 million a year to foreign governments and companies.

It makes no sense to negotiate an agreement that opens U.S. markets to foreign sugar and then pay foreign producers not to take advantage of that agreement.

Even this flawed plan would not do enough to protect the U.S. sugar industry from unfair trade. It would expire after just two years, exposing the U.S. market to cheap, low quality imports.

And it does nothing to open large, protected sugar markets in Europe that remain closed to U.S. sugar exports.

I support the idea of developing stronger ties between the U.S. and our neighbors in Central America.

These nations have made great strides toward democracy and openness. We should work more closely with them to support their recent gains in the rule of law and efforts to fight terrorism, organized crime and drug trafficking.

But this trade agreement is seriously flawed. It does not do much to increase free trade, and it certainly does nothing to support fair trade. It is not fair to American workers and their families, and it is not fair to workers in Central America. I will vote no, against CAFTA.

Mr. LEAHY. Mr. President, I cannot in good conscience support the CAFTA agreement as proposed by the Administration. I reviewed this agreement carefully and evaluated the arguments of both sides. Exports play a central role in the economy of my home State of Vermont, where some of the finest specialized goods in the world are made, from computer chips to cheese. Free and fair trade benefits us as Vermonters, and it benefits the country. I have often voted in favor of various trade agreements, including NAFTA and recent bilateral trade accords with Jordan, Singapore, and Chile.

I strongly believe free trade and the agreements that facilitate it will be critical to the well being of my State and our country in the years ahead. But we have a responsibility to ourselves and those we trade with to make sure these agreements are soundly predicated, are fair to both sides, are constructed to advance the interests of the many and not just a few, and that they will protect the environment upon which we all ultimately depend. I do not believe this trade agreement adequately meets these tests, and I cannot in good conscience vote for CAFTA.

I have great respect for some of Central America's leaders who favor this agreement. I know they have the interests of their countries at heart. But I believe they overstate the positive effects this agreement would have and give too little weight to negative effects. The weak labor and environmental provisions of this agreement will do little to help the hardworking men and women of Latin America, and in fact may make their already difficult lives even harder and more dangerous.

I also believe that this agreement is a diversion from the larger trade issues that will make a real difference for the long-term health of our own economy. This deal should be carefully and conscientiously re-negotiated to adequately address these pressing concerns.

There has been a lot of ink spilled from the administration and from groups representing particular interests arguing that CAFTA will be a significant boost to the U.S. economy. When you are talking about Central American economies that have a combined gross domestic product of a medium-sized U.S. city, this argument just does not carry weight. Yes, U.S. consumers might be able to buy some Central American exports at a cheaper price. And, yes, U.S. manufacturers might gain greater access to these markets. But these countries are so small that the impact on the U.S. economy will be negligible. For instance, this agreement would help the dairy producers in my home State of Vermont only marginally, at the very best.

We all know that when we talk about trade, what makes a real difference for the economy is trade with our larger trading partners—Europe, the NAFTA countries of Canada and Mexico, several Far East Asian countries—but, above all, China. Yet we have an enormous trade deficit with China today that threatens interest rates and the strength of the dollar.

China has maintained an artificially low exchange rate, removed voluntary export quotas, and continually infringed on international patents and copyrights. It does not seem that this administration has any strategy for dealing with these unfair trade practices, let alone with the fact that China's GDP is growing at almost 10 percent every year and will challenge us economically in the decades ahead. It is a wonder to me that the administration is seeking trade agreements that are not part of a comprehensive strategy to deal with this kind of continually escalating foreign competition.

While this agreement will not make much difference for our economy, it is likely to have significant negative impacts on the countries of Central America, and we should be concerned for the people of those impoverished countries. Over the past several decades, dictatorships, civil wars and fierce class struggles have buffeted the region, particularly during the Cold War when the larger geopolitical struggle—in which we were a central player—exploited and heightened these local tensions. These countries have set out on a new, democratic path over the past year, and our foreign policy should encourage these favorable developments. Unfortunately, the weak labor and environmental laws of these countries and the complete failure of this agreement to elevate and strengthen those standards ensures that any growth that rises out of the agreement is unlikely to translate into significant real gains for everyday workers and the broader population.

Under CAFTA, participating countries are only forced to abide by their own often weak and rarely enforced labor laws. Sadly, an oligarchic culture persists in these countries, whereby wealthy business and landowners rarely trickle down profits to the hardworking men and women who do the work. Without stronger labor provisions that provide increased benefits and protections to workers, CAFTA will do little to change that culture.

A recent World Bank report on the agreement found that Central American countries will have to boost spending for schools and rural infrastructure to take full advantage of the agreement's benefits. Those investments are not realistically forthcoming, and this administration has not shown a serious commitment to supporting this type of development in those nations to make up the difference. This is a lost opportunity. At the same time, CAFTA will displace poor subsistence farmers who will abandon their land and follow in the footsteps of those who have come illegally to the United States in search of employment. And CAFTA will contribute to ongoing environmental problems associated with manufacturing and the pesticides used in large-scale agriculture.

I urge the President to send his trade negotiating team back down to Central America to rework this deal. We need a better agreement that reaches the so-called Jordan Standard, including the strong labor and environmental provisions of the United States-Jordan Bilateral Free Trade Agreement that we ratified a few years ago.

More importantly, I hope the President will deal with the mounting pile of economic and trade problems that really do have profound consequences to our economy and the living standards of the American people. Let's come up with a broader approach to trade that addresses unfair trading practices, that reduces our ballooning trade deficit, that boosts our economy, and that protects the environment and the rights of workers. I look forward to working with this or any other administration on these challenges. I cannot cast a vote for an agreement like this that over-promises and under-delivers to the workers of our own country and to the people of Central America.

Mr. KOHL. Mr. President, I rise today to express my strong opposition to the CAFTA implementing legislation before us today. Unlike NAFTA, CAFTA won't encourage the migration of a large number of manufacturing jobs out of the country or significant worsen our already terrible trade deficit; CAFTA countries only account for 1.5 percent of total U.S. trade. And unlike the U.S.-Australia free trade agreement which put my State's dairy farmers at a competitive disadvantage, CAFTA harms most industries like sugar and textiles that do not have a large presence in Wisconsin.

But there are bigger reasons to reject CAFTA today—reasons that apply across all regions of the country and should convince all Senators. We should reject CAFTA because it makes equal trading partners out of countries with labor and environmental standards far below those in the United States. Instead of using our negotiating power with these countries to lock in improvements in these standards, CAFTA establishes rules on workers' rights that take a step backward from the labor conditions that exist in current trade programs with Central America.

When we make deals like CAFTA, we do more than give up jobs to low-wage countries. When we make deals like CAFTA, we accept and encourage a global economy where workers' rights, living wages, and humane treatment are an anachronism. When we make deals like CAFTA, we tell U.S. businesses that the tough environmental standards they live by—and pay for—are not necessary for their overseas competitors. Why does the continuing flow of jobs moving overseas surprise us given this message—a message sent by our top trade officials and negotiators?

In a region where labor laws fall far short of minimum international standards and where workers are routinely intimidated, fired, and threatened for trying to exercise their most basic rights on the job, CAFTA's move backwards on workers' rights is unacceptable. As a businessman, I understand that trade agreements that open markets can be good for the economy—but not if they do so by accepting as the global norm the least common denominator in labor and environmental standards.

The administration has agreed to support $40 million per year from fiscal year 2006 to fiscal year 2009 to aid CAFTA countries with their labor and environmental protection programs and an additional $30 million per year over the same period to assist farmers in CAFTA countries who may be displaced by the expected increase of agricultural imports from the U.S. Mr. President, I am in favor of opening international markets for U.S. goods, but why do we need to spend $190 million over 3 years to have countries trade with us? Wouldn't it have been easier to have CAFTA countries work with the International Labor Organization to develop the capacity to monitor and enforce labor and environmental protections?

At a time when the trade deficit keeps rising—$655 billion in fiscal year 2004 up from $530 billion in fiscal year 2003—and the Federal deficit is at an all-time high, the U.S. needs to negotiate free-trade agreements where both sides play by the same rules. When I meet with constituents and the conversation turns to trade or jobs, the topic of China inevitably comes up and I am asked what we are going to do about China. Mr. President, what are we going to do about China? I certainly have trouble trusting those who negotiated CAFTA to work out the answer to that dilemma—an answer that will have a much larger and more direct impact on our economy.

We cannot remain competitive with countries that pay their workers next to nothing, have no labor or environmental standards, and who offer their employees little or no health care. Yet we are considering a trade agreement right now that asks us to do just that. And though the CAFTA countries are not large enough to impact our economy significantly, the precedent set by agreements like CAFTA—and the attitude among our trade negotiators that CAFTA reveals—will. We are the strongest economy in the world and can and should be able to compete and prosper in a global marketplace. But we will not if we continue to sign up for trade agreements that allow other countries to undercut us by producing goods using underpaid, abused labor and unacceptable environmental practices. I urge my colleagues to reject CAFTA—and reject the misguided, eventually disastrous trade policy it represents.

Mr. DOMENICI. Mr. President, I am a long-time supporter of free trade agreements because I believe free trade agreements can be beneficial to everyone. Free trade agreements have a positive impact on the job market and the economy.

I have spent many hours listening to this body debate the Dominican Republic-Central American-United States Free Trade Agreement (DR-CAFTA). Upon careful consideration of the issues at stake in this important economic measure, I have come to the conclusion that the ratification of DR-CAFTA will result in the growth of our national economy. Additionally, DR-CAFTA's passage will represent an enormous step towards increased prosperity in Central America.

The reasons to support DR-CAFTA are numerous. The measure is favorable to our Nation's export market. DR-CAFTA countries currently make up the twelfth largest market for U.S. exports, with those countries purchasing more than $15.1 billion in U.S. exports in 2003. I believe we should do what we can to foster additional growth in that market. Passage of DR-CAFTA will do just that. In addition, DR-CAFTA is favorable to our country's textile suppliers. Passage of this bill will put our suppliers on a level playing field with their counterparts in Asia.

I believe that the argument that DR-CAFTA will represent an exodus of jobs and dollars to Central America is unfounded. Under the status quo, 80 percent of all imports from Central America and 99 percent of agricultural imports from Central America enter the United States duty free. In contrast, many American farmers suffer from the burden of tariffs ranging from approximately 7 percent in the case of Nicaragua to 23 percent for certain products from the Dominican Republic. Creating a more equitable duty system for agricultural imports and exports is important to my home State of New Mexico, which is heavily involved in the agricultural industry.

This agreement is also important to New Mexico because an estimated $234 million worth of products, many of them semi-conductors and electronics, were exported from New Mexico to DR-CAFTA countries in 2004. This ranked New Mexico thirteenth among U.S. States exporting goods to CAFTA countries. Clearly, my home State will benefit from a free trade agreement with these Central American countries.

DR-CAFTA is important to our country. It is a pro-export, pro-worker, pro-agriculture, pro-economy trade agreement, and I appreciate the efforts of the administration and our trade negotiators in crafting such an agreement. I am proud to vote in favor of DR-CAFTA.

Mr. HAGEL. Mr. President, I rise today in strong support of the Central American Free Trade Agreement. CAFTA will be one of the most important pieces of legislation considered by the Congress this year. Passage of CAFTA means increased markets for our agricultural products and manufactured goods to the nations of Central America—Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua—and the Dominican Republic. Already, 47,000 Nebraska jobs are supported by exports of farm products. CAFTA means more of these jobs across the United States.

Passing CAFTA will further open new markets for beef, corn, soybeans and other products by lowering and eliminating tariffs on U.S. goods in CAFTA countries. Currently, U.S. goods exported to CAFTA countries face significant tariffs. Despite these tariffs, the U.S. exports more than $15 billion to CAFTA countries every year. Nebraska exported over $19.5 million worth of goods to CAFTA countries in 2004, according to the Department of Commerce. With these tariffs eliminated, this region provides significant potential for States like Nebraska which depend on our ability to export our products. The Office of the United States Trade Representative views Central America as a larger market for U.S. products than India, Indonesia, and Russia combined.

All previous trade agreements have benefitted the United States economy. Since the North American Free Trade Agreement was signed in 1993, trade among NAFTA nations rose 150 percent. Nebraska's combined exports to Canada and Mexico have increased by more than 160 percent. In the first year of the U.S.-Chile Free Trade Agreement, U.S. exports to Chile grew 33.5 percent.

There are those who have argued that there is a danger to the U.S. sugar industry if CAFTA is passed into law. They are worried about sugar from the Dominican Republic and Central America crowding out domestically produced U.S. sugar. These fears, while understandable, don't hold up against the facts. Under the current U.S. Farm Bill, Congress set an import ceiling of about 1.4 million metric tons of sugar. The domestic sugar program is unaffected when imports are below this limit. Currently, the U.S. is not close to exceeding that ceiling. According to the U.S. Trade Representative, in the first year of the agreement, increased access to the U.S. sugar market will be equal to little more than one day's sugar production in the United States.

CAFTA has stronger protections for workers than any other Free Trade Agreement. It has a three-part strategy that will ensure effective enforcement of domestic labor laws, establish a cooperative program to improve enforcement of domestic labor laws, and enhance the ability of Central American governments to monitor and enforce labor rights.

Trade is an opportunity, not a guarantee. CAFTA is supported by over 50 agricultural industry and farm groups, including the Nebraska Farm Bureau and the Nebraska Corn Growers.

Ultimately, the argument for CAFTA is not about numbers on a page or statistics, it is about American families and communities that need the opportunities provided by these markets to grow and remain competitive. CAFTA is good for the United States. I urge my colleagues to vote for this trade agreement.

Mrs. BOXER. Mr. President, I am opposed to and will vote against the Central America Free Trade Agreement, CAFTA.

I am not against trade agreements, provided they are fair. But when those agreements unfairly disadvantage American workers and businesses, I oppose them.

I could vote for CAFTA if it meant more jobs in America and a stronger American economy. But, I do not believe that is the case. Because of CAFTA, Americans will lose jobs and manufacturing will move overseas.

CAFTA will not foster free trade; it will result in unfair competition. Most of the Central American governments are notoriously lax in enforcing their labor laws. Under CAFTA, the Central American countries pledge to enforce their labor laws and strive to ensure workers' rights are protected, but these are merely "paper pledges." Moreover, unlike other trade agreements, the mechanisms for forcing the Central American governments to enforce their own labor laws are limited and the penalties for noncompliance are negligible. Worse still, nothing in CAFTA prohibits a country from further relaxing its existing laws.

In addition, most Central American countries do not have strong environmental protection laws, and enforcement of the laws that do exist is limited. Companies are permitted to destroy the environment and harm their workers in order to produce cheaper products for export.

U.S. manufacturers and workers are the best in the world. Their productivity and innovation cannot be matched. But even they cannot—nor should they have to—compete with foreign companies that have weak labor protections and that ignore the environment in order to cut prices.

After careful consideration, I have come to the conclusion that CAFTA will result in American workers losing their jobs, U.S. companies closing their doors, a downward pressure on wages, and a worsening trade deficit.

For these reasons, I cannot support CAFTA and will vote against it.

Mr. KYL. Mr. President, I want to express my support for the Central America Free Trade Agreement, which is not just important for job creation and business opportunities in Arizona, but for the economic and political futures of five Central American countries and the Dominican Republic, all of which are eagerly awaiting the passage of this trade agreement. CAFTA will enhance both economic and political ties between Central America and the United States. It will also help promote freedom and democracy in our own Hemisphere.

The United States exports $15 billion annually to the CAFTA–DR countries—El Salvador, Honduras, Costa Rica, Nicaragua, Guatemala, and the Dominican Republic. This is more than our exports to Russia, India, and Indonesia combined. In my home State of Arizona, our top agricultural exports to the region are beef, vegetables, and cotton. We also exported more than $208.9 million in manufactured goods to CAFTA countries. The American Farm Bureau estimates that CAFTA will increase farm exports from Arizona to CAFTA countries by $8 million per year for beef, $1 million per year for vegetables, and $800 thousand per year for cotton, part of a total future annual increase of $12.14 million in agricultural exports over the anticipated pre-CAFTA growth level. The total national increase in agricultural products to CAFTA countries is estimated at over $1.5 billion, and manufacturing exports nationwide will increase dramatically as well, which is great for Arizona where 25 percent of the manufacturing jobs depend on exports. CAFTA will also reduce the U.S. trade deficit by $756 million.

While the U.S. economy has been growing steadily over the past 2 years, creating record numbers of new jobs, we can expect even more growth with the passage of CAFTA. That, in turn, will foster the growth of Central American economies. Take, for example, the textile industry in the Central-America region. The CAFTA countries are the largest consumers of U.S. apparel and yarn exports, and the second largest consumers of U.S. fabric exports. 11,000 Arizonan jobs are supported by the textile industry, and approximately 700,000 Americans are employed in the yarn and textile sectors. The yarn and fabric we create and export to Central America and the Dominican Republic support another 500,000 jobs in the apparel sector in those countries. By working together, the United States and CAFTA countries can more efficiently compete with large textile markets such as those in the Asia region. With the expiration in 2004 of global multifiber quotas in effect since the 1970s on textiles and apparel, regional producers face a new competitive challenge from Asian imports. CAFTA would provide regional garment-makers—and their U.S. or regional suppliers of fabric and yarn—a critical advantage in competing with Asia.

Many Arizona farmers and businessmen are excited about the economic growth CAFTA will bring them. There is also just as much excitement in Central American countries. I have been to El Salvador and I can tell you that people there are looking to the United States to pass CAFTA to give them better opportunities and a higher standard of living. They have hope that their country's economy will see dramatic growth, increasing jobs and the wages that those jobs pay. Without CAFTA, they fear that jobs once performed by El Salvadorian workers will be moved to Asia.

CAFTA gives El Salvadorians hope for a better economic future, which means a more stable and peaceful future, through rising wages, decreasing unemployment rates, and more affordable basic commodities. This will raise the standards of living in El Salvador, as well as the other countries in this region. The President of El Salvador has said that CAFTA matters most to his country because it will strengthen the foundations of democracy by promoting economic growth, providing a solution to the persistent problem of poverty, and creating equality of opportunity. And by addressing the underlying problems of poverty and unequal economic opportunities, CAFTA will help stem the tide of thousands of Central Americans who leave their homes seeking a better life in neighboring countries to the north. CAFTA will help Central Americans to earn better livings and successfully support their families in their home countries.

Economic growth fosters stability and peace throughout this region. To strengthen democracy in the region, its people need to see concrete benefits from economic freedom—tangible improvements in their daily life. When a middle class develops and people have a larger economic stake in their society, they demand more of a say in how that society is run. This is critical for a region's democratic success.

We can be instrumental in the region's democratic, as well as economic, success by passing CAFTA now. If we fail to pass CAFTA, America will be turning its back on the hopes and dreams of our southern neighbors.

I ask unanimous consent to have printed in the RECORD a copy of the Republican Policy Committee's recent policy paper, "The U.S.-Dominican Republic-Central American Free Trade Agreement is a Win-Win." This paper goes into further detail as to why the CAFTA agreement is in America's interest.

There being no objection, the material was ordered to be printed, as follows:

United States-Dominican Republic-Central America Free Trade Agreement Is a Win-Win

EXECUTIVE SUMMARY

Congress should soon pass the United States-Dominican Republic-Central America Free Trade Agreement (DR–CAFTA). This important agreement expands market access for U.S. exporters of manufactured goods, agriculture products, and services.

On February 20, 2004, President Bush notified Congress of his intent to enter into a free trade agreement with the Central American nations of Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua. The Dominican Republic became a party to CAFTA on August 5, 2004.

The Central American markets are significant to the American economy: the DR–CAFTA countries constitute our 12th largest export market with a consumer base of nearly 44 million.

Passage of DR–CAFTA is vital to the economic and security interests of both the United States and the DR–CAFTA countries, and it will demonstrate the U.S. commitment to foster economic prosperity in the region. It will serve to nurture democracy, transparency, and respect for the rule of law in a region that, only decades ago, was marked by internal strife.

Commonly heard arguments against DR–CAFTA include concern that U.S. sugar producers will be adversely affected, that American textile jobs will be lost, and that Central American workers' rights and the environment will be harmed.

The Bush Administration counters that passage of this agreement is a win-win for all parties and that it will preserve the U.S. sugar program, level the playing field for U.S. workers, strengthen freedom and democracy in the region, enable U.S. textile suppliers to compete with Asia, and enhance the enforcement of labor and environmental laws in the region.

Among the significant consequences of failing to pass the DR–CAFTA would be: (1) a message that the U.S. is not committed to open market principles; (2) the continuation of high tariff barriers on U.S. exports to the region; and (3) the loss of an important export market for numerous U.S. suppliers of cotton, yarns, and fabrics.

This paper addresses concerns expressed about the agreement and highlight the broad support DR-CAFTA is receiving from many different sectors of the U.S. economy.

INTRODUCTION

Congress will soon consider whether to pass the United States-Dominican Republic-Central America Free Trade Agreement (DR-CAFTA). This important agreement builds on other recent trade agreements by substantially expanding market access for U.S. exporters of manufactured goods, agriculture products, and services. In fact, DR–CAFTA will level the playing field with our southern neighbors by providing reciprocal access for U.S. businesses to the markets of Central America and the Dominican Republic, which already enjoy liberal access to the U.S. market.

On February 20, 2004, President Bush notified Congress of his intent to enter into a free trade agreement with the Central American nations of Costa Rica, El Salvador, Honduras, Guatemala, and Nicaragua. [Text of a letter from the President to the Speaker of the House of Representatives and the President of the Senate, February 20, 2004.] On May 28, U.S. Trade Representative Robert Zoellick fulfilled the President's pledge and signed the U.S.-Central America Free Trade Agreement. The Dominican Republic became a party to CAFTA on August 5, 2004.

The United States has much to gain from this agreement because the Central American markets are significant to the American economy. The DR–CAFTA countries constitute our 12th largest export market with a consumer base of nearly 44 million. [U.S. International Trade Commission (ITC), "U.S.-Central America-Dominican Republic Free Trade Agreement: Potential Economy-wide and Selected Sectoral Effects," August 2004.] Nearly 80 percent of Central American products already enter the United States duty-free due to unilateral preference programs such as the Caribbean Basin Initiative and the Generalized System of Preferences. CAFTA will eliminate these one-way barriers and provide reciprocal free trade. The Agreement will also provide a chance to unite with customers in the region to better compete against China, especially in apparel and textiles.

The DR–CAFTA agreement will also serve to nurture democracy, transparency, and respect for the rule of law, in a region which only decades ago was marked by internal strife. Today the Central American nations and the Dominican Republic are democracies wanting to strengthen economic ties which will in turn reinforce their progress in political and social reform. Passage of DR-CAFTA is, thus, vital to the economic and security interests of both the United States and the DR-CAFTA countries, and it will demonstrate the U.S. commitment to foster economic prosperity in the region.

Despite the great appeal of this agreement to many sectors of the American economy, there are some groups that remain opposed to it. Commonly heard arguments against DR–CAFTA include concern that U.S. sugar producers will be adversely affected, that American textile jobs will be lost, and that Central American workers' rights and the environment will be harmed. [Representative Hilda Solis (D–CA), Congressional Record, March 1, 2005; Representative Sherrod Brown (D–OH), Congressional Record, March 2, 2005.] The Bush Administration counters that passage of this agreement is a win-win for the United States, the Dominican Republic, and Central America that will preserve the U.S. sugar program, level the playing field for U.S. workers, strengthen freedom and democracy in the region, enable U.S. textile suppliers to compete with Asia, and enhance the enforcement of labor and environmental laws in the region. [Office of the U.S. Trade Representative (USTR), "DR–CAFTA Facts: The Case for DR-CAFTA," February 2005.]

This paper will examine the benefits of DR–CAFTA for the United States, the Dominican Republic, and Central America. This paper will also address concerns expressed about the agreement and highlight the broad support DR–CAFTA is receiving from many different sectors of the U.S. economy. And, it will review the consequences to the United States, the Dominican Republic, and Central America if Congress should fail to pass the trade agreement.

Why DR-CAFTA is a Win-Win for the United States, the Dominican Republic, and Central America

ECONOMIC BENEFITS—LEVELING THE PLAYING FIELD FOR AMERICAN EXPORTERS

The DR–CAFTA market provides a large export market for the United States. As an integrated market, Central America, and the Dominican Republic purchased more than $15.1 billion in U.S. exports in 2003. [USTR, "Trade Facts: Free Trade with Central America, Summary of the U.S.-Central America Free Trade Agreement," December 17, 2003.] By tearing down tariff barriers, American workers will be able to gain better access to the 44 million consumers living in the Dominican Republic and Central America. Moreover, population in this region is expected to grow by almost 20 percent by 2015, thus adding nearly 10 million new consumers to the marketplace. [Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, World Population Prospects: The 2004 Revision and World Urbanization Prospects: The 2003 Revision.]

While the DR-CAFTA countries buy many goods and services from the United States, it is economically important to the U.S. economy to level the playing field on trade between the United States, the Dominican Republic, and Central America. Due to trade preference programs currently in place, 80 percent of all Central American goods currently enter the United States duty-free, while the average tariff imposed on U.S. exports to Central America is between 7 and 9 percent. [Chris Padilla, "DR–CAFTA: A Vote for Freedom, Democracy, Reform," Textile News, February 28, 2005.] Some tariffs on many farm goods are as high as 16 percent. [USTR, "DR–CAFTA Facts: CAFTA Levels the Playing Field," February 2005.] These high tariffs hurt our ability to export to and compete in the growing markets of the Dominican Republic and Central America. In addition, U.S. exporters face numerous non-tariff barriers that currently inhibit their ability to export goods and services to the region.

Upon full implementation of DR–CAFTA, U.S. products will enter the Dominican Republic and Central America duty-free. In fact, 80 percent of consumer and industrial goods exports are immediately duty-free upon enactment of the agreement, with the remaining 20 percent becoming duty-free over 10 years. Key U.S. export sectors will benefit including medical and scientific equipment, information technology products, construction equipment, and paper products.

The agreement will expand markets as well for U.S. agriculture. Currently, U.S. tariff barriers to agricultural exports from DR-CAFTA countries are much lower than tariffs faced by U.S. agricultural exports to DR-CAFTA countries. [USTR, "DR-CAFTA Facts: CAFTA Levels the Playing Field," February 2005.] According to the USTR, more than half of current U.S. farm exports to Central America will become duty-free immediately, including cotton, wheat, soybeans, fruits and vegetables, high-quality cuts of beef, processed food products, and wine. Tariffs on remaining farm items will be phased out over 15 years. [USTR, "Trade Facts: Free Trade with Central America, Highlights of the U.S.-Central America Free Trade Agreement," January 27, 2004.] On May 28, 2004, the American Farm Bureau Federation (AFBF), a national organization representing U.S. farmers and ranchers across the country, stated that the "U.S.-Central American Free Trade Agreement will provide a substantial competitive advantage to U.S. agriculture," and that the Bush administration has "opened up promising trade potential for the whole of U.S. agriculture." [Statement by Bob Stallman, President of the American Farm Bureau Federation regarding the signing of the U.S.-Central American Free Trade Agreement, May 28, 2004.] It estimates that U.S. agricultural producers will increase their exports by $900 million as a result of the DR-CAFTA agreement.

In the area of services, the DR–CAFTA countries will accord substantial market access across their entire services regime, offering new access in sectors such as telecommunications, computer services, tourism, financial services, insurance, and entertainment among others. The agreement also provides state-of-the-art protections and non-discriminatory treatment for digital products such as U.S. software, music, text, and videos. Protections for U.S. patents and trademarks are strengthened.

The benefits of DR–CAFTA will be numerous. In its analysis of DR-CAFTA implementation, the U.S. International Trade Commission (ITC) found the effect of trade facilitation would likely "benefit U.S. producers, exports, service providers, and investors." [ITC, 2004.] The USITC noted that, "after tariff liberalization has been fully implemented and all economic adjustments have occurred under the FTA, overall U.S. welfare is likely to increase in the range of $135.31 million to $248.17 million." [ITC, 2004.] U.S. exports to DR–CAFTA countries are likely to increase by $2.7 billion (or 15 percent), and U.S. imports are likely to increase by $2.8 billion (or by 12 percent). [ITC, 2004.]

DR-CAFTA also provides an atmosphere and, more importantly, a legal framework for guaranteeing the security of American investment in Central America. As noted by some policy analysts: "By locking in these liberal economic policies, [DR–CAFTA] offers investors certainty that policies will not suddenly reverse—a key component in investment decisions." [Brett D. Schaefer and Stephen Johnson, "Backgrounder #1822: Congress Should Support Free Trade with Central America and the Dominican Republic," The Heritage Foundation, February 8, 2005.] An open and transparent legal framework will encourage investment and economic growth in a region of the world that needs foreign capital to grow its economy and create jobs.

POLITICAL BENEFITS—PROMOTING REGIONAL STABILITY

In the 1970s, every Central American country except Costa Rica and Belize were ruled by military dictators. Lack of democracy and lack of economic opportunity led to communist insurgencies in many parts of the region that were only defeated with the support of the United States. [Ed Greser, Progressive Policy Institute Policy Report, "DR–CAFTA: The United States and Central America 10 Years After the Wars," October 2003.] Today, democracy flourishes in the region. People can freely choose their elected leaders. Through free-market economic reforms and U.S. trade preference programs, workers' wages are now on the rise and the standard of living throughout the region has generally improved. Many observers agree that DR–CAFTA will help lock recent political and economic gains into place by bolstering transparency and the rule of law, thereby attracting additional investment which will help to foster continued growth and stability in the region. [See, e.g., The Los Angeles Times, editorial, November 18, 2004; USTR, "DR–CAFTA Facts: Emphatically Yes," February 2005; Stuart E. Eizenstat and David Marchick, "Trade Wins," Wall Street Journal, March 8, 2005.]

Twenty years ago, trade between Central America and the United States was minimal. In 1984, trade between the U.S. and CAFTA countries totaled $798 million compared to $3.6 billion in 2003—an increase of nearly 350 percent. [Statistical data provided by USTR.] During the past few years, significant progress has been made in Central American economic integration, including a May 2000 free trade agreement between Mexico and El Salvador, Guatemala, and Honduras. In December 2001, an agreement was signed to interconnect the electricity networks of the Central American countries, allowing for regional power trading among the member states beginning in 2006. [U.S. Department of Energy, Energy Information Administration, "Regional Indicators: Central America," September 2004.] The integration of electricity grids is only one of several initiatives by the Inter-American Development Bank's Puebla-Panama Plan, which seeks to promote regional development and integration of Central American countries. [U.S. Department of Energy, 2004.]

Public opinion throughout Central America finds that people want to have a strong trading relationship with the United States and want to see DR–CAFTA enacted. According to recent State Department polling, the opinion pattern throughout the region shows that, in most of the CAFTA countries, half of those polled are aware of the trade agreement (up from about a third in 2002–2003). Among those, a majority perceive benefits for their country (e.g., 57 percent in D.R.; 56 percent in Costa Rica; and 56 percent in Nicaragua). [Memo from U.S. State Department to Senate Finance Committee on "Central American Attitudes Toward CAFTA," March 16, 2005.] Anticipated benefits include job creation, lower prices, and a wider variety of goods available to consumers.

Passage of DR–CAFTA by the U.S. Congress will help reinforce the positive image many Central Americans have of the United States, and will show that America does not view Central America only as a trading partner. It will show that the United States believes it has a stake in the development of its neighbors. During his confirmation hearing before the Senate Foreign Relations Committee on February 15, then Deputy Secretary of State nominee Robert Zoellick stated that "economic power is a very important component of America's power" and that "economic freedom is linked to political freedom," and so "how we integrate those can build on some of America's values and its interests." [Remarks by Robert B. Zoellick during a hearing of the Senate Foreign Relations Committee on his nomination to be Deputy Secretary of State, February 15, 2005.]

The United States has long fought for democracy and economic freedom for the people of Central America. DR–CAFTA would reinforce democratic and free-market processes through such provisions as transparency and anti-corruption measures. It will also strengthen new democracies and leaders who are working to grow their economies, reduce poverty, fight crime, and deepen the roots of democracy.

CRITICISMS OF DR–CAFTA

SUGAR

Some charge the DR–CAFTA will greatly harm U.S. sugar producers due to increased imports of sugar. In fact, U.S. imports of sugar from the DR–CAFTA countries are today limited by tariff rate quotas (TRQs) currently imposed by the United States on each DR–CAFTA country, [ITC, 2004.] and this system (albeit with slightly increased import amounts) will remain in place with DR–CAFTA.

Under the TRQs, sugar from the DR–CAFTA countries enters duty-free if it is within quota. [ITC, 2004.] Sugar imported over-quota is assessed high tariffs, which are in effect prohibitive tariffs [ITC, 2004.] (of over 100 percent). [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.] Because of the high over-quota tariffs, imports of sugar from the DR–CAFTA countries essentially correspond to their TRQ levels. [ITC, 2004.] It is important to note that TRQs on sugar imports from the DR–CAFTA countries will be increased only slightly as a percentage of consumption under the trade agreement, [ITC, 2004.] and prohibitive tariffs on over-quota imports will remain intact under the DR–CAFTA. [ITC, 2004.]

In 2003, the DR–CAFTA countries exported to the United States 325,146 metric tons of sugar—most of which was raw cane sugar—at a value of $141.3 million. [ITC, 2004.] These imports constituted approximately 3 percent of sugar consumed in the United States during that year. [ITC, 2004.] Additional increased access during the first year of the trade agreement will total 109,000 metric tons. [ITC, 2004.] That increase is equivalent to little more than one day's production of sugar in the United States, [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.] or about 1.2 percent of current annual U.S. sugar consumption. [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.]

By the end of the 15-year phase-in period, sugar imports from this agreement will have increased by a total of 153,140 metric tons. [ITC, 2004.] The additional access during the entire 15-year phase-in period represents less than 2 percent of the approximately 7.8 million metric tons of sugar produced in the United States in the 2003/2004 growing season. [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.] Again, what the trade agreement permits is an increase in import competition of less than 2 percent relative to domestic production—stretched out over a 15-year period. Following the phase-in period, the TRQs will grow by an additional 2,640 metric tons each year. [ITC, 2004.]

The potential impact of these increases in the in-quota TRQs for DR–CAFTA countries appears minimal. USTR has found that approval of DR–CAFTA "would not have a destabilizing effect on the U.S. sugar program." [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.] And the ITC, using its models, found that there would likely be a decrease in the U.S. price of sugar "of about one percent as a result of the increase in imports under the FTA." [ITC, 2004.] Clearly this suggests a negligible impact on U.S. producers. Furthermore, one could argue that such declines in consumer prices could boost demand and actually increase U.S. producers' revenue.

Moreover, additional TRQ access for the DR–CAFTA countries is conditioned on each country's trade-surplus position. [ITC, 2004.] Specifically, only net-surplus-exporting countries in the region will obtain increased access to the U.S. market. This is because the agreement limits access to the lesser of the amount of each country's net trade surplus in sugar or the specified amounts provided in each country's TRQ. [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.] For example, at the present time the Dominican Republic—currently the largest TRQ holder among the DR–CAFTA countries—would not qualify for increased market access to ship additional sugar to the United States under the agreement. [Inside U.S. Trade, "USTR Threatens Dominican Republic Over Proposed HFCS Soft Drink Tax," September 3, 2004.] As noted by the American Farm Bureau Federation (Farm Bureau), this situation makes the issue of increased sugar imports from the Dominican Republic moot for now. [American Farm Bureau Federation, "Implications of a Central American Free Trade Agreement on U.S. Agriculture."] According to Farm Bureau calculations, even if the Dominican Republic were to become a net exporter of sugar by 2024—the year in which the agreement would be fully operational—its exports of sugar would increase by only $11.7 million from the Dominican Republic's current allocation of $96.3 million.

Still, some critics of the DR–CAFTA assert a second argument—that increased sugar imports under the agreement would have a destabilizing impact on U.S. domestic sugar policies by suspension of sugar marketing allotments. [ITC, 2004.] Under marketing allotments, the U.S. Department of Agriculture restricts the amount of sugar that can be sold by domestic producers, [ITC, 2004.] a policy designed to ensure stable sugar prices and supplies in the U.S. market. [American Sugar Alliance, U.S. Sugar Policy Under the Farm Bill, retrieved on 03/15/05.] Under the policy, if U.S. imports of sugar were to exceed a specified amount (approximately 1.5 million tons in a given year) marketing allotments could be suspended, thus enabling U.S. producers to compete with imported sugar under prevailing market conditions. [ITC, 2004.]

A cushion exists, however, between the "trigger level" of imports that would suspend marketing allotments and projected imports under the DR–CAFTA. [ITC, 2004; USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week," February 2005.] The U.S. International Trade Commission estimates that it would take about 60 years following the agreement's implementation for this cushion to be exceeded, taking into account growth in imports during the phase-in period and subsequent annual imports of 2,640 metric tons under the agreement. [ITC, 2004.] In 60 years, it is unknown whether marketing allotments would even be a part of U.S. sugar policy. In any case, the ITC believes it unlikely that increased imports resulting from the agreement will trigger the suspension of marketing allotments. [ITC, 2004.]

Furthermore, in the unlikely event that U.S. domestic sugar policies were threatened by imports from the DR–CAFTA countries, the agreement includes a mechanism that will permit the United States to restrict sugar imports from these countries and provide them with equivalent benefits to compensate for lost market access. [USTR, "DR–CAFTA Policy Brief, Sugar: A Spoonful a Week." February 2005.] This compensation mechanism further alleviates possible pressures that might threaten U.S. sugar policies.

TEXTILE

Some textile producers argue that passage of DR–CAFTA will lead to textile job losses in the United States. [American Manufacturing Trade Action Council, "CAFTA Bad for U.S. Textile Industry and Workers," May 28, 2004.] Additionally some of the same critics have argued that the U.S. textile sector is currently restructuring in response to China's growth in this economic sector and, therefore, American companies cannot allow additional jobs to be lost to Central American textile factories. [New York Times, "Chinese Textile Flood?" March 10, 2005.] Both arguments fail to grasp the long-term benefits of regional integration to the U.S. textile and apparel industry of promoting regional integration under the agreement.

DR–CAFTA will benefit the U.S. textile and apparel industry by expanding the benefits currently provided by the Caribbean Basin Trade Partnership Act (CBTPA) and making the benefits reciprocal. The CBTPA (which includes all DR–CAFTA countries) allows apparel exports from the region to enter the United States duty-free and quota-free, provided that they use U.S. yarn and fabric. This supports U.S. exports and jobs. Indeed, in the past four years, the region has become one of the largest and fastest-growing export markets for U.S. cotton growers, yarn spinners, and fabric mills. Regional producers face new competition from Asian imports since global quotas on textiles and apparel ended January 2005. This agreement will give the region a critical advantage in competing with Asia in a post textile-quota world by helping to retain textile production in the region, rather than moving production to China. [John T. Hyatt, "Good for Central America, Good for U.S.," Times-Picayune, March 15, 2005.]

When facilities move from Central America to China, they are much less likely to buy U.S. yarns and fabrics. Thus, the competitiveness of the U.S. fiber and yarn industry is inextricably linked to maintaining the competitiveness of the DR–CAFTA region. [Cass Ballenger, "Producing for N.C.'s Textiles," The News and Observer, March 1, 2005.] Currently, 71 percent of DR–CAFTA-made apparel enters the United States using U.S. yarns and fabrics, while one tenth of 1 percent of apparel from China enters the United States using U.S. yarn or fabric. [Statistical data provided by the Office of Textiles and Apparel in the International Trade Administration at the U.S. Department of Commerce.] More than $2.6 billion of U.S. fabric and yarn exports went to the six DR–CAFTA nations in 2004. [Jeffrey Sparshott, "A Tough Sell," Washington Times, March 10, 2005.] By keeping apparel assembly in the region through DR–CAFTA, we will retain and grow the market for U.S. exports of fabrics.

The agreement also contains tough custom enforcement procedures to ensure that only products eligible for DR–CAFTA tariff treatment benefit from the agreement. Further, the agreement contains a special textile safeguard, which authorizes the imposition of tariffs on textiles when injury occurs due to import surges.

Many of those who oppose the agreement are weavers, who point to a tariff preference level (TPL) for Nicaragua that extends duty-free treatment for 10 years for cotton and manmade-fiber apparel made in Nicaragua from fabrics made anywhere else (otherwise known as "non-originating fabric"). In other words, the fabrics do not have to come from either the United States or other DR–CAFTA countries for the apparel to be eligible under the TPL. The TPL was included only for this one country because Nicaragua is by far the smallest and least-developed apparel supplier among the DR–CAFTA countries. However, TPLs have been in every trade agreement negotiated before the DR–CAFTA (excluding Israel and Jordan). Indeed, DR–CAFTA does not include TPLs for the major Central American apparel producers—the first time that a trade agreement did not provide TPLs to our negotiating partners. The TPL granted to Nicaragua would cover only about 3 percent of the total amount of garments shipped by all CAFTA countries.

Costa Rica is the beneficiary of a small concession for wool fabric, allowing Costa Rica to source non-originating fabric up to capped amount. This concession will be phased out over two years, and was put in place to allow a wool apparel producer to coordinate with suppliers in the United States who are planning to be a source for the fabric in the future (the concession is subject to review after 18 months). [For more details on the textile provisions of DR–CAFTA, see the February 2005 USTR policy brief, "Textiles of CAFTA—Details of the Agreement."]

The agreement also contains tough custom enforcement procedures to ensure that only products eligible for DR–CAFTA tariff treatment benefit from the agreement. Further, the agreement contains a special textile safeguard, which authorizes the imposition of tariffs on textiles when injury occurs due to import surges. Many in the U.S. textile industry (retailers, yarn spinners, knitters, and apparel producers) support passage of DR–CAFTA, such as Burlington Industries, the American Apparel and Footwear Association, Levi Strauss and Company, ERICO, International Textile Group, Union Apparel, Sara Lee, and Warnaco.

LABOR

Organized American labor groups oppose this free trade agreement, alleging that it does not include adequate provisions for workers' rights. [Statement by AFL-CIO President John Sweeney on Central American Free Trade Agreement, May 28, 2004.] It should be noted that the AFL-CIO, a leading labor union opposed to DR–CAFTA, has never supported a free trade agreement, including the U.S.-Australia Free Trade Agreement. Further, Costa Rica, Guatemala, Honduras, Nicaragua, and the Dominican Republic have ratified all eight International Labor Organization (ILO) core labor conventions, and El Salvador has ratified six of the eight. In contrast, the United States has ratified only two ILO core conventions.

An analysis by the ILO demonstrates that the labor laws and constitutions of the DR–CAFTA countries are comparable to ILO core labor standards. [USTR, "CAFTA Facts: The Facts About DR–CAFTA's Labor Provisions," February 2005.] The problem has been, however, that the governments have lacked the capacity to enforce their labor laws due to financial constraints. To address this, the United States is taking a three-pronged approach in DR–CAFTA: First, each country must enforce its own labor laws. If they do not, then a fine will be imposed and the monies from the fine will be used to address the enforcement deficiency. [USTR, "CAFTA Facts: The Facts About DR–CAFTA's Labor Provisions," February 2005.] Second, each country must make the necessary economic and legal reforms to improve ILO adherence. Third, each country must undertake capacity building to enforce its domestic labor laws. To accomplish this, the United States is offering capacity-building assistance to improve labor law enforcement. As a first step, Congress appropriated $20 million in the FY05 Foreign Operations appropriations bill specifically to help build the capacity of Central America and the Dominican Republic on labor and environmental law enforcement. [Rep. Jim Kolbe (R-AZ) authored a provision in the FY05 Foreign Operations Appropriations bill that provided $20 million to assist CAFTA countries with labor standards enforcement.]

Ironically, while the AFL–CIO opposes DR–CAFTA because the agreement doesn't overtly include ILO standards, the conditions in the agreement pertaining to the enforcement of standards for workers' rights will serve as a catalyst for these countries to take labor laws seriously. Moreover, the labor provisions in DR–CAFTA are the same as those contained in the U.S.-Morocco Free Trade Agreement that Congress passed overwhelmingly last July (by a vote of 323–99 in the House and by a vote of 85–13 in the Senate).

ENVIRONMENT

The DR–CAFTA environmental provisions promote policies that ensure protection of current laws while striving to improve those laws, with effective remedies for violating the agreement. This type of environmental protection goes beyond the requirements called for in the Trade Promotion Act (2002) and recently implemented FTAs with Chile and Singapore. The agreement has taken groundbreaking steps to mitigate environmental degradation by involving all stakeholders through meaningful public participation and capacity building for the region. There is wide appeal for the environment provisions because of these new initiatives and it is demonstrated by the support it has received from local environmental conservation NGOs from five of the six DR–CAFTA countries. [Letter to Ambassador Zoellick from 10 NGO's dated January 31, 2005.]

Failure to pass the agreement will only serve to undermine these important initiatives to strengthen environmental protection in the region.

BROAD AMERICAN SUPPORT FOR DR–CAFTA

Since last year, scores of organizations, associations, and businesses have made known their support for passage of DR–CAFTA. Perhaps one of the most compelling, detailed, and broadly supported endorsements was issued on January 26, 2005 by the Business Coalition for U.S.-Central America Free Trade. In a letter to Senate Majority Leader Bill Frist, the Business Coalition listed five reasons why the "timely implementation" of DR–CAFTA was important, citing commercial importance ("over the last five years, the [DR–CAFTA] countries have been our fifth largest growth market worldwide"); reciprocity in U.S.-Central American trade relations and creation of new opportunities for all sectors of the U.S. economy; strengthening of democracy and rule of law "in a region that was wracked by civil war not that long ago;" critical importance of maintaining and fostering "key partnerships in the textile and apparel sector;" and the signal that would be sent to "all of the United States" trading partners that the United States remains committed to trade and investment liberalization at an important juncture in WTO negotiations." [A letter to Senator Bill Frist (R-TN), dated January 26, 2005 by the Business Coalition for U.S.-Central America Trade.]

The letter was signed by the representatives of more than 100 organizations, associations, and companies, including Pepsi, Boeing, American International Group, Warnaco, the American Farm Bureau Federation, Caterpillar, Exxon Mobil, Grocery Manufacturers of America, JC Penney, Microsoft, Mars Incorporated, National Cattlemen's Beef Association, National Pork Producers Council, Procter and Gamble, Time Warner, and the U.S. Chamber of Commerce.

President Clinton's former senior Treasury and trade official, Stuart Eizenstat, has strongly argued that DR–CAFTA is a must-pass agreement. Writing in the Wall Street Journal earlier this month, Eizenstat stated, "The agreement is deeply in our national interest and will create, not destroy, jobs." [Stuart E. Eizenstat, "Trade Wins," Wall Street Journal, March 8, 2005.] He went on to remark that "the agreement would solidify the United States as the leading supplier of goods and services to Central American and the Dominican Republic at a time when China is making serious inroads as an investor and exporter in the Western Hemisphere." [Eizenstat.]

CONSEQUENCES SHOULD DR–CAFTA FAIL

The economic and social consequences of failing to pass the DR–CAFTA would be significant. Economically, U.S. exporters would continue to face high tariff barriers on their exports to the region. Furthermore, U.S. service providers would continue to face numerous non-tariff barriers to their service exports.

Thousands of apparel production jobs in Central America and the Dominican Republic would be lost as investors move production facilities to China. As a result, numerous U.S. suppliers of cotton, yarns, fabrics and other components would lose an important export market—America's third largest—for their products as Chinese facilities will likely source their needed components from Asia instead of the United States. [USTR, CAFTA Policy Brief, "Textiles of CAFTA—Details of the Agreement," February 2005.] Further economic consequences could also include increased immigration from the Dominican Republic and Central America as displaced workers seek opportunity abroad.

Politically, failure to pass DR–CAFTA would be seen by our Central American partners as American disengagement from a strategically important region of the world. It would send a signal to our other trading partners that our nation is not committed to the principles of open markets and, thus, discourage them from making market access and other economic commitments that are vitally important to our nation as we negotiate in the Middle East, Asia, Europe, or other areas in the Western Hemisphere. Furthermore, failure to pass DR-CAFTA would have a chilling effect on the Doha Development Agenda of trade negotiations at the World Trade Organization, potentially jeopardizing our most significant opportunities to gain broad access for our agriculture, manufacturing, and services exports.

CONCLUSION

DR-CAFTA is the latest in a series of successfully negotiated, far-reaching, economically-beneficial trade agreements undertaken by the Bush Administration. DR-CAFTA is the first trade agreement since the U.S.-Chile Free Trade Agreement was passed in 2003 that includes economies in America's geographic backyard. Most importantly, DR–CAFTA is a great economic package for both the nations of Central America and the United States. The agreement will provide new economic opportunities for American investors and secure American and Central American jobs.

DR-CAFTA is as much a political statement as it is an economic one. As Senator Charles Grassley (R-IA) has noted: [DR–CAFTA] shows our strong desire to reach out and form deeper and lasting bonds with the international community, particularly in Latin America. The agreement will help to lock in economic reform and increase transparency in the region. DR–CAFTA can serve as a cornerstone of economic growth and democracy for the region which will enhance the standard of living for millions of our southern neighbors. [Senator Charles Grassley (R-IA), Congressional Record, July 22, 2004.]

Congress should pass DR–CAFTA. It is in our national economic, political, and security interests to do so.

Mr. CRAIG. Mr. President, I rise today to discuss the Central America Free Trade Agreement, its importance to our country, to our economic interests both here and at home, and around the world.

Since Congress gave the President fast-track trade negotiating authority in August of 2002, we've had to face the realities that come with it.

I supported giving the President fast-track authority then, with the caveat that I would approach all trade agreements sent to Congress with an open mind.

Three agreements have reached Congress since 2002 and I have voted for two of those three.

The administration has been actively pursuing a vigorous bilateral and free-trade agenda around the world, and I believe it is in our best interest to do so both economically and socially.

Trade with foreign nations is a valuable component to promote economic opportunities here at home, but also to spread our democratic ideals that we value so highly in our country.

Congress is now debating the Central American Free Trade Agreement, otherwise known as CAFTA. I became heavily involved with our trade negotiators as the President and our then-Trade Representative Bob Zoellick began negotiations with the CAFTA nations.

As an agricultural State, Idaho has a large stake in these agreements and agriculture right now is currently learning how to restructure itself as our global markets become highly integrated.

As many know, a major agricultural crop in my State is the production of sugar. Idaho is the second-largest producer of sugarbeets behind Minnesota.

Idaho's sugar industry employs somewhere in the neighborhood of 7 to 8,000 people and generates nearly $800 million in economic activity for the State economy.

The sugar industry in Idaho, and in most other sugar-producing States, has restructured itself after several years of unprofitability. Farmers pooled their money to create cooperative processing plants to market their sugar and so inherently have a large personal investment in all levels of production.

It's well known that the world sugar market is one of the most distorted agricultural markets in the world, and most world sugar supplies are simply dumped on the market at prices well below the cost of production.

U.S. producers already face an oversupply situation with significant quantities in storage at the expense of producers. Prices have slowly declined, yet production costs have sky-rocketed.

Although the U.S. is the 4th largest importer of sugar in the world, CAFTA seeks to significantly compound an already ugly situation and set a precedent of "no return" for further negotiations already underway with major sugar-exporting countries like Thailand and Panama.

CAFTA nations already enjoy duty-free quota access for sugar with the U.S., and I am not prepared to trade away an industry so vital to my State and to the overall farm economy in Idaho.

Other Idaho agricultural groups understand that those farmers who are sugar producers are also potato, bean, and grain producers. We're not just talking about impacting one commodity, we are cutting a wide swath across several industries and sending an economic ripple through our rural communities that may not be recoverable.

Our U.S. negotiators are willing to open our markets to increased sugar imports, while our competitors maintain unfair economic advantages in domestic subsidies and minimal market access commitments.

Myself along with my colleagues from sugar-producing States took our concerns with CAFTA to the administration. With the help of my good friend and Chairman of the Agriculture Committee, Senator CHAMBLISS, we spent some late nights and several conference calls to come up with a solution that would allow could address the concerns of the sugar industry.

Our new U.S. Trade Representative Rob Portman and U.S. Department of Agriculture Secretary Mike Johanns joined us in trying to iron out the differences and find some mutually agreeable options. I am very impressed with these two men's willingness to roll up their sleeves and work with me and others on what has been a very difficult issue.

Although these discussions should have occurred much earlier, the administration came a very long way in a short amount of time to reach a resolution.

A proposal was offered to maintain the sugar program as passed in the 2002 Farm Bill and to provide the industry with relief from surges of imported, cheap foreign sugar by studying and beginning to establish a sugar-to-ethanol program in the U.S.

I think this proposal represents a strong effort of compromise in a complex and difficult environment. I would like to praise Secretary Johanns and Ambassador Portman for their willingness to make this quantum leap to accommodate our concerns. I think the proposal brings some good ideas to the table that we can build upon.

I understand that Secretary Johanns has sent the proposal in writing to Congress to affirm his commitment to the agreement. I will be working with Chairman CHAMBLISS on a Sense of the Senate to solidify this proposal and strengthen the promise made to the industry.

The only fault of this proposal is that it does not provide the long-term solution that the industry desperately needs. I also have major concerns that the proposal compromises the law by changing our sugar program from that of operating at "no-cost" to the taxpayer to one that could cost hundreds of millions of dollars. This is just not sustainable and a major departure from our promise to the industry.

I know I share the same strong concerns with Chairman CHAMBLISS that free trade agreements should remain faithful to current U.S. policy and not restrict options available to Congress in future farm bills.

For these reasons, I will be voting against CAFTA. However, I do applaud the administration for their diligence and willingness to work with me on this issue. I hope that as we near the next Farm Bill in 2007, we will continue to work on a sustainable answer that maintains a very important industry in my State but also the agricultural economy in the U.S.

Mr. LEVIN. Mr. President, our trade policy is failing. This failure is reflected in a trade deficit that grew by 25 percent last year to more than $617 billion, and in the loss of 2.8 million manufacturing jobs over the past 4 years. We are in this predicament in part because we have pursued one-way trade agreements that are not in the best interest of the United States and because we have not insisted that our trading partners grant us true reciprocity.

It is difficult to see how pursuing yet another trade agreement in the same failed mold will produce a different result. The Central America Free Trade Agreement will not benefit American workers and farmers because it fails to insist on basic internationally recognized labor standards, the agreement will not meet its promise to improve the standard of living for the people of Central America and the Dominican Republic; Instead, it will set off another race to the bottom.

The administration is asking the Senate to rubberstamp implementing legislation for CAFTA under fast-track procedures that only allow Members of Congress an up-or-down vote and no chance to amend or improve it. Although I support increased trade with Central America and believe that fair trade policies would benefit all parties, I do not support the agreement as crafted. Without the chance to improve it, I must oppose it.

The administration is not doing the work necessary to get our trade policy on track. The five Central American countries and the Dominican Republic account for less than 1.5 percent of total U.S. trade, and our own International Trade Commission found that the U.S. trade deficit with CAFTA countries would likely increase slightly as a result of CAFTA. Yet the administration has made CAFTA its No. 1 trade priority. A better focus for our trade policy would be opening markets in Nations and sectors where the most egregious trade barriers block the sale of U.S. goods and services. We should break down barriers faced by U.S. manufacturers, farmers and services in key export markets including China, Japan, the EU, Korea, and elsewhere.

This administration has also failed to deal with our trade deficit with China, which is on track to surpass $200 billion this year. The administration has failed to take action against China for undervaluing its currency by between 15–50 percent relative to the dollar to promote exports to the United States and to keep out goods made in the United States. This is a violation of the WTO prohibition on gaining a trade advantage from currency manipulation. The administration has also failed to deal with our large and persistent automotive deficit with Japan.

Likewise, our recent record on trade agreements has not been strong; some of the trade agreements the U.S. has entered into have not been in the best interest of the United States. The clearest example is NAFTA, which made it easier for U.S. companies to outsource production to low-wage countries. Between NAFTA's enactment in 1994 and the end of 2003, the Department of Labor certified that more than 525,000 American workers suffered job losses as a result of increased imports or plant relocations to Mexico and Canada. Under NAFTA, our trade balance with Mexico went from a surplus of $1.663 billion in 1993 to a deficit of $45 billion in 2004. While it is true that our exports to Mexico increased under NAFTA, our imports from Mexico also increased, and at a faster rate.

The American people and Members of Congress are understandably frustrated by the failure of NAFTA, and they are equally skeptical about the need to enter into another trade agreement pitting low wage workers from countries with weak labor and environmental laws against U.S. workers. Trade should not be a race to the bottom in which U.S. workers must compete with countries that do not recognize core international labor standards and basic worker rights, but that is exactly what CAFTA would do.

I am disappointed by the weak labor and environmental provisions included in CAFTA. Writing labor and environmental standards into trade agreements is an important way to ensure that free trade is fair trade. But unlike the 2001 Jordan Free Trade Agreement, CAFTA fails to include internationally recognized, core labor standards. Those standards include the right to organize/associate; the right to bargain collectively; a prohibition on child labor; a prohibition on discrimination in employment; and a prohibition on forced labor. I am not seeking that CAFTA countries commit to American standards but at least to the five basic international standards developed by the ILO and supported by virtually every country in the world.

Indeed, the DR–CAFTA countries are signatories of the International Labor Organization conventions. Requiring them to abide by their own international obligations is the least we can do when considering whether they deserve to receive trade preferences from us. But CAFTA only requires member countries to enforce their own labor and environmental laws, however inadequate they may be.

Unlike the Jordan FTA, the CAFTA labor provisions are not enforceable. The U.S.-Jordan FTA treats the labor and environmental commitments the same as the commercial commitments, enforceable under the agreement's dispute settlement procedures. Under CAFTA, however, the labor provisions are not subject to the same binding dispute settlement mechanisms as are the commercial provisions, and violations cannot lead to the same level of fines or sanctions. There is a much lower standard for labor and environmental commitments, and that makes this a flawed agreement. Under CAFTA, the only labor rights and environment provision that is enforceable through dispute settlement mechanisms is if a party fails to enforce its own labor or environment laws effectively.

This is of significant concern because CAFTA nations' own labor laws do not meet international standards. In fact, these countries have histories of serious worker rights abuses. The 2004 U.S. State Department Country Reports on Human Rights Practices; the October 2003 ILO Fundamental Principles and Rights at Work" A Labor law Study, and other ILO reports confirm at least 20 areas in which the labor laws in the CAFTA countries fail to comply with the right of association, ILO Convention 87, and the right to organize and bargain collectively, ILO Convention 98.

To give just a few examples, in El Salvador and Nicaragua it is legal to fire workers simply because they are union members; Human Rights Watch found that the use of child labor in El Salvador's sugar cane fields is widespread; and under Honduran law, it is legal to fire workers who say they intend to organize a union. One company in the Dominican Republic fired 140 workers at once because they sought a collective bargaining agreement. The company was fined $660, or about $5 per worker.

Our own Department of Labor and State Department reports show that CAFTA countries fail to provide their workers internationally recognized rights. The U.S. State Department's 2002 Human Rights report on Guatemala said:

> Retaliation, including firing, intimidation, and sometimes violence, by employers and others against workers who try to exercise internationally recognized labor rights is common and usually goes unsanctioned.

The U.S. State Department's 2002 Human Rights report on El Salvador said:

> There were repeated complaints by workers, in some cases supported by the ILO Committee on Freedom of Association (CFA), teat the Government impeded workers from exercising their right of association. In June 2001, the CFA reiterated its 1999 finding that the existing labor code restricts freedom of association.

That same report also said of El Salvador:

> The constitution prohibits the employment of children under the age of 14; however, child labor is a problem.

CAFTA would give away the current leverage we have against these violations of basic workers rights. Under CAFTA, the U.S. can only take action against a country if it deliberately fails to enforce its labor and environmental laws in an effort to gain a trade advantage. Even then, the country must only pay a fine to itself, which will be used to fund labor enforcement in that country. This is a step backwards from the status quo.

CAFTA countries currently have preferred access to our markets through the Caribbean Basin Initiative, CBI, and the Generalized System of Preferences, GSP. Under these trade preference programs, beneficiary countries must meet internationally recognized labor standards or risk losing their preferential trade treatment. These current trade preferences can be completely withdrawn for failure to meet ILO core labor standards. The possibility of losing trade benefits works as a strong incentive for CAFTA countries to make improvements in their worker rights laws. CAFTA eliminates that incentive because it gives CAFTA countries permanent trade benefits regardless of how they treat their workers and no matter how far their labor laws fall short of international norms.

If we give away that leverage, CAFTA countries would have no incentive to improve their inadequate labor laws or the treatment of their workers. If a country wants to have preferential access to the U.S. market through a trade agreement or preferential trade benefit program, it ought to agree to abide by the ILO labor standards. Without such a commitment, we might be giving special access to our markets to products made with child labor or forced labor, or to employers that intimidate or use violence against workers attempting to organize or join labor unions. That is not something we as a Nation would want to do.

Countries getting benefits from the U.S. should comply with internationally recognized labor standards as a condition for receiving those benefits. That is a reasonable expectation and one that is reflective of basic American values. Trade should not be a race to the bottom. And American workers should not be asked to compete with countries that do not recognize core international labor standards and basic worker rights.

Rejecting the CAFTA implementing legislation as currently drafted is a rejection of the failed and flawed trade policies of the past and a signal of support for a better approach to trade that supports both the rights of American workers and the rights of our trading partners.

Mr. JEFFORDS. Mr. President, throughout my 30 years in the Congress, I have considered myself a free-trader. I believe that breaking down barriers to trade and opening access to markets in a fair and balanced way in the long run benefits all economies, both consumers and producers. As the distance between economies shrinks, integration of economies in a positive way is increasingly important. The implementation of free-trade agreements to codify the rules of fair play and bind all parties to strong and enforceable labor and environmental protection standards are important steps in the development of a more broadly beneficial and less biased world trading system.

In the case of our nearest neighbors, trade agreements take on a security component as well. I believe a strong trade agreement can help break the cycles of poverty, deprivation and marginalization currently operating in many of the Central American countries. We know the economic status quo is unjust and dangerous. Many people in the region feel they have little hope of earning a good living or providing a good education for their children. That must change. It is in the United States' economic and security interest that positive change occurs.

Throughout the Dominican Republic—Central America—U.S. Free Trade Agreement, CAFTA, negotiation process, I joined a number of my colleagues on the Finance Committee in urging President Bush and the U.S. Trade Representative to address concerns about the labor and environment standards and enforcement mechanisms in this agreement. I indicated my deep concern that historically, in most of these countries, economic benefits are not shared by all strata of society. When negotiating trade agreements between economies of such unequal scale, these concerns are of particular importance. I am disappointed the administration did not do more to advance these causes in this agreement. Some progress was made, but more could have been accomplished if our recommendations had been adopted in full.

I have heard from a great many points of view as this agreement has firmed up and the implementing legislation came before Congress. I have heard from many Vermonters who are opposed to increased trade in general and this agreement in particular. On the other hand, Vermont dairy farmers have come to me in support of CAFTA. Dairy industry experts predict that the ratification of this agreement will increase the sales of American dairy products to Central America by $100 million over the next several years—not a huge amount, but a significant one, given the economics of our dairy industry. As an important dairy State offering a number of high-quality cheeses and specialty products, Vermont stands to gain from this agreement. The agreement will create opportunities for other Vermont exporters as well, particularly small, niche businesses for which Vermont is famous. As with dairy sales, I don't expect these opportunities will be voluminous, but every bit helps in a global economy.

I have heard very diverse viewpoints from the Central American countries as well. The region's historic inability to spread economic gains to all sectors of society is of deep concern to many in the region, and I share this concern. For two decades, I have been involved in the struggle to end human rights violations and labor rights abuses in many of these countries. While CAFTA extracts important promises from Central American Governments to abide by international standards of human rights and labor rights, my experience leaves me very skeptical of these commitments. Furthermore, the economic deprivation of much of the region frustrates all but the most committed efforts at reform. Current trends are leading to greater disparity between the rich and the poor, urban areas versus rural areas, and economically connected versus economically marginalized populations. These trends must be reversed—not just for the health of the region, but also for our own economic health and national security.

The key question is whether CAFTA will exacerbate these trends, or whether it can help reverse them. Many in the region fear the United States will move in to benefit from markets in the region while frustrating Central American efforts to access U.S. markets. I have also heard from Central Americans who believe the reduction of tariffs and the standardization of commerce will greatly enhance their ability to sell to the U.S. market, thereby benefiting communities, often marginal ones, in Central America.

After hearing diverse points of view, I concluded that without significant support from the United States to assist in the enforcement of labor agreements and development of greater capacity for balanced economic growth, I could not support CAFTA. Over the past few weeks, I have joined several of my colleagues in pushing the administration to commit to greater support for foreign assistance to the region, aimed specifically at the most vulnerable sectors of Central American society and the need for a strong international presence to monitor labor rights compliance. While we requested greater levels of aid, our negotiations produced a commitment from the White House to budget for and support $40 million in labor and environment capacity building assistance for the next 4 years. Additionally the administration has agreed to increase funding to the International Labor Organization, ILO, by $3 million annually for on the ground monitoring of each country's labor rights commitments and actual labor practices. This could potentially produce the first significant step forward in broad enforcement of labor standards throughout the region.

In response to our concerns, the administration has also agreed to provide, through the Inter-American Development Bank, $30 million annually to El Salvador, Guatemala and the Dominican Republic, $10 million to each country, for rural development and institution building for a period of 5 years. This commitment of $150 million for rural development assistance to the region is very significant. We have asked that these funds be targeted most directly to the poorer sectors of these economies, particularly those most likely to suffer adverse effects from CAFTA. The administration had previously announced agreements to provide Honduras and Nicaragua with U.S. foreign assistance through the Millennium Challenge Corporation, MCC, at $215 million and $175 million, respectively. In the course of recent discussions, the administration has agreed to give higher priority to the development of MCC compacts with El Salvador, Guatemala, and the Dominican Republic as well.

While I still have concerns about CAFTA's effect upon Central America, I believe the commitments we have received from the Bush administration on foreign aid, labor rights and the environment represent a significant step forward in the ability of the region to reverse current trends and improve regional standards of living. I am hopeful these steps will lead to the improvement of the region's vital institutions and help ensure that the benefits of the agreement will trickle down to all members of society. The proof will be in the implementation, which I plan to follow very closely. However, I am heartened that we now have more to work with, and we are assured of greater support from the administration for this process. Based on the strength of these assurances, I will support the CAFTA agreement.

Mr. HATCH. Over the years, I have been a strong advocate for free trade. Free trade is important. I know of no other endeavor that affords us the opportunity to forge closer links between nations while simultaneously improving the lives of millions.

The vast majority of economists agree that free trade is in every nation's long-term best interests. Diplomats also know that it is far easier to reach a compromise between nations whose economies are mutually reliant. That being said, there are certain aspects of free trade that cause me concern. We need to be ever vigilant to ensure our approach to free trade does not relinquish our sovereign rights as a nation.

Over the last few years, I have heard from many Utahns who are concerned that the U.S. is relinquishing sovereignty to other countries through our trade agreements. Let me make clear that we absolutely cannot give up our right to govern within our own borders. We have laws for a reason and they represent the ideals and values we hold dear in our society.

Constituents contact me on a constant basis to underscore their frustration with the gradual loss of sovereignty the U.S. is experiencing in international arenas. Local lawmakers from across the country are reaching out to us and asking for our help in ensuring their local laws and authority remain intact as we enter into international trade agreements. Indeed, recently, the Utah State Legislature passed a resolution which echoes these concerns.

The issue of maintaining sovereignty was highlighted by a recent World Trade Organization, WTO, dispute resolution body ruling on Internet gambling. The ruling stated that the United States cannot block other countries from offering Internet gambling to U.S. residents, even if they live in States such as Utah where gambling is illegal.

This is outrageous.

We absolutely cannot enter into agreements where our laws are overturned by outsiders. It is important for my colleagues to be aware, however, that the Office of the U.S. Trade Representative has interpreted the language in the WTO decision stating that gaming laws are "necessary to protect public morals or to maintain public order" to mean that "WTO members are entitled to maintain restrictions on internet gaming . . . and U.S. restrictions on internet gambling can stand."

I am aware that many in Utah are concerned that CAFTA could usurp our State's right to regulate gambling. That is a concern I shared as well. However, many of us were reassured by the statements made by the Office of the U.S. Trade Representative that CAFTA does not jeopardize any existing State laws, including Utah's antigambling laws.

We will have to stay on top of this, though. I do not intend to let any international agreement affect the laws our great State has enacted that represent the predominant moral views of our citizens.

Other concerns with CAFTA regarding "investor-state provisions that will allow corporations to challenge public interest policies at the state and local level" have also been raised. Once again, however, the Office of the United States Trade Representative has clearly stated that "nothing in CAFTA, or any other free trade agreement or bilateral investment treaty, interferes with a state or local government's right to regulate. An investor cannot enjoin regulatory action through arbitration, nor can arbitral tribunals." This statement, in black and white, will ensure that Internet gambling is not—and will not—become legal in the State of Utah without the consent of its citizens. There can be no "end-run" around the USTR's interpretation of the Internet gambling decision.

Although our CAFTA trade negotiators have done much to protect our sovereignty, it is obvious that we must remain vigilant and ensure that the sovereignty of not only our Nation, but also our States, is maintained. I will work to maintain this sovereign right of the people.

Mr. President, I have become convinced that many of these problems and concerns with U.S. trade agreements could be alleviated if we improved the amount and quality of consultation occurring between States and the Federal Government with respect to trade agreements. Simply put, we need to provide greater opportunities for substantive consultation to occur.

This problem was the topic of a recent letter signed by 28 States attorneys general, including Utah, requesting greater consultation between the U.S. Trade Representative and the States on issues affecting States rights.

I believe we need to take action on this immediately and ensure that we provide greater access to and consultation with our States and citizens. We clearly are seeing how big of an impact these trade agreements are having in every State and city in America.

We need to give the States a direct conduit for their input.

Negotiators need to have this information in order to ensure we are representing the interests and beliefs of our constituents.

Mr. President, these concerns have weighed heavily upon my mind. At the same time, I am encouraged by the many positive results CAFTA will have for our State, our country, and for Utah's farmers and industries. According to the Department of Commerce, between 2000 and 2004, Utah's exports to CAFTA nations increased by 58 percent. This includes such product areas as plastics, electronics, and instrumentation.

In plastic products, Utah industries sold $18.6 million in goods in 2004. In electronic and instrumentation products, Utah businesses sold $5.6 million worth of goods in 2004. The elimination of tariffs will make these products even more competitive in this developing market.

We have reason for our optimism. While our experience with the Chilean Free Trade Agreement provides no guarantees, it is illustrative. In the first year of the U.S.-Chile Free Trade Agreement, Utah's exports to Chile grew by 152 percent.

I am also pleased that CAFTA will level the playing field so that American goods and products can have better access to Central American markets. As part of our long-standing effort to support democracies in the region, the United States has afforded unilateral preferences to Central American goods under the Caribbean Basin Initiative and the Generalized System of Preferences. CAFTA eliminates these preferences while simultaneously strengthening our commercial ties by making the trading relationship permanent. All of this will be accomplished while American products will have greater opportunities for export in the region.

One example of the positive attributes of CAFTA can be found in the agreements effect on the hard-pressed textile and yarn producing industries. Our nation, through the use of modern equipment and greatly improved efficiency, continues to be competitive in this area. Where we have lost ground is in the labor-intensive apparel construction industry.

CAFTA provides an opportunity to help rectify this setback. Under current agreements, 56 percent of all textile products that are imported from CAFTA nations to the United States contain U.S. yarns or fabrics. When CAFTA is enacted, we can only expect these numbers to increase. This stands in marked contrast to apparel imported from Pacific Rim, and in particular China, where less than 1 percent of all of apparel imports contain U.S. yarns and fabrics. Therefore, I believe, that in the case of CAFTA, the pros do outweigh the cons.

But, I will end on this note of caution. I will watch implementation of this agreement carefully. We need to have recognition of the fact that States are partners in these agreements. There must be greater opportunities afforded to the States to be consulted on free-trade agreements.

Likewise, we must remain vigilant that our Nation's and respective States' sovereignty is maintained.

On balance, Mr. President, any reasoned analysis indicates that CAFTA will benefit our Nation and our State. It is for this reason that I will cast my vote in support of the Dominican Republic-Central American Free Trade Agreement.

Mrs. CLINTON. Mr. President, today the Senate votes on the Central American-Dominican Republic Free Trade Agreement. During my tenure as Senator, I have voted for every trade agreement that has come before the Senate and I believe that properly negotiated trade agreements can increase living standards and foster openness and economic development for all parties. When DR–CAFTA negotiations began, I was eager to support an agreement. It was my sincere hope that President Bush would send an agreement to Congress that would help address the DR–CAFTA nations' development challenges and spread the gains from trade more broadly. Unfortunately, the Bush administration has not submitted such an agreement, instead missing a tremendous opportunity to conclude an agreement that strengthens the bonds between the United States and the DR–CAFTA nations. While this agreement provides some benefit for New York, I regretfully conclude the harm outweighs the good. I must therefore vote to oppose.

My vote to oppose DR–CAFTA is one taken with great difficulty. I have heard strong arguments both for and against from many New Yorkers who have a stake in the agreement and I have weighed them seriously. Segments of the New York economy would benefit from this agreement, but at the end of the day, I cannot support an agreement that fails to include adequate labor standards and is a step backward in the development of bipartisan support for international trade.

At the outset, it is important to understand that consideration of DR–CAFTA is not occurring in isolation. This agreement must be read within the larger context of the failed economic and trade policies of this administration. Under this administration, the trade deficit has soared. The offshoring of U.S. jobs has continued to increase, and the U.S. economy has experienced a net loss of U.S. jobs. The administration has no plans to address rising health care and pension costs that are imposing such a tremendous burden on American businesses. This administration has also failed to enforce existing trade rules and has not been aggressive in addressing the tax and capital subsidies of our competitors.

Turning to the specifics of the agreement itself, DR–CAFTA fails in significant respects. The most problematic elements are its labor provisions which retreat from advances made in the late 1990s and that culminated in the labor provisions of the U.S.-Jordan Free Trade Agreement. The U.S.-Jordan Free Trade Agreement included internationally recognized enforceable labor standards in the text of the agreement. Sadly, DR–CAFTA is a step backward. The labor provisions of the DR–CAFTA agreement instead used an "enforce your own laws" standard which is not included in any other area of the agreement. An "enforce your own laws" standard may work in nations with a strong tradition of labor enforcement, but the International Labor Organization, ILO, has documented that the CAFTA countries' labor laws have not complied with international norms in at least 20 areas.

The Jordan FTA made labor rights obligations subject to the same dispute settlement resolution procedure as commercial obligations. Conversely, DR–CAFTA includes a separate dispute settlement procedure for labor disagreements, which caps the damages that can be imposed for labor violations.

The Chile, Australia and Singapore free trade agreements, which I supported, contained similar "enforce your own law" labor provisions to DR–CAFTA, but as I noted when I voted for these agreements, I was greatly disturbed by these provisions' departure from the labor rights standards negotiated in the U.S.-Jordan Free Trade Agreement. In the end, I supported these agreements despite these concerns because I believed the agreements would not harm the average working person in those nations and, thus, the flawed labor provisions did not outweigh the benefits offered by the agreements. I noted, however, that I would not continue to support agreements with these provisions where the impact was greater on workers. In the DR–CAFTA agreement, the flawed labor provisions represent a real missed opportunity to spread the benefits of trade not just to the wealthy elites, but to the broader workforce as well.

There are other problems with the DR–CAFTA agreement. The final agreement excludes provisions for assisting U.S. workers harmed by trade. The environmental provisions of CAFTA undermine environmental protection, by including a lack of parity between the enforcement of commercial and environmental provisions. This is a clear step back from the Jordan Free Trade Agreement. Finally, the environmental conservation provisions lack a commitment to fund their implementation.

The agreement also fails in the area of public health. Regarding pharmaceuticals, I would note that in 2001, 142 countries, including the United States, adopted the Doha Declaration, an agreement that provided that trade obligations should be interpreted and implemented in ways that protect public health. In August 2002, Congress passed the Trade Promotion Authority Act which applied Doha to U.S. trade negotiations. Despite this commitment, the administration has promoted provisions within trade agreements, including DR–CAFTA, that will significantly impede the ability of developing countries to obtain access to inexpensive, life-saving medications. Contrary to the principles of Doha, these agreements place the interests of large multinational drug companies over the ability of developing countries to safeguard public health.

The DR–CAFTA agreement negotiated by the President represents a missed opportunity in many respects, both for the DR–CAFTA nations and for the U.S. For the DR–CAFTA nations, it is a missed opportunity to ensure that the benefits of trade flow to all of their citizens and not just wealthy elites. This agreement will not promote democracy and stability in these nations. A stronger agreement would instead have bolstered the political and economic stability in these nations, through fair apportionment of benefits. In some of the DR–CAFTA nations, the agreement has proved to be quite polarizing and a better agreement could have gained broader public support.

For the United States, DR–CAFTA was a missed opportunity to reconstitute the bipartisan consensus in support of international trade. Rather than consult widely and develop a consensus, the administration has decided to go for a narrow victory with disturbing implications for the possibility of bipartisan trade agreements in the future. In a time when Americans are facing increasing economic anxiety, trade is often viewed with suspicion. An administration which fails to consult and pushes for trade agreements which are unable to get bipartisan support undermines public support for international trade as a tool for economic development and greater prosperity. Even if the administration is successful in gaining passage of DR–CAFTA, I fear that this victory will be hollow as the anxiety over international trade continues to grow. In the end, the administration's strategy to ignore consultation and consensus in its trade policy may do more harm for the cause of international trade than the purported benefits of this agreement.

While it is inevitable that some will benefit more than others from open markets, we have a responsibility to ensure that the basic rules of the game are fair. In previous trade agreements, this balance was achieved. And I voted for those agreements. DR–CAFTA fails this test.

This is a sad day for supporters of free and fair rules-based trade. Our relationship with our Central American neighbors is a critical one. The right CAFTA deal would strengthen ties between the United States and these nations. I urge the administration to reopen the CAFTA negotiations and reestablish the broad, bipartisan coalition for trade.

Mr. JOHNSON. Mr. President, I rise today to express my opposition to the Central American Free Trade Agreement, CAFTA. The United States Congress has been waiting for over a year to consider this agreement which was signed on May 28, 2004, because of the contentious nature of many of the agreement's provisions. It is those provisions that I rise today to address.

Ethanol is an incredibly important industry in my home State of South Dakota. It is imperative for facilitating additional market opportunities for producers in the State and adding value to agricultural commodities. CAFTA maintains the ethanol provisions contained in the Caribbean Basin Initiative, CBI, which allows CBI countries to export up to 7 percent of the U.S. ethanol market duty-free containing no local feedstocks. Under these provisions, I am concerned that Central American countries may function as conduits for South American ethanol. El Salvador and Costa Rica, in particular, are granted generous carveouts from the total ethanol allotments under CAFTA. El Salvador will eventually be allowed .7 percent of the U.S. market, and Costa Rica will be allowed twice what they are currently importing into the U.S. under CAFTA.

I have worked tirelessly with my Senate colleagues to ensure an eight billion gallon Renewable Fuels Standard, RFS, in the Senate version of the Energy bill. As our United States ethanol market increases, so to, under this agreement, does the quantity of the market afforded to CAFTA countries—or afforded to ethanol en route to the U.S. through CAFTA countries for a quick and easy reprieve from tariffs. Foreign producers of ethanol will find the U.S. even more attractive with an 8 billion gallon RFS, and I am concerned for the impact that this, and future trade agreements, will have on the ethanol industry. I simply cannot support an agreement that may undermine one of the most important industries in my home state, and set a dangerous precedent for future agreements of this nature. Specifically, producers have expressed concerns for the pending Free Trade Area of the Americas, and the impact that CAFTA will have on this potentially detrimental agreement.

The sugar provisions are troubling as well, and have been a marked point of contention causing controversy among agriculture groups. I continue to hear from producers in my home State who are concerned with the potential impact of displaced sugar acres from this agreement, as the treatment of sugar will impact numerous commodities in South Dakota. Producers are concerned that displaced sugar acres will lead to increased corn and soybean acres, depressing commodity prices for corn and soybeans. Parts of this agreement are still being negotiated, specifically with respect to the sugar compensation mechanism to ensure we have not imported more than 1.5 million tons of sugar, and I fail to see how we can adopt an agreement with so many outstanding questions.

Secretary Johanns indicated that a few possible compensation mechanisms existed for the sugar industry, which the sugar industry has thoroughly rejected. The Secretary actually proposed purchasing sugar that would otherwise surpass the trigger limit and use that sugar for nonfood items, specifically ethanol production. Using foreign sugar to produce ethanol is an incredible, and outrageous proposal. It will only function to displace a hard-earned market for domestic corn producers. Instead of offering a reasonable solution to the sugar industry, the administration is now persisting to sacrifice domestic commodities to placate opposition to this incredibly flawed agreement. Alternatively, U.S. agricultural commodities may be offered up as compensation for undesired sugar from CAFTA countries. And both of these proposed compensation mechanisms are temporary, through the life of the Farm bill only. The administration is persisting with this Band-aid approach, while offering no real or meaningful solutions.

CAFTA fails to address key labor issues and environmental standards. Under CAFTA, countries are not obligated to uphold International Labor Organization, ILO, laws and the agreement fails to include enforceable labor standards. The agreement states that countries should "strive to" ensure their labor laws are comparable to international labor laws, but includes no enforcement mechanisms. This effectively renders the aforementioned laws meaningless. The agreement speaks to the enforcement of domestic labor laws—the enforcement of domestic labor laws, however, that are held to no particular standard. Aside from an ethical and moral dilemma, this agreement also functions to highlight an economic dilemma. The lack of labor standards will arguably present a competitive advantage over U.S. companies that are observing labor standards and ensuring, quite simply, the humane treatment of their employees.

Myriad reports exist that detail the harsh and unforgiving conditions workers are subjected to in countries with lax, or nonexistent, labor standards. According to ILO estimates, 17 million children between the ages of 5 to 14 are part of the working population in Central American countries. These children all too often miss out on any type of formal schooling because they are responsible for earning a meager salary, just a few dollars, to contribute to their family's income. These dire economic circumstances only function to illustrate the weakened labor standards that CAFTA will, effectively, endorse and sanction. International human rights organizations have repeatedly criticized labor standards in CAFTA countries, and this agreement does nothing to remedy this. Additionally, these circumstances underscore an inability on the part of CAFTA countries to purchase a substantive amount of American commodities.

Additionally, the environmental standards in CAFTA are troubling. Countries will be deterred from instituting meaningful environmental regulations when they may be held accountable for any inconveniences that foreign investors experience. International tribunals will enable foreign investors to challenge meaningful environmental regulations and rules that were instituted to preserve the environment. Foreign investors may expect and seek monetary compensation.

I voted against the North American Free Trade Agreement, NAFTA, because I was concerned for the detrimental impacts on our rural communities and for the preservation of rural America. I continue to hear from producers in South Dakota who are concerned for the impacts of NAFTA on our economy, and I am concerned for the proposed expansion of this model under CAFTA. Producers are simply tired of seeing the unrecognized trade benefits promised under these trade agreements.

Ms. CANTWELL. Mr. President, today, I proudly announce my support for S. 1307, a bill implementing the Dominican Republic-Central America-United States Free Trade Agreement, or CAFTA. There is much in CAFTA that helps Washington State.

I generally support trade agreements such as CAFTA because I believe that free trade is the best way to raise the standard of living for all Americans and for all people in other countries with which we trade. I believe that once other nations have access to our goods, culture and ideas, we will find that the world will adopt the best attributes of America, including our values.

The alternative to supporting CAFTA is unworkable. If CAFTA fails, the Nation's efforts to negotiate future trade agreements will be badly damaged. Congress has to pass CAFTA because it offer benefits to all CAFTA signatories, and because in light of the broader trade context our negotiators would suffer a setback if CAFTA does not pass.

Washington State has historically benefited from liberalizing trade laws. For example, in the first year following the United States-Chile Free Trade Agreement, Washington State exports to Chile more than doubled. And since NAFTA passed in 1993 Washington exports to Canada and Mexico have increased by 130 percent.

CAFTA promises to confer some of the same benefits on Washingtonians. CAFTA makes all U.S. exports to the CAFTA countries duty free in 10 years, and most of these tariffs are eliminated immediately. U.S. exports to these countries are often subject to tariffs, and CAFTA brings us closer to trade parity. In particular, Washington State's pear, cherry, apple and potato growers will see most tariffs on their crops immediately reduced to zero as soon as CAFTA is implemented. These farmers have low enough profit margins without having to contend with high tariffs on their goods, and tariffs place our farmers at a competitive disadvantage with farmers in other countries that are not subject to high tariffs. Our farmers need and deserve better conditions for selling their goods to the seven CAFTA countries.

In total, Washington State exported $113 million worth of goods to CAFTA countries in 2004, including oil and coal exports, crops, computers and electronics, processed foods, machinery manufactures and paper, and Washington's trade relationship with CAFTA countries increased by 251 percent from 2000 to 2004. These goods are heavily tariffed under current international trade laws with the CAFTA countries.

But under CAFTA, Washington's apple and pear growers will see duties that are currently up to 25 percent on their goods reduced to zero, and our grape growers will see 20 percent tariffs zeroed out. Tariffs on Washington's raspberry growers will be phased out over 5 to 15 years, depending on the CAFTA country, and our dairy farmers, some of whose products are subject to 60 percent tariffs, will see those tariffs phased out over 20 years. The Washington beef industry will see 30 percent tariffs immediately eliminated on some of their products, and other beef product tariffs will be phased out over 10 years. Wheat and barley duties are zeroed out immediately, and potato growers will see some tariffs immediately eliminated and most others phased out over 15 years.

Washington State is likely to see its exports to CAFTA countries dramatically increase over time, once CAFTA is enacted. For example, Northwest Washington is likely to see its agricultural exports to CAFTA countries increase as CAFTA is gradually implemented up until 2024, from $2.1 million to $3.8 million, and Central Washington is likely to see agricultural products shoot up from $14.5 million to $22.4 million during the same 20-year stretch. These heavy increases mean more jobs for Washingtonians, at a time when the State is just now turning things around economically.

Nationally, CAFTA is also important. CAFTA countries make up the tenth largest export partner for American goods, making that region a larger trading partner for the U.S. than Australia, Brazil or India.

While I support CAFTA, I acknowledge that it could do more to protect labor rights in the CAFTA countries, it could be better on the environment and it could better take account of human rights in those nations. Therefore, CAFTA should not be seen in a vacuum. CAFTA is merely one part of what must be a larger strategy for addressing our workers' needs in a rapidly evolving world economy, and for addressing the economic and political problems of our neighbors to the South.

I firmly believe that in the long run, encouraging export-led growth in developing countries will help raise incomes, tighten labor markets, and improve job standards in those countries. Opening markets will drive political changes too. Open markets and democracy are the two prevailing political ideas of the present, and they will become even more prevalent in the future. America has to remain the leader in exporting these powerful ideas to the entire world, and CAFTA is one more step we can take to accomplish this.

I also strongly believe that our trade policy should couple trade liberalization with worker retraining and other creative, proactive and responsive forms of labor assistance. Globalization will happen no matter what. So we need to be prepared for these changes, and help assure that America's working families do not take the brunt of them.

That is why I am working with my colleagues to fully implement improvements to the Trade Adjustment Assistance Program, TAA. TAA provides workers with access to retraining programs, income support, and other benefits when they lose their jobs due to trade. And TAA works—the Government Accountability Office reports that after TAA was last modified, most workers are enrolling in training services sooner, from 107 days in Fiscal Year 2002 to 38 days in Fiscal Year 2003.

TAA must be expanded. We should raise the cap on TAA funds, since 35 States in Fiscal Year 2004 did not have sufficient funds to cover funds those States obligated and paid to TAA-eligible workers. After Trade Promotion

Authority passed, we doubled the TAA program to help cushion difficult transitions of workers whose jobs are lost because of trade. We should plan ahead and increase TAA again, to coincide with enactment of CAFTA.

TAA and similar programs must also work better. We must plan ahead for changes in our economy—these changes are inevitable, and our long-term plan at training our workers to be prepared for these changes will determine whether America competes in the global market.

The 21st century marketplace is dynamic, and public policy must also be flexible if we are to best take advantage of these changes. As our economy continues to shift from a predominantly manufacturing base to a heavy service sector economy, government programs such as TAA must continue to reflect these changes.

Specifically, I support proposals such as the Trade Adjustment Assistance Equity for Service Workers Act, which would enhance TAA by extending the program to service sector and secondary service workers. Currently only manufacturing workers qualify for these benefits. Including service sector workers merely reflects the realities of our economy—America will lose somewhere between 500,000 and 3 million service sector jobs to other countries in the next 10 years. I want to emphasize that these are not net job losses, but they will result in people being displaced. People with service sector jobs have families in need just as sure as manufacturing workers do. They should share in the TAA program.

We can also close loopholes that make it difficult for some older workers to participate in an add-on to TAA that was meant specifically for them. Now that we have identified these loopholes, it is good government to close them. Our older workforce, some of whom are not the ideal candidates for longer training courses, will benefit from closing these loopholes and once this is done they will be placed in new jobs more quickly.

Those concerns, especially about the need to make preparing our workforce for the global economy a higher priority, can be addressed by Congress and the administration in the coming months, and I will work to achieve these goals moving forward. I ask unanimous consent that a letter from Ambassador Portman be printed in the RECORD.

Ms. CANTWELL. Mr. President, though we have much to do to make opening markets fairer to all those affected, CAFTA is good for Washingtonians, especially our farmers, it is good for America, and in the long run it will be good for the people living in CAFTA countries too. I will vote for CAFTA and continue to work to maximize what Washingtonians get out of globalization, while also working to minimize the negative side effects that sometimes result from it. Aggressively balancing the impact of opening markets is the track we must all accept. America's economic future hangs in the balance.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, THE UNITED STATES TRADE REPRESENTATIVE,
Washington, DC, June 28, 2005.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington DC.

DEAR JEFF: As the Congress considers the Central America-Dominican Republic Free Trade Agreement (CAFTA-DR), you have raised concerns about ongoing efforts to improve enforcement of labor laws and to monitor progress in this regard in the CAFTA-DR signatory countries. As you know, Congress appropriated $20 million in FY05 specifically for projects to improve labor and environmental law enforcement in these countries.

The recent House Appropriations Committee mark-up of the FY06 Foreign Operations appropriations bill increases this commitment for the next fiscal year, with $40 million earmarked for labor and environmental enforcement capacity-building in the CAFTA-DR signatory countries. The Administration is willing to support this level of funding in the FY06 Senate appropriations bill.

Furthermore, because we are willing to make a longer-term commitment to improve labor and environmental law enforcement in the CAFTA-DR countries, the Administration is willing to propose and support this same level of labor/environment capacity-building assistance for the next three fiscal years, FY07 through FY09.

More specifically, you have suggested the assistance of the International Labor Organization (ILO) in monitoring and verifying progress in the Central American and Dominican governments' efforts to improve labor law enforcement and working conditions.

We are willing to implement your idea. Your proposal, as I understand it, is that the ILO would make a transparent public report of its findings every six months. The Administration has now consulted with the ILO and determined that this function would require additional funding to the ILO of approximately $3 million annually. The Administration is willing to devote approxiniately $3 million of the $20 million in FY05 labor enforcement assistance monies to support and fund this ILO monitoring initiative. To ensure that this monitoring continues, the Administration is willing to continue a funding commitment to ILO monitoring for the next three fiscal years, FY07 through FY09.

The Administration also shares your goal of ensuring that we pair expanded trade opportunities with economic development assistance designed to ease the transition to free trade, especially for rural farmers in our CAFTA-DR partners. On June 13, 2005, the U.S. Millennium Challenge Corporation (MCC) signed a $215 million compact with Honduras targeted specifically at rural development and infrastructure, and on the same day the MCC announced a $175 million compact with Nicaragua that will be signed shortly.

As Secretary Rice and I have already communicated to you, we are willing to give high priority to negotiating compacts with El Salvador, Guatemala; and the Dominican Republic when those countries become eligible for MCC assistance under higher per capita income caps next year. I anticipate that such compacts would provide substantial U.S. economic assistance for rural development in these countries.

In addition, the administration has worked with the Inter-American Development Bank (IDB) to provide new assistance, including $10 million in new grants announced by the IDB earlier this month for rural development and institution building. I hope you will join me and officials from the IDB, World Bank, and other institutions next month for an international donors conference to discuss other ways we can direct development assistance toward meeting the needs of rural populations.

To address your specific concern about the period before MCC compacts might be negotiated with El Salvador, Guatemala, and the Dominican Republic, the administration is willing to support additional spending for rural development assistance of $10 million per year for each of those countries starting in FY07 for a total of five years, or until the signing of an MCC compact with such country, whichever comes first. This amounts to a $150 million commitment in transitional rural assistance for these countries over five years.

These monies will provide transition assistance to rural farmers in these three countries for a defined period, while preserving a very strong incentive for candidate countries to meet the statutory criteria to receive what would likely be much higher levels of economic assistance under an MCC compact. Since the implementation of CAFTA-DR requires steps which reinforce the statutory criteria for funding under the MCC law, I believe that implementation of the agreement will assist these three countries to move quickly toward qualifying for a successful MCC compact with the United States.

Furthermore, because many of the agreement's requirements for agriculture liberalization in the CAFTA-DR countries for sensitive commodities—such as dairy, poultry, and rice—will not fully occur until ten, fifteen, or even twenty years after CAFTA's implementation date, I am confident that this transitional mechanism provides ample time for adjustment in the rural economies of these nations.

Sincerely,

ROB PORTMAN.

Mr. SPECTER. Mr. President, I seek recognition today to express my objections to the U.S. Central American Free Trade Agreement, CAFTA. I have spent a considerable amount of time reviewing the contents of the agreement and there remain outstanding questions regarding labor and agriculture. Until these questions are satisfactorily answered, I am opposed to the agreement.

Since June of 1998, Pennsylvania has lost 199,600 manufacturing jobs. Nationwide nearly 900,000 manufacturing jobs have been lost. These statistics are staggering. Unfortunately, this trade agreement would adversely affect this job loss in the United States; especially in Pennsylvania. As I reviewed the agreement, I noticed the establishment of a new legal regime that increases safeguards for multinational investment through changes in tariff rates, rules of origin, and quota phaseouts, which would allow corporations in Central America to sell a product at a cheaper price. In order to compete under these conditions, many U.S. corporations would have to shut down their operations, export their jobs, and leave skilled workers jobless. This agreement would aggravate the problem.

In addition to job loss, this agreement fails to enhance workers' rights. Over the course of the last 5 years, Congress has worked to establish a standard within trade agreements that protects workers' rights. In 2001, when Congress adopted the Jordanian Trade Agreement, labor provisions were included in the body of the agreement. These labor provisions were made subject to sanctions through the dispute resolution process. Unfortunately, this agreement only strives to enforce workers' rights but does not offer provisions for Central Americans to unionize, collectively bargain, and secure the right to strike.

Currently, the six CAFTA nations are subject to the Generalized System of Preferences, GSP, and the Caribbean Basin Initiative, CBI, which condition market access with respect to the International Labor Organization, ILO, standards. Linking market access to labor protections has been responsible for many significant labor reforms in Central America in the last 20 years. However, if enacted, CAFTA does not mandate that the labor laws of the Central American countries comply with the International Labor Organization, ILO, core standards, which include freedom of association, the right to organize and bargain collectively, and the freedom from child labor, forced labor, and discrimination.

Ultimately, CAFTA would create downward pressure on wages because it would force our American workers to compete with Central American workers who are working for lower wages. This would allow foreign based companies to expand while leaving America more dependent on imports from abroad, which in turn would lessen the demand for domestic production and create even greater economic instability.

Finally, CAFTA's impact on agriculture is problemsome. CAFTA will not open new markets for American agriculture goods. The U.S. is already the CAFTA regions largest trading partner. In many cases, our farm exports to the six CAFTA nations face tariffs that are low or nonexistent and dominate their agricultural markets in several commodities. The International Trade Commission has indicated that there would be little gain for agriculture. For example, currently, the U.S. supplies 94 percent of all grain into the region.

I urge my colleagues to carefully examine this trade agreement. As a nation, we cannot continue to allow the erosion of our manufacturing base. Equally, CAFTA should continue to meet the labor standards created in previous trade agreements, which it must before I will consider supporting it. For these reasons I am voting no.

Mr. CARPER. Mr. President, free trade—when done correctly—can be an important tool in building consumer demand for U.S. products worldwide, encouraging investment and growth in developing markets, and forging new alliances. Today, Congress is considering an agreement to expand trade with Central America and the Dominican Republic.

Delaware is already heavily engaged in trade with Central American countries, with $25 million in exports in 2004. In fact, a large amount of the fruit imported through the Port of Wilmington by Chiquita and Dole come from Central America. However, while 75 percent of Central American products enter the United States tariff free, almost all U.S. goods continue to face tariffs in Central America. The Dominican Republic-Central America Free Trade Agreement, or DR-CAFTA, will level the playing field for U.S. workers and businesses that rely on exports to Central America and the Dominican Republic by providing immediate, duty-free access for more than 80 percent of U.S. consumer and industrial goods.

For Delaware, this will lift tariffs on the fabrics supplied by companies like Invista to sewing operations in Central America, making textiles in the Americas more competitive with China. Delaware's poultry producers will finally gain access to Central American markets under DR-CAFTA. When the agreement goes into effect, some U.S. chicken products will be given immediate duty-free access, and that access will expand annually until duties are eliminated.

Free-trade agreements with developing countries also offer an opportunity to encourage reform. Certain reforms were accomplished in DR-CAFTA, such as competitive bidding for government contracts and protection of copyrights, patents and trademarks—very important to Delaware companies such as AstraZeneca and Dupont.

However, we have not used the opportunity provided by the negotiation of this agreement to make as much progress as we should have, particularly in improving conditions for workers and protecting the environment. Steady progress was made in the 1990s in the way these important issues were addressed. By the time the Jordan Free Trade Agreement was adopted in 2001, labor and environment provisions were all subject to sanctions through the agreement's dispute resolution process. This was an important advancement, not just for workers in developing nations but also for competing workers and businesses in the United States. The agreements Congress has considered since 2001 have retreated from this strong enforcement standard, and this has unnecessarily weakened the bipartisan support for free trade that we have built over the years.

While I am pleased that the administration has agreed to support an increase in funding to support efforts to improve labor and environment conditions in Central America, I am aware of no reason to back off of the strong enforcement of labor and environmental obligations that we have included in several agreements. Let me be clear. The administration must include a greater level of enforcement of labor and environment standards in those trade agreements currently being negotiated in order to be assured of garnering my support in the future. It is particularly important that we enforce the obligation not to backslide or repeal current labor and environmental laws and regulations.

I will be watching the negotiations of the Andean and Thailand trade agreements closely. If this administration is serious about getting those approved, they will listen to the concerns that have been expressed in the debate over DR-CAFTA, consult with Democrat and Republican Senators during the course of those negotiations and send the Senate free trade agreements with stronger enforcement of labor and environmental standards. In the months and years ahead.

Mr. CORZINE. Mr. President, after serious deliberation, I will be voting against the United States-Dominican Republic Central American Free Trade Agreement, or CAFTA. While I support the principle of free trade, free trade must also be fair. I have supported our trade agreements with Australia, Jordan, and Morocco because these agreements reduce or eliminate barriers to American exports while preserving and protecting important labor, environmental and security interests around the globe.

A trade agreement between the United States and Central America with the same safeguards has the potential to serve as an important tool for promoting development and advancing meaningful socioeconomic reform in the region. That said, the agreement before us takes a significant step back from previous agreements with respect to both labor and environmental protections, and will only exacerbate the outsourcing of American jobs and aggravate an already dangerous world trade imbalance. American workers justifiably feel insecure in today's economy, and the outsourcing of American jobs at home is a major reason. The increasing trade deficit puts an exclamation point on their concerns.

I would like to understand how this agreement is not just another in a long line of bad trade agreements that exacerbate our trade problems. Before we rush forward with policies that on the surface are failing, I would like some assurances that this won't be just another punch to the stomach of American industry and American workers. What we have been doing obviously has not been working. Why do we continue down this misguided path? The American trade deficit over the past ten years demonstrates we're on the wrong track.

At a more parochial level, since NAFTA was implemented in 1994, New Jersey has lost 130,000 manufacturing jobs—46,000 as a direct result of NAFTA. New Jersey was once a center for manufacturing. In 1996, Allied Signal in Eatontown sent 230 jobs to Mexico, and required the laid off workers to train their Mexican replacements. American Standard in Piscataway and Hamilton sent 495 jobs to Mexico. Patterson's textile industry disappeared. I could go on and on about town after town in New Jersey that lost jobs after NAFTA—from Millville to Elizabeth, from Woodbridge to Pennsauken. Another bad trade agreement is the last thing New Jersey needs.

It is clear this is part of the Bush administration's misguided strategy with respect to U.S. trade policy. The Bush administration has made CAFTA, not China, is its No. 1 trade priority. Yet trade with Central American countries represents only 1.5 percent of U.S. trade. The Gross Metropolitan Product, GMP, of the city of Newark is $103 billion, larger than the GDP of all of these countries combined, $85.2 billion. Compare that with the fact that, just last year, the United States ran a $162 billion trade deficit with China. Our trade deficit alone with China is nearly double the GDP of the entire Central American trade region. This is a much more pressing issue for our economic security, and we should be focusing our attention on where the risks to imbalances are. Where is the pressure for currency adjustment with China or the protection of intellectual property rights?

But this administration insists we first take up CAFTA, and so I feel compelled to discuss my opposition to this agreement. Free trade agreements must protect the rights of workers, both at home and abroad. When NAFTA was passed by Congress more than eleven years ago, there was great hope that the agreement would create thousands of new jobs in America and promote labor rights abroad.

Yet, as we stand here 11 years later, we know that the U.S. Department of Labor has certified more than 525,000 workers for NAFTA trade adjustment assistance because their jobs were lost due to NAFTA imports or shifts in production to Canada or Mexico under NAFTA. Those same numbers reveal that, through 2002, more than 46,000 New Jersey workers had similarly lost their jobs. And the numbers are actually more serious, because since 2002, the Department of Labor has refused to release these sobering statistics—some estimates suggest it is closer to one million jobs lost.

The U.S. International Trade Commission, ITC, predicts that CAFTA will actually increase the U.S. trade deficit with Central America because American companies will relocate their workforces and export their products back to the United States, just as companies did under NAFTA. This can continue to decimate communities across the country, as local plants shut down and the jobs moved overseas. NAFTA established the Trade Adjustment Assistance program, TAA, to help thousands of manufacturing workers receive retraining, keep their health insurance, and make a new start. But service sector jobs were left out. During the past several years, nearly half a million service jobs have moved offshore to other—mostly low-wage—countries. Senator Wyden's bipartisan amendment to extend TAA to service employees was accepted by the Finance Committee. Yet, when President Bush sent the CAFTA legislation to Congress, this amendment had been stripped from the bill. This amendment was sensible, it was fair, and it should have been included in this legislation.

For all of the harm CAFTA would cause U.S. workers, I am equally as concerned about the harm the agreement could do to the rights and protections of workers in Central America. A fair trade agreement must require each nation to improve domestic labor laws to meet basic workers' rights. And it should discourage our trading partners from weakening or eliminating entirely their labor laws in order to gain an unfair trade advantage. But CAFTA does neither. CAFTA's lone enforceable workers' rights provision requires only that these countries enforce their own labor laws—laws that our own State Department has said fail to meet recognized international standards. This not the standard for commercial or investment standards. This failure to include an enforceable requirement that labor laws meet basic international standards represents a significant step backwards from the labor rights provisions of our agreement with Jordan, a country with significantly stronger labor protections. In our shared goal at improving labor standards around the world, trade agreements like CAFTA should be both the carrot and the stick. CAFTA is neither.

CAFTA proponents have argued that this agreement is the principle means to lift Central America out of poverty and promote these shared principles. But this agreement will not do that, and the consequences of NAFTA are evidence of why. Since NAFTA was implemented more than eleven years ago, real wages in Mexico have fallen, the number of people in poverty has grown, and the number of people illegally migrating to the United States to seek work has doubled.

NAFTA's liberalization in the agriculture sector displaced more than 1.7 million rural small farmers, overwhelming the 800,000 number of new jobs created in the export processing sectors. Rather than learn from these sobering failings by negotiating a trade agreement that creates good jobs, guarantees worker rights, and lays the groundwork for a strong middle class, the Administration has cloned NAFTA. Unfortunately, the results are likely to be the same.

What is also likely to be the same is the devastating impact on the environment that CAFTA is likely have on Central America. Central America is one of the most biologically diverse areas of the world. The region faces daunting environmental challenges that threaten its potential for sustainable development. Yet CAFTA would undermine hard-won environmental protections by allowing foreign investors to challenge environmental laws and regulations in all of the countries, including the U.S., that are parties to the agreement.

We have not learned the lessons of the past. This is another bad trade agreement that fails to address the real economic issues our nation faces today. We should be addressing our trade imbalance. We should be promoting job growth here in the United States, instead of further encouraging companies to move jobs elsewhere. I oppose CAFTA because it fails to preserve worker rights, protect the environment, or promote economic development at home and abroad. It is wrong for New Jersey, and it is wrong for America.

Mr. SMITH. Mr. President, more than 20 years ago President Reagan made a commitment to help the countries of Central America by providing them with unilateral access to the U.S. market. Through preference programs such as the Generalized System of Preference, GSP, and the Caribbean Basin Initiative, Congress and various administrations have sought to help our southern neighbors by promoting development and encouraging the building of democratic societies.

The Caribbean Basin Initiative has provided critical economic aid to the fledgling democracies of Central America, and in the past 20 years, chaos has been replaced by commerce.

Since 1985, exports from the region to the United States have quadrupled; and today, the agreement that we are taking up seeks to provide reciprocal access for our domestic producers.

Today, 80 percent of goods and services and 99 percent of agricultural products from the DR–CAFTA countries already enter the U.S. duty free.

In contrast, our domestic producers face steep tariffs—which are essentially foreign taxes—into the region. Under DR-CAFTA, many of those tariffs would go to zero.

It is estimated that if approved, DR-CAFTA would result in approximately $1 billion in annual savings on tariffs for U.S. producers.

Under DR-CAFTA, Oregon apple and pear growers, who currently face tariffs as high as 25 percent into the region, will benefit from immediate duty elimination on fresh apples and pears.

Oregon potato producers benefit from duty elimination on certain potato products, including french fries, which will immediately become duty-free in most DR-CAFTA countries.

With $104 million in export sales and total cash receipts of $155 million, Oregon's wheat producers will benefit from the immediate elimination of tariffs on wheat and barley in all six countries. An American Farm Bureau analysis shows that U.S. agriculture may gain $1.5 billion in increased exports each year when the agreement is fully implemented.

Oregon retailers, including Nike and Columbia Sportswear, would benefit from greater market access and increased sourcing options.

Intel, another major employer in my state, stands to benefit from this agreement. The DR-CAFTA countries combine to rank as Oregon's 10th largest export market. According to the Office of Trade and Economic Analysis, 94 percent of Oregon's exports to the region in 2003 were high-tech products. For the 15,500 Intel employees in Oregon, DR-CAFTA is critical for future growth in the region.

This agreement is about leveling the playing field for our domestic producers. The DR-CAFTA countries already have access to our market; this agreement gives our growers and manufactures a chance to thrive in DR-CAFTA markets.

In recent weeks, this agreement has been endorsed by the Oregonian, the New York Times, the Washington Post, the Wall Street Journal, the Los Angeles Times, and USA Today.

I understand that there are those who are not entirely happy with this agreement, including some in my own State. However, I come from a State in which one in four jobs is tied to exports. This agreement is about increasing export opportunities for producers in my State and around the country.

A recent editorial in the Oregonian said this about the agreement:

> It is disturbing to see Oregon and national leaders back away from the principle that free and fair trade is good for the United States and the rest of the world. People are better off in an integrated global economy where they have the opportunity to sell their goods, services, and skills around the world.

As a businessman, I have seen firsthand the remarkable ability that trade has to raise the standard of living both domestically and around the world. I am hopeful that by passing this agreement, we will be able to create new growth opportunities for U.S. and Central American producers, and we will be able to show that America truly is a leader in furthering free and fair trade.

Mr. BYRD. Mr. President, I want, first to compliment the subcommittee chairman of the Energy and Water Appropriations bill, Senator PETER DOMENICI, and the ranking member, Senator HARRY REID, for the outstanding job they have done in putting together this bill. The well-being of the Nation depends greatly upon adequate investments in the many programs and activities contained in this bill.

Through this measure, we are supporting the backbone of our Nation's water transportation and flood protection programs through the Army Corps of Engineers; the irrigation water supply systems for the western States through the Bureau of Reclamation; the protection of our Nation's nuclear weapons stockpile; the advancement of science programs to help ensure that the United States remains a leader in the international scientific community; a number of independent agencies and commissions, including the Appalachian Regional Commission, the Denali Commission, and the Delta Regional Authority; and now, due to the restructuring of subcommittee jurisdictions, the entire Department of Energy, DOE.

As part of that restructuring, the Energy and Water Subcommittee was charged with oversight and appropriations responsibilities for the fossil energy research and development, R&D, within the Department of Energy. Senator DOMENICI and I have long worked on these programs, and I thank him and Senator REID and their staffs for their hard work, diligence, and support for fossil energy research in this bill.

Through the Fossil Energy R&D programs, DOE supports research involving economically and environmentally sound use of our Nation's domestically produced fossil energy resources. It forges partnerships between Government and industry to accelerate the development, demonstration, and deployment of advanced technologies that show promise in helping to ensure cleaner, more reliable, and more affordable energy, now and in the future.

While the subcommittee did not hold a fiscal year 2006 budget hearing on the fossil energy R&D programs this spring, I appreciate Senator DOMENICI's commitment to hold annual oversight hearings on the fossil energy programs beginning next year. I look forward to participating in these hearings as our fossil energy resources will continue to be important to this Nation.

I would also like to mention that the clean coal program, which falls under the fossil energy portfolio, has been critical to the development of cleaner, low-carbon fossil energy technologies.

I created the Clean Coal Technology program in 1985, and I am very proud to report that after five solicitations, 32 projects have been completed, with a combined value of $3.7 billion Government/industry investments to develop advanced technologies that are resulting in cleaner, more efficient, and more cost-effective power generation.

The subsequent Clean Coal Power Initiative, started by President Bush in 2000, was to be a $2 billion demonstration program over 10 years, consisting of four rounds of solicitations. The administration's fiscal year 2006 budget request of $50 million falls woefully short of being able to keep the CCPI on a 2-year solicitation schedule. However, I am very appreciative of the additional $50 million that was provided by Senators DOMENICI and REID, at my request. This funding will help to pave the way for a third CCPI solicitation in the near future.

If we ever hope to increase our energy security, reduce our dependence on foreign energy resources, and develop fossil energy technologies that allow us to burn coal with little to no pollution, we must adequately invest in these critical programs. There are no better champions for energy research than Senator DOMENICI, Senator REID, and me. We have been able not only to authorize initiatives so critical to America's energy independence, but we also have been able to direct resources to those important efforts and keep them adequately funded for at least another year.

On Tuesday, June 28, 2005, the Senate passed a bipartisan Energy bill, and I was happy to support that bill. It is generally a positive bill, but it is also very much of a business-as-usual approach toward energy policy. This bill simply provides authorization for new and existing programs related to energy policy. Despite the fact that the administration is strongly pressing for an Energy bill, I have to wonder if the necessary funding to support this legislation will ever emerge in subsequent administration budgets.

Certainly, the administration's track record on funding other important measures like No Child Left Behind makes one wonder if energy funding will face continued shortfalls despite the prized rhetoric and Rose Garden ceremonies. Due to very constrained budget allocations, the Appropriations Committee is likely to find it extremely difficult to maintain funding for current energy programs, to say nothing of adding funding for the new or expanded energy programs in an Energy bill.

At least for the next fiscal year, the Senate's mark for the fossil energy programs will keep these programs moving in the right direction, despite the administration's budget cuts.

Again, I thank the chairman and the ranking member of the Energy and Water Subcommittee and their staff, Scott O'Malia, Roger Cockrell, Emily Brunini, Drew Willison, and Nancy Olkewicz, for their extraordinary efforts in this regard and for producing a bill that I believe we can all support.

Mr. DURBIN. Mr. President, I rise to oppose CAFTA for the reasons I stated earlier. It seems logical to say that if we want to expand our export markets, we should be negotiating with countries who have a more sizable market for our goods and greater buying power to purchase our goods. However, these CAFTA countries account for only 1.5 percent of U.S. exports.

Illinois is an agriculture State. I have supported prior trade agreements because of the benefit they have provided to agriculture. However, estimates that passage of CAFTA will produce sizable trade gains for U.S. farmers are overly optimistic. CAFTA countries have a combined population of approximately 31 million people who generally have limited incomes with which to purchase agriculture products. In fact, the market is only worth $1.6 billion in annual agriculture products.

According to the most recent data, the U.S. supplied 94 percent of all grains imported into the six CAFTA countries. This domination means there is little room for further upward growth in grain exports to CAFTA nations.

I believe in international trade, provided it is fair trade and can expand our economy and create jobs. But I have concluded that this trade agreement will not do that. It is merely another product of this administration's failed trade strategy—a strategy that has victimized American manufacturers while costing millions of American workers their jobs. The administration is so wedded to the notion that all is well that it cannot hear the cries of those who would be harmed by this trade agreement. The failure to take sufficient and educated steps to strengthen America's future in this trade agreement is why I am opposing CAFTA.

Mr. BIDEN. Mr. President, not that long ago, for the average American, our world was not a threatening place. Not long ago, there was little reason for the average American to feel anxious about the future. The United States was the only superpower; our economy was enjoying record growth and job creation.

Those things are no longer true. The rise of terrorism, the war in Iraq, international economic competition from new sources like China and India, as well as increased economic insecurity here at home—together these forces have cost us a lot of our optimism, a lot of our self-confidence.

We are a people whose birthright is a belief in a better future, a belief in our ability to control our own fate, at home and abroad. That is our national character. But these days, our character is being tested.

Even in the best of times, trade legislation has been a touchy subject. These days, it can be among the most contentious issues we confront. Our trade deals carry the freight of our insecurities, economic and otherwise.

They carry our worries about our place in international competition, about job security, about losing our grip on our standard of living. There are real reasons that Americans are worried these days. Studies by the Federal Reserve and others confirm that income mobility—the opportunity for children to do better in life than their parents is declining, approaching the levels of more static, developing economies.

Without poring over statistics, Americans can see that happening. The reality of self-determination, the fact of social mobility, has been the foundation of our optimism. When the facts change, when the pace of mobility slows, it shows. Instead of a generation or two between poverty and a solid middle class living, today it can take five or six generations.

We have yet to produce one single new job since this administration came into office. Not one. Whomever you blame or however you explain it, that is a fact that registers in the lives of Americans. Not since the Great Depression has it taken so long to replace lost jobs.

That is why long-term unemployment—over half a year looking for a job—is the lot of over a million and a half Americans.

These conditions keep wages low, falling behind the cost of living. Real wages are falling at a rate we haven't seen in 14 years.

Into these tough times comes the word that 2 billion new workers, in China and India, to take the two biggest examples, are now competing with Americans for new jobs created in the global economy.

These workers are highly motivated—the poverty they are rising from, the pace of growth they can see in their cities, is a powerful incentive. Their governments are increasingly sophisticated about attracting investment and expertise from here and around the world to fuel their national economic strategies.

With these troubling trends, Americans are in no mood to accept text book platitudes about the benefits of free trade. They want to see some of the gains come home.

I am personally convinced that trade is in fact not only ultimately good for us, but inevitable. Standing at our shores, commanding the tides of trade to retreat, is not a plan for our Nation's economic future.

We fought and won a Cold War in the last century a war against a totalitarian economic ideology, to protect and project American values of political and economic freedom in the world.

Now is not the time to doubt those values. They are still the right values for us, and the right values for the citizens of other nations. Free men and women, freely exchanging goods and ideas, innovating, creating. That is the world we fought for, that is the evidence of our success.

And what is the alternative? Do we expect to close our ports to products Americans want to buy? Can we expect to successfully block American companies from seeking profitable investments overseas?

In today's world, American leadership is a reality. We cannot lead the world in the search for security but at the same time retreat economically. Trade can help cement peaceful ties, raise living standards, give desperate people hope and put idle hands to work. Trade must be part of our security strategy, or that strategy will not succeed.

If there is to be a better world ahead of us, wealthier, healthier, freer—and I am certain that there is—then expanding international trade will be part of it. I don't think you can envision that world without expanding trade ties, expanding economic integration.

But there is no free lunch. This world comes at a cost. It comes at the cost of predictability, at the cost of stability. The economist Joseph Schumpeter called capitalism a process of creative destruction. And that it is.

The telephone replaced the telegraph, the automobile replaced the horse, supermarkets replaced mom-and-pop grocery stores. Our farms are mechanized; our manufacturing is robotized; our information is computerized. With every new idea, with every new invention, an old product, an old technology, and the jobs they sustained, are left behind.

Our Nation has become wealthy riding the waves of innovation, opportunity, efficiency, and economic growth. That, in part, is the American way.

But another part of the American way is our shared commitment to each other. With every wave of change, from agrarian nation to manufacturing power, to the world's richest economy, we have created the institutions to cope with the human costs of economic change. Child labor laws, minimum wage, the 40-hour workweek, these are evidence of our values. And we have Social Security, Medicare, unemployment insurance—all ways to share the costs and spread the burdens of a churning economy.

Most fundamentally, we have established the rights of working men and women to bargain collectively for their wages and working conditions: these things are also the American way.

When it is done right, trade makes us more efficient and more productive. With the economic gains from trade we can afford to take care of those whose jobs are lost as the new ones are created.

There is a human logic to this, a logic that says the men and women, and their families and communities, who are displaced by economic change are not to blame for their fate. They should not shoulder alone the costs of change while others reap the benefits.

There is an economic logic, as well—by compensating some for bearing the cost of change, we keep innovation and opportunity expanding for everyone.

And finally there is a political logic. When we all know that we are not alone, that there are resources we can draw on in tough times, we don't have to fight change. Without that assurance, in our open political system, those who bear the cost of change and innovation will—understandably—resist it.

If trade is ultimately good for our economy as a whole, we must make sure that it is good for American workers and their families, too.

This trade deal does not do that, and that is why I cannot support it.

I said 2 years ago that I was concerned about the lack of effective enforcement provisions for the labor standards in the Chile and Singapore trade deals, and the precedent that might set for the CAFTA negotiations. What we now call the "Jordan standard," that treats labor provisions on the same terms as intellectual property and commercial provisions, allows for effective enforcement when a party fails to live up to its labor rights commitments. That effective enforcement standard is part of the Jordan Free Trade Agreement, now in effect.

But instead of building on that success, CAFTA comes to us today without that effective means of enforcement.

At a time when the political support for trade is shaky at best, with American families justifiably anxious about the volatility and insecurity just below the surface of our economy, why would we roll back the standards for labor protections in our trade deals?

It just doesn't make any sense.

I notice that there is a lot of new language in this trade agreement about labor rights in the countries of Central America and the Dominican Republic. That shows that our negotiators are getting the message about how important those provisions are to the political support we need for trade.

But instead of providing labor standards with the same level of effective enforcement that American businesses will get for their concerns, this deal leaves labor a second-class citizen.

But it is not just the specific terms of this trade deal that concern me today. If we are going to compete in today's global economy, we need a plan to protect American living standards and a plan to keep our Nation the most competitive on Earth.

We need a good defense, but we need a good offense, too.

We need a strong trade adjustment assistance program, and we need the will to enforce it. We need to make sure that health insurance, pensions, and other basic benefits are protected and portable in a changing world.

I think we should consider a real wage insurance policy that addresses not just the jobs lost by trade—in reality, trade is a small part of the churning in our economy—but any job loss that could put a family's standard of living at risk.

If we do it right—and right now we just have a small pilot program out there—wage insurance could provide real help to families in transition from one job to another and keep our labor markets open and dynamic.

But important as those kinds of protections can be, they are just playing defense. Right now, I don't see a plan for an offense, a plan for us to take on the rising competition from around the world, a plan to make American working men and women the winners.

That is going to take investments in education, in research, and in new technologies. That is going to take a commitment to making our workforce the most productive in the world, giving them the tools and the skills they need to compete. That is going to take a plan to create a new generation of good-paying jobs.

On the education front, Bill Gates has told us that our high school graduates are not up to the standards his company needs. Newt Gingrich has called the administration's lack of investment in basic research, and I quote, "unilateral disarmament" in the face of international competition. Those are not partisan attacks. Those are warnings we cannot ignore.

Because we don't have an adequate defense for the families who are affected by economic change, because we don't have an effective offense to win in a globalizing economy, I cannot lend my support to this trade deal. It sends the wrong message, it sets the wrong example.

The CAFTA countries themselves are no more than 1 percent of our trade. In many ways, they are not the issue here. I believe it will be good for our country if these nations can enter our markets. It will make those economies stronger, make them better neighbors, and open markets for the products made by American workers.

But only if the deal is done right. Only if we have the protections in place that can truly lift human rights, labor, and environmental standards there, and build the protections for American workers and producers here.

So I will vote against CAFTA not because I oppose trade but because I support smart trade, trade that works for American families, trade that is good for both sides.

I am afraid that more trade agreements along these lines will weaken domestic support for expanding trade. We need the full, informed consent of American citizens for trade, we need a trade agenda Americans can support, and we need to a plan to defend our standard of living here and to compete to win in the global economy.

We need to win the support of American working families for expanded trade, and restore their faith in our ability to win. Until then, trade deals like this one will just add to their worries.

Mr. BUNNING. Mr. President, I have spent many hours examining and discussing the agreement before us today.

As my colleagues know, my vote has never been a rubberstamp for trade agreements.

I take my responsibility to examine these agreements very seriously. My constituents deserve no less. In the past, I have supported trade agreements, and I have opposed trade agreements, as their merits demanded.

After long and careful thought, I have decided that I will support the agreement with Central America which is before the Senate today.

This agreement is not perfect—far from it.

The phaseout times on many of the agricultural products are too long. We should not be waiting for 10, 15, sometimes 20 years for duty-free access to sell our farm products in these countries. It is my understanding that the protection of one particular American product was largely responsible for the negotiating situation that led to the long tariff elimination schedules for so many of our farming products.

If not for the fact that, almost without exception, the Central American countries have enjoyed duty-free access to our markets for their agricultural exports for years, these long tariff phaseout schedules might well have forced me to oppose this agreement.

The truth is, due to existing trade relationships, the various parties did not start out this trade negotiation on similar footings: We paid to export to them and they did not pay to export to us.

While this agreement absolutely does not even this relationship as quickly and fairly as I would like, it does eventually get the job done. While our farmers are often forced to wait far too long for duty-free acess, that duty-free access does eventually go into place. The opportunity for new export markets for our farmers will be—ultimately—beneficial to the folks in Kentucky, particularly the rural parts of my State.

While I have concerns about other parts of the agreement, particularly some textile issues, there are also aspects of the agreement which are especially good for Kentucky.

Important to my State of Kentucky is the treatment of the exportation of tobacco products under the agreement. I was particularly pleased to see that the report of the Agricultural Technical Advisory Committee for Cotton, Peanuts, Planting Seeds and Tobacco, which included a member of the Kentucky Farm Bureau, found the agreement to be fair regarding tobacco trade.

I was also pleased to see that this agreement immediately eliminates tariffs on bourbon and whiskeys exported from America. Furthermore, agreement for the recognition of "bourbon" as an exclusively Kentucky-made product is important to an industry employing over 30,000 Kentuckians.

I also want to bring the attention of my colleagues to the fact that this agreement, while obviously primarily a trade agreement, also represents an opportunity for us to show our support to a region that has come a long way in the area of democracy.

Not so long ago, most of us here will remember, democracy was not assured in this part of the world. In Central America—our own backyard—communism was a threat. The United States has worked hard over the years and we have seen the menace of communism recede and the democracies and economies of El Salvador, Guatemala, Nicaragua and Honduras begin to flourish.

We must not lose track of the message that the approval of this agreement will send to these new democracies on our doorstep. Without this agreement, the democracies we have helped build in Central America will be less prosperous in the increasingly competitive global marketplace. We must allow these fledgling democracies the access they need to compete with the overwhelming wave of Chinese imports.

It is the development of strong trade in goods and services that will help these countries to oppose a return to corrupt regimes that promote trade in illegal drugs.

We in this body have done so much to foster democracy and economic stability in Central America. The approval of DR-CAFTA is another chance for us to show our support of these democratic governments.

I have come to believe after long and careful examination, that this agreement is good for the United States and for the future of Central America. I urge my colleagues to support the agreement before us today.

The PRESIDING OFFICER. Under the previous order——

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the following be the only remaining debate on the bill, in the following order: Senator SESSIONS, 10 minutes; Senator DAYTON, 5 minutes; Senator SUNUNU, 5 minutes; Senator ENSIGN, 5 minutes; Senator BAUCUS, 10 minutes; Senator GRASSLEY, 10 minutes; Senator REID from Nevada, 10 minutes; Senator FRIST, 10 minutes.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, how much time remains on my allocation?

The PRESIDING OFFICER. The Senator from South Dakota has 11 minutes 28 seconds.

Mr. DORGAN. Mr. President, let me reserve 5 minutes of that as well.

Mr. BAUCUS. Mr. President, I add that to the request.

The PRESIDING OFFICER. Will the Senator from Montana state where he would like that placed in the order.

Mr. BAUCUS. That would be after Ensign and before myself.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

The Senator from Colorado.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 138, H.R. 2985; I further ask unanimous consent that the committee-reported amendments be agreed to; provided further that the Lott-Dodd amendment which is at the desk be considered and agreed to, there be 5 minutes of debate equally divided between the two managers, and the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD. I further ask unanimous consent that following passage, the Senate insist on its amendments, request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2985) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Apropprriations, with amendments.

(Strike the parts shown in black brackets and insert the parts shown in italic.)

H.R. 2985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—LEGISLATIVE BRANCH APPROPRIATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $20,000; the President Pro Tempore of the Senate, $40,000; Majority Leader of the Senate, $40,000; Minority Leader of the Senate, $40,000; Majority Whip of the Senate, $10,000; Minority Whip of the Senate, $10,000; President Pro Tempore emeritus, $15,000; Chairmen of the Majority and Minority Conference Committees, $5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, $5,000 for each Chairman; in all, $195,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $147,120,000, which shall be paid from this appropriation without regard to the following limitations:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $2,181,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $582,000.

OFFICE OF THE PRESIDENT PRO TEMPORE EMERITUS

For the Office of the President Pro Tempore emeritus, $290,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $4,340,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $2,644,000.

COMMITTEE ON APPROPRIATIONS

For salaries of the Committee on Appropriations, $13,758,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $1,470,000 for each such committee; in all, $2,940,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $728,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $1,524,000 for each such committee; in all, $3,048,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $354,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $20,866,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $56,700,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,584,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $37,105,000.

Office of the Legislative Counsel of the Senate

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $5,437,000.

Office of Senate Legal Counsel

For salaries and expenses of the Office of Senate Legal Counsel, $1,306,000.

Expense Allowances of the Secretary of the Senate, Sergeant at Arms and Doorkeeper of the Senate, and Secretaries for the Majority and Minority of the Senate

For expense allowances of the Secretary of the Senate, $6,000; Sergeant at Arms and Doorkeeper of the Senate, $6,000; Secretary for the Majority of the Senate, $6,000; Secretary for the Minority of the Senate, $6,000; in all, $24,000.

Contingent Expenses of the Senate

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97–601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96–304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, $119,637,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $520,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,980,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $142,000,000, which shall remain available until September 30, 2010.

MISCELLANEOUS ITEMS

For miscellaneous items, $17,000,000, of which up to $500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $350,000,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $300,000.

ADMINISTRATIVE PROVISIONS

Sec. 1. Gross Rate of Compensation in Offices of Senators. Effective on and after October 1, 2005, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968 (2 U.S.C. 61–1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2005, increased by an additional $50,000 each.

Sec. 2. Consultants. With respect to fiscal year 2006, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h–6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".

Sec. 3. United States Senate Collection. Section 316 of Public Law 101–302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking "2005" and inserting "2006".

Sec. 4. Senate Commission on Art. Section 3(c)(2) of Public Law 108–83 (2 U.S.C. 2108(c)(2)) is amended by striking "and for any purposes" through the period and inserting "for any purposes for which funds from the contingent fund of the Senate may be used under section 316(a) of Public Law 101–302 (2 U.S.C. 2107(a)), and for expenditures, not to exceed $10,000 in any fiscal year, for meals and refreshments in Capitol facilities in connection with official activities of the Commission or other authorized programs or activities.".

Sec. 5. Absences. Section 40 of the Revised Statutes (2 U.S.C. 39) is amended by—

(1) striking "Secretary of the Senate and the";

(2) striking ", respectively, shall" and inserting "shall";

(3) striking "Senate or"; and

(4) striking ", respectively, unless" and inserting ", unless".

Sec. 6. Modification of Certain Consultant Requirement. Section 10(a)(5) of the Legislative Branch Appropriations Act, 1999 (2 U.S.C. 72d) is amended by inserting ", except that any approval (and related reporting requirement) shall not apply" after "May 14, 1975".

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $1,092,407,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $19,844,000, including: Office of the Speaker, $2,788,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $2,089,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,928,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,797,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,345,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $482,000; Republican Steering Committee, $906,000; Republican Conference, $1,548,000; Republican Policy Committee, $307,000; Democratic Steering and Policy Committee, $1,945,000; Democratic Caucus, $816,000; nine minority employees, $1,445,000; training and program development—majority, $290,000; training and program development—minority, $290,000; Cloakroom Personnel—majority, $434,000; and Cloakroom Personnel—minority, $434,000.

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $538,109,000.

Committee Employees

Standing Committees, Special and Select

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $117,913,000: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

Committee on Appropriations

For salaries and expenses of the Committee on Appropriations, $25,668,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided*, That such amount shall remain available for such salaries and expenses until December 31, 2006.

Salaries, Officers and Employees

For compensation and expenses of officers and employees, as authorized by law, $167,749,000, including: for salaries and expenses of the Office of the Clerk, including not more than $13,000, of which not more than $10,000 is for the Family Room, for official representation and reception expenses, $21,911,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $3,000 for official representation and reception expenses, $6,284,000; for salaries and expenses of the Office of the Chief Administrative Officer, $116,971,000, of which $3,306,000 shall remain available until expended; for salaries and expenses of the Office of the Inspector General, $3,991,000; for salaries and expenses of the Office of Emergency Planning, Preparedness and Operations, $5,000,000, to remain available until expended; for salaries and expenses of the Office of General Counsel, $962,000; for the Office of the Chaplain, $161,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,767,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,453,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $6,963,000; for salaries and expenses of the Office of Interparliamentary Affairs, $720,000; for other authorized employees, $161,000; and for salaries and expenses of the Office of the Historian, $405,000.

Allowances and Expenses

For allowances and expenses as authorized by House resolution or law, $223,124,000, including: supplies, materials, administrative costs and Federal tort claims, $4,179,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $214,422,000; supplies, materials, and other costs relating to the House portion of expenses for the Capitol Visitor Center, $3,410,000, to remain available until expended; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $703,000.

Child Care Center

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (2 U.S.C. 2112), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

Administrative Provisions

Sec. 101. (a) Requiring Amounts Remaining in Members' Representational Allowances To Be Used for Deficit Reduction or To Reduce the Federal Debt.—Notwithstanding any other provision of law, any amounts appropriated under this Act for "HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 2006. Any amount remaining after all payments are made under such allowances for fiscal year 2006 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) Regulations.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(c) Definition.—As used in this section, the term "Member of the House of Representatives" means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

JOINT ITEMS

For Joint Committees, as follows:

Joint Economic Committee

For salaries and expenses of the Joint Economic Committee, $4,276,000, to be disbursed by the Secretary of the Senate.

Joint Committee on Taxation

For salaries and expenses of the Joint Committee on Taxation, $8,781,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

For other joint items, as follows:

Office of the Attending Physician

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $2,175 per month to the Attending Physician; (2) an allowance of $725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $725 per month to two assistants and $580 per month each not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) $1,834,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $2,545,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

[Capitol Guide Service and Special Services Office

[For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,268,000, to be disbursed by the Secretary of the Senate: *Provided*, That no part of such amount may be used to employ more than 58 individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

[Statements of Appropriations

[For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

[CAPITOL POLICE

[SALARIES

[For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $210,350,000, to be disbursed by the Chief of the Capitol Police or his designee.

[GENERAL EXPENSES

[For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $29,345,000, to be disbursed by the Chief of the Capitol Police or his designee: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2006 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

[ADMINISTRATIVE PROVISIONS

[(INCLUDING TRANSFER OF FUNDS)

[Sec. 1001. Transfer Authority.—Amounts appropriated for fiscal year 2006 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

[Sec. 1002. (a) The United States Capitol Police may not operate a mounted horse unit during fiscal year 2006 or any succeeding fiscal year.

[(b) Not later than 60 days after the date of the enactment of this Act, the Chief of the Capitol Police shall transfer to the Chief of the United States Park Police the horses, equipment, and supplies of the Capitol Police mounted horse unit which remain in the possession of the Capitol Police as of such date.

[Sec. 1003. (a) Section 103(h)(1)(A)(i)(I) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(h)(1)(A)(i)(I)) is amended by inserting "United States Capitol Police," after "Architect of the Capitol,".

[(b) The amendment made by subsection (a) shall apply with respect to reports filed under the Ethics in Government Act of 1978 for calendar year 2005 and each succeeding calendar year.

[Sec. 1004. Section 1003 of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1021), is hereby repealed, and each provision of law amended by such section is hereby restored as if such section had not been enacted into law.

[Sec. 1005. (a) During fiscal year 2006 and each succeeding fiscal year, the United States Capitol Police may not carry out any reprogramming, transfer, or use of funds described in subsection (b) unless—

[(1) the Chief of the Capitol Police submits a request for the reprogramming, transfer, or use of funds to the Committees on Appropriations of the House of Representatives and Senate on or before August 1 of the respective year, unless both such Committees agree to accept the request at a later date because of extraordinary and emergency circumstances cited by the Chief;

[(2) the request contains clearly stated and detailed documentation presenting justification for the reprogramming, transfer, or use of funds;

[(3) the request contains a declaration that, as of the date of the request, none of the funds included in the request have been obligated, and none will be obligated, until both Committees have approved the request; and

[(4) both Committees approve the request.

[(b) A reprogramming, transfer, or use of funds described in this subsection is any reprogramming or transfer of funds, or use of unobligated balances, under which—

[(1) the amount to be shifted to or from any object class, approved budget, or program involved under the request, or the aggregate amount to be shifted to or from any object class, approved budget, or program involved during the fiscal year taking into account the amount contained in the request, is in excess of $250,000 or 10 percent, whichever is less, of the object class, approved budget, or program;

[(2) the reprogramming, transfer, or use of funds would result in a major change to the program or item which is different than that presented to and approved by the Committees on Appropriations of the House of Representatives and Senate; or

[(3) the funds involved were earmarked by either of the Committees for a specific activity which is different than the activity proposed under the request, without regard to whether the amount provided in the earmark is less than, equal to, or greater than the amount required to carry out the activity.

[Sec. 1006. (a) Establishment of Office.—There is established in the United States Capitol Police the Office of the Inspector General (hereafter in this section referred to as the "Office"), headed by the Inspector General of the United States Capitol Police (hereafter in this section referred to as the "Inspector General").

[(b) Inspector General.—

[(1) Appointment.—The Inspector General shall be appointed by the Capitol Police Board, in consultation with and subject to the approval of the Speaker of the House of Representatives and the President pro tempore of the Senate, acting jointly, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

[(2) Term of service.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

[(3) Removal.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Capitol Police Board, and the Board shall communicate the reasons for any such removal to the Speaker of the House of Representatives and President pro tempore of the Senate.

[(4) Salary.—The Inspector General shall be paid at an annual rate equal to $1,000 less than the annual rate of pay in effect for the Chief of the Capitol Police.

[(5) Deadline.—The Capitol Police Board shall appoint the first Inspector General under this section not later than 180 days after the date of the enactment of this Act.

[(c) Duties.—

[(1) Applicability of duties of inspector general of executive branch establishment.—The Inspector General shall carry out the same duties and responsibilities with respect to the United States Capitol Police as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

[(2) SEMIANNUAL REPORTS.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Capitol Police Board shall be considered the head of the establishment, except that the Inspector General shall transmit to the Chief of the Capitol Police a copy of any report submitted to the Board pursuant to this paragraph.

[(3) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

[(A) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Capitol Police concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety, including complaints or information the investigation of which is under the jurisdiction of the Internal Affairs Division of the Capitol Police as of the date of the enactment of this Act.

[(B) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

[(C) PROHIBITING RETALIATION.—An employee or member of the Capitol Police who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

[(4) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Capitol Police Board, the Chief of the Capitol Police, nor any other member or employee of the Capitol Police may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this section.

[(d) POWERS.—

[(1) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the United States Capitol Police as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7) and (8) of such section.

[(2) STAFF.—

[(A) IN GENERAL.—The Inspector General may appoint and fix the pay of such personnel as the Inspector General considers appropriate. Such personnel may be appointed without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no personnel of the Office (other than the Inspector General) may be paid at an annual rate greater than $500 less than the annual rate of pay of the Inspector General under subsection (b)(4).

[(B) EXPERTS AND CONSULTANTS.—The Inspector General may procure temporary and intermittent services under section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title.

[(C) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this paragraph. Nothing in this subparagraph may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this section.

[(D) APPLICABILITY OF CAPITOL POLICE PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Capitol Police shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect subparagraphs (A) through (C).

[(3) EQUIPMENT AND SUPPLIES.—The Chief of the Capitol Police shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

[(e) TRANSFER OF FUNCTIONS.—

[(1) TRANSFER.—To the extent that any office or entity in the Capitol Police prior to the appointment of the first Inspector General under this section carried out any of the duties and responsibilities assigned to the Inspector General under this section, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this section.

[(2) NO REDUCTION IN PAY OR BENEFITS.—The transfer of the functions of an office or entity to the Office under paragraph (1) may not result in a reduction in the pay or benefits of any employee of the office or entity, except to the extent required under subsection (d)(2)(A).

[SEC. 1007. (a) IN GENERAL.—Not later than 60 days after the last day of each semiannual period, the Chief of the Capitol Police shall submit to Congress, with respect to that period, a detailed, itemized report of the disbursements for the operations of the United States Capitol Police.

[(b) CONTENTS.—The report required by subsection (a) shall include—

[(1) the name of each person or entity who receives a payment from the Capitol Police;

[(2) the cost of any item furnished to the Capitol Police;

[(3) a description of any service rendered to the Capitol Police, together with service dates;

[(4) a statement of all amounts appropriated to, or received or expended by, the Capitol Police and any unexpended balances of such amounts for any open fiscal year; and

[(5) such additional information as may be required by regulation of the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

[(c) PRINTING.—Each report under this section shall be printed as a House document.

[(d) EFFECTIVE DATE.—This section shall apply with respect to the semiannual periods of October 1 through March 31 and April 1 through September 30 of each year, beginning with the semiannual period in which this section is enacted.

[OFFICE OF COMPLIANCE

[SALARIES AND EXPENSES

[For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,112,000, of which $780,000 shall remain available until September 30, 2007: *Provided*, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding: *Provided further*, That not more than $500 may be expended on the certification of the Executive Director of the Office of Compliance in connection with official representation and reception expenses.

[CONGRESSIONAL BUDGET OFFICE

[SALARIES AND EXPENSES

[For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $35,450,000.

[ADMINISTRATIVE PROVISION

[SEC. 1100. (a) PERMITTING WAIVER OF CLAIMS FOR OVERPAYMENT OF PAY AND ALLOWANCES.—Section 5584(g) of title 5, United States Code, is amended—

[(1) by striking "and" at the end of paragraph (5);

[(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

[(3) by inserting immediately after paragraph (6) the following new paragraph:

["(7) the Congressional Budget Office.".

[(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

[ARCHITECT OF THE CAPITOL

[GENERAL ADMINISTRATION

[For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $77,002,000, of which $350,000 shall remain available until September 30, 2008.

[CAPITOL BUILDING

[For all necessary expenses for maintenance, care, and operation of the Capitol, $22,097,000, of which $6,580,000 shall remain available until September 30, 2008.

[CAPITOL GROUNDS

[For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,723,000, of which $740,000 shall remain available until September 30, 2008.]

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $4,098,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the 109th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

CAPITOL POLICE

SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, $222,600,000, to be disbursed by the Chief of the Capitol Police or his designee.

GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than $5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, $42,000,000, to be disbursed by the Chief of the Capitol Police or his designee: Provided, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2005 shall be paid by the Secretary of Homeland Security from funds available to the Department of Homeland Security.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2006 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. CAPITOL POLICE AND TRANSFER OF LIBRARY OF CONGRESS POLICE. (a) LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE.—Section 1006(b)(3) of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83; 117 Stat. 1023), as amended by section 1002 of the Legislative Branch Appropriations Act, 2005 (2 U.S.C. 1901 note; Public Law 108–447; 118 Stat. 3179), is further amended by adding after subparagraph (D), the following:

"(E) LIMITATION FOR FISCAL YEAR 2006.—During fiscal year 2006, the number of individuals hired under this subsection may not exceed—

"(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2005 for whom a corresponding hire was not made under this subsection; and

"(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2006.".

(b) MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect through fiscal year 2006, subject to such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $3,112,000, of which $780,000 shall remain available until September 30, 2007: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than $3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $35,853,000.

ADMINISTRATIVE PROVISION

SEC. 1100. WAIVER OF CERTAIN CLAIMS. Section 5584(g) of title 5, United States Code, (relating to the definition of an agency) is amended—

(1) by redesignating paragraph (6) as a paragraph (7);

(2) by striking "and" at the end of paragraph (5);

(3) by inserting after paragraph (5) the following:

"(6) the Congressional Budget Office; and"; and

(4) in the last sentence, by striking "paragraph (6)" and inserting "paragraph (7)".

ARCHITECT OF THE CAPITOL

GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than $5,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, $76,522,000.

CAPITOL BUILDING

For all necessary expenses for the maintenance, care, and operation of the Capitol, $25,380,000, of which $10,055,000 shall remain available until September 30, 2010.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $7,061,000.

SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $67,004,000, of which $15,745,000 shall remain available until September 30, 2010.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $59,616,000, of which $20,922,000 shall remain available until September 30, 2008.

[CAPITOL POWER PLANT

[For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $58,585,000, of which $1,592,000 shall remain available until September 30, 2008: *Provided*, That not more than $6,600,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

[LIBRARY BUILDINGS AND GROUNDS

[For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $31,318,000, of which $6,325,000 shall remain available until September 30, 2008.

[CAPITOL POLICE BUILDINGS AND GROUNDS

[For all necessary expenses for the maintenance, care and operation of buildings and grounds of the United States Capitol Police, $16,830,000, of which $5,500,000 shall remain available until September 30, 2008.

[BOTANIC GARDEN

[For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $7,211,000: *Provided*, That this appropriation shall not be available for construction of the National Garden: *Provided further*, That of the amount made available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care, and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.

[CAPITOL VISITOR CENTER

[For an additional amount for the Capitol Visitor Center project, $36,900,000, to remain available until expended: *Provided*, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committees on Appropriations of the Senate and House of Representatives.

[Administrative Provisions

[Sec. 1201. (a) Section 108 of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 1849), is amended—

[(1) in subsection (b), by striking "8 positions" and inserting "10 positions"; and

[(2) in subsection (c), by striking "4 positions" and inserting "2 positions".

[(b) The amendments made by subsection (a) shall apply with respect to pay periods beginning on or after the date of the enactment of this Act.

[Sec. 1202. (a) Section 905 of the 2002 Supplemental Appropriations Act for Further Recovery From and Response To Terrorist Attacks on the United States (2 U.S.C. 1819) is amended—

[(1) by redesignating subsection (d) as subsection (e); and

[(2) by inserting after subsection (c) the following new subsection:

["(d) In the case of a building or facility acquired through purchase pursuant to subsection (a), the Architect of the Capitol may enter into or assume a lease with another person for the use of any portion of the building or facility that the Architect of the Capitol determines is not required to be used to carry out the purposes of this section, subject to the approval of the entity which approved the acquisition of such building or facility under subsection (b).".

[(b) The amendments made by subsection (a) shall apply with respect to leases entered into on or after the date of the enactment of this Act.

[Sec. 1203. (a) There is hereby established the Capitol Visitor Center Governing Board (hereafter in this section referred to as the "Governing Board"), consisting of each of the following individuals:

[(1) The Speaker of the House of Representatives, or the Speaker's designee.

[(2) The minority leader of the House of Representatives, or the minority leader's designee.

[(3) The majority leader of the Senate, or the majority leader's designee.

[(4) The minority leader of the Senate, or the minority leader's designee.

[(5) The chairman of the Committee on House Administration of the House of Representatives, who shall serve as co-chairman of the Governing Board.

[(6) The ranking minority member of the Committee on House Administration of the House of Representatives.

[(7) The chairman of the Committee on Rules and Administration of the Senate, who shall serve as co-chairman of the Governing Board.

[(8) The ranking minority member of the Committee on Rules and Administration of the Senate.

[(b) The Governing Board shall be responsible for establishing the policies which govern the operations of the Capitol Visitor Center, consistent with applicable law.

[(c) This section shall apply with respect to fiscal year 2006 and each succeeding fiscal year.

[LIBRARY OF CONGRESS

[SALARIES AND EXPENSES

[(INCLUDING RESCISSION)

[For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $388,144,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: *Provided further*, That of the total amount appropriated, $13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further*, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: *Provided further*, That of the total amount appropriated, $500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: *Provided further*, That of the total amount appropriated, $11,078,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: *Provided further*, That of the amounts made available under this heading in chapter 9 of division A of the Miscellaneous Appropriations Act, 2001 (Public Law 106-554; 114 Stat. 2763A–194), $15,500,000 is rescinded.

[Copyright Office

[SALARIES AND EXPENSES

[For necessary expenses of the Copyright Office, $58,601,000, of which not more than $30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: *Provided*, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That not more than $5,465,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $35,946,000: *Provided further*, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars: *Provided further*, That notwithstanding any provision of chapter 8 of title 17, United States Code, any amounts made available under this heading which are attributable to royalty fees and payments received by the Copyright Office pursuant to sections 111, 119, and chapter 10 of such title may be used for the costs incurred in the administration of the Copyright Royalty Judges program.

[Congressional Research Service

[SALARIES AND EXPENSES

[For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $99,952,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

[Books for the Blind and Physically Handicapped

[SALARIES AND EXPENSES

[For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $54,049,000, of which $15,831,000 shall remain available until expended.

[Administrative Provisions

[Sec. 1301. Incentive Awards Program.—Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

[Sec. 1302. Reimbursable and Revolving Fund Activities. (a) In General.—For fiscal year 2006, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,943,000.

[(b) Activities.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

[(c) Transfer of Funds.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "Salaries and Expenses" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): *Provided*, That the total amount of such transfers may not exceed $1,900,000: *Provided further*, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

[SEC. 1303. UNITED STATES DIPLOMATIC FACILITIES.—Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

[SEC. 1304. (a) Section 208 of the Legislative Branch Appropriations Act, 1996 (Public Law 104–53; 109 Stat. 532), is hereby repealed.

[(b) The amendment made by this section shall take effect on the date of the enactment of this Act or October 1, 2005, whichever occurs earlier.

[GOVERNMENT PRINTING OFFICE

[CONGRESSIONAL PRINTING AND BINDING

[(INCLUDING TRANSFER OF FUNDS)

[For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,090,000 (reduced by $5,400,000): *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

[OFFICE OF SUPERINTENDENT OF DOCUMENTS

[SALARIES AND EXPENSES

[(INCLUDING TRANSFER OF FUNDS)

[For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $33,337,000: *Provided*, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: *Provided further*, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

[GOVERNMENT PRINTING OFFICE REVOLVING FUND

[For payment to the Government Printing Office Revolving Fund, $1,200,000 for workforce retraining. The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107–202.

[GOVERNMENT ACCOUNTABILITY OFFICE

[SALARIES AND EXPENSES

[For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under sections 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $482,395,000: *Provided*, That not more than $5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That not more than $2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: *Provided further*, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

[PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

[For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center under section 313 of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151), $14,000,000.]

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $58,817,000, of which $1,600,000 shall remain available until September 30, 2010: Provided, That not more than $6,500,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2006.

LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $70,948,000, of which $42,950,000 shall remain available until September 30, 2010.

CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, $10,031,000.

BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $7,633,000: Provided, That this appropriation shall not be available for construction of the National Garden: Provided further, That of the amount made *available under this heading, the Architect may obligate and expend such sums as may be necessary for the maintenance, care, and operation of the National Garden established under section 307E of the Legislative Branch Appropriations Act, 1989 (2 U.S.C. 2146), upon vouchers approved by the Architect or a duly authorized designee.*

CAPITOL VISITOR CENTER

For an additional amount for the Capitol Visitor Center project, $41,900,000, to remain available until expended, and in addition, $2,300,000 for Capitol Visitor Center operation costs: Provided, That the Architect of the Capitol may not obligate any of the funds which are made available for the Capitol Visitor Center project without an obligation plan approved by the Committee on Appropriations of the Senate and House of Representatives.

ADMINISTRATIVE PROVISION

SEC. 1201. EXECUTIVE DIRECTOR OF THE CAPITOL VISITOR CENTER. The Architect of the Capitol may appoint an Executive Director of the Capitol Visitor Center whose annual rate of pay shall be determined by the Architect of the Capitol and shall not exceed $1,500 less than the annual rate of pay for the Architect of the Capitol.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $397,285,000, of which not more than $6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2006, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2006 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $6,350,000: Provided further, That of the total amount appropriated, $13,972,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, $4,000,000 shall remain available until expended for the digital collections and school curricula program under section 1305 of this Act: Provided further, That of the total amount appropriated, $600,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106–173, of which $10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, $12,085,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, $250,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text: Provided further, That no funds made available under this heading may be expended inconsistently with the provisions and intent of section 1006 of the Legislative Branch Appropriations Act, 2004 (Public Law 108–83), as amended, and the memorandum of understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office and the new Copyright Royalty Judges program, $57,322,000, of which not more than $30,481,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2006 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than $4,141,000 shall be derived from collections during fiscal year 2006 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than $34,622,000: Provided further, That not more than $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $101,755,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $64,172,000, of which $25,667,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 1301. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1302. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2006, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $109,943,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2006, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106–481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed $1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1303. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM. The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106–554, 114 Stat. 2763A–194) is amended in the first proviso under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" in chapter 9 of division A by adding at the end ", except that an amount not to exceed $25,000,000 of such additional $75,000,000 shall remain available until expended and may be used for competitive grants to State governmental entities, without regard to any matching contribution requirement, to work cooperatively to collect and preserve at-risk digital State and local government information".

SEC. 1304. UNITED STATES DIPLOMATIC FACILITIES. Funds made available for the Library of Congress under this Act are available for transfer to the Department of State as remittance for a fee charged by the Department for fiscal year 2006 for the maintenance, upgrade, or construction of United States diplomatic facilities only to the extent that the amount of the fee so charged is equal to or less than the unreimbursed value of the services provided during fiscal year 2006 to the Library of Congress on State Department diplomatic facilities.

SEC. 1305. INCORPORATION OF DIGITAL COLLECTIONS INTO SCHOOL CURRICULA. (a) SHORT TITLE.—This section may be cited as the "Library of Congress Digital Collections and School Curricula Act of 2005".

(b) PROGRAM.—The Librarian of Congress shall administer a program to teach educators and librarians how to incorporate the digital collections of the Library of Congress into school curricula.

(c) EDUCATIONAL CONSORTIUM.—In administering the program under this section, the Librarian of Congress may—

(1) establish an educational consortium to support the program; and

(2) make funds appropriated for the program available to consortium members, educational institutions, and libraries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section for fiscal year 2006 and each fiscal year thereafter.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $88,090,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $33,837,000: Provided, That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fiscal years 2004 and 2005 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

For payment to the Government Printing Office Revolving Fund, $5,000,000 for workforce retraining: Provided, That the Government Printing Office may make such expenditures, within the limits of funds available and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided further, That not more than $5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than $10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107-202.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than $12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $484,383,000: Provided, That not more than $5,104,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2006: Provided further, That not more than $2,061,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2006: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed.

OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, $14,000,000.

JOHN C. STENNIS CENTER FOR PUBLIC SERVICE TRAINING AND DEVELOPMENT

For payment to the John C. Stennis Center for Public Service Development Trust Fund established under section 116 of the John C. Stennis Center for Public Service Training and Development Act (2 U.S.C. 1105), $430,000.

TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES.—No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION.—No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2006 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION.—Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES.—The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS.—Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act of 1995 (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC.—Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $2,000.

SEC. 207. LANDSCAPE MAINTENANCE.—The Architect of the Capitol, in consultation with the District of Columbia, is authorized to maintain and improve the landscape features, excluding streets and sidewalks, in the irregular shaped grassy areas bounded by Washington Avenue, SW on the northeast, Second Street SW on the west, Square 582 on the south, and the beginning of the I-395 tunnel on the southeast.

SEC. 208. LIMITATION ON TRANSFERS.—None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

[Sec. 209. Compensation Limitation.—None of the funds contained in this Act or any other Act may be used to pay the salary of any officer or employee of the legislative branch during fiscal year 2006 or any succeeding fiscal year to the extent that the aggregate amount of compensation paid to the employee during the year (including base salary, performance awards and other bonus payments, and incentive payments, but excluding the value of any in-kind benefits and payments) exceeds the annual rate of pay for a Member of the House of Representatives or a Senator.]

Sec. 209. Compensation Limitation. Legislative branch appropriations are not available to pay the salary of any officer or employee to the extent that the aggregate amount of compensation (including base salary, awards, bonus incentives, excluding in-kind compensation) exceeds the annual rate for a Senator or Member unless the applicable entity head has certified that the entity has a performance appraisal system which (as designed and applied) makes meaningful distinctions based on relative performance consistent with the criteria established pursuant to 5 U.S.C. 5307(d)(3)(A). Each entity head shall recertify its performance appraisal system (bi-annually in accordance with 5 U.S.C. 5307(d)(3)(B)). Entities with such certified appraisal systems may pay total annual compensation up to the amounts Executive branch personnel subject to certified performance appraisal systems may receive.

[TITLE III—CONTINUITY IN REPRESENTATION

[Sec. 301. Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

[(1) by striking “The time” and inserting “(a) In General.—Except as provided in subsection (b), the time”; and

[(2) by adding at the end the following new subsection:

[“(b) Special Rules in Extraordinary Circumstances.—

[“(1) In general.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

[“(2) Timing of special election.—A special election held under this subsection to fill a vacancy shall take place not later than 49 days after the Speaker of the House of Representatives announces that the vacancy exists, unless, during the 75-day period which begins on the date of the announcement of the vacancy—

[“(A) a regularly scheduled general election for the office involved is to be held; or

[“(B) another special election for the office involved is to be held, pursuant to a writ for a special election issued by the chief executive of the State prior to the date of the announcement of the vacancy.

[“(3) Nominations by parties.—If a special election is to be held under this subsection, the determination of the candidates who will run in such election shall be made—

[“(A) by nominations made not later than 10 days after the Speaker announces that the vacancy exists by the political parties of the State that are authorized by State law to nominate candidates for the election; or

[“(B) by any other method the State considers appropriate, including holding primary elections, that will ensure that the State will hold the special election within the deadline required under paragraph (2).

[“(4) Extraordinary circumstances.—

[“(A) In general.—In this subsection, ‘extraordinary circumstances’ occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

[“(B) Judicial review.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

[“(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

[“(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

[“(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

[“(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.

[“(5) Protecting ability of absent military and overseas voters to participate in special elections.—

[“(A) Deadline for transmittal of absentee ballots.—In conducting a special election held under this subsection to fill a vacancy in its representation, the State shall ensure to the greatest extent practicable (including through the use of electronic means) that absentee ballots for the election are transmitted to absent uniformed services voters and overseas voters (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act) not later than 15 days after the Speaker of the House of Representatives announces that the vacancy exists.

[“(B) Period for ballot transit time.—Notwithstanding the deadlines referred to in paragraphs (2) and (3), in the case of an individual who is an absent uniformed services voter or an overseas voter (as such terms are defined in the Uniformed and Overseas Citizens Absentee Voting Act), a State shall accept and process any otherwise valid ballot or other election material from the voter so long as the ballot or other material is received by the appropriate State election official not later than 45 days after the State transmits the ballot or other material to the voter.

[“(6) Application to District of Columbia and territories.—This subsection shall apply—

[“(A) to a Delegate or Resident Commissioner to the Congress in the same manner as it applies to a Member of the House of Representatives; and

[“(B) to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands in the same manner as it applies to a State, except that a vacancy in the representation from any such jurisdiction in the House shall not be taken into account by the Speaker in determining whether vacancies in the representation from the States in the House exceed 100 for purposes of paragraph (4)(A).

[“(7) Rule of construction regarding Federal election laws.—Nothing in this subsection may be construed to affect the application to special elections under this subsection of any Federal law governing the administration of elections for Federal office (including any law providing for the enforcement of any such law), including, but not limited to, the following:

[“(A) The Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.), as amended.

[“(B) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.), as amended.

[“(C) The Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.), as amended.

[“(D) The National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), as amended.

[“(E) The Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), as amended.

[“(F) The Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.), as amended.

[“(G) The Help America Vote Act of 2002 (42 U.S.C. 15301 et seq.), as amended.”.]

This Act may be cited as the “Legislative Branch Appropriations Act, 2006”.

Mr. ALLARD. Mr. President, I am proud to present to the Senate the Appropriations Committee's recommendations for fiscal year 2006 Legislative Branch appropriations, H.R. 2985. I would like to thank Senator DURBIN, ranking member of the subcommittee, for his full cooperation in crafting the legislation. Under our recommendation, funding for the legislative branch would total $3.83 billion in budget authority and $3.84 billion in outlays. This is $230 million above the FY05 enacted level and a reduction of $194 million below the request. While there are very few programmatic increases in the bill, funding is sufficient to maintain current operations in all agencies. Significant increases above the fiscal year 2005 budget are recommended in only a few areas, such as funding to complete the Capitol Visitor Center.

Highlights of the bill include funding of $264.6 million for the Capitol Police, which will enable the Capitol Police to maintain its current staffing level of 1,592 police officers and ensure appropriate levels of security for the Capitol complex.

The recommendation also includes $427 million for the Architect of the Capitol, including $42 million for Capitol Visitor Center construction and $2.3 million for initial operational costs of the CVC. The Architect believes this amount will be sufficient to complete the CVC construction.

Also within the AOC budget is storage modules for the Library of Congress at Ft. Meade, totaling $40.7 million. While this is an expensive project, it is critically needed to take care of burgeoning storage requirements at the Library.

For the Library of Congress, funding would total $580 million, including funding for the Library's highest priorities such as the new National Audio-Visual Conservation Center and Congressional Research Service enhancements. A total of $9.8 million would be included for the Books for the Blind digital talking book, as a "downpayment" on the $75 million effort to replace the current cassette playback system with digital "flash memory" technology.

Funding for the GPO would total $126.9 million, including $5 million to retrain staff for the new digital environment; the Government Accountability Office would receive $484 million, and the Open World Leadership Program would be funded at the budget request level of $14 million.

Funding and language pertaining only to the House remains as passed by the House, pursuant to the normal protocol of comity between the two bodies.

This is a non-controversial and lean bill that meets the most important needs of the Congress and its support agencies, and I urge my colleagues to support the bill.

Before closing, I would like to thank the staff who have been involved in this bill. Senator DURBIN's staff, Nancy Olkewicz, Drew Willison and Pat Souders, and my own staff, Lance Landry, Carrie Apostolou, and Christen Taylor.

Mr. ENSIGN. Mr. President, I thank the chairman for taking the time to engage in a colloquy to discuss a program funded in the Legislative Branch appropriations measure that is important to many Nevada educators.

In this bill, the Library of Congress is slated to receive $4 million for continued development of the Adventure of the American Mind program. AAM facilitates the incorporation of digital collections into school curricula. AAM provides teacher training so they can learn how to use primary resources in their classroom instruction. I think it is important to give educators and students—regardless of where they live—access to what the Librarian of Congress, Dr. James Billington, calls "the world's largest repository of knowledge." I commend the chairman for his support for AAM.

I know that he is aware of two Nevadans who have performed extensive work to develop AAM. I am proud of my constituents. George and Carolyn Breaz of Las Vegas have traveled all over the country to train teachers in the five States that participate in the AAM Consortium. I believe it is through an oversight that my State of Nevada was not included as a member of the consortium. It was perhaps my staff's oversight for not communicating my support for Nevada's participation to the previous chairman, Senator Campbell, during the expansion of this AAM consortium.

I think that participation in AAM should be based on merit. I am not asking for special treatment for Nevada. Some states may get special treatment. I don't know. I do know that Mr. and Mrs. Breaz have worked hard to get this program to where it is today, and I believe that taxpayers have a right to expect that technical experts are developing AAM. The Breazes were quite devastated when they were not invited to participate in the AAM consortium, particularly given the amount of work they devoted for the past 5 years.

It is my understanding that the chairman and his staff will advocate Nevada's participation in this important project, whether it is through a legislative or administrative solution, prior to the Legislative Branch appropriations bill becoming law. Is this correct?

Mr. ALLARD. Yes, that's correct.

Mr. ENSIGN. Thank you for your support and for your personal commitment to be as helpful as possible. I appreciate very much your assistance and the hard work of your staff.

Mr. DURBIN. Mr. President, I first congratulate Chairman ALLARD for successfully crafting his first Legislative branch appropriations bill. It has been a pleasure working through this process with him and I thank him for his leadership. He has done an exceptional job.

The Fiscal Year 2006 Legislative branch appropriations bill we are considering today is comprehensive, thorough, and fair. I want to thank Chairman COCHRAN for providing us with an allocation which has allowed us to adequately fund the agencies that support the Legislative branch, such as the Capitol Police, the Government Accountability Office, the Library of Congress, and the Architect of the Capitol.

The bill we are presenting today provides funding to support the Capitol Police at the current staff level of 1,592 officers and 411 civilian staff, along with anticipated cost-of-living adjustments and estimated overtime requirements. The bill also provides funding for 14 new officers for the Capitol Visitor Center. I believe it is critical that we provide adequate funding to support the men and women who put their lives on the line to protect us every day. Our bill does that.

The House Legislative branch bill made some painfully deep cuts to some of our support agencies, particularly the Capitol Police, so we will have a real challenge to face during conference.

This bill provides funding to the Architect of the Capitol to complete construction of the Capitol Visitor Center. I thank Chairman ALLARD for his diligence in holding monthly hearings to monitor the progress of the CVC. These hearings have been very useful and informative to the members of the subcommittee and have allowed us to make the best of a very challenging situation.

I thank Chairman ALLARD for including funding for several projects which are very important to the State of Illinois—the Abraham Lincoln Bicentennial Commission and the Adventures of the American Mind. I am also happy to note that a legislative provision is included in this bill which provides permanent authorization for a program within the Library of Congress, the Digital Collections into School Curricula Act of 2005, which is patterned after the Adventures of the American Mind program.

Finally, I thank Carrie Apostolou, Fred Pagan, and Christen Taylor of the majority staff, and Terry Sauvain, Drew Willison, and Nancy Olkewicz of the minority staff for their help on this bill.

Mr. DODD. Mr. President, this amendment No. 1082 provides $800,000 for the NFB–NEWSLINE Service in the Books for the Blind and Physically Handicapped program in the Library of Congress as a provision of H.R. 2985, the Legislative Branch Appropriations Act for fiscal year 2006.

The NFB–NEWSLINE service is a telephone-based electronic audio newspaper service developed by the National Foundation of the Blind, NFB. The Service ensures that newspapers are directly accessible to blind readers at the same time when print publications are released.

In 1931, Congress established a national Books for the Blind program within the Nation's premier library, the Library of Congress, to be administered by the National Library Service for the Blind and Physically Handicapped, NLS. The Books for the Blind program continues to be the principal source of Braille and audio books and magazines for blind adults. At present, NFB–NEWSLINE offers over 150 newspapers and magazines daily.

The ultimate goal of the Service is to ensure that blind-patrons have the same opportunity for access to daily newspapers as sighted-patrons. The following statistics support the need: Approximately 57,000 blind Americans are enrolled in elementary, secondary or post-secondary education programs. NFB–NEWSLINE helps them be more informed about current events. Approximately 300,000 blind Americans are of working age. NFB–NEWSLINE supports them in numerous employment activities. Approximately 700,000 blind Americans are seniors, age 65 and older. NFB–NEWSLINE helps them keep up with current events in their community.

In 2001, Congress first appropriated funding to establish the NFB–NEWSLINE service in the Omnibus Consolidated Appropriations Act. Congress subsequently appropriated funds in two Legislative Branch appropriations bills to pay the telecommunications costs for the electronic service. The annual telecommunications costs, including inflation adjustments, are approximately $850,000.

Telecommunications service is the only cost for which a regular and continuing appropriation is needed from the Federal Government. Ongoing operation of the Service is paid for by State sponsors, including public libraries and rehabilitation agencies, to help defray the telecommunications costs associated with the dissemination of audio information to eligible individuals.

Many of you know that equal access for persons with disabilities has long been a personal and family goal. My sister is an American with a disability. She is a member of the National Foundation of the Blind.

The current appropriation will be expended at the end of 2005, making it essential to provide funding in fiscal year 2006. The funding level of $800,000 will ensure that the Service continues in fiscal year 2006 and that all persons with disabilities will continue to have equal access to information.

The PRESIDING OFFICER. The committee-reported amendments are agreed to.

The Lott-Dodd amendment No. 1082 is agreed to.

The amendment is as follows:

AMENDMENT NO. 1082

(Purpose: To provide funds for the Librarian of Congress to pay telecommunications costs for rapid dissemination of periodicals and daily newspapers available to blind and physically handicapped readers)

On page 60, line 10, after "expended" insert "and of which $800,000 shall be available to the Librarian of Congress to pay telecommunications costs for eligible readers to have interstate toll free access to electronic editions of periodicals and newspapers, disseminated in specialized audio and electronic text formats from a multi-State nonprofit source which obtains content from publishers for free distribution to blind and physically handicapped readers in a minimum of 20 States.".

The PRESIDING OFFICER. The bill is read a third time and passed. The motion to reconsider is laid upon the table. The Senate insists on its amendments and requests a conference with the House, and the Chair appoints the following conferees: Senators ALLARD, DEWINE, COCHRAN, STEVENS, DURBIN, JOHNSON, and BYRD.

(The bill will be printed in a future edition of the RECORD.)

DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT IMPLEMENTATION ACT—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized for 10 minutes.

Mr. SESSIONS. Mr. President, I congratulate my colleague Senator ALLARD on his ability to move that legislation so rapidly. It makes you wonder maybe if we could do more things around here that way.

My colleague from North Dakota raises a concern about trade deficits. This is something I have worried about, too. A lot of people seem less concerned than we, but it does bother me.

There is some good news out there. We are getting jobs outsourced to our country. Alabama just had a number of good news items. Our Mercedes, Daimler-Chrysler plant has doubled its employees to 4,000. Honda just doubled its plant in Alabama to 4,000. Hyundai, a South Korean company, just rolled out its first new automobile in a plant that will have 4,000 employees and 7,000 employed by suppliers who provide parts and components. Toyota has some 600 in the state as well. Austal, an Australian company, is building ships in Alabama. I don't know exactly how trade works. I am not able to comprehend it all. Sometimes it works good for you, and sometimes it doesn't.

I am not religious about free trade. I think there are some people who have it in their heads that if we have free trade, there will be peace in the world and cancer will be cured and there will be no problems left. That is not exactly so.

But trade is good. The more we trade, the better we get along, the more prosperity that appears to exist. In my home State, unemployment continues to fall and is now below 4.5 percent. It has been falling regularly. I am not able to explain exactly why, because we are losing textile jobs. But high-paid automotive jobs are coming in large numbers. That is playing a good part in our advancement.

I have been concerned about this CAFTA agreement. I had not made up my mind about how to vote on it. I have voted for some trade agreements and against other trade agreements. I think we should look at these agreements and see if it is a good deal or not. I had a particular concern on the question of socks. Fort Payne, Alabama, is known as the sock capital of the world. It is also the hometown of the great singing group, Alabama. There are many wonderful people there that are concerned about CAFTA. I spoke with one of them today about his concerns.

I also met with Secretary of Commerce Gutierrez and spoke with Trade Representative Portman today to discuss my concerns with them. I now feel much better about our ability to address them. They have indicated to me they understand the problem. They are concerned about it, and the Administration will look for meaningful opportunities to be helpful in ways that can make a difference for our sock industry. I feel a lot better about that question.

Looking at the matter as a whole, this is not a large agreement. There exists about a $31 billion trade relationship between the United States and the six CAFTA countries. That is, in the scheme of things, not large. We have an almost balanced trade relationship with these countries now. Without this agreement, when we ship domestically manufactured goods to these countries, they face a much higher tariff than when those countries ship goods to us. So if we execute this trade agreement, clearly more barriers will go down in those countries than in the United States. The experts tell us that under these circumstances, we should certainly move to a trade surplus with these countries. That is good. If we are concerned about a trade deficit, we ought to vote for things that might help us go to a trade surplus.

The picture worldwide, however, is not so good. Looking at our trade with the United Kingdom, Germany, and France, one sees a $140 billion trade relationship. And we have a $65 billion trade deficit with those countries. Look at China. We have a $231 billion trade relationship with that country including a $160 billion trade deficit. Look at Mexico and Canada, the NAFTA countries. We have a $266 billion trade relationship with Mexico and a $445 billion trade relationship with Canada—$711 billion with just those two countries—with a trade deficit of $110 billion.

The CAFTA nations are small countries by comparison. They want to progress. They are young democracies. They are our neighbors south of us—many virtually directly south of my hometown of Mobile, Alabama. And they are good people. They have been friends to the United States. Any trade deficit is a concern, I acknowledge, but I would also point out that the proposed agreement with these countries would likely convert it into a surplus.

As you look at trade and the relationships we have with these countries, it is also important that we look at our national security interests.

First, I believe this trade agreement will move us into an enhanced trade relationship with these six countries. That enhanced trade relationship will move us from a deficit to a surplus, and it will increase trade between our countries, and that will be good for all of us. I am convinced it is good economics.

Second, and very importantly, these are our allies and friends. Let me ask you: how have they proven their friendship? I point out that every one of these six countries supported our efforts in Iraq. Four of them sent troops to Iraq. Four of these countries we are seeking to have a level trade agreement with have actually sent troops to Iraq. Is that true with Mexico, France, Canada, Germany, or China? I submit to you that it is not. These CAFTA countries are our friends and neighbors with whom we have a balanced trade relationship. If we pass this bill, we can even move to a surplus.

Mr. President, I think it makes good economic sense. It makes good sense in terms of national security. Let me just say one other thing, quite frankly. One reason our trading relationship has not been as productive with Mexico and other Latin American countries as some had predicted, I think, is because of the incredible surge of imports from China. China got out ahead and they are moving forward and they are very aggressive. We ought to take what steps we can, without hesitation, in my view, to make ourselves, our neighbors, our friends, and our allies more able to compete on a level playing field with China. Why would that not be a good thing? I think it would be a good thing.

Mr. President, there are a number of considerations that I have evaluated as I have considered this trade agreement. I am convinced that compared to most of them, if not all of them, this is probably the most worthwhile trade agreement we have had presented to us. I think we ought to ratify it and establish a closer bond and partnership with these countries, our friends and neighbors. It will be good for our economy and our national security.

I yield back such time as I have remaining.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I thank the Senator from Montana for making the time available. I will be brief. In addition to what I said earlier today, I want to reference representations that have been made since then. It is hard for anyone listening, and even for a Member watching these proceedings, to separate the facts from all of the claims and descriptions that are being presented.

Unfortunately, in complicated issues like this, even experts can reach different conclusions. So it is not surprising that Senators can reach different conclusions—often from different information or different interests from the people we represent. I find it less understandable or acceptable when I hear mischaracterizations of the expressed positions of other affected Americans. If somebody here or anybody else chooses to try to convince people that what is not good for them is what they should believe is good for them, I will disagree, but I won't object to that undertaking.

I do object, however, when the actual statements or the official positions by individuals or organizations are not accurately represented, especially ones being made as currently as today or yesterday. So I want the official public record of this debate to record accurately the positions on DR–CAFTA that have been taken by the American sugar industry in general and Minnesota's sugar beet farmers and workers in particular.

A public statement issued today by the Red River Valley Sugarbeet Growers Association and major Minnesota sugar beet cooperatives on behalf of the State of Minnesota's sugar industry stated in part:

> . . . and we remain convinced that a vote for CAFTA, based on a short-term fix, places Minnesota's 20,000 sugarbeet farmers and workers at risk.
>
> Plain and simple: No deal was brokered that addresses our concerns with CAFTA. And there appears to be no interest by the U.S. Department of Agriculture or the U.S. Trade Representative's office to find a long-term comprehensive solution.
>
> Our jobs, farms, factories, and way of life are on the line. It's our livelihoods that hang in the balance of the CAFTA vote, and we know what's best for us.
>
> The administration's proposal to "fix sugar" is unsustainable. It will not protect our jobs or Minnesota's rural economy because CAFTA is a permanent trade agreement.
>
> The men and women of Minnesota's sugar industry remain adamantly opposed to CAFTA.

Mr. President, I ask unanimous consent that the full statements by the Minnesota organizations, plus the American Crystal Sugar Company letter and the American Sugar Alliance release be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DAYTON. Mr. President, plain and simple, the Bush administration is trying to make temporary side deals that run contrary to the actual DR–CAFTA treaty to get the votes necessary to pass it. With the sugar industry, the Secretary of Agriculture just yesterday announced his own farm program, with no congressional hearings or review, to be paid for with tax dollars, at his entire and sole discretion. It is, frankly, such an ill-considered, ill-designed, uneconomical and improper program that if any member of the Senate Agriculture Committee on which I serve introduced it, I think we would be run out of the room. If any Member on the floor introduced it, I think it would be defeated overwhelmingly by a vote. Yet it is supposed to be sweetening this agreement and making it palatable to pass tonight. The Secretary will buy U.S. sugar and convert it to ethanol for no good reason, or economical reason, except to get this agreement passed in the Senate.

To their credit, the Minnesota sugar beet farmers, workers, and industry leaders are not buying this boondoggle. They know it is a bad deal for them. It is a bad deal for the U.S. agricultural economy, the ethanol industry, and the American taxpayers. It is claimed to be for them, but they don't want it. It is claimed to be good for them, but they know it is not. It shows, however, an administration that is so determined, and perhaps desperate, to get what it wants—even though it is not what is best for America—that they will make the agreement even worse, at American taxpayer expense, with these kinds of side agreements and deals that should be rejected by the Senate.

I yield the floor.

EXHIBIT 1

CAFTA VOTE CRITICAL TO SUGAR INDUSTRY'S FUTURE

In response to the upcoming U.S. Senate vote on the Central America Free Trade Agreement (CAFTA), the Minnesota sugar industry release the following statement (supported American Crystal, Minn-Dak Farmers Cooperative, Red River Valley Sugarbeet Growers Association and Southern Minnesota Beet Sugar Cooperative):

"The sugar industry has said throughout the debate on CAFTA that the agreement presents our industry with short-term and long-term problems. In the last few days an effort was made to provide a short-term fix. Friends do sometimes disagree, and we remain convinced that a vote for CAFTA, based on a short-term fix, places Minnesota's 20,000 sugarbeet farmers and workers at risk.

"Plain and simple: No deal was brokered that addresses our concerns with CAFTA. And, there appears to be no interest by the U.S. Department of Agriculture or the U.S. Trade Representative's office to find a long-term comprehensive solution.

"Our jobs, farms, factories, and way of life are on the line. It's our livelihoods that hang in the balance of the CAFTA vote, and we know what's best for us.

"The Administration's proposal to 'fix sugar' is unsustainable. It will not protect our jobs or Minnesota's rural economy because CAFTA is a permanent trade agreement.

"The men and women of Minnesota's sugar industry remain adamantly opposed to CAFTA. We will continue to send the message to Minnesota's lawmakers to vote against it."

The Senate is expected to vote today. A House vote is likely to occur before August.

JUNE 30, 2005.

Hon. MARK DAYTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR DAYTON: Thank you for your strong support of the Minnesota sugarbeet industry. Your understanding of the threat to the sugar industry from regional and bilateral trade agreements like CAFTA is sincerely appreciated.

Despite rumors and conjecture that recent discussions between some Members of Congress and the Administration have resolved the sugar industry's concern over the CAFTA, American Crystal Sugar Company remains firmly opposed to the trade agreement. We respectfully ask that you maintain your strong opposition.

Sincerely,
KEVIN PRICE,
Director of Government Affairs,
American Crystal Sugar Company.

LAST-DITCH EFFORTS FOR SUGAR DEAL FAIL

WASHINGTON.—Sugar industry leaders remained steadfast in their opposition yesterday to the Central America Free Trade Agreement (CAFTA). They rejected a repackaged, short-term offer from Administration officials, who are seeking to drum up last-minute support for the controversial trade deal, which faces stiff opposition in Congress.

"There is no deal, and it's obvious that there will be no deal," said Terry Jones, a Wyoming sugarbeet farmer and president of the American Sugarbeet Growers Association. "We have said all along that we need a long-term solution to our problems with CAFTA and other trade agreements. What we were presented yesterday was virtually the same short-term proposal we'd already rejected."

Once again, the Administration presented a concept to pay foreign countries not to send America unneeded sugar for two years. The only difference to the proposal was the promise to perform a study to examine the viability of a sugar ethanol program.

The Administration said this was the final offer and that conversations would not continue. A reasonable and comprehensive plan presented by sugar producers two weeks ago was rejected by the Administration.

"We are very appreciative of the members of Congress who have spent so much of their time and energy looking for a comprehensive solution to our CAFTA concerns," said Fritz Stein, a Florida cane grower for the Sugar Cane Growers Cooperative of Florida. "We hope they understand why sugar farmers oppose this deal. And, we hope they'll cast an emphatic NO when they vote on CAFTA."

"A farmer-owned factory in Oregon recently stopped processing sugarbeets because of unneeded imports to the U.S. market," said beet farmer Perry Meuleman, who is also president of the Idaho Sugarbeet Growers Association. "This same scene is playing out across the country, people are losing jobs, and CAFTA on top of NAFTA, just exacerbates the problem. It's time for Congress to open its eyes to the pain trade agreements are causing and put a stop to it."

The American Sugar Alliance vowed to work night and day to defeat the trade pact.

Religious groups; numerous states government; trade unions; small businesses; national farm associations; various textile interests; environmental groups; and Latin American human rights organizations are just a few of the groups that join sugar farmers in calling for the swift and sound defeat of CAFTA.—American Sugar Alliance, June 29, 2005.

The PRESIDING OFFICER. Under the previous order, the Senator from New Hampshire is recognized for 5 minutes.

Mr. SUNUNU. Mr. President, in discussing this trade bill earlier today, and throughout the day, I think a lot of mention has been made of specific firms—firms that over the past number of years have been affected by international trade. There was a list on the floor that included companies such as Levi's and Fruit of the Loom. That is a fact. These companies have been affected. They are eligible for the Trade Adjustment and Assistance Program, and that is one of the challenges of the job that we do as elected representatives. We see firms in States grow, but we also see them have to deal with challenges of competition, both domestic and international competition.

In New Hampshire, my home State, we have had an electronics firm that saw its plastic molding jobs go to Mexico. But even more recently, we have seen a firm that did meat processing lose 500 or 600 jobs to some Midwestern States. So we see competition not just from overseas but domestically as well.

At the same time, we cannot lose sight of the jobs that are created. Over the past year, I think 2.5 million jobs have been created in the United States. Over the last decade, it is a significantly greater number than that. It has been in areas like software, pharmaceuticals, and financial services—significant, value-added, high-paying jobs.

That brings me back to the very basic question of why we even trade in the first place. We trade, and I support expanding opportunities for trade and knocking down barriers to trade because it creates opportunities for consumers. It gives our consumers in America the opportunity and the freedom to buy the products they want, to purchase the goods and services that they want to choose. It gives them access to products and services that they would not otherwise have. It is good for American consumers, and it is good for our economy. It gives firms, large and small, in a similar way access to cheaper, affordable goods and services, and trade allows American individuals, American companies to focus on what we do best, thereby improving our productivity here at home.

We want trade to be fair. Everyone talks about fair trade. If we look at the tariffs that exist today—this is a small card that was prepared by the chairman of the Finance Committee, but it highlights what we pay now in tariffs of products coming into the United States: 10 percent, 16 percent, 11 percent, 12 percent on products such as petroleum or chemicals, metals and metal products, motor vehicles and parts. We pay 10, 12 or 15 percent in tariffs, and the countries that are affected by this agreement today pay zero. We pay 10 or 12 percent, they pay zero. What this trade agreement will do is knock that tariff that U.S. companies and consumers pay down to zero on all the products I just mentioned. That is why this is a step in the right direction. That is why an agreement such as this that lowers tariffs benefits consumers, creates a stronger global economy, but perhaps most important of all is good and right for the U.S. economy.

I am very pleased to support S. 1307. I know it is very difficult for the chairman and the ranking member of the Finance Committee to move something like this through their committee, but I appreciate their work and congratulate them for their work and urge my colleagues to support it.

I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I believe the previous order had the Senator from Nevada going next.

Mr. BAUCUS. That is correct.

The PRESIDING OFFICER. The Senator is correct. The Senator from Nevada is not here.

Mr. BAUCUS. Mr. President, I suggest the next speaker be the Senator from North Dakota and as soon as the Senator from Nevada arrives, he follows the Senator from North Dakota, if he is here on time.

Mr. DORGAN. I would sooner follow the Senator from Nevada by the accepted order.

The PRESIDING OFFICER. Will the Senator restate what he said?

Mr. DORGAN. Mr. President, we have an order that is established. My understanding is that the Senator from Nevada is to speak next; is that correct?

Mr. BAUCUS. Yes.

The PRESIDING OFFICER. The Senator from Nevada sleeps on his rights if he is not here.

The Senator from North Dakota is recognized for 5 minutes.

Mr. DORGAN. Mr. President, I wonder if you might want to further disclose what "sleeping on one's rights" means? Ignore the question. We will all assume the Senator from Nevada is awake, just not here.

I heard the discussions tonight about Central America. Earlier this evening, I heard about the need to help Central America. I have traveled to, I think, all the countries involved. I have a great affection for the people of Central America. I also have great affection for a Central America that I would define—North Dakota, South Dakota, Minnesota, Iowa. We call that central America. I am very interested in Central America south of our border but most especially here. The question is, Will this advance the interests of Central America and America?

My colleague just described how this provides new opportunities. It is interesting, I have been here through all of the trade agreements, I believe, all the recent trade agreements in the last 15 years or so. I don't know that there are any new speeches, and that perhaps includes mine. They just dust off the old speeches: This means new opportunity. You show them it did not mean new opportunity, it meant less opportunity. They say: No, no, you don't understand, this means new opportunity. It is like a script—a bad script, to be sure, but a script. So away we go again.

I fear I know the results of the debate tonight. I have great respect for the Senate. The vote we will commence following all of the speakers I assume will provide, once again, a victory for the President's efforts to get this CAFTA agreement passed. The reason I know that is likely to be the case is because I have sat here and counted the number of times I heard my colleagues stand up and say: They promised, they promised, they promised me this, they promised me that, they promised me the other thing.

I am thinking we do not learn about promises, either. None of these promises mean a thing, not a whit. We heard them all, we have seen them all, and as soon as the vote is taken tonight, I say to those with their blue suits and their pride having extracted these wonderful promises, go to the front steps of the White House and then just speak into the wind and understand that you did not get anything. What you got was a vote. You were persuaded to vote for a trade agreement that is exactly as it is written. Side agreements mean nothing; promises mean nothing. They got your vote, they got the trade agreement, and it is one more chapter in a book of failed strategies. That is what happens.

I will remain hopeful, however, that one day sufficient numbers of this Congress and this Senate will decide that we are moving down the wrong road, we ought to turn around and change direction, and move in a way that expands opportunity for this country, cares a little bit about American jobs, sets up competition—yes, a competition with others that includes conditions that will raise others up rather than push us down. That will one day, in my judgment, be something the American people will demand of the Congress.

Apparently, not sufficient of them do so now, State after State, as represented by the votes that will be cast here later. But one day it will happen. If it is too late, at some point the strength will be sapped from this country, and we will not long remain a world economic power unless we have a strong, growing, vibrant manufacturing base. We lost half of that manufacturing base in the last 25 years. We are losing more of it as we speak. We face other challenges.

I just described this, which encapsulates a lot of the debate here: "China now wants to buy the ninth largest oil company in the U.S." This encapsulates a whole series of issues about which we talked. I think one day soon the American people will say to the Congress: You have to wake up. You cannot be passing trade agreements that pull the rug out from under this country. Trade agreements must be mutually beneficial, and I have not yet seen one in the last two decades.

So, Mr. President, I am going to vote no. I hope as many of my colleagues who can will vote no. I hope one day soon those of us who feel as I do will prevail. Apparently, tonight will not be the night.

I yield the floor.

The PRESIDING OFFICER. The Senator yields back the remainder of his time. Under the previous order, the Senator from Montana is recognized for 10 minutes.

Mr. BAUCUS. Mr. President, this has been a long debate, and generally, in most respects, the statements have been a little bit one-sided: CAFTA is great, it is going to help; or CAFTA is a terrible idea; it will send us down the drain. I am hopeful because I sensed that in the last 2 to 3 hours, the statements have been a little more toward the center, trying to figure out realistically what is happening, what is going on here.

I think it is true, we all know in this competitive world that trade is important, it is essential. Companies have to trade, people have to trade both ways. If we do not, we are going to lose out big time. That is clear. There is not much doubt about that. But it is also true—and this has not been sufficiently addressed, certainly not in this debate and certainly not in the country, is how we address the dislocations that happen on account of trade because so many people lose jobs through no fault of their own.

They work at a company, they work at a plant, say a manufacturing job at a plant, and the company seeking lower wages or lower health care costs goes overseas, maybe seeking software development, R&D investment, and an American loses his job. This might be a 20-year-old, it might be a 50-year-old, who loses his or her job. It is not the fault of the employee. It is because of the system. It is because the world is changing so dramatically. We have not begun at all to address what we should do about that.

We do have trade adjustment assistance. Trade adjustment assistance today applies only to persons who lose manufacturing jobs. It does help people who lose manufacturing jobs get some assistance, get some training, get some health care benefits, but it ought to be easier to get, and it ought to cover more workers, including service workers.

What we care about is training people, finding ways for them to get jobs that make a difference, to help them feel good about themselves without big dislocations in their families.

I might say we also are not addressing the larger trend that is coming. We have lost, say, 3 million manufacturing jobs in America over 2, 3, or 4 years. They are gone. We have also picked up a good number of jobs. But what is the area in which we have picked up a lot of jobs? Lately, in the last couple of years, it is because of 9/11. It is homeland security jobs. It is national defense jobs.

Clearly we need those jobs. But it makes one wonder a little bit, first, if there were no 9/11, sounds like there would be a huge net loss of jobs. We would not have the homeland security jobs we now have.

To make matters more, if not alarming, at least serious, is that although we have lost about 3 million manufacturing jobs, we picked up maybe roughly the same in the homeland security jobs, the next wave is going to be much greater and it is going to make the loss of manufacturing jobs pale in comparison. Our economy is creating and destroying jobs at a faster and faster rate. The total number of jobs may not be decreasing, but the rate of churn in the economy is getting faster and faster, especially with service jobs. This country is not ready for that. We have no paradigm, no structure, to deal with it. The days when you could work single job for 30 years without updating your skills are over. We need to be more prepared, have more educated workers, and more adjustment assistance.

Knowledge is not perfect. A little bit of knowledge is a dangerous thing. A book that I started to read is a good book that most Americans should read, called "The World Is Flat," by Thomas Friedman. If one reads that, they get a sense of how much technology, communications technologies, moves things from bottom up instead of top down. In the economic world, nothing is sacred anymore. It is such a free-for-all. It is the wild west in a certain sense. I do not think we are ready for that.

So this debate has been helpful. It helps bring out some of the provisions of CAFTA, what it does and does not do, but it does not address the fundamentals. It does not address the basic problems we should be addressing. I am quite hopeful that sooner rather than later we are going to begin to address and we are going to hear Senators give speeches on what needs to be done. After that, there will be some proposals and debates on those and I am very hopeful that will happen sooner rather than later.

With respect to the more narrow issue of CAFTA, it is my belief, frankly, that regrettably the administration did not work with Congress as much as it should have. If it started earlier, we could very well have had a big vote for CAFTA, especially with respect to sugar. The administration came to Senators with the sugar concerns, beet sugar, cane sugar, very late in the game. In fact, there are negotiations going on right now. It is only because they realized they do not have the votes, especially in the House, at least not yet. The same is true with the labor provisions, no real negotiations, no real discussion there. That is unfortunate because we are one of the two bodies trying to find ways to get trade agreements.

I must say, however, that is not true about environmental issues. About a year or so ago, I realized that on CAFTA, environmental issues were going to be a big problem so I asked Ambassador Zoellick if he could come over to my office and talk about it, and he did. I must say I appreciate the way Ambassador Zoellick, over a period of about a year, dealt with the environmental issues so that would be much less of an issue in this agreement.

There has been a lot of talk about trade fatigue. Maybe the people of our country, Members of Congress, are beginning to wonder, gee, do these agreements mean much. I think that is an appropriate question. There is trade fatigue. One is because we are not enforcing our current trade agreements as we should. If we were to start to enforce our trade agreements, I think Americans would start to think, hey, maybe our Government is doing something to help us out.

My final two points are this: We speak about job loss and we speak about job gain. More importantly, there is a lot of talk about the economy is doing better. It masks the real problems that are going on, and that is the tyranny of averages. Average numbers do not mean much of anything. Why? Because we are such a disparate country. Some people have certain kinds of jobs. Some people have a lot of income, some people do not. That is not the question, what is the average GDP in the economy and all of that.

It helps a little bit, but we are representing people. There are employees. They are the people who work and an awful lot of people are getting hurt these days. A lot of people are doing very well. Bigger companies do very well, but a lot of people are not doing well, and a lot of people who work for big companies are not doing well.

I urge us to remember who we work for. We work for the people. They are the ones who elect or unelect us. I urge us to remember that point.

Finally, I will end where I began, namely, I am quite hopeful. I sense in this agreement, this debate, that people are starting to realize what the real issues are and beginning to realize that maybe the administration could have done a better job in talking to the Congress about the provisions that are in this agreement so that the Congress and the administration can work these out in subsequent trade agreements so we do not have quite the same problems we have tonight. At least I hope so. I am hopeful that will happen.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Under the previous order, the Senator from Iowa is recognized for 10 minutes.

Mr. GRASSLEY. Mr. President, I hope I can say the Senate is going to pass S. 1307. I think we will do that. I am going to work the floor to make sure that happens. We have had an awful lot of support expressed for the bill today, and so I look forward to an announcement of a majority vote.

I think history will record this important legislation as a positive step in the development of democracy and prosperity in the CAFTA countries that has developed over the last 20 years, greatly expanding that. I am also confident that our leadership in passing CAFTA will be rewarded through benefits our Nation enjoys under this trade agreement, and more importantly, in the broader picture, advancing our overall trade agenda, particularly with the Doha round of negotiations going on throughout the course of 2005.

I also want to take a moment to compliment Senator COLEMAN of Minnesota. Senator COLEMAN has worked hard to create export opportunities for his farmers and manufacturers while looking after the interests of his sugar farmers, who Senator COLEMAN clearly cares deeply about.

Senator COLEMAN worked to get his sugar farmers disaster assistance a couple years ago when they were originally ineligible. And now, Senator COLEMAN has secured a commitment from this administration that the sugar import cap established in the farm bill will not be substantively violated as long as this farm bill is in place.

I want to compliment him on his commitment and dedication to his constituents. I appreciate his efforts to find a long-term solution to this complex issue.

I am ready to yield back the balance of time and proceed to a vote.

The PRESIDING OFFICER. The Senator has yielded back the remainder of his time.

Under the previous order, the minority leader is recognized.

Mr. REID. Mr. President, of all the trade agreements this body has considered since I have been here, I would like to be able to support this one. I think it is remarkable how the CAFTA countries have turned from pasts of violence and instability to hopeful democracies. The initial economic and political reforms made by these countries are an important sign of progress.

Unfortunately, this trade agreement is seriously flawed. And, more importantly, it is symptomatic of the Bush administration's rudderless trade and economic policy.

The CAFTA countries account for less than 1.5 percent of total U.S. trade. The combined economic size of the CAFTA countries is smaller than each of the top 25 metropolitan areas in America. Yet, the Bush administration has made CAFTA its number one trade priority this year. I don't know if the President even has any trade policies other than CAFTA.

I know that President Bush has no policy for dealing with the U.S. trade deficit, which set a record last year of over $600 billion and is on pace to surpass $700 billion this year.

Economists have warned that our trade deficit is unsustainable and could threaten the U.S. and global economies. If anyone tells you that CAFTA will help reduce the deficit, they are confused or are being misleading. The CAFTA countries account for just 0.3 percent of the U.S. trade deficit. They are barely a molecule of water in the proverbial drop in the bucket. Instead of coming up with a policy for addressing the deficit, the administration sits in denial. The Treasury Secretary even likes to say our enormous trade deficit is a sign of U.S. economic strength.

In order to fund the enormous U.S. deficit, the Nation has to borrow from foreign governments. The Bush administration has managed to accumulate more foreign-owned debt in 4 years—$921 billion—than the U.S. accumulated in the first 220 years of its existence.

I do not consider that a sign of strength; I consider it a cause for concern. If the Bush administration does not acknowledge something is a problem, how can you come up with a policy to fix it?

The Bush administration at least concedes that China is a problem. The U.S. trade deficit with China was over $160 billion last year—more than ten times the size of total U.S. exports to the CAFTA countries. We had a $36 billion trade deficit with China just in advanced technology products—more than twice the total U.S. exports to CAFTA.

Yet the Bush administration's only policy seems to be empty rhetoric. It has no strategy to ensure that China ends its currency manipulation. It has no strategy to reduce China's 90 percent piracy rates. It has no strategy for ensuring China complies with all its WTO obligations. It has no strategy for responding to China's industrial policies in areas critical to the U.S. economy, like high-tech goods, automobiles, software, and energy.

Except for an occasional rhetorical oar splashing around the water, U.S. trade policy toward China is totally adrift.

The administration likes to note that the U.S. exports more to the CAFTA countries than to Russia, India, and Indonesia combined, as if that is a great selling point for CAFTA.

But, that statistic is really an indictment of the administration's trade policy. The economies of those three countries are more than 25 times the size of the CAFTA countries. Why do we export so little to those three countries?

If the U.S. exported as much to Russia, India, and Indonesia as it does to the CAFTA countries—relative to the size of their GDPs, the U.S. would gain about $360 billion in exports—120 times the benefit touted for CAFTA. Why are we focusing on CAFTA and not focusing on opening these and other markets that would make a much bigger difference for the U.S. economy?

The Bush administration likes to negotiate new trade agreements, but it never gets around to enforcing the ones we already have. President Clinton brought an average of 11 cases in the WTO each year to open foreign markets. The Bush administration brought 12 WTO cases total in 4 years.

Once again, this administration has no policy for doing the things that really matter for the U.S. economy. But it has given us CAFTA and all its flaws.

There are always winners and losers in trade agreements. The rich few in these countries will be the winners, while the poor majority will be the losers. The CAFTA countries already have some of the highest levels of income inequality in the world. The CAFTA agreement will exacerbate these problems rather than help them.

Democrats called for rules to help out the "little guy" in the CAFTA countries—stronger labor provisions and significant investments—but the Bush administration rejected them. The CAFTA countries have serious worker rights abuses. The U.S. Department of State, the International Labor Organization, and numerous independent human rights groups have all catalogued these abuses extensively. El Salvador's independent government-appointed Human Rights Ombudsman put it well. As reported by the Washington Post last year, she "said both government and industry have 'an explicit intent to destroy unions.'"

CAFTA does not require that these countries' labor laws meet basic internationally accepted standards. The CAFTA countries may weaken their labor laws at will. If one of the CAFTA countries allowed child labor, blacklisting, or intimidation of workers, it would all be OK under CAFTA.

Anyone who buys Bush administration claims that it sincerely wants to try to improve worker rights in the region, I have some ocean front property in my home State to sell you. The Bush administration has consistently sought major cuts in U.S. funds to the programs that improve worker rights overseas. This administration simply does not care about the issue.

As I said, it is inevitable that trade has winners and losers. The Bush administration has ignored those who are hurt by expanded trade here at home, however.

Democrats succeeded in getting an amendment added to CAFTA to provide training and assistance for more U.S. workers injured by trade. The Bush administration stripped this provision out of the legislation.

Because of CAFTA's flaws, leading groups of Latinos have announced their opposition or raised serious concerns about it—including the Congressional Hispanic Caucus and Central American bishops. These groups worry that CAFTA will hurt poor Latinos in Central America and here at home.

This administration's trade policy—when it has one—is the wrong policy for America. We should demand that the administration re-negotiate CAFTA and come back with a better agreement that makes sense for America and the region. More importantly, we should demand that the administration develop a comprehensive trade policy that addresses the critical issues, including the trade deficit, the emergence of China, and tough enforcement of U.S. rights under trade agreements, that reflect the priorities of the American people.

The PRESIDING OFFICER. Under the previous order, the majority leader is recognized.

Mr. FRIST. Mr. President, the Senate will shortly vote on CAFTA—the Central American Free Trade Agreement.

This agreement will eliminate most trade barriers between the United States, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republic.

Over the last half century, the United States has led the way to opening new markets and encouraging free trade around the globe. These efforts have had tremendous success.

Everyday, American consumers and businesses benefit from the competition and choice that trade expansion brings. As we promote free and fair trade agreements, we create economic opportunity and build relationships that will continue to grow for years to come.

Under the agreement, six CAFTA countries will allow 80 percent our exports to enter their countries duty-free.

As a result, CAFTA will create our second largest export market in Latin America, behind only Mexico.

This agreement is a huge opportunity for both sellers and buyers, for all people who make transactions happen. It's like opening a huge new store for American businesses—where we get the same price for our goods but—because we pay fewer tariffs—our customers pay less.

This is a win-win.

CAFTA will open the doors to 44 million new consumers of American goods. And more sales to Central America means more jobs here at home.

With this agreement, over 27,000 new jobs will be created in its first year of implementation—over 500 of which will be in Tennessee. And 9 years after implementation, thanks to CAFTA over 137,000 Americans—including over 2,000 Tennesseans—will have the benefit of a new job.

CAFTA means jobs. American jobs. Tennessee jobs. It means more prosperity in our pockets.

Even more, CAFTA will allow our Nation to strengthen its bonds with countries in the region. A stronger relationship will allow us to more effectively work together to fight the war on terror and enhance the social stability of these nations.

We can also make positive strides in combating the trafficking of illegal drugs. And, as a result, reduce the supply of drugs on our Nation's streets and in our neighborhoods.

Furthermore, strengthening our mutual economic interests will strengthen our national security.

Twenty years ago, only two of the CAFTA nations—Costa Rica and the United States—were established democracies. Today, all seven can be counted among the free nations of the world.

CAFTA will bolster democracy in Central America and provide a model for freedom seekers around the world.

We simply cannot leave the United States on the sidelines as other nations rush to embrace free trade. We have an opportunity to act with CAFTA.

I urge my colleagues to support this agreement. A vote for CAFTA is a vote for America's farmers and manufacturers. It is a vote for more jobs for hard-working Americans. It is a vote for stable democracies and the spread of freedom to all corners of our globe.

CAFTA will move America forward. It will move all the Americas forward.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to a death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 170 Leg.]

YEAS—54

Alexander
Allard
Allen
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Cornyn
DeMint
DeWine
Dole
Domenici
Ensign
Feinstein
Frist
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Jeffords
Kyl
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Santorum
Sessions
Smith
Stevens
Sununu
Talent
Voinovich
Warner
Wyden

NAYS—45

Akaka
Baucus
Bayh
Biden
Boxer
Burns
Byrd
Clinton
Collins
Conrad
Corzine
Craig
Crapo
Dayton
Dodd
Dorgan
Durbin
Enzi
Feingold
Graham
Harkin
Inouye
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Obama
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Shelby

Snowe
Specter
Stabenow
Thomas
Thune
Vitter

NOT VOTING—1

Lieberman

The bill (S. 1307) was passed, as follows:

S. 1307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Dominican Republic-Central America-United States Free Trade Agreement Implementation Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.
Sec. 3. Definitions.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

Sec. 101. Approval and entry into force of the Agreement.
Sec. 102. Relationship of the Agreement to United States and State law.
Sec. 103. Implementing actions in anticipation of entry into force and initial regulations.
Sec. 104. Consultation and layover provisions for, and effective date of, proclaimed actions.
Sec. 105. Administration of dispute settlement proceedings.
Sec. 106. Arbitration of claims.
Sec. 107. Effective dates; effect of termination.

TITLE II—CUSTOMS PROVISIONS

Sec. 201. Tariff modifications.
Sec. 202. Additional duties on certain agricultural goods.
Sec. 203. Rules of origin.
Sec. 204. Customs user fees.
Sec. 205. Retroactive application for certain liquidations and reliquidations of textile or apparel goods.
Sec. 206. Disclosure of incorrect information; false certifications of origin; denial of preferential tariff treatment.
Sec. 207. Reliquidation of entries.
Sec. 208. Recordkeeping requirements.
Sec. 209. Enforcement relating to trade in textile or apparel goods.
Sec. 210. Regulations.

TITLE III—RELIEF FROM IMPORTS

Sec. 301. Definitions.

Subtitle A—Relief From Imports Benefiting From the Agreement

Sec. 311. Commencing of action for relief.
Sec. 312. Commission action on petition.
Sec. 313. Provision of relief.
Sec. 314. Termination of relief authority.
Sec. 315. Compensation authority.
Sec. 316. Confidential business information.

Subtitle B—Textile and Apparel Safeguard Measures

Sec. 321. Commencement of action for relief.
Sec. 322. Determination and provision of relief.
Sec. 323. Period of relief.
Sec. 324. Articles exempt from relief.
Sec. 325. Rate after termination of import relief.
Sec. 326. Termination of relief authority.
Sec. 327. Compensation authority.
Sec. 328. Confidential business information.

Subtitle C—Cases Under Title II of the Trade Act of 1974

Sec. 331. Findings and action on goods of CAFTA-DR countries.

TITLE IV—MISCELLANEOUS

Sec. 401. Eligible products.
Sec. 402. Modifications to the Caribbean Basin Economic Recovery Act.
Sec. 403. Periodic reports and meetings on labor obligations and labor capacity-building provisions.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to approve and implement the Free Trade Agreement between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua entered into under the authority of section 2103(b) of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3803(b));

(2) to strengthen and develop economic relations between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua for their mutual benefit;

(3) to establish free trade between the United States, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua through the reduction and elimination of barriers to trade in goods and services and to investment; and

(4) to lay the foundation for further cooperation to expand and enhance the benefits of the Agreement.

SEC. 3. DEFINITIONS.

In this Act:

(1) AGREEMENT.—The term "Agreement" means the Dominican Republic-Central America-United States Free Trade Agreement approved by the Congress under section 101(a)(1).

(2) CAFTA-DR COUNTRY.—Except as provided in section 203, the term "CAFTA-DR country" means—

(A) Costa Rica, for such time as the Agreement is in force between the United States and Costa Rica;

(B) the Dominican Republic, for such time as the Agreement is in force between the United States and the Dominican Republic;

(C) El Salvador, for such time as the Agreement is in force between the United States and El Salvador;

(D) Guatemala, for such time as the Agreement is in force between the United States and Guatemala;

(E) Honduras, for such time as the Agreement is in force between the United States and Honduras; and

(F) Nicaragua, for such time as the Agreement is in force between the United States and Nicaragua.

(3) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(4) HTS.—The term "HTS" means the Harmonized Tariff Schedule of the United States.

(5) TEXTILE OR APPAREL GOOD.—The term "textile or apparel good" means a good listed in the Annex to the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)), other than a good listed in Annex 3.29 of the Agreement.

TITLE I—APPROVAL OF, AND GENERAL PROVISIONS RELATING TO, THE AGREEMENT

SEC. 101. APPROVAL AND ENTRY INTO FORCE OF THE AGREEMENT.

(a) APPROVAL OF AGREEMENT AND STATEMENT OF ADMINISTRATIVE ACTION.—Pursuant to section 2105 of the Bipartisan Trade Promotion Authority Act of 2002 (19 U.S.C. 3805) and section 151 of the Trade Act of 1974 (19 U.S.C. 2191), the Congress approves—

(1) the Dominican Republic-Central America-United States Free Trade Agreement entered into on August 5, 2004, with the Governments of Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, and Nicaragua, and submitted to the Congress on , 2005; and

(2) the statement of administrative action proposed to implement the Agreement that was submitted to the Congress on ___, 2005.

(b) CONDITIONS FOR ENTRY INTO FORCE OF THE AGREEMENT.—At such time as the President determines that countries listed in subsection (a)(1) have taken measures necessary to comply with the provisions of the Agreement that are to take effect on the date on which the Agreement enters into force, the President is authorized to provide for the Agreement to enter into force with respect to those countries that provide for the Agreement to enter into force for them.

SEC. 102. RELATIONSHIP OF THE AGREEMENT TO UNITED STATES AND STATE LAW.

(a) RELATIONSHIP OF AGREEMENT TO UNITED STATES LAW.—

(1) UNITED STATES LAW TO PREVAIL IN CONFLICT.—No provision of the Agreement, nor the application of any such provision to any person or circumstance, which is inconsistent with any law of the United States shall have effect.

(2) CONSTRUCTION.—Nothing in this Act shall be construed—

(A) to amend or modify any law of the United States, or

(B) to limit any authority conferred under any law of the United States,

unless specifically provided for in this Act.

(b) RELATIONSHIP OF AGREEMENT TO STATE LAW.—

(1) LEGAL CHALLENGE.—No State law, or the application thereof, may be declared invalid as to any person or circumstance on the ground that the provision or application is inconsistent with the Agreement, except in an action brought by the United States for the purpose of declaring such law or application invalid.

(2) DEFINITION OF STATE LAW.—For purposes of this subsection, the term "State law" includes—

(A) any law of a political subdivision of a State; and

(B) any State law regulating or taxing the business of insurance.

(c) EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.—No person other than the United States—

(1) shall have any cause of action or defense under the Agreement or by virtue of congressional approval thereof; or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, any State, or any political subdivision of a State, on the ground that such action or inaction is inconsistent with the Agreement.

SEC. 103. IMPLEMENTING ACTIONS IN ANTICIPATION OF ENTRY INTO FORCE AND INITIAL REGULATIONS.

(a) IMPLEMENTING ACTIONS.—

(1) PROCLAMATION AUTHORITY.—After the date of the enactment of this Act—

(A) the President may proclaim such actions, and

(B) other appropriate officers of the United States Government may issue such regulations, as may be necessary to ensure that any provision of this Act, or amendment made by this Act, that takes effect on the date the Agreement enters into force is appropriately implemented on such date, but no such proclamation or regulation may have an effective date earlier than the date the Agreement enters into force.

(2) EFFECTIVE DATE OF CERTAIN PROCLAIMED ACTIONS.—Any action proclaimed by the President under the authority of this Act that is not subject to the consultation and layover provisions under section 104 may not take effect before the 15th day after the date on which the text of the proclamation is published in the Federal Register.

(3) WAIVER OF 15-DAY RESTRICTION.—The 15-day restriction contained in paragraph (2) on the taking effect of proclaimed actions is waived to the extent that the application of such restriction would prevent the taking effect on the date the Agreement enters into force of any action proclaimed under this section.

(b) INITIAL REGULATIONS.—Initial regulations necessary or appropriate to carry out the actions required by or authorized under this Act or proposed in the statement of administrative action submitted under section 101(a)(2) to implement the Agreement shall, to the maximum extent feasible, be issued within 1 year after the date on which the Agreement enters into force. In the case of any implementing action that takes effect on a date after the date on which the Agreement enters into force, initial regulations to carry out that action shall, to the maximum extent feasible, be issued within 1 year after such effective date.

SEC. 104. CONSULTATION AND LAYOVER PROVISIONS FOR, AND EFFECTIVE DATE OF, PROCLAIMED ACTIONS.

If a provision of this Act provides that the implementation of an action by the President by proclamation is subject to the consultation and layover requirements of this section, such action may be proclaimed only if—

(1) the President has obtained advice regarding the proposed action from—

(A) the appropriate advisory committees established under section 135 of the Trade Act of 1974 (19 U.S.C. 2155); and

(B) the Commission;

(2) the President has submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that sets forth—

(A) the action proposed to be proclaimed and the reasons therefor; and

(B) the advice obtained under paragraph (1);

(3) a period of 60 calendar days, beginning on the first day on which the requirements set forth in paragraphs (1) and (2) have been met has expired; and

(4) the President has consulted with such Committees regarding the proposed action during the period referred to in paragraph (3).

SEC. 105. ADMINISTRATION OF DISPUTE SETTLEMENT PROCEEDINGS.

(a) ESTABLISHMENT OR DESIGNATION OF OFFICE.—The President is authorized to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 20 of the Agreement. The office may not be considered to be an agency for purposes of section 552 of title 5, United States Code.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal year after fiscal year 2005 to the Department of Commerce such sums as may be necessary for the establishment and operations of the office established or designated under subsection (a) and for the payment of the United States share of the expenses of panels established under chapter 20 of the Agreement.

SEC. 106. ARBITRATION OF CLAIMS.

The United States is authorized to resolve any claim against the United States covered by article 10.16.1(a)(i)(C) or article 10.16.1(b)(i)(C) of the Agreement, pursuant to the Investor-State Dispute Settlement procedures set forth in section B of chapter 10 of the Agreement.

SEC. 107. EFFECTIVE DATES; EFFECT OF TERMINATION.

(a) EFFECTIVE DATES.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act take effect on the date the Agreement enters into force.

(b) EXCEPTIONS.—Sections 1 through 3 and this title take effect on the date of the enactment of this Act.

(c) TERMINATION OF CAFTA–DR STATUS.—During any period in which a country ceases to be a CAFTA–DR country, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect with respect to that country.

(d) TERMINATION OF THE AGREEMENT.—On the date on which the Agreement ceases to be in force with respect to the United States, the provisions of this Act (other than this subsection) and the amendments made by this Act shall cease to have effect.

TITLE II—CUSTOMS PROVISIONS

SEC. 201. TARIFF MODIFICATIONS.

(a) TARIFF MODIFICATIONS PROVIDED FOR IN THE AGREEMENT.—

(1) PROCLAMATION AUTHORITY.—The President may proclaim—

(A) such modifications or continuation of any duty,

(B) such continuation of duty-free or excise treatment, or

(C) such additional duties,

as the President determines to be necessary or appropriate to carry out or apply articles 3.3, 3.5, 3.6, 3.21, 3.26, 3.27, and 3.28, and Annexes 3.3, 3.27, and 3.28 of the Agreement.

(2) EFFECT ON GSP STATUS.—Notwithstanding section 502(a)(1) of the Trade Act of 1974 (19 U.S.C. 2462(a)(1)), the President shall terminate the designation of each CAFTA–DR country as a beneficiary developing country for purposes of title V of the Trade Act of 1974 on the date the Agreement enters into force with respect to that country.

(3) EFFECT ON CBERA STATUS.—

(A) IN GENERAL.—Notwithstanding section 212(a) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)), the President shall terminate the designation of each CAFTA–DR country as a beneficiary country for purposes of that Act on the date the Agreement enters into force with respect to that country.

(B) EXCEPTION.—Notwithstanding subparagraph (A), each such country shall be considered a beneficiary country under section 212(a) of the Caribbean Basin Economic Recovery Act, for purposes of—

(i) sections 771(7)(G)(ii)(III) and 771(7)(H) of the Tariff Act of 1930 (19 U.S.C. 1677(7)(G)(ii)(III) and 1677(7)(H));

(ii) the duty-free treatment provided under paragraph 12 of Appendix I of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement; and

(iii) section 274(h)(6)(B) of the Internal Revenue Code of 1986.

(b) OTHER TARIFF MODIFICATIONS.—Subject to the consultation and layover provisions of section 104, the President may proclaim—

(1) such modifications or continuation of any duty,

(2) such modifications as the United States may agree to with a CAFTA–DR country regarding the staging of any duty treatment set forth in Annex 3.3 of the Agreement,

(3) such continuation of duty-free or excise treatment, or

(4) such additional duties,

as the President determines to be necessary or appropriate to maintain the general level of reciprocal and mutually advantageous concessions provided for by the Agreement.

(c) CONVERSION TO AD VALOREM RATES.—For purposes of subsections (a) and (b), with respect to any good for which the base rate in the Schedule of the United States to Annex 3.3 of the Agreement is a specific or compound rate of duty, the President may substitute for the base rate an ad valorem rate that the President determines to be equivalent to the base rate.

SEC. 202. ADDITIONAL DUTIES ON CERTAIN AGRICULTURAL GOODS.

(a) GENERAL PROVISIONS.—

(1) APPLICABILITY OF SUBSECTION.—This subsection applies to additional duties assessed under subsection (b).

(2) APPLICABLE NTR (MFN) RATE OF DUTY.—For purposes of subsection (b), the term "applicable NTR (MFN) rate of duty" means, with respect to a safeguard good, a rate of duty that is the lesser of—

(A) the column 1 general rate of duty that would, at the time the additional duty is imposed under subsection (b), apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good; or

(B) the column 1 general rate of duty that would, on the day before the date on which the Agreement enters into force, apply to a good classifiable in the same 8-digit subheading of the HTS as the safeguard good.

(3) SCHEDULE RATE OF DUTY.—For purposes of subsection (b), the term "schedule rate of duty" means, with respect to a safeguard good, the rate of duty for that good that is set out in the Schedule of the United States to Annex 3.3 of the Agreement.

(4) SAFEGUARD GOOD.—In this section, the term "safeguard good" means a good—

(A) that is included in the Schedule of the United States to Annex 3.15 of the Agreement;

(B) that qualifies as an originating good under section 203, except that operations performed in or material obtained from the United States shall be considered as if the operations were performed in, and the material was obtained from, a country that is not a party to the Agreement; and

(C) for which a claim for preferential tariff treatment under the Agreement has been made.

(5) EXCEPTIONS.—No additional duty shall be assessed on a good under subsection (b) if, at the time of entry, the good is subject to import relief under—

(A) subtitle A of title III of this Act; or

(B) chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.).

(6) TERMINATION.—The assessment of an additional duty on a good under subsection (b) shall cease to apply to that good on the date on which duty-free treatment must be provided to that good under the Schedule of the United States to Annex 3.3 of the Agreement.

(7) NOTICE.—Not later than 60 days after the Secretary of the Treasury first assesses an additional duty in a calendar year on a good under subsection (b), the Secretary shall notify the country whose good is subject to the additional duty in writing of such action and shall provide to that country data supporting the assessment of the additional duty.

(b) ADDITIONAL DUTIES ON SAFEGUARD GOODS.—

(1) IN GENERAL.—In addition to any duty proclaimed under subsection (a) or (b) of section 201, and subject to subsection (a), the Secretary of the Treasury shall assess a duty, in the amount determined under paragraph (2), on a safeguard good of a CAFTA–DR country imported into the United States in a calendar year if the Secretary determines that, prior to such importation, the total volume of that safeguard good of such country that is imported into the United States in that calendar year exceeds 130 percent of the volume that is set out for that safeguard good in the corresponding year in the table for that country contained in Appendix I of the General Notes to the Schedule of the United States to Annex 3.3 of the Agreement. For purposes of this subsection, year 1 in that table corresponds to the calendar year in which the Agreement enters into force.

(2) CALCULATION OF ADDITIONAL DUTY.—The additional duty on a safeguard good under this subsection shall be—

(A) in the case of a good classified under subheading 1202.10.80, 1202.20.80, 2008.11.15, 2008.11.35, or 2008.11.60 of the HTS—

(i) in years 1 through 5, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(ii) in years 6 through 10, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(iii) in years 11 through 14, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(B) in the case of any other safeguard good—

(i) in years 1 through 14, an amount equal to 100 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty;

(ii) in years 15 through 17, an amount equal to 75 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty; and

(iii) in years 18 and 19, an amount equal to 50 percent of the excess of the applicable NTR (MFN) rate of duty over the schedule rate of duty.

SEC. 203. RULES OF ORIGIN.

(a) APPLICATION AND INTERPRETATION.—In this section:

(1) TARIFF CLASSIFICATION.—The basis for any tariff classification is the HTS.

(2) REFERENCE TO HTS.—Whenever in this section there is a reference to a chapter, heading, or subheading, such reference shall be a reference to a chapter, heading, or subheading of the HTS.

(3) COST OR VALUE.—Any cost or value referred to in this section shall be recorded and maintained in accordance with the generally accepted accounting principles applicable in the territory of the country in which the good is produced (whether the United States or another CAFTA–DR country).

(b) ORIGINATING GOODS.—For purposes of this Act and for purposes of implementing the preferential tariff treatment provided for under the Agreement, except as otherwise provided in this section, a good is an originating good if—

(1) the good is a good wholly obtained or produced entirely in the territory of one or more of the CAFTA–DR countries;

(2) the good—

(A) is produced entirely in the territory of one or more of the CAFTA–DR countries, and—

(i) each of the nonoriginating materials used in the production of the good undergoes an applicable change in tariff classification specified in Annex 4.1 of the Agreement; or

(ii) the good otherwise satisfies any applicable regional value-content or other requirements specified in Annex 4.1 of the Agreement; and

(B) satisfies all other applicable requirements of this section; or

(3) the good is produced entirely in the territory of one or more of the CAFTA–DR countries, exclusively from materials described in paragraph (1) or (2).

(c) REGIONAL VALUE-CONTENT.—

(1) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of a good referred to in Annex 4.1 of the Agreement, except for goods to which paragraph (4) applies, shall be calculated by the importer, exporter, or producer of the good, on the basis of the build-down method described in paragraph (2) or the build-up method described in paragraph (3).

(2) BUILD-DOWN METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-down method:

$$\mathrm{RVC} = \frac{\mathrm{AV}-\mathrm{VNM}}{\mathrm{AV}}\ 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term "AV" means the adjusted value of the good.

(iii) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the good, but does not include the value of a material that is self-produced.

(3) BUILD-UP METHOD.—

(A) IN GENERAL.—The regional value-content of a good may be calculated on the basis of the following build-up method:

$$\mathrm{RVC} = \frac{\mathrm{VOM}}{\mathrm{AV}}\ 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) RVC.—The term "RVC" means the regional value-content of the good, expressed as a percentage.

(ii) AV.—The term "AV" means the adjusted value of the good.

(iii) VOM.—The term "VOM" means the value of originating materials that are acquired or self-produced, and used by the producer in the production of the good.

(4) SPECIAL RULE FOR CERTAIN AUTOMOTIVE GOODS.—

(A) IN GENERAL.—For purposes of subsection (b)(2), the regional value-content of an automotive good referred to in Annex 4.1 of the Agreement may be calculated by the importer, exporter, or producer of the good, on the basis of the following net cost method:

$$\mathrm{RVC} = \frac{\mathrm{NC}-\mathrm{VNM}}{\mathrm{NC}}\ 100$$

(B) DEFINITIONS.—In subparagraph (A):

(i) AUTOMOTIVE GOOD.—The term "automotive good" means a good provided for in any of subheadings 8407.31 through 8407.34, subheading 8408.20, heading 8409, or in any of headings 8701 through 8708.

(ii) RVC.—The term "RVC" means the regional value-content of the automotive good, expressed as a percentage.

(iii) NC.—The term "NC" means the net cost of the automotive good.

(iv) VNM.—The term "VNM" means the value of nonoriginating materials that are acquired and used by the producer in the production of the automotive good, but does not include the value of a material that is self-produced.

(C) MOTOR VEHICLES.—

(i) BASIS OF CALCULATION.—For purposes of determining the regional value-content under subparagraph (A) for an automotive good that is a motor vehicle provided for in any of headings 8701 through 8705, an importer, exporter, or producer may average the amounts calculated under the formula contained in subparagraph (A), over the producer's fiscal year—

(I) with respect to all motor vehicles in any 1 of the categories described in clause (ii); or

(II) with respect to all motor vehicles in any such category that are exported to the territory of one or more of the CAFTA–DR countries.

(ii) CATEGORIES.—A category is described in this clause if it—

(I) is the same model line of motor vehicles, is in the same class of vehicles, and is produced in the same plant in the territory of a CAFTA–DR country, as the good described in clause (i) for which regional value-content is being calculated;

(II) is the same class of motor vehicles, and is produced in the same plant in the territory of a CAFTA–DR country, as the good described in clause (i) for which regional value-content is being calculated; or

(III) is the same model line of motor vehicles produced in the territory of a CAFTA–DR country as the good described in clause (i) for which regional value-content is being calculated.

(D) OTHER AUTOMOTIVE GOODS.—For purposes of determining the regional value-content under subparagraph (A) for automotive goods provided for in any of subheadings 8407.31 through 8407.34, in subheading 8408.20, or in heading 8409, 8706, 8707, or 8708, that are produced in the same plant, an importer, exporter, or producer may—

(i) average the amounts calculated under the formula contained in subparagraph (A) over—

(I) the fiscal year of the motor vehicle producer to whom the automotive goods are sold,

(II) any quarter or month, or

(III) its own fiscal year,

if the goods were produced during the fiscal year, quarter, or month that is the basis for the calculation;

(ii) determine the average referred to in clause (i) separately for such goods sold to 1 or more motor vehicle producers; or

(iii) make a separate determination under clause (i) or (ii) for automotive goods that are exported to the territory of one or more of the CAFTA–DR countries.

(E) CALCULATING NET COST.—The importer, exporter, or producer shall, consistent with the provisions regarding allocation of costs set out in generally accepted accounting principles, determine the net cost of an automotive good under subparagraph (B) by—

(i) calculating the total cost incurred with respect to all goods produced by the producer of the automotive good, subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the total cost of all such goods, and then reasonably allocating the resulting net cost of those goods to the automotive good;

(ii) calculating the total cost incurred with respect to all goods produced by that producer, reasonably allocating the total cost to the automotive good, and then subtracting any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, and nonallowable interest costs that are included in the portion of the total cost allocated to the automotive good; or

(iii) reasonably allocating each cost that forms part of the total cost incurred with respect to the automotive good so that the aggregate of all such costs does not include any sales promotion, marketing and after-sales service costs, royalties, shipping and packing costs, or nonallowable interest costs.

(d) VALUE OF MATERIALS.—

(1) IN GENERAL.—For the purpose of calculating the regional value-content of a good under subsection (c), and for purposes of applying the de minimis rules under subsection (f), the value of a material is—

(A) in the case of a material that is imported by the producer of the good, the adjusted value of the material;

(B) in the case of a material acquired in the territory in which the good is produced, the value, determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, as set forth in regulations promulgated by the Secretary of the Treasury providing for the application of such Articles in the absence of an importation; or

(C) in the case of a material that is self-produced, the sum of—

(i) all expenses incurred in the production of the material, including general expenses; and

(ii) an amount for profit equivalent to the profit added in the normal course of trade.

(2) FURTHER ADJUSTMENTS TO THE VALUE OF MATERIALS.—

(A) ORIGINATING MATERIAL.—The following expenses, if not included in the value of an originating material calculated under paragraph (1), may be added to the value of the originating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or more of the CAFTA-DR countries to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more of the CAFTA-DR countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(B) NONORIGINATING MATERIAL.—The following expenses, if included in the value of a nonoriginating material calculated under paragraph (1), may be deducted from the value of the nonoriginating material:

(i) The costs of freight, insurance, packing, and all other costs incurred in transporting the material within or between the territory of one or more of the CAFTA-DR countries to the location of the producer.

(ii) Duties, taxes, and customs brokerage fees on the material paid in the territory of one or more of the CAFTA-DR countries, other than duties or taxes that are waived, refunded, refundable, or otherwise recoverable, including credit against duty or tax paid or payable.

(iii) The cost of waste and spoilage resulting from the use of the material in the production of the good, less the value of renewable scrap or byproducts.

(iv) The cost of originating materials used in the production of the nonoriginating material in the territory of one or more of the CAFTA-DR countries.

(e) ACCUMULATION.—

(1) ORIGINATING MATERIALS USED IN PRODUCTION OF GOODS OF ANOTHER COUNTRY.—Originating materials from the territory of one or more of the CAFTA-DR countries that are used in the production of a good in the territory of another CAFTA-DR country shall be considered to originate in the territory of that other country.

(2) MULTIPLE PROCEDURES.—A good that is produced in the territory of one or more of the CAFTA-DR countries by 1 or more producers is an originating good if the good satisfies the requirements of subsection (b) and all other applicable requirements of this section.

(f) DE MINIMIS AMOUNTS OF NONORIGINATING MATERIALS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a good that does not undergo a change in tariff classification pursuant to Annex 4.1 of the Agreement is an originating good if—

(A) the value of all nonoriginating materials that—

(i) are used in the production of the good, and

(ii) do not undergo the applicable change in tariff classification (set out in Annex 4.1 of the Agreement),

does not exceed 10 percent of the adjusted value of the good;

(B) the good meets all other applicable requirements of this section; and

(C) the value of such nonoriginating materials is included in the value of nonoriginating materials for any applicable regional value-content requirement for the good.

(2) EXCEPTIONS.—Paragraph (1) does not apply to the following:

(A) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90, that is used in the production of a good provided for in chapter 4.

(B) A nonoriginating material provided for in chapter 4, or a nonoriginating dairy preparation containing over 10 percent by weight of milk solids provided for in subheading 1901.90, that is used in the production of the following goods:

(i) Infant preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.10.

(ii) Mixes and doughs, containing over 25 percent by weight of butterfat, not put up for retail sale, provided for in subheading 1901.20.

(iii) Dairy preparations containing over 10 percent by weight of milk solids provided for in subheading 1901.90 or 2106.90.

(iv) Goods provided for in heading 2105.

(v) Beverages containing milk provided for in subheading 2202.90.

(vi) Animal feeds containing over 10 percent by weight of milk solids provided for in subheading 2309.90.

(C) A nonoriginating material provided for in heading 0805, or any of subheadings 2009.11 through 2009.39, that is used in the production of a good provided for in any of subheadings 2009.11 through 2009.39, or in fruit or vegetable juice of any single fruit or vegetable, fortified with minerals or vitamins, concentrated or unconcentrated, provided for in subheading 2106.90 or 2202.90.

(D) A nonoriginating material provided for in heading 0901 or 2101 that is used in the production of a good provided for in heading 0901 or 2101.

(E) A nonoriginating material provided for in heading 1006 that is used in the production of a good provided for in heading 1102 or 1103 or subheading 1904.90.

(F) A nonoriginating material provided for in chapter 15 that is used in the production of a good provided for in chapter 15.

(G) A nonoriginating material provided for in heading 1701 that is used in the production of a good provided for in any of headings 1701 through 1703.

(H) A nonoriginating material provided for in chapter 17 that is used in the production of a good provided for in subheading 1806.10.

(I) Except as provided in subparagraphs (A) through (H) and Annex 4.1 of the Agreement, a nonoriginating material used in the production of a good provided for in any of chapters 1 through 24, unless the nonoriginating material is provided for in a different subheading than the good for which origin is being determined under this section.

(3) TEXTILE OR APPAREL GOODS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a textile or apparel good that is not an originating good because certain fibers or yarns used in the production of the component of the good that determines the tariff classification of the good do not undergo an applicable change in tariff classification, set out in Annex 4.1 of the Agreement, shall be considered to be an originating good if—

(i) the total weight of all such fibers or yarns in that component is not more than 10 percent of the total weight of that component; or

(ii) the yarns are those described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act (19 U.S.C. 3203(b)(3)(B)(vi)(IV))(as in effect on the date of the enactment of this Act).

(B) CERTAIN TEXTILE OR APPAREL GOODS.—A textile or apparel good containing elastomeric yarns in the component of the good that determines the tariff classification of the good shall be considered to be an originating good only if such yarns are wholly formed in the territory of a CAFTA-DR country.

(C) YARN, FABRIC, OR FIBER.—For purposes of this paragraph, in the case of a good that is a yarn, fabric, or fiber, the term "component of the good that determines the tariff classification of the good" means all of the fibers in the good.

(g) FUNGIBLE GOODS AND MATERIALS.—

(1) IN GENERAL.—

(A) CLAIM FOR PREFERENTIAL TARIFF TREATMENT.—A person claiming that a fungible good or fungible material is an originating good may base the claim either on the physical segregation of the fungible good or fungible material or by using an inventory management method with respect to the fungible good or fungible material.

(B) INVENTORY MANAGEMENT METHOD.—In this subsection, the term "inventory management method" means—

(i) averaging;

(ii) "last-in, first-out";

(iii) "first-in, first-out"; or

(iv) any other method—

(I) recognized in the generally accepted accounting principles of the CAFTA–DR country in which the production is performed; or

(II) otherwise accepted by that country.

(2) ELECTION OF INVENTORY METHOD.—A person selecting an inventory management method under paragraph (1) for a particular fungible good or fungible material shall continue to use that method for that fungible good or fungible material throughout the fiscal year of that person.

(h) ACCESSORIES, SPARE PARTS, OR TOOLS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), accessories, spare parts, or tools delivered with a good that form part of the good's standard accessories, spare parts, or tools shall—

(A) be treated as originating goods if the good is an originating good; and

(B) be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement.

(2) CONDITIONS.—Paragraph (1) shall apply only if—

(A) the accessories, spare parts, or tools are classified with and not invoiced separately from the good, regardless of whether they appear specified or separately identified in the invoice for the good; and

(B) the quantities and value of the accessories, spare parts, or tools are customary for the good.

(3) REGIONAL VALUE-CONTENT.—If the good is subject to a regional value-content requirement, the value of the accessories, spare parts, or tools shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(i) PACKAGING MATERIALS AND CONTAINERS FOR RETAIL SALE.—Packaging materials and containers in which a good is packaged for retail sale, if classified with the good, shall be disregarded in determining whether all the nonoriginating materials used in the production of the good undergo the applicable change in tariff classification set out in Annex 4.1 of the Agreement, and, if the good is subject to a regional value-content requirement, the value of such packaging materials and containers shall be taken into account as originating or nonoriginating materials, as the case may be, in calculating the regional value-content of the good.

(j) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—Packing materials and containers for shipment shall be disregarded in determining whether a good is an originating good.

(k) INDIRECT MATERIALS.—An indirect material shall be treated as an originating material without regard to where it is produced.

(l) TRANSIT AND TRANSHIPMENT.—A good that has undergone production necessary to qualify as an originating good under subsection (b) shall not be considered to be an originating good if, subsequent to that production, the good—

(1) undergoes further production or any other operation outside the territories of the CAFTA–DR countries, other than unloading, reloading, or any other operation necessary to preserve the good in good condition or to transport the good to the territory of a CAFTA–DR country; or

(2) does not remain under the control of customs authorities in the territory of a country other than a CAFTA–DR country.

(m) GOODS CLASSIFIABLE AS GOODS PUT UP IN SETS.—Notwithstanding the rules set forth in Annex 4.1 of the Agreement, goods classifiable as goods put up in sets for retail sale as provided for in General Rule of Interpretation 3 of the HTS shall not be considered to be originating goods unless—

(1) each of the goods in the set is an originating good; or

(2) the total value of the nonoriginating goods in the set does not exceed—

(A) in the case of textile or apparel goods, 10 percent of the adjusted value of the set; or

(B) in the case of a good, other than a textile or apparel good, 15 percent of the adjusted value of the set.

(n) DEFINITIONS.—In this section:

(1) ADJUSTED VALUE.—The term "adjusted value" means the value determined in accordance with Articles 1 through 8, Article 15, and the corresponding interpretive notes of the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act, adjusted, if necessary, to exclude any costs, charges, or expenses incurred for transportation, insurance, and related services incident to the international shipment of the merchandise from the country of exportation to the place of importation.

(2) CAFTA–DR COUNTRY.—The term "CAFTA–DR country" means—

(A) the United States; and

(B) Costa Rica, the Dominican Republic, El Salvador, Guatemala, Honduras, or Nicaragua, for such time as the Agreement is in force between the United States and that country.

(3) CLASS OF MOTOR VEHICLES.—The term "class of motor vehicles" means any one of the following categories of motor vehicles:

(A) Motor vehicles provided for in subheading 8701.20, 8704.10, 8704.22, 8704.23, 8704.32, or 8704.90, or heading 8705 or 8706, or motor vehicles for the transport of 16 or more persons provided for in subheading 8702.10 or 8702.90.

(B) Motor vehicles provided for in subheading 8701.10 or any of subheadings 8701.30 through 8701.90.

(C) Motor vehicles for the transport of 15 or fewer persons provided for in subheading 8702.10 or 8702.90, or motor vehicles provided for in subheading 8704.21 or 8704.31.

(D) Motor vehicles provided for in any of subheadings 8703.21 through 8703.90.

(4) FUNGIBLE GOOD OR FUNGIBLE MATERIAL.—The term "fungible good" or "fungible material" means a good or material, as the case may be, that is interchangeable with another good or material for commercial purposes and the properties of which are essentially identical to such other good or material.

(5) GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.—The term "generally accepted accounting principles" means the recognized consensus or substantial authoritative support in the territory of a CAFTA–DR country with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements. The principles may encompass broad guidelines of general application as well as detailed standards, practices, and procedures.

(6) GOODS WHOLLY OBTAINED OR PRODUCED ENTIRELY IN THE TERRITORY OF ONE OR MORE OF THE CAFTA–DR COUNTRIES.—The term "goods wholly obtained or produced entirely in the territory of one or more of the CAFTA–DR countries" means—

(A) plants and plant products harvested or gathered in the territory of one or more of the CAFTA–DR countries;

(B) live animals born and raised in the territory of one or more of the CAFTA–DR countries;

(C) goods obtained in the territory of one or more of the CAFTA–DR countries from live animals;

(D) goods obtained from hunting, trapping, fishing or aquaculture conducted in the territory of one or more of the CAFTA–DR countries;

(E) minerals and other natural resources not included in subparagraphs (A) through (D) that are extracted or taken in the territory of one or more of the CAFTA–DR countries;

(F) fish, shellfish, and other marine life taken from the sea, seabed, or subsoil outside the territory of one or more of the CAFTA–DR countries by vessels registered or recorded with a CAFTA–DR country and flying the flag of that country;

(G) goods produced on board factory ships from the goods referred to in subparagraph (F), if such factory ships are registered or recorded with that CAFTA–DR country and fly the flag of that country;

(H) goods taken by a CAFTA–DR country or a person of a CAFTA–DR country from the seabed or subsoil outside territorial waters, if a CAFTA–DR country has rights to exploit such seabed or subsoil;

(I) goods taken from outer space, if the goods are obtained by a CAFTA–DR country or a person of a CAFTA–DR country and not processed in the territory of a country other than a CAFTA–DR country;

(J) waste and scrap derived from—

(i) manufacturing or processing operations in the territory of one or more of the CAFTA–DR countries; or

(ii) used goods collected in the territory of one or more of the CAFTA–DR countries, if such goods are fit only for the recovery of raw materials;

(K) recovered goods derived in the territory of one or more of the CAFTA–DR countries from used goods, and used in the territory of a CAFTA–DR country in the production of remanufactured goods; and

(L) goods produced in the territory of one or more of the CAFTA–DR countries exclusively from—

(i) goods referred to in any of subparagraphs (A) through (J), or

(ii) the derivatives of goods referred to in clause (i),

at any stage of production.

(7) IDENTICAL GOODS.—The term "identical goods" means identical goods as defined in the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 referred to in section 101(d)(8) of the Uruguay Round Agreements Act;

(8) INDIRECT MATERIAL.—The term "indirect material" means a good used in the production, testing, or inspection of a good but not physically incorporated into the good, or a good used in the maintenance of buildings or the operation of equipment associated with the production of a good, including—

(A) fuel and energy;

(B) tools, dies, and molds;

(C) spare parts and materials used in the maintenance of equipment or buildings;

(D) lubricants, greases, compounding materials, and other materials used in production or used to operate equipment or buildings;

(E) gloves, glasses, footwear, clothing, safety equipment, and supplies;

(F) equipment, devices, and supplies used for testing or inspecting the good;

(G) catalysts and solvents; and

(H) any other goods that are not incorporated into the good but the use of which in the production of the good can reasonably be demonstrated to be a part of that production.

(9) MATERIAL.—The term "material" means a good that is used in the production of another good, including a part or an ingredient.

(10) MATERIAL THAT IS SELF-PRODUCED.—The term "material that is self-produced" means an originating material that is produced by a producer of a good and used in the production of that good.

(11) MODEL LINE.—The term "model line" means a group of motor vehicles having the same platform or model name.

(12) NET COST.—The term "net cost" means total cost minus sales promotion, marketing, and after-sales service costs, royalties, shipping and packing costs, and non-allowable interest costs that are included in the total cost.

(13) NONALLOWABLE INTEREST COSTS.—The term "nonallowable interest costs" means interest costs incurred by a producer that exceed 700 basis points above the applicable official interest rate for comparable maturities of the CAFTA-DR country in which the producer is located.

(14) NONORIGINATING GOOD OR NONORIGINATING MATERIAL.—The terms "nonoriginating good" and "nonoriginating material" mean a good or material, as the case may be, that does not qualify as originating under this section.

(15) PACKING MATERIALS AND CONTAINERS FOR SHIPMENT.—The term "packing materials and containers for shipment" means the goods used to protect a good during its transportation and does not include the packaging materials and containers in which a good is packaged for retail sale.

(16) PREFERENTIAL TARIFF TREATMENT.—The term "preferential tariff treatment" means the customs duty rate, and the treatment under article 3.10.4 of the Agreement, that are applicable to an originating good pursuant to the Agreement.

(17) PRODUCER.—The term "producer" means a person who engages in the production of a good in the territory of a CAFTA-DR country.

(18) PRODUCTION.—The term "production" means growing, mining, harvesting, fishing, raising, trapping, hunting, manufacturing, processing, assembling, or disassembling a good.

(19) REASONABLY ALLOCATE.—The term "reasonably allocate" means to apportion in a manner that would be appropriate under generally accepted accounting principles.

(20) RECOVERED GOODS.—The term "recovered goods" means materials in the form of individual parts that are the result of—

(A) the disassembly of used goods into individual parts; and

(B) the cleaning, inspecting, testing, or other processing that is necessary for improvement to sound working condition of such individual parts.

(21) REMANUFACTURED GOOD.—The term "remanufactured good" means a good that is classified under chapter 84, 85, or 87, or heading 9026, 9031, or 9032, other than a good classified under heading 8418 or 8516, and that—

(A) is entirely or partially comprised of recovered goods; and

(B) has a similar life expectancy and enjoys a factory warranty similar to such a new good.

(22) TOTAL COST.—The term "total cost" means all product costs, period costs, and other costs for a good incurred in the territory of one or more of the CAFTA-DR countries.

(23) USED.—The term "used" means used or consumed in the production of goods.

(o) PRESIDENTIAL PROCLAMATION AUTHORITY.—

(1) IN GENERAL.—The President is authorized to proclaim, as part of the HTS—

(A) the provisions set out in Annex 4.1 of the Agreement; and

(B) any additional subordinate category necessary to carry out this title consistent with the Agreement.

(2) FABRICS AND YARNS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE UNITED STATES.—The President is authorized to proclaim that a fabric or yarn is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, as provided in article 3.25.4(e) of the Agreement.

(3) MODIFICATIONS.—

(A) IN GENERAL.—Subject to the consultation and layover provisions of section 104, the President may proclaim modifications to the provisions proclaimed under the authority of paragraph (1)(A), other than provisions of chapters 50 through 63, as included in Annex 4.1 of the Agreement.

(B) ADDITIONAL PROCLAMATIONS.—Notwithstanding subparagraph (A), and subject to the consultation and layover provisions of section 104, the President may proclaim before the end of the 1-year period beginning on the date of the enactment of this Act, modifications to correct any typographical, clerical, or other nonsubstantive technical error regarding the provisions of chapters 50 through 63, as included in Annex 4.1 of the Agreement.

(4) FABRICS, YARNS, OR FIBERS NOT AVAILABLE IN COMMERCIAL QUANTITIES IN THE CAFTA-DR COUNTRIES.—

(A) IN GENERAL.—Notwithstanding paragraph 3(A), the list of fabrics, yarns, and fibers set out in Annex 3.25 of the Agreement may be modified as provided for in this paragraph.

(B) DEFINITIONS.—In this paragraph:

(i) The term "interested entity" means the government of a CAFTA-DR country other than the United States, a potential or actual purchaser of a textile or apparel good, or a potential or actual supplier of a textile or apparel good.

(ii) All references to "day" and "days" exclude Saturdays, Sundays, and legal holidays.

(C) REQUESTS TO ADD FABRICS, YARNS, OR FIBERS.—(i) An interested entity may request the President to determine that a fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA-DR countries and to add that fabric, yarn, or fiber to the list in Annex 3.25 of the Agreement in a restricted or unrestricted quantity.

(ii) After receiving a request under clause (i), the President may determine whether—

(I) the fabric, yarn, or fiber is available in commercial quantities in a timely manner in the CAFTA-DR countries; or

(II) any interested entity objects to the request.

(iii) The President may, within the time periods specified in clause (iv), proclaim that a fabric, yarn, or fiber that is the subject of a request submitted under clause (i) is added to the list in Annex 3.25 of the Agreement in an unrestricted quantity, or in any restricted quantity that the President may establish, if the President determines under clause (ii) that—

(I) the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA-DR countries; or

(II) no interested entity has objected to the request.

(iv) The time periods within which the President may issue a proclamation under clause (iii) are—

(I) not later than 30 days after the date on which the request is submitted under clause (i); or

(II) not later than 44 days after the request is submitted, if the President determines, within 30 days after the date on which the request is submitted, that the President does not have sufficient information to make a determination under clause (ii).

(v) Notwithstanding section 103(a)(2), a proclamation made under clause (iii) shall take effect on the date on which the text of the proclamation is published in the Federal Register.

(vi) Not later than 6 months after proclaiming under clause (iii) that a fabric, yarn, or fiber is added to the list in Annex 3.25 of the Agreement in a restricted quantity, the President may eliminate the restriction if the President determines that the fabric, yarn, or fiber is not available in commercial quantities in a timely manner in the CAFTA-DR countries.

(D) DEEMED APPROVAL OF REQUEST.—If, after an interested entity submits a request under subparagraph (C)(i), the President does not, within the applicable time period specified in subparagraph (C)(iv), make a determination under subparagraph (C)(ii) regarding the request, the fabric, yarn, or fiber that is the subject of the request shall be considered to be added, in an unrestricted quantity, to the list in Annex 3.25 of the Agreement beginning—

(i) 45 days after the date on which the request was submitted; or

(ii) 60 days after the date on which the request was submitted, if the President made a determination under subparagraph (C)(iv)(II).

(E) REQUESTS TO RESTRICT OR REMOVE FABRICS, YARNS, OR FIBERS.—(i) Subject to clause (ii), an interested entity may request the President to restrict the quantity of, or remove from the list in Annex 3.25 of the Agreement, any fabric, yarn, or fiber—

(I) that has been added to that list in an unrestricted quantity pursuant to paragraph (2) or subparagraph (C)(iii) or (D); or

(II) with respect to which the President has eliminated a restriction under subparagraph (C)(vi).

(ii) An interested entity may submit a request under clause (i) at any time beginning 6 months after the date of the action described in subclause (I) or (II) of that clause.

(iii) Not later than 30 days after the date on which a request under clause (i) is submitted, the President may proclaim an action provided for under clause (i) if the President determines that the fabric, yarn, or fiber that is the subject of the request is available in commercial quantities in a timely manner in the CAFTA-DR countries.

(iv) A proclamation declared under clause (iii) shall take effect no earlier than the date that is 6 months after the date on which the text of the proclamation is published in the Federal Register.

(F) PROCEDURES.—The President shall establish procedures—

(i) governing the submission of a request under subparagraphs (C) and (E); and

(ii) providing an opportunity for interested entities to submit comments and supporting evidence before the President makes a determination under subparagraph (C) (ii) or (vi) or (E)(iii).

SEC. 204. CUSTOMS USER FEES.

Section 13031(b) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)) is amended by adding after paragraph (14), the following:

"(15) No fee may be charged under subsection (a) (9) or (10) with respect to goods that qualify as originating goods under section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. Any service for which an exemption from such fee is provided by reason of this paragraph may not be funded with money contained in the Customs User Fee Account.".

SEC. 205. RETROACTIVE APPLICATION FOR CERTAIN LIQUIDATIONS AND RELIQUIDATIONS OF TEXTILE OR APPAREL GOODS.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to subsection (c), an entry—

(1) of a textile or apparel good—

(A) of a CAFTA–DR country that the United States Trade Representative has designated as an eligible country under subsection (b), and

(B) that would have qualified as an originating good under section 203 if the good had been entered after the date of entry into force of the Agreement for that country,

(2) that was made on or after January 1, 2004, and before the date of the entry into force of the Agreement with respect to that country, and

(3) for which customs duties in excess of the applicable rate of duty for that good set out in the Schedule of the United States to Annex 3.3 of the Agreement were paid,

shall be liquidated or reliquidated at the applicable rate of duty for that good set out in the Schedule of the United States to Annex 3.3 of the Agreement, and the Secretary of the Treasury shall refund any excess customs duties paid with respect to such entry.

(b) ELIGIBLE COUNTRY.—The United States Trade Representative shall determine, in accordance with article 3.20 of the Agreement, which CAFTA–DR countries are eligible countries for purposes of this section, and shall publish a list of all such countries in the Federal Register.

(c) REQUESTS.—Liquidation or reliquidation may be made under subsection (a) with respect to an entry of a textile or apparel good only if a request therefor is filed with the Bureau of Customs and Border Protection, within such period as the Bureau of Customs and Border Protection shall establish by regulation in consultation with the Secretary of the Treasury, that contains sufficient information to enable the Bureau of Customs and Border Protection—

(1)(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located; and

(2) to determine that the good satisfies the conditions set out in subsection (a).

(d) DEFINITION.—As used in this section, the term "entry" includes a withdrawal from warehouse for consumption.

SEC. 206. DISCLOSURE OF INCORRECT INFORMATION; FALSE CERTIFICATIONS OF ORIGIN; DENIAL OF PREFERENTIAL TARIFF TREATMENT.

(a) DISCLOSURE OF INCORRECT INFORMATION.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (9) as paragraph (10); and

(B) by inserting after paragraph (8) the following new paragraph:

"(9) PRIOR DISCLOSURE REGARDING CLAIMS UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—An importer shall not be subject to penalties under subsection (a) for making an incorrect claim that a good qualifies as an originating good under section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act if the importer, in accordance with regulations issued by the Secretary of the Treasury, promptly and voluntarily makes a corrected declaration and pays any duties owing."; and

(2) by adding at the end the following new subsection:

"(h) FALSE CERTIFICATIONS OF ORIGIN UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), it is unlawful for any person to certify falsely, by fraud, gross negligence, or negligence, in a CAFTA–DR certification of origin (as defined in section 508(g)(1)(B) of this Act) that a good exported from the United States qualifies as an originating good under the rules of origin set out in section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. The procedures and penalties of this section that apply to a violation of subsection (a) also apply to a violation of this subsection.

"(2) PROMPT AND VOLUNTARY DISCLOSURE OF INCORRECT INFORMATION.—No penalty shall be imposed under this subsection if, promptly after an exporter or producer that issued a CAFTA–DR certification of origin has reason to believe that such certification contains or is based on incorrect information, the exporter or producer voluntarily provides written notice of such incorrect information to every person to whom the certification was issued.

"(3) EXCEPTION.—A person may not be considered to have violated paragraph (1) if—

"(A) the information was correct at the time it was provided in a CAFTA–DR certification of origin but was later rendered incorrect due to a change in circumstances; and

"(B) the person promptly and voluntarily provides written notice of the change in circumstances to all persons to whom the person provided the certification.".

(b) DENIAL OF PREFERENTIAL TARIFF TREATMENT.—Section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) is amended by adding at the end the following new subsection:

"(h) DENIAL OF PREFERENTIAL TARIFF TREATMENT UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—If the Bureau of Customs and Border Protection or the Bureau of Immigration and Customs Enforcement finds indications of a pattern of conduct by an importer, exporter, or producer of false or unsupported representations that goods qualify under the rules of origin set out in section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act, the Bureau of Customs and Border Protection, in accordance with regulations issued by the Secretary of the Treasury, may suspend preferential tariff treatment under the Dominican Republic-Central America-United States Free Trade Agreement to entries of identical goods covered by subsequent representations by that importer, exporter, or producer until the Bureau of Customs and Border Protection determines that representations of that person are in conformity with such section 203.".

SEC. 207. RELIQUIDATION OF ENTRIES.

Subsection (d) of section 520 of the Tariff Act of 1930 (19 U.S.C. 1520(d)) is amended—

(1) in the matter preceding paragraph (1), by striking "or section 202 of the United States-Chile Free Trade Agreement Implementation Act" and inserting ", section 202 of the United States-Chile Free Trade Agreement Implementation Act, or section 203 of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act"; and

(2) in paragraph (2), by inserting "or certifications" after "other certificates".

SEC. 208. RECORDKEEPING REQUIREMENTS.

Section 508 of the Tariff Act of 1930 (19 U.S.C. 1508) is amended—

(1) by redesignating subsection (g) as subsection (h);

(2) by inserting after subsection (f) the following new subsection:

"(g) CERTIFICATIONS OF ORIGIN FOR GOODS EXPORTED UNDER THE DOMINICAN REPUBLIC-CENTRAL AMERICA-UNITED STATES FREE TRADE AGREEMENT.—

"(1) DEFINITIONS.—In this subsection:

"(A) RECORDS AND SUPPORTING DOCUMENTS.—The term 'records and supporting documents' means, with respect to an exported good under paragraph (2), records and documents related to the origin of the good, including—

"(i) the purchase, cost, and value of, and payment for, the good;

"(ii) the purchase, cost, and value of, and payment for, all materials, including indirect materials, used in the production of the good; and

"(iii) the production of the good in the form in which it was exported.

"(B) CAFTA–DR CERTIFICATION OF ORIGIN.—The term 'CAFTA–DR certification of origin' means the certification established under article 4.16 of the Dominican Republic-Central America-United States Free Trade Agreement that a good qualifies as an originating good under such Agreement.

"(2) EXPORTS TO CAFTA–DR COUNTRIES.—Any person who completes and issues a CAFTA–DR certification of origin for a good exported from the United States shall make, keep, and, pursuant to rules and regulations promulgated by the Secretary of the Treasury, render for examination and inspection all records and supporting documents related to the origin of the good (including the certification or copies thereof).

"(3) RETENTION PERIOD.—Records and supporting documents shall be kept by the person who issued a CAFTA–DR certification of origin for at least 5 years after the date on which the certification was issued."; and

(3) in subsection (h), as so redesignated—

(A) by inserting "or (g)" after "(f)"; and

(B) by striking "that subsection" and inserting "either such subsection".

SEC. 209. ENFORCEMENT RELATING TO TRADE IN TEXTILE OR APPAREL GOODS.

(a) ACTION DURING VERIFICATION.—

(1) IN GENERAL.—If the Secretary of the Treasury requests the government of a CAFTA–DR country to conduct a verification pursuant to article 3.24 of the Agreement for purposes of making a determination under paragraph (2), the President may direct the Secretary to take appropriate action described in subsection (b) while the verification is being conducted.

(2) DETERMINATION.—A determination under this paragraph is a determination—

(A) that an exporter or producer in that country is complying with applicable customs laws, regulations, and procedures regarding trade in textile or apparel goods, or

(B) that a claim that a textile or apparel good exported or produced by such exporter or producer—

(i) qualifies as an originating good under section 203 of this Act, or

(ii) is a good of a CAFTA–DR country,

is accurate.

(b) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (a)(1) includes—

(1) suspension of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines there is insufficient information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to support that claim;

(2) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines that the person has provided incorrect information to support any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines that a person has provided incorrect information to support that claim;

(3) detention of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to determine the country of origin of any such good; and

(4) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines that the person has provided incorrect information as to the country of origin of any such good.

(c) ACTION ON COMPLETION OF A VERIFICATION.—On completion of a verification under subsection (a), the President may direct the Secretary to take appropriate action described in subsection (d) until such time as the Secretary receives information sufficient to make the determination under subsection (a)(2) or until such earlier date as the President may direct.

(d) APPROPRIATE ACTION DESCRIBED.—Appropriate action under subsection (c) includes—

(1) denial of preferential tariff treatment under the Agreement with respect to—

(A) any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A), if the Secretary determines there is insufficient information to support, or that the person has provided incorrect information to support, any claim for preferential tariff treatment that has been made with respect to any such good; or

(B) the textile or apparel good for which a claim of preferential tariff treatment has been made that is the subject of a verification under subsection (a)(1) regarding a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to support, or that a person has provided incorrect information to support, that claim; and

(2) denial of entry into the United States of any textile or apparel good exported or produced by the person that is the subject of a verification under subsection (a)(1) regarding compliance described in subsection (a)(2)(A) or a claim described in subsection (a)(2)(B), if the Secretary determines there is insufficient information to determine, or that the person has provided incorrect information as to, the country of origin of any such good.

(e) PUBLICATION OF NAME OF PERSON.—The Secretary may publish the name of any person that the Secretary has determined—

(1) is engaged in intentional circumvention of applicable laws, regulations, or procedures affecting trade in textile or apparel goods; or

(2) has failed to demonstrate that it produces, or is capable of producing, textile or apparel goods.

SEC. 210. REGULATIONS.

The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out—

(1) subsections (a) through (n) of section 203;

(2) the amendment made by section 204; and

(3) any proclamation issued under section 203(o).

TITLE III—RELIEF FROM IMPORTS

SEC. 301. DEFINITIONS.

In this title:

(1) CAFTA–DR ARTICLE.—The term "CAFTA–DR article" means an article that qualifies as an originating good under section 203(b).

(2) CAFTA–DR TEXTILE OR APPAREL ARTICLE.—The term "CAFTA–DR textile or apparel article" means a textile or apparel good (as defined in section 3(5)) that is a CAFTA–DR article.

(3) DE MINIMIS SUPPLYING COUNTRY.—

(A) Subject to subparagraph (B), the term "de minimis supplying country" means a CAFTA–DR country whose share of imports of the relevant CAFTA–DR article into the United States does not exceed 3 percent of the aggregate volume of imports of the relevant CAFTA–DR article in the most recent 12-month period for which data are available that precedes the filing of the petition under section 311(a).

(B) A CAFTA–DR country shall not be considered to be a de minimis supplying country if the aggregate share of imports of the relevant CAFTA–DR article into the United States of all CAFTA–DR countries that satisfy the conditions of subparagraph (A) exceeds 9 percent of the aggregate volume of imports of the relevant CAFTA–DR article during the applicable 12-month period.

(4) RELEVANT CAFTA–DR ARTICLE.—The term "relevant CAFTA–DR article" means the CAFTA–DR article with respect to which a petition has been filed under section 311(a).

Subtitle A—Relief From Imports Benefiting From the Agreement

SEC. 311. COMMENCING OF ACTION FOR RELIEF.

(a) FILING OF PETITION.—A petition requesting action under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the Commission by an entity, including a trade association, firm, certified or recognized union, or group of workers, that is representative of an industry. The Commission shall transmit a copy of any petition filed under this subsection to the United States Trade Representative.

(b) INVESTIGATION AND DETERMINATION.—Upon the filing of a petition under subsection (a), the Commission, unless subsection (d) applies, shall promptly initiate an investigation to determine whether, as a result of the reduction or elimination of a duty provided for under the Agreement, a CAFTA–DR article is being imported into the United States in such increased quantities, in absolute terms or relative to domestic production, and under such conditions that imports of the CAFTA–DR article constitute a substantial cause of serious injury or threat thereof to the domestic industry producing an article that is like, or directly competitive with, the imported article.

(c) APPLICABLE PROVISIONS.—The following provisions of section 202 of the Trade Act of 1974 (19 U.S.C. 2252) apply with respect to any investigation initiated under subsection (b):

(1) Paragraphs (1)(B) and (3) of subsection (b).

(2) Subsection (c).

(3) Subsection (i).

(d) ARTICLES EXEMPT FROM INVESTIGATION.—No investigation may be initiated under this section with respect to any CAFTA–DR article if, after the date that the Agreement enters into force, import relief has been provided with respect to that CAFTA–DR article under this subtitle.

SEC. 312. COMMISSION ACTION ON PETITION.

(a) DETERMINATION.—Not later than 120 days after the date on which an investigation is initiated under section 311(b) with respect to a petition, the Commission shall make the determination required under that section. At that time, the Commission shall also determine whether any CAFTA–DR country is a de minimis supplying country.

(b) APPLICABLE PROVISIONS.—For purposes of this subtitle, the provisions of paragraphs (1), (2), and (3) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d) (1), (2), and (3)) shall be applied with respect to determinations and findings made under this section as if such determinations and findings were made under section 202 of the Trade Act of 1974 (19 U.S.C. 2252).

(c) ADDITIONAL FINDING AND RECOMMENDATION IF DETERMINATION AFFIRMATIVE.—If the determination made by the Commission under subsection (a) with respect to imports of an article is affirmative, or if the President may consider a determination of the Commission to be an affirmative determination as provided for under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)), the Commission shall find, and recommend to the President in the report required under subsection (d), the amount of import relief that is necessary to remedy or prevent the injury found by the Commission in the determination and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition. The import relief recommended by the Commission under this subsection shall be limited to the relief described in section 313(c). Only those members of the Commission who voted in the affirmative under subsection (a) are eligible to vote on the proposed action to remedy or prevent the injury found by the Commission. Members of the Commission who did not vote in the affirmative may submit, in the report required under subsection (d), separate views regarding what action, if any, should be taken to remedy or prevent the injury.

(d) REPORT TO PRESIDENT.—Not later than the date that is 30 days after the date on which a determination is made under subsection (a) with respect to an investigation, the Commission shall submit to the President a report that includes—

(1) the determination made under subsection (a) and an explanation of the basis for the determination;

(2) if the determination under subsection (a) is affirmative, any findings and recommendations for import relief made under subsection (c) and an explanation of the basis for each recommendation; and

(3) any dissenting or separate views by members of the Commission regarding the determination and recommendation referred to in paragraphs (1) and (2).

(e) Public Notice.—Upon submitting a report to the President under subsection (d), the Commission shall promptly make public such report (with the exception of information which the Commission determines to be confidential) and shall cause a summary thereof to be published in the Federal Register.

SEC. 313. PROVISION OF RELIEF.

(a) In General.—Not later than the date that is 30 days after the date on which the President receives the report of the Commission in which the Commission's determination under section 312(a) is affirmative, or which contains a determination under section 312(a) that the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), the President, subject to subsection (b), shall provide relief from imports of the article that is the subject of such determination to the extent that the President determines necessary to remedy or prevent the injury found by the Commission and to facilitate the efforts of the domestic industry to make a positive adjustment to import competition.

(b) Exception.—The President is not required to provide import relief under this section if the President determines that the provision of the import relief will not provide greater economic and social benefits than costs.

(c) Nature of Relief.—

(1) In general.—The import relief that the President is authorized to provide under this section with respect to imports of an article is as follows:

(A) The suspension of any further reduction provided for under Annex 3.3 of the Agreement in the duty imposed on such article.

(B) An increase in the rate of duty imposed on such article to a level that does not exceed the lesser of—

(i) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(ii) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

(2) Progressive liberalization.—If the period for which import relief is provided under this section is greater than 1 year, the President shall provide for the progressive liberalization (described in article 8.2.3 of the Agreement) of such relief at regular intervals during the period of its application.

(d) Period of Relief.—

(1) In general.—Subject to paragraph (2), any import relief that the President is authorized to provide under this section may not, in the aggregate, be in effect for more than 4 years.

(2) Extension.—

(A) In general.—If the initial period for any import relief provided under this section is less than 4 years, the President, after receiving a determination from the Commission under subparagraph (B) that is affirmative, or which the President considers to be affirmative under paragraph (1) of section 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)(1)), may extend the effective period of any import relief provided under this section, subject to the limitation under paragraph (1), if the President determines that—

(i) the import relief continues to be necessary to remedy or prevent serious injury and to facilitate adjustment by the domestic industry to import competition; and

(ii) there is evidence that the industry is making a positive adjustment to import competition.

(B) Action by commission.—(i) Upon a petition on behalf of the industry concerned that is filed with the Commission not earlier than the date which is 9 months, and not later than the date which is 6 months, before the date on which any action taken under subsection (a) is to terminate, the Commission shall conduct an investigation to determine whether action under this section continues to be necessary to remedy or prevent serious injury and whether there is evidence that the industry is making a positive adjustment to import competition.

(ii) The Commission shall publish notice of the commencement of any proceeding under this subparagraph in the Federal Register and shall, within a reasonable time thereafter, hold a public hearing at which the Commission shall afford interested parties and consumers an opportunity to be present, to present evidence, and to respond to the presentations of other parties and consumers, and otherwise to be heard.

(iii) The Commission shall transmit to the President a report on its investigation and determination under this subparagraph not later than 60 days before the action under subsection (a) is to terminate, unless the President specifies a different date.

(e) Rate After Termination of Import Relief.—When import relief under this section is terminated with respect to an article—

(1) the rate of duty on that article after such termination and on or before December 31 of the year in which such termination occurs shall be the rate that, according to the Schedule of the United States to Annex 3.3 of the Agreement would have been in effect 1 year after the provision of relief under subsection (a); and

(2) the rate of duty for that article after December 31 of the year in which termination occurs shall be, at the discretion of the President, either—

(A) the applicable rate of duty for that article set out in the Schedule of the United States to Annex 3.3 of the Agreement; or

(B) the rate of duty resulting from the elimination of the tariff in equal annual stages ending on the date set out in the Schedule of the United States to Annex 3.3 of the Agreement for the elimination of the tariff.

(f) Articles Exempt From Relief.—No import relief may be provided under this section on—

(1) any article subject to import relief under chapter 1 of title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.); or

(2) imports of a CAFTA–DR article of a CAFTA–DR country that is a de minimis supplying country with respect to that article.

SEC. 314. TERMINATION OF RELIEF AUTHORITY.

(a) General Rule.—Subject to subsection (b), no import relief may be provided under this subtitle after the date that is 10 years after the date on which the Agreement enters into force.

(b) Exception.—If an article for which relief is provided under this subtitle is an article for which the period for tariff elimination, set out in the Schedule of the United States to Annex 3.3 of the Agreement, is greater than 10 years, no relief under this subtitle may be provided for that article after the date on which that period ends.

SEC. 315. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under section 313 shall be treated as action taken under chapter 1 of title II of such Act.

SEC. 316. CONFIDENTIAL BUSINESS INFORMATION.

Section 202(a)(8) of the Trade Act of 1974 (19 U.S.C. 2252(a)(8)) is amended in the first sentence—

(1) by striking "and"; and

(2) by inserting before the period at the end ", and title III of the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act".

Subtitle B—Textile and Apparel Safeguard Measures

SEC. 321. COMMENCEMENT OF ACTION FOR RELIEF.

(a) In General.—A request under this subtitle for the purpose of adjusting to the obligations of the United States under the Agreement may be filed with the President by an interested party. Upon the filing of a request, the President shall review the request to determine, from information presented in the request, whether to commence consideration of the request.

(b) Publication of Request.—If the President determines that the request under subsection (a) provides the information necessary for the request to be considered, the President shall cause to be published in the Federal Register a notice of commencement of consideration of the request, and notice seeking public comments regarding the request. The notice shall include a summary of the request and the dates by which comments and rebuttals must be received.

SEC. 322. DETERMINATION AND PROVISION OF RELIEF.

(a) Determination.—

(1) In general.—If a positive determination is made under section 321(b), the President shall determine whether, as a result of the elimination of a duty under the Agreement, a CAFTA–DR textile or apparel article of a specified CAFTA–DR country is being imported into the United States in such increased quantities, in absolute terms or relative to the domestic market for that article, and under such conditions as to cause serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article.

(2) Serious damage.—In making a determination under paragraph (1), the President—

(A) shall examine the effect of increased imports on the domestic industry, as reflected in changes in such relevant economic factors as output, productivity, utilization of capacity, inventories, market share, exports, wages, employment, domestic prices, profits, and investment, none of which is necessarily decisive; and

(B) shall not consider changes in technology or consumer preference as factors supporting a determination of serious damage or actual threat thereof.

(3) Deadline for determination.—The President shall make the determination under paragraph (1) no later than 30 days

after the completion of any consultations held pursuant to article 3.23.4 of the Agreement.

(b) Provision of Relief.—

(1) In general.—If a determination under subsection (a) is affirmative, the President may provide relief from imports of the article that is the subject of such determination, as provided in paragraph (2), to the extent that the President determines necessary to remedy or prevent the serious damage and to facilitate adjustment by the domestic industry.

(2) Nature of relief.—The relief that the President is authorized to provide under this subsection with respect to imports of an article is an increase in the rate of duty imposed on the article to a level that does not exceed the lesser of—

(A) the column 1 general rate of duty imposed under the HTS on like articles at the time the import relief is provided; or

(B) the column 1 general rate of duty imposed under the HTS on like articles on the day before the date on which the Agreement enters into force.

SEC. 323. PERIOD OF RELIEF.

(a) In General.—Subject to subsection (b), any import relief that the President provides under subsection (b) of section 322 may not, in the aggregate, be in effect for more than 3 years.

(b) Extension.—If the initial period for any import relief provided under section 322 is less than 3 years, the President may extend the effective period of any import relief provided under that section, subject to the limitation set forth in subsection (a), if the President determines that—

(1) the import relief continues to be necessary to remedy or prevent serious damage and to facilitate adjustment by the domestic industry to import competition; and

(2) there is evidence that the industry is making a positive adjustment to import competition.

SEC. 324. ARTICLES EXEMPT FROM RELIEF.

The President may not provide import relief under this subtitle with respect to any article if—

(1) import relief previously has been provided under this subtitle with respect to that article; or

(2) the article is subject to import relief under—

(A) subtitle A; or

(B) chapter 1 of title II of the Trade Act of 1974.

SEC. 325. RATE AFTER TERMINATION OF IMPORT RELIEF.

When import relief under this subtitle is terminated with respect to an article, the rate of duty on that article shall be the rate that would have been in effect, but for the provision of such relief.

SEC. 326. TERMINATION OF RELIEF AUTHORITY.

No import relief may be provided under this subtitle with respect to any article after the date that is 5 years after the date on which the Agreement enters into force.

SEC. 327. COMPENSATION AUTHORITY.

For purposes of section 123 of the Trade Act of 1974 (19 U.S.C. 2133), any import relief provided by the President under this subtitle shall be treated as action taken under chapter 1 of title II of that Act.

SEC. 328. CONFIDENTIAL BUSINESS INFORMATION.

The President may not release information received in connection with a review under this subtitle which the President considers to be confidential business information unless the party submitting the confidential business information had notice, at the time of submission, that such information would be released by the President, or such party subsequently consents to the release of the information. To the extent a party submits confidential business information, it shall also provide a nonconfidential version of the information in which the confidential business information is summarized or, if necessary, deleted.

Subtitle C—Cases Under Title II of the Trade Act of 1974

SEC. 331. FINDINGS AND ACTION ON GOODS OF CAFTA-DR COUNTRIES.

(a) Effect of Imports.—If, in any investigation initiated under chapter 1 of title II of the Trade Act of 1974, the Commission makes an affirmative determination (or a determination which the President may treat as an affirmative determination under such chapter by reason of section 330(d) of the Tariff Act of 1930), the Commission shall also find (and report to the President at the time such injury determination is submitted to the President) whether imports of the article of each CAFTA-DR country that qualify as originating goods under section 203(b) are a substantial cause of serious injury or threat thereof.

(b) Presidential Determination Regarding Imports of CAFTA-DR Countries.—In determining the nature and extent of action to be taken under chapter 1 of title II of the Trade Act of 1974, the President may exclude from the action goods of a CAFTA-DR country with respect to which the Commission has made a negative finding under subsection (a).

TITLE IV—MISCELLANEOUS

SEC. 401. ELIGIBLE PRODUCTS.

Section 308(4)(A) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)(A)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iv) a party to the Dominican Republic-Central America-United States Free Trade Agreement, a product or service of that country or instrumentality which is covered under that Agreement for procurement by the United States.".

SEC. 402. MODIFICATIONS TO THE CARIBBEAN BASIN ECONOMIC RECOVERY ACT.

(a) Former Beneficiary Countries.—Section 212(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(a)(1)) is amended by adding at the end the following new subparagraph:

"(F) The term 'former beneficiary country' means a country that ceases to be designated as a beneficiary country under this title because the country has become a party to a free trade agreement with the United States.".

(b) Countries Eligible for Designation as Beneficiary Countries.—Section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by striking from the list of countries eligible for designation as beneficiary countries—

(1) "Costa Rica", effective on the date the President terminates the designation of Costa Rica as a beneficiary country pursuant to section 201(a)(3);

(2) "Dominican Republic", effective on the date the President terminates the designation of the Dominican Republic as a beneficiary country pursuant to section 201(a)(3);

(3) "El Salvador", effective on the date the President terminates the designation of El Salvador as a beneficiary country pursuant to section 201(a)(3);

(4) "Guatemala", effective on the date the President terminates the designation of Guatemala as a beneficiary country pursuant to section 201(a)(3);

(5) "Honduras", effective on the date the President terminates the designation of Honduras as a beneficiary country pursuant to section 201(a)(3); and

(6) "Nicaragua", effective on the date the President terminates the designation of Nicaragua as a beneficiary country pursuant to section 201(a)(3).

(c) Materials of, or Processing in, Former Beneficiary Countries.—Section 213(a)(1) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(a)(1)) is amended by striking "the Commonwealth of Puerto Rico and the United States Virgin Islands" and inserting "the Commonwealth of Puerto Rico, the United States Virgin Islands, and any former beneficiary country".

(d) Definitions and Special Rules.—Section 213(b)(5) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)(5)) is amended by adding at the end the following new subparagraphs:

"(G) Former CBTPA beneficiary country.—The term 'former CBTPA beneficiary country' means a country that ceases to be designated as a CBTPA beneficiary country under this title because the country has become a party to a free trade agreement with the United States.

"(H) Articles that undergo production in a CBTPA beneficiary country and a former CBTPA beneficiary country.—(i) For purposes of determining the eligibility of an article for preferential treatment under paragraph (2) or (3), references in either such paragraph, and in subparagraph (C) of this paragraph to—

"(I) a 'CBTPA beneficiary country' shall be considered to include any former CPTPA beneficiary country, and

"(II) 'CBTPA beneficiary countries' shall be considered to include former CBTPA beneficiary countries,

if the article, or a good used in the production of the article, undergoes production in a CBTPA beneficiary country.

"(ii) An article that is eligible for preferential treatment under clause (i) shall not be ineligible for such treatment because the article is imported directly from a former CBTPA beneficiary country.

"(iii) Notwithstanding clauses (i) and (ii), an article that is a good of a former CBTPA beneficiary country for purposes of section 304 of the Tariff Act of 1930 (19 U.S.C. 1304) or section 334 of the Uruguay Round Agreements Act (19 U.S.C. 3592), as the case may be, shall not be eligible for preferential treatment under paragraph (2) or (3), unless—

"(I) it is an article that is a good of the Dominican Republic under either such section 304 or 334; and

"(II) the article, or a good used in the production of the article, undergoes production in Haiti.".

SEC. 403. PERIODIC REPORTS AND MEETINGS ON LABOR OBLIGATIONS AND LABOR CAPACITY-BUILDING PROVISIONS.

(a) Reports to Congress.—

(1) In general.—Not later than the end of the 2-year period beginning on the date the Agreement enters into force, and not later than the end of each 2-year period thereafter during the succeeding 14-year period, the President shall report to the Congress on the progress made by the CAFTA–DR countries in—

(A) implementing Chapter Sixteen and Annex 16.5 of the Agreement; and

(B) implementing the White Paper.

(2) WHITE PAPER.—In this section, the term "White Paper" means the report of April 2005 of the Working Group of the Vice Ministers Responsible for Trade and Labor in the Countries of Central America and the Dominican Republic entitled "The Labor Dimension in Central America and the Dominican Republic - Building on Progress: Strengthening Compliance and Enhancing Capacity".

(3) CONTENTS OF REPORTS.—Each report under paragraph (1) shall include the following:

(A) A description of the progress made by the Labor Cooperation and Capacity Building Mechanism established by article 16.5 and Annex 16.5 of the Agreement, and the Labor Affairs Council established by article 16.4 of the Agreement, in achieving their stated goals, including a description of the capacity-building projects undertaken, funds received, and results achieved, in each CAFTA–DR country.

(B) Recommendations on how the United States can facilitate full implementation of the recommendations contained in the White Paper.

(C) A description of the work done by the CAFTA–DR countries with the International Labor Organization to implement the recommendations contained in the White Paper, and the efforts of the CAFTA–DR countries with international organizations, through the Labor Cooperation and Capacity Building Mechanism referred to in subparagraph (A), to advance common commitments regarding labor matters.

(D) A summary of public comments received on—

(i) capacity-building efforts by the United States envisaged by article 16.5 and Annex 16.5 of the Agreement;

(ii) efforts by the United States to facilitate full implementation of the White Paper recommendations; and

(iii) the efforts made by the CAFTA–DR countries to comply with article 16.5 and Annex 16.5 of the Agreement and to fully implement the White Paper recommendations, including the progress made by the CAFTA–DR countries in affording to workers internationally-recognized worker rights through improved capacity.

(4) SOLICITATION OF PUBLIC COMMENTS.—The President shall establish a mechanism to solicit public comments for purposes of paragraph (3)(D).

(b) PERIODIC MEETINGS OF SECRETARY OF LABOR WITH LABOR MINISTERS OF CAFTA–DR COUNTRIES.—

(1) PERIODIC MEETINGS.—The Secretary of Labor should take the necessary steps to meet periodically with the labor ministers of the CAFTA–DR countries to discuss—

(A) the operation of the labor provisions of the Agreement;

(B) progress on the commitments made by the CAFTA–DR countries to implement the recommendations contained in the White Paper;

(C) the work of the International Labor Organization in the CAFTA–DR countries, and other cooperative efforts, to afford to workers internationally-recognized worker rights; and

(D) such other matters as the Secretary of Labor and the labor ministers consider appropriate.

(2) INCLUSION IN BIENNIAL REPORTS.—The President shall include in each report under subsection (a), as the President deems appropriate, summaries of the meetings held pursuant to paragraph (1).

Mr. GRASSLEY. Mr. President, the Senate has just passed S.1307, the Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. I am confident that history will record this moment as an important positive step in the development of democracy and prosperity in the CAFTA countries. And I am also confident that our leadership in passing CAFTA will be rewarded, through the benefits we will enjoy under this trade agreement and in terms of advancing our overall trade agenda.

First and foremost, today's vote reflects the leadership of President George W. Bush to advance the national economic and security interests of this country. This agreement is another important piece of the President's overall agenda to increase market access opportunities for America's farmers, ranchers, manufacturers, and service providers. By passing CAFTA we also strengthen our position in the ongoing Doha Development Agenda negotiations of the World Trade Organization. I hope our Trade Representative, Ambassador Portman, will build upon the momentum created today to press for meaningful progress in the Doha Round negotiations.

I want to thank the members of the Administration who delivered the comprehensive CAFTA agreement. At the top of that list is our former Trade Representative, Ambassador Zoellick, who managed to negotiate such a carefully balanced agreement without taking anything off the table. I firmly believe that the guiding principle for all our trade negotiations must be to deliver comprehensive agreements that do not take anything off the table. I expect our trade negotiators to continue delivering comprehensive agreements like CAFTA. Supporting Ambassador Zoellick closely were Ambassador Allen Johnson, our chief agriculture negotiator, and Regina Vargo, Assistant U.S. Trade Representative for the Americas. Of course, I am grateful too for the diligence with which Ambassador Portman has focused on CAFTA since taking over as our Trade Representative.

Today's successful outcome would not have been possible without the hard work and sustained effort of a number of dedicated professionals. I want to take this opportunity to thank them for their efforts. From the White House Office of Legislative Affairs, I want to thank Mike Smythers, Special Assistant to the President for Senate Affairs. I also want to thank Matt Niemeyer, Assistant U.S. Trade Representative for Congressional Affairs. The long hours they put in to address Senate concerns and to maintain an open dialogue with Members and staff are very much appreciated. And supporting Mr. Niemeyer in those efforts was Jennifer Mulveny, Deputy Assistant U.S. Trade Representative for Congressional Affairs. David Oliver, of the Office of General Counsel at USTR, also provided significant legal and technical support both during and after the negotiations were completed.

I want to commend my colleague on the Finance Committee, the ranking member, Senator BAUCUS. Although we did not agree in our views on CAFTA, we maintained our positive working relationship throughout the process. I hope the folks at home will take note. People may think Washington is mired in partisan bickering, but I think we on the Finance Committee have demonstrated our ability to disagree and still maintain respect for each other and for committee process. I am grateful to Senator BAUCUS, and very proud of our committee.

My diligent staff on the Finance Committee has worked very hard to make today's vote possible. First and foremost, my chief counsel and staff director, Kolan Davis, deserves recognition. His skills in managing my lengthy legislative agenda are key to my success. The chief international trade counsel to the committee, Everett Eissenstat, also deserves special mention. Without Everett's tireless dedication to passing CAFTA, I really do not think we would be in this position today. I am also grateful for the strong support the rest of my trade staff provided. David Johanson and Stephen Schaefer, international trade counselors to the committee, were instrumental in providing legal advice and technical support, as were Tiffany McCullen Atwell, international trade policy advisor, Claudia Bridgeford, international trade policy assistant, and Russell Ugone, who is on detail to my staff from the Bureau of Customs and Border Protection in the Department of Homeland Security. And I want to note my gratitude for the many efforts of Zach Paulsen, former International trade policy assistant to the committee.

Senator BAUCUS' staff also deserves recognition for their professionalism and flexibility in helping to move the legislative process forward. I am grateful to Russ Sullivan, Democratic staff director, and Bill Dauster, deputy staff director, for their accommodation and dedication to the committee. I also appreciate the efforts of Brian Pomper, chief international trade counsel to Senator BAUCUS, and the other members of the Democratic trade staff: Shara Aranoff, Demetrios Marantis, Anya Landau, Janis Lazda, and Chelsea Thomas.

Finally, I want to identify two people for special recognition. The first is Polly Craighill, senior counsel in the Senate's Office of Legislative Counsel. Her dedication to the Senate is profound. The Finance Committee benefits greatly from Ms. Craighill's expertise in legislative drafting, her tireless efforts, and her constructive perfectionism. Today's vote is in no small part a testament to her skills. I also want to extend my deep gratitude to Jeanne Grimmett, legislative attorney in the American Law Division of the Congressional Research Service. My staff and I repeatedly called upon Ms. Grimmett to prepare legal research and memoranda in connection with our development of this legislation, and her timely support was instrumental to our success today. I am very grateful.

I look forward to the enactment of this legislation and hope that President Bush will sign it into law very soon.

Mr. FRIST. Mr. President, I move to reconsider the vote.

Mr. BENNETT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

SENATOR BURR RECEIVES THE GOLDEN GAVEL AWARD

Mr. FRIST. Mr. President, I wish to acknowledge an important feat of one of our Members. At 10 o'clock this evening, the distinguished Presiding Officer, the Senator from North Carolina, Mr. BURR, reached his 100th hour of presiding. I should clarify that it is 100 hours since the beginning of this year. I know sometimes it has probably felt like he has presided 100 hours in a week.

The reason this is important, according to the Senate Historian, is this is the fastest time in reaching the 100-hour mark since presiding records have been kept.

(Applause.)

Senator BURR will be the first Senator in the 109th Congress to receive the Golden Gavel Award. Most Members recognize that sitting in that chair is the best way to learn Senate procedure. He has done so with distinction and honor. He has done so with a firm but fair gavel. In addition to his regular presiding times, he has been here on many Mondays and Fridays, when a lot of us are at home and elsewhere. We thank him for that. We owe a debt of gratitude to him for doing that, and we thank him and congratulate him on this outstanding achievement.

(Applause.)

Mr. REID. Mr. President, if I may comment. The reason I like Senator BURR so much is because he pays attention while he presides. I am impressed with that.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006

Mr. FRIST. Mr. President, at this juncture, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 130, H.R. 2419, the Energy and Water appropriations bill. I further ask that the committee substitute amendment be agreed to and considered as original text for the purpose of further amendment, with no points of order waived by this agreement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2419) making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2419

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development, and for other purposes, namely:

[TITLE I

[CORPS OF ENGINEERS—CIVIL

[DEPARTMENT OF THE ARMY

[CORPS OF ENGINEERS—CIVIL

[The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood and storm damage reduction, aquatic ecosystem restoration, and related purposes.

[GENERAL INVESTIGATIONS

[For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $100,000,000 to remain available until expended: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[CONSTRUCTION

[For expenses necessary for the construction of river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those involving participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction); and for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers, $1,763,000,000, to remain available until expended; of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which $182,668,000, pursuant to Public Law 99–662, shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 107 of the River and Harbor Act of 1960; and of which $500,000 shall be exclusively for projects and activities authorized under section 111 of the River and Harbor Act of 1968; and of which $1,000,000 shall be exclusively for projects and activities authorized under section 103 of the River and Harbor Act of 1962; and of which $25,000,000 shall be exclusively available for projects and activities authorized under section 205 of the Flood Control Act of 1948; and of which $8,000,000 shall be exclusively for projects and activities authorized under section 14 of the Flood Control Act of 1946; and of which $400,000 shall be exclusively for projects and activities authorized under section 208 of the Flood Control Act of 1954; and of which $17,400,000 shall be exclusively for projects and activities authorized under section 1135 of the Water Resources Development Act of 1986; and of which $18,000,000 shall be exclusively for projects and activities authorized under section 206 of the Water Resources Act of 1996; and of which $4,000,000 shall be exclusively for projects and activities authorized under section 204 of the Water Resources Act of 1992: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[In addition, $137,000,000 shall be available for projects and activities authorized under 16 U.S.C. 410–r–8 and section 601 of Public Law 106–541.

[FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

[For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $290,000,000 to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[OPERATION AND MAINTENANCE

[For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for the benefit of federally listed species to address the effects of civil works projects owned or operated by the United States Army Corps of Engineers (the "Corps"); for providing security for infrastructure owned and operated by, or on behalf of, the Corps, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a

State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,000,000,000 to remain available until expended, of which such sums to cover the Federal share of operation and maintenance costs for coastal harbors and channels, and inland harbors shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the Corps established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 4601-6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: *Provided*, That, except as provided in section 101 of this Act, the amounts made available under this paragraph shall be expended as authorized in law for the projects and activities specified in the report accompanying this Act.

[Regulatory Program

[For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $160,000,000, to remain available until expended.

[Formerly Utilized Sites Remedial Action Program

[For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

[General Expenses

[For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $152,021,000 to remain available until expended: *Provided*, That no part of any other appropriation provided in this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

[Office of Assistant Secretary of the Army (Civil Works)

[For expenses necessary for the Office of Assistant Secretary of the Army (Civil Works), as authorized by 10 U.S.C. 3016(b)(3), $4,000,000.

[Administrative Provision

[Appropriations in this title shall be available for official reception and representation expenses not to exceed $5,000; and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase not to exceed 100 for replacement only and hire of passenger motor vehicles.

[GENERAL PROVISIONS

[Corps of Engineers—Civil

[Sec. 101. (a) None of the funds provided in title I of this Act shall be available for obligation or expenditure through a reprogramming of funds that—

[(1) creates or initiates a new program, project, or activity;

[(2) eliminates a program, project, or activity;

[(3) increases funds or personnel for any program, project, or activity for which funds are denied or restricted by this Act;

[(4) reduces funds that are directed to be used for a specific program, project, or activity by this Act;

[(5) increases funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less; or

[(6) reduces funds for any program, project, or activity by more than $2,000,000 or 10 percent, whichever is less.

[(b) Subsection (a)(1) shall not apply to any project or activity authorized under section 205 of the Flood Control Act of 1948, section 14 of the Flood Control Act of 1946, section 208 of the Flood Control Act of 1954, section 107 of the River and Harbor Act of 1960, section 103 of the River and Harbor Act of 1962, section 111 of the River and Harbor Act of 1968, section 1135 of the Water Resources Development Act of 1986, section 206 of the Water Resources Act of 1996, or section 204 of the Water Resources Act of 1992.

[Sec. 102. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Ridge Landfill in Tuscarawas County, Ohio.

[Sec. 103. None of the funds appropriated in this Act may be used by the United States Army Corps of Engineers to support activities related to the proposed Indian Run Sanitary Landfill in Sandy Township, Stark County, Ohio.

[Sec. 104. After February 6, 2006, none of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that obligates the United States Government during fiscal year 2007 to make payment under such contract for any project that is proposed for deferral or suspension in fiscal year 2007 in the materials prepared by the Assistant Secretary of the Army (Civil Works) for that fiscal year pursuant to provisions of chapter 11 of title 31, United States Code.

[Sec. 105. None of the funds made available in title I of this Act may be used to award any continuing contract or to make modifications to any existing continuing contract that reserves an amount for a project in excess of the amount appropriated for such project pursuant to this Act.

[Sec. 106. None of the funds in title I of this Act shall be available for the rehabilitation and lead and asbestos abatement of the dredge McFarland: *Provided*, That amounts provided in title I of this Act are hereby reduced by $18,630,000.

[Sec. 107. None of the funds in this Act may be expended by the Secretary of the Army to construct the Port Jersey element of the New York and New Jersey Harbor or to reimburse the local sponsor for the construction of the Port Jersey element until commitments for construction of container handling facilities are obtained from the non-Federal sponsor for a second user along the Port Jersey element.

[TITLE II

[DEPARTMENT OF THE INTERIOR

[CENTRAL UTAH PROJECT

[Central Utah Project Completion Account

[For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

[In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

[Bureau of Reclamation

[Water and Related Resources

[(INCLUDING TRANSFER OF FUNDS)

[For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $832,000,000, to remain available until expended, of which $55,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: *Provided*, That such transfers may be increased or decreased within the overall appropriation under this heading: *Provided further*, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 4601-6a(i) shall be derived from that Fund or account: *Provided further*, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: *Provided further*, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: *Provided further*, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

[Central Valley Project Restoration Fund

[For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: *Provided*, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: *Provided further*, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

[CALIFORNIA BAY-DELTA RESTORATION

[(INCLUDING TRANSFER OF FUNDS)

[For carrying out activities authorized by the Calfed Bay Delta Authorization Act, consistent with plans to be approved by the Secretary of the Interior, $35,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: *Provided*, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: *Provided further*, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: *Provided further*, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

[POLICY AND ADMINISTRATION

[For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

[ADMINISTRATIVE PROVISION

[Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed 14 passenger motor vehicles, of which 11 are for replacement only.

[GENERAL PROVISIONS

[DEPARTMENT OF THE INTERIOR

[SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

[(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

[SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

[SEC. 203. (a) Section 1(a) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: "The Secretary is authorized to enter into an agreement or agreements with the city of Needles or the Imperial Irrigation District for the design and construction of the remaining stages of the Lower Colorado Water Supply Project on or after November 1, 2004, and the Secretary shall ensure that any such agreement or agreements include provisions setting forth: (1) the responsibilities of the parties to the agreement for design and construction; (2) the locations of the remaining wells, discharge pipelines, and power transmission lines; (3) the remaining design capacity of up to 5,000 acre-feet per year which is the authorized capacity less the design capacity of the first stage constructed; (4) the procedures and requirements for approval and acceptance by the Secretary of the remaining stages, including approval of the quality of construction, measures to protect the public health and safety, and procedures for protection of such stages; (5) the rights, responsibilities, and liabilities of each party to the agreement; and (6) the term of the agreement.".

[(b) Section 2(b) of the Lower Colorado Water Supply Act (Public Law 99–655) is amended by adding at the end the following: "Subject to the demand of such users along or adjacent to the Colorado River for Project water, the Secretary is further authorized to contract with additional persons or entities who hold Boulder Canyon Project Act section 5 contracts for municipal and industrial uses within the State of California for the use or benefit of Project water under such terms as the Secretary determines will benefit the interest of Project users along the Colorado River.".

[TITLE III

[DEPARTMENT OF ENERGY

[ENERGY PROGRAMS

[ENERGY SUPPLY AND CONSERVATION

[For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,762,888,000 (increased by $1,000,000), to remain available until expended.

[CLEAN COAL TECHNOLOGY

[(DEFERRAL)

[Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: *Provided*, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

[FOSSIL ENERGY RESEARCH AND DEVELOPMENT

[For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $502,467,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: *Provided*, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: *Provided further*, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: *Provided further*, That of the amounts provided, $50,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: *Provided further*, That no project may be selected for which sufficient funding is not available to provide for the total project: *Provided further*, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: *Provided further*, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: *Provided further*, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: *Provided further*, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: *Provided further*, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: *Provided further*, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: *Provided further*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

[Naval Petroleum and Oil Shale Reserves

[For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $18,500,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

[Elk Hills School Lands Fund

[For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $46,000,000 will be derived from the Elk Hills School Lands Fund.

[Strategic Petroleum Reserve

[For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

[Energy Information Administration

[For necessary expenses in carrying out the activities of the Energy Information Administration, $86,426,000, to remain available until expended.

[Non-Defense Environmental Cleanup

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $319,934,000, to remain available until expended.

[Uranium Enrichment Decontamination and Decommissioning Fund

[For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $591,498,000, to be derived from the Fund, to remain available until expended, of which $20,000,000 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

[Science

[For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,666,055,000, to remain available until expended.

[Nuclear Waste Disposal

[For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, $310,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: *Provided*, That of the funds made available in this Act for Nuclear Waste Disposal, $3,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: *Provided further*, That $7,000,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: *Provided further*, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: *Provided further*, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: *Provided further*, That within 90 days of the completion of each Federal fiscal year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: *Provided further*, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: *Provided further*, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: *Provided further*, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.

[Departmental Administration

[(including transfer of funds)

[For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $253,909,000 (reduced by $1,000,000), to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): *Provided*, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: *Provided further*, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2006, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $130,909,000.

[Office of the Inspector General

[For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,000,000, to remain available until expended.

[ATOMIC ENERGY DEFENSE ACTIVITIES

[National Nuclear Security Administration

[Weapons Activities

[(including transfer of funds)

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,181,121,000, to remain available until expended.

[Defense Nuclear Nonproliferation

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,500,959,000, to remain available until expended.

[Naval Reactors

[For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

[Office of the Administrator

[For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $366,869,000, to remain available until expended.

[ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

[Defense Environmental Cleanup

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,468,336,000, to remain available until expended.

[Other Defense Activities

[For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $702,498,000, to remain available until expended.

[Defense Nuclear Waste Disposal

[For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $351,447,000, to remain available until expended.

[POWER MARKETING ADMINISTRATIONS

[Bonneville Power Administration Fund

[Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

[Operation and Maintenance, Southeastern Power Administration

[For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

[Operation and Maintenance, Southwestern Power Administration

[For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $31,401,000, to remain available until expended: *Provided*, That, notwithstanding 31 U.S.C. 3302, up to $1,235,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

[Construction, Rehabilitation, Operation and Maintenance, Western Area Power Administration

[For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $226,992,000, to remain available until expended, of which $222,830,000 shall be derived from the Department of the Interior Reclamation Fund: *Provided*, That of the amount herein appropriated, $6,000,000 shall be available until expended on a nonreimbursable basis to the Western Area Power Administration for Topock-Davis-Mead Transmission Line Upgrades: *Provided further*, That notwithstanding the provision of 31 U.S.C. 3302, up to $148,500,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

[Falcon and Amistad Operating and Maintenance Fund

[For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

[Federal Energy Regulatory Commission

[salaries and expenses

[For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.

[GENERAL PROVISIONS

[DEPARTMENT OF ENERGY

[Sec. 301. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

[(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

[(b) In this section:

[(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

[(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

[(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

[Sec. 302. None of the funds appropriated by this Act may be used to—

[(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

[(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

[Sec. 303. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

[Sec. 304. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

[(TRANSFERS OF UNEXPENDED BALANCES)

[Sec. 305. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[SEC. 306. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

[SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

[SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: *Provided*, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 2 percent of such amount may be used for these activities: *Provided further*, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

[(1) the Kansas City Plant, Kansas City, Missouri;

[(2) the Y-12 Plant, Oak Ridge, Tennessee;

[(3) the Pantex Plant, Amarillo, Texas;

[(4) the Savannah River Plant, South Carolina; and

[(5) the Nevada Test Site.

[SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

[SEC. 310. None of the funds made available in this Act may be used to select a site for the Modern Pit Facility during fiscal year 2006.

[SEC. 311. None of the funds made available in title III of this Act shall be for the Department of Energy national laboratories and production plants for Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities in excess of $250,000,000.

[SEC. 312. None of the funds made available in title III of this Act shall be for Department of Energy Laboratory Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD), and Site Directed Research and Development (SDRD) activities for project costs incurred as Indirect Costs by Major Facility Operating Contractors.

[SEC. 313. None of the funds made available in title III of this Act may be used to finance laboratory directed research and development activities at Department of Energy laboratories on behalf of other Federal agencies.

[SEC. 314. None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

[TITLE IV

[INDEPENDENT AGENCIES

[APPALACHIAN REGIONAL COMMISSION

[For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $38,500,000, to remain available until expended.

[DEFENSE NUCLEAR FACILITIES SAFETY BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100-456, section 1441, $22,032,000, to remain available until expended.

[DELTA REGIONAL AUTHORITY

[SALARIES AND EXPENSES

[For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $6,000,000, to remain available until expended.

[DENALI COMMISSION

[For expenses of the Denali Commission, $2,562,000, to remain available until expended.

[NUCLEAR REGULATORY COMMISSION

[SALARIES AND EXPENSES

[For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), and purchase of promotional items for use in the recruitment of individuals for employment, $714,376,000, to remain available until expended: *Provided*, That of the amount appropriated herein, $66,717,000 shall be derived from the Nuclear Waste Fund: *Provided further*, That revenues from licensing fees, inspection services, and other services and collections estimated at $580,643,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $133,732,600: *Provided further*, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words "and fiscal year 2006".

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: *Provided*, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: *Provided further*, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

[NUCLEAR WASTE TECHNICAL REVIEW BOARD

[SALARIES AND EXPENSES

[For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100-203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

[TITLE V

[GENERAL PROVISIONS

[SEC. 501. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

[SEC. 502. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in this Act or any other appropriation Act.

[SEC. 503. None of the funds made available by this Act shall be used by the Nuclear Regulatory Commission to contract with or reimburse any Nuclear Regulatory Commission licensee or the Nuclear Energy Institute with respect to matters relating to the security of production facilities or utilization facilities (within the meaning of the Atomic Energy Act of 1954).

[SEC. 504. None of the funds made available by this Act may be used before March 1, 2006, to enter into an agreement obligating the United States to contribute funds to ITER, the international burning plasma fusion research project in which the President announced United States participation on January 30, 2003.

[This Act may be cited as the "Energy and Water Development Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2006, for energy and water development and for other purposes, namely:

TITLE I—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Chief of Engineers and the supervision of the Director of Civil Works for authorized civil functions of the Department of the Army pertaining to rivers *and harbors, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related purposes.*

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects, restudy of authorized projects, miscellaneous investigations, and, when authorized by law, surveys and detailed studies and plans and specifications of projects prior to construction, $180,000,000, to remain available until expended.

CONSTRUCTION, GENERAL

For expenses necessary for the construction of river and harbor, flood control, shore protection and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for conducting detailed studies, and plans and specifications, of such projects (including those for development with participation or under consideration for participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such detailed studies, and plans and specifications, shall not constitute a commitment of the Government to construction): $2,086,664,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of construction costs for facilities under the Dredged Material Disposal Facilities program shall be derived from the Harbor Maintenance Trust Fund as authorized by Public Law 104–303; and of which such sums as are necessary pursuant to Public Law 99–662 shall be derived from the Inland Waterways Trust Fund, to cover one-half of the costs of construction and rehabilitation of inland waterways projects, (including the rehabilitation costs for Lock and Dam 11, Mississippi River, Iowa; Lock and Dam 19, Mississippi River, Iowa; Lock and Dam 24, Mississippi River, Illinois and Missouri; Lock 27, Mississippi River, Illinois; and Lock and Dam 3, Mississippi River, Minnesota) shall be derived from the Inland Waterways Trust Fund: Provided, That using $15,000,000 of the funds appropriated herein, the Chief of Engineers is directed to continue construction of the Dallas Floodway Extension, Texas, project, including the Cadillac Heights feature, generally in accordance with the Chief of Engineers report dated December 7, 1999: Provided further, That the Chief of Engineers is directed to use $2,000,000 of the funds provided herein to continue construction of the Hawaii Water Management Project: Provided further, That the Chief of Engineers is directed to use $13,000,000 of the funds appropriated herein to continue construction of the navigation project at Kaumalapau Harbor, Hawaii: Provided further, That the Chief of Engineers is directed to use $4,000,000 of the funds provided herein for the Dam Safety and Seepage/Stability Correction Program to complete construction of seepage control features and repairs to the tainter gates at Waterbury Dam, Vermont: Provided further, That the Chief of Engineers is directed to use $9,500,000 of the funds appropriated herein to proceed with planning, engineering, design or construction of the Grundy, Buchanan County, and Dickenson County, Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to use $4,600,000 of the funds appropriated herein to continue with the planning, engineering, design or construction of the Lower Mingo County, Upper Mingo County, Wayne County, McDowell County, West Virginia, elements of the Levisa and Tug Forks of the Big Sandy River and Upper Cumberland River Project: Provided further, That the Chief of Engineers is directed to continue the Dickenson County Detailed Project Report as generally defined in Plan 4 of the Huntington District Engineer's Draft Supplement to the section 202 General Plan for Flood Damage Reduction dated April 1997, including all Russell Fork tributary streams within the County and special considerations as may be appropriate to address the unique relocations and resettlement needs for the flood prone communities within the County: Provided further, That the Chief of Engineers is directed to proceed with work on the permanent bridge to replace Folsom Bridge Dam Road, Folsom, California, as authorized by the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137), and, of the $12,000,000 available for the American River Watershed (Folsom Dam Mini-Raise), California, project, up to $7,000,000 of those funds be directed for the permanent bridge, with all remaining devoted to the Mini-Raise: Provided further, That $300,000 is provided for the Chief of Engineers to conduct a General Reevaluation Study on the Mount St. Helens project to determine if ecosystem restoration actions are prudent in the Cowlitz and Toutle watersheds for species that have been listed as being of economic importance and threatened or endangered.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES, ARKANSAS, ILLINOIS, KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, AND TENNESSEE

For expenses necessary for the flood damage reduction program for the Mississippi River alluvial valley below Cape Girardeau, Missouri, as authorized by law, $433,336,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the harbor maintenance trust fund: Provided, That the Chief of Engineers, using $25,000,000 of the funds provided herein, is directed to continue design and real estate activities and to initiate the pump supply contract for the Yazoo Basin, Yazoo Backwater Pumping Plant, Mississippi: Provided further, That the pump supply contract shall be performed by awarding continuing contracts in accordance with 33 U.S.C. 621: Provided further, That the Secretary of the Army, acting through the Chief of Engineers is directed, with $10,000,000 appropriated herein, to continue construction of water withdrawal features of the Grand Prairie, Arkansas, project, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for inland harbors shall be derived from the Harbor Maintenance Trust Fund.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the operation, maintenance, and care of existing river and harbor, flood and storm damage reduction, aquatic ecosystem restoration, and related projects authorized by law; for providing security for infrastructure owned and operated by, or on behalf of, the United States Army Corps of Engineers, including administrative buildings and facilities, laboratories, and the Washington Aqueduct; for the maintenance of harbor channels provided by a State, municipality, or other public agency that serve essential navigation needs of general commerce, where authorized by law; and for surveys and charting of northern and northwestern lakes and connecting waters, clearing and straightening channels, and removal of obstructions to navigation, $2,100,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of operation and maintenance costs for coastal harbors and channels, shall be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662 may be derived from that fund; of which such sums as become available from the special account for the United States Army Corps of Engineers established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l–6a(i)), may be derived from that account for resource protection, research, interpretation, and maintenance activities related to resource protection in the areas at which outdoor recreation is available; and of which such sums as become available under section 217 of the Water Resources Development Act of 1996, Public Law 104–303, shall be used to cover the cost of operation and maintenance of the dredged material disposal facilities for which fees have been collected: Provided, That utilizing funds appropriated herein, for the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, the Chief of Engineers, is directed to reimburse the State of Delaware for normal operation and maintenance costs incurred by the State of Delaware for the SR1 Bridge from station 58+00 to station 293+00 between October 1, 2005, and September 30, 2006: Provided further, That the Chief of Engineers is authorized to undertake, at full Federal expense, a detailed evaluation of the Albuquerque levees for purposes of determining structural integrity, impacts of vegetative growth, and performance under current hydrological conditions: Provided further, That using $275,000 provided herein, the Chief of Engineers is authorized to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary to prepare for flood, hurricane, and other natural disasters and support emergency operations, repairs, and other activities in response to flood and hurricane emergencies, as authorized by law, $43,000,000, to remain available until expended.

REGULATORY PROGRAM

For expenses necessary for administration of laws pertaining to regulation of navigable waters and wetlands, $150,000,000, to remain available until expended.

FORMERLY UTILIZED SITES REMEDIAL ACTION PROGRAM

For expenses necessary to clean up contamination from sites in the United States resulting from work performed as part of the Nation's early atomic energy program, $140,000,000, to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related civil works functions in the headquarters of the United States Army Corps of Engineers, the offices of the Division Engineers, the Humphreys Engineer Center Support Activity, the Institute for Water Resources, the United States Army Engineer Research and Development Center, and the United States Army Corps of Engineers Finance Center, $165,000,000, to remain available until expended: Provided, That no part of any other appropriation provided in title I of this Act shall be available to fund the civil works activities of the Office of the Chief of Engineers or the civil works executive direction and management activities of the division offices.

ADMINISTRATIVE PROVISION

Appropriations in this title shall be available for official reception and representation expenses (not to exceed $5,000); and during the current fiscal year the Revolving Fund, Corps of Engineers, shall be available for purchase (not to exceed 100 for replacement only) and hire of passenger motor vehicles.

GENERAL PROVISIONS, CORPS OF ENGINEERS—CIVIL

SEC. 101. Beginning in fiscal year 2005 and thereafter, agreements proposed for execution by the Assistant Secretary of the Army for Civil Works or the United States Army Corps of Engineers after the date of the enactment of this Act pursuant to section 4 of the Rivers and Harbor

Act of 1915, Public Law 64-291; section 11 of the River and Harbor Act of 1925, Public Law 68–585; the Civil Functions Appropriations Act, 1936, Public Law 75-208; section 215 of the Flood Control, Act of 1968, as amended, Public Law 90-483; sections 104, 203, and 204 of the Water Resources Development Act of 1986, as amended, Public Law 99-662; section 206 of the Water Resources Development Act of 1992, as amended, Public Law 102-580; section 211 of the Water Resources Development Act of 1996, Public Law 104–303; and any other specific project authority, shall be limited to total credits and reimbursements for all applicable projects not to exceed $100,000,000 in each fiscal year.

SEC. 102. None of the funds appropriated in this or any other Act shall be used to demonstrate or implement any plans divesting or transferring any Civil Works missions, functions, or responsibilities of the United States Army Corps of Engineers to other government agencies without specific direction in a subsequent Act-of Congress.

SEC. 103. ST. GEORGES BRIDGE, DELAWARE. None of the funds made available in this Act may be used to carry out any activity relating to closure or removal of the St. Georges Bridge across the Intracoastal Waterway, Delaware River to Chesapeake Bay, Delaware and Maryland, including a hearing or any other activity relating to preparation of an environmental impact statement concerning the closure or removal.

SEC. 104. Within 75 days of the date of the Chief of Engineers Report on a water resource matter, the Assistant Secretary of the Army (Civil Works) shall submit the report to the appropriate authorizing and appropriating committees of the Congress.

SEC. 105. Within 90 days of the date of enactment of this Act, the Assistant Secretary of the Army (Civil Works) shall transmit to Congress his report on any water resources matter on which the Chief of Engineers has reported.

SEC. 106. Section 123 of Public Law 108-137 (117 Stat. 1837) is amended by striking "in accordance with the Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Feasibility Report" and all that follows and inserting the following language in lieu thereof: "in accordance with the 'Baltimore Metropolitan Water Resources-Gwynns Falls Watershed Study' report prepared by the Corps of Engineers and the City of Baltimore, Maryland, dated September 2002.".

SEC. 107. MARMET LOCK, KANAWHA RIVER, WEST VIRGINIA. Section 101(a)(31) of the Water Resources Development Act of 1996 (110 Stat. 3666), is amended by striking "$229,581,000" and inserting "$358,000,000".

SEC. 108. LOWER MUD RIVER, MILTON, WEST VIRGINIA. The project for flood control at Milton, West Virginia, authorized by section 580 of the Water Resources Development Act of 1996 (110 Stat. 3790), as modified by section 340 of the Water Resources Development Act of 2000 (114 Stat. 2612), is modified to authorize the Chief of Engineers to construct the project substantially in accordance with the draft report of the Corps of Engineers dated May 2004, at an estimated total cost of $45,500,000, with an estimated Federal cost of $34,125,000 and an estimated non-Federal cost of $11,375,000.

SEC. 109. WATER REALLOCATION, LAKE CUMBERLAND, KENTUCKY. (a) IN GENERAL.—Subject to subsection (b), none of the funds made available by this Act may be used to carry out any water reallocation project or component under the Wolf Creek Project, Lake Cumberland, Kentucky, authorized under the Act of June 28, 1938 (52 Stat. 1215, chapter 795) and the Act of July 24, 1946 (60 Stat. 636, chapter 595).

(b) EXISTING REALLOCATIONS.—Subsection (a) shall not apply to any water reallocation for Lake Cumberland, Kentucky, that is carried out subject to an agreement or payment schedule in effect on the date of enactment of this Act.

SEC. 110. Section 529(b)(3) of Public Law 106-541 is amended by striking "$10,000,000" and inserting "$20,000,000" in lieu thereof.

SEC. 111. YAZOO BASIN, UPPER YAZOO PROJECTS, MISSISSIPPI. The Yazoo Basin Headwater Improvement, Mississippi, project authorized by the Flood Control Act of 1928 (45 Stat. 534), as amended and modified, is further modified to include the design and construction at full Federal expense of such measures as determined by the Chief of Engineers to be advisable for the control of bank erosion along the Yazoo River and including, but not limited to, the following tributaries and watersheds of the Yazoo River: Tallahatchie River, Coldwater River (below Arkabutla Dam), Bear Creek Diversion, Yalobusha River (below Grenada Dam), Little Tallahatchie River (below Sardis Dam), Yocona River (below Enid Dam), Tchula Lake, Cassidy Bayou, Bobo Bayou Area, Arkabutla Canal, Ascalmore-Tippo Creek, David-Burrell Bayou, McKinney Bayou, Lake Cormorant Area, Hurricane Bayou, Opossum Bayou, Chicopa Creek, Hillside Floodway, Bear Creek, Alligator-Catfish Bayou, Rocky Bayou, Whiteoak Bayou, Potacocowa Creek, Tillatoba Creek, Teoc Creek, Big Sand Creek, Chicopa Creek, and miscellaneous ditches.

SEC. 112. LOWER MISSISSIPPI RIVER MUSEUM AND RIVERFRONT INTERPRETIVE SITE, MISSISSIPPI. The Water Resources Development Act of 1992 (106 Stat. 4811) is amended by—

(1) in section 103(c)(2) by striking "property currently held by the Resolution Trust Corporation in the vicinity of the Mississippi River Bridge" and inserting "riverfront property"; and

(2) in section 103(c)(7)—

(A) by striking "There is" and inserting the following: "(A) IN GENERAL.—There is"; and

(B) by striking "$2,000,000" and all that follows and inserting the following: "$15,000,000 to plan, design, and construct generally in accordance with the conceptual plan to be prepared by the Corps of Engineers.

"(B) FUNDING.—The planning, design, and construction of the Lower Mississippi River Museum and Riverfront Interpretive Site shall be carried out using funds appropriated as part of the Mississippi River Levees feature of the Mississippi River and Tributaries Project, authorized by the Act of May 15, 1928 (45 Stat. 534, chapter 569).".

SEC. 113. PUBLIC LAW 106-53. Section 593(h) (113 Stat. 381) is modified by striking "$25,000,000" and inserting "$50,000,000".

SEC. 114. The project for navigation, Los Angeles Harbor, California, authorized by section 101(b)(5) of the Water Resources Development Act of 2000 (114 Stat. 2577) is modified to authorize the Chief of Engineers to carry out the project at a total cost of $222,000,000.

SEC. 115. MISSOURI AND MIDDLE MISSISSIPPI RIVERS ENHANCEMENT PROJECT. (a) Section 514 of the Water Resources Development Act of 1999 is amended by inserting after subsection (e):

"(f) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d–5b(b)), for any project undertaken under this section, a non-Federal interest may include a Regional or National nonprofit entity with the consent of the affected local government.

"(g) COST LIMITATION.—Not more than $5,000,000 in Federal funds may be allotted under this section for a project at any single locality."; and

(b) renumbering the succeeding subsections accordingly.

SEC. 116. Section 514(f)(1) of the Water Resources Development Act of 1999 (Public Law 106-53) is amended by adding at the end of the sentence before the period "which may be in cash, by the provision of lands, easements, rights-of-way, relocations or disposal areas, by in-kind services to implement the project, or by any combination of the foregoing. Land needed for a project under this authority may remain in private ownership subject to easements satisfactory to the Secretary necessary to assure achievement of the project purposes".

SEC. 117. Section 514(g) of the Water Resources Development Act of 1999 (Public Law 106–53) is amended by striking the words "for the period of fiscal years 2000 and 2001" and inserting in lieu thereof "per year, and such authority shall extend until Federal fiscal year 2015".

SEC. 118. MISSOURI RIVER LEVEE SYSTEM, UNIT L–15 LEVEE, MISSOURI. The portion of the L–15 levee system which is under the jurisdiction of the Consolidated North County Levee District and which is situated along the right descending bank of the Mississippi River from its confluence with the Missouri River and running upstream approximately 14 miles shall be considered to be a Federal levee for purposes of cost sharing under 33 U.S.C. 701n.

SEC. 119. Section 219(f) of the Water Resources Development Act of 1992 (Public Law 102–580; 106 Stat. 4835), as amended by section 502(b) of the Water Resources Development Act of 1999 (Public Law 106–53) and section 108(d) of title I of division B of the Miscellaneous Appropriations Act, 2001 (as enacted by Public Law 106–554; 114 Stat. 2763A-220), is further amended by adding at the end the following:

"(72) ALPINE, CALIFORNIA.—$10,000,000 is authorized for a water transmission main, Alpine, CA.".

SEC. 120. Section 214(a) of Public Law 106–541 is amended by striking "2005" and inserting "2006".

SEC. 121. MIDDLE RIO GRANDE ENDANGERED SPECIES COLLABORATIVE PROGRAM, NEW MEXICO. The Secretary of the Army may carry out projects that comply with the Reasonable and Prudent Alternative of the 2003 Biological Opinion required by section 205(b) of Public Law 108–447 (118 Stat. 2949) referring to the Biological and Conference Opinions on the Effects of Actions Associated with the Programmatic Biological Assessment of Bureau of Reclamation's Water and River Maintenance Operations, Army Corps of Engineers' Flood Control Operation, and Related Non-Federal Actions on the Middle Rio Grande, New Mexico and other recovery measures for the Rio Grande Silvery Minnow or the Southwest Willow Flycatcher, including recommendations provided by the Endangered Species Act Collaborative Program as established in Public Law 108–137 section 209(b) (117 Stat. 1850). All project undertaken under this subsection shall be subject to a 75 percent Federal/25 percent non-Federal cost share. The non-Federal cost share for all projects carried out under this program may be provided through in-kind services or direct cash contributions and shall include provision of necessary land, easements, relocations and disposal sites. Non-Federal cost share shall be credited on a programmatic basis instead of on a project-by-project basis with reconciliation of total project costs and total non-Federal cost share on a 3 year incremental basis. Over contribution of non-Federal cost share shall be credited to subsequent years. In lieu of individual Project Cooperation Agreements, the Secretary shall enter into Memoranda of Agreement with participants in the Middle Rio Grande Endangered Species Collaborative Program in order to establish relative contribution of non-Federal cost share by each participant, implement projects, and streamline administrative procedures.

SEC. 122. BLUESTONE, WEST VIRGINIA. Section 547 of the Water Resources Development Act of 2000 (114 Stat. 2676) is amended—

(1) in subsection (b)(1)(A) by striking "4 years" and inserting "5 years";

(2) in subsection (b)(1)(B)(iii) by striking "if all" and all that follows through "facility" and inserting "assurance project";

(3) in subsection (b)(1)(C) by striking "and construction" and inserting ", construction, and operation and maintenance";

(4) by adding at the end of subsection (b) the following:

"(3) OPERATION AND OWNERSHIP.—The Tri-Cities Power Authority shall be the owner and operator of the hydropower facilities referred to in subsection (a).";

(5) in subsection (c)(1)—

(A) by striking "No" and inserting "Unless otherwise provided, no";

(B) by inserting "planning," before "design"; and

(C) by striking "prior to" and all that follows through "subsection (d)";

(6) in subsection (c)(2) by striking "design" and inserting "planning, design,";

(7) in subsection (d)—

(A) by striking paragraphs (1) and (2) and inserting the following:

"(1) APPROVAL.—The Secretary shall review the design and construction activities for all features of the hydroelectric project that pertain to and affect stability of the dam and control the release of water from Bluestone Dam to ensure that the quality of construction of those features meets all standards established for similar facilities constructed by the Secretary.";

(B) by redesignating paragraph (3) as paragraph (2);

(C) by striking the period at the end of paragraph (2) (as so redesignated) and inserting ", except that hydroelectric power is no longer a project purpose of the facility so long as Tri-Cities Power Authority continues to exercise its responsibilities as the builder, owner, and operator of the hydropower facilities at Bluestone Dam. Water flow releases and flood control from the hydropower facilities shall be determined and directed by the Corps of Engineers."; and

(D) by adding at the end the following:

"(3) COORDINATION.—Construction of the hydroelectric generating facilities shall be coordinated with the dam safety assurance project currently in the design and construction phases.";

(8) in subsection (e) by striking "in accordance" and all that follows through "58 Stat. 890)";

(9) in subsection (f)—

(A) by striking "facility of the interconnected systems of reservoirs operated by the Secretary" each place it appears and inserting "facilities under construction under such agreements"; and

(B) by striking "design" and inserting "planning, design";

(10) in subsection (f)(2)—

(A) by "Secretary" each place it appears and inserting "Tri-Cities Power Authority"; and

(B) by striking "facilities referred to in subsection (a)" and inserting "such facilities";

(11) by striking paragraph (1) of subsection (g) and inserting the following:

"(1) to arrange for the transmission of power to the market or to construct such transmission facilities as necessary to market the power produced at the facilities referred to in subsection (a) with funds contributed by the Tri-Cities Power Authority; and";

(12) in subsection (g)(2) by striking "such facilities" and all that follows through "the Secretary" and inserting "the generating facility"; and

(13) by adding at the end the following:

"(i) TRI-CITIES POWER AUTHORITY DEFINED.—In this section, the 'Tri-Cities Power Authority' refers to the entity established by the City of Hinton, West Virginia, the City of White Sulphur Springs, West Virginia, and the City of Philippi, West Virginia, pursuant to a document entitled 'Second Amended and Restated Intergovernmental Agreement' approved by the Attorney General of West Virginia on February 14, 2002.".

SEC. 123. The portion of the project for navigation, City Waterway, Tacoma, Washington authorized by the first section of the Act of June 13, 1902 (32 Stat. 347), consisting of the last 1,000 linear feet of the inner portion of the Waterway beginning at Station 70+00 and ending at Station 80+00, is not authorized.

SEC. 124. The Chief of Engineers shall define the repairs made at Fern Ridge Dam as a dam safety project and costs shall be recovered in accordance with Section 1203 of the Water Resources Development Act of 1986: Provided, That costs assigned to irrigation will be recovered by the Secretary of the Interior in accordance with Public Law 98–404.

SEC. 125. The Chief of Engineers is directed to fully utilize the Federal dredging fleet in support of all Army Corps of Engineers missions and no restrictions shall be placed on the use or maintenance of any dredge in the Federal Fleet.

SEC. 126. The Chief of Engineers is directed to maintain the Federal dredging fleet to technologically modern and efficient standards.

SEC. 127. LAKE CHAMPLAIN CANAL DISPERSAL BARRIER, VERMONT AND NEW YORK. The Chief of Engineers shall determine, at full Federal expense, the feasibility of a dispersal barrier project at the Lake Champlain Canal: Provided, That if the Chief determines that the project is feasible, the Chief shall construct, maintain, and operate a dispersal barrier at the Lake Champlain Canal at full Federal expense.

TITLE II—DEPARTMENT OF THE INTERIOR

CENTRAL UTAH PROJECT

CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For carrying out activities authorized by the Central Utah Project Completion Act, $32,614,000, to remain available until expended, of which $946,000 shall be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission.

In addition, for necessary expenses incurred in carrying out related responsibilities of the Secretary of the Interior, $1,736,000, to remain available until expended.

BUREAU OF RECLAMATION

The following appropriations shall be expended to execute authorized functions of the Bureau of Reclamation:

WATER AND RELATED RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For management, development, and restoration of water and related natural resources and for related activities, including the operation, maintenance, and rehabilitation of reclamation and other facilities, participation in fulfilling related Federal responsibilities to Native Americans, and related grants to, and cooperative and other agreements with, State and local governments, Indian tribes, and others, $899,569,000, to remain available until expended, of which $63,544,000 shall be available for transfer to the Upper Colorado River Basin Fund and $21,998,000 shall be available for transfer to the Lower Colorado River Basin Development Fund; of which such amounts as may be necessary may be advanced to the Colorado River Dam Fund; of which not more than $500,000 is for high priority projects which shall be carried out by the Youth Conservation Corps, as authorized by 16 U.S.C. 1706: Provided further, That such transfers may be increased or decreased within the overall appropriation under this heading: Provided further, That of the total appropriated, the amount for program activities that can be financed by the Reclamation Fund or the Bureau of Reclamation special fee account established by 16 U.S.C. 460l–6a(i) shall be derived from that Fund or account: Provided further, That funds contributed under 43 U.S.C. 395 are available until expended for the purposes for which contributed: Provided further, That $500,000 is provided to the Bureau of Reclamation to advance the Snyderville Basin Water Supply Study Special Report to a Feasibility Level Study and NEPA compliance for the purpose of providing water to Park City and the Snyderville Basin, Utah, as a component of the Weber Basin Project: Provided further, That funds advanced under 43 U.S.C. 397a shall be credited to this account and are available until expended for the same purposes as the sums appropriated under this heading: Provided further, That funds available for expenditure for the Departmental Irrigation Drainage Program may be expended by the Bureau of Reclamation for site remediation on a non-reimbursable basis.

CENTRAL VALLEY PROJECT RESTORATION FUND

For carrying out the programs, projects, plans, and habitat restoration, improvement, and acquisition provisions of the Central Valley Project Improvement Act, $52,219,000, to be derived from such sums as may be collected in the Central Valley Project Restoration Fund pursuant to sections 3407(d), 3404(c)(3), 3405(f), and 3406(c)(1) of Public Law 102–575, to remain available until expended: Provided, That the Bureau of Reclamation is directed to assess and collect the full amount of the additional mitigation and restoration payments authorized by section 3407(d) of Public Law 102–575: Provided further, That none of the funds made available under this heading may be used for the acquisition or leasing of water for in-stream purposes if the water is already committed to in-stream purposes by a court adopted decree or order.

CALIFORNIA BAY-DELTA RESTORATION

(INCLUDING TRANSFER OF FUNDS)

For carrying out activities authorized by the Calfed Bay Delta Authorization Act, consistent with plans to be approved by the Secretary of the Interior, $37,000,000, to remain available until expended, of which such amounts as may be necessary to carry out such activities may be transferred to appropriate accounts of other participating Federal agencies to carry out authorized purposes: Provided, That funds appropriated herein may be used for the Federal share of the costs of CALFED Program management: Provided further, That the use of any funds provided to the California Bay-Delta Authority for program-wide management and oversight activities shall be subject to the approval of the Secretary of the Interior: Provided further, That CALFED implementation shall be carried out in a balanced manner with clear performance measures demonstrating concurrent progress in achieving the goals and objectives of the Program.

POLICY AND ADMINISTRATION

For necessary expenses of policy, administration, and related functions in the office of the Commissioner, the Denver office, and offices in the five regions of the Bureau of Reclamation, to remain available until expended, $57,917,000, to be derived from the Reclamation Fund and be nonreimbursable as provided in 43 U.S.C. 377: Provided, That no part of any other appropriation in this Act shall be available for activities or functions budgeted as policy and administration expenses.

ADMINISTRATIVE PROVISION

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed

14 passenger motor vehicles, of which 11 are for replacement only.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 201. (a) None of the funds appropriated or otherwise made available by this Act may be used to determine the final point of discharge for the interceptor drain for the San Luis Unit until development by the Secretary of the Interior and the State of California of a plan, which shall conform to the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters.

(b) The costs of the Kesterson Reservoir Cleanup Program and the costs of the San Joaquin Valley Drainage Program shall be classified by the Secretary of the Interior as reimbursable or nonreimbursable and collected until fully repaid pursuant to the "Cleanup Program-Alternative Repayment Plan" and the "SJVDP-Alternative Repayment Plan" described in the report entitled "Repayment Report, Kesterson Reservoir Cleanup Program and San Joaquin Valley Drainage Program, February 1995", prepared by the Department of the Interior, Bureau of Reclamation. Any future obligations of funds by the United States relating to, or providing for, drainage service or drainage studies for the San Luis Unit shall be fully reimbursable by San Luis Unit beneficiaries of such service or studies pursuant to Federal reclamation law.

SEC. 202. None of the funds appropriated or otherwise made available by this or any other Act may be used to pay the salaries and expenses of personnel to purchase or lease water in the Middle Rio Grande or the Carlsbad Projects in New Mexico unless said purchase or lease is in compliance with the purchase requirements of section 202 of Public Law 106–60.

SEC. 203. Funds under this title for Drought Emergency Assistance shall be made available primarily for leasing of water for specified drought related purposes from willing lessors, in compliance with existing State laws and administered under State water priority allocation. Such leases may be entered into with an option to purchase: Provided, That such purchase is approved by the State in which the purchase takes place and the purchase does not cause economic harm within the State in which the purchase is made.

SEC. 204. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, hereafter is authorized to enter into grants, cooperative agreements, and other agreements with irrigation or water districts and States to fund up to 50 percent of the cost of planning, designing, and constructing improvements that will conserve water, increase water use efficiency, or enhance water management through measurement or automation, at existing water supply projects within the States identified in the Act of June 17, 1902, as amended, and supplemented: Provided, That when such improvements are to federally owned facilities, such funds may be provided in advance on a non-reimbursable basis to an entity operating affected transferred works or may be deemed non-reimbursable for non-transferred works: Provided further, That the calculation of the non-Federal contribution shall provide for consideration of the value of any in-kind contributions, but shall not include funds received from other Federal agencies: Provided further, That the cost of operating and maintaining such improvements shall be the responsibility of the non-Federal entity: Provided further, That this section shall not supercede any existing project-specific funding authority: Provided further, That the Secretary is also hereafter authorized to enter into grants or cooperative agreements with universities or non-profit research institutions to fund water use efficiency research.

SEC. 205. RIO GRANDE COLLABORATIVE WATER OPERATIONS TEAM. The Secretary of the Interior, acting through the Commissioner of the Bureau of Reclamation, and the Secretary of the Army, acting through the Army Corps of Engineers, shall jointly lead and may enter into agreements with other Federal, State, and non-Federal entities with water rights in the Rio Grande Basin to form a Collaborative Water Operations Team in order to cooperate on water management and riparian actions in order to optimize the supply of water throughout the basin and meet other Federal obligations. The Rio Grande Collaborative Water Operations Team shall undertake to develop a master plan for the Rio Grande River and its tributaries within the State of New Mexico that integrates all Federal actions and where possible considers all non-Federal actions for water management including improvement of agriculture efficiency, environmental restoration and management, ecological improvements and management, scientific investigations, flood control, recreation development and similar water and land management efforts.

SEC. 206. WATER DESALINATION ACT. Section 8 of Public Law 104–298 (The Water Desalination Act of 1996) (110 Stat. 3624) as amended by section 210 of Public Law 108–7 (117 Stat. 146) and by section 6015 of Public Law 109–13 is amended by—

(1) in paragraph (a) by striking "2005" and inserting in lieu thereof "2010"; and

(2) in paragraph (b) by striking "2005" and inserting in lieu thereof "2010".

SEC. 207. Section 17(b) of the Colorado Ute Indian Water Rights Settlement Act of 1988 as amended (Public Law 100–585, 102 Stat. 2973; Public Law 106–554, 114 Stat. 2763A–266) is amended by striking "within 7 years" and all that follows through "following the date of enactment of this section" and inserting "for each of fiscal years 2006 through 2012".

SEC. 208. (a) Notwithstanding section 217(a)(3) of the Energy and Water Development Appropriations Act, 2004 (Public Law 108–137; 117 Stat. 1853), and in accordance with section 804(f) of title VIII of the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Public Law 107–282; 116 Stat. 2016), the State of Nevada shall not be responsible for any of the payments described in section 804(b)–(e) of title VIII of Public Law 107–282 associated with the conveyance of the Humboldt Project. The State of Nevada shall be subject to the reconveyance provisions contained in the last sentence of section 804(f).

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (Public Law 107–171, Title II, Subtitle F; 116 Stat. 275), the Secretary of the Interior, acting through the Commissioner of Reclamation, may expend up to $1,000,000 to cover both the Secretary's share and the State of Nevada's share of the following costs provided by section 804(c)–(e) of Public Law 107–282 incurred by the conveyance of the State of Nevada's share of the Humboldt Project:

(A) administrative costs;

(B) real estate transfer costs; and

(C) the costs associated with complying with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(ii) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(2) The amounts appropriated by this section shall be in addition to the $270,000 appropriated by section 217(a)(3) of Public Law 108–137.

SEC. 209. (a)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $70,000,000 to the University of Nevada—

(A) to acquire from willing sellers land, water appurtenant to the land, and related interests in the Walker River Basin, Nevada; and

(B) to establish and administer an agricultural and natural resources center, the mission of which shall be to undertake research, restoration, and educational activities in the Walker River Basin relating to—

(i) innovative agricultural water conservation;

(ii) cooperative programs for environmental restoration;

(iii) fish and wildlife habitat restoration; and

(iv) wild horse and burro research and adoption marketing.

(2) In acquiring interests under paragraph (1)(A), the University of Nevada shall make acquisitions that the University determines are the most beneficial to—

(A) the establishment and operation of the agricultural and natural resources research center authorized under paragraph (1)(B); and

(B) environmental restoration in the Walker River Basin.

(b)(1) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary shall provide not more than $10,000,000 for a water lease and purchase program for the Walker River Paiute Tribe.

(2) Water acquired under paragraph (1) shall be—

(A) acquired only from willing sellers;

(B) designed to maximize water conveyances to Walker Lake; and

(C) located only within the Walker River Paiute Indian Reservation.

(c) Using amounts made available under section 2507 of the Farm and Security Rural Investment Act of 2002 (43 U.S.C. 2211 note; Public Law 107–171), the Secretary, acting through the Commissioner of Reclamation, shall provide—

(1) $10,000,000 for tamarisk eradication, riparian area restoration, and channel restoration efforts within the Walker River Basin that are designed to enhance water delivery to Walker Lake, with priority given to activities that are expected to result in the greatest increased water flows to Walker Lake; and

(2) $5,000,000 to the United States Fish and Wildlife Service, the Walker River Paiute Tribe, and the Nevada Division of Wildlife to undertake activities, to be coordinated by the Director of the United States Fish and Wildlife Service, to complete the design and implementation of the Western Inland Trout Initiative and Fishery Improvements in the State of Nevada with an emphasis on the Walker River Basin.

SEC. 210. NORMAN, OKLAHOMA. (a) AUTHORIZATION TO CONDUCT FEASIBILITY STUDY.—

(1) FEASIBILITY STUDY.—In accordance with Federal reclamation law, the Secretary of the Interior (referred to as "Secretary"), acting through the Bureau of Reclamation and in consultation with the State of Oklahoma, Central Oklahoma Master Conservancy District (referred to as "District"), and other interested local entities, is authorized to conduct a study to determine the feasibility of:

(A) implementing water augmentation alternatives that would provide additional water to meet the future needs of the District's member cities and surrounding area;

(B) making use of existing Norman Project infrastructure to store, regulate and deliver water to meet current and future water demands; and

(C) increasing the capacity of existing Norman Project infrastructure in order to meet the projected demands.

(2) COST SHARING.—The Federal share of the cost of the study authorized in this Act shall not exceed 50 percent of the total cost of the study, and shall be non-reimbursable.

(3) Cooperative Agreements.—The Secretary is authorized to enter into cooperative agreements with the State of Oklahoma and other appropriate entities to complete the feasibility study authorized in this Act.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary such sums as are necessary to carry out the Federal share under subsection (a).

Sec. 211. Section 207 of Division C of Public Law 108–447 is amended by inserting ", and any effects of inflation thereon," after the word "increase".

TITLE III—DEPARTMENT OF ENERGY

ENERGY PROGRAMS

Energy Supply and Conservation

For Department of Energy expenses including the purchase, construction, and acquisition of plant and capital equipment, and other expenses necessary for energy supply and energy conservation activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,945,330,000, to remain available until expended.

Clean Coal Technology

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, $257,000,000 shall not be available until October 1, 2006: Provided, That funds made available in previous appropriations Acts shall be made available for any ongoing project regardless of the separate request for proposal under which the project was selected.

Fossil Energy Research and Development

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), $641,646,000, to remain available until expended, of which $18,000,000 is to continue a multi-year project coordinated with the private sector for FutureGen, without regard to the terms and conditions applicable to clean coal technological projects: Provided, That the initial planning and research stages of the FutureGen project shall include a matching requirement from non-Federal sources of at least 20 percent of the costs: Provided further, That any demonstration component of such project shall require a matching requirement from non-Federal sources of at least 50 percent of the costs of the component: Provided further, That of the amounts provided, $100,000,000 is available, after coordination with the private sector, for a request for proposals for a Clean Coal Power Initiative providing for competitively-awarded research, development, and demonstration projects to reduce the barriers to continued and expanded coal use: Provided further, That no project may be selected for which sufficient funding is not available to provide for the total project: Provided further, That funds shall be expended in accordance with the provisions governing the use of funds contained under the heading "Clean Coal Technology" in 42 U.S.C. 5903d as well as those contained under the heading "Clean Coal Technology" in prior appropriations: Provided further, That the Department may include provisions for repayment of Government contributions to individual projects in an amount up to the Government contribution to the project on terms and conditions that are acceptable to the Department including repayments from sale and licensing of technologies from both domestic and foreign transactions: Provided further, That such repayments shall be retained by the Department for future coal-related research, development and demonstration projects: Provided further, That any technology selected under this program shall be considered a Clean Coal Technology, and any project selected under this program shall be considered a Clean Coal Technology Project, for the purposes of 42 U.S.C. 7651n, and chapters 51, 52, and 60 of title 40 of the Code of Federal Regulations: Provided further, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas: Provided further, That up to 4 percent of program direction funds available to the National Energy Technology Laboratory may be used to support Department of Energy activities not included in this account: Provided further, That salaries for Federal employees performing research and development activities at the National Energy Technology Laboratory can continue to be funded from program accounts: Provided further, That the Secretary of Energy is authorized to accept fees and contributions from public and private sources, to be deposited in a contributed funds account, and prosecute projects using such fees and contributions in cooperation with other Federal, State, or private agencies or concerns: Provided further, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under the Fossil Energy Research and Development account may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements.

Naval Petroleum and Oil Shale Reserves

For expenses necessary to carry out naval petroleum and oil shale reserve activities, including the hire of passenger motor vehicles, $21,500,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, unobligated funds remaining from prior years shall be available for all naval petroleum and oil shale reserve activities.

Elk Hills School Lands Fund

For necessary expenses in fulfilling installment payments under the Settlement Agreement entered into by the United States and the State of California on October 11, 1996, as authorized by section 3415 of Public Law 104–106, $48,000,000, for payment to the State of California for the State Teachers' Retirement Fund, of which $36,000,000 will be derived from the Elk Hills School Lands Fund.

Strategic Petroleum Reserve

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), including the hire of passenger motor vehicles, the hire, maintenance, and operation of aircraft, the purchase, repair, and cleaning of uniforms, the reimbursement to the General Services Administration for security guard services, $166,000,000, to remain available until expended.

Energy Information Administration

For necessary expenses in carrying out the activities of the Energy Information Administration, $85,926,000, to remain available until expended.

Non-Defense Environmental Cleanup

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for non-defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed six passenger motor vehicles, of which five shall be for replacement only, $353,219,000, to remain available until expended.

Uranium Enrichment Decontamination and Decommissioning Fund

For necessary expenses in carrying out uranium enrichment facility decontamination and decommissioning, remedial actions, and other activities of title II of the Atomic Energy Act of 1954, as amended, and title X, subtitle A, of the Energy Policy Act of 1992, $561,498,000, to be derived from the Fund, to remain available until expended, of which $0 shall be available in accordance with title X, subtitle A, of the Energy Policy Act of 1992.

Science

For Department of Energy expenses including the purchase, construction and acquisition of plant and capital equipment, and other expenses necessary for science activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or facility or for plant or facility acquisition, construction, or expansion, and purchase of not to exceed forty-seven passenger motor vehicles for replacement only, including not to exceed one ambulance and two buses, $3,702,718,000, to remain available until expended.

Nuclear Waste Disposal

For nuclear waste disposal activities to carry out the purposes of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended (the "Act"), including the acquisition of real property or facility construction or expansion, $300,000,000, to remain available until expended and to be derived from the Nuclear Waste Fund: Provided, That of the funds made available in this Act for Nuclear Waste Disposal, $3,500,000 shall be provided to the State of Nevada solely for expenditures, other than salaries and expenses of State employees, to conduct scientific oversight responsibilities and participate in licensing activities pursuant to the Act: Provided further, That notwithstanding the lack of a written agreement with the State of Nevada under section 117(c) of the Nuclear Waste Policy Act of 1982, Public Law 97–425, as amended, not less than $500,000 shall be provided to Nye County, Nevada, for on-site oversight activities under section 117(d) of that Act: Provided further, That $8,500,000 shall be provided to affected units of local governments, as defined in the Act, to conduct appropriate activities and participate in licensing activities: Provided further, That the distribution of the funds as determined by the units of local government shall be approved by the Department of Energy: Provided further, That the funds for the State of Nevada shall be made available solely to the Nevada Division of Emergency Management by direct payment and units of local government by direct payment: Provided further, That within 90 days of the completion of each Federal fiscal *year, the Nevada Division of Emergency Management and the Governor of the State of Nevada and each local entity shall provide certification to the Department of Energy that all funds expended from such payments have been expended for activities authorized by the Act and this Act: Provided further, That failure to provide such certification shall cause such entity to be prohibited from any further funding provided for similar activities: Provided further, That none of the funds herein appropriated may be: (1) used directly or indirectly to influence legislative action on any matter pending before Congress or a State legislature or for lobbying activity as provided in 18 U.S.C. 1913; (2) used for litigation expenses; or (3) used to support multi-State efforts or other coalition building activities inconsistent with the restrictions contained in this Act: Provided further, That all proceeds and recoveries realized by the Secretary in carrying out activities authorized by the Act, including but not limited to, any proceeds from the sale of assets, shall be available without further appropriation and shall remain available until expended.*

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For salaries and expenses of the Department of Energy necessary for departmental administration in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the hire of passenger motor vehicles and official reception and representation expenses not to exceed $35,000, $280,976,000, to remain available until expended, plus such additional amounts as necessary to cover increases in the estimated amount of cost of work for others notwithstanding the provisions of the Anti-Deficiency Act (31 U.S.C. 1511 et seq.): Provided, That such increases in cost of work are offset by revenue increases of the same or greater amount, to remain available until expended: Provided further, That moneys received by the Department for miscellaneous revenues estimated to total $123,000,000 in fiscal year 2006 may be retained and used for operating expenses within this account, and may remain available until expended, as authorized by section 201 of Public Law 95–238, notwithstanding the provisions of 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of miscellaneous revenues received during fiscal year 2006, and any related unappropriated receipt account balances remaining from prior years' miscellaneous revenues, so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $157,976,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $43,000,000, to remain available until expended.

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

WEAPONS ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense weapons activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and the purchase of not to exceed 40 passenger motor vehicles, for replacement only, including not to exceed two buses; $6,554,024,000, to remain available until expended: Provided, That the $65,564,000 is authorized to be appropriated for Project 01–D–108, Microsystems and Engineering Sciences Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, That $65,000,000 is authorized to be appropriated for Project 04–D–125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,729,066,000, to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $665,001,000, to remain available until expended.

DEFENSE NUCLEAR WASTE DISPOSAL

For nuclear waste disposal activities to carry out the purposes of Public Law 97–425, as amended, including the acquisition of real property or facility construction or expansion, $277,000,000, to remain available until expended.

POWER MARKETING ADMINISTRATIONS

BONNEVILLE POWER ADMINISTRATION FUND

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93–454, are approved for official reception and representation expenses in an amount not to exceed $1,500. During fiscal year 2006, no new direct loan obligations may be made.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of electric power and energy, including transmission wheeling and ancillary services pursuant to section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $5,600,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $32,713,000 collected by the Southeastern Power Administration pursuant to the Flood Control Act of 1944 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy, for construction and acquisition of transmission lines, substations and appurtenant facilities, and for administrative expenses, including official reception and representation expenses in an amount not to exceed $1,500 in carrying out section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power administration, $30,166,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, up to $3,000,000 collected by the Southwestern Power Administration pursuant to the Flood Control Act to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

For carrying out the functions authorized by title III, section 302(a)(1)(E) of the Act of August 4, 1977 (42 U.S.C. 7152), and other related activities including conservation and renewable resources programs as authorized, including official reception and representation expenses in an amount not to exceed $1,500; $240,757,000, to remain available until expended, of which $236,596,000 shall be derived from the Department of the Interior Reclamation Fund: Provided, That notwithstanding the provision of 31 U.S.C. 3302, up to $279,000,000 collected by the Western Area Power Administration pursuant to the Flood Control Act of 1944 and the Reclamation Project Act of 1939 to recover purchase power and wheeling expenses shall be credited to this account as offsetting collections, to remain available until expended for the sole purpose of making purchase power and wheeling expenditures.

FALCON AND AMISTAD OPERATING AND MAINTENANCE FUND

For operation, maintenance, and emergency costs for the hydroelectric facilities at the Falcon and Amistad Dams, $2,692,000, to remain available until expended, and to be derived from the Falcon and Amistad Operating and Maintenance Fund of the Western Area Power Administration, as provided in section 423 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995.

FEDERAL ENERGY REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Regulatory Commission to carry out the provisions of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including services as authorized by 5 U.S.C. 3109, the hire of passenger motor vehicles, and official reception and *representation expenses not to exceed $3,000, $220,400,000, to remain available until expended: Provided, That notwithstanding any other provision of law, not to exceed $220,400,000 of revenues from fees and annual charges, and other services and collections in fiscal year 2006 shall be retained and used for necessary expenses in this account, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as revenues are received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation from the general fund estimated at not more than $0.*

GENERAL PROVISIONS, DEPARTMENT OF ENERGY

SEC. 301. None of the funds appropriated by this Act may be used to—

(1) develop or implement a workforce restructuring plan that covers employees of the Department of Energy; or

(2) provide enhanced severance payments or other benefits for employees of the Department of Energy, under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h).

SEC. 302. None of the funds appropriated by this Act may be used to augment the funds made available for obligation by this Act for severance payments and other benefits and community assistance grants under section 3161 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 42 U.S.C. 7274h) unless the Department of Energy submits a reprogramming request to the appropriate congressional committees.

SEC. 303. None of the funds appropriated by this Act may be used to prepare or initiate Requests For Proposals (RFPs) for a program if the program has not been funded by Congress.

(TRANSFERS OF UNEXPENDED BALANCES)

SEC. 304. The unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this title. Balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

SEC. 305. None of the funds in this or any other Act for the Administrator of the Bonneville Power Administration may be used to enter into any agreement to perform energy efficiency services outside the legally defined Bonneville service territory, with the exception of services provided internationally, including services provided on a reimbursable basis, unless the Administrator certifies in advance that such services are not available from private sector businesses.

SEC. 306. (a)(1) None of the funds in this or any other appropriations Act for fiscal year 2006 or any previous fiscal year may be used to make payments for a noncompetitive management and operating contract unless the Secretary of Energy has published in the Federal Register and submitted to the Committees on Appropriations of the House of Representatives and the Senate a written notification, with respect to each such contract, of the Secretary's decision to use competitive procedures for the award of the contract, or to not renew the contract, when the term of the contract expires.

(2) Paragraph (1) does not apply to an extension for up to 2 years of a noncompetitive management and operating contract, if the extension is for purposes of allowing time to award competitively a new contract, to provide continuity of service between contracts, or to complete a contract that will not be renewed.

(b) In this section:

(1) The term "noncompetitive management and operating contract" means a contract that was awarded more than 50 years ago without competition for the management and operation of Ames Laboratory, Argonne National Laboratory, Lawrence Berkeley National Laboratory, Lawrence Livermore National Laboratory, and Los Alamos National Laboratory.

(2) The term "competitive procedures" has the meaning provided in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403) and includes procedures described in section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253) other than a procedure that solicits a proposal from only one source.

(c) For all management and operating contracts other than those listed in subsection (b)(1), none of the funds appropriated by this Act may be used to award a management and operating contract, or award a significant extension or expansion to an existing management and operating contract, unless such contract is awarded using competitive procedures or the Secretary of Energy grants, on a case-by-case basis, a waiver to allow for such a deviation. The Secretary may not delegate the authority to grant such a waiver. At least 60 days before a contract award for which the Secretary intends to grant such a waiver, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report notifying the Committees of the waiver and setting forth, in specificity, the substantive reasons why the Secretary believes the requirement for competition should be waived for this particular award.

SEC. 307. When the Department of Energy makes a user facility available to universities or other potential users, or seeks input from universities or other potential users regarding significant characteristics or equipment in a user facility or a proposed user facility, the Department shall ensure broad public notice of such availability or such need for input to universities and other potential users. When the Department of Energy considers the participation of a university or other potential user as a formal partner in the establishment or operation of a user facility, the Department shall employ full and open competition in selecting such a partner. For purposes of this section, the term "user facility" includes, but is not limited to: (1) a user facility as described in section 2203(a)(2) of the Energy Policy Act of 1992 (42 U.S.C. 13503(a)(2)); (2) a National Nuclear Security Administration Defense Programs Technology Deployment Center/User Facility; and (3) any other Departmental facility designated by the Department as a user facility.

SEC. 308. The Administrator of the National Nuclear Security Administration may authorize the manager of a covered nuclear weapons research, development, testing or production facility to engage in research, development, and demonstration activities with respect to the engineering and manufacturing capabilities at such facility in order to maintain and enhance such capabilities at such facility: Provided, That of the amount allocated to a covered nuclear weapons facility each fiscal year from amounts available to the Department of Energy for such fiscal year for national security programs, not more than an amount equal to 4 percent of such amount may be used for these activities: Provided further, That for purposes of this section, the term "covered nuclear weapons facility" means the following:

(1) the Kansas City Plant, Kansas City, Missouri;

(2) the Y–12 Plant, Oak Ridge, Tennessee;

(3) the Pantex Plant, Amarillo, Texas;

(4) the Savannah River Plant, South Carolina; and

(5) the Nevada Test Site.

SEC. 309. Funds appropriated by this or any other Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of the Intelligence Authorization Act for fiscal year 2006.

SEC. 310. None of the funds in this Act may be used to dispose of transuranic waste in the Waste Isolation Pilot Plant which contains concentrations of plutonium in excess of 20 percent by weight for the aggregate of any material category on the date of enactment of this Act, or is generated after such date. For the purpose of this section, the material categories of transuranic waste at the Rocky Flats Environmental Technology Site include: (1) ash residues; (2) salt residue; (3) wet residues; (4) direct repackage residues; and (5) scrub alloy as referenced in the "Final Environmental Impact Statement on Management of Certain Plutonium Residues and Scrub Alloy Stored at the Rocky Flats Environmental Technology Site".

SEC. 311. ADVANCED SIMULATION COMPUTING. None of the funds appropriated by this Act for the National Nuclear Security Administration (NNSA) Advanced Simulation and Computing program may be used to fund any project that does not directly support the stockpile stewardship mission of NNSA unless the NNSA Administrator determines that all Advanced Simulation and Computing stockpile stewardship responsibilities for fiscal year 2006 have been satisfied.

SEC. 312. RENO HYDROGEN FUEL PROJECT FUNDING. (a) The non-Federal share of project costs shall be 20 percent.

(b) The cost of project vehicles, related facilities, and other activities funded from the Federal Transit Administration Sections 5307, 5308, 5309, and 5314 program, including the non-Federal share for the FTA funds, is an eligible component of the non-Federal share for this project.

(c) Contribution of the non-Federal share of project costs for all grants made for this project may be deferred until the entire project is completed.

(d) All operations and maintenance costs associated with vehicles, equipment, and facilities utilized for this project are eligible project costs.

(e) This section applies to project appropriations beginning in fiscal year 2004.

SEC. 313. LABORATORY DIRECTED RESEARCH AND DEVELOPMENT. Of the funds made available by the Department of Energy for activities at government-owned, contractor-operator operated laboratories funded in this Act or subsequent Energy and Water Development Appropriations Acts, the Secretary may authorize a specific amount, not to exceed 8 percent of such funds, to be used by such laboratories for laboratory-directed research and development: Provided, That the Secretary may also authorize a specific amount not to exceed 4 percent of such funds, to be used by the plant manager of a covered nuclear weapons production plant or the manager of the Nevada Site Office for plant or site-directed research and development.

SEC. 314. LDRD ELIGIBILITY. Funds made available in Title III of this Act shall be available to pay expenses for all Lab Directed Research and Development (LDRD), Plant Directed Research and Development (PDRD) and Site Directed Research and Development (SDRD) project costs incurred by DOE Major Facility Operating Contractors.

SEC. 315. LDRD COSTS. Funds made available in Title III of this Act shall be available to finance all direct and indirect costs of research performed on behalf of other Federal agencies, including laboratory directed research and development costs.

SEC. 316. NNSA COMPLEX REVIEW IMPLEMENTATION. No funds provided in this Act shall be available to implement reforms identified in Secretary of Energy's Advisory Board NNSA Nuclear Weapons Complex Infrastructure Study *that had not been requested within the fiscal year 2006 budget request.*

TITLE IV—INDEPENDENT AGENCIES

Appalachian Regional Commission

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission, for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $65,482,000, to remain available until expended.

Defense Nuclear Facilities Safety Board

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $22,032,000, to remain available until expended.

Delta Regional Authority

SALARIES AND EXPENSES

For necessary expenses of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, as amended, notwithstanding sections 382C(b)(2), 382F(d), and 382M(b) of said Act, $12,000,000, to remain available until expended.

Denali Commission

For expenses of the Denali Commission including the purchase, construction and acquisition of plant and capital equipment as necessary and other expenses, $67,000,000 nothwithstanding the limitations contained in section 306(g) of the Denali Commission Act of 1998, $2,562,000, to remain available until expended: Provided, That of the amounts provided to the Denali Commission, $5,000,000 is for community showers and washeteria in villages with homes with no running water; $13,000,000 is for the Juneau/Green's Creek/Hoonah Intertie project; $3,000,000 for the Fire Island Transmission line; $1,000,000 for the Humpback Creek Hydroelectric project; $2,000,000 for the Falls Creek Hydroelectric project; $5,000,000 is for multi-purpose community facilities including the Bering Straits Region, Dillingham, Moose Pass, Sterling, Funny River, Eclutna, and Anchor Point; $10,000,000 is for teacher housing in remote villages such as Savoogna, Allakakaet, Hughes, Huslia, Minto, Nulato, and Ruby where there is limited housing available for teachers; $7,000,000 is for facilities serving Native elders and senior citizens; and $5,000,000 is for: (1) the Rural Communications service to provide broadcast facilities in communities with no television or radio station; (2) the Public Broadcasting Digital Distribution Network to link rural broadcasting facilities together to improve economies of scale, share programming, and reduce operating costs; and (3) rural public broadcasting facilities and equipment upgrades.

Nuclear Regulatory Commission

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including official representation expenses (not to exceed $15,000), purchase of promotional items for use in the recruitment of individuals for employment, $734,376,000, to remain available until expended: Provided, That of the amount appropriated herein, $66,717,000 shall be derived from the Nuclear Waste Fund: Provided further, That revenues from licensing fees, inspection services, and other services and collections estimated at $598,643,000 in fiscal year 2006 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $135,733,000: Provided further, That section 6101 of the Omnibus Budget Reconciliation Act of 1990 is amended by inserting before the period in subsection (c)(2)(B)(v) the words "and fiscal year 2006".

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $8,316,000, to remain available until expended: Provided, That revenues from licensing fees, inspection services, and other services and collections estimated at $7,485,000 in fiscal year 2006 shall be retained and be available until expended, for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302: Provided further, That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 2006 so as to result in a final fiscal year 2006 appropriation estimated at not more than $831,000.

Nuclear Waste Technical Review Board

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $3,608,000, to be derived from the Nuclear Waste Fund, and to remain available until expended.

TITLE V—GENERAL PROVISION

Sec. 501. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

This Act may be cited as the "Energy and Water Development Appropriations Act, 2006".

The committee amendment in the nature of a substitute was agreed to.

Mr. FRIST. Mr. President, Members have been asking about the schedule for tonight. We are proceeding to the Energy and Water appropriations bill. The chairman and ranking member will begin shortly. I do not believe we have many amendments to the bill. We will finish the bill tonight. I know the Senator from California will have an amendment, and it will require some debate and a vote.

We can begin that amendment—or I will leave it to the chair and ranking member at this time. But the plans will be to have further rollcall votes, and we will complete the bill tonight.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I am wondering, while the manager and everybody else is on the floor—we know we have at least one amendment that will take some debate. I am wondering if everybody wants a vote on final passage.

We can do that. It will take a while to get through all this. There are no surprises. It has been around for a while. I am going to be here, anyway, so it does not matter to me. I am wondering if we need to have a rollcall vote on final passage.

Mr. McCAIN. If the minority leader will yield, I was told there is a whole stack of amendments going to be considered. I am sure some will require rollcall votes.

Mr. REID. We will certainly keep that in mind, but we also have an opportunity when the conference report comes back to take a look at it again if someone needs a recorded vote. As we always do, we will work with the Senator from Arizona, and if there are questions, of course, we will be ready to have a rollcall vote.

The PRESIDING OFFICER (Mr. ENSIGN). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, before the Senator from Arizona leaves, before we started, we were aware of only one person—until the Senator from Arizona spoke, and we understand Senator McCAIN is going to see what he wants to do—who wanted a rollcall vote. Now we will look for any others and will be glad to work with the Senator's people. If he will tell us now, we will share anything he would like as soon as possible.

For the information of the Senate, Senator FEINSTEIN—permit me to editorialize a minute—has offered this amendment, or something like it, a couple times. We have voted on it, but she wants substantial time, and certainly that is her privilege. We will not take much time in opposition.

For the benefit of our colleagues, how long does the Senator from California intend to take?

Mrs. FEINSTEIN. I will take 15 minutes, Senator KENNEDY 30 minutes, Senator LEVIN 15 minutes, and Senator CLINTON 5 minutes.

Mr. REID. Mr. President, I ask unanimous consent that be the order of those in support of the amendment.

Mr. DOMENICI. There will be no others?

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. On our side, unless somebody else wants time—on this amendment, do you want time?

Mr. WARNER. On Feinstein.

Mr. DOMENICI. In opposition?

Mr. WARNER. Yes.

Mr. DOMENICI. Mr. President, that is 15 minutes in opposition, plus 5 minutes for me. There will be 20 minutes in opposition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, before we proceed, I say through the Chair to the distinguished Senator from Arizona, this is one of the smallest managers' packages I have ever seen. I think we have eight or nine items in it, and they are ready for review right now.

Mr. McCAIN. Mr. President, for the benefit of the Senator from Nevada, there is a large stack of amendments my staff has just been handed. Here we are at 10:15 at night, and we have never laid eyes on them before. I say again to my colleagues, plan on rollcall votes.

Mr. REID. We do not have a large stack of amendments.

Mr. DOMENICI. It is eight items. We will give them all to the Senator from Arizona. We have given them to him already.

Mr. REID. This is one of the smallest managers' packages I have ever dealt with.

Mr. DOMENICI. Mr. President, it is my pleasure to bring the Energy and Water bill for fiscal year 2006 to the floor for consideration. Thanks to Chairman COCHRAN and his ranking member, Senator ROBERT BYRD, the subcommittee allocation is $31.2 billion, an amount that is $1.5 billion over the President's request.

Chairman COCHRAN has been generous to this subcommittee, and I am committed to supporting priorities that have been neglected or underfunded in past budgets.

There are two priorities within this bill, and they are water and science.

The first priority is water. As all the Members know, the request cut water projects below the current year level.

In addition, the budget has imposed an OMB-originated formula to establish priorities among water projects. I don't believe the OMB formula is fair, and we have ignored it for purposes of identifying worthy Corps projects in this bill.

I would also like to point out that there is an extensive discussion in the report regarding this committee's support of the Corps' ability to reprogram funds and utilize continuing contracts as an effective tool to manage the over 2,200 Corps projects and studies. The House has proposed to eliminate the Corps reprogramming authority and restrict its ability to focus resources on critical construction priorities.

Each construction project is different with numerous challenges, including weather, water flows and construction logistics, including manpower and materials, that may cause significant delays. On the other hand, some projects are able to accelerate their schedule. Using the reprogramming authority the Corps is able to keep accelerated projects on track by reprioritizing funds from delayed projects.

I have been contacted by many Members and heard from numerous communities who oppose the House language. I share their concerns and believe the House proposal is unworkable and would eliminate the Corps' ability to prioritize work. These reforms are in the best interest of the Corps or taxpayers.

The subcommittee has also provided funds to offset the $521 million in unfunded legislative assumptions included in the budget request associated with the management of the Power Marketing Administration.

The second priority in this bill is science. Funding for both the both Office of Science and the Stockpile Stewardship R&D accounts within NNSA received increases.

The budget request reduced the Office of Science funding by $136 million. This mark restores the cut and more, providing an increase of $240 million above the request.

I am also concerned about the funding reductions to the science-based stockpile steward ship accounts. I have attempted to restore this scientific capability that is essential to the certification of our nuclear deterrent without the validation of underground testing.

For the benefit of the Senate, I will review the highlights of this bill.

The mark provides $5.29 billion for the Army Corps of Engineers which is $966 million above the budget request.

We have included new construction projects and initiated new study starts.

This bill ignores the OMB-developed formulation for the Corps as it would negatively impact rural projects and projects that have already begun construction.

This mark also ignores the administration's decision not to fund beach renourishment. These projects are very important to many communities and likewise members of the Senate.

For the Bureau of Reclamation, this bill provides just over $1.08 billion, an increase of $130 million above the President's request. This project support water projects in 17 Western States and provides $60 million for Animas La Plata, an increase of $8 million over the reuestst. The committee provides full funding for Cal Fed of $37 million, and provides the current year funding for Water 2025.

For the Department of Energy, the mark provides $25.04 billion.

For nuclear weapons activities of the National Nuclear Security Administration), NNSA, the bill provides $6.55 billion, which is $76 million under the President's request.

This decrease is a result of the $222 million transfer of cleanup operations out of the NNSA to the Office of Environmental Management and a reduction in the NIF construction program.

The committee mark increases are targeted to the science-based Stockpile Stewardship Program. Funding for the science, engineering and advanced computing campaigns are up $164 million.

For nuclear nonproliferation activities the Senate bill provides $1.7 billion, which is $91.8 million above the request and $236 million above the current year level.

I think it is also important to mention that this subcommittee mark fully funds the plutonium disposition program, including $362.5 million for the construction of both the Pit Disassembly facility and well as Mixed Oxide Fuel Fabrication Facility in South Carolina.

This facility is our only pathway to permanently eliminate excessive and dangerous plutonium supplies. The NNSA spends tens of millions of dollars to protect this material that will not be necessary if we are able to turn plutonium into commercial nuclear fuel. It is our Nation's best opportunity to undertake reprocessing.

The administration is making good headway in negotiations with the Russians, which I believe warrants full funding of this critical project.

For the Yucca Mountain project, the Senate bill provides $577 million, which is consistent with current year funding and $65 million below the President's request.

This mark does not take a position on developing an interim storage facility. While I personally believe that a central interim storage facility makes sense, this bill is not the proper vehicle to have this debate.

For the Energy Supply and Conservation Programs the subcommittee mark provides $1.9 billion, an increase of $195 million above the request.

For nuclear energy R&D, the bill provides $499.9 million, which is $60 million above the President's request and $64 million over the current year levels.

Also, Nuclear Power 2010, $76 million, an increase of $20 million and Advanced Fuel Concepts Initiative, $85 million is provided, an increase of $15 million.

For the Office of Science, the bill provides $3.7 billion, an increase of $240 million above the request and $102 million above the current year level. We have provided $100 million to ensure that DOE facilities operate at 100 percent capacity. A $40 million increase has been provided to accelerate the four planned facilities under the Genomes to Life program. And $30 million is provided to establish a nanotechnology transfer account.

For independent agencies, the mark provides: $67 million for the Denali Commission; $65.5 million for the Appalachian Regional Commission; $12 million for the Delta Regional Authority, an increase of $6 million over the President's request; and $734 million for the Nuclear Regulatory Commission, an increase of $41 million over the current year level.

Mr. President, to reiterate, I suggest there are many here worried about water projects and the Corps of Engineers. This is the bill for all American water projects, the Corps, the Bureau of Land Management, and any others. This bill funds that at a level of $1.8 billion. That is $130 million more than the President and $63 million more than current level.

This bill covers the Department of Energy. It covers all of the stockpile stewardship activities. It covers nonproliferation activities. That is one for which the President has asked for substantial money.

Renewable R&D is in this bill with very substantial funding. There is nuclear research and development and, most importantly, we have substantially increased basic science research.

This bill and this Department does a little more than one-third of the entire Nation's basic science funding. We thought this was a year to increase it, not decrease it. We have been told this is a time to increase it because we have increased funding for health sciences over the past 10 to 12 years but not basic science. We found money from other places to increase that.

This bill also includes money for nuclear waste disposal. That has been very difficult. It also has Yucca Mountain and has the cleanup. It also has three or four independent agencies.

Mr. REID. Mr. President, I rise in support of the fiscal year 2006 Energy and Water Appropriations Act as reported by the Committee on Appropriations on June 14, 2006.

This is a good bill, one that is fair to all of our Members and one that I am pleased to support. There is always more that can be done, but, given fiscal realities, this is a great effort. Chairman DOMENICI deserves enormous credit for putting together such a comprehensive and far-reaching bill.

My staff tells me that we have added nearly $1.5 billion to this bill. I find that figure to be misleading. The vast majority of the dollars we have added to this bill have been used to undo budget gimmicks that were, as usual, submitted with the administration's request and that Congress has wisely chosen to reject.

More importantly, this bill corrects oversights and large-scale neglect on the part of the administration, particularly in regards to the U.S. Army Corps of Engineers.

When the administration sends up a budget that not only deletes the priorities of Congress, but also deletes their own priorities of just a few months ago, something is wrong.

Fully 65 percent of the funds added to this bill have been spent within the U.S. Army Corps of Engineers, mostly to try to restore cuts that would halt construction on hundreds of projects nationwide. Many of the construction projects slated for termination are in their final year of construction.

Only OMB could dream up a budget request that would forego tens of millions of dollars in future economic benefits to save a couple of bucks this year.

Chairman DOMENICI and I have heard our colleagues with unmistakable clarity:

Our Members want flood control projects to protect their citizens.

Our Members want navigation projects to allow goods and services to more easily get into the international marketplace.

Our Members want rural water projects that will allow rural Americans to have access to the same safe drinking water that our citizens in cities and suburbs take for granted.

We have heard our colleagues, and we have acted. My only regret is that we could not do more.

I am also delighted with the emphasis that Chairman DOMENICI has placed on science in this bill.

The Energy and Water bill contains one of the largest pots of funding for long-term research and development in the physical sciences to be found anywhere in our Federal Government. In fiscal year 2006, we will invest over $3.7 billion in DOE's Office of Science, $240 million more than the request.

The administration's request reduced user time on national science facilities to as few as zero to 5 weeks in many cases.

That is ridiculous. Year after year Congress shells out tens if not hundreds of millions of dollars to build world class scientific user facilities, such as the Spallation Neutron Source and others, and then the administration does not even bother to fund their operation. It just strikes me as amazingly short-sighted and disappointing.

However, I am very pleased that we have been able to restore optimum operations at all of these facilities nationwide without harming any of the other base programs.

Our bill also provides impressive funding for research and development in renewable energy, fossil energy, and nuclear energy. All in all, this is a balanced bill that will help us improve our Nation's energy future on many different fronts. As we all know, Chairman DOMENICI was able to send a comprehensive energy bill into conference earlier this week and that is a huge accomplishment. However, it is in this bill, the Energy and Water Appropriations Act, that the actual funding for energy research and development can be found. Authorizations are nice, but appropriated dollars are better.

As always, I would like to take a moment before wrapping up to thank the Energy and Water Subcommittee staff for their fine work on this bill. First, Chairman DOMENICI hired a new clerk this year, Scott O'Malia. As always, the transition between clerks has been seamless. Also thanks to Emily Brunini who joined the subcommittee last year from Chairman COCHRAN's staff.

Roger Cockrell has had the unenviable task of working on water for both the majority and minority this year and has done an outstanding job for all 100 Members. I look forward to him returning to my staff next year.

Finally, thanks to Drew Willison and Nancy Olkewicz of my staff. They both do a great job for me on this bill, and Nancy also works for Senator DURBIN on the legislative branch bill.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 1085

Mrs. FEINSTEIN. Mr. President, on behalf of Senators KENNEDY, FEINGOLD, DORGAN, LEVIN, WYDEN, CLINTON, MIKULSKI, LAUTENBERG, BOXER, REED, HARKIN, and BIDEN, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. LEVIN, Mr. WYDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. REED, Mr. HARKIN, and Mr. BIDEN, proposes an amendment numbered 1085.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the Robust Nuclear Earth Penetrator and utilize the amount of funds otherwise available to reduce the National debt)

At the appropriate place, insert the following:

SEC. . (a) PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.—None of the funds appropriated or otherwise made available by this Act may be used for any purpose related to the Robust Nuclear Earth Penetrator (RNEP).

(b) UTILIZATION OF AMOUNT FOR REDUCTION OF PUBLIC DEBT.—Of the amounts appropriated by this Act, an amount equal to the amount of funds covered by the prohibition in subsection (a) shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

Mrs. FEINSTEIN. Mr. President, I was 13 years old when I saw this picture. When we discuss nuclear weapons, this is the picture I remember. The only country on Earth that has ever used nuclear weapons is our own. It has been debated ever since whether this was positive because it saved American troops and ended the war or whether it has launched our country and other countries into a race which well could prove disastrous for all of us.

This is a photograph of Hiroshima after the nuclear bomb was dropped on the city on August 6, 1945. Mr. President, 80,000 people died from the initial blast and 60,000 people died from radiation poisoning, for a total of 140,000 people dead. And that bomb was 15 kilotons.

The second photograph is of Nagasaki after August 9, 1945. Approximately 75,000 of the city's 240,000 residents were killed instantly. In total, approximately 100,000 people died in the blast.

I rise today once again to address a critical issue that is related to the security of the American people and our nuclear proliferation efforts: the renewed push by this administration to reopen the nuclear door, including funding for a 100-kiloton nuclear bunker buster.

I have argued this on the Senate floor before, that such actions, combined with the policy of unilateralism and preemption, run counter to our values and nonproliferation efforts and put U.S. national security interests and American lives at risk. Therefore, those of us who are cosponsors of this amendment wish to delete the $4 million, for the study and development of the robust nuclear earth penetrator. The amendment redirects the funds for debt reduction.

The time has come for this Senate, like the House has done in this bill, to send a clear and unambiguous message to the White House and the Pentagon: We will not support funding for programs to develop new nuclear weapons.

Congress made a strong statement last year in deleting funding for the development of this nuclear bunker buster by eliminating $27.5 million for the bunker buster, $9 million for the advanced concepts initiative, which included the study of the development of low-yield weapons. This action was due in no small part to the leadership of Representative DAVID HOBSON, chairman of the House Appropriations Energy Committee. The House took a strong position of opposition and they are to be commended.

In fact, the House removed new nuclear weapons from all bills, including the Fiscal Year 2006 Defense authorization bill, the Fiscal Year 2006 Defense appropriations bill, and the 2006 Energy appropriations bill. This was a consequential victory for those of us who believe the United States sends the wrong signal to the rest of the world by reopening the nuclear door and beginning the testing and development of a new generation of nuclear weapons. That is why I was so disappointed to learn that the administration requested funds this year to resume the nuclear earth penetrator study.

As a matter of fact, this year Secretary Rumsfeld asked the Department of Energy to place the $4 million in the energy budget and $4.5 million in the defense budget, thereby splitting the amount requested for the bunker buster. He hoped to weaken opposition and split the budget between two Departments so that if it could not get funding in one, he could get it in the other. The House had the foresight to reject this idea and has reasserted its determination not to move forward with the bunker buster study.

During its markup on the 2006 Defense authorization bill, the House Armed Services Committee eliminated all the Department of Energy funding for the RNEP, and transferred the $4 million to the Air Force budget for work on a conventional nonnuclear version of the bunker buster. The House Armed Services Committee member, SILVESTRE REYES, stated: The committee took the "N," or "nuclear," out of the RNEP program.

Following the Armed Services Committee action, Chairman HOBSON and Representative ELLEN TAUSCHER led the effort to eliminate the Department of Energy funding of $4 million for the bunker buster in its markup in the 2006 Energy and Water appropriations bill. That bill also eliminated funding for the modern pit facility and banned site selection for the facility in 2006.

Finally, the House 2006 Defense appropriations bill limits research for a bunker buster to a conventional program. These three actions by authorizers and appropriators, Republicans and Democrats alike, have dealt another blow to the administration's plans to develop new nuclear weapons and reinforced the clear intent of Congress that we should not go down that path because it will only encourage the very proliferation we are trying to prevent.

Why should the Senate continue to fund programs that are rapidly losing support in the House and the administration? Now the Senate has an opportunity to follow the House's lead. Senator KENNEDY and I and others have come to the floor to offer this amendment to do just that.

During previous debates on this issue, we have argued that according to the laws of physics, it is simply not possible for a missile casing on a nuclear warhead to survive a thrust into the earth to take out a hard and deeply buried military target without spewing millions of tons of cubic feet of radiation into the atmosphere. Consider this: A 1-kiloton nuclear weapon detonated 25 to 50 feet underground would dig a crater the size of Ground Zero in New York and eject 1 million cubic feet of radioactive debris into the air.

Given the insurmountable physics problems associated with burrowing a warhead deep into the earth, one would need a weapon with more than 100 kilotons of yield to destroy an underground target at a depth of 1,000 feet.

Now let me explain. The maximum feasible depth of a bunker buster is 35 feet. At that depth, a 100-kiloton bunker buster would scatter 100 million cubic feet of radioactive debris into the atmosphere. There is no known missile casing that can survive a 1,000-foot thrust into the Earth and avoid overwhelming and catastrophic consequences. That is a fact. There is not a single scientist who will say that. The head of the National Nuclear Security Administration agrees.

At the March 2, 2005, House Armed Services Strategic Forces Subcommittee, Congresswoman ELLEN TAUSCHER asked Ambassador Linton Brooks, the following question:

> I just want to know is there any way a [robust nuclear earth penetrator] of any size that we would drop would not produce a huge amount of radioactive debris?

The Ambassador replied:

> No, there is not.

When Congresswoman TAUSCHER asked him how deep he thought a bunker buster could go, he answered:

> . . . a couple of tens of meters, maybe. I mean certainly—I must apologize for my lack of precision if we in the administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the law of physics will ever let that be true.

Here is the head of the National Nuclear Security Administration saying there is no way one can drive a missile casing deep enough to prevent radioactive spewing.

Let me just show what this means. For a 100-kiloton weapon, one would have to drive it 800 feet deep into the earth to contain the nuclear fallout. One can only drive it a small distance: 35 feet. So the result is 1.5 million tons of radioactivity. If it is 5 kilotons, one would have to drive it 320 feet. One could only drive it 35 feet. The spewing of radioactive debris is 200,000 tons. If it is 1 kiloton, one would have to drive it 220 feet. One could only drive it 35 feet and the radioactivity is 60,000 tons. If it is .2 kilotons, one would have to drive it 120 feet. One can only drive it 35 feet, and the radioactive spewing is 25,000 tons.

This is not from me. This is the National Academy of Sciences, nuclear scientists, physicists, the head of the National Nuclear Security Administration. There is widespread agreement about this. So why are we doing it?

On April 27, the National Academies of Sciences study commissioned by Congress to study the anticipated health and environmental effects of the Nuclear Earth Penetrator Weapon found that current experience and empirical predictions indicate that the Earth-penetrating weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. It would take a 300-kiloton weapon at a penetration of 3 meters, or 10 feet, to destroy hard and deeply buried targets at 200 meters, or 656 feet.

To destroy a hard and deeply buried target at 300 meters you would need a 1-megaton weapon—not kiloton, megaton. The number of casualties from an Earth penetrator weapon detonated at a few meters depth is, for all practical purposes, equal to that of a surface burst of the same weapon yield.

That is what the National Academies of Sciences studies say. For attacks near or in densely populated areas, using Nuclear Earth Penetrator Weapons on hard and deeply buried targets, the number of casualties can range from thousands to more than a million, depending primarily on weapon yield.

The bottom line is that a bunker buster cannot penetrate into the Earth deeply enough to avoid massive casualties and the spewing of millions of cubic feet of radioactive materials into the atmosphere. It would result in the death of up to a million people or more if used in a densely populated area.

This chart shows that. The source is the National Resources Defense Council and the EPA. What it shows is the predicted radioactive fallout from a B61-11 300-kiloton explosion in West

Pyongyang, North Korea, using historical weather data for the month of May.

Here is the blast, here is Seoul, here is the radioactive fallout.

Why are we doing this? It makes no sense.

I think this is the strongest evidence to date that we should not move forward with this study and that we should put a stop to it once and for all. In reality, this has never been about a study. It has been about the intent of this administration to develop new nuclear weapons. While the administration is silent this year on how much it plans to spend on the program in the future, last year's budget request totaled $485 million on the robust nuclear earth penetrator over 5 years. This 5-year figure was omitted this year.

Let's look, for a brief moment, at the policies underlying this request, for they, too, have not been changed. The 2002 Nuclear Posture Review places nuclear weapons——

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. Mr. President, I yield myself another 5 minutes.

The 2002 Nuclear Posture Review places nuclear weapons as part of the strategic triad. Therefore, the aim is to blur the distinction between conventional and nuclear weapons. This makes them easier to use.

National Security Directive 17 indicates that the United States would engage in a first use of nuclear weapons—a historic statement in itself. We have never had a first-use policy. We have always had strategic ambiguity, but we have never before said we would ever countenance a first use of nuclear weapons. In Security Directive 17 it is said in response to a chemical or biological attack—and seven nations are actually named—we would consider a nuclear response. In essence, these policies encourage other nations, and they have encouraged North Korea and they have encouraged Iran—those are two of the nations suggested—to develop their own nuclear weapons, thereby putting American lives and our own national security interests at risk.

We are telling the world, when it comes to nuclear weapons: Do as we say, not as we do. I object to that policy. It is hypocrisy.

There are alternatives. I have just been briefed by Northrop Grumman on a program they are working on with Boeing to develop a conventional bunker buster, the Massive Ordnance Penetrator, which is designed to go deeper than any nuclear bunker buster and take out 25 percent of underground and deeply buried targets. This 30,000-pound weapon, 20 feet in length, with 6,000 pounds of high explosives, will be delivered from a B–2 or a B–52 bomber. It can burrow 60 meters into the ground through 5,000 psi of reinforced concrete. It will burrow 8 meters into the ground through 10,000 psi reinforced concrete.

We have already spent $6 million on this program, and design and ground testing are scheduled to be completed next year.

We should focus on conventional programs. The House has said this. The Senate should concur.

We have a solemn obligation to spend our resources in the most effective manner and to make this country safer and more secure. That is why I am so concerned about this administration's decision to come back to Congress and request additional funds for new nuclear weapons.

I would like to give my kudos and congratulations to the House of Representatives. They truly have their heads on straight. I am delighted that they have eliminated the authorization and the funding for this entire program in the 2006 appropriation. I urge us to do the same on just one part of this, which is the nuclear bunker buster, $4 million.

I yield 15 minutes to the distinguished Senator from Massachusetts, Senator KENNEDY.

Mr. KENNEDY. I thank the Senator. I think I had consent for a half-hour. I do not expect to use it all.

Mrs. FEINSTEIN. The Senator is right. I change that to a half-hour.

Mr. KENNEDY. First, I commend my friend and colleague, Senator FEINSTEIN, for her attention to this issue. She has long been an advocate for sensible and responsible nuclear arms policy. Again, this evening, she is leading the way in the Senate. All of us are grateful for her leadership. I welcome the opportunity to join with her in offering this amendment.

It is intended to reverse a reckless proposal by the Bush administration to develop a new generation of nuclear weapons.

We do not "provide for the common defense," as called for in our Constitution, by launching a new nuclear arms race and making the world more dangerous, but that is precisely what the administration plans to do.

President Bush and Secretary Rumsfeld want to develop a new tactical nuclear weapon called the robust nuclear earth penetrator, and their hope is that these bunker busters can crash deep into the Earth and destroy bunkers and weapons caches. They hold the dangerous and misguided belief that our Nation's interests and values are served by developing what they consider a more easily usable nuclear bomb.

I think most Americans believe that is wrong. Our challenge in addressing nuclear nonproliferation issues is not that there are too few nuclear weapons in the world but that there are too many; not that they are too difficult to use but that they are too easy to use.

North Korea has them and is rattling its nuclear saber every day. Iran is moving forward on the development of nuclear capability. We all hope and pray that al-Qaida and other terrorist groups never ever get their hands on a nuclear weapon.

So why on Earth, in this dangerous nuclear world, with the specter of a nuclear cloud at the hands of terrorists and rogue states, should the United States be adding more nuclear weapons to the global arsenal? What moral authority do we have to ask others to give up their nukes if we are determined to develop a new generation of nuclear weapons of our own?

For the past 2 years, Congress has raised major doubts about the program and significantly cut back on its funding. But the administration still presses forward for more work on these robust nuclear earth penetrators. Last year, the administration requested $15 million for it and Congress reluctantly provided half that amount. For 2005, they requested another $27 million and submitted a 5-year request for nearly $500 million. But cooler heads prevailed, and the House Appropriations Committee rejected the request. As the committee report stated,

> The Committee continues to oppose the diversion of resources and intellectual capital away from the most serious issues that confront the management of the nation's nuclear deterrent . . . The Committee remains unconvinced by the Department's superficial assurance that the RNEP activity is only a study . . . The Committee notes that the management direction for the fiscal year 2004 sent to the directors of the weapons design laboratories left little doubt that the objective of the program was to advance the most extreme new nuclear weapon goals irrespective of any reservations expressed by Congress.

This year, nothing has changed. The FY06 budget request from the President includes $4 million for the Department of Energy to study the bunker buster and $4.5 million to the Department of Defense for the same purpose. Thankfully our colleagues in the House were wiser and decided to eliminate its funding.

The administration obviously is still committed to this reckless approach. Secretary Rumsfeld made his position clear in January, when he wrote to Secretary Abraham:

> I think we should request funds in FY06 and FY07 to complete the RNEP study . . . You can count on my support for your efforts to revitalize the nuclear weapons infrastructure and to complete the RNEP study.

The fiscal year 2006 budget requests funds only to complete the feasibility study for these new nuclear weapons. But we already know what the next step is. In the budget they sent us last year, the administration stated in plain language that they intend to develop it.

Ambassador Linton Brooks, the head of the National Nuclear Security Administration, claims those future budget projections are merely placeholders, "in the event the President decides to proceed with development and Congress approves." But their fiscal year 2005 budget clearly shows the administration's unmistakable intention to develop, and ultimately produce, this weapon.

The Bush administration would like us to believe that this is a clean, surgical nuclear weapon. They say it will burrow into underground targets and destroy them with no adverse consequences for the environment. They can believe all they want, but the science says their claims are false.

The National Academy of Sciences confirms exactly what most of us thought—that these nuclear weapons, like other nuclear bombs, result in catastrophic nuclear fallout. The fallout can poison tens of millions of people and create radioactive lands for years and years to come.

The study goes on to say, "Current experience and empirical predictions indicate that earth-penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion. . . .

To be fully contained, a 300 kiloton weapon would have to be detonated at the bottom of a carefully stemmed emplacement hole about 800 meters deep. Because the practical penetration depth for an earth penetrating weapon is a few meters—a small fraction of the depth for the full containment—there will be blast, thermal, initial nuclear radiation, and fallout effects from use of an EPW.

This chart simulates the likely nuclear fallout from a one megaton bunker-buster detonated at a hypothetical underground target 20 kilometers east of an Iranian air force base in Dezful. This model uses the same simulation program as the Pentagon's Defense Threat Reduction Agency. During summer months, the nuclear fallout is predicted to travel 150 to 200 miles, across Iraq and Saudi Arabia. The radiation could kill up to 650,000 people.

Even the person in charge of the program, Linton Brooks, conceded at a House Armed Services Committee Hearing on March 2 that the robust nuclear earth penetrator could not be used without significant nuclear fallout. He stated:

> I really must apologize for my lack of precision if we in the Administration have suggested that it was possible to have a bomb that penetrated far enough to trap all fallout. I don't believe that—I don't believe the laws of physics will ever let that be true.

This chart depicts a 400 kiloton bunkerbuster hitting underground facilities at North Korea's Air Base at Nuchon-ni. Fallout from this explosion would blow southeast across the DMZ towards Seoul. This attack could kill over 4 million people.

Even if the United States were willing to accept the catastrophic damage a nuclear explosion would cause, the bunkerbuster would still not be able to destroy all of the buried bunkers the intelligence community has identified.

So we would have a new bomb that can kill and poison tens of millions of civilians, spread fallout for more than a thousand miles, make their lands radioactive, but still not destroy its target.

The huge, one megaton weapon that the administration is contemplating cannot reach deeper than 400 meters. All an adversary would have to do is bury its bunker below that depth.

Bunkerbusters also require pinpoint accuracy to hit deeply-buried, hardened bunkers. This requires precise intelligence on the location of the target. As the National Academy Study emphasized, an attack by a nuclear weapon would be effective in destroying weapon or weapons materials, including nuclear materials and chemical or biological agents, only if it's detonated in the actual chamber where the weapons or materials are located. Even more disturbing, if the bomb is even slightly off target, the detonation may cause the spread of such deadly chemicals and germs, in addition to the radioactive fallout.

As we know from the Iraq experience, our intelligence isn't always accurate. In fact, the Bush administration told us there were weapons of mass destruction and there and we had to send in troops to take them out. If we had robust nuclear earth penetrators at the time, what if this White House had used them against suspected chemical or biological bunkers—which turned out not to exist? Charles Duelfer, the head of the Iraqi Survey Group, shows us how dangerous this approach could have been when he told the Senate Armed Services Committee last October that, we were almost all wrong on Iraq. Despite the administration's claims, Mr. Duelfer's Comprehensive Report on Iraq's WMD stated, "There are no credible indications that Baghdad resumed production of chemical weapons.

The intelligence community still faces many challenges in getting its intelligence right. In their report in March for the President's Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, Laurence Silberman and Chuck Robb found that The flaws we found in the Intelligence Community's Iraq performance are still all too common. In some cases, it knows less now than it did five or ten years ago.

How can we contemplate using a weapon of this destructive power, if our intelligence can't guarantee where an underground target really is?

Finally, if it were clear that this weapon is needed to protect our troops, then I believe many more in Congress would support it. But that's not the case. At the House Armed Services Committee hearing in March, program chief Linton Brooks once again was asked if there was a military requirement for the bunker buster. He stated categorically, No, there is not.

Robert Peurifoy, the retired Vice President of Sandia National Laboratory, one of our premier nuclear weapons labs, had this to say: If you can find somebody in a uniform in the Defense Department who can talk about the need for nuclear bunker busters without laughing, I'll buy him a cup of coffee. It's outlandish. It's stupid. It is an effort to maintain a payroll at the weapons labs.

The administration's effort to build a new class of nuclear weapon is only further evidence of their reckless nuclear policy. This action contradicts the spirit of our obligations under the nonproliferation treaty to disarm our stockpiles.

It demonstrates the administration's contempt for the nuclear nonproliferation treaty, the foundation of all current global nuclear arms control. The nonproliferation treaty, signed in 1968, has long stood for the fundamental principle that the world will be safer if nuclear proliferation does not extend the five nations that nations lan possessed nuclear weapons at the does not extend beyond the five nations that possessed nuclear weapons at that time—the United States, Great Britain, the Soviet Union, China, and France. It reflected the worldwide consensus that the greater the number of nations with nuclear weapons, the greater the risk of nuclear war.

The Bush administration's policy jeopardizes the entire structure of nuclear arms control so carefully negotiated by world leaders over the past half century, starting with the Eisenhower administration. This is just another example of the administration's Do as I say, not as I do policy.

How can we ask Iran and North Korea to halt their nuclear research, when we fail to halt our own? By proceeding with the Robust Nuclear Earth penetrator, we are headed in the wrong direction. Our efforts will only encourage other nations to follow our example and produce nuclear weapons of their own.

We have studied this issue long enough. It is ridiculous for the administration to try to keep this program going, and it could be suicidal for the Nation and for our troops. If we need this kind of weapons system, we ought to follow the conventional weapons research that is being undertaken and not support this proposal. I hope the Senate will reject it.

Mr. President, I yield the time back to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from Massachusetts. I thought the remarks were excellent. I think they were really right on. The tragedy of this is that people do not listen. I hope, Senator KENNEDY, your words were heard.

Mr. President, I yield 15 minutes to the Senator from Michigan, Mr. LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senators from California and Massachusetts and others who have come to the floor at this late hour to argue and debate an issue which is so critical to the security of this Nation.

We will be a lot less secure if we go down this nuclear road. We know other countries are going down the nuclear road. We know we are even threatening those countries—such as Iran and North Korea—that we will not let them go down that road. We are even holding out the prospect that they would be the subject of military attacks if they go down the nuclear road.

But at the same time we are doing this, that we are telling the world, we are telling Iran, we are telling North Korea, "Do not walk down that nuclear road," the administration is proposing to take another step down our nuclear road. It is a decision which, if upheld by this body, will make us less secure. It will make it more likely that North Korea and Iran will say to us, and say to the world: The United States threatens us if we go to nuclear weapons, but they themselves are relying more and more and more on nuclear weapons.

The administration has asked for $4 million to restart the feasibility study for the robust nuclear earth penetrator. I emphasize "restart" because we ended this mistake in fiscal year 2004. We should not restart this. We did not need it in 2005. We do not need it in 2006.

The $4 million that the Department of Energy seeks for fiscal year 2006 will not finish the study. An additional $14 million will still be needed in fiscal year 2007, just to finish the RNEP study.

What is it that the Department of Energy wants to study? What is the weapon they want to study? What is the RNEP appropriation for? It is to look at modification of a nuclear bomb called the B83. That is what is being looked at as a possible earth-penetrating weapon, the RNEP. The B83 is a large nuclear bomb. It is huge. It has a maximum yield on the order of 1 megaton. And 1 megaton is the equivalent of 71 Hiroshima bombs.

So the weapon they are looking at, or want to look at, to modify for this function, is a bomb that has the power, the yield, as they call it, of 71 Hiroshima bombs. The goal of that feasibility study is to increase the penetrating capability of the B83. The yield, the power, of the B83, would stay the same. That is not being reduced. So the idea is to see whether or not that B83—that bomb with the power of 71 Hiroshimas—can be made to penetrate the earth.

According to the report of the National Academy of Sciences, it will not be possible, no matter how good the design. The deepest that an RNEP could ever penetrate is about 12 feet. And when an RNEP detonates at 12 feet, 12 feet in the earth, it will generate, according to the National Academy of Sciences, more fallout than if it were exploded in the air. So if we go down this road, we will be looking at a weapon which cannot penetrate deeper than 12 feet in the earth and will have greater fallout than if it were exploded in the air, according to the National Academy of Sciences.

We talk about collateral damage as though it is some kind of a cold term. This is damage which is so massive. We think of a weapon 71 times the size of Hiroshima, with more fallout than if it were exploded in the air, which—no matter what its design; even if this study is successful—cannot penetrate more than about 12 feet in the ground, and we are telling the rest of the world, "Do not go down that nuclear road," when we ourselves are thinking—thinking—about designing a weapon which has that kind of a power and that kind of a fallout.

It is not the hundreds of millions of dollars which this would cost to implement, assuming this study is completed, it is the absurdity, it is the utter nonsense, it is the danger to U.S. security that would be created if we take this step down the road, telling the world: Do not do what we urge you to do because we are not doing it ourselves. That is the message. We can tell the world, Do not do it, do not go nuclear, but what they are going to say to us is: Hey, you are going nuclear further than you already are. You are modifying weapons to try to make them "usable" against deeply buried targets. And you are telling us and the rest of the world we should not go nuclear when you are looking for more and more uses for nuclear weapons?

We asked the National Academy of Sciences to look at this program. We asked them how much yield would an RNEP have to have to hold a deeply buried target at risk, and what would the effects be of using an RNEP? So the Academy reviewed the universe of hard and deeply buried targets and found you would have to have a huge yield to have any effect on deeply buried targets. What the Academy concluded was that yields in the range of several hundreds of kilotons to a megaton are needed to effectively hold hard and deeply buried targets at risk.

This report was issued this year, in April of 2005. What it said is that to be effective against a target 1,000 feet deep, an RNEP would have to have a yield of 1 megaton.

There are 10,000 hard and deeply buried targets in the world, about 10,000. According to the National Academy of Sciences, 2,000—2,000—of those targets would have some strategic significance. But the Academy finds that on the order of only about 100 deeply buried targets would be potential targets for RNEP. And many others—many others—would be too deep to even reach with a 1-megaton yield such as RNEP has.

So what this study would have us do is spend more millions, take us down a road which endangers us because of the message it sends to countries that are contemplating nuclear weapons. It endangers our security to study a weapon that cannot succeed in achieving its goal of hitting many deeply buried targets. And it would have an extensive fallout because of its huge size, 71 times the size of Hiroshima.

Mr. WARNER. Mr. President, will the Senator yield for a question?

Mr. LEVIN. I would be happy to yield.

Mr. WARNER. My distinguished colleague on the Armed Services Committee is fully aware that we have worked on this matter for several years. There is an existing law that we passed on our bill. But the simple, basic, elementary thing here is we are talking about a study. And our distinguished colleagues from California, Massachusetts, and yourself make allegations of a lot of facts. What is the harm in getting the study? The study may confirm the very facts, and then the Senate is well informed. And the Congress must pass on any dollars before this thing proceeds to a full test situation.

The PRESIDING OFFICER. The Senators are advised to ask their questions through the Chair.

Mr. WARNER. Mr. President, I am sorry. I did not hear the ruling of the Chair.

The PRESIDING OFFICER. The Senators are advised to address their questions through the Chair, not directly from Senator to Senator.

Mr. WARNER. The Presiding Officer is most correct. I extend my apologies to the Presiding Officer of the Senate.

Mr. President, I asked if the Senator would yield for a question. I thought I said that.

Mr. LEVIN. I am happy to yield for a question.

Mr. WARNER. Why not have the study so the Senate and the Congress can all be well informed? And it will either verify or there will be a denial of the assertions made by our three colleagues who are in opposition, and possibly a fourth.

It is interesting. We modified one of the weapons during the Clinton administration, and it was approved by that administration. But it was later determined that that weapon could not effectively deal with a hardened silo. I ask my good friend the question.

Mr. LEVIN. I thank my friend from Virginia for the question. First of all, it is not three Senators who are making these assertions. It is the National

Academy of Sciences which has made these assertions we are quoting. That is No. 1. No. 2, the message which is being sent by going down this road endangers the security of the United States. We are telling other countries—North Korea, Iran—do not go nuclear. That is our message. It is a very clear message. The President is even threatening military action. He is saying he is going to have to put that option on the table if they go nuclear. Then at the same time the administration wants to restart a program, the program in this case being a study of a deeply penetrating nuclear weapon that has 70 times the power of Hiroshima in order to get to deeply buried targets. There are 10,000 of those targets, according to the National Academy of Sciences, and perhaps 100 of them would be held at risk by this weapon.

So the idea that we are taking another step—you call it a study, but it is a step down the road, because the purpose of the study is to at least consider doing something. What we are saying, what the National Academy of Sciences has said, is this cannot accomplish its purpose. It will have a huge fallout. And what we are saying is the possibility that you could ever consider doing this is so far outweighed by the danger to us, by the message which is being sent to the world, that we are walking down a road we are telling others do not walk. That is the danger.

Mr. WARNER. In reply to my colleague, I refer to a letter from the Secretary of State a year ago: Dear Mr. Chairman—addressed to me—I am writing to express support for the President's 2004 budget request to fund the feasibility and cost study for the robust nuclear earth penetrator and to repeal the legislation that prohibits the United States from conducting research and development on low-yield nuclear weapons. I do not believe that these legislative steps will complicate our ongoing efforts with North Korea. And he goes on to explain the North Koreans will not be in any way deterred by this action of the United States to have a study.

Mr. LEVIN. I would expect the administration would say something like that. But common sense tells us otherwise. Common sense tells you that if you are sitting down with people, in this case the Europeans, telling them we have to try to persuade Iran, don't go down that road, with the Japanese and the Russians and the Chinese sitting down with the North Koreans, do not go down that road, each of us has some experience as human beings. It seems to me it is absolute common sense that we will be confronted by those countries saying: You are lecturing us, threatening us, when you yourself are now looking at the possibility of redesigning a weapon 70 times the size of Hiroshima so that you can more deeply penetrate into the ground. It undermines our position. It weakens our position. It seems to me that means it weakens our security.

Mr. WARNER. Mr. President, I could only say to my distinguished colleague, the Secretary of Defense Colin Powell, a man who has been held in high esteem by this body, disagrees respectfully with my good colleague from Michigan. But the effect of denying a study on this is simply saying to the world, where there are countries proceeding with nuclear programs, you can go deep. There is no deterrence on the horizon. It is off limits, and you can do as you wish and go deep, and you can then conceal your programs from the eyes of the world and there is no deterrence for them to go deep.

Mr. LEVIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. LEVIN. I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from California.

Mr. DOMENICI. Will the Senator yield?

Mrs. FEINSTEIN. Yes.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENTS NOS. 1088 THROUGH 1096, EN BLOC

Mr. DOMENICI. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer a managers' amendment which has been cleared on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I send to the desk a series of amendments, all of which have been approved on both sides, some of which are technical, some are otherwise, but there are no objections.

The PRESIDING OFFICER. Is there objection to consideration of the amendments en bloc?

Without objection, it is so ordered.

Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 1088 through 1096) were agreed to, as follows:

AMENDMENT NO. 1088

(Purpose: To maintain funding for the Department of Energy Clean Cities Program at its current level)

At Page 80, after the provision for Clean Coal Technology, insert the following:

CLEAN CITIES PROGRAM

Funding for the Clean Cities program may be provided at no less than the current year level. Within the Clean Cities program, funding for work to expand E-85 fueling capacity may also be maintained at no less than the current year level.

AMENDMENT NO. 1089

(Purpose: To provide funds for sea lamprey barrier construction in the Great Lakes)

On page 66, between lines 18 and 19, insert the following:

SEC. 1___. Of funds made available to carry out section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Chief of Engineers may use $1,500,000 for sea lamprey barrier construction in the Great Lakes.

AMENDMENT NO. 1090

(Purpose: Provide funds for Saco River project)

At the appropriate place, insert the following:

SEC. . $150,000 may be provided for Saco River and Camp Ellis Beach, Maine, continuing authorities project.

AMENDMENT NO. 1091

(Purpose: Provide dredging funds for the Narraguagus River)

At the appropriate place, insert the following:

SEC. ___. $2,000,000 may be provided for maintenance dredging of the Narragaugus River, Milbridge, ME.

AMENDMENT NO. 1092

(Purpose: Provide funding for a reconnaissance study)

At the appropriate place, insert the following:

SEC. ___. $100,000 may be provided for the Penobscot River Restoration Study, ME.

AMENDMENT NO. 1093

(Purpose: To set aside funds to initiate preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii)

On page 68, line 22, before the period, insert the following: ": *Provided further*, That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than $200,000 to initiate, preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii".

AMENDMENT NO. 1094

(Purpose: to provide funding for Advanced Scientific Computing Research)

On page 86, line 17; insert after "expended" the following:

: *Provided*, That $250,055,000 is appropriated for the Advanced Scientific Computing Research: *Provided further*, That $43,000,000 may be provided to the Center for Computational Sciences at Oak Ridge National Laboratory: *Provided further*, That $500,000 may be provided to the Medical University of South Carolina: *Provided further*, That $500,000 may be provided to the Community College of Southern Nevada Transportation Academy: *Provided further*, That $3,000,000 may be provided to South Dakota State University.

AMENDMENT NO. 1095

(Purpose: Making technical corrections for NNSA security)

In the Bill, strike everything after "buses;" on page 90, line 14, and replace with: $6,574,024,000 to remain available until expended: *Provided*, That the $65,564,000 is authorized to be appropriated for Project 01–D–108, Microsystems and Engineering Science Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, that $65,000,000 is authorized to be appropriated for Project 04–D–125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion. $1,729,066,000 to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $645,001,000, to remain available until expended.

On page 55, line 3, strike all after the colon to the end of the section and insert the following:

"in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study—Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.".

On page 84 of the bill, line 18, strike "$36,000,000" and insert in lieu thereof "$46,000,000".

On page 105, line 3, insert the following:

SEC. ___. That the Committee directs the Government Accountability Office to undertake a study of the Office of Science Fusion Energy program in order to define the roles of the major domestic facilities, DIIID, Alcator C-Mod, and NSTX in the support of the International Thermoelectric Reactor program, including making recommendations that may include the possible shutdown or consolidation of operations or focus of these facilities to maximize their value to the International Thermoelectric Reactor program: *Provided*, That given the major international commitment to International Thermoelectric Reactor and the tokamak concept, the GAO shall consider any other magnetic fusion confinement system as a possible fusion demonstration facility that will follow International Thermoelectric Reactor and given the major National Nuclear Security Administration investment in the physics of Inertial Confinement Fusion, the GAO shall evaluate the opportunities for the Office of Science to develop the appropriate science and technology to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

AMENDMENT NO. 1096

(Purpose: To limit the use of funds for fully-funded contracts)

On page 109, between lines 2 and 3, insert the following:

SEC. 5___. None of the funds made available by this or a prior Act shall be used to award a fully-funded continuing contract, in a case in which continuing contract authority is applicable, unless the Chief of Engineers certifies that—

(1) the contract can be awarded and completed in the same fiscal year;

(2) the contract can be completed shortly after the end of the fiscal year in which the contract was awarded, but only if the amount necessary to fully fund the contract is identified as surplus, or excess, to the program needs of that fiscal year; or

(3) future funding for the project is uncertain.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TANF EXTENSION ACT OF 2005

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3021 which was received from the House.

Mr. SESSIONS. Reserving the right to object, is this the TANF?

Mr. FRIST. This is the TANF extension.

Mr. REID. Mr. President, it is my understanding it is a 3-month clean extension.

Mr. FRIST. That is correct.

Mr. SESSIONS. I have no objection.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3021) to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3021) was read the third time and passed.

SURFACE TRANSPORTATION EXTENSION ACT OF 2005, PART II

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3104 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3104) to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3104) was read the third time and passed.

Mr. FRIST. I appreciate the courtesy of the manager and ranking member, and I yield the floor.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, there is a desire for back and forth. That is perfectly fine with me. I think the Senator from Arizona wanted to say something, and then if we could go to the Senator from New York.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, this debate has been held before, as has been noted. About a year ago, a similar amendment was defeated by a vote of 55 to 42 in this body. I urge my colleagues to defeat the amendment this year as well. The question has been asked about whether we would be going down a road that we would be taking a step toward something—I am not exactly sure—if we were to conduct this study. As my colleague, the distinguished chairman of the Armed Services Committee has noted, this is not the testing of a weapon or even the design of a weapon. This is merely to study the feasibility.

I want to make the point clear, to study the feasibility of what? To study the feasibility of taking an existing warhead and simply providing a different kind of casing for it and a different kind of fuse which would enable it to penetrate deep into the earth and potentially take out something that a potential enemy would have very deep underground.

The deterrent effect of this is obvious. A country that might wish us harm, such as North Korea, for example, that thinks it can bury something deep within the ground because we have no way of getting to it, would no longer be able to pursue that course of action if they understood that we had this kind of a weapon.

It is precisely the point that Secretary Rumsfeld made when he said:

> Countries all across the globe are putting things underground. And we have no capability, conventional or nuclear, to deal with the issue of deep penetrator.

He goes on to say:

> The idea of proceeding with this study is just imminently sensible. And anyone would look back five years from now, if we failed to take a responsible step like that, and feel we'd made a mistake.

General Cartwright, Commander of U.S. Strategic Command, stated before the Armed Services Subcommittee on Strategic Forces:

> We're going to have to have multiple ways by which we can hold [hard and deeply buried targets] at risk. . . . The robust nuclear earth penetrator is one of several capabilities and I think will be necessary.

The point is deterrence. Because we are already a nuclear power under the Nuclear Non-Proliferation Treaty, we are entitled to have nuclear warheads and weapons. We have them. We are not developing any new ones. We would be taking something out of the inventory and putting it into a form which a potential enemy would have to believe could be used against them. It might just prevent some of our potential enemies from going deep, as Senator WARNER has said—from deeply burying things into the ground with the belief and hope that we would never be able to get to it. That is what this study is for. I remind my colleagues that only if the feasibility study demonstrates that it can work, and only if the Nuclear Weapons Council approves its development, and only if Congress authorizes its development could it ever proceed.

So Congress still has at least two opportunities to determine whether or not to proceed with something that has never even been studied. My colleagues seem very certain about the consequences of one of these weapons. They have never even been designed, let alone tested. I think it is a little premature to suggest, with great certainty, exactly what would happen if one of these weapons were ever used. Again, the point is to have the deterrence, not to use the weapons. We have not used anything in our nuclear stockpile. Yet it has provided a great deterrence for this country because an enemy cannot know we will not use it if they ever act against us.

Again, it simply modifies a Clinton administration design of a previous warhead, which was determined could not penetrate the kind of rock, for example, that we believe some of our potential adversaries have. That is why this study to try to find a way, if we could, to be able to penetrate that rock and send a signal to those countries that they ought not try to go deep with their nuclear programs.

Again, there is nothing violative of the nonproliferation treaty because we already have the weapon. We would simply be taking an existing warhead and determining whether or not it could be used for this purpose.

I remind my colleagues, as I said, we already voted on this before. We have defeated this amendment in the past. The Secretary of State, the Secretary of Defense, and the general in command of the U.S. Strategic Forces all have asked that we proceed to fund the $4 million for this study. As Senator WARNER pointed out, what could be wrong with a study to simply determine whether something like this is feasible?

It seems to me that since our military leaders have requested it, since the President requested it, it is up to Congress to fulfill our obligation to provide the resources necessary for the study. As Secretary Rumsfeld said, if we don't do it and one of our adversaries has something deeply buried that we would like to get to and we cannot do it because we don't have this, we would ask ourselves someday why we were not willing to provide this funding for a study.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. KYL. Yes.

Mr. SESSIONS. With regard to this feasibility study, the study is really to determine the effect of the casing that we use on nuclear weapons—hardened casing—and how deeply that would penetrate. It is not going to be a feasibility study in which a nuclear weapon would be detonated; is that correct?

Mr. KYL. Mr. President, that is exactly correct. There are no plans—none—to test any kind of nuclear weapon. The study, as the Senator from Alabama has noted, is not to test any kind of nuclear weapon but simply to determine whether or not a casing, and fuse, and the other elements of a weapon could be designed to include an existing nuclear warhead within it in order to have this kind of capability.

I believe my time is up. I inquire of my time.

The PRESIDING OFFICER. The Senator from Arizona has 14 minutes.

Mr. KYL. I believe the agreement was that I had 5 minutes.

Mr. WARNER. I think there may well be——

The PRESIDING OFFICER. The total time in opposition is 14 minutes.

Mr. WARNER. Mr. President, before the Senator yields, it is somewhat difficult for those who are just trying to grasp a short debate here tonight, which is really a repetition of 2 previous years of debates. Let us assure our colleagues that nothing in this entire test scenario will involve any fissionable material whatsoever. As the distinguished Senator said, it would not involve a bomb. It didn't involve the use of any fissionable material whatsoever. It is simply a study.

It is important that the Congress be informed, and it is interesting that the money for this was struck last year. But guess what. North Korea went out and proudly announced—once the money was knocked out of the bill—we have a nuclear weapon. So I think it is very wise for this Nation to have this. It does not involve the use of any fissionable material.

The PRESIDING OFFICER. Who yields time?

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I think Senator CLINTON has asked for 5 minutes, and I yield that time to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mrs. CLINTON. Mr. President, I am honored to join my colleagues from California, Massachusetts, Michigan, and elsewhere to oppose this funding for the robust nuclear penetrator, the so-called nuclear bunker buster. I thought this issue was closed at the end of last year. Regrettably, it is not.

This program has been the subject of debate and discussion for several years. I think it is important to look at the funding request because it tells a slightly different story about what the intentions are behind this program.

In its fiscal year 2003 budget request, the Department of Energy sought $15 million to fund the first year of what was to be a 3-year, $45 million study to determine the feasibility of using one of two existing large nuclear weapons as a robust nuclear earth penetrator. In fiscal year 2003, $15 million was authorized and appropriated for this, but the DOE was not to begin work until it submitted a report setting forth the requirements for the penetrator and the target types that the nuclear penetrator was designed to hold at risk. DOE submitted the report in April 2003, the funds were released, and the work began.

In its fiscal year 2004 budget request, DOE again sought $15 million for the penetrator, but only $7.5 million was appropriated.

In the fiscal 2005 budget request, DOE sought $27.5 million for the RNEP. For the first time, however, DOE included the robust nuclear earth penetrator in its 5-year budget report. The cost of the feasibility study had increased dramatically, from $45 million to $145 million. Moreover, the DOE determined that the feasibility would take 5 years rather than 3 to complete.

Most significantly, the DOE 5-year budget plan also included $484.7 million to complete the engineering and design phases. Based on this cost progression, the nuclear penetrator would cost in excess of $1 billion to produce.

Finally, Congress had enough of this, although the administration persisted in pursuing the nuclear penetrator, and in its fiscal 2006 budget requested $4 million to restart the feasibility study. An additional $14 million would be needed in fiscal 2007 to complete the feasibility study.

We have heard that the robust nuclear penetrator is a concept to modify an existing large yield nuclear weapon to be an earth penetrator that would penetrate hard rock. But we also now know more than we knew a couple of years ago. The administration told us a couple years ago about what the effect of this would be, how far into the earth it could penetrate—12 feet or so, according to the National Academy of Sciences. What would be the collateral damage? Maybe up to a million casualties.

The funding requests would lead to the development of a weapon that would have devastating impacts.

I conclude by pointing out that before Operation Iraqi Freedom started, Iraq was one of the countries used as an example of a potential enemy with a hard and deeply buried WMD storage and manufacturing areas. It was the principal justification for the development of this bunker buster. I believe this body needs to once again join the House in saying that to create a weapon—which, believe me, this may not be just a research and report; the DOE budget figures demonstrate they clearly have much more in mind in the administration that would be used in a first strike offensive manner—would require confidence in the accuracy of intelligence that at this time we simply do not have.

I hope this amendment will be successful this year based on the additional information, particularly with respect to the National Academy of Sciences' analysis which demonstrates the devastating effect such a weapon could have with very little intelligence available to guide the use of it.

I yield back my time.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from New York for those comments. She put all of this in both a practical and fiscal perspective. I also thank the Senator from Michigan because he was right on. Do what we say, don't do what we do to every other nation. The nonproliferation treaty does not matter. It is just a terribly arrogant position for the United States to take and I think a morally wrong one.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from California has 13 minutes remaining.

Mrs. FEINSTEIN. I yield 5 minutes to the junior Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KERRY. Mr. President, I ask my colleagues to stop and think hard about this, not just be swayed by the fact the Pentagon is asking for it, not just be swayed by the fact our great friend, the distinguished chairman of the Armed Services Committee, is arguing in favor of it. But I ask my colleagues to stop and think about this for a minute: Do we have a bunker buster with a nuclear warhead today? The answer is no, we do not. So if we are going to study the—whatever you want to call it—the modification, creation, it is the creation of a weapon we do not have today.

By any definition anywhere in the world, any leader in any country looking at us sees that as a new weapon, as a new weapon capacity. I do not remember everything from nuclear, chemical, biological warfare school, but that is one of the things the Navy did for me. I will tell you, a nuclear weapon that goes 10 or 12 feet into the ground with 70 times the capacity of Hiroshima is a weapon that is going to have unbelievable consequences to civilian populations all over the world.

This is a study of the absurd. There are two outcomes to this study: Either you find it does not work and you don't use it, or you find that it does and then you have to confront the choice, would you ever use it. With the thousands of warheads we still have, with the deterrent we still have, do we need to go seeking yet another kind of nuclear weapon to send some kind of deterrent threat? It just does not make sense against any measurement of what we need to defend ourselves and provide for the security of the United States.

Should we look at other forms of deep penetrating bunker busting? Sure, that would make more sense, far more sense than the notion of the United States using a nuclear weapon for the purpose of bunker busting, especially when you consider that tactically, if you were going to use it, you would probably try to use it in a selective way that takes out a few bunkers, and you wind up with a nuclear weapon usage that only invites more consequences with nuclear weapons. It is not usable.

That is the conclusion the National Academy of Sciences came to, and for the Senate to casually dismiss our own National Academy of Sciences and pretend we have to study something that has already been studied is really a study of the absurd in itself. It is a study in a waste of money, especially at a time when the resources of this country are already taxed.

I do not know any person you talk to who has dealt with proliferation issues over a long period of time who is not sensitive to the fact that if we go ahead and study this new kind of weapon, we invite any other country that views us as a threat to do the same. If you look at every stage of the arms race, from the late 1940s all the way through every weapon that was designed, each stage of it was driven by one nation or the other—usually the United States, incidentally—being the first to develop a particular new technology.

You can go right back through every stage of nuclear development, from the first bombs to the hydrogen to the silent submarines to the MIRVing and all the way through until the modern times. I think it was only on two occasions that the Soviet Union, in fact, was first in the development of a particular weapon.

This is the United States leading down the road, sending a signal to the world that we are trying to develop a new nuclear weapon that we do not have today. It is just a matter of common sense that has an impact on people throughout the world.

By every test, by what it does to proliferation efforts, by what it does with respect to common sense and the possibility of it being used, by what it does with respect to the dismissal of the National Academy of Sciences and the studies already done, by what it does with respect to a test of common sense as to its usage at 71 Hiroshimas and the implications of the fallout and what is dismissed as collateral damage, the vast implications of nuclear fallout that would come from that, this is a study truly that we do not need to undertake that has dramatic negative consequences.

I hope colleagues will make a commonsense assessment with respect to this new weapon.

I yield back to the Senator from California the remainder of my time.

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. He has made some excellent points. I very much appreciate them.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. DOMENICI. Has time expired on the Feinstein amendment?

The PRESIDING OFFICER. It has not.

Mr. DOMENICI. How much time do the proponents have?

The PRESIDING OFFICER. There is 12 minutes in opposition and 7 minutes for the Senator from California.

Mr. DOMENICI. I ask the Senator from California, in the interest of moving along, would she like to shorten her time if we shorten ours? We have 12 minutes, and the Senator from California has 7.

Mrs. FEINSTEIN. What would the Senator from New Mexico propose?

Mr. DOMENICI. I propose we have 5 minutes and Senator FEINSTEIN have 2.

Mrs. FEINSTEIN. Make it 5 and 5.

Mr. DOMENICI. Five and 5? We have 12, and the Senator from California has 5. I will take it: 5 and 5: is that all right?

Mrs. FEINSTEIN. Five and 5.

Mr. DOMENICI. Five and 5. Without using this time on this unanimous consent request, I ask we move off this amendment for the purpose of offering two amendments that are going to be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1097

Mr. DOMENICI. Mr. President, I send to the desk on behalf of Senators ALLARD and SALAZAR an amendment relating to the purchase of mineral rights at Rocky Flats technical site. I note the presence of both Senators from Colorado, and I say to them that I am pleased to accept the amendment. It has been cleared on both sides. I appreciate their work. We will do everything we can to keep it in conference.

I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. DOMENICI], for Mr. ALLARD and Mr. SALAZAR, proposes an amendment numbered 1097.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To set aside certain amounts for the purchase of mineral rights at the Rocky Flats Environmental Technology Site)

At the end of title __, add the following:

SEC. . Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide no more than $10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 1097) was agreed to.

Mr. DOMENICI. The second amendment I referred to will be offered by the Senator from Colorado and withdrawn—no, it will not be withdrawn. It will be offered.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I have a rather lengthy statement on this amendment. There is still some time, I understand, on the Robust Nuclear Earth Penetrator; is that correct?

Mr. DOMENICI. Five minutes on our side.

AMENDMENT NO. 1084, AS MODIFIED

Mr. ALLARD. Mr. President, I send the amendment to the desk and that amendment is amendment No. 1084.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. ALLARD], for himself and Mr. SALAZAR, proposes an amendment numbered 1084, as modified.

Mr. ALLARD. This amendment should read sponsored by both Allard and SALAZAR. Here is a corrected amendment. I will send that to the desk.

The PRESIDING OFFICER. The amendment at the desk appears to be the same amendment that was just adopted.

Mr. ALLARD. The only difference would be that the listing of the sponsors on there should list ALLARD and SALAZAR. Otherwise there is no difference. Maybe we are okay to move forward. Is that correct, Mr. President?

Mr. DOMENICI. Mr. President, the previous amendment that was adopted, I ask consent that Senator SALAZAR be deemed an original cosponsor when it was entered as if it were there.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. That takes care of that one.

The PRESIDING OFFICER. Without objection, amendment 1084, as modified, is agreed to.

The amendment (No. 1084), as modified, was agreed to, as follows:

(Purpose: To set aside certain amounts to provide regular and early retirement benefits to workers at the Rocky Flats Environmental Technology Site)

At the end of title , add the following:

SEC. . Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide not more than $15,000,000 to provide regular and early retirement benefits to workers at the Rocky Flats Environmental Technology Site.

The PRESIDING OFFICER. The Senator from Colorado.

The Chair would note that amendment 1084, as modified, has been agreed to. It reflects the additional cosponsors.

Mr. ALLARD. Mr. President, I rise in support of the amendment and make a few comments, if I might.

I have had faith in the workers of Rocky Flats and I am pleased to say that Kaiser-Hill and the workers at Rocky Flats have not disappointed me. In fact, it appears that Kaiser-Hill and the workers at Rocky Flats are far exceeding their cleanup commitments at Rocky Flats in the State of Colorado. I cannot express the full extent of how proud I am of their achievements.

Listen to some of their accomplishments. All weapons-grade plutonium was removed in 2003; more than 1,400 contaminated glove boxes and hundreds of process tanks have been removed; more than 400,000 cubic meters of low-level radioactive waste have been removed; 650 of the 802 facilities have been demolished; all 4 uranium production facilities have been demolished; all 5 plutonium production facilities have been demolished or will be within the next 3 months; 310 of 360 sites of soil contamination have been remediated, and the last shipment of transuranic waste was shipped this last April.

It now appears the cleanup of Rocky Flats will be completed as early as October, a full year ahead of schedule, and save the American taxpayer billions upon billions of dollars of what was envisioned when we first started talking about cleanup at Rocky Flats.

One can appreciate the magnitude of this accomplishment only when they realize that within 6 years Rocky Flats will have been transformed from one of the most dangerous places on Earth to a beautiful and safe natural wildlife refuge. Yet the cleanup contractor could not have achieved this demanding goal as established by the Department of Energy without the hard work and determination of the Rocky Flats workers. Most of these workers had to literally develop an entire new skill set. They went from manufacturing plutonium pits to dismantling glove boxes. They tore down buildings while wearing stiff environmental protection suits. They cleaned up rooms that were so contaminated that they were forced to use the highest level of respiratory protection available. Perhaps more importantly, these workers were extraordinarily productive even though they knew they were essentially working themselves out of a job.

With the completion of the cleanup and closure of Rocky Flats, they knew they would have to find employment elsewhere. There was no guarantee that their next job would pay as much or provide the same level of benefits. Despite knowing that they were going to lose their jobs, the workers of Rocky Flats remained highly motivated and totally committed to their cleanup mission. They believed in what they were doing and worked hard to clean up the facility as quickly and safely as possible.

They achieved more in less time and with less money than anyone dreamed possible. I am proud of the workers at Rocky Flats. I believe they have once again earned our Nation's sincere appreciation and respect. Given the sacrifice and dedication demonstrated by these workers, one would think the Department of Energy would do everything it could do to ensure that these workers received the compensation and benefits they have earned. One would think assisting those workers who lose their retirement benefits because of the early completion of the cleanup would be a top priority for the Department. After all, these workers saved the Department billions upon billions of cleanup costs.

Last year, it became clear to the Department of Energy and to me that the cleanup at Rocky Flats would be completed much earlier than anyone expected. The workers were supportive of early closure but were concerned that some of their colleagues would lose retirement benefits because of early closure. I shared their concern and requested in last year's defense authorization bill that the Department of Energy provide Congress with a report on the number of workers who would not receive retirement benefits and the cost of providing these benefits.

After a lengthy delay, the Department of Energy reported that about 29 workers would not receive pension and/or lifetime medical benefits because of early closure. The cost of providing benefits to those workers was just over $12 million.

To my dismay, I discovered the Department of Energy's report was woefully incomplete. I was subsequently informed that at least another 50 workers would have qualified for retirement benefits had the Department of Energy bothered to include those workers who already had been laid off because of the accelerated closure schedule.

This means as many as 75 workers at Rocky Flats will lose their pensions, medical benefits, or in some cases both because they worked faster, less expensively and achieved more than they were supposed to.

They not only worked themselves out of a job, but they also worked themselves out of retirement benefits and medical care.

I find the Department of Energy's refusal to pay these benefits to be outrageous and shameful.

Many of the workers at Rocky Flats have served our Nation for over 2 decades. They have risked their lives day in and day out, first by building nuclear weapon components and then by cleaning up some of the most contaminated buildings in the world. All they have asked for in return is to be treated with fairness and honesty.

To my disappointment and to the disappointment of the workers at Rocky Flats, the Department of Energy cannot seem to keep its end of the bargain. The Department seems to think that the only thing these workers deserve is a shove out the door.

These workers would have received their retirement benefits had the cleanup continued to 2035 as originally predicted. These workers would have received their retirement benefits had the cleanup continued to 2007 as the site contract specifies. But by accelerating the cleanup by over a year and saving the American taxpayer hundreds of millions of dollars, these workers are left without the retirement benefits they deserve and have earned.

The Department's refusal to provide these benefits has ramifications far beyond Rocky Flats. Because Rocky Flats is the first major DOE clean-site, workers at other sites around the country are watching to see how the Department of Energy treats the workers at Rocky Flats. Unfortunately, they have seen how the Department of Energy has failed to step up and provide retirement benefits to those who have earned it.

The workers at other sites now have no incentive to accelerate clean-up. Why should they? The Department of Energy has not lifted a finger to help the workers at Rocky Flats. It would be foolish for workers at other sites think the Department of Energy would act fairly with them.

To me, the Department's decision is a penny wise and a pound foolish. By refusing to provide these benefits, the Department saves money in the short term. Yet, by discouraging the workers from supporting acceleration, the Department is going to cost the American taxpayer hundreds of millions in additional funding in the long run.

I believe Congress needs to correct the Department's mistake before it is too late.

Today, I offer an amendment that will provide the benefits to those workers who would have lost their retirement benefits because of early closure. This amendment is designed to provide retirement benefits to only those who would have received retirement benefits had the site remained open until December 15, 2005, the date of site cleanup contract.

To be clear, this funding is not an additional bonus for a job well-done. Nor is it a going away present for two decades of service. These retirement benefits are what these workers have already earned—nothing more, nothing else.

I urge my colleagues to support this amendment. These workers have earned these benefits, and it is up to this body to see that they receive them. Let us not let the bureaucrats in the Department of Energy tarnish the credibility of the Federal Government. It is time for this body to correct this mistake before the Department's foolishness costs the American taxpayer even more money in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, I will be very short. I want to first congratulate my good friend from Colorado, Senator ALLARD, for the sponsorship of these amendments which are important for Rocky Flats and for the cleanup of our DOE facilities. I think we have a great facility and a model in the State of Colorado that is applicable to other Department of Energy sites and in the end we are going to be able to provide some cost savings to our whole DOE cleanup challenge in this country.

The legislation in front of us in the form of the modified amendments would do two things: One, it would help all of the employees who have been laid off at Rocky Flats because of the closure of that plant and the surplus funds would therefore go for a very good purpose to help with the retirement of the employees who have worked at Rocky Flats for a very long time.

The second amendment deals with the mineral rights, which is all part of completing the stewardship process at the DOE facility, which will be one of the first ones cleaned up in the Nation. So I applaud my friend from Colorado for helping in this effort and for having worked on it for such a long time. I also want to state my appreciation to the minority leader, Senator REID, for his work on this effort as well as to the chairman, Senator PETE DOMENICI, and Senator WARNER for his great assistance in this effort as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, there is no time agreement on the amendment, but I did understand we were going to accept it. I didn't think we were going to have any time. I ask the Senator, could we proceed to adopt the amendment, if the Senator from New Mexico is willing to do that?

Mr. ALLARD. Yes, that will be fine.

Mr. DOMENICI. We are willing to accept the last amendment that was offered by the Senator.

The PRESIDING OFFICER. The Chair notes the amendment of the Senator from Colorado has already been adopted as modified.

Mr. DOMENICI. I say to the Senator, you understand this is a difficult amendment. We have had objection from the Armed Services authorizing committee. We take it to conference willingly, with the clear understanding we are going to work on it with the Secretary of Energy, and Defense, and with you and the Armed Services Committee, and do the best we can as we complete the matter in conference.

Mr. ALLARD. That is my understanding. I thank the chairman of the Energy and Water Committee and I thank the chairman of the Armed Services Committee.

AMENDMENT NO. 1098

Mr. DOMENICI. I have an amendment on behalf of Senator LINDSEY GRAHAM that has been cleared on both sides. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from New Mexico [Mr. DOMENICI], for Mr. GRAHAM, proposes an amendment numbered 1098.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make the Savannah River National Laboratory eligible for laboratory directed research and development funding)

On page 105, between lines 2 and 3, insert the following:

SEC. 3_____. Notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, the Savannah River National Laboratory may be eligible for laboratory directed research and development funding.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection the amendment is agreed to.

The amendment (No. 1098) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1085

Mr. DOMENICI. Mr. President, I understand we are now back on the Feinstein amendment and there is 5 minutes on each side.

The PRESIDING OFFICER. That is correct.

Mr. DOMENICI. May I tell Senators, if nothing else breaks here, there are no other amendments. We will vote on this. Senator COBURN has one and he will withdraw it. Can the Senator wait until Senator FEINSTEIN finishes and then he will be recognized?

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I think we have had a good discussion. I was somewhat interested in the comment that: We have done this before, why should we do it again?

Probably this is one of the most important issues we have to deal with because it will affect, I believe, my family's lifetime and my grandchildren's lifetime. I think if we have learned anything, it is that human nature is better off without nuclear weapons.

In this case, I would like to sum up with one of the conclusions of the National Academy of Sciences' recent reports. It is conclusion No. 3: Current experience and empirical predictions indicate that earth penetrator weapons cannot penetrate to depths required for total containment of the effects of a nuclear explosion.

That is not my view. That is the view of the National Academy of Sciences. To my knowledge it has been backed up by everybody. So why does the administration persist?

The one bright light in this is the House of Representatives. They have removed the money from all programs, from time to test readiness, increasing it from 3 years to 18 months; money for the 400 new plutonium pits; and money for the robust nuclear earth penetrator.

This year the administration did not come back and request the so-called advanced weapons concepts, which is essentially low-yield tactical nuclear weapons. It has been stated here, and I believe it has been stated correctly, that you cannot have a policy which says, "Do as we say but don't do as we do."

I do not believe we can have a policy that puts at risk hundreds of thousands, and, yes, even millions of lives. And I do not believe we can develop a weapon and then say: Well, this is just to protect us. It will never be used. I do not believe that.

I truly believe the documents coming out of this administration, from the Nuclear Posture Review to the National Security Directive No. 17, clearly indicate that it is the goal of this administration to build a new generation of nuclear weapons. For those of us who do not believe that is the way to go, they must vote. To those of us who are not on this side, I want to say we will be back, and back, and back. So get used to hearing from us because it is not going to end here.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, the Senator wants 2 minutes, and then I will wrap it up.

Mr. KYL. Mr. President, I will just take 1 minute. The point I want to make is to correct something that was incorrectly noted before. It was stated this will be a brand new weapon. The truth is that this weapon was already developed during the Clinton administration. Using the current B61, which is a nuclear warhead, the B61 mod 11 was developed as an earth penetrator weapon. But it was determined by feasibility studies that it did not have sufficient capability to penetrate and thus provide a deterrent. The B61–11 is not sufficiently hardened to penetrate certain target geologies. So the feasibility study is designed to determine whether a more robust outer casing, which still protects the internal components of the warhead, could be developed for the B83 warhead.

That is all it is, is to determine whether an existing warhead could be used with a different casing to penetrate, and thus replace a weapon that is already in our inventory.

Mr. ALLARD. Mr. President, I rise to oppose the amendment before us.

The bill before us includes an appropriation of $4 million to continue an Air Force-led feasibility study on the robust nuclear earth penetrator—RNEP. This is not a new issue for the Congress to consider. In both the defense authorization and energy and water appropriations bills the last 2 years, amendments have been offered to cut all funding for the robust nuclear earth penetrator. These amendments have been defeated on multiple occasions.

The purpose of the RNEP feasibility study is to determine if an existing nuclear weapon can be modified to penetrate into hard rock in order to destroy a deeply buried target that could be hiding weapons of mass destruction or command and control assets. The Department of Energy has modified nuclear weapons in the past to modernize their safety, security, and reliability aspects. We have also modified existing nuclear weapons to meet new military requirements. Under the Clinton administration, we modified the B-61 so that it could penetrate frozen soils.

The RNEP feasibility study is narrowly focused on determining whether the B–83 warhead can be modified to penetrate hard rock or reinforced, underground facilities. Funding research on options—both nuclear and conventional—for attacking such targets is a responsible step for our country to take.

As many as 70 nations are developing or have built hardened and deeply buried targets to protect command and communications, and weapons of mass destruction production and storage assets. Of that number, a number of nations have facilities that are sufficiently hard and deep enough that we cannot destroy most of them with conventional weapons. Some of them are so sophisticated that they are beyond the current U.S. nuclear weapons capabilities. I believe it is prudent and imperative that we fund this study on potential capabilities to address this growing category of threat.

Should the Department of Energy determine, through this study, that the robust nuclear penetrator can meet the requirement to hold a hardened and deeply buried target at risk, the department still could not proceed to full-scale weapon development, production, or deployment without an authorization and appropriation from Congress. Let me repeat that: the Department of Energy cannot go beyond this study without the expressed authorization and appropriation from Congress.

We should allow our weapons experts to determine if the robust nuclear earth penetrator could destroy hardened and deeply buried targets. Then Congress would have the information it would need to decide whether or not development of such a weapon is appropriate and necessary to maintain our nation's security.

I urge my colleagues to oppose the amendment before us.

Mr. DOMENICI. I am hearing talk about a new nuclear weapon. I wish those who were talking about a new nuclear weapon were reading the current evaluations and studies about the future of nuclear weapons. You sure are not talking about this. If ever there were going to be new nuclear weapons, they would be little nuclear weapons. They would not be blockbusters. Whole studies are looking at whether all the countries with big nuclear weapons are going to have a whole new generation someday of smaller ones, less in size, where the world can have far fewer.

That is not the subject tonight because this weapon is not a new nuclear weapon. First of all, this is a bill, appropriations, that says the Congress is approving to build a new nuclear weapon for the astronomical sum of money of $4 million. I don't know what you could build for $4 million. It says "a study." And then it determines what the study is.

I don't know. I have never heard so much said about so little. That sounds like something somebody said about something else in history, so I don't want to demean it because we are just talking about an issue on the floor of the Senate. But if you want to give a speech of significance about nuclear weapons and put maps up showing the devastation of the two that were used, we ought to have a big debate. Maybe some think that was a mistake. But the truth is, none of that has anything to do with this amendment. The United States of America, through its experts, says we should have a study.

This Senator said to them, tell me how much money you need for a study—not 10 years from now to build something. What do you need for a study? They said: $4 million. That is what is in this bill. That is all. No more, no less. That is what the amendment is about.

I hope we will once again say let's let our country do this kind of research.

I yield any time I might have.

Mr. KERRY. Will the Senator yield for a question?

Mr. DOMENICI. I have no time.

Mr. KERRY. The Senator yielded some back.

The PRESIDING OFFICER. The Senator from New Mexico has about 50 seconds.

Mr. DOMENICI. I am glad to yield that.

Mr. KERRY. Two questions. No. 1, is it not true there is $14 million not just $4 million; $14 million for the next year? And, second, do we have a bunker busting nuclear weapon today? The answer to that is no. If we do not have it, don't you agree, if we are studying the creation of one, that is a new nuclear weapon? It is a weapon we do not have in the arsenal today.

Mr. DOMENICI. Let me say in the appropriations in this bill for the fiscal year we are appropriating, it is $4 million. There is no appropriation for the following year or the following year or the following year. So I do not know what that will be.

But I tell you, you have to come back for another appropriation, so that is for sure. That is the situation.

With reference to whether we have this in our arsenal, I think the distinguished Senator from the State of Arizona answered that question with reference to the instrument that will deliver a weapon, if we ever do the research to know whether we need it. Am I correct?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMENICI. I yield the floor. We don't need any additional time. Have you had the yeas and nays?

The PRESIDING OFFICER. The Senator from California has 2 minutes.

Mrs. FEINSTEIN. Yes, there is only $4 million in this budget and there is $4.5 million in defense. It is a different strategy this year. The money was split.

Last year the request was for $27.5 million and a 5-year projection of $486 million. That is fact.

Now, their projection over 5 years is not this year in the budget so it is a little tricky because they have split it up and they have operated it into two budgets. The House removed all of the money. The House removed the authorization.

Clearly, there are people on this Hill who believe it is a mistake. Last year, the money was removed. So this year is a slightly different approach by the administration.

What we are saying is, it is a new weapon. If you do not have it today, and you might have it tomorrow, it is a new weapon. What we are saying is, there is not one physicist who will say that a casing can be built to drive a weapon deep enough into the Earth with enough explosive power that will take out a bunker and not spew radiation that can kill hundreds of thousands and, yes, even millions of people. We urge a "yes" vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOMENICI. I am trying to get us finished so we will have two votes back to back, one on this amendment and one on final passage.

Senator COBURN wants to take a few minutes. He wants to offer an amendment.

AMENDMENT NO. 1086 WITHDRAWN

Mr. COBURN. Mr. President, I will call up amendment 1086 and then I will withdraw it by unanimous consent. It is important that Members recognize what is written in the report language in this bill. I will read a portion of one sentence and talk about it: Congressionally directed projects. The committee recommends including the following congressionally directed projects. The committee has provided sufficient funding to cover the cost of these additions so as not to impact research.

That is the key question. By the misstatement of the committee itself, these projects are not essential. Yet, there is $87 million in projects to 30 States averaging less than $1 million a project. These are for biomass, biodiesel, hydrogen, solar, and other forms of energy.

It is going to pass, there is no question. I can't stop it, but I think the American people ought to go online and look at this. There are two problems. No. 1, it is not essential and we will spend $544 billion we do not have this year; No. 2, by having this many projects at such low value, we do not get our money's worth because we spend a ton of money in administrative and overhead costs for these small projects. If we are going to spend this money, it ought to be 3 or 6 projects, not the 30-some projects that are in there.

I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1086) is withdrawn.

AMENDMENT NO. 1095, AS MODIFIED

Mr. DOMENICI. Mr. President, I ask amendment 1095 be modified as stated in the instruction which I am going to send to the desk. There is an error. This corrects the error. I ask consent that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The modification is as follows:

(Purpose: Making technical corrections for NNSA security)

"Strike everything after "buses;" on page 90, line 14, through page 92, line 25 and insert the following:".

Mr. DOMENICI. I ask consent that Senator JOHN MCCAIN be recognized now for 10 minutes to speak on the bill, or whatever he desires; when he has completed, we proceed to the Feinstein amendment; then we proceed to final passage and there will be 10 minutes on the Feinstein amendment on the rollcall, after which we proceed to rollcall on final passage.

Mr. REID. I ask it be modified to have the second vote also 10 minutes. We have a lot of work to do after that vote is over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. What is the agreement?

The PRESIDING OFFICER. The Senator from Arizona will have 10 minutes.

Mr. MCCAIN. I object.

Mr. REID. I have no objection.

Mr. DOMENICI. I have no objection.

The PRESIDING OFFICER. The rest of the request was that subsequent votes would be 10 minutes each and there would be a 10-minute vote on the Feinstein amendment and a 10-minute vote on final passage.

Mr. DOMENICI. I ask it be in order to ask for the yeas and nays on final passage at this time.

The PRESIDING OFFICER. It is in order. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I believe the hour now is 5 minutes to midnight as I note from the clock. We are now completing consideration of an appropriations bill that entails $31.2 billion of the taxpayers' money. We began consideration of this around 10:30, I think. So, between the hours of 10:30 p.m. and midnight we have now thoroughly scrutinized the expenditure of $31.2 billion of taxpayer money, which also happens to be $1.5 billion over the request. I am sure all of my colleagues feel we have thoroughly examined a $31.2 billion expenditure of their money.

This system we are under now is broken. We shouldn't be, on a night before we are—we all know we are going into a recess—considering a bill of this magnitude in an hour and a half at a very late hour. I certainly do not quarrel with any of my colleagues who did not have an opportunity to examine the bill and the report language.

It really rolls out the pork barrel. It has $1.5 billion for unrequested earmarks with more than $1.3 billion going to 618 Army Corps of Engineers projects, 618 projects that the Corps has not identified as priorities for fiscal year 2006. I don't know how we can justify providing more than $1 billion for low priority, nonessential water projects and, at the same time, pat ourselves on the back for a very stringent budget that we passed which caused many Americans to make sacrifices in very important programs because we could not afford them.

So we are adding $1 billion for low priority, nonessential water projects. Certainly when it comes to funding the pet water projects, budget deficit and national priorities flow out of the minds of our appropriators.

We just found out that we had about $1 billion or $1.5 billion or $2 billion shortfall in funding for our veterans and their health care, but we can afford more than $1 billion for nonessential projects. One of them, $145 million for additional Army Corps projects in Mississippi. The banks of the Yazoo River Basin overflow with $113.3 million and the Yazoo pumps are humming right along with $25 million. The Yazoo pumps is the controversial project that I spoke about in the Senate more than 2 years ago. The bill brings the total appropriated to the pumps since fiscal year 2003 to $59 million. The project was opposed by the EPA. It was opposed by the Fish and Wildlife Service because it will drain and damage 200,000 acres of public and private wetlands in the heart of the Mississippi flyway for no important public purpose. Residential flooding problems were addressed decades ago by the Federal construction of the Yazoo backwater levy.

We have $90 million for the central and south Florida and the Kissimmee River; $67 million for Alaska projects, including $15 million for the Nome and Unalaska Harbor improvements. With these improvements Alaska residents will continue to enjoy a great deal of the taxpayers' dollars; $30 million for the American River watershed in California, and the list goes on.

I will turn, instead, to some of the authorizations in this appropriations bill. It is a violation of Senate rules to authorize on an appropriations bill. That rule continues to be violated in an egregious fashion. Directing or authorizing policy is a function reserved for the authorizing committee. With an appropriations bill full of authorizations that modify existing law and policy and significantly run up the tab for the taxpayers, these authorizing provisions belong in the water resources development legislation. And that is where some of them were taken from and placed into this bill. Others were newly created for the purpose of authorizing projects and appropriating funds for them.

Some examples:

An authorization to increase the funding of the Marmet Lock, Kanawha River, West Virginia, by more than $128 million—not authorized.

An authorization for the construction of a project on the Lower Mud River, West Virginia, in accordance with a draft Corps report—a draft Corps report; not a final report, a draft Corps report—and a 75-percent Federal cost share of $34,125,000.

If a 75/25 Federal cost share seems generous, well, my friends, there is a provision in this bill that goes even further, to strike the required cost-sharing provisions secured by President Reagan in the Water Resources Development Act of 1986. The Yazoo Basin Headwater Improvement, Mississippi, is authorized to include the design and construction at full Federal expense such measures as determined by the Corps to be "advisable"—take note of the word "advisable"—not technically feasible or economically beneficial—for the entire Yazoo River and more than 27 tributaries and watersheds. There is no way of telling how much advisable measures might end up costing the taxpayers.

Authorization to increase the cost ceiling of the Central New Mexico Army Corps project by $25 million.

Authorization for the Corps of Engineers to remove the sunken vessel State of Pennsylvania from the Christina River in Delaware with funding of $275,000. I guess when $175,000 was earmarked for this project in the Emergency Supplemental Act of 2005, no one appreciated that the Corps did not have the authority to address this "emergency" as well as not knowing the cost.

Authorization for $10 million for the Army Corps projects in Alpine, CA.

Language reauthorizing the Water 2025 grant program and making it permanent.

Language deauthorizing a portion of an Army Corps project in Tacoma, WA.

I have cosponsored the Corps of Engineers Modernization and Improvement Act of 2005 with Senator FEINGOLD for the purpose of making effective and responsible changes in the Army Corps water projects program through a deliberative process.

I encourage my colleagues to look at page 123 of the committee report. Under the heading of Congressionally Directed Projects, as my colleague from Oklahoma has just pointed out, you will find a list of 47 projects totaling $60.75 million that the committee states are not essential.

I quote:

> The Committee has provided sufficient funding to cover the cost of these additions so as not to impact essential research.

So, therefore, it must be nonessential. And there is only one thing in common with all of these projects: They are earmarked for a specific location or institute of higher learning. There is not a one that is just for a general purpose.

Well, we are spending $87 million—oh, additionally, beginning on page 126 of the report, there are eight more Congressionally Directed Projects totaling over $26 million that, again, the committee describes as nonessential.

Why are we spending over $87 million on research that is not essential? We have a $365 billion deficit. We are in a war. I do not think it is in keeping with the priorities we need to establish if we are going to address the budget deficit nor our priorities of winning the war on terror and taking care of the men and women in the military.

I hope that at some point in time we can restore the authorization process which then would precede the appropriations process. I would hope we would at some time consider enforcing the rule of the Senate against authorizing on an appropriations bill.

I do not think there is any doubt that with us considering a bill at 10:30 p.m. until midnight, for $31.5 billion, it is not the way the American taxpayers want us to do business. Therefore, I will oppose passage of this bill.

Mr. President, I yield the floor.

AMENDMENT NO. 1085

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the Feinstein amendment.

Mr. DOMENICI. Mr. President, I believe from our side—and Senator REID is here—there is no further business to bring before the Senate on this bill.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, am I correct in understanding this is a 10-minute rollcall vote?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to amendment No. 1085. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "nay."

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

I announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to a death in the family.

The PRESIDING OFFICER (Mr. ISAKSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—43

Akaka
Baucus
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Voinovich
Wyden

NAYS—53

Alexander
Allard
Allen
Bayh
Bennett
Bond
Brownback
Burns
Burr
Chambliss
Coburn
Cochran
Coleman
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Warner

NOT VOTING—4

Bunning
Lieberman
Mikulski
Specter

The amendment (No. 1085) was rejected.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ECOSYSTEM RESTORATION

Mr. NELSON of Florida. Mr. President I rise today with my colleague from Florida, Senator MEL MARTINEZ, to talk about the biggest ecosystem restoration project in our country's history, the restoration of America's Everglades. The chairman and ranking member of the Energy and Water Subcommittee have supported the Everglades, and I appreciate their dedication to this worthwhile endeavor.

Mr. MARTINEZ. Mr. President, Senator NELSON and I stand united to continue the bipartisan tradition of support for this project. I, too, commend the chairman and ranking member for their support of Everglades restoration.

Mr. NELSON of Florida. Mr. President, even before the Congress passed the Comprehensive Everglades Restoration Plan, CERP, in 2000, the country had begun some important projects that set the stage for CERP. One of those projects is the Modified Waters Delivery Project. The goal of the Modified Waters Delivery Project, authorized by the Everglades National Park Protection and Expansion Act of 1989, is to increase water deliveries to Everglades National Park, to improve the natural habitat and, to the extent possible, restore the natural hydrological conditions within the park. To do this, however, we must undo the work of the Army Corps of Engineers in the 1940s and 1950s which resulted in the Central and Southern Florida Project, C&SF Project. The C&SF Project created 1,000 miles of canals, 720 miles of levees, and more than 200 water control structures to alter water flow in the Everglades, control flooding, open land for agriculture and provide water supplies to urban areas.

Mr. MARTINEZ. Mr. President, CERP provides that the Modified Waters Delivery Project must be completed before several CERP projects involving waters flows on the east side of the Everglades National Park can receive appropriations. For that reason, it is imperative that we continue to receive funding for the Modified Waters Delivery Project and that the project be completed as soon as possible.

Mr. NELSON of Florida. Mr. President we realize that for the first time the administration's budget included funding for the Modified Waters Delivery Project in the Energy and Water Appropriations bill. Prior to this year, it had been funded solely through the Interior Appropriations bill. The House Energy and Water Subcommittee included funding for the Modified Waters Delivery Project. No matter which bill it receives funding through, it is imperative that it receive the funding needed to complete it.

Mr. REID. Mr. President I say to my colleagues from Florida, I know how important restoring America's Everglades is to the United States and to the State of Florida, and I appreciate the efforts of Senator NELSON and Senator MARTINEZ to keep this project on track. I agree that funding for the Modified Waters Delivery Project is essential to restoring the Everglades and I know that it is the administration and not the elected representatives of the State of Florida that have changed how funding for this project has been allocated. With this in mind, I continue to believe this project should be funded through the Interior Committee, but I will work to ensure that all facets of the Everglades Project receives appropriate funding when our bill goes to conference.

Mr. NELSON of Florida. Mr. President I wholeheartedly thank Senator REID for his work on behalf of the Everglades and look forward to working with him and Chairman DOMENICI on Everglades restoration in the future.

Mr. MARTINEZ. Mr. President, I too commend Senator REID for his efforts and look forward to working with him and Chairman DOMENICI to continue to make progress on restoring America's Everglades.

INDEPENDENT OIL PRODUCERS

Mr. INHOFE. The independent producers of oil and gas are a backbone of our domestic supply of energy. The independent producers have made clear the high value they place on research performed at the Tulsa office of the Strategic Center for Natural Gas and Oil at National Energy Technology Laboratory.

Mr. DOMENICI. I am aware of the concern expressed by numerous producers and Senators about Department of Energy plans to close such oil and gas research facilities.

I understand that according to Energy Information Administration data, fossil fuels provide over 80 percent of U.S. energy supply, and oil and natural gas will continue to provide 65 percent of domestic energy needs for 20 to 25 years in the future.

I understand the argument that is thus fitting that the National Energy Technology Laboratory devote a significant portion of its research to fossil fuels and oil and gas technology research and development.

I understand that independent oil and natural gas producers—small-business owners—drill 85 percent of the wells in the U.S. and provide 75 percent of America's natural gas supply. Independents produce 60 percent of the crude oil in the lower 48 States.

I understand that a 2003 National Petroleum Council study stated: "Eighty percent of domestic natural gas production in 10 years will be from wells yet to be drilled. . . . Small, independent producers will drill most of these wells."

I understand the argument that such independent producers have comparatively limited capacity for research and development of new oil and gas technologies.

I understand the argument that is thus fitting that the National Energy Technology Laboratory utilize its research capacity to assist these independent oil and gas producers by performing the all important oil and gas research and development function.

I understand that the bulk of the independent oil and gas production in United States is performed in the west.

I understand that many of the independent oil and gas companies are headquartered in the west.

I understand the argument that it is thus appropriate to have a significant and even proportionate share of the research of the National Energy Technology Laboratory performed in the west, at such facilities as the Tulsa office.

It is my hope that the Department of Energy will not perform organizational or staffing realignments in such a way as to reduce or close the Tulsa office of the National Energy Technology Laboratory.

Mr. REID. I concur in these understandings.

JEFFERSON LAB

Mr. WARNER. I respectfully request if the chairman, Senator DOMENICI, would engage in a colloquy regarding the Jefferson Lab in Virginia with the Senators from Virginia?

First, I would like to compliment the chairman of the Energy & Water Subcommittee, and the ranking member, Senator REID, for an excellent job in preparing a good and balanced appropriations bill for consideration by the Senate. I particularly want to compliment the chairman and ranking member for providing increases for the Office of Science and for the several important programs within the Office of Science, including Nuclear Physics. I know the chairman is well acquainted with Jefferson Lab in Newport News, VA, which is one of our world-class basic research laboratories. My colleague from Virginia, Senator ALLEN, and I are both proud of the excellent scientific programs at Jefferson Lab, which is a credit to the commonwealth of Virginia and to the Nation. The increase in funding provided by the subcommittee for nuclear physics will permit Jefferson Lab to increase its operational time so the Nation's return on this investment will be enhanced.

In the 10 years since commissioning, Jefferson Lab has made groundbreaking discoveries on several scientific fronts. An important next step to insure we maintain the pace of scientific discovery, as recommended by the Department's November 2003 report, is to upgrade the energy of the Jefferson Lab electron beam. This will enormously expand the scientific discovery potential of the lab, as well as leverage future technological advances.

Senator ALLEN and I wrote to the subcommittee suggesting that language be included in the committee report urging that the Department proceed with the project engineering and design for this energy upgrade.

Mr. DOMENICI. I appreciate the Senators from Virginia and their interest in this important matter and I agree with the importance of the 12GeV Upgrade at the Jefferson Lab. With the funds available to the subcommittee, we made recommendations to give priority to increasing operational time for all of our existing labs as opposed to spending these resources on capital expansions. I recognize, however, that with regard to Jefferson Lab we are soon at a scientific turning point when the increased energy will be critical to maintaining the pace of discovery. If it would be satisfactory to the two Virginia Senators, I would like to explore this matter further to see if it can be addressed in the fiscal year Conference and by the Department in their fiscal year budget proposal.

Mr. REID. I also thank the Virginia Senators for their support of the Energy & Water bill and for their strong support for programs that advance science. I will join with Senator DOMENICI in an effort to accommodate the matter that has been brought to our attention.

Mr. ALLEN. want to add my voice in thanking the chairman, Senator DOMENICI and the ranking member, Senator REID, for their commitment to help us keep Jefferson Lab at the forefront of scientific discovery. We appreciate their continued interest and look forward to working with them.

ALTAIR AND WMU PARTNERSHIP

Ms. STABENOW. Mr. President, the senior Senator from Michigan and I would like to engage in a colloquy with the distinguished ranking member of the Energy and Water Appropriations Subcommittee regarding the partnership between Western Michigan University and Altair on the development of nanosensors for chemical and radiological warfare agents.

Senator REID, is it your understanding that $1 million of the funding provided to Altair Nanosensor in this bill will be utilized for the continued partnership between Altair Nanosensor and Western Michigan University for the development of nanosensors for chemical and radiological warfare agents?

Mr. REID. Yes, the Senator has my assurance that it is the committee's intent that $1 million of the funds provided to Altair Nanomaterials should be used for the ongoing partnership with Western Michigan University.

Mr. LEVIN. Mr. President, I thank Senator REID for his support of this important research and join with my colleague from Michigan in supporting this project.

As the ranking member knows, Western Michigan University, Altair Nanomaterials and the University of Nevada, Reno have had a successful partnership to build on their unique strengths to develop nanomaterials and nanosensors for chemical and radiological warfare agents.

We also thank him for his support of this partnership and work on this important legislation.

Ms. STABENOW. Mr. President, I thank the ranking member for his support of this partnership and my colleague for joining me in this colloquy.

DEPARTMENT OF ENERGY—STATE ENERGY CONSERVATION PROGRAM

Mr. INOUYE. I would like to engage the chairman of the subcommittee, Senator DOMENICI, in a brief colloquy on the subject of the State Technologies Advancement Collaborative, commonly called STAC, a program in the energy efficiency portion of the Department of Energy appropriation.

Mr. DOMENICI. I would be pleased to enter into a colloquy with the Senator from Hawaii, Mr. INOUYE, a member of the subcommittee.

Mr. INOUYE. The STAC program is a collaboration among two State organizations and the Department of Energy, initiated by an agreement among the parties in November of 2003. The program was to be a 5-year pilot of a joint planning process between the States and the Department, resulting in projects that were multistate collaborations across the country, of interest to both States and the Federal Government, and cost-shared by the State at no less than 50 percent To date the program has had two competitive solicitations for projects, resulting in almost $24 million in buildings, industry, transportation, distributed generation and fossil energy activities, with over $12 million of that amount being provided by the States. These projects involve 36 different States.

Mr. DOMENICI. As you know, the comprehensive energy legislation that the Senate recently passed authorizes this program.

Mr. INOUYE. I am aware that the energy legislation does that, and I thank the chairman for including such support in the Energy bill. Despite the support of Congress for this program in the past, and in the Energy bill, no funds are provided for the program in the Energy and Water appropriation now before us. This highly leveraged, efficiently managed program, with wide participation from the States, will not continue, even with the language included in the Energy bill, without strong support from the appropriations process. Would the chairman consider including such support for the program in the conference agreement on the Energy and Water appropriations bill by directing the Department to provide funds out of its regular programs at the level no less than the level Congress supported in the fiscal year 2005 appropriation for the program?

Mr. DOMENICI. I would like to assure the Senator from Hawaii that I will work with him to ensure that this program will be considered in conference.

Mr. INOUYE. I thank the chairman for his consideration and for his support of programs important to the States.

Mr. REED. Mr. President, I rise to engage in colloquy with the distinguished chairman and ranking member of the Energy and Water Development Subcommittee of the Committee on Appropriations. I commend them for putting together a bill that provides critical support to our Nation's waterways while promoting energy conservation and protecting our environment.

One of the important programs funded by this legislation is the Department of Energy's Weatherization Assistance Program, WAP, which promotes energy conservation and reduces utility bills for low-income Americans by supporting home weatherization. I want to share with the chairman and ranking member my concern with language on page 122 of the committee report that calls for the consolidation of six DOE regional offices that are used by the Office of Energy Efficiency and Renewable Energy to reach out to State and local weatherization programs.

State energy officials, as well as nonprofit organizations, involved in weatherization across the country have expressed concern that the proposed consolidation would reduce the effectiveness of the WAP and the State Energy Program. DOE Regional Office Weatherization Project Managers currently review and approve State plans and determine whether all requirements of WAP have been met. They provide day-to-day oversight of grants, including monitoring performance by the States against their plans, and they provide technical assistance to DOE Headquarters and the States with regard to special projects, regional training and technical assistance, and resolution of issues among States and local service providers.

I share the concerns of weatherization program managers and state energy officers across the country that it would be unwise to remove this valuable network of DOE personnel that has served the regions so well. At the same time, I recognize the subcommittee leadership's desire to develop a cost effective outreach plan that will maintain the level of service we enjoy today and have a minimal impact on DOE's dedicated public servants. I hope the Chairman and ranking member can work with me as the Energy and Water Appropriations bill moves to conference to preserve the important role of regional DOE staff in a variety of programs, including the Weatherization Assistance Program and the State Energy Program.

Mr. DOMENICI. Mr. President, I appreciate the concerns the Senator from Rhode Island has raised and assure the Senator that I will work to find a solution that does not diminish services and recognizes the concerns of State and local weatherization program managers.

Mr. REID. Mr. President, I second what the chairman has just stated and commit to work with the Senator from Rhode Island during conference to address his concerns. I am confident we can find a way to continue to support local and State weatherization efforts and the State energy offices that have depended on the guidance provided by DOE regional offices.

REGULATORY OVERSIGHT OF ENERGY FUTURES MARKETS

Ms. CANTWELL. Mr. President, I rise today to discuss regulatory oversight of energy futures markets. Would the distinguished chairman of Agriculture Committee engage me and the Senator from California, Mrs. FEINSTEIN, in a colloquy on this subject?

Mr. CHAMBLISS. I would be pleased to enter into such a colloquy.

Ms. CANTWELL. Senators FEINSTEIN, LEVIN, and I have raised serious concern about off exchange futures transactions in energy commodities under the jurisdiction of the Commodity Futures Trading Commission. In the wake of the Western energy crisis, we believe that there needs to be adequate Federal authority over these energy markets and that they be more transparent in order to prevent fraud and manipulation.

Mrs. FEINSTEIN. It is our understanding that the Agriculture Committee is considering a CFTC proposal to clarify that its antifraud authority in the Commodity Exchange Act clearly covers principal-to-principal off exchange transactions and a second CFTC proposal to clarify its existing authority to bring civil and administrative actions, including false reporting cases. We would also hope that the committee would add language to clarify that exempt energy transactions are subject to the CFTC's antimanipulation and false reporting authorities.

It is our hope that the Agriculture Committee will include these proposals in legislation when reauthorizing the CFTC this year. However, should the committee report a mark that does not include similar provisions when placed on the Senate Calendar, we would like assurances from the chairman of the Agriculture Committee that we will have the ability to offer an amendment to address these issues when this bill is considered by the full Senate.

Mr. CHAMBLISS. I am willing to consider your proposals as part of the reauthorization of the Commodity Exchange Act. In addition, you have my assurance that I will work with the leadership to accommodate the Senators' desire to address these issues when this matter comes before the full Senate.

Mr. REID. Mr. President, our water resources contribute mightily to our Nation's economic at environmental well-being.

Ports and waterways are integral to our national transportation system that contribute $718 billion to the Nation's gross domestic product while ensuring domestic and international trade opportunities and safe, low-cost and eco-friendly transportation of import products.

While some consider it an anachronism in the age of e-commerce, the system remains vital to a broad swath of the economy, carrying everything from consumer goods, steel, coal, fertilizer, salt, sand, gravel, cement, petroleum and chemicals, to the wax for coating milk cartons.

The U.S. maritime transportation system moves more than 60 percent of the Nation's grain exports and 95 percent of the Nation's imports. We cannot be competitive in world trade if we don't maintain efficient and reliable transportation.

Much of the infrastructure was built early in the last century. It's showing the effects of time and, according to some, of neglect. Old equipment takes longer to repair, and it's more vulnerable to nature's extremes.

Earlier this year, unusually heavy winter rains swelled rivers and caused a series of accidents, including one on the Ohio River in which a towboat pushing six barges sank after passing through a lock near Industry, PA.

After the accidents, General Electric Co.'s plastics division had to halt chemical operations at a plant in Washington, WV, because barges carrying butadiene, a key raw material, couldn't get through. The GE plant, which makes plastic used in phones and laptops, continued other production processes during the disruption.

Consol Energy Inc., based in Pittsburgh, moves about a third of the 68 million tons of coal it produces each year by water, with most of that going directly to power plants. After the recent accidents, the company told customers it was invoking the force majeure clause in its contracts, which indicates it won't be able to fulfill its obligations because of circumstances beyond its control.

Costs associated with problems on the waterway network, which carries about 13 percent of U.S. intercity freight annually, can be hard to measure. Towboat companies say it costs them hundreds of dollars an hour to have their vessels sitting idle with barges that can't move.

I was recently told about a port on the Texas coast where bauxite is shipped in to the local aluminum plant. Dredging of this port has not been a priority for the administration due to their budgetary criteria so it has not been dredged on a regular basis. For every inch that the ships have to be light loaded to enter the port, it costs the shipper $180,000. In other words, for every foot of authorized depth not provided here it cost the shipper nearly $2.2 million dollars. If one assumes at least one shipment per week, lack of dredging costs the shipper more than

$100 million annually. Ultimately this cost is passed on to you and me in the form of higher prices.

The routine inspection of a lock in Greenup, KY, in September 2003 was supposed to close the facility for 3 weeks. When the inspectors found bad decay, the shutdown stretched to 2 months. Companies could continue using a much smaller auxiliary lock at that location to keep moving some goods, but that meant major delays. The U.S. Army Corps of Engineers, which oversees and maintains the waterways, studied that closure and found the cost of delays to towing companies alone totaled about $14 million.

Big companies like U.S. Steel Corp., DuPont Co. and Archer-Daniels-Midland Co. make extensive use of the inland waterway system, and usually don't have easy alternatives. The rail- and truck-freight systems, which carry about 45 percent and 33 percent, respectively, of U.S. intercity freight, are near capacity and much more costly. Moving materials by barge is about a tenth the cost of using trucks, and two-thirds that of rail.

Many of the facilities are at the fatigue point now, where they need major rehabilitation.

Each year, the U.S. spends about $500 million on operations and maintenance, including dredging channels of the inland waterway system. The budget for maintenance has held roughly steady in inflation-adjusted dollars for three decades. The fact that the system has held together as well as it has is a tribute to the foresight and ingenuity of those that made the investments in these structures.

Ports are our gateways to international trade, and their channels must be enhanced and maintained to accommodate the new generations of ships sailing to our shores.

Our flood damage reduction program saves lives and prevents almost $8 in damages for each dollar spent.

Corps hydropower facilities supply 24 percent the hydropower generated in the United States.

Shore protection projects provide safety from hurricanes and other storm events for transportation, petroleum and agriculture infrastructure around our coastal waterways and deltas as well as recreational benefits, returning $4 in benefits for each dollar invested.

Projects for water supply, irrigation, recreation and wildlife habitat provide innumerable benefits.

Investing in water resources sustains economic growth and the American worker, directly eases growing congestion on our Nation's roads and railroads and provides a finer quality of life.

Recently, the American Society of Civil Engineers gave the Nation's water a "D−"—their lowest grade—because of their steadily deteriorating condition and reliability.

Our Nation simply cannot afford for this trend to continue. The administration, whether Republican or Democrat, has consistently refused to provide the resources necessary to reverse the decline in our infrastructure.

For fiscal year 2006, the Senate has asserted leadership in reversing this trend. The Senate Bill provides $5.3 billion for the Corps of Engineers.

The Senate has included $180 million for the Corps' general investigations program. This account funds nearly all studies that the Corps undertakes to determine the technical adequacy, environmental sustainability and economic viability of water resource solutions. The funding will provide the Corps with a robust national program as opposed to the paltry $95 million proposed in the administration's fiscal year 2006 budget request.

The Senate bill includes $2.087 billion for the Corps' construction account. This account provides funding for construction of the water resource solutions authorized by the Congress. The Senate has provided nearly $450 million more than the administration's fiscal year 2006 request. These additional funds will allow the Corps to make substantial progress on projects recommended by the budget as well as all of the ongoing projects that the administration chose not to fund.

The Senate bill includes $2.1 billion for the operations and maintenance account. This is about $121 million more that the President's fiscal year 2006 budget request and will allow the Corps to restore routine levels of services at Corps' facilities and provide dredging for projects that the administration has designated as low use.

The Senate bill rejects the budget proposals from the administration concerning multiple year contracting and direct funding of hydropower maintenance by the Power Marketing Administrations.

The Senate bill also recommends that the administration and the Corps go back to the drawing board on the process that they use to determine which projects should be budgeted. The current process introduces too much uncertainty into the project development process.

The administration needs to honor the commitments that they have made to local sponsors. The sponsors need the certainty that if they get their funding for these projects, the Federal Government will meet their commitments.

Finally, the Senate bill reaffirms the need for the Corps to be able to manage their program in an effective and efficient manner. The ability to reprogram project funds and the use of continuing contracts are a necessary part of this overall management strategy.

The Senate has produced a balanced and fair bill for the Corps.

Thank you Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill. The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

Mr. McCONNELL. The following Senators are necessarily absent: the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SPECTER).

Further, if present and voting, the Senator from Kentucky (Mr. BUNNING) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

I also announce that the Senator from Connecticut (Mr. LIEBERMAN) is absent due to death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 3, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—92

Akaka
Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Stabenow
Stevens
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—3

Coburn
McCain
Sununu

NOT VOTING—5

Bayh
Bunning
Lieberman
Mikulski
Specter

The bill (H.R. 2419), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. CRAIG. Mr. President, I move to reconsider the vote.

Mr. FRIST. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House and the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer appointed Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mrs. HUTCHISON, Mr. ALLARD, Mr. REID, Mr. BYRD, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. INOUYE conferees on the part of the Senate.

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent that there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The minority leader.

UNANIMOUS CONSENT REQUEST—VETERANS APPROPRIATIONS

Mr. REID. Mr. President, I ask unanimous consent that when the Senate receives from the House the emergency supplemental bill for veterans health care, the Senate proceed to its immediate consideration; that if the bill is less than $1.5 billion, all after the enacting clause be stricken and the text of the amendment as authorized earlier today by the Appropriations Committee to include the full $1.5 billion as passed by the Senate yesterday by a vote of 96 to 0 be agreed to; that the bill as amended be read a third time and passed and motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. FRIST. Mr. President, reserving the right to object, let me take a moment to review where we are. On Wednesday afternoon, on a bipartisan unanimous basis, we passed the Santorum amendment to address the funding shortfall, the surprise funding shortfall, of the Department of Veterans Affairs. Based on the very best information we had 48 hours ago, the amendment was passed at an appropriated $1.5 billion to address the critical health care needs at the Department that had been underfunded as a result of some erroneous calculations of the use and need by our veterans. This money is available to be spent in this fiscal year as well as the next.

In the interim, the administration, working aggressively, refined that estimate for the Department in this fiscal year, fiscal year 2005, and this morning or about 12 hours ago, Thursday morning, informed the House of Representatives that it would be best to appropriate $975 million for these veterans' health care needs for this fiscal year now on an emergency basis.

Tonight, not too long ago, the House passed that request, which was one of the quickest actions on a spending need since the Budget Act became law now 30 years ago. However, and this is important, the administration has not yet been able to adequately define and hone the specific estimate of the extra need for the year 2006.

I have been informed that this work for ensuring an accurate report for Congress for money in fiscal year 2006 is ongoing right now by the Department and by OMB, the Office of Management and Budget. Therefore, it is my expectation that within the next few weeks the administration will give us, will transmit a budget amendment to Congress, which will accurately detail the precise amount of money that the administration needs, or believes that they need, for funding these veterans' health care needs for fiscal year 2006. That request, I understand, is likely to be large and could be even larger than what we approved now on Wednesday.

Once we have that information in hand and know that it is accurate, we can call up the House bill which contains funding for this fiscal year and then add that necessary funding for the next fiscal year and then send it back to the House. That would be a very quick course of action. Or we could take that accurate number, once determined, and in conference with the House, adjust the amendment that we passed yesterday. Finally, we could take that accurate number, incorporate it into the appropriate subcommittee fiscal year 2006 legislation.

I mention these options—and there may be even other options as well—to cure the problem. I look forward to working with the distinguished chairman of the Veterans' Affairs Committee to ensure that the administration gives us accurate information for next year, as well as the appropriations subcommittee chairman, as well as the leadership of the House and the administration.

So before the Chair asks again if there are any objections to the unanimous consent, let me just turn to the chairman of the Veterans' Affairs Committee to see if there is a comment.

The PRESIDING OFFICER. The minority leader.

Mr. REID. Mr. President, first let me say that I am surprised that the distinguished majority leader is surprised at what the Veterans' Administration and the administration has talked about today of what they need. We have been, for months, talking about the shortfall with the Veterans' Administration, months—not weeks, not days but months. We have had three votes, two in committee and two on the Senate floor, where we, the minority, have begged for more money for our veterans.

It seems somewhat unusual to me that approximately 24 hours ago, the Senate unanimously passed a $1.5 billion supplemental for veterans for health care. We just did it. The House Republicans have again shortchanged our veterans by reducing this number by over $500 million. We will insist on a right to amend the bill to bring it to the full $1.5 billion mark. This is the same amendment which the Senate Appropriations Committee, on a bipartisan basis, unanimously authorized the chairman and ranking member to offer to the House supplemental, should it arrive here below the $1.5 billion mark. This is the real world we are in.

Now, I also say this: We are depending on the Office of Management and Budget and the Veterans' Administration at this late hour? Would it not be terrible, would it not be awful, if the veterans got a little too much money? What is this, some game that we are playing? We are playing with the lives of people.

In Las Vegas, we have people waiting as long as 11 months to get into a hospital to have some of the radiology work done. We learned yesterday that they are literally borrowing from Peter to pay Paul, they are robbing the capital accounts with the Veterans' Administration.

As we speak, we have about 140,000 troops in Iraq. They are being worked back all the time, and these people who come home need help, in addition to World War II veterans who need help.

Why don't we have the House Republicans meet their responsibilities? And why at this late hour are we trying to protect the White House when this body voted by a unanimous vote, everybody in the Senate voted for this? Yet we had a unanimous vote in the Appropriations Committee authorizing the chairman and ranking member to do the exact thing that I have asked to do.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I am happy to yield for a question.

Mr. DURBIN. Through the Chair, I would like to ask the Senator from Nevada a question.

The PRESIDING OFFICER. The Senator will suspend. The unanimous consent request is pending. Is there objection?

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, at this late hour it is interesting to me that, having had the House and the Senate speak in two different voices on the same issue in less than 24 hours, we would stand here and determine exactly the right thing to do.

The $1.5 billion that we voted on yesterday is a figure I and my staff came up with. I happen to be the Republican chairman of the Veterans' Affairs Committee. But, having said that, the ranking Democrat Member, DANNY AKAKA, agreed with that. Senator PATTY MURRAY had been out front on it early on. I told her at the time I didn't know if our figures were right, and if we were wrong we would correct them.

We can point a lot of fingers, but here are some realities. We have increased the veterans budget nearly 10 percent every year for the last 4. I said on the floor yesterday and I will say it again tonight, because it cannot be disputed, whether it was a Democratic President or whether it was a Republican President, the fact is they almost always underfunded veterans. It was the Congress in a bipartisan vote that funded it accurately and adequately. For those percentages of increase over the last several years, Democrats and Republicans alike stood together to do it and we produced a high-quality health care system.

No veteran who is qualified today is being denied. No veteran tonight, with the now shortfall, is being denied. The reason they are not being denied is quite simple. We are borrowing interagency accounts to address the immediate shortfalls. And as we do that at the administration level, the Congress, the Senate, the House, are seeking to replenish those funds.

There is a difference of opinion here, not between Democrats and Republicans, but between the Congress and the administration. We are working that out.

I hope, and many of my colleagues on the other side agree, that when we return from the July 4 break, with a request of OMB to have those figures accurate, we can address this in an accurate way. I believe we are right. I believe the $1.5 billion is an accurate figure. But we agreed in a bipartisan way to say that those moneys shall be spent in 2005 and 2006, that there would be carryover money passing through in a seamless way from those two fiscal years.

If we do what the minority leader, the Democratic leader asks that we do tonight, it is a political expression. It is not something that will become a functional, operative bill.

The House is out. We are about to go out. There will be no conference. We will be back to visit this again a week from now. The reason we will be back a week from now with or without action on the floor of the Senate tonight is we do not have answers to this problem. We are asking for those answers because this time I have told the Secretary, I have told OMB, and as chairman of the Veterans' Affairs Committee—Senator HUTCHISON is chairman of the Appropriations Committee and made it very clear, and my colleagues on the other side of the aisle are backing us on this—we will get the right figures and we will do it right.

Now, with the new progressions, now with the growth rates understood, now with the incoming out of Iraq and Afghanistan and those numbers clearly understandable, we will serve them as we have been serving them and no veteran so qualified will be denied.

That is what this Congress has done responsibly year after year and that is what this Congress will do. The Senate has acted. But in this hour there is nothing we can do, nor in this instance should do. In that time, no veteran will be denied service.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. It is interesting to hear the description given by the Senator who is the chairman of the veterans' committee. It is also interesting to put it in the context of where we have come over the last few days.

The amendment on the floor just a few days ago when the shortfall was noted on a bipartisan basis from Senator MURRAY was an amendment less than the one adopted. It was $1.4 billion. The Senator, the chairman of the committee, as well as others, came together on a bipartisan basis and said, That is not enough. That is not enough, $1.4 billion will not meet the shortfall. By our best estimate, they said 24 hours ago or whenever we debated it, we need more, we need $1.5 billion. And we acceded to your knowledge of the agency and your knowledge of its need and came together on a bipartisan basis—I believe the vote was 96 to nothing—and said that is exactly what we will do, $1.5 billion.

Then while we barely finished this work, the House came back and said no, the figure is $975 million or whatever number they came up with, dramatically less than what we had approved.

It strikes me as interesting that we are going to back off of our best estimate and say let's err on the side of less money for the Veterans' Administration. Why wouldn't the Senate be holding fast to its position? Why wouldn't the Senate be holding fast to its position and say we believe $1.5 billion is the right number still, as we believed 24 hours ago when we voted on it? Why do we want to back off at this point and say it must be that much less?

It strikes me, unless there has been a dramatic infusion of new information and knowledge, that we are acceding to the House of Representatives because they have decided to go home.

Mr. REID. Regular order, Mr. President.

Mr. CRAIG. Will the Senator yield?

The PRESIDING OFFICER. Regular order has been called for. Is there objection?

The majority leader.

Mr. FRIST. Reserving the right to object, and I will be brief, just listening to the conversation, I ask the minority leader's unanimous consent agreement be modified to simply clear the House legislation for 975, and that the House bill be considered read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The minority leader.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, with all due respect to the distinguished majority leader, my friend, I will not agree to the modification. I am standing on the unanimous consent request I offered a few minutes ago.

The PRESIDING OFFICER. Is there objection?

Mr. FRIST. I object.

The PRESIDING OFFICER. The question is on the original request by the minority leader for the unanimous consent.

Mr. FRIST. I object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, for the short term, we have a problem that we will resolve when we return a week from now. By then I hope we have accurate figures, so that we can do as I think the Senate wants to do, and as the unanimous consent of the Senate expressed the other evening. At this late hour, all we could do is make a political expression. We could not resolve an issue. I think we are all intent on resolving a very important issue for the sake of our veterans. We hope to have those numbers, and I think we will. Those requests have gone to OMB, to see what their figures are, as I work with the Veterans' Administration, as appropriators do to make sure we have those accurate figures. I think all of us this time want to get it right. I know this Senator does.

I yield the floor.

TRIBUTE TO BERNARD A. "TONY" GOETZ

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to a Kentuckian who has spent much of his life dedicated to improving access to healthcare and educational opportunities for the people of the Commonwealth. Today, I ask my colleagues to join me in honoring Owensboro native, Mr. Bernard A. "Tony" Goetz, as he prepares to begin a new chapter in his life—retirement.

I have had the pleasure of working with Tony on several different occasions, particularly through his tenure at the University of Kentucky where he served as Associate Dean of the College of Medicine and later as Director of Government Relations. In addition, Tony dedicated more than half of his professional career to developing an effective alumni affairs program at UK. He also helped establish the UK Center for Rural Health, create the UK Area Health Education System and launch the McDowell Cancer Network, which later became the Kentucky Community Cancer Program.

Tony's background in healthcare education and advocacy dates back to 1965, when he first served as executive director of the Owensboro Council for Retarded Children. He then served as executive director of the Blue Grass Association for Mental Retardation. In his next two jobs, Tony served as chief executive officer of the Bluegrass Regional Health Planning Council, Inc. and the East Kentucky Health Systems Agency, Inc.

Continuing his pattern of selfless service, Tony most recently worked in the Office of the Governor in Frankfort, KY. For the past two sessions, he has served as liaison between the Governor and the Kentucky General Assembly, combining his legendary affable nature with encyclopedic command of details he helped the Commonwealth move forward on a number of legislative fronts. Though his employers and responsibilities have changed over the years, it is obvious that Tony was instrumental and effective at every position he held. He balanced many duties and he performed each of them with tremendous skill. I ask my colleagues in the Senate to join me in honoring Tony Goetz for his dedicated service. I wish him well in retirement.

EULOGY TO FORMER SENATOR JAMES EXON

Mr. REID. Mr. President, I ask unanimous consent that the eulogy given by former Senator Bob Kerrey at the funeral of our late colleague, Jim Exon, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EULOGY FOR SENATOR JIM EXON

(By Bob Kerrey)

To Governor Dave Heineman—I thank you for the wisdom and the generosity to allow these services to be conducted in the rotunda of this capitol that Jim Exon loved so much. It is a precedent worthy of the risk.

To the family of Senator Jim Exon—I pray your pain will pass and become a loving memory. I hope you will always feel pride to have known this great man so well.

To his friends, both in attendance and not—let us count our blessings that we were so fortunate that he cared for us.

To his colleagues who have left their work in the Senate to travel to Nebraska to pay tribute to one of their own: Senators HAGEL and NELSON, Leader REID, Senators BINGAMAN, LEVIN and AKAKA—thank you for honoring Jim in this way.

To the lawyers present—I apologize for I must begin my eulogy to Jim Exon with a lawyer joke. It is, I assure you, the least offensive one he ever told me. A doctor, a teacher, and a lawyer are killed in an automobile accident and find themselves at the gates of heaven at precisely the same time. Saint Peter is in an unusually good mood and asks them each a very easy question: how much is 2 plus 2? In turn the doctor and the teacher give the correct answer and are granted entry through the pearly gates. The lawyer hesitates, pulls Saint Peter aside and whispers: "What do you want it to be?"

This was a question Jim Exon never asked. He always added up the numbers and gave them to you straight whether or not you liked the answer.

He was born on August 9, 1921. It was a bad day for his St. Louis Cardinals; they lost to the Brooklyn Dodgers 8 to 7.

Each of us is influenced—though by no means limited—by the circumstances of our births. Jim Exon was born the same year that Adolf Hitler became Chairman of the Nazi Party. In that year the United States officially ended World War I and signed a peace treaty with Germany. Radicals Sacco and Venzetti were found guilty of murder by a Massachusetts judge. The Tomb of the Unknown Soldier was dedicated by President Harding at Arlington Cemetery on November 11, Armistice Day. In South Dakota, where Jim was born, scientists held a conference that summer to discuss the unrealized potential of electricity.

He was eight years old when the stock market crashed and the Depression officially began. He was witness to the dust storms and the terrible consequence of the loss of that top soil. He came of age when the possibility of an economic revolution was real, when the New Deal became a salvation and a political way of life for many who believed that FDR had saved their lives.

He was a teenager when the lights came on in two-thirds of Nebraska thanks to rural electrification. He remembered the enactment of Social Security legislation and the hope which the WPA and the CCC gave to grown men and women who had given up.

He was twenty years old when Japan invaded Pearl Harbor. In a single day the naive innocence which had propelled our twenty year disarmament came to a sudden and terrible end. The United States had steadfastly stayed out of the war trying at all cost to avoid this conflict. Thus it was that he came of age at a time when losing our freedoms was not political rhetoric but a real possibility. He knew the terrible price of weakness and isolation.

Both of these big events—the Depression and the Second World War—defined Jim Exon. They explained a lot about who he was, why he took the political and economic positions that he did, and why he always seemed so grateful to be alive and an American. It explains why he didn't complain, why he seemed to take whatever came his way in stride, and why he talked little about the hardships he had so obviously endured. Most of all it explains his values: a lifetime commitment to Pat, his children and his community, and his unrelenting desire to make life a little better for everyone.

The events of Jim Exon's youth explain a lot about Jim Exon, the man. But one thing remains a mystery to me: Where did that laugh come from? I have never heard anything quite like it. It was more like a duck call than a laugh. But, like so many other things about Jim Exon (his pipe, his short sleeve shirts, his big ears) his laugh added to his authenticity. He was a man who never caused you to wonder: what's he thinking? What you saw was what you got with Jim Exon. Except that some people saw this large, big wristed son of the high plains and concluded that he was a rube who could be easily fooled. The thing is Jim Exon could tell when someone was underestimating him and he'd turn it into his advantage—either for fun or the benefit of Nebraskans.

He came to New York City once to visit a number of people, including the New Deal economist Eliot Janeway. Arriving in Mr. Janeway's plush offices Governor Exon saw from the look on the receptionist's face that she was a little taken aback by his look. So, after asking directions to and using the bathroom, he returned to comment to a startled receptionist how wonderful it was to find a place with indoor plumbing.

"That's something we don't have back in Nebraska. And what are those white porcelain bowls hanging on the walls?"

After she explained their function and he exclaimed that he was going to have one installed in the Governor's mansion when he returned to Lincoln, she realized she was being put-on.

Basin Electric in Wyoming was not so lucky. As Governor, Jim had persuaded his friend Attorney General Paul Douglas to bring a lawsuit against the State of Wyoming over a water dispute involving Wyoming's decision to grant a permit to Basin Electric for a new power plant. Negotiating in private Governor Exon emerged with an agreement which created the Sandhill Crane Trust on the Platte River near Grand Island. The net for Nebraska has been hundreds of millions of tourism dollars and sufficient stream flow to guarantee the preservation of an ancient wild bird flyway.

This conservation ethic produced a locally famous encounter at Valentine High School shortly after I arrived in the Senate. Senator Exon had introduced legislation to designate a portion of the Niobrara River as "scenic," which would limit development—something that Cherry County residents are not known for favoring. I suggested to Jim that we schedule a town hall meeting in the high school and invite opponents and supporters to give us their views.

Needless to say few of the latter showed up. In fact we were welcomed at the door of the school by two cowboys on horseback who turned their horses as we approached. In doing so we were able to see hand painted signs they had hung from their saddles. One said Senator Exon; the other said Senator Kerrey. Both had arrows pointed down at the horses' rear ends.

A humbling moment.

As humbling as when he and I first met in 1982. As a relatively unknown candidate for Governor, I wanted to get a photograph of Senator Exon and myself to include in my campaign brochures. Upon meeting him I was surprised how tall he was and even more so when the film was developed. I looked like a small imitation of the real thing standing next to him. In order to use the image I chose to turn the negative slightly when it was printed making us appear a little closer in stature.

Truth is I had to do a lot of that during my sixteen years in elected politics when standing next to him.

What impressed me most about Jim Exon was that he never let his size or his power inflate his personal opinion of himself. Remarkably and gratefully he never lost his humility. He never stopped typing notes to Lenny in the cloakroom about some baseball detail that only he knew. He never stopped returning the calls of friends who had helped him get started or he knew along the way. He began and ended the same.

He made friends with rich and poor alike, with the powerful and the powerless. He could count half a dozen Presidents he had met, including President Bill Clinton with whom he was especially close. They were all the same to him—just another human being with a range of strengths and weaknesses.

He left behind a big and lasting legacy. Balanced budgets, stronger defense, land conserved, rural communities healthier, better schools and jobs, and a more just America. Beyond those accomplishments was something more important. To all of us who met him, knew him, respected and loved him, he was like Jimmy Stewart in "It's A Wonderful Life." Our lives and the places we call home would not have been the same without him. Governor, Senator, Big Jim, J.J. Exon died on Friday at 8:30 p.m. on June 10, 2005, after the Cardinals had secured a 7 to 1 victory over the New York Yankees. For him a perfect ending to his life on this earth.

INTERIOR APPROPRIATIONS

Mr. BYRD. Mr. President, yesterday I voted for both of the amendments offered by Senators BURNS and BOXER in relation to studies that test pesticides on humans. I believe that they are both partially right. We should not cut off vital products from the market that are needed and used in our homes, businesses, and farms. Using the best available scientific data is essential in assuring the public that these valuable products are safe and also readily available. Senator BURNS's amendment would support a thorough review of human dosing studies to make sure that they comport with certain conditions and would report back to the authorizing committees as well as the Appropriations Committee.

At the same time, the EPA should establish strong scientific and ethical standards on studies that expose people, especially young children, to various pesticides, fungicides, and other toxins that are used in commerce. I am concerned that the now-halted study on small children from Jacksonville, FL is an irresponsible example of how to conduct such reviews. Strong standards should apply both to the agency's own studies as well as to third-party studies. Important questions have been raised about the protocols and guidelines of certain studies, and therefore it is only prudent to step back for a year to scrutinize that process. For this reason, I voted for the Boxer amendment.

I hope that the study required by the Burns amendment will be carried out in a timely and responsible way and provide the necessary information so that approach decisions can be made about the Environmental Protection Agency's rule-making standards applying to the studies human dosing and their toxic effects.

RETIREMENT OF ROBERT ABBEY

Mr. REID. Mr. President, I rise today on the occasion of his retirement, to honor the 27 years of public service of Robert V. Abbey of Reno, NV. Bob hails originally from Mississippi. He was born in Clarksdale and earned his Bachelors Degree in Resource Management at the University of Southern Mississippi. Over the past 8 years, I am proud to say he has become a Nevadan.

Bob began his public service working for the U.S. Army Corps of Engineers. Later he moved to the Bureau of Land Management where he has distinguished himself as a dedicated land manager, visionary leader, and exceptional citizen.

Bob's early career at BLM included tours of duty as a budget analyst in Washington D.C.; assistant district manager in Yuma, AZ, district manager in Jackson, MS; and associate and acting state director in Colorado. Since the fall of 1997, Bob has served as the Nevada State director of the BLM. His job may very well be the toughest in Nevada and perhaps in the ranks of the BLM; in any case, it is among the most important for both.

Although his address has changed many times during his career, his commitment to public lands and public service has never wavered. The West and Nevada are better for it.

Today, Bob Abbey leads a staff of 750 employees who manage 48 million acres of public land in Nevada. He has led the Nevada BLM during an exciting and historic time. Increased public land use, record population growth, evolving management mandates and shrinking budgets represent just a few of the challenges facing the Nevada BLM. Bob Abbey has handled every difficulty with grace and vision.

During his tenure, Bob directed the implementation of the Southern Nevada Public Lands Management Act. This is no small task given that Clark County, NV leads the Nation in sustained growth and development and ever increasing recreational use of public lands.

Bob and his staff also helped me and the other members of the Nevada Congressional Delegation in the development of the Clark and Lincoln County land bills. These bills were among the most significant public lands legislation in the 107th and 108th Congresses, respectively, and Bob's leadership helped make them possible.

Bob's motto that we have more in common than our differences has set the tone for the best working relationships between Federal land managers and Nevadans in my memory. He has inspired his employees to solve problems, take pride in their work, and serve the public with distinction. The results serve as testament to his character, courage, and conviction.

At the end of next week, Bob Abbey will retire from Federal service with a remarkable record of achievements. But perhaps his greatest contribution as a land manager will come to fruition while he is enjoying his retirement with his wife Linda.

After wildfires devastated vast swaths of rangeland in Nevada and other Western States in 1999 and 2000, Bob played a key role in crafting a blueprint for rangeland and ecosystem restoration in the West. The so-called Great Basin Restoration Initiative is a grand vision and roadmap for healing the landscape in Nevada. Unfortunately, to date, the BLM and Department of Interior have yet to match Bob's vision with appropriate funding. It is my hope that this is a temporary delay and that one day soon, a thriving Great Basin ecosystem will serve as the enduring legacy of Bob Abbey's public service.

Although I regret that Bob Abbey is retiring, I know I speak for thousands of Nevadans when I thank him for his exemplary public service and wish him well with his future endeavors. We know Bob has made Nevada and our Nation a better place.

TRIBUTE TO CARLOS A. GARCIA

Mr. REID. Mr. President, it is with great pleasure that I say farewell to one of Clark County's most effective and innovative superintendents, Carlos A. Garcia.

I have worked with Carlos for several years and have had the pleasure of seeing first-hand his work as superintendent of Clark County schools, the fifth largest school district in the Nation.

I believe that one of the reasons he has acclimated so well to Clark County, and Las Vegas in particular, is because he grew up in Los Angeles. After graduating from high school in L.A., he earned bachelor's and master's degrees from Claremont College and an administrative credential in educational administration from California State University.

He developed experience as a teacher and principal in California. After several years, including serving as principal at a National Blue Ribbon School, he eventually became the superintendent of the Fresno Unified School District. When Carlos Garcia arrived in Clark County, he began to reorganize. He divided the county into regions; he began to address achievements and accountability; and he championed the cause of educating Nevada's young people to parents, teachers, business leaders and lawmakers.

It has been my pleasure to participate in different events and discussions with Carlos. We sat around a table with the other 16 superintendents in Nevada to discuss the No Child Left Behind Act. As a result of his organization and participation, I was able to come back to Washington with a clear idea of what Nevada's school districts needed. His leadership of the superintendents was impressive, and the mutual respect was apparent.

Together, Carlos and I welcomed 60 new teachers from the Teach for America program. As a result of this venture, I am a cosponsor of legislation that will ensure that recruiting, training, and supporting this teacher corps will be supported by the Congress. When it comes to our school children and teachers, he always has a plan and always looks toward the future.

Now, Carlos has a new future to plan: his own. I am sorry that I cannot be there to shake his hand. Thank you, Carlos, for being dedicated to providing the children of Clark County with a first-rate public education. All the best to you.

POTENTIAL SUPREME COURT VACANCY

Mr. REID. Mr. President, as the Senate prepares to adjourn for the July 4 recess, one of the most noteworthy developments is an event that has not occurred. Despite widespread speculation, there have been no announced retirements from the United States Supreme Court.

We are all aware that Chief Justice Rehnquist has faced health challenges. I am impressed with his courage and fortitude.

Many feared he would not be able to attend the January inauguration to administer the oath of office to President Bush. But there he was, braving the cold to perform his constitutional duty. Many thought he would retire from the Court long before the end of the Supreme Court term. But there he was last Monday, presiding over the Court's final session, and announcing an important First Amendment decision in which he had authored the majority opinion.

I was not a member of the Senate when William Rehnquist was nominated as an Associate Justice in 1971 or when he was promoted to be Chief Justice in 1986. He was not unanimously confirmed to either position. But the Chief Justice has won many new admirers in the Senate in recent years. We appreciate the dignity and clarity with which he has led the Federal judiciary for almost 20 years. I know I speak for all of my colleagues in commending Chief Justice Rehnquist for his tremendous service to the Court and to the country. I hope he stays on the bench for years to come.

Whenever the Chief Justice or any of the Associate Justices decide to retire, I hope and expect that the President will take seriously the "Advice" part of "Advice and Consent." This is not just about the Supreme Court. The President should seek the advice of the Senate regarding all nominees. But consultation regarding a Supreme Court vacancy is especially important.

The Court is of paramount importance in the life of the Nation. These justices deal with complex legal issues that affect the lives of all Americans. It is the final guardian of our rights and liberties.

There is a long tradition of Presidents consulting with the Senate before a Supreme Court nomination occurs.

In 1869, President Grant appointed Edwin Stanton to the Supreme Court in response to a petition from Senators and House members.

In 1932, President Hoover gave Senator William Borah a list of the candidates he was considering to replace Justice Oliver Wendell Holmes. Borah persuaded Hoover to move the name that was on the bottom of the list to the top. That candidate, Benjamin Cardozo, was confirmed unanimously.

In his autobiography, Senator HATCH takes credit for convincing President Clinton not to send the Senate potentially controversial nominees and instead to nominate individuals with broad bipartisan support. Both of President Clinton's nominees, Ruth Bader Ginsburg and Stephen Breyer, were easily confirmed with Senator HATCH's support.

Last week, 44 Senators sent President Bush a letter urging him to use the advice and consent process to unite the country behind a consensus nominee. This built on the bipartisan agreement that averted the nuclear option earlier this year. At least two of the signers of that agreement, Senators NELSON of Nebraska and SALAZAR of Colorado have separately written to the President to urge consultation. A third signer, Senator PRYOR, spoke about the importance of consultation on the Senate floor last week.

Consultation with the Senate is not an end in itself. The purpose of consultation is to help the President arrive at a consensus choice for the Court, a nominee like Sandra Day O'Connor who will bring the country together, not tear it apart.

Meaningful consultation will ensure judges who are fair and independent and who are committed to protecting individual rights and freedoms.

Meaningful consultation will ensure that the President's judicial nominees are highly qualified men and women whose views are within the broad constitutional mainstream.

And meaningful consultation will help us avoid a divisive episode like we saw over the nuclear option. There are too many important issues facing this country to waste the Senate's time fighting over radical extremist judges.

I recently had the opportunity to meet with the White House Counsel, Harriet Miers. Ms. Miers made clear that the White House is not yet prepared to engage in formal consultation with us regarding a possible Supreme Court vacancy because there have been no announced retirements from the Court. I respect that position.

When a vacancy does arise, the President should obtain the views of Senate Democrats about individuals under consideration for appointment to the Court, consistent with the advice and consent clause of the Constitution.

Let me be clear: real consultation does not consist of the White House asking Senators for the names of individuals we think should be considered for appointment to the Court. I am happy to provide such names, but that is not enough. Meaningful consultation under the advice and consent clause means that the President presents the names of individuals he is seriously considering and seeks our views on those candidates.

And of course the nomination of a candidate is just the beginning of the Senate process. There will be comprehensive hearings in the Senate Judiciary Committee, and a thorough debate in the full Senate. Any advice that Senators provide to the President in advance of a nomination is of course subject to review in light of information that comes out during the confirmation process.

As the President considers the range of individuals who might be considered for the Court, I hope he will not limit his search to sitting Federal judges. History demonstrates the value of considering individuals who have achieved prominence in civic life outside of the judiciary. In this century, such diverse figures as former President William Howard Taft, Alabama Senator Hugo Black, and California Governor Earl Warren have served with distinction on the Court.

The Senate may be especially fertile ground for finding a Supreme Court justice. Including Justice Black, some 14 Senators in American history have served on the Court. A current or former Senator would bring an important perspective to the Court's understanding of legislative history, and the need to strike a balance between the will of the majority and the rights of the minority in our society.

I have discussed publicly a number of current Senators who I believe are worthy of the President's consideration. Each of these Senators possesses relevant legal experience and enjoys the respect and admiration of fellow Senators.

Above all, I urge the President to work with the Senate at the appropriate time to identify a consensus nominee who can unite the country. With our country at war and our economy facing challenges, we don't have time for controversial, confrontational judicial nominations. We need cooperation and consensus.

Our Founding Fathers were brilliant to give the executive and the legislative branch shared responsibility for choosing members of the judicial branch. When properly executed, this division of labor ensures that our judges will be independent, and our rights will be protected.

HONORING MERITORIOUS UNIT COMMENDATION TO PORTSMOUTH NAVAL SHIPYARD

Ms. SNOWE. Mr. President, I rise today to honor the best naval nuclear shipyard in America, the Portsmouth Naval Shipyard in Kittery, ME

Today, RADM Anthony W. Lengerich visited the shipyard to celebrate the Meritorious Unit Commendation presented to Naval Shipyard Portsmouth by Chief of Naval Operations Vernon E. Clark on May 12, 2005.

The Commendation in part reads as follows:

> The personnel of Portsmouth Naval Shipyard and tenant activities consistently and superbly performed their mission while establishing a phenomenal record of cost, schedule, quality, and safety performance. The Shipyard embraced the One-Shipyard Initiative and is leading the transformation of our Navy's nuclear ship maintenance base through innovation . . . Portsmouth Naval Shipyard personnel established new performance levels for submarine maintenance, modernization, and overhaul work . . . The Shipyard completed six major submarine availabilities . . . (and) reduced injuries by more than 50 percent . . . Naval Shipyard Portsmouth's extraordinary performance is translating into increased U.S. Submarine Fleet readiness. By their unrelenting determination, perseverance, and steadfast devotion to duty, the officers, enlisted personnel, and civilian employees of Naval Shipyard Portsmouth reflected credit upon themselves and upheld the highest traditions of the United States Naval Service.

Today, at the ceremony marking this exceptional recognition, Admiral Lengerich told the men and women of Portsmouth Naval Shipyard:

> The Navy and the country need you to continue doing what has earned you your reputation for professionalism and patriotism. I'm talking about your work ethic, your enthusiasm, your attention to detail, your willingness to apply diligence in everything you do.

Those of us in the Maine and New Hampshire delegations couldn't agree more.

This is a shipyard that delivered six ships in a row a collective 60 weeks early, that saves $82 million over the Navy's other shipyards for each submarine refueling, and $26 million for each major overhaul, that is the Navy's only "Star" Site for safety, that exports its innovation and best practices to other shipyards.

Portsmouth Naval Shipyard has been in existence for 205 years. And while much has changed over the past two centuries, what has not changed is the shipyard workers' commitment to excellence, and the sense of each and every person there that they are contributing their own chapter to the remarkable story of Portsmouth—and to them we extend our most profound appreciation.

From its earliest days, producing wooden "ships of the line" to its time as a Navy command during the War of 1812 to its production of 133 submarines, including a record 31 in 1944, the yard has not only been a fixture on the New England seacoast, it has been a bulwark against the shifting threats to our nation and world across the span of two entire centuries.

The yard was there when the British were our enemy. This yard was there during the darkest hours of World War Two. The yard was there when the Soviet threat in the heart of Europe fueled the cold war. And it has more recently borne witness to both the fall of the Berlin Wall and the end of the Soviet empire.

Today, the Portsmouth Naval Shipyard remains as critical today as it was 205 years ago.

Ralph Waldo Emerson once wrote, "For what avail the plough or sail, or land or life if freedom fail?

This shipyard, this monument to American ingenuity, this testament to the American worker has for 205 years helped ensure that freedom will not fail. May this crown jewel of the Navy continue to exemplify Maine's motto, "Dirigo"—"I Lead".

IRAQ

Mr. KENNEDY. Mr. President, President Bush's address to the Nation Tuesday night on the war in Iraq was more of the same we have been hearing for so long.

We all agree that our men and women in uniform are serving with great skill, dedication, and courage under enormously difficult circumstances in Iraq. The policy of our Government must be worthy of their sacrifice, but unfortunately, it is not, and the American people know it.

The President chose to wrap himself in the tragedy of September 11. He spoke explicitly of the tragedy five times, and he invoked the danger of Osama bin Laden twice. He spoke about terrorists 26 times, and he spoke of terror an additional 9 times, but the American people know that the war in Iraq had nothing to do with September 11.

Even after 9/11, it is wrong for this President or any President to shoot first and ask questions later, to rush to war and ignore serious doubts by experienced military officers and experienced officials in the State Department and the CIA about the justification for the war and the strategy for waging it.

We all know that Saddam Hussein was a brutal dictator. We have known it for more than 20 years. We are proud, very proud, of our troops for their extraordinary and swift success in removing Saddam from power.

But as we also now know beyond doubt, Saddam did not pose the kind of immediate threat to our national security that could possibly justify a unilateral, preventive war without the broad support of the international community. There was no reason whatever to go to war when we did, in the way we did, and for the false reasons we were given.

The administration's insistence that Saddam could provide nuclear material, or even nuclear weapons, to al-qaida has been exposed as an empty threat. It should have never been used by President Bush to justify an ideological war that America never should have fought.

Saddam had no nuclear weapons. In fact, not only were there no nuclear weapons, there were no chemical or biological weapons either, no weapons of mass destruction of any kind.

Nor was there any persuasive link between al-qaida and Saddam and the 9/11 attacks. A 9/11 Commission Staff Statement put it plainly:

> Two senior bin Laden associates have adamantly denied that any ties existed between al-qaida and Iraq. We have no credible evidence that Iraq and al-qaida cooperated on attacks against the United States.

The 9/11 Commission Report stated clearly that there was no "operational" connection between Saddam and al-qaida.

Nonetheless, President Bush continues to cling to the fiction that there was a relationship between Saddam and al-qaida.

That is the same logic President Bush keeps using today in his repeated stubborn insistence that we are making progress in Iraq, and that we and the world are safer because Saddam is gone.

In fact, the war with Iraq has made us less safe. It has created a breeding ground for terrorists that did not previously exist. It has created a powerful recruitment tool for al-qaida, and made it harder—much harder—to win the real war on terrorism—the war against al-qaida.

Our soldiers in Iraq need more than assurances of progress from the President. They need more than a public relations campaign. They need an effective plan to end the violence, bring peace and stability to Iraq, and return home with dignity and honor.

The President did not level with our troops and the American people and offer an effective strategy for success.

The President spoke about the importance of training the Iraqi security forces, but failed to outline a clear strategy to accelerate their training and improve their capability.

The training of the Iraqi security forces continues to falter. The administration still has not given the American people a straight answer about how many Iraqi security forces are adequately trained and equipped. In the words of the Government Accountability Office:

> U.S. government agencies do not report reliable data on the extent to which Iraqi security forces are trained and equipped.

The President spoke about the importance of our reconstruction effort, but he failed to outline a clear strategy to create jobs and hope for the Iraqi people, and neutralize the temptation to join the insurgents. As of June 15, the administration only spent $6 billion—one-third—of the $18 billion Congress provided last summer for reconstruction. Of the money we do spend, it is far from clear how much is actually creating jobs and improving the quality of life. We need greater focus on small projects to create jobs for Iraqis, not huge grants to multinational corporations that create profits for corporate executives instead of stability for the Iraqi people.

The President spoke about the importance of the international community in Iraq, but he failed to suggest a clear strategy to bring in additional foreign troops to help us get the job done in Iraq.

If NATO is willing to send additional troops to help secure Iraq's borders, the President should ask them to do so. He did not.

If the United Nations is willing to send a force to help secure Iraq's borders, the President should ask the U.N. to do so. He did not.

Nor did the President offer any strategy to prevent further reductions in the forces of the international coalition. A year ago, we had 34 coalition partners in Iraq. Nine of those partners have pulled out. Today, we have just 25. American forces still make up nearly 85 percent of the troops fighting in Iraq. By the end of the year, five more countries among the largest contributors of troops are scheduled to pull out. The President said nothing about how he intends to prevent more troops in the coalition from pulling out.

The President spoke about the hard work of our troops, he urged Americans to send them letters and raise flags in their honor, but he did not assure them that they will have the equipment they need to fight the war.

More than 400 of our troops in Iraq have died in military vehicles hit by roadside bombs, grenades, and other so-called improvised explosive devices. Yet troops don't have the protective equipment they need. The Marines are still waiting for the 495 armored humvees they ordered last year.

The American people rightly believe we are bogged down in Iraq and that the President has no realistic strategy for success. A quagmire by any other name is still a quagmire. The dictionary defines a quagmire as "a complex or precarious position where disengagement is difficult." That is precisely what we have in Iraq—not because of the hard work and dedication of our military, but because of the persistent mistakes made by the President and his national security team.

No one has been more responsible for those mistakes than Secretary of Defense Rumsfeld. He has been consistently wrong about Iraq.

He was wrong about weapons of mass destruction.

He was wrong about the number of troops we would need in Iraq.

He was wrong to keep calling the insurgents deadenders.

He was wrong to send our service men and women into battle month after month without proper armor.

He was wrong to exaggerate our success in training Iraqi security forces.

A single word spoke volumes at the Senate Armed Services Committee hearing on Iraq on June 23. Secretary Rumsfeld's prepared testimony contained these words:

> In every war, there are individuals who commit wrongdoing. And there are mistakes, setbacks, and hardships.

He repeated those words to the committee with a notable exception. He left out the word "mistake."

Accepting the resignation of Donald Rumsfeld is the most important first step the President can take toward a new and more successful policy in Iraq.

Reality is difficult to swallow. Facts, as John Adams once said, are stubborn things. President Bush should face the facts and accept them.

I say this with deep sorrow and regret for our service men and women, their families, and friends. They deserve better and they deserve it now.

BUDGET SCOREKEEPING REPORT

Mr. GREGG. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under Section 308(b) and in aid of Section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of Section 5 of S. Con. Res. 32, the First Concurrent Resolution on the Budget for 1986.

This report shows the effects of congressional action on the 2005 budget through June 28, 2005. The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of the 2006 Concurrent Resolution on the Budget, H. Con. Res. 95.

The estimates show that current level spending is under the budget resolution by $5.062 billion in budget authority and by $72 million in outlays in 2005. Current level for revenues is $407 million above the budget resolution in 2005.

Since my last report dated May 26, 2005, the Congress has cleared and the President has signed the Surface Transportation Extension Act of 2005 (P.L. 109-14), which changed budget authority. In addition, the Congress has cleared for the President's signature S. 714, the Junk Fax Prevention Act of 2005, which had a negligible effect on revenues.

I ask unanimous consent the report and accompanying letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 29, 2005.

Hon. JUDD GREGG,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed tables show the effects of Congressional action on the 2005 budget and are current through June 28, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006.

Since my last letter, dated May 26, 2005, the Congress has cleared and the President has signed the Surface Transportation Extension Act of 2005 (P.L. 109-14), which changed budget authority. In addition, the Congress cleared for the President's signature S. 714, the Junk Fax Prevention Act of 2005.

Sincerely,

ELIZABETH ROBINSON
(For Douglas Holtz-Eakin, Director).

TABLE 1.—SENATE CURRENT-LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF JUNE 28, 2005

[In billions of dollars]

	Budget Resolution[1]	Current Level[2]	Current level over/under (−) resolution
ON-BUDGET			
Budget Authority	1,996.6	1,991.5	−5.1
Outlays	2,023.9	2,023.8	−0.1
Revenues	1,483.7	1,484.1	0.4
OFF-BUDGET			
Social Security Outlays	398.1	398.1	0
Social Security Revenues	573.5	573.5	0

[1] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109-13 (see footnote 2 of Table 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made.

Source: Congressional Budget Office.

TABLE 2.—SUPPORTING DETAIL FOR THE SENATE CURRENT-LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2005, AS OF JUNE 28, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions:[1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,109,476	1,070,500	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous sessions:	1,992,527	2,023,809	1,484,024
Enacted This Session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)[2]	−1,058	4	41
Surface Transportation Extension Act of 2005 (P.L. 109–14)	44	0	0
Total, enacted this session:	−1,014	4	41
Passed Pending Signature:			
Junk Fax Prevention Act of 2005 (S. 714)	0	0	*
Total Current Level [2,3]	1,991,513	2,023,813	1,484,065
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Adjustment to budget resolution for emergency requirements[4]	−81,881	−32,121	n.a.
Adjusted Budget Resolution	1,996,575	2,023,885	1,483,658
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	407
Current Level Under Adjusted Budget Resolution	5,062	72	n.a.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[4] H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, assumed the enactment of emergency supplemental appropriations for fiscal year 2005, in the amount of $81,811 million in budget authority and $32,121 million in outlays, which would be exempt from the enforcement of the budget resolution. Since current level excludes the emergency appropriations in P.L. 109–13 (see footnote 2), the amounts specified in the budget resolution have also been reduced for purposes of comparison.

Source: Congressional Budget Office.

Notes.—n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

FIFTY CALIBER SNIPER RIFLES AND TERRORISTS

Mr. **LEVIN**. Mr. President, the .50 caliber sniper rifle is employed by militaries around the world because of its powerful and destructive capabilities. Fifty caliber sniper rifles in the hands of terrorists pose a significant threat to our homeland security. Unfortunately we have not done enough to help keep terrorists from acquiring these dangerous weapons.

Published reports indicate that .50 caliber sniper rifles are capable of accurately hitting a target more than 1,500-yards away with a bullet measuring a half-inch in diameter. In addition, these thumb-size bullets come in armor-piercing, incendiary, and explosive varieties that can easily punch through aircraft fuselages, fuel tanks, and engines.

One leading manufacturer of the .50 caliber sniper rifle, Barrett Firearms, posts a variety of news and magazine articles to promote the capabilities of its product on its website. One such article, titled "Practical to Tactical" originally appeared in the April 2004 issue of American Rifleman, a publication of the National Rifle Association. The article details how Ronnie Barrett, founder of Barrett Firearms, originally designed his .50 caliber rifle to be a "long-range target gun" but was later able to sell it to the U.S. military for use during the first Iraq war to "destroy hard targets, such as radar sites, bunkers, and light armored vehicles." The U.S. military has also used the Barrett .50 caliber sniper rifle during the current war in Iraq. According to the article, a U.S. Army report regarding operations in Iraq said: "The Barrett .50-cal Sniper Rifle may have been the most useful piece of equipment in the urban fight" and "was used to engage both vehicular and personnel targets out to 1,400 meters." It continued, "Soldiers not only appreciated the range and accuracy but also the target effect. Leaders and scouts viewed the effect of the .50-cal. round as a combat multiplier due to the psychological impact on other combatants that viewed the destruction of the target."

Fifty caliber sniper rifles are sold not only to military buyers, they are also available to private individuals in the United States. Under current law, .50 caliber sniper rifles nearly identical to those described in the Army's report can be purchased by private individuals with only minimal Federal regulation. In fact, these dangerous weapons are treated the same as other long rifles including shotguns, hunting rifles, and smaller target rifles.

I am a cosponsor of the Fifty-Caliber Sniper Weapon Regulation Act introduced by Senator FEINSTEIN, D-CA. This bill would reclassify .50 caliber rifles under the National Firearms Act, NFA, treating them the same as other high powered or especially lethal firearms like machine guns and sawed off shotguns. Among other things, reclassification of .50 caliber sniper rifles under the NFA would subject them to new registration requirements. Future transfers or sales of .50 caliber sniper rifles would have to be conducted through a licensed dealer with an accompanying background check. In addition, the rifle being sold would have to be registered with Federal authorities.

Adoption of the common sense Fifty-Caliber Sniper Weapon Regulation Act would help to ensure that these dangerous weapons are not obtained by terrorists and used against innocent Americans. We can, and must, do more to help keep military style firearms out of the hands of potential terrorists.

RURAL WATER SUPPLY ACT OF 2005

Mr. **BURNS**. Mr. President, today, I join my colleagues Senator DOMENICI, BENNETT, DORGAN, MURKOWSKI, BINGAMAN, JOHNSON, and SALAZAR, in support of S. 895, the Rural Water Supply Act of 2005.

The Rural Water Supply Act directs the Secretary of the Interior to develop a program that ensures that a basic need—the need for a clean, safe, affordable, and reliable water supply—is not neglected. Overall, the bill will guarantee that the Bureau of Reclamation has sufficient authority to address the unique needs of rural and small communities in the West, and it will do so in a manner that respects the States' primary role in water resources management.

The U.S. Census Bureau cites that 46 percent of Montanans lived in rural areas in 2000. These people and others in Western States deserve a safe, affordable, and reliable water supply—an essential component of a healthy life.

I look forward to working with my Senate colleagues to pass this important piece of legislation for not only Montanans but for all rural citizens in Western States.

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. **SMITH**. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

A gay man reported that an unknown man began to choke him and verbally harass him using antigay slurs while riding a train in Brooklyn. The assailant ran out of the train at the next station following the attack.

I believe that the Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

EASING THE CRISIS IN HEALTH INSURANCE

Mr. **ENZI**. President, I rise today to speak to the ever worsening crisis of cost, coverage, and confidence in our health insurance system, but, more importantly, to outline what I believe to be several positive steps we can take in the near term toward relieving an impasse that has long stalled progress toward relief.

As I speak today, we are nearing almost 5 years of double-digit growth in health insurance premiums—increases that have repeatedly exceeded more than five times the rate of inflation. Since 2000, for example, group premiums for family coverage have grown nearly 60 percent, compared to an underlying inflation rate of 9.7 percent over the same period.

Not surprisingly, those hardest hit are America's small businesses and those individuals outside of employer-provided insurance. These are the ones with the least market leverage and the weakest ability to pool risk. Already, among the very smallest of our businesses, those with fewer than 10 employees, only 52 percent offer coverage to their employees.

Mr. President, I am a realist. The most fundamental drivers of health care costs are ones that defy near-term solutions. These drivers include advances in costly medical treatments, Americans' continuing appetite for such treatments, lack of transparency in pricing, and an antiquated third-party payment system that insulates consumers from seeing the true cost of care they receive.

To take just one example, I—like many of my colleagues—would strongly support shifting much of our current tax subsidy of health insurance away from the employer and toward the individual. However, I fully recognize that any change on such a scale is, at best, years away.

And yet, like most Members in this body, I am hearing an ever growing chorus of concern from my constituents about health insurance—and most especially from small businesses.

America's families and small businesses don't want us to wait for the perfect solution or the perfect moment. They need real help, and they need it now.

Recognizing this increasing concern, and as the new Chairman of the Senate's Health, Education, Labor and Pensions Committee, I have made it a priority in recent months to seek the counsel of stakeholders, citizens, experts, and fellow Members of Congress on how we might come together on a package of insurance reforms we can realistically hope to enact in this Congress.

The most visible proposal now on the table—at least for the small group market—is the approach known as association health plans, or AHPs. Under this proposal, which was introduced in this Congress by Senators SNOWE and TALENT, qualifying trade associations would be permitted to band together their members for purposes of offering health coverage.

Association health plans hold significant promise—particularly in the pooling of risk, economies of scale, and market clout they could lend to thousands of small businesses.

At the same time, however, the AHP bills in their current form may also go too far in allowing some association plans to play by a separate set of rules than those governing the rest of the small group insurance marketplace, thereby tempting adverse selection and market disruption. Another concern is the fact that the current AHP proposals would shift primary oversight over many association plans away from States and move it to the Federal Government.

Regrettably, debate over these AHP pros and cons has hardened into a political and stakeholder stalemate—a stalemate that has helped block constructive action on new insurance reform for nearly a decade.

It is time we reached an end to this impasse.

Toward this end, I appreciate the hard work of Senators SNOWE and TALENT and other AHP proponents in working with me on possible compromise approaches. And similarly, I am encouraged by what appears to be a growing pragmatic spirit amng traditional AHP critics such as insurers and State regulators.

Meanwhile, other of my colleagues, such as Senator DEMINT and Senators DURBIN and LINCOLN, have also come forward with serious contributions to the discussion.

I look forward to working with my colleagues of both parties, as well as with key stakeholders, in putting forward a full proposal for consideration by the HELP Committee and by the Senate.

However, as we move forward with this process, I want to pause today to identify certain foundation principles and reform components I believe should guide the direction we pursue:

No. 1, association-based plans should have the opportunity to harness the advantage of independent pooling and play a commercially meaningful role in the coverage marketplace—and if that puts market pressure on insurers, so much the better. At the same time, however, the coverage provided to association members should be subject to underlying regulatory and consumer protection requirements substantially comparable to those applicable to all entities offering similar coverage. In short, associations deserve a real seat at the coverage table, but that table should not have a substantial tilt one way or the other.

No. 2, the current hodgepodge of varying state health insurance regulation should be streamlined, thereby easing administrative and regulatory costs, and facilitating a larger number of plans in more states. Such "harmonization" was among the options put forward last year by the Senate's Republican Task Force on Health Care Costs and the Uninsured. Under such an approach, states would be encouraged or required to adopt common sets of rules in targeted areas of health insurance regulation, such as rating and underwriting, though State oversight and enforcement authority would remain.

No. 3, individuals and businesses should have the opportunity to purchase lower-cost plans free or largely free of state benefit mandates. Though most purchasers will likely choose fuller coverage, it is important to assure that lower-cost alternatives exist as a safeguard for those who are struggling at the margin. Not everyone needs or wants the same degree of coverage, and where possible, our insurance laws should accommodate this reality.

No. 4, primary responsibility for most insurance oversight and consumer protection should remain with the state insurance commissions—including the right to assess health plans, including association plans. Although some degree of new Federal involvement will likely be necessary, it should be kept to a minimum. Though far from perfect, our State insurance commissions are much closer to the real problems confronted by purchasers of insurance in their communities than would be a federal agency in Washington.

No. 5, the focus of our immediate effort should be on policies that do not require significant Federal outlays. Many laudable proposals have been put forward by the President and others for tax-based and other financial assistance for the purchase of insurance, and many of these should be pursued with vigor. We should not, however, allow the fiscal challenge of enacting such policies to sidetrack our efforts to advance less costly improvements.

I am open to suggestions, and I am open to compromise—but I am not open to continued inaction.

My intention is for these principles to serve as a foundation for the swift finalization and passage of a health insurance reform package that will deliver real relief to America's small businesses and struggling families.

I ask unanimous consent that a summary overview of these principles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Foundation Principles

HEALTH INSURANCE REFORM

Senator Mike Enzi

U.S. SENATE HEALTH, EDUCATION, LABOR, AND PENSIONS COMMITTEE JUNE 2005

Meaningful role for associations, but on a level playing field: Association-based plans should have the opportunity to harness the advantage of independent pooling and play a commercially meaningful role in the coverage marketplace, but provided that the coverage offered to association members is subject to underlying regulatory and consumer protection requirements substantially comparable to those applicable to all entities offering similar coverage.

Associations deserve a real seat at the coverage table, but that table should not have a substantial tilt one way or the other.

Streamlining of regulations: The current hodgepodge of varying state health insurance regulation should be streamlined, thereby easing administrative and regulatory costs, and facilitating a larger number of plans in more states.

Under such an approach, states would be encouraged or required to adopt common sets of rules in targeted areas of health insurance regulation, such as rating and underwriting, though state oversight and enforcement authority would remain.

A version of such "harmonization" was among the options put forward last year by the Senate's Republican Task Force on Health Care Costs and the Uninsured.

Access to reduced-cost options: Individuals and businesses should have the opportunity to purchase lower-cost coverage free or largely free of state benefit mandates.

Though most purchasers will likely choose fuller coverage, it is important to assure that lower-cost alternatives exist as a safeguard for those who are struggling at the margin.

Not everyone needs or wants the same degree of coverage, and where possible, our insurance laws should accommodate this reality.

Strong state-based consumer protection and oversight: Primary responsibility for most insurance oversight and consumer protection should remain with the states—including the right to assess health plans, including association plans.

Although some new federal involvement may be needed, it should be kept to a minimum.

Though far from perfect, our state insurance commissions are much closer to the real problems confronted by purchasers of insurance in their communities than would be a federal agency in Washington.

Budget neutrality: The focus of our immediate effort should be on policies that do not require significant federal outlays.

Many laudable proposals have been put forward by the President and others for tax-based and other financial assistance for the purchase of insurance, and many of these should be pursued with vigor.

We should not, however, allow the fiscal challenge of enacting such policies to sidetrack our efforts to advance less costly improvements.

THERE HE GOES AGAIN . . .

Mr. BUNNING. As my good friend and fellow Hall of Famer Yogi Berra once said, "Its deja vu all over again." Once again, Chairman Greenspan and the Federal Open Market Committee, FOMC, are taking us down an economic path that is fraught with peril by unnecessarily raising interest rates.

Surveys show that Americans are much more worried about filling their gas tank than fitting into their swimsuit this summer, which may be a first. But nonetheless, despite record high energy prices, the Chairman Greenspan continues to raise rates. He is fighting an inflationary boogeyman that does not exist. Meanwhile, there is a very good chance his policies will lead us into the third recession of his tenure and American workers will suffer from his antics.

This reminds me of the summer of 2000, when all signals pointed toward a recession, but Chairman Greenspan refused to cut interest rates. When he finally did cut rates on January 3, 2001, in an emergency meeting after refusing to cut at the FOMC's regularly scheduled on December 19, 2000, the damage was done. And the recession that was greatly exacerbated by September 11 was already underway.

I am very concerned with the Federal Reserve's continued raising of interest rates. The Federal Reserve, it seems to me, continues to fix an economy that just is not broken. It is almost as if the Federal Reserve is frightened by success. They are once again throwing a wet blanket on an inflationary fire that does not exist.

As I have said before, I do not believe the Federal Reserve's economic models are factoring in the impact of new technologies on the economy. They do not account for our increase in productivity. I also do not believe they take into account the psychological effects of higher energy prices. Chairman Greenspan, probably doesn't have to fill up his own car very often, but families all over Kentucky and across the United States are feeling the sting of record gas prices, and it troubles them greatly.

We are coming to a crucial point in our economy, a point where it can not sustain higher and higher interest rates. As our interest rates rise like helium, our economy will suffer, housing starts will be down, and we will lose the economic momentum we have enjoyed. Apparently Chairman Greenspan wants to do to the housing market what he did to the stock market, and once again the average American on Main Street USA will suffer.

Sometimes, I feel like a voice crying out in the wilderness, but somebody has to tell Alan Greenspan and the FOMC that prosperity is not the enemy. I hope it will not take another recession for Chairman Greenspan to learn that lesson. The American people have already learned those lessons during his tenure in very painful ways.

IN MEMORY OF MARCIA LIEBERMAN

Mr. DODD. Mr. President, I rise to speak in memory of Marcia Lieberman, who passed away on June 26 at the age of 90.

Marcia was the mother of my dear friend and our colleague, JOE LIEBERMAN, with whom I have had the pleasure of serving in this body for 16 years. She was born in 1914, lived through the Depression, and ran her husbands business when he left to serve in World War II. She was active in senior centers and Connecticut Jewish groups. She campaigned with her son many times and served as his liaison to seniors. Her commitment to her community was constant and selfless. But biographical information alone cannot adequately describe this remarkable woman. Her legacy is an entire life lived well, a long string of simple moments of kindness and love.

It is possible to get a glimpse of that character in the anecdotes that have been told about her—the care packages to reporters, the quips to Larry King, and the matchmaking services offered to a traveling reporter. But it is more clearly illuminated in the warm memories of those of us who knew her, which were echoed in the beautiful eulogies that Senator LIEBERMAN and his children gave on Tuesday of this week at her funeral service.

As they so eloquently said, and as all her friends knew, Marcia strongly believed in the importance of family and was openly warm and caring with everyone she met. During Marcia's funeral service, the rabbi asked how many people in the audience believed they were her friend. Everyone raised their hand. He then asked who believed they were one of her best friends. Again, everyone raised their hand. She had an uncanny ability to make people feel close to her. This quality, among others, put people at ease and gave them confidence in themselves.

Marcias loving nature often took the form of great strength and courage. She insisted that the members of her family take care of each other and live ethically. She was witty and saw the joy and humor in life until the very end. Even in the last few weeks of her life, she maintained her well-known strength and resilience, which helped her family through this difficult time.

She was a beautiful person, whose humor, kindness, and love were infectious for those who met her. She will be dearly missed.

I offer my deepest condolences to JOE, his sisters Rietta and Ellen, the whole Lieberman family, and to the countless others whose lives were enriched by Marcia Lieberman.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS

Mr. THUNE. Mr. President, I applaud my colleagues for coming together in a bi-partisan manner to fix the budget shortfall at the VA. I proudly cosponsored the amendment and believe it was the best thing and the right thing to do. The amendment will provide $1.5 billion in badly needed funds. Although the VA could limp along until fiscal year 2006, it would have to do so by raiding other accounts and cutting back on other projects. This is simply unacceptable.

I am proud the Senate chose unity over division to make sure that the shortfall at the VA does not affect veterans. I applaud the Senate leadership, Republican and Democratic, for both decisive and effective action.

The importance of adequately funding the VA cannot be understated. Along with our existing veterans, our men and women returning from Operation Iraqi Freedom and Operation Enduring Freedom need a VA that can support them and care for them.

CONSULTATION ON JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last week a number of Senators urged the President, if a vacancy were to arise on the Supreme Court, to consult with Senators from both parties. I commend, in particular, Senator KENNEDY, a former Judiciary Committee chairman for his perspective on this and thank him for his diligence in helping make this essential point in his statements again this week.

Forty-four Senators sent the President a joint letter urging consultation and a consensus nomination. In addition, I understand that Senators Nelson and Salazar have also urged consultation.

Likewise the 14 Senators in the bipartisan group that averted the nuclear option included strong language in their agreement urging bipartisan consultation by the President. They wrote:

> We believe that, under Article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.
>
> We firmly believe this agreement is consistent with the traditions of the United States Senate that we as Senators seek to uphold.

I agree. Bipartisan consultation is consistent with the traditions of the Senate and would return us to practices that have served the country well. They are right to urge greater consultation on judicial nominations.

Last week some on the other side of the aisle criticized me for offering to help the President should a Supreme Court vacancy arise. At the time, I said I stood ready to work with President Bush to help him select a nominee to the Supreme Court who can unite Americans. In spite of the unfair criticism, I reiterate today my willingness to help. I have urged consultation and cooperation for 4 our years and have continued to reach out over these last few weeks to the President. I hope that if a vacancy does arise the President will finally turn away from his past practices, consult with us and work with us.

I am troubled by the divisive battle lines being drawn by some right-wing groups that have launched attack ads in recent weeks. They attack Democratic Senators generally and individually in advance of a vacancy or a nomination. The other side has established a new low by going "negative" in advance and being critical in anticipation of a fight that I and others here in the Senate are working to avoid. The partisan activists supporting the White House have boasted for weeks about their war chest of upwards of $20 million to be used to crush any opposition to this White House's selection. They have now chosen to fire a nasty preemptive strike in what they intend to make all-out partisan political warfare.

If the White House intends to follow that plan, it will be most unfortunate, unwise and counterproductive. I have urged, Democrats have urged a better way. Although the landscape ahead is sown with the potential for controversy and contention should a vacancy arise on the Supreme Court, confrontation is unnecessary. Consensus should be our mutual goal.

I hope the President's objective will not follow the path he has taken with so many divisive circuit court nominees and send the Senate a Supreme Court nominee so polarizing that confirmation is eked out in the narrowest of margins. This would come at a steep and gratuitous price that the entire Nation would have to pay in needless division. It would serve the country better to choose a qualified consensus candidate who can be broadly supported by the public and by the Senate.

The process will begin with the President. He is the only participant in the process who can nominate candidates to fill Supreme Court vacancies. If there is a vacancy, the decisions made in the White House will determine whether the nominee chosen will unite the Nation or will divide the Nation. The power to avoid political warfare with regard to the Supreme Court is in the hands of the President. Senate Democrats are not spoiling for a fight however much partisans on the other side may be. The person who will decide whether there will be a divisive or unifying process and nomination is the President. If consensus is a goal, bipartisan consultation will help achieve it. That is what the American people want and what they deserve.

The Supreme Court should not be a wing of the Republican party, nor should it be an arm of the Democrat party. If the rightwing activists convince the President to choose a divisive nominee, they will not prevail without a difficult Senate battle. And if they do, what will they have wrought? The American people will be the losers: The legitimacy of the judiciary will have suffered a damaging blow from which it may not soon recover. Such a contest would itself confirm that the Supreme Court is just another setting for partisan contests and partisan outcomes. People will perceive the Federal courts as places in which "the fix is in."

I take the President at his word. He made a public commitment at a press conference several weeks ago to consult with Democratic as well as Republican Senators should a Supreme Court vacancy arise. If there were to be a vacancy, I look forward to consulting with the President.

Our Constitution establishes an independent Federal judiciary to be a bulwark of individual liberty against incursions or expansions of power by the political branches. That independence is what makes our judiciary the model for others around the world. That independence is at grave risk when a President seeks to pack the courts with activists from either side of the political spectrum. We need fair judges, not sure votes for a partisan agenda.

The American people will cheer if the President chooses someone who unifies the Nation. This is not the time and a vacancy on this Supreme Court is not the setting in which to accentuate the political and ideological division within our country. In our lifetimes, there has never been a greater need for a unifying pick for the Supreme Court. At a time when too many partisans seem fixated on devising strategies to force the Senate to confirm the most extreme candidate with the least number of votes possible, Democratic Senators are urging cooperation and consultation to bring the country together. There is no more important opportunity than this to lead the Nation in a direction of cooperation and unity.

The independence of the Federal judiciary is critical to our American concept of justice for all. We all want Justices who exhibit the kind of fidelity to the law that we all respect. We want them to have a strong commitment to our shared constitutional values of individual liberties and equal protection. We expect them to have had a demonstrated record of commitment to equal rights. There are many conservatives who can meet these criteria and who are not rigid ideologues.

This is a difficult time for our country and we face many challenges. The President addressed the Nation about the difficult situation in Iraq just this week. We need to confront the truth about the situation in Iraq and develop a concrete strategy rather than the swaggering rhetoric we hear so much of lately. We need to do more about the rising gas prices and health care costs that burden so many Americans. We need to improve the economic prospects of Americans. We need to work together to defend against real threats, the proliferation of nuclear weapons, and disruption of critical food, water, energy and information services. It is my hope that we can work together on many issues important to the American people, including maintaining a fair and independent judiciary. I am confident that a smooth nomination and confirmation process can be developed on a bipartisan basis if we work together. The American people we represent and serve are entitled to no less.

Justice Thomas remarked this past Tuesday on the "winds of controversy swirling . . . about the imagined resignations" from the Supreme Court. We were all reminded, again, this week of the humanity of the Chief Justice of the United States Supreme Court. He concluded this year's term with dignity, humour and steadfastness. Despite the rampant speculation that continued this week, I know that the Chief Justice will retire when he decides that he should, not before. He has earned that right after serving on the Supreme Court for more than 30 years, the last 19 as the Chief Justice. I have great respect and affection for him and he is in our prayers.

Mr. CORNYN. Mr. President, in light of recent comments on the floor of this body concerning the possibility of a Supreme Court vacancy. I ask unanimous consent that an op-ed that I published in National Review Online on Monday, June 27, 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review Online, Jun. 27, 2005]

R-E-S-P-E-C-T

FOR THE LAW, FOR THE COURT, FOR THE CONSTITUTION, FOR THE NOMINEE...

(By Senator John Cornyn)

It wouldn't be summertime in Washington if speculation weren't running rampant about the possibility of a retirement announcement from the Supreme Court. But whatever the time frame for a Supreme Court vacancy, the process for selecting the next associate or chief justice should reflect the best of the American judiciary—not the worst of American politics. We deserve a Supreme Court nominee who reveres the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

History affords us some important benchmarks for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and a wrong way to debate the merits of a Supreme Court nominee. The Senate's past record, unfortunately, has been mixed.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks. And whoever the nominee is, the Senate should apply the same fair process that has existed for over two centuries: confirmation or rejection by majority vote.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. We should not be surprised if a person of the stature and legal ability to be considered for appointment to the Supreme Court has spent at least some time thinking, and perhaps speaking and writing, about the important and sensitive issues of the day. But a nominee should not be punished simply for exercising his talents. After all, judges swear an oath to obey and to apply the law—not their own personal, political views.

When President Clinton nominated Ruth Bader Ginsburg to the Court in 1993, senators knew that she was a brilliant jurist with a strong record of service in the law. Senators also knew she served as general counsel of the American Civil Liberties Union—a liberal organization that has championed the abolition of traditional marriage laws and attacked the Pledge of Allegiance. And they knew she had previously written that traditional marriage laws are unconstitutional; that the Constitution guarantees a right to prostitution; that the Boy Scouts, Girl Scouts, Mother's Day, and Father's Day are all discriminatory institutions; that courts should force taxpayers to pay for abortions, against their will; and that the age of consent for sexual activity should be lowered to age 12. The Senate nevertheless confirmed her by a 96-3 vote.

Similarly, Stephen Breyer (nominated in 1994 by President Clinton) and Antonin Scalia (nominated in 1986 by President Reagan) are brilliant jurists with strong records of service. Breyer had previously served as chief counsel to Senator Ted Kennedy on the Senate Judiciary Committee, and his nomination to the Court was opposed by many conservatives because of his alleged hostility to religious liberty and private religious education, while Scalia was known to hold strongly conservative views on a number of topics. The Senate nevertheless confirmed them by votes of 87-9 and 98-0, respectively.

The confirmation proceedings of Ginsburg, Breyer, and Scalia provide a helpful model for future behavior. Each of those nominees enjoyed exceptional legal credentials. Each possessed strongly held personal political views. And each commanded the support of a broad bipartisan majority of senators.

Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks. Any debate over the next nominee to the Supreme Court must be conducted with respect and honesty. At a minimum, senators can disagree without being disagreeable. At a minimum, senators can debate the issues honestly, and refrain from distorting and misrepresenting records and rulings.

Unfortunately, respect for nominees has not always been the standard. Lewis Powell was accused of demonstrating "continued hostility to the law" and waging a "continual war on the Constitution," and Senate witnesses warned that his confirmation would mean that "justice for women will be ignored." John Paul Stevens was charged with "blatant insensitivity to discrimination against women." Anthony Kennedy was scrutinized for his "history of pro bono work for the Catholic Church" and found to be "a deeply disturbing candidate for the United States Supreme Court." And David Souter was described as "almost Neanderthal," "biased," and "inflammatory." One senator said Souter's civil rights record was "particularly troubling" and "raised troubling questions about the depth of his commitment to the role of the Supreme Court and Congress in protecting individual rights and liberties under the Constitution." That same senator condemned Souter for making "reactionary arguments" and for being "willing to defend the indefensible," and predicted that if confirmed, Souter would "turn back the clock on the historic progress of recent decades." At Senate hearings, witnesses cried that "I tremble for this country if you confirm David Souter," warning that "women's lives are at stake" and even predicting that "women will die."

The best apology for these ruthless and reckless attacks is for them never to be repeated again. Unfortunately, the record is not promising. Even before President Bush took office in January 2001, the now-Senate Democrat Leader told Fox News Sunday that "we have a right to look at John Ashcroft's religion," to determine whether there is "anything with his religious beliefs that would cause us to vote against him." And over the last four years, this president's judicial nominees have been labeled "kooks," "Neanderthals," and "turkeys." Respected public servants and brilliant jurists have been called "scary" and "despicable."

Unfortunately, honest debate about a nominee's record has not always been the standard, either. Records and reputations have been distorted beyond recognition. Rulings that stated one thing have been characterized to say precisely the opposite. For example, during the debate over the nomination of my former Texas Supreme Court colleague, Justice Priscilla Owen, I chronicled numerous examples of her previous rulings that were blatantly misrepresented by partisan opponents of her nomination.

Moreover, in recent weeks, we've begun to see a particularly odd tactic take form. Some lower-court nominees have been attacked for belonging to a movement that, to my knowledge, does not even exist—the so-called "Constitution in Exile." What's more, opponents of this fictional movement seem to talk out of both sides of their mouth. Senate Democrats excoriated Justice Owen in part for her refusal to adhere to an allegedly central tenet of the Constitution in Exile—the nondelegation doctrine. And it was four Ninth Circuit judges appointed by Presidents Clinton and Carter who recently used another alleged doctrine of the Constitution in Exile—the Commerce Clause—to strike down federal laws prohibiting the use of marijuana and the possession of child pornography. If a "Constitution in Exile" movement really exists, its membership seems to include Senate Democrats and Democrat-appointed federal judges.

Reasonable lawyers can and do often disagree with one another in good faith. They do so respectfully and honestly—without distortions and false charges of being "out of the mainstream." We should likewise demand that the Senate restore respectful and honest standards of debate to the confirmation process.

And whoever the nominee is, the Senate should apply the same fair process that has existed for over two centuries—and that is confirmation or rejection by majority vote. The rules governing the judicial confirmation process should be the same regardless of which party controls the White House or the Senate. Since our nation's founding over two centuries ago, the consistent Senate tradition and constitutional rule for confirming judicial nominees—including nominees to the Supreme Court—has been majority vote. (In the case of Abe Fortas, his nomination to be chief justice was withdrawn, after a procedural vote revealed that his nomination did not command the support of a majority of senators.)

Indeed, throughout history the Senate has consistently confirmed judges who enjoyed majority but not 60-vote support—including Clinton appointees Richard Paez, William Fletcher, and Susan Oki Mollway, and Carter appointees Abner Mikva and L. T. Senter. Yet for the past two years, a partisan minority of senators tried to impose a 60-vote standard on the confirmation of President Bush's judicial nominees. Thankfully, that effort was recently repudiated, when the Senate restored Senate tradition by confirming a number of this president's nominees by majority vote.

The effort to change our 200-year custom and tradition by imposing a new and unprecedented supermajority requirement for confirming judges is dangerous to the rule of law, because it politicizes our judiciary and gives too much power to special interest groups. As law professor Michael Gerhardt, a top Democrat adviser on the confirmation process, has written, "the Constitution also establishes a presumption of confirmation that works to the advantage of the president and his nominees." According to Professor Gerhardt, a supermajority rule for confirming judges "is problematic because it creates a presumption against confirmation, shifts the balance of power to the Senate, and enhances the power of the special interests."

Senate Democrats have recently asked to be consulted about any future Supreme Court nomination—even though the Constitution provides for the advice and consent of the Senate, not individual senators, and only with respect to the appointment, not the nomination, of any federal judge. If senators want such a special role in the Supreme Court nomination process, the president should first insist on their commitment to the three principles described above.

After years of unprecedented obstruction, and destructive politics, we must restore dignity, honesty, respect, and fairness to our Senate confirmation process. That is the only way to keep politics out of the judiciary.

TRIBUTE TO JOAN PIERMARINI

Mr. ROBERTS. Mr. President, I would like to take a moment to recognize Joan Piermarini, who is retiring after 20 years of service to the Senate Select Committee on Intelligence. Joan has served the committee under seven chairmen—a testament to her dedication and loyalty. I thank Joan for her many tireless efforts and the significant contributions she has made to the committee. We congratulate her on a job well done and wish her many years of happiness with her family, especially her grandson Luke.

HONORING OUR ARMED FORCES

A COLORADO HERO: ARMY SFC CHRISTOPHER W. PHELPS

Mr. SALAZAR. Mr. President, I rise today to take a moment to remember one of Colorado's fallen heroes: Army SFC Christopher W. Phelps. Sergeant Phelps was killed last week in Baghdad, Iraq, while serving this Nation. He was 39.

Sergeant Phelps was a native of Louisville, KY. He graduated Male High School in 1984 where he was a standout athlete, helping to lead the Bulldogs to the State football playoffs. Sergeant Phelps went on to Kentucky State and a junior college in Mississippi before he enlisted in the Army.

In the Army, Sergeant Phelps served in the first Gulf war, where he drove a tank. This past spring, he was deployed to Iraq as a member of the Third Armored Cavalry Regiment based out of Fort Carson in Colorado. He enjoyed serving in the Army and was proud to be serving his country so honorably. He was a natural leader, a trait reflected by the nickname the members of his platoon gave him: "Dad."

While serving in Iraq, Sergeant Phelps was deeply moved by what he saw. He wrote home of the terrible poverty he witnessed and how much work was left to be done in Iraq. But Sergeant Phelps knew, as so all of our men and women in uniform, that our efforts were making Iraq a better place.

In his high school yearbook, an 18-year-old Christopher Phelps selected as a quote: "Do all you can while you can before it is too late." Sergeant Phelps embodied this sentiment in everything he did, from his days as a high school athlete to his exemplary service to our Nation and to the cause of freedom.

SFC Christopher Phelps served this country with honor and distinction and we are all humbled by his sacrifice. To his wife, Bobbi, and his daughters and son, my prayers are with you, as are those of an entire nation. Christopher's service to and sacrifice on behalf of this Nation will never be forgotten.

DETENTION CENTER AT GUANTANAMO BAY, CUBA

Mr. LEAHY. Mr. President, at a Defense Department news briefing in December 2001, a reporter asked Secretary Rumsfeld why we should use Guantanamo Bay to hold detainees. Secretary Rumsfeld's answer was that he "would characterize Guantanamo Bay, Cuba, as the least worst place we could have selected." This was hardly a ringing endorsement. Now, 4½ years later, the administration and its defenders have been trying to change the subject from the legal morass that Guantanamo has become, and to argue that Guantanamo is like an island resort, with great food, top-notch medical care, and a view of the ocean.

These arguments are distractions from the real issue, which is the needless way that the administration's unilateralism in its decisions about Guantanamo have compromised American principles and ideals and weakened our moral leadership in the world. If the administration has improved conditions at the prison, I am glad to know it. We may now run the most humane prison in the most scenic location in the world. But it is still a prison. Many prisoners have been kept in cells for more than 3 years without being charged and without a meaningful process to evaluate or challenge their detention. Regardless of how well the detainees are treated, it is not the American way to detain them indefinitely without an adequate hearing. These policies are not only beneath us, but they have radicalized an untold number of Muslims around the world. Even Secretary Rumsfeld had to admit last year that he did not know whether we were "capturing, killing or dissuading more terrorists every day than the madrassas and radical clerics are recruiting, training and deploying against us."

This is important because it is the ideals of the American people and of our great and good country, and our longstanding commitment to the rule of law, that are being compromised. These are not the policies of a great nation like ours, and this is not the American system of justice that has been a beacon to the entire world. We need not trade away our values and the principles that have guided us in order to feel safer or to be safer. And if we do that, we give those who would harm us a victory they could not win on any battlefield, and we cede leverage to them that they will never deserve.

Everyone in Congress agrees that we must capture and detain terrorist suspects, but it can and should be done in accordance with the laws of war and in a manner that upholds our commitment to the rule of law. In our recent hearing on detainees, Senator GRAHAM, a former Air Force lawyer who still serves in the Reserves, said that once enemy combatant status has been conferred upon someone, "it is almost impossible not to envision that some form of prosecution would follow." He continued, "We can do this and be a rule of law nation. We can prove to the world that even among the worst people in the world, the rule of law is not an inconsistent concept."

We know that some of the detainees have been wrongly detained. And many suspect there are others who have not yet been released, against whom the evidence is weak at best. In a January 8, 2005, New York Times article, a senior American official claimed "that the vast majority of the 550 prisoners now held at the American detention center at Guantanamo no longer had any intelligence value and were no longer being regularly interrogated." The article also quotes a veteran interrogator at Guantanamo who told the New York Times that it "became clear over time that most of the detainees had little useful to say and that they were just swept up during the Afghanistan war with little evidence they played any significant role."

The administration says these detainees are the "worst of the worst" and pose a continuing threat to the safety of Americans. If that is true, there must be at least basic evidence to support it. No one advocates releasing terrorists. But it is the American way to provide a fair process to ensure that the detainees at Guantanamo really are a threat to our Nation. In a break with military tradition and regulations, the administration denied detainees even the limited process contemplated by Article 5 of the Third Geneva Convention, and established the Combatant Status Review Tribunal, CSRT, only after being rebuked by the Supreme Court in Rasul v. Bush. The CSRT affirmed the "enemy combatant" status of the Guantanamo detainees based on secret evidence to which the detainees were denied access, raising serious questions about the fairness of the process.

It is time for Congress to focus on the real issue, which is defending American ideals and our commitment to the rule of law. The chicken at Guantanamo may be wonderful, but this matters little to America's core values if we are imprisoning some people who may have been wrongly accused of supporting terrorism and who have no way to challenge their detention.

The administration is trumpeting the humane treatment of detainees at Guantanamo as a diversion. Guantanamo is a symbol of the needless problems created by the unilateral ways this administration has chosen to proceed since 9/11. It is being used to deflect attention from this administration's deliberate rejection of the rule of law.

ADDITIONAL STATEMENTS

CBR YOUTH CONNECT

• Mr. ALLARD. Mr. President, I rise to make a few remarks concerning CBR Youth Connect.

"Youth are our focus and our future, connecting is our job." This statement represents the newly expanded vision of Colorado Boys Ranch, CBR. Youth Connect, a foundation with a 45-year history of helping troubled young men become productive citizens in their communities and throughout the world. CBR Youth Connect offers more than 200 applied learning opportunities and nontraditional programs and therapies, each one designed to help youth enhance their skills, attitudes, and relations with others. Programs and services range from animal-assisted programs to family therapy to an accredited school system. Each program and service offered by CBRYC is designed to contribute to a boy's overall treatment plan, helping him learn, grow, and develop as an individual.

The roots for CBR Youth Connect were planted in 1958 when county judges, from various districts in the State of Colorado, envisioned a rural orphanage that would be an ideal setting for dependant and neglected boys. They found their setting in the agrarian community of La Junta, located in Colorado's southeast corner. And with the admittance of the first boys in 1961, the Colorado Boys Ranch was born.

From the moment of conception, the mission of the Colorado Boys Ranch has been to do whatever is necessary to help each troubled boy. Over the last 45 years, CBR has developed from a Colorado orphanage into a highly accredited national mental health treatment and education organization serving youth with severe mental health needs. Due to the hard work and dedication of their highly experienced staff, CBR has garnered various accomplishments, including a customer satisfaction rating of 96 percent from parents, youth, and referral services. CBR Youth Connect has recently been rated as "one of the best in the nation" by the rigorous Joint Commission on Accreditation of Health Care, and it features one of the largest, most comprehensive data bases in the Nation for analysis and research of adolescent mental health.

In 2003, with a decrease in public funding, the Colorado Boys Ranch Board felt confident that the ranch could evolve into a new organizational structure. Recognizing the commitment of their dedicated staff and CBR's extraordinary success rate, the board believed that they could transform into an organization that would reach many more youth, families, and advocates. Their new vision statement was based on the notion that: "Youth are our focus and our future, connecting is our job." Their goal is to connect youth and their families with knowledge, relationships, and resources; and out of this fresh outlook came with it a new name: CBR Youth Connect.

Currently more than 120 youth, ages 10–21, from all ethnic, cultural, geographic, and socioeconomic backgrounds are admitted to CBR Youth Connect each year. With the advent of their new organizational structure and expanded vision, CBR Youth Connect hopes to expand their reach to troubled youth around the world with the hopes of becoming recognized as the foremost leader in psychiatric residential treatment and education. To accomplish this goal, staff members are traveling to countries around the world, providing the latest in research, treatment, and education to help troubled youth and their families.

I salute CBR Youth Connect.•

HONORING THE CAREER OF CHARLES W. PHILLIPS

• Mr. BAYH. Mr. President, I rise today to recognize the great achievements of Charles W. Phillips, director of the Indiana Department of Financial Institutions. After 16 years serving the citizens of our State, Charlie Phillips is entering into a well-deserved retirement. Over the years, he has contributed to the safety and soundness of Indiana's banking industry, and I am honored to have the opportunity to thank him for his leadership and commitment to the people of Indiana.

Charlie Phillips began his distinguished career in 1950 as an examiner with the Federal Deposit Insurance Corporation, FDIC, where he dedicated himself to banking and bank supervision. In 1958, Charlie Phillips moved to New Albany to work as president of Floyd County Bank. As a leader in his community for more than 25 years, he helped acquire land to establish the Indiana University Southeast campus in New Albany. For this achievement, Charlie Phillips was recognized with the Chancellor's Medallion for Distinguished Service.

In 1989, after a brief retirement, Charlie agreed to become the director of the Department of Financial Institution for Indiana. I am proud to have been able to appoint him to that post. During his tenure as director, he served three other Governors besides myself.

As director, Charlie Phillips was responsible for promoting the modernization of the Indiana Financial Institutions Act, which addressed corporate governance, interstate branching, and payday lending reform. His commitment to encouraging employees to pursue continued professional development is among one of his greatest accomplishments. As a result, one of his legacies will be a well-trained staff, important to the health of Indiana's banking system and economy.

The people of Indiana have benefited from Charlie's hard work and dedication. I am proud to have appointed him to a position that made use of his many talents and to be able to honor him today. I wish him all the best in his retirement.•

TRIBUTE TO ALBUQUERQUE VOCATIONAL TECHNICAL INSTITUTE

• Mr. BINGAMAN. Mr. President, I stand before you today to recognize Albuquerque Vocational Technical Institute (TVI), a community college in New Mexico that is celebrating its 40th year of service to the community.

Since TVI's humble beginnings in an old vacated school building serving only 150 students, the school has made a difference in the lives of hundreds of thousands of students and has grown to serve about 27,000 students each year across four campuses. Considering the enriching education and workforce opportunities TVI provides it is no surprise that TVI is a "crown jewel" of the city of Albuquerque.

In a community noted for cultural diversity, TVI is a model technical education institution which provides high quality instruction and training in a variety of technical careers, trades, and professions. TVI delivers innovative, customized training and skill development to develop a highly skilled workforce for business, professional organizations, and government agencies. TVI wisely collaborates with business and industry to ensure that their students, as future workers, meet the demands of the high-tech 21 century workforce. TVI graduates provide needed technical assistance and services to a variety of industries including our National Labs. TVI's dedication to their students' professional growth has positively impacted the economic development of the community and of the State.

For its leadership in educational advancement and for its invaluable contributions, I commend the students, the teachers, and the administration of the Albuquerque Technical Vocational Institute for 40 years of exceptional service to the community and to the State of New Mexico.•

HONORING THE CITIZENS OF DEXTER, NEW MEXICO

• Mr. BINGAMAN. Mr. President, I rise today to congratulate the citizens of Dexter in the Pecos Valley of southeastern New Mexico, who will soon be celebrating the centennial of their community.

In its early years, the settlement that would become Dexter was located near the large body of water known as Lake Van in Chaves County. With the rise of the railroad and the construction of an irrigation canal a few miles away, a new town was necessary. Three men selected the townsite, and the only married man of the bunch, Albert Macey, was given the privilege of choosing the name of the town. He chose the name Dexter in honor of his hometown of Dexter, IA.

Dexter served an important role as a railroad depot in its early years. The depot contributed greatly to the economic and social life of the town. Dexter also became part of the historic Ozark Trails highway system and still has remnants of this fabled roadway, now known as State Highway Two. Agriculture, with cotton and alfalfa being the chief crops, has been and continues to be important for Dexter and the Pecos Valley.

These days, Dexter is also known for its fish hatchery, where advanced biological research takes place and endangered species are protected and propagated. The Dexter National Fish Hatchery is currently working with 17 species of fish native to New Mexico and neighboring States. If something should happen to devastate an original fish species in the wild, the hatchery could use the fish it holds in refuge to help replace the damaged population.

Given the long history of settlement in New Mexico, turning 100 barely qualifies a town as middle aged. But Dexter and its 1,200 residents have done a great deal in that short amount of time. I congratulate the town of Dexter on its centennial and offer my best wishes for the next 100 years.•

IN MEMORIAM TO ASSEMBLYMAN MIKE GORDON

• Mrs. BOXER. Mr. President, I take this opportunity to honor the memory of a most dedicated public servant, California Assemblyman Mike Gordon. Assemblyman Gordon passed away on June 25, 2005. He was 47 years old.

Assemblyman Gordon began his political career at the young age of 18 as a voter registration coordinator for Assembly Speaker Leo McCarthy and later joined the staff of Assemblyman Bruce Young (D-Downey). In 1982, Gordon began his 3-year tenure as executive director of the California Democratic Party and in 1995 co-founded Gordon and Schwenkmeyer, Inc., a successful polling and fundraising firm that is still operating today.

Mike Gordon was elected to the El Segundo City Council in 1996 and as the city's mayor in 1998, 2000, and 2002. During this time, he focused on revitalizing El Segundo's downtown and helped increase funding for police, fire and recreation. As cofounder of the Los Angeles Air Force Base Alliance, he fought against the closure of the base and focused his attention on finding a solution for regional air and road traffic. Of all his great work as councilman and mayor, Mike's focus on education and funding for the El Segundo Unified School District made him a hero in the community.

In 2004, Mike Gordon ran successfully for the 53rd California Assembly seat in the South Bay of Los Angeles County. Assemblyman Gordon introduced 22 bills during his first 2 months in the assembly and was appointed chair of the Assembly Committee on Veterans Affairs and as the body's representative to California's Milton Marks Little Hoover Commission. His strong leadership skills and passion for public service were instrumental in his early success in the assembly.

Assemblyman Mike Gordon knew firsthand the concerns and needs of his community and dedicated his life to serving the citizens of Southern California. He grew up in La Mirada, CA where he attended Neff High School and in 1979 graduated from California State University, Fullerton with a bachelor's degree in political science. Whether as mayor or assemblyman, he used his knowledge, influence, and skills to better the lives of his constituents.

Assemblyman Gordon is survived by his wife Denise and children, Ryan, Erika, Amanda, and Gordy. He was a deeply loved member of both the California State Legislature and the South Bay community for his willingness to champion the causes of those he represented. He will be missed by all who knew him.•

CONGRATULATING MISS KENNEDY WOMACK

• Mr. BUNNING. Mr. President, today I rise to congratulate Miss Kennedy Womack, a 10-year-old student of Russell-McDowell Intermediate School in Flatwoods, KY.

The Kentucky Association for Gifted Education in cooperation with the National Association for Gifted Children awarded Miss Womack the Nicholas Green Distinguished Student Award during the KAGE 25th Annual Conference on February 8, 2005. The award is designed to recognize excellence in young children and is given to one student per State each school year. Award recipients are between ages 8 and 12 and have achieved excellence in one of the following areas of endeavor—leadership, visual/performing arts, and academic achievement. The student selected is one who makes a contribution to the community at a level beyond what is expected of the student's age group.

While spending time with her grandfather who is the jailer for the Greenup County Detention Center, Miss Womack became aware of the needs of the inmates, as well as the children who come to visit them. She observed inmates who needed to read or write to their families, but for some reason they were not able to do so. Kennedy tried to find a way to help. Through various means, Kennedy has also tried to help the young children who come to visit their relatives. She hopes her efforts will help the children make wise choices and not follow a path of crime. Chief Tomas E. Kelly, Ashland Chief of Police, says of Miss Womack, "Kennedy has a keen interest in bettering her community, stopping the chain of crime and being a young advocate for victims of crime, and clearly demonstrates her leadership traits and initiative while doing so."

National recognition by this organization is truly an honor to Greenup County and the Commonwealth of Kentucky. I congratulate Miss Womack for her hard work and achievement. I encourage her to keep up the hard work and commitment to improving her community.•

TRIBUTE TO JADA TRABUE, ASHLYN WILSON AND CHARLES CLARK

• Mr. BUNNING. Mr. President, I wish to pay tribute to Jada Trabue, Ashlyn Wilson, and Charles Clark as three truly outstanding students from the Commonwealth of Kentucky.

In the fall of 2005, Reading is Fundamental, Inc. held a national poster contest in which more than 25,000 children created artwork reflecting the 2005 theme, "Celebrate the Joy of Reading." Out of 365 posters submitted to the national competition, a panel of judges selected Jada Trabue of Louisville, KY, as the National Winner. Ashlyn Wilson of Louisville, KY, and Charles Clark of Hopkinsville, KY, were selected as Honorable Mention winners.

Being recognized by this organization is truly an honor. I congratulate these three students for their hard work and their achievement.•

CONGRATULATING MR. BRANDON HARVEY AND MR. CRAIG PEDEN

• Mr. BUNNING. Mr. President, I congratulate and honor two young Kentucky students who have achieved national recognition for exemplary volunteer service in their communities. Brandon Harvey of Breeding and Craig Peden of Henderson have just been named the top two honorees in Kentucky by the 2005 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia and Puerto Rico.

Mr. Harvey, a senior at Adair County High School, is being recognized for raising nearly $1,000 to purchase smoke detectors for the families of all 175 students at a local elementary school. Mr. Harvey organized a special Fire Prevention Day at the school, during which he taught the students fire prevention and safety techniques and issued every child a smoke detector.

Mr. Peden, an eighth grader at Henderson County North Middle School, is being recognized for leading an effort by his school's Junior Optimist Club to raise money to help support the operating budget of Riverview School, a preschool for special needs students. With Mr. Peden's help, Riverview School was able to pay off its mortgage, and now Craig hopes to expand his efforts to directly benefit the handicapped children at Riverview.

In light of numerous statistics that indicate Americans today are less involved in their communities than they once were, it is vital that we encourage and support the kind of selfless contribution these young citizens have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Mr. Harvey and Mr. Peden are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought this young role model to our attention—the Prudential Spirit of Community Awards—was created in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued. Since its inception, the program has become the Nation's largest youth recognition effort based solely on community service, with more than 170,000 youngsters participating.

Mr. Harvey and Mr. Peden should be extremely proud to have been singled out from such a large group of dedicated volunteers. I heartily applaud Mr. Harvey and Mr. Peden for their initiative in seeking to make their communities a better place to live, and for the positive impact they have had on the lives of others. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.•

IN RECOGNITION OF THE KENTUCKY COMMANDERY

• Mr. BUNNING. Mr. President, today I rise to congratulate the hard work of fellow Kentuckians to establish the Kentucky Commandery of the Military Order of the Loyal Legion of the United States.

The Military Order of the Loyal Legions of the United States was established by a group of Federal officers formed to act as an honor guard for the remains of President Abraham Lincoln. These officers later met to form a society to commemorate the events and principles of the War of the Rebellion. MOLLUS became the first military society based upon the War of Rebellion to be formed.

Over 125 officers of Kentucky regiments, as well as over a dozen general officers and admirals of Kentucky birth, were original companions of MOLLUS. At the MOLLUS National Congress in October of 2004, the dedicated efforts of the Kentucky members paid off, as the Commonwealth of Kentucky was granted full Commandery status.

I extend my heartfelt congratulations to the members of the Kentucky Commandery for their hard work and dedication to their principles.•

CONGRATULATING MR. JOHN W. HINKLE AND MISS COURTNEY E. OTTO

• Mr. BUNNING. Mr. President, today I rise to congratulate two young Kentucky students who have achieved national recognition for their academic excellence, artistic accomplishments, and civic contributions. Mr. John W. Hinkle of Shelbyville and Miss Courtney E. Otto of Louisville have been named to the 41st Class of Presidential Scholars.

Each year the Presidential Scholars program invites more than 2,700 students to apply for recognition based on outstanding scores on the College Board SAT or ACT assessments. A 28-member Commission on Presidential Scholars, appointed by President Bush, made the final selection from a pool of over 500 semifinalists. The 141 winners include one young man and one young woman from each State, the District of Columbia, and Puerto Rico, and from U.S. families living abroad, as well as 15 chosen at large and 20 Presidential Scholars in the Arts.

Mr. Hinkle and Miss Otto should be extremely proud to have been singled out from such a large group of dedicated students. National recognition from this program is truly an honor to the Commonwealth of Kentucky. I heartily applaud their hard work and achievements.•

CONGRATULATING OFFICER DUANE HARPER

• Mr. BUNNING. Mr. President, today I rise to congratulate Officer Duane Harper of Owensboro, KY. Officer Harper was recently awarded the Owensboro Police Department's citation for officer of the year.

Officer Harper, a vehicle crash reconstructionist, is a 14-year veteran with an eye for detail and a steady, meticulous investigative technique. As a reconstructionist, Harper is called on to conduct investigations not only for his department, but others as well. Chief John Kazlauskas describes Harper as committed to conducting his investigations thoroughly and professionally.

The officer of the year award is given annually to an officer selected solely by the Chief of Police based on performance and merit. Officer Harper was also the recipient of the Chief's Award, the department's second highest honor.

It is very important to have members of our law enforcement dedicated to the safety and well being of our communities. I am very proud to have Officer Harper as a member of local law enforcement in Kentucky. I heartily applaud his hard work and commitment to serving his community.

I hope that you will join me today in both recognizing and congratulating Officer Harper in his achievement. He serves as an example to the rest of the Commonwealth of Kentucky. I wish him continued success in the future.•

100TH ANNIVERSARY OF MERCER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1-3, the residents of

Mercer, ND, will celebrate their community's founding and history.

Mercer is a small town of 86 citizens in west-central North Dakota, encircled by rolling prairie and enchanting lakes. Despite its small size, Mercer holds an important place in North Dakota's history, one that long predates the establishment of the town. The community was at the crossroads of major events that shaped the early Dakota experience. The cultures of three Native American tribes converged here at Prophet's Mountain, and their relics still dot the prairies. Early fur traders traipsed the Coteau du Missouri, skirting Medicine Hill while on expeditions between Canada and the Missouri River. Major wagon trains, seeking an overland route to Montana gold fields, rutted its terrain. Trails traversed the community, some reaching as far north as Canada. At the close of the nineteenth century, lush rangeland at the foot of Prophet's Mountain beckoned pioneer ranchers along the Missouri River bottomland. Among them was William Henry Harrison Mercer, who drove his cattle herds to this area. The largest influx of new citizens the community would ever witness—the homesteaders—then followed.

At the behest of the Northern Pacific Railway Company, the town of Mercer was platted July 24, 1905. The first rail traffic arrived on November 7, and construction of a depot followed in 1907. Mercer Township was organized in 1908, and three supervisors, a clerk, treasurer, assessor, two justices, two constables, a road overseer and a commission of conciliation were all elected.

Like many other plains country towns, Mercer has witnessed and withstood major upheavals in its struggle to survive. Other than its fine citizens, Mercer's proudest asset has been Brush Lake. As early as 1926, community leaders with vision established the Mercer-Brush Lake Community Association, an organization dedicated to the protection and preservation of a serene, natural recreational resource for the public good. That association was reorganized in 1958 as the Brush Lake Community Association, with a membership spanning the entire region.

I ask the Senate to join me in congratulating Mercer, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Mercer and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Mercer that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Mercer has a proud past and a bright future.•

100TH ANNIVERSARY OF ROLETTE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1–3, the residents of Rolette, ND, will gather to celebrate the community's centennial.

Rolette is located in the northern part of North Dakota with a population of 538. Although its population is small, Rolette holds an important place in North Dakota's history. A post office named after the nearby Willow Creek, along with a junction on the Great Northern Railroad, fueled the city's growth, which peaked in 1970 with 704 people. Rolette was named after the fur trader, Joseph Rolette, who lived from 1820 to 1871.

Located in the scenic Turtle Mountains, Rolette boasts exceptional outdoor activities. A healthy number of lakes sprinkle the region, which provide for fishing opportunities and an abundance of waterfowl for hunters and birdwatchers in the fall. Many community members enjoy the nearby golf course or the International Peace Gardens in the warmer months. Today, Rolette is home to two cafes, a clinic, a bank, and much more.

In recognition of the community's centennial, eight murals were painted by local artisans on the exterior of the Rolette Mall. Five additional murals recognizing the community's dedication to volunteerism were recently completed. Rolette's lively centennial celebration will include an all school reunion, a civic parade, dances, and an air and car show.

I ask the Senate to join me in congratulating Rolette, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Rolette and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. Places such as Rolette shaped this country into what it is today, which is why this fine community deserves our recognition.

Rolette has a proud past and a bright future.•

100TH ANNIVERSARY OF ANTLER, NORTH DAKOTA

• Mr. CONRAD. Mr President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 8 and 9, the residents of Antler, ND, will gather to celebrate their community's history and founding.

Antler is a small town in the northern part of North Dakota, with a population of approximately 40. Despite its small size, Antler holds an important place in North Dakota's history. It began around 1889 when settlers Mr. and Mrs. Jack Schell; Jack, Mike, and Dan Manning; and Robert Wright first populated this region. By 1898, Duncan McLean had established a post office, and in 1905, Antler was incorporated as a city.

Antler was named after Antler Creek, one of two tributaries, which resemble a deer's horns, branching from the Mouse River. Today, Mayor Tom Arneson leads this enthusiastic community. Currently, Antler is known around the State for its unique Town Square and its close proximity to the Canadian border. Residents of this peaceful town enjoy spending time outdoors, hunting, and fishing.

I ask the Senate to join me in congratulating Antler, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Antler and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Antler that have helped to shape this country into what it is today, which is why Antler is deserving of our recognition.

Antler has a proud past and a bright future.•

100TH ANNIVERSARY OF ROCKLAKE, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 8–10, the residents of Rocklake, ND, will celebrate their community's history and founding.

Rocklake is a small town in the north central part of North Dakota with a population of 178. Despite its small size, Rocklake holds an important place in North Dakota's history. The building of the railroad from the community of Starkweather to the northwest led to the founding of Rocklake in 1905. At that time, Joseph Kelly purchased 80 acres of land from E.E. Brooks for the town site. The village was founded on the narrow freshwater shores of the Rock Lake, for which the town was named. Rocklake was incorporated as a village on April 18, 1906.

Over the last 100 years, Rocklake has remained a strong agricultural community with many second or third generation farmers. The citizens of Rocklake are very proud of their town and continue to support the local school, elevator, cafe, and churches, along with the many other businesses.

I ask the Senate to join me in congratulating Rocklake, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Rocklake and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Rocklake that have helped to shape this country into what it is today, which is why it is deserving of our recognition.

Rocklake has a proud past and a bright future.●

100TH ANNIVERSARY OF WOLFORD, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 9, the residents of Wolford, ND, will gather to celebrate the community's centennial.

Wolford is a small town in the northern part of North Dakota with a population of 50. Although its population is small, Wolford holds an important place in North Dakota's history. It originated as a village named Orkney, honoring local homesteaders hailing from the Orkney Islands in Canada. The post office was established in June 1895. Then, in June 1905, the town site was plotted and renamed Wolford by a Great Northern railroad agent. The precise origin of the name still remains unclear.

The people of Wolford take their education seriously. The kindergarten through twelfth grade public school was recently honored as a Blue Ribbon School for the students' academic achievements. Wolford also has a dedicated volunteer fire department, and the current mayor, Jim Wolf, recently helped organize a first response team. Every summer the Dale and Martha Hawk Museum, located northeast of Wolford, hosts an antique farm show. This year's show featured a 1912 Hackney plow, the only operational plow of its type still in existence today. The Prairie Arts Center, which is located on the museum's grounds, provides an opportunity for students to practice Raku, a Japanese pottery technique. Wolford's centennial celebration will include a parade, picnic lunch, an evening dance, a children's petting zoo, and a historical display.

I ask the Senate to join me in congratulating Wolford, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Wolford and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. It is places such as Wolford that shaped this country into what it is today, which is why this fine community deserves our recognition.

Wolford has a proud past and a bright future.●

125TH ANNIVERSARY OF GRAND RAPIDS, NORTH DAKOTA

● Mr. CONRAD. Mr President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. On July 8–10, the residents of Grand Rapids, ND will celebrate their community's history and founding. Coinciding with the weekend activities, the Zion Lutheran Church will celebrate its centennial.

Grand Rapids is a small town in the southeast part of North Dakota. Despite its small size, Grand Rapids holds an important place in North Dakota's history. It began in 1880 when the North Pacific Railroad was built in LaMoure County. It was platted in June of that year by Edward P. Wells and Homer T. Elliot, the latter of whom became the post master when the post office was established on June 17, 1880. The city was named for the cataracts of the James River at this site, sometimes called the Stepping Stones. Grand Rapids was the county seat between 1881 and 1886. The first Grand Rapids school was established in 1910. After the school districts were reorganized in 1963, Grand Rapids was incorporated into LaMoure. Since that time, Grand Rapids has developed into the pleasant community it is today.

Grand Rapids has a variety of recreation and activities, including a scenic nine-hole golf course and beautiful camp ground that welcomes visitors each year. The citizens also host a Summer Musical Theatre every year, and they enjoy the company of several youth each summer during the Farmer's Union Camp. Grand Rapids has an exciting weekend planned to celebrate their 125th anniversary, including a parade, picnic, historical reenactment play, as well as a craft and flea market and the centennial celebration for Zion Lutheran Church.

I ask the Senate to join me in congratulating Grand Rapids, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Grand Rapids and all the other historic small towns of North Dakota, we keep the pioneering tradition spirit alive for future generations. It is places such as Grand Rapids that have helped to shape this country into what it is today, which is why Grand Rapids is deserving of our recognition.

Grand Rapids has a proud past and a bright future.●

HONORING WILLIAM ALLEN

● Mr. DODD. Mr. President, I wish to honor a constituent of mine, William Allen, who was recently named the 2005 Citizen of the Year by the town of Montville, CT.

Mr. Allen is a lifelong resident of Montville, a town of about 18,000 people located along the Thames River, between Norwich and New London in Southeastern Connecticut. He served his country in the U.S. Marines from 1961 to 1963 before receiving an honorable discharge. After he returned home, he worked in construction for 6 years before starting his own business, W.R. Allen and Co. Contracting, in 1969.

Today, in addition to the contracting firm, William Allen owns Allen Carpets, Hawthorne Woodworking Co., and Plumfire Mechanical and Bathliners, all based in Montville.

As a good businessman, Mr. Allen could have gone anywhere and been a success. But he chose to stay in the town where he was raised and make it a better place for all of its citizens.

William Allen's impact on Montville is not limited to his businesses. He has been an active participant in numerous community organizations, including the Montville Youth Center, the Senior Citizen's Center, the Montville Little League, the Boy Scouts, and Montville's police and fire departments.

There are many committed citizens such as William Allen across our Nation—people who work hard each and every day and then give of themselves to their communities to improve the lives of others. I believe we would do well to recognize their achievements more often, and I applaud the Town of Montville for bestowing this well-deserved honor on Mr. Allen.

Once again, I congratulate William Allen on this wonderful award, and I wish him, his wife Rosalyn, their children, and their grandchildren all the best.●

IN MEMORY OF FRANK MANCUSO

● Mr. DODD. Mr. President, I wish to speak in memory of a distinguished public servant and a dear friend, Frank Mancuso, who passed away on June 19 at the age of 82.

Frank was born in Italy, but he grew up and lived in and around Hartford and Enfield, CT. Although he worked as a union leader and served as a decorated member of the Army Air Corps in the campaign in the Pacific during World War II, he was most well known to the citizens of Connecticut for his dedicated work in public office and the humanity with which he fulfilled his duties.

In 1963, with no prior political experience, Frank was elected as the first mayor of Enfield. Four years later, he rebounded from a short political setback to lead the reform "Eight Slate." They campaigned on the promise to build the schools and city infrastructure that Enfield needed not only to keep pace with its recent population explosion, but also to ensure its continued growth in the future. Frank held true to his campaign promises and served as mayor until he was selected in 1975 by Gov. Ella Grasso to be the State director of civil preparedness. The self-styled "master of disaster" worked under the subsequent administrations of William O'Neill and Lowell Weicker, Jr.

Frank loved politics, but he was a pragmatic public servant who went out of his way to build a consensus when it was best for the community. He was an upbeat and straight-shooting leader with a disarming sense of humor. In the eyes of his colleagues, it was Frank's guidance that led Enfield to be named as one of the country's best small cities.

Frank, who was born in Italy in 1922, attributed his love of democracy to dark memories of Mussolini's fascist dictatorship. But it is clear that his service was equally motivated by a commitment to his community. When Frank retired from statewide politics in 1992, he remained connected through activities such as chairing building committees at local schools in Enfield. A recent editorial in the Hartford Courant rightly called him "Enfield's Ambassador" and the town's "chief cheerleader."

The residents of Enfield honored Frank by naming a park after him, but he has already left his mark throughout the town, which grew up under his tireless leadership, and on his friends and colleagues, whom he touched with his selflessness.

I offer my deepest condolences to Frank's children Donna, Douglas, and Francis, to the entire Mancuso family, to the people of Enfield, and to the countless others whose lives were enriched by Frank Mancuso.•

TO COMMEMORATE ARTESIA, NEW MEXICO'S CENTENNIAL

• Mr. DOMENICI. Mr. President, I would like to recognize a unique community in my home State of New Mexico and some of its many proud accomplishments. 2005 marks a special year for the city of Artesia as it celebrates its centennial.

After two names "Miller" and "Stegman," the citizens finally decided on "Artesia" in 1903 after the discovery of several flourishing Artesian wells in the area, and in January of 1905 the community of Artesia became an incorporated municipality. At the time, roughly 1,000 residents called Artesia home and these folks undertook a daunting task to make it a growing, prosperous community. Over the 100 years since its conception, Artesia and its citizens have seen many changes. Artesia, once a sleepy farming and ranching town, now finds itself at the hub of southeast New Mexico's oil and gas industry.

Very few cities in my home State have replicated Artesia's drive for excellence. The efficient use of the Pecos River Valley, and turning it into one of the most admirable and profitable agricultural regions in the State, is commendable. They have utilized the fertile Pecos soil to produce some of the state's best alfalfa and corn, which in turn has allowed them to raise livestock that are the envy of many New Mexican producers.

Artesia, in accord with its ambitious nature, has surpassed even its well-deserved legacy as an oil, gas and agricultural force. When attempting to find a use in the late 1980s for a shuttered college campus, the city leaders checked with me and our collaboration resulted in the city offering the space to the Federal Government. That offer brought the establishment of the Federal Law Enforcement Training Center that is today the Nation's training focal point for Federal security personnel who protect our borders and Federal facilities. It has been beneficial not only for the Federal Government and the American people, but also Artesia's economic diversity.

Artesia's standard for excellence is also reflected in their extraordinarily successful school program. Students retain a sense of pride, while teachers act as models for the rest of the State to follow. No where else has a football team won twenty-four State titles, yet still preserve the highest regard for education. The quality of Bulldog character is known, not only in the southeastern part of the State, but throughout the Land of Enchantment.

As I review the past 100 years, one thing becomes clear. Artesians are achievers. When problems or opportunities arise, Artesians roll up their sleeves and go to work to complete the task at hand. This is why oil and gas was initially discovered and still flourishes in the Pecos Valley. All the while, farming and ranching has persevered, and more recently dairies and other additions to the economy have pushed it into a constant position of expansion. Dedication to purpose and enthusiastic pursuit of success are ingrained in its citizens, young and old. It is no wonder Artesia has become known as "The City of Champions."

I consider myself fortunate to be the Senator from a State where hard work and dedication still prevails, perfection is pursued, and its citizens are not afraid to get their hands dirty. During this centennial year, I am absolutely amazed at the large number of citizens that are busy planning activities, contributing ideas and historical facts, raising funds, and volunteering time and effort to conduct a full year of activities with the expressed purpose of making 2005 a truly memorable year for all of its citizens. As their United States Senator, I want to commend Artesia and its citizens for a job well done in making Artesia, New Mexico such a wonderful place to live and work over the past 100 years.•

100TH ANNIVERSARY OF PRATT, WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, today I wish to recognize a community in West Virginia that will be celebrating its 100th anniversary. On July 12, the residents of Pratt will celebrate their community's history and founding 100 years ago.

Pratt is a small town in southern West Virginia on a soft bend in the Kanawha River, with a population of 551. Pratt has some of the qualities of a typical West Virginia coal camp—it is a small community with hard-working people and a solid value base. But what separates Pratt from most small coal towns is that it has been around longer and has played an integral role in the labor movement.

Despite its small size, Pratt holds an important place in West Virginia's history. Originally named Clifton, then Dego, the town adopted the last name of Charles K. Pratt at the dawning of the twentieth century. Pratt's New York company owned timber and mineral rights in the area. The town was incorporated on June 4, 1905.

Stately old homes are spread throughout the town, each adding to Pratt's rich history. The town's lone church, Old Kanawha Baptist, is recognized as the oldest functioning church in the Kanawha Valley. It celebrated its 200th anniversary in 1993. In the local cemetery, gravestones date back as far as 1835. Many of Pratt's residents can trace their ancestry to the town's pre-Civil War settlers.

In 1984 the town's cemetery and residential neighborhood overlooking the Kanawha River were designated a historic district and placed on the National Register of Historic Places. The Mother Jones prison site received historic designation in 1992.

The town of Pratt rose to national prominence during Wet Virginia's mine wars of 1912–1913. In 1912, United Mine Workers of America, UMWA, miners in nearby Paint Creek demanded wages equal to those of other area miners. They also insisted on the right to organize and an end to the practice of using mine guards. When operators rejected the wage increase, miners walked off the job, beginning one of the most violent strikes in the Nation's history.

After the strike began, operators brought in mine guards to evict miners and their families from company houses. As the mine guards continued to intimidate workers, national labor leaders, including Mary Harris "Mother" Jones, arrived on the scene. A leader of the UMWA's efforts to organize the State, Jones was known for her blistering verbal attacks on coal operators and politician. She criticized the poor working conditions, meager safety provisions, and long hours of the mines and called for change.

In 1913, Jones was placed under house arrest in Pratt for inciting a riot and was held there for 85 days. When news of her imprisonment spread across the country, Congress was forced to investigate the matter.

Although the settlement of the strike failed to answer the miners' main grievances, the Paint Creek strike produced a number of labor leaders who would play prominent roles in the years to come. Following the strike, the coalfields were relatively peaceful for 6 years.

I ask the Senate to join me in congratulating Pratt, WV, and its residents on their first 100 years and in extending our best wishes for their next

100 years and beyond. We recognize Pratt's important contributions to the labor movement. Through its challenges and triumphs, Pratt has helped to move our Nation forward in labor relations, which is one of the many reasons this fine community deserves our recognition.

Pratt has a rich past and a promising future.•

CELEBRATING THE 30TH ANNIVERSARY OF THE LINCOLN PRIMARY CARE CENTER

• Mr. ROCKEFELLER. Mr. President, I rise today to recognize the Lincoln Primary Care Center, which has served the people of Lincoln County, WV, since 1975.

That year, the residents of Lincoln County opened a small, nonprofit health clinic in the storefront of a local grocery store. In 1977, the Lincoln County Primary Care Center became the Nation's first federally designated Rural Health Care Clinic and, by May of 1991, had been given the National Rural Healthcare Association Outstanding Rural Practice Award.

Today, the Lincoln Primary Care Center serves nearly 22,000 area residents and reaches out, not only to the people of Lincoln County but also to those in parts of Cabell and Wayne Counties. The center is now housed within a 17,500 square-foot building that features 33 treatment rooms and offers a wide variety of medical services. This includes initiatives within the Wellness Center, opened in 2004 to provide members of the community with valuable information regarding the prevention of chronic disease. This also includes healthy living programs that benefit residents of all ages, the Senior Nutrition Program, which serves free lunches to anyone over the age of 55, and the exercise facility, which is used by at least 50 people each day.

As I have said before, West Virginia is a rural State and, in many areas, access to quality health care is problematic. This is especially true in the case of our seniors, who comprise nearly 15 percent of our population and have significant health care needs. That is why it is good to know that the Lincoln Primary Care Center offers them high-quality, accessible care that addresses all aspects of wellness.

Indeed, it is clear that the Lincoln Primary Care Center plays an important role in the community it serves, and a number of West Virginians who visit the center have conveyed to me their appreciation for it. Ms. Brenda Terry notes the great pleasure she receives from the use of the center's exercise facility, and how glad she is to see so many friends there. Also, Ms. Mary Richmond tells me that she is thankful for the paved walking track, and Ms. Donna Rush describes the pleasant atmosphere enjoyed by those who live alone. Finally, Mr. John Rush expresses his fondness for the new friendships that he has forged during his time there.

With this praise in mind, I would like to commend the Lincoln Primary Care Center as it celebrates its 30th Anniversary and I would like to recognize the dedicated service it provides to its community—service that can serve as a model for rural health care delivery, now and in the future.•

TRIBUTE IN HONOR OF RADM EDWARD "ANDY" WILKINSON, RET.

• Mr. SHELBY. Mr. President, today I pay tribute to a great patriot, RADM Andy Wilkinson, on the occasion of his retirement. Andy has led a life of great purpose, from his childhood days in Alabama to a dedicated military career and his time in the private sector in Huntsville, AL. A native of Selma, Andy is of the generation of military leaders in this Nation whose sacrifice and commitment preserved and protected our freedom from Vietnam on into the long decades of confrontation with the former Soviet Union, and beyond.

He began his distinguished 34-year military career in 1955 when he was commissioned as an ensign upon his graduation from the U.S. Naval Academy. He also graduated from the Armed Forces Staff College, the National War College, and he holds a Master's Degree in Engineering from the George Washington University. During his Naval career as a pilot, he held six commands, four of which were in operational aviation units, including command of Patrol Wings, U.S. Atlantic Fleet. Andy also served on the staff of the Deputy Chief of Naval Operations for Air and as Manager of the Anti-Submarine Warfare Systems Project Office in the Naval Material Command, supervising a budget of over $1 billion per year.

With an expertise in aviation, anti-submarine warfare, and mapping, charting, and geodesy, MC&G, Andy served as the Director of the Defense Mapping Agency, DMA. In this role, he was responsible to the Secretary of Defense for all service MC&G matters and managed the multi-billion-dollar DMA all digital modernization program. Andy has been awarded the Defense Distinguished Service Medal, the Defense Superior Service Medal, and two Legions of Merit Medals during his distinguished military career.

In 1985, Andy joined the Intergraph Corporation as a senior representative to the U.S. Government on relations with Congress and the executive department. After being promoted to vice president in 1987 and to executive vice president in 1994, Andy then served as Director of U.S. Federal Sales and Marketing until 1999. He currently provides leadership and expertise by overseeing all Government relations and Federal solutions business planning.

During his career, Andy has shown continuous dedication and played a major role in several large contracts and programs that have helped to improve government and the efficiency and effectiveness of a vast array of military programs. Andy was instrumental in the management and development of CAD-2 programs for the Naval Sea Systems Command, Naval Air Systems Command, and Naval Facilities Engineering Command, which provide information technology support and integration in the Navy and Federal government. Also, Andy served a vital role in developing the Depot Maintenance Accounting and Production System for the Air Force Material Command, AFMC. By facilitating data exchange between legacy systems, this program greatly enhanced AFMC's decisionmaking process and increased responsiveness to the warfighter and other support personnel.

Finally, I should also say that Andy distinguished himself in yet another way. He is one of those rare individuals whose word is his bond, and whose actions, both personal and professional, are based on a bedrock of integrity. He has earned the confidence and respect of countless Members of Congress, Senators, and his colleagues.

I ask my colleagues to join me in paying special tribute to Mr. Andy Wilkinson. I thank him for his service, and I wish Andy and his wife Sondra and their family the very best as they begin a new chapter in their lives.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 3:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

H.R. 504. An act to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 627. An act to designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".

H.R. 1072. An act to designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

H.R. 1082. An act to designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building".

H.R. 1236. An act to designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1460. An act to designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Studenhofer Post Office Building".

H.R. 1524. An act to designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

H.R. 1542. An act to designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building".

S. 1282. An act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

At 7:07 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3104. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

At 7:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 324. An act to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

H.R. 1001. An act to designate the facility of the United States Postal Service located at 301 South Heatherwilde Boulevard in Pflugerville, Texas, as the "Sergeant Byron W. Norwood Post Office Building".

H.R. 2326. An act to designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

ENROLLED BILL SIGNED

The President pro tempore (Mr. STEVENS) announced that today, June 30, 2005, he had signed the following enrolled bill, which had previously been signed by the Speaker of the House:

S.714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

At 11:57 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3130. An act making supplemental appropriations for fiscal year 2005 for veterans medical services.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 198. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3021. An act to reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

H.R. 3104. An act to provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st century.

The enrolled bills were subsequently signed by the President pro tempore (Mr. STEVENS).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 1332. A bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 30, 2005, she had presented to the President of the United States the following enrolled bills:

S. 714. An act to amend section 227 of the Communications Act of 1934 (47 U.S.C. 227) relating to the prohibition on junk fax transmissions.

S. 1282. An act to amend the Communications Satellite Act of 1962 to strike the privatization criteria for INTELSAT separated entities, remove certain restrictions on separated and successor entities to INTELSAT, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2832. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement for the manufacture of significant military equipment abroad in the amount of $68,000,000 to Australia; to the Committee on Armed Services.

EC-2833. A communication from the Principal Deputy, Office of the Under Secretary of Defense for Personnel and Readiness, transmitting, pursuant to law, a report of the closure of the Defense commissary stores at Aschaffenburg and Rhein-Main Air Base, Germany effective August 31, 2005; to the Committee on Armed Services.

EC-2834. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to five countries not cooperating fully with U.S. antiterrorism efforts: Cuba, Iran, Libya, North Korea, and Syria; to the Committee on Armed Services.

EC-2835. A communication from the Assistant Secretary of Defense, Reserve Affairs, transmitting, pursuant to law, the Department's STARBASE Program 2004 Annual Report; to the Committee on Armed Services.

EC-2836. A communication from the Special Assistant to the Secretary of the Navy for Base Realignment and Closure, transmitting, a report of the Secretary of the Navy's statement and the Department of the Navy's process brief relative to the Base Realignment and Closure (BRAC) Commission testimony; to the Committee on Armed Services.

EC-2837. A communication from the Acting Under Secretary of Defense for Acquisition, Technology, and Logistics, Department of Defense, transmitting, pursuant to law, a report entitled "Military Postal System Actions To Support the Morale of Members of the Armed Forces and Their Ability To Vote by Absentee Ballot"; to the Committee on Armed Services.

EC-2838. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with "BRAC Impact on GSA Leased Space") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC-2839. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with "Strategy for Homeland Defense and Civil Support dated September 13, 2004") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2840. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with "Close Pope AFB COBRA") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2841. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (2 subjects on 1 disc beginning with "Tech Joint Cross Service Group Questions for the Record") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2842. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (7 subjects on 1 disc beginning with "Issues, Questions, and Concerns on Fort Knox, KY") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2843. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (6 subjects on 1 disc beginning with "DoN Scenario COBRA Files—Inactive") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2844. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (9 subjects on 6 discs beginning with "COBRA Files Closing Grand Forks AFB, ND") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2845. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–119, "Anacostia Waterfront Corporation Board Expansion Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2846. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–102, "Board of Real Property Assessments and Appeals Reform Temporary Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2847. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–101, "Adams Morgan Business Improvement District Temporary Amendment Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 16–103, "Closing of Public Alleys in Squares 5579, S.O. 04–10134, Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2849. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report of proposed legislation entitled "Legislative Provision Establishing Equitable Annual Pay Adjustments for Senior Federal Government Officials" received on June 22, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2850. A communication from the Administrator, General Services Agency, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Administrator's Semiannual Management Report; to the Committee on Homeland Security and Governmental Affairs.

EC–2851. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the semi-annual report of the Peace Corps Inspector General for the period from October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2852. A communication from the Acting Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Changes in Pay Administration Rules for General Schedule Employees" (RIN 3206–AK88) received on June 23, 2005; to the Committee on Homeland Security and Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCONNELL, from the Committee on Appropriations, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 3057. A bill making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2006, and for other purposes (Rept. No. 109–96).

By Mr. SPECTER, from the Committee on the Judiciary:

Report to accompany S. 852, a bill to create a fair and efficient system to resolve claims of victims for bodily injury caused by asbestos exposure, and for other purposes (Rept. No. 109–97).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Daniel R. Stanley, of Kansas, to be an Assistant Secretary of Defense.

*James A. Rispoli, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

Air Force nomination of Gen. Teed M. Moseley to be General.

Air Force nomination of Col. William N. McCasland to be Brigadier General.

Army nominations beginning with Brig. Gen. Robert J. Kasulke and ending with Col. Stanley L. K. Flemming, which nominations were received by the Senate and appeared in the Congressional Record on May 25, 2005.

Army nomination of Col. Larry J. Studer to be Brigadier General.

Army nomination of Col. Patrick Finnegan to be Brigadier General.

Navy nomination of Rear Adm. (lh) Mark A. Hugel to be Rear Admiral.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Ronald H. Alfors and ending with David R. Zartman, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with Gregory H. Blake and ending with Paul E. Turnquist, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nomination of Gary D. Davis to be Colonel.

Air Force nominations beginning with John A. Caver and ending with Thomas B. Dunham, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with Gretchen S. Dunkelberger and ending with Janet I. Sessums, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with William F. Evans and ending with Leslie R. Hyder, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Air Force nominations beginning with Wilbert W. Edgerton and ending with Suzanne Peters, which nominations were received by the Senate and appeared in the Congressional Record on June 9, 2005.

Army nominations beginning with Humberto Buitrago and ending with Phyllis Y. Spivey, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nominations beginning with Ira I. Kronenberg and ending with Gary P. Mauck, which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nomination of Eric M. Radford to be Colonel.

Army nomination of Paul F. Russell to be Colonel.

Army nominations beginning with Mark W. Bruns and ending with Donald O. Lagace, Jr., which nominations were received by the Senate and appeared in the Congressional Record on June 6, 2005.

Army nomination of Kenneth D. Ortega to be Colonel.

Army nomination of Charles H. Edwards to be Colonel.

Army nomination of Slobodan Jazarevic to be Colonel.

Army nomination of David M. Bartoszek to be Colonel.

Marine Corps nomination of Robert D. Dunston to be Major.

Navy nomination of Jeffrey D. Weitz to be Lieutenant Commander.

Navy nomination of Ronald D. Tomlin to be Lieutenant Commander.

Navy nominations beginning with Ronnie E. Argillander and ending with William J. Wilburn, which nominations were received by the Senate and appeared in the Congressional Record on June 23, 2005.

By Mr. SPECTER for the Committee on the Judiciary.

James B. Letten, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

Rod J. Rosenstein, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations:

Marie L. Yovanovitch, of Connecticut, to be Ambassador to the Kyrgyz Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Marie L. Yovanovitch.

Post: Ambassador to Kyrgyzstan.

Contributions, Amount, Date, and Donee:

1. Self, $50, 4/7/02, Cole for Congress; $50, 4/7/02, Herseth for Congress; $50, 4/7/02, Carnahan for Congress; $100, 3/3/01, Watson for Congress; $100, 11/11/00, Clinton for Senate; $100, 11/11/00, Coyne-McCoy for Congress; $100, 5/7/00, Gore for President; $100, 8/26/00, Gore-Lieberman Campaign.

2. Spouse: N/A.

3. Children and Spouses: N/A.

4. Parents: Michel and Nadia Yovanovitch, (my father is deceased), $35, 3/11/04, Democratic Senatorial Campaign Committee; $35, 3/11/04, John Kerry for President; $25, 3/11/04, A Lot of People Supporting Tom Daschle; $25, 11/25/03, Jeffords for Vermont; $25, 11/12/03, Democratic Senatorial Campaign Committee; $25, 9/6/03, Senator Tom Daschle; $25, 9/6/02, Democratic Senatorial Campaign Committee; $25, 7/1/02, Senator Jim Jeffords; $10, 5/4/01, N.C. Dollars for Democrats; $25, 3/19/99, Gephardt in Congress Committee.

5. Grandparents: N/A.

6. Brothers and Spouses: Andre, None.

7. Sisters and Spouses: N/A.

John Ross Beyrle, of Michigan, to be Ambassador to the Republic of Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: John Beyrle.

Post: US Ambassador, Bulgaria.

Contributions, Amount, Date and Donee:

1. Self: 0.

2. Spouse: Jocelyn Greene, 0.

3. Children: Alison Beyrle (17), 0; Caroline Beyrle (12), 0.

4. Parents: JoAnne Beyrle, 0; Joseph Beyrle I (deceased) $750, 2001, R.N.C.

5. Grandparents: All Deceased before 1993.

6. Brothers and Spouses: Joseph Beyrle II, 0; Kathy Alward, 0.

7. Sisters and Spouses: Julie Schugars, 0; Jack Schugars, 0.

Ronald Spogli, of California, to be Ambassador to the Italian Republic.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Ronald P. Spogli.

Post: Ambassador, Italy.

Contributions, Date, Donee, and Amount.

1. Self: Ronald P. Spogli.

7/29/04, 2004 Joint Candidate Committee, 24,500.

7/29/04, 2004 Joint State Victory Committee, 7,500.

6/30/04, Pete Coors for U.S. Senate-Primary, 2,000.

6/30/04, Pete Coors for U.S. Senate-General, 2,000.

3/26/04, John Thune for U.S. Senate-Primary, 2,000.

2/24/04, Republican National Committee, 25,000.

9/11/03, Republican National Committee, 25,000.

6/20/03, Bush-Cheney '04 Inc., 2,000.

2/5/03, Kit Bond for U.S. Senate-Primary, 1,000.

7/11/02, John Cornyn for U.S. Senate, 1,000.

6/24/02, Florida Republican Party, 5,000.

4/18/02, James Talent for U.S. Senate-Primary, 1,000.

4/18/02, James Talent for U.S. Senate-General, 1,000.

4/18/02, Norm Coleman for U.S. Senate-Primary, 1,000.

4/18/02, Norm Coleman for U.S. Senate-General, 1,000.

4/18/02, John Thune for U.S. Senate-Primary, 1,000.

4/18/02, John Thune for U.S. Senate-General, 1,000.

4/15/02, McConnell U.S. Senate Committee-General, 1,000.

11/12/01, National Republican Senatorial Committee, 10,000.

5/8/01, Republican National Committee, 20,000.

4/16/01, McConnell U.S. Senate Committee-Primary, 1,000.

2. Spouse: Georgia B. Spogli, see attached.

8/2/04, 2004 Joint State Victory Committee, 7,500.

8/2/04, 2004 Joint Candidate Committee, 30,500.

2/25/04, Republican National Committee, 25,000.

9/12/03, Republican National Committee, 25,000.

6/20/03, Bush-Cheney '04, 2,000.

2/5/03, Kit Bond for U.S. Senate-Primary, 1,000.

4/18/02, James Talent for U.S. Senate-Primary, 1,000.

4/18/02, James Talent for U.S. Senate-General, 1,000.

4/18/02, Norm Coleman for U.S. Senate-Primary, 1,000.

4/18/02, Norm Coleman U.S. Senate-General, 1,000.

4/18/02, John Thune for U.S. Senate-Primary, 1,000.

4/18/02, John Thune U.S. Senate-General, 1,000.

4/30/01, Republican National Committee, 20,000.

3. Children and Spouses: Caroline Hunter Spogli (daughter), none; William Alexander Ridley Considine, none (stepson).

4. Parents: Helen Spogli, deceased; Valerio Spogli, none.

5. Grandparents: Gesue Spogli, deceased; Marsilia Bartecchi Spogli Sacco, deceased; Salvatore Boccadori, deceased; Amelia Boccadori, deceased.

6. Brothers and Spouses: Robert Spogli, see attached; Jannetta Anna Beth Myers Spogli, none.

3/4/04, Bush-Cheney, 100.

8/20/04, Republican National Committee, 100.

7. Sisters and Spouses: none.

Robert H. Tuttle, of California, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Nominee: Robert Holmes Tuttle.

Post: The United Kingdom of Great Britain and Northern Ireland.

The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.

Contributions, amount, date, and donee:

1. Self, Robert Holmes Tuttle, $500.00, 4/3/01, Americans for Free International Trade PAC; $20,000.00, 5/15/01, 2001 RNC Presidential Gala (non-federal).

(Tuttle-Click, Inc.), $5,000.00, 5/16/01, 2001 RNC Presidential Gala (non-federal); $1,000.00, 6/13/01, California Republican Party; ($1,000.00), 3/23/05, California Republican Party refund; $1,000.00, 1/4/02, Beth Rogers for Congress; $10,000.00, 2/7/02, National Republican Senatorial Committee; $1,000.00, 4/19/02, Herb Meyer for Congress; $1,000.00, 4/19/02, Herb Meyer for Congress; ($1,000.00), 11/21/02, Herb Meyer for Congress refund; $1,000.00, 5/7/02, Beth Rogers for Congress; $5,000.00, 8/5/02, Road to 51; $2,000.00, 9/18/02, Renzi for Congress;* ($1,000.00), 10/13/02, Road to 51 refund; $1,000.00, 12/3/02, Terrell for Senate; $1,000.00, 2/6/03, Citizens for Arlen Specter; $1,000.00, 2/6/03, Kit Bond for U.S. Senate; $2,000.00, 6/6/03, Bush/Cheney '04, Inc.; $10,000.00, 6/24/03, Pima County (AZ) Republican Party; $1,000.00, 8/27/03, Automotive Free International Trade PAC; $25,000.00, 9/23/03, Republican National Committee; $25,000.00, 3/8/04, Republican National Committee; $1,000.00, 3/8/04, Dreier for Congress; $2,000.00, 4/27/04, Bill Jones for U.S. Senate; $2,000.00, 7/13/04, Pete Coors for U.S. Senate; ($3,500.00), 9/1/04, Republican National Committee refund; $28,500.00, 9/20/04, 2004 Joint Candidate Committee II; $25,000.00, 12/21/04, 55th Presidential Inaugural Committee.

*Although the Leadership Committee, a joint fundraising account, reports a receipt of a $10,000 9/18/02 contribution from Mr. Tuttle, the Arizona Republican Party, one of the joint fundraising participants, has assured Mr. Tuttle by letter that $8,000 of this amount was transferred to the non-federal account of the Arizona Republican Party, and $2,000 was deposited into the Renzi for Congress federal account.

2. Spouse: Maria D. Hummer $500.00, 6/28/01, Friends of Jane Harman; $500.00, 9/7/01, Golden State Political Action Committee; $1,000.00, 1/10/02, Beth Rogers for Congress; $1,000.00, 6/7/02, PAC to the Future; $1,000.00, 7/8/02, Beth Rogers for Congress; $1,000.00, 9/30/02, Friends of Jane Harman; $2,000.00, 6/6/03; Bush/Cheney '04, Inc.; $25,000.00, 12/12/03, Republican National Committee; $25,000.00, 3/16/04, Republican National Committee; $32,500.00, 9/29/04, 2004 Joint Candidate Committee II; $7,500.00, 9/29/04, 2004 Joint State Victory Committee.

3. Children and Spouses: Tiffany N. Tuttle, none.

Alexandra C. Tuttle, Alexandra believes that on two occasions in 2004 she made $100 contributions to the Kerry-for-President Campaign. She cannot locate the exact dates.

4. Parents: Holmes P. Tuttle—deceased; Virginia H. Tuttle—deceased.

5. Grandparents: James Harley Tuttle—deceased; Carrie Tuttle—deceased; Joseph Harris—deceased; Lulu Harris—deceased.

6. Brothers and Spouses: (no brothers).

7. Sisters and Spouses: Sally T. Mogan, $1,000.00, 10/29/02, John Thune for South Dakota; $2,000.00, 6/25/03, Bush/Cheney '04 (Primary), Inc.

Sister's Spouse: Richard F. Mogan, $500.00, 8/24/01, Wyoming Republican Party, Inc.; $500.00, 7/15/02, Cubin for Congress, Inc.; $100.00, 10/26/02, Republican National Committee; $1,000.00, 10/29/02, John Thune for South Dakota; $300.00, 11/8/02, Wyoming Republican Party, Inc.; $2,000.00, 6/16/03, Bush/Cheney '04, Inc.; $1,000.00, 6/10/04, Wyoming Republican Party, Inc.; $1,000.00, 7/12/04, Cubin for Congress, Inc.; $100.00, 8/2/04, Republican National Committee; $1,000.00, 8/16/04, Republican National Committee; $1,000.00, 8/17/04, Santorum 2006; $500.00, 8/20/04, John Thune for U.S. Senate.

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nominations:

Reuben Jeffery III, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2007.

Reuben Jeffery III, of the District of Columbia, to be Chairman of the Commodity Futures Trading Commission.

Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2010.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE (for himself, Mr. JEFFORDS, and Mr. CHAFEE):

S. 1339. A bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994; to the Committee on Environment and Public Works.

By Mr. INHOFE (for himself and Mr. JEFFORDS):

S. 1340. A bill to amend the Pittman-Robertson Wildlife Restoration Act to extend the date after which surplus funds in the wildlife restoration fund become available for apportionment; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 1341. A bill to amend title 10, United States Code, to improve transitional assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD (for himself and Mrs. LINCOLN):

S. 1342. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LANDRIEU:

S. 1343. A bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. DURBIN):

S. 1344. A bill to amend the Public Health Service Act to provide liability protections for volunteer practitioners at health centers under section 330 of such Act; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN (for herself and Mr. DEWINE):

S. 1345. A bill to amend title XVIII of the Social Security Act to eliminate cost-sharing under the medicare program for bone mass measurements; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. 1346. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Energy and Natural Resources.

By Mr. AKAKA:

S. 1347. A bill to authorize demonstration project grants to entities to provide low-cost, small loans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. KOHL:

S. 1348. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. ROCKEFELLER):

S. 1349. A bill to promote deployment of competitive video services, eliminate redundant and unnecessary regulation, and further the development of next generation broadband networks; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mrs. BOXER):

S. 1350. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON:

S. 1351. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. SPECTER (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1352. A bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for himself, Mr. WARNER, Ms. MURKOWSKI, Mr. COCHRAN, Mr. CORZINE, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, and Mr. VITTER):

S. 1353. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. GRASSLEY, Mr. KENNEDY, Mr. LIEBERMAN, Mr. CORZINE, and Mr. WYDEN):

S. 1354. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GRASSLEY, Mr. BAUCUS, Mr. DODD, Mr. ALEXANDER, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. HATCH, Mrs. MURRAY, Mr. REED, Mr. ALLEN, Mr. BURNS, Mr. CRAPO, Mr. DEMINT, Mr. SANTORUM, Mr. THOMAS, and Ms. CANTWELL):

S. 1355. A bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ENZI, and Mr. KENNEDY):

S. 1356. A bill to amend title XVIII of the Social Security Act to provide incentives for the provision of high quality care under the medicare program; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Mr. FEINGOLD, Mrs. CLINTON, and Mr. SCHUMER):

S. 1357. A bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 1358. A bill to protect scientific integrity in Federal research and policymaking; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself and Mr. CONRAD):

S. 1359. A bill to amend the Internal Revenue Code of 1986 to increase retirement savings and security, to facilitate the provision of guaranteed retirement income for life, and to make the retirement plan rules simpler and more equitable, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. SCHUMER, Mr. JEFFORDS, and Mr. WYDEN):

S. 1360. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes; to the Committee on Finance.

By Mr. SCHUMER:

S. 1361. A bill to amend the Controlled Substances Act to treat drug offenses involving crystal meth similarly to drug offenses involving crack cocaine; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Mr. CRAIG, Mr. INHOFE, and Mr. ISAKSON):

S. 1362. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. JEFFORDS, and Mr. KERRY):

S. 1363. A bill to amend the Internal Revenue Code of 1986 to prevent dividends received from corporations in tax havens from receiving a reduced tax rate; to the Committee on Finance.

By Mr. REED:

S. 1364. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER:

S. 1365. A bill to amend section 35 of the Internal Revenue Code of 1986 to improve the health coverage tax credit, and for other purposes; to the Committee on Finance.

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, and Mr. SCHUMER):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. REID, Mr. DEWINE, and Mrs. CLINTON):

S. 1367. A bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH (for himself and Mr. NELSON of Florida):

S. Res. 185. A resolution expressing the sense of the Senate regarding reform of the United Nations; to the Committee on Foreign Relations.

By Mr. BOND:

S. Con. Res. 43. A concurrent resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. ENZI, Mr. KENNEDY, and Ms. SNOWE):

S. Con. Res. 44. A concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth; to the Committee on Rules and Administration.

ADDITIONAL COSPONSORS

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 68

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 68, a bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system.

S. 103

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

At the request of Mr. TALENT, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 103, supra.

S. 175

At the request of Mr. BROWNBACK, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 175, a bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 337

At the request of Mr. GRAHAM, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 337, a bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service, to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes.

S. 407

At the request of Mr. JOHNSON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 407, a bill to restore health care coverage to retired members of the uniformed services, and for other purposes.

S. 484

At the request of Mr. WARNER, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 492

At the request of Mr. FRIST, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 492, a bill to make access to safe water and sanitation for developing countries a specific policy objective of the United States foreign assistance programs, and for other purposes.

S. 512

At the request of Mr. SANTORUM, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 512, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 627

At the request of Mr. BAUCUS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 654

At the request of Mr. LEAHY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 654, a bill to prohibit the expulsion, return, or extradition of persons by the United States to countries engaging in torture, and for other purposes.

S. 691

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 691, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 769

At the request of Ms. SNOWE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 769, a bill to enhance compliance assistance for small businesses.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 863

At the request of Mr. CONRAD, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 875

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 875, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to increase participation in section 401(k) plans through automatic contribution trusts, and for other purposes.

S. 895

At the request of Mr. DOMENICI, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 895, a bill to direct the Secretary of the Interior to establish a rural water supply program in the Reclamation States to provide a clean, safe affordable, and reliable water supply to rural residents.

S. 935

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 935, a bill to regulate .50 caliber sniper weapons designed for the taking of human life and the destruction of materiel, including armored vehicles and components of the Nation's critical infrastructure.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1052

At the request of Mr. CARPER, his name was added as a cosponsor of S. 1052, a bill to improve transportation security, and for other purposes.

S. 1081

At the request of Mr. KYL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1081, a bill to amend title XVIII of the Social Security Act to provide for a minimum update for physicians' services for 2006 and 2007.

S. 1088

At the request of Mr. KYL, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1088, a bill to establish streamlined procedures for collateral review of mixed petitions, amendments, and defaulted claims, and for other purposes.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1120

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1120, a bill to reduce hunger in the United States by half by 2010, and for other purposes.

S. 1129

At the request of Mr. LUGAR, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1129, a bill to provide authorizations of appropriations for certain development banks, and for other purposes.

S. 1172

At the request of Mr. SPECTER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1172, a bill to provide for programs to increase the awareness and knowledge of women and health care providers with respect to gynecologic cancers.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1223

At the request of Mr. DODD, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1223, a bill to amend the Public Health Service Act to improve the quality and efficiency of health care delivery through improvements in health care information technology, and for other purposes.

S. 1262

At the request of Mr. FRIST, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Vermont (Mr. JEFFORDS), the Senator from Missouri (Mr. BOND), the Senator from Connecticut (Mr. DODD) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1262, a bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nation-wide interoperable health information technology system, and for other purposes.

S. 1308

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1308, a bill to establish an Office of Trade Adjustment Assistance, and for other purposes.

S. 1309

At the request of Mr. BAUCUS, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1309, a bill to amend the Trade Act of 1974 to extend the trade adjustment assistance program to the services sector, and for other purposes.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Idaho (Mr. CRAPO), the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Kentucky (Mr. BUNNING) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1320

At the request of Mr. DEWINE, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S. 1332

At the request of Mr. SPECTER, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1332, a bill to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

S.J. RES. 15

At the request of Mr. BROWNBACK, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 171

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 171, a resolution expressing the sense of the Senate that the President should submit to Congress a report on the time frame for the withdrawal of United States troops from Iraq.

S. RES. 173

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. Res. 173, a resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

S. RES. 177

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 177, a resolution encouraging the protection of the rights of refugees.

AMENDMENT NO. 1075

At the request of Mr. VOINOVICH, the names of the Senator from Maine (Ms. COLLINS), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. BURNS), the Senator from Wisconsin (Mr. KOHL), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Mrs. MURRAY), the

Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 1075 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD:

S. 1341. A bill to amend title 10, United States Code, to improve transitional assistance provided for members of the armed forces being discharged, released from active duty, or retired, and for other purposes; to the Committee on Armed Services.

Mr. FEINGOLD. Mr. President, today I am introducing legislation that will enhance and strengthen transition services that are provided to our military personnel.

As the Senate conducts its business today, thousands of our brave men and women in uniform are in harm's way in Iraq, Afghanistan, and elsewhere around the globe. These men and women serve with distinction and honor, and we owe them our heartfelt gratitude.

We also owe them our best effort to ensure that they receive the benefits to which their service in our Armed Forces has entitled them. I have heard time and again from military personnel and veterans who are frustrated with the system by which they apply for benefits or appeal claims for benefits. I have long been concerned that tens of thousands of our veterans are unaware of Federal health care and other benefits for which they may be eligible, and I have undertaken numerous legislative and oversight efforts to ensure that the Department of Veterans Affairs makes outreach to our veterans and their families a priority.

While we should do more to support our veterans, we must also ensure that the men and women who are currently serving in our Armed Forces receive adequate pay and benefits, as well as services that help them to make the transition from active duty to civilian life. I am concerned that we are not doing enough to support our men and women in uniform as they prepare to retire or otherwise separate from the service or, in the case of members of our National Guard and Reserve, to demobilize from active duty assignments and return to their civilian lives while staying in the military or preparing to separate from the military. We must ensure that their service and sacrifice, which is much lauded during times of conflict, is not forgotten once the battles have ended and our troops have come home.

The bill that I am introducing today, the Veterans Enhanced Transition Services Act (VETS Act), will help to ensure that all military personnel have access to the same transition services as they prepare to leave the military to reenter civilian life, or, in the case of members of the National Guard and Reserve, as they prepare to demobilize from active duty assignments and return to their civilian lives and jobs or education while remaining in the military.

I have heard from a number of Wisconsinites and members of military and veterans service organizations that our men and women in uniform do not all have access to the same transition counseling and medical services as they are demobilizing from service in Iraq, Afghanistan, and elsewhere. I have long been concerned about reports of uneven provision of services from base to base and from service to service. All of our men and women in uniform have pledged to serve our country, and all of them, at the very least, deserve to have access to the same services in return.

I introduced similar legislation during the 108th Congress, and I am pleased that a provision that I authored which was based on that bill was enacted as part of the fiscal year 2005 defense authorization bill.

In response to concerns I have heard from a number of my constituents, my amendment, in part, directed the Secretaries of Defense and Labor to jointly explore ways in which DoD training and certification standards could be coordinated with government and private sector training and certification standards for corresponding civilian occupations. Such coordination could help military personnel who wish to pursue civilian employment related to their military specialties to make the transition from the military to comparable civilian jobs. I look forward to reviewing this report.

In addition, this amendment required the Government Accountability Office (GAO) to undertake a comprehensive analysis of existing transition services for our military personnel that are administered by the Departments of Defense, Veterans Affairs, and Labor and to make recommendations to Congress on how these programs can be improved. My amendment required GAO to focus on two issues: how to achieve the uniform provision of appropriate transition services to all military personnel, and the role of post-deployment and pre-discharge health assessments as part of the larger transition program. GAO released its study "Military and Veterans' Benefits: Enhanced Services Could Improve Transition Assistance for Reserves and National Guard" in May 2005, and it plans to release its study on health assessments in the near future.

Just yesterday, GAO provided testimony on its transition services report to the House Committee on Veterans Affairs Subcommittee on Economic Opportunity. That hearing could not have been more timely. We owe it to our men and women in uniform to improve transition programs now as we continue to welcome home thousands of military personnel who are serving our country in Iraq, Afghanistan, and elsewhere. We should not miss an opportunity to help the men and women who are currently serving our country.

My bill, which is consistent with GAO's recommendations on transition assistance, will help to ensure that all military personnel receive the same services by making a number of improvements to the existing Transition Assistance Program/Disabled Transition Assistance Program (TAP/DTAP), by improving the process by which military personnel who are being demobilized or discharged receive medical examinations and mental health assessments, and by ensuring that military and veterans service organizations and state departments of veterans affairs are able to play an active role in assisting military personnel with the difficult decisions that are often involved in the process of discharging or demobilizing.

Under current law, the Department of Defense, together with the Departments of Veterans Affairs (VA) and Labor, provide pre-separation counseling for military personnel who are preparing to leave the Armed Forces. This counseling provides servicemembers with valuable information about benefits that they have earned through their service to our country such as education benefits through the GI Bill and health care and other benefits through the VA. Personnel also learn about programs such as Troops to Teachers and have access to employment assistance for themselves and, where appropriate, their spouses.

My bill would ensure that National Guard and Reserve personnel who are on active duty are able to participate in this important counseling prior to being demobilized. In addition, my bill would require state-based follow-up within 180 days of demobilization to give newly demobilized personnel the opportunity to follow up on any questions or concerns that they may have during a regular unit training period. Currently, most of the responsibility for getting information about benefits and programs falls on the military personnel. The Department of Defense should make every effort to ensure that all members participate in this important program, and that is what my bill would do.

In its recent report on transition services, GAO found that "[d]uring their rapid demobilization, the Reserve and National Guard members may not receive all the information on possible benefits to which they are entitled. Notably, certain education benefits and medical coverage require servicemembers to apply while they are still on active duty. However, even after being briefed, some Reserve and National Guard members were not aware of the time frames within which they needed to act to secure certain benefits before returning home. In addition, most members of the Reserves and National Guard did not have the opportunity to attend an employment workshop during demobilization."

In response to these findings, GAO recommended that "DoD, in conjunction with DoL and the VA, determine what demobilizing Reserve and National Guard members need to make a smooth transition and explore options to enhance their participation in TAP." GAO also recommended that "VA take steps to determine the level of participation in DTAP to ensure those who may have especially complex needs are being served."

In addition to ensuring that all discharging and demobilizing military personnel are able to participate in TAP/DTAP, my bill would help to improve the uniformity of services provided to personnel by directing the Secretary of Defense to ensure that consistent transition briefings occur across the services and at all demobilization/discharge locations. In its report, GAO noted that "[t]he delivery of TAP may vary in terms of the amount of personal attention participants receive, the length of the components, and the instructional methods used." We should make every effort to ensure that those who have put themselves in harm's way on our behalf have access to the same transition services no matter their discharge/demobilization location or the branch of the Armed Forces in which they serve.

My bill would also ensure, consistent with GAO's recommendation, that there are programs that are directed to the specific needs of active duty and National Guard and Reserve personnel. And my bill includes a provision to ensure that personnel who are on the temporary disability retired list and who are being retired or discharged from alternate locations will have access to transition services at a location that is reasonably convenient to them.

In addition, my bill would enhance the information that is presented to members by requiring that pre-separation counseling include the provision of information regarding certification and licensing requirements in civilian occupations and information on identifying military occupations that have civilian counterparts, information concerning veterans small business ownership and entrepreneurship programs offered by the Federal Government, information concerning employment and reemployment rights and veterans preference in Federal employment and Federal procurement opportunities, information concerning homelessness and housing counseling assistance, and a description of the health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs including a referral (to be provided with the assistance of the Secretary of Veterans Affairs) for a VA medical and pension examination, as appropriate.

Participation in pre-separation counseling through a TAP/DTAP program is a valuable tool for personnel as they transition back to civilian life. My bill is in no way intended to lengthen the time that military personnel spend away from their families or to provide them with information that is not relevant to their civilian lives or that they otherwise do not need. In order to ensure that this information remains a valuable tool and does not become a burden to demobilizing members of the National Guard and Reserve who experience multiple deployments for active duty assignments, my bill clarifies that participation in the Department of Labor's transitional services employment program will not be required if a member has previously participated in the program or if a member will be returning to school or to a position of employment.

My bill would also require the Secretaries of Defense and Veterans Affairs to submit a plan to Congress for increasing access to the joint DoD–VA Benefits Delivery at Discharge program, which assists personnel in applying for VA disability benefits before they are discharged from the military. This very successful program has helped to cut the red tape and to speed the processing time for many veterans who are entitled to VA disability benefits.

In addition to the uneven provision of transition services, I have long been concerned about the immediate and long-term health effects that military deployments have on our men and women in uniform. I regret that, too often, the burden of responsibility for proving that a condition is related to military service falls on the personnel themselves. Our men and women in uniform deserve the benefit of the doubt, and should not have to fight the Department of Defense or the VA for benefits that they have earned through their service to our nation.

Since coming to the Senate in 1993, I have worked to focus attention on the health effects that are being experienced by military personnel who served in the Persian Gulf War. More than ten years after the end of the Gulf War, we still don't know why so many veterans of that conflict are experiencing medical problems that have become known as Gulf War Syndrome. Military personnel who are currently deployed to the Persian Gulf region face many of the same conditions that existed in the early 1990s. I have repeatedly pressed the Departments of Defense and Veterans Affairs to work to unlock the mystery of this illness and to study the role that exposure to depleted uranium may play in this condition. We owe it to these personnel to find these answers, and to ensure that those who are currently serving in the Persian Gulf region are adequately protected from the many possible causes of Gulf War Syndrome.

Part of the process of protecting the health of our men and women in uniform is to ensure that the Department of Defense carries out its responsibility to provide post-deployment physicals for military personnel. I am deeply concerned about stories of personnel who are experiencing long delays as they wait for their post-deployment physicals and who end up choosing not to have these important physicals in order to get home to their families that much sooner. I am equally concerned about reports that some personnel who did not receive such a physical—either by their own choice or because such a physical was not available—are now having trouble as they apply for benefits for a service-connected condition.

I firmly believe, as do the military and veterans groups that support my bill, that our men and women in uniform are entitled to a prompt, high quality physical examination as part of the demobilization process. These individuals have voluntarily put themselves into harm's way for our benefit. We should ensure that the Department of Defense makes every effort to determine whether they have experienced, or could experience, any health effects as a result of their service.

In light of concerns raised by many that each service and each installation uses a different process for demobilization physicals, my bill would require the Secretary of Defense to set minimum standards for these important medical examinations and to ensure that these standards are applied uniformly at all installations and by all branches of the Armed Forces. In addition, to ensure that all personnel receive these important exams, my bill stipulates that the exam may not be waived by the Department or by individual personnel.

My bill also would strengthen current law by ensuring that these medical examinations also include a mental health assessment. Our men and women in uniform serve in difficult circumstances far from home, and too many of them witness or experience violence and horrific situations that most of us cannot even begin to imagine. I have heard concerns that these brave men and women, many of whom are just out of high school or college when they sign up, may suffer long-term physical and mental fallout from their experiences and may feel reluctant to seek counseling or other assistance to deal with their experiences.

My bill would improve mental health services for demobilizing military personnel by requiring that the content and standards for the mental health screening and assessment that are developed by the Secretary include content and standards for screening acute and delayed onset post-traumatic stress disorder (PTSD), and, specifically, questions to identify stressors experienced by military personnel that have the potential to lead to PTSD. These efforts should build on—not replace—the mental health questions that the Pentagon is already using as part of its post-deployment health screening process.

Some Wisconsinites have told me that they are concerned that the multiple deployments of our National Guard and Reserve could lead to chronic PTSD, which could have its roots in an experience from a previous deployment and which could come to the surface by a triggering event that is experienced on a current deployment. The same is true for full-time military personnel who have served in a variety of places over their careers.

We can and should do more to ensure that the mental health of our men and women in uniform is a top priority, and that the stigma that is too often attached to seeking assistance is ended. One step in this process is to ensure that personnel who have symptoms of PTSD and related illnesses have access to appropriate clinical services, through DoD, the VA, or a private sector health care provider. To that end, my bill would require that the health care professionals who are assessing demobilizing military personnel provide all personnel who may need follow-up care for a physical or psychological condition with information on appropriate resources through DoD or the VA and in the private sector that these personnel may use to access additional follow-up care if they so choose.

I commend the Assistant Secretary of Defense for Health Affairs for issuing in March 2005 a memorandum to the Assistant Secretaries for the Army, Navy, and Air Force directing them to extend the Pentagon's current post-deployment health assessment process to include a reassessment of "global health with a specific emphasis on mental health" to occur three to six months post-deployment. At a hearing of the Senate Armed Services Committee's Personnel Subcommittee earlier this year, the Assistant Secretary stated that the services were in the process of implementing a program that would include a "screening procedure with a questionnaire and a face-to-face interaction at about three months" post-deployment. He also noted that the idea for this program came from "front line people" and that he "asked them . . . 'do you think we should make it mandatory?' and the answer was: yes." This sentiment makes it even more important that the initial post-deployment mental health assessment be strengthened and that it be mandatory as well so that health care professionals have a benchmark against which to measure the results of the follow-up screening process.

In order to gain a better understanding of existing programs, my bill requires the Secretaries of Defense and Veterans Affairs to report to Congress on the services provided to current and former members of the Armed Forces who experience PTSD and related conditions. This report will include an analysis of the number of persons treated, the types of interventions, and the programs that are in place for each branch of the Armed Forces to identify and treat cases of PTSD and related conditions.

In addition, in order to ensure that all military personnel who are eligible for medical benefits from the VA learn about and receive these benefits, my bill would require that, as part of the demobilization process, assistance be provided to eligible members to enroll in the VA health care system.

My bill would also make improvements to the DoD demobilization and discharge processes by ensuring that members of military and veterans service organizations (MSOs and VSOs) are able to counsel personnel on options for benefits and other important questions. The demobilization and discharge process presents our servicemembers with a sometimes confusing and often overwhelming amount of information and paperwork that must be digested and sometimes signed in a very short period of time. My bill would authorize a "veteran to veteran" counseling program that will give military personnel the opportunity to speak with fellow veterans who have been through this process and who have been accredited to represent veterans in VA proceeding by the VA. These veterans can offer important advice about benefits and other choices that military personnel have to make as they are being discharged or demobilized.

Under current law, the Secretary of Defense may make use of the services provided by MSOs and VSOs as part of the transition process. But these groups tell me that they are not always allowed access to transition briefings that are conducted for our personnel. In order to help facilitate the new veteran-to-veteran program, my legislation would require the Secretary to ensure that representatives of MSOs, VSOs, and state departments of veterans affairs, are invited to participate in all transition and Benefits Delivery at Discharge programs. In addition, my legislation requires that these dedicated veterans, who give so much of their time and of themselves to serving their fellow veterans and their families, are able to gain access to military installations, military hospitals, and VA hospitals in order to provide this important service. By and large, these groups are able to speak with our military personnel at hospitals and other facilities. But I am disturbed by reports that representatives of some of these groups were having a hard time gaining access to these facilities in order to visit with our troops. For that reason, I have included this access requirement in my bill.

I want to stress that my bill in no way requires military personnel to speak with members of MSOs or VSOs if they do not wish to do so. It merely ensures that our men and women in uniform have this option.

I am pleased that this legislation is supported by a wide range of groups that are dedicated to serving our men and women in uniform and veterans and their families. These groups include: the American Legion; the Enlisted Association of the National Guard of the United States; the National Coalition for Homeless Veterans; the Paralyzed Veterans of America; the Reserve Officers Association; the Veterans of Foreign Wars; the Wisconsin Department of Veterans Affairs; the Wisconsin National Guard; the American Legion, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I urge my colleagues to support the bill and I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Enhanced Transition Services Act of 2005".

SEC. 2. IMPROVED ADMINISTRATION OF TRANSITIONAL ASSISTANCE PROGRAMS.

(a) PRESEPARATION COUNSELING.—Section 1142 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "provide for individual preseparation counseling" and inserting "shall provide individual preseparation counseling";

(B) by redesignating paragraph (4) as paragraph (6); and

(C) by inserting after paragraph (3) the following:

"(4) For members of the reserve components who have been serving on active duty continuously for at least 180 days, the Secretary concerned shall require that preseparation counseling under this section be provided to all such members (including officers) before the members are separated.

"(5) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time.".

(2) in subsection (b)—

(A) in paragraph (4), by striking "(4) Information concerning" and inserting the following:

"(4) Provision of information on civilian occupations and related assistance programs, including information concerning—

"(A) certification and licensure requirements that are applicable to civilian occupations;

"(B) civilian occupations that correspond to military occupational specialties; and

"(C)"; and

(B) by adding at the end the following:

"(11) Information concerning the priority of service for veterans in the receipt of employment, training, and placement services provided under qualified job training programs of the Department of Labor.

"(12) Information concerning veterans small business ownership and entrepreneurship programs of the Small Business Administration and the National Veterans Business Development Corporation.

"(13) Information concerning employment and reemployment rights and obligations under chapter 43 of title 38.

"(14) Information concerning veterans preference in federal employment and federal procurement opportunities.

"(15) Information concerning homelessness, including risk factors, awareness assessment, and contact information for preventative assistance associated with homelessness.

"(16) Contact information for housing counseling assistance.

"(17) A description, developed in consultation with the Secretary of Veterans Affairs, of health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs.

"(18) If a member is eligible, based on a preseparation physical examination, for compensation benefits under the laws administered by the Secretary of Veterans Affairs, a referral for a medical examination by the Secretary of Veterans Affairs (commonly known as a 'compensation and pension examination').";

(3) by adding at the end the following:

"(d) ADDITIONAL REQUIREMENTS.—(1) The Secretary concerned shall ensure that—

"(A) preseparation counseling under this section includes material that is specifically relevant to the needs of—

"(i) persons being separated from active duty by discharge from a regular component of the armed forces; and

"(ii) members of the reserve components being separated from active duty;

"(B) the locations at which preseparation counseling is presented to eligible personnel include—

"(i) each military installation under the jurisdiction of the Secretary;

"(ii) each armory and military family support center of the National Guard;

"(iii) inpatient medical care facilities of the uniformed services where such personnel are receiving inpatient care; and

"(iv) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, a location reasonably convenient to the member;

"(C) the scope and content of the material presented in preseparation counseling at each location under this section are consistent with the scope and content of the material presented in the preseparation counseling at the other locations under this section; and

"(D) follow up counseling is provided for each member of the reserve components described in subparagraph (A) not later than 180 days after separation from active duty.

"(2) The Secretary concerned shall, on a continuing basis, update the content of the materials used by the National Veterans Training Institute and such officials' other activities that provide direct training support to personnel who provide preseparation counseling under this section.

"(e) NATIONAL GUARD MEMBERS ON DUTY IN STATE STATUS.—(1) Members of the National Guard, who are separated from long-term duty to which ordered under section 502(f) of title 32, shall be provided preseparation counseling under this section to the same extent that members of the reserve components being discharged or released from active duty are provided preseparation counseling under this section.

"(2) The preseparation counseling provided personnel under paragraph (1) shall include material that is specifically relevant to the needs of such personnel as members of the National Guard.

"(3) The Secretary of Defense shall prescribe, by regulation, the standards for determining long-term duty under paragraph (1)."; and

(4) by amending the heading to read as follows:

"§1A1142. Members separating from active duty: preseparation counseling".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by striking the item relating to section 1142 and inserting the following:

"1142. Members separating from active duty: preseparation counseling.".

(c) DEPARTMENT OF LABOR TRANSITIONAL SERVICES PROGRAM.—Section 1144 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking "paragraph (4)(A)" in the second sentence and inserting "paragraph (6)(A)";

(2) by amending subsection (c) to read as follows:

"(c) PARTICIPATION.—(1) Subject to paragraph (2), the Secretary and the Secretary of Homeland Security shall require participation by members of the armed forces eligible for assistance under the program carried out under this section.

"(2) The Secretary and the Secretary of Homeland Security need not require, but shall encourage and otherwise promote, participation in the program by the following members of the armed forces described in paragraph (1):

"(A) Each member who has previously participated in the program.

"(B) Each member who, upon discharge or release from active duty, is returning to—

"(i) a position of employment; or

"(ii) pursuit of an academic degree or other educational or occupational training objective that the member was pursuing when called or ordered to such active duty.

"(3) The Secretary concerned shall ensure that commanders of members entitled to services under this section authorize the members to obtain such services during duty time."; and

(3) by adding at the end the following:

"(e) UPDATED MATERIALS.—The Secretary concerned shall, on a continuing basis, update the content of all materials used by the Department of Labor that provide direct training support to personnel who provide transitional services counseling under this section.".

SEC. 3. BENEFITS DELIVERY AT DISCHARGE PROGRAMS.

(a) PLAN FOR MAXIMUM ACCESS TO BENEFITS.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Veterans Affairs shall jointly submit to Congress a plan to maximize access to benefits delivery at discharge programs for members of the Armed Forces.

(2) CONTENTS.—The plan submitted under paragraph (1) shall include a description of efforts to ensure that services under programs described in paragraph (1) are provided, to the maximum extent practicable—

(A) at each military installation under the jurisdiction of the Secretary;

(B) at each armory and military family support center of the National Guard;

(C) at each installation and inpatient medical care facility of the uniformed services at which personnel eligible for assistance under such programs are discharged from the armed forces; and

(D) in the case of a member on the temporary disability retired list under section 1202 or 1205 of title 10, United States Code, who is being retired under another provision of such title or is being discharged, at a location reasonably convenient to the member.

(b) DEFINITION.—In this section, the term "benefits delivery at discharge program" means a program administered jointly by the Secretary of Defense and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the Armed Forces who are separating from the Armed Forces, including assistance to obtain any disability benefits for such members may be eligible.

SEC. 4. POST-DEPLOYMENT MEDICAL ASSESSMENT AND SERVICES.

(a) IMPROVEMENT OF MEDICAL TRACKING SYSTEM FOR MEMBERS DEPLOYED OVERSEAS.—Section 1074f of title 10, United States Code, is amended—

(1) in subsection (b), by striking "(including an assessment of mental health" and inserting "(which shall include mental health screening and assessment";

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following:

"(c) PHYSICAL MEDICAL EXAMINATIONS.—(1) The Secretary shall—

"(A) prescribe the minimum content and standards that apply for the physical medical examinations required under this section; and

"(B) ensure that the content and standards prescribed under subparagraph (A) are uniformly applied at all installations and medical facilities of the armed forces where physical medical examinations required under this section are performed for members of the armed forces returning from a deployment described in subsection (a).

"(2) An examination consisting solely or primarily of an assessment questionnaire completed by a member does not meet the requirements under this section for—

"(A) a physical medical examination; or

"(B) an assessment.

"(3) The content and standards prescribed under paragraph (1) for mental health screening and assessment shall include—

"(A) content and standards for screening mental health disorders; and

"(B) in the case of acute post-traumatic stress disorder and delayed onset post-traumatic stress disorder, specific questions to identify stressors experienced by members that have the potential to lead to post-traumatic stress disorder, which questions may be taken from or modeled after the post-deployment assessment questionnaire used in June 2005.

"(4) An examination of a member required under this section may not be waived by the Secretary (or any official exercising the Secretary's authority under this section) or by the member.

"(d) FOLLOW UP SERVICES.—(1) The Secretary, in consultation with the Secretary of Veterans Affairs, shall ensure that appropriate actions are taken to assist a member who, as a result of a post-deployment medical examination carried out under the system established under this section, receives an indication for a referral for follow up treatment from the health care provider who performs the examination.

"(2) Assistance required to be provided to a member under paragraph (1) includes—

"(A) information regarding, and any appropriate referral for, the care, treatment, and other services that the Secretary or the Secretary of Veterans Affairs may provide to such member under any other provision of law, including—

"(i) clinical services, including counseling and treatment for post-traumatic stress disorder and other mental health conditions; and

"(ii) any other care, treatment, and services;

"(B) information on the private sector sources of treatment that are available to the member in the member's community; and

"(C) assistance to enroll in the health care system of the Department of Veterans Affairs for health care benefits for which the member is eligible under laws administered by the Secretary of Veterans Affairs.".

(b) REPORT ON PTSD CASES.—(1) The Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the services provided to members and former members of the Armed Forces who experience post-traumatic stress disorder (and related conditions) associated with service in the Armed Forces.

(2) The report submitted under paragraph (1) shall include—

(A) the number of persons treated;

(B) the types of interventions; and

(C) the programs that are in place for each of the Armed Forces to identify and treat cases of post-traumatic stress disorder and related conditions.

SEC. 5. ACCESS OF MILITARY AND VETERANS SERVICE AGENCIES AND ORGANIZATIONS.

(a) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following:

"§1A1154. Veteran-to-veteran preseparation counseling

"(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to provide preseparation counseling and services to members of the armed forces who are scheduled, or are in the process of being scheduled, for discharge, release from active duty, or retirement.

"(b) REQUIRED PROGRAM ELEMENT.—The program under this section shall provide for representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to be invited to participate in the preseparation counseling and other assistance briefings provided to members under the programs carried out under sections 1142 and 1144 of this title and the benefits delivery at discharge programs.

"(c) LOCATIONS.—The program under this section shall provide for access to members—

"(1) at each installation of the armed forces;

"(2) at each armory and military family support center of the National Guard;

"(3) at each inpatient medical care facility of the uniformed services administered under chapter 55 of this title; and

"(4) in the case of a member on the temporary disability retired list under section 1202 or 1205 of this title who is being retired under another provision of this title or is being discharged, at a location reasonably convenient to the member.

"(d) CONSENT OF MEMBERS REQUIRED.—Access to a member of the armed forces under the program under this section is subject to the consent of the member.

"(e) DEFINITIONS.—In this section:

"(1) The term 'benefits delivery at discharge program' means a program administered jointly by the Secretary and the Secretary of Veterans Affairs to provide information and assistance on available benefits and other transition assistance to members of the armed forces who are separating from the armed forces, including assistance to obtain any disability benefits for which such members may be eligible.

"(2) The term 'representative', with respect to a veterans' service organization, means a representative of an organization who is recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of title 10, United States Code, is amended by adding at the end the following:

"1154. Veteran-to-veteran preseparation counseling.".

(b) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter I of chapter 17 of title 38, United States Code, is amended by adding at the end the following:

"§1A1709. Veteran-to-veteran counseling

"(a) COOPERATION REQUIRED.—The Secretary shall carry out a program to facilitate the access of representatives of military and veterans' service organizations and representatives of veterans' services agencies of States to veterans furnished care and services under this chapter to provide information and counseling to such veterans on—

"(1) the care and services authorized by this chapter; and

"(2) other benefits and services available under the laws administered by the Secretary.

"(b) FACILITIES COVERED.—The program under this section shall provide for access to veterans described in subsection (a) at each facility of the Department and any non-Department facility at which the Secretary furnishes care and services under this chapter.

"(c) CONSENT OF VETERANS REQUIRED.—Access to a veteran under the program under this section is subject to the consent of the veteran.

"(d) DEFINITION.—In this section, the term 'veterans' service organization' means an organization who is recognized by the Secretary for the representation of veterans under section 5902 of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 17 of title 38, United States Code, is amended by inserting after the item relating to section 1708 the following:

"1709. Veteran-to-veteran counseling.".

By Mr. FEINGOLD (for himself and Mrs. LINCOLN):

S. 1342. A bill to amend title 38, United States Code, to improve the outreach activities of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. FEINGOLD. Mr. President, today I am reintroducing legislation that will help to ensure that all of our veterans know about Federal benefits to which they may be entitled by improving outreach programs conducted by the Department of Veterans Affairs.

I am please to be joined in this effort by the Senator from Arkansas, Mrs. LINCOLN.

Five years ago, the Wisconsin Department of Veterans Affairs (WDVA) launched a Statewide program called "I Owe You," which encourages veterans to apply, or to re-apply, for benefits that they earned from their service to our country in the Armed Forces.

As part of this program, WDVA has sponsored 20 events around Wisconsin called "Supermarkets of Veterans Benefits" at which veterans can begin the process of learning whether they qualify for federal benefits from the Department of Veterans Affairs (VA). Information about additional benefits through WDVA is also provided. These events, which are based on a similar program in Georgia, supplement the work of Wisconsin's County Veterans Service Officers and veterans service organizations by helping our veterans to reconnect with the VA and to learn more about services and benefits for which they may be eligible.

More than 18,650 veterans and their families have attended the supermarkets, which include information booths with representatives from WDVA, VA, and veterans service organizations, as well as a variety of Federal, State, and local agencies. I am proud to have had members of my staff speak with veterans and their families at a number of these events. These events have helped veterans and their families to learn about numerous topics, including health care, how to file a disability claim, and pre-registration for internment in veterans cemeteries. According to WDVA, this program has helped Wisconsin to receive approximately $250 million in additional VA funding and benefits for our veterans each year.

The Institute for Government Innovation at Harvard University's Kennedy School of Government recognized the "I Owe You" program by naming it a semi-finalist for the 2002 Innovations in American Government Award. The program was featured in the March April 2003 issue of Disabled American Veterans Magazine. And in August 2003, the Midwestern Legislative Conference of the Council of State Governments named the program a finalist in its 2003 Innovations in American Government Awards Program.

The State of Wisconsin is performing a service that is clearly the obligation of the VA. These are federal benefits that we owe to our veterans and it is the federal government's responsibility to make sure that they receive them. The VA has a statutory obligation to perform outreach, and current budget pressures should not be used as an excuse to halt or reduce these efforts.

The legislation that I am introducing today was spurred by the overwhelming response to the WDVA's "I Owe You" program and the supermarkets of veterans benefits. If more than 18,000 Wisconsin veterans want to make sure they know about all the benefits that are owed to them, there must be many more veterans around our country who deserve to be told about the benefits they have earned. We can and should do better for our veterans, who selflessly served our country and protected the freedoms that we all cherish. And it is important to address gaps in the VA's outreach program as we welcome home and prepare to enroll into the VA system the tens of thousands of dedicated military personnel who are serving in Afghanistan, Iraq, and other places around the globe.

In order to help to facilitate consistent implementation of VA's outreach responsibilities around the country, my bill would create a statutory definition of the term "outreach."

My bill also would help to improve outreach activities performed by the VA in three ways. First, it would create separate funding line items for outreach activities within the budgets of the VA and its agencies (the Veterans Health Administration, the Veterans Benefits Administration, and the National Cemetery Administration). Currently funding for outreach is taken from the general operating expenses for these agencies. These important programs should have a dedicated funding source instead of being forced to compete for scarce funding with other crucial VA programs.

I have long supported efforts to adequately fund VA programs. We can and should do more to provide the funding necessary to ensure that our brave veterans are getting the health care and other benefits that they have earned in a timely manner and without having to travel long distances or wait more than a year to see a doctor or to have a claim processed.

Secondly, the bill would create an intra-agency structure to require the Office of the Secretary, the Office of Public Affairs, the VBA, the VHA, and the NCA to coordinate outreach activities. By working more closely together, the VA components would be able to consolidate their efforts, share proven outreach mechanisms, and avoid duplication of effort that could waste scarce funding.

Finally, the bill would ensure that the VA can enter into cooperative agreements with state departments of veterans affairs regarding outreach activities and would give the VA grant-making authority to award funds to State Departments of Veterans Affairs for outreach activities such as the WDVA's "I Owe You Program." Grants that are awarded to state departments under this program could be used to enhance outreach activities and to improve activities relating to veterans claims processing, which is a key component of the VA benefits process. State departments that receive grants under this program may choose to award portions of their grants to local governments, other public entities, or private or non-profit organizations that engage in veterans outreach activities. I want to be clear that it is not my intention that the funding for these grants be taken from existing VA programs.

I am pleased that this bill has the support of a number of national and Wisconsin organizations that are committed to improving the lives of our nation's veterans, including: Disabled American Veterans; Paralyzed Veterans of America; Vietnam Veterans of America; the National Association of County Veterans Service Officers; the National Association of State Directors of Veterans Affairs; the Wisconsin Department of Veterans Affairs; the Wisconsin Association of County Veterans Service Officers; the American Legion, Department of Wisconsin; the American Legion Auxiliary, Department of Wisconsin; Disabled American Veterans, Department of Wisconsin; the Wisconsin Paralyzed Veterans of America; the Veterans of Foreign Wars, Department of Wisconsin; and the Wisconsin State Council, Vietnam Veterans of America.

I hope that my colleagues will support this effort to ensure that our veterans know about the benefits for which they may be eligible as a result of their service to our country. I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Outreach Improvement Act of 2005".

SEC. 2. DEFINITION OF OUTREACH.

Section 101 of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(34) The term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws.".

SEC. 3. AUTHORITIES AND REQUIREMENTS FOR ENHANCEMENT OF OUTREACH OF ACTIVITIES DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Chapter 5 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER IV—OUTREACH

"§ 561. Outreach activities: funding

"(a) SEPARATE ACCOUNT FOR OUTREACH ACTIVITIES.—The Secretary shall establish a separate account for the funding of the outreach activities of the Department, and shall establish within such account a separate subaccount for the funding of the outreach activities of each element of the Department specified in subsection (c).

"(b) BUDGET REQUIREMENTS.—In the budget justification materials submitted to Congress in support of the Department budget for any fiscal year (as submitted with the budget of the President under section 1105(a) of title 31), the Secretary shall include a separate statement of the amount requested for such fiscal year for activities as follows:

"(1) For outreach activities of the Department in aggregate.

"(2) For outreach activities of each element of the Department specified in subsection (c).

"(c) COVERED ELEMENTS.—The elements of the Department specified in this subsection are as follows:

"(1) The Veterans Health Administration.

"(2) The Veterans Benefits Administration.

"(3) The National Cemetery Administration.

"§ 562. Outreach activities: coordination of activities within Department

"(a) PROCEDURES FOR EFFECTIVE COORDINATION.—The Secretary shall establish and maintain procedures for ensuring the effective coordination of the outreach activities of the Department between and among the following:

"(1) The Office of the Secretary.

"(2) The Office of Public Affairs.

"(3) The Veterans Health Administration.

"(4) The Veterans Benefits Administration.

"(5) The National Cemetery Administration.

"(b) REVIEW AND MODIFICATION.—The Secretary shall—

"(1) periodically review the procedures maintained under subsection (a) for the purpose of ensuring that such procedures meet the requirement in that subsection; and

"(2) make such modifications to such procedures as the Secretary considers appropriate in light of such review in order to better achieve that purpose.

"§ 563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach

"(a) PURPOSE.—It is the purpose of this section to assist States in carrying out programs that offer a high probability of improving outreach and assistance to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive veterans' or veterans'-related benefits, to ensure that such individuals are fully informed about, and assisted in applying for, any veterans' and veterans'-related benefits and programs (including under State veterans' programs).

"(b) LOCATION OF PROVISION OF OUTREACH.—The Secretary shall ensure that outreach and assistance is provided under programs referred to in subsection (a) in locations proximate to populations of veterans and other individuals referred to in that subsection, as determined utilizing criteria for determining the proximity of such populations to veterans health care services.

"(c) COOPERATIVE AGREEMENTS WITH STATES.—The Secretary may enter into cooperative agreements and arrangements with veterans agencies of the States in order to carry out, coordinate, improve, or otherwise enhance outreach by the Department and the States (including outreach with respect to State veterans' programs).

"(d) GRANTS.—(1) The Secretary may award grants to veterans agencies of States in order to achieve purposes as follows:

"(A) To carry out, coordinate, improve, or otherwise enhance outreach, including activities pursuant to cooperative agreements and arrangements under subsection (c).

"(B) To carry out, coordinate, improve, or otherwise enhance activities to assist in the development and submittal of claims for veterans' and veterans'-related benefits, including activities pursuant to cooperative agreements and arrangements under subsection (c).

"(2) A veterans agency of a State receiving a grant under this subsection may use the grant amount for purposes described in paragraph (1) or award all or any portion of such grant amount to local governments in such State, other public entities in such State, or private non-profit organizations in such State for such purposes.

"(e) FUNDING.—Amounts available for the Department for outreach in the account under section 561 of this title shall be available for activities under this section, including grants under subsection (d).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 5 of such title is amended by adding at the end the following new items

"SUBCHAPTER IV—OUTREACH

"561. Outreach activities: funding
"562. Outreach activities: coordination of activities within Department
"563. Outreach activities: cooperative activities with States; grants to States for improvement of outreach".

By Ms. STABENOW (for herself and Mr. Levin):

S. 1346. A bill to direct the Secretary of the Interior to conduct a study of maritime sites in the State of Michigan; to the Committee on Energy and Natural Resources.

Ms. STABENOW. Mr. President, I rise today to introduce legislation that will help celebrate Michigan's lighthouses and maritime heritage.

The Great Lakes are an inseparable part of Michigan's identity and cultural history. One of our symbols of that identity are the over 120 lighthouses that define our shorelines—more lighthouses than any other state in the nation.

These beautiful beacons not only serve their purpose as a navigational tool for ships, but they also draw thousands of tourists to Michigan's shores. Our lakeshore communities host visitors from across the country, who travel to view the magnificence of our coastal areas and the lighthouses that illuminate them. Our maritime museums detail the Great Lakes' rich history and unique character.

As the economy in Michigan faces numerous challenges, these small communities are more dependant than ever on tourism dollars. We must help them by ensuring that there are coordinated efforts to protect Michigan's lighthouses and promote the Great Lakes' maritime culture. If we don't, we risk losing these symbols of our history and our future for all time.

The Michigan Maritime Heritage and Lighthouse Trail Act would help develop Federal, State and local partnerships by requiring the National Park Service to work with the State of Michigan and local communities to study and make recommendations to Congress on the best ways to promote and protect Michigan's lighthouses and maritime resources. These recommendations would include specific legislative proposals for the preservation of lighthouses and maritime history. For example, they may call for the creation of a statewide trail highlighting the historical features of our shorelines and lighthouses. The recommendations would also include the identification of funding sources for Michigan communities, which are critical to this effort.

This bill has strong bipartisan support from all of Michigan's members of Congress. I urge my colleagues to join us in expediting passage of the Michigan Maritime Heritage and Lighthouse Trail Act.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1346

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Michigan Lighthouse and Maritime Heritage Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) surrounded by the Great Lakes, the State of Michigan gives the Midwest region a unique maritime character;

(2) the access of the Great Lakes to the Atlantic Ocean has—

(A) given the shipping industry in the State of Michigan an international role in trade; and

(B) contributed to industrial and natural resource development in the State;

(3) the State of Michigan offers unequaled opportunities for maritime heritage preservation and interpretation, based on the fact that the State has—

(A) more deepwater shoreline than any other State in the continental United States;

(B) more lighthouses than any other State; and

(C) the only freshwater national marine sanctuary in the United States;

(4) the maritime history of the State of Michigan includes the history of—

(A) the routes and gathering places of the fur traders and missionaries who opened North America to European settlement; and

(B) the summer communities of people who mined copper, hunted and fished, and created the first agricultural settlements in the State;

(5) in the 19th century, the natural resources and maritime access of the State made the State the leading producer of iron, copper, and lumber in the United States; and

(6) the maritime heritage of Michigan is evident in—

(A) the more than 120 lighthouses in the State;

(B) the lifesaving stations, dry docks, lightships, submarine, ore docks, piers, breakwaters, sailing clubs, and communities and industries that were built on the lakes in the State;

(C) the hotels and resort communities in the State;

(D) the more than 12 maritime-related national landmarks in the State;

(E) the 2 national lakeshores in the State;

(F) the 2 units of the National Park System in the State;

(G) the various State parks and sites listed on the National Register of Historic Places in the State;

(H) the database information in the State on—

(i) 1,500 shipwrecks;

(ii) 11 underwater preserves; and

(iii) the freshwater national marine sanctuary; and

(I) the Great Lakes, which have played an important role—

(i) for Native Americans, fur traders, missionaries, settlers, and travelers;

(ii) in the distribution of wheat, iron, copper, and lumber;

(iii) providing recreational opportunities; and

(iv) stories of shipwrecks and rescues.

SEC. 3. DEFINITIONS.

In this Act:

(1) MARITIME HERITAGE RESOURCE.—The term "maritime heritage resource" includes lighthouses, lifesaving and coast guard stations, maritime museums, historic ships and boats, marine sanctuaries and preserves, fisheries and hatcheries, locks and ports, ore docks, piers and breakwaters, marinas, resort communities (such as Bay View and Epworth Heights), cruises, performing artists that specialize in maritime culture, interpretive and educational programs and events, museums with significant maritime collections, maritime art galleries, maritime communities, and maritime festivals.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the National Park Service Midwest Regional Office.

(3) STATE.—The term "State" means the State of Michigan.

(4) STUDY AREA.—The term "study area" means the State of Michigan.

SEC. 4. STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the State, the State historic preservation officer, local historical societies, State and local economic development, tourism, and parks and recreation offices, and other appropriate agencies and organizations, shall conduct a special resource study of the study area to determine—

(1) the potential economic and tourism benefits of preserving State maritime heritage resources;

(2) suitable and feasible options for long-term protection of significant State maritime heritage resources; and

(3) the manner in which the public can best learn about and experience State maritime heritage resources.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) review Federal, State, and local maritime resource inventories and studies to establish the context, breadth, and potential for interpretation and preservation of State maritime heritage resources;

(2) examine the potential economic and tourism impacts of protecting State maritime heritage resources;

(3) recommend management alternatives that would be most effective for long-term resource protection and providing for public enjoyment of State maritime heritage resources;

(4) address how to assist regional, State, and local partners in efforts to increase public awareness of and access to the State maritime heritage resources;

(5) identify sources of financial and technical assistance available to communities for the conservation and interpretation of State maritime heritage resources; and

(6) address ways in which to link appropriate national parks, State parks, waterways, monuments, parkways, communities, national and State historic sites, and regional or local heritage areas and sites into a Michigan Maritime Heritage Destination Network.

(c) REPORT.—Not later than 18 months after the date on which funds are made available to carry out the study under subsection (a), the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the results of the study; and

(2) any findings and recommendations of the Secretary.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $500,000.

By Mr. AKAKA:

S. 1347. A bill to authorize demonstration project grants to entities to provide low-cost, small loans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce the Low-Cost Alternatives to Payday Loans Act, which would authorize demonstration project grants to eligible entities to provide low-cost, short-term alternatives to expensive, predatory payday loans. Payday loans are small cash loans repaid by borrowers' postdated checks or borrowers' authorizations to make electronic debits against existing financial accounts. Payday loan amounts are usually in the range of $100 to $500 with payment in full due in two weeks. Finance charges on payday loans are typically in the range of $15 to $30 per $100 borrowed, which translates into triple digit interest rates in the range of 390 percent to 780 percent when expressed as an annual percentage rate (APR). Loan flipping, which is a common practice, is the renewing of loans at maturity by paying additional fees without any principal reduction. Loan flipping often leads to instances where the fees paid for a payday loan well exceed the principal borrowed. This situation often creates a cycle of debt that is hard to break. Currently, there is a lack of low-cost, short-term credit product alternatives available to consumers. My legislation is intended to encourage the development of products that satisfy the current demand for small loans of a short duration, but at a fair interest rate.

The payday loan business has grown rapidly in recent years, with industry revenues ballooning from $810 million in 1998 to $40 billion in 2004. A study by the investment bank, Stephens, Inc., of Little Rock, AK, estimated payday loan volume of $25 to $27 billion to 9 to 14 million U.S. households, generating between $4 and $4.3 billion in fees. According to a 2004 study conducted by the Consumer Federation of America (CFA), there were an estimated 22,000 payday lender storefronts nationally. Through these storefronts, payday lenders originated an estimated $40 billion in loans and received $6 billion in finance charges.

Payday loan providers claim that they are offering a simple financial product that addresses an emergency or temporary credit need that usually cannot be met by traditional financial institutions. An analysis of payday lending statistics by the Center for Responsible Lending indicates that the majority of payday loan borrowers have multiple loans each year. Two of three borrowers have five or more payday loans annually, and half of these borrowers have 12 or more payday loans annually. Only 33 percent of payday borrowers use four or fewer payday loans annually. Some borrowers seek loans from two or more payday lenders, multiplying the potential for getting trapped in debt. Research by the Community Financial Services Association of America, the payday loan industry's national trade association, found that 40 percent of payday loan customers renew their payday loans five times or more. Many of these customers are lower or middle income working families who need a small amount of money for a short period of time. This becomes a financial bridge to help pay for unexpected expenses.

More and more predatory lenders locate near military installations, targeting vulnerable military servicemembers and their families. The Army has gone to the extent of offering payday lenders some competition through its Army Emergency Relief (AER) initiative. AER, a private, nonprofit organization, has been working on a national program called Commanders Referral that will debut at Fort Hood, Texas, later this year. This program will offer soldiers up to two no-interest, $500 loans a year, in an attempt to undercut the aggressive tactics of payday lenders. Testifying before the House Subcommittee on Life Issues on February 16, 2005, the Master Chief Petty Officer of the Navy testified that the payday industry "has made it a practice to prey upon our Sailors." He went on to say "it is not being dramatic to state these payday loans to our troops could be a threat to their military readiness." As the ranking member of the Armed Services Subcommittee on Readiness and Management Support, this is an issue of grave concern to me.

I am heartened to see that some federal credit unions have developed alternatives to payday loan products. The Pentagon Federal Credit Union Foundation, Pentagon Federal, and Langley Federal Credit Union, Langley Federal, have each introduced a payday loan alternative. Pentagon Federal offers the Asset Recovery Kit (ARK). For ARK, borrowers must agree to financial counseling, or already be receiving counseling, in order to receive a loan of up to $500. The borrower pays a $6 flat fee for the loan and no credit report is required, but financial counseling is mandatory. Langley Federal's QuickCash product features the quick turnaround of a payday loan, but at an 18 percent annual percentage rate. It does not have the financial counseling requirement of the Pentagon Federal's ARK, but is still a viable alternative to a high cost payday loan. In my home state, Windward Community Federal Credit Union, located in Kailua, Hawaii, has developed a payday loan alternative. This credit union is offering simple short-term loans, with a short approval period, at a fair interest rate. With the demonstration grants offered through my legislation, it is my hope that more credit unions, community development financial institutions and banks will develop and offer similar types of innovative credit products that can serve as alternatives to payday loans.

The payday loan industry exploits people that are in financial need. There is a demand for this type of loan, but these loans are excessively priced. My bill authorizes the Department of the Treasury to award demonstration project grants to banks, credit unions, and community development financial institutions to develop and implement a credit product subject to the APR promulgated by the National Credit Union Administration's Loan Interest Rates, which is currently capped at an APR of 18 percent. The grants would provide consumers with a lower-cost, short-term alternative to predatory payday loans. The demonstration project grants would require individuals seeking a loan through this program to pursue financial literacy and education opportunities that will help them better prepare to manage their finances.

I have a letter in support of my legislation that is signed by the Consumer

Federation of America. the U.S. Public Interest Research Group and the Center for Responsible Lending. I ask unanimous consent that it be printed in the RECORD.

I encourage my colleagues to support this legislation so that affordable alternatives to payday loans can be found.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CENTER FOR RESPONSIBLE LENDING,
CONSUMER FEDERATION OF AMERICA, U.S. PUBLIC INTEREST RESEARCH GROUP,

May 3, 2005.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: Consumer Federation of America, Center for Responsible Lending and U.S. Public Interest Research Group write in support of your legislation to encourage mainstream financial institutions to meet the small loan needs of their own customers. We agree with you that banks, credit unions, and community development financial institutions can and should provide affordable small loans to depositors, along with financial literacy training and asset development to turn debtors into savers.

When consumers turn to the under-regulated small loan market, they typically pay triple-digit interest for very short term loans and risk valuable assets to coercive collection tactics. Last year consumers paid $6 billion to borrow $40 billion for check-based small loans from payday loan outlets. National Consumer Law Center and CFA recently reported that low to moderate income consumers paid almost $1.4 billion to borrow against their anticipated income tax refunds. The Center for Responsible Lending and CFA report on car title lending describes the booming business of making one-month loans secured by a title to a paid for vehicle.

We believe that the solutions to the use of fringe lenders by low to moderate income consumers include effective state and federal consumer protections, a stronger safety net of financial literacy and credit counseling, and the development of beneficial alternatives by mainstream financial institutions. Your bill seeks to expand mainstream alternatives by authorizing Treasury demonstration grants to non-profit organizations and qualifying financial institutions. It is very important that the bill limits the cost of loans made per these grants to the federal credit union cap of 18% annual interest rate and requires that borrowers also receive educational resources.

Sincerely,

JEAN ANN FOX,
Director of Consumer Protection, Consumer Federation of America.
EDMUND MIERZWINSKI,
Consumer Program Director, U.S. Public Interest Research Group.
MARK PEARCE,
President, Center for Responsible Lending.

S. 1347

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANT PROGRAM FOR LOW-COST ALTERNATIVES TO PAYDAY LOANS.

(a) SHORT TITLE.—This section may be cited as the "Low-Cost Alternatives to Payday Loans Act".

(b) DEFINITIONS.—In this Act:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term "community development financial institution" means any organization that has been certified as a community development financial institution pursuant to section 1805.201 of title 12, Code of Federal Regulations.

(2) FEDERALLY INSURED DEPOSITORY INSTITUTION.—The term "federally insured depository institution" means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) or any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(3) PAYDAY LOAN.—The term "payday loan" means any transaction in which a small cash advance is made to a consumer in exchange for—

(A) the personal check or share draft of the consumer, in the amount of the advance plus a fee, where presentment or negotiation of such check or share draft is deferred by agreement of the parties until a designated future date; or

(B) the authorization of the consumer to debit the transaction account or share draft account of the consumer, in the amount of the advance plus a fee, where such account will be debited on or after a designated future date.

(c) ESTABLISHMENT OF PROGRAM.—The Secretary of the Treasury (referred to in this Act as the "Secretary") is authorized to award demonstration project grants (including multi-year grants) to eligible entities to provide low-cost, small loans to consumers that will provide alternatives to more costly, predatory payday loans.

(d) ELIGIBLE ENTITIES.—An entity is eligible to receive a grant under this Act if such an entity is—

(1) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code;

(2) a federally insured depository institution;

(3) a community development financial institution; or

(4) a partnership comprised of 1 or more of the entities described in paragraphs (1) through (3).

(e) APPLICATION.—An eligible entity desiring a grant under this Act shall submit an application to the Secretary in such form and containing such information as the Secretary may require.

(f) TERMS AND CONDITIONS.—

(1) PERCENTAGE RATE.—For purposes of this Act, an eligible entity that is a federally insured depository institution shall be subject to the annual percentage rate promulgated by the National Credit Union Administration's Loan Interest Rates under part 701 of title 12, Code of Federal Regulations in connection with a loan provided to a consumer pursuant to this Act.

(2) FINANCIAL LITERACY AND EDUCATION OPPORTUNITIES.—Each eligible entity awarded a grant under this Act shall offer financial literacy and education opportunities, such as relevant counseling services or educational courses, to each consumer provided with a loan pursuant to this Act.

(g) LIMITATION ON ADMINISTRATIVE COSTS.—Each eligible entity awarded a grant under this Act may use not more than 6 percent of the total amount of such grant in any fiscal year for the administrative costs of carrying out the programs funded by such grant in such fiscal year.

(h) EVALUATION AND REPORT.—For each fiscal year in which a grant is awarded under this Act, the Secretary shall submit a report to Congress containing a description of the activities funded, amounts distributed, and measurable results, as appropriate and available.

(i) REGULATIONS.—The Secretary is authorized to promulgate regulations to implement and administer the grant program under this Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary, for the grant program described in this Act, such sums as may be necessary, which shall remain available until expended.

By Mr. KOHL:

S. 1348. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Sunshine in Litigation Act of 2005, a bill to curb the ongoing abuse of secrecy orders in Federal courts. The result of this abuse, which often comes in the form of sealed settlement agreements, is to keep important health and safety information from the public.

This problem has been recurring for decades, and most often arises in products liability cases. Typically, an individual brings a cause of action against a manufacturer for an injury or death that has resulted from a defect in one of its products. The plaintiff has limited resources and faces a corporation that can spend an unlimited amount of money on delay tactics. Facing a formidable opponent, plaintiffs are discouraged from continuing and often seek to settle the litigation. In exchange for the award he or she was seeking, the victim is forced to agree to a provision that prohibits him or her from revealing information disclosed during the litigation.

While the plaintiff gets a respectable award and the defendant is able to keep damaging information from getting out, others are forced to pay the price. Because they remain unaware of critical public health and safety information that could potentially save lives, the American public incurs the greatest cost.

Currently, judges have broad discretion in granting protective orders when "good cause" is shown. Too much discretion, however, can sometimes lead to abuse. Tobacco companies, automobile manufacturers and pharmaceutical companies have settled with victims and used the legal system to hide information which, if it became public, could protect the American public. Surely, there are appropriate uses for such orders, like protecting trade secrets and other truly confidential company information. Our legislation makes sure such information is protected. But, protective orders are certainly not supposed to be used to hide public safety information from the public to protect a company's reputation or profit margin.

The most famous case of abuse involved Bridgestone/Firestone. From 1992–2000, tread separations of various Bridgestone and Firestone tires were causing accidents across the country, many resulting in serious injuries and even fatalities. Instead of owning up to their mistakes and acting responsibly, Bridgestone/Firestone quietly settled dozens of lawsuits, most of which included secrecy agreements. It wasn't until 1999, when a Houston public television station broke the story, that the company acknowledged its wrongdoing and recalled 6.5 million tires. By then, it was too late; too many unnecessary injuries and deaths had already occurred.

If the story ended there, and the Bridgestone/Firestone cases were just an aberration, maybe there would be no cause for concern. But, unfortunately, the list goes on. In January 2004, Jodie Lane was walking her dog in Manhattan when she slipped and fell on a Con Edison cable cover. She was electrocuted and killed. It has since been discovered that Con Edison has settled eleven similar cases, all involving secrecy agreements.

Then there is the case of General Motors ("GM"). Although an internal memo suggests that GM was aware of the risk of fire deaths from crashes of pickup trucks with "side saddle" fuel tanks, an estimated 750 people were killed in fires involving these fuel tanks. When victims sued, GM disclosed documents only under protective orders and settled these cases on the condition that the information in these documents remained secret. This type of fuel tank was installed for 15 years before being discontinued.

There are no records kept of the number of confidentiality orders accepted by state or federal courts. However, anecdotal evidence suggests that court secrecy and confidential settlements are prevalent. Beyond General Motors, Bridgestone/Firestone and Con Edison, secrecy agreements had real life consequences by allowing Dalkon Shield, Bjork-Shiley heart valves, and numerous other dangerous products to remain in the market. And those are only the ones we know about.

While some States have already begun to move in the right direction, we still have a long way to go. It is time to initiate a Federal solution for this problem. The Sunshine in Litigation Act is a modest proposal that would require Federal judges to perform a simple balancing test to ensure that the defendant's interest in secrecy truly outweighs the public interest in information related to public health and safety. Specifically, prior to making any portion of a case confidential or sealed, a judge would have to determine by making a particularized finding of fact—that doing so would not restrict the disclosure of information relevant to public health and safety. Moreover, all courts, both Federal and State, would be prohibited from issuing protective orders that prevent disclosure to relevant regulatory agencies.

This legislation does not prohibit secrecy agreements across the board. It does not place an undue burden on judges or our courts. It simply states that where the public interest in disclosure outweighs legitimate interests in secrecy, courts should not shield important health and safety information from the public. The time to focus some sunshine on public hazards to prevent future harm is now.

By Mr. SMITH (for himself and Mr. ROCKEFELLER):

S. 1349. A bill to promote deployment of competitive video services, eliminate redundant and unnecessary regulation, and further the development of next generation broadband networks; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator ROCKEFELLER to introduce the Video Choice Act of 2005. This bill will promote competition and help bring choice to consumers in the video market. In addition, the bill will further the development of next generation broadband networks and spur economic development in rural areas of the country, like Wallowa, OR.

A recent Government Accountability Office study underscores the benefits of competition in the video market. In August 2004, GAO concluded that cable rates are on average 15 percent lower in markets with a wire-based competitor to the incumbent cable operator. My legislation promotes competition and lowers rates by eliminating redundant and unnecessary video franchises.

Specifically, my legislation permits any company that has already obtained a franchise to build and operate a network to offer video services over that network without obtaining a second, redundant franchise. These competitive video service providers will still be subject to the important social policy obligations of cable operators, including the obligation to pay fees to local governments; to comply with the retransmission consent and must-carry provisions of the Act; to carry public, educational, governmental and noncommercial, educational channels; to protect the privacy of subscribers and to comply with all statutory consumer protections and customer service requirements.

Importantly, my legislation also preserves State and local government authority to manage the public rights-of-way and to enact or enforce any consumer protection law. In so doing, we have ensured that local communities continue to play a meaningful role in the management of these networks.

We recognize that the video franchising process imposes burdens on cable operators and welcome the opportunity to investigate and address those concerns as this debate moves forward.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1349

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Choice Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Cable rates continue to rise substantially faster than the overall rate of inflation.

(2) Wire-based competition in video services is limited to very few markets. According to the Federal Communications Commission, only 2 percent of all cable subscribers have the opportunity to choose between 2 or more wire-based video service providers.

(3) It is only through wire-based video competition that price competition exists. The Government Accountability Office has confirmed that where wire-based competition exists, cable rates are 15 percent lower than in markets without competition.

(4) It is in the public interest to further wire-based competition in the video services market in order to provide greater consumer choice and lower prices for video services.

(5) To spur competition in the communications industry, Congress has decreased the regulatory burden on new entrants, thereby increasing entry into the market and creating competition.

(6) The United States continues to fall behind in broadband deployment rates. According to a recent study by the International Telecommunications Union, the United States is now ranked 16th in the world in broadband deployment.

(7) The deployment of advanced high capacity networks would greatly spur economic development in rural America.

(8) The deployment of advanced networks that can offer substantially higher capacity are critical to the long-term competitiveness of the United States.

SEC. 3. AMENDMENT TO COMMUNICATIONS ACT.

Title VI of the Communication Act of 1934 (47 U.S.C. 521 et seq.) is amended by adding at the end the following:

"PART VI—VIDEO CHOICE

"SEC. 661. DEFINITION.

"In this part, the term 'competitive video services provider' means any provider of video programming, interactive on-demand services, other programming services, or any other video services who has any right, permission, or authority to access public rights-of-way independent of any cable franchise obtained pursuant to section 621 or pursuant to any other Federal, State, or local law.

"SEC. 662. REGULATORY FRAMEWORK.

"(a) REDUNDANT FRANCHISES PROHIBITED.—Notwithstanding any other provision of this

Act, no competitive video services provider may be required, whether pursuant to section 621 or to any other provision of Federal, State, or local law, to obtain a franchise in order to provide any video programming, interactive on-demand services, other programming services, or any other video services in any area where such provider has any right, permission, or authority to access public rights-of-way independent of any cable franchise obtained pursuant to section 621 or pursuant to any other Federal, State, or local law.

"(b) FEES.—

"(1) IN GENERAL.—Any competitive video services provider who provides a service that otherwise would qualify as a cable service provided over a cable system shall be subject to the payment of fees to a local franchise authority based on the gross revenues of such provider that are attributable to the provision of such service within such provider's service area.

"(2) CONSIDERATIONS.—In determining the fees required by this subsection—

"(A)(i) the rate at which fees are imposed shall not exceed the rate at which franchise fees are imposed on any cable operator providing cable service in the franchise area, as determined in accordance with section 622 and any related regulations; or

"(ii) in any jurisdiction in which no cable operator provides service, the rate at which franchise fees are imposed shall not exceed the statewide average; and

"(B) the only revenues that shall be considered are those attributable to services that would be considered in calculating franchise fees if such provider were deemed a cable operator for purposes of section 622 and any related regulations.

"(3) BILLING.—A competitive video services provider shall designate that portion of the bill of a subscriber attributable to the fee under paragraph (2) as a separate item on the bill.

"(c) TERMS OF SERVICE.—A competitive video services provider shall—

"(1) be subject to the retransmission consent provisions of section 325(b);

"(2)(A) carry, within each local franchise area, any public, educational, or governmental use channels that are carried by cable operators within such franchise area pursuant to section 611; or

"(B) provide, in any jurisdiction in which no cable operator provides service, reasonable public, educational and government access facilities pursuant to section 611;

"(3) be subject to the must-carry provisions of section 614;

"(4) carry noncommercial, educational channels as required by section 615;

"(5) be considered a multichannel video programming distributor for purposes of section 628 and be entitled to the benefits and protection of that section;

"(6) protect the personally identifiable information of its subscribers as required in section 631;

"(7) comply with any consumer protection and customer service requirements promulgated by the Commission pursuant to section 632;

"(8) not be subject to any other provisions of this title; and

"(9) not deny services to any group of potential residential subscribers because of the income of the residents of the local area in which such group resides.

"(d) REGULATORY TREATMENT.—Except to the extent expressly provided in this part, neither the Commission nor any State or political subdivision thereof may regulate the rates, charges, terms, conditions for, entry into, exit from, deployment of, provision of, or any other aspect of the services provided by a competitive video services provider.

"(e) STATE AND LOCAL GOVERNMENT AUTHORITY.—Except as provided in subsection (a), nothing in this section affects the authority of a State or local government to manage the public rights-of-way or to enact or enforce any consumer protection law.".

SEC. 4. REGULATION OF COMMON CARRIERS.

Section 651(a)(3) of the Federal Communications Act (47 U.S.C. 571(a)(3)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(C) if such carrier is a competitive video services provider providing video programming pursuant to part VI of this title, such carrier shall not be subject to the requirements of this title but instead shall be subject only to the provisions of part VI of this title.".

SEC. 5. EXISTING FRANCHISE AGREEMENTS.

Any franchise agreement entered into by a franchising authority and a competitive video service provider for the provision of video service prior to the date of enactment of this Act shall be exempt from the provisions of this Act for the term of such agreement.

Mr. ROCKEFELLER. Mr. President, I am pleased to join Senator SMITH in introducing the Video Choice Act of 2005. We believe that our bill will increase competition in the video marketplace and spur the deployment of advanced broadband networks.

Cable and telephone companies are competing to offer a bundle of Internet, video and telephone service to consumers. Cable companies are now offering telephone services. Cable companies offer both traditional telephone services over the public switched telephone network and recently have begun a major expansion into offering voice services over the internet. Congress, in an effort to spur entry into the voice market, decided to minimally regulate or deregulate cable companies' entry in these voice services.

As cable enters the voice market, it is driving prices down and creating innovative new voice services and products. At present, cable companies control nearly 70 percent of the multichannel video market and are not subject to effective price competition for video services. The Senate Commerce Committee, of which Senator SMITH and I are both members, spent much of the last Congress examining options to address the ever escalating price of cable television. I recognize that the cable industry has invested heavily in its networks and programming costs continue to rise, but I am hearing from some of my constituents that they feel captive to the pricing decisions of their local cable company.

I believe the government should encourage facilities-based video competition. The Government Accountability Office has reported that in areas where cable faces competition from a facilities-based competitor, cable television prices are, on average, 15 percent less and as much as 41 percent less than in areas without effective competition.

To compete with cable, traditional telephone companies are slowly entering the video marketplace. Instead of offering video services over cable, the telephone companies will offer it over their high capacity fiber networks. Fiber-optic cables consist of bundles of hair-thin glass strands. Laser-generated pulses of light transmit voice, data, and video signals via the fiber at speeds and capacities far exceeding today's copper-cable systems. Fiber technology provides nearly unlimited capacity, as much as 20 times faster than today's fastest high-speed data connections.

Even more importantly, our bill would speed the deployment of super fast broadband networks. To offer video services, telephone companies will have to either lay fiber optic cables or develop other networks that have enough capacity to transmit hundreds of television channels. These networks will also be able to offer consumers the ability to receive and send vast amounts of data.

Our Nation continues a precipitous decline in the world's broadband deployment rate. As Asian countries develop broadband networks capable of delivering consumers 30 to 100 megabits of data, the United States falls further behind in deployment of next generation broadband technologies. The deployment of fiber optic or technologically equivalent networks would spur economic development as well as consumer choice in the cable television market.

I have worked for almost eight years on legislation to provide incentives to promote the deployment of next generation broadband technology and services. The Senate has adopted this measure numerous times, but because of opposition in the House of Representatives, it has never been enacted into law. We must examine other policies if we are to achieve universal broadband penetration. I believe that our legislation will serve as a catalyst for the deployment of next generation broadband networks that will bring enormous economic benefits to Americans, especially rural Americans.

I know that many local governments are concerned about changing the existing regulatory framework for video regulation. I recognize that municipal governments have an important role to play in the telecommunications debate. As a former governor, I am aware of the important local revenues that cable franchise fees provide local government in West Virginia and across the Nation. I have always supported the local government's ability to collect local fees and taxes on telecommunications services, and I want to state that I will continue to do so.

Our legislation states that competitive video providers, as defined by the bill, do not have to secure a local franchise agreement to offer competitive video services. However, the legislation mandates that all vital social policy obligations of current cable television operators will also have to be met by the competitive video industry. First and foremost, our bill mandates that competitive video providers pay a franchise fee to the appropriate local government. This fee would be equal to the fee the incumbent video provider pays. Our bill also requires that competitive video providers carry all existing local public, educational, and government use channels; carry all local broadcast stations; carry all noncommercial, educational channels; adhere to strict consumer privacy obligations; and comply with all statutory consumer protections and customer service requirements. The bill explicitly prohibits economic redlining in the provision of competitive video services. Finally, the legislation explicitly states that nothing in the bill affects the authority of a State or local government to manage the public-rights-of-way or to enact or enforce any consumer protection law.

Senator SMITH and I have crafted a narrowly tailored bill to promote the entry of new competitors into the video marketplace. Our legislation balances the need to promote competition in this market with preserving the core social and policy obligations that we have always imposed on providers of video services.

In addition to promoting competition in the video marketplace, this bill gives us the opportunity to foster an exponential growth in advanced broadband networks. By having advanced communications networks that are exponentially faster than our existing networks, we will unleash our economic potential, especially in places like my home State of West Virginia.

Again, I would like to thank Senator SMITH for all of his hard work on this bill.

By Mr. SPECTER (for himself and Mrs. BOXER):

S. 1350. A bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services; to the Committee on Commerce, Science, and Transportation.

Mr. SPECTER. Mr. President, I seek recognition today to introduce the Wireless 411 Privacy Act. As every Senator is aware, consumers, today rely on their wireless telephones as a vital and important means of communication. Wireless telephones enable families to stay connected, permit commerce to be conducted anywhere at any time, and provide a vital link in the event of an emergency. Some people have even abandoned traditional telephones and now use their wireless phones as their primary phone service. In fact, when I last introduced this bill in November 2003, the Federal Communications Commission began requiring number portability for wireless phones so that consumers, if they wish, can make their wireless phone their only phone.

The wireless industry is on the verge of introducing a "wireless white pages" service, and though this step could have positive benefits, it raises concerns about how consumers' expectation of privacy will be protected. The legislation I am introducing today, along with Senator BOXER, ensures that consumers' expectations will be preserved.

An important reason that Americans increasingly trust their cell phone service is that they have a great deal of privacy in their cell phone numbers. For more than 20 years of cellular service, consumers have become accustomed to not having their wireless phone numbers available to the public. The protection of wireless telephone numbers is important. For example, wireless customers are typically charged for incoming calls. Without protections for wireless numbers, subscribers could incur large bills, or use up their allotted minutes of use, simply by receiving calls they do not want—from telemarketers and others. Because consumers often take their cell phones with them everywhere, repeated unwanted calls are particularly disruptive, and may even present safety concerns for those behind the wheel.

Since 2003, four States—California, Georgia, South Dakota and Washington—have passed similar laws that prohibit a carrier from divulging a customer's wireless telephone number without permission. While the industry remains poised to introduce wireless directory assistance services as early as this year, it is important for Congress to act now to preserve the expectation of privacy that consumers across the country have in their wireless phone numbers. The legislation I am introducing today strikes an important balance by providing privacy protections that are important to consumers, while enabling those consumers who want to be reached to be accessible.

This legislation permits wireless subscribers to choose not to have their wireless telephone number listed in wireless directory assistance databases. This feature gives consumers the ultimate ability to keep their numbers entirely private. In addition to divulging subscribers' phone numbers, wireless directory assistance services may forward calls to wireless subscribers without prior notice or permission. My bill requires that these services must not divulge a subscriber's wireless number, unless the subscriber consents to disclosure, must provide identifying information to the wireless subscriber so that the subscriber knows who is calling through a forwarding service, and must give a subscriber the option of rejecting or accepting each incoming call. Finally, this legislation prohibits wireless carriers from charging any special fees to consumers who wish to receive the privacy protections provided by the bill. There should be no "privacy tax" for consumers to continue the privacy protection they have long enjoyed, and this bill ensures that will be the case.

I urge my colleagues to join me in supporting this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1350

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wireless 411 Privacy Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) there are roughly 150 million wireless subscribers in the United States, up from approximately 15 million subscribers just a decade ago;

(2) wireless phone service has proven valuable to millions of Americans because of its mobility, and the fact that government policies have expanded opportunities for new carriers to enter the market, offering more choices and ever lower prices for consumers;

(3) in addition to the benefits of competition and mobility, subscribers also benefit from the fact that wireless phone numbers have not been publicly available;

(4) up until now, the privacy of wireless subscribers has been safeguarded and thus vastly diminished the likelihood of subscribers receiving unwanted or annoying phone call interruptions on their wireless phones;

(5) moreover, because their wireless contact information, such as their phone number, have never been publicly available in any published directory or from any directory assistance service, subscribers have come to expect that if their phone rings it's likely to be a call from someone to whom they have personally given their number;

(6) the wireless industry is poised to begin implementing a directory assistance service so that callers can reach wireless subscribers, including subscribers who have not given such callers their wireless phone number;

(7) while some wireless subscribers may find such directory assistance service useful, current subscribers deserve the right to choose whether they want to participate in such a directory;

(8) because wireless users are typically charged for incoming calls, consumers must be afforded the ability to maintain the maximum amount of control over how many calls they may expect to receive and, in particular, control over the disclosure of their wireless phone number;

(9) current wireless subscribers who elect to participate, or new wireless subscribers who decline to be listed, in any new wireless directory assistance service directory, including those subscribers who also elect not to receive forwarded calls from any wireless directory assistance service, should not be charged for exercising such rights;

(10) the marketplace has not yet adequately explained an effective plan to protect consumer privacy rights;

(11) Congress previously acted to protect the wireless location information of subscribers by enacting prohibitions on the disclosure of such sensitive information without the express prior authorization of the subscriber; and

(12) the public interest would be served by similarly enacting effective and industry-wide privacy protections for consumers with respect to wireless directory assistance service.

SEC. 3. CONSUMER CONTROL OF WIRELESS PHONE NUMBERS.

Section 332(c) of the Communications Act of 1934 (47 U.S.C. 332(c)) is amended by adding at the end the following:

"(9) Wireless Consumer Privacy Protection.—

"(A) In General.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not include the wireless telephone number information of any subscriber in any wireless directory assistance service database unless—

"(i) the mobile service provider provides a conspicuous, separate notice to the subscriber informing the subscriber of the right not to be listed in any wireless directory assistance service; and

"(ii) the mobile service provider obtains express prior authorization for listing from such subscriber, separate from any authorization obtained to provide such subscriber with commercial mobile service, or any calling plan or service associated with such commercial mobile service, and such authorization has not been subsequently withdrawn.

"(B) Cost-Free De-Listing.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, shall remove the wireless telephone number information of any subscriber from any wireless directory assistance service database upon request by that subscriber and without any cost to the subscriber.

"(C) Wireless Accessibility.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such provider, may connect a calling party from a wireless directory assistance service to a commercial mobile service subscriber only if—

"(i) such subscriber is provided prior notice of the calling party's identity and is permitted to accept or reject the incoming call on a per-call basis;

"(ii) such subscriber's wireless telephone number information is not disclosed to the calling party; and

"(iii) such subscriber has not declined or refused to participate in such database.

"(D) Protection of Wireless Phone Numbers.—A telecommunications carrier shall not disclose in its billing information provided to customers wireless telephone number information of subscribers who have indicated a preference to their commercial mobile services provider for not having their wireless telephone number information disclosed. Notwithstanding the preceding sentence, a telecommunications carrier may disclose a portion of the wireless telephone number in its billing information if the actual number cannot be readily ascertained.

"(E) Publication of Directories Prohibited.—A provider of commercial mobile services, or any direct or indirect affiliate or agent of such a provider, may not publish, in printed, electronic, or other form, or sell or otherwise disseminate, the contents of any wireless directory assistance service database, or any portion or segment thereof unless—

"(i) the mobile service provider provides a conspicuous, separate notice to the subscriber informing the subscriber of the right not to be listed; and

"(ii) the mobile service provider obtains express prior authorization for listing from such subscriber, separate from any authorization obtained to provide such subscriber with commercial mobile service, or any calling plan or service associated with such commercial mobile service, and such authorization has not been subsequently withdrawn.

"(F) No Consumer Fee for Retaining Privacy.—A provider of commercial mobile services may not charge any subscriber for exercising any of the rights under this paragraph.

"(G) State and Local Laws Pre-empted.—To the extent that any State or local government imposes requirements on providers of commercial mobile services, or any direct or indirect affiliate or agent of such providers, that are inconsistent with the requirements of this paragraph, this paragraph preempts such State or local requirements.

"(H) Definitions.—In this paragraph:

"(i) Calling Party's Identity.—The term 'calling party's identity' means the telephone number of the calling party or the name of subscriber to such telephone, or an oral or text message which provides sufficient information to enable a commercial mobile services subscriber to determine who is calling.

"(ii) Unlisted Commercial Mobile Services Subscriber.—The term 'unlisted commercial mobile services subscriber' means a subscriber to commercial mobile services who has not provided express prior consent to a commercial mobile service provider to be included in a wireless directory assistance service database.

"(iii) Wireless Telephone Number Information.—The term 'wireless telephone number information' means the telephone number, electronic address, and any other identifying information by which a calling party may reach a subscriber to commercial mobile services, and which is assigned by a commercial mobile service provider to such subscriber, and includes such subscriber's name and address.

"(iv) Wireless Directory Assistance Service.—The term 'wireless directory assistance service' means any service for connecting calling parties to a subscriber of commercial mobile service when such calling parties themselves do not possess such subscriber's wireless telephone number information.".

By Mrs. CLINTON:

S. 1351. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the Cold War Medal Act of 2005, a bill to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era, be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1351

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Cold War Medal Act of 2005".

SEC. 2. COLD WAR SERVICE MEDAL.

(a) Authority.—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1135. Cold War service medal

"(a) Medal Authorized.—The Secretary concerned shall issue a service medal, to be known as the 'Cold War service medal', to persons eligible to receive the medal under subsection (b). The Cold War service medal shall be of an appropriate design approved by the Secretary of Defense, with ribbons, lapel pins, and other appurtenances.

"(b) Eligible Persons.—The following persons are eligible to receive the Cold War service medal:

"(1) A person who—

"(A) performed active duty or inactive duty training as an enlisted member during the Cold War;

"(B) completed the person's initial term of enlistment or, if discharged before completion of such initial term of enlistment, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not received a discharge less favorable than an honorable discharge or a release from active duty with a characterization of service less favorable than honorable.

"(2) A person who—

"(A) performed active duty or inactive duty training as a commissioned officer or warrant officer during the Cold War;

"(B) completed the person's initial service obligation as an officer or, if discharged or separated before completion of such initial service obligation, was honorably discharged after completion of not less than 180 days of service on active duty; and

"(C) has not been released from active duty with a characterization of service less favorable than honorable and has not received a discharge or separation less favorable than an honorable discharge.

"(c) One Award Authorized.—Not more than one Cold War service medal may be issued to any person.

"(d) Issuance to Representative of Deceased.—If a person described in subsection (b) dies before being issued the Cold War service medal, the medal shall be issued to the person's representative, as designated by the Secretary concerned.

"(e) Replacement.—Under regulations prescribed by the Secretary concerned, a Cold War service medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(f) Application for Medal.—The Cold War service medal shall be issued upon receipt by the Secretary concerned of an application for such medal, submitted in accordance with such regulations as the Secretary prescribes.

"(g) Uniform Regulations.—The Secretary of Defense shall ensure that regulations prescribed by the Secretaries of the military departments under this section are uniform so far as is practicable.

"(h) Definition.—In this section, the term 'Cold War' means the period beginning on September 2, 1945, and ending at the end of December 26, 1991.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“1135. Cold War service medal.”.

By Mr. SPECTER (for himself, Mr. KENNEDY, and Mr. JEFFORDS):

S. 1352. A bill to provide grants to States for improved workplace and community transition training for incarcerated youth offenders; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECTER. Mr. President, I have sought recognition today to introduce the Improved Workplace and Community Transition Training for Incarcerated Youth Offenders Act of 2005, which is legislation designed to enhance educational opportunities and reduce recidivism for adult and juvenile offenders. Following the repeal of Pell Grant eligibility for incarcerated individuals, I worked to create the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program. This program is aimed at providing postsecondary education and workplace and community transition training for incarcerated youth offenders while in prison, as well as employment counseling and other services that continue when the individual is released.

This legislation, which I am introducing today, builds upon my earlier efforts by increasing flexibility and accountability within the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders. This legislation is a positive step forward in providing realistic rehabilitation by increasing access to the current program for incarcerated youth offenders.

With over two million incarcerated adults, the United States has the highest incarceration rate in the world. The National Adult Literacy Study indicates that the majority of prison inmates either are illiterate or have marginal reading, writing, and math skills. This year more than 650,000 inmates will be released from United States prisons. Most of these adults and juveniles will leave correctional institutions having received little to no education and no more skilled than when they arrived. Frustrated by a lack of marketable skills, burdened with a criminal record, and released without transitional services, nearly two-thirds of released prisoners are re-arrested for either a felony or a serious misdemeanor within 3 years of release. It should come as no surprise that an individual who is released and who is illiterate or lacks the necessary skills to get a job returns to a life of crime.

The key to preventing recidivism has proven to be educational access and opportunity. A Correctional Educational Association report published findings from a study of education programs provided in correctional facilities. The findings show a remarkable decrease of approximately 10 percent in recidivism for those inmates that participated in education programs while incarcerated. The study also shows that the higher the education level reached by the offender, the lower the resulting recidivism rate.

Most incarcerated youth offenders will one day return back to their communities, so this legislation is about making sure they have an opportunity to turn their lives around before they are released. It is about focusing on literacy and job training in order to reduce recidivism and prevent incarcerated youth offenders from becoming career criminals. I believe that criminal offenders, especially juveniles, should be given a chance at rehabilitation and gainful employment. This chance can only come through education.

This legislation would authorize $30 million to provide incarcerated youth offenders, up to 35 years of age who are eligible for parole or release within 5 years, an opportunity to acquire postsecondary education while incarcerated, as well as employment counseling and other services that continue for up to one year after the individual is released. Currently, the Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders program provides formula grant funding to State correctional education agencies to provide postsecondary education and related services to incarcerated youth offenders up to 25 years of age. This legislation would increase eligibility for incarcerated youth offenders to individuals 35 years of age to allow more individuals to participate in the program, as the average age of inmates in most States is 35.

This legislation also aims to increase flexibility with regard to the delivery of postsecondary education and related services to incarcerated youth offenders. To that end, this legislation would raise the allowable expenditure permitted for each youth offender to the maximum Federal Pell Grant level. The current program limits expenditures per youth offender to $1,500 for tuition and books, and an additional $300 for related services. Under this legislation, State correctional education agencies have increased flexibility to address the unique needs of each inmate due to the elimination of the caps on funding, which currently dictate the specific amounts permitted to be used for tuition and books, and related services.

Additionally, this legislation requires State correctional education agencies to more thoroughly evaluate the effectiveness of the goals and objectives of the program by tracking and reporting specific and quantified student outcomes referenced to the outcomes of non-program participants. Increased accountability included in this legislation will allow a more in-depth study of the impact of education on key goals, such as, knowledge and skill attainment, employment attainment, job retention and advancement and recidivism rates.

Recognizing the impact that education and job training can have on incarcerated youth offenders, it is my sincere hope that this legislation will encourage incarcerated individuals to achieve independence and to gain the skills necessary to become productive members of society upon their release. With realistic rehabilitation, including literacy training and job training, we can stop the cycle of catch-and-release.

I urge my colleagues to join me in cosponsoring this legislation, and urge its swift adoption.

By Mr. REID (for himself, Mr. WARNER, Ms. MURKOWSKI, Mr. COCHRAN, Mr. CORZINE, Ms. STABENOW, Mr. BINGAMAN, Mr. DURBIN, and Mr. VITTER):

S. 1353. A bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I rise to introduce the ALS Registry Act. I am pleased that Senators WARNER, STABENOW, MURKOWSKI, BINGAMAN, COCHRAN, DURBIN, VITTER, and CORZINE are joining me as original cosponsors of this important legislation.

ALS is a fatal, progressive disease where the nerve cells that connect the brain and spinal cord to the muscles slowly die. As the disease progresses, patients slowly lose control of their muscles. Through it all, patients remain completely aware of what is happening to their bodies because ALS does not affect the mind. The harsh reality of ALS is that a person can expect to live on average only two to five years from the time the first signs of the disease appear.

Lou Gehrig brought Amyotrophic Lateral Sclerosis (ALS) to the public's attention more than 65 years ago and his courage put a human face on this terrible disease. Each of us has a Lou Gehrig back in our home State—someone who shows great courage in the face of ALS. Over the years, I have worked closely with the Nevada ALS Association and have met with many Nevadans who have been touched by this devastating illness. One of these Nevadans was a man by the name of Steve Rigazio who was invited to testify before the Labor/HHS/Education Appropriations Subcommittee in May of 2000. Steve was at the height of his career when he was diagnosed with ALS. He worked through the ranks of the Nevada Power Company, the largest utility company in the State, for 16 years until he became President. He coached and played recreational hockey and at one point played semi-pro baseball. After his diagnosis, Steve continued to show up at work at 6 a.m. for as long as he could. Steve Rigazio died of ALS on December 27, 2001 at the age of 47 and left behind a family that included a wife, two children and hundreds of friends. The ALS Steve Rigazio Voice of Courage Award was named in his honor as a living testimony to the life of this special man.

Sadly, every year approximately 5,600 Americans will learn they have ALS. There is no cure for ALS and there is only one FDA approved drug to specifically treat ALS. That drug extends life for only a few months and only works in 20 percent of patients.

ALS has proven particularly hard for scientists and doctors to tackle for a number of reasons: including the fact that there is also not a centralized place where data on the disease is collected and no one place for patients to go to find out about clinical trials and new research findings. Currently, there is only a patchwork of data about ALS that does not include the entire U.S. population and only includes limited data for specific purposes, such as to determine the relationship between military service and the disease. Perhaps the most obvious example of the limitations of current surveillance systems and registries is that we do not know with certainty how many people are living with ALS in the United States today. Over 136 years after the discovery of ALS, estimates on its prevalence still vary by as much as 100 percent—from a low of about fifteen thousand patients to as many as thirty thousand.

The legislation I am introducing today would create an ALS registry at the Centers for Disease Control and Prevention and will aid in the search for a cure to this devastating disease. The registry will collect data concerning: the incidence and prevalence of ALS in the U.S.; the environmental and occupational factors that may contribute to the disease; the age, race or ethnicity, gender and family history of individuals diagnosed; and other information essential to the study of ALS. The registry will also provide a secure method to put patients in contact with scientists conducting clinical trials and scientists studying the environmental and genetic causes of ALS.

A national registry will help arm our Nation's researchers and clinicians with the tools and information they need to make progress in the fight against ALS. The data made available by a registry will potentially allow scientists to identify causes of the disease, and maybe even lead to the discovery of new treatment, a cure for ALS, or even a way to prevent the disease in the first place.

The establishment of a registry will bring new hope to thousands of patients and their families that ALS will no longer be a death sentence. No one wants to wait another 65 years before a cure is found. I urge my colleagues to support the swift passage of the ALS Registry Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1353

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ALS Registry Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Amyotrophic Lateral Sclerosis (referred to in this section as "ALS") is a fatal, progressive neurodegenerative disease that affects motor nerve cells in the brain and the spinal cord.

(2) The average life expectancy for a person with ALS is 2 to 5 years from the time of diagnosis.

(3) The cause of ALS is not well understood.

(4) There is only one drug currently approved by the Food and Drug Administration for the treatment of ALS, which has thus far shown only modest effects, prolonging life by just a few months.

(5) There is no known cure for ALS.

(6) More than 5,000 individuals in the United States are diagnosed with ALS annually and as many as 30,000 individuals may be living with ALS in the United States today.

(7) Studies have found relationships between ALS and environmental and genetic factors, but those relationships are not well understood.

(8) Scientists believe that there are significant ties between ALS and any motor neuron diseases.

(9) Several ALS disease registries and databases exist in the United States and throughout the world, including the SOD1 database, the National Institute of Neurological Disorders and Stroke repository, and the Department of Veterans Affairs ALS Registry;

(10) A single national system to collect and store information on the prevalence and incidence of ALS in the United States does not exist.

(11) The establishment of a national registry will help—

(A) identify the incidence and prevalence of ALS in the United States;

(B) collect data important to the study of ALS;

(C) promote a better understanding of ALS;

(D) promote research into the genetic and environmental factors that cause ALS;

(E) provide a means for patients to contact scientists researching the environmental and genetic factors that cause ALS as well as those engaged in clinical trials; and

(F) enhance efforts to find treatments and a cure for ALS.

SEC. 3. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following:

"SEC. 399O. AMYOTROPHIC LATERAL SCLEROSIS REGISTRY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Not later than 6 months after the receipt of the report described in subsection (b)(2)(A), the Secretary, acting through the Director of the Centers for Disease Control and Prevention and in consultation with a national voluntary health organization with experience serving the population of individuals with amyotrophic lateral sclerosis (referred to in this section as 'ALS'), shall—

"(A) develop a system to collect data on ALS, including information with respect to the incidence and prevalence of the disease in the United States; and

"(B) establish a national registry for the collection and storage of such data to include a population-based registry of cases of ALS in the United States.

"(2) PURPOSE.—It is the purpose of the registry established under paragraph (1)(B) to—

"(A) gather data concerning—

"(i) ALS, including the incidence and prevalence of ALS in the United States;

"(ii) the environmental and occupational factors that may be associated with the disease;

"(iii) the age, race or ethnicity, gender, and family history of individuals who are diagnosed with the disease; and

"(iv) other matters as recommended by the Advisory Committee established under subsection (b); and

"(B) establish a secure method to put patients in contact with scientists studying the environmental, and genetic causes of motor neuron disease or conducting clinical trials on therapies for motor neuron disease.

"(b) ADVISORY COMMITTEE.—

"(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall establish a committee to be known as the Advisory Committee on the National ALS Registry (referred to in this section as the 'Advisory Committee'). The Advisory Committee shall be composed of at least one member, to be appointed by the Secretary, acting through the Director of the Centers for Disease Control and Prevention, representing each of the following:

"(A) National voluntary health associations that focus solely on ALS that have a demonstrated experience in ALS research, care, and patient services.

"(B) The National Institutes of Health, to include, upon the recommendation of the Director of the National Institutes of Health, representatives from the National Institute of Neurological Disorders and Stroke and the National Institute of Environmental Health Sciences.

"(C) The Department of Veterans Affairs.

"(D) The Agency for Toxic Substances and Disease Registry.

"(E) The Centers for Disease Control and Prevention.

"(F) Patients with ALS or their family members.

"(G) Clinicians who have worked with data registries.

"(H) Epidemiologists with experience in data registries.

"(I) Geneticists or experts in genetics who have experience with the genetics of ALS or other neurological diseases.

"(J) Statisticians.

"(K) Ethicists.

"(L) Attorneys.

"(M) Other individuals with an interest in developing and maintaining the National ALS Registry

"(2) DUTIES.—The Advisory Committee shall conduct a study and make recommendations to the Secretary concerning—

"(A) the development and maintenance of the National ALS Registry;

"(B) the type of information to be collected and stored in the Registry;

"(C) the manner in which such data is to be collected;

"(D) the use and availability of such data including guidelines for such use; and

"(E) the collection of information about diseases and disorders that primarily affect motor neurons that are considered essential to furthering the study and cure of ALS.

"(3) Report.—Not later than 6 months after the date on which the Advisory Committee is established, the Advisory Committee shall submit a report concerning the study conducted under paragraph (2) that contains the recommendations of the Advisory Committee with respect to the results of such study.

"(c) Grants.—Notwithstanding the recommendations of the Advisory Committee under subsection (b), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to, and enter into contracts and cooperative agreements with, public or private nonprofit entities for the collection, analysis, and reporting of data on ALS.

"(d) Coordination With State, Local, and Federal Registries.—

"(1) In general.—In establishing the National ALS Registry under subsection (a), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall—

"(A) identify, build upon, expand, and coordinate among existing data and surveillance systems, surveys, registries, and other Federal public health and environmental infrastructure wherever possible, including—

"(i) the Department of Veterans Affairs ALS Registry;

"(ii) the DNA and Cell Line Repository of the National Institute of Neurological Disorders and Stroke Human Genetics Resource Center;

"(iii) Agency for Toxic Substances and Disease Registry studies, including studies conducted in Illinois, Missouri, El Paso and San Antonio Texas, and Massachusetts;

"(iv) State-based ALS registries, including the Massachusetts ALS Registry;

"(v) the National Vital Statistics System; and

"(vi) any other existing or relevant databases that collect or maintain information on those motor neuron diseases recommended by the Advisory Committee established in subsection (b); and

"(B) provide for public access to an electronic national database that accepts data from State-based registries, health care professionals, and others as recommended by the Advisory Committee established in subsection (b) in a manner that protects personal privacy consistent with medical privacy regulations.

"(2) Coordination with NIH and Department of Veterans Affairs.—Notwithstanding the recommendations of the Advisory Committee established in subsection (b), the Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health and the Department of Veterans Affairs.

"(e) Definition.—For the purposes of this section, the term 'national voluntary health association' means a national non-profit organization with chapters or other affiliated organizations in States throughout the United States.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2006, and such sums as may be necessary for each of fiscal years 2007 through 2010.".

By Mr. FEINGOLD (for himself, Mr. Grassley, Mr. Kennedy, Mr. Lieberman, Mr. Corzine, and Mr. Wyden):

S. 1354. A bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Wartime Treatment Study Act. This bill would create two fact-finding commissions: one commission to review the U.S. government's treatment of German Americans, Italian Americans, and European Latin Americans during World War II, and another commission to review the U.S. government's treatment of Jewish refugees fleeing Nazi persecution during World War II. This bill is long overdue.

I am very pleased that my distinguished colleagues, Senators Grassley, Kennedy, Lieberman, Corzine and Wyden, have joined me as cosponsors of this important bill. I thank them for their support.

The victory of America and its allies in the Second World War was a triumph for freedom, justice, and human rights. The courage displayed by so many Americans, of all ethnic origins, should be a source of great pride for all Americans.

But, as so many brave Americans fought against enemies in Europe and the Pacific, the U.S. government was curtailing the freedom of people here at home. While, it is, of course, the right of every nation to protect itself during wartime, the U.S. government must respect the basic freedoms for which so many Americans have given their lives to defend. War tests our principles and our values. And as our nation's recent experience has shown, it is during times of war and conflict, when our fears are high and our principles are tested most, that we must be even more vigilant to guard against violations of the Constitution or of basic freedoms.

Many Americans are aware of the fact that, during World War II, under the authority of Executive Order 9066, our government forced more than 100,000 ethnic Japanese from their homes into internment camps. Japanese Americans were forced to leave their homes, their livelihoods, and their communities and were held behind barbed wire and military guard by their own government. Through the work of the Commission on Wartime Relocation and Internment of Civilians, created by Congress in 1980, this shameful event finally received the official acknowledgement and condemnation it deserved. Under the Civil Liberties Act of 1988, people of Japanese ancestry who were subjected to relocation or internment later received an apology and reparations on behalf of the people of the United States.

While I commend our government for finally recognizing and apologizing for the mistreatment of Japanese Americans during World War II, I believe that it is time that the government also acknowledge the mistreatment experienced by many German Americans, Italian Americans, and European Latin Americans, as well as Jewish refugees.

The Wartime Treatment Study Act would create two independent, fact-finding commissions to review this unfortunate history, so that Americans can understand why it happened and work to ensure that it never happens again. One commission will review the treatment by the U.S. government of German Americans, Italian Americans, and other European Americans, as well as European Latin Americans, during World War II.

I believe that most Americans are unaware that, as was the case with Japanese Americans, approximately 11,000 ethnic Germans, 3,200 ethnic Italians, and scores of Bulgarians, Hungarians, Romanians or other European Americans living in America were taken from their homes and placed in internment camps during World War II. We must learn from our history and explore why we turned on our fellow Americans and failed to protect basic freedoms.

A second commission created by this bill will review the treatment by the U.S. government of Jewish refugees who were fleeing Nazi persecution and genocide. We must review the facts and determine how our restrictive immigration policies failed to provide adequate safe harbor to Jewish refugees fleeing the persecution of Nazi Germany. The United States turned away thousands of refugees, delivering many refugees to their deaths at the hands of the Nazi regime.

As I mentioned earlier, there has been a measure of justice for Japanese Americans who were denied their liberty and property. It is now time for the U.S. government to complete an accounting of this period in our nation's history. It is time to create independent, fact-finding commissions to conduct a full and through review of the treatment of all European Americans, European Latin Americans, and Jewish refugees during World War II.

Up to this point, there has been no justice for the thousands of German Americans, Italian Americans, and other European Americans who were branded "enemy aliens" and then taken from their homes, subjected to curfews, limited in their travel, deprived of their personal property, and, in the worst cases, placed in internment camps.

There has been no justice for Latin Americans of European descent who were shipped to the United States and sometimes repatriated or deported to hostile, war-torn European Axis powers, often in exchange for Americans being held in those countries.

Finally, there has been no justice for the thousands of Jews, like those aboard the German vessel the St. Louis, who sought refuge from hostile Nazi treatment but were callously turned away at America's shores.

Although the injustices to European Americans, European Latin Americans, and Jewish refugees occurred fifty years ago, it is never too late for Americans to learn from these tragedies. We should never allow this part of our Nation's history to repeat itself. And, while we should be proud of our Nation's triumph in World War II, we should not let that justifiable pride blind us to the treatment of some Americans by their own government.

I urge my colleagues to join me in supporting the Wartime Treatment Study Act. It is time for a full accounting of this tragic chapter in our nation's history.

I ask that the full text of the Wartime Treatment Study Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1354

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wartime Treatment Study Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) During World War II, the United States successfully fought the spread of Nazism and fascism by Germany, Italy, and Japan.

(2) Nazi Germany persecuted and engaged in genocide against Jews and certain other groups. By the end of the war, 6,000,000 Jews had perished at the hands of Nazi Germany. United States Government policies, however, restricted entry to the United States to Jewish and other refugees who sought safety from Nazi persecution.

(3) While we were at war, the United States treated the Japanese American, German American, and Italian American communities as suspect.

(4) The United States Government should conduct an independent review to assess fully and acknowledge these actions. Congress has previously reviewed the United States Government's wartime treatment of Japanese Americans through the Commission on Wartime Relocation and Internment of Civilians. An independent review of the treatment of German Americans and Italian Americans and of Jewish refugees fleeing persecution and genocide has not yet been undertaken.

(5) During World War II, the United States Government branded as "enemy aliens" more than 600,000 Italian-born and 300,000 German-born United States resident aliens and their families and required them to carry Certificates of Identification, limited their travel, and seized their personal property. At that time, these groups were the two largest foreign-born groups in the United States.

(6) During World War II, the United States Government arrested, interned or otherwise detained thousands of European Americans, some remaining in custody for years after cessation of World War II hostilities, and repatriated, exchanged, or deported European Americans, including American-born children, to hostile, war-torn European Axis nations, many to be exchanged for Americans held in those nations.

(7) Pursuant to a policy coordinated by the United States with Latin American countries, many European Latin Americans, including German and Austrian Jews, were captured, shipped to the United States and interned. Many were later expatriated, repatriated or deported to hostile, war-torn European Axis nations during World War II, most to be exchanged for Americans and Latin Americans held in those nations.

(8) Millions of European Americans served in the armed forces and thousands sacrificed their lives in defense of the United States.

(9) The wartime policies of the United States Government were devastating to the Italian Americans and German American communities, individuals and their families. The detrimental effects are still being experienced.

(10) Prior to and during World War II, the United States restricted the entry of Jewish refugees who were fleeing persecution and sought safety in the United States. During the 1930's and 1940's, the quota system, immigration regulations, visa requirements, and the time required to process visa applications affected the number of Jewish refugees, particularly those from Germany and Austria, who could gain admittance to the United States.

(11) Time is of the essence for the establishment of commissions, because of the increasing danger of destruction and loss of relevant documents, the advanced age of potential witnesses and, most importantly, the advanced age of those affected by the United States Government's policies. Many who suffered have already passed away and will never know of this effort.

SEC. 3. DEFINITIONS.

In this Act:

(1) DURING WORLD WAR II.—The term "during World War II" refers to the period between September 1, 1939, through December 31, 1948.

(2) EUROPEAN AMERICANS.—

(A) IN GENERAL.—The term "European Americans" refers to United States citizens and permanent resident aliens of European ancestry, including Italian Americans, German Americans, Hungarian Americans, Romanian Americans, and Bulgarian Americans.

(B) ITALIAN AMERICANS.—The term "Italian Americans" refers to United States citizens and permanent resident aliens of Italian ancestry.

(C) GERMAN AMERICANS.—The term "German Americans" refers to United States citizens and permanent resident aliens of German ancestry.

(3) EUROPEAN LATIN AMERICANS.—The term "European Latin Americans" refers to persons of European ancestry, including Italian or German ancestry, residing in a Latin American nation during World War II.

TITLE I—COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS

SEC. 101. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF EUROPEAN AMERICANS.

(a) IN GENERAL.—There is established the Commission on Wartime Treatment of European Americans (referred to in this title as the "European American Commission").

(b) MEMBERSHIP.—The European American Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the minority leader.

(3) Two members shall be appointed by the majority leader of the Senate, in consultation with the minority leader.

(c) TERMS.—The term of office for members shall be for the life of the European American Commission. A vacancy in the European American Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) REPRESENTATION.—The European American Commission shall include 2 members representing the interests of Italian Americans and 2 members representing the interests of German Americans.

(e) MEETINGS.—The President shall call the first meeting of the European American Commission not later than 120 days after the date of enactment of this Act.

(f) QUORUM.—Four members of the European American Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) CHAIRMAN.—The European American Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the European American Commission.

(h) COMPENSATION.—

(1) IN GENERAL.—Members of the European American Commission shall serve without pay.

(2) REIMBURSEMENT OF EXPENSES.—All members of the European American Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 102. DUTIES OF THE EUROPEAN AMERICAN COMMISSION.

(a) IN GENERAL.—It shall be the duty of the European American Commission to review the United States Government's wartime treatment of European Americans and European Latin Americans as provided in subsection (b).

(b) SCOPE OF REVIEW.—The European American Commission's review shall include the following:

(1) A comprehensive review of the facts and circumstances surrounding United States Government actions during World War II that violated the civil liberties of European Americans and European Latin Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21-24), Presidential Proclamations 2526, 2527, 2655, 2662, Executive Orders 9066 and 9095, and any directive of the United States Government pursuant to such law, proclamations, or executive orders respecting the registration, arrest, exclusion, internment, exchange, or deportment of European Americans and European Latin Americans. This review shall include an assessment of the underlying rationale of the United States Government's decision to develop related programs and policies, the information the United States Government received or acquired suggesting the related programs and policies were necessary, the perceived benefit of enacting such programs and policies, and the immediate and long-

term impact of such programs and policies on European Americans and European Latin Americans and their communities.

(2) A review of United States Government action with respect to European Americans pursuant to the Alien Enemies Acts (50 U.S.C. 21–24) and Executive Order 9066 during World War II, including registration requirements, travel and property restrictions, establishment of restricted areas, raids, arrests, internment, exclusion, policies relating to the families and property that excludees and internees were forced to abandon, internee employment by American companies (including a list of such companies and the terms and type of employment), exchange, repatriation, and deportment, and the immediate and long-term effect of such actions, particularly internment, on the lives of those affected. This review shall include a list of all temporary detention and long-term internment facilities.

(3) A brief review of the participation by European Americans in the United States Armed Forces including the participation of European Americans whose families were excluded, interned, repatriated, or exchanged.

(4) A recommendation of appropriate remedies, including how civil liberties can be better protected during war, or an actual, attempted, or threatened invasion or incursion, an assessment of the continued viability of the Alien Enemies Acts (50 U.S.C. 21–24), and public education programs related to the United States Government's wartime treatment of European Americans and European Latin Americans during World War II.

(c) Field Hearings.—The European American Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) Report.—The European American Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 101(e).

SEC. 103. POWERS OF THE EUROPEAN AMERICAN COMMISSION.

(a) In General.—The European American Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The European American Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) Government Information and Cooperation.—The European American Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the European American Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the European American Commission and furnish all information requested by the European American Commission to the extent permitted by law, including information collected as a result of Public Law 96–317 and Public Law 106–451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the European American Commission shall be deemed to be a committee of jurisdiction.

SEC. 104. ADMINISTRATIVE PROVISIONS.

The European American Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS–15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 105. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this title.

SEC. 106. SUNSET.

The European American Commission shall terminate 60 days after it submits its report to Congress.

TITLE II—COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES

SEC. 201. ESTABLISHMENT OF COMMISSION ON WARTIME TREATMENT OF JEWISH REFUGEES.

(a) In General.—There is established the Commission on Wartime Treatment of Jewish Refugees (referred to in this title as the "Jewish Refugee Commission").

(b) Membership.—The Jewish Refugee Commission shall be composed of 7 members, who shall be appointed not later than 90 days after the date of enactment of this Act as follows:

(1) Three members shall be appointed by the President.

(2) Two members shall be appointed by the Speaker of the House of Representatives, in consultation with the Minority Leader.

(3) Two members shall be appointed by the Majority Leader of the Senate, in consultation with the minority leader.

(c) Terms.—The term of office for members shall be for the life of the Jewish Refugee Commission. A vacancy in the Jewish Refugee Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(d) Representation.—The Jewish Refugee Commission shall include 2 members representing the interests of Jewish refugees.

(e) Meetings.—The President shall call the first meeting of the Jewish Refugee Commission not later than 120 days after the date of enactment of this Act.

(f) Quorum.—Four members of the Jewish Refugee Commission shall constitute a quorum, but a lesser number may hold hearings.

(g) Chairman.—The Jewish Refugee Commission shall elect a Chairman and Vice Chairman from among its members. The term of office of each shall be for the life of the Jewish Refugee Commission.

(h) Compensation.—

(1) In general.—Members of the Jewish Refugee Commission shall serve without pay.

(2) Reimbursement of expenses.—All members of the Jewish Refugee Commission shall be reimbursed for reasonable travel and subsistence, and other reasonable and necessary expenses incurred by them in the performance of their duties.

SEC. 202. DUTIES OF THE JEWISH REFUGEE COMMISSION.

(a) In General.—It shall be the duty of the Jewish Refugee Commission to review the United States Government's refusal to allow Jewish and other refugees fleeing persecution in Europe entry to the United States as provided in subsection (b).

(b) Scope of Review.—The Jewish Refugee Commission's review shall cover the period between January 1, 1933, through December 31, 1945, and shall include, to the greatest extent practicable, the following:

(1) A review of the United States Government's refusal to allow Jewish and other refugees fleeing persecution and genocide entry to the United States, including a review of the underlying rationale of the United States Government's decision to refuse the Jewish and other refugees entry, the information the United States Government received or acquired suggesting such refusal was necessary, the perceived benefit of such refusal, and the impact of such refusal on the refugees.

(2) A review of Federal refugee policy relating to those fleeing persecution or genocide, including recommendations for making it easier for future victims of persecution or genocide to obtain refuge in the United States.

(c) Field Hearings.—The Jewish Refugee Commission shall hold public hearings in such cities of the United States as it deems appropriate.

(d) Report.—The Jewish Refugee Commission shall submit a written report of its findings and recommendations to Congress not later than 18 months after the date of the first meeting called pursuant to section 201(e).

SEC. 203. POWERS OF THE JEWISH REFUGEE COMMISSION.

(a) In General.—The Jewish Refugee Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings and sit and act at such times and places, and request the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandum, papers, and documents as the Commission or such subcommittee or member may deem advisable. The Jewish Refugee Commission may request the Attorney General to invoke the aid of an appropriate United States district court to require, by subpoena or otherwise, such attendance, testimony, or production.

(b) GOVERNMENT INFORMATION AND COOPERATION.—The Jewish Refugee Commission may acquire directly from the head of any department, agency, independent instrumentality, or other authority of the executive branch of the Government, available information that the Jewish Refugee Commission considers useful in the discharge of its duties. All departments, agencies, and independent instrumentalities, or other authorities of the executive branch of the Government shall cooperate with the Jewish Refugee Commission and furnish all information requested by the Jewish Refugee Commission to the extent permitted by law, including information collected as a result of Public Law 96-317 and Public Law 106-451. For purposes of the Privacy Act (5 U.S.C. 552a(b)(9)), the Jewish Refugee Commission shall be deemed to be a committee of jurisdiction.

SEC. 204. ADMINISTRATIVE PROVISIONS.

The Jewish Refugee Commission is authorized to—

(1) appoint and fix the compensation of such personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the compensation of any employee of the Commission may not exceed a rate equivalent to the rate payable under GS-15 of the General Schedule under section 5332 of such title;

(2) obtain the services of experts and consultants in accordance with the provisions of section 3109 of such title;

(3) obtain the detail of any Federal Government employee, and such detail shall be without reimbursement or interruption or loss of civil service status or privilege;

(4) enter into agreements with the Administrator of General Services for procurement of necessary financial and administrative services, for which payment shall be made by reimbursement from funds of the Commission in such amounts as may be agreed upon by the Chairman of the Commission and the Administrator;

(5) procure supplies, services, and property by contract in accordance with applicable laws and regulations and to the extent or in such amounts as are provided in appropriation Acts; and

(6) enter into contracts with Federal or State agencies, private firms, institutions, and agencies for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of the duties of the Commission, to the extent or in such amounts as are provided in appropriation Acts.

SEC. 205. FUNDING.

Of the amounts authorized to be appropriated to the Department of Justice, $500,000 shall be available to carry out this title.

SEC. 206. SUNSET.

The Jewish Refugee Commission shall terminate 60 days after it submits its report to Congress.

By Mr. ENZI (for himself, Mr. KENNEDY, Mr. GRASSLEY, Mr. BAUCUS, Mr. DODD, Mr. ALEXANDER, Mr. HARKIN, Mr. ISAKSON, Ms. MIKULSKI, Mr. DEWINE, Mr. JEFFORDS, Mr. HATCH, Mrs. MURRAY, Mr. REED, Mr. ALLEN, Mr. BURNS, Mr. CRAPO, Mr. DEMINT, Mr. SANTORUM, Mr. THOMAS, and Ms. CANTWELL):

S. 1355. A bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI. Mr. President, no matter who we are, where we live or which Party we belong to, one thing we have in common is that all of us have been and will again be patients under the care of a health professional who we may, or may not, have visited before for treatment.

If we have already established a relationship with the doctor who is about to treat us, our problems will either be minimized, or will not exist. But, if this is our first experience with a physician or a specialist, how can we be certain that he or she has all the information that is necessary to prescribe a course of treatment and begin our care?

These are the kind of thoughts that run through every patient's mind as we sit in the waiting room, wondering if the high tech equipment that surrounds us is also reflected in our physician's access to our lab reports and previous examinations. In other words, is there any way for our doctors to get to know us, before we've even set foot in their examining room?

It's ironic that we live in a world where the latest news, sports and weather can make their way from the either side of the world to our computers and television sets as it happens. Our financial information is kept by our banks and is updated continuously throughout the day and is available to us almost instantaneously. Our medical records, however, are still kept the old fashioned way, on paper, and filed away. It is a tedious system, built the old fashioned way, because that's the way it was always done. Well, I am here to announce that the time has come to move to a newer, faster and more reliable system. Imagine a medical network that will reduce errors, help to lower costs and improve the quality of care we receive, all at the same time, by providing a treating physician with the information he needs immediately at the point of care. Is it possible—yes! Then why hasn't it happened yet?

Why is our medical system surging ahead in the kinds of technology that are available to diagnose and treat disease, when, at the same time, it is falling further and further behind in the creation of electronic medical records and the ability to share that information with health care providers who need that material to make what can all too often be life and death decisions?

Clearly, something has to change when I can carry a fob on my key chain that provides my local gas station owner with instant access to my credit information so I can buy fuel for my car, but providing access to my medical records to my doctor is a much longer and tedious process. This needs to change and it needs to change now.

We can all see how the information revolution has had a dramatic impact on virtually every industry in the United States. Its ability to promote efficiency has helped to reduce costs and increase effectiveness wherever it has been applied. It is now time to bring that technology to bear on our healthcare system.

At present, healthcare expenditures are growing faster than the overall economy. In 2003, we spent more than $1.7 trillion on healthcare. By 2014, that number is expected to reach $3.1 trillion. Clearly we need to find ways to increase the efficiency of our health care system and reduce the costs associated with it.

We have all heard it said that, when it comes to our health care system, you can't maintain the current standards of quality and control or reduce costs at the same time. While the implementation of a health information technology system may not dramatically reduce costs, it will help move us further down the road of controlling costs.

If we could manage a quick trip to the future, and pay a visit to the doctor's office when a health information technology system is put in place, we would see some dramatic changes have been made in the ability of our doctor to diagnose, treat and provide warnings of current and future medical problems.

In that future, when I arrived at my new doctor's office I gave the nurse at the front desk my key fob. She took a moment to swipe it past their computer access link. It is soon downloading my medical information and compiling a "health report" that focuses on any trends that are developing as the previous results of my examinations are charted and compared.

Then, as I sit in the waiting room, my physician is already consulting those records and monitoring my current and previous test results which are presented to him in the form of a graph that he has pulled up on his computer screen. With the simple swipe of a mechanical key my future doctor has been able to unlock my complete medical history, and examined the results of all the tests I had taken over the years, regardless of where I had received care.

If my doctor was concerned about my cholesterol level, for example, he or she could pull up a complete history of blood tests that will enable my physician to track my blood chemistry and note any changes in my cholesterol level over the years.

Later, if my doctor considers writing a prescription for a new drug or medication, he will have the ability to first view all medications I am currently taking in order to make an informed decision regarding any potentially dangerous interactions or adverse side effects that might occur as a result of the new prescription.

Such a system will enable doctors to spend less time gathering information and quizzing patients about past health problems and spend more time listening to patients and ensuring their health care needs are met.

President Bush and Secretary of the Department of Health and Human Services Michael Leavitt have made their support for this clear. They recognize that the increased use of health information technology has the potential of saving this country billions of dollars that are now spent on duplicative tests, unnecessary inpatient admissions, and the costs associated with adverse drug effects. Some estimates suggest that, when an information technology system is established and put into operation, for each dollar we spend on this new technology we will save as much as four dollars in reduced costs. In a system with such high, increasing costs every dollar we can save is magnified.

Fortunately, this is not something that will have to wait for someday until it is technologically possible and practical. There are already medical pioneers in the field who are putting the tools together and working on the network that will be needed to provide for rapid and complete transmission of our medical history when it is needed. One of these innovators currently lives in my home State of Wyoming, in Big Piney, in fact.

The story of Dr. William Close is quite a remarkable one. With a wide and varied background that includes his love for the outdoors and a taste for classical music, Dr. Close has spent his life ensuring that the latest possible technologies were being used to address the health care needs of people all over the world.

Prior to settling down in Wyoming, Dr. Close spent 16 years in Africa battling the illnesses and dealing with the medical problems faced by a nation with a large population of patients, and not enough doctors to go around. His first year there he was one of only three doctors in a 2,000-bed hospital.

It was during those days that Dr. Close determined to find a way to bring the tools of modern technology to the diagnosis and treatment of disease. Faced with such a huge patient population, he needed a tool that would make the compiling of information and its interpretation easier.

His work led to the creation of a unique software that enabled a doctor to input a series of symptoms and come up with a possible diagnosis. It turned out to be such a valuable tool that it was able to be used on Palm Pilots, which made it an invaluable program for use on our Navy subs.

Upon his return to the United States he continued to work on the development of his computer application so he could track a patient's medical history over several visits, rather than focus on each appointment as a unique set of data. That enabled Dr. Close to spot problems before they became serious and to treat trends before they became life threatening.

Dr. Close has now logged more than 50 years of medical practice and, although he's officially retired, he still finds time to see patients in his office. He still makes house calls, too. That's a rare thing in most States, but a welcome part of life in Wyoming. He continues to work at what he calls his "gentle, limited practice" as he continues to provide an example for other health care providers and health information systems on how to maximize health care choices and treatments for his patients by getting to know the needs of his patients, by tracking their past history so he can help create a plan that will minimize a patient's risk for future health problems.

These are the kinds of things that are possible, if we commit to working together with our nation's health care providers to establish a network of information that will address the needs of the people of our country. I have been pleased to work with my ranking member on the HELP Committee, Senator KENNEDY, and the chair and ranking member of the Finance Committee, Senators GRASSLEY and BAUCUS, on this and other complementary legislation that will promote the use of health information technology today, not tomorrow. We have been putting a considerable amount of time and effort into the crafting of these bills to ensure that they will increase efficiencies, make our health care system more effective and responsive, and provide better care to us all as patients.

I mention the effect our bills will have on individuals because, as with most changes to our health care system, how well the system will work is ultimately determined by how well it works for those who rely on it.

For most Americans, their first and primary concern is the privacy of their records. That is an important provision of the bill and we have included strong language to ensure the privacy and security protection patients were guaranteed under HIPAA, the Health Insurance Portability and Accountability Act, are preserved. As that medical oath says so well, first, do no harm.

At present, most of our medical records are kept by well meaning physicians who, unfortunately, are known for having illegible handwriting. Some of their handwriting is worse than my own. A computerized record will eliminate that problem and provide clear, easily read and interpreted medical data to those who will need it to prescribe a course of treatment.

As with most things, there will be a great deal of concern about the system's cost and the availability of funds to pay for it. Our legislation will award competitive, matching grants to healthcare providers, states and academic programs to facilitate the purchase and enhance the utilization of qualified health information technology.

In the months to come, we will continue to encourage the participation of the private sector in this effort. They have asked for, and I believe they deserve, a seat at the table when standards are being determined and policies are being implemented. There is no question that some of them are closest to the problem at hand and their experience, ideas, and suggestions for innovation will be invaluable as we pursue the implementation of this new technology nationwide.

Secretary Leavitt recently announced the formation of what he is calling the American Health Information Community. He will chair this 17-member public-private collaborative that will help facilitate a nationwide transition to electronic health records, including common standards and interoperability, in a smooth, market-led way. I share his support for such an approach and his efforts to make it a reality.

The implementation of this new technology will make the sharing of health information more efficient between doctors and health professionals. And, most importantly, it will help to make our health care system more effective and provide better care to those who make use of it. It will also help to begin the vital process of controlling health care costs, something we must set as a goal and begin to achieve in the time before us.

This is a vital step in that process. With it, we can continue to make health care services more affordable and available. Without it we run the risk of having the best health care system in the world, with few among us able to afford taking full advantage of it.

I look forward to working with all my colleagues in the months ahead to ensure that meaningful health information technology legislation is signed into law later this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1355

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Better Healthcare Through Information Technology Act".

SEC. 2. IMPROVING HEALTHCARE, QUALITY, SAFETY, AND EFFICIENCY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

“TITLE XXIX—HEALTH INFORMATION TECHNOLOGY

“SEC. 2901. PURPOSES.

“It is the purpose of this title to improve the quality, safety, and efficiency of healthcare by—

“(1) protecting the privacy and security of health information;

“(2) fostering the widespread adoption of health information technology;

“(3) establishing the public-private American Health Information Collaborative to identify uniform national data standards (including content, communication, and security) and implementation polices for the widespread adoption of health information technology;

“(4) establishing health information network demonstration programs;

“(5) awarding competitive grants to facilitate the purchase and enhance the utilization of qualified health information technology; and

“(6) awarding competitive grants to States for the development of State loan programs to facilitate the widespread adoption of health information technology.

“SEC. 2902. DEFINITIONS.

“In this title:

“(1) COLLABORATIVE.—The term ‘Collaborative’ means the public-private American Health Information Collaborative established under section 2904.

“(2) HEALTHCARE PROVIDER.—The term ‘healthcare provider’ means a hospital, skilled nursing facility, home health entity, healthcare clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act), a pharmacist, a pharmacy, a laboratory, a physician (as defined in section 1861(r) of the Social Security Act), a health facility operated by or pursuant to a contract with the Indian Health Service, a rural health clinic, and any other category of facility or clinician determined appropriate by the Secretary.

“(3) HEALTH INFORMATION.—The term ‘health information’ means any information, whether oral or recorded in any form or medium, that—

“(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

“(B) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

“(4) HEALTH INFORMATION NETWORK.—The term ‘health information network’ means an organization of health care providers and other entities established for the purpose of linking health information systems to enable the electronic sharing of health information.

“(5) HEALTH INSURANCE ISSUER.—The term ‘health insurance issuer’ has the meaning given that term in section 2791.

“(6) LABORATORY.—The term ‘laboratory’ has the meaning given that term in section 353.

“(7) PHARMACIST.—The term ‘pharmacist’ has the meaning given that term in section 804 of the Federal Food, Drug, and Cosmetic Act.

“(8) QUALIFIED HEALTH INFORMATION TECHNOLOGY.—The term ‘qualified health information technology’ means a computerized system (including hardware, software, and training) that—

“(A) protects the privacy and security of health information and properly encrypts such health information;

“(B) maintains and provides permitted access to patients' health records in an electronic format;

“(C) incorporates decision support software to reduce medical errors and enhance healthcare quality;

“(D) is consistent with the standards recommended by the collaborative; and

“(E) allows for the reporting of quality measures.

“(9) STATE.—The term ‘State’ means each of the several States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

“SEC. 2903. OFFICE OF THE NATIONAL COORDINATOR OF HEALTH INFORMATION TECHNOLOGY.

“(a) OFFICE OF NATIONAL HEALTH INFORMATION TECHNOLOGY.—There is established within the Office of the Secretary an Office of the National Coordinator of Health Information Technology (referred to in this section as the ‘Office’). The Office shall be headed by a National Coordinator who shall be appointed by the Secretary and shall report directly to the Secretary.

“(b) PURPOSE.—It shall be the purpose of the Office to carry out programs and activities to develop a nationwide interoperable health information technology infrastructure that—

“(1) ensures that patients' health information is secure and protected;

“(2) improves healthcare quality, reduces medical errors, and advances the delivery of patient-centered medical care;

“(3) reduces healthcare costs resulting from inefficiency, medical errors, inappropriate care, and incomplete information;

“(4) ensures that appropriate information to help guide medical decisions is available at the time and place of care;

“(5) promotes a more effective marketplace, greater competition, and increased choice through the wider availability of accurate information on healthcare costs, quality, and outcomes;

“(6) improves the coordination of care and information among hospitals, laboratories, physician offices, and other entities through an effective infrastructure for the secure and authorized exchange of healthcare information;

“(7) improves public health reporting and facilitates the early identification and rapid response to public health threats and emergencies, including bioterror events and infectious disease outbreaks;

“(8) facilitates health research; and

“(9) promotes prevention of chronic diseases.

“(c) DUTIES OF THE NATIONAL COORDINATOR.—The National Coordinator shall—

“(1) serve as a member of the public-private American Health Information Collaboration established under section 2904;

“(2) serve as the principal advisor to the Secretary concerning the development, application, and use of health information technology;

“(3) facilitate the adoption of a national system for the electronic exchange of health information;

“(4) facilitate the adoption and implementation of standards for the electronic exchange of health information to reduce cost and improve healthcare quality; and

“(5) submit the reports described under section 2904(h).

“(d) DETAIL OF FEDERAL EMPLOYEES.—

“(1) IN GENERAL.—Upon the request of the National Coordinator, the head of any Federal agency is authorized to detail, with or without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section.

“(2) EFFECT OF DETAIL.—Any detail of personnel under paragraph (1) shall—

“(A) not interrupt or otherwise affect the civil service status or privileges of the Federal employee; and

“(B) be in addition to any other staff of the Department employed by the National Coordinator.

“(3) ACCEPTANCE OF DETAILEES.—Notwithstanding any other provision of law, the Office may accept detailed personnel from other Federal agencies without regard to whether the agency described under paragraph (1) is reimbursed.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Office under this section for each of fiscal years 2006 through 2010.

“SEC. 2904. AMERICAN HEALTH INFORMATION COLLABORATIVE.

“(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this title, and subject to the provisions of this title, the Secretary shall establish the public-private American Health Information Collaborative (referred to in this section as the ‘Collaborative’).

“(b) COMPOSITION.—The Collaborative shall be composed of—

“(1) the Secretary, who shall serve as the chairperson of the Collaborative;

“(2) the Secretary of Defense, or his or her designee;

“(3) the Secretary of Veterans Affairs, or his or her designee;

“(4) the National Coordinator for Health Information Technology;

“(5) the Director of the National Institute of Standards and Technology; and

“(6) one voting member from each of the following categories to be appointed by the Secretary from nominations submitted by the public:

“(A) Patient advocates.

“(B) Physicians.

“(C) Hospitals.

“(D) Pharmacists.

“(E) Health insurance plans.

“(F) Standards development organizations.

“(G) Technology vendors.

“(H) Public health entities.

“(I) Clinical research and academic entities.

“(J) Employers.

“(K) An Indian tribe or tribal organization.

“(L) State and local government agencies.

“(c) RECOMMENDATIONS AND POLICIES.—The Collaborative shall make recommendations to identify uniform national policies to the Federal Government and private entities to support the widespread adoption of health information technology, including—

“(1) protecting the privacy and security of personal health information;

“(2) measures to prevent unauthorized access to health information;

“(3) measures to ensure accurate patient identification;

“(4) methods to facilitate secure patient access to health information;

“(5) recommendations for a nationwide architecture that achieves interoperability of health information technology systems; and

“(6) other policies determined to be necessary by the Collaborative.

“(d) STANDARDS.—

“(1) IN GENERAL.—The Collaborative shall, on an ongoing basis—

“(A) review existing standards (including content, communication, and security standards) for the electronic exchange of health information, including such standards adopted by the Secretary under paragraph (2)(A);

“(B) identify deficiencies and omissions in such existing standards; and

“(C) identify duplications and omissions in such existing standards;

and recommend modifications to such standards as necessary.

“(2) RECOMMENDATIONS.—The Collaborative shall recommend to the President the adoption by the Federal Government of—

“(A) the standards adopted by the Consolidated Health Informatics Initiative as of the date of enactment of this title; and

“(B) on an ongoing basis as appropriate, any additional standards or modifications recommended pursuant to the review described in paragraph (1).

“(3) LIMITATION.—The standards described in this section shall not include any standards developed pursuant to the Health Insurance Portability and Accountability Act of 1996.

“(e) ACTION BY THE PRESIDENT.—Upon receipt of a recommendation from the Collaborative under subsection (d)(2), the President shall review and if appropriate, provide for the adoption by the Federal Government of such recommended standards.

“(f) COORDINATION OF FEDERAL SPENDING.—Not later than 1 year after the adoption by the Federal Government of a recommendation as provided for in subsection (e), and in compliance with chapter 113 of title 40, United States Code, no Federal agency shall expend Federal funds for the purchase of hardware, software, or support services for the electronic exchange of health information that is not consistent with applicable standards adopted by the Federal Government under subsection (e).

“(g) COORDINATION OF FEDERAL DATA COLLECTION.—Not later than 2 years after the adoption by the Federal Government of a recommendation as provided for in subsection (e), all Federal agencies collecting health data for the purposes of surveillance, epidemiology, adverse event reporting, or research shall comply with standards adopted under subsection (e).

“(h) VOLUNTARY ADOPTION.—Any standards adopted by the Federal Government under subsection (e) shall be voluntary with respect to private entities.

“(i) REPORTS.—The Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, on an annual basis, a report that—

“(1) describes the specific actions that have been taken to facilitate the adoption of a nationwide system for the electronic exchange of health information;

“(2) describes barriers to the adoption of such a nationwide system; and

“(3) contains recommendations to achieve full implementation of such a nationwide system.

“(j) APPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Collaborative, except that the term provided for under section 14(a)(2) shall be 5 years.

“(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section for each of fiscal years 2006 through 2010.

“SEC. 2905. IMPLEMENTATION AND CERTIFICATION OF HEALTH INFORMATION STANDARDS.

“(a) IMPLEMENTATION.—

“(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure uniform and consistent implementation of any standards for the electronic exchange of health information voluntarily adopted by private entities in technical conformance with such standards adopted under this title.

“(2) IMPLEMENTATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist private entities in the implementation of the standards adopted under this title.

“(b) CERTIFICATION.—

“(1) IN GENERAL.—The Secretary, based upon the recommendations of the Collaborative, shall develop criteria to ensure and certify that hardware, software, and support services that claim to be in compliance with any standard for the electronic exchange of health information adopted under this title have established and maintained such compliance in technical conformance with such standards.

“(2) CERTIFICATION ASSISTANCE.—The Secretary may recognize a private entity or entities to assist in the certification described under paragraph (1).

“SEC. 2906. COMPETITIVE GRANTS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

“(a) IN GENERAL.—The Secretary may award competitive grants to eligible entities to facilitate the purchase and enhance the utilization of qualified health information technology systems to improve the quality and efficiency of healthcare.

“(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(2) submit to the Secretary a strategic plan for the implementation of data sharing and interoperability measures;

“(3) be a—

“(A) not for profit hospital;

“(B) group practice (including a single physician); or

“(C) another healthcare provider not described in subparagraph (A) or (B);

“(4) adopt the standards adopted by the Federal Government under section 2904;

“(5) submit to the Secretary a report on the degree to which such entity has achieved the measures adopted under section 2909;

“(6) demonstrate significant financial need; and

“(7) provide matching funds in accordance with subsection (d).

“(c) USE OF FUNDS.—Amounts received under a grant under this section shall be used to facilitate the purchase and enhance the utilization of qualified health information technology systems.

“(d) MATCHING REQUIREMENT.—To be eligible for a grant under this section an entity shall contribute non-Federal contributions to the costs of carrying out the activities for which the grant is awarded in an amount equal to $1 for each $3 of Federal funds provided under the grant.

“(e) PREFERENCE IN AWARDING GRANTS.—In awarding grants under this section the Secretary shall give preference to—

“(1) eligible entities that are located in rural, frontier, and other underserved areas as determined by the Secretary;

“(2) eligible entities that will use grant funds to enhance secure data sharing across various health care settings or enhance interoperability with regional or national health information networks; and

“(3) with respect to an entity described in subsection (b)(3)(C), a not for profit healthcare provider.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $25,000,000 for fiscal year 2006, $75,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

“SEC. 2907. COMPETITIVE GRANTS TO STATES FOR THE DEVELOPMENT OF STATE LOAN PROGRAMS TO FACILITATE THE WIDESPREAD ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

“(a) IN GENERAL.—The Secretary may award competitive grants to States for the establishment of State programs for loans to healthcare providers to facilitate the purchase and enhance the utilization of qualified health information technology.

“(b) ESTABLISHMENT OF FUND.—To be eligible to receive a competitive grant under this section, a State shall establish a qualified health information technology loan fund (referred to in this section as a ‘State loan fund’) and comply with the other requirements contained in this section. A grant to a State under this section shall be deposited in the State loan fund established by the State. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State loan fund.

“(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) a State shall—

“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(2) submit to the Secretary a strategic plan in accordance with subsection (d);

“(3) establish a qualified health information technology loan fund in accordance with subsection (b);

“(4) require that healthcare providers receiving such loans consult with the Center for Best Practices established in section 914(d) to access the knowledge and experience of existing initiatives regarding the successful implementation and effective use of health information technology;

“(5) require that healthcare providers receiving such loans adopt the standards adopted by the Federal Government under section 2904(d);

“(6) submit to the Secretary a report on the degree to which the State has achieved the measures under section 2909; and

“(7) provide matching funds in accordance with subsection (h).

“(d) STRATEGIC PLAN.—

“(1) IN GENERAL.—A State that receives a grant under this section shall annually prepare a strategic plan that identifies the intended uses of amounts available to the State loan fund of the State.

“(2) CONTENTS.—A strategic plan under paragraph (1) shall include—

“(A) a list of the projects to be assisted through the State loan fund in the first fiscal year that begins after the date on which the plan is submitted;

“(B) a description of the criteria and methods established for the distribution of funds from the State loan fund; and

“(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

“(e) Use of Funds.—

“(1) In general.—Amounts deposited in a State loan fund, including loan repayments and interest earned on such amounts, shall be used only for awarding loans or loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in the State loan fund established under subsection (a). Loans under this section may be used by a healthcare provider to facilitate the purchase and enhance the utilization of qualified health information technology.

“(2) Limitation.—Amounts received by a State under this section may not be used—

“(A) for the purchase or other acquisition of any health information technology system that is not a qualified health information technology system;

“(B) to conduct activities for which Federal funds are expended under this title, or the amendments made by the Better Healthcare Through Information Technology Act; or

“(C) for any purpose other than making loans to eligible entities under this section.

“(f) Types of Assistance.—Except as otherwise limited by applicable State law, amounts deposited into a State loan fund under this section may only be used for the following:

“(1) To award loans that comply with the following:

“(A) The interest rate for each loan shall be less than or equal to the market interest rate.

“(B) The principal and interest payments on each loan shall commence not later than 1 year after the loan was awarded, and each loan shall be fully amortized not later than 10 years after the date of the loan.

“(C) The State loan fund shall be credited with all payments of principal and interest on each loan awarded from the fund.

“(2) To guarantee, or purchase insurance for, a local obligation (all of the proceeds of which finance a project eligible for assistance under this section) if the guarantee or purchase would improve credit market access or reduce the interest rate applicable to the obligation involved.

“(3) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the State if the proceeds of the sale of the bonds will be deposited into the State loan fund.

“(4) To earn interest on the amounts deposited into the State loan fund.

“(g) Administration of State Loan Funds.—

“(1) Combined financial administration.—A State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a State loan fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which the State loan fund was established.

“(2) Cost of administering fund.—Each State may annually use not to exceed 4 percent of the funds provided to the State under a grant under this section to pay the reasonable costs of the administration of the programs under this section, including the recovery of reasonable costs expended to establish a State loan fund which are incurred after the date of enactment of this title.

“(3) Guidance and regulations.—The Secretary shall publish guidance and promulgate regulations as may be necessary to carry out the provisions of this section, including—

“(A) provisions to ensure that each State commits and expends funds allotted to the State under this section as efficiently as possible in accordance with this title and applicable State laws; and

“(B) guidance to prevent waste, fraud, and abuse.

“(4) Private sector contributions.—

“(A) In general.—A State loan fund established under this section may accept contributions from private sector entities, except that such entities may not specify the recipient or recipients of any loan issued under this section.

“(B) Availability of information.—A State shall make publically available the identity of, and amount contributed by, any private sector entity under subparagraph (A) and may issue letters of commendation or make other awards (that have no financial value) to any such entity.

“(5) Reservation of amounts.—A State may reserve not to exceed 40 percent of amounts in the State loan fund to issue loans to recipients who serve medically underserved areas.

“(h) Matching Requirements.—

“(1) In general.—The Secretary may not make a grant under subsection (a) to a State unless the State agrees to make available (directly or through donations from public or private entities) non-Federal contributions in cash toward the costs of the State program to be implemented under the grant in an amount equal to not less than $1 for each $1 of Federal funds provided under the grant.

“(2) Determination of amount of non-Federal contribution.—In determining the amount of non-Federal contributions that a State has provided pursuant to paragraph (1), the Secretary may not include any amounts provided to the State by the Federal Government.

“(i) Preference in Awarding Grants.—The Secretary may give a preference in awarding grants under this section to States that adopt value-based purchasing programs to improve healthcare quality.

“(j) Reports.—The Secretary shall annually submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives, a report summarizing the reports received by the Secretary from each State that receives a grant under this section.

“(k) Authorization of Appropriations.—

“(1) In general.—For the purpose of making grants under subsection (a), there is authorized to be appropriated $50,000,000 for fiscal year 2006, $100,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

“(l) Availability.—Amounts appropriated under paragraph (1) shall remain available through fiscal year 2010.

“SEC. 2908. DEMONSTRATION PROGRAM TO INTEGRATE INFORMATION TECHNOLOGY INTO CLINICAL EDUCATION.

“(a) In General.—The Secretary may award grants under this section to carry out demonstration projects to develop academic programs integrating qualified health information technology systems in the clinical education of health professionals. Such awards shall be made on a competitive basis and pursuant to peer review.

“(b) Eligibility.—To be eligible to receive a grant under subsection (a), an entity shall—

“(1) submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

“(2) submit to the Secretary a strategic plan for integrating qualified health information technology in the clinical education of health professionals and for ensuring the consistent utilization of decision support software to reduce medical errors and enhance healthcare quality;

“(3) be—

“(A) a health professions school; or

“(B) an academic health center;

“(4) provide for the collection of data regarding the effectiveness of the demonstration project to be funded under the grant in improving the safety of patients, the efficiency of health care delivery, and in increasing the likelihood that graduates of the grantee will adopt and incorporate health information technology in the delivery of health care services; and

“(5) provide matching funds in accordance with subsection (c).

“(c) Matching Funds.—

“(1) In general.—The Secretary may award a grant to an entity under this section only if the entity agrees to make available non-Federal contributions toward the costs of the program to be funded under the grant in an amount that is not less than $1 for each $2 of Federal funds provided under the grant.

“(2) Determination of amount contributed.—Non-Federal contributions under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such contributions.

“(d) Preference in Awarding Grants.—In awarding grants under subsection (a), the Secretary shall give preference to applicants that—

“(1) will use grant funds in collaboration with 2 or more disciplines; and

“(2) will use grant funds to integrate qualified health information technology into community-based clinical education experiences.

“(e) Evaluation.—The Secretary shall take such action as may be necessary to evaluate the projects funded under this section and publish, make available, and disseminate the results of such evaluations on as wide a basis as is practicable.

“(f) Reports.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate, and the Committee on Energy and Commerce and the Committee on Ways and Means of the House of Representatives a report that—

“(1) describes the specific projects established under this section; and

“(2) contains recommendations for Congress based on the evaluation conducted under subsection (e).

“(g) Limitation.—Not more than 10 percent of amounts received under a grant awarded under this section may be used for administrative expenses.

“(h) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for fiscal year 2006, $5,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.

“(i) Sunset.—This section shall not apply after September 30, 2008.

"SEC. 2909. QUALITY MEASUREMENT SYSTEMS.

"(a) IN GENERAL.—The Secretary shall develop quality measurement systems for the purposes of measuring the quality of care patients receive.

"(b) REQUIREMENTS.—The Secretary shall ensure that the quality measurement systems developed under subsection (a) comply with the following:

"(1) MEASURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall select measures of quality to be used by the Secretary under the systems.

"(B) REQUIREMENTS.—In selecting the measures to be used under each system pursuant to subparagraph (A), the Secretary shall, to the extent feasible, ensure that—

"(i) such measures are evidence based, reliable and valid, and feasible to collect and report;

"(ii) such measures include measures of process, structure, beneficiary experience, efficiency, and equity;

"(iii) such measures include measures of overuse, underuse, and misuse of healthcare items and services; and

"(iv) such measures include—

"(I) with respect to the initial year in which such measures are used, one or more elements of a qualified health information technology system as defined in section 2901; and

"(II) with respect to subsequent years, additional elements of qualified health information technology systems as defined in section 2901.

"(2) WEIGHTS OF MEASURES.—The Secretary shall assign weights to the measures used by the Secretary under each system established under subsection (a).

"(3) MAINTENANCE.—The Secretary shall, as determined appropriate, but in no case more often than once during each 12-month period, update the quality measurement systems developed under subsection (a), including through—

"(A) the addition of more accurate and precise measures under the systems and the retirement of existing outdated measures under the systems; and

"(B) the refinement of the weights assigned to measures under the systems.

"(c) REQUIRED CONSIDERATIONS IN DEVELOPING AND UPDATING THE SYSTEMS.—In developing and updating the quality measurement systems under this section, the Secretary shall—

"(1) consult with, and take into account the recommendations of, the entity that the Secretary has an arrangement with under subsection (e);

"(2) consult with provider-based groups and clinical specialty societies; and

"(3) take into account—

"(A) the demonstrations required under this Act;

"(B) the demonstration program under section 1866A of the Social Security Act;

"(C) the demonstration program under section 1866C of such Act;

"(D) any other demonstration or pilot program conducted by the Secretary relating to measuring and rewarding quality and efficiency of care; and

"(E) the report by the Institute of Medicine of the National Academy of Sciences under section 238(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003.

"(d) REQUIRED CONSIDERATIONS IN IMPLEMENTING THE SYSTEMS.—In implementing the quality measurement systems under this section, the Secretary shall take into account the recommendations of public-private entities—

"(1) that are established to examine issues of data collection and reporting, including the feasibility of collecting and reporting data on measures; and

"(2) that involve representatives of health care providers, consumers, employers, and other individuals and groups that are interested in quality of care.

"(e) ARRANGEMENT WITH AN ENTITY TO PROVIDE ADVICE AND RECOMMENDATIONS.—

"(1) ARRANGEMENT.—On and after July 1, 2006, the Secretary shall have in place an arrangement with an entity that meets the requirements described in paragraph (2) under which such entity provides the Secretary with advice on, and recommendations with respect to, the development and updating of the quality measurement systems under this section, including the assigning of weights to the measures under subsection (b)(2).

"(2) REQUIREMENTS DESCRIBED.—The requirements described in this paragraph are the following:

"(A) The entity is a private nonprofit entity governed by an executive director and a board.

"(B) The members of the entity include representatives of—

"(i)(I) health plans and providers receiving reimbursement under this title for the provision of items and services, including health plans and providers with experience in the care of frail elderly and individuals with multiple complex chronic conditions; or

"(II) groups representing such health plans and providers;

"(ii) groups representing individuals entitled to benefits under part A of title XVIII of the Social Security Act or enrolled under part B of such title;

"(iii) purchasers and employers or groups representing purchasers or employers;

"(iv) organizations that focus on quality improvement as well as the measurement and reporting of quality measures;

"(v) State government health programs;

"(vi) individuals skilled in the conduct and interpretation of biomedical, health services, and health economics research and with expertise in outcomes and effectiveness research and technology assessment; and

"(vii) individuals or entities involved in the development and establishment of standards and certification for health information technology systems and clinical data.

"(C) The membership of the entity is representative of individuals with experience with urban health care issues and individuals with experience with rural and frontier health care issues.

"(D) The entity does not charge a fee for membership for participation in the work of the entity related to the arrangement with the Secretary under paragraph (1). If the entity does require a fee for membership for participation in other functions of the entity, there shall be no linkage between such fee and participation in the work of the entity related to such arrangement with the Secretary.

"(E) The entity—

"(i) permits any member described in subparagraph (B) to vote on matters of the entity related to the arrangement with the Secretary under paragraph (1); and

"(ii) ensures that such members have an equal vote on such matters.

"(F) With respect to matters related to the arrangement with the Secretary under paragraph (1), the entity conducts its business in an open and transparent manner and provides the opportunity for public comment.

"(G) The entity operates as a voluntary consensus standards setting organization as defined for purposes of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (Public Law 104–113) and Office of Management and Budget Revised Circular A–119 (published in the Federal Register on February 10, 1998).

"SEC. 2910. APPLICABILITY OF PRIVACY AND SECURITY REGULATIONS.

"The regulations promulgated by the Secretary under part C of title XI of the Social Security Act and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 with respect to the privacy, confidentiality, and security of health information shall—

"(1) apply to any health information stored or transmitted in an electronic format on or after the date of enactment of this title; and

"(2) apply to the implementation of standards, programs, and activities under this title.

"SEC. 2911. STUDY OF REIMBURSEMENT INCENTIVES.

"The Secretary shall carry out, or contract with a private entity to carry out, a study that examines methods to create efficient reimbursement incentives for improving healthcare quality in community health centers and other Federally qualified health centers, rural health clinics, free clinics, and other programs reimbursed primarily on a cost basis deemed appropriate by the Secretary.".

SEC. 3. CENTER FOR BEST PRACTICES.

Section 914 of the Public Health Service Act (42 U.S.C. 299b-3) is amended by adding at the end the following:

"(d) CENTER FOR BEST PRACTICES.—

"(1) IN GENERAL.—The Secretary, acting through the Director, shall develop a Center for Best Practices to provide technical assistance and develop best practices to support and accelerate the efforts of States and healthcare providers to adopt, implement, and effectively use health information technology.

"(2) CENTER FOR BEST PRACTICES.—

"(A) IN GENERAL.—In carrying out paragraph (1), the Director shall establish a voluntary Center for Best Practices (referred to in this subsection as the 'Center') for States and healthcare stakeholders seeking to facilitate mutual learning and accelerate the pace of innovation in, and implementation of, health information technology. The Center shall support activities to meet goals, including—

"(i) providing for the widespread adoption of interoperable health information technology;

"(ii) providing for the establishment of regional and local health information networks to facilitate the development of interoperability across healthcare settings;

"(iii) the development of solutions to barriers to the exchange of electronic health information; or

"(iv) other activities identified by the States or health care stakeholders as a focus for developing and sharing best practices.

"(B) PURPOSES.—The purpose of the Center is to—

"(i) provide a forum for the exchange of knowledge and experience;

"(ii) accelerate the transfer of lessons learned from existing public and private sector initiatives, including those currently receiving Federal financial support;

"(iii) assemble, analyze, and widely disseminate evidence and experience related to the adoption, implementation, and effective use of health information technology;

"(iv) assure the timely provision of technical and expert assistance from the Agency and its contractors;

"(v) accelerate the pace of health information technology innovation; and

"(vi) provide technical assistance to entities developing applications for demonstration grants under subsection (b).

"(C) SUPPORT FOR ACTIVITIES.—To provide support for the activities of the Center, the Director shall—

"(i) modify the requirements, if necessary, that apply to the National Resource Center for Health Information Technology to provide the necessary infrastructure to support the duties and activities of the Network and facilitate information exchange across the public and private sectors;

"(ii) expand the Agency's focus on the adoption, implementation, and effective use of health information technology through the development of practical implementation guidance based upon existing knowledge and support for rapid-cycle implementation research to address questions for which existing knowledge is insufficient; and

"(iii) develop the capacity to identify and widely share in a timely manner innovative approaches to advancing health information technology and its ultimate goal, the improvement of the quality, safety, and efficiency of health care.

"(3) TECHNICAL ASSISTANCE TELEPHONE NUMBER OR WEBSITE.—The Secretary shall establish a toll-free telephone number or Internet website to provide healthcare providers with a single point of contact to—

"(A) learn about Federal grants and technical assistance services related to health information technology;

"(B) learn about qualified health information software that has been certified to be in compliance with the standards adopted by the Federal Government under section 2904 and is available for commercial use;

"(C) receive referrals to regional and local health information networks for assistance with health information technology;

"(D) provide information regarding—

"(i) the electronic submission of health data collected by Federal agencies; and

"(ii) the uniform and consistent implementation of standards; and

"(E) disseminate additional information determined by the Secretary to be helpful to such providers.

"(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, such sums as may be necessary for each of fiscal years 2006 through 2010.".

SEC. 4. HEALTH INFORMATION NETWORK DEMONSTRATION PROGRAM.

Section 914 of the Public Health Service Act (42 U.S.C. 299b-3), as amended by subsection (b), is further amended by adding at the end the following:

"(e) HEALTH INFORMATION NETWORK DEMONSTRATION PROGRAM.—

"(1) IN GENERAL.—The Director may establish a demonstration program under which grants or contracts shall be awarded to support health information network planning, implementation, and evaluation activities.

"(2) ELIGIBILITY.—To be eligible to receive a grant or contract under the demonstration program under paragraph (1), an entity shall—

"(A) submit to the Director an application at such time, in such manner, and containing such information as the Director may require;

"(B) submit to the Director a strategic plan for the implementation of data sharing and interoperability measures across the various health care settings within the proposed network;

"(C) be a public or nonprofit private entity that is or represents a network or potential network that includes healthcare providers and group health plans in a defined area of geographic proximity or organizational affinity, and that may include for profit entities so long as such an entity is not the grantee;

"(D) demonstrate, where appropriate, the involvement and commitment of the appropriate State or States;

"(E) specify a defined area of geographic proximity or organizational affinity that the health information network will encompass;

"(F) demonstrate active participation in the best practice network described in subsection (d);

"(G) demonstrate compliance with the data standards and technical policies adopted by the Federal Government under section 2904(e);

"(H) submit to the Secretary a report on the degree to which such entity has achieved the measures under section 2909;

"(I) demonstrate financial need; and

"(J) agree to provide matching funds in accordance with paragraph (4).

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—Amounts received under a grant under this subsection shall be used to establish and implement a regional or local health information network.

"(B) LIMITATION.—Amounts received under a grant under this subsection may not be used to purchase a health information technology system that is not a qualified health information technology system.

"(4) MATCHING REQUIREMENT.—To be eligible to receive a grant or contract under this subsection an entity shall contribute non-Federal funds to the costs of carrying out the activities for which the grant or contract is awarded in an amount equal to $1 for each of $2 of Federal funds, provided under the grant.

"(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, $50,000,000 for fiscal year 2006, $70,000,000 for fiscal year 2007, and such sums as may be necessary for each of fiscal years 2008 through 2010.".

SEC. 5. EXCEPTION TO FEDERAL ANTI-KICKBACK AND STARK LAWS FOR THE PROVISION OF PERMITTED SUPPORT.

(a) ANTI-KICKBACK.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) in subparagraph (H), as added by section 237(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2213)—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraph (H), as added by section 431(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2287), as subparagraph (I);

(D) in subparagraph (I), as so redesignated—

(i) by moving such subparagraph 2 ems to the left; and

(ii) by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new:

"(J) during the 5-year period beginning on the date the Secretary issues the interim final rule under section 5(c)(1) of the Better Healthcare Through Information Technology Act, the provision, with or without charge, of any permitted support (as defined in paragraph (4))."; and

(2) by adding at the end the following new paragraph:

"(4) PERMITTED SUPPORT.—

"(A) DEFINITION OF PERMITTED SUPPORT.—Subject to subparagraph (B), in this section, the term 'permitted support' means the provision of any equipment, item, information, right, license, intellectual property, software, training, or service used for developing, implementing, operating, or facilitating the use of systems designed to improve the quality of health care and to promote the electronic exchange of health information.

"(B) EXCEPTION.—The term 'permitted support' shall not include the provision of—

"(i) any support that is determined in a manner that is related to the volume or value of any referrals or other business generated between the parties for which payment may be made in whole or in part under a Federal health care program;

"(ii) any support that has more than incidental utility or value to the recipient beyond the exchange of health care information; or

"(iii) any health information technology system, product, or service that is not in compliance with data standards adopted by the Federal Government under section 2904 of the Public Health Service Act.".

(b) STARK.—Section 1877(e) of the Social Security Act (42 U.S.C. 1395nn(e)) is amended by adding at the end the following new paragraph:

"(9) PERMITTED SUPPORT.—During the 5-year period beginning on the date the Secretary issues the interim final rule under section 5(c)(1) of the Better Healthcare Through Information Technology Act, the provision, with or without charge, of any permitted support (as defined in section 1128B(b)(4)).".

(c) REGULATIONS.—In order to carry out the amendments made by this section—

(1) the Secretary of Health and Human Services shall issue an interim final rule with comment period by not later than the date that is 180 days after the date of enactment of this Act; and

(2) the Secretary shall issue a final rule by not later than the date that is 180 days after the date that the interim final rule under paragraph (1) is issued.

Mr. KENNEDY. Mr. President, It is a privilege to join Senator ENZI, Senator GRASSLEY, Senator BAUCUS and many other sponsors on this bill to modernize our health care system with information technology.

The United States has the best doctors and hospitals in the world, but we will soon be left behind other industrialized nations if we fail to adopt modern technology. When enacted, this bill will be the first legislation to address the glaring lack of such technology in U.S. health care. Modern information technology can transform health care as profoundly as any medical discovery of the past, and the American people deserve that transformation.

The Institute of Medicine estimates that as many as 98,000 Americans die in hospitals each year because of medical errors—making it the eighth leading cause of death in the United States. Elderly patients are prescribed improper medication in one out of every 12 physician visits. Adult Americans receive recommended care only 55 percent of the time. Nearly 30 percent of health care spending, $300 billion a year, goes for treatments that may not improve health, are redundant, or are even wrong for the patient's condition. Medical experts agree that most of these shameful statistics could be drastically reduced by modern information technology in doctors' offices, hospitals, nursing homes, pharmacies, clinical laboratories and public health departments across the country.

It is not just quality of care that improves with use of Health IT—the cost goes down as well. National health care spending now exceeds $1.7 trillion a year—and health spending and health insurance premiums continue to rise at rates much higher than general inflation. The Federal Government estimates that savings in the range of $140 billion a year, close to 10 percent of total health spending, could be achieved through widespread adoption of health IT. These system-wide savings would reduce insurance premiums by $700 a year for every family in America.

Some States, including Massachusetts, are leading the way toward a fully interconnected health IT system, with cutting edge projects being conducted by organizations such as the Massachusetts e-Health Collaborative, the Massachusetts Technology Collaborative, the New England Healthcare Institute and the Center for Information Technology Leadership. But, we still have much to do.

Despite the obvious health benefit, most doctors and hospitals are not using this technology or preparing to do so. In fact, only 10 percent of hospitals are using computerized prescribing. Another 20 percent of hospitals are currently installing them. That leaves 70 percent out. The United States ranks far below other industrial countries on IT in healthcare—lower than 12 out of 15 European nations.

Part of the problem is the up-front cost of these systems. Doctors are not always confident that the system they invest in will be able to talk to other parts of the overall system. We need rules and standards for electronic data sharing to encourage doctors to accept them, as our bill proposes.

The legislation establishes a public-private partnership to create national standards for health IT—a common language for doctors' computer systems to talk to each other. Targeted funding mechanisms will help doctors and hospitals acquire the technology they need for their patients. Grants will be available for cases of special need, such as doctors practicing in underserved areas. Financial assistance will also help establish regional health information technology organizations, such as networks of doctors, hospitals, health plans and pharmacies. These networks will be a crucial testing ground to work out how all parts of the health system can communicate to provide clinical information wherever and whenever it is needed.

The bill also creates a Federal-State public-private loan fund to make loans available at low rates to help health care professionals to acquire the technology. The State fund will accept private sector contributions from health plans and large systems that would benefit from having more doctors using the technology. Insurers and large hospitals stand to gain the most savings from IT, and should contribute to this national effort.

The bill will also help providers improve quality by establishing a Best Practices Center where IT users can learn from the experience of others, and by funding new programs to train health professionals to use the technology.

We have a responsibility to make the miracles of modern medicine available to every American. Rising costs are crushing our health care system. Premiums are going through the roof. The ranks of the uninsured grow every day. Families have to choose between health care and groceries, rent, and college tuition. When millions of Americans struggle to afford health care for their families, it is profoundly wrong to squander more than half a trillion dollars each year on obsolete administrative expenses. That's not the American dream. We can find a better way.

Other nations are taking action to use this extraordinary technology to cut costs and save lives—but America lags behind. We can't continue to let the high cost of health care price American goods and services out of the global marketplace.

The need for this investment is urgent. In the words of Secretary Leavitt, "Every day that we delay, lives are lost." The proposals we are introducing today will improve care, save lives and make health care more affordable for every American.

I commend Senator ENZI, Senator GRASSLEY and Senator BAUCUS for their leadership, and I look forward to working closely with all our colleagues to see that these important proposals are enacted into law this year.

Mr. REED. Mr. President, I join several of my colleagues in introducing the Better Healthcare Through Information Technology Act. This bill represents a strong step forward in modernizing our health care system and paving the way to greater efficiency and quality in the delivery of care.

Health care costs are becoming an enormous drain on employers, employees, and the Nation as a whole. More Americans are uninsured, and premiums for health insurance are increasing at an unsustainable rate of 20, 30, and even 40 percent per year. Health care reform is needed to address the huge concerns of the American people and our Nation's businesses. Indeed, the fact that companies like GM are losing competitiveness and laying off 25,000 workers, in part due to health costs, is a strong sign that our current health care system is flawed.

Solving these challenges will require new, bold policy initiatives to make health care coverage more affordable for employers, employees, and all Americans. Comprehensive efforts at change must be considered in our approach to health care reform. As a start, there are numerous improvements that can—and should—be made to fully pull the industry into the information age with the widespread adoption of information technology. It is unfortunate, but not surprising, that many of our Nation's other systems, such as our banking systems, are decades ahead in providing a seamless national network facilitating nearly instantaneous and universal access to information. It is high time for this body to act to modernize our health system as well, for its adoption of IT systems has the promise to improve quality while simultaneously reducing cost.

There are significant barriers to the adoption of IT by health care providers, including often-prohibitive costs of capital expenditures needed for hardware and software and a lack of uniform standards for the electronic exchange of information. Systems are prohibitively expensive for many physician practices and there is no guarantee of interoperability with the system used at a local hospital, lab, or pharmacy.

The Better Healthcare Through Information Technology Act addresses many of these barriers. It codifies existing efforts by the government to spur the use of health IT. It creates a public-private collaborative to build consensus on a single set of standards. To ensure that these standards will then be embraced, our bill requires Federal procurement of information technology, and data collection by Federal agencies to comply with them.

A similar collaborative on a local scale already exists in Rhode Island. The Rhode Island Quality Institute links providers, hospitals, insurers, government, businesses, and the academic community in the pursuit of improving health care quality. I commend the Rhode Island Quality Institute for its statewide efforts to make Rhode Island a true health care improvement "learning lab," and I believe that the bill we are introducing today will support these and similar efforts around the country.

To do this, our legislation recognizes and aims to address the financing challenges faced by providers. The bill establishes a number of competitive grants and facilitates State loan programs that are designed to get qualified health IT systems in the hands of doctors, hospitals, and clinics. Other provisions, including modifications to Federal anti-kickback and Stark laws and the establishment of a toll-free telephone number or Web site to assist physicians, will accelerate the implementation and integration of health IT.

The combination of uniform standards, help for physicians to purchase health IT systems, and improved exchange of electronic information through a national system will ultimately move us toward a conversion to Electronic Medical Records. Records will seamlessly follow the patient and improve evidence-based medicine by allowing aggregate data to be used in the determination of best treatment practices. Decision support systems will provide doctors with the most up-to-date evidence-based recommendations available.

Perhaps most importantly, though, the use of IT offers the hope of reducing the thousands of medical errors each year that add to both unnecessary pain and suffering and the cost of health care. Computerized Physician Order Entry, or CPOE, could alone bring enormous savings to the health care system by reducing medication errors in hospitals and clinics.

Systemic errors such as these account for many of the medical errors identified by the Institute of Medicine in their seminal study on this topic that estimated up to 98,000 avoidable deaths from medical errors each year. It will take government action and investment to bring about the technological sophistication and interoperability necessary to substantially reduce the incidence of these errors.

I want to thank Senators ENZI, KENNEDY, DODD, and others for their efforts on this bill. I look forward to continuing to work with each of them and the rest of my colleagues to bring our Nation's health system into the 21st century.

By Mr. GRASSLEY (for himself, Mr. BAUCUS, Mr. ENZI, and Mr. KENNEDY):

S. 1356. A bill to amend title XVIII of the Social Security Act to provide incentives for the provision of high quality care under the medicare program; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator BAUCUS in introducing the Medicare Value Purchasing (MVP) Act of 2005. Senator BAUCUS shares my strong commitment to ensuring the vitality of the Medicare program for generations of beneficiaries to come. Two years ago, we worked in a bipartisan manner to establish the first ever Medicare prescription drug benefit, to create new coverage choices under the Medicare Advantage program, and to cover more preventive screening tests. The Medicare Modernization Act transformed Medicare benefits and choices.

Over the past 40 years, Medicare has made immeasurable differences in the lives of our Nation's seniors and disabled citizens by providing beneficiaries with access to care. The bill that we are introducing today will ensure that they continue not only to have that access, but also have access to good care. Some folks might think I am saying that beneficiaries don't receive good care today. Nothing could be further from the truth. I know that physicians, hospitals, nurses and other providers across the country work every day to provide quality care. But just like all Medicare beneficiaries have the same benefits, all Medicare beneficiaries should get the highest quality care possible. And today, that's just not the case; there is tremendous room for improvement.

A May 2005 Commonwealth Fund review of more than four hundred studies and data sets painted a mixed picture on the quality of care received by Medicare beneficiaries. The analysis found that many improvements are occurring—breast cancer screening rates have tripled and many patients with diabetes get the tests they need to keep them healthy. At the same time, the review showed that in some parts of the country, beneficiaries get recommended treatments, such as immunizations, but in other parts they don't. They found that improvements in care for Medicare beneficiaries have not kept pace with improvements among other groups. For example, between 1988 and 1994, the percent of forty-five-year-olds to sixty-four-year-olds whose blood pressure was controlled, increased from 33 percent to 40 percent. Among Medicare beneficiaries, it stayed the same—just 24 percent. They also zeroed in on the need to strengthen programs to care for beneficiaries with a chronic illness. Research shows that twenty percent of Medicare beneficiaries have five or more chronic illnesses. Caring for these beneficiaries accounts for nearly 70 percent of Medicare spending.

One of the study's most disturbing findings was the States with higher spending per Medicare beneficiary tended to rank lower on twenty-two quality-of-care indicators. According to the researchers, this might reflect practice patterns that favor intensive, costly care rather than "effective" care. Simply stated, spending more, does not necessarily translate into better quality care for beneficiaries. Of the $300 billion Medicare dollars spent last year, I think it is safe to say that in many cases we—beneficiaries and taxpayers—did not get the absolute best value. Not even close.

Why is that the case? In part, it is because of the way we pay for care. I am sure that everyone remembers "To Err is Human" in which the Institute of Medicine reported the startling fact that studies suggest that up to 98,000 Americans die in hospitals each year from medical errors. It was in headlines for months.

I would bet that not as many folks know about the IOM's follow-up report, "Crossing the Quality Chasm." In my opinion, that report is equally, if not more, important because it sets forth a wide-ranging strategy to address the deficiencies in our health care system that undermine the delivery of high quality care. Among the IOM's chief recommendations was a call to both public and private purchasers to examine their current payment methods to remove barriers that currently impede quality improvement, and to build stronger incentives for quality enhancement.

The IOM specifically recommended that payment methods should provide "fair payment for good clinical management." Providers also need to be able to share in the benefits of quality improvement. Consumers and purchasers need opportunities to recognize quality differences and to use quality information when making health care decisions. In simplest terms, we need to better align financial incentives to help promote quality and to achieve better value. The Medicare Payment Advisory Commission (MedPAC) has issued similar recommendations.

Today, Medicare pays the same amount regardless of quality of care. Some people would argue that in fact, the current Medicare payment system rewards poor quality. For example, if a patient suffers a complication from subpar hospital care and ends up back in the same hospital to treat that complication, Medicare will pay the hospital for the patient's rehospitalization. On the other hand, if a hospital follows best practices of care and helps patients avoid complications that could require a rehospitalization, well, that hospital doesn't get anything. The hospital that provides lower quality care to the beneficiary gets another payment. The hospital that provides higher quality care to the beneficiary gets nothing.

Over time, this perverse situation could disadvantage the hospital that delivers higher quality care to beneficiaries because it will get less revenue, which could compromise its ability to compete against other hospitals. This situation just does not make sense; neither to me, nor should it to beneficiaries. Providing lower quality care can lead to greater revenue, while providing higher quality care can penalize providers financially. It is the exact opposite of what we want and need for Medicare and beneficiaries. Of course, our Nation is blessed with millions of dedicated and qualified health care providers who care deeply about the quality of care they provide to their patients. What we have is a systemic failure of Medicare payment systems to reward quality and provide the incentives to invest more in health care information technology and other efforts to improve health care quality. This bill creates the financial incentives that reward those providers who deliver that quality care today, and to those who make improvements where they are needed.

The MVP Act seeks to remedy this situation and to implement the IOM's and MedPAC's recommendations by creating quality payments under Medicare for physicians and other providers, hospitals, health plans, skilled nursing facilities, home health, and end stage renal disease facilities. Senator BAUCUS and I know that it is a pretty ambitious strategy. We also recognize that this substantial departure from current payment practices cannot and should not happen overnight. Careful consideration of which quality measures that the Centers for Medicare and Medicaid Services (CMS) should use in making quality-based payments will take some time. Providers will play a significant role in determining which measures to use. This is important—we need to make sure that the measures are valid and reliable. In addition, providers will need some time to become more proficient in collecting and reporting quality data for payment purposes.

The MVP Act builds on the small step made in the MMA which established reporting incentives in its early years. Under the MMA, hospitals that report ten quality measures receive a full payment update, those that don't report, receive a smaller update. This approach has been successful. In 2005, 99 percent of hospitals reported the data and CMS has seen improvements in quality among the participating hospitals. Under the MVP Act, using the data from these reporting years, CMS will give providers an idea of where they stand on quality before quality payments will begin. This will allow providers the chance to fine tune their quality practices and data reporting capabilities before payments will be determined based on a specific provider's quality measures.

For each provider group and facility, as well as Medicare Advantage plans under our legislation, CMS will then begin to make quality payments from a pool that initially will equal one percent of their Medicare payments. Over five years, quality payments will increase to two percent of total payments. Payments will be awarded for meeting performance thresholds and to those who demonstrate a level of improvement specified by CMS. This approach recognizes that we need to offer incentives to a broad base of providers—providers who perform well today deserve recognition; those that might not be performing well, but have improved, also should be recognized. Finally, CMS will report publicly on how various providers, facilities, and plans do with respect to quality. This information will help empower beneficiaries when making their health care decisions and when making informed choices.

Our bill recognizes that the private sector has made a lot of progress in developing and adopting quality measures. There are several value-based purchasing projects underway around the country. We don't want to reinvent the wheel—we want to build on these initiatives. These private projects, along with its own projects, can help inform the Centers for Medicare and Medicaid Services (CMS) as it works out technical details to implement quality-based payments using the framework established by the MVP Act.

This framework is consistent with the thinking of CMS on quality-based payments as expressed by Administrator Mark McClellan. It also is consistent with principles endorsed today by more than twenty of the Nation's leading consumer, employer, and labor organizations. In announcing the principles, Peter Lee, president and CEO of the Pacific Business Group on Health and co-chair of the Consumer-Purchaser Disclosure Project stated, "We must move beyond a system that is performance-blind to one that rewards better quality and gives consumers tools to make informed choices."

Now some folks may think that Medicare shouldn't take on this issue—that it might better for the private sector to do it alone. I respectfully disagree with that view. Medicare is the single largest purchaser of health care in the Nation. The IOM in "Leadership by Example" expressed its opinion that Federal Government health care programs can significantly influence how care is provided by the private sector. The Commonwealth Fund researchers share this view—that adopting quality payments in Medicare can influence the level of quality in all health care, not just care for the elderly.

And there's a lot of health care to be influenced. Our Nation spent $1.8 trillion on health care last year. Health care spending is expected to reach more than 15 percent of the gross domestic product. But just like in Medicare, we are not always getting the best value for those dollars. That $1.8 trillion in spending translated to a 37th place ranking for the United States compared to other countries around the world, in quality, according to the World Health Organization (WHO). Spending more and more money without achieving commensurate improvements in quality is simply wasteful and unsustainable.

Medicare is just one month shy of its fortieth anniversary—a tremendous milestone. It has positively affected the lives of millions of seniors and disabled citizens. We set a goal for ourselves forty years ago—to improve access to care. Providers and policymakers came together to make that goal a reality. It is time for a new goal, a new challenge—to ensure that Medicare beneficiaries and all Americans get the best possible care and that as a nation, we get the highest value for our health care dollars. The MVP Act of 2005 provides us with a road map to live up to that challenge. I urge my colleagues to join me and Senator BAUCUS in advancing this important legislation.

Mr. BAUCUS. Mr. President, I rise as a cosponsor of the "Medicare Value Purchasing Act of 2005."

This bill will establish a new program to link a portion of Medicare's reimbursement for health care services to the quality of that care. This bill takes a crucial step towards improving the value of our health care dollar as well as the safety and quality of our Nation's health care system.

Last week, I gave a statement in this Chamber about America's place in the world. I am proud of our Nation; I am proud of our enterprising spirit, our energy, our diversity, and the hope for a better future that is inherent to our roots. I am proud of this country, but I am disappointed in the state of our health care system and in the impact it is having on the lives of our fellow citizens, as well as on the economy and ultimately on our place in the world. As I look to the future, I see a stronger America, but I know we must work hard to make sure that vision is realized.

We hear about the problem of increasing health care costs nearly every day—in newspaper headlines and in casual conversations. Per capita spending on health care in America is nearly 2½ times the average in the industrialized world. We spend over $5,000 per person on health care, and premiums for employer-sponsored coverage are rising five times faster than inflation.

With all this money going into health care, one might assume we had the best health care in the world. But that assumption is wrong. Despite spending more per capita than any other developed nation, the World Health Organization ranks the United States 37th in health care quality. As many as 98,000 patients die each year as a result of medical errors, and research has shown that in some cases more care, more specialists, and more treatments, actually result in worse outcomes for the patient.

Costs are rising, we are not getting high-quality care for the dollars spent, and due to the nature of our health care system much of this burden is borne by employers. For the first time, the Big Three automakers are beginning to charge premiums and scale back benefits for their workers and retirees, because they can't afford the cost of health care. All told. GM estimates that they will spend about $6 billion in 2005 on health care. This translates into $1,525 for every vehicle they sell. That is more than the company spends on steel.

By comparison, Toyota's health care costs are about $1.000 less per vehicle. It is not surprising, therefore, that a recent survey of business leaders found that 65 percent of top Chief Financial Officers in the United States feel that it is very important for Congress to address the cost of health care. Their European and Asian counterparts did not cite the costs of health care among their top concerns.

No other industry tolerates the level of disrepair that can be found in the U.S. health care system today. Many of my colleagues in the Senate agree that in order to improve the system. we need to do more to control health costs through efficient purchasing and the use of health information technology. In other words, we need to create a "culture of efficiency" in health care.

How do we do that? First, we need to begin building a health information infrastructure that can reach providers and patients nationwide, from Manhattan, NY to Manhattan, MT. We must take aggressive steps to establish standards and policies around this infrastructure, and to make initial investments in hardware, software, and training. I applaud my colleagues Senator ENZI and Senator KENNEDY for introducing important legislation on this topic today, the "Health Information Technology and Quality Improvement Act of 2005".

Building a Health Information Infrastructure will facilitate the provision of high-quality care. But we also must begin rewarding quality in the way we pay for health care. Today, Medicare payment policies typically do not include mechanisms designed to encourage quality of care. Medicare does not distinguish between paying for care that is necessary and that which might be unnecessary or inappropriate.

As a result, I worked with Senator GRASSLEY to design a program that will tie a portion of Medicare reimbursement for hospitals, physicians, health plans, renal dialysis facilities, and home health agencies to the quality of care provided in these settings. Payment for these providers, as well as for Skilled Nursing Facilities, would also be linked to reporting data on quality of care and, after the first year of the program, to making this data available to the public.

The Medicare Value-Based Purchasing program would begin paying for value in the health care system—good care, better patient outcomes, evidence-based medicine, and increased transparency. We have learned a lot from programs such as this that have begun on a smaller scale in the private sector, and we hope that taking this step forward in Medicare will drive the entire health care system toward a system of high-quality, high-value health care.

But designing a program like this one is not easy, and I want to be clear on this point: I don't believe Congress should determine how the quality of health care is measured. That is why my bill sets up a system of stakeholder involvement at every step in the development and implementation of a Quality Measurement System for Medicare—in determining what measures of health care quality are appropriate for each provider group, in implementing a system of data collection and analysis, and in updating the measurement system in accordance with changing science. Providers, payers, patients, and many other groups are the key experts who should be involved in the details of a health care quality system—not Congress.

But it is our job to lay out some of the parameters for the system, and to provide the Secretary of Health and Human Services with the authority to follow them and create this new program. It is also our job to oversee such a program once it is enacted and implemented. Over the last year or so, we have met with provider groups, consumer organizations, researchers and policy experts, and many of the individuals who have built and participated in private-sector programs to drive quality improvement in health care.

As I mentioned, our bill sets up a process by which a quality measurement system is developed in consultation with stakeholders and is uniquely tailored for the different groups of providers who participate in Medicare. This system should measure the quality of health care in a variety of ways, looking at processes of care, health information technology infrastructure, patient outcomes, patient experience of care, efficiency of resource use, and equity. For some groups of providers, only a very few measures of health care quality will be available when the program begins. These providers should not be penalized for that, but rather rewarded for reporting and improving the quality of the care they provide according to those measures. We may start small in some cases, but we can get the ball rolling.

The bill sets up a two-phase approach to quality improvement. In the first phase, the annual update to a provider's reimbursement is tied to reporting data on quality of care. This data would be on the measures included in the Medicare Quality Measurement System which has been developed by the Secretary with stakeholder involvement. Some providers—such as hospitals, Medicare Advantage Plans, and renal dialysis facilities, are already reporting data on quality of care to Medicare and might move more quickly to the second phase of the program.

In the second phase, those providers who report data on quality of care to the Secretary will be able to participate in value-based purchasing, where a portion of total payments to participants in each provider group is taken to form a quality pool. The funds in this pool are then reallocated to award providers who demonstrate high-quality care, or who show that they are improving. In theory, this sets up a system in which all providers could receive money back out of the pool—in essence it is a system that will "raise all boats." Following the recommendation of the Medicare Payment Advisory Commission, the portion of payments tied to quality in this second phase will be 1 percent in the first year of the program for each provider group, and will increase to 2 percent over five years.

In addition to setting up this program, the "Medicare Value Purchasing Act of 2005" includes additional measures to facilitate quality improvement in the health care system, such as a provision to reduce the legal barriers to health IT adoption that are present in the Federal anti-kickback and Stark laws.

It also includes several studies to look more closely at the true costs of health care, and the benefits—both human and financial—that can be gained from improving quality. The information generated by these studies will be critical in moving forward with value-based purchasing, allowing us to more accurately predict the programwide savings from efforts to improve quality. Given that the Medicare Part A Trust Fund faces insolvency in 2020—decades earlier than Social Security—identifying these savings will be critical to preserving access, to care for Medicare beneficiaries and adequate reimbursement for providers.

Senator GRASSLEY and I set out to write a bill that would address value-based purchasing, set up a system of measuring quality of care in Medicare, and encourage the adoption of health information technology. We set out to write a bill that, in concert with the bill introduced by Senators ENZI and KENNEDY would create a roadmap to a "culture of efficiency" in health care.

That means that our bill does not put new money on the table to reward health care quality, and it does not fix the problems that currently exist with the physician payment system or with reimbursement updates to renal dialysis facilities. But nor does it mean that we are blind to these issues. Indeed, I know that sustained cuts to the physician fee schedule, which will take effect if current law is not changed—are not sustainable.

I want to work with physicians and practitioners to find a sustainable solution to the problems with the physician fee schedule, and I want to work with the renal dialysis community to make sure that reimbursement is adequate so that facilities—especially those in underserved areas—can keep their doors open. But I also ask these providers to work with me to move Medicare in the right direction—ultimately, better quality and value means better health care, better coverage, and a stronger system for all.

Finally, I believe that quality improvement efforts should extend beyond Medicare, into the Medicaid and SCHIP programs, and into the private sector. Currently, programs at the State level have found ways to improve quality and find efficiencies through health information technology use in Medicaid. Our bill includes State government health program representatives in the process of developing the Quality Measurement System because we believe they have important perspective to share, and also because we believe that quality improvement policies are equally important for their programs. I look forward to working with Chairman GRASSLEY on a bill to address quality of care in the Medicaid and SCHIP programs later this year.

I want to thank my colleagues Chairman GRASSLEY, Chairman ENZI, and Senator KENNEDY, as well as their able health care staff, for their tireless work on this legislation. We feel passionately about this issue because it matters to all of us. We all want to ensure that the best care possible is provided. We know how hard health care providers work for their patients, and we believe they should be rewarded for that work. And we believe this issue should be advanced in the Congress as soon as possible.

As I said, I have a vision of a stronger America. I envision a health care system in which quality and value are rewarded, in which innovative health information technology is accessible to all, in which data systems that can exchange crucial patient information to save lives and prevent mistakes, and in which American companies are not at a competitive disadvantage in the world because of health care costs. I call on my colleagues to support the important steps toward that vision that will be taken under the pieces of this legislation introduced today.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. DURBIN, Mr. FEINGOLD, Mrs. CLINTON, and Mr. SCHUMER).

S. 1357. A bill to protect public health by clarifying the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services and to enforce the Hazard Analysis and Critical Control Point (HACCP) System requirements, sanitation requirements, and the performance standards; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Meat and Poultry Pathogen Reduction Act of 2005. This legislation, commonly known as Kevin's Law, is dedicated to the memory of 2-year-old Kevin Kowalcyk, who died in 2001 after eating a hamburger contaminated with E. coli O157:H7 bacteria. Passage of this bill is vital because on December 6, 2001, the 5th Circuit Court of Appeals upheld and expanded an earlier District Court decision that removes the Department of Agriculture's authority to enforce its Pathogen Performance Standard for Salmonella. The 5th Circuit's decision in Supreme Beef v. USDA seriously undermines the strong food safety improvements adopted by USDA in its 1996 Hazard Analysis Critical Control Point and Pathogen Reduction (HACCP) rule.

In 2003, there was another court case that calls into question USDA's authority to enforce basic sanitation standards. A company called Nebraska Beef sued USDA after the Department tried to shut down the plant for numerous sanitation violations. USDA settled the case because it feared losing yet again in court and having another vital piece of its authority struck down.

According to the 5th Circuit's opinion in the Supreme Beef case and the settlement in the Nebraska Beef case, today, there is nothing USDA could do to shut down a meat grinding plant that insists on using low-quality, potentially contaminated trimmings. These decisions seriously undermine the new meat and poultry inspection system.

The HACCP rule recognized that bacterial and viral pathogens were the foremost food safety threat in America, responsible for 5,000 deaths, 325,000 hospitalizations and 76 million illnesses each year according to the Centers for Disease Control and Prevention. To address the threat of foodborne illness, USDA developed a modern inspection system based on two fundamental principles.

The first was that industry has the primary responsibility to determine how to produce the safest products achievable. Industry had to examine their plants and determine how to control contamination at every step of the food production process, from the moment a product arrives at their door until the moment it leaves their plant.

The second, even more crucial, principle was that plants nationwide must reduce levels of dangerous pathogens in meat and poultry products. To ensure the new inspection system accomplished this, USDA developed Pathogen Performance Standards. These standards provide targets for reducing pathogens and require all USDA-inspected facilities to meet them. In theory, facilities failing to meet a standard are shut down until they create a corrective action plan to meet the standard.

So far, USDA has only issued one Pathogen Performance Standard, for Salmonella. The vast majority of plants in the U.S. have been able to meet the new standard, so it is clearly workable. In addition, USDA reports that Salmonella levels for meat and poultry products have fallen substantially. Therefore the Salmonella standard has been successful. The Supreme Beef and Nebraska Beef decisions threaten to destroy this success because they restrict USDA's ability to penalize meat and poultry plants that violate a pathogen standard.

The other major problem is we have an industry dead set on striking down USDA's authority to enforce meat and poultry pathogen standards. Ever since the original Supreme Beef decision, I have spent untold hours trying to find a compromise that will allow us to ensure we have enforceable, science-based standards for pathogens in meat and poultry products. I have introduced bills to address this issue and I have worked with industry leaders trying to reach a reasonable compromise.

However, despite repeated attempts to address industry concerns, industry has continually backtracked and moved the finish line. Many times, I have made changes in my legislation to address their "pressing" concern of the moment only to have them come back and say we hadn't gone far enough. We have to look out for the consumers of meat and poultry so our children, our families are not put at increased risk of getting ill or dying, because some in the industry want to backtrack on food safety.

I plan to seek every opportunity to get this language enacted. I think it is essential, both to ensuring the modernization of our food safety system, and ensuring consumers that we are making progress in reducing dangerous pathogens.

I hope that both houses of Congress will be able to act to pass this legislation without delay. The effectiveness of our meat and poultry inspection system and the public's confidence in it are at stake.

Mr. KOHL. Mr. President, I am pleased to join my colleagues in cosponsoring the Meat and Poultry Pathogen Reduction and Enforcement Act, also referred to as Kevin's Law. Foodborne disease is a very serious concern for American consumers. According to CDC estimates, 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths occur each year in the United States from foodborne diseases; sadly, the majority of these fatal incidents involve children.

Barbara Kowalcyk, a constituent of mine, has been a true pioneer in fighting to protect Americans from the harmful effects of food pathogens. Mother to 2½-year-old Kevin

Kowalcyk, Barbara's dedication stems from personal tragedy. Barbara went through what no mother should have to go through; she watched in agony as the life faded out of her little boy. Kevin died from an *E. Coli* infection before he even had the chance to step foot into a kindergarten classroom.

Eager to ensure that no other parent suffers as she has, Barbara has become a thoughtful advocate for tougher food-safety laws. She has worked with me personally on the issue, and through her involvement with STOP, Safe Tables Our Priority. Barbara has been instrumental in educating policy makers about the threat of foodborne diseases such as *E. Coli* and *Salmonella*. Barbara's testimony in front of the Committee on Review of the Use of Scientific Criteria and Performance Standards for Safe Food at the National Academy of Sciences helped the NAS write its 2003 report Scientific Criteria to Ensure Safe Food. Barbara realizes that these diseases are preventable, that we have technology and understanding to improve the safety of America's meat and poultry, and it is high time that we do it.

Kevin's Law grants the USDA enforcement authority to enhance the regulatory structure for food safety. It includes key provisions that will allow the USDA to conduct scientific surveys to identify the foodborne pathogens that represent the largest threat to our public health and to set and update pathogen reduction standards to reduce the presence of these pathogens in meat and poultry. I applaud Senators SPECTER and HARKIN for their leadership on this issue, and I thank Barbara Kowalcyk for her commitment to keeping American consumers safe from dangerous food products.

By Mr. DURBIN (for himself and
Mr. LAUTENBERG):

S. 1358. A bill to protect scientific integrity in Federal research and policymaking; to the Committee on Homeland Security and Governmental Affairs.

Mr. DURBIN. Mr. President, I am pleased to introduce the Restore Scientific Integrity to Federal Research and Policymaking Act. I thank my House colleagues HENRY WAXMAN and BART GORDON, who introduced the original legislation in the House of Representatives. I also thank my colleague, Senator LAUTENBERG, who is an original co-sponsor of this legislation.

This bill prohibits censoring or tampering with government science and protects government scientists who blow the whistle on abuses.

Thousands of scientists—including 48 Nobel Laureates—have come forward to express their concerns that science has been manipulated or silenced by the Bush Administration.

We learned a few weeks ago, for example, that a White House lawyer with no scientific credentials had been revising government scientific reports on climate change to systematically weaken conclusions on global warming.

In May, the New York Times reported that the southwestern regional director of the Fish and Wildlife Service instructed scientists on his staff to ignore the latest genetic data when determining protections for endangered species.

In 2002, a professor invited to join an NIH advisory committee was called and asked for his views on a number of political issues, including whether he supported abortion rights and whether he had voted for President Bush. The professor—who had not voted for President Bush—was not appointed to the committee.

These are disturbing examples of the intrusion of politics into science. We rely on science to give us objective facts, not political spin. The Restore Scientific Integrity Act will help protect science from political interference.

The Act prohibits Federal employees from obstructing or censoring federally funded scientific research and from disseminating scientific information known to be false or misleading.

The legislation prohibits the use of political litmus tests when appointing experts to serve on scientific advisory committees and strengthens protections against conflicts of interest.

The bill extends whistleblower protections to federal employees who report allegations of political interference with science.

The bill establishes that peer review processes should be established by science-based agencies, not by the Office of Management and Budget.

And, the legislation directs the White House Science Advisor to prepare annual reports on scientific integrity in the federal agencies.

These are common sense provisions that help protect government science from political interference. I ask my colleagues to join me in supporting this legislation.

By Mr. SESSIONS (for himself,
Mr. CRAIG, Mr. INHOFE, and Mr.
ISAKSON):

S. 1362. A bill to provide for enhanced Federal enforcement of, and State and local assistance in the enforcement of, the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise today to introduce the Homeland Security Enhancement Act of 2005. I am pleased to be joined by Senator CRAIG and Senator INHOFE, who cosponsored an earlier version of the bill in the 108th Congress, and who are original sponsors of this year's legislation. Our bill takes the lead in encouraging a culture of cooperation among all levels of immigration law enforcement—Federal, State, and local—it seeks to build an immigration law enforcement system that is inclusive of all law enforcement officers, has adequate detention bedspace, uses unified databases for information sharing from one level of law enforcement to another, and has adequate detention bedspace.

These elements are a necessary foundation for any future comprehensive immigration reform and I am pleased that the need for this foundation was recently recognized by Senators KYL and CORNYN in the release of the enforcement principles of the immigration bill they are currently drafting. Changes in substantive immigration law are surely needed, but unless an effective enforcement mechanism is included, the new rules will also collapse under a rising tide of illegality.

More than 15 years of service as a U.S. Attorney in Alabama and then as Alabama's Attorney General—as well as my current role on the Immigration, Border Security, and Citizenship Subcommittee—have taught me that the involvement of State and local law enforcement will be a critical part of any new and successful immigration enforcement scheme. Establishing an effective partnership between the 700,000 State and local law enforcement officers who patrol our streets every day and the small number of Federal immigration officers will be a test of our Nation's will to establish an effective and enforceable legal scheme for immigration.

I care very deeply about the ability of State and local law enforcement to voluntarily aid the federal government in the enforcement of immigration law. As a result, I also care very deeply about tearing down barriers to that voluntary assistance. The need for this voluntary assistance has only grown stronger over the last year and a half, since I first introduced this legislation in the Senate. Over the course of that time we have heard about the need to reform our immigration laws to create a system that is as enforceable as it is generous and workable. Creation of an enforceable immigration system will undoubtedly require increased manpower, streamlined information sharing, and bedspace to hold those we apprehend.

This legislation targets all three of these essential enforcement components, and will go a long way toward fixing our broken immigration enforcement system—the system that is currently allowing people to remain in the U.S. for indefinite time periods, regardless of how they came here.

Let me be clear, this bill is not about the commandeering of State and local police forces or about forcing them to dedicate resources toward immigration law enforcement when they have other priorities, it is simply about welcoming their assistance in the realm of immigration law enforcement if they choose to give it.

We know that Americans strongly value our heritage as a Nation of immigrants. Americans openly welcome legal immigrants and new citizens with character, ability, decency, and a strong work ethic. However, it is also clear that Americans do not feel the same way about illegal immigration. The fact is that a large majority of Americans feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A RoperASW poll published in March of 2003 titled "Americans Talk About Illegal Immigration" found that 88 percent of Americans agree, and 68 percent "strongly" agree, that Congress should require state and local government agencies to notify the INS, now ICE, and their local law enforcement when they determine that a person is here illegally or has presented fraudulent documentation. Additionally, 85 percent of Americans agree, and 62 percent "strongly" agree that Congress should pass a law requiring State and local governments and law enforcement agencies, to apprehend and turn over to the INS illegal immigrants with whom they come in contact.

Those numbers speak volumes about the desires of the American population. It is important to note that these responses were collected in response to questions about requiring State and local immigration enforcement action. It is very likely that a poll on this bill, a bill that is about voluntary State and local action, would yield even stronger support.

America's strength is based on its commitment to the rule of law. Inscribed on the front of the Supreme Court Building just down the street are the words, "Equal Justice Under Law."

In the world of immigration laws, the current facade of enforcement that holds no real consequences for law breakers is both dangerous and irresponsible. If the only real consequence of coming to this country illegally is a social label, then our immigration laws are but a brightly painted sepulcher full of dead bones, for it is impossible to be a nation governed by the rule of law, if our laws have no real effect on the lives of the people they govern.

Our illegal alien population was at a record high two years ago and the numbers continue to climb. The lack of immigration enforcement in our country's interior has resulted in 8–12 million illegal aliens living in the U.S. with another estimated 800,000 illegal aliens joining them every year—that is on top of the more than 1 million that legally immigrate each year. These numbers make it easy for criminal aliens and absconders to disappear inside our borders.

Of the 8–10 million illegal aliens present today, the Department of Homeland Security has estimated that 450,000 are "alien absconders"—people that have been issued final deportation orders but have not shown up for their hearings. An estimated 40,000 absconders join that number every year.

An estimated 86,000 of them are criminal illegal aliens—people convicted of crimes they committed in the U.S. who should have been deported, but have slipped through the cracks and are still here.

The next number is perhaps the most concerning—3,000 of the "alien absconders" within our borders are from one of the countries that the State Department has designated to be a "state sponsor of terrorism."

The number of illegal aliens outweighs the number of federal agents whose job it is to find them within our borders by 5,000 to 1. The enforcement arm of the old INS, now called The Bureau of Immigration and Customs Enforcement, ICE, has just over 2,000 interior agents inside the borders. Leaving the job of interior immigration enforcement solely to them will guarantee failure. If each interior agent investigated, arrested, prosecuted and deported an illegal alien every day, it would take almost 14 years to deport the current illegal alien population.

State and local police, a force 700,000 strong, are the eyes and ears of our communities. They are sworn to uphold the law. They police our streets and neighborhoods every day. Their role is absolutely critical to the success of our immigration system.

For that critical role to be effective, a few very important things need to happen: 1. State and local law enforcement officers need clear authority to voluntarily act; 2. the NCIC Immigration Violators File needs to contain all critical immigration information so that officers have quick roadside access to critical immigration information; 3. Federal immigration officials have to take custody of illegal aliens apprehended by State officers, they can not continue to ignore State and local requests for assistance; 4. the Institutional Removal Program has to be expanded so that all criminal aliens are detained after their State sentences until deportation, instead of being released back into the community just to be searched for by Federal officials at a later date; and 5. critically needed Federal bed space has to be given to DHS so that the practice of "catch and release" can be ended and effective removal can begin.

The Homeland Security Enhancement Act that Senator CRAIG, Senator INHOFE, and I are introducing today will do all of those things.

Let me tell you about a few of the problems in immigration enforcement that started my interest in this area and prompted me to author this bill, to push for the hearing on April 22 of 2004 in the Senate Judiciary Committee titled "State and Local Authority to Enforce Immigration Law: Evaluating a Unified Approach for Stopping Terrorists", and to author a law review article in the April 2005 issue of the Stanford Law and Policy Review titled "The Growing Role for State and Local Law Enforcement in the Real of Immigration Law."

A few years ago, police chiefs and sheriffs in Alabama began to tell me that they had been shut out of the immigration enforcement system and that they felt powerless to do anything about Alabama's growing illegal immigrant population.

As I went to town hall meetings and conferences with police, I heard the same story— "When we come across illegal aliens in our normal course of duty, we have given up calling because the INS tells us we have to have 15 or more illegal aliens in custody or they will not even come pick them up."

Even worse, Alabama police were routinely told that the aliens could not be detained until the INS could manage to send someone. They were told they had to just let them go! They were being told this, even though I believed that the legal authority of State and local officers to voluntarily act on violations of immigration law was pretty clear. If there is any doubt that State and local officers have this authority, Congress needs to remove that doubt—which is exactly what this bill will do.

Only two U.S. Circuit Courts of Appeal have expressly ruled on State and local law enforcement authority to make an arrest on an immigration law violation. In 1983, the Ninth Circuit, while not mentioning a preexisting general authority, held that nothing in Federal law precludes the police form enforcing the criminal provisions of the Immigration and Naturalization Act. *Gonzales* v. *City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

The Tenth Circuit has reviewed this question on several occasions, concluding squarely that a "state trooper has general investigatory authority to inquire into possible immigration violations." *United States* v. *Salinas-Calderon*, 728 F.2d 1298, 1301 n.3 (10th Cir. 1984). As the Tenth Circuit has described it, there is a "preexisting general authority of state or local police officers to investigate and make arrests for violations of Federal law, including immigration laws." *United States* v. *Vasquez-Alvarez*, 176 F.3d 1294, 1295 (10th Cir. 1999).

Again, in 2001, the Tenth Circuit reiterated that "state and local police officers [have] implicit authority within their respective jurisdictions 'to investigate and make arrests for violations of Federal law, including immigration laws.'" *United States* v. *Santana-Garcia*, 264 F.3d 1188, 1194 (citing *United States* v. *Vasquez-Alvarez*, 176 F.3d 1294, 1295).

None of these Tenth Circuit holdings drew any distinction between criminal violations of the INA and civil provisions of the INA that render an alien deportable. It appears that the Ninth Circuit started the confusion regarding the distinction between civil and criminal violations in Gonzales v. City of Peoria by asserting in dicta that the civil provisions of the INA are a persuasive regulatory scheme, and therefore only the Federal Government has the power to enforce civil violations. See *Gonzales* v. *City of Peoria*, 722 F.2d 468 (9th Cir. 1983).

This confusion was, to some extent, fostered by an erroneous 1996 opinion of the Office of Legal Counsel, OLC, of the Department of Justice, the relevant part of which has since been withdrawn by OLC.

Why was the Federal agency responsible for interior immigration enforcement telling my police chiefs in Alabama to let illegal aliens go free?

To be fair, ICE still does not have the manpower or detention space to take custody and detain all illegal aliens. With less than 20,000 appropriated detention beds, ICE tells us over and over again that they do not have the bed space to detain all the illegal aliens that they apprehend; instead, they are forced to give first priority to detaining the worst of the worst individuals such as convicted felon aliens.

It is shocking to me that even though we know that detention is a key element of effective removal, we do not even detain all illegal aliens that have been convicted of crimes for removal. Last February, in a report titled "The Immigration and Naturalization Service's Removal of Aliens Issued Final Orders" the Department of Justice Inspector General found that 87 percent of those not detained before removal never get deported. Even in high risk categories, the IG found that only fractions of non-detained violators are ever removed— 35 percent of those with criminal records and 6 percent of those from "state sponsors of terrorism." These percentages have not changed since 1996, when the last IG report issued on the ability to remove aliens found that 89 percent of aliens with final deportation orders that are not detained are never removed.

Just this month, during a joint hearing of the Judiciary Committee Immigration and Terrorism Subcommittees titled "The Southern Border in Crisis: Resources and Strategies to Improve National Security" we learned that in some jurisdictions—such as Harlingen Texas—"no show" rates for immigration hearings are as high as 98 percent. Those numbers speak for themselves about our efficiency in the realm of immigration enforcement. The American people deserve better, they deserve to know that our laws will be enforced instead of ignored without consequence.

But we can not lay all the blame on DHS—they can only detain illegal aliens that they have space to detain. We know that DHS is using all of the bed space that they have and that it is not enough they consistently tell us that they are releasing people that should be detained because there is no more room. The Homeland Security Enhancement Act would add critical bed space DHS needs to fulfill its mission of interior enforcement.

The third problem that was brought to my attention and motivated my desire to introduce this bill, is the inadequate way we share immigration information with State and local police. We have databases full of information on criminal aliens and aliens with final deportation orders, but that information is not directly available to State and local police. They have to make a special second inquiry to the immigration center in Vermont just to see if an illegal alien is a wanted by DHS.

The Hart Rhudman Report, "America Still Unprepared—America Still In Danger," found that one problem America still confronts is "700,000 local and State police officials continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists." The first recommendation of the report was to "tap the eyes and ears of local and State law enforcement officers in preventing attacks." On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the U.S. and suggested that the burden could and should be shared with 700,000 local, county, and State law enforcement officers if they could be brought out of the information void.

Without easy access to immigration database information, and with ICE unwilling to come and identify every suspected illegal alien, State and local police can not quickly and accurately identify who they have detained and who they will be releasing back into the community if they follow ICE's instruction to "just let them go."

State and local police are accustomed to checking for criminal information in the NCIC, National Crime Information Center, database, which is maintained by the FBI. They can, and routinely do, access the NCIC on the roadside when they pull over a car or stop a suspect. An NCIC check, which takes just minutes, includes information about individuals with outstanding warrants. Even fugitives that use false identification can be identified on the roadside through use of the NCIC when, as is often the case, a police officer has access to an instant fingerprint scanner in his car.

Separate from the NCIC, ICE operates the Law Enforcement Support Center, which makes immigration information available to State and local police, but requires a second additional check after NCIC that most State and local police either don't know about or don't have the time to perform.

The ability of the NCIC to convey immigration information to State and local police is not being fully utilized. To date, the Immigration Violators File of the NCIC contains just over 150,000 entries and only 39,000 of those are alien absconders. This file should be greatly and rapidly expanded. At the very least, the NCIC should contain information on all illegal aliens who have received final orders of departure, all illegal aliens who have signed voluntary departure agreements, and all aliens who have had their visas revoked. In truth, the NCIC should contain information on all violations of immigration law.

If State and local police are not accessing the immigration information we have worked hard to make available, we must find a way to get the information to them, through systems they are used to using. Our bill will get information to them through the system they are already using—the NCIC.

Our bill will ensure that when an NCIC roadside check is done on an individual pulled over for speeding, police will know immediately if the individual has already been ordered to leave the country, has signed a legal document promising to leave, has overstayed their visa, or has had their visa revoked.

Understanding the value of getting immigration information to State and local police comes from understanding that they are the ones who will come into contact with the dangerous illegal aliens on a day-to-day basis.

Three 9/11 hijackers were stopped by State and local police in the weeks proceeding 9/11. Hijacker Mohammad Atta, believed to have piloted American Airlines Flight 77 into the World Trade Center's north tower, was stopped twice by police in Florida. Hijacker Ziad S. Jarrah was stopped for speeding by Maryland State Police two days before 9/11. And, Hani Hanjour, who was on the flight that crashed into the Pentagon, was stopped for speeding by police in Arlington, Virginia. Local police can be our most powerful tool in the war against terrorism.

The D.C. Snipers were caught because of the fingerprint collected by local police. John Lee Malvo was identified when the fingerprint collected from a magazine at the scene of the liquor store murder and robbery in Montgomery, Alabama matched with the fingerprints collected by INS agents in Washington State. Had both law enforcement entities not done their job by taking prints, it is possible that the identity of John Lee Malvo could have been a mystery for weeks longer.

In New York a 42-year-old woman sitting on a park bench with her boyfriend was dragged away and gang-raped by five deportable illegal immigrants. Although 4 of the 5 had State criminal convictions and 2 had served jail time, the INS claims they were never told about them—thus, they were not deported as the law requires.

Fifty-six illegal aliens were caught by State and local police, and convicted of molestation and child abuse, long before ICE's "Operation Predator" found them living in New York and Northern New Jersey long after they should have been deported. Of the 56 arrested, one had raped his 10-year-old niece; another had sexually assaulted a 6-year-old boy; one had raped his 7-year-old niece; and another had sexually assaulted a 2-year-old.

The 9/11 hijacker cases, the D.C. sniper cases, and a multitude of criminal alien cases clearly illustrate that our State and local police are the front lines of combating alien crime. To leave them out of the enforcement system, as we do now, eliminates our most effective weapon against criminal and terrorist aliens.

Many advocacy groups have vocally opposed the idea of State and local immigration law enforcement over the course of the last year. They would prefer that Congress not clarify this enforcement authority and that we leave State and local officers in the dark.

Such groups contend that if immigration enforcement functions are performed by anyone other than Federal law enforcement officials, at least three negative consequences will ensue. First, they argue that State and local law enforcement entities will be handed an unfunded mandate and will be forced to enforce immigration law violations against their will and at their expense. Second, they argue that immigrant communities, and the victims and witnesses that live within them, will abandon their trust of, and cooperative partnership with, State and local law enforcement. And third, they argue that State and local law enforcement officers will abuse their inherent enforcement authority to engage in racial profiling, harassment, and discrimination.

By making these claims, advocacy groups seek to maintain the ineffective status quo for enforcement by local officers and thwart the possibility of an effective enforcement partnership between the Federal Government and the States.

The assertions of these advocacy groups are more myth than reality. The first assertion is that the Federal Government is trying to burden State and local governments with an unfunded mandate. Every police and sheriff's department across the country must make choices every day regarding their enforcement priorities and resources. Certainly, their legal authority and law enforcement goals are not served by being shut out of immigration law enforcement. It is a curious argument to say that local police are helped by being denied their lawful powers to voluntarily aid Federal immigration authorities. They should not be forced to ignore laws being broken in their presence and in their communities.

The second myth that anti-local enforcement advocates would have policymakers believe is twofold: that a current cooperative partnership exists between local police and immigrant communities, and that immigration enforcement will cause immigrant victims and witnesses of crimes to abandon these cooperative partnerships. One advocacy group, the American Civil Liberties Union of New Jersey, argues: "These combined measures will ensure that more immigrants will avoid contact with law enforcement, putting entire communities at risk. For instance, immigrant victims of crime will hesitate to report the crimes to the police if they fear adverse immigration consequences from their contact with the officials." Again, the argument fails because State and local police retain their independent power to make prosecution choices. They are not required to report illegal alien victims or witnesses to Federal authorities or to investigate crimes they do not want to investigate. To make sure that this is understood, the authors of this bill have agreed to add language clarifying that nothing in the bill requires State and local officers to report crime victims or witnesses to Federal immigration authorities.

Perhaps the most egregious assertion made by opponents of effective enforcement is the allegation that State and local law enforcement officers will use their inherent enforcement authority as a license to engage in racial profiling, harassment, and discrimination. Specifically, the National Council of La Raza strongly opposes State and local law enforcement participation because it claims such involvement is "likely to result in increased racial profiling, police misconduct, and civil rights violations." This argument is curious because it would effectively grant more protection to non-citizens here illegally than to citizens, who are subject to arrest by State and Federal law enforcement officers for violations of Federal law. It is curious logic to say that we trust our police to enforce laws against citizens but not against non-citizens here illegally. State and local police are trained to protect the civil rights of all types of suspects and defendants and they do so every day in this country. In Alabama, State troopers receive annual training on racial profiling. In New York, the NYC Police Department Operations Order #11 strictly prohibits racial profiling in law enforcement actions. If Alabama and New York are consistent in how they instruct and train their State and local police with regards to racial profiling, it is safe to assume that the rest of the Nation is as well.

Under this bill, State and local police will have to respect the civil rights of illegal aliens the same way they respect the civil rights of all people against whom they enforce the law. State and local police will continue to be held responsible for violations of civil rights; this bill does not change that fact.

The opposition will say that this bill is expensive; that it costs too much. It is always expensive to enforce the law. I do not think this bill is overly expensive. We have made it as cost affordable as we can by electing to use resources already available to us—facilities closed down under the Defense Base Closure Realignment Act of 1990 and law enforcement officers across America already out on our streets doing their jobs. Law enforcement is not an area where it pays to pinch pennies. In immigration enforcement, it costs us too much not to enforce the law. It is time that Congress take responsibility for providing DHS with the resources they need to do the job we have given them.

When it comes to immigration enforcement in America, the rule of law is not prevailing. If we are serious about securing the homeland, we simply must get serious about immigration enforcement.

It is time to talk about the big picture—time to be honest about what it will really take to fix our broken immigration system. In most cases, we don't need tougher immigration laws, we just need to utilize our existing resources and use some new resources to enforce the laws we already have.

If State and local police are confused about their authority to enforce immigration laws, that authority needs to be clarified. This bill will do that. If State and local police cannot access immigration background information on individuals quickly enough, we should change that. This bill makes that information more accessible through expanding use of the NCIC. If DHS is not taking custody of illegal aliens being apprehended by State and local police, we need to make it possible for them to do so. This bill will address the practice of "catching and releasing" illegal aliens. If we do not have enough detention space to hold people that break the law, then we need more detention space. This bill gives DHS 50 percent more bedspace for immigration enforcement. If illegal aliens are being released back into the community after their prison sentences instead of being deported, we need to fix the system that releases them. This bill will extend the Institutional Removal Program to ensure that custody is transferred from the State prison to Federal officials at the end of the alien's prison sentence.

Once again I would like to thank Senator CRAIG and Senator INHOFE for joining with me to introduce this legislation, and I would like to thank Congressman NORWOOD for introducing companion legislation in the House.

It is imperative that we take critical steps toward regaining control of our borders and that we lay the enforcement foundation for necessary immigration reforms. This bill is a critical step in the right direction. I encourage my colleagues to study this bill and join us in working to pass the Homeland Security Enhancement Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Homeland Security Enhancement Act of 2005".

SEC. 2. STATE DEFINED.

In this Act, the term "State" has the meaning given that term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(36)).

SEC. 3. FEDERAL AFFIRMATION OF IMMIGRATION LAW ENFORCEMENT BY STATES AND POLITICAL SUBDIVISIONS OF STATES.

Notwithstanding any other provision of law and reaffirming the existing inherent authority of States, law enforcement personnel of a State or a political subdivision of a State have the inherent authority of a sovereign entity to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody aliens in the United States (including the transportation of such aliens across State lines to detention centers), for the purpose of assisting in the enforcement of the immigration laws of the United States in the normal course of carrying out the law enforcement duties of such personnel. This State authority has never been displaced or preempted by a Federal law.

SEC. 4. STATE AND LOCAL LAW ENFORCEMENT PROVISION OF INFORMATION REGARDING ALIENS.

(a) VIOLATIONS OF FEDERAL LAW.—A statute, policy, or practice that prohibits a law enforcement officer of a State, or of a political subdivision of a State, from enforcing Federal immigration laws or from assisting or cooperating with Federal immigration law enforcement in the course of carrying out the law enforcement duties of the officer or from providing information to an official of the United States Government regarding the immigration status of an individual who is believed to be illegally present in the United States is in violation of section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644).

(b) PROVISION OF INFORMATION REGARDING APPREHENDED ILLEGAL ALIENS.—

(1) IN GENERAL.—In compliance with section 642(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373(a)) and section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644), States and localities should provide to the Secretary of Homeland Security the information listed in subsection (c) on each alien apprehended or arrested in the jurisdiction of the State or locality who is believed to be in violation of an immigration law of the United States. Such information should be provided regardless of the reason for the apprehension or arrest of the alien.

(2) TIME LIMITATION.—Not later than 10 days after an alien described in paragraph (1) is apprehended, information requested to be provided under paragraph (1) should be provided in such form and in such manner as the Secretary of Homeland Security may, by regulation or guideline, require.

(c) INFORMATION REQUIRED.—The information listed in this subsection is as follows:

(1) The name of the alien.

(2) The address or place of residence of the alien.

(3) A physical description of the alien.

(4) The date, time, and location of the encounter with the alien and reason for stopping, detaining, apprehending, or arresting the alien.

(5) If applicable, the driver's license number issued to the alien and the State of issuance of such license.

(6) If applicable, the type of any other identification document issued to the alien, any designation number contained on the identification document, and the issuing entity for the identification document.

(7) If applicable, the license plate number, make, and model of any automobile registered to, or driven by, the alien.

(8) A photo of the alien, if available or readily obtainable.

(9) The fingerprints of the alien, if available or readily obtainable, including a full set of 10 rolled fingerprints if available or readily obtainable.

(d) REIMBURSEMENT.—The Secretary of Homeland Security shall reimburse States and localities for all reasonable costs, as determined by the Secretary of Homeland Security, incurred by that State or locality as a result of providing information required by this section.

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996.—

(A) TECHNICAL AMENDMENT.—Section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373) is amended—

(i) in subsections (a), (b)(1), and (c) by striking "Immigration and Naturalization Service" and inserting "Department of Homeland Security"; and

(ii) in the heading by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**".

(B) CONFORMING AMENDMENT.—Section 1(d) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 110 Stat. 3009–546) is amended by striking the item related to section 642 and inserting the following:

> "Sec. 642. Communication between government agencies and the Department of Homeland Security.".

(2) PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.—

(A) IN GENERAL.—Section 434 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1644) is amended—

(i) by striking "Immigration and Naturalization Service" and inserting "Department of Homeland Security"; and

(ii) in the heading by striking "**IMMIGRATION AND NATURALIZATION SERVICE**" and inserting "**DEPARTMENT OF HOMELAND SECURITY**".

(B) CONFORMING AMENDMENT.—Section 2 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105) is amended by striking the item related to section 434 and inserting the following:

> "Sec. 434. Communication between State and local government agencies and the Department of Homeland Security.".

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to provide the reimbursements required by subsection (d).

SEC. 5. CIVIL AND CRIMINAL PENALTIES AND FORFEITURE FOR ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

(a) ALIENS UNLAWFULLY PRESENT.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 275 the following:

"CRIMINAL PENALTIES FOR UNLAWFUL PRESENCE IN THE UNITED STATES

"SEC. 275A. (a) IN GENERAL.—In addition to any other violation, an alien present in the United States in violation of this Act shall be guilty of a misdemeanor and shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both. The assets of any alien present in the United States in violation of this Act shall be subject to forfeiture under title 19, United States Code.

"(b) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a violation of subsection (a) that the alien overstayed the time allotted under the alien's visa due to an exceptional and extremely unusual hardship or physical illness that prevented the alien from leaving the United States by the required date.".

(b) INCREASE IN CRIMINAL PENALTIES FOR ILLEGAL ENTRY.—Section 275(a) of the Immigration and Nationality Act (8 U.S.C. 1325(a)) is amended by striking "6 months," and inserting "1 year,".

SEC. 6. LISTING OF IMMIGRATION VIOLATORS IN THE NATIONAL CRIME INFORMATION CENTER DATABASE.

(a) PROVISION OF INFORMATION TO THE NCIC.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Under Secretary for Border and Transportation Security of the Department of Homeland Security shall provide the National Crime Information Center of the Department of Justice with such information as the Director may have related to—

(A) any alien against whom a final order of removal has been issued;

(B) any alien who is subject to a voluntary departure agreement;

(C) any alien who has remained in the United States beyond the alien's authorized period of stay; and

(D) any alien whose visa has been revoked.

(2) REQUIREMENT TO PROVIDE AND USE INFORMATION.—The information described in paragraph (1) shall be provided to the National Crime Information Center, and the Center shall enter the information into the Immigration Violators File of the National Crime Information Center database, regardless of whether—

(A) the alien received notice of a final order of removal;

(B) the alien has already been removed; or

(C) sufficient identifying information is available for the alien, such as a physical description of the alien.

(b) INCLUSION OF INFORMATION IN THE NCIC DATABASE.—Section 534(a) of title 28, United States Code, is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

"(4) acquire, collect, classify, and preserve records of violations of the immigration laws of the United States, regardless of whether the alien has received notice of the violation, sufficient identifying information is available for the alien, or the alien has already been removed; and".

(c) PERMISSION TO DEPART VOLUNTARILY.—Section 240B of the Immigration and Nationality Act (8 U.S.C. 1229c) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) in subsection (a)(2)(A), by striking "120" and inserting "30".

SEC. 7. INCREASE OF FEDERAL DETENTION SPACE AND THE UTILIZATION OF FACILITIES IDENTIFIED FOR CLOSURES AS A RESULT OF THE DEFENSE BASE CLOSURE REALIGNMENT ACT OF 1990.

(a) CONSTRUCTION OR ACQUISITION OF DETENTION FACILITIES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall construct or acquire, in addition to existing facilities for the detention of aliens, 20 detention facilities in the United States that have the capacity to detain a total of not less than 10,000 individuals at any time for aliens detained pending removal or a decision on removal of such alien from the United States.

(2) DETERMINATION OF LOCATION.—The location of any detention facility built or acquired in accordance with this subsection shall be determined by the Deputy Assistant Director of the Office of Detention and Removal Operations within the Bureau of Immigration and Customs Enforcement.

(3) USE OF INSTALLATIONS UNDER BASE CLOSURE LAWS.—In acquiring detention facilities under this subsection, the Secretary of Homeland Security shall, to the maximum extent practical, request the transfer of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for use in accordance with paragraph (1).

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 241(g)(1) of the Immigration and Nationality Act (8 U.S.C. 1231(g)(1)) is amended by striking "may expend" and inserting "shall expend".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.

SEC. 8. FEDERAL CUSTODY OF ILLEGAL ALIENS APPREHENDED BY STATE OR LOCAL LAW ENFORCEMENT.

(a) IN GENERAL.—Title II of the Immigration and Nationality Act (8 U.S.C. 1151 et seq.) is amended by adding after section 240C the following:

"TRANSFER OF ILLEGAL ALIENS FROM STATE TO FEDERAL CUSTODY

"SEC. 240D. (a) IN GENERAL.—If the head of a law enforcement entity of a State (or, if appropriate, a political subdivision of the State) exercising authority with respect to the apprehension or arrest of an illegal alien submits a request to the Secretary of Homeland Security that the alien be taken into Federal custody, the Secretary of Homeland Security—

"(1) shall—

"(A) not later than 72 hours after the conclusion of the State charging process or dismissal process, or if no State charging or dismissal process is required, not later than 72 hours after the illegal alien is apprehended, take the illegal alien into the custody of the Federal Government and incarcerate the alien; or

"(B) request that the relevant State or local law enforcement agency temporarily detain or transport the illegal alien to a location for transfer to Federal custody; and

"(2) shall designate at least one Federal, State, or local prison or jail or a private contracted prison or detention facility within each State as the central facility for that State to transfer custody of criminal or illegal aliens to the Department of Homeland Security.".

"(b) REIMBURSEMENT.—

"(1) IN GENERAL.—The Department of Homeland Security shall reimburse a State or a political subdivision of a State for all reasonable expenses, as determined by the Secretary of Homeland Security, incurred by the State or political subdivision in the detention and transportation of a criminal or illegal alien as described in subparagraphs (A) and (B) of subsection (a)(1).

"(2) COST COMPUTATION.—Compensation provided for costs incurred under subparagraphs (A) and (B) of subsection (a)(1) shall be—

"(A) the product of—

"(i) the average cost of incarceration of a prisoner in the relevant State, as determined by the chief executive officer of a State (or, as appropriate, a political subdivision of the State); multiplied by

"(ii) the number of days that the alien was in the custody of the State or political subdivision; added to .

"(B) the cost of transporting the criminal or illegal alien from the point of apprehension or arrest to the location of detention, and if the location of detention and of custody transfer are different, to the custody transfer point.

"(c) REQUIREMENT FOR APPROPRIATE SECURITY.—The Secretary of Homeland Security shall ensure that illegal aliens incarcerated in Federal facilities pursuant to this subsection are held in facilities which provide an appropriate level of security.

"(d) REQUIREMENT FOR SCHEDULE.—

"(1) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall establish a regular circuit and schedule for the prompt transfer of apprehended illegal aliens from the custody of States and political subdivisions of States to Federal custody.

"(2) AUTHORITY FOR CONTRACTS.—The Secretary of Homeland Security may enter into contracts with appropriate State and local law enforcement and detention officials to implement this subsection.

"(e) ILLEGAL ALIEN DEFINED.—For purposes of this section, the term 'illegal alien' means an alien who—

"(1) entered the United States without inspection or at any time or place other than that designated by the Secretary of Homeland Security;

"(2) was admitted as a nonimmigrant and who, at the time the alien was taken into custody by the State or a political subdivision of the State, had failed to—

"(A) maintain the nonimmigrant status in which the alien was admitted or to which it was changed under section 248; or

"(B) comply with thé conditions of any such status;

"(3) was admitted as an immigrant and has subsequently failed to comply with the requirements of that status; or

"(4) failed to depart the United States under a voluntary departure agreement or under a final order of removal.".

(b) AUTHORIZATION OF APPROPRIATIONS FOR THE DETENTION AND TRANSPORTATION TO FEDERAL CUSTODY OF ALIENS NOT LAWFULLY PRESENT.—There is authorized to be appropriated $500,000,000 for the detention and removal of aliens not lawfully present in the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) for fiscal year 2006 and each subsequent fiscal year.

SEC. 9. IMMIGRATION LAW ENFORCEMENT TRAINING OF STATE AND LOCAL LAW ENFORCEMENT PERSONNEL.

(a) TRAINING MANUAL AND POCKET GUIDE.—

(1) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall establish—

(A) a training manual for law enforcement personnel of a State or political subdivision of a State to train such personnel in the investigation, identification, apprehension, arrest, detention, and transfer to Federal custody of aliens in the United States (including the transportation of such aliens across State lines to detention centers and the identification of fraudulent documents); and

(B) an immigration enforcement pocket guide for law enforcement personnel of a State or political subdivision of a State to provide a quick reference for such personnel in the course of duty.

(2) AVAILABILITY.—The training manual and pocket guide established in accordance with paragraph (1) shall be made available to all State and local law enforcement personnel.

(3) APPLICABILITY.—Nothing in this subsection shall be construed to require State or local law enforcement personnel to carry the training manual or pocket guide established in accordance with paragraph (1) with them while on duty.

(4) COSTS.—The Secretary of Homeland Security shall be responsible for any and all costs incurred in establishing the training manual and pocket guide under this subsection.

(b) TRAINING FLEXIBILITY.—

(1) IN GENERAL.—The Secretary of Homeland Security shall make training of State and local law enforcement officers available through as many means as possible, including residential training at the Center for Domestic Preparedness of the Department of Homeland Security, onsite training held at State or local police agencies or facilities, on-line training courses by computer, teleconferencing, and videotape, or the digital video display (DVD) of a training course or courses.

(2) ON-LINE TRAINING.—The head of the Distributed Learning Program of the Federal Law Enforcement Training Center shall make training available for State and local law enforcement personnel via the Internet through a secure, encrypted distributed learning system that has all its servers based in the United States, is sealable, survivable, and is capable of having a portal in place within 30 days.

(3) FEDERAL PERSONNEL TRAINING.—The training of State and local law enforcement personnel under this section shall not displace the training of Federal personnel.

(c) CLARIFICATION.—Nothing in this Act or any other provision of law shall be construed as making any immigration-related training a requirement for, or prerequisite to, any State or local law enforcement officer exercising the inherent authority of the officer to investigate, identify, apprehend, arrest, detain, or transfer to Federal custody illegal aliens during the normal course of carrying out the law enforcement duties of the officer.

(d) Training Limitation.—Section 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)) is amended—

(1) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(2) in paragraph (2), by adding at the end the following: "Such training shall not exceed 14 days or 80 hours, whichever is longer.".

SEC. 10. IMMUNITY.

(a) Personal Immunity.—Notwithstanding any other provision of law, a law enforcement officer of a State, or of a political subdivision of a State, shall be immune, to the same extent as a Federal law enforcement officer, from personal liability arising out of the enforcement of any immigration law. The immunity provided in this subsection shall only apply to an officer of a State, or of a political subdivision of a State, who is acting within the scope of such officer's official duties.

(b) Agency Immunity.—Notwithstanding any other provision of law, a law enforcement agency of a State, or of a political subdivision of a State, shall be immune from any claim for money damages based on Federal, State, or local civil rights law for an incident arising out of the enforcement of any immigration law, except to the extent that the law enforcement officer of that agency, whose action the claim involves, committed a violation of Federal, State, or local criminal law in the course of enforcing such immigration law.

SEC. 11. PLACES OF DETENTION FOR ALIENS DETAINED PENDING EXAMINATION OR DECISION ON REMOVAL.

(a) In General.—Section 241(g) of the Immigration and Nationality Act (8 U.S.C. 1231(g)) is amended by adding at the end the following:

"(3) Policy on detention in state and local detention facilities.—In carrying out paragraph (1), the Secretary of Homeland Security shall ensure that an alien arrested under section 287(a) is detained, pending the alien being taken for the examination described in that section, in a State or local prison, jail, detention center, or other comparable facility, if—

"(A) such a facility is the most suitably located Federal, State, or local facility available for such purpose under the circumstances;

"(B) an appropriate arrangement for such use of the facility can be made; and

"(C) such facility satisfies the standards for the housing, care, and security of persons held in custody of a United States marshal.".

(b) Detention Facility Suitability.—Notwithstanding any other provision of law, a facility described in section 241(g)(3)(C) of the Immigration and Nationality Act, as added by subsection (a), is adequate for detention of persons being held for immigration related violations.

(c) Technical and Conforming Amendment.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1231) is amended by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security".

SEC. 12. INSTITUTIONAL REMOVAL PROGRAM.

(a) Continuation.—

(1) In general.—The Department of Homeland Security shall continue to operate and implement the program known on the date of the enactment of this Act as the Institutional Removal Program which—

(A) identifies removable criminal aliens in Federal and State correctional facilities;

(B) ensures such aliens are not released into the community; and

(C) removes such aliens from the United States after the completion of their sentences.

(2) Expansion.—The Institutional Removal Program shall be extended to all States. Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with Federal officials who carry out the Institutional Removal Program;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to the Federal officials who carry out the Institutional Removal Program as a condition for receiving such funds.

(b) Authorization for Detention After Completion of State or Local Prison Sentence.—Law enforcement officers of a State or political subdivision of a State have the authority to—

(1) hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States; or

(2) issue a detainer that would allow aliens who have served a State prison sentence to be detained by the State prison until personnel from the Bureau of Immigration and Customs Enforcement can take the alien into custody.

(c) Technology Usage.—Technology such as videoconferencing shall be used to the maximum extent possible in order to make the Institutional Removal Program available in remote locations. Mobile access to Federal databases of aliens, such as the IDENT database maintained by the Secretary of Homeland Security, and live scan technology shall be used to the maximum extent practicable in order to make these resources available to State and local law enforcement agencies in remote locations.

(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out the Institutional Removal Program—

(1) $40,000,000 for fiscal year 2007;

(2) $50,000,000 for fiscal year 2008;

(3) $60,000,000 for fiscal year 2009;

(4) $70,000,000 for fiscal year 2010;

(5) $80,000,000 for fiscal year 2011; and

(6) $80,000,000 for each fiscal year after fiscal year 2011.

SEC. 13. CONSTRUCTION.

Nothing in this Act may be construed to require law enforcement personnel of a State or political subdivision of a State to—

(1) report the identity of a victim of, or a witness to, a criminal offense to the Secretary of Homeland Security for immigration enforcement purposes;

(2) arrest such victim or witness for a violation of the immigration laws of the United States; or

(3) enforce the immigration laws of the United States.

SEC. 14. SEVERABILITY.

If any provision of this Act, including any amendment made by this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, and the application of such provision to other persons not similarly situated or to other circumstances, shall not be affected by such invalidation.

By Mr. BAUCUS (for himself, Mr. Jeffords, and Mr. Kerry):

S. 1363. A bill to amend the Internal Revenue Code of 1986 to prevent dividends received from corporations in tax havens from receiving a reduced tax rate; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, I am pleased to be joined by my two friends and Finance Committee colleagues, Senator Jeffords and Senator Kerry, in filing legislation to close a loophole in the 2003 tax cut bill. The Jobs and Growth Tax Relief and Reconciliation Act of 2003 provided for lower rates of taxation on dividend income. Formerly, taxpayers paid ordinary income rates on dividend income. Now, individuals who receive dividends are taxed at either a 15 percent for upper-income taxpayers, or a 5-percent rate for lower-income taxpayers. Further, in 2008, this lower rate becomes zero before the whole provision expires in 2009.

The demand for lower rates was premised on the claim that dividend income was subject to double taxation; that is, taxed once by the corporate entity and then again by the shareholder. Assuming that is the case, then if we are sure the corporate entity is not subject to tax, the dividend should not be afforded the special rate. In fact, we heard testimony today in the Taxation Subcommittee that corporations with little or no taxes at the entity level really receive an additional benefit from the dividend tax break.

Current law, however, allows dividends from "qualified" foreign corporations to benefit from these lower rates if the company is based in a U.S. possession, or based in a country with which the U.S. has a tax treaty, or has stock which is traded on a U.S. stock exchange. Senator Jeffords, Senator Kerry, and I have become concerned that the definition of qualifying foreign corporations is overly broad and may encompass companies in tax haven countries with little or no tax system. Providing this special benefit for such companies simply because its stock is traded on a U.S. exchange does not meet with the original intent of the legislative change. Our bill would shut down this loophole by modifying the "stock exchange" test to only allow this special rate for companies based in countries with a comprehensive income tax system. By doing this, we will address a current inequity between dividend-paying stocks and make sure that only stock of companies subject to tax at the corporate level enjoys this preferential rate.

With every tax bill we enact, it is important to review the provisions from time to time to make sure the law works as intended. Here, I believe we have found a significant and unintended loophole. Certainly, as we debate whether to extend, expand, or eliminate these preferential rates, we should also be open to improvements in the current law. I encourage my colleagues to join with us in working for such an improvement.

By Mr. REED:

S. 1364. A bill to amend part A of title II of the Higher Education Act of 1965 to enhance teacher training and teacher preparation programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, today I am introducing the Preparing, Recruiting, and Retaining Education Professionals, PRREP, Act to improve education and student achievement through high-quality preparation, induction, and professional development for teachers, early childhood education providers, principals, and administrators.

As Congress turns to the reauthorization of the Higher Education Act, we must ensure that educators receive the training and support necessary to thrive in our Nation's early childhood programs, elementary schools, and secondary schools. Improving teacher quality is the single most effective measure we can take to increase student achievement.

With the passage of the No Child Left Behind Act we took an important step toward demanding that all of the Nation's children are taught by highly qualified teachers. To meet the law's definition, teachers are generally required to hold a bachelor's degree, be fully certified by a State, and to demonstrate content knowledge of the subjects they teach. The deadline is looming, and the States are struggling to get all of their teachers deemed highly qualified by the coming school year.

This struggle will not end at the initial deadline. Teacher turnover regularly drains schools of their most important resource, qualified educators. Higher standards for teacher credentials are essential, but at the same time make it even more challenging for schools to staff their classrooms. This is a critical moment for us to tackle persistent teacher attrition and to foment teacher retention. At the same time, we have an opportunity to support the development of educators so they not only have the credentials, but also the skills and training to be truly effective in the classroom. By strengthening the State, partnership, and recruitment grants in Title II of the Higher Education Act, my legislation will accomplish both of these important goals.

Teacher attrition undermines teacher quality and creates teacher shortages. According to the National Commission on Teaching and America's Future, one-third of beginning teachers leave the profession within 3 years, and nearly one-half leave within 5 years. In high poverty schools turnover rates are even worse—approximately one-third higher than the rate for all teachers. A recent study in New York found that teachers who leave are likely to have greater skills than those who stay.

The Preparing, Recruiting, and Retaining Education Professionals Act focuses recruitment activities where high teacher turnover and shortages exist, where students are having trouble meeting academic standards, or where there is great difficulty demonstrating that teachers are highly qualified. The grants also allow funds for outreach to encourage recruitment in inner city and rural areas.

Teachers consistently cite lack of administrative support as a primary reason for leaving a school and teaching altogether. My legislation would create a year-long clinical learning experience for prospective teachers, and establish a three-year residency program for new teachers that provides comprehensive induction. The legislation also includes provisions to develop managerial skills among principals so they can provide the most effective instructional leadership and classroom support for teachers during induction and beyond. Research consistently shows that induction programs reduce the number of teachers who leave their schools or the profession. Comprehensive induction programs can cut that number by half or more.

Furthermore, my legislation promotes professional development throughout a teacher's career and strengthens teacher preparation programs so that teachers will reach their maximum potential to positively affect student achievement. A focus on scientific knowledge of teaching skills and methods of student learning will equip teachers to understand and respond effectively to diverse student populations, including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs. The legislation also stresses the ability to integrate technology into the classroom, strategies to effectively use assessments to improve instructional practices and curriculum, and an understanding of how to communicate with and involve parents in their children's education.

My legislation further focuses on teaching skills and learning strategies by including in the partnership grants academic departments such as psychology, human development, or one with comparable expertise in the disciplines of teaching, learning, and child and adolescent development. It also ensures that States hold institutions of higher education and entities that provide alternative routes to State certification equally accountable for preparing highly qualified teachers and highly competent early childhood education providers.

The State, partnership, and recruitment grants are currently funded at only $68 million a year—far too small of an investment for this critical enterprise. The stakes are too high, not just in terms of meeting the highly qualified requirements of No Child Left Behind, but for real students in real classrooms. My bill significantly boosts this funding, authorizing $500 million for these vital programs.

The PRREP Act is supported by a diverse array of education organizations, including the American Association of Colleges for Teacher Education, American Psychological Association, Council for Exceptional Children, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Directors of Special Education, National Association for the Education of Young Children, National Council of Teachers of English, National Council of Teachers of Mathematics, and National PTA.

I urge my colleagues to join me in this essential endeavor by cosponsoring this legislation and working for its inclusion in the reauthorization of the Higher Education Act.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1364

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Preparing, Recruiting, and Retaining Education Professionals Act of 2005".

SEC. 2. PURPOSES; DEFINITIONS.

Section 201 of the Higher Education Act of 1965 (20 U.S.C. 1021) is amended to read as follows:

"SEC. 201. PURPOSES; DEFINITIONS.

"(a) PURPOSES.—The purposes of this part are to—

"(1) improve student achievement;

"(2) improve the quality of the current and future teaching force by improving the preparation of prospective teachers and enhancing ongoing professional development activities;

"(3) encourage partnerships among institutions of higher education, early childhood education programs, elementary schools or secondary schools, local educational agencies, State educational agencies, teacher organizations, and nonprofit educational organizations;

"(4) hold institutions of higher education and all other teacher preparation programs (including programs that provide alternative routes to teacher preparation) accountable in an equivalent manner for preparing—

"(A) teachers who have strong teaching skills, are highly qualified, and are trained in the effective uses of technology in the classroom; and

"(B) early childhood education providers who are highly competent;

"(5) recruit and retain qualified individuals, including individuals from other occupations, into the teaching force for early childhood education programs or in elementary schools or secondary schools;

"(6) improve the recruitment, retention, and capacities of principals to provide instructional leadership and to support teachers in maintaining safe and effective learning environments;

"(7) expand the use of research to improve teaching and learning by teachers, early childhood education providers, principals, and faculty; and

"(8) enhance the ability of teachers, early childhood education providers, principals, administrators, and faculty to communicate with, work with, and involve parents in ways that improve student achievement.

"(b) DEFINITIONS.—In this part:

"(1) ARTS AND SCIENCES.—The term 'arts and sciences' means—

"(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers 1 or more academic majors in disciplines or content areas corresponding to the academic subject matter areas in which teachers provide instruction; and

"(B) when referring to a specific academic subject matter area, the disciplines or content areas in which academic majors are offered by the arts and science organizational unit.

"(2) EARLY CHILDHOOD EDUCATION PROGRAM.—The term 'early childhood education program' means a family child care program, center-based child care program, prekindergarten program, school program, or other out-of-home child care program that is licensed or regulated by the State serving 2 or more unrelated children from birth until school entry, or a Head Start program carried out under the Head Start Act or an Early Head Start program carried out under section 645A of that Act.

"(3) EXEMPLARY TEACHER.—The term 'exemplary teacher' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(4) FACULTY.—

"(A) IN GENERAL.—The term 'faculty' means individuals in institutions of higher education who are responsible for preparing teachers.

"(B) INCLUSIONS.—The term 'faculty' includes professors of education and professors in academic disciplines such as the arts and sciences, psychology, and human development.

"(5) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term 'high-need local educational agency' means a local educational agency that serves an early childhood education program, elementary school, or secondary school located in an area in which—

"(A)(i) 15 percent or more of the students served by the agency are from families with incomes below the poverty line;

"(ii) there are more than 5,000 students served by the agency from families with incomes below the poverty line; or

"(iii) there are less than 600 students in average daily attendance in all the schools that are served by the agency and all of whose schools are designated with a school locale code of 7 or 8, as determined by the Secretary; and

"(B)(i) there is a high percentage of teachers who are not highly qualified; or

"(ii) there is a chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers.

"(6) HIGH-NEED SCHOOL.—The term 'high-need school' means an early childhood education program, public elementary school, or public secondary school—

"(A)(i) in which there is a high concentration of students from families with incomes below the poverty line; or

"(ii) that, in the case of a public elementary school or public secondary school, is identified as in need of school improvement or corrective action pursuant to section 1116 of the Elementary and Secondary Education Act of 1965; and

"(B) in which there exists—

"(i) in the case of a public elementary school or public secondary school, a persistent and chronic shortage, or annual turnover rate of 20 percent or more, of highly qualified teachers; and

"(ii) in the case of an early childhood education program, a persistent and chronic shortage of early childhood education providers who are highly competent.

"(7) HIGHLY COMPETENT.—The term 'highly competent' when used with respect to an early childhood education provider means a provider—

"(A) with specialized education and training in development and education of young children from birth until entry into kindergarten;

"(B) with—

"(i) a baccalaureate degree in an academic major in the arts and sciences; or

"(ii) an associate's degree in a related educational area; and

"(C) who has demonstrated a high level of knowledge and use of content and pedagogy in the relevant areas associated with quality early childhood education.

"(8) HIGHLY QUALIFIED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'highly qualified' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(B) SPECIAL EDUCATION TEACHERS.—When used with respect to a special education teacher, the term 'highly qualified' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act.

"(9) INDUCTION.—The term 'induction' means a formalized program designed to provide support for, improve the professional performance of, and promote the retention in the teaching field of, beginning teachers, and that—

"(A) shall include—

"(i) mentoring;

"(ii) structured collaboration time with teachers in the same department or field;

"(iii) structured meeting time with administrators; and

"(iv) professional development activities; and

"(B) may include—

"(i) reduced teaching loads;

"(ii) support of a teaching aide;

"(iii) orientation seminars; and

"(iv) regular evaluation of the teacher inductee, the mentors, and the overall formalized program.

"(10) MENTORING.—The term 'mentoring' means a process by which a teacher mentor who is an exemplary teacher, either alone or in a team with faculty, provides active support for prospective teachers and new teachers through a system for integrating evidence-based practice, including rigorous, supervised training in high-quality teaching settings. Such support includes activities specifically designed to promote—

"(A) knowledge of the scientific research on, and assessment of, teaching and learning;

"(B) development of teaching skills and skills in evidence-based educational interventions;

"(C) development of classroom management skills;

"(D) a positive role model relationship where academic assistance and exposure to new experiences is provided; and

"(E) ongoing supervision and communication regarding the prospective teacher's development of teaching skills and continued support for the new teacher by the mentor, other teachers, principals, and administrators.

"(11) PARENT.—The term 'parent' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(12) PARENTAL INVOLVEMENT.—The term 'parental involvement' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(13) POVERTY LINE.—The term 'poverty line' means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

"(14) PROFESSIONAL DEVELOPMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'professional development' has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965.

"(B) EARLY CHILDHOOD EDUCATION PROVIDERS.—The term 'professional development' when used with respect to an early childhood education provider means knowledge and skills in all domains of child development (including cognitive, social, emotional, physical, and approaches to learning) and pedagogy of children from birth until entry into kindergarten.

"(15) TEACHING SKILLS.—The term 'teaching skills' means skills—

"(A) grounded in the disciplines of teaching and learning that teachers use to create effective instruction in subject matter content and that lead to student achievement and the ability to apply knowledge; and

"(B) that require an understanding of the learning process itself, including an understanding of—

"(i) the use of teaching strategies specific to the subject matter;

"(ii) the application of ongoing assessment of student learning, particularly for evaluating instructional practices and curriculum;

"(iii) ensuring successful learning for students with individual differences in ability and instructional needs;

"(iv) effective classroom management; and

"(v) effective ways to communicate with, work with, and involve parents in their children's education.".

SEC. 3. STATE GRANTS.

Section 202 of the Higher Education Act of 1965 (20 U.S.C. 1022) is amended to read as follows:

"SEC. 202. STATE GRANTS.

"(a) IN GENERAL.—From amounts made available under section 211(1) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible States to enable the eligible States to carry out the activities described in subsection (d).

"(b) ELIGIBLE STATE.—

"(1) DEFINITION.—In this part, the term 'eligible State' means—

"(A) a State educational agency; or

"(B) an entity or agency in the State responsible for teacher certification and preparation activities.

"(2) CONSULTATION.—The eligible State shall consult with the Governor, State board of education, State educational agency, State agency for higher education, State agency with responsibility for child care, prekindergarten, or other early childhood education programs, and other State entities that provide professional development and teacher preparation for teachers, as appropriate, with respect to the activities assisted under this section.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to negate or supersede the legal authority under State law of any State agency, State entity, or State public official over programs that are under the jurisdiction of the agency, entity, or official.

“(c) APPLICATION.—To be eligible to receive a grant under this section, an eligible State shall, at the time of the initial grant application, submit an application to the Secretary that—

“(1) meets the requirements of this section and other relevant requirements for States under this title;

“(2) describes how the eligible State intends to use funds provided under this section in accordance with State-identified needs;

“(3) describes the eligible State's plan for continuing the activities carried out with the grant once Federal funding ceases;

“(4) describes how the eligible State will coordinate activities authorized under this section with other Federal, State, and local personnel preparation and professional development programs; and

“(5) contains such other information and assurances as the Secretary may require.

“(d) USES OF FUNDS.—An eligible State that receives a grant under this section shall use the grant funds to reform teacher preparation requirements, and to ensure that current and future teachers are highly qualified and possess strong teaching skills and knowledge to assess student academic achievement, by carrying out 1 or more of the following activities:

“(1) REFORMS.—Implementing reforms that hold institutions of higher education with teacher preparation programs accountable for, and assist such programs in, preparing teachers who have strong teaching skills and are highly qualified or early childhood education providers who are highly competent. Such reforms shall include—

“(A) State program approval requirements regarding curriculum changes by teacher preparation programs that improve teaching skills based on scientific knowledge—

“(i) about the disciplines of teaching and learning, including effective ways to communicate with, work with, and involve parents in their children's education; and

“(ii) about understanding and responding effectively to students with special needs, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

“(B) State program approval requirements for teacher preparation programs to have in place mechanisms to measure and assess the effectiveness and impact of teacher preparation programs, including on student achievement;

“(C) assurances from institutions that such institutions have a program in place that provides a year-long clinical experience for prospective teachers;

“(D) collecting and using data, in collaboration with institutions of higher education, schools, and local educational agencies, on teacher retention rates, by school, to evaluate and strengthen the effectiveness of the State's teacher support system; and

“(E) developing methods and building capacity for teacher preparation programs to assess the retention rates of the programs' graduates and to use such information for continuous program improvement.

“(2) CERTIFICATION OR LICENSURE REQUIREMENTS.—Ensuring the State's teacher certification or licensure requirements are rigorous so that teachers have strong teaching skills and are highly qualified.

“(3) ALTERNATIVE ROUTES TO STATE CERTIFICATION.—Carrying out programs that provide prospective teachers with high-quality alternative routes to traditional preparation for teaching and to State certification for well-prepared and qualified prospective teachers, including—

“(A) programs at schools or departments of arts and sciences, schools or departments of education within institutions of higher education, or at nonprofit educational organizations with expertise in producing highly qualified teachers that include instruction in teaching skills;

“(B) a selective means for admitting individuals into such programs;

“(C) providing intensive support, including induction, during the initial teaching experience;

“(D) establishing, expanding, or improving alternative routes to State certification of teachers for qualified individuals, including mid-career professionals from other occupations, paraprofessionals, former military personnel and recent college graduates with records of academic distinction, that have a proven record of effectiveness and that ensure that current and future teachers possess strong teaching skills and are highly qualified; and

“(E) providing support in the disciplines of teaching and learning to ensure that prospective teachers—

“(i) have an understanding of evidence-based effective teaching practices;

“(ii) have knowledge of student learning methods; and

“(iii) possess strong teaching skills, including effective ways to communicate with, work with, and involve parents in their children's education.

“(4) STATE CERTIFICATION RECIPROCITY.—Establishing and promoting reciprocity of certification or licensing between or among States for general and special education teachers and principals, except that no reciprocity agreement developed pursuant to this paragraph or developed using funds provided under this part may lead to the weakening of any State certification or licensing requirement that is shown through evidence-based research to ensure teacher and principal quality and student achievement.

“(5) RECRUITMENT AND RETENTION.—Developing and implementing effective mechanisms to ensure that local educational agencies, schools, and early childhood program providers are able to effectively recruit and retain highly qualified teachers, highly competent early childhood education providers, and principals, and provide access to ongoing professional development opportunities for teachers, early childhood education providers, and principals, including activities described in subsections (d) and (e) of section 204.

“(6) SOCIAL PROMOTION.—Development and implementation of efforts to address the problem of social promotion and to prepare teachers, principals, administrators, and parents to effectively address the issues raised by ending the practice of social promotion.”.

SEC. 4. PARTNERSHIP GRANTS.

Section 203 of the Higher Education Act of 1965 (20 U.S.C. 1023) is amended to read as follows:

“SEC. 203. PARTNERSHIP GRANTS.

“(a) GRANTS.—From amounts made available under section 211(2) for a fiscal year, the Secretary is authorized to award grants under this section, on a competitive basis, to eligible partnerships to enable the eligible partnerships to carry out the activities described in subsections (d) and (e).

“(b) DEFINITIONS.—

“(1) ELIGIBLE PARTNERSHIP.—In this part, the term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a partner institution;

“(ii) a school or department of arts and sciences within the partner institution under clause (i);

“(iii) a school or department of education within the partner institution under clause (i);

“(iv)(I) a department of psychology within the partner institution under clause (i);

“(II) a department of human development within the partner institution under clause (i); or

“(III) a department with comparable expertise in the disciplines of teaching, learning, and child and adolescent development within the partner institution under clause (i);

“(v) a high-need local educational agency; and

“(vi)(I) a high-need school served by the high-need local educational agency under clause (v); or

“(II) a consortium of schools of the high-need local educational agency under clause (v); and

“(B) may include a Governor, State educational agency, the State board of education, the State agency for higher education, an institution of higher education not described in subparagraph (A) (including a community college), a public charter school, other public elementary school or secondary school, a combination or network of urban, suburban, or rural schools, a public or private nonprofit educational organization, a business, a teacher organization, or an early childhood education program.

“(2) PARTNER INSTITUTION.—In this section, the term ‘partner institution’ means a private independent or State-supported public institution of higher education, or a consortium of such institutions, that has not been designated under section 208(a) and the teacher preparation program of which demonstrates that—

“(A) graduates from the teacher preparation program who intend to enter the field of teaching exhibit strong performance on State-determined qualifying assessments and are highly qualified; or

“(B) the teacher preparation program requires all the students of the program to participate in intensive clinical experience, to meet high academic standards, to possess strong teaching skills, and—

“(i) in the case of prospective elementary school and secondary school teachers, to become highly qualified; and

“(ii) in the case of prospective early childhood education providers, to become highly competent.

“(c) APPLICATION.—Each eligible partnership desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

“(1) contain a needs assessment of all the partners with respect to the preparation, ongoing training, and professional development of early childhood education providers, general and special education teachers, and principals, the extent to which the program prepares new teachers with strong teaching skills, a description of how the partnership will coordinate strategies and activities with other teacher preparation or professional development programs, and how the activities of the partnership will be consistent with State, local, and other education reform activities that promote student achievement and parental involvement;

"(2) contain a resource assessment that describes the resources available to the partnership, including the integration of funds from other related sources, the intended use of the grant funds, including a description of how the grant funds will be fairly distributed in accordance with subsection (f), and the commitment of the resources of the partnership to the activities assisted under this part, including financial support, faculty participation, time commitments, and continuation of the activities when the grant ends;

"(3) contain a description of—

"(A) how the partnership will meet the purposes of this part, in accordance with the needs assessment required under paragraph (1);

"(B) how the partnership will carry out the activities required under subsection (d) and any permissible activities under subsection (e) based on the needs identified in paragraph (1) with the goal of improving student achievement;

"(C) the partnership's evaluation plan pursuant to section 206(b);

"(D) how faculty at the partner institution will work with, over the term of the grant, principals and teachers in the classrooms of the high-need local educational agency included in the partnership;

"(E) how the partnership will enhance the instructional leadership and management skills of principals and provide effective support for principals, including new principals;

"(F) how the partnership will design, implement, or enhance a year-long, rigorous, and enriching preservice clinical program component;

"(G) the in-service professional development strategies and activities to be supported; and

"(H) how the partnership will collect, analyze, and use data on the retention of all teachers, early childhood education providers, or principals in schools located in the geographic areas served by the partnership to evaluate the effectiveness of its educator support system;

"(4) contain a certification from the partnership that it has reviewed the application and determined that the grant proposed will comply with subsection (f);

"(5) include, for the residency program described in subsection (d)(3)—

"(A) a demonstration that the schools and departments within the institution of higher education that are part of the residency program have relevant and essential roles in the effective preparation of teachers, including content expertise and expertise in the science of teaching and learning;

"(B) a demonstration of capability and commitment to evidence-based teaching and accessibility to, and involvement of, faculty documented by professional development offered to staff and documented experience with university collaborations;

"(C) a description of how the residency program will design and implement an induction period to support all new teachers through the first 3 years of teaching in the further development of their teaching skills, including use of mentors who are trained and compensated by such program for their work with new teachers; and

"(D) a description of how faculty involved in the residency program will be able to substantially participate in an early childhood education program or an elementary or secondary classroom setting, including release time and receiving workload credit for their participation; and

"(6) include an assurance that the partnership has mechanisms in place to measure and assess the effectiveness and impact of the activities to be undertaken, including on student achievement.

"(d) REQUIRED USES OF FUNDS.—An eligible partnership that receives a grant under this section shall use the grant funds to carry out the following activities, as applicable to teachers, early childhood education providers, or principals, in accordance with the needs assessment required under subsection (c)(1):

"(1) REFORMS.—Implementing reforms within teacher preparation programs, where needed, to hold the programs accountable for preparing teachers who are highly qualified or early childhood education providers who are highly competent and for promoting strong teaching skills, including integrating reliable evidence-based teaching methods into the curriculum, which curriculum shall include parental involvement training and programs designed to successfully integrate technology into teaching and learning. Such reforms shall include—

"(A) teacher preparation program curriculum changes that improve, and assess how well all new teachers develop, teaching skills;

"(B) use of scientific knowledge about the disciplines of teaching and learning so that all prospective teachers—

"(i) understand evidence-based teaching practices;

"(ii) have knowledge of student learning methods; and

"(iii) possess teaching skills that enable them to meet the learning needs of all students;

"(C) assurances that all teachers have a sufficient base of scientific knowledge to understand and respond effectively to students with special needs, such as providing instruction to diverse student populations, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

"(D) assurances that the most recent scientifically based research, including research relevant to particular fields of teaching, is incorporated into professional development activities used by faculty; and

"(E) working with and involving parents in their children's education to improve the academic achievement of their children and in the teacher preparation program reform process.

"(2) CLINICAL EXPERIENCE AND INTERACTION.—Developing and providing sustained and high-quality preservice clinical education programs to further develop the teaching skills of all general education teachers and special education teachers, at schools within the partnership, at the school or department of education within the partner institution, or at evidence-based practice school settings. Such programs shall—

"(A) incorporate a year-long, rigorous, and enriching activity or combination of activities, including—

"(i) clinical learning opportunities;

"(ii) field experiences; and

"(iii) supervised practice; and

"(B) be offered over the course of a program of preparation and coursework (that may be developed as a 5th year of a teacher preparation program) for prospective general and special education teachers, including mentoring in instructional skills, classroom management skills, collaboration skills, and strategies to effectively assess student progress and achievement, and substantially increasing closely supervised interaction between faculty and new and experienced teachers, principals, and other administrators at early childhood education programs, elementary schools, or secondary schools, and providing support, including preparation time and release time, for such interaction.

"(3) RESIDENCY PROGRAMS FOR NEW TEACHERS.—Creating a residency program that provides an induction period for all new general education and special education teachers for such teachers' first 3 years. Such program shall promote the integration of the science of teaching and learning in the classroom, provide high-quality induction opportunities (including mentoring), provide opportunities for the dissemination of evidence-based research on educational practices, and provide for opportunities to engage in professional development activities offered through professional associations of educators. Such program shall draw directly upon the expertise of teacher mentors, faculty, and researchers that involves their active support in providing a setting for integrating evidence-based practice for prospective teachers, including rigorous, supervised training in high-quality teaching settings that promotes the following:

"(A) Knowledge of the scientific research on teaching and learning.

"(B) Development of skills in evidence-based educational interventions.

"(C) Faculty who model the integration of research and practice in the classroom, and the effective use and integration of technology.

"(D) Interdisciplinary collaboration among exemplary teachers, faculty, researchers, and other staff who prepare new teachers on the learning process and the assessment of learning.

"(E) A forum for information sharing among prospective teachers, teachers, principals, administrators, and participating faculty in the partner institution.

"(F) Application of scientifically based research on teaching and learning generated by entities such as the Institute of Education Sciences and by the National Research Council.

"(4) PROFESSIONAL DEVELOPMENT.—Creating opportunities for enhanced and ongoing professional development for experienced general education and special education teachers, early childhood education providers, principals, administrators, and faculty that—

"(A) improves the academic content knowledge, as well as knowledge to assess student academic achievement and how to use the results of such assessments to improve instruction, of teachers in the subject matter or academic content areas in which the teachers are certified to teach or in which the teachers are working toward certification to teach;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to their teaching practice and to their ongoing classroom assessment of students;

"(C) provides mentoring, team teaching, reduced class schedules, and intensive professional development;

"(D) encourages and supports training of teachers, principals, and administrators to effectively use and integrate technology—

"(i) into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability; and

"(ii) to enhance learning by children, including students with disabilities, limited-English proficient students, students with low literacy levels, and students with different learning styles or other special learning needs;

"(E) offers teachers, principals, and administrators training on how to effectively communicate with, work with, and involve parents in their children's education;

"(F) creates an ongoing retraining loop for experienced teachers, principals, and administrators, whereby the residency program activities and practices—

"(i) inform the research of faculty and other researchers; and

"(ii) translate evidence-based research findings into improved practice techniques and improved teacher preparation programs; and

"(G) includes the rotation, for varying periods of time, of experienced teachers—

"(i) who are associated with the partnership to early childhood education programs, elementary schools, or secondary schools not associated with the partnership in order to enable such experienced teachers to act as a resource for all teachers in the local educational agency or State; and

"(ii) who are not associated with the partnership to early childhood education programs, elementary schools, or secondary schools associated with the partnership in order to enable such experienced teachers to observe how teaching and professional development occurs in the partnership.

"(5) SUPPORT AND TRAINING FOR PARTICIPANTS.—Providing support and training for those individuals participating in the required activities under paragraphs (1) through (4) who serve as role models or mentors for prospective, new, and experienced teachers, based on such individuals' experience. Such support—

"(A) also may be provided to the preservice clinical experience participants, as appropriate; and

"(B) may include—

"(i) release time for such individual's participation;

"(ii) receiving course workload credit and compensation for time teaching in the partnership activities; and

"(iii) stipends.

"(6) LEADERSHIP AND MANAGERIAL SKILLS.—

"(A) IN GENERAL.—Developing and implementing proven mechanisms to provide principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable) with—

"(i) an understanding of the skills and behaviors that contribute to effective instructional leadership and the maintenance of a safe and effective learning environment;

"(ii) teaching and assessment skills needed to support successful classroom teaching;

"(iii) an understanding of how students learn and develop in order to increase achievement for all students; and

"(iv) the skills to effectively involve parents.

"(B) MECHANISMS.—The mechanisms developed and implemented pursuant to subparagraph (A) may include any of the following:

"(i) Mentoring of new principals.

"(ii) Field-based experiences, supervised practica, or internship opportunities.

"(iii) Other activities to expand the knowledge base and practical skills of principals, superintendents, early childhood education program directors, and administrators (and mentor teachers, as practicable).

"(e) ALLOWABLE USES OF FUNDS.—An eligible partnership that receives a grant under this section may use such funds to carry out the following activities:

"(1) DISSEMINATION AND COORDINATION.—Broadly disseminating information on effective practices used by the partnership, including teaching strategies and interactive materials for developing skills in classroom management and assessment and how to respond to individual student needs, abilities, and backgrounds, to early childhood education providers and teachers in elementary schools or secondary schools that are not associated with the partnership. Coordinating with the activities of the Governor, State board of education, State higher education agency, and State educational agency, as appropriate.

"(2) CURRICULUM PREPARATION.—Supporting preparation time for early childhood education providers, teachers in elementary schools or secondary schools, and faculty to jointly design and implement teacher preparation curricula, classroom experiences, and ongoing professional development opportunities that promote the acquisition and continued growth of teaching skills.

"(3) COMMUNICATION SKILLS.—Developing strategies and curriculum-based professional development activities to enhance prospective teachers' communication skills with students, parents, colleagues, and other education professionals.

"(4) COORDINATION WITH OTHER INSTITUTIONS OF HIGHER EDUCATION.—Coordinating with other institutions of higher education, including community colleges, to implement teacher preparation programs that support prospective teachers in obtaining baccalaureate degrees and State certification or licensure.

"(5) TEACHER RECRUITMENT.—Activities described in subsections (d) and (e) of section 204.

"(6) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

"(f) SPECIAL RULE.—No individual member of an eligible partnership shall retain more than 50 percent of the funds made available to the partnership under this section.

"(g) CONSTRUCTION.—Nothing in this section shall be construed to prohibit an eligible partnership from using grant funds to coordinate with the activities of more than 1 Governor, State board of education, State educational agency, local educational agency, or State agency for higher education.".

SEC. 5. RECRUITMENT GRANTS.

Section 204 of the Higher Education Act of 1965 (20 U.S.C. 1024) is amended to read as follows:

"SEC. 204. RECRUITMENT GRANTS.

"(a) PROGRAM AUTHORIZED.—From amounts made available under section 211(3) for a fiscal year, the Secretary is authorized to award grants, on a competitive basis, to eligible applicants to enable the eligible applicants to carry out activities described in subsections (d) and (e).

"(b) ELIGIBLE APPLICANT DEFINED.—In this part, the term 'eligible applicant' means—

"(1) an eligible State described in section 202(b) that has—

"(A) high teacher shortages or annual turnover rates; or

"(B) high teacher shortages or annual turnover rates of 20 percent or more in high-need local educational agencies; or

"(2) an eligible partnership described in section 203(b) that—

"(A) serves not less than 1 high-need local educational agency with high teacher shortages or annual turnover rates of 20 percent or more;

"(B) serves schools that demonstrate great difficulty meeting State challenging academic content standards; or

"(C) demonstrates great difficulty meeting the requirement that teachers be highly qualified.

"(c) APPLICATION.—Any eligible applicant desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary may require, including—

"(1) a description of the assessment that the eligible applicant, and the other entities with whom the eligible applicant will carry out the grant activities, have undertaken to determine the most critical needs of the participating high-need local educational agencies;

"(2) a description of how the eligible applicant will recruit and retain highly qualified teachers or other qualified individuals, including principals and early childhood education providers, or both, who are enrolled in, accepted to, or plan to participate in teacher preparation programs or professional development activities, as described under section 203, in geographic areas of greatest need, including data on the retention rate, by school, of all teachers in schools located within the geographic areas served by the eligible applicant;

"(3) a description of the activities the eligible applicant will carry out with the grant; and

"(4) a description of the eligible applicant's plan for continuing the activities carried out with the grant once Federal funding ceases.

"(d) REQUIRED USES OF FUNDS.—An eligible applicant receiving a grant under this section shall use the grant funds—

"(1)(A) to award scholarships to help students pay the costs of tuition, room, board, and other expenses of completing a teacher preparation program;

"(B) to provide support services, if needed, to enable scholarship recipients to complete postsecondary education programs;

"(C) for followup services (including induction opportunities, mentoring, and professional development activities) provided to former scholarship recipients during the recipients first 3 years of teaching; and

"(D) in the case where the eligible applicant also receives a grant under section 203, for support and training for mentor teachers who participate in the residency program; or

"(2) to develop and implement effective mechanisms, including a professional development system and career ladders, to ensure that high-need local educational agencies, high-need schools, and early childhood education programs are able to effectively recruit and retain highly competent early childhood education providers, highly qualified teachers, and principals.

"(e) ALLOWABLE USE OF FUNDS.—An eligible applicant receiving a grant under this section may use the grant funds to carry out the following:

"(1) OUTREACH.—Conducting outreach and coordinating with urban and rural secondary schools to encourage students to pursue teaching as a career.

"(2) EARLY CHILDHOOD EDUCATION COMPENSATION.—For eligible applicants focusing on early childhood education, implementing initiatives that increase compensation of early childhood education providers who attain degrees in early childhood education.

"(3) PROGRAM IMPROVEMENT.—Developing, for teacher preparation program improvement purposes, methods and infrastructure to assess retention rates in the teaching field of teacher preparation program graduates and the achievement outcomes of such graduates' students.

"(f) SERVICE REQUIREMENTS.—The Secretary shall establish such requirements as the Secretary finds necessary to ensure that recipients of scholarships under this section who complete teacher education programs subsequently teach in a high-need local educational agency, for a period of time equivalent to the period for which the recipients receive scholarship assistance, or repay the amount of the scholarship. The Secretary shall use any such repayments to carry out additional activities under this section.".

SEC. 6. ADMINISTRATIVE PROVISIONS.

Section 205 of the Higher Education Act of 1965 (20 U.S.C. 1025) is amended—

(1) in subsection (a)—

(A) in the heading, by striking "ONE-TIME AWARDS:";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(2) in subsection (b)—

(A) by redesignating paragraph (3) as paragraph (4);

(B) by striking paragraph (2) and inserting the following:

"(2) COMPOSITION OF PANEL.—The peer review panel shall be composed of experts who are competent, by virtue of their training, expertise, or experience, to evaluate applications for grants under this part. A majority of the panel shall be composed of individuals who are not employees of the Federal Government.";

(C) by inserting after paragraph (2) the following:

"(3) EVALUATION AND PRIORITY.—The peer review panel shall evaluate the applicants' proposals to improve the current and future teaching force through program and certification reforms, teacher preparation program activities (including implementation and assessment strategies), and professional development activities described in sections 202, 203, and 204, as appropriate. In recommending applications to the Secretary for funding under this part, the peer review panel shall—

"(A) with respect to grants under section 202, give priority to eligible States that—

"(i) have initiatives to reform State program approval requirements for teacher preparation programs that are designed to ensure that current and future teachers are highly qualified and possess strong teaching skills, knowledge to assess student academic achievement, and the ability to use this information in such teachers' classroom instruction;

"(ii) include innovative reforms to hold institutions of higher education with teacher preparation programs accountable for preparing teachers who are highly qualified and have strong teaching skills; or

"(iii) involve the development of innovative efforts aimed at reducing the shortage of—

"(I) highly qualified teachers in high-poverty urban and rural areas; and

"(II) highly qualified teachers in fields with persistently high teacher shortages, including special education;

"(B) with respect to grants under section 203—

"(i) give priority to applications from eligible partnerships that involve broad participation within the community, including businesses; and

"(ii) take into consideration—

"(I) providing an equitable geographic distribution of the grants throughout the United States; and

"(II) the potential of the proposed activities for creating improvement and positive change; and

"(C) with respect to grants under section 204, give priority to eligible applicants that have in place, or in progress, articulation agreements between 2- and 4-year public and private institutions of higher education and nonprofit providers of professional development with demonstrated experience in professional development activities."; and

(D) by adding at the end the following:

"(5) PAYMENT OF FEES AND EXPENSES OF CERTAIN MEMBERS.—The Secretary may use available funds appropriated to carry out this part to pay the expenses and fees of peer review panel members who are not employees of the Federal Government."; and

(3) by striking subsection (e) and inserting the following:

"(e) TECHNICAL ASSISTANCE.—For each fiscal year, the Secretary may expend not more than $500,000 or 0.75 percent of the funds appropriated to carry out this title for such fiscal year, whichever amount is greater, to provide technical assistance to States and partnerships receiving grants under this part.".

SEC. 7. ACCOUNTABILITY AND EVALUATION.

Section 206 of the Higher Education Act of 1965 (20 U.S.C. 1026) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "Committee on Labor and Human Resources" and inserting "Committee on Health, Education, Labor, and Pensions";

(B) in paragraph (2), by striking ", including," and all that follows through the period and inserting "as a highly qualified teacher.";

(C) in paragraph (3)—

(i) by striking "highly"; and

(ii) by striking the period at the end and inserting "that meet the same standards and criteria of State certification or licensure programs.";

(D) by striking paragraph (4) and inserting the following:

"(4) TEACHER AND PROVIDER QUALIFICATIONS.—

"(A) ELEMENTARY AND SECONDARY SCHOOL CLASSES.—Increasing the percentage of elementary school and secondary school classes taught by teachers—

"(i) who have strong teaching skills and are highly qualified;

"(ii) who have completed preparation programs that provide such teachers with the scientific knowledge about the disciplines of teaching, learning, and child and adolescent development so the teachers understand and use evidence-based teaching skills to meet the learning needs of all students; or

"(iii) who have completed a residency program throughout their first 3 years of teaching that includes mentoring by faculty who are trained and compensated for their work with new teachers.

"(B) EARLY CHILDHOOD EDUCATION PROGRAMS.—Increasing the percentage of classrooms in early childhood education programs taught by providers who are highly competent.";

(E) by striking paragraph (5) and inserting the following:

"(5) DECREASING SHORTAGES.—Decreasing shortages of—

"(A) qualified teachers and principals in poor urban and rural areas; and

"(B) qualified teachers in fields with persistently high teacher shortages, including special education."; and

(F) by striking paragraph (6) and inserting the following:

"(6) INCREASING OPPORTUNITIES FOR PROFESSIONAL DEVELOPMENT.—Increasing opportunities for enhanced and ongoing professional development that—

"(A) improves—

"(i) the knowledge and skills of early childhood education providers;

"(ii) the knowledge of teachers in special education;

"(iii) the knowledge of general education teachers, principals, and administrators about special education content and instructional practices;

"(iv) the knowledge and skills to assess student academic achievement and use the results of such assessments to improve instruction;

"(v) the knowledge of subject matter or academic content areas—

"(I) in which the teachers are certified or licensed to teach; or

"(II) in which the teachers are working toward certification or licensure to teach; or

"(vi) the knowledge and skills to effectively communicate with, work with, and involve parents in their children's education;

"(B) promotes strong teaching skills and an understanding of how to apply scientific knowledge about teaching and learning to teachers' teaching practice and to teachers' ongoing classroom assessment of students; and

"(C) provides enhanced instructional leadership and management skills for principals.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "for" and inserting "for teachers, early childhood education providers, or principals, as appropriate, according to the needs analysis required under section 203(c)(1), for"; and

(B) by striking paragraphs (1) through (6) and inserting the following:

"(1) increased demonstration by program graduates of teaching skills grounded in scientific knowledge about the disciplines of teaching and learning;

"(2) increased student achievement for all students as measured by the partnership, including mechanisms to measure student achievement due to the specific activities conducted by the partnership;

"(3) increased teacher retention in the first 3 years of a teacher's career based, in part, on teacher retention data collected as described in section 203(c)(3)(H);

"(4) increased success in the pass rate for initial State certification or licensure of teachers;

"(5) increased percentage of elementary school and secondary school classes taught by teachers who are highly qualified;

"(6) increased percentage of early childhood education program classes taught by providers who are highly competent;

"(7) increased percentage of early childhood education programs and elementary school and secondary school classes taught by providers and teachers who demonstrate clinical judgment, communication, and problem-solving skills resulting from participation in a residency program;

“(8) increased percentage of highly qualified special education teachers;

“(9) increased number of general education teachers trained in working with students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs;

“(10) increased number of teachers trained in technology; and

“(11) increased number of teachers, early childhood education providers, or principals prepared to work effectively with parents.”; and

(3) in subsection (d)—

(A) by inserting “, with particular attention to the reports and evaluations provided by the eligible States and eligible partnerships pursuant to this section,” after “funded under this part”; and

(B) by striking “Committee on Labor and Human Resources” and inserting “Committee on Health, Education, Labor, and Pensions”.

SEC. 8. ACCOUNTABILITY FOR PROGRAMS THAT PREPARE TEACHERS.

Section 207 of the Higher Education Act of 1965 (20 U.S.C. 1027) is amended—

(1) by striking subsection (a);

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively;

(3) in subsection (a), as redesignated by paragraph (2)—

(A) in the matter preceding paragraph (1), by striking “, within 2 years” and all that follows through “the following” and inserting “, on an annual basis and in a uniform and comprehensible manner that conforms with the definitions and reporting methods previously developed for teacher preparation programs by the Commissioner of the National Center for Education Statistics, a State report card on the quality of teacher preparation in the State, which shall include not less than the following”;

(B) in paragraph (4)—

(i) by striking “teaching candidates” and inserting “prospective teachers”; and

(ii) by striking “candidate” and inserting “prospective teacher”;

(C) in paragraph (5)—

(i) by striking “teaching candidates” and inserting “prospective teachers”;

(ii) by striking “teacher candidate” and inserting “prospective teacher”; and

(iii) by striking “candidate's” and inserting “teacher's”;

(D) in paragraph (7), by inserting “how the State has ensured that the alternative certification routes meet the same State standards and criteria for teacher certification or licensure,” after “if any,”;

(E) in paragraph (8)—

(i) by striking “teacher candidate” and inserting “prospective teacher”; and

(ii) by inserting “(including the ability to provide instruction to diverse student populations (including students with disabilities, limited-English proficient students, and students with different learning styles or other special learning needs) and the ability to effectively communicate with, work with, and involve parents in their children's education)” after “skills”;

(F) by adding at the end the following:

“(10) Information on the extent to which teachers or prospective teachers in each State are prepared to work in partnership with parents and involve parents in their children's education.”;

(4) in subsection (b)(1), as redesignated by paragraph (2)—

(A) by striking “not later than 6 months of the date of enactment of the Higher Education Amendments of 1998 and”;

(B) by striking “subsection (b)” and inserting “subsection (a)”;

(C) by striking “Committee on Labor and Human Resources” and inserting “Committee on Health, Education, Labor, and Pensions”; and

(D) by striking “not later than 9 months after the date of enactment of the Higher Education Amendments of 1998”;

(5) in subsection (c)(1), as redesignated by paragraph (2)—

(A) by striking “(9) of subsection (b)” and inserting “(10) of subsection (a)”; and

(B) by striking “and made available not later than 2 years 6 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter” and inserting “, and made available annually”; and

(6) in subsection (e)(1), as redesignated by paragraph (2)—

(A) by striking “not later than 18 months after the date of enactment of the Higher Education Amendments of 1998 and annually thereafter, shall report” and inserting “shall report annually”; and

(B) by striking “methods established under subsection (a)” and inserting “reporting methods developed for teacher preparation programs”.

SEC. 9. STATE FUNCTIONS.

Section 208 of the Higher Education Act of 1965 (20 U.S.C. 1028) is amended—

(1) in subsection (a)—

(A) by striking “, not later than 2 years after the date of enactment of the Higher Education Amendments of 1998,”;

(B) by inserting “and within entities providing alternative routes to teacher preparation” after “institutions of higher education”;

(C) by inserting “and entities” after “low-performing institutions”;

(D) by inserting “and entities” after “those institutions”; and

(E) by striking “207(b)” and inserting “207(a)”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

“(b) TEACHER QUALITY PLAN.—In order to receive funds under this Act, a State shall submit a State teacher quality plan that—

“(1) details how such funds will ensure that all teachers are highly qualified; and

“(2) indicates whether each teacher preparation program in the State that has not been designated as low-performing under subsection (a) is of sufficient quality to meet all State standards and produce highly qualified teachers with the teaching skills needed to teach effectively in the schools of the State.”;

(4) in subsection (c), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “of Education”; and

(B) in paragraph (2), by striking “of this Act”; and

(5) in subsection (d), as redesignated by paragraph (2), by striking “subsection (b)(2)” and inserting “subsection (c)(2)”.

SEC. 10. ACADEMIES FOR FACULTY EXCELLENCE.

Part A of title II of the Higher Education Act of 1965 (20 U.S.C. 1021 et seq.) is amended—

(1) by redesignating section 210 as section 211; and

(2) by inserting after section 209 the following:

“SEC. 210. ACADEMIES FOR FACULTY EXCELLENCE.

“(a) PROGRAM AUTHORIZED.—From amounts made available under subsection (e), the Secretary is authorized to award grants to eligible entities to enable such entities to create Academies for Faculty Excellence.

“(b) ELIGIBLE ENTITY.—In this section:

“(1) IN GENERAL.—The term ‘eligible entity’ means a consortium composed of institutions of higher education that—

“(A) award doctoral degrees in education; and

“(B) are partner institutions (as such term is defined in section 203).

“(2) INCLUSIONS.—The term ‘eligible entity’ may include the following:

“(A) Institutions of higher education that—

“(i) do not award doctoral degrees in education; and

“(ii) are partner institutions (as such term is defined in section 203).

“(B) Nonprofit entities with expertise in preparing highly qualified teachers.

“(c) APPLICATION.—An eligible entity desiring to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

“(1) a description of how the eligible entity will provide professional development that is grounded in scientifically based research to faculty;

“(2) evidence that the eligible entity is well versed in current scientifically based research related to teaching and learning across content areas and fields;

“(3) a description of the assessment that the eligible entity will undertake to determine the most critical needs of the faculty who will be served by the Academies for Faculty Excellence; and

“(4) a description of the activities the eligible entity will carry out with grant funds received under this section, how the entity will include faculty in the activities, and how the entity will conduct these activities in collaboration with programs and projects that receive Federal funds from the Institute of Education Sciences.

“(d) REQUIRED USE OF FUNDS.—Each eligible entity that receives a grant under this section shall use the grant funds to enhance the caliber of teaching undertaken in preparation programs for teachers, early childhood education providers, and principals and other administrators through the establishment and maintenance of a postdoctoral system of professional development by carrying out the following:

“(1) RECRUITMENT.—Recruit a faculty of experts who are knowledgeable about scientifically based research related to teaching and learning, who have direct experience working with teachers and students in school settings, who are capable of implementing scientifically based research to improve teaching practice and student achievement in school settings, and who are capable of providing professional development to faculty and others responsible for preparing teachers, early childhood education providers, principals, and administrators.

“(2) PROFESSIONAL DEVELOPMENT CURRICULA.—Develop a series of professional development curricula to be used by the Academies for Faculty Excellence and disseminated broadly to teacher preparation programs nationwide.

“(3) PROFESSIONAL DEVELOPMENT EXPERIENCES.—Support the development of a range of ongoing professional development experiences (including the use of the Internet) for faculty to ensure that such faculty are knowledgeable about effective evidence-based practice in teaching and learning. Such experiences shall promote joint faculty activities that link content and pedagogy.

"(4) DEVELOPMENT PROGRAMS.—Provide fellowships, scholarships, and stipends for teacher educators to participate in various faculty development programs offered by the Academies for Faculty Excellence.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

Section 211 of the Higher Education Act of 1965, as redesignated by section 10, is amended—

(1) by striking "part $300,000,000 for fiscal year 1999" and inserting "part, other than section 210, $500,000,000 for fiscal year 2006";

(2) by striking "4 succeeding" and inserting "5 succeeding";

(3) in paragraph (1), by striking "45" and inserting "20";

(4) in paragraph (2), by striking "45" and inserting "60"; and

(5) in paragraph (3), by striking "10" and inserting "20".

By Mr. DORGAN (for himself, Ms. SNOWE, Mr. KERRY, Mr. SMITH, and Mr. SCHUMER):

S. 1366. A bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I'm pleased to be joined by Senators SNOWE, KERRY, SMITH, and SCHUMER in re-introducing legislation we call the Public Good IRA Rollover Act to allow taxpayers to make tax-free distributions from their individual retirement accounts (IRAs) for gifts to charity. I think that the charitable IRA rollover approach in this legislation, which has received strong support from the charitable community, will encourage significant new giving.

As a Nation, we often look to a strong network of charities, large and small, to offer financial and other support to families and individuals who need help when government assistance is unavailable. That is why I think it's critically important for Congress to do everything we can to help encourage the work of worthy charities.

Unfortunately, Congress has tried but failed in the past several years to pass major legislation that would be helpful to the Nation's charities. This legislation has stalled, in part, because of the efforts of some in Congress to add controversial measures that undermine the bipartisan support needed to enact this kind of legislation into law.

One of the non-controversial tax incentives included in the Senate's version of that legislation is our measure that would permit individuals to make gifts to charities from their IRAs without adverse tax consequences. I have previously described on the Senate floor that charities are frequently asked by people about using their IRAs to make charitable donations. However, I'm told that many donors decide not to make a gift from their IRAs after they are told about the potential tax consequences under current law.

The Public Good IRA Rollover Act would eliminate this obstacle. Specifically, the bill we are introducing today would allow individuals to make tax-free distributions to charities from their IRAs at the age of 70½ for direct gifts and age 59½ for life-income gifts. These changes to the Tax Code could put billions of additional dollars from a new source to work for the public good.

Tax-favored charitable IRA rollovers have previously garnered broad bipartisan support in both the House of Representatives and the U.S. Senate. In fact, the Senate-passed CARE Act in the last Congress included the provisions of our bill.

The Bush administration also supports charitable IRA rollovers. In his FY 2006 budget submission, President Bush has proposed, once again, to allow individuals to make certain tax-free charitable IRA distributions after age 65. While the President's charitable IRA proposal has merit, the Public Good IRA Rollover Act is superior in one important respect: By allowing tax-free life-income gifts from an IRA. Life-income gifts involve the donation of assets to a charity, where the giver retains an income stream from those assets for a defined period. Life-income gifts are an important tool for charities to raise funds, and would receive a substantial boost if they could be made from IRAs. But life-income gifts are not part of the administration's proposal. Again, the Public Good IRA Rollover Act permits individuals to make tax-free life-income gifts at the age of 59½.

When the Senate Finance Committee crafts charitable giving tax incentive legislation in the 109th Congress, I hope they will adopt, once again, the IRA charitable rollover approach used in the Public Good IRA Rollover Act. The benefits of this approach are twofold. First, the life-income gift provision in our bill would stimulate additional charitable giving. The evidence also suggests that people who make life-income gifts often become more involved with charities. They serve as volunteers, urge their friends and colleagues to make charitable gifts and frequently set up additional provisions for charity in their life-time giving plans and at death. Second, this approach comes at little or no extra cost to the government when compared to other major charitable IRA rollover proposals.

In closing, I urge my Senate colleagues to review and consider cosponsoring this bill. With your help, we can help enact into law tax-free IRA rollover provisions that a senior official from a major charity once said would be "the single most important piece of legislation in the history of public charitable support in this country."

By Mr. ALEXANDER (for himself, Mr. REID, Mr. DEWINE, and Mrs. CLINTON):

S. 1367. A bill to provide for recruiting, selecting, training, and supporting national teacher corps in underserved communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. ALEXANDER. Mr. President, today I am joining with Senator REID, Senator DEWINE, and Senator CLINTON to introduce a bill to authorize funding for the Teach for America program. Teach for America, TFA, calls upon our Nation's most promising future leaders, recent college graduates of all backgrounds and academic majors, to spend two years teaching in schools in lower income areas, usually inner cities or rural communities. Our legislation authorizes up to $25 million so that the highly successful program, which began as a privately funded, nonprofit effort, can rapidly expand.

TFA was founded in 1990 by Wendy Kopp, a young woman who had just graduated from Princeton. It served just six communities in that first year. Today it serves 22, and hopes to keep growing. TFA raises more than 75 percent of its operating budget through non-Federal sources, primarily through philanthropic gifts in the communities it serves.

The results of this program have been notable, as reported in a study last year by Mathematica Policy Research, an independent research firm: "Even though Teach for America teachers generally lack any formal teacher training beyond that provided by Teach for America, they produce higher student test scores than the other teachers in their schools—not just other novice teachers or uncertified teachers, but also veterans and certified teachers."

Probably more exciting than the success of the program in teaching students is the impact it has had on its "corps members." Teach for America isn't just for education majors, it's primarily there to attract highly successful college graduates who wouldn't otherwise go into education. Of its 9,000 alumni, 60 percent are still involved in education today. The 2005 National Teacher of the Year, Jason Kamras, a teacher here in Washington, DC, who was honored in a Rose Garden ceremony by President Bush, is an alumnus of Teach for America. And my own education policy advisor is also an alumna of the program.

So, in addition to providing better education for students in poorer school systems, this program is creating a new cadre of highly talented and highly motivated individuals who now understand what it's like to teach in a classroom and who are dedicated to improving our education system. That's probably the greatest benefit of the program.

And that's why I'm glad to join the Senator from Nevada in introducing this legislation to provide Federal funding to help TFA expand to new communities and recruit even more corps members.

Teach for America is aiming to grow from 3,000 to 8,000 corps members, from 22 to 35 regional sites, and from 250,000 to 700,000 students by 2010. To reach these growth goals, the program must recruit more than 4,000 new teachers each year by 2010, and it must grow its total annual budget from $40 million today to $100 million by 2010.

The legislation that Senator REID and I offer today will not turn Teach for America into a Federal program, but it will supplement their privately raised funds to help TFA attain their worthy goals. The bill provides up to $25 million to that end. Interest by college graduates in TFA is very high—17,000 applied for the 2,100 teaching slots last year. Additional funding will allow more of those 17,000 to serve poorer children in classrooms across the country.

In the upcoming issue of U.S. News and World Report, there is an excellent article about Teach for America by David Gergen. I ask unanimous consent that the article be printed in the RECORD.

I hope other Senators will join with the Senator from Nevada and I in supporting this important legislation. Teach for America has helped more than 1 million students and is creating a highly talented pool of individuals to advance our education system into the next century. Providing Federal support to this non-profit program will help it expand not only to help more students, but also to create an even wider and stronger pool of talented individuals to advocate the best for our schools for decades to come.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. News & World Report, July 4, 2005]

A TEACHER SUCCESS STORY

(By David Gergen)

With tribal warfare spreading in politics, corporate chieftains heading to jail, the news media sinking, and casualties rising in Iraq, it's easy these days to be discouraged. No wonder over 60 percent of Americans think the country has swerved off track. But hold on. To lift your spirits, just spend a little time with leaders of the younger generation.

This spring on many college campuses, something absolutely remarkable happened: Talented young people lined up by the scores to teach lower-income kids in urban and rural public schools. In years past, investment banks like Goldman Sachs were the recruiting powerhouses at top campuses; this year, they were joined by Teach for America, a program that expresses the fresh idealism and social values of this new generation.

At Yale, no fewer than 12 percent of the graduating seniors—nearly 1 out of every 8—applied. At Dartmouth and Amherst, some 11 percent did; at Harvard and Princeton, 8 percent. Hundreds more signed up at Northwestern, Boston College, the University of Texas, and the University of California-Los Angeles. Altogether, over 17,000 seniors applied for 2,100 openings.

A few words of background: Sixteen years ago, Teach for America was merely an idea in a thesis by a Princeton senior, Wendy Kopp. She thought the country needed an organization modeled after the Peace Corps that would attract top college graduates into classrooms with poor kids. With thesis in hand, she bravely ventured out to raise money, find recruits, and find school superintendents who would hire them. Kopp experienced the bumps and detours of every new start-up, but a year later, she had 500 recruits.

This summer, the newest class of teachers will enroll in a five-week training institute to prepare them for the classroom. In the fall, they will report for work at some of the toughest public schools in America, classified by the federal government as "high need." Some 95 percent of their students will be minorities. Each member of the program is committed to two years of teaching, paid by the local school systems at the same rate as other starting teachers; at the end of their service, they may qualify for a $9,500 scholarship for graduate study.

As you can imagine, skeptics have popped up all along the way: professors at schools of education scoffing that college graduates who haven't enrolled in formal teacher education will never succeed in the classroom; cynics who say that these are just a bunch of elitist kids punching their tickets to make it into law or business school who will then turn their backs on social reform. Well, the doubters just don't get this young generation.

A year ago, Mathematica Policy Research found that students of Teach for America recruits got better results in math and the same gains in reading as did those of other teachers, including veteran instructors. In math, the TFA students made a month more progress than other students. The results partly reflect the fact that 70 percent of Teach for America volunteers come from among the nation's most highly rated colleges, compared with fewer than 3 percent of other teachers; the results also reflect the passion that these volunteers bring to their work.

Dedicated to the cause. The 10,000 alumni of TFA have not turned their backs after their service, either. The organization says that nearly two thirds still work full time in education, most in low-income communities. TFA alum Jason Kamras, a math teacher in a Washington, D.C., public school, was just named national teacher of the year. Two other alumni, Mike Feinberg and David Levin, founded and now run what is probably the most successful set of charter schools in the country: the KIPP academies (Knowledge Is Power Program). Started in Houston and New York, the academies have become a network of 38 schools in low-income communities that demand extra studies by students, balance that with extracurricular activities like martial arts, music, chess, and sports, and—guess what?—have achieved the largest and quickest improvement in learning around the country. No fewer than 25 principals in KIPP schools are alumni of Teach for America.

What does all this mean? First, the nation owes a debt of gratitude to Wendy Kopp. She represents the emergence of a new breed of social entrepreneur, talented doers who are unleashing their generation's innovation and idealism to address long-standing social problems. Even as they struggle for the resources to turn their visions into reality, the success of Kopp and others shows that this has the makings of a social movement.

But it also shows that the rest of us need to wake up and see what we can do to help. It's time for the country to embrace the national service movement with serious money—not the cheap change we are putting today into AmeriCorps. It's time to scale up nonprofits so that when 17,000 kids volunteer, there are 17,000 openings. It's time, in short, to recognize the greatness that lies in the next generation.

Mr. REID. Mr. President, I am proud to join Senator ALEXANDER in introducing this legislation authorizing Teach for America to recruit, select, train, and support its national teacher corps in underserved communities.

This bill comes at a crucial time. Federal law now requires more from our teachers, yet we have dwindling resources to draw from.

Many local education agencies are finding themselves having to supplement their teacher corps.

Clark County, NV, is the fifth largest school district in the Nation—in the fastest growing State. As one can only imagine, the influx of new residents has an incredible impact on our public works, especially our schools.

Clark County's outgoing superintendent told me that the district spends close to $1 million annually for teacher recruitment efforts across the country.

Clark County School District has made great strides in its commitment to reversing the trend of sagging high school graduation rates and college attendance by hiring nearly 2,000 new teachers a year to fill its classrooms.

But, last year, the school district did something that several other urban and rural districts around the country did: they partnered with Teach for America in order to augment their qualified teaching staffs.

Founded by Wendy Kopp, who conceived the idea for the program in her senior thesis at Princeton, Teach for America recruits some of the Nation's best college graduates to become teachers in low-performing urban or rural school districts for 2 years.

From the 500 college graduates who began teaching in its inaugural year, Teach for America has grown to more than 3,100 corps members teaching in 21 regions across the country.

Indeed, this highly selective program—in which only 2,000 out of 16,000 applicants were accepted in 2003—has a powerful impact on the communities in which it serves.

This legislation authorizes Teach for America to receive $25 million to execute several activities related to teacher readiness, recruitment, and placement. Reports are also required, citing the progress of the Teach for America corps members.

I would not be Senator if it had not been for a couple of dedicated teachers. One teacher was Ms. Dorothy Robinson. Ms. Robinson pulled me out of class one day and said, "Harry, I've watched your progress and I really think you should go to college and become a lawyer."

I said, "OK," and went back to class.

That is why I have dedicated myself at the Federal level to ensure that Teach for America and Clark County have the resources they need to continue this partnership.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 185—EXPRESSING THE SENSE OF THE SENATE REGARDING REFORM OF THE UNITED NATIONS

Mr. SMITH (for himself and Mr. NELSON of Florida) submitted the following resolution; which was:

S. RES. 185

Whereas, on July 28, 1945, the Senate approved the resolution advising and consenting to the ratification of the Charter of the United Nations by a vote of 89 to 2;

Whereas recent events, including the United Nations oil-for-food scandal and sexual misconduct by United Nations peacekeepers, have led to declining public confidence in the United Nations;

Whereas there is broad international agreement that the United Nations must reform its existing policies, practices, and institutions in order to better manage the interests of its 191 members and address the current threats to international peace and security;

Whereas the future direction of the United Nations has recently been addressed in the report of the Secretary-General's High-level Panel on Threats, Challenges and Change, issued on December 2, 2004, the report of the Secretary-General entitled "In Larger Freedom: Toward Development, Security and Human Rights for All", issued on March 21, 2005, and the report of the congressionally mandated Task Force on the United Nations, convened by the United States Institute of Peace (USIP), entitled "American Interests and UN Reform", issued on June 15, 2005;

Whereas these reports call for comprehensive reform of the United Nations, including overhauling basic management practices and building a more transparent, accountable, efficient, and effective organization;

Whereas these reports highlight the deficiencies in the United Nations human rights bodies, in particular the practice of allowing countries that have violated human rights to sit on United Nations bodies that were established to monitor, promote, and enforce human rights;

Whereas these reports highlight many serious problems with the United Nations peacekeeping operations that need to be addressed while the peacekeepers are deployed in critical situations around the world;

Whereas these reports discuss the question of United Nations Security Council reform in an attempt to increase the effectiveness and credibility of the Security Council and to enhance its capacity and willingness to act in the face of threats;

Whereas the USIP Task Force emphasized the importance that any reform of the United Nations Security Council must enhance its effectiveness and not in any way detract from the Security Council's efficiency and ability to act in accordance with the Charter of the United Nations; and

Whereas the United Nations has an important role to play in providing a forum for countries to discuss issues and resolve differences and to address the pressing humanitarian issues and security threats of the day: Now, therefore, be it

Resolved, That the Senate—

(1) declares that a credible, effective, and reformed United Nations can play an important role in helping promote global peace and security;

(2) reaffirms that reform of the United Nations Security Council would necessitate a revision of the Charter of the United Nations, which would constitute a treaty revision requiring an affirmative vote in the Senate by a two-thirds majority;

(3) states that the United Nations and its subsidiary bodies and agencies must be reformed, refocused, and made more efficient, and must become more transparent and more accountable;

(4) declares that oversight of the United Nations must be improved, that the management systems and budgeting processes of the institution must be updated and modified, and that protections for whistleblowers employed by the United Nations must be implemented;

(5) states that the United Nations Human Rights Commission should be abolished and replaced by a United Nations Human Rights Council or other body composed of governments that are committed to upholding human rights;

(6) declares that the reforms described above must be implemented before the Senate will consider changes to the Charter of the United Nations that require the advice and consent of the Senate; and

(7) urges the Secretary of State—

(A) to provide the Senate the Secretary of State's recommendations for reform of the United Nations; and

(B) to consult fully and regularly with the Senate as deliberations on United Nations reform progress.

SENATE CONCURRENT RESOLUTION 43—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE

Mr. BOND submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 43

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a core member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner with the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military alliance between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of democracy, culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

SENATE CONCURRENT RESOLUTION 44—PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL FOR A CEREMONY TO HONOR CONSTANTINO BRUMIDI ON THE 200TH ANNIVERSARY OF HIS BIRTH

Mrs. CLINTON (for herself, Mr. ENZI, Mr. KENNEDY, and Ms. SNOWE) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 44

Resolved by the Senate (the House of Representatives concurring), That the rotunda of the Capitol is authorized to be used on July

26, 2005, for a ceremony to honor Constantino Brumidi on the 200th anniversary of his birth. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1077. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1078. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1079. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1080. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1081. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1082. Mr. ALLARD (for Mr. LOTT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.

SA 1083. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1084. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra.

SA 1085. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr FEINGOLD, Mr. DORGAN, Mr. LEVIN, Mr. WYDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. REED, Mr. HARKIN, Mr. BIDEN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2419, supra.

SA 1086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1087. Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, supra; which was ordered to lie on the table.

SA 1088. Mr. DOMENICI (for Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN)) proposed an amendment to the bill H.R. 2419, supra.

SA 1089. Mr. DOMENICI (for Mr. LEVIN) proposed an amendment to the bill H.R. 2419, supra.

SA 1090. Mr. DOMENICI (for Ms. COLLINS) proposed an amendment to the bill H.R. 2419, supra.

SA 1091. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, supra.

SA 1092. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, supra.

SA 1093. Mr. DOMENICI (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2419, supra.

SA 1094. Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the bill H.R. 2419, supra.

SA 1095. Mr. DOMENICI proposed an amendment to the bill H.R. 2419, supra.

SA 1096. Mr. DOMENICI (for himself, Mr. REID, Mr. COCHRAN, and Mr. BYRD) proposed an amendment to the bill H.R. 2419, supra.

SA 1097. Mr. DOMENICI (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2419, supra.

SA 1098. Mr. DOMENICI (for Mr. GRAHAM) proposed an amendment to the bill H.R. 2419, supra.

TEXT OF AMENDMENTS

SA 1077. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 68 , line 1, after "1706", insert the following "; of which not more than $14,000,000 shall be made available for the Water 2025 initiative; and of which $8,000,000 shall be made available for the Savage Rapids Dam, Oregon".

SA 1078. Mr. AKAKA (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, line 22, before the period, insert the following: ": *Provided further*, That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than $200,000 to initiate, at full Federal expense, preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii".

SA 1079. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30. 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 49, line 4, before the period at the end, insert ": *Provided further*, That the Chief of Engineers shall use $1,500,000 of the funds provided under this heading for the restoration of environmental quality for sea lamprey barrier construction in the Great Lakes"

SA 1080. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 13, strike the period at the end and insert the following: ", of which not less than $10,000,000 shall be for the activities of the Office of Citizenship described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).".

SA 1081. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, line 12, before the period, insert the following: ": *Provided*, That the Secretary of Energy shall use not more than $20,000,000 of any unobligated funds made available under this heading to acquire privately held mineral rights (including rights to sand and gravel) within the boundaries of Rocky Flats (as defined in section 3173 of the Rocky Flats National Wildlife Refuge Act of 2001 (Public Law 10709107; 115 Stat. 1381; 16 U.S.C. 668dd note)), the possession of which by the United States is, as determined by the United States Fish and Wildlife Service, necessary or desirable for the operation or maintenance of the Rocky Flats National Wildlife Refuge established under section 3177 of that Act, and shall transfer those mineral rights to the Secretary of the Interior, in a manner consistent with that Act".

SA 1082. Mr. ALLARD (for Mr. LOTT (for himself and Mr. DODD)) proposed an amendment to the bill H.R. 2985, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 60, line 10, after "expended" insert "and of which $800,000 shall be available to the Librarian of Congress to pay telecommunications costs for eligible readers to have interstate toll free access to electronic editions of periodicals and newspapers, disseminated in specialized audio and electronic text formats from a multi-State nonprofit source which obtains content from publishers for free distribution to blind and physically handicapped readers in a minimum of 20 States.".

SA 1083. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 18 and 19, insert the following:

SEC. 1___. Of funds made available to carry out section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Chief of Engineers shall use $1,500,000 for sea lamprey barrier construction in the Great Lakes.

SA 1084. Mr. ALLARD (for himself and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title   , add the following:

SEC.   . Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary shall use not less than $15,000,000 to provide regular and early retirement benefits to workers at the Rocky Flats Environmental Technology Site.

SA 1085. Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mr. FEINGOLD, Mr. DORGAN, Mr. LEVIN, Mr. WYDEN, Mrs. CLINTON, Ms. MIKULSKI, Mr. LAUTENBERG, Mrs. BOXER, Mr. REED, Mr. HARKIN, Mr. BIDEN, and Mr. CORZINE) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) PROHIBITION ON USE OF FUNDS FOR ROBUST NUCLEAR EARTH PENETRATOR.—None of the funds appropriated or otherwise made available by this Act may be used for any purpose related to the Robust Nuclear Earth Penetrator (RNEP).

(b) UTILIZATION OF AMOUNT FOR REDUCTION OF PUBLIC DEBT.—Of the amounts appropriated by this Act, an amount equal to the amount of funds covered by the prohibition in subsection (a) shall not be obligated or expended, but shall be utilized instead solely for purposes of the reduction of the public debt.

SA 1086. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, strike line 15 and insert the following: $1,858,230,000, to remain available until expended, of which no funds shall be provided for congressionally directed projects relating to energy supply and conservation.

SA 1087. Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At Page 80, after the provision for Clean Coal Technology, insert the following:

CLEAN CITIES PROGRAM

Funding for the Clean Cities program shall be maintained at no less than the current year level. Within the Clean Cities program, funding for work to expand E–85 fueling capacity should also be maintained at no less than the current year level.

SA 1088. Mr. DOMENICI (for Mr. HATCH (for himself, Mr. BAYH, Mr. DEWINE, Mr. DAYTON, Mr. TALENT, Mr. OBAMA, Mr. NELSON of Nebraska, and Mr. COLEMAN)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At Page 80, after the provision for Clean Coal Technology, insert the following:

CLEAN CITIES PROGRAM

Funding for the Clean Cities program may be provided at no less than the current year level. Within the Clean Cities program, funding for work to expand E–85 fueling capacity may also be maintained at no less than the current year level.

SA 1089. Mr. DOMENICI (for Mr. LEVIN) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 66, between lines 18 and 19, insert the following:

SEC. 1   . Of funds made available to carry out section 1135 of the Water Resources Development Act of 1986 (33 U.S.C. 2309a), the Chief of Engineers may use $1,500,000 for sea lamprey barrier construction in the Great Lakes.

SA 1090. Mr. DOMENICI (for Ms. COLLINS) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. $150,000 may be provided for Saco River and Camp Ellis Beach, Maine, continuing authorities project.

SA 1091. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . $2,000,000 may be provided for maintenance dredging of the Narraguagus River, Milbridge, ME.

SA 1092. Mr. DOMENICI (for Ms. SNOWE (for herself and Ms. COLLINS)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.   . $100,000 may be provided for the Penobscot River Restoration Study, ME.

SA 1093. Mr. DOMENICI (for Mr. AKAKA (for himself and Mr. INOUYE)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 68, line 22, before the period, insert the following: ": *Provided further*, That, of the funds appropriated under this heading, the Secretary of the Army, acting through the Chief of Engineers, shall use not less than $200,000 to initiate preconstruction engineering and design activities for modifications to Laupahoehoe Harbor, Hawaii".

SA 1094. Mr. DOMENICI (for Mr. FRIST) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 86, line 17; insert after "expended" the following:

: *Provided*, That $250,055,000 is appropriated for the Advanced Scientific Computing Research: *Provided further*, That $43,000,000 may be provided to the Center for Computational Sciences at Oak Ridge National Laboratory: *Provided further*, That $500,000 may be provided to the Medical University of South Carolina: *Provided further*, That $500,000 may be provided to the Community College of Southern Nevada Transportation Academy: *Provided further*, That $3,000,000 may be provided to South Dakota State University.

SA 1095. Mr. DOMENICI proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

In the Bill, strike everything after "buses;" on page 90, line 14, and replace with: $6,574,024,000 to remain available until expended: *Provided*, That the $65,564,000 is authorized to be appropriated for Project 01-D-108, Microsystems and Engineering Science Applications (MESA), Sandia National Laboratories, Albuquerque, New Mexico: Provided further, that $65,000,000 is authorized to be appropriated for Project 04–D–125, Chemistry and Metallurgy Research Building Replacement project, Los Alamos Laboratory, Los Alamos, New Mexico.

DEFENSE NUCLEAR NONPROLIFERATION

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other incidental expenses necessary for atomic energy defense, defense nuclear nonproliferation activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $1,729,066,000 to remain available until expended.

NAVAL REACTORS

For Department of Energy expenses necessary for naval reactors activities to carry out the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition (by purchase, condemnation, construction, or otherwise) of real property, plant, and capital equipment, facilities, and facility expansion, $799,500,000, to remain available until expended.

OFFICE OF THE ADMINISTRATOR

For necessary expenses of the Office of the Administrator in the National Nuclear Security Administration, including official reception and representation expenses not to exceed $12,000, $343,869,000, to remain available until expended.

ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL CLEANUP

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses necessary for atomic energy defense environmental cleanup activities in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, $6,366,771,000, to remain available until expended.

OTHER DEFENSE ACTIVITIES

For Department of Energy expenses, including the purchase, construction, and acquisition of plant and capital equipment and other expenses, necessary for atomic energy defense, other defense activities, and classified activities, in carrying out the purposes of the Department of Energy Organization Act (42 U.S.C. 7101 et seq.), including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion, and the purchase of not to exceed ten passenger motor vehicles for replacement only, including not to exceed two buses; $645,001,000, to remain available until expended.

On page 55, line 3, strike all after the colon to the end of the section and insert the following:

"in accordance with the Baltimore Metropolitan Water Resources Gwynns Falls Watershed Study-Draft Feasibility Report and Integrated Environmental Assessment prepared by the Corps of Engineers and the city of Baltimore, Maryland, dated April 2004.".

On page 84 of the Bill, Line 18, strike "$36,000,000" and insert in lieu thereof "$46,000,000".

On page 105, line 3, insert the following:

SEC. . That the Committee directs the Government Accountability Office to undertake a study of the Office of Science Fusion Energy program in order to define the roles of the major domestic facilities, DIIID, Alcator C-Mod, and NSTX in the support of the International Thermoelectric Reactor program, including making recommendations that may include the possible shutdown or consolidation of operations or focus of these facilities to maximize their value to the International Thermoelectric Reactor program: Provided, That given the major international commitment to International Thermoelectric Reactor and the tokamak concept, the GAO shall consider any other magnetic fusion confinement system as a possible fusion demonstration facility that will follow International Thermoelectric Reactor and given the major National Nuclear Security Administration investment in the physics of Inertial Confinement Fusion, the GAO shall evaluate the opportunities for the Office of Science to develop the appropriate science and technology to leverage the National Nuclear Security Administration investment as an alternative to the tokamak concept.

SA 1096. Mr. DOMENICI (for himself, Mr. REID, Mr. COCHRAN, and Mr. BYRD) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 109 , between lines 2 and 3, insert the following:

SEC. 5_____. None of the funds made available by this or a prior Act shall be used to award a fully-funded continuing contract, in a case in which continuing contract authority is applicable, unless the Chief of Engineers certifies that—

(1) the contract can be awarded and completed in the same fiscal year;

(2) the contract can be completed shortly after the end of the fiscal year in which the contract was awarded, but only if the amount necessary to fully fund the contract is identified as surplus, or excess, to the program needs of that fiscal year; or

(3) future funding for the project is uncertain.

SA 1097. Mr. DOMENICI (for Mr. ALLARD (for himself and Mr. SALAZAR)) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of title __ , add the following:

SEC. . Of amounts appropriated to the Secretary of Energy for the Rocky Flats Environmental Technology Site for fiscal year 2006, the Secretary may provide no more than $10,000,000 for the purchase of mineral rights at the Rocky Flats Environmental Technology Site.

SA 1098. Mr. DOMENICI (for Mr. GRAHAM) proposed an amendment to the bill H.R. 2419, making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 105, between lines 2 and 3, insert the following:

SEC. 3 . Notwithstanding Department of Energy order 413.2A, dated January 8, 2001, beginning in fiscal year 2006 and thereafter, the Savannah River National Laboratory may be eligible for laboratory directed research and development funding.

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON WATER AND POWER

Ms. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, July 12, 2005 at 3 p.m., in Room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 49, to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; S. 247, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, OR; S. 648, to amend the Reclamation States Emergency Drought Relief Act of 1991 to extend the authority for drought assistance; S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, SD, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, NE; and S. 1338, to require the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on National Parks of the Committee on Energy and Natural Resources has scheduled a hearing to review the National Park Service's business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations.

The hearing will be held on Thursday, July 14, 2005, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 14 at 10. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

R. Thomas Weimer, of Colorado, to be an Assistant Secretary of the Interior.

Mark A. Limbaugh, of Idaho, to be an Assistant Secretary of the Interior.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 12, at 10 a.m., in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of:

Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs.

David R. Hill, of Missouri, to be General Counsel of the Department of Energy.

James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on June 30, 2005, at 9:30 a.m., to receive testimony on the status of the U.S. Army and U.S. Marine Corps in fighting the global war on terrorism.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, June 30, 2005 at 9:30 a.m. to hold a hearing on the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HAGEL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, June 30, 2005, at 9:30 a.m., in SD-226. The agenda will be provided as soon as it becomes available.

I. Nominations: James B. Letten to be U.S. Attorney for the Eastern District of Louisiana; and Rod J. Rosenstein to be U.S. Attorney for the District of Maryland.

II. Bills: S. 1088, Streamlined Procedures Act of 2005, Kyl, Cornyn, Grassley; S. , Personal Data Privacy and Security Act of 2005, Specter, Leahy; S. 751, Notification of Risk to Personal Data Act, Feinstein; S. 1326, Notification of Risk to Personal Data Act, Sessions; S. 155, Gang Prevention and Effective Deterrence Act of 2005, Feinstein, Hatch, Grassley, Cornyn, Kyl, Specter; S. 103, Combat Meth Act of 2005, Talent, Feinstein, Kohl; S. 1086, A Bill to Improve the National Program to Register and Monitor Individuals Who Commit Crimes Against Children or Sex Offenses, Hatch, Biden; and S. 956, Jetseta Gage Prevention and Deterrence of Crimes Against Children Act of 2005, Grassley, Kyl, Cornyn.

II. Matters: Senate Judiciary Committee Rules, Discussion of Subpoena for Asbestos.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HAGEL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 30, 2005 at 2:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HAGEL. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Thursday, June 30, 2005 from 10 a.m. to 12 p.m. in Hart 216 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EDUCATION AND EARLY CHILDHOOD DEVELOPMENT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Education and Early Childhood Development, be authorized to hold a hearing during the session of the Senate on Thursday, June 30, 2005 at 3 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, Border Security and Citizenship be authorized to meet to conduct a hearing on "The Need for Comprehensive Immigration Reform: Securing the Cooperation of Participating Countries" on Thursday June 30, 2005, at 2:30 p.m. in SD–226.

Witness List:

Panel I: The Honorable Andres Rozental, Former Mexican Ambassador at Large, President, Rozental & Associados, Mexico City, Mexico; and Roberta Clariond, Professor, Instituto Tecnologico Antonomo de Mexico (ITAM), Mexico City, Mexico.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight be authorized to meet during the session on Thursday, June 30, 2005, at 2 p.m., to hear testimony on "Encouraging Savings and Investment: Stay the Course or Change Direction?"

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, INNOVATION AND COMPETITIVENESS

Mr. HAGEL. Mr. President, I ask unanimous consent that the Subcommittee on Technology, Innovation, and Competitiveness be authorized to meet on Thursday, June 30, 2005, at 9:30 a.m. on Health Information Technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DAYTON. Mr. President, I ask unanimous consent that Tasha Byers, an intern in my office, be granted floor privileges for the duration of this debate on CAFTA.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Jane Siegel and Tiffany Gilbert of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Kathryn Becker of the staff of Senator JEFFORDS be allowed the privilege of the floor during consideration of CAFTA.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS FUNDING

Mr. REID. Mr. President, it is 10 o'clock at home, 1 o'clock here. I am confident some of the veterans are watching this. We are talking about the veterans who have served our country so well for so long going back to World War II, to people who have come home today.

We are talking about helping these men and women. We are talking about the need for the full amount of money. They always get shortchanged. What if we gave them the right amount of money? What if we gave them a little bit of extra money? Would it matter?

I am very disappointed we are not able to do what the Senate requested and voted for just a few hours ago, even hours ago, after the Appropriations Committee, one floor below this Chamber, agreed unanimously that we stick by our number.

As a result we have done that. Again, the veterans have been shortchanged. I am disappointed. I don't in any way question the motives of my distinguished friend from Idaho. I know he has the best interests of the veterans at heart. But I don't know if the veterans understand that. I hope we can resolve this issue quickly. The veterans deserve this.

Even though it is early Friday morning in the Eastern United States, it does not take away from the seriousness of what we are doing. The House made a very big mistake, I repeat, and again shortchanged American veterans.

Mr. FRIST. Mr. President, it is 1 o'clock in the morning. We have had a very productive month. It is time to wrap up. We will be in session tomorrow, as well, but no rollcall votes.

MEASURE PLACED ON THE CALENDAR—S. 1332

Mr. FRIST. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> A bill (S. 1332) to prevent and mitigate identity theft; to ensure privacy; and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information.

Mr. FRIST. In order to place the bill on the calendar under rule XIV I object to further proceedings.

The PRESIDING OFFICER. The objection is heard and the bill will be placed on the calendar.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND EXECUTIVE CALENDAR

Mr. FRIST. I ask unanimous consent the Senate proceed to executive session; provided further that the Foreign Relations Committee be discharged from further consideration of the following nominations: Marie Yovanovitch, PN 566; John Beyrle, PN 569; Ronald Spogli, PN 606; Robert Tuttle, PN 607; provided further that the Agriculture Committee be discharged from further consideration of Reuben Jeffery III, PN 519 and PN 520; Walter Lukken, PN 534; provided further that the Senate proceed to their consideration and the following nominations on the calendar en bloc: No. 188, 190, 191, 194, 196 through 201 and all nominations on the Secretary's desk.

I further ask that the nominations be confirmed and the motions to reconsider laid upon the table and the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en block are as follows:

DEPARTMENT OF STATE

Marie L. Yovanovitch, of Connecticut, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kyrgyz Republic.

John Ross Beyrle, of Michigan, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Ronald Spojli, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Italian Republic.

Robert H. Tuttle, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

COMMODITY FUTURES TRADING COMMISSION

Reuben Jeffery III, of the District of Columbia, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2007.

Reuben Jeffery III, of the District of Columbia, to be Chairman of the Commodity Futures Trading Commission.

Walter Lukken, of Indiana, to be a Commissioner of the Commodity Futures Trading Commission for a term expiring April 13, 2010.

DEPARTMENT OF TRANSPORTATION

Ashok G. Kaveeshwar, of Maryland, to be Administrator of the Research and Innovative Technology Administration, Department of Transportation.

COAST GUARD

Following named officer to serve as the Director of the Coast Guard Reserve pursuant to Title 14, U.S.C. Section 53 in the grade indicated:

To be rear admiral

RADM Sally Brice-O'Hara, 1553

DEPARTMENT OF EDUCATION

Tom Luce, of Texas, to be Assistant Secretary for Planning, Evaluation, and Policy Development, Department of Education.

DEPARTMENT OF DEFENSE

Daniel R. Stanley, of Kansas, to be an Assistant Secretary of Defense.

AIR FORCE

The following named officer for appointment as Chief of Staff of the Air Force, and for appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 8033 and 601:

To be general

Gen. Teed M. Moseley, 1516

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. William N. McCasland, 7469

ARMY

The following named officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Robert J. Kasulke, 2949

To be brigadier general

Col. Stanley L. K. Flemming, 1103

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Larry J. Studer, 2654

The following named officer for appointment as the Dean of the Academic Board, United States Military Academy and for appointment to the grade indicated under title 10, U.S.C., sections 624 and 4335:

To be brigadier general

Col. Patrick Finnegan, 1878

NAVY

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Mark A. Hugel, 9650

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN609 AIR FORCE nominations (58) beginning RONALD H. ALFORS, and ending DAVID R. ZARTMAN, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN610 AIR FORCE nominations (11) beginning GREGORY H. BLAKE, and ending PAUL E. TURNQUIST, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN611 AIR FORCE nomination of Gary D. Davis, which was received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN612 AIR FORCE nominations (2) beginning JOHN A. CAVER, and ending THOMAS B. DUNHAM, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN613 AIR FORCE nominations (3) beginning GRETCHEN S. DUNKELBERGER, and ending JANET I. SESSUMS, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN614 AIR FORCE nominations (2) beginning WILLIAM F. EVANS, and ending LESLIE R. HYDER, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

PN615 AIR FORCE nominations (6) beginning WILBERT W. EDGERTON, and ending SUZANNE PETERS, which nominations were received by the Senate and appeared in the Congressional Record of June 9, 2005.

ARMY

PN576 ARMY nominations (4) beginning Humberto Buitrago, and ending Phyllis Y. Spivey, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN577 ARMY nominations (2) beginning IRA I. KRONENBERG, and ending GARY P. MAUCK, which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN578 ARMY nomination of Eric M. Radford, which was received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN579 ARMY nomination of Paul F. Russell, which was received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN581 ARMY nominations (3) beginning MARK W. BRUNS, and ending DONALD O. LAGACE, JR., which nominations were received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN654 ARMY nomination of Kenneth D. Ortega, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN655 ARMY nomination of Charles H. Edwards, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN656 ARMY nomination of Slobodan Jazarevic, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN657 ARMY nomination of David M. Bartoszek, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

MARINE CORPS

PN619 MARINE CORPS nomination of Robert D. Dunston, which was received by the Senate and appeared in the Congressional Record of June 9, 2005.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN642 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (22) beginning Paul L. Schattgen, and ending David J. Zezula, which nominations were received by the Senate and appeared in the Congressional Record of June 16, 2005.

NAVY

PN591 NAVY nomination of Jeffrey D. Weitz, which was received by the Senate and appeared in the Congressional Record of June 6, 2005.

PN658 NAVY nomination of Ronald D. Tomlin, which was received by the Senate and appeared in the Congressional Record of June 23, 2005.

PN659 NAVY nominations (23) beginning RONNIE E. ARGILLANDER, and ending WILLIAM J. WILBURN, which nominations were received by the Senate and appeared in the Congressional Record of June 23, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 198, the adjournment resolution, provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 198) was agreed to, as follows:

H. CON. RES. 198

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, June 30, 2005, or Friday, July 1, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, July 11, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, June 30, 2005, Friday, July 1, 2005, or Saturday, July 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, July 11, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR FRIDAY, JULY 1, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Friday, July 1. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business, with Senators permitted the speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, tomorrow, we will be in a period of morning business throughout the day. There will be, as I mentioned earlier, no rollcall votes tomorrow. Senators who wish to speak prior to the recess should come to the floor tomorrow morning. When we return from the recess, we will begin consideration of the Homeland Security appropriations bill. I will have more to say on the post-July Fourth recess schedule tomorrow, but I would inform all Senators that the next rollcall vote will occur on Monday, July 11.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:04 a.m., adjourned until Friday, July 1, 2005, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 30, 2005:

SECURITIES AND EXCHANGE COMMISSION

CHRISTOPHER COX, OF CALIFORNIA, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2009, VICE HARVEY JEROME GOLDSCHMID, TERM EXPIRED.

DEPARTMENT OF STATE

MARK LANGDALE, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

JENDAYI ELIZABETH FRAZER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), VICE CONSTANCE BERRY NEWMAN.

EXECUTIVE OFFICE OF THE PRESIDENT

JOHN S. REDD, OF GEORGIA, TO BE DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (NEW POSITION)

DEPARTMENT OF JUSTICE

MICHAEL J. GARCIA, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JAMES B. COMEY.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RONALD L. BURGESS, JR., 2986

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, June 30, 2005:

DEPARTMENT OF TRANSPORTATION

ASHOK G. KAVEESHWAR, OF MARYLAND, TO BE ADMINISTRATOR OF THE RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

IN THE COAST GUARD

FOLLOWING NAMED OFFICER TO SERVE AS THE DIRECTOR OF THE COAST GUARD RESERVE PURSUANT TO TITLE 14, U.S.C., SECTION 53 IN THE GRADE INDICATED:

To be rear admiral

RADM SALLY BRICE-O'HARA

DEPARTMENT OF EDUCATION

TOM LUCE, OF TEXAS, TO BE ASSISTANT SECRETARY FOR PLANNING, EVALUATION, AND POLICY DEVELOPMENT, DEPARTMENT OF EDUCATION.

DEPARTMENT OF DEFENSE

DANIEL R. STANLEY, OF KANSAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

COMMODITY FUTURES TRADING COMMISSION

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2007.

REUBEN JEFFERY III, OF THE DISTRICT OF COLUMBIA, TO BE CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION.

WALTER LUKKEN, OF INDIANA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR A TERM EXPIRING APRIL 13, 2010.

DEPARTMENT OF STATE

MARIE L. YOVANOVITCH, OF CONNECTICUT, TO BE AMBASSADOR TO THE KYRGYZ REPUBLIC.

JOHN ROSS BEYRLE, OF MICHIGAN, TO BE AMBASSADOR TO THE REPUBLIC OF BULGARIA.

RONALD SPOGLI, OF CALIFORNIA, TO BE AMBASSADOR TO THE ITALIAN REPUBLIC.

ROBERT H. TUTTLE, OF CALIFORNIA, TO BE AMBASSADOR TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE AIR FORCE, AND FOR APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 8033 AND 601:

To be general

GEN. TEED M. MOSELEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WILLIAM N. MCCASLAND

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. ROBERT J. KASULKE

To be brigadier general

COL. STANLEY L. K. FLEMMING

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. LARRY J. STUDER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 4335:

To be brigadier general

COL. PATRICK FINNEGAN

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MARK A. HUGEL

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH RONALD H. ALFORS AND ENDING WITH DAVID R. ZARTMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH GREGORY H. BLAKE AND ENDING WITH PAUL E. TURNQUIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATION OF GARY D. DAVIS TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN A. CAVER AND ENDING WITH THOMAS B. DUNHAM, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH GRETCHEN S. DUNKELBERGER AND ENDING WITH JANET I. SESSUMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH WILLIAM F. EVANS AND ENDING WITH LESLIE R. HYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

AIR FORCE NOMINATIONS BEGINNING WITH WILBERT W. EDGERTON AND ENDING WITH SUZANNE PETERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 9, 2005.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH HUMBERTO BUITRAGO AND ENDING WITH PHYLLIS Y. SPIVEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATIONS BEGINNING WITH IRA I. KRONENBERG AND ENDING WITH GARY P. MAUCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATION OF ERIC M. RADFORD TO BE COLONEL.

ARMY NOMINATION OF PAUL F. RUSSELL TO BE COLONEL.

ARMY NOMINATIONS BEGINNING WITH MARK W. BRUNS AND ENDING WITH DONALD O. LAGACE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 6, 2005.

ARMY NOMINATION OF KENNETH D. ORTEGA TO BE COLONEL.

ARMY NOMINATION OF CHARLES H. EDWARDS TO BE COLONEL.

ARMY NOMINATION OF SLOBODAN JAZAREVIC TO BE COLONEL.

ARMY NOMINATION OF DAVID M. BARTOSZEK TO BE COLONEL.

IN THE MARINE CORPS

MARINE CORPS NOMINATION OF ROBERT D. DUNSTON TO BE MAJOR.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH PAUL L. SCHATTGEN AND ENDING WITH DAVID J. ZEZULA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 16, 2005.

IN THE NAVY

NAVY NOMINATION OF JEFFREY D. WEITZ TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF RONALD D. TOMLIN TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RONNIE E. ARGILLANDER AND ENDING WITH WILLIAM J. WILBURN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 23, 2005.

NOMINATION WITHDRAWN

Executive Message transmitted by the President to the Senate on June 29, 2005 withdrawing from further Senate consideration the following nomination:

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, WHICH WAS SENT TO THE SENATE ON JANUARY 24, 2005.

EXTENSIONS OF REMARKS

HONORING GREGORY PETERSON, RECIPIENT OF THE 18TH ANNUAL PARKER AWARD FOR SOCIAL JUSTICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary public service of Gregory Peterson, a resident of Chautauqua County, Town of Lakewood, upon receiving the 18th annual Parker Award for Social Justice.

Mr. Peterson was presented this honor for his dedication and effort to developing the Robert H. Jackson Center for Justice. Peterson is currently the President of the center and is committed to bringing social justice to the City of Jamestown. He is also known for bringing some prominent speakers to Jamestown.

This award is given by the Unitarian-Universalist Congregation of Jamestown, to a local person who voluntarily dedicates their time and effort to social justice, and is not a member of the congregation. It was established as a memorial in 1985 for T. Richard Parker, a leader in the Unitarian Church of Jamestown.

Mr. Peterson is an exemplary man for donating his time and energy to this worthy cause. That is why, Mr. Speaker, I am proud to honor the public service of Gregory Peterson.

DEE KELLY'S LETTER TO THE EDITOR OF THE DALLAS MORNING NEWS

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Ms. GRANGER. Mr. Speaker, I rise today to have a letter to the Editor of the Dallas Morning News, written on June 8, 2005, entered into the RECORD. The letter was written by a constituent of mine, Dee Kelly.

JUNE 8, 2005.

Mr. WILLIAM MCKENZIE,
Associate Editorial Page Editor, Dallas Morning News, Dallas, TX.

DEAR BILLY: Amon Carter always said that given the opportunity Dallas would always treat Fort Worth like a stepchild. However, that was not the case when Dallas and Fort Worth built DFW. The cities worked together and agreed to joint covenants to build one of the greatest airports in the United States and to close Love Field and Amon Carter Field in Fort Worth.

Unfortunately, the founder of DFW in preparing the bond covenants did not require Southwest to sign the agreements. Southwest was then only operating in Texas under permit from the defunct Texas Aeronautical Commission. As a result Southwest was permitted to continue to fly out of Love Field, but Fort Worth was required to shut down Amon Carter Field.

For many years, Fort Worth could rely on the bond covenants to protect themselves from Dallas trying to expand Love Field. The Fifth Circuit Federal court has now preempted the joint covenants between the two cities leaving Fort Worth virtually defenseless to prevent Dallas from further expanding Love Field in the event the Wright Amendment is repealed.

Southwest has become not only greedy, but hypocritical as well. Southwest was about to have Love Field closed again in 1979, but its lobbyist J.D. Williams from the firm of Williams and Jensen in Washington was able to persuade Jim Wright to accept the Wright Amendment, which basically kept Southwest alive. For Herb Kelleher to indicate that the Wright Amendment was forced upon him when in fact it saved his airline insults credulity.

Another factious Southwest contention is that the relationship between the Houston International airport and Hobby could form a basis for DFW/Love Field connection. DFW is the third busiest airport in this country. Houston International is not even rated in the top ten, primarily because Hobby has siphoned off so much travel from the big airport in Houston.

It is true, no doubt, that if Southwest moved to DFW it could lower airport fares for everybody in the metroplex, including Fort Worth. Southwest is far too selfish to forgo its monopoly at Love Field and is not willing to compete at DFW.

Southwest, of course, is the darling of the press because of its lower fares. People in the metroplex should be concerned about the long-term effect of expansion at Love Field. Make no mistake that American will move to Love Field as well. There will be litigation almost instantly for Dallas to expand to permit many of DFW's best flights to move to Love. Congestion and safety concerns will arise again just as they did when DFW was built.

If Mr. Carter was living, he would not be surprised that Fort Worth once again finds itself on the short end of a deal with Dallas.

Best Regards,

DEE KELLY.

HONORING ZACH OSBORNE AND MIKE ALLEN, CIVIL AIR PATROL SERGEANTS AND DAVID FEHLMAN, CADET CAPTAIN, FOR THEIR COMPLETION OF THE CIVIL AIR PATROL CADET PROGRAM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to commend Zach Osborne, Mike Allen and David Fehlman for receiving the milestone award in recognition of their accomplishments in the Civil Air Patrol cadet program.

These three young men have shown great dedication and excellence. This article published in the Jamestown Post Journal pays tribute to their commendable accomplishment.

[From the Jamestown Post Journal, June 24, 2005]

CADETS COMPLETE TRAINING PROGRAM

(By Sabrina Blanco)

Three cadet members of the Jamestown Composite Squadron earned awards Thursday after completing intensive training programs with the Civil Air Patrol. Zack Osborne, Michael Allen and David Fehlman of Chautauqua County received milestone awards in recognition of their accomplishments in the Civil Air Patrol cadet program.

A full curriculum of aeronautics, communications, physical fitness and moral leadership was taught to each cadet. They also participated in several volunteer and community service projects over the last year.

Cadet Sergeants Osborne and Allen were honored with the Wright Brothers Award, passing the first of four phases in the cadet program.

The Wright Brothers Award is earned after completing Phase I, "The Learning Phase," consisting of the first three achievements of the cadet program. In addition, the cadet must pass a challenging examination, testing leadership, knowledge and proficiency in drill and ceremonies.

"These cadets have really grown since they first started the program and they have come a long way," said Deputy Commander Ellen Maternowski, who presented the awards to each cadet.

Once a cadet earns the Wright Brothers Award, they are promoted to the grade of cadet staff sergeants. They begin service as cadet non-commissioned officers and continue to participate and advance as cadets in the U.S. Air Force Auxiliary Civil Air Patrol.

Mark Thomas, Chautauqua County executive, gave a message at the event, saying, "During World War II, the civil air patrol became famous for coastal control, where civilians volunteered to use privately owned aircrafts to spot enemy submarines along the Atlantic and Gulf coasts. Recognizing that America's entrance into the war was imminent and general aviation would be needed to succeed, the Civil Air Patrol then expanded rapidly into an army of more than 100,000 civilian volunteers committed to protecting America."

The Civil Air Patrol has marked over 60 years of service and remains a thriving program across America.

In the graduation ceremony on Thursday, Cadet Captain David Fehlman was honored with the Amelia Earhart Award which is earned after completing the Phase III with 11 credits and passing an arduous 100-question examination testing aerospace topics, leadership theory and staff topics.

"Once a cadet earns the Earhart Award, they are promoted to the grade of cadet captain," Mrs. Maternowski said. "These cadets

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

who later enter CAP's Senior Member program are eligible for immediate promotion to CAP 1st Lieutenant at age 21. They are also eligible to apply to the International Air Cadet Exchange."

The cadet program provides opportunities for the learning, maturing, accepting, and nurturing of leadership to over 27,000 young Americans from 12–20 years of age. For further information about the Civil Air Patrol, contact Ellen Maternowski at 763–2743.

"For more than half a century the Civil Air Patrol has taken an active role in carrying out non-combat missions on behalf of the United States Air Force, performing more than 85 percent of inland search and rescue missions in the continental U.S.," Thomas said. "It is a great opportunity to honor these young men today for their achievements and for being role models for the younger generation."

I am honored Mr. Speaker, to have an opportunity to honor Zachary Osborne, Mike Allen and David Fehlman for their completion of cadet training.

IN HONOR OF VETERAN JOURNALIST GERSHON JACOBSON

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mrs. MALONEY. Mr. Speaker, I rise today to acknowledge the life and achievements of Gershon Jacobson, the veteran Yiddish journalist, who founded and published the Algemeiner Journal. I am saddened to report that Mr. Jacobson passed away on May 29, 2005. He is survived by his loving family and his many friends, who have established the Gershon Jacobson Jewish Continuity Fund to serve as an anchor for the perpetuation of Mr. Jacobson's legacy.

Mr. Jacobson was one of our Nation's most respected and influential journalists. He was born in Moscow in 1933 and soon emigrated to France, where he began his writing career. He then moved to America and immediately began working for the New York Herald Tribune. In the 1960s, Mr. Jacobson replaced Eli Weisel as the U.N. correspondent for Israel's largest daily, Yediot Achronot. During this time, Mr. Jacobson became renowned for excellent reporting on the capture of German war criminal Adolf Eichmann and for his interviews with world leaders and other notable figures. In 1972, Mr. Jacobson founded the Yiddish-English weekly, Der Algemeiner Journal. For the next 33 years, Mr. Jacobson served as its editor and publisher, and made it into a vital source of information for the Jewish community.

Mr. Jacobson stood at the forefront of Jewish life in America for close to 60 years and served the public as an indispensable guide to the post-World War II period. The prominent Israeli daily Haaretz stated, "Gershon Jacobson created a revolution in the Yiddish Press. Till his day, the Yiddish press occupied itself primarily with memories of the Shtetel, with romantic tales, and Yiddish literature and prose. Mr. Jacobson introduced into Yiddish journalism an acute awareness of the reality of Israel and the burning issues of contemporary Jewish life."

The Gershon Jacobson Jewish Continuity Fund will honor Mr. Jacobson's legacy and continue his work to battle for spiritual integrity and moral clarity. The fund's overall goal is to create a broad range of vehicles that will serve as a voice for Jews in the 21st century.

Mr. Speaker, I request that my colleagues join me in honoring the late Gershon Jacobson, whose keen insight into international and domestic affairs made him a strong and courageous voice on behalf of the Jewish people and the State of Israel. With his passing, the community has lost one of its true heroes. My heart goes out to his family and friends who will miss him deeply.

RECOGNIZING ROBERT G. WILMERS FOR HIS CONTRIBUTIONS TO THE WESTERN NEW YORK COMMUNITY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to Mr. Robert G. Wilmers, a man whose business expertise and community compassion has made a significant difference in Western New York.

Since 1983 Mr. Wilmers has served as President and Chief Executive Officer of M&T Bank Corporation. At that time, M&T was a local, Buffalo based bank with holdings of approximately $2 billion.

Over the last 22 years, under Mr. Wilmers leadership, the company has grown to one of the 20 largest banks in the United States with over 650 branches, managing over $50 billion in assets and employing over 13,000 people.

While his financial accomplishments have been quite significant, his commitment to building a better Buffalo region has been equally profound. Last year Mr. Wilmers and his wife, Elizabeth, were recognized by the United Way of Buffalo & Erie County for corporate and personal donations to a number of local charities including: the Buffalo Zoo, the Darwin Martin House, Shea's Performing Arts Center, the Albright-Knox Art Gallery and the Buffalo Philharmonic Orchestra.

Mr. Wilmers has also taken a special interest in building a better future for Buffalo children through promoting education. This focus has involved contributing to enhancements at Buffalo Public School No. 68—Westminster Community Charter School and helping sponsor the search for a new superintendent for the Buffalo Public School System.

Furthermore, Mr. Wilmers has lent his finance skills to the Buffalo Fiscal Stability Board, the Buffalo Niagara Partnership, and a business leaders association called the "Group of 18."

While Mr. Wilmers will continue to be involved professionally at M&T Bank, after over two decades of success, he has decided to relinquish his position as President and CEO of the Corporation.

Mr. Speaker, it is with great pleasure and gratitude I stand here today to recognize Robert Wilmers, a man who has dedicated his life to economic, community and social development. On behalf of the residents of Buffalo and Western New York, we are grateful for your enduring commitment to this area and wish you health and happiness in your new semi-retirement role.

HONORING THE FIRST GRADUATING CLASS FROM THE CAMDEN ACADEMY CHARTER HIGH SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. ANDREWS. Mr. Speaker, I rise today to honor the first graduating class of the Camden Academy Charter High School. The high school grew out of Camden's Promise Charter School, which opened its doors in September of 1998. From the beginning, Camden Academy Charter School has provided a safe environment for the children of Camden. The students here are not just presented with a foundation in academics, but also discover how their education translates into opportunities outside the classroom. The students participate in summer immersion, job shadowing, and even internships with local companies.

These students have truly earned their diplomas. I commend them for their dedication and hard work, and hope that their education will not end here. Education is a lifelong goal, one that serves to the betterment of the individual, and of society. I ask them to read the newspaper; read a novel; write poetry; study current events; talk to friends and family about the issues of the day. Their graduation today is a starting point from which they can grow and learn, and I wish these students all the best in their future endeavors.

The following are the 2005 graduates from the Camden Academy Charter High School:

Aaron Adams, Kristen Alpheus, Devon Alston, Jamellah Best, Diana Borges, Tyesha Brantley, Domonic Busbee, Troy Butler, Edwin Caraballo, TieQuann Carver, Jesse Coltrane, Alexis Cooper, Michael Cropper, Bianca Cox, Juan Cruz, Aramis Cruz, Letitia Curry, Khalil Davis, Julissa DeCasanova, Yesenia DeCasanova, Christopher Dickerson, Marilynn Ferguson, Rashon Fisher, Sheila Gabriel, and Tajah Gamble.

Abraham Gonzalez, Adrian Graham, DeVaughn Hailey, LaToya Hairston, Marcus Harris, Theresa Holmes, Michael Hopkins, William Hughes III, Hope Ibeneche, Nashid Ibn-El, Daniel Irizarry, Brittany Johnson, Damian Johnson, Nigel Jones, Erving Jones, Kris Keaton, Monique Kinard, Keyana Kirkland, Antonia Maldonado, Jorge Maldonado, KiaMarae Mathes, Steven McDonald, Jessica Medina, Jevon Miles, and Tabron Miles.

Naeemah Mitchell-El, Rafael Montanez, Ebony Mosley, Chanell Moye, Shardae Norwood, Saunier O'Neill, Jeremy Ortiz, Charles Parrish, India Powe, Dianna Pujols, Veda Quann, Quameer Reddick-Parker, April Reid-Bey, Christopher Rivera, Daniella Rivera, Jeremy Robinson, Samuel Rodriguez, LaTisha Rodriguez, Cheryl Ross, Kabria Satterwhite, Devin Seamon, Phillip Smalls, Dareese Smith, Akacia Spearman, and Yaniece Spencer.

Vaughn Spicer, Genice Steward, Troy Still, Steven Taylor Jr., Mercy Torres, Gina Torres, Jemaine Underdue, Fashionette Underdue, Alexander Vargas, Jha-Nai Wagner, Tangier Washington, Brittney Webb, Rasheen Webb, Gabrielle Williams, Chanteera Wilson, Lateema Yellock, and Tiffany Young.

THE RETIREMENT OF RABBI RICHARD LEVINE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. SAXTON. Mr. Speaker, I rise today in recognition of an extraordinary gentleman who I am honored to call a friend. On July 1, 2005, Rabbi Richard Levine will retire after 41 years of service as the spiritual leader of Congregation Adath Emanu-El. Since 1964, Rabbi Levine has worked tirelessly on behalf of his Congregation and the greater Jewish community of southern New Jersey. As my friend continues his journey after retirement, it is with great pride and admiration that I look back on his tenure as a spiritual and community leader.

After graduating from the Wharton School of Business at the University of Pennsylvania, Richard Levine went on to the Hebrew Union College-Jewish Institute of Religion whereupon completion of his studies, he was ordained as a Rabbi. Arriving in Willingboro, New Jersey in 1964, Rabbi Levine began to get involved with a countless number of Jewish and non-sectarian organizations and causes. In addition to holding the Presidency of the Delaware Valley Association of Reform Rabbis and the Tri-County Board of Rabbis, he was the first New Jersey Rabbi ever to serve as President of the Greater Philadelphia Board of Rabbis. He has served on the Boards of the Jewish Federation of Southern New Jersey, Jewish Family and Children Services and the Board of Jewish Education.

Rabbi Levine's dedication to our local community goes far beyond his service on Rabbinical and community boards. Over the years he has worked with the Juvenile Diabetes Research Foundation, Operation Head Start, various multi-ethnic human relations organizations and has taught classes at local schools. He has served with distinction as a "scholar in residence" in other communities and has led over a dozen trips to Israel. During these trips, the participants enjoy his first-hand knowledge of the country, its history, people and spiritual meaning.

Today, as we honor the accomplishments of this exceptional American, Rabbi Levine is still hard at work, as the patriarch of a growing family. He and his lovely wife Judith are the proud parents of nine children and are celebrating the arrival of their eighth grandchild! As a father, grandfather and rabbi, Richard Levine has earned the respect, gratitude and admiration of all of us who have had the privilege to work with him over the years.

Mr. Speaker, my friend Richard Levine has dedicated his professional life to the service of his people and the greater community of which I am honored to be a part. As he begins his well-earned retirement, I would like to extend my sincere gratitude for his friendship, leadership and service.

IN HONOR OF CAPTAIN JEFFREY E. KLINE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Captain Jeffrey E. Kline, United States Navy, who retires this month after 26 years of uniformed service to our Nation's Navy. His career is highlighted by a blend of significant operational and academic achievement.

At the University of Missouri, CAPT Kline participated in the NROTC Program and was commissioned in 1979 upon graduation with honors. He then attended Surface Warfare Officer School at Newport, RI. His first assignments were as Gunnery Officer and Navigator on board the USS *Moosbrugger* from 1979 to 1981 and then on the USS *Ranger* as the Propulsion Officer until 1983. Upon completion of USMC Instructors School, CAPT Kline was a Naval Gunfire Instructor with the Land Force Training Command, Pacific, until 1986. He retuned to Department Head School at Newport followed by another sea duty assignment as Combat Systems Officer on board the USS *John L Hall* from 1986 to 1988. This led directly to a billet as the Combat Systems and Operations Officer on the staff of Commander Destroyer Squadron THREE TWO through 1990. Captain Kline then continued his education at the Naval Postgraduate School graduating with a Masters Degree in Operations Research with distinction in 1992.

Upon graduation, Captain Kline served his first tour as a Commanding Officer on board the USS *Aquila*. In 1993, he was assigned to the Office of the Secretary of Defense for Programs, Analysis and Evaluation as a Naval Forces Analyst, and was awarded the Legion of Merit for his work in 1996. Returning to academia, he graduated with distinction from the National War College at the National Defense University in 1997.

From 1997 to 1999, Captain Kline assumed his second operational command as the Commanding Officer of the USS *Cushing*. This was followed by a two-year tour as Deputy Operations Officer for the Commander Sixth Fleet. For this work he received the Defense Meritorious Service Medal in 2001. Captain Kline completed his distinguished naval career as the Associate Dean and Chair of Warfare Innovation at the Naval Postgraduate School.

Captain Kline has been consistently recognized for his outstanding service throughout his naval career. In addition to the Legion of Merit and the Defense Meritorious Service Medal, he has been awarded two Meritorious Service medals, three Navy Commendation Medals, and two Navy Achievement Medals by various commands. His academic achievements in naval education earned him the 1992 CNO Excellence in Operations Research Award, the 1996 Naval War College Award for the best Geostrategic Context paper and two Northrop Grumman Awards of Excellence for Systems Engineering in 2003 and 2004 while at the Postgraduate School.

Mr. Speaker, it is my pleasure to applaud a person who has served his country with such distinction for so many years. I join with all his friends and family in honoring this talented man and his many achievements.

COMMENDATION FOR ROSALIND M. WON-PAT FLEET FOR HER PUBLIC SERVICE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Ms. BORDALLO. Mr. Speaker, I rise today to commend Rosalind M. Won-Pat Fleet for 26 years of dedication and commitment to the security of this Nation through her career with the U.S. Department of Defense. I want to express my personal thanks to Rose as her family and friends gather to honor her accomplishments on the occasion of her retirement.

Born on Guam to the late Congressman Antonio Borja and Ana Perez Won-Pat, Rose currently resides in Haymarket, Virginia. She is married to William Don Fleet and is the proud mother of three children, Natalie, William, Jr., and Michael.

After graduating from George Washington High School in Mangilao, Guam, Rose attended the University of Maryland at College Park where she received her Bachelor of Science degree in Journalism and was a member of Theta Sigma Phi, the National Professional Society for Women in Journalism and Communications. She continued her postgraduate studies in Communications and Public Administration.

Following in her family's tradition of public service, Rose began her career in 1984 as a Budget Assistant with the Commander of Naval Forces Japan (COMNAVFORJAPAN) in Yokosuka, Japan. Within 3 years, she became Budget Chief at the Office of the Director of Naval Intelligence (DNI) at the Pentagon. She continued her rise within the Department of Defense, serving as the Financial Resource Manager with the Defense Intelligence Agency (DIA), a Program/Budget Analyst at the Pentagon, and now, as a Senior Congressional Analyst with the Office of the Under Secretary of Defense for Intelligence.

Her outstanding performance throughout her career has not gone unrecognized. She has received many awards, including the award for Sustained Superior Performance and the Quality Step Increase.

Although Rose has spent most of her career away from Guam, she has never forgotten her roots, promoting and preserving the Chamorro culture through her active involvement as an Executive Board Member with the Guam Society of America, Inc. here in the greater Washington, D.C., Metropolitan Area. In addition, she has served as an Alternate Delegate for Guam to the National Conference of State Societies.

I want to thank Rose for her many years of dedicated service in the day-to-day operations of our Federal Government. Your contributions are appreciated by your colleagues and fellow citizens. Dangkulo Na Si Yu'os Ma'ase.

A TRIBUTE TO THE SOUTH COAST CHINESE CULTURAL CENTER

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. COX. Mr. Speaker, I rise to recognize and congratulate the South Coast Chinese Cultural Center on the occasion of its grand opening celebration on Sunday, April 24, 2005 in Irvine, California. This important and vibrant cultural center will serve as a gathering place for thousands of Californians. This is a center that will serve as a place of community bonding and fellowship; a place to build new relationships and to foster old ones; a place to learn about Chinese history and to teach younger generations about Chinese culture and language; and, of course, a place to relax and to play mah-jong with the best of them.

The South Coast Chinese Cultural Association, founded in 1977, is the heart and soul behind this new center. For 28 years the SCCCA has served and supported Orange County's Chinese community. The mission of the association is the same today as it was in 1977: to promote an, understanding of Chinese culture, to preserve Chinese heritage, and to support the rights of all Chinese Americans. This outstanding organization currently serves more than 1,000 member families in the greater Orange County area. The South Coast Chinese Cultural Center was born out of the idea that the association could better serve its members from a central campus.

Tradition is a large and vital part of Chinese culture and way of life. Ancient traditions continue with new life here in America in places such as the South Coast Chinese Cultural Center. Younger generations will have the opportunity to learn from their elders about the timeless art of Chinese Brush Painting, Chinese Calligraphy, Chinese Swordsmanship, and Chinese Martial Arts. The Irvine Chinese School, now in its 28th year, will continue to serve the community at this new center by giving new meaning to Chinese language and lessons for future generations of Chinese Americans. The heritage of the Old World will not be lost so long as there are places like the South Coast Chinese Cultural Center in which to congregate.

This grand opening celebration of the South Coast Chinese Cultural Center was a momentous occasion for not only the Chinese community, but also for people of all backgrounds throughout Orange County and all of Southern California. This center aims to unite the unique and diverse ethnic framework that makes ours such a thriving and vibrant community.

I am particularly proud that the South Coast Chinese Cultural Center—the largest center of its kind on the West Coast—has chosen to call Irvine its home. The leadership exemplified by the Chinese community in Orange County in building this wonderful center has shown us that, with a great vision and dedication, we can ensure that the global traditions and cultures that have been brought to America's melting pot will live on for generations to come.

Mr. Speaker, I ask my colleagues to join me today in congratulating the South Coast Chinese Cultural Center on the occasion of its recent grand opening.

CHINA: A GROWING THREAT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. WOLF. Mr. Speaker, I would like to bring to the attention of our colleagues a two-part series that ran in the Washington Times this week, which gives an eye-opening account of the growing military and intelligence threat posed by China. As this series makes clear, we are naive to view China as simply a trading partner, when in fact they are a global superpower with military ambitions directly at odds with the United States.

[From the Washington Times, June 26, 2005]

CHINESE DRAGON AWAKENS

(By Bill Gertz)

China is building its military forces faster than U.S. intelligence and military analysts expected, prompting fears that Beijing will attack Taiwan in the next 2 years, according to Pentagon officials.

U.S. defense and intelligence officials say all the signs point in one troubling direction: Beijing then will be forced to go to war with the United States, which has vowed to defend Taiwan against a Chinese attack.

China's military buildup includes an array of new high-technology weapons, such as warships, submarines, missiles and a maneuverable warhead désigned to defeat U.S. missile defenses. Recent intelligence reports also show that China has stepped up military exercises involving amphibious assaults, viewed as another sign that it is preparing for an attack on Taiwan.

"There's a growing consensus that at some point in the mid-to-late '90s, there was a fundamental shift in the sophistication, breadth and re-sorting of Chinese defense planning," said Richard Lawless, a senior China-policy maker in the Pentagon. "And what we're seeing now is a manifestation of that change in the number of new systems that are being deployed, the sophistication of those systems and the interoperability of the systems."

China's economy has been growing at a rate of at least 10 percent for each of the past 10 years, providing the country's military with the needed funds for modernization.

The combination of a vibrant centralized economy, growing military and increasingly fervent nationalism has transformed China into what many defense officials view as a fascist state.

"We may be seeing in China the first true fascist society on the model of Nazi Germany, where you have this incredible resource base in a commercial economy with strong nationalism, which the military was able to reach into and ramp up incredible production," a senior defense official said.

For Pentagon officials, alarm bells have been going off for the past two years as China's military began rapidly building and buying new troop- and weapon-carrying ships and submarines.

The release of an official Chinese government report in December called the situation on the Taiwan Stráit "grim" and said the country's military could "crush" Taiwan.

Earlier this year, Beijing passed an anti-secession law, a unilateral measure that upset the fragile political status quo across the Taiwan Strait. The law gives Chinese leaders a legal basis they previously did not have to conduct a military attack on Taiwan, U.S. officials said:

The war fears come despite the fact that China is hosting the Olympic Games in 2008 and, therefore, some officials say, would be reluctant to invoke the international condemnation that a military attack on Taiwan would cause.

ARMY OF THE FUTURE

In the past, some defense specialists insisted a Chinese attack on Taiwan would be a "million-man swim" across the Taiwan Strait because of the country's lack of troop-carrying ships.

"We left the million-man swim behind in about 1998, 1999," the senior Pentagon official said. "And in fact, what people are saying now, whether or not that construct was ever useful, is that it's a moot point, because in just amphibious lift alone, the Chinese are doubling or even quadrupling their capability on an annual basis."

Asked about a possible Chinese attack on Taiwan, the official put it bluntly: "In the '07–'08 time frame, a capability will be there that a year ago we would have said was very, very unlikely. We now assess that as being very likely to be there."

Air Force Gen. Paul V. Hester, head of the Pacific Air Forces, said the U.S. military has been watching China's military buildup but has found it difficult to penetrate Beijing's "veil" of secrecy over it.

While military modernization itself is not a major worry, "what does provide you a pause for interest and concern is the amount of modernization, the kind of modernization and the size of the modernization," he said during a recent breakfast meeting with reporters.

China is building capabilities such as aerial refueling and airborne warning and control aircraft that can be used for regional defense and long-range power projection, Gen. Hester said.

It also is developing a maneuverable reentry vehicle, or MARV, for its nuclear warheads. The weapon is designed to counter U.S. strategic-missile defenses, according to officials who spoke on the condition of anonymity. The warhead would be used on China's new DF–31 long-range missiles and its new submarine missile, the JL–2.

Work being done on China's weapons and reconnaissance systems will give its military the capability to reach 1,000 miles into the sea, "which gives them the visibility on the movement of not only our airplanes in the air, but also our forces at sea," Gen. Hester said.

Beijing also has built a new tank for its large armed forces. It is known as the Type 99 and appears similar in design to Germany's Leopard 2 main battle tank. The tank is outfitted with new artillery, anti-aircraft and machine guns, advanced fire-control systems and improved engines.

The country's air power is growing through the purchase of new fighters from Russia, such as Su–30 fighter-bombers, as well as the development of its own fighter jets, such as the J–10.

Gen. Hester compared Chinese warplanes with those of the former Soviet Union, which were less capable than their U.S. counterparts, but still very deadly.

"They have great equipment. The fighters are very technologically advanced, and what we know about them gives us pause for concern against ours," he said.

Missiles also are a worry.

"It is their surface-to-air missiles, their [advanced] SAMs and their surface-to-surface missiles, and the precision, more importantly, of those surface-to-surface missiles that provide, obviously, the ability to pinpoint targets that we might have out in the region, or our friends and allies might have," Gen. Hester said.

The advances give the Chinese military "the ability . . . to reach out and touch parts of the United States—Guam, Hawaii and the mainland of the United States," he said.

To better deal with possible future conflicts in Asia, the Pentagon is modernizing U.S. military facilities on the Western Pacific island of Guam and planning to move more forces there.

The Air Force will regularly rotate Air Expeditionary Force units to Guam and also will station the new long-range unmanned aerial vehicle known as Global Hawk on the island, he said.

It also has stationed B-2 stealth bombers on Guam temporarily and is expected to deploy B-1 bombers there, in addition to the B-52s now deployed there, Gen. Hester said.

PROJECTING POWER

China's rulers have adopted what is known as the "two-island chain" strategy of extending control over large areas of the Pacific, covering inner and outer chains of islands stretching from Japan to Indonesia.

"Clearly, they are still influenced by this first and second island chain," the intelligence official said.

The official said China's buildup goes beyond what would be needed to fight a war against Taiwan.

The conclusion of this official is that China wants a "blue-water" navy capable of projecting power far beyond the two island chains.

"If you look at the technical capabilities of the weapons platforms that they're fielding, the sea-keeping capabilities, the size, sensors and weapons fit, this capability transcends the baseline that is required to deal with a Taiwan situation militarily," the intelligence official said.

"So they are positioned then, if [Taiwan is] resolved one way or the other, to really become a regional military power as well."

The dispatch of a Han-class submarine late last year to waters near Guam, Taiwan and Japan was an indication of the Chinese military's drive to expand its oceangoing capabilities, the officials said. The submarine surfaced in Japanese waters, triggering an emergency deployment of Japan's naval forces.

Beijing later issued an apology for the incursion, but the political damage was done. Within months, Japan began adopting a tougher political posture toward China in its defense policies and public statements. A recent Japanese government defense report called China a strategic national security concern. It was the first time China was named specifically in a Japanese defense report.

ENERGY SUPPLY A FACTOR

For China, Taiwan is not the only issue behind the buildup of military forces. Beijing also is facing a major energy shortage that, according to one Pentagon study, could lead it to use military force to seize territory with oil and gas resources.

The report produced for the Office of Net Assessment, which conducts assessments of future threats, was made public in January and warned that China's need for oil, gas and other energy resources is driving the country toward becoming an expansionist power.

China "is looking not only to build a blue-water navy to control the sea lanes [from the Middle East], but also to develop undersea mines and missile capabilities to deter the potential disruption of its energy supplies from potential threats, including the U.S. Navy, especially in the case of a conflict with Taiwan," the report said.

The report said China believes the United States already controls the sea routes from the oil-rich Persian Gulf through the Malacca Strait. Chinese President Hu Jintao has called this strategic vulnerability to disrupted energy supplies Beijing's "Malacca Dilemma."

To prevent any disruption, China has adopted a "string of pearls" strategy that calls for both offensive and defensive measures stretching along the oil-shipment sea lanes from China's coast to the Middle East.

The "pearls" include the Chinese-financed seaport being built at Gwadar, on the coast of western Pakistan, and commercial and military efforts to establish bases or diplomatic ties in Bangladesh, Burma, Cambodia, Thailand and disputed islands in the South China Sea.

The report stated that China's ability to use these pearls for a "credible" military action is not certain.

Pentagon intelligence officials, however, say the rapid Chinese naval buildup includes the capability to project power to these sea lanes in the future.

"They are not doing a lot of surface patrols or any other kind of security evolutions that far afield," the intelligence official said. "There's no evidence of [Chinese military basing there] yet, but we do need to keep an eye toward that expansion."

The report also highlighted the vulnerability of China's oil and gas infrastructure to a crippling U.S. attack.

"The U.S. military could severely cripple Chinese resistance [during a conflict over Taiwan] by blocking its energy supply, whereas the [People's Liberation Army navy] poses little threat to United States' energy security," it said.

China views the United States as "a potential threat because of its military superiority, its willingness to disrupt China's energy imports, its perceived encirclement of China and its disposition toward manipulating international politics," the report said.

'MERCANTILIST MEASURES'

The report stated that China will resort "to extreme, offensive and mercantilist measures when other strategies fail, to mitigate its vulnerabilities, such as seizing control of energy resources in neighboring states."

U.S. officials have said two likely targets for China are the Russian Far East, which has vast oil and gas deposits, and Southeast Asia, which also has oil and gas resources.

Michael Pillsbury, a former Pentagon official and specialist on China's military, said the internal U.S. government debate on the issue and excessive Chinese secrecy about its military buildup "has cost us 10 years to figure out what to do."

"Everybody is starting to acknowledge the hard facts," Mr. Pillsbury said. "The China military buildup has been accelerating since 1999. As the buildup has gotten worse, China is trying hard to mask it."

Richard Fisher, vice president of the International Assessment and Strategy Center, said that in 10 years, the Chinese army has shifted from a defensive force to an advanced military soon capable of operations ranging from space warfare to global non-nuclear cruise-missile strikes.

"Let's all wake up. The post-Cold War peace is over," Mr. Fisher said. "We are now in an arms race with a new superpower whose goal is to contain and overtake the United States."

[From the Washington Times, June 27, 2005]

THEFTS OF U.S. TECHNOLOGY BOOST CHINA'S WEAPONRY

(By Bill Gertz)

China is stepping up its overt and covert efforts to gather intelligence and technology in the United States, and the activities have boosted Beijing's plans to rapidly produce advanced-weapons systems.

"I think you see it where something that would normally take 10 years to develop takes them two or three," said David Szady, chief of FBI counterintelligence operations.

He said the Chinese are prolific collectors of secrets and military-related information. "What we're finding is that [the spying is] much more focused in certain areas than we ever thought, such as command and control and things of that sort," Mr. Szady said.

"In the military area, the rapid development of their 'blue-water' navy—like the Aegis weapons systems—in no small part is probably due to some of the research and development they were able to get from the United States," he said.

The danger of Chinese technology acquisition is that if the United States were called on to fight a war with China over the Republic of China (Taiwan), U.S. forces could find themselves battling a U.S.-equipped enemy.

"I would hate for my grandson to be killed with U.S. technology" in a war over Taiwan, senior FBI counterintelligence official Tim Bereznay told a conference earlier this year.

The Chinese intelligence services use a variety of methods to spy, including traditional intelligence operations targeting U.S. government agencies and defense contractors.

Additionally, the Chinese use hundreds of thousands of Chinese visitors, students and other nonprofessional spies to gather valuable data, most of it considered "open source," or unclassified information.

"What keeps us up late at night is the asymmetrical, unofficial presence," Mr. Szady said.

"The official presence, too. I don't want to minimize that at all in what they are doing." China's spies use as many as 3,200 front companies—many run by groups linked to the Chinese military—that are set up to covertly obtain information, equipment and technology, U.S. officials say.

Recent examples include front businesses in Milwaukee; Trenton, N.J.; and Palo Alto, Calif., Mr. Szady said.

In other cases, China has dispatched students, short-term visitors, businesspeople and scientific delegations with the objective of stealing technology and other secrets.

The Chinese "are very good at being where the information is," Mr. Szady said. "If you build a submarine, no one is going to steal a submarine. But what they are looking for are the systems or materials or the designs or the batteries or the air conditioning or the things that make that thing tick," he said. "That's what they are very good at collecting going after both the private sector, the industrial complexes, as well as the colleges and universities in collecting scientific developments that they need."

"One recent case involved two Chinese students at the University of Pennsylvania who were found to be gathering nuclear submarine secrets and passing them to their father in China, a senior military officer involved in that country's submarine program.

BIT BY BIT

To counter such incidents, the FBI has been beefing up its counterintelligence operations in the past 3 years and has special sections in all 56 field offices across thy country for counterspying.

But the problem of Chinese spying is daunting.

"It's pervasive," Mr. Szady said. "It's a massive presence, 150,000 students, 300,000 delegations in the New York area. That's not counting the rest of the United States, probably 700,000 visitors a year. They're very good at exchanges and business deals, and they're persistent."

Chinese intelligence and business spies will go after a certain technology, and they eventually get what they want, even after being thwarted, he said.

Paul D. Moore, a former FBI intelligence specialist on China, said the Chinese use a variety of methods to get small pieces of information through numerous collectors, mostly from open, public sources.

The three main Chinese government units that run intelligence operations are the Ministry of State Security, the military intelligence department of the People's Liberation Army and a small group known as the Liaison Office of the General Political Department of the Chinese army, said Mr. Moore, now with the private Centre for Counterintelligence Studies.

China gleans most of its important information not from spies but from unwitting American visitors to China—from both the U.S. government and the private fector—who are "serially indiscreet" in disclosing information sought by Beijing, Mr. Moore said in a recent speech.

In the past several years, U.S. nuclear laboratory scientists were fooled into providing Chinese scientists with important weapons information during discussions in China through a process of information elicitation—asking questions and seeking help with physics "problems" that the Chinese are trying to solve, he said.

"The model that China has for its intelligence, in general, is to collect a small amount of information from a large amount of people," Mr. Moore said during a conference of security specialists held by the National Security Institute, a Massachusetts-based consulting firm.

IN THE LEARNING PHASE

Mr. Szady acknowledges that the FBI is still "figuring out" the methods used by the Chinese to acquire intelligence and technology from the United States.

Since 1985, there have been only six major intelligence defectors from Chna's spy services, and information about Chinese activities and methods is limited, U.S. officials said.

Recent Chinese spy cases were mired in controversy.

The case against Katrina Leung, a Los Angeles-based FBI informant who the FBI thinks was a spy for Beijing, ended in the dismissal of charges of taking classified documents from her FBI handler. The Justice Department is appealing the case.

The case against Los Alamos National Laboratory scientist Wen Ho Lee, who was suspected of supplying classified nuclear-weapons data to China, ended with Mr. Lee pleading guilty to only one count among the 59 filed.

The FBI has been unable to find out who in the U.S. government supplied China with secrets on every deployed nuclear weapon in the U.S. arsenal, including the W-88, the small warhead used on U.S. submarine-launched nuclear missiles.

"I think the problem is huge, and it's something that I think we're just getting our arms around," Mr. Szady said of Chinese spying. "It's been there, and what we're doing is more or less discovering it or figuring it out at this point."

Mr. Bereznay said recently that Chinese intelligence activities are a major worry. FBI counterintelligence against the Chinese "is our main priority," he said.

In some cases, so-called political correctness can interfere with FBI counterspying. For example, Chinese-American scientists at U.S. weapons laboratories have accused the FBI of racial profiling.

But Mr. Szady said that is not the case.

China uses ethnic Chinese-Americans as a base from which to recruit agents, he said.

"They don't consider anyone to be American-Chinese," Mr. Szady said. "They're all considered overseas Chinese."

So the answer he gives to those who accuse the FBI of racial profiling is: "We're not profiling you. The Chinese are, and they're very good at doing that."

PUSHING AN AGENDA

China's government also uses influence operations designed to advance pro-Chinese policies in the United States and to prevent the U.S. government from taking tough action or adopting policies against Beijing's interests, FBI officials said.

Rudy Guerin, a senior FBI counterintelligence official in charge of China affairs, said the Chinese aggressively exploit their connections to U.S. corporations doing business in China.

"They go straight to the companies themselves," he said.

Many U.S. firms doing business in China, including such giants as Coca-Cola, Boeing and General Motors, use their lobbyists on behalf of Beijing.

"We see the Chinese going to these companies to ask them to lobby on their behalf on certain issues," Mr. Guerin said, "whether it's most-favored-nation trade status, [World Health Organization], Falun Gong or other matters."

The Chinese government also appeals directly to members of Congress and congressional staff.

U.S. officials revealed that China's embassy in Washington has expanded a special section in charge of running influence operations, primarily targeting Congress. The operation, which includes 26 political officers, is led by Su Ge, a Chinese government official.

The office frequently sends out e-mail to selected members or staff on Capitol Hill, agitating for or against several issues, often related to Taiwan affairs.

Nu Qingbao, one of Mr. Su's deputies, has sent several e-mails to select members and staff warning Congress not to support Taiwan.

The e-mails have angered Republicans who view the influence operations as communist meddling.

"The Chinese, like every other intelligence agency or any other government, are very much engaged in trying to influence, both covertly and overtly," Mr. Szady said.

TAKING TECHNOLOGY

The real danger to the United States is the loss of the high-technology edge, which can impair U.S. competitiveness but more importantly can boost China's military.

Immigration and Customs Enforcement (ICE), a part of the Department of Homeland Security, is concerned because the number of high-profile cases of illegal Chinese technology acquisition is growing.

"We see a lot of activity involving China, and I think it would be fair to say the trend is toward an increase," said Robert A. Schoch, deputy assistant director in ICE's national security investigations division.

Mr. Schoch said that one recent case of a South Korean businessman who sought to sell advanced night-vision equipment to China highlights the problem.

"We have an awesome responsibility to protect this sensitive technology," he said. "That gives the military such an advantage."

ICE agents are trying hard to stop illegal exports to China and several other states, including Iran and Syria, not just by halting individual exports but by shutting down networks of illegal exporters, Mr. Schoch said.

Another concern is that China is a known arms proliferator, so weapons and related technology that are smuggled there can be sent to other states of concern.

"Yes, some of this stuff may go to China, but then it could be diverted to other countries," Mr. Schoch said. "And that is the secondary proliferation. Who knows where it may end up."

As with China's military buildup, China's drive for advanced technology with military applications has been underestimated by the U.S. intelligence community.

A report prepared for the congressional U.S.-China Economic and Security Review Commission found predictions that China was unable to advance technologically were false.

In fact, the report by former Pentagon official Michael Pillsbury highlights 16 key advances in Chinese technology—all with military implications—in the past six months alone.

The failure to gauge China's development is part of the bias within the U.S. government that calls for playing down the threat from the growing power of China, both militarily and technologically, Mr. Pillsbury stated.

"Predictions a decade ago of slow Chinese [science and technology] progress have now proved to be false," the report stated.

Unlike the United States, China does not distinguish between civilian and military development. The same factories in China that make refrigerators also are used to make long-range ballistic missiles.

At a time when U.S. counterintelligence agencies are facing an array of foreign spies, the Chinese are considered the most effective at stealing secrets and know-how.

"I think the Chinese have figured it out, as far as being able to collect and advance their political, economic and military interests by theft or whatever you want to call it," Mr. Szady said. "They are way ahead of what the Russians have ever done."

HONORING JOHN PITTS, SR.

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. FORD. Mr. Speaker, I rise today to honor a distinguished leader in the Memphis business community, John Pitts, Sr., who has recently been selected as a member of the Tennessee Insurance Hall of Fame. This honor is well deserved by Mr. Pitts for his success and influence in the insurance industry, his outstanding contributions to the Memphis community, and his truly exemplary life.

Over 50 years ago, Mr. Pitts co-founded Lipscomb & Pitts Insurance which has grown to become the largest locally-owned independent insurance agency, and one of the largest privately-owned, single-site insurance agencies in the United States. Throughout his career, Mr. Pitts has served locally as president of both the Insurers of Tennessee and the Insurers of Memphis, and he has been active nationally as the State National Director of the Independent Insurance Brokers of America and as the president of the Professional Insurance Agents.

With all of these achievements, Mr. Pitts still affirms that the most rewarding experiences of his professional career have been the instances when he has watched employees develop professionally and has had the opportunity to influence the lives of those who work at Lipscomb & Pitts. Mr. Pitts has been instrumental in leading Lipscomb & Pitts to support many community organizations both with financial resources and with employees' volunteered time.

Mr. Pitts is an Eagle Scout and the father and grandfather of Eagle Scouts. He has received numerous awards for the Boy Scouts of America and currently serves as the chairman of the Eagle Board of Review. Mr. Pitts has also been an active life-long member of his church, Faith Christian Church.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. John Pitts, a man who is a true leader in the insurance industry, the Memphis business community, his local community, and his family on the occasion of his induction into the Tennessee Insurance Hall of Fame.

RECOGNIZING THE HEROIC EFFORTS OF THE PEOPLE WHO SAVED DEAN OLSON

HON. COLLIN C. PETERSON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. PETERSON of Minnesota. Mr. Speaker, on Wednesday, May 25, 2005, 84-year-old Dean Olson of Montevideo, Minnesota lost control of his pickup truck during a storm, went off the road, and landed approximately 35 feet into the Minnesota River. The vehicle was not visible from the road. Mr. Olson spent over 2 hours trapped in the vehicle, submerged to his shoulders in 40-degree water, after sustaining multiple injuries.

It is our intention today to recognize the compassionate and heroic efforts of three people who saved Mr. Olson's life that day: Mr. Kevin Applewick, Chippewa County Sheriff Deputy Timothy Christensen, and Mr. Robert Pender.

Kevin Applewick discovered the partially submerged truck while searching for a fishing spot. Mr. Applewick could not determine if anyone was in the vehicle. He promptly notified the Chippewa County Sheriff's Office. Deputy Timothy Christensen was dispatched to the scene and arrived at the same time as Robert Pender, who was fishing in the area. By the time of their arrival, Mr. Applewick thought he had heard low moans coming from the pickup. Mr. Pender and Deputy Christensen immediately waded into the swift current of the near freezing Minnesota River, where they discovered Dean Olson trapped in the vehicle. They notified emergency response personnel, and kept Mr. Olson breathing and prevented him from drowning for 20 minutes while standing in over 4 feet of cold river water until EMS professionals could evacuate him.

Dean Olson, who served his country as a fighter pilot in the Pacific Theater during WWII, remains hospitalized in serious condition at Hennepin County Medical Center.

He and his family are extremely grateful for the extraordinary efforts that sustained Mr. Olson's life.

The extraordinary efforts and exceptional actions of Kevin Applewick, Timothy Christensen, and Robert Pender are hereby recognized and commended.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. ORTIZ. Mr. Speaker, due to business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated below.

Rollcall No. 324: "yes"; rollcall No. 325: "no"; rollcall No. 326: "no"; rollcall No. 327: "yes"; rollcall No. 328: "no"; rollcall No. 329: "no"; rollcall No. 330: "yes"; rollcall No. 331: "yes"; rollcall No. 332: "yes"; rollcall No. 333: "yes"; rollcall No. 334: "no"; rollcall No. 335: "yes."

ACKNOWLEDGING THE PARKER FAMILY FOR THEIR SACRIFICES DURING WORLD WAR II

HON. GINNY BROWN-WAITE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to acknowledge Chas and Effie Parker of Westfield, FL, who had five sons in World War II: Samuel, Leon, John, Lewis, and Chas Jr. Their three daughters, Cleta, Nita, and Marquerite, and other son, Alan Parker, remained in the U.S. For their accomplishments the Parkers received a Blue Banner with five blue stars. After the war all five sons returned home safely. They lived out the American dream and made a home, a family and life in the country they loved.

The millions of young Americans, like the Parkers and their sons, pulled the U.S. out of a Great Depression. They defeated fascism and saved the world from the threat of Nazi occupation of Europe. Without their help, America would not have had victory during World War II.

In a letter to the mother of five men who died during the Civil War, Abraham Lincoln wrote, "I feel how fruitless must be any words of mine which should attempt to beguile you from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to save."

I thank the Parkers for their sacrifices during World War II, which helped preserve the freedom Americans enjoy. The Parkers are a model American family, a family I am proud to call constituents.

TRIBUTE TO COLONEL JOHN W. IVES

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. RUPPERSBERGER. Mr. Speaker, it is my distinct honor today to rise and pay tribute to a great American, Colonel John W. Ives, for his distinguished and exemplary service on behalf of my constituents and a grateful nation.

When Colonel Ives first enlisted as a soldier in 1972, no one could have imagined the events of September 11, 2001 and the war on terrorism that would ensue. And yet in hindsight, Colonel Ives' entire career prepared him to be a leader in our post 9/11 world and to help the Army position itself to face the future.

Colonel Ives was commissioned as a military intelligence officer in 1981 after completing his undergraduate studies in the Business School at the University of Texas, El Paso. Colonel Ives led two platoons in the 125th Military Intelligence Battalion (CEWI), followed by 2 years as the S2 Intelligence Officer with the 1st Battalion, 19th Infantry Regiment, 25th Infantry Division. He later directed a Joint Agency Task Team from the National Photographic Interpretation Center, specializing in North Korean affairs. During his combat tour in Operation Desert Storm, Colonel Ives served as the S3 Operations Officer.

Following his time in Desert Storm, Colonel Ives continued his established career in intelligence by managing sensitive advanced technology programs for the Office of Secretary of Defense. From 1997–1999, he commanded the 532nd Military Intelligence Battalion (Operations) in the Republic of Korea, afterwards being assigned as Director, Imagery Assessments Directorate (IAD) with the National Ground Intelligence Center (NGIC). In June 2002, he assumed command of the Army Garrison at Fort Meade.

A highly decorated individual, Colonel Ives' commitment to American security is evident in the number of awards he has earned. The Bronze Star Medal, Defense Meritorious Service Medal (3rd Oak Leaf Cluster), Joint Staff Commendation Medal, Army Commendation Medal (3rd Oak Leaf Cluster), National Defense Service Medal (2nd Oak Leaf Cluster), Saudi Arabian-Kuwait Liberation Medal, and the Kuwait Liberation Medal are just a few of the many decorations Colonel Ives has achieved. Never one to rest in his accomplishments, Colonel Ives continues to fight for excellence for every soldier and for our nation's Army.

I am proud to represent both Ft. Meade and NSA. As a member of the House Permanent

Select Committee on Intelligence, I understand the threats our nation faces and fully appreciate the contributions of military intelligence experts like Colonel Ives. I have also had the pleasure of personally knowing Colonel Ives to be a man who cares deeply about his country. He has provided dutiful service as a leader on the battlefield and an expert in the field of intelligence for over 30 years. Our nation is indebted to leaders like Colonel Ives, who deserve our respect for their unending dedication in providing security for Americans both at home and abroad. Of course, no soldier can be successful without a supportive and understanding family at home. Their service and sacrifice in allowing Colonel Ives to do his work deserves our respect and appreciation as well.

Mr. Speaker, I ask my colleagues to join me in thanking Colonel Ives for his decades of tireless service towards the protection of our nation. We wish him and his family well in his retirement.

TRIBUTE TO LANCE CORPORAL RYAN S. McCABE, UNITED STATES MARINE CORPS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. MEEHAN. Mr. Speaker, I rise today to honor Lance Corporal Ryan S. McCabe of the United States Marine Corps for his extraordinary courage and heroism while serving our nation in Afghanistan. On March, 10, 2005, Lance Corporal McCabe was presented with the Navy and Marine Corps Achievement Medal.

Lance Corporal McCabe put himself at grave personal risk to protect the lives of the Marines in his unit. He used a bayonet to navigate his unit through a minefield in Afghanistan. Due to his bravery, Lance Corporal McCabe's patrol leader—who had been wounded by a detonated landmine—received the urgent medical care he needed to survive and recover.

Lance Corporal McCabe has brought great pride to his parents, Stephen and Kathleen, and his hometown of Lowell, Massachusetts. I would like to congratulate Lance Corporal McCabe, and enter into the record a news article titled "'V' for valor" by reporter Robert Mills which ran in the May 30, 2005 edition of The Lowell Sun.

His patrol leader had already been wounded by a landmine explosion when Lance Cpl. Ryan McCabe, of Lowell, was handed a bayonet and told by his sergeant to start digging his way through the minefield.

McCabe, 22, took his orders without hesitation.

Just minutes before, McCabe and the rest of the six-man patrol he was part of on that mid-August day had started up a hill where they saw a bunker. The patrol leader took the lead, walking up a trail even though the troops saw landmines on the hillside.

Nevertheless, the patrol leader soon detonated an anti-personnel mine, which blew off part of his leg.

The rest of the patrol retreated from the immediate area to avoid setting off any other mines, and began to organize a rescue mission.

That's when McCabe received his orders.

McCabe, who comes from a long line of veterans and Lowell firefighters, got on his hands and knees, and began probing through the minefield, plunging the bayonet into the dirt, searching for mines.

"You feel through the dirt with the bayonet at an angle so if you find a mine you hit it on the side, which won't set it off," he said.

The anti-personnel mines are triggered when they are stepped on, so only direct pressure on top of the mines will cause an explosion.

McCabe was too excited at the time to remember about how far he had to crawl through the minefield, but he eventually got to the lieutenant and secured the area around him which allowed the rest of the patrol, and the medic that was traveling with it, to rescue and treat the group's leader.

In recognition of his efforts, McCabe was awarded the Navy and Marine Corps Achievement Medal, with a combat V—for valor—earlier this month.

Despite his heroism in Afghanistan, which he returned from in December, McCabe and his unit, Lima Company of the Third Battalion Sixth Marines, will now ship out for duty in Iraq starting in August or September.

He will leave for urban and desert warfare training in California next week, before spending an estimated six to nine months in Iraq.

He said having another deployment so soon is "stressful," but nothing he can't handle.

"It's stressful, but once you get over there it's not too bad" he said. "The first few months are depressing, but you get used to it real quick. "

McCabe, who lived in Lowell all his life before joining the Marine Corps, ran cross-country and track while he was a student at Lowell High School.

When his duty with the Marine Corps is finished in about two years, he hopes to return to Lowell to become a firefighter, just as his father, two uncles and grandfather were before him.

McCabe's father, Steve McCabe, of Lowell, is a lieutenant with the Lowell Fire Department's Ladder 4. McCabe's uncle, Patrick McCabe, is one of the department's eight deputy chiefs. His uncle, Bob McCabe, is also a Lowell firefighter, as was his grandfather, Patrick McCabe, who was a deputy chief when he retired from the department in 1984.

He followed in his father's footsteps when he joined the Marines in 2001. His father had served from 1974 to 1976, just missing being sent to Vietnam.

Speaking from his Lowell home last week, Steve McCabe said he is proud of his son, though he naturally worries about him being in such dangerous situations.

"Like any parent that has a son or daughter serving I'm extremely proud, but at the same time I have mixed emotions because like any parent I worry," Steve McCabe said. "I'm nervous about him going to Iraq. "

Steve McCabe said that just as he did when his son was in Afghanistan, he will be following closely any reports he can find while his son is in Iraq.

Though his rescue mission in Afghanistan was perilous, McCabe said he didn't realize what he had done until after the lieutenant was saved.

"At the time, the adrenaline was going so much I just wasn't thinking of what was going on," he said from Fort Lejeune, in North Carolina, last week. "It happened so quickly I didn't have time to get nervous."

"Afterward, I realized 'wow, what did I just do?'" McCabe said.

Mr. Speaker, we're blessed to have brave men and women like Lance Corporal Class Ryan S. McCabe serving our nation. We should never forget the risks they take to preserve our liberty.

TRIBUTE TO MR. GEORGE RODRIGUEZ

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. SERRANO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to a long time friend, Mr. George Rodriguez. "Georgie", as he is affectionately known in my community, will be honored in the Bronx, New York tonight for his outstanding work and unyielding service to the people of the Bronx, NY.

Since he arrived in New York over forty years ago, George has devoted most of his time to fighting the good fight. Serving as an advocate for the disadvantaged, George has helped to curtail the debilitating effects of racism, poverty and disease throughout the Bronx community.

Among George's long list of accomplishments are several projects which have helped to put roofs over the heads of our most vulnerable citizens. He has served as Chairman of the NYC Model Cities Program (a program that provides low income residents and senior citizens with housing), and helped to establish Mins Plaza Housing, OVB Garden Apartments and Borinquen Court housing for seniors. In addition, George has assisted in providing his neighbors with much needed quality healthcare. He was instrumental in the establishment of the New Lincoln Hospital, and the Degunda Ruix Belvis Neighborhood Health Center.

Mr. Speaker, men like George are a rare breed. It is not everyday that you find individuals who are willing to devote their entire lives to uplifting others. His selfless acts of kindness have helped countless Bronxites live better lives. Furthermore, his actions serve as a testimony to the great influence an individual can have when he is determined to bring about change.

Mr. Speaker, I am truly appreciative of the work George has done for residents of the congressional district. As a result of his strong leadership and vision, the Bronx is a better place and as result of his enduring friendship I am a better leader. For his outstanding service to the people of my community, I ask my colleagues to join me in honoring Mr. George Rodriguez.

RECOGNIZING THE 22ND ANNUAL FREMONT FESTIVAL OF THE ARTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. STARK. Mr. Speaker, I rise today to recognize the twenty-second anniversary of the Fremont Festival of the Arts, sponsored by the Fremont, California Chamber of Commerce. Annual contributions from the Festival provide over $400,000 to non-profit agencies in the Fremont community.

The Festival is expected to attract over 45,000 individuals and will feature more than 800 artists, 40 culinary selections and 30 musical groups. This effort is made possible through the generous help of some 3,000 volunteers who give willingly of their time to insure the success of the Festival.

The spirit of community service continues to thrive in Fremont as exhibited by the Fremont Festival of the Arts. I am confident this year's Festival will be a success, and through its contributions to non-profits, will make a difference in the lives of all who live in our community.

I commend the efforts of David M. O'Hara, Festival Chairman, and Cindy Bonair, Chamber CEO and Festival Director, for their generous and untiring efforts to make the Fremont Festival of the Arts a model event.

TRIBUTE TO MISS MARTHA HARRIS

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Miss Martha Harris, from Altoona, Pennsylvania, as one of twenty national winners in a new award program called The Alexander Hamilton Citizenship Achievement Award. The award is sponsored by a new 501(c)3 non-profit organization, The Alexander Hamilton Friends Association, AHFA, of Seattle, Washington. Fourteen states were represented and amongst the twenty winners, Pennsylvania had three, all of whom happened to be from Altoona Area High School. Over 200 candidates were considered for the award and it is a remarkable achievement for these three students and the Altoona Area school district.

The Alexander Hamilton Friends Association is a non-profit organization incorporated under the laws of the State of Washington. The AHFA's goal is to preserve Alexander Hamilton's legacy by recognizing and honoring young people who share Hamilton's strong sense of integrity, achievement, pragmatism, and service. For a student to win the award the student needs to exhibit a high degree of personal integrity and receive an outstanding rating in two of the five areas, which are: community service, school-related extracurricular activity, entrepreneurial skill, scholastic record, and personal achievement. George Cox, president of AHFA said, "The key question we asked ourselves, was this: If a young Alexander Hamilton were placed in a situation like this student, would be have responded in a similar manner? In the case of our winners, we think the answer is yes."

Miss Martha Harris is a junior at Altoona High school. She is a editor and serves on the staff of the school newspaper, yearbook, a literary magazine. As a copy editor of the yearbook, she supervises more than 25 students. Harris who is totally blind, frequently speaks to parents of blind children and the sighted public concerning the need for Braille texts and blindness awareness. She is active in Young Life and helps read scriptures for services at her church.

Mr. Speaker, we would like to congratulate Miss Martha Harris on her outstanding achievements in community service and we are proud to have her as one of our constituents.

HONORING TWO RIVER THEATER COMPANY IN RED BANK

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. HOLT. Mr. Speaker, I rise today to honor the Two River Theater Company on the opening of a new, state of the art, performance center in Red Bank, New Jersey. The Two River Theater Company is in Monmouth County, New Jersey's leading professional theater.

Since the company first opened its curtains in 1994, the Two River Theater Company has used many venues for their productions. Starting at Monmouth College and traveling around Monmouth County, the Two River Theater Company has been innovative and resourceful in creating productions in borrowed spaces. With the opening of their new home, the Two River Theater Company will provide an excellent addition to the artistic and cultural makeup of Red Bank, Monmouth County and all of central New Jersey.

As a supporter of the arts, I cannot stress enough the importance of culture in our lives. The arts play a crucial role in our society, enhancing our creativity; promoting critical aspects of education; and providing Americans with the opportunity to view works of beauty and expression. I commend the Two River Theater Company for bridging together local groups and communities through their educational and cultural programming and providing individuals with access to many different forms of art.

The Two River Theater Company decision to locate their new theater on Red Bank's west side, easily accessible by car and train, is an example of the desire to contribute to the local community. The new space is comprised of a main theater, named for the cofounders of the Two River Theater Company, that will provide an intimate atmosphere for both the actors and audiences. A small box theater will provide a different type of venue for performances as well rehearsal space for productions on the main stage. The complex also holds costume and craft shops, lighting and sound shops and dressing rooms.

For more than ten years, the individuals involved with the Two River Theater Company have shared their love for the theater, arts and music with local schools. From educational programming to reduced admission for school groups to running a yearlong program for 25 exceptional high school juniors to teach them about all aspects of theater, the Two River Theater Company is committed to educating our youth and helping students gain a greater appreciation for the arts.

Kicking off their inaugural season, the Two River Theater Company held a gala fund-raiser and then hosted three free programs for the local communities including a Celebration for Educators on April 26, a Neighborhood Open House & Concert on April 28, and a Family Day on April 30. The theater season kicked off on May 7th with the Pulitzer Prize-winning comedy "You Can't Take It With You" by George S. Kaufman, which will run in the Robert "Bob" and Joan Rechnitz Theater and "Suicide in B flat" by Sam Shepard, a one act play that includes music, that will be performed in the Marion Huber Theater for a limited number of days in June.

I congratulate the Two River Theater Company for their hard work and dedication to achieving their dream of their own theater. Not only will the new venue provide an excellent place for audiences to enjoy the arts, but it has and will continue to bring cultural and new life to downtown and west side Red Bank. I applaud the achievements of the Two River Theater Company and may they break a leg during their inaugural theater season.

ONE-YEAR ANNIVERSARY OF THE NEW SANCTUARY OF ROCK SPRINGS CHURCH

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. WESTMORELAND. Mr. Speaker, I rise today to bring to the attention of the House a momentous occasion occurring in the Eighth District of Georgia—the one-year anniversary of the new sanctuary of Rock Springs Church in Milner, Georgia which will be celebrated on August 14 of this year.

The ministry of Rock Springs is an amazing demonstration of the faithfulness of God in the lives of His people. The church has been a lighthouse for more than 150 years, faithfully calling on people in Georgia to follow the Lord in accordance with His Word.

It was 1852, when some of the first Congregational Methodist churches were being formed, that Rock Springs first began. The church began serving the area immediately, and moved into its first sanctuary in 1855.

From that point, a number of faithful men served in the pulpit, proclaiming God's Word to all who came to hear, and going out into the community to spread the message of truth.

The church has continued to grow, and now Dr. Benny Tate leads the work that has been carried on by so many before him. Dr. Tate's vision of ministry for the community has continued to grow, and the church stands as a lighthouse, true to the Word of God.

Dr. Tate's messages on the importance of Christian involvement in government have been an encouragement and challenge to me, and I appreciate his vision for Christians serving all throughout the halls of government. But true Christian statesmanship involves a deep commitment to living out the truths of the Bible, and that is the message that comes out loud and clear from the people of Rock Springs.

One year ago, Rock Springs dedicated the new church sanctuary, as Solomon dedicated the temple, to the glory of God. This is the base of operations for ministry to the community. But the building itself is not the church. As we celebrate this new sanctuary, dedicated to the worship of God, the equipping of His people, and the evangelization of the lost, we also thank God for the people of Rock Springs and the testimony they are to a watching world around them.

Mr. Speaker, it is an honor to lay before this House the ministry of Rock Springs Church, and pray God's richest blessings on the ministry there as they look back on the past year of the new sanctuary, and look forward to many, many years of ministry in the future.

HONORING JIMMY LEE GREEN

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. WAMP. Mr. Speaker, Jim Lee Green—or Jimmy Lee as he's known in my hometown of Chattanooga—is an ordinary man with an extraordinary amount of commitment.

He began working for Southern Champion Tray in Chattanooga when he was 18 years old. And now, 50 years later, Jimmy Lee is the first person in Southern Tray's 78-year history to attain this landmark anniversary! Having no plans for retirement, Jimmy Lee Green has an extraordinary amount of energy, commitment and devotion.

Southern Tray will honor Jimmy Lee for his 50 years of servant leadership and dedication this Saturday, July 2, 2005. Words that his coworkers use to describe him are "honest, faithful, loyal, determined, fair and trustworthy."

Jim L. Green was born in Welch, West Virginia, on February 16, 1937. He's more than a faithful employee, he's a family man, a loyal friend and veteran of our Naval Services.

Congratulations to Jimmy Lee Green for reaching this unprecedented milestone! And, congratulations to Southern Champion Tray for its great work environment and continued investment in those who work there.

NATIONAL RECOGNITION FOR THE LAWRENCE JOURNAL-WORLD

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. MOORE of Kansas. Mr. Speaker, last Sunday's edition of the New York Times carried a lengthy analysis of the recent service expansions into new media delivery outlets undertaken by the Lawrence Journal-World, a daily newspaper published in my congressional district.

The Lawrence Journal-World, long owned and managed by the Simons family, epitomizes locally based newspaper publishing in America. While many Kansas papers in neighboring communities have been purchased and reworked by out-of-state media conglomerates, the Journal-World has remained independent, feisty, and unique. While I have not always agreed with the conclusions advocated by the paper's management in its editorial columns, I respect the Simons' family's commitment to the strength of the Lawrence community, the advancement of the University of Kansas, and the independence of a free and activist press in the United States. I commend the New York Times' coverage of the Journal-World to my colleagues, Mr. Speaker, and I hope it presents a model that other newspaper publishers nationwide will seek to follow.

[From the New York Times, June 26, 2005]

THE NEWSPAPER OF THE FUTURE

(By Timothy L. O'Brien)

Every Little League player in this town of about 85,000 people can be a star. Regardless of how he or she hits or fields, each tyke and teenager is eligible for a personalized electronic trading card—replete with a picture, biography, statistics and an audio clip of the player philosophizing about the game—that can be posted on the Web site of the local newspaper, The Lawrence Journal-World.

Lawrencians buying tickets for University of Kansas football games can visit the same site, LJWorld.com, and find photographs offering sightlines from each of Memorial Stadium's 50,000 seats. Law aficionados can find transcripts of locally significant court cases posted on the site and participate in live, online chats debating the pros or cons of some cases—sometimes with experts who are involved in the proceedings.

A related Web site, lawrence.com, is aimed at college readers. It allows visitors to download tunes from the Wakarusa Music Festival, find spirited reviews of local bars and restaurants and plunge into a vast trove of blogs, including the Gay Kansan in China Blogger, who recently had his first "disgusting" experience with a woman, to the Born Again Christian Blogger, who offers videotaped huzzahs to the Nascar legend Dale Earnhardt Sr.

The steward of this online smorgasbord is Dolph C. Simons Jr., a politically conservative, 75-year-old who corresponds via a vintage Royal typewriter and red grease pencil while eschewing e-mail and personal computers. "I don't think of us as being in the newspaper business," said Mr. Simons, the editor and publisher of The Journal-World and the chairman of the World Company, the newspaper's parent. "Information is our business and we're trying to provide information, in one form or another, however the consumer wants it and wherever the consumer wants it, in the most complete and useful way possible."

Owned by the Simons family since 1891, The Journal-World is a small-town paper emphasizing small-town news, but it is hardly restrained by a small-town mentality. Indeed, at a time when newspapers big and small are facing financial and journalistic crossroads, media analysts say The Journal-World, with a circulation of just 20,000, offers guidelines for moving forward.

The Simons family, through the World Company, enjoys an unfettered and often criticized media monopoly in Lawrence. But the family has used that advantage to cross pollinate its properties, ranging from cable to telephone service to newspaper and online publishing, and to take technological and financial risks that other owners might have avoided.

Mr. Simons and his associates describe their overall goals as a shared belief in quality, a deep attachment to Lawrence as a community and a constant reinvention of their business's relationship with readers, viewers and advertisers.

"We believe that journalism has been a monologue for so long and now is the perfect time for it to become a dialogue with our readers," said Rob Curley, 34, the World Company's director of new media. "We want readers to think of this as their paper, not our paper."

Lawrence has a long history as an independent, contrarian town. Founded in 1854 by New England abolitionists, it became one of the most violent, bloody battlegrounds in the slavery debate and was burned to the ground by pro-slavery raiders in 1861.

The University of Kansas opened its doors here just after the Civil War; women made up almost half of its first class. Haskell Indian Nations University, a college for Native Americans, opened here in 1884. After Mr. Simons's grandfather arrived in town more than a century ago, he bought the local paper for $50.

Today, Lawrence is a regional anomaly, anchoring a Democratic county in a solidly Republican state. Its large student population brings spunk to Lawrence, the university adds academic sophistication and sports fanaticism, and the town, dotted with funky restaurants and boutiques, has become a favorite of artists and activists.

Lawrence is also peppered with tidy, attractive homes and schools that draw middle- and upper-class families headed by professionals who commute to work in Topeka and Kansas City. "It's a real town with a real soul where people like to get involved," said Paul Carttar, a Lawrence native who is executive vice chancellor for external affairs at the University of Kansas. "People here care about what Lawrence will become."

Mr. Simons says his family takes its Lawrence roots seriously. "My dad told me that if you take care of Lawrence, Lawrence will take care of you," he said.

To that end, Mr. Simons has been an aggressive consolidator of local news and information services while resisting what he described as repeated offers over the years from larger companies wanting to buy him out. He has also been an early adopter of new technologies. The World Company began laying cable in 1968 and offered cable programming to residents in 1971, paying for the expansion with profits from The Journal-World—long before most larger media companies would embrace cable.

Today, about 80 percent of homes in Lawrence have cable connections. The Journal World began publishing on the Internet in 1995, the same year that Sunflower, the broadband subsidiary of the World Company, first offered cable modems to customers. In 1999, the newspaper and its television station began sharing talent, using reporters to write for The Journal-World and appear on the company's news stations.

"We're not afraid to jump outside of the box, and that's because of who our owners are," said Patrick Knorr, 32, Sunflower's general manager, who also oversees strategic planning for the World Company. "They're determined not to lose because they were asleep at the switch."

Mr. Knorr said that World, which employs a total of about 600 people, did not try to offer new content to broadband subscribers until it had solid relationships with its customers and a robust pipeline through which it could pump media offerings.

"Content is absolutely critical and king," Mr. Knorr said. "But consumers have more power than ever over who gets crowned."

On a sweltering midsummer morning in 2001, Mr. Simons convened most of his media staff in the basement of a handsomely restored former post office at the corner of New Hampshire and Seventh Streets. The building was World's new "converged news center," where the company's television, newspaper and online staffs would all be housed.

Mr. Simons told his editors and reporters that they were going to do more than merely work shoulder to shoulder; they were going to share reporting assignments, tasks and scoops—whether they liked it or not.

Many did not like it at all, and some World reporters say they sometimes still feel taken advantage of—when they are asked to squeeze multiple print, television and online duties into the course of a single day. Print reporters and their editors have, at times, been reluctant to share scoops or ideas with their television counterparts, and vice versa. But many reporters also said that, over time, they have adapted.

"You can really teeter on the edge of, 'I'm not enjoying this and it's not fair,' to, 'This is one of the coolest things I've ever done,'" said Deanna Richards, a television reporter who works in World's converged newsroom. The company currently has 81 news employees, an unusually large number for an operation of its size.

In 1993, Mr. Simons recruited Bill Snead, an award-winning photographer from The Washington Post, to oversee the Journal-World newsroom. Now a senior editor, Mr. Snead, 67, has written, photographed and shot video for feature assignments on topics such as farm strife, cheerleaders and cowboys. He said that while he had never shot video before arriving at The Journal-World, he had no trouble adapting.

"Technology is our servant; it's our valet; it gets our stuff out there—but it's still about the content," he said, adding that his company's online and cable properties have helped to forge a closer relationship with readers. "If you show people respect and don't treat them like a novelty, you'll have free rein. That's what we're doing here."

For as ambitious and creative as the Journal-World team is, the newspaper still offers a menu of stories that is relentlessly, sometimes numbingly, local. Weather, local trials, local sports and other local comings and goings dominate. Some critics say that controversial topics, like divisive land-use debates, are soft-pedaled in the paper's pages.

"They control the dialogue on local news," said Charles Goff III, 46, a political activist and artist in Lawrence. "Every viewpoint goes through their filter and is tied to the Chamber of Commerce and the moneyed elite."

Mr. Goff conceded, however, that he was unaware of the depth of offerings on the Web site of The Journal-World. He also said that while he felt that the paper's editorial and opinion pages were staunchly and unsparingly conservative, he thought that the news pages usually offered more balanced viewpoints.

Mr. Simons and his news staff vehemently deny that controversial topics are sidestepped.

And while some residents bemoan The Journal-World's local navel-gazing, those overseeing the publication are unapologetic and enthusiastic examiners of all things Lawrence. "When the space shuttle blew up, we didn't have it on our home page; when the war in Iraq started, we didn't have it on our home page," Mr. Curley said. "It's focusing entirely on local stories that we think made our Web traffic go crazy."

Mr. Simons recruited Mr. Curley to the World Company three years ago, when The Journal-World's Web site snared about 500,000 page views a month. Mr. Curley says the number is now about seven million. The company said its online operation was losing about $15,000 a month when Mr. Curley arrived; it expects the online business to become profitable this year.

Ralph Gage, World's chief operating officer, is a no-nonsense taskmaster whom Mr. Simons deputized to make sure the company's trains ran on time. Online revenue comprises only about 1.5 percent of World's total revenue, he said, while the bulk comes from broadband, at 53 percent, and the newspaper operation, at 37 percent.

But Mr. Gage says the company expects newspaper revenue to slacken over time, with online ventures eventually being a much more significant source of sales. For that reason, World has been willing to use its broadband funds to underwrite its online ventures until the online profits become more meaningful, probably by the end of the decade.

According to a recent survey by Nielsen/NetRatings, newspaper Web sites nationwide had a 12 percent increase in unique visitors from May 2004 to May 2005, with a significant portion of readers aged 35 to 44 switching from a newspaper to the same paper's Web edition for their daily read.

"Newspaper circulation has been tanking since the 60's and now we're finally growing our audience online, so when I hear people complain about having to give their content away for free on the Internet I think they just don't get it," Mr. Curley said. "I'm a capitalist, and I respect people who want to make a ton of money, but, dude, I'm a journalist and I want to build cool things."

Of course, building cool things simply for the sake of building cool things suffered a notable national flameout during the dot-com bust. But through the newspaper Web site and lawrence.com, Lawrence comes alive in a fashion rare for a town of its size. (Lawrence.com is also published as a print weekly.)

The town, once home to the poet Langston Hughes and the novelist William S. Burroughs, has a rich literary tradition. Journalists at World are assembling a lushly embroidered Web site devoted to Mr. Burroughs that includes rare letters, photographs and other archival material.

During a local election, a list of questions reporters had asked of all candidates as part of a voter's guide were posted online. That allowed voters to answer the same questions themselves. Then they could use an online tool to find the candidates whose answers most closely matched their own—an example of civic journalism on steroids.

The paper also routinely files local freedom-of-information requests and uploads piles of public records to its Web site. In 2003, World installed about 30 wireless hot spots around Lawrence. That same year, it began sending daily content to cellphones. For example, subscribers can have real-time scores and statistics from the University of Kansas's football and basketball games delivered on demand.

The company has begun offering daily "podcasts" of news and other information to Apple iPod owners or anyone else carrying an MP3 player. It plans to offer a service that automatically loads information onto a docked MP3 player in the early-morning hours before students head to school.

About a third of the 18 employees in the online operation are interns, and their presence allows Mr. Curley to have data, video, photos and other material collected and uploaded at little cost, a process he grinningly refers to as "internology."

"People come here from thousands of miles away expecting to see something very high tech and expensive, but a lot of what we do we do on the cheap," Mr. Curley said. "So it just amazes me when people say they can't do what we do because they don't have the resources."

Still, it is financial resources, not content, that is behind the handwringing in newspaper circles everywhere.

While print advertising stagnates or slips, it is not yet being replaced in a meaningful way by online advertising revenue—especially at companies that lack a source of bridge financing like World's broadband operation. Although journalists may cringe to hear it, the near-term battle for corporate survival is likely to be waged and won primarily by inventive business and advertising teams at media companies.

The World Company's advertising staff said that its sales force had embraced convergence enthusiastically and that offering customers multiple advertising platforms—on TV, on the Internet and in print—has become a strong pitch.

But the company is still finding it difficult to persuade readers to interact with online display ads. And, while willing to adapt to news advertising demands, the company refuses to turn its Web site into an advertising billboard, believing that the clutter would undermine the quality and integrity of its journalism.

"I think as we've converged the content we're going to converge the advertising," said Dan Simons, president of the company's broadband operations and a son of the chairman. "I think you'll have to adapt to how buyers want to convey their messages so we're not just sellers of space and time. We have to be both advertisers and public relations advisers so we can help companies create their messages."

As effervescent as the new media are in Lawrence, analysts balk at making grand extrapolations from World's efforts.

"It's a market dominated by one company so you have to be very careful when holding them up as a paragon," said Howard Finberg, director of interactive learning at the Poynter Institute, which operates a Web site devoted to journalism. "Are they creative? Without a doubt, but I'm cautious about it being seen as a single solution or a model."

Others are more laudatory but equally cautious about Lawrence's online innovations. "Nobody else is close to doing what they've done," said David Card, a new-media analyst at Jupiter Research. "But you also wouldn't necessarily be able to duplicate what they're doing in towns like San Francisco or New York."

Dolph Simons, who writes a cantankerous Saturday column that draws barbs from Lawrence's liberals, is a gentle, self-effacing man who still serves Thanksgiving turkey to his newsroom employees. He says he considers himself a "little fish in a big pond" and is reluctant to be seen as a know-it-all by colleagues and competitors in the news business.

Even so, his opinion about the future of the news business is clear.

"I'm terribly concerned about readership in the country and I think we all have to learn new things as fast as we can. Otherwise other people are going to beat us to it," he said. "We need to be driving with our brights, because if we're driving with our dims somebody's going to come in from the side of the road and knock us off."

SIDNEY BARTHWELL, BLACK ENTREPRENEUR, BELOVED FATHER, AND ROLE MODEL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. CONYERS. Mr. Speaker, I rise tonight to honor a great man and fellow Detroiter, Mr. Sidney Barthwell. As a child and young adult in Detroit, I grew up aware of the legacy of Mr. Barthwell. Later, I was blessed to both meet and come to know him personally. He was one of the first African American entrepreneurial beacons of Detroit to exemplify the "American Dream." Many watched him succeed in business and sought to replicate his success. I was and remain extremely impressed with both his humanity and his brilliance. He never bought in to the notion that to have economic success made him better than those who may have been struggling financially. He treated everyone, regardless of title of or income, in the same manner, with kindness and warmth. Not only was he an astute businessman, but he was also a role model, a mentor, a benefactor and I am proud to say a friend. I would like to insert into the RECORD the article below which appeared on June 25, 2005 in the Detroit Free Press:

SIDNEY BARTHWELL: HIS LIFE'S SUCCESS INSPIRED OTHERS

(By Alexander B. Cruden)

In many ways, Sidney Barthwell's life was the story of 20th-Century Detroit.

Born elsewhere, with few resources, he arrived as a teen in the city, studied hard, overcame tough situations, made much from nothing and provided opportunities for his family and hundreds of others.

In many ways, his life was also the story of the creation of black success in Detroit.

Mr. Barthwell, who founded and ran, under his own name, what was once the largest black-owned drugstore chain in the country, died of heart failure on Thursday at Harper Hospital in Detroit. A steady, friendly, slyly humorous and discerning man, he was 99.

When he came to Detroit with his family from Cordele, Ga., in 1922, he was 16. He graduated from Cass Technical High School and earned a bachelor's degree in pharmacy in 1929 from what is now Wayne State University.

But with the prevalence of discrimination, the only pharmacy that would hire him was unlicensed, and it failed early on in the Depression.

Mr. Barthwell took over the store and built his business from there. He was a good observer of what people wanted and worked tirelessly to fulfill opportunities.

At the peak, he had 13 stores around the city, providing substantial employment, especially for younger people.

"I think my operation became the bridge for many blacks to achieve their goals," Mr. Barthwell said at a 1996 dinner attended by hundreds to launch a WSU pharmacy scholarship in his name. The scholarship built on a loan fund established in his honor in 1975.

His own children were high achievers as well. Daughter Akosua Barthwell Evans is a Yale Law School graduate and a lawyer and banker for J.P. Morgan in New York. Son Sidney Barthwell Jr. graduated from Harvard Law School and is a 36th District Court magistrate in Detroit.

Mr. Barthwell made it a point to see that other black pharmacists found job opportunities. He recalled that at least 30 pharmacists got their start by working with him.

"He was very wise, very understanding, very optimistic . . . just an amazing person," his daughter said Friday. He had a quick grasp of difficult concepts "but was always down to earth . . . He always respected people . . . regardless of their station in life."

In his business achievements, Mr. Barthwell was both a trendsetter and typical member in Detroit's growth from the 1930s on. As well, he was a model for what is now a broadly established black middle class, serving for a time as president of the Booker T. Washington Business Association in Detroit.

He was a delegate to the Michigan Constitutional Convention in 1962, elected without party affiliation and serving on the judiciary and education committees. He was a life member of Detroit Branch, NAACP, and a charter member of the Alpha Beta chapter of Kappa Alpha Psi at WSU.

In 1998, Mr. Barthwell was named by the Detroit Urban League as a Distinguished Warrior.

A meaningful moment was being invited to give a black history lecture at his grandson's exclusive prep school, the Lovett School in Atlanta. There, he spoke to an audience of wealthy white people. In the back of his mind were the racial humiliations of his Georgia childhood. He said later the Atlanta experience was a very rewarding interaction.

He loved his family deeply, his daughter and son said, though always mindful of the value of work.

His wedding day was a prime example. He and his wife, Gladys, were married about 11 p.m. Christmas Day in 1936, after a full day at the store.

As his son recalled, laughingly, if you woke up ill, Mr. Barthwell would say: "Get up and go to work. You'll feel better as the day goes on."

The younger Barthwell said his father was a man of "high integrity, high character. To say he was unpretentious is an understatement. . . . He was very egalitarian; a great father."

His grandson, Walter Evans, said "he was always very loving, very interested in what I was doing," and as well kept up with what was going on in the world, right to the end.

Perpetually a committed Detroiter, Mr. Barthwell nonetheless saw national chain stores and shopping malls edge out smaller city businesses. The construction of I-75 knocked out the core of a busy commercial area of Detroit. He began closing his stores, selling the last one in 1987.

He lived in Detroit's Boston-Edison neighborhood. An avid bridge player, he was an active member of the Plymouth United Church of Christ in Detroit.

The funeral will be at his church, 600 E. Warren, at 11 a.m. Thursday. A family hour is scheduled at 6 p.m. Wednesday at the Thompson Funeral Home, 15443 Greenfield, Detroit.

Memorials are requested to the Sidney Barthwell Scholarship Fund at the WSU College of Pharmacy and Health Services, 259 Mack Ave., Detroit 48201.

RECOGNIZING THE ACHIEVEMENT OF DANICA PATRICK AT THIS YEAR'S INDIANAPOLIS 500

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Beloit, Wisconsin native Danica Patrick for her outstanding achievement at this year's Indianapolis 500. Anyone who watched the race knows that her performance this past May was simply remarkable.

Even before the green flag dropped, Danica amazed the racing world by qualifying in the fourth position, marking the highest beginning position for a woman in the Indianapolis 500's history. When the race started, fans across the country watched as Danica advanced as high as third place. At lap 80, Danica's engine stalled, causing her to drop back to 16th place. It looked like the race was over for her, but she fought back. As the race sped to its end, Danica charged through the field, advanced place after place, and eventually led the race for a total of 19 laps. Rather than play it safe, Danica gunned it out for the win by using all the fuel she had instead of taking a pit stop. As the checkered flag waived, Danica's efforts came up just short as she finished fourth—the highest finish ever for a woman. While Danica did not win this year's Indy 500, her performance won her this year's Rookie of the Year award and helped her capture the attention of racing fans around the world.

Danica's philosophy is that "life is what you make of it," and she says she prepares for races by visualizing herself making laps around the track. She gives her work her full attention, and it is clear that her dedication is strong and her perseverance fierce. I join Wisconsin in applauding Danica for her performance at this year's Indianapolis 500 and for her hard work and dedication in becoming one of Formula 1 Racing's most exciting drivers. I cannot wait to see Danica's future electrifying races and I wish her the best of luck.

Congratulations to you, Danica.

HONORING EARL ALFORD

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. PICKERING. Mr. Speaker, today in Amite County, Earl Alford is retiring after 39 years with the Mississippi Forestry Commission—all of them in Amite County. He is the longest serving county forester in the history of the commission. He has a great knowledge of Mississippi and Mississippi trees and has been honored and praised by friends, neighbors and colleagues in Southwest Mississippi.

He is one of our great tree farmers who possesses not only an understanding of the operations of the timber business, but also a love for the land. He is a conservationist who wants to balance timber and the environment so we can produce the wood our industries need while protecting the land that gives birth to these forests. His service to the community includes managing the school system's 16th Section timber land of which he has managed the harvest of, replanting of, growth of, and harvest of once again.

I would like to share with the House some of the comments on Earl Alford recorded recently in McComb's Enterprise-Journal newspaper.

"He birthed the association . . . If it wasn't for him I don't think it would still be operating."—Bryant Barron, president of the Southwest Mississippi Forestry Association.

"He's forgotten more than most of us will ever know about forestry. Humble, common as peas, but a very learned man."—James Copeland, U.S. Natural Resource Conservation Service and the Amite County School Board.

"The Mississippi Forestry Commission and the people of Amite County are going to lose tremendously because we're not going to have him on the job every day."—Richard Hay, Extension Service.

"He's never asked us to do anything he wouldn't do—except boot up a computer."—Charlotte Reynolds, Earl's secretary.

"Having known him on a professional level, I've learned what a highly qualified forester he is, what a great people person he is, what a great asset he is to Amite County."—Lee Wilson, U.S. Natural Resource Conservation Service.

Earl was born in Walthall County into a logging and farming family, the grandson of a tree farmer and sawmill operator. His father worked for the forestry commission and after school he would follow in the family legacy. He graduated from Salem High School, Southwest Mississippi Community College and finally Mississippi State University. In 1966 he went to work as the Mississippi Forestry Commission's Amite County forester; he retires today.

Mr. Speaker, Earl and his wife Pauline, a retired Extension Service home economist, have reared two children. Holly Alford is a sonographer at Southwest Mississippi Regional Medical Center. Mac Alford recently received a Ph.D in plant biology at Cornell University and has taken a position at the University of Southern Mississippi. He has served his family and community for many years and I am proud to take this time to honor him on this day of retirement. Though I know, his service to God and family and man will continue for years to come.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. HAYES. Mr. Speaker, I was with President Bush at Ft. Bragg on Tuesday, June 28th. Had I been present, I would have voted in the following manner: "nay" on roll No. 326, "nay" on roll No. 327, this vote was a procedural motion to provide the Congressional pay raise which I am against, "yea" on roll No. 328, "nay" on roll No. 329, "yea" on roll No. 330, "nay" on roll No. 331, "yea" on roll No. 332, "yea" on roll No. 333, "yea" on roll No. 334, and "nay" on roll No. 335.

PERSONAL EXPLANATION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. POMEROY. Mr. Speaker, on June 22 and June 23, 2005, the Base Realignment and Closure Commission held a site visit and hearing in Grand Forks, North Dakota, at which I testified. Due to the schedule, I missed rollcall votes Nos. 293 through 304. Had I been present, I would have voted in the following manner: rollcall No. 293, "no"; rollcall No. 294, "no"; rollcall No. 295, "no"; rollcall No. 296, "aye"; rollcall No. 297, "no"; rollcall No. 298, "no"; rollcall No. 299, "no"; rollcall No. 300, "no"; rollcall No. 301, "no"; rollcall No. 302, "aye"; rollcall No. 303, "aye"; rollcall No. 304, "no".

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. MCINTYRE. Mr. Speaker, I was unavoidably absent for rollcall votes 326–335 as I was visiting our servicemen and women at Fort Bragg in Fayetteville, North Carolina and traveling with the President to my Congressional District. Had I been present I would have voted: rollcall No. 326, "yes"; rollcall No. 327, "no"; rollcall No. 328, "no"; rollcall No. 329, "no"; rollcall No. 330, "yes"; rollcall No. 331, "yes"; rollcall No. 332, "yes"; rollcall No. 333, "yes"; rollcall No. 334, "no"; rollcall No. 335, "yes".

TRIBUTE TO MRS. JANIE HOLLOMAN JOHNSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. CLYBURN. Mr. Speaker, I rise to pay tribute to Mrs. Janie Holloman Johnson, a native South Carolinian whose dedication to service for all God's children shines as an example to each of us. On July 13, 2005, she will celebrate her 100th birthday, and I believe it is important to highlight a few of the contributions she has made during her life as we commemorate her centennial birthday.

Born in Timmonsville, South Carolina, Mrs. Johnson attended public schools in Darlington County where she had to walk four miles each way on a daily basis. An avid learner from an early age, she was one of a few students who had the capability to recite her ABC's forwards and backwards with great speed. As an example of her commitment to learning, at the age of 69, Mrs. Johnson went back to school to receive her high school diploma from Old Johnson High School in Timmonsville, South Carolina, taking night classes to achieve this long time goal.

Mrs. Johnson has been a tireless worker in her community. After she received her diploma, she held classes in the community to teach others to read and dial a telephone. In addition, she served as a caretaker to disabled members of her family and to others in the community at large.

Mrs. Johnson has been a longtime and active member of Mt. Carmel Baptist Church in Timmonsville, South Carolina serving in many capacities including the church choir, the Sunday School Department, and the Missionary Society. Her roots in the church date back to her childhood, where she received religious training from her parents and the leaders of Center Baptist Church in Timmonsville where she worshipped while growing up.

In addition to being a woman of faith, a woman dedicated to her community, and a woman who is a lifelong advocate of learning; Mrs. Johnson is a woman dedicated to family. She is the widow of the late Evander Johnson, Sr. to whom she was married for 65 years until his death. She is the mother of 6 children, 17 grandchildren, 15 great grandchildren, 5 great-great grandchildren, and 1 great-great-great grandchild.

While their children were young, the family lived as sharecroppers and Mrs. Johnson handmade most of the clothes for her growing children. Once her children were grown, she became a cosmetologist and worked from her home. To this day, she is still active with volunteer work in her community.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the life and legacy of this venerable woman on her 100th birthday. She blazed a trail in her community through Christian service that continues to influence future generations. And she has demonstrated, with great fervor, her timeless commitment to serve the people of her community. I wish her a Happy Birthday and Godspeed.

CONGRATULATING MILLINOCKET REGIONAL HOSPITAL FOR FIFTY YEARS OF SERVICE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate the Millinocket Regional Hospital for fifty years of dedicated service to the Katahdin Region.

For half a century the Millinocket Regional Hospital has touched the lives of all us in the Katahdin Region. Like most who live in our area, my family has experienced the full range of experiences at MRH, from the joy of childbirth to the care of an ailing loved one. Through it all, the employees of MRH, past and present, have provided a caring and supportive haven for everyone and their dedication to compassionate care is second-to-none.

The Millinocket Regional Hospital will celebrate their half century of service this weekend and I am sure the people of the Katahdin region will unite in celebrating so many dedicated years of service.

The Millinocket Regional Hospital has provided essential access to health care services to our communities and I look forward to MRH's continued service to the Katahdin Region. Congratulations to all who have contributed to the hospital's longevity and success.

TRIBUTE TO COLONEL FRANK GALLEGOS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. HUNTER. Mr. Speaker, I rise today to honor and pay tribute to Colonel Frank Gallegos, Commander of the 30th Space Wing and the Western Range at Vandenberg Air Force Base, California. Colonel Gallegos will be retiring after more than twenty-four years of faithful service to our nation.

Colonel Gallegos entered the Air Force in 1981 after graduating from the United States Air Force Academy. Since then, he has served in various operational assignments, and has performed staff duties at Headquarters, United States Air Force; Strategic Air Command; and on the Joint Staff. Colonel Gallegos also served as the Vice Commander of the Air Force Space Command and has commanded the 12th Missile Squadron at Malmstrom Air Force Base, Montana and the 90th Operations Group at Warren Air Force Base, Wyoming.

Throughout his career in the Air Force, Colonel Gallegos has always maintained a commitment to the men over which he commanded. While some military leaders choose not to know the personnel which they command, Colonel Gallegos has maintained a reputation as someone who places his troops before himself. In fact, in each one of his command posts, Colonel Gallegos established personal relationships with each of his Airmen, understanding that such relationships are important to maintaining cohesion, respect, and morale.

Colonel Gallegos is a true leader, worthy of recognition. His strategic, tactical, and operational expertise has served our nation well and as our armed forces continue to confront the threat of terrorism around the world, we look to individuals like Colonel Gallegos to lead the fight. His replacement, Colonel Jack Weinstein, will be given the command of a Wing that represents the best this country has to offer. I am confident that he will provide the Airmen of Vandenberg Air Force Base with the same leadership and dedication that Colonel Gallegos exhibited for so many years.

Colonel Gallegos will retire to Omaha, Nebraska, the same place he met his wife Julie. His time with his wife and his daughters is well deserved and I would like to wish him the best of luck in the years to come. On the occasion of his retirement, I ask that my colleagues join me in recognizing the dedication and service of Colonel Frank Gallegos.

A TRIBUTE TO COLONEL CHARLES R. ALEXANDER, JR. UNITED STATES ARMY CORPS OF ENGINEERS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2003

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Colonel Charles R. "Ray" Alexander, Jr. of the United States Army Corps of Engineers. On July 14, 2005, Colonel Alexander will retire after serving the people of this great nation for over twenty-three years.

Ray Alexander was a decorated officer, who spent his career ensuring that the freedoms the United States holds dear are protected. Throughout his illustrious career, Colonel Alexander was honored with the Defense Meritorious Service Medal, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, the Armed Forces Expeditionary Medal, the Parachutist and Air Assault Badge, and Joint Specialty Officer.

As Commander of the Wilmington District of the United States Army Corps of Engineers, Colonel Alexander continued to serve the people by managing many civil works projects in southeastern North Carolina. Without the dedication and determination of Colonel Alexander, many of these projects would not have been possible. From the Wilmington Port to the Brunswick, New Hanover, and Pender County beaches, from the Atlantic Intracoastal Waterway to our many shallowdraft inlets, his commitment has been unwavering and steadfast.

We owe Colonel Charles R. "Ray" Alexander our sincere appreciation for his twenty-three years of committed service to our nation. His devotion to the people of the United States should serve as an example to us all.

May God bless him and his family, and may God bless this great nation.

TRIBUTE TO REVEREND DONALD E. GREENE, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Reverend Donald E. Greene, Jr., on his tenth anniversary as the Pastor and visionary leader of Andrew Chapel Baptist Church in Orangeburg County, South Carolina.

Not only has Reverend Greene's leadership resonated on Sunday mornings, but he has also pioneered movements that have increased his church's membership by more than 500 members in his first decade of service. Under his guiding hand, the church has expanded physically as well. The Andrew Chapel congregation currently worships in a new sanctuary on a 33–acre site on Five Chop Road. The building, in its fifth year of existence, serves the community at large and is a reminder of what can be achieved by a deep and abiding faith and a dedicated outreach to others.

The church is truly a success story in that its members have worked to establish many beneficial programs and resources. One of its amazing successes is the Andrew Chapel Christian Academy which was established seven years ago. Under the direction of Reverend Greene, it has already quadrupled in enrollment and has inspired afterschool tutorial assistance for its students. Whether the need is for better materials in the classrooms or upgrading facilities in the old Andrew Chapel building, Reverend Greene and his church are dedicated to creating a house of worship that fits the needs of all people and attracts visitors and new members at the same time.

Andrew Chapel Baptist Church is a blessing for the Four Holes community of Orangeburg. It is establishing a rich legacy as a parish on the move with many energetic and devoted individuals driving it toward a bright future. Reverend Greene has led this congregation with a firm foundation in faith and has engaged the fellowship to serve as spiritual leaders to others around them.

Mr. Speaker, I ask you and my colleagues to join me in congratulations to Andrew Chapel Baptist Church and wishing them Godspeed as they continue to illuminate the virtues of moral leadership and community service. I wish the congregation many more decades of growth and sharing with Reverend Greene at the church's helm.

PERSONAL EXPLANATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. GONZALEZ. Mr. Speaker, on rollcall No. 322 and 323, had I been present, I would have voted "yes."

CONGRATULATIONS TO JUDGE CHARLES R. BUTLER, JR. ON THE OCCASION OF HIS ASSUMING JUDICIAL SENIOR STATUS

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. BONNER. Mr. Speaker, it is with great pride and pleasure that I rise to pay tribute to the Honorable Charles R. Butler, Jr., on the occasion of his assuming senior status on the bench of the United States District Court, Southern District of Alabama. For the past seventeen years, Judge Butler has served the families of the State of Alabama with compassion, dedication, and a tremendous level of commitment.

A 1962 graduate of Washington and Lee University, and a 1966 graduate of the University of Alabama School of Law, Judge Butler was hired for his first position with Hamilton, Butler, Riddick and Denniston law firm in Mobile, Alabama. Within two years, he had moved on to work as an assistant public defender and, in 1971, was elected as District Attorney for Mobile County. In 1975, following his work as district attorney, Judge Butler went to work for Butler and Sullivan law firm and, ultimately, returned to a position with Hamilton, Butler, Riddick, Tarlton and Sullivan law firm.

President Ronald Reagan nominated Judge Butler to his position as a district judge in 1988, and he began his official duties on November 1 of that year. From July, 1994, to February, 2003, he served as the southern district's chief judge, and he moved to senior status on March 28, 2005.

Along with his many professional responsibilities, Judge Butler has also served as a member of numerous State and Federal justice programs. This long list includes memberships on the Eleventh Circuit Judicial Council, the Executive Committee of the Eleventh Circuit Judicial Council, the Eleventh Circuit Criminal and Civil Pattern Jury Instruction Committees, the Judicial Conference Committee on Criminal Law, and the Executive Committee of the Judicial Conference of the United States. His work in these areas, as well as his professional accomplishments, has also resulted in public recognition and many awards during his long years of public service.

Mr. Speaker, I ask my colleagues to join me today in recognizing Judge Charles R. Butler, Jr., for his tremendous contributions to the citizens of the First Congressional District and of the entire State of Alabama. The experience and enthusiasm he brought to his job and the concern and compassion he displayed for all citizens in our State are unquestioned and unparalleled. He has indeed been a genuine asset both to the district court and to the thousands of men, women, and children he has assisted over the past two decades. I am proud and honored to call him my friend.

Make no mistake, the Judge's talents and experience will continue to be of great value to his colleagues in his new role as senior judge, and I am confident he will continue to remain actively involved in the United States District Court, Southern District of Alabama, and the life of the Mobile community for many years to come. Along with his friends and colleagues throughout Alabama, I wish to extend to Judge Butler and his family all the best now and in the future.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. MENENDEZ. Mr. Speaker, I was attending my daughter's graduation from Harvard and I regret missing rollcall votes 230–240 on June 8 and 9, 2005. Had I been present, I would have voted as follows:

On rollcall vote No. 230, on Agreeing to the Weiner amendment to H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill for Fiscal Year 2006; I would have voted "aye."

On rollcall vote No. 232, on Agreeing to the Hinchey amendment to H.R. 2744; I would have voted "aye."

On rollcall vote No. 233, on Agreeing to the Sweeney amendment to H.R. 2744; I would have voted "aye."

On rollcall vote No. 234, on Agreeing to the Blumenauer amendment to H.R. 2744; I would have voted "nay."

On rollcall vote No. 235, on Agreeing to the Chabot amendment to H.R. 2744; I would have voted "nay."

On rollcall vote No. 236, on Agreeing to the Hefley amendment to H.R. 2744; I would have voted "nay."

On rollcall vote No. 237, on Agreeing to the Garrett amendment to H.R. 2744; I would have voted "nay."

On rollcall vote No. 238, passage of H.R. 2744, the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill for Fiscal Year 2006; I would have voted "aye."

On rollcall vote No. 239, passage of H.J. Res. 27, withdrawing the approval of the United States from the Agreement Establishing the World Trade Organization; I would have voted "nay."

On rollcall vote No. 240, on Motion to Table H. Res. 310; I would have voted "nay."

HONORING SIX SENIOR MEMBERS OF THE FORT MILL ROTARY CLUB

HON. JOHN M. SPRATT, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. SPRATT. Mr. Speaker, six senior members of the Fort Mill Rotary Club in Fort Mill, South Carolina are being honored for life-long contributions to their community.

All six have demonstrated the ideals of Rotary in their lives and made significant contributions to their communities, Fort Mill and Tega Cay. All are Paul Harris Fellows and all are World War II veterans. They are not only dedicated Rotarians but dedicated civic leaders, and most importantly, they are men who love their families, their country, and their church.

I want to share with my colleagues in the House of Representatives sketches that indicate the contributions of these six outstanding citizens: O.T. (Buddy) Culp, Robert C. (Bob) Hill, William H. (Howard) Jones, William C. (Bill) Kimbrell, Roderick W. (Rod) Snider, and Phillip D. (Phil) Ray.

Buddy Culp—U.S. Army Artillery, Fort Mill native, 1999 Fort Mill Business Person of the Year, Charter Member of Fort Mill Rotary Club, Sustaining Member and Paul Harris Fellow Award, Life-long member of Unity Presbyterian Church, served on the session and board of deacons several terms. Fort Mill Area Chamber Board of Directors, Life-long membership in York County Regional Chamber of Commerce, United Way and Boys & Girls Club of York County Board of Directors. Owned and operated Culp Brothers, oil jobber and convenience stores. Married to Bette Jo, two children.

Bob Hill—U.S. Marine Corps, Fort Mill native, 2005 Lifetime Achievement Award—York County Regional Chamber, Charter Member of Fort Mill Rotary Club, Sustaining Member and Paul Harris Fellow Award, Fort Mill Chamber—First President and First "Man of the Year," Rock Hill Advisory Board of NationsBank, Retired Officers Association (Retired Major, SC ARNG), Veterans of Foreign Wars, American Legion, Former Member of York County Economic Development Board, United Way, Fort Mill Community Playhouse Past President, Member of the first York County Library Board, Masonic Lodge—Past Master, Optimist Club—Past President, Member for 60+ years of Unity Presbyterian Church. Owned and operated State Farm Insurance Agency in Fort Mill. Married to Dot, two children.

Howard Jones—U.S. Army Air Corps—saved three of his crew of four in a plane crash in combat over Italy, Member of Fort Mill Rotary Club since 1992, Sustaining Member and Paul Harris Fellow Award, Tega Cay Chamber—Past President, Carolina Historic Aviation Commission, Civic Air Patrol since 1948, Tega Cay Lions Club. Owned and operated American Management Appraisal. Married to Nancy, three children.

Bill Kimbrell—U.S. Navy, Fort Mill native, 2001 Lifetime Achievement Award, York County Regional Chamber, Charter Member of Fort Mill Rotary Club, Sustaining Member and Paul Harris Fellow Award, Fort Mill Chamber—Past President and "Man of the Year," Member of Unity Presbyterian Church Choir for 55+ years and served on the session and board of deacons for several terms, American Heart Association, Boy Scouts of America, Boys & Girls Club of York County, Winthrop University Foundation, York Technical College Foundation Board of Directors. Married to Joanne, three children.

Phil Ray—U.S. Army Air Corps, Member of Unity Presbyterian Church and served on the session and board of deacons for several terms, Charter Member of Fort Mill Rotary Club, Sustaining Member and Paul Harris Fellow Award. Started Ray Textiles of Fort Mill from scratch and has been running it for 25 years. Married to Fannie, two children.

Rod Snider—U.S. Navy, Member of Fort Mill Rotary Club since 1995, Sustaining Member and Paul Harris Fellow Award, Member of Unity Presbyterian Church, Good Folks of York County, United Way, Vintage Club of Tega Cay, York County Foundation Board. Owned and operated Snider Plumbing. Married to Peg, three children.

H.R. 432, BETTY DICK PRIVATE RELIEF BILL

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this bill, and to thank Chairman POMBO and Ranking Member RAHALL of the Resources Committee as well as the House leadership on both sides of the aisle for making it possible for the House to act on it today.

The bill would permit Ms. Betty Dick to continue her use and occupancy of a house located on lands within Rocky Mountain National Park.

The bill is not complicated. It would allow Ms. Dick to continue to use the property and live in this house in Grand County, Colorado, for the rest of her life.

This is not about ownership. The property belongs to the Federal Government and is part of the National Park. There is no dispute about that.

This is strictly about whether Ms. Dick should be permitted to continue to use the property.

There is no dispute that she has had that right for the past 25 years, under a legal agreement between her late husband and the National Park Service—not a lease, but an agreement that settled a lawsuit.

There is also no dispute about the fact that the agreement ends on July 16th of this year.

Without this bill or a new agreement with the National Park Service, at that time Ms. Dick, who has been a good neighbor with the National Park and who has opened her home for community events, will have to leave.

I do not think that is either necessary or desirable.

As I said, Ms. Dick has been a good neighbor. She has taken good care of the property and has not created management or administrative problems for the National Park Service in the years she has lived there.

In my opinion, she should be allowed to continue to live on this property and continue to contribute to the National Park and the surrounding community.

I had hoped that Ms. Dick and the Interior Department could work out a resolution to this issue so that she could remain.

Ms. Dick needs to have a resolution to this issue as soon as possible—she needs to know by this spring whether she has to start packing her things and move out, or arrange to do some maintenance on the property if she is allowed to stay.

Last year I wrote to Secretary of the Interior Gale Norton, asking her to help make that happen.

However, the response—from the Director of the National Park Service's Intermountain Region—was that the Interior Department is "legally bound to honor the provisions of the [1980] settlement agreement" and that the furthest the Department would go would be to offer Ms. Dick "the opportunity to remain on the property for the entire summer of 2005," an offer that evidently she has declined.

I am not convinced that the Interior Department lacks the authority to resolve this matter by entering into a new agreement with Ms. Dick.

But in any event, the bill would settle that question.

Since I first raised this matter with the Interior Department, I have been impressed with the outpouring of support from the nearby communities of Grand Lake and Granby, Colorado. The people in these communities have expressed a strong desire to have Ms. Dick remain on this property and be a part of their community. The bill would enable that to happen.

Finally, Mr. Speaker, it should be noted that this bill deals only with this particular property and the arrangement that has permitted Ms. Dick to use it over the years.

I recognize that somewhat similar arrangements may exist in various other parts of the National Park System, and that other Members may propose legislation addressing some of them.

I think that the right way to proceed is to evaluate each such proposal on its own and in the light of the particular facts involved.

That is what I have done in drafting this bill, and I hope that is the approach the Resources Committee and the House will take in considering similar measures in the future.

ACKNOWLEDGING AFRO-DESCENDANT POPULATION IN LATIN AMERICA AND THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. RANGEL. Mr. Speaker, I rise to begin a formal acknowledgment of the injustices imposed on African descendants of the transatlantic slave trade in all of the Americas, with an emphasis on populations in Latin America and the Caribbean, and to encourage United States and international efforts to work to improve the situation of Afro-descendant communities in these regions.

In the 108th Congress, my colleagues and I concluded that, for too long, this country and other nations had ignored the struggle and challenges faced by Afro-descendant populations in the Americas. While the U.S. has been compelled to take steps to address our race problem in this country, we have often unintentionally forgotten or deemphasized the impact of that struggle throughout the Western Hemisphere.

The transatlantic slave trade had a devastating impact on the region's economies. While the exact events and conditions of slavery that dominated the U.S. did not necessarily permeate into Latin America and the Caribbean directly, Central and South America did have to deal with its own "peculiar institution." Slavery transforms the body politic and the institutions of power and culture. It lifts one group of nations above another group, makes some the superior to others, and discriminates against those in the minority.

In this country, it led to three centuries of segregation, discrimination, and prejudice. It remains a battle that African-Americans continue to suffer through today. Rising above the harmful effects of centuries of racism has not been easy for us; neither has it been for countries in Latin America and the Caribbean.

In 2005, the struggle of Afro-descendants in Latin America and the Caribbean continues. Representing the largest population of African descendants outside of Africa, Afro-descendants have not fared well in the region. Afro-Latinos for instance account for about 30 percent of the Latin American population and make up over 60 percent of its poor. Afro-Latinos also have extreme high rates of suicide, homicide, infant mortality, and illiteracy.

Brazil has the largest population of Afro-descendants in Latin America and the Caribbean. Shockingly, only one in three Afro-Brazilians attends secondary schools. Colombia has the second largest Afro-descendant population in the region and Afro-Colombians have shorter life expectancies, limited access to medical and health care facilities, and the highest rates of illiteracy.

Our involvement, dependency, and complicity in the transatlantic slave trade require action by this country to help address the issues of Afro-descendant populations. With my House colleagues, I have introduced legislation (H. Con. Res. 175) to call for the recognition by this Congress of the struggle of Afro-descendant populations and to encourage and promote efforts to assist Afro-descendant communities. The resolution calls on the President, the Congress, and the international community to devote resources and services to help eradicate the economic and social disparities that exist in Latin America and the Caribbean.

I also must acknowledge the productive support, insights, and assistance of the Afro-Latino Working Group: The Honorable Mr. JOHN CONYERS, Mr. DONALD PAYNE, Ms. BARBARA LEE, Mr. WILLIAM JEFFERSON, and Mr. GREGORY MEEKS. Their counsel, advocacy, and commitment to these issues have been instrumental in raising the importance and awareness of this cause to me and this Congress. I appreciate their support.

I would also like to thank the number of colleagues that have extended their support to this resolution and are currently listed as cosponsors to the legislation. They are a sign of the bipartisan and broad support of this resolution by this Chamber. Today, the Subcommittee on the Western Hemisphere of the International Relations Committee marked up this legislation and voted to support it. I hope the 109th Congress will give it the same attention and support.

I would like to submit the text of House Concurrent Resolution 157 for the RECORD.

CONCURRENT RESOLUTION

Acknowledging African descendants of the transatlantic slave trade in all of the Americas with an emphasis on descendants in Latin America and the Caribbean, recognizing the injustices suffered by these African descendants, and recommending that the United States and the international community work to improve the situation of Afro-descendant communities in Latin America and the Caribbean.

Whereas during Black History Month it is important that we not forget that African-Americans are not the only survivors of the transatlantic slave trade;

Whereas like the United States, many European nations benefited greatly from the colonization of Latin America and the Caribbean and their participation in the slave trade;

Whereas the story of African descendants in all of the Americas remains untold, leading them to be forgotten, made invisible, and allowed to suffer unjustly;

Whereas it is important to acknowledge that as a result of the slave trade and immigration, approximately 80,000,000 to 150,000,000 persons of African descent live in Latin America and the Caribbean, making them the largest population of persons of African descent outside of Africa;

Whereas Afro-descendants are present in most all Latin American countries, including Argentina, Bolivia, Chile, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, and Venezuela;

Whereas the size of Afro-descendant populations vary in range from less than 1 percent in some countries to as much as 30 percent in Colombia and 46 percent in Brazil and make up the majority in some Spanish speaking Caribbean nations, such as Cuba and the Dominican Republic;

Whereas Afro-descendant populations have made significant economic, social, and cultural contributions to their countries and the Western Hemisphere from their unfortunate involvement in the transatlantic slave trade to their recent contributions to trade, tourism, and other industries;

Whereas although persons of African descent have made significant achievements in education, employment, economic, political, and social spheres in some countries, the vast majority are marginalized—living in impoverished communities where they are excluded from centers of education, government, and basic human rights based upon the color of their skin and ancestry;

Whereas Afro-descendants have shorter life expectancies, higher rates of infant mortality, higher incidences of HIV/AIDS, higher rates of illiteracy, and lower incomes than do other populations;

Whereas Afro-descendants encounter problems of access to healthcare, basic education, potable water, housing, land titles, credit, equal justice and representation under the law, political representation, and other economic, political, health, and basic human rights; and

Whereas skin color and ancestry have led African-Americans in the United States and African descendants in Latin America and the Caribbean to share similar injustices, leading to economic, social, health, and political inequalities: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) recognizes and honors African descendants in the Americas for their contributions to the economic, social, and cultural fabric of the countries in the Americas, particularly in Latin American and Caribbean societies;

(2) recognizes that as a result of their skin color and ancestry, African descendants in the Americas have wrongfully experienced economic, social, and political injustices;

(3) urges the President to take appropriate measures to encourage the celebration and remembrance of the achievements of African descendants in the Americas and a resolution of injustices suffered by African descendants in the Americas;

(4) encourages the United States and the international community to work to ensure that extreme poverty is eradicated, universal education is achieved, quality healthcare is made available, sustainable environmental resources, including land where applicable, is provided, and equal access to justice and representation under the law is granted in Afro-descendant communities in Latin America and the Caribbean; and

(5) encourages the United States and the international community to achieve these goals in Latin America and the Caribbean by—

(A) promoting research that focuses on identifying and eradicating racial disparities in economic, political, and social spheres;

(B) promoting, funding, and creating development programs that focus on Afro-descendant communities;

(C) providing technical support and training to Afro-descendant advocacy groups that work to uphold basic human rights in the region;

(D) promoting the creation of an international working group that focuses on problems of communities of Afro-descendants in the Americas; and

(E) promoting trade and other bilateral and multilateral agreements that take into account the needs of Afro-descendant communities.

RECOGNIZING BOULDER COUNTY AIDS PROJECT ON ITS 20TH ANNIVERSARY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today in recognition of the Boulder County AIDS Project, BCAP, and to honor their commitment to those in my community who are affected by HIV/AIDS. They are a model for advocacy and an invaluable asset to our community.

BCAP began in 1985 when two people volunteered two afternoons a week to answer a single borrowed telephone line. As the acronyms HIV, Human Immunodeficiency Virus, and AIDS, Acquired Immune Deficiency Syndrome, became household terms, and as the stigma about what was termed a "gay cancer" relaxed, the name of the organization was formally changed to the Boulder County AIDS Project.

BCAP has grown to include twelve staff members and over 300 volunteers. These volunteers work together with staff to serve those in the community who are infected with or affected by HIV and to educate the public about HIV and AIDS. In 2004, 368 HIV-infected individuals received services from the caseworkers and volunteers at BCAP; 17,000 youth and adults heard presentations by the BCAP Speakers Bureau, over 500 received HIV antibodies testing and counseling, and thousands of people attended BCAP's AIDS awareness events. The dedication demonstrated by BCAP staff and volunteers is a praiseworthy example of how to make a difference.

As with all great causes and organizations in today's society, their merit stands before the blind eye of a restrictive budget. Despite the success of BCAP, many difficult obstacles affect the center. Changes in the federal response to HIV/AIDS impact their ability to provide evidence-based, scientifically-researched HIV prevention programming. Colorado state budget cuts affect BCAP's ability to meet the increased need for services in an economic climate of decreasing resources.

In response to these challenges, BCAP recently adjusted their prevention programs to focus on access to HIV-antibody testing and early access to HIV care. BCAP and the Boulder County Public Health Department estimate that 30 percent of the population in BCAP's service area are HIV positive and are unaware of it. To address this issue, BCAP will purchase a van to be equipped as a mobile HIV testing facility. This will allow BCAP to meet one of its strategic goals of enhancing its HIV-antibody testing program while reducing a significant barrier to access and care—the access to easy testing.

Even in the midst of struggle and looming challenges, the Boulder County AIDS Project goes above and beyond the call of duty to provide for those infected with HIV or affected by AIDS. Their dedication to this honorable cause has given dignity and comfort to individuals living with HIV and AIDS.

Mr. Speaker, I ask my colleagues to join with me in thanking the Boulder County AIDS Project for their efforts in this commendable cause.

HONORING DR. ROBERT SMOTHERMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable individual from my home district. Dr. Robert Smotherman, school superintendent of the Bardstown Independent School System, is retiring this month, bringing his distinguished career as an educator to a close.

Before becoming Superintendent in 1983, Dr. Smotherman spent a 9-year tenure as principal and assistant superintendent in the Kingsport, TN school system. He earlier taught in schools in Atlanta, Birmingham, and Nashville. During his 22 years as superintendent, Bardstown Independent Schools has been a catalyst for many Kentucky firsts including first in the state to create a private educational foundation to raise money for the school district; the first district to offer an educational program for all 3- and 4-year olds regardless of economics or special needs; the first district to mandate school uniforms; and the first district in Kentucky to move to a year-round calendar at all schools. He has also been a tireless advocate, throughout his tenure, for effective Adult Education. The current program offers a wide range of educational opportunity and the GED program, producing over 150 graduates annually.

Dr. Smotherman has been a consistent recipient of academic and community honors including being named one of the "Top 100 Superintendents in America" by Executive Educator Magazine, the Kentucky Department of Education's "Good Apple" Award, the American Legion Award for Educational Excellence, and the Jenson Award from the National Association for Year Round Schools, recognizing his outstanding leadership in a movement that he helped to organize. Dr. Smotherman served on the NAYRE Board of Directors and was later elected President of the national organization, the first Kentuckian to hold that position. In 2003, Dr. Smotherman was named to the Bardstown-Nelson County "Hall of Fame."

I applaud Robert Smotherman's accomplshments in public education, an occupation of great responsibility and ever greater reward, motivating young people to recognize and develop their talents and abilities. On behalf of so many in the Bardstown area, I would like to express my profound appreciation for his service and inspiration to the countless men and women who have benefited from his generosity and vision.

It is my great privilege to recognize Robert Smotherman today, before the entire U.S. House of Representatives, for his many achievements as an educator. His unique dedication to the development and well-being of young people and the communities they now serve make him an outstanding citizen worthy of our collective honor and respect.

SUPREME COURT DECISION IN CASTLEROCK v. GONZALES

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 29, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, we have heard much discourse today about two decisions handed down by the Supreme Court yesterday that addressed the constitutionality of displaying the 10 Commandments.

This is an important issue, but I believe that another case handed down yesterday, Castle Rock v. Gonzales, deserves serious attention as well.

Let me begin by saying that I am deeply disappointed with the Supreme Court's decision in Castle Rock v. Gonzales. In that case, the Court revealed a policy that strikes fear and sadness in the hearts of domestic violence victims and those of us who fight on their behalf: victims do not have a federal constitutional right to due process when they seek enforcement of their protective orders.

Jessica Gonzales's story elicits anger and sadness. Jessica Gonzales's relationship with her husband was dangerous and abusive. Knowing the threat he posed to her and her children, she mustered a tremendous amount of personal strength and obtained a protective order against her husband from the State of Colorado. She went through this arduous process believing that the state and local authorities would come to her aid if her husband violated the order. She did not think she would have to beg and plead with them to enforce it.

She was wrong. The New York Times reported today that:

> For hours on the night of June 22, 1999, Jessica Gonzales tried to get the . . . police to find and arrest her estranged husband . . . who was under a court order to stay 100 yards away from the house. He had taken the children, ages 7, 9, and 10, as they played outside, and he later called his wife to tell her that he had the girls at an amusement park in Denver.
>
> Ms. Gonzales conveyed the information to the police, but they failed to act before Mr. Gonzales arrived at the police station hours later, firing a gun, with the bodies of the girls in the back of his truck. The police killed him at the scene."

Mr. Gonzales murdered their daughters after Ms. Gonzales spent hours trying to get the police to pay attention to her plight. This should never have happened.

A protective order without guaranteed enforcement does not protect victims. It puts them in the position of being victimized over and over again.

Domestic violence victims are already among the most vulnerable in our system. When they have children they are trying to protect, that vulnerability is compounded. Victims and their families rely on protective orders as one of the only tools they have to escape violent homes and relationships.

We need to make sure that they know that a court-issued protective order, accompanied by a hearing and court appearance in front of their abuser, is worth more than the paper it is printed on.

Recently, I introduced legislation that has received bipartisan support. H.R. 2947 seeks to require domestic violence education programs in high schools to teach teenage victims of dating violence about the legal options available to them as they seek to extricate themselves from abusive relationships.

I want this legislation to have its intended impact: that more teenage victims will have the knowledge that they are not alone in their struggle to end abusive relationships and that there are legal processes available to aid them in this process.

These young people, and every victim seeking the same assistance, need to know that the legal steps in place will actually protect them.

We cannot change the Supreme Court's decision, but we can do our part to prevent Jessica Gonzales's horrific situation from replicating itself across the nation.

First, we can pass my legislation, H.R. 2947. Second, we can strengthen and reauthorize the Violence Against Women Act before it expires on September 30th of this year. These victims deserve no less.

SENATE—*Friday, July 1, 2005*

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BURR, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Eternal God, as we prepare to celebrate our Nation's independence, we thank You that we can look to You to meet our needs. You provide our food and drink, our health and strength. You give us the warmth of friendship and the love of family. And when all of these blessings are scarce, You provide us with patience to wait and courage to persevere.

Bless our lawmakers today. Keep them on right paths. Help them to avoid the shortcuts that lead away from Your will. Strengthen their families and keep them from harm.

Lord, give each of us the prudence to foresee the danger ahead and take precautions.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BURR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 1, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BURR, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BURR thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we are in session for a period of morning business. There are several Senators who have indicated their desire for time today to introduce legislation and to make general statements. There will be a number of statements over the course of the morning and possibly into the early afternoon—in part because we have had such a busy week with legislation on the floor so that people will take advantage of this opportunity today.

Last night we were able to complete both the CAFTA legislation and the Energy and Water appropriations bill. I hesitated a little bit because, by the time we finished here—it was not that long ago, about 9 hours ago. We finished about 1 o'clock in the morning. But we had a very full day, a very productive day yesterday, passing the appropriations bills as well as the legislation that will do a great deal in terms of lowering trade barriers to very important countries, most of which are recently emerged democracies.

Because we were able to finish our work late last night into the wee hours of the morning, we will not have rollcall votes today. When we finish our business today, we will adjourn for our recess and return on Monday, July 11. At that point in time the plans are to take up the Homeland Security appropriations bill. We will have a vote late Monday afternoon—later this morning we will say more about that—in relation to an amendment on the Homeland Security bill.

I do thank all of our Members for their hard work and their assistance over the last week, indeed the last several weeks. In the last week alone, the last 5 days, we were able to initiate the appropriations process and pass three appropriations bills as well as the Central American Free Trade Agreement bill.

It could not have been done without a lot of understanding and participation by both sides of the aisle, including the Republican leadership working with the Democratic leadership very effectively, hand in hand. We had long, late, busy sessions, but they were very productive and we moved America's business forward in a very positive way.

I know several people will have statements over the course of the morning, looking back over the past several weeks, in that we have had a very productive session that delivered to the American people.

CONCERNS ABOUT PRESCRIPTION DRUG ADVERTISING

Mr. FRIST. Mr. President, I would like to make a statement that I regard as a very important one because it reflects what I think is a needed change in behavior that affects health care across America. Let me begin with a few phrases: "Keep the spark alive." "The healing purple pill," "If a playful moment turns into the right moment you can be ready," "For everyday victories."

You turn on your TV anytime of the day and that is what you will hear and that is what you will see. These are the advertising tag lines for some of America's best selling and most advertised prescription drugs—in the last several weeks, months and years. We all know them when I read them. Some even have the images that pop up into their minds, because we see them again and again and again and again. We are barraged by them.

I mention this as a physician, because 10 years ago you would not have seen any of that advertising on television. We have heard them on our television sets, we hear them on our favorite radio programs, we see them in newspapers, we see them in magazines. Those who go to NASCAR races see them on the cars. You see them on billboards along the highways. We are barraged with this information. It is called direct-to-consumer advertising. When I was practicing medicine before coming to this body—not that long ago, in 1994—it didn't exist.

This is what direct-to-consumer advertising is. When drug companies, pharmaceutical companies, market their products, the marketing used to be done to physicians who could accumulate that information and help patients make decisions. But the direct-to-consumer goes over the heads of physicians with this advertising, direct to the American people, direct to the consumer. It is called direct-to-consumer advertising, or DTC is the terminology people use.

It is a two-edged sword. Obviously there can be huge health education benefits to such advertising because you are exposed to it, you are barraged with it, and information is provided, information to which you might not otherwise have access. But let there be no mistake, drug advertisements are fuel to America's skyrocketing prescription drug cost. It is a two-edged sword. The advertising is new over the last 10 years. Now it is time to assess the efficacy of advertising, but also potential damage that is done by this proliferation, this skyrocketing of advertising to which we are being exposed.

These ads do influence consumer behavior; otherwise, drug companies wouldn't be putting money into them. Their real purpose at the end of the day is to have a drug that, yes, helps people, but also makes money for them. It affects consumer behavior and it also—though it is not said very much but I will speak to it here shortly—affects physician behavior in a way I think is detrimental. Physicians don't want to talk about it very much because it is a little embarrassing. I will come back to that. But it affects physicians' behavior in a way that I think is not healthy, as well as affecting consumer behavior.

These ads cause people to take more prescription drugs. They have the potential to create an artificial demand and thereby they can drive up health care costs for everybody listening to me as individuals, but also our overall health care cost for the Nation.

I believe it has reached a point where they—again, it can be very positive with the health education—are needlessly and wastefully driving up health care costs. Thus it is time for us to get more information but also address the issue.

Moreover, a lot of the direct-to-consumer advertising is misleading. I know, as people listen, you tend to believe, unfortunately, what you see on TV and that can be dangerous in certain cases. This direct-to-consumer advertising can oversell hope, and people want hope; it can oversell results; and it can also undersell the risk. Every drug has side effects. Every drug has a side effect. We may not know all of the side effects, but the idea of promoting a drug without adequately enumerating, spelling out, highlighting the risk is wrong. Misleading advertising, especially when we are barraged with it, when that is all we see—a little bit of hyperbole, on TV between shows, if it is misleading, hurts patients and definitely pressures doctors to overprescribe or to change prescribing habits in response to that request, that specific request from a patient.

So today I rise to urge all pharmaceutical companies to voluntarily restrict consumer drug advertising during the first 2 years that a new drug is on the market. Today I am also requesting a Government study into the cost and into the consequences and any potential benefits of direct-to-consumer advertising. It is time for the drug companies, I believe, when it comes to direct-to-consumer advertising, to clean up their act. If they do not, I believe Congress will need to act in this arena.

In its proper place, direct-to-consumer drug advertising gives patients, gives consumers, information. It empowers them to make decisions. It can give them the information they need in order to make informed decisions about their health, about the advantages of a particular drug. It can instruct them and open their eyes to symptoms they have that might be very serious but they might not otherwise go to see a doctor about. It can inform them about new therapies, the breakthrough therapies that are so powerful—made in large part because of the research and development in our private sector by our pharmaceutical companies.

These are good things. These are the good things that advertising can do, that education can do, that knowledge can do. Indeed, I envision a health care system—and we are not yet there today, but I think we are moving in that direction, in part through legislation on the floor of the Senate, to move to a system that is centered not on big Government and not on us micromanaging from the floor of the Senate prices and decisions, but, no, move toward a system that is patient centered. We are moving toward a health care system that centers on the individual patient, that is provider friendly, and that is driven by three things. Those are knowledge or information that is given the patient, the individual, the opportunity to choose and make choices for themselves, and to make sure that patient is empowered, they have resources to make those decisions.

So if you are looking at a consumer-driven, patient-centered health care system, having timely information, accurate information, complete information, and balanced information has to be one of the major pillars.

Direct consumer advertising can be very helpful in that regard if that is the purpose and if it meets those standards. I don't think the advertising we see today—and I base this on people coming up to me all the time as a physician and policymaker—I don't think the advertising today meets those standards. I will have more to say about that issue.

With today's advertising, perhaps you are at a ball game with your family, going to a movie or to dinner—ask somebody about it—and today's advertising will likely leave parents having to explain to their young children, their 10-, 9-, 8-year-old, what erectile dysfunction is rather than a discussion of the importance of getting your blood pressure checked to see if you have hypertension so you will not have a stroke or heart disease. That would be useful information.

That is the problem. How did we get to this point? Prior to the 1980s, drug manufacturers almost always introduced and explained their products to physicians. Physicians had a body of knowledge and the training to make an assessment of whether, based on the information the drug companies gave them, this would be an efficacious drug, a useful drug to use, or whether the side effects would be appropriate for individual patients.

In 1981, just over 20 years ago, Boots Pharmaceuticals ran the first U.S. print advertisement—just 24 years ago. It was directed to consumers for the ibuprofen product brufen. In 1980, print advertising picked up. In the 1990s, drug companies began to use more print advertisements to promote their products—again, directly to consumers, not going through physicians—and during that period they ran television advertisements sparingly. Rarely would consumers turn on the television and actually see an advertisement directed at the consumer on a drug.

Looking back over the last 40 years since 1962, the FDA has had a requirement—the FDA is the Government institution in charge of regulation and oversight. Since 1962, the FDA has required ads to include a brief summary of a drug's side effects, indications for use, the contraindications, the warnings and precautions.

Regarding the massive changes we are exposed to today, look back to the Clinton administration in 1997 when the disclosure rules for television ads were liberalized. The door was opened. That is not that long ago—3 years after I formally left the practice of medicine to come to the Senate. Rather than providing a full picture of a drug's risk and benefits, the new laws required only that drug companies disclose the most significant risk and then refer patients to a secondary source of information, leaving this whole inadequacy of the risk and adverse effects on the ad as presented.

As a direct result of this 1997 ruling, spending on direct consumer advertising skyrocketed 145 percent between 1997 and 2001. It passed the $1 billion mark in 1997. It was almost nonexistent 7 years before that and skyrocketed to about $1 billion in 1997. Then 4 years later, it kept skyrocketing and reached $2.7 billion. Indeed, last year, the drug companies spent over $4 billion advertising medications directly to consumers.

This 145 percent over that 4-year period from 1997 to 2001 for direct consumer advertising, reaching consumers, should be compared to an increase of only 59 percent for research and development for drugs—clearly, a heavy investment in direct consumer advertising. Why? Because that advertising increases utilization of that drug and sells more drugs.

The Clinton administration at the time they opened this door—under intense pressure by the drug industry—not only opened the door but opened the door too widely, and our regulatory body has not kept up with what has come through that door. As a result, the direct-to-consumer advertising exploded to levels that at least I did not anticipate. As we watched this unfold through the 1990s, I don't think anyone anticipated the level that we see when we turn on the television today. That drives up drug use, that drives up drug spending, and, of course, that will drive up the cost of health care generally.

In addition to all that, it has led to inappropriate doctor-physician prescribing. We have to be careful because until we really study it, we will not know all effects. My doctor friends tell me again and again, when a patient comes in with a specific request for a drug written down and the doctor has 30 or 40 patients waiting outside, it is almost easier—I am embarrassed to say this—almost easier for a doctor to write the prescription and give it to them even though there may be a generic drug or a much less expensive drug. The patient comes in and says: I have to have this drug. This drug is what I have in mind, the hope for the cure for my disease.

This misallocation of resources and inefficiency that results from inappropriate prescribing from the physician's standpoint is something we can rip out of the system if we turn to a balance between very good and direct-to-consumer advertising, which includes patient education, but get rid of the inappropriate, imbalanced state we are in today.

If we consider the recent labeling changes in market withdrawals of just one class of drugs, the nonsteroidal anti-inflammatory, it tells a story. These drugs were the most heavily advertised in America. They were used by millions and millions of patients. Millions of patients benefited. I should say, from these drugs, but many people today believe—looking back at what happened in response to the advertising—that they were overprescribed.

In the case of one drug people have heard a lot about, Vioxx, 93 million prescriptions had been written since its approval in May 1999. Millions of prescriptions were also written for similar drugs such as Celebrex and Bextra. In the case of Vioxx, indeed, it was a better drug. It did prove to be better than competing products for patients who had gastrointestinal problems or stomach problems. America did conduct postmarket research that was not required by the Food and Drug Administration. Of course, we cannot foresee every risk. It does take time to accumulate information to fully assess risk.

Quite simply, we should always strive to make safety the top concern, not selling the most drugs through increasing utilization, through advertising, but ultimately to make safety our top concern, especially for newly approved products that are used for the very first time in millions and millions of patients. It takes time for the adverse reactions and side effects to be fully explored and to fully surface. Doctors should have more time to use the drugs to gain experience with them, to collect more balanced information, and to be able to weigh the risks and benefits of a product.

In a 2002 report on the practice, the Government Accountability Office, the GAO, highlighted two studies. The last time it has been studied—and that is why I want to study it now, because we have had this explosion—but in the two studies they highlighted in 2002, the last report, each showed a 10-percent increase in direct-to-consumer spending within a drug class increased sales in that class by 1 percent. For one popular, very heavily advertised prescription drug, $1 of consumer advertising translated into $4 in increased sales—$1 dollar in advertising, $4 in sales. So we see the motivation from the drug companies in advertising particular drugs. It is no wonder the drug companies are flooding our airwaves today.

The GAO findings in that 2002 report were clear: Increased direct-to-consumer advertising has helped fuel escalating drug costs. These drug costs, as we know, are skyrocketing. In 2003, Americans consumed 134 billion prescription pills and spent over $216 billion on prescription drugs. That is as much as Americans spent on gasoline and oil. During the past few years, drug costs have gone up more than twice as fast as inflation, faster than nearly all other health care items and services.

Congress has paid attention to these skyrocketing, escalating drug costs, and we have acted on the 2003 Medicare Modernization Act. We took major steps toward providing more affordable prescription drugs. I add the "more affordable" because we did a number of things.

First and foremost, recognizing the importance of prescription drugs, centrality of prescription drugs to health care delivery today, we provided seniors with an outpatient prescription drug benefit under the Medicare Program for the first time in history—something I feel strongly about, something I am very excited about as we look over the next year, couple of years, where implementation begins. We also established health savings accounts that allow individuals to own and take care of their own health care. We reformed patent laws and closed loopholes to help speed lower cost generic drugs to market and set standards to encourage more efficient electronic prescribing and improved patient safety. We provided funds to the Department of Health and Human Services to study the clinical comparative effectiveness of drugs and then take that information and share it with patients, to share it with consumers so they can make prudent decisions.

We have taken some good steps, moved in the right direction, but we clearly have a lot more to do. Part of this effort, and the reason I bring it to the Senate today, is a responsibility we have to look at prescription drug advertising. Unbalanced and misleading prescription drug advertising hurts the American people. We will look at it. It adds tension to the relationship between doctors and patients, the physician-patient relationship. It can lead to inappropriate prescribing, and it can overwhelm our current regulatory system.

As consumers, we are all familiar with these ads. They adorn major magazines, Web sites, newspapers, and flood the airwaves. Particularly on television, they present upbeat images, a parade of images that bring hope and beauty with these positive images, but often the warning and the cautions are in either fine print or as an afterthought. As I mentioned earlier, think how many parents have found themselves watching a sporting event with their son or daughter, only to be assaulted by an ad for erectile dysfunction.

Think back to advertising during this year's Super Bowl, the nature of those ads and the focus of those ads. Only rarely do these ads provide consumers with enough time to absorb the risk information. In a 2002 FDA study, nearly 60 percent of patients reported drug advertisements did not provide enough risk information. In that study, 58 percent of patients felt these ads portrayed products as better than they are. In another 2002 FDA survey, 75 percent of physicians said ads led patients to overestimate the efficacy of the drugs, and 65 percent of physicians noted that patients confused the risk and benefits of drugs advertised to consumers.

What this means is sometimes a patient may request a drug, even insist upon a drug, even if it does more harm than good. They may too heavily rely on a pill when an overall lifestyle change might be more appropriate. They may come in and demand the latest, most expensive medication when an old standby could do just as well.

Patients seeing the ads place new demands on their doctors. As I mentioned, when my medical colleagues are pressed for time, they tend to respond with the easy way of responding to a specific demand—even if it might not be either the most cost-effective or efficacious drug.

Thinking of one example, after one year of directly advertising the bone-mass-increasing drug Fosamax to consumers, physician visits for osteoporosis evaluation nearly doubled. That in some ways may be good because it shows the double-edged sword in that people go to the doctor and they ask appropriate questions. But then you have to ask the question: Did these ads provide the patients with the appropriate information to go see that doctor for the appropriate information on the side effects of that particular drug?

An interesting study from the University of California-Davis was where the researchers sent actors in good health to 152 doctors' offices in three cities to find out if they could get prescriptions for simulated symptoms. Half of the actors imitated patients suffering depression. The other half expressed symptoms of stress and fatigue.

The study found that if an actor requested Paxil, which is a heavily promoted antidepressant, he was five times as likely to walk out of the doctor's office with a prescription for the drug. The research suggested that direct-to-consumer advertising increases patient demand for specific medications, even in situations where prescriptions are not needed.

Finally, we need to ask questions about how we regulate this drug advertising. Right now, the Food and Drug Administration simply has neither the resources to scrutinize direct-to-consumer advertisements nor the power to review them for accuracy before they are viewed by the public. In 2002, the FDA received over 137,000 pieces of promotional material for review. Some of these materials appeared on the airwaves or in print even before they arrived at the office of the FDA.

The entire division responsible for this oversight consists of 40 employees—just 40 employees—who have to review almost 40,000 complex, medically sensitive advertisements. It is not enough. The FDA knows it is not enough. We have not given them enough resources.

Two years ago, Dr. Janet Woodcock, then the FDA's Acting Deputy Commissioner for Operations, told the Senate Committee on Aging:

> It would be impossible for the FDA to try to track the number of different broadcast advertisements that are aired.

Almost unbelievable to me is the fact that the FDA review comes after the fact. It cannot require drug companies to submit their advertisements before they appear on the airwaves or on the Internet or in print. The FDA simply cannot keep up.

Our failure, our Government's failure, to appropriately regulate drug advertising hurts the very people I believe the drugs are intended to help, and that is the patients. We are not serving the American people as well as we should.

Mr. President, 2 weeks ago, the pharmaceutical company Bristol-Myers Squibb announced a voluntary ban on advertising its new drugs to consumers in their first year on the market. The company said it wanted to give doctors more time to understand new products before patients start asking for them. I think this shows leadership. It shows responsibility. Bristol-Myers is setting an example in showing restraint in the industry.

I know PhRMA—that is the drug industry's trade association—has announced it will adopt an industrywide voluntary code governing direct-to-consumer advertising next month—another good move.

Mr. President, what should we do? I believe, at a minimum, the pharmaceutical industry should include a voluntary restriction on the direct-to-consumer advertising of prescription drugs in their first 2 years on the market. This restraint is important because a typical clinical trial for a drug includes about 5,000 patients. A blockbuster drug can attract as many as a million patients in the first year on the market. But since no drug is free of a side effect, we may not fully know what those side effects are. Doctors and patients need time to learn about the new treatments to be able to assess their benefits and find out more about the risk. Education should come before persuasion. Patient safety should be paramount, not the bottom line.

So what should we do? Three things.

First, we should give the FDA prior review and approval authority for all direct-to-consumer drug advertising. By the time the FDA reprimands a company for running a misleading drug commercial, that advertisement may have already deceived consumers. Advertising should boldly and responsibly address safety head on, replacing the upbeat fantasyland images with a frank discussion of a product's risks and benefits.

Second, we should increase resources devoted to reviewing advertising, to determine the advertisement's accuracy and to ensure all standards are met.

The FDA must have the resources, must have the capability to more thoroughly monitor drug advertising and make sure that companies fully comply with the advertising guidelines.

The American people assume this is being done today when they see those ads, and it is not. A staff of 40 is simply not sufficient.

And third, we should give doctors and patients greater access to clinical data and postmarketing surveillance efforts about drugs after they become available.

For the drug industry, which has long touted the educational benefits of its advertising and of its mission, it has to know that the success of their mission inherently depends upon the quality of information they give to physicians and patients—not just the enticing images, but the quality of information.

Mr. President, in closing, as a doctor who has witnessed both the good but also the bad in this explosion of drug advertising direct to the consumer, I feel I have a responsibility to watch this issue closely. If the pharmaceutical industry's voluntary restrictions are not strong enough, I will support congressional action to make sure consumers get the protection they deserve.

In the meantime, today, I am asking the Government Accountability Office, the GAO, to investigate FDA's oversight of prescription drug advertising, the pharmaceutical industry's spending on such advertising, and this advertising's impact on utilization, health care spending, and patient education and awareness.

Wherever I go—whether it is to meet with a group of doctors at a medical meeting at the Harvard Medical School or back at the University of Tennessee or at the Coca-Cola 600 in Charlotte—people come to me and say the direct-to-consumer advertising has gone overboard.

We have to return balance. I believe we can and we should move into a health care system that is centered on the patient, where they have appropriate information to make decisions—a consumer-driven, provider-friendly, patient-centered system.

I know my colleagues share these or similar priorities. I believe the steps I have proposed today will be to the benefit of patients. It will save money. It will save lives. Prescription drugs, I believe, are the most powerful tools in American medicine today. We really could not and should not do without them. But we have to use them and market them and promote them with care.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. FRIST. Mr. President, I rise to pay tribute to a truly distinguished American—U.S. Supreme Court Justice Sandra Day O'Connor, who announced her retirement earlier this morning.

The current group of nine Justices, including Justice O'Connor, represented the longest serving Supreme Court since the 1820s.

Today marks a great loss for America. But it is also a day to reflect on all that we have gained because of Justice O'Connor's service to our country.

For nearly 24 years, Justice O'Connor lent America her brilliant mind and her fair and impartial judgment.

Sandra Day O'Connor, who turned 75 this year, was born in El Paso, TX.

The daughter of Harry and Ada Mae, she was raised on her family's cattle ranch, in southeastern Arizona.

Sandra Day O'Connor began her academic journey at Stanford University.

Upon earning a bachelor's degree in economics and graduating magna cum laude, she stayed on at Stanford, pursuing an education in law.

And at Stanford she thrived. She earned a coveted position on the Law Review's Board of Editors and completed law school in only 2 years. Not only did she graduate in record time, but she finished third in her class.

Coincidentally, she finished with a man who would later become her colleague on the highest Court in the land—Chief Justice William H. Rehnquist.

It was during law school that Sandra Day O'Connor met her future husband, John Jay O'Connor.

Seeking her first job as a young, female attorney, Sandra Day O'Connor faced many challenges in a male-dominated law profession.

After having difficulty finding a job in the private sector, she began her legal career as Deputy County Attorney of San Mateo, CA.

When her husband was drafted into the JAG Corps in 1953, the young couple moved to Frankfurt, Germany, where she worked as a civilian attorney for the U.S. Army.

After 4 years in Europe, Sandra Day O'Connor returned to Maryvale, AZ, where she experienced difficulty finding employment in the legal world. As a result, she decided to start her own legal practice.

After practicing law for 2 years, Sandra Day O'Connor took a break from her career to start a family. She and her husband raised three sons—Scott, Brian, and Jay. I must say, as a father of three sons, this may be her greatest accomplishment—certainly, one of the most challenging.

In 1965, Sandra Day O'Connor transitioned from the private sector, to the public, when she became Arizona's Assistant Attorney General.

In this capacity, she served for 4 years before being appointed to fill an unexpired seat in the Arizona State Senate. Her constituents agreed it was a good match—as they elected her twice more.

In the Arizona Senate she rose to the highest level, becoming majority leader and the first woman ever to hold such an office in the United States.

As majority leader of this body, I understand the challenges and rewards of being leader and admire Justice O'Connor for her tremendous achievement.

In 1975, Sandra Day O'Connor was elected, judge of the Maricopa County Superior Court and served until 1979, when she was appointed to the appellate bench in Arizona.

There she served, until late President Ronald Reagan appointed her Associate Justice to the Supreme Court.

On September, 21, 1981, the Senate unanimously confirmed her nomination to the Supreme Court. And that day, Sandra Day O'Connor made history. She became the first female Justice in the Court's history.

This 51-year-old Arizona-Court of Appeals judge shattered the 190-year-long tradition on the High Court of addressing Justices: "Mr. Justice."

When asked for her reaction to her nomination, Sandra Day O'Connor said:

> I can only say that I will approach [my work on the bench] with care and effort and do the best job I possibly can do.

Most would agree that she has done just that.

Since 1981, Justice Sandra Day O'Connor has served with distinction on the U.S. Supreme Court. She has served as an example to all Americans—demonstrating that through persistence and hard work anything is possible.

In the face of obstacles—including being a woman in a male-dominated law profession—she never surrendered her determination, nor did she surrender her Southwestern pride and love of the outdoors when she moved to the city. Rather, she brought it with her.

Anyone who has entered the inner confines of Justice O'Connor's Supreme Court office is familiar with a sign that reads "Cowgirl Parking Only: All Others will be Towed."

Fiercely proud of her heritage, Justice O'Connor and her brother, H. Alan Day, authored a best selling memoir entitled "Lazy B: Growing up on a Cattle Ranch in the American Southwest."

Having grown up in the South—in Nashville, TN—I appreciate Justice O'Connor's pride in her roots. She has not forgotten where she came from.

The values she learned through life on the range were values that left their brand mark. Indeed, hard work, self-reliance, and survival are the core values that make Sandra Day O'Connor the successful woman she is today.

As she writes in her memoir, working alongside cowboys on the Lazy B, she learned a system of values that was "simple and unsophisticated and the product of necessity."

Throughout her tenure on the Court, she has not wavered from her well-grounded views.

I've had the privilege of meeting Justice O'Connor on various occasions during my time in the United States Senate.

Each time that I've had the opportunity to interact with her, I've found her to be thoughtful, kind, and extraordinarily intelligent.

To echo the words of Ronald Reagan on the day he appointed Sandra Day O'Connor:

> She is truly a "person for all seasons," possessing those unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 "brethren" who have preceded her.

Today, more than 23 years later, President Reagan's words still ring true.

When she took the oath of office as the 102nd Associate Justice, she pledged to uphold the Constitution, and since this time, Justice O'Connor has proven her steadfast commitment to uphold the Constitution.

During her confirmation hearing, she emphasized that the court's role was to interpret the law and not to make public policy.

Her record demonstrates that she has lived up to that commitment, respecting the rule of law and judiciously interpreting the Constitution.

Often cited as the "swing vote" on many important cases, Sandra Day O'Connor has taken exception to that characterization, stating that "if my vote has not been a hundred percent predictable, that's because I try to look at each one as it comes to us."

Sandra Day O'Connor is an independent thinker and has made great contributions in many substantive areas of the law.

On the bench, she has not allowed the pressures of popular opinion to sway her decisions. Rather, she has consistently decided each case before her based on the underlying facts.

Despite being the first woman to serve on the high Court, Justice O'Connor has not used this position to influence decisions of the majority. She once said:

> The power I exert on the court depends on the power of my arguments, not my gender.

Her wisdom, intellect, and humility have earned her deep respect from her colleagues, even those with opposing judicial philosophies.

For they see that she embodies all the ideal qualities in a judge—fair, impartial, and open-minded.

Through her experiences, Justice O'Connor has brought a unique perspective and understanding of checks and balances to the Court.

A true public servant—Sandra Day O'Connor has served our Nation for almost four decades: As an Arizona State Senator and majority leader, State court judge, assistant State attorney general, and in the capacity for which she will long be remembered, as an Associate Justice on the Supreme Court.

Throughout her life, Justice O'Connor has displayed her civic loyalties through her participation in various community organizations including the boards of the Smithsonian Institution, the Heard Museum, and the Salvation Army.

She was recognized for her service in 1995, when she was inducted into the National Women's Hall of Fame.

Sandra Day O'Connor has accomplished more in a lifetime than many would imagine possible.

Yet, throughout that breathtaking journey to the top, she never lost sight of her humble roots, and never lost sight of the people she served.

As she told a reporter in a 1996 interview that she never expected or aspired to be a justice, and still considers herself "just a cowgirl from Arizona."

While the "cowgirl from Arizona" may never have dreamed of riding to the highest court in the land, America is fortunate that she did.

A brilliant jurist, a bright legal mind, and a compassionate woman—she has earned her place in history for more reasons than one.

I am sure that Justice O'Connor is looking forward to spending time with her husband, John, and their family during her retirement.

And Karyn and I wish her and her family much joy and happiness in this new chapter of life.

On behalf of the entire United States Senate and a grateful Nation, I commend Justice Sandra Day O'Connor for a lifetime of distinguished service to our great Nation.

As the Senate moves forward to confirm a new nominee for the high Court, it's important that we remember her legacy.

America needs judges who are fair, independent, unbiased and committed to equal justice under the law. I am confident that the President will select a qualified replacement justice who embodies these qualities.

And I look forward to working with my colleagues to ensure a fair confirmation process in the Senate that will ensure the Supreme Court is at full strength to start its next term in October.

I yield the floor.

SENATE ACCOMPLISHMENTS

Mr. FRIST. Mr. President, before we leave for the Fourth of July recess, I want to congratulate my colleagues for their hard work and focus over the past 6 months. We have worked hard to deliver meaningful solutions for the American people, and we have succeeded.

From lawsuit reform to trade and energy policy, we have tackled a number of key issues that will make America stronger, more prosperous and more secure.

We also confirmed six new members of the President's administration, including Secretary Condoleezza Rice, Homeland Security Chief Michael Chertoff, Attorney General Alberto Gonzales, Trade Representative Rob Portman, EPA Administrator Stephen L. Johnson, and the first ever National Intelligence Director, John Negroponte.

As I reflect on the goals set out in January, we took on big and urgent challenges. And our actions have translated into solutions. Together we are moving America forward.

When we began the 109th Congress 6 months ago, America faced a number of structural problems threatening our safety, prosperity, and freedom.

America was drowning in lawsuit abuse. Our highways and ports were falling into disrepair. We were hitting our 10th year with no energy plan and becoming ever more dependent on foreign oil. Partisan obstruction was tearing apart the confirmation process. Our troops in the field needed our support. And over the Christmas holiday, a tsunami disaster devastated Southeast Asia.

We needed to take bold action, so I laid out a plan.

We began by passing the 5th fastest budget in Senate history. That allowed us to move on to the issues starting with class action. Frivolous lawsuits were so out of control that litigation in America had become the most expensive in the world. In 2003, the tort system cost an incredible $246 billion—more than the total economic output of my home State of Tennessee.

Frivolous filings dull our competitive edge, clog up State courts, waste taxpayer dollars, and lead to outrageous settlements that award trial attorneys multimillion-dollar fees while their clients get pennies.

Reform was long overdue. So we pulled together and finally passed a comprehensive class action reform bill with nearly three-quarters of the Senate voting in favor. One week later, the bill was signed into law. And we delivered to America a victory for fairness.

With this success at our backs, we turned to bankruptcy abuse.

Bankruptcy reform had long been in the works. Similar bills had passed the 105th, 106th and 107th Congresses. In this Congress, we passed the most sweeping overhaul of bankruptcy law in 25 years to restore fairness, integrity and personal responsibility to the system. And like class action, the bankruptcy bill passed with broad, bipartisan support.

I thank my colleagues for finally getting these reforms through. It was not easy. A rich and powerful constituency had a lot to lose from reform. But common sense prevailed and we were able to return fairness to the system.

There is still much to do to curb the lawsuit culture: asbestos, gun liability, and medical malpractice. But I am hopeful that the bipartisan spirit that carried us this far will continue to push us across the finish line.

The highway bill was another area where we were able to come together and keep America moving forward.

The highway bill was the result of a long, bipartisan process. It was based on more than 3 years of work, over a dozen hearings, testimony from more that 100 witnesses, and countless hours of negotiation. It was supported by a deep and broad coalition—from State and local highway authorities to national safety advocates.

As every commuter knows, America's roads have become choked with traffic. In many American cities, rush hour now lasts all day long.

Worse yet, car crashes are the No. 1 cause of death for every age from 3 to 33. Last year, nearly 43,000 people died in car accidents.

Transportation Secretary Norm Mineta rightly observed that, "If this many people were to die from any one disease in a single year, Americans would demand a vaccine."

This year, we were able to provide relief. By a vote of 89 to 11, we passed the long overdue SAFETEA bill. As communities improve their roads and ports, America's drivers will face less time sitting in traffic, burning up time and gas.

Which brings me to energy. Like the highway bill and lawsuit abuse reform, energy policy had languished for years—in this case, for over a decade.

While Congress dithered, oil prices soared.

Likewise, instead of the lowest natural gas prices in the industrialized world, we have the highest.

And because of high natural gas prices, manufacturing and chemical jobs have been steadily moving overseas. Farmers are taking a pay cut. Consumers are paying too much to heat and cool their homes. Communities across the country are suffering. And as many as 2.7 million manufacturing jobs have been lost because of soaring prices.

All the while, we have grown dangerously reliant on foreign sources of energy. And some of those foreign sources do not have America's best interests at heart.

With all of this as a backdrop, we were finally able, this week, to pass a comprehensive Energy bill. It took 10 years, but we made it. And I am hopeful that, soon, we will be able to deliver to the American people an energy plan the makes America safer and more secure.

Another area where we simultaneously strengthened America's national and economic security was with the passage of the Central American Free Trade Agreement last night.

The agreement, which President Bush signed in May of 2004, will eliminate most trade barriers between the United States, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and the Dominican Republican.

CAFTA will open the doors to 44 million new consumers of American goods. And more sales to Central America mean more jobs here at home.

It also means a more shared values.

Twenty years ago, only two of the CAFTA nations were established democracies—Costa Rica and the United States. Today, all seven can be counted among the free nations of the world.

By linking their economies with democratic capitalism, CAFTA will help gird these nations against the threats posed in the neighborhood, mainly Venezuela and Cuba. It will strengthen their democracies and provide a model for freedom seekers around the world.

Which brings me to our outstanding work on the world stage. In April, by a near unanimous vote, we passed the emergency defense and war supplemental and Tsunami relief.

On the morning of December 26th, the world woke up to the terrible tsunami disaster in Southeast Asia.

Deep in the Indian Ocean, an enormous earthquake, estimated at a magnitude of 9.0 on the Richter scale—possibly one of the most powerful earthquakes in history—caused a devastating tsunami which killed over 155,000 people, seriously injured half a million, and displaced as many as 5 million from their demolished homes.

Thousands of people were literally washed out to sea as the enormous wall of water traveling at speeds of up to 500 miles per hour in the open ocean struck the coasts of the Indian Ocean rim. As the waves receded, they took with them whole towns and villages.

In the face of this terrible tragedy, America took swift action.

We immediately dispatched military ships, planes and helicopters to deliver aid. Twelve thousand of our men and women in uniform worked around the clock to reach survivors. And Americans here at home, moved by the terrible images and stories, gave millions out of their own pockets to help.

I had the opportunity to travel to the region with Senator LANDRIEU to survey the damage and meet with local doctors and government officials. We learned that it will take years for the region to recover. Many families never will.

The legislation we passed in April provides an additional $880 million to help the victims recover and rebuild. The tsunami story may no longer be grabbing headlines, but America is still hard at work doing its part.

We are still also hard at work fighting the war on terror. And the emergency defense bill provides $75.9 billion in support for our brave soldiers in Afghanistan and Iraq hunting down the enemy, helping to rebuild and spread freedom and democracy.

As the President reminded the Nation this week, we are engaged in an epic struggle. The terrorists and insurgents want to deny the Iraqi people the freedoms that are the right of all mankind.

They want democracy in Iraq to fail, so that they can seize power and spread their poison.

But they will not succeed. We will win this war. But to do so, we must continue to stand together, united in support of our troops and in support of our values. The terrorists are no match for the will of the American people. And as Senators, we have no higher duty than to protect our fellow citizens' safety and well being.

The past 6 months were not without their tense and dramatic moments in the Senate—none were more dramatic than the battle to confirm the President's judicial nominees.

We appear to have begun to repair the confirmation process and restore dignity, fairness, and respect to our debates.

As we said all along, each of these candidates was amply qualified, and enjoyed the majority support of the Senate. Each would be confirmed if brought to the Senate floor. And each of them were: Priscilla Owen, Janice Rodgers Brown, William Pryor, Richard Griffin, David McKeague, and Tom Griffith were all confirmed to the Federal bench.

Unfortunately, in the process, they had to endure continuous, unfair attacks on their character. Some of the nominees in the last Congress found the process so painful, they dropped out rather than continue on.

It is no wonder that we now hear reports that smart, qualified judges do not want to be considered for confirmation to the Federal bench. They have concluded that Washington is no place to risk your reputation—you may never get it back.

Unfortunately, we see this now with the nomination of John Bolton to the United Nations.

I have listened to my Democrat colleagues and heard their requests. I have no choice but to conclude that some on the other side are engaged in plain, partisan obstruction.

John Bolton has a long record of successfully serving his country. He has been confirmed by the Senate no less than four times.

I have been more than willing to try to reach a fair accommodation with the various requests, but the goalposts keep moving.

This is a critical time for the United States and for the world. Because of the President's vision and commitment, democracy is on the march around the globe. And with sensible reform, the United Nations can and should be vital in advancing these developments. But we need to get a U.N. ambassador in place to make that change happen.

We have before us a smart, principled, and straightforward candidate who will effectively articulate the President's policies on the world stage.

We were assured that the partisan obstruction would stop. But as we see with the John Bolton nomination here we are again. I urge my colleagues to do what is right for the country, to set aside partisanship and let the Senate do its work, vote up or down, yes or no.

We have much to do when we get back. It will be a busy month. I look forward to getting down to business and passing more legislation, like the Genetic Non-Discrimination Act we passed in February, that makes America more secure.

I thank my colleagues for their hard work. I wish them a safe, productive and energizing holiday recess.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I ask unanimous consent that at the conclusion of my very brief remarks about the retirement of Justice O'Connor, Senator VOINOVICH be recognized for up to 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STEVENS. May I inquire, does the Senator from Ohio intend to speak about Justice O'Connor?

Mr. VOINOVICH. I do not.

Mr. STEVENS. Mr. President, would the Senator mind if I made a short statement about Justice O'Connor before he speaks?

Mr. VOINOVICH. I have been here since 10 minutes to 10 waiting to give a speech. I have a schedule today. I would like to have my time.

Mr. STEVENS. Very well.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise today to briefly celebrate the service of Justice Sandra Day O'Connor. I met Justice O'Connor through my wife, Labor Secretary Elaine Chao. Justice O'Connor swore her in for two of the positions she has held in the Federal Government, as chairman of the Federal Maritime Commission and, also, most recently, as Secretary of Labor. Through Secretary Chao, I have seen her on several occasions socially. I must say that she is an extraordinary individual. During her time on the Court, Justice O'Connor has proven herself to be a brilliant jurist and a strong defender of the Constitution. She is known for her fairness and her desire to seek practical solutions for even the most difficult decisions upon which the Court had to rule.

Justice O'Connor has proved to be an independent thinker and a vigorous questioner, narrowing in on precise legal issues with laser-like precision from the bench. She has lived up to the promise to respect the Constitution and to interpret the law judiciously, seeking the narrowest reach possible for the Court's rulings. Justice O'Connor is known for approaching each case individually, seeking to arrive at practical conclusions.

Justice O'Connor has been a great advocate for the Court. She has traveled the globe, speaking to thousands of students, lawyers, foreign dignitaries, and others on the judiciary, the Constitution, and the law. Justice O'Connor's love of this Nation, its judicial process, and the law is widely known.

In her most recent book, "Majesty of the Law, Reflections of a Supreme Court Justice," she insightfully describes the institution of the Court, its history, customs, and some of its most able members. Certainly, we will all agree that Justice O'Connor will long be remembered as one of the most distinguished persons ever to serve on the High Court. We wish her very well in her retirement.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio is recognized for 15 minutes.

Mr. VOINOVICH. Mr. President, I just found out that Sandra Day O'Connor has resigned from the Supreme Court. I think regardless of what our political persuasion is or our ideology, we all respect her for living up to her oath of office in that her presence on the Supreme Court is going to be missed by this country.

NOMINATION OF JOHN BOLTON

Mr. VOINOVICH. This is the third time I have come to the Senate floor to speak about the nomination of John Bolton to be the next ambassador to the United Nations. It is particularly apropos because the Senate is on the eve of going into the Fourth of July recess. The record before the Senate documents the allegations related to Mr. Bolton's lack of interpersonal skills and management style, the pattern of intimidation with intelligence analysts, and the allegations that Mr. Bolton had a habit of cherrypicking intelligence to suit his perception of the world and his ideology.

The record has also documented Mr. Bolton's tendency to stray off message in a manner that could harm U.S. interests and his need for supervision from higher authorities to prevent him from hurting U.S. objectives. The record documents the fact that I was given assurances by the Secretary of State, Condoleezza Rice, that Mr. Bolton would be supervised closely in his new position at the U.N. Because of these concerns—and according to other Members of the Senate, they were given the same assurances—the question we all have to ask is, Why would we send someone to the United Nations who needs supervision?

I did not come to the floor today to repeat the record, although these issues are very important to our decision to confirm Mr. Bolton as our next ambassador to the United Nations. I came to the floor to talk about why this nomination is particularly unique and why it is particularly important at this time in history that we send the right candidate to the United Nations.

The nominee that we send to the U.N. to be the face of the United States to the world community must be able to advance our objectives through diplomacy and improve the world's opinion of the United States at this critical time. America's image is in trouble. World opinion is increasingly negative when it comes to the United States. It is not limited to Muslim countries. Polls of traditional allies and nonallies reveal a dangerous rise in negative opinion since the beginning of the conflict in Iraq. The Associated Press reported that the popularity of the United States in many countries, including many in Europe, is lagging behind even Communist China.

According to the Pew Research Center for the People and the Press, about two-thirds of Britain, 65 percent, saw China favorably compared with 55 percent who held a positive view of the United States. It is easy to understand why our friend, British Prime Minister Tony Blair, lost 30 seats in the Parliament.

The 9/11 Commission made this point in its report that negative opinions of the United States have a serious impact on U.S. national security objectives. The report stated that winning hearts and minds through public diplomacy is just as critical to the war on terrorism as other tools, such as military assets and intelligence. I know I am not the only American who is disturbed by these numbers. The allegations and the criticism do not reflect the facts and are in no way fair to the United States of America. Our country is a decent, generous country that has sacrificed a great deal for our brothers and sisters throughout the world. Our men and women have sacrificed their lives in many wars and peacekeeping operations so that others could be free from oppression and free to pursue happiness.

In Iraq, the deaths of over 1,700 Americans and the injuries borne by almost 13,000 Americans bear witness to this sacrifice. But the fact is, we have to do a better job of getting our message out.

Our President, who made an outstanding case for our need to stay the course in Iraq the other night, has stated on a number of occasions that we need to improve our public diplomacy, and he has been very successful in pushing forward that agenda in recent months. As I mentioned before, the President has nominated Karen Hughes to head up his public diplomacy efforts at the State Department, understanding that it is going to take a talented individual to get the job done. He has also been very successful in strengthening relationships with key allies in the last several months.

The President has been very clear about the importance of diplomacy in dealing with the world and the most pressing national security issues. During the President's May 31 press conference at the White House, just a month ago, he stated:

> The best way to solve any difficult situation is through diplomacy.

In response to questions about Iran, the President stated that U.S. policy is to let diplomacy work its way and to solve the problem with diplomacy, working with the EU-3, France, Great Britain, and Germany.

In response to questions about North Korea, the President said:

> We want diplomacy to work.

Repeating:

> We want diplomacy to be given a chance to work.

And that is exactly the position of the Government.

Based on these statements, there is no doubt that U.S. national security strategy is going to rely on diplomacy for the months ahead, and our ambassador to the United Nations must have the ability to implement this Presidential strategy.

I recently spoke with Comptroller General David Walker who heads the Government Accountability Office and is an expert on change in governmental organizations and how one achieves reform in a governmental organization. He said that in order to be successful on reform, you need someone who respects the institution to be reformed and who is respected by the institution.

In a March 2005 article in the Los Angeles Times, it was reported that Mr. Bolton was asked why he opposed offering incentives to North Korea to abandon its nuclear weapons program.

Mr. Bolton stated, "I don't do carrots."

Any competent diplomat knows you need both a carrot and a stick to be successful. One would assume by that statement that Mr. Bolton's mode of diplomacy is solely through carrying a big stick.

I will read a few quotes of many Mr. Bolton has spoken over the years:

> There's no such thing as the United Nations.
>
> If the U.N. Secretary Building in New York lost 10 stories, it wouldn't make a difference.
>
> Not only do I not care about losing the General Assembly vote, but actually see it as a "make my day" outcome.

Most recently, in answering a question from Juan Williams from National Public Radio, Mr. Bolton said:

> If I were redoing the Security Council today, I'd have one permanent member because that's the real reflection of the distribution of power in the world.

Mr. Williams queried:

> And that one member would be, John Bolton?

Mr. Bolton responded:

> The United States.

This is not a man who is perceived to respect the U.N. and who will be respected by the institution if he goes there.

The other issue that makes this nomination particularly unique is the great opportunity we have before us to reform the United Nations. This is not an ordinary time in regard to the U.N. The U.N. has serious problems that need attention now. We all know about the flaws in the oversight system and the corruption related to the Oil for Food Program.

There are also serious problems with the general management of the U.N., the Commission on Human Rights, and the standards of conduct for U.N. peacekeepers. All of these areas require reform now.

The bipartisan U.S. task force, led by Newt Gingrich and George Mitchell, has issued a report detailing several recommendations for reforming the U.N. and calling for action.

The report notes that without a renewed and more effective United Nations, the challenges to international security, development, and general well-being will be all the greater because, as the report states, "an effective U.N. is in American interests."

The opportunity to finally reform the U.N. is even greater now because we have the support of U.N. Secretary General Kofi Annan. He finally gets it, Mr. President.

In an article in Foreign Affairs Journal and in a recent article in the Wall Street Journal, Kofi Annan stated, "The desire for change is widespread, not only in the U.S., but among many member-states, and also many U.N. staff."

I ask unanimous consent that both of these articles be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

United We Stand

(By Kofi A. Annan)

This Sunday marks the 60th anniversary of the signing of the United Nations Charter in 1945. Debate about "reform" of the U.N. has been raging almost from that moment on.

This is because—especially but not only in the United States—idealism and aspiration for the U.N. have always outstripped its actual performance. For 60-years Americans—conservative and liberal alike—have expected much from the U.N. Too often, we have failed to meet those expectations.

In Washington, the debate now centers on two documents which appeared last week: the report of the bipartisan Task Force led by former Speaker Newt Gingrich and former Senator George Mitchell, and the Henry J. Hyde United Nations Reform Act, adopted by the House of Representatives.

There is considerable overlap between the two prescriptions, as there is between both and the reforms that I myself have proposed—or, where they are within my power, am already implementing. That is not surprising. The desire for change is widespread, not only in the U.S., but among many other U.N. member-states, and also many U.N. staff.

All of us want to make the U.N.'s management more transparent and accountable, and its oversight mechanisms stronger and more independent.

All of us would like the General Assembly to streamline its agenda and committee structure, so that time and resources are devoted to the burning issues of the day, rather than to implementing resolutions passed years ago in a different political context.

All of us are eager to make the U.N.'s human rights machinery more credible and more authoritative, notably by replacing the present Commission on Human Rights with a Human Rights Council, whose members would set an example by applying the standards they are charged to uphold.

All of us would like to see a Peacebuilding Commission created within the U.N., to coordinate and sustain the work of helping countries make the transition from war to peace—so that we do not repeat the dangerous relapse into anarchy that we witnessed in Afghanistan before 2001 and more recently in Haiti, as will as several African countries.

And all of us want to impose stricter standards of conduct on U.N. peacekeeping missions, especially to put an end to sexual abuse and exploitation.

Those are some examples, among many. I believe this convergence of expectations offers us—perhaps for the first time in 60 years—a chance to bridge the gap between aspiration and performance.

Where there are differences—not so much between the U.N. and the U.S., but between the Hyde Act and the other proposals on offer—these relate essentially to two points: the method to be used to make reform happen, and the global context which makes U.N. reform so important.

For Mr. Hyde and his colleagues, reform can only be brought about by threatening a draconian and unilateral cut in the U.S. contribution to the U.N. budget.

I believe that approach is profoundly mistaken and would, if adopted by the U.S. government as whole, prove disastrously counterproductive. It would break the reformist coalition between the U.S. and other member-states whose collective pressure could otherwise make these reforms happen.

The U.N. is an association of sovereign states, which agreed, when they ratified the Charter, to share the expenses of the Organization "as apportioned by the General Assembly." The scale of assessment, which determines the share borne by each member-state, is renegotiated every six years; and every year the General Assembly passes a resolution—invariabaly supported by the U.S.—enjoining all members to pay their contributions promptly, in full and without conditions.

The way to make changes or reforms, therefore, is to negotiate agreement with other member-states.

As the Gingrich-Mitchell task force put it, "to be successful, American diplomacy must build a strong coalition including key member-states from various regions and groups . . . many of whom share America's' strong desire to reform the United Nations into an organization that works." Such a coalition will not be built by one nation threatening to cut its own contribution unilaterally. Other states will not accept such a "big stick" approach.

Fortunately, the Hyde withholding proposal is not backed by the administration, or indeed by the task force.

Even more important, however, is the global context The U.N. does not exist in a vacuum, or for its own sake. It is a forum in which all the world's peoples can come together to find common solutions to their common problems—and, when they so choose, also an instrument with which to pursue those solutions.

There are surely more shared global problems and threats today, or anyway not fewer, than when the U.N. was founded.

Among the most worrying are the proliferation of terrorist groups and weapons of mass destruction, and the danger that the latter will fall into the hands of the former.

Those are very serious threats to people in rich and poor countries alike. The failure of last month's review conference on the Nuclear Non-Proliferation Treaty to address them seems breathtakingly irresponsible. I hope the world's political leaders will now take up the issue, with much greater urgency.

To deal with such issues, we need, among other things, a stronger and more representative Security Council.

But the threats that seem most immediate to many people in poor countries are those of poverty, disease, environmental degradation, bad government, civil conflict, and in some cases—Darfur inevitably springs to mind—the use of rape, pillage and mass murder to drive whole populations from their homes.

We can only make progress if we address all these threats at once. No nation can reasonably expect cooperation on the things that matter to it most, unless it is prepared in return to help others with their priorities. And, as the U.N.'s own high-level reform panel pointed out, the different kinds of threats are closely interconnected. Neglect and misgovernment in Afghanistan allowed terrorists to find a haven. Chaos in Haiti caused attempted mass migration to Florida. And poor health systems in poor countries may make it easier for a disease like avian flu to spread spontaneously, or even to be spread deliberately, from one continent to another.

So development and security are connected—and both in turn are linked to human rights and the rule of law. The main purpose of my "In Larger Freedom" report was to suggest things that can and should be done, by all nations working together, to achieve progress on all these fronts and to make the U.N. a more effective instrument for doing so.

Decisions can be taken this September, when political leaders from all over the world meet at U.N. Headquarters for the 2005 world summit. Over 170 have said they will come, and President Bush is expected to be among them.

The stakes for the U.S., and for the world, could hardly be higher. The opportunity to forge a common response to common threats may not soon recur. It is in that context, and for that reason, that a reformed and strengthened U.N. is so badly needed.

"In Larger Freedom": Decision Time at the UN

(By Kofi Annan)

OUR SHARED VULNERABILITY

Ask a New York investment banker who walks past Ground Zero every day on her way to work what today's biggest threat is. Then ask an illiterate 12-year-old orphan in Malawi who lost his parents to AIDS. You will get two very different answers. Invite an Indonesian fisherman mourning the loss of his entire family and the destruction of his village from the recent, devastating tsunami to tell you what he fears most. Then ask a villager in Darfur, stalked by murderous militias and fearful of bombing raids. Their answers, too, are likely to diverge.

Different perceptions of what is a threat are often the biggest obstacles to international cooperation. But I believe that in the twenty-first century they should not be allowed to lead the world's governments to pursue very different priorities or to work at cross-purposes. Today's threats are deeply interconnected, and they feed off of one another. The misery of people caught in unresolved civil conflicts or of populations mired in extreme poverty; for example, may increase their attraction to terrorism. The mass rape of women that occurs too often in today's conflicts makes the spread of HIV and AIDS all the more likely.

In fact, all of us are vulnerable to what we think of as dangers that threaten only other people. Millions more of sub-Saharan Africa's inhabitants would plunge below the poverty line if a nuclear terrorist attack against a financial center in the United States caused a massive downturn in the global economy. By the same token, millions of Americans could quickly become infected if, naturally or through malicious intent, a new disease were to break out in a country with poor health care and be carried across the world by unwitting air travelers before it was identified.

No nation can defend itself against these threats entirely on its own. Dealing with today's challenges—from ensuring that deadly weapons do not fall into dangerous hands to combating global climate change, from preventing the trafficking of sex slaves by organized criminal gangs to holding war criminals to account before competent courts—requires broad, deep, and sustained global cooperation. States working together can achieve things that are beyond what even the most powerful state can accomplish by itself.

Those who drew up the charter of the United Nations in 1945 saw these realities very clearly. In the aftermath of World War II, which claimed the lives of 50 million people, they established at the San Francisco conference in 1945 an organization (in the words of the charter) to "save succeeding generations from the scourge of war." Their purpose was not to usurp the role of sovereign states but to enable states to serve their peoples better by working together. The UN's founders knew that this enterprise could not be narrowly conceived because security, development, and human rights are inextricably linked. Thus they endowed the new world organization with broad ambitions: to ensure respect for fundamental human rights, to establish conditions under which justice and the rule of law can be maintained, and, as the charter says, "to promote social progress and better standards of life in larger freedom."

When the UN Charter speaks, of "larger freedom," it includes the basic political freedoms to which all human beings are entitled. But it also goes beyond them, encompassing what President Franklin Roosevelt called "freedom from want" and "freedom from fear." Both our security and our principles have long demanded that we push forward all these frontiers of freedom, conscious that progress on one depends on and reinforces progress on the others. In the last 60 years, rapid technological advances, increasing economic interdependence, globalization, and dramatic geopolitical change have made this imperative only more urgent. And since the attacks of September 11, 2001, people everywhere have come to realize this. A new insecurity entered every mind, regardless of wealth or status. More clearly than ever before, we understand that our safety, our prosperity indeed, our freedom—is indivisible.

A NEW SAN FRANCISCO MOMENT

Yet precisely when these challenges have become so stark, and when collective action has become so plainly required, we see deep discord among states. Such dissonance discredits our global institutions. It allows the gap between the haves and the have-nots, the strong and the weak, to grow. It sows the seeds of a backlash against the very principles that the UN was set up to advance. And by inviting states to pursue their own solutions, it calls into question some of the fundamental principles that have, however imperfectly, buttressed the international order since 1945.

Future generations will not forgive us if we continue down this path. We cannot just muddle along and make do with incremental responses in an era when organized crime syndicates seek to smuggle both sex slaves and nuclear materials across borders; when whole societies are being laid waste by AIDS; when rapid advances in biotechnology make it all too feasible to create "designer bugs" immune to current vaccines; and when terrorists, whose ambitions are very plain, find ready recruits among young men in societies with little hope, even less justice, and narrowly sectarian schools. It is urgent that our world unite to master today's threats and not allow them to divide us and thus master us.

In recent months, I have received two wide-ranging reviews of our global challenges: one from the 16-member High-Level Panel on Threats, Challenges, and Change, which I had asked to make proposals to strengthen our collective security system; the other from 250 experts who undertook the UN Millennium Project and devised a plan to cut global poverty in half within the next ten years. Both reports are remarkable as much for their hardheaded realism as for their bold vision. Having carefully studied them, and, extensively consulted UN member states, I have just placed before the world's governments my own blueprint for a new era of global cooperation and collective action.

My report, entitled "In Larger Freedom," calls on states to use the summit of world leaders that will be held at UN headquarters in September to strengthen our collective security, lay down a truly global strategy for development, advance the cause of human rights and democracy in all nations, and put in place new mechanisms to ensure that these commitments are translated into action. Accountability—of states to their citizens, of states to one another, of international institutions to their members, and of this present generation to future ones—is essential for our success. With that in mind, the UN must undergo the most sweeping overhaul of its 60-year history. World leaders must recapture the spirit of San Francisco and forge a new world compact to advance the cause of larger freedom.

FREEDOM FROM FEAR

The starting point for a new consensus should be a broad view of today's threats. These dangers include not just international wars but also civil violence, organized crime, terrorism, and weapons of mass destruction. They also include poverty, infectious disease, and environmental degradation, since these ills can also have catastrophic consequences and wreak tremendous damage. All of these can undermine states as the basic units of the international system.

All states—strong and weak, rich and poor—share an interest in having a collective security system that commits them to act cooperatively against a broad array of threats. The basis of such a system must be a new commitment to preventing latent threats from becoming imminent and imminent threats from becoming actual, as well as an agreement on when and how force should be used if preventive strategies fail.

Action is required on many fronts, but three of them stand out as particularly urgent. First, we must ensure that catastrophic terrorism never becomes a reality. In that cause, we must make use of the unique normative strength, global reach, and convening power of the UN. To start, a comprehensive convention against terrorism should be developed. The UN has been central in helping states negotiate and adopt 12 international antiterrorism conventions, but a comprehensive convention outlawing terrorism in all its forms has so far eluded us because of debates on "state terrorism" and the right to resist occupation. It is time to put these debates aside. The use of force by Most lawyers recognize that the provision includes the right to take preemptive action against an imminent threat; it needs no reinterpretation or rewriting. Yet today we also face dangers that are not imminent but that could materialize with little or no warning and might culminate in nightmare scenarios if left unaddressed. The Security Council is fully empowered by the UN Charter to deal with such threats, and it must be ready to do so.

We must also remember that state sovereignty carries responsibilities as well as rights, including the responsibility to protect citizens from genocide or other mass atrocities. When states fail to live up to this responsibility, it passes to the international community, which, if necessary, should stand ready to take enforcement action authorized by the Security Council.

The decision to use force is never easy. To help forge consensus over when and how resort to force is appropriate, the Security Council should consider the seriousness of the threat, whether the proposed action addresses the threat, the proportionality of that proposed action, whether force is being contemplated as a last resort, and whether the benefits of using force would outweigh the costs of not using it. Balancing such considerations will not produce made-to-measure answers but should help produce decisions that are grounded in principle and therefore command broad respect.

LIVING IN DIGNITY

Accepting our solemn responsibility to protect civilians against massive violations of human rights is part of a larger need: to take human rights and the rule of law seriously is the conduct of international affairs. We need long-term, sustained engagement to integrate human rights and the rule of law into all the work of the UN. This commitment is as critical to conflict prevention as it is to poverty reduction, particularly in states struggling to shed a legacy of violence.

The UN, as the vehicle through which the Universal Declaration of Human Rights and two international human rights covenants have been promulgated, has made an enormous contribution to human rights. But the international machinery in place today is not sufficient to ensure that those rights are upheld in practice. The Office of the UN High Commissioner for Human Rights operates on a shoestring budget, with insufficient capacity to monitor the field. The high commissioner's office needs more support, both political and financial. The Security Council—

and in time, I hope, the proposed Peacebuilding Commission—should involve the high commissioner much more actively in its deliberations.

The Commission on Human Rights has been discredited in the eyes of many. Too often states seek membership to insulate themselves from criticism or to criticize others, rather than to assist in the body's true task, which is to monitor and encourage the compliance of all states with their human rights obligations. The time has come for real reform. The commission should be transformed into a new Human Rights Council. The members of this council should be elected directly by the General Assembly and pledge to abide by the highest human rights standards.

No human rights agenda can ignore the right of all people to govern themselves through democratic institutions. The principles of democracy are enshrined in the Universal Declaration of Human Rights, which, ever since it was adopted in 1948, has inspired constitutions in every corner of the globe. Democracy is more widely accepted and practiced today than ever before. By setting norms and leading efforts to end colonialism and ensure self-determination, the UN has helped nations freely choose their destiny. The UN has also given concrete support for elections in more and more countries: in the last year alone, it has done so in more than 20 areas and countries, including Afghanistan, Palestine, Iraq, and Burundi. Since democracy is about far more than elections, the organization's work to improve governance throughout the developing world and to rebuild the rule of law and state institutions in war-torn countries is also of vital importance. Member states of the UN should now build on this record, as President George W. Bush suggested to the UN General Assembly in September 2004, by supporting a fund to help countries establish or strengthen democracy.

Of course, at the UN, democratic states sometimes have to work with nondemocratic ones. But today's threats do not stop neatly at the borders of democratic states, and just as no democratic nation restricts its bilateral relations to democracies, no multilateral organization designed to achieve global objectives can restrict its membership to them. I look forward to the day when every member state of the General Assembly is democratically governed. The UN'S universal membership is a precious asset in advancing that goal. The very fact that nondemocratic states often sign on to the U.N.'s agenda opens an avenue through which other states, as well as civil society around the world, can press them to align their behavior with their commitments.

FREEDOM FROM WANT

Support for human rights and democracy must go hand in hand with serious action to promote development. A world in which every year 11 million children die before their fifth birthday, almost all from preventable causes, and 3 million people of all ages die of AIDS is not a world of larger freedom. It is a world that desperately needs a practical strategy to implement the Millennium Declaration on which all states solemnly agreed five years ago. The eight Millennium Development Goals that are to be achieved by 2015 include halving the proportion of people in the world who live in extreme poverty and hunger, ensuring that all children receive primary education, and turning the tide against HIV/AIDS, malaria, and other major diseases.

The urgency of taking more effective action to achieve these goals can hardly be overstated. Although the deadline is still a decade away, we risk missing it if we do not drastically accelerate and scale up our action this year. Development gains cannot be achieved overnight. It takes time to train teachers, nurses, and engineers; to build roads, schools, and hospitals; and to grow the small and large businesses that create jobs and generate income for the poor.

The U.N. summit in September must be the time when all nations sign up not just for a declaration but also for a detailed plan of attack on deadly poverty by which all can be judged. That summit will be a moment for deeds rather than words—a moment to implement the commitments that have been made to move from the realm of aspirations to that of operations.

At the core of this plan must be the global partnership between rich and poor countries, the terms of which were set out three years ago at the International Conference on Financing for Development in Monterrey, Mexico. That historic compact was firmly grounded in the principles of mutual responsibility and mutual accountability. It reaffirmed the responsibility of each country for its own development and elicited concrete commitments from wealthy nations to support poorer ones.

In September, all developing countries should undertake to put forward, by 2006, practical national strategies to meet the Millennium Goals. Each country should map the key dimensions and underlying causes of extreme poverty, use that map to assess its needs and identify necessary public investments, and convert that assessment into a ten-year framework for action, elaborating three-to-five-year poverty-reduction strategies for the meantime.

Donors must also ensure that developing countries that put such strategies in place really do get the support they need, in the form of market access, debt relief, and official development assistance (ODA). For too long, ODA has been inadequate, unpredictable, and driven by supply rather than demand. Although such aid has been increasing since the Monterrey summit, already with noticeable results, many donors still give far less than the target of 0.7 percent of gross national income. All of them should now draw up their own ten-year strategies to meet the 0.7 percent target by 2015 and ensure that they reach 0.5 percent by 2009.

We need action on other fronts, too. On global climate change, for example, the time has come to agree on an international framework that draws in all major emitters of greenhouse gases in a common effort to combat global warming beyond the year 2012, when the Kyoto Protocol is due to expire. We need both a commitment to a new regulatory framework and far more innovative use of new technologies and market mechanisms in carbon trading. We must also learn the lesson of December's devastating tsunami, by putting in place a worldwide capability to give early warning of all natural hazards—not just tsunamis and storms, but floods, droughts, landslides, heat waves, and volcanic eruptions.

A RENEWED UN

If the U.N. is to be a vehicle through which states can meet the challenges of today and tomorrow, it needs major reforms to strengthen its relevance, effectiveness, and accountability. In September, decisions should be reached to make the General Assembly and the Economic and Social Council more strategic in their work. Just as we contemplate creating new institutions such as a Peacebuilding Commission, we should abolish those that are no longer needed, such as the Trusteeship Council.

No reform of the U.N. would be complete, however, without Security Council reform. The council's present makeup reflects the world of 1945, not that of the twenty-first century. It must be reformed to include states that contribute most to the organization, financially, militarily, and diplomatically, and to represent broadly the current membership of the U.N. Two models for expanding the council from 15 to 24 members are now on the table: one creates six new permanent seats and three new nonpermanent ones; the other creates nine new nonpermanent seats. Neither model expands the veto power currently enjoyed by the five permanent members. I believe the time has come to tackle this issue head on. Member states should make up their minds and reach a decision before the September summit.

Equally important is reform of the U.N. Secretariat and the wider network of agencies, funds, and programs that make up the U.N. system. Since 1997, there has been a quiet revolution at the U.N., rendering the system more coherent and efficient. But I am deeply conscious that more needs to be done to make the organization more transparent and accountable, not just to member states, but to the public on whose confidence it relies and whose interests it ultimately must serve. Recent failures have only underlined this imperative.

I am already taking a series of measures to make the U.N. Secretariat's procedures and management more open to scrutiny. But if reform is to be truly successful, the secretary-general, as chief administrative officer of the organization, must be empowered to manage it with autonomy and flexibility, so that he or she can drive through the necessary changes. The secretary-general must be able to align the organization's work program behind the kind of agenda I have outlined, once it is endorsed by member states, and not be hamstrung by old mandates and a fragmented decision-making structure that jeopardize setting a central strategic direction. When member states grant the post this autonomy and flexibility, they will have both the right and the responsibility to demand even greater transparency and accountability.

DECISION TIME

In calling on member states to make the most far-reaching reform in the organization's history and to come together on a range of issues where collective action is required, I do not claim that success through multilateral means is guaranteed. But I can almost guarantee that unilateral approaches will, over time, fail. I believe states have no reasonable alternative to working together, even if collaboration means taking the priorities of your partners seriously to ensure that they will take seriously your own in return—even if, as President Harry Truman said in San Francisco 60 years ago, "We all have to recognize, no matter how great our strength, that we must deny ourselves the license to do always as we please."

The urgency of global cooperation is now more apparent than ever. A world warned of its vulnerability cannot stand divided while old problems continue to claim the lives of millions and new problems threaten to do the same. A world of interdependence cannot be safe or just unless people everywhere are freed from want and fear and are able to live in dignity. Today, as never before, the rights of the poor are as fundamental as those of the rich, and a broad understanding of them is as important to the security of the developed world as it is to that of the developing world.

> Ralph Bunche, a great American and the first U.N. official to receive the Nobel Peace Prize, once said that the U.N. exists "not merely to preserve the peace but also to make change—even radical change—possible without violent unheaval. The U.N. has no vested interest in the status quo." Today, these words take on new significance. The U.N.'s mission of peace must bring closer the day when all states exercise their sovereignty responsibly, deal with internal dangers before these threaten their citizens and those of other states, enable and empower their citizens to choose the kind of lives they would like to live, and act with other states to meet global threats and challenges. In short, the U.N. must steer all of the world's peoples toward "better standards of life in larger freedom." The U.N. summit in September is the chance for all of us to set out on that path.

Mr. VOINOVICH. Mr. President, Kofi Annan also stated there is considerable overlap between the Mitchell-Gingrich task force report and the reforms he himself is proposing, and that he is prepared to implement them.

He stated:

> All of us want to make the U.N.'s management more transparent and accountable, and its oversight mechanisms stronger and more independent.

He stated:

> All of us want to make the U.N.'s human rights machinery more credible . . . by replacing the present Commission on Human Rights with a Human Rights Council.

He also stated:

> All of us want to impose stricter standards of conduct on U.N. peacekeeping missions, especially an end to sexual abuse and exploitation.

These statements indicate we are in a unique position with the U.N. and there is a sincere interest in reform. We have to seize this opportunity now.

When you are dealing with an organization that understands the need for reform and is echoing our objectives and is ready to cooperate, we need to send in not the "bad cop," or the guy with the "sharp elbows," or the guy who says, "I don't do carrots." We need to send the "good cop," the guy who knows how to reap the benefits of the environment for change and make it happen.

John Bolton is a bold contradiction to the efforts to improve the image of the U.S. at this critical time, as well as a contradiction to the President's efforts to ramp up public diplomacy.

John Bolton is a bold contradiction to efforts to reform the U.N. If we do not send the right person to the U.N., there is substantial risk we might lose this unprecedented and ripe opportunity to achieve important reforms.

The person we send to the U.N. will have great influence on the world's perception of the United States, our values, our decency, and will be critical to the urgent reforms that must be made at the U.N.

Our success on these issues—public diplomacy and U.N. reform—will have an enormous impact on our ability to win the war on terrorism, to promote peace in the world and, most importantly, whether we live in an America that is free from terror.

Mr. President, how many minutes do I have left?

The ACTING PRESIDENT pro tempore. The Senator has 3½ minutes.

ADVERTISING FOR PRESCRIPTION DRUGS

Mr. VOINOVICH. Mr. President, I will comment for a couple of minutes on the very fine statement the leader made in regard to the advertising for prescription drugs. I think he made a clear statement and sends a large message to the drug companies that they have to reevaluate their advertising campaign. The statement confirms the fact to the American people that we are paying more for drugs because of those advertising costs.

I think it is particularly appropriate for us to be raising this issue at this time because this year millions of Americans—Medicare-eligible people—are going to be signing up to take advantage of the prescription drug benefits of the Medicare Modernization Act. It is very important that while they are signing up and taking advantage of this new opportunity—an opportunity that I think will make the largest improvement in public health since the advent of the Medicare Program—they don't just willy-nilly have drugs prescribed for them that they may or may not need.

I think one other point needs to be made, and that is, in this era in which we live, we all have to be our own best friend. At one time, I took Vioxx. I called my pharmacist and discussed other drugs I was taking. He told me Vioxx contributed to an increase in blood pressure. I was taking other drugs to bring down my blood pressure. I decided voluntarily that this doesn't make sense and I got off Vioxx. I lost 10 pounds. Now, once in a while when I have arthritic pain, I take a Motrin. But the fact is that all of us Members of Congress and the ordinary public have to pay a lot more attention to the drugs we are taking because, as the leader said, the side effects are significant and we have to be careful about it.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska is recognized.

JUSTICE SANDRA DAY O'CONNOR

Mr. STEVENS. Mr. President, I have come to the floor to make comments concerning our good friend, Supreme Court Justice Sandra Day O'Connor. It has been Catherine's and my honor to have become very close to the O'Connors.

I want to tell the Senate that I think Justice Sandra Day O'Connor is one of the most extraordinary and gracious women I have ever known. She has come to Alaska often. What most people don't know is she is a very fine fisher person. I think one of the most interesting letters I ever received in my life was the letter I received from Sandra Day after she had gone fishing to a remote fishing lodge in Alaska. She was the only woman there at the time. She fished through some rainy periods and sunny periods and gave a general description of the joy she had being able to have the time to fish and to think as she did that. It was a real joy to read that letter.

I also asked Sandra Day O'Connor to come to Alaska and speak—she has been there many times—at the Anchorage Library. She gave a stirring address to mainly young women who were part of the Alaska State Bar Association. That evening, we had a dinner for Justice O'Connor, and her husband John asked for the privilege of introducing her. I want to tell the Senate that I think that was probably the most moving tribute I ever heard a husband deliver for his wife in my life.

Her husband John is a fine lawyer and a devoted husband. He told us a story of how he felt when Sandra Day got the call asking her if she would become a member of the Supreme Court. Sandra Day O'Connor, just 2 weeks ago, at my request, took a group of the Chinese delegates to the Senate-Chinese parliamentary conference to the Supreme Court of the United States. She took the time to take these Chinese representatives through the Court and explain our judicial process and how it is an essential function of our democracy to these delegates who came to meet to discuss issues of great importance to the nation of China and our own Nation. The way she handled those people and the gracious way in which she described the functions in the chamber, and took us to the courtroom and explained how the Court listens to the attorneys who present cases and how the Court reacts individually to statements, and the type of questions she puts to the attorneys who represent various litigants, was a most instructive session for our Chinese friends. Again, it demonstrated the depth of Sandra Day O'Connor. She is one great lady.

She has been an exemplary public servant who has made exceptional contributions not only to the Supreme Court but to our Nation. I think she will be remembered in this country as a groundbreaker, overcoming adversity and stereotypes. She was the first woman nominated to be a member of our Supreme Court.

She is a native of southeastern Arizona and she grew up on an isolated ranch owned by her parents. The ranch itself did not receive electricity or running water until she was seven. My wife's family had a similar experience living in another part of Arizona. I think that is one of the reasons we have become so close to the O'Connors.

She received her bachelor's degree in economics, magna cum laude, from Stanford University in 1950. After she received her bachelor's degree, O'Connor enrolled at Stanford Law School, graduating third in her class and serving on the Stanford Law Review. It was during law school that she met her husband, John.

After graduating from law school, she faced a tough job market as a female attorney. After having difficulty finding a position in the private sector, Sandra Day O'Connor accepted a position working as Deputy County Attorney for San Mateo County, California.

When her husband John was drafted into the JAG Corps in 1953, she moved to Frankfurt, Germany with him and served as a civilian attorney for the Quartermaster Market Center from 1954–1957.

After leaving Germany, O'Connor returned to Arizona and again faced difficulty in finding employment with a private law firm. As a result, she began a small practice of her own where she practiced from 1958–1960.

In 1965, after returning to work following a brief hiatus to care for her children, O'Connor accepted a position as an Assistant Attorney General for the State of Arizona.

In 1968, she was appointed to the Arizona State Senate by the governor to fill a vacancy. O'Connor successfully defended her Senate seat in the next election, and was subsequently reelected to two more terms. During this time, O'Connor was elected to be majority leader of the Arizona Senate.

O'Connor was elected Judge of Maricopa County Superior Court in 1975 and she served until 1979 when she was appointed to the Arizona Court of Appeals. In 1981, President Reagan appointed her as the first woman to sit on the Supreme Court and she was confirmed unanimously by the Senate.

During her time on the Court, Justice O'Connor has proven herself to be a brilliant jurist and a strong defender of the Constitution. She is known for her fairness and her desire to seek practical solutions for even the most difficult decisions the Court has ruled on.

Justice O'Connor has proven to be an independent thinker and a vigorous questioner, narrowing in on precise legal issues with laser-like precision from the bench.

She has lived up to her promise to respect the Constitution and to interpret the law judiciously, seeking the narrowest reach possible for the Court's rulings. Justice O'Connor is known for approaching each case individually, seeking to arrive at practical conclusions.

Justice O'Connor has been a great advocate for the Court. She has traveled the globe, speaking to thousands of students, lawyers, foreign dignitaries and others on the judiciary, the Constitution, and the law.

Justice O'Connor's love of this Nation, its judicial process, and the law is widely known. In her most recent book, "Majesty of the Law: Reflections of a Supreme Court Justice" she insightfully describes the institution of the court, its history, customs and some of its notable members.

Justice O'Connor, is "one of the most significant historical figures of the 21st century" and "an inspiration to all future generations." Chief Judge Stephen McNamee, U.S. District Court, District of Arizona.

"[Justice O'Connor] likes to hear people's points of view. I never felt I had to agree with her to conform to her view." Professor Stuart Banner, professor of law at UCLA who clerked for O'Connor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia is recognized.

COMPLIMENTING SENATOR TED STEVENS

Mr. BYRD. Mr. President, I always enjoy listening to my friend TED STEVENS. Ours is a long friendship, and it will be as long as the days we both live. He is going to go fishing. He loves to fish. He loves to go back to his State, which he so ably represents, and which has accorded him the great title of "Alaska's Son of the 20th Century." Indeed, he is one who is entitled to that kind of recognition and respect.

THE FOURTH OF JULY

Mr. BYRD. Mr. President, many Americans will soon enjoy a long 3-day weekend, courtesy of the Fourth of July, which this year falls on a Monday.

The Fourth of July is a wonderful time. Summer's heat has not yet worn us down. School has not been out so long that the days have begun to drag for the younger set—or for their parents. We are not tired of the season or of each other. The growth of the grass has slowed, so that weekends are not spent on mowing and yard work, but leaves some time for picnics and pools. Gardens are beginning to pour forth their bounty, but not yet in such abundance that we have become desperate to unload mounds of zucchini and tomatoes. Wild blackberries. I remember when I was a boy, reaching around the shed and picking off a few wild blackberries and having the color of the blackberries stain my lips. Wild blackberries are ripening along the edges of fields and the heavy perfume of honeysuckle vines makes rural walks a feast—a feast—for the senses. The Fourth of July is a perfect time to glory in the gentle bounty of our Nation and of our Nation's families. Independence Day, together with Thanksgiving and Christmas, remains a uniquely family-oriented celebration. When Americans reflect on our freedom, our security, our liberties, our many blessings, we like to do it among our closest friends and family.

Fourth of July parades—oh man, man, man, they will bring out the crowds along community main streets, big towns, little towns, middle-size towns. Small hands—I can just see them, can't you?—small hands, little hands will clutch miniature flags as firetrucks roll past in all of their shining glory. Floats made by church groups, scout troops, and 4–H clubs will compete, each hoping to demonstrate the greatest patriotism.

After the parades, there will be family picnics and barbecues that host their own friendly competition as family cooks show off their talents at the grill or on tables laden with traditional favorites such as creamy macaroni and potato salad, slow-cooked baked beans—oh, how good they taste—deviled eggs, and chocolate cake.

The menu is not as important, however, as the feeling of family solidarity as everyone settles in after a splendid meal to watch the cascading displays of fireworks set off in the growing dusk. With the exception of some small children and family pets, such as my little dog, Trouble, that howl at the thunderous booms and high-pitched squeals of some fireworks, the general response to the evening's finale is usually a unanimous "oooh" after each bloom of sparks.

Even the earliest Independence Day celebrations were marked by similar displays of patriotism, often including the discharge of cannons, one for each State in the Union, and toasts, also one for each State in the Union.

On July 3, 1776, John Adams wrote to his wife Abigail and said:

> Yesterday the greatest question was decided which ever was debated in America; and a greater perhaps never was, nor will be, decided among men. A resolution was passed without one dissenting colony, that those United Colonies are, and of right ought to be, free and independent States.

That resolution was on separation from England. It was not until July 4 that the Declaration of Independence—the Declaration of Independence, there it is with my wife Erma's name on the front of the leather cover. It contains the Constitution, the Articles of Confederation, yes, and the Declaration of Independence, and some other historic documents.

The Declaration of Independence was voted upon by the Continental Congress. Adams felt that the July 2 date was the one that would be marked by celebration, but the physical presence of the declaration document, along with its stirring rhetoric, allowed it to easily usurp the separation vote tally as the turning point in history.

Eighty copies of the original declaration were printed that same night, July 4, for distribution among the rebelling colonies.

At the very first Independence Day celebrations, those spontaneous ones that followed in the days and weeks after the Declaration of Independence was adopted and distributed, the Declaration of Independence was itself a central part of the festivity, read aloud to the crowds gathered at capitols, courthouses, and public places around the newly declared nation. In New York, the Declaration of Independence was read at the head of each brigade of the Continental Army posted around the city, to loud hurrahs—loud hurrahs.

Today, as proud inhabitants of a powerful and wealthy nation, it can be difficult to recall that in 1776, the celebrations of independence must be seen as acts of incredible bravado. In 1776, the population of the United States was estimated to be between 2.2 million and 2.9 million people dispersed over an enormous swath of lightly populated country. Some 70,000 British loyalists had fled the new United States after independence was declared. The remaining tiny population was taking on the British empire at the height of her power—a colossus five times larger in terms of population that was the greatest and richest in history since the fall of Rome and the recent victor of wars against France and Spain that left her in sole possession of much of the North American Continent. To wave flags and shoot off fireworks in celebration of the Declaration of Independence from such a behemoth was tantamount to a junior varsity football team taking on the entire National Football League for the Super Bowl and thumbing their noses to boot. In point of fact, it took everything the new Nation had to eke out a victory. There were many points during the Revolution at which the outcome was far from certain.

Even in the aftermath of victory, the future of the new Nation was fragile. Burdened by war debt, exhausted, struggling to form a workable government out of 13 highly independent new States, the new Nation limped along without even an established capital. It was not until the Constitution was drafted in 1787 and the new Capital established in Washington, DC, that the new Nation took on a sense of stability and permanence. On July 4, 1801, President Thomas Jefferson, the principal drafter of the Declaration of Independence, opened the White House to guests while the Marine Band played patriotic music on the lawn and militia units conducted military drills with fixed bayonets.

Independence Day celebrations were conducted far from Washington as well. Two hundred years ago, July 4, 1805, found the Lewis and Clark expedition traveling along the upper Missouri River in Montana. LT William Clark noted in his journal that the group honored the day with as much of a feast as they could muster, drank the last of their brandy, and pulled out the fiddle for dancing and merriment until "a late hour." I am especially pleased to note that fiddle playing was part of the day's celebration. In my younger days, family gatherings always included some fiddle playing, a little singing, and maybe a little dancing. It is a tradition as old as the Fourth of July.

I hope, Mr. President, that on this Independence Day, many Americans may enjoy a little fiddle music—it keeps you down to Earth—a healthy dollop of patriotism, and the pleasure of family. As we celebrate the day with friends and families at home or out amid our Nation's beautiful wild spaces, I hope all of our citizens will spare a moment or two to read the Declaration of Independence. Let us remember that each person who signed that Declaration of Independence virtually was signing his own death warrant. After all, they could have been charged with treason against the King and hanged. Think of it.

The colonists rebelled against a government that was arbitrary, unjust, high handed, and unwilling to even hear the concerns of those it governed. They rebelled against a tyrant who made the military independent of and superior to civil authority, who imposed taxes without their consent, deprived them of the benefits of trial by jury, cut off their trade, abolished their laws, and fundamentally altered the form of government, suspended their legislatures, captured their people at sea, and forced them to bear arms against the colonists, and ignored their pleas for justice, these things among many other grievances.

On the Fourth of July, Americans celebrate and honor the tremendous vision of our Founding Fathers, their incredible courage, and their willingness to take on a fight that must have seemed a desperate gamble. We celebrate a document that laid out for all the world to see just what kind of a nation we aim to be and just what kind of a government we would never stand for—we should never stand for.

The Declaration of Independence is more than a piece of paper. The Declaration of Independence is more than a piece of history. It is a vow for the future, a call to battle, and the cornerstone of a new nation. As we watch the flags snap and pop in the breeze as the parade swings past, recall the words of the Declaration that put troops on the march to take on the King's armies. Each citizen, each family, has much to be grateful for as a result of that document.

And so, Mr. President, let me read briefly from that beautiful Declaration:

> When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.
>
> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed. That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

On this Fourth of July, let us honor and let us recall the generations of brave Americans who have fought on and off the battlefield to preserve our freedom, and then let us remember the words of Henry Van Dyke's poem "America For Me."

Tis fine to see the old world, and travel up and down
Among the famous palaces and cities of renown,
To admire the crumbly castles and the statues of the kings;
But now I think I've had enough of antiquated things.

So it's home again, and home again, America for me!
My heart is turning home again, and there I long to be,
In the land of youth and freedom beyond the ocean bars,
Where the air is full of sunlight and the flag is full of stars.

Oh, London is a man's town, there's power in the air;
And Paris is a woman's town, with flowers in her hair;
And it's sweet to dream in Venice, and it's great to study in Rome
But when it comes to living there is just no place like home.

I like the German firwoods, in green battalions drilled;
I like the gardens of Versailles with flashing fountains filled;
But, oh, to take your hand, my dear, and ramble for a day in the friendly [West Virginia hills] where nature has her way!

I know that Europe's wonderful, yet something seems to lack:
The past is too much with her, and the people looking back.
But the glory of the present is to make the future free;
We love our land for what she is and what she is to be.

Oh, it's home again, and home again, America for me!
I want a ship that's westward bound to plough the rolling sea,
To the blessed land of room enough beyond the ocean bars,

Where the air is full of sunlight and the flag
is full of stars.

—*Henry Van Dyke.*

Mr. President, I yield the floor.

Mr. BENNETT. Mr. President, I will say to my friend from West Virginia, I had occasion to live abroad for 2 years, and as I caught the ship to come home again, westward bound—I suppose that dates me because now you go by plane—I recited that poem. It is good to hear it recited on the floor of the Senate in the shadows of the Fourth of July.

While I was waiting and heard the Senator from West Virginia urge us all to read the Declaration of Independence, I took the copy that is in my desk and I read it through so I can report to him that I have done my homework.

Mr. BYRD. I thank the Senator.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 1379 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

JUSTICE SANDRA DAY O'CONNOR

Mr. CORNYN. Mr. President, I rise to mark a historic occasion, and that is the retirement of our Nation's first female Supreme Court Justice, Justice Sandra Day O'Connor. As the father of two daughters who are now 22 and 23, I appreciate in so many ways the career of Justice Sandra Day O'Connor, but one of the ways I appreciate her career is that she has paved the way toward the highest accomplishment for women in our society, and for that I shall be grateful always.

She was Justice O'Connor, after all, born in El Paso, TX—I have to remind my colleagues of that—on March 26, 1930. She married law school classmate John Jay O'Connor III in 1952 and raised three sons: Scott, Brian, and Jay—all while managing, as many women do in our society today, a career and family at the same time, but in this instance demonstrating and living out one of the most remarkable legal and political careers in our history.

She received her undergraduate and law degrees at Stanford University and graduated third in her class. She then served as deputy county attorney in San Mateo County, CA, and then as a civilian attorney for Quartermaster Market Center in Frankfurt, Germany. She later served as assistant attorney general of Arizona and then as a member of the Arizona State Senate. As one who has now served in the executive branch and the judicial branch of State government in Texas and now serves in the legislative branch in Washington, the kind of service Justice O'Connor has had in all of her varied and important positions during her career has well prepared her as a Justice on the Court and understanding both the opportunities and potential and the limitation of government to do good in our country and in our society and what questions can be resolved by government and which questions are best reserved to the people.

In 1975, she was elected judge of the Maricopa County Superior Court and served there until 1979, when she was appointed to the Arizona Court of Appeals. In 1981, it was President Ronald Reagan who nominated her as Associate Justice to the U.S. Supreme Court. She has written two books, "Lazy B" and her most recent, "Majesty of the Law."

Justice O'Connor has played a leading role in some of the Nation's most contentious legal disputes in recent years. And she has provided a critical voice of judicial restraint on a number of important issues on which the Court is closely divided 5 to 4.

She authored the Court's 5-4 majority opinion upholding the three-strikes-and-you're-out law for repeat convicted criminals. She wrote the Court's plurality opinion in Hamdi, affirming the President's legal authority to detain enemy combatants in wartime and thus preserving a key tool in the ongoing global war on terrorism. She provided the critical fifth vote protecting the First Amendment freedom of association of the Boy Scouts. She has provided the critical fifth vote in case after case after case, involving the important role that States play in our federalist system of Government, and in the protection of religious liberties and religious expression in the public square.

Justice O'Connor has made important contributions to our jurisprudence, even when she was not part of the Court's ruling majority. Just last week, she penned an important dissent on behalf of private property rights against overreaching and ever-growing government—and against the 5-4 majority ruling in Kelo which has attracted so much national attention and outrage this past week. Last year, she provided a critical voice in defense of the voluntary recitation of the Pledge of Allegiance in public schools, even though a majority of her colleagues refused to do so. And 2 years ago, she demonstrated respect for precedent when she refused to join the Court's controversial majority opinion in Lawrence v. Texas, the 2003 decision that inspired State and Federal court rulings and local government actions against traditional marriage laws nationwide.

Throughout her 24 years of service on the Nation's highest court, Justice O'Connor worked to restore common sense to our criminal justice system and due regard for the power reserved to the States under the Constitution, and to limit restrictions on faith in the public square. Thanks to Sandra Day O'Connor, victims of crime are more likely to receive justice, and inner city children are no longer constitutionally barred from access to school choice programs. Although I have not always agreed with her rulings, I have always felt a deep and abiding respect for her commitment to public service, her reverence for the law, and her regard for her fellow man and woman.

In a time when so many controversial issues divide Americans of good will, it is especially critical that our Federal courts, led by our Supreme Court, be steadfast in its interpretation and application of the law as it is written, and for our courts to avoid picking winner and losers in the great political debates of our day. Under the steady hand of Sandra Day O'Connor, America has weathered some of the most heated legal controversies our Nation has ever endured—and for that, the American people will forever be grateful.

Today's historic announcement also raises an important question about the Senate and the role we will play in the confirmation process of the President's selection to succeed Sandra Day O'Connor on the Supreme Court. Moments ago the President called upon the Senate for a dignified process, and I think we should heed that call. We should conduct ourselves in a way worthy of this great body, which has served the Nation for more than 200 years, and which time after time after time, when there has been a vacancy on the Court, has done its job, providing advice and consent, asking hard questions, investigating the background of the President's nominees—but ultimately providing an up-or-down vote to each and every one of the President's nominees to the U.S. Supreme Court.

The process for considering the next Associate Justice should reflect the best of the American judiciary—not the worst of American politics. We deserve a Supreme Court nominee who reveres the law—and a confirmation process that is civil, respectful, and keeps politics out of the judiciary.

As I wrote in an op-ed piece this past Monday in National Review Online, which I had printed in the RECORD yesterday, history affords us some important benchmarks for determining whether the Senate has undertaken a confirmation process worthy of the Court and of the American people. There is a right way and a wrong way to debate the merits of a Supreme Court nominee. The Senate's past record, unfortunately, has been mixed.

Whoever the nominee is, the Senate should focus its attention on judicial qualifications—not personal political beliefs. Whoever the nominee is, the Senate should engage in respectful and honest inquiry, not partisan personal attacks.

I wish to congratulate Sandra Day O'Connor on her extraordinary life and commitment to public service. I wish her and her family well. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

ARMY SPECIALIST JULIE HICKEY

Mr. DEWINE. Mr. President, as we approach the celebration of America's Independence Day, I am reminded of something that President Franklin D. Roosevelt once said about the ideals we hold dear. He said this: "In the truest sense, freedom cannot be bestowed; it must be achieved."

That was certainly true of our Founding Fathers when they established America's freedoms and independence over 225 years ago. And, it is still true today of the men and women in our military who are serving around the globe to achieve freedom in nations that have never, ever known it before.

Today, I rise to recognize the contributions of an exceptional young woman whose mission it was to protect our freedom here at home and to promote its achievement abroad. I pay tribute to her now as we approach the Fourth of July—a date that is significant not just because she embodied the ideals it represents, but because it marks the anniversary of this brave young woman's death.

Army SPC Julie R. Hickey, of Galloway, OH, died at Landstuhl Regional Medical Center in Landstuhl, Germany, on July 4, 2004, from diabetic complications. She was 20 years old.

Julie Hickey was born on January 17, 1984. Growing up, she was a fun-loving child with a gift for making friends. Her younger sister Rachel says that Julie was always the shoulder to cry on and also the person who wanted to make sure you had fun.

Julie was very loyal and very protective of her friends. She was 5 feet and 11 inches tall and built to shelter and stand up for them. Julie's friend, Audria Daniels, remembered a time when she was having a fight with an old boyfriend. Displaying the personal courage that would serve her so well in the Army, Julie stepped right into the middle of this particularly heated exchange and said, "You can't talk to her like that." Even though the young man stood 6 foot 8, he quickly backed down. Looking back, it makes perfect sense that Julie would dedicate her life to standing up for others in need. She'd been doing it all her life.

Julie attended Westland High School in Galloway, OH. During high school, she enlisted in the Army Reserves and completed the Civil Affairs Specialist Course at Fort Bragg, NC. She graduated from Westland High in 2002, and, wanting to earn money for college, she joined the Army Reserves. Julie had been planning to start school at The Ohio State University in the fall of 2003, but before she could realize that dream, Julie was called to serve in Operation Enduring Freedom.

Julie was deployed to Afghanistan as a member of the 412th Civil Affairs Battalion, where she was assigned to the Provincial Reconstruction Team in Asadabad. As part of this team, she provided humanitarian assistance to the Afghan people, particularly women and children in need. Seeing the unfair way that women were treated in Afghanistan, Julie again decided to stand up. During her time there, Julie gave impassioned speeches to women's organizations about how they needed to fight for their rights.

Following one particular speech, Julie's mother, Melody, recalled this:

> One of the women came to see her afterward and told her through an interpreter that it made them happy to see Julie wearing pants and working beside men. She said it gave them hope for the future.

For women who had grown up in oppression, Julie Hickey was an inspiration—a hopeful example of what they, too, could be.

Ask anyone who knew Julie Hickey, and they would tell you about her passion for her work. As her mother said:

> [Julie] loved her job. She spent some of her time working at a medical clinic, where she assisted children. She would teach them personal hygiene. She taught them a little English—how to count from one to 10 and say "Groovy, man!"

Julie's work was direct—one-on-one with people—and she could see, firsthand, the good she was doing on the faces of the women and children with whom she worked. Julie was the type of ambassador that the United States depends on in our efforts to spread the great blessings of freedom and democracy in a part of the world still troubled by violence and fear.

More than anyone, Julie's mother understood her commitment to serving others in the fight for freedom. She once said that Julie strongly believed that we need to "appreciate everything [we] have. We have so much here just because we were born [in the United States]." Julie never took this wonderful gift for granted. In fact, she spent her life paying it back through her service to others.

Tragically, Julie's life of service was cut short by diabetes. Julie's mother said that their family has a history of diabetes, but that Julie hadn't been diagnosed with the illness before she left for Afghanistan. Even a preliminary medical exam didn't reveal anything abnormal. However, when Julie fainted at work one day, she was stabilized and moved to a hospital in Bagram. Only then and there was she diagnosed with diabetes.

Julie Hickey was transferred to Landstuhl on June 30, 2004. She went into insulin shock and died on the Fourth of July—the day before she was to be sent to Walter Reed Army Medical Center.

The sudden nature of this tragedy struck all of Julie's friends and family. Her mother said that Julie was planning her wedding to another soldier and that she was going to be honorably discharged. According to Julie's family, one of the deepest disappointments is that Julie would never get to become a mother and have "the children she longed for." Given the love and compassion she demonstrated all throughout her life, Julie clearly would have made a wonderful mother.

Julie's awards hardly do justice to the full breadth and depth of her service. But, they do illustrate how special this young lady was. Her awards include the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the National Defense Service Medal, and the Army Service Ribbon.

While these awards are, indeed, impressive, there is, perhaps, a better symbol of Julie's service. On a 2-week leave in late May of 2004, Julie brought home with her a burqa—the head-to-toe covering that many Afghani women wear. One of the women she had been working with gave this to her. Julie was buried with that burqa in her casket. It was a fitting reminder of the profound impact she had on the life of so many Afghan women.

As Julie's mother Melody has said, it is, in some respects, fitting that Julie passed away on the day of our Nation's birth. On this July Fourth, let us remember Army SPC Julie Hickey's dedication to freedom and learn from this splendid 20 year old about what it truly means to be an American.

HONORING OUR ARMED FORCES

SPECIALIST JAMES "JIM" MILLER

Mr. DEWINE. Mr. President, I today honor the memory of Army SPC James "Jim" Miller, IV. The West Chester, OH, native died on January 30, 2005, when an improvised explosive device hit his convoy near Ramadi, Iraq. He was 22 years old.

That date—January 30, 2005—should sound familiar. It was an historic day on which Iraqi citizens participated in their first, truly democratic election. And Jim Miller, an Army medic, was an integral part of that remarkable day.

Having already treated three of his wounded comrades, Jim could have stayed at an aid station to wait out the dangerous Election Day. Instead, he volunteered to go back out to the streets and help safeguard Iraqis waiting at polling places. To some, Jim's choice to do that might have seemed like an extraordinary act. But, with Jim, such actions were typical. That's just the way he was—always choosing to be brave, always choosing to be selfless. He was, indeed, a hero.

Jim Miller was one of those people who left an impression on everyone he met. He was always courteous, polite, and quick to laugh—a laugh that those who knew him describe as soft, gentle, and distinct. Jim was a very intelligent young man—wise beyond his years. His pee-wee football coach and mentor, John Hayden, said of Jim's intelligence:

> He had the most sophisticated, elaborate vocabulary of any young boy I'd ever seen. [After every football practice], he would send me home looking to the dictionary for what he had called me that day!

The oldest—and biggest—of three brothers, Jim had many passions, one of which was football. In pee-wee football, he was an offensive lineman who proudly called himself a "B-U-B," or "Big Ugly Body." Jim excelled at football and played until his sophomore year at Anderson High School. But, according to John Hayden, under the large, intimidating physique, Jim was still just "a big teddy bear. . . . He was . . . a sensitive kid with a lot of depth."

Tragically, during his sophomore year of high school Jim's mother, Alice, died of breast cancer. He turned inward to find purpose and solace. At that time, Jim discovered another passion—and that was music. He started a band, in which he played the guitar, and during his senior year, he signed up for music theory and music history classes.

His principal, Diana Carter, remembers him as a "very bright, insightful, and mature young man—an independent spirit." She was also impressed with his decision to take music theory and music history because it was an extra bit of dedication to music that many musicians don't exhibit. It seems Jim was always a bit more dedicated to the things he was passionate about.

Jim graduated from Anderson in 2001 and decided to attend Xavier University and study English. After 18 months, though, Jim realized that college was not providing him with the fulfillment he desired. As his father, James Miller, III knew, "[Jim] was the type of kid who was always looking inside himself." When he looked inside himself, Jim found that what he really wanted was to join the Army. He enlisted in April, 2003. He completed basic training at Fort Sill, Oklahoma, and then decided to train as a medic at Fort Sam Houston in Texas.

Becoming an Army medic was the fulfillment for which Jim searched. He felt a sense of purpose and pride in saving the lives of his fellow servicemembers. Father Harry Meyer, who presided at the funeral liturgy, said this about Jim:

> [He was a] sensitive young man who was struggling to find his place in this world. He found himself as a medic and had decided to pursue a career in the medical field. He was happiest when he was able to serve others and felt helpless when he could not.

In planning for the future, Jim hoped to work in a trauma unit someday, so he could continue to provide life saving assistance to those in dire need.

After a year as a medic in Korea, Jim was deployed to Iraq in August of 2004 with the Army's 1st Battalion, 503rd Infantry Regiment, 2nd Infantry Division. Jim believed in his mission in Iraq and, according to his father, Jim found that most Iraqis he talked with believed in it too: "He was surprised to find out that the Iraqi people were fed up with the insurgents and wanted to take back their country." True to his nature, Jim became determined to help the Iraqi people realize their dreams of freedom.

It was Jim's usual "extra bit" of determination that led him back out to the streets of Iraq on Election Day. He was determined that the Iraqi people would be free to vote safely.

In the beginning of my remarks I called SPC James Miller a "hero." But, in today's world, what does that term truly mean? To define Jim Miller's heroism I turn to Ralph Waldo Emerson, who wrote:

> A hero is no braver than an ordinary man, but he is brave 5 minutes longer.

Jim decided to leave the safety of college and enlist in the Army. In doing so, he was brave 5 minutes longer.

Jim dutifully answered the call of his country when he was deployed to Iraq. In doing so, he was brave 5 minutes longer.

On January 30, 2005 Jim—Doc Miller—volunteered to protect the lives of Iraqis waiting to vote. In doing so, he was brave five minutes longer.

That is why I choose to call him Jim Miller a hero.

My wife Fran and I continue to keep Jim's father and stepmother, James and Jodi, and his brothers, Dan and Jeff, in our thoughts and prayers.

SPECIALIST RYAN MARTIN

Mr. President, at all military funeral services it is traditional for a lone bugle to sound "Taps." It is a powerful piece of music that calls us to remember the fallen and honor their sacrifice. Upon its origin, however, "Taps" was actually a common bugle call that signified "Lights Out." The call told soldiers that it was time to end their activities and conversations and turn in for the night. The history of "Taps" is significant because it reminds us not only of the sacrifices of the men and women it is played for, but also of the men and women, themselves.

That call for "Lights Out" has been played for countless service men and women as they were undoubtedly talking with each other about their homes, or about their spouses and children, or about just a hot shower or a good meal. These men and women were and are heroes who put their lives on hold to safeguard the lives of others. Taps plays as much for the lives they gave up as for the lives they gave.

I today honor one of these heroes—Army SPC Ryan Martin, from Mt. Vernon, OH, who gave his life on August 20, 2004, near Samarra, Iraq, when a roadside explosive detonated near his vehicle. He was 22 years old.

Ryan Martin, the youngest of three boys, grew up enjoying hunting, sports, and fixing cars. He was always willing to help his father, Tom, work on his cattle farm. With his keen mechanical skills and interest in fixing cars combined with his love for the outdoors, Ryan was a big fan of "mud running." This is a recreational or competitive activity in which 4 x 4 vehicles navigate a course of thick, muddy terrain. According to Matt Hull, one of Ryan's friends, Ryan planned to buy some land when he returned from Iraq and create his own place for mud running—a place where he could enjoy being outside and spending time having fun with his friends and family.

Ryan had a knack for "hands-on" work and mechanics. These skills led him to study at Knox County Career Center. Ryan graduated from Mt. Vernon High School and the Career Center in 2000, with training as a carpenter. He then spent a few years working with heavy machinery at construction sites.

The September 11th terrorist attacks changed everything for Ryan. According to his father, the attacks had a profound effect on Ryan. He felt a sense of duty to protect his country and to seek out those who had harmed so many. And so, after much contemplation, in April 2003, Ryan enlisted in the Ohio Army National Guard. He then volunteered for active duty in February 2004.

Ryan wanted to be part of the effort to rebuild Iraq, hastening the development of democracy and making the world a more stable and safe place for all of us. He operated bulldozers, excavators, and mine clearing machinery with the 216th Engineering Battalion, based out of Chillicothe, OH. At its core, Ryan's service to our country was a humanitarian service to the Iraqi people. He used his mechanical expertise to build roads, dig foundations for new buildings, and clear deadly mines from roads and fields.

Ryan built not only infrastructure in Iraq, but also lasting friendships with his fellow soldiers. According to his stepmother, Jackie Martin, on the eve of a 2-week leave from Iraq, Ryan said that "he was looking forward to coming home, but when it came time to pack up, he didn't want to leave his buddies. He really made some good friendships and bonded with others while he was there."

Ryan is remembered fondly by his friends and comrades, who called him "Little Bear"—referencing his 6′ 2″, 240 pound body. One of his buddies, Sergeant Ron Eaton, recalls Ryan's sense of humor:

> [Ryan would] get us to laugh in extremely harsh situations. I remember talking in our bunks one night, and hearing him tell of how he purchased a semi truck just after his 16th birthday, without his parent's knowledge. They made him sell it back, but knowing Ryan, that's just the kind of thing he would do.

Risking his life to protect his friends was also the kind of thing Ryan would do—and did do. Ryan's father, Tom Martin, said that at a military ball he attended after Ryan's death, a general came up to him and told him that "when there was trouble, [Ryan] didn't stand behind people and he didn't stand beside them—he stood in front of them."

Ryan was always willing and eager to volunteer for dangerous missions, missions that had the protection of others as their goal. In the words of one of his commanding officers:

> Ryan [made] work much safer for other soldiers.

When he was killed, Ryan was doing just that: making the area more secure for his comrades, as he helped clear deadly mines and other detonation devices from the vital highway so his fellow soldiers—his friends—could do their jobs more safely.

Mr. President, as we all know, our Armed Forces are made up of men and women from all of our communities, people who are volunteering their time, sacrificing their safety and their lives to serve on our behalf. It is through their service that they spread democracy and help make our world safer.

That is what Ryan Martin did. He built roads and houses, cleared mines, and made friends. In doing all of it, he was making the world a better place. He ultimately gave his life, a life that was just beginning, and he did so so that others could have a fresh start and a better tomorrow.

Mr. President, when I mentioned earlier the calling of "Taps," I did not mention the words that go along with the bugle call. Let me now read those words:

> Day is done,
> Gone the sun,
> From the Earth, from the hill, from the sky.
> All is well,
> Safely rest,
> God is nigh.

While the men and women for whom "Taps" is played are gone from this Earth, we can take solace in knowing that they may now "safely rest." The Sun may have set, but it will rise again and a new day will dawn. And with every new day, we will always remember the sacrifice and service of those who have fallen.

My wife Fran and I continue to keep Ryan's family in our thoughts and in our prayers.

ARMY STAFF SERGEANT AARON REESE AND ARMY SERGEANT TODD BATES

Mr. President, I, today, honor two men from Ohio who gave their lives in the defense of freedom. Army SSG Aaron Reese and Army SGT Todd Bates were from two different parts of Ohio. They grew up with different life experiences and different kinds of opportunities. However, when both became members of the 135th Military Police Company of the Ohio Army National Guard, their lives became irrevocably linked.

All of our armed services, all of our Armed Forces' members, serve this country with pride and with a sense of duty. Whether it is a mission deep in the mountains of Afghanistan or a night patrol on the Tigris River or in the back alleys of Fallujah, the men and women in our military serve with a great sense of responsibility for the safety and security of those in their own units. They care about each other. Our men and women in uniform feel a unique connection to each other. They see each other as brothers. They see each other as sisters. And they are willing to put their own lives on the line so their comrades will be safe. They do it every single day.

It was this dual sense of duty—to their country and to their fellow service members—that put Staff Sergeant Reese and Sergeant Bates in harm's way on December 10, 2003. You see, their squad was on a night patrol boat mission on the Tigris River. At some point during the mission, Staff Sergeant Reese, who was the squad leader, lost his balance, and he fell from the boat, plunging into the swift, murky waters of the Tigris.

Seeing his leader fall into the river, Sergeant Bates acted immediately. He quickly discarded his heavy body armor and weapon, and, without a life jacket, he dove into the river in an attempt to save Staff Sergeant Reese.

Mr. President, Members of the Senate, tragically—tragically—the river was too strong for them both.

In William Shakespeare's play "Henry V," the title character delivers a stirring call to arms to rally his troops. Within this St. Crispin's Day speech, Henry tells his men that one day each one of them would "strip [their] sleeves and show their scars," proud that they had fought and proud in knowing that they were a "band of brothers"—a "band of brothers."

Aaron and Todd can no longer strip their sleeves and show us their scars, and so it is up to us to do that in their honor. It is up to us to remember their lives—lives that they each gave for our country and for their brothers.

Aaron Reese was from Reynoldsburg, OH. He grew up, however, in Elida, OH, where he attended Elida High School. Aaron worked hard at both academics and athletics. His Latin teacher, Mike Herzog, said Aaron was "one of those you can't forget—always working hard, always smiling. He didn't have a bad day. He was always in a positive mood."

Aaron was a hurdler on the Elida Bulldogs track and field team and a defensive back on the football team. Aaron participated in sports with a quiet confidence. His principal, Don Diglia, cites Aaron's team-oriented personality as his biggest leadership quality:

> He was the kind of guy who was content on being on the team instead of being the star of the team. He was a team player all around. . . .

After graduating from Elida in the year 1990, Aaron decided to put his leadership qualities and physical prowess to the test. So he enlisted in the U.S. Army. He served 7 years. While on active duty in Central America, he met the love of his life. He married the love of his life, Emilia, and then they became the proud parents of a son, Anthony, and a daughter, Nicole.

Wanting to spend more time with his new family, Aaron joined the Ohio Army National Guard. While serving in the Guard, Aaron also attended the Ohio State University and Columbus State. He planned to join the Cincinnati Police Department when he returned from Iraq.

Aaron had been serving in the Guard for nearly 6 years when his unit was called up for Operation Iraqi Freedom. It was hard for Aaron to leave his wife and his son and his new baby, Nicole, who had been born only a few months before he was deployed.

SGT Sheri Brown remembers seeing Aaron saying goodbye to his family in February of 2003 and describes it this way:

> His toddler son was playing in the snow. Aaron wept as he cradled his baby and tried to say a few last words to his wife.

Aaron Reese cared for his family, but he also felt a strong obligation to his country and to his unit. It was an obligation that was not foreign to the Reese family. Aaron's grandfather, Paul Shafer, served in World War II. His uncle, James Shafer, was killed in Vietnam in 1967. Aaron also had two other uncles who served in the Armed Forces. As Aaron's father, Ed Reese, said:

> What you will see in our family is the red, white, and blue.

Indeed, Aaron's military heritage, experience, and leadership ability gave him confidence in his mission. The 135th Military Police Company was responsible for the safety of their fellow soldiers, for the training of Iraqi police, and for various support missions.

Aaron Reese proudly led his unit in their tasks. Mr. President, 1LT William F. Lee had this to say of Aaron's service in Iraq:

> I had the privilege of leading this outstanding noncommissioned officer in Operation Iraqi Freedom. I have known Aaron for many years. We have served many deployments together—some good and some not so good. Aaron executed his duties with exceptional performance and was one of my best leaders.

First Lieutenant Lee's comments are a ringing endorsement of Aaron's consummate professionalism and dedication. He was a model soldier, someone whom others not only looked up to but also tried to emulate.

SGT Timothy Haskamp had this to say:

> I had the great opportunity to serve with Aaron. Over the months in Iraq, he taught me how to be a good NCO. He wasn't just a fellow soldier and my squad leader, he was a friend and someone who would do anything he could for you. I can only imagine what a good father and husband he must have been. As I continue my service, I will remember everything he taught me and teach those things to all who serve under me in the future.

For those who served with Aaron, he was an anchor of strength, an experienced leader, who made it his personal mission to keep his men and women safe. April Engstrom, Aaron's sister, said that her brother loved the soldiers in his squad and wanted to protect them. Todd Bates' actions on that night in December, however, really speak to the love Aaron's squad also had for him.

Aaron Reese leaves behind a wife, two small children, and a loving family. But he also leaves a legacy of leadership. He made a sacrifice so that his children and our children can live in a safer world. And for that a grateful Nation honors and remembers him.

Army SGT Todd Bates was 20 years old when he dove into that dangerous Tigris River to try to save his squad leader, Aaron Reese. Todd Bates spent his all-too-short life growing up in Bellaire, OH, where he was raised by his grandmother, Shirley Bates. Todd was a fun-loving kid, who was loved dearly by his friends and family. One of his lifelong friends, Richard Kendle, remembers growing up in Bellaire with Todd. This is what he had to say:

> I knew Todd all my life. We went to school together from kindergarten on up through graduation. I remember the many days that I used to go over to his house and play video games. Or, we'd go out in his backyard and shoot his BB gun. I remember the meals that his grandmother prepared for us after a day of play. Todd and I never had much growing up . . . but we never knew it. We had families that loved us and a friendship that would never die.

Family and friends are important in Bellaire, OH. For many young men and women who grow up there, the two most promising paths to success are sports and the military. Todd Bates realized this and applied his tireless work ethic to both endeavors. At Bellaire High School, Todd excelled on the "Big Reds" football team. But he did not do so through just raw talent. Rather, Todd worked his way into the starting lineup. He worked his way there.

More often than not, if you wanted to find Todd, all you had to do was look in the football weight room. His coach, John Magistro, thought Todd was humble, genuine, caring, and unselfish. And I quote him:

> He was a good player and he worked really hard.

Todd's work ethic and attitude were recognized by his teammates on the 2000 "Big Reds" team. They voted him one of their cocaptains. And under Todd's leadership, Bellaire reached the State playoffs that year.

Todd was recognized in Bellaire for being a leader of the football team, for being a quiet and respectful young man, and for his beloved car—called the "Bates-mobile," by most people. His football coach remembers Todd, often in the school parking lot long after practice had ended, under his car's hood, trying to get it started. Reverend Donald Cordery also remembered the "Bates-mobile." Reverend Cordery was an assistant football coach and a mentor to Todd. One day after practice, he asked Todd for a ride home:

I said, "Bates, what's the chance I could get a ride in your car?" He said, "Pastor Don, do you really want to take a ride in my car?" I said, "Bates, with my looks and your car, the ladies will be out!"

Todd was respected by his peers, his teachers, and his community, but he wanted more. He wanted to go to college. He knew, though, that he wasn't going to be able to secure a football scholarship. Financially, that left Todd with very few options. So, after graduating from Bellaire High School in 2001, Todd decided to join the Ohio Army National Guard to make money for college.

But, like many things in Todd's life, it wasn't easy. He had played as a lineman in high school and he had the body of a lineman. Todd was 6 feet tall and 250 pounds—not quite the ideal weight for a National Guardsman. Todd needed to lose some weight if he hoped to get into the Guard. To qualify, Todd loaded a backpack with 50 pounds of weight and walked eight miles a day. He repeated this workout until he had lost fifty pounds. Todd was, indeed, a remarkable young man.

As with his dedication to losing weight and to football, Todd brought the same focus and work ethic to his career in the Army. His drill sergeant, Jason Patrick, from Ft. Leonard Wood said this about Todd:

> Todd was a remarkable soldier and person—always striving to be the very best and fully committing to every task at hand. I watched this fine young American grow from civilian to soldier. I watched as he endured everything I could throw at him. I am proud to have trained him and extremely proud of all he accomplished.

After being deployed to Iraq in February of 2003, Todd continued to outperform the expectations of his commanders. Brigadier General Ronald Young said of Todd, "[He] was an exceptional soldier . . . He served his assignments with great distinction, and his commanders have recognized his dedication to duty and personal leadership on several occasions."

Todd had a passion for what he was doing in the Guard and as with his other passions in life, he was the standard for hard work and excellence. While he was certainly a very focused young man, Todd also had a terrific sense of humor and never took anything too seriously.

The other members of his unit remember Todd as a funny guy who was always trying to make tough, stressful situations a little easier with a joke. At the same time, Todd was always looking out for the other members of his unit. He felt connected to them—like they were all a big, extended family, who believed in the National Guard motto: "Of the troops, for the troops."

When Todd Bates jumped into the Tigris River on that cold, December night, he was not thinking of himself. He was only thinking of his squad leader—his friend, his "brother," Aaron Reese.

Both Aaron Reese and Todd Bates gave their lives not thinking of themselves, but only thinking of us. They put our lives, Iraqi lives, and the lives of their fellow service men and women before their own. We will never forget their sacrifices.

My wife, Fran, and I continue to keep the families of Aaron Reese and Todd Bates in our thoughts and in our prayers.

CHILD SURVIVAL AND MATERNAL HEALTH

Mr. DEWINE. Mr. President, the Senate Appropriations Committee this week took an important step. That step was in providing $275 million to the Child Survival and Maternity Health Programs. I congratulate the full committee for this work. I also congratulate the subcommittee, chaired by Senator MCCONNELL, and Ranking Member LEAHY, for the bill they reported which contained this money. I want to use this occasion and the passage of this bill—in the future, it will be coming to the Senate floor with this language—to share some important statistics about child and maternal mortality.

It is so very important that we understand what this money can do. I am often hesitant to recite statistics on the floor of the Senate because when you hear them repeatedly, it is all too easy to become numb to statistics, to forget the human realities that they do, in fact, represent.

It is important for all of us and for the American people to listen to some of these statistics because they are so unbelievable and so tragic and because they do represent human lives. These are lives that can be saved, lives that can be saved by making resources available to developing countries and people who are in such great need. Let me recite some of these statistics.

Today, over 10 million children under the age of 5 die each year from preventable and treatable diseases and ailments. These include diarrhea, pneumonia, measles, and, yes, malnutrition. It is an unbelievable figure. Of those 10 million deaths worldwide, 3.9 million occur in the first 28 days of life. These babies don't even have a shot at getting as old as 2 or 3 or 4 or 5. Yet two-thirds of these deaths could be prevented if available and affordable intervention had reached the children and their mothers who need them. Malnutrition contributes to 54 percent of all childhood deaths. As many as 3 million children die annually as a result of vitamin A deficiency. An estimated 400,000 cases of childhood blindness are reported each year, children who are condemned to going about their lives blind. These are preventable. Of the 130 million babies born each year, about 4 million die in the first 4 weeks of life. In poor communities many babies who die are unnamed, unrecorded, indicating the perceived inevitability of their deaths. Four hundred fifty newborn children die every hour, mainly from preventable causes.

According to World Health Organization estimates, over 4.4 million children died from vaccine-preventable diseases in 2001, diseases such as hepatitis, polio, and tetanus. Of all the vaccine-preventable diseases, measles remain the leading childhood killer, claiming the lives of 745,000 children, more than half of them in Africa.

Such staggering numbers of children dying from preventable diseases is unacceptable. It is up to us—the Congress, the Senate, people in the developed world, the United States, around the world—to change this tragic human reality. We have an obligation to make this change because we have the know-how, we have the resources to prevent these deaths.

The Lancet, a British medical journal which ran a series of articles last year about child survival, just published a new study indicating that the lives of an estimated 6 million children could be saved for as little as $1.23 per child. Yes, for as little as $1.23 per child in the 42 countries with the highest rates of child mortality, 23 lifesaving interventions could be made universally available. These interventions, many of them as basic as vitamin A or zinc supplements, are critical to preventing the deaths of millions of children.

The full Appropriations Committee has agreed to provide this $275 million for child survival in the Foreign Operations bill. This is very significant. It is an important step in our efforts to improve the health of children around the world. This funding will save lives. I urge my colleagues to support this funding level when the bill comes to the floor. I urge my colleagues, when the bill then goes to conference committee, to keep this funding in that bill as well.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORNYN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. McCAIN. Mr. President, today we have learned that one of our Nation's finest jurists will step down from our highest court. Despite her departure from the Supreme Court, Justice Sandra Day O'Connor will leave a lasting mark on American jurisprudence characterized by fairness, balance, and integrity.

Justice O'Connor's career and service to our Nation have been truly remarkable. This country will miss her presence on the Supreme Court dearly.

Some have said that no other individual in our Nation's history has come to the Supreme Court under greater expectations. Not only did Justice O'Connor meet these expectations, she far exceeded them. When President Reagan nominated and the Senate unanimously confirmed Justice O'Connnor in 1981, she became the first woman to sit on the Supreme Court and, over time, she grew to be one of the crucial swing votes on the court—her decisions driven both by her conservative sensibilities and also by her practical nature.

Justice O'Connor grew up on the Lazy-B Cattle Ranch in southeastern Arizona. She learned to drive at age 7 and could fire rifles and ride horses by the time she turned 8. Perhaps it was her Arizona roots that fueled both her pragmatism and her desire to succeed.

Mr. President, after high school, Justice O'Connor attended Stanford University where she majored in economics and graduated with high honors. A legal dispute over her family's ranch, however, inspired her interest in law and her decision to enroll at Stanford Law School. Justice O'Connor completed law school in only two years, but she still managed to serve on the Stanford Law Review and receive highest honors. O'Connor graduated third out of a class of 102. First in the class was fellow Arizonan William H. Rehnquist. I suggest that maybe we should turn to Arizona once again for a Supreme Court nominee, considering the track records of Justices O'Connor and Rehnquist.

In law school, Justice O'Connor also met her future husband, John Jay O'Connor, a fine man and husband.

Mr. President, Justice O'Connor faced a difficult job market after leaving Stanford. No law firm in California wanted to hire her and only one offered her a position as a legal secretary. Later, in Arizona, she again found it difficult to obtain a position with any law firm, so she started her own firm. It is truly remarkable to realize just how far Justice O'Connor has risen during her life despite the adversity she has faced.

After she gave birth to her second son, Justice O'Connor withdrew from her professional life to care for her children. Nevertheless, she became involved in many volunteer activities during this time. She also began an involvement with the Arizona Republican Party. After five years as a full-time mother, Justice O'Connor returned to work as an assistant State Attorney General in Arizona. Arizona Governor Jack Williams later appointed her to occupy a vacant seat in the Arizona Senate. O'Connor successfully defended her Senate position for two more terms and eventually became the majority leader. By rising to the position of majority leader, Justice O'Connor achieved another first for American women.

In 1974, Justice O'Connor ran and won a judgeship on the Maricopa County Superior Court, which resulted in her service in all three branches of Arizona government. A year later, she was nominated to serve on to the Arizona Court of Appeals. Almost two years after that, President Reagan nominated her to the Supreme Court to replace the retiring Justice Potter Stewart. The Senate rightly confirmed O'Connor's nomination unanimously and the Court soon abandoned its use of "Mr. Justice" as the form of address. Justice O'Connor herself described the significance of her nomination in the following way. She said, "A woman had never held a position at that level of our government. And it was a signal that it was all right that women could be in such positions. That they could do well in such positions."

Mr. President, Justice O'Connor brought to her position on the Supreme Court her remarkable life history characterized by independence, perseverance, and achievement. Early in her tenure on the Court, observers identified her as part of the Court's conservative faction. The public often associated her with Justice Rehnquist because of their shared roots and values. Over time, though, Justice O'Connor combined her conservative sensibilities with a desire to find pragmatic solutions based on sound legal interpretation. She approached each case thoughtfully.

It will be difficult to fill the void that Justice O'Connor's resignation has created, nor can anyone assume a similar place in American history. There can be only one first, and Sandra Day O'Connor was it.

Mr. President, very rarely do I presume to speak on behalf of all of the citizens of my State of Arizona. But I know, with confidence, that I do so now when from the bottom of our hearts we thank Justice O'Connor for her magnificent service to her State and to her Nation. She and her magnificent husband John will be in our thoughts and prayers as they enter the struggle ahead. We are confident that with her traditional courage, she will face this new challenge and emerge victorious. We thank her for her service.

We thank her for her family. We are, most of all, confident that Americans and Arizonans will remember her with great pride.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

BEST WISHES TO JUSTICE O'CONNOR

Mr. KENNEDY. Mr. President, I join my friend and colleague, the Senator from Arizona, Mr. McCAIN, in extending my best wishes to Justice O'Connor and thank her for her long and dedicated service to the Nation. She was a cheerful and thoughtful and highly respected member of the Court, a wise judge who served the Nation and the Constitution well.

Justice O'Connor was a mainstream conservative and was confirmed unanimously by the Senate. I hope the President will select someone who meets the high standards that she set and can bring the Nation together, as she did.

Our Senate debates in recent weeks have included extensive discussions on the need for consultation by the President with the Senate on potential Supreme Court nominations. But such consultation was not mentioned by the majority leader in his address on judges earlier this week, and the omission is glaring, since consultation is the heart of the "advice" requirement in the constitutional requirement that the President appoint judges with the "advice and consent" of the Senate.

Under the Constitution and the Senate rules, every Senator's hands are on the oars of this vessel. If a substantial number of us are rowing in the opposite direction from the majority leader, we will not make much progress. But if there is a consensus as to where we want to go, we can get there directly and quickly.

The 14 Senators who reached the landmark bipartisan compromise in the nuclear option debate made a pledge to one another and a plea to the President that the advice function must not be given short shrift, and that serious consultation with the Senate in the nomination process is the key to a successful confirmation process.

Separate and independent assessments of nominations by each Senator are precisely what the Framers wanted us to do. They wanted Senators to be a check on the Executive's proposed judicial selections as a safety net for the Nation if the President overreaches by making excessively partisan or ideological nominations.

Mr. President, all one has to do is read the debates of the Constitutional Convention. Our Founding Fathers considered where to locate the authority and the power for the naming of the judges on four different occasions. On three occasions, they gave it unanimously to the Senate—to nominate and to approve. And only in the last 8 days of the Constitutional Convention did they change that to make it a balance between the Executive and the Senate of the United States.

No fair reading of the debates at the Constitutional Convention or the Federalist Papers does not recognize that this is a shared responsibility. The best way we carried that shared responsibility was if there is a recognition by the Executive that he or she—if at a time in the future we elect a woman—has the prime responsibility to nominate; but the final aspect of consenting is in the Senate.

The process works best when there is consultation. It works best when, as we have seen when the leader of the conservative movement in this country, Ronald Reagan, took the opportunity to select Sandra Day O'Connor, who received a unanimous vote in the Senate, a true conservative. But President Reagan was setting the path for that time, and for future times, about how to proceed.

That is the opportunity this President has at the present time. We hope he will be inspired by what President Reagan did in terms of the nominating process.

Just this past week, several of the members of the group of 14 spoke on the floor of the Senate. Just last week, Senator PRYOR gave a compelling explanation of the agreement. He said that he was puzzled because people are ignoring a section of the agreement that is as important as any other section, the part dealing with advice and consent. He spoke of the past days "of bipartisan cooperation between the executive and legislative branches of Government." He pointed out that he was a signatory to a unanimously supported letter from the Senate minority to the President calling for consensus and cooperation and calling for bipartisan consultation—the best path to a fair and reasoned confirmation process.

He did not demand that the President sit down with the 14 or pretend that they will supplant the Senate Judiciary Committee and its leaders. But he did urge the President to seek the counsel of Senators from both parties as he makes future nominations. "Their insight," Senator PRYOR said, "could help the President steer a smoother course when it comes to judicial nominations. . . . Just as the 14 Senators did their part to smooth the way for future judicial nominations, the White House [can] do their part by reaching out to the coequal branch of Government."

How can anyone argue with that wise prescription? How can anyone ignore it, since it comes from one of those who helped bring the Senate back from the brink of disaster? A President would have to be extraordinarily imprudent not to give it great weight.

Another of the signers on the agreement, Senator SALAZAR, wrote to the President last week with a clear message:

> A wide ranging and good faith consultation between the executive and the Senate, as contemplated by the Founding Fathers, is the best way to smooth the path to rapid Senate consideration for all judicial nominations but will be especially important if a vacancy arises on our Supreme Court.

Another of the 14 signers, Senator NELSON of Nebraska, mentioned his own experience in selecting judges. In his letter to the President, he pointed out that even though as Governor he was not required to obtain the advice and consent of his legislature, nevertheless he consulted a great deal with them and found it "a very worthwhile and successful process."

He encouraged President Bush to reach out to both sides of the aisle "so we can move forward on future nominees in a positive and less contentious manner." Without this consultation, he said, there could be difficulties, especially regarding future Supreme Court nominations, that might provide the basis for blocking an up-or-down vote which otherwise might not exist.

Even the President has said—once—that he would consult with Senators on judicial nominations, and I urge him to do so. But as yet, there has been no meaningful consultation with the Senate. As the minority leader has made clear, off-the-cuff casual discussions about how nice it would be if a Senator were the choice is not meaningful consultation. To be meaningful, consultation should include information about who the President is really considering so we can give responsive and useful advice.

White House officials made time to meet last week with prominent outside allies on the right who are so sure the President will nominate a nonconsensus candidate that they have put an $18 million war chest in place to defend their nominee. Their advice to the President was clear: They would consent to and support any rightwing judge he selects for the High Court. No wonder he likes to get their advice and consent.

The American people deserve a Senate that will be more than a rubberstamp for a Supreme Court nominee. A Senate that walks in lockstep with the White House is not doing its constitutional job. It is not doing the job the American people sent us here to do: to protect their rights and freedoms.

If the President abuses his power and nominates someone who threatens to roll back the rights and freedoms of the American people, then the American people will insist that we oppose that nominee, and we intend to do so.

Mr. President, I hope President Bush will follow Ronald Reagan's example and ignore the advice and arguments of those who prefer an ideological activist. He knew that the best thing for the country would be someone who we could all unite behind, and he chose such a person: Sandra Day O'Connor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RETIREMENT OF JUSTICE SANDRA DAY O'CONNOR

Mr. BROWNBACK. Mr. President, I rise today to discuss the retirement of Justice Sandra Day O'Connor from the U.S. Supreme Court. First, I wish to applaud her public service that has been part of her entire life. She is a fantastic role model; she is a role model to two of my older of five children. My two older daughters have seen her as someone who moved into an area that had not been occupied by a woman before—the Supreme Court of the United States. One of my daughters got to meet with her at one time. It was quite an event in her life, being able to see a woman on the U.S. Supreme Court at a young age. And that has been replicated, of course, with Ruth Bader Ginsburg. Women have broken through. That will continue to be the case, and will continue to be an inspiration to people throughout the world in general, and my family in particular.

Justice Sandra Day O'Connor was raised in southeastern Arizona on her family's ranch. Her humble beginnings contributed to her appreciation for common sense and limited government, which she carried forward on the Court. She received her undergraduate degree from Stanford University; one of the great schools of our country. At Stanford, she successfully pursued a degree in economics and graduated third in her class at Stanford Law School. It was during law school that she met her husband John.

As a young female attorney, Justice Sandra Day O'Connor faced great adversity in finding employment. It does not seem possible that someone graduating third in their class from Stanford Law School would face this problem. But those were different times, and she was a woman and was looking for employment in the private sector.

She persevered, accepted a position as deputy county attorney for San Mateo County in California, where she served with distinction.

In 1958, Justice Sandra Day O'Connor began a small private practice in her native Arizona.

In 1965, after returning to work following a brief hiatus to care for her children, Justice O'Connor accepted a position as an assistant attorney general for the State of Arizona.

In 1968, she was appointed to the Arizona State Senate by the Governor to fill a vacancy. During O'Connor's tenure in the State Senate, she demonstrated wisdom and excellence to become the majority leader.

O'Connor was elected judge of Maricopa County Superior court in 1975 and served until 1979 when she was appointed to the Arizona Court of Appeals.

In 1981, President Ronald Reagan fulfilled his promise to nominate the first woman to the Nation's top Court. Justice Sandra Day O'Connor was confirmed unanimously by the Senate.

It is hard to think of a Supreme Court nominee getting a unanimous confirmation in this body today, but it happened in 1981.

Justice O'Connor's life is a testament to perseverance, integrity, and appreciation of constitutional government. She served as a role model to a generation of women in the legal profession. I commend her for her 24 years of dedicated service to the U.S. Supreme Court.

In her letter to the President announcing her retirement, I was impressed by Justice O'Connor's reference to the "integrity of the Court and its role under our constitutional structure." I think it is important to remember that in our system of government, the courts have but limited jurisdiction: they should neither write nor execute the laws, but simply "say what the law is," in the famous phrase of former Chief Justice Marshall. As Alexander Hamilton explained, this limitation on judicial power is what would make the Federal judiciary the "least dangerous branch." They were not meant to resolve divisive social issues, short-circuit the political process, or invent rights which had no basis in the text of the Constitution.

Unfortunately, the courts in recent years have not kept themselves within the circumscribed role envisioned by the Framers. Hamilton himself likely would be shocked at the broad sweep of the exercise of judicial power in America: Federal courts today are redefining the meaning of marriage, removing the role of faith in the public square, running prisons and schools by decree, enhancing Federal power at the expense of the States and, just last week, radically expanding the power of government to take private property from one individual and hand it over to another in the name of public use; by 5-to-4 decisions—5 for, 4 against. The expanded role assumed by the Federal courts generally in recent years makes it all the more important that the upcoming nominee exhibit the proper respect for the restrained role of the Federal courts in American Government, staying within the text of the Constitution.

Given the President's repeated statements during his campaign that he would pick Justices who would faithfully interpret the text of the Constitution and the resonance his position had with the American people, I am confident that he will nominate a well-qualified individual who will refrain from making law from the bench.

I will conclude by simply saying, in the confirmation process, I hope this body can take a position where we hold fair hearings, where the nominee is not maligned by outside groups seeking to cast aspersions that are clearly not there, or trying to paint an individual where the factual setting is not there; that it will be a process of 51 votes and not 60 votes, that there will not be a filibuster for this Supreme Court nominee position. It should not be an extraordinary circumstance. The position is to be filled by a majority vote of this body, not by a supermajority vote of this body.

I hope we could move forward with a confirmation process through the Judiciary Committee, on which I and the Presiding Officer serve on, in a timely and reasonable fashion; that we could bring the nomination in front of this body, have a robust debate on it, and then vote. The person either goes on the Supreme Court or they do not go on the Supreme Court—by 51 votes. That is what it should be. I think that is clearly the case of what was anticipated by the Framers in the overall process.

I see my colleague from Texas is here, who is to speak on the floor. I do want to end by again commending Sandra Day O'Connor's lifetime of service, the inspirational role that she has played for many people in this country—to people in my family. I thank her and say Godspeed to her and her family, and I am sure she will continue to serve this Nation.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to talk on two issues. First, I think everyone is talking about Sandra Day O'Connor and the great contribution she has made to our country. I am pleased to say she is a friend of mine. I have gotten to know her because we have many of the same parts of our background. Sandra Day O'Connor was born in El Paso, TX, and she actually graduated from high school in El Paso, TX. She grew up on a ranch in Arizona, and it was, of course, a remote place, so her parents sent her to high school in Texas to try to make sure she received a first-rate education.

I think we see from her record in college and law school that she did, indeed, receive fine preparation. She was one of the brightest students to come out of Stanford Law School, graduating right at the top of her class along with her classmate, William Rehnquist.

Sandra Day O'Connor is a person who has overcome obstacles, and she has done it in the most graceful way, in a way that is a role model for girls in our country, for women in our country, because she has always kept a positive attitude. When she couldn't get a job out of Stanford Law School, graduating right at the top of her class, she cajoled an offer from the county attorney in the county where Stanford was located, and was able to win that first job. Then, of course, she excelled from that time forward.

She has excelled in everything she has done. She became the leader of her party in the State Senate in Arizona. She was plucked from the State court of appeals to become a member of the U.S. Supreme Court.

When you think about it, to be thrust into this national limelight as the first woman to become a Supreme Court Justice in our country, in 1981, this was a glaring spotlight for a young woman from Arizona who was on the court of appeals at the State level. Yet President Reagan saw something in her that was quite special. He saw that she had the leadership abilities and the basic grounding and the intellect to take this job. He really took somewhat of a chance because she wasn't the well-known commodity that Supreme Court Justices usually are. But he knew the time was right to appoint a woman to the U.S. Supreme Court and he found the woman who was the right one for the job. She earned her place in history.

As she announces today that she is taking her retirement, I think all of us who know her and have admired her for so many years do want to wish her well. We believe she deserves this wonderful opportunity to have some time for herself.

Sandra Day O'Connor also was named to the National Cowgirl Hall of Fame. That is another connection that we have. This is a wonderful museum in Fort Worth, TX, that honors the cowgirls of our country who have made a difference, the cowgirls who have shown that ranching life and that independent spirit can be the basis for success that is really unmatched. Sandra Day O'Connor is in the Cowgirl Hall of Fame and she is a real cowgirl. She did grow up on a ranch. She talks about her childhood where they didn't even have running water in her home. Growing up like that made her hardy and able to overcome obstacles.

She has made quite an impression on the Court as well. Sandra Day O'Connor has been one of those people on the Court who is a strict constructionist and who is an intellectual who is sometimes considered a swing vote, but you always know that her conservative philosophy is one that is very careful not to make laws from the bench but allows lawmakers to make the laws of our country.

I think her opinion as the dissenting opinion in the most recent case on eminent domain shows that basic conservative philosophical underpinning, saying it would be outrageous to expand public purpose in eminent domain to include private projects, even if they are private projects that are going to enhance the tax base of the city. That is not what the Constitution intended in its preservation of private property rights.

I think Sandra Day O'Connor has made an impact on the Court and an impact on our country.

I want to end my talk about Sandra Day O'Connor reading from an interview I did with her when I was interviewing for my book "American Heroines," interviewing the women of today who are breaking barriers, the women of today who are the first at something that is important. Sandra Day O'Connor, of course, the first woman on our United States Supreme Court, was one of those I interviewed.

I asked her what was her most important trait for success. And she said something I think is especially important to note today, on the day she announces her retirement. She said:

> I am blessed with having a lot of energy. I think I inherited it from my mother. But to be a working mother requires an enormous amount of energy to do your job and to manage to take care of your family and to go nonstop all the time with never any personal downtime. I can't remember a time in my life when I had time for myself.

I think on the day that she is announcing her retirement, to have that time for herself, makes us understand that this is a woman who deserves, finally, to have her time for her family.

She said:

> Another attribute that perhaps has been helpful is a curiosity about things, how things work. I think a love of learning and finding out about things is useful. And, third, probably, is liking people. Enjoying talking to them, whoever they are with whatever lifestyle or standard of living. I have always enjoyed talking to people. I think I got that, maybe, from my grandmother, in Texas.

So that is just one excerpt from an interview with an extraordinary woman, a woman who made her mark in the history of the United States and who will always be remembered, as we wish her well in her retirement, as one of the leaders of our time, the leaders of the last century who, indeed, did break an important barrier.

VETERANS HEALTH CARE

Mrs. HUTCHISON. Mr. President, I want to talk about the Veterans' Administration issue that we dealt with this week in the Senate. I want to bring us up to date, where we are, to try to fix some of the problems that Secretary Jim Nicholson has brought to our attention. We were hoping that the Veterans' Administration would not have financial difficulties this year. But I have to say that Jim Nicholson stepped right up to the plate when he saw that, in fact, we would have a shortfall this year, and we would need to borrow from capital funds and maintenance funds in order to make ends meet by the end of this fiscal year, September 30. He came straight to Congress. He didn't try to hide it. He didn't go and try to Band-Aid the Veterans' Administration. He came absolutely public, to the Congress, and said: We have a problem. Even though he did not anticipate it, even as late as a month ago.

But, in fact, models that have been used for 20 years in the Veterans' Administration have had to change because we do have veterans now coming out of the war in Iraq and Afghanistan. There are more injuries and fewer deaths in this kind of conflict, and I think we are proud there are fewer deaths and we are proud these soldiers who are injured are going to be taken care of.

The Senate voted unanimously this week to amend the appropriations bill that was on the floor with an emergency supplemental of $1.5 billion. This was the initial estimate Secretary Nicholson gave to the Committee on Veterans' Affairs about what they would need to get through the 2005 fiscal year and take them into 2006 with their preliminary estimates.

Last night, the House of Representatives passed a bill for $975 billion as an emergency supplemental, just taking care of the year 2005. That now is resting in the Senate.

I have talked to Secretary Nicholson today. I talked to Josh Bolton at the Office of Management and Budget today. I have asked them to come back to the Senate the week of July 11, and tell what they project their needs to be for 2006. As chairman of the Veterans Affairs Appropriations Committee, along with my colleague Senator FEINSTEIN, who is the ranking member, we want to have all of the information before we mark up our 2006 budget for the Veterans' Administration which will occur July 21. I asked Secretary Nicholson and the Office of Management and Budget director to determine what is going to be needed in 2006, and if they can give us that number and assure the money will be transferred into the budget for 2006, then the Senate would pass the House bill and send it to the President so that 2005 would be taken care of. We did not want to pass that bill until we know the 2006 number is finite so we can assure we will take care of the 2006 deficit in projections. We must try to do this in July to get our appropriations bills going.

We are going to come back July 11 or 12. Hopefully, we will have numbers next week that will allow us either to pass the House bill that will take care of 2005, knowing exactly what we will need to take care of 2006, or send the $1.5 billion that has already passed the Senate over to the House to take care of 2005 and take us into 2006 with a cushion if the Veterans' Administration says they cannot make good estimates for the rest of 2006 at this time. That is where we stand.

Here is the point I make: The Veterans' Administration, the President of the United States, the Office of Management and Budget Director—the Office of Management and Budget being responsible for being the steward of the President's budget—the Democrats on the Committee on Veterans' Affairs, the Republicans on the Committee on Veterans' Affairs, all working together along with the House of Representatives, are going to do what is right for veterans. We will not make this a partisan issue. We will not make it some test between any function of Government. We are going to do what is right for the veterans who have served our country, who are protecting freedom for our children. The money will be there. There will not be one iota of service not given to a veteran today or next week or next year. That is our commitment to them. It is part of the war on terrorism.

Democrats and Republicans are going to work together. The President is going to assure we do. The Veterans' Administration and the Office of Management and Budget are going to do the right thing. And Secretary Nicholson has already done the right thing by coming forward in a public way, being criticized by some for having made these mistakes, but saying, I am not going to let this pass for one more day. We are going to do the right thing.

Everyone is working together. We will do the right thing by the veterans. We will have a supplemental appropriation. We will get a bill to the President in very short order to make sure not one stone is left unturned to give our veterans the best care possible for the great service they have performed for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

JUSTICE SANDRA DAY O'CONNOR

Mr. BOND. Mr. President, I rise briefly to say thank you, congratulations, and best wishes to an outstanding person, a truly remarkable jurist. That is, of course, Sandra Day O'Connor, who announced her retirement today.

A lot of people can say many good things about her service on the Court, her interpretation of the Constitution. We have heard many discussions about the wise judgment she has made.

I reflect a little bit as a personal acquaintance. Going back over 30 years when I visited my parents in Arizona, I had the opportunity to get to know John and Sandra Day O'Connor. We played a lot of tennis together. Incidentally, they are both very good tennis players. John has a great, somewhat wacky sense of humor. Sandra Day O'Connor is a truly wonderful, remarkable, warm human being.

She wouldn't tell the stories publicly, but there are a number of stories her friends know about the extra measure of kindness she showed to people in need, people who are very ill, people who were suffering. She went out of her way quietly and demonstrated a human kindness and compassion that was significant.

As has already been outlined, she had a great record, great educational record, a record of great service. When I met her, she was majority leader of the Arizona State Senate. I was Governor of Missouri. We were recruiting people to run for Governor of Arizona. I thought Sandra Day O'Connor would make a great Governor of Arizona. I made it my cause to recruit her on behalf of the Republican Governors Association to run for Governor. Then one day she told me, I have decided I am going to take a seat on the bench. I am going to become a judge. In one of those famous comments that lives with you forever, I said: Sandra Day O'Connor, it is a dead-end job being a judge in Phoenix, AZ.

I was dead flat wrong. When I welcomed her to Missouri to address the bar association as Madam Justice of the Supreme Court, needless to say she took great delight in relating that wonderful advice I had given her to run for the Governor of Arizona. We have been very pleased to have her back several times, and as far as I can tell she has never failed to mention that story.

I mention that story only to say she was right, once again, and she has contributed honorably and significantly to the judicial service of this Nation.

I can only say on behalf of those who were her constituents, as Americans, and those who know her as a friend, we wish you the very best. We go forward with our deep gratitude for all you have contributed and our very best wishes for health, happiness, and a long life.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

SUPREME COURT NOMINATIONS

Mr. WARNER. Mr. President, today our President, President Bush, spoke so eloquently upon learning of Justice O'Connor's desire to step down and spend more time with her husband. I think that is such a beautiful and warm way to send a message all across America.

I say, with a deep sense of humility, I consider her a friend. I am privileged to know her. I know her husband. He loves the outdoors. He loves the golf game. They are a wonderful couple who have inspired America.

It is interesting, I also heard, this morning, another broadcast in which a retired Federal circuit court judge—an individual well known to the Senate, well known to America—in commenting upon this retirement, did so in a way that left me troubled. That is what brings me to the floor. I am not sure he paid the respect this great Justice is owed. I will let people who desire to look at his remarks.

But then he said, in so many words—and used the word—that the Senate advice and consent process today is "corrupt." That moved me to the point where I felt compelled to speak out today.

What a privilege it has been for me, on behalf of Virginia, to stand on this floor for 27 years and to participate in debates and vote for the best interests of our Nation and the Commonwealth of Virginia.

As I look at Justice O'Connor's record, it exemplifies to me a quotation from Shakespeare that I have always tried to follow: Unto thine own self always be true.

The record will show and history will record the magnificent way in which she discharged public office not only in the Supreme Court but, indeed, back in the legislative body of her beloved State of Arizona.

I will participate with my colleagues in this debate, this careful and fair and objective consideration of that individual selected by our President. As sure as I am standing here, I am confident that when it reaches the vote—and I think we will have an up-or-down vote; I will certainly do what I can to ensure that takes place—the American public will look back upon the duty of the Senate, under the Constitution, as having been fulfilled with dignity and in a manner to reflect confidence within this great Nation and our citizens.

As you know, Mr. President, the executive branch, with the President, has a role in this nomination coequal to that of the Senate. In studying history, the role of the President is set out so carefully. I did this research when I worked with the "Gang of 14," which I will mention here momentarily.

But Alexander Hamilton, in Federalist Paper No. 66, said:

> It will be the office of the President to nominate, and, with the advice and consent of the Senate, to appoint. There will, of course, be no——

I repeat: "no"——

> exertion of choice on the part of the Senate.

> They may defeat one choice of the Executive——

I hope that does not happen in this case——

> and oblige him to make another; but they cannot themselves choose—they can only ratify or reject the choice of the President.

How clear that is. And working with Senator BYRD and the other members of the 14 Senators who got together—and, by the way, I think the work of that group reflects credit on this institution—some six Federal judges are now serving our Nation as a consequence of their work, work which I always felt was in support of the Senate leadership and their valiant efforts to see that the consideration by Senators of nominees be fair and expeditious.

But in the context of our sort of agreement—and I quote from it——

> We [the 14] believe that, under article II, Section 2, of the United States Constitution, the word "Advice" speaks to consultation between the Senate and the President with regard to the use of the President's power to make nominations. We encourage the Executive branch of government to consult with members of the Senate, both Democratic and Republican, prior to submitting a judicial nomination to the Senate for consideration.
>
> Such a return to the early practices of our government may well serve to reduce the rancor that unfortunately accompanies the advice and consent process in the Senate.

As it has in contemporary times.

The Founding Fathers put the word "advice" in there, drawn from our English language, clearly defined in dictionaries and by precedent. It simply speaks to the role of the Senate and its ability to counsel with the President. I am confident that will take place.

This is a magnificent opportunity for the President, this nomination, in so many respects. Clearly, he is fully entitled, under the Constitution, to select an individual whose philosophy is basically consistent with the core values of our President and his goals that he wishes to achieve, not only during the course of his Presidency but with confirmation, judicial nominees remain on for some 10, 15, 20, 25 years—long after the President has stepped down from office. So that shows you the value of this nomination.

But in this instance, our President has an opportunity, against a background of troubled times in our country. We are engaged in a very difficult war on terrorism.

Great sacrifices are being made by our country. He can step forward and be a uniter, not a divider, in this nomination by selecting someone who will gain the confidence of the majority of Americans, someone who will enable the two aisles here to remove the center aisle, and we can join in a bipartisan way and give strong ratification to the President's choice.

It is interesting. I went back to General Eisenhower. I reached back 50 years to examine the manner in which the President and the Senate worked together under this advice and consent clause. In that 50-year period, there have been 27 total nominees. Fifteen, better than half, were passed by the Senate either with voice vote—and as the Presiding Officer knows full well, that means total unanimity in the Senate—or with more than 80 votes, so 3 by voice and over half of those by 80 votes. Only 1 of the 27 passed by fewer than 60 votes, that threshold that describes the filibuster. Three were rejected by the Senate and one withdrew. To me, that shows action in history for a half a century, consistent with what the Founding Fathers devised in this magnificent Constitution of ours.

That individual selected by the President—I suppose he or she, as the case may be—will be labeled a conservative. That is fine. That doesn't trouble me at all. That doesn't divide. That is consistent with the President's basic philosophy. But if we can put on the bench of the highest Court in the land, a Court that decides literally decisions which affect every one of us—every single American is affected by their decisions—an individual who will begin with the confidence of the American public as reflected in a strong bipartisan vote in this Chamber, that will be a great legacy for the President as a uniter and not a divider.

I wish to reflect on the consultation. I am confident it will take place. There is no way of trying to describe it. It is up to the President. It is within his discretion. But I have confidence it will take place in a manner that history will document that will be more than adequate for the purpose.

I also listened to a report this morning where one group has been gathering funds. They said they had $20 million ready to throw behind the President's nominee. Another group had an equal amount of money to throw behind such opposition as to mount against the nominee. They have a perfect right under freedom of speech, the magnificence of this country, but it would be my hope that they will play a constructive role and not look at this great moment in history of the selection of a Justice to the Court as something likened to a Super Bowl where the sides get in and start the clash. Rather, they should view themselves as being in consultation with the Senate—Senators individually and collectively—and do it in a constructive way.

I remember so well the role of the outside groups in that extraordinary chapter of Senate history with regard to the Schiavo case. History will record the viewpoints of many as to how it was done. I myself will forever be concerned about the role, in particular, of the Congress and, most specifically, the Senate. I remember Palm Sunday when only three Senators, myself and two others, were on this floor, at which time we didn't have time to speak. We could only include a written statement which is in the CONGRESSIONAL RECORD. And I did so, expressing my disagreement with having the Senate go on record as supporting a greater role of the Federal judiciary.

I felt the tenth amendment clearly established the prerogatives of the several States to handle matters of this type. I was the sole "no" vote that day. But only three Senators acted. The news broadcast said the Senate of the United States has decided. I will often reflect on that moment as to whether it did. Although accurate, three Senators can act on behalf of the body, but that was an example of where the outside interested parties became quite overbearing and in some ways distorted the important issue. I don't disagree with those who felt different than I. But they obfuscated and overdramatized the issue.

There is nothing more important than trying to save a life. I understand that. I respect that. But I use that as an example to say, we cannot, in my judgment, in these troubled times in our history experience another chapter such as that.

This nominee, I am confident, will be one who, first, with the selection by the President and then, in the course of review by the Judiciary Committee and the full Senate must be viewed as one committed to uphold and support the Constitution of the United States. The term "activist" jurist is one that troubles me and, indeed, many people, because it is the Congress of the United States with regard to Federal legislation and the respective 50 State legislatures. They are the bodies to write the law, not the State/Federal judiciary.

We have seen a tendency recently for opinions to reflect a decision that doesn't necessarily rest on the core values of the Constitution but, rather, the core values of the writers of the opinion.

I hope we see that this process moves forward and reflects great credit on our President and credit on this institution. As I say, the gang of 14 played a constructive role in the history of this body. The question was the use or nonuse of what was termed "the nuclear option" to set aside the 60-vote rule of the Senate. It is my fervent hope we don't reach that option—that option is still on the table; the record is clear—that we don't have any tendency or recourse to go to that because in these troubled times, when this country needs to be united, we would not want to send to the Supreme Court, by virtue of a vote under the doctrine of the nuclear option, that individual who would be tattooed for life. That is not what we need.

We want that individual to go up there with the full confidence and trust of the American people, the widest margin of people that could possibly be drawn together, and to represent them and to make decisions which they will perceive were done by that individual and the other members of the Justices of the Court that are in the best interest of the country and each individual American.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF ROBERT ABBEY

Mr. REID. Mr. President, I rise today on the occasion of his retirement, to honor the 27 years of public service of Robert V. Abbey of Reno, NV. Bob hails originally from Mississippi. He was born in Clarksdale and earned his bachelor's degree in Resource Management at the University of Southern Mississippi. Over the past 8 years, I am proud to say he has become a Nevadan.

Bob began his public service working for the U.S. Army Corps of Engineers. Later he moved to the Bureau of Land Management where he has distinguished himself as a dedicated land manager, visionary leader, and exceptional citizen.

Bob's early career at BLM included tours of duty as a budget analyst in Washington, DC; assistant district manager in Yuma, AZ; district manager in Jackson, MS; and associate and acting State director in Colorado. Since the fall of 1997, Bob has served as the Nevada State diretor of the BLM. His job may very well be the toughest in Nevada and perhaps in the ranks of the BLM; in any case, it is among the most important for both.

Although his address has changed many times during his career, his commitment to public lands and public service has never wavered. The West and Nevada are better for it.

Today, Bob Abbey leads a staff of 750 employees who manage 48 million acres of public land in Nevada. He has led the Nevada BLM during an exciting and historic time. Increased public land use, record population growth, evolving management mandates and shrinking budgets represent just a few of the challenges facing the Nevada BLM. Bob Abbey has handled every difficulty with grace and vision.

During his tenure, Bob directed the implementation of the Southern Nevada Public Lands Management Act. This is no small task given that Clark County, NV leads the Nation in sustained growth and development and ever increasing recreational use of public lands.

Bob and his staff also helped me and the other members of the Nevada congressional delegation in the development of the Clark and Lincoln County land bills. These bills were among the most significant public lands legislation in the 107th and 108th Congresses, respectively, and Bob's leadership helped make them possible.

Bob's motto that we have more in common than our differences has set the tone for the best working relationships between Federal land managers and Nevadans in my memory. He has inspired his employees to solve problems, take pride in their work, and serve the public with distinction. The results serve as testament to his character, courage, and conviction.

At the end of next week, Bob Abbey will retire from Federal service with a remarkable record of achievements. But perhaps his greatest contribution as a land manager will come to fruition while he is enjoying his retirement with his wife Linda.

After wildfires devastated vast swaths of rangeland in Nevada and other Western States in 1999 and 2000, Bob played a key role in crafting a blueprint for rangeland and ecosystem restoration in the West. The so-called Great Basin Restoration Initiative is a grand vision and roadmap for healing the landscape in Nevada. Unfortunately, to date, the BLM and Department of Interior have yet to match Bob's vision with appropriate funding. It is my hope that this is a temporary delay and that one day soon, a thriving Great Basin ecosystem will serve as the enduring legacy of Bob Abbey's public service.

Although I regret that Bob Abbey is retiring, I know I speak for thousands of Nevadans when I thank him for his exemplary public service and wish him well with his future endeavors. We know Bob has made Nevada and our Nation a better place.

ENERGY POLICY ACT OF 2005

Ms. SNOWE. Mr. President, the United States has a long history of creativity and innovation when it comes to energy. But, somehow we cannot seem to break away from our dependency on foreign oil as the dominant energy source. It is clear that we must begin a new chapter for energy use as we begin the 21st century through new sources and new means of both generating and saving energy, in particular, for the energy security of our Nation. I am pleased that the Energy Policy Act of 2005 at least starts us down this path.

The bipartisan bill passed by the Senate this week attempts to look broadly at our energy needs and at new technologies. Innovation has been the bedrock of this nation's economic growth and it will be essential once again in transforming the way energy is produced and consumed, not only in the United States but around the world.

Fuel cell technology is just one example of this ingenuity—offering a clean, secure, efficient, distributed and dependable source of energy. I am pleased that the Lieberman-Snowe fuel cell bill is part of the overall bill as it should be part of our national energy strategy. New sources of energy and energy efficiencies can and must be developed and launched in the marketplace for the benefit of both our own national security as well as the American consumer. At the same time, conservation, and decreased energy consumption through greater energy efficiencies are also a necessity.

I am particularly pleased that the bill contains a number of energy efficiency tax incentives I have championed that will benefit my state of Maine as well as the rest of the nation. Specifically, this bill provides important tax incentives for the construction of energy efficient commercial buildings, and renovation of old existing buildings—including schools and other public buildings—as well as residential buildings that produce a 50 percent reduction in energy costs to the owner or tenant—as compared to a national model code that was part of S. 680, Efficient Energy Through Certified Technologies and Electricity Reliability, or EFFECTER, Act that I have introduced with Senators FEINSTEIN, MCCAIN, and DURBIN.

The bill also contains a tax credit for new energy-efficient homes that save as much as 30 to 50 percent of the heating and cooling energy costs, as well as tax credits for efficient heating, cooling and water heating equipment—including air conditioners—that reduce consumer energy costs.

Notably, these incentives are based on performance, not cost, in order to foster competition between suppliers of different technologies to produce products that meet the proposed target and conserve the most energy. And we know that competition will not only improve these technologies, but help make them more widely available.

The bill also extends the section 45 tax credit for electricity production from renewable sources. In the JOBS bill enacted last fall, this credit was modified to allow categories of waste materials from forest-related activities—biomass, which is a critical industry in Maine—to qualify. This has been a boost to the struggling forest products industry and will take a step towards smart energy production. It was vital that we extended this effective tax credit.

I believe our task is to help make it more attractive, through the tax code, for our U.S. manufacturers to get the most promising and cost-effective technologies to the U.S. and global marketplace as quickly as possible. Through the tax code, we can also incentives great energy savings though energy efficiencies. We should help increase the American public's awareness of the benefits to our health and our national security of encouraging the shift away from foreign oil and toward domestic renewable and alternative energy sources that help curb our voracious thirst for fossil fuels.

My performance-based targeted incentives included in the bill will reduce natural gas prices and electricity prices by cutting the demand for natural gas and electricity in the near term, as well as in the longer term. The bottom line is, we have the opportunity to raise the bar for our future domestic energy systems and energy efficiencies. Solutions do exist in the entrepreneurial spirit of the American people.

I must admit to disappointment that we did not address, at the very least, closing the SUV CAFE Standards loophole that would have rectified an unacceptable inequity when it comes to obtaining greater fuel economy for the vehicles we choose to drive. We did not take this road currently less traveled towards decreasing our nation's need to import greater and greater amounts of foreign oil from the most volatile area of the globe, and at the same time, decrease polluting vehicle emissions that affect both the public's and the planet's health.

I am also concerned that the United States is not moving ahead to take actions to address climate change, although, for the first time, the U.S. Senate passed a sense of the Senate resolution on climate change that officially recognizes that there is no doubt that greenhouse gases are irrevocably impacting our climate and that mandatory caps on greenhouse gas emissions are necessary.

This truly global problem requires solutions based on cooperation and consensus, and I hope that, as the G8 countries, the world's economic leaders and largest emitters of greenhouse gases, meet this next week in Glenagles, Scotland, they will use the summit as a forum to reach agreement on practical and reasoned solutions to confront climate change, setting the stage to bring the developing world to the table.

This is what the International Climate Change Taskforce, for which I am the Cochair, set out to do well over a year ago. This group of international leaders came up with a blueprint to set out a pathway to engage all countries in concerted action on climate change, including those not bound by the Kyoto Protocol.

Mr. President, I ask unanimous consent to have printed in the RECORD the ICCT "Meeting the Climate Challenge" Summary of Main Recommendations and Appendix B: Taskforce members. We should bequeath to all our children a world as rich in life and opportunity as the one we inherited. And, we need to start pursuing economically and environmentally sound ways to meet this challenge now.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF MAIN RECOMMENDATIONS

1. A long-term objective be established to prevent global average temperature from rising more than 2°C (3.6°F) above the pre-industrial level, to limit the extent and magnitude of climate-change impacts.

2. A global framework be adopted that builds on the UNFCCC and the Kyoto Protocol, and enables all countries to be part of concerted action on climate change at the global level in the post-2012 period, on the basis of equity and common but differentiated responsibilities.

3. G8 governments establish national renewable portfolio standards to generate at least 25% of electricity from renewable energy sources by 2025, with higher targets needed for some G8 governments.

4. G8 governments increase their spending on research, development, and demonstration of advanced technologies for energy-efficient and low- and zero-carbon energy supply by two-fold or more by 2010, at the same time as adopting near-term strategies for the large-scale deployment of existing low- and no-carbon technologies.

5. The G8 and other major economies, including from the developing world, form a G8+ Climate Group to pursue technology agreements and related initiatives that will lead to large emissions reductions.

6. The G8+ Climate Group agree to shift their agricultural subsidies from food crops to biofuels, especially those derived from cellulosic materials, while implementing appropriate safeguards to ensure sustainable farming methods are encouraged, culturally and ecologically sensitive land preserved, and biodiversity protected.

7. All developed countries introduce national mandatory cap-and-trade systems for carbon emissions, and construct them to allow for their future integration into a single global market.

8. Governments remove barriers to and increase investment in renewable energy and energy efficient technologies and practices through such measures as the phase-out of fossil fuel subsidies and requiring Export Credit Agencies and Multilateral Development Banks to adopt minimum efficiency or carbon intensity standards for projects they support.

9. Developed countries honour existing commitments to provide greater financial and technical assistance to help vulnerable countries adapt to climate change including the commitments made at the seventh conference of the parties to the UNFCCC IN 2001, and pursue the establishment of an international compensation fund to support disaster mitigation and preparedness.

10. Governments committed to action on climate change raise public awareness of the problem and build public support for climate policies by pledging to provide substantial long-term investment in effective climate communication activities.

APPENDIX B: TASKFORCE MEMBERS

Co-chairs

Rt Hon. Stephen Byers MP (UK)—Stephen Byers is a Labour Member of Parliament for North Tyneside and a former Cabinet Minister in the Blair Government. In 1997 he was made Minister of State for School Standards. In July 1998 he entered the Cabinet as Chief Secretary to the Treasury and in December 1998 he was appointed as Secretary of State for Trade and Industry. He held this post until the 2001 General Election after which he was made Secretary of State for Transport, Local Government and the Regions. He resigned from the government in May 2002.

Senator Olympia J. Snowe (USA)—Olympia J. Snowe is a two-term Republican U.S. Senator from the state of Maine. Olympia chairs the Senate Small Business and Entrepreneurship Committee and is on the Senate Finance Committee; the Commerce, Science and Transportation Committee; and the Select Committee on Intelligence. She is an active cosponsor of the McCain-Leiberman Climate Stewardship Act for mandatory emissions reductions and a market cap and trade system, and a leader for abrupt climate change research. Olympia was a member of the U.S. House of Representatives from 1978 to 1994.

Taskforce members

Hon. Bob Carr MP (Australia)—Bob Carr is the Premier of New South Wales. During his premiership he has introduced strict greenhouse emission benchmark laws in NSW and a new state Greenhouse Office. He has created 345 new national parks, receiving the 1998 World Conservation Union International Parks Merit Award.

Professor John P. Holdren (USA)—Dr. John Holdren is a Professor of Environmental Policy and Director of the Program on Science, Technology, and Public Policy in the John F. Kennedy School of Government. John also holds professorial chairs at Harvard University and the University of California. He received the 1999 Kaul Foundation Award in Science and Environmental Policy, the 2000 Tyler Prize for Environmental Achievement, and the 2001 Heinz Prize in Public Policy.

Martin Khor Kok-Peng (Malaysia)—Martin Khor is director of Third World Network. He has been a Member of the Board of the South Centre, and Vice Chairman of the Expert Group on the Right to Development of the UN Commission on Human Rights. He has conducted studies and written papers for the United Nations Conference on Trade and Development, United Nations Development Programme and United Nations Environment Programme, including Intellectual Property, Biodiversity and Sustainable Development (2002).

Nathalie Kosciusko-Morizet MP (France)—Nathalie Kosciusko-Morizet is a Member of the French National Assembly for the governing party, the Union pour un Mouvement Populiare (UMP). She is President of the Committee on health and environment for the UMP and Executive Secretary of the Council on sustainable development of the UMP. Her published books include: Pourquoi une charte de l'environnement? Une charte pour quoi faire? La révolution tranquille de l'écologie (2001).

Dr. Claude Martin (Switzerland)—Dr. Claude Martin is Director General of the World Wildlife Fund (WWF) International. As Director General of WWF International, Claude has initiated new approaches, including partnerships with the World Bank and business and industry groups. He is a member of the China Council for International Cooperation on Environment and Development (CCI-CED), a high level advisory body to the Chinese Government.

Professor Tony McMichael (Australia)—Tony McMichael is Director of the National Centre for Epidemiology and Population Health, at The Australian National University, Canberra. Previously he had been Professor of Epidemiology at the London School of Hygiene and Tropical Medicine. He has chaired the working-group assessment of health risks for the UN's Intergovernmental Panel on Climate Change, and is now undertaking the international Millennium Ecosystem Assessment project.

Jonathon Porritt (UK)—Jonathon Porritt is Programme Director and co-founder of Forum for the Future and Chairman of the UK Sustainable Development Commission. In addition he is Co-Director of The Prince of Wales's Business and Environment Programme, Trustee of WWF UK and Vice-President of the Socialist Environment Resources Association. He was formerly Director of Friends of the Earth. Jonathon received a CBE in January 2000 for services to environmental protection.

Adair Turner (UK)—Adair Turner is Vice Chairman of Merrill Lynch Europe. From 1995 to 1999 he was Director General of the Confederation of British Industry. He is currently a director of United Business Media plc, Chair of the UK Low Pay Commission and Chair of the UK Pensions Commission. He is also a Visiting Professor at the London School of Economics and a trustee of WWF UK.

Dr Ernst Ulrich von Weizsäcker (Germany)—Dr Ernst Ulrich von Weizsäcker is a member of the German Bundestag for the Social Democratic Party (SPD). Since 2002, he has been the Chair of the Parliamentary Committee on Environment, Nature Conservation and Nuclear Safety. He was Director of the Institute for European Environmental Policy in Bonn, London and Paris from 1984-1991, and President of the Wuppertall Institute for Climate, Environment, Energy from 1991-2000.

Professor Ni Weidou (China)—Professor Ni Weidou is Director of the Clean Energy Centre at Tsinghua University. As the member of the Consultant Group of State Fundamental Research and Planning and the Co-chairman of Energy Group of CCICED, he gives advice on state energy policies. He is in close cooperation with the University Committee of Environment of Harvard University and the Centre for Energy and Environment Studies of Princeton University.

Hon. Timothy E Wirth (USA)—Timothy Wirth is the President of the United Nations Foundation and Better World Fund. He has been a member of the US House of Representatives and US Senate where he focussed on environmental issues, especially global climate change and population stabilisation. He served in the US Department of State as the first Undersecretary for Global Affairs from 1993 to 1997.

Cathy Zoi (Australia)—Cathy Zoi is Group Executive Director of Bayard Capital, an environment and sustainable energy company. She co-chairs the New South Wales (NSW) Government's Sustainability Advisory Council. Previously, Cathy was Assistant Director General of the NSW Environmental Protection Agency, the founding CEO of the Sustainable Energy Development Authority, and Chief of Staff of Environmental Policy in the Clinton White House. She has been a company director for a number of start-up renewable energy enterprises.

Scientific adviser to the taskforce

Dr Rajendra K Pachauri (India)—Dr R K Pachauri supported the taskforce in the capacity of Scientific Adviser.

Dr Pachauri is Director General of The Energy and Resources Institute, and chair of the UN's Intergovernmental Panel on Climate Change. His wide ranging expertise has resulted in his membership of various international and national committees and boards, including chairing the Committee on Developing Countries from 1989 to 1990. He has also authored 21 books and many papers and articles.

APPENDIX C: TASKFORCE SECRETARIAT

The Institute for Public Policy Research—www.ippr.org.uk—The Institute for Public Policy Research (ippr) is the UK's leading progressive think tank and was established in 1988. Its role is to bridge the political divide between social democratic and liberal traditions, the intellectual divide between academia and the policy making establishment, and the cultural divide between government and civil society. It is first and foremost a research institute aiming to provide innovative and credible policy solutions. Its work, the questions its research poses and the methods it uses are driven by the belief that a journey to a good society is one that places social justice, democratic participation and environmental sustainability at its core.

Nick Pearce—Nick Pearce is Director of ippr. He was previously Special Adviser to David Blunkett MP when he was Home Secretary and Secretary of State for Education & Employment. He has also been an adviser to the Prime Minister's Social Exclusion Unit.

Dr Tony Grayling—Tony Grayling is an Associate Director and head of the Sustainability Team at ippr. Tony has previously been a special adviser to the UK Minister for Transport, and the environmental policy officer for the Labour Party.

Simon Retallack—Simon Retallack is a Research Fellow at ippr, specialising in international climate change policy. Simon is also co-director of the Climate Initiatives Fund, a grant-making foundation, and was commissioning editor of The Ecologist magazine.

The Center for American Progress—www.americanprogress.org—The Center for American Progress (CAP) is a non-partisan research and educational institute dedicated to promoting a strong, just and free America that ensures opportunity for all Americans. It believes that Americans are bound together by a common commitment to these values and it aspires to ensure that national policies reflect these values. It works to find progressive and pragmatic solutions to significant domestic and international problems and develop policy proposals that foster a government that is "of all the people, by all the people, and for all the people."

John Podesta—John Podesta is the President and Chief Executive Officer of the Center for American Progress. He served as Chief of Staff to President Bill Clinton from October 1998 to January 2001 and previously was an Assistant to the President then Deputy Chief of Staff. Podesta is currently a Visiting Professor of Law on the faculty of the Georgetown University Law Center.

Todd Stern—Todd Stern is a Partner of Wilmer, Cutler and Pickering. He served in the Clinton Administration in various capacities, including Assistant to the President for Special Projects and Counselor to the Secretary of the Treasury. Between 1997 and 1999, he served as the senior White House negotiator at the Kyoto and Buenos Aires negotiations.

Dr Ana Unruh Cohen—Ana Unruh Cohen is the associate director for environmental policy at the Center for American Progress. Prior to joining American Progress, she was an aide to Congressman Edward J Markey (D-MA) for three years, handling energy and environmental issues pending before the Energy and Commerce Committee and the Resources Committee.

Ken Gude—Ken Gude is the Director of Research on the International Rights and Responsibilities Project at the Center for American Progress. Prior to joining American Progress, Gude was a Policy Analyst at the Center for National Security Studies. He previously worked at the Council on Foreign Relations.

The Australia Institute—www.tai.org.au—The Australia Institute is an independent public policy research centre funded by grants from philanthropic trusts, memberships and commissioned research. It was launched in 1994 to develop and conduct research and policy analysis and to participate forcefully in public debates. In addition, the Institute undertakes research and analysis commissioned and paid for by government, business, unions and community organisations. Unconstrained by ideologies of the past, the purpose of the Institute is to help create a vision of a more just, sustainable and peaceful Australian society and to develop and promote that vision in a pragmatic and effective way.

Dr Clive Hamilton—Dr Clive Hamilton is Executive Director of The Australia Institute. He has held visiting academic positions at the Universities of Cambridge, Sydney and the Australian National University. Previous positions include Head of Research at the Federal Government's Resource Assessment Commission. Dr Hamilton has published on climate change policy and environmental economics, including Growth Fetish.

Alan Tate—Alan Tate has been involved in national and international climate policy for more than a decade. He is the recipient of Australia's most prestigious journalism award—the Gold Walkey—when National Environment Correspondent to the Australian Broadcasting Corporation. Alan became a founding partner in Cambiar in 2001.

Justin Sherrard—Justin Sherrard cofounded Cambiar with Alan Tate, a Sydney-based strategy consultancy that works with progressive businesses and Governments on gaining competitive advantage and public support by focussing on Sustainability. He has 15 years of global experience of environmental issues and their solutions.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2006

Mr. GREGG. Mr. President, the pending legislative branch appropriations bill for fiscal year 2006, H.R. 2985, as reported by the Senate Committee on Appropriations, provides $3.952 billion in budget authority and $3.947 billion in outlays in fiscal year 2006 for the legislative branch and related agencies. Of these totals, $118 million in budget authority and $117 million in outlays are for mandatory programs in fiscal year 2006.

The bill provides total discretionary budget authority in fiscal year 2006 of $3.834 billion. This amount is $194 million less than the President's request, $70 million less than the 302(b) allocation adopted by the Senate, and is $118 million more than the House-passed bill. The 2006 budget authority provided in this bill is $289 million more than the fiscal year 2005 enacted level.

I commend the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2985, 2006 LEGISLATIVE BRANCH

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
SPENDING COMPARISONS—SENATE REPORTED BILL			
Senate-reported bill:			
Budget authority	3,834	118	3,952
Outlays	3,830	117	3,947
Senate 302(b) allocation:			
Budget authority	3,904	118	4,022
Outlays	3,870	117	3,987
2005 Enacted:			
Budget authority	3,545	113	3,658
Outlays	3,785	112	3,897
President's request:			
Budget authority	4,028	118	4,146
Outlays	3,959	117	4,076
House-passed bill:			
Budget authority	3,716	118	3,834
Outlays	3,771	117	3,888
SENATE REPORTED BILL COMPARED TO:			
Senate 302(b) allocation:			
Budget authority	−70	0	−70
Outlays	−70	0	−40
2005 Enacted:			
Budget authority	289	5	294
Outlays	45	5	50
President's request:			
Budget authority	−194	0	−194
Outlays	−129	0	−129
House passed bill:			
Budget authority	118	0	118
Outlays	59	0	59

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

ENERGY AND WATER APPROPRIATIONS ACT, 2006

Mr. GREGG. Mr. President, the energy and water development appropriations bill for fiscal year 2006, H.R. 2419, as reported by the Senate Committee on Appropriations, provides $31.245 billion in budget authority and $31.118 billion in outlays. The bill contains no mandatory spending. In discretionary budget authority, the bill is $1.5 billion above the President's request, equal to the 302(b) allocations adopted by the Senate, $1.499 billion greater than the House-passed bill and $1.089 billion more than the fiscal year 2005 enacted level.

I commend the chairman of the subcommittee and the distinguished chairman of the Appropriations Committee for bringing this legislation before the Senate. I ask unanimous consent that a table displaying the Budget Committee scoring of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

H.R. 2419, 2006 ENERGY AND WATER APPROPRIATIONS; SPENDING COMPARISONS—SENATE—REPORTED BILL

[Fiscal Year 2006, $ millions]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	$31,245	0	$31,245
Outlays	31,118	0	31,118
Senate 302(b) allocation:			
Budget authority	31,245	0	31,245
Outlays	31,155	0	31,155
2005 Enacted:			
Budget authority	30,156	0	30,156
Outlays	29,827	0	29,827
President's request:			
Budget authority	29,745	0	29,745
Outlays	30,260	0	30,260
House-passed bill:			
Budget authority	29,746	0	29,746
Outlays	30,264	0	30,264
Senate reported bill compared to:			
Senate 302(b) allocation:			
Budget authority	0	0	0
Outlays	−37	0	−37
2005 Enacted:			
Budget authority	1,089	0	1,089
Outlays	1,291	0	1,291
President's request:			
Budget authority	1,500	0	1,500
Outlays	858	0	858
House passed bill:			
Budget authority	1,499	0	1,499
Outlays	854	0	854

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

SANDRA DAY O'CONNOR

Ms. LANDRIEU. Mr. President, from the day she became the first woman to sit on the U.S. Supreme Court, Sandra Day O'Connor has been an inspiration for millions of Americans, particularly for women and girls. I know this is true because she inspired me.

I was a young woman in my twenties serving in the Louisiana State Legislature when Justice O'Connor was appointed to the Supreme Court, and I remember that day very clearly. I always knew I wanted to serve the people of my country, and on that day I realized that there was no limit to what one woman could do.

And today, 24 years later, I am a woman standing on the floor of the U.S. Senate while the number of women in the Louisiana State Legislature has grown from 2 to 24. We all owe a great debt to pioneering women like Sandra Day O'Connor who broke the judicial glass ceiling and paved the way for me and for millions of other women.

But O'Connor's legacy is not limited to the barriers she broke. Throughout her 24 years of service, Justice O'Connor has proven herself to be one of our Nation's leading legal scholars, consistently putting the rule of law ahead of politics. She has been a champion of the law, a champion for our rights, and a champion for our country.

Finding an appropriate successor to such a dedicated jurist is a heavy task indeed.

To protect the rights and liberties of all Americans, there is perhaps no more important decision a President makes than nominating a Justice to the Supreme Court. I strongly urge President Bush to rise above the partisan politics that have gripped recent judicial confirmations and to reach out to both Republican and Democratic Senators as he selects a nominee to succeed Justice O'Connor.

It is the Senate's constitutional duty to provide advice and consent. To provide real advice and to grant real consent, every single Senator must weigh the nomination carefully and consciously.

Senators from both sides of the aisle must come together to ensure that the next member of the Supreme Court will uphold the rights of the American people and base his or her decisions on the law and the Constitution—not on political ideology.

I hope President Bush will join us in this partnership and allow us to provide real advice at this historic time.

Working together, I am confident that we can find a suitable Justice who will follow the great precedent of Sandra Day O'Connor.

DESTRUCTION IN ZIMBABWE

Mr. MARTINEZ. Mr. President, I call attention to and condemn the current tragic actions by the government of Zimbabwe.

At present, more than 200,000 people have been made homeless as a result of "Operation Restore Order"—a 5-week-old government campaign to destroy informal dwellings and businesses in Zimbabwe's cities. Alternatively, the operation is also being called Operation Murambatsvina—meaning operation "Drive Out Rubbish."

Whatever the name, this operation is horrific. It is appalling. And it must end.

As a State Department spokesman affirmed last week—"it's uncondonable, inexcusable, and we will continue to speak out and act diplomatically to achieve justice for those who have been so senselessly disadvantaged." That is why I speak today.

The targets of this ongoing campaign are Zimbabwe's very poorest citizens—individuals who are already suffering from 80 percent unemployment, 600-percent inflation and widespread food shortages. An the true reasons for this campaign have not been made fully clear.

Zimbabwe's President, Robert Mugabe, says the crackdown is designed to "restore sanity" in urban areas—areas which he says have become overrun with criminals.

But Zimbabwe's cities are also the centers of opposition political activity.

Due to the worsening situation in the urban areas, including a lack of fuel and a diminishing food supply, the government may be moving poor people out of the cities in an effort to increase control over the population.

Unfortunately, because of Mugabe's government controls, there has been a severe lack of verifiable information coming out of Zimbabwe. But daily dispatches are telling us of people being forced into labor on state-run farms, and young people being sent to youth militia camps. Most disturbing are the tragic reports that children are being crushed and killed in these raids.

Last Friday, these events led 10 United Nations special rapporteurs on human rights to issue a strong statement of concern about the "recent mass forced evictions in Zimbabwe and related human rights violations."

I briefly read a portion of this statement, which was issued through the Office of the U.N. High Commissioner on Human Rights:

> Since 18 May 2005 Zimbabwean authorities are reported to have forcibly evicted an estimated 200,000 people from Harare and 29 other locations across Zimbabwe, with some reports stating that up to a million people may face eviction if the operation continues. . . . These evictions have targeted . . . informal traders and families living in informal settlements, including women with HIV/AIDS, widows, children with disabilities. Many evictees, including women, are reported to have been beaten up by police. The evictees have been given no prior notice, no opportunity to appeal and no opportunity to retrieve property and goods from homes and shops before destruction . . . With the exception of a few inadequate transit camps, there is no evidence that the Government has explored any alternatives to the evictions or offered adequate alternative housing and many evictees have been left completely homeless.

I find this situation to be alarming at the very least. These demolitions sound a lot like political retribution and forced human displacement. And the deliberate destruction of the homes is a clear violation of fundamental human rights.

In light of this alleged, sustained and deliberate destruction, I commend Kofi Annan's recent decision to send Ms. Anna Kajumulo Tibaijuka as his Special Envoy to Zimbabwe to further investigate and respond to this tragedy.

Anna currently serves as the Under-Secretary General and Executive Director of U.N. HABITAT, and is a good friend.

This past Sunday, Anna arrived in Harare as the head of a seven-member delegation to investigate the true impact of Mugabe's so-called "cleaning" operation.

Sending Anna and the delegation is a very positive step, and I am encouraged by the visit. And I urge President Mugabe to continue to allow Anna and her team full access to impacted areas. I look forward to hearing about and reading the delegation's findings.

At the same time, I want to commend international leaders, including British Prime Minister Tony Blair, Australian Prime Minister John Howard, U.S. Secretary of State Condoleezza Rice, as well as over 200 international human rights and civics groups for publicly condemning these continued atrocities and human rights abuses.

As an international community, we share a collective responsibility to assist the people of Zimbabwe and bring about a meaningful end to this man-made tragedy.

But I also echo international calls for Zimbabwe's neighbors to step forward and put pressure on the Mugabe government. I urge Zimbabwe's African neighbors to take effective action and intervene. In particular, I urge the African Union to take meaningful action.

The fact is, the latest demolitions are part of a larger, sustained pattern of human rights violations being carried out by President Mugabe and his government.

As the 2004 State Department Human Rights Report relates, and I will read a brief paragraph directly:

> President Mugabe and his party used intimidation and violence to maintain political power. A systematic, government sanctioned campaign of violence targeting supporters and perceived supporters of the opposition continued during the year. Security forces committed at least one extrajudicial killing. Ruling party supporters, with material support from the Government, continued their occupation of commercial farms, and in some cases killed, abducted, tortured, intimidated, raped, or threatened farm occupants. Security forces, government-sanctioned youth militias, and ruling party supporters tortured, raped, and otherwise abused persons perceived to be associated with the opposition; some persons died from their injuries.

I remind my colleagues that this very same government is also a current member of the United Nations Commission on Human Rights—which is yet another travesty.

But the immediate issue facing us today is the current government campaign to demolish Zimbabwe's urban areas. We cannot ignore this continued destruction and abuse. We simply cannot look the other way.

As Secretary Rice outlined in her confirmation hearing before the Foreign Relations Committee earlier this year, Zimbabwe remains one of the outposts of tyranny.

And as Secretary Rice rightly remarked, "America stands with oppressed people on every continent."

At the time, she referenced Natan Sharansky and what he calls the "Town Square Test," saying that the world should apply that test. To quote the Secretary directly, "if a person cannot walk into the middle of the town square and express his or her views without fear of arrest, imprisonment, or physical harm, then that person is living in a fear society, not a free society. We cannot rest until every person living in a "fear society" is living in a "free society."

These remarks are even more relevant in light of current events. The people living in Zimbabwe's cities are clearly living in a society of fear. Their town squares are literally being torn down—the rubble crushing the people of that country.

I look forward to working with the Administration, and supporting international efforts to provide meaningful assistance to the people of Zimbabwe.

CENTRAL AMERICAN FREE TRADE AGREEMENT

Ms. LANDRIEU. Mr. President, I rise to speak a moment about why I am strongly opposed to the Dominican Republic/Central American Free Trade Agreement Implementation Bill, or CAFTA it is often referred to. CAFTA threatens a proud heritage and a way of life in Louisiana that dates back more than 250 years. Our great-great-great grandfathers were raising cane long before our country was even born. Since 1751, Louisiana sugar cane farmers have been farming the fertile soil of our great State. Before the marble Walls of Congress were ever erected, Louisianans built an industry that would weather hurricanes, the Great Depression and even the Civil War.

These farmers have good reason to be proud. American sugar producers are among the most efficient in the world.

Two-thirds of the world's more than 100 sugar-producing countries produce at a higher cost than the U.S. And in my State of Louisiana, farmers produce about 20 percent of the sugar grown in the United States and currently rank fourth in the Nation in production of sugar, producing an average revenue of $750 million per year.

But today, we are prepared to deal this proud industry a death blow. We are talking about undoing centuries of tradition and stripping away jobs from efficient Louisiana farmers. As passed, this trade agreement would have a serious and harmful effect on sugar producers in my State: CAFTA will equal job loss and financial despair for 27,000 Louisiana sugar workers and farmers. Along with additional bilateral trade agreements, CAFTA could cost my State $750 million in direct sugar sales, as well as $2 billion in industry-related revenue each year.

In any trade negotiation, there are losses and there are wins. Oftentimes we are willing to accept the impacts these deals might have on our domestic producers because in the long run the good outweighs the bad. But that is not the case. CAFTA is a relatively small trade deal with a group of countries whose combined economies are smaller than that of New Haven, CT. Nearly half of all Central Americans earn less than $2 a day, and they simply cannot afford the meats or crops we have to sell. That is why the Louisiana Farm Bureau has joined other State farm bureaus, the National Association of State Departments of Agriculture, and numerous national farm groups in opposing CAFTA. Even our own Government's economic estimates say that CAFTA will mean little to agriculture or to our country as a whole; and these are known to be quite optimistic estimates. That is because as the administration points out time and time again—we already dominate the import market of this poor region.

According to estimates by the U.S. International Trade Commission, CAFTA would actually increase our trade deficit with Central America while benefiting our economy by less than one-hundredth of 1 percent. That is worth repeating again. The administration's economists say that CAFTA will increase our trade deficit with the region while boosting our own economy by less than 0.01 percent.

This same study concluded that for other farmers CAFTA would have "a negligible impact on total U.S. production and employment." Why then are we talking about dismantling my State's sugar industry? U.S. farmers and ranchers get little in return for sending thousands to the ranks of the unemployed.

So what we have here is another raw deal for Louisiana sugar. I urge my colleagues to take a long, hard look at our country's current agricultural trade agenda. This year, the USDA says America will import as much food as we export. The agricultural trade surplus that stood at $27 billion less than 10 years ago is now gone. The promises made to farmers during the NAFTA debates have come up flat. And the promises that will be made today about CAFTA are contradicted by the administration's own estimates.

In closing, let me say I support free trade, so long as it is fair. Fair free trade requires that all players operate on as equal and level a playing field as possible, accountable to the same labor laws, environmental standards, and governmental intervention. To sacrifice even one job for a trade deal that will deepen our agricultural trade deficit is a travesty. And, having to tell thousands of hard-working farmers in Louisiana that they must look for work, because sugar was used as a bargaining chip, is unacceptable.

ZIMBABWE

Mr. FEINGOLD. Mr. President, I rise to express my shock and alarm over the most recent turn taken in Zimbabwe's deepening political and economic crisis. As my colleagues know, the ruling regime in Harare recently launched a massive campaign to destroy the homes of hundreds of thousands of urban Zimbabweans, evicting men, women, and children—in at least one case reportedly evicting even AIDS orphans—under the auspices of "driving out the rubbish."

Many analysts believe that the Government is attempting to forcibly relocate the urban population—which tends to support the political opposition—to rural areas in order to diffuse resistance to its repressive policies. The ruling party may also be attempting to revitalize the agricultural sector, which has been devastated by its policies, through this campaign of forced relocation to rural areas. What is certain is that this kind of deliberate displacement of people in a country where 3 to 4 million already need food assistance is an absolute outrage.

Sadly, this is what we have come to expect from President Mugabe and his cronies. This same government has refused food assistance for hungry people; manipulated available food assistance for political purposes; systematically attacked the independence of the judiciary; silenced independent media voices; and created, often through coercion, brutally violent youth militias to terrorize civilians.

I commend Chairman MARTINEZ for speaking out so forthrightly on this issue. I am pleased to join him here today. I have also joined with my colleague, Senator DURBIN, in working to encourage U.N. Secretary General Kofi Annan to treat this crisis with the urgency it deserves, and I also thank him for his leadership. And I recently joined with Senator MCCAIN to assure Secretary of State Rice of the strong, bipartisan support that exists here for an energized Zimbabwe policy.

But we can and must do more to oppose this campaign of abuse. We must continue to speak plainly to Southern African leaders about the toll that their silence about this ongoing crisis takes on their credibility, and about the loss of investor and donor confidence in the region that is a consequence of Zimbabwe's ceaseless downward spiral over the past 5 years.

The administration has spoken out commendably regarding the Zimbabwe crisis, but more could be done to take action that would bolster their tough talk. Targeted sanctions could have more bite, and the U.S. and other key donors could more clearly link support for laudable initiatives such as the New Economic Partnership for Africa's Development to restoration of respect for civil and political rights and the rule of law in Zimbabwe.

Those of us who have followed the crisis in Zimbabwe often feel a sense of frustration as we watch so much of what was promising about that country be systematically dismantled by the current ruling party. But we must not give up on the people of Zimbabwe, many of whom continue to fight against repression despite considerable risk. Once Zimbabwe's corrupt leadership finally releases its grasp on power, the country will require substantial international assistance to rebuild the institutions of democracy and regain its economic footing.

I was pleased to work with the majority leader on the Zimbabwe Democracy and Economic Recovery Act, which became law in 2001. This law spells out Congress's commitment to come forward as a strong partner of a recovery in Zimbabwe when change finally does come and Zimbabwe's long, sad slide into authoritarianism and economic collapse has been halted. I still believe in the promise of that bill and look forward to the day conditions allow all of us to realize that promise, and to join with the people of Zimbabwe in rebuilding their country and safeguarding their democracy.

Mr. BUNNING. Mr. President, earlier this week I introduced the Professional Sports Integrity and Accountability Act. This is not a bill I relish introducing, and I wish Congress did not have to get involved in this issue.

Unfortunately, this might be the only way to get professional sports to finally clean up their act. As a former major league baseball player and a member of The Baseball Hall of Fame, protecting the integrity of our national pastime is a matter near and dear to my heart. I know it is near and dear to the hearts of so many fans across America.

I do not have any personal experience with steroids. I never encountered them during my years in the major leagues. But I can tell you this—players who use steroids are cheaters. When I played ball, if you got caught cheating—whether it was by sharpening your spikes or corking your bat—you were suspended. The same should hold true for those athletes who use illegal performance enhancing drugs.

Something needs to be done to strike out drugs in sports. Some sports leagues have taken baby steps in an attempt to implement a new or improve a current testing program. While I can appreciate their efforts, I just do not think they have done enough. For example, the penalties under baseball's current drug testing program are—at best—puny.

My bill would not only toughen baseball's standards, but it would apply to a host of professional sports leagues, such as Major and Minor League Baseball, Arena and National Football Leagues, men's and women's National Basketball Associations, Major League Soccer, and the National Hockey League.

Under my legislation, players would be tested at least three times a year. Tests would be conducted randomly with no advance notice to the athlete. Substances tested would include all those substances that are prohibited for all sports by the Olympics. Players testing positive would be suspended without pay from all leagues for two years on their first offense. If they test positive a second time they are banned from all sports forever.

These are the kind of hard-nosed penalties that will finally wake players up to the reality that the need to stop doping up and risking losing their entire livelihood. It is going to be up to the players. I do not think too many of them will risk playing with fire. Because if you play with fire, you will get burned.

In this legislation, leagues would also be required to disclose to the public the names of those players who violate the testing policy, the penalty they receive, and the substances involved. Any athlete who refuses to take a drug test will be immediately penalized the same as if he or he failed the test. These penalties would also apply to anyone who assists in a violation of the drug testing policy.

Tests will be conducted by an independent entity not controlled by any league. This is necessary to ensure the integrity of the tests. This independent entity will be responsible for the collection, transport, and analysis of all samples. Lab analysis will be conducted at a lab in the United States that meets Olympic standards. All leagues will be required to keep records of these tests which will be subject to inspection by the Federal Trade Commission.

It is important that people realize this is not about conducting a witch hunt, and that is why my bill also includes some protections for these athletes. As a former player, I recognize that training and playing a sport can take a tremendous toll on the body. Therefore, my bill would allow athletes exemptions for substances prescribed by their doctor.

My bill requires that leagues provide violators with a hearing and fair appeals process upon testing positive. These results must be disclosed to the public. However, no information about an athlete's health is required to be disclosed. In order to ensure that leagues are in compliance, the Federal Trade Commission is designated with oversight of the drug testing program. Leagues can be fined up to $1 million per day if they do not enforce this testing policy.

This legislation also encourages—but does not require—leagues to invalidate the records of any athlete who is caught using performance enhancing drugs. History is an important part of any sport and records should mean something. Yes, records are made to be broken. But it does not mean you should be able to cheat to do so.

I was blessed to play 17 years in the major leagues. I never saw a player hit more home runs at age 40 than he was hitting at age 25. Unlike a good wine, professional athletes generally do not get better with age. The body breaks down and you become more prone to injury. You just do not recover as quickly from the grind of playing day after day—year after year.

Some may ask why congress would be getting involved in the business of trying to regulate major league sports. Well, the answer is really quite simple. It is not just about the integrity of the game. It is partly about the health of the athlete. But really, it is about the kids.

The game of baseball has been tarnished by the use of steroids. Unfortunately, this not only affects players taking these substances. But it also sends the wrong message to kids who see players as role models, and who also feel such pressure to perform so well at a young age. It is very important that we understand just how harmful steroids can be on a person's health.

Side-effects of steroids include fatal liver cysts, liver cancer, kidney disease, blood clotting, and they can even lead to heart attack or stroke. Our children look up to players as heroes. And it is important that players set a good example.

As Members of Congress we can play an important role in educating the public on the terrible health effects from steroids. Illegal performance-enhancing drugs have become a serious problem in professional sports and it needs to stop.

Fans expect it to stop and former professional athletes expect it to stop. My friend and fellow baseball Hall of Famer—Dave Winfield—wrote me recently. He sent me a copy of an opinion piece he wrote on the steroid issue. In his piece, Dave outlines not only the negative physical health effects steroids cause. But he touches on the negative psychological effects, too. Dave also cites a recent survey by a national healthcare provider that nearly one million kids in America are using steroids and other substances to boost their athletic performance.

Finally, he raises the important question to athletes: "How do you want to play your sport—clean and fair, or by cheating with drugs?"

The fans and former athletes do not want our national pasttime and favorite sports to end up with black eyes because of this mess. Everywhere I go I hear sports fans and former athletes whistling for an end to the use of drugs in sports. I and others in this body are listening. Players and leagues must be held accountable for the State of their respective sports. And this legislation demands accountability by putting real penalties on those who cheat.

It is time to restore some integrity to the sports we all watch, pour our hearts out to, and love. I hope my colleagues will join me in supporting this important cause. I recognize that other senators, including Senator STEVENS, Senator MCCAIN, and Senator ROCKEFELLER, have helped to highlight this issue, and I look forward to the Senate moving this debate and legislation forward to clean this mess up in a bi-partisan way.

Before I yield the floor, I want to share a letter I received last month from a young boy—Joseph Mattingly—from Louisville, KY. Joseph writes:

> Dear Senator Bunning, my name is Joseph Mattingly. I am a Boy Scout from Troop 327. At this year's summer camp, I am working on a merit badge that requires me to write a letter to a Member of Congress representing my State—Kentucky. This letter was required to be about a national issue which I share the same view with you. I wrote you because I am a fan of Major League Baseball and I would agree that Congress should get involved in the steroids scandal. I say this for many reasons. One is that Major League Baseball needs some help. If they cannot clear up this problem, Congress could. Another reason is that taking performance enhancing drugs is cheating. Cheating should not be the American way of doing things. A third reason is that steroids are drugs. Performance enhancing drugs should be made illegal for sale without a prescription. Finally, you are a Hall of Famer with much baseball experience. For this reason, Major League Baseball should let you help them with their problems. These are my views on why Congress should get involved in bringing down the steroids scandal in baseball and all other sports. Sincerely, Joseph Mattingly.

This is the voice from a young fan—a child who loves the game of baseball. He echoes the thoughts and words of so many others across America. There is passion in this young boy's heart, and wisdom in his words.

Mr. President, I ask unanimous consent that the text of the bill and editorial be printed in the RECORD.

There being no objection, the text of the bill and editorial was ordered to be printed in the RECORD, as follows:

S. 1334

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Professional Sports Integrity and Accountability Act".

SEC. 2. EFFECTIVE DATE.

This Act shall take effect 1 year after the date of enactment of this Act.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(2) OFF-SEASON.—The term "off-season" for each professional athlete means the period of time outside the professional sports season.

(3) PROFESSIONAL ATHLETE.—The term "professional athlete" means an individual who competes in a professional sports league.

(4) PROFESSIONAL SPORTS EVENT.—The term "professional sports event" means any game, match, or competition conducted in the United States between any teams, clubs, or organizations of a professional sports league.

(5) PROFESSIONAL SPORTS LEAGUE.—The term "professional sports league" means Major League Baseball, Minor League Baseball, the National Football League, the Arena Football League, the National Basketball Association, the Women's National Basketball Association, the National Hockey League, Major League Soccer, and any successor organization to those organizations.

(6) PROFESSIONAL SPORTS SEASON.—The term "professional sports season" for each professional athlete means the period of time beginning on the date on which the athlete is eligible, invited, allowed, or required to report for practice or preparation to compete in a professional sports league and ending on the later of the date of the league's last regularly scheduled professional sports event or the date of the last professional sports event of the post-season in which the athlete is eligible, invited, allowed, or required to participate.

(7) PROTOCOL.—The term "Protocol" means the United States Anti-Doping Agency Protocol for Olympic Movement Testing and any successor to that protocol.

SEC. 4. CONDUCT PROHIBITED.

It is unlawful for a professional sports league to organize, sponsor, endorse, promote, produce, or recognize a professional sports event without adopting and enforcing a testing policy that meets the requirements of section 5.

SEC. 5. MINIMUM DRUG POLICY IN PROFESSIONAL SPORTS.

(a) TESTING POLICY REQUIRED.—Each professional sports league shall adopt and enforce policies and procedures to—

(1) proscribe the use of prohibited substances and methods by each professional athlete competing in the league;

(2) test for the use of prohibited substances and methods by each professional athlete competing in the league; and

(3) proscribe any person associated with the league from complicity in a violation by a professional athlete competing in the league.

(b) PROHIBITED SUBSTANCES AND METHODS.—At a minimum, the prohibited substances and methods are as follows:

(1) PROFESSIONAL SPORTS SEASON.—During the professional sports season, all substances and methods in such amounts as prohibited in-competition by the Protocol, excluding substances or methods prohibited in a particular sport as defined by the Protocol.

(2) OFF-SEASON.—During the off-season, all substances and methods in such amounts as prohibited out-of-competition by the Protocol, excluding substances or methods prohibited in a particular sport as defined by the Protocol.

(3) ADDITIONAL SUBSTANCES AND METHODS.—Any other substances or methods or amounts of substances or methods determined by the Commission to be performance-enhancing substances or methods for which testing is reasonable and practicable.

(c) VIOLATIONS.—

(1) PROFESSIONAL ATHLETE.—The following constitute violations of the testing policy under this section for a professional athlete:

(A) The presence of a prohibited substance or its metabolites or markers in the bodily specimen of a professional athlete, or evidence of the use of a prohibited method.

(B) Refusing, or failing without compelling justification, to submit to a test. The absence of an athlete from the United States shall not alone be a compelling justification under this subparagraph.

(2) ANY PERSON.—The following constitute violations of the testing policy under this section for any person associated with a professional sports league:

(A) The administration or attempted administration of a prohibited substance or method to any professional athlete.

(B) Assisting, encouraging, aiding, abetting, covering up, or any other type of complicity involving a violation by a professional athlete.

(d) CONDUCT OF TESTS.—

(1) FREQUENCY, RANDOMNESS, AND ADVANCE NOTICE.—

(A) IN GENERAL.—Each professional athlete shall be tested for the use of prohibited substances and methods no less than 3 times in each calendar year that the athlete competes in a professional sports league.

(B) RANDOM.—Tests conducted under this subsection shall be conducted at random intervals throughout the entire calendar year with no advance notice to the professional athlete.

(2) ADMINISTRATION AND ANALYSIS.—

(A) IN GENERAL.—Tests under this subsection shall be conducted by an independent entity not subject to the control of any professional sports league.

(B) METHODS, POLICIES, AND PROCEDURES.—The independent entity shall determine the methods, policies, and procedures of collection, transportation, and analysis of bodily specimens of professional athletes necessary to conduct tests for prohibited substances and methods and shall conduct such collection, transportation, and analysis.

(C) ANALYSIS.—Analysis of specimens shall be conducted in a laboratory that meets the requirements for approval by the United States Anti-Doping Agency and is located within the United States.

(3) SUBSTANCES.—

(A) IN GENERAL.—Each professional athlete shall be tested for all prohibited substances and methods at the time of the administration of each test.

(B) LIMITED EXEMPTION FOR MEDICAL OR THERAPEUTIC USE.—A professional sports league may provide an individual professional athlete with an exemption for a particular prohibited substance or method if such substance or method—

(i) has a legitimate and documented medical or therapeutic use;

(ii) is for a documented medical condition of such athlete; and

(iii) is properly prescribed by a doctor of medicine licensed in the United States.

(e) PENALTIES.—

(1) VIOLATION.—Subject to paragraph (3), a violation shall result in the following penalties:

(A) FIRST VIOLATION.—A person who commits a violation shall be immediately suspended from participation in any professional sports league without pay for a minimum of 2 years.

(B) SECOND VIOLATION.—A person who commits a violation, having once previously committed a violation, shall be immediately permanently suspended without pay from participation in any professional sports league.

(2) DISCLOSURE.—

(A) AFTER NOTICE.—Not later than 10 days after receiving notice of a violation under this section, a professional sports league shall publicly disclose the name of the violator, the penalty imposed, and a description of the violation, including any prohibited substance or method involved.

(B) ADJUDICATION PROCEEDINGS.—The league shall publicly disclose the results of any adjudication proceedings required by paragraph (3) within 10 days of notice of the termination of the proceedings.

(3) ADJUDICATION.—

(A) IN GENERAL.—A professional sports league shall—

(i) provide a violator with prompt notice and a prompt hearing and right to appeal; and

(ii) permit that violator to have counsel or other representative for the proceedings.

(B) VIOLATOR SUSPENDED.—A violator subject to this paragraph shall be suspended without pay from participation in any professional sports league during the proceedings.

(f) RECORDS.—

(1) IN GENERAL.—Each professional sports league shall maintain all documentation and records pertaining to the policies and procedures required by this section and make such documentation and records available to the Commission upon request.

(2) PRIVACY.—With regards to any information provided to the Commission under this subsection, nothing in this Act shall be construed to require disclosure to the public of health information of an individual athlete that would not be subject to disclosure under other applicable Federal laws.

SEC. 6. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—Except as provided in subsection (b), this Act shall be enforced by the Commission as if a violation of this Act or of any regulation promulgated by the Commission under this Act were a violation of section 18 of the Federal Trade Commission Act regarding unfair or deceptive acts or practices.

(b) ENHANCED CIVIL PENALTIES.—In addition to the penalties provided in subsection (a), the Commission may seek a civil penalty not to exceed **$1,000,000** for each day a professional sports league is in violation of this Act.

(c) PROMULGATION OF REGULATIONS.—The Commission may promulgate such regulations as necessary to enforce this Act as if the relevant provisions of the Federal Trade Commission Act were incorporated in this Act.

(d) DELEGATION.—The Commission may delegate the administration of this Act or any part of this Act to any appropriate agency of the United States Government.

SEC. 7. RULES OF CONSTRUCTION.

(a) UNITED STATES ANTI-DOPING AGENCY.—Nothing in this Act shall be construed to deem the United States Anti-Doping Agency an agent of or an actor on behalf of the United States Government or impose any requirements or place any limitations on the United States Anti-Doping Agency.

(b) MORE STRINGENT POLICIES.—Nothing in this Act shall be construed to prohibit a professional sports league from adopting and enforcing policies and procedures more stringent than the requirements of this Act.

SEC. 8. SENSE OF CONGRESS ON COORDINATION WITH THE UNITED STATES ANTI-DOPING AGENCY.

It is the sense of Congress that—

(1) the United States Anti-Doping Agency is the Nation's leading expert on testing for and research on performance-enhancing substances and methods; and

(2) professional sports leagues should consult with and follow the recommendations and standards of the Agency in developing their testing policies and procedures.

SEC. 9. SENSE OF CONGRESS ON PROFESSIONAL SPORTS RECORDS.

It is the sense of Congress that the individual records of athletes achieved while using performance-enhancing drugs should be invalidated.

SEC. 10. SENSE OF CONGRESS ON OTHER PROFESSIONAL SPORTS ORGANIZATIONS.

It is the sense of Congress that all professional sports organizations not covered by this Act should adopt testing policies that meet the requirements of the Act.

[From the Los Angeles Times, Apr. 17, 2005]

BASEBALL NEEDS CLEANED-UP HITTERS

(By Dave Winfield)

Performance-enhancing drugs in Major League Baseball are the topic du jour, but I'm writing this article primarily because I have succeeded at the game without use of drugs. I have seen and heard many opinions, but few (if any) offered on having success without performance-enhancing drugs.

The view from some in the Baseball Hall of Fame is this: Acknowledging that no one is perfect, there is no one in the Hall of Fame who used steroids. Overall there is a dim view of those who have padded their statistics by steroid use. No one likes their historic performances and careers marginalized by those who have an unfair advantage, whether the drugs were legal or not. Longtime records fall in time (that's what records are for), but with the advent of these drugs you destroy the integrity of the feat. The issue here is how to compare the achievements of baseball greats from different eras.

More important, I am a parent who cares about children and the game of baseball, and will continue to be a role model to others I work with, whether it is Little League International, the Reviving Baseball in Inner Cities program, or with collegiate, or professional baseball players.

In this era of immediate gratification, let me give a perspective on achieving long-term success and gratification. Let me be one of many who take the side of advocating success and enjoyment in sports without pharmaceutical enhancements. Hopefully, I may cause others to speak up and give young people a positive path to follow.

Here are reasons you should not use anabolic steroids: Although they are known to make athletes stronger and faster, they do not improve athletic skill, and the health risks are numerous. They can cause acne, hair loss, blood-pressure changes, nausea, vomiting, aching joints, testicular shrinkage, urinary problems and impotence or sterility. Other effects include shortening of adult height; paranoia, violent behavior (in some notable cases suicide) and increased risk of developing heart disease, stroke and some types of cancer.

I can't recommend harming your body to try to improve your athletic performance. Those short-term goals can lead to long-term physical, legal and career problems.

It's frightening and dismaying to hear that recent surveys by a national health-care provider indicate that nearly 1 million kids in America are using steroids and other substances to improve their sports performance. You can gain a competitive advantage in so many other ways and not risk your health. Yes, there is an allure to participate and be successful in sports because of the adulation, the potential attractiveness to the opposite sex, scholarship opportunities and a possible professional career, with all the money and fame and security that go with that. But it comes down to risk and reward, right and wrong—the values you live by.

How do you want to play your sport—clean and fair, or by cheating with drugs? I live in California, where our governor used steroids for years to compete in and win many bodybuilding championships. Today there are separate competitions for users and nonusers. Baseball should be the same—where there are no drug users.

In the major leagues, when you approach the game incorrectly or illegally, you injure your health, reputation, family, fans, the sport itself, and all the young people who want to be just like you.

I played Major League Baseball a long time, and left after the 1995 season. I heard back then that some people were using performance-enhancing drugs, but it was never apparent or evident in the clubhouses I played in.

Because people look for shortcuts to success, I talked to my friends who succeeded the right way: Rickey Henderson, Don Mattingly, Eddie Murray, Tony Gwynn and Cal Ripken Jr. They an achieved the heights of this game without performance-enhancing drugs.

Henderson, the all-time stolen base leader, said, "I advocate nutrition, flexibility and exercise."

He understood his speed, eyesight and patience at the plate could help him become a great player.

Gwynn, an eight-time batting champion, said, "My success came from knowing I'm a singles hitter."

He had no desire to try to hit the long ball to be successful. Speed and defense made him an all-around player.

Ripken played more consecutive games than anyone in the history of baseball. He never led the league in home runs, runs batted in or stolen bases, but said, "It was my defense, long-term health, stamina and consistency that gave me success on the diamond."

Murray possessed the ability to switch-hit with power, enabling him to hit more than 500 homers and drive in more than 1,900 runs. He played superb defense and was the consummate team player. He said the hallmarks of his success were "my baseball instincts, competitiveness and love of the game."

Mattingly, the 1985 American League MVP, didn't have the height; weight or strength of others, but what made him a great player was his knowledge of the fundamentals and techniques of hitting. "I listened and learned from coaches about using my body to maximum effectiveness, and how to solve pitchers," he said.

The primary things these guys had in common were their understanding of the game, their work ethic and a tough mental approach that gave them longevity in the game.

People might think the only reason I didn't entertain drug use was because I already had size, strength, speed and versatility by playing other sports. Sure, it helps to start with ability, but I wouldn't have had the career I did if I didn't listen to the voices of baseball telling me to learn how to play and make adjustments to grow and improve.

When I entered the majors, I was not a polished, consistent player. I wasn't an All-Star until my fifth season, and certainly wasn't a shoo-in for the Hall of Fame. It takes time to integrate the knowledge, instincts, training, and experience as a player to become all you can be; that's called maturity.

I stress that you work to become a complete player. There is too much emphasis today on only hitting the long ball; many feel that is the sure way to a large payday. Learn to play every part of the game well. There are fewer five-tool players (who can run, hit, hit for power, field and throw) than ever; with a virtual elimination of infield practice before games, the ranks of those without strong arms and good gloves grow every year.

I hope the proceedings of the last few months—the first suspensions for steroid use in the major and minor leagues, with better regulation and enforcement—bring the game back to the way it was meant to be played.

This is an issue that may test the character of many, but think about your life and lifestyle. Drugs might help you for the short term, but can you imagine anyone taking them for 10 or 20 years? It may bring short term success, but no doubt a shorter life. Choose a lifestyle of nutrition, fitness, dedication and hard work in whatever you do. Don't risk losing your health, career, reputation, freedom or your life from dealing in illegal drugs. It's very simple. It's not worth it!

ADDITIONAL STATEMENTS

CONGRATULATING ALAMOGORDO, NEW MEXICO

• Mr. BINGAMAN. Mr. President, I rise today to congratulate the city of Alamogordo, NM, for doing an outstanding job in the All America City Award competition. Alamogordo finished in the top 30, which is a great achievement considering it was their first time in the competition.

The National Civic League, NCL, focuses its efforts on strengthening and promoting community democracy by bringing together all sectors of society in addressing common needs. The All America City Award, sponsored by the NCL, recognizes that the basis of a healthy democratic society is cooperation and participation of private citizens, government, voluntary organizations and government. Those communities that foster an environment where citizens can express their needs and concerns and articulate challenges they face, and then bring together all of its resources to address those needs, exemplify democracy at work. These political systems respond to the needs of its citizens and in doing so, allow them to focus on their pursuit of their American dream. Alamogordo should take pride in the fact that they foster this environment in their community.

As the Alamogordo All America City award application mentions, the community's efforts in three specific areas, water conservation, economic development and healthy youth, attest to the community's strength and spirit of cooperation. The success of Alamogordo's water conservation efforts is truly a model for the State, decreasing usage from 6.61 million gallons per day in 2000 to 4.82 million gallons per day in 2003, even while experiencing population growth. The community-wide efforts to develop the local economy, and create jobs have been a tremendous success, leading not only to new jobs, but to multiplier effects in healthcare, community charitable giving and education. The third area of focusing on healthy youth is exemplified in the skateboard park, which provides safe recreation alternatives for 12,600 kids each year.

Further, the community of Alamogordo actively encourages basic and necessary democratic practices—encouraging citizens to take active roles in articulating and resolving community issues, encouraging effective and efficient local government, and harnessing local philanthropic and volunteer resources with the end goal of cooperating and building consensus, reinvigorating the community's vision for itself, facilitating intergroup relations, sharing information in the community, and inspiring community pride.

The hard work and dedication of a handful of notable public servants who acted as delegates for the presentation, and contributed to this tremendous success include: Joan Griggs; Anne Romero; Gwen McCourt; Don and Rosemarie Carroll; Maureen Schmittle; Inez Moncada; Donald Cooper; Susan Flores; Sharon and Al Hodges; Kory Guerra; Phillip Flores; Peter Madrid; Tammie and Ana Reynolds; Elva Oesterreich; Forst Hibler; Laura and Austin Harris; Major John Bryan; Elizabeth Upton; Ed Carr; Sharon Masters; Flori and Raschal McElderry; Amanda Runnels; Shannon Flanagan; Penina Nunnelley; Tony Taylor; and Dr. Rodger and Judy Bates.

I would also like to recognize other team members who were not able to make the trip to Atlanta, but whose hard, tireless work made the presentation possible. Finally, I congratulate each and every Alamogordo citizen on their efforts to build this model community, and for setting an example that we can all look to for inspiration. I appreciate their efforts in representing New Mexico on the on the national level as an example of civic pride and partnership in community improvement.●

THE PASSING OF SOL STETIN

● Mr. LAUNTENBERG. Mr. President, I rise today to pay tribute to a man who dedicated his life to the working men and women of New Jersey and the entire country. Sol Stetin. Sol passed away a few weeks ago, right after his 95 birthday. For many of those years he was a dear friend to me and my family. My family and I, and millions of others who knew Sol by name or reputation, will miss him very much.

From the time since Sol's family arrived at Ellis Island in 1921, when he was just 10 years old, Sol worked hard to help his father provide for their family. At 16, Sol went into business for himself delivering newspapers. He even employed several other young men to help him. Sol was also a caddy at a local gold club and an amateur boxer.

Sol grew up on the streets of Paterson, NJ, which is my home town. Back then, Paterson was a blue collar mill town where the people worked hard, often under extremely dangerous conditions. Like my own father, Sol took a job as a dye worker in a silk mill. In 1932, the workers declared a strike at the mill and although Sol's job remained safe, he joined those struggling workers and helped to lead their effort, ultimately becoming one of the organizers.

After that first strike on behalf of the hard-working men at that Paterson silk mill, Sol Stetin decided to dedicate his life to defending the rights of those who worked so hard to keep their families fed, housed, and clothed. Sol began his career in the labor movement and quickly became one of the most respected advocates for the workers in this country, rising through the ranks to become a member of the executive council of the AFL-CIO and the Vice President of the Amalgamated Clothing and Textile Workers Union.

Sol knew how important it was to preserve and teach the history of the labor movement so he was one of the founders of the American Labor Museum-Botto House National Landmark in Haledon, NJ. As president of the Museum, he was instrumental in creating a training center that is now the model for educating those who continue to fight for fairness and safety in the workplace.

Sol Stetin was a legendary figure in Paterson, where you could often find him sitting in a diner or standing on a street corner, talking and meeting with people who wanted to thank him for what he had done, or to seek his advice. He truly was one of those rare people who come along once in awhile and make a real difference in other people's lives.

Sol's brother Irving Stetin was one of my father's closest friends when they were young men. They both worked in the silk mills in Paterson long before unions were in place, and they suffered from inadequate wages, no pay for holidays off, no healthcare, and no compensation for my mother when my father died at age 43. The cause of his death was attributed to unsafe and unhealthy working conditions in the mill.

A powerful lifetime impression was created for me as I lived through those dreadful days with my mother and my little sister. I learned first-hand, the hard way, about the things working people need for their well-being and a decent quality of life. Those memories will always be with me and they serve as a guide for my decisions, not withstanding my good fortune as an executive in a very successful business.

Because of the tireless work of Sol Stetin and his colleagues in the early days of the labor movement, what happened to my father is no longer the rule, but the exception.

Sol Stetin's family came to America in search of a better life. Then Sol dedicated himself to helping other people in that same search. Sol dedicated himself to giving something back to this country we love so much. For that, each and every American should be as grateful to him as I am.

Sol Stetin lived a long life. But more important, he lived a good life, devoted to helping others. We mourn his passing, but we celebrate his tremendous accomplishments on behalf of so many working men and women and their families and the country. We will miss him.●

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3130. An act making supplemental appropriations for fiscal year 2005 for veterans medical services; to the Committee on Appropriations.

MEASURES DISCHARGED

The following bill was discharged from the Committee on the Judiciary by unanimous consent, and referred as indicated:

S. 759. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable, and for other purposes; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bill was read twice and placed on the calendar:

H.R. 366. An act to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 748. An act to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INHOFE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 864. A bill to amend the Atomic Energy Act of 1954 to modify provisions relating to nuclear safety and security, and for other purposes (Rept. No. 109–98).

S. 865. A bill to amend the Atomic Energy Act of 1954 to reauthorize the Price-Anderson provisions (Rept. No. 109–99).

S. 858. A bill to reauthorize Nuclear Regulatory Commission user fees, and for other purposes (Rept. No. 109–100).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER (for himself and Mr. LEAHY):

S. 1368. A bill to extend the existence of the Parole Commission, and for other purposes; considered and passed.

By Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. COLEMAN, Mrs. DOLE, Mr. DEWINE, Mr. GRAHAM, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. LOTT, Mr. SANTORUM, Mr. SCHUMER, Mr. MARTINEZ, Mr. SUNUNU, Ms. SNOWE, Mr. SMITH, and Mr. MCCONNELL):

S. 1369. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice; to the Committee on the Judiciary.

By Mr. BENNETT (for himself, Mr. CONRAD, and Mr. BYRD):

S. 1370. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Ms. COLLINS, and Mr. DODD):

S. 1371. A bill to extend the termination date of Office of the Special Inspector General of Iraq Reconstruction and provide additional funds for the Office, and for other purposes; to the Committee on Foreign Relations.

By Mr. BURNS (for himself, Ms. SNOWE, Mr. MARTINEZ, and Mr. ALLEN):

S. 1372. A bill to provide for the accuracy of television ratings services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. COBURN, Mr. DEWINE, Mr. DURBIN, Mr. KERRY, and Mr. SALAZAR):

S. Res. 186. A resolution affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through July 17, 2005, should be designated as a national weekend of prayer and reflection for the people of Darfur; considered and agreed to.

By Mr. LOTT (for himself, Mr. DODD, and Mr. FRIST):

S. Res. 187. A resolution authorizing the taking of video images in the Chamber of the United States Senate; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 188. A resolution to authorize representation by the Senate Legal Counsel in the case of LaFreniere v. Congress of the United States; considered and agreed to.

By Mr. SMITH (for himself and Mrs. DOLE):

S. Res. 189. A resolution congratulating Michael Campbell for his victory in the U.S. Open golf tournament and celebrating the relationship between the United States and New Zealand; considered and agreed to.

By Mr. SALAZAR (for himself and Mr. ALLARD):

S. Res. 190. A bill recognizing the 100th anniversary of Mesa Verde National Park; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. MCCAIN, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 191. A resolution honoring Associate Justice of the Supreme Court of the United States Sandra Day O'Connor; considered and agreed to.

ADDITIONAL COSPONSORS

S. 27

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 39

At the request of Mr. STEVENS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 39, a bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

S. 78

At the request of Mrs. HUTCHISON, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 183

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 183, a bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes.

S. 313

At the request of Mr. LUGAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 558

At the request of Mr. REID, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 558, a bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt.

S. 627

At the request of Mr. BAUCUS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 642

At the request of Mr. FRIST, the name of the Senator from Missouri

(Mr. BOND) was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 853

At the request of Mr. LUGAR, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1153

At the request of Mr. BUNNING, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1153, a bill to provide Federal financial incentives for deployment of advanced coal-based generation technologies.

S. 1158

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1158, a bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Colorado (Mr. SALAZAR) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1287

At the request of Mr. COLEMAN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1287, a bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from South Dakota (Mr. THUNE) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1321

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1321, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications.

S.J. RES. 19

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TALENT (for himself, Mr. DODD, Mr. ALEXANDER, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. COLEMAN, Mrs. DOLE, Mr. DEWINE, Mr. GRAHAM, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. NELSON of Florida, Mr. LOTT, Mr. SANTORUM, Mr. SCHUMER, Mr. MARTINEZ, Mr. SUNUNU, Ms. SNOWE, Mr. SMITH, and Mr. MCCONNELL):

S. 1369. A bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice; to the Committee on the Judiciary.

Mr. ALEXANDER. Mr. President, I join the Senators from Missouri and Connecticut in introducing the Unsolved Civil Rights Crime Act. I do so because I believe that this legislation takes the right approach when dealing with the wrongs of our past. It takes action. It takes positive steps forward to correct injustices. It recommits us to one of our highest ideals as Americans—that justice will not be denied.

Specifically, the bill creates a new office within the Department of Justice Civil Rights Division specifically tasked to investigate "cold case" murders from the civil rights era. It will commit the resources of the Department of Justice to work in conjunction with State and local law enforcement to aggressively prosecute criminals in those cases.

The Unsolved Civil Rights Crime Act might well be named in honor of James Chaney, Michael Schwerner, and Andrew Goodman—the three civil rights workers who were shot to death by former Ku Klux Klansman Edgar Ray Killen. Forty-one years later, thanks to the efforts of the victims' families, Mississippi State officials, and many others who would not let this crime go unpunished, Killen sits in solitary confinement in a State prison outside Jackson, Mississippi, right where he belongs.

Justice will not be denied. And the Unsolved Civil Rights Crime Act will see to it that others like Edgar Ray Killen are punished for their crimes. It will pour new resources into the investigations of other unsolved cases—like that of 14-year old Emmett Till, who was kidnapped and murdered in 1955.

Recently, the Senate apologized for the failure of earlier Senators to enact federal antilynching legislation in the 1930s and 1940s. In discussing that resolution, I reminded my colleagues of how often we as a Nation have failed to live up to our great ideals. But usually when we have failed, we have recognized that failure and recommitted ourselves to those ideals and reached for them again. We did not simply acknowledge our failure and give up—we took action to correct our shortcomings. We abolished slavery. We granted women the right to vote. We desegregated our schools. Here, with this bill, we take action once more.

Actions speak louder than words. If the Edgar Ray Killen conviction is any indication, then the action we would take by passing this bill would speak very loudly indeed. When Killen was convicted, the Nashville City Paper ran an editorial, which I will include in full following my remarks, that summed up just why taking action is so important. The editorial concluded, "As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best apology any of us can make for their crimes."

Today, we do not merely rest on words of apology—we take action. When it comes to questions of civil rights that has always been what I have tried to do. In 1962 when I was the student newspaper editor, Vanderbilt University's undergraduate school was segregated. I could have apologized for the actions of the board of trust; instead, I helped integrate the school. As Governor and President of the University of Tennessee, instead of apologizing for my predecessors, I appointed the first African American Supreme

Court Justice and university vice-presidents. Instead of apologizing for Tennessee legislatures that had refused to enact the Martin Luther King Holiday, I helped make it law. I did not think it was effective merely to apologize for what others had failed to do. America is a work in progress. If we were to apologize for every failure to reach our lofty goals, there would be no end to it.

I believe it is better to look forward and take action rather than look backward and apologize for others. I believe this bill does just that. Passing this bill today hopefully means that tomorrow one more unsolved case is opened; one more criminal is brought to justice; one more family can find peace.

Justice delayed is justice denied. This bill will help make sure that justice will be delayed no longer. And it is for that reason that I am proud to join my colleagues in cosponsoring the Unsolved Civil Rights Crime Act.

I ask unanimous consent that the article I referenced earlier be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the (Nashville) City Paper, Jun. 28, 2005]

PUNISHING MEN LIKE KILLEN BEST POSSIBLE APOLOGY

For most of early June, a heated debate raged in this country over whether the U.S. Senate acted properly in apologizing for failing to pass a federal anti-lynching law. Much of the criticism was directed at Sen. Lamar Alexander, who declined to co-sponsor the resolution.

It is hard to dispute that the federal government should have acted sooner to protect the rights of all Americans during the Civil Rights struggle. There was certainly no harm in the Senate acknowledging its predecessors' institutional failure in this matter. As Alexander and others pointed out, however, an apology on behalf of long-dead third parties, whatever their failures, is ultimately a gesture. This is not the case with the conviction of Edgar Ray Killen in Philadelphia, Miss.

Almost 41 years to the day after three Civil Rights workers were set up by law enforcement officers and brutally murdered by Klansmen, a Mississippi jury convicted Killen, one of the crime's organizers, of three counts of manslaughter. In doing so, the state of Mississippi did what it should have done long ago: It fixed personal responsibility for this hideous act on one of the perpetrators, as it took responsibility for seeing justice done.

As author Robert Heinlein once observed, "It is impossible to shift blame, share blame, distribute blame . . . as blame, guilt, responsibility are matters taking place inside human beings singly and nowhere else." By prosecuting and convicting Edgar Ray Killen, the state of Mississippi did more than simply make a gesture shifting the responsibility to past state leaders. As certainly as the verdict put some of the responsibility for the murders on Killen, it also demonstrated the acceptance by individual Mississippians of the guilt and blame, not for the murders, but for the 41-year wait for justice.

The task is not yet finished. As long as Civil Rights era killers are still alive and free, justice has not yet been fully served. Hunting them down and bringing them to account for their actions is far and away the best possible apology any of us can make for their crimes.

By Mr. BENNETT (for himself, Mr. CONRAD, and Mr. BYRD):

S. 1370. A bill to provide for the protection of the flag of the United States, and for other purposes; to the Committee on the Judiciary.

Mr. BENNETT. Mr. President, I rise today to introduce legislation on behalf of myself and Senator CONRAD that has to do with the desecration of the flag. All of us are angered when we see someone burn or otherwise desecrate the American flag, and I believe it is appropriate that we take such steps as are appropriate to deal with such desecration.

Over the years I have been in the Senate, I have opposed amending the Constitution to deal with this issue for two reasons. First, there are not that many cases of flag desecration for us to see as we look around the country. And I am reluctant to amend the Constitution to deal with a non-problem. Flag desecration hit its peak during the Vietnam years, but it has virtually disappeared now and occurs, ironically, only when debate about amending the Constitution becomes a subject of public discourse. We seem to stimulate flag desecration when we have the debate on amending the Constitution with respect to it.

So for that reason, I have consistently opposed a constitutional amendment on desecration of the flag.

However, as I have studied the matter and spent time with the legal experts at the Congressional Research Service over at the Library of Congress, I have found that there are things that can be done with respect to flag desecration that also establish our reverence for the flag, but do not require a constitutional amendment.

I have introduced this legislation before. It has not progressed in the congressional process to the opportunity for a vote, and I am not sure it will this time. But I wish to make it clear to my constituents and to others who have concern about this problem that my objection to a constitutional amendment should not be construed as demonstrating indifference to the issue of reverence for the flag.

Senator CONRAD has joined me on this occasion as he has at previous times when this legislation has been introduced, and I am happy to have him as an original co-sponsor on the bill at this time.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. BENNETT. I will be happy to yield.

Mr. BYRD. I wish to associate myself with the remarks of the distinguished Senator, and I would appreciate if he would add my name as a co-sponsor.

Mr. BENNETT. Mr. President, I am happy to ask unanimous consent that the honorable Senator from West Virginia be added as an original co-sponsor to the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BENNETT. I have been interested at the reaction that has come from my constituents as I have held this position over the years. I remember a conversation with Utah's most respected pollster just before I cast my first vote against the flag amendment. He said: Senator, according to my polls, 80 percent of the people of Utah are in favor of a constitutional amendment with respect to the flag, and something like 60 percent of them consider it a voting issue. That is, they would be more likely to vote against a candidate who voted against the flag amendment than they would to vote for him. We talked about it, and he said: What are you going to do? I said: Regardless of the poll numbers, I am going to vote against the amendment. He laughed a little and he said: That is what I thought. I think it will stand you in good stead with your constituents who will respect your courage even if they do not agree with your position.

I was grateful for those words of encouragement, and I am happy to report that has happened.

I ask unanimous consent that at the end of my statement, two editorials be printed in the RECORD from Utah's two newspapers with the highest circulation, the Salt Lake Tribune and the Deseret Morning News.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BENNETT. The Salt Lake Tribune editorial makes this comment:

> If respect for something has to be required by law, then it isn't respect. If regard for a symbol of freedom has to be imposed by carving a hole out of our basic charter of rights, then it isn't freedom.

And it concludes with this sentence:

> The rare act of torching an American flag is one of two things: pointless or meaningful. If it is pointless, the worst it could be called is vandalism, and should be treated as such. If it is meaningful, even full of meaning we don't like, then it is and must remain constitutionally protected expression.

Now turning to the editorial from the Deseret Morning News, the lead paragraph there says:

> Once again, the House of Representatives has passed a constitutional amendment to protect the American flag from desecration. This is an annual event almost as predictable as the swallows returning to Capistrano. So, too, is the Senate's annual ritual of not passing it.

They conclude with this comment which I am happy to include in the record because it says nice things about me. We always like comments that do that. It says:

One of the Senate votes against it belongs to Utah Senator Bob Bennett, who normally agrees with much that Senator Hatch supports. He has said he is unwilling to overturn 200 years of tradition in regard to the First Amendment.

He's right. The Constitution is no place for feel-good amendments that do nothing but restrict freedoms.

Finally, Mr. President, I share with you the comment that I have had from one of my colleagues also, and I will not speak directly for him but associate myself with the line. He said: When my Senate career is over, I don't want the most important constitutional vote that I have cast to be one that weakens the first amendment.

I ask unanimous consent the text of the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. I thank the Chair. I am glad to be here in the Chamber during the remarks of the Senator from Utah and have him explain for all of our benefit his position on important issues such as flag desecration. While I think some of us differ about the means to the end, I think the end is important, and that is protecting the symbol of our country and the symbol of our freedom. For myself, I think if we can offer protection to a symbol of our country like the bald eagle, then we should offer protection to other symbols of our country including our flag. But I always consider Senator BENNETT to be one of the wise men in the Senate, and I certainly defer to his great judgment and wisdom. I appreciate his introduction today, and I look forward to studying it more closely.

EXHIBIT 1

[From the Deseret Morning News, Jun. 24, 2005]

DUMP THE FLAG AMENDMENT

Once again, the House of Representatives has passed a constitutional amendment to protect the American flag from desecration. This is an annual event almost as predictable as the swallows returning to Capistrano. So, too, is the Senate's annual ritual of not passing it.

This year, there is reason to think the Senate may be inching closer to passing it, and that's a concern.

Few things are as reprehensible as watching someone protest the government by burning the flag. Particularly at a time when the nation is involved in a military conflict, it is a stunning affront to brave men and women who are sacrificing their all for freedom.

But it would be wrong to rewrite the Constitution to equate a forced honoring of the flag with other freedoms guaranteed by the Bill of Rights. As upsetting as it is, flag burning is a form of expression every bit as much as flag waving. And a nation that attributes part of its greatness to its willingness to tolerate dissent and protest can't afford to stifle this type of speech.

Flag burning—an occurrence so rare most Americans would be hard-pressed to pinpoint the last time they saw it—would not disappear because of an amendment. Chances are, it would become more prevalent, out of some misguided attempt to stand on principle. That would harm public morale at an important point in history, and the pride many Americans feel in their ability to tolerate free speech would feel more hollow.

Besides, an amendment would raise a number of troubling questions that surely would be tested by 1 the nation's detractors. Would it be illegal to desecrate something that was almost a flag? For instance, if protesters create something that looks like the flag but has less than 50 stars, could they be punished for burning it? And what about hanging the flag upside down or in other ways considered disrespectful? A lot of clothes these days, from hats to T-shirts to blue jeans, contain images of the flag. Would these, too, be covered under the amendment? Would they, themselves, be illegal?

Courts would be kept busy for decades answering these and other questions.

This is the sixth time the flag amendment has passed the House. Should it pass the Senate, where its sponsor is Utah Sen. ORRIN HATCH, it would be almost assured of ratification by the states. All 50 states already have resolutions calling for it to pass.

One of the Senate votes against it belongs to Utah Sen. BOB BENNETT, who normally agrees with much that HATCH supports. He has said he is unwilling to overturn 200 years of tradition in regard to the First Amendment.

He's right. The Constitution is no place for feel-good amendments that do nothing but restrict freedoms.

[From the Salt Lake Tribune, Jun. 24, 2005]

FLAG DESECRATION: AMENDMENT WOULD LIMIT THE RIGHTS THAT THE FLAG SYMBOLIZES

If respect for something has to be required by law, then it isn't respect. If regard for a symbol of freedom has to be imposed by carving a hole out of our basic charter of rights, then it isn't freedom.

We sympathize with those whose eyes water, fists clench or guts churn whenever they see someone destroying an American flag. It is generally a juvenile act by someone who just wants to attract attention by shocking the straights.

But living in a free nation requires putting up with a lot of attention-getting behavior, especially the kind that neither breaks our arm nor picks our pocket.

Thus much praise is due Utah's Sen. Robert Bennett and Rep. Jim Matheson for showing the political maturity to again oppose a proposed constitutional amendment that would allow Congress to "prohibit the physical desecration of the flag of the United States."

That amendment passed the House Wednesday, with Utah Reps. Chris Cannon and Rob Bishop in the 286-130 majority. It now goes to the Senate, where Utah's Orrin Hatch will again push for its passage.

It is sad to see Hatch, who has been showing some wisdom born of soul-searching on issues such as immigration reform and stem-cell research, still clinging to this rote response to a problem that doesn't exist and wouldn't need solving if it did.

For one thing, the amendment is represented as a simple patriotic statement. But the fact is that it would, if passed, by two-thirds of the Senate and ratified by three-fourths of the states, become a field day for anti-anything activists, smarty-pants lawyers and activist judges.

By one definition of the word, to "desecrate" is to defile a sacred object. Sacred is a religious, not a civil, term. Thus it could be argued that it is etymologically impossible to "desecrate" a symbol of an earthly nation.

The other meaning of the word is basically to treat something with disrespect. That would including burning and soiling. But would it also include the woman who just the other day wore a flag-patterned bikini top to frolic in the Olympic fountain at the Gateway?

The rare act of torching an American flag is one of two things: pointless or meaningful. If it is pointless, the worst it could be called is vandalism, and should be treated as such. If it is meaningful, even full of meaning we don't like, then it is, and must remain, constitutionally protected expression.

Mr. CONRAD. Mr. President, as we prepare to celebrate our Nation's independence this weekend, many familiar images come to my mind: fireworks, family, celebration, community, parades, apple pie and everything American. Above all, I think of the flag on the Fourth of July.

The American flag is a powerful symbol in this country. It represents many things to many Americans—our Nation, our independence, our principles, and our sacrifices, among other things. To some of our brave servicemen and women who fought for this country, the flag symbolizes our freedom. To others, including parents of soldiers killed in battle, the flag is symbolic of all Americans who gave their lives in all wars.

I have the utmost respect for the flag as a symbol of our Nation and our freedom, and abhor acts of desecration against it. Burning a flag, or otherwise dishonoring it, is repugnant to me, my colleagues, and the brave men and women who serve and have served in the Armed Forces, as well as the vast majority of American citizens. We must protect the flag from the acts of those few who would dishonor it.

That is why I am joining Senator BENNETT today in introducing the Flag Protection Act of 2005, to criminalize flag desecration. While other flag protection statutes have been found to be unconstitutional, this bill was carefully crafted to avoid the problems of previous statutes. In fact, the American Law Division of the Congressional Research Service has studied it and believes it would pass Constitutional muster.

It is my hope that we can act quickly to protect the flag. This bill will accomplish that goal, and I ask my colleagues to give it serious consideration.

By Mr. BURNS (for himself, Ms. SNOWE, Mr. MARTINEZ, and Mr. ALLEN):

S. 1372. A bill to provide for the accuracy of television ratings services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BURNS. Mr. President, I rise to introduce the FAIR Ratings bill. I am pleased to be joined in introducing this bill by my colleagues, Senators MARTINEZ, SNOWE, and ALLEN.

As a former broadcaster, I understand that when TV stations plan their programming, they and their advertisers must rely on the information provided by commercial TV ratings companies. And it is vital that this data be as accurate, fair, and inclusive as possible, because TV ratings ultimately determine what programming ends up on the air. They also help broadcasters to meet their public interest obligations. For these reasons, I feel that it is very much in the public interest for TV ratings to be fair, accurate, and as fully representative of the population as possible.

The dominant company that provides TV ratings, and has done so for the last 50 years, is Nielsen Media Research. Nielsen is a great company and a great American institution—no doubt about it. The innovation that Nielsen showed in its early years, and continues to show today in other ways, show that its leading role in the field is well-deserved.

Our friends from Nielsen may have already spoken to many of you about this bill, and let me assure you up front that this is not a bill "against" Nielsen. It would apply to any other company or new technology whose ratings service determines what we see on TV. But Nielsen will definitely be the most affected party if the bill passes, so let me characterize this instead as a bill to keep Nielsen honest and accountable to its customers, and to the public.

Because Nielsen today is pretty close to being a monopoly, any way you look at it. A private, unregulated monopoly provider of an essential public service. And as basic economics and everyday practice show, monopolies have the ability to abuse their power, because they are not constrained by competition—there is nowhere else for a TV station or advertiser to go if they don't like what they get or how they are treated. Barriers to entry are pretty high in that business—it is not simple or cheap to set up a nationwide TV ratings service.

And that monopoly power has been abused in the past. Forty years ago or so, there were a couple of nationwide scandals about TV ratings. I remember that well, and some of you may even have seen the movie. Payola and game shows. At that time, Nielsen's service was found to be mixed up with all that in some way, and was reporting flawed data.

And Congress got involved. The Senate had hearings for many months, and at the end of it, there was a report—the Harris Commission report—that called for the creation of an independent, industry-run, private oversight body to audit and accredit Nielsen's ratings measurement systems for accuracy.

That body was created in 1964 and is now called the Media Rating Council. It continues to audit and accredit TV ratings systems to this day, consulting closely with Nielsen and its own members, who are the main consumers of TV ratings data. It has long experience and great expertise at conducting audits of ratings data for quality and accuracy. And it has broad industry support and participation.

The Media Rating Council's role today, and its relationship with Nielsen, or any other TV rating company that may come to equal prominence in the future, are what concern me and moved me to introduce this bill.

Last year, Nielsen introduced a new technology called Local People Meters, which was designed to measure viewer behavior in a more accurate way and to replace the old paper diaries. This system was similar to a technology that Nielsen had introduced in the late 1980s. In both cases, there were big changes in the TV ratings when Nielsen moved from the old system to the new one. To the extent that these changes simply captured viewer preferences more accurately, this was good for the industry and for TV viewers in general. There is no public interest in which channel gets higher or lower ratings, so long as the measurement is accurate.

But in certain cases, in four of our largest cities last year, it was not. It turns out that, since the meters operate differently from the diary system, there were flaws in the measurement of the underlying data by demographic group, due to higher "fault rates" among certain groups: African-Americans, Hispanics, younger viewers, larger families, and certain others.

And here is where the Media Rating Council came in. They had audited the data and examined the people meter system in certain cities in advance, in a trial period, and identified these problems. And they told Nielsen about them in advance. And they told Nielsen that the undercounting should be fixed before it sold the data from this system commercially.

And what did Nielsen do? It effectively ignored the MRC's prior findings. It said it would work to fix the system while it was already "live" and producing real TV ratings—with those flaws—and would continue to roll out the new technology in other cities before the problems were fixed in the old ones.

I chaired a hearing last summer in the Commerce Committee on this issue, and have continued to monitor the situation closely since then. At that hearing, Nielsen indicated that it would have the problems fixed within a few weeks. Now, a year later, they are still not fixed, despite clear instructions from the Media Rating Council. And while Nielsen has been cooperative with customers and critics—to its credit—the fundamental issue of oversight enforcement has not been resolved.

Now I agree with Nielsen, and most others do too, that the people meters, when implemented correctly, produce better numbers than the diaries. And we should be glad that Nielsen is devoting the resources to developing new technologies, as it should. The diary system, after all, hasn't really changed much since the 1950s.

But it is also clear that Nielsen should not have moved ahead without the full prior approval of the Media Rating Council, which is the expert organization set up—at the behest of Congress—to ensure TV ratings accuracy. It was this action, more than any of the other details of the controversy, that indicated to me that the oversight system was missing some essential teeth.

So my bill simply makes prior Media Rating Council accreditation for TV ratings systems mandatory, not voluntary, as it is today. It backstops a system that has been in place for 40 years.

It is not a bill about the Local People Meter system. It is not a bill about the ratings of one broadcast company or any group of companies. It is not even a bill about Nielsen, although it will clearly be the most affected company.

Further, there is no government role whatsoever envisioned in this bill. It does not create any new government standards, regulation, or bureaucracy: the oversight will be carried out by a private, self-governing, industry body that has already been operating for 40 years.

So, I hope we can all agree that accurate TV ratings are in the public interest. I hope we can all agree that private industry oversight, by the entity set up by Congress 40 years ago, is the best way to ensure that. And if we can, I hope all of my colleagues in the Senate will support this bill, on behalf of all television viewers throughout the United States.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 186—AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER FOR THE VICTIMS OF GENOCIDE AND CRIMES AGAINST HUMANITY IN DARFUR, SUDAN, AND EXPRESSING THE SENSE OF THE SENATE THAT JULY 15 THROUGH JULY 17, 2005, SHOULD BE DESIGNATED AS A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR THE PEOPLE OF DARFUR

Mr. BROWNBACK (for himself, Mr. CORZINE, Mr. COBURN, Mr. DEWINE, MR. DURBIN, Mr. KERRY, and Mr. SALAZAR) submitted the following resolution; which was considered and agreed to:

S. RES. 186

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that "genocide has been committed in Darfur";

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that "the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide";

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that "[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the "continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts";

Whereas President Bush declared on June 30, 2005, "Yet the violence in Darfur region is clearly genocide. The human cost is beyond calculation."

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur, Chad, and elsewhere;

Whereas while United States government assistance and African Union monitoring has mitigated violence in some regions of Darfur, religious leaders, genocide survivors, and world leaders have expressed grave concern, over the atrocities still occurring there and for the thousands that may still be dying; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for the people of Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the people of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

SENATE RESOLUTION 187—AUTHORIZING THE TAKING OF VIDEO IMAGES IN THE CHAMBER OF THE UNITED STATES SENATE

Mr. LOTT (for himself, Mr. DODD, and Mr. FRIST) submitted the following resolution; which was considered and agreed to:

S. RES. 187

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF VIDEO IMAGES IN SENATE CHAMBER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the C–SPAN television network to take, during a period the Senate is in recess, video images of the Senate Chamber.

(b) LIMITATION ON USE OF IMAGES.—The C–SPAN television network may use video images taken under subsection (a) solely for inclusion in a documentary on the history of the United States Capitol which the network is preparing.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of video images under this resolution does not disrupt any proceeding of the Senate.

SENATE RESOLUTION 188—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN THE CASE OF LAFRENIERE V. CONGRESS OF THE UNITED STATES

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 188

Whereas, the United States Congress has been named as a defendant in the case of LaFreniere v. Congress of the United States, Civ. No. 05–1368, pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend in civil actions the Senate when there is placed in issue the validity of any action taken by the Senate in its official capacity;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now, therefore, be it

Resolved, That the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, is authorized to represent the United States Congress in the case of LaFreniere v. Congress of the United States.

SENATE RESOLUTION 189—CONGRATULATING MICHAEL CAMPBELL FOR HIS VICTORY IN THE U.S. OPEN GOLF TOURNAMENT AND CELEBRATING THE RELATIONSHIP BETWEEN THE UNITED STATES AND NEW ZEALAND

Mr. SMITH (for himself and Mrs. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas on June 19, 2005, Michael Campbell, a citizen of New Zealand, won the United States Golf Association's Open Championship ("U.S. Open");

Whereas the U.S. Open was held at Pinehurst No. 2, one of the most storied and difficult courses in professional golf;

Whereas Michael Campbell's even par 280 was 2 strokes better than any other golfer in the field;

Whereas Michael Campbell showed great perseverance and resolve by becoming the first golfer to come from behind to win the U.S. Open in 7 years;

Whereas Michael Campbell became the first New Zealander to win one of golf's 4 major tournaments since Bob Charles won the British Open in 1963;

Whereas New Zealand has long been a prominent fixture on the stage of international sports, winning 2 of the last 3 America's Cup yacht races and 3 gold medals and 2 silver medals at the 2004 Summer Olympic Games in Athens, Greece;

Whereas the competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's seagoing indigenous explorers, the Maori, of whom Michael Campbell is a descendent;

Whereas Michael Campbell's Maori-Scottish heritage is representative of the great cooperation between, and harmonious blending of, Polynesian and European cultures;

Whereas New Zealand was a staunch ally in every major conflict of the 20th Century and its people made heroic efforts and enormous sacrifices to help protect freedom and democracy throughout the world;

Whereas New Zealand has contributed regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism and extremism, and continues to assist in the reconstruction of Iraq and Afghanistan; and

Whereas New Zealand remains a close ally: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael Campbell for his outstanding achievement in winning the U.S. Open;

(2) celebrates Michael Campbell's victory as a proud moment for New Zealand;

(3) recognizes Michael Campbell's victory as an opportunity to—

(A) highlight the strong relationship and rich history between the United States and New Zealand; and

(B) foster greater collaboration and friendship between these 2 great nations; and

(4) expresses arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

SENATE RESOLUTION 190—A BILL RECOGNIZING THE 100TH ANNIVERSARY OF MESA VERDE NATIONAL PARK

Mr. SALAZAR (for himself and Mr. ALLARD) submitted the following resolution; which was considered and agreed to:

S. RES. 190

Whereas Mesa Verde National Park was created 100 years ago by an Act of Congress and signed into law by President Theodore Roosevelt on June 29, 1906, as the first National Park set aside to preserve the works of humankind;

Whereas the more than 5,000 archeological sites, including over 600 cliff dwellings, protected within the 52,000-acre boundary of Mesa Verde National Park represent some of the most spectacular and best-preserved prehistoric architecture in the world;

Whereas in 1928, Congress declared the natural resources of Mesa Verde National Park to be of such caliber as to be worthy of the same level of protection as the cultural resources therein;

Whereas 8,500 acres within Mesa Verde National Park were designated as wilderness by Congress on October 20, 1976;

Whereas on September 8, 1978, the United Nations Educational, Scientific, and Cultural Organization ("UNESCO") declared Mesa Verde National Park to be 1 of 8 original World Cultural Heritage Sites;

Whereas Mesa Verde National Park is part of our American heritage that is universally recognized and shared with the world;

Whereas Mesa Verde National Park is the primary driving force behind the economy of southwestern Colorado and the Four Corners Region;

Whereas the communities of Cortez, Dolores, Mancos, and Durango, Colorado, have come together to plan a year-long celebration worthy of this magnificent icon of the National Park System; and

Whereas 24 American Indian tribes recognize Mesa Verde as their ancestral home and contribute a rich cultural heritage to the experience of visitors to the region: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Mesa Verde National Park; and

(2) urges all citizens of the United States to join in the Centennial Celebration of Mesa Verde National Park by participating in the many activities planned throughout the year in 2006.

SENATE RESOLUTION 191—HONORING ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES SANDRA DAY O'CONNOR

Mr. FRIST (for himself, Mr. REID, Mr. McCAIN, Mr. KYL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. McCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 191

Whereas, for nearly a quarter century, Justice Sandra Day O'Connor honorably served as a fair and impartial Justice on the Supreme Court of the United States;

Whereas Sandra Day O'Connor, the daughter of Harry and Ada Mae, was born in El Paso, Texas, and was raised by her family on a cattle ranch in southeastern Arizona;

Whereas Sandra Day O'Connor began an academic journey at Stanford University, earning a bachelor's degree in economics and graduating magna cum laude;

Whereas Sandra Day O'Connor continued her education at Stanford University, by enrolling in the Stanford Law School, where she served on the Board of Editors of the law review;

Whereas, graduating in just 2 years from Stanford Law School, Sandra Day O'Connor managed to finish third in an impressive class, which included her future Supreme Court of the United States colleague Chief Justice William H. Rehnquist;

Whereas Sandra Day O'Connor married her great love, John Jay O'Connor III, in 1952;

Whereas Sandra Day O'Connor began a legal career as the Deputy County Attorney of San Mateo, California;

Whereas, when John Jay O'Connor III was drafted into the JAG Corps in 1953, the young couple moved to Frankfurt, Germany, where Sandra Day O'Connor worked as a civilian attorney for Quartermaster Market Center;

Whereas, after 4 years in Europe, Sandra Day O'Connor returned to Maryvale, Arizona, where she began a legal practice and raised 3 sons, Scott, Brian, and Jay;

Whereas in 1965, Sandra Day O'Connor began service in State government as the Assistant Attorney General for Arizona;

Whereas Sandra Day O'Connor was later appointed to the Arizona State Senate and then re-elected twice more by the people of Arizona;

Whereas Sandra Day O'Connor served as majority leader of the Arizona State Senate, and was the first woman to hold such an office in any State;

Whereas in 1975, Sandra Day O'Connor was elected Judge of Maricopa County Superior Court and served in such capacity until 1979;

Whereas President Ronald Reagan appointed Sandra Day O'Connor to serve as Associate Justice of the Supreme Court of the United States;

Whereas, on September 21, 1981, the Senate unanimously confirmed the nomination of Sandra Day O'Connor to the Supreme Court of the United States, and she became the first female Justice in the Court's history;

Whereas, since September 25th, 1981, Justice Sandra Day O'Connor has served with distinction on the Supreme Court of the United States;

Whereas Sandra Day O'Connor has served as an example to all the people of the United States, demonstrating that through persistence and hard work anything is possible;

Whereas, throughout her tenure on the Supreme Court of the United States, Sandra Day O'Connor has not lost sight of her values and has not wavered from her well-grounded views;

Whereas President Ronald Reagan, on the date he appointed Sandra Day O'Connor to the Supreme Court of the United States, said, "[s]he is truly a 'person for all seasons', possessing those unique qualities of temperament, fairness, intellectúal capacity and devotion to the public good which have characterized the 101 'brethren' who have preceded her";

Whereas now, more than 23 years later, the comments President Reagan made about Sandra Day O'Connor still ring true;

Whereas when Sandra Day O'Connor took the oath of office as Associate Justice, she pledged to uphold the Constitution, and has since then proven a steadfast commitment to the rule of law;

Whereas the wisdom, intellect, respect for others, and humility of Sandra Day O'Connor have allowed her to become well-respected among her colleagues, including those with opposing judicial philosophies;

Whereas Sandra Day O'Connor is an independent thinker and has made great contributions in many substantive areas of the law;

Whereas Sandra Day O'Connor embodies the ideal qualities of a judge, including fairness, impartiality, and open-mindedness;

Whereas, a true public servant, Sandra Day O'Connor has proudly served the United States for 4 decades as an Arizona State Senator and majority leader, State court judge, an Assistant Attorney General for Arizona, and for more than 23 years as an Associate Justice on the Supreme Court of the United States;

Whereas through her experiences, Justice Sandra Day O'Connor has brought a unique perspective and understanding of checks and balances to the Supreme Court of the United States; and

Whereas, Sandra Day O'Connor, a brilliant jurist and a compassionate woman, has earned a place in history as the first woman to serve on the Supreme Court of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Associate Justice of the Supreme Court of the United States Sandra Day O'Connor as a great American, a lifelong public servant, a brilliant legal scholar, a superb jurist, and the first woman ever to serve as an Associate Justice on the Supreme Court of the United States; and

(2) pays tribute to Sandra Day O'Connor, Associate Justice of the Supreme Court of the United States, for 4 decades of distinguished service to the nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1099. Mr. McCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

SA 1100. Mr. McCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 39, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

SA 1101. Mr. McCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

SA 1102. Mr. McCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes.

SA 1103. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 361, supra.

SA 1104. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1099. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 362, to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Debris Research, Prevention, and Reduction Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health.

(4) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(5) Plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(6) Insufficient knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(7) Lack of resources, inadequate attention to this issue, and poor coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) PURPOSES.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the sources, scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) PROGRAM COMPONENTS.—Through the Marine Debris Prevention and Removal Program, the Administrator shall carry out the following activities:

(1) MAPPING, IDENTIFICATION, IMPACT ASSESSMENT, REMOVAL, AND PREVENTION.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources, particularly species identified as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and species protected under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1631 et seq.), and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the navigable waters of the United states and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, computer-based notification forms, and providing adequate and free disposal receptacles at ports.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety, including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Administrator shall provide financial assistance, in the form of grants, through the Marine Debris Prevention and Removal Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—If authorized by the Administrator or the Attorney General, as appropriate, the non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State, Federal or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. Such priorities may include proposals that would reduce new sources of marine debris and provide additional benefits to the public, such as recycling of marine debris or use of biodegradable materials. In developing those

guidelines, the Administrator shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research, prevention, or removal activities.

(6) Project Review and Approval.—The Administrator shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Administrator shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) Project Reporting.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

(a) In General.—The Commandant of the Coast Guard shall, in cooperation with the Administrator, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to address implementation gaps with respect to the requirement of MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain receptacles for disposing of plastics and other garbage, which may include measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance, taking into account potential economic impacts and technical feasibility;

(3) regulations to close record keeping gaps, which may include requiring fishing vessels under 400 gross tons entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for disposal, taking into account potential economic impacts and technical feasibility;

(4) regulations to improve ship-board waste management, which may include expanding to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts and technical feasibility;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

(b) On-shore Oil and Gas Spills.—The Commandant of the Coast Guard shall expedite implementation of the Coast Guard's responsibilities with respect to on-shore oil and gas spills.

SEC. 5. INTERAGENCY COORDINATION.

(a) Interagency Marine Debris Committee Established.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, determine sources of, assess, reduce, and prevent marine debris, and its adverse impact on the marine environment and navigational safety, including the joint funding of research and mitigation and prevention strategies.

(b) Membership.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the U.S. Fish and Wildlife Service;

(8) the Department of State;

(9) the Marine Mammal Commission; and

(10) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator determines appropriate.

(c) Meetings.—The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) Definition.—The Committee shall develop and promulgate through regulation a definition of the term "marine debris".

(e) Reporting.—

(1) Interagency Report on Marine Debris Impacts and Strategies.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report identifying the source of marine debris, examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, the social and economic costs and benefits of such alternatives, and recommendations regarding both domestic and international marine debris issues.

(2) Contents.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to preventing, reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) Annual Progress Reports.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(f) Monitoring.—The Administrator, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under this Act and title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education, and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(g) Conforming Amendment.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy that may be pursued by the United States in the International Maritime Organization and other appropriate international and regional forums to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Administrator, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map the general locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of types of fishing gear fragments and their sources developed in consultation with persons of relevant expertise; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term "Committee" means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term "United States exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms "MARPOL", "Annex 5", and "Convention" have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

(5) NAVIGABLE WATERS.—The term "navigable waters" has the meaning given that term by section 502(7) of the Federal Water Pollution Control Act (33 U.S.C. 1362(7)).

SEC. 9. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.)

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

SA 1100. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 39, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; as follows:

TITLE I—NATIONAL OCEAN EXPLORATION PROGRAM

SEC. 101. SHORT TITLE.

This title may be cited as the "National Ocean Exploration Program Act".

SEC. 102. ESTABLISHMENT.

The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration that promotes collaboration with existing programs of the agency, including those authorized in title II.

SEC. 103. AUTHORITIES.

In carrying out the program the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary exploration voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on surveying deep water marine systems that hold potential for important scientific discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop, in consultation with the National Science Foundation, a transparent process for reviewing and approving proposals for activities to be conducted under this program;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors;

(6) accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans;

(7) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program; and

(8) avoid directing the programs towards activities relating to global temperature trends and instead focus on underwater regions of particular scientific interest.

SEC. 104. EXPLORATION TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

The National Oceanic and Atmospheric Administration, in coordination with the National Aeronautics and Space Administration, the U.S. Geological Survey, Office of Naval Research, and relevant governmental, non-governmental, academic, and other experts, shall convene an ocean technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration technology to the program;

(2) to improve availability of communications infrastructure, including satellite capabilities, to the program;

(3) to develop an integrated, workable and comprehensive data management information processing system that will make information on unique and significant features obtained by the program available for research and management purposes;

(4) to conduct public outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies; and

(5) to encourage cost-sharing partnerships with governmental and non-governmental entities that will assist in transferring exploration technology and technical expertise to the program.

SEC. 105. INTERAGENCY FINANCING.

The National Oceanic and Atmospheric Administration, the National Science Foundation, and other Federal agencies involved in the program, are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any Federal participant in the program for the purposes of carrying out any administrative or programmatic project or activity under this section. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs of the same.

SEC. 106. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this title or title II supersedes, or limits the authority of the Secretary of the Interior under, the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the program—

(1) $30,500,000 for fiscal year 2006;
(2) $33,550,000 for fiscal year 2007;
(3) $36,905,000 for fiscal year 2008;
(4) $40,596,000 for fiscal year 2009;
(5) $44,655,000 for fiscal year 2010;
(6) $49,121,000 for fiscal year 2011;
(7) $54,033,000 for fiscal year 2012;

(8) $59,436,000 for fiscal year 2013;

(9) $65,379,000 for fiscal year 2014; and

(10) $71,917,000 for fiscal year 2015.

TITLE II—UNDERSEA RESEARCH PROGRAM

SEC. 201. SHORT TITLE.

This title may be cited as the "NOAA Undersea Research Program Act of 2005".

SEC. 202. ESTABLISHMENT.

The Administrator of the National Oceanic and Atmospheric Administration shall establish and maintain an undersea research program and shall designate a Director of that program.

SEC. 203. PURPOSE.

The purpose of the program is to increase scientific knowledge essential for the informed management, use and preservation of oceanic, coastal and large lake resources through undersea research, exploration, education and technology development. The program shall be part of National Oceanic and Atmospheric Administration's undersea research, education, and technology development efforts, and also make available the infrastructure and expertise to service the undersea science needs of the academic community.

SEC. 204. PROGRAM.

The program shall be conducted through a national headquarters, a network of regional undersea research centers, and a national technology institute. Overall direction of the program will be provided by the program director with advice from the Council of Center directors comprised of the directors of the regional centers and the national technology institute.

SEC. 205. REGIONAL CENTERS AND TECHNOLOGY INSTITUTE.

The following research, exploration, education, and technology programs shall be conducted through the network of regional centers and the national technology institute:

(1) Core research and exploration based on national and regional undersea research priorities.

(2) Advanced undersea technology to support the National Oceanic and Atmospheric Administration's research mission and programs.

(3) Undersea science-based education and outreach programs to enrich ocean science education and public awareness of the oceans and Great Lakes.

(4) Development of advanced undersea technology associated with seafloor observatories, remotely operated vehicles, autonomous underwater vehicles, and new sampling and sensing technologies.

(5) Discovery, study, and development of natural products from ocean and aquatic systems.

SEC. 206. COMPETITIVENESS.

Except for a small discretionary fund for rapid response activities and for the National Oceanic and Atmospheric Administration-related service projects, for which no more than 10 percent of the program budget shall be set aside, the external projects supported by the regional centers shall be managed using an open and competitive process to evaluate scientific merit, relevance to the National Oceanic and Atmospheric Administration, regional and national research goals, and technical feasibility.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration—

(1) for fiscal year 2006—

(A) $12,500,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $5,000,000 for the National Technology Institute;

(2) for fiscal year 2007—

(A) $13,750,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $5,500,000 for the National Technology Institute;

(3) for fiscal year 2008—

(A) $15,125,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $6,050,000 for the National Technology Institute;

(4) for fiscal year 2009—

(A) $16,638,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $6,655,000 for the National Technology Institute;

(5) for fiscal year 2010—

(A) $18,301,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $7,321,000 for the National Technology Institute;

(6) for fiscal year 2011—

(A) $20,131,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $8,053,000 for the National Technology Institute;

(7) for fiscal year 2012—

(A) $22,145,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $8,859,000 for the National Technology Institute;

(8) for fiscal year 2013—

(A) $24,359,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $9,744,000 for the National Technology Institute;

(9) for fiscal year 2014—

(A) $26,795,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $10,718,000 for the National Technology Institute; and

(10) for fiscal year 2015—

(A) $29,474,000 for the regional centers, of which 50 percent shall be for West Coast Regional Centers and 50 percent shall be for East Coast Regional Centers; and

(B) $11,790,000 for the National Technology Institute.

SA 1101. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tsunami Preparedness Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

(C) the Federal-State national tsunami hazard mitigation program;

(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami;

(F) an archive of historical tsunami data, held at the National Oceanic and Atmospheric Administration's National Geophysical Data Center; and

(G) other related programs, including those operated in coordination with academic institutions.

(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, the Alaska Earthquake Information Center, and cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a

damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning and notification system, a sustained program of education and risk assessment to develop response strategies, and an established local infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard notification and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunami, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

(15) On February 16, 2005, the United States, together with 53 other Nations participating in the Third Earth Observation Summit in Brussels, Belgium, adopted a 10-year implementation plan as the basis for establishing the Global Earth Observation System of Systems.

(16) The Global Earth Observation System of Systems will consist of existing and future earth observation systems, including the United States tsunami detection and warning system.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

(b) SYSTEM REQUIREMENTS.—

(1) PACIFIC SYSTEM.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

(2) ATLANTIC, CARIBBEAN, AND GULF OF MEXICO SYSTEM.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

(3) COMPONENTS.—The systems shall—

(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

(C) allow for such additional sensors as may be necessary for tsunami and weather warnings and forecasts;

(D) provide for the establishment of a cooperative effort between the National Oceanic and Atmospheric Administration and the United States Geological Survey under which the Geological Survey and State earthquake information centers provide rapid and reliable real-time seismic information to the Administration from international and domestic seismic networks;

(E) provide for information and data processing through the tsunami warning centers established under subsection (c);

(F) be integrated into United States and global ocean and earth observing systems, including the Global Earth Observation System of Systems;

(G) provide an infrastructure, building on local systems, for at-risk tsunami communities that supports rapid and reliable alert and notification to the public, such as the National Oceanic and Atmospheric Administration's Weather, Alert, and Readiness Network, which includes the weather radio and the All Hazard Alert Broadcasting Radio; and

(H) the integration of NOAA's Advanced Weather Interactive Processing System with other technologies.

(4) FEDERAL COOPERATION.—In deploying and maintaining detection buoys utilized in the tsunami warning system, the Administrator should leverage the assistance and assets of the United States Coast Guard, the Navy, and other Federal agency assets in the region. Within 180 days after the date of enactment of this Act, the Administrator shall provide a report to the Senate committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources that summarizes the extent to which the United States Coast Guard or any other Federal agency is assistance in deploying and maintaining such buoys.

(c) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional warning centers determined by the Administrator to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological stations, deep ocean detection buoys, and tidal monitoring stations and providing such data to the national tsunami archive;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

(d) DATA MANAGEMENT.—The Administrator shall maintain national and regionally-based data management systems to support and establish data management requirements for the tsunami detection and monitoring system, including requirements for—

(1) quality control and quality assurance;

(2) archiving and maintaining data;

(3) supporting integration of observations from the system with other national and international water level measurements, such as the Global Sea Level Monitoring System;

(4) integration of observations from the system with other elements of the global and coastal components of the integrated ocean and coastal observing system and the Global Earth Observation System of Systems; and

(5) the development of and access to data sets and integrated data products designed to support multi-hazard regional vulnerability assessment and adaptation programs such as the program established under section 8.

SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, develop and conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

(b) Coordinating Committee.—In developing and conducting the program, the Administrator shall establish a coordinating committee comprising representatives of Federal agencies and other governmental entities involved in tsunami mitigation and response, including—

(1) the National Oceanic and Atmospheric Administration;

(2) the United States Geological Survey;

(3) the National Science Foundation;

(4) the National Institute of Standards and Technology; and

(5) affected coastal States and territories.

(c) Program Components.—The program shall—

(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

(2) promote and improve community outreach and education networks and programs to ensure community awareness and readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

(3) integrate tsunami awareness, preparedness, and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan and State coastal zone management plans;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

(5) develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs regarding the consequences of development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(e).

SEC. 5. TSUNAMI RESEARCH PROGRAM.

(a) Establishment.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

(1) help determine—

(A) whether an earthquake or other seismic event will result in a tsunami; and

(B) the likely path, severity, duration, and travel time of a tsunami;

(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

(b) Technology.—The Administrator, in consultation with other appropriate Federal agencies, shall investigate the potential for improved technology for tsunami and other hazard warnings by incorporating into the existing system a full range of options for providing those warnings to the public.

SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

(a) System Upgrades.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

(2) ensure the deployment of an array of deep ocean detection buoys capable of carrying multi-observation technology in the regions described in section 3(a) of this Act;

(3) ensure expansion or upgrade of the seismic monitoring and tide gauge networks in the regions described in section 3(a); and

(4) complete the upgrades not later than December 31, 2007.

(b) Transfer of Technology; Maintenance and Upgrades.—In carrying out this section, the Administrator shall—

(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the Global Earth Observation System of Systems, global seismic networks, and the Advanced National Seismic System.

(c) Certification.—Amounts appropriated for any fiscal year pursuant to section 9 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

(d) Congressional Notifications.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources of—

(1) impaired regional detection coverage due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

(e) Annual Report.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

(f) External Review.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) International Tsunami Warning System.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, the Group on Earth Observations, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific, and consistent with the 10-year implementation plan for the Global Earth Observation System of Systems.

(b) International Tsunami Information Center.—The Administrator shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and which may also provide such assistance to other nations participating in a global tsunami warning system established through the International Oceanographic Committee of UNESCO. As part of its responsibilities in the Pacific, the Center shall—

(1) monitor international tsunami warning activities in the Pacific;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunamis in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) Technical Assistance.—In carrying out this section, the Administrator—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami education, response, vulnerability, and adaptation programs.

(d) Data-sharing Requirement.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

(e) Funding Assistance.—The Administrator, in coordination with the Secretary of State, shall seek funding assistance from participating nations needed to ensure establishment of a fully functional global tsunami warning system.

(f) Receipt of International Reimbursement Authorized.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

SEC. 8. COASTAL COMMUNITY VULNERABILITY AND ADAPTATION PROGRAM.

(a) Establishment.—The Administrator of the National Oceanic and Atmospheric Administration shall establish an integrated coastal vulnerability and adaptation program focused on improving the resilience of coastal communities to natural hazards and disasters. The program shall be regional in nature, build upon and integrate existing Federal and State programs, and provide usable products that will improve preparedness of communities, businesses, and government entities. The program may include the following activities:

(1) Development of multi-hazard vulnerability maps to characterize and assess risks of coastal communities to a range of natural hazards and provide a baseline for assessing future risks.

(2) Multi-disciplinary vulnerability assessment research and education that will help integrate risk management with community development planning and policies.

(3) Risk management and leadership training for the public, local officials, and institutions that will enhance understanding and preparedness.

(4) Risk assessment technology development, including research and development of emerging technologies and practical application of existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems.

(5) Risk management data and information services, including access to data and products derived from observing and detection systems, as well as development and maintenance of new integrated data products that would support risk assessment and risk management programs.

(6) Risk notification systems that coordinate with and build upon existing systems and actively engage policy officials, government agencies, businesses, communities, non-governmental organizations, and the media.

(b) Regional Pilot Projects.—

(1) In general.—Within 1 year after the date of enactment of this Act, the Administrator shall, in consultation with the appropriate Federal, State, tribal, and local governmental entities, establish 3 pilot projects to conduct regional assessments of the vulnerability of coastal areas of the United States to hazards associated with tsunami and other natural hazards or coastal disasters. Priority shall be given to collaborative partnership proposals from regionally-based multi-organizational coalitions. In preparing the regional assessments, the Administrator shall collect and compile current information on tsunami and other natural hazards or coastal disasters.

(2) Scope.—Regional assessments under the pilot program shall include an evaluation of—

(A) the social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) the physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration;

(C) the economic impact on local, State, tribal, and regional economies, including the impact on coastal infrastructure and the abundance or distribution of economically important living marine resources; and

(D) opportunities to enhance the resilience of at-risk communities, economic sectors, and natural resources.

(c) Selection Criteria.—The Administrator shall rely on the following criteria in identifying appropriate regional pilot projects:

(1) Vulnerability to tsunami and other natural hazards or coastal disasters.

(2) Dependence on economic sectors and natural resources that are particularly sensitive to coastal hazards.

(3) Opportunities to link and leverage related regional risk observation, research, forecasting, assessment, educational and risk management programs.

(4) Demonstration of strong, interagency collaboration in the area of risk management for tsunami and other natural hazards or coastal disasters.

(5) Access to NOAA and other Federal agency programs, facilities, and infrastructure related to tsunami and other coastal hazards monitoring, warning, forecasting, research assessment, and data management.

(d) Regional Adaptation Plans.—The Administrator shall, within 3 years after the commencement of each project under subsection (b), submit to the Congress regional adaptation plans—

(1) based on the information contained in the regional assessments conducted under subsection (b);

(2) developed with the participation of other Federal agencies, State, tribal, and local government agencies, and non-governmental entities (including academia and the private sector) that will be critical in the implementation of the plan at the State, tribal, and local levels;

(3) that recommend targets and strategies to address impacts associated with tsunami and other natural hazards or coastal disasters;

(4) that include recommendations for both short- and long-term adaptation strategies; and

(5) that include recommendations on—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) enhancing the effectiveness of State coastal zone management programs in mitigating or preventing coastal risks;

(D) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(E) land and property owner education;

(F) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(G) funding requirements and mechanisms.

(e) Technical Planning and Financial Assistance.—The Administrator, through the National Ocean Service, shall establish a coordinated program—

(1) to provide technical planning assistance and financial assistance to coastal States, tribes, and local governments as they develop and implement adaptation or mitigation strategies and plans under this section; and

(2) to make products, information, tools, and technical expertise generated from the development of the regional assessment and the regional adaptation plan available to coastal States for the purposes of developing their own State, tribal, and local plans.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration—

(1) $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act (other than section 8); and

(2) $5,000,000 for each of such fiscal years to carry out section 8, of which at least $3,000,000 for each fiscal year shall be used to carry out the pilot projects authorized by section 8(b).

SA 1102. Mr. McCONNELL (for Mr. Stevens (for himself and Mr. Inouye)) proposed an amendment to the bill S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes; as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean and Coastal Observation System Act of 2005".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress finds the following:

(1) Ocean and coastal observations provide vital information for protecting human lives and property from marine hazards, predicting weather, improving ocean health and providing for the protection and enjoyment of the resources of the Nation's coasts, oceans, and Great Lakes.

(2) The continuing and potentially devastating threat posed by tsunamis, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and data management systems to provide timely detection,

assessment, and warnings to the millions of people living in coastal regions of the United States and throughout the world.

(3) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(4) Responding to coastal hazards and managing fisheries and other coastal activities require improved monitoring of the Nation's waters and coastline, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(5) While knowledge of the ocean and coastal environment and processes is far from complete, advances in sensing technologies and scientific understanding have made possible long-term and continuous observation from shore, from space, and in situ of ocean and coastal characteristics and conditions.

(6) Many elements of an ocean and coastal observing system are in place, but require national investment, consolidation, completion, and integration at Federal, regional, State, and local levels.

(7) The Commission on Ocean Policy recommends a national commitment to a sustained and integrated ocean and coastal observing system and to coordinated research programs in order to assist the Nation and the world in understanding the oceans, improving weather forecasts, strengthening management of ocean and coastal resources, and mitigating marine hazards.

(8) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, quality, long-term global observations as a basis for sound decision-making, recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated ocean and coastal observing system is an essential part.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) the planning, development, and maintenance of an integrated ocean and coastal observing system that provides the data and information to sustain and restore healthy marine and Great Lakes ecosystems and the resources they support, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science education and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the oceans and Great Lakes and achieve the full national benefits of an integrated ocean and coastal observing system;

(3) implementation of a data and information management system required by all components of an integrated ocean and coastal observing system and related research to develop early warning systems and insure usefulness of data and information for users; and

(4) establishment of a system of regional ocean, coastal, and Great Lakes observing systems to address local needs for ocean information.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the National Ocean Research Leadership Council.

(2) OBSERVING SYSTEM.—The term "observing system" means the integrated coastal, ocean and Great Lakes observing system to be established by the Committee under section 4(a).

(3) INTERAGENCY PROGRAM OFFICE.—The term "interagency program office" means the office established under section 4(d).

SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of ocean and coastal observations, data communication and management, analysis, modeling, research, education, and outreach designed to provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environment that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the coasts, oceans, and Great Lakes for the following purposes:

(1) Improving the health of the Nation's coasts, oceans, and Great Lakes.

(2) Protecting human lives and livelihoods from hazards such as tsunamis, hurricanes, coastal erosion, and fluctuating Great Lakes water levels.

(3) Understanding the effects of human activities and natural variability on the state of the coasts, oceans, and Great Lakes and the Nation's socioeconomic well-being.

(4) Providing for the sustainable use, protection, and enjoyment of ocean, coastal, and Great Lakes resources.

(5) Providing information that can support the eventual implementation and refinement of ecosystem-based management.

(6) Supplying critical information to marine-related businesses such as aquaculture and fisheries.

(7) Supporting research and development to ensure continuous improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national observation priorities, including the Nation's ocean contribution to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(2) A network of regional associations to manage the regional ocean and coastal observing and information programs that collect, measure, and disseminate data and information products to meet regional needs.

(3) A data management and dissemination system for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council.

(5) An outreach, education, and training program that augments existing programs, such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve System, to ensure the use of the data and information for improving public education and awareness of the Nation's oceans and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the oversight body for the design and implementation of all aspects of the observing system;

(2) adopt plans, budgets, and standards that are developed and maintained by the interagency program office in consultation with the regional associations;

(3) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(4) coordinate and administer programs of research, development, education, and outreach to support improvements to and the operation of an integrated ocean and coastal observing system and to advance the understanding of the oceans;

(5) establish pilot projects to develop technology and methods for advancing the development of the observing system;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs; and

(7) in consultation with the Secretary of State, coordinate relevant Federal activities with those of other nations.

(d) INTERAGENCY PROGRAM OFFICE.—The Council shall establish an interagency program office to be known as "OceanUS". The interagency program office shall be responsible for program planning and coordination of the observing system. The interagency program office shall—

(1) prepare annual and long-term plans for consideration by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing the global and national observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(2) coordinate the development of agency priorities and budgets for implementation of the observing system, including budgets for the regional associations;

(3) establish and refine standards and protocols for data management and communications, including quality standards, in consultation with participating Federal agencies and regional associations;

(4) develop a process for the certification of the regional associations and their periodic review and recertification;

(5) establish an external technical committee to provide biennial review of the observing system; and

(6) provide for opportunities to partner or contract with private sector companies in deploying ocean observation system elements.

(e) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall be the lead Federal agency for implementation and operation of the observing system. Based on the plans prepared by the interagency program office and adopted by the Council, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) coordinate implementation, operation and improvement of the observing system;

(2) establish efficient and effective administrative procedures for allocation of funds among Federal agencies and regional associations in a timely manner and according to the budget adopted by the Council;

(3) implement and maintain appropriate elements of the observing system;

(4) provide for the migration of scientific and technological advances from research and development to operational deployment;

(5) integrate and extend existing programs and pilot projects into the operational observation system;

(6) certify regional associations that meet the requirements of subsection (f); and

(7) integrate the capabilities of the National Coastal Data Development Center and the Coastal Services Center of the National Oceanic and Atmospheric Administration, and other appropriate centers, into the observing system for the purpose of assimilating, managing, disseminating, and archiving data from regional observation systems and other observation systems.

(f) REGIONAL ASSOCIATIONS OF OCEAN AND COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration may certify one or more regional associations to be responsible for the development and operation of regional ocean and coastal observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certifiable by the Administrator, a regional association shall—

(1) demonstrate an organizational structure capable of supporting and integrating all aspects of ocean and coastal observing and information programs within a region;

(2) operate under a strategic operations and business plan that details the operation and support of regional ocean and coastal observing systems pursuant to the standards established by the Council;

(3) provide information products for multiple users in the region;

(4) work with governmental entities and programs at all levels within the region to provide timely warnings and outreach to protect the public; and

(5) meet certification standards developed by the interagency program office in conjunction with the regional associations and approved by the Council.

Nothing in this Act authorizes a regional association to engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7)).

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional ocean and coastal observing system that is a designated part of a regional association certified under this section shall, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while acting within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. RESEARCH, DEVELOPMENT, AND EDUCATION.

The Council shall establish programs for research, development, education, and outreach for the ocean and coastal observing system, including projects under the National Oceanographic Partnership Program, consisting of the following:

(1) Basic research to advance knowledge of ocean and coastal systems and ensure continued improvement of operational products, including related infrastructure and observing technology.

(2) Focused research projects to improve understanding of the relationship between the coasts and oceans and human activities.

(3) Large scale computing resources and research to advance modeling of ocean and coastal processes.

(4) A coordinated effort to build public education and awareness of the ocean and coastal environment and functions that integrates ongoing activities such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence, and the National Estuarine Research Reserve System.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the interagency program office, a common infrastructure, and system integration for a ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of an integrated ocean and coastal observing system under section 4, and the research and development program under section 5, including financial assistance to the interagency program office, the regional associations for the implementation of regional ocean and coastal observing systems, and the departments and agencies represented on the Council, $150,000,000 for each of fiscal years 2006 through 2010. At least 50 percent of the sums appropriated for the implementation of the integrated ocean and coastal observing system under section 4 shall be allocated to the regional associations certified under section 4(f) for implementation of regional ocean and coastal observing systems. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 9. REPORTING REQUIREMENT.

Not later than March 31, 2010, the President, acting through the Council, shall transmit to Congress a report on the programs established under sections 4 and 5. The report shall include a description of activities carried out under the programs, an evaluation of the effectiveness of the programs, and recommendations concerning reauthorization of the programs and funding levels for the programs in succeeding fiscal years.

SA 1103. Mr. MCCONNELL (for Mr. STEVENS (for himself and Mr. INOUYE) proposed an amendment to the bill S. 361, to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, enhance homeland security, support maritime operations, and for other purposes; as follows:

Amend the title so as to read "A bill to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, and for other purposes.".

SA 1104. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 12, after "presence:", insert the following: "*Provided further*, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints: "

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, July 12 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of: Jill L. Sigal, of Wyoming, to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs, David R. Hill, of Missouri, to be General Counsel of the Department of Energy, and James A. Rispoli, of Virginia, to be Assistant Secretary of Energy for Environmental Management.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 14 at 10 a.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to consider the nominations of: R. Thomas Weimer, of Colorado, to be an Assistant Secretary of the Interior, and Mark A. Limbaugh, of Idaho to be an Assistant Secretary of the Interior.

MEASURE READ THE FIRST TIME—H.R. 748

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 748) to amend Title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

Mr. MCCONNELL. Mr. President, I ask for a second reading and, in order to place the bill on the calendar under rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will proceed to a second reading on the next legislative day.

UNANIMOUS CONSENT AGREEMENT—H.R. 2360

Mr. McCONNELL. Mr. President, I ask unanimous consent that on Monday, July 11, the Senate proceed to the consideration of calendar No. 129, H.R. 2360, the Homeland Security Appropriations bill. I further ask that the committee-reported amendment be agreed to and considered as original text for the purpose of further amendment, and that all first-degree amendments be filed at the desk by 4 p.m. on Monday, July 11, with the exception of amendments to be proposed by the leaders. I further ask that first-degree amendments be subject to relevant second degrees and no points of order be waived by this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session; provided further, that the Agriculture Committee be discharged from further consideration of the following nomination: Richard Raymond; provided further that the Senate proceed to its consideration and the following nominations on the calendar en bloc: 192 and 193. I further ask that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table, the President being immediately notified of the Senate's action, a colloquy be printed in the RECORD, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF AGRICULTURE

Richard A. Raymond, of Nebraska, to be Under Secretary of Agriculture for Food Safety.

DEPARTMENT OF JUSTICE

James B. Letten, of Louisiana, to be United States Attorney for the Eastern District of Louisiana for the term of four years.

Rod J. Rosenstein, of Maryland, to be United States Attorney for the District of Maryland for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

APPOINTMENT OF CONFEREES—H.R. 6

Mr. McCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 6, the Energy bill, the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate with an 8-to-6 ratio.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair appointed from the Committee on Energy and Natural Resources, Mr. DOMENICI, Mr. CRAIG, Mr. THOMAS, Mr. ALEXANDER, Ms. MURKOWSKI, Mr. BURR, Mr. BINGAMAN, Mr. AKAKA, Mr. DORGAN, Mr. WYDEN, Mr. JOHNSON; and from the Committee on Finance, Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS conferees on the part of the Senate.

UNANIMOUS CONSENT AGREEMENT—S. RES. 186, S. RES. 187, S. RES. 188, S. RES. 189, AND S. RES. 190

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of the following resolutions: S. Res. 186, S. Res. 187, S. Res. 188, S. Res. 189, and S. Res. 190.

The PRESIDING OFFICER. Without objection, the Senate will proceed en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table, all en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFFIRMING THE IMPORTANCE OF A NATIONAL WEEKEND OF PRAYER

The resolution (S. Res. 186) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 186

Affirming the importance of a national weekend of prayer for the victims of genocide and crimes against humanity in Darfur, Sudan, and expressing the sense of the Senate that July 15 through 17, 2005, should be designated as a national weekend of prayer and reflection for the people of Darfur.

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that 'genocide has been committed in Darfur';

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that 'the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide';

Whereas Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that '[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish';

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the 'continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts';

Whereas President Bush declared on June 30, 2005, "Yet the violence in Darfur region is clearly genocide. The human cost is beyond calculation."

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur, Chad, and elsewhere;

Whereas while United States government assistance and African Union monitoring has mitigated violence in some regions of Darfur, religious leaders, genocide survivors, and world leaders have expressed grave concern, over the atrocities still occurring there and for the thousands that may still be dying; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the weekend of July 15 through 17, 2005, should be designated as a National Weekend of Prayer and Reflection for the people of Darfur, Sudan;

(2) to encourage the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) to urge all churches, synagogues, mosques, and religious institutions in the United States to consider the people of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

AUTHORIZING THE TAKING OF VIDEO IMAGES IN THE SENATE CHAMBER

The resolution (S. Res. 187) was agreed to, as follows:

S. RES. 187

Resolved,

SECTION 1. AUTHORIZATION OF TAKING OF VIDEO IMAGES IN SENATE CHAMBER.

(a) AUTHORIZATION.—Subject to subsection (b), paragraph 1 of rule IV of the Rules for the Regulation of the Senate Wing of the United States Capitol and Senate Office Buildings (prohibiting the taking of pictures in the Senate Chamber) is temporarily suspended for the purpose of permitting the C-SPAN television network to take, during a period the Senate is in recess, video images of the Senate Chamber.

(b) LIMITATION ON USE OF IMAGES.—The C-SPAN television network may use video images taken under subsection (a) solely for inclusion in a documentary on the history of the United States Capitol which the network is preparing.

(c) ARRANGEMENTS.—The Sergeant at Arms and Doorkeeper of the Senate shall make the necessary arrangements to carry out this resolution, including such arrangements as are necessary to ensure that the taking of video images under this resolution does not disrupt any proceeding of the Senate.

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

The resolution (S. Res. 188) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 188

Whereas, the United States Congress has been named as a defendant in the case of *LaFreniere* v. *Congress of the United States*, Civ. No. 05–1368, pending in the United States District Court for the Northern District of California;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to defend in civil actions the Senate when there is placed in issue the validity of any action taken by the Senate in its official capacity;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct its counsel to perform other duties: Now, therefore, be it

Resolved, That the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, is authorized to represent the United States Congress in the case of LaFreniere v. Congress of the United States.

Mr. FRIST. Mr. President, this resolution concerns a pro se civil action filed against the Congress. The plaintiff contends that article III, §2, cl. 1, of the Constitution, which extends the judicial power to all cases arising under the Constitution, "preempts" the later ratified 11th amendment to the Constitution, which affords the States an immunity from certain suits. Plaintiff seeks a judicial order directing the Congress to rescind the 11th amendment and $30 million in damages.

This suit is subject to dismissal on numerous threshold grounds, including lack of constitutional standing, sovereign and legislative immunity, and the political question doctrine, as well as on the merits. This resolution authorizes the Senate Legal Counsel, in conjunction with counsel for the House of Representatives, to represent the Congress in this suit and to move for its dismissal.

CONGRATULATING MICHAEL CAMPBELL ON HIS VICTORY IN THE U.S. OPEN

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas on June 19, 2005, Michael Campbell, a citizen of New Zealand, won the United States Golf Association's Open Championship ("U.S. Open");

Whereas the U.S. Open was held at Pinehurst No. 2, one of the most storied and difficult courses in professional golf;

Whereas Michael Campbell's even par 280 was 2 strokes better than any other golfer in the field;

Whereas Michael Campbell showed great perseverance and resolve by becoming the first golfer to come from behind to win the U.S. Open in 7 years;

Whereas Michael Campbell became the first New Zealander to win one of golf's 4 major tournaments since Bob Charles won the British Open in 1963;

Whereas New Zealand has long been a prominent fixture on the stage of international sports, winning 2 of the last 3 America's Cup yacht races and 3 gold medals and 2 silver medals at the 2004 Summer Olympic Games in Athens, Greece;

Whereas the competitive spirit and success of these athletes is reflective of the bravery and skill of New Zealand's seagoing indigenous explorers, the Maori, of whom Michael Campbell is a descendent;

Whereas Michael Campbell's Maori-Scottish heritage is representative of the great cooperation between, and harmonious blending of, Polynesian and European cultures;

Whereas New Zealand was a staunch ally in every major conflict of the 20th Century and its people made heroic efforts and enormous sacrifices to help protect freedom and democracy throughout the world;

Whereas New Zealand has contributed regularly to international peacekeeping operations, remains steadfast in their alliance in the fight against terrorism and extremism, and continues to assist in the reconstruction of Iraq and Afghanistan; and

Whereas New Zealand remains a close ally: Now, therefore, be it

Resolved, That the Senate—

(1) commends Michael Campbell for his outstanding achievement in winning the U.S. Open;

(2) celebrates Michael Campbell's victory as a proud moment for New Zealand;

(3) recognizes Michael Campbell's victory as an opportunity to—

(A) highlight the strong relationship and rich history between the United States and New Zealand; and

(B) foster greater collaboration and friendship between these 2 great nations; and

(4) expresses arohanui to the peoples of Aotearoa, our friends in the Land of the Long White Cloud.

100TH ANNIVERSARY OF MESA VERDE NATIONAL PARK

The resolution (S. Res. 190) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 190

Whereas Mesa Verde National Park was created 100 years ago by an Act of Congress and signed into law by President Theodore Roosevelt on June 29, 1906, as the first National Park set aside to preserve the works of humankind;

Whereas the more than 5,000 archeological sites, including over 600 cliff dwellings, protected within the 52,000-acre boundary of Mesa Verde National Park represent some of the most spectacular and best-preserved prehistoric architecture in the world;

Whereas in 1928, Congress declared the natural resources of Mesa Verde National Park to be of such caliber as to be worthy of the same level of protection as the cultural resources therein;

Whereas 8,500 acres within Mesa Verde National Park were designated as wilderness by Congress on October 20, 1976;

Whereas on September 8, 1978, the United Nations Educational, Scientific, and Cultural Organization ("UNESCO") declared Mesa Verde National Park to be 1 of 8 original World Cultural Heritage Sites;

Whereas Mesa Verde National Park is part of our American heritage that is universally recognized and shared with the world;

Whereas Mesa Verde National Park is the primary driving force behind the economy of southwestern Colorado and the Four Corners Region;

Whereas the communities of Cortez, Dolores, Mancos, and Durango, Colorado, have come together to plan a year-long celebration worthy of this magnificent icon of the National Park System; and

Whereas 24 American Indian tribes recognize Mesa Verde as their ancestral home and contribute a rich cultural heritage to the experience of visitors to the region: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 100th anniversary of Mesa Verde National Park; and

(2) urges all citizens of the United States to join in the Centennial Celebration of Mesa Verde National Park by participating in the many activities planned throughout the year in 2006.

UNITED STATES PAROLE COMMISSION EXTENSION AND SENTENCING COMMISSION AUTHORITY ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1368, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1368) to extend the existence of the Parole Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1368) was read the third time and passed, as follows:

S. 1368

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Parole Commission Extension and Sentencing Commission Authority Act of 2005".

SEC. 2. EXTENSION OF EXISTENCE OF THE PAROLE COMMISSION.

For purposes of section 235(b) of the Sentencing Reform Act of 1984 (98 Stat. 2032) as such section relates to chapter 311 of title 18, United States Code, and the United States Parole Commission, each reference in such section to "eighteen years" or "eighteen-year period" shall be deemed a reference to "21 years" or "21-year period", respectively.

SEC. 3. PROVISION OF EMERGENCY AMENDMENT AUTHORITY FOR SENTENCING COMMISSION.

In accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (Public Law 10009182), as though the authority under that Act had not expired, the United States Sentencing Commission shall—

(1) not later than 60 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 6703 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458); and

(2) not later than 180 days after the date of the enactment of this Act, amend the Federal sentencing guidelines, commentary, and policy statements to implement section 3 of the Anabolic Steroid Control Act of 2004 (Public Law 10809358).

ALICE R. BRUNSICH POST OFFICE BUILDING

DOROTHY AND CONNIE HIBBS POST OFFICE BUILDING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be discharged from further consideration and that the Senate proceed to immediate consideration of the following postal naming bills, en bloc: S. 1275 and S. 1323.

The PRESIDING OFFICER. Without objection, the Senate will proceed en bloc.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bills be read a third time and passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to the bills be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (S. 1275 and S. 1323) were read the third time and passed, as follows:

S. 1275

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALICE R. BRUSICH POST OFFICE BUILDING.

(a) Designation.—The facility of the United States Postal Service located at 7172 North Tongass Highway, in Ward Cove, Alaska, shall be known and designated as the "Alice R. Brusich Post Office Building".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Alice R. Brusich Post Office Building".

S. 1323

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONNIE HIBBS OFFICE BUILDING.

(a) Designation.—The facility of the United States Postal Service located on Lindbald Avenue, in Girdwood, Alaska, shall be known and designated as the "Dorothy and Connie Hibbs Post Office Building".

(b) References.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Dorothy and Connie Hibbs Post Office Building".

THE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of the following items en bloc: Calendar No. 70, S. 362; Calendar No. 71, S. 39; Calendar No. 75, S. 50; and Calendar No. 76, S. 361.

The PRESIDING OFFICER. Without objection, the Senate will proceed to consideration of the measures en bloc.

Mr. McCONNELL. I ask unanimous consent the committee amendments, where applicable, be agreed to and considered as original text; the amendments at the desk be agreed to; the bills, as amended, be read a third time and passed; the motions to reconsider be laid on the table, en bloc; and any statements relating to the bills be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARINE DEBRIS RESEARCH PREVENTION AND REDUCTION ACT

The Senate proceeded to consider the bill (S. 362) to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Marine Debris Research Prevention and Reduction Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress makes the following findings:

(1) The oceans, which comprise nearly three quarters of the Earth's surface, are an important source of food and provide a wealth of other natural products that are important to the economy of the United States and the world.

(2) Ocean and coastal areas are regions of remarkably high biological productivity, are of considerable importance for a variety of recreational and commercial activities, and provide a vital means of transportation.

(3) Ocean and coastal resources are limited and susceptible to change as a direct and indirect result of human activities, and such changes can impact the ability of the ocean to provide the benefits upon which the Nation depends.

(4) Marine debris, including plastics, derelict fishing gear, and a wide variety of other objects, has a harmful and persistent effect on marine flora and fauna and can have adverse impacts on human health.

(5) Marine debris is also a hazard to navigation, putting mariners and rescuers, their vessels, and consequently the marine environment at risk, and can cause economic loss due to entanglement of vessel systems.

(6) Modern plastic materials persist for decades in the marine environment and therefore pose the greatest potential for long-term damage to the marine environment.

(7) Insufficient knowledge and data on the source, movement, and effects of plastics and other marine debris in marine ecosystems has hampered efforts to develop effective approaches for addressing marine debris.

(8) Lack of resources, inadequate attention to this issue, and poor coordination at the Federal level has undermined the development and implementation of a Federal program to address marine debris, both domestically and internationally.

(b) Purposes.—The purposes of this Act are—

(1) to establish programs within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with other Federal and non-Federal entities;

(2) to re-establish the Inter-agency Marine Debris Coordinating Committee to ensure a coordinated government response across Federal agencies;

(3) to develop a Federal information clearinghouse to enable researchers to study the sources, scale and impact of marine debris more efficiently; and

(4) to take appropriate action in the international community to prevent marine debris and reduce concentrations of existing debris on a global scale.

SEC. 3. NOAA MARINE DEBRIS PREVENTION AND REMOVAL PROGRAM.

(a) Establishment of Program.—There is established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

(b) Program Components.—Through the Marine Debris Prevention and Removal Program, the Administrator shall carry out the following activities:

(1) Mapping, identification, impact assessment, removal, and prevention.—The Administrator shall, in consultation with relevant Federal agencies, undertake marine debris mapping, identification, impact assessment, prevention, and removal efforts, with a focus on marine debris posing a threat to living marine resources (particularly endangered or protected species) and navigation safety, including—

(A) the establishment of a process, building on existing information sources maintained by Federal agencies such as the Environmental Protection Agency and the Coast

Guard, for cataloguing and maintaining an inventory of marine debris and its impacts found in the United States navigable waters and the United States exclusive economic zone, including location, material, size, age, and origin, and impacts on habitat, living marine resources, human health, and navigation safety;

(B) measures to identify the origin, location, and projected movement of marine debris within the United States navigable waters, the United States exclusive economic zone, and the high seas, including the use of oceanographic, atmospheric, satellite, and remote sensing data; and

(C) development and implementation of strategies, methods, priorities, and a plan for preventing and removing marine debris from United States navigable waters and within the United States exclusive economic zone, including development of local or regional protocols for removal of derelict fishing gear.

(2) REDUCING AND PREVENTING LOSS OF GEAR.—The Administrator shall improve efforts and actively seek to prevent and reduce fishing gear losses, as well as to reduce adverse impacts of such gear on living marine resources and navigation safety, including—

(A) research and development of alternatives to gear posing threats to the marine environment, and methods for marking gear used in specific fisheries to enhance the tracking, recovery, and identification of lost and discarded gear; and

(B) development of voluntary or mandatory measures to reduce the loss and discard of fishing gear, and to aid its recovery, such as incentive programs, reporting loss and recovery of gear, observer programs, toll-free reporting hotlines, computer-based notification forms, and providing adequate and free disposal recepticals at ports.

(3) OUTREACH.—The Administrator shall undertake outreach and education of the public and other stakeholders, such as the fishing industry, fishing gear manufacturers, and other marine-dependent industries, on sources of marine debris, threats associated with marine debris and approaches to identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigational safety. Including outreach and education activities through public-private initiatives. The Administrator shall coordinate outreach and education activities under this paragraph with any outreach programs conducted under section 2204 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1915).

(c) GRANTS.—

(1) IN GENERAL.—The Administrator shall provide financial assistance, in the form of grants, through the Marine Debris Prevention and Removal Program for projects to accomplish the purposes of this Act.

(2) 50 PERCENT MATCHING REQUIREMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), Federal funds for any project under this section may not exceed 50 percent of the total cost of such project. For purposes of this subparagraph, the non-Federal share of project costs may be provided by in-kind contributions and other noncash support.

(B) WAIVER.—The Administrator may waive all or part of the matching requirement under subparagraph (A) if the Administrator determines that no reasonable means are available through which applicants can meet the matching requirement and the probable benefit of such project outweighs the public interest in such matching requirement.

(3) AMOUNTS PAID AND SERVICES RENDERED UNDER CONSENT.—

(A) CONSENT DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may include money paid pursuant to, or the value of any in-kind service performed under, an administrative order on consent or judicial consent decree that will remove or prevent marine debris.

(B) OTHER DECREES AND ORDERS.—The non-Federal share of the cost of a project carried out under this Act may not include any money paid pursuant to, or the value of any in-kind service performed under, any other administrative order or court order.

(4) ELIGIBILITY.—Any natural resource management authority of a State, Federal or other government authority whose activities directly or indirectly affect research or regulation of marine debris, and any educational or nongovernmental institutions with demonstrated expertise in a field related to marine debris, are eligible to submit to the Administrator a marine debris proposal under the grant program.

(5) GRANT CRITERIA AND GUIDELINES.—Within 180 days after the date of enactment of this Act, the Administrator shall promulgate necessary guidelines for implementation of the grant program, including development of criteria and priorities for grants. Such priorities may include proposals that would reduce new sources of marine debris and provide additional benefits to the public, such as recycling of marine debris or use of biodegradable materials. In developing those guidelines, the Administrator shall consult with—

(A) the Interagency Marine Debris Committee;

(B) regional fishery management councils established under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.);

(C) State, regional, and local governmental entities with marine debris experience;

(D) marine-dependent industries; and

(E) non-governmental organizations involved in marine debris research, prevention, or removal activities.

(6) PROJECT REVIEW AND APPROVAL.—The Administrator shall review each marine debris project proposal to determine if it meets the grant criteria and supports the goals of the Act. Not later than 120 days after receiving a project proposal under this section, the Administrator shall—

(A) provide for external merit-based peer review of the proposal;

(B) after considering any written comments and recommendations based on the review, approve or disapprove the proposal; and

(C) provide written notification of that approval or disapproval to the person who submitted the proposal.

(7) PROJECT REPORTING.—Each grantee under this section shall provide periodic reports as required by the Administrator. Each report shall include all information required by the Administrator for evaluating the progress and success in meeting its stated goals, and impact on the marine debris problem.

SEC. 4. COAST GUARD PROGRAM.

The Commandant of the Coast Guard shall, in cooperation with the Administrator, undertake measures to reduce violations of MARPOL Annex V and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) with respect to the discard of plastics and other garbage from vessels. The measures shall include—

(1) the development of a strategy to improve monitoring and enforcement of current laws, as well as recommendations for statutory or regulatory changes to improve compliance and for the development of any appropriate amendments to MARPOL;

(2) regulations to address implementation gaps with respect to the requirement of MARPOL Annex V and section 6 of the Act to Prevent Pollution from Ships (33 U.S.C. 1905) that all United States ports and terminals maintain receptacles for disposing of plastics and other garbage, which may include measures to ensure that a sufficient quantity of such facilities exist at all such ports and terminals, requirements for logging the waste received, and for Coast Guard comparison of vessel and port log books to determine compliance;

(3) regulations to close record keeping gaps, which may include requiring fishing vessels under 400 gross tons entering United States ports to maintain records subject to Coast Guard inspection on the disposal of plastics and other garbage, that, at a minimum, include the time, date, type of garbage, quantity, and location of discharge by latitude and longitude or, if discharged on land, the name of the port where such material is offloaded for [disposal;] *disposal, taking into account potential economic impacts and technical feasibility;*

(4) regulations to improve ship-board waste management, which may include expanding to smaller vessels existing requirements to maintain ship-board receptacles and maintain a ship-board waste management plan, taking into account potential economic impacts and technical feasibility;

(5) the development, through outreach to commercial vessel operators and recreational boaters, of a voluntary reporting program, along with the establishment of a central reporting location, for incidents of damage to vessels caused by marine debris, as well as observed violations of existing laws and regulations relating to disposal of plastics and other marine debris; and

(6) a voluntary program encouraging United States flag vessels to inform the Coast Guard of any ports in other countries that lack adequate port reception facilities for garbage.

SEC. 5. INTERAGENCY COORDINATION.

(a) INTERAGENCY MARINE DEBRIS COMMITTEE ESTABLISHED.—There is established an Interagency Committee on Marine Debris to coordinate a comprehensive program of marine debris research and activities among Federal agencies, in cooperation and coordination with non-governmental organizations, industry, universities, and research institutions, State governments, Indian tribes, and other nations, as appropriate, and to foster cost-effective mechanisms to identify, determine sources of, assess, reduce, and prevent marine debris, and its adverse inpact on the marine environment and navigational safety, including the joint funding of research and mitigation and prevention strategies.

(b) MEMBERSHIP.—The Committee shall include a senior official from—

(1) the National Oceanic and Atmospheric Administration, who shall serve as the chairperson of the Committee;

(2) the United States Coast Guard;

(3) the Environmental Protection Agency;

(4) the United States Navy;

(5) the Maritime Administration of the Department of Transportation;

(6) the National Aeronautics and Space Administration;

(7) the U.S. Fish and Wildlife Service;

(8) the Department of State;

(9) the Marine Mammal Commission; and

(10) such other Federal agencies that have an interest in ocean issues or water pollution prevention and control as the Administrator determines appropriate.

(c) MEETINGS.—The Committee shall meet at least twice a year to provide a public, interagency forum to ensure the coordination of national and international research, monitoring, education, and regulatory actions addressing the persistent marine debris problem.

(d) DEFINITION.—The Committee shall develop and promulgate through regulation a definition of the term "marine debris".

(e) REPORTING.—

(1) INTERAGENCY REPORT ON MARINE DEBRIS IMPACTS AND STRATEGIES.—Not later than 12 months after the date of the enactment of this Act, the Committee, through the chairperson, and in cooperation with the coastal States, Indian tribes, local governments, and non-governmental organizations, shall complete and submit to the Congress a report identifying the source of marine debris, examining the ecological and economic impact of marine debris, alternatives for reducing, mitigating, preventing, and controlling the harmful affects of marine debris, the social and economic costs and benefits of such alternatives, and recommendations regarding both domestic and international marine debris issues.

(2) CONTENTS.—The report submitted under paragraph (1) shall provide recommendations on—

(A) establishing priority areas for action to address leading problems relating to marine debris;

(B) developing an effective strategy and approaches to preventing, reducing, removing, and disposing of marine debris, including through private-public partnerships;

(C) providing appropriate infrastructure for effective implementation and enforcement of measures to prevent and remove marine debris, especially the discard and loss of fishing gear;

(D) establishing effective and coordinated education and outreach activities; and

(E) ensuring Federal cooperation with, and assistance to, the coastal States (as defined in section 304(4) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(4))), Indian tribes, and local governments in the identification, determination of sources, prevention, reduction, management, mitigation, and control of marine debris and its adverse impacts.

(3) ANNUAL PROGRESS REPORTS.—Not later than 2 years after the date of the enactment of this Act, and every year thereafter, the Committee, through the chairperson, shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report that evaluates United States and international progress in meeting the purposes of this Act. The report shall include—

(A) the status of implementation of the recommendations of the Committee and analysis of their effectiveness;

(B) a summary of the marine debris inventory to be maintained by the National Oceanic and Atmospheric Administration;

(C) a review of the National Oceanic and Atmospheric Administration program authorized by section 3 of this Act, including projects funded and accomplishments relating to reduction and prevention of marine debris;

(D) a review of United States Coast Guard programs and accomplishments relating to marine debris removal, including enforcement and compliance with MARPOL requirements; and

(E) estimated Federal and non-Federal funding provided for marine debris and recommendations for priority funding needs.

(f) MONITORING.—The Administrator, in cooperation with the Administrator of the Environmental Protection Agency, shall utilize the marine debris data derived under this Act and title V of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 2801 et seq.) to assist—

(1) the Committee in ensuring coordination of research, monitoring, education, and regulatory actions; and

(2) the United States Coast Guard in assessing the effectiveness of this Act and the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.) in ensuring compliance under section 2201 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1913).

(g) CONFORMING AMENDMENT.—Section 2203 of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1914) is repealed.

SEC. 6. INTERNATIONAL COOPERATION.

The Interagency Marine Debris Committee shall develop a strategy and pursue in the International Maritime Organization and other appropriate international and regional forums, international action to reduce the incidence of marine debris, including—

(1) the inclusion of effective and enforceable marine debris prevention and removal measures in international and regional agreements, including fisheries agreements and maritime agreements;

(2) measures to strengthen and to improve compliance with MARPOL Annex V;

(3) national reporting and information requirements that will assist in improving information collection, identification and monitoring of marine debris;

(4) the establishment of an international database, consistent with the information clearinghouse established under section 7, that will provide current information on location, source, prevention, and removal of marine debris;

(5) the establishment of public-private partnerships and funding sources for pilot programs that will assist in implementation and compliance with marine debris requirements in international agreements and guidelines;

(6) the identification of possible amendments to and provisions in the International Maritime Organization Guidelines for the Implementation of Annex V of MARPOL for potential inclusion in Annex V; and

(7) when appropriate assist the responsible Federal agency in bilateral negotiations to effectively enforce marine debris prevention.

SEC. 7. FEDERAL INFORMATION CLEARINGHOUSE.

The Administrator, in coordination with the Committee, shall maintain a Federal information clearinghouse on marine debris that will be available to researchers and other interested parties to improve source identification, data sharing, and monitoring efforts through collaborative research and open sharing of data. The clearinghouse shall include—

(1) standardized protocols to map locations of commercial fishing and aquaculture activities using Geographic Information System techniques;

(2) a world-wide database which describes fishing gear and equipment, and fishing practices, including information on gear types and specifications;

(3) guidance on the identification of types of fishing gear fragments and their sources developed in consultation with persons of relevant expertise; and

(4) the data on mapping and identification of marine debris to be developed pursuant to section 3(b)(1) of this Act.

SEC. 8. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMITTEE.—The term "Committee" means the Interagency Marine Debris Committee established by section 5 of this Act.

(3) UNITED STATES EXCLUSIVE ECONOMIC ZONE.—The term "United States exclusive economic zone" means the zone established by Presidential Proclamation Numbered 5030, dated March 10, 1983, including the ocean waters of the areas referred to as "eastern special areas" in article 3(1) of the Agreement between the United States of America and the Union of Soviet Socialist Republics on the Maritime Boundary, signed June 1, 1990.

(4) MARPOL; ANNEX V; CONVENTION.—The terms "MARPOL", "Annex 5", and "Convention" have the meaning given those terms in paragraphs (3) and (4) of section 2(a) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for each fiscal year 2006 through 2010—

(1) to the Administrator for the purpose of carrying out sections 3 and 7 of this Act, $10,000,000, of which no more than 10 percent may be for administrative costs; and

(2) to the Secretary of the Department in which the Coast Guard is operating, for the use of the Commandant of the Coast Guard in carrying out sections 4 and 6 of this Act, $5,000,000, of which no more than 10 percent may be used for administrative costs.

Mr. INOUYE. I rise today in support of S. 362, the Marine Debris Research, Prevention, and Reduction Act, legislation I introduced with Senator STEVENS, with the cosponsorship of Senators CANTWELL, SNOWE, LAUTENBERG, KERRY, SARBANES, AKAKA, and MURRAY.

This bill, which I am proud to say passed the Senate unanimously in the 108th Congress, focuses on one particular impact that goes unnoticed by many and has been largely ignored by the global community: marine debris. This problem is so important, and so pervasive, that it merited an entire chapter of the 2004 Report of the U.S. Commission on Ocean Policy.

While marine debris includes conventional "trash," it also includes a vast array of additional materials that may find their way to sea, such as discarded or lost fishing gear, cargo washed overboard, and abandoned equipment from our commercial fleets. Marine debris is not only unsightly and dangerous to navigation, but it is also deadly to sea creatures, which may die entangled in a discarded fishing net or after ingesting plastic items such as lighters and toys.

While the problem is vast, it is also reversible when given sufficient emphasis, coordination, and funding. The bill being considered by the full Senate today aims to meet this challenge by adopting the measures recommended by both the Ocean Commission and the 2000 International Marine Debris Conference to help remove manmade marine debris from the list of ocean threats. The bill has strong support from the Bush administration, environmental groups, and others with an interest in the marine debris problem, including the Ocean Conservancy and the Northwest Straits Commission.

Specifically, our legislation would establish a Marine Debris Prevention and Removal Program within the National Oceanic and Atmospheric Administration, NOAA, direct the U.S. Coast Guard to improve enforcement of laws designed to prevent ship-based pollution from plastics and other garbage, reinvigorate an interagency committee on marine debris, and improve our research and information on marine debris sources, threats, and prevention. The bill would authorize $10 million in funding for the NOAA program, and $5 million in funding for the Coast Guard program. I am pleased to say that congressional action last year provided $5 million in appropriated funding to NOAA specifically toward this problem, and the Senate Appropriations Committee has recommended increasing this amount to $6.4 million in fiscal year 2006. We challenge the administration to likewise increase funding for this initiative in coming years.

In Hawaii, the impacts of marine debris are more visible because of the convergence caused by the North Pacific Tropical High. Atmospheric forces cause ocean surface currents to converge on Hawaii, bringing with them the vast amount of debris floating throughout the Pacific. Since 1996, a total of 484 tons of debris have been removed from coral reefs in the northwestern Hawaiian Islands, which is also home to many endangered marine species. In 2004 alone, the program removed over 125 tons of debris. However, because more debris arrives daily, the job is far from done.

I am pleased that the coordinated approach taken to address the threats posed by marine debris in the northwestern Hawaiian Islands has provided a model for the nation. We have learned that our best path to success lies in partnering with one another to share resources, and it is my hope that others may adapt our project to their own shores through the partnership and funding opportunities set forth in this bill.

We must also bear in mind that no matter how zealously we reform our practices, the ultimate solution lies in international cooperation. The oceans connect the coastal nations of the world, and we must work together to reduce this increasing threat to our seas and shores. The Marine Debris Research, Prevention, and Reduction Act will provide the United States with the tools to develop effective marine debris prevention and removal programs on a worldwide basis, including reporting and information requirements that will assist in the creation of an international marine debris database.

Mr. President, I encourage my colleagues to join me in supporting enactment of the Marine Debris Research, Prevention, and Reduction Act. This bill will provide the United States with the programs and resources necessary to protect our most valuable resources, our oceans.

The committee amendment was agreed to.

The amendment (No. 1099) was agreed to, as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 362), as amended, was read the third time, and passed.

NATIONAL OCEAN EXPLORATION PROGRAM ACT

The Senate proceeded to consider the bill (S. 39) to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

AMENDMENT NO. 1100

(Purpose: In the nature of a substitute)

The amendment (No. 1100) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 39), as amended, was read the third time and passed.

Mr. INOUYE. I rise today in support of S. 39, the National Ocean Exploration Program Act. As a cosponsor of S. 39, I join my good friend Chairman, STEVENS in supporting an enhanced national effort to explore our oceans, as was strongly recommended by the U.S. Commission on Ocean Policy. The oceans cover nearly three-quarters of the Earth's surface and contain a diversity of life which greatly exceeds that found in terrestrial systems, and yet our oceans remain poorly understood. I therefore commend my friend, Chairman STEVENS, for his initiative in this area and thank Senators SNOWE, DODD, KERRY, LAUTENBERG, CANTWELL, and REED for their support in cosponsoring this legislation.

Despite the importance of the oceans in human history, in regulating climate change, guaranteeing food security, providing energy resources, and enabling worldwide commerce, the U.S. spends only 3.5 percent of its research budget on ocean science, and far less on ocean exploration. Approximately 95 percent of the ocean floor remains unexplored. It is hard to understand our inattention to this exciting area of research given the opportunity ocean exploration provides for discovering new habitats, species, artifacts, and resources. Ocean exploration expeditions can provide images of ancient human artifacts, rare or previously undiscovered species, and exciting new ecosystems. These images ignite the imagination of the general public and engage them in marine science and conservation.

This bill is a reflection of Senator STEVENS' and my long history of working together to increase the funding for ocean exploration, as well as to secure a dedicated vessel to conduct these activities in U.S. waters and worldwide. To accomplish these goals our bill would establish a national ocean exploration program within the National Oceanic and Atmospheric Administration that, in coordination with the National Science Foundation, would conduct interdisciplinary ocean exploration voyages and give priority attention to deep ocean regions.

To facilitate the aims of the exploration program, the bill would also establish a Federal exploration technology and infrastructure task force. This task force would be charged with strengthening interagency coordination for the purposes of developing and facilitating the transfer of new exploration technologies, communication infrastructure and data management systems to the exploration program. Long-term funding levels are also dedicated for ocean exploration in the bill.

I hope that my colleagues will work with us today to ensure the swift passage of the National Ocean Exploration Program Act.

TSUNAMI PREPAREDNESS ACT

The Senate proceeded to consider the bill (S. 50) to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment.

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE.

[This Act may be cited as the "Tsunami Preparedness Act".

[SEC. 2. FINDINGS AND PURPOSES.

[(a) FINDINGS.—The Congress finds the following:

[(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

[(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

[(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

[(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

[(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

[(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

[(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

[(C) the Federal-State national tsunami hazard mitigation program;

[(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

[(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami; and

[(F) other related programs.

[(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

[(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, and from cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

[(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

[(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

[(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires near real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning communication system, a sustained program of education and risk assessment, and an established local communications infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

[(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

[(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification communications infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard communication and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

[(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunams, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

[(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

[(b) Purposes.—The purposes of this Act are—

[(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

[(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

[(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

[(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

[(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

[SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

[(a) In General.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

[(b) System Requirements.—

[(1) Pacific system.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

[(2) Atlantic, Caribbean, and Gulf of Mexico system.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

[(A) to be geologically active, or to have significant potential for geological activity; and

[(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

[(3) Components.—The systems shall—

[(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

[(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

[(C) provide for establishment of a cooperative effort between the National Oceanic and Atmospheric Administration and the United States Geological Survey under which the Geological Survey provides rapid and reliable seismic information to the Administration from international and domestic seismic networks;

[(D) provide for information and data processing through the tsunami warning centers established under subsection (c);

[(E) be integrated into United States and global ocean and earth observing systems; and

[(F) provide a communications infrastructure for at-risk tsunami communities that supports rapid and reliable alert and notification to the public such as the National Oceanic and Atmospheric Administration weather radio and the All Hazard Alert Broadcasting Radio.

[(c) Tsunami Warning Centers.—

[(1) In general.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

[(A) a Pacific Tsunami Warning Center in Hawaii;

[(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

[(C) any additional warning centers determined by the Administrator to be necessary.

[(2) Responsibilities.—The responsibilities of each tsunami warning center shall include—

[(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

[(B) evaluating earthquakes that have the potential to generate tsunami;

[(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

[(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

[(d) Transfer of Technology; Maintenance and Upgrades.—In carrying out this section, the Administrator shall—

[(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

[(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

[(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

[(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

[(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

[(e) CERTIFICATION.—Amounts appropriated for any fiscal year pursuant to section 8 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

[(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

[(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

[(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

[SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

[(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration is authorized to conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

[(b) COORDINATING COMMITTEE.—In conducting the program, the Administrator shall establish a coordinating committee comprising representatives of—

[(1) the National Oceanic and Atmospheric Administration;

[(2) the United States Geological Survey;

[(3) the Federal Emergency Management Agency;

[(4) the National Science Foundation; and

[(5) affected coastal States and territories.

[(c) PROGRAM COMPONENTS.—The program shall—

[(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

[(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

[(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan;

[(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

[(5) through the Federal Emergency Management Agency as the lead agency, develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs to discourage development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

[(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

[(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(c).

[SEC. 5. TSUNAMI RESEARCH PROGRAM.

[(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

[(1) help determine—

[(A) whether an earthquake or other seismic event will result in a tsunami; and

[(B) the likely path, severity, duration, and travel time of a tsunami;

[(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

[(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

[(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

[(b) COMMUNICATIONS TECHNOLOGY.—The Administrator, in consultation with the Assistant Secretary of Commerce for Communications and Information and the Federal Communications Commission, shall investigate the potential for improved communications systems for tsunami and other hazard warnings by incorporating into the existing network a full range of options for providing those warnings to the public, including, as appropriate—

[(1) telephones, including special alert rings;

[(2) wireless and satellite technology, including cellular telephones and pagers;

[(3) the Internet, including e-mail;

[(4) automatic alert televisions and radios;

[(5) innovative and low-cost combinations of such technologies that may provide access to remote areas; and

[(6) other technologies that may be developed.

[SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

[(a) SYSTEM UPGRADES.—The Administrator of the National Oceanic and Atmospheric Administration shall—

[(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

[(2) ensure the deployment of an array of deep ocean detection buoys in the regions described in section 3(a) of this Act;

[(3) ensure expansion or upgrade of the tide gauge network in the regions described in section 3(a); and

[(4) complete the upgrades not later than December 31, 2007.

[(b) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science of—

[(1) impaired regional detection coverage due to equipment or system failures; and

[(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

[(c) ANNUAL REPORT.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science on the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

[(d) EXTERNAL REVIEW.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

[SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

[(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

[(b) DETECTION EQUIPMENT; TECHNICAL ADVICE.—In carrying out this section, the Administrator—

[(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation; and

[(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system.

[(c) DATA-SHARING REQUIREMENT.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

[(d) RECEIPT OF INTERNATIONAL REIMBURSEMENT AUTHORIZED.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

[SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

[There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act.]

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tsunami Preparedness Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

(C) the Federal-State national tsunami hazard mitigation program;

(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami;

(F) an archive of historical tsunami data, held at the National Oceanic and Atmospheric Administration's National Geophysical Data Center; and

(G) other related programs, including those operated in coordination with academic institutions.

(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, the Alaska Earthquake Information Center, and cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning communication system, a sustained program of education and risk assessment to develop response strategies, and an established local communications infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification communications infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard communication and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunami, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

(15) On February 16, 2005, the United States, together with 53 other Nations participating in the Third Earth Observation Summit in Brussels, Belgium, adopted a 10-year implementation plan as the basis for establishing the Global Earth Observation System of Systems.

(16) The Global Earth Observation System of Systems will consist of existing and future earth observation systems, including the United States tsunami detection and warning system.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

(b) SYSTEM REQUIREMENTS.—

(1) PACIFIC SYSTEM.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

(2) ATLANTIC, CARIBBEAN, AND GULF OF MEXICO SYSTEM.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

(3) COMPONENTS.—The systems shall—

(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

(C) allow for such additional sensors as may be necessary to provide other ocean and earth observation capabilities;

(D) provide for the establishment of a cooperative effort between the National Oceanic and

Atmospheric Administration and the United States Geological Survey under which the Geological Survey and State earthquake information centers provide rapid and reliable real-time seismic information to the Administration from international and domestic seismic networks;

(E) provide for information and data processing through the tsunami warning centers established under subsection (c);

(F) be integrated into United States and global ocean and earth observing systems, including the Global Earth Observation System of Systems;

(G) provide a communications infrastructure, in coordination with local communications providers, for at-risk tsunami communities that supports rapid and reliable alert and notification to the public, such as the National Oceanic and Atmospheric Administration's Weather, Alert, and Readiness Network, which includes the weather radio and the All Hazard Alert Broadcasting Radio; and

(H) the integration of NOAA's Advanced Weather Interactive Processing System with other communications technologies.

(4) FEDERAL COOPERATION.—In deploying and maintaining detection buoys utilized in the tsunami warning system, the Administrator should leverage the assistance and assets of the United States Coast Guard, the Navy, and other Federal agency assets in the region. Within 180 days after the date of enactment of this Act, the Administrator shall provide a report to the Senate committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources that summarizes the extent to which the United States Coast Guard or any other Federal agency is assistance in deploying and maintaining such buoys.

(c) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional warning centers determined by the Administrator to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological stations, deep ocean detection buoys, and tidal monitoring stations and providing such data to the national tsunami archive;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

(d) DATA MANAGEMENT.—The Administrator shall maintain national and regionally-based data management systems to support and establish data management requirements for the tsunami detection and monitoring system, including requirements for—

(1) quality control and quality assurance;

(2) archiving and maintaining data;

(3) supporting integration of observations from the system with other national and international water level measurements, such as the Global Sea Level Monitoring System;

(4) integration of observations from the system with other elements of the global and coastal components of the integrated ocean and coastal observing system and the Global Earth Observation System of Systems; and

(5) the development of and access to data sets and integrated data products designed to support multi-hazard regional vulnerability assessment and adaptation programs such as the program established under section 8.

SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, develop and conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

(b) COORDINATING COMMITTEE.—In developing and conducting the program, the Administrator shall establish a coordinating committee comprising representatives of—

(1) the National Oceanic and Atmospheric Administration;

(2) the United States Geological Survey;

(3) the Federal Emergency Management Agency;

(4) the National Science Foundation;

(5) the National Institute of Standards and Technology; and

(6) affected coastal States and territories.

(c) PROGRAM COMPONENTS.—The program shall—

(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

(2) promote and improve community outreach and education networks and programs to ensure community awareness and readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

(3) integrate tsunami awareness, preparedness, and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan and State coastal zone management plans;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

(5) through the Federal Emergency Management Agency as the lead agency, develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs to discourage development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(e).

SEC. 5. TSUNAMI RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

(1) help determine—

(A) whether an earthquake or other seismic event will result in a tsunami; and

(B) the likely path, severity, duration, and travel time of a tsunami;

(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

(b) COMMUNICATIONS TECHNOLOGY.—The Administrator, in consultation with in consultation with the Assistant Secretary of Commerce for Communications and Information and the Federal Communications Commission, shall investigate the potential for improved communications systems for tsunami and other hazard warnings by incorporating into the existing network a full range of options for providing those warnings to the public, including, as appropriate—

(1) telephones, including special alert rings;

(2) wireless and satellite technology, including cellular telephones and pagers;

(3) the Internet, including e-mail;

(4) automatic alert televisions and radios;

(5) innovative and low-cost combinations of such technologies that may provide access to remote areas; and

(6) other technologies that may be developed.

SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

(a) SYSTEM UPGRADES.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

(2) ensure the deployment of an array of deep ocean detection buoys capable of carrying multi-observation technology in the regions described in section 3(a) of this Act;

(3) ensure expansion or upgrade of the seismic monitoring and tide gauge networks in the regions described in section 3(a); and

(4) complete the upgrades not later than December 31, 2007.

(b) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the Global Earth Observation System of Systems, global seismic networks, and the Advanced National Seismic System.

(c) CERTIFICATION.—Amounts appropriated for any fiscal year pursuant to section 9 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce,

Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

(d) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Science, and the House of Representatives Committee on Resources of—

(1) impaired regional detection coverage due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

(e) ANNUAL REPORT.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

(f) EXTERNAL REVIEW.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, the Group on Earth Observations, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific, and consistent with the 10-year implementation plan for the Global Earth Observation System of Systems.

(b) INTERNATIONAL TSUNAMI INFORMATION CENTER.—The Administrator shall operate an International Tsunami Information Center to improve tsunami preparedness for all Pacific Ocean nations participating in the International Tsunami Warning System of the Pacific, and which may also provide such assistance to other nations participating in a global tsunami warning system established through the International Oceanographic Committee of UNESCO. As part of its responsibilities in the Pacific, the Center shall—

(1) monitor international tsunami warning activities in the Pacific;

(2) assist member states in establishing national warning systems, and make information available on current technologies for tsunami warning systems;

(3) maintain a library of materials to promulgate knowledge about tsunamis in general and for use by the scientific community; and

(4) disseminate information, including educational materials and research reports.

(c) TECHNICAL ASSISTANCE.—In carrying out this section, the Administrator—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation;

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system; and

(3) shall provide technical and other assistance to support international tsunami education, response, vulnerability, and adaptation programs.

(d) DATA-SHARING REQUIREMENT.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

(e) FUNDING ASSISTANCE.—The Administrator, in coordination with the Secretary of State, shall seek funding assistance from participating nations needed to ensure establishment of a fully functional global tsunami warning system.

(f) RECEIPT OF INTERNATIONAL REIMBURSEMENT AUTHORIZED.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

SEC. 8. COASTAL COMMUNITY VULNERABILITY AND ADAPTATION PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall establish an integrated coastal vulnerability and adaptation program focused on improving the resilience of coastal communities to natural hazards and disasters. The program shall be regional in nature, build upon and integrate existing Federal and State programs, and provide usable products that will improve preparedness of communities, businesses, and government entities. The program may include the following activities:

(1) Development of multi-hazard vulnerability maps to characterize and assess risks of coastal communities to a range of natural hazards and provide a baseline for assessing future risks.

(2) Multi-disciplinary vulnerability assessment research and education that will help integrate risk management with community development planning and policies.

(3) Risk management and leadership training for the public, local officials, and institutions that will enhance understanding and preparedness.

(4) Risk assessment technology development, including research and development of emerging technologies and practical application of existing or emerging technologies, such as modeling, remote sensing, geospatial technology, engineering, and observing systems.

(5) Risk management data and information services, including access to data and products derived from observing and detection systems, as well as development and maintenance of new integrated data products that would support risk assessment and risk management programs.

(6) Risk communication systems that coordinate with and build upon existing alert, warning, and forecast systems and actively engage policy officials, government agencies, businesses, communities, non-governmental organizations, and the media in the design and implementation of the system.

(b) REGIONAL PILOT PROJECTS.—

(1) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator shall, in consultation with the appropriate Federal, State, tribal, and local governmental entities, establish 3 pilot projects to conduct regional assessments of the vulnerability of coastal areas of the United States to hazards associated with tsunami and other coastal hazards, including sea level rise, increases in severe weather events, and climate variability and change. Priority shall be given to collaborative partnership proposals from regionally-based multi-organizational coalitions. In preparing the regional assessments, the Administrator shall collect and compile current information on tsunami, climate change, sea level rise, natural hazards, coastal erosion and mapping, and ongoing regional efforts to address them.

(2) SCOPE.—Regional assessments under the pilot program shall include an evaluation of—

(A) the social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(B) the physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration;

(C) the economic impact on local, State, tribal, and regional economies, including the impact on coastal infrastructure and the abundance or distribution of economically important living marine resources; and

(D) opportunities to enhance the resilience of at-risk communities, economic sectors, and natural resources.

(c) SELECTION CRITERIA.—The Administrator shall rely on the following criteria in identifying appropriate regional pilot projects:

(1) Vulnerability to tsunami, hurricanes, extreme weather, flooding, climate, and other coastal hazards.

(2) Dependence on economic sectors and natural resources that are particularly sensitive to coastal hazards.

(3) Opportunities to link and leverage related regional risk observation, research, forecasting, assessment, educational and risk management programs.

(4) Demonstration of strong, interagency collaboration in the area of risk management.

(5) Access to NOAA and other Federal agency programs, facilities, and infrastructure related to tsunami and other coastal hazards monitoring, warning, forecasting, research assessment, and data management.

(d) REGIONAL ADAPTATION PLANS.—The Administrator shall, within 3 years after the commencement of each project under subsection (b), submit to the Congress regional adaptation plans—

(1) based on the information contained in the regional assessments conducted under subsection (b);

(2) developed with the participation of other Federal agencies, State, tribal, and local government agencies, and non-governmental entities

(including academia and the private sector) that will be critical in the implementation of the plan at the State, tribal, and local levels;

(3) that recommend targets and strategies to address coastal impacts associated with tsunami, climate change, sea level rise, or climate variability;

(4) that include recommendations for both short- and long-term adaptation strategies; and

(5) that include recommendations on—

(A) Federal flood insurance program modifications;

(B) areas that have been identified as high risk through mapping and assessment;

(C) enhancing the effectiveness of State coastal zone management programs in mitigating or preventing coastal risks;

(D) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(E) land and property owner education;

(F) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(G) funding requirements and mechanisms.

(e) TECHNICAL PLANNING AND FINANCIAL ASSISTANCE.—The Administrator, through the National Ocean Service, shall establish a coordinated program—

(1) to provide technical planning assistance and financial assistance to coastal States, tribes, and local governments as they develop and implement adaptation or mitigation strategies and plans under this section; and

(2) to make products, information, tools, and technical expertise generated from the development of the regional assessment and the regional adaptation plan available to coastal States for the purposes of developing their own State, tribal, and local plans.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration—

(1) $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act (other than section 8); and

(2) $5,000,000 for each of such fiscal years to carry out section 8, of which at least $3,000,000 for each fiscal year shall be used to carry out the pilot projects authorized by section 8(b).

Mr. INOUYE. Mr. President, today I rise in support of S. 50, the Tsunami Preparedness Act, which Senator STEVENS and I introduced in January 2004, and which is now being considered by the full Senate. We are joined by 24 of our friends and colleagues as cosponsors, including Senators CANTWELL, BURNS, LAUTENBERG, SNOWE, AKAKA, MURKOWSKI, CLINTON, SMITH, MURRAY, LIEBERMAN, LANDRIEU, BILL NELSON, KERRY, CHAMBLISS, WYDEN, DAYTON, BOXER, FEINSTEIN, MIKULSKI, SARBANES, CORZINE, LOTT, GREGG, and BEN NELSON.

This bill, which the Commerce Committee unanimously approved in March, provides a scientific and technological response to minimize the threats posed by tsunami to our own shores and coastal communities around the world. While we have had limited observation and detection capabilities dating back to 1949, we must have a more robust, reliable, and well-maintained tsunami warning system. The appalling scope of the Indian Ocean tsunami of December 26, 2004 made clear the need and the urgency to develop more advanced detection capabilities.

Our legislation builds on our previous work and will establish a warning system in the Pacific that is a model for the world. It also provides for expansion and improvement to repair gaps that have been identified recently.

Protecting human life and property from natural disaster requires three components: the ability to reliably detect and forecast, the capacity to broadcast warnings in a timely and informative manner, and the capability to respond and safely evacuate coastal communities. Above all, however, it requires the willingness to invest resources to prepare for a threat that is largely unseen and unpredictable, until the last moment, when a monstrous wave actually strikes.

The people of Alaska and Hawaii have long memories and a keen awareness of the threat of tsunami. Perhaps it is because Hawaii sits in a position of terrible vulnerability in the Pacific Ocean, which is the site of 85 percent of the world's tsunami activity, and because Alaska, perched on the northern edge of the Pacific's Ring of Fire, suffers frequent tsunami-generating earthquakes. Yet we are not the only States at risk from tsunami. There is a 14 percent chance that the coast of Oregon will, within the next 50 years, see a tsunami similar in magnitude to the one that recently took so many lives in the Indian Ocean. A recent study by the University of Southern California found that undersea slumping off the California coast could generate a tsunami with the potential to take many thousands of lives and cause over $40 billion in damages.

In order to protect local communities, Hawaii established in 1949 a tsunami warning center, following a tragic Hilo tsunami. In response to the Good Friday earthquake and tsunami of 1964, which accounted for 90 percent of the deaths in the State that year, Alaska established an observatory in Palmer, AK, in 1967. Collaborations between the two centers and other partners led to a nascent capacity for predicting and warning coastal communities about potential tsunami in Alaska and Hawaii and beyond.

As we came to understand the broader threat that tsunami posed, TED STEVENS and I worked together to pass legislation in 1994 to direct the National Oceanic and Atmospheric Administration, NOAA, to develop a Tsunami Hazard Mitigation Program. We are pleased to report that the program has laid the foundation for tsunami preparedness.

Through its Pacific Marine Environmental Laboratory, PMEL, NOAA has developed Deep Ocean Assessment and Reporting of Tunami—or "DART"—buoys, which accurately measure the subtle variations in the ocean's sea level caused by tsunami traveling over open water. With these measurements, as well as readings from coastal gauges, mathematical models can forecast tsunami direction, speed, and inundation with astonishing accuracy. Although the worldwide network of seismic sensors operated by the U.S. Geological Survey, USGS, provides excellent notice of earthquakes with the potential to generate tsunami, the DART buoys represent a next-generation approach to detection and forecasting of tsunami that will form the backbone of our domestic preparedness.

Interpreting these data and issuing warnings are Hawaii's Pacific Tsunami Warning Center, and Alaska's West Coast/Alaska Tsunami Warning Center, which jointly have the capacity to cover our domestic shores, and, at the same time, to reach out to all cooperating nations of the world.

Forecasting and warning networks, however, depend on ears who know how to respond, and so the Tsunami Hazard Mitigation Program has partnered with States and local authorities to produce inundation mapping, develop evacuation routes, and conduct tsunami education. As a result of much hard work, 15 counties along the West Coast and in Alaska and Hawaii have become national and world leaders by becoming "tsunami ready."

The appalling scope of the Indian Ocean tragedy illustrates the importance and necessity of our work of the past 10 years, and with stark clarity, we can see that despite our best efforts, much remains to be done. Now, as before, Senator STEVENS and I have come together to lead the charge toward national and international tsunami preparedness.

The bill formally authorizes NOAA to establish, operate, and maintain a dependable national tsunami warning system that would provide maximum tsunami detection capability for the Nation. The system would build on the model established in the Pacific, and provide for its repair, expansion and modernization by the close of calendar year 2007. The system would include four components: an expanded and upgraded detection and warning system, a Federal-State tsunami hazard mitigation program, a tsunami research program, and a modernization and upgrade program. In addition, S. 50 would direct NOAA to provide any necessary technical or other assistance to international efforts to establish regional systems in other parts of the world, including the Indian Ocean.

The detection and warning system established by the bill would cover the Pacific Ocean region, as well as the Atlantic-Caribbean-Gulf of Mexico region. The system would incorporate a variety of seismic and tsunami detection technologies, including deep ocean buoys. The system also would encompass tsunami warning centers charged with collecting and analyzing the data and distributing warnings, including the existing Pacific Tsunami Warning Center in Hawaii and the West Coast/Alaska Tsunami Warning Center in Alaska, as well as any others deemed necessary by the NOAA Administrator.

The bill formally authorizes NOAA's Tsunami Hazard Mitigation Program and its community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas. The bill directs a Federal-State coordinating committee for the program to work together to improve inundation mapping, community outreach and education, and promote and integrate tsunami warning and mitigation measures, including rescue and recovery guidelines. The program would provide grants to States to ensure the program elements are implemented in coastal communities.

The bill requires NOAA to establish, along with other agencies and academic institutions, a tsunami research program to continuously improve detection, prediction, communication, and mitigation science and technology to support tsunami forecasts and warnings. This program would also focus on the potential for improved communications systems for tsunami and other hazard warnings, including telephones, wireless and satellite technology, the Internet, television and radio, and any innovative combination of these technologies.

Another critical component of the bill requires NOAA to upgrade and modernize the U.S. tsunami detection system by December 2007, and provide accountability for the long-term operation of the system. NOAA is required to repair and upgrade the system, ensuring deployment of existing deep ocean detection buoys and related detection equipment, as well as notify Congress immediately not only of any equipment or system failures that will impair regional detection, but also of significant contractor failures or delays. In addition, the bill calls for the National Academy of Sciences to review the system for further modernization recommendations.

One of the changes we made to the bill resulted from testimony at the committee's February 2, 2005, hearing, and focuses on improving warning and preparedness for all coastal hazards, not only tsunami. The bill now contains a Coastal Community Vulnerability and Adaptation program at NOAA would encourage collaboration among Federal, State, local, and regional efforts through pilot projects focusing on: No. 1, development of vulnerability maps for coastal communities to a wide array of potential hazards; No. 2, better integration of risk management with community planning; No. 3, rick management leadership training for public officials; No. 4, development of risk assessment technologies; No. 5, new data services to support the new risk management activities; and No. 6, new risk communication systems. The bill would authorize $5 million annually for fiscal year 2006–2012 for the program.

The bill also recognizes the need for global coordination on tsunami preparedness, and as such, requires NOAA, and the interagency coordinating committee of the U.S. Tsunami Hazard Mitigation Program, to provide technical assistance and advice to international entities as part of an international effort to develop a fully functional global tsunami warning system. The bill would also encourage nations to share information and funding for such activities.

Finally, the bill authorizes $35 million annually for 6 years to support tsnunami related activities. Through this legislation, the work Senator STEVENS and I started over ten years ago will step up to the next level, and provide our Nation with coverage and protection that it needs, while fulfilling our duties as citizens of the global community.

I believe that this bill will provide services of incalculable value to our Nation. The return on our investment may not happen this day or the next but it will happen. I hope that you will join me and my cosponsors in supporting enactment of the Tsunami Preparedness Act.

Mr. WYDEN. Mr. President, Oregon's 363 miles of coastline are extremely susceptible to tsunamis. Just 2 weeks ago, at 7:40 p.m. on June 14, 2005, the tsunami threat became reality for those living on or visiting the coast. A 7.0 earthquake off the coast of California triggered an automatic tsunami warning for the entire west coast of the United States. The emergency response capabilities of these communities were put to the test. Fortunately, the warning was called off at 9:09 p.m. after it was determined that the earthquake failed to produce a tsunami.

Looking back, a lot of things went right. In Oregon, in cities such as Seaside and Cannon Beach, the alarms were sounded and people evacuated. However, there is a lot more that needs to be done. Models indicate that should an offshore earthquake trigger a tsunami, coastal towns will only have between 12 and 30 minutes before the first wave hits the beach. On June 14, for many people on the coast, the information would have come too late.

I am pleased that the Tsunami Preparedness Act, S. 50, of which I am a consponsor and strong supporter, will pass the Senate by unanimous consent today. The world has recently seen how potentially devastating a tsunami can be. America needs to take steps to prepare and be ready. Oregonians are acutely aware that, at some point, a tsunami could hit the coast of the United States. This bill will give our coastal communities opportunities that weren't afforded the victims of the tragic tsunami in Southeast Asia last year. It will harness the brains and expertise of universities, like Oregon State University and Oregon Health and Science University, to improve our tsunami detection and warning system and to make available the resources necessary to adequately prepare, inform, and protect U.S. citizens.

The U.S. has the tools to establish a top-notch national tsunami warning system and hazard mitigation program. Oregon universities are leading the way in tsunami research, and the practical applications of this research must be used. Our region, and the other vulnerable areas in the Nation, will benefit from better knowledge about the tracking, forecasting, and effects of tsunami waves. I look forward to the implementation of the Tsunami Preparedness Act and to reviewing the first annual report to Congress on the status and progress of work on this issue.

The committee amendment was agreed to.

AMENDMENT NO. 1101

(Purpose: In the nature of a substitute)

The amendment (No. 1101) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill (S. 50), as amended, was read the third time, and passed.

OCEAN AND COASTAL OBSERVATION SYSTEM ACT OF 2005

The Senate proceeded to consider the bill (S. 361) to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans, and Great Lakes, improve warnings of tsunamis, and other natural hazards, enhance homeland security, support maritime operations, and for other purposes.

AMENDMENT NO. 1102

(Purpose: To develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, improve management of coastal and marine resources, and for other purposes)

(The amendment is printed in today's RECORD under "Text of Amendments.")

The amendment (No. 1102) was agreed to.

The amendment (No. 1103) was agreed to, as follows:

Amend the title so as to read "A bill to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, and for other purposes.".

Ms. SNOWE. Mr. President, thank you for allowing the Senate to consider S. 361, the Ocean and Coastal Observation Systems Act of 2005. I must also thank my cosponsors, Senators KERRY, STEVENS, INOUYE, COLLINS, SARBANES, LAUTENBERG, LOTT, and CANTWELL. Their commitment to sound, science-based marine policy enabled us to craft this critical legislation that would do nothing less than revolutionize our understanding of the oceans.

This bill, the Ocean and Coastal Observation Systems Act of 2005, would create an integrated network of ocean monitoring systems around our Nation's coastlines, enabling comprehensive ocean data to be collected, compiled, and utilized in ways that enhance our safety, livelihoods, and overall quality of life.

Although 140 million Americans live along our Nation's 95,000 miles of coastline, most of these coastal residents would be surprised to learn how little we know about what happens at and below the sea's surface. Marine scientists strive to collect data on the biological, physical, and chemical properties of the ocean, yet many of their questions about our complex marine environment remain unanswered. Moreover, there is a tremendous and growing need to translate data about ocean conditions into a form of information that people can use to improve their activities in and on the water—whether for marine science, resource management, and maritime transportation and safety.

Having more than 5,000 miles of shoreline, my home State of Maine has a strong heritage linked to the sea. Our coastal communities are highly dependent on the fisheries resources and other essential services provided to us by the Gulf of Maine, and for centuries our lives and livelihoods have required us to understand and adapt to ever-changing ocean conditions.

This critical need for information was the driving force behind the innovation that led to the Gulf of Maine Ocean Observing System, or GoMOOS. A partnership of marine science institutions and ocean-dependent organizations launched GoMOOS in 2001 with the deployment of ten observation buoys in the Gulf of Maine. Since then, these buoys have taken nearly continuous measurements of wind speed, wave height, temperature, fog, currents, salinity, turbidity, dissolved oxygen, and other key environmental variables. By modifying the instrumentation, scientists can gather other data from these platforms, and they can further link it to ocean information relayed by radar and satellites. GoMOOS compiles these data and makes it available to any ocean stakeholder via the internet, on a near real-time basis. Not only is this a tremendous public service to those affected by sea conditions, but it also provides a tremendous economic return—nearly $6 for every $1 invested—to the New England region.

The impact of GoMOOS in our region has been profound. Fisheries scientists and managers use this information to predict ocean conditions that affect productivity, and they are finding new ways to apply this information in resource management. Fishermen, sailors, Coast Guard search-and-rescue units, the military, and others who traverse the ocean are better able to predict safe sea conditions, and shippers can transport their goods more efficiently. Ocean scientists and regulators are better able to understand, predict, and rapidly respond to marine pollution and hazardous ocean conditions such as harmful algal blooms. Educators and students are learning more about marine science.

Of course, all States that border our Nation's oceans and Great Lakes would benefit from easy access to this kind of ocean information. Following the example of GoMOOS, more than a dozen ocean and coastal observing systems are being developed and implemented around the Nation, many in conjunction with the National Oceanic and Atmospheric Administration or NOAA. State coastal managers, universities, marine industries, and other regional partners. While these systems can provide valuable services to their region, we have found that they use different—and sometimes incompatible—methods for collecting, managing, processing, and communicating their data. When this happens, we lose the ability to develop a comprehensive assessment of coastal and ocean conditions around the Nation.

S. 361, the Ocean and Coastal Observation Systems Act of 2005, would facilitate action to correct this problem. This bill would coordinate the regional ocean and coastal observation efforts and link them at the national level under the leadership of NOAA. It would help further develop regional observation systems, link them through a nationwide network, and ensure public access to the information so that anyone, anywhere, at any time could better understand and track ocean and coastal conditions. It would authorize the National Ocean Research Leadership Council to establish an interagency program office that would plan and coordinate operational activities and budgets, as well as oversee a research and development program. Further, this bill would charge NOAA as the lead Federal agency to ensure that this national network of regional observation associations, such as GoMOOS and others under development, effectively integrate and utilize ocean data for the benefit of the American public.

As the U.S. Ocean Commission made clear in its final report issued in September 2004, ocean and coastal observations are a cornerstone of sound marine science, management, and commerce, and the potential uses of this system are nearly unlimited. As chair of the Subcommittee on Fisheries and Coast Guard and as a coastal State Senator, I am extremely proud to sponsor and support this bill. It is imperative that we in Congress facilitate the development and funding of a national, integrated, and sustained ocean observation network, and we can start by passing the bill before us. This bill, once enacted, will provide a tremendous public service along our Nation's oceans and coasts, and I thank my colleagues for supporting it.

The bill (S. 361), as amended, was read the third time, and passed, as follows:

S. 361

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean and Coastal Observation System Act of 2005".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Ocean and coastal observations provide vital information for protecting human lives and property from marine hazards, predicting weather, improving ocean health and providing for the protection and enjoyment of the resources of the Nation's coasts, oceans, and Great Lakes.

(2) The continuing and potentially devastating threat posed by tsunamis, hurricanes, storm surges, and other marine hazards requires immediate implementation of strengthened observation and data management systems to provide timely detection, assessment, and warnings to the millions of people living in coastal regions of the United States and throughout the world.

(3) The 95,000-mile coastline of the United States, including the Great Lakes, is vital to the Nation's prosperity, contributing over $117 billion to the national economy in 2000, supporting jobs for more than 200 million Americans, and supporting commercial and sport fisheries valued at more than $50 billion annually.

(4) Responding to coastal hazards and managing fisheries and other coastal activities require improved monitoring of the Nation's waters and coastline, including the ability to provide rapid response teams with real-time environmental conditions necessary for their work.

(5) While knowledge of the ocean and coastal environment and processes is far from complete, advances in sensing technologies and scientific understanding have made possible long-term and continuous observation from shore, from space, and in situ of ocean and coastal characteristics and conditions.

(6) Many elements of an ocean and coastal observing system are in place, but require national investment, consolidation, completion, and integration at Federal, regional, State, and local levels.

(7) The Commission on Ocean Policy recommends a national commitment to a sustained and integrated ocean and coastal observing system and to coordinated research programs in order to assist the Nation and the world in understanding the oceans, improving weather forecasts, strengthening management of ocean and coastal resources, and mitigating marine hazards.

(8) In 2003, the United States led more than 50 nations in affirming the vital importance of timely, quality, long-term global observations as a basis for sound decision-making,

recognizing the contribution of observation systems to meet national, regional, and global needs, and calling for strengthened cooperation and coordination in establishing a Global Earth Observation System of Systems, of which an integrated ocean and coastal observing system is an essential part.

(b) PURPOSES.—The purposes of this Act are to provide for—

(1) the planning, development, and maintenance of an integrated ocean and coastal observing system that provides the data and information to sustain and restore healthy marine and Great Lakes ecosystems and the resources they support, enable advances in scientific understanding of the oceans and the Great Lakes, and strengthen science eduation and communication;

(2) implementation of research, development, education, and outreach programs to improve understanding of the oceans and Great Lakes and achieve the full national benefits of an integrated ocean and coastal observing system;

(3) implementation of a data and information management system required by all components of an integrated ocean and coastal observing system and related research to develop early warning systems and insure usefulness of data and information for users; and

(4) establishment of a system of regional ocean, coastal, and Great Lakes observing systems to address local needs for ocean information.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term "Council" means the National Ocean Research Leadership Council.

(2) OBSERVING SYSTEM.—The term "observing system" means the integrated coastal, ocean and Great Lakes observing system to be established by the Committee under section 4(a).

(3) INTERAGENCY PROGRAM OFFICE.—The term "interagency program office" means the office established under section 4(d).

SEC. 4. INTEGRATED OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, acting through the Council, shall establish and maintain an integrated system of ocean and coastal observations, data communication and management, analysis, modeling, research, education, and outreach designed to provide data and information for the timely detection and prediction of changes occurring in the ocean, coastal and Great Lakes environment that impact the Nation's social, economic, and ecological systems. The observing system shall provide for long-term, continuous and quality-controlled observations of the coasts, oceans, and Great Lakes for the following purposes:

(1) Improving the health of the Nation's coasts, oceans, and Great Lakes.

(2) Protecting human lives and livelihoods from hazards such as tsunamis, hurricanes, coastal erosion, and fluctuating Great Lakes water levels.

(3) Understanding the effects of human activities and natural variability on the state of the coasts, oceans, and Great Lakes and the Nation's socioeconomic well-being.

(4) Providing for the sustainable use, protection, and enjoyment of ocean, coastal, and Great Lakes resources.

(5) Providing information that can support the eventual implementation and refinement of ecosystem-based management.

(6) Supplying critical information to marine-related businesses such as aquaculture and fisheries.

(7) Supporting research and development to ensure continuous improvement to ocean, coastal, and Great Lakes observation measurements and to enhance understanding of the Nation's ocean, coastal, and Great Lakes resources.

(b) SYSTEM ELEMENTS.—In order to fulfill the purposes of this Act, the observing system shall consist of the following program elements:

(1) A national program to fulfill national observation priorities, including the Nation's ocean contribution to the Global Earth Observation System of Systems and the Global Ocean Observing System.

(2) A network of regional associations to manage the regional ocean and coastal observing and information programs that collect, measure, and disseminate data and information products to meet regional needs.

(3) A data management and dissemination system for the timely integration and dissemination of data and information products from the national and regional systems.

(4) A research and development program conducted under the guidance of the Council.

(5) An outreach, education, and training program that augments existing programs, such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence program, and the National Estuarine Research Reserve Systen, to ensure the use of the data and information for improving public education and awareness of the Nation's oceans and building the technical expertise required to operate and improve the observing system.

(c) COUNCIL FUNCTIONS.—In carrying out responsibilities under this section, the Council shall—

(1) serve as the oversight body for the design and implementation of all aspects of the observing system;

(2) adopt plans, budgets, and standards that are developed and maintained by the interagency program office in consultation with the regional associations;

(3) coordinate the observing system with other earth observing activities including the Global Ocean Observing System and the Global Earth Observing System of Systems;

(4) coordinate and administer programs of research, development, education, and outreach to support improvements to and the operation of an integrated ocean and coastal observing system and to advance the understanding of the oceans;

(5) establish pilot projects to develop technology and methods for advancing the development of the observing system;

(6) provide, as appropriate, support for and representation on United States delegations to international meetings on ocean and coastal observing programs; and

(7) in consultation with the Secretary of State, coordinate relevant Federal activities with those of other nations.

(d) INTERAGENCY PROGRAM OFFICE.—The Council shall establish an interagency program office to be known as "OceanUS". The interagency program office shall be responsible for program planning and coordination of the observing system. The interagency program office shall—

(1) prepare annual and long-term plans for consideration by the Council for the design and implementation of the observing system that promote collaboration among Federal agencies and regional associations in developing the global and national observing systems, including identification and refinement of a core set of variables to be measured by all systems;

(2) coordinate the development of agency priorities and budgets for implementation of the observing system, including budgets for the regional associations;

(3) establish and refine standards and protocols for data management and communications, including quality standards, in consultation with participating Federal agencies and regional associations;

(4) develop a process for the certification of the regional associations and their periodic review and recertification;

(5) establish an external technical committee to provide biennial review of the observing system; and

(6) provide for opportunities to partner or contract with private sector companies in deploying ocean observation system elements.

(e) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall be the lead Federal agency for implementation and operation of the observing system. Based on the plans prepared by the interagency program office and adopted by the Council, the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) coordinate implementation, operation and improvement of the observing system;

(2) establish efficient and effective administrative procedures for allocation of funds among Federal agencies and regional associations in a timely manner and according to the budget adopted by the Council;

(3) implement and maintain appropriate elements of the observing system;

(4) provide for the migration of scientific and technological advances from research and development to operational deployment;

(5) integrate and extend existing programs and pilot projects into the operational observation system;

(6) certify regional associations that meet the requirements of subsection (f); and

(7) integrate the capabilities of the National Coastal Data Development Center and the Coastal Services Center of the National Oceanic and Atmospheric Administration, and other appropriate centers, into the observing system for the purpose of assimilating, managing, disseminating, and archiving data from regional observation systems and other observation systems.

(f) REGIONAL ASSOCIATIONS OF OCEAN AND COASTAL OBSERVING SYSTEMS.—The Administrator of the National Oceanic and Atmospheric Administration may certify one or more regional associations to be responsible for the development and operation of regional ocean and coastal observing systems to meet the information needs of user groups in the region while adhering to national standards. To be certifiable by the Administrator, a regional association shall—

(1) demonstrate an organizational structure capable of supporting and integrating all aspects of ocean and coastal observing and information programs within a region;

(2) operate under a strategic operations and business plan that details the operation and support of regional ocean and coastal observing systems pursuant to the standards established by the Council;

(3) provide information products for multiple users in the region;

(4) work with governmental entities and programs at all levels within the region to provide timely warnings and outreach to protect the public; and

(5) meet certification standards developed by the interagency program office in conjunction with the regional associations and approved by the Council.

Nothing in this Act authorizes a regional association to engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602(7)).

(g) CIVIL LIABILITY.—For purposes of section 1346(b)(1) and chapter 171 of title 28, United States Code, the Suits in Admiralty Act (46 U.S.C. App. 741 et seq.), and the Public Vessels Act (46 U.S.C. App. 781 et seq.), any regional ocean and coastal observing system that is a designated part of a regional association certified under this section shall, in carrying out the purposes of this Act, be deemed to be part of the National Oceanic and Atmospheric Administration, and any employee of such system, while acting within the scope of his or her employment in carrying out such purposes, shall be deemed to be an employee of the Government.

SEC. 5. RESEARCH, DEVELOPMENT, AND EDUCATION.

The Council shall establish programs for research, development, education, and outreach for the ocean and coastal observing system, including projects under the National Oceanographic Partnership Program, consisting of the following:

(1) Basic research to advance knowledge of ocean and coastal systems and ensure continued improvement of operational products, including related infrastructure and observing technology.

(2) Focused research projects to improve understanding of the relationship between the coasts and oceans and human activities.

(3) Large scale computing resources and research to advance modeling of ocean and coastal processes.

(4) A coordinated effort to build public education and awareness of the ocean and coastal environment and functions that integrates ongoing activities such as the National Sea Grant College Program, the Centers for Ocean Sciences Education Excellence, and the National Estuarine Research Reserve System.

SEC. 6. INTERAGENCY FINANCING.

The departments and agencies represented on the Council are authorized to participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Council for the purposes of carrying out any administrative or programmatic project or activity under this Act or under the National Oceanographic Partnership Program, including support for the interagency program office, a common infrastructure, and system integration for a ocean and coastal observing system. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Council member and the costs of the same.

SEC. 7. APPLICATION WITH OUTER CONTINENTAL SHELF LANDS ACT.

Nothing in this Act supersedes, or limits the authority of the Secretary of the Interior under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.).

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration for the implementation of an integrated ocean and coastal observing system under section 4, and the research and development program under section 5, including financial assistance to the interagency program office, the regional associations for the implementation of regional ocean and coastal observing systems, and the departments and agencies represented on the Council, $150,000,000 for each of fiscal years 2006 through 2010. At least 50 percent of the sums appropriated for the implementation of the integrated ocean and coastal observing system under section 4 shall be allocated to the regional associations certified under section 4(f) for implementation of regional ocean and coastal observing systems. Sums appropriated pursuant to this section shall remain available until expended.

SEC. 9. REPORTING REQUIREMENT.

Not later than March 31, 2010, the President, acting through the Council, shall transmit to Congress a report on the programs established under sections 4 and 5. The report shall include a description of activities carried out under the programs, an evaluation of the effectiveness of the programs, and recommendations concerning reauthorization of the programs and funding levels for the programs in succeeding fiscal years.

Mr. STEVENS. Mr. President, the Committee on Commerce, Science, and transportation, which I co-chair with my good-friend Senator DANIEL INOUYE, has unanimously passed out of committee, four bills to protect our oceans and enhance the collective knowledge of the marine environment. The Senate just passed these four bills by unanimous consent, and I look forward to working with the House to get this important legislation enacted into law.

Water covers over 70 percent of the Earth's surface. It is estimated that 80 percent of life on Earth is in the oceans. The Atlantic, Pacific, and Arctic Oceans, and the Gulf of Mexico, make up the waters of the United States Exclusive Economic Zone. In fact, the Pacific Ocean alone covers nearly an entire hemisphere of the globe. But little is known about these waters.

The four bills the Senate passed today will provide greater understanding of the complex ocean environment. Together, they will increase the coordination and effectiveness of the Federal agencies that contribute to the research and management of these critical marine ecosystems.

The four bills are: S. 50, the Tsunami Preparedness Act; S. 39, the National Ocean Exploration Program Act; S. 361, the Ocean and Coastal Observation System Act of 2005; and S. 362, the Marine Debris Research, Prevention, and Reduction Act of 2005.

The Tsunami Preparedness Act is the first bill that Senator Inouye and I drafted as the new Co-chairmen of the Commerce Committee. It was developed in the wake of the devastating Indian Ocean tsunami that took lives in 11 countries and provides an expanded tsunami detection and warning system for the United States. The bill authorizes the National Oceanic and Atmospheric Administration, NOAA, to establish, operate, and maintain a dependable national tsunami warning system that would provide maximum tsunami detection capability for the Nation. The system would build on the model established in the Pacific, and provide for its repair, expansion and modernization by the close of calendar year 2007. In addition, the bill directs NOAA to provide any necessary technical support or other assistance to international efforts to establish regional tsunami detection and warning systems in other parts of the world, including the Indian Ocean.

I wrote the next bill, National Ocean Exploration Program Act, for the simple fact that very little is known about our oceans and more research and exploration is desperately needed. Approximately 95 percent of the ocean floor remains unexplored, much of it located in the polar-regions and southern ocean. We know more about the surface of the moon than the ocean floor; this bill is intended to change that. The National Ocean Exploration Program Act establishes a national program within NOAA to conduct inter-disciplinary ocean exploration voyages in partnership with other Federal agencies or academic institutions. The Act will strengthen interagency coordination on ocean exploration for the purposes of developing and facilitating the transfer of new exploration technologies, communication infrastructure, and data management systems to the Program. The bill gives priority attention to the exploration of deep ocean regions to make exciting new discoveries. In addition, it will promote the development of improved oceanographic research, communication, navigation, and data collection systems, in an effort to increase understanding of the ocean environment.

The Ocean and Coastal Observation System Act of 2005, developed by Senator SNOWE, will also contribute to our knowledge of the oceans with greater monitoring and observation of this dynamic environment. The bill will establish a national, integrated ocean and coastal observing system that will collect, compile, and make available data on ocean conditions in the U.S. Exclusive Economic Zone, including the Great Lakes. The ocean and coastal observation system will help improve weather and flood forecasting, promote understanding of climatic variability processes, enhance safety and efficiency of marine operations, facilitate research, improve management of marine and coastal ecosystems, and provide information to raise public awareness of oceans.

And finally there is the Marine Debris Research, Prevention, and Reduction Act of 2005. Authored by Senator INOUYE, this bill responds to the immediate need to prevent and reduce significantly the amount of trash that is collecting in our oceans. The bill establishes separate programs within NOAA and the Coast Guard to identify, assess, reduce and prevent marine debris and its adverse impacts on the marine environment and navigation safety. In addition the bill creates an Interagency Committee on Marine Debris to coordinate federal efforts to prevent and reduce marine debris.

I look forward to the new information and management capabilities these bills will provide. Alaska has more coastline than the rest of the country combined. The oceans are a vital part of our way of life, and we depend on sound scientific research to maintain them. These bills are important to increase our efforts to be good stewards of our oceans.

I thank my colleagues on the Commerce Committee and those in the Senate for their overwhelming support of these bills.

DISCHARGE AND REFERRAL—S. 759

Mr. McCONNELL. I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of S. 759, a bill to amend the Internal Revenue Code of 1986 to make higher education more affordable and for other purposes, and that the bill be referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAINING FOR REALTIME WRITERS ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 142, S. 268.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 268) to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with amendments, as follows:

[Strike the parts shown in black brackets and insert the parts shown in italic.]

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training for Realtime Writers Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section [723] *713* of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned in English by 2006 and Spanish by 2010.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and

(D) 30,000,000 people for whom English is a second language.

(7) Over the past decade, student enrollment in programs that train realtime writers and closed captioners has decreased by 50 percent, even though job placement upon graduation is 100 percent.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REALTIME WRITERS.

(a) IN GENERAL.—The [National Telecommunications and Information Administration] *Secretary of Commerce* shall make competitive grants to eligible entities under subsection (b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section [723] *713* of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the [National Telecommunications and Information Administration] *Secretary of Commerce* at such time and in such manner as the [Administration] *Secretary* may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further develop and implement both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentor students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encourage individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as detemined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the [National Telecommunications and Information Administration] *Secretary of Commerce* to provide realtime writing services for a period of time (as determined by the [Administration)] *Secretary)* that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The [Administration *Secretary* shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and [employment.] *employment or other material terms under subsection (b)(2).* Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant. *The Secretary shall use no more than 5 percent of the amount available for grants under this Act in any fiscal year for administrative costs of the program.*

(d) SUPPLEMENT NOT SUPPLANT.—Grant amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers.

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the [National Telecommunications and Information Administration.] *Secretary of Commerce,* at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

(c) ANNUAL REVIEW.—The Inspector General of the Department of Commerce shall conduct an annual review of the management, efficiency, and effectiveness of the grants made under this Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

[There is authorized to be appropriated to carry out this Act, amounts as follows:

[(1) $20,000,000 for each of fiscal years 2006, 2007, and 2008.

[(2) Such sums as may be necessary for fiscal year 2009.]

There are authorized to be appropriated to the Secretary of Commerce to carry out this Act $20,000,000 for each of fiscal years 2006, 2007, 2008, and 2009.

SEC. 8. SUNSET.

This Act is repealed effective October 1, 2009.

Mr. McCONNELL. I ask unanimous consent the committee amendments be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 268) was read the third time and passed.

MINORITY SERVING INSTITUTION DIGITAL AND WIRELESS TECHNOLOGY OPPORTUNITY ACT OF 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 143, S. 432.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 432) to establish a digital and wireless network technology program, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. ALLEN. Mr. President, today I rise to respectfully urge my colleagues to support S. 432, the Minority Serving Institution Digital & Wireless Technology Opportunity Act of 2003. This legislation will provide vital resources to address the technology gap that exists at many minority serving institutions, MSIs. It establishes a new grant program within the National Science Foundation, NSF, that provides annually for 5 years up to $250 million to help historically black colleges and universities, Hispanic serving institutions, and tribal colleges to close what I often referred to as the "digital divide", but is more like an "economic opportunity divide."

Since before I was elected to the Senate, my goal has always been to look for ways to improve education and empower all of our young people—regardless of their race, ethnicity, religion or economic background—to compete and succeed in life.

Additionally, I have always been one who embraces innovations and advances in technology—especially as a means to provide greater opportunities or security for Americans.

In my view, increasing access to technology provides our young people with an important tool for success both in the classroom and in the workforce.

We all know, the best jobs in the future will go to those who are the best prepared. However, I am increasingly concerned that when it comes to high technology jobs—which pay higher wages—this country runs the risk of economically limiting many college students in our society. It is important for all Americans that we close this economic opportunity gap.

This Nation's economic stability and growth are increasingly dependent on a growing portion of the workforce possessing technological skills.

African Americans, Hispanics and Native Americans constitute one-quarter of the total U.S. workforce. Approximately one-third of all students of color in this Nation are educated at minority serving institutions. It is estimated that in 10 years minorities will comprise nearly 40 percent of all college-age Americans.

Yet, members of these minorities represent only 7 percent of the U.S. computer and information science workforce; 6 percent of the engineering workforce; and less than 2 percent of the computer science faculty.

U.S. information technology companies are increasingly relying on foreign workers to fill important IT positions. I am not against legal immigration, but I say let's properly educate and train Americans to get and fill those good-paying technology jobs. Let's make sure all American students are prepared to meet the requirements on the 21st century workforce.

However, minority serving institutions still lack desired information and digital technology infrastructure. A study completed by the Department of Commerce and the National Association for Equal Opportunity in Higher Education indicated that:

No historically black college or university, HBCUs, requires computer ownership for their undergraduate students;

Thirteen HBCUs reported to have no students—not one—owning their own personal computer;

Over 70 percent of the students at HBCUs rely on the universities to provide computers, however only 50 percent of those universities can provide their students access to computers in computer laboratories, libraries, classrooms or other locations; and

Most of these minority serving colleges do not have the private foundation resources to provide financial support to upgrade their network infrastructure.

So it is not surprising that most HBCUs do not have high-speed Internet access especially the desired ATM or asynchronous transfer mode technology and that only 3 percent of HBCUs have financial aid available to help students close the computer ownership gap.

Access to the Internet is no longer a luxury, it is a necessity. Because of the rapid advancement and growing dependence on technology, being technologically proficient has become more essential to educational advancement.

The fact is 60 percent of all jobs require information technology skills. And jobs in information technology pay significantly higher salaries than jobs in non-information technology fields. Thus, students who lack access to these information technology tools are at an increasing disadvantage. Consequently, it is vitally important that all institutions of higher education provide their students with access to the most current IT and digital equipment.

This technology program will allow eligible HBCUs, HSIs and tribal institutions the opportunity to acquire equipment, networking capability, hardware and software, digital network technology and wireless technology and infrastructure—such as wireless fidelity or Wi-Fi—to develop and provide educational services. Additionally, the funds in this bill could be used to offer students much needed universal access to campus networks, dramatically increasing their connectivity rates or make necessary infrastructure improvements.

There are over 200 Hispanic serving institutions; over 100 historically black colleges and universities and 34 tribal colleges throughout our country.

It is clear that minority serving institutions in the U.S. are providing a valuable service to the educational strength and future growth of our Nation. These institutions must upgrade their technology capabilities for their students. We cannot leave any college student behind!

I am proud to say Virginia is home to five HBCUs—Norfolk State University, St. Paul's College, Virginia Union University, Hampton University and Virginia State University.

I will continue to look for ways to: (1) improve education; (2) create new jobs; and (3) seek out new opportunities to benefit the people of Virginia and America. By improving technology-education programs in minority serving institutions, we can accomplish all three of these goals for students throughout our Nation.

We all recognize the technology requirements on the 21st century workforce call for tangible action, not rhetoric. Our future economic and national security needs depend on and demand all of our young students have the highly technical skills needed to compete and succeed in the workforce.

We must tap the underutilized talent of our minority serving institutions to ensure that America's workforce is prepared to lead the world.

I thank my colleagues for joining me today: Senators McCain, Warner, Burns, Graham, Hutchison, Lincoln, Pryor, Talent, Cornyn, Grassley, Lautenberg, Lott, Murkowski, Santorum, and Thune.

This legislation is a significant, constructive, and positive action to ensure that many more of our college students are provided access to better technology and education, and most importantly, even greater opportunities in life.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements related to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 432) was read the third time and passed, as follows:

S. 432

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minority Serving Institution Digital and Wireless Technology Opportunity Act of 2005".

SEC. 2. ESTABLISHMENT OF OFFICE.

(a) In General.—There is established within the National Science Foundation an Office of Minority Serving Institution Digital and Wireless Technology to carry out the provisions of this Act.

(b) Purpose.—The Office shall—

(1) strengthen the ability of eligible institutions to provide capacity for instruction in digital and wireless network technologies by providing grants to, or executing contracts or cooperative agreements with, those institutions to provide such instruction; and

(2) strengthen the national digital and wireless infrastructure by increasing national investment in telecommunications and technology infrastructure at eligible institutions.

SEC. 3. ACTIVITIES SUPPORTED.

An eligible institution shall use a grant, contract, or cooperative agreement awarded under this Act—

(1) to acquire equipment, instrumentation, networking capability, hardware and software, digital network technology, wireless technology, and infrastructure;

(2) to develop and provide educational services, including faculty development, related to science, mathematics, engineering, or technology;

(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

(4) to implement joint projects and consortia to provide education regarding technology in the classroom with a State or State education agency, local education agency, community-based organization, national non-profit organization, or business, including minority businesses;

(5) to provide professional development in science, mathematics, engineering, or technology to administrators and faculty of eligible institutions with institutional responsibility for technology education;

(6) to provide capacity-building technical assistance to eligible institutions through remote technical support, technical assistance workshops, distance learning, new technologies, and other technological applications;

(7) to foster the use of information communications technology to increase scientific, mathematical, engineering, and technology instruction and research; and

(8) to develop proposals to be submitted under this Act and to develop strategic plans for information technology investments.

SEC. 4. APPLICATION AND REVIEW PROCEDURE.

(a) In General.—To be eligible to receive a grant, contract, or cooperative agreement under this Act, an eligible institution shall submit an application to the Director at such time, in such manner, and accompanied by such information as the Director may reasonably require. The Director, in consultation with the advisory council established under subsection (b), shall establish a procedure by which to accept and review such applications and publish an announcement of such procedure, including a statement regarding the availability of funds, in the Federal Register.

(b) Advisory Council.—The Director shall establish an advisory council to advise the Director on the best approaches for involving eligible institutions in the activities described in section 3, and for reviewing and evaluating proposals submitted to the program. In selecting the members of the advisory council, the Director may consult with representatives of appropriate organizations, including representatives of eligible institutions, to ensure that the membership of the advisory council reflects participation by technology and telecommunications institutions, minority businesses, eligible institution communities, Federal agency personnel, and other individuals who are knowledgeable about eligible institutions and technology issues. Any panel assembled to review a proposal submitted to the program shall include members from minority serving institutions. Program review criteria shall include consideration of—

(1) demonstrated need for assistance under this Act; and

(2) diversity among the types of institutions receiving assistance under this Act.

(c) Data Collection.—An eligible institution that receives a grant, contract, or cooperative agreement under section 2 shall provide the Office with any relevant institutional statistical or demographic data requested by the Office.

(d) Information Dissemination.—The Director shall convene an annual meeting of eligible institutions receiving grants, contracts, or cooperative agreements under section 2 for the purposes of—

(1) fostering collaboration and capacity-building activities among eligible institutions; and

(2) disseminating information and ideas generated by such meetings.

SEC. 5. MATCHING REQUIREMENT.

The Director may not award a grant, contract, or cooperative agreement to an eligible institution under this Act unless such institution agrees that, with respect to the costs to be incurred by the institution in carrying out the program for which the grant, contract, or cooperative agreement was awarded, such institution will make available (directly or through donations from public or private entities) non-Federal contributions in an amount equal to 25 percent of the amount of the grant, contract, or cooperative agreement awarded by the Director, or $500,000, whichever is the lesser amount. The Director shall waive the matching requirement for any institution or consortium with no endowment, or an endowment that has a current dollar value lower than $50,000,000.

SEC. 6. LIMITATIONS.

(a) In General.—An eligible institution that receives a grant, contract, or cooperative agreement under this Act that exceeds $2,500,000, shall not be eligible to receive another grant, contract, or cooperative agreement under this Act until every other eligible institution that has applied for a grant, contract, or cooperative agreement under this Act has received such a grant, contract, or cooperative.

(b) Awards Administered by Eligible Institution.—Each grant, contract, or cooperative agreement awarded under this Act shall be made to, and administered by, an eligible institution, even when it is awarded for the implementation of a consortium or joint project.

SEC. 7. ANNUAL REPORT AND EVALUATION.

(a) ANNUAL REPORT REQUIRED FROM RECIPIENTS.—Each institution that receives a grant, contract, or cooperative agreement under this Act shall provide an annual report to the Director on its use of the grant, contract, or cooperative agreement.

(b) EVALUATION BY DIRECTOR.—The Director, in consultation with the Secretary of Education, shall—

(1) review the reports provided under subsection (a) each year; and

(2) evaluate the program authorized by section 3 on the basis of those reports every 2 years.

(c) CONTENTS OF EVALUATION.—The Director, in the evaluation, shall describe the activities undertaken by those institutions and shall assess the short-range and long-range impact of activities carried out under the grant, contract, or cooperative agreement on the students, faculty, and staff of the institutions.

(d) REPORT TO CONGRESS.—The Director shall submit a report to the Congress based on the evaluation. In the report, the Director shall include such recommendations, including recommendations concerning the continuing need for Federal support of the program, as may be appropriate.

SEC. 8. DEFINITIONS.

In this Act:

(1) ELIGIBLE INSTITUTION.—The term "eligible institution" means an institution that is—

(A) a historically Black college or university that is a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2));

(B) a Hispanic-serving institution, as defined in section 502(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)(5));

(C) a tribally controlled college or university, as defined in section 316(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)(3));

(D) an Alaska Native-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b));

(E) a Native Hawaiian-serving institution under section 317(b) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)); or

(F) an institution determined by the Director, in consultation with the Secretary of Education, to have enrolled a substantial number of minority, low-income students during the previous academic year who received assistance under subpart I of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) for that year.

(2) DIRECTOR.—The term "Director" means the Director of the National Science Foundation.

(3) MINORITY BUSINESS.—The term "minority business" includes HUBZone small business concerns (as defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)).

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director of the National Science Foundation $250,000,000 for each of the fiscal years 2006 through 2010 to carry out this Act.

ORDER OF PROCEDURE

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order of April 7, 2005, with respect to S. 295 be amended so that the Senate proceed to S. 295 no later than the end of the first session of the 109th Congress, with all other provisions of the agreement remaining constant.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. To reiterate the comments of April 7, the proponents of this legislation have agreed they will withhold offering amendments in committee or on the Senate floor on the subject matter for the duration of this session of Congress as part of the understanding. That, of course, is related to the Chinese currency issue.

APPOINTMENT CORRECTION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the February 17, 2005, appointment of Senator KYL as majority cochair of the Senate National Security Working Group for the 109th Congress be vitiated with respect to his being cochair but that he remain on the commission as a member.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIGNING AUTHORIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that during the adjournment of the Senate, the majority leader, majority whip, and senior Senator from Virginia be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORIZATION

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES SANDRA DAY O'CONNOR

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 191, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will please report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 191) honoring Associate Justice of the Supreme Court of the United States Sandra Day O'Connor.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 191) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 191

Whereas, for nearly a quarter century, Justice Sandra Day O'Connor honorably served as a fair and impartial Justice on the Supreme Court of the United States;

Whereas Sandra Day O'Connor, the daughter of Harry and Ada Mae, was born in El Paso, Texas, and was raised by her family on a cattle ranch in southeastern Arizona;

Whereas Sandra Day O'Connor began an academic journey at Stanford University, earning a bachelor's degree in economics and graduating magna cum laude;

Whereas Sandra Day O'Connor continued her education at Stanford University, by enrolling in the Stanford Law School, where she served on the Board of Editors of the law review;

Whereas, graduating in just 2 years from Stanford Law School, Sandra Day O'Connor managed to finish third in an impressive class, which included her future Supreme Court of the United States colleague Chief Justice William H. Rehnquist;

Whereas Sandra Day O'Connor married her great love, John Jay O'Connor III, in 1952;

Whereas Sandra Day O'Connor began a legal career as the Deputy County Attorney of San Mateo, California;

Whereas, when John Jay O'Connor III was drafted into the JAG Corps in 1953, the young couple moved to Frankfurt, Germany, where Sandra Day O'Connor worked as a civilian attorney for Quartermaster Market Center;

Whereas, after 4 years in Europe, Sandra Day O'Connor returned to Maryvale, Arizona, where she began a legal practice and raised 3 sons, Scott, Brian, and Jay;

Whereas in 1965, Sandra Day O'Connor began service in State government as the Assistant Attorney General for Arizona;

Whereas Sandra Day O'Connor was later appointed to the Arizona State Senate and then re-elected twice more by the people of Arizona;

Whereas Sandra Day O'Connor served as majority leader of the Arizona State Senate, and was the first woman to hold such an office in any State;

Whereas in 1975, Sandra Day O'Connor was elected Judge of Maricopa County Superior Court and served in such capacity until 1979;

Whereas President Ronald Reagan appointed Sandra Day O'Connor to serve as Associate Justice of the Supreme Court of the United States;

Whereas, on September 21, 1981, the Senate unanimously confirmed the nomination of Sandra Day O'Connor to the Supreme Court of the United States, and she became the first female Justice in the Court's history;

Whereas, since September 25th, 1981, Justice Sandra Day O'Connor has served with distinction on the Supreme Court of the United States;

Whereas Sandra Day O'Connor has served as an example to all the people of the United States, demonstrating that through persistence and hard work anything is possible;

Whereas, throughout her tenure on the Supreme Court of the United States, Sandra Day O'Connor has not lost sight of her values and has not wavered from her well-grounded views;

Whereas President Ronald Reagan, on the date he appointed Sandra Day O'Connor to the Supreme Court of the United States, said, "[s]he is truly a 'person for all seasons', possessing those unique qualities of temperament, fairness, intellectual capacity and devotion to the public good which have characterized the 101 'brethren' who have preceded her";

Whereas now, more than 23 years later, the comments President Reagan made about Sandra Day O'Connor still ring true;

Whereas when Sandra Day O'Connor took the oath of office as Associate Justice, she pledged to uphold the Constitution, and has since then proven a steadfast commitment to the rule of law;

Whereas the wisdom, intellect, respect for others, and humility of Sandra Day O'Connor have allowed her to become well-respected among her colleagues, including those with opposing judicial philosophies;

Whereas Sandra Day O'Connor is an independent thinker and has made great contributions in many substantive areas of the law;

Whereas Sandra Day O'Connor embodies the ideal qualities of a judge, including fairness, impartiality, and open-mindedness;

Whereas, a true public servant, Sandra Day O'Connor has proudly served the United States for 4 decades as an Arizona State Senator and majority leader, State court judge, an Assistant Attorney General for Arizona, and for more than 23 years as an Associate Justice on the Supreme Court of the United States;

Whereas through her experiences, Justice Sandra Day O'Connor has brought a unique perspective and understanding of checks and balances to the Supreme Court of the United States; and

Whereas, Sandra Day O'Connor, a brilliant jurist and a compassionate woman, has earned a place in history as the first woman to serve on the Supreme Court of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes Associate Justice of the Supreme Court of the United States Sandra Day O'Connor as a great American, a lifelong public servant, a brilliant legal scholar, a superb jurist, and the first woman ever to serve as an Associate Justice on the Supreme Court of the United States; and

(2) pays tribute to Sandra Day O'Connor, Associate Justice of the Supreme Court of the United States, for 4 decades of distinguished service to the nation.

ORDERS FOR MONDAY, JULY 11, 2005

Mr. McCONNELL. Now, in closing, Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until 1 p.m. on Monday, July 11. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each; provided further that at 2 p.m. the Senate begin consideration of the Homeland Security appropriations bill as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. So, Mr. President, for the information of all our colleagues, we will return for business on Monday, July 11, following the Fourth of July recess. Upon our return, we will begin to work on the Homeland Security appropriations measure. The majority leader has announced that we will be voting that day and, therefore, Senators can expect the next rollcall vote at approximately 5:30 on Monday, July 11. We expect Senators to be available on that day to call up their amendments to the Homeland Security bill, and the 5:30 vote will likely be in relation to one of those amendments.

I wish everyone a safe Fourth of July recess. And we look forward to seeing everyone back here on July 11.

ADJOURNMENT UNTIL MONDAY, JULY 11, 2005, AT 1 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, pursuant to the provisions of H. Con. Res. 198.

There being no objection, the Senate, at 2:39 p.m., adjourned until Monday, July 11, 2005, at 1 p.m.

DISCHARGED NOMINATION

The Senate Committee on Agriculture, Nutrition, and Forestry was discharged from further consideration of the following nomination and the nomination was confirmed:

RICHARD A. RAYMOND, OF NEBRASKA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

CONFIRMATIONS

Executive nominations confirmed by the Senate, Friday, July 1, 2005:

DEPARTMENT OF AGRICULTURE

RICHARD A. RAYMOND, OF NEBRASKA, TO BE UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

DEPARTMENT OF JUSTICE

JAMES B. LETTEN, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

ROD J. ROSENSTEIN, OF MARYLAND, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

HONORING ANNA MANLEY ON THE COMPLETION OF HER INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. GORDON. Mr. Speaker, I rise today to thank Anna Manley for her service during her internship this summer. During her time on Capitol Hill, she has been a great help to me, my staff and my constituents in Tennessee's Sixth Congressional District.

Anna and I have many things in common. We are both natives of Murfreesboro. She is attending my alma mater, Middle Tennessee State University. And we are avid runners, although I prefer speeding through a 5K to enduring a marathon.

But Anna must return to Middle Tennessee to begin her junior year at MTSU, where she is majoring in pre-law. She also is an active member of the Student Government Association.

Anna has experienced the many facets of Congress first-hand. She has been very helpful in answering constituent concerns, assisting me and my staff with countless projects and winning over constituents as she guides them through the U.S. Capitol.

I hope Anna has enjoyed this learning experience as much as we have enjoyed having her help in the office. I wish her all the best in her future endeavors.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. HIGGINS. Mr. Speaker, on Monday, June 27, 2005 and Tuesday, June 28, 2005, unavoidable business in my District kept me from casting votes on rollcall Nos. 322, 323, 324, 325, 326, 327, and 328.

Had I been present, I would have voted "yes" on rollcall Nos. 322, 323, 324, and "no" on rollcall Nos. 325, 326, 327, and 328.

HONORING GRACE SIERS

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the extraordinary commitment and hard work of Grace Siers, a charter member of Marshall Post No. 3507 Ladies Auxiliary, Veterans of Foreign Wars, in Britton, SD.

Grace joined the Ladies Auxiliary under the sponsorship of her husband, William Siers, who served during World War I, and three brothers, Vance, John and Clarence Hunscher, who served during World War II. Grace's five sons, Le Roy, Donald, Virgil, Gary and Robert, also proudly served the United States in the military.

Over the years Grace has been involved in everything from collecting and sending care packages of toys and toothbrushes to be given to children in Iraq, writing to troops, raising funds by selling poppies and poppy decorations, compiling a recipe book honoring past and present military members and working at the Thanksgiving Turkey Night sponsored by the Post. She has also been committed to the Ladies Auxiliary's efforts to fundraise for important organizations like Fargo VA Hospital, Redfield State Hospital, Children's Care Center of Sioux Falls, VFW National Home, American Lung Association, American Heart Association, Britton Food Pantry, Cancer Relay for Life, Special Olympics, and Operation Uplink. Other efforts include collecting cans for the Shriners, pop tabs for the Ronald McDonald House, labels and box tops for local schools.

Grace Siers' commitment to the Ladies Auxiliary and to her community is something to be admired by all citizens. The lives of countless people were enormously enhanced by Grace's compassion and service. She is an example to all of us, a woman devoted to her family, her community, her State and her Nation. It is my hope that we all may contribute as much to those' around us as Grace has. Her contributions will never be forgotten.

INTRODUCTION OF A RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF ROSA PARK'S REFUSAL TO GIVE UP HER SEAT ON THE BUS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a resolution commemorating Rosa Parks and her decision to stand up to injustice 50 years ago. On December 1, 1955, Ms. Parks refused to obey a bus driver's order that she give up her bus seat in the black section to a white man because the white section was full. It is the courage, dignity, and determination that Ms. Parks exemplified on this day that allows most historians to credit her with beginning the modern day civil rights movement. Ms. Parks' actions on December 1, 1955 led to the desegregation of American society and enabled all of this Nation's citizens to realize freedom and equality.

The arrest of Ms. Parks led African Americans and sympathizers of other races to boycott the Montgomery city bus line until the buses in Montgomery were desegregated. The 381-day Montgomery Bus Boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all. The fearless acts of civil disobedience displayed by Rosa Parks and others resulted in the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws. This decision would lead to other landmark Supreme Court decisions in which the Court would rule in the interest of justice and equality.

In the years following the Montgomery Bus Boycott, Ms. Parks moved to Detroit, MI, in 1957 and continued her civil rights work by working in my District Office. Ms. Parks was with the office from 1965 until 1988. In the more than 20 years that Ms. Parks was in the office, she worked with a tireless spirit for the people of Detroit and other Americans. In 1987, she started the Rosa and Raymond Parks Institute for Self Development in Detroit, a nonprofit organization which motivates youth to reach their highest potential. So it is with great pleasure and honor that I stand today to recognize not only a civil rights pioneer, but a member of my staff, a constituent, and a friend.

It is in this recognition of the 50th Anniversary of Ms. Park's refusal to give up her seat on the bus, that I ask the Congress and the great people of this nation to work with the same courage, dignity, and determination exemplified by her to address modern day inequalities and injustice. The American dream is out of reach for millions. The United States is one of the richest nations in the world, so I ask: Why aren't our schools thriving? Why are so many African Americans unemployed? Why are health care, housing, and college education so difficult to afford?

Civil rights pioneer Rosa Parks displayed a defiant act of courage 50 years ago so that these questions would not be raised today. I know that this Congress and the people of this nation can work to further the ideals of Ms. Parks and the Civil Rights Movement.

HONORING SETH BEATY ON THE COMPLETION OF HIS INTERNSHIP

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the many contributions Seth Beaty has made while interning in my Washington, DC, office. Seth, a native of Gallatin, Tennessee, has been a wonderful addition to the office and a great servant to the constituents of Tennessee's Sixth Congressional District.

But Seth must return to the University of Memphis, where he is preparing for his second year of law school. He is a member of the Phi Alpha Delta law fraternity and a 2004 graduate of Belmont University.

During his internship, Seth has shown a genuine interest in public affairs. He has attended briefings, addressed constituent concerns and served as a friendly and informative tour guide of the U.S. Capitol, providing visitors from Middle Tennessee with a personalized look at a national treasure.

I hope Seth has enjoyed his internship as much as my staff and I have enjoyed his presence in the office. I wish him all the best in the future.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. HIGGINS. Mr. Speaker, I was unable to vote on an amendment to H.R. 3058, which makes appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

Had I been present, I would have voted "no" on Mr. KING of Iowa's amendment, rollcall Number 341.

HONORING HAZEL HANON

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the extraordinary commitment and hard work of Hazel Hanon, a Charter Member of Marshall Post #3507 Ladies Auxiliary, Veterans of Foreign Wars, in Britton, South Dakota.

Hazel joined the Ladies Auxiliary under the sponsorship of her husband, Leon Hanon who served in the United States Navy. Her son-in-law, Dempsy Rein served his country in the Air Force.

Over the years, Hazel has been involved in everything from collecting and sending care packages of toys and toothbrushes to be given to children in Iraq, writing to troops, raising funds by selling poppies and poppy decorations, compiling a recipe book honoring past and present military members and working at the Thanksgiving Turkey Night sponsored by the Post. She has also been committed to the Ladies Auxiliary's efforts to fundraise for important organizations like Fargo VA Hospital, Redfield State Hospital, Children's Care Center of Sioux Falls, VFW National Home, American Lung Association, American Heart Association, Britton Food Pantry, Cancer Relay for Life, Special Olympics, and Operation Uplink. Other efforts include collecting cans for the Shriners, pop tabs for the Ronald McDonald House, labels and box tops for local schools.

Hazel Hanon's commitment to the Ladies Auxiliary and to her community is something to be admired by all citizens. The lives of countless people were enormously enhanced by Hazel's compassion and service. She is an example to all of us, a woman devoted to her family, her community, her state and her nation. It is my hope that we all may contribute as much to those around us as Hazel has. Her contributions will never be forgotten.

BE ACTIVE FOR LIFE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. COBLE. Mr. Speaker, two-thirds of our population lives a sedentary lifestyle with poor dietary habits that regularly include "super-sized" meals. Such poor habits are particularly prevalent in our Nation's rural areas, including many of the North Carolina communities that I represent. These habits are increasing among older Americans. As a result, many rural Americans suffer from heart disease, diabetes and stroke. My home State of North Carolina ranks 12th in the United States for increased aging population and, according to a national report, 41st in overall health. According to this same report, individuals aged 50+ are the least healthy.

More than 20 years of research shows that inactivity and a sedentary lifestyle are more significant in the effect on health than genetic factors. The good news is that even minimal activity can significantly extend life. Regular physical activity promotes physical and psychological wellbeing; increases energy levels; helps older adults become stronger and maintain independence; reduces the risk of diabetes, high blood pressure and colon cancer; and helps those with chronic disease manage their conditions better.

To help my constituents in the 6th District of North Carolina, FirstHealth of the Carolinas, a health care system in Pinehurst, North Carolina, implemented Active for Life, a research-based program that teaches mid-life and older adults how to change their behavior and incorporate physical activity into their everyday life. This program, a part of a national effort to get older Americans moving, has measurable results. Fewer than a quarter of the participants reported being fairly active at the beginning of the program. After completing the 20-week Active for Life program, a remarkable 81 percent reported that they are active most of the days of the week. By doing so, they meet the Surgeon General's recommendation and, more importantly, they lead healthier lives. Participants report that they think differently about health and look for opportunities to be active. A man from Pinehurst was able to avoid medications when his blood pressure became under control during the program, while another woman from Southern Pines reduced her cane use when walking.

The results achieved by FirstHealth and at other Active for Life sites demonstrate the effectiveness of such lifestyle programs. Participation in this type of evidence-based behavior change program is good preventive medicine, and an investment in these programs will save our health care dollars down the road. We need to get creative about getting Americans, particularly older Americans active. Incentives should be incorporated into health plans for patient and provider participation, and environmental changes should be made to develop "walkable communities." As a member of the United States Congress, I strongly urge decision-makers and community leaders to identify how they can take "action"—both behind the scenes, as they determine policy, and literally on the road as they walk for their health.

HONORING THE DEDICATED SERVICE OF KEITH TALLEY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. GORDON. Mr. Speaker, I rise today to honor Keith Talley for his distinguished service. For more than 6 years, Keith has committed himself to helping me better serve the residents of Tennessee's Sixth Congressional District.

A Middle Tennessee native, Keith has worked tirelessly as my press secretary. During that time, I know he sometimes has felt as if he carried the weight of the world on his shoulders. And now, Keith is leaving Washington, D.C., to return to the hills of Middle Tennessee.

Keith is an outstanding writer, a straight talker and a dedicated professional. He is capable of juggling many tasks and completing them all flawlessly. Keith's talents and attitude are assets that have served him well on Capitol Hill.

I and my staff will miss Keith dearly. His hearty laugh and workday songs have brightened the office during his time here. We will be sad to see him go, but we know the fishing holes are calling him home.

Keith, thank you for all your help over the years. I wish you all the best in your next endeavors.

RECOGNIZING DONNA REGAN

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. ROTHMAN. Mr. Speaker, I would like to recognize the remarkable achievements of Donna Regan, a high school teacher from New Jersey.

Today, The Creative Coalition and The American Federation of Teachers honor Ms. Regan with a 2005 Spotlight Award for Teaching Excellence.

Ms. Regan comes to Washington, D.C., to accept her award with one of her former students, actor and co-president of The Creative Coalition, Joe Pantoliano. Mr. Pantoliano was a student in Ms. Regan's 12th grade English class at Cliffside Park High School in Cliffside Park, New Jersey, a public school that serves over 1,000 students. Ms. Regan's teaching inspired Mr. Pantoliano, both as a student and later as he pursued his career in acting.

I join Mr. Pantoliano as well as Ms. Regan's family, friends, and colleagues in congratulating her today on her award and on her many years of enthusiastic teaching.

The Creative Coalition is the leading nonprofit, nonpartisan, social and public advocacy organization of the arts and entertainment community. Founded in 1989 by prominent members of the creative community, The Creative Coalition is dedicated to educating and mobilizing its members on issues of public importance, primarily public education, the First Amendment, arts advocacy, and keeping film and television jobs in America. Headquartered in New York City, The Creative Coalition also has offices in Washington, D.C., Los Angeles and San Francisco.

The Creative Coalition's partner in presenting this award, The American Federation of Teachers, represents 1.3 million teachers, paraprofessionals and other school-related personnel, higher education faculty and staff, healthcare workers, and state and local government employees.

I commend both of these organizations for their dedication to the promotion of public schools. Public education is one of the most important foundations of this country, bringing together children from all walks of life and giving them the tools they need to succeed in the future. As such, I applaud The Creative Coalition and The American Federation of Teachers for their support of public schools and for honoring the achievements of educators like Ms. Regan.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. SHAYS. Mr. Speaker, on June 28, I was attending a funeral and missed 2 recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "yes" on recorded vote number 324 and "yes" on recorded vote number 325. I also missed recorded vote number 331. Had I voted, I would have voted "no."

TRIBUTE TO FRANCES R. MAJOR—THE BETSY ROSS OF TODAY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. WELDON of Pennsylvania. Mr. Speaker, I am proud to recognize today the accomplishments of Frances R. Major of Royersford, Pennsylvania—whom I consider the Betsy Ross of today—as she retires her sewing needles with the Valley Forge Flag Company. Mrs. Major has been working at the Valley Forge Flag Company in Womelsdorf, Pennsylvania since 1941 and has truly left her mark on history.

Not everyone could go to Pearl Harbor or Ground Zero, but Mrs. Major faithfully sewed our Stars and Stripes as our country's major historic events unfolded. Many flags were sewn through her tears, but it was always a labor of love and her patriotic honor to do something personally for America. "Each time something bad happened, it only made me sew that much faster," she said. Through good times and bad, her spirit remained strong and she literally stitched the bad times away finishing her work with her identification number seven in the upper left corner of the flag. The numbers were written so supervisors could track how many flags each seamstress had completed each day.

It is often said that America succeeds due to the remarkable accomplishments and contributions of her citizens. Mrs. Major leaves a significant legacy as a standard bearer for her profession. She continues to lead a life full of love, friendship, hospitality and service to her family as well as her community. She is an exceptional woman, mother, grandmother, great-grandmother, and American.

As we unfold and proudly wave an American flag, we might see Frances' number seven—her indelible mark on history. At this time, I would ask my colleagues of the 109th Congress to join me in paying special tribute to Mrs. Frances Major. On the occasion of her retirement, we thank her for her dedicated service and we wish her all the best in the future.

TRIBUTE TO MARSHA SHASTEEN AND HER DEDICATED SERVICE ON THE HOUSE SCIENCE COMMITTEE

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize a staff member whose service on the House Science Committee is coming to an end this month. Marsha Shasteen has contributed greatly to our staff and her Hill acumen will be greatly missed.

Marsha has spent her time in Congress working in both Member and Committee offices. She began by working in her home state of Texas for The Honorable RALPH HALL of the 4th Congressional District. After three years in his district office, Marsha moved to Mr. HALL's personal office staff in Washington, DC where she served 4 years as a legislative assistant.

Marsha has served the Science Committee Democratic staff as Counsel for nearly 6 years. In fact, Marsha was Mr. HALL's first appointee to the House Science Committee staff when he took over as Ranking Democrat in 1999.

As Counsel for the Committee, Marsha worked to assist Members, their staff, and the Committee staff in tracking relevant legislation, jurisdictional research, and special projects to assist Members in developing legislative proposals and specific bill referrals for the Committee.

She has also been involved in oversight activities, coordinating with the Government Accountability Office on a number of projects across Committee jurisdiction. She has often been called upon to assist Committee Members with mark-ups and during floor debate on legislation originating with the Committee.

Her Committee colleagues regard her as a no nonsense attorney who has made her mark on ethics matters and nuances of committee jurisdiction and process.

One of her legislative successes was the Wind Hazard Reduction Act—introduced by Rep. DENNIS MOORE (D–KS)—which went on to become law.

Through her work on the legislation, Marsha helped establish the Congressional Wind Hazard Reduction Caucus—a group dedicated to a major, measurable reduction in loss from devastating windstorms over the next decade. In addition, she organized related events for Members designed to raise awareness on the issue, including field hearings and district meetings.

Marsha excelled at Member service and outreach. Many times, she was tasked with devising and executing events in Members' districts on behalf of the Committee. Her vast experience on legislative issues and her extensive organizational skills put her at ease in every community she visited, ensuring that the Member's event went off without a hitch. No matter the topic or the town, Marsha negotiated the challenges with ease.

Active in the Capitol Hill community, Marsha has made friends and established extensive contacts as an active member of the Congressional Legislative Staff Association—serving on their board for the past four years.

An energetic and accomplished Capitol Hill attorney with a heart for service and outreach, Marsha will be greatly missed on the Committee. We wish her all the best in her future endeavors.

CONGRATULATING STEAMTOWN NATIONAL HISTORIC SITE ON ITS 10TH ANNIVERSARY

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Steamtown National Historic Site in Scranton, Pennsylvania, which is observing its 10th anniversary as a unique and valuable venue that salutes the heritage of America's railroading past.

The invention of the steam-powered locomotive in the early 19th century proved to be one of the great evolutionary forces that transformed the United States from an agricultural society to a manufacturing giant that would propel this Nation into the realm of a superpower.

No longer tethered to the vagaries of animal and water powered transportation, the United States would discover that people and manufacturing product could be transported over great distances in much shorter periods of time, thus enabling this country to explore its vast expanses quite literally from sea to shining sea.

Truly, it was the railroad and the emerging anthracite coal industry in northeastern Pennsylvania that allowed our immigrant forebears to realize their dream of a better life than they had in their country of origin.

By 1852, thanks to merchants demanding faster and more reliable means of transporting their goods, more than 9,000 miles of track had been laid, mostly in New England and the Middle Atlantic states. During the next decade, American railroads grew into a coordinated iron network of more than 30,000 miles, serving all States east of the Mississippi River. By 1880, the United States had 94,000 miles of track binding the country together. Twenty years later, it had 193,000. By the end of World War I in 1918, the country could boast more than 254,000 miles of track and 65,000 steam locomotives.

Until the end of World War I, railroads carried the bulk of all freight and passengers.

In a very real sense, the railroad and anthracite coal industries, both of which have deep roots in the Lackawanna and Wyoming Valleys, fueled the industrial revolution and contributed to making the United States the global force that it is today.

To fail to recognize that heritage would deny our children and grandchildren the ability to see that where we are today is due to where we came from yesterday.

Thankfully, because of the vision and perseverance of men like former U.S. Congressman Joseph McDade, who relentlessly pursued his dream of making Steamtown a reality, we have before us today a living museum that celebrates the role that steam powered railroads played in the development of our nation.

Steamtown's success is also due to the tireless work of former Gov. William Scranton, Austin Burke, executive director of the Scranton Chamber of Commerce, former Scranton Mayor James McNulty, Ed Rogers, former managing editor of The Scranton Times, and others who shared the vision.

Fortunately, because of places like Steamtown National Historic Site and other museums, the contributions of steam railroading to the development of the United States will never be forgotten. And the lives and duties of the men and women who labored in the yards, roundhouses, stations and trains will be preserved for future generations.

Mr. Speaker, please join me in celebrating the 10th anniversary of Steamtown National Historic Site and in acknowledging the United States Park Service for its role in maintaining what has become a national treasure.

CELEBRATING THE FIRST DAY OF SALE OF THE 2005-2006 DUCK STAMP

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. KIND. Mr. Speaker, I rise today in celebration of the first day of sale ceremony for the 2005–2006 duck stamp.

It is a great honor to be present today at the first day of sale ceremony. As you may know, Kerissa Nelson, a fellow Wisconsinite, is the artist behind this new stamp, and I would like to take a moment to commend Kerissa on her magnificent work. With the encouragement of her art teacher, Kerissa undertook the great challenge of competing in this years duck stamp contest, and it is clear that her months of hard work paid off. Kerissa, the stamp is beautiful.

However, it is not just the beauty of the stamp that strikes me, but also the message that it conveys. Growing up in Wisconsin, I have a deep-seated love for the outdoors and enjoy hunting and fishing with my two little boys, whose company in the duck blind is the ultimate experience for me. I not only hope to pass on the traditions on hunting to them, but I also hope to pass on the importance of preserving the outdoors and our nation's wildlife.

I am aware that Kerissa is also an avid lover of the outdoors, shooting trap on a weekly league and hunting with her dad, and I commend Kerissa on her ability to convey both the love of hunting and the importance of conservation in the stamp she has designed.

Since the federal duck stamp's inception in 1934, these works of art have raised nearly $700 million to help acquire more than 5.2 million acres of wetlands. Nearly 98 cents out of every duck stamp dollar goes directly for land acquisition on national wildlife refuges—benefiting hundreds of refuges found in every state. This stamp is more than art work; it is a guarantee that our nation's wildlife population will not be threatened by human interference.

Again, thank you, Kerissa, for your great contribution to this cause. Thank you also to everyone who is helping to celebrate Kerissa's achievement and the first day of sale for the new duck stamp.

PERSONAL EXPLANATION

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. NEY. Mr. Speaker, on June 30, 2005, I was unable to be present for rollcall vote No. 341, on agreeing to the King (IA) amendment to H.R. 3058, the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and Independent Agencies Appropriations Act for FY 2006. Had I been present, I would have voted "no" on rollcall vote No. 341.

EMERGENCY SPENDING TO SUPPORT A VA BUDGET SHORTFALL

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. CUNNINGHAM. Mr. Speaker, it has been recently reported by the Department of Veterans Affairs that the veterans healthcare system will have $1 billion deficit at the end of FY 05.

I, like many other Members of Congress, am extremely concerned regarding this recent disclosure. As we continue to fight the Global war on terror and in Operation Iraqi Freedom, we need to ensure that the full range of veterans medical services are available for our returning veterans and those that have served before them. Our veterans are not served by taking funds from the VA capital investment account. These funds are vital to the purchase of new equipment and the maintenance and upkeep of VA facilities. I feel that these funds are critical to the total healthcare of a veteran. It is important that we find the funding necessary to address this shortfall and ensure that this does not occur again.

Mr. Speaker, I believe we must provide funding to makeup for the shortfall in veterans healthcare, and I urge you to work with our colleagues on the Appropriations and Veterans' Affairs Committees to move legislation forward as soon as possible to address this shortfall.

THE HEALTHY START REAUTHORIZATION ACT OF 2005

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. UPTON. Mr. Chairman, I rise today to announce that, with my colleague Rep. EDOLPHUS TOWNS, I am introducing legislation to reauthorize the Healthy Start Act.

The Healthy Start program works to reduce the incidence of infant mortality and low birth weight and eliminate perinatal disparities in communities across the Nation where the infant mortality rate is in excess of 150 percent of the national average. The program, which began as a successful demonstration project in 1991 under the leadership of Health and Human Services Secretary Lewis Sullivan and was overwhelmingly authorized by Congress in 2000, has at its core the recognition that infant mortality and morbidity are not just medical problems, they are community problems. To qualify for a Healthy Start grant, communities must buy-in by forming networks of community public and private decision-makers and leaders, educators, health professionals, and family members to set ambitious goals for themselves and work in a coordinated and effective way to meet those goals. These programs are targeted to at-risk populations and are characterized by aggressive outreach to reach young women who are pregnant and/or are already mothers, as well as fathers, who live in communities with the toughest poverty, drug use, and unemployment.

We are fortunate to have a Healthy Start program in Kalamazoo, Michigan, in my Congressional district. Our Healthy Start Family Resource Center offers prenatal care, WIC resources, transportation, personal counseling and many other services. So far, 100 percent of the expectant mothers who have received prenatal care and other services through the center have delivered healthy babies.

The Healthy Start Reauthorization Act will reauthorize the program for fiscal years 2006 through 2011 at "such sums as may be necessary."

Please join Rep. TOWNS and me in supporting this legislation.

CONGRATULATIONS TO TOTTENVILLE GIRLS SOFTBALL TEAM

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. FOSSELLA. Mr. Speaker, I would like to take this opportunity to congratulate the stellar softball season for the Tottenville Girls Softball Team on their recent City Championship victory.

The Tottenville Pirates dominated the Public School Athletic League this season with an amazing 189 runs scored while only allowing an even more stunning 6 runs. More than 200 fans showed up to see if Tottenville was in fact for real. They went about their business as usual and recorded a 1–0 victory for the school's first Metro Bowl softball title—and they did it against arguably the top program in New York City.

Tottenville coach said they have prepared for this by playing against the top competition throughout New York City. And after the championship game, it was obvious that play against the best paid off.

On behalf of family, friends, fans, and the entire 13th Congressional District of Staten Island and Brooklyn, New York, I would like to again congratulate the Tottenville Girls Softball Team for their outstanding season. Each player, coach, and fan should be very proud of their efforts. I commend them for their drive, desire, and sportsmanship that they revealed throughout the season.

The Girls Tottenville Roster is as follows: Stefani Allen, Lauren Bello, Samantha Bennett, Ashley Brandow, Erin Dailey, Tara Dolton, Kim Ferraiolo, Megan Gardella, Michelle Gardella, Jessica Herrera, Alison Holtermann, Karisa Pietromonico, Nicole Pomponio, Christine Rode, Rebecca Sloan, Diana Stout, Brittney Stratton, Samantha Wagner.

Coaches: Cathy Morano, John Leverock, Victor Vazquez, Gene Castellucci, Joanna Pellecchia.

RECOGNIZING MR. MATTHEW TRUESDALE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Mr. Matthew Truesdale, from Altoona, Pennsylvania, as one of 20 national winners in a new award program called The Alexander Hamilton Citizenship Achievement Award. The award is sponsored by a new 501(c)3 non-profit organization, The Alexander Hamilton Friends Association (AHFA) of Seattle, Washington. Fourteen States were represented and amongst the 20 winners, Pennsylvania had three, all whom happened to be from Altoona Area High School. Over 200 candidates were considered for the award and it is a remarkable achievement for these three students and the Altoona Area school district.

The Alexander Hamilton Friends Association is a non-profit organization incorporated under the laws of the State of Washington. The AHFA's goal is to preserve Alexander Hamilton's legacy by recognizing and honoring young people who share Hamilton's strong sense of integrity, achievement, pragmatism, and service. For a student to win the award the student needs to exhibit a high degree of personal integrity and receive an outstanding rating in two of the five areas, which are: Community service, school-related extracurricular activity, entrepreneurial skill, scholastic record, and personal achievement. George Cox, president of AHFA said, "The key question we asked ourselves was this: If a young Alexander Hamilton were placed in a situation like this student, would he have responded in a similar manner? In the case of our winners, we think the answer is yes."

Mr. Matthew Truesdale is a sophomore at Altoona High School. Be started and completed a project to help the Blair County Wildlife Refuge of Blair County, Pennsylvania. This organization needed primate cages. Truesdale made and sold 38 food trays embellished with the American flag and the Pledge of Allegiance, solicited other donations, negotiated material discounts, and organized and supervised a constructor crew. Over $1,150 was raised, and today the Refuge has four new large primate cages. Truesdale is an eagle scout and mentors at scouting activities in his region.

Mr. Speaker, we would like to congratulate Mr. Matthew Truesdale on his outstanding achievements in community service and we are proud to have him as one of our constituents.

GUILFORD COLLEGE WINS SECOND NCAA DIVISION III GOLF TITLE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. COBLE. Mr. Speaker, the Sixth District of North Carolina is proud to report another national championship win in men's golf. And I am proud to report the school is my alma mater. On May 12, 2005, the Guilford College men's golf team won its second NCAA Division III national championship in 4 years with a 25-stroke win over the second place Redlands at the Mission Inn Golf and Tennis Resort near Orlando, Florida. We are equally proud of Greensboro College for its third place finish. This Quaker victory margin is the seventh largest in NCAA Division III history and the largest since the 1999 tournament.

First-place efforts by golfers Colin Clark and Dave Patterson helped lead the team to a 290, 2-over-par championship win. Clark and Patterson battled for the best score of the day with the two returning to the 18th hole after regulation play for a playoff. Clark finished in first place earning him the medalist title, as well as the Outback Steakhouse Arnold Palmer Award. Clark, Patterson, and junior teammate Brant Stovall also earned First Team PING All-America recognition.

Outstanding coaching by Jack Jensen, who has completed his 29th season as Guilford's coach, also contributed to the team's success. Jensen has received his second Eaton Golf Pride NCAA Division III Coach of the Year Award from the Collegiate Golf Association. Jensen began coaching the Quakers in 1976 and built a powerhouse team which finished no lower than sixth at the NAIA tournament from 1985–1990. He has coached many award-winning golfers throughout his career including PGA Tour member Lee Porter.

Guilford's 2005 NCAA Division III national championship team consists of golfers Colin Clark, Daniel Day, Earlie Gilley, Chris Lowman, Jeff Osberg, Dave Patterson, Joseph Poplin, Brant Stovall, Matt Tipton, Blake Wagner, Steve Walton, and Spencer Witherspoon. Each member of the team played a valuable role in the team's performance throughout the season and at the tournament.

This NCAA Division III men's golf team brings honor to the golf program at Guilford College and to the Sixth District of North Carolina, We congratulate the team and Coach Jack Jensen for an outstanding season, another national championship title, and a job very well done.

HONORING SERGEANT FIRST CLASS CHRISTOPHER W. PHELPS

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of Sergeant First Class Christopher Phelps. SFC Phelps was killed June 23, 2005 while serving in Operation Iraqi Freedom. On July 1, 2005, friends and family in Pine Ridge will pay tribute to Christopher.

Christopher was from Colorado Springs, Colorado. He is survived by his wife Bobbi Red Cloud-Phelps; one son, Christian Phelps; three daughters, Taymarie Phelps, Raeseana Phelps and Jeyavani Phelps.

Every member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, SFC Phelps lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

The lives of countless people were enormously enhanced by Christopher's compassion and service. Christopher, who represented the best of the United States continues to inspire all those who knew him. Our nation and South Dakota are far better places because of his life, and the best way to honor him is to emulate his commitment to our country.

I join with all South Dakotans in expressing my sympathies to the family of SFC Christopher Phelps. His commitment and sacrifice to our Nation will never be forgotten.

FBI MAKING PROGRESS ADAPTING TO NEW ROLE, BUT MORE NEEDS TO BE ACCOMPLISHED

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. WOLF. Mr. Speaker, I held a news conference today to provide an update on actions taken by the Science-State-Justice-Commerce, SSJC, Appropriations subcommittee, which I chair, in assisting the FBI in its transformation efforts since the terrorist attacks of September 11, 2001.

I submit for the record my press statement as well as a white paper which outlines in detail the SSJC subcommittee's work:

PRESS STATEMENT

(By Representative Frank R. Wolf)

Good morning. Thank you for coming.

As chairman of the subcommittee with oversight of the FBI, I wanted to provide you with an update of the Science-State-Judiciary-Commerce subcommittee's role in the transformation of the FBI since 9/11 now that our bill has cleared the House.

9/11 changed America forever. Terrorism is no longer just something you read about happening somewhere else in the world. Terrorism came to our shores on 9/11. Everyone always will remember where they were and what they were doing on 9/11. More than 30 people from my congressional district were killed on 9/11; the pilot of the plane flown into the Pentagon lived just a short distance from my house.

Sadly, several more of my constituents have made the ultimate sacrifice fighting the war on terror. The servicemen and women from across the country serving in harm's way in Afghanistan and Iraq deserve our deepest gratitude. They are doing an incredible job.

It is also important that we recognize those people protecting us here at home. The FBI along with other federal, state and local law enforcement agencies are doing good work to ensure that terrorists don't strike again on American soil. They all have tough jobs and are all making great sacrifices.

I have the highest respect for the thousands of FBI agents serving their country. I know many of them. They are extremely dedicated and work incredibly long hours to protect our country and their fellow citizens. The price they and their families are paying is enormous.

Prior 9/11, the FBI's primary charge was solving crimes. Now, preventing crimes—more specifically, acts of terrorism—is priority one. This is a monumental shift, and runs counter to everything almost every FBI agent in the past was trained to do.

While the FBI is making progress adapting to its new role, it also has made some missteps. Director Mueller deserves a lot of the credit for the changes that already have been made at the bureau. He also would be the first to admit there is still a long way to go.

Change is never easy. We all resist it. But the changes being asked of the FBI are critical to the safety of every American.

Some believe an MI-5 approach would be better. But both the 9/11 Commission and the WMD Commission recommended against implementing such a plan. The Bush Administration also is opposed to the idea. That debate is over. It's time to move forward.

The task at hand is not easy, and I know FBI agents are working round-the-clock—and around the globe—to ensure our safety. We have to remember that transforming the FBI is an ongoing process, and is not going to happen overnight.

I take my role as chairman of the SSJC subcommittee very seriously. I have worked hard to learn everything I can about the FBI and the other law enforcement agencies under the jurisdiction of the subcommittee. I am also deeply committed to ensuring that Congress provide the proper—and necessary—oversight of the transformation of the bureau.

I, and the subcommittee staff—both majority and minority—have spent countless hours with Director Mueller and the leadership of the FBI over the last 3½ years. We have pushed the bureau, the Justice Department and the Bush Administration to do the very best job possible—and more.

As you will recall, it was the SSJC subcommittee that asked for the full House Appropriations Committee's Surveys and Investigations staff to study the failure of the bureau's Virtual Case Files program, including the FBI's contracting procedures and management procedures related to the computer system.

When Director Mueller began submitting his plans to reorganize the bureau in the spring of 2002, I wanted to be confident that the path being pursued was the correct one. Toward that end, I put together what I call the "FBI Transformation Task Force" Made up of staff from the Government Accountability Office, the National Academy of Public Administration, the Congressional Research Service, the FBI, the Justice Department and majority and minority staff of the House Appropriations Committee, the task force regularly reviews the bureau's progress.

We also have consulted with staff from both the 9/11 Commission and WMD Commission as well as staff from the Department of Justice's Office of the Inspector General.

In June of 2002, the subcommittee held the first of what have now become annual hearings to review the FBI's restructuring. Director Mueller testified at that first hearing and appeared again in 2003 and 2004. This year's hearing is slated for September.

These hearings are different from the annual budget hearings held each spring where agency heads come up to the Hill and layout their spending priorities. These hearings have focused solely on the transformation of the bureau. The assessments of task force members such as GAO's David Walker and NAPA's Dick Thornburgh—the attorney general under President George H. W. Bush—have been candid and often times pointed.

Not only has the task force served as a "review" board for the FBI, it has developed a number of proposals that ultimately have been incorporated into the annual spending bills that fund the bureau. I should note that the subcommittee has provided the bureau with a significant increase in funding, from $3.2 billion in FY 2001 to $5.2 billion in FY 2005, to help meet the new challenges it faces. That is an increase of 61 percent.

Attached to the copy of my remarks you have is a white paper that breakdown the FBI changes by categories—such as "Organizational Change," "Training," and "Interagency Counterterrorism Task Forces"—to help you better grasp the scope and breadth of these reforms. I won't go through every one of the reforms listed on the white paper, but I do want to highlight some, such as:

Creating a Directorate of Intelligence (Service-within-a-Service) to specifically focus on intelligence analysis;

Funding a portion of the National Counterterrorism Center to bring agencies from throughout the government to work together to combat terrorism;

Creating the Science and Technology Advisory Board made up of former senior-level intelligence and DOD staff to provide independent advice to the director on emerging issues;

Among the members of the advisory board:

Arthur Money, former assistant secretary of defense for command, control, communications and intelligence and DOD's former chief information officer.

Craig Fields, former chairman of the Defense Science Board.

John Hamre, president of CSIS and former deputy secretary of defense.

Providing new personnel authorities and increased funding to attract and retain agents, analysts and support staff;

Mandating joint training between agents and analysts and with other members of the intelligence community;

Transferring more than 500 agents from working drug cases to terrorism;

Creating the College of Analytical Studies to train intelligence analysts;

Enhancing the FBI's capability to communicate classified information with the intelligence community and state and local law enforcement;

Increasing the number of translators by 79 percent, including a 269 percent increase in Arabic translators from the levels funded in fiscal year 2001;

Creating the University Education Program, the Sabbatical Program, and the Fellows Program to enhance opportunities for employees to receive advanced degrees, and

Changing the FBI's budget structure to match its new mission.

There are more reforms proposed in the FY 2006 bill, which the House approved on June 16.

Among them:

The creation of an associate deputy director for national security to oversee and coordinate the activities of the executive assistant director for counterterrorism and counterintelligence and the national security activities of the Directorate of Intelligence, as recommended by the WMD Commission and accepted by President Bush yesterday.

The FY 2006 bill also requires the U.S. attorney general to submit a report to the subcommittee on its actions to implement the recommendations of the WMD Commission.

I should note that in a recent speech before the First Circuit Judicial Conference, Judge Silberman, the co-chair of the WMD Commission, clearly advocated the need for the attorney general to exercise more authority over the FBI.

As former deputy attorney general himself, Judge Silberman told the conference "attorneys general in my view have exercised far too little management supervision over the bureau. I actually think the DNI's (Director of National Intelligence) influence will enable the attorney general to have greater visibility into the bureau's operations." I agree that the attorney general has to be seriously engaged in the transformation of the FBI.

In addition, the bill provides the FBI with additional resources to improve information technology oversight and program management and requires the DOJ inspector general to provide regular reports to the subcommittee on the FBI's progress in replacing its case management system.

I wanted to take this opportunity to point out what is happening at the FBI because sometimes the 'good' things are not considered news and are often overlooked. I think that once you look at the attached white paper you will agree that a great number of positive, forward-leaning steps are being taken at the FBI.

Yet, more still needs to be accomplished. Some other ideas that should be considered:

Creating a DARPA-like organization for the FBI.

Creating a Chief Operating Officer who would be responsible for overseeing the day-to-day management of the FBI, thereby freeing up the director and deputy director to focus on investigations and long-term strategic management issues.

This is one of the recommendations of the Science and Technology Advisory Board.

Pushing to expand the FBI's "bench" when it comes to information technology.

The Science and Technology Advisory Board believes the FBI is making progress but can go even further if it has the ability to go after the best and the brightest and provide them the same career opportunities as other branches in the bureau.

The FY 2006 House-passed bill provides a $17 million increase for this, which is $10 million above the request.

Change is not going to happen overnight nor will it be totally embraced by every agent in the field. It is going to take time. Unfortunately, time is not completely on our side. That is why the subcommittee pushes so hard and is why we continue to have these annual 'review' hearings.

I am committed to working to make the FBI better. This is all part of a process. It's long and it's involved. Strides have been made, but more still needs to be done. With the action of the subcommittee, the 9/11 Commission, the WMD Commission and the White House's recent decision to embrace nearly all of the recommendations of the WMD Commission, the key will be having the commitment to carry this out.

Thank you.

WHITE PAPER—FBI TRANSFORMATION SINCE 9/11

Since 9/11, the House Science-State-Justice-Commerce (SSJC) Appropriations subcommittee has worked with a number of groups and organizations, including the National Academy of Public Administration (NAPA), the Government Accountability Office, the Congressional Research Service, the 9/11 Commission, the WMD Commission and the Justice Department's Office of the Inspector General, to review the FBI's plans to transform itself from an organization that solves crimes into one which prevents crimes.

Below is a listing of steps the SSJC has taken to assist in the FBI's transformation:

FUNDING

Provided the FBI with a 61 percent funding increase between FY 2001 and FY 2005.

FY 2001 funding: $3.2 billion.

FY 2005 funding: $5.2 billion.

FY 2006 funding (House-passed): $5.7 billion.

ORGANIZATIONAL CHANGE

Approved the transfer of more than 500 agents from drugs to terrorism.

Created the Directorate of Intelligence (Service-within-a-Service) to exclusively focus on intelligence.

The FY 2006 bill creates an associate deputy director for national security to oversee and coordinate the activities of the executive assistant director for counterterrorism and counterintelligence and the national security activities of the Directorate of Intelligence, as recommended by the WMD Commission and accepted by President Bush yesterday.

The FY 2006 bill requires the U.S. attorney general to submit a report to the subcommittee on its actions to implement the recommendations of WMD Commission.

Created the Science and Technology Advisory Board to provide independent advice to the director on emerging issues.

INTERAGENCY COUNTERTERRORISM TASK FORCES

The SSJC subcommittee approved and funds:

103 Joint Terrorism Task forces.

National Joint Terrorism Task Force.

Participation in the National Counterterrorism Center.

Foreign Terrorist Tracking Task Force.

Terrorist Screening Center.

TRAINING

Created an FBI training program at Northwestern's Kellogg School of Management.

Created the College of Analytical Studies to focus on analytical training.

Continued to fund training programs above the level requested.

FY 2005 funding: $10 million above the budget request. ($85 million)

FY 2006 funding (House-passed): $10 million above the budget request. ($102 million)

Fully funded requests to renovate Quantico, the FBI's training facility.

FY 2005 funding: $21 million.

FY 2006 funding (House-passed): $15 million.

The FY 2006 House-passed bill:

Directs the FBI to work with NAPA to improve training programs for first-line supervisors, mid-level managers and executives.

Directs the FBI to create a management succession plan.

Directs the FBI to ensure that analysts and agents train together and that the FBI conduct joint training sessions with other intelligence community agencies.

Directs the FBI to expand the University Education Program, the Sabbatical Program, the Fellows Program and the use of the Foreign Service Institute.

Directs the FBI to develop experienced FBI employees to teach analytical classes at the College of Analytical Studies instead of depending on contractors and personnel from other agencies.

INFORMATION TECHNOLOGY

Directed the full House Appropriations Committee's Surveys and Investigations staff to study the FBI's failure to implement a new case management system.

Increased funding above the request to improve information technology management FY 2006 funding (House-passed): $10 million above the budget request. ($21 million)

Increased funding to improve access to information and information sharing.

FY 2005 funding: $12 million. ($13.5 million)

FY 2006 funding (House-passed): $11 million above the budget request. ($54 million)

Funded the bureau's new Integrated Data Warehouse project to data mine counterterrorism data to find terrorism connections.

Provided funding above the request for additional secure space to enhance the sharing of classified information within the intelligence community.

FY 2005 funding: $20.5 above the budget request. ($20.5 million)

FY 2006 funding: $5 million above the budget request. ($25.5 million)

The FY 2006 bill requires the inspector general to provide the subcommittee with regular updates on the status of the bureau's replacement case management system.

LANGUAGE TRANSLATION

Increased the number of translators by 79 percent, including a 269 percent increase in Arabic translators from the levels funded in fiscal year 2001.

Created the National Virtual Translation Center to work with other members of the intelligence community to address translation priorities.

RETENTION AND RECRUITMENT

Provided report language for retention and relocation bonuses, critical pay exemptions for intelligence staff (more than $175,000 per year) authority to create an FBI Reserve Service and additional authority to waive mandatory retirements.

Provided funding to implement retention and recruitment programs.

FY 2005 funding: $30 million above the budget request. ($30 million)

FY 2006 funding (House-passed): $5 million above the budget request. ($35 million)

Directed the FBI to work with NAPA to ensure that new personnel authorities provided to attract and retain staff in FY 2005 are effectively utilized.

ADMINISTRATIVE STAFF

Recognized that analysts are required to perform too many administrative tasks and directed the FBI to focus its hiring efforts on filling vacant administrative and support staff. The FY 2006 bill provides $5 million above the request for additional administrative staff.

HUMAN RESOURCES

The FY 2006 bill directs the FBI to establish an Office of Human Resources to be tasked with, at a minimum, (1) ensuring that employee rating systems match the FBI's priorities including intelligence and security; (2) ensuring the number of pay authorities and funding provided to attract and retain staff are used effectively; (3) developing leadership and succession planning programs, and (4) considering ways to give field offices more flexibility in hiring administrative staff.

INTRODUCING A CONCURRENT RESOLUTION SUPPORTING THE GOALS AND IDEALS OF INTERNATIONAL POLAR YEAR

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a concurrent resolution in support of the goals and aspirations of the International Polar Year. The International Polar Year will allow scientist to create a benchmark for the Polar Regions and study this remote area of the world through all the seasons.

The International Polar Year (IPY), co-sponsored by the International Council of Science (ICSU) and the World Meteorological Organization (WMO), will run from March of 2007 to March 2008. The IPY will afford an opportunity to engage the upcoming generation of scientists and focus public attention on the importance of the Polar Regions and how much the cold ends of the sphere we all live on really do influence us.

I was recently in Norway and had the opportunity to talk about the significance of the IPY. The recognition of this important issue in all parts of the world further emphasizes why this resolution and issue is so important.

Mr. Speaker, this concurrent resolution lends Congress' support for the International Polar Year. Past worldwide initiatives have yielded unprecedented exploration and discoveries in many fields of research and fundamentally changed how science was conducted in the Polar Regions. Now, decades later, technological developments such as earth observation satellites, autonomous vehicles, and molecular biology techniques offer enormous opportunities for an unparalleled expansion of our understanding of these complex systems.

Mr. Speaker, I urge my colleagues to support this concurrent resolution. Encouraging the studying the Polar Regions is crucial as it will lead to a greater understanding of how this area of the world affects the rest of the earth's ecosystem and in turn, human society. This concurrent resolution furthers that goal. That is why I look forward to working with my colleagues and moving this resolution forward.

TRIBUTE TO MITCH GEISLER

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of the Honorable Mitch Geisler of Marshall, MO.

Mr. Geisler served a long and distinguished career in law enforcement. He was Chief of Police, President of the Missouri Chiefs of Police Association, and attended the FBI Law Enforcement Institution, from which he graduated in 1957. After his many years of service in the area of law enforcement, Mr. Geisler began a career in finance. He worked 27 years for Wood and Huston Bank, where he retired as senior vice president.

Mr. Geisler then served as Mayor of Marshall for 12 years. During his term as Mayor, Mr. Geisler held an active role in the expansion of the Marshall Municipal Airport. He also worked with Marshall-Saline Development Corporation to attract businesses and industry to the Marshall area.

Mr. Geisler was very dedicated to the growth and development of his community. He was a 15-year member of the church board at St. Peter Catholic Church and the first president of the Mercy Academy School Board. Mr. Geisler was also a 50-year member of the Aircraft Owners and Pilots Association. This allowed him to fly with the Blue Angels Navy acrobatic and demonstration team.

Mr. Speaker, Mitch Geisler had a steadfast dedication to his family, church, community, and career. I know the members of the House will join me in extending heartfelt condolences to his family.

HONORING DR. JERRY MCAFEE UPON HIS RETIREMENT FROM THE COLUMBUS PUBLIC SCHOOL SYSTEM

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. TIBERI. Mr. Speaker, I am pleased to join with many others in Central Ohio in honoring Dr. Jerry McAfee, who is retiring after nearly four decades of service in the Columbus Public Schools.

As a proud product of the Columbus Public Schools myself and as one of his students, I can attest to the impact Jerry has had on so many lives. Obviously, I learned much from Jerry about music, which he taught with distinction for years. But the lessons he imparted about leadership and service, in word and deed, were far more valuable. They were a major influence in my decision to seek elective office, and they continue to guide me as I do my job in Congress today.

For me and for so many others, Jerry McAfee has been an inspiration. While his days as an educator and administrator in the Columbus Public Schools are coming to an end, I am certain he will continue to play an important role in our community for years to come.

INTRODUCING THE PAID FAMILY AND MEDICAL LEAVE ACT OF 2005

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. STARK. Mr. Speaker, I rise today with Representative GEORGE MILLER to introduce the Paid Family and Medical Leave Act of 2005.

More than a decade ago, the momentous and highly successful Family and Medical Leave Act (FMLA) became law. With the FMLA, Congress required large companies to provide up to 12 weeks of unpaid family and medical leave to its employees. And while no one will argue with FMLA's success, there remains room for improvement.

On July 1, 2004, California became one of five states to improve FMLA by providing 6 weeks of paid leave. A study found that by providing wages during periods of leave, the new program worked even better than the original. A higher percentage of workers returned to their jobs after taking paid leave, and businesses were having no trouble shifting the workload absent employees left behind.

Prudently, the Paid Family and Medical Leave Act introduced today builds on the successes of both FMLA and the California paid-leave program. This new bill provides workers nationwide with up to 55 percent of their wages for as long as 12 weeks. This leave can be used to care for a newborn or adopted child, disabled family members, or to take care of their own short-term disability.

Since unpaid leave has worked well to reduce worker turnover and improve workers' productivity, there is every reason to believe that paid leave would improve the lives of families and increase the profits of companies further.

In addition, the Harvard School for Public Health reports that the education and health of children improves when their parents have paid sick leave and work flexibility. Of children whose math and reading scores are in the bottom 25 percent, more than half have parents who lack paid sick leave and work flexibility. These same children were more likely to suffer from sickness, infection, chronic illness and under-immunization.

A Canadian government study demonstrated that extended time off for parents with their newborn child is directly associated with the successful social and cognitive growth of the child.

I'm pleased to have worked closely with a wide range of worker and consumer organizations to develop this bill. The legislation is endorsed by the AFL–CIO, United Auto Workers, National Partnership for Women and Families, and others.

With continued rhetoric focusing on "family values," this bill gives Congress a concrete opportunity to strengthen both families and businesses.

I urge my colleagues to cosponsor the Paid Family and Medical Leave Act, and look forward to enacting this bill to strengthen families, make businesses more competitive and create a stronger America for the future.

HONORING GILBERT ARENAS CASTILLO ON HIS 80TH BIRTHDAY

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mrs. NAPOLITANO. Mr. Speaker, I rise today to honor a constituent of mine, Gilbert Arenas Castillo on the occasion of his 80th birthday.

Like many immigrant-Americans, Mr. Castillo came to this country as a young adult seeking to fulfill his dream of a better life in a new land. His story is the classic immigrant tale of leaving the comforts of family and home behind in the adventurous and challenging pursuit of the American Dream.

In attaining his version of the American Dream, Mr. Castillo purchased a home and together with his devoted wife Delia Gutierrez Castillo raised a family of 6 children, 12 grandchildren, and 5 great grandchildren; became a United States citizen; exercised his civic duties including voting regularly; became a land lord; retired following a successful career; became a certified television technician; and recently earned his high school diploma—at the age of 79!

I can think of no better honor to salute Mr. Castillo's achievements on the occasion of his 80th birthday than to enter into the CONGRESSIONAL RECORD the story of his life as he wrote it on the recent occasion of his high school graduation.

Mr. Speaker, I extend my best wishes to Mr. Castillo and his family on his 80th birthday, and I hold him up as a model example of the American Dream come true.

AUTOBIOGRAPHY OF GILBERT CASTILLO

I was born in Mexico City, Mexico on July 18, 1925. I had a very difficult childhood. At the age of ten I began hearing stories about the United States of America, the land of promise. It was soon my dream to go to the United States. I was told that there your dreams can be achieved.

In 1943, when I was 18 years old, I had the opportunity to come to the United States as a contract worker. I came to work in Texas at the Santa Fe Rail. I was one of many Mexican Immigrants working for the railroad. It was hard work laying rails down and the weather was unforgivable. It was either extremely cold or extremely hot but nonetheless I fell in love with this great country. I was only able to work under contract for six months then I had to return to Mexico.

A few months later I signed another contract to come back to work in the U.S. I was working in the fields of Madera, California as a field hand or as we were referred to back then as a “bracero”. I did this for six months.

For the next year and a half I worked in several different restaurants as a bus boy. Those jobs took me from Sacramento to San Francisco. They were very exciting times. I was happy to be living in the U.S.A.

In 1946 I returned to Mexico. I spent the next two years in Mexico dreaming of returning to this country. In 1948 I returned to the United States.

I was working in a restaurant in 1949 when I met a beautiful lady named Delia. We fell in love and got married. We spent 52 years together. Delia was a wonderful wife and mother. She was completely dedicated to the family. She passed away in December of 2001 and is greatly missed. We had a total of six children. Our eldest son Gilbert Jr. works for Southern California Edison. Evelyn our eldest daughter works for the County of San Bernardino County, and her husband David is a CPA for the City of Redlands. Our two other daughters Blanca Stella and Judith are both police officers as is my son-in-law Rudy. Our son Victor works for U.S. Congresswoman Lucille Roybal-Allard and was a member of the 1992 Presidential Electoral College, and our youngest son Christopher works in the home construction industry.

In 1955 I started working for General Motors in South Gate California. I worked there for 28 years assembling automobiles. While I was working for G.M. I went to night school and received a certificate in electronics. It took me two years to complete that course, but at the end I was a certified television technician. On my spare time I repaired televisions, radios and stereos.

I became a U.S. citizen in 1976 and have exercised my voting power ever since. My wife Delia also became a citizen in 1995 and was also very proud to be an American.

In 2002 I decided to return to school and work towards attaining my high school diploma. Going back to school has been very beneficial for me. It has kept me busy, attending five days a week. It has kept my brain sharp and eager to learn more. It has also given me the opportunity to make new friends. In fact, I met a wonderful lady named Josephine. She is very special to me and we have become very close companions.

My goal is to continue my education. I would also like to learn a new trade. I'm looking in to a refrigeration course. I will be eighty years old in July of this year, and I still believe that you can achieve your dreams at any age. I love this country and the opportunities it has given me. With a little hard work and dedication you can accomplish anything in this great country no matter how old you are. I am proud to be an American. May God bless the United States of America.

HONORING DR. ROBERT SMOTHERMAN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay tribute to a remarkable individual from my home district. Dr. Robert Smotherman, school superintendent of the Bardstown Independent School System, is retiring this month, bringing his distinguished career as an educator to a close.

Before becoming Superintendent in 1983, Dr. Smotherman spent a nine year tenure as principal and assistant superintendent in the Kingsport, TN school system. He earlier taught in schools in Atlanta, Birmingham, and Nashville. During his 22 years as superintendent, Bardstown Independent Schools has been a catalyst for many Kentucky firsts including first in the state to create a private educational foundation to raise money for the school district; the first district to offer an educational program for all three and four year olds regardless of economics or special needs; the first district to mandate school uniforms; and the first district in Kentucky to move to a year round calendar at all schools. He has also been a tireless advocate, throughout his tenure, for effective Adult Education. The current program offers a wide range of educational opportunity and the GED program, producing over 150 graduates annually.

Dr. Smotherman has been a consistent recipient of academic and community honors including being named one of the “Top 100 Superintendents in America” by Executive Educator Magazine, the Kentucky Department of Education's “Good Apple” Award, the American Legion Award for Educational Excellence, and the Jenson Award from the National Association for Year Round Schools, recognizing his outstanding leadership in a movement that he helped to organize. Dr. Smotherman served on the NAYRE Board of Directors and was later elected President of the national organization, the first Kentuckian to hold that position. In 2003, Dr. Smotherman was named to the Bardstown-Nelson County “Hall of Fame.”

I applaud Robert Smotherman's accomplishments in public education, an occupation of great responsibility and ever greater reward, motivating young people to recognize and develop their talents and abilities. On behalf of so many in the Bardstown area, I would like to express my profound appreciation for his service and inspiration to the countless men and women who have benefited from his generosity and vision.

It is my great privilege to recognize Robert Smotherman today, before the entire U.S. House of Representatives, for his many achievements as an educator. His unique dedication to the development and well-being of young people and the communities they now serve make him an outstanding citizen worthy of our collective honor and respect.

PRIVATE PROPERTY RIGHTS PROTECTION ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing H.R. 3135, the Private Property Protection Act.

On June 23, the Supreme Court, in a 5 to 4 decision in Kelo v. City of New London, held that “economic development” can be a “public use” under the Fifth Amendment's Takings II Clause. In doing so, the Supreme Court allowed the government to take private property from one small homeowner and give it to a large corporation for a private research facility.

As the dissent in that case pointed out, under the majority's opinion, “Any property may now be taken for the benefit of another private party . . . [T]he government now has license to transfer property from those with fewer resources to those with more. The Founders cannot have intended this perverse result.”

In 1795, a Supreme Court more in touch with the true meaning of the Constitution declared “possessing property, and having it protected, is one of the natural, inherent, and unalienable rights of man . . . No man would become a member of a community, in which he “ could not enjoy the fruits of his honest labour and industry. The preservation of property then is a primary object of the social compact. . .”

And Abraham Lincoln often spoke of how at the heart of the evil practice of slavery was a denial of property rights: “It is the same tyrannical principle,” he said. “It is the same spirit that says, ‘You work and toil and earn bread, and I'll eat it.’ ”

Sadly, the Supreme Court imposed such a tyranny on all Americans on June 23.

Today I am introducing the Private Property Rights Protection Act to restore the property rights of all Americans the Supreme Court took away last week. This legislation will prevent the Federal government from using economic development as a justification for taking privately owned property. It will also prohibit any State or municipality from doing the same thing whenever Federal funds would be involved with the project. Federal taxpayers should not be forced to contribute in any way to the abuse of government power.

The NAACP and the AARP have said, “The takings that result [from the Court's decision] will disproportionately affect and harm the economically disadvantaged and, in particular, racial and ethnic minorities and the elderly.”

The American Farm Bureau Federation stated “each of our members is threatened by the decision . . . with the loss of productive farm and ranch land solely to allow someone else to put it to a different private use . . .”

And the representatives of religious organizations have stated that the Supreme Court's decision will “grant municipalities a special license to invade the autonomy of and take the property of religious institutions. Houses of worship and other religious institutions are, by their very nature, non-profit and almost universally tax-exempt. These fundamental characteristics of religious institutions render their property singularly vulnerable to being taken under the rationale approved by the [Supreme] court."

I ask all my colleagues to support this legislation, and to ensure that churches, homes, farms, and other private property cannot be bulldozed in abusive land grabs that redound to the sole benefit of other private individuals whose only claim to that land is that their greater wealth will increase tax revenues.

IN HONOR OF DR. EARL J. LENNARD

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Dr. Earl J. Lennard, who after 41 years of service to Florida's schools, students and teachers, is retiring today from his position as Superintendent of Hillsborough County School District. In his nine years leading one of our nation's largest school districts, Earl loyally and skillfully shepherded Hillsborough schools through a time of unprecedented change.

When Earl graduated from the University of South Florida, he started teaching elementary school to save money to go to law school. Fortunately for us, Earl immediately fell in love with teaching and the opportunity it gave him to help kids. Always known for his strong rapport with students, Earl taught for 15 years before he moved into administration and rapidly ascended through the ranks, improving the school system as he progressed.

In 1996, after only six months as deputy superintendent for schools, Earl was promoted to superintendent. Most anyone would have been daunted by the challenges he faced—rapidly growing student populations with ever tightening budgets—but Earl went straight to work and soon became one of Florida's most respected superintendents.

During his tenure, Hillsborough schools gained nearly 49,000 students. Earl oversaw the design, construction and renovation of more than 60 schools, and thanks to these efforts, double sessions were eliminated and the number of portable classrooms was cut in half.

Earl is a tireless advocate for our schools, and even in the face of political pressures, he always had the courage to openly and honestly speak out for students and teachers. Those who had the privilege to work with him know him to be loyal, kind and always friendly. I consider it an honor to call Earl my friend and I have always appreciated his thoughtful counsel on education issues as I have served in the Florida Legislature and in Congress.

On behalf of the Tampa Bay community, I would like to extend my deepest appreciation to Earl for his lifetime of service and wish him the best of luck in all his future endeavors.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LEWIS of Georgia. Mr. Speaker, I was unable to cast rollcall votes 336 and 344 on June 29, 2005. I had planned to be present for most of these votes and had planned my flight according, but because of the Capitol evacuation which postponed votes, I was unable to be present. I was required to be in the district the following morning to participate in the Base Realignment and Closure hearing and there was no other flight available. Had I been present I would have cast the following votes:

On rollcall 336, I would have voted "yes"; on rollcall 337, I would have voted "no"; on rollcall 338, I would have voted "yes"; on rollcall 339, I would have voted "yes"; on rollcall 340, I would have voted "yes"; on rollcall 341, I would have voted "no"; on rollcall 342, I would have voted "yes"; on rollcall 343, I would have voted "yes"; on rollcall 344, I would have voted "yes."

INTRODUCTION OF 'KEVIN'S LAW': THE MEAT AND POULTRY PATHOGEN REDUCTION AND ENFORCEMENT ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. ESHOO. Mr. Speaker, I'm proud to join my colleague Representative PHIL ENGLISH in introducing important bipartisan legislation, 'Kevin's Law': the Meat and Poultry Pathogen Reduction and Enforcement Act. This bipartisan bill will strengthen the ability of the U.S. Department of Agriculture to set and enforce food safety and sanitation standards for meat and poultry.

Kevin's Law is named in memory of 2½-year-old Kevin Kowalcyk, who died so tragically in 2001 after eating a hamburger contaminated with E. coli O157:H7. Kevin's untimely death was agonizing and brutal. No child, no person should experience the pain that Kevin did, and no family should have to bear witness to a loved one suffering in the way that Kevin did.

Sadly, Americans are far too vulnerable to fatal foodborne illnesses, especially children and the elderly. The Centers for Disease Control and Prevention estimate that foodborne diseases cause roughly 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths each year. The tragedy is that many of these illnesses can be prevented with better science standards and enforcement. Congress must do much more to ensure the safety of our nation's food supply.

In 2003, the National Academy of Sciences report Scientific Criteria to Ensure Safe Food recommended that Congress give regulatory agencies "the clear authority to establish and enforce compliance with science-based food safety criteria, including performance standards." This legislation is just what the doctor ordered. Kevin's Law addresses these recommendations and will help ensure that the government has the authority it needs to prevent contaminated meat and poultry from entering our food supply by:

Requiring the USDA to identify the pathogens that threaten human health (e.g. Salmonella, E. coli 0157:H7, Listeria monocytogenes).

Requiring the USDA to establish performance standards to reduce the presence of these pathogens in meat and poultry.

Confirming that the USDA has the authority to enforce its own standards by shutting down plants that continually breach basic health standards—authority that some processors have repeatedly challenged in court.

Passage of Kevin's Law would put into place major recommendations of the National Academy of Sciences and the National Advisory Committee for Microbiological Criteria for Foods, both of which have consistently supported greater federal enforcement of food safety standards.

Mr. Speaker, I thank the current 22 co-sponsors of Kevin's Law for their support of this bill, and I encourage all my colleagues to join me in helping to protect millions of other Americans from fatal foodborne illnesses by passing this legislation.

Finally, I thank Kevin's family for sharing their tragic story with the world, and especially Kevin's mother, Barbara Kowalcyk, and his grandmother, Pat Buck, for their continued important advocacy on behalf of increased safety standards for meat and poultry.

HONORING COLONEL BRIAN C. KING

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. KIRK. Mr. Speaker, I rise today to salute United States Air Force Colonel Brian C. King upon his retirement. Colonel King has had a lifetime of dedication to serving and protecting the United States, reflected in his many honors with the Air Force.

Colonel King began his illustrious career in 1978, graduating from Central Washington University as a distinguished graduate of the Air Force ROTC. He began his service to America as an F–15 fighter pilot in New Mexico. He followed the call of duty all over the globe, including a tour in Iceland, one with NATO forces in Italy, and various postings around the country.

He served as Assistant Deputy Commander at Laughlin AFB in Texas and has been intimately involved in the education of student pilots in each of his assignments. He currently serves as the Commander of the Air Force Reserve Officer Training Corps Detachment unit at Fort Sheridan, IL. Colonel King has been decorated with the Defense Meritorious Service Medal, National Defense Service Medal, and Humanitarian Service Medal, among others. In short, Colonel King's distinguished career is reflected in the 23 major awards and decorations he has received.

Please join me in recognizing Colonel Brian C. King, who dedicated himself to protecting our country and educating America's future military leaders. I wish him and his family all the best in his retirement.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LEWIS of Kentucky. Mr. Speaker, I was absent from the House on Monday, June 20, 2005 so that I could testify before the BRAC Commission regional hearing in St. Louis, MO on behalf of Ft. Knox, an Army instillation in my district designated for significant realignment. Had I been present, I would have voted the following way: H. AMDT. 328, Claiming religious proselytizing at the Air Force Academy, no; H. AMDT. 330, Prohibiting funds for activities in Uzbekistan, no; H. AMDT. 331, Prohibiting military action against Syria, Iran, N. Korea without Congress authority, no; H. AMDT. 333, Prohibiting funds for carrying out sections of the Small Business Competitiveness Demonstration Program Act, no; and H.R. 2863, On final passage of the Department of Defense Appropriations Act of 2006, yea.

IN RECOGNITION OF WILLIAM M. MORGAN, III

HON MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to William M. Morgan, III. Mr. Morgan has been a long time public servant to the Veterans of our great state and it is my honor to recognize his achievements today.

As a Veterans Service Officer from 1990 to 2002, Mr. Morgan provided assistance and counseling to veterans and their families across the state. He helped countless retirees obtain their benefits, and helped ensure our Nation made good on its promises to our heroes.

Mr. Morgan was later promoted to District Manager. He provided supervision and management of ten offices and fourteen employees and was known as a highly professional and dedicated leader.

Our Veterans deserve the very best treatment, Mr. Speaker, and it is because of the kindness and professionalism of public servants like William Morgan that many of our retirees of the Armed Forces enjoy lives of greater comfort and security.

Let us congratulate William Morgan, as well as his wife Pamela and his two daughters Whitney and Alexandria, on this important occasion, and thank him for his service to Alabama and to our Nation.

IN HONOR OF DR. JIM SINCLAIR

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. PALLONE. Mr. Speaker, I rise today to honor Dr. Jim Sinclair, P.E., who is the first Vice President of the New Jersey Business and Industry Association and Executive Director of the New Jersey Policy Research Organization.

Dr. Sinclair is a dutiful public servant who has acted as Director of Redevelopment for the City of Trenton, Chairman of the New Jersey Housing Finance Authority, and Deputy Commissioner of the New Jersey Department of Community Affairs, among other notable positions. His sense of civic duty, however, extends beyond the government. As a former Executive Assistant to the Commissioner of the New Jersey Department of Environmental Protection, as a member of the Governor's Brownfield Taskforce, and as founder of the New Jersey Watershed Alliance, Dr. Sinclair has shown that his fervor for business does not come at the expense of a healthy environment. His efforts stand as a guiding example that a coexisting relationship between businesses and the environment can genuinely exist without adversely affecting either entity.

Mr. Speaker, I am truly pleased that the New Jersey Business and Industry Association and the New Jersey Policy Research Organization have chosen to elevate Dr. Jim Sinclair to such prestigious positions within their respective organizations. Therefore, I ask my fellow members of Congress to join me today in honoring and recognizing a man who rises up from among his peers and stands firm for the protection of our natural heritage.

PERSONAL EXPLANATION

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LEWIS of Georgia. Mr. Speaker, I was unable to cast rollcall votes 241 and 242 on June 13, 2005 because I was attending to an unavoidable personal matter. I was also unable to cast rollcall votes 288 through 321 on June 21, 2005 through June 24, 2005 because I was attending to a family emergency. Had I been present I would have cast the following votes:

On rollcall No. 241, I would have voted "yes"; on rollcall No. 242, I would have voted "yes"; on rollcall No. 288, I would have voted no. On rollcall No. 289, I would have voted "yes"; on rollcall No. 290, I would have voted no. On rollcall No. 291, I would have voted "yes"; on rollcall No. 292, I would have voted "yes"; on rollcall No. 293, I would have voted no. On rollcall No. 294, I would have voted no.

On rollcall No. 295, I would have voted no. On rollcall No. 296, I would have voted no. On rollcall No. 297, I would have voted no. On rollcall No. 298, I would have voted no. On rollcall No. 299, I would have voted "yes"; on rollcall No. 300, I would have voted "yes"; on rollcall No. 301, I would have voted no. On rollcall No. 302, I would have voted "yes"; on rollcall No. 303, I would have voted no.

On rollcall No. 304, I would have voted no. On rollcall No. 305, I would have voted "yes"; on rollcall No. 306, I would have voted "yes"; on rollcall No. 307, I would have voted no. On rollcall No. 308, I would have voted no. On rollcall No. 309, I would have voted "yes"; on rollcall No. 310, I would have voted "yes"; on rollcall No. 311, I would have voted "yes"; on rollcall No. 312, I would have voted no.

On rollcall No. 313, I would have voted no. On rollcall No. 314, I would have voted "yes"; on rollcall No. 315, I would have voted no. On rollcall No. 316, I would have voted "yes"; on rollcall No. 317, I would have voted no. On rollcall No. 318, I would have voted "yes"; on rollcall No. 319, I would have voted "yes"; on rollcall No. 320, I would have voted "yes"; on rollcall No. 321, I would have voted no.

TWO PUERTO RICAN WOMEN NOMINATED FOR NOBEL PEACE PRIZE

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. CROWLEY. Mr. Speaker, I am speaking today in strong support of the two Nobel Peace Prize candidates from Vieques, Puerto Rico. Nilda Medina Diaz and Maria Reinat Pumajero are members of the Woman's Alliance of Vieques, an organization committed to the fight against poverty, human rights violations, and international injustices that occur in over 150 countries around the world.

I would like to acknowledge Nilda Medina Diaz for her successful efforts for the demilitarization of Vieques. Nilda has also co-founded the Committee for the Rescue and Development of Vieques, which later led to the ending of the weapons training and military exercises that occurred on this U.S. Marine base prior to 2003, after 60 years of military usage. She also continues to play a large role in Puerto Rico's environmental clean up effort as a member of Restoration Advisory Board of Vieques.

In addition, I would also like to recognize Maria Reinat-Pumarejo. She also played a large role in the closing of Vieques as a military base. In addition, her grassroots organizing of working class women against racism and sexism has led her to co-found the Institute for Latino Empowerment. As Maria saw the need to expand her efforts across a larger base, she collaborated with the People's Institute for Survival and Beyond, an organization that serves Caucasians and also people of color. In addition, Maria works closely with the East Asia-U.S.-Puerto Rico Women's Network against Militarism, in which she is both furthering her efforts to alleviate racial tensions, and uniting against a common cause in the United States and abroad.

I have had the opportunity to visit the Island of Vieques twice and have seen both the damage that multiple years of bombing have done to that island and the tremendous recreation and economic possibilities that lie ahead for the people of Vieques. As the original author of the base legislation, which led to the withdrawal of the U.S. Navy presence from Vieques, I know how important the advocacy of the Puerto Rican Community in Puerto Rico, on Vieques and on the mainland of the U.S.A. and in these Halls of Congress was to achieving our successful shared goal. Ms. Diaz and Ms. Pumarejo are just two of the hundreds of committed community advocates, elected officials, and friends from throughout the world who worked hard and dedicated themselves to improving the future of Vieques and the Puerto Rican people.

The women mentioned above are two of 1,000 women nominated this year for the prestigious Nobel Peace Prize that have been engaged in creating better communities, alleviating poverty, and working for a common goal. Their efforts have reflected upon many of the Puerto Rican and Latino communities in my district as a source of power and hopefulness for the future.

I commend these women for their Nobel Peace Prize nominations, their commitment to empowering women across borders, and for their dedication to the closing of the Vieques Marine Base.

REMEMBERING ROGER R. WEIHER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. KAPTUR. Mr. Speaker, on Tuesday, June 28, 2005, our community lost a great jurist, advocate and true friend with the passing of Roger R. Weiher. At 79 years young, he unexpectedly passed from this life.

An Army Air Corps veteran of World War II, Roger Weiher was raised in North Toledo and graduated from Woodward High School. He received undergraduate degrees from Western Michigan and John Carroll Universities, and earned his law degree back home at the University of Toledo. In addition to his law practice, Roger also served as Lucas County deputy clerk of courts and Ohio assistant attorney general. He began his judicial tenure with an appointment to Toledo Municipal Court in 1989 and was later elected to the position. Following a decade of service, Judge Weiher continued as a visiting judge even after retirement. His even-tempered, soft and patient nature made him a good judge and, as one of his colleagues noted, "He understood people. That's what made him so effective on that court." Expecting to remain active following mandatory retirement from visiting judge duties at age 80, Judge Weiher planned next month to begin training as a mediator. His wife explained, "He wasn't going to put his feet up."

Roger was not only a fine public servant and respected attorney, but together with his first wife Evelyn Weiher, with whom he raised their son Tommy, he was well known in the theatre world. Evelyn was an actress, director, and teacher in the theatre, and when they settled back in Toledo the two established a theatre company in the 1960s which staged productions in the former State Theatre. Later productions were staged at Adrian's Croswell Opera House. Evelyn passed away following illness in 1983, yet Roger's passion for performing continued. Just last month he participated in his 49th consecutive Gridiron show, an annual event of the Toledo Junior Bar Association.

His wife Norma brought new joy into his life, and they were married in 1985. Always at his side, Norma was his true and faithful companion. She was with him even as he breathed his last from this life and entered into the next. We extend our heartfelt condolences to Norma, Thomas, stepdaughter Linda, brother Donald, and grandchildren. May the brightly burning light that was Roger Weiher in life remain in their hearts, giving them comfort for the journey ahead, and offering them peace in remembering the man who was husband, father, brother, grandpa, mentor, friend, and a man imbued with the spirit of justice borne of his faith and the rule of law.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. COOPER. Mr. Speaker, I was unable to be present for a series of rollcall votes occurring on the evening of June 29, 2005 and during the day on June 30, 2005. During this time, I was on official business attending a regional hearing held by the Base Realignment and Closure Commission in Atlanta, Georgia, on behalf of the 118th Air Wing of the Tennessee Air National Guard.

Had I been present, I would have voted as follows: on rollcall No. 341, the King amendment to H.R. 3058, I would have voted "no"; on rollcall No. 342, the Herseth amendment to H.R. 3058, I would have voted "no"; on rollcall No. 343, the Hooley amendment to H.R. 3058, I would have voted "aye"; on rollcall No. 344, the Souder amendment to H.R. 3058, I would have voted "aye"; on rollcall No. 345, the Davis (FL) amendment to H.R. 3058, I would have voted "aye"; on rollcall No. 346, the Lee amendment to H.R. 3058, I would have voted "no"; on rollcall No. 347, the Sanders amendment to H.R. 3058, I would have voted "aye"; on rollcall No. 348, the Rangel amendment to H.R. 3058, I would have voted "aye"; on rollcall No. 349, the Souder amendment to H.R. 3058, I would have voted "aye"; on rollcall No. 350, the Garrett amendment to H.R. 3058, I would have voted "no"; on rollcall No. 351, the DeLauro amendment to H.R. 3058, I would have voted "aye."

HONORING THE SOLDIERS OF THE OHIO NATIONAL GUARD'S 1487TH TRANSPORTATION COMPANY

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. BOEHNER. Mr. Speaker, I rise today to pay tribute to the soldiers of the Ohio National Guard's 1487th Transportation Company. I would also like to pay my respect to their families and their employers who remained strong and supportive during their absence.

The 1487th Transportation Company was mobilized in January 2004 and spent a year supporting Operation Iraqi Freedom and Operation Enduring Freedom, providing truck transportation in the theatre of operation. The company logged over 230 missions, traveling over four million miles.

The Iron Camels earned eight Purple Heart Awards, ten Bronze Star Medals, two Meritorious Service Medals, five Bronze Star Medals with Valor Devices, forty-three Army Commendation Medals, twenty-three Army Achievement Medals, 121 Drive Badges, and twenty Mechanic Badges.

Although their friends, family, and community celebrated the company's return stateside earlier this year, the 1487th will be honored this Saturday, July 2, 2005 as Preble County celebrates "1487th Day." The residents of Preble County have organized "A Tribute to America and Her Veterans," and in addition to honoring our veterans from Operation Iraqi Freedom and Operation Enduring Freedom, Preble County will also be honoring veterans from World War II, the Korean War, the Cold War era, and Desert Storm.

Mr. Speaker, all of us here in Congress are grateful and humbled by the magnificent work our men and women in uniform have accomplished in Iraq, Afghanistan, and Southeast Asia. Their professionalism, dedication, and patriotism are shining examples of our American values, and we are grateful they stand between us and our enemies. The soldiers of the 1487th Transportation Company performed outstanding service for our country, and I am grateful for their service and for their return.

I would also like to acknowledge the strength exhibited by the family and friends of our deployed soldiers, who have endured quiet moments of fear and uncertainty while they present a brave front to their loved ones who are separated from them by distance and danger. I am grateful husbands and wives, parents and children, fiancés, siblings, and friends are reunited to celebrate our Independence Day together.

In addition, I would like to acknowledge the employers in my district who bore the burden of their employees' absence without complaint and who supported their families with material support throughout the length of the 1487th's deployment.

To the 1487th, my message to you is simple and heartfelt: Thank you. Thank you for your service, your patriotism, and your professionalism. God bless you and your loved ones in your future endeavors.

STATEMENT ON THE LOSS OF SECOND LIEUTENANT MATTHEW S. COUTU

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave soldier, in Iraq, 2LT Matthew Coutu, a great citizen who served his country with dignity and honor. I join his family and the people of Rhode Island in mourning this great loss.

On Monday, June 27, Lieutenant Coutu died in Baghdad, Iraq, when his unit was attacked by enemy small-arms fire while investigating a bombing. He was serving with the 64th Military Police Company, 720th Military Police Battalion, 89th Military Police Brigade, out of Fort Hood, Texas. The son of two native Rhode Islanders, Lieutenant Coutu grew up near Chicago and had a lifelong dream of joining the military. It was no surprise that he chose his college, the University of Maine, primarily for the strength of its ROTC program and the ability to be commissioned when he graduated. He was the top cadet in his graduating class, choosing to train with the military police at Fort Hood as soon as he was commissioned. Remembered by those close to him as a remarkable man and born leader, he planned to serve his country as a soldier in the Army or in federal law enforcement. He is survived by his mother, Donna Coutu-Freeland, his father, Michael Coutu, his brother Derek, and both of his grandmothers.

The loss of Lieutenant Coutu should make us pause and reflect upon the courage embodied by our men and women in uniform on a daily basis, as they work to protect freedom around the world. They chose to answer the call of duty to their nation without hesitation, dedicating themselves to the preservation of freedom, liberty and the security of others no matter the cost. We must remember those who have fallen not only as soldiers, sailors, airmen and marines, but as patriots who made the ultimate sacrifice for us. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving around the world.

A TRIBUTE TO RICHARD P. CRONIN

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LEACH. Mr. Speaker, I would like to honor the accomplishments of Richard P. Cronin, a Specialist in Asian Affairs with the Foreign Affairs, Defense, and Trade Division of the Congressional Research Service. Dr. Cronin is retiring after 30 years at CRS and is beginning a new position at the Henry L. Stimson Center in Washington, DC. Over the past three decades, the Congress, and especially the Asia Pacific Subcommittee of the House International Relations Committee, has benefitted from Dr. Cronin's expertise, analysis, insights, and timely responses on a wide variety of political, security, and economic issues.

Dr. Cronin's tenure spanned 15 Congresses and a succession of events in Asia that held important implications for U.S. interests. He was invited to testify before congressional committees and, in 1995, was seconded to the House Committee on International Relations. While there he not only facilitated a close working relationship between the Committee and CRS, but he worked on specific legislation and hearings that had far-reaching effects. He helped draft legislation that governed U.S. policy related to the North Korean nuclear program, was instrumental in forming legislative initiatives that sought to adjust the Pressler Amendment, and was the primary staff person responsible for hearings on South Asian security issues, the civil war in Sri Lanka, U.S. relations with South Korea, and U.S.-Japan security issues.

Dr. Cronin has diligently sought comprehensive approaches to international problems. His Ph.D. in history and South Asian Studies from Syracuse University along with his Bachelor's degree in economics provided the foundation for him to address issues using methods that were multi-disciplinary and far reaching. While at CRS, he provided expert advice and analysis to Congress on countries, such as India, Pakistan, Afghanistan, Japan, Korea, Malaysia, Singapore, the Philippines, Indonesia, China, Iraq, and Somalia, and on the regions of South Asia, Southeast Asia, and Northeast Asia. Whether the topic was security, intelligence, the military, economics, terrorism, or politics, Dr. Cronin could address it with authority.

Dr. Cronin also served as head of the Asia Section at CRS and where he supervised work for Congress on U.S. policy toward Asian countries. His supervision, guidance, and review of research projects contributed to the high quality of reports authored by other CRS analysts. He received numerous citations and special awards. In addition to his work for the Congress, Dr. Cronin taught courses at local universities and published extensively. He wrote a book, five chapters for other books, and twelve professional journal articles. He has also been invited to speak at numerous foreign policy seminars, panels, and conferences in Washington and around the world.

Mr. Speaker, Congress has many dimensions. But no part of our body symbolizes professional analysis and the provision of nonpartisan, academic perspective to public policy more than the Congressional Research Service. CRS enriches this institution; it adds a dimension of judgment that few outside the body understand. Dr. Cronin's career epitomizes why the Congressional Research Service has established the reputation it has and, on behalf of so many of my colleagues, I want to express my appreciation for his many contributions to the Congress and wish him well in his new position.

U.S. FOREIGN ASSISTANCE TO AFRICA—EXAMINING THE ADMINISTRATION'S CLAIMS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. RANGEL. Mr. Speaker, with the G–8 Summit and its Africa-centered agenda approaching, there has been much discussion in recent weeks about the scale of U.S. development assistance to Africa, I find it appropriate to bring to the attention of this body a June 27th report authored by Susan E. Rice of the Brookings Institution. The report entitled "U.S. Foreign Assistance to Africa: Claims vs. Reality", gives a fresh analysis of U.S. aid to Africa, and puts into question many of the assertions put forward by the administration. "

In response to calls for increased Africa assistance, Bush has frequently stated that U.S. assistance to Africa has "tripled" under his administration to $3.2 billion. However, according to the Brookings report, U.S.-Africa assistance has increased only 67 percent in nominal dollars, or 56 percent in real—inflation adjusted—dollar terms from the period 2000–2004 of which President Bush speaks. The report further points out that 53 percent of the 4 year assistance increase to Africa was in the form of emergency food aid rather than actual development assistance. When looking at development assistance exclusively—which excludes emergency food aid and security assistance—the 4-year increase is only 33 percent in real dollar terms.

It must be said that the Bush administration should be commended for its work to increase overall Africa assistance. In particular, HIV/AIDS programs in Africa have benefited from the administration's efforts. However, the closer examination given by the Brookings Institution shows that the scope and composition of U.S. assistance to Africa is somewhat overstated.

Emergency food aid—which has been given in large quantities by the Bush administration, and is a large portion of the administration's Africa assistance package—is extremely vital and saves lives during a short term crisis, but it does not really help a country to "develop". Real development relates to the areas of health, education, infrastructure, and trade and business promotion. In these areas, the report points out, the overall aid increase is fair, but not overly substantial.

This is important, because as the leaders of the G–8 have tried in recent months to find agreement on increased assistance to Africa, the Bush Administration has touted its Africa assistance track record and the existence of its Millennium Challenge Account (MCA) as reasons why it does not need to subscribe to Prime Minister Blair's development assistance recommendation.

The MCA in particular does not help President Bush's argument that the U.S. is doing enough for Africa. The MCA, which Bush introduced in 2002, was supposed to have provided $10 billion in additional assistance to developing countries from 2003–2005 and five billion dollars a year starting in 2006.

However, the Republican-led Congress has only appropriated $2.5 billion total for the MCA over the past 2 years, and just 2 countries in Africa have received funding—Cape Verde and Madagascar at $110 million each. Indeed, the majority of the MCA's expenditures so far have gone to simple administrative costs.

On a recent trip to the White House in early June, several African leaders lamented the slow pace of aid through the Millennium Challenge Account mechanism, and urged the President to do more to bring aid to African nations. So bad is the situation at the MCA, the agency's director suddenly resigned earlier this month.

With all that said, the Bush Administration must be more aggressive in bringing increased aid to the continent—just as vigorous as it was in spearheading the U.S. invasion and occupation of Iraq, which has cost America over $200 billion and counting.

In the report, Ms. Rice argues that the U.S. should commit to increasing their oversees development assistance to 0.7 percent of GNP by 2015, as called for by Prime Minister Blair, and several longstanding United Nation agreements. The EU has recently agreed to meet the 0.7 percent assistance benchmark, with half of the increase going to Africa. Canada is also currently considering ways in which it can meet the goal, with its Parliament urging action on the matter.

Not only has the United States not committed to the 0.7 percent goal, but at 0.17 percent, it is currently second to last among industrialized nations in the percentage of GNP dedicated to development assistance. Some countries, such as Sweden and Holland, have long achieved the goal, and even surpassed it.

The United States now has the opportunity to rise to the challenge and rewrite history. We dedicated 2.5 percent of our GNP to fund the Marshall Plan, which helped to reconstruct Western Europe. Why then, can we not now dedicate 0.7 percent to help development the entire world, especially when we would have 10 years to meet the objective? In the short-term, the doubling of assistance to Africa that Blair is advocating would require only $6 billion dollars a year on the part of the United States—or $1 billion dollars more than what President Bush had planned under the Millennium Challenge Account after 2005.

I thank Ms. Rice and the Brookings Institution for their insightful report. It contributes to an increasing body of evidence that the Administration can do more to help Africa, and it will undoubtedly serve to embolden the chorus of individuals, organizations, and nations challenging the Administration to do its part to end the evil of global poverty.

The Bush Administration Record

The Bush Administration has significantly increased aid to Africa, but that increase falls far short of what the President has claimed. U.S. aid to Africa from FY 2000 (the last full budget year of the Clinton Administration) to FY2004 (the last completed fiscal year of the Bush Administration) has not "tripled" or even doubled. Rather, in real dollars, it has increased 56 percent (or 67 percent in nominal dollar terms). The majority of that increase consists of emergency food aid, rather than assistance for sustainable development of the sort Africa needs to achieve lasting poverty reduction.

President Bush has thus far rejected Blair's call to double aid to Africa, as well as the benchmark set by the OECD and signatories to the Monterey Consensus, which called on developed countries to devote 0.7 percent of their gross national income to overseas development assistance by 2015. In declining to commit to either of these targets, President Bush frequently states that his Administration has "tripled" U.S. assistance to Africa over the past four years to $3.2 billion. On June 7, 2005, the President also announced that the U.S. will spend an additional $674 million, which consists of previously appropriated emergency humanitarian food aid. The U.S. recently agreed with G–8 partners to cancel the multilateral debt owed by 18 Heavily Indebted Poor Countries, a positive step forward.

The Challenge

As G–8 member states prepare to meet from July 6th to 8th in Gleneagles, Scotland, they will have to confront the challenge posed by their host, British Prime Minister Tony Blair, to double aid to Africa to $25 billion by 2015, preferably through the creation of an International Finance Facility. Part of a sweeping agenda set forth by Blair and his Commission for Africa to alleviate poverty and improve prospects for African security, democracy and sustainable development, this proposal includes scaled-up commitments by the G–8 to assist Africa with increased aid, trade opportunities, investment, debt relief as well as conflict prevention, conflict resolution and peacekeeping capacity.

What the U.S. Should Do and Why

The Gleneagles Summit poses an historic opportunity for the United States to lead the international community in providing increased development and other assistance to Africa. The Bush Administration should join the UK, France, Italy and Germany and twelve other developed nations and commit to devote up to 0.7 percent of U.S. gross national income to overseas development assistance by 2015. This commitment would place the U.S. in the forefront of international efforts to alleviate global poverty.

Global poverty undermines U.S. national security by facilitating the emergence and spread of transnational security threats, including disease, environmental degradation, crime, narcotics flows, proliferation and terrorism. First, poverty substantially increases the risk of conflict, which in turn creates especially fertile breeding grounds for such threats. Second, poverty erodes weak states' capacity to prevent or contain transnational threats.

Key Findings

U.S. aid to Africa from FY 2000 to FY 2004, the period to which the President referred, has not "tripled" or even doubled. Rather, in real dollars, it has increased 56 percent (or 67 percent in nominal dollar terms).

An analysis of actual U.S. appropriations from FY 2000 (the last full budget year of the Clinton Administration) to FY 2004 (the last completed fiscal year of the Bush Administration) reveals a different reality about U.S. aid to Africa than President Bush has maintained.

In nominal dollars, total United States aid to Sub-Saharan Africa increased from $2.034 billion in FY 2000 to $3.399 billion in FY 2004.

In nominal dollars, of the $1.365 billion overall increase, $728.9 million, or 53 percent, consists of emergency food aid rather than overseas development assistance, which contributes to sustainable development. The remainder of the increase is comprised primarily of funding for the President's HIV/AIDS initiative (distributed between two accounts, Child Survival and Global Health) as well as emergency and post-conflict assistance to Liberia and Sudan.

Actual development assistance, excluding food aid and security assistance, increased only 33 percent from FY 2000 to FY 2004 in real dollar terms, or 43 percent in nominal dollars.

In nominal dollars, less than $450 million of the increased foreign aid to Africa is official development assistance.

Official Development Assistance to Africa (aid programs directed at sustainable development) increased by 43 percent from FY 2000 to FY 2004. Of these programs (in nominal dollars):

Funding for the Child Survival and Health Programs Fund increased by 70 percent, primarily for HIV/AIDS.

Development Assistance funding increased 1 percent over FY 2000.

Global Health and HIV/AIDS Initiative, which did not exist as a separate program in FY 2000, received $263.8 million for Africa in FY 2004.

Peace Corps funding increased by 19 percent.

African Development Bank funding increased by 24 percent.

African Development Foundation funding increased by 31 percent.

African Development Fund decreased by 12 percent.

The newly-created Millennium Challenge Account did not exist in FY 2000, and its entire FY 2004 budget went towards administrative expenses rather than country programs.

The Heavily Indebted Poor Countries debt relief funding decreased by 32 percent.

The only programs that both existed in FY 2000 and more than doubled by FY 2004 were Foreign Military Financing, which increased by 109 percent, and emergency food aid (PL 480 Title II), which increased by 159 percent.

From FY 2000 to FY 2005 (estimated), U.S. aid to Africa will have increased by 78 percent in real dollar terms or 93 percent in nominal dollars—not quite a doubling, much less a "tripling" of aid. Of this increase, 50 percent consists of emergency food aid (PL 480 Title II).

Actual development assistance, excluding food aid and security assistance, will have increased an estimated 74 percent from FY 2000 to FY 2005 in real dollar terms, or 89 percent in nominal dollars.

TRIBUTE TO THE DOMINICAN DAY PARADE AND FESTIVAL OF THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. SERRANO. Mr. Speaker, it is with great pride that I rise today to pay tribute to the sixteenth annual Dominican Day Parade and Festival of the Bronx which will take place Sunday, July 17, 2005. This famed event is eagerly anticipated by the Dominican and Bronx communities each year. It is a wonderful celebration of the spirit and richness of Dominican culture.

Under the leadership of Felipe Febles and Rosa Ayala, the Bronx Dominican Day Parade, Inc., (La Gran Parada Dominicana de El Bronx) has grown into an important institution to increase the self awareness and pride of the Dominican people in order to promote economic development, education, cultural recognition, and advancement.

As the second largest Latino community in New York City, Dominicans have made invaluable contributions to the city, as well as to the entire nation. Although the highest concentration of Dominican people live in Washington Heights, a significant number have enriched the Bronx with their unique culture and spirit. The Dominican culture is one characterized by, among other things, diverse multiculturalism, strong family values, distinctive art, amazing music and unique cuisine. We are grateful that so many have chosen to make the Bronx home.

Mr. Speaker, the roots of Dominican New Yorkers lie in a country with a fascinating history and arresting beauty. The Dominican Republic is the home of a number of people from various heritages. As a result, the culture is charged with strong Taino, African, and European influences. One visit to the Dominican Republic will put to rest any questions one might have as to why Dominicans in America retain such a strong sense of pride in their homeland and never stop missing it.

The achievements and contributions made by Dominican-Americans and Dominican residents have spanned the realms of politics, science, the Armed Forces, literature, public service, and the arts, and undoubtedly make them an integral part of American society. The Dominican Day Parade and Festival of the Bronx is a great opportunity to celebrate the Dominican people's culture, history, and bright future.

I ask my colleagues to please join me in honoring the Dominican Day Parade and Festival of the Bronx.

HONORING JAIN CENTER OF ELMHURST, NY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. CROWLEY. Mr. Speaker, I rise today to recognize the opening of the Jain Center of America in Elmhurst, New York, a part of my Congressional district. As the Congressman of the second largest concentration of Indian Americans in the United States I am proud of the 55,000 South Asians I have the privilege of representing in the U.S. Congress.

This beautiful new temple was built to accommodate the currently growing population of practicing Jains in the New York area, which amounts to an estimated 1,300 people.

Perhaps most importantly this new temple consists of the 2 sects and the 4 sub-sects of Jainism, a reflection of the growing diversity in the Jain community. This will be the first time in America that all the different sects of Jainism will be able to practice in one place. Jainism is one of the oldest religions originating from India.

Jainism is based on the principle of ahimsa, non-violence in thought, feeling and action, an important tenet for any religion but heavily stressed in Jainism. Another foundation of Jainism is the belief in reincarnation; the goal of a Jain is to break free from the cycle of birth and re-birth and obtain enlightenment (moksha).

In Jainism there are 24 teachers, thirthankeras, who teach their followers the path to moksha (nirvana). In the temple the different idols represented are those of these teachers, who are not gods because they do not create or destroy. Jains believe that the universe is just here—there is no beginning or end. Although many people know little about Jainism, I believe its tenets, especially that of non-violence, should play a significant role in today's world. All of us, Christian, Jewish, Muslim, or any other religion can learn a great deal from Jainism. I commend the Jain community of New York for building this new temple and wish them the best of luck in whatever they do.

UNITED STATES FOREST SERVICE

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. BROWN of South Carolina. Mr. Speaker, 100 years ago tomorrow President Theodore Roosevelt made the important decision to create the U.S. Forest Service. The agency was given a unique mission: to sustain healthy, diverse, and productive forests and grasslands for present and future generations.

Mr. Speaker, the Forest Service has come a long way in the past 100 years.

Forests like the Francis Marion National Forest in my district are valuable to the community and to environment. Currently, the U.S. Forest Service is responsible for 192 million acres of mountains, grasslands, rivers and wilderness resources that sustain 80 percent of the Nation's freshwater supply and hosts 214 million recreational visits each year.

Mr. Speaker, I also wanted to recognize Forestry and Forest Health Subcommittee Chairman WALDEN for his effort on behalf of our Nation's forests and for his continued efforts to implement President Bush's Healthy Forest Initiative.

To the Forest Service, I wish it a happy birthday and I hope that it has 100 more years of success in the future.

STATEMENT ON THE LOSS OF LANCE CORPORAL HOLLY ANN CHARETTE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LANGEVIN. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a brave Marine in Iraq, Lance Corporal Holly Ann Charette, a Rhode Island citizen who served with dignity and honor. I join her family and the people of Rhode Island in mourning this great loss.

On Friday, June 23rd, Lance Corporal Charette died near Fallujah, Iraq, when her unit was attacked by a vehicle-borne explosive device. She was serving with Headquarters Battalion, 2nd Marine Division, II Marine Expeditionary Force, out of Camp Lejeune, NC. Lance Corporal Charette grew up in Coventry, Rhode Island, and was an avid athlete who enjoyed competing as part of the field hockey team and cheerleading squad. She made the decision to enlist with the Marine Corps in 2002, desiring to serve her country after the attacks of September 11th. When her company completed training at Camp Lejeune, Lance Corporal Charette was deployed with them to Iraq in an administrative position, charged with handling the correspondence of her fellow Marines keeping touch with their friends and loved ones. She is survived by her mother, Regina Roberts, stepfather Ed Roberts, her father, Raymond Charette, three brothers and her fiancé.

The loss of Lance Corporal Charette gives us reason to reflect upon the courage demonstrated by our men and women in uniform on a daily basis, as they work to protect freedom around the world. They answered the call to duty without reservation, accepting the obligation of preserving freedom, liberty and the security of others no matter the danger. We must remember those who have fallen not only as marines, soldiers, sailors and airmen, but as patriots who made the ultimate sacrifice for us. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

We will continue to hope for the safe and speedy return of all of our troops serving throughout the world.

THE INTRODUCTION OF THE LEAD-FREE DRINKING WATER ACT OF 2005

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. NORTON. Mr. Speaker, the bill introduced today has been summoned by the District's lead water crisis. The national attention our crisis generated for the likely presence of lead in the water supply drew many jurisdictions to do their own investigations uncovering similar problems. When Senator JAMES JEFFORDS, Representative HENRY WAXMAN, and I looked at the 1974 Safe Drinking Water Act (SFDA) and the Lead and Copper Rule, it was clear that even the revision of the Rule in 1991 did not meet standards that should have been adopted at that time. Our bill incorporates what we have learned from hearings on the D.C. water crisis this year and from the state of the current science. This bill would lay to rest well-placed anxiety about lead in the drinking water here and nationwide.

The District of Columbia has provided us with a virtual case study in why the Act must be revised. Here are some of the most important provisions taken from the D.C. experience: (1) Valid Testing. This bill eliminates the giant loophole that allowed the D.C. Water and Sewer Authority (WASA) to continue testing once it exceeded the 15 parts per billion (ppb) action level, in order to dilute its findings, reduce the percentage of homes to less than 10 percent, and thus relieve WASA of the requirement to replace lead service lines. Instead, 10 percent of lead pipes must be replaced until all are eliminated. (2) Total Lead Service Line Replacement. Instead of replacing only publicly owned lead service lines, this bill requires total replacement, including the portion owned by the homeowner. Our hearings showed that partial replacement can actually increase the amount of lead in drinking water, because the new metal, such as brass or copper, can interact with the remaining lead pipe and accelerate: lead leaching into the drinking water. (3) Individual Notice From Detection to Correction. Instead of allowing public notices to be delayed or buried, using generic language deep in a brochure or water bill, as WASA did, our bill requires notice to all customers, individually within 30 days of lead exceedence, stating the scope of testing, results and corrective actions. (4) Alternative Water Supply. Where excessive lead is found, the bill requires that certified water filters be provided to each residence, school and day care facility, a measure that was delayed in the District despite the danger to pregnant women and children under six. (5) Testing Water Treatment Chemicals. The Army Corps of Engineers switched chemicals at the Washington Aqueduct from chlorine to chloramines without conducting a corrosion control test. The evidence is that the new chemical is the likely cause of the spike in lead levels here, but only now are phosphates being tested to counter lead corrosion in the water supply. This bill requires water systems to have corrosion control plans within one year of switching chemical treatment or a finding of excessive lead in the water. (6) Lead Free Plumbing. "Lead free" in this bill is defined as 0.2 percent, the standard already used in Los Angeles, down from the current 8 percent. We heard testimony at our hearings that most brass and copper plumbing contains 8 percent lead. (7) Lead Testing In Schools. This bill requires the repair or replacement of school water coolers found to have excessive lead. Annual testing of water coolers in schools is also required.

The District of Columbia experience has opened the nation's eyes to lead in the water that millions of Americans may be drinking. Our bill will reduce the well-earned fears of residents here and across the country.

TRIBUTE TO THE CITY OF MOBERLY, MISSOURI

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. HULSHOF. Mr. Speaker, since its beginnings in Ancient Egypt and the first Olympic Games in Greece, boxing has evolved into a multifaceted sport and industry spanning the globe. Figures such as Jack Dempsey, Rocky Marciano and Muhammad Ali have captivated the American public and become icons in our sports culture.

Mr. Speaker, the City of Moberly, Missouri, located in my district, holds a unique place in boxing's rich history, and I rise today in recognition of that history.

There are few names that are as synonymous with boxing as Jack Dempsey, who rose to greatness as a heavyweight prizefighter in the 1920s. After becoming the world heavyweight champion, Dempsey made an appearance in Moberly in 1922.

While training for bouts in 1917, Jack Dempsey approached Jacob Golomb, a small New York sporting goods retailer and manufacturer, and asked if he could make protective headgear for sparring. Golomb fulfilled that request and cemented his role in boxing, as his company, Everlast, would become the premier manufacturer of boxing gloves, equipment and apparel. When Dempsey won the heavyweight title, he sported Everlast gloves and shorts. Since then, the list of acclaimed fighters who have donned Everlast gear is too numerous to list here.

Although headquartered in New York City, Everlast's production facilities are today located in Moberly, Missouri. John Ratzenberger's Made in America, a TV show on the Travel Channel, recently produced a segment on the Everlast plant in Moberly. Ratzenberger visited the 300,000 square foot facility and learned how boxing gloves are made and a little about what it takes to be a fighter. If you have not seen this episode or the Made in America series, I would highly recommend it.

From hosting high-profile boxing events in the 1920's to making the gear that outfits today's champions, the city of Moberly is rightfully proud of its boxing heritage and the important role it plays in boxing today. For this reason, I rise to recognize Moberly's valuable contribution to the sport of boxing and to bring this to the attention of my colleagues.

TRIBUTE TO THE DOMINICAN DAY PARADE AND FESTIVAL OF THE BRONX

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. SERRANO. Mr. Speaker, it is with great pride that I rise today to pay tribute to the sixteenth annual Dominican Day Parade and Festival of the Bronx which will take place Sunday, July 17, 2005. This famed event is eagerly anticipated by the Dominican and Bronx communities each year. It is a wonderful celebration of the spirit and richness of Dominican culture.

Under its founder and president, Felipe Febles, the Bronx Dominican Day Parade, Inc., (La Gran Parada Dominicana de El Bronx) has grown into an important institution to increase the self awareness and pride of the Dominican people in order to promote economic development, education, cultural recognition, and advancement.

As the second largest Latino community in New York City, Dominicans have made invaluable contributions to the city, as well as to the entire nation. Although the highest concentration of Dominican people live in Washington Heights, a significant number have enriched the Bronx with their unique culture and spirit. The Dominican culture is one characterized by, among other things, diverse multiculturalism, strong family values, distinctive art, amazing music and unique cuisine. We are grateful that so many have chosen to make the Bronx home.

Mr. Speaker, the roots of Dominican New Yorkers lie in a country with a fascinating history and arresting beauty. The Dominican Republic is the home of a number of people from various heritages. As a result, the culture is charged with strong Taino, African, and European influences. One visit to the Dominican Republic will put to rest any questions one might have as to why Dominicans in America retain such a strong sense of pride in their homeland and never stop missing it.

The achievements and contributions made by Dominican-Americans and Dominican residents have spanned the realms of politics, science, the Armed Forces, literature, public service, and the arts, and undoubtedly make them an integral part of American society. The Dominican Day Parade and Festival of the Bronx is a great opportunity to celebrate the Dominican people's culture, history, and bright future.

I ask my colleagues to please join me in honoring the Dominican Day Parade and Festival of the Bronx.

HONORING THE TOWN OF AINSWORTH

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my distinct pleasure to recognize before this body the Town of Ainsworth as it celebrates its 100th Anniversary this year.

Named for a young immigrant from Dorchester, England, "Uncle Tom" Ainsworth, the Ainsworth name has long been a fixture of my district.

Uncle Tom Ainsworth and his brothers played a key role in the agricultural development of the area, which included tending dams on the Wolf River. His descendents over the years have held several leadership positions to help continue the pride Uncle Tom had for his new home.

Today, the Town of Ainsworth continues to hold tight to its agricultural roots with abundant natural resources and farming opportunities that keep its economy solid.

Mr. Speaker, though the official anniversary date was April 4, 2005, I would like to extend congratulations on the past 100 years of success as the Town of Ainsworth holds its centennial celebration on July 2. And I wish the town and its citizens the best of wishes in the next 100 years.

100TH ANNIVERSARY OF THE VILLAGE OF CURTIS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. STUPAK. Mr. Speaker, I rise today to honor a community in my district that is celebrating its 100th anniversary as a village. On Sunday, July 3, 2005, the residents of the village of Curtis, Michigan, will host a parade to honor their history that 100 years ago began with the establishment of a post office. The official Centennial Celebration will take place September 2nd through 4th.

Local historians have documented evidence of human civilization in the area dating back more than 13,000 years. Explanations suggest that native tribes moved with the gradual northern movement of the glaciers that sculpted the region and helped structure the forest and copper rich area, now known as the Upper Peninsula of Michigan. Excavation sites dating back as early as 3500 B.C., show evidence that seven spots were used to extract copper.

As time went on, Native American Indian tribes visited Curtis as a favorite camping site while early historical references indicate explorers traversed nearby waterways in search of resources and western passages from the 1600s to the late 1800s. However, settlement and population growth began in 1881 when the Detroit, Mackinac and Marquette Railroad was built bringing lumber workers to the area. A township board was elected in 1887 to locally govern Portage Township with just over 150 people residing in its borders.

In 1905, the Manistique Railroad that ran from Grand Marais to Seney and Germfask was extended to Curtis and a post office was established. The first postmaster facilitating the operation was Mark Howard Miller. A sawmill started by Jesse Sherbrook later that year in Saw-wa-qua-to-beach on South Manistique Lake gave the town the resources they needed to establish itself.

What began as a town of roughly 75 people, Curtis and the surrounding township now make up approximately 1,000 residents. Through the years, this close knit community has thrived as the tourist, fishing and logging industries have flourished in the area. Nestled between the two beautiful, large, pristine Manistique Lakes, the people of Curtis have grown to be nothing short of a family. Many of the names of original settlers can still be found among the rosters of the 13 civic and fraternal organizations including the Lions, Fireworks Committee, Ladies Aid, The Fish Coop, and the Curtis Community Arts Council. Curtis's four churches, library, school, medical clinic, post office, bank and public housing facility make the town completely self-sufficient and an attraction for families and businesses looking to move into an All-American community.

The history of Curtis contains many interesting facts and figures as well as tales of its growth as an area inhabited for over 1,000 years by early mankind. As a small town tucked between waterways and engulfed in thick forests in the middle of Michigan's eastern Upper Peninsula, the people of Curtis were able to build their community with their own resources and based on their own value driven standards to create an amazing town. Mr. Speaker, I ask the United States House of Representatives to join me in congratulating the village of Curtis and its residents on their first 100 years and in wishing them well through the next century.

THE IMMIGRANT VICTIMS OF VIOLENCE PROTECTION ACT OF 2005: PROTECTING ALL BATTERED IMMIGRANT WOMEN AND CHILDREN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. SCHAKOWSKY. Mr. Speaker, today I'm introducing the Immigrant Victims of Violence Protection Act because there is a perverse incentive in U.S. law for immigrant women to stay with their abusive spouses in order to preserve their immigration status. My legislation will help immigrant women who need to leave their abusive spouses by preventing their deportation and providing them access to work permits and legal and social services.

Violence against women is a profound and extremely pervasive problem, striking across economic, cultural and ethnic backgrounds, and across all age groups. If we are to stop violence against women, all victims need protection and assistance without regard to their immigration status. Escaping domestic violence can be especially difficult for immigrant women and their children. The threat of deportation, cultural and language barriers, lack of a work permit and limited access to legal and social services may make immigrant victims of domestic violence more dependent on their abusive spouses.

That is why including the Immigrant Victims of Violence Protection Act as part of VAWA reauthorization is essential. My legislation would help immigrant victims in my district and across the country escape from violent and abusive households. Battered immigrant women deserve an escape from abuse that protects their rights and keeps them united with their children.

Today this House has a chance to fight against violence against women and protect all immigrant victims of violence. I urge every Member in this House to join this fight.

INTRODUCTION STATEMENT PASSENGER SAFETY ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mrs. MALONEY. Mr. Speaker, now is not the time to return to private airline screeners, now is the time to continue to focus on passenger safety.

Last November, airports were given the option to start the process to opt-out of having Transportation Security Administration (TSA) screeners in favor of hiring private screeners. Thankfully, no airport has opted out. If this is allowed to happen, it will be a step backwards in airline security.

TSA has only been in existence for a few years and has certainly suffered through some growing pains. Because of this, we should be focused on ensuring the success of TSA rather than adding the new challenge of privatization that could jeopardize their future and potentially endanger the security of airline passengers. That is why I am introducing the Passenger Safety Act which will repeal the opt-out language in the law that created the TSA. I urge my colleagues to support this important initiative to protect passenger safety.

THE IMPORTANCE OF NATIONAL HIV TESTING DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. DAVIS of Illinois. Mr. Speaker, HIV testing is imperative. There is not much else to be said. This global epidemic has affected communities and families around the world. In Chicago, there are about 40,000 new cases each year. There are thousands of families struggling with this fact.

Nationally, nearly one million people are infected with HIV and nearly 30 percent are not aware of it. The highest rates of new infection are with women, especially the women of the African-American community. Sixty-seven percent of new cases are Black women, although women make up only 23 percent of new cases overall. This is a travesty.

We must also remember that this is a global issue that affects the lives of members of our international village. A recent ad campaign in Russia warns, "Close your eyes on HIV today and you might miss the people closest to you tomorrow." This warning, unfortunately, rings true in the lives of many people today. Globally, nearly 40 million men, women and children are infected with the virus that causes AIDS.

We in Congress have taken great legislative strides to fight this epidemic, but we are only 435 faces. It is up to the citizens of this great Nation and nations around the world to stand up and join the fight. This is why June 27th has been designated as National HIV Testing Day. Take advantage of it.

Some people say they don't have time. The fastest method of determining one's status is through rapid testing. It takes about 20 minutes. There are 1,440 minutes in a day. Clinics tend to be open for 8 hour days. If one person went to get tested every 20 minutes at one clinic on June 27th, then there would be 24 people that know their status. The number of United States registered hospitals totals 5,764. If one person went to get tested every 20 minutes at each of these hospitals, on June 27th, 138,336 people would know their status. Imagine if this were a global initiative. To the people who think that HIV testing is a long and time-consuming process, I say, we don't have time to waste.

Mr. Speaker, we don't have time to lose another life. We don't have time for silence or apathy. Tell a friend or family member. Remind them how urgent it is to grasp this moment. Take advantage of this day. Seize it. Get tested.

INTRODUCING ANSWER AFRICA'S CALL ACT

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. MCDERMOTT. Mr. Speaker, America has before it a rare opportunity of historic and humanitarian proportion. The opportunity is so great, and the outcome so important, that we cannot, we must not, we will not see this as a Democrat or Republican issue. When it comes to meeting the challenge to end poverty in Africa, there is only America united.

The President can assume command at the upcoming G–8 Summit in Scotland with bold steps to unite nations in this World of One War—defeating the global enemy of poverty—which starves, maims and kills tens of thousands, mercilessly and indiscriminately, in Africa every day.

Leaders of the Group of Eight industrialized countries will meet in Scotland to discuss making a long-term, multilateral commitment to fight poverty in sub Saharan Africa.

Let America today shine brighter than the torch on the Statue of Liberty. Let America unite mankind to save humankind. Let the President stand up and demand—not discuss—action.

Demand action, not because we are arrogant, but because we see the pain in Africa's faces and rush in compelled to act. Demand action, not because we are bullies, but because we are burdened by the grief of a billion people starving on one dollar a day. Demand action, not because we are the mightiest nation on earth but because the rivers of Africa flow with tears of sorrow over the dead and dying. And no amount of weaponry can stop the pain, only people can.

The President can unify the world to fight this just and noble war against disease, malnutrition, and economic injustice in sub Saharan Africa.

The richest nations on earth, which throughout history placed self interest ahead of Africa's interest cannot undo the past, but can make a bold commitment to the future. In one defining moment of courage and conviction, the President can unite the world to commit the financial and humanitarian resources that can begin to wipe out poverty in Africa.

Mr. Chairman, more and more African oil fuels the engines of our global economy. The industrialized nations have a long history of extracting Africa's natural resources to fulfill our desires. From bauxite to diamonds, and from copper to cocoa, the world has fed off the resources of Africa, even as Africans starved before our eyes.

While the world benefits from raw commodities found in Africa, nations, including the United States, have policies that keep Africans from adding value to these commodities that would benefit their continent and people. Rich nations benefit more from African materials than the Africans themselves do.

For far too long our farm and trade regimes have hindered African development and injured the African people in countless ways. We have made progress improving trade laws in recent years; we are negotiating at the World Trade Organization now for ways to reform our farm programs which currently distort trade and deny opportunities to African farmers struggling to compete in a global economy. We have difficult work ahead on farm reforms, and more to do to provide access to our markets for African farm products. Many of Africa's agricultural products still face steep, insurmountable and unacceptable tariffs.

But reducing tariffs and farm subsidies imposed by rich nations cannot begin to help Africa overcome the magnitude of its economic and humanitarian crisis. Investments in health and infrastructure are vitally necessary. We can help with these investments. And we can help in ways that improve outcomes for Africans.

I am talking about the immediate and critical need for money in the form of assistance and financial aid, and let me say something that may shock some of you. I agree with the Heritage Foundation—not exactly a Democratic organization—when it points to the mis-steps and mishaps of the past. But haven't we learned from those mistakes? Weren't many of those mistakes made within the context of Cold War politics with priorities different than those we seek today?

There were times when the best of intentions by nations, including America, ended up creating greed, not combating poverty. America has learned and so has the rest of the world. Today, there are organizations, systems and people above reproach. You need only look to the extraordinary work of the Gates Foundation in my District in Seattle to see what is possible and effective.

Today, the only thing standing in the way of action is inaction, and we can change that. The need has never been greater and the time is now for America to lead the world to Answer Africa's Call.

That is why, on behalf of Democrat Leaders today, introduce the Answer Africa's Call Act. The Act would create a five-year, $6 billion annual revenue stream that would fund the International Finance Fund, or the IFF. The new money from this legislation would not be subject to annual appropriations and would not increase the national debt This approach is brand new and it gives the President and the United States the freedom, flexibility and ability to make good on the necessary long-term commitment to combat poverty in Africa.

This war cannot be won in a year and it cannot be held hostage to an annual budget process that may be blind to the ravages of hunger, deaf to the cries for help and immune from the scourge of disease.

Mr. Chairman, British Prime Minister Tony Blair's Commission on Africa proposed an agency to channel funds from the G–8 into programs proven effective at reducing poverty. The Commission's idea is a good one and a smart, multi-nation approach in Africa will pay huge dividends down the road.

The Answer Africa's Call Act recognizes America's role and responsibility, and accepts it by giving the President an arsenal of aid and humanitarian weapons to attack poverty in Africa as never before, once and for all.

Africa's poverty and economic desperation is the greatest tragedy of our time. By comparison, the world, and especially the United States, is wealthy on a scale never before been seen in human history.

We live in a world where new medicines and medical techniques have eradicated many diseases and ailments in rich countries, even as Africa weeps while some four million children under the age of five die each year, two-thirds of them from illnesses which can be treated or wiped out for almost nothing.

Malaria is the biggest single killer of Africa's children, and half those deaths could be avoided simply with access to diagnosis and drugs that cost about a $1 per dose.

We live in a world where rich nations invested in successful research and development of drugs to combat and control one of the most devastating diseases ever seen, AIDS. Yet in Africa, where 25 million people are infected with AIDS, anti-retroviral drugs are not made generally available, meaning two million people will die of AIDS this year.

Mr. Chairman, we live in a world where rich nations spend a billion dollars a day subsidizing the unnecessary production of unwanted food, while in Africa a billion people starve trying to survive on a dollar a day. Hunger is responsible for more deaths in Africa than all the continent's infectious diseases put together.

Despite the rhetoric about how the United States has tripled aid for Africa, a Brookings Analysis shows that aid has roughly increased by only 50 percent since 2000. This is a good start, but we must do more. We contribute far less of our national income to foreign assistance than most developed nations. That is not meant as a slap against the President it is meant as a call to action. I am a medical doctor and bound by a sacred oath to act to save lives when I can.

The G–8 meeting provides President Bush an extraordinary opportunity to demonstrate our commitment and determination to reduce poverty in Africa. Next week he could make America proud by declaring our unwavering support for the recommendations of the Commission on Africa at the G–8 Summit.

Let America lead the world toward a common destiny: to end poverty across Africa. Let us act before another life is lost, before another child goes hungry, is born with HIV/AIDs, or is orphaned when parents die from hunger, disease or hopeless despair.

Let us walk together on a road that leads to Africa's destiny, a continent where people no longer suffer and die from hunger and poverty. Let us resolve today to take the first of many steps, as one world, to end poverty in Africa, so that Africans may wake each day to a world where the sun shines on their hopes, dreams and future.

Surely, America's compassion can shine across Africa. Unquestionably, America can lead a global fight against poverty in sub Saharan Africa. But we need the courage of our President. I implore him to act.

BRAZIL TO SEIZE AMERICAN PHARMACEUTICAL PATENTS

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. FEENEY. Mr. Speaker, in recent days, The New York Times and some of our colleagues have publicly encouraged and endorsed the government of Brazil to seize American pharmaceutical patents, citing an urgent need to accommodate a public health crisis in that country.

These arguments are false. American drug companies sell life-saving antiretroviral therapies at an almost 90 percent discount in Brazil; furthermore, Brazil's rate of HIV infection is almost the same as it is in the U.S.—well below 1 percent. Brazil appears to be manufacturing reasons to support its intent to develop a generic export capacity.

The World Trade Organization's 1994 Agreement on Trade Related Aspects of Intellectual Property (TRIPS), in conjunction with the 2001 Doha Declaration, enables countries to temporarily suspend patents when there is a dire need and when those patents are precluding access to life-saving medicines.

In Brazil's case, there are serious concerns that it is willfully manipulating WTO rules for commercial gain. Consider the remarks by Brazil's health minister just this week in Geneva: "Brazil once again takes a new step forward in the struggle against AIDS . . . This stage may come to represent the first step for introducing a new phase in our local [antiretroviral] production. An additional target is to support our national manufacturing industry in this respect, as we are totally committed in maintaining high quality in the medicines available in the public health services."

The wholesale theft of American technology for another country's commercial gain was never the intent of the Doha Declaration or TRIPS. The United States should consider any and all retaliatory measures if Brazil proceeds with such blatant theft. The theft of these pharmaceutical patents will cost Americans billions of dollars and take away investment that could otherwise be spent on the development of new drugs ranging from epidemics to the common cold.

Please include the following editorials Richman? Poorman? Beggarman? Thief? by James Pinkerton and Brazil Mulls Drug Patent Theft as an AIDS Antidote by Anastasia O'Grady.

[From the Tech Central Station, June 29, 2005]

RICHMAN? POORMAN? BEGGARMAN? THIEF?

(By James Pinkerton)

Will the real Brazil please stand up? Is Brazil a poor country that needs more foreign aid from the United States—even involuntary aid? Or is it an increasingly rich and powerful country that can seize foreign markets for itself? Indeed, is it so powerful that that it doesn't need to play by the rules?

One source not to look to for answers is the Brazilian government itself, as we shall see.

To an outside observer, it's apparent that the Brazilians clearly want to have it all three ways: being needy when it suits them, being export-y as they are able, being greedy when they think they can get away with it—and if that last stance hurts the U.S. economy, too bad. It's a little complicated, and a little bewildering. And yet Uncle Sam's answer to the "Brazil Bewilderment" will help determine America's own wealth, and health, in the 21st Century.

Two recent items show the sharp divergence in perspectives on Brazil. The New York Times' editorial page sees Brazil as a destitute place. Which means, of course, that Brazil is a wonderful place—for the Times to preach some politically correct "compassion." Using somebody else's money, of course. In a June 23 editorial, the paper sided with Brazil in its long-running argument with American owners of Intellectual Property (IP): in this case, the fight is with the biotech industry.

The Times noted that "Brazil's free universal treatment program, an indispensable weapon against the AIDS epidemic, locks Brazil's government into buying lifelong daily medicines for 170,000 people, and that number is rising." And so, the Times continued, "Brazil has the right to make sure it can continue to meet this burden by getting medicines at the cheapest possible price." And the cheapest possible price can be arrived at, quite often, through simple theft: the violation of IP property rights.

In other words, the Times is so in love with government-run "universal" health care that it wants the U.S.—or, more precisely, U.S. Pharma companies—to finance such health care in other countries. It would be one thing if the Times simply editorialized in favor of America subsidizing the Brazilian social insurance system. That is, the president and the Congress could simply vote to transfer a few billion dollars a year to Brazil. But of course, no elected officials would ever vote for such an overt wealth-transfer, so the Times finds it expedient to endorse a covert wealth-transfer, in the form of IP ripoff.

And obviously the Times couldn't be expected to worry much about anything so bourgeois as the rights of American companies, and their shareholders and stakeholders. As the Times sneeringly put it, "Rightwing groups in the United States and pharmaceutical manufacturers are calling this theft, and several members of Congress have asked the United States trade representative to apply trade sanctions." And yet, the Times advised, "The American trade representative should make a public statement that the United States will not retaliate against Brazil for exercising its right to save lives."

In the paper's pro-Brazil policy, we see how p.c. solicitude for AIDS victims joins up with an all-purpose entitlement mentality—to create a ruinous prescription for American well-being, as well as a dire prospect for future medical innovation in a property-rights-wrecking environment.

But another Times newspaper has a far different take on Brazil, a country which, after all, boasts the 9th-largest economy in the world today. According to a June 22 article in The Financial Times that ran the same day, under the headline, "Brazil is yielding farms that can feed the world." Brazil is on its way to becoming "a pivotal nation in the future of world trade. Brazil is to agriculture what India is to business offshoring and China to manufacturing: a powerhouse whose size and efficiency few competitors can match."

As the FT details, Brazil now enjoys the largest agricultural trade surplus in the world, and the country's balance of trade is helped enormously by IP theft, which often goes by the more polite name of "compulsory licensing." But by any name, it's still theft, and theft is "zero sum." So if Brazil has more, the U.S. has less. From Brazil's narrow point of view, it's easy to see the logic of its current course. In the words of Ken Adelman, former deputy U.S. representative to the United Nations, Brazil's "earnest commitment to premeditated theft of American assets should prompt the administration to stop considering Brazil a good partner and its president a great friend until they demonstrate a stronger commitment to the Rule of Law and free trade." That was on May 9. On June 24, in an important Wall Street Journal column entitled "Brazil Mulls Drug Patent Theft as an AIDS Antidote," Mary Anastasia O'Grady wrote, "The possible compulsory licensing of AIDS drugs is only part of Brazil's wider assault on intellectual property rights. While China and India are promising to firm up protections and sucking in capital investment, Brazil seems bent on joining the likes of Cuba, Iran and Venezuela.

Like IP itself, IP theft is a somewhat obscure topic, but across the board, from movies to music to software to pharmaceutical patents, such theft costs the United States some 750,000 jobs and $200 billion a year annually. Which is to say, it's a lotta money. Indeed, one might ask how The New York Times would feel if, in some alternative universe, the key to treating AIDS patients was discovered to be the breaking of all the Times' copyrights and trademarks.

So which Brazil is it? Poverty-stricken victim? Hyper-aggressive trader? Or rogue-nation with a national strategy of IP-pirating? I posed that exact three-part question to Roberto Abdenur, Brazil's ambassador to the U.S., at a June 24 meeting at the Council of the Americas Society in Manhattan.

And here's what he said to me in response: "It is absolutely not true that Brazil would have a national strategy [of IP theft]. Keeping a perfectly straight face, he added, "Of IP there is something like a revolution taking place in Brazil; . . . we are taking very decisive actions on piracy. Brazil is deeply committed to enforcing TRIPs [trade-related intellectual property rights]."

Well, those were nice and reassuring words. But there was one small problem: they weren't true. That very afternoon, on June 24, came the news that Abdenur's bureaucratic buddies back in Brasilia had announced that the country would impose "compulsory licensing" on Abbott laboratories" anti-HIV drug Kaletra if the company didn't surrender the license first. Sorry, Mr. Ambassador, but your own government has made you into a liar.

The irony is that for all Brazil's enthusiasm for IP-mulcting, such a policy is not actually in the country's overall long-term best interest. That was a useful perspective supplied at the same June 24 Council of the Americas discussion by Donna Hrinak, the former U.S. ambassador to Brazil. She reminded the audience, which included Abdenur, that for Brazil, "the whole issue of IP goes from AIDS treatment to the guy who is selling a pirated CD to the grey market in computers." Which is to say, Brazil's IP-lawlessness is endemic.

Then she added, "I never understood Brazil's IP position. It goes against its own interest." That is, Brazil would ultimately gain more by working within the world IP system, where rights are respected for the long-term benefit of all property holders. Continuing, Hrinak added, "Recife would be like Bangalore if Brazil would look to its own interest, and implement its own [IP] laws." Better to be supportive of a thriving indigenous high-tech industry, she was saying, than to merely be stealing technology from others.

From an American point of view, it's nice to know that some U.S. diplomats see the importance of IP, for the well-being of this country, and also for the well-being of the world property-rights system—which will make all countries better off if it's allowed to work. But so far, at least, there's not much evidence that Brazil is looking to anybody's ultimate well-being, not even its own. However, it does have The New York Times in its corner. Maybe Brazilians can feast on that.

[From the Wall Street Journal]

BRAZIL MULLS DRUG PATENT THEFT AS AN AIDS ANTIDOTE

(By Mary Anastasia O'Grady)

When the Bush administration offered Brazil $40 million for its anti-AIDS program earlier this year, Brasilia turned it down on principle. The terms of the deal required the government to condemn the sexual exploitation of women—otherwise known as prostitution. Calling the U.S. demand "theological, fundamentalist and Shiite," Brazil rejected the offer.

Turning down a $40 million contribution seems like a luxury that a developing country with an estimated HIV-infected population of 600,000 couldn't afford. But as it happens, Brazil has a back-up plan. It is moving to force foreign drug makers to surrender their patents on anti-AIDS drugs at a price dictated by Brasilia, a tiny fraction of the medicine's value.

Brazil's lower house passed legislation abridging AIDS drug patent rights earlier this month. The bill specifically names drugs produced by Abbott Laboratories, Gilead Science and Merck. It is not clear whether the Senate will pass the law or Brazilian President Luiz Inácio "Lula" da Silva will uphold it or exercise his veto. But steamrolling the rights of patent holders is something that Brazil has been threatening since 2001.

The possible compulsory licensing of AIDS drugs is only part of Brazil's wider assault on intellectual property rights. While China and India are promising to firm up protections and sucking in capital investment, Brazil seems bent on joining the likes of Cuba, Iran and Venezuela in cutting its own throat by destroying those rights.

The effort pits the short-run benefits of grabbing at little cost today's best medicines—claiming "humanitarian" motives—against the long-run damage to research and development that weakened property rights are sure to inflict. Such policy positions could devastate Brazil's stated hopes of attracting a thriving biotech industry.

Brazil posits that the WTO's Trade-Related Aspects of Intellectual Property Rights (TRIPS) allows it to go after patents in a public health "crisis."

Yet more than half the drugs Brazil distributes through its anti-HIV/AIDS program can be copied legally. As to cutting-edge medicines that still have patent protection, Brazil receives sharp discounts from pharmaceutical companies, which try to recoup their research and development costs in wealthier countries like the U.S. To be sure, Brazil is not as rich as the U.S., but it's not among the poorest either, as evidenced by its space program and thriving aircraft industry.

One example of drug company generosity is the deal Merck has given Brazil on its antiretroviral drug Stocrin. According to Grey Warner, senior vice president for Latin America Human Health at the company, "Stocrin is sold to Brazil at the lowest price in the world outside of the least developed countries, such as sub-Saharan Africa, where we supply the product at no profit. In practical terms, this equates to a price that is about 90% lower than in the U.S., Canada and Western Europe." That seems like rather generous treatment of a large country well advanced toward industrialization.

Meanwhile, at the strategically critical World Intellectual Property Organization (WIPO) in Geneva, Brazil is leading the charge to weaken intellectual property rights within the World Trade Organization. This week, a second session on "a development agenda" for the WIPO was underway. This meeting is a follow-up to the April WIPO session in which the "Group of Friends of Development," led by Brazil, spelled out its objection to intellectual property rights as traditionally defined. The 14 countries in this euphemistically titled alliance include such paragons of sound economic development policy as Iran, Cuba, Argentina, Bolivia, Ecuador, Peru, Venezuela and Sierra Leone.

In its April document the group stated that it wants to examine the implications of intellectual property rights protection, "rather than seek to approach this highly controversial issue as if it were governed by absolute truths, loosely under the one dimensional perspective of the private rights holders, ignoring the broader public interest."

That's clearly code language for socializing property rights, a view that has dominated Brazilian thought over most of the 20th century and produced the current squalor that so many Brazilians live in. Few people want to invest in a country where legalized theft is government policy.

Another egregious attempt to destroy intellectual property rights is the effort by a group of developing nations—again led by Brazil—to include a bizarre amendment to the 1992 United Nations Convention on Biodiversity, which has been ratified by 188 countries, ostensibly to protect nations' biological resources. The change would give nations the ability to sue for patent rights to a successful biotechnical innovation if they could prove that a plant molecule, animal molecule or some "traditional knowledge" originating in their country was used in the development of the product.

According to Timothy Wolfe and Ben Zycher, who studied the law for the Pacific Research Institute, this would be "analytically equivalent to a long-run tax on biotechnological and pharmaceutical research and development investment." Their PRI study estimates the effects of such a tax on 27 countries including Brazil, Mexico, Peru and Colombia. By the year 2025, the law "would reduce the biotechnological and pharmaceutical research and development capital stock by about $144 billion (in year 2004 dollars), or almost 27 percent, for the 27 nations," Messrs. Wolfe and Zycher write. "This implies a loss of 150–200 new drugs."

As Mr. Zycher points out this is similar to price controls, which have of course wreaked havoc in economies wherever they have been applied. "You can erode property rights in the short term without much effect, but the long-run effects are far more serious," he said.

Brazil's actions, ostensibly designed to help people with a terrible disease, will retard economic development and handicap all efforts to improve human health standards. Ailing AIDS patients will need new pharmaceutical developments as the virus mutates and becomes resistant to today's wonder drugs. But what company will volunteer to produce drugs that politicians demand free of charge? Job-seeking Brazilians who would benefit from foreign investment in biotech will have to move to India. Brazil will sink ever lower into underdevelopment. Maybe soon it will legitimately qualify for the same charity as poverty-stricken sub-Saharan Africa.

CONGRATULATING THE FLORIDA CITY OF LAUDERHILL FOR RECEIVING THE NATIONAL CIVIC LEAGUE'S "ALL-AMERICA CITY" AWARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my heartfelt congratulations to the City of Lauderhill for its recent honor as one of the National Civic League's ten All-America Cities for the year of 2005. This award, which is presented every year to the ten cities that most represent civic excellence, is a true tribute to the great residents of the City of Lauderhill and the State of Florida. I am proud to stand before this body and honor this great Florida city, which I am so privileged to represent.

Each year, the National Civic League crowns its winners of the coveted All-America Cities Award—the Nation's longest running and most prestigious civic recognition program. The National Civic League is a leading proponent of citizen democracy. Founded in 1894 by government reformers such as Theodore Roosevelt, the National Civic League is a nonprofit, nonpartisan organization dedicated to building community and promoting political reform at the local level.

The All-America City award recognizes American cities for their civic excellence. The award honors communities, such as the City of Lauderhill, in which citizens, government, businesses and nonprofit organizations demonstrate successful resolution of critical community issues. Since 1949, more than 4,000 communities have competed and only 500 have been designated All-America Cities. The cities honored by the National Civic League highlight the successes of communities across America and serve as examples of how to work together to overcome obstacles and achieve tangible results.

In order to be named an All-America City, finalists must present three innovative community programs to a nine-person jury. These presentations addressed a wide range of social and community issues, including youth, education, poverty, affordable housing, race relations, and others.

The All-America City award has been called "a Nobel prize for constructive citizenship."

Mr. Speaker, no city exemplifies the idea of constructive citizenship more than the City of Lauderhill. Now in its fourth decade of progress, Lauderhill is meeting the challenges of the future through planned development with a focus on quality of life.

The City of Lauderhill was first incorporated in 1959 with approximately 100 residents. Lauderhill grew by nearly 30,000 residents between 1970 and 1980 and now encompasses over seven square miles with a population of over 50,000 people. The business community is as diverse as its residents, with citizens from virtually every Caribbean nation from Haiti to Jamaica and every place in between. Lauderhill recognizes that its residents and business owners are key assets of the community. We are blessed to have informed, active and concerned members working for the betterment of the City and its residents.

The City of Lauderhill is well known for its innovative efforts to improve the quality of life, including health and social services programs, recreational activities and events for the appreciation of culture and the arts. Lauderhill puts a premium on improving human and social services through strategic planning, expanding existing resources and creative financing techniques.

Mr. Speaker, the people of Lauderhill, Florida have brought credit and honor not only to themselves and their city but also to the people and State of Florida. The City of Lauderhill is worthy of the praises of the people of Florida as well as the Members of the House of Representatives. It is a city truly worthy of emulation and worthy of the title All-America City.

THE CLARIFICATION OF FEDERAL EMPLOYMENT PROTECTION ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. WAXMAN. Mr. Speaker, I am pleased to introduce legislation today to reaffirm that Federal employees are protected from discrimination on the basis of sexual orientation and to repudiate any assertion to the contrary.

At a time when our Federal employees are working tirelessly on behalf of the Nation, we should be doing our utmost to ensure that all are protected against discrimination. Unfortunately, the Bush administration appears to have abandoned a long-standing, bipartisan interpretation of the law which protects Federal employees from discrimination based on sexual orientation. I hope that Congress will act quickly to pass this legislation.

Until recently, the Bush administration followed a long-standing policy prohibiting job discrimination against gay Federal employees. However, Special Counsel Scott Bloch, head of the Office of Special Counsel, responsible for investigating workplace discrimination, testified that Federal workers are not protected against discrimination based on sexual orientation. This statement diverges from years of Federal policy that safeguards gay and lesbian employees.

The legislation being introduced today, the Clarification of Federal Employment Protection Act, would make clear the protection afforded by the Civil Service Reform Act of 1978, by explicitly making discrimination on the basis of sexual orientation a prohibited personnel practice under the act.

I commend my colleagues—Representatives CHRIS SHAYS, DANNY DAVIS, MARK FOLEY, BARNEY FRANK, JIM KOLBE, STENY HOYER, ELIOT ENGEL, TAMMY BALDWIN, CHRIS VAN HOLLEN, and Congresswoman ELEANOR HOLMES NORTON—for their leadership on this issue and look forward to working with them to obtain rapid approval of this bill in the House.

IN RECOGNITION OF THE RUSSELL COUNTY WARRIORS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to the Russell County Warriors high school baseball team which recently won the Alabama High School Athletic Association Class 5A State Championship in Montgomery, Alabama.

The Warriors are a highly talented group of athletes that are currently ranked Number One in the USA Today and Baseball America standings. The team has had a nearly perfect season at 38–1, and has provided their school, their families, and our community so much to be proud of.

Let us all raise a cheer for the Warriors and congratulate them on their victory.

Thank you, Mr. Speaker, for the House's attention on this day for these talented young Americans.

ANTONIO VILLARAIGOSA, MAYOR OF THE CITY OF LOS ANGELES

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. SOLIS. Mr. Speaker, I rise to recognize an important historical event that will take place on Friday, July 1, 2005: the inauguration of the 41st mayor for the city of Los Angeles, Antonio Villaraigosa.

The first Latino mayor of Los Angeles since 1872, Antonio Villaraigosa will lead one of our Nation's most diversely populated cities. His understanding and compassion to address specific social issues will play a significant role as he secures constituent access to local government resources. Mayor Villaraigosa understands the importance of environmental protection, access to quality employment, equal educational opportunities and smart urban growth.

Mayor Villaraigosa is one of the most promising leaders of our country. I served with him in the California State Assembly. As Speaker of the Assembly, he helped to expand the Healthy Families program to provide health care access for all children. He also helped to pass one of largest park bonds in the State of California, which helped to identify areas in low-income communities to establish urban conservancies. As a result, my district was a proud recipient of one of the largest urban conservancies in California.

Mayor Villaraigosa is an individual who has successfully built bridges between the diverse racial and ethnic communities of Los Angeles. He promotes empowering people and our communities. As we move forward with this change in leadership, with a man who understands the importance of serving the people of Los Angeles, we can add a new chapter in our city's history.

He is a champion for working class families and someone I look forward to continuing to work with in the future. I extend the best wishes to Mayor Villaraigosa and his family.

CONGRATULATING THE FLORIDA CITY OF POMPANO BEACH FOR RECEIVING THE NATIONAL CIVIC LEAGUE'S "ALL-AMERICAN CITY" AWARD

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to offer my heartfelt congratulations to the City of Pompano Beach for its recent honor as one of the National Civic League's ten All-America Cities for the year of 2005. This award, which is presented every year to the ten cities that most represent civic excellence, is a true tribute to the great residents of the City of Pompano Beach and the state of Florida. I am proud to stand before this body and honor this great Florida city, which I am so privileged to represent.

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In order to be named an All-America City, finalists must present three innovative community programs to a nine-person jury. These presentations addressed a wide range of social and community issues, including youth, education, poverty, affordable housing, race relations, and others.

The All-America City award has been called "a Nobel prize for constructive citizenship."

Mr. Speaker, no city exemplifies the idea of constructive citizenship more than the City of Pompano Beach. From its humble beginnings as a small settlement on the shores of the Atlantic to its current size of over 25 square miles, Pompano Beach now boasts over 100,000 full time residents.

The City was at one point the southernmost railroad station of the famous Florida East Coast Railway. It was not until the railway was built that South Florida was finally linked to the rest of the Nation. The first train arrived in the small settlement of Pompano on February 22, 1896. At that time, the town consisted mainly of farmers and a handful of railway employees and professionals. Since then, the city has grown quickly, with farmland in the west and a peaceful beach town atmosphere in the east. These two areas merged successfully in 1947 to form the present day City of Pompano Beach.

The diverse population of Pompano Beach, with its thriving Black community, is its biggest asset. Pompano Beach combines the lifestyle of a quiet seaside community with the benefits of a major metropolitan area. Its high quality of living, as well as its commitment to improving the lives of its citizens, has led to a quickly growing population.

Mr. Speaker, the people of Pompano Beach, Florida have brought credit and honor not only to themselves and their city but also to the people and State of Florida. The City of Pompano Beach is worthy of the praises of the people of Florida as well as the Members of the House of Representatives. It is a city truly worthy of emulation and worthy of the title All-American City.

RECOGNITION OF DOUG STOLL

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. WAXMAN. Mr. Speaker, I rise to recognize the achievements of an educational role model, Doug Stoll.

On July 7, 2005, The Creative Coalition and The American Federation of Teachers will honor Mr. Stoll with a 2005 Spotlight Award for Teaching Excellence.

Mr. Stoll is a fifth-grade teacher at Canyon Charter School in Santa Monica, California. Canyon Charter was founded in 1894 and is the oldest elementary school in Los Angeles. It is a public school educating over 300 students in kindergarten through fifth grade.

When he accepts his award, Mr. Stoll will be accompanied by Lawrence O'Donnell, the father of one of his recent students, who is a political analyst, writer, and member of The Creative Coalition. I join Mr. O'Donnell in thanking Mr. Stoll for his commitment to the children at Canyon Charter School.

I congratulate Mr. Stoll on receiving this award and commend him for his enthusiasm and dedication. I would also like to extend my appreciation to both The Creative Coalition and The American Federation of Teachers for their support of our public schools.

RECOGNIZING FOURTH OF JULY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Ms. SOLIS. Mr. Speaker, I rise today to commemorate the anniversary of the signing of the Declaration of Independence. On July 4, 1776, we won independence and democracy was born. We created a great Nation and established a hopeful vision of liberty and equality that endures today.

Independence Day is a joyous occasion for Americans as we take pride in our Nation's diversity and accomplishments. The United States is truly a diverse Nation made up of dynamic people. Every day thousands of people from all cultures come to this country seeking the promise of freedom, opportunity, and the American dream.

As we celebrate the Fourth of July let us express our gratitude to the brave servicemen and women serving in Iraq and around the world. They should be commended for answering our Nation's call to duty. Their service exemplifies all that is great about our Nation: courage, honor, sacrifice, dedication, and distinction. They are preserving the democratic principles we treasure so dearly. Americans would not enjoy the many freedoms we have today had it not been for the honorable service of our U.S. veterans. We owe our troops a secure return home to a grateful Nation and a secure future.

Since the events of Sept. 11, 2001, the Federal Government, along with State and local officials, has taken numerous steps to ensure greater security for our Nation. It is crucial that we address any security concerns that may leave our country vulnerable to another terrorist attack. But while defending our country, we must not sacrifice the civil liberties that make our land unique. We must ensure greater security for our people and also be vigilant about our individual freedoms. We must strike the right balance in meeting this challenge.

On this Fourth of July, let us work together to create an America that remains the world's strongest force for peace, justice, and freedom.

INTRODUCTION OF A CONCURRENT RESOLUTION CONCERNING CHINA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. RANGEL. Mr. Speaker, today my colleague from Connecticut, Mrs. JOHNSON, and I are introducing a concurrent resolution calling upon the Bush Administration to urge the Government of China to refrain from adopting new regulations that would make it nearly impossible for U.S. software companies to sell their products to the Chinese government. The resolution also calls upon the Administration to urge China to join the World Trade Organization (WTO) Agreement on Government Procurement, as China committed to do when it joined the WTO in 2001.

The regulations that China has proposed would require U.S. software companies to manufacture all of their products in China, register their copyrights first in China and perform at least 50 percent of their development in China. Perhaps the most disturbing aspect of the proposed rules is a requirement that American companies outsource a specific percentage of their work to China.

To be honest, I am amazed that China would propose these rules at a time when American companies already are facing significant impediments to doing business in China. Piracy rates of intellectual property—including software—in China remain as high as 90 percent. In addition, China continues to provide subsidies to its manufacturers, and manipulate its currency—despite calls from international institutions and governments around the world to stop this practice. These unfair trade barriers contributed to a record $162 billion trade deficit with China in 2004. That deficit is on track to top $170 billion this year.

Mr. Speaker, I am pleased that Ambassador Portman, our U.S. Trade Representative, and Commerce Secretary Gutierrez are scheduled to travel to Beijing on July 11, to meet with Chinese officials at the annual U.S.-China Joint Commission on Commerce and Trade. I urge Ambassador Portman and Secretary Gutierrez to press upon the Chinese that the proposed software procurement rules are unacceptable. Further, it must be made clear that the U.S. Congress is growing increasingly frustrated that China is not living up to the obligations that the country agreed upon when acceding to the WTO in 2001. As a supporter of the legislation granting Permanent Normal Trade Relations status to China, I am particularly disappointed by its failure to comply with its obligations.

One of the commitments China made in 2001 was to join the WTO Government Procurement Agreement "as soon as possible." Three years later, China has yet to begin the process of acceding to this agreement. Its participation in this agreement is essential, as the GPA requires countries to ensure that their procurement processes are transparent and do not unfairly discriminate between domestic and foreign companies.

I urge my colleagues to support this resolution.

TRIBUTE TO MR. EDWARD H. KING

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to Mr. Edward H. King who today retired from the Walgreen's Company after 27 years of distinguished service. Mr. King joined Walgreens in 1978 after serving as chief legislative assistant to the late U.S. Senator Dewey Bartlett of Oklahoma. He also served as executive director of the Northern Oklahoma Development Association from 1973 to 1975.

Mr. King received his bachelor's degree in history in 1968 from the University of Tulsa and his J.D. in 1972 from the University of Tulsa School of Law. In his current position as director of government and community relations for the Walgreen Company he helped to increase the visibility of his company throughout the community.

Mr. King could be found championing causes like the One on One mentoring and tutoring program geared toward at risk children in Chicago. Since 1989 Walgreens has contributed more than 1.3 million to that effort. Additionally, I am pleased to have worked with Mr. King and Walgreens in a curfew awareness campaign aimed at getting young people off the street and in their homes. Through the leadership of Mr. King Walgreens has been actively engaged in supporting efforts to find a cure for HIV/AIDS and promoting awareness. The work of Walgreens has not only been domestic in nature.

Recently, I had the opportunity to work with Mr. King in assisting Walgreens donation of 200,000 eyeglasses to the following countries in Africa: Cameroon, Ghana, Nigeria, Senegal, South Africa, Tanzania, and Uganda. Mr. King and the Walgreen Company understand the corporate responsibility role in giving back to improve communities in which they serve.

Mr. King is a man who has received numerous awards and honors. Perhaps the greatest reward is that found in his family and wife of 16 years Jo Ellen Thomson and his three children Aidan, Ming, and Ryland. Mr. King as you retire from Walgreens it is my hope that you will remain involved in community building—just at a different pace. Mr. Speaker, and my colleagues please join with me and the residents of the Seventh Congressional District in saluting Mr. Ed King for 27 outstanding years of service to the Walgreen Company.

HONORING COLONEL JOHN D. GUMBEL, USMC, ON HIS RETIREMENT FROM THE UNITED STATES MARINE CORPS

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. JONES of North Carolina. Mr. Speaker, I rise to recognize the fine service of a good friend and outstanding American, Colonel John D. Gumbel, Commanding Officer of the Naval Air Depot located aboard Marine Corps Air Station Cherry Point, North Carolina.

A native of California, Colonel Gumbel received his Bachelor of Arts degree in Economics from UCLA in 1977 and his Master of Science degree in Defense Systems Analysis from the Naval Postgraduate School, Monterey, CA in 1987. He is also a 1998 distinguished graduate of the Industrial College of the Armed Forces with a Master of Science in National Resource Strategy and a graduate of the Program Managers Course at Defense Systems Management College, Fort Belvoir, Virginia.

Commissioned through Naval Reserve Officers Training Corps (NROTC), Colonel Gumbel then followed The Basic School in Quantico, VA with Aviation Supply Officer training in Athens, GA. In April 1978, Colonel Gumbel transferred to the Western Pacific (WESTPAC) for a year where he worked as an aviation supply officer with Marine Air Groups 12 and 15 and as the embark officer for the 31st Marine Amphibious Unit. Colonel Gumbel next transferred to Pensacola for Naval Flight Officer training and was designated a Naval Flight Officer in March 1980. Following Electronic Warfare training at Mather Air Force Base and EA–6B training at Naval Air Station Whidbey Island, WA, Colonel Gumbel was designated an Electronic Countermeasures Officer (ECMO). He reported to Marine Tactical Electronic Warfare Squadron 2 (VMAQ–2) in June 1981 where he served as an ECMO and a maintenance officer. He deployed twice to WESTPAC and aboard the USS *Saratoga* in the Mediterranean before transferring to the Naval Postgraduate School in 1985. He served his postgraduate payback tour as the Reserve Enlisted Manpower Analyst at Headquarters Marine Corps from 1987 to 1990. Following Aviation Maintenance Officer School and refresher training in the EA–6B, Colonel Gumbel reported to VMAQ–2 in January 1991 in Shaik Isa, Bahrain, for service during the Gulf War. He served as the maintenance officer for VMAQ–2 after their return to the U.S. and as the Executive Officer of VMAQ–2 (Det. X) and later as the Executive Officer of VMAQ–1 following VMAQ–2's split into VMAQ–1, 2, and 3 in June 1992. He deployed to WESTPAC with VMAQ–1.

Colonel Gumbel transferred to Naval Air Systems Command in June 1994, where he served as the EA–6B Class Desk until July 1997. He attended the Industrial College of the Armed Forces during the 1997–98 class year and reported to the Joint Staff in June 1998. During his two-year joint tour, Colonel Gumbel worked in J–39, Information Operations, where he focused on Electronic Warfare and special access program issues. From June 2000 to June 2001, Colonel Gumbel was the Military Assistant to the Assistant Secretary of the Navy for Research, Development and Acquisition. In July 2001, Colonel Gumbel reported for duty to Naval Aviation Depot Cherry Point, NC.

Naval Air Depot Cherry Point is responsible for providing maintenance, engineering and logistics support on a variety of military aircraft, engines and components. Employing over 4,000 personnel, the facility is North Carolina's largest industrial employer east of I–95 and is a valuable asset to our nation's military. In 2004, under his command, the depot rebuilt 462 engines for our Navy and Marine Corps helicopters that are currently relied upon to transport our troops in the global war on terror.

Colonel Gumbel's personal decorations include the Defense Meritorious Service Medal, the Meritorious Service Medal, Air Medal Strike/Flight numeral I, Navy-Marine Corps Commendation Medal, Joint Service Achievement Medal, and Navy-Marine Corps Achievement Medal.

Mr. Speaker, today marks the end of Colonel Gumbel's 27 year career in the United States Marine Corps, but although he no longer wears the uniform, he will forever be a Marine. I would like to wish Colonel John Gumbel the best success as he enters a new chapter in life and to thank not only him, but also his wife Stacy and their three children Evan, Andrew, and Cameron for their loyal service to this Nation.

SALUTING JUDGE GARY L. TAYLOR FOR HIS DISTINGUISHED SERVICE UPON HIS RETIREMENT AS A FEDERAL JUDGE IN ORANGE COUNTY, CALIFORNIA

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. COX. Mr. Speaker, I rise to recognize Judge Gary L. Taylor, who is retiring today as a United States District Court judge after a remarkable 19-year judicial career.

Judge Taylor, an Orange County native, graduated from Santa Ana High School in 1956 before going on to earn both undergraduate and law degrees from the University of California-Los Angeles. Following law school, Judge Taylor served his country as a lawyer for the U.S. Army in Missouri before moving back to Orange County, where he enjoyed a tremendously successful 20-year career as a business litigator.

Judge Taylor was appointed as a Superior Court Judge by Governor George Deukmejian in 1986. Just 4 years later, President George H.W. Bush nominated Judge Taylor to fill a vacancy on the U.S. District Court for the Central District of California. He was confirmed by the Senate without opposition before being sworn into office on October 1, 1990.

In his nearly 20 years on the bench, Judge Taylor has demonstrated the best qualities of a trial judge: he is a first-rate legal thinker who is fair-minded, courteous, and unfailingly ethical. He is uniformly respected by the parties and attorneys who appear before him. The president of the Federal Bar Association of Orange County has aptly called him "an outstanding jurist"—and to those of us in Orange County who know him as a friend, he is indeed that and more.

Having had the pleasure of knowing Judge Taylor for many years, I can attest to his quick, agile mind, his kind and generous manner, and his infectious enthusiasm. In the early 1990s, I worked closely with Judge Taylor to win congressional approval of a desperately needed federal courthouse in Orange County. Before the Ronald Reagan Federal Courthouse was built, Judge Taylor and the other Orange County federal judges were housed in trailers in Santa Ana, and the lack of adequate facilities in Orange County severely impeded the ability of the court to serve the taxpayers. Judge Taylor was a tireless advocate for building a federal courthouse in Orange County, and his hard work was instrumental in convincing the Congress to authorize construction of the world-class facility we now enjoy in Santa Ana.

Mr. Speaker, on behalf of all of the people of Orange County whom it is my privilege to represent, congratulations to Judge Gary L. Taylor on an exemplary judicial career and an unfailing commitment to public service and the welfare of his fellow citizens.

FREEDOM FOR HÉCTOR RAÚL VALLE HERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Héctor Raúl Valle Hernández, a political prisoner in totalitarian Cuba.

Mr. Valle Hernández is a pro-democracy leader, the vice president of the Confederation of Democratic Workers of Cuba and an activist in the Pro Human Rights Party. According to Amnesty International, on November 16, 2002, he was interrogated by Castor's thugs and told to stop his activities against the totalitarian regime. Despite the constant harassment, violence, and repression directed at him by the tyrant, Mr. Valle Hernández continued to advocate for human rights and democracy.

In March 2003, as part of Castro's condemnable crackdown on peaceful pro-democracy activists, he was arrested. In a sham trial, he was sentenced to 12 years in the totalitarian gulag.

Mr. Valle Hernández is currently languishing in the abhorrent gulag because of his belief in liberty for the Cuban people. According to Amnesty International, Mr. Valle Hernández' family has been harassed and his wife has been "summoned" for taking part in opposition activities. Let me be very clear, Mr. Valle Hernández is locked in a totalitarian dungeon that the U.S. State Department describes as, "harsh and life threatening." His wife and family are harassed and threatened, yet Mr. Valle Hernández and his family have not stopped demanding human rights, labor rights, and freedom for the people of Cuba.

Mr. Valle Hernández is a wonderful example of the heroism of the Cuban people. No matter how intense the repression, no matter how horrifically brutal the consequences of a dignified struggle for liberty, no matter how often their families are harassed and threatened, the totalitarian gulags are full of men and women of all backgrounds and ages who represent the best of the Cuban nation.

Mr. Speaker, it is as inconceivable as it is unacceptable that, while the world stands by in silence and acquiescence, political prisoners are systematically tortured because of their belief in freedom, democracy, human rights and the rule of law. My Colleagues, we must demand the immediate and unconditional release of Héctor Raúl Valle Hernández and every political prisoner in totalitarian Cuba.

RECOGNIZING THE DISTINGUISHED CAREER OF MR. DANIEL E. GOGGINS.

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. BACHUS. Mr. Speaker, I rise today to recognize an individual whose tireless dedication to service is continuing to impact the lives of countless Alabama schoolchildren. Over his thirty-four year teaching career, Mr. Danny Goggins came to embody the true nature of a selfless public servant.

His career began by teaching history at Helena Elementary, and he rapidly rose through the ranks to become a High School principal at the young age of thirty-one. The positive and lasting impression that he made on countless people is best known in the growing town of Calera, Alabama. For over two decades, Danny Goggins served as the Principal of Calera High School in Shelby County. In fact, it was not a rare occasion for him to have awarded diplomas to the parents of some of Calera High's most recent graduates.

Mr. Goggins' teaching philosophy was based on knowing that many of his students came from hard-working families not unlike the one he was raised in, and he felt that it was his responsibility to see that Calera's children had the same opportunity to learn as students in much wealthier schools. He accomplished this difficult task by continually hiring quality teachers and by maintaining a positive learning environment. Through his efforts, Calera High School consistently produced the most improved standardized testing scores in Shelby County, and also won several state championships in mathematics and boy's basketball along the way.

He was respected by both his students and teachers because they knew him to be a fair and impartial administrator who would address issues with common sense solutions. In fact, many of his former students often see him out and make it a point to say hello or remind him about the time they had to visit his office for one reason or another. In the end however, I believe the real reason people feel compelled to speak is because they remember him for treating them fairly and as an adult, regardless of who they were. It is Mr. Goggins belief that everyone has an equal chance at success if they behave with a positive attitude and demonstrate the character needed to succeed.

Prior to his retirement in the fall of 2004, Mr. Goggins' proudest moment as an educator came when he had the personal satisfaction of awarding a diploma to his youngest son, who graduated with top honors from Calera in 2003.

Today, Danny Goggins continues to educate younger generations by serving as the Scout Master for Boy Scout Troop 548 in Alabaster, a post he has held since 1972. It has been my pleasure to recognize a distinguished Alabamian such as Mr. Goggins, who has asked for nothing in return for service to so many.

DIETARY SUPPLEMENT ACCESS AND AWARENESS ACT (DSAA)

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mrs. DAVIS of California. Mr. Speaker, with the support of my colleagues, Rep. HENRY WAXMAN and Rep. JOHN DINGELL, I rise today to introduce the Dietary Supplement Access and Awareness Act of 2005.

This legislation presents a balanced and reasonable approach to improving the safety of dietary supplements while making sure that consumers continue to have access to them.

According to a report by the National Center for Health Statistics released last year, approximately 62% of adults use some form of alternative therapy, including herbal remedies and dietary supplements. Dietary supplement sales in the U.S. alone are $19.8 billion. This popularity, however, alarms consumer health advocates. Current law does not require dietary supplements to prove their efficacy or safety, leaving consumers vulnerable to unexpected side-effects and other health risks.

The dilemma we face today is due to Congressional action in the early 1990s. In 1994, Congress passed the Dietary Supplement Health and Education Act (DSHEA). Cited as the greatest removal of FDA jurisdiction in the history of the agency, this legislation deregulated the supplement industry. Instead of requiring manufacturers to prove that their products are safe, DSHEA required that FDA prove that the products are unsafe before it can take action against a potentially deadly product. Furthermore, under this law, manufacturers are not required to inform the FDA of any reported health problems associated with supplement use.

This means consumers and regulators may not have access to information regarding the side effects of these products. Former FDA director David Kessler wrote about DSHEA in the New England Journal of Medicine, explaining "Congress has put the FDA in the position of being able to act only after the fact and after substantial harm has already occurred."

The story of ephedra, a product that was pulled from the market only after thousands of reports of serious injuries including heart attack, stroke, and death, demonstrates that FDA does not have adequate authority to protect the public from unsafe supplements. In 2004, only after eight long years, and a Herculean effort to amass a mountain of evidence, the FDA banned the sale of ephedra products.

This past April, a ruling by a federal judge in Utah called into question the ban on ephedra citing insufficient evidence and the lack of authority to ban it without such proof. This ruling, made almost exactly one year after the FDA ban on ephedra, underscores the present difficulty with regulating dietary supplements.

Today with Rep. HENRY WAXMAN and Rep. JOHN DINGELL, I am proud to introduce the Dietary Supplement Access and Awareness Act. This bill will address the gaps created by DSHEA through greater information exchange and accountability.

Our legislation contains commonsense provisions requiring dietary supplement manufacturers to provide the FDA with a list of their products and reports of all serious adverse events. These actions will alert the FDA to problematic dietary supplements and will give the FDA access to information it needs to take action more swiftly. If the FDA determines that a specific supplement may have serious health consequences, it can require the manufacturer to do a post-market surveillance study to ensure that the product is safe.

Our legislation engages manufacturers in determining the safety of dietary supplements. By providing their studies and other related data, manufacturers and the FDA would come together to make a comprehensive and fair decision for American consumers. It also clarifies the standard the FDA must meet in determining whether a dietary supplement poses an unreasonable risk to consumers. This bill allows the FDA to use data from clinical trials, adverse event reports and other relevant scientific information to reach an informed decision.

Our legislation gives the FDA the authority to prohibit sales of dietary supplements that may pose significant risk to minors. Many young athletes emulate the practices of their professional sport heroes, yet their developing bodies are much more susceptible to the effects of stimulants and steroid-like products such as "andro."

According to Bruce Silverglade from the Center for Science in the Public Interest, "the challenge for most consumers is to determine which supplements are beneficial and which are nothing more than 21st-century snake oil—or even dangerous." That is why this legislation includes authorization of funds for physician and consumer education programs regarding adverse reactions.

Certainly, there are dietary supplements that offer benefits. Folic acid intake by women, for example, has been shown to reduce birth defects in unborn children and we are all familiar with the benefits of taking vitamin C and monitoring adequate calcium intake. Despite claims to the contrary, the Dietary Supplement Access and Awareness Act will not take away vitamins and minerals from consumers. In fact, my colleagues and I included language to specifically exempt them from this legislation. This provision should alleviate worries about the Codex Alimentarius and its guidelines for vitamin and minerals.

The FDA has its hands tied behind its back. Limited funding and manpower has left the FDA overextended and diluted its efforts to protect the public. The measures and education programs in this legislation will enable the FDA to gather solid data about the dangers some dietary supplements pose. With this information in hand, the FDA can make sensible, informed decisions and policies about dietary supplements. Consumers can have greater assurance than they currently do about the safety of the products on the market. We cannot continue to stand on the sidelines and let this serious public health threat go unchecked. The health and well being of our young people and loved ones are at risk.

I urge my colleagues to join me in supporting the Dietary Supplement Access and Awareness Act.

REINTRODUCTION OF ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to designate as wilderness most of the lands within the Rocky Mountain National Park, in Colorado.

This legislation will provide important protection and maagement direction for some truly remarkable country, adding well over 200,000 acres in the park to the National Wilderness Preservation System. The bill is essentially identical to one previously introduced by my predecessor, Representative David Skaggs, and one I introduced in the 107th and 108th Congresses. Those bills in turn were based on similar measures earlier proposed, including some by former Senator Bill Armstrong and others.

Over a number of years my predecessor and I have worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of the provisions of the bill I am introducing today, particularly regarding the status of existing water facilities.

Since I introduced the bill in the 108th Congress, the communities which surround this park have been considering this wilderness proposal.

The Town of Grand Lake, located west of the park, held a public meeting this month to gauge public opinion. Most of those speaking expressed support for the wilderness designation. Immediately following this public testimony, the Grand Lake Town Council voted unanimously to support wilderness designation, something that they have communicated to me and the other members of Colorado's Congressional delegation in a letter dated June 29, 2005.

This week the Town of Estes Park, located east of the Park, held a similar town meeting to gauge public support for the proposal. Again, the community members who spoke at this hearing strongly supported wilderness protection for the Park. My understanding is that because of that public support the Estes Park Town Council also expressed general support and has directed their staff to prepare a resolution of support for the wilderness proposal as reflected in the bill I am introducing today.

The only differences between this bill and previous versions are that the new bill has a different map reference and does not include an exact acreage number.

Omission of an acreage number reflects the fact that in their letter of support the Grand Lake Town Council requested that the wilderness boundary be adjusted to facilitate work to remove some materials in order to reduce and manage forest fire risks and to accommodate some other concerns. My intention is to work with the Council, the National Park Service, and other interested parties in order to develop a response to those requests—an outcome that likely would require a change in the exact acreage figure.

Less important than the exact acreage is the fact that the new wilderness will cover some 94 percent of the park, including Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in the wilderness that would be designated by this bill.

The features of these lands and waters that make Rocky Mountain National Park a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries will assure continued access for use of existing roadways, buildings and developed areas, privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

This bill is based on National Park Service recommendations, prepared more than 25 years ago and presented to Congress by President Richard Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass a statewide national forest wilderness bill. Since then, action has been completed on bills designating wilderness in the Spanish Peaks area of the San Isabel National Forest as well as in the Black Canyon of the Gunnison National Park, the Gunnison Gorge, the Black Ridge portion of the Colorado Canyons National Conservation Area, and the James Peak area of the Arapaho-Roosevelt National Forests.

We now need to continue making progress regarding wilderness designations for deserving lands, including other public lands in our state that are managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in the bill I am introducing today.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions. And it's important to emphasize that in any event water rights associated with wilderness would amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use.

The bottom line is that once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation.

Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park.

Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As nearby land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park.

While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. So, I think the bill deserves prompt enactment.

For the information of our colleagues, I attach a fact sheet on this bill.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

1. ROCKY MOUNTAIN NATIONAL PARK

Rocky Mountain National Park, one of the nation's most visited parks, possesses some of the most pristine and striking alpine ecosystems and natural landscapes in the continental United States. This park straddles the Continental Divide along Colorado's northern Front Range. It contains high altitude lakes, herds of bighorn sheep and elk, glacial cirques and snow fields, broad expanses of alpine tundra, old-growth forests and thundering rivers. It also contains Longs Peak, one of Colorado's 54 fourteen thousand-foot peaks.

2. CONGRESSMAN UDALL'S ROCKY MOUNTAIN NATIONAL PARK WILDERNESS BILL

The Udall bill would:

Designate about 94 percent of the lands within Rocky Mountain National Park as wilderness, including Longs Peak—the areas included are based on the recommendations prepared over 24 years ago by President Nixon with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted.

Designate about 1,000-acres as wilderness when non-conforming structures are removed.

Add non-federal inholdings within the wilderness boundaries to the wilderness if they are acquired by the United States.

The Udall bill would not:

Create a new federal reserved water right; instead, it includes a finding that the Park's existing federal reserved water rights, as decided by the Colorado courts, are sufficient.

Include certain lands in the Park as wilderness, including Trail Ridge and other roads used for motorized travel, water storage and conveyance structures, buildings, developed areas of the Park, and private inholdings.

3. EXISTING WATER FACILITIES

Boundaries for the wilderness areas are drawn to exclude: existing storage and conveyance structures, thereby assuring continued use of the Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel and gauging stations of the Colorado-Big Thompson Project; Long Draw Reservoir; and lands owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated by the bill), or other Colorado-Big Thompson Project facilities. Additional activities for these purposes will be allowed, subject to reasonable restrictions, should they be necessary to respond to emergencies.

UPON THE FOURTH ANNIVERSARY OF THE PASSAGE OF MR. ENGEL'S AMENDMENT TO COMBAT CHILD SLAVERY IN THE COCOA INDUSTRY

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. ENGEL. Mr. Speaker, I rise today to update you and our colleagues on the efforts to combat the worst forms of child labor in the cocoa industry. In the United States, we spend approximately $13 billion per year consuming over 3 billion pounds of chocolate. Most Americans are completely unaware that their chocolate is tainted with slave labor.

Four years ago, the House overwhelmingly passed an amendment I offered to the FY02 Agriculture Appropriations to provide funds to the FDA to label cocoa products as being made free of child slave labor. I had learned about this heinous situation from a series of articles run by Knight-Ridder. With ease, reporters were able to locate children working the fields of the Ivory Coast who had been trafficked in from Mali and Burkina Faso.

In an interview, one of these boys, Aly Diabate, told how he was sold into slavery when he was barely 4 feet tall. He said, "Some of the bags were taller than me. It took two people to put the bag on my head. And when you didn't hurry, you were beaten. The beatings were a part of my life. Anytime they loaded you with bags and you fell while carrying them, nobody helped you. Instead, they beat you and beat you until you picked it up again."

One of the farmers, Dote Coulibay, explained that if a boy tries to escape "If I let them go, I am losing money, because I spent money for them." Coulibay tells the boys "If you try to escape, I'll catch you and beat you."

I was so pleased and proud that my amendment passed, because I knew that it would lead to a great effort to end this horrible situation. I found a natural ally in my friend from Iowa, Senator TOM HARKIN, who has for many years championed the rights of children around the globe.

Working with Senator HARKIN, we engaged in discussions with the world's cocoa industry—always holding out the prospect of even stronger legislative language. Those negotiations led to an agreement that has become known as the Harkin-Engel Protocol. It is a voluntary agreement, signed by the leaders of the cocoa industry, including Hershey Food Corporation, Nestle, Mars, and Archer Daniels Midland Company.

Many called this an historic effort—an industry had agreed to take responsibility for the labor conditions on the farms, which they do not own.

The Protocol set out a series of deadlines—aggressive ones to be sure—that industry needed to meet to live up to its obligations. Industry met deadlines to reach out to and sign working agreements with NGOs who have expertise in this area. Industry created a foundation, called the International Cocoa Initiative, which is just now beginning its work to support social protection programs in West Africa.

However, the last deadline and most difficult will not be met. That deadline sought the development of credible, mutually acceptable, voluntary, industry-wide standards of public certification that cocoa beans and their derivative products have been grown and/or processed without any of the worst forms of child labor by July 1, 2005. However, this Friday an industry-wide child labor monitoring system will not be in place.

Industry has taken some positive steps to address the worst forms of child labor in the cocoa industry. These include the creation of the International Cocoa Initiative foundation, which is now beginning to form partnerships with NGOs to provide social protection programs in West Africa. They have also begun to educate farmers about the proper role of child labor through the "farmer field schools" that are run to help farmers produce a better crop.

Efforts have also been undertaken by the governments of the Ivory Coast and Ghana. The Ivory Coast is funding a small pilot child labor monitoring and protection program in Oume. Ghana has worked with the International Labor Organization and the West Africa Commercial Agriculture Program, WACAP, to Combat Hazardous and Exploitive Child Labor that identified more than 650 children working in the "worst forms of child labor." WACAP covered less than 10 percent of the cocoa growing regions of Ghana—thus, tens of thousands of children could be in danger.

Over the last four years, I and my partners in this effort have learned much. Most importantly, we learned that it is vital for there to be social protection programs in place when children are found in these terrible circumstances. If there is not, there is a strong possibility that the child will be trafficked into a different industry, such as domestic servitude or sexual slavery.

Last week, Senator HARKIN and I sat down with representatives of the cocoa industry. As a result of that meeting, I am comfortable that the industry is committed to moving forward even though I am disappointed that the original deadline was not met. Within the framework of the Protocol, I and my partners will work closely with industry to eliminate the worst forms of child labor. As we move beyond the original deadline, industry has assured me they will redouble their efforts to have a child labor monitoring system put in place and social protection programs as well. Industry has committed at least $15 million toward covering 50 percent of the growing areas of West Africa by the end of 2008.

The sad fact is that this is an international problem involving millions of slaves today. The U.S. State Department's Office to Monitor and Combat Trafficking in Persons estimates that 600,000 to 800,000 people are trafficked across international borders each year. They also estimate that as many as 15,000 people are trafficked into the United States. Thus, all the nations of the Earth continue to suffer this tragedy and we must all work together to see it finally put to an end.

Therefore, Mr. Speaker, I must report that we have made progress in combating the worst forms of child labor in the cocoa industry. However, we have much, much more to do.

IN HONOR OF CAPTAIN JEFFREY E. KLINE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 30, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Captain Jeffrey E. Kline, United States Navy, who retires this month after 26 years of uniformed service to our Nation's Navy. His career is highlighted by a blend of significant operational and academic achievement.

At the University of Missouri, Capt. Kline participated in the NROTC Program and was commissioned in 1979 upon graduation with honors. He then attended Surface Warfare Officer School at Newport, RI. His first assignments were as Gunnery Officer and Navigator onboard the USS *Moosbrugger* from 1979 to 1981 and then on the USS *Ranger* as the Propulsion Officer until 1983. Upon completion of USMC Instructors School, Capt. Kline was a Naval Gunfire Instructor with the Land Force Training Command, Pacific, until 1986. He returned to Department Head School at Newport followed by another sea duty assignment as Combat Systems Officer onboard the USS *John L Hall* from 1986 to 1988. This led directly to a billet as the Combat Systems and Operations Officer on the staff of Commander Destroyer Squadron *Three Two* through 1990. Captain Kline then continued his education at the Naval Postgraduate School, graduating with a Master's degree in Operations Research with distinction in 1992.

Upon graduation, Captain Kline served his first tour as a Commanding Officer onboard the USS *Aquila*. In 1993, he was assigned to the Office of the Secretary of Defense for Programs, Analysis and Evaluation as a Naval Forces Analyst, and was awarded the Legion of Merit for his work in 1996. Returning to academia, he graduated with distinction from the National War College at the National Defense University in 1997.

From 1997 to 1999, Captain Kline assumed his second operational command as the Commanding Officer of the USS *Cushing*. This was followed by a two-year tour as Deputy Operations Officer for the Commander, Sixth Fleet. For this work he received the Defense Meritorious Service Medal in 2001. Captain Kline completed his distinguished naval career as the Associate Dean and Chair of Warfare Innovation at the Naval Postgraduate School.

Captain Kline has been consistently recognized for his outstanding service throughout his naval career. In addition to the Legion of Merit and the Defense Meritorious Service Medal, he has been awarded two Meritorious Service medals, three Navy Commendation Medals, and two Navy Achievement Medals by various commands. His academic achievements in naval education earned him the 1992 CNO Excellence in Operations Research Award, the 1996 Naval War College Award for the best Geostrategic Context paper and two Northrop Grumman Awards of Excellence for Systems Engineering in 2003 and 2004 while at the Postgraduate School.

Mr. Speaker, it is my pleasure to applaud a person who has served his country with such distinction for so many years. I join with all his friends and family in honoring this talented man and his many achievements.

HOUSE OF REPRESENTATIVES—*Monday, July 11, 2005*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PEARCE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 11, 2005.

I hereby appoint the Honorable STEVAN PEARCE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Your holy scripture asserts "that everyone who exalts himself will be humbled and the one who humbles himself will be exalted." Show the Members of the House of Representatives today, as they gather to do the work of the people, the wisdom found in the ladder of humility.

The ladder represents our life in this world which You, O Lord, erect to lead us to Your kingdom when our heart is humbled before Your truth.

The sides of the ladder represent our soul and body between which You have placed several rungs of humility and discipline whereby we are to ascend, if we answer Your call.

Life itself has taught us that all exaltation leads only to illusion and, left to ourselves, we can easily slip and fall. Yet as leaders in government, Members must have high aspirations and at the same time be grounded in the people they serve.

Therefore, ascent and descent on the ladder of humility means that we go downward when we exalt ourselves and rise when we are humbled.

We beg You, O Lord, with all humility, that we may see ourselves in this light now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. CROWLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CROWLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 1, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on July 1, 2005 at 9:23 a.m.:

That the Senate agreed to without amendment H. Con. Res. 198.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 6. An act to ensure jobs for our future with secure, affordable, and reliable energy.

H.R. 2361. An act making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

H.R. 2419. An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 6) "An act to ensure jobs for our future with secure, affordable, and reliable energy," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Energy and Natural Resources: Mr. DOMENICI, Mr. CRAIG, Mr. THOMAS, Mr. ALEXANDER, Ms. MURKOWSKI, Mr. BURR, Mr. BINGAMAN, Mr. AKAKA, Mr. DORGAN, Mr. WYDEN, and Mr. JOHNSON; and from the Committee on Finance: Mr. GRASSLEY, Mr. HATCH, and Mr. BAUCUS, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2361) entitled "An act making appropriations for the Department of Interior, environment, and related agencies for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURNS, Mr. STEVENS, Mr. COCHRAN, Mr. DOMENICI, Mr. BENNETT, Mr. GREGG, Mr. CRAIG, Mr. ALLARD, Mr. DORGAN, Mr. BYRD, Mr. LEAHY, Mr. REID, Mrs. FEINSTEIN, Ms. MIKULSKI, and Mr. KOHL, to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2419) "An act making appropriations for energy and water development for the fiscal year ending September 30, 2006, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. DOMENICI, Mr. COCHRAN, Mr. MCCONNELL, Mr. BENNETT, Mr. BURNS, Mr. CRAIG, Mr. BOND, Mrs. HUTCHISON, Mr. ALLARD, Mr. REID, Mr. BYRD, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. JOHNSON, Ms. LANDRIEU, and Mr. INOUYE, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 432. An act to establish a digital and wireless network technology program, and for other purposes.

S. 1275. An act to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brusich Post Office Building".

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the "Dorothy and Connie Hibbs Post Office Building".

S. 1368. An act to extend the existence of the Parole Commission, and for other purposes.

The message also announced that the Senate has passed with amendments bills of the following titles in which the concurrence of the House is requested:

S. 39. An act to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

S. 50. An act to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 268. An act to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 361. An act to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, and for other purposes.

S. 362. An act to establish a program within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes.

FIGHT POVERTY, NOT COLOMBIA

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, this weekend Venezuela's defense minister proudly announced the impending arrival of a large shipment of Russian arms. For what? Who is Venezuela planning to fight?

General Garcia announced his purchase of 40 MI-17, MI-26, and MI-35 military helicopters, including the MI-26, the world's largest helicopter which comes heavily armed and is intended, in General Garcia's words, "to be deployed on Venezuela's border with Colombia." On top of this, Venezuela is expecting the arrival of over 100,000 new Kalashnikov AK–103 assault rifles. To shoot whom?

Without an insurgency and no neighbor threatening her border, who are these weapons to be aimed at? Venezuela has millions of poor people; and they believe Venezuela's oil should be used to fight poverty, not Colombia. Our allies and the Organization of American States have the lead in diplomacy to keep peace in our hemisphere. It sounds like they should call an urgent meeting of the OAS to discuss whom Venezuela plans to shoot at.

MONTGOMERY GI BILL BENEFITS

(Mr. MATHESON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MATHESON. Mr. Speaker, I want to bring to the Congress' attention what I have determined to be a loophole in the Montgomery GI bill education benefits.

I have a local Marine reserve unit in Utah, Fox Company. They have served two different tours of active duty since September 11. One member was killed in Iraq, several sustained injuries. And yet when they returned after their second tour of duty and applied for Montgomery GI bill education benefits, they were denied because they did not put in 24 consecutive months.

This is clearly not what was anticipated when the bill was first written; and yet now with our reliance on Guard and Reserve, this circumstance is going to repeat itself more and more.

The gentlewoman from New Mexico (Mrs. WILSON) and I earlier this year introduced H.R. 772, which will close this loophole. It will allow our soldiers who put in 24 months of consecutive duty within a 5-year period to qualify for full Montgomery GI bill education benefits. This is the right thing to do. It is not a partisan issue. I urge all of my colleagues to join me in cosponsoring H.R. 722.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CONDEMNING DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR ABDUCTION AND CONTINUED CAPTIVITY OF CITIZENS OF THE REPUBLIC OF KOREA AND JAPAN

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 168) condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights, as amended.

The Clerk read as follows:

H. CON. RES. 168

Whereas since the end of the Korean War, the Government of the Democratic People's Republic of Korea has kidnapped thousands of South Korean citizens and as many as a hundred Japanese citizens, including Rumiko Masumoto, Megumi Yokota, and Reverend Kim Dong-shik;

Whereas the forced detention and frequent murder of those individuals abducted by North Korea have caused untold grief and suffering to their families;

Whereas on September 17, 2002, after considerable pressure from the Government of Japan, North Korean leader Kim Jong-il admitted that agents of his government had abducted thirteen Japanese citizens in the 1970s and 1980s and assured Japanese Prime Minister Junichiro Koizumi that this would never happen again;

Whereas despite assurances to the contrary, North Korea continues to order and carry out abductions, and, as recently as August 8, 2004, North Korean agents operating along the Chinese border kidnapped Ms. Jin Kyung-sook, a former North Korean refugee and South Korean passport-holder;

Whereas the abduction policy of North Korea has been integral to its espionage and terrorist activities, and abductees have been kidnapped to work as spies, to train North Korean agents in language, accents, and culture, and to steal identities, as in the case of Mr. Tadaaki Hara;

Whereas the Pyongyang regime used abductee Ms. Yaeko Taguchi as the Japanese language instructor for North Korean terrorist Kim Hyon-hee, who was caught carrying a Japanese passport after planting a bomb on Korean Air Lines flight 858 that killed 115 people in 1987;

Whereas many victims of North Korean abduction have been seized during terrorist attacks, as in the hijacking of South Korean planes in 1958 and 1969, and, decades later, Pyongyang continues to hold twelve passengers of a hijacked Korean Air flight, including passenger Mr. Chang Ji-young and flight attendant Ms. Song Kyong-hi, who has since been allowed a brief visit by her South Korean family;

Whereas North Korean agents have hijacked numerous South Korean ships and kidnapped the seamen and fishermen aboard the vessels, such as Choi Jong-suk, Kim Soon-keun, and ten other crewmen of the Dongjin 27, a ship that was seized in 1987, and Seoul estimates that hundreds of these abductees are still alive in North Korea;

Whereas boat hijackings and the kidnapping of fishermen have devastated South Korean fishing communities, such as Nongso village on the southern island of Geoje, a community of 210 people that lost 14 sons, husbands, and fathers when North Korea seized three ships in 1971 and 1972;

Whereas the North Korean authorities conspired with members of the Japanese Red Army, a group designated as a terrorist organization by the United States Department of State, to kidnap Keiko Arimoto, a young Japanese woman studying abroad;

Whereas the Unification Ministry of the Republic of Korea has confirmed that 486 abduction cases involving South Korean citizens remain unresolved, and that these cases include fishermen, seamen, airline passengers, teachers, students, and pastors, many of whom are still alive and being held in North Korea;

Whereas North Korean agents have abducted children, causing unimaginable anguish to parents who live decades with the uncertainty of what has happened to their child, as in the cases of Takeshi Terakoshi, a thirteen-year-old boy kidnapped from a fishing boat with his two uncles, and Lee Min-gyo and Choi Seung-min, two seventeen-year-old friends abducted off a beach in South Korea;

Whereas North Korean agents kidnapped thirteen-year-old Megumi Yokota, as she was walking home from school, and subsequently reported that she married and had a daughter in North Korea before committing suicide in 1993, and that Megumi's daughter remains there separated from her family in Japan;

Whereas on April 5, 1971, North Korean agents abducted Yu Song-gun, a South Korean diplomat stationed at the Embassy of the Republic of Korea in West Germany, his wife, and two young daughters, ages 7 and 1, while the family was believed to be in Berlin;

Whereas the Pyongyang regime has abducted a number of South Korean ministers who were bravely working to rescue North Koreans escaping on the underground railroad through China, including Reverend Ahn

Seung-woon and Reverend Kim Dong-shik, the latter of whose welfare is of particular importance to representatives of the State of Illinois;

Whereas on April 21, 2005, the Seoul Central District Court convicted Chinese citizen Ryu Young-hwa of assisting North Korean agents in the abduction of Reverend Kim and, further, that a Chinese court convicted a North Korean citizen of masterminding the abduction of Reverend Ahn, and deported the agent to North Korea in July 1997 following a two-year prison term;

Whereas some of the abductees have risked their lives in trying to escape North Korea, as in the case of South Korean fisherman Im Kuk-jae, who has twice attempted to escape since his kidnapping in 1987, and is now believed to be imprisoned in one of North Korea's notorious labor camps;

Whereas the North Korean regime continues to deceive the international community regarding its ongoing abductions and has furnished false information concerning eight Japanese abductees, including suspicious accounts of their supposed premature deaths;

Whereas the Government of North Korea has never convincingly accounted for Ms. Rumiko Masumoto and Mr. Shuichi Ichikawa, kidnapped by Pyongyang agents from a beach in Japan on August 12, 1978, and claims that Mr. Ichikawa drowned in the sea, despite his dislike of swimming, and that the formerly healthy Ms. Masumoto died of a heart attack at the age of 27;

Whereas North Korea claims abductees Mr. Toru Ishioka and Ms. Keiko Arimoto, who were kidnapped separately in Europe and later married, supposedly died together with their small daughter of gas poisoning in 1988, two months after they were successful in getting a letter out of North Korea to family members in Japan;

Whereas although the Pyongyang regime claimed to return the alleged cremated remains of Mr. Kaoru Matsuki and Ms. Megumi Yokota to Japanese officials, both remains appear not to be authentic, and, according to Pyongyang, the bodies of the six remaining Japanese abductees have conveniently been washed away during flooding and cannot be recovered to verify the causes of their untimely deaths;

Whereas despite the efforts of the Japanese Government, the Pyongyang regime continues to deny any knowledge of the abductions of Mr. Yutaka Kume, Mr. Minoru Tanaka, and Ms. Miyoshi Soga, the mother of another acknowledged abductee, despite overwhelming evidence of North Korean collusion in their disappearances;

Whereas North Korean abductions have not been limited to northeast Asia and many documented abductees have been kidnapped while abroad, such as Mr. Lee Chae-hwan, a young MIT graduate student traveling in Austria, and Mr. Ko Sang-moon, a South Korean teacher kidnapped in Norway, making the issue of serious concern to the international community;

Whereas there have been credible reports that North Korea may have abducted citizens from many other countries in addition to South Korea and Japan, including persons from China, Europe, and the Middle East;

Whereas North Korea routinely engaged in the kidnapping of South Korean citizens during the Korean War from 1950 to 1953, and, according to a 1956 survey conducted by the Korean National Red Cross, 7,034 South Korean civilians were abducted during the conflict;

Whereas Pyongyang has refused to allow the release of a single wartime abductee despite a provision allowing civilian abductees to return home in Article III of the Korean War Armistice Agreement, a document signed by representatives from the United States, North Korea, and China;

Whereas for more than fifty years, North Korea has held South Korean prisoners-of-war captured during the Korean War, in clear violation of Article III of the Korean War Armistice Agreement signed on July 27, 1953, and the South Korean Ministry of National Defense estimates that 542 captives are still alive in North Korea, according to testimony given before the National Assembly in February 2005;

Whereas according to the testimony of prisoners-of-war who have successfully escaped from North Korea, South Korean prisoners-of-war have been forced to perform hard labor for decades, often in mines, and are harshly treated by the Pyongyang regime;

Whereas after being forcibly held in North Korea for fifty-one years, South Korean prisoner-of-war Han Man-taek, age 72, escaped to China, was detained by Chinese police and forcibly repatriated to North Korea earlier this year, where he inevitably faced punitive measures and possible execution; and

Whereas these South Korean prisoners-of-war served under the United Nations Command, fighting alongside their American and Allied fellow soldiers, and therefore are the direct concern of the Allied nations who contributed forces during the Korean War: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) condemns the Government of the Democratic People's Republic of Korea for the abduction and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights;

(2) calls upon the North Korean Government to immediately cease and desist from carrying out abductions, release all victims of kidnapping and prisoners-of-war still alive in North Korea, and provide a full and verifiable accounting of all other cases;

(3) recognizes that resolution of the nuclear issue with North Korea is of critical importance, however, this should not preclude United States Government officials from raising abduction cases and other critical human rights concerns in any future negotiations with the North Korean regime;

(4) calls upon the United States Government not to remove the Democratic People's Republic of Korea from the Department of State's list of State Sponsors of Terrorism until such time that North Korea renounces state-sponsored kidnapping and provides a full accounting of all abduction cases; and

(5) admonishes the Government of the People's Republic of China for the forced repatriation to North Korea of Han Man-taek, a South Korean prisoner-of-war and comrade-in-arms of the United States, and for its failure to exercise sovereign control over teams of North Korean agents operating freely within its borders.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution authored by the gentleman from Illinois (Chairman HYDE) which brings the largely untold story to the attention of the American people, as well as to the international community, of the continued involvement of the North Korean regime in the kidnapping of thousands of innocent people. These abductions began more than half a century ago according to a survey of the Korean National Red Cross, which documented the kidnappings of over 7,000 South Koreans during the Korean War.

Those abducted represent a wide cross-section of society from both South Korea and Japan: film producers and fishermen, housewives and ministers, airline attendants and university students, mothers and even children. North Korean agents did not discriminate in their cold and calculated selection of potential victims. Cases through the years include the 1977 abduction of a 13-year-old Japanese girl by North Korean frogmen who came ashore in her country.

As recently as August of 2004, a former North Korean, now a South Korean, passport holder, was reported by her husband as having been kidnapped in China by agents of North Korea.

Officially sanctioned kidnapping represents horrific behavior, and it raises the question as to whether abduction should be cited as terrorist activity. Should Pyongyang remain on the State Department's list of state sponsors of terrorism because of regime collusion in such reprehensible activity? The kidnapping and subsequent murder in Pakistan of American journalist Daniel Pearl in the months following the attacks of September 11 seems to have answered that question once and for all.

Organized kidnapping does constitute an act of terrorism. The fact that Pyongyang has conspired with the Japanese Red Army, a designated terrorist organization, is a clear indication of its own connection to terrorist activities.

The United States and other allies who fought together in the Korean War under the banner of the United Nations have a direct interest in the forced detention of certain individuals by the North Korean regime. Those detained include, according to a South Korean Ministry of National Defense estimate, over 500 South Korean prisoners of war held over half a century, against their will and in violation of the 1953 Korean War Armistice agreement. The fact that they had been held for more than 50 years in horrific conditions that include forced labor is of deep concern to both Congress and the people of the United States.

Those kidnapped also include a South Korean citizen who was then a student at the Massachusetts Institute of Technology, as well as a South Korean missionary who is a spouse of a resident of the State of Illinois. Those cases are of direct concern to Members of Congress.

Mr. Speaker, we all recognize that resolution of the nuclear issue on the Korean peninsula is of critical importance. We welcome Pyongyang's decision announced over the weekend to return to the Six-Party Talks later this month as a first step back from the brink. Let us hope this leads to concrete progress.

North Korea has asked for signs of respect from the United States in connection with its decision to return to the negotiating table in Beijing. However, the North Korean regime must recognize that in order to win the respect that it craves from the United States and the international community, it must begin to behave in acceptable ways. Continued gross human rights violations, including the abductions of persons from South Korea, Japan and other countries, are absolutely deplorable and will only bring additional dishonor to the North Korean regime, and certainly they are not means for winning the respect and acceptance by the international community.

Pyongyang should immediately cease and desist from carrying out abductions, release all victims of kidnappings and prisoners of war still alive in North Korea, and provide a full and verifiable accounting of all other cases. Only then can a reformed North Korea take its place as a full member in the community of nations.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution, and I thank the gentleman from New Jersey (Mr. SMITH) for overseeing this important resolution that was offered by the gentleman from Illinois (Chairman HYDE).

Mr. Speaker, over the past 50 years, the North Korea Government has systematically kidnapped hundreds of innocent citizens of foreign countries. Young men and women from Japan and South Korea have been kidnapped by North Korean agents from beaches in Japan, fishing boats off the South Korean coast, and the border region of China near North Korea. Left behind have been hundreds of families desperately seeking the return of their loved ones.

While a few Japanese citizens were finally allowed to return to their families in Japan in 2002, many more remain behind, along with hundreds of kidnapped citizens from South Korea.

Mr. Speaker, the United States has many issues which must be negotiated with the North Koreans, from their nuclear program to human rights. We are therefore encouraged by the announcement over the weekend that the Six-Party Talks will resume at the end of July in Beijing. This resolution makes it clear that the issue of North Korean abductees must be part of any dialogue with the North Korean leadership and that our countries will never have fully normal relations until all questions surrounding the abductees have been answered.

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Mr. Speaker, as we meet today, there are hundreds of Japanese and South Korean families desperately seeking knowledge about long lost relatives kidnapped by North Korea. It is our duty to make every effort to reunite these families with their loved ones and to get them the information they have been seeking for decades.

I strongly support this resolution, and I urge my colleagues to do so as well.

Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 168, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H. Con. Res. 168.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR DARFUR, SUDAN

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 333) supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

The Clerk read as follows:

H. RES. 333

Whereas, on July 22, 2004, Congress declared that genocide was taking place in Darfur, Sudan;

Whereas, on September 9, 2004, Secretary of State Colin L. Powell testified to the Senate Committee on Foreign Relations that "genocide has been committed in Darfur";

Whereas, on September 21, 2004, President George W. Bush stated to the United Nations General Assembly that "the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide";

Whereas Article I of the Convention on the Prevention and Punishment of the Crime of Genocide, done at Paris December 9, 1948, and entered into force January 12, 1951, states that "[t]he Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish";

Whereas fundamental human rights, including the right to freedom of thought, conscience, and religion, are protected in numerous international agreements and declarations;

Whereas the United Nations Security Council, in Security Council Resolution 1591, condemned the "continued violations of the N'djamena Ceasefire Agreement of 8 April 2004 and the Abuja Protocols of 9 November 2004 by all sides in Darfur and the deterioration of the security situation and negative impact this has had on humanitarian assistance efforts";

Whereas scholars estimate that as many as 400,000 have died from violence, hunger, and disease since the outbreak of conflict in Darfur began in 2003, and that as many as 10,000 may be dying each month;

Whereas it is estimated that more than 2,000,000 people have been displaced from their homes and remain in camps in Darfur and Chad;

Whereas religious leaders, genocide survivors, and world leaders have expressed grave concern over the continuing atrocities taking place in Darfur; and

Whereas it is appropriate that the people of the United States, leaders and citizens alike, unite in prayer for the people of Darfur and reflect upon the situation in Darfur: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan;

(2) encourages the people of the United States to observe that weekend by praying for an end to the genocide and crimes against humanity and for lasting peace in Darfur, Sudan; and

(3) urges all churches, synagogues, mosques, and religious institutions in the United States to consider the issue of Darfur in their activities and to observe the National Weekend of Prayer and Reflection with appropriate activities and services.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in very strong support of H. Res. 333 which supports the goals and the ideals of a national weekend of prayer and reflection for Darfur, Sudan. It is fort that this resolution also come to the floor today when we mark the tenth anniversary of another genocide, that which took place in the Balkans and, in particular, 10 years ago to the day, July 11, 1995 when the killing fields were very much covered with blood and murder in Srebreniza. This body a few weeks ago passed my resolution to remember that horrific event, and sadly, today we are on the floor again bringing much needed attention and priority and hopefully an appeal for prayer and fasting on behalf of those who have suffered and are suffering in Darfur, Sudan.

It was almost a year ago, Mr. Speaker, on July 21 that the House passed H. Con. Res. 467 that finally, at long last, called what is occurring, in Darfur, a genocide. Since that time, the United States Government has provided over $600 million in humanitarian relief to help ease the suffering of the most affected by this terrible conflict and over $150 million to support the African Union in their mission in Darfur. President Bush, the Congress, Democrats, Republicans, House and Senate, countless numbers of churches, nongovernmental organizations, think tanks and activists around the world have devoted a huge amount of time trying to raise awareness about the genocide in Darfur and mobilizing political and material support for efforts to mitigate and hopefully end this genocide.

For its part, the U.N. Security Council has passed no less than six resolutions addressing the situation in Darfur. Still, the crisis, the genocide, continues. Out of a pre-conflict population of 6.5 million, anywhere between 300,000 and 400,000 Darfurians have perished, and an estimated 10,000 continue to die each and every month. Over 2 million have been forced from their homes. Entire villages have been looted and destroyed, and countless men, women and children have been murdered, abducted, abused or raped.

Mr. Speaker, I believe it is our Nation's richest and most important tradition that we turn to God in prayer, in good times and bad, to thank Him for His blessings and to ask and to petition Him for His help. I believe we delude ourselves if we think that we possess the wisdom or the courage or the skill to solve the myriad of vexing problems that we face. We needed God's help.

Earlier today, Reverend Dan Coughlin, the House Chaplain, in his opening prayer here, eloquently pointed the way to us as Members of Congress, as people of faith, when he quoted scripture that everyone who exalts himself shall be humbled, and those who humble themselves shall be exalted. Prayer certainly is a humbling process of realizing who we are in relation to God.

He pointed out in his prayer again that life itself has taught us that "all exaltation leads only to illusion, and left to ourselves, we can easily slip and fall" and he calls on us as government leaders with "high aspirations" hopefully to be "grounded in the people we serve" and again this whole idea of humbling ourselves in prayer so that we can bring God's blessing and power into any situation.

Nowhere is that more true than in these vexing problems that we see all over the globe especially in places like Darfur where this genocide has been occurring. The events of the past year have shown us that it is extremely difficult to impose peace upon Darfur. In the Book of James, we are told that faith without works is dead. Yes, we need the works—humanitarian assistance, including food and medicine. We need the statecraft. We need the peacekeeping intervention that is being organized now as part of the African Union peace mission. All of that has to be done but we also must pray. We must pray for even those who perpetrate such atrocities against their own brothers and sisters, that they will lay down their weapons and turn from this gross evil and the destructive path that they have chosen. We must pray for the people of Sudan, especially its leaders, and especially those thugs who are on the ground today, who derive their fleeting power from the barrel of a gun, to end their reign of terror against innocent men, women and children.

H. Res. 333 supports a national weekend of prayer and reflection for Darfur and solemnly encourages the people of the United States to observe that weekend, and I think it should be every weekend and every day, but certainly in a very focused way for a weekend by praying for an end to genocide, for a lasting peace for these beleaguered people. It also urges all churches and synagogues and mosques and religious institutions in the United States to consider, to focus upon the issue of Darfur in their activities and to observe the national weekend of prayer and reflection with appropriate activities and services.

I want to thank my good friend and colleague Mr. PAYNE, my fellow New Jerseyan, for introducing this important resolution, and I am very proud to be one of the cosponsors. I urge my colleagues to support it and above all to join us in praying that a just and a merciful God will stop the slaughter, to pray that He will heal the surviving victims who have been so brutally traumatized, and pray that God empower the international community to mete out justice to the perpetrators of this heinous genocide.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

I, again, thank my colleague and friend the gentleman from New Jersey (Mr. SMITH) for his moving words in support of this resolution sponsored by our good friend, the gentleman from New Jersey (Mr. PAYNE). I want to thank the gentleman from New Jersey (Mr. PAYNE) and commend him for his leadership on this resolution and for his never-ending efforts to end the ongoing genocide in Darfur.

Over the weekend in Khartoum, the new Unity government of Sudan was sworn in with former rebel leader John Garang serving as one of its two vice presidents. The civil war between north and southern Sudan lasted 21 years and cost millions of lives, untold suffering, and billions of dollars in humanitarian assistance. However, while the North-South agreement is a major milestone, it did not cover the conflict still raging in Darfur.

Just 4 days ago, Mr. Speaker, ten Janjaweed militia on horseback, wearing masks, opened fire on internally displaced persons on their way to a humanitarian camp in Sudan. Five innocent civilians were killed, and four were injured.

Mr. Speaker, 1 year ago this month, the House and Senate passed a concurrent resolution that declared atrocities in Darfur a genocide. Janjaweed militia groups, directed and supported by the old regime in Khartoum, have systematically tortured, raped and murdered innocent civilians, driven over 250,000 from their homes into neighboring Chad, and internally displaced more than 2 million people. According to the United Nations, an average of 10,000 people have died each month over the past year and a half from disease and other preventable causes. In spite of growing international pressures, the government of Sudan has denied humanitarian assistance to starving civilians, harassed aid workers and thwarted attempts to bring international monitors to the situation.

Mr. Speaker, because of our persistence, in March, the United Nations Security Council adopted resolution 1593 referring the situation in Darfur to the prosecutor of the International Criminal Court, also known as the ICC. After conducting a worldwide investigation, the ICC says it has credible information about grave crimes against humanity committed in Darfur.

Mr. Speaker, the efforts of this committee and many others have brought peace to southern Sudan, and it remains my strong hope that our continued work will help bring peace to Darfur.

Piggybacking a little bit on my colleague from New Jersey's alluding to our very wonderful Chaplain, we all have to be mindful of that ladder and watch our step on each rung, and no more does that reflection need to take place than in Darfur today. Prayer, inner reflection, a moment to look at ourselves, especially in places of conflict, I think, is a good thing to do, and this resolution is a good resolution calling attention to that effort.

Mr. Speaker, I support this resolution, and I thank the sponsor again.

Mr. LEVIN. Mr. Speaker, I am pleased to join my colleagues today in support of H. Res. 333, which encourages the National Weekend of Prayer and Reflection for Darfur. The people of that troubled region have experienced almost unimaginable suffering. As many as 400,000 have already lost their lives to genocide, hunger, and disease. Two million more have been forced from their homes.

Almost one year ago, Congress recognized that the atrocities being committed in Darfur were genocide. Since then, we have begun to provide humanitarian assistance and funding for peacekeeping missions. I was pleased to vote for the recent Supplemental Appropriations Act, which included $400 million for emergency food relief and other humanitarian assistance in Darfur and elsewhere in Africa. Also included was $680 million for peacekeeping operations, much of which will be used in Sudan.

This is a start, but the Bush administration and Congress must do more to break the cycle of violence and hunger that grips Darfur.

Another step in the right direction is the commitment made at the G8 Summit in Gleneagles to double aid to Africa by 2010. A stronger Africa will be better prepared to respond to situations like Darfur, and hopefully to prevent them. We must now make sure that the United States leads the effort to reach this goal as soon as possible, rather than waiting until the last moment, or worse, not reaching it at all.

The National Weekend of Prayer and Reflection is an important effort to raise awareness of this terrible human tragedy. My hope is that it will also strengthen our resolve to end the atrocities being committed in Darfur.

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to encourage my fellow citizens to engage in a National Weekend of Prayer and Reflection (in recognition of the genocide occurring in Darfur, Sudan). Our Congress on July 22, 2004 and the Bush Administration on September 21, 2004 has condemned the acts in Darfur as genocide and Congress has appropriately provided humanitarian assistance in Darfur. Today, the House is urging our nation to observe a Weekend of Prayer and Reflection to recognize the atrocities in Darfur. This Weekend of Prayer and Reflection would spread awareness to communities and religious institutions, promote constructive discussion, mourn the lives lost in these dreadful acts, and ultimately call for an immediate end to the genocide.

The current crisis in Darfur began in February 2003 when two groups, The Sudan Liberation Army (SLA) and the Justice and Equality Movement (JEM), revolted against the Sudanese Government. Since then, the Sudanese government has actively imposed government restrictions and perpetrated violence against their civilians in order to crush this rebellion. The human rights violations which ensued in Darfur are numerous. The Janjaweed militia, backed by the Sudanese government, has committed grievous war crimes, such as rape, child abduction, the destruction of food and water sources, and denying humanitarian assistance to the Darfur region. An estimated 1.9 million people have been displaced and more than 213,000 people have been forced into neighboring Chad. Some observers project that up to 300,000 people have been killed over the past 2 years alone.

The United States has been a leading donor of humanitarian assistance in Darfur. United States Agency for International Development (USAID) has provided an estimated $615 million in humanitarian assistance for Darfur since February 2003. USAID has also established a Disaster Assistance Response Team (DART) for Darfur. This monetary assistance is extremely important, but the United States must also make a symbolic stance to condemn the human rights violations in Darfur.

Mr. Speaker, every individual is entitled to the preservation of his and her human rights and human dignity regardless of one's religion, race, ethnicity, gender, or region of birth. The United States has a moral obligation to end the violence in order to curtail the human rights violations in Darfur. Congress must raise awareness and educate our society in order to promote understanding and initiate action. The people of the United States must not only take time to reflect on this tragedy and recognize the ongoing suffering, but we must also call an end to the genocidal acts. I hope all my colleagues join me in supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

Mr. RANGEL. Mr. Speaker, I rise today in strong support of Congressman PAYNE's resolution H. Res. 333—supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur. The violence and ongoing humanitarian challenges that the people of Darfur continue to face necessitate that we keep them in our thoughts and prayers, and continue to ensure that the Darfur issue remains firmly within the purview of U.S. policymakers, until a final resolution is reached.

Communities of faith in the United States have always played a role in eliciting action on an array of historic moral questions. From the anti-slavery and civil rights movements in this country, to the campaign to end the terrible Ethiopian famines of the 1980's, the power of faith was brought to bear in an attempt to address an issue of human suffering.

The ongoing crisis in Darfur is one such issue, that warrants the continued engagement of the American religious community—especially when engagement from other sources has, in some instances, been lacking. The Darfur conflict has so far claimed as much as 400,000 lives, and displaced at least 2.4 million. The United States has to its credit taken the lead among world powers in addressing the conflict by providing humanitarian assistance to the Darfurian people, and applying pressure to the Sudanese government. America's religious communities have been instrumental in compelling the United States government to become involved.

However, in recent months the Administration has been rather muted on the Darfur issue. Indeed, the Administration has backed away from classifying the actions of the Sudanese government and its Janjaweed militia as genocide, and U.S. and Sudanese officials have visited each other consistently in recent months. With the recent peace agreement between the Khartoum government and the oil-producing region of southern Sudan, as well as Sudanese cooperation on U.S. terrorism efforts, there is talk of the U.S. lifting sanctions on Sudan.

Such hospitable relations are very concerning, considering the fact that the situation in the Darfur is still dire. While the killings in aggregate have decreased, the cease-fire is extremely fragile. In the absence of the small African Union peacekeeping force, and the humanitarian assistance provided by the international community, Darfur would easily fall back into chaos. Indeed, U.N. humanitarian coordinator Manuel Aranda Da Silva said that the situation could deteriorate quickly if foreign assistance stops coming.

In addition, rape is still a widespread tactic utilized by government and its militia, as well as forced military recruitment of young people. According to officials from the United Nations High Committee on Refugees, areas outside peacekeeping observation remain very dangerous. As such, the United States must maintain its pressure on the Sudanese government, and clearly convey to them that any improvement in relations between our two countries is contingent on resolution of the Darfur crisis.

The religious community is well placed, and equipped with the moral authority, to compel the United States government not to decrease its engagement on the Darfur issue. It is my hope that communities of faith will reflect this coming weekend on the continuing crisis in Darfur—because only when we reflect, will we be emboldened to act. Again, I thank the Gentleman from New Jersey for this resolution, as our struggle for the people of Darfur is far from over.

Mr. GUTKNECHT. Mr. Speaker, I rise today in recognition of a National Weekend of Prayer and Reflection for Darfur, Sudan and in support of H. Res. 333.

Last July, Congress passed legislation recognizing the Darfur genocide. In September 2004, Secretary of State Colin Powell testified to the Senate Foreign Relations Committee that genocide had been committed in Darfur. And shortly following, President George W. Bush told the United Nations General Assembly that "the world is witnessing terrible suffering and horrible crimes in the Darfur region of Sudan, crimes my government has concluded are genocide."

It has been estimated that perhaps as many as 400,000 people have died from violence, hunger and disease since conflict began in Darfur in 2003, and that more than 2 million people have lost their homes and are now living in refugee camps in Darfur and Chad.

Congress has approved hundreds of millions of dollars in humanitarian aid and other assistance for Darfur. The United States remains the largest contributor of relief aid to Sudan, providing logistical support for African Union troops in Darfur and taking the lead in efforts to resolve Sudan's long-running north-south civil war.

I recently attended a Sudanese celebration in Rochester, Minnesota, celebrating the signing of the Sudan Comprehensive Peace Accord, signed on January 9, 2005 in Nairobi. The Sudanese recognize the cost of freedom and will continue to strive for peace in the Darfur region.

I hope my colleagues will join me in support of this important legislation and cause.

Mr. CROWLEY. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 333.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 333.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

COMMENDING THE STATE OF KUWAIT FOR GRANTING WOMEN CERTAIN IMPORTANT POLITICAL RIGHTS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 343) commending the State of Kuwait for granting women certain important political rights.

The Clerk read as follows:

H. RES. 343

Whereas on May 16, 2005, the Parliament of the State of Kuwait amended Article 1 of the Election Law 35 of 1962, providing female citizens of Kuwait the right to vote and run in the 2007 elections;

Whereas the rights of women are of paramount importance in international human rights, to be respected and promoted regardless of historical, cultural, or religious heritage;

Whereas the active advancement of women's rights throughout the world is and remains an important policy priority of the United States; and

Whereas the Department of State recognizes that the Kuwaiti parliamentary vote of May 16, 2005, was an important step forward for the women of Kuwait and the nation as a whole, and the United States views this step as a positive development on the road to political reform, serving as a positive example for other governments and societies in the region that are on the path to political freedom, inclusion of women, and full democratization: Now, therefore, be it

Resolved, That House of Representatives—

(1) commends the Government and Parliament of the State of Kuwait for providing female citizens of Kuwait the right to vote and hold public office;

(2) urges the full participation of Kuwaiti women in the political life of their country; and

(3) encourages the Government of Kuwait to continue taking positive steps to achieve full modernization of its political system and lasting democratic reform.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Mr. CROWLEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 343 introduced by my friend and colleague, the gentleman from New York (Mr. CROWLEY), and commend him for sponsoring this. At least ten other Members have joined him as cosponsors on the resolution.

In May of 2005, the Kuwaiti Parliament amended its basic election laws to provide something which we in America take for granted, the rights of women to vote and to run for office. This resolution puts the U.S. House of Representatives on record as commending this important step in the Middle East. The Kuwaiti Parliament has taken action to recognize the important role of women in international human rights, and the House states in its resolution how important that role is and how it must be respected and promoted regardless of historical, cultural or religious heritage. This action by the Kuwaiti Parliament underscores its recognition of these important rights and shows its support for the American policy of actively advancing women's rights all over the world.

This resolution recognizes America's view that this important step by the Kuwaiti Parliament is an important step for the women of Kuwait and for the nation as a whole. The resolution formally commends the government and the Parliament of Kuwait for this important action and urges full participation of Kuwaiti women in the political life of their country.

I urge support of this resolution, Mr. Speaker.

Mr. Speaker, I reserve the balance of my time.

Mr. CROWLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I thank, again, the gentleman from New Jersey (Mr. SMITH) for his kind words of support for this resolution as well.

Mr. Speaker, on May 16, 2005, after many years of opposition, the Kuwaiti Parliament finally granted women the right to vote and to run for public office. If you and I, Mr. Speaker, had drafted this bill in the Kuwaiti legislature, I know it would have read somewhat differently. As worded, it states that "a Kuwaiti woman, voting and running for political office, should do so while fully adhering to the dictates of Islamic Sharia."

☐ 1430

That suggests the possibility of limiting the application of this law.

However, my Kuwaiti friends assure me that the law indeed will be applied universally to all of Kuwait's women citizens, and it is my hope that that will indeed be the case. In any case, the Kuwaiti parliament's action marks an important step on the path towards full democratization.

It should also be noted that, with the enfranchising of women in Kuwait, women in every nation that holds elections now have the right to vote, except in Saudi Arabia. Unfortunately, there still remain nations where neither men nor women have the right to vote, a peculiar and regrettable form of gender equity.

Mr. Speaker, I support this resolution. I urge my colleagues to support it as well.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RANGEL. Mr. Speaker, I rise today to support the Crowley Resolution (H. Res. 343). This resolution recognizes an important first step taken by the State of Kuwait toward giving Kuwaiti women the right to fully participate in politics. On May 16, 2005, the Kuwait parliament amended Article 1 of the Election Law 35 of 1962, providing female citizens of Kuwait the right to vote and run for office in the 2007 elections. This is the first time in the four decades women have had the right to vote in Kuwait.

This first step is in no small measure attributable to the many years of campaigning and legal challenges to the discriminatory electoral law of 1962. In past years, women's rights activists have been turned away by officials from voter registration centers. In June 2000, a number of women filed a complaint against the Minister of the Interior, al-Shikh Mohammad Khaled al-Sabah challenging Kuwaiti election law on the grounds that the law denied women the right to vote. The challenge was heard by the Kuwait Constitutional Court but rejected. A similar challenge was rejected in 2001. Most of these attempts to win the vote for women were blocked by Islamic conservatives.

However, the human rights defenders in Kuwait persisted. According to the BBC News, with this most recent vote, both men and women rallied calling for the parliament to amend the discriminatory law. The BBC reported that while some of the women protestors were covered completely in full-length veils, many were dressed in the pale blue color that symbolizes the struggle of women in Kuwait. The protestors were allowed to watch the historic nine hour parliamentary debate.

In the 1991 Gulf War, the United States sent its young men and women to defend Kuwait when Saddam Hussein invaded. The war was widely declared to be about protecting the freedom of the Kuwaiti people. Yet fully one-half of those people, the women of Kuwait, were not able to participate in the political process of representative government either as voters or elected representatives. This lack of ability to participate in the political process of a country is not freedom as we in America understand it.

International human rights organization, special committees of the United Nations, the State Department of this country, and the Congress of the United States have long recognized, as does the Crowley Resolution, that the rights of women are of paramount importance in international human rights. In 1994, Kuwait acceded to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and in 1996 it acceded to the International Covenant on Civil and Political Rights (ICCPR). In its concluding remarks on Kuwait's implementation of the UN Women's Convention, the CEDAW committee expressed its concern at Kuwait's failure to ensure that women had, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. It noted that the lack of political rights of women also has a negative impact on women's enjoyment of other rights protected under the Convention.

CEDAW called on Kuwait to reform its electoral law with adoption of legislation to amend the discriminatory 1962 legislation in order to bring Kuwait Law into compliance with its CEDAW and the ICCPR. With its vote on May 16, 2005, the State of Kuwait has taken action in support of its pledge to CEDAW and the ICCPR. Changing a law to end discrimination is much more important than just signing the agreement to do so.

The status of women in the Gulf States has been an issue of deep concern to me. Women in many Gulf States are treated as second class citizens. In Saudi Arabia for example, women do not have the right to vote, drive or leave their homes without a male relative. Many women in Gulf States are not able to chose their husbands and have few domestic rights. Domestic violence against young wives, some as young as 12, is a serious problem in some Gulf States. When women cannot vote and have no representation, these important issues concerning them are not addressed. As has been pointed out in many reports, if women have the vote and the right to run for office, they will be at the heart of the political decision-making process. Women in politics can consider important measures to protect women from violence, and from the threat of AIDS. In States where there is no representation for women, violence against women is one of the most pervasive of human rights abuses. When there are issues concerning women, the voices of women must be heard. I am heartened by the parliamentary vote taken in the State of Kuwait on May 16, 2005. There is more to be done; Kuwait must take the lead in the Gulf and do more.

I commend the State of Kuwait for acceding to CEDAW. I recommend that Kuwait take the measures CEDAW sets out in its General Recommendation No. 23 on women in political life and ensure "that women understand their right to vote and how to exercise it" and "that barriers to equality are overcome, including those resulting from illiteracy, language, poverty and impediments to women's freedom of movement." Kuwait must work as it did to promote this change in its voting law, to change the cultural perception of women and their place in Kuwaiti women in society.

It is my hope that the Crowley Resolution will give the State of Kuwait the recognition of having accepted a basic principle of democracy, that the women of Kuwait have the same right to vote as the men of Kuwait.

Mrs. MALONEY. Mr. Speaker, I rise today to join my colleagues in commending the State of Kuwait for recently granting women important political rights, among them the right of suffrage. Under this new law, passed by the Kuwaiti Parliament on May 17, 2005, Kuwaiti women not only have the right to vote in municipal elections scheduled for later this year and future elections, but they also are now permitted to run for public office.

A few years ago, I had the honor of traveling to Qatar to meet with men and women there. During that journey, it became crystal clear to me that women's suffrage is a universal human right; one that must be fought for by those of us fortunate enough to possess it. The women of Qatar won the right of suffrage in 1999, and since then have become more involved in their government as their voice is heard for the first time.

Additionally, just last month, I had the pleasure of meeting with a delegation of Kuwaiti women involved in various aspects of Kuwaiti life. I met with Mrs. Lulwa Al-Mullah, Secretary General of Women Social and Cultural Society; Ms. Amal Al-Khaled, Marketing and Public Affairs Director of Kuwait News Agency; Dr. Nada Suliman Al-Mutawa, professor at Arab Open University; Dr. Nibal K. Bourisly, Assistant Professor of Mass Communications at Kuwait University; and Mrs. Aroob Youseff Al-Refa'e, Director of Cultural and Scientific Resources at the National Council for Culture, Art, and Literature. These progressive female leaders work in the areas of university education; human rights, business, public affairs, and communications. They have been active in their society for some time, and now with the right to vote, their contributions will know no bounds.

I join my colleagues in saluting the granting of suffrage to the women of Kuwait. It is imperative that we Members of Congress, as representatives of the most free nation in the world, work to advocate the protection of this right of Kuwaiti women, and I stand by my colleagues in this endeavor.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEARCE). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution, H. Res. 343.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 2 o'clock and 32 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 32 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005, H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005, H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005, AND H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 109–163) on the resolution (H. Res. 351) providing for consideration of the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; and for consideration of the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration, which was referred to the House Calendar and ordered to be printed.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON TUESDAY, JULY 19, 2005, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY MANMOHAN SINGH, PRIME MINISTER OF THE REPUBLIC OF INDIA

Mr. BISHOP of Utah. Madam Speaker, I ask unanimous consent that it may be in order at any time on Tuesday, July 19, 2005, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Manmohan Singh, Prime Minister of the Republic of India.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on two of the motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Con. Res. 168, by the yeas and nays; and

H. Res. 333, by the yeas and nays.

Proceedings on H. Res. 343 will resume tomorrow. This series will comprise two 15-minute votes.

CONDEMNING DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA FOR ABDUCTION AND CONTINUED CAPTIVITY OF CITIZENS OF THE REPUBLIC OF KOREA AND JAPAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 168, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 168, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 362, nays 1, answered "present" 1, not voting 69, as follows:

[Roll No. 363]

YEAS—362

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
Etheridge
Evans
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Stark
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

ANSWERED "PRESENT"—1

Bartlett (MD)

NOT VOTING—69

Baker
Becerra
Bonner
Boozman
Brady (PA)
Brady (TX)
Brown, Corrine
Camp
Clay
Conyers
Costello
DeFazio
Edwards
English (PA)
Eshoo
Everett
Farr
Fattah
Filner
Gallegly
Gonzalez
Gutierrez
Hinchey
Hinojosa
Holt
Hulshof
Hunter
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Jones (OH)
Kilpatrick (MI)
Kingston
LaHood
Lee
Marchant
McKinney
Miller (FL)
Miller, George
Moore (WI)
Murtha
Myrick
Neal (MA)
Neugebauer
Obey
Ortiz
Pickering
Pombo
Price (NC)
Pryce (OH)
Reyes
Rush
Sánchez, Linda T.
Scott (VA)
Shadegg
Shimkus
Spratt
Strickland
Stupak
Sweeney
Taylor (NC)
Thornberry
Tierney
Towns
Wasserman Schultz
Waters
Watt
Weiner
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are reminded that there are 2 minutes remaining in this vote.

☐ 1853

Mr. KENNEDY of Rhode Island changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 363, on H. Con. Res. 168, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

SUPPORTING THE GOALS AND IDEALS OF A NATIONAL WEEKEND OF PRAYER AND REFLECTION FOR DARFUR, SUDAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 333.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 333, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 364, nays 2, not voting 67, as follows:

[Roll No. 364]

YEAS—364

Abercrombie
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
Etheridge
Evans
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hobson
Hoekstra
Holden
Honda
Hooley
Hostettler
Hoyer
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jindal
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Nadler
Napolitano
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Watson
Waxman
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Ackerman
Paul

NOT VOTING—67

Baker
Becerra
Bonner
Boozman
Brady (PA)
Brown, Corrine
Camp
Clay
Conyers
Costello
DeFazio
Dicks
Edwards
English (PA)
Eshoo
Everett
Farr
Fattah
Filner
Foxx
Gallegly
Gonzalez
Gutierrez
Hinchey
Hinojosa
Holt
Hulshof
Hunter
Jackson-Lee (TX)
Jenkins
Johnson (IL)
Jones (OH)
Kilpatrick (MI)
Kingston
LaHood
Lee
Marchant
Miller (FL)
Miller, George
Moore (WI)
Murtha
Myrick
Neal (MA)
Neugebauer
Obey
Ortiz
Pickering
Pombo
Price (NC)
Pryce (OH)
Reyes
Rush
Sánchez, Linda T.
Scott (VA)
Shadegg
Shimkus
Strickland
Stupak
Sweeney
Taylor (NC)
Thornberry
Tierney
Towns
Wasserman Schultz
Waters
Watt
Weiner

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1910

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 364, on H. Res. 333, I was in my Congressional District on official business. Had I been present, I would have voted "yea."

Ms. FOXX. Madam Speaker, on rollcall No. 364, I voted and left the Chamber. However, my vote did not register, and I was not aware of that until the vote was over. Had my vote been recorded, it would have been "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK of Michigan. Madam Speaker, personal business prevents me from being present for legislative business scheduled for today, Monday, July 11, 2005. Had I been present, I would have voted "yea" on H. Con. Res. 168, a resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights (rollcall No. 363); and "yea" on H. Res. 333, a resolution supporting the goals and ideals of a "National Weekend of Prayer and Reflection for Darfur, Sudan" (rollcall No. 364).

ECONOMIC GROWTH: POLICIES OF REDUCING TAXATION AND LESSENING REGULATION WORK

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today we are all returning from what has been a glorious July 4 celebration in our home communities, looking at what makes America great. And I was so pleased to pick up a stack of papers and leaf back through them, and I found an article of interest in the business section of The Washington Post, and the headline caught my attention: "Economic Growth, Tax Receipts Combine to Reduce Deficit."

We all know The Post is generally not our friend, but it goes on to state that the deficit will be as much as $100 billion lower than the official forecasts and previous forecasts. Jobs growth is up 3.8 percent, as opposed to what they thought would be the estimate, 3.5 percent. Tax receipts are up.

It just goes to prove, Madam Speaker, that the policies of reducing taxation, lessening regulation work are revitalizing, stimulating the economy.

I commend our leadership for the tax reductions and look forward to more positive headlines.

DEFEAT THIS CAFTA AND RENEGOTIATE A CAFTA THAT WORKS

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Texas (Mr. DELAY), majority leader and the most powerful Republican Member of Congress, promised last year that we would vote on the Central America Free Trade Agreement. December 31 came and went. He promised we would vote on it by Memorial Day; we did not. He promised we would vote on it by July 4; we did not. Now the gentleman from Texas (Mr. DELAY) promises that CAFTA will come before us by the end of the month.

The reason we have not voted on the Central America Free Trade Agreement, the reason it has been 13 months since the President signed it, six times longer than any trade agreement in years, is that Republicans and Democrats, business and labor, food safety advocates, environmentalists, and religious leaders think the Central America Free Trade Agreement is a bad idea.

Defeat this CAFTA. Let us renegotiate a CAFTA that works for small farmers and ranchers and small business and workers and environmentalists and religious leaders in all seven CAFTA countries including ours.

□ 1915

STANDING STRONG IN THE WAR ON TERROR

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, the tragic and reprehensible bombings in London last Thursday show the world once again just how vigilant we must be in protecting our citizens and continuing to fight terrorism wherever it leads.

This is a war unlike any we have ever seen, and victory will require greater resolve than we have ever mustered. The lack of human decency shown by terrorists proves that they will stop at nothing to kill innocent people in an attempt to strike fear in the hearts of us all.

However, terrorists are mistaken if they think cowardly actions will shake the resolve of those nations fighting the war on terror, and they are mistaken if they think people will see them for anything other than the evil terrorists they are.

As our friends in England begin the healing process, rest assured that we in America will stand by them. We will fight, side-by-side, together, as we have done before, in this war on terror, and, as the President has said, we will not falter and we will not fail.

May God bless England and continue to bless the United States of America.

YOUTH AND VITALITY DEMONSTRATED IN YOUTH OF GREEN ACRES BAPTIST CHURCH

(Mr. GOHMERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOHMERT. Mr. Speaker, the London bombings were indeed tragic. They bring us back to what really matters. We saw the resolve of the British people after the attack. Life would go on.

Here in America, we have been so deeply blessed, and just as the words above the Speaker's head say, in God we do trust. I have been reminded today why we do what we do; why we try to make a difference, why we push on and try to make this a better place.

There are 144 members of my church, my youth choir and sponsors, that have come in today, and with the vitality, the youth, the enthusiasm, the wanting to make a difference, it lifts me up, and I would encourage all of you to be lifted up by the hope that springs eternal in their breasts.

Mr. Speaker, God has blessed America, and with the youth and vitality as demonstrated in Green Acres Baptist Church, I know that we will in the future be blessed by God.

PROGRESS BEING MADE AT BLOWING ROCK ART & HISTORY MUSEUM

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Mr. Speaker, I rise today to recognize the progress being made at the Blowing Rock Art & History Museum in Blowing Rock, North Carolina, and to pay my respects to a prominent artist who resided in my district.

For over 6 years, a small group of art and history lovers have been working diligently to plan for a new museum in Blowing Rock. The idea for the museum was inspired by a generous gift of outstanding original oils, pastels, water colors and line drawings created by one of North Carolina's most famous artists, Elliott Daingerfield.

Daingerfield moved from North Carolina to New York City following the Civil War. However, western North Carolina remained a special place to him. He continually spent his summers painting and teaching art classes in Blowing Rock.

Daingerfield went on to become a highly successful artist. His work is displayed in museums in New York, Washington, St. Louis, Augusta, Raleigh, Savannah and Charleston. I am pleased that his work will soon be on display in the Fifth District once the Blowing Rock Art and History Museum opens in a few years.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. KUHL of New York). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SUPPORT NO FLY, NO BUY LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

Mrs. MCCARTHY. Mr. Speaker, last week's tragic events in London reminded us that terrorists can strike anywhere, at any time. We must prepare to prevent any kind of scenario that will allow attacks. Terrorists have proven to be innovative in their methods to kill innocent people. We must work to shut down as many avenues of terror as possible or at least make it more difficult for them to carry out their acts.

But since 9/11, the U.S. has dedicated 90 percent of its domestic preparedness resources to preventing an attack involving commercial air travel. While safe air travel is important, we do not pay attention to other possible scenarios, and it is irresponsible of us to do that. It is time for all of us to be proactive instead of reactive in our homeland security strategy.

One area of homeland security that needs to be reviewed is our pre-9/11 gun laws. Mr. Speaker, we are at war, and our gun laws currently allow our enemies to arm themselves in our country.

At least 44 times in a 4-month period, people whom the FBI suspected of being members of terrorist groups tried to buy guns. In all but nine instances, the purchases were allowed to go through. Affiliation with a terrorist group does not appear on any Federal background check that would disqualify someone from buying a gun.

There certainly have been many more instances of suspected members of terrorist groups trying to buy guns since then, but since the Justice Department destroys background check records after only 24 hours, we will never know. So not only are we allowing suspected terrorists to arm themselves, we are destroying the records indicating how many guns they actually own. We are destroying critical intelligence in this war on terror.

The question my constituents ask me is, why are these people allowed to buy guns in the first place? It defies common sense. We saw what these terrorists are capable of doing just armed with only a box cutter purchased at a hardware store. Then why do we make it so easy for them to be able to buy guns at stores and at gun shows?

The very same people we spend 90 percent of our homeland security funds on to prevent boarding planes can walk into any gun store and purchase an Uzi, AK 47 or a 50 caliber rifle that can shoot down an airplane, whether it is taking off or landing. This is absolutely ridiculous.

Let me set the record straight: I am not trying to take away the right from anyone of being able to buy a gun. These are law-abiding citizens. They have a right to buy a gun. But we do need commonsense gun safety regulations to protect law-abiding gun owners while making it tougher for criminals and certainly terrorists to be able to obtain a gun.

That is why I introduced the No Fly, No Buy bill. Right now, if you are on a terrorist watch list and you cannot board a plane, you are allowed to go into any gun store or go to a gun show and be able to buy a gun. That is ludicrous.

What my bill would do, if you are on a terrorist no fly list, you would not be able to also buy a gun. I understand that mistakes can be made, and on those mistakes, the list that I have chosen that the FBI has, if you are innocent, you will be able to come off that list.

We have to start having a different dialogue on gun violence in this country. But certainly what we learned from London last week, and we do not know if we have terrorists in this country or not, they always wait until we are least suspecting them, we need to do what we can to make sure guns do not get into the wrong hands.

This is not going to take away anyone's right to own a gun, to go hunting, to protect their families. But we can do a better job, especially working in the times that we are working in today.

BENEFITS OF ETHANOL USE TO AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, as many Americans are aware, the Senate has passed a version of the energy bill, the House has passed their version of the energy bill, and, as often happens, the two versions are not the same. So, at the present time, the energy bill is in conference.

One major difference between the House version and the Senate version is in the renewable fuels section. In the House, we mandate 5 billion gallons of ethanol be produced in this country by 2012. The Senate version requires 8 billion gallons rather than 5 billion. So there is a substantial difference.

In 2004, the United States produced 3.6 billion gallons; this year, 4.5 billion gallons of ethanol. And we should reach the 5 billion gallon standard by 2006. So the House version is relatively meaningless, because by saying that we want 5 billion gallons in 2012, we will have already reached that by 2006.

So we are obviously very supportive, many of us, of the 8 billion gallon standard, and I rise tonight to encourage that that be what is included in the conference report.

Currently, ethanol is produced in 20 States, including California and Kentucky. At one time, it was assumed that ethanol was something that was only produced in five or six midwestern states. Ethanol could be made from almost any type of biomass, and I think eventually we will see ethanol production in all 50 States.

The ethanol industry benefits all Americans, not just those in the corn-producing States of the Midwest. Currently, ethanol reduces the price of an average gallon of gasoline by roughly 29 cents, so if we are paying $2.20 a gallon at the pump today, if it were not for the ethanol industry, it would be $2.50, $2.51, something in that rage. E-85, with 85 percent ethanol, at the present time is roughly 60 cents cheaper than regular gasoline. So in many areas of the country, E-85 is selling for $1.60 a gallon as opposed to $2.20 or $2.25.

Ethanol creates more energy than it consumes. This is something lots of people are not aware of.

For instance, for every one Btu of energy, ethanol produces 1.389 Btu of energy. So by the time you have planted the crop, you have harvested it, you have processed it, you have refined it, you gain almost four-tenths of a Btu. The reason for that is that we are harnessing the energy of the sun in making ethanol.

Conversely, gasoline, for every 1 Btu of energy used, produces eight-tenths of a Btu of energy once it is refined. MTBE produces 6.675 Btus. So there is a considerable energy loss in these areas. Again, this is a misconception that many people have that ethanol uses more energy than it really produces. This is not true.

As MTBE is phased out due to groundwater contamination, ethanol is the primary remaining eliminator of greenhouse gas emissions. In 2004, ethanol reduced greenhouse gas emissions by 7 million tons in the United States, which was a huge environmental benefit.

The ethanol industry added $25 billion to the U.S. economy in 2004. The ethanol industry has added 243,000 jobs to our economy, and above all, it has moved us away from dependence on foreign oil.

There are just a couple of other things I would like to mention that we have on the following chart. You will notice that, currently, ethanol adds $51 billion to farm income over 10 years. The reason for this is that ethanol increases the price of a bushel of corn by 25 to 50 cents a bushel.

It reduces government farm payments by $5.9 billion over 10 years. The reason for that is it raises the price of corn. Therefore, there are fewer farm bill payments that drain money from the taxpayers, so this is a good thing for the average taxpayer in the country.

It also reduces the U.S. trade deficit by roughly $34 billion, and this is huge, because what is eating our economy alive is a huge trade deficit at the present time. As we remove ourselves from dependence on foreign oil, which is the main cause of the trade deficit, we begin to see things turn around because of ethanol.

☐ 1930

And as I mentioned earlier, it does significantly reduce air pollution. So we think this is a win-win for the American economy, for the American people; and I urge my colleagues to support the higher level of 8 billion gallons of ethanol that is currently in the Senate version of the energy bill.

REMEMBERING GAYLORD NELSON

The SPEAKER pro tempore (Mr. KUHL of New York). Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Mr. Speaker, it is with great sadness that I rise today to say goodbye to our former Governor and former Senator, Gaylord Nelson, who passed away at the age of 89 last week. Wisconsin will miss the man from Clear Lake, who embodied the best of our great State and its proud, progressive tradition, as well as the best our country can offer.

Throughout his many years of public service, Senator Nelson worked tirelessly on behalf of the people of Wisconsin, this country, and the environment. He was one of the first to recognize that economic development and the protection of our natural resources are not mutually exclusive.

He was also keenly aware that public opinion was far ahead of public policy in this area and that policymakers needed to catch up to where the American people were. Most importantly, he recognized the value in doing a better job of protecting the land, the water, the air we breath, and the environment of which we are mere stewards for our children and grandchildren.

In addition, Senator Nelson rightly believed that we have an obligation to work together, all of us as citizens of this planet, to better preserve and protect our natural resources so that we leave the world for our children better off than we found it.

It was his vision that led to the creation of Earth Day in 1970 and a new compact between government and its citizens to enhance the protection and quality of our precious natural resources. Earth Day was then followed by the creation of the Environmental Protection Agency and then the passage of the Clean Air and the Clean Water acts.

Thirty-five years later we have taken great strides to improve the environmental stewardship across the entire globe. Earth Day today is celebrated annually by hundreds of millions of people in more than 180 countries. How many other individuals can claim they created a global movement of such magnitude?

Senator Nelson was also someone who recognized that even with all of the progress we had made, our work is far from finished. Until recently, he remained active in the environmental field and provided guidance to others, including myself, on some of the unfinished work still left to do.

There is no other individual that has had a greater impact on shaping the respect and appreciation we have for our environment today. His contributions are invaluable. We owe him a debt of gratitude that we can repay by continuing his work.

Senator, Governor, Father of Earth Day, a veteran of World War II, friend, these are among the many ways Gaylord Nelson will be remembered. He leaves behind a legacy and a lesson that one person with a vision of change and a mountain of determination can have a profound effect on the direction of our country and of the world.

Our thoughts and prayers are with Carrie Lee and the entire Nelson family. I will never forget during our first campaign, when my wife, Tawni, and I were with Senator Nelson and Carrie Lee up in Clear Lake, Wisconsin. They wowed us with their elegance, their grace, their dignity, and they became our role models of what public service should be all about.

Services this week will be held in Madison and in Clear Lake, Wisconsin. We loved him. We will miss him. And we all can honor him by continuing his unfinished work. May the Good Lord bless and keep the great American patriot Gaylord Nelson.

WOMEN'S ACTION PUBLIC AFFAIRS TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity tonight to address the positive effects which American foreign policy has had on the rights of women throughout the world.

As vice-Chair of the Congressional Women's Caucus and as Chair of the House International Relations Subcommittee on Middle East and Central Asia, I have witnessed U.S. efforts to support women across the globe, especially in post-conflict situations.

The progress is historic. Just ask the survivors of Saddam Hussein's regime and the Taliban. The Saddam Hussein regime in Iraq indiscriminately slaughtered all Iraqis, but the women were among the most vulnerable.

The notorious Fedayeen beheaded women in public and dumped their severed heads at their families' doorsteps. The regime used widespread rape to extract confessions from detainees. Saddam Hussein's legacy of terror knew no boundaries.

In assessing U.S. contributions to Iraqi women, I look to leaders such as Dr. Khuzai, who served as a member of the Iraqi Governing Council and National Council of Women. After being prisoners in their own country for 35 years, she said, for the Iraqi women, the morale is so high that you cannot understand it unless you go and see. We will be grateful forever.

I was fortunate to have the opportunity to visit Iraq as part of a historic all-female congressional delegation. We met with women from all sectors and all educational backgrounds, and the message we heard from all of these women was very clear: They want a say, they want a role, they want to participate, and they want to have the U.S. help them in getting there.

To achieve this end, the United States is helping Iraqi women reintegrate themselves into Iraqi society and indeed to the outside world. The administration embarked on the Iraqi Women's Democracy Initiative to train Iraqi women in the skills and practices of democratic public life.

It also established the U.S. Iraqi Women's Network, helping to mobilize the private sector in the United States and to link important resources here to critical needs on the ground. Recently, we saw the fruits of our efforts as countless Iraqi women went to the polls.

U.S. efforts have contributed to a significant positive change in the lives of women in Afghanistan. In Afghanistan, the Taliban's brutality and blatant disregard for the lives and well being of the Afghan people was perhaps most clearly evident among half of its population, the women of Afghanistan. Made widows and orphans by the will of the Taliban, they were banned from receiving any education past the age of 8, for which the curriculum was limited to the Taliban's corrupted version of the Koran.

In the year 2000, the United Nation's Educational Scientific and Cultural Organization estimated that as few as 3 percent of Afghan girls were receiving primary education. Today, it is thrilling to note that thanks to our U.S. efforts, Afghan women are active participants in their political future. More than 8 million Afghans voted in this country's first-ever presidential election, and 41 percent of them were women.

Hamid Karzai was announced as the official winner; and in his new cabinet appointments, he named three women as ministers. We as a Nation provided political and advocacy training for Afghan women and provided the funds to support voter registration and the election process.

One Afghan woman casting her ballot said, when you see women here lined up to vote, this is something profound. I never dreamed that this day would come. And through the Middle East Partnership Initiative, the United States is also helping to create campaign schools that provide leadership and organizational training for women seeking political office. With MEPI support, the International Republican Institute and the National Democratic Institute conducted the first of these political skills training courses for women from Bahrain, Kuwait, Oman, Qatar, the United Arab Emirates and Yemen.

MEPI and the Government of Jordan hosted a workshop in Oman on Women in the Law in February of this year. Nearly 90 women from 16 countries in the Middle East and North Africa regions gathered to support the key issues affecting women in the legal profession and to develop plans for future collaboration.

At the end of the conference, MEPI announced that it would support two follow-up activities: The establishment of a regional association for women in the legal profession and a public legal education campaign on women's rights and equality. We must continue to strive forward in the pursuit of equality for women and develop on our own success.

ORDER OF BUSINESS

Ms. WOOLSEY. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

SMART SECURITY AND THE LONDON BOMBINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, so much for President Bush's claim that we are fighting the terrorists in Iraq so that we do not have to fight them at home.

The recent tragic terrorist attacks in London disproved that flawed theory. On its very face, the notion that we are fighting the terrorists in Iraq so we do not have to fight them at home is absolutely absurd. For one thing, anyone who thinks the threat of terrorism is not a multipronged threat is kidding himself or herself. That is why it is called global terrorism in the first place. Because the terrorists have the capacity and the will to strike anywhere any time.

As we strive to prevent terrorism in the Western world, we must not forget the terrorism that takes the lives of innocent Iraqis on a daily basis. And we must not forget the terrorism in Iraq is, for the most part, of our very own creation. Despite claims from the White House, there is simply no evidence to support the idea that the Iraq insurgency had ties to international terrorist organizations like al Qaeda before the United States invaded.

Sure, al Qaeda is doing its best to align the Iraq insurgents now, but would that have happened if the U.S. had not invaded Iraq in 2003? It is clear that the President's notion of taking the fight to the terrorists instead of letting them take the fight to the U.S. is yet another example of the Bush administration twisting public perception to portray the war in Iraq as linked to 9/11.

The truth is that no such link exists. Logic such as this damages our credibility with other nations and hampers our ability to address the truth with facts in the first place. It is clear that the war in Iraq hurts our efforts to combat terrorism in several ways: First, by draining personnel and resources and next by engaging in policies that give the Iraqi people a reason, a legitimate reason for anger aimed at the United States. With the United States appearing as an occupier and with our troops blamed for destroying Iraqi communities and harming innocent people, the Iraqi people are becoming our enemy and many are joining the insurgency.

We have already spent over $200 billion on this war. And with $9 billion of this lost by the Coalition Provisional Authority, and worse, nearly 2,000 American soldiers have been killed, and dozens more are being killed by insurgent attacks every single week, while another 15,000 soldiers have been gravely injured and thousands and thousands of innocent Iraqis are gone.

What do we have to show for these devastating losses? What has been accomplished? Very little, I am sad to say. Despite the thousands of deaths and injuries, and the billions of dollars spent, the United States has failed to make Iraq secure. We have failed to stabilize the Middle East.

And as the London bombings demonstrated, we have failed to prevent the terrorists from striking Western cities. The London attacks could have just as easily been New York or Washington, D.C. or San Francisco; so it is not just that we failed in Iraq. This failure has corresponded with failures to secure the U.S. right here at home.

It is time for the United States to begin the process to bring our brave men and women home from Iraq. By beginning this process, we will not only give the Iraqi people the opportunity to move forward; we will also save the lives of countless American soldiers, and we will free up our resources for protecting Americans right here at home, which is in line with the SMART Security approach.

SMART is a security platform that I have introduced in Congress to provide a Sensible Multilateral American Response to Terrorism. SMART emphasizes homeland security, and instead of aggressively throwing our military weight around the globe, SMART depends on diplomacy and good international relations.

It is clear that the war in Iraq has not made the United States safer, but actually less safe. Ending the war and giving Iraq back to the Iraqi people, who went to the polls to take control of their own country, will be a great first step in preventing future terrorism.

Ending the war will help protect our Nation. We are already 2 years behind time in making this happen, 2 years too late. Let U.S. start catching up. Let the U.S. start now.

☐ 1945

HONORING SERGEANT JAMES "TRE" PONDER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Speaker, I fully believe that Americans do understand why we are fighting this war on terrorism, and I think that most men and women are like me, and they stand with our men and women in uniform, who know this Nation faces a terrible, evil, evil enemy. All of us realize that to lose is not an option in this war. This is a war that we must win.

While we understand intellectually, while we know in our hearts the reason for this war, our hearts cannot help but ask, "Why," each and every time that we lose a soldier. With each death, a family, a community and a country mourns, and there is nothing we can say or do to make our hearts understand why this has happened. We can only remember the reason that we fight and honor the cause these men and women fought and died for.

Mr. Speaker, we fight for freedom.

As the beneficiaries of these heroes' sacrifices, we have an awesome obligation. We have a responsibility to be sure that this country does not forget our military men and women, our veterans, or forget the cause that they have chosen to champion. That is why I come here tonight to take a few moments and ask America not to forget our heroes and not to forget the heroes in this war on terror.

On June 28, my community in Tennessee lost a son when Sergeant James "Tre" Ponder's MH-47D helicopter was shot down by enemy fire in eastern Afghanistan. Tre, his wife Leslie and their two daughters, Samantha and Elizabeth, live in Clarksville, near Fort Campbell, where Tre served at the 160th Special Operations Aviation Regiment, Airborne. Tre's parents, Mr. and Mrs. James Ponder, Junior, reside in Clarksville. And Leslie's parents, Mayor and Mrs. Tom Miller, reside in Franklin, Tennessee. They are all constituents of Tennessee's Seventh Congressional District.

Mr. Speaker, a military family lives with the kind of stress most of us cannot comprehend, especially in times like these. Tre and Leslie and their families lived with this stress, and they did so with grace and courage. If you want to know why America is strong, you only have to know people like the Ponders and the Millers, and that is why we have to be sure that all of us stop and honor Tre's life and, in so doing, honor our men and women in uniform.

I want to read a statement Leslie made about Tre. This is what she said, and I am quoting, "Tre spent the majority of his Army career supporting a unit he loved. The 160th was like a second family to him. He believed firmly in the principles ingrained in him from an early age: Loyalty, perseverance, and an overwhelming sense of patriotism. Tre would want to be remembered as someone who died the way he lived, providing support for some of America's finest young men."

Mr. Speaker, in the midst of this agonizing loss, Leslie has issued a statement recognizing Tre's service and reminding us all that it was his dedication to America and our soldiers that gave him the courage and strength to do what he had to do, what he felt called to do.

God bless our military families. They are absolutely incredible men and women. Mr. Speaker, medals and commendations alone cannot capture all that Tre meant to our community or what he did for America. The Nation has awarded him the Purple Heart and the Bronze Star medal. Medals and awards only tell us what we already know, that Tre Ponder was a brave and good man, one of the finest.

To Tre's wife, Leslie, and his daughters, Samantha and Elizabeth, we offer our tears and our thanks. We are so sorry for their loss, and we are thankful for their service and sacrifice.

CAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Ohio (Mr. BROWN) is recognized for 60 minutes as the designee of the minority leader.

Mr. BROWN of Ohio. Mr. Speaker, last year, during the 2004 election season, the Republican leader, the gentleman from Texas (Mr. DELAY), the most powerful Republican in the Congress, in the House or Senate, promised that this Congress would vote up or down on the Central American Free Trade Agreement. December 31 rolled around, and there was no vote.

Majority Leader DELAY again promised earlier this year there would be a vote on the Central American Free Trade Agreement by Memorial Day. Memorial Day came and went, and there was no vote.

Majority Leader DELAY, again the most powerful Republican member of this body or the other body, again promised there would be a vote on CAFTA, the Central American Free Trade Agreement, and he promised it prior to the July 4th break. Again, July 4th came and went, and there was no vote on the Central American Free Trade Agreement.

Now, the gentleman from Texas (Mr. DELAY) says there will be a vote before the end of July up or down on the Central American Free Trade Agreement.

There is a reason that Congress did not vote on it by December 31, did not vote on it by Memorial Day, did not vote on it by July 4th, and still has not scheduled it for a vote even this month. That is because there is strong bipartisan opposition to the Central American Free Trade Agreement. It is Democrats on this side and Republicans on that side. It is business leaders, small business leaders especially, and labor unions. It is religious leaders. The Catholic bishops in Central America and other religious leaders, Lutherans, all kinds of Protestants, Catholics and Jewish groups, all kinds of religious groups in America that oppose this.

Environmentalists, food safety advocates and people who think the Central American Free Trade Agreement is not working and does not work for the United States of America and does not work for the five Central American countries and the Dominican Republic; they understand we do not want this CAFTA. We want a new CAFTA. We want to renegotiate CAFTA so it will work for small farmers and ranchers, for small manufacturers in my State of Ohio, in Cincinnati and Dayton and Portsmouth and Chilicothe. They understand that this was a trade agreement that was negotiated by a select few for a select few.

Sure, Mr. Speaker, there are people that support the Central American Free Trade Agreement in addition to Majority Leader DELAY and President Bush. The pharmaceutical companies love this agreement because they helped to negotiate it. As I said, it was crafted by a select few for a select few, and the drug industry is one of the select few. The insurance industry loves CAFTA. Again, it was crafted by a select few, the insurance industry and a few others, for a select few. The banks and the other financial institutions love CAFTA. It was negotiated by a select few, and they were at the table, for a select few, for them and a few others.

The largest corporations in the country, many of them like CAFTA because it was negotiated by a select few for a select few, not for small manufacturers in Akron, Ohio; not for small manufacturers in Steubenville, Ohio; but for large corporations that can move their production overseas and exploit cheap labor.

When you think about it, the major reason that Americans are opposed to the Central American Free Trade Agreement in every poll you look at and that a majority Members of Congress are against CAFTA is, look what has happened with our trade policy in the last 15 years.

Mr. Speaker, I am joined by my colleague, the gentleman from New Jersey (Mr. PASCRELL), who understands this so very well, and my colleague, the gentlewoman from Ohio (Ms. KAPTUR) will be here in a moment. If you look at 1992, the year I just happened to run for Congress the first time and get elected, in 1992, our trade deficit was $38 billion. That means the United States imported $38 billion more than we exported. We had a negative trade balance, import versus export, of $38 billion. Last year, our trade deficit was $618 billion. It went from $38 billion to $618 billion in the space of 12 years. It is hard to argue we should do more of the same.

CAFTA, the Central American Free Trade Agreement, is a dysfunctional cousin of NAFTA, the North American Free Trade Agreement. NAFTA passed here in 1993. Look what happened. Then PNTR for China and a whole host of trade agreements as the trade deficit got worse and worse and worse and worse. It has clearly not worked for our country.

Let's look back for a moment at CAFTA to see what has happened. Thirteen months ago, the President signed the Central American Free Trade Agreement with the other six countries, five in Central America and the Dominican Republic. Every other trade agreement the President signed was voted on, Morocco, Chile, Australia, Chile, and Singapore, was voted on within 60 days of the President's signature. CAFTA was signed in May of 2004. It has been more than 13 months, six times plus, six times longer than any of these other trade agreements. Again, because Americans and their congressional representatives, and that is why we are called representatives, we are supposed to represent what our people want us to do, the American people and this Congress understand that CAFTA is an extension of NAFTA. It is more of the same bad trade agreements, and it is simply not working for our country.

Now, these are just numbers. These are trade deficit numbers. Who cares about these kind of numbers? Well, here is what they mean, Mr. Speaker. If you look at this chart, the States in red are those States which have lost 20 percent of their manufacturing jobs in the last 5 years. The State of New Jersey, my colleague's State, 104,000. More than 20 percent of the manufacturing jobs in that State. The gentlewoman from Ohio (Ms. KAPTUR) and my State, 217,000 jobs lost in 6.5 years. Michigan, over 200,000. Illinois, 224,000. Pennsylvania, 200,000. New York, 222,000. The Carlolinas, hit by textile job losses, combined 315,000 jobs lost. California, the blue States, have had 15 to 20 percent of their manufacturing jobs lost in the last 6.5 years. California, 354,000 manufacturing jobs. Texas, 201,000. Florida, 72,000. And Georgia, 110,000.

State after State after State are losing their manufacturing jobs not only because of bad trade policies but certainly principally because of bad trade policies. These trade policies simply are not working.

Now, Mr. Speaker, in the face of this overwhelming opposition, the administration and Republican leadership have tried every trick in the book to pass this CAFTA. They have tried linking CAFTA to help democracy in the developing world. Defense Secretary Rumsfeld and Deputy Secretary of State Zoellick have said that CAFTA will help in the war on terror. I am not sure how, and they do not explain how, but I do know that 10 years of NAFTA has done nothing to improve border security between the United States and Mexico. So that argument simply does not sell.

Then, in May, the U.S. Chamber of Commerce flew on a nice little junket around the country the six Dominican and Central American presidents, around our Nation hoping they might be able to sell CAFTA to newspapers, to the public and ultimately to the Congress. They went to Albuquerque. They went to Los Angeles. They went to Cincinnati in my State. They went to New York and Miami, and again, they failed. In fact, the Costa Rican president at the end of the trip said, I am not going to sign this, I am not part of this until I really see what CAFTA is going to do for working people in my country.

Now, as the gentleman from New Jersey (Mr. PASCRELL) and I have talked, the administration is opening up the taxpayers' bank. Desperate, after failing to gin up support for the agreement based on its merits, because they know they cannot pass, with this kind of trade policy failure for a dozen years, they know they cannot pass it on the merits, so what they are doing is the President of the United States is promising fundraising for Members of Congress. He is promising bridges and highways, more pork than you can imagine in district after district after district. He is promising all kinds of jobs to his people later, people that might be lame ducks in Congress. Who knows the kinds of promises he is making.

They have made these promises before to pass other trade agreements, and they are making them again. But again, Mr. Speaker, we know Republicans and Democrats, business and labor groups, farmers, ranchers, religious leaders, environmental, and human rights organizations are all saying: Vote no on CAFTA. Renegotiate and get a better CAFTA.

Before turning to my colleague from New Jersey, I want to point out one other argument that those supporting CAFTA like to put out there. Every time there is a trade agreement, the President makes three major promises: There will be more jobs in the U.S.; the U.S. will send more manufactured goods, export them out of the U.S. to other countries; and the standard of living in the poorer countries in the developing world will go up. Every time he makes those promises, they fall flat on their face. It never happens.

Benjamin Franklin once said the definition of insanity is doing the same thing over and over and over again and expecting it to come out differently. They make the same promises, and they never work. And here is why. The President says the Central American countries are going to buy American products, they are going to buy American manufactured goods, and they are going to buy American farm produce. Let's look at this chart. The United States average income is $38,000.

☐ 2000

The average income in El Salvador is $4,800; Guatemala, $4,100; Honduras, $2,600; Nicaragua, $2,300. The average worker in Nicaragua who earns $2,300 a year is simply not making enough money to buy any kind of goods that we export. A worker in Honduras cannot afford to buy a car made in Dayton, Ohio. A worker in Guatemala cannot afford to buy software made in Seattle or Northern California.

A Nicaraguan worker cannot afford to buy textiles or apparel from North Carolina or South Carolina. An El Salvadoran worker making $4,800 a year is not going to buy prime cut beef grown in Nebraska. The combined economic output of these CAFTA countries is equivalent to that of Columbus, Ohio, or Orlando, Florida. The combined economic output of these six countries is equivalent to that of Columbus, Ohio, or Orlando, Florida.

In other words, Mr. Speaker, they simply cannot buy our products. So what this agreement is all about, it is not about them buying our products that we export. This agreement is about U.S. companies moving plants to Honduras, outsourcing jobs to El Salvador and exploiting cheap labor in Guatemala. That is what this agreement and every other agreement has led to. It has led to U.S. companies moving to China, moving to Mexico, moving to Guatemala, moving to Pakistan, moving overseas, exploiting cheap labor, doing nothing to raise the standard of living in those countries, and depressing the standard of living in our country.

Mr. Speaker, we want a new CAFTA, a renegotiated CAFTA. When the world's poorest people can buy American products, not just make them, when the world's poorest people can buy American products, then we will know that our trade policies are working. That is why we must renegotiate the Central American Free Trade Agreement and this time do it right.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PASCRELL) who has, ever since his initial term in Congress, been a leader on trade issues.

Mr. PASCRELL. Mr. Speaker, the Congress must defeat unfair trade agreements until we start forming trade policy rationally and in our best interest. I am not afraid to say that I opposed both the trade policies of the former President, a member of my own party, President Clinton; and I oppose this President's trade policies, President Bush, and I do so not through perceptions but through facts. What has happened to these trade policies as was promised when they were passed and signed?

The folks in my district did not send me to Washington to surrender my rights under the Constitution. article I, section 8 is very clear. It is the Congress that will declare war; it is the Congress that will deal with matters of commerce. We have surrendered that. This legislative body has surrendered that right to both Clinton and Bush. We say, we voted that way. I did not, the majority voted, that the President of the United States is solely responsible for the so-called free trade deals and that the Congress can either vote them up or down.

Now this is what we have done. In diminishing the power of the legislative body, we have inflated the power under the Constitution, and this is not what our forefathers intended. If Members read what went into article I, section 8, it is very, very clear, very succinct.

In New Jersey, we have lost in the last 14 years 241,000 manufacturing jobs. We have been told not only in New Jersey but in the New Jerseys across this greatest of all Nations, that those jobs will be replaced by service jobs, and we have seen what has happened. We have seen these jobs replaced by part-time jobs, filled with underemployed people, many times working with none of the benefits reflected in what was decent manufacturing, decent-paying jobs.

So when one looks at the facts, the trade deals have not been fair, and they certainly have not been free. We want to help other countries grow, but not at the detriment and expense of the American worker. We are not opposed to trade. The gentleman from Ohio (Mr. BROWN) is not opposed to trade. The Members of the other side of the aisle, the Republicans who oppose CAFTA like I oppose it and like many of us who oppose it on our side, are not against trade. Trade is a necessity. We live in a global village, but we want that trade to be fair. We want that trade to be a two-way street and not a one-way street.

I give just two basic examples: the only trade deal that I voted in favor of was the trade deal with the country of Jordan. I did not vote for the Australian free trade agreement. Many of us opposed it. The Australian free trade agreement provided for countries enforcing their own labor laws. There is a history here. If you are going to enforce your own labor laws, you are not going to be able to deal in a free trade concept on the agreement you sign. It means nothing, in other words. This is unacceptable.

In section 18.2 of the deal we made with Australia, very specifically it says: "The parties recognize that each party retains the right to exercise discretion with respect to investigations, prosecutorial, regulatory, compliance matters, and to make decisions regarding the allocation of resources to enforcement."

In other words, in the Australian so-called free trade agreement we signed, the President of the United States signed, signed on the dotted line and blinked and winked at the Australians as to how that deal would be enforced. It means absolutely nothing, and it will not be enforced because of the language.

Yet in the Jordanian trade deal, very specifically article 6, The parties reaffirm their obligations as members of the International Labor Organization, the ILO, and their commitments under the ILO Declaration of Fundamental Principles and Rights at Work and its follow-up. The parties shall strive to ensure that such labor principles and the internationally recognized labor rights set forth in paragraph 6 are recognized and protected by domestic law. There is the teeth. That is the basic difference between the Australian deal and the Jordanian free trade agreement. Standards. We need standards in any trade agreement not only to protect the workers in the other country, but to protect the workers in the United States of America.

We should not give up that sovereignty. We should not give up that ability to protect our own workers, and that is not what is happening. We become a Wal-Mart economy. These people are underemployed, regardless of what we hear on the plethora of TV and radio commercials. These people are underemployed with very few benefits. And the fact of the matter is that it is a rotating system. People leave in a very short period of time.

The Catholic bishops got it right. The Catholic bishops got it right on CAFTA. They said we believe that in an increasingly interdependent world, it is essential that economic globalization be made more human by globalizing solidarity among people everywhere. If this is not done, and they quoted Pope John Paul II, the poorest appear to have little hope. If globalization is ruled merely by the laws of the market, applied to suit the powerful, the consequences cannot but be negative:

"We are concerned," the bishops wrote, "about the ability of CAFTA to increase opportunities for the poorest and most vulnerable and to enhance the prospect that they will genuinely benefit from increased trade."

Mr. Speaker, I intend in the coming days to show pictorially and narratively one example of what is happening in Nicaragua. This is an absolute disgrace. These countries have not told or shared with their citizens what is in the CAFTA agreement. In fact, the bishops point this out. Folks need to be educated before any two countries sign any kind of agreement. Do not keep folks in the dark. This is the multinational corporation agreement. This is not an agreement that is going to help the folks in that country or this country.

And how many folks have come across the Rio Grande River from Mexico in just the last few years that NAFTA went into effect? The promise of NAFTA on this floor in 1993 was that it would stop the flow of illegal immigration that come across the Rio Grande into this country. We have doubled the amount of people because the companies that went to Mexico have now gone to China. We have participated in this vicious circle. I am glad the gentleman brought up that famous quote regarding the definition of insanity is doing something over and over and over again and expecting different results.

Mr. Speaker, our policies are insane. They do not help the workers of this Nation. It is sad. But listen to what the bishops have had to say. They have had a lot to say.

This is the time to stop these unfair agreements. We need a trade policy in this Nation that is fair before it is free. There are no free lunches here. We want a policy that the Members in the Congress of the United States are going to be able to vote upon and discuss and amend. I want my rights back under article I, section 8 of the Constitution. I demand them back or else we might as well go home and let us have a monarchy.

The Forefathers fought this. They argued and debated one another. They said we should have three branches of government as a checks and balance. What checks and balances do we have on the trade agreements that both President Clinton and President Bush have put before the Congress with very little debate and we have given the store away? That is a fact of life. That is the truth. I ask anybody to come to this floor to deny it.

Our current trade policy is not working, President Bush. It has not been functional for some time, I say to the past two Presidents. The Bush administration and the Clinton administration have only continued and increased its support for multinational imports over domestic industry. No wonder the containers come into this country filled, and they stay on the docks empty going nowhere. That is part of the trade deficit. Look at the empty containers. Congress must take the initiative and stop blindly approving free trade agreement after agreement.

As we hemorrhage family-wage manufacturing jobs, how dare we say on the floor of this House that these trade agreements are going to bring better paying jobs, are going to sustain benefits to those workers, are going to sustain this economy. Our trade deficits grow and grow. Finally, Mr. Greenspan, in a moment of resiliency, has spoken out on this. Finally, we have two cups of coffee maybe instead of one.

We cannot ignore that we live in a global economy. We must also use our strength to help improve the living conditions of those living in our partner nations and not just wink when we say it.

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This Congress must defeat unfair trade agreements until we start forming trade policy rationally and fairly. You look at what happened to the Mexicans who came across the Rio Grande, our brothers and our sisters who came across that river. The promise that was given to them in 1993 was that you would not have to do that anymore. You will have a job. You will have a job that pays. You will have a job that gives you benefits. Your family will be able to live. How come they have come here? Because the jobs are not there.

Who made money? Not those people. The multinational corporations made the money. CAFTA as drafted is not an agreement to accomplish these goals. It needs to be renegotiated. We do not want to bury it. We want to renegotiate it so that it is fair, so that it does have teeth, so that it protects the sovereignty of the United States and every other country who wishes to participate. I intend to show pictorially, and I will keep my word, on what has happened in Nicaragua, that poorest of all poor nations; $2,200 a year they make. They are going to buy American products? Is this reality TV or is this reality?

I see my other friend from Ohio (Ms. KAPTUR), and I want to yield to her so that perhaps, when she finishes, we will have a triumvirate here.

Mr. BROWN of Ohio. Mr. Speaker, I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I thank my dear colleague the gentleman from Ohio (Mr. BROWN) who has brought us together this evening to discuss the pending vote on CAFTA, godchild of NAFTA, and my dear friend the gentleman from New Jersey (Mr. PASCRELL) who has been such a leader on all economic concerns that face our country, and indeed they are daunting, this one among them.

As I listened to the gentleman from New Jersey and the gentleman from Ohio discuss this pending CAFTA vote, I could not help but think NAFTA. In a bullet, 1 million lost jobs for our country, of jobs all over this country, Ohio, New Jersey, California, Oregon. The list goes on and on. I think Ross Perot talked about the great sucking sound 10 years ago, and we certainly have seen that. This is going to be the last few inches left in the tub, are going to go down to Central America now on this continent.

I usually talk about the economic dimension of NAFTA and CAFTA, but tonight for just a brief moment I wanted to talk a little bit about the political issues involved, most importantly freedom. If America's goal really is to export products, that is a good secondary goal. The first goal ought to be exporting freedom and finding a way to make sure that any agreement that we enter into advances the cause of freedom globally. If we look at NAFTA as a model of what happened economically, this chart very clearly demonstrates every single year since NAFTA's signing, we have moved into greater and greater job loss and greater movement of the deficit with Mexico as well as Canada. So it is negative; negative, negative, negative in exponential proportions. This is just an example in the automotive industry post-NAFTA. We had many more cars coming into our country from Mexico than exports going out. So it is pretty clear what it did economically.

But politically, we ask ourselves, will CAFTA support growing democracy in Central America? Will we export freedom first? Do we consider trade more important than freedom?

This agreement is going to undermine democracy in our neighboring

Central American countries. Central America without question faces serious challenges in the consolidation of democracy and the protection of human rights. Peace accords in some of the countries that the gentleman from New Jersey and the gentleman from Ohio have been talking about tonight, peace accords in El Salvador and Guatemala and the end of the Contra war in Nicaragua signaled the beginning of a hopeful era for Central America, but the implementation of reforms there has been incomplete, and many democratic institutions remain weak. Increasing political violence, in Guatemala in particular, is a grave reminder that the conflict of previous decades has not been laid to rest.

Just last week in another country, as high school and college students in El Salvador protested an increase in bus fare, Salvadoran riot police attacked the protesters, seriously injuring and detaining high school students. Riot police followed students as they retreated inside the gates of the university, setting off bombs of tear gas at them and opening fire on the students with what they claim were safe bullets. Four high school students were hospitalized, and others were arrested. To even try to freely assemble in these countries is met with great resistance. Still, civil society in Central America struggles to gain voice, and hundreds of thousands of small farmers, workers, women and young people have gathered in these countries to protest this CAFTA agreement as not contributing to the advancement of freedom in those nations. In recent months, there have been 10 significant protests in Guatemala. You have to be very courageous to demonstrate there. Thirteen in El Salvador. Twelve protests in Honduras. Six protests in Nicaragua. Seven in Costa Rica. They have ranged in attendance from 10,000 to 250,000 people. The people of these countries are saying: United States, pay attention. This agreement will not help us. Hear our voices. Still, their voices are ignored by their own legislatures. They are doing this in order to try to get our attention.

CAFTA passed under very undemocratic procedures in Honduras and Guatemala and El Salvador; with an early morning surprise vote in Honduras, we had parliamentarians from Honduras who just came here and told us that; and an emergency session in the Congress in Guatemala because, if they had considered it under regular order, it simply would not have passed. The public would have come into those chambers. They would have stood around the buildings and made their voices heard.

Not only does CAFTA do nothing to promote democracy among our neighbors, but in fact, it undermines democratic processes here at home. For example, CAFTA's chapter 10 undermines our ability to uphold our living standards because, under this proposed agreement, corporations have the right to sue a government directly if they feel their ability to earn a profit has been undermined, for example, by a public health law or regulation. Is safe drinking water not important? Not having streams polluted, is that not important?

CAFTA's chapter 10, which is modeled on NAFTA's investor right provisions, goes way beyond the rights granted to U.S. companies in the law. Under NAFTA's rules, indirect expropriation and loss of future profits constitute grounds for a NAFTA case. These rules have been reproduced in CAFTA, and they threaten a wide array of legitimate public health and environmental protections.

Under NAFTA's investor provisions, several attacks have already been made on our democratically passed laws. For example, and I will just go through two of these, a Canadian gold mining company under NAFTA recently sued the United States to escape the cleanup and reclamation of a mine site in the United States, claiming this would have interfered with the Canadian company's profits. Well, too bad. Why should they leave behind squalor in this country or any other one? Another example, a Canadian company challenged California's right to ban the gasoline additive MTBE. California banned that ingredient because it leaks from underground gasoline storage tanks and polluted drinking and surface water throughout that water-short State. The Canadian company, Methanex, sued California for almost $1 billion because, they said, their profits were allegedly harmed by California's MTBE ban. Now, what sense does that make? Do we not have a social compact here? Do we not have the right to protect people and under freedom's institutions make sure that our laws reflect that?

CAFTA aims to constrain local and national procurement laws that could otherwise address off-shoring, which I know my colleagues are concerned about, or promote economies that serve our communities, promoting living wage jobs and healthy ecosystems. What is wrong with that?

In closing my opening remarks today, I guess I would have to say, what is next? What will be left of our democracy here at home after more trade agreements like CAFTA? What kind of model are we exporting, where freedom is shortchanged, where profits are given the green light? We should only have free trade among free people. We should use trade as a lever to raise living standards, and we should place freedom first. It is truly a joy to be with my colleagues here this evening and to try to fight in freedom's cause.

Mr. BROWN of Ohio. I thank the gentlewoman from Toledo, Ohio, who has been on this floor for literally more than 20 years arguing, fighting for American workers and fighting to lift up standards, everything from food safety to environment to workers' standards and standards of living in the poorest countries in the world and trying to get trade agreements that work for everybody.

One thing that I particularly liked that the gentlewoman from Ohio said is that it is pretty clear that the opposition to these trade agreements is not just a few Democratic Members of Congress or Republican Members of Congress, it is also a wide swath of Americans who are against this. It is labor. It is working people and small manufacturers. It is environmentalists. It is religious leaders, but also, as the gentlewoman from Ohio points out, it is religious leaders in all of the CAFTA countries. It is workers in all of the CAFTA countries. It is poor people in all of the CAFTA countries. They had to pull late-night shenanigans, as they have on occasion in this body, in several countries in Central America to even pass this agreement.

We hear the people for CAFTA saying, Well, the people of Central America need this. It will make them more prosperous. It will help them. It will help keep them from being so poor. It will help raise their standard of living. But we do not see any evidence that people in Central America want this agreement except for the wealthiest in those countries. And as we all have said in our opening remarks, this agreement is negotiated by a select few for a select few. It is negotiated by the largest corporations for the largest corporations. It is negotiated by the drug industry, the insurance industry, the banks, the financial institutions because they, in fact, will benefit. The wealthy corporate interests in Guatemala will benefit as they do in the United States. But workers in both countries will not benefit. Religious leaders in both countries think this is a bad idea, environmentalists, all kinds of people.

Mr. PASCRELL. Trade agreements, as I learned about them through school and reading on my own, used to be about tariff levels and quotas. That was the basis of trade agreements. But the modern trade agreement is about much more than just importing and exporting goods. I agree that foreign policy and trade go together. This is very critical. These agreements, and specifically the one we are talking about now, include entire chapters on foreign investor rights.

If I may, I want to talk about that just for a few moments, the ownership in domestic regulation of services and even how tax dollars can be spent on procurement, buying things. We have had debates on the floor of the House in the last 2 months which have centered upon the sovereignty, the independence of our country in the world.

Just last month, we saw a comprehensive United Nations reform measure pass this House. In that debate, we heard about how the U.N., the International Criminal Court, and other global bodies can undermine policies set by this Congress and this Federal Government. How any of those same critics can support CAFTA is beyond me. These agreements include, as I said, whole chapters on foreign investor rights. Over the past 10 years, NAFTA, which is the model for this piece of legislation, has been a disaster for American sovereignty and has undermined the intent of our Constitution.

The much reviled NAFTA chapter 11 was designed to grant special legal protection and new rights to corporations from one NAFTA country that invests in another NAFTA country. Again, we see multinational corporations winning out over the little guy. We have surrendered our independence as a nation. Extraordinarily, NAFTA chapter 11 provided for the private enforcement of these investor rights by the investors themselves outside of the nation's domestic court system and in a closed-door trade tribunal. How can you be so concerned about what the U.N. is imposing upon the United States and not look at what CAFTA is doing to the sovereignty of this greatest of all democracies? Secret tribunals have the ability to override our Federal courts. They have the ability to exact fines from the Federal Treasury. They have the ability to make new Federal policies outside the congressional process.

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In the 2002 Fast Track law, we attempted to add some assurances that trade agreements could no longer replicate this dangerous chapter 11 precedent outlined in NAFTA. We did not succeed. The language enacted in the final Fast Track bill was weak at best. The act did state that foreign investors should have no "greater substantive rights with respect to investment protections than U.S. investors in the United States." This is unbelievable. The investment provisions of CAFTA failed to satisfy even the modest congressional requirement. And I must say on this point, this CAFTA agreement provides greater rights to foreign investors and businesses than provided to the United States citizens and the United States businesses. Read it. Do not take my word for it. Go to the document.

How anybody could stand on this floor, and I know those that did, and beg us to make sure the United Nations does not undermine the sovereignty of the United States and not have the same standard in looking at the CAFTA agreement and chapter 11 in the NAFTA agreement and not say we have surrendered. The United States has surrendered under this agreement.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I want to compliment the gentleman for his passion and for placing the net result of the architecture of NAFTA and all succeeding agreements that follow in its path like this proposed CAFTA because what we see is a system, an economic system, that is really very cruel, foisted upon societies that do not have the legal system nor the financial system nor the political systems to really allow the voices of the people to be heard in their chambers of government.

In Mexico, after people's wages were cut by 40 percent, the value of their buying power down by 40 percent post-NAFTA, nearly 2 million people in the countryside thrown off their land, what happened there, they got so angry, there have been protests in Mexico City of a million people. A million people. That is three times as many people as live in the major city that I represent. They could not have their voices heard any other way. There was a group of farmers that got on their horses from the different states in northern Mexico and central Mexico. They literally rode into the parliament to try to say stop it, this is hurting us too much.

That is about all they can do to make their voices heard unless they can change over their government. They come here and say to us, America, do you not realize what you are doing to us, whom you are in partnership with? They are begging us to help them improve their societies. Do we not have the greatness as a Nation that believes in freedom and the liberty for all people that we would use our powers, political, economic, moral, whatever they might be, to help these poor people? What is wrong with us? We have been hurt ourselves greatly by our jobs moving to Mexico and other places. We know how tough it is.

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, may I suggest to the gentlewoman from Ohio that it is not the Congress that is making the trade agreements. I have pointed that out before. We have surrendered that right, that power. I do not even think it is the President. What do my colleagues know about that? We have surrendered to many multinational corporations. They are making the trade deals at our expense.

Ms. KAPTUR. Mr. Speaker, if the gentleman from Ohio would continue to yield, I think what the gentleman from New Jersey said is absolutely accurate, and they expect that through the institutions that are set up, these NAFTA tribunals or CAFTA tribunals or TWO or they meet in places that most people had never heard of. Right? Davos, who can get there? Do people want to go to a meeting somewhere on the west coast of Mexico around Cancun or whatever that was? The roads are blocked off.

They tried to pass something here on GATT. When did they do it? In a lame duck session after midnight. In these countries, by special session, early in the morning, late at night, and the people in those societies even have less opportunity to try to impact the legislative process, as I have spoken about this evening. So we have surrendered, we have surrendered to the largest, most powerful private corporations on the face of the Earth: oil companies, automotive companies, electrical companies, and agricultural companies, people that need cheap labor whether it is to make clothing or whether it is to pick sugar beets, whatever it is. What we have done is we have let that big bulldozer ride over all of us.

And here we stand in the citadel of freedom this evening and we say to ourselves, is this the best we can do? Is this the best we can do, a Nation that rebuilt Europe after the Second World War, a Nation that worked for 50 years to see the collapse of the Soviet regime? Is this the best we can do in the modern age in the 21st century?

Mr. PASCRELL. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, would it not be great if we put an end to it in this Congress on both sides of the aisle? The gentleman from Ohio knows better than anybody there are a number of people, I cannot count the ones and I am not taking them for granted, I never do that, but there are a number of people on the other side who see through this fantasy and are willing to stand up for it. We know that pressure is going to be put on them. Two administrations past, pressure was put on folks right here, right here. And I supported President Clinton on most of what he ever wanted.

But on trade, I think the administration and the executive branch of government are selling our intellect short, and our responsibilities, I want those responsibilities back. I believe that Congress should be part of a negotiating team to negotiate these agreements and then bring them to the floor, we debate them, and we pass it. We need to do something to make these agreements fair. Up until now we have not.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, both the gentleman from New Jersey (Mr. PASCRELL) and the gentlewoman from Ohio (Ms. KAPTUR) have pointed out how these agreements are not fair. They are written by a select few for a select few, and the gentlewoman from Ohio (Ms. KAPTUR) writes about how especially working people in Central America and the Dominican Republic simply cannot figure out how to get their voices heard. They ride their horses from the far end of the capital and try to tell their legislators this agreement is not working for them.

But what we are seeing this week is there are a handful of Central American legislators that have come here to say this is a bad idea for our country and various different countries in Central America. We are seeing a Central American Roman Catholic cardinal join with American Catholic leaders and Lutheran and Presbyterian leaders in our country saying this is bad for the poor in all seven countries. It is bad for the poor in the United States. It is bad for the poor in Costa Rica and the Dominican Republic, in El Salvador and Guatemala, in Honduras and Nicaragua.

This agreement, if we want to talk about economic justice and social justice, as all of us, and I know faith is important to the gentleman from New Jersey (Mr. PASCRELL) and the gentlewoman from Ohio (Ms. KAPTUR) as it is to me, if we want to talk about what faith is all about, any religious faith to which one ascribes, it is clear that faith is about social and economic justice.

That is why the cardinal is here talking to Members of Congress about how this hurts his flock in Central America. That is why Lutheran and Presbyterian leaders and activists in our country are here talking to their Members of Congress, saying this is not fair to our communities, it does not work for our families, it does not work for our workers, it does not work for the environment, it does not work for anybody but those large companies that the gentlewoman from Ohio (Ms. KAPTUR) talked about, the large oil companies, the banks, the insurance companies, the drug companies, the big multinationals, that will use this agreement to not lift standards up in any country but to outsource jobs, to ship jobs overseas.

Mr. Speaker, I yield to the gentleman from New Jersey.

Mr. PASCRELL. Mr. Speaker, I ask either one of my colleagues what are the circumstances that allow us to vote for a bill where foreign investors and foreign firms are granted greater rights than U.S. citizens and United States firms? What is the rationale? I will listen very carefully.

I have read the document. To those who are going to vote for it and do not want to read it, they do not know what is there, please read the document. How can they vote for a surrender of sovereignty? They took the oath of office to uphold the Constitution of the United States. How can they surrender sovereignty of this Nation? Do my colleagues think folks understand that in this Chamber?

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from New Jersey for so effectively raising that issue this evening because I do not think the public fully understands who can take whom to court and how our basic legal rights are undermined through the NAFTA agreement and the CAFTA agreement. We basically abdicate that to these bodies that have no transparency. They have no regular right for an individual citizen, for example, to take a claim. We end up with big corporations taking the laws of the State of New York to court or the United States of America to court.

I mentioned the instance where a Canadian company, a company, challenged California as a State their right to ban MTBE from their gasoline because it was polluting their water, of which they have a limited amount.

Mr. PASCRELL. Mr. Speaker, if the gentleman will continue to yield, there is no question in my mind that we are surrendering the sovereignty of this Nation if we vote "yes" on this legislation. There is a legitimate debate in this Nation about what public interest functions are inherently governmental. Governments choose at what times and with what vendors they wish to procure goods and services. The procurement issue is a very central point in the CAFTA debate. The votes are there to outsource some tasks and not there for others. They are there to purchase locally made products in some cases, import services in other cases. On a State and local level, these same debates are considered every day as the Constitution properly allows them to be considered. Democracy lives.

But under CAFTA, under CAFTA, whether a state privatizes its auto inspection program, whether we give preferences for a local construction firm, whether a city privatizes its water system, Nicaragua, is not necessarily a local decision. It is potentially an international case. How can we accept these conditions?

Globalization is here. We do not and cannot deny that fact. But that does not mean we must give up the values we hold dear to us. That does not mean that we must take what we are given by this administration. Congress has rights too. I thank my friend from Ohio, my two friends from Ohio. Why is it that folks from Ohio are always there to protect the American worker? And I thank each of them for all they have done through all of these years.

We are not going to take one step backwards on this deal. We are going to say this is the end of it.

Ms. KAPTUR. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Speaker, the gentleman so effectively raises the issues of sovereignty and of protecting our legal system based on a rule of law with individual rights embedded in those very deeply, and I wanted to thank him for his constant leadership, as well as the gentleman from Ohio's (Mr. BROWN) leadership in this whole anti-CAFTA effort, and say that, in addition to the sovereignty issue, following on something the gentleman from Ohio (Mr. BROWN) said, I think one also has to look at the morality of what is being done here, and his reference to the religious leaders that are coming here from Central America this week, certainly I think of the Roman Catholic Guatemalan cardinal and his tremendous letter that he wrote.

But according to Christian teaching, we remember the words: "As you do unto them, the least of my brethren, so you do unto me." And we, as the most powerful Nation in the world, have to think about the impact of what we are doing as a country on the least among us not just at home but abroad. And without question, as the gentleman from Ohio has stated, the net income and the earning power of those in these Central American countries, in El Salvador, Guatemala, we put them all together, they are so poor. They are so low income. Our predilection should be to have a preference for the poor, that, in fact, we should make it no worse than they already have it.

And we can see the women who are working in those banana packing houses who earn pennies a day, bitten by spiders, and they are told to pack 40 boxes; no, pack 50 boxes an hour; no, pack 100; no, pack 200, until they wear out, and then there is another person lined up. They have no rights.

And how about in the places that sew clothing? Those are largely women workers. They have no voice. They earn pennies. It takes them 2 weeks of work to even afford one pair of the trousers they make that are sold in this country for $39. What is right about that?

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What about those people? Are we not to think about them as well? Yes, those jobs were lost in South Carolina or Mississippi, or they moved somewhere from this country, and we fought that with these unfair trade advantages that some of these multinationals have.

Now, what this is doing is it is putting a Good Housekeeping Seal of Approval on a system that we know is so exploitative. It is bad for our people and horrendous for those doing the work in these packing sheds and these hot, dusty textile companies that no one will ever see.

I remember hearing a letter written by one woman working in a company that was headed by a South Korean who was making the women work faster and faster and faster with no rights. That is where our country was 70 years ago, and we got rid of that kind of sweatshop condition, or at least we got the laws on the books to allow people to have some dignity in their work.

We should not be giving any Good Housekeeping Stamp of Approval to a system which will approve that kind of sweatshop labor that is going down in Central America, which this will exacerbate.

We should listen to the people, listen to those who are demonstrating, listen to those traveling here, listen to their religious leaders and using our power, which is our marketplace. They all want to take their stuff in here. So let us lift standards elsewhere as a condition of market entry, and let us make sure, by raising living standards, we do not keep washing out jobs in this country more and more.

Mr. BROWN of Ohio. Mr. Speaker, reclaiming my time, I thank the gentlewoman from Toledo, Ohio (Ms. KAPTUR).

As we wrap up in the last 60 or 90 seconds, what I again point out, what the gentlewoman from Ohio (Ms. KAPTUR) said, working conditions and the standard of living in all of these CAFTA countries. Nicaragua, people are making $2,300 a year; Honduras, $2,600 a year. This agreement does nothing to lift up living standards in those countries.

It means, one, they cannot buy American products as the gentleman from New Jersey (Mr. PASCRELL) has said, but it also means they continue to live in abject poverty. And this agreement does nothing to lift them up. That is why the opposition to CAFTA is so broad. That is why the cardinal is here this week. That is why Central American legislators have come up here and paid their own way to get here, I believe. That is why religious leaders in our country who see this issue, this agreement, as a moral question, what we do to the least among us, and so many people, religious leaders, advocates for the poor, advocates for working people, unions, small businesses that care about their communities, Republicans and Democrats alike, have joined against this agreement.

That is why if this vote on CAFTA were held tonight, if it were held right now, this agreement would go down by 20 or 25 votes. I will make a prediction, and I have heard the gentleman from New Jersey (Mr. PASCRELL) and the gentlewoman from Ohio (Ms. KAPTUR) say the same sort of thing, we know that in the next 2 weeks, if this comes up to a vote, that the majority leader, the gentleman from Texas (Mr. DELAY), the most prominent and most powerful Member of this body, will put immense pressure on Republican Members to change their votes, to vote against what they were going to do, to change their vote and vote for this agreement. And the prediction I would make is if this comes to a vote, if in fact they think it is close enough for a vote, they will bring it up in the middle of the night; the roll call will stay open not the regular 15 minutes, but for an hour, 2 hours or 3 hours, as they have done before; and if it in fact passes, it will pass by no more than two or three votes.

That is the way business is all too often done here. And when this agreement so clearly runs counter to what most Americans want, it runs counter to what most Central Americans and Latin Americans want, it runs counter to what is good for business and what is good for workers in our country, the only way that they can possibly pass it is to twist arms, exert all kinds of pressures, open up the taxpayer bank and give out all kinds of pork projects to Members so they can get this agreement through. If it passes, it will pass by no more than two or three votes, we can count on that.

But if this Congress, this House of Representatives, follows what the word "representative" means and really represents the people whom we are supposed to represent, this agreement will be defeated and Members of this body will look for a new, renegotiated CAFTA that will lift living standards up in the six Latin Americans countries and in the United States and will actually be a win for everyone involved.

Mr. Speaker, I particularly thank my friend, the gentlewoman from Ohio (Ms. KAPTUR), who has been so stalwart in this for so many years, and the gentleman from New Jersey (Mr. PASCRELL), who speaks so eloquently about our constitutional rights and sovereignty and where we should go as a Nation.

ANSWERING THE CALL FOR FREEDOM

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is recognized for 60 minutes as the designee of the majority leader.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise this evening to highlight one of the most underreported and freedom-affirming policies that the world has seen since the end of World War II.

For centuries, the world has heard the oppressed, the downtrodden and the vulnerable cry out for their freedoms, for their rights and for a chance to emerge from the shadows of the tyranny and bloodshed that they had lived with. Those yearning for basic liberties and for basic rights have occasionally been led by vocal and dedicated women of the world. Their's has been too often a silent battle, however, with no clear voice, no champion and no opportunity to cry out for their freedom.

I am proud to say tonight that this Congress and this President have heard those cries. We have recognized the unmistakable voice of freedom rumbling across the ocean and into these hallowed chambers, and we have answered that call.

Too often, this House has dealt with the aftermath of turning a blind eye to the horrors of present regimes and of past despots. This Republican-led Congress has said, "no more," to those policies. No longer should women be denied the right to vote, no longer should women be treated as second class citizens, no longer should women not be allowed to be a citizen at all.

The world today is changing rapidly, and we are helping to make it better for our children's future. Since President Bush took office in 2001, this Congress has supported an agenda of democracy, freedom and expansion of rights for all peoples throughout the world. The list of non-democratic regimes that have seen significant reforms since 2001 is long and significant. Iraq, Afghanistan, Libya, Egypt, Lebanon, Kuwait, Georgia, the Ukraine and others have all held elections, increased minority rights or have committed to democratic reforms.

We have before us a picture of an Iraqi woman who voted. She was so proud that she was able to vote. We see the ink-stained finger that told everyone that at last she had the opportunity to vote.

While all of these are important and significant events, it is the United States' foreign policy that furthers the advancement of freedoms and rights for women that is the most striking for me. The world watched October 19 as 19-year-old Mokadasa Sidekey cast the first vote in Afghan's landmark presidential election. Here we have some more women participating in the Iraqi elections proudly holding up their ballots.

We also have the picture of the thousands of women lined up in Afghanistan to go to vote. They value that privilege. They value that ability that they now have to vote. Today, women comprise 41 percent of the 8.2 million Afghan voters. With our support, these women will continue to lead to fan the flame of democracy and give them hope for a brighter future.

Tonight, you will hear personal stories from Members who have traveled to countries like Jordan, Iraq and Afghanistan. From the tales of women who voted for the first time in their family's history to the meetings with newly elected female representatives of Iraq, these stories are truly inspiring.

Now I would like to yield to the distinguished gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the gentlewoman from Florida for allowing me this time and for doing this very important event to recognize the freedom that women have obtained because of the United States and the United States' policy with the world and the sacrifice of American troops.

History will record the devil deeds of Saddam Hussein, the tyrant of the desert, especially his crimes against his own people, the women of Iraq. They cry out from their unmarked graves across the wastelands created by Saddam Hussein in the desert sands. Those women were raped and tortured. Some were beheaded in the presence of their own families, and after they were murdered, their bodies were abused.

But on January 30, 2005, the women of Iraq spoke out for the living and for the dead. It was their chance to be a part of something that never before ever happened in that part of the world, a free election.

The world, civilization, began between the Tigris and Euphrates Rivers. Those civilizations have always had a form of government other than a democracy. They have had monarchies, dictatorships, tyrants, but never a democracy.

I was privileged to be in Iraq on January 30, along with the gentleman from Connecticut (Mr. SHAYS). The two of us were there to witness this first free election.

The skeptics, the critics, they said it would never happen, that the Iraqi people did not understand democracy, that they would not vote, they would not show up, that they were intimidated by the terrorists. Well, the sceptics, the critics, the cynics, were wrong yet again.

Having been in Baghdad and Fallujah and other parts of northern Iraq, I went to those polling places, and when dawn came, the whole country was shut down to vehicular traffic. But, slowly and surely and defiantly, the Iraqi people walked to the polls. They took their families, they took their relatives, their neighbors.

They were threatened that, if they voted, they would be killed, and, sure enough, 57 of them were murdered on election day going to or from the polls. One lady was murdered with her 8-year-old son as she left a voting place in northern Iraq, a school. Almost 300 others were wounded because they decided to exercise the right to be free and vote for their own rulers.

But yet they voted, in spite of the intimidation. There was almost 60 percent voter turnout on that glorious election day, "freedom day" for the Iraqi people.

The insurgents tried to intimidate. They tried to harm, they tried to murder those people, but they voted anyway, and, after they voted, they stayed around the polling places to watch this event. They took photographs of family members voting. Then, when they would leave the election polling booths, they would walk down the street with that right forefinger, ink-stained, held high in the air defiant to those terrorists, because the terrorists said, even with that marking, that would mark them to be murdered later. Yet they did not care, because freedom was more important to them.

I talked to many Iraqis that day through an interpreter, and I remember one senior citizen, she was a senior-senior citizen, an Iraqi lady, and she told me through an interpreter that she had lost her son to the murderous Saddam Hussein, and she wanted to thank me for the sacrifice of our sons and daughters, American sons and daughters, that they had made it that she and her other Iraqi friends could vote that day.

American troops are spreading liberty and freedom. They are liberating enslaved peoples. The best ambassadors for freedom that we have in the United States are our young men and women in Iraq and Afghanistan liberating those enslaved people.

□ 2100

You know, the critics that say we should cut and run from Iraq now should remember that freedom has always cost. It has always cost all people who want to be free. And people in Iraq are free and are fighting continuously for this liberty because of Americans.

I hope we all appreciate the sacrifice our troops are making and understand that they have done more for freedom and dignity, the freedom and dignity especially of women, than any sign-carrying protester. We should just ask those noble and brave Iraqi women that held their fingers high.

My grandmother used to say, who was really the most influential person in my life, that there is nothing more powerful than a woman that has made up her mind. And I think we have seen in the Iraqi women, and I saw personally, that they have made up their mind to be free, that they will not be enslaved and abused or neglected any longer. And it is all because the United States believes in freedom for all people.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, the gentleman from Texas (Mr. POE) made some excellent points about the bravery of the Iraqi people in going to the polls.

You know, we will go to the polls, we may have to wait a little while to get in. It is nowhere near the long lines that they experienced in Iraq. And we have to remember that we are free to go to the polls. We do not face the kind of intimidation that the Iraqi women faced.

Mr. Speaker, I am very pleased to have been joined by the gentlewoman from Illinois (Mrs. BIGGERT), who actually has traveled and can tell us some information about the women that she met, and we look forward to hearing from you.

Mrs. BIGGERT. Mr. Speaker, I really appreciate all that the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) is doing with the Women's Caucus, and she has done a great job bringing these women's issues out and how important they are to all of us.

Mr. Speaker, I would like to talk a little bit first about the Afghan women, because I had an opportunity to work with them. It was before some of our women Members were even here, it was in 2002, when there were a group of women, first of all starting out with women lawyers from Afghanistan, came over to meet with the Women's Caucus and have a discussion.

Later on, Habiba Sorabi, Afghanistan's minister for women's affairs, came over to meet with us and discuss what the mission was all about. And she talked about that the mission for women was to restore and improve the rights of Afghan women and to strengthen their legal, their economic, political, and social status throughout the country.

At that time the Members of the Women's Caucus here came away convinced that the work of their women's ministry was absolutely critical to the rebuilding of a peaceful and democratic Afghanistan in which the women and girls would have full rights.

And one of the things that we did was to establish and to find funding for women's centers over in Afghanistan. As you see the picture there with the Afghan elections, wearing the burkas and the veils, and still how they go around covered. So they needed a place where women could go where they could have health care, where they called take their children for education, and where they could have job opportunities to work on their creations of rugs or chickens or whatever they were going to do to establish an economic basis.

And with that, we were able to get from the Appropriations Committee, from foreign ops, money to actually build women's centers in all of the provinces of Afghanistan. And they are being built, many of them, from Kabul to the hinterlands, have been established to give the women that.

And then after that, we also were able to not really to go into Afghanistan, but to go over early in the morning to the State Department, 7 a.m., and talk to women that were involved in writing the Constitution for Afghanistan, to make sure that they were included.

And we had to do it so early in the morning because they could not be out after dark, and with the time change, they were at the end of the day, we were at the very beginning of our day, the sunrise services.

And we were really able to talk to them and give them encouragement and advice in what to do. And they also came over here to spend some time with us really as going out on our day-to-day business to see how a democracy operates, how the House of Representatives works. We wore them out. I must say. But they were able to spend some time with us.

And then in January I traveled to Amman, Jordan, to meet with women who were on the list in Iraq, who were running for office to be elected to the national assembly. And it is a little bit different from what we were doing here.

We have our precincts and our designation, our States, but there this was a national list. There were four of us that went: the gentlewoman from Texas (Ms. GRANGER), the gentlewoman from California (Mrs. TAUSCHER), and the gentleman from Illinois (Mr. SHIMKUS) and myself.

We were over there to train them in the election process. Now it is a little bit different, because here were a group of women running for office who could not have their names on a list, known, who could not have their pictures on a brochure, who could not pass out any literature that they were running, because of the fear of assassination.

And as a matter of fact, many of these women were intimidated. One of them lost her 17-year-old son to an assassin as he was trying to protect her. Another one was kidnapped and held for ransom. Another one lost five members of their family.

But these women were willing to really put their lives on the line to run for national office. And I think we sometimes wonder, you know, we take so much for granted: the opportunity to run for office, the opportunity to vote. And here were women that really said, we possibly will lose our lives, and some of them have lost their lives, and some of those that were elected.

But what happened was that we met with Shiites, Sunnis, Kurds, Independents, and Christians. And there was a group of about 22 members. And they were from all of the different parties. And the first thing, one of the first things that they said as we were sitting at the table, why? You are from different parties? And we said, yes. And they said, well, why are you laughing and talking together? You are from different parties so you really should not be speaking together.

We said, that is one thing about a democracy. We have different parties, but we respect each other. We are friends, we are colleagues, and we laugh and talk and joke; but we do have different philosophies. And so with that, these women were able to sit around and talk together on how they were going to get over their differences, because the Sunnis were there saying no, no, we should postpone the national elections.

And the others were saying, no, we need to go forward, but we want you, being the Sunnis, to join us. They wanted all participation from all of the different groups. And so some of the Sunnis said, well, maybe that is a good idea.

So they did learn that democracy is the art of possible. And so it was that after that election, 25 percent of those elected out of the 275 were to be women. Well, 33 percent were elected and 33 percent were women. Of course, I got a call from one of them, or an e-mail, which we have e-mailed back and forth on election day. She said, I was the first to vote in my district. I cast the first vote. And it was fine. Everything was going fine.

So they were elected. Many of those that came, were elected. Then in April there were three of us that went back to Jordan: the gentlewoman from Texas (Ms. GRANGER), the gentlewoman from California (Mrs. DAVIS), and myself. And we met went back to meet with 150 Iraqi women who were chosen because of the leaders in their provinces, leaders like mayors, and were developing into the leaders in their country.

And that was to train them in democracy. And just think, suddenly you have a democracy and you have come from a dictatorship. What do you do? So we had a lot of role-playing with them and instant translation so that we could talk to them. And I have to tell you that some of them talk very loud. I think it is a cultural thing when they want to make their points.

So we would say, cannot hear you through the earphones. But we learned that this is just a cultural difference in how we differ. But one thing that they said was that they did not really want to have a quota system. They wanted to be like us where they ran as women, and they were elected. And we said, well, now you have got 33 percent. Just take it easy for a while, because we only have 14 percent in the Congress. You are way ahead of us. So keep up the good work and make sure that you stay that way, and one day you will have the same as we do.

One day you will have the brochures that you pass out. One day you will have the sponges and the combs and the pencils that you are giving out to get elected. But what they have done, I think, has been fascinating, and they have just been able to move ahead and to be able to find out how to run a democracy. I think they are way ahead of the game; they really caught on very quickly.

We had them doing some role-playing. They would pass on to the next group some of the tips that we would give them, like tell the provincial council that you are talking to what your name is, what group you represent, and why you want them to do something.

As each group, during the 2½ days that we were there, came up and did some of this role-playing, they got better and better. But they loved doing it, and we loved having them.

But again they came to us at great risk. They had to drive through Iraq, and they were shot at, a group of them was held at the Jordanian border for 13 hours, and you know what they have gone through for the freedoms that we believe in, that we sometimes do not, you know, take the great care and go out to vote, that we do not do the things that they think is, you know, they are willing to give their lives for.

I think that we have to honor them and all of the other women that we see throughout these countries that are now going to vote and having the elections and making sure that they are included and their children are going to be included. I think that we honor them. I am very delighted to have the opportunity to be here tonight.

Ms. GINNY BROWN-WAITE of Florida. I appreciate the gentlewoman from Illinois (Mrs. BIGGERT) telling us first hand your mentoring project with some female candidates, and also some supporters who just want to make sure that women are playing an active role in both the Jordanian Government and the Iraqi Government.

Mrs. BIGGERT. Let me just say one more thing too. The message from them was, do not leave us until we have a stable government, because they want to have the freedom and the democracy that we have.

Ms. GINNY BROWN-WAITE of Florida. I found that also when I traveled to Iraq: do not leave us. I wanted to remind you and the other Members of Congress that a week from this Thursday, on July 21, we are again hosting some Iraqi women who will tell us of the progress that they have made in Iraq, both for women's rights and for human rights in general, and their view of what is going on in Iraq.

We all know that, unfortunately, the media does not always portray the good things that are happening in Iraq and Afghanistan, and this will be a great opportunity for us to glean some information from the Iraqi women who are here for us to also take back to our constituents.

Mr. Speaker, I am very pleased that we have been joined this evening by the gentlewoman from Tennessee (Mrs. BLACKBURN). Welcome.

Mrs. BLACKBURN. Mr. Speaker, I want to thank the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for her leadership on this issue and all the work that she is doing to assist women in the House in a bipartisan effort as she chairs the Women's Caucus, and working to serve as a role model for our colleagues and our friends in Afghanistan and Iraq, showing them how to take that leadership role, how to lead by doing and role modeling.

And I thank the gentlewoman for her work in that effort. And I also thank you for organizing this tonight and taking the leadership role in drawing our attention to Afghanistan and Iraq and the importance of women in those issues.

I had the opportunity to be a part of the CODEL in October of 2003 that was led by the gentlewoman from Ohio (Ms. PRYCE). It was an all-female CODEL. It was a bipartisan CODEL. And how exited we were to go and be a apart of what was going on there, to see firsthand what was taking place.

We were so touched with some of the women that we met in a women's center in Mosul, as they poured into a little house, hot tiny little house, cramped rooms, and talked with us through an interpreter about their hopes and their dreams. One of the things that struck us was that there was not a word that they used that translated into mentor.

☐ 2115

And a word that is so important to us. So our delegation sat about explaining to these women that a mentor is different from a sister or a parent, it is more than a teacher, and how a mentor is someone that will walk with you and stand with you and go through all of the trials and the bumps and the starts of creating a place, a life, a spot for yourself. And what a wonderful lesson that was for us to realize how important it is to mentor and how important it is for us to realize how uniquely American it is for us to put our arms around mentoring and pulling up along with us those that we would seek to help and work with.

We have, as the gentlewoman from Illinois (Mrs. BIGGERT) was mentioning, brought some of the women with us here to be a part of what was going on in our Nation's great capital so that they could experience and live and have an idea of how we work in freedom and how democracy works and how we apply it each and every day in our lives. I have also had the opportunity to have some of them in Tennessee with me. We had them in Nashville at Vanderbilt University at the Freedom Forum First Amendment Center. And there they had the opportunity to meet with and talk with some of the members of our military, female officers and members who had been in Iraq, who had fought for their freedom. How wonderful to watch them say thank you.

This past March, I returned to Iraq, and I would like to share with you just a little bit of an update on a couple of women that we have mentored and have worked with over there. One has three children who are currently in school in the northern part of Iraq. They are in a village school there that actually has been put in place by a school in my district. It is a private endeavor. They are working with the local officials. The children are happy. They are excited, and they are learning. Each and every day, they learn a little bit more, not only about reading, writing and arithmetic as we like to say, but also about freedom, about democracy, and how to live and prosper and work in a free society. The elections were great for them. It was a lesson, a living lesson in democracy.

Another, in Tikrit, I had the opportunity to visit with when I returned there and visited with the troops, she came on post. What a wonderful reunion we had, and we celebrated the success that she and her colleagues had enjoyed during the election.

Mr. Speaker, it was wonderful to watch her reach out to the troops to say thank you; thank you for opening new doors, thank you for helping give a new life to me and my people.

Mr. Speaker, I had an e-mail from this young lady the other day. She said, I request your help. I am applying for a Fullbright scholarship. And she wanted a letter of recommendation. How exciting for me to take out a pen and paper and sit down and draft a letter talking about the tenacious spirit, the love of freedom that this young woman has displayed. How wonderful to know that once she, who could not even walk outside her door without fear of what may lie beyond that door with Saddam Hussein and his henchmen, she who helped carry out the elections in her province, that she now says, You know what, freedom brings the opportunity for education and I can apply for this scholarship. That is progress. It is progress of providing hope and opportunity and encouraging the human soul. How wonderful that that exists for these folks.

Just a couple of thoughts on the elections, Mr. Speaker, that I do want to touch on. I mentioned my friend there in Tikrit, and not only did I hear from her stories about the elections and some of the things that they did there, it was the women, as my colleague from Illinois was saying and also my colleague from Florida was saying, it was the women in Iraq who led the way to the voting booth, and how exciting that was for us. There were stories of how they hid people in ambulances and police cars, and they made their way along with first 10, then 20, and then 100. And then as the posters have shown, lines and lines of women who were coming to exercise that freedom.

Some of the emails from some of our Iraqi friends were so inspiring. A few little tidbits of those: We are voting with courage. We showed bravery and great strength. We showed brave hearts and blue fingers. We achieved our identity in front of a watching world, and then, to sum it up, saying thank you. Thank you to the best friend Iraq has ever had, the United States of America.

Mr. Speaker, they mean every word of that. They mean every single word. And I was thrilled on July 3rd and 4th as I opened my e-mails, as I went about my district celebrating this Nation's independence and freedom, that I had notes from these individuals, so many of these, congratulating me on living in America and congratulating America on having another independence day.

Mr. Speaker, I thank my colleague for the opportunity to speak and to share, and I thank the gentlewoman from Florida for her time and effort in this.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentlewoman from Tennessee. I think anyone who has had any exposure to the Iraqi women know how very, very brave they are.

Just this afternoon, Mr. Speaker, in this House of Representatives, we debated a resolution honoring Kuwait on the recent efforts to give women the right to vote. As is the case with many Middle Eastern nations, women are nowhere near equal to men when it comes to basic freedoms and rights that we take for granted every day. However, Kuwait's leaders have recognized that denying half of your population the right to vote and participating in the business of the nation is wrong. As Secretary of State Condoleesa Rice has said, half a democracy is not a democracy.

While Kuwait is not a democracy, giving only half the population a voice in their government is not a policy this Congress should support and one that I am glad that Kuwait's leaders are changing. I certainly applaud the House leadership for bringing this resolution to the floor and for recognizing the significant changes made for women's rights in the Middle East. If women are not allowed to participate in the decision-making process, if women are denied the right to run for and seek elective office, if women are barred from determining their own future, then those women will suffer oppression and human rights' violations.

When given the chance, women have proven they will participate in the electoral process. In Iraq, during the first free and fair elections in several decades, it was the women of many towns who led the surge to the polling booths. Women showed that they were not afraid to take their fate in their own hands and show the world what it truly means to be free.

Now, I would like to recognize my colleague, the gentleman from Georgia (Mr. GINGREY). I appreciate his joining us here this evening to celebrate the rights that Iraqi and Afghani women have recently received. Mr. Speaker.

Mr. GINGREY. Well, I am very, very honored to have the opportunity to join my colleague, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), Mr. Speaker, and I commend her for putting this hour together to talk about the rights of women.

Mr. Speaker, we all know that the gentlewoman from Florida, with others in this body, have recently put together a women's caucus, a bipartisan effort with Members from both sides of the aisle coming together on women's issues, and I really commend them for that. I commend her, and I commend the bipartisan spirit, Mr. Speaker, in speaking out on women's issues.

We Members of this body who happen to be physicians, and I think there are now ten of us, Mr. Speaker, including yourself, recently did the same thing coming together in a bipartisan fashion on issues of health care. I think what we are showing tonight as we discuss women's issues is we can do that as a Congress, and our citizens in every district, all 435 of this great body, they want us to do that. They realize we have differences of opinions on certain things, and maybe sometimes it seems like it is virtually impossible to come together, but I know that we can. I know we can on health care issues, and I know we can on women's issues.

And so, Mr. Speaker, I commend the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) for putting this together, and especially tonight, talking about Afghanistan and Iraq; maybe, in some ways comparing and contrasting their situation, the women in these two countries, compared to what we enjoy today. Mr. Speaker, in this country, women have equal rights, and I think it was mentioned earlier, maybe by the gentlewoman from Illinois (Mrs. BIGGERT), about the fact that in this body, in the combined bodies of the House and Senate, 14 percent of 535 Members are women. Yet in these elections that just took place on January 30 of this year in Iraq, some 31 percent of the 275 seats in the transitional national assembly went to these brave women who, before that, under Saddam Hussein and that brutal dictatorship, they were not even given the opportunity to vote.

Through our efforts and trying to bring some democracy, Mr. Speaker, to that part of the world, we have given them the opportunity, as we turn the country back over to the Iraqi people, for them to hold their own elections. And not only did women vote, they voted in force. Thirty-one percent in their very first election are now members of the transitional national assembly. I think it is a wonderful thing that they have that opportunity.

And as I said, Mr. Speaker, so much of these things, these freedoms that we just take for granted, for instance, there is no longer a glass ceiling in this country. I know in my own medical practice we had six doctors, three men and three women, and in that specialty of obstetrics and gynecology, probably 60 percent nationwide of the specialists are women.

When my wife, Mr. Speaker, graduated from college, and I will not say how many years ago because she will get mad at me if I do that, but with a degree in psychology and a minor in religion, there were not really great opportunities for her in the job market. She did not have a teacher's degree so she could not teach, and so it was either secretarial or flight attendant status, and that was really just a few short years ago.

I am so proud, being the father of three daughters and the grandfather of two granddaughters, two grandsons as well, Mr. Speaker, to see that those little girls have an opportunity to, yes, be a mom and a homemaker if they want to, or be out in the business world at the highest level of corporate America, the highest level of this body politic that we enjoy so much here in Washington. These are things that we just kind of take for granted. But thanks to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) and her leadership on this issue, to come tonight and to spend this time and this special hour talking about these brave women who stood in line, we all are filled with such admiration.

Mr. Speaker, I remembered the picture, I guess this one right here, and I want to show it again, because I will never forget this one, with that peace sign and that purple indelible ink to prove that there was no vote of fraud; that a person would vote once and only once. Maybe this took a week or more, by the way, Mr. Speaker, as you know, to wear off.

□ 2130

These women were putting themselves in grave danger of being killed because they had the courage to go and vote when the minority was determined to see that they did not, that they returned to the same old same old.

My colleagues mentioned that one of the recurring themes that they heard when they were visiting, the Women's Caucus actually went to Iraq and Afghanistan. And what those women were saying, the new leaders who are struggling to get their feet under them, please do not leave us. Please do not leave us. We need your help. They were crying out, we need mentoring. We are new at this, and we want to succeed.

This is the same thing that the president and vice president, this new transitional National Assembly is saying to us today in regard to this question of Mr. President of the United States, when are you going to bring our troops home. As the President said in North Carolina just last week, if the Iraqi people wanted us to bring the troops home tomorrow we would; but clearly they do not. What a terrible message it would be to set a date certain and say in a year or year and a half we are coming home, whether we have succeeded or not. No. These men and women in Iraq are absolutely right when they say do not leave us, and we will not leave them. It is times like this when we bring this home to our colleagues and remind them of what we have accomplished.

I have been to Iraq twice. I went the first time in December of 2003, 5 days after the capture of Saddam Hussein. We went to Fallujah, and that was before things completely deteriorated in that part of Iraq. I went with a small bipartisan group. Each Member brought something from his or her district. I brought school books donated by the great men and women of the Rome Rotary Club, 3,000 pounds of school books and equipment. Yet when we went into schools, they were all closed. There were no little kids in those elementary schools. There were no teachers. But today those schools are open. There are teachers to instruct those little kids in elementary school. And yes, Mr. Speaker, a good portion of those students are female.

Before we gave these wonderful people an opportunity for freedom and equal rights, little girls were not given an opportunity to get an education. It is unbelievable to us. We take so much for granted.

Again, the opportunity to share with the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), the gentleman from Texas (Mr. POE), the gentlewoman from Illinois (Mrs. BIGGERT), and the gentlewoman from Tennessee (Mrs. BLACKBURN) to talk about this issue tonight, I thank the gentlewoman for staying up late and for preparing this and for giving me an opportunity to participate, because, truly, we cannot go home and leave them alone. We have to continue and finish the job.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman from Georgia for joining us this evening and for sharing with us the stories he brought back when he went to Iraq, not just once but twice. The majority of the Members of this body have been to Iraq, and every one of them came back with the same information of please do not leave. Do not leave us. We need to have time so we can stand on our own.

Mr. Speaker, one of the surest ways to guarantee long-term success in spreading democracy and success throughout the world is to support and promote the education of children and especially the education of young girls. When the Taliban ruled Afghanistan, girls were legally prohibited from going to school. That is right, girls were prohibited from going to school. This Congress heard the sad stories of education being denied to women, of keeping them from making better futures for themselves and their families.

Well, now that the United States has liberated the Afghan women, that oppression is no more. As President Bush has said many times, girls go to school now in Afghanistan. Obviously, this is a good sign for our future.

Since the U.S. and allied forces overthrew the oppressive Taliban regime in 2001, approximately 5 million children have enrolled in Afghan schools. Approximately 40 percent of them are women. The United States and the Republican-led Congress have also been leaders in ensuring that the Afghan people have the resources they need to rebuild their ravished and neglected homeland and make it suitable for children's education. We have appropriated hundreds of millions of dollars for Afghan education, and our soldiers have helped construct countless schools throughout the country. Overall, the United States has given Afghanistan $4 billion in 3 years since the fall of the Taliban. For Afghanistan education alone, USAID has allocated nearly $218 million in aid. According to the State .Department, approximately $60 million has been earmarked for primary education. This is more than the amount given for education to Egypt, which is the third largest recipient of foreign aid from the United States.

Certainly these are significant sums of money and show the United States' commitment to the Afghan people. These sums show our continued desire to work together to forge a partnership for the future.

In 2003, during my first few months in Congress, I actually went on a congressional delegation trip to Iraq and saw the conditions on the ground there. We talked to women. We talked to men. We talked to children and doctors. Almost to a person the request was there, please do not leave. At first I thought it was because they liked me, they did not want me to leave. They said they did not wanted troops to leave until the country could stand on its own.

Today, women in Iraq can go to school and go to the market and hold a job. And they can vote. As we saw here the very proud Iraqi woman displaying the new-found freedom that she has. These brave women now have the chance to determine their own future now that they know what it is like to savor the sweet taste of freedom and to make their nation a better place for their children and grandchildren.

One of the most important roles that Congress can play in the future development of Middle Eastern democracies is for Members to act as individual mentors to future women leaders. We heard the gentlewoman from Tennessee (Mrs. BLACKBURN) tell us how she was mentoring a young Iraqi woman. In too many nations, women have not participated in the political process. They lack the training and the background and the parliamentary education necessary to be successful in the political arena.

I was so glad to learn that the gentlewoman from Illinois (Mrs. BIGGERT) actually helped to mentor women who were contemplating the very dangerous act of running for office in their country.

Following my trip to Iraq, I hosted on two different occasions women coming to my district, Iraqi women coming to my district; and I also hosted a group here in Washington, D.C.

In the group that came here to Washington, D.C., there was a wonderful woman by the name of Nagam Kedhum. She was a woman from Najaf, Iraq; and she wanted to use her new-found political freedom to provide a better life for her two sons. She and I had several discussions on that day about what it meant to be a citizen legislator in the U.S. and how I, as a woman, first got involved in politics.

Since then, women leaders in Congress have hosted several groups of Iraqi and Afghanistan women in Washington to continue our efforts to mentor them and to engage in mutual learning. I learned a lot from them, and I hope that they learned a lot from me.

In fact, as I mentioned before, the same women members will again host a return trip of Iraqi women a little more than 2 weeks from today. As I hope is clear to all, Members will continue their efforts at outreach and mentorship to future women leaders in the Middle East and throughout the world.

When I brought the Iraqi women to my district on several occasions, I brought them to a crowd of a combination of chambers of commerce and some wonderful service groups in my district, Rotary and Kiwanis. Their story was so poignant. As I explained to my constituents, most of them will never have the opportunity to go to Iraq, but I can bring a face, I can put a face on an Iraqi person who is very grateful for our involvement and very, very grateful for our troops serving in Iraq to help their country become stabilized.

When we hear the stories that the women had to tell, such as one of them, her sister was killed because they thought it was her. Her sister was not involved politically, she was not against Saddam Hussein, she was very complacent, but the one young lady was very, very active in a group that was opposing Saddam Hussein. She lost her sister due to Saddam Hussein's brutality. Her father was also brutalized by Saddam Hussein; and yet she continued to be a brave leader in her country, someone who wanted to ensure that future generations had the freedoms that she wanted for so long and that she fought for and that she wants to make sure that Iraq never goes back to taking those freedoms away from the Iraqi citizens, and women in particular.

Democracy continues to spread throughout the world, and this Congress will continue to support the policies and projects that promote the freedoms and the rights of women. While there is still much to be accomplished, every Member of this body should be proud of how far we have come.

I would once again like to thank all of the Members who joined me this evening and shared their personal and heartfelt stories.

INTRODUCTION OF RESOLUTION CONDEMNING MEXICO'S ISSUANCE OF OFFENSIVE STAMPS

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Missouri (Mr. CLEAVER) is recognized for 60 minutes.

GENERAL LEAVE

Mr. CLEAVER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLEAVER. Madam Speaker, I have introduced H. Res. 347, a resolution that condemns Mexico for printing and distributing blatantly racist postage stamps; and I am, along with many others, urging Mexican President Vicente Fox to immediately cease printing and distributing the postage stamps and recall from circulation those postage stamps currently on the market.

☐ 2145

Madam Speaker, Mexican-Americans and African-Americans have fought for decades to eliminate and erase racial stereotypes and depictions that dominated all forms of media in the early 20th century. On June 29, 2005, the government of Mexico issued a series of five postage stamps commemorating and celebrating Memin Pinguin, a comic book character created in the 1940s who was depicted as a dark-skinned Jim Crow era cartoon. And while this character is depicted as a black child with dark skin and greatly exaggerated lips, similar Jim Crow memorabilia referred to when I was a boy as Pickaninny and his mother Mammy were all over this country. Due to a rise in sensitivity, those things have pretty much been removed from sight. But this particular comic book series is interesting because it is now current. Memin Pinguin is a character who is taunted by white colleagues for his appearance, his speech and mannerisms. The Mexican postal service has authorized the issuance of 750,000 of the stamps which may be used in the Mexican domestic market and the international market. Civil rights organizations such as the National Council of La Raza, I am proud to say; the National Association for the Advancement of Colored People, the NAACP, I am proud to say; the National Urban League; and the Rainbow/

PUSH Coalition have denounced the racist postage stamp series.

I would also say, Madam Speaker, that the Hispanic Caucus of our Congress has also condemned these stamps. This insult comes on the heels of Mexican President Vicente Fox's quote last month as saying the Mexican citizens in this country will work on jobs that even blacks don't want. Ultimately, he apologized for making that statement, but, Madam Speaker, he is sticking by the stamps, even though the President of the United States of America, George Bush, has also condemned the stamps.

This resolution is aimed at getting the people of Mexico, if not the president, to demand that this kind of thing be stopped. Ancestors of Mexican blacks entered that country centuries ago through the Caribbean port city of Veracruz, and they were slave laborers. They worked in the sugar fields of Mexico. Today, the population of blacks living in Mexico is about 1 million; that is 1 million out of 105 million people. And so they have a small population. But no person of color can appreciate what they have done. Madam Speaker, the stamps are insulting hopefully to all people of good will but certainly to people of color. Memin Pinguin is depicted as a part man, part monkey or chimpanzee. This character is presented as some stupid half-animal, half-human person out of the jungles, and it is very difficult for me to find this amusing in any way. It is this kind of cultural terrorism that has done damage to the psyche of little children of color for decades and decades. There is not a single parent who should feel good about their child growing up looking at this kind of image of themselves, because this damages their somebody-ness.

Madam Speaker, there are five stamps in this series, and each one, if you look at them as they have been released, becomes progressively more insulting, until the last stamp has Memin standing in front of his mother, Aunt Jemima, with a towel in her hand. And she too is looked at, at least projected as a half-woman, half-ape. With her towel in her hand, she is half bending, and this kind of insult to people of color seems to happen in Mexico with increased intensity. Mexican President Fox stated that the stamp is an image in a comic book, and he said that he has watched this character since infancy, he says, and I quote, It is cherished here in Mexico; the other minorities or the Afro-Americans or Latins, I would suggest to them first, read the magazine.

Madam Speaker, I do not need to read the magazine. In my city, in Kansas City, some of the Native Americans spoke to me during my term as mayor, saying that the tomahawk chop used at the Chiefs football games was insulting to them. I had done the tomahawk chop at the games when the Chiefs scored and did it without any regard to anybody or anything. But I did not realize that it was insulting to some of the Native Americans, and eventually, I said to them, if it is insulting to you, I will stop doing it. I will encourage others with whom I come in contact to stop doing it. The one thing I did not say to him is, you should not be upset. If I have a toothache, I do not want a dentist to tell me you should not hurt. If I hurt, I hurt. And if people respect me, if people have any sensitivity at all, they will say, he hurts, therefore, I will not contribute further to his pain.

This, Madam Speaker, is hurtful. It is damaging, and the more it continues, the more young kids are going to be hurt. My hope, even my prayer, is that the day will soon pass when this kind of thing will be something we talk about in the ugly and distant past, something that we do not have to worry about dealing with now. This is 2005. This is the kind of thing that many African-Americans experienced living in the South when they had lawn jockeys out on the greenery in front of large plantations. No one would have thought just a short while ago that, in 2005, this kind of thing would still be around, this kind of thing would still stare us in the face to insult us and to do further damage to our children. To date, 750,000 of these stamps have been purchased. That racial stereotype will now appear on letters going both inside Mexico and around the world. This is a total lack of respect for people of color.

I am also pleased that the Congressional Black Caucus has released a statement. The chair of the Congressional Black Caucus, U.S. Representative MELVIN WATT from North Carolina, released the following statement: The members of the Congressional Black Caucus find the stamps insensitive, racist and an insult to people everywhere, and we call on President Vicente Fox to recall the stamps immediately and to issue an apology to all people of African descent. The stamps are offensive and perpetuate a negative stereotype of people of Africa. Again, we call on President Fox to repudiate the issuance of these stamps and to announce his commitment to address the problem of racism, yes, even in Mexico.

Madam Speaker, growing up, I had to deal with this on a daily basis. Bug-eyed, big-lipped, half-human, half-chimpanzee hybrids were portrayed all around us, and there was nothing we could do except to take it. It was an insult for me to grow up having a teacher read Little Black Sambo. The only book with people who looked like me when I was growing up was Little Black Sambo, and the only thing he did of substance was to eat a lot of pancakes. I hope people understand that they are hurting other human creatures. This should not take place in the 21st century.

As President Fox is justifying what has been done, I would like to remind him that, not long ago, in fact, it was in 1969, there was a Frito Bandito cartoon character that hit the airwaves here in the United States. And he was used to advertise some corn chips. But Frito Bandito was pulled off the air when Mexicans protested, when they came to the conclusion that this was an insult portraying all of them as some little shady Mexican character who was actually a thief, bandito. But the good news is that the Frito Lay corn chip company did pull the ad. And so there is at least a precedent for pulling back when people find out they are hurting other people.

Madam Speaker, my request again is for all the Members of this great body to join in being a sponsor of this resolution to help denounce something that is wrong, to show that all the people of this Nation, black, white and brown, are united in their attempt to eliminate stereotypes. It would be a powerful, powerful move by this Congress if all of us joined forces to condemn this.

I am also pleased to say, Madam Speaker, that there are a number of Republicans who have also come in along with a number of Democrats and, as I have said earlier, the President of the United States has condemned this, the minority leader and the minority whip are also condemning what they consider to be something that is degrading and demeaning, not just to people of color but to the people of the world.

Madam Speaker, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Let me commend the gentleman, the Honorable Reverend Dr. Cleaver, for calling this very important special order tonight. He is a person that speaks the word of God, a man of the cloth, and deals with people who are anguished daily. They come before him to seek guidance and advice. I feel the same way as my colleague who has joined us recently in the United States Congress and is a tremendous addition not only to the Congressional Black Caucus but, as you can hear, to the United States House of Representatives in general. I appreciate him yielding so that we can continue to look at the depiction of what Mexico feels, or the President of Mexico feels, is just an all right thing to do.

Madam Speaker, I rise today with my fellow members of the Congressional Black Caucus to strongly condemn the racist stamps issued by the Mexican government, Memin Pinguin. Unfortunately, the myth is still perpetrated in Latin America that race is not an issue, that racism does not exist in the Latin American, Central and South American countries.

□ 2200

But we have seen with the recent anti-discrimination moves of Afro descendants from countries such as

Brazil, which has the largest population of African descendants outside of Africa, many more than the United States of America; Colombia, where Afro descendants represent between 25 and 40 percent of that country's population; Honduras; Panama; and others, the issue of race has been deceptively mischaracterized as a nonissue.

In Latin America they say it is class, not race; however, we tend to see at the bottom of the economic strata people of African descent and primarily those at the top those who came from Europe and stole the land from the native Latin and South Americans and brought over slaves to help build the countries. Meanwhile, those of African descent in Latin America still find themselves stuck in the lower economic social strata, suffering from debilitating discrimination or disproportionately affected by conflict and strive; and, perhaps the worst of all, their very existence is unknown to the world and sometimes even to their own countrymen and -women.

Most people assume that there are few or no black Mexicans. This assumption is false. The region known as Costa Chica, southwest of Acapulco, is one of the two regions with a sizable black population. Veracruz, on the Gulf Coast, is another area where the black population of Mexico is significant. As a matter of fact, recently, a year or so ago, a group of Mexicans wanted to be considered as Afro-Mexicans. The Afro-Mexican population is said to be about 1 million out of 105 million, but this is far from an accurate number because the census does not include a category on race; so people cannot even identify themselves as black even if they wanted to.

With the Mexican post office issuing the offensive stamp depicting a Mexican character with dark brown skin, exaggerated features, monkey-like body language, Mexican President Vicente Fox has once again shown his insensitivity to racial offenses and his lack of concern over perpetuating dangerous stereotypes of an entire people.

This scandal comes right on the heels of Fox's comments on Mexican immigrants in the United States who take jobs, as he said, even blacks will not take. We were all very offended. We were offended, and some of our religious leaders went and met with President Fox. And he said that we should try to have an understanding. And we as Members of the Congressional Black Caucus work daily in our congressional districts to ask our constituents to understand immigrant people coming to this country as people have done for waves and waves. Of course, African Americans were brought here in chains. We had no choice. However, other Americans came to Ellis Island, and the Irish came and the Germans came and the Italians came.

So we say this country is large enough for us and for people to continue to immigrate in that we should try to work on tensions between new people coming into the community, and the Congressional Black Caucus has stood up and said that people have a right to have a better way of life. As a matter of fact, in a community outside of my congressional district in New Jersey, I have had some discussions with some Mexicans who have talked to me about the fact that they are being harassed when they wait in the mornings to be picked up for the van that takes them to the work projects they are working on and that the local town officials are harassing them to say they cannot wait here for the van, and I said that I will try to assist them if they need it to try to get that community to understand that it is unfair to harass people like that.

And then I turn around and the president of Mexico says that he is not ashamed and that this is a proud character, that they love him in Mexico? This is outrageous. It should not be.

We see that Memin, known by Mexicans as basically a silly, funny, and simple urban boy who is a prankster and a troublemaker, has been a popular comic book character for 60 years in Mexico. Those who see no offense in this character's image have been fooled into thinking that is a representation of black people and that black people are dumb and amusing and that has no relationship to racial discrimination.

These are the same people who would describe Little Black Sambo, as we heard from the gentleman from Missouri (Mr. CLEAVER), as simply cute and funny. As a matter of fact, as he was, I went to a school where I was one of two black children in the kindergarten. My brother experienced the same thing 2 years before I did, and the only book read was "Little Black Sambo." I was offended. I felt ashamed. I felt there was something wrong with me. The teachers would read it in the kindergarten and in the first grade. It was about 60 years ago, the same time that this same character emerged in Mexico. And I thought there was something wrong with me. I thought, why was everyone laughing at us? And this character, Little Black Sambo, is exactly the same as this character here. And I told a representative that I met with last week, a week or so ago, when he came to meet with members of the Congressional Black Caucus that I was offended because it brought back those early days of racial discrimination where I had to be confronted with white children laughing at the reading of Little Black Sambo.

I heard of no other blacks in my time of coming up. The only other people of color that we read about in the fourth or fifth grade were the enslaved people that they called slaves who were shiftless and happy and had no initiative and no incentive and that Abraham Lincoln had to free them and white soldiers went to war to free them; but they never talked about Harriet Tubman and Crispus Attucks. They never talked about Frederick Douglass. They never talked about the 504 Brigade from Massachusetts that fought for slaves, enslaved people, to be free. The only person that I heard about during my entire elementary school who was black was Little Black Sambo.

President Fox should know better. He himself has talked about the opportunities he had growing up that others did not have and the poverty that he saw others suffer from. He went on to study business at the Ibero-American University in Mexico City; got a diploma in an upper management course taught by Harvard Business School professors; later became an executive of Coca-Cola, becoming the youngest president of the corporation's Latin America division before he got into politics and went to their congress. This is not an uneducated man. This is a man who knows better, and I do not subscribe to the fact that he knows no better.

It is especially surprising that President Fox would fail to understand the offensive nature of the stereotype portrayed on these stamps in view of the outcry in the recent past over negative images of Hispanics. As we heard earlier, strong protests were voiced, and rightly so, over characters created by corporate advertisers, which the Hispanic community viewed as demeaning to their heritage.

In the 1960s there was an advertisement aired on television featuring a cartoon character called Chiquita Banana, who wore a hat filled with fruit and sang with a pronounced Spanish accent. This was considered by many to be offensive and portrayed an offensive portrayal of a Hispanic woman, and it was.

In 1967 an ad created by Frito-Lay Corporation, as was mentioned earlier, portrayed a Mexican male cartoon character with a thick accent who wore a sombrero and who was called "Frito Bandito." The Mexican-American Anti-Defamation League Committee called for the commercials to be pulled, condemning them as racist and accusing the company of portraying Mexicans as "sneaky thieves." As a result of this pressure, the ads were taken off the air in 1970, and even though they had been successful from a commercial point of view, they were taken off. And rightly so, because they were offensive to a whole group of people. Both of them were and both of them were taken off.

More recently, Taco Bell came under fire for their ads featuring a dog named Dinky. Some viewers were insulted by the idea of an animal scampering for food and speaking Spanish. Those ads have now been discontinued.

And let me emphasize that these were commercial entities; and although they were successful, they were taken off. These stamps are an official act of the Government of Mexico.

A few years ago, a very high official of Japan on two occasions made an inappropriate remark which offended African Americans; and when the Congressional Black Caucus protested, on both of those occasions, the Prime Minister of Japan apologized. They set up a committee. They came to the Black Caucus. They started to implement programs to enhance understanding between our two cultures. They started to have some financial agreements with some of their products because they said we need to understand each other better. So the Prime Minister of Japan apologized, and rightly so. And our neighbor to the south saying that he is not going to apologize is an insult, and President Fox is totally wrong. And I am offended by that insult. Someone all the way across the sea, when they saw that they were totally wrong in Japan, they decided that the right thing to do was to make the apology; and here we have a person who is benefiting from our NAFTA, which I did not vote for, and many of the other policies that we have in this country is going to stand up and tell 43 members of the Congressional Black Caucus that he is proud of this character, that he is a very popular symbol in his country, and he refuses to apologize. That is wrong.

Let me just say, sort of in conclusion, that in his inaugural address, President Fox mentioned his desire for a new, different, successful and triumphant Mexico. The issuing of Memin Pinguin does just the opposite and highlights the serious race issues that exist in Mexico today. The Congressional Black Caucus's Working Group on Afro-Latinos will take a closer look at the issues facing Afro-Mexican communities, and we will call for a census in Mexico that includes a category on race so that people can properly identify themselves and so that the black community in Mexico is no longer invisible. When one is invisible, they do not have to deal with them. So we would like to know what is the story in Mexico.

□ 2215

Other Latin American countries are focusing on racial discrimination and trying to combat it. President Luiz Inacio da Silva in Brazil has set up a commission to start affirmative action in higher education. The government of Colombia has started to look at the racial discrimination of Afro-Colombians. And here we have a government who is saying "we are proud of what we are doing and we refuse to apologize."

In April 2005, and I want everyone to listen carefully, the Department of Homeland Security announced new regulations that require Americans returning home via air and sea from countries in the Caribbean, Central and South America to have passports. Starting December 31, 2005, to get back into our country you will need a passport.

Most countries that you need passports to go to, you would have them when you go. Therefore, you have them when you come back. However, this new Homeland Security law says that by December 31, 2005, countries that required no passport before for Americans to go there, now Americans will have to have passports in order to get back into America.

However, however, Mexico got a pass. Mexico has until December 31, 2006, until this requirement goes into effect. So as a person who is very interested in the Caribbean, I cochair the Caribbean Caucus, I wanted to find out what impact will that have on some of those poor countries in the Caribbean who depend almost totally, now that the bananas have been taken away from some of those countries by the former Lome' treaties that they have, the trade organizations said no longer can there be preferences and no longer can Great Britain buy bananas from Caribbean countries as they did in the past under their Lome' treaties with former colonies. Now they do not even have banana trade.

Now Mexico is getting an advantage. So while Caribbean countries such as Aruba, the Bahamas, Jamaica, Bermuda and others will be impacted by this rule, they will have to change 1 year earlier, just 6 months from now, they stand to lose as much as $2.6 billion in visitor export earnings and could see the loss of more than 188,000 travel tourism jobs, according to the World Travel and Tourism Council.

Mexico will benefit from an extra year. A family who may just find out late in the day, a month or weeks earlier, that they need a passport to get back into the country, they will decide that they may go to Mexico because you do not need a passport coming back to the country from Mexico.

Why does Mexico get an extra year? American tourists, who realize they can travel to Mexico without a passport, will likely choose that country over Caribbean nations where they need a passport, those countries that I mentioned. The island nations were drastically hit hard by Hurricane Ivan last year and last week Hurricane Dennis wreaked havoc in the Caribbean. If any country needs the tourism dollars right now, the Caribbean nations most certainly do.

As a person concerned about the Caribbean, I will personally request that Homeland Security equalize the passport requirement so that Caribbean nations will be on the same level playing field with Mexico. If Mexico gets until December 31, 2006, a year-and-a-half from now, I am going to request that the Caribbean countries get the same December 31, 2006; or if Homeland Security feels that they must remain at December of 2005, this year, then they should make Mexico also have the same requirements in December 31, 2005, that poor Caribbean countries have.

I know one thing: If these are the stamps on letters that people are going to send from Cancun, African Americans sending a postcard back to Norton, New Jersey, where I live, saying "having a great time," and this is the stamp, this is going to cause havoc in our Post Office. This is going to cause havoc.

I think that until the president of Mexico understands the damage that he is doing, then perhaps the Caribbean has always been a great place for me, and maybe that is where we need to spend our dollar, where African Americans are not taken for as a joke.

Evidently a dollar in Mexico spent by an African American is not the same as a dollar from anyone else. If this stamp goes out, then our dollars should stay in our pockets.

Who does he think he is, saying that this makes him proud? I will spend not another dollar down there until these things are removed.

So my demand is that the president of Mexico voids these stamps before they are issued and do not allow a single one to be printed. If they are already printed, they should not to be distributed, and they should be destroyed. We should not see one single stamp go anywhere in Mexico, or, even worse, have it find its way here to the United States.

Once again, let me thank the gentleman from Missouri (Mr. CLEAVER) for bringing this issue to the front, as has the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), who called a meeting several weeks ago, and the Congressional Black Caucus in general. I know that we will keep the pressure on. If the government of Mexico feels that there is no regard for African Americans, like I said, then I think we need to look at where the dollar is being spent, and I think we need to look at a level playing field so that Caribbean countries will be able to have the same kind of passport requirements that Mexico has. I do not see where they deserve any special treatment so far as I am concerned.

Mr. CLEAVER. Madam Speaker, I would like to express appreciation to the gentleman from New Jersey for his very eloquent and passionate words concerning something that I am angry about.

Madam Speaker, I have grandsons who are growing up now in this country who I do not want to be negatively impressed by these kinds of stereotypes. I do not want my children or my children's children or anyone's children to be subjected to this kind of insult. This is outrageous.

Madam Speaker, this is not just a caricature. For many people around the world it is a belief, and those of us who are sensitive and those of us who are impacted would like to erase this as a belief.

Some day, caricatures like this will not matter. We will have dealt finally with this bogeyman race. But this is not that day.

Some day, Little Black Sambo will not matter. We will look back and laugh at it. But today is not that day.

A recent appointee to the D.C. Circuit has said that using the "N" word, even in a workplace when discrimination is also an issue, is protected speech. I think that is very dangerous. Now, some day, using the "N" word will not matter. But today is not that day.

Some day, the president of Mexico will be outraged that something like this ever took place. But this is not that day.

Some day, a call for racial sensitivity in this body will not be needed. But today is not that day.

Some day, the country of Mexico will have a President who respects the citizens of the entire world. But, sadly, Madam Speaker, today is not that day.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to express my disappointment in the Mexican Government for their decision to issue the Memin Pinguin stamp. This stamp represents the negative stereotypes and oppression that millions of African Americans have spent so many years fighting against.

President Fox stated that this is an internal issue for Mexico and that Americans cannot understand the cultural representation of this character. However, if this is how President Fox chooses to depict the black population, this is a sad commentary for Mexico.

This is the first black representative to be on a Mexican stamp; and instead of selecting an actual black Mexican that has had historical impact in that country, Mexico chose a cartoon character that's an offensive stereotype.

This move is especially disappointing based on the commitment President Fox has given to anti-discrimination. This stamp is the type of depiction that sets back that movement and perpetuates racial biases that many Mexicans deal with daily. I cannot see how this positively benefits any black Mexican.

The U.S. and Mexico must work together to create mutually beneficial policies. I'm afraid that this stamp may set us back in creating an open dialogue between our two nations. While we are separate countries our paths are intertwined. This stamp is not only insulting to African Americans, but to all Americans who find this type of representation abhorrent. In the name of diplomatic relations, I respectfully ask President Fox to reconsider his decision to distribute these stamps.

Mr. CLEAVER. Madam Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today.

Ms. ESHOO (at the request of Ms. PELOSI) for today on account of travel delays.

Ms. JACKSON-LEE of Texas (at the request of Ms. PELOSI) for today on account of official business.

Ms. KILPATRICK of Michigan (at the request of Ms. PELOSI) for today.

Ms. MOORE of Wisconsin (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of business in the district.

Mr. REYES (at the request of Ms. PELOSI) for today on account of official business.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of a family commitment.

Mr. BONNER (at the request of Mr. DELAY) for today on account of being unable to travel due to Hurricane Dennis.

Mr. BOOZMAN (at the request of Mr. DELAY) for today on account of official business.

Mr. NEUGEBAUER (at the request of Mr. DELAY) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

(The following Members (at the request of Mrs. BLACKBURN) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and July 15 and 18.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. POE, for 5 minutes, July 12.

Mrs. WILSON of New Mexico, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and July 12, 13, 14, and 15.

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, July 12, 13, and 14.

Mrs. BLACKBURN, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 39. An act, to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; to the Committee on Science; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 50. An act to authorize and strength the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes; to the Committee on Science; in addition to the Committee on Resources for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 361. An act to develop and maintain an integrated system of ocean and coastal observations for the Nation's coasts, oceans and Great Lakes, improve warnings of tsunamis and other natural hazards, and for other purposes; to the Committee on Resources; in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 362. An act to establish within the National Oceanic and Atmospheric Administration and the United States Coast Guard to help identify, determine sources of, assess, reduce, and prevent marine debris and its adverse impacts on the marine environment and navigation safety, in coordination with non-Federal entities, and for other purposes; to the Committee on Transportation and Infrastructure; in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S. 1275. An act, to designate the facility of the United States Postal Service located at 7172 North Tongass Highway, Ward Cove, Alaska, as the "Alice R. Brusich Post Office Building"; to the Committee on Government Reform.

S. 1323. An act to designate the facility of the United States Postal Service located on Lindbald Avenue, Girdwood, Alaska, as the "Dorothy and Connie Hibbs Post Office Building"; to the Committee on Government Reform.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 1, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 3021. To reauthorize the Temporary Assistance for Needy Families block grant program through September 30, 2005, and for other purposes.

H.R. 3104. To provide an extension of highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a law reauthorizing the Transportation Equity Act for the 21st Century.

ADJOURNMENT

Mr. CLEAVER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 12, 2005, at 9 a.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2491. A communication from the President of the United States, transmitting notification of an Executive Order that takes additional steps with respect to the national emergency declared with respect to the proliferation of weapons of mass destruction and their delivery systems declared by Executive Order 12938 on November 14, 1994, as amended by Executive Order 13094 on July 28, 1998, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109–38); to the Committee on International Relations and ordered to be printed.

2492. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

2493. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16130, "Closing and Disposition of a Portion of Wisconsin Avenue, N.W., Right-of-Way, S.O. 05-2378, Act of 2005," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

2494. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 16-120, "Emergency Suspension of Liquor Licenses Act of 2005," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

2495. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Cumberland River, Nashville, Tennessee [CGD08-05-028] (RIN: 1625-AA09) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2496. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY. [CGD01-05-039] received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2497. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Treasure Island, Pinellas County, FL [CGD07-05-041] (RIN: 1625-AA09) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2498. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Upper Mississippi River, Iowa and Illinois [CGD08-05-027] (RIN: 1625-AA09) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2499. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Delaware River, Delaware City, DE [CGD05-05-047] (RIN: 1625-AA08) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2500. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; KFOG "KaBoom" Fireworks Display, San Francisco Bay, CA [CGD11-05-004] (RIN: 1625-AA08) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2501. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mission Creek Waterway, China Basin, San Francisco Bay, California [COTP San Francisco Bay 05-003] (RIN: 1625-AA00) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2502. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety and Security Zones; TOPOFF 3, New London, CT [CGD01-05-011] (RIN: 1625-AA00) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2503. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Cheesequake Creek, NJ. [CGD01-04-126] (RIN: 1625-AA09) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2504. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Chinoteague Channel, Chicoteague, VA [CGD05-04-215] (RIN: 1625-AA09) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2505. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Gulf Intracoastal Waterway, Houma, LA [CGD08-05-003] (RIN: 1625-AA9) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2506. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Houma Navigation Canal, Houma, LA [CGD08-05-004] (RIN: 1625-AA09) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2507. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation for Marine Events; Atlantic Ocean, Atlantic City, NJ [CGD05-05-067] (RIN: 1625-AA08) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2508. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events; Humbolt Bay, San Francisco Bay, Monterey Bay, and Lake Tahoe [CGD11-05-010] (RIN: 1625-AA08) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2509. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Back Bay of Biloxi, Biloxi, Harrison County, Mississippi. [CGD08-05-042] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2510. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Bayou La Batre, Bayou La Batre, AL [CGD08-05-001] (RIN: 1625-AA9) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2511. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; McGregor, MN [Docket No. FAA-2004-19289; Airspace Docket No. 04-AGL-20] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2512. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Monett, MO; Correction [Docket No. FAA-2005-20065; Airspace Docket No. 05-ACE-7] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2513. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Boonville, MO. [Docket No. FAA-2005-20576; Airspace Docket No. 05-ACE-13] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2514. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Washington, KS. [Docket No. FAA-2005-20575; Airspace Docket No. 05-ACE-12] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2515. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Brunswick, ME [Docket No. FAA-2005-21141; Airspace Docket No. 05-AEA-11] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2516. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Brunswick, ME [Docket No. FAA-2005-21142; Airspace Docket No. 05-AEA-12] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2517. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Class E2 Airspace; and Modification of Class E5 Airspace; Chillicothe, MO. [Docket No. FAA-2005-20574; Airspace Docket

No. 05-ACE-11] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2518. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Establishment of Prohibited Area 51, Bangor, WA [Docket No. FAA-2004-17178; Airspace Docket No. 03-AWA-7] (RIN: 2120-AA66) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2519. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives, AeroSpace Technologies of Australia Pty Ltd. Models N22B, N22S, and N24A Airplanes [Docket No. FAA-2005-20439; Directorate Identifier 2005-CE-04-AD; Amendment 39-14102; AD 2005-10-24] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2520. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500 MB Sailplanes and Glaser-Dirks Flugzeugbau GmbH Model DG-800B Sailplanes [Docket No. FAA-2004-19959; Directorate Identifier 2004-CE-46-AD; Amendment 39-14101; AD 2005-10-23] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2521. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200C and 747-200F Series Airplanes [Docket No. FAA-2005-20024; Directorate Identifier 2004-NM-66-AD; Amendment 39-14100; AD 2005-10-22] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2522. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca S.A. Arrius 1A Turboshaft Engines [Docket No. FAA-2005-21273; Directorate Identifier 2005-NE-15-AD; Amendment 39-14103; AD 2005-11-01] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2523. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model 717-200 Airplanes [Docket No.FAA-2004-19987; Directorate Identifier 2004-NM-203-AD; Amendment 39-14105; AD 2005-11-03] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2524. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F Series Airplanes [Docket No. FAA-2004-19753; Directorate Identifier 2002-NM-264-AD; Amendment 39-14104; AD 2005-11-02] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2525. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11(CL-600), CL-600-2A12 (CL-601), and CL-600-2B16(CL-601-3A, CL-601-3R, and CL-604) Airplanes Modified by Supplemental Type Certificate (STC) SA4900SW [Docket No. FAA-2005-21315; Directorate Identifier 2005-NM-090-AD; Amendment 39-14106; AD 2005-11-04] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2526. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. FAA-2005-21027; Directorate Identifier 2005-NM-048-AD; Amendment 39-14070; AD 2005-09-02] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2527. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-92A Helicopters [Docket No. FAA-2005-2173; Directorate Identifier 2005-SW-13-AD; Amendment 39-14119; AD 2005-12-03] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2528. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200, -200PF, and -200CB Series Airplanes [Docket No. FAA-2005-21358; Directorate Identifier 2005-NM-088-AD; Amendment 39-14120; AD 2005-12-04] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2529. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, 737-300, 737-400, 737-500, 737-600, 737-700, 737-800, 737-900, 757-200, and 757-300 Series Airplanes; and McDonnell Douglas Model DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, DC-10-40, MD-10-10F, MD-10-30F, MD-11, and MD-11F Airplanes [Docket No. FAA-2004-18998; Directorate Identifier 2003-NM-253-AD; Amendment 39-14121; AD 2005-12-05] received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2530. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2005-20589; Directorate Identifier 2005-CE-12-AD; Amendment 39-14125; AD 2005-12-09] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2531. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 402C and 414A Airplanes [Docket No. FAA-05-21177; Directorate Identifer 2005-CE-26-AD; Amendment 39-14129; AD 2005-12-13] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2532. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 401, 401A, 401B, 402, 402A, 402B, 411, and 411A Airplanes [Docket No. FAA-05-21176; Directorate Identifier 2005-CE-25-AD; Amendment 39-14128; AD 2005-12-12] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2533. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomea S.A. Arrius 2B1, 2 B1A, 2B1A-1, and 2B2 Turboshaft Engines [Docket No. FAA-2005-21443; Directorate Identifier 2005-NE-08-AD; Amendment 39-14124; AD 2005-12-08] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2534. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Teledyne Continental Motors (formerly Bendix) S-20, S-1200, D-2000, and D-3000 Series Magnetos [Docket No. 93-ANE-07-AD; Amendment 39-14122; AD 2005-12-06] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2535. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Revo, Incorporated Models Colonial C-2, Lake LA-4, Lake LA-4A, Lake LA-4P, and Lake LA-4-200 Airplanes [Docket No. FAA-2005-21092; Direcorate Identifier 2005-CE-20-AD; Amendment 39-14118; AD 2005-12-02] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2536. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF6-45A, CF6-50A, CF6-50C, and CF6-50E Series Turbofan Engines; Correction [Docket No. FAA-2004-19463; Directorate Identifier 2004-NE-14-AD; Amendment 39-14029; AD 2005-07-05] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2537. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. FAA-2005-21433; Directorate Identifier 2005-NM-079-AD; Amendment 39-14123; AD 2005-12-07] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2538. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -400ER Series Airplanes Equipped with Door-Mounted Escape Slides [Docket FAA-2005-21240; Directorate Identifer 2005-NM-104-AD; Amendment 39-14130; AD 2005-12-14] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2005-20860; Directorate Identifier 2005-NM-043-AD; Amendment 39-14131; AD 2005-12-15] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2540. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28

Mark 0100 Airplanes [Docket No. FAA-2005-20868; Directorate Identifier 2004-NM-162-AD; Amendment 39-14132; AD 2005-12-16] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2541. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 757-200 Series Airplanes [Docket No. FAA-2004-19203; Directorate Identifier 2004-NM-109-AD; Amendment 39-14127; AD 2005-12-11] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-200F and -400 Series Airplanes; Model 767-400ER Series Airplanes; and Model 777 Series Airplanes [Docket No. FAA-2004-19082; Directorate Identifier 2004-NM-79-AD; Amendment 39-14126; AD 2005-12-10] (RIN: 2120-AA64) received June 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Airplanes [Docket No. FAA-2005-20724; Directorate Identifier 2004-NM-233-AD; Amendment 39-14115; AD 2005-11-13] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 727-200 Series Airplanes Equipped with a No. 3 Cargo Door [Docket No. FAA-2004-19988; Directorate Identifier 2004-NM-30-AD; Amendment 39-14111; AD 2005-11-09] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20756; Directorate Identifier 2004-NM-52-AD; Amendment 39-14112; AD 2005-11-10] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2546. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2005-20590; Directorate Identifier 2005-CE-13-AD; Amendment 39-14110; AD 2005-11-08] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2547. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Extra Flugzeugproduktions-und Vertiebs-GmbH Models EA-300, EA-300S, EA-300L, and EA-300/200 Airplanes [Docket No. FAA-2005-20588; Directorate Identifier 2005-CE-11-AD; Amendment 39-14109; AD 2005-11-07] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2548. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Precise Flight, Inc. Models SVS I and SVS IA Standby Vacuum Systems [Docket No. FAA-2004-19354; Directorate Identifier 2004-CE-30-AD; Amendment 39-14107; AD 2005-11-05] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2549. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, -300F Series Airplanes [Docket No. FAA-2004-19990; Directorate Identifier 2004-NM-199-AD; Amendment 39-14114; AD 2005-11-12] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2550. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A Model A109E Helicopters [Docket No. FAA-2005-20511; Directorate Identifier 2004-SW-32-AD; Amendment 39-14117; AD 2005-12-01] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2551. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Mystere-Falcon 50 and 900 Series Airplanes, and Model Falcon 2000 and 900EX Series Airplanes [Docket No. 2002-NM-244-AD; Amendment 39-14116; AD 2005-11-14] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2552. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Models PC-12 and PC-12/45 Airplanes [Docket No. FAA-2005-20720; Directorate Identifier 2005-CE-17-AD; Amendment 39-14108; AD 2005-11-06] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2553. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400, -401, and -402 Series Airplanes [Docket No. FAA-2005-20727; Directorate Identifier 2004-NM-148-AD; Amendment 39-14113; AD 2005-11-11] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2554. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300-B2 and B4 Series Airplanes [Docket No. 2003-NM-16-AD; Amendment 39-13970; AD 2005-03-14] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2555. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; CFM International CFM56-5, -5B, and -5C Series Turbofan Engines [Docket No. FAA-2004-19928; Directorate Identifier 2004-NE-27-AD; Amendment 39-14082; AD 2005-10-05] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2556. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-15F Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA1993SO; and Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes in All-Cargo Configuration, Equipped With a Main-Deck Cargo Door [Docket No. FAA-2004-18561; Directorate Identifier 2004-NM-13-AD; Amendment 39-14042; AD 2005-07-18] (RIN: 2120-AA64) received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2557. A letter from the Clerk of the House of Representatives, transmitting the annual compilation of personal financial disclosure statements and amendments thereto filed with the Clerk of the House of Representatives, pursuant to Rule XXVII, clause 1, of the House Rules; (H. Doc. No. 109–40); to the Committee on Standards of Official Conduct and ordered to be printed.

2558. A letter from the Secretary, Department of State, transmitting a recommendation to continue in effect a waiver of application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Vietnam for a further 12-month period and a determination that continuation of the waiver currently in effect for Vietnam will substantially promote the objectives of section 402 of the Act and the reasons for such a determination, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 109–41); to the Committee on Ways and Means and ordered to be printed.

2559. A letter from the Secretary, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to the Republic of Belarus will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 109–42); to the Committee on Ways and Means and ordered to be printed.

2560. A letter from the Secretary, Department of State, transmitting notification of the determination that a waiver of the application of subsections (a) and (b) of section 402 of the Trade Act of 1974 with respect to Turkmenistan will substantially promote the objectives of section 402, pursuant to 19 U.S.C. 2432(c) and (d); (H. Doc. No. 109–43); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of June 30, 2005]

Mr. BUYER: Committee on Veterans' Affairs. H.R. 1220. A bill to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; with an amendment (Rept. 109–162). Referred to the Committee on the Whole House on the State of the Union.

[Submitted July 11, 2005]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 184. A bill to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met; with amendment (Rept. 109–115 Pt. 2). Referred to the Committee on the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 869. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes (Rept. 109–116 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 351. a Resolution providing for the consideration of the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; for consideration of the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission; for consideration of the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission; and for consideration of the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration (Rept. 109–163). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SENSENBRENNER:

H.R. 3199. A bill to extend and modify authorities needed to combat terrorism, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of Florida (for himself and Ms. BERKLEY):

H.R. 3200. A bill to amend title 38, United States Code, to enhance the Servicemembers' Group Life Insurance program, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ANDREWS:

H.R. 3201. A bill to amend title 5, United States Code, to require executive agencies to pay the premiums for health care coverage provided under the Federal Employees Health Benefits program for reservists in the Armed Forces called or ordered to active duty for more than 30 days; to the Committee on Government Reform.

By Mr. ANDREWS:

H.R. 3202. A bill to amend the Social Security Act to waive the 24-month waiting period for Medicare coverage of certain disabled individuals who have no health insurance coverage; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3203. A bill to amend the Higher Education Act of 1965 to expand and extend the eligibility of Hispanic-serving institutions for assistance under title V of that Act; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H. Con. Res. 204. Concurrent resolution expressing the sense of the Congress with respect to obesity in the United States; to the Committee on Energy and Commerce.

By Ms. FOXX (for herself and Mr. UDALL of Colorado):

H. Con. Res. 205. Concurrent resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit and expressing the sense of Congress that "National Take a Kid Mountain Biking Day" should be established in Jacob Mock Doub's honor; to the Committee on Energy and Commerce.

By Mr. TIAHRT (for himself, Mr. DELAY, and Mr. BOUSTANY):

H. Res. 352. A resolution providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDERMOTT (for himself, Mrs. DAVIS of California, Ms. JACKSON-LEE of Texas, and Mr. PITTS):

H. Res. 353. A resolution supporting a landmark initiative in bilateral energy cooperation between India and Pakistan; to the Committee on International Relations.

By Ms. NORTON:

H. Res. 354. A resolution commending Annice M. Wagner, Chief Judge of the District of Columbia Court of Appeals, for her public service; to the Committee on Government Reform.

By Ms. LORETTA SANCHEZ of California (for herself, Mrs. NAPOLITANO, Mr. BERMAN, Ms. WATERS, Mr. MORAN of Virginia, Ms. LINDA T. SÁNCHEZ of California, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. GRIJALVA, Mr. GALLEGLY, Ms. WATSON, Mr. FILNER, Mr. ENGEL, Mr. MEEKS of New York, Mr. TOWNS, Mrs. DAVIS of California, Mr. GINGREY, Mr. SPRATT, Mr. EDWARDS, Mr. LARSON of Connecticut, Mr. CARDIN, Mr. HONDA, Mr. HINCHEY, Mr. OWENS, Mr. TIERNEY, Mr. MEEHAN, Ms. MCKINNEY, Ms. KAPTUR, Ms. SOLIS, Ms. MILLENDER-MCDONALD, Mr. FARR, Mr. CAPUANO, Mr. PASCRELL, Mr. FORD, Mr. DAVIS of Florida, Mr. WEINER, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. AL GREEN of Texas, Mr. CLEAVER, Ms. WOOLSEY, Mrs. MALONEY, Mr. BAIRD, Mr. LEVIN, Mrs. CAPPS, Ms. DELAURO, Mr. VAN HOLLEN, Mr. LANGEVIN, Mr. CUELLAR, Mr. BUTTERFIELD, Mr. TAYLOR of Mississippi, and Mr. KELLER):

H. Res. 355. A resolution celebrating Walt Disney's contributions to our nation; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. NORTON.

H.R. 47: Mr. KINGSTON, Mr. CUNNINGHAM, Mr. BISHOP of Georgia, Mr. ROGERS of Alabama, Mr. FEENEY, and Mr. LAHOOD.

H.R. 136: Mr. MCCOTTER.

H.R. 303: Mr. SOUDER, Mr. ROTHMAN, and Mr. BACHUS.

H.R. 328: Mr. DAVIS of Illinois and Mr. COSTA.

H.R. 389: Mr. SMITH of Washington.

H.R. 398: Mr. OLVER.

H.R. 503: Ms. SOLIS, Mr. ACKERMAN, and Mr. CAPUANO.

H.R. 509: Mr. ISRAEL.

H.R. 515: Mr. WAXMAN.

H.R. 558: Mr. EVANS and Mr. KANJORSKI.

H.R. 581: Mr. SHAYS, Mr. WALDEN of Oregon, Mr. MCCOTTER, Ms. WASSERMAN SCHULTZ, Mr. TIBERI, Mr. LANTOS, and Mr. BROWN of Ohio.

H.R. 602: Mr. ROGERS of Michigan and Mr. KANJORSKI.

H.R. 691: Ms. MCCOLLUM of Minnesota and Mr. BROWN of Ohio.

H.R. 698: Mr. SOUDER and Mr. GUTKNECHT.

H.R. 709: Mr. SOUDER.

H.R. 764: Mr. HINOJOSA.

H.R. 775: Mrs. MILLER of Michigan.

H.R. 818: Mr. DEFAZIO.

H.R. 831: Mr. GRIJALVA.

H.R. 856: Mr. TIBERI.

H.R. 867: Mr. ROTHMAN.

H.R. 896: Mr. DAVIS of Alabama, Mr. MEEKS of New York, Mr. BISHOP of Georgia, Ms. LORETTA SANCHEZ of California, Mr. DOYLE, and Ms. WATSON.

H.R. 923: Mr. FARR.

H.R. 944: Mr. SULLIVAN and Mr. MENENDEZ.

H.R. 970: Mr. UDALL of Colorado.

H.R. 998: Mr. ENGLISH of Pennsylvania.

H.R. 1252: Mr. MOORE of Kansas and Mr. JEFFERSON.

H.R. 1258: Mr. ACKERMAN.

H.R. 1262: Mr. BRADY of Pennsylvania.

H.R. 1282: Mr. HINOJOSA.

H.R. 1293: Mr. PASCRELL.

H.R. 1353: Ms. HART.

H.R. 1357: Mr. GALLEGLY.

H.R. 1366: Mr. ROTHMAN and Mr. BISHOP of Georgia.

H.R. 1409: Mr. CLEAVER, Mr. WHITFIELD, and Mr. BRADY of Pennsylvania.

H.R. 1426: Mr. SOUDER, Mr. ROTHMAN, and Mr. OLVER.

H.R. 1440: Mr. BERMAN.

H.R. 1471: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1508: Mrs. MCCARTHY.

H.R. 1510: Mr. FITZPATRICK of Pennsylvania.

H.R. 1545: Mr. FARR.

H.R. 1566: Mr. JENKINS.

H.R. 1589: Mr. JEFFERSON and Mr. RUPPERSBERGER.

H.R. 1600: Mr. KANJORSKI.

H.R. 1602: Mr. INSLEE and Mr. NORWOOD.

H.R. 1648: Mr. HINOJOSA, Mr. BRADY of Pennsylvania, Ms. BALDWIN, Mr. UDALL of Colorado, Ms. MATSUI, Mr. CROWLEY, Mr. BLUMENAUER, Mr. NEAL of Massachusetts, Ms. SCHAKOWSKY, Mr. OLVER, and Mr. ACKERMAN.

H.R. 1678: Mr. WAMP and Mr. WILSON of South Carolina.

H.R. 1697: Ms. WATERS.

H.R. 1709: Ms. WATERS and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1749: Mr. REICHERT and Mr. MARSHALL.

H.R. 1770: Mr. WILSON of South Carolina and Mr. NORWOOD.

H.R. 1823: Ms. ESHOO.

H.R. 1872: Mr. MACK and Mr. PLATTS.

H.R. 1951: Mr. MCCOTTER and Mr. GRIJALVA.

H.R. 2045: Mr. DINGELL and Mr. SCHWARZ of Michigan.

H.R. 2070: Mr. JACKSON of Illinois, Mr. FATTAH, and Ms. BALDWIN.

H.R. 2206: Mr. MARSHALL and Mr. BOUCHER.

H.R. 2238: Mr. HONDA.

H.R. 2257: Mr. BOSWELL.

H.R. 2290: Mr. PRICE of Georgia.

H.R. 2327: Mr. VISCLOSKY.

H.R. 2355: Mr. TIAHRT, Mrs. NORTHUP, and Mr. BOUSTANY.

H.R. 2358: Mr. WELDON of Pennsylvania.

H.R. 2389: Mr. FLAKE.

H.R. 2409: Mr. WAXMAN.

H.R. 2421: Mr. KENNEDY of Rhode Island, Ms. ROS-LEHTINEN, Mr. TOM DAVIS of Virginia, Mr. SCHIFF, Mr. FOSSELLA, Mr. LYNCH, Mr. CALVERT, and Mr. ISSA.

H.R. 2423: Mr. OTTER.

H.R. 2429: Ms. BALDWIN.

H.R. 2471: Mr. MCCAUL of Texas.

H.R. 2533: Mr. MORAN of Kansas and Mr. EMANUEL.

H.R. 2641: Mr. BLUMENAUER.

H.R. 2658: Mr. FORBES.

H.R. 2669: Mr. PLATTS and Mr. FILNER.

H.R. 2694: Mr. ABERCROMBIE, and Mrs. DAVIS of California.

H.R. 2717: Mr. MARKEY, Mr. STRICKLAND, Mr. DICKS, Ms. SCHAKOWSKY, and Mr. WEXLER.

H.R. 2793: Mr. RYAN of Ohio, Mr. TIBERI, Mr. JOHNSON of Illinois, and Mr. OBERSTAR.

H.R. 2794: Mr. WILSON of South Carolina, Mr. WALDEN of Oregon, Mrs. MCCARTHY, Mr. GORDON, and Mr. MARSHALL.

H.R. 2803: Ms. LEE, Mr. SCOTT of Georgia, Mr. CHANDLER, and Mr. SOUDER.

H.R. 2805: Mr. POE.

H.R. 2815: Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, and Mr. HINOJOSA.

H.R. 2877: Mr. DELAHUNT, Mr. GOODE, and Mr. HONDA.

H.R. 2892: Mr. BROWN of South Carolina.

H.R. 2926: Mr. GORDON.

H.R. 2927: Ms. WASSERMAN SCHULTZ.

H.R. 2942: Mr. BAKER and Mr. ALEXANDER.

H.R. 2957: Mr. ISSA, Mr. MCCOLLUM of Minnesota, and Mr. WOLF.

H.R. 3000: Mr. GRIJALVA.

H.R. 3041: Mr. SERRANO.

H.R. 3064: Mr. HINCHEY.

H.R. 3073: Mr. GINGREY.

H.R. 3081: Mr. BERRY, Mr. DAVIS of Kentucky, and Mr. PENCE.

H.R. 3137: Mr. GIBBONS, Mr. CRENSHAW, Mr. LAHOOD, Mr. NEY, and Mr. WILSON of South Carolina.

H.R. 3138: Mr. WOLF and Mr. MCDERMOTT.

H.R. 3147: Mr. SOUDER.

H.R. 3162: Mr. TOWNS.

H.R. 3185: Ms. SCHAKOWSKY, Ms. ZOE LOFGREN of California, and Mr. GRIJALVA.

H.R. 3195: Mr. PASTOR.

H. Con. Res. 24: Ms. HERSETH and Mr. OLVER.

H. Con. Res. 99: Mr. GERLACH.

H. Con. Res. 123: Ms. KILPATRICK of Michigan.

H. Con. Res. 137: Mr. PALLONE.

H. Con. Res. 168: Ms. SCHAKOWSKY.

H. Con. Res. 172: Mr. ABERCROMBIE, Mr. SNYDER, Mr. SMITH of Washington, Mr. MARSHALL, Ms. CORRINE BROWN of Florida, Ms. SCHAKOWSKY, Mr. THOMPSON of Mississippi, and Mr. HINCHEY.

H. Con. Res. 181: Mr. DOYLE and Mr. MARSHALL.

H. Con. Res. 197: Mr. OWENS, Ms. CARSON, and Mr. MCGOVERN.

H. Con. Res. 201: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JONES of North Carolina, Ms. JACKSON-LEE of Texas, and Mr. SOUDER.

H. Res. 67: Mr. AL GREEN of Texas.

H. Res. 123: Mr. PLATTS.

H. Res. 175: Mr. GRIJALVA.

H. Res. 277: Mr. MCCAUL of Texas.

H. Res. 289: Mr. LYNCH, Ms. LEE, Mr. GRIJALVA, Mr. CARDOZA, Mr. FATTAH, Mr. UPTON, Mr. TERRY, Ms. BORDALLO, Mr. BOSWELL, Mr. WELLER, Mr. GOODE, Mr. NEAL of Massachusetts, Mr. OWENS, Mr. PALLONE, Mr. MATHESON, Mr. DICKS, Mr. PAYNE, Mr. RUSH, Mr. MCGOVERN, Mr. MEEK of Florida, Mrs. MCCARTHY, Ms. CARSON, Ms. MCCOLLUM of Minnesota, Ms. BALDWIN, Mr. THOMPSON of California, and Mr. COOPER.

H. Res. 297: Mr. CALVERT.

H. Res. 299: Mr. DOYLE.

H. Res. 316: Mr. GREEN of Wisconsin, Mr. CALVERT, Ms. NORTON, Mr. LIPINSKI, Mr. RUSH, Mr. BISHOP of New York, Mr. POMBO, Mr. RYAN of Wisconsin, Mr. WOLF, Ms. MATSUI, Mr. JACKSON of Illinois, and Mr. CLAY.

SENATE—*Monday, July 11, 2005*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, healer of the wounds of sorrow, we pray today for those who mourn. Bless and sustain those in Great Britain, who recover from the insanity of senseless violence. Give the sunshine of hope to all who have endured the night of losing a loved one. Comfort military families who know the pain of the sound of silence and the empty chair.

Bring solace to those who weep because of lost opportunities and seasons of despair. Transform their sorrow into song, their darkness into light, and their sadness into joy.

Today, use our Senators to begin the process of creating a world where peace will reign. Hasten the day when tears will be no more, and the kingdoms of this world will become Your kingdom, as You rule forever and ever. We pray this in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, today we will begin consideration of the Homeland Security appropriations bill. We have an agreement that all first-degree amendments to that bill will be filed by 4 p.m. this afternoon. That will allow both managers of the legislation to get a better understanding of how many issues and amendments are expected in relation to the Homeland Security measure.

As the majority leader announced prior to the recess, there will be a rollcall vote this afternoon at approximately 5:30. That vote is expected to be in relation to a resolution regarding the recent bombing in London.

We will have a busy stretch of activity over the next 3 weeks with many pressing legislative and executive items that must be completed prior to the August recess. I encourage Senators to make themselves available on Mondays and Fridays throughout the month as the majority leader will be using all available time to make progress on appropriations bills and other priorities.

I will have a statement in a few moments, but I yield the floor so the Democratic leader can make whatever observations he would like to make.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Democratic leader is recognized.

PRESSING ISSUES

Mr. REID. Mr. President, I express my appreciation to the distinguished majority whip, the assistant leader. I acknowledge we have a lot of work to do during this work period. I hope we can accomplish a great deal. We had a great couple of weeks right before we left. I hope the week off, the Fourth of July, was good for everyone. I know it was for me to get away from Washington and breathe some of that good desert air.

Sandra Day O'Connor retired just over a week ago. As the first woman to serve as a Supreme Court Justice, she blazed a trail which I hope many will follow. She decided cases the old-fashioned way, based on law, not politics.

As a westerner, she brought to the Court a love of the land and an appreciation for individual rights. I salute the people of Arizona for giving us such a dedicated public servant, someone who served in the State of Arizona as a State legislator, a member of an intermediate court of appeals and, of course, an inspiring career as a Supreme Court Justice.

Now we have begun the process of finding her replacement. The Constitution gives the President and the Senate shared responsibility to fill this vacancy because a President may only act with the advice and consent of the Senate. I appreciate very much President Bush beginning this process of consultation the way he has. I will always be grateful for the private meeting he and I had prior to her retiring and the phone call he placed to me the day of her retirement.

It speaks volumes that his chief of staff, Andy Card, was calling various members of the Senate from Scotland. Harriet Myers called various members of the Senate. That is important. I appreciate it very much. In the days and weeks ahead, it is important that meaningful consultation continues. Together we can find someone who will bring the country together.

The President has asked the majority leader, the ranking member and the chairman of the Judiciary Committee meet with him early tomorrow morning. I look forward to that meeting.

This is what President Reagan did when he appointed Sandra Day O'Connor: He brought the country together. Both parties cheered her nomination. That can happen again if President Bush nominates us a Justice we can all be proud of, a mainstream Justice committed to protecting the rights of all Americans. There are large numbers of conservative jurists and lawyers who fit that description perfectly.

Events in London last Thursday reminded us that the freedoms and rights Supreme Court Justices protect are a threat to those with a very different view of the world. My heart and my prayers go out to the victims of the London attacks and the people of Great Britain. The bombings were the acts of cowards. We must redouble our effort to track down the murderous thugs who committed those terrible acts. We must continue our effort to track down the murderous thugs who would do us harm.

I have great affection and admiration for the people of Great Britain. Their proud tradition of resiliency and determination was on display last week in the face of this latest attack on their people and the great city of London.

Unfortunately, the British people have considerable experience with attacks of terrorists on their homeland, including repeated terrorist attacks from supporters of the Irish Republican Army. There are important lessons that can be drawn from the British response to these attacks. First, Britain remains determined not to change its way of life and its principles while at the same time vigorously pursuing those responsible for the criminal acts.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

It is important to note the people of Great Britain care about the Irish people, just as we do. I have been to that wonderful emerald isle. I love the country. I love the island. The fact that a few people perpetrated those acts of violence does not take away from our admiration for those people.

The same applies in Britain with the acts of Islamic terrorists. That does not take away from the fact that the people who follow the Islamic religion are good people who follow a very important, good religion. The morality code of that religion is significantly important. They are good people. I have gotten so close to them.

My wife's two physicians, a surgeon and an internist, are Pakistanis. They are among our closest friends. We visit each other's homes often. We celebrate different holidays together. We exchange presents. They are wonderful people. These are two devoutly religious men whose religion we have learned to respect greatly. The people of Great Britain understand that. They did not sever relations with an entire people because of the actions of a very few who are part of that people.

There was great concern in the wake of these attacks about a backlash against the Arab community. What we saw was just the opposite: a couple of broken windows by a few troublemakers, but basically nothing. The people of Great Britain have come together, all people have come together, all walks of life, all religions. That is an example for us. I am hopeful Great Britain and we in the United States will continue to heed both of these lessons in the wake of last week's bombings.

As the distinguished assistant leader mentioned, there is a third lesson we can draw from the London attacks and it is relevant to matters in the Senate. I say what my distinguished colleague mentioned, the senior Senator from Kentucky. We are going to take up the Homeland Security bill. The lesson we need to learn is simple: Fighting terrorism overseas is not enough to ensure that terrorists will not strike where we live. Today the Senate begins consideration of the Homeland Security appropriations bill. That will occur in less than an hour. We spend more in Iraq in a single month than we spend on first responders all year. Failure in Iraq is not an option, and we will continue to support our troops, but we must do more to support the war on terror here at home.

The minority, the Democrats, are committed to doing everything possible to defeat terrorism abroad. We have repeatedly argued that we need to be equally vigorous in our efforts to protect the American people from terrorist attacks at home. Unfortunately, the administration has never grasped this reality. We have offered amendment after amendment and they have been defeated on party line votes.

We supported establishment of the Homeland Security Department before September 11. And as we recall, this administration opposed the establishment of this agency even after September 11. Once the administration relented and a homeland security agency was established, Democrats repeatedly sought to ensure that this agency received the resources it needed to make Americans and America more secure.

Democrats sought to beef up our security on rail and transit systems, our chemical plants, our nuclear power generating facilities, and this administration and the Republican Senators in this Senate said no.

Democrats sought to increase security on chemical and nuclear facilities, as I have indicated, and other critical infrastructure. It was "no" again. Democrats attempted to improve security at this Nation's ports and the Bush administration, Republicans, said no. Finally, we sought to ensure that this Nation's first responders obtain the resources they need to deter terrorists from attacking, and again Republicans said no.

The bill before the Senate presents another opportunity for all Members. We will have amendments to address each of these areas this week. I am hopeful, with everything we know, the majority will at long last agree with Democrats that we should be doing much more to protect the Nation from terrorist attacks at home.

VETERANS

Let me close with a few words about our Nation's veterans. After months of denial—in fact, more than a year—that a problem even existed, Senate Republicans late last month agreed with Democrats—reluctantly—that our veterans were not getting the care and resources they earned and deserved. Remember, we brought this up before committee on at least two occasions, as well as on the Senate floor, and every time it was voted down by a strict party line vote and we did not get the veterans what they wanted.

With great fanfare, Senate Republicans announced they were wrong for opposing Democratic efforts to provide additional efforts to the veterans health care system and would not support providing an additional $1.5 billion.

We appeared to be on the road to getting something done for our veterans. Unfortunately, rather than quickly passing the Senate figure and ensuring our veterans immediately got the resources they need, House Republicans decided to play games and give our veterans significantly less in the process, more than half a billion.

Even worse than what the Republicans in the House did, rather than standing up for a vote they had cast a day or so earlier, Senate Republicans blinked and backtracked. Senate Republicans objected to a unanimous consent request to make the House-passed bill consistent with the level they had supported just a few hours earlier.

Our first amendment, then, on this bill will be to give the Senate majority another opportunity to show our veterans and the American public where they stand. We will offer an amendment to give the veterans an additional $1.5 billion. Probably that is not enough because from some of the statistics we hear it is now closer to $2 billion. But what if we are wrong? What if we are giving the veterans a little more? Is there anything wrong with that? I do not think we are giving them a little more. We are giving them less. But would there be anything wrong with that? I hope the resounding answer is no.

So I hope that the majority will join us in supporting this amendment. And, just as importantly, let's not play politics with America's veterans.

I again thank my friend, the distinguished Senator from Kentucky, for allowing me to speak now because he did have the floor.

The PRESIDENT pro tempore. The Senator from Kentucky.

LONDON TERRORIST ATTACKS

Mr. McCONNELL. Mr. President, today I rise to express my condolences to the victims and their families after last Thursday's depraved and savage terrorist attacks in London. I also rise to pledge my, and I am sure the entire U.S. Senate's, steadfast support for the people of London and the United Kingdom as they stand resolute—as they always have—in the face of terror.

On July 7 of last week, bombs exploded in three subway trains of the London Underground. A fourth ripped open a city bus. At least 52 are dead, and hundreds are wounded.

Just as a personal note, I have a daughter living in the London area. Just a month ago, I put her on the subway right near where one of the bombs went off. So I was among the many Americans who were frantically interested in getting word on our own relatives after the attacks, which is another indication of just how closely tied the United States and the United Kingdom are.

These killers, whoever they are, have an utter disregard for human life. They indiscriminately kill innocent people. The explosions were timed to go off during the morning rush hour, to kill the maximum number of people.

But we should not be surprised by the barbarity of July 7. We have seen it before. On September 11, 2001, the same impulse of evil that touched London stretched over the ocean to the United States and murdered 3,000 of our own.

Ever since the terrorist attacks of September 11, America has waged a global war on terror. We resolved that day to pursue the terrorists and bring them to justice before they could strike American soil again. This latest attack has changed nothing. We are still defiant in the face of terror. We are still committed to following terror wherever it may hide, wresting it out from the swamps and shadows where it takes harbor, and destroying it.

The United Kingdom has been a strong and steadfast ally throughout the war on terror. Her resolve is only strengthened by this latest attack. Our British cousins will fight the terrorists with the same heroic mettle their forefathers used to face down Hitler during World War II. Sixty years ago, Americans tuned their radios to hear of British courage during the German bombing of London. Today, we see that same British courage on television. Many Londoners returned to ride the Underground and buses the very next day, unbowed by the terrorists.

Prime Minister Tony Blair has led his country magnificently in the war on terror. He follows in the footsteps of previous Prime Ministers who have steeled their nation's spine in times of challenge: Margaret Thatcher and Winston Churchill. I have no doubt Prime Minister Blair will respond to these attacks with the same courage and resolve as his predecessors, and he obviously has all of our full and unqualified support.

America and Great Britain united will never yield to the terrorists. We will defeat them, and at the same time, we will spread justice and liberty to combat their call to oppression and death. Our cause, which speaks to the noblest parts of the human soul, will win, just as it has throughout our shared and glorious history.

May God bless America and the United Kingdom.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

TRIBUTE TO ALLY MILDER

Mr. GRASSLEY. Mr. President, just 2 weeks ago a former staffer and longtime friend, Ally Milder, and a business associate of hers came to spend the weekend at the Grassley farm in New Hartford, IA. I tried to get Ally to step out of her fancy shoes for a couple of days and learn a little about farming. I never did persuade her to feed pigs, but we had a lot of laughs.

Today I stand before the Senate with great sadness because Ally Milder—my former chief counsel and a good friend to Barbara and me—died suddenly last Thursday at the age of 50. Ally is gone suddenly and too young. I extend my deep sympathy to her mother Frances and sisters Julie and Kelly, and pay tribute to Ally Milder with much regard.

I met Ally in 1981. She was one of my first counsels on the Senate Judiciary Committee. I was a freshman Senator. She was fresh out of law school and stayed on my staff until 1987, becoming chief counsel during that time. Ally and I shared a great interest in religious freedom. Her leadership helped me to be very active in Soviet Jewry issues as a Senator, including a 1983 trip to the Soviet Union where we met with Russian Jews, the refuseniks, in Moscow. Ally was instrumental in forming the InterParliamentary Group for Human Rights in the Soviet Union, an important weapon in the fight against abuses and for freedom for Soviet Jews. Her tremendous enthusiasm and commitment to this important cause was also proved when she staffed passage of legislation to change the address of the Soviet Embassy in Washington to One Sakharov Plaza. We had to fight the State Department and all kinds of other powerful interests to prevail and provide a daily reminder that America would not overlook the plight of dissidents. Ally personally made a difference in the course of history with her work in this area of human rights.

Ally worked on many issues during those years, including the nomination of Justice Sandra Day O'Connor to the Supreme Court and extension of the Voting Rights Act. Under her leadership of my Judiciary staff, the False Claims Act was passed and signed into law. This landmark legislation updated a Civil War-era law to empower individual citizen-whistleblowers to fight fraud against the taxpayers. In the nearly two decades this law has been on the books, it has returned more than $12 billion to the U.S. Treasury that would otherwise have been lost to fraud. In addition, Ally oversaw renewal of Chapter 12 of the Federal Bankruptcy Code, which was a lifeline for family farmers needing to reorganize debt and stay in farming during the terrible farm crisis of the 1980s.

Whatever she was working on, Ally brought energy, a let's-make-it-happen attitude, and characteristic good nature to the task. Her skill and style made her a respected and well-liked colleague on the staff.

Ally left Washington to return home and run for Congress herself, making two good attempts for the Second District seat in Nebraska. I campaigned with her several times. She was tireless about reaching the voters, and we spent one of those days going to all the small towns and rural areas in the district. From what I know about Ally Milder, both before and after she ran for the House of Representatives, I am convinced she would have made a very good Congresswoman. Ally went on to serve on the State board of education starting in 1992, and launched a successful consulting and lobbying practice.

Ally always kept in close touch, and she loved politics. I appreciate the support she gave me. She was generous and shared her commitment to making things better in a lot of ways, including mentoring economically disadvantaged young people.

It is hard to believe that Ally won't be walking around the corner somewhere, sometime next week, with her big smile and warm embrace. Knowing Ally, she might want us to take comfort today in an old Jewish saying that "the only truly dead are those who have been forgotten." There is no doubt that Ally Milder will be remembered. She was full of life, bright, hardworking, and someone focused on the good things in life and making life good for those around her. She will be greatly missed.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The PRESIDING OFFICER. Under the previous order, the hour of 2 p.m. having arrived, the Senate will proceed to the consideration of H.R. 2360, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

H.R. 2360

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

[TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

[OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

[For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $133,239,000 (reduced by $100,000): *Provided*, That not to exceed $40,000 shall be for official reception and representation expenses: *Provided further*, That of the amounts appropriated under this heading, $20,000,000 shall not be available for obligation until the Secretary of Homeland Security submits to the Committee on Appropriations of the House of Representatives an immigration enforcement strategy to reduce the number of undocumented aliens, based upon the latest United States Census Bureau data, by 10 percent per year: *Provided further*, That of the amounts appropriated under this heading, $10,000,000 shall not be available for obligation until section 525 of this Act is implemented: *Provided further*, That the Secretary shall submit all reports requested by the Committee on Appropriations of the House of Representatives for all agencies and components of the Department of Homeland Security, as identified in this Act and the House report accompanying this Act, by the dates specified: *Provided further*, That the content of all reports shall be in compliance with the direction and instructions included in this Act and the House report accompanying this Act by the dates specified: *Provided further*, That, of the amounts appropriated under this heading, $20,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives has received all final reports in compliance with such direction and instructions.

[OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

[For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $146,084,000 (reduced by $26,100,000) (reduced by $50,000,000): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses: *Provided further*, That of the total amount provided, $26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

[OFFICE OF THE CHIEF FINANCIAL OFFICER

[For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $18,505,000.

[OFFICE OF THE CHIEF INFORMATION OFFICER

[For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $303,700,000; of which $75,756,000 shall be available for salaries and expenses; and of which $227,944,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: *Provided*, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: *Provided further*, That the Department shall report within 180 days of enactment of this Act on its enterprise architecture and other strategic planning activities in accordance with the terms and conditions specified in the House report accompanying this Act.

[OFFICE OF INSPECTOR GENERAL

[For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $83,017,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

[TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

[BORDER AND TRANSPORTATION SECURITY

[OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

[SALARIES AND EXPENSES

[For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $10,617,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

[AUTOMATION MODERNIZATION

[For necessary expenses of the United State Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note) and for the development, deployment, and use of Free and Secure Trade (FAST), NEXUS, and Secure Electronic Network for Traveler's Rapid Inspection (SENTRI), $411,232,000, to remain available until expended, which shall be allocated as follows:

[(1) $7,000,000 for FAST.

[(2) $14,000,000 for NEXUS/SENTRI.

[(3) $390,232,000 for the United States Visitor and Immigrant Status Indicator Technology project: *Provided*, That of the funds provided for this project, $254,000,000 may not be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that—

[(A) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

[(B) complies with the Department of Homeland Security enterprise information systems architecture;

[(C) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

[(D) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

[(E) is reviewed by the Government Accountability Office.

[CUSTOMS AND BORDER PROTECTION

[SALARIES AND EXPENSES

[For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,885,544,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $35,000 shall be for official reception and representation expenses; of which not less than $141,060,000 shall be for Air and Marine Operations; of which not to exceed $174,800,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: *Provided*, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of the Bureau of Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Under Secretary for Border and Transportation Security, or a designee, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies: *Provided further*, That of the total amount provided, $10,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives all required reports related to air and marine operations: *Provided further*, That of the total amount provided, $2,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives a report on the performance of the Immigration Advisory Program as directed in House Report No. 108–541: *Provided further*, That of the total amount provided, $70,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives part two of the report on the performance of the Container Security Initiative progam, as directed in House Report 180–541: *Provided further*, That no funds shall be available for the site acquisition, design, or construction of any Border Patrol checkpoint in the Tucson sector: *Provided further*, That the Border Patrol shall relocate its checkpoints in the Tucson sector at least once every seven days in a manner designed to prevent persons subject to inspection from predicting the location of any such checkpoint.

[AUTOMATION MODERNIZATION

[For expenses for customs and border protection automated systems, $458,009,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

[(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

[(2) complies with the Department of Homeland Security's enterprise information systems architecture;

[(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

[(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

[(5) is reviewed by the Government Accountability Office.

[AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

[For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Under Secretary for Border and Transportation Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $347,780,000, to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to Bureau of Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

[CONSTRUCTION

[For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $93,418,000, to remain available until expended.

[IMMIGRATION AND CUSTOMS ENFORCEMENT

[SALARIES AND EXPENSES

[For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $3,064,081,000 (reduced by $5,000,000) (increased by $5,000,000), of which not to exceed $10,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Under Secretary for Border and Transportation Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; of which not less than $5,000,000 shall be for costs to implement section 287(g) of the Immigration and Nationality Act, as amended; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: *Provided*, That none of the funds appropriated shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Under Secretary for Border and Transportation Security may waive that amount as necessary for national security purposes and in cases of immigration emergencies: *Provided further*, That of the total amount provided, $3,045,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed $2,000,000 shall remain available until expended: *Provided further*, That of the amounts appropriated, $50,000,000 shall not be available for obligation until the Assistant Secretary of Immigration and Customs Enforcement submits to the Committee on Appropriations of the House of Representatives a national detention management plan including the use of regional detention contracts and alternatives to detention: *Provided further*, That the Assistant Secretary of Immigration and Customs Enforcement, with concurrence of the Secretary of Homeland Security, shall submit, by December 1, 2005, to the Committee on Appropriations of the House of Representatives a plan for the expanded use of Immigration Enforcement Agents to enforce administrative violations of United States immigration laws.

[FEDERAL AIR MARSHALS

[For necessary expenses of the Federal Air Marshals, $698,860,000, of which not to exceed $5,000,000 shall remain available until expended.

[FEDERAL PROTECTIVE SERVICE

[The revenues and collections of security fees credited to this account, not to exceed $487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

[AUTOMATION MODERNIZATION

[For expenses of immigration and customs enforcement automated systems, $40,150,000, to remain available until expended: *Provided*, That none of the funds appropriated under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Under Secretary for Border and Transportation Security that—

[(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

[(2) complies with the Department of Homeland Security enterprise information systems architecture;

[(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

[(4) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

[(5) is reviewed by the Government Accountability Office.

[CONSTRUCTION

[For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,546,000, to remain available until expended.

[TRANSPORTATION SECURITY ADMINISTRATION

[AVIATION SECURITY

[For necessary expenses of the Transportation Security Administration related to providing aviation security, $4,591,612,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be available for official reception and representation expenses: *Provided*, That of the total amount provided under this heading, not to exceed $3,608,599,000 shall be for screening operations, of which $170,000,000 shall be available only for procurement of checked baggage explosive detection systems and $75,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $983,013,000 shall be for aviation security direction and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,601,612,000: *Provided further*, That any security service fees collected in excess of the amount appropriated under this heading shall become available during fiscal year 2007: *Provided further*, That none of the funds in this Act shall be used to recruit or hire personnel into the Transportation Security Administration which would cause the agency to exceed a staffing level of 45,000 full-time equivalent screeners.

[SURFACE TRANSPORTATION SECURITY

[For necessary expenses of the Transportation Security Administration related to providing surface transportation security activities, $36,000,000, to remain available until September 30, 2007.

[TRANSPORTATION VETTING AND CREDENTIALING

[For necessary expenses for the development and implementation of screening programs by the Office of Transportation Vetting and Credentialing, $84,294,000.

[TRANSPORTATION SECURITY SUPPORT

[For necessary expenses of the Transportation Security Administration related to providing transportation security support and intelligence activities, $541,008,000, to remain available until September 30, 2007: *Provided*, That of the funds appropriated under this heading, $50,000,000 may not be obligated until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) a plan for optimally deploying explosive detection equipment, either in-line or to replace explosive trace detection machines, at the Nation's airports on a priority basis to enhance security, reduce Transportation Security Administration staffing requirements, and long-term costs; and (2) a detailed spend plan for explosive detection systems procurement and installations on an airport-by-airport basis for fiscal year 2006: *Provided further*, That these plans shall be submitted no later than 60 days after enactment of this Act.

[UNITED STATES COAST GUARD

[OPERATING EXPENSES

[For necessary expenses for the operation and maintenance of the Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note), and recreation and welfare, $5,500,000,000, of which $1,200,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That none of the funds appropriated by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided by this Act shall be available for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

[ENVIRONMENTAL COMPLIANCE AND RESTORATION

[For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

[RESERVE TRAINING

[For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $119,000,000.

[ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

[For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $798,152,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $22,000,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $29,902,000 shall be available until September 30, 2010, to increase aviation capability; of which $130,100,000 shall be available until September 30, 2008, for other equipment; of which $39,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which $76,450,000 shall be available for personnel compensation and benefits and related costs; and of which $500,000,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008, only for Rescue 21: *Provided further*, That of the funds appropriated under this heading for the Integrated Deepwater System, $50,000,000 may not be obligated until the Committee on Appropriations of the House of Representatives receives from the Secretary of Homeland Security a new Deepwater program baseline that reflects revised, post September 11th operational priorities that includes—

[(1) a detailed justification for each new Deepwater asset that is determined to be necessary to fulfill homeland and national security functions or multi-agency procurements as identified by the Joint Requirements Council;

[(2) a comprehensive timeline for the entire Deepwater program, including an asset-by-asset breakdown, aligned with the comprehensive acquisition timeline and revised mission needs statement, that also details the phase-out of legacy assets and the phase-in of new, replacement assets on an annual basis;

[(3) a comparison of the revised acquisition timeline against the original Deepwater timeline;

[(4) an aggregate total cost of the program that aligns with the revised mission needs statement, acquisition timeline and asset-by-asset breakdown;

[(5) a detailed projection of the remaining operational lifespan of every type of legacy cutter and aircraft; and

[(6) a detailed progress report on command, control, communications, computers, intelligence, surveillance, and reconnaissance equipment upgrades that includes what has been installed currently on operational assets and when such equipment will be installed on all remaining Deepwater legacy assets: *Provided further*, That the Secretary shall annually submit to the Committee on Appropriations of the House of Representatives, at the time that the President's budget is submitted under section 1105(a) of title 31, a future-years capital investment plan for the Coast Guard that identifies for each capital budget line item—

[(1) the proposed appropriation included in that budget;

[(2) the total estimated cost of completion;

[(3) projected funding levels for each fiscal year for the next 5 fiscal years or until project completion, whichever is earlier;

[(4) an estimated completion date at the projected funding levels; and

[(5) changes, if any, in the total estimated cost of completion or estimated completion date from previous future-years capital investment plans submitted to the Committee on Appropriations of the House of Representatives:

[*Provided further*, That the Secretary shall ensure that amounts specified in the future-years capital investment plan are consistent to the maximum extent practicable with proposed appropriations necessary to support the programs, projects, and activities of the Coast Guard in the President's budget as submitted under section 1105(a) of title 31 for that fiscal year: *Provided further*, That any inconsistencies between the capital investment plan and proposed appropriations shall be identified and justified.

[ALTERATION OF BRIDGES

[For necessary expenses for alteration or removal of obstructive bridges, $15,000,000, to remain available until expended.

[RETIRED PAY

[For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000.

[UNITED STATES SECRET SERVICE

[SALARIES AND EXPENSES

[For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at his or her post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,228,981,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,678,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2007: *Provided further*, That of the total amount appropriated, not less than $10,000,000 shall be available solely for the unanticipated costs related to security operations for National Special Security Events, to remain available until September 30, 2007: *Provided further*, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

[ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000, to remain available until expended.

[TITLE III—PREPAREDNESS AND RECOVERY

[Office of State and Local Government Coordination and Preparedness

[MANAGEMENT AND ADMINISTRATION

[For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $3,546,000: *Provided*, That not to exceed $2,000 shall be for official reception and representation expenses.

[STATE AND LOCAL PROGRAMS

[For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,781,300,000 (increased by $100,000) (increased by $50,000,000), which shall be allocated as follows:

[(1) $750,000,000 for formula-based grants and $400,000,000 for law enforcement terrorism prevention grants pursuant to section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714): *Provided*, That the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

[(2) $1,215,000,000 for discretionary grants, as determined by the Secretary of Homeland Security, of which—

[(A) $850,000,000 shall be for use in high-threat, high-density urban areas;

[(B) $150,000,000 shall be for port security grants, which shall be distributed based on risks and vulnerabilities: *Provided*, That the Office of State and Local Government Coordination and Preparedness shall work with the Information Analysis and Infrastructure Protection Directorate to assess the risk associated with each port and with the Coast Guard to evaluate the vulnerability of each port: *Provided further*, That funding may only be made available to those projects recommended by the Coast Guard Captain of the Port;

[(C) $5,000,000 shall be for trucking industry security grants;

[(D) $10,000,000 shall be for intercity bus security grants;

[(E) $150,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

[(F) $50,000,000 shall be for buffer zone protection grants:

[*Provided*, That for grants under subparagraph (A), the application for grants shall be made available to States within 45 days after enactment of this Act; that States shall submit applications within 90 days after the grant announcement; and that the Office of State and Local Government Coordination and Preparedness shall act within 90 days after receipt of an application: *Provided further*, That no less than 80 percent of any grant under this paragraph to a State shall be made available by the State to local governments within 60 days after the receipt of the funds.

[(3) $50,000,000 shall be available for the Commercial Equipment Direct Assistance Program.

[(4) $366,300,000 for training, exercises, technical assistance, and other programs:

[*Provided*, That none of the grants provided under this heading shall be used for the construction or renovation of facilities: for minor perimeter security projects, not to exceed $1,000,000, as determined necessary by the Secretary of Homeland Security: *Provided further*, That the proceeding proviso shall not apply to grants under subparagraphs (B) and (E) of paragraph (2) of this heading: *Provided further*, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary of Homeland Security: *Provided further*, That funds appropriated for law enforcement terrorism prevention grants under paragraph (1) and discretionary grants under paragraph (2)(A) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: *Provided further*, That in accordance with the Department's implementation plan for Homeland Security Presidential Directive 8, the Office of State and Local Government Coordination and Preparedness shall issue the final National Preparedness Goal no later than October 1, 2005; and no funds provided under paragraphs (1) and (2)(A) shall be awarded to States that have not submitted to the Office of State and Local Government Coordination and Preparedness an updated State homeland strategy based on the interim National Preparedness Goal, dated March 31, 2005.

[FIREFIGHTER ASSISTANCE GRANTS

[For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $600,000,000 (increased by $50,000,000), of which $550,000,000 (increased by $25,000,000) shall be available to carry out section 33 (15 U.S.C. 2229) and $50,000,000 (increased by $25,000,000) shall be available to carry out section 34 (15 U.S.C. 2229a) of the Act, to remain available until September 30, 2007: *Provided*, That not to exceed 5 percent of this amount shall be available for program administration.

[EMERGENCY MANAGEMENT PERFORMANCE GRANTS

[For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reductions Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

[Counterterrorism Fund

[For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $10,000,000, to remain available until expended: *Provided*, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

[Emergency Preparedness and Response

[OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

[For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $2,306,000.

[PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

[For necessary expenses for preparedness, mitigation, response, and recovery activities of the Directorate of Emergency Preparedness and Response, $249,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

[ADMINISTRATIVE AND REGIONAL OPERATIONS

[For necessary expenses for administrative and regional operations of the Directorate of Emergency Preparedness and Response, $225,441,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

[PUBLIC HEALTH PROGRAMS

[For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

[RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

[The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: *Provided*, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: *Provided further*, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

[DISASTER RELIEF

[For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,023,900,000 (reduced by $23,900,000), to remain available until expended.

[DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

[For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: *Provided*, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: *Provided further*, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

[FLOOD MAP MODERNIZATION FUND

[For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3 percent of the total appropriation.

[NATIONAL FLOOD INSURANCE FUND

[(INCLUDING TRANSFER OF FUNDS)

[For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; not to exceed $40,000,000 for financial assistance under section 1361A of such Act to States and communities for taking actions under such section with respect to severe repetitive loss properties, to remain available until expended; not to exceed $10,000,000 for mitigation actions under section 1323 of such Act; and not to exceed $99,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to $40,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: *Provided*, That in fiscal year 2006, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $660,148,000 for agents' commissions and taxes; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

[NATIONAL FLOOD MITIGATION FUND

[Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $40,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $40,000,000 shall be derived from the National Flood Insurance Fund.

[NATIONAL PRE-DISASTER MITIGATION FUND

[For a pre-disaster mitigation grant program pursuant to title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $150,000,000, to remain available until expended: *Provided*, That grants made for pre-disaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)): *Provided further*, That total administrative costs shall not exceed 3 percent of the total appropriation.

[EMERGENCY FOOD AND SHELTER

[To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: *Provided*, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

[TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

[CITIZENSHIP AND IMMIGRATION SERVICES

[For necessary expenses for citizenship and immigration services, $120,000,000: *Provided*, That the Director of United States Citizenship and Immigration Services shall submit to the Committee on Appropriations of the House of Representatives a report on its information technology transformation efforts and how these efforts align with the enterprise architecture standards of the Department of Homeland Security within 90 days of enactment of this Act.

[FEDERAL LAW ENFORCEMENT TRAINING CENTER

[SALARIES AND EXPENSES

[For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed $12,000 shall be for official reception and representation expenses: *Provided*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That in fiscal year 2006 and thereafter, the Center is authorized to assess pecuniary liability against Center employees and students for losses or destruction of government property due to gross negligence or willful misconduct and to set off any resulting debts due the United States by Center employees and students, without their consent, against current payments due the employees and students for their services.

[ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

[For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $64,743,000, to remain available until expended: *Provided*, That the Center is authorized to accept reimbursement to this appropriation from government agencies requesting the construction of special use facilities.

[INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

[MANAGEMENT AND ADMINISTRATION

[For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $198,200,000: *Provided*, That not to exceed $5,000 shall be for official reception and representation expenses.

[ASSESSMENTS AND EVALUATIONS

[For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $663,240,000, to remain available until September 30, 2007.

[SCIENCE AND TECHNOLOGY

[MANAGEMENT AND ADMINISTRATION

[For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $81,399,000: *Provided*, That not to exceed $3,000 shall be for official reception and representation expenses.

[RESEARCH, DEVELOPMENT, ACQUISITION AND OPERATIONS

[For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,258,597,000, to remain available until expended: *Provided*, That of the total amount provided under this heading, $23,000,000 is available to find an alternative site for the National Bio and Agrodefense Laboratory and other pre-construction activities to establish research labs to protect animal and public health from high consequence animal and zoonotic diseases, in support of the requirements of Homeland Security Presidential Directives 9 and 10: *Provided further*, That of the total amount provided under this heading, $10,000,000 shall be used to enhance activities toward implementation of section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193).

[TITLE V—GENERAL PROVISIONS

[(INCLUDING RESCISSION OF FUNDS)

[SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 502. Subject to the requirements of section 503 of this Act, the unexpended balances of prior appropriations provided for activities in this Act may be transferred to appropriation accounts for such activities established pursuant to this Act: *Provided*, That balances so transferred may be merged with funds in the applicable established accounts and thereafter may be accounted for as one fund for the same time period as originally enacted.

[SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

[(b) None of the funds provided by this Act, provided by previous appropriation Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

[(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: *Provided*, That any transfer under this subsection shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

[(d) The Department shall submit all notifications pursuant to subsections (a), (b), and (c) of this section no later than June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

[SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: *Provided*, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

[SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

[SEC. 506. The Federal Law Enforcement Training Center shall establish an accrediting body, to include representatives from the Federal law enforcement community and non-Federal accreditation experts involved in law enforcement training, to establish standards for measuring and assessing the quality and effectiveness of Federal law enforcement training programs, facilities, and instructors.

[SEC. 507. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000 unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and House of Representatives at least 3 full business days in advance: *Provided*, That no notification shall involve funds that are not available for obligation.

[SEC. 508. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

[SEC. 509. The Director of the Federal Law Enforcement Training Center (FLETC) shall schedule basic and/or advanced law enforcement training at all four training facilities under FLETC's control to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

[SEC. 510. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

[SEC. 511. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

[SEC. 512. Funding for the Transportation Security Administration's Office of Transportation Security Support, Office of the Administrator, shall be reduced by $100,000 per day for each day after enactment of this Act that the second proviso of section 513 of Public Law 108–334 has not been implemented.

[SEC. 513. The Commandant of the Coast Guard shall provide to the Committee on Appropriations of the House of Representatives each year, at the time that the President's budget is submitted under section 1105(a) of title 31, United States Code, a list of approved but unfunded Coast Guard priorities and the funds needed for each such priority in the same manner and with the same contents as the unfunded priorities lists submitted by the chiefs of other Armed Services.

[SEC. 514. Notwithstanding section 3302 of title 31, United States Code, beginning in fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

[SEC. 515. Beginning in fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

[SEC. 516. Notwithstanding any other provision of law, the authority of the Office of Personnel Management to conduct personnel security and suitability background investigations, update investigations, and periodic reinvestigations of applicants for, or appointees in, positions in the Office of the Secretary and Executive Management, the Office of the Under Secretary for Management, the Bureau of Immigration and Customs Enforcement, the Directorate of Science and Technology, and the Directorate of Information Analysis and Infrastructure Protection of the Department of Homeland Security is transferred to the Department of Homeland Security: *Provided*, That on request of the Department of Homeland Security, the Office of Personnel Management shall cooperate with and assist the Department in any investigation or reinvestigation under this section: *Provided further*, That this section shall cease to be effective at such time as the President has selected a single agency to conduct security clearance investigations pursuant to section 3001(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 50 U.S.C. 435b) and the entity selected under section 3001(b) of such Act has reported to Congress that the agency selected pursuant to such section 3001(c) is capable of conducting all necessary investigations in a timely manner or has authorized the entities within the Department of Homeland Security covered by this section to conduct their own investigations pursuant to section 3001 of such Act.

[SEC. 517. Notwithstanding any other provision of law, funds appropriated under paragraphs (1) and (2) of the State and Local Programs heading under title III of this Act are exempt from section 6503(a) of title 31, United States Code.

[SEC. 518. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office (GAO) reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 have been successfully met.

[(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

[(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a government watch list.

[(d) None of the funds provided in this or any previous appropriations Act may be utilized to develop or test algorithms assigning risk to passengers whose names are not on government watch lists.

[(e) None of the funds provided in this appropriations Act may be utilized for a database that is obtained from or remains under the control of a non-Federal entity.

[SEC. 519. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

[SEC. 520. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

[SEC. 521. None of the funds available in this Act or provided hereafter shall be available to maintain the United States Secret Service as anything but a distinct entity within the Department of Homeland Security and shall not be used to merge the United States Secret Service with any other department function, cause any personnel and operational elements of the United States Secret Service to report to an individual other than the Director of the United States Secret Service, or cause the Director to report directly to any individual other than the Secretary of Homeland Security.

[SEC. 522. The Secretary of Homeland Security shall develop screening standards and protocols to more thoroughly screen all types of air cargo on passenger and cargo aircraft by March 1, 2006: *Provided*, That these screening standards and protocols shall be developed in consultation with the industry stakeholders: *Provided further*, That these screening standards and protocols shall be developed in conjunction with the research and development of technologies that will permit screening of all high-risk air cargo: *Provided further*, That of the amounts appropriated in this Act for the "Office of the Secretary and Executive Management", $10,000,000 shall not be available for obligation until new air cargo screening standards and protocols are implemented.

[SEC. 523. The Transportation Security Administration (TSA) shall utilize existing checked baggage explosive detection equipment and screeners to screen cargo carried on passenger aircraft to the greatest extent practicable at each airport: *Provided*, That beginning with November 2005, TSA shall provide a monthly report to the Committee on Appropriations of the House of Representatives detailing, by airport, the amount of cargo carried on passenger aircraft that was screened by TSA in August 2005 and each month thereafter.

[SEC. 524. The Secretary of Homeland Security shall implement a security plan to permit general aviation aircraft to land and take off at Ronald Reagan Washington National Airport 90 days after enactment of this Act.

[SEC. 525. None of the funds available for obligation for the transportation worker identification credential program shall be used to develop a personalization system that is decentralized or a card production capability that does not utilize an existing government card production facility: *Provided*, That no funding can be obligated for the next phase of production until the Committee on Appropriations of the House of Representatives has been fully briefed on the results of the prototype phase and agrees that the program should move forward.

[SEC. 526. (a) From the unexpended balances of the United States Coast Guard "Acquisition, Construction and Improvements" account specifically identified in statement of managers language for Integrated Deepwater System patrol boats 110- to 123-foot conversion in fiscal years 2004 and 2005, $83,999,942 are rescinded.

[(b) For the necessary expenses of the United States Coast Guard for "Acquisition, Construction and Improvements", $83,999,942 is made available to procure new 110-foot patrol boats or for major maintenance availability for the current 110-foot patrol boat fleet: *Provided*, That such funds shall remain available until expended.

[SEC. 527. The Secretary of Homeland Security shall utilize the Transportation Security Clearinghouse as the central identity management system for the deployment and operation of the registered traveler program, the transportation worker identification credential program, and other applicable programs for the purposes of collecting and aggregating biometric data necessary for background vetting; providing all associated record-keeping, customer service, and related functions; ensuring interoperability between different airports and vendors; and acting as a central activation, revocation, and transaction hub for participating airports, ports, and other points of presence.

[SEC. 528. None of the funds made available in this Act may be used by any person other than the privacy officer appointed pursuant to section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142) to alter, direct that changes be made to, delay or prohibit the transmission to Congress of, any report prepared pursuant to paragraph (5) of such section.

[SEC. 529. No funding provided in this or previous appropriations Acts shall be available to pay the salary of any employee serving as a contracting officer's technical representative (COTR) who has not received COTR training.

[SEC. 530. Except as provided in section 44945 of title 49, United States Code, funds appropriated or transferred to the Transportation Security Administration in fiscal years 2002 and 2003, and to the Transportation Security Administration, "Aviation Security" and "Administration" in fiscal years 2004 and 2005, that are recovered or deobligated shall be available only for procurement and installation of explosive detection systems.

[SEC. 531. From the unobligated balances available in the "Department of Homeland Security Working Capital Fund" established by section 506 of Public Law 108–90, $7,000,000 are hereby rescinded.

[SEC. 532. Notwithstanding any other provision of law, the Committee withholds from obligation $25,000,000 from the Directorate of Emergency Preparedness and Response, Administrative and Regional Operations, until the direction in the statement of managers accompanying Public Law 108–324 and House Report 108–541 is completed.

[SEC. 533. None of the funds appropriated under this Act or any other Act shall be available for processing petitions under section 214(c) of the Immigration and Nationality Act relating to nonimmigrant status under section 101(a)(15)(H)(i)(b) of such Act until the authority provided in section 214(g)(5)(C) of such Act is being implemented such that, in any fiscal year in which the total number of aliens who are issued visas or otherwise provided nonimmigrant status subject to the numerical limitation under section 101(a)(15)(H)(i)(b) of such Act reaches the numerical limitation contained in section 214(g)(1)(A) of such Act,, up to 20,000 additional aliens who have earned a master's or higher degree from an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) may be issued visas or otherwise provided nonimmigrant status under section 101(a)(15)(H)(i)(b) of the Immigration and Nationality Act.

[SEC. 534. None of the funds provided in this Act shall be used to pay the salaries of more than sixty Transportation Security Administration employees who have the authority to designate documents as Sensitive Security Information (SSI). In addition, $10,000,000 is not available for the Department-wide Office of Security until the Secretary submits to the Committee on Appropriations of the House of Representatives: (1) the titles of all documents currently designated as SSI; (2) Department-wide policies on SSI designation; (3) Department-wide SSI designation auditing policies and procedures; and (4) the total number of staff and offices authorized to designate SSI documents within the Department.

[SEC. 535. None of the funds appropriated by this Act may be used to change the name of the Coast Guard Station "Group St. Petersburg".

[SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to patrol the border of the United States except as authorized by law.

[SEC. 537. For the Secretary of Homeland Security to make grants pursuant to section 204 of the REAL ID Act of 2005 (Public Law 109–13, division B) to assist States in conforming with minimum drivers' license standards there is hereby appropriated: and the amounts otherwise provided by this Act for "Office of the Secretary and Executive Management", "Office of the Under Secretary for Management", "Office of the Under Secretary for Border and Transportation Security—Salaries and Expenses", "Information Analysis and Infrastructure Protection—Management and Administration", and "Science and Technology—Research, Development, Acquisition and Operations", are hereby reduced by: $100,000,000, $20,000,000, $20,000,000, $2,000,000, $8,000,000, and $50,000,000, respectively.

[This Act may be cited as the "Department of Homeland Security Appropriations Act, 2006".]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes, namely:

TITLE I—DEPARTMENTAL MANAGEMENT AND OPERATIONS

OFFICE OF THE SECRETARY AND EXECUTIVE MANAGEMENT

For necessary expenses of the Office of the Secretary of Homeland Security, as authorized by section 102 of the Homeland Security Act of 2002 (6 U.S.C. 112), and executive management of the Department of Homeland Security, as authorized by law, $124,620,000: Provided, That not to exceed $40,000 shall be for official reception and representation expenses.

OFFICE OF THE UNDER SECRETARY FOR MANAGEMENT

For necessary expenses of the Office of the Under Secretary for Management, as authorized by sections 701–705 of the Homeland Security Act of 2002 (6 U.S.C. 341–345), $146,322,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses: Provided further, That of the total amount provided, $26,070,000 shall remain available until expended solely for the alteration and improvement of facilities, tenant improvements, and relocation costs to consolidate Department headquarters operations.

DEPARTMENT OF HOMELAND SECURITY WORKING CAPITAL FUND

(RESCISSION OF FUNDS)

Of the unobligated balances available in the "Department of Homeland Security Working Capital Fund", $12,000,000 are rescinded.

OFFICE OF THE CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), $18,325,000.

OFFICE OF THE CHIEF INFORMATION OFFICER

For necessary expenses of the Office of the Chief Information Officer, as authorized by section 103 of the Homeland Security Act of 2002 (6 U.S.C. 113), and Department-wide technology investments, $286,540,000; of which $75,756,000 shall be available for salaries and expenses; and of which $210,784,000 shall be available for development and acquisition of information technology equipment, software, services, and related activities for the Department of Homeland Security, and for the costs of conversion to narrowband communications, including the cost for operation of the land mobile radio legacy systems, to remain available until expended: Provided, That of the funds made available until expended under this heading, no more than $33,029,000 shall be for the Homeland Secure Data Network: Provided further, That none of the funds appropriated shall be used to support or supplement the appropriations provided for the United States Visitor and Immigrant Status Indicator Technology project or the Automated Commercial Environment: Provided further, That the Chief Information Officer shall submit to the Committees on Appropriations of the Senate and the House of Representatives, not more than 60 days after enactment of the Act, an expenditure plan for all information technology projects that: (1) are funded by the "Office of the Chief Information Officer", or (2) are funded by multiple components of the Department of Homeland Security through reimbursable agreements: Provided further, That such expenditure plan shall include each specific project funded, key milestones, all funding sources for each project, details of annual and lifecycle costs, and projected cost savings or cost avoidance to be achieved by the project: Provided further, That the expenditure plan shall include a complete list of all legacy systems operational as of March 1, 2003; the current operational status of each system; and the plan for continued operation or termination of each system.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $83,017,000, of which not to exceed $100,000 may be used for certain confidential operational expenses, including the payment of informants, to be expended at the direction of the Inspector General.

TITLE II—SECURITY, ENFORCEMENT, AND INVESTIGATIONS

BORDER AND TRANSPORTATION SECURITY

OFFICE OF THE UNDER SECRETARY FOR BORDER AND TRANSPORTATION SECURITY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Under Secretary for Border and Transportation Security, as authorized by subtitle A of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.), $9,617,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

UNITED STATES VISITOR AND IMMIGRANT STATUS INDICATOR TECHNOLOGY

For necessary expenses for the development of the United States Visitor and Immigrant Status Indicator Technology project, as authorized by section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (8 U.S.C. 1221 note), $340,000,000, to remain available until expended: Provided, That of the total amount made available under this heading, $159,658,000 may not be obligated for the United States Visitor and Immigrant Status Indicator Technology project until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for enforcement of laws relating to border security, immigration, customs, and agricultural inspections and regulatory activities related to plant and animal imports; acquisition, lease, maintenance and operation of aircraft; purchase and lease of up to 4,500 (3,935 for replacement only) police-type vehicles; and contracting with individuals for personal services abroad; $4,922,600,000; of which $3,000,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which not to exceed $35,000 shall be for official reception and representation expenses; of which not less than $146,560,000 shall be for Air and Marine Operations; of which not to exceed $49,980,000 shall remain available until September 30, 2007, for inspection and surveillance technology, unmanned aerial vehicles, and replacement aircraft; of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account; of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; and of which not to exceed $5,000,000 shall be available for payments or advances arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to immigration: Provided, That for fiscal year 2006, the overtime limitation prescribed in section 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 267(c)(1)) shall be $35,000; and notwithstanding any other provision of law, none of the funds appropriated in this Act may be available to compensate any employee of United States Customs and Border Protection for overtime, from whatever source, in an amount that exceeds such limitation, except in individual cases determined by the Secretary of Homeland Security, or the designee of the Secretary, to be necessary for national security purposes, to prevent excessive costs, or in cases of immigration emergencies.

In addition, of the funds appropriated under the heading "Customs and Border Protection" in chapter 6 of title I of Public Law 108–11 (117 Stat. 581), $14,400,000 are rescinded.

AUTOMATION MODERNIZATION

For expenses for customs and border protection automated systems, $458,009,000, to remain available until expended, of which not less than $321,690,000 shall be for the development of the Automated Commercial Environment: Provided, That none of the funds made available under this heading may be obligated for the Automated Commercial Environment until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security's enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For necessary expenses for the operations, maintenance, and procurement of marine vessels, aircraft, and other related equipment of the air and marine program, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; and at the discretion of the Secretary of Homeland Security, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $320,580,000, to remain available until expended: Provided, That no aircraft or other related equipment, with the exception of aircraft that are one of a kind and have been identified as excess to United States Customs and Border Protection requirements and aircraft that have been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of Homeland Security during fiscal year 2006 without the prior approval of the Committees on Appropriations of the Senate and the House of Representatives.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $311,381,000, to remain available until expended: Provided, That of the total amount provided under this heading, $55,000,000 shall be available solely for the completion of the San Diego Sector fence and $55,000,000 shall *be available solely for Tuscon sector tactical infrastructure.*

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For necessary expenses for enforcement of immigration and customs laws, detention and removals, and investigations; and purchase and lease of up to 2,300 (2,000 for replacement only) police-type vehicles, $3,050,416,000, of which not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081); of which not to exceed $15,000 shall be for official reception and representation expenses; of which not to exceed $1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security; of which not less than $102,000 shall be for promotion of public awareness of the child pornography tipline; of which not less than $203,000 shall be for Project Alert; and of which not to exceed $11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled illegal aliens: Provided, That none of the funds made available under this heading shall be available to compensate any employee for overtime in an annual amount in excess of $35,000, except that the Secretary of Homeland Security, or the designee of the Secretary, may waive that amount as necessary for national security purposes and in cases of immigration emergencies: Provided further, That of the total amount provided, $15,770,000 shall be for activities to enforce laws against forced child labor in fiscal year 2006, of which not to exceed $6,000,000 shall remain available until expended.

FEDERAL AIR MARSHALS

For necessary expenses of the Federal Air Marshals, $678,994,000.

FEDERAL PROTECTIVE SERVICE

The revenues and collections of security fees credited to this account, not to exceed $487,000,000, shall be available until expended for necessary expenses related to the protection of federally-owned and leased buildings and for the operations of the Federal Protective Service.

AUTOMATION MODERNIZATION

For expenses of immigration and customs enforcement automated systems, $50,150,000, to remain available until expended: Provided, That none of the funds made available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure prepared by the Secretary of Homeland Security that:

(1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including Circular A–11, part 7;

(2) complies with the Department of Homeland Security enterprise information systems architecture;

(3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government;

(4) includes a certification by the Chief Information Officer of the Department of Homeland Security that an independent verification and validation agent is currently under contract for the project;

(5) is reviewed and approved by the Department of Homeland Security Investment Review Board, the Secretary of Homeland Security, and the Office of Management and Budget; and

(6) is reviewed by the Government Accountability Office.

CONSTRUCTION

For necessary expenses to plan, construct, renovate, equip, and maintain buildings and facilities necessary for the administration and enforcement of the laws relating to customs and immigration, $26,546,000, to remain available until expended.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing civil aviation security services pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $4,452,318,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That of the total amount made available under this heading, not to exceed $3,391,948,000 shall be for screening operations, of which $180,000,000 shall be available only for procurement of checked baggage explosive detection systems and $14,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $1,060,370,000 shall be for aviation security direction and enforcement presence: Provided further, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: Provided further, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,462,318,000: Provided further, That any security service fees collected in excess of the amount made available under this heading shall become available during fiscal year 2007: Provided further, That if the Secretary of Homeland Security exercises discretion to set the fee under 44940(a)(2) of title 49 United States Code, such determination shall not be subject to judicial review: Provided further, That notwithstanding section 503 of this Act, the Transportation Security Administration may reallocate funding provided under this heading from passenger and baggage screener pay, compensation, and benefits to procurement and installation of screening technology with fifteen days advance notification to the Committees on Appropriations of the Senate and House of Representatives: Provided further, That notwithstanding section 44923 of title 49, United States Code, the share of the cost of the Federal Government for a project under any letter of intent shall be 75 percent for any medium or large hub airport: Provided further, That heads of Federal agencies and commissions shall not be exempt from Federal passenger and baggage screening: Provided further, That reimbursement for security services and related equipment and supplies provided in support of general aviation access to the Ronald Reagan Washington National Airport shall be credited to this appropriation and shall be available until expended solely for these purposes.

SURFACE TRANSPORTATION SECURITY

For necessary expenses of the Transportation Security Administration related to providing surface transportation activities, $36,000,000.

TRANSPORTATION VETTING AND CREDENTIALING

For necessary expenses for the development and implementation of screening programs by the Office of Transportation Vetting and Credentialing, $74,996,000.

TRANSPORTATION SECURITY SUPPORT

For necessary expenses of the Transportation Security Administration related to providing security support and intelligence pursuant to the Aviation and Transportation Security Act (Public Law 107–71; 115 Stat. 597; 49 U.S.C. 40101 note), $491,873,000.

UNITED STATES COAST GUARD

OPERATING EXPENSES

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for the operation and maintenance of the United States Coast Guard not otherwise provided for, purchase or lease of not to exceed 25 passenger motor vehicles for replacement only, payments pursuant to section 156 of Public Law 97–377 (42 U.S.C. 402 note) and recreation and welfare, $5,476,046,000, of which $1,200,000,000 shall be for defense-related activities; of which $24,500,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); and of which not to exceed $3,000 shall be for official reception and representation expenses: Provided, That none of the funds made available by this or any other Act shall be available for administrative expenses in connection with shipping commissioners in the United States: Provided further, That none of the funds made available by this Act shall be for expenses incurred for yacht documentation under section 12109 of title 46, United States Code, except to the extent fees are collected from yacht owners and credited to this appropriation.

In addition, of the funds appropriated under this heading in Public Law 108–11 (117 Stat. 583), $16,800,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the environmental compliance and restoration functions of the United States Coast Guard under chapter 19 of title 14, United States Code, $12,000,000, to remain available until expended.

RESERVE TRAINING

For necessary expenses of the Coast Guard Reserve, as authorized by law; operations and maintenance of the reserve program; personnel and training costs; and equipment and services; $119,000,000.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING RESCISSIONS OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; and maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $1,224,800,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)); of which $18,500,000 shall be available until September 30, 2010, to acquire, repair, renovate, or improve vessels, small boats, and related equipment; of which $105,000,000 shall be available until September 30, 2008, for other equipment; of which $39,700,000 shall be available until September 30, 2008, for shore facilities and aids to navigation facilities; of which $73,000,000 shall be available for personnel compensation and benefits and related costs; and of which $988,600,000 shall be available until September 30, 2010, for the Integrated Deepwater Systems program: Provided, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and shall be available until September 30, 2008.

In addition, of the funds made available under this heading in Public Law 108–334 (118 Stat. 1306) for covert aircraft, $13,999,000 are rescinded; and of the funds appropriated under this heading in Public Laws 108–334 (118 Stat. 1306) and 108–90 (117 Stat. 1143) for patrol boat (110 foot to 123 foot conversion) and Fast Response Cutter/110–123 foot patrol boat conversion, $68,999,000 are rescinded.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges as authorized by *section 6 of the Truman-Hobbs Act (33 U.S.C. 516), $15,000,000, to remain available until expended.*

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses for applied scientific research, development, test, and evaluation, and for maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $18,500,000, to remain available until expended, of which $2,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)): Provided, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

RETIRED PAY

For retired pay, including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose, payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payment for career status bonuses, concurrent receipts and combat-related special compensation under the National Defense Authorization Act, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,014,080,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 614 vehicles for police-type use, which shall be for replacement only, and hire of passenger motor vehicles; purchase of American-made motorcycles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director of the Secret Service; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; payment of per diem or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee requires an employee to work 16 hours per day or to remain overnight at a post of duty; conduct of and participation in firearms matches; presentation of awards; travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations of the Senate and the House of Representatives; research and development; grants to conduct behavioral research in support of protective research and operations; and payment in advance for commercial accommodations as may be necessary to perform protective functions; $1,188,638,000, of which not to exceed $25,000 shall be for official reception and representation expenses; of which not to exceed $100,000 shall be to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; of which $2,100,000 shall be for forensic and related support of investigations of missing and exploited children; and of which $5,000,000 shall be a grant for activities related to the investigations of missing and exploited children and shall remain available until expended: Provided, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2007: Provided further, That the United States Secret Service is authorized to obligate funds in anticipation of reimbursements from Federal agencies and entities, as defined in section 105 of title 5, United States Code, receiving training sponsored by the James J. Rowley Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available under this heading at the end of the fiscal year.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses for acquisition, construction, repair, alteration, and improvement of facilities, $3,699,000, to remain available until expended.

TITLE III—PREPAREDNESS AND RECOVERY

OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For necessary expenses for the Office of State and Local Government Coordination and Preparedness, $3,546,000: Provided, That not to exceed $2,000 shall be for official reception and representation expenses.

STATE AND LOCAL PROGRAMS

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,300,000, which shall be allocated as follows:

(1) $1,518,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $365,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $10,000,000 shall be for intercity bus security grants;

(D) $100,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.

(4) $50,000,000 for the technology transfer program.

(5) $40,000,000 for State grants pursuant to section 204(a) of the REAL ID Act of 2005 (Division B of Public Law 109–13), to remain available until expended, as determined by the Secretary: Provided, That none of the funds made available under this paragraph may be obligated or allocated for grants until the Committees on Appropriations of the Senate and the House of Representatives receive and approve an implementation plan for the responsibilities of the Department of Homeland Security under the REAL ID Act of 2005 (Division B of Public Law 109–13), including the proposed uses of the grant monies.

(6) $321,300,000 for training, exercises, technical assistance, and other programs:

Provided, That not to exceed 3 percent of the amounts provided for grants under this heading shall be available for program administration: Provided further, That the Government Accountability Office shall review the validity of the threat and risk factors used by the Secretary for the purposes of allocating discretionary grants funded under this heading, and the application of those factors in the allocation of funds prior to the Department making final grant determinations: Provided further, That the Government Accountability Office shall have 20 days to complete its review after it is notified by the Secretary that preliminary determinations have been made, and the Government Accountability Office shall report to the Committees on Appropriations of the Senate and the House of Representatives on the findings of its review prior to the Department making final grant determinations: Provided further, That none of the grants provided under this heading shall be used for construction or renovation of facilities, except for a minor perimeter security project, not to exceed $1,000,000, as determined necessary by the Secretary: Provided further, That the preceding proviso shall not apply to grants under subparagraphs (A), (D), and (E) of paragraph (3) under this heading: Provided further, That grantees shall provide additional reports on their use of funds, as determined necessary by the Secretary: Provided further, That funds appropriated for discretionary grants under paragraph (1) and law enforcement terrorism prevention grants under paragraph (2) of this heading shall be available for operational costs, to include personnel overtime and overtime associated with Office of State and Local Government Coordination and Preparedness certified training, as needed: Provided further, That notwithstanding any other provision of law, funds appropriated under paragraphs (1), (2), and (3) of this heading are exempt from section 6503(a) of title 31, United States Code: Provided further, That of the funds provided under paragraph (1) of this heading, $25,000,000 shall be available until expended for assistance to organizations (as described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax section 501(a) of such Code) determined by the Secretary to be at high-risk of international terrorist attack, and that these determinations shall not be delegated to any Federal, State, or local government official: Provided further, That the Secretary shall certify to the Committees on Appropriations of the Senate and the House of Representatives the threat to each designated tax exempt grantee at least 3 full business days in advance of the announcement of any grant award.

FIREFIGHTER ASSISTANCE GRANTS

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $615,000,000, of which $550,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $65,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For necessary expenses for emergency management performance grants, as authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), and Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), $180,000,000: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Secretary of Homeland Security, to reimburse any Federal agency for the costs of providing support to counter, investigate, or respond to unexpected threats or acts of terrorism, including payment of rewards in connection with these activities, $5,000,000, to remain available until expended: Provided, That the Secretary shall notify the Committees on Appropriations of the Senate and the House of Representatives 15 days prior to the obligation of any amount of these funds in accordance with section 503 of this Act.

EMERGENCY PREPAREDNESS AND RESPONSE

OFFICE OF THE UNDER SECRETARY FOR EMERGENCY PREPAREDNESS AND RESPONSE

For necessary expenses for the Office of the Under Secretary for Emergency Preparedness and Response, as authorized by section 502 of the Homeland Security Act of 2002 (6 U.S.C. 312), $4,306,000.

PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY

(INCLUDING RESCISSION OF FUNDS)

For necessary expenses for preparedness, mitigation, response, and recovery activities of Emergency Preparedness and Response, $203,499,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That of the total amount made available under this heading, $30,000,000 shall be for Urban Search and Rescue Teams, of which not to exceed $1,600,000 may be made available for administrative costs.

In addition, of the funds appropriated under this heading in Public Law 108–334 (118 Stat. 1311), $9,600,000 are rescinded.

ADMINISTRATIVE AND REGIONAL OPERATIONS

For necessary expenses for administrative and regional operations of Emergency Preparedness and Response, $216,441,000, including activities authorized by the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947 (50 U.S.C. 404, 405), Reorganization Plan No. 3 of 1978 (5 U.S.C. App.), and the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.): Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

PUBLIC HEALTH PROGRAMS

For necessary expenses for countering potential biological, disease, and chemical threats to civilian populations, $34,000,000.

RADIOLOGICAL EMERGENCY PREPAREDNESS PROGRAM

The aggregate charges assessed during fiscal year 2006, as authorized in title III of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (42 U.S.C. 5196e), shall not be less than 100 percent of the amounts anticipated by the Department of Homeland Security necessary for its radiological emergency preparedness program for the next fiscal year: Provided, That the methodology for assessment and collection of fees shall be fair and equitable and shall reflect costs of providing such services, including administrative costs of collecting such fees: Provided further, That fees received under this heading shall be deposited in this account as offsetting collections and will become available for authorized purposes on October 1, 2006, and remain available until expended.

DISASTER RELIEF

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $2,000,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5162), $567,000: Provided, That gross obligations for the principal amount of direct loans shall not exceed $25,000,000: Provided further, That the cost of modifying such loans shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968 (42 U.S.C. 4101), $200,000,000, and such additional sums as may be provided by State and local governments or other political subdivisions for cost-shared mapping activities under section 1360(f)(2) of such Act, to remain available until expended: Provided, That total administrative costs shall not exceed 3 percent of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), not to exceed $36,496,000 for salaries and expenses associated with flood mitigation and flood insurance operations; and not to exceed $87,358,000 for flood hazard mitigation, to remain available until September 30, 2007, including up to $28,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2007, and which amount shall be derived from offsetting collections assessed and collected pursuant to section 1307 of that Act (42 U.S.C. 4014), and shall be retained and used for necessary expenses under this heading: Provided, That in fiscal year 2006, no funds in excess of: (1) $55,000,000 for operating expenses; (2) $660,148,000 for commissions and taxes of agents; and (3) $30,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund.

NATIONAL FLOOD MITIGATION FUND

Notwithstanding subparagraphs (B) and (C) of subsection (b)(3), and subsection (f), of section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c), $28,000,000, to remain available until September 30, 2007, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $28,000,000 shall be derived from the National Flood Insurance Fund.

NATIONAL PREDISASTER MITIGATION FUND

For a predisaster mitigation grant program under title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.), $37,000,000, to remain available until expended: Provided, That grants made for predisaster mitigation shall be awarded on a competitive basis subject to the criteria in section 203(g) of such Act (42 U.S.C. 5133(g)), and notwithstanding section 203(f) of such Act, shall be made without reference to State allocations, quotas, or other formula-based allocation of funds: Provided further, That total administrative costs shall not exceed 3 percent of the total appropriation.

EMERGENCY FOOD AND SHELTER

To carry out an emergency food and shelter program pursuant to title III of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11331 et seq.), $153,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed 3.5 percent of the total appropriation.

TITLE IV—RESEARCH AND DEVELOPMENT, TRAINING, ASSESSMENTS, AND SERVICES

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For necessary expenses for citizenship and immigration services, $80,000,000.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including materials and support costs of Federal law enforcement basic training; purchase of not to exceed 117 vehicles for police-type use and hire of passenger motor vehicles; expenses for student athletic and related activities; the conduct of and participation in firearms matches and presentation of awards; public awareness and enhancement of community support of law enforcement training; room and board for student interns; a flat monthly reimbursement to employees authorized to use personal mobile phones for official duties; and services as authorized by section 3109 of title 5, United States Code; $194,000,000, of which up to $36,174,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2007; and of which not to exceed $12,000 shall be for official reception and representation expenses: Provided, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: Provided further, That in fiscal year 2006 and thereafter, the Director of the Federal Law Enforcement Training Center is authorized to assess pecuniary liability against Center employees and students for losses or destruction of Government property due to gross negligence or willful misconduct and to set off any resulting debts due the United States by Center employees and students, without their consent, against current payments due the employees and students for their services.

ACQUISITIONS, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For acquisition of necessary additional real property and facilities, construction, and ongoing maintenance, facility improvements, and related expenses of the Federal Law Enforcement Training Center, $88,358,000, to remain available until expended: Provided, That the Center is authorized to accept reimbursement to this appropriation from Government agencies requesting the construction of special use facilities.

INFORMATION ANALYSIS AND INFRASTRUCTURE PROTECTION

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Information Analysis and Infrastructure Protection and for management and administration of programs and activities, as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $168,769,000: Provided, That not to exceed $5,000 shall be for official reception and representation expenses.

ASSESSMENTS AND EVALUATIONS

For necessary expenses for information analysis and infrastructure protection as authorized by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.), $701,793,000, to remain available until September 30, 2007.

SCIENCE AND TECHNOLOGY

MANAGEMENT AND ADMINISTRATION

For salaries and expenses of the immediate Office of the Under Secretary for Science and Technology and for management and administration of programs and activities, as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $81,099,000: Provided, That not to exceed $3,000 shall be for official reception and representation expenses.

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For necessary expenses for science and technology research, including advanced research projects; development; test and evaluation; acquisition; and operations; as authorized by title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.), $1,372,399,000, to remain available until expended: Provided, That of the total amount made available under this heading, $127,314,000 shall be for the Domestic Nuclear Detection Office, of which $112,314,000 shall not be available for obligation until the Secretary of Homeland Security submits a staffing and management plan and an expenditure plan for the office and the global systems architecture, to include multi-year costs, that has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of the Senate and the House of Representatives: Provided further, That of the total funds made available under this heading, $125,000,000 is solely for the purchase and deployment of radiation portal monitors for United States ports-of-entry and may not be transferred or reprogrammed.

TITLE V—GENERAL PROVISIONS

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 502. None of the funds appropriated or otherwise made available to the Department of Homeland Security may be used to make payments to the "Department of Homeland Security Working Capital Fund", except for the activities and amounts allowed in section 6024 of Public Law 109–13, excluding the Homeland Secure Data Network: Provided, That any additional activities and amounts must be approved by the Committees on Appropriations of the Senate and the House of Representatives 30 days in advance of obligation.

SEC. 503. (a) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates a new program; (2) eliminates a program, project, or activity; (3) increases funds for any program, project, or activity for which funds have been denied or restricted by the Congress; (4) proposes to use funds directed for a specific activity by either of the Committees on Appropriations of the Senate or House of Representatives for a different purpose; or (5) contracts out any functions or activities for which funds have been appropriated for Federal full-time equivalent positions; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided by this Act, provided by previous appropriations Acts to the agencies in or transferred to the Department of Homeland Security that remain available for obligation or expenditure in fiscal year 2006, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming of funds in excess of $5,000,000 or 10 percent, whichever is less, that: (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by the Congress; or (3) results from any general savings from a reduction in personnel that would result in a change in existing programs, projects, or activities as approved by the Congress; unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such reprogramming of funds.

(c) Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Homeland Security by this Act or provided by previous appropriations Acts may be transferred between such appropriations, but no such appropriations, except as otherwise specifically provided, shall be increased by more than 10 percent by such transfers: Provided, That any transfer under this section shall be treated as a reprogramming of funds under subsection (b) of this section and shall not be available for obligation unless the Committees on Appropriations of the Senate and the House of Representatives are notified 15 days in advance of such transfer.

(d) Notwithstanding subsections (a), (b), and (c) of this section, no funds shall be reprogrammed within or transferred between appropriations after June 30, except in extraordinary circumstances which imminently threaten the safety of human life or the protection of property.

(e) Notwithstanding any other provision of law, notifications pursuant to this section or any other authority for reprogramming or transfer of funds shall be made solely to the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 504. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2006 from appropriations for salaries and expenses for fiscal year 2006 in this Act shall remain available through September 30, 2007, in the account and for the purposes for which the appropriations were provided: Provided, That prior to the obligation of such funds, a request shall be submitted to the Committees on Appropriations of the Senate and the House of Representatives for approval in accordance with section 503 of this Act.

SEC. 505. Funds made available by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2006 until the enactment of an Act authorizing intelligence activities for fiscal year 2006.

SEC. 506. None of the funds in this Act may be used to make a grant allocation, discretionary grant award, discretionary contract award, or to issue a letter of intent totaling in excess of $1,000,000, or to announce publicly the intention to make such an award, unless the Secretary of Homeland Security notifies the Committees on Appropriations of the Senate and the House of Representatives at least 3 full business days in advance: Provided, That no notification shall involve funds that are not available for obligation.

SEC. 507. Notwithstanding any other provision of law, no agency shall purchase, construct, or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations of the Senate and the House of Representatives, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 508. The Director of the Federal Law Enforcement Training Center shall schedule basic and/or advanced law enforcement training at all four training facilities under the control of the Federal Law Enforcement Training Center to ensure that these training centers are operated at the highest capacity throughout the fiscal year.

SEC. 509. None of the funds appropriated or otherwise made available by this Act may be used for expenses of any construction, repair, alteration, or acquisition project for which a prospectus, if required by the Public Buildings Act of 1959 (40 U.S.C. 3301), has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus.

SEC. 510. None of the funds in this Act may be used in contravention of the applicable provisions of the Buy American Act (41 U.S.C. 10a et seq.).

SEC. 511. The Secretary of Homeland Security is directed to research, develop, and procure certified systems to inspect and screen air cargo on passenger aircraft at the earliest date possible: Provided, That until such technology is procured and installed, the Secretary shall take all possible actions to enhance the known shipper program to prohibit high-risk cargo from being transported on passenger aircraft and continue to increase the level of air cargo that is inspected beyond the level mandated in section 513 of Public Law 108–334.

SEC. 512. Notwithstanding section 3302 of title 31, United States Code, for fiscal year 2006 and thereafter, the Administrator of the Transportation Security Administration may impose a reasonable charge for the lease of real and personal property to Transportation Security Administration employees and for use by Transportation Security Administration employees and may credit amounts received to the appropriation or fund initially charged for operating and maintaining the property, which amounts shall be available, without fiscal year limitation, for expenditure for property management, operation, protection, construction, repair, alteration, and related activities.

SEC. 513. For fiscal year 2006 and thereafter, the acquisition management system of the Transportation Security Administration shall apply to the acquisition of services, as well as equipment, supplies, and materials.

SEC. 514. (a) None of the funds provided by this or previous appropriations Acts may be obligated for deployment or implementation, on other than a test basis, of the Secure Flight program or any other follow on or successor passenger prescreening programs, until the Secretary of Homeland Security certifies, and the Government Accountability Office reports, to the Committees on Appropriations of the Senate and the House of Representatives, that all ten of the elements contained in paragraphs (1) through (10) of section 522(a) of Public Law 108–334 (118 Stat. 1319) have been successfully met.

(b) The report required by subsection (a) shall be submitted within 90 days after the certification required by such subsection is provided, and periodically thereafter, if necessary, until the Government Accountability Office confirms that all ten elements have been successfully met.

(c) During the testing phase permitted by subsection (a), no information gathered from passengers, foreign or domestic air carriers, or reservation systems may be used to screen aviation passengers, or delay or deny boarding to such passengers, except in instances where passenger names are matched to a Government watch list.

(d) None of the funds provided in this or previous appropriations Acts may be utilized to develop or test algorithms assigning risk to passengers whose names are not on Government watch lists.

(e) None of the funds provided in this or previous appropriations Acts may be utilized for a database that is obtained from or remains under the control of a non-Federal entity.

SEC. 515. None of the funds made available in this Act may be used to amend the oath of allegiance required by section 337 of the Immigration and Nationality Act (8 U.S.C. 1448).

SEC. 516. None of the funds appropriated by this Act may be used to process or approve a competition under Office of Management and Budget Circular A–76 for services provided as of June 1, 2004, by employees (including employees serving on a temporary or term basis) of United States Citizenship and Immigration Services of the Department of Homeland Security who are known as of that date as Immigration Information Officers, Contact Representatives, or Investigative Assistants.

SEC. 517. None of the funds appropriated to the United States Secret Service by this Act or by previous appropriations Acts may be made available for the protection of the head of a Federal agency other than the Secretary of Homeland Security: Provided, That the Director of the United States Secret Service may enter into an agreement to perform such service on a fully reimbursable basis.

SEC. 518. The Department of Homeland Security processing and data storage facilities at the John C. Stennis Space Center shall hereafter be known as the "National Center for Critical Information Processing and Storage".

This Act may be cited as the "Department of Homeland Security Appropriations Act, 2006".

Mr. GREGG. Mr. President, I ask unanimous consent that the following Appropriations Committee staff members and interns be granted the privilege of the floor during the consideration of the fiscal year 2006 Homeland Security appropriations bill and any votes that may occur in relation thereto: Shannon O'Keefe, Carol Cribbs, Kimberly Nelson, James Hayes, Avery Forbes, Carolina Poarch, Pete Flynn, Jonathan Cahoon, and Will Post.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the committee substitute is agreed to and considered as original text for the purpose of amendment.

The committee amendment, in the nature of a substitute, was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we turn now to the Homeland Security bill. This is obviously a timely period for taking up this legislation in light of what has happened in London. We recognize, once again, as a result of the heinous crimes that were committed in London that there are people out there who totally disregard innocent life and who are willing to kill innocent individuals simply for the purpose of making a political statement as to what their cause is or what their presumed cause may be.

Of course, we were, unfortunately, focused on this fact by 9/11, but maybe over the last 2 or 3 years the success of our Nation in resisting attacks has caused a touch of complacency in this area. However, London has to clearly remind us that complacency cannot be tolerated when it comes to fighting these people who call themselves Islamic fundamentalists and who are essentially killers, terrorists, murderers without any moral creed or cause, and whose actions are totally unjustified in any form of civilized society.

The Department of Homeland Security was set up in the post-9/11 world in order to try as a nation to get our arms around the issue of how we can best protect us in the United States of America. It was set up in the context of other agencies that have responsibility for other areas of protecting us relative to this war on terrorism.

Of course, we have our Defense Department which is, through its extraordinary men and women, pursuing the fight against terrorism in Afghanistan and in Iraq. We also have agencies, such as the Central Intelligence Agency, the FBI, and the Justice Department, that are committed to making sure they obtain the intelligence necessary to protect us. But within this umbrella of agencies which are trying to pursue this war on terrorism, there is included, of course, the Department of Homeland Security.

The Department of Homeland Security was put together as an amalgamation of different agencies. I think there were 22 initially that were thrown together. Some of those agencies, when they were put into the Department of Homeland Security, were already functioning extraordinarily well and had a track record of success. Some of the other agencies had a spotty track record. Regrettably, some of the agencies did not have a very good track record at all. But they were brought together for the purposes of trying to involve a coordinated effort in the area of fighting terrorism.

I believe we have to recognize, as we pursue this fight on terrorism, that the people we are fighting are driven by a philosophy which we as a rational society, especially as a Western society, find hard to fathom. The concept that you would kill innocent civilians simply for the purpose of making a point is something which we find repugnant and almost incomprehensible. But that is the nature of the people we fight. We have to understand their purpose is not necessarily to win a global war in the sense it has historically been perceived, such as World War I or World War II, or even the Cold War. Their purpose essentially is to assert their culture in a way that destroys any culture which they perceive as alien to it, to assert their religion in a way in which they perceive destroys any religion which they see as alien to it, or any group of states which they see as alien to it. They are willing to pursue this with fanaticism which allows them to develop individuals and attitudes where people will strap bombs to themselves and attack us or where they attack innocent individuals, as they did in London. And thus, the threat is a threat of immense proportion, and it is a threat which we have to pursue in a different way than we have pursued other threats that have confronted our Nation.

We all understand this, but executing it has become difficult. I believe we have not yet grasped as a nation how we execute in defending ourselves from this type of threat. What we know is this, and our approach must be tempered by it: We know we can order the priority of the threats as they reflect relative to us. We know, for example, if these individuals get their hands on a weapon of mass destruction—chemical, biological or, God forbid, a nuclear-capable weapon—that they will use that weapon. They will use it in a way which kills tens of thousands, essentially hundreds of thousands of innocent individuals. So we know that is the No. 1 threat we must confront.

We know also that as a nation, because we are a democracy and because we are an open nation and because we seek to participate in the world in an open and vibrant way, our borders are porous and that access into this country is easy, and that represents, regrettably now, a threat to us.

We know also that because we are such an open society and because we are a society which is built around the concept of individual responsibility and people being able to go out in the world and participate in activities, that we have innumerable areas of infrastructure, areas of individual participation and activity which are open to attack, such as occurred in London. And that is an issue of threat.

What we have attempted to do in this bill is take the resources we have and focus them on a threat-based approach so that we basically focus the most resources on the area where we see the greatest threat. The way we structured this bill is that we are focusing most of the energy of this bill, most of dollars in this bill, in two primary areas, as far as new dollars are concerned. We are still spending a lot of dollars in a lot of different places, but the new initiatives in this bill are focused on trying to better get a handle on defending ourselves from an attack by a weapon of mass destruction and, secondly, making our borders, which are inordinately porous, less porous and having better accountability as to who is coming into this country and what their purposes are.

We moved a fair amount of money in this bill to try to accomplish those two basic philosophical goals of addressing those two items of threat. That does not mean we underfunded anything in this bill that was already on the board. But it does mean we tried to focus this bill a little bit better.

Within this legislation there are a lot of different agencies. As I mentioned earlier, some of them are functioning extraordinarily well, some are functioning in between, and some simply are not doing as good a job as we hoped they could do. Regrettably, this agency, even though it has only been around for 2 years, has had over 486 reports written about it by either the inspector general, the CRS, or the GAO. I brought them with me because I think they are so staggering in their proportions it is worth looking at in physical proportions the number of reports. There are three piles. If we take one pile, which I probably cannot pick up, and put it on top of another pile—it will all fall over, unfortunately—we end up with almost 3 feet 9 inches of reports about things not going that well at the Homeland Security Department. Each one of these reports is substantive. Each one of these reports is worth review and requires action. They reflect the fact that almost 3 years after this Department was put together, the Department has some very serious problems, and they need to be addressed.

I congratulate the new Secretary, Mr. Chertoff, for his approach to trying to get a handle on some of these problems. He is going to report to us Wednesday or Thursday on what his second stage review is. He put a lot of time into this, but I think his approach will probably be based on the concept that we have to have, first, a policy-driven approach and, second, it has to be systemwide. Today, there is too much anecdotal reaction in the Department, there is too much haphazard reaction, there is too much reaction to the crisis of the day. I think his approach is going to be to put in place a much more systematized approach. But that is not going to immediately resolve the problem. Hopefully, it will begin the process of resolving the problems of this Department, which are many and acute.

This bill does put in place a large number of what, for lack of a better word, we in the Congress call fences, where we essentially say to the Department: Before you get this money, you have to show us you are going to do this effectively. It is not something I like to do. I am a legislator; I am not a manager. I used to be a manager. I used to be a Governor of a State. That is a management position. But when we see a department which has as many functions as this Department and it is not functioning correctly, regrettably, I do think it is the responsibility of the Congress and especially the Appropriations Committee, which has a unique oversight role, to step in and say before we give you more money to do this, we want to make sure that money is not going to be wasted, mismanaged, misplaced, or misappropriated, so we are going to require you to do something else. So this bill has in it a lot of what I would call fences.

The purpose of the bill, as I mentioned, is to fund more aggressively those areas which we see as threats. Obviously, after London, many people are going to feel that a threat which needs to receive more attention is the question of how we handle mass transit. I could not agree more. There is no question but in light of the London attack—and we knew long before this with the Madrid attack and before that with the Israeli situation—this is a clear area where terrorists, who have no regard for human life, tend to focus their heinous activity. We know mass transit is an issue, but the question becomes how do we best protect mass transit.

We have put in this bill over the last few years literally tens of millions, now hundreds of millions of dollars which is available for upgrading security, for upgrading electronic surveillance, for upgrading bomb dog activity, for upgrading the number of police officers on mass transit. There is pending, in fact, within the Federal Treasury about $115 million to $150 million that has not been spent. There has been so much money put into this so quickly, it simply has not been spent, and it is still available.

On top of that, there is the $7 billion which we have put into first responder money which, if States want to reallocate some of that toward mass transit protection, they can. That has not been spent. So there is a lot of money sitting there for the purpose of helping mass transit.

If you talk with people who run mass transit, they say it is not enough. But as a practical matter, it has not been spent yet. So whether it is enough is clearly irrelevant because until it gets spent, it is clearly enough.

Independent of that, however—the fact that there is still significant dollars in the stream of things—we have the issue of how to effectively defend mass transit. We all know mass transit is such a huge enterprise where millions of people, on a daily basis—tens of millions if you take all the transit systems in this country—are moving in and out of different transit modes, whether it is trains, buses, or ferries, and are moving in and out of these on a constantly churning basis. The opportunities to attack this type of a system are almost endless.

A professional terrorist—and clearly these people are professional. They train for the purpose of killing people, using terrorist weapons. The professional terrorist is always—almost always going to be able to find, in a nation our size, with a transportation system of this size, going to be able to find a point of attack that is not secure unless—I doubt that we could spend anywhere near enough money. We have enough money to spend to fully secure mass transit, and if we did we would probably make mass transit nonfunctional.

Yes, we can raise the visibility by putting more officers on trains, more bomb dogs and surveillance agents, and we should do that, but as a practical matter the way you protect your mass transit system is the same way you protect your other infrastructure systems. It is through aggressive and robust intelligence. You have to know who these people are before they attack you. That is the key to this exercise—robust intelligence capability. And there is some irony because to accomplish robust intelligence capability you have to go where the people come from. Where do they come from? They come from the Middle East. We are fighting them in the Middle East. Yet people who have concerns about that want to put dramatically new dollars into the mass transit system.

Well, the best place to get intelligence, quite honestly, is the breeding ground of these terrorists: Iraq, Afghanistan. And so that war in Iraq and Afghanistan is, as the President has pointed out a number of times, taking the war to them to find them before they can find us. Then, once you capture the people, you have to get the intelligence from them. That is why Guantanamo Bay is such an important part of intelligence of our country and why people come down to the floor and compare it to a Nazi concentration camp is such a gross misstatement of our purpose there and the actual action there. It is totally irresponsible to make statements such as that. No one has ever lost their life at Guantanamo Bay, and the interrogations which occur there occur under strict regimes. They are constantly monitored and meet all the necessary responsibilities of legal and humane rights.

But we get vast amounts of information as a result of moving very bad people from the Iraq and Afghanistan arena over to Guantanamo Bay. We get a vast amount of information from those individuals which gives us the intelligence we need.

Then, of course, you have the issue of profiling. Clearly, if you are going to stop these people, you are going to have to profile. That is being resisted. And then, of course, you have the issue of the PATRIOT Act. Clearly, if you are going to stop these people, you have to know what they are doing, and the way to do it is through electronic interdiction of their activities to a large degree. Yet you have people resisting.

Intelligence is the key to defending mass transit. Yet within this body, regrettably, there is a lot of resistance to those elements of our efforts which are necessary in order to effectively pursue strong intelligence. But that is not an issue for this bill. The homeland security intelligence role is not at the margin. but it is certainly not at the center of the effort to gather intelligence. That is done by other agencies—the Defense Department, CIA, and FBI. However, I certainly am willing to entertain moving more money into mass transit. We could probably do another $100 million in mass transit and not affect this bill substantially. But once you get beyond that, you are going to have to take it out of the deficit or someplace like that. But will you buy more security with those dollars? Not a great deal, I don't think, because the people you are dealing with know how to get around those types of security initiatives however well you may create a better sense of security.

This bill will, I suspect, over the next few days come under amendment in the area of how better to protect our borders. Maybe we will get better border security. The other part of the equation is how you let people into this country who legitimately want to come to work and are not seeking to do us harm but seeking to improve their livelihood. The Guest Worker Program, maybe we will get into that program, and certainly how best to address mass transit protection in light of London. I am open to all of that. I am flexible. Our purpose here is to make this agency work better.

In that context, I congratulate the Senator from West Virginia, my ranking member, and who has joined us on the floor. He has been a partner in putting this effort together. He is totally committed to trying to make sure we have a much safer country and a stronger Department of Homeland Security. He has done a great job of putting forward his ideas, many of which I totally agree with, some of which I may not agree with, but most of which I do agree with. I respect immensely his years of service to this Nation, which have been extraordinary, and his counsel, which is exceptional. I thank him and his staff for the generous and extraordinary way they approach everything, but especially this bill. As we move forward, I am sure he will have some additional ideas of how we can improve it on the floor, and I look forward to hearing those thoughts and ideas and I continue to look forward as we move this bill down the road to passage sooner rather than later because the Nation does need a Homeland Security bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I have listened intently to the remarks of the very distinguished Senator as the chairman of this appropriations subcommittee, and I have been very impressed by his remarks. But prior to that, over a long period of time I have been very impressed with his dedication to the service of the people he represents here and his dedication to the Nation. He is an extremely able chairman. He has experience in the executive field, as he has alluded to, and he has experience in the committee system. He is preeminently fair in his work on the subcommittee, very fair, always willing to listen, and most charitable, may I say, toward me.

I am the ranking member on the subcommittee and on the full committee. But I could never wish for anyone to be more fair, more knowledgeable, or anyone whom I would respect more than this man from the mountains of his great State, and I have a tremendous admiration for him and a great deal of fondness for him. He is a chairman sui generis and a gentleman along with it. I like that part, too, especially.

Now, Mr. President, the distinguished chairman of the subcommittee has outlined the threat, and he has done so very well. I can't tell you how much I have admired the way he has striven to put together this bill and utilized the limited amount of moneys that are available to us and do it in a way that will reach those areas that are in most need of funding. I am immensely pleased with the work he has done. His work is the foremost work, of course. As the ranking member, I try to help. I do have a very able staff that works with the staff of the distinguished chairman, and it is through this staff that I am able to keep abreast of things and also to make my feelings known as well.

Mr. President, the Senate, then, has before it this bill for fiscal year 2006 Homeland Security appropriations. I cannot commend too much the distinguished chairman, as I have already indicated, and his staff, for their work on this legislation. I also commend the thousands of men and women who are on the front lines of America's homeland security. They serve the Nation every hour of every day.

I welcome Chairman GREGG to his new duties as chairman of the Homeland Security Subcommittee. He comes to it, needless to say, very well prepared. He has a wealth of experience, a wealth of expertise. The chairman targets limited resources—and I emphasize the word "limited"—on future threats, not simply the threats posed by the attacks of September 11. For the most part, the chairman has attempted to allocate resources to those threats that represent the greatest risk to the American people. In doing so he has, with my support, included a number of improvements to the President's budget particularly with regard to border security, air cargo security, funds for States to implement the driver's license provisions of the REAL ID Act, as well as funding to protect the "all-hazards" Emergency Management Performance Grant Program.

The committee bill builds on the bipartisan border security initiative that I offered along with Senator CRAIG to the 2005 emergency supplemental. Between the emergency supplemental enacted in May and this bill Congress will have increased the number of Border Patrol agents by 1,500, provided funds to train and house these agents, increased the number of immigration investigators, the number of agents and detention officers by 817, and increased the number of detention beds by 4,190.

The chairman has to be commended for this, and I am profuse in my admiration and my support for what he has done.

In addition, the bill contains an important protection for the privacy rights of Americans. We need always to keep these rights in mind. I thank Chairman GREGG for his support of language that I recommended concerning secure flight, the Department's proposed new airline passenger profiling system. The language would prohibit the use of commercial databases for confirming the identity of airline passengers. Such commercial databases are unreliable and potentially invade people's privacy.

The bill before the Senate provides $30.8 billion for discretionary programs, an increase of 4.6 percent. This is a very lean bill. The committee was put in a difficult position as a result of the administration's proposal to have the Appropriations Committee increase the fees paid by airline passengers, a proposal that would have raised $1.68 billion. The Appropriations Committee does not have jurisdiction over airline fees and therefore could not approve the proposal. As a result, the committee was forced to reduce spending below the President's request by $389 million.

So the low subcommittee allocation and the fee proposal resulted in cuts in firefighter grants, first responder grants, rail and mass transit security grants, Coast Guard operations, and in the number of Transportation Security Administration screeners. These cuts are very unfortunate. It is regrettable that the administration's apparent lack of understanding of the legislative process will have such a direct impact on programs that are so important, that are important elements of our homeland security strategy.

As the Senate considers this bill, I hope the Senators will look favorably on amendments to restore the cuts in firefighter grants, first responder grants, and mass transit and rail security grants. The utterly tragic events in London last week remind all of us of the imminent threat—the imminent threat, may I say—to the American people that is posed by terrorist attacks here at home—here at home.

We have heard it said it is better to fight these terrorists in Iraq than it is to fight them in New York City or in Washington. Of course that is true. Nobody doubts that. But don't let anybody be fooled. Don't let anybody be fooled. Fighting them in Iraq is not going to make us secure from having to fight them here at home in Washington, New York, Tampa, FL—wherever. Don't fall for that malarkey. That is pure bunk. Of course we know what that is all about. But it has happened in London. It happened before that in Madrid, and before that in Japan, and it can happen here. No amount of argument, debate, or plain old malarkey should convince anyone that it can't happen here. In my judgment, it will. It is coming. These people take their time. They are patient. They are not in a big hurry. And it is coming here. It is coming here. The thing about it is these people know when and where and how the attack will be made. We do not. So they have the advantages.

Let's just put that bunk to the side; forget it for now. There is nothing to it. We are in jeopardy. The American people are in jeopardy and we ought to understand that. Last Thursday, when asked if additional funding was needed to secure our mass transit system, Secretary Chertoff said, "I would not make a policy decision driven by a single event."

I have a great deal of respect for the Secretary. He was down in my office just this morning, outlining something with respect to the surveys which he has been making and on which he intends to report publicly, and also outlining his plans for the agency. I must say he has a real grasp, a real feel of the full scope of the problems. I have to compliment him for that.

But with all due respect for the Secretary, the alarm bells just didn't start ringing last week. The alarm bells have been ringing for years. There have been 16 bombings worldwide linked to al-Qaida. The Senate should not be reducing our commitment to firefighters and first responders, or to securing our mass transit and rail system. I am pleased that the chairman has included my recommendation to direct the Department to expedite its grantmaking process. All too often—I made mention of this in a meeting with Secretary Chertoff in my office earlier today—all too often, funds that were approved by Congress last October will not be given to Federal, State, and local agencies until this September, nearly a full year later. Americans are not made safer by having funding for border security, port security, rail security, and for hiring firefighters sit—where? In the U.S. Treasury.

On June 13, almost a month ago, I wrote a letter to Secretary Chertoff, calling on him to focus on this problem as part of his review of agency operations. I will not ask now, but I will later, that that letter be made part of the RECORD.

Unfortunately, the Secretary has not seen fit to respond to my letter. That is not worthy of a great deal of comment, but it is worthy of some comment. I hope the Secretary's delay in responding is not indicative of the administration's intent to continue leaving homeland security dollars gathering dust in the Treasury in Washington, DC.

I said this to the Secretary this morning. I am particularly appalled that the $150 million that Congress approved last October for mass transit and rail security is still sitting in the Treasury. What in the world? Why in the world hasn't this money gone out? What is it doing sitting here in the Treasury? What in the world is wrong? I said it in just about that fashion—perhaps not quite that loudly this morning in my office, but I said it, nevertheless. I am appalled by this. What in the world are we waiting on? The Department did not even announce until April how rail and transit systems could apply for the funds, wasting a full 6 months that the rail and transit systems could have used to prepare for or to prevent a future attack.

Time and time again, the administration has talked a good game on homeland security. Man, I will tell you, you just listen to the game they talk and you feel, "I can sleep better tonight. I will go home now. I will watch the information about who is ahead in this game or that game—I will just forget about all this other stuff." But it has not followed through. The administration has not followed through with a sustained commitment of resources and ideas. So I fear the administration believes that it fulfills its commitment to securing the homeland by creating the Department of Homeland Security.

I voted against that, to start with, because I foresaw this. I don't claim to have great powers along these lines. But with all my experience—and I have had some. I have been around here quite a while, longer than anybody else on this Hill—anybody: Anybody sitting in the gallery, anybody out there in the offices, anybody downtown, or anybody else. I have been around here longer in this Government, yes, indeed. Well, so much for that. But that is some experience. I have had time to see some things and to lament some things. And I have been critical of both parties, both administrations, Democratic and Republican, over the years. So I think I have some basis for saying the things I am saying.

Mr. President, America is not made safer by simply reorganizing boxes on an organizational chart. Repeatedly, the energy, the initiative, the resources, and the leadership for homeland security efforts have come from—where? Guess where. From Congress, the people's branch.

In December of 2004, Congress authorized the hiring of 2,000 new Border Patrol agents per year for 5 years; the hiring of an additional 800 Immigration investigators per year for 5 years to enforce our immigration laws, and the funding of 8,000 new detention beds for the holding of illegal aliens. But despite statements by Secretary of State Rice and statements by former Homeland Security Deputy Secretary Loy that al-Qaida is a threat on our porous borders, there was virtually nothing in the President's budget to provide these additional resources for border security—virtually nothing.

The bill that is before the Senate today commits real resources to securing our border with regard to transit and rail security.

When terrorists blew up trains last year in Madrid, Spain, the administration had no plan for securing transit and rail systems. The horrific bombings last week in London have raised the same questions that we raised last year. Could it happen here? Are we prepared? According to the RAND Corporation, between 1998 and 2003, there were approximately—I don't know why we say approximately 181, but there were 181 terrorist attacks on rail targets worldwide. Get that: According to the Congressional Research Service, rail systems in the United States carry about five times—now, get that. According to the Congressional Research Service, passenger rail systems such as Amtrak in the United States carry about five times as many passengers each day as do airlines.

Since 2001 I have offered seven different amendments to fund rail and transit security and all of them, all seven, were opposed by the administration and defeated: seven times.

Remember Robert Bruce? He was lying up there in the loft of that barn and he had lost six times. He was about to give up until he saw that spider try to swing his web from this corner to that corner. He watched it six times and it failed. On the seventh time, lo and behold, that spider made it. So Robert Bruce decided he would try it one more time; seven times he tried it, he made it.

That number reminds me of that number seven again. Jacob liked Rachel and he spoke to the old man—I refer to her father as the old man—about that beautiful daughter. The old man decided he would drive a bargain. He said, You can have her, but you work 7 years for her. So Jacob worked 7 years. At the end of the seventh year he went to say to the prospective father-in-law, How about it? Now I have worked my 7 years, I have carried out my part of the bargain, how about this nice girl you have? I have come to get her.

The old man said, No, not yet. You work 7 more. I will give you Leah, Rachel's sister. You can't have Rachel. The Bible says that Leah was weak eyed. So all to his disgust, consternation, and sorrow, old Jacob had to work 7 more years for Rachel.

Here we are talking about seven times. Since 2001 I have offered seven different amendments to fund rail and transit security and all seven, all of them, were opposed by the administration and defeated. Despite opposition from the administration, it was the Congress that created the Rail and Transit Security Grant Program that was first funded in fiscal year 2005, and that is funded in this bill today.

I call on the administration to explain to the American people why the $150 million that Congress appropriated last year has not been given to rail and transit agencies to invest in more cameras, more locks, more canine teams, more training. I ask the Senate to approve additional funding for such grants for fiscal year 2006. The $100 million included in the bill is $50 million below last year. It is $1.6 billion below the level authorized for 2006 in bills that passed the Senate last year.

While this administration has been focussing on the last attack carried out by hijackers, not one of whom was from Iraq, very little attention has been given to other vulnerabilities in aviation security. While the Transportation Security Administration examines 100 percent of checked baggage, most of the cargo that is stored in the same passenger aircraft and on cargo planes is not inspected. The threat of a bomb on an aircraft is not new. In 1988, 259 passengers aboard a Pan Am flight over Lockerbie, Scotland, perished when a terrorist-placed bomb exploded while the aircraft was 31,000 feet in the sky. Three and a half years ago, Richard Reid, the so-called shoe bomber, tried to blow up an aircraft in flight over the ocean with explosives he carried onto the aircraft.

Yet, for 3 straight fiscal years, it has been Congress, this body and the other body across the other end of the Capitol, that committed resources to address this problem. Since fiscal year 2004, Congress has added $85 million above the President's request to hire air cargo inspectors and to advance research of innovative technologies to detect explosives in air cargo.

What has the administration done with that funding? It has let $106 million sit in the Treasury. Six months after this fiscal year began, less than 12 percent of the funding appropriated for air cargo has been spent. I said this to the Secretary this morning. He will do better, he says. It is taking him a while to get his arms around this. I believe he will do better. Six months after this fiscal year began, less than 12 percent of the funding appropriated for air cargo has been spent. To make matters worse, the President's budget request for air cargo research and development in fiscal year 2006 was slashed in half.

The bill before the Senate continues the commitment to increasing the inspection of air cargo. I commend Chairman GREGG for that decision. Let me say it again: The bill before the Senate today, in this year of our Lord, this bill continues the commitment to increasing the inspection of air cargo. I commend Chairman GREGG for that decision.

When it comes to securing the Nation's chemical plant's—and I have lots of them down in the Kanawha Valley and Kanawha County, southern West Virginia when it comes to securing the Nation's chemical plants—I imagine we probably have maybe the second largest, if not the largest, concentration of chemical plants in the Northern Hemisphere right in Kanawha County or in West Virginia. When it comes to securing the Nation's chemical plants, the administration has been stuck in quicksand. We know the threat is real. The FBI has warned us about the threat. We know an attack at a chemical plant could cost millions of lives. The Environmental Protection Agency has reported that 123 chemical facilities, if attacked, could threaten the lives of millions of people. My staff person says it would threaten the lives of over 1 million people. That is a lot of people.

For years, the administration has dragged its feet on securing our chemical facilities. For years, many in the Senate have pressed the administration to do more, to show leadership. In response to my request, the Government Accountability Office, the GAO—I don't much like that second most recent name, the Government Accountability Office—the old GAO recently released a report concluding that of the 15,000 chemical facilities in the country, only 1,100 have complied with voluntary security standards. It has been more than 2 years since the GAO urged the EPA and DHS to develop a comprehensive strategy for the protection of our chemical plants.

Last month, the administration finally changed direction on the need to provide security standards to the chemical industry. However, the administration has not yet proposed a specific plan or identified resources to implement such standards.

This bill before the Senate includes two important directives related to the protection of our chemical facilities. First, it requires the Department to provide the committee the estimates of the resources needed to implement mandatory security requirements for the Nation's chemical sector. Second, it directs the Department to begin vulnerability assessments of the Nation's highest risk chemical facilities. I look forward to the administration following through with a specific plan.

The bill before the Senate today includes $200 million for port security grants, $50 million above the amount provided in fiscal year 2005. Once again, the administration's request was woefully inadequate. It is the Congress that has taken the lead, the people's branch.

With the $200 million included in this bill, Congress will have funded $843 million for port security grants since September 11. How much has the administration requested over that time? Hear me, hear me now. How much money has the administration requested over that time? A measly little $46 million. Can you believe it? With the $200 million included in this bill, Congress will have funded $843 million for port security grants since September 11. How much has the administration requested over that time, I ask again? A measly $46 million.

To make matters worse, the fiscal year 2006 request by the White House included a proposal to have ports compete against other nonaviation modes of transportation by lumping them together in a limited pot of funding.

More than 9 million cargo containers enter U.S. ports annually but only 18 percent are inspected. All it takes is a dirty bomb stuffed into one of those 9 million containers to cripple our economy. The $150 million Congress approved last October is still sitting in the Treasury. Why this administration continues to ignore the threat facing our seaports is mind-boggling. We cannot afford to wait for the next attack.

For each of the threats I have discussed today, the bill that is before the Senate continues congressional initiatives to secure our homeland.

Again and again, and I don't get tired of saying it, I commend Senator COCHRAN, the first chairman of the Subcommittee on Homeland Security, for his leadership in 2003 and 2004. I again commend our new committee chairman, Senator JUDD GREGG, for giving clear direction to the Department in the bill before the Senate. With the resources that have been made available to the committee, Chairman GREGG has produced a good bill. Regrettably, as a result of the President's proposal to increase airline passenger fees which the Appropriations Committee lacks the authority to approve, this bill does not have all of the resources it needs to meet known vulnerabilities. It is essential that the Department of Homeland Security be responsive, not bureaucratic, while the threat we face is massive, and it is clear our response to dealing with it is tepid and unfocused. It will take a commitment of energy, imagination, and, yes, more funding, to better secure our homeland. Again, I thank my chairman and the members of the staff on both sides for their excellent work and long hours, weekends, they have spent.

Mr. President, I referred to a letter which I had written to the Honorable Michael Chertoff, Secretary of the Department of Homeland Security, on June 13 of this year. I ask unanimous consent that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, June 13, 2005.

Hon. MICHAEL CHERTOFF,
Secretary, Department of Homeland Security,
Washington, DC.

DEAR MR. SECRETARY: You are to be commended for ordering a review of the Department of Homeland Security's (DHS) organization, processes, and procedures. As you assess how to improve agency operations, I encourage you to focus on a matter that has been a continuing frustration since the Department was established. Letting Federal dollars sit in the Treasury in Washington, DC, does not make America safer. There is no excuse for the appallingly slow pace of making Department of Homeland Security funds available to Federal, State, regional, and local agencies that are responsible for actually making America safer.

Americans are made safer when our State and local police, firefighters, and other security agencies hire, train, and equip first responders, and when funds are made available for border security and other law enforcement personnel. Yet, all too often, the Department is slow to announce how State and local agencies can apply for funds; and, all too often, DHS agencies are slow to spend money. Congress approved funding for Fiscal Year 2005 on October 11, 2004. Yet, most application kits were not released by the Department until April 2005, six months later. By the time applications are prepared and reviewed and the money is awarded, it will be the end of the fiscal year. This is time wasted that could have been spent investing in our security.

Regrettably, there has been a consistent pattern of delay at the Department.

Since October 2004, $65 million has been available under the SAFER Act to hire local firefighters. Seven months later, on May 30, 2005, the Department finally announced how our local fire departments can apply for these funds. Funds are not expected to be given to fire departments to hire firefighters until the end of the fiscal year. Every day, our 1.1 million firefighters are prepared to put their lives on the line. I do not understand why the Department waited so long to issue a grant announcement.

Since October 2004, $150 million has been available to meet the $6 billion estimated cost of securing our mass transit systems. Over 9.6 billion transit trips are taken annually on the various modes of transit service by Americans. Just a little over a year ago, terrorists struck in Madrid, killing 190 and injuring 1,800 after setting off explosives on commuter trains at rush hour. As the Madrid bombing proved, the threat to transit systems is real. It is simply unacceptable that the Department waited until April 5, 2005, to announce how transit agencies could apply for the funds.

In October 2004, Congress approved $150 million for port security to protect not only citizens' lives but also our economy. The U.S. Coast Guard has estimated that a major port closure for one month due to a maritime terrorist act could cost up to $60 billion in economic loss to the United States. I do not understand why the Department waited until May 11, 2005, to announce how our ports could apply for those funds. As a result, it will be the end of the fiscal year before taxpayers' dollars will be used to make our ports safer.

In October 2004, bus security funds were approved by Congress to put preventative measures in place on our buses. It took six months for the Department to put out a notice of how to apply for the funds.

Over the last three years, Congress has approved $400 million for the Pre-disaster Mitigation Program to reduce risks and mitigate damage before disasters occur. According to the most recent DHS expenditure plan, 95.5 percent of those funds have not yet been spent, including $31 million approved by the Congress in Fiscal Year 2003 and $136 million approved in Fiscal Year 2004. Those funds could have been spent to prevent loss of property and life; but, instead, the money sits in the Treasury in Washington, DC., while local communities battle a complicated application form and bureaucratic procedures. Natural disasters do not wait for the government to get it right.

The Flood Map Modernization Program was funded by Congress to provide resources to update maps across the nation. Flood-prone areas, particularly, need the maps to prevent damage to property and to protect citizens' lives. Of the over $215 million available in the current fiscal year, only $3 million has been obligated, slowing down this important process.

In July 2002, Congress approved an emergency supplemental appropriation for PortSTEP, a port security table-top exercise program. It took two-and-a-half years for the Transportation Security Administration to launch the $20 million program.

In April 2003, Congress enacted $38 million through an emergency appropriation for the Coast Guard to complete port security assessments at tier-one strategic ports, our highest priority ports. Two years later $16.8 million of the $38 million is currently unobligated.

Congress included funding in Fiscal Years 2004 and 2005 to hire air cargo inspectors, addressing glaring security vulnerabilities in the shipping of explosives on passenger and cargo aircraft. As of March 31,2005, less than 12 percent of the funding that Congress appropriated for additional air cargo security measures has been obligated.

In 2001, Congress approved $21.6 million for the Customs Service for improving security on the Northern border. In 2003, $14.4 million, was added. Despite the fact that we have 137 fewer border patrol agents than we had just seven months ago, this money continues to sit in the Treasury in Washington, DC.

As you complete your review of agency operations, I encourage you to expedite the expenditure of homeland security dollars. There is no reason for these funds to sit in the Treasury. There is no evidence that the delay will result in the funds being better spent when they are finally made available to Federal, state, regional, and local agencies. The longer we wait to tighten security, the greater the opportunity for terrorists to strike.

Please let me know why it is taking so long to get money out the door, and what specific systems will be put in place to make sure that this irresponsible bureaucratic delay does not continue.

With kind regards, I am
Sincerely yours,
ROBERT C. BYRD,
Ranking Member.

The PRESIDING OFFICER (Mr. VITTER). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I thank the Senator from West Virginia. He always brings a great deal of substance and thought to whatever issue he decides to pursue on the Senate floor. Once again, in the opening statement, he reflected that. He does outline many of the issues which need to be addressed. He outlines them well and makes very strong points. It is a result of a cooperative effort between his staff, my staff, himself, and myself that we have gotten this bill to this point. As he said, the purpose of this bill is to address the threats. That is our goal.

Obviously, there is going to need to be, in light of the London event, some adjustment in the accounts relative to mass transit, and there may be other areas where the Senate wishes to work its will.

The basic goal of this bill, as the Senator from West Virginia has said, and in which he played a major part, is to address the real problems, the real threats that face this Nation. I continue to try to do that, working with the Senator from West Virginia. I appreciate all his cooperation and his effort.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader.

Mr. REID. What is the matter now before the Senate?

The PRESIDING OFFICER. H.R. 2360.

Mr. REID. I first express my admiration for the two managers of this bill. Of course, Senator BYRD is a legend, having held every leadership position, sometimes more than once. I enjoyed very much serving in the House with my friend from New Hampshire, and I recognize his stellar career as a Governor of his State and now as chairman of the Committee on the Budget and also the chairman of his subcommittee.

AMENDMENT NO. 1129

I send to the desk an amendment on behalf of Senator PATTY MURRAY, Senator AKAKA, and Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mrs. MURRAY, Mr. BYRD, and Mr. AKAKA, proposes an amendment numbered 1129.

Mr. REID. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SECTION 1. VETERANS HEALTH ADMINISTRATION.

(a) IN GENERAL.—From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall remain available until expended.

(b) EMERGENCY DESIGNATION.—The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(c) This section shall take effect on the date of enactment of this Act.

Mr. REID. I appreciate the managers of the bill allowing me to offer this amendment at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the tragic bombings in London are a sober reminder of how vulnerable America and our allies remain to terrorism. What happened in London last week is likely to be tragically replicated if our country does not act boldly to reduce what ought to be called a terror tax now imposed on the American people.

I call it a terror tax because when we pull up to the corner gas station and pay $2.40 a gallon or so for gas, the reality is a portion of that money is then turned over to foreign governments that "back door" it over to Islamist extremists who use that money to perpetuate terrorism and hate.

What I call the terror tax is not posted as a price at our gas pump. We do not see it in our pay stub. It is not calculated in our balance of payments to foreign governments. It is a tax measured not in dollars and cents but in risk and in security to the American people. It is as real as everything else the American people put their money toward each week.

Of the 20 million barrels of oil Americans consume each day, almost 12 million barrels of it is imported. That percentage, now nearly 60 percent, is growing. It was only about 33 percent at the time of the Arab oil embargo years ago. Our addiction to foreign oil has nearly doubled in what amounts to just a few years.

In the next few weeks, the House and Senate will be sitting down as part of an effort to write an Energy bill that must take as its priority helping to shake us free of this addiction to foreign oil.

I voted against the Energy bill in the Senate because I felt it did not do enough to reduce our dependence on foreign oil, but I hope, especially at this critical time, on a bipartisan basis during this conference it will be possible to make this legislation better.

I believe it is important to do as much as possible to reduce the terror tax that comes with our dependence on foreign oil. It is not good enough to accept business as usual when our citizens pay record prices at the gas pump, only to see foreign governments wink and nod while terrorist groups make off with substantial amounts of money and use those funds to target the United States. In my view, there is an indisputable link not only between the American dependence on foreign oil and the price our citizens pay at the pump, but between our oil addiction and our vulnerability to attack here at home.

For this reason, as the House and Senate get together to look at a strategy to reduce our dependence on foreign oil, I intend to propose five concrete steps to reduce the terror tax.

First, I want the State Department to publish each year for the next 10 years a report on the flow of money paid by Americans at the gas pump to foreign governments that ends up in the hands of Islamic extremists who target America with acts of terror.

Second, since most foreign oil goes to the transportation sector, I want the American automobile industry to be required to increase auto efficiency by just 1 mile per gallon each year for the next 10 years. Think about what a modest step that is—just 1 mile per gallon. Otherwise, the auto industry ought to explain to the American people why they cannot meet this objective that I am calling for that is so important to the national security of our people.

Third, for each of the next 10 years, the Energy Department should publish a list of the most energy-efficient cars in each of the major types of vehicles so the auto industry would have to compete on the basis of the most fuel-efficient automobiles.

Fourth, to increase the responsible production of oil in America, not overseas, companies that increase oil production at existing wells shall receive a 2-percent annual increase in their tax writeoffs for this production for each of the next 10 years that the company increases production from existing wells in the United States.

Finally, this bill must promote new alternatives to oil. I have proposed a no-risk way to kick-start efforts to get hydrogen fuel cell vehicles on the road within the decade. By creating incentives for selling hydrogen vehicles and fuels, we would pay only for performance. Only actions that put hydrogen vehicles on the road or provide stations to fuel up would qualify for the incentives.

In the nearer term, other alternatives would become readily available. They include cellulosic ethanol made from plant materials grown by American farmers as well as electricity produced by flexible fuel hybrid electric vehicles that can be plugged in as well as refueled at the pump.

Getting a fair energy bill that reduces our dependence on foreign oil is just about the most red, white, and blue step this Congress could take. It is absolutely critical if we are to do everything possible to ensure our national security. Experts from a range of political stripes agree that the single most important step Congress can take to make America more secure is to reduce our dangerous dependence on foreign oil.

As a member of the conference committee on the energy bill, I look forward to working with my colleagues to secure these commonsense steps to end the terror tax brought about as a result of our addiction to foreign oil. Doing so is simply a matter of life and death for the citizens we respect so much here at home.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, there is now pending on this bill an amendment offered by the Democratic leader, Senator REID, relative to the Veterans' Administration. I am not sure how that is going to be handled, but clearly the bill becomes tied up in that issue for a while. I am not sure whether people are even going to come down and debate that amendment, as it was offered last week to the Interior bill. I am not really involved in that skirmish, but I do want to bring us back to the essence of this bill and the purpose of this bill and return to the fact that from my standpoint the biggest concern we have to address is weapons of mass destruction. The second biggest concern is border security.

I wish to talk a little bit about border security because I do believe this is where the Homeland Security agency can make the largest contribution toward trying to make our Nation more secure.

I know there is a lot of concern out there today about what happened in England. But you have to remember that the people who probably committed that act in England came from outside of England. They came into England with evil intent. In fact, I have seen some early news reports which have implied the detonating mechanisms used were of a type you could not acquire in England; therefore, it is presumed that the people who committed this act came from outside of England. I think one can safely assume that, especially in light of 9/11 where the people who attacked us came from outside our country, although in some instances they came with legal visas.

So it is critical we get control of our borders. Last year, over 3 million people came into this country illegally—3 million people. The estimate is somewhere between 11 and 15 million people are in this country illegally. We know that a large percentage of those people, especially people coming across our border with Mexico, are coming here because they have a legitimate desire to work in America. They are seeking jobs. I guess it is a reflection of the strength of our economy and the strength of our Nation that people seek to come to America in order to get a better livelihood and to give their families a better chance of having a better livelihood.

Those people are not threats. Those people are here to put in a hard day's work and make enough money to have a decent living. In many cases, they are doing jobs Americans are unwilling to do. There ought to be a way to address that concern, and it ought to be some sort of guest worker program. Hopefully, we will address that as a Congress. We should address that. I consider it to be one of the primary needs we have to address.

In the context of homeland security, if we could in some way identify effectively people who are coming across our borders who are coming not with the purpose of ill-intent but with the purpose of having a decent job, that would significantly reduce the number of people we would have to focus on relative to the threat they present. So a decent and intelligent immigration policy in this country, with an effective guest worker program, is critical to our national security.

But that is not the responsibility of the Homeland Security agency. The Homeland Security agency's purpose is to actually have the physical people on the border who check the people who come across the border and stop the people coming across the border illegally. The pile of reports I referred to before—the actual plurality of them if not the majority of them—reflect the failures of our ability to adequately monitor our borders. We have found we are not doing a very good job on our borders.

As I said, 3 million people are coming into the country illegally every year—that is the estimate—and over 10 million people who are probably here illegally already. A fair percentage of those folks are not Mexican. They are coming from another country, but they are coming across the Mexican border. And those people may very well represent legitimate threats to our country. So we need to do something to address this issue.

There are different levels where we need to address this issue. I mentioned the guest worker program would be a major effort in this area, but in the area of just plain security, there are initiatives that need to be pursued. So what we did was we looked at what was happening with our border security effort and concluded there were certain programs on the border that needed really significant increase in resources in order to be effective.

Some of them, unfortunately, could not take as much resources as we would like to have given them because they simply could not handle it effectively. The first was just simply feet on the ground. We need more Border Patrol agents on the ground, especially on the southern border. That is a feet-on-the-ground issue. Unfortunately, because of the training capacity and because of the ability to hire people who want to go into the Border Patrol as a career, we cannot add as many people as we would like to add.

As was mentioned by the Senator from West Virginia, there was, 3 or 4 years ago, a proposal to hire 2,000 a year. What we found was the Border Patrol simply could not find the people. And then they could not train the people when they did find them. However, we decided a significant increase was important. Working with the Senator from West Virginia again, in the supplemental, we added 500 new Border Patrol agents this year. We have now added another 1,000 agents with this bill, for an additional 1,500 agents. So that is actually a little bit outside the envelope of what the Border Patrol can effectively train.

We are also significantly increasing the commitment to the training facilities so we can increase training capacity so that next year, when we have this bill, it is my intention to add more than 1,500. I hope to get up to 2,000 next year. The year after that, I hope to get to 2,500. The goal is to get to 10,000 new Border Patrol agents within 5 years. Whether we can reach it, I do not know. But if we can get the training facilities up, get the infrastructure up that supports these people, and get the Border Patrol agents up, then maybe we can do it effectively. But the first step is to add these additional 1,500 agents.

Now, once you have the Border Patrol physically on the ground, they are going to catch people. That is their job. The problem today is that when they catch people they have to let them go. They send them over to the court, and the court sends them out on their own recognizance. They are supposed to return for a court date, and they never return. About 85 percent of the people who are asked to return do not return. Well, that is not too surprising, really. They came here illegally. Why are they going to return when they are told they can go away and come back on a different date for their court appearance?

We need better and more capacity in the area of detention. So this bill, working with the supplemental, again working with the Senator from West Virginia, adds about 4,000 new detention beds. Again, our goal is, within a limited period of time—hopefully not 5 years in this case, hopefully even less—to be able to detain effectively anybody who is caught who is other than a Mexican citizen coming across our border with Mexico, to be able to detain that person as long as it is necessary to make sure they are not a threat to us. It is something we cannot do today. But this bill moves in that direction by adding 4,000 new beds in this area.

We also have the unmanned vehicle program. This program, which is an important element of the surveillance of our borders, has fallen on hard times. In fact, the vehicles were basically stopped about a year and a half ago. They just stopped running them because they were not working. They started again, and this bill attempts to get the unmanned vehicle program running at a much more aggressive level. This is a tremendous opportunity for us to survey the border using fewer personnel more efficiently.

In addition, we have technology on the borders, the video and the other types of sensor capability. Again, we have run into major technology problems. Contracts were let that should not have been or were let ineffectually. One more time we got a bunch of reports on this one. While the program has been restarted, this bill tries to make sure the program goes forward effectively. This is a fencing issue here. We are saying we were going to give you a lot more funds, but we want to make sure the funds are spent effectively.

Also in the area of people coming into this country legitimately who actually are going through our immigration entrance system, we have very significant issues of being able to track who they are and when they come in and when they leave. In order to address that, we are trying to set something up called US-VISIT which is a major new technology initiative of extreme complexity. Therefore, I recognize it is not going to come on line maybe in a perfect way.

What we are concerned about, speaking for the Senate and for the subcommittee, is that the US-VISIT Program, which is going to purchase massive amounts of software and hardware capability to go into the immigration system, that that program not end up being like the programs we have had in other major Federal agencies which have initiated major complex IT initiatives, such as the Trilogy Program at the FBI, that we not end up being halfway down the road, hundreds of millions of dollars having been spent, and we realize we have a program that doesn't work. This bill attempts to make sure that the US-VISIT Program is being brought on line in a way that we have benchmarks and we know the software is meeting the criteria and the regimes that are appropriate to that type of software and that the hardware can interface with it effectively.

This bill makes a major initiative in the area of basically putting emphasis on the borders, both with the feet-on-the-ground issue, with the technology issue, and with the capital infrastructure issue in the area of border facilities and detention facilities. Therefore, I think it is the right approach. Is it going to get our borders secure unilaterally by this effort? Obviously not. But it is a step in the right direction and part of the formula that should lead us to borders which are more secure.

The simple fact is, as a nation, we are not going to be able to protect ourselves from the significant threat of these individuals who will come here for the purposes of killing Americans, and for no other purpose, until we get effective control over the borders and know who is coming in and why they are coming and make sure we do not allow or are able to stop people who are coming into this country whose purpose is to commit acts which will harm Americans. This bill is an attempt to step down that road in a much more aggressive way.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1133

Mr. GREGG. Mr. President, I send an amendment to the desk and ask for its consideration.

The PRESIDING OFFICER. Is there objection to setting the pending amendment aside?

Mr. GREGG. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1133.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase funding for Firefighter Staffing)

On page 81, line 22, strike "For necessary" down through and including "tion." on line 4, page 82, and insert the following:

"For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $615,000,000, of which $500,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $115,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration."

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I will not object to the chairman's amendment. We need additional funds for the SAFER Firefighter Hiring Program. But this amendment leaves the program to equip and train firefighters $150 million below fiscal year 2005. Last year the Department received $2.76 billion of eligible applications and could only approve 25 percent of the applications. In response to this incredible demand for firefighting funds, the bill will cut firefighter equipment and training grants from $650 million to $500 million. So while I don't oppose the chairman's amendment, I put the Senate on notice that I will offer an amendment to restore the cuts in equipment and training for our firefighters. I hope the Senate will agree to the pending amendment.

Mr. GREGG. Mr. President, I understand the Senator's point. My purpose here is to recognize the fact that we put over $2 billion into equipment, and we need to start focusing on training. This will move $50 million over to the training side and still leave in the pipeline a dramatic amount of money for equipment. We can address that issue down the road, as the Senator from West Virginia represents he may wish to do, but at this point I think this reallocation of funds is a statement of policy that is appropriate.

I again ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. No objection.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1133) was agreed to.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I will speak at a later point about the underlying bill, the Homeland Security appropriations bill. It is an important piece of legislation. I say to the manager that I just checked with the cloakrooms, and there is nobody coming to speak, so I wanted to speak in morning business. I will have an amendment dealing with the proposed passport requirements between the United States and Canada, and I will address that later.

(The remarks of Mr. DORGAN are printed in today's RECORD under "Morning Business.")

Mr. DORGAN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that at 5:30 this afternoon, the Senate proceed to a vote on the adoption of a resolution which is at the desk and relates to the recent bombings in London; provided further that no amendments be in order to the resolution or preamble. I further ask that there be a moment of silence prior to the vote on the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I understand from my colleague from New Hampshire that we will be voting on a resolution at 5:30 this evening, expressing our condolences to our allies and friends who had to bear the brunt of a terrorist attack, an aggressive terrorist attack, in London. It is heartbreaking to see the results of these horrible attacks against innocent people committed by terrorists who apparently are determined to kill innocent people, as many as is possible, to make their point, whatever their point is.

That attack reminds all of us again of how vulnerable we are and how important homeland security is, and I think it underscores the importance of this appropriations bill. Homeland security is critically important. It means we have to have reasonable border security. It means we have to have port security and a range of other issues. I want to mention two things.

We have spent a lot of money and a lot of time dealing with security of air travel, particularly commercial airlines. Now when you go through the lines at the airports, they are searching for tweezers and all those items that might be used as weapons. Sometimes there are long lines. I know it is frustrating. We have devoted a lot of time and effort in this country dealing with the last terror attack in which 15 of the 19 terrorists were Saudi citizens. Nineteen terrorists drove jet airplanes loaded with fuel into buildings to be used as missiles, and we are dealing with that a lot. We are spending a lot of money dealing with this issue of airport security and aviation security.

My colleagues, and particularly one of my colleagues who departed the Senate, Senator Hollings, have talked a lot about port security. We have about 9 million containers coming in on container ships in this country in a year—9 million containers in a year. A relatively small percentage of those containers are inspected. If, God forbid, terrorists should get a hold of a small nuclear weapon, the size of a grapefruit or a basketball, and detonate a small nuclear weapon at one of our docks in a container on a container ship, it could obliterate an American city. Yet we have not spent nearly as much time dealing with port security or, for that matter, rail security as we have dealing with the issue of security at airports and security in commercial air travel. We must do a much better job with respect to ports.

When we have that many containers coming into our ports with so few being inspected, it leaves our country vulnerable.

I recall visiting a port one day. I come from a State without ports. We do not have a water boundary. I was interested so I toured a port in a major city. I asked: What is in that container on that ship?

That is frozen broccoli, they said.

Is it full of bags of frozen broccoli?

Yes, it is full of 100-pound bags of frozen broccoli.

How do you know that? Do you know what is in the middle of that big old container?

No, we just know that is what it says on the bill of lading, frozen broccoli.

What if, God forbid, somehow terrorists acquire a nuclear weapon and put that in a refrigerated container on a container ship or any container on a container ship destined for one of our country's major port cities and detonate that nuclear weapon at the docks in the middle of one of America's port cities?

We must find ways to address those issues, and we have not spent nearly the resources necessary to give us adequate security at America's ports. We have not spent nearly the resources necessary to provide the security with this country's rail system.

We haul every day, all across this country, toxic material, dangerous material all across America. If terrorists were to find a way to deal with that and manipulate a terrorist attack in our rail system with the kinds of materials that move on our rail system, we would be in a very difficult situation.

As we review this legislation today and tomorrow, we need to continue to rethink how do we improve, how do we make the adjustments necessary to devote more resources for port security, especially port security and rail security.

I did indicate we do need to control our borders. There is no question we need to do that. But I think even the President expressed surprise at the suggestion of the Department of Homeland Security that with regard to the 4,000-plus-mile common border with Canada, we are going to require every person moving back and forth through that common border to have a passport.

In my judgment, that is an impractical way to provide security at America's borders. As the President suggested, I hope the Homeland Security Agency will rethink that. In our part of the country we have a long and common border with Canada. Every day there is a substantial amount of commerce coming back and forth. People farm on both sides. People work on both sides, do business on both sides. To require a passport in both directions would make no sense at all.

When I began talking about this before 9/11/2001, we had ports of entry at the northern border ports that when they closed in the evening security consisted only of an orange rubber cone put in the middle of the road. The polite ones actually stopped and removed the cone before they came across the border. Those who were not so polite would run over it at 60 miles an hour.

So we have made improvements in those areas but much remains to be done. I hope as we construct, talk about, and consider amendments to this bill, we will finally understand that security means security in every area, not just in aviation or commercial airports. The tragic attack in London tells us once again how vulnerable some of these areas are and I mentioned two today: our rail system, No. 1, and especially No. 2, our port system, which renders much of our major and largest port cities in this country very vulnerable to a devastating terrorist attack. We must and we can and we will do better.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BURR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the Reid amendment be temporarily set aside for the purpose of offering an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1142

(Purpose: To provide for homeland security grant coordination and simplification, and for other purposes)

Ms. COLLINS. Mr. President, I have an amendment at the desk. I call up the amendment No. 1142.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Mr. LIEBERMAN, Mr. DEWINE, Mr. COBURN, Mr. AKAKA, Mr. CARPER, Mr. SALAZAR, Mr. COLEMAN, and Mr. VOINOVICH, proposes an amendment numbered 1142.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Ms. COLLINS. Mr. President, I rise today with my good friend, Senator LIEBERMAN, to offer an amendment to the Homeland Security appropriations bill. Let me note at the outset my appreciation for the work that Senator LIEBERMAN has done on this issue. He and I have worked together with members of the Homeland Security Subcommittee for the past 3 years on this authorization to develop an improved homeland security funding approach based on extensive hearings we have held, much consultation, and hard work by our committee.

We are pleased to be joined by several cosponsors, including Senators CARPER, COLEMAN, AKAKA, VOINOVICH, DEWINE, BINGAMAN, and SALAZAR.

The amendment we offer would for the first time authorize a framework for the billions of dollars the Department of Homeland Security allocates each year to assist first responders and State and local officials in helping to prevent terrorism and to prepare for an attack. That important point bears repeating. The more than $8 billion that Congress has appropriated for grants to States and localities for terrorism prevention and response since 9/11 has never been definitively authorized.

This is not a matter of an authorization having expired, which happens quite frequently around here, but rather of a multibillion-dollar program that has never been authorized. This is highly unusual. In fact, my staff checked with CRS, which went back a decade and could not find a single other grant program over $1 billion that has never been authorized. Sure the appropriators have borrowed a funding formula from the PATRIOT Act, although the bill before us does not use that formula, but in truth the appropriators have had to legislate the details of the Homeland Security Grant Program year after year. So, for example, the House-passed version of this year's Homeland Security appropriations bill determines the minimum allocation that each State is to receive, establishes a strict timeframe for applications to be submitted and for the Department to act on them, requires 80 percent of the grants to be passed on by States to local governments within 60 days, determines for what funds can and cannot be used, and requires grantees to submit reports on their use of funds. That is a lot of legislative language on the House-passed appropriations bills, and indeed the Senate version before us contains similar legislative provisions.

These are the kinds of programmatic decisions that Congress is supposed to determine through authorization bills, not each year anew on an appropriations bill. What Senator LIEBERMAN and I are offering today is the specific, detailed authorization bill that this program has never had. Frankly, we would prefer not to do this, not to offer it to the appropriations bill. We believe our legislation, S. 21, which is the product of numerous legislative hearings, two markups, and input from countless interested parties and many homeland security experts, should be considered by the full Senate on its own. The House recently passed a companion measure. S. 21 is on the Senate calendar, having been reported by the Homeland Security Subcommittee without dissent on April 13. But there are no assurances that it will be brought to the Senate floor. So we are offering our authorization bill as an amendment to this appropriations measure.

Although Senate rule XVI generally prohibits authorizing on an appropriations bill, ironically there is an exception when the House has, in essence, opened the door by legislating on the matter in its own bill. That is what has happened here, so we believe that rule XVI is not implicated.

Mr. President, you may be saying, Why does this really matter? What is important about this bill that it should be brought up rather than allowing the situation to continue with slight tweaks and variations and new legislative language on the appropriations bill, year after year? Let me talk about the amendment, which is the text of S. 21 as reported, with a few changes.

The amendment establishes a new formula for distributing homeland security grant dollars. It determines how funds are to be allocated, sets criteria to ensure that the funds are spent in ways that help States and communities develop essential capabilities to prevent and respond to terrorism, and it holds grantees responsible for achieving results.

Perhaps the amendment's most important provisions are those that inject needed accountability measures into the grants process. We have all heard the horror stories about inappropriate spending of homeland security funds. This waste is intolerable, but particularly so when there are so many unmet needs that are scrambling for funds—needs where the funding simply is not available. Our amendment will put into place tough new standards to ensure that homeland security funds are spent wisely and in ways that will help us better prepare for, or respond to, or prevent a terrorist attack.

Let me refer to this chart which summarizes the accountability measures that are included in the Collins-Lieberman provisions. The first is tying spending to standards. This amendment requires that States distribute and spend homeland security funds only in ways that measurably help them meet preparedness standards and achieve essential capabilities to be determined by the Department of Homeland Security. In other words, no more spending homeland security dollars on leather jackets in the District of Columbia or air-conditioned garbage trucks in New Jersey. For that matter, even purchases of perfectly appropriate items such as hazmat suits must be tied to achieving essential capabilities set by the Department. This safeguard is designed to prevent a community from purchasing equipment that it has no reasonable expectation of needing. I know this is an issue with which the chairman of the subcommittee, Senator GREGG, has been particularly concerned.

The second accountability measure is a thorough annual audit by the General Accounting Office to ensure that funds are not being wasted and that the program is working as intended.

Third is greater coordination among the many grant programs that fund prevention and response efforts. Our amendment would create a Federal interagency committee to promote coordination of homeland security grants throughout the Federal Government. In particular, this committee would focus on eliminating redundant application, planning, and reporting requirements faced by States, local governments, and first responders in applying for and executing different Federal homeland security-related grants.

Fourth are robust reporting requirements. These are the means by which accountability can be enforced. The amendment requires grant recipients to submit annual reports on their specific uses of grant funds and their progress in achieving essential capabilities. These reports would be submitted to the Secretary. The Secretary, in turn, would be required to submit an annual report to Congress, providing an accounting of how grants to States and communities are spent and an evaluation of their progress.

Fifth are the remedies for noncompliance, what I call the enforcement mechanisms. The amendment empowers the Secretary to terminate or reduce grant payments if a State or locality fails to comply with all the requirements of the grant.

In addition to these tough new accountability measures, our amendment authorizes a funding amount that is adequate and a distribution formula that is fair. This legislation dramatically increases the funds that would be distributed based on threat, risk, and consequences. It also maintains a meaningful level of funding for each State. Much of the frontline responsibility for homeland security has fallen squarely on the shoulders of our State and local officials and our Nation's more than 9 million first responders. Communities across America have risen to this challenge and developed scores of innovative homeland security strategies. For these strategies to be implemented, however, all States must achieve a baseline level of essential capabilities. At the same time, we must direct resources toward locations and facilities that are at higher levels of risk and vulnerability.

Both of these goals—helping each and every State come up to a minimum level of preparedness and targeting funds to those areas and facilities at greatest risk—require an adequate, steady, and predictable stream of Federal funding. Absent that stream, we find ourselves in an escalating argument over whether these resources are being allocated and spent properly.

Unfortunately, this argument increasingly pits our urban centers against our rural regions. We believe the bill that we have carefully crafted strikes the right balance.

Let me acknowledge the hard work of Senators GREGG and BYRD in putting together this appropriations bill. We share with them the goal of a fair formula for allocating funds to States while increasing the proportion of funds that would be distributed based on risk, but the problem is unpredictability. We ask States to prepare multiyear plans for improving their homeland security capabilities and yet each year we threaten to develop a new formula for distributing Homeland Security grant dollars. That is why in supporting our legislation, S 21, the National Governors Association underscored the need for the predictability that our amendment would provide.

On the chart behind me is a quotation from the Governor's letter. It reads as follows:

> To effectively protect our states and territories from potential terrorists events, all sectors of government must be part of an integrated plan to prevent, deter, respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development, and in its implementation. A minimum allocation to each state and multiyear authorization levels of funding will provide the predictability necessary to implement statewide plans that will assist governors in securing our nation.

This is, after all, a partnership with first responders, with local governments, and with State governments.

Our amendment would provide the predictability States need to protect our Nation. First, our amendment authorized a sufficient level to reverse the trend of declining Homeland Security funding by authorizing the program at the fiscal year 2004 level of $2.9 billion. As the chart behind me demonstrates, funding for first responders is on the decline by $900 million from 2004 to the level proposed in the President's budget. We were reminded just last week that the war against terrorism has not been won. The battle continues. It is our first responders who are on the front lines. Do we truly believe that now, during a period of heightened alert, is the time to scale back our efforts in preventing and responding to terrorist attacks? I think not.

Our amendment also incorporates a balanced formula. Each State would be guaranteed a minimum allocation of .55 percent of the total funds appropriated for State and urban area grants. The minimum, however, is scaled so that States with larger populations and higher population densities would receive additional funds. We call this a sliding scale baseline. It will promote a level of preparedness and provide predictability. The remainder of the total funds would be distributed to States and regions based on the Secretary's determination of risk and threat.

As this chart shows, the amendment makes a grant investment in threat-based funding. It increases the proportion of risk-based funding by more than 60 percent. Moreover, under our sliding scale distribution using factors the Department of Homeland Security employs now in its risk-based approach, another 10.7 percent of appropriated funds would be allocated only to the most populous and most densely populated States.

These are important steps toward bridging that urban-rural divide, and they balance the need for predictability for bringing each State up to a minimum level of preparedness with a heightened emphasis on allocating funds based on threat, risk, and consequences.

As the ranking member on our committee well knows, since he has joined with me in all of these investigations, the choice must not be between protecting skyscrapers or farms and feedlots that provide our food supply, or chemical plants and industrial zones versus the rural communities that trucks and trains carrying those hazardous chemicals pass through. All funds beyond those necessary to cover the baseline allocations, more than 60 percent of the total, would be distributed based on the relative threat, vulnerability, and consequences faced by an area from a terrorist attack. From this funding pool, the Secretary would make threat-based grants to both States and metropolitan regions.

My colleague from Connecticut feels strongly about taking a regional approach to homeland security. In allocating the risk-based formula, the Secretary would prioritize grants with consideration given to such factors as population, population density, critical infrastructure, coastlines, international borders, previous terrorist attacks, elevated threat levels higher than the rest of the Nation, as well as other factors he deems appropriate.

While allowing judgment on the part of the Secretary, we specifically delineated some of the critical factors—the ones I just read—that the Department must take into account. In doing so, we take some of the mystery out of the black box from which DHS now seems to generate some of its funding decisions, decisions that result, for example, in Minneapolis receiving funding but not St. Paul.

One of the most disturbing aspects of the urban-rural argument is the assertion often made that locations outside of our largest cities have no significant homeland security needs. This is demonstrably untrue. It ignores a great deal of expertise. It ignores our history.

A recent study conducted by the Harvard School for Public Health, with co-leadership by the Maine Department of Health and Human Services and participation by 26 States, shows that rural areas face unique and profound homeland security challenges. A great many power and water supplies as well as virtually our entire food supply are located outside of urban areas. Work our committee has done on agro-terrorism shows the potential threat to our food supply. In addition, rural areas have far less capacity to deal with a terrorist attack or a public health crisis.

In a letter describing its commercial equipment direct assistance program, the Department of Homeland Security itself wrote:

> When they face the common threat of terrorism, the needs of smaller jurisdictions are very different from the needs of larger metropolitan areas. Smaller agencies confront threats to the transportation infrastructure, agriculture, water supplies, power grids and other critical items spread out over a wide geographic area.

I will highlight the next statement because the events preceding September 11 show it is so true:

> Terrorists may live and train in rural communities. Targets such as pipelines and nuclear power plants are typically located in smaller jurisdictions.

Indeed, among the most striking aspects of the report of the 9/11 Commission is the extent to which the terrorists did live, organize, and train in America's smaller communities. The contacts they had with smaller law enforcement agencies before the September 11 attacks are striking, as well.

As the committee reconstituted the movements of the terrorists after they arrived in the United States, the trail led to such places as Venice and Coral Springs, FL, Norman, OK, Falls Church, VA, Lawrenceville and Stone Mountain, GA and, of course, most personal to me, Portland, ME. It was Portland, ME from which two of the hijackers, including the ringleader, began their journey of death and destruction on September 11. It is not just the large cities that attract those who would do us harm. Indeed, often they feel more secure in hiding in our smaller cities and communities.

As we seek to ensure that our communities, large and small, are prepared to respond to a terrorist attack, we must not lose sight of the need for prevention. Our amendment ensures that the prevention of terrorist attacks, not just response efforts, receives a significant share of Homeland Security funds. This is an area that law enforcement groups tell us over and over again has been neglected.

Our amendment ensures that the prevention of terrorist attacks receives significant funds. It would for the first time authorize the Law Enforcement Terrorism Prevention Program which funds prevention activities by State and local law enforcement. Under the amendment, 25 percent of Homeland Security grant funding would be used for law enforcement terrorism prevention, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses incurred in support of Federal homeland security efforts.

The International Association of Chiefs of Police recently released a report that put it very well. They warned:

> In our national efforts to develop the capacity to respond to and recover from a terrorist attack we have failed to focus on the importance of building our capacity to prevent a terrorist attack in the first place.

We are never going to be able to protect every single target in this country. That is why we have to pay attention to the prevention, the detection, the law enforcement side, as well as the response side.

Because of our bill's emphasis on terrorism prevention, it has been endorsed by the National Association of Police Organizations, the International Association of Chiefs Of Police, the International Union of Police Associations, the National Troopers Coalition, the United Federation of Police Officers, the International Brotherhood of Police Officers, the Fraternal Order of Police, and the National Organization of Black Law Enforcement Executives among others.

NAPO is the strongest voice supporting law enforcement officers in the United States, representing more than 236,000 sworn law enforcement officers as well as retired officers, and 100,000 citizens who share a common dedication to fair and effective crime control and law enforcement. They, too, have pointed out in a letter to Senator LIEBERMAN and me that we need to be sure State and local law enforcement are properly supported, trained, and equipped to prevent terrorism before it occurs.

I do not believe we can allocate Homeland Security dollars effectively and efficiently unless we listen to and learn from the advice of our law enforcement officers and other first responders. Guided by a task force of first responders, the Secretary would establish the essential capabilities I referred to earlier to ensure that first responders have the support they need.

Preventing and responding to terrorism is a national challenge, but preventing and responding to specific acts of terrorism in the urgency of the moment is a regional challenge. We saw this after the September 11 attack on the Pentagon and in New York City when first responders from outlying communities rushed in to make invaluable and heroic contributions to the rescue operation.

We saw it again in simulation at the TOPOFF 3 exercise I observed earlier this year with Senator LIEBERMAN. This incident was a simulated explosion and chemical attack at a waterfront festival in New London, CT. The contributions by first responders from the outlying smaller communities were enormous, but their efforts were hampered by a lack of interoperable communications equipment.

Senator LIEBERMAN and I saw some first responders who were carrying as many as three emergency radios, which slowed the evacuation of those who were playing the injured parties to hospitals throughout the region. In a real attack, these delays—that incompatibility of equipment—would have had devastating consequences.

Regional planning and coordination are essential, and our amendment would shift the focus of local funding from individual cities to metropolitan regions. Unlike the current Urban Area Security Initiative under which DHS simply announces a list of cities it has selected to fund, our amendment would establish an application process for metropolitan region funding.

In applying for funding, communities would be given considerable flexibility in forming regions that would make the most sense locally. Our amendment provides that the regions within the 100 largest metropolitan statistical areas would automatically be eligible to apply, with additional regions eligible under certain circumstances.

Our amendment would also allow for regional coalitions—even those spanning multiple States—to apply for grant funding together to address common needs. I think this would lead to real breakthroughs in strategy.

Let me give you a concrete example. Several Midwestern States are joining together to take steps to prevent and, if necessary, respond to acts of agroterrorism. That is exactly the kind of project that our amendment would provide for and fund. Under current law, these States could not seek funds as a group despite the common threats they face and the common solutions they seek. Our amendment breaks out of this rigid mold to allow States, counties, cities, tribes, and other governmental units to think regionally and creatively as they seek to prevent and prepare for terrorist attacks.

Our amendment would also put the State and local homeland security planning process where it belongs, on the front end. This legislation requires State and local jurisdictions to plan for how funds will be spent before the funds arrive. Currently, much of the deliberative planning on how funds will be spent is done on the back end, only after DHS has allocated grants to States and urban areas.

Moreover—and this actually is another safeguard—our bill would require States to spend money according to State plans approved by the Department of Homeland Security. More advanced funding means funds will be spent more quickly and according to a coherent strategy.

Whenever I meet with first responders, whether it is in my home State of Maine or elsewhere, I am always struck by the fact that very few of these brave, dedicated men and women first went into law enforcement, firefighting, or emergency medical services ever thinking they would end up on the front lines of a war against terrorism. They have been handed an unprecedented and unimaginable challenge, and they have accepted it bravely and willingly. They deserve the equipment, training, planning, input, accountability, and stability that our amendment would provide. They deserve to have this critical program that is so essential to the security of our Nation properly authorized, funded, and designed.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I am proud to be a cosponsor with Chairman COLLINS of this amendment. I want to speak on its behalf.

THANKING SENATE COLLEAGUES

Mr. President, I do want to say on a personal matter, very briefly, this is the first day I have returned to the Senate since my mother, Marcia Manger Lieberman, left this Earth on June 26. The following week I was observing a period of mourning.

We were blessed to have Mom live to the age of 90. She taught us a lot of lessons throughout life: How faith and family and community matter most. We are going to miss her, of course. But I want to take this moment to thank all my colleagues who reached out to me and my family, including the occupant of the chair, the Senator from North Carolina, Mr. BURR, and my friend and colleague from Maine, Senator COLLINS.

I thank you and everyone else for your calls and your letters and flowers and baskets of food, all of which were a source of great strength and comfort to my family, my sisters and me, and honor the memory of the great lady I was blessed to have as my mom. So I thank you all for that.

AMENDMENT NO. 1142

Mr. President, Mom, most of all, would say: Life goes on. Every day get up and make the most of it. So I am very honored to have the opportunity on this day to join with Senator COLLINS in offering this amendment.

This amendment tracks S. 21, the Homeland Security Grants Enhancement Act, which was reported out of the Homeland Security and Governmental Affairs Committee in April with strong bipartisan support. Senator COLLINS and I believe that the ideas the committee endorsed represent the most balanced, constructive approach to supporting those all across America whom we ask to protect the rest of us from harm.

This amendment accomplishes many things, including the doubling of the amount of money that will be delivered to States and localities most at risk. It reduces the potential for waste. It authorizes adequate funding for our Nation's first responders whom the Senator from Maine has spoken of so eloquently. It establishes, for the first time, a comprehensive framework for supporting homeland security efforts by fully authorizing the essential grants programs that each year have, unfortunately, been left to the whims of the appropriations process and have left people all across America uncertain.

These are essential reforms to our grants process, made even more compelling by the knowledge—underscored by last week's bombing in London—that terrorists are out there, that they will strike, and that we are involved in a world war. It is not like any world war before. But this enemy has a mission. It is to destroy as many of us as they can. And they will choose the battlefields, where they will choose them.

This amendment responds to that threat in a most direct and sensible way. We direct more money to the places that are at greatest risk of terrorist attack, that are most vulnerable, and where the consequences of an attack would be, obviously, disruptive to the people, to our economic well-being, and to our very way of life. In other words, the terrorists obviously strike without regard to the loss of life, innocent life, but they also want to disrupt our society and create fear.

This amendment responds to that threat in two ways: First, by guaranteeing a higher baseline level of funding to the largest and most densely populated States, States that are likely to be at more risk of attack and to suffer greater consequences if they are attacked and, second, by substantially increasing the funds we entrust to the Homeland Security Secretary's discretion to allocate based on an assessment of risk.

A key part of this amendment is also a desire to balance support for those cities and States at high risk without sacrificing the security of locations that may not be on the top of a target list today but could very well be in the future. That is because this amendment recognizes what I said a moment ago, that the terrorists aim to break our confidence, to create panic, to take advantage of the openness of our society. This is a big country. As a result, no matter how good our intelligence is, we cannot be certain that in every case—maybe even in most cases—we will be on notice about where the terrorists might strike next.

This amendment recognizes the fact that terrorists alter their methods of destruction, of murder, that one day they may strike fortified targets such as military facilities, as they have in Iraq and in Lebanon, and the next day they may strike soft targets, as they have and did when they blew up a discotheque in Indonesia or took hostages and brought an end to life at a school in Beslan, Russia.

Common sense, therefore, requires us to continue to build basic capacity to prevent and respond to attacks wherever they may occur in this country. And that means everywhere in this country. To build that capacity over time, State and local officials need some predictability of funding. They need to know when and how much assistance they are likely to receive from year to year if they are to do what their citizens expect them to do: to plan and carry out the best possible homeland security throughout America. This is a difficult balance to reach. But I feel confident that the Homeland Security and Governmental Affairs Committee has achieved that balance in this amendment.

First, we double the amount of dollars over current levels for grants based on risk. I want to emphasize that because some have criticized the committee action, saying we do not pay attention to the experts' predictions of risk. The fact is, we set aside over 60 percent of the total amount authorized in this measure to distribute to States and cities considered to be most vulnerable to a terrorist attack.

The rest of the money would be used to guarantee a minimum level of preparedness in every State, although more highly or densely populated States would get more money. So each State would be guaranteed a minimum of 0.55 percent of the total amount appropriated. The high- and dense-population States get a little bit more.

Beyond these formula changes, the amendment would streamline the State homeland security grant process, require better planning and therefore better spending, and add a dose of reality to the grants distribution process. Unlike the Department's current opaque and changeable approach for distributing the so-called Urban Area Security Initiative grants, this amendment, the Collins-Lieberman amendment, would allow metropolitan regions to apply for funding. The 100 largest metropolitan areas could apply. They enter automatically this pool of eligibles. And others could submit applications with the consent of their Governor and the Homeland Security Secretary.

Each applicant would have an opportunity to make its own case based on its specific risks, vulnerabilities, and needs. The Department of Homeland Security would award the grants based on merit. There would be no arbitrary limits on funding to areas that demonstrate they are at risk, such as the population cutoff the Department instituted this past year, saying that if you are not larger than a certain number of people you cannot qualify for the Urban Area Security Initiative, even if you have uniquely vulnerable assets, facilities in that area that in the normal course of exercise of due diligence would require extra support.

Our amendment would encourage cooperative planning and execution across jurisdictional lines by allowing at least two contiguous jurisdictions to submit a regional application. In addition to dedicating funding for the largest metropolitan areas in the country, our amendment would, for the first time, allow States to apply for risk-based funding and to make the case to the Secretary that there are threats to their jurisdiction that require additional grant money to address.

Another critical element of our amendment would be to require the Secretary of the Department of Homeland Security, in consultation with a task force of State and local first responders, to establish what we call essential capabilities—in other words, targets for the levels and quality of planning, people, and equipment different types of communities need to prevent, prepare for, and respond to acts of terrorism and other catastrophic events.

These essential capabilities will provide guidance to States and localities, but they also provide benchmarks for measuring State and national progress in achieving preparedness. Other accountability measures—because we are authorizing a lot of money to be spent here for a good reason, but we are requiring accountability as to how it is spent—include, for instance, an annual GAO audit and new, more robust reporting requirements for grant recipients and for the Department of Homeland Security. This amendment would also give the Secretary the authority to terminate or revoke grants if a recipient doesn't comply with the accompanying requirements.

We honor the old proverb that an ounce of prevention is worth a pound of cure. That is why, in the very contemporary context of the threat of terrorism, our amendment dedicates 25 percent of authorized funds to strengthen law enforcement efforts that are made to prevent attacks before they occur. We have 700,000 pairs of eyes and ears on the ground in every community across this Nation. What am I speaking about? Local law enforcement officers. They are our foot soldiers, our boots on the ground in the war on terrorism. But too often, up until now, they have been left on the sidelines. The brake that stops that next attack on New York, Washington, Los Angeles or any small or mid-size community across America may well come from the alert work of a police officer many thousands of miles away.

Senator COLLINS mentioned some of the small communities across America that tragically played critical roles, inadvertently, in all the activity that led up to the September 11 attacks against us. We quite simply cannot afford to waste the talents of any law enforcement officer in America. So we have to do what we can to facilitate, encourage, and support their vigilance on our behalf.

Finally, our amendment authorizes $2.9 billion in funding for fiscal years 2006 and 2007. That is the same level—not higher—as provided in fiscal year 2004. Unfortunately, the trend for State homeland security funding is pointing down, not up, even as we understand that the threat remains at least as great as it has been up until now, perhaps even greater. But at least a $2.9 billion authorization will send a strong message that we will provide reliable and consistent funding to get the job done at the local level and the State level, that we will not begin to chip away at the funds that our allies at the State and local level can expect from the Federal Government.

Our amendment improves upon the current approach and upon the approach spelled out—I say with respect—in the underlying appropriations bill. That is why the Collins-Lieberman amendment has received support, for which the Senator from Maine and I are grateful and honored, from the National Association of Police Organizations, the International Association of Chiefs of Police, the International Union of Police Associations, the National Troopers Coalition, the National Fire Protection Association, the National Association of Development Organizations, and many others—all support this amendment. This is an expression of support. Indeed, I think it should be taken as a plea for support by these organizations that represent a broad swath of law enforcement officers at the State and local level across America.

This amendment is a considered approach to the administration and distribution of homeland security grants. We believe it strikes the right balance between not only risk and population, high-risk areas, according to the experts, and other areas that may well be at risk as we go forward, but also risks between providing flexibility and ensuring accountability. Most importantly, it provides our Nation's first responders, who are also first preventers in our war against terrorism, with a solid, long-term platform of support.

It has, once again, been a great pleasure to work with my friend and colleague, Senator COLLINS of Maine, chairman of our committee. We were grateful for the overwhelming bipartisan support of the committee for this measure when it came out of committee as S. 21. We thank our colleagues for that.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank my friend and colleague from Connecticut for his excellent statement. We have worked very hard on this issue for the past 3 years. It is my hope that our colleagues will recognize the work that has gone into this measure, whether it is coming up with a fair and balanced—I guess that phrase maybe has weight toward it—carefully crafted formula or whether it is the accountability measures that are in the bill that I also believe are so important. Another member of our committee who has been a stalwart supporter of the bill and has worked very hard in shaping many of its provisions from his perspective as a former mayor of a major city is our colleague from Minnesota, Senator COLEMAN. I am very pleased he is here to speak on behalf of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleagues, the chairman from Maine and the ranking member from Connecticut, for the hard work they have done in working in a bipartisan way and coming up with important, practical, commonsense ways to deal with the threats to homeland security that deal with the threats to major urban centers, that deal with the opportunity—I want to talk about this a little bit today—and the importance of working on a regional basis.

As a Senator from Minnesota, I represent the Twin Cities. I will talk a little bit about the Twin Cities, Minneapolis and St. Paul, the experience they had dealing with the urban area security initiatives under the present system. The system needs improvement.

I rise today to offer my support for the bipartisan amendment offered by Senator COLLINS and Senator LIEBERMAN that will streamline and rationalize the State homeland security grant process. My State has a wide range of homeland security interests. We share an international border with Canada. We have two major cities in Minneapolis and St. Paul. We have two nuclear reactors in Red Wing and Monticello. We have a major port in the city of Duluth on Lake Superior, connected through the Great Lakes system to the St. Lawrence Seaway and the Atlantic Ocean.

Unfortunately, Minnesota witnessed an average 48-percent reduction in the allocation of Federal homeland security dollars for this year. In addition, when the urban security initiative grants were first announced, Minneapolis's funding was cut from $12.2 million to $5.7 million, and St. Paul's funding was completely eliminated. I am not here to complain about cuts in funding. I am here to raise concerns about the present system, as my colleague from Connecticut discussed, how opaque and changeable it is, and the difficulty of urban centers in planning to meet homeland security needs.

As my colleague from Maine indicated, I am a former mayor. I had hands-on involvement in this process. You need a greater measure of certainty. When you talk about communities such as Minneapolis-St. Paul, it is important to understand that you are dealing with regional concerns, that you cannot cut out one city because it is slightly smaller in size than the other city. I grew up on the east coast. I moved to the Midwest 31 years ago. When I moved to the Midwest, when I moved to St. Paul 1976, my mom, who was still in Brooklyn, thought the Twin Cities were Minneapolis and Indianapolis. She didn't realize it was Minneapolis and St. Paul. I excuse my mom. She didn't spend a lot of time out of Brooklyn in those days. But I expect more from the Department of Homeland Security. And in 2004 and 2005, anyone who looks at a map knows the Twin Cities and understands they work hand in hand. They are regional centers. They are divided by the Mississippi River, but they are connected essentially. They share a bus system, an airport, a land grant university. They both have significant major fire departments that coordinate with each other, particularly in dealing with issues of hazardous materials. The two cities work together on responses for infectious disease outbreaks and other public health threats.

Fortunately, the Department of Homeland Security, after much concern was raised by the process this year, granted St. Paul eligibility to share in Minneapolis's funding for this year. I don't think you can have effective homeland security when cities endure wild fluctuations in funding such as the 71-percent reduction the Twin Cities face this year. So the Collins-Lieberman amendment makes common sense, practical changes to the homeland security grant process to ensure continuity and accountability in terms of money distributed to States and cities.

Again, you can't do homeland security well if you are involved in a process that is opaque, that is changeable, that is prone to the wild fluctuations. This amendment wisely encourages regional cooperation by moving the focus of local funding from individual cities to metropolitan regions. Again, the Twin Cities are an ideal example of that. The reality is that, God forbid we faced a major terrorist attack in the Twin Cities or in one of the surrounding suburban areas, the Mall of America, one of the largest tourist attractions in the United States, 35 million people a year right outside the Twin Cities, if that were ever subject to a terrorist attack, clearly the departments of Minneapolis and St. Paul would be responding to those concerns. That is the world in which we live. We cannot isolate ourselves and live in little bubbles anymore. So the importance of focusing on the regional level reflects the reality of the world in which we live and the geographical reality, and it simply makes sense.

Under the new formula, communities are given considerable flexibility in forming regions that make the most sense locally. I would encourage other areas such as Minneapolis-St. Paul to do that, to understand that it is important to be able to combine resources, to maximize resources to deal with common threats to the region. Within the amendment, a region must be made up of two or more neighboring municipalities, counties, parishes or Indian tribes and must include the largest city in the metropolitan area. This will enable cities such as Minneapolis and St. Paul to be considered as one region rather than separate entities and benefit from the same funding stream. This makes sense.

For our Nation to be prepared, all States must be able to meet a basic level of preparedness. This amendment will double the funds that would be distributed based on threat, risk, and need while maintaining a predictable and meaningful level of funding for each State.

A predictable stream of funding is critical for States and local and tribal jurisdictions to embark on a long-term strategy of preparedness. That is the path we are on in a world in which we are so much more vulnerable. We need to plan as well as we can—plan for the long term—and to have a strategy of preparedness and to encourage cities and municipalities, counties, parishes, and Indian tribes to work together to meet the threats that are out there.

We currently require States to submit 3-year plans to the Department of Homeland Security and it is unrealistic to expect States to effectively plan ahead without providing some certainty on the funding they should expect to receive.

This amendment also creates new audit provisions, requires mandatory reporting, coordination among grant programs at different Federal agencies, and that individual expenditures be tied to achieving nationally established essential capabilities. So we are tying funding to meeting needs that are out there, tying funding to maximizing coordination, tying funding to achieving certain levels of preparedness. Tying spending to achieving national preparedness goals and holding States accountable to how funds are spent will prevent wasteful expenditures on other items that are not needed. Homeland security funding is not simply about getting more equipment in a Federal agency; it is not a Christmas tree; it is meeting needs. What we have in this amendment is to measure and make sure spending is tied to meeting the levels of preparedness and effectiveness. Requiring coordination among different Federal grant programs for first responders will prevent recipients from purchasing duplicative or incompatible equipment or training. The bottom line is that homeland security dollars will be spent more wisely and effectively, and that is what we should be doing.

This amendment is a great step forward in terms of contributing funds on a regional basis and ensuring that communities have the tools they need to work together to provide greater security for their residents. I look forward to supporting this amendment today and I urge my colleagues to support it as well.

I yield the floor.

Mr. AKAKA. Mr. President, I rise today in support of the amendment offered by Senators COLLINS and LIEBERMAN that would provide for homeland security grant coordination and simplification. I wish to thank them both for working with me and the other Members of the Senate Committee on Indian Affairs to include a provision in their amendment that is very important to Indian Country.

This amendment is based on S. 21, the Homeland Security Grant Enhancement Act, a bill that was reported out of the Homeland Security and Governmental Affairs Committee favorably and of which I am an original cosponsor. S. 21 recognizes that no State is immune to terrorist attack by requiring that each State receive at minimum .55 percent of appropriated funding. This is important to States like Hawaii that are smaller in population, but still have critical assets that need to be protected.

The Collins-Lieberman amendment also ensures that Indian tribes have access to homeland security funding. With more than 50 million acres of land comprising Indian Country, which includes dams, hydroelectric facilities, nuclear power generating plants, oil and gas pipelines, transportation corridors of railroad and highway systems, and communications towers, tribal governments need to have funds to protect and respond to threats of terrorism. Although the Homeland Security Act of 2002 included tribal governments in the definition of "local governments," this distinction has not guaranteed that tribal governments are consulted or involved in the protection of the United States. Nor does the act ensure that Indian Country will receive critical information regarding potential terrorist threats, and more importantly, the act does not give tribal governments the authority to detain potential terrorists who are found in Indian Country.

While the amendment does not fully address the homeland security problems that some tribal governments are experiencing, it is a bipartisan compromise that at the very least will ensure that Indian tribes with critical homeland security needs will be able to apply directly to the Department of Homeland Security for risk-based homeland security grants.

I am pleased that my colleagues recognize that tribes should have the same access to homeland security funding as the rest of the country. This is an important first step for Indian Country to address homeland security issues.

Again, I thank Senator COLLINS and Senator LIEBERMAN for their work on this amendment.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SYMPATHY FOR THE PEOPLE OF THE UNITED KINGDOM

Mr. FRIST. Mr. President, last Thursday, a series of four explosions struck the heart of London during the morning rush hour. At least 49 innocent victims were killed and 700 others were injured. A previously unknown group called the "secret group of al-Qaida's jihad" in Europe claimed responsibility in the name of al-Qaida for the attacks.

On behalf of the U.S. Senate and the American people, we express our heartfelt condolences to the victims, their families, and to the British people, our cousins across the Atlantic. We share in your grief and in your determination to hunt down the criminals who carried out this despicable act. We consider the attack last week on British soil an attack on the civilized world. We stand with the British people just as they have long stood with us.

For nearly two centuries, the United States and the United Kingdom have enjoyed a special relationship. We speak the same language. We share a heritage of freedom and our economies are inexorably intertwined. Our militaries, our intelligence services, our great corporations, and our distinguished universities share deep relationships. Today, our forces fight side by side in Iraq and Afghanistan, sharing the sacrifices and the victories.

As we learned on 9/11, our enemies are coldblooded killers who deliberately target innocent victims—women and men on their way to work, schoolchildren starting the new school year, and vacationers at the beach.

Our enemies pervert religion. They despise freedom. They seek to overthrow regimes and dominate the world. But as they learned on 9/11, America, the United Kingdom, and the free people of the world will not stand by. We are taking the fight to their soil, to their caves, to their hideouts. We are disrupting their terror cells and financing operations. We are strengthening our homeland defenses and sharing information among intelligence agencies and nations.

Brave men and women are working every day to thwart the enemy, to find him and bring him to justice. But as President Bush observed today, the terrorists need to be right only once. Free nations tend to be right 100 percent of the time. They need to be. And the best way to defeat the enemy is to stay on the offense.

We will call upon the international community to renew and strengthen its efforts to defeat the terrorists, dismantle their networks, and to drain the swamps of injustice, oppression, poverty, and extremism that feed their hateful ideology.

In the war on terror, we will not stop. We will not waiver. We will stand united against the enemies of freedom. And whatever it takes, wherever it takes us, we will win.

Mr. President, under the previous agreement, we will now have a moment of silence in memory of those whose lives were lost.

The PRESIDING OFFICER. The Senate will recognize 1 minute of silence.

(The Senate observed a moment of silence.)

The PRESIDING OFFICER. Under the previous order, the Senate will now consider S. Res. 193. The clerk will report.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 193) expressing sympathy for the people of the United Kingdom in the aftermath of the deadly terrorist attacks on London on July 7, 2005.

Mr. FRIST. Mr. President, I ask for the yeas and nays on the adoption of the resolution.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the resolution. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr.

CHAMBLISS), the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mr. CORNYN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Mississippi (Mr. LOTT), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SESSIONS), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. THOMAS), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Montana (Mr. BAUCUS), the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Minnesota (Mr. DAYTON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Arkansas (Mr. PRYOR) are necessarily absent.

I further announce that if present and voting, the Senator from California (Mrs. BOXER), and the Senator from Arkansas (Mr. PRYOR) would each vote "yea."

The PRESIDING OFFICER (Mr. TALENT). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 0, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—76

Akaka
Allard
Allen
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Clinton
Coburn
Coleman
Collins
Conrad
Corzine
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lugar
McConnell
Murray
Nelson (NE)
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Vitter
Voinovich
Warner
Wyden

NOT VOTING—24

Alexander
Baucus
Bayh
Boxer
Chambliss
Cochran
Cornyn
Dayton
Hutchison
Inhofe
Landrieu
Lincoln
Lott
Martinez
McCain
Mikulski
Murkowski
Nelson (FL)
Obama
Pryor
Sessions
Smith
Thomas
Thune

The resolution (S. Res. 193) was agreed to.

The preamble was agreed.

The resolution, with its preamble, reads as follows:

S. RES. 193

Whereas the United States and a broad international coalition have been engaged in a Global War on Terrorism since the terrorist attacks in Washington, D.C., New York, and Pennsylvania that occurred on September 11, 2001;

Whereas the people and Governments of the United States and the United Kingdom enjoy a deep and enduring friendship undergirded by shared history, language, and values;

Whereas the United Kingdom has been a strong and steadfast ally to the United States through two World Wars, the Cold War, the Gulf War, and the Global War on Terrorism, including the wars in Afghanistan and Iraq;

Whereas terrorists have planned and conducted attacks around the world during the four years after the Global War on Terrorism began in 2001, most notably the bombing of a night club on the Indonesian island of Bali on October 12, 2002 that killed 202 people and injured an additional 209, the bombings of two synagogues and the British Embassy in Istanbul, Turkey in November 2003, in which 56 people were killed and over 450 injured, and the bombing of the train system in Madrid, Spain on March 11, 2004 that killed more than 190 people and injured approximately 1,500;

Whereas on July 7, 2005, a series of four explosions struck the London public transportation system during the morning rush hour, killing at least 49 innocent civilians and injuring approximately 700 others;

Whereas a previously unknown terrorist group claimed responsibility for the attacks in the name of al Qaeda;

Whereas the terrorist attacks in London coincided with the opening of the G-8 Summit in Gleneagles, Scotland, a Summit committed to bringing help and hope to the poorest countries of the world;

Whereas President Bush immediately condemned the terrorist attacks and extended the "heartfelt condolences" of the people of the United States to the people of the United Kingdom;

Whereas Prime Minister Tony Blair vowed, on behalf of the United Kingdom and the world leaders attending the G-8 Summit in Gleneagles, Scotland, to remain steadfast and strong in the fight against terrorism, stating, "All of our countries have suffered from the impact of terrorism. Those responsible have no respect for human life. We are united in our resolve to confront and defeat this terrorism that is not an attack on one nation, but all nations and on civilized people everywhere. . . . It's important . . . that those engaged in terrorism realize that our determination to defend our values and our way of life is greater than their determination to cause death and destruction to innocent people in a desire to impose extremism on the world", and declared, "We shall prevail, and [the terrorists] shall not";

Whereas the North Atlantic Council, the governing body of the North Atlantic Treaty Organization, after meeting in an extraordinary session, reaffirmed the determination of the members of the North Atlantic Treaty Organization to combat the scourge of terrorism and defend the values of freedom, tolerance, and democracy using all available means;

Whereas world leaders attending the G-8 Summit in Gleneagles, Scotland expressed condolences to the people of the United Kingdom and issued a joint statement to "condemn utterly these barbaric attacks"; and

Whereas Prime Minister Tony Blair, speaking on behalf of the world leaders attending the G-8 Summit in Gleneagles, Scotland, declared, "We are united in the resolve" to defeat terrorism, which is "not an attack on one nation, but on all nations": Now, therefore, be it

Resolved, That the Senate—

(1) expresses deepest sympathies and condolences to the people of the United Kingdom and the victims and their families for the heinous terrorist attacks that occurred in London on July 7, 2005;

(2) condemns these barbaric and unwarranted attacks on the innocent people of London;

(3) expresses strong and continued solidarity with the people of the United Kingdom and pledges to remain shoulder-to-shoulder with the people of the United Kingdom to bring the terrorists responsible for these brutal attacks to justice; and

(4) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that breeds terrorism.

(At the request of Mr. DURBIN, the following statement was ordered to be printed in the RECORD.)

● Mrs. BOXER. Mr. President, on the way from California to Washington this morning, my plane had engine trouble, and I had to return to California. As a result, I was not able to make the vote on the resolution condemning the terrorist bombings in London last week and expressing sympathy for the people of the United Kingdom.

Had I been present, I would certainly have voted for the resolution. I hope that it serves to strengthen our resolve to go after the terrorists and to do everything we can to protect the people of the United States, particularly by doing more to secure our rail and transit systems.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mrs. LINCOLN. Mr. President, on Monday, July 11, 2005, I testified before the Base Closure and Realignment Commission regional hearing in San Antonio, TX, regarding Department of Defense recommended changes to military installations in Arkansas and Texas. Therefore, I was absent during vote No. 173 on the Senate Resolution condemning the terrorist attacks in London on July 7 and expressing sympathy for the victims, their families and the people of the United Kingdom. Had I been present, I would have voted yea in support of this resolution.●

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. Who seeks recognition? The Senator from New Hampshire.

Mr. GREGG. Mr. President, at this point, just to inform the membership, what is going to happen is Senator FEINSTEIN is going to introduce an amendment, and then Senator ISAKSON is going to take time to speak to his amendment.

Tomorrow morning, we hope to reach an agreement where Senator FEINSTEIN's amendment will be debated along with the amendment of Senator COLLINS for up to 3 hours evenly divided, and then we will have votes on those two amendments.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the distinguished Senator from New Hampshire, the chairman of the subcommittee. I will very shortly propose an amendment which will stand next to Senator COLLINS's amendment.

The purpose of my amendment is simple. It provides that the Secretary of Homeland Security will ensure that Homeland Security grants are allocated based on the assessment of threat, vulnerability, and consequence to the maximum extent practicable.

This amendment dovetails S. 1013 which Senator CORNYN and I submitted earlier. Cosponsors are Senators LAUTENBERG, BOXER, HUTCHISON, KERRY, MARTINEZ, SCHUMER, NELSON of Florida, CLINTON, CORZINE, KENNEDY, and DODD.

AMENDMENT NO. 1215 TO AMENDMENT NO. 1142

(Purpose: To improve the allocation of grants through the Department of Homeland Security, and for other purposes)

I send this amendment to the desk and ask it be set aside until 10 a.m. tomorrow morning.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. KERRY, Mr. MARTINEZ, Mr. SCHUMER, Mr. NELSON of Florida, Mrs. CLINTON, Mr. CORZINE, Mr. KENNEDY, and Mr. DODD, proposes an amendment numbered 1215 to amendment No. 1142.

Mrs. FEINSTEIN. I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. I ask unanimous consent the pending amendment be set aside and my amendment be called up.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1070

Mr. ISAKSON. Mr. President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. ISAKSON] proposes an amendment numbered 1070.

Mr. ISAKSON. I ask unanimous consent the reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Expressing the sense of the Senate that inadequacies in border protection and alien and drug smugglers' methods, routes, and modes of transportation are potential vulnerabilities that can be exploited by terrorists to illegally smuggle terrorists and their weapons into the United States, surveillance of the entire border between the United States and Mexico is essential to protect the United States, and the Mexican Government must commit to addressing its own domestic border security policies, which contribute to the present inadequacies in our Nation's homeland security)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING BORDER SECURITY.

(a) FINDINGS.—Congress finds the following:

(1) The illegal alien population has risen from 3,200,000 in 1986 to 10,300,000 in 2004.

(2) In fiscal year 2001, United States Border Patrol agents apprehended almost 1,200,000 persons for illegally entering the United States.

(3) Senate Report 109-083 states, "there are an estimated 11,000,000 illegal aliens in the United States, including more than 400,000 individuals who have absconded, walking away with impunity from Orders of Deportation and Removal".

(4) Between 1,000 and 3,000 special interest aliens from countries with an active terrorist presence enter the United States each year.

(5) Of the 1,200,000 illegal aliens apprehended on the border between the United States and Mexico, 643 were from countries with known terrorism ties, including Syria, Iran, and Libya.

(6) Senate Report 109–083 states, "officials of the Department of Homeland Security have conceded the United States does not have operational control of its borders", including areas along the 1,989-mile southwest border between the United States and Mexico.

(7) The daily attempts to cross the border by thousands of illegal aliens from countries around the globe continue to present a threat to United States national security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) this Nation cannot thoroughly address the security of the United States without recognizing the reality of terrorists taking advantage of inadequacies in border security along the border between the United States and Mexico;

(2) every effort should be made to increase the technology and efficiency in preventing these individuals from entering the United States across the Mexican border;

(3) the Mexican Government has an obligation to secure its side of the border between the United States and Mexico; and

(4) the Mexican Government must commit to addressing inadequacies in its own domestic and border security policies, which are contributing to the present dilemma in border security.

Mr. ISAKSON. I express my appreciation to the subcommittee chairman, Senator GREGG of New Hampshire. It is my understanding from the chairman that it has been agreed to accept the amendment.

Mr. GREGG. Mr. President, I believe the Senator can ask unanimous consent for approval.

Mr. ISAKSON. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1070) was agreed to.

Mr. ISAKSON. Mr. President, the amendment is a sense-of-the-Senate amendment to the Homeland Security Appropriations bill dealing with border security. I commend the subcommittee chairman on the tremendous investment this bill makes in homeland security and in border security to the United States of America.

A few months ago when I made one of the first speeches in the Senate with regard to the floor supplemental, I talked a little bit about REAL ID and what is the largest single domestic issue in the United States today, illegal immigration.

In that particular speech I made a note that I love our system of immigration, love the fact you can come to this country and become a citizen—I am a second-generation American myself—but we have been flooded as a nation over the past decade by a tremendous influx of those who have come illegally, many over the border of the south, although obviously to the north as well.

This goes a long way toward providing the funding to Customs and to Immigration to begin enforcing laws on the books, making it tougher to come into the United States the wrong way and hopefully making it easier to come to the United States the right way, the legal way.

We need a partner on our southern border. The sense-of-the-Senate amendment is very simple. It simply asks the Government of Mexico to assist in helping to secure the border between the United States and Mexico to ensure that those who immigrate into this country are coming in consistent with the laws of the United States of America.

We have a great trading partner to the south. We have a great neighbor to the south. We have a country that shares many common interests. We have a country that we enjoy being our neighbor. We also would like for them to be our partner in seeing to it that the border we share is secure so that those who are crossing are crossing legally and consistent with the laws of that nation.

I thank the subcommittee chairman for his cooperation. I thank the Senate for agreeing to this amendment. I am pleased we can express this sense of the Senate that the common interest of both countries is in the best interests of America when it comes to the border security between ourselves and the country of Mexico.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent the following Senators be added as cosponsors of the Collins-Lieberman amendment No. 1142: Senator REED of Rhode Island, Senator BINGAMAN, and Senator HARKIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. This is in addition to the cosponsors previously cited.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I rise today to discuss the fiscal year 2006 Homeland Security appropriations bill.

Protecting the security of our people and our homeland is the most important responsibility that any Member of this body possesses. It is, therefore, our solemn obligation to review this bill carefully and make certain it adequately addresses our Nation's vulnerabilities.

The question should be, Have we done all that we can do to make America safe? Now, obviously, none of us can look into the minds, the perverted minds of the terrorists and know everything they might do to harm us or people around the world, as we saw again in London last week. But I think we do have an obligation to do all we can. Does that mean even after we do it there will never be an attack? Of course not. But we have to try, to the best of our human ability, to protect our citizens and make our Nation safe by deterring, detecting, and preventing terrorist attacks.

I believe—and I am sure many of my colleagues would agree—that to make America truly safe we need to carefully allocate our homeland security resources. We need to make sure the money we appropriate in Congress gets to where it is most needed; that the American cities, States and places that are under the greatest threat, that are most vulnerable, receive the funding they need to be protected.

I have advocated for threat-based allocation of homeland security funds for several years now. Last year, the 9/11 Commission made a very specific recommendation. It urged Congress to base Federal funding for emergency preparedness solely—solely—on risks and vulnerabilities.

Over the last 4 years, the Department of Homeland Security and its agencies have provided $11.3 billion to State and local governments to prevent, prepare for, and respond to acts of terrorism. Additionally, $3.2 billion in grants and other assistance provided by other Federal agencies has also gone to State and local responders to take on the terrorist threat.

Unfortunately, nearly half of this $14.5 billion has been allocated according to congressionally mandated formulas that bear little relation to need, risk, vulnerability, or threat.

Last September, when the Senate took up consideration of the Intelligence Reform and Terrorism Prevention Act of 2004, I offered an amendment to require the Secretary of Homeland Security to allocate formula-based grants to State and local governments based on an assessment of threats and vulnerabilities, in accordance with the recommendations of the 9/11 Commission.

Although the amendment was tabled, I am thankful, as are I am sure millions of my fellow Americans who live in high-threat communities, that the President has finally heard our concerns. He proposed, in the fiscal year 2006 budget, a restructuring of $2.6 billion in grants for States, urban areas, and infrastructure protection. Under the President's proposal, DHS, the Department of Homeland Security, will target grants to fill critical gaps in State and local terrorism prevention and preparedness capabilities, taking into consideration threats and vulnerabilities.

While I am not completely satisfied with the formula—of course I could not be, representing New York, which remains, by all the intelligence we are privy to, the No. 1 target of the terrorists in our country—I am pleased by the recognition of the President and Secretary Chertoff that we are now called upon to look at threat-based funding. That is indeed welcome news.

While this bill we are considering makes important steps toward securing our homeland, there are certainly some deficiencies that we cannot afford to ignore. Last week's tragic events in London highlighted one of our Nation's most glaring homeland security deficiencies—the vulnerability of our rail and transit systems.

We have seen these senseless, evil terrorist attacks in Japan, Russia, Spain, and now England. These attacks, like the one that struck our own country on 9/11, hit when innocent people were going about their everyday lives. All of these cowardly acts were not merely attacks on individuals but an attack on a way of life.

These attacks on the subway and transit systems around the world are a clear signal to this Congress that we have to fill this glaring hole in our national security budget.

Now, our resolve to stand against these acts of terrorism will not waiver. But courage and determination is not enough. We must also commit, with equal force, to developing a comprehensive plan and allocating adequate resources to guard against similar attacks in our own cities and States.

I know there are some who argue against increasing the funding for homeland security because they say: Well, we can't possibly guard against every risk and vulnerability. I read a comment by one think tank pundit who said: We can't childproof our Nation.

Well, childproofing a home when a new baby arrives is something I take very seriously. I think most parents do as well. We go out and we buy those little plugs to put into outlets. We move to a higher shelf household cleaners and poisons. We go out and maybe buy one of those little gates to put at the top and bottom of stairs. We obviously take steps to childproof our homes.

Starting in the 1970s, responsible parents got some help from the Federal Government, which, looking at the evidence, determined that a lot of children were getting into the prescription pills of their parents and suffering severe injury, even death. So along came the childproof top that made it very difficult for little hands to open those dangerous pill bottles. And other steps were taken so that responsible parents could have some control over the circumstances in their homes and in their communities that their children would face.

Does that mean every risk facing every child was eliminated? Of course not. But we saved a lot of lives. We protected a lot of children. We provided a lot of peace of mind to many mothers and fathers.

So when somebody in a kind of offhand, critical way says, "What do these people expect when they call for more money for rail and transit security or for border security or for chemical plant security? They are trying to childproof the Nation," I view that as an ignorant insult. Of course we are trying to protect our Nation. That is our highest obligation. We know we cannot protect against everything, but we have to do all we can to make sure every community is as protected as we can make it.

We know from every expert who has looked at rail and transit security that we are woefully underfunding it. In fact, based on the research and analysis I have seen, it would take approximately $7 billion to protect across this country the tens of millions of people who use our mass transit systems—our subways, our buses, our trains, our ferries—every single day to get back and forth to work, to go about their daily lives.

We know millions of Americans use this because they have to. It is convenient. It is inexpensive. It fills their needs. In New York, we have millions and millions of New Yorkers who ride the bus and the subway and the ferries and the trains every single day. So when the tragedy struck in London, it was again a tragic wakeup call for our own country.

I know we cannot provide all the funding that many of us believe is necessary to take the steps required to protect our transit systems. But we certainly must do more than the $100 million currently in the Senate bill. I am grateful the Senate majority leader has recognized the bill's reduction from last year's $150 million to $100 million was a step in the wrong direction and that at a minimum we need to restore the $50 million that was cut.

If we look at how much money has been spent on airline security, we find it totals $18 billion. We all know that following the attacks of 9/11, spending that money on airline security was absolutely necessary. Some of it went a little overboard—people who have no profile of fitting any kind of terrorist identity being strip-searched or being stopped or people going through all the security—but we spent that money because we knew we had to deter those people who might wish us ill by using our air against us.

We simply cannot continue to shortchange rail and transit security. More people are riding our transit systems than ride our airplanes and commercial aviation.

Last October, the Senate passed the Rail Security Act of 2004. The bill was introduced by Senator McCAIN, and I was proud to be an original cosponsor. That bill would have authorized Amtrak and New York to receive over $570 million to upgrade the six tunnels for better ventilation, electrical and fire safety technology upgrades, emergency communications and lighting systems, and emergency access and egress for passengers.

A couple of years ago I stood right in this spot with pictures of what the tunnels in New York look like. We now know one of the explosions in London took place in Kings Cross. The rescue workers have not even been able to get there yet. They are not even sure they have recovered all of the bodies.

We will learn from this horrible tragedy, and we will be able to do an even better job in what we need to do to protect tunnels and bridges and other essential infrastructure for our rail and transit systems. But I am bewildered because the $150 million we appropriated last year for rail and transit security has not yet been fully distributed by the Department of Homeland Security to the cities and the States that need it. Instead of being put to work on behalf of improved safety in our rail and transit systems, it is sitting on the ledgers of the Department of Homeland Security.

We need to spend that money, and we need to be smart about how we spend it. But the plans that city and State transit systems have developed can't be implemented if the Federal Government doesn't do its part.

I hope, as we consider the Homeland Security appropriations bill this week, we will support the amendments that increase funding for securing our Nation's rail and transit systems. I hope we will do so because it is the right thing to do and because the bombings last Thursday in London were such a tragic reminder of what we still need to do to protect our own homeland from senseless and barbaric actions of extremists.

I am proud to join Senators SHELBY, SARBANES, INOUYE, REED, and other colleagues in an amendment to add over $1.3 billion in additional rail and transit security grants. I am absolutely confident that our Nation is up to the task of securing our mass transit systems. I am absolutely confident that this body is capable of dedicating the resources necessary to get this essential job done. I hope this week proves that we are ready, we are willing, and we are able to do everything possible to protect our Nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I want to add a comment or two to our colleague from New York. I believe in the fiscal year 2005 appropriations bill, which is currently in effect, there was about $150 million that could be used for improving transit and rail security. I believe, as of last week, none of that money had been allocated. I hope that is not true, but that is what I have been briefed by my staff. None of that $150 million has been allocated. One has to wonder what it takes. I fear that it may take some tragedy to really get our attention, the attention of the executive branch to begin allocating the money and putting it where it can do the most good most promptly.

As I understand it, the administration has asked for no appropriation in their budget proposal for fiscal 2006 for rail security and transit security. The committee has put in $100 million for that purpose, and I believe the committee has agreed to raise it to the current level of appropriation of $150 million. But if the administration is not going to spend the money, what good does it do for us to allocate. It is very disappointing. I hope it is not true, but I am afraid it probably is.

I thank my colleague for bringing this to our attention and join her in saying we can do a lot better and we have to.

Some time tomorrow, we are going to have the opportunity to vote on several options for allocating aid to first responders in our 50 States, firefighters, police, paramedics, and others who are first on the scene. When tragedy strikes and that tragedy happens to be a strike launched by terrorists, they will be the first to be there, whether it is Delaware, Missouri, New York, or any other State.

I rise to express my strong support for an amendment that is going to be offered tomorrow by Senators COLLINS and LIEBERMAN. That amendment seeks to streamline the system for distributing first responder aid to States, tries to make the system more fair, and seeks to ensure that every State, large or small, receives the funding that may be needed to respond to terrorist attacks and to other disasters.

Senator COLLINS and I have been working with Senator LIEBERMAN and other members of the Homeland Security and Governmental Affairs Committee on this issue for some time. In fact, Senator COLLINS and I first introduced legislation on this topic more than 2 years ago. That original bill came after a series of hearings we held in our committee, highlighting the fact that the way we help States prepare for disasters simply makes little sense. The application process is lengthy and confusing. More importantly, the funding formula simply isn't getting money to those who need it the most.

States, counties, cities, and first responders all told us in one voice that we need to do something about it. Much of what Senator COLLINS and I and our colleagues did in that initial legislation a couple years ago to respond to the concerns is reflected in the amendment that will be offered tomorrow by Senators COLLINS and LIEBERMAN.

That amendment mirrors in many respects the bill that Senator COLLINS and I introduced 2 years ago. For example, the amendment streamlines the grant application process. It creates a one-stop shop within the Department of Homeland Security where State officials and others can seek grant information. It also ensures that funds are distributed as quickly as possible and requires States to go through a planning process that would include both localities and first responders.

In addition, we take steps in this amendment to give States more flexibility in spending their first responder aid. Not every State is the same. Missouri's needs may be different than Delaware's. This amendment, as with our earlier bill, gives States the ability to ask for a waiver from the Department. If they want to use a little more money for training or equipment or exercises or planning, they can go to the Department and ask for a waiver to do so. One size does not fit all. This amendment, such as our earlier bill, acknowledges that.

Funding formulas are akin to what they used to say about beauty. Beauty is in the eye of the beholder. The beauty of a funding formula is oftentimes in the eye of the particular State that is eyeing the formula. I believe we have gone a long way toward addressing the concerns that some of our colleagues from more populous States have raised over the years. There were concerns among a number of Senators, both on and off the Homeland Security Committee, that the current program in our original legislation directed too much aid to smaller States, to less populated States, at the expense of larger States or more populated States and high-threat urban areas. I believe we have addressed those concerns.

A version of this amendment that was added by a unanimous vote to the intelligence reform bill last year provide additional allocations to the dozen or so largest States in the country. It also allowed the Secretary of Homeland Security to distribute a portion of the funding made available for State grants directly to the most at-risk urban areas. We go even further this year, further than some of the supporters of our original legislation might like to have gone. In an effort to shift even more funding to those parts of the country most at risk, Senator COLLINS, Senator LIEBERMAN, and the rest of us who support their amendment have negotiated a new funding formula that actually reduces the baseline allocation or the so-called small State minimum guaranteed to every State.

Currently in the bill, it is 0.75-percent minimum for every State. The amendment that will be offered tomorrow by Senators COLLINS and LIEBERMAN and myself and others would take that minimum down to 0.55 percent. We have also added language in this amendment that gives the Secretary the discretion to allocate up to half of the available funds to big cities. In total, these efforts have resulted in what I think is a balanced formula that I am told allocates about twice as much aid on risk as we did in last year's appropriations bill.

There will be some who will argue that the baseline allocation in this amendment should be even smaller or that it should not exist at all. I respond to that argument by simply pointing out that my own home State of Delaware may be small. We may have a small population—about 800,000 people, in fact. That is more than about six States that are, frankly, bigger than us in size have. But Delaware is home to significant critical infrastructure such as chemical facilities, oil refineries, and one of the most important ports in the country, and those could be unfortunately on a terrorist target list.

Right across the Delaware River, about 15 miles from my home, are two nuclear powerplants. Up and down the northeast corridor we have I–95 carrying, each day, hundreds of thousands of cars, trucks and vans, including trucks carrying some dangerous material. We have the northeast rail corridor through which some of our largest freight railroads pass, again carrying all kinds of cargo, goods, including some which are hazardous, potentially a target to terrorists. We have the Delaware River, the Delaware Bay. Every day dozens of ships go up and down the Delaware River, any number of which carry cargo that could be considered hazardous.

My staff and I have talked to any number of public safety officials in Delaware. Here is what they tell us. They tell us that they are not getting the resources they need to enable them to respond to incidents that the Department of Homeland Security itself has told us have a real possibility of happening in our State. I am sure many of my colleagues from States large and small could share similar stories with us, and they probably will during the course of this debate. That is one reason why we need to approve this amendment.

I urge all of our colleagues to support this compromise amendment. It does the best job of any proposal that I have seen at getting the most at-risk parts of our country the first responder aid that they need without arbitrarily shortchanging smaller States like Delaware that may be small in size but the risk profile belies the modest size in population.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

AMENDMENT NO. 1129

Mr. AKAKA. Mr. President, I rise today to address the VA health care system's funding crisis. I thank my colleague, the Democratic leader, Senator REID, for his determination to ensure that $1.5 billion is provided as soon as possible. At this point, it is widely known that VA is facing a tremendous funding shortfall this year. What we need to do now is ensure that VA gets these funds as expeditiously as possible.

I am glad the administration has admitted that there is a shortfall. But I point out that VA officials have proven themselves to be an unreliable source of information. And judging by the supplemental sent forward by the President, they are less than generous, and frankly, less than accurate. The $975 million now proposed by the administration—and carried forward by the House—falls short of addressing all of VA's problems.

You need only look at the administration's own estimate for new costs associated with returning service members. VA now believes that 103,000 more veterans will be treated this year. The cost of treating this kind of patient is $5,437 a year, as documented by VA data. Yet, the administration wants to now convince us that, in fact, the cost of treating a patient is less than half of this amount. Again, using VA data, the cost of caring for an additional 103,000 returning veterans is $560 million and not the $273 million suggested by the administration. Other key programs such as readjustment counseling and dental care were also not sufficiently covered by the House in the VA supplemental.

It is imperative that we make sure the funds we provide now are truly sufficient, so we do not face this situation again. It is simply not right to use out-of-date equipment to treat veterans or force them to wait months for care.

The Senate has already spoken in a very bipartisan manner on this issue. We are all very proud of our effort to arrive at the $1.5 billion figure previously agreed to before the July Fourth recess. Given the House's work to provide less than the full amount needed, it is clear that we have more work to do for this year.

The battle for next year's funding will be upon us shortly. During the budget resolution debate in March, I offered an amendment to increase VA's funding by $2.8 billion for next year. I stood before this body and outlined the case for a significant increase for VA. But we were rejected because the administration claimed VA needed far less. Yet we are back to square one with regard to next year's funding.

Then, again, during the war supplemental debate in April—while VA remained silent as they were beginning to see warning signs—we were defeated in our efforts to secure more funding for this year. Again, this was because the administration failed to be forthcoming about the struggles that VA providers and patients were facing.

Hopefully, we all learned a clear lesson from this experience, that communicating with health care providers in the field and with the Veterans Service Organizations is invaluable. They told us what was really going on months ago.

I know my colleagues agree that we do not want to see this scenario repeat itself yet again. We have pressed this issue, and now we have another opportunity to finally fix the problem and fulfill our promise to this Nation's veterans. At the very least, this crisis has resulted in longer waiting times for care, hiring freezes, and delayed upgrading of medical equipment and facilities, to name a few.

This amendment is one way to fix the VA funding crisis. Providing $1.5 billion in supplemental funding would ensure that each region of the country can get the funds needed to pull themselves out of the current crisis.

But I continue to be open to any approach that ensures the highest quality health care for our Nation's veterans. Along those lines, I appreciate the work that Senators CRAIG and HUTCHISON and our other colleagues are doing to tackle this problem. I believe we can find a solution, together.

I yield the floor.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEXUAL PREDATORS

Mr. DORGAN. Mr. President, this is a poster that shows what I discovered on the Internet in North Dakota. I discovered this in the month of April. I was going to have a meeting in Fargo and, just out of curiosity, I called up the North Dakota registry of sex offenders, to find out who was living within 2 miles of where I was having the meeting, at city hall in Fargo, ND. In the briefing book I had, I described this fellow to the people who came. His name is Joseph Duncan. The entire country knows of Joseph Duncan now. When I described Mr. Duncan, many people in the area didn't know him.

This sheet from the North Dakota Attorney General's Office, Bureau of Criminal Investigation, shows that Joseph Duncan was living in Fargo, ND. He was a sexual predator, and he had served a 20-year prison sentence for a first-degree rape. In 1980, he raped a 14-year-old boy at gunpoint, burned the victim, and made the victim believe he was going to be killed by firing the gun twice on empty chambers. And he went to prison.

In 2000, he was released from prison. He completed his full sentence, and was released without probation or parole. He went to live in North Dakota.

Again, I mentioned him in April of this year at a meeting simply because his name came up on an inquiry I did about who was living in Fargo, ND.

What I didn't know in April, when I mentioned Mr. Duncan, was that 1 month earlier he had been charged with molesting a 6-year-old boy at a playground in Detroit Lakes, MN. He appeared in court April 5 on those charges, a county judge set the bail at $15,000, and Joseph Duncan was released, promising to stay in touch. Of course, he didn't. He promptly disappeared.

As we know from substantial media coverage in recent weeks, Joseph Duncan was subsequently arrested in Idaho for kidnapping 8-year-old Shasta Groene. Her brother, 9-year-old Dylan, was missing. Their family was murdered upon the abduction of these two young children. The remains of Dylan have now been located. Duncan has been charged with abducting and molesting both children and is also under investigation for the murder of Dylan and the parents.

It is so frustrating to be here talking about this. It is a breakdown in common sense. Martha Stewart was let out of a minimum security prison and was required to wear an electronic bracelet and, apparently, she still wears one at her home under the disposition of the court. But we have known violent sexual predators walking around this country with no such level of supervision.

I have been on the Senate floor many times talking about a bill I introduced called Dru's law. I have shown colleagues a picture of a young woman named Dru Sjodin, who was brutally murdered and whose alleged assailant is a man named Mr. Rodriguez.

Mr. Rodriguez was in prison for 23 years. He is a violent sexual predator. He was let out, even when he was judged to be a high risk for reoffending. We know that 70 percent of the time high-risk sexual predators are going to reoffend. In most cases, their next offense will be more violent. Mr. Rodriguez allegedly murdered Dru Sjodin. The evidence is very substantial. He was walking around with not much more than a "see you later" at the prison door, much like Joseph Duncan. Mr. Duncan had been convicted previously of violent sexual offenses, and then he was accused in April of molesting a 6-year-old boy. What happens to him? He goes through a revolving door in the criminal justice system to be let out at $15,000 bail. Martha Stewart is wearing that bracelet and this fellow is turned back out on $15,000. Then this young girl named Shasta Groene is kidnapped with her brother Dylan and they were sexually molested. People are dead.

Dru's law, which I introduced well over a year ago, has been passed by the Senate once and didn't get through the House. Senator SPECTER and I and others have introduced it again, and my hope is very much that in the month of July we can get it through this Chamber and through the House and get it to the President for signature. It has three simple provisions: One, there should be a national registry of sex offenders, a national registry of sexual predators. This isn't rocket science. Somebody like this who rapes a 16-year-old boy at gunpoint needs to go on a sexual predator registry, and no matter where this person showed up in the criminal justice system, regardless of state lines, the public should be able to know that he is out there. We need a national registry of sexual predators.

Two, before a high-risk sexual predator is about to be released from prison, the local State's attorney must be notified in the event that they believe this person is so dangerous that they need to seek additional civil commitment. That must be the case.

And three, if, in fact, a high-risk sexual predator is released at the end of his term, there must be intensive monitoring by local governments. Once again, electronic monitoring bracelets are not just meant for Martha Stewart. They ought to be meant for very violent offenders like this who abduct and brutalize young children at gunpoint.

We can do much better. It is not only about Dylan and Shasta and Dru Sjodin; month after month, we read these stories.

Jessica Lunsford, 9 years old, Mark Lunsford's daughter, was abducted in February from her bedroom in her Florida home, and they found her body a month later. The crime was committed by a 46-year-old convicted sex offender with a 30-year history.

We know who these people are. They have been in the system before.

Sarah Michelle Lunde disappeared April 9 in Ruskin, south of Tampa, FL. David Onstott, a convicted sex offender who once had a relationship with the girl's mother, has confessed to killing her.

Jetseta Gage, of Cedar Rapids, IA, was abducted, sexually assaulted, and murdered. Roger Paul Bentley has been arrested for that crime. He is a convicted sex offender on Iowa's sex offender registry.

This has to stop. We know who these people are. Statistics tell us that over 70 percent of the violent sexual predators, when let out of prison, are going to reoffend. I am talking about type 3 sex offenders, judged to be at highest risk, as Mr. Rodriguez was when he was let out of prison and then within 6 months allegedly murdered Dru Sjodin.

When psychologists and psychiatrists evaluate sexual predators to be the highest risk, we cannot any longer say goodbye, so long, good luck at the prison door. We cannot let that happen again. We have to begin protecting innocent people. There are too many children whose lives are being lost.

Again, this is not rocket science. We know what is happening here, and we know how to stop it. Mark Lunsford wrote to me after his daughter was murdered. He said:

> If my daughter's death is going to have any meaning, it will be through your efforts strengthening existing laws, by making our streets safe for all children. My heart continues to break as I mourn the loss of my beautiful little girl. I do not want other families to suffer as mine has, and I believe your efforts will go far toward that important goal.

My hope is that Senator SPECTER and many others who have cosponsored this bill that I have introduced will help to pass Dru's Law once again through the Senate, and then work hard to get it through the House and to the President's desk for signature. It is long past the time this country has a national registry of sexual predators, violent sexual predators who all too often are getting away with murder.

HONORING OUR ARMED FORCES

DEATH OF PRIVATE FIRST CLASS ERIC PAUL WOODS

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Eric Paul Woods of Omaha, NE, a Private First Class medic in the U.S. Army. Private First Class Woods was killed by an explosion after stopping to save a wounded soldier on July 9 near Tal Afar in Iraq. He was 26 years old.

Private First Class Woods grew up in Urbandale, IA. and graduated from Urbandale High School in 1997. He moved to Omaha 5 years ago, joined the U.S. Army in April 2004 and was deployed to Iraq on March 8, 2005. Private First Class Woods was a member of G Troop, 2nd Squadron of the 3rd Army Cavalry, headquartered at Fort Carson, CO. Private First Class Woods will be remembered as a loyal soldier who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Private First Class Woods are currently serving in Iraq.

Private First Class Woods is survived by his wife, Jamie, and their 3-year-old son, Eric Scott, of Omaha, and his parents Charles and Jan Woods of Urbandale, IA. Our thoughts and prayers are with them at this difficult time. America is proud of Private First Class Woods' heroic service and mourns his loss.

I ask my colleagues to join me and all Americans in honoring PFC Eric Paul Woods.

REMARKS OF DR. WANGARI MAATHAI

Mr. LUGAR. Mr. President, I recently had the honor of meeting with Nobel Peace Prize Winner, Dr. Wangari Maathai of Kenya.

Dr. Maathai began a program of planting trees in 1976. She developed it into a grassroots organization that emphasized tree planting by women and children in order to conserve the environment and improve their quality of life. This program, which became known as the Green Belt Movement, has assisted women in planting more than 20 million trees throughout the world.

Dr. Maathai is internationally recognized for a lifelong dedication to democracy, human rights and environmental conservation. She has addressed the U.N. on several occasions and spoke on behalf of women at special sessions of the General Assembly for the 5-year review of the earth summit.

Earlier this year, Dr. Maathai gave an address inaugurating the World Food Law Institute's "Distinguished Lecture Series." I ask unanimous consent that a copy of her remarks be printed in the RECORD for the benefit of my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INAUGURAL WORLD FOOD LAW DISTINGUISHED LECTURE, HOWARD UNIVERSITY WORLD FOOD LAW LUNCH, COSMOS CLUB, WASHINGTON, DC,

MAY 10, 2005.—Thank you very much. Professor Marsha Echols, Excellencies, ladies and gentlemen, it is a unique pleasure and privilege and indeed honor to be here and to be received so warmly by you here in Washington, DC.

I think that one of the most humbling experiences I have is that when you do these things you don't do them thinking that other people are noticing and you don't do them so that one day you may be a Nobel Peace Prize winner. So, it is always very humbling to know that there were people who were watching and there were people who were appreciative of what we were doing. But we all now acknowledge that what the Norwegian Nobel Committee did on the day they decided that they wanted to focus on the environment for the very first time was both historic and visionary. It was a way of urging us to make a mind-shift in the way we think about security, in the way we think about peace, and to understand that you cannot achieve peace without looking at the environment.

Those of us who have been working on peace, democratization, environment movements, in women's movements, we always felt that indeed these issues are related, but nobody could have said it so dramatically and with so much persuasion as the Norwegian Nobel Committee. As I was trying to explain from my own perspective how these issues are related, I was inspired by a metaphor that I have been using. The metaphor is an African, traditional stool with three legs. A traditional African stool is actually made from one log and then three legs are chiseled out and a seat is also chiseled out in the middle so that when you sit, you sit on this basin, which rests on three legs.

I compare the three legs to the three pillars that the Norwegian Nobel Committee identified. One leg is that of peace. The other is that of democratic space, where rights are respected—women's rights, human rights, environmental rights, children's rights, where there is space for everybody, where minorities and the marginalized can find space. The third leg is the environment, that needs to be managed sustainably, equitably, and in a transparent way, the resources of which also need to be shared equitably.

That word "equitably" is very important in the management of those resources. If you look at many of the conflicts we have in the world, they are often due to the fact that we do manage our resources but we do not share them equitably. Or we manage our resources so poorly that they become degraded, depleted and so we start fighting over the little that is left. That happens at the national level, at the regional level, or even at the global level. So these three pillars, the pillar of peace, the pillar of the environment, and the pillar of democratic space, are extremely important for any state that intends to be stable. For when a state rests on these three pillars then the basin of the seat becomes the space, the environment, the milieu in which we can do development. Here we can meet as donors, as states, as financiers. We feel secure, we feel safe, because we are resting safely on those three pillars.

In many regions, not least my own, many countries are resting on two legs, some are resting on one leg, and some have no legs at all. We know how desperate the situation can be when the basin is literally on the ground. No development can take place. That to me is the main message that this Prize has brought to the world. To urge us as human society to rethink how we develop and to understand that we cannot force development, we cannot keep that basin up, if those three legs are not stable, and that we have to invest in those three legs. We have to invest in the environment. We have to invest in cultures of peace, continuously and deliberately. We have to invest in cultures of democratization, of democratic space. I prefer to call it democratic space because if I say democracy some people might feel like that's not exactly what they want to describe. But democratic space gives us a space to be ourselves, a space to be creative, a space to be self-respecting, a space to feel good about ourselves, a space to dream, and a space to aspire. We can do all that if the three pillars are safe.

That is true whether it's a small country like Kenya or a big country like the United States of America. This is the message that we have been challenged to embrace, to think about. And for development agencies this is a real challenge, because many development agencies think that what government needs is money, that if you can give them as much money as possible they will develop. Well, for the last forty years or so in Africa we have seen that pouring money there doesn't help. We need to strengthen those three pillars. Where you see a stable state and a state where people are appreciated, governments are investing in people rather than in weapons, they are investing in education, quality education, giving people the skills and the technology they need in order to exploit the resources that are within their borders, that's a state that feels stable, that doesn't feel threatened. Then it is able and willing to invest in its people.

Otherwise, you have just a small group of people trying to balance themselves in that basin, and because the legs are either not there or they are wobbly, no development can take place.

Today I was going to talk about food, essentially, and development and peace. I thought that if I started with that vision of the African traditional stool you would understand that you cannot have security in food if you do not have that pillar of the environment. I want to give you an example from Kenya. I want to show you how you can be very food insecure because you are interfering with a mountain.

Those of you who know Kenya know that we have five mountains, but I'll talk about the two mountains on the equator: Mount Kenya and the Aberdares. These two mountains, their tributaries create the largest river in Kenya. Along this river are millions of people and national parks, all the way to the very precious marine national park at the coast. The millions of people who live along the valley of this river enjoy farming and pastoralism, and of course in the national parks we have wildlife.

The people who live upstream are largely farmers, and they grow coffee and tea. Coffee and tea are some of the most basic and most important economic industries in the country. Tea, coffee and tourism are the main powerhouses of the economy in the country. Now, those three—tea, coffee, and tourism—

depend on rainfall and water coming from those mountains. If you do not have enough water coming down the streams, you will not be able to supply agriculture, especially the irrigation schemes, along that river. And there are literally thousands of people who depend on that.

One thing that we have been doing with our mountains for many years, going on for about sixty years, is we decided to go to the high mountains and clear cut these natural forests and replace them with commercial plantations of trees we brought from Australia and the Northern Hemisphere. From Australia we brought the eucalyptus—I'm saying "we" but it's really the British—and from the North, we brought the pine. These are trees that are used to temperate zones, both in the South and the Northern Hemisphere. They did very well because Kenya has highlands; Mount Kenya alone is 17,000 feet above sea level. So these trees do very well. Also they were growing on what was then virgin soil.

We literally sacrificed the natural forests in order to expand these plantations. And sixty years down the road we are beginning to see the negative impact of those plantations. For one, we have lost a lot of biodiversity, because these trees do not tolerate local biodiversity. They kill everything except themselves. The other thing that has happened is that once you remove the natural forest, you are left with a forest that does not give you the same services as the natural forest. For example, the tree plantations do not retain rain water and encourage the water to go into the underground reservoirs. Most of the water runs off downstream and causes massive soil erosion and flooding and eventually ends up in the lakes and seas.

With it, the water carries the topsoil that the farmer needs to produce food. When you interfere too much with the natural system, you will also interfere with the rainfall patterns, because the nature of the forest controls the climate and controls the rainfall patterns. So when you change the ecology of the forest you also interfere with the rain pattern. We're now experiencing either no rain or, when the rains come, they come like a bucket from heaven has been opened and it pours and causes massive soil erosion. The cash crops, especially tea, do not like heavy rain. Tea prefers soft, drizzling rain. So with the change in the way the rain falls, you lose the crop yield.

How can you then have food security in a country like that, where the farmers depend on rainfall or on water from irrigation? It is impossible, and indeed at the beginning of last month the Minister for Agriculture said that about three million people in Kenya would need food aid because the rainfall had declined so badly that farmers would not have adequate yield.

Of course, the immediate response to the crisis is the rainfall has not come. "The rains did not come." But very few of us ask, "Why didn't the rains come?" That's the challenge. We need to ask ourselves, and that's why we're being challenged to think holistically. For if we only want the rains to come but don't want to understand why rains may not come, then of course we're going to fail. I could have told the Minister that because of the damage that we have done to the mountains, to the five forested mountains in Kenya, because of the illegal logging that has been going on for years, charcoal burning that has been going on for years, because of the commercial plantations that have been expanded in the mountains and allowing literally thousands of people to go into the forests and cultivate in order to support this commercial plantation of timber, rainfall patterns sooner or later would be affected.

Now some people say it is climate change and they say, "Well, you know, even on Mount Kenya the glaciers are receding." That's also quite possible. It's possible that it is part of climate change. But climate change does not happen at a global level at once. Climate change starts at a local level. It is impacted by what we have done on these two mountains. Multiply that several million times, because it is happening in Kenya, it is happening in Africa, it is happening in Europe, it's happening elsewhere. And sooner or later, all these multiplied several million times create a climate that in certain areas will become extremely harsh, especially for people who don't have alternatives, such as the people in our region.

In trying to solve the problem, the Minister will probably say, "We must go out and do two things: One, we must buy food from those who have it, or we must seek food aid in the world." I'm glad that United Nations Food and Agriculture Organization (FAO) is represented here, because they are the ones who are usually giving us food aid. That's a short-term solution.

The long-term solution is for us to go back to the basics. Go back to the basics and listen to what the Norwegian Nobel Committee said: The environment is in an intricate way joined, is related, is intertwined, in our lives on an everyday basis. It is not something we think about or talk about or learn about sometimes. The air we breathe, the water we drink, the food we eat: Everything we do has to do with the environment. We need to take this concept and make it holistic, so that we can think in a holistic manner, and learn to protect the base on which everything else depends. Learn that if we destroy the mountain, the waters, when they take the soil, they take away the soil in which the farmer plants his seed.

If you ask an ordinary Kenyan woman why the rains do not come, the farmer will probably say, "God has not yet brought the rain, and we must pray so that God brings us the rain." In recent years I have seen the need to talk to the religion leaders and tell them that it is very important for them to see the connection between the book of Genesis and what is happening to the environment, and to begin to tell the faithful that they must take care of the Garden of Eden that God created in the book of Genesis, and to encourage them not to wait for God to bring rain, because the rains will come anyway.

But if the rains don't come, it has nothing to do with God. It has everything to do with the way they are managing their environment. So that that faithful [person], whether he can read the Bible or not, or maybe at best can only read the Bible in his own language, is motivated to go out, dig a hole, and plant a tree. Or, is motivated to go and create a terrace, or a trench, so that the next time the rains come, they do not take away his topsoil, so that when he plants a seed it will germinate because there is water in the ground and the fertile topsoil has not been carried away. And he will be motivated to support those terraces with trees, with vegetation. As we [the Green Belt Movement] are doing now, [perhaps] he is willing to even go further and plant trees on public land, including going to the forest and planting trees in the forest.

If the farmer does that, then those of us who are in a more responsible position can make sure that what he plants, if he's going to export, he will get fair trade. He'll get a fair price. Most of these farmers that I'm talking about grow tea and coffee. But when they grow this tea and coffee and they send it to the international market, there are some rules of the game—I don't know whether the food law [program] looks at that—there are some rules of the game that do not allow this farmer to get enough for his labor. He gets very little from the international market, and he has no control over that. When he needs inputs for his coffee and tea he has to buy [them] at a price that has been set by somebody else, and he has no control over that. Somehow there is a law that does not create justice for this farmer, and as a result, because he doesn't get enough for his labor, he continues to scrape, to scratch this land and get very little out of it. So we call him poor, and we begin to say that it is partly because of his poverty that the environment is being degraded.

Well, it is not true. The farmer is doing his best. He needs to be assisted to learn that he has to protect his environment. But those of us at this level also need to protect his interests. So when he brings his produce to the market he gets a fair price. That is why we are saying that perhaps what many of these poor countries need so that they may protect the environment is fair trade, support for aid so that they can support that farmer, and they can protect that forest, and they can encourage the rehabilitation of these forests and these mountains so that the rivers can continue to flow and the rains will come back.

The only way we can do that is if we have governments that operate in a free, democratic space, so that they can encourage their people, and governments that are promoting cultures of peace, so that people can find a peaceful environment in which to do these activities.

That is the message that I'm trying to share with you. I believe that's the message the Norwegian Nobel Committee was delivering to the world. It is the challenge that we have been given, so that we can rethink what security and peace really mean for us, and to understand that at no time, either at the national level or at the regional level, can we have peace if we do not think holistically—think from the top to the bottom and as wide as we can.

If we do so, then we are prepared to capture tat image of the traditional African stool with its three legs: Democracy, peace, and sustainable management of our resources. Then we can have a peaceful, secure base upon which development can take place.

Thank you very much.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF HANSBORO, NORTH DAKOTA

• Mr. CONRAD. Mr. President. I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 7, 2005, the residents of Hansboro celebrated their community's history and founding.

Hansboro is a community located in north central North Dakota only 4 miles from the U.S./Canadian border. With a current population of 12, Hansboro is a very small town. However, more than 500 people congregated there for its centennial celebration this summer. It is clear that Hansboro possesses the characteristics that make smalltown America so special and unique.

Founded in 1905 by railroad workers and farmers who were working to establish a rail line to connect the area to the larger community of Devils Lake, ND, it was not long before several grain elevators were built. Shortly after its founding, on November 11, 1905, a post office was established in Hansboro at which Alexander Messer served as postmaster. The name of the community was meant to honor Henry Clay Hansbrough. Hansbrough served as North Dakota's first representative in the U.S. Congress after the State's creation in 1889. He later went on to serve three terms in the U.S. Senate from 1891 to 1909.

Today, Hansboro's small population consists mainly of individuals devoted to farming and ranching. However, the town also possesses the unique characteristic and great responsibility of serving as a port of entry into Canada.

I ask the U.S. Senate to join me in congratulating Hansboro, ND, and its residents on their first 100 years. By honoring Hansboro and all of the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Hansboro that have helped to shape this country into what it is today, which is why Hansboro is worthy of our recognition.

Hansboro possesses a proud past and a bright future.•

125TH ANNIVERSARY OF KINDRED, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. On August 5–7, the residents of Kindred, ND, will celebrate their community's founding and history.

Kindred is a small town of 614 citizens in southeastern North Dakota. Despite its size, Kindred holds an important place in North Dakota's history. Kindred can trace its history to 1879 when a U.S. Post Office named Sibley was moved two miles north of its original location to the present day site of Kindred. Following this, in 1880 the Great Northern Railroad established a town-site and railroad station, naming the town Kindred after William S. Kindred, a Fargo real-estate pioneer. Kindred was incorporated in 1920 and became a city in 1949. Today, Kindred is a rapidly growing community bolstered by a variety of thriving businesses including, Cass County Electric Cooperative, Dakota Ag Cooperative, and Odegaard Aviation.

I ask the U.S. Senate to join me in congratulating Kindred, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Kindred and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Kindred that have helped to shape this country into what it is today, which is why the fine community of Kindred is deserving of our recognition.

Kindred has a proud past and a bright future.•

125TH ANNIVERSARY OF DAWSON, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 125th anniversary. On July 2, the residents of Dawson, ND, gathered to celebrate their community's history and founding.

Dawson is a small town in south central North Dakota with a population of approximately 75. Despite its small size, Dawson holds an important place in North Dakota's history. The Sibley Expedition helped begin the settlement of this area, but it was the railroad's expansion that was responsible for Dawson's birth. J. Dawson Thompson, along with Fredrick D. Hager and Robert E. Wallace established the city of Dawson in 1880. This town started with a windmill and a water tower and later developed into an important city. As a railroad center, it was responsible for welcoming early settlers.

As the first established city of Kidder County, Dawson has experienced many changes over the years. Today, Mayor Rand Loveness leads this great city. Known for its excellent hunting and fishing, Dawson attracts a wide variety of sportsmen. Although small in size, Dawson has found ways to touch the lives of many people. Dawson has served thousands of children and adults through Camp Grassick. This camp specializes in giving people with disabilities and special needs a wonderful summer camp experience. The Veterans Memorial Wall in Dawson is another example of how this town has given back to its community. This wall honors 1,010 veterans serving from the Crimean War to the Gulf War.

I ask the U.S. Senate to join me in congratulating Dawson, ND, and its residents on their first 125 years and in wishing them well through the next century. By honoring Dawson and all the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as Dawson that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Dawson has a proud past and a bright future.•

100TH ANNIVERSARY OF LANKIN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 8–10, the residents of Lankin, ND, celebrated their community's history and founding.

Lankin is a small town in the northeast part of North Dakota. Despite its small size, Lankin holds an important place in North Dakota's history. The site was originally named "Young" for G.W. Young, a Park River lawyer and former teacher. He established the post office on April 7, 1898, and John Matajeck became the first postmaster. The name was changed to Lankin on July 27, 1905, when John Lankin became postmaster and the townsite was established on the Soo Line Railroad. Lankin was officially incorporated as a village in 1908. Among the town's residents were Jack McDonald, a trumpet player with Philip Sousa's famous band and Herman Witasek, a member of Lankin's 1930 State Class C High School basketball champions, who is considered to be North Dakota's first professional player of the sport.

Today Lankin is a delightful community in which to live and work. Lankin is home to a number of businesses, including a grain elevator, post office, bank, restaurant and an American Legion Club. There is also an active volunteer fire department and EMS squad. The community hosted a variety of festivities during its centennial celebration. On Friday, it held an all-school reunion, banquet and dance. Saturday kicked off with a parade and that will be followed by a day of entertainment featuring games, music, a three-on-three basketball tournament and a fireworks display that evening. The weekend will close with a church service and picnic on Sunday.

I ask the U.S. Senate to join me in congratulating Lankin, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Lankin and all the other historic small towns of North Dakota, we keep the pioneering tradition spirit alive for future generations. It is places such as Lankin that have helped to shape this country into what it is today, which is why Lankin is deserving of our recognition.

Lankin has a proud past and a bright future.•

100TH ANNIVERSARY OF McCLUSKY, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 8–10, 2005, the residents of McClusky, ND, celebrated their community's history and founding.

The community of McClusky is located at the geographic center of North

Dakota, approximately 65 miles northeast of the State capital, Bismarck, and 50 miles east of beautiful Lake Sakakawea, a manmade lake formed by the Garrison Dam on the Missouri River. Within 45 miles of 18 lakes, McClusky is home to some of the world's premier hunting and fishing.

Founded in 1905 as the result of railroad expansion into the area, McClusky became a bustling farming community. Farming was, and continues to be, the mainstay of McClusky. In fact, the community received its name from William Henderson McClusky, a local farmer responsible for the town's establishment. In addition to farming, however, at this time McClusky's 500 residents are also vital to the continued existence of numerous organizations and businesses, including 6 churches and a bed and breakfast.

I ask the U.S. Senate to join me in congratulating McClusky, ND, and its residents on their first 100 years. By honoring McClusky and all of the other historic small towns of North Dakota, we keep the pioneering frontier spirit alive for future generations. It is places such as McClusky that have helped to shape this country into what it is today, which is why this fine community is worthy of our recognition.

McClusky possesses a proud past and a bright future.•

RETIREMENT OF LIEUTENANT COLONEL VERNON SIMMONS

• Mr. DOMENICI. Mr. President, I would like to extend my best wishes to LTC Vernon Simmons who recently retired as deputy to the Director of Budget and Appropriations Liaison in the Office of the Assistant Secretary of the Air Force for Financial Management and Comptroller. Vern's career as an Air Force officer defines service to one's country, and I know that Vern's dedication and leadership will be sorely missed by me and my staff, as well as his colleagues at the Air Force and the Department of Defense.

Lieutenant Colonel Simmons' career exemplifies hard work and commitment to excellence. In 1983, he graduated with honors from Northeastern University in Boston with a bachelor of science degree in business administration. It was there that he also completed his 4-year ROTC program, prior to entering active duty. He also earned a master of arts degree in economics from the University of Oklahoma in 1994.

Vern's first assignment was in Air Force Systems Command at Wright-Patterson Air Force Base, OH. He was assigned to the program control office as a program control integrator on the F-15E aircraft. It was there that he also met his wonderful wife the former Celeste Aida Adams of Dayton, OH.

Next up for Vern was an assignment at Misawa Air Base Japan where he worked in the 432nd Tactical Fighter Wing. Vern's leadership abilities shined through as he performed a wide variety of cost and management analyses while also serving as the wing's budget officer. For his efforts he was named Best Base Level Cost Officer of 1986 and in 1988 was the Pacific Air Force's nominee to Ten Outstanding Young Men of America.

Upon completing 4 years in Japan, Vern once again answered the call to duty and moved to Hickam Air Force Base, HI, in June of 1990. There he joined the Pacific Air Force Headquarters staff as lead analyst for the command's flying hours, ranges and training programs. He also served there as Chief of the mission support section, overseeing civilian pay, civil engineering, and communications and base support programs.

Following subsequent assignments at the Pentagon, Seymour Johnson AFB and Headquarters AFMC, Lieutenant Colonel Simmons returned to Washington, DC, where he assumed the duties in the Budget and Appropriations Liaison Division for congressional matters. It was during this assignment that my staff and I came to know and rely on Vern. As a Senator from a State with three diverse Air Force bases, it is critical that I have the most current and reliable information about policies affecting the airmen and women from my State. Vern always came through for me and my staff. Whether sacrificing his own time to travel with us to Cannon, Holloman or Kirtland Air Force Base, or providing us with important answers to questions concerning the Air Force budget, Vern was always extremely professional, courteous and responsive. Indeed, LTC Vern Simmons has been a friend to my office, and I consider him a credit to the uniform of the U.S. Air Force.

Now, as Vern moves on to a new career, I wish the best for him, Celeste and their two children, Alessandra and Chad. It is with great pleasure that I recognize him and his accomplishments. LTC Vernon Simmons, I thank you for a job well done.•

RETIREMENT OF LIEUTENANT COLONEL LON PRIBBLE

• Mr. LIEBERMAN. Mr. President, I wish to recognize and pay tribute to LTC Lon Pribble, Deputy Chief of the Army Senate Liaison Division, Office of the Chief of Legislative Liaison who will retire on 30 August 2005. Lieutenant Colonel Pribble's career spans over 22 years during which he has distinguished himself as a soldier, leader and friend of the U.S. Senate.

A native of Kansas, Lieutenant Colonel Pribble graduated from the U.S. Military Academy in 1983 and was commissioned as a lieutenant in the Armor Branch of the U.S. Army. During his career he commanded at the platoon and company levels where he ably trained and led America's soldiers at home and overseas. In Kirchgoens, Germany he commanded D Company and Headquarters and Headquarters Company 2nd Battalion 32nd Armor Regiment. He served in Southwest Asia as an Intelligence and Operations Officer with the 503rd Forward Support Battalion during Desert Shield/Desert Storm. Lieutenant Colonel Pribble also served in staff and instructor positions in the United States at the National Training Center at Fort Irwin, CA, and the Army Staff Management College at Fort Belvoir, VA. Prior to assuming his current duties he served as a U.S. Army Military fellow for the U.S. Senate and a congressional liaison for the House of Representatives. Since January 2003 Lon Pribble has served with distinction as the Deputy Chief, Army Senate Liaison Division where he has superbly represented the Chief of Legislative Liaison, the Chief of Staff of the Army and the Secretary of the Army, as well as promoting the interests of soldiers, their families and civilians of the Army. His professionalism, mature judgment, sage advice and interpersonal skills have earned him the respect and confidence of Members of Congress and congressional staffers with whom he has worked on a multitude of issues. In over 5 years on Capitol Hill, Lon Pribble has been a true friend of the U.S. Senate and the Congress. Serving as one the Army's primary points of contact for Senators and their staff he has assisted the Congress in understanding Army policies, actions and requirements. As a result he and the Army Senate Liaison staff have been extremely successful in providing prompt, coordinated and factual replies to all inquiries and matters involving Army issues. In addition he has provided invaluable assistance to Members and their staff while planning, coordinating and accompanying Senate delegations on official travel to numerous countries worldwide. His substantive knowledge of the key issues, keen legislative insight and ability to effectively advise senior members of the Army leadership directly contributed to the successful representation of the Army's interests before Congress.

Throughout his career, LTC Lon Pribble has demonstrated his profound commitment to our Nation, his selfless service to the Army, a deep concern for soldiers and their families and dedication to excellence. Lieutenant Colonel Pribble is a consummate professional whose performance in over 22 years of service has personified those traits of courage, competency and integrity that our Nation has come to expect from its professional Army officers.

I ask my colleagues to join me in thanking Lieutenant Colonel Pribble for his honorable service to the people and the Army of the United States. We wish him and his family Godspeed and all the best in the future.•

BRIDGEWATER, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I offer my congratulations to the town of Bridgewater, located in McCook County, SD. The town will celebrate the 125th anniversary of its founding this year.

The town was originally named Nation City for its founders, Robert and John B. Nation. However, it was renamed Bridgewater and moved to the northern side of the railroad tracks in 1880.

Once again, I congratulate Bridgewater on their anniversary and wish them the best of luck in the years to come.•

STICKNEY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I recognize Stickney, SD. The town of Stickney will celebrate the 100th anniversary of its founding this year.

Located in Aurora County, the land for Stickney was turned over to John O. Wallace and officially became a town on August 17, 1905. The town is named for the oldest railroad agent in the United States, John B. Stickney.

I offer my congratulations to Stickney on their anniversary and I wish them continued prosperity in the years to come.•

MESSAGES FROM THE HOUSE

At 1:02 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3071. An act to permit the individuals currently serving as Executive Director, Deputy Executive Directors, and General Counsel of the Office of Compliance to serve one additional term.

At 2:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3058. An act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3058. An act making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 748. An act to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 1374. A bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S. 1375. A bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-2853. A communication from the Assistant Secretary of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled "Fiscal Year 2006 Funding for Department of Homeland Security Counternarcotics Activities"; to the Committee on Homeland Security and Governmental Affairs.

EC-2854. A communication from the Secretary of the Treasury, transmitting, pursuant to law, two semiannual reports which were prepared separately by both the Treasury Department's Office of Inspector General and Inspector General for Tax Administration for the period ended March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2855. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2856. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period September 30, 2004, through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2857. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Physicians' Comparability Allowance Program Fiscal Year 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC-2858. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Inspector General's Semiannual Report and the Semiannual Management Report on the Status of Audits for the period of October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2859. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Inspector General Report for the period October 1, 2004 through March 31, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC-2860. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Fiscal Year 2006 Annual Performance Plan; to the Committee on Homeland Security and Governmental Affairs.

EC-2861. A communication from the Deputy Director of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Commission's Annual Report on the Federal Work Force for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC-2862. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2004 Prescription Drug User Fee Act Financial Report; to the Committee on Health, Education, Labor, and Pensions.

EC-2863. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Dental Devices; Reclassification of Tricalcium Phosphate Granules and Classification of Other Bone Grafting Material for Dental Bone Repair" (Docket No. 2002P-0520) received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2864. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Federal Policy for the Protection of Human Subjects" received on June 22, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2865. A communication from the Director, Division of Policy, Planning and Program Development, Office of Federal Contract Compliance Programs, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Compliance Evaluations in ALL OFCCP Programs" (RIN 1215-AB28, 1215-AB27, 1215-AB23) received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2866. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, reports relative to a vacancy in the position of Assistant Secretary for Public Health and Science, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2867. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, reports relative to a vacancy in the position of Assistant Secretary for Planning and Evaluation, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2868. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Secretary of Health and Human Services, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2869. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Commissioner, Food and Drug Administration, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2870. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Centers for Medicare and Medicaid Services, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2871. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Deputy Secretary of Health and Human Services, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2872. A communication from the Political Personnel and Advisory Communication Management Specialist, Department of Health and Human Services, transmitting, pursuant to law, a report relative to a vacancy in the position of Director, Indian Health Service, received on June 23, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC-2873. A communication from the Assistant Secretary of the Army (Civil Works), Department of Defense, transmitting, pursuant to law, a report relative to a study to determine the feasibility of constructing a project for flood damage reduction in Southwest Valley, Bernalillo County, New Mexico; to the Committee on Environment and Public Works.

EC-2874. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; State Implementation Plan Correction" (FRL No. 7931-7) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2875. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Minnesota" (FRL No. 7931-2) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2876. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Spokane PM10 Nonattainment Area Limited Maintenance Plan and Redesignation Request" (FRL No. 7927-2) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2877. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Correction to the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 7932-3) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2878. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Deletion of Methyl Ethyl Ketone; Toxic Chemical Release Reporting; Community Right-to-Know" (FRL No. 7532-5) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2879. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing" (FRL No. 7932-2) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2880. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; De-designation of Ocean Dredged Material Disposal Sites and Designation of New Sites; Correction" (FRL No. 7930-7) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2881. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations" (FRL No. 7925-9) received on June 28, 2005; to the Committee on Environment and Public Works.

EC-2882. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyprodinil; Time-Limited Pesticide Tolerance" (FRL No. 7718-3) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2883. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL No. 7722-3) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2884. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ethyl Maltol; Exemption from the Requirement of a Tolerance" (FRL No. 7717-1) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2885. A communication from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election Out of GST Deemed Allocations" ((RIN1545-BB54) (TD 9208)) received on June 28, 2005; to the Committee on Finance.

EC-2886. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's Minority Small Business and Capital Ownership Development Report for Fiscal Year 2004; to the Committee on Small Business and Entrepreneurship.

EC-2887. A communication from the Deputy General Counsel, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Interconnection for Wind Energy" (Docket No. RM05-4-000) received on June 27, 2005; to the Committee on Energy and Natural Resources.

EC-2888. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the 2004 Annual Report of the National Credit Union Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-2889. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-2890. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC-2891. A communication from the Under Secretary, Emergency Preparedness and Response, Federal Emergency Management Agency, transmitting, pursuant to law, a report that funding for the State of Ohio as a result of the record snow on December 22-24, 2004, has exceeded $5,000,000; to the Committee on Banking, Housing, and Urban Affairs.

EC-2892. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to the profitability of the credit card operations of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC-2893. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Medical Information Regulations (Part 41)" (RIN1557-AC85) received on June 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2894. A communication from the Acting Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reporting, Procedures and Penalties Regulations; Sudanese Sanctions Regulations" (31 CFR Part 501; 31 CFR Part 538) received on June 22, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2895. A communication from the Assistant General Counsel for Regulations, the Government National Mortgage Association, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Removal of Regulation Specifying Minimum Face Value of Ginnie Mae Securities" ((RIN2503-AA17) (FR-4856-F-02)) received on June 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC-2896. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Coverage; Accounts of Qualified Tuition Savings Programs Under Section 529 of the Internal Revenue Code" (RIN3064–AC90) received on June 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2897. A communication from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting Medical Information Regulations" received on June 23, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2898. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "U.S. Treasury Securities—State and Local Government Series" (31 CFR Part 344) received on June 27, 2005; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1317. A bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitably matched to donors of bone marrow and cord blood.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK:

S. 1373. A bill to amend title 18, United States Code, to prohibit human chimeras; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1374. A bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land; read the first time.

By Mr. MCCAIN (for himself, Mr. DORGAN, and Mr. KYL):

S. 1375. A bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes; read the first time.

By Mr. COCHRAN (for himself, Mr. STEVENS, Mr. WARNER, Mr. DODD, Mr. AKAKA, and Mr. BURNS):

S. 1376. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ALLEN:

S. 1377. A bill for the relief of Hyang Dong Joo; to the Committee on the Judiciary.

By Mr. TALENT (for himself and Mr. WYDEN):

S. 1378. A bill to amend the National Historic Preservation Act to provide appropriation authorization and improve the operations of the Advisory Council on Historic Preservation; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1379. A bill to provide increased rail transportation security; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER (for himself and Mrs. BOXER):

S. 1380. A bill to eliminate unsafe railway-road grade crossings, to enhance railroad safety through new safety technology, safety inspections, accident investigations, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG (for himself, Mr. LUGAR, and Mr. DODD):

S. Res. 192. A resolution affirming that the First Amendment of the Constitution of the United States guarantees the freedom of the press and asserting that no purpose is served by sentencing journalists Judith Miller and Matthew Cooper, nor any similarly situated journalists, to prison for maintaining the anonymity of confidential sources; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 193. A resolution expressing sympathy for the people of the United Kingdom in the aftermath of the deadly terrorist attacks on London on July 7, 2005; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 194. A resolution relative to the death of Gaylord A. Nelson, former United States Senator for the State of Wisconsin; considered and agreed to.

By Mr. BURR (for himself and Mr. SALAZAR):

S. Res. 195. A resolution recognizing the spirit of Jacob Mock Doub and his contribution to encouraging youth to be physically active and fit, and expressing support for "National Take a Kid Mountain Biking Day"; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Ohio (Mr. DEWINE), the Senator from Iowa (Mr. HARKIN) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 37

At the request of Mrs. HUTCHISON, the names of the Senator from Missouri (Mr. BOND), the Senator from Kansas (Mr. ROBERTS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 103

At the request of Mr. TALENT, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 185

At the request of Mr. NELSON of Florida, the name of the Senator from

Maine (Ms. SNOWE) was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 390

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 390, a bill to amend title XVIII of the Social Security Act to provide for coverage of ultrasound screening for abdominal aortic aneurysms under part B of the medicare program.

S. 511

At the request of Mr. DEMINT, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 511, a bill to provide that the approved application under the Federal Food, Drug, and Cosmetic Act for the drug commonly known as RU-486 is deemed to have been withdrawn, to provide for the review by the Comptroller General of the United States of the process by which the Food and Drug Administration approved such drug, and for other purposes.

S. 550

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 550, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other diseases, and for other purposes.

S. 598

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 598, a bill to reauthorize provisions in the Native American Housing Assistance and Self-Determination Act of 1996 relating to Native Hawaiian low-income housing and Federal loan guarantees for Native Hawaiian housing.

S. 614

At the request of Mr. SPECTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 614, a bill to amend title 38, United States Code, to permit medicare-eligible veterans to receive an out-patient medication benefit, to provide that certain veterans who receive such benefit are not otherwise eligible for medical care and services from the Department of Veterans Affairs, and for other purposes.

S. 685

At the request of Mr. AKAKA, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 685, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 695

At the request of Mr. BYRD, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 695, a bill to suspend temporarily new shipper bonding privileges.

S. 774

At the request of Mr. BUNNING, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 774, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 776

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 828

At the request of Mr. HARKIN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 828, a bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes.

S. 853

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 853, a bill to direct the Secretary of State to establish a program to bolster the mutual security and safety of the United States, Canada, and Mexico, and for other purposes.

S. 863

At the request of Mr. CONRAD, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 863, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes.

S. 938

At the request of Mr. LEAHY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 938, a bill to amend title 37, United States Code, to require that members of the National Guard and Reserve called or ordered to active duty for a period of more than 30 days to receive a basic allowance for housing at the same rate as similarly situated members of the regular components of the uniformed services.

S. 1002

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1002, a bill to amend title XVIII of the Social Security Act to make improvements in payments to hospitals under the medicare program, and for other purposes.

S. 1004

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1004, a bill to provide the Federal Trade Commission with the resources necessary to protect users of the Internet from the unfair and deceptive acts and practices associated with spyware, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1064

At the request of Mr. COCHRAN, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 1064, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1066

At the request of Mr. VOINOVICH, the names of the Senator from Indiana (Mr. BAYH) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 1066, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 1086

At the request of Mr. HATCH, the names of the Senator from Idaho (Mr. CRAPO) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 1086, a bill to improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1139

At the request of Mr. SANTORUM, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1139, a bill to amend the Animal Welfare Act to strengthen the ability of the Secretary of Agriculture to regulate the pet industry.

S. 1158

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1158, a bill to impose a 6-month moratorium on terminations of certain plans instituted under section 4042 of the Employee Retirement Income Security Act of 1974 in cases in which reorganization of contributing sponsors is sought in bankruptcy or insolvency proceedings.

S. 1197

At the request of Mr. BIDEN, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Nebraska (Mr. NELSON), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1262

At the request of Mr. FRIST, the names of the Senator from Florida (Mr. NELSON) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1262, a bill to reduce healthcare costs, improve efficiency, and improve healthcare quality through the development of a nationwide interoperable health information technology system, and for other purposes.

S. 1264

At the request of Mr. CORZINE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1264, a bill to provide for the provision by hospitals of emergency contraceptives to women, and post-exposure prophylaxis for sexually transmitted disease to individuals, who are survivors of sexual assault.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1287

At the request of Mr. COLEMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1287, a bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.

S. 1297

At the request of Mr. CORZINE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1297, a bill to amend title XVIII of the Social Security Act to reduce the work hours and increase the supervision of resident physicians to ensure the safety of patients and resident-physicians themselves.

S. 1313

At the request of Mr. CORNYN, the names of the Senator from Arizona (Mr. MCCAIN), the Senator from South Carolina (Mr. DEMINT), the Senator from Louisiana (Mr. VITTER) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1325

At the request of Mr. FRIST, the names of the Senator from Virginia (Mr. WARNER) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1325, a bill to establish grants to provide health services for improved nutrition, increased physical activity, obesity and eating disorder prevention, and for other purposes.

S. 1339

At the request of Mr. INHOFE, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1339, a bill to reauthorize the Junior Duck Stamp Conservation and Design Program Act of 1994.

S. 1350

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1350, a bill to amend the Communications Act of 1934 to protect the privacy rights of subscribers to wireless communications services.

S. 1353

At the request of Mr. REID, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1353, a bill to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1358

At the request of Mr. DURBIN, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1358, a bill to protect scientific integrity in Federal research and policymaking.

S. 1360

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 1360, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes.

S. 1369

At the request of Mr. TALENT, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1369, a bill to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice.

S.J. RES. 12

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 12, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 15

At the request of Mr. BROWNBACK, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S.J. Res. 15, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. CON. RES. 16

At the request of Mr. BINGAMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Con. Res. 16, a concurrent resolution conveying the sympathy of Congress to the families of the young women murdered in the State of Chihuahua, Mexico, and encouraging increased United States involvement in bringing an end to these crimes.

S. RES. 83

At the request of Mr. SANTORUM, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Res. 83, a resolution commemorating the 65th Anniversary of the Black Press of America.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself and Mr. DORGAN):

S. 1374. A bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land; read the first time.

Mr. MCCAIN. Mr. President, I am pleased to introduce a bill that authorizes the Secretary or Homeland Security to establish a pilot program to enhance an Indian tribe's response to border activity. I am pleased to be joined by the vice chairman of the Indian Affairs Committee, Senator BYRON DORGAN, and my good friend and colleague from Arizona, Senator JON KYL, as original cosponsors of this bill.

This bill establishes a pilot program to enhance tribal first responder capabilities, provide assistance for surveillance technologies and communication capabilities and to facilitate coordination and cooperation with Federal, State, local and tribal governments along the international border. The criteria for participation in the pilot program is to be prescribed by the Secretary taking into consideration the tribes' proximity to the border and the extent to which border crossing activity impacts existing tribal resources.

This bill is substantially similar to Section 132 of S. 536, the Native American Omnibus Act of 2005, which was unanimously passed out of the Committee on Indian Affairs earlier this year. It has been modified to address several concerns including to clarify that it does not alter the original jurisdiction or traditional role of the Federal agencies responding to border crimes or any Indian tribe.

Several Indian tribes inhabit land on or easily accessible to the United States and Canada and Mexico. This bill recognizes that these tribes are exceptionally vulnerable to border crimes. And, although enforcement of our immigration laws and border security is a Federal responsibility, these tribes continue to bear extraordinary costs in responding to border crimes and almost always divert funds intended for local police and welfare services to do so. For example, a tribal police officer may see suspicious drug or immigrant smuggling activity occurring within the Indian tribes boundaries or come upon an accident scene or death involving illegal immigrants or drug smugglers. The tribal officer is required to notify Federal officials and render aid to the injured. The Federal official may be hours away and the tribal police are usually asked to detain the suspects or possibly transport them to medical aid. Meanwhile, the tribal police agency is unable to respond to community calls for service. Additionally, tribal police are intimately familiar with their territory and are able to provide Federal agencies with information that is useful in fulfilling their responsibilities.

I recognize that Federal and State agencies play the primary role in these efforts. However, in specific areas of this Nation, tribal government police, fire and emergency services often provide the first and often only response because of their access to the border. A tribe's proximity to the border and its responsibility for public safety and welfare of their members requires that they respond. Simply put, Indian tribes situated close to the international border are vulnerable and greatly impacted and we must acknowledge their daily role in responding to border crimes. This bill gives them added tools to do so.

I ask unanimous consent that the full text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1374

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BORDER PREPAREDNESS ON INDIAN LAND.

Subtitle D of title IV of the Homeland Security Act of 2002 (6 U.S.C. 251 et seq.) is amended by adding at the end the following:

"SEC. 447. BORDER PREPAREDNESS PILOT PROGRAM ON INDIAN LAND.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN LAND.—The term 'Indian land' means—

"(A) all land within the boundaries of any Indian reservation; and

"(B) any land the title to which is—

"(i) held in trust by the United States for the benefit of an Indian tribe or individual; or

"(ii) held by any Indian tribe or individual—

"(I) subject to a restriction by the United States against alienation; and

"(II) over which an Indian tribe exercises governmental authority.

"(2) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community that is recognized by the Secretary as—

"(A) eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

"(B) possessing powers of self-government.

"(3) TRIBAL GOVERNMENT.—The term 'tribal government' means the governing body of an Indian tribe.

"(b) PURPOSE.—The purpose of this section is to require the Secretary, acting through the Office of Domestic Preparedness, to establish a pilot program for not fewer than 6 tribal governments on Indian land located on or near the border of the United States with Canada or Mexico in order to—

"(1) facilitate the coordination of the response of an Indian tribe to a threat to the security of an international border of the United States with the responses of Federal, State, and local governments;

"(2) enhance the capability of an Indian tribe as a first responder to an illegal crossing of an immigrant over an international border of the United States;

"(3) provide training and technical assistance to Indian tribes in the use by the tribes of effective surveillance technologies, integrated communication systems and equipment, and personnel training; and

"(4) provide technical advice and assistance to Indian tribes to plan and implement strategies to detect and prevent—

"(A) any illegal entry by a person into the land of the tribes; and

"(B) the transportation of any illegal substance within or near the boundaries of the land of the tribes.

"(c) PILOT PROGRAM.—

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary, acting through the Office of Domestic Preparedness, shall establish a pilot program under which the Secretary provides direct grants to eligible tribal governments, as determined by the Secretary, to achieve the purposes of this section.

"(2) USE OF FUNDS AND ASSISTANCE.—

"(A) IN GENERAL.—A tribal government shall use any funds or assistance provided under paragraph (1) consistent with the purposes of this section.

"(B) ADMINISTRATION BY TRIBAL GOVERNMENTS.—A tribal government that receives any funds or assistance under paragraph (1) shall administer the funds or assistance in accordance with any requirement or regulation promulgated by the Secretary.

"(3) SELECTION CRITERIA.—In selecting a tribal government to receive funds or assistance under paragraph (1), the Secretary may take into consideration—

"(A) the distance between the Indian land in the jurisdiction of the tribal government and an international border of the United States;

"(B) the extent to which the resources of the Indian tribe are affected by—

"(i) a border enforcement effort; or

"(ii) the threat of illegal immigration; and

"(C) the interests of the Indian tribe.

"(d) REPORTS.—

"(1) TRIBAL GOVERNMENTS.—

"(A) IN GENERAL.—Not later than 1 year after receiving funds or assistance under subsection (c) and annually thereafter, a tribal government shall submit to the Secretary a report in such a manner and containing such information as the Secretary may require.

"(B) INCLUSION.—A report under subparagraph (A) shall include a description of—

"(i) any funds or assistance received by the tribal government under this section;

"(ii) the use of the funds or assistance by the tribal government;

"(iii) any obstacle encountered by the tribal government in administering the funds or assistance; and

"(iv) any accomplishment made or obstacle encountered by the tribal government in developing a cooperative effort with another Indian tribe, the Federal Government, or a State or local government, and the effect of the accomplishment or obstacle on the tribe.

"(2) SECRETARY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing—

"(A) the information contained in the reports under paragraph (1);

"(B) the degree of success of—

"(i) the Secretary in implementing the pilot program; and

"(ii) each project under the pilot program under subsection (c) in achieving the goals of the pilot program; and

"(C) any recommendation, including a legislative recommendation, of the Secretary relating to the pilot program.

"(e) EFFECT OF SECTION.—Nothing in this section affects—

"(1) the authority of the Commissioner of the Bureau of Customs and Border Protection; or

"(2) any authority of an Indian tribe, tribal organization, or tribal government participating in a program under this section.

"(f) EFFECT OF FUND ALLOCATION.—Any funds allocated under this section shall be in addition to, and not in lieu of, any funds available to an Indian tribe, tribal organization, or tribal government under this Act.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000 for each of fiscal years 2006 through 2008.".

S. RES. 194

Relative to the death of Gaylord A. Nelson, former United States Senator for the State of Wisconsin.

Whereas Gaylord A. Nelson served in the United States Army from 1942–1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959-1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on

Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

By Mr. MCCAIN (for himself, Mr. DORGAN, and Mr. KYL):

S. 1375. A bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes; read the first time.

Mr. MCCAIN. Mr. President, today I rise to introduce a much needed amendment to the Indian Arts and Crafts Act. I am pleased to be joined by the vice chairman of the Indian Affairs Committee, Senator BYRON DORGAN, and my good friend and colleague from Arizona, Senator JON KYL as original cosponsors of this bill.

This bill expands the existing Federal investigative authority by authorizing other Federal investigative bodies, such as the BIA Office of Law Enforcement, in addition to the FBI, to investigate cases of misrepresentation of Indian arts and crafts. This bill is substantially the same as Section 111 of the Native American Omnibus Act, S. 536, which passed out of the Committee on Indian Affairs earlier this year. This bill also addresses concerns that were raised by the administration.

A major source of tribal and individual Indian income is derived from the sale of handmade Indian arts and crafts. Yet, today, millions of dollars are diverted each year from these original artists and Indian tribes by those who reproduce and sell counterfeit Indian goods. However, it is my understanding that few, if any, criminal prosecutions have been brought in Federal court for such violations. It is understandable that enforcing the criminal law that prohibits the sale of Indian arts and crafts misrepresented as an Indian product is often stalled by the other responsibilities of the FBI including investigating terrorism activity and violent crimes in Indian country. Therefore, expanding the investigative authority to include other Federal agencies is intended to promote the active investigation of alleged misconduct. It is my hope that with this much needed change will deter those who dare to violate the act.

I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1375

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Arts and Crafts Amendments Act of 2005".

SEC. 2. INDIAN ARTS AND CRAFTS.

(a) CRIMINAL PROCEEDINGS; CIVIL ACTIONS; MISREPRESENTATIONS.—Section 5 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305d) is amended to read as follows:

"SEC. 5. CRIMINAL PROCEEDINGS; CIVIL ACTIONS.

"(a) DEFINITION OF FEDERAL LAW ENFORCEMENT OFFICER.—In this section, the term 'Federal law enforcement officer' includes—

"(1) a Federal law enforcement officer (as defined in section 115(c) of title 18, United States Code); and

"(2) with respect to a violation of this Act that occurs outside Indian country (as defined in section 1151 of title 18, United States Code), an officer that has authority under section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802), acting in coordination with a Federal law enforcement agency that has jurisdiction over the violation.

"(b) CRIMINAL PROCEEDINGS.—

"(1) REFERRAL.—On receiving a complaint of a violation of section 1159 of title 18, United States Code, the Board may refer the complaint to any Federal law enforcement officer for appropriate investigation.

"(2) FINDINGS.—The findings of an investigation under paragraph (1) shall be submitted to—

"(A) the Attorney General; and

"(B) the Board.

"(3) RECOMMENDATIONS.—On receiving the findings of an investigation in accordance with paragraph (2), the Board may—

"(A) recommend to the Attorney General that criminal proceedings be initiated under section 1159 of that title; and

"(B) provide such support to the Attorney General relating to the criminal proceedings as the Attorney General determines appropriate.

"(c) CIVIL ACTIONS.—In lieu of, or in addition to, any criminal proceeding under subsection (a), the Board may recommend that the Attorney General initiate a civil action pursuant to section 6.".

(b) CAUSE OF ACTION FOR MISREPRESENTATION.—Section 6 of the Act entitled "An Act to promote the development of Indian arts and crafts and to create a board to assist therein, and for other purposes" (25 U.S.C. 305e) is amended—

(1) by striking subsection (d);

(2) by redesignating subsections (a) through (c) as subsections (b) through (d), respectively;

(3) by inserting before subsection (b) (as redesignated by paragraph (2)) the following:

"(a) DEFINITIONS.—In this section:

"(1) INDIAN.—The term 'Indian' means an individual that—

"(A) is a member of an Indian tribe; or

"(B) is certified as an Indian artisan by an Indian tribe.

"(2) INDIAN PRODUCT.—The term 'Indian product' has the meaning given the term in any regulation promulgated by the Secretary.

"(3) INDIAN TRIBE.—

"(A) IN GENERAL.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(B) INCLUSION.—The term 'Indian tribe' includes an Indian group that has been formally recognized as an Indian tribe by—

"(i) a State legislature;

"(ii) a State commission; or

"(iii) another similar organization vested with State legislative tribal recognition authority.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.";

(4) in subsection (b) (as redesignated by paragraph (2)), by striking "subsection (c)" and inserting "subsection (d)";

(5) in subsection (c) (as redesignated by paragraph (2))—

(A) by striking "subsection (a)" and inserting "subsection (b)"; and

(B) by striking "suit" and inserting "the civil action";

(6) by striking subsection (d) (as redesignated by paragraph (2)) and inserting the following:

"(d) PERSONS THAT MAY INITIATE CIVIL ACTIONS.—

"(1) IN GENERAL.—A civil action under subsection (b) may be initiated by—

"(A) the Attorney General, at the request of the Secretary acting on behalf of—

"(i) an Indian tribe;

"(ii) an Indian; or

"(iii) an Indian arts and crafts organization;

"(B) an Indian tribe, acting on behalf of—

"(i) the tribe;

"(ii) a member of that tribe; or

"(iii) an Indian arts and crafts organization;

"(C) an Indian; or

"(D) an Indian arts and crafts organization.

"(2) DISPOSITION OF AMOUNTS RECOVERED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an amount recovered in a civil action under this section shall be paid to the Indian tribe, the Indian, or the Indian arts and crafts organization on the behalf of which the civil action was initiated.

"(B) EXCEPTIONS.—

"(i) ATTORNEY GENERAL.—In the case of a civil action initiated under paragraph (1)(A), the Attorney General may deduct from the amount—

"(I) the amount of the cost of the civil action and reasonable attorney's fees awarded under subsection (c), to be deposited in the Treasury and credited to appropriations available to the Attorney General on the date on which the amount is recovered; and

"(II) the amount of the costs of investigation awarded under subsection (c), to reimburse the Board for the activities of the Board relating to the civil action.

"(ii) INDIAN TRIBE.—In the case of a civil action initiated under paragraph (1)(B), the Indian tribe may deduct from the amount—

"(I) the amount of the cost of the civil action; and

"(II) reasonable attorney's fees."; and

(7) in subsection (e), by striking "(e) In the event that" and inserting the following:

"(e) SAVINGS PROVISION.—If".

(c) CONFORMING AMENDMENT.—Section 1159(c) of title 18, United States Code, is amended by striking paragraph (3) and inserting the following:

"(3) the term 'Indian tribe'—

"(A) has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b); and

"(B) includes an Indian group that has been formally recognized as an Indian tribe by—

"(i) a State legislature;

"(ii) a State commission; or

"(iii) another similar organization vested with State legislative tribal recognition authority; and".

Mr. KYL. Mr. President, today I am pleased to join with Senator MCCAIN to introduce the Indian Arts and Crafts Amendments Act of 2005. This legislation strengthens the investigative and enforcement authorities of the underlying Indian Arts and Crafts Act of 1990.

Native arts and crafts are the only indigenous art of America. Unauthentic reproductions and mass produced knock offs undercut sales of genuine articles, discouraging young Native Americans from learning traditional artisans' techniques and their decisions to pursue jobs in other industries. The end result is that if less Native people are practicing their arts, those traditions risk extinction. It would be a tremendous loss to the entire country's cultural heritage to lose these traditions.

The Indian Arts and Crafts Act of 1990, which I coauthored with now retired Senator Ben Nighthorse Campbell when we were both Members of the House of Representatives, was enacted in response to growing sales of arts and crafts products misrepresented as being produced by Indians. It is a truth-in-advertising law, with civil and criminal provisions, that prohibits the marketing of products as "Indian made" when such products are not made by Indians as defined by the act. It is intended to protect Indian artists and craftspeople, businesses, tribes, consumers and our cultural heritage.

Since the passage of the 1990 Act, we have had an opportunity to assess its effectiveness and make changes as necessary through the legislative process. Last year, now retired Senator Campbell and I, on the recommendation of the Indian Arts and Crafts Board, agreed to consider amending the act to strengthen its investigative authority and enforcement provisions. The Board was becoming concerned that the Federal Bureau of Investigation, charged with investigating violations of the act, needed some help. Fewer complaints that had been referred for investigation were receiving the attention they deserved and meritorious cases were not making it to the Attorney General for prosecution. During the last Congress, we proposed amending the act to strengthen the investigative and enforcement authorities, but these amendments were not enacted prior to adjournment.

I am happy to say, the new Indian Affairs Committee chairman, Senator MCCAIN, recognized these concerns still existed, and we agreed to work together to address them. The Amendments we are introducing today build upon the work in the last Congress. When enacted, they will make the act even more effective. The amendments expand the investigative authority under the act to include all Federal law enforcement officers as defined in 18 U.S.C. Section 115 (c)(1). Expanding the investigative authority to include other Federal law enforcement beyond the Federal Bureau of Investigation will permit agencies with expertise in Indian issues and cultural resources, such as the Bureau of Indian Affairs law enforcement and the Department of Interior Cultural Resources, to thoroughly investigate complaints and work with Department of Justice attorneys to enforce these cases. The FBI will still have the ability to conduct such investigations should it choose to do so. I hope it will.

These amendments also recognize the important role of the Attorney General in enforcement. The amendments require the transmission of all investigation reports from Federal investigators to the Attorney General. The Attorney General can work directly with the investigators, and prosecute cases that warrant prosecution without waiting for the report to be referred by the Indian Arts and Crafts Board. This is an efficiency measure and is not designed to take away any authority the Board has to refer cases to the Attorney General. The Board will continue to receive all investigative reports and make referrals.

I believe these amendments to the act will strengthen the investigative and enforcement authority under the act and increase the number of complaints that are investigated and prosecuted. These violations are serious, and we need to provide the necessary federal resources to put an end to these crimes and preserve the cultural heritage of our Native people. I look forward to swift passage of these amendments.

By Mr. COCHRAN (for himself, Mr. STEVENS, Mr. WARNER, Mr. DODD, Mr. AKAKA, and Mr. BURNS):

S. 1376. A bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today, I am introducing the Teaching Geography is Fundamental Act. I am pleased to be joined by Senators STEVENS, DODD, WARNER, BURNS, and AKAKA. The Act's purpose is to improve geographic literacy among K–12 students in the United States by improving professional development programs for K–12 teachers offered through institutions of higher education. The bill also assists States in measuring the impact of education in geography.

To begin to understand other people, we need to understand ourselves. Eudora Welty said that understanding begins with a sense of place. When we understand our own environment, we can better understand the differences in other places, and the people who live in them. The diversity of cultures, land, and distances between states within our nation is the first evidence we have that a good understanding of geography is necessary. According to the National Geographic Society, home is where the knowledge of geography begins.

The 2005 publication, What Works in Geography, reported that elementary school geography instruction significantly improves student achievement. And, the 2002 National Geographic-Roper Global Geographic Literacy Survey shows that more than half of American adults best able to read a map had taken a high school geography course. That's the good news. Unfortunately, other recent studies show us that nearly one third of our elementary schools have reduced the number of geography courses in the last few years, and only 7 percent of our Nation's fourth graders are taught by teachers with specific undergraduate or graduate experience in geography. Geography is taught by less than 9 percent of K–12 social studies teachers and not even one quarter of high school students graduate with a geography class.

To expect that Americans will be able to work economically and diplomatically with the other people in this world, we need to be able to communicate and understand each other. It is a fact that we have a global marketplace, and that will continue to be the case. We need to be preparing our younger generations for global competition and ensuring that they have a strong base to be able to participate in future industry. Geography knowledge improves those job opportunities.

Approximately 20 percent of the U.S. GDP, that's $2.3 trillion annually, results from international trade. According to the CIA World Factbook of 2005, many U.S. workers need geographic knowledge for this global economy. Geographic knowledge is increasingly needed for U.S. businesses in international markets. For example, the inadvertent placing of Kashmir outside of Indian territory on a time zone map in a widely used computer operating system forced a costly recall, fix, and reissue of the software.

A comprehensive geography education provides training in geospatial technologies, such as remote sensing and geographic information systems. This high-growth industry is expected to reach $30 billion in annual revenues by the end of 2005, up from $5 billion in 2002. Geospatial technologies are one of the three biggest emerging fields identified by the Department of Labor, and they are providing 75,000 new jobs annually. A strong geographic education system is a necessity for this industry's continuing advancement.

Geography literacy is essential to a well prepared citizenry in the 21st Century. Last year, then Secretary of State Colin Powell said, "To solve most of the major problems facing our county today—from wiping out terrorism, to minimizing global environmental problems, to eliminating the scourge of AIDS—will require every young person to learn more about other regions, cultures, and languages."

We need to do more to ensure that the teachers responsible for the education of our students, from kindergarten through high school graduation, are prepared to participate constructively in solving those problems. Over the last 15 years, the National Geographic Society has awarded more than $100 million in grants to educators, universities, geography alliances, and others for the purposes of advancing and improving the teaching of geography. Their models are successful and research shows that students who have benefitted from this teaching out perform other students. State geography alliances exist in 19 States, including Mississippi, endowed by grants from the society. It is clear that their efforts alone are not enough. My bill establishes a Federal commitment to enhance the education of our teachers, focus on geography education research, and develop reliable, advanced technology based classroom materials.

I hope the Senate will consider the seriousness of the need to invest in geography and I invite other Senators to cosponsor the Teaching Geography is Fundamental Act.

By Mr. MCCAIN:

S. 1379. A bill to provide increased rail transportation security; to the Committee on Commerce, Science, and Transportation.

Mr. MCCAIN. Mr. President, we are all deeply saddened by the tragic loss of life caused by the terrorist attacks in London last week. Those incidents are a painful reminder of the cruel nature of our enemies in this war, and of what we must do to fight and win against those who wish to eradicate our way of life.

I have said on many occasions that we cannot just play defense in this war, that instead we must take the fight to the enemy. Still, we must do what is possible to protect Americans at home. To that end, the Senate passed by unanimous consent last year the Rail Security Act of 2004, rail security legislation that, unfortunately, was not approved by the House of Representatives. The London bombings and the attacks on Madrid's commuter rail system last year demonstrate all too vividly the continuing need for this legislation.

Our Nation's transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist attacks. Though we have increased dramatically our security capabilities since 9/11, we have more to do. For example, since 9/11, only modest resources have been dedicated to rail security, and efforts to address rail security remain fragmented despite the constant and tragic reminders abroad that we are in desperate need of deliberate action. In fact, the Department of Homeland Security has not yet completed a vulnerability assessment for the rail system, nor is there an integrated security plan that reflects the unique characteristics of passenger and freight rail operations.

The legislation I am introducing today, which is nearly identical to the Rail Security Act of 2004, would authorize resources to ensure rail transportation security receives a high priority in our efforts to secure our country from terrorism. The legislation directs DHS to complete a vulnerability assessment for the rail system and make recommendations for addressing security weaknesses within 180 days of enactment. It would also authorize funding to address long-standing fire and life-safety needs for several tunnels along the Northeast Corridor, and would authorize appropriations to meet immediate security needs for intercity and freight rail transportation. Further, as recommended by the Government Accountability Office, the bill would require DHS to sign a memorandum of agreement with the Department of Transportation to add clarity to each department's roles and responsibilities with respect to rail security. It is my expectation that this memorandum would supplement and add detail to the memorandum of understanding between the two departments signed on September 28, 2004.

The freight railroads, individual commuter authorities, and Amtrak have, on their own initiative, completed risk assessments and taken steps to safeguard passengers, facilities, and cargo. These efforts, accomplished at a very small cost to the Federal Government, have helped make our rail system safer. The legislation introduced today will augment these efforts and bring these individual initiatives together in a coordinated rail security program.

I trust that the Senate will move quickly to once again pass this essential legislation. We owe at least that much to the American people as we continue our struggle against an enemy that wants nothing less than to destroy everything we stand for and believe in.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rail Security Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Rail transportation security risk assessment.
Sec. 3. Rail security.
Sec. 4. Study of foreign rail transport security programs.
Sec. 5. Passenger, baggage, and cargo screening.
Sec. 6. Certain personnel limitations not to apply.
Sec. 7. Fire and life-safety improvements.
Sec. 8. Memorandum of agreement.
Sec. 9. Amtrak plan to assist families of passengers involved in rail passenger accidents.
Sec. 10. Systemwide Amtrak security upgrades.
Sec. 11. Freight and passenger rail security upgrades.
Sec. 12. Oversight and grant procedures.
Sec. 13. Rail security research and development.
Sec. 14. Welded rail and tank car safety improvements.
Sec. 15. Northern Border rail passenger report.
Sec. 16. Report regarding impact on security of train travel in communities without grade separation.
Sec. 17. Whistleblower protection program.

SEC. 2. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY ASSESSMENT.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Secretary of Transportation, shall complete a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(4) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(B) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary of Homeland Security for Border and Transportation Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Under Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $5,000,000 for fiscal year 2006 for the purpose of carrying out this section.

SEC. 3. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 4. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Within one year after the date of enactment of the Rail Security Act of 2005, the Comptroller General shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 5. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Under Secretary of Homeland Security for Border and Transportation Security, in cooperation with the Secretary of Transportation, shall—

(1) analyze the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains; and

(2) report the results of the study, together with any recommendations that the Under Secretary may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak selected by the Under Secretary. In conducting the pilot program, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices and methods;

(2) require that intercity rail passengers produce government-issued photographic identification which matches the name on the passenger's tickets prior to boarding trains; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers as well as Amtrak passengers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security to carry out this section $5,000,000 for fiscal year 2006.

SEC. 6. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this Act.

SEC. 7. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2006;

(B) $100,000,000 for fiscal year 2007;

(C) $100,000,000 for fiscal year 2008;

(D) $100,000,000 for fiscal year 2009; and

(E) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2006;

(B) $10,000,000 for fiscal year 2007;

(C) $10,000,000 for fiscal year 2008;

(D) $10,000,000 for fiscal year 2009; and

(E) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2006;

(B) $8,000,000 for fiscal year 2007;

(C) $8,000,000 for fiscal year 2008;

(D) $8,000,000 for fiscal year 2009; and

(E) $8,000,000 for fiscal year 2010.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, periodic status reports, and such other matters the Secretary deems appropriate.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. 8. MEMORANDUM OF AGREEMENT.

(a) Memorandum of Agreement.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) Rail Safety Regulations.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. 9. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) Use of Information.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) Limitation on Liability.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) Limitation on Statutory Construction.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) Conforming Amendment.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"Sec.

"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. 10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) In General.—Subject to subsection (c), the Under Secretary of Homeland Security for Border and Transportation Security is authorized to make grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units; and

(7) to expand emergency preparedness efforts.

(b) Conditions.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation, and, for capital projects, meet the requirements of section 7(e)(2). The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) Equitable Geographic Allocation.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) Availability of Funds.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $63,500,000 for fiscal year 2006 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) Security Improvement Grants.—The Under Secretary of Homeland Security for Border and Transportation Security is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the United States-Mexico border or the United States-Canada border;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 2, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 10(b) of this Act.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section 2 the Under Secretary of Homeland Security for Border and Transportation Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $350,000,000 for fiscal year 2006 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia.

SEC. 12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use up to 0.5 percent of amounts made available to Amtrak for capital projects under the Rail Security Act of 2005 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this Act, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of enactment of this Act.

SEC. 13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary of Homeland Security for Border and Transportation Security, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 11(g) of this Act;

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required by section 2.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary of Homeland Security for Border and Transportation Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department and the Department of Transportation. The Under Secretary of Homeland Security for Border and Transportation Security shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this Act and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $50,000,000 in each of fiscal years 2006 and 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Within 90 days after the date of enactment of this Act, the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors and, whenever the Administration determines that it is necessary or appropriate, require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail.

(b) TANK CAR STANDARDS.—The Federal Railroad Administration shall—

(1) within 1 year after the date of enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) within 18 months after the date of enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Within 2 years after the date of enactment of this Act, the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. 15. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers travelling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security.

SEC. 16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security shall, in consultation with State and local government officials, conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the study conducted under subsection (a) and recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"20116. Whistleblower protection for rail security matters.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 192—AFFIRMING THAT THE FIRST AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES GUARANTEES BY THE FREEDOM OF THE PRESS AND ASSERTING THAT NO PURPOSE IS SERVED BY SENTENCING JOURNALISTS JUDITH MILLER AND MATTHEW COOPER, NOR ANY SIMILARLY SITUATED JOURNALISTS, TO PRISON FOR MAINTAINING THE ANONYMITY OF CONFIDENTIAL SOURCES

Mr. LAUTENBERG (for himself, Mr. LUGAR, and Mr. DODD) submitted the following resolution; which was referred to the Committee on the Judiciary:

Whereas the First Amendment of the Constitution of the United States guarantees the freedom of the press;

Whereas it is essential to the democracy of the United States that journalists may report important information to the public without fear of intimidation or imprisonment;

Whereas a majority of the States and the District of Columbia have enacted media shield laws to protect the right of journalists to maintain the anonymity of confidential sources;

Whereas Robert Novak, the columnist first to publish the identity of a covert Central Intelligence Agency officer by name, stated that the Government should not imprison journalists for maintaining the anonymity of confidential sources;

Whereas a United States district court judge may soon sentence Matthew Cooper, the White House correspondent for Time Magazine, and Judith Miller, a journalist for the New York Times, to prison for contempt for refusing to disclose confidential sources;

Whereas that United States district court judge will hold a hearing to consider arguments against imprisonment of those journalists; and

Whereas it is the responsibility of the United States Senate to make its views known in areas of national and legal importance: Now, therefore, be it

Resolved, That the Senate—

(1) affirms that the First Amendment of the Constitution of the United States guarantees the freedom of the press; and

(2) proclaims that no purpose is served by imprisoning journalists Judith Miller and Matthew Cooper.

SENATE RESOLUTION 193—EXPRESSING SYMPATHY FOR THE PEOPLE OF THE UNITED KINGDOM IN THE AFTERMATH OF THE DEADLY TERRORIST ATTACKS ON LONDON ON JULY 7, 2005

Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 193

Whereas the United States and a broad international coalition have been engaged in a Global War on Terrorism since the terrorist attacks in Washington, D.C., New York, and Pennsylvania that occurred on September 11, 2001;

Whereas the people and Governments of the United States and the United Kingdom enjoy a deep and enduring friendship undergirded by shared history, language, and values;

Whereas the United Kingdom has been a strong and steadfast ally to the United States through two World Wars, the Cold War, the Gulf War, and the Global War on Terrorism, including the wars in Afghanistan and Iraq;

Whereas terrorists have planned and conducted attacks around the world during the four years after the Global War on Terrorism began in 2001, most notably the bombing of a night club on the Indonesian island of Bali on October 12, 2002 that killed 202 people and injured an additional 209, the bombings of two synagogues and the British Embassy in Istanbul, Turkey in November 2003, in which 56 people were killed and over 450 injured, and the bombing of the train system in Madrid, Spain on March 11, 2004 that killed more than 190 people and injured approximately 1,500;

Whereas on July 7, 2005, a series of four explosions struck the London public transportation system during the morning rush hour, killing at least 49 innocent civilians and injuring approximately 700 others;

Whereas a previously unknown terrorist group claimed responsibility for the attacks in the name of al Qaeda;

Whereas the terrorist attacks in London coincided with the opening of the G-8 Summit in Gleneagles, Scotland, a Summit committed to bringing help and hope to the poorest countries of the world;

Whereas President Bush immediately condemned the terrorist attacks and extended the "heartfelt condolences" of the people of the United States to the people of the United Kingdom;

Whereas Prime Minister Tony Blair vowed, on behalf of the United Kingdom and the world leaders attending the G-8 Summit in Gleneagles, Scotland, to remain steadfast and strong in the fight against terrorism, stating, "All of our countries have suffered from the impact of terrorism. Those responsible have no respect for human life. We are united in our resolve to confront and defeat this terrorism that is not an attack on one nation, but all nations and on civilized people everywhere. . . . It's important . . . that those engaged in terrorism realize that our determination to defend our values and our way of life is greater than their determination to cause death and destruction to innocent people in a desire to impose extremism on the world", and declared, "We shall prevail, and [the terrorists] shall not";

Whereas the North Atlantic Council, the governing body of the North Atlantic Treaty Organization, after meeting in an extraordinary session, reaffirmed the determination of the members of the North Atlantic Treaty Organization to combat the scourge of terrorism and defend the values of freedom, tolerance, and democracy using all available means;

Whereas world leaders attending the G-8 Summit in Gleneagles, Scotland expressed condolences to the people of the United Kingdom and issued a joint statement to "condemn utterly these barbaric attacks"; and

Whereas Prime Minister Tony Blair, speaking on behalf of the world leaders attending the G-8 Summit in Gleneagles, Scotland, declared, "We are united in the resolve" to defeat terrorism, which is "not an attack on one nation, but on all nations": Now, therefore, be it

Resolved, That the Senate—

(1) expresses deepest sympathies and condolences to the people of the United Kingdom and the victims and their families for the heinous terrorist attacks that occurred in London on July 7, 2005;

(2) condemns these barbaric and unwarranted attacks on the innocent people of London;

(3) expresses strong and continued solidarity with the people of the United Kingdom and pledges to remain shoulder-to-shoulder with the people of the United Kingdom to bring the terrorists responsible for these brutal attacks to justice; and

(4) calls upon the international community to renew and strengthen efforts to—

(A) defeat terrorists by dismantling terrorist networks and exposing the violent and nihilistic ideology of terrorism;

(B) increase international cooperation to advance personal and religious freedoms, ethnic and racial tolerance, political liberty and pluralism, and economic prosperity; and

(C) combat the social injustice, oppression, poverty, and extremism that breeds terrorism.

SENATE RESOLUTION 194—RELATIVE TO THE DEATH OF GAYLORD A. NELSON, FORMER UNITED STATES SENATOR FOR THE STATE OF WISCONSIN

Mr. FRIST (for himself, Mr. REID, Mr. FEINGOLD, Mr. KOHL, Mr. JEFFORDS, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

Whereas Gaylord A. Nelson served in the United States Army from 1942–1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959–1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

SENATE RESOLUTION 195—RECOGNIZING THE SPIRIT OF JACOB MOCK DOUB AND HIS CONTRIBUTION TO ENCOURAGING YOUTH TO BE PHYSICALLY ACTIVE AND FIT, AND EXPRESSING SUPPORT FOR "NATIONAL TAKE A KID MOUNTAIN BIKING DAY"

Mr. BURR (for himself and Mr. SALAZAR) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 195

Whereas according to the Centers for Disease Control and Prevention, obesity rates have nearly tripled in adolescents in the United States since 1980;

Whereas overweight adolescents have a 70 percent chance of becoming overweight or obese adults;

Whereas research conducted by the National Institutes of Health indicates that, while genetics do play a role in childhood obesity, the large increase in childhood obesity rates over the past few decades can be traced to overeating and lack of sufficient exercise;

Whereas the Surgeon General and the President's Council on Physical Fitness and Sports recommend regular physical activity, including bicycling, for the prevention of overweight and obesity;

Whereas Jacob Mock "Jack" Doub, born July 11, 1985, was actively involved in encouraging others, especially children, to ride bicycles;

Whereas Jack Doub, an active youth with an avid interest in the outdoors, was introduced to mountain biking at the age of 11 near Grandfather Mountain, North Carolina, and quickly became a talented cyclist;

Whereas Jack Doub won almost every cross-country race he entered for 2 years and, between the ages of 14 and 17, became a top national-level downhill and slalom competitor;

Whereas Jack Doub placed second in the junior expert dual slalom at the 2002 National Off-Road Bicycling Association's National Championship Series at Snowshoe Mountain, West Virginia;

Whereas Jack Doub died unexpectedly from complications related to a bicycling injury on October 21, 2002;

Whereas Jack Doub's family and friends have joined, in association with the International Mountain Bicycling Association, to honor Jack Doub's spirit and love of bicycling by establishing the Jack Doub Memorial Fund to promote and encourage children of all ages to learn to ride and lead a physically active lifestyle;

Whereas the International Mountain Bicycling Association's worldwide network, which is based in Boulder, Colorado, includes 32,000 individual members, more than 450 bicycle clubs, 140 corporate partners, and 240 bicycle retailer members, who coordinate more than 1,000,000 volunteer trail work hours each year and have built more than 5,000 miles of new trails;

Whereas the International Mountain Bicycling Association has encouraged low-impact riding and volunteer trail work participation since 1988; and

Whereas "National Take a Kid Mountain Biking Day" was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) the health risks associated with childhood obesity;

(B) the spirit of Jacob Mock "Jack" Doub; and

(C) Jack Doub's contribution to encouraging youth of all ages to be physically active and fit, especially through bicycling;

(2) supports the goals and ideals of "National Take a Kid Mountain Biking Day", which was established in honor of Jack Doub in 2004 by the International Mountain Bicycling Association, and is celebrated on the first Saturday in October of each year; and

(3) encourages parents, schools, civic organizations, and students to support the International Mountain Bicycling Association's "National Take a Kid Mountain Biking Day" to promote increased physical activity among youth in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1105. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table.

SA 1106. Mrs. CLINTON (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. CORZINE, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1107. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1108. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1109. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1110. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1111. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1112. Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. HARKIN, Ms. LANDRIEU, Mr. OBAMA, Mrs. MURRAY, Mr. CORZINE, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1113. Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. HARKIN, Ms. LANDRIEU, Mr. OBAMA, Mrs. MURRAY, Mr. CORZINE, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1114. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1115. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1116. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1117. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1118. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1119. Mr. REED (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1120. Mr. FEINGOLD (for himself, Mr. SUNUNU, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1121. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1122. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1123. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1124. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1125. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1126. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1127. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1128. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1129. Mr. REID (for Mrs. MURRAY (for herself, Mr. BYRD, Mr. AKAKA, and Mr. KERRY)) proposed an amendment to the bill H.R. 2360, supra.

SA 1130. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1131. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1132. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1133. Mr. GREGG proposed an amendment to the bill H.R. 2360, supra.

SA 1134. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1135. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1136. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1137. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1138. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. WYDEN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1139. Mr. SESSIONS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1140. Mr. SESSIONS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1141. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1142. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. DEWINE, Mr. COBURN, Mr. AKAKA, Mr. CARPER, Mr. SALAZAR, Mr. COLEMAN, Mr. VOINOVICH, Mr. REED, Mr. BINGAMAN, and Mr. HARKIN) proposed an amendment to the bill H.R. 2360, supra.

SA 1143. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1144. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1145. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1146. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1147. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1148. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1149. Mr. McCAIN (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1150. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1151. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1152. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1153. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1154. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1155. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1156. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1157. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1158. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1159. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1160. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1161. Mr. REID (for himself, Mr. Biden, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1162. Mr. KERRY (for himself and Mr. Lautenberg) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1163. Mrs. FEINSTEIN (for herself and Mr. Sessions) submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1164. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1165. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1166. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1167. Mr. GRASSLEY (for himself and Mr. Hatch) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1168. Mr. DOMENICI (for himself and Mr. Bingaman) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1169. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1170. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1171. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1172. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1173. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1174. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1175. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1176. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1177. Mr. CRAIG (for himself and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1178. Mr. CRAIG (for himself and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1179. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1180. Mr. KENNEDY (for himself and Mr. McCain) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1181. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1182. Mr. SCHUMER (for himself, Mrs. Clinton, Mr. Kerry, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1183. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1184. Mr. SCHUMER (for himself and Mrs. Boxer) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1185. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1186. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1187. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1188. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1189. Mr. SCHUMER (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1190. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1191. Mr. SCHUMER (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1192. Mr. SCHUMER (for himself and Mr. Lieberman) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1193. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1194. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1195. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1196. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1197. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1198. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1199. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1200. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1201. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1202. Mr. DODD (for himself and Ms. Stabenow) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1203. Mr. CORNYN (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1204. Mr. KYL (for himself and Mr. Cornyn) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1205. Mr. SHELBY (for himself, Mr. Sarbanes, Mr. Reed, Mrs. Dole, Mr. Dodd, Mr. Schumer, Ms. Stabenow, Mr. Corzine, Mr. Byrd, Mrs. Clinton, Mr. Lieberman, Ms. Mikulski, Mr. Lautenberg, Mr. Kennedy, and Mr. Kerry) submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1206. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1207. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1208. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1209. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1210. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1211. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1212. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1213. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1214. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2360, supra; which was ordered to lie on the table.

SA 1215. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. KERRY, Mr. MARTINEZ, Mr. SCHUMER, Mr. NELSON of Florida, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY) proposed an amendment to amendment SA 1142 proposed by Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. DEWINE, Mr. COBURN, Mr. AKAKA, Mr. CARPER, Mr. SALAZAR, Mr. COLEMAN, Mr. VOINOVICH, Mr. REED, Mr. BINGAMAN, and Mr. HARKIN) to the bill H.R. 2360, supra.

TEXT OF AMENDMENTS

SA 1105. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____.(a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) (referred to in this section as the "Secretary"), shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act—

(A) all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(B) all requests for funds submitted to the Department of Homeland Security and the Federal Emergency Management Agency by New York City and the State of New York (including the dates of submission, and dates of payment, if any, of those requests) that have been paid or rejected, or that remain unpaid; and

(2) a certified accounting and detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act;

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans of the Secretary for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information in addition to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

SA 1106. Mrs. CLINTON (for herself, Mr. DURBIN, Mr. LAUTENBERG, Mr. CORZINE, and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall assess and report in writing to the Committee on Appropriations, the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate on the following:

(1) The vulnerability posed to high risk areas and facilities from general aviation aircraft that could be stolen or used as a weapon or armed with a weapon.

(2) The security vulnerabilities existing at general aviation airports that would permit general aviation aircraft to be stolen.

(3) Low-cost, high-performance technology that could be used to easily track general aviation aircraft that could otherwise fly undetected.

(4) The feasibility of implementing security measures that would disable general aviation aircraft while on the ground and parked to prevent theft.

(5) The feasibility of performing requisite background checks on individuals working at general aviation airports that have access to aircraft or flight line activities.

(6) An assessment of the threat posed to high population areas, nuclear facilities, key infrastructure, military bases, and transportation infrastructure that stolen or hijacked general aviation aircraft pose especially if armed with weapons or explosives.

(7) An assessment of existing security precautions in place at general aviation airports to prevent breaches of the flight line and perimeter.

(8) An assessment of whether unmanned air traffic control towers provide a security or alert weakness to the security of general aviation aircraft.

(9) An assessment of the additional measures that should be adopted to ensure the security of general aviation aircraft.

(b) The report required by subsection (a) shall include cost estimates associated with implementing each of the measures recommended in the report.

SA 1107. Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) From the money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall be available until expended.

(b) The amount appropriated under subsection (a)—

(1) is designated as an emergency requirement pursuant to section 402 of H.Con.Res. 95 (109th Congress); and

(2) shall remain available until expended.

(c) This section shall take effect on the date of the enactment of this Act.

SA 1108. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. It is the sense of the Senate that the Secretary of Homeland Security should conduct a study of the feasibility of leveraging existing FM broadcast radio infrastructure to provide a first alert, encrypted, multi-point emergency messaging system for emergency response using proven technology.

SA 1109. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, line 20, insert before the period ": *Provided further*, That each State or territory that receives amounts under paragraph (1) or (2) shall provide a detailed report to the Office of State and Local Government Coordination and Preparedness on the identity of each recipient of such amounts made available by the State or territory and the date of receipt, date of expenditure or obligation, and purpose of such expenditure or obligation by that recipient: *Provided further*, That each State or territory described under the preceding proviso shall provide access to Congress of all records of that State or territory relating to such amounts: *Provided further*, That each recipient described under the proviso before the preceding proviso shall provide a written explanation to the State or territory from which any amount is received of the reasons that the expenditure or obligation of any such amount is consistent with the Interim National Preparedness Goal as established by the Department of Homeland Security and the National Priorities as set forth in Homeland Security Presidential Directive 8".

SA 1110. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for

other purposes; which was ordered to lie on the table; as follows:

On page 78, line 19, insert "or the proximity of existing or planned high impact targets, including liquified natural gas facilities and liquified petroleum vessels," after "threat".

SA 1111. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . None of the funds appropriated under this Act may be used to pro9mulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to require United States citizens to present a passport or other documents upon entry into the United States from Canada.

SA 1112. Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. HARKIN, Ms. LANDRIEU, Mr. OBAMA, Mrs. MURRAY, Mr. CORZINE, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$3,281,300,000".

On page 77, line 20, strike "$1,518,000,000" and insert "$1,985,000,000".

On page 79, line 21, strike "$321,300,000" and insert "$341,300,000".

SA 1113. Mr. AKAKA (for himself, Mr. LIEBERMAN, Mr. HARKIN, Ms. LANDRIEU, Mr. OBAMA, Mrs. MURRAY, Mr. CORZINE, Mr. LAUTENBERG, Mr. BINGAMAN, Mr. DURBIN, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$3,281,300,000".

On page 77, line 20, strike "$1,518,000,000" and insert "$1,985,000,000".

On page 79, line 21, strike "$321,300,000" and insert "$341,300,000".

On page 81, line 24, strike "$615,000,000" and insert "$715,000,000".

On page 81, line 24, strike "$550,000,000" and insert "$650,000,000".

SA 1114. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $100,000,000, of which $50,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) and $50,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, for the fiscal year ending September 30, 2005, to be available immediately upon enactment, and to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration.

SA 1115. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, line 24, strike "615,000,000" and insert "$715,000,000" and strike "$550,000,000" and insert "$600,000,000" and line 26, strike "$65,000,000" and insert "$115,000,000".

SA 1116. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 5 .(a) Not later than 30 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a detailed accounting of public assistance reimbursements provided to the States affected during 2004 by—

(1) Hurricane Charley;

(2) Hurricane Frances;

(3) Hurricane Ivan; or

(4) Hurricane Jeanne.

(b) The accounting under subsection (a) shall include a description of—

(1) the status of any pending public assistance reimbursement application relating to a State described in subsection (a);

(2) any entity the application for public assistance reimbursement of which was denied by the Under Secretary and the reasons why the application was denied;

(3) each public assistance reimbursement application that is under appeal as of the date on which the accounting is prepared; and

(4) the amount, and each recipient, of public assistance reimbursements described in subsection (a) as of the date on which the accounting is prepared, expressed in a chart.

SA 1117. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 5 . In light of concerns regarding inconsistent policy memoranda and guidelines issued to counties and communities affected by the 2004 hurricane season, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall provide clear, concise, and uniform guidelines for the reimbursement to any county or government entity affected by a hurricane of the costs of hurricane debris removal.

SA 1118. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 5 . Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Under Secretary for Emergency Preparedness and Response, shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing any changes to Federal emergency preparedness and response policies and practices made as a result of the report of the Inspector General of the Department of Homeland Security, dated May 20, 2005, relating to the individual and household program of the Federal Emergency Management Agency in Miami-Dade County, Florida, in response to Hurricane Frances.

SA 1119. Mr. REED (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 5 .(a) Beginning in fiscal year 2006 and thereafter, the Commandant of the Coast Guard shall require an applicant for an order to site, construct, expand, or operate a liquefied natural gas import facility, in cooperation with the Commandant and State and local agencies that provide for the safety and security of the liquefied natural gas import facility and any vessels that serve the facility, to develop a cost-sharing plan before the date on which the Federal Energy Regulatory Commission issues an order authorizing the applicant to site the facility.

(b) A cost-sharing plan developed under subsection (a) shall include a description of any direct cost reimbursements that the applicant agrees to provide to any State and local agencies with responsibility for security and safety—

(1) at the liquefied natural gas import facility; and

(2) in proximity to vessels that serve the facility.

SA 1120. Mr. FEINGOLD (for himself, Mr. SUNUNU, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for

other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. .(a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

SA 1121. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 20, strike "$1,518,000,000" and insert "$1,985,000,000".

On page 79, line 21, strike "321,300,000" and insert "341,300,000".

On page 79, line 22, insert before the colon ", of which $30,000,000 shall be made available for the metropolitan medical response system".

On page 81, line 24, strike "$615,000,000" and insert "$715,000,000".

On page 81, line 24, strike "$550,000,000" and insert "$650,000,000".

SA 1122. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated under the heading "AVIATION SECURITY" for screening operations is hereby increased by $334,971, of which $334,971 shall be available for passenger and baggage screener pay, compensation, and benefits. Such amount shall be in addition to any other amounts appropriated for such pay, compensation, and benefits.

(b) None of the funds appropriated to the Transportation Security Administration in this Act may be used to enter into contracts with nongovernmental entities to provide passenger and baggage screening functions.

SA 1123. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, line 13, strike "$988,600,000" and insert "$1,082,900,000".

On page 73, line 15, strike "program:" and insert "program, of which $94,300,000 shall be used for accelerating the fast response cutter acquisition:".

On page 77, line 18, strike "$2,694,300,000," and insert $2,600,000,000,".

SA 1124. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 20, insert "of which $367,552,000 shall be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and" after "local grants,".

SA 1125. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 26, before the period, insert the following: ": *Provided further*, That of the total amount made available under this heading for the support and acquisition of mobile medical units to be used by the Federal Emergency Management Agency, Directorate of Emergency Preparedness and Response, in response to domestic disasters, the Secretary of Homeland Security is encouarged to acquire an integrated mobile medical system for testing and evaluation in accordance with subchapter V of chapter 35 of title 31, United States Code (commonly known as the 'Competition in Contracting Act')".

SA 1126. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. The amount appropriated by title III under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS" is increased by $1,100,000,000, of which $1,100,000,000 shall be made available for discretionary transportation and infrastructure grants for intercity passenger rail transportation, freight rail, and transit security.

SA 1127. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

TITLE VI—SEAPORTS

SEC. 601. SHORT TITLE.

This title may be cited as the "Reducing Crime and Terrorism at America's Seaports Act of 2005".

SEC. 602. ENTRY BY FALSE PRETENSES TO ANY SEAPORT.

(a) IN GENERAL.—Section 1036 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) any secure or restricted area of any seaport, designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section; or";

(2) in subsection (b)(1), by striking "5" and inserting "10";

(3) in subsection (c)(1), by inserting ", captain of the seaport," after "airport authority"; and

(4) by striking the section heading and inserting the following:

"§ 1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18 is amended by striking the matter relating to section 1036 and inserting the following:

"1036. Entry by false pretenses to any real property, vessel, or aircraft of the United States or secure area of any airport or seaport.".

(c) DEFINITION OF SEAPORT.—Chapter 1 of title 18, United States Code, is amended by adding at the end the following:

"§ 26. Definition of seaport

"As used in this title, the term 'seaport' means all piers, wharves, docks, and similar structures, adjacent to any waters subject to the jurisdiction of the United States, to which a vessel may be secured, including areas of land, water, or land and water under and in immediate proximity to such structures, buildings on or contiguous to such structures, and the equipment and materials on such structures or in such buildings.".

(d) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 18 is amended by inserting after the matter relating to section 25 the following:

"26. Definition of seaport.".

SEC. 603. CRIMINAL SANCTIONS FOR FAILURE TO HEAVE TO, OBSTRUCTION OF BOARDING, OR PROVIDING FALSE INFORMATION.

(a) OFFENSE.—Chapter 109 of title 18, United States Code, is amended by adding at the end the following:

"§ 2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information

"(a)(1) It shall be unlawful for the master, operator, or person in charge of a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to knowingly fail to obey an order by an authorized Federal law enforcement officer to heave to that vessel.

"(2) It shall be unlawful for any person on board a vessel of the United States, or a vessel subject to the jurisdiction of the United States, to—

"(A) forcibly resist, oppose, prevent, impede, intimidate, or interfere with a boarding or other law enforcement action authorized by any Federal law or to resist a lawful arrest; or

"(B) provide information to a Federal law enforcement officer during a boarding of a vessel regarding the vessel's destination, origin, ownership, registration, nationality, cargo, or crew, which that person knows is materially false.

"(b) This section does not limit the authority of a customs officer under section 581 of the Tariff Act of 1930 (19 U.S.C. 1581), or any other provision of law enforced or administered by the Secretary of the Treasury or the Secretary of Homeland Security, or the authority of any Federal law enforcement officer under any law of the United States, to order a vessel to stop or heave to.

"(c) A foreign nation may consent or waive objection to the enforcement of United States law by the United States under this section by radio, telephone, or similar oral or electronic means. Consent or waiver may be proven by certification of the Secretary of State or the designee of the Secretary of State.

"(d) In this section—

"(1) the term 'Federal law enforcement officer' has the meaning given the term in section 115(c);

"(2) the term 'heave to' means to cause a vessel to slow, come to a stop, or adjust its course or speed to account for the weather conditions and sea state to facilitate a law enforcement boarding;

"(3) the term 'vessel subject to the jurisdiction of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903); and

"(4) the term 'vessel of the United States' has the meaning given the term in section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

"(e) Any person who intentionally violates the provisions of this section shall be fined under this title, imprisoned for not more than 5 years, or both.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 109, title 18, United States Code, is amended by inserting after the item for section 2236 the following:

"2237. Criminal sanctions for failure to heave to, obstruction of boarding, or providing false information.".

SEC. 604. USE OF A DANGEROUS WEAPON OR EXPLOSIVE ON A PASSENGER VESSEL.

Section 1993 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", passenger vessel," after "transportation vehicle";

(B) in paragraphs (2)—

(i) by inserting ", passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(C) in paragraph (3)—

(i) by inserting ", passenger vessel," after "transportation vehicle" each place that term appears; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider" each place that term appears;

(D) in paragraph (5)—

(i) by inserting ", passenger vessel," after "transportation vehicle"; and

(ii) by inserting "or owner of the passenger vessel" after "transportation provider"; and

(E) in paragraph (6), by inserting "or owner of a passenger vessel" after "transportation provider" each place that term appears;

(2) in subsection (b)(1), by inserting ", passenger vessel," after "transportation vehicle"; and

(3) in subsection (c)—

(A) by redesignating paragraph (6) through (8) as paragraphs (7) through (9); and

(B) by inserting after paragraph (5) the following:

"(6) the term 'passenger vessel' has the meaning given that term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel, as that term is defined under section 2101(35) of that title.".

SEC. 605. CRIMINAL SANCTIONS FOR VIOLENCE AGAINST MARITIME NAVIGATION, PLACEMENT OF DESTRUCTIVE DEVICES, AND MALICIOUS DUMPING.

(a) KNOWING DISCHARGE OR RELEASE.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following:

"§ 2282. Knowing discharge or release

"(a) ENDANGERMENT OF HUMAN LIFE.—A person who knowingly discharges or releases oil, hazardous material, a noxious liquid substance, or any other dangerous substance into navigable waters or onto the adjoining shoreline with the intent to endanger human life, or health, or welfare shall be fined under this title, imprisoned for any term of years or for life, or both.

"(b) ENDANGERMENT OF MARINE ENVIRONMENT.—Any person who knowingly discharges or releases oil, a hazardous material, a noxious liquid substance, or any other dangerous substance into navigable waters or onto the adjacent shoreline with the intent to endanger the marine environment shall be fined under this title, imprisoned not more than 30 years, or both.

"(c) DEFINITIONS.—In this section:

"(1) DISCHARGE.—The term 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(2) HAZARDOUS MATERIAL.—The term 'hazardous material' has the meaning given the term in section 2101(14) of title 46, United States Code.

"(3) MARINE ENVIRONMENT.—The term 'marine environment' has the meaning given the term in section 2101(15) of title 46, United States Code.

"(4) NAVIGABLE WATERS.—The term 'navigable waters' has the meaning given the term in section 1362(7) of title 33, United States Code, and also includes the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.

"(5) NOXIOUS LIQUID SUBSTANCE.—The term 'noxious liquid substance' has the meaning given the term in the MARPOL Protocol defined in section 2(1) of the Act to Prevent Pollution from Ships (33 U.S.C. 1901(a)(3)).

"(6) OIL.—The term 'oil' has the meaning given the term in section 1321(a)(1) of title 33, United States Code; and

"(7) DANGEROUS SUBSTANCE.—The term 'dangerous substance' means any solid, liquid, or gaseous material that has the capacity of endangering human life, health, or welfare.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, is amended by adding at the end the following:

"2282. Knowing discharge or release.".

(c) PLACEMENT OF DESTRUCTIVE DEVICES.—Chapter 111 of title 18, United States Code, as amended by subsection (a), is further amended by adding at the end the following:

"§ 2282A. Devices or dangerous substances in waters of the united states likely to destroy or damage ships or to interfere with maritime commerce

"(a) A person who knowingly places, or causes to be placed, in navigable waters of the United States, by any means, a device or dangerous substance which is likely to destroy or cause damage to a vessel or its cargo, cause interference with the safe navigation of vessels, or interference with maritime commerce (such as by damaging or destroying marine terminals, facilities, or any other marine structure or entity used in maritime commerce) with the intent of causing such destruction or damage, interference with the safe navigation of vessels, or interference with maritime commerce shall be fined under this title, imprisoned for any term of years or for life, or both.

"(b) A person who causes the death of any person by engaging in conduct prohibited under subsection (a) may be punished by death.

“(c) Nothing in this section shall be construed to apply to otherwise lawfully authorized and conducted activities of the United States Government.

“(d) In this section:

“(1) The term ‘dangerous substance’ means any solid, liquid, or gaseous material that has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.

“(2) The term ‘device’ means any object that, because of its physical, mechanical, structural, or chemical properties, has the capacity to cause damage to a vessel or its cargo, or cause interference with the safe navigation of a vessel.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsection (b), is further amended by adding after the item related to section 2282 the following:

“2282A. Devices or dangerous substances in waters of the United States likely to destroy or damage ships or to interfere with maritime commerce.”.

(d) VIOLENCE AGAINST MARITIME NAVIGATION.—

(1) IN GENERAL.—Chapter 111 of title 18, United States Code as amended by subsections (a) and (c), is further amended by adding at the end the following:

“§ 2282B. Violence against aids to maritime navigation

“Whoever intentionally destroys, seriously damages, alters, moves, or tampers with any aid to maritime navigation maintained by the Saint Lawrence Seaway Development Corporation under the authority of section 4 of the Act of May 13, 1954 (33 U.S.C. 984), by the Coast Guard pursuant to section 81 of title 14, United States Code, or lawfully maintained under authority granted by the Coast Guard pursuant to section 83 of title 14, United States Code, if such act endangers or is likely to endanger the safe navigation of a ship, shall be fined under this title, imprisoned for not more than 20 years, or both.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by subsections (b) and (d) is further amended by adding after the item related to section 2282A the following:

“2282B. Violence against aids to maritime navigation.”.

SEC. 606. TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.

(a) TRANSPORTATION OF DANGEROUS MATERIALS AND TERRORISTS.—Chapter 111 of title 18, as amended by section 605, is further amended by adding at the end the following:

“§ 2283. Transportation of explosive, biological, chemical, or radioactive or nuclear materials

“(a) IN GENERAL.—Any person who knowingly and willfully transports aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality an explosive or incendiary device, biological agent, chemical weapon, or radioactive or nuclear material, knowing that any such item is intended to be used to commit an offense listed under section 2332b(g)(5)(B), shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) CAUSING DEATH.—Any person who causes the death of any person by engaging in conduct prohibited by subsection (a) may be punished by death.

“(c) DEFINITIONS.—In this section:

“(1) BIOLOGICAL AGENT.—The term ‘biological agent’ means any biological agent, toxin, or vector (as those terms are defined in section 178).

“(2) BY-PRODUCT MATERIAL.—The term ‘by-product material’ has the meaning given that term in section 11(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(e)).

“(3) CHEMICAL WEAPON.—The term ‘chemical weapon’ has the meaning given that term in section 229F(1).

“(4) EXPLOSIVE OR INCENDIARY DEVICE.—The term ‘explosive or incendiary device’ has the meaning given the term in section 232(5).

“(5) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given that term in section 831(f)(1).

“(6) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means—

“(A) source material and special nuclear material, but does not include natural or depleted uranium;

“(B) nuclear by-product material;

“(C) material made radioactive by bombardment in an accelerator; or

“(D) all refined isotopes of radium.

“(8) SOURCE MATERIAL.—The term ‘source material’ has the meaning given that term in section 11(z) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(z)).

“(9) SPECIAL NUCLEAR MATERIAL.—The term ‘special nuclear material’ has the meaning given that term in section 11(aa) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(aa)).

“§ 2284. Transportation of terrorists

“(a) IN GENERAL.—Any person who knowingly and intentionally transports any terrorist aboard any vessel within the United States and on waters subject to the jurisdiction of the United States or any vessel outside the United States and on the high seas or having United States nationality, knowing that the transported person is a terrorist, shall be fined under this title, imprisoned for any term of years or for life, or both.

“(b) DEFINED TERM.—In this section, the term ‘terrorist’ means any person who intends to commit, or is avoiding apprehension after having committed, an offense listed under section 2332b(g)(5)(B).”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 111 of title 18, United States Code, as amended by section 605, is further amended by adding at the end the following:

“2283. Transportation of explosive, chemical, biological, or radioactive or nuclear materials.
“2284. Transportation of terrorists.”.

SEC. 607. DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 111 the following:

“CHAPTER 111A—DESTRUCTION OF, OR INTERFERENCE WITH, VESSELS OR MARITIME FACILITIES

“Sec.
“2290. Jurisdiction and scope.
“2291. Destruction of vessel or maritime facility.
“2292. Imparting or conveying false information.
“2293. Bar to prosecution.

“§ 2290. Jurisdiction and scope

“(a) JURISDICTION.—There is jurisdiction over an offense under this chapter if the prohibited activity takes place—

“(1) within the United States and within waters subject to the jurisdiction of the United States; or

“(2) outside United States and—

“(A) an offender or a victim is a national of the United States (as that term is defined under section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(B) the activity involves a vessel in which a national of the United States was on board; or

“(C) the activity involves a vessel of the United States (as that term is defined under section 2 of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903).

“(b) SCOPE.—Nothing in this chapter shall apply to otherwise lawful activities carried out by or at the direction of the United States Government.

“§ 2291. Destruction of vessel or maritime facility

“(a) OFFENSE.—Whoever willfully—

“(1) sets fire to, damages, destroys, disables, or wrecks any vessel;

“(2) places or causes to be placed a destructive device, as defined in section 921(a)(4), or destructive substance, as defined in section 31(a)(3), in, upon, or near, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any vessel, or any part or other materials used or intended to be used in connection with the operation of a vessel;

“(3) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment;

“(4) interferes by force or violence with the operation of any maritime facility, including any aid to navigation, lock, canal, or vessel traffic service facility or equipment, if such action is likely to endanger the safety of any vessel in navigation;

“(5) sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(6) performs an act of violence against or incapacitates any individual on any vessel, if such act of violence or incapacitation is likely to endanger the safety of the vessel or those on board;

“(7) performs an act of violence against a person that causes or is likely to cause serious bodily injury, as defined in section 1365(h)(3), in, upon, or near, any appliance, structure, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading, or storage of any vessel or any passenger or cargo carried or intended to be carried on any vessel;

“(8) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any vessel in navigation; or

“(9) attempts or conspires to do anything prohibited under paragraphs (1) through (8), shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) Limitation.—Subsection (a) shall not apply to any person that is engaging in otherwise lawful activity, such as normal repair and salvage activities, and the transportation of hazardous materials regulated and allowed to be transported under chapter 51 of title 49.

"(c) Penalty.—Whoever is fined or imprisoned under subsection (a) as a result of an act involving a vessel that, at the time of the violation, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12)) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23)), shall be fined under this title, imprisoned for a term up to life, or both.

"(d) Penalty When Death Results.—Whoever is convicted of any crime prohibited by subsection (a) and intended to cause death by the prohibited conduct, if the conduct resulted in the death of any person, shall be subject also to the death penalty or to a term of imprisonment for a period up to life.

"(e) Threats.—Whoever willfully imparts or conveys any threat to do an act which would violate this chapter, with an apparent determination and will to carry the threat into execution, shall be fined under this title, imprisoned not more than 5 years, or both, and is liable for all costs incurred as a result of such threat.

"§ 2292. Imparting or conveying false information

"(a) In General.—Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act that would be a crime prohibited by this chapter or by chapter 111 of this title, shall be subject to a civil penalty of not more than $5,000, which shall be recoverable in a civil action brought in the name of the United States.

"(b) Malicious Conduct.—Whoever willfully and maliciously, or with reckless disregard for the safety of human life, imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt to do any act which would be a crime prohibited by this chapter or by chapter 111 of this title, shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) Jurisdiction.—

"(1) In general.—Except as provided under paragraph (2), section 2290(a) shall not apply to any offense under this section.

"(2) Jurisdiction.—Jurisdiction over an offense under this section shall be determined in accordance with the provisions applicable to the crime prohibited by this chapter, or by chapter 111 of this title, to which the imparted or conveyed false information relates, as applicable.

"§ 2293. Bar to prosecution

"(a) In general.—It is a bar to prosecution under this chapter if—

"(1) the conduct in question occurred within the United States in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed; or

"(2) such conduct is prohibited as a misdemeanor, and not as a felony, under the law of the State in which it was committed.

"(b) Definitions.—In this section:

"(1) Labor dispute.—The term 'labor dispute' has the same meaning given that term in section 13(c) of the Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes (29 U.S.C. 113(c), commonly known as the Norris-LaGuardia Act).

"(2) State.—The term 'State' means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(c) Technical and Conforming Amendment.—The table of chapters at the beginning of title 18, United States Code, is amended by inserting after the item for chapter 111 the following:

"111A. Destruction of, or interference with, vessels or maritime facilities .... 2290".

SEC. 608. THEFT OF INTERSTATE OR FOREIGN SHIPMENTS OR VESSELS.

(a) Theft of Interstate or Foreign Shipments.—Section 659 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "trailer," after "motortruck,";

(B) by inserting "air cargo container," after "aircraft,"; and

(C) by inserting ", or from any intermodal container, trailer, container freight station, warehouse, or freight consolidation facility," after "air navigation facility";

(2) in the fifth undesignated paragraph, by striking "one year" and inserting "3 years"; and

(3) by inserting after the first sentence in the eighth undesignated paragraph the following: "For purposes of this section, goods and chattel shall be construed to be moving as an interstate or foreign shipment at all points between the point of origin and the final destination (as evidenced by the waybill or other shipping document of the shipment), regardless of any temporary stop while awaiting transshipment or otherwise.".

(b) Stolen Vessels.—

(1) In general.—Section 2311 of title 18, United States Code, is amended by adding at the end the following:

"'Vessel' means any watercraft or other contrivance used or designed for transportation or navigation on, under, or immediately above, water.".

(2) Transportation and sale of stolen vessels.—

(A) Transportation.—Section 2312 of title 18, United States Code, is amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

(B) Sale.—Section 2313(a) of title 18, United States Code, is amended by striking "motor vehicle or aircraft" and inserting "motor vehicle, vessel, or aircraft".

(c) Review of Sentencing Guidelines.—Pursuant to section 994 of title 28, United States Code, the United States Sentencing Commission shall review the Federal Sentencing Guidelines to determine whether sentencing enhancement is appropriate for any offense under section 659 or 2311 of title 18, United States Code, as amended by this Act.

(d) Annual Report of Law Enforcement Activities.—The Attorney General shall annually submit to Congress a report, which shall include an evaluation of law enforcement activities relating to the investigation and prosecution of offenses under section 659 of title 18, United States Code, as amended by this Act.

(e) Reporting of Cargo Theft.—The Attorney General shall take the steps necessary to ensure that reports of cargo theft collected by Federal, State, and local officials are reflected as a separate category in the Uniform Crime Reporting System, or any successor system, by no later than December 31, 2005.

SEC. 609. INCREASED PENALTIES FOR NONCOMPLIANCE WITH MANIFEST REQUIREMENTS.

(a) Reporting, Entry, Clearance Requirements.—Section 436(b) of the Tariff Act of 1930 (19 U.S.C. 1436(b)) is amended by—

(1) striking "or aircraft pilot" and inserting "aircraft pilot, operator, owner of such vessel, vehicle or aircraft, or any other responsible party";

(2) striking "$5,000" and inserting "$10,000"; and

(3) striking "$10,000" and inserting "$25,000".

(b) Criminal Penalty.—Section 436(c) of the Tariff Act of 1930 (19 U.S.C. 1436(c)) is amended—

(1) by striking "or aircraft pilot" and inserting "aircraft pilot, operator, owner of such vessel, vehicle, or aircraft, or any other responsible party"; and

(2) by striking "$2,000" and inserting "$10,000".

(c) Falsity or Lack of Manifest.—Section 584(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1584(a)(1)) is amended by striking "$1,000" in each place it occurs and inserting "$10,000".

SEC. 610. STOWAWAYS ON VESSELS OR AIRCRAFT.

Section 2199 of title 18, United States Code, is amended by striking "Shall be fined under this title or imprisoned not more than one year, or both." and inserting the following:

"(1) shall be fined under this title, imprisoned not more than 5 years, or both;

"(2) if the person commits an act proscribed by this section, with the intent to commit serious bodily injury, and serious bodily injury occurs (as defined under section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242) to any person other than a participant as a result of a violation of this section, shall be fined under this title, imprisoned not more than 20 years, or both; and

"(3) if an individual commits an act proscribed by this section, with the intent to cause death, and if the death of any person other than a participant occurs as a result of a violation of this section, shall be fined under this title, imprisoned for any number of years or for life, or both.".

SEC. 611. BRIBERY AFFECTING PORT SECURITY.

(a) In General.—Chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"§ 226. Bribery affecting port security

"(a) In General.—Whoever knowingly—

"(1) directly or indirectly, corruptly gives, offers, or promises anything of value to any public or private person, with intent to commit international terrorism or domestic terrorism (as those terms are defined under section 2331), to—

"(A) influence any action or any person to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud affecting any secure or restricted area or seaport; or

"(B) induce any official or person to do or omit to do any act in violation of the lawful duty of such official or person that affects any secure or restricted area or seaport; or

"(2) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for—

"(A) being influenced in the performance of any official act affecting any secure or restricted area or seaport; and

"(B) knowing that such influence will be used to commit, or plan to commit, international or domestic terrorism,

shall be fined under this title, imprisoned not more than 15 years, or both.

"(b) Definition.—In this section, the term 'secure or restricted area' means an area of a vessel or facility designated as secure in an approved security plan, as required under section 70103 of title 46, United States Code, and the rules and regulations promulgated under that section.".

(b) Technical and Conforming Amendment.—The table of sections for chapter 11 of title 18, United States Code, is amended by adding at the end the following:

"226. Bribery affecting port security.".

SA 1128. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

Sec. 519. The amount appropriated by title III under the heading "Office of State and Local Government Coordination and Preparedness" is increased by $495,000,000, of which $495,000,000 shall be made available for discretionary transportation and infrastructure grants for intercity passenger rail transportation, freight rail, and transit security.

SA 1129. Mr. REID (for Ms. MURRAY (for herself, Mr. BYRD, MR. AKAKA, and Mr. KERRY)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SECTION 1. VETERANS HEALTH ADMINISTRATION.

(a) In General.—From any money in the Treasury not otherwise obligated or appropriated, there are appropriated to the Department of Veterans Affairs $1,500,000,000 for the fiscal year ending September 30, 2005, for medical services provided by the Veterans Health Administration, which shall remain available until expended.

(b) Emergency Designation.—The amount appropriated under subsection (a) is designated as an emergency requirement pursuant to (section 402 of H. Con. Res. 95 (109th Congress).

(c) This section shall take effect on the date of enactment of this Act.

SA 1130. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. HOMELAND SECURITY ASSISTANCE.

It is the sense of the Senate that the Senate agrees with the recommendation of the Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Report"), which includes the following: "Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . [F]ederal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.".

SA 1131. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RISK-BASED HOMELAND SECURITY FUNDING.

(a) Short Title.—This section may be cited as the "Risk-Based Homeland Security Funding Act".

(b) Findings.—Congress agrees with the recommendation of the Final Report of the National Commission on Terrorist Attacks Upon the United States (commonly known as the "9/11 Report"), which includes the following: "Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . [F]ederal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.".

(c) Risk-based Homeland Security Grant Funding.—

(1) Criteria for awarding homeland security grants.—Except for grants awarded under any of the programs listed under subsection d(2), all homeland security grants related to terrorism prevention and terrorism preparedness shall be awarded based strictly on an assessment of risk, threat, and vulnerabilities, as determined by the Secretary of Homeland Security.

(2) Limitation.—Except for grants awarded under any of the programs listed under subsection d(2), none of the funds appropriated for Homeland Security grants related to terrorism prevention and terrorism preparedness may be used for general revenue sharing.

(3) Conforming amendment.—Section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3714(c)(3)) is repealed.

(d) Preservation of Pre-9/11 Grant Programs for Traditional First Responder Missions.—

(1) Savings provision.—This section shall not be construed to affect any authority to award grants under a Federal grant program listed under paragraph (2), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.

(2) Programs excluded.—The programs referred to in paragraph (1) are the following:

(A) The Firefighter Assistance Program authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229).

(B) The Emergency Management Performance Grant Program and the Urban Search and Rescue Grant Program authorized under—

(i) title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.);

(ii) the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (Public Law 1060974; 113 Stat. 1047 et seq.); and

(iii) the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

(C) The Edward Byrne Memorial State and Local Law Enforcement Assistance Programs authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(D) The Public Safety and Community Policing (COPS ON THE BEAT) Grant Program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

(E) Grant programs under the Public Health Service Act (42 U.S.C. 201 et seq.) regarding preparedness for bioterrorism and other public health emergencies.

(F) The Emergency Response Assistance Program authorized under section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312).

SA 1132. Mr. LAUTENBERG (for himself and Mr. CORZINE) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RISK-BASED HOMELAND SECURITY FUNDING.

Notwithstanding any other provision of law (including any provision of title III of this Act), all homeland security grants related to terrorism prevention and terrorism preparedness shall be allocated based on an assessment of risks, threats, and vulnerabilities.

SA 1133. Mr. GREGG proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 81, line 22, strike "For necessary" down through and including on line 4, page 82, and insert the following:

"For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $615,000,000, of which $500,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) an $115,000,000 shall be available to carry out section 34 (15 U.S.C. 2229a) of such Act, to remain available until September 30, 2007: Provided, That not to exceed 5 percent of this amount shall be available for program administration."

SA 1134. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for

other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

TITLE —SCREENING MUNICIPAL SOLID WASTE

SEC. . CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.

(a) DEFINITION.—In this section, the term "municipal solid waste" includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Bureau of Customs and Border Protection shall submit a report to Congress that—

(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport; and

(2) if the methodologies and technologies used to screen solid waste are less effective than those used to screen other commercial items, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of solid waste, including the need for additional screening technologies.

(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Bureau of Customs and Border Protection fails to fully implement the actions described in subsection (b)(2) before the earlier of 6 months after the date on which the report is due under subsection (b) or 6 months after the date on which such report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in such waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport.

SA 1135. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a)(1) There is established in the Department of Homeland Security an International Border Community Interoperable Communications Demonstration Project (referred to in this section as "demonstration project") to address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers, as defined in the Homeland Security Act of 2002.

(2) The Secretary of Homeland Security shall select no fewer than 4 communities to participate in a demonstration project.

(3) No fewer than 2 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no few than 2 of the communities selected under paragraph (2) shall be located on the southern border of the United States. The Secretary shall select sites along the international borders that reflect a variety of conditions, including at least one site with at least 8,000,000 border crossings per year, commercial activity of at least $50,000,000,000 per year, and critical infrastructure, such as bridges, railways, pipelines, and water resources.

(b)(1) The Secretary of Homeland Security shall distribute funds under this section to each community participating in a demonstration project under this section through the State or States in which each community is located.

(2) A State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary of Homeland Security not later than 60 days after receiving funds.

(c) Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary of Homeland Security shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

(d)(1)) Of the amounts appropriated by this Act, $10,000,000 shall be for necessary expenses to carry out this section.

(2) The amount appropriated by title IV under the heading "RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS" is hereby reduced by $10,000,000.

SA 1136. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. (a) AVAILABILITY OF AMOUNT FOR GRAND FORKS AIR WING BASE, NORTH DAKOTA.—Of the amount appropriated by title II of this Act under the heading "BORDER AND TRANSPORTATION SECURITY" under the heading "AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT" and available for the Northern border airwings, $2,000,000 may be available for the Grand Forks Air Wing Base, North Dakota.

(b) REPORT ON ESTABLISHMENT OF AIR WING BASE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the establishment of Grand Forks Air Wing Base as part of the Northern border airwing system. The report shall set forth an estimate of the cost of establishment of the Grand Forks Air Wing Base, together with a proposed schedule for completion of the Grand Forks Air Wing Base.

SA 1137. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 12, strike the period at the end and insert the following: ": Provided further, That funds made available under this paragraph may be used for overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement.".

SA 1138. Mr. COLEMAN (for himself, Mr. LEVIN, Mr. WYDEN, and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. PAYMENTS TO FEDERAL CONTRACTORS WITH FEDERAL TAX DEBT.

The General Services Administration, in conjunction with the Internal Revenue Service and the Financial Management Service, shall develop procedures to subject purchase card payments to Federal contractors to the Federal Payment Levy program.

SEC. 520. REPORTING OF AIR TRAVEL BY FEDERAL GOVERNMENT EMPLOYEES.

(a) ANNUAL REPORTS REQUIRED.—The Administrator of the General Services shall submit annually to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a report on all first class and business class travel by employees of each executive agency undertaken at the expense of the Federal Government.

(b) CONTENT.—The reports submitted pursuant to subsection (a) shall include, at a minimum, with respect to each travel by first class or business class—

(1) the names of each traveler;

(2) the date of travel;

(3) the points of origination and destination;

(4) the cost of the first class or business class travel; and

(5) the cost difference between such travel and travel by coach class.

(c) EXECUTIVE AGENCY DEFINED.—In this section, the term "executive agency" has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

SA 1139. Mr. SESSIONS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, line 19, strike "$124,620,000" and insert "$123,620,000".

At the appropriate place, insert the following:

SEC. .(a) There are appropriated, out of any money in the Treasury not otherwise appropriated, for the Directorate of Border and Transportation Security for the fiscal year ending September 30, 2006, $1,000,000 for entering information into the Immigration Violators File of the National Crime Information Center database about immigration violators, including all aliens—

(1) against whom a final order of removal has been issued;

(2) who have signed a voluntary departure agreement;

(3) who have overstayed their authorized period of stay; or

(4) whose visas have been revoked.

(b) The information described in subsection (a) shall be provided to the National Crime Information Center and entered into the Immigration Violators File regardless of whether—

(1) the alien received notice of a final order of removal;

(2) the alien has already been removed; or

(3) sufficient identifying information is available regarding the alien.

SA 1140. Mr. SESSIONS (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, strike line 19 and insert the following: "as authorized by law, $113,139,000: *Provided*, That not to".

On page 57, line 1, strike "$146,322,000" and insert "$116,803,000".

At the appropriate place, insert the following:

SEC. . TRAINING STATE AND LOCAL PERSONNEL TO PERFORM IMMIGRATION FUNCTIONS.

(a) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Homeland Security for the fiscal year ending September 30, 2006, $40,000,000, of which—

(1) $20,000,000 may be used to facilitate agreements under 287(g) of the Immigration and Nationality Act (8 U.S.C. 1357(g)); and

(2) $20,000,000 may be used to reimburse States and political subdivisions of any State for expenses described in subsection (c).

(b) ELIGIBLE RECIPIENTS.—Reimbursement under subsection (a)(2) is limited to States and political subdivisions of any State that—

(1) have entered into a written agreement under section 287(g) of such Act under which certain officers or employers are authorized to perform certain functions of an immigration officer; and

(2) desire that such officers or employees receive training from the Department of Homeland Security in relation to such functions.

(c) EXPENSE.—The expenses described in this subsection are the actual and necessary expenses incurred by the State or political subdivision in support of the training described in subsection (b)(2), including—

(1) costs related to travel and transportation to locations where training is provided, including mileage and related allowances for the use of a privately owned automobile;

(2) subsistence payments, including lodging, meals, and other necessary expenses for the personal sustenance and comfort of a person required to travel away from the person's regular post of duty in order to participate in the training;

(3) a per diem allowance paid instead of actual expenses for subsistence and fees or tips to porters and stewards; and

(4) costs of securing temporary replacements or personnel traveling to, and participating in, the training, including overtime expenses.

SA 1141. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —PROTECTION OF RAILROAD CARRIERS AND MASS TRANSPORTATION

SEC. _01. SHORT TITLE.

This title may be cited as the "Railroad Carriers and Mass Transportation Protection Act of 2005".

SEC. _02. ATTACKS AGAINST RAILROAD CARRIERS, PASSENGER VESSELS, AND MASS TRANSPORTATION SYSTEMS.

(a) IN GENERAL.—Chapter 97 of title 18, United States Code, is amended by striking sections 1992 and 1993 and inserting the following:

"§11992. Terrorist attacks and other violence against railroad carriers, passenger vessels, and against mass transportation systems on land, on water, or through the air

"(a) GENERAL PROHIBITIONS.—Whoever, in a circumstance described in subsection (c), knowingly—

"(1) wrecks, derails, sets fire to, or disables railroad on-track equipment, a passenger vessel, or a mass transportation vehicle;

"(2) with intent to endanger the safety of any passenger or employee of a railroad carrier, passenger vessel, or mass transportation provider, or with a reckless disregard for the safety of human life, and without previously obtaining the permission of the railroad carrier, mass transportation provider, or owner of the passenger vessel—

"(A) places any biological agent or toxin, destructive substance, or destructive device in, upon, or near railroad on-track equipment, a passenger vessel, or a mass transportation vehicle; or

"(B) releases a hazardous material or a biological agent or toxin on or near the property of a railroad carrier, owner of a passenger vessel, or mass transportation provider;

"(3) sets fire to, undermines, makes unworkable, unusable, or hazardous to work on or use, or places any biological agent or toxin, destructive substance, or destructive device in, upon, or near any—

"(A) tunnel, bridge, viaduct, trestle, track, electromagnetic guideway, signal, station, depot, warehouse, terminal, or any other way, structure, property, or appurtenance used in the operation of, or in support of the operation of, a railroad carrier, without previously obtaining the permission of the railroad carrier, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck railroad on-track equipment;

"(B) garage, terminal, structure, track, electromagnetic guideway, supply, or facility used in the operation of, or in support of the operation of, a mass transportation vehicle, without previously obtaining the permission of the mass transportation provider, and with intent to, or knowing or having reason to know such activity would likely, derail, disable, or wreck a mass transportation vehicle used, operated, or employed by a mass transportation provider; or

"(C) structure, supply; or facility used in the operation of, or in the support of the operation of, a passenger vessel, without previously obtaining the permission of the owner of the passenger vessel, and with intent to, or knowing or having reason to know that such activity would likely disable or wreck a passenger vessel;

"(4) removes an appurtenance from, damages, or otherwise impairs the operation of a railroad signal system or mass transportation signal or dispatching system, including a train control system, centralized dispatching system, or highway-railroad grade crossing warning signal, without authorization from the rail carrier or mass transportation provider;

"(5) with intent to endanger the safety of any passenger or employee of a railroad carrier, owner of a passenger vessel, or mass transportation provider or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates any dispatcher, driver, captain, locomotive engineer, railroad conductor, or other person while the person is employed in dispatching, operating, or maintaining railroad on-track equipment, a passenger vessel, or a mass transportation vehicle;

"(6) engages in conduct, including the use of a dangerous weapon, with the intent to cause death or serious bodily injury to any person who is on the property of a railroad carrier, owner of a passenger vessel, or mass transportation provider that is used for railroad or mass transportation purposes;

"(7) conveys false information, knowing the information to be false, concerning an attempt or alleged attempt that was made, is being made, or is to be made, to engage in a violation of this subsection; or

"(8) attempts, threatens, or conspires to engage in any violation of any of paragraphs (1) through (7),

shall be fined under this title, imprisoned not more than 20 years, or both.

"(b) AGGRAVATED OFFENSE.—(1) Whoever commits an offense under subsection (a) in a circumstance in which—

"(A) the railroad on-track equipment, passenger vessel, or mass transportation vehicle was carrying a passenger or employee at the time of the offense;

"(B) the railroad on-track equipment, passenger vessel, or mass transportation vehicle was carrying high-level radioactive waste or spent nuclear fuel at the time of the offense;

"(C) the railroad on-track equipment, passenger vessel, or mass transportation vehicle was carrying a hazardous material at the time of the offense that—

"(i) was required to be placarded under subpart F of part 172 of title 49, Code of Federal Regulations; and

"(ii) is identified as class number 3, 4, 5, 6.1, or 8 and packing group I or packing group II, or class number 1, 2, or 7 under the hazardous materials table of section 172.101 of title 49, Code of Federal Regulations; or

"(D) the offense results in the death of any person,

shall be fined under this title, imprisoned for any term of years or life, or both.

"(2) The term of imprisonment for a violation described in paragraph (1)(B) shall be not less than 30 years.

"(3) In the case of a violation described in paragraph (1)(D), the offender shall be fined under this title and imprisoned for a term of years up to life or sentenced to death, in accordance with section 3591 of title 18, United States Code.

"(c) CIRCUMSTANCES REQUIRED FOR OFFENSE.—A circumstance described in this subsection is any of the following:

"(1) Any of the conduct required for the offense is, or, in the case of an attempt, threat, or conspiracy to engage in conduct, the conduct required for the completed offense would be, engaged in, on, against, or affecting a mass transportation provider, owner of a passenger vessel, or railroad carrier engaged in or affecting interstate or foreign commerce.

"(2) Any person who travels or communicates across a State line in order to commit the offense, or transports materials across a State line in aid of the commission of the offense.

"(d) NONAPPLICABILITY.—Subsection (a) does not apply to the conduct with respect to a destructive substance or destructive device that is also classified under chapter 51 of title 49 as a hazardous material in commerce if the conduct—

"(1) complies with chapter 51 of title 49 and regulations, exemptions, approvals, and orders issued under that chapter; or

"(2) constitutes a violation, other than a criminal violation, of chapter 51 of title 49 or a regulation or order issued under that chapter.

"(e) DEFINITIONS.—In this section—

"(1) the term 'biological agent' has the meaning given the term in section 178(1);

"(2) the term 'dangerous weapon' means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, including a pocket knife with a blade of less than 2½ inches in length and a box cutter;

"(3) the term 'destructive device' has the meaning given the term in section 921(a)(4);

"(4) the term 'destructive substance' means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or material, or matter of a combustible, contaminative, corrosive, or explosive nature, except that the term 'radioactive device' does not include any radioactive device or material used solely for medical, industrial, research, or other peaceful purposes;

"(5) the term 'hazardous material' has the meaning given the term in section 5102(2) of title 49;

"(6) the term 'high-level radioactive waste' has the meaning given the term in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12));

"(7) the term 'mass transportation' has the meaning given the term in section 5302(a)(7) of title 49, except that the term includes school bus, charter, and sightseeing transportation;

"(8) the term 'on-track equipment' means a carriage or other contrivance that runs on rails or electromagnetic guideways;

"(9) the term 'passenger vessel' has the meaning given the term in section 2101(22) of title 46, United States Code, and includes a small passenger vessel (as defined under section 2101(35) of that title);

"(10) the term 'railroad on-track equipment' means a train, locomotive, tender, motor unit, freight or passenger car, or other on-track equipment used, operated, or employed by a railroad carrier;

"(11) the term 'railroad' has the meaning given the term in section 20102(1) of title 49;

"(12) the term 'railroad carrier' has the meaning given the term in section 20102(2) of title 49;

"(13) the term 'serious bodily injury' has the meaning given the term in section 1365(h)(3);

"(14) the term 'spent nuclear fuel' has the meaning given the term in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23));

"(15) the term 'State' has the meaning given the term in section 2266(8);

"(16) the term 'toxin' has the meaning given the term in section 178(2); and

"(17) the term 'vehicle' means any carriage or other contrivance used, or capable of being used, as a means of transportation on land, on water, or through the air.".

(b) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 97 of title 18, United States Code, is amended—

(A) by striking "**RAILROADS**" in the chapter heading and inserting "**RAILROAD CARRIERS AND MASS TRANSPORTATION SYSTEMS ON LAND, ON WATER, OR THROUGH THE AIR**";

(B) by striking the items relating to sections 1992 and 1993; and

(C) by inserting after the item relating to section 1991 the following:

"1992. Terrorist attacks and other violence against railroad carriers, passenger vessels, and against mass transportation systems on land, on water, or through the air.".

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking the item relating to chapter 97 and inserting the following:

"97. Railroad carriers and mass transportation systems on land, on water, or through the air .... 1991".

(3) CONFORMING AMENDMENTS.—Title 18, United States Code, is amended—

(A) in section 2332b(g)(5)(B)(i), by striking "1992 (relating to wrecking trains), 1993 (relating to terrorist attacks and other acts of violence against mass transportation systems)," and inserting "1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),";

(B) in section 2339A, by striking "1993,"; and

(C) in section 2516(1)(c) by striking "1992 (relating to wrecking trains)," and inserting "1992 (relating to terrorist attacks and other acts of violence against railroad carriers and against mass transportation systems on land, on water, or through the air),".

SA 1142. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. DEWINE, Mr. COBURN, Mr. AKAKA, Mr. CARPER, Mr. SALAZAR, Mr. COLEMAN, Mr. VOINOVICH, Mr. REED, Mr. BINGAMAN, and Mr. HARKIN) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the end of the bill, add the following:

TITLE VI—HOMELAND SECURITY GRANT ENHANCEMENT

SEC. 601. SHORT TITLE.

This title may be cited as the "Homeland Security Grant Enhancement Act of 2005".

SEC. 602. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by inserting after section 801 the following:

"SEC. 802. INTERAGENCY COMMITTEE TO COORDINATE AND STREAMLINE HOMELAND SECURITY GRANT PROGRAMS.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—Consistent with section 871, the Secretary, in coordination with the Attorney General, the Secretary of Health and Human Services, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, and other agencies providing assistance for emergency response provider preparedness, as identified by the President, shall establish the Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs (referred to in this subtitle as the 'Interagency Committee').

"(2) COMPOSITION.—The Interagency Committee shall be composed of—

"(A) at least 2 representatives of the Department, including a representative of the United States Fire Administration;

"(B) a representative of the Department of Health and Human Services;

"(C) a representative of the Department of Transportation;

"(D) a representative of the Department of Justice;

"(E) a representative of the Environmental Protection Agency;

"(F) at least 2 State Governors, or their designees, or other local or tribal officials; and

"(G) a representative of any other department or agency determined to be necessary by the President.

"(3) RESPONSIBILITIES.—The Interagency Committee shall—

"(A) provide any findings to the Information Clearinghouse established under section 801(c);

"(B) consult with State and local governments and emergency response providers regarding their homeland security needs and capabilities;

"(C) advise the Secretary on the development of performance measures for homeland security and other first responder assistance programs;

"(D) compile a list of homeland security and other first responder assistance programs;

"(E) not later than 1 year after the date of enactment of the Homeland Security Grant Enhancement Act of 2005—

"(i) develop a proposal to coordinate, to the maximum extent practicable, the planning, reporting, application, and other guidance documents contained in homeland security assistance programs to—

"(I) eliminate all redundant and duplicative requirements and onerous application and ongoing reporting requirements;

"(II) ensure accountability of the programs to the intended purposes of such programs;

"(III) coordinate expenditures of grant funds to avoid duplicative or inconsistent purchases; and

"(IV) make the programs as user friendly as possible for applicants, including reducing lapsed time between grant applications, decisions and payments, easing fund matching requirements, and improving application guidance; and

"(ii) submit the proposal developed under clause (i) to—

"(I) the President;

"(II) the Committee on Homeland Security and Governmental Affairs of the Senate; and

"(III) the Committee on Homeland Security of the House of Representatives; and

"(F) otherwise promote the coordination of homeland security grant programs throughout the Federal government.

"(b) ADMINISTRATION.—The Department shall provide administrative support to the Interagency Committee, which shall include—

"(1) scheduling meetings;

"(2) preparing agenda;

"(3) maintaining minutes and records; and

"(4) producing reports.

"(c) Chairperson.—The Secretary shall designate a chairperson of the Interagency Committee.

"(d) Meetings.—The Interagency Committee shall meet—

"(1) at the call of the Secretary; or

"(2) not less frequently than once every month.".

(b) Technical and Conforming Amendment.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 801 the following:

"Sec. 802. Interagency Committee to Coordinate and Streamline Homeland Security Grant Programs.".

SEC. 603. STREAMLINING FEDERAL HOMELAND SECURITY GRANT ADMINISTRATION.

(a) Director of State and Local Government Coordination and Preparedness.—Section 801(a) of the Homeland Security Act of 2002 (6 U.S.C. 361(a)) is amended to read as follows:

"(a) Establishment.—

"(1) In general.—There is established within the Office of the Secretary the Office for State and Local Government Coordination and Preparedness, which shall oversee and coordinate departmental programs for, and relationships with, State and local governments.

"(2) Executive director.—The Office established under paragraph (1) shall be headed by the Executive Director of State and Local Government Coordination and Preparedness, who shall be appointed by the President, by and with the advice and consent of the Senate.".

(b) Office for Domestic Preparedness.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by redesignating section 430 as section 803 and transferring that section to the end of subtitle A of title VIII, as amended by section 602; and

(2) in section 803, as redesignated by paragraph (1)—

(A) in subsection (a), by striking "the Directorate of Border and Transportation Security" and inserting "the Office for State and Local Government Coordination and Preparedness";

(B) in subsection (b), by striking "who shall be appointed by the President" and all that follows and inserting "who shall report directly to the Executive Director of State and Local Government Coordination and Preparedness."; and

(C) in subsection (c)—

(i) in paragraph (7)—

(I) by striking "other" and inserting "the"; and

(II) by striking "consistent with the mission and functions of the Directorate";

(ii) in paragraph (8)—

(I) by inserting "carrying out" before "those elements"; and

(II) by striking "and" at the end;

(iii) in paragraph (9), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(10) managing the Homeland Security Information Clearinghouse established under section 801(c).".

(c) Technical and Conforming Amendments.—

(1) Table of contents.—The table of contents for the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(A) by striking the item relating to section 430;

(B) by amending the item relating to section 801 to read as follows:

"Sec. 801. Office of State and Local Government Coordination and Preparedness.";

and

(C) by inserting after the item relating to section 802, as added by this title, the following:

"Sec. 803. Office for Domestic Preparedness.".

(2) Section heading.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361) is amended by striking the section heading and inserting the following:

"SEC. 801. OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS.".

(d) Establishment of Homeland Security Information Clearinghouse.—Section 801 of the Homeland Security Act of 2002 (6 U.S.C. 361), as amended by subsection (a), is further amended by adding at the end the following:

"(c) Homeland Security Information Clearinghouse.—

"(1) Establishment.—There is established within the Office for State and Local Government Coordination and Preparedness a Homeland Security Information Clearinghouse (referred to in this section as the 'Clearinghouse'), which shall assist States, local governments, and emergency response providers in accordance with paragraphs (2) through (6).

"(2) Homeland security grant information.—The Clearinghouse shall create a new website or enhance an existing website, establish a toll-free number, and produce a single publication that each contain information regarding the homeland security grant programs administered by the Department.

"(3) Technical assistance.—The Clearinghouse, in consultation with the Interagency Committee established under section 802, shall provide information regarding technical assistance provided by any Federal agency to States and local governments relating to homeland security matters, including templates for conducting threat analyses and vulnerability assessments.

"(4) Best practices.—The Clearinghouse shall work with States, local governments, emergency response providers, the National Domestic Preparedness Consortium, the National Memorial Institute for the Prevention of Terrorism, and private organizations to gather, validate, and disseminate information regarding successful State and local homeland security programs and practices.

"(5) Use of federal funds.—The Clearinghouse shall compile information regarding equipment, training, and other services that can be purchased with Federal funds provided under homeland security grant programs and make such information, and information regarding voluntary standards of training, equipment, and exercises, available to States, local governments, and emergency response providers.

"(6) Other information.—The Clearinghouse shall provide States, local governments, and emergency response providers with any other information that the Secretary determines necessary.".

SEC. 604. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS AND THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.

(a) In General.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by adding at the end the following:

"TITLE XVIII—ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS AND THREAT-BASED HOMELAND SECURITY GRANT PROGRAM

"SEC. 1801. DEFINITIONS.

"In this title, the following definitions shall apply:

"(1) Directly eligible tribe.—The term 'directly eligible tribe' means—

"(A) any Indian tribe, as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), that—

"(i) is located in the continental United States;

"(ii) operates a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services;

"(iii) is located—

"(I) on, or within 10 miles of, an international border or a coastline bordering an ocean or international waters;

"(II) within 5 miles of critical infrastructure or having critical infrastructure within its territory; or

"(III) within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; and

"(iv) certifies to the Secretary that a State or eligible metropolitan region is not making funds distributed under this title available to the Indian tribe or consortium of Indian tribes for the purpose for which the Indian tribe or consortium of Indian tribes is seeking grant funds; and

"(B) a consortium of Indian tribes if each tribe satisfies the requirements of subparagraph (A).

"(2) Eligible metropolitan region.—The term 'eligible metropolitan region' means the following:

"(A) In general.—A combination of 2 or more incorporated municipalities, counties, parishes, or Indian tribes within a metropolitan region that includes the city in that metropolitan region with the largest population. Such eligible metropolitan region may include additional local governments outside the metropolitan region that are likely to be affected by, or be called upon to respond to, a terrorist attack or other catastrophic event within the metropolitan region.

"(B) Other combinations.—Any other combination of contiguous local governments that are formally certified by the Secretary as an eligible metropolitan region for purposes of this title with the consent of the State or States in which such local governments are located.

"(3) Essential capabilities.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to threatened or actual domestic terrorist attacks and other catastrophic events.

"(4) Indian tribe.—The term 'Indian tribe' means an entity described under section 2(10)(B).

"(5) Metropolitan region.—The term 'metropolitan region' means—

"(A) any of the 100 largest metropolitan statistical areas in the United States, as defined by the Office of Management and Budget; or

"(B) any combined statistical area, as defined by the Office of Management and Budget, of which any metropolitan statistical area covered by subparagraph (A) is a part.

"(6) POPULATION.—The term 'population' means population according to the most recent United States census population estimates available at the start of the relevant fiscal year.

"(7) POPULATION DENSITY.—The term 'population density' means population divided by land area in square miles.

"(8) SLIDING SCALE BASELINE ALLOCATION.—The term 'sliding scale baseline allocation' means 0.001 multiplied by the sum of—

"(A) the value of a State's population relative to that of the most populous of the 50 States of the United States, where the population of such States has been normalized to a maximum value of 100; and

"(B) one-fourth of the value of a State's population density relative to that of the most densely populated of the 50 States of the United States, where the population density of such States has been normalized to a maximum value of 100.

"(9) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.—The term 'Threat-Based Homeland Security Grant Program' means the program established under section 1804.

"SEC. 1802. PRESERVATION OF PRE-9/11 GRANT PROGRAMS FOR TRADITIONAL FIRST RESPONDER MISSIONS.

"(a) IN GENERAL.—This title shall not be construed to affect any authority to award grants under any Federal grant program listed under subsection (b), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, or public health missions.

"(b) PROGRAMS NOT AFFECTED.—The programs referred to in subsection (a) are the following:

"(1) The Firefighter Assistance Program authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) and programs under section 34 of that Act (15 U.S.C. 2229a).

"(2) All grant programs authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), including the Emergency Management Performance Grant Program and the Urban Search and Rescue Grant program.

"(3) The Justice Assistance Grants authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.) (commonly known as the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs).

"(4) The Public Safety and Community Policing (COPS ON THE BEAT) Grant Program authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.).

"(5) Grant programs under the Public Health Service Act regarding preparedness for bioterrorism and other public health emergencies and the Emergency Response Assistance Program authorized under section 1412 of the Defense Against Weapons of Mass Destruction Act of 1996 (50 U.S.C. 2312).

"SEC. 1803. ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS.

"(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

"(1) IN GENERAL.—Building upon the national preparedness guidance issued by the Secretary, the Secretary shall establish clearly defined essential capabilities for State and local governments, in consultation with—

"(A) the Task Force on Essential Capabilities for First Responders established under subsection (d);

"(B) the Under Secretaries for Emergency Preparedness and Response (including representatives of the United States Fire Administration), Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Executive Director of the Office for State and Local Government Coordination and Preparedness;

"(C) the Secretary of Health and Human Services;

"(D) other appropriate Federal agencies;

"(E) State and local emergency response providers;

"(F) State and local officials; and

"(G) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

"(2) DEADLINES.—The Secretary shall—

"(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the first report under subsection (d)(3); and

"(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

"(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the description of the essential capabilities available as appropriate to local governments within their jurisdictions.

"(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

"(1) SPECIFICITY.—The determination of essential capabilities shall describe specifically the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for preparedness based upon—

"(A) the national preparedness goal, the target capabilities list, and the national preparedness guidance;

"(B) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

"(C) the risks faced by different types of communities, including communities of various sizes, geographies, and other distinguishing characteristics; and

"(D) the principles of regional coordination and mutual aid among State and local governments.

"(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on local or regional needs, while reaching nationally determined preparedness levels within a specified time period.

"(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

"(4) COMPREHENSIVENESS.—The determination of essential capabilities shall be made within the context of a comprehensive State emergency management system.

"(c) FACTORS TO BE CONSIDERED.—In establishing essential capabilities for different types of communities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to population (including transient commuting and tourist populations), areas of high population density, critical infrastructure, coastline, and international borders. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States and the needs described in the national preparedness guidance and the target capabilities list.

"(d) TASK FORCE ON ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—To assist the Secretary in establishing essential capabilities under subsection (a)(1), the Secretary shall establish an advisory body under section 871(a) not later than 60 days after the date of enactment of this section, which shall be known as the Task Force on Essential Capabilities for First Responders.

"(B) TERMINATION.—Notwithstanding section 871(b), the Task Force shall terminate 5 years after the date of its establishment, unless the Secretary makes a written determination to extend the Task Force to a specified date, which shall not be more than 5 years after the date on which such determination is made. The Secretary may make any number of subsequent extensions consistent with this subsection.

"(2) PUBLIC COMMENT.—Not later than 90 days after the date of enactment of this section, the Task Force shall solicit comment on the establishment of essential capabilities for State and local government preparedness.

"(3) REPORT.—

"(A) IN GENERAL.—Not later than 9 months after the establishment of the Task Force by the Secretary, and every 3 years thereafter, the Task Force shall submit to the Secretary a report on its recommendations for essential capabilities for preparedness for terrorism.

"(B) CONTENTS.—Each report shall—

"(i) provide a thorough assessment of the national preparedness guidance and target capabilities list and recommendations for revisions;

"(ii) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

"(iii) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain; and

"(iv) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment.

"(C) COMPREHENSIVENESS.—The Task Force shall ensure that, when recommending essential capabilities for terrorism preparedness, such recommendations are made within the context of a comprehensive State emergency management system.

"(4) MEMBERSHIP.—

"(A) IN GENERAL.—The Task Force shall consist of 25 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of first responder disciplines from the State and local government levels, including as appropriate—

"(i) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel;

"(ii) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

"(iii) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representatives from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

"(iv) State and local officials with expertise in terrorism preparedness and other emergency preparedness.

"(B) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

"(C) EX OFFICIO MEMBERS.—The Secretary shall designate 1 or more officers of the Department to serve as ex officio members of the Task Force. One of the ex officio members from the Department shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 U.S.C. App.).

"(5) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of the Federal Advisory Committee Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

"SEC. 1804. THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Threat-Based Homeland Security Grant Program, which includes—

"(A) formula-based grants for State and local programs administered by the Office of State and Local Government Coordination and Preparedness, including the State Homeland Security Grant Program, and the Law Enforcement Terrorism Prevention Program under section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714);

"(B) discretionary grants for State and local programs administered by the Office of State and Local Government Coordination and Preparedness for use in high-threat, high-density urban areas, including the Urban Area Security Initiative Program; and

"(C) any successor program to any program described in subparagraph (A) or (B).

"(2) GRANTS AUTHORIZED.—The Secretary may award grants to States and eligible metropolitan regions under the Threat-Based Homeland Security Grant Program to enhance homeland security.

"(3) RELATIONSHIP TO OTHER LAWS.—The Threat-Based Homeland Security Grant Program shall be deemed to satisfy the requirements of section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714). The allocation of grants authorized under this section shall be governed by the terms of this section and not by any other provision of law.

"(b) USE OF FUNDS.—

"(1) IN GENERAL.—Grants awarded under this section—

"(A) shall be used to address homeland security matters related to acts of terrorism or catastrophic events, related capacity building, or otherwise addressing shortfalls in essential capabilities; and

"(B) shall not be used to supplant ongoing emergency response expenses or general protective measures.

"(2) ALLOWABLE USES.—Grants awarded under this section may be used to achieve essential capabilities through—

"(A) developing State or regional plans or risk assessments (including the development of the homeland security plan under subsection (e)) to respond to terrorist attacks or other catastrophic events and community wide plans for responding to terrorist or catastrophic events that are coordinated with the capacities of applicable Federal, State, and local governments, emergency response providers, and State and local government health agencies;

"(B) developing State, regional, or local mutual aid agreements;

"(C) purchasing, upgrading, storing, or maintaining equipment based on State and local needs as identified under a State homeland security plan, consistent with essential capability needs;

"(D) conducting exercises to strengthen emergency preparedness of State and local first responders including law enforcement, firefighting personnel, and emergency medical service workers, and other emergency responders identified in a State homeland security plan;

"(E) paying for expenses relating to—

"(i) overtime regarding training activities consistent with the goals outlined in a State homeland security plan; and

"(ii) as determined by the Secretary, overtime activities relating to an increase in the threat level under the Homeland Security Advisory System;

"(F) promoting training relating to homeland security preparedness including—

"(i) emergency preparedness responses to a use or threatened use of a weapon of mass destruction; and

"(ii) training in the use of equipment, including detection, monitoring, and decontamination equipment, and personal protective gear;

"(G) conducting any activity permitted under the Law Enforcement Terrorism Prevention Grant Program under section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714); and

"(H) any other activity relating to achieving essential capabilities approved by the Secretary.

"(3) PROHIBITED USES.—Grants awarded under this section may not be used to construct buildings or other physical facilities, except those described in section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196) and approved by the Secretary in the homeland security plan certified under subsection (e), or to acquire land.

"(c) EQUIPMENT STANDARDS.—If an applicant for a grant under this section proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 1807(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(d) APPLICATION.—

"(1) STATES.—

"(A) SUBMISSION.—A State may apply for a grant under this section by submitting to the Secretary an application detailing how requested funds would be used to achieve essential capabilities and containing such other information the Secretary may reasonably require.

"(B) REVISIONS.—A State may revise a homeland security plan certified under subsection (e) at the time an application is submitted under subparagraph (A) after receiving approval from the Secretary.

"(C) APPROVAL.—The Secretary shall not award a grant under this section unless—

"(i) the State submitting the application has previously submitted a homeland security plan meeting the requirements of subsection (e); and

"(ii) the Secretary finds that the report submitted by the recipient under subsection (g) demonstrates significant progress toward achieving essential capabilities and meeting the goals in the homeland security plan of the State.

"(D) RELEASE OF FUNDS.—The Secretary shall release grant funds to States with approved plans after the approval of an application submitted under this paragraph.

"(2) ELIGIBLE METROPOLITAN REGIONS.—

"(A) SUBMISSION.—An eligible metropolitan region may apply for a grant under this section by submitting an application through the Governor of each State within which any part of the relevant metropolitan region is located.

"(B) CONTENTS.—An application under this paragraph shall include—

"(i) a description of how requested funds would be used to achieve essential capabilities;

"(ii) an explanation of how the proposed use of funds would be consistent with the homeland security plans of all relevant States;

"(iii) a geographic description of the eligible metropolitan region, including a list of all local governments participating in the application;

"(iv) an explanation of how the applicant intends to expend funds under the grant, to administer such funds, and to allocate such funds among the participating local governments;

"(v) if not all of the incorporated municipalities, counties, parishes, or Indian tribes in a metropolitan region are participating in the application, or if additional local governments outside the metropolitan region are participating, an explanation of why the eligible metropolitan region, as constituted, is an appropriate unit to receive grants to prevent, prepare for, and respond to acts of terrorism and other catastrophic events; and

"(vi) such other information the Secretary may reasonably require.

"(C) STATE REVIEW AND SUBMISSION.—

"(i) IN GENERAL.—To ensure consistency with State homeland security plans, an eligible metropolitan region or a directly eligible tribe applying for a grant under this paragraph shall submit its application to each State within which any part of the eligible metropolitan region or directly eligible tribe is located for review before submission of such application to the Secretary.

"(ii) DEADLINE.—Not later than 30 days after receiving an application from an eligible metropolitan region or directly eligible tribe, each such State shall transmit the application to the Secretary.

"(iii) STATE DISAGREEMENT.—If the Governor of any such State determines that a regional or tribal application is inconsistent with the State homeland security plan of that State, or otherwise does not support the application, the Governor shall—

"(I) notify the Secretary, in writing, of that fact; and

"(II) provide an explanation of the reasons for not supporting the application at the time of transmission of the application.

"(e) Homeland Security Plan.—

"(1) In general.—A State applying for a grant under this section shall have a 3-year State homeland security plan (referred to in this subsection as the 'plan') to respond to terrorist attacks and other catastrophic events that has been approved by the Secretary.

"(2) Contents.—The plan shall contain—

"(A) a 3-year strategy to—

"(i) ensure that the funds allocated to local governments are used exclusively to meet the needs and capabilities described under paragraph (3)(C);

"(ii) provide for interoperable communications;

"(iii) provide for local coordination of response and recovery efforts, including procedures for effective incident command in conformance with the National Incident Management System;

"(iv) ensure that first responders and other emergency personnel have adequate training and appropriate equipment for the threats that may occur;

"(v) provide for improved coordination and collaboration among law enforcement, fire, and public health authorities at Federal, State, local, and tribal government levels;

"(vi) coordinate emergency response and public health plans;

"(vii) mitigate risks to critical infrastructure that may be vulnerable to terrorist attacks;

"(viii) promote regional coordination among contiguous local governments;

"(ix) identify necessary protective measures by private owners of critical infrastructure;

"(x) promote orderly evacuation procedures when necessary;

"(xi) ensure support from the public health community for measures needed to prevent, detect, and treat bioterrorism, and radiological and chemical incidents;

"(xii) increase the number of local jurisdictions participating in local and statewide exercises; and

"(xiii) meet preparedness goals as determined by the Secretary;

"(B) objective measures for assessing the extent to which the goals and objectives set forth in paragraph (A) have been achieved;

"(C) priorities for the allocation of funding to local governments based on the risk, capabilities, and needs described under paragraph (3)(C); and

"(D) a report from the relevant advisory committee established under paragraph (3)(D) that documents the areas of support, disagreement, or recommended changes to the plan before its submission to the Secretary.

"(3) Development process.—

"(A) In general.—In preparing the plan under this section, a State shall—

"(i) provide for the consideration of all homeland security needs;

"(ii) follow a process that is continuing, inclusive, cooperative, and comprehensive, as appropriate; and

"(iii) coordinate the development of the plan with the homeland security planning activities of local governments.

"(B) Coordination with local planning activities.—The coordination under subparagraph (A)(iii) shall contain input from local stakeholders, including—

"(i) local officials, including representatives of rural, high-population, and high-threat jurisdictions and of Indian tribes;

"(ii) emergency response providers; and

"(iii) private sector companies that own or operate critical infrastructure.

"(C) Scope of planning.—Each State preparing a plan under this section shall, in conjunction with the local stakeholders under subparagraph (B), address all the information requested by the Secretary, and complete a comprehensive assessment of—

"(i) risk, including a—

"(I) vulnerability and consequence assessment;

"(II) threat assessment; and

"(III) public health assessment, in coordination with the State bioterrorism plan; and

"(ii) capabilities and needs, consistent with the essential capabilities established by the Secretary, including—

"(I) an evaluation of current preparedness, mitigation, and response capabilities based on such assessment mechanisms as shall be determined by the Secretary;

"(II) an evaluation of capabilities needed to address the risks described under clause (i); and

"(III) an assessment of the shortfall between the capabilities described under subclause (I) and the required capabilities described under subclause (II).

"(D) Advisory committee.—

"(i) In general.—Each State preparing a plan under this section shall establish an advisory committee to receive comments from the public and the local stakeholders identified under subparagraph (B).

"(ii) Composition.—

"(I) In general.—The Advisory Committee shall include—

"(aa) local officials; and

"(bb) emergency response providers, which shall include representatives of the fire service, law enforcement, emergency medical response, and emergency managers.

"(II) Geographic representation.—The members of the Advisory Committee shall be a representative group of individuals from the counties, cities, towns, and Indian tribes within the State, including representatives of rural, high-population, and high-threat jurisdictions.

"(4) Plan approval.—The Secretary shall approve a plan upon finding that the plan meets the requirements of—

"(A) paragraphs (2) and (3); and

"(B) any other criteria the Secretary determines necessary to the approval of a State plan.

"(5) Review of advisory committee report.—The Secretary shall review the recommendations of the advisory committee report incorporated into a plan under subsection (e)(2)(D), including any dissenting views submitted by advisory committee members, to ensure cooperation and coordination between State and local government jurisdictions in planning for the use of grant funds under this section.

"(f) Allocation.—

"(1) Sliding scale baseline distribution.—

"(A) States.—Each State whose application is approved under subsection (d) shall receive, for each fiscal year, the greater of—

"(i) 0.55 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program; or

"(ii) the State's sliding scale baseline allocation of 28.62 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program.

"(B) Other entities.—Notwithstanding subparagraph (A)—

"(i) the District of Columbia shall receive for each fiscal year 0.55 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program;

"(ii) the Commonwealth of Puerto Rico shall receive for each fiscal year 0.35 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program;

"(iii) American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands shall each receive 0.055 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program; and

"(iv) no possession of the United States shall receive a baseline distribution under subparagraph (A).

"(2) Urban area security initiative distribution.—

"(A) Distribution.—After the distribution under paragraph (1), the Secretary may allocate up to 50 percent of the funds remaining to provide grants to eligible metropolitan regions and directly eligible tribes.

"(B) Criteria.—

"(i) In general.—The Secretary shall allocate the grants under this paragraph to assist eligible metropolitan regions and directly eligible tribes to achieve essential capabilities to effectively prevent, prepare for, and respond to acts of terrorism or other catastrophic events.

"(ii) Prioritization.—In prioritizing among the applications of eligible metropolitan regions and directly eligible tribes for such funds, the Secretary shall consider the relative threat, vulnerability, and consequences faced by an eligible metropolitan region or directly eligible tribe from a terrorist attack, including consideration of—

"(I) whether there has been a prior terrorist attack in the eligible metropolitan region or in the area in which the directly eligible tribe is located;

"(II) whether any part of the eligible metropolitan region or the area in which the directly eligible tribe is located has ever had a higher threat level under the Homeland Security Advisory System than the threat level for the United States as a whole;

"(III) the population of the eligible metropolitan region or directly eligible tribe, except that the Secretary shall not establish a minimum population requirement that would disqualify from consideration a locality that otherwise faces significant threats, vulnerabilities, or consequences from acts of terrorism;

"(IV) the population density of the eligible metropolitan region or the area in which the directly eligible tribe is located;

"(V) the degree of threat, vulnerability, and consequence to the eligible metropolitan region or directly eligible tribe related to critical infrastructure or key assets identified by the Secretary or State homeland security plan, including threats, vulnerabilities, and consequences from critical infrastructure in nearby jurisdictions;

"(VI) whether the eligible metropolitan region or the area in which the directly eligible tribe is located is at or near an international border;

"(VII) whether the eligible metropolitan region or the area in which the directly eligible tribe is located has a coastline bordering ocean or international waters;

"(VIII) threats, vulnerabilities, and consequences faced by the eligible metropolitan region or directly eligible tribe related to at-risk sites or activities in nearby jurisdictions, including the need to respond to terrorist attacks arising in those jurisdictions;

"(IX) the extent to which the eligible metropolitan region or directly eligible tribe has unmet essential capabilities;

"(X) the extent to which the application of the eligible metropolitan region includes all incorporated municipalities, counties, parishes, and Indian tribes within the relevant metropolitan region; and

"(XI) such other factors as are specified in writing by the Secretary.

"(C) DISTRIBUTION OF AWARDS TO METROPOLITAN REGIONS.—

"(i) IN GENERAL.—If the Secretary approves the application of an eligible metropolitan region for a grant under this section, the Secretary shall distribute the regional grant funds to the State or States in which the eligible metropolitan region is located.

"(ii) STATE DISTRIBUTION OF FUNDS.—Each State shall provide the eligible metropolitan region not less than 80 percent of the grant funds. Any funds retained by a State shall be expended on items or services approved by the Secretary and that benefit the eligible metropolitan region.

"(iii) MULTISTATE REGIONS.—If parts of an eligible metropolitan region awarded a grant are located in 2 or more States, the Secretary shall distribute to each such State a portion of the grant funds in proportion to that State's share of the population of the eligible metropolitan region, unless the Governors of each State (or in the case of the District of Columbia, the Mayor) agree otherwise.

"(D) DIRECTLY ELIGIBLE TRIBES.—

"(i) IN GENERAL.—Notwithstanding subsection (a)(2), the Secretary may award grants to directly eligible tribes under the Threat-Based Homeland Security Grant Program as part of the Urban Area Security Initiative Distribution.

"(ii) TRIBAL APPLICATIONS.—A directly eligible tribe may apply for a grant under this section by submitting an application to the Secretary that includes the information required for an application by an eligible region under clauses (i), (ii), (iii), (iv), and (vi) of subsection (d)(2)(B).

"(iii) DISTRIBUTION OF AWARDS TO DIRECTLY ELIGIBLE TRIBES.—If the Secretary approves the application of a directly eligible tribe for a grant under this section, the Secretary shall distribute the grant funds directly to the directly eligible tribe. The funds shall not be distributed to the State or States in which the directly eligible tribe is located.

"(iv) TRIBAL LIAISON.—A directly eligible tribe applying for a grant under this section shall designate a specific individual to serve as the tribal liaison who shall—

"(I) coordinate with Federal, State, local, regional, and private officials concerning terrorism preparedness;

"(II) develop a process for receiving input from Federal, State, local, regional, and private officials to assist in the development of the application of such tribe and to improve the tribe's access to grants; and

"(III) administer, in consultation with State, local, regional, and private officials, grants awarded to such tribe.

"(v) TRIBES RECEIVING DIRECT GRANTS.—An Indian tribe that receives a grant directly under this section is eligible to receive funds for other purposes under a grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State, as described in subsection (e).

"(E) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect the existing authority of an Indian tribe that receives funds under this section.

"(3) THREAT-BASED DISTRIBUTION TO STATES.—

"(A) IN GENERAL.—After the distribution of funds under paragraphs (1) and (2), the Secretary shall, from the remaining funds for the Threat-Based Homeland Security Grant Program, distribute amounts to each State to assist that State in achieving essential capabilities to effectively prevent, prepare for, and respond to acts of terrorism and other catastrophic events.

"(B) PRIORITIZATION.—In prioritizing among State applications for such funds, the Secretary shall—

"(i) consider the relative threat, vulnerability, and consequences faced by a State from a terrorist attack, including consideration of—

"(I) whether there has been a prior terrorist attack in a metropolitan region that is wholly or partly in the State, or in the State itself;

"(II) whether any part of the State has ever had a higher threat level under the Homeland Security Advisory System than the threat level for the United States as a whole;

"(III) the percent of a State's population residing in metropolitan statistical areas, as defined by the Office of Management and Budget;

"(IV) the degree of threat, vulnerability, and consequence related to critical infrastructure or key assets identified by the Secretary or State homeland security plan;

"(V) whether the State has an international border;

"(VI) whether the State has a coastline bordering ocean or international waters;

"(VII) threats, vulnerabilities, and consequences faced by a State related to at-risk sites or activities in adjacent States, including the need to respond to terrorist attacks arising in adjacent States;

"(VIII) the extent to which the State has unmet essential capabilities; and

"(IX) such other factors as are specified in writing by the Secretary; and

"(ii) balance the goal of ensuring that the essential capabilities of the highest-risk areas are achieved quickly and the goal of ensuring that basic levels of preparedness, as measured by the attainment of essential capabilities, are achieved nationwide.

"(C) MULTI-STATE PARTNERSHIPS.—

"(i) IN GENERAL.—Instead of, or in addition to, any application for funds under subparagraph (A), 2 or more States may submit applications under this paragraph for multi-State efforts to prevent, prepare for, or respond to acts of terrorism or other catastrophic events.

"(ii) GRANTEES.—Multi-State grants may be awarded to either—

"(I) an individual State acting on behalf of a consortium or partnership of States with the consent of all member States; or

"(II) a group of States applying as a consortium or partnership.

"(iii) ADMINISTRATION OF GRANT.—If a group of States apply as a consortium or partnership such States shall submit to the Secretary at the time of application a plan describing—

"(I) the division of responsibilities for administering the grant; and

"(II) the distribution of funding among the various States and entities that are party to the application.

"(4) FUNDING FOR LOCAL GOVERNMENTS AND FIRST RESPONDERS.—

"(A) IN GENERAL.—The Secretary shall require recipients of the sliding scale baseline distribution and the threat-based distribution to States to make available to local governments and emergency response providers, consistent with the applicable State homeland security plan, not less than 80 percent of the grant funds, the resources purchased with such grant funds, or a combination thereof, not later than 60 days after receiving grant funding.

"(B) INDIAN TRIBES.—States shall be responsible for allocating Federal resources to tribal communities in order to help those tribal communities achieve essential capabilities. Indian tribes shall be eligible for funding directly from the States, and shall not be required to seek funding from any local government.

"(C) EXCEPTION.—Subparagraph (A) shall not apply to the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands.

"(5) SUPPLEMENT NOT SUPPLANT.—Amounts appropriated for grants under this subsection shall be used to supplement and not supplant other State and local government public funds obligated for the purposes provided under this title.

"(6) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—

"(A) IN GENERAL.—The Secretary shall designate 25 percent of the amounts appropriated for the Threat-Based Homeland Security Grant Program to be used for the Law Enforcement Terrorism Prevention Program under section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) to provide grants to law enforcement agencies to enhance capabilities for terrorism prevention.

"(B) USE OF FUNDS.—Notwithstanding subsection (b), grants awarded under this paragraph may be used for—

"(i) information sharing to preempt terrorist attacks;

"(ii) target hardening to reduce the vulnerability of selected high value targets;

"(iii) threat recognition to recognize the potential or development of a threat;

"(iv) intervention activities to interdict terrorists before they can execute a threat;

"(v) interoperable communication systems;

"(vi) overtime expenses related to the homeland security plan approved by the Secretary, including overtime costs associated with providing enhanced law enforcement operations in support of Federal agencies for increased border security and border crossing enforcement; and

"(vii) any other terrorism prevention activity authorized by the Secretary.

"(g) REPORT ON HOMELAND SECURITY SPENDING.—Each recipient of a grant under this section shall annually submit a report to the Secretary that contains—

"(1) an accounting of the amount of State and local government funds spent on homeland security activities under the applicable State homeland security plan;

"(2) information regarding the use of grant funds by the State and by units of local government as required by the Secretary; and

"(3) progress of the recipient and subgrantees in achieving essential capabilities.

"(h) ACCOUNTABILITY.—

"(1) GOVERNMENT ACCOUNTABILITY OFFICE ACCESS TO INFORMATION.—Each recipient of a grant under this section and the Department shall provide the Government Accountability Office with full access to information regarding the activities carried out under this section.

"(2) AUDIT.—Grant recipients that expend $500,000 or more in Federal funds during any fiscal year shall submit to the Secretary an organization wide financial and compliance audit report in conformance with the requirements of chapter 75 of title 31, United States Code.

"(i) REMEDIES FOR NON-COMPLIANCE.—

"(1) IN GENERAL.—If the Secretary finds, after reasonable notice and an opportunity for a hearing, that a recipient of a grant under this section has failed to substantially comply with any provision of this section, or with any regulations or guidelines of the Department regarding eligible expenditures, the Secretary shall—

"(A) terminate any payment of grant funds to be made to the recipient under this section;

"(B) reduce the amount of payment of grant funds to the recipient by an amount equal to the amount of grants funds that were not expended by the recipient in accordance with this section; or

"(C) limit the use of grant funds received under this section to programs, projects, or activities not affected by the failure to comply.

"(2) DURATION OF PENALTY.—The Secretary shall apply an appropriate penalty under paragraph (1) until such time as the Secretary determines that the grant recipient is in full compliance with this section or with applicable guidelines or regulations of the Department.

"(3) DIRECT FUNDING.—If a State fails to substantially comply with any provision of this section or with applicable guidelines or regulations of the Department, including failing to provide local governments with grant funds or resources purchased with grant funds in a timely fashion, a local government entitled to receive such grant funds or resources may petition the Secretary, at such time and in such manner as determined by the Secretary, to request that grant funds or resources be provided directly to the local government.

"(j) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress that provides—

"(1) the status of preparedness goals and objectives;

"(2) an evaluation of how States and local governments are making progress in achieving essential capabilities;

"(3) the total amount of resources provided to the States;

"(4) the total amount of resources provided to local governments and metropolitan regions; and

"(5) an accounting of how these resources were expended.

"(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $2.925.000.000 for fiscal year 2006;

"(2) $2.925.000.000 for fiscal year 2007; and

"(3) such sums as are necessary for each fiscal year thereafter.

"SEC. 1805. ELIMINATING HOMELAND SECURITY FRAUD, WASTE, AND ABUSE.

"(a) ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE AUDIT AND REPORT.—

"(1) AUDIT.—The Comptroller General of the United States shall conduct an annual audit of the Threat-Based Homeland Security Grant Program.

"(2) REPORT.—The Comptroller General of the United States shall provide a report to Congress on the results of the audit conducted under paragraph (1), which includes—

"(A) an analysis of whether the grant recipients allocated funding consistent with the State homeland security plan and the guidelines established by the Department; and

"(B) the amount of funding devoted to overtime and administrative expenses.

"(b) REVIEWS OF THREAT-BASED HOMELAND SECURITY FUNDING.—The Secretary shall conduct periodic reviews of grants made through the Threat Based Homeland Security Grant Program to ensure that recipients allocate funds consistent with the guidelines established by the Department.

SEC. 1806. FLEXIBILITY IN UNSPENT HOMELAND SECURITY FUNDS.

"(a) REALLOCATION OF FUNDS.—The Director of the Office for Domestic Preparedness shall allow any State to request approval to reallocate funds received pursuant to appropriations for the State Homeland Security Grant Program under Public Laws 10509277 (112 Stat. 2681 et seq.), 10609113 (113 Stat. 1501A093 et seq.), 10609553 (114 Stat. 2762A093 et seq.), 1070977 (115 Stat. 78 et seq.), or the Consolidated Appropriations Resolution of 2003 (Public Law 108097), among the 4 categories of equipment, training, exercises, and planning.

"(b) APPROVAL OF REALLOCATION REQUESTS.—The Director shall approve reallocation requests under subsection (a) in accordance with the State homeland security plan and any other relevant factors that the Secretary determines to be necessary.

"(c) LIMITATION.—A waiver under this section shall not affect the obligation of a State to make available 80 percent of the amount appropriated for equipment to units of local government.

"SEC. 1807. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

"(a) EQUIPMENT STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology (including a representative of the United States Fire Administration) and the Executive Director of the Office for State and Local Government Coordination and Preparedness, shall support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1804(c).

"(2) STANDARDS.—Standards under this subsection shall—

"(A) be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) cover all appropriate uses of the equipment.

"(b) TRAINING STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology (including a representative of the United States Fire Administration) and the Director of the Office for Domestic Preparedness, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable.

"(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the American National Standards Institute;

"(4) the National Institute of Justice;

"(5) the National Institute for Occupational Safety and Health; and

"(6) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.

"SEC. 1808. CERTIFICATION RELATIVE TO THE SCREENING OF MUNICIPAL SOLID WASTE TRANSPORTED INTO THE UNITED STATES.

"(a) DEFINITION.—In this section, the term 'municipal solid waste' includes sludge (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)).

"(b) REPORTS TO CONGRESS.—Not later than 90 days after the date of enactment of this section, the Bureau of Customs and Border Protection shall submit a report to Congress that—

"(1) indicates whether the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in municipal solid waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport; and

"(2) if the methodologies and technologies used to screen solid waste are less effective than those used to screen other commercial items, identifies the actions that the Bureau will take to achieve the same level of effectiveness in the screening of solid waste, including the need for additional screening technologies.

"(c) IMPACT ON COMMERCIAL MOTOR VEHICLES.—If the Bureau of Customs and Border Protection fails to fully implement the actions described in subsection (b)(2) before the earlier of 6 months after the date on which the report is due under subsection (b) or 6 months after the date on which such report is submitted, the Secretary shall deny entry into the United States of any commercial motor vehicle (as defined in section 31101(1) of title 49, United States Code) carrying municipal solid waste until the Secretary certifies to Congress that the methodologies and technologies used by the Bureau to screen for and detect the presence of chemical, nuclear, biological, and radiological weapons in such waste are as effective as the methodologies and technologies used by the Bureau to screen for such materials in other items of commerce entering into the United States by commercial motor vehicle transport.".

(b) THREAT-BASED HOMELAND SECURITY GRANT PROGRAM.—

(1) FISCAL YEAR 2006 ADMINISTRATION.—Notwithstanding any provision of title III of this Act, section 1804 of the Homeland Security Act of 2002 (as added by this section) shall apply in the administration of the Threat-Based Homeland Security Grant Program established under section 1804 of that Act.

(2) FUNDING.—All funds appropriated under paragraphs (1) and (2) under the subheading

"STATE AND LOCAL PROGRAMS" under the heading "Office of State and Local Government Coordination and Preparedness" under title III of this Act are appropriated for the Threat-Based Homeland Security Grant Program established under section 1804 of the Homeland Security Act of 2002 (as added by this section).

(c) Fire Services.—Section 2(6) of the Homeland Security Act of 2002 (6 U.S.C. 101(6)) is amended by inserting "(including fire services)" after "local emergency public safety".

(d) Technical and Conforming Amendment.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 note) is amended by adding at the end the following:

"TITLE XVIII—ESSENTIAL CAPABILITIES FOR FIRST RESPONDERS AND THREAT-BASED HOMELAND SECURITY GRANT PROGRAM

"Sec. 1801. Definitions.
"Sec. 1802. Preservation of pre-9/11 grant programs for traditional first responder missions.
"Sec. 1803. Essential capabilities for first responders.
"Sec. 1804. Threat-Based Homeland Security Grant Program.
"Sec. 1805. Eliminating homeland security fraud, waste, and abuse.
"Sec. 1806. Flexibility in unspent homeland security funds.
"Sec. 1807. National standards for first responder equipment and training.
"Sec. 1808. Certification relative to the screening of municipal solid waste transported into the United States.".

SEC. 605. COMMUNICATION SYSTEM GRANTS.

(a) In General.—

(1) Establishment.—There is established in the Department of Homeland Security an International Border Community Interoperable Communications Demonstration Project (referred to in this section as "demonstration projects").

(2) Minimum number of communities.—The Secretary of Homeland Security shall select no fewer than 6 communities to participate in a demonstration project.

(3) Location of communities.—No fewer than 3 of the communities selected under paragraph (2) shall be located on the northern border of the United States and no fewer than 3 of the communities selected under paragraph (2) shall be located on the southern border of the United States.

(b) Program Requirements.—The demonstration projects shall—

(1) address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers, as defined in the Homeland Security Act of 2002;

(2) foster interoperable communications—

(A) among Federal, State, local, and tribal government agencies in the United States involved in preventing or responding to terrorist attacks or other catastrophic events; and

(B) with similar agencies in Canada or Mexico;

(3) identify common international cross-border frequencies for communications equipment, including radio or computer messaging equipment;

(4) foster the standardization of interoperable communications equipment;

(5) identify solutions that will facilitate communications interoperability across national borders expeditiously;

(6) ensure that emergency response providers can communicate with one another and the public at disaster sites or in the event of a terrorist attack or other catastrophic event;

(7) provide training and equipment to enable emergency response providers to deal with threats and contingencies in a variety of environments; and

(8) identify and secure appropriate joint-use equipment to ensure communications access.

(c) Distribution of Funds.—

(1) In general.—The Secretary of Homeland Security shall distribute funds under this section to each community participating in a demonstration project under this section through the State or States in which each community is located.

(2) Other participants .—A State receiving funds under this section shall make the funds available to the local governments and emergency response providers participating in a demonstration project selected by the Secretary of Homeland Security not later than 60 days after receiving funds.

(d) Reporting.—Not later than December 31, 2005, and each year thereafter in which funds are appropriated for a demonstration project, the Secretary of Homeland Security shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the demonstration projects under this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary in each of fiscal years 2006, 2007, and 2008 to carry out this section.

SA 1143. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 15, strike "For grants," down through and including "protection plan grants." on page 79, line 6, and insert the following:

For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,300,000, which shall be allocated as follows:

(1) $1,418,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $10,000,000 shall be for intercity bus security grants;

(D) $200,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.

SA 1144. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

Sec. 519. (a) Notwithstanding any other provision of law (including any provision of title III), any grant from funds under the subheading "STATE AND LOCAL PROGRAMS" under the heading "Office of State and Local Government Coordination and Preparedness" under title III shall be awarded based strictly on an assessment of risk, threat, and vulnerability to our Nation's ports, critical infrastructure, financial centers, commercial centers, large centers of commuter populations, nationally significant tourist destinations, and areas of national significance determined by the Secretary of Homeland Security.

(b) This section shall not be construed to affect any authority to award grants under a Federal grant program described under subsection (a), which existed on September 10, 2001, to enhance traditional missions of State and local law enforcement, firefighters, ports, emergency medical services, emergency disaster relief, or public health missions.

SA 1145. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Sec. . FEDERAL FLIGHT DECK OFFICER PROGRAM. No funds appropriated or otherwise made available by this Act shall be used to enforce any policy requiring a Federal Flight Deck Officer to transport or store a firearm in a locked box or other container.

SA 1146. Mr. BUNNING submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FEDERAL FLIGHT DECK OFFICERS.

(a) Training and Requalification Training.—Section 44921 (c) of title 49, United States Code, is amended by adding at the end the following:

"(3) Location of training—

"(A) Study.—The Secretary shall conduct a study of the feasibility of conducting Federal flight deck officer initial training at facilities located throughout the United States, including an analysis of any associated programmatic impacts to the Federal flight deck officer program.

"(B) Report.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall transmit to Congress a report on the results of the study.

"(4) Dates of training.—The Secretary shall ensure that a pilot who is eligible to receive Federal flight deck officer training is offered, to the maximum extent practicable, a choice of training dates and is provided at least 30 days advance notice of the dates.

"(5) Travel to training facilities.—The Secretary shall establish a program to improve travel access to Federal flight deck officer training facilities through the use of charter flights or improved scheduled air carrier service.

"(6) Requalification and recurrent training.—

"(A) Standards.—The Secretary shall establish qualification standards for facilities where Federal flight deck officers can receive requalification and recurrent training.

"(B) Locations.—The Secretary shall provide for requalification and recurrent training at geographically diverse facilities, including Federal, State, and local law enforcement and government facilities, and private training facilities that meet the qualification standards established under subparagraph (A).

"(7) Costs of training.—

"(A) In general.—The Secretary shall provide Federal flight deck officer training, requalification training, and recurrent training to eligible pilots at no cost to the pilots or the air carriers that employ the pilots.

"(B) Transportation and expenses.—The Secretary may provide travel expenses to a pilot receiving Federal flight deck officer training, requalification training, or recurrent training.

"(8) Communications.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall establish a secure means for personnel of the Transportation Security Administration to communicate with Federal flight deck officers, and for Federal flight deck officers to communicate with each other, in support of the mission of such officers. Such means of communication may include a secure Internet website.

"(9) Issuance of badges.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue badges to Federal flight deck officers.".

(b) Revocation of Deputization of Pilot as Federal Flight Deck Officer.—Section 44921(d)(4) of title 49, United States Code, is amended to read as follows:

"(4) Revocation.—

"(A) Orders.—The Assistant Secretary of Homeland Security (Transportation Security Administration) may issue, for good cause, an order revoking the deputization of a Federal flight deck officer under this section. The order shall include the specific reasons for the revocation.

"(B) Hearings.—An individual who is adversely affected by an order of the Assistant Secretary under subparagraph (A) is entitled to a hearing on the record. When conducting a hearing under this section, the administrative law judge shall not be bound by findings of fact or interpretations of laws and regulations of the Assistant Secretary.

"(C) Appeals.—An appeal from a decision of an administrative law judge as a result of a hearing under subparagraph (B) shall be made to the Secretary or the Secretary's designee.

"(D) Judicial review of a final order.—The determination and order of the Secretary revoking the deputization of a Federal flight deck officer under this section shall be final and conclusive unless the individual against whom such an order is issued files an application for judicial review under subchapter II of chapter 5 of title 5 (popularly known as the Administrative Procedure Act) within 60 days of entry of such order in the appropriate United States court of appeals.".

(c) Federal Flight Deck Officer Firearm Carriage Pilot Program.—Section 44921(f) of title 49, United States Code, is amended by adding at the end the following:

"(4) Pilot Program.—

"(A) In general.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall implement a pilot program to allow pilots participating in the Federal flight deck officer program to transport their firearms on their persons. The Secretary may prescribe any training, equipment, or procedures that the Secretary determines necessary to ensure safety and maximize weapon retention.

"(B) Review.—Not later than 1 year after the date of initiation of the pilot program, the Secretary shall conduct a review of the safety record of the pilot program and transmit a report on the results of the review to Congress.

"(C) Option.—If the Secretary as part of the review under subparagraph (B) determines that the safety level obtained under the pilot program is comparable to the safety level determined under existing methods of pilots carrying firearms on aircraft, the Secretary shall allow all pilots participating in the Federal flight deck officer program the option of carrying their firearm on their person subject to such requirements as the Secretary determines appropriate.".

(d) Federal Flight Deck Officers on International Flights.—

(1) Agreements with foreign governments.—The President is encouraged to pursue aggressively agreements with foreign governments to allow maximum deployment of Federal flight deck officers on international flights.

(2) Report.—Not later than 180 days after the date of enactment of this Act, the President (or the President's designee) shall submit to Congress a report on the status of the President's efforts to allow maximum deployment of Federal flight deck officers on international flights.

(e) References to Under Secretary.—Section 44921 of title 49, United States Code, is amended—

(1) in subsection (a) by striking "Under Secretary of Transportation for Security" and inserting "Secretary of Homeland Security";

(2) by striking "Under Secretary" each place it appears and inserting "Secretary"; and (3) by striking "Under Secretary's" each place it appears and inserting "Secretary's".

SA 1147. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 12, after "presence:", insert the following: "*Provided further*, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and potentially implement multi compartment bins to screen passenger belongings at security checkpoints: "

SA 1148. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—RAIL SECURITY

SECTION 01. SHORT TITLE.

This title may be cited as the "Rail Security Act of 2005".

SEC. 02. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) In General.—

(1) Vulnerability assessment.—The Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the Secretary of Transportation, shall complete a vulnerability assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of threats to those assets and infrastructures;

(C) identification of vulnerabilities that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) Existing private and public sector efforts.—The assessment shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) Recommendations.—Based on the assessment conducted under paragraph (1), the Under Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Under Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Under Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(4) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the government to provide increased security support at high or severe threat levels of alert; and

(B) a plan for coordinating rail security initiatives undertaken by the public and private sectors.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment required by subsection (a), the Under Secretary of Homeland Security for Border and Transportation Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials (including those within other agencies and offices within the Department of Homeland Security), and other relevant parties.

(c) REPORT.—

(1) CONTENTS.—Within 180 days after the date of enactment of this Act, the Under Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report containing the assessment and prioritized recommendations required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Under Secretary may submit the report in both classified and redacted formats if the Under Secretary determines that such action is appropriate or necessary.

(d) 2-YEAR UPDATES.—The Under Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations every 2 years and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $5,000,000 for fiscal year 2006 for the purpose of carrying out this section.

SEC. 03. RAIL SECURITY.

(a) RAIL POLICE OFFICERS.—Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) REVIEW OF RAIL REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. 04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) REQUIREMENT FOR STUDY.—Within 1 year after the date of enactment of the Rail Security Act of 2005, the Comptroller General shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) PURPOSE.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. _05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) REQUIREMENT FOR STUDY AND REPORT.—The Under Secretary of Homeland Security for Border and Transportation Security, in cooperation with the Secretary of Transportation, shall—

(1) analyze the cost and feasibility of requiring security screening for passengers, baggage, and [mail] cargo on passenger trains; and

(2) report the results of the study, together with any recommendations that the Under Secretary may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) PILOT PROGRAM.—As part of the study under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak selected by the Under Secretary. In conducting the pilot program, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices and methods;

(2) require that intercity rail passengers produce government-issued photographic identification which matches the name on the passenger's tickets prior to boarding trains; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers as well as Amtrak passengers.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security to carry out this section $5,000,000 for fiscal year 2006.

SEC. _06. CERTAIN PERSONNEL LIMITATIONS NOT TO APPLY.

Any statutory limitation on the number of employees in the Transportation Security Administration of the Department of Transportation, before or after its transfer to the Department of Homeland Security, does not apply to the extent that any such employees are responsible for implementing the provisions of this Act.

SEC. 07. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) LIFE-SAFETY NEEDS.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2006;

(B) $100,000,000 for fiscal year 2007;

(C) $100,000,000 for fiscal year 2008;

(D) $100,000,000 for fiscal year 2009; and

(E) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2006;

(B) $10,000,000 for fiscal year 2007;

(C) $10,000,000 for fiscal year 2008;

(D) $10,000,000 for fiscal year 2009; and

(E) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2006;

(B) $8,000,000 for fiscal year 2007;

(C) $8,000,000 for fiscal year 2008;

(D) $8,000,000 for fiscal year 2009; and

(E) $8,000,000 for fiscal year 2010.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006, $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) PLANS REQUIRED.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, periodic status reports, and such other matters the Secretary deems appropriate.

(f) REVIEW OF PLANS.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. 08. MEMORANDUM OF AGREEMENT.

(a) MEMORANDUM OF AGREEMENT.—Within 60 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall execute a memorandum of agreement governing the roles and responsibilities of the Department of Transportation and the Department of Homeland Security, respectively, in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

(b) RAIL SAFETY REGULATIONS.—Section 20103(a) of title 49, United States Code, is amended by striking "safety" the first place it appears, and inserting "safety, including security,".

SEC. _09. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) SUBMISSION OF PLAN.—Not later than 6 months after the date of the enactment of the Rail Security Act of 2005, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) CONTENTS OF PLANS.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"Sec.
"24316.Plan to assist families of passengers involved in rail passenger accidents.".

SEC. _10. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary of Homeland Security for Border and Transportation Security is authorized to make grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units; and

(7) to expand emergency preparedness efforts.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation, and, for capital projects, meet the requirements of section 07(e)(2). The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $63,500,000 for fiscal year 2006 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. _11. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary of Homeland Security for Border and Transportation Security is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the United States-Mexico border or the United States-Canada border;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section 02, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section 010(b).

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section _02 the Under Secretary of Homeland Security for Border and Transportation Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $350,000,000 for fiscal year 2006 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia.

SEC. 12. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use up to 0.5 percent of amounts made available to Amtrak for capital projects under the Rail Security Act of 2005 to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this Act, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of enactment of this Act.

SEC. 13. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary of Homeland Security for Border and Transportation Security, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment;

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section 011(g));

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public; and

(6) other projects recommended in the report required by section _02.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary of Homeland Security for Border and Transportation Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department and the Department of Transportation. The Under Secretary of Homeland Security for Border and Transportation Security shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $50,000,000 in each of fiscal years 2006 and 2007 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. 14. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Within 90 days after the date of enactment of this Act, the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors and, whenever the Administration determines that it is necessary or appropriate, require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail.

(b) TANK CAR STANDARDS.—The Federal Railroad Administration shall—

(1) within 1 year after the date of enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) within 18 months after the date of enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Within 2 years after the date of enactment of this Act, the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. _15. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers

travelling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing pre-screened passenger lists to the Department of Homeland Security.

SEC. 16. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security shall, in consultation with State and local government officials, conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the study conducted under subsection (a) and recommendations for reducing the impact of blocked crossings on emergency response.

SEC. 17. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"SEC. 20116. WHISTLEBLOWER PROTECTION FOR RAIL SECURITY MATTERS.

"(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security;

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"Sec. 20116. Whistleblower protection for rail security matters.".

SA 1149. Mr. MCCAIN (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON COMPREHENSIVE IMMIGRATION REFORM.

(a) FINDINGS.—Congress finds that—

(1) the Government of the United States has an obligation to its citizens to ensure the rule of law in its communities, secure its borders, and strengthen international border security efforts;

(2) current immigration laws and the enforcement of such laws are ineffective and do not serve the people of the United States, the national security interests of the United States, or the economic prosperity of the United States; and

(3) illegal immigration fosters other illegal activity, burdens States and local communities with hundreds of millions of dollars in uncompensated expenses and creates an underclass of workers who are vulnerable to fraud and exploitation.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that, before the end of the first session of the 109th Congress, Congress should enact comprehensive immigration reform that—

(1) ensures strong enforcement of immigration laws and border security;

(2) provides for adequate legal channels for immigration;

(3) enables willing workers to be matched with willing employers when no United States worker is available to take the job;

(4) identifies undocumented immigrants and encourages them to come forward and participate legally in the economy of the United States; and

(5) serves the economic, social, and security interests of the United States.

SA 1150. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519.(a) The amount appropriated for salaries and expenses by title II under the heading "CUSTOMS AND BORDER PROTECTION" is increased by $179,221,000, all of which shall be made available to hire an additional 1,000 border patrol agents.

(b) The amount appropriated by title II for the United States Coast Guard for the Integrated Deepwater Systems program under the heading "ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS" is reduced by $179,221,000.

SA 1151. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 61, line 26, insert "which shall be deployed between ports of entry along the southwestern border of the United States, taking into consideration the particular security risks in the area and the need for constant surveillance of such border," after "unmanned aerial vehicles,".

SA 1152. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, line 24, insert after "agencies" the following: "and Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))".

On page 65, line 2, insert after "agencies" the following: "and Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))".

On page 77, lines 16 and 17, strike "governments" and insert "governments and Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))".

Beginning on page 77, line 26, strike "or" and all that follows through "on risks" on page 78, line 1, and insert "regions, or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) based on risks".

On page 78, line 10, insert after "States" the following: "or Indian tribes (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))".

SA 1153. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for

other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Of the amount appropriated by title III for the Office of State and Local Government Coordination and Preparedness under the heading "STATE AND LOCAL PROGRAMS" and allocated for the technology transfer program, such sums as may be necessary shall be made available to the Secretary of Homeland Security to implement a plan to enhance communications integration and information sharing on border security as authorized under section 303 of the REAL ID Act of 2005 (division B of Public Law 109–13).

SA 1154. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Not later than 30 days after the date of enactment of this Act, the United States Customs and Border Protection shall develop guidelines for other than full-time permanent Customs and Border Protection Officers to complete Customs and Border Protection Officer training at the Federal Law Enforcement Training Center. The guidelines shall take into account the special circumstances and needs of other than full-time permanent officers which includes the impact of the Customs and Border Protection Officer training requirement on their other employment and their ability to continue to serve as Customs and Border Protection Officers. The United States Customs and Border Protection should give consideration to extending the length of time for other than full-time permanent officers to complete the training, allowing officers to complete the training in nonconsecutive sessions, giving officers credit for training already completed, or providing for other appropriate arrangements.

SA 1155. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. SPENDING OVERSIGHT.

"None of the funds made available in this Act shall be used on silk plants, art consultants, art work, coffee, microwave ovens, ice makers, plaques, and private event planning companies."

SA 1156. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. The amount appropriated by title III under the heading "OFFICE OF STATE AND LOCAL GOVERNMENT COORDINATION AND PREPAREDNESS" for State and Local Programs is increased by $530,000,000, all of which shall be made available for discretionary transportation and infrastructure grants and shall be for port security grants pursuant to the purposes of section 70107 (a) through (h) of title 46, United States Code. Such amounts shall be in addition to the amounts otherwise made available by this Act for such purposes.

SA 1157. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . LETTERS OF INTENT.

(a) LETTERS OF INTENT.—Section 70107(e) of title 46, United States Code, is amended by adding at the end the following:

"(5) LETTERS OF INTENT.—The Secretary may execute letters of intent to commit funding to port sponsors from the Fund.".

SA 1158. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

COMMISSION ON A STRATEGY FOR SUCCESS IN THE GLOBAL WAR ON TERRORISM

SEC. 519. (a) ESTABLISHMENT.—There is established a commission to be known as the Commission on a Strategy for Success in the Global War on Terrorism (in this section referred to as the "Commission").

(b) STUDY AND REPORT.—

(1) STUDY.—The duty of the Commission shall be to conduct a study on the strategy, tactics, and metrics for assessing performance and measuring success used by the United States in conduct of the Global War on Terrorism, and to submit a report on the findings of the study according to the guidance set forth in paragraph (2).

(2) REPORT.—Not later than 6 months after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report on the study required by paragraph (1) that includes the following content:

(A) Recommendations for a set of benchmarks by which the United States can assess performance and measure success in the following areas:

(i) Reducing the capability of major world wide terrorist organizations for carrying out attacks against the United States and its interests.

(ii) Disrupting senior leadership of major world wide terrorist organizations.

(iii) Decreasing the ability of major world wide terrorist organizations to recruit new members.

(iv) Disrupting major world wide terrorist organizations' access to, movement of, and use of financial assets and key non-financial resources.

(v) Eliminating safe havens and training grounds for major world wide terrorist organizations.

(vi) Preventing terrorists from gaining access to nuclear materials and other weapons of mass destruction.

(vii) Enhancing the public image of the United States within the populations from which terrorists have most often originated.

(B) An assessment of performance and progress by the United States in winning Global War on Terrorism according to the benchmarks set forth by the Commission in accordance with subparagraph (A).

(C) An analysis of the annual country reports on terrorism produced by the Secretary of State in accordance with section 140 of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f), including an assessment of the following:

(i) The effectiveness of the process by which the Secretary of State tabulates and categorizes terrorist attacks and events around the world.

(ii) The accuracy of the data reported in the reports.

(iii) The adequacy of safeguards against the influence of political considerations or other corrupting factors on the quality of data included in the reports.

(iv) Any recommendations the Commission may have for expanding, reconfiguring, or otherwise improving the reports.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 12 members who are appointed not later than one month after the date of enactment of this act, as follows:

(A) Two co-chairpersons, of which—

(i) one co-chairperson shall be appointed by a committee consisting of the majority leaders of the Senate and the House of Representatives, and of the chairman of each of the appropriate congressional committees; and

(ii) one co-chairperson shall be appointed by a committee consisting of the minority leaders of the House and Senate, the ranking minority member of each of the appropriate congressional committees.

(B) Ten members appointed by the chairman and ranking minority members of the Committee on Foreign Relations, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate.

(C) Ten members appointed by the chairmen and ranking minority members of the Committee on International Relations, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.

(2) QUALIFICATIONS.—Individuals appointed to the Commission should have proven experience or expertise in the prosecution of the Global War on Terrorism or in the study and analysis of terrorism, terrorists, United States military strategy, intelligence operations, or other relevant subject matter.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION ON PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(7) QUORUM.—A majority of the members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(8) MEETINGS.—The Commission shall meet at the call of the chairpersons. The initial meeting of the Commission shall occur not later than two weeks after the date on which not less than six members are appointed. The Commission may select a temporary chairperson until such time as the co-chairpersons have been appointed.

(9) DIRECTOR AND STAFF.—

(A) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(B) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(10) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(11) POWERS.—

(A) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(B) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(C) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission in a timely manner.

(D) POSTAL SERVICES.—The Commission may use the United States postal services in the same manner and under the same conditions as other departments and agencies of the United States.

(E) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(F) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(12) SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.—The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Foreign Relations, the Committee on Homeland Security and Government Affairs, and the Committee on Armed Services of the Senate and the Committee on International Relations, the Committee on Homeland Security, and the Committee on Armed Services of the House of Representatives.

(e) TERMINATION.—The Commission shall terminate one week following the submission of the report described in section (b)(2).

SA 1159. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ——. (a) FINDINGS.—Congress makes the following findings:

(1) Protecting the homeland against nuclear, radiological, biological, or chemical terrorism requires a layered defense drawing upon a full spectrum of capabilities and tools, beginning with a national strategy for an international and domestic effort to prevent the proliferation of weapons of mass destruction (WMD) before it affects Americans at home, as well as to harden America and manage the consequences of attacks while preserving fundamental liberties and economic activity.

(2) The National Strategy to Combat Weapons of Mass Destruction was published in December 2002.

(3) Since the development of the National Strategy—

(A) the nature of the weapons of mass destruction threats to the United States has evolved significantly;

(B) the understanding of likely future weapons of mass destruction threats has also progressed; and

(C) United States capabilities for detecting, preventing, and responding to weapons of mass destruction threats have also evolved.

(4) President George W. Bush enumerated in a speech on February 11, 2004, a number of new actions the United States would call for to address weaknesses in efforts to combat the proliferation of weapons of mass destnlction. Some of the most in July 11, 2005 important of these actions have not yet been undertaken or have met international resistance.

(5) Since the National Strategy .vas developed, a significant intelligence failure has occurred with respect to the assessment of the weapons of mass destruction capabilities of Iraq, which failure has precipitated several efforts to identify systemic deficiencies in intelligence and identify recommended improvements.

(6) As required by the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), and as recommended by the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction, President George W. Bush announced in June 2005 the intent to establish a National Counter Proliferation Center (NCPC). The Center will exercise strategic oversight of the work of the intelligence community on threats posed by the proliferation of weapons of mass destruction and will playa unique leading role within the United States Government in addressing such threats.

(7) A number of other significant changes to United States policies, capabilities, and tools to combat the proliferation of weapons of mass destruction have been recommended, and in some cases, implemented since December 2002, in the absence of an updated national strategy on combatting the proliferation of weapons of mass destruction.

(b) UPDATE OF NATIONAL STRATEGY TO COMBAT WEAPONS OF MASS DESTRUCTION.—(1) Not later than 6 months after the date of the enactment of this Act, the President shall develop and submit to Congress an update to the National Strategy to Combat Weapons of Mass Destruction of December 2002.

(2) The update of the National Strategy shall take into account developments since the publication of the National Strategy.

(3) The update of the National Strategy shall include the following:

(A) INTELLIGENCE-BASED ASSESSMENT.—An intelligence-based assessment of the threat to United States territory, citizens, and interests from the proliferation of weapons of mass destruction and the threat of terrorist acquisition and use of weapons of mass destruction.

(B) OBJECTIVES.—A review of the objectives of United States policy, both domestically and internationally, regarding the proliferation of weapons of mass destruction and the threat of terrorist acquisition and use of weapons of mass destruction.

(C) CAPABILITIES, ROLES, MISSIONS, CONCEPTS OF OPERATIONS.—A review of the full spectrum of capabilities necessary, whether domestically or internationally, to address the proliferation of weapons of mass destruction and the threat of terrorist acquisition and use of weapons of mass destruction, and a description of the roles, missions, and concepts of operations for each of the organizations and programs responsible for providing such capabilities.

(D) POLICY, PROGRAM AND OPERATIONAL COORDINATION.—A review of the mechanisms for planning, coordinating, and implementing policy, programs, and operations, including government-wide strategic operational planning, across all agencies and entities undertaking work to combat the proliferation of weapons of mass destruction and to protect the homeland against weapons of mass destruction attacks.

(4) The update of the National Strategy shall address specific areas key to a successful national strategy to combat the proliferation of weapons of mass destruction, including, but not limited to the following:

(A) NATIONAL COUNTER PROLIFERATION CENTER.—A description of the roles, missions, and concepts of operations for the National Counter Proliferation Center, including a plan and schedule for establishing the Center and developing it to full working capacity.

(B) INTERNATIONAL NONPROLIFERATION REGIMES.—A review of how the United States will seek to strengthen the international nonproliferation regimes, including, but not limited to, the Nuclear Nonproliferation Treaty and associated entities (such as the Nuclear Suppliers Group) in the wake of the 2005 Nuclear Nonproliferation Treaty review conference, the Missile Technology Control Regime, the Biological Weapons Convention, and the Chemical Weapons Convention and associated entities (such as the Australia Group).

(C) SECURITY OF NUCLEAR MATERIALS.—A review of how the United States will enhance programs to secure weapons-grade nuclear materials globally.

(D) DETECTION AND CHARACTERIZATION CAPABILITIES.—A review of how the United

States will improve the array of weapons of mass destruction detection devices to ensure the homeland is protected from any means by which weapons of mass destruction could be delivered against the United States.

(E) INTERDICTION CAPABILITIES.—An assessment of the ability of the United States and the international community to interdict in transit illicit materials and personnel related to weapons of mass destruction, including—

(i) an assessment of the number and impact of interdictions under the Proliferation Security Initiative; and

(ii) an assessment of how the Initiative can be strengthened to achieve more concrete results.

(F) NUCLEAR INSPECTIONS AND SAFEGUARDS.—A review of how the United States will strengthen the ability of the International Atomic Energy Agency (IAEA) to monitor peaceful nuclear energy programs to ensure that such programs are not used as a cover for nuclear weapons development, including, but not limited to—

(i) how the United States will encourage the adoption and ratification by each nonnuclear weapon state of the Model Additional Protocol with the Agency; and

(ii) how the Executive Branch will implement the United States Additional Protocol with the Agency in light of its inability, thus far, to reach agreement on implementing legislation that would permit United States ratification of the Additional Protocol to which the United States Senate gave its advice and consent to ratification on March 31, 2004.

(G) INTELLIGENCE CAPABILITIES.—A plan for the implementation of intelligence reforms intended to improve intelligence capabilities relating to weapons of mass destruction.

(H) NORTH KOREA AND IRAN.—A plan for each of the following:

(i) Preventing further processing of nuclear weapons material in North Korea and ultimately verifiably eliminating the nuclear weapons programs of North Korea.

(ii) Preventing Iran from developing nuclear weapons.

(iii) Deterring other nations from pursuing nuclear weapons.

(5) The update required by paragraph (1) shall be submitted to Congress in unclassified form but may include a classified annex.

SA 1160. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) Congress makes the following findings:

(1) The Homeland Security Advisory System had been raised to threat level Code Orange, a level which indicates a high risk of terrorist attack, on six occasions since the Advisory System was created in March 2002, prior to the rasing of the threat level to Code Orange following the bombings that occurred in London on July 7, 2005.

(2) The Code Orange threat level remained in place for an average of 13 days on each of the first five occasions that it was raised to that level.

(3) The sixth elevation of the threat level to Code Orange occurred in August 2004 and ended 98 days later, making it four times longer than any other such alert and constituting half of the days that the United States has been under a high risk of terrorist attack.

(4) The Conference of Mayors estimates that cities in the United States spend some $70,000,000 per week to implement security measures associated with the Code Orange threat level.

(5) The recommendation to elevate the threat level is made by the Homeland Security Council, a group of Cabinet officials and senior advisors to the President and Vice President, (in this section referred to as the "Council").

(6) In May 2005, Secretary of Homeland Security Tom Ridge revealed that there was often considerable disagreement among the members of the Council as to whether or not the threat level should be raised.

(7) There remains considerable confusion among the public and State and local government officials as to the decision-making process and criteria used by the Council in deciding whether the threat level should be raised to Code Orange.

(b) Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a study examining the six occasions in which the Homeland Security Advisory System was raised to Code Orange prior to July 2005 and submit to Congress a report on such study.

(c) The report required by subsection (b) shall include an explanation and analysis of the decision-making process used by the Council to raise the threat level to Code Orange in each of the six instances prior to July 2005, including—

(1) the criteria and standards used by the Council in reaching its decision;

(2) a description of deliberations and votes of the Council were conducted, and whether any of the deliberations and votes have been transcribed or were otherwise recorded in some manner;

(3) a description of the specific intelligence that led to the decision to raise the threat level to Code Orange on each of the six occasions, and what, if any, common factors or trends in the intelligence reporting were present in each of the previous decisions;

(4) an explanation for the decision, on the sixth occasion, for the threat level to remain elevated for 98 days, and what role, if any, staff of the White House played in the decision to raise the level on that occasion;

(5) a description of the direct and indirect costs incurred by cities, States, or the Federal Government after the threat level was raised to Code Orange on each of the six occasions; and

(6) the recommendations of the Comptroller General of the United States, if any, for improving the Homeland Security Advisory System, including recommendations regarding—

(A) measures that could be carried out to build greater public awareness and confidence in the work of the Council;

(B) whether the Council and the Secretary of Homeland Security could benefit from greater transparency and the development of more clearly articulated public standards in the threat level decision-making process;

(C) whether the current composition of the Council should be modified to include representatives from the States; and

(D) the measures that could be carried out to minimize the costs to States and municipalities during periods when the Homeland Security Advisory System is raised to level to Code Orange.

(d) The report required by subsection (b) shall be submitted in an unclassified form and may include a classified annex, if necessary.

SA 1161. Mr. REID (for himself, Mr. BIDEN, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The Joint Explanatory Statement to accompany the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 1090913) requires the Department of Defense to set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(2) The report requires performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(3) In specific, the report required, at a minimum, the following:

(A) With respect to stability and security in Iraq, the following:

(i) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(ii) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(iii) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(iv) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(v) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(I) unemployment levels;

(II) electricity, water, and oil production rates; and

(III) hunger and poverty levels.

(vi) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(B) With respect to the training and performance of security forces in Iraq, the following:

(i) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(ii) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(iii) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(I) capable of conducting counterinsurgency operations independently;

(II) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(III) not ready to conduct counterinsurgency operations.

(iv) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(v) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(vi) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces. goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(I) the number of police recruits that have received classroom training and the duration of such instruction;

(II) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(III) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(IV) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(V) attrition rates and measures of absenteeism and infiltration by insurgents.

(vii) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(viii) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(ix) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(x) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

(3) The deadline for submittal of the report to Congress was 60 days after the date of the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, that is July 11, 2005, and every 90 days thereafter through the end of fiscal year 2006.

(4) The report has not yet been received by Congress.

(5) The availability of accurate data on key performance indicators is critical to understanding whether the United States strategy in Iraq is succeeding, and the substantial resources provided by Congress, which total more than $200,000,000,000 and an approximate monthly expenditure of $5,000,000,000, with substantial resource expenditures still to come, are being utilized effectively.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) the information requested in the report described by subsection (a) is critical—

(A) to fulfilling the oversight obligations of Congress;

(B) to ensuring the success of United States strategy in Iraq;

(C) to maximizing the effectiveness of the substantial resources provided by Congress and the American people for United States efforts in Iraq;

(D) to identifying when the Iraqi security forces will be able to assume responsibility for security in Iraq; and

(E) to obtaining an estimate of the level of United States troops that will be necessary in Iraq during 2005 and 2006, and in any years thereafter;

(2) the report should be provided by the Department of Defense, as required by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 as soon as possible; and

(3) the Secretary of Defense should communicate to Congress and the American people why the report was not submitted to Congress by the original deadline for its submittal.

SA 1162. Mr. KERRY (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Within 90 days after the date of enactment of this Act, the Department of Homeland Security's Office of Inspector General shall issue a report to the House and Senate Committees on Appropriations, the House and Senate Committees on Homeland Security, and the Senate Committee on Commerce, Science, and Transportation regarding the steps the Department has taken to comply with the recommendations of the Inspector General's Report on the Port Security Grant Program (OIG–05–10).

SA 1163. Mrs. FEINSTEIN (for herself and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. FRAUDULENT USE OF PASSPORTS.

(a) Criminal Code.—

(1) Secretary of Homeland Security.—Section 1546 of title 18, United States Code, is amended by striking "the Attorney General or the Commissioner of the Immigration and Naturalization Service" each place it appears and inserting "the Secretary of Homeland Security".

(2) Definition of Passport.—Chapter 75 of title 18, United States Code, is amended by adding at the end the following:

"§1A1548. Definition

"For the purposes of sections 1543 and 1544, the term 'passport' means any passport or travel document issued by the United States, a foreign government, or an international organization.".

(3) Clerical Amendment.—The table of sections for chapter 75 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 1548. Definition.".

(b) Immigration and Nationality Act.—Section 101(a)(43)(P) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)(P)) is amended to read as follows:

"(P) an offense described in—

"(i) section 1542, 1543, or 1544 of title 18, United States Code, relating to false statements in the application, forgery, or misuse of a passport or travel document;

"(ii) section 1546(a) of title 18, United States Code, relating to the fraudulent use of any document used to gain entry or admission into the United States, regardless of the term of imprisonment; or

"(iii) section 1546(a) of title 18, United States Code, relating to any other fraudulent use of documents not described in clause (ii), including as evidence of authorized stay or employment, for which the term of imprisonment is at least 12 months.".

SA 1164. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$11,552,000,000".

On page 81, line 24, strike "$615,000,000" and insert "$4,000,000,000".

On page 81, line 24, strike "$550,000,000" and insert "$3,000,000,000".

On page 81, line 26, strike "$65,000,000" and insert "$1,000,000,000".

On page 82, line 12, strike "$180,000,000" and insert "$660,000,000".

On page 89, line 3, strike "$194,000,000" and insert "$690,994,000".

On page 100, between lines 11 and 12, insert the following:

Sec. 519. The total amount appropriated by title III for the Office of the Under Secretary for Emergency Preparedness and Response under the headings "PREPAREDNESS, MITIGATION, RESPONSE, AND RECOVERY (INCLUDING RECESSION OF FUNDS)", "ADMINISTRATIVE AND REGIONAL OPERATIONS", and "PUBLIC HEALTH PROGRAMS" is increased by $2,845,766,000.

Sec. 520. The Secretary of the Treasury shall take such action as is necessary to reduce benefits provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 to individuals with an adjusted gross income of $1,000,000,000 or more that will result in an increase in revenue sufficient to offset the increased funding provided for the first responder and other programs made by section 518, this section, and any related increases in funding.

SA 1165. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, line 19, strike "$124,620,000" and insert "$115,160,000".

On page 57, line 1, strike "$146,322,000" and insert "$135,572,000".

On page 57, line 17, strike "$18,325,000" and insert "$17,035,000".

On page 57, line 22, strike "$286,540,000" and insert "$265,040,000".

On page 77, line 18, strike "$2,694,300,000" and insert "2,737,300,000".

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) $44,000,000 for interoperable communications equipment grants:

SA 1166. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 20, strike "purposes." and insert the following: "purposes: *Provided further*, That MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.".

SA 1167. Mr. GRASSLEY (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 13, strike the period at the end and insert ", of which $2,500,000 shall be available until expended to carry out section 402(d)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).".

SA 1168. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AMENDMENT TO TITLE 18.

(a) IN GENERAL.—Chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"§ 1A39. Violation of Washington, D.C. airspace

"Whoever negligently flies an aircraft in a manner that violates the Washington, D.C. Metropolitan Area Flight Restricted Zone (as defined by the Federal Aviation Administration) and causes the evacuation a Federal building or any other public property shall be subject to a fine of $100,000, confiscation of the aircraft, and loss of the right to fly in United States airspace for 5 years.".

(b) CHAPTER ANALYSIS.—The table of sections for chapter 2 of title 18, United States Code, is amended by adding at the end the following:

"Sec. 39. Violation of Washington, D.C. airspace.".

SA 1169. Mr. HAGEL submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, line 2, strike "$4,452,318,000" and insert "$4,440,318,000".

On page 70, line 24, strike "$36,000,000" and insert "$48,000,000".

SA 1170. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. The amount appropriated for salaries and expenses by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" is increased by $61,666,500, all of which shall be made available to hire and train an additional 500 full-time active duty Immigration and Cuistoms Enforcement investigators.

SA 1171. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519.(a) The amount appropriated for salaries and expenses by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" is increased by $198,000,000, all of which shall be made available to add an additional 5,760 detention beds in the United States.

(b) The amount appropriated by title II for the United States Coast Guard for the Integrated Deepwater Systems program under the heading "ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS" is reduced by $198,000,000.

SA 1172. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall designate the Natrona International Airport in Casper, Wyoming, as an airport at which private aircraft described in subsection (b) may land for processing by the United States Customs and Border Protection in accordance with section 122.24(b) of title 19, Code of Federal Regulations, and such airport shall not be treated as a user fee airport for purposes of section 122.15 of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of Natrona International Airport in Casper, Wyoming; and

(2) would otherwise be required to land for processing by the United States Customs and Border Protection at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

SA 1173. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. It is the Sense of the Senate that the Director of the Office for State and Local Government Coordination of the Department of Homeland Security should coordinate with the American Red Cross in developing a mass care plan for the areas of the United States most at risk of being the target of a terrorist attack.

SA 1174. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 24, after "formula-based grants" insert the following: "and $50,000,000 shall be allocated to the American Red Cross for use in its mass care catastrophic planning initiative"

SA 1175. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall designate an airport in each State as a port of entry.

SA 1176. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, between lines 5 and 6, insert the following:

PILOT PROGRAM FOR GROUND SURVEILLANCE TECHNOLOGY AND BORDER SECURITY

Of the amounts appropriated under this title, such amounts as may be necessary shall be made available to carry out the pilot program for ground surveillance technology and border security authorized by section 302 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 109–13; 8 U.S.C. 1712 note).

SA 1177. Mr. CRAIG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE—BORDER ENFORCEMENT AND VISA SECURITY

SEC. _01. DOCUMENT AND VISA REQUIREMENTS.

(a) In General.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

"(3) Visas and immigration related document requirements.—

"(A) Visas issued by the Secretary of State and immigration related documents issued by the Secretary of State or the Secretary of Homeland Security shall comply with authentication and biometric standards recognized by domestic and international standards organizations.

"(B) Such visas and documents shall—

"(i) be machine-readable and tamper-resistant;

"(ii) use biometric identifiers that are consistent with the requirements of section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732), and represent the benefits and status set forth in such section;

"(iii) comply with the biometric and document identifying standards established by the International Civil Aviation Organization; and

"(iv) be compatible with the United States Visitor and Immigrant Status Indicator Technology and the employment verification system established under section 274E.

"(C) The information contained on the visas or immigration related documents described in subparagraph (B) shall include—

"(i) the alien's name, date and place of birth, alien registration or visa number, and, if applicable, social security number;

"(ii) the alien's citizenship and immigration status in the United States; and

"(iii) the date that such alien's authorization to work in the United States expires, if appropriate.".

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 26, 2007.

SEC. _02. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) In General.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

"EMPLOYMENT ELIGIBILITY

"Sec. 274E. (a) Employment Eligibility Confirmation System.—

"(1) In general.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish an Employment Eligibility Confirmation System (referred to in this section as the 'System') through which the Commissioner responds to inquiries made by employers who have hired individuals concerning each individual's identity and employment authorization.

"(2) Maintenance of records.—The Commissioner shall electronically maintain records by which compliance under the System may be verified.

"(3) Objectives of the system.—The System shall—

"(A) facilitate the eventual transition for all businesses from the employer verification system established in section 274A with the System;

"(B) utilize, as a central feature of the System, machine-readable documents that contain encrypted electronic information to verify employment eligibility; and

"(C) provide for the evidence of employment required under section 218A.

"(4) Initial response.—The System shall provide—

"(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility not later than 3 working days after the initial inquiry; and

"(B) an appropriate code indicating such confirmation or tentative nonconfirmation.

"(5) Secondary verification process in case of tentative nonconfirmation.—

"(A) Establishment.—For cases of tentative nonconfirmation, the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish a secondary verification process. The employer shall make the secondary verification inquiry not later than 10 days after receiving a tentative nonconfirmation.

"(B) Discrepancies.—If an employee chooses to contest a secondary nonconfirmation, the employer shall provide the employee with a referral letter and instruct the employee to visit an office of the Department of Homeland Security or the Social Security Administration to resolve the discrepancy not later than 10 working days after the receipt of such referral letter in order to obtain confirmation.

"(C) Failure to contest.—An individual's failure to contest a confirmation shall not constitute knowledge (as defined in section 274a.1(l) of title 8, Code of Federal Regulations.

"(6) Design and operation of system.—The System shall be designed, implemented, and operated—

"(A) to maximize its reliability and ease of use consistent with protecting the privacy and security of the underlying information through technical and physical safeguards;

"(B) to allow employers to verify that a newly hired individual is authorized to be employed;

"(C) to permit individuals to—

"(i) view their own records in order to ensure the accuracy of such records; and

"(ii) contact the appropriate agency to correct any errors through an expedited process established by the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security; and

"(D) to prevent discrimination based on national origin or citizenship status under section 274B.

"(7) Unlawful uses of system.—It shall be an unlawful immigration-related employment practice—

"(A) for employers or other third parties to use the System selectively or without authorization;

"(B) to use the System prior to an offer of employment;

"(C) to use the System to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

"(D) to use the System to deny certain employment benefits, otherwise interfere with the labor rights of employees, or any other unlawful employment practice; or

"(E) to take adverse action against any person, including terminating or suspending an employee who has received a tentative nonconfirmation.

"(b) Employment Eligibility Database.—

"(1) Requirement.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security and other appropriate agencies, shall design, implement, and maintain an Employment Eligibility Database (referred to in this section as the 'Database') as described in this subsection.

"(2) Data.—The Database shall include, for each individual who is not a citizen or national of the United States, but is authorized or seeking authorization to be employed in the United States, the individual's—

"(A) country of origin;

"(B) immigration status;

"(C) employment eligibility;

"(D) occupation;

"(E) metropolitan statistical area of employment;

"(F) annual compensation paid;

"(G) period of employment eligibility;

"(H) employment commencement date; and

"(I) employment termination date.

"(3) Reverification of employment eligibility.—The Commissioner of Social Security shall prescribe, by regulation, a system to annually reverify the employment eligibility of each individual described in this section—

"(A) by utilizing the machine-readable documents described in section 221(a)(3); or

"(B) if machine-readable documents are not available, by telephonic or electronic communication.

"(4) Confidentiality.—

"(A) Access to database.—No officer or employee of any agency or department of the United States, other than individuals responsible for the verification of employment eligibility or for the evaluation of the employment verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information contained in the Database.

"(B) Protection from unauthorized disclosure.—Information in the Database shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

"(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to design, implement, and maintain the Database.

"(c) Gradual Implementation.—The Commissioner of Social Security, in coordination with the Secretary of Homeland Security and the Secretary of Labor shall develop a plan to phase all workers into the Database and phase out the employer verification system established in section 274A over a period of time that the Commissioner determines to be appropriate.

"(d) Employer Responsibilities.—Each employer shall—

"(1) notify employees and prospective employees of the use of the System and that the System may be used for immigration enforcement purposes;

"(2) verify the identification and employment authorization status for newly hired individuals not later than 3 days after the date of hire;

"(3) use—

"(A) a machine-readable document described in subsection (a)(3)(B); or

"(B) the telephonic or electronic system to access the Database;

"(4) provide, for each employee hired, the occupation, metropolitan statistical area of employment, and annual compensation paid;

"(5) retain the code received indicating confirmation or nonconfirmation, for use in investigations; and

"(6) provide a copy of the employment verification receipt to such employees.

"(e) Good-Faith Compliance.—

"(1) AFFIRMATIVE DEFENSE.—A person or entity that establishes good faith compliance with the requirements of this section with respect to the employment of an individual in the United States has established an affirmative defense that the person or entity has not violated this section.

"(2) LIMITATION.—Paragraph (1) shall not apply if a person or entity engages in an unlawful immigration-related employment practice described in subsection (a)(7).".

(b) INTERIM DIRECTIVE.—Before the implementation of the Employment Eligibility Confirmation System (referred to in this section as the "System") established under section 274E of the Immigration and Nationality Act, as added by subsection (a), the Commissioner of Social Security, in coordination with the Secretary of Homeland Security, shall, to the maximum extent practicable, implement an interim system to confirm employment eligibility that is consistent with the provisions of such section.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 3 months after the last day of the second year and of the third year that the System is in effect, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the System.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the impact of the System on the employment of unauthorized workers;

(B) an assessment of the accuracy of the Employment Eligibility Database maintained by the Department of Homeland Security and Social Security Administration databases, and timeliness and accuracy of responses from the Department of Homeland Security and the Social Security Administration to employers;

(C) an assessment of the privacy, confidentiality, and system security of the System;

(D) assess whether the System is being implemented in a nondiscriminatory manner; and

(E) include recommendations on whether or not the System should be modified.

SEC. _03. IMPROVED ENTRY AND EXIT DATA SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "Justice" and inserting "Homeland Security";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) collects the biometric machine-readable information from an alien's visa or immigration-related document described in section 221(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(3) at the time an alien arrives in the United States and at the time an alien departs from the United States to determine if such alien is entering, or is present in, the United States unlawfully."; and

(3) in subsection (f)(1), by striking "Departments of Justice and State" and inserting "Department of Homeland Security and the Department of State".

SEC. _04. DOCUMENT FRAUD DETECTION.

(a) TRAINING.—The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Immigration and Customs Enforcement.

(b) ACCESS TO FORENSIC DOCUMENT LABORATORY.—The Secretary of Homeland Security shall provide all customs and border protection officers with access to the Forensic Document Laboratory.

SEC. _05. CANCELLATION OF VISAS.

Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1), by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC. _06. INSTITUTIONAL REMOVAL PROGRAM.

(a) CONTINUATION AND EXPANSION.—

(1) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, which identifies removable criminal aliens in Federal and State correctional facilities, ensures such aliens are not released into the community, and removes such aliens from the United States after the completion of their sentences.

(2) EXPANSION.—The Institutional Removal Program shall be made available to all States.

(3) COOPERATION, IDENTIFICATION, AND NOTIFICATION.—Any State that receives Federal funds for the incarceration of criminal aliens shall—

(A) cooperate with Federal Institutional Removal Program officials;

(B) expeditiously and systematically identify criminal aliens in its prison and jail populations; and

(C) promptly convey such information to authorities of the Institutional Removal Program as a condition for receiving such funds.

(b) TECHNOLOGY USAGE.—Technology, such as videoconferencing, shall be used to the maximum extent practicable in order to make the Institutional Removal Program available to facilities in remote locations.

TITLE—AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY ACT OF 2005

SEC. _01. SHORT TITLE.

This title may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2005" or the "AgJOBS Act of 2005".

SEC. 02. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

Subtitle A—Adjustment to Lawful Status

SEC. _11. AGRICULTURAL WORKERS.

(a) TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on December 31, 2004;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF TEMPORARY RESIDENT STATUS.—

(A) IN GENERAL.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this Act that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF TEMPORARY RESIDENT STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the temporary resident status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to temporary resident status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a) as described in paragraph (1) shall not be eligible, by reason of such acquisition of that status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers permanent resident status upon that alien under subsection (a).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted temporary resident status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the 6-year period beginning after the date of enactment of this Act.

(ii) QUALIFYING YEARS.—The alien has performed at least 75 work days or 430 hours, but in no case less than 430 hours, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the 6-year period beginning after the date of enactment of this Act. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the 3-year period beginning after the date of enactment of this Act.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of enactment of this Act.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status, except as provided in subparagraph (C); and

(ii) granted authorization to engage in employment in the United States or be provided an "employment authorized" endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) OUTSIDE THE UNITED STATES.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) PRELIMINARY APPLICATIONS.—

(i) IN GENERAL.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an "employment authorized" endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this Act.

(ii) DEFINITION.—For purposes of clause (i), the term "preliminary application" means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) ELIGIBILITY.—An applicant under clause (i) shall otherwise be admissible to the United States under subsection (e)(2) and shall establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 8909732, Public Law 9509145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this Act as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department of Homeland Security pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) Penalties for false statements in applications.—

(A) Criminal penalty.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) Inadmissibility.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) Eligibility for legal services.—Section 504(a)(11) of Public Law 10409134 (110 Stat. 13210953 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) Application fees.—

(A) Fee schedule.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) Prohibition on excess fees by qualified designated entities.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) Disposition of fees.—

(i) In general.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) Use of fees for application processing.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) Waiver of Numerical Limitations and Certain Grounds for Inadmissibility.—

(1) Numerical limitations do not apply.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) Waiver of certain grounds of inadmissibility.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) Grounds of exclusion not applicable.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) Waiver of other grounds.—

(i) In general.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) Grounds that may not be waived.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) Construction.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) Special rule for determination of public charge.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) Temporary Stay of Removal and Work Authorization for Certain Applicants.—

(1) Before application period.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(2) During application period.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an "employment authorized" endorsement or other appropriate work permit for such purpose.

(g) Administrative and Judicial Review.—

(1) In general.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) Administrative review.—

(A) Single level of administrative appellate review.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) Standard for review.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) Judicial review.—

(A) Limitation to review of removal.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) Standard for judicial review.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) Dissemination of Information on Adjustment Program.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) Regulations.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) Effective Date.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2006 through 2009.

SEC. 12. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) In General.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking "or" at the end;

(2) in subparagraph (C), by inserting "or" at the end;

(3) by inserting after subparagraph (C) the following:

"(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2005,"; and

(4) by striking "1990." and inserting "1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted lawful temporary resident status.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of enactment of this Act.

Subtitle B—Reform of H–2A Worker Program

SEC. 21. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) In General.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

"H–2A EMPLOYER APPLICATIONS

"Sec. 218. (a) Applications to the Secretary of Labor.—

"(1) In general.—No alien may be admitted to the United States as an H–2A worker, or otherwise provided status as an H–2A worker, unless the employer has filed with the Secretary of Labor an application containing—

"(A) the assurances described in subsection (b);

"(B) a description of the nature and location of the work to be performed;

"(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

"(D) the number of job opportunities in which the employer seeks to employ the workers.

"(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

"(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

"(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

"(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

"(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

"(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

"(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

"(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H–2A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

"(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

"(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

"(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

"(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

"(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

"(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H–2A workers.

"(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

"(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

"(H) EMPLOYMENT OF UNITED STATES WORKERS.—

"(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H–2A nonimmigrant is, or H–2A nonimmigrants are, sought:

"(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

"(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H–2A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on 'America's Job Bank' or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

"(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H-2A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

"(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H–2A workers could not reasonably have been foreseen.

"(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

"(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

"(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H-2A workers in order to force the hiring of United States workers under this clause.

"(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

"(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

"(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

"(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

"(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(d) WITHDRAWAL OF APPLICATIONS.—

"(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

"(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

"(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H–2A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

"(e) REVIEW AND APPROVAL OF APPLICATIONS.—

"(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

"(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

"(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

"H–2A EMPLOYMENT REQUIREMENTS

"SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H–2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H–2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H–2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H–2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

“(C) LIMITATION.—

“(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

“(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

“(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

“(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

“(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

“(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

“(3) REQUIRED WAGES.—

“(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

“(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2005 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

“(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

“(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(v) recommendations for future wage protection under this section.

“(H) COMMISSION ON WAGE STANDARDS.—

“(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the ‘Commission’).

“(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

“(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

“(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

“(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(V) recommendations for future wage protection under this section.

“(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

“(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

“(4) GUARANTEE OF EMPLOYMENT.—

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘three-fourths guarantee’ described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

“(5) MOTOR VEHICLE SAFETY.—

“(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

“(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

“(ii) DEFINED TERM.—In this paragraph, the term ‘uses or causes to be used’—

“(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

“(II) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

“(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

“(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

“(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

“(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

“(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

“(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

“(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

“(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

“(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

“(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

“(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

“(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

“PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

“SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

“(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

“(c) CRITERIA FOR ADMISSIBILITY.—

“(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

“(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

“(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

“(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

“(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

“(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

“(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

“(d) PERIOD OF ADMISSION.—

“(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

“(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

“(B) the total period of employment, including such 14-day period, may not exceed 10 months.

“(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

“(e) ABANDONMENT OF EMPLOYMENT.—

“(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

“(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

“(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

“(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

“(f) REPLACEMENT OF ALIEN.—

“(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

“(A) who abandons or prematurely terminates employment; or

“(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

“(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

“(g) IDENTIFICATION DOCUMENT.—

“(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

“(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

“(A) The document shall be capable of reliably determining whether—

“(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

“(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

“(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

“(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

“(C) The document shall—

“(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

“(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

“(h) EXTENSION OF STAY OF H–2A ALIENS IN THE UNITED STATES.—

“(1) EXTENSION OF STAY.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

“(2) LIMITATION ON FILING A PETITION FOR EXTENSION OF STAY.—A petition may not be filed for an extension of an alien's stay—

“(A) for a period of more than 10 months; or

“(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

“(3) WORK AUTHORIZATION UPON FILING A PETITION FOR EXTENSION OF STAY.—

“(A) IN GENERAL.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

“(B) DEFINITION.—For purposes of subparagraph (A), the term ‘file’ means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

“(C) HANDLING OF PETITION.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

“(D) APPROVAL OF PETITION.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

“(4) LIMITATION ON EMPLOYMENT AUTHORIZATION OF ALIENS WITHOUT VALID IDENTIFICATION AND EMPLOYMENT ELIGIBILITY DOCUMENT.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

“(5) LIMITATION ON AN INDIVIDUAL'S STAY IN STATUS.—

“(A) MAXIMUM PERIOD.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

“(B) REQUIREMENT TO REMAIN OUTSIDE THE UNITED STATES.—

“(i) IN GENERAL.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

“(ii) EXCEPTION.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

“(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS.—Notwithstanding any provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2005, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

“(1) may be admitted for a period of 12 months;

“(2) may be extended for a continuous period of up to 3 years; and

“(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

“WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

“SEC. 218C. (a) ENFORCEMENT AUTHORITY.—

“(1) INVESTIGATION OF COMPLAINTS.—

“(A) AGGRIEVED PERSON OR THIRD-PARTY COMPLAINTS.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

“(B) DETERMINATION ON COMPLAINT.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

“(C) FAILURES TO MEET CONDITIONS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

“(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

“(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

“(D) WILLFUL FAILURES AND WILLFUL MISREPRESENTATIONS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) DISPLACEMENT OF UNITED STATES WORKERS.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) LIMITATIONS ON CIVIL MONEY PENALTIES.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) FAILURES TO PAY WAGES OR REQUIRED BENEFITS.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H-2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H-2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"DEFINITIONS

"SEC. 218D. For purposes of sections 218 through 218D:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H-2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H-2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

Subtitle C—Miscellaneous Provisions

SEC. 31. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this Act. Such fees shall be the only fees chargeable to employers for services provided under this Act.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section _21 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section 21 of this Act, and the provisions of this Act.

SEC. _32. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 21 of this Act, shall take effect on the effective date of section _21 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 33. RELIGIOUS ORGANIZATIONS.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

"(C) It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien who is present in the United States in violation of law to carry on the vocation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.".

SEC. 34. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections 21 and 31 shall take effect 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this title.

SA 1178. Mr. CRAIG (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —AGRICULTURAL JOB OPPORTUNITIES, BENEFITS, AND SECURITY ACT OF 2005

SEC. _01. SHORT TITLE.

This title may be cited as the "Agricultural Job Opportunities, Benefits, and Security Act of 2005" or the "AgJOBS Act of 2005".

SEC. 02. DEFINITIONS.

In this title:

(1) AGRICULTURAL EMPLOYMENT.—The term "agricultural employment" means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(2) EMPLOYER.—The term "employer" means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

(3) JOB OPPORTUNITY.—The term "job opportunity" means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) TEMPORARY.—A worker is employed on a "temporary" basis where the employment is intended not to exceed 10 months.

(6) UNITED STATES WORKER.—The term "United States worker" means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)).

(7) WORK DAY.—The term "work day" means any day in which the individual is employed 1 or more hours in agriculture consistent with the definition of "man-day" under section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)).

Subtitle A—Adjustment to Lawful Status

SEC. _11. AGRICULTURAL WORKERS.

(a) TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer upon an alien who qualifies under this subsection the status of an alien lawfully admitted for temporary residence if the Secretary determines that the alien—

(A) has performed agricultural employment in the United States for at least 575 hours or 100 work days, whichever is less, during any 12 consecutive months during the 18-month period ending on December 31, 2004;

(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act; and

(C) is otherwise admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as otherwise provided under subsection (e)(2).

(2) AUTHORIZED TRAVEL.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) in the same manner as an alien lawfully admitted for permanent residence.

(3) AUTHORIZED EMPLOYMENT.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien shall be provided an "employment authorized" endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

(4) TERMINATION OF TEMPORARY RESIDENT STATUS.—

(A) IN GENERAL.—During the period of temporary resident status granted an alien under this subsection, the Secretary may terminate such status only upon a determination under this Act that the alien is deportable.

(B) GROUNDS FOR TERMINATION OF TEMPORARY RESIDENT STATUS.—Before any alien becomes eligible for adjustment of status under subsection (c), the Secretary may deny adjustment to permanent resident status and provide for termination of the temporary resident status granted such alien under paragraph (1) if—

(i) the Secretary finds, by a preponderance of the evidence, that the adjustment to temporary resident status was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(5) RECORD OF EMPLOYMENT.—

(A) IN GENERAL.—Each employer of a worker granted status under this subsection shall annually—

(i) provide a written record of employment to the alien; and

(ii) provide a copy of such record to the Secretary.

(B) SUNSET.—The obligation under subparagraph (A) shall terminate on the date that is 6 years after the date of enactment of this Act.

(b) RIGHTS OF ALIENS GRANTED TEMPORARY RESIDENT STATUS.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a), such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (a) as described in paragraph (1) shall not be eligible, by reason of such acquisition of that status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the Secretary confers permanent resident status upon that alien under subsection (a).

(3) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

(A) PROHIBITION.—No alien granted temporary resident status under subsection (a) may be terminated from employment by any employer during the period of temporary resident status except for just cause.

(B) TREATMENT OF COMPLAINTS.—

(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition in accordance with this subparagraph of complaints by aliens granted temporary resident status under subsection (a) who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

(ii) INITIATION OF ARBITRATION.—If the Secretary finds that a complaint has been filed in accordance with clause (i) and there is reasonable cause to believe that the complainant was terminated without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including, but not limited to, reinstatement, back pay, or front pay to the affected employee. Within 30 days from the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated an alien granted temporary resident status under subsection (a) without just cause, the Secretary shall credit the alien for the number of days or hours of work lost for purposes of the requirement of subsection (c)(1).

(v) TREATMENT OF ATTORNEY'S FEES.—The parties shall bear the cost of their own attorney's fees involved in the litigation of the complaint.

(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

(C) CIVIL PENALTIES.—

(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted temporary resident status under subsection (a) has failed to provide the record of employment required under subsection (a)(5) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this section.

(c) ADJUSTMENT TO PERMANENT RESIDENCE.—

(1) AGRICULTURAL WORKERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall adjust the status of an alien granted lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the Secretary determines that the following requirements are satisfied:

(i) QUALIFYING EMPLOYMENT.—The alien has performed at least 360 work days or 2,060 hours, but in no case less than 2,060 hours, of agricultural employment in the United States, during the 6-year period beginning after the date of enactment of this Act.

(ii) QUALIFYING YEARS.—The alien has performed at least 75 work days or 430 hours, but in no case less than 430 hours, of agricultural employment in the United States in at least 3 nonoverlapping periods of 12 consecutive months during the 6-year period beginning after the date of enactment of this Act. Qualifying periods under this clause may include nonconsecutive 12-month periods.

(iii) QUALIFYING WORK IN FIRST 3 YEARS.—The alien has performed at least 240 work days or 1,380 hours, but in no case less than 1,380 hours, of agricultural employment during the 3-year period beginning after the date of enactment of this Act.

(iv) APPLICATION PERIOD.—The alien applies for adjustment of status not later than 7 years after the date of enactment of this Act.

(v) PROOF.—In meeting the requirements of clauses (i), (ii), and (iii), an alien may submit the record of employment described in subsection (a)(5) or such documentation as may be submitted under subsection (d)(3).

(vi) DISABILITY.—In determining whether an alien has met the requirements of clauses (i), (ii), and (iii), the Secretary shall credit the alien with any work days lost because the alien was unable to work in agricultural employment due to injury or disease arising out of and in the course of the alien's agricultural employment, if the alien can establish such disabling injury or disease through medical records.

(B) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien adjustment to permanent resident status, and provide for termination of the temporary resident status granted such alien under subsection (a), if—

(i) the Secretary finds by a preponderance of the evidence that the adjustment to temporary resident status was the result of fraud or willful misrepresentation, as described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)); or

(ii) the alien—

(I) commits an act that makes the alien inadmissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(II) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(III) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(C) GROUNDS FOR REMOVAL.—Any alien granted temporary resident status under subsection (a) who does not apply for adjustment of status under this subsection before the expiration of the application period described in subparagraph (A)(iv), or who fails to meet the other requirements of subparagraph (A) by the end of the applicable period, is deportable and may be removed under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a). The Secretary shall issue regulations establishing grounds to waive subparagraph (A)(iii) with respect to an alien who has completed at least 200 days of the work requirement specified in such subparagraph in the event of a natural disaster which substantially limits the availability of agricultural employment or a personal emergency that prevents compliance with such subparagraph.

(2) SPOUSES AND MINOR CHILDREN.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted status under paragraph (1), including any individual who was a minor child on the date such alien was granted temporary resident status, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

(B) TREATMENT OF SPOUSES AND MINOR CHILDREN BEFORE ADJUSTMENT OF STATUS.—A spouse and minor child of an alien granted temporary resident status under subsection (a) may not be—

(i) removed while such alien maintains such status, except as provided in subparagraph (C); and

(ii) granted authorization to engage in employment in the United States or be provided an "employment authorized" endorsement or other work permit, unless such employment authorization is granted under another provision of law.

(C) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS AND REMOVAL.—The Secretary may deny an alien spouse or child adjustment of status under subparagraph (A) and may remove such spouse or child under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) if the spouse or child—

(i) commits an act that makes the alien spouse or child inadmissible to the United States under section 212 of such Act (8 U.S.C. 1182), except as provided under subsection (e)(2);

(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

(iii) is convicted of a single misdemeanor for which the actual sentence served is 6 months or longer.

(d) APPLICATIONS.—

(1) TO WHOM MAY BE MADE.—

(A) WITHIN THE UNITED STATES.—The Secretary shall provide that—

(i) applications for temporary resident status under subsection (a) may be filed—

(I) with the Secretary, but only if the applicant is represented by an attorney; or

(II) with a qualified designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Secretary; and

(ii) applications for adjustment of status under subsection (c) shall be filed directly with the Secretary.

(B) OUTSIDE THE UNITED STATES.—The Secretary, in cooperation with the Secretary of State, shall establish a procedure whereby an alien may apply for temporary resident status under subsection (a) at an appropriate consular office outside the United States.

(C) PRELIMINARY APPLICATIONS.—

(i) IN GENERAL.—During the application period described in subsection (a)(1)(B), the Secretary may grant admission to the United States as a temporary resident and provide an "employment authorized" endorsement or other appropriate work permit to any alien who presents a preliminary application for such status under subsection (a) at a designated port of entry on the southern land border of the United States. An alien who does not enter through a port of entry is subject to deportation and removal as otherwise provided in this Act.

(ii) DEFINITION.—For purposes of clause (i), the term "preliminary application" means a fully completed and signed application which contains specific information concerning the performance of qualifying employment in the United States, together with the payment of the appropriate fee and the submission of photographs and the documentary evidence which the applicant intends to submit as proof of such employment.

(iii) ELIGIBILITY.—An applicant under clause (i) shall otherwise be admissible to the United States under subsection (e)(2) and shall establish to the satisfaction of the examining officer during an interview that the applicant's claim to eligibility for temporary resident status is credible.

(D) TRAVEL DOCUMENTATION.—The Secretary shall provide each alien granted status under this section with a counterfeit-resistant document of authorization to enter or reenter the United States that meets the requirements established by the Secretary.

(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—

(A) IN GENERAL.—For purposes of receiving applications under subsection (a), the Secretary—

(i) shall designate qualified farm labor organizations and associations of employers; and

(ii) may designate such other persons as the Secretary determines are qualified and have substantial experience, demonstrate competence, and have traditional long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245 of the Immigration and Nationality Act, Public Law 8909732, Public Law 9509145, or the Immigration Reform and Control Act of 1986.

(B) REFERENCES.—Organizations, associations, and persons designated under subparagraph (A) are referred to in this Act as "qualified designated entities".

(3) PROOF OF ELIGIBILITY.—

(A) IN GENERAL.—An alien may establish that the alien meets the requirement of subsection (a)(1)(A) or (c)(1)(A) through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

(B) DOCUMENTATION OF WORK HISTORY.—

(i) BURDEN OF PROOF.—An alien applying for status under subsection (a)(1) or (c)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of hours or days (as required under subsection (a)(1)(A) or (c)(1)(A)).

(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Secretary.

(iii) SUFFICIENT EVIDENCE.—An alien can meet the burden of proof under clause (i) to establish that the alien has performed the work described in subsection (a)(1)(A) or (c)(1)(A) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

(4) TREATMENT OF APPLICATIONS BY QUALIFIED DESIGNATED ENTITIES.—Each qualified designated entity shall agree to forward to the Secretary applications filed with it in accordance with paragraph (1)(A)(i)(II) but shall not forward to the Secretary applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Secretary. Upon the request of the alien, a qualified designated entity shall assist the alien in obtaining documentation of the work history of the alien.

(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this subsection by qualified designated entities operating under this subsection are confidential and the Secretary shall not have access to such files or records relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to paragraph (6).

(6) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subsection, neither the Secretary, nor any other official or employee of the Department of Homeland Security, or bureau or agency thereof, may—

(i) use the information furnished by the applicant pursuant to an application filed under this section, the information provided to the applicant by a person designated under paragraph (2)(A), or any information provided by an employer or former employer, for any purpose other than to make a determination on the application, or for enforcement of paragraph (7);

(ii) make any publication whereby the information furnished by any particular individual can be identified; or

(iii) permit anyone other than the sworn officers and employees of the Department of Homeland Security, or bureau or agency thereof, or, with respect to applications filed with a qualified designated entity, that qualified designated entity, to examine individual applications.

(B) REQUIRED DISCLOSURES.—The Secretary shall provide the information furnished under this section, or any other information derived from such furnished information, to—

(i) a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, if such information is requested in writing by such entity; or

(ii) an official coroner, for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(C) CONSTRUCTION.—

(i) IN GENERAL.—Nothing in this paragraph shall be construed to limit the use, or release, for immigration enforcement purposes or law enforcement purposes of information contained in files or records of the Department of Homeland Security pertaining to an application filed under this section, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

(ii) CRIMINAL CONVICTIONS.—Information concerning whether the applicant has at any time been convicted of a crime may be used or released for immigration enforcement or law enforcement purposes.

(D) CRIME.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this paragraph shall be subject to a fine in an amount not to exceed $10,000.

(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

(A) CRIMINAL PENALTY.—Any person who—

(i) files an application for status under subsection (a) or (c) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

(B) INADMISSIBILITY.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(i)).

(8) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 10409134 (110 Stat. 13210953 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for adjustment of status under this section.

(9) APPLICATION FEES.—

(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

(i) shall be charged for the filing of applications for status under subsections (a) and (c); and

(ii) may be charged by qualified designated entities to help defray the costs of services provided to such applicants.

(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

(C) DISPOSITION OF FEES.—

(i) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the "Agricultural Worker Immigration Status Adjustment Account". Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under subparagraph (A)(i).

(ii) USE OF FEES FOR APPLICATION PROCESSING.—Amounts deposited in the "Agricultural Worker Immigration Status Adjustment Account" shall remain available to the Secretary until expended for processing applications for status under subsections (a) and (c).

(e) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR INADMISSIBILITY.—

(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality

Act (8 U.S.C. 1151 and 1152) shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

(2) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILITY.—In the determination of an alien's eligibility for status under subsection (a)(1)(C) or an alien's eligibility for adjustment of status under subsection (c)(1)(B)(ii)(I), the following rules shall apply:

(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) WAIVER OF OTHER GROUNDS.—

(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any other provision of such section 212(a) in the case of individual aliens for humanitarian purposes, to ensure family unity, or if otherwise in the public interest.

(ii) GROUNDS THAT MAY NOT BE WAIVED.—Paragraphs (2)(A), (2)(B), (2)(C), (3), and (4) of such section 212(a) may not be waived by the Secretary under clause (i).

(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for status under this section by reason of a ground of inadmissibility under section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

(f) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

(1) BEFORE APPLICATION PERIOD.—Effective on the date of enactment of this Act, the Secretary shall provide that, in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(B) and who can establish a nonfrivolous case of eligibility for temporary resident status under subsection (a) (but for the fact that the alien may not apply for such status until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for temporary resident status, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an “employment authorized” endorsement or other appropriate work permit for such purpose.

(2) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for temporary resident status under subsection (a) during the application period described in subsection (a)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

(A) may not be removed; and

(B) shall be granted authorization to engage in employment in the United States and be provided an “employment authorized” endorsement or other appropriate work permit for such purpose.

(g) ADMINISTRATIVE AND JUDICIAL REVIEW.—

(1) IN GENERAL.—There shall be no administrative or judicial review of a determination respecting an application for status under subsection (a) or (c) except in accordance with this subsection.

(2) ADMINISTRATIVE REVIEW.—

(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

(3) JUDICIAL REVIEW.—

(A) LIMITATION TO REVIEW OF REMOVAL.—There shall be judicial review of such a determination only in the judicial review of an order of removal under section 242 of the Immigration and Nationality Act (8 U.S.C. 1252).

(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

(h) DISSEMINATION OF INFORMATION ON ADJUSTMENT PROGRAM.—Beginning not later than the first day of the application period described in subsection (a)(1)(B), the Secretary, in cooperation with qualified designated entities, shall broadly disseminate information respecting the benefits that aliens may receive under this section and the requirements to be satisfied to obtain such benefits.

(i) REGULATIONS.—The Secretary shall issue regulations to implement this section not later than the first day of the seventh month that begins after the date of enactment of this Act.

(j) EFFECTIVE DATE.—This section shall take effect on the date that regulations are issued implementing this section on an interim or other basis.

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $40,000,000 for each of fiscal years 2006 through 2009.

SEC. 12. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(d)(1) of the Social Security Act (42 U.S.C. 408(d)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “or” at the end;

(2) in subparagraph (C), by inserting “or” at the end;

(3) by inserting after subparagraph (C) the following:

“(D) who is granted status as a lawful temporary resident under the Agricultural Job Opportunity, Benefits, and Security Act of 2005,”; and

(4) by striking “1990.” and inserting “1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted lawful temporary resident status.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of enactment of this Act.

Subtitle B—Reform of H092A Worker Program

SEC. 21. AMENDMENT TO THE IMMIGRATION AND NATIONALITY ACT.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by striking section 218 (8 U.S.C. 1188) and inserting the following:

“H092A EMPLOYER APPLICATIONS

“SEC. 218. (a) APPLICATIONS TO THE SECRETARY OF LABOR.—

“(1) IN GENERAL.—No alien may be admitted to the United States as an H092A worker, or otherwise provided status as an H092A worker, unless the employer has filed with the Secretary of Labor an application containing—

“(A) the assurances described in subsection (b);

“(B) a description of the nature and location of the work to be performed;

“(C) the anticipated period (expected beginning and ending dates) for which the workers will be needed; and

“(D) the number of job opportunities in which the employer seeks to employ the workers.

“(2) ACCOMPANIED BY JOB OFFER.—Each application filed under paragraph (1) shall be accompanied by a copy of the job offer describing the wages and other terms and conditions of employment and the bona fide occupational qualifications that shall be possessed by a worker to be employed in the job opportunity in question.

“(b) ASSURANCES FOR INCLUSION IN APPLICATIONS.—The assurances referred to in subsection (a)(1) are the following:

“(1) JOB OPPORTUNITIES COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is covered under a collective bargaining agreement:

“(A) UNION CONTRACT DESCRIBED.—The job opportunity is covered by a union contract which was negotiated at arm's length between a bona fide union and the employer.

“(B) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H092A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(C) NOTIFICATION OF BARGAINING REPRESENTATIVES.—The employer, at the time of filing the application, has provided notice of the filing under this paragraph to the bargaining representative of the employer's employees in the occupational classification at the place or places of employment for which aliens are sought.

“(D) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(E) OFFERS TO UNITED STATES WORKERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or the nonimmigrants are, sought and who will be available at the time and place of need.

“(F) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of, and in the course of, the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(2) JOB OPPORTUNITIES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS.—With respect to a job opportunity that is not covered under a collective bargaining agreement:

“(A) STRIKE OR LOCKOUT.—The specific job opportunity for which the employer is requesting an H092A worker is not vacant because the former occupant is on strike or being locked out in the course of a labor dispute.

“(B) TEMPORARY OR SEASONAL JOB OPPORTUNITIES.—The job opportunity is temporary or seasonal.

“(C) BENEFIT, WAGE, AND WORKING CONDITIONS.—The employer will provide, at a minimum, the benefits, wages, and working conditions required by section 218A to all workers employed in the job opportunities for which the employer has applied under subsection (a) and to all other workers in the same occupation at the place of employment.

“(D) NONDISPLACEMENT OF UNITED STATES WORKERS.—The employer did not displace and will not displace a United States worker employed by the employer during the period of employment and for a period of 30 days preceding the period of employment in the occupation at the place of employment for which the employer seeks approval to employ H092A workers.

“(E) REQUIREMENTS FOR PLACEMENT OF NONIMMIGRANT WITH OTHER EMPLOYERS.—The employer will not place the nonimmigrant with another employer unless—

“(i) the nonimmigrant performs duties in whole or in part at 1 or more work sites owned, operated, or controlled by such other employer;

“(ii) there are indicia of an employment relationship between the nonimmigrant and such other employer; and

“(iii) the employer has inquired of the other employer as to whether, and has no actual knowledge or notice that, during the period of employment and for a period of 30 days preceding the period of employment, the other employer has displaced or intends to displace a United States worker employed by the other employer in the occupation at the place of employment for which the employer seeks approval to employ H092A workers.

“(F) STATEMENT OF LIABILITY.—The application form shall include a clear statement explaining the liability under subparagraph (E) of an employer if the other employer described in such subparagraph displaces a United States worker as described in such subparagraph.

“(G) PROVISION OF INSURANCE.—If the job opportunity is not covered by the State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State's workers' compensation law for comparable employment.

“(H) EMPLOYMENT OF UNITED STATES WORKERS.—

“(i) RECRUITMENT.—The employer has taken or will take the following steps to recruit United States workers for the job opportunities for which the H092A nonimmigrant is, or H092A nonimmigrants are, sought:

“(I) CONTACTING FORMER WORKERS.—The employer shall make reasonable efforts through the sending of a letter by United States Postal Service mail, or otherwise, to contact any United States worker the employer employed during the previous season in the occupation at the place of intended employment for which the employer is applying for workers and has made the availability of the employer's job opportunities in the occupation at the place of intended employment known to such previous workers, unless the worker was terminated from employment by the employer for a lawful job-related reason or abandoned the job before the worker completed the period of employment of the job opportunity for which the worker was hired.

“(II) FILING A JOB OFFER WITH THE LOCAL OFFICE OF THE STATE EMPLOYMENT SECURITY AGENCY.—Not later than 28 days before the date on which the employer desires to employ an H092A worker in a temporary or seasonal agricultural job opportunity, the employer shall submit a copy of the job offer described in subsection (a)(2) to the local office of the State employment security agency which serves the area of intended employment and authorize the posting of the job opportunity on ‘America's Job Bank’ or other electronic job registry, except that nothing in this subclause shall require the employer to file an interstate job order under section 653 of title 20, Code of Federal Regulations.

“(III) ADVERTISING OF JOB OPPORTUNITIES.—Not later than 14 days before the date on which the employer desires to employ an H092A worker in a temporary or seasonal agricultural job opportunity, the employer shall advertise the availability of the job opportunities for which the employer is seeking workers in a publication in the local labor market that is likely to be patronized by potential farm workers.

“(IV) EMERGENCY PROCEDURES.—The Secretary of Labor shall, by regulation, provide a procedure for acceptance and approval of applications in which the employer has not complied with the provisions of this subparagraph because the employer's need for H092A workers could not reasonably have been foreseen.

“(ii) JOB OFFERS.—The employer has offered or will offer the job to any eligible United States worker who applies and is equally or better qualified for the job for which the nonimmigrant is, or nonimmigrants are, sought and who will be available at the time and place of need.

“(iii) PERIOD OF EMPLOYMENT.—The employer will provide employment to any qualified United States worker who applies to the employer during the period beginning on the date on which the foreign worker departs for the employer's place of employment and ending on the date on which 50 percent of the period of employment for which the foreign worker who is in the job was hired has elapsed, subject to the following requirements:

“(I) PROHIBITION.—No person or entity shall willfully and knowingly withhold United States workers before the arrival of H092A workers in order to force the hiring of United States workers under this clause.

“(II) COMPLAINTS.—Upon receipt of a complaint by an employer that a violation of subclause (I) has occurred, the Secretary of Labor shall immediately investigate. The Secretary of Labor shall, within 36 hours of the receipt of the complaint, issue findings concerning the alleged violation. If the Secretary of Labor finds that a violation has occurred, the Secretary of Labor shall immediately suspend the application of this clause with respect to that certification for that date of need.

“(III) PLACEMENT OF UNITED STATES WORKERS.—Before referring a United States worker to an employer during the period described in the matter preceding subclause (I), the Secretary of Labor shall make all reasonable efforts to place the United States worker in an open job acceptable to the worker, if there are other job offers pending with the job service that offer similar job opportunities in the area of intended employment.

“(iv) STATUTORY CONSTRUCTION.—Nothing in this subparagraph shall be construed to prohibit an employer from using such legitimate selection criteria relevant to the type of job that are normal or customary to the type of job involved so long as such criteria are not applied in a discriminatory manner.

“(c) APPLICATIONS BY ASSOCIATIONS ON BEHALF OF EMPLOYER MEMBERS.—

“(1) IN GENERAL.—An agricultural association may file an application under subsection (a) on behalf of 1 or more of its employer members that the association certifies in its application has or have agreed in writing to comply with the requirements of this section and sections 218A through 218C.

“(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association filing an application under paragraph (1) is a joint or sole employer of the temporary or seasonal agricultural workers requested on the application, the certifications granted under subsection (e)(2)(B) to the association may be used for the certified job opportunities of any of its producer members named on the application, and such workers may be transferred among such producer members to perform the agricultural services of a temporary or seasonal nature for which the certifications were granted.

“(d) WITHDRAWAL OF APPLICATIONS.—

“(1) IN GENERAL.—An employer may withdraw an application filed pursuant to subsection (a), except that if the employer is an agricultural association, the association may withdraw an application filed pursuant to subsection (a) with respect to 1 or more of its members. To withdraw an application, the employer or association shall notify the Secretary of Labor in writing, and the Secretary of Labor shall acknowledge in writing the receipt of such withdrawal notice. An employer who withdraws an application under subsection (a), or on whose behalf an application is withdrawn, is relieved of the obligations undertaken in the application.

“(2) LIMITATION.—An application may not be withdrawn while any alien provided status under section 101(a)(15)(H)(ii)(a) pursuant to such application is employed by the employer.

“(3) OBLIGATIONS UNDER OTHER STATUTES.—Any obligation incurred by an employer under any other law or regulation as a result of the recruitment of United States workers or H092A workers under an offer of terms and conditions of employment required as a result of making an application under subsection (a) is unaffected by withdrawal of such application.

“(e) REVIEW AND APPROVAL OF APPLICATIONS.—

“(1) RESPONSIBILITY OF EMPLOYERS.—The employer shall make available for public examination, within 1 working day after the date on which an application under subsection (a) is filed, at the employer's principal place of business or work site, a copy of each such application (and such accompanying documents as are necessary).

“(2) RESPONSIBILITY OF THE SECRETARY OF LABOR.—

“(A) COMPILATION OF LIST.—The Secretary of Labor shall compile, on a current basis, a list (by employer and by occupational classification) of the applications filed under this subsection. Such list shall include the wage rate, number of workers sought, period of intended employment, and date of need. The Secretary of Labor shall make such list available for examination in the District of Columbia.

"(B) REVIEW OF APPLICATIONS.—The Secretary of Labor shall review such an application only for completeness and obvious inaccuracies. Unless the Secretary of Labor finds that the application is incomplete or obviously inaccurate, the Secretary of Labor shall certify that the intending employer has filed with the Secretary of Labor an application as described in subsection (a). Such certification shall be provided within 7 days of the filing of the application.

"H-2A EMPLOYMENT REQUIREMENTS

"SEC. 218A. (a) PREFERENTIAL TREATMENT OF ALIENS PROHIBITED.—Employers seeking to hire United States workers shall offer the United States workers no less than the same benefits, wages, and working conditions that the employer is offering, intends to offer, or will provide to H-2A workers. Conversely, no job offer may impose on United States workers any restrictions or obligations which will not be imposed on the employer's H-2A workers.

"(b) MINIMUM BENEFITS, WAGES, AND WORKING CONDITIONS.—Except in cases where higher benefits, wages, or working conditions are required by the provisions of subsection (a), in order to protect similarly employed United States workers from adverse effects with respect to benefits, wages, and working conditions, every job offer which shall accompany an application under section 218(b)(2) shall include each of the following benefit, wage, and working condition provisions:

"(1) REQUIREMENT TO PROVIDE HOUSING OR A HOUSING ALLOWANCE.—

"(A) IN GENERAL.—An employer applying under section 218(a) for H-2A workers shall offer to provide housing at no cost to all workers in job opportunities for which the employer has applied under that section and to all other workers in the same occupation at the place of employment, whose place of residence is beyond normal commuting distance.

"(B) TYPE OF HOUSING.—In complying with subparagraph (A), an employer may, at the employer's election, provide housing that meets applicable Federal standards for temporary labor camps or secure housing that meets applicable local standards for rental or public accommodation housing or other substantially similar class of habitation, or in the absence of applicable local standards, State standards for rental or public accommodation housing or other substantially similar class of habitation. In the absence of applicable local or State standards, Federal temporary labor camp standards shall apply.

"(C) FAMILY HOUSING.—When it is the prevailing practice in the occupation and area of intended employment to provide family housing, family housing shall be provided to workers with families who request it.

"(D) WORKERS ENGAGED IN THE RANGE PRODUCTION OF LIVESTOCK.—The Secretary of Labor shall issue regulations that address the specific requirements for the provision of housing to workers engaged in the range production of livestock.

"(E) LIMITATION.—Nothing in this paragraph shall be construed to require an employer to provide or secure housing for persons who were not entitled to such housing under the temporary labor certification regulations in effect on June 1, 1986.

"(F) CHARGES FOR HOUSING.—

"(i) CHARGES FOR PUBLIC HOUSING.—If public housing provided for migrant agricultural workers under the auspices of a local, county, or State government is secured by an employer, and use of the public housing unit normally requires charges from migrant workers, such charges shall be paid by the employer directly to the appropriate individual or entity affiliated with the housing's management.

"(ii) DEPOSIT CHARGES.—Charges in the form of deposits for bedding or other similar incidentals related to housing shall not be levied upon workers by employers who provide housing for their workers. An employer may require a worker found to have been responsible for damage to such housing which is not the result of normal wear and tear related to habitation to reimburse the employer for the reasonable cost of repair of such damage.

"(G) HOUSING ALLOWANCE AS ALTERNATIVE.—

"(i) IN GENERAL.—If the requirement under clause (ii) is satisfied, the employer may provide a reasonable housing allowance instead of offering housing under subparagraph (A). Upon the request of a worker seeking assistance in locating housing, the employer shall make a good faith effort to assist the worker in identifying and locating housing in the area of intended employment. An employer who offers a housing allowance to a worker, or assists a worker in locating housing which the worker occupies, pursuant to this clause shall not be deemed a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) solely by virtue of providing such housing allowance. No housing allowance may be used for housing which is owned or controlled by the employer.

"(ii) CERTIFICATION.—The requirement of this clause is satisfied if the Governor of the State certifies to the Secretary of Labor that there is adequate housing available in the area of intended employment for migrant farm workers, and H-2A workers, who are seeking temporary housing while employed at farm work. Such certification shall expire after 3 years unless renewed by the Governor of the State.

"(iii) AMOUNT OF ALLOWANCE.—

"(I) NONMETROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this subparagraph is a nonmetropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for nonmetropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2 bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(II) METROPOLITAN COUNTIES.—If the place of employment of the workers provided an allowance under this paragraph is in a metropolitan county, the amount of the housing allowance under this subparagraph shall be equal to the statewide average fair market rental for existing housing for metropolitan counties for the State, as established by the Secretary of Housing and Urban Development pursuant to section 8(c) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)), based on a 2-bedroom dwelling unit and an assumption of 2 persons per bedroom.

"(2) REIMBURSEMENT OF TRANSPORTATION.—

"(A) TO PLACE OF EMPLOYMENT.—A worker who completes 50 percent of the period of employment of the job opportunity for which the worker was hired shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place from which the worker came to work for the employer (or place of last employment, if the worker traveled from such place) to the place of employment.

"(B) FROM PLACE OF EMPLOYMENT.—A worker who completes the period of employment for the job opportunity involved shall be reimbursed by the employer for the cost of the worker's transportation and subsistence from the place of employment to the place from which the worker, disregarding intervening employment, came to work for the employer, or to the place of next employment, if the worker has contracted with a subsequent employer who has not agreed to provide or pay for the worker's transportation and subsistence to such subsequent employer's place of employment.

"(C) LIMITATION.—

"(i) AMOUNT OF REIMBURSEMENT.—Except as provided in clause (ii), the amount of reimbursement provided under subparagraph (A) or (B) to a worker or alien shall not exceed the lesser of—

"(I) the actual cost to the worker or alien of the transportation and subsistence involved; or

"(II) the most economical and reasonable common carrier transportation charges and subsistence costs for the distance involved.

"(ii) DISTANCE TRAVELED.—No reimbursement under subparagraph (A) or (B) shall be required if the distance traveled is 100 miles or less, or the worker is not residing in employer-provided housing or housing secured through an allowance as provided in paragraph (1)(G).

"(D) EARLY TERMINATION.—If the worker is laid off or employment is terminated for contract impossibility (as described in paragraph (4)(D)) before the anticipated ending date of employment, the employer shall provide the transportation and subsistence required by subparagraph (B) and, notwithstanding whether the worker has completed 50 percent of the period of employment, shall provide the transportation reimbursement required by subparagraph (A).

"(E) TRANSPORTATION BETWEEN LIVING QUARTERS AND WORK SITE.—The employer shall provide transportation between the worker's living quarters and the employer's work site without cost to the worker, and such transportation will be in accordance with applicable laws and regulations.

"(3) REQUIRED WAGES.—

"(A) IN GENERAL.—An employer applying for workers under section 218(a) shall offer to pay, and shall pay, all workers in the occupation for which the employer has applied for workers, not less (and is not required to pay more) than the greater of the prevailing wage in the occupation in the area of intended employment or the adverse effect wage rate. No worker shall be paid less than the greater of the hourly wage prescribed under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State minimum wage.

"(B) LIMITATION.—Effective on the date of enactment of the Agricultural Job Opportunity, Benefits, and Security Act of 2005 and continuing for 3 years thereafter, no adverse effect wage rate for a State may be more than the adverse effect wage rate for that State in effect on January 1, 2003, as established by section 655.107 of title 20, Code of Federal Regulations.

"(C) REQUIRED WAGES AFTER 3-YEAR FREEZE.—

"(i) FIRST ADJUSTMENT.—If Congress does not set a new wage standard applicable to this section before the first March 1 that is not less than 3 years after the date of enactment of this section, the adverse effect wage rate for each State beginning on such March 1 shall be the wage rate that would have resulted if the adverse effect wage rate in effect on January 1, 2003, had been annually adjusted, beginning on March 1, 2006, by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(ii) SUBSEQUENT ANNUAL ADJUSTMENTS.—Beginning on the first March 1 that is not less than 4 years after the date of enactment of this section, and each March 1 thereafter, the adverse effect wage rate then in effect for each State shall be adjusted by the lesser of—

“(I) the 12 month percentage change in the Consumer Price Index for All Urban Consumers between December of the second preceding year and December of the preceding year; and

“(II) 4 percent.

“(D) DEDUCTIONS.—The employer shall make only those deductions from the worker's wages that are authorized by law or are reasonable and customary in the occupation and area of employment. The job offer shall specify all deductions not required by law which the employer will make from the worker's wages.

“(E) FREQUENCY OF PAY.—The employer shall pay the worker not less frequently than twice monthly, or in accordance with the prevailing practice in the area of employment, whichever is more frequent.

“(F) HOURS AND EARNINGS STATEMENTS.—The employer shall furnish to the worker, on or before each payday, in 1 or more written statements—

“(i) the worker's total earnings for the pay period;

“(ii) the worker's hourly rate of pay, piece rate of pay, or both;

“(iii) the hours of employment which have been offered to the worker (broken out by hours offered in accordance with and over and above the three-quarters guarantee described in paragraph (4);

“(iv) the hours actually worked by the worker;

“(v) an itemization of the deductions made from the worker's wages; and

“(vi) if piece rates of pay are used, the units produced daily.

“(G) REPORT ON WAGE PROTECTIONS.—Not later than June 1, 2007, the Comptroller General of the United States shall prepare and transmit to the Secretary of Labor, the Committee on the Judiciary of the Senate, and Committee on the Judiciary of the House of Representatives, a report that addresses—

“(i) whether the employment of H–2A or unauthorized aliens in the United States agricultural work force has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(ii) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(iii) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(iv) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage; and

“(v) recommendations for future wage protection under this section.

“(H) COMMISSION ON WAGE STANDARDS.—

“(i) ESTABLISHMENT.—There is established the Commission on Agricultural Wage Standards under the H–2A program (in this subparagraph referred to as the ‘Commission’).

“(ii) COMPOSITION.—The Commission shall consist of 10 members as follows:

“(I) 4 representatives of agricultural employers and 1 representative of the Department of Agriculture, each appointed by the Secretary of Agriculture.

“(II) 4 representatives of agricultural workers and 1 representative of the Department of Labor, each appointed by the Secretary of Labor.

“(iii) FUNCTIONS.—The Commission shall conduct a study that shall address—

“(I) whether the employment of H–2A or unauthorized aliens in the United States agricultural workforce has depressed United States farm worker wages below the levels that would otherwise have prevailed if alien farm workers had not been employed in the United States;

“(II) whether an adverse effect wage rate is necessary to prevent wages of United States farm workers in occupations in which H–2A workers are employed from falling below the wage levels that would have prevailed in the absence of the employment of H–2A workers in those occupations;

“(III) whether alternative wage standards, such as a prevailing wage standard, would be sufficient to prevent wages in occupations in which H–2A workers are employed from falling below the wage level that would have prevailed in the absence of H–2A employment;

“(IV) whether any changes are warranted in the current methodologies for calculating the adverse effect wage rate and the prevailing wage rate; and

“(V) recommendations for future wage protection under this section.

“(iv) FINAL REPORT.—Not later than June 1, 2007, the Commission shall submit a report to the Congress setting forth the findings of the study conducted under clause (iii).

“(v) TERMINATION DATE.—The Commission shall terminate upon submitting its final report.

“(4) GUARANTEE OF EMPLOYMENT.—

“(A) OFFER TO WORKER.—The employer shall guarantee to offer the worker employment for the hourly equivalent of at least three-fourths of the work days of the total period of employment, beginning with the first work day after the arrival of the worker at the place of employment and ending on the expiration date specified in the job offer. For purposes of this subparagraph, the hourly equivalent means the number of hours in the work days as stated in the job offer and shall exclude the worker's Sabbath and Federal holidays. If the employer affords the United States or H–2A worker less employment than that required under this paragraph, the employer shall pay such worker the amount which the worker would have earned had the worker, in fact, worked for the guaranteed number of hours.

“(B) FAILURE TO WORK.—Any hours which the worker fails to work, up to a maximum of the number of hours specified in the job offer for a work day, when the worker has been offered an opportunity to do so, and all hours of work actually performed (including voluntary work in excess of the number of hours specified in the job offer in a work day, on the worker's Sabbath, or on Federal holidays) may be counted by the employer in calculating whether the period of guaranteed employment has been met.

“(C) ABANDONMENT OF EMPLOYMENT, TERMINATION FOR CAUSE.—If the worker voluntarily abandons employment before the end of the contract period, or is terminated for cause, the worker is not entitled to the ‘three-fourths guarantee’ described in subparagraph (A).

“(D) CONTRACT IMPOSSIBILITY.—If, before the expiration of the period of employment specified in the job offer, the services of the worker are no longer required for reasons beyond the control of the employer due to any form of natural disaster, including but not limited to a flood, hurricane, freeze, earthquake, fire, drought, plant or animal disease or pest infestation, or regulatory drought, before the guarantee in subparagraph (A) is fulfilled, the employer may terminate the worker's employment. In the event of such termination, the employer shall fulfill the employment guarantee in subparagraph (A) for the work days that have elapsed from the first work day after the arrival of the worker to the termination of employment. In such cases, the employer will make efforts to transfer the United States worker to other comparable employment acceptable to the worker. If such transfer is not effected, the employer shall provide the return transportation required in paragraph (2)(D).

“(5) MOTOR VEHICLE SAFETY.—

“(A) MODE OF TRANSPORTATION SUBJECT TO COVERAGE.—

“(i) IN GENERAL.—Except as provided in clauses (iii) and (iv), this subsection applies to any H–2A employer that uses or causes to be used any vehicle to transport an H–2A worker within the United States.

“(ii) DEFINED TERM.—In this paragraph, the term ‘uses or causes to be used’—

“(I) applies only to transportation provided by an H–2A employer to an H–2A worker, or by a farm labor contractor to an H–2A worker at the request or direction of an H–2A employer; and

“(II) does not apply to—

“(aa) transportation provided, or transportation arrangements made, by an H–2A worker, unless the employer specifically requested or arranged such transportation; or

“(bb) car pooling arrangements made by H–2A workers themselves, using 1 of the workers' own vehicles, unless specifically requested by the employer directly or through a farm labor contractor.

“(iii) CLARIFICATION.—Providing a job offer to an H–2A worker that causes the worker to travel to or from the place of employment, or the payment or reimbursement of the transportation costs of an H–2A worker by an H–2A employer, shall not constitute an arrangement of, or participation in, such transportation.

“(iv) AGRICULTURAL MACHINERY AND EQUIPMENT EXCLUDED.—This subsection does not apply to the transportation of an H–2A worker on a tractor, combine, harvester, picker, or other similar machinery or equipment while such worker is actually engaged in the planting, cultivating, or harvesting of agricultural commodities or the care of livestock or poultry or engaged in transportation incidental thereto.

“(v) COMMON CARRIERS EXCLUDED.—This subsection does not apply to common carrier motor vehicle transportation in which the provider holds itself out to the general public as engaging in the transportation of passengers for hire and holds a valid certification of authorization for such purposes from an appropriate Federal, State, or local agency.

"(B) APPLICABILITY OF STANDARDS, LICENSING, AND INSURANCE REQUIREMENTS.—

"(i) IN GENERAL.—When using, or causing to be used, any vehicle for the purpose of providing transportation to which this subparagraph applies, each employer shall—

"(I) ensure that each such vehicle conforms to the standards prescribed by the Secretary of Labor under section 401(b) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1841(b)) and other applicable Federal and State safety standards;

"(II) ensure that each driver has a valid and appropriate license, as provided by State law, to operate the vehicle; and

"(III) have an insurance policy or a liability bond that is in effect which insures the employer against liability for damage to persons or property arising from the ownership, operation, or causing to be operated, of any vehicle used to transport any H–2A worker.

"(ii) AMOUNT OF INSURANCE REQUIRED.—The level of insurance required shall be determined by the Secretary of Labor pursuant to regulations to be issued under this subsection.

"(iii) EFFECT OF WORKERS' COMPENSATION COVERAGE.—If the employer of any H–2A worker provides workers' compensation coverage for such worker in the case of bodily injury or death as provided by State law, the following adjustments in the requirements of subparagraph (B)(i)(III) relating to having an insurance policy or liability bond apply:

"(I) No insurance policy or liability bond shall be required of the employer, if such workers are transported only under circumstances for which there is coverage under such State law.

"(II) An insurance policy or liability bond shall be required of the employer for circumstances under which coverage for the transportation of such workers is not provided under such State law.

"(c) COMPLIANCE WITH LABOR LAWS.—An employer shall assure that, except as otherwise provided in this section, the employer will comply with all applicable Federal, State, and local labor laws, including laws affecting migrant and seasonal agricultural workers, with respect to all United States workers and alien workers employed by the employer, except that a violation of this assurance shall not constitute a violation of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.).

"(d) COPY OF JOB OFFER.—The employer shall provide to the worker, not later than the day the work commences, a copy of the employer's application and job offer described in section 218(a), or, if the employer will require the worker to enter into a separate employment contract covering the employment in question, such separate employment contract.

"(e) RANGE PRODUCTION OF LIVESTOCK.—Nothing in this section, section 218, or section 218B shall preclude the Secretary of Labor and the Secretary from continuing to apply special procedures and requirements to the admission and employment of aliens in occupations involving the range production of livestock.

"PROCEDURE FOR ADMISSION AND EXTENSION OF STAY OF H–2A WORKERS

"SEC. 218B. (a) PETITIONING FOR ADMISSION.—An employer, or an association acting as an agent or joint employer for its members, that seeks the admission into the United States of an H–2A worker may file a petition with the Secretary. The petition shall be accompanied by an accepted and currently valid certification provided by the Secretary of Labor under section 218(e)(2)(B) covering the petitioner.

"(b) EXPEDITED ADJUDICATION BY THE SECRETARY.—The Secretary shall establish a procedure for expedited adjudication of petitions filed under subsection (a) and within 7 working days shall, by fax, cable, or other means assuring expedited delivery, transmit a copy of notice of action on the petition to the petitioner and, in the case of approved petitions, to the appropriate immigration officer at the port of entry or United States consulate (as the case may be) where the petitioner has indicated that the alien beneficiary (or beneficiaries) will apply for a visa or admission to the United States.

"(c) CRITERIA FOR ADMISSIBILITY.—

"(1) IN GENERAL.—An H–2A worker shall be considered admissible to the United States if the alien is otherwise admissible under this section, section 218, and section 218A, and the alien is not ineligible under paragraph (2).

"(2) DISQUALIFICATION.—An alien shall be considered inadmissible to the United States and ineligible for nonimmigrant status under section 101(a)(15)(H)(ii)(a) if the alien has, at any time during the past 5 years—

"(A) violated a material provision of this section, including the requirement to promptly depart the United States when the alien's authorized period of admission under this section has expired; or

"(B) otherwise violated a term or condition of admission into the United States as a nonimmigrant, including overstaying the period of authorized admission as such a nonimmigrant.

"(3) WAIVER OF INELIGIBILITY FOR UNLAWFUL PRESENCE.—

"(A) IN GENERAL.—An alien who has not previously been admitted into the United States pursuant to this section, and who is otherwise eligible for admission in accordance with paragraphs (1) and (2), shall not be deemed inadmissible by virtue of section 212(a)(9)(B). If an alien described in the preceding sentence is present in the United States, the alien may apply from abroad for H–2A status, but may not be granted that status in the United States.

"(B) MAINTENANCE OF WAIVER.—An alien provided an initial waiver of ineligibility pursuant to subparagraph (A) shall remain eligible for such waiver unless the alien violates the terms of this section or again becomes ineligible under section 212(a)(9)(B) by virtue of unlawful presence in the United States after the date of the initial waiver of ineligibility pursuant to subparagraph (A).

"(d) PERIOD OF ADMISSION.—

"(1) IN GENERAL.—The alien shall be admitted for the period of employment in the application certified by the Secretary of Labor pursuant to section 218(e)(2)(B), not to exceed 10 months, supplemented by a period of not more than 1 week before the beginning of the period of employment for the purpose of travel to the work site and a period of 14 days following the period of employment for the purpose of departure or extension based on a subsequent offer of employment, except that—

"(A) the alien is not authorized to be employed during such 14-day period except in the employment for which the alien was previously authorized; and

"(B) the total period of employment, including such 14-day period, may not exceed 10 months.

"(2) CONSTRUCTION.—Nothing in this subsection shall limit the authority of the Secretary to extend the stay of the alien under any other provision of this Act.

"(e) ABANDONMENT OF EMPLOYMENT.—

"(1) IN GENERAL.—An alien admitted or provided status under section 101(a)(15)(H)(ii)(a) who abandons the employment which was the basis for such admission or status shall be considered to have failed to maintain nonimmigrant status as an H–2A worker and shall depart the United States or be subject to removal under section 237(a)(1)(C)(i).

"(2) REPORT BY EMPLOYER.—The employer, or association acting as agent for the employer, shall notify the Secretary not later than 7 days after an H–2A worker prematurely abandons employment.

"(3) REMOVAL BY THE SECRETARY.—The Secretary shall promptly remove from the United States any H–2A worker who violates any term or condition of the worker's nonimmigrant status.

"(4) VOLUNTARY TERMINATION.—Notwithstanding paragraph (1), an alien may voluntarily terminate his or her employment if the alien promptly departs the United States upon termination of such employment.

"(f) REPLACEMENT OF ALIEN.—

"(1) IN GENERAL.—Upon presentation of the notice to the Secretary required by subsection (e)(2), the Secretary of State shall promptly issue a visa to, and the Secretary shall admit into the United States, an eligible alien designated by the employer to replace an H–2A worker—

"(A) who abandons or prematurely terminates employment; or

"(B) whose employment is terminated after a United States worker is employed pursuant to section 218(b)(2)(H)(iii), if the United States worker voluntarily departs before the end of the period of intended employment or if the employment termination is for a lawful job-related reason.

"(2) CONSTRUCTION.—Nothing in this subsection is intended to limit any preference required to be accorded United States workers under any other provision of this Act.

"(g) IDENTIFICATION DOCUMENT.—

"(1) IN GENERAL.—Each alien authorized to be admitted under section 101(a)(15)(H)(ii)(a) shall be provided an identification and employment eligibility document to verify eligibility for employment in the United States and verify such person's proper identity.

"(2) REQUIREMENTS.—No identification and employment eligibility document may be issued which does not meet the following requirements:

"(A) The document shall be capable of reliably determining whether—

"(i) the individual with the identification and employment eligibility document whose eligibility is being verified is in fact eligible for employment;

"(ii) the individual whose eligibility is being verified is claiming the identity of another person; and

"(iii) the individual whose eligibility is being verified is authorized to be admitted into, and employed in, the United States as an H–2A worker.

"(B) The document shall be in a form that is resistant to counterfeiting and to tampering.

"(C) The document shall—

"(i) be compatible with other databases of the Secretary for the purpose of excluding aliens from benefits for which they are not eligible and determining whether the alien is unlawfully present in the United States; and

"(ii) be compatible with law enforcement databases to determine if the alien has been convicted of criminal offenses.

"(h) Extension of Stay of H–2A Aliens in the United States.—

"(1) Extension of stay.—If an employer seeks approval to employ an H–2A alien who is lawfully present in the United States, the petition filed by the employer or an association pursuant to subsection (a), shall request an extension of the alien's stay and a change in the alien's employment.

"(2) Limitation on filing a petition for extension of stay.—A petition may not be filed for an extension of an alien's stay—

"(A) for a period of more than 10 months; or

"(B) to a date that is more than 3 years after the date of the alien's last admission to the United States under this section.

"(3) Work authorization upon filing a petition for extension of stay.—

"(A) In general.—An alien who is lawfully present in the United States may commence the employment described in a petition under paragraph (1) on the date on which the petition is filed.

"(B) Definition.—For purposes of subparagraph (A), the term 'file' means sending the petition by certified mail via the United States Postal Service, return receipt requested, or delivered by guaranteed commercial delivery which will provide the employer with a documented acknowledgment of the date of receipt of the petition.

"(C) Handling of petition.—The employer shall provide a copy of the employer's petition to the alien, who shall keep the petition with the alien's identification and employment eligibility document as evidence that the petition has been filed and that the alien is authorized to work in the United States.

"(D) Approval of petition.—Upon approval of a petition for an extension of stay or change in the alien's authorized employment, the Secretary shall provide a new or updated employment eligibility document to the alien indicating the new validity date, after which the alien is not required to retain a copy of the petition.

"(4) Limitation on employment authorization of aliens without valid identification and employment eligibility document.—An expired identification and employment eligibility document, together with a copy of a petition for extension of stay or change in the alien's authorized employment that complies with the requirements of paragraph (1), shall constitute a valid work authorization document for a period of not more than 60 days beginning on the date on which such petition is filed, after which time only a currently valid identification and employment eligibility document shall be acceptable.

"(5) Limitation on an individual's stay in status.—

"(A) Maximum period.—The maximum continuous period of authorized status as an H–2A worker (including any extensions) is 3 years.

"(B) Requirement to remain outside the United States.—

"(i) In general.—Subject to clause (ii), in the case of an alien outside the United States whose period of authorized status as an H–2A worker (including any extensions) has expired, the alien may not again apply for admission to the United States as an H–2A worker unless the alien has remained outside the United States for a continuous period equal to at least ⅕ the duration of the alien's previous period of authorized status as an H–2A worker (including any extensions).

"(ii) Exception.—Clause (i) shall not apply in the case of an alien if the alien's period of authorized status as an H–2A worker (including any extensions) was for a period of not more than 10 months and such alien has been outside the United States for at least 2 months during the 12 months preceding the date the alien again is applying for admission to the United States as an H–2A worker.

"(i) Special Rules for Aliens Employed as Sheepherders.—Notwithstanding any provision of the Agricultural Job Opportunity, Benefits, and Security Act of 2005, aliens admitted under section 101(a)(15)(H)(ii)(a) for employment as sheepherders—

"(1) may be admitted for a period of 12 months;

"(2) may be extended for a continuous period of up to 3 years; and

"(3) shall not be subject to the requirements of subsection (h)(5) relating to periods of absence from the United States.

"WORKER PROTECTIONS AND LABOR STANDARDS ENFORCEMENT

"Sec. 218C. (a) Enforcement Authority.—

"(1) Investigation of complaints.—

"(A) Aggrieved person or third-party complaints.—The Secretary of Labor shall establish a process for the receipt, investigation, and disposition of complaints respecting a petitioner's failure to meet a condition specified in section 218(b), or an employer's misrepresentation of material facts in an application under section 218(a). Complaints may be filed by any aggrieved person or organization (including bargaining representatives). No investigation or hearing shall be conducted on a complaint concerning such a failure or misrepresentation unless the complaint was filed not later than 12 months after the date of the failure, or misrepresentation, respectively. The Secretary of Labor shall conduct an investigation under this subparagraph if there is reasonable cause to believe that such a failure or misrepresentation has occurred.

"(B) Determination on complaint.—Under such process, the Secretary of Labor shall provide, within 30 days after the date such a complaint is filed, for a determination as to whether or not a reasonable basis exists to make a finding described in subparagraph (C), (D), (E), or (H). If the Secretary of Labor determines that such a reasonable basis exists, the Secretary of Labor shall provide for notice of such determination to the interested parties and an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code, within 60 days after the date of the determination. If such a hearing is requested, the Secretary of Labor shall make a finding concerning the matter not later than 60 days after the date of the hearing. In the case of similar complaints respecting the same applicant, the Secretary of Labor may consolidate the hearings under this subparagraph on such complaints.

"(C) Failures to meet conditions.—If the Secretary of Labor finds, after notice and opportunity for a hearing, a failure to meet a condition of paragraph (1)(A), (1)(B), (1)(D), (1)(F), (2)(A), (2)(B), or (2)(G) of section 218(b), a substantial failure to meet a condition of paragraph (1)(C), (1)(E), (2)(C), (2)(D), (2)(E), or (2)(H) of section 218(b), or a material misrepresentation of fact in an application under section 218(a)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $1,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of aliens described in section 101(a)(15)(H)(ii)(a) for a period of 1 year.

"(D) Willful failures and willful misrepresentations.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b), a willful misrepresentation of a material fact in an application under section 218(a), or a violation of subsection (d)(1)—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $5,000 per violation) as the Secretary of Labor determines to be appropriate;

"(ii) the Secretary of Labor may seek appropriate legal or equitable relief to effectuate the purposes of subsection (d)(1); and

"(iii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 2 years.

"(E) Displacement of United States workers.—If the Secretary of Labor finds, after notice and opportunity for hearing, a willful failure to meet a condition of section 218(b) or a willful misrepresentation of a material fact in an application under section 218(a), in the course of which failure or misrepresentation the employer displaced a United States worker employed by the employer during the period of employment on the employer's application under section 218(a) or during the period of 30 days preceding such period of employment—

"(i) the Secretary of Labor shall notify the Secretary of such finding and may, in addition, impose such other administrative remedies (including civil money penalties in an amount not to exceed $15,000 per violation) as the Secretary of Labor determines to be appropriate; and

"(ii) the Secretary may disqualify the employer from the employment of H–2A workers for a period of 3 years.

"(F) Limitations on civil money penalties.—The Secretary of Labor shall not impose total civil money penalties with respect to an application under section 218(a) in excess of $90,000.

"(G) Failures to pay wages or required benefits.—If the Secretary of Labor finds, after notice and opportunity for a hearing, that the employer has failed to pay the wages, or provide the housing allowance, transportation, subsistence reimbursement, or guarantee of employment, required under section 218A(b), the Secretary of Labor shall assess payment of back wages, or other required benefits, due any United States worker or H–2A worker employed by the employer in the specific employment in question. The back wages or other required benefits under section 218A(b) shall be equal to the difference between the amount that should have been paid and the amount that actually was paid to such worker.

"(2) Statutory construction.—Nothing in this section shall be construed as limiting the authority of the Secretary of Labor to conduct any compliance investigation under any other labor law, including any law affecting migrant and seasonal agricultural workers, or, in the absence of a complaint under this section, under section 218 or 218A.

"(b) RIGHTS ENFORCEABLE BY PRIVATE RIGHT OF ACTION.—H–2A workers may enforce the following rights through the private right of action provided in subsection (c), and no other right of action shall exist under Federal or State law to enforce such rights:

"(1) The providing of housing or a housing allowance as required under section 218A(b)(1).

"(2) The reimbursement of transportation as required under section 218A(b)(2).

"(3) The payment of wages required under section 218A(b)(3) when due.

"(4) The benefits and material terms and conditions of employment expressly provided in the job offer described in section 218(a)(2), not including the assurance to comply with other Federal, State, and local labor laws described in section 218A(c), compliance with which shall be governed by the provisions of such laws.

"(5) The guarantee of employment required under section 218A(b)(4).

"(6) The motor vehicle safety requirements under section 218A(b)(5).

"(7) The prohibition of discrimination under subsection (d)(2).

"(c) PRIVATE RIGHT OF ACTION.—

"(1) MEDIATION.—Upon the filing of a complaint by an H–2A worker aggrieved by a violation of rights enforceable under subsection (b), and within 60 days of the filing of proof of service of the complaint, a party to the action may file a request with the Federal Mediation and Conciliation Service to assist the parties in reaching a satisfactory resolution of all issues involving all parties to the dispute. Upon a filing of such request and giving of notice to the parties, the parties shall attempt mediation within the period specified in subparagraph (B).

"(A) MEDIATION SERVICES.—The Federal Mediation and Conciliation Service shall be available to assist in resolving disputes arising under subsection (b) between H–2A workers and agricultural employers without charge to the parties.

"(B) 90-DAY LIMIT.—The Federal Mediation and Conciliation Service may conduct mediation or other non-binding dispute resolution activities for a period not to exceed 90 days beginning on the date on which the Federal Mediation and Conciliation Service receives the request for assistance unless the parties agree to an extension of this period of time.

"(C) AUTHORIZATION.—

"(i) IN GENERAL.—Subject to clause (ii), there are authorized to be appropriated to the Federal Mediation and Conciliation Service $500,000 for each fiscal year to carry out this section.

"(ii) MEDIATION.—Notwithstanding any other provision of law, the Director of the Federal Mediation and Conciliation Service is authorized to conduct the mediation or other dispute resolution activities from any other appropriated funds available to the Director and to reimburse such appropriated funds when the funds are appropriated pursuant to this authorization, such reimbursement to be credited to appropriations currently available at the time of receipt.

"(2) MAINTENANCE OF CIVIL ACTION IN DISTRICT COURT BY AGGRIEVED PERSON.—An H–2A worker aggrieved by a violation of rights enforceable under subsection (b) by an agricultural employer or other person may file suit in any district court of the United States having jurisdiction of the parties, without regard to the amount in controversy, without regard to the citizenship of the parties, and without regard to the exhaustion of any alternative administrative remedies under this Act, not later than 3 years after the date the violation occurs.

"(3) ELECTION.—An H–2A worker who has filed an administrative complaint with the Secretary of Labor may not maintain a civil action under paragraph (2) unless a complaint based on the same violation filed with the Secretary of Labor under subsection (a)(1) is withdrawn before the filing of such action, in which case the rights and remedies available under this subsection shall be exclusive.

"(4) PREEMPTION OF STATE CONTRACT RIGHTS.—Nothing in this Act shall be construed to diminish the rights and remedies of an H–2A worker under any other Federal or State law or regulation or under any collective bargaining agreement, except that no court or administrative action shall be available under any State contract law to enforce the rights created by this Act.

"(5) WAIVER OF RIGHTS PROHIBITED.—Agreements by employees purporting to waive or modify their rights under this Act shall be void as contrary to public policy, except that a waiver or modification of the rights or obligations in favor of the Secretary of Labor shall be valid for purposes of the enforcement of this Act. The preceding sentence may not be construed to prohibit agreements to settle private disputes or litigation.

"(6) AWARD OF DAMAGES OR OTHER EQUITABLE RELIEF.—

"(A) If the court finds that the respondent has intentionally violated any of the rights enforceable under subsection (b), it shall award actual damages, if any, or equitable relief.

"(B) Any civil action brought under this section shall be subject to appeal as provided in chapter 83 of title 28, United States Code.

"(7) WORKERS' COMPENSATION BENEFITS; EXCLUSIVE REMEDY.—

"(A) Notwithstanding any other provision of this section, where a State's workers' compensation law is applicable and coverage is provided for an H–2A worker, the workers' compensation benefits shall be the exclusive remedy for the loss of such worker under this section in the case of bodily injury or death in accordance with such State's workers' compensation law.

"(B) The exclusive remedy prescribed in subparagraph (A) precludes the recovery under paragraph (6) of actual damages for loss from an injury or death but does not preclude other equitable relief, except that such relief shall not include back or front pay or in any manner, directly or indirectly, expand or otherwise alter or affect—

"(i) a recovery under a State workers' compensation law; or

"(ii) rights conferred under a State workers' compensation law.

"(8) TOLLING OF STATUTE OF LIMITATIONS.—If it is determined under a State workers' compensation law that the workers' compensation law is not applicable to a claim for bodily injury or death of an H–2A worker, the statute of limitations for bringing an action for actual damages for such injury or death under subsection (c) shall be tolled for the period during which the claim for such injury or death under such State workers' compensation law was pending. The statute of limitations for an action for actual damages or other equitable relief arising out of the same transaction or occurrence as the injury or death of the H–2A worker shall be tolled for the period during which the claim for such injury or death was pending under the State workers' compensation law.

"(9) PRECLUSIVE EFFECT.—Any settlement by an H–2A worker and H–2A employer reached through the mediation process required under subsection (c)(1) shall preclude any right of action arising out of the same facts between the parties in any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(10) SETTLEMENTS.—Any settlement by the Secretary of Labor with an H–2A employer on behalf of an H–2A worker of a complaint filed with the Secretary of Labor under this section or any finding by the Secretary of Labor under subsection (a)(1)(B) shall preclude any right of action arising out of the same facts between the parties under any Federal or State court or administrative proceeding, unless specifically provided otherwise in the settlement agreement.

"(d) DISCRIMINATION PROHIBITED.—

"(1) IN GENERAL.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any other manner discriminate against an employee (which term, for purposes of this subsection, includes a former employee and an applicant for employment) because the employee has disclosed information to the employer, or to any other person, that the employee reasonably believes evidences a violation of section 218 or 218A or any rule or regulation pertaining to section 218 or 218A, or because the employee cooperates or seeks to cooperate in an investigation or other proceeding concerning the employer's compliance with the requirements of section 218 or 218A or any rule or regulation pertaining to either of such sections.

"(2) DISCRIMINATION AGAINST H–2A WORKERS.—It is a violation of this subsection for any person who has filed an application under section 218(a), to intimidate, threaten, restrain, coerce, blacklist, discharge, or in any manner discriminate against an H–2A employee because such worker has, with just cause, filed a complaint with the Secretary of Labor regarding a denial of the rights enumerated and enforceable under subsection (b) or instituted, or caused to be instituted, a private right of action under subsection (c) regarding the denial of the rights enumerated under subsection (b), or has testified or is about to testify in any court proceeding brought under subsection (c).

"(e) AUTHORIZATION TO SEEK OTHER APPROPRIATE EMPLOYMENT.—The Secretary of Labor and the Secretary shall establish a process under which an H–2A worker who files a complaint regarding a violation of subsection (d) and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States for a period not to exceed the maximum period of stay authorized for such nonimmigrant classification.

"(f) ROLE OF ASSOCIATIONS.—

"(1) VIOLATION BY A MEMBER OF AN ASSOCIATION.—An employer on whose behalf an application is filed by an association acting as its agent is fully responsible for such application, and for complying with the terms and conditions of sections 218 and 218A, as though the employer had filed the application itself. If such an employer is determined, under this section, to have committed a violation, the penalty for such violation shall apply only to that member of the association unless the Secretary of Labor determines that the association or other member participated in, had knowledge, or reason to know, of the violation, in which case the penalty shall be invoked against the association or other association member as well.

"(2) VIOLATIONS BY AN ASSOCIATION ACTING AS AN EMPLOYER.—If an association filing an application as a sole or joint employer is determined to have committed a violation under this section, the penalty for such violation shall apply only to the association unless the Secretary of Labor determines that an association member or members participated in or had knowledge, or reason to know of the violation, in which case the penalty shall be invoked against the association member or members as well.

"DEFINITIONS

"SEC. 218D. For purposes of sections 218 through 218D:

"(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(g)). For purposes of this paragraph, agricultural employment includes employment under section 101(a)(15)(H)(ii)(a).

"(2) BONA FIDE UNION.—The term 'bona fide union' means any organization in which employees participate and which exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or other terms and conditions of work for agricultural employees. Such term does not include an organization formed, created, administered, supported, dominated, financed, or controlled by an employer or employer association or its agents or representatives.

"(3) DISPLACE.—The term 'displace', in the case of an application with respect to 1 or more H–2A workers by an employer, means laying off a United States worker from a job for which the H–2A worker or workers is or are sought.

"(4) ELIGIBLE.—The term 'eligible', when used with respect to an individual, means an individual who is not an unauthorized alien (as defined in section 274A(h)(3)).

"(5) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

"(6) H–2A EMPLOYER.—The term 'H–2A employer' means an employer who seeks to hire 1 or more nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a).

"(7) H–2A WORKER.—The term 'H–2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).

"(8) JOB OPPORTUNITY.—The term 'job opportunity' means a job opening for temporary full-time employment at a place in the United States to which United States workers can be referred.

"(9) LAYS OFF.—

"(A) IN GENERAL.—The term 'lays off', with respect to a worker—

"(i) means to cause the worker's loss of employment, other than through a discharge for inadequate performance, violation of workplace rules, cause, voluntary departure, voluntary retirement, contract impossibility (as described in section 218A(b)(4)(D)), or temporary layoffs due to weather, markets, or other temporary conditions; but

"(ii) does not include any situation in which the worker is offered, as an alternative to such loss of employment, a similar employment opportunity with the same employer (or, in the case of a placement of a worker with another employer under section 218(b)(2)(E), with either employer described in such section) at equivalent or higher compensation and benefits than the position from which the employee was discharged, regardless of whether or not the employee accepts the offer.

"(B) STATUTORY CONSTRUCTION.—Nothing in this paragraph is intended to limit an employee's rights under a collective bargaining agreement or other employment contract.

"(10) REGULATORY DROUGHT.—The term 'regulatory drought' means a decision subsequent to the filing of the application under section 218 by an entity not under the control of the employer making such filing which restricts the employer's access to water for irrigation purposes and reduces or limits the employer's ability to produce an agricultural commodity, thereby reducing the need for labor.

"(11) SEASONAL.—Labor is performed on a 'seasonal' basis if—

"(A) ordinarily, it pertains to or is of the kind exclusively performed at certain seasons or periods of the year; and

"(B) from its nature, it may not be continuous or carried on throughout the year.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Homeland Security.

"(13) TEMPORARY.—A worker is employed on a 'temporary' basis where the employment is intended not to exceed 10 months.

"(14) UNITED STATES WORKER.—The term 'United States worker' means any worker, whether a United States citizen or national, a lawfully admitted permanent resident alien, or any other alien, who is authorized to work in the job opportunity within the United States, except an alien admitted or otherwise provided status under section 101(a)(15)(H)(ii)(a).".

(b) TABLE OF CONTENTS.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by striking the item relating to section 218 and inserting the following:

"Sec. 218. H–2A employer applications.
"Sec. 218A. H–2A employment requirements.
"Sec. 218B. Procedure for admission and extension of stay of H–2A workers.
"Sec. 218C. Worker protections and labor standards enforcement.
"Sec. 218D. Definitions.".

Subtitle C—Miscellaneous Provisions

SEC. 31. DETERMINATION AND USE OF USER FEES.

(a) SCHEDULE OF FEES.—The Secretary shall establish and periodically adjust a schedule of fees for the employment of aliens under this title and the amendments made by this title, and a collection process for such fees from employers participating in the program provided under this Act. Such fees shall be the only fees chargeable to employers for services provided under this Act.

(b) DETERMINATION OF SCHEDULE.—

(1) IN GENERAL.—The schedule under subsection (a) shall reflect a fee rate based on the number of job opportunities indicated in the employer's application under section 218 of the Immigration and Nationality Act, as added by section _21 of this Act, and sufficient to provide for the direct costs of providing services related to an employer's authorization to employ eligible aliens pursuant to this Act, to include the certification of eligible employers, the issuance of documentation, and the admission of eligible aliens.

(2) PROCEDURE.—

(A) IN GENERAL.—In establishing and adjusting such a schedule, the Secretary shall comply with Federal cost accounting and fee setting standards.

(B) PUBLICATION AND COMMENT.—The Secretary shall publish in the Federal Register an initial fee schedule and associated collection process and the cost data or estimates upon which such fee schedule is based, and any subsequent amendments thereto, pursuant to which public comment shall be sought and a final rule issued.

(c) USE OF PROCEEDS.—Notwithstanding any other provision of law, all proceeds resulting from the payment of the alien employment user fees shall be available without further appropriation and shall remain available without fiscal year limitation to reimburse the Secretary, the Secretary of State, and the Secretary of Labor for the costs of carrying out sections 218 and 218B of the Immigration and Nationality Act, as added by section _21 of this Act, and the provisions of this Act.

SEC. 32. REGULATIONS.

(a) REGULATIONS OF THE SECRETARY.—The Secretary shall consult with the Secretary of Labor and the Secretary of Agriculture on all regulations to implement the duties of the Secretary under this title and the amendments made by this title.

(b) REGULATIONS OF THE SECRETARY OF STATE.—The Secretary of State shall consult with the Secretary, the Secretary of Labor, and the Secretary of Agriculture on all regulations to implement the duties of the Secretary of State under this title and the amendments made by this title.

(c) REGULATIONS OF THE SECRETARY OF LABOR.—The Secretary of Labor shall consult with the Secretary of Agriculture and the Secretary on all regulations to implement the duties of the Secretary of Labor under this title and the amendments made by this title.

(d) DEADLINE FOR ISSUANCE OF REGULATIONS.—All regulations to implement the duties of the Secretary, the Secretary of State, and the Secretary of Labor created under sections 218, 218A, 218B, and 218C of the Immigration and Nationality Act, as added by section 21 of this Act, shall take effect on the effective date of section _21 and shall be issued not later than 1 year after the date of enactment of this Act.

SEC. 33. RELIGIOUS ORGANIZATIONS.

Section 274(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)) is amended by adding at the end the following:

"(C) It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien who is present in the United States in violation of law to carry on the vocation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.".

SEC. 34. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, sections _21 and _31 shall take effect 1 year after the date of enactment of this Act.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress a report that describes the measures being taken and the progress made in implementing this title.

SA 1179. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of

Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, after line 24, insert the following:

VULNERABILITY AND RISK ASSESSMENT

For necessary expenses of the Transportation Security Administration in working with the Department of Transportation and other appropriate agencies, to complete a vulnerability and risk assessment of passenger and freight rail transportation.

On page 77, line 18, strike "$2,694,300,000" and insert "$2,959,300,000".

On page 79, between lines 22 and 23, insert the following:

(7) $265,000,000 for rail security grants, of which—

(A) $185,000,000 shall be for grants to railroads, hazardous materials shippers, rail car owners, universities, State and local governments, and Amtrak for activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats;

(B) $40,000,000 shall be for grants to Amtrak to make fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC; and

(C) $35,000,000 shall be for research and development to improve freight and intercity passenger rail security.

SA 1180. Mr. KENNEDY (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DIVISION —BORDER SECURITY AND IMMIGRATION

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the "Secure America and Orderly Immigration Act".

(b) TABLE OF CONTENTS.—The table of contents for this division is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—BORDER SECURITY

Sec. 101. Definitions.

Subtitle A—Border Security Strategic Planning

Sec. 111. National Strategy for Border Security.
Sec. 112. Reports to Congress.
Sec. 113. Authorization of appropriations.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

Sec. 121. Border security coordination plan.
Sec. 122. Border security advisory committee.
Sec. 123. Programs on the use of technologies for border security.
Sec. 124. Combating human smuggling.
Sec. 125. Savings clause.

Subtitle C—International Border Enforcement

Sec. 131. North American Security Initiative.
Sec. 132. Information sharing agreements.
Sec. 133. Improving the security of Mexico's southern border.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

Sec. 201. State criminal alien assistance program authorization of appropriations.
Sec. 202. Reimbursement of States for indirect costs relating to the incarceration of illegal aliens.
Sec. 203. Reimbursement of States for preconviction costs relating to the incarceration of illegal aliens.

TITLE III—ESSENTIAL WORKER VISA PROGRAM

Sec. 301. Essential workers.
Sec. 302. Admission of essential workers.
Sec. 303. Employer obligations.
Sec. 304. Protection for workers.
Sec. 305. Market-based numerical limitations.
Sec. 306. Adjustment to lawful permanent resident status.
Sec. 307. Essential Worker Visa Program Task Force.
Sec. 308. Willing worker-willing employer electronic job registry.
Sec. 309. Authorization of appropriations.

TITLE IV—ENFORCEMENT

Sec. 401. Document and visa requirements.
Sec. 402. Employment Eligibility Confirmation System.
Sec. 403. Improved entry and exit data system.
Sec. 404. Department of labor investigative authorities.
Sec. 405. Protection of employment rights.
Sec. 406. Increased fines for prohibited behavior.

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

Sec. 501. Labor migration facilitation programs.
Sec. 502. Bilateral efforts with Mexico to reduce migration pressures and costs.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

Sec. 601. Elimination of existing backlogs.
Sec. 602. Country limits.
Sec. 603. Allocation of immigrant visas.
Sec. 604. Relief for children and widows.
Sec. 605. Amending the affidavit of support requirements.
Sec. 606. Discretionary authority.
Sec. 607. Family unity.

TITLE VII—H095B NONIMMIGRANTS

Sec. 701. H095B nonimmigrants.
Sec. 702. Adjustment of status for H095B nonimmigrants.
Sec. 703. Aliens not subject to direct numerical limitations.
Sec. 704. Employer protections.
Sec. 705. Authorization of appropriations.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

Sec. 801. Right to qualified representation.
Sec. 802. Protection of witness testimony.

TITLE IX—CIVICS INTEGRATION

Sec. 901. Funding for the Office of Citizenship.
Sec. 902. Civics integration grant program.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

Sec. 1001. Federal reimbursement of emergency health services furnished to undocumented aliens.
Sec. 1002. Prohibition against offset of certain Medicare and Medicaid payments.
Sec. 1003. Prohibition against discrimination against aliens on the basis of employment in hospital-based versus nonhospital-based sites.
Sec. 1004. Binational public health infrastructure and health insurance.

TITLE XI—MISCELLANEOUS

Sec. 1101. Submission to Congress of information regarding H095A nonimmigrants.
Sec. 1102. H095 nonimmigrant petitioner account.
Sec. 1103. Anti-discrimination protections.
Sec. 1104. Women and children at risk of harm.
Sec. 1105. Expansion of S visa.
Sec. 1106. Volunteers.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Government of the United States has an obligation to its citizens to secure its borders and ensure the rule of law in its communities.

(2) The Government of the United States must strengthen international border security efforts by dedicating adequate and significant resources for technology, personnel, and training for border region enforcement.

(3) Federal immigration policies must adhere to the United States tradition as a nation of immigrants and reaffirm this Nation's commitment to family unity, economic opportunity, and humane treatment.

(4) Immigrants have contributed significantly to the strength and economic prosperity of the United States and action must be taken to ensure their fair treatment by employers and protection against fraud and abuse.

(5) Current immigration laws and the enforcement of such laws are ineffective and do not serve the people of the United States, the national security interests of the United States, or the economic prosperity of the United States.

(6) The United States cannot effectively carry out its national security policies unless the United States identifies undocumented immigrants and encourages them to come forward and participate legally in the economy of the United States.

(7) Illegal immigration fosters other illegal activity, including human smuggling, trafficking, and document fraud, all of which undermine the national security interests of the United States.

(8) Illegal immigration burdens States and local communities with hundreds of millions of dollars in uncompensated expenses for law enforcement, health care, and other essential services.

(9) Illegal immigration creates an underclass of workers who are vulnerable to fraud and exploitation.

(10) Fixing the broken immigration system requires a comprehensive approach that provides for adequate legal channels for immigration and strong enforcement of immigration laws which will serve the economic, social, and security interests of the United States.

(11) Foreign governments, particularly those that share an international border with the United States, must play a critical role in securing international borders and deterring illegal entry of foreign nationals into the United States.

(12) Federal immigration policy should foster economic growth by allowing willing workers to be matched with willing employers when no United States worker is available to take a job.

(13) Immigration reform is a key component to achieving effective enforcement and

will allow for the best use of security and enforcement resources to be focused on the greatest risks.

(14) Comprehensive immigration reform and strong enforcement of immigration laws will encourage legal immigration, deter illegal immigration, and promote the economic and national security interests of the United States.

TITLE I—BORDER SECURITY

SEC. 101. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

(B) the Committee on the Judiciary of the Senate;

(C) the Committee on Homeland Security of the House of Representatives; and

(D) the Committee on the Judiciary of the House of Representatives.

(2) INTERNATIONAL BORDER OF THE UNITED STATES.—The term "international border of the United States" means the international border between the United States and Canada and the international border between the United States and Mexico, including points of entry along such international borders.

(3) SECRETARY.—Except as otherwise provided, the term "Secretary" means the Secretary of Homeland Security.

(4) SECURITY PLAN.—The term "security plan" means a security plan developed as part of the National Strategy for Border Security set forth under section 111(a) for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

Subtitle A—Border Security Strategic Planning

SEC. 111. NATIONAL STRATEGY FOR BORDER SECURITY.

(a) IN GENERAL.—In conjunction with strategic homeland security planning efforts, the Secretary shall develop, implement, and update, as needed, a National Strategy for Border Security that includes a security plan for the Border Patrol and the field offices of the Bureau of Customs and Border Protection of the Department of Homeland Security that has responsibility for the security of any portion of the international border of the United States.

(b) CONTENTS.—The National Strategy for Border Security shall include—

(1) the identification and evaluation of the points of entry and all portions of the international border of the United States that, in the interests of national security and enforcement, must be protected from illegal transit;

(2) a description of the most appropriate, practical, and cost-effective means of defending the international border of the United States against threats to security and illegal transit, including intelligence capacities, technology, equipment, personnel, and training needed to address security vulnerabilities within the United States for the Border Patrol and the field offices of the Bureau of Customs and Border Protection that have responsibility for any portion of the international border of the United States;

(3) risk-based priorities for assuring border security and realistic deadlines for addressing security and enforcement needs identified in paragraphs (1) and (2);

(4) a strategic plan that sets out agreed upon roles and missions of Federal, State, regional, local, and tribal authorities, including appropriate coordination among such authorities, to enable security enforcement and border lands management to be carried out in an efficient and effective manner;

(5) a prioritization of research and development objectives to enhance the security of the international border of the United States and enforcement needs to promote such security consistent with the provisions of subtitle B;

(6) an update of the 2001 Port of Entry Infrastructure Assessment Study conducted by the United States Customs Service, in consultation with the General Services Administration;

(7) strategic interior enforcement coordination plans with personnel of Immigration and Customs Enforcement;

(8) strategic enforcement coordination plans with overseas personnel of the Department of Homeland Security and the Department of State to end human smuggling and trafficking activities;

(9) any other infrastructure or security plan or report that the Secretary determines appropriate for inclusion;

(10) the identification of low-risk travelers and how such identification would facilitate cross-border travel; and

(11) ways to ensure that the trade and commerce of the United States is not diminished by efforts, activities, and programs aimed at securing the homeland.

(c) PRIORITY OF NATIONAL STRATEGY.—The National Strategy for Border Security shall be the governing document for Federal security and enforcement efforts related to securing the international border of the United States.

SEC. 112. REPORTS TO CONGRESS.

(a) NATIONAL STRATEGY.—

(1) INITIAL SUBMISSION.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit the National Strategy for Border Security, including each security plan, to the appropriate congressional committees. Such plans shall include estimated costs of implementation and training from a fiscal and personnel perspective and a cost-benefit analysis of any technological security implementations.

(2) SUBSEQUENT SUBMISSIONS.—After the submission required under paragraph (1), the Secretary shall submit to the appropriate congressional committees any revisions to the National Strategy for Border Security, including any revisions to a security plan, not less frequently than April 1 of each odd-numbered year. The plan shall include estimated costs for implementation and training and a cost-benefit analysis of technological security implementations that take place during the time frame under evaluation.

(b) PERIODIC PROGRESS REPORTS.—

(1) REQUIREMENT FOR REPORT.—Each year, in conjunction with the submission of the budget to Congress under section 1105(a) of title 31, United States Code, the Secretary shall submit to the appropriate congressional committees an assessment of the progress made on implementing the National Strategy for Border Security, including each security plan.

(2) CONTENT.—Each progress report submitted under this subsection shall include any recommendations for improving and implementing the National Strategy for Border Security, including any recommendations for improving and implementing a security plan.

(c) CLASSIFIED MATERIAL.—

(1) IN GENERAL.—Any material included in the National Strategy for Border Security, including each security plan, that includes information that is properly classified under criteria established by Executive order shall be submitted to the appropriate congressional committees in a classified form.

(2) UNCLASSIFIED VERSION.—As appropriate, an unclassified version of the material described in paragraph (1) shall be provided to the appropriate congressional committees.

SEC. 113. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subtitle for each of the 5 fiscal years beginning with the fiscal year after the fiscal year in which this Act was enacted.

Subtitle B—Border Infrastructure, Technology Integration, and Security Enhancement

SEC. 121. BORDER SECURITY COORDINATION PLAN.

(a) IN GENERAL.—The Secretary shall coordinate with Federal, State, local, and tribal authorities on law enforcement, emergency response, and security-related responsibilities with regard to the international border of the United States to develop and implement a plan to ensure that the security of such international border is not compromised—

(1) when the jurisdiction for providing such security changes from one such authority to another such authority;

(2) in areas where such jurisdiction is shared by more than one such authority; or

(3) by one such authority relinquishing such jurisdiction to another such authority pursuant to a memorandum of understanding.

(b) ELEMENTS OF PLAN.—In developing the plan, the Secretary shall consider methods to—

(1) coordinate emergency responses;

(2) improve data-sharing, communications, and technology among the appropriate agencies;

(3) promote research and development relating to the activities described in paragraphs (1) and (2); and

(4) combine personnel and resource assets when practicable.

(c) REPORT.—Not later than 1 year after implementing the plan developed under subsection (a), the Secretary shall transmit a report to the appropriate congressional committees on the development and implementation of such plan.

SEC. 122. BORDER SECURITY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish a Border Security Advisory Committee (referred to in this section as the "Advisory Committee") to provide advice and recommendations to the Secretary on border security and enforcement issues.

(b) COMPOSITION.—

(1) IN GENERAL.—The members of the Advisory Committee shall be appointed by the Secretary and shall include representatives of—

(A) States that are adjacent to the international border of the United States;

(B) local law enforcement agencies, community officials, and tribal authorities of such States; and

(C) other interested parties.

(2) MEMBERSHIP.—The Advisory Committee shall be comprised of members who represent a broad cross section of perspectives.

SEC. 123. PROGRAMS ON THE USE OF TECHNOLOGIES FOR BORDER SECURITY.

(a) AERIAL SURVEILLANCE TECHNOLOGIES PROGRAM.—

(1) IN GENERAL.—In conjunction with the border surveillance plan developed under section 5201 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458), the Secretary, not later than 60 days after the date of enactment of this Act, shall develop and implement a program to fully integrate aerial surveillance technologies to enhance the border security of the United States.

(2) ASSESSMENT AND CONSULTATION REQUIREMENTS.—In developing the program under this subsection, the Secretary shall—

(A) consider current and proposed aerial surveillance technologies;

(B) assess the feasibility and advisability of utilizing such technologies to address border threats, including an assessment of the technologies considered best suited to address respective threats;

(C) consult with the Secretary of Defense regarding any technologies or equipment, which the Secretary may deploy along the international border of the United States; and

(D) consult with the Administrator of the Federal Aviation Administration regarding safety, airspace coordination and regulation, and any other issues necessary for implementation of the program.

(3) ADDITIONAL REQUIREMENTS.—

(A) IN GENERAL.—The program developed under this subsection shall include the utilization of a variety of aerial surveillance technologies in a variety of topographies and areas, including populated and unpopulated areas located on or near the international border of the United States, in order to evaluate, for a range of circumstances—

(i) the significance of previous experiences with such technologies in border security or critical infrastructure protection;

(ii) the cost and effectiveness of various technologies for border security, including varying levels of technical complexity; and

(iii) liability, safety, and privacy concerns relating to the utilization of such technologies for border security.

(B) USE OF UNMANNED AERIAL VEHICLES.—The aerial surveillance technologies utilized in the program shall include unmanned aerial vehicles.

(4) CONTINUED USE OF AERIAL SURVEILLANCE TECHNOLOGIES.—The Secretary may continue the operation of aerial surveillance technologies while assessing the effectiveness of their utilization and until such time the Secretary determines appropriate.

(5) REPORT.—

(A) REQUIREMENT.—Not later than 1 year after implementing the program under this subsection, the Secretary shall submit a report on such program to the appropriate congressional committees.

(B) CONTENT.—The Secretary shall include in the report required by subparagraph (A) a description of the program together with such recommendations as the Secretary finds appropriate for enhancing the program.

(b) DEMONSTRATION PROGRAMS.—The Secretary is authorized, as part of the development and implementation of the National Strategy for Border Security, to establish and carry out demonstration programs to strengthen communication, information sharing, technology, security, intelligence benefits, and enforcement activities that will protect the international border of the United States without diminishing international trade and commerce.

(c) INSERT CONTINUED USE OF GROUND SURVEILLANCE TECHNOLOGIES.—

SEC. 124. COMBATING HUMAN SMUGGLING.

(a) REQUIREMENT FOR PLAN.—The Secretary shall develop and implement a plan to improve coordination between the Bureau of Immigration and Customs Enforcement and the Bureau of Customs and Border Protection of the Department of Homeland Security and any other Federal, State, local, or tribal authorities, as determined appropriate by the Secretary, to improve coordination efforts to combat human smuggling.

(b) CONTENT.—In developing the plan required by subsection (a), the Secretary shall consider—

(1) the interoperability of databases utilized to prevent human smuggling;

(2) adequate and effective personnel training;

(3) methods and programs to effectively target networks that engage in such smuggling;

(4) effective utilization of—

(A) visas for victims of trafficking and other crimes; and

(B) investigatory techniques, equipment, and procedures that prevent, detect, and prosecute international money laundering and other operations that are utilized in smuggling;

(5) joint measures, with the Secretary of State, to enhance intelligence sharing and cooperation with foreign governments whose citizens are preyed on by human smugglers; and

(6) other measures that the Secretary considers appropriate to combating human smuggling.

(c) REPORT.—Not later than 1 year after implementing the plan described in subsection (a), the Secretary shall submit to Congress a report on such plan, including any recommendations for legislative action to improve efforts to combating human smuggling.

SEC. 125. SAVINGS CLAUSE.

Nothing in this subtitle or subtitle A may be construed to provide to any State or local entity any additional authority to enforce Federal immigration laws.

Subtitle C—International Border Enforcement

SEC. 131. NORTH AMERICAN SECURITY INITIATIVE.

(a) IN GENERAL.—The Secretary of State shall enhance the mutual security and safety of the United States, Canada, and Mexico by providing a framework for better management, communication, and coordination between the Governments of North America.

(b) RESPONSIBILITIES.—In implementing the provisions of this subtitle, the Secretary of State shall carry out all of the activities described in this subtitle.

SEC. 132. INFORMATION SHARING AGREEMENTS.

The Secretary of State, in coordination with the Secretary of Homeland Security and the Government of Mexico, is authorized to negotiate an agreement with Mexico to—

(1) cooperate in the screening of third-country nationals using Mexico as a transit corridor for entry into the United States; and

(2) provide technical assistance to support stronger immigration control at the border with Mexico.

SEC. 133. IMPROVING THE SECURITY OF MEXICO'S SOUTHERN BORDER.

(a) TECHNICAL ASSISTANCE.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Canadian Department of Foreign Affairs, and the Government of Mexico, shall establish a program to—

(1) assess the specific needs of the governments of Central American countries in maintaining the security of the borders of such countries;

(2) use the assessment made under paragraph (1) to determine the financial and technical support needed by the governments of Central American countries from Canada, Mexico, and the United States to meet such needs;

(3) provide technical assistance to the governments of Central American countries to secure issuance of passports and travel documents by such countries; and

(4) encourage the governments of Central American countries to—

(A) control alien smuggling and trafficking;

(B) prevent the use and manufacture of fraudulent travel documents; and

(C) share relevant information with Mexico, Canada, and the United States.

(b) IMMIGRATION.—The Secretary of Homeland Security, in consultation with the Secretary of State and appropriate officials of the governments of Central American countries shall provide robust law enforcement assistance to such governments that specifically addresses migratory issues to increase the ability of such governments to dismantle human smuggling organizations and gain tighter control over the border.

(c) BORDER SECURITY BETWEEN MEXICO AND GUATEMALA OR BELIZE.—The Secretary of State, in consultation with the Secretary of Homeland Security, the Government of Mexico, and appropriate officials of the Governments of Guatemala, Belize, and neighboring contiguous countries, shall establish a program to provide needed equipment, technical assistance, and vehicles to manage, regulate, and patrol the international border between Mexico and Guatemala and between Mexico and Belize.

(d) TRACKING CENTRAL AMERICAN GANGS.—The Secretary of State, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Government of Mexico, and appropriate officials of the governments of Central American countries, shall—

(1) assess the direct and indirect impact on the United States and Central America on deporting violent criminal aliens;

(2) establish a program and database to track Central American gang activities, focusing on the identification of returning criminal deportees;

(3) devise an agreed-upon mechanism for notification applied prior to deportation and for support for reintegration of these deportees; and

(4) devise an agreement to share all relevant information with the appropriate agencies of Mexico and other Central American countries.

TITLE II—STATE CRIMINAL ALIEN ASSISTANCE

SEC. 201. STATE CRIMINAL ALIEN ASSISTANCE PROGRAM AUTHORIZATION OF APPROPRIATIONS.

Section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) is amended by striking paragraphs (5) and (6) and inserting the following:

"(5) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

"(i) such sums as may be necessary for fiscal year 2005;

"(ii) $750,000,000 for fiscal year 2006;

"(iii) $850,000,000 for fiscal year 2007; and

"(iv) $950,000,000 for each of the fiscal years 2008 through 2011.

"(B) LIMITATION ON USE OF FUNDS.—Amounts appropriated pursuant to subparagraph (A) that are distributed to a State or political subdivision of a State, including a municipality, may be used only for correctional purposes.".

SEC. 202. REIMBURSEMENT OF STATES FOR INDIRECT COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 501 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1365) is amended—

(1) in subsection (a)—

(A) by striking "for the costs" and inserting the following: "for—

"(1) the costs"; and

(B) by striking "such State." and inserting the following: "such State; and

"(2) the indirect costs related to the imprisonment described in paragraph (1)."; and

(2) by striking subsections (c) through (e) and inserting the following:

"(c) MANNER OF ALLOTMENT OF REIMBURSEMENTS.—Reimbursements under this section shall be allotted in a manner that gives special consideration for any State that—

"(1) shares a border with Mexico or Canada; or

"(2) includes within the State an area in which a large number of undocumented aliens reside relative to the general population of that area.

"(d) DEFINITIONS.—As used in this section:

"(1) INDIRECT COSTS.—The term 'indirect costs' includes—

"(A) court costs, county attorney costs, detention costs, and criminal proceedings expenditures that do not involve going to trial;

"(B) indigent defense costs; and

"(C) unsupervised probation costs.

"(2) STATE.—The term 'State' has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $200,000,000 for each of the fiscal years 2005 through 2011 to carry out subsection (a)(2).".

SEC. 203. REIMBURSEMENT OF STATES FOR PRECONVICTION COSTS RELATING TO THE INCARCERATION OF ILLEGAL ALIENS.

Section 241(i)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(3)(a) is amended by inserting "charged with or" before "convicted."

TITLE III—ESSENTIAL WORKER VISA PROGRAM

SEC. 301. ESSENTIAL WORKERS.

Section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) is amended—

(1) by striking "(H) an alien (i)(b)" and inserting the following:

"(H) an alien—

"(i)(b)";

(2) by striking "or (ii)(a)" and inserting the following:

"(ii)(a)";

(3) by striking "or (iii)" and inserting the following:

"(iii)"; and

(4) by adding at the end the following:

"(v)(a) subject to section 218A, having residence in a foreign country, which the alien has no intention of abandoning, who is coming temporarily to the United States to initially perform labor or services (other than those occupation classifications covered under the provisions of clause (i)(b) or (ii)(a) or subparagraph (L), (O), (P), or (R)); or.".

SEC. 302. ADMISSION OF ESSENTIAL WORKERS.

(a) IN GENERAL.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 218 the following:

"ADMISSION OF TEMPORARY H095A WORKERS

"SEC. 218A. (a) The Secretary of State may grant a temporary visa to a nonimmigrant described in section 101(a)(15)(H)(v)(a) who demonstrates an intent to perform labor or services in the United States (other than those occupational classifications covered under the provisions of clause (i)(b) or (ii)(a) of section 101(a)(15)(H) or subparagraph (L), (O), (P), or (R)) of section 101(a)(15).

"(b) REQUIREMENTS FOR ADMISSION.—In order to be eligible for nonimmigrant status under section 101(a)(15)(H)(v)(a), an alien shall meet the following requirements:

"(1) ELIGIBILITY TO WORK.—The alien shall establish that the alien is capable of performing the labor or services required for an occupation under section 101(a)(15)(H)(v).

"(2) EVIDENCE OF EMPLOYMENT.—The alien's evidence of employment shall be provided through the Employment Eligibility Confirmation System established under section 274E or in accordance with requirements issued by the Secretary of State, in consultation with the Secretary of Homeland Security. In carrying out this paragraph, the Secretary may consider evidence from employers, employer associations, and labor representatives.

"(3) FEE.—The alien shall pay a $500 application fee to apply for the visa in addition to the cost of processing and adjudicating such application. Nothing in this paragraph shall be construed to affect consular procedures for charging reciprocal fees.

"(4) MEDICAL EXAMINATION.—The alien shall undergo a medical examination (including a determination of immunization status) at the alien's expense, that conforms to generally accepted standards of medical practice.

"(c) GROUNDS OF INADMISSIBILITY.—

"(1) IN GENERAL.—In determining an alien's admissibility as a nonimmigrant under section 101(a)(15)(H)(v)(a)—

"(A) paragraphs (5), (6) (except for subparagraph (E)), (7), (9), and (10)(B) of section 212(a) may be waived for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security to waive the provisions of section 212(a).

"(2) WAIVER FINE.—An alien who is granted a waiver under subparagraph (1) shall pay a $1,500 fine upon approval of the alien's visa application.

"(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who initially seeks admission as a nonimmigrant under section 101(a)(15)(H)(v)(a).

"(4) RENEWAL OF AUTHORIZED ADMISSION AND SUBSEQUENT ADMISSIONS.—An alien seeking renewal of authorized admission or subsequent admission as a nonimmigrant under section 101(a)(15)(H)(v)(a) shall establish that the alien is not inadmissible under section 212(a).

"(d) PERIOD OF AUTHORIZED ADMISSION.—

"(1) INITIAL PERIOD.—The initial period of authorized admission as a nonimmigrant described in section 101(a)(15)(H)(v)(a) shall be 3 years.

"(2) RENEWALS.—The alien may seek an extension of the period described in paragraph (1) for 1 additional 3-year period.

"(3) LOSS OF EMPLOYMENT.—

"(A) IN GENERAL.—Subject to subsection (c), the period of authorized admission of a nonimmigrant alien under section 101(a)(15)(H)(v)(a) shall terminate if the nonimmigrant is unemployed for 45 or more consecutive days.

"(B) RETURN TO FOREIGN RESIDENCE.—Any alien whose period of authorized admission terminates under subparagraph (A) shall be required to return to the country of the alien's nationality or last residence.

"(C) PERIOD OF VISA VALIDITY.—Any alien, whose period of authorized admission terminates under subparagraph (A), who returns to the country of the alien's nationality or last residence under subparagraph (B), may reenter the United States on the basis of the same visa to work for an employer, if the alien has complied with the requirements of subsection (b)(1).

"(4) VISITS OUTSIDE UNITED STATES.—

"(A) IN GENERAL.—Under regulations established by the Secretary of Homeland Security, a nonimmigrant alien under section 101(a)(15)(H)(v)(a)—

"(i) may travel outside of the United States; and

"(ii) may be readmitted without having to obtain a new visa if the period of authorized admission has not expired.

"(B) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under subparagraph (A) shall not extend the period of authorized admission in the United States.

"(e) PORTABILITY.—A nonimmigrant alien described in this section, who was previously issued a visa or otherwise provided nonimmigrant status under section 101(a)(15)(H)(v)(a), may accept new employment with a subsequent employer.

"(f) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act.

"(g) CHANGE OF ADDRESS.—An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall comply by either electronic or paper notification with the change of address reporting requirements under section 265.

"(h) BAR TO FUTURE VISAS FOR VIOLATIONS.—

"(1) IN GENERAL.—Any alien having the nonimmigrant status described in section 101(a)(15)(H)(v)(a) shall not be eligible to renew such nonimmigrant status if the alien willfully violates any material term or condition of such status.

"(2) WAIVER.—The alien may apply for a waiver of the application of subparagraph (A) for technical violations, inadvertent errors, or violations for which the alien was not at fault.

"(i) COLLECTION OF FEES.—All fees collected under this section shall be deposited in the Treasury in accordance with section 286(w).".

(b) CONFORMING AMENDMENT REGARDING PRESUMPTION OF NONIMMIGRANT STATUS.—Section 214(b) of the Immigration and Nationality Act (8 U.S.C. 1184(b)) is amended by inserting "(H)(v)(a)," after "(H)(i),".

(c) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 218 the following:

"Sec. 218A. Admission of temporary H095A workers.".

SEC. 303. EMPLOYER OBLIGATIONS.

Employers employing a nonimmigrant described in section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by section 301, shall comply with all applicable Federal, State, and local laws, including—

(1) laws affecting migrant and seasonal agricultural workers; and

(2) the requirements under section 274E of such Act, as added by section 402.

SEC. 304. PROTECTION FOR WORKERS.

Section 218A of the Immigration and Nationality Act, as added by section 302, is amended by adding at the end the following:

"(h) APPLICATION OF LABOR AND OTHER LAWS.—

"(1) DEFINITIONS.—As used in this subsection and in subsections (i) through (k):

"(A) EMPLOY; EMPLOYEE; EMPLOYER.—The terms 'employ', 'employee', and 'employer' have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

"(B) FOREIGN LABOR CONTRACTOR.—The term 'foreign labor contractor' means any person who for any compensation or other valuable consideration paid or promised to be paid, performs any foreign labor contracting activity.

"(C) FOREIGN LABOR CONTRACTING ACTIVITY.—The term 'foreign labor contracting activity' means recruiting, soliciting, hiring, employing, or furnishing, an individual who resides outside of the United States for employment in the United States as a nonimmigrant alien described in section 101(a)(15)(H)(v)(a).

"(2) COVERAGE.—Notwithstanding any other provision of law—

"(A) a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) is prohibited from being treated as an independent contractor; and

"(B) no person may treat a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as an independent contractor.

"(3) APPLICABILITY OF LAWS.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) shall not be denied any right or any remedy under Federal, State, or local labor or employment law that would be applicable to a United States worker employed in a similar position with the employer because of the alien's status as a nonimmigrant worker.

"(4) TAX RESPONSIBILITIES.—With respect to each employed nonimmigrant alien described in section 101(a)(15)(H)(v)(a), an employer shall comply with all applicable Federal, State, and local tax and revenue laws.

"(5) NONDISCRIMINATION IN EMPLOYMENT.—An employer shall provide nonimmigrants issued a visa under this section with the same wages, benefits, and working conditions that are provided by the employer to United States workers similarly employed in the same occupation and the same place of employment.

"(6) NO REPLACEMENT OF STRIKING EMPLOYEES.—An employer may not hire a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) as a replacement worker if there is a strike or lockout in the course of a labor dispute in the occupational classification at the place of employment.

"(7) WAIVER OF RIGHTS PROHIBITED.—A nonimmigrant alien described in section 101(a)(15)(H)(v)(a) may not be required to waive any rights or protections under the Secure America and Orderly Immigration Act. Nothing under this provision shall be construed to affect the interpretation of other laws.

"(8) NO THREATENING OF EMPLOYEES.—It shall be a violation of this section for an employer who has filed a petition under section 203(b) to threaten the alien beneficiary of such a petition with withdrawal of the application, or to withdraw such a petition in retaliation for the beneficiary's exercise of a right protected by the Secure America and Orderly Immigration Act.

"(9) WHISTLEBLOWER PROTECTION.—It shall be unlawful for an employer or a labor contractor of a nonimmigrant alien described in section 101(a)(15)(H)(v)(a) to intimidate, threaten, restrain, coerce, retaliate, discharge, or in any other manner, discriminate against an employee or former employee because the employee or former employee—

"(A) discloses information to the employer or any other person that the employee or former employee reasonably believes demonstrates a violation of Secure America and Orderly Immigration Act.

"(B) cooperates or seeks to cooperate in an investigation or other proceeding concerning compliance with the requirements of the Secure America and Orderly Immigration Act.

"(i) LABOR RECRUITERS.—

"(1) IN GENERAL.—Each employer that engages in foreign labor contracting activity and each foreign labor contractor shall ascertain and disclose to each such worker who is recruited for employment the following information at the time of the worker's recruitment:

"(A) The place of employment.

"(B) The compensation for the employment.

"(C) A description of employment activities.

"(D) The period of employment.

"(E) Any other employee benefit to be provided and any costs to be charged for each benefit.

"(F) Any travel or transportation expenses to be assessed.

"(G) The existence of any labor organizing effort, strike, lockout, or other labor dispute at the place of employment.

"(H) The existence of any arrangement with any owner, employer, foreign contractor, or its agent where such person receives a commission from the provision of items or services to workers.

"(I) The extent to which workers will be compensated through workers' compensation, private insurance, or otherwise for injuries or death, including work related injuries and death, during the period of employment and, if so, the name of the State workers' compensation insurance carrier or the name of the policyholder of the private insurance, the name and the telephone number of each person who must be notified of an injury or death, and the time period within which such notice must be given.

"(J) Any education or training to be provided or required, including the nature and cost of such training, who will pay such costs, and whether the training is a condition of employment, continued employment, or future employment.

"(K) A statement, in a form specified by the Secretary of Labor, describing the protections of this Act for workers recruited abroad.

"(2) FALSE OR MISLEADING INFORMATION.—No foreign labor contractor or employer who engages in foreign labor contracting activity shall knowingly provide material false or misleading information to any worker concerning any matter required to be disclosed in paragraph (1).

"(3) LANGUAGES.—The information required to be disclosed under paragraph (1) shall be provided in writing in English or, as necessary and reasonable, in the language of the worker being recruited. The Department of Labor shall make forms available in English, Spanish, and other languages, as necessary, which may be used in providing workers with information required under this section.

"(4) FEES.—A person conducting a foreign labor contracting activity shall not assess any fee to a worker for such foreign labor contracting activity.

"(5) TERMS.—No employer or foreign labor contractor shall, without justification, violate the terms of any agreement made by that contractor or employer regarding employment under this program.

"(6) TRAVEL COSTS.—If the foreign labor contractor or employer charges the employee for transportation such transportation costs shall be reasonable.

"(7) OTHER WORKER PROTECTIONS.—

"(A) NOTIFICATION.—Every 2 years, each employer shall notify the Secretary of Labor of the identity of any foreign labor contractor engaged by the employer in any foreign labor contractor activity for or on behalf of the employer.

"(B) REGISTRATION OF FOREIGN LABOR CONTRACTORS.—

"(i) IN GENERAL.—No person shall engage in foreign labor recruiting activity unless such person has a certificate of registration from the Secretary of Labor specifying the activities that such person is authorized to perform. An employer who retains the services of a foreign labor contractor shall only use those foreign labor contractors who are registered under this subparagraph.

"(ii) ISSUANCE.—The Secretary shall promulgate regulations to establish an efficient electronic process for the investigation and approval of an application for a certificate of registration of foreign labor contractors not later than 14 days after such application is filed. Such process shall include requirements under paragraphs (1), (4), and (5) of section 1812 of title 29, United States Code, an expeditious means to update registrations and renew certificates and any other requirements the Secretary may prescribe.

"(iii) TERM.—Unless suspended or revoked, a certificate under this subparagraph shall be valid for 2 years.

"(iv) REFUSAL TO ISSUE; REVOCATION; SUSPENSION.—In accordance with regulations promulgated by the Secretary of Labor, the Secretary may refuse to issue or renew, or may suspend or revoke, a certificate of registration under this subparagraph. The justification for such refusal, suspension, or revocation may include the following:

"(I) The application or holder of the certification has knowingly made a material misrepresentation in the application for such certificate.

"(II) The applicant for or holder of the certification is not the real party in interest in the application or certificate of registration and the real party in interest is a person who has been refused issuance or renewal of a certificate, has had a certificate suspended or revoked, or does not qualify for a certificate under this paragraph.

“(III) The applicant for or holder of the certification has failed to comply with the Secure America and Orderly Immigration Act.

“(C) Remedy for violations.—An employer engaging in foreign labor contracting activity and a foreign labor contractor that violates the provisions of this subsection shall be subject to remedies for foreign labor contractor violations under subsections (j) and (k). If a foreign labor contractor acting as an agent of an employer violates any provision of this subsection, the employer shall also be subject to remedies under subsections (j) and (k). An employer that violates a provision of this subsection relating to employer obligations shall be subject to remedies under this subsections (j) and (k).

“(D) Employer notification.—An employer shall notify the Secretary of Labor any time the employer becomes aware of a violation of this subsection by a foreign labor recruiter.

“(E) Written agreements.—No foreign labor contractor shall violate the terms of any written agreements made with an employer relating to any contracting activity or worker protection under this subsection.

“(F) Bonding requirement.—The Secretary of Labor may require a foreign labor contractor under this subsection to post a bond in an amount sufficient to ensure the protection of individuals recruited by the foreign labor contractor. The Secretary may consider the extent to which the foreign labor contractor has sufficient ties to the United States to adequately enforce this subsection.

“(j) Enforcement.—

“(1) In general.—The Secretary of Labor shall prescribe regulations for the receipt, investigation, and disposition of complaints by an aggrieved person respecting a violation of this section.

“(2) Definition.—As used in this subsection, an ‘aggrieved person’ is a person adversely affected by the alleged violation, including—

“(A) a worker whose job, wages, or working conditions are adversely affected by the violation; and

“(B) a representative for workers whose jobs, wages, or working conditions are adversely affected by the violation who brings a complaint on behalf of such worker.

“(3) Filing deadline.—No investigation or hearing shall be conducted on a complaint concerning a violation under this section unless the complaint was filed not later than 12 months after the date of such violation.

“(4) Reasonable cause.—The Secretary of Labor shall conduct an investigation under this subsection if there is reasonable cause to believe that a violation of this section has occurred. The process established under this subsection shall provide that, not later than 30 days after a complaint is filed, the Secretary shall determine if there is reasonable cause to find such a violation.

“(5) Notice and hearing.—

“(A) In general.—Not later than 60 days after the Secretary of Labor makes a determination of reasonable cause under paragraph (4), the Secretary shall issue a notice to the interested parties and offer an opportunity for a hearing on the complaint, in accordance with section 556 of title 5, United States Code.

“(B) Complaint.—If the Secretary of Labor, after receiving a complaint under this subsection, does not offer the aggrieved party or organization an opportunity for a hearing under subparagraph (A), the Secretary shall notify the aggrieved party or organization of such determination and the aggrieved party or organization may seek a hearing on the complaint in accordance with such section 556.

“(C) Hearing deadline.—Not later than 60 days after the date of a hearing under this paragraph, the Secretary of Labor shall make a finding on the matter in accordance with paragraph (6).

“(6) Attorneys' fees.—A complainant who prevails with respect to a claim under this subsection shall be entitled to an award of reasonable attorneys' fees and costs.

“(7) Power of the Secretary.—The Secretary may bring an action in any court of competent jurisdiction—

“(A) to seek remedial action, including injunctive relief;

“(B) to recover the damages described in subsection (k); or

“(C) to ensure compliance with terms and conditions described in subsection (i).

“(8) Solicitor of labor.—Except as provided in section 518(a) of title 28, United States Code, the Solicitor of Labor may appear for and represent the Secretary of Labor in any civil litigation brought under this subsection. All such litigation shall be subject to the direction and control of the Attorney General.

“(9) Procedures in addition to other rights of employees.—The rights and remedies provided to workers under this section are in addition to, and not in lieu of, any other contractual or statutory rights and remedies of the workers, and are not intended to alter or affect such rights and remedies.

“(k) Penalties.—

“(1) In general.—If, after notice and an opportunity for a hearing, the Secretary of Labor finds a violation of subsection (h) or (i), the Secretary may impose administrative remedies and penalties, including—

“(A) back wages;

“(B) fringe benefits; and

“(C) civil monetary penalties.

“(2) Civil penalties.—The Secretary of Labor may impose, as a civil penalty—

“(A) for a violation of subsection (h)—

“(i) a fine in an amount not to exceed $2,000 per violation per affected worker;

“(ii) if the violation was willful violation, a fine in an amount not to exceed $5,000 per violation per affected worker;

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not to exceed $25,000 per violation per affected worker; and

“(B) for a violation of subsection (i)—

“(i) a fine in an amount not less than $500 and not more than $4,000 per violation per affected worker;

“(ii) if the violation was willful, a fine in an amount not less than $2,000 and not more than $5,000 per violation per affected worker; and

“(iii) if the violation was willful and if in the course of such violation a United States worker was harmed, a fine in an amount not less than $6,000 and not more than $35,000 per violation per affected worker.

“(3) Use of civil penalties.—All penalties collected under this subsection shall be deposited in the Treasury in accordance with section 286(w).

“(4) Criminal penalties.—If a willful and knowing violation of subsection (i) causes extreme physical or financial harm to an individual, the person in violation of such subsection may be imprisoned for not more than 6 months, fined not more than $35,000 fine, or both.”.

SEC. 305. MARKET-BASED NUMERICAL LIMITATIONS.

Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)—

(A) by striking “(beginning with fiscal year 1992)”;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) under section 101(a)(15)(H)(v)(a), may not exceed—

“(i) 400,000 for the first fiscal year in which the program is implemented;

“(ii) in any subsequent fiscal year—

“(I) if the total number of visas allocated for that fiscal year are allotted within the first quarter of that fiscal year, then an additional 20 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 20 percent of the original allocated amount in the prior fiscal year;

“(II) if the total number of visas allocated for that fiscal year are allotted within the second quarter of that fiscal year, then an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

“(III) if the total number of visas allocated for that fiscal year are allotted within the third quarter of that fiscal year, then an additional 10 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year;

“(IV) if the total number of visas allocated for that fiscal year are allotted within the last quarter of that fiscal year, then the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; and

“(V) with the exception of the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.”; and

(2) by adding at the end the following:

“(9)(A) Of the total number of visas allocated for each fiscal year under paragraph (1)(C)—

“(i) 50,000 visas shall be allocated to qualifying counties; and

“(ii) any of the visas allocated under clause (i) that are not issued by June 30 of such fiscal year, may be made available to any qualified applicant.

“(B) In this paragraph, the term ‘qualifying county’ means any county that—

“(i) that is outside a metropolitan statistical area; and

“(ii) during the 20-year-period ending on the last day of the calendar year preceding the date of enactment of the Secure America and Orderly Immigration Act, experienced a net out-migration of inhabitants from the county of at least 10 percent of the population of the county at the beginning of such period.

“(10) In allocating visas under this subsection, the Secretary of State may take any additional measures necessary to deter illegal immigration.".

SEC. 306. ADJUSTMENT TO LAWFUL PERMANENT RESIDENT STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n)(1) For purposes of adjustment of status under subsection (a), employment-based immigrant visas shall be made available to an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) upon the filing of a petition for such a visa—

"(A) by the alien's employer; or

"(B) by the alien, if the alien has maintained such nonimmigrant status in the United States for a cumulative total of 4 years.

"(2) An alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) may not apply for adjustment of status under this section unless the alien—

"(A) is physically present in the United States; and

"(B) the alien establishes that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(3) An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(4) Filing a petition under paragraph (1) on behalf of an alien or otherwise seeking permanent residence in the United States for such alien shall not constitute evidence of the alien's ineligibility for nonimmigrant status under section 101(a)(15)(H)(v)(a).

"(5) The limitation under section 302(d) regarding the period of authorized stay shall not apply to any alien having nonimmigrant status under section 101(a)(15)(H)(v)(a) if—

"(A) a labor certification petition filed under section 203(b) on behalf of such alien is pending; or

"(B) an immigrant visa petition filed under section 204(b) on behalf of such alien is pending.

"(6) The Secretary of Homeland Security shall extend the stay of an alien who qualifies for an exemption under paragraph (5) in 1-year increments until a final decision is made on the alien's lawful permanent residence.

"(7) Nothing in this subsection shall be construed to prevent an alien having nonimmigrant status described in section 101(a)(15)(H)(v)(a) from filing an application for adjustment of status under this section in accordance with any other provision of law.".

SEC. 307. ESSENTIAL WORKER VISA PROGRAM TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—There is established a task force to be known as the Essential Worker Visa Program Task Force (referred to in this section as the "Task Force").

(2) PURPOSES.—The purposes of the Task Force are—

(A) to study the Essential Worker Visa Program (referred to in this section as the "Program") established under this title; and

(B) to make recommendations to Congress with respect to such program.

(3) MEMBERSHIP.—The Task Force shall be composed of 10 members, of whom—

(A) 1 shall be appointed by the President and shall serve as chairman of the Task Force;

(B) 1 shall be appointed by the leader of the Democratic Party in the Senate, in consultation with the leader of the Democratic Party in the House of Representatives, and shall serve as vice chairman of the Task Force;

(C) 2 shall be appointed by the majority leader of the Senate;

(D) 2 shall be appointed by the minority leader of the Senate;

(E) 2 shall be appointed by the Speaker of the House of Representatives; and

(F) 2 shall be appointed by the minority leader of the House of Representatives.

(4) QUALIFICATIONS.—

(A) IN GENERAL.—Members of the Task Force shall be—

(i) individuals with expertise in economics, demography, labor, business, or immigration or other pertinent qualifications or experience; and

(ii) representative of a broad cross-section of perspectives within the United States, including the public and private sectors and academia;

(B) POLITICAL AFFILIATION.—Not more than 5 members of the Task Force may be members of the same political party.

(C) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Task Force may not be an officer or employee of the Federal Government or of any State or local government.

(5) DEADLINE FOR APPOINTMENT.—All members of the Task Force shall be appointed not later than 6 months after the Program has been implemented.

(6) VACANCIES.—Any vacancy in the Task Force shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(7) MEETINGS.—

(A) INITIAL MEETING.—The Task Force shall meet and begin the operations of the Task Force as soon as practicable.

(B) SUBSEQUENT MEETINGS.—After its initial meeting, the Task Force shall meet upon the call of the chairman or a majority of its members.

(8) QUORUM.—Six members of the Task Force shall constitute a quorum.

(b) DUTIES.—The Task Force shall examine and make recommendations regarding the Program, including recommendations regarding—

(1) the development and implementation of the Program;

(2) the criteria for the admission of temporary workers under the Program;

(3) the formula for determining the yearly numerical limitations of the Program;

(4) the impact of the Program on immigration;

(5) the impact of the Program on the United States workforce and United States businesses; and

(6) any other matters regarding the Program that the Task Force considers appropriate.

(c) INFORMATION AND ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION FROM FEDERAL AGENCIES.—The Task Force may seek directly from any Federal department or agency such information, including suggestions, estimates, and statistics, as the Task Force considers necessary to carry out the provisions of this section. Upon request of the Task Force, the head of such department or agency shall furnish such information to the Task Force.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—The Administrator of General Services shall, on a reimbursable base, provide the Task Force with administrative support and other services for the performance of the Task Force's functions. The departments and agencies of the United States may provide the Task Force with such services, funds, facilities, staff, and other support services as they determine advisable and as authorized by law.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the Program has been implemented, the Task Force shall submit a report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains—

(A) findings with respect to the duties of the Task Force;

(B) recommendations for improving the Program; and

(C) suggestions for legislative or administrative action to implement the Task Force recommendations.

(2) FINAL REPORT.—Not later than 4 years after the submission of the initial report under paragraph (1), the Task Force shall submit a final report to Congress, the Secretary of State, the Secretary of Labor, and the Secretary of Homeland Security that contains additional findings, recommendations, and suggestions, as described in paragraph (1).

SEC. 308. WILLING WORKER-WILLING EMPLOYER ELECTRONIC JOB REGISTRY.

(a) ESTABLISHMENT.—The Secretary of Labor shall direct the coordination and modification of the national system of public labor exchange services (commonly known as "America's Job Bank") in existence on the date of enactment of this Act to provide information on essential worker employment opportunities available to United States workers and nonimmigrant workers under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act, as added by this Act.

(b) RECRUITMENT OF UNITED STATES WORKERS.—Before the completion of evidence of employment for a potential nonimmigrant worker under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a), an employer shall attest that the employer has posted in the Job Registry for not less than 30 days in order to recruit United States workers. An employer shall maintain records for not less than 1 year demonstrating why United States workers who applied were not hired.

(c) OVERSIGHT AND MAINTENANCE OF RECORDS.—The Secretary of Labor shall maintain electronic job registry records, as established by regulation, for the purpose of audit or investigation.

(d) ACCESS TO JOB REGISTRY.—

(1) CIRCULATION IN INTERSTATE EMPLOYMENT SERVICE SYSTEM.—The Secretary of Labor shall ensure that job opportunities advertised on the electronic job registry established under this section are accessible by the State workforce agencies, which may further disseminate job opportunity information to other interested parties.

(2) INTERNET.—The Secretary of Labor shall ensure that the Internet-based electronic job registry established or approved under this section may be accessed by workers, employers, labor organizations, and other interested parties.

SEC. 309. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of State such sums as may be necessary to carry out this title and the amendments made by this title for the period beginning on the date of enactment of this Act and ending on the last day of the sixth fiscal year beginning after the effective date of the regulations promulgated by the Secretary to implement this title.

TITLE IV—ENFORCEMENT

SEC. 401. DOCUMENT AND VISA REQUIREMENTS.

(a) In General.—Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended by adding at the end the following:

“(3) Visas and Immigration Related Document Requirements.—

“(A) Visas issued by the Secretary of State and immigration related documents issued by the Secretary of State or the Secretary of Homeland Security shall comply with authentication and biometric standards recognized by domestic and international standards organizations.

“(B) Such visas and documents shall—

“(i) be machine-readable and tamper-resistant;

“(ii) use biometric identifiers that are consistent with the requirements of section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732), and represent the benefits and status set forth in such section;

“(iii) comply with the biometric and document identifying standards established by the International Civil Aviation Organization; and

“(iv) be compatible with the United States Visitor and Immigrant Status Indicator Technology and the employment verification system established under section 274E.

“(C) The information contained on the visas or immigration related documents described in subparagraph (B) shall include—

“(i) the alien's name, date and place of birth, alien registration or visa number, and, if applicable, social security number;

“(ii) the alien's citizenship and immigration status in the United States; and

“(iii) the date that such alien's authorization to work in the United States expires, if appropriate.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on the date that is 6 months after the date of enactment of this Act.

SEC. 402. EMPLOYMENT ELIGIBILITY CONFIRMATION SYSTEM.

(a) In General.—Chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) is amended by inserting after section 274D the following:

“EMPLOYMENT ELIGIBILITY

“Sec. 274E. (a) Employment Eligibility Confirmation System.—

“(1) In general.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish an Employment Eligibility Confirmation System (referred to in this section as the ‘System’) through which the Commissioner responds to inquiries made by employers who have hired individuals concerning each individual's identity and employment authorization.

“(2) Maintenance of records.—The Commissioner shall electronically maintain records by which compliance under the System may be verified.

“(3) Objectives of the system.—The System shall—

“(A) facilitate the eventual transition for all businesses from the employer verification system established in section 274A with the System;

“(B) utilize, as a central feature of the System, machine-readable documents that contain encrypted electronic information to verify employment eligibility; and

“(C) provide for the evidence of employment required under section 218A.

“(4) Initial response.—The System shall provide—

“(A) confirmation or a tentative nonconfirmation of an individual's identity and employment eligibility not later than 1 working day after the initial inquiry; and

“(B) an appropriate code indicating such confirmation or tentative nonconfirmation.

“(5) Secondary verification process in case of tentative nonconfirmation.—

“(A) Establishment.—For cases of tentative nonconfirmation, the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security, shall establish a secondary verification process. The employer shall make the secondary verification inquiry not later than 10 days after receiving a tentative nonconfirmation.

“(B) Discrepancies.—If an employee chooses to contest a secondary nonconfirmation, the employer shall provide the employee with a referral letter and instruct the employee to visit an office of the Department of Homeland Security or the Social Security Administration to resolve the discrepancy not later than 10 working days after the receipt of such referral letter in order to obtain confirmation.

“(C) Failure to contest.—An individual's failure to contest a confirmation shall not constitute knowledge (as defined in section 274a.1(l) of title 8, Code of Federal Regulations.

“(6) Design and operation of system.—The System shall be designed, implemented, and operated—

“(A) to maximize its reliability and ease of use consistent with protecting the privacy and security of the underlying information through technical and physical safeguards;

“(B) to allow employers to verify that a newly hired individual is authorized to be employed;

“(C) to permit individuals to—

“(i) view their own records in order to ensure the accuracy of such records; and

“(ii) contact the appropriate agency to correct any errors through an expedited process established by the Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security; and

“(D) to prevent discrimination based on national origin or citizenship status under section 274B.

“(7) Unlawful uses of system.—It shall be an unlawful immigration-related employment practice—

“(A) for employers or other third parties to use the System selectively or without authorization;

“(B) to use the System prior to an offer of employment;

“(C) to use the System to exclude certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants;

“(D) to use the System to deny certain employment benefits, otherwise interfere with the labor rights of employees, or any other unlawful employment practice; or

“(E) to take adverse action against any person, including terminating or suspending an employee who has received a tentative nonconfirmation.

“(b) Employment Eligibility Database.—

“(1) Requirement.—The Commissioner of Social Security, in consultation and coordination with the Secretary of Homeland Security and other appropriate agencies, shall design, implement, and maintain an Employment Eligibility Database (referred to in this section as the ‘Database’) as described in this subsection.

“(2) Data.—The Database shall include, for each individual who is not a citizen or national of the United States, but is authorized or seeking authorization to be employed in the United States, the individual's—

“(A) country of origin;

“(B) immigration status;

“(C) employment eligibility;

“(D) occupation;

“(E) metropolitan statistical area of employment;

“(F) annual compensation paid;

“(G) period of employment eligibility;

“(H) employment commencement date; and

“(I) employment termination date.

“(3) Reverification of employment eligibility.—The Commissioner of Social Security shall prescribe, by regulation, a system to annually reverify the employment eligibility of each individual described in this section—

“(A) by utilizing the machine-readable documents described in section 221(a)(3); or

“(B) if machine-readable documents are not available, by telephonic or electronic communication.

“(4) Confidentiality.—

“(A) Access to database.—No officer or employee of any agency or department of the United States, other than individuals responsible for the verification of employment eligibility or for the evaluation of the employment verification program at the Social Security Administration, the Department of Homeland Security, and the Department of Labor, may have access to any information contained in the Database.

“(B) Protection from unauthorized disclosure.—Information in the Database shall be adequately protected against unauthorized disclosure for other purposes, as provided in regulations established by the Commissioner of Social Security, in consultation with the Secretary of Homeland Security and the Secretary of Labor.

“(5) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to design, implement, and maintain the Database.

“(c) Gradual Implementation.—The Commissioner of Social Security, in coordination with the Secretary of Homeland Security and the Secretary of Labor shall develop a plan to phase all workers into the Database and phase out the employer verification system established in section 274A over a period of time that the Commissioner determines to be appropriate.

“(d) Employer Responsibilities.—Each employer shall—

“(1) notify employees and prospective employees of the use of the System and that the System may be used for immigration enforcement purposes;

“(2) verify the identification and employment authorization status for newly hired individuals described in section 101(a)(15)(H)(v)(a) not later than 3 days after the date of hire;

“(3) use—

“(A) a machine-readable document described in subsection (a)(3)(B); or

“(B) the telephonic or electronic system to access the Database;

“(4) provide, for each employer hired, the occupation, metropolitan statistical area of employment, and annual compensation paid;

“(5) retain the code received indicating confirmation or nonconfirmation, for use in investigations described in section 212(n)(2); and

“(6) provide a copy of the employment verification receipt to such employees.

"(e) GOOD-FAITH COMPLIANCE.—

"(1) AFFIRMATIVE DEFENSE.—A person or entity that establishes good faith compliance with the requirements of this section with respect to the employment of an individual in the United States has established an affirmative defense that the person or entity has not violated this section.

"(2) LIMITATION.—Paragraph (1) shall not apply if a person or entity engages in an unlawful immigration-related employment practice described in subsection (a)(7).".

(b) INTERIM DIRECTIVE.—Before the implementation of the Employment Eligibility Confirmation System (referred to in this section as the "System") established under section 274E of the Immigration and Nationality Act, as added by subsection (a), the Commissioner of Social Security, in coordination with the Secretary of Homeland Security, shall, to the maximum extent practicable, implement an interim system to confirm employment eligibility that is consistent with the provisions of such section.

(c) REPORTS.—

(1) IN GENERAL.—Not later than 3 months after the last day of the second year and of the third year that the System is in effect, the Comptroller General of the United States shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the System.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) an assessment of the impact of the System on the employment of unauthorized workers;

(B) an assessment of the accuracy of the Employment Eligibility Database maintained by the Department of Homeland Security and Social Security Administration databases, and timeliness and accuracy of responses from the Department of Homeland Security and the Social Security Administration to employers;

(C) an assessment of the privacy, confidentiality, and system security of the System;

(D) assess whether the System is being implemented in a nondiscriminatory manner; and

(E) include recommendations on whether or not the System should be modified.

SEC. 403. IMPROVED ENTRY AND EXIT DATA SYSTEM.

Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subsection (b)—

(A) in paragraph (1)(C), by striking "Justice" and inserting "Homeland Security";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) collects the biometric machine-readable information from an alien's visa or immigration-related document described in section 221(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1201(a)(3) at the time an alien arrives in the United States and at the time an alien departs from the United States to determine if such alien is entering, or is present in, the United States unlawfully."; and

(3) in subsection (f)(1), by striking "Departments of Justice and State" and inserting "Department of Homeland Security and the Department of State".

SEC. 404. DEPARTMENT OF LABOR INVESTIGATIVE AUTHORITIES.

Section 212(n)(2) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)) is amended—

(1) by redesignating subparagraph (H) as subparagraph (J); and

(2) by inserting after subparagraph (G) the following:

"(H)(i) The Secretary of Labor may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(H)(v)(a) if the Secretary, or the Secretary's designee—

"(I) certifies that reasonable cause exists to believe that the employer is out of compliance with the Secure America and Orderly Immigration Act or section 274E; and

"(II) approves the commencement of the investigation.

"(ii) In determining whether reasonable cause exists to initiate an investigation under this section, the Secretary shall—

"(I) monitor the Willing Worker-Willing Employer Electronic Job Registry;

"(II) monitor the Employment Eligibility Confirmation System, taking into consideration whether—

"(aa) an employer's submissions to the System generate a high volume of tentative nonconfirmation responses relative to other comparable employers;

"(bb) an employer rarely or never screens hired individuals;

"(cc) individuals employed by an employer rarely or never pursue a secondary verification process as established in section 274E; or

"(dd) any other indicators of illicit, inappropriate or discriminatory use of the System, especially those described in section 274E(a)(6)(D), exist; and

"(III) consider any additional evidence that the Secretary determines appropriate.

"(iii) Absent other evidence of noncompliance, an investigation under this subparagraph should not be initiated for lack of completeness or obvious inaccuracies by the employer in complying with section 101(a)(15)(H)(v)(a).".

SEC. 405. PROTECTION OF EMPLOYMENT RIGHTS.

The Secretary and the Secretary of Homeland Security shall establish a process under which a nonimmigrant worker described in clause (ii)(b) or (v)(a) of section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) who files a nonfrivolous complaint regarding a violation of this section and is otherwise eligible to remain and work in the United States may be allowed to seek other appropriate employment in the United States with an employer for a period not to exceed the maximum period of stay authorized for that nonimmigrant classification.

SEC. 406. INCREASED FINES FOR PROHIBITED BEHAVIOR.

Section 274B(g)(2)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324b(g)(2)(B)(iv)) is amended—

(1) in subclause (I), by striking "not less than $250 and not more than $2,000" and inserting "not less than $500 and not more than $4,000";

(2) in subclause (II), by striking "not less than $2,000 and not more than $5,000" and inserting "not less than $4,000 and not more than $10,000"; and

(3) in subclause (III), by striking "not less than $3,000 and not more than $10,000" and inserting "not less than $6,000 and not more than $20,000".

TITLE V—PROMOTING CIRCULAR MIGRATION PATTERNS

SEC. 501. LABOR MIGRATION FACILITATION PROGRAMS.

(a) AUTHORITY FOR PROGRAM.—

(1) IN GENERAL.—The Secretary of State is authorized to enter into an agreement to establish and administer a labor migration facilitation program jointly with the appropriate official of a foreign government whose citizens participate in the temporary worker program authorized under section 101(a)(15)(H)(v)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)).

(2) PRIORITY.—In establishing programs under subsection (a), the Secretary of State shall place a priority on establishing such programs with foreign governments that have a large number of nationals working as temporary workers in the United States under such section 101(a)(15)(H)(v)(a). The Secretary shall enter into such agreements not later than 3 months after the date of enactment of this Act or as soon thereafter as is practicable.

(3) ELEMENTS OF PROGRAM.—A program established under paragraph (1) may provide for—

(A) the Secretary of State, in conjunction with the Secretary of Homeland Security and the Secretary of Labor, to confer with a foreign government—

(i) to establish and implement a program to assist temporary workers from such a country to obtain nonimmigrant status under such section 101(a)(15)(H)(v)(a);

(ii) to establish programs to create economic incentives for aliens to return to their home country;

(B) the foreign government to monitor the participation of its nationals in such a temporary worker program, including departure from and return to a foreign country;

(C) the foreign government to develop and promote a reintegration program available to such individuals upon their return from the United States;

(D) the foreign government to promote or facilitate travel of such individuals between the country of origin and the United States; and

(E) any other matters that the foreign government and United States find appropriate to enable such individuals to maintain strong ties to their country of origin.

SEC. 502. BILATERAL EFFORTS WITH MEXICO TO REDUCE MIGRATION PRESSURES AND COSTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Migration from Mexico to the United States is directly linked to the degree of economic opportunity and the standard of living in Mexico.

(2) Mexico comprises a prime source of migration to the United States.

(3) Remittances from Mexican citizens working in the United States reached a record high of nearly $17,000,000,000 in 2004.

(4) Migration patterns may be reduced from Mexico to the United States by addressing the degree of economic opportunity available to Mexican citizens.

(5) Many Mexican assets are held extra-legally and cannot be readily used as collateral for loans.

(6) A majority of Mexican businesses are small or medium size with limited access to financial capital.

(7) These factors constitute a major impediment to broad-based economic growth in Mexico.

(8) Approximately 20 percent of Mexico's population works in agriculture, with the

majority of this population working on small farms and few on large commercial enterprises.

(9) The Partnership for Prosperity is a bilateral initiative launched jointly by the President of the United States and the President of Mexico in 2001, which aims to boost the social and economic standards of Mexican citizens, particularly in regions where economic growth has lagged and emigration has increased.

(10) The Presidents of Mexico and the United States and the Prime Minister of Canada, at their trilateral summit on March 23, 2005, agreed to promote economic growth, competitiveness, and quality of life in the agreement on Security and Prosperity Partnership of North America.

(b) Sense of Congress Regarding Partnership for Prosperity.—It is the sense of Congress that the United States and Mexico should accelerate the implementation of the Partnership for Prosperity to help generate economic growth and improve the standard of living in Mexico, which will lead to reduced migration, by—

(1) increasing access for poor and under served populations in Mexico to the financial services sector, including credit unions;

(2) assisting Mexican efforts to formalize its extra-legal sector, including the issuance of formal land titles, to enable Mexican citizens to use their assets to procure capital;

(3) facilitating Mexican efforts to establish an effective rural lending system for small- and medium-sized farmers that will—

(A) provide long term credit to borrowers;

(B) develop a viable network of regional and local intermediary lending institutions; and

(C) extend financing for alternative rural economic activities beyond direct agricultural production;

(4) expanding efforts to reduce the transaction costs of remittance flows in order to increase the pool of savings available to help finance domestic investment in Mexico;

(5) encouraging Mexican corporations to adopt internationally recognized corporate governance practices, including anti-corruption and transparency principles;

(6) enhancing Mexican efforts to strengthen governance at all levels, including efforts to improve transparency and accountability, and to eliminate corruption, which is the single biggest obstacle to development;

(7) assisting the Government of Mexico in implementing all provisions of the Inter-American Convention Against Corruption (ratified by Mexico on May 27, 1997) and urging the Government of Mexico to participate fully in the Convention's formal implementation monitoring mechanism;

(8) helping the Government of Mexico to strengthen education and training opportunities throughout the country, with a particular emphasis on improving rural education; and

(9) encouraging the Government of Mexico to create incentives for persons who have migrated to the United States to return to Mexico.

(c) Sense of Congress Regarding Bilateral Partnership on Health Care.—It is the sense of Congress that the Government of the United States and the Government of Mexico should enter into a partnership to examine uncompensated and burdensome health care costs incurred by the United States due to legal and illegal immigration, including—

(1) increasing health care access for poor and under served populations in Mexico;

(2) assisting Mexico in increasing its emergency and trauma health care facilities along the border, with emphasis on expanding prenatal care in the United States-Mexico border region;

(3) facilitating the return of stable, incapacitated workers temporarily employed in the United States to Mexico in order to receive extended, long-term care in their home country; and

(4) helping the Government of Mexico to establish a program with the private sector to cover the health care needs of Mexican nationals temporarily employed in the United States.

TITLE VI—FAMILY UNITY AND BACKLOG REDUCTION

SEC. 601. ELIMINATION OF EXISTING BACKLOGS.

(a) Family-Sponsored Immigrants.—Section 201(c) of the Immigration and Nationality Act (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 480,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 minus the number of visas issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.".

(b) Employment-Based Immigrants.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)) is amended to read as follows:

"(d) Worldwide Level of Employment-Based Immigrants.—The worldwide level of employment-based immigrants under this subsection for a fiscal year is equal to the sum of—

"(1) 290,000;

"(2) the difference between the maximum number of visas authorized to be issued under this subsection during the previous fiscal year and the number of visas issued during the previous fiscal year; and

"(3) the difference between—

"(A) the maximum number of visas authorized to be issued under this subsection during fiscal years 2001 through 2005 and the number of visa numbers issued under this subsection during those years; and

"(B) the number of visas described in subparagraph (A) that were issued after fiscal year 2005.".

SEC. 602. COUNTRY LIMITS.

Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152(a)) is amended—

(1) in paragraph (2)—

(A) by striking ", (4), and (5)" and inserting "and (4)"; and

(B) by striking "7 percent (in the case of a single foreign state) or 2 percent" and inserting "10 percent (in the case of a single foreign state) or 5 percent"; and

(2) by striking paragraph (5).

SEC. 603. ALLOCATION OF IMMIGRANT VISAS.

(a) Preference Allocation for Family-Sponsored Immigrants.—Section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) is amended to read as follows:

"(a) Preference Allocations for Family-Sponsored Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allocated visas as follows:

"(1) Unmarried sons and daughters of citizens.—Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the class specified in paragraph (4).

"(2) Spouses and unmarried sons and daughters of permanent resident aliens.—Visas in a quantity not to exceed 50 percent of such worldwide level plus any visas not required for the class specified in paragraph (1) shall be allocated to qualified immigrants—

"(A) who are the spouses or children of an alien lawfully admitted for permanent residence, which visas shall constitute not less than 77 percent of the visas allocated under this paragraph; or

"(B) who are the unmarried sons or daughters of an alien lawfully admitted for permanent residence.

"(3) Married sons and daughters of citizens.—Qualified immigrants who are the married sons and daughters of citizens of the United States shall be allocated visas in a quantity not to exceed 10 percent of such worldwide level plus any visas not required for the classes specified in paragraphs (1) and (2).

"(4) Brothers and sisters of citizens.—Qualified immigrants who are the brothers or sisters of citizens of the United States who are at least 21 years of age shall be allocated visas in a quantity not to exceed 30 percent of the worldwide level plus any visas not required for the classes specified in paragraphs (1) through (3).".

(b) Preference Allocation for Employment-Based Immigrants.—Section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b)) is amended—

(1) in paragraph (1), by striking "28.6 percent" and inserting "20 percent";

(2) in paragraph (2)(A), by striking "28.6 percent" and inserting "20 percent";

(3) in paragraph (3)(A)—

(A) by striking "28.6 percent" and inserting "35 percent"; and

(B) by striking clause (iii);

(4) by striking paragraph (4);

(5) by redesignating paragraph (5) as paragraph (4);

(6) in paragraph (4)(A), as redesignated, by striking "7.1 percent" and inserting "5 percent";

(7) by inserting after paragraph (4), as redesignated, the following:

"(5) Other workers.—Visas shall be made available, in a number not to exceed 30 percent of such worldwide level, plus any visa numbers not required for the classes specified in paragraphs (1) through (4), to qualified immigrants who are capable, at the time of petitioning for classification under this paragraph, of performing unskilled labor that is not of a temporary or seasonal nature, for which qualified workers are determined to be unavailable in the United States, or to nonimmigrants under section 101(a)(15)(H)(v)(a)."; and

(8) by striking paragraph (6).

(c) Conforming Amendments.—

(1) Definition of special immigrant.—Section 101(a)(27)(M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(M)) is amended by striking "subject to the numerical limitations of section 203(b)(4).".

(2) Repeal of temporary reduction in workers' visas.—Section 203(e) of the Nicaraguan Adjustment and Central American Relief Act (8 U.S.C. 1153 note) is repealed.

SEC. 604. RELIEF FOR CHILDREN AND WIDOWS.

(a) IN GENERAL.—Section 201(b)(2)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(2)(A)(i)) is amended by striking "spouses, and parents of a citizen of the United States" and inserting "(and their children who are accompanying or following to join them), the spouses (and their children who are accompanying or following to join them), and the parents of a citizen of the United States (and their children who are accompanying or following to join them)".

(b) PETITION.—Section 204(a)(1)(A)(ii) of the Immigration and Nationality Act (8 U.S.C. 1154 (a)(1)(A)(ii) is amended by inserting "or an alien child or alien parent described in the third sentence of section 201(b)(2)(A)(i)" after "section 201(b)(2)(A)(i)".

(c) ADJUSTMENT OF STATUS.—Section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) is amended by adding at the end the following:

"(n) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSES, CHILDREN, AND PARENTS.—

"(1) IN GENERAL.—Notwithstanding subsections (a) and (c) (except subsection (c)(6)), any alien described in paragraph (2) who applied for adjustment of status prior to the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

"(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

"(A) is an immediate relative (as defined in section 201(b)(2)(A)(i));

"(B) is a family-sponsored immigrant (as described in subsection (a) or (d) of section 203);

"(C) is a derivative beneficiary of an employment-based immigrant under section 203(b), as described in section 203(d); or

"(D) is a derivative beneficiary of a diversity immigrant (as described in section 203(c)).".

(d) TRANSITION PERIOD.—Notwithstanding a denial of an application for adjustment of status not more than 2 years before the date of enactment of this Act, in the case of an alien whose qualifying relative died before the date of enactment of this Act, such application may be renewed by the alien through a motion to reopen, without fee, filed not later than 1 year after the date of enactment of this Act.

SEC. 605. AMENDING THE AFFIDAVIT OF SUPPORT REQUIREMENTS.

Section 213A of the Immigration and Nationality Act (8 U.S.C. 1183a) is amended—

(1) in subsection (a)(1)(A), by striking "125" and inserting "100"; and

(2) in subsection (f), by striking "125" each place it appears and inserting "100".

SEC. 606. DISCRETIONARY AUTHORITY.

Section 212(i) of the Immigration and Nationality Act (8 U.S.C. 1182(i)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

"(2)(A) The Secretary of Homeland Security may waive the application of subsection (a)(6)(C)—

"(i) in the case of an immigrant who is the spouse, parent, son, or daughter of a United States citizen or of an alien lawfully admitted for permanent residence, if the Secretary of Homeland Security determines that the refusal of admission to the United States of such immigrant alien would result in extreme hardship to the citizen or lawfully resident spouse, child, son, daughter, or parent of such an alien; or

"(ii) in the case of an alien granted classification under clause (iii) or (iv) of section 204(a)(1)(A) or clause (ii) or (iii) of section 204(a)(1)(B), the alien demonstrates extreme hardship to the alien or the alien's parent or child if, such parent or child is a United States citizen, a lawful permanent resident, or a qualified alien.

"(B) An alien who is granted a waiver under subparagraph (A) shall pay a $2,000 fine.".

SEC. 607. FAMILY UNITY.

Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)) is amended—

(1) in subparagraph (B)(iii)(I), by striking "18" and inserting "21"; and

(2) in subparagraph (C)(ii)—

(A) by redesignating subclauses (1) and (2) as subclauses (I) and (II); and

(B) in subclause (II), as redesignated, by redesignating items (A), (B), (C), and (D) as items (aa), (bb), (cc), and (dd); and

(3) by adding at the end the following:

"(D) WAIVER.—

"(i) IN GENERAL.—The Secretary may waive the application of subparagraphs (B) and (C) for an alien who is a beneficiary of a petition filed under sections 201 and 203 if such petition was filed on or before the date of introduction of Secure America and Orderly Immigration Act.

"(ii) FINE.—An alien who is granted a waiver under clause (i) shall pay a $2.000 fine.".

TITLE VII—H–5B NONIMMIGRANTS

SEC. 701. H–5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by adding after section 250 the following:

"H–5B NONIMMIGRANTS

"SEC. 250A. (a) IN GENERAL.—The Secretary of Homeland Security shall adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) if the alien—

"(1) submits an application for such adjustment; and

"(2) meets the requirements of this section.

"(b) PRESENCE IN THE UNITED STATES.—The alien shall establish that the alien—

"(1) was present in the United States before the date on which the Secure America and Orderly Immigration Act was introduced, and has been continuously in the United States since such date; and

"(2) was not legally present in the United States on the date on which the Secure America and Orderly Immigration Act was introduced under any classification set forth in section 101(a)(15).

"(c) SPOUSES AND CHILDREN.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall, if the person is otherwise eligible under subsection (b)—

"(1) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for, or provide a nonimmigrant visa to, the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b); or

"(2) adjust the status to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) for an alien who, before the date on which the Secure America and Orderly Immigration Act was introduced in Congress, was the spouse or child of an alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b), or is eligible for such status, if—

"(A) the termination of the qualifying relationship was connected to domestic violence; and

"(B) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent alien who is provided nonimmigrant status under section 101(a)(15)(H)(v)(b).

"(d) OTHER CRITERIA.—

"(1) IN GENERAL.—An alien may be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), if the alien establishes that the alien—

"(A) is not inadmissible to the United States under section 212(a), except as provided in paragraph (2); or

"(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

"(2) GROUNDS OF INADMISSIBILITY.—In determining an alien's admissibility under paragraph (1)(A)—

"(A) paragraphs (5), (6)(A), (6)(B), (6)(C), (6)(F), (6)(G), (7), (9), and (10)(B) of section 212(a) shall not apply for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced;

"(B) the Secretary of Homeland Security may not waive—

"(i) subparagraph (A), (B), (C), (E), (G), (H), or (I) of section 212(a)(2) (relating to criminals);

"(ii) section 212(a)(3) (relating to security and related grounds); or

"(iii) subparagraph (A) or (C) of section 212(a)(10) (relating to polygamists and child abductors);

"(C) for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced, the Secretary of Homeland Security may waive the application of any provision of section 212(a) not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or when such waiver is otherwise in the public interest; and

"(D) nothing in this paragraph shall be construed as affecting the authority of the Secretary of Homeland Security other than under this paragraph to waive the provisions of section 212(a).

"(3) APPLICABILITY OF OTHER PROVISIONS.—Sections 240B(d) and 241(a)(5) shall not apply to an alien who is applying for adjustment of status in accordance with this title for conduct that occurred before the date on which the Secure America and Orderly Immigration Act was introduced.

"(e) EMPLOYMENT.—

"(1) IN GENERAL.—The Secretary of Homeland Security may not adjust the status of an alien to that of a nonimmigrant under section 101(a)(15)(H)(v)(b) unless the alien establishes that the alien—

"(A) was employed in the United States, whether full time, part time, seasonally, or self-employed, before the date on which the Secure America and Orderly Immigration Act was introduced; and

"(B) has been employed in the United States since that date.

"(2) EVIDENCE OF EMPLOYMENT.—

"(A) CONCLUSIVE DOCUMENTS.—An alien may conclusively establish employment status in compliance with paragraph (1) by submitting to the Secretary of Homeland Security records demonstrating such employment maintained by—

"(i) the Social Security Administration, Internal Revenue Service, or by any other Federal, State, or local government agency;

"(ii) an employer; or

"(iii) a labor union, day labor center, or an organization that assists workers in matters related to employment.

"(B) OTHER DOCUMENTS.—An alien who is unable to submit a document described in clauses (i) through (iii) of subparagraph (A) may satisfy the requirement in paragraph (1) by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

"(i) bank records;

"(ii) business records;

"(iii) sworn affidavits from nonrelatives who have direct knowledge of the alien's work; or

"(iv) remittance records.

"(3) INTENT OF CONGRESS.—It is the intent of Congress that the requirement in this subsection be interpreted and implemented in a manner that recognizes and takes into account the difficulties encountered by aliens in obtaining evidence of employment due to the undocumented status of the alien.

"(4) BURDEN OF PROOF.—An alien described in paragraph (1) who is applying for adjustment of status under this section has the burden of proving by a preponderance of the evidence that the alien has satisfied the requirements of this subsection. An alien may meet such burden of proof by producing sufficient evidence to demonstrate such employment as a matter of reasonable inference.

"(f) SPECIAL RULES FOR MINORS AND INDIVIDUALS WHO ENTERED AS MINORS.—The employment requirements under this section shall not apply to any alien under 21 years of age.

"(g) EDUCATION PERMITTED.—An alien may satisfy the employment requirements under this section, in whole or in part, by full-time attendance at—

"(1) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); or

"(2) a secondary school (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)).

"(h) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

"(1) SUBMISSION OF FINGERPRINTS.—An alien may not be granted nonimmigrant status under section 101(a)(15)(H)(v)(b), or granted status as the spouse or child of an alien eligible for such status under subsection (c), unless the alien submits fingerprints in accordance with procedures established by the Secretary of Homeland Security.

"(2) BACKGROUND CHECKS.—The Secretary of Homeland Security shall utilize fingerprints and other data provided by the alien to conduct a background check of such alien relating to criminal, national security, or other law enforcement actions that would render the alien ineligible for adjustment of status as described in this section.

"(3) EXPEDITIOUS PROCESSING.—The background checks required under paragraph (2) shall be conducted as expeditiously as possible.

"(i) PERIOD OF AUTHORIZED STAY AND APPLICATION FEE AND FINE.—

"(1) PERIOD OF AUTHORIZED STAY.—

"(A) IN GENERAL.—The period of authorized stay for a nonimmigrant described in section 101(a)(15)(H)(v)(b) shall be 6 years.

"(B) LIMITATION.—The Secretary of Homeland Security may not authorize a change from such nonimmigrant classification to any other immigrant or nonimmigrant classification until the termination of the 6-year period described in subparagraph (A). The Secretary may only extend such period to accommodate the processing of an application for adjustment of status under section 245B.

"(2) APPLICATION FEE.—The Secretary of Homeland Security shall impose a fee for filing an application for adjustment of status under this section. Such fee shall be sufficient to cover the administrative and other expenses incurred in connection with the review of such applications.

"(3) FINES.—

"(A) IN GENERAL.—In addition to the fee required under paragraph (2), the Secretary of Homeland Security may accept an application for adjustment of status under this section only if the alien pays a $1,000 fine.

"(B) EXCEPTION.—Fines paid under this paragraph shall not be required from an alien under the age of 21.

"(4) COLLECTION OF FEES AND FINES.—All fees and fines collected under this section shall be deposited in the Treasury in accordance with section 286(w).

"(j) TREATMENT OF APPLICANTS.—

"(1) IN GENERAL.—An alien who files an application under this section, including the alien's spouse or child—

"(A) shall be granted employment authorization pending final adjudication of the alien's application for adjustment of status;

"(B) shall be granted permission to travel abroad;

"(C) may not be detained, determined inadmissible or deportable, or removed pending final adjudication of the alien's application for adjustment of status, unless the alien, through conduct or criminal conviction, becomes ineligible for such adjustment of status; and

"(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3)) until employment authorization under subparagraph (A) is denied.

"(2) BEFORE APPLICATION PERIOD.—If an alien is apprehended after the date of enactment of this section, but before the promulgation of regulations pursuant to this section, and the alien can establish prima facie eligibility as a nonimmigrant under section 101(a)(15)(H)(v)(b), the Secretary of Homeland Security shall provide the alien with a reasonable opportunity, after promulgation of regulations, to file an application for adjustment.

"(3) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of this Act, an alien who is in removal proceedings shall have an opportunity to apply for adjustment of status under this title unless a final administrative determination has been made.

"(4) RELATIONSHIPS OF APPLICATION TO CERTAIN ORDERS.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of this Act may, notwithstanding such order, apply for adjustment of status in accordance with this section. Such an alien shall not be required to file a separate motion to reopen, reconsider, or vacate the exclusion, deportation, removal, or voluntary departure order. If the Secretary of Homeland Security grants the application, the Secretary shall cancel such order. If the Secretary of Homeland Security renders a final administrative decision to deny the application, such order shall be effective and enforceable to the same extent as if the application had not been made.

"(k) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Secretary of Homeland Security shall establish an appellate authority within the United States Citizenship and Immigration Services to provide for a single level of administrative appellate review of a determination respecting an application for adjustment of status under this section.

"(B) STANDARD FOR REVIEW.—Administrative appellate review referred to in subparagraph (A) shall be based solely upon the administrative record established at the time of the determination on the application and upon the presentation of additional or newly discovered evidence during the time of the pending appeal.

"(2) JUDICIAL REVIEW.—

"(A) IN GENERAL.—There shall be judicial review in the Federal courts of appeal of the denial of an application for adjustment of status under this section. Notwithstanding any other provision of law, the standard for review of such a denial shall be governed by subparagraph (B).

"(B) STANDARD FOR JUDICIAL REVIEW.—Judicial review of a denial of an application under this section shall be based solely upon the administrative record established at the time of the review. The findings of fact and other determinations contained in the record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record, considered as a whole.

"(C) JURISDICTION OF COURTS.—

"(i) IN GENERAL.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any cause or claim arising from a pattern or practice of the Secretary of Homeland Security in the operation or implementation of this section that is arbitrary, capricious, or otherwise contrary to law, and may order any appropriate relief.

"(ii) REMEDIES.—A district court may order any appropriate relief under clause (i) if the court determines that resolution of such cause or claim will serve judicial and administrative efficiency or that a remedy would otherwise not be reasonably available or practicable.

"(3) STAY OF REMOVAL.—Aliens seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered establishing ineligibility under this section.

"(l) CONFIDENTIALITY OF INFORMATION.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, no Federal agency or bureau, nor any officer, employee, or agent of such agency or bureau, may—

"(A) use the information furnished by the applicant pursuant to an application filed under this section for any purpose other than to make a determination on the application;

"(B) make any publication through which the information furnished by any particular applicant can be identified; or

"(C) permit anyone other than the sworn officers and employees of such agency or bureau to examine individual applications.

"(2) REQUIRED DISCLOSURES.—The Secretary of Homeland Security shall provide the information furnished pursuant to an application filed under this section, and any other information derived from such furnished information, to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution or a national security investigation or prosecution, in each instance about an individual suspect or group of suspects, when such information is requested in writing by such entity.

"(3) CRIMINAL PENALTY.—Any person who knowingly uses, publishes, or permits information to be examined in violation of this subsection shall be fined not more than $10,000.

"(m) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(1) CRIMINAL PENALTY.—

"(A) VIOLATION.—It shall be unlawful for any person—

"(i) to file or assist in filing an application for adjustment of status under this section and knowingly and willfully falsify, misrepresent, conceal, or cover up a material fact or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

"(ii) to create or supply a false writing or document for use in making such an application.

"(B) PENALTY.—Any person who violates subparagraph (A) shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

"(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

"(3) EXCEPTION.—Notwithstanding paragraphs (1) and (2), any alien or other entity (including an employer or union) that submits an employment record that contains incorrect data that the alien used in order to obtain such employment before the date on which the Secure America and Orderly Immigration Act is introduced, shall not, on that ground, be determined to have violated this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 250 the following:

"Sec. 250A. H-5B nonimmigrants.".

SEC. 702. ADJUSTMENT OF STATUS FOR H-5B NONIMMIGRANTS.

(a) IN GENERAL.—Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:

"ADJUSTMENT OF STATUS OF FORMER H-5B NONIMMIGRANT TO THAT OF PERSON ADMITTED FOR LAWFUL PERMANENT RESIDENCE

"SEC. 245B. (a) REQUIREMENTS.—The Secretary shall adjust the status of an alien from nonimmigrant status under section 101(a)(15)(H)(v)(b) to that of an alien lawfully admitted for permanent residence under this section if the alien satisfies the following requirements:

"(1) COMPLETION OF EMPLOYMENT OR EDUCATION REQUIREMENT.—The alien establishes that the alien has been employed in the United States, either full time, part time, seasonally, or self-employed, or has met the education requirements of subsection (f) or (g) of section 250A during the period required by section 250A(e).

"(2) RULEMAKING.—The Secretary shall establish regulations for the timely filing and processing of applications for adjustment of status for nonimmigrants under section 101(a)(15)(H)(v)(b).

"(3) APPLICATION AND FEE.—The alien who applies for adjustment of status under this section shall pay the following:

"(A) APPLICATION FEE.—An alien who files an application under section 245B of the Immigration and Nationality Act, shall pay an application fee, set by the Secretary.

"(B) ADDITIONAL FINE.—Before the adjudication of an application for adjustment of status filed under this section, an alien who is at least 21 years of age shall pay a fine of $1,000.

"(4) ADMISSIBLE UNDER IMMIGRATION LAWS.—The alien establishes that the alien is not inadmissible under section 212(a), except for any provision of that section that is not applicable or waived under section 250A(d)(2).

"(5) MEDICAL EXAMINATION.—The alien shall undergo, at the alien's expense, an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

"(6) PAYMENT OF INCOME TAXES.—

"(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the alien shall establish the payment of all Federal income taxes owed for employment during the period of employment required by section 250A(e) by establishing that—

"(i) no such tax liability exists;

"(ii) all outstanding liabilities have been met; or

"(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

"(B) IRS COOPERATION.—The Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all income taxes required by this paragraph.

"(7) BASIC CITIZENSHIP SKILLS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the alien shall establish that the alien—

"(i) meets the requirements of section 312; or

"(ii) is satisfactorily pursuing a course of study to achieve such an understanding of English and knowledge and understanding of the history and government of the United States.

"(B) RELATION TO NATURALIZATION EXAMINATION.—An alien who demonstrates that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(8) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—The Secretary shall conduct a security and law enforcement background check in accordance with procedures described in section 250A(h).

"(9) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.), that such alien has registered under that Act.

"(b) TREATMENT OF SPOUSES AND CHILDREN.—

"(1) ADJUSTMENT OF STATUS.—Notwithstanding any other provision of law, the Secretary of Homeland Security shall—

"(A) adjust the status to that of a lawful permanent resident under this section, or provide an immigrant visa to the spouse or child of an alien who adjusts status to that of a permanent resident under this section; or

"(B) adjust the status to that of a lawful permanent resident under this section for an alien who was the spouse or child of an alien who adjusts status or is eligible to adjust status to that of a permanent resident under section 245B in accordance with subsection (a), if—

"(i) the termination of the qualifying relationship was connected to domestic violence; and

"(ii) the spouse or child has been battered or subjected to extreme cruelty by the spouse or parent who adjusts status to that of a permanent resident under this section.

"(2) APPLICATION OF OTHER LAW.—In acting on applications filed under this subsection with respect to aliens who have been battered or subjected to extreme cruelty, the Secretary of Homeland Security shall apply the provisions of section 204(a)(1)(J) and the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

"(c) JUDICIAL REVIEW; CONFIDENTIALITY; PENALTIES.—Subsections (n), (o), and (p) of section 250A shall apply to this section.".

(b) CLERICAL AMENDMENT.—The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 245A the following:

"Sec. 245B. Adjustment of status of former H-5B nonimmigrant to that of person admitted for lawful permanent residence.".

SEC. 703. ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.

Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)) is amended—

(1) in subparagraph (A), by striking "subparagraph (A) or (B) of"; and

(2) by adding at the end the following:

"(F) Aliens whose status is adjusted from the status described in section 101(a)(15)(H)(v)(b).".

SEC. 704. EMPLOYER PROTECTIONS.

(a) IMMIGRATION STATUS OF ALIEN.—Employers of aliens applying for adjustment of status under section 245B or 250A of the Immigration and Nationality Act, as added by this title, shall not be subject to civil and criminal tax liability relating directly to the employment of such alien prior to such alien receiving employment authorization under this title.

(b) PROVISION OF EMPLOYMENT RECORDS.—Employers that provide unauthorized aliens with copies of employment records or other evidence of employment pursuant to an application for adjustment of status under section 245B or 250A of the Immigration and Nationality Act or any other application or petition pursuant to any other immigration law, shall not be subject to civil and criminal liability under section 274A of such Act for employing such unauthorized aliens.

(c) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 705. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Homeland Security such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 245B and 250A of the Immigration and Nationality Act, as added by this Act.

TITLE VIII—PROTECTION AGAINST IMMIGRATION FRAUD

SEC. 801. RIGHT TO QUALIFIED REPRESENTATION.

Section 292 of the Immigration and Nationality Act (8 U.S.C. 1362) is amended to read as follows:

"RIGHT TO QUALIFIED REPRESENTATION IN IMMIGRATION MATTERS

"SEC. 292. (a) AUTHORIZED REPRESENTATIVES IN IMMIGRATION MATTERS.—Only the following individuals are authorized to represent an individual in an immigration matter before any Federal agency or entity:

"(1) An attorney.

"(2) A law student who is enrolled in an accredited law school, or a graduate of an accredited law school who is not admitted to the bar, if—

"(A) the law student or graduate is appearing at the request of the individual to be represented;

"(B) in the case of a law student, the law student has filed a statement that the law student is participating, under the direct supervision of a faculty member, attorney, or accredited representative, in a legal aid program or clinic conducted by a law school or nonprofit organization, and that the law student is appearing without direct or indirect remuneration from the individual the law student represents;

"(C) in the case of a graduate, the graduate has filed a statement that the graduate is appearing under the supervision of an attorney or accredited representative and that the graduate is appearing without direct or indirect remuneration from the individual the graduate represents; and

"(D) the law student's or graduate's appearance is—

"(i) permitted by the official before whom the law student or graduate wishes to appear; and

"(ii) accompanied by the supervising faculty member, attorney, or accredited representative, to the extent required by such official.

"(3) Any reputable individual, if—

"(A) the individual is appearing on an individual case basis, at the request of the individual to be represented;

"(B) the individual is appearing without direct or indirect remuneration and the individual files a written declaration to that effect, except as described in subparagraph (D);

"(C) the individual has a pre-existing relationship or connection with the individual entitled to representation, such as a relative, neighbor, clergyman, business associate, or personal friend, except that this requirement may be waived, as a matter of administrative discretion, in cases where adequate representation would not otherwise be available; and

"(D) if making a personal appearance on behalf of another individual, the appearance is permitted by the official before whom the individual wishes to appear, except that such permission shall not be granted with respect to any individual who regularly engages in immigration and naturalization practice or preparation, or holds himself or herself out to the public as qualified to do so.

"(4) An individual representing a recognized organization (as described in subsection (f)) who has been approved to serve as an accredited representative by the Board of Immigration Appeals under subsection (f)(2).

"(5) An accredited official, in the United States, of the government to which an alien owes allegiance, if the official appears solely in his or her official capacity and with the consent of the person to be represented.

"(6) An individual who is licensed to practice law and is in good standing in a court of general jurisdiction of the country in which the individual resides and who is engaged in such practice, if the person represents persons only in matters outside the United States and that the official before whom such person wishes to appear allows such representation, as a matter of discretion.

"(7) An attorney, or an organization represented by an attorney, may appear, on a case-by-case basis, as amicus curiae, if the Board of Immigration Appeals grants such permission and the public interest will be served by such appearance.

"(b) FORMER EMPLOYEES.—No individual previously employed by the Department of Justice, Department of State, Department of Labor, or Department of Homeland Security may be permitted to act as an authorized representative under this section, if such authorization would violate any other applicable provision of Federal law or regulation. In addition, any application for such authorization must disclose any prior employment by or contract with such agencies for services of any nature.

"(c) ADVERTISING.—Only an attorney or an individual approved under subsection (f)(2) as an accredited representative may advertise or otherwise hold themselves out as being able to provide representation in an immigration matter. This provision shall in no way be deemed to diminish any Federal or State law to regulate, control, or enforce laws regarding such advertisement, solicitation, or offer of representation.

"(d) REMOVAL PROCEEDINGS.—In any proceeding for the removal of an individual from the United States and in any appeal proceedings from such proceeding, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than a person described in subsection (a) may cause the representative to be subject to civil penalties or such other penalties as may be applicable.

"(e) BENEFITS FILINGS.—In any filing or submission for an immigration related benefit or a determination related to the immigration status of an individual made to the Department of Homeland Security, the Department of Labor, or the Department of State, the individual shall have the privilege, as the individual shall choose, of being represented (at no expense to the Government) by an individual described in subsection (a). Representation by an individual other than an individual described in subsection (a) is cause for the representative to be subject to civil or criminal penalties, as may be applicable.

"(f) RECOGNIZED ORGANIZATIONS AND ACCREDITED REPRESENTATIVES.—

"(1) RECOGNIZED ORGANIZATIONS.—

"(A) IN GENERAL.—The Board of Immigration Appeals may determine that a person is a recognized organization if such person—

"(i) is a nonprofit religious, charitable, social service, or similar organization established in the United States that—

"(I) is recognized by the Board of Immigration Appeals; and

"(II) is authorized to designate a representative to appear in an immigration matter before the Department of Homeland Security or the Executive Office for Immigration Review of the Department of Justice; and

"(ii) demonstrates to the Board that such person—

"(I) makes only nominal charges and assesses no excessive membership dues for individuals given assistance; and

"(II) has at its disposal adequate knowledge, information, and experience.

"(B) BONDING.—The Board, in its discretion, may impose a bond requirement on new organizations seeking recognition.

"(C) REPORTING OBLIGATIONS.—Recognized organizations shall promptly notify the Board when the organization no longer meets the requirements for recognition or when an accredited representative employed by the recognized organization ceases to be employed by the recognized organization.

"(2) ACCREDITED REPRESENTATIVES.—The Board of Immigration Appeals shall approve any qualified individual designated by a recognized organization to serve as an accredited representative. Such individual must be employed by the recognized organization and must meet all requirements set forth in this section and in the accompanying regulations to be authorized to represent individuals in an immigration matter. Accredited representatives, through their recognized organizations, must certify their continuing eligibility for accreditation every 3 years with the Board of Immigration Appeals. Accredited representatives who fail to comply with these requirements shall not have authority to represent persons in an immigration matter for the recognized organization.

"(g) PROHIBITED ACTS.—An individual, other than an individual authorized to represent an individual under this section, may not—

"(1) directly or indirectly provide or offer representation regarding an immigration matter for compensation or contribution;

"(2) advertise or solicit representation in an immigration matter;

"(3) retain any compensation provided for a prohibited act described in paragraph (1) or (2), regardless of whether any petition, application, or other document was filed with any government agency or entity and regardless of whether a petition, application, or other document was prepared or represented to have been prepared by such individual;

"(4) represent directly or indirectly that the individual is an attorney or supervised by or affiliated with an attorney, when such representation is false; or

"(5) violate any applicable civil or criminal statute or regulation of a State regarding the provision of representation by providing or offering to provide immigration or immigration-related assistance referenced in this subsection.

"(h) CIVIL ENFORCEMENT.—

"(1) IN GENERAL.—Any person, or any entity acting for the interests of itself, its members, or the general public (including a Federal law enforcement official or agency or law enforcement official or agency of any State or political subdivision of a State), that has reason to believe that any person is being or has been injured by reason of a violation of subsection (g) may commence a civil action in any court of competent jurisdiction.

"(2) REMEDIES.—

"(A) DAMAGES.—In any civil action brought under this subsection, if the court finds that the defendant has violated subsection (g), it shall award actual damages, plus the greater of—

"(i) an amount treble the amount of actual damages; or

"(ii) $1,000 per violation.

"(B) INJUNCTIVE RELIEF.—The court may award appropriate injunctive relief, including temporary, preliminary, or permanent injunctive relief, and restitution. Injunctive relief may include, where appropriate, an order temporarily or permanently enjoining the defendant from providing any service to any person in any immigration matter. The court may make such orders or judgments, including the appointment of a receiver, as may be necessary to prevent the commission of any act described in subsection (g).

"(C) Attorney's Fees.—The court shall also grant a prevailing plaintiff reasonable attorney's fees and costs, including expert witness fees.

"(D) Civil Penalties.—The court may also assess a civil penalty not exceeding $50,000 for a first violation, and not exceeding $100,000 for subsequent violations.

"(E) Cumulative Remedies.—Unless otherwise expressly provided, the remedies or penalties provided under this paragraph are cumulative to each other and to the remedies or penalties available under all other Federal laws or laws of the jurisdiction where the violation occurred.

"(3) Nonpreemption.—Nothing in this subsection shall be construed to preempt any other private right of action or any right of action pursuant to the laws of any jurisdiction.

"(4) Discovery.—Information obtained through discovery in a civil action under this subsection shall not be used in any criminal action. Upon the request of any party to a civil action under this subsection, any part of the court file that makes reference to information discovered in a civil action under this subsection may be sealed.

"(i) Nonpreemption of More Protective State and Local Laws.—The provisions of this section supersede laws, regulations, and municipal ordinances of any State only to the extent such laws, regulations, and municipal ordinances impede the application of any provision of this section. Any State or political subdivision of a State may impose requirements supplementing those imposed by this section.

"(j) Definitions.—As used in this section—

"(1) the term 'attorney' means a person who—

"(A) is a member in good standing of the bar of the highest court of a State; and

"(B) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting such person in the practice of law;

"(2) the term 'compensation' means money, property, labor, promise of payment, or any other consideration provided directly or indirectly to an individual

"(3) the term 'immigration matter' means any proceeding, filing, or action affecting the immigration or citizenship status of any person, which arises under any immigration or nationality law, Executive order, Presidential proclamation, or action of any Federal agency;

"(4) the term 'representation', when used with respect to the representation of a person, includes—

"(A) the appearance, either in person or through the preparation or filing of any brief or other document, paper, application, or petition on behalf of another person or client, before any Federal agency or officer; and

"(B) the study of the facts of a case and the applicable laws, coupled with the giving of advice and auxiliary activities, including the incidental preparation of papers; and

"(5) the term 'State' includes a State or an outlying possession of the United States.".

SEC. 802. PROTECTION OF WITNESS TESTIMONY.

(a) Definition.—Section 101(a)(15)(U)(i) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(i)) is amended—

(1) by inserting in subclause (I) after the phrase "clause (iii)" the following: "or has suffered substantial financial, physical, or mental harm as the result of a prohibited act described in section 292;"

(2) by inserting in subclause (II) after the phrase "clause (iii)" the following: "or section 292";

(3) by inserting in subclause (III) after the phrase "clause (iii)" the following: "or section 292"; and

(4) by inserting in subclause (IV) after the phrase "clause (iii)" the following: "or section 292".

(b) Admission of Nonimmigrants.—Section 214(p) of the Immigration and Nationality Act of (8 U.S.C. 1184(p)) is amended—

(1) in paragraph (1), by inserting "or section 274E" after "section 101(a)(15)(U)(iii)" each place it appears; and

(2) in paragraph (2)(A), by striking "10,000" and inserting "15,000".

TITLE IX—CIVICS INTEGRATION

SEC. 901. FUNDING FOR THE OFFICE OF CITIZENSHIP.

(a) Authorization.—The Secretary of Homeland Security, acting through the Director of the Bureau of Citizenship and Immigration Services, is authorized to establish the United States Citizenship Foundation (referred to in this section as the "Foundation"), an organization duly incorporated in the District of Columbia, exclusively for charitable and educational purposes to support the functions of the Office of Citizenship (as described in section 451(f)(2) of the Homeland Security Act of 2002 (6 U.S.C. 271(f)(2)).

(b) Gifts.—

(1) To foundation.—The Foundation may solicit, accept, and make gifts of money and other property in accordance with section 501(c)(3) of the Internal Revenue Code of 1986.

(2) From foundation.—The Office of Citizenship may accept gifts from the Foundation to support the functions of the Office.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the mission of the Office of Citizenship.

SEC. 902. CIVICS INTEGRATION GRANT PROGRAM.

(a) In General.—The Secretary of Homeland Security shall establish a competitive grant program to fund—

(1) efforts by entities certified by the Office of Citizenship to provide civics and English as a second language courses; or

(2) other activities approved by the Secretary to promote civics and English as a second language.

(b) Acceptance of Gifts.—The Secretary may accept and use gifts from the United States Citizenship Foundation for grants under this section.

(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

TITLE X—PROMOTING ACCESS TO HEALTH CARE

SEC. 1001. FEDERAL REIMBURSEMENT OF EMERGENCY HEALTH SERVICES FURNISHED TO UNDOCUMENTED ALIENS.

Section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note) is amended—

(1) by striking "2008" and inserting "2011"; and

(2) in subsection (c)(5), by adding at the end the following:

"(D) Nonimmigrants described in section 101(a)(15)(H)(v) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)".

SEC. 1002. PROHIBITION AGAINST OFFSET OF CERTAIN MEDICARE AND MEDICAID PAYMENTS.

Payments made under section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395dd note)—

(1) shall not be considered "third party coverage" for the purposes of section 1923 of the Social Security Act (42 U.S.C. 1396r-4); and

(2) shall not impact payments made under such section of the Social Security Act.

SEC. 1003. PROHIBITION AGAINST DISCRIMINATION AGAINST ALIENS ON THE BASIS OF EMPLOYMENT IN HOSPITAL-BASED VERSUS NONHOSPITAL-BASED SITES.

Section 214(l)(1)(C) of the Immigrant and Nationality Act (8 U.S.C. 1184(l)(1)(C) is amended—

(1) in clause (i), by striking "and" at the end; and

(2) by adding at the end the following:

"(iii) such interested Federal agency or interested State agency, in determining which aliens will be eligible for such waivers, does not utilize selection criteria, other than as described in this subsection, that discriminate on the basis of the alien's employment in a hospital-based versus nonhospital-based facility or organization; and".

SEC. 1004. BINATIONAL PUBLIC HEALTH INFRASTRUCTURE AND HEALTH INSURANCE.

(a) Study.—

(1) In general.—The Secretary of Health and Human Services shall contract with the Institute of Medicine of the National Academies (referred to in this section as the "Institute") to study binational public health infrastructure and health insurance efforts.

(2) Input.—In conducting the study under paragraph (1), the Institute shall solicit input from border health experts and health insurance companies.

(b) Report.—

(1) In general.—Not later than 1 year after the date on which the Secretary of Health and Human Services enters into a contract under subsection (a), the Institute shall submit a report concerning the study conducted under subsection (a) to the Secretary of Health and Human Services and the appropriate committees of Congress.

(2) Contents.—The report submitted under paragraph (1) shall include the recommendations of the Institute on ways to expand or improve binational public health infrastructure and health insurance efforts.

TITLE XI—MISCELLANEOUS

SEC. 1101. SUBMISSION TO CONGRESS OF INFORMATION REGARDING H-5A NONIMMIGRANTS.

(a) Ensuring Accurate Count.—The Secretary of State and the Secretary of Homeland Security shall maintain an accurate count of the number of aliens subject to the numerical limitations under section 214(g)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(C)) who are issued visas or otherwise provided nonimmigrant status.

(b) Provision of Information.—

(1) Quarterly notification.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of State and the Secretary of Homeland Security shall submit quarterly reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the numbers of aliens who were issued visas or otherwise provided nonimmigrant status under section

101(a)(15)(H)(v)(a) of the Immigrant and Nationality Act (8 U.S.C. 1101(a)(15)(H)(v)(a)) during the preceding 3-month period.

(2) ANNUAL SUBMISSION.—Beginning with the first fiscal year after regulations are promulgated to implement this Act, the Secretary of Homeland Security shall submit annual reports to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, containing information on the countries of origin and occupations of, geographic area of employment in the United States, and compensation paid to, aliens who were issued visas or otherwise provided nonimmigrant status under such section 101(a)(15)(H)(v)(a). The Secretary shall compile such reports based on the data reported by employers to the Employment Eligibility Confirmation System established in section 402.

SEC. 1102. H-5 NONIMMIGRANT PETITIONER ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

"(w)(1) There is established in the general fund of the Treasury of the United States an account, which shall be known as the 'H–5 Nonimmigrant Petitioner Account'.

"(2) There shall be deposited as offsetting receipts into the H–5 Nonimmigrant Petitioners Account—

"(A) all fees collected under section 218A; and

"(B) all fines collected under section 212(n)(2)(I).

"(3) Of the fees and fines deposited into the H-5 Nonimmigrant Petitioner Account—

"(A) 53 percent shall remain available to the Secretary of Homeland Security for efforts related to the adjudication and implementation of the H–5 visa programs described in sections 221(a) and 250A and any other efforts necessary to carry out the provisions of the Secure America and Orderly Immigration Act and the amendments made by such Act, of which the Secretary shall allocate—

"(i) 10 percent shall remain available to the Secretary of Homeland Security for the border security efforts described in title I of the Secure America and Orderly Immigration Act.

"(ii) not more than 1 percent to promote public awareness of the H-5 visa program, to protect migrants from fraud, and to combat the unauthorized practice of law described in title III of the Secure America and Orderly Immigration Act;

"(iii) not more than 1 percent to the Office of Citizenship to promote civics integration activities described in section 901 of the Secure America and Orderly Immigration Act; and

"(iv) 2 percent for the Civics Integration Grant Program under section 902 of the Secure America and Orderly Immigration Act.

"(B) 15 percent shall remain available to the Secretary of Labor for the enforcement of labor standards in those geographic and occupational areas in which H-5A visa holders are likely to be employed and for other enforcement efforts under the Secure America and Orderly Immigration Act;

"(C) 15 percent shall remain available to the Commissioner of Social Security for the creation and maintenance of the Employment Eligibility Confirmation System described in section 402 of the Secure America and Orderly Immigration Act;

"(D) 15 percent shall remain available to the Secretary of State to carry out any necessary provisions of the Secure America and Orderly Immigration Act; and

"(E) 2 percent shall remain available to the Secretary of Health and Human Services for the reimbursement of hospitals serving individuals working under programs established in this Act.".

SEC. 1103. ANTI-DISCRIMINATION PROTECTIONS.

Section 274B(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1324b(a)(3)(B)) is amended to read as follows:

"(B) is an alien who is—

"(i) lawfully admitted for permanent residence;

"(ii) granted the status of an alien lawfully admitted for temporary residence under section 210(a) or 245(a)(1);

"(iii) admitted as a refugee under section 207;

"(iv) granted asylum under section 208; or

"(v) granted the status of nonimmigrant under section 101(a)(15)(H)(v).".

SEC. 1104. WOMEN AND CHILDREN AT RISK OF HARM.

(a) CERTAIN CHILDREN AND WOMEN AT RISK OF HARM.—Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)) is amended—

(1) in subparagraph (L), by inserting a semicolon at the end;

(2) in subparagraph (M), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(N) subject to subsection (j), an immigrant who is not present in the United States—

"(i) who is—

"(I) referred to a consular, immigration, or other designated official by a United States Government agency, an international organization, or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a minor under 18 years of age (as determined under subsection (j)(5))—

"(aa) for whom no parent or legal guardian is able to provide adequate care;

"(bb) who faces a credible fear of harm related to his or her age;

"(cc) who lacks adequate protection from such harm; and

"(dd) for whom it has been determined to be in his or her best interests to be admitted to the United States; or

"(ii) who is—

"(I) referred to a consular or immigration official by a United States Government agency, an international organization or recognized nongovernmental entity designated by the Secretary of State for purposes of such referrals; and

"(II) determined by such official to be a female who has—

"(aa) a credible fear of harm related to her sex; and

"(bb) a lack of adequate protection from such harm.".

(b) STATUTORY CONSTRUCTION.—Section 101 of the Immigration and Nationality Act (8 U.S.C. 1101) is amended by adding at the end the following:

"(j)(1) No natural parent or prior adoptive parent of any alien provided special immigrant status under subsection (a)(27)(N)(i) shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.

"(2)(A) No alien who qualifies for a special immigrant visa under subsection (a)(27)(N)(ii) may apply for derivative status or petition for any spouse who is represented by the alien as missing, deceased, or the source of harm at the time of the alien's application and admission. The Secretary of Homeland Security may waive this requirement for an alien who demonstrates that the alien's representations regarding the spouse were bona fide.

"(B) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) may apply for derivative status or petition for any sibling under the age of 18 years or children under the age of 18 years of any such alien, if accompanying or following to join the alien. For purposes of this subparagraph, a determination of age shall be made using the age of the alien on the date the petition is filed with the Department of Homeland Security.

"(3) An alien who qualifies for a special immigrant visa under subsection (a)(27)(N) shall be treated in the same manner as a refugee solely for purposes of section 412.

"(4) The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) shall not be applicable to any alien seeking admission to the United States under subsection (a)(27)(N), and the Secretary of Homeland Security may waive any other provision of such section (other than paragraph (2)(C) or subparagraph (A), (B), (C), or (E) of paragraph (3)) with respect to such an alien for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Any such waiver by the Secretary of Homeland Security shall be in writing and shall be granted only on an individual basis following an investigation. The Secretary of Homeland Security shall provide for the annual reporting to Congress of the number of waivers granted under this paragraph in the previous fiscal year and a summary of the reasons for granting such waivers.

"(5) For purposes of subsection (a)(27)(N)(i)(II), a determination of age shall be made using the age of the alien on the date on which the alien was referred to the consular, immigration, or other designated official.

"(6) The Secretary of Homeland Security shall waive any application fee for a special immigrant visa for an alien described in section 101(a)(27)(N).".

(c) ALLOCATION OF SPECIAL IMMIGRANT VISAS.—Section 203(b)(4) of the Immigration Nationality Act (8 U.S.C. 1153(b)(4)) is amended by striking "(A) or (B) thereof" and inserting "(A), (B), or (N) of such section".

(d) EXPEDITED PROCESS.—Not later than 45 days after the date of referral to a consular, immigration, or other designated official as described in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a), special immigrant status shall be adjudicated and, if granted, the alien shall be—

(1) paroled to the United States pursuant to section 212(d)(5) of that Act (8 U.S.C. 1182(d)(5)); and

(2) allowed to apply for adjustment of status to permanent residence under section 245 of that Act (8 U.S.C. 1255) not later than 1 year after the alien's arrival in the United States.

(e) REQUIREMENT PRIOR TO ENTRY INTO THE UNITED STATES.—

(1) DATABASE SEARCH.—An alien may not be admitted to the United States under this section or an amendment made by this section until the Secretary of Homeland Security has ensured that a search of each database maintained by an agency or department of the United States has been conducted to determine whether such alien is ineligible to be admitted to the Untied States on criminal, security, or related grounds.

(2) COOPERATION AND SCHEDULE.—The Secretary of Homeland Security and the head of each appropriate agency or department of

the United States shall work cooperatively to ensure that each database search required by paragraph (1) is completed not later than 45 days after the date on which an alien files a petition seeking a special immigration visa under section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a).

(f) Requirement After Entry Into the United States.—

(1) Requirement to Submit Fingerprints.—

(A) In general.—Not later than 30 days after the date that an alien enters the United States under this section or an amendment made by this section, the alien shall be fingerprinted and submit to the Secretary of Homeland Security such fingerprints and any other personal biometric data required by the Secretary.

(B) Other requirements.—The Secretary of Homeland Security may prescribe regulations that permit fingerprints submitted by an alien under section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or any other provision of law to satisfy the requirement to submit fingerprints under subparagraph (A).

(2) Database search.—The Secretary of Homeland Security shall ensure that a search of each database that contains fingerprints that is maintained by an agency or department of the United States be conducted to determine whether such alien is ineligible for an adjustment of status under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on criminal, security, or related grounds.

(3) Cooperation and schedule.—The Secretary of Homeland Security and the head of each appropriate agency or department of the United States shall work cooperatively to ensure that each database search required under paragraph (2) is completed not later than 180 days after the date on which the alien enters the United States.

(4) Administrative and judicial review.—

(A) Administrative review.—An alien who is admitted to the United States under this section or an amendment made by this section who is determined to be ineligible for an adjustment of status pursuant to section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) may appeal such a determination through the Administrative Appeals Office of the Bureau of Citizenship and Immigration Services of the Department of Homeland Security. The Secretary of Homeland Security shall ensure that a determination on such appeal is made not later than 60 days after the date on which the appeal is filed.

(B) Judicial review.—Nothing in this section, or in an amendment made by this section, may preclude application of section 242(a)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1252(a)(2)(B)).

(g) Report to Congress.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the progress of the implementation of this section and the amendments made by this section, including—

(1) data related to the implementation of this section and the amendments made by this section;

(2) data regarding the number of placements of females and children who faces a credible fear of harm as referred to in section 101(a)(27)(N) of the Immigration and Nationality Act, as added by subsection (a); and

(3) any other information that the Secretary of Homeland Security determines to be appropriate.

(h) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SEC. 1105. EXPANSION OF S VISA.

(a) Expansion of S Visa Classification.—Section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)) is amended—

(1) in clause (i)—

(A) by striking "Attorney General" each place that term appears and inserting "Secretary of Homeland Security"; and

(B) by striking "or" at the end; and

(2) in clause (ii)—

(A) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(B) by striking "1956," and all that follows through "the alien;" and inserting the following: "1956; or

"(iii) who the Secretary of Homeland Security and the Secretary of State, in consultation with the Director of Central Intelligence, jointly determine—

"(I) is in possession of critical reliable information concerning the activities of governments or organizations, or their agents, representatives, or officials, with respect to weapons of mass destruction and related delivery systems, if such governments or organizations are at risk of developing, selling, or transferring such weapons or related delivery systems; and

"(II) is willing to supply or has supplied, fully and in good faith, information described in subclause (I) to appropriate persons within the United States Government;

and, if the Secretary of Homeland Security (or with respect to clause (ii), the Secretary of State and the Secretary of Homeland Security jointly) considers it to be appropriate, the spouse, married and unmarried sons and daughters, and parents of an alien described in clause (i), (ii), or (iii) if accompanying, or following to join, the alien;".

(b) Numerical Limitation.—Section 214(k)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(k)(1)) is amended to read as follows:

"(1) The number of aliens who may be provided a visa as nonimmigrants under section 101(a)(15)(S) in any fiscal year may not exceed 3,500.".

SEC. 1106. VOLUNTEERS.

It is not a violation of clauses (ii), (iii), or (iv) of subparagraph (A) for a religious denomination described in section 101(a)(27)(C)(i) or an affiliated religious organization described in section 101(a)(27)(C)(ii)(III), or their agents or officers, to encourage, invite, call, allow, or enable an alien, who is already present in the United States in violation of law to carry on the violation described in section 101(a)(27)(C)(ii)(I), as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, and other basic living expenses.

SA 1181. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

TITLE VI—HAZARDOUS MATERIALS

SEC. 601. SHORT TITLE; FINDINGS.

(a) Short Title.—This title may be cited as the "Hazardous Materials Vulnerability Reduction Act of 2005".

(b) Findings.—Congress makes the following findings:

(1) Congress has specifically given the Department of Homeland Security, working in conjunction with the Department of Transportation and other Federal agencies, the primary authority for the security of the United States transportation sector, including passenger and freight rail.

(2) This authority includes the responsibility to protect American citizens from terrorist incidents related to the transport by rail of extremely hazardous materials.

(3) Federal agencies have determined that hazardous materials can be used as tools of destruction and terror and that extremely hazardous materials are particularly vulnerable to sabotage or misuse during transport.

(4) The Federal Bureau of Investigation and the Central Intelligence Agency have found evidence suggesting that chemical tankers used to transport and store extremely hazardous chemicals have been targeted by terrorist groups.

(5) Rail shipments of extremely hazardous materials are often routed through highly attractive targets and densely populated areas, including within a few miles of the White House and United States Capitol.

(6) According to security experts, certain extremely hazardous materials present a mass casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large occupied buildings.

(7) A report by the Chlorine Institute found that a 90-ton rail tanker, if successfully targeted by an explosive device, could cause a catastrophic release of an extremely hazardous material, creating a toxic cloud 40 miles long and 10 miles wide.

(8) The Environmental Protection Agency estimates that in an urban area a toxic cloud could extend for 14 miles.

(9) The United States Naval Research Laboratories concluded that a toxic plume of this type, created while there was a public event on the National Mall, could kill or injure up to 100,000 people in less than 30 minutes.

(10) According to security experts, rail shipments of extremely hazardous materials are particularly vulnerable and dangerous, however the Federal Government has made no material reduction in the inherent vulnerability of hazardous chemical targets inside the United States.

(11) While the safety record related to rail shipments of hazardous materials is very good, recent accidental releases of extremely hazardous materials in rural South Carolina and San Antonio, Texas, demonstrate the fatal danger posed by extremely hazardous materials.

(12) Security experts have determined that re-routing these rail shipments is the only way to immediately eliminate this danger in high threat areas, which currently puts hundreds of thousands of people at risk.

(13) Security experts have determined that the primary benefit of re-routing the shipment of extremely hazardous materials is a reduction in the number of people that would be exposed to the deadly impact of the release due to an attack, and the principal cost would be the additional operating expense associated with possible increase inhaul for the shipment of extremely hazardous materials.

(14) Less than 5 percent of all hazardous materials shipped by rail will meet the definition of extremely hazardous materials under this title.

SEC. 602. DEFINITIONS.

In this title, the following definitions apply:

(1) EXTREMELY HAZARDOUS MATERIAL.—The term "extremely hazardous material" means any chemical, toxin, or other material being shipped or stored in sufficient quantities to represent an acute health threat or have a high likelihood of causing injuries, casualties, or economic damage if successfully targeted by a terrorist attack, including materials that—

(A) are—

(i) toxic by inhalation;

(ii) extremely flammable; or

(iii) highly explosive;

(B) contain high level nuclear waste; or

(C) are otherwise designated by the Secretary as extremely hazardous.

(2) HIGH THREAT CORRIDOR.—

(A) IN GENERAL.—The term "high threat corridor" means a geographic area that has been designated by the Secretary as particularly vulnerable to damage from the release of extremely hazardous materials, including—

(i) large populations centers;

(ii) areas important to national security;

(iii) areas that terrorists may be particularly likely to attack; or

(iv) any other area designated by the Secretary as vulnerable to damage from the rail shipment or storage of extremely hazardous materials.

(B) OTHER AREAS.—

(i) IN GENERAL.—Any city that is not designated as a high threat corridor under subparagraph (A) may file a petition with the Secretary to be so designated.

(ii) PROCEDURE.—The Secretary shall establish, by rule, regulation, or order, procedures for petitions under clause (i), including—

(I) designating the local official eligible to file a petition;

(II) establishing the criteria a city shall include in a petition;

(III) allowing a city to submit evidence supporting its petition; and

(IV) requiring the Secretary to rule on the petition not later than 60 days after the date of submission of the petition.

(iii) NOTICE.—The Secretary's decision regarding any petition under clause (i) shall be communicated to the requesting city, the Governor of the State in which the city is located, and the Senators and Members of the House of Representatives that represent the State in which the city is located.

(3) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security or the Secretary's designee.

(4) STORAGE.—The term "storage" means any temporary or long-term storage of extremely hazardous materials in rail tankers or any other medium utilized to transport extremely hazardous materials by rail.

SEC. 603. REGULATIONS FOR TRANSPORT OF EXTREMELY HAZARDOUS MATERIALS.

(a) PURPOSES OF REGULATIONS.—The regulations issued under this section shall establish a national, risk-based policy for extremely hazardous materials transported by rail or being stored. To the extent the Secretary determines appropriate, the regulations issued under this section shall be consistent with other Federal, State, and local regulations and international agreements relating to shipping or storing extremely hazardous materials.

(b) ISSUANCE OF REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue, after notice and opportunity for public comment, regulations concerning the rail shipment and storage of extremely hazardous materials by owners and operators of railroads. In developing such regulations, the Secretary shall consult with other Federal, State, and local government entities, security experts, representatives of the hazardous materials rail shipping industry, labor unions representing persons who work with hazardous materials in the rail shipping industry, and other interested persons, including private sector interest groups.

(c) REQUIREMENTS.—The regulations issued under this section shall—

(1) include a list of the high threat corridors designated by the Secretary;

(2) contain the criteria used by the Secretary to determine whether an area qualifies as a high threat corridor;

(3) include a list of extremely hazardous materials;

(4) establish protocols for owners and operators of railroads that ship extremely hazardous materials regarding notifying all governors, mayors, and other designated officials and local emergency responders in a high threat corridor of the quantity and type of extremely hazardous materials that are transported by rail through the high threat corridor;

(5) require reports regarding the transport by railroad of extremely hazardous materials by the Secretary to local governmental officials designated by the Secretary, and Local Emergency Planning Committees, established under the Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11001 et seq.);

(6) establish protocols for the coordination of Federal, State, and local law enforcement authorities in creating a plan to respond to a terrorist attack, sabotage, or accident involving a rail shipment of extremely hazardous materials that causes the release of such materials;

(7) require that any rail shipment containing extremely hazardous materials be re-routed around any high threat corridor; and

(8) establish standards for the Secretary to grant exceptions to the re-routing requirement under paragraph (7).

(d) HIGH THREAT CORRIDORS.—

(1) IN GENERAL.—The criteria under subsection (c)(2) for determining whether an area qualifies as a high threat corridor may be the same criteria used for the distribution of funds under the Urban Area Security Initiative program.

(2) INITIAL LIST.—If the Secretary is unable to complete the review necessary to determine which areas should be designated as high threat corridors within 90 days after the date of enactment of this Act, the initial list shall be the cities that receive funding under the Urban Areas Security Initiative Program in fiscal year 2004.

(e) EXTREMELY HAZARDOUS MATERIALS LIST.—If the Secretary is unable to complete the review necessary to determine which materials should be designated extremely hazardous materials under subsection (c)(3) within 90 days of the date of enactment of this Act, the initial list shall include—

(1) explosives classified as Class 1, Division 1.1, or Class 1, Division 1.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 500 kilograms;

(2) flammable gasses classified as Class 2, Division 2.1, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 10,000 liters;

(3) poisonous gasses classified as Class 2, Division 2.3, under section 173.2 of title 49, Code of Federal Regulations, that are also assigned to Hazard Zones A or B under section 173.116 of title 49, Code of Federal Regulations, in a quantity greater than 500 liters;

(4) poisonous materials, other than gasses, classified as Class 6, Division 6.1, under section 173.2 of title 49, Code of Federal Regulations, that are also assigned to Hazard Zones A or B under section 173.116 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms; and

(5) anhydrous ammonia classified as Class 2, Division 2.2, under section 173.2 of title 49, Code of Federal Regulations, in a quantity greater than 1,000 kilograms.

(f) NOTIFICATION.—

(1) IN GENERAL.—The protocols under subsection (c)(4) shall establish the required frequency of reporting by an owner and operator of a railroad to the Governors, Mayors, and other designated officials and local emergency responders in a high threat corridor.

(2) REPORTS TO SECRETARY.—The protocols under subsection (c)(4) shall require owners and operators of railroad to make annual reports to the Secretary regarding the transportation of extremely hazardous materials, and to make quarterly updates if there has been any significant change in the type, quantity, or frequency of shipments.

(3) CONSIDERATIONS.—In developing protocols under subsection (c)(4), the Secretary shall consider both the security needs of the United States and the interests of State and local governmental officials.

(g) REPORTS.—

(1) FREQUENCY.—

(A) IN GENERAL.—The Secretary shall make an annual report to local governmental officials and Local Emergency Planning Committees under subsection (c)(5).

(B) UPDATES.—If there has been any significant change in the type, quantity, or frequency of rail shipments in a geographic area, the Secretary shall make a quarterly update report to local governmental officials and Local Emergency Planning Committees in that geographic area.

(2) CONTENTS.—Each report made under subsection (c)(5) shall incorporate information from the reports under subsection (c)(4) and shall include—

(A) a good-faith estimate of the total number of rail cars containing extremely hazardous materials shipped through or stored in each metropolitan statistical area; and

(B) if a release from a railcar carrying or storing extremely hazardous materials is likely to harm persons or property beyond the property of the owner or operator of the railroad, a risk management plan that provides—

(i) a hazard assessment of the potential effects of a release of the extremely hazardous materials, including—

(I) an estimate of the potential release quantities; and

(II) a determination of the downwind effects, including the potential exposures to affected populations;

(ii) a program to prevent a release of extremely hazardous materials, including—

(I) security precautions;

(II) monitoring programs; and

(III) employee training measures utilized; and

(iii) an emergency response program that provides for specific actions to be taken in response to the release of an extremely hazardous material, including procedures for informing the public and Federal, State, and local agencies responsible for responding to the release of an extremely hazardous material.

(b) TRANSPORTATION AND STORAGE OF EXTREMELY HAZARDOUS MATERIALS THROUGH HIGH THREAT CORRIDORS.—

(1) IN GENERAL.—The standards for the Secretary to grant exceptions under subsection (c)(8) shall require a finding of special circumstances by the Secretary, including that—

(A) the shipment originates in or is destined to the high threat corridor;

(B) there is no practical alternate route;

(C) there is an unanticipated, temporary emergency that threatens the lives of people in the high threat corridor; or

(D) there would be no harm to persons or property beyond the property of the owner or operator of the railroad in the event of a successful terrorist attack on the shipment.

(2) PRACTICAL ALTERNATE ROUTES.—Whether a shipper must utilize an interchange agreement or otherwise utilize a system of tracks or facilities owned by another operator shall not be considered by the Secretary in determining whether there is a practical alternate route under paragraph (1)(B).

(3) GRANT OF EXCEPTION.—If the Secretary grants an exception under subsection (c)(8)—

(A) the extremely hazardous material may not be stored in the high threat corridor, including under a leased track or rail siding agreement; and

(B) the Secretary shall notify Federal, State, and local law enforcement and first responder agencies (including, if applicable, transit, railroad, or port authority agencies) within the high threat corridor.

SEC. 604. SAFETY TRAINING.

(a) HOMELAND SECURITY GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary may award grants to local governments and owners and operators of railroads to conduct training regarding safety procedures for handling and responding to emergencies involving extremely hazardous materials.

(2) USE OF FUNDS.—Grants under this subsection may be used to provide training and purchase safety equipment for individuals who—

(A) transport, load, unload, or are otherwise involved in the shipment of extremely hazardous materials;

(B) would respond to an accident or incident involving a shipment of extremely hazardous materials; and

(C) would repair transportation equipment and facilities in the event of such an accident or incident.

(3) APPLICATION.—A local government or owner or operator of a railroad desiring a grant under this subsection shall submit an application at such time, in such manner, and accompanied by such information as the Secretary may reasonably establish.

(b) RAILWAY HAZMAT TRAINING PROGRAM.—

(1) PROGRAM.—Section 5116(j) of title 49, United States Code, is amended by adding at the end the following:

"(6) RAILWAY HAZMAT TRAINING PROGRAM.—

"(A) In order to further the purposes of subsection (b), the Secretary of Transportation shall, subject to the availability of funds, make grants to national nonprofit employee organizations with experience in conducting training regarding the transportation of hazardous materials on railways for the purpose of training railway workers who are likely to discover, witness, or otherwise identify a release of extremely hazardous materials and to prevent or respond appropriately to the incident.

"(B) The Secretary of Transportation shall delegate authority for the administration of the Railway Hazmat Training Program to the Director of the National Institute of Environmental Health Sciences under subsection (g). In administering the program under this paragraph, the Director of the National Institute of Environmental Health Sciences shall consult closely with the Secretary of Transportation and the Secretary of Homeland Security.".

SEC. 605. RESEARCH AND DEVELOPMENT.

(a) TRANSPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study of the benefits and availability of technology and procedures that may be utilized to—

(A) reduce the likelihood of a terrorist attack on a rail shipment of extremely hazardous materials;

(B) reduce the likelihood of a catastrophic release of extremely hazardous materials in the event of a terrorist attack; and

(C) enhance the ability of first responders to respond to a terrorist attack on a rail shipment of extremely hazardous materials and other required activities in the event of such an attack.

(2) MATTERS STUDIED.—The study conducted under this subsection shall include the evaluation of—

(A) whether safer alternatives to 90-ton rail tankers exist;

(B) the feasibility of requiring chemical shippers to electronically track the movements of all shipments of extremely hazardous materials and report this information to the Department of Homeland Security on an ongoing basis as such shipments are transported; and

(C) the feasibility of utilizing finger-print based access controls for all chemical conveyances.

(3) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall include recommendations and cost estimates for securing shipments of extremely hazardous materials.

(b) PHYSICAL SECURITY.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall conduct a study of the physical security measures available for rail shipments of extremely hazardous materials that will reduce the risk of leakage or release in the event of a terrorist attack or sabotage.

(2) MATTERS STUDIED.—The study conducted under this subsection shall consider the use of passive secondary containment of tanker valves, additional security force personnel, surveillance technologies, barriers, decoy rail cars, and methods to minimize delays during shipping.

(3) REPORTING.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

(c) LEASED TRACK STORAGE ARRANGEMENTS.—

(1) IN GENERAL.—Not later than 90 days after enactment of this Act, the Secretary shall conduct a study of available alternatives to storing extremely hazardous materials in or on leased track facilities.

(2) MATTERS STUDIED.—The study conducted under this subsection shall—

(A) evaluate the extent of the use of leased track facilities and the security measures that should be taken to secure leased track facilities; and

(B) assess means to limit the consequences of an attack on extremely hazardous materials stored on leased track facilities to nearby communities.

(3) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit a report to Congress describing the findings of the study conducted under this subsection, which shall contain recommendations and cost estimates for securing shipments of extremely hazardous materials.

SEC. 606. WHISTLEBLOWER PROTECTION.

(a) PROHIBITION AGAINST DISCRIMINATION.—No owner or operator of a railroad may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to the Secretary, the Attorney General, or any Federal supervisory agency regarding a possible violation of any provision of this title by the owner or operator of a railroad or any director, officer, or employee of an owner or operator of a railroad.

(b) ENFORCEMENT.—Any employee or former employee who believes that such employee has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the end of the 2-year period beginning on the date of such discharge or discrimination.

(c) REMEDIES.—If the district court determines that a violation has occurred, the court may order the owner or operator of a railroad that committed the violation to—

(1) reinstate the employee to the employee's former position;

(2) pay compensatory damages; or

(3) take other appropriate actions to remedy any past discrimination.

(d) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation of law or regulation; or

(2) knowingly or recklessly provides substantially false information to the Secretary, the Attorney General, or any Federal supervisory agency.

SEC. 607. PENALTIES.

(a) RIGHT OF ACTION.—

(1) IN GENERAL.—Any State or local government may bring a civil action in a United States district court for redress of injuries caused by a violation of this title against any person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials by rail and who violated this title.

(2) RELIEF.—In an action under paragraph (1), a State or local government may seek, for each violation of this title—

(A) an order for injunctive relief; and

(B) a civil penalty of not more than $1,000,000.

(b) ADMINISTRATIVE PENALTIES.—

(1) IN GENERAL.—The Secretary may issue an order imposing an administrative penalty of not more than $1,000,000 for each failure by a person (other than an individual) who transports, loads, unloads, or is otherwise involved in the shipping of extremely hazardous materials to comply with this title.

(2) NOTICE AND HEARING.—Before issuing an order under paragraph (1), the Secretary shall provide the person who allegedly violated this title—

(A) written notice of the proposed order; and

(B) the opportunity to request, not later than 30 days after the date on which the person received the notice, a hearing on the proposed order.

(3) PROCEDURES.—Not later than 90 days after the date of enactment of this Act, the Secretary shall issue regulations establishing procedures for administrative hearings and the appropriate review of penalties issued under this subsection, including establishing deadlines.

SA 1182. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. KERRY, and Mr. KENNEDY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$3,004,300,000".

On page 78, line 13, strike "$365,000,000" and insert "$685,000,000".

On page 78, line 24, strike "$10,000,000" and insert "$20,000,000".

On page 79, line 1, strike "$100,000,000" and insert "$400,000,000".

On page 79, line 4, insert the following: ": *Provided further*, That funding provided above may be used, among other things, for canine patrols for chemical, biological, or explosives detection: overtime reimbursement for enhanced security personnel: and other capital security improvements.".

On page 91, line 23, strike the period at the end and insert the following: ": *Provided further*, That $50,000,000 is solely for the development of devices that can immediately detect explosive, chemical, biological, or radiological materials on mass transit rail cars."

SA 1183. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 23, insert before the period ": *Provided further*, That of the total funds made available under this heading, not less than $140,000,000 shall be for activities to demonstrate the viability, economic costs, and effectiveness of adapting military technology to protect commercial aircraft against the treat of man portable air defense systems (MANPADS).

SA 1184. Mr. SCHUMER (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall designate an agency within the Department of Homeland Security as having responsibility for managing the procurement and installation of man portable air defense system (MANPAD) countermeasure systems for commercial aircraft, and may use any unobligated funds provided under title I to establish an office within the designated agency for that purpose.

SA 1185. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, add the following:

SEC. 519. ASSISTANT SECRETARY FOR CYBERSECURITY.

(a)(1) Subtitle A of title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) is amended by adding at the end the following:

"SEC. 203. ASSISTANT SECRETARY FOR CYBERSECURITY.

"(a) IN GENERAL.—There shall be in the Directorate for Information Analysis and Infrastructure Protection a National Cybersecurity Office headed by an Assistant Secretary for Cybersecurity (in this section referred to as the 'Assistant Secretary'), who shall assist the Secretary in promoting cybersecurity for the Nation.

"(b) GENERAL AUTHORITY.—The Assistant Secretary, subject to the direction and control of the Secretary, shall have primary authority within the Department for all cybersecurity-related critical infrastructure protection programs of the Department, including with respect to policy formulation and program management.

"(c) RESPONSIBILITIES.—The responsibilities of the Assistant Secretary shall include the following:

"(1) To establish and manage—

"(A) a national cybersecurity response system that includes the ability to—

"(i) analyze the effect of cybersecurity threat information on national critical infrastructure; and

"(ii) aid in the detection and warning of attacks on, and in the restoration of, cybersecurity infrastructure in the aftermath of such attacks;

"(B) a national cybersecurity threat and vulnerability reduction program that identifies cybersecurity vulnerabilities that would have a national effect on critical infrastructure, performs vulnerability assessments on information technologies, and coordinates the mitigation of such vulnerabilities;

"(C) a national cybersecurity awareness and training program that promotes cybersecurity awareness among the public and the private sectors and promotes cybersecurity training and education programs;

"(D) a government cybersecurity program to coordinate and consult with Federal, State, and local governments to enhance their cybersecurity programs; and

"(E) a national security and international cybersecurity cooperation program to help foster Federal efforts to enhance international cybersecurity awareness and cooperation.

"(2) To coordinate with the private sector on the programs under paragraph (1) as appropriate, and to promote cybersecurity information sharing, vulnerability assessment, and threat warning regarding critical infrastructure.

"(3) To coordinate with other directorates and offices within the Department on the cybersecurity aspects of their missions.

"(4) To coordinate with the Under Secretary for Emergency Preparedness and Response to ensure that the National Response Plan developed pursuant to section 502(6) of the Homeland Security Act of 2002 (6 U.S.C. 312(6)) includes appropriate measures for the recovery of the cybersecurity elements of critical infrastructure.

"(5) To develop processes for information sharing with the private sector, consistent with section 214, that—

"(A) promote voluntary cybersecurity best practices, standards, and benchmarks that are responsive to rapid technology changes and to the security needs of critical infrastructure; and

"(B) consider roles of Federal, State, local, and foreign governments and the private sector, including the insurance industry and auditors.

"(6) To coordinate with the Chief Information Officer of the Department in establishing a secure information sharing architecture and information sharing processes, including with respect to the Department's operation centers.

"(7) To consult with the Electronic Crimes Task Force of the United States Secret Service on private sector outreach and information activities.

"(8) To consult with the Office for Domestic Preparedness to ensure that realistic cybersecurity scenarios are incorporated into tabletop and recovery exercises.

"(9) To consult and coordinate, as appropriate, with other Federal agencies on cybersecurity-related programs, policies, and operations.

"(10) To consult and coordinate within the Department and, where appropriate, with other relevant Federal agencies, on security of digital control systems, such as Supervisory Control and Data Acquisition (SCADA) systems.

"(d) AUTHORITY OVER THE NATIONAL COMMUNICATIONS SYSTEM.—The Assistant Secretary shall have primary authority within the Department over the National Communications System.".

(2) The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to subtitle A of title II the following:

"203. Assistant Secretary for Cybersecurity.".

(b) Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following:

"(17)(A) The term 'cybersecurity' means the prevention of damage to, the protection of, and the restoration of computers, electronic communications systems, electronic communication services, wire communication, and electronic communication, including information contained therein, to ensure its availability, integrity, authentication, confidentiality, and nonrepudiation.

"(B) In this paragraph—

"(i) each of the terms 'damage' and 'computer' has the meaning that term has in section 1030 of title 18, United States Code; and

"(ii) each of the terms 'electronic communications system', 'electronic communication service', 'wire communication', and 'electronic communication' has the meaning that term has in section 2510 of title 18, United States Code.".

SA 1186. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, line 16, strike "$2,413,438,000," and insert the following: "$2,763,438,000, of which $200,000,000 shall be reserved for the International Civil Aviation Organization to establish biometric and document identification standards to measure multiple immutable physical characteristics, including fingerprints, eye retinas, and eye-to-eye width and for the Department of Homeland Security to place multiple biometric identifiers at each point of entry; of which $50,000,000 shall be reserved for a program that requires the government of each country participating in the visa waiver program to certify that such country will comply with the biometric standards established by the International Civil Aviation Organization; of which $25,000,000 shall be reserved for the entry and exit data systems of the Department of Homeland Security to accommodate traffic flow increases; of which $50,000,000 shall be reserved to integrate the entry and exit data collection and analysis systems of the Department of Homeland Security, the Department of State, and Department of Justice, including the Federal Bureau of Investigation; of which $25,000,000 shall be reserved to establish a uniform translation and transliteration service for all ports of entry to identify the names of individuals entering and exiting the United States;".

SA 1187. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . None of the funds appropriated under this Act may be used to implement plans by the Department of State and the Department of Homeland Security pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to require passports as the only acceptable document to enter the United States from Canada or Mexico. The above funding shall be used to implement a plan developed to improve border security that would allow travelers into the United States from Canada and Mexico to use alternative documentation that is as secure as a passport, but more cost effective and efficient to obtain.

SA 1188. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, line 9, strike "$1,372,399,000" and insert "$1,472,399,000".

On page 91, line 23, strike "reprogrammed." and insert the following: "reprogrammed: Provided further, That of the total funds made available under this heading, $100,000,000 shall be solely for grants to eligible entities (national laboratories, nonprofit private organizations, institutions of higher education, and other entities the Secretary of Homeland Security determines to be eligible) to reseawrch and develop technologies that can be used to secure the ports of the United States, to develop technologies to increase the ability of the Customs Service to inspect merchandise carried on any vessel that arrives at any port in the United States, to develop equipment that accurately detects explosives, nuclear, radiological, chemical and biological agents that could be used to commit a terrorist act, and to improve tags and seals designed for use on shipping containers.".

SA 1189. Mr. SCHUMER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, beginning on line 2, strike $4,452,318,000 and all that follows through "That" on line 5, and insert the following: "$4,754,299,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the amount made available under this heading, not to exceed $2,000,000 shall be available to carry out section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3728): *Provided further*, That of the amount made available under this heading, not to exceed $100,000,000 shall be available to carry out the improvements described in section 4052(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3728): *Provided further*, That of the amount made available under this heading, not to exceed $200,000,000 shall be available to carry out the research and development described section 4052(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3728): *Provided further*, That".

SA 1190. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 71, between lines 10 and 11, insert the following:

For necessary expenses of the Transportation Security Administration related to developing and implementing a system for identifying and tracking shipments of hazardous materials (as defined in section 385.402 of title 49, Code of Federal Regulations) by truck using global positioning system technology, $70,000,000.

SA 1191. Mr. SCHUMER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 20, strike "purposes." and insert the following: "purposes: *Provided further*, That none of the funds made available under this heading shall be available if the Transportation Security Administration limits, or attempts to limit, the recruitment or hiring of personnel to serve as full-time equivalent screeners: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report on the current screener staffing shortfalls at large airports and what the Secretary considers to be an appropriate nationwide full-time equivalent staffing level based on the waiting time in airport security lines and projected passenger growth.".

SA 1192. Mr. SCHUMER (for himself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, beginning on line 2, strike "$4,452,318,000" and all that follows through "$2,462,318,000:" and insert the following: "$4,787,299,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the total amount made available under this heading, not to exceed $3,726,929,000 shall be for screening operations, of which $1,590,969,000 shall be available for passenger screener pay, compensation, and benefits, of which $931,864,000 shall be available for baggage screener pay, compensation, and benefits, of which $180,000,000 shall be available only for procurement of checked baggage explosive detection systems and $14,000,000 shall be available only for installation of checked baggage explosive detection systems; and not to exceed $1,060,370,000 shall be for aviation security direction and enforcement presence: *Provided further*, That security service fees authorized under section 44940 of title 49, United States Code, shall be credited to this appropriation as offsetting collections: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2006, so as to result in a final fiscal year appropriation from the General Fund estimated at not more than $2,797,299,000:".

SA 1193. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 21: strike $1,518,000,000 and insert $2,186,814,841

On page 77, line 22: strike $425,000,000 and insert $2,058,178,673

On page 78, line 13: strike $365,000,000 and insert $1,878,088,040

On page 78, line 16: strike $200,000,000 and insert $1,029,089,337

On page 78, line 22: strike $5,000,000 and insert $25,727,233

On page 78, line 24: strike $10,000,000 and insert $51,454,467

On page 77, line 18, strike $2,694,000,000 and insert $13,863,377,000

On page 77, line 20: strike $1,518,000,000 and insert $7,810,788,066

On page 79, line 1: strike $100,000,000 and insert $514,544,668

On page 79, line 5: strike $50,000,000 and insert $257,272,334

On page 79, line 7: strike $50,000,000 and insert $257,272,334

On page 79, line 9: strike $40,000,000 and insert $205,817,867

On page 79, line 21: strike $321,300,000 and insert $1,653,232,019

On page 81, line 24, strike $615,000,000 and insert $3,164,802,000

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000

On page 81, line 26, strike $65,000,000 and insert $334,491,000

On page 82, line 12, strike $180,000,000 and insert $926,284,000

On page 83, line 12, strike $203,499,000 and insert $1,047,210,000

On page 89, line 3, strike $194,000,000 and insert $998,327,800

SA 1194. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security acting through the Under Secretary for Emergency Preparedness shall propose new inspection guidelines that prohibit inspectors from entering into a contract with any individual or entity for whom the inspector performs an inspection for purposes of determining eligibility for assistance from the Federal Emergency Management Agency.

SA 1195. Mr. DEWINE submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 57, line 1, strike $146,322,000" and insert "$144,876,000".

On page 67, line 17, strike $50,150,000" and insert "$40,150,000".

On page 79, strike lines 21 and 22, and insert the following:

(6) $307,138,000 for training, exercises, technical assistance, and other programs, of which $135,000,000 shall be available for the National Domestic Preparedness Consortium and $20,838,000 shall be available for the Citizen Corps:

On page 81, line 24, strike "$615,000,000" and insert "$715,000,000".

On page 81, line 24, strike $550,000,000" and insert "$650,000,000".

On page 89, line 3, strike $194,000,000" and insert "$183,362,000".

On page 89, line 26, strike $88,358,000" and insert "$64,743,000".

On page 90, line 19, strike $701,793,000" and insert "$681,654,000, of which $14,387,000 shall be available for programs related to evaluations and studies".

On page 91, line 9, strike $1,372,399,000" and insert "$1,352,399,000, of which $54,650,000 shall be available for projects related to conventional missions support".

SA 1196. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE —RAIL SECURITY

SEC. —01. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) IN GENERAL.—

(1) VULNERABILITY AND RISK ASSESSMENT.—The Secretary of Homeland Security shall establish a task force, including the Transportation Security Administration, the Department of Transportation, and other appropriate agencies, to complete a vulnerability and risk assessment of freight and passenger rail transportation (encompassing railroads, as that term is defined in section 20102(1) of title 49, United States Code). The assessment shall include—

(A) identification and evaluation of critical assets and infrastructures;

(B) identification of vulnerabilities and risks to those assets and infrastructures;

(C) identification of vulnerabilities and risks that are specific to the transportation of hazardous materials via railroad; and

(D) identification of security weaknesses in passenger and cargo security, transportation infrastructure, protection systems, procedural policies, communications systems, employee training, emergency response planning, and any other area identified by the assessment.

(2) EXISTING PRIVATE AND PUBLIC SECTOR EFFORTS.—The assessment shall take into account actions taken or planned by both public and private entities to address identified security issues and assess the effective integration of such actions.

(3) RECOMMENDATIONS.—Based on the assessment conducted under paragraph (1), the Secretary, in consultation with the Secretary of Transportation, shall develop prioritized recommendations for improving rail security, including any recommendations the Secretary has for—

(A) improving the security of rail tunnels, rail bridges, rail switching and car storage areas, other rail infrastructure and facilities, information systems, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) deploying equipment to detect explosives and hazardous chemical, biological, and radioactive substances, and any appropriate countermeasures;

(C) training appropriate railroad or railroad shipper employees in terrorism prevention, passenger evacuation, and response activities;

(D) conducting public outreach campaigns on passenger railroads;

(E) deploying surveillance equipment; and

(F) identifying the immediate and long-term costs of measures that may be required to address those risks.

(4) PLANS.—The report required by subsection (c) shall include—

(A) a plan, developed in consultation with the freight and intercity passenger railroads, and State and local governments, for the Federal government to provide increased security support at high or severe threat levels of alert;

(B) a plan for coordinating existing and planned rail security initiatives undertaken by the public and private sectors; and

(C) a contingency plan, developed in conjunction with freight and intercity and commuter passenger railroads, to ensure the continued movement of freight and passengers in the event of an attack affecting the railroad system, which shall contemplate—

(i) the possibility of rerouting traffic due to the loss of critical infrastructure, such as a bridge, tunnel, yard, or station; and

(ii) methods of continuing railroad service in the Northeast Corridor in the event of a commercial power loss, or catastrophe affecting a critical bridge, tunnel, yard, or station.

(b) CONSULTATION; USE OF EXISTING RESOURCES.—In carrying out the assessment and developing the recommendations and plans required by subsection (a), the Secretary of Homeland Security shall consult with rail management, rail labor, owners or lessors of rail cars used to transport hazardous materials, first responders, shippers of hazardous materials, public safety officials, and other relevant parties.

(c) REPORT.—

(1) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report containing the assessment, prioritized recommendations, and plans required by subsection (a) and an estimate of the cost to implement such recommendations.

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(3) FAILURE TO MEET DEADLINE.—The the Secretary fails to transmit the report required by paragraph (1) within the period required by paragraph (1), the Secretary shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Homeland Security and explain in writing the reason for the failure.

(d) ANNUAL UPDATES.—The Secretary, in consultation with the Secretary of Transportation, shall update the assessment and recommendations each year and transmit a report, which may be submitted in both classified and redacted formats, to the Committees named in subsection (c)(1), containing the updated assessment and recommendations.

(e) FUNDING.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2006.

SEC. —02. RAIL WORKER SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security and the Secretary of Transportation, in consultation with appropriate law enforcement, security, and terrorism experts, representatives of railroad carriers, and nonprofit employee organizations that represent rail workers, shall develop and issue detailed guidance for a rail worker security training program.

(b) REPORT.—

(1) IN GENERAL.—The Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the guidance developed for the program under subsection (a).

(2) FORMAT.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

SEC. —03. RAIL SECURITY.

(a) Rail Police Officers.—Section 28101 of title 49, United States Code, is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(b) Review of Rail Regulations.—Within 1 year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Under Secretary of Homeland Security for Border and Transportation Security, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail security.

SEC. —04. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) Requirement for Study.—Within one year after the date of enactment of this Act, the Comptroller General shall complete a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) Purpose.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) Report.—The Comptroller General shall submit a report on the results of the study to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. —05. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) Requirement for Study and Report.—The Secretary of Homeland Security, in cooperation with the Secretary of Transportation through the Assistant Secretary of Homeland Security (Transportation Security Administration) and other appropriate agencies, shall—

(1) study the cost and feasibility of requiring security screening for passengers, baggage, and cargo on passenger trains including an analysis of any passenger train screening pilot programs undertaken by the Department of Homeland Security; and

(2) report the results of the study, together with any recommendations that the Secretary of Homeland Security may have for implementing a rail security screening program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 1 year after the date of enactment of this Act.

(b) Pilot Program.—As part of the study under subsection (a), the Under Secretary shall complete a pilot program of random security screening of passengers and baggage at 5 passenger rail stations served by Amtrak selected by the Under Secretary. In conducting the pilot program, the Under Secretary shall—

(1) test a wide range of explosives detection technologies, devices and methods;

(2) require that intercity rail passengers produce government-issued photographic identification which matches the name on the passenger's tickets prior to boarding trains; and

(3) attempt to give preference to locations at the highest risk of terrorist attack and achieve a distribution of participating train stations in terms of geographic location, size, passenger volume, and whether the station is used by commuter rail passengers as well as Amtrak passengers.

(c) Authorization of Appropriations.—Out of funds appropriated pursuant to section 114(u)(2) of title 49, United States Code, there shall be made available to the Secretary of Homeland Security to carry out this section $5,000,000 for fiscal year 2006.

SEC. —06. FIRE AND LIFE-SAFETY IMPROVEMENTS.

(a) Life-safety Needs.—The Secretary of Transportation is authorized to make grants to Amtrak for the purpose of making fire and life-safety improvements to Amtrak tunnels on the Northeast Corridor in New York, NY, Baltimore, MD, and Washington, DC.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the purposes of carrying out subsection (a) the following amounts:

(1) For the 6 New York tunnels to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $100,000,000 for fiscal year 2006;

(B) $100,000,000 for fiscal year 2007;

(C) $100,000,000 for fiscal year 2008;

(D) $100,000,000 for fiscal year 2009; and

(E) $170,000,000 for fiscal year 2010.

(2) For the Baltimore & Potomac tunnel and the Union tunnel, together, to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades—

(A) $10,000,000 for fiscal year 2006;

(B) $10,000,000 for fiscal year 2007;

(C) $10,000,000 for fiscal year 2008;

(D) $10,000,000 for fiscal year 2009; and

(E) $17,000,000 for fiscal year 2010.

(3) For the Washington, DC Union Station tunnels to improve ventilation, communication, lighting, and passenger egress upgrades—

(A) $8,000,000 for fiscal year 2006;

(B) $8,000,000 for fiscal year 2007;

(C) $8,000,000 for fiscal year 2008;

(D) $8,000,000 for fiscal year 2009; and

(E) $8,000,000 for fiscal year 2010.

(c) Infrastructure Upgrades.—There are authorized to be appropriated to the Secretary of Transportation for fiscal year 2006 $3,000,000 for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) Availability of Appropriated Funds.—Amounts appropriated pursuant to this section shall remain available until expended.

(e) Plans Required.—The Secretary may not make amounts available to Amtrak for obligation or expenditure under subsection (a)—

(1) until Amtrak has submitted to the Secretary, and the Secretary has approved, an engineering and financial plan for such projects; and

(2) unless, for each project funded pursuant to this section, the Secretary has approved a project management plan prepared by Amtrak addressing appropriate project budget, construction schedule, recipient staff organization, document control and record keeping, change order procedure, quality control and assurance, periodic plan updates, periodic status reports, and such other matters the Secretary deems appropriate.

(f) Review of Plans.—The Secretary of Transportation shall complete the review of the plans required by paragraphs (1) and (2) of subsection (e) and approve or disapprove the plans within 45 days after the date on which each such plan is submitted by Amtrak. If the Secretary determines that a plan is incomplete or deficient, the Secretary shall notify Amtrak of the incomplete items or deficiencies and Amtrak shall, within 30 days after receiving the Secretary's notification, submit a modified plan for the Secretary's review. Within 15 days after receiving additional information on items previously included in the plan, and within 45 days after receiving items newly included in a modified plan, the Secretary shall either approve the modified plan, or, if the Secretary finds the plan is still incomplete or deficient, the Secretary shall identify in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure the portions of the plan the Secretary finds incomplete or deficient, approve all other portions of the plan, obligate the funds associated with those other portions, and execute an agreement with Amtrak within 15 days thereafter on a process for resolving the remaining portions of the plan.

(g) Financial Contribution From Other Tunnel Users.—The Secretary shall, taking into account the need for the timely completion of all portions of the tunnel projects described in subsection (a)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and

(3) obtain financial contributions or commitments from such other rail carriers at levels reflecting the extent of their use of the tunnels, if feasible.

SEC. —07. AMTRAK PLAN TO ASSIST FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) In General.—Chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"§ 24316. Plans to address needs of families of passengers involved in rail passenger accidents

"(a) Submission of Plan.—Not later than 6 months after the date of the enactment of the Department of Homeland Security Appropriations Act, 2006, Amtrak shall submit to the Chairman of the National Transportation Safety Board and the Secretary of Transportation a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving an Amtrak intercity train and resulting in a loss of life.

"(b) Contents of Plans.—The plan to be submitted by Amtrak under subsection (a) shall include, at a minimum, the following:

"(1) A process by which Amtrak will maintain and provide to the National Transportation Safety Board and the Secretary of Transportation, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for Amtrak to use reasonable efforts to ascertain the number and names of passengers aboard a train involved in an accident.

"(2) A plan for creating and publicizing a reliable, toll-free telephone number within 4 hours after such an accident occurs, and for providing staff, to handle calls from the families of the passengers.

"(3) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, by suitably trained individuals.

"(4) A process for providing the notice described in paragraph (2) to the family of a passenger as soon as Amtrak has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified).

"(5) A process by which the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within Amtrak's control; that any possession of the passenger within Amtrak's control will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation; and that any unclaimed possession of a passenger within Amtrak's control will be retained by the rail passenger carrier for at least 18 months.

"(6) A process by which the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

"(7) An assurance that Amtrak will provide adequate training to its employees and agents to meet the needs of survivors and family members following an accident.

"(c) USE OF INFORMATION.—The National Transportation Safety Board, the Secretary of Transportation, and Amtrak may not release to any person information on a list obtained under subsection (b)(1) but may provide information on the list about a passenger to the family of the passenger to the extent that the Board or Amtrak considers appropriate.

"(d) LIMITATION ON LIABILITY.—Amtrak shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of Amtrak in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by Amtrak under subsection (b), unless such liability was caused by Amtrak's conduct.

"(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that Amtrak may take, or the obligations that Amtrak may have, in providing assistance to the families of passengers involved in a rail passenger accident.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $500,000 for fiscal year 2006 to carry out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 243 of title 49, United States Code, is amended by adding at the end the following:

"Sec.
"24316. Plan to assist families of passengers involved in rail passenger accidents.".

SEC. —08. SYSTEMWIDE AMTRAK SECURITY UPGRADES.

(a) IN GENERAL.—Subject to subsection (c), the Under Secretary of Homeland Security for Border and Transportation Security is authorized to make grants, through the Secretary of Transportation, to Amtrak—

(1) to secure major tunnel access points and ensure tunnel integrity in New York, Baltimore, and Washington, DC;

(2) to secure Amtrak trains;

(3) to secure Amtrak stations;

(4) to obtain a watch list identification system approved by the Under Secretary;

(5) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(6) to hire additional police and security officers, including canine units; and

(7) to expand emergency preparedness efforts.

(b) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless the projects are contained in a systemwide security plan approved by the Under Secretary, in consultation with the Secretary of Transportation, and, for capital projects, meet the requirements of section —07(e)(2). The plan shall include appropriate measures to address security awareness, emergency response, and passenger evacuation training.

(c) EQUITABLE GEOGRAPHIC ALLOCATION.—The Under Secretary shall ensure that, subject to meeting the highest security needs on Amtrak's entire system, stations and facilities located outside of the Northeast Corridor receive an equitable share of the security funds authorized by this section.

(d) AVAILABILITY OF FUNDS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $63,500,000 for fiscal year 2006 for the purposes of carrying out this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. —09. FREIGHT AND PASSENGER RAIL SECURITY UPGRADES.

(a) SECURITY IMPROVEMENT GRANTS.—The Under Secretary of Homeland Security for Border and Transportation Security is authorized to make grants to freight railroads, the Alaska Railroad, hazardous materials shippers, owners of rail cars used in the transportation of hazardous materials, universities, colleges and research centers, State and local governments (for passenger facilities and infrastructure not owned by Amtrak), and, through the Secretary of Transportation, to Amtrak, for full or partial reimbursement of costs incurred in the conduct of activities to prevent or respond to acts of terrorism, sabotage, or other intercity passenger rail and freight rail security threats, including—

(1) security and redundancy for critical communications, computer, and train control systems essential for secure rail operations;

(2) accommodation of cargo or passenger screening equipment at the United States-Mexico border or the United States-Canada border;

(3) the security of hazardous material transportation by rail;

(4) secure intercity passenger rail stations, trains, and infrastructure;

(5) structural modification or replacement of rail cars transporting high hazard materials to improve their resistance to acts of terrorism;

(6) employee security awareness, preparedness, passenger evacuation, and emergency response training;

(7) public security awareness campaigns for passenger train operations;

(8) the sharing of intelligence and information about security threats;

(9) to obtain train tracking and interoperable communications systems that are coordinated to the maximum extent possible;

(10) to hire additional police and security officers, including canine units; and

(11) other improvements recommended by the report required by section —01, including infrastructure, facilities, and equipment upgrades.

(b) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(c) EQUITABLE ALLOCATION.—The Under Secretary shall equitably distribute the funds authorized by this section, taking into account geographic location, and shall encourage non-Federal financial participation in awarding grants. With respect to grants for passenger rail security, the Under Secretary shall also take into account passenger volume and whether a station is used by commuter rail passengers as well as intercity rail passengers.

(d) CONDITIONS.—The Secretary of Transportation may not disburse funds to Amtrak under subsection (a) unless Amtrak meets the conditions set forth in section —08(b) of this title.

(e) ALLOCATION BETWEEN RAILROADS AND OTHERS.—Unless as a result of the assessment required by section —01 the Under Secretary of Homeland Security for Border and Transportation Security determines that critical rail transportation security needs require reimbursement in greater amounts to any eligible entity, no grants under this section may be made—

(1) in excess of $65,000,000 to Amtrak; or

(2) in excess of $100,000,000 for the purposes described in paragraphs (3) and (5) of subsection (a).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $70,000,000 for each of fiscal years 2006 through 2010 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

(g) HIGH HAZARD MATERIALS DEFINED.—In this section, the term "high hazard materials" means poison inhalation hazard materials, Class 2.3 gases, Class 6.1 materials, and anhydrous ammonia.

SEC. —10. OVERSIGHT AND GRANT PROCEDURES.

(a) SECRETARIAL OVERSIGHT.—The Secretary of Transportation may use up to 0.5 percent of amounts made available to Amtrak for capital projects under this title to enter into contracts for the review of proposed capital projects and related program management plans and to oversee construction of such projects.

(b) USE OF FUNDS.—The Secretary may use amounts available under subsection (a) of this subsection to make contracts for safety, procurement, management, and financial compliance reviews and audits of a recipient of amounts under subsection (a).

(c) PROCEDURES FOR GRANT AWARD.—The Under Secretary shall prescribe procedures and schedules for the awarding of grants under this title, including application and qualification procedures (including a requirement that the applicant have a security plan), and a record of decision on applicant eligibility. The procedures shall include the execution of a grant agreement between the grant recipient and the Under Secretary. The Under Secretary shall issue a final rule establishing the procedures not later than 90 days after the date of enactment of this Act.

SEC. —11. RAIL SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Under Secretary of Homeland Security for Border and Transportation Security, in conjunction with the Secretary of Transportation, shall carry out a research and development program for the purpose of improving freight and intercity passenger rail security that may include research and development projects to—

(1) reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances;

(2) test new emergency response techniques and technologies;

(3) develop improved freight technologies, including—

(A) technologies for sealing rail cars;

(B) automatic inspection of rail cars;

(C) communication-based train controls; and

(D) emergency response training;

(4) test wayside detectors that can detect tampering with railroad equipment; and

(5) support enhanced security for the transportation of hazardous materials by rail, including—

(A) technologies to detect a breach in a tank car and transmit information about the integrity of tank cars to the train crew;

(B) research to improve tank car integrity, with a focus on tank cars that carry high hazard materials (as defined in section —09(g) of this title);

(C) techniques to transfer hazardous materials from rail cars that are damaged or otherwise represent an unreasonable risk to human life or public safety;

(6) other projects recommended in the report required by section —01.

(b) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Under Secretary of Homeland Security for Border and Transportation Security shall ensure that the research and development program authorized by this section is coordinated with other research and development initiatives at the Department and the Department of Transportation. The Under Secretary of Homeland Security for Border and Transportation Security shall carry out any research and development project authorized by this section through a reimbursable agreement with the Secretary of Transportation if the Secretary of Transportation—

(1) is already sponsoring a research and development project in a similar area; or

(2) has a unique facility or capability that would be useful in carrying out the project.

(c) ACCOUNTABILITY.—The Under Secretary shall adopt necessary procedures, including audits, to ensure that grants made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Under Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Homeland Security for Border and Transportation Security $20,000,000 for each of fiscal years 2006 through 2010 to carry out the purposes of this section. Amounts appropriated pursuant to this subsection shall remain available until expended.

SEC. —12. WELDED RAIL AND TANK CAR SAFETY IMPROVEMENTS.

(a) TRACK STANDARDS.—Within 90 days after the date of enactment of this Act, the Federal Railroad Administration shall—

(1) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(2) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(3) establish a program to periodically review continuous welded rail joint bar inspection data from railroads and Administration track inspectors and, whenever the Administration determines that it is necessary or appropriate, require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail.

(b) TANK CAR STANDARDS.—The Federal Railroad Administration shall—

(1) within 1 year after the date of enactment of this Act, validate the predictive model it is developing to quantify the relevant dynamic forces acting on railroad tank cars under accident conditions; and

(2) within 18 months after the date of enactment of this Act, initiate a rulemaking to develop and implement appropriate design standards for pressurized tank cars.

(c) OLDER TANK CAR IMPACT RESISTANCE ANALYSIS AND REPORT.—Within 2 years after the date of enactment of this Act, the Federal Railroad Administration shall—

(1) conduct a comprehensive analysis to determine the impact resistance of the steels in the shells of pressure tank cars constructed before 1989; and

(2) transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure with recommendations for measures to eliminate or mitigate the risk of catastrophic failure.

SEC. —13. NORTHERN BORDER RAIL PASSENGER REPORT.

Within 180 days after the date of enactment of this Act, the Under Secretary of Homeland Security for Border and Transportation Security, in consultation with the heads of other appropriate Federal departments and agencies and the National Railroad Passenger Corporation, shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that contains—

(1) a description of the current system for screening passengers and baggage on passenger rail service between the United States and Canada;

(2) an assessment of the current program to provide preclearance of airline passengers between the United States and Canada as outlined in "The Agreement on Air Transport Preclearance between the Government of Canada and the Government of the United States of America", dated January 18, 2001;

(3) an assessment of the current program to provide preclearance of freight railroad traffic between the United States and Canada as outlined in the "Declaration of Principle for the Improved Security of Rail Shipments by Canadian National Railway and Canadian Pacific Railway from Canada to the United States", dated April 2, 2003;

(4) information on progress by the Department of Homeland Security and other Federal agencies towards finalizing a bilateral protocol with Canada that would provide for preclearance of passengers on trains operating between the United States and Canada;

(5) a description of legislative, regulatory, budgetary, or policy barriers within the United States Government to providing prescreened passenger lists for rail passengers travelling between the United States and Canada to the Department of Homeland Security;

(6) a description of the position of the Government of Canada and relevant Canadian agencies with respect to preclearance of such passengers; and

(7) a draft of any changes in existing Federal law necessary to provide for pre-screening of such passengers and providing prescreened passenger lists to the Department of Homeland Security.

SEC. —14. REPORT REGARDING IMPACT ON SECURITY OF TRAIN TRAVEL IN COMMUNITIES WITHOUT GRADE SEPARATION.

(a) STUDY.—The Secretary of Homeland Security shall, in consultation with State and local government officials, conduct a study on the impact of blocked highway-railroad grade crossings on the ability of emergency responders, including ambulances and police, fire, and other emergency vehicles, to perform public safety and security duties in the event of a terrorist attack.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Homeland Security shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the findings of the study conducted under subsection (a) and recommendations for reducing the impact of blocked crossings on emergency response.

SEC. —15. WHISTLEBLOWER PROTECTION PROGRAM.

(a) IN GENERAL.—Subchapter A of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following:

"§ 20116. Whistleblower protection for rail security matters

"(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail carrier engaged in interstate or foreign commerce may discharge a railroad employee or otherwise discriminate against a railroad employee because the employee (or any person acting pursuant to a request of the employee)—

(1) provided, caused to be provided, or is about to provide or cause to be provided, to the employer or the Federal Government information relating to a perceived threat to security; or

"(2) provided, caused to be provided, or is about to provide or cause to be provided, testimony before Congress or at any Federal or State proceeding regarding a perceived threat to security; or

"(3) refused to violate or assist in the violation of any law, rule or regulation related to rail security.

"(b) DISPUTE RESOLUTION.—A dispute, grievance, or claim arising under this section is subject to resolution under section 3 of the Railway Labor Act (45 U.S.C. 153). In a proceeding by the National Railroad Adjustment Board, a division or delegate of the Board, or another board of adjustment established under section 3 to resolve the dispute, grievance, or claim the proceeding shall be expedited and the dispute, grievance, or claim shall be resolved not later than 180 days after it is filed. If the violation is a form of discrimination that does not involve discharge, suspension, or another action affecting pay, and no other remedy is available under this subsection, the Board, division, delegate, or other board of adjustment may award the employee reasonable damages, including punitive damages, of not more than $20,000.

"(c) PROCEDURAL REQUIREMENTS.—Except as provided in subsection (b), the procedure set forth in section 42121(b)(2)(B) of this title, including the burdens of proof, applies to any complaint brought under this section.

"(d) ELECTION OF REMEDIES.—An employee of a railroad carrier may not seek protection under both this section and another provision of law for the same allegedly unlawful act of the carrier.

"(e) DISCLOSURE OF IDENTITY.—

"(1) Except as provided in paragraph (2) of this subsection, or with the written consent of the employee, the Secretary of Transportation may not disclose the name of an employee of a railroad carrier who has provided information about an alleged violation of this section.

"(2) The Secretary shall disclose to the Attorney General the name of an employee described in paragraph (1) of this subsection if the matter is referred to the Attorney General for enforcement.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20115 the following:

"20116. Whistleblower protection for rail security matters.".

SEC. —16. HAZMAT ROUTING COMMISSION.

(a) IN GENERAL.—The President shall establish and appoint the members of a commission to study and make recommendations to the President concerning—

(1) the current routing of hazardous materials being transported by rail through or near facilities at high risk for catastrophic damage due to any accident involving the leakage, spilling, or release of such materials;

(2) alternative routings, the construction of additional rail facilities, and other risk reduction strategies to address issues associated with the rail transportation of such materials through or near such facilities; and

(3) feasability and funding strategies and mechanisms for implementing such alternative routings and other risk reduction strategies, including cost-benefit analyses.

(b) REPORT.—The commission shall report its findings and recommendations to the President within 12 months after the date of enactment of this Act and transmit a copy of the report to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Homeland Security, and the House of Representatives Committee on Transportation and Infrastructure.

SA 1197. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 19 after "based on", insert "risk and".

SA 1198. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 78, line 19 after "based on", insert "risk and".

SA 1199. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, line 24, strike "$615,000,000" and insert "$715,000,000" and strike "$500,000,000" and insert "$600,000,000".

SA 1200. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $100,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) for the fiscal year ending September 30, 2005, to be available immediately upon enactment, and to remain available until September 30, 2007.

SA 1201. Mr. BYRD submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 81, strike line 20 and insert the following:

award: Provided further, That any recipient of Federal funds granted through the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative Program, or any predecessor or successor to these programs, as appropriated in fiscal year 2004 and fiscal year 2005, shall expend funds pursuant to the relevant, approved State plan by September 30, 2007: Provided further, That any recipient of Federal funds granted through any program described in the preceding proviso, as appropriated in fiscal year 2006, shall expend funds pursuant to the relevant, approved State plan by September 30, 2008: Provided further, That any funds not expended by September 30, 2007 or September 30, 2008, respectively, as required by the preceding 2 provisos shall be returned to the Department of Homeland Security to be reallocated to State and local entities based on risk and in conformance with the assessments now being conducted by the States under Homeland Security Presidential Directive 8.

SA 1202. Mr. DODD (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 22: strike $425,000,000 and insert $2,058,178,673.

On page 78, line 13: strike $365,000,000 and insert $1,878,088,040.

On page 78, line 16: strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22: strike $5,000,000 and insert $25,727,233.

On page 78, line 24: strike $10,000,000 and insert $51,454,467.

On page 77, line 18: strike $2,694,000,000 and insert $13,863,377,000.

On page 77, line 20: strike $1,518,000,000 and insert $7,810,788,066.

On page 79, line 1: strike $100,000,000 and insert $514,544,668.

On page 79, line 5: strike $50,000,000 and insert $257,272,334.

On page 79, line 7: strike $50,000,000 and insert $257,272,334.

On page 79, line 9: strike $40,000,000 and insert $205,817,867.

On page 79, line 21: strike $321,300,000 and insert $1,653,232,019.

On page 81, line 24: strike $615,000,000 and insert $3,164,802,000.

On page 81, line 24: strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26: strike $65,000,000 and insert $334,491,000.

On page 82, line 12: strike $180,000,000 and insert $926,284,000.

On page 83, line 12: strike $203,499,000 and insert $1,047,210,000.

On page 89, line 3: strike $194,000,000 and insert $998,327,800.

SA 1203. Mr. CORNYN (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

TITLE VI—HOMELAND SECURITY GRANT ENHANCEMENT

SEC. 601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Funding Our Risks With Appropriate Resource Disbursement Act of 2005" or the "Homeland Security FORWARD Funding Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 601. Short title; table of contents.
Sec. 602. Risk-based funding for homeland security.
Sec. 603. Essential capabilities, task forces, and standards.
Sec. 604. Effective administration of homeland security grants.
Sec. 605. Implementation and definitions.

SEC. 602. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

"SEC. 1801. RISK-BASED FUNDING FOR HOMELAND SECURITY.

"(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

"(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

"(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

"(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

"(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

"(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.".

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 1802. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) GRANT ELIGIBILITY.—

"(1) IN GENERAL.—

"(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

"(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) OTHER GRANT APPLICANTS.—

"(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 1801(a).

"(B) CONSIDERATION.—Such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

"(3) CERTIFICATION OF REGIONS.—

"(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

"(i) the geographic area meets the criteria under section 1807(10)(B) and (C); and

"(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

"(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding subparagraphs (B) and (C) of section 1807(10), a geographic area that, on or before the date of enactment of the Homeland Security FORWARD Funding Act of 2005, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

"(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 1803.

"(c) STATE HOMELAND SECURITY PLANS.—

"(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

"(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(D) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

"(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

"(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

"(e) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

"(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

"(iii) a designation of a specific individual to serve as regional liaison; and

"(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) OPPORTUNITY FOR STATE REVIEW AND COMMENT.—

"(i) IN GENERAL.—To ensure coordination with an application submitted by a State or States, an applicant that is a region shall submit its application to each State within the boundaries of which any part of such region is located for review. Before awarding any covered grant to a region, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such region is located to comment to the Secretary on the consistency of the region's application with the State's homeland security plan. Any such comments and the underlying regional application shall be submitted to the Secretary concurrently with the submission of the State and regional applications.

"(ii) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a region with the applicable State homeland security plan or plans, and to approve any application of such region. The Secretary shall notify each State within the boundaries of which any part of such region is located of the approval of an application by such region.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application: *Provided* That, in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) TRIBAL APPLICATIONS.—

"(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and

"(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

"(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 1805(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(f) HOMELAND SECURITY GRANTS BOARD.—

"(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

"(A) the Secretary;

"(B) the Deputy Secretary of Homeland Security;

"(C) the Under Secretary for Emergency Preparedness and Response;

"(D) the Under Secretary for Border and Transportation Security;

"(E) the Under Secretary for Information Analysis and Infrastructure Protection;

"(F) the Under Secretary for Science and Technology; and

"(G) the Director of the Office of State and Local Government Coordination.

"(2) CHAIRMAN.—

"(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

"(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

"(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

"(A) PRIORITIZATION OF GRANTS.—The Board—

"(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

"(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

"(B) MINIMUM AMOUNTS.—

"(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 1801(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 1801(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.".

SEC. 603. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by section 602, is amended by adding at the end the following:

"SEC. 1803. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

"(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

"(1) IN GENERAL.—For purposes of covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

"(A) the Task Force on Essential Capabilities established under section 1804;

"(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

"(C) the Secretary of Health and Human Services;

"(D) other appropriate Federal agencies;

"(E) State and local first responder agencies and officials; and

"(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

"(2) DEADLINES.—The Secretary shall—

“(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 1804(b); and

“(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

“(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

“(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

“(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

“(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

“(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

“(C) the principles of regional coordination and mutual aid among State and local governments.

“(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

“(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

“(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

“(c) FACTORS TO BE CONSIDERED.—

“(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

“(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

“(A) Agriculture.

“(B) Banking and finance.

“(C) Chemical industries.

“(D) The defense industrial base.

“(E) Emergency services.

“(F) Energy.

“(G) Food.

“(H) Government.

“(I) Postal and shipping.

“(J) Public health.

“(K) Information and telecommunications networks.

“(L) Transportation.

“(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

“(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

“(A) Biological threats.

“(B) Nuclear threats.

“(C) Radiological threats.

“(D) Incendiary threats.

“(E) Chemical threats.

“(F) Explosives.

“(G) Suicide bombers.

“(H) Cyber threats.

“(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

“(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

“SEC. 1804. TASK FORCE ON ESSENTIAL CAPABILITIES.

“(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 1803(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

“(b) REPORT.—

“(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

“(2) CONTENTS.—The report shall—

“(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

“(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

“(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

“(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

“(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

“(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d-6(a)).

“(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

“(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

“(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

“(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

“(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

“(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

“(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

“(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

“(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

“SEC. 1805. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

“(a) EQUIPMENT STANDARDS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1802(e)(7). Such standards—

“(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

“(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

“(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

“(D) shall cover all appropriate uses of the equipment.

“(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

“(A) Thermal imaging equipment.

“(B) Radiation detection and analysis equipment.

“(C) Biological detection and analysis equipment.

“(D) Chemical detection and analysis equipment.

“(E) Decontamination and sterilization equipment.

“(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

“(G) Respiratory protection equipment.

“(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

“(I) Explosive mitigation devices and explosive detection and analysis equipment.

“(J) Containment vessels.

“(K) Contaminant-resistant vehicles.

“(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

“(b) TRAINING STANDARDS.—

“(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

“(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

“(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

“(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

“(A) Regional planning.

“(B) Joint exercises.

“(C) Intelligence collection, analysis, and sharing.

“(D) Emergency notification of affected populations.

“(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

“(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

“(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

“(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

“(1) the National Institute of Standards and Technology;

“(2) the National Fire Protection Association;

“(3) the National Association of County and City Health Officials;

“(4) the Association of State and Territorial Health Officials;

“(5) the American National Standards Institute;

“(6) the National Institute of Justice;

“(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

“(8) the National Public Health Performance Standards Program;

“(9) the National Institute for Occupational Safety and Health;

“(10) ASTM International;

“(11) the International Safety Equipment Association;

“(12) the Emergency Management Accreditation Program;

“(13) the National Domestic Preparedness Consortium; and

“(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

“(d) COORDINATION WITH SECRETARY OF HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.”.

SEC. 604. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) USE OF GRANT FUNDS AND ACCOUNTABILITY.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 602 and 603, is amended by adding at the end the following:

“SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

“(a) IN GENERAL.—A covered grant may be used for—

“(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

“(2) exercises to strengthen terrorism preparedness and response;

“(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

“(4) developing or updating response plans;

“(5) establishing or enhancing mechanisms for sharing terrorism threat information;

“(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, lifecycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

“(7) additional personnel costs resulting from—

“(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

“(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

“(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

“(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

“(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

“(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

“(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

“(A) $1,000,000 per project; or

“(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

“(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

“(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

“(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

“(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

“(15) other appropriate activities as determined by the Secretary.

“(b) PROHIBITED USES.—Funds provided as a covered grant may not be used—

“(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

“(2) to construct buildings or other physical facilities, except for—

“(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

“(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 1802(c);

“(3) to acquire land; or

“(4) for any State or local government cost-sharing contribution.

“(c) Multiple-Purpose Funds.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 1803.

“(d) Reimbursement of Costs.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

“(e) Assistance Requirement.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

“(f) Flexibility in Unspent Homeland Security Grant Funds.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

“(g) State, Regional, and Tribal Responsibilities.—

“(1) Pass-through.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

“(2) Certifications regarding distribution of grant funds to local governments.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

“(3) Quarterly report on homeland security spending.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each such report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

“(A) the amount obligated to that recipient in that quarter;

“(B) the amount expended by that recipient in that quarter; and

“(C) a summary description of the items purchased by such recipient with such amount.

“(4) Annual report on homeland security spending.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

“(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

“(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

“(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

“(5) Inclusion of restricted annexes.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(6) Provision of reports.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

“(h) Incentives to Efficient Administration of Homeland Security Grants.—

“(1) Penalties for delay in passing through local share.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

“(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) Extension of period.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1802(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

“(3) Provision of non-local share to local government.—

“(A) In general.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

“(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

“(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

“(iii) the local government complies with subparagraph (B).

“(B) Showing required.—To receive a payment under this paragraph, a local government must demonstrate that—

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

“(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

“(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

“(C) Effect of payment.—Payment of grant funds to a local government under this paragraph—

“(i) shall not affect any payment to another local government under this paragraph; and

“(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

“(D) Deadline for action by Secretary.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

“(i) Reports to Congress.—The Secretary shall submit an annual report to Congress by December 31 of each year—

“(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

"(2) containing information on the use of such grant funds by grantees; and

"(3) describing—

"(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 1803(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

"(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 1803(a).".

(b) SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.—

(1) FINDING.—Congress finds that—

(A) many emergency response providers (as defined under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this title) working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another; and

(B) their inability to do so threatens the public's safety and may result in unnecessary loss of lives and property.

(2) SENSE OF CONGRESS.—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the emergency response provider community, and that upgraded and new digital communications systems and new digital radios must meet prevailing national voluntary consensus standards for interoperability.

(c) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(d) REQUIRED COORDINATION.—The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(e) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 112(f)) is amended by striking "and" after the semicolon at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting "; and", and by adding at the end the following:

"(8) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.".

(f) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this title, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(g) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of "National Capital Region" applicable under section 882 of the Homeland Security Act of 2002 to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this title, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002) as the Secretary considers appropriate.

SEC. 605. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title 18 of the Homeland Security Act of 2002.".

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as added by this title, shall not apply during the 1-year period beginning on the date of enactment of this title—

(A) subsections (b), (c), and (e)(4) (A) and (B) of section 1802; and

(B) in section 1802(f)(3)(A)(i), the phrase "by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,".

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as added by this title, shall not apply during the 2-year period beginning on the date of enactment of this title—

(A) subparagraphs (D) and (E) of section 1806(g)(4); and

(B) section 1806(i)(3).

(c) DEFINITIONS.—

(1) TITLE XVIII.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 602, 603, and 604, is amended by adding at the end the following:

"SEC. 1807. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 1802(f).

"(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

"(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1801(b).

"(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

"(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

"(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(10) REGION.—The term 'region' means any geographic area—

"(A) certified by the Secretary under section 1802(a)(3);

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

"(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

"(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

"(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

"(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 1804.

"(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

"(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.".

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

"TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

"Sec. 1801. Risk-based funding for homeland security.
"Sec. 1802. Covered grant eligibility and criteria.
"Sec. 1803. Essential capabilities for homeland security.
"Sec. 1804. Task Force on Essential Capabilities.
"Sec. 1805. National standards for first responder equipment and training.
"Sec. 1806. Use of funds and accountability requirements.
"Sec. 1807. Definitions.".

SA 1204. Mr. KYL (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—BORDER ENFORCEMENT AND VISA SECURITY

SEC. _01.(a) Not later than December 31, 2006, the Secretary of Homeland Security shall make the expedited removal procedures under section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) available in all border patrol sectors on the borders of the United States.

(b) Section 235(b)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)(i)) is amended by inserting "a supervisory" before "officer shall".

SEC. 02.(a) The Secretary of Homeland Security shall provide all customs and border protection officers with training in identifying and detecting fraudulent travel documents. Such training shall be developed in consultation with the Forensic Document Laboratory of the Immigration and Customs Enforcement.

(b) The Secretary of Homeland Security shall provide all customs and border protection officers with access to the Forensic Document Laboratory.

SEC. 03. Section 303 of Public Law 107–173 (8 U.S.C. 1732) is amended—

(1) in the header, by striking "**ENTRY AND EXIT DOCUMENTS**" and inserting "**TRAVEL AND ENTRY DOCUMENTS AND EVIDENCE OF STATUS**";

(2) in subsection (b)(1)—

(A) by striking "Not later than October 26, 2004, the Attorney General" and inserting "The Secretary of Homeland Security"; and

(B) by striking "visas and" each place it appears and inserting "visas, evidence of status, and";

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

"(d) OTHER DOCUMENTS.—Not later than October 26, 2007, every document, other than an interim document, issued by the Department of Homeland Security, which may be used as evidence of immigrant, nonimmigrant, parole, asylee, or refugee status, shall be machine-readable, tamper-resistant, and allow biometric authentication.".

SEC. 04. Section 222(g) of the Immigration and Nationality Act (8 U.S.C. 1202(g)) is amended—

(1) in paragraph (1), by inserting "and any other nonimmigrant visa issued by the United States that is in the possession of the alien" after "such visa"; and

(2) in paragraph (2)(A), by striking "(other than the visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality" and inserting "(other than a visa described in paragraph (1)) issued in a consular office located in the country of the alien's nationality or foreign residence".

SEC 05.(a) Section 212 of the Immigration and Nationality Act (8 U.S.C. 1182) is amended—

(1) in subsection (a)(7), by adding at the end the following:

"(C) WITHHOLDERS OF BIOMETRIC DATA.—Any alien who fails to comply with a lawful request for biometric data under section 215(c) or 235(d) is inadmissible."; and

(2) in subsection (d), by inserting after paragraph (1) the following:

"(2) The Secretary of Homeland Security shall determine whether a ground for inadmissibility exists with respect to an alien described in subparagraph (C) subsection (a)(7) and may waive the application of such subparagraph, for an individual alien or a class of aliens, at the discretion of the Secretary.".

(b) Section 215 of the Immigration and Nationality Act (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (g); and

(2) by inserting after subsection (b) the following:

"(c) The Secretary of Homeland Security is authorized to require aliens departing the United States to provide biometric data and other information relating to their immigration status.".

(c) Section 235(d) of the Immigration and Nationality Act (8 U.S.C. 1185(d)) is amended by adding at the end the following:

"(5) AUTHORITY TO COLLECT BIOMETRIC DATA.—In conducting inspections under subsection (b), immigration officers are authorized to collect biometric data from—

"(A) any applicant for admission or alien seeking to transit through the United States; or

"(B) any lawful permanent resident who is entering the United States, but is not regarded as seeking admission under section 101(a)(13)(C).".

(d) Section 252 of the Immigration and Nationality Act (8 U.S.C. 1282) is amended by inserting "Immigration officers are authorized to collect biometric data from any alien crewman seeking permission to land temporarily in the United States." after "this title.".

(e) Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to Congress on the full implementation of the exit portion of US-VISIT.

SEC. 06.(a) Section 236(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1226(a)(2)) is amended—

(1) by striking "on";

(2) in subparagraph (A)—

(A) by inserting "except as provided under subparagraph (B), upon the giving of a"; and

(B) by striking "or" at the end;

(3) by redesignating subparagraph (B) as subparagraph (C); and

(4) by inserting after subparagraph (A) the following:

"(B) if the alien is a national of a noncontiguous country, has not been admitted or paroled into the United States, and was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security, upon the giving of a bond of at least $5,000 with security approved by, and containing conditions prescribed by, the Secretary of Homeland Security or the Attorney General; or".

(b) Not later than 2 years after the effective date of this Act, the Secretary of Homeland Security shall submit a report to Congress that summarizes the implementation of the amendment made by subsection (a).

SEC. 07. Section 243(d) of the Immigration and Nationality Act (8 U.S.C. 1253(d)) is amended—

(1) by striking "On being notified" and inserting the following:

"(1) IN GENERAL.—Upon notification"; and

(2) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security"; and

(3) by adding at the end the following:

"(2) DENIAL OF ADMISSION.—The Secretary of Homeland Security, after making a determination that the government of a foreign country has denied or unreasonably delayed accepting an alien who is a citizen, subject, national, or resident of that country after the alien has been ordered removed, and after consultation with the Secretary of State, may deny admission to any citizen, subject, national or resident of that country until the country accepts the alien that was ordered removed.".

SEC. __08.(a) Section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) is amended—

(1) by striking "Attorney General" and inserting "Secretary of Homeland Security"; and

(2) by adding at the end the following: "Reinstatement under this paragraph shall not require a proceeding under section 240.".

(b)(1) The amendment made by subsection (a)(1) shall take effect as if enacted on March 1, 2003.

(2) The amendments made by subsection (a) shall take effect on September 30, 1996, as if included in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Division C of Public Law 104–208).

SEC. 09.(a) The Attorney General and the Secretary of Homeland Security shall continue to operate and implement the Institutional Removal Program, which identifies removable criminal aliens in Federal and State correctional facilities, ensures such aliens are not released into the community, and removes such aliens from the United States after the completion of their sentences.

(b) The Institutional Removal Program shall be made available to all States.

(c) Law enforcement officers of a State or political subdivision of a State are authorized to hold an illegal alien for a period of up to 14 days after the alien has completed the alien's State prison sentence in order to effectuate the transfer of the alien to Federal custody when the alien is removable or not lawfully present in the United States.

(d) Technology, such as videoconferencing, shall be used to the maximum extent practicable in order to make the Institutional Removal Program available to facilities in remote locations.

SA 1205. Mr. SHELBY (for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$3,760,300,000".

On page 78, strike line 25 and all that follows through "(E)" on page 79, line 5, and insert the following: "security grants; and

"(D)".

On page 79, between 22 and 23, insert the following:

(7) $1,166,000,000 for transit security grants, of which—

(A) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(B) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(C) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems:

SA 1206. Mr. SARBANES submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 26, strike the period at the end and insert ": *Provided further*, That of the total amount made available under this heading, $52,600,000 shall be for the United States Fire Administration.".

SA 1207. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Not later than September 30, 2006, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives that includes—

(1) the results of the survey under subsection (c); and

(2) a plan to implement changes to address problems identified in the survey.

(b) Not later than June 30, 2006, the Secretary of Homeland Security shall submit an interim report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives on the specific design of the survey under subsection (c).

(c) In preparing the report under subsection (a), the Secretary of Homeland Security shall conduct a survey of State and local government emergency officials that—

(1) involve enough respondents to get an adequate, representational response from police, fire, medical, and emergency planners on the regional, State, county, and municipal levels, and other State and local homeland security officials as determined by the Secretary; and

(2) identifies problems relating to the effectiveness and user-friendliness of programs in which the Department of Homeland Security interacts with State and local officials, including grant management, intelligence sharing, training, incident management, regional coordination, critical infrastructure prioritization, and long-term homeland security planning.

SA 1208. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

(a) FINDINGS.—The Senate finds that—

(1) On February 6, 2002, Director of Central Intelligence George Tenet testified that "[A]l Qaeda or other terrorist groups might also try to launch conventional attacks against the chemical or nuclear industrial infrastructure of the United States to cause widespread toxic or radiological damage."

(2) On April 27, 2005, the GAO found that "Experts agree that the nation's chemical facilities present an attractive target for terrorists intent on causing massive damage. For example, the Department of Justice has concluded that the risk of an attempt in the foreseeable future to cause an industrial chemical release is both real and credible. Terrorist attacks involving the theft or release of certain chemicals could significantly impact the health and safety of millions of Americans, disrupt the local or regional economy, or impact other critical infrastructures that rely on chemicals, such as drinking water and wastewater treatment systems."

(3) As of May 2005, according to data collected pursuant to the Risk Management Plan (RMP) of the Environmental Protection Agency (EPA), a worst-case release of chemicals from 2237 facilities would potentially affect between 10,000 and 99,999 people, a release from 493 facilities would potentially affect between 100,000 and 999,000, and a release from 111 facilities would potentially affect over one million.

(4) On April 27, 2005, the GAO found that EPA RMP data was based on a release from a single vessel or pipe rather than the entire quantity on site and that "[A]n attack that breached multiple chemical vessels simultaneously could result in a larger release with potentially more severe consequences than those outlined in 'worst-case' scenarios."

(5) On April 27, 2005, the GAO found that "Despite efforts by DHS to assess facility vulnerabilities and suggest security improvements, no one has comprehensively assessed security at facilities that house chemicals nationwide." GAO further testified that "EPA officials estimated in 2003, that voluntary initiatives led by industry associations only reach a portion of the 15,000 RMP facilities. Further, EPA and DHS have stated publicly that voluntary efforts alone are not sufficient to assure the public of the industry's preparedness."

(6) On June 15, 2005, Thomas P. Dunne, Deputy Assistant Administrator for the Office of Solid Waste and Emergency Response of the EPA testified that "[O]nly a fraction of U.S. hazardous chemical facilities are currently subject to Federal security requirements" and that "we cannot be sure that every high-risk chemical facility has taken voluntary action to secure itself against terrorism."

(7) On June 15, 2005, Robert Stephan, Acting Undersecretary for Information Analysis and Infrastructure Protection and Assistant Secretary for Infrastructure Protection at the Department of Homeland Security testified that that the Department "has concluded that from the regulatory perspective, the existing patchwork of authorities does not permit us to regulate the industry effectively." Stephen further testified that "[I]t has become clear that the entirely voluntary efforts of [chemical facility] companies alone will not sufficiently address security for the entire sector" and that "The Department should develop enforceable performance standards . . ."

(8) The Senate Committee on Homeland Security and Governmental Affairs, through

a series of valuable and wide-ranging hearings, has demonstrated bipartisan commitment to effective Congressional action to protect Americans against a possible terrorist attack against chemical facilities.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that the Congress should pass legislation establishing enforceable federal standards to protect against a terrorist attack on chemical facilities within the United States.

SA 1209. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct every 4 years, during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the next 20 years. Each review under this paragraph shall be known as the "quadrennial homeland defense review".

(2) CONSULTATION.—Each quadrennial homeland defense review under paragraph (1) shall be conducted in consultation with the Attorney General of the United States and the Secretaries of State, Defense, Health and Human Services, and the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with that national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk, and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security, and

(E) any other matter the Secretary of Homeland Security considers appropriate.

SA 1210. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations have been identified as particularly high risk terrorist targets because of the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 898 miles of rail tunnels in transit systems across the country;

(4)(A) security experts have identified a number of technology and training needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks;

(B) technological needs include detection systems, dispersal control, and decontamination techniques; and

(C) training for emergency response to a variety of scenarios is also needed; and

(5) the Department of Transportations Transportation Technology Center in Pueblo, Colorado—

(A) is one of the Nation's largest and most advanced rail safety research centers in the Nation; and

(B) offers full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies as well as training classes to prepare first responders and test new safety technologies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Homeland Security is urged to invest in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies; and

(2) employing existing Federal facilities in this effort can result in efficiencies and permit this important research to proceed at decreased cost to the taxpayer and with minimal interference with ongoing passenger and freight rail traffic.

SA 1211. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INTEROPERABLE COMMUNICATION.

On page 79, strikes lines 21 and 22 and insert in lieu thereof the following:

(6) $374,300,000 for training, exercises, technical assistance, and other programs: Provided, That not less than $65,400,000 shall be used by States, units of local government, local law enforcement agencies, and local fire departments to purchase or improve communication systems to allow for real-time, interoperable communication between first responders

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SA 1212. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, line 19, strike "$124,620,000" and insert "$115,160,000".

On page 57, line 1, strike "$146,322,000" and insert "$135,572,000".

On page 57, line 17, strike "$18,325,000" and insert "$17,035,000".

On page 57, line 22, strike "$286,540,000" and insert "$265,040,000".

On page 77, line 18, strike "$2,694,300,000" and insert "2,737,300,000".

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) $43,000,000 for non-urban communities that are not eligible for the Urban Area Security Initiative grants, distributed at the discretion of the Secretary of Homeland Security based on risks, threats, and vulnerabilities. When distributing these funds the Secretary should consider and give preference to communities with close proximity to international borders, chemical facilities, nuclear power facilities, inland waterway infrastructure, rail transportation infrastructure and major U.S. water and land ports and airports:

SA 1213. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, line 19, strike "$124,620,000" and insert "$115,160,000".

On page 57, line 1, strike "$146,322,000" and insert "$135,572,000".

On page 57, line 17, strike "$18,325,000" and insert "$17,035,000".

On page 57, line 22, strike "$286,540,000" and insert "$265,040,000".

On page 77, line 18, strike "$2,694,300,000" and insert "2,737,300,000".

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) $43,000,000 for interoperable communications equipment grants:

SA 1214. Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) LIABILITY PROTECTION.—A person who donates fire control or fire rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) EXCEPTIONS.—Subsection (a) does not apply to a person if—

(1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or

(2) the person is the manufacturer of the fire control or fire rescue equipment.

(c) PREEMPTION.—This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

(d) DEFINITIONS.—In this section:

(1) PERSON.—The term "person" includes any governmental or other entity.

(2) FIRE CONTROL OR RESCUE EQUIPMENT.—The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) STATE.—The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

(4) VOLUNTEER FIRE COMPANY.—The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

(e) EFFECTIVE DATE.—This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after the date of the enactment of this Act.

SA 1215. Mrs. FEINSTEIN (for herself, Mr. CORNYN, Mr. LAUTENBERG, Mrs. BOXER, Mrs. HUTCHISON, Mr. KERRY, Mr. MARTINEZ, Mr. SCHUMER, Mr. NELSON of Florida, Mrs. CLINTON, Mr. CORZINE, and Mr. KENNEDY) proposed an amendment to amendment SA 1142 proposed by Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. DEWINE, Mr. COBURN, Mr. AKAKA, Mr. CARPER, Mr. SALAZAR, Mr. COLEMAN, Mr. VOINOVICH, Mr. REED, Mr. BINGAMAN, and Mr. HARKIN) to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

TITLE VI—HOMELAND SECURITY GRANT ENHANCEMENT

SEC. 601. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the "Funding Our Risks With Appropriate Resource Disbursement Act of 2005" or the "Homeland Security FORWARD Funding Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 601. Short title; table of contents.
Sec. 602. Risk-based funding for homeland security.
Sec. 603. Essential capabilities, task forces, and standards.
Sec. 604. Effective administration of homeland security grants.
Sec. 605. Implementation and definitions.

SEC. 602. RISK-BASED FUNDING FOR HOMELAND SECURITY.

(a) RISK-BASED FUNDING IN GENERAL.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

"SEC. 1801. RISK-BASED FUNDING FOR HOMELAND SECURITY.

"(a) RISK-BASED FUNDING.—The Secretary shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

"(b) COVERED GRANTS.—This title applies to grants provided by the Department to States, regions, or directly eligible tribes for the primary purpose of improving the ability of first responders to prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks, especially those involving weapons of mass destruction, and grants provided by the Department for improving homeland security, including the following:

"(1) STATE HOMELAND SECURITY GRANT PROGRAM.—The State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) URBAN AREA SECURITY INITIATIVE.—The Urban Area Security Initiative of the Department, or any successor to such grant program.

"(3) LAW ENFORCEMENT TERRORISM PREVENTION PROGRAM.—The Law Enforcement Terrorism Prevention Program of the Department, or any successor to such grant program.

"(4) CITIZEN CORPS PROGRAM.—The Citizen Corps Program of the Department, or any successor to such grant program.

"(c) EXCLUDED PROGRAMS.—This title does not apply to or otherwise affect the following Federal grant programs or any grant under such a program:

"(1) NONDEPARTMENT PROGRAMS.—Any Federal grant program that is not administered by the Department.

"(2) FIRE GRANT PROGRAMS.—The fire grant programs authorized by sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229, 2229a).

"(3) EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE ACCOUNT GRANTS.—The Emergency Management Performance Grant program and the Urban Search and Rescue Grants program authorized by title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 et seq.), the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 (113 Stat. 1047 et seq.), and the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7701 et seq.).

"(d) EFFECT ON COVERED GRANTS.—Nothing in this Act shall be construed to require the elimination of a covered grant program.".

(b) COVERED GRANT ELIGIBILITY AND CRITERIA.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by subsection (a), is amended by adding at the end the following:

"SEC. 1802. COVERED GRANT ELIGIBILITY AND CRITERIA.

"(a) GRANT ELIGIBILITY.—

"(1) IN GENERAL.—

"(A) GENERAL ELIGIBILITY.—Except as provided in subparagraphs (B) and (C), any State, region, or directly eligible tribe shall be eligible to apply for a covered grant.

"(B) URBAN AREA SECURITY INITIATIVE.—Only a region shall be eligible to apply for a grant under the Urban Area Security Initiative of the Department, or any successor to such grant program.

"(C) STATE HOMELAND SECURITY GRANT PROGRAM.—Only a State shall be eligible to apply for a grant under the State Homeland Security Grant Program of the Department, or any successor to such grant program.

"(2) OTHER GRANT APPLICANTS.—

"(A) IN GENERAL.—Grants provided by the Department for improving homeland security, including to seaports, airports, and other transportation facilities, shall be allocated as described in section 1801(a).

"(B) CONSIDERATION.—Such grants shall be considered, to the extent determined appropriate by the Secretary, pursuant to the procedures and criteria established in this title, except that the eligibility requirements of paragraph (1) shall not apply.

"(3) CERTIFICATION OF REGIONS.—

"(A) IN GENERAL.—The Secretary shall certify a geographic area as a region if—

"(i) the geographic area meets the criteria under section 1807(10)(B) and (C); and

"(ii) the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region under this title is in the interest of national homeland security.

"(B) EXISTING URBAN AREA SECURITY INITIATIVE AREAS.—Notwithstanding subparagraphs (B) and (C) of section 1807(10), a geographic area that, on or before the date of enactment of the Homeland Security FORWARD Funding Act of 2005, was designated as a high-threat urban area for purposes of the Urban Area Security Initiative, shall be certified by the Secretary as a region unless the Secretary determines, based on an assessment of threat, vulnerability, and consequence, that certifying the geographic area as a region is not in the interest of national homeland security.

"(b) GRANT CRITERIA.—In awarding covered grants, the Secretary shall assist States, local governments, and operators of airports, ports, or similar facilities in achieving, maintaining, and enhancing the essential capabilities established by the Secretary under section 1803.

"(c) STATE HOMELAND SECURITY PLANS.—

"(1) SUBMISSION OF PLANS.—The Secretary shall require that any State applying to the Secretary for a covered grant shall submit to the Secretary a 3-year State homeland security plan that—

"(A) demonstrates the extent to which the State has achieved the essential capabilities that apply to the State;

"(B) demonstrates the needs of the State necessary to achieve, maintain, or enhance the essential capabilities that apply to the State;

"(C) includes a prioritization of such needs based on threat, vulnerability, and consequence assessment factors applicable to the State;

"(D) describes how the State intends—

"(i) to address such needs at the city, county, regional, tribal, State, and interstate level, including a precise description of any regional structure the State has established for the purpose of organizing homeland security preparedness activities funded by covered grants;

"(ii) to use all Federal, State, and local resources available for the purpose of addressing such needs; and

"(iii) to give particular emphasis to regional planning and cooperation, including the activities of multijurisdictional planning agencies governed by local officials, both within its jurisdictional borders and with neighboring States;

"(E) is developed in consultation with and subject to appropriate comment by local governments within the State; and

"(F) with respect to the emergency preparedness of first responders, addresses the unique aspects of terrorism as part of a comprehensive State emergency management plan.

"(2) APPROVAL BY SECRETARY.—The Secretary may not award any covered grant to a State unless the Secretary has approved the applicable State homeland security plan.

"(d) CONSISTENCY WITH STATE PLANS.—The Secretary shall ensure that each covered grant is used to supplement and support, in a consistent and coordinated manner, the applicable State homeland security plan or plans.

"(e) APPLICATION FOR GRANT.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any State, region, directly eligible tribe, or operator of an airport, port, or similar facility may apply for a covered grant by submitting to the Secretary an application at such time, in such manner, and containing such information as is required under this subsection, or as the Secretary may reasonably require.

"(2) DEADLINES FOR APPLICATIONS AND AWARDS.—All applications for covered grants shall be submitted at such time as the Secretary may reasonably require for the fiscal year for which they are submitted. The Secretary shall award covered grants pursuant to all approved applications for such fiscal year as soon as practicable, but not later than March 1 of such year.

"(3) AVAILABILITY OF FUNDS.—All funds awarded by the Secretary under covered grants in a fiscal year shall be available for obligation through the end of the subsequent fiscal year.

"(4) MINIMUM CONTENTS OF APPLICATION.—The Secretary shall require that each applicant include in its application, at a minimum—

"(A) the purpose for which the applicant seeks covered grant funds and the reasons why the applicant needs the covered grant to meet the essential capabilities for terrorism preparedness within the State, region, or directly eligible tribe or at the airport, port, or similar facility to which the application pertains;

"(B) a description of how, by reference to the applicable State homeland security plan or plans under subsection (c), the allocation of grant funding proposed in the application, including, where applicable, the amount not passed through under section 1806(g)(1), would assist in fulfilling the essential capabilities specified in such plan or plans;

"(C) a statement of whether a mutual aid agreement applies to the use of all or any portion of the covered grant funds;

"(D) if the applicant is a State, a description of how the State plans to allocate the covered grant funds to regions, local governments, and Indian tribes;

"(E) if the applicant is a region—

"(i) a precise geographical description of the region and a specification of all participating and nonparticipating local governments within the geographical area comprising that region;

"(ii) a specification of what governmental entity within the region will administer the expenditure of funds under the covered grant;

"(iii) a designation of a specific individual to serve as regional liaison; and

"(iv) a description of how the governmental entity administering the expenditure of funds under the covered grant plans to allocate the covered grant funds to States, local governments, and Indian tribes;

"(F) a capital budget showing how the applicant intends to allocate and expend the covered grant funds; and

"(G) if the applicant is a directly eligible tribe, a designation of a specific individual to serve as the tribal liaison.

"(5) REGIONAL APPLICATIONS.—

"(A) RELATIONSHIP TO STATE APPLICATIONS.—A regional application—

"(i) shall be coordinated with an application submitted by the State or States of which such region is a part;

"(ii) shall supplement and avoid duplication with such State application; and

"(iii) shall address the unique regional aspects of such region's terrorism preparedness needs beyond those provided for in the application of such State or States.

"(B) OPPORTUNITY FOR STATE REVIEW AND COMMENT.—

"(i) IN GENERAL.—To ensure coordination with an application submitted by a State or States, an applicant that is a region shall submit its application to each State within the boundaries of which any part of such region is located for review. Before awarding any covered grant to a region, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such region is located to comment to the Secretary on the consistency of the region's application with the State's homeland security plan. Any such comments and the underlying regional application shall be submitted to the Secretary concurrently with the submission of the State and regional applications.

"(ii) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a region with the applicable State homeland security plan or plans, and to approve any application of such region. The Secretary shall notify each State within the boundaries of which any part of such region is located of the approval of an application by such region.

"(C) DISTRIBUTION OF REGIONAL AWARDS.—If the Secretary approves a regional application, then the Secretary shall distribute a regional award to the State or States submitting the applicable regional application under subparagraph (B), and each such State shall, not later than the end of the 45-day period beginning on the date after receiving a regional award, pass through to the region all covered grant funds or resources purchased with such funds, except those funds necessary for the State to carry out its responsibilities with respect to such regional application; *Provided* That, in no such case shall the State or States pass through to the region less than 80 percent of the regional award.

"(D) CERTIFICATIONS REGARDING DISTRIBUTION OF GRANT FUNDS TO REGIONS.—Any State that receives a regional award under subparagraph (C) shall certify to the Secretary, by not later than 30 days after the expiration of the period described in subparagraph (C) with respect to the grant, that the State has made available to the region the required funds and resources in accordance with subparagraph (C).

"(E) DIRECT PAYMENTS TO REGIONS.—If any State fails to pass through a regional award to a region as required by subparagraph (C) within 45 days after receiving such award and does not request or receive an extension of such period under section 1806(h)(2), the region may petition the Secretary to receive directly the portion of the regional award that is required to be passed through to such region under subparagraph (C).

"(F) REGIONAL LIAISONS.—A regional liaison designated under paragraph (4)(E)(iii) shall—

"(i) coordinate with Federal, State, local, regional, and private officials within the region concerning terrorism preparedness;

"(ii) develop a process for receiving input from Federal, State, local, regional, and private sector officials within the region to assist in the development of the regional application and to improve the region's access to covered grants; and

"(iii) administer, in consultation with State, local, regional, and private officials within the region, covered grants awarded to the region.

"(6) TRIBAL APPLICATIONS.—

"(A) SUBMISSION TO THE STATE OR STATES.—To ensure the consistency required under subsection (d), an applicant that is a directly eligible tribe shall submit its application to each State within the boundaries of which any part of such tribe is located for direct submission to the Department along with the application of such State or States.

"(B) OPPORTUNITY FOR STATE COMMENT.—Before awarding any covered grant to a directly eligible tribe, the Secretary shall provide an opportunity to each State within the boundaries of which any part of such tribe is located to comment to the Secretary on the consistency of the tribe's application with the State's homeland security plan. Any such comments shall be submitted to the Secretary concurrently with the submission of the State and tribal applications.

"(C) FINAL AUTHORITY.—The Secretary shall have final authority to determine the consistency of any application of a directly eligible tribe with the applicable State homeland security plan or plans, and to approve any application of such tribe. The Secretary shall notify each State within the boundaries of which any part of such tribe is located of the approval of an application by such tribe.

"(D) TRIBAL LIAISON.—A tribal liaison designated under paragraph (4)(G) shall—

"(i) coordinate with Federal, State, and private sector officials to assist in the development of the application of such tribe and to improve the tribe's access to covered grants; and "(ii) administer, in consultation with State, local, regional, and private officials, covered grants awarded to such tribe.

"(E) LIMITATION ON THE NUMBER OF DIRECT GRANTS.—The Secretary may make covered grants directly to not more than 20 directly eligible tribes per fiscal year.

"(F) TRIBES NOT RECEIVING DIRECT GRANTS.—An Indian tribe that does not receive a grant directly under this section is eligible to receive funds under a covered grant from the State or States within the boundaries of which any part of such tribe is located, consistent with the homeland security plan of the State as described in subsection (c). If a State fails to comply with section 1806(g)(1), the tribe may request payment under section 1806(h)(3) in the same manner as a local government.

"(7) EQUIPMENT STANDARDS.—If an applicant for a covered grant proposes to upgrade or purchase, with assistance provided under the grant, new equipment or systems that do not meet or exceed any applicable national voluntary consensus standards established by the Secretary under section 1805(a), the applicant shall include in the application an explanation of why such equipment or systems will serve the needs of the applicant better than equipment or systems that meet or exceed such standards.

"(f) HOMELAND SECURITY GRANTS BOARD.—

"(1) ESTABLISHMENT OF BOARD.—The Secretary shall establish a Homeland Security Grants Board, consisting of—

"(A) the Secretary;

"(B) the Deputy Secretary of Homeland Security;

"(C) the Under Secretary for Emergency Preparedness and Response;

"(D) the Under Secretary for Border and Transportation Security;

"(E) the Under Secretary for Information Analysis and Infrastructure Protection;

"(F) the Under Secretary for Science and Technology; and

"(G) the Director of the Office of State and Local Government Coordination.

"(2) CHAIRMAN.—

"(A) IN GENERAL.—The Secretary shall be the Chairman of the Board.

"(B) EXERCISE OF AUTHORITIES BY DEPUTY SECRETARY.—The Deputy Secretary of Homeland Security may exercise the authorities of the Chairman, if the Secretary so directs.

"(3) RISK-BASED RANKING OF GRANT APPLICATIONS.—

"(A) PRIORITIZATION OF GRANTS.—The Board—

"(i) shall evaluate and annually prioritize all pending applications for covered grants based upon the degree to which they would, by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis, lessen the threat to, vulnerability of, and consequences for persons and critical infrastructure; and

"(ii) in evaluating the threat to persons and critical infrastructure for purposes of prioritizing covered grants, shall give greater weight to threats of terrorism based on their specificity and credibility, including any pattern of repetition.

"(B) MINIMUM AMOUNTS.—

"(i) IN GENERAL.—After evaluating and prioritizing grant applications under subparagraph (A), the Board shall ensure that, for each fiscal year, each State that has an approved State homeland security plan receives no less than 0.25 percent of the funds available for the State Homeland Security Grant Program, as described in section 1801(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(ii) OTHER ENTITIES.—Notwithstanding clause (i), the Board shall ensure that, for each fiscal year, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the Virgin Islands each receive 0.08 percent of the funds available for the State Homeland Security Grant Program, as described in section 1801(b)(1), for that fiscal year for purposes of implementing its homeland security plan in accordance with the prioritization of additional needs under subsection (c)(1)(C).

"(4) FUNCTIONS OF UNDER SECRETARIES.—The Under Secretaries referred to in paragraph (1) shall seek to ensure that the relevant expertise and input of the staff of their directorates are available to and considered by the Board.".

SEC. 603. ESSENTIAL CAPABILITIES, TASK FORCES, AND STANDARDS.

The Homeland Security Act of 2002 (Public Law 107-296; 6 U.S.C. 361 et seq.), as amended by section 602, is amended by adding at the end the following:

"SEC. 1803. ESSENTIAL CAPABILITIES FOR HOMELAND SECURITY.

"(a) ESTABLISHMENT OF ESSENTIAL CAPABILITIES.—

"(1) IN GENERAL.—For purposes of covered grants, the Secretary shall establish clearly defined essential capabilities for State and local government preparedness for terrorism, in consultation with—

"(A) the Task Force on Essential Capabilities established under section 1804;

"(B) the Under Secretaries for Emergency Preparedness and Response, Border and Transportation Security, Information Analysis and Infrastructure Protection, and Science and Technology, and the Director of the Office of State and Local Government Coordination;

"(C) the Secretary of Health and Human Services;

"(D) other appropriate Federal agencies;

"(E) State and local first responder agencies and officials; and

"(F) consensus-based standard making organizations responsible for setting standards relevant to the first responder community.

"(2) DEADLINES.—The Secretary shall—

"(A) establish essential capabilities under paragraph (1) within 30 days after receipt of the report under section 1804(b); and

"(B) regularly update such essential capabilities as necessary, but not less than every 3 years.

"(3) PROVISION OF ESSENTIAL CAPABILITIES.—The Secretary shall ensure that a detailed description of the essential capabilities established under paragraph (1) is provided promptly to the States and to Congress. The States shall make the essential capabilities available as necessary and appropriate to local governments and operators of airports, ports, and other similar facilities within their jurisdictions.

"(b) OBJECTIVES.—The Secretary shall ensure that essential capabilities established under subsection (a)(1) meet the following objectives:

"(1) SPECIFICITY.—The determination of essential capabilities specifically shall describe the training, planning, personnel, and equipment that different types of communities in the Nation should possess, or to which they should have access, in order to meet the Department's goals for terrorism preparedness based upon—

"(A) the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States;

"(B) the types of threats, vulnerabilities, geography, size, and other factors that the Secretary has determined to be applicable to each different type of community; and

"(C) the principles of regional coordination and mutual aid among State and local governments.

"(2) FLEXIBILITY.—The establishment of essential capabilities shall be sufficiently flexible to allow State and local government officials to set priorities based on particular needs, while reaching nationally determined terrorism preparedness levels within a specified time period.

"(3) MEASURABILITY.—The establishment of essential capabilities shall be designed to enable measurement of progress toward specific terrorism preparedness goals.

"(4) COMPREHENSIVENESS.—The determination of essential capabilities for terrorism preparedness shall be made within the context of a comprehensive State emergency management system.

"(c) FACTORS TO BE CONSIDERED.—

"(1) IN GENERAL.—In establishing essential capabilities under subsection (a)(1), the Secretary specifically shall consider the variables of threat, vulnerability, and consequences with respect to the Nation's population (including transient commuting and tourist populations) and critical infrastructure. Such consideration shall be based upon the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection of the threats of terrorism against the United States.

"(2) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary specifically shall consider threats of terrorism against the following critical infrastructure sectors in all areas of the Nation, urban and rural:

"(A) Agriculture.

"(B) Banking and finance.

"(C) Chemical industries.

"(D) The defense industrial base.

"(E) Emergency services.

"(F) Energy.

"(G) Food.

"(H) Government.

"(I) Postal and shipping.

"(J) Public health.

"(K) Information and telecommunications networks.

"(L) Transportation.

"(M) Water.

The order in which the critical infrastructure sectors are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such sectors.

"(3) TYPES OF THREAT.—The Secretary specifically shall consider the following types of threat to the critical infrastructure sectors described in paragraph (2), and to populations in all areas of the Nation, urban and rural:

"(A) Biological threats.

"(B) Nuclear threats.

"(C) Radiological threats.

"(D) Incendiary threats.

"(E) Chemical threats.

"(F) Explosives.

"(G) Suicide bombers.

"(H) Cyber threats.

"(I) Any other threats based on proximity to specific past acts of terrorism or the known activity of any terrorist group.

The order in which the types of threat are listed in this paragraph shall not be construed as an order of priority for consideration of the importance of such threats.

"(4) CONSIDERATION OF ADDITIONAL FACTORS.—In establishing essential capabilities under subsection (a)(1), the Secretary shall take into account any other specific threat to a population (including a transient commuting or tourist population) or critical infrastructure sector that the Secretary has determined to exist.

"SEC. 1804. TASK FORCE ON ESSENTIAL CAPABILITIES.

"(a) ESTABLISHMENT.—To assist the Secretary in establishing essential capabilities under section 1803(a)(1), the Secretary shall establish an advisory body pursuant to section 871(a) not later than 60 days after the date of the enactment of this section, which shall be known as the Task Force on Essential Capabilities.

"(b) REPORT.—

"(1) IN GENERAL.—The Task Force shall submit to the Secretary, not later than 9 months after its establishment by the Secretary under subsection (a) and every 3 years thereafter, a report on its recommendations for essential capabilities for preparedness for terrorism.

"(2) CONTENTS.—The report shall—

"(A) include a priority ranking of essential capabilities in order to provide guidance to the Secretary and to Congress on determining the appropriate allocation of, and funding levels for, first responder needs;

"(B) set forth a methodology by which any State or local government will be able to determine the extent to which it possesses or has access to the essential capabilities that States and local governments having similar risks should obtain;

"(C) describe the availability of national voluntary consensus standards, and whether there is a need for new national voluntary consensus standards, with respect to first responder training and equipment;

"(D) include such additional matters as the Secretary may specify in order to further the terrorism preparedness capabilities of first responders; and

"(E) include such revisions to the contents of past reports as are necessary to take into account changes in the most current risk assessment available by the Directorate for Information Analysis and Infrastructure Protection or other relevant information as determined by the Secretary.

"(3) CONSISTENCY WITH FEDERAL WORKING GROUP.—The Task Force shall ensure that its recommendations for essential capabilities are, to the extent feasible, consistent with any preparedness goals or recommendations of the Federal working group established under section 319F(a) of the Public Health Service Act (42 U.S.C. 247d–6(a)).

"(4) COMPREHENSIVENESS.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness are made within the context of a comprehensive State emergency management system.

"(5) PRIOR MEASURES.—The Task Force shall ensure that its recommendations regarding essential capabilities for terrorism preparedness take into account any capabilities that State or local officials have determined to be essential and have undertaken since September 11, 2001, to prevent or prepare for terrorist attacks.

"(c) MEMBERSHIP.—

"(1) IN GENERAL.—The Task Force shall consist of 35 members appointed by the Secretary, and shall, to the extent practicable, represent a geographic and substantive cross section of governmental and nongovernmental first responder disciplines from the State and local levels, including as appropriate—

"(A) members selected from the emergency response field, including fire service and law enforcement, hazardous materials response, emergency medical services, and emergency management personnel (including public works personnel routinely engaged in emergency response);

"(B) health scientists, emergency and inpatient medical providers, and public health professionals, including experts in emergency health care response to chemical, biological, radiological, and nuclear terrorism, and experts in providing mental health care during emergency response operations;

"(C) experts from Federal, State, and local governments, and the private sector, representing standards-setting organizations, including representation from the voluntary consensus codes and standards development community, particularly those with expertise in first responder disciplines; and

"(D) State and local officials with expertise in terrorism preparedness, subject to the condition that if any such official is an elected official representing 1 of the 2 major political parties, an equal number of elected officials shall be selected from each such party.

"(2) COORDINATION WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.—In the selection of members of the Task Force who are health professionals, including emergency medical professionals, the Secretary shall coordinate the selection with the Secretary of Health and Human Services.

"(3) EX OFFICIO MEMBERS.—The Secretary and the Secretary of Health and Human Services shall each designate 1 or more officers of their respective Departments to serve as ex officio members of the Task Force. One of the ex officio members from the Department of Homeland Security shall be the designated officer of the Federal Government for purposes of subsection (e) of section 10 of the Federal Advisory Committee Act (5 App. U.S.C.).

"(d) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Notwithstanding section 871(a), the Federal Advisory Committee Act (5 U.S.C. App.), including subsections (a), (b), and (d) of section 10 of such Act, and section 552b(c) of title 5, United States Code, shall apply to the Task Force.

"SEC. 1805. NATIONAL STANDARDS FOR FIRST RESPONDER EQUIPMENT AND TRAINING.

"(a) EQUIPMENT STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall, not later than 6 months after the date of enactment of this section, support the development of, promulgate, and update as necessary national voluntary consensus standards for the performance, use, and validation of first responder equipment for purposes of section 1802(e)(7). Such standards—

"(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

"(B) shall take into account, as appropriate, new types of terrorism threats that may not have been contemplated when such existing standards were developed;

"(C) shall be focused on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety; and

"(D) shall cover all appropriate uses of the equipment.

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary shall specifically consider the following categories of first responder equipment:

"(A) Thermal imaging equipment.

"(B) Radiation detection and analysis equipment.

"(C) Biological detection and analysis equipment.

"(D) Chemical detection and analysis equipment.

"(E) Decontamination and sterilization equipment.

"(F) Personal protective equipment, including garments, boots, gloves, and hoods, and other protective clothing.

"(G) Respiratory protection equipment.

"(H) Interoperable communications, including wireless and wireline voice, video, and data networks.

"(I) Explosive mitigation devices and explosive detection and analysis equipment.

"(J) Containment vessels.

"(K) Contaminant-resistant vehicles.

"(L) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate.

"(b) TRAINING STANDARDS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Under Secretaries for Emergency Preparedness and Response and Science and Technology and the Director of the Office of State and Local Government Coordination, shall support the development of, promulgate, and regularly update as necessary national voluntary consensus standards for first responder training carried out with amounts provided under covered grant programs, that will enable State and local government first responders to achieve optimal levels of terrorism preparedness as quickly as practicable. Such standards shall give priority to providing training to—

"(A) enable first responders to prevent, prepare for, respond to, and mitigate terrorist threats, including threats from chemical, biological, nuclear, and radiological weapons and explosive devices capable of inflicting significant human casualties; and

"(B) familiarize first responders with the proper use of equipment, including software, developed pursuant to the standards established under subsection (a).

"(2) REQUIRED CATEGORIES.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of first responder activities:

"(A) Regional planning.

"(B) Joint exercises.

"(C) Intelligence collection, analysis, and sharing.

"(D) Emergency notification of affected populations.

"(E) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

"(F) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

"(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that such training standards are consistent with the principles of emergency preparedness for all hazards.

"(c) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for first responder equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

"(1) the National Institute of Standards and Technology;

"(2) the National Fire Protection Association;

"(3) the National Association of County and City Health Officials;

"(4) the Association of State and Territorial Health Officials;

"(5) the American National Standards Institute;

"(6) the National Institute of Justice;

"(7) the Inter-Agency Board for Equipment Standardization and Interoperability;

"(8) the National Public Health Performance Standards Program;

"(9) the National Institute for Occupational Safety and Health;

"(10) ASTM International;

"(11) the International Safety Equipment Association;

"(12) the Emergency Management Accreditation Program;

"(13) the National Domestic Preparedness Consortium; and

"(14) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

"(d) Coordination With Secretary of HHS.—In establishing any national voluntary consensus standards under this section for first responder equipment or training that involve or relate to health professionals, including emergency medical professionals, the Secretary shall coordinate activities under this section with the Secretary of Health and Human Services.".

SEC. 604. EFFECTIVE ADMINISTRATION OF HOMELAND SECURITY GRANTS.

(a) Use of Grant Funds and Accountability.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 602 and 603, is amended by adding at the end the following:

"SEC. 1806. USE OF FUNDS AND ACCOUNTABILITY REQUIREMENTS.

"(a) In General.—A covered grant may be used for—

"(1) purchasing, upgrading, or maintaining equipment, including computer software, to enhance terrorism preparedness and response;

"(2) exercises to strengthen terrorism preparedness and response;

"(3) training for prevention (including detection) of, preparedness for, or response to attacks involving weapons of mass destruction, including training in the use of equipment and computer software;

"(4) developing or updating response plans;

"(5) establishing or enhancing mechanisms for sharing terrorism threat information;

"(6) systems architecture and engineering, program planning and management, strategy formulation and strategic planning, life-cycle systems design, product and technology evaluation, and prototype development for terrorism preparedness and response purposes;

"(7) additional personnel costs resulting from—

"(A) elevations in the threat alert level of the Homeland Security Advisory System by the Secretary, or a similar elevation in threat alert level issued by a State, region, or local government with the approval of the Secretary;

"(B) travel to and participation in exercises and training in the use of equipment and on prevention activities;

"(C) the temporary replacement of personnel during any period of travel to and participation in exercises and training in the use of equipment and on prevention activities; and

"(D) participation in information, investigative, and intelligence-sharing activities specifically related to terrorism prevention;

"(8) the costs of equipment (including software) required to receive, transmit, handle, and store classified information;

"(9) target hardening to reduce the vulnerability of high-value targets, as determined by the Secretary;

"(10) protecting critical infrastructure against potential attack by the addition of barriers, fences, gates, and other such devices, except that the cost of such measures may not exceed the greater of—

"(A) $1,000,000 per project; or

"(B) such greater amount as may be approved by the Secretary, which may not exceed 10 percent of the total amount of the covered grant;

"(11) the costs of commercially available interoperable communications equipment (which, where applicable, is based on national, voluntary consensus standards) that the Secretary, in consultation with the Chairman of the Federal Communications Commission, deems best suited to facilitate interoperability, coordination, and integration between and among emergency communications systems, and that complies with prevailing grant guidance of the Department for interoperable communications;

"(12) educational curricula development for first responders to ensure that they are prepared for terrorist attacks;

"(13) training and exercises to assist public elementary and secondary schools in developing and implementing programs to instruct students regarding age-appropriate skills to prepare for and respond to an act of terrorism;

"(14) paying of administrative expenses directly related to administration of the grant, except that such expenses may not exceed 3 percent of the amount of the grant; and

"(15) other appropriate activities as determined by the Secretary.

"(b) Prohibited Uses.—Funds provided as a covered grant may not be used—

"(1) to supplant State or local funds that have been obligated for a homeland security or other first responder-related project;

"(2) to construct buildings or other physical facilities, except for—

"(A) activities under section 611 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196); and

"(B) upgrading facilities to protect against, test for, and treat the effects of biological agents, which shall be included in the homeland security plan approved by the Secretary under section 1802(c);

"(3) to acquire land; or

"(4) for any State or local government cost-sharing contribution.

"(c) Multiple-Purpose Funds.—Nothing in this section shall be construed to preclude State and local governments from using covered grant funds in a manner that also enhances first responder preparedness for emergencies and disasters unrelated to acts of terrorism, if such use assists such governments in achieving essential capabilities for terrorism preparedness established by the Secretary under section 1803.

"(d) Reimbursement of Costs.—In addition to the activities described in subsection (a), a covered grant may be used to provide a reasonable stipend to paid-on-call or volunteer first responders who are not otherwise compensated for travel to or participation in training covered by this section. Any such reimbursement shall not be considered compensation for purposes of rendering such a first responder an employee under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

"(e) Assistance Requirement.—The Secretary may not request that equipment paid for, wholly or in part, with funds provided as a covered grant be made available for responding to emergencies in surrounding States, regions, and localities, unless the Secretary undertakes to pay the costs directly attributable to transporting and operating such equipment during such response.

"(f) Flexibility in Unspent Homeland Security Grant Funds.—Upon request by the recipient of a covered grant, the Secretary may authorize the grantee to transfer all or part of funds provided as the covered grant from uses specified in the grant agreement to other uses authorized under this section, if the Secretary determines that such transfer is in the interests of homeland security.

"(g) State, Regional, and Tribal Responsibilities.—

"(1) Pass-through.—The Secretary shall require a recipient of a covered grant that is a State to obligate or otherwise make available to local governments, first responders, and other local groups, to the extent required under the State homeland security plan or plans specified in the application for the grant, not less than 80 percent of the grant funds, resources purchased with the grant funds having a value equal to at least 80 percent of the amount of the grant, or a combination thereof, by not later than the end of the 45-day period beginning on the date the grant recipient receives the grant funds.

"(2) Certifications regarding distribution of grant funds to local governments.—Any State that receives a covered grant shall certify to the Secretary, by not later than 30 days after the expiration of the period described in paragraph (1) with respect to the grant, that the State has made available for expenditure by local governments, first responders, and other local groups the required amount of grant funds pursuant to paragraph (1).

"(3) Quarterly report on homeland security spending.—Each recipient of a covered grant shall submit a quarterly report to the Secretary not later than 30 days after the end of each fiscal quarter. Each such report shall include, for each recipient of a covered grant or a pass-through under paragraph (1)—

"(A) the amount obligated to that recipient in that quarter;

"(B) the amount expended by that recipient in that quarter; and

"(C) a summary description of the items purchased by such recipient with such amount.

"(4) Annual report on homeland security spending.—Each recipient of a covered grant shall submit an annual report to the Secretary not later than 60 days after the end of each fiscal year. Each recipient of a covered grant that is a region shall simultaneously submit its report to each State of which any part is included in the region. Each recipient of a covered grant that is a directly eligible tribe shall simultaneously submit its report to each State within the boundaries of which any part of such tribe is located. Each report shall include the following:

"(A) The amount, ultimate recipients, and dates of receipt of all funds received under the grant during the previous fiscal year.

"(B) The amount and the dates of disbursements of all such funds expended in compliance with paragraph (1) or pursuant to mutual aid agreements or other sharing arrangements that apply within the State, region, or directly eligible tribe, as applicable, during the previous fiscal year.

"(C) How the funds were utilized by each ultimate recipient or beneficiary during the preceding fiscal year.

“(D) The extent to which essential capabilities identified in the applicable State homeland security plan or plans were achieved, maintained, or enhanced as the result of the expenditure of grant funds during the preceding fiscal year.

“(E) The extent to which essential capabilities identified in the applicable State homeland security plan or plans remain unmet.

“(5) INCLUSION OF RESTRICTED ANNEXES.—A recipient of a covered grant may submit to the Secretary an annex to the annual report under paragraph (4) that is subject to appropriate handling restrictions, if the recipient believes that discussion in the report of unmet needs would reveal sensitive but unclassified information.

“(6) PROVISION OF REPORTS.—The Secretary shall ensure that each annual report under paragraph (4) is provided to the Under Secretary for Emergency Preparedness and Response and the Director of the Office of State and Local Government Coordination.

“(h) INCENTIVES TO EFFICIENT ADMINISTRATION OF HOMELAND SECURITY GRANTS.—

“(1) PENALTIES FOR DELAY IN PASSING THROUGH LOCAL SHARE.—If a recipient of a covered grant that is a State fails to pass through to local governments, first responders, and other local groups funds or resources required by subsection (g)(1) within 45 days after receiving funds under the grant, the Secretary may—

“(A) reduce grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1);

“(B) terminate payment of funds under the grant to the recipient, and transfer the appropriate portion of those funds directly to local first responders that were intended to receive funding under that grant; or

“(C) impose additional restrictions or burdens on the recipient's use of funds under the grant, which may include—

“(i) prohibiting use of such funds to pay the grant recipient's grant-related overtime or other expenses;

“(ii) requiring the grant recipient to distribute to local government beneficiaries all or a portion of grant funds that are not required to be passed through under subsection (g)(1); or

“(iii) for each day that the grant recipient fails to pass through funds or resources in accordance with subsection (g)(1), reducing grant payments to the grant recipient from the portion of grant funds that is not required to be passed through under subsection (g)(1), except that the total amount of such reduction may not exceed 20 percent of the total amount of the grant.

“(2) EXTENSION OF PERIOD.—The Governor of a State may request in writing that the Secretary extend the 45-day period under section 1802(e)(5)(E) or paragraph (1) for an additional 15-day period. The Secretary may approve such a request, and may extend such period for additional 15-day periods, if the Secretary determines that the resulting delay in providing grant funding to the local government entities that will receive funding under the grant will not have a significant detrimental impact on such entities' terrorism preparedness efforts.

“(3) PROVISION OF NON-LOCAL SHARE TO LOCAL GOVERNMENT.—

“(A) IN GENERAL.—The Secretary may upon request by a local government pay to the local government a portion of the amount of a covered grant awarded to a State in which the local government is located, if—

“(i) the local government will use the amount paid to expedite planned enhancements to its terrorism preparedness as described in any applicable State homeland security plan or plans;

“(ii) the State has failed to pass through funds or resources in accordance with subsection (g)(1); and

“(iii) the local government complies with subparagraph (B).

“(B) SHOWING REQUIRED.—To receive a payment under this paragraph, a local government must demonstrate that—

“(i) it is identified explicitly as an ultimate recipient or intended beneficiary in the approved grant application;

“(ii) it was intended by the grantee to receive a severable portion of the overall grant for a specific purpose that is identified in the grant application;

“(iii) it petitioned the grantee for the funds or resources after expiration of the period within which the funds or resources were required to be passed through under subsection (g)(1); and

“(iv) it did not receive the portion of the overall grant that was earmarked or designated for its use or benefit.

“(C) EFFECT OF PAYMENT.—Payment of grant funds to a local government under this paragraph—

“(i) shall not affect any payment to another local government under this paragraph; and

“(ii) shall not prejudice consideration of a request for payment under this paragraph that is submitted by another local government.

“(D) DEADLINE FOR ACTION BY SECRETARY.—The Secretary shall approve or disapprove each request for payment under this paragraph by not later than 15 days after the date the request is received by the Department.

“(i) REPORTS TO CONGRESS.—The Secretary shall submit an annual report to Congress by December 31 of each year—

“(1) describing in detail the amount of Federal funds provided as covered grants that were directed to each State, region, and directly eligible tribe in the preceding fiscal year;

“(2) containing information on the use of such grant funds by grantees; and

“(3) describing—

“(A) the Nation's progress in achieving, maintaining, and enhancing the essential capabilities established under section 1803(a) as a result of the expenditure of covered grant funds during the preceding fiscal year; and

“(B) an estimate of the amount of expenditures required to attain across the United States the essential capabilities established under section 1803(a).”.

(b) SENSE OF CONGRESS REGARDING INTEROPERABLE COMMUNICATIONS.—

(1) FINDING.—Congress finds that—

(A) many emergency response providers (as defined under section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as amended by this title) working in the same jurisdiction or in different jurisdictions cannot effectively and efficiently communicate with one another; and

(B) their inability to do so threatens the public's safety and may result in unnecessary loss of lives and property.

(2) SENSE OF CONGRESS.—It is the sense of Congress that interoperable emergency communications systems and radios should continue to be deployed as soon as practicable for use by the emergency response provider community, and that upgraded and new digital communications systems and new digital radios must meet prevailing national voluntary consensus standards for interoperability.

(c) SENSE OF CONGRESS REGARDING CITIZEN CORPS COUNCILS.—

(1) FINDING.—Congress finds that Citizen Corps councils help to enhance local citizen participation in terrorism preparedness by coordinating multiple Citizen Corps programs, developing community action plans, assessing possible threats, and identifying local resources.

(2) SENSE OF CONGRESS.—It is the sense of Congress that individual Citizen Corps councils should seek to enhance the preparedness and response capabilities of all organizations participating in the councils, including by providing funding to as many of their participating organizations as practicable to promote local terrorism preparedness programs.

(d) REQUIRED COORDINATION.—The Secretary of Homeland Security shall ensure that there is effective and ongoing coordination of Federal efforts to prevent, prepare for, and respond to acts of terrorism and other major disasters and emergencies among the divisions of the Department of Homeland Security, including the Directorate of Emergency Preparedness and Response and the Office for State and Local Government Coordination and Preparedness.

(e) COORDINATION OF INDUSTRY EFFORTS.—Section 102(f) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 112(f)) is amended by striking “and” after the semicolon at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting “; and”, and by adding at the end the following:

“(8) coordinating industry efforts, with respect to functions of the Department of Homeland Security, to identify private sector resources and capabilities that could be effective in supplementing Federal, State, and local government agency efforts to prevent or respond to a terrorist attack.”.

(f) STUDY REGARDING NATIONWIDE EMERGENCY NOTIFICATION SYSTEM.—

(1) STUDY.—The Secretary of Homeland Security, in consultation with the heads of other appropriate Federal agencies and representatives of providers and participants in the telecommunications industry, shall conduct a study to determine whether it is cost effective, efficient, and feasible to establish and implement an emergency telephonic alert notification system that will—

(A) alert persons in the United States of imminent or current hazardous events caused by acts of terrorism; and

(B) provide information to individuals regarding appropriate measures that may be undertaken to alleviate or minimize threats to their safety and welfare posed by such events.

(2) TECHNOLOGIES TO CONSIDER.—In conducting the study under paragraph (1), the Secretary shall consider the use of the telephone, wireless communications, and other existing communications networks to provide such notification.

(3) REPORT.—Not later than 9 months after the date of enactment of this title, the Secretary shall submit to Congress a report regarding the conclusions of the study conducted under paragraph (1).

(g) STUDY OF EXPANSION OF AREA OF JURISDICTION OF OFFICE OF NATIONAL CAPITAL REGION COORDINATION.—

(1) STUDY.—The Secretary of Homeland Security, acting through the Director of the Office of National Capital Region Coordination, shall conduct a study of the feasibility and desirability of modifying the definition of “National Capital Region” applicable under section 882 of the Homeland Security

Act of 2002 to expand the geographic area under the jurisdiction of the Office of National Capital Region Coordination.

(2) FACTORS.—In conducting the study under paragraph (1), the Secretary shall analyze whether expanding the geographic area under the jurisdiction of the Office of National Region Coordination will—

(A) promote coordination among State and local governments within the Region, including regional governing bodies, and coordination of the efforts of first responders; and

(B) enhance the ability of such State and local governments and the Federal Government to prevent and respond to a terrorist attack within the Region.

(3) REPORT.—Not later than 6 months after the date of the enactment of this title, the Secretary shall submit a report to Congress on the study conducted under paragraph (1), and shall include in the report such recommendations (including recommendations for legislation to amend section 882 of the Homeland Security Act of 2002) as the Secretary considers appropriate.

SEC. 605. IMPLEMENTATION; DEFINITIONS; TABLE OF CONTENTS.

(a) TECHNICAL AND CONFORMING AMENDMENT.—Section 1014 of the USA PATRIOT ACT (42 U.S.C. 3714) is amended—

(1) by striking subsection (c)(3);

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following:

"(c) ADMINISTRATION.—Grants under this section shall be administered in accordance with title 18 of the Homeland Security Act of 2002.".

(b) TEMPORARY LIMITATIONS ON APPLICATION.—

(1) 1-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as added by this title, shall not apply during the 1-year period beginning on the date of enactment of this title—

(A) subsections (b), (c), and (e)(4) (A) and (B) of section 1802; and

(B) in section 1802(f)(3)(A)(i), the phrase "by achieving, maintaining, or enhancing the essential capabilities of the applicants on a nationwide basis,".

(2) 2-YEAR DELAY IN APPLICATION.—The following provisions of title XVIII of the Homeland Security Act of 2002, as added by this title, shall not apply during the 2-year period beginning on the date of enactment of this title—

(A) subparagraphs (D) and (E) of section 1806(g)(4); and

(B) section 1806(i)(3).

(c) DEFINITIONS.—

(1) TITLE XVIII.—The Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 361 et seq.), as amended by sections 602, 603, and 604, is amended by adding at the end the following:

"SEC. 1807. DEFINITIONS.

"In this title:

"(1) BOARD.—The term 'Board' means the Homeland Security Grants Board established under section 1802(f).

"(2) CONSEQUENCE.—The term 'consequence' means the assessment of the effect of a completed attack.

"(3) COVERED GRANT.—The term 'covered grant' means any grant to which this title applies under section 1801(b).

"(4) DIRECTLY ELIGIBLE TRIBE.—The term 'directly eligible tribe' means any Indian tribe or consortium of Indian tribes that—

"(A) meets the criteria for inclusion in the qualified applicant pool for self-governance that are set forth in section 402(c) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bb(c));

"(B) employs at least 10 full-time personnel in a law enforcement or emergency response agency with the capacity to respond to calls for law enforcement or emergency services; and

"(C)(i) is located on, or within 5 miles of, an international border or waterway;

"(ii) is located within 5 miles of a facility designated as high-risk critical infrastructure by the Secretary;

"(iii) is located within or contiguous to 1 of the 50 largest metropolitan statistical areas in the United States; or

"(iv) has more than 1,000 square miles of Indian country, as that term is defined in section 1151 of title 18, United States Code.

"(5) ELEVATIONS IN THE THREAT ALERT LEVEL.—The term 'elevations in the threat alert level' means any designation (including those that are less than national in scope) that raises the homeland security threat level to either the highest or second-highest threat level under the Homeland Security Advisory System referred to in section 201(d)(7).

"(6) EMERGENCY PREPAREDNESS.—The term 'emergency preparedness' shall have the same meaning that term has under section 602 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a).

"(7) ESSENTIAL CAPABILITIES.—The term 'essential capabilities' means the levels, availability, and competence of emergency personnel, planning, training, and equipment across a variety of disciplines needed to effectively and efficiently prevent, prepare for, and respond to acts of terrorism consistent with established practices.

"(8) FIRST RESPONDER.—The term 'first responder' shall have the same meaning as the term 'emergency response provider' under section 2.

"(9) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native village or regional or village corporation as defined in or established pursuant to the Alaskan Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(10) REGION.—The term 'region' means any geographic area—

"(A) certified by the Secretary under section 1802(a)(3);

"(B) consisting of all or parts of 2 or more counties, municipalities, or other local governments and including a city with a core population exceeding 500,000 according to the most recent estimate available from the United States Census; and

"(C) that, for purposes of an application for a covered grant—

"(i) is represented by 1 or more local governments or governmental agencies within such geographic area; and

"(ii) is established by law or by agreement of 2 or more such local governments or governmental agencies, such as through a mutual aid agreement.

"(11) RISK-BASED FUNDING.—The term 'risk-based funding' means the allocation of funds based on an assessment of threat, vulnerability, and consequence.

"(12) TASK FORCE.—The term 'Task Force' means the Task Force on Essential Capabilities established under section 1804.

"(13) THREAT.—The term 'threat' means the assessment of the plans, intentions, and capability of an adversary to implement an identified attack scenario.

"(14) VULNERABILITY.—The term 'vulnerability' means the degree to which a facility is available or accessible to an attack, including the degree to which the facility is inherently secure or has been hardened against such an attack.".

(2) DEFINITION OF EMERGENCY RESPONSE PROVIDERS.—Paragraph (6) of section 2 of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101(6)) is amended by striking "includes" and all that follows and inserting "includes Federal, State, and local governmental and nongovernmental emergency public safety, law enforcement, fire, emergency response, emergency medical (including hospital emergency facilities), and related personnel, organizations, agencies, and authorities.".

(d) TABLE OF CONTENTS.—Section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 6 U.S.C. 101 note) is amended in the table of contents by adding at the end the following:

"TITLE XVIII—RISK-BASED FUNDING FOR HOMELAND SECURITY

"Sec. 1801. Risk-based funding for homeland security.
"Sec. 1802. Covered grant eligibility and criteria.
"Sec. 1803. Essential capabilities for homeland security.
"Sec. 1804. Task Force on Essential Capabilities.
"Sec. 1805. National standards for first responder equipment and training.
"Sec. 1806. Use of funds and accountability requirements.
"Sec. 1807. Definitions.".

PRIVILEGE OF THE FLOOR

Mr. BYRD. I ask unanimous consent Sean MacKenzie, a Coast Guard detailee to the Subcommittee on Homeland Security, be given floor privileges during consideration of H.R. 2360.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATIVE TO THE DEATH OF FORMER SENATOR GAYLORD A. NELSON

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 194, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will state the resolution by title.

A resolution (S. Res. 194) relative to the death of Gaylord A. Nelson, a former United States Senator from the State of Wisconsin.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FEINGOLD. Mr. President, I rise to speak on a resolution submitted by Senator FRIST and Senator REID to commemorate the life and work of Senator Gaylord Nelson. It is with mixed emotions that I make this statement honoring Senator Nelson.

I am proud—proud to have known Gaylord Nelson, proud to be from the same State as him, and proud to occupy his Senate seat. I am also deeply saddened—saddened by the loss to his family, especially to his wife of 58 years, Carrie Lee; saddened by the loss to our Nation; and saddened that a personal hero and dear friend of mine is gone. I am also thankful—thankful for Senator Nelson's long life, thankful for the example he set of how to make a difference in this world, and thankful to his family for sharing this good and decent man with the Nation. We mourn his death, but we also celebrate his remarkable legacy.

Gaylord Anton Nelson was born on June 4, 1916, in Clear Lake, WI. Gaylord's parents were always interested in politics, and in true Wisconsin tradition, they were La Follette Progressive Republicans at the State level and Democrats at the national level. Their Wisconsin-style progressive politics rubbed off on young Gaylord.

When he was 10, Gaylord traveled with his dad to hear a campaign speech by Senator Bob La Follette, Jr., who succeeded his father in the Senate in 1925. Gaylord recalls in his biography:

> On the way back home to Clear Lake, my dad asked if I wanted to be a senator. I said I'd love to be a senator, but I'm afraid that Bob La Follette will solve all of our problems before I get a chance to serve.

Thirty-three years later, Gaylord was nominated to be the Democrat candidate for Governor of Wisconsin. At the 1958 Democrat convention in LaCrosse, Gaylord's father had a heart attack. When Gaylord went to see him in the hospital, the elder Nelson smiled and then said to his son, "Do you think Bob La Follette left enough problems behind for you to solve?" Gaylord's father died 10 days later.

Unfortunately, Gaylord's father did not get to see his son's rise to the national political level. If he had, he would have seen Gaylord attack those "remaining problems left to solve" with La Follette-like dogged determination and commitment to Progressive politics. From consumer protection to employee rights, Senator Nelson fought doggedly to address problems affecting countless Americans.

Gaylord Nelson was also willing to take a tough stand. When President Johnson requested money to escalate the war in Vietnam, for example, Nelson was one of three senators to vote against the proposal. In a speech on this floor, he said:

> At a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world, we are stumbling over each other to see who can say 'yea' the quickest and the loudest. I regret it, and I think some day we shall all regret it. . . . Reluctantly, I express my opposition . . . here by voting 'nay.' The support in the Congress for this measure is clearly overwhelming. Obviously, you need my vote less than I need my conscience.

Whether it was issues of war and foreign affairs, worker safety and health, or access to affordable healthcare, Gaylord Nelson was guided by his conscience, and by the wellbeing of Wisconsinites. Out of his impressive record, however, one issue stands out as central to his legacy—Gaylord Nelson's passion and commitment to protecting our environment.

Not many people who have served in this distinguished body can lay claim to a day, but Gaylord Nelson can. On April 22, 1970, Gaylord Nelson created a day to celebrate the glory of the Earth. Where did Nelson get his lifelong interest and dedication to the environment? "By osmosis," Nelson would say, "while growing up in Clear Lake, WI."

It's true that Wisconsin has a tradition of great conservationists—Aldo Leopold, author of A Sand County Almanac; Sigurd Olson, one of the founders of the Wilderness Society; and John Muir, founder of the Sierra Club. The people of Wisconsin, living in such a beautiful and ecologically diverse State, feel a special connection to our natural resources. We share a long tradition of our State government achieving excellence in its conservation policies. Many Wisconsinites would agree with Senator Nelson that our conservation ethic comes "by osmosis" from the intense natural beauty of our State. Every year I hold a town hall meeting in each one of Wisconsin's 72 counties, and protecting the environment is always one of the top issues raised at these forums.

Senator Nelson's vision and determination helped crystallize this Wisconsin conservation ethic into an international phenomenon. Thanks to Gaylord Nelson, Wisconsin can lay claim to the genesis of Earth Day, a day of national and international reflection on the importance of our natural resources and a clean environment. Thanks to him, for the past 35 years, people around the world have taken time out of our lives to think about, learn about and dedicate themselves to conservation. An astonishing 20 million Americans—10 percent of the U.S. population at the time—participated in the first observance of Earth Day on April 22, 1970. American Heritage magazine described the event as "one of the most remarkable happenings in the history of democracy." The day was marked by marches, rallies, teach-ins, and concerts. Fifth Avenue was closed for two hours and over 100,000 people celebrated Earth Day on Union Square in New York City.

Earth Day has become an important part of who we are. From Milwaukee, WI to Mumbai, India, millions of people across the world have taken Senator Nelson's legacy to heart. People have dedicated thousands of hours to volunteer to conserve the environment—whether it's in their backyard, local river, or park.

During his 18 years of service in the Senate, Gaylord Nelson brought about significant change for the "greener" in both our Nation's laws and the institution of the Senate itself. He was the coauthor of the Environmental Education Act, which he sponsored with the senior Senator from Massachusetts, Mr. KENNEDY, and the Wild and Scenic Rivers Act, and he sponsored the amendment to give the St. Croix and the Namekagon Rivers scenic protection.

In the wake of Rachel Carson's book Silent Spring, Gaylord Nelson, along with Senator Philip Hart of Michigan, directed national attention to the documented persistent bioaccumulative effects of organochlorine pesticides used in the Great Lakes by authoring the ban on DDT in 1972. He was the primary sponsor of the Apostle Islands National Lakeshore Act, protecting one of Northern Wisconsin's most beautiful areas.

It is to Gaylord's lasting credit that he was able to fight tenaciously for environmental and other causes without alienating or antagonizing a soul. His decency, modesty and charm won over even those who didn't share his goals. By all accounts, he was one of the most beloved members this body has seen and, at a time when partisan tensions are running high, his willingness to reach out to people across the political spectrum should remind all of us that political disagreement does not have to be personal.

As we honor Senator Nelson and his legacy, I hope Congress will re-dedicate itself to achieving the bipartisan consensus on protecting the environment that existed for nearly two decades.

This April, Senator Nelson issued a statement to mark the 35th anniversary of Earth Day and calling Earth Day 2005 "a wake up call." Senator Nelson said:

> On environmental issues, our intelligence is reliable. Our scientists have the facts, if we will only listen. It is a "slam dunk" that we cannot continue on our present course. But without Presidential and Congressional leadership, even an enlightened public cannot cope with the greatest challenge of our time.

As always, Gaylord was right. I know that Wisconsinites value a clean environment, not just for purely aesthetic or philosophical purposes, but because a clean environment ensures that Wisconsin and the United States as a whole remains a good place to raise a family, to start a business, or to buy a home. People across this country share those values, and we in this body owe it to them and to Gaylord's memory to protect our natural resources.

Gaylord Nelson changed the consciousness of a nation. He was a distinguished Governor and Senator, a recipient of the Presidential Medal of Freedom, and a personal hero of mine. And he was the embodiment of the principle that one person can change the world. But Senator Nelson's biographer may have said it best:

> He was always the boy from Clear Lake, Wisconsin, off on adventure.

Clear Lake is where he will return, but future generations will carry on his adventure, and his example and principles will show them the way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, I thank my friend and colleague from Wisconsin for that beautiful tribute to Gaylord Nelson. He was a hero to many of us, and I actually remember the first Earth Day, which certainly does date me. We need more and more people who would follow his example and heed his words about what our obligation to the Earth is. So I thank my friend.

Mr. KOHL. Mr. President, I rise today to honor the life and achievements of Senator Gaylord Nelson. The people of Wisconsin owe him a debt a gratitude for his years of service to the State. And the Nation owes him honor as the founder of Earth Day and the driving force behind the way the American people and the world view the environment and environmental conservation.

Gaylord Nelson was born the third of four children on June 4, 1916 in Clear Lake, WI, a community of about 700 people in the northwest corner of the State. Nelson's parents were deeply involved in Clear Lake civic activities and his first lessons in political discourse were around his boyhood kitchen table. Those early days were a foundation on which Senator Nelson built a lifetime of public service.

Senator Nelson first won elected office in 1948, after 4 years in the military during World War II. He served as a Wisconsin State Senator, Governor, and then as a U.S. Senator for 18 years. As Governor, he fought to preserve Wisconsin's forests and wetlands long before those causes became popular nationally. As a Senator, he built on his environmentalist legacy working to protect the Appalachian Trail corridor and to create the national trail system. He fought for consumer protection and was one of only three Senators to vote against the $700 million appropriation that signaled the start of the ground war in Vietnam.

However, Gaylord Nelson's greatest gift was his vision of a national day to protect and celebrate our environment. What started out as an idea in the early 1960's blossomed into a national day of observance with an estimated 20 million demonstrators participating in the first Earth Day in 1970. Earth Day is still celebrated. This year 500 million people in 167 countries took part.

Earth Day publicized in an unprecedented manner the dangers of poisons in our water and air, pesticides in our drinking water, and chemicals in our soil. Armed with information and a spirit of activism, Americans turned their Earth Day celebrations into a movement pressuring Congress and the President to pass the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and Superfund legislation. These are the foundation of our environmental law today, and they would not have been possible without the work and vision of Senator Gaylord Nelson.

Though Gaylord Nelson left the Senate in 1981, he never stopped working for the Earth and environment, going on to lead the Wilderness Society's important work on environmental conservation. In 1990, he received the Ansel Adams Conservation Award, given to a Federal official who has shown tireless commitment to the cause of conservation and the fostering of an American land ethic. In 1992, the United Nations Environment Programme presented Gaylord Nelson with the Only One World Award. And in 1995, Senator Nelson received the Nation's highest civilian award: the Presidential Medal of Freedom. On that day, President Clinton proclaimed: "As the father of Earth Day, he is the grandfather of all that grew out of that event: the Environmental Protection Act, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act."

Senator Gaylord Nelson worked not just for our State, or even just our country. His gift was to the Earth and his legacy, a cleaner, healthier world. And though Gaylord is gone, he lives on—for us and into the future—in every clear stream, breath of fresh air and virgin trail. We honor him by thinking as he did, globally and responsibly. We honor him by—on every day, not just Earth day—taking seriously our responsibility to the air, land and water that sustain us.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 194) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 194

Whereas Gaylord A. Nelson served in the United States Army from 1942–1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959–1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995:

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, former member of the United States Senate.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

MEASURES READ THE FIRST TIME—S. 1374 AND S. 1375

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the bills for the first time.

The assistant legislative clerk read as follows:

A bill (S. 1374) to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

A bill (S. 1375) to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

Mr. McCONNELL. Mr. President, I ask for a second reading, and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own requests en bloc.

The PRESIDING OFFICER. The bills will be read for the second time on the next legislative day.

MEASURE PLACED ON CALENDAR—H.R. 748

Mr. McCONNELL. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 748) to amend Title 18 United States Code to prevent the transportation of minors in circumvention of certain laws related to abortion, and for other purposes.

Mr. McCONNELL. Mr. President, in order to place the bill on the calendar, I object to further proceedings.

The PRESIDING OFFICER. Objection is heard. The bill will be placed on the calendar.

REQUEST FOR RETURN OF PAPERS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate request that the House return the papers with respect to H.R. 2985, the Legislative Branch appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 12, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:45 a.m., Tuesday, July 12. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the Homeland Security appropriations bill. I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow, the Senate will resume consideration of the Homeland Security appropriations bill. Several amendments are currently pending, including the Collins grant formula amendment, as well as a second-degree amendment on the same subject matter offered by Senator FEINSTEIN. It is my hope that we will be able to lock in a time agreement with respect to those amendments tomorrow morning. In addition, there is an amendment relating to veterans health funding that we hope to dispose of tomorrow.

Chairman GREGG and Senator BYRD will be here tomorrow to work through additional amendments, and Senators who have time to file the amendments and wish to offer them should contact the bill managers, obviously, as soon as possible. Senators should expect rollcall votes throughout the day tomorrow as the Senate continues to make progress on this important piece of legislation.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order as a mark of further respect to the memory of former Senator Gaylord Nelson.

There being no objection, the Senate, at 7:11 p.m., adjourned until Tuesday, July 12, 2005, at 9:45 a.m.

EXTENSIONS OF REMARKS

RECOGNIZING OUTSTANDING TEACHERS IN DISTRICT 22

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize and honor several notable teachers for the American Stars of Teaching award. This award is a recognition for exemplary classroom teachers who are successful in using innovative teaching strategies and raising academic achievement from all their students. To locate such teachers, the Department of Education (DEO) relies on nominations from various members of the community who believe these teachers are truly making a difference. There are five exemplary teachers in Florida's 22nd District that deserve recognition as an American Star of Teaching.

Anne Blankenship is a resident of Palm Beach County. She has taught for twenty years and currently teaches Advanced Placement English to 11th and 12th graders at Jupiter Community High School. For the past four years, she has had a 100 percent pass rate (above national average) for her students. This year, Anne, was also nominated for Palm Beach County's Dwyer Award for Excellence in Education.

Another resident of Palm Beach County is award recipient Cleve Maloon. He teaches Music Theory to students in grades 6th through 8th at Bak Middle School for the Arts. Cleve has been teaching for fourteen years and also directs the school's concert jazz bands. This year he was nominated for Palm Beach County's Dwyer Award for Excellence in Education. Also, in 2003, he was nominated for the Disney Hand Teacher Award which honors creativity in teaching.

Shawn Roney, of Palm Beach County, teaches Physical Education to students in grades K–5th at Grassy Waters Elementary school. Shawn has been teaching for seven years, created his school's Fitness and Wellness Club and coaches intramural team sports. He also integrated reading, writing, science, math and FCAT into his daily lessons. He was nominated for Palm Beach County's Dwyer Award for Excellence in Education this year.

Jasmin Deboo is from Broward County and has been teaching 5th grade at Deerfield Beach Elementary School for 11 years. Jasmin uses a hands-on approach to teaching and embraces the challenges of personalizing education for each student. She was the winner of the Broward County Teacher of the Year Award and was nominated for Florida's Teacher of the Year Award.

Nicole Greggs, a resident of Broward County, teaches music to grades K–5th at Plantation Park Elementary School. She has been a teacher for 14 years. Nicole has developed an updated electronic curriculum planning tool for music educators that aids in meeting grade level expectations for music and in aligning instructional focus with other subject areas. She is the founder and Director of MusicMakers! Summer Camp, believing that prolonged study of the Arts increases student achievement. She was nominated for this year's Broward County Teacher of the Year Award.

On behalf of Florida's 22nd District, I wish to congratulate Anne Blankenship, Cleve Maloon, Shawn Roney, Jasmin Deboo and Nicole Greggs for their truly admirable work. Only with the support of enthusiastic and caring teachers can future generations of American students hope to realize their dreams. These five nominees provide a shining example to all of South Florida's teachers.

HONORING THE ACCOMPLISHMENTS OF THE HON. JUDGE KMIOTEK OF THE CHEEKTOWAGA TOWN COURT

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. HIGGINS. Mr. Speaker, I stand here before you and this body to recognize the Honorable Judge Ronald E. Kmiotek, a man who has dedicated 38 years of devoted service protecting the public.

Judge Kmiotek began his life of public service nearly four decades ago by taking a civil service test. He scored high enough to be offered positions with the New York State Police as well as the Border Patrol Service. However, the love he had for his home town of Cheektowaga, New York was too great to accept those positions. As a result he chose to serve with the Cheektowaga Police Department.

For 25 years Judge Kmiotek valiantly served the Town of Cheektowaga as a guardian of the peace; while doing so he ascended to the rank of detective. Following his 25th year of service, he retired from the force or 5 years he expanded his services to the entire County of Erie while working as a Confidential Criminal Investigator for the Erie County District Attorney's Office.

In 1994, Judge Kmiotek truly transcended the boundaries of political parties, when without a single party endorsement he was elected to the town Court of Cheektowaga by an overwhelming majority. The people he so caringly served displayed their gratitude toward the Judge that day. He not only won, but carried the five most prolific party lines in the area.

While on the bench, Judge Kmiotek became widely known for his tough stance on crime. He was elected in a time when the smaller town of Cheektowaga had a higher DWI caseload than did the City of Buffalo. With his work cut out for him, the Judge began the slow and sometimes painstaking process of reforming the town he loved so much. For his efforts, he and his colleagues on the town bench were named the "Toughest Judges in Erie County."

Putting away DWI offenders was not the only thing the Judge has accomplished during his tenure. In 1997, Judge Kmiotek instituted a drug court. At the time it was only the second in the entire country. His court achieved a near 60 percent success rate, as well as seeing 98 percent of the people who successfully completed the program continuing to be sober to this day.

The Drug Court not only helped rehabilitate the narcotics offenders to reemerge into society as productive citizens, but also saved the County nearly $3 million a year in healthcare costs.

When the Judge wasn't taking time out of his day to meet with the participants in the Drug Court program, or making the streets of Cheektowaga safer to drive on, he was spending time with his adoring family. He and his wife Irene have raised three wonderful children who have given them five equally remarkable grandchildren.

Mr. Speaker, on behalf of the residents of the Town of Cheektowaga and all of New York's 27th Congressional District, I extend my sincerest gratitude to the Honorable Ronald Kmiotek for his enduring commitment to making Western New York a safer place to live.

IN RECOGNITION OF AMERICA'S ORCHESTRAS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the important artistic contributions and community value of America's 1,800 orchestras.

This country's symphony, chamber, youth, and collegiate orchestras are among our Nation's most important cultural resources, which provide inspiration and enjoyment to more than 30 million individuals annually in cities, towns, and rural areas throughout the United States. They have shown a commitment to reaching all segments of their communities through education and community engagement programs.

In particular, I would like to honor and recognize the Cleveland Youth Orchestra. This orchestra, comprised of musically gifted middle and high school students, provides young people with a rare opportunity to work directly with musicians of the Cleveland Orchestra and conductors to further develop their musical skills. Each year, members of the orchestra

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

perform various concerts throughout the northern Ohio region, helping to enrich our community's artistic experiences. The youth and diversity of the musicians in these programs provide a compelling model of what young musicians of all backgrounds can achieve when they are given such a wonderful opportunity. I can personally attest to the amazing talents of these gifted young musicians. I have several CDs of the orchestra's music, which I enjoy very much.

I am pleased to join with a bipartisan coalition of members in co-sponsoring House Concurrent Resolution 157, which recognizes the invaluable contributions orchestras have made to our Nation.

I urge my colleagues to join me in recognizing the wonderful talents brought forth by this country's orchestras, including the amazing young musicians of the Cleveland Youth Orchestra.

DIANA FAIRCHILD AWARDED THE SILENT HERO AWARD

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Diana Fairchild, an emergency response communicator in Lewisville, Texas. Ms. Fairchild was recently awarded the Silent Hero Award.

The award, presented by the Commission on State Emergency Communications, CSEC, is presented to an individual who employs exceptional professionalism in the field of emergency communications. Winners of the award must be "solid" dispatchers whom are "always reliable and professional." Diana's supervisors say she "always goes the extra mile." On her own time, Ms. Fairchild has been known to visit a number of individuals in the hospital or rehabilitation, and she has even made gifts for those whom she has helped in emergencies.

Mr. Speaker, it is with great honor that I stand here today to recognize this individual for her professionalism and dependency and big heart she brings to her job. Her prestigious Silent Hero Award echoes her commitment and dedication as an emergency dispatcher. I am honored to represent her in Congress.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. BOOZMAN. Mr. Speaker, due to important constituent casework meetings, I was absent from the House of Representatives for portions of Thursday, June 30, 2005. Should I have been in attendance, I would have voted in the following manner: Rollcall 346, "no"; rollcall 356, "no."

HONORING THE 2005 CONGRESSIONAL GOLD AWARD MEDAL WINNERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize the 13 winners of the Congressional Gold Award from the 22nd District of Florida. Each award winner has spent at least 2 years completing over 400 hours of community service, half of which is spent in personal development and physical fitness activities, including a four-night expedition.

Ms. Alexandra Brady of Palm Beach Gardens has dedicated her time fundraising for two different cancer groups. One is her local Cancer Society, while the other is the "Comfort Bag Project," a program that brings goody bags to young victims of cancer at St. Mary's Children's Hospital. In addition to these notable achievements, Alexandra has spent the last 4 years teaching in a local children's camp.

Ms. Carolyn Cox of Palm Beach Gardens volunteers at the Jupiter Medical Center where she assists the hospital staff. Additionally, Carolyn has dedicated her free time to working on fundraisers to provide medical services for less privileged individuals. Her quest for personal development led her to Costa Rica for a 10-day trip in which she learned about the history and culture of the Pacific Coast area.

Mr. Patrick Eucalitto of Palm Beach Gardens has volunteered with several national health organizations. Most notably, Patrick cofounded the Relay for Life Youth Council for the local American Cancer Society. In a pursuit to understand different cultures, Patrick has developed a fluent understanding of both Spanish and French. Additionally, Patrick has logged over 850 hours of training and racing time in competitive swimming.

Ms. Regen Foley of Palm Beach Gardens has proven herself as a bom leader through her efforts as the founder and coordinator of the "Comfort Bag Project" at St. Mary's Children's Hospital. Furthermore, Regen spent time abroad in the Czech Republic, gaining an appreciation for the Czech culture while at the same time receiving a new understanding of her own national identity. Regen has also put in over 300 hours as a starter for her school's JV basketball team.

Ms. Elizabeth Folmar of Palm Beach Gardens has been involved with the Safe Harbor Rescue League, a shelter for mistreated dogs and cats, for the last 5 years. Additionally, Elizabeth volunteers at her local youth court serving as a lawyer. During her free time, Elizabeth has developed her nautical skills, navigating and skippering sailboats. This personal development activity has led her to plan a trip to the Outer Abaco islands of the Bahamas on her family sailboat.

Ms. Courtney Kneip of Palm Beach Gardens spends her time after school volunteering for a local kindergarten teacher. Courtney has participated in several community fundraisers for medical research. Pursuing her love of music, Courtney achieved a superior rating at Solo and Ensemble for her flute performance of Sonata Number 5. Courtney has spent time in French Canada where she immersed herself in the language and culture.

Mr. Kyle Lambrecht of Jupiter volunteers at his local Center for Information and Crisis Services and participates in a program that performs community outreach to the elderly. In addition, Kyle has auditioned for the All-State and Jazz Bands, performing both percussion and piano. Kyle is on both the varsity golf and tennis teams at his high school and he hopes to improve his skills in order to become one of the highest rated players.

Ms. Robin Lucas of Palm Beach Gardens serves as a mentor for the Big Brother/Big Sister Program. Robin has spent her free time organizing and participating on a fundraising committee benefiting the Headstart Preschool. Robin has studied piano and taken weekly tennis lessons in order to advance to the upper intermediate level. Furthermore, Robin spent part of her time abroad, living with a local family in Mexico, learning Spanish and gaining an understanding of Mexican history and culture.

Ms. Kerry O'Neil of Jupiter volunteered for her high school's Academy of Finance, tutoring her fellow students in mathematics and finance. Kerry also spends her time working in the school yearbook office. Additionally, she competes in both lacrosse and swimming, earning Junior Olympic-level times in the 50- and 100-meter freestyle event. Kerry also planned a 10-day exploration to Italy where she learned about Italian culture.

Mr. Matthew Puchferran of Boca Raton coordinated the Nation's largest youth-led National Day of Prayer Teen Freedom Rally in 2004. Matthew organized over 1,600 teens and their families in order to hold prayer for the Nation's soldiers and leaders. In his spare time, Matthew has mastered the keyboard, leading his youth group worship band. He has competed on his high school soccer team for the past 4 years, and attended weekend campouts with the Boy Scouts of America. Additionally, Matthew spent time in Juarez, Mexico serving children, and helped a Boys and Girls Club on a North Carolina Cherokee Indian Reservation.

Mr. Sean Smith of Palm Beach Gardens volunteered for Better Health, a health awareness group. Sean also served as chairperson for the Health Action Council, which is designed to promote youth volunteering. Sean spends his free time mastering the guitar as well as competing on his school's basketball team. Additionally, he has explored the Western United States, viewing several of our Nation's natural treasures such as the Grand Canyon and Lake Mead.

Ms. Alexandra Trimper of Jupiter has volunteered for Jupiter Head Start where she organized a Christmas project for young children. Alexandra also plays the flute and competes on her high school tennis team where she advanced to the Florida State Championships.

Ms. Christine Vartan of Jupiter volunteered her time teaching the elderly how to use computers. Christine took ballroom dancing lessons, and is a self-taught member of her school's golf team. In an expedition to enhance her understanding of our Nation's history, she visited St. Augustine, Florida and Savannah, GA, learning about the famous River Street and its historical significance.

REMEMBERING THE LIFE OF GERALD R. PIGEON

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to pay tribute to the life and memory of Mr. Gerald R. Pigeon, a resident of Western New York who dedicated his life to his country, his community and his family—a life cut short by a tragic accident on July 9, 2005.

A Buffalo, New York native, Mr. Pigeon was born on July 18, 1936 and as a young man attended South Park High School, where he graduated in 1954.

In 1956, Mr. Pigeon left Western New York on a mission to serve this great Nation. For the next 6 years he was trained as an air traffic controller in the United States Air Force. Following an honorable discharge, Mr. Pigeon used the skills he learned in the military to earn a living in St. Louis and Chicago.

After starting a family with his wife, Barbara, in 1972 Mr. Pigeon decided to come back to his hometown and raise his children in the Town of West Seneca, a suburb of Buffalo.

Upon returning Mr. Pigeon earned a bachelor's degree in psychology from the State University of New York at Buffalo, after which he devoted his energy as a public servant in the Town of West Seneca Department of Building and Grounds, where he worked for the next 24 years.

In addition to his commitment to his job, Mr. Pigeon was enthusiastically involved in his community as a coach and referee for the West Seneca Youth Hockey Organization, a member of the Father Baker Council, Knights of Columbus, a fourth-degree member of Father John Schaus Council 4652 Knights of Columbus and a parishioner of Queen of Heaven Catholic Church.

Mr. Pigeon passed down his love for public service to his children including his son Steven who earned a law degree, was elected by the residents of Erie County's 9th District to serve in the Erie County Legislature and led the County's Democratic Party as Chairman of the Erie County Democratic Committee.

In addition to leaving behind a legacy of service to this community, Mr. Pigeon leaves behind a loving family including his wife of 48 years, two daughters, one son, four siblings, eleven grandchildren and step-grandchildren and one great grandchild.

Thank you Mr. Speaker, for allowing me to recognize Mr. Gerald R. Pigeon, a man whose spirit and involvement has made a lasting mark on the Western New York Community.

IN HONOR OF THE 100TH ANNIVERSARY OF ST. BARBARA ROMAN CATHOLIC CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of the parish community of St. Barbara Roman Catholic Church, as members and leaders celebrate 100 years of faith and hope throughout Cleveland's southwest side. Throughout the past century, St. Barbara's Parish has served as a spiritual refuge, opening its doors to individuals and families in search of guidance and peace.

The ministry of St. Barbara's began in 1905, serving Polish immigrant families who settled near Henninger and Denison Roads. Father Albert Migdalski was appointed as the first pastor. Pastor Migdalski and a small yet dedicated group of parishioners led the effort to construct St. Barbara's first permanent home. On Christmas Day in 1907, Pastor Migdalski celebrated the first mass at the new church building, constructed on the corner of Valley Road and Elston Avenue. A church hall and pastoral residence were also built on the grounds.

Since that time, a number of pastors and parishioners have served as critical guides in the journey of the faithful at St. Barbara's Church. Over the years, the parish community of St. Barbara's has evolved and grown, and has also survived numerous struggles and hardships. Tragedy struck St. Barbara's in 1916, when a fire completely destroyed the church. Eventually, because of its committed members and leaders, St. Barbara's Church and School were built near West 15th and Denison Avenue. The school operated for more than 40 years, until financial struggles forced its closure in 1969.

Mr. Speaker and Colleagues, please join me in honor and recognition of every past and current member and spiritual leader of St. Barbara's Church. Despite hardship and adversity, St. Barbara's parish continues to provide a haven of faith, guidance, renewal and support for more than 350 families, along Cleveland's southwest side and far beyond.

HONORING RAYMOND DUNNING, JR.

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor the service and commitment of Raymond Dunning, Jr. Mr. Dunning has served his community in a variety of capacities his entire life, and I would like to take the opportunity to recognize this man's life on the eve of his retirement.

Throughout his life, Mr. Dunning has been selfless, starting with his commitment to excellence in the Reserve Officers' Training Corps (ROTC) program during his college years at Sam Houston State. During his time there, he won numerous awards for achievement, culminating his senior year, where he served as ROTC commander and then was selected from thousands of applicants to receive a Regular Army Commission of Second Lieutenant upon graduation in 1964. While serving in Vietnam, he rose to the rank of Captain, was awarded the Bronze Star with "V" Device in May of 68, and then in August of 68 he received a Bronze Star with First Oak Leaf Cluster.

Since his discharge from the army, Mr. Dunning has worked tirelessly to improve the lives of those around him, both through his professional career and in his spare time. He worked with a hospital management company which helped troubled hospitals get back on their feet. Since moving to Lewisville, in his capacity as President and CEO of the hospital system, Mr. Dunning has worked hard to improve the local health care system by helping to expand the hospital system and also by improving the standard of care. The hospital has more than doubled its bed capacity and added a new ICU and a cardiovascular line.

Many men would be happy with those professional accomplishments, but it is what Mr. Dunning has done in his spare time that resulted in him being named Lewisville's Citizen of the year in 1994. He has served on the Chamber of Commerce Board of Directors, helped to grow the local golf tournament, participated in committees dedicated to improving the local police and school systems, and volunteered to be the director of the local United Way. This is just a short list of the many hats he has worn to help the Lewisville area grow and flourish.

It is with great honor I stand here today to recognize a man who has touched so many people on a personal level and asked nothing in return.

PERSONAL EXPLANATION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. BOOZMAN. Mr. Speaker, due to a death in my family, I was absent from the House of Representatives on Friday, June 24, 2005. Should I have been in attendance, I would have voted in the following manner:

Rollcall 310: no.
Rollcall 312: aye.
Rollcall 314: no.
Rollcall 318: no.
Rollcall 321: aye.

RECOGNIZING AN ENVIRONMENTAL MILESTONE AT SMITHFIELD FOODS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. FORBES. Mr. Speaker, I rise today to commend publicly Smithfield Foods and its many employees, an important corporate citizen from my district in Southeastern Virginia.

Smithfield has long been known throughout the United States as the leading producer of pork and other outstanding meat products. This spring, Smithfield Foods earned another important distinction. It was certified by the International Standards Organization (ISO) in Geneva, Switzerland as having met or exceeded the ISO's high standards for environmental management. It has achieved its aggressive goal of ISO 14001 certification for all Environmental Management Systems, EMSs, in its U.S.-based hog production, and all its U.S. pork and beef processing facilities, except recent acquisitions.

Smithfield is the first domestic processor of meat to earn certification under the ISO 14001 Standard—that is the gold standard for environmental stewardship not just in the United States but across the globe. To obtain ISO certification for its environmental practices, a company must meet a rigorous and comprehensive set of standards developed by more than 2,000 experts worldwide. It is a distinction that is a credit to Smithfield's leadership, and to its entire workforce.

This was not the first milestone that Smithfield has achieved for its stewardship of our natural resources. Last month, our Commonwealth's Department of Environmental Quality, DEQ, awarded eight Smithfield Foods facilities with its Virginia Environmental Excellence Program designations. Six Smithfield facilities received Exemplary Environmental Enterprise, E3, status, and two others achieved Environmental Enterprise, E2, Status.

As our State's Secretary of Natural Resources said in making these awards: "Smithfield Foods has made superior environmental performance a management priority. This E3 designation shows that the company has made significant improvements in the management of its facilities in order to protect Virginia's environment." Smithfield has received other awards from states and communities all across our great country.

Mr. Speaker, what is particularly significant about these milestones is that they have been achieved less than 10 years after Smithfield Foods received a large civil fine under the Clean Water Act for discharges into the Pagan River in Virginia.

So what did Smithfield do? In response to those events and others, Smithfield embraced what one executive recently described as a "culture shift" in its approach to environmental issues. Smithfield has embraced the simple idea that protecting the environment is not just the right thing to do, but smart business as well. And because Smithfield Foods has embraced environmental stewardship throughout the company, in many cases going beyond what is required by our laws, my district and many other parts of the United States are better places to live and work.

Mr. Speaker, I commend Smithfield Foods on its environmental turnaround and the recent recognition it has received for that progress in my district and across the country. I am confident that Smithfield will stay on this course in the years ahead.

REMEMBERING BOUNCER SENA

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. UDALL of New Mexico. Mr. Speaker, it is with a heavy heart that I rise today to pay homage to John "Bouncer" Sena who passed away on June 26, 2005 at the age of 77. A mentor, friend and family man, he leaves behind relatives who loved him, friends who admired him, students who respected him and a city that mourns him.

At age eleven, John was told that he looked like a "bouncer" and the nickname stuck with him the rest of his life. As a sophomore, Bouncer Sena was a tackle on the Santa Fe High School football team that won the state championship in 1943. He graduated from the College of Santa Fe in 1951 with a degree in business administration but devoted his life to education.

Married to Bernadette Ortiz in 1958, Bouncer Sena was the father of one son and three daughters who gave him six grandchildren. Bouncer was a family man, proud of his Spanish heritage. He loved the annual traditions of Fiesta de Santa Fe and the Procession.

Bouncer Sena was the vice principal for 25 of the 33 years he was employed by Santa Fe High School. During his years at the school he coached the sophomore basketball team and is also credited with creating the Career Day program. He was well-liked and respected by the students, their parents and his co-workers at the school.

Political aspirations led Bouncer Sena to seek and win two terms on the Santa Fe County Commission. While serving on the Commission, he was instrumental in the creation of the Santa Fe Water Board. He was named Chairman of the Santa Fe County Commission in 1978.

Mr. Speaker, in 1990, Bouncer Sena was named a "Living Treasure of Santa Fe," undoubtedly for his dedication and good works in the community. Many people were touched by his kindness over the years. Bouncer Sena was truly a unique individual who will be greatly missed but never forgotten.

HONORING FRANK T. MAZIARSKI, CRNA, MS, CLNC PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. INSLEE. Mr. Speaker, today I pay tribute to an outstanding representative from the 1st District of the great State of Washington, Frank Maziarski, CRNA, MS, CLNC. Mr. Maziarski will soon complete his year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that this son of Washington was tapped as the 2004–2005 president of this prestigious national organization, and I am honored to count him as one of my constituents.

The AANA is the professional organization that represents more than 33,000 practicing Certified Registered Nurse Anesthetists (CRNAs). Founded in 1931, the AANA is the professional association representing CRNAs nationwide. As you may know, CRNAs are anesthesia professionals who administer approximately 65 percent of all anesthetics given to patients each year in the United States. They work in every setting in which anesthesia is delivered including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and plastic surgeons.

CRNAs provide anesthesia for all types of surgical cases and, in some states, are the sole anesthesia providers in approximately 70 percent of all rural hospitals, affording these medical facilities obstetrical, surgical and trauma stabilization services.

Mr. Maziarski earned his Master of Science (MS) degree and his Bachelors of Science degree in nursing (BSN) from the University of Nebraska at Omaha. He was educated in the art and science of Nurse Anesthesia at the Albany Medical Center, School of Nurse Anesthesia, Albany, NY. He spent 21 years as an officer in the U.S. Army Nurse Corps, first as an anesthesia provider and then as an educator in the Academy of Health Sciences Schools of Nurse Anesthesia and was a Director of the Phase I (clinical) and also a Director of Phase II (academic) portions of the Nurse Anesthesia programs. He retired as a Lieutenant Colonel at Beaumont Army Medical Center, El Paso, Texas. He also spent one year as Chief Nurse Anesthetist of the 93rd Evac. Hospital, in Long Binh, Viet Nam during July, 1968–July, 1969. He is currently a practicing nurse anesthetist and owner of Allied Anesthesia Associates, which provides anesthesia services in and around the Shoreline, Washington area, in my congressional district.

Mr. Maziarski has held various leadership positions in the AANA as President-Elect, Vice-President, and Regional Director before becoming the National President of the AANA in 2004. In addition, Frank has served terms as President, President-Elect, Vice-President, Treasurer, and as a Member of the Board of Directors for the Washington Association of Nurse Anesthetists (WANA). He was also appointed by Governor Gary Locke to the Washington State Nursing Care Quality Assurance Commission from 1997–2004 and was elected as its chair twice during his tenure.

Adding to his professional accomplishments, Mr. Maziarski has been recognized for both publishing and speaking on anesthesia-related topics over the years. He has taken his experience and knowledge from the workplace and AANA leadership roles to lecture on political and academic anesthesia related topics before different professional groups. During his AANA Presidency, Mr. Maziarski has played important roles in advocating for the practice of nurse anesthesia and its patients before Medicare and other Federal agencies, promoted anesthesia patient safety through vigorous participation in the interdisciplinary National Quality Forum (NQF), and advanced principles of wellness among practitioners in this high-stress profession. In addition, Mr. Maziarski directed that the AANA be represented before three key subcommittees of this Congress, in which members of this organization testified about the importance of nurse anesthesia education, the roles and contributions of CRNAs in the Veterans' Affairs health system, and the dedication with which CRNAs have provided safe anesthesia care to members of the U.S. Armed Forces at home and abroad.

It is my understanding that under Mr. Maziarski's leadership, the AANA continued to foster an important line of communication with the American Society of Anesthesiologists (ASA). While these organizations of anesthesia professionals have not always seen eye-to-eye, both the AANA and ASA are working to ensure the safe administration of powerful anesthesia drugs, and have shared interest in patients' safe access to anesthesia care with respect to Medicare regulations governing locked anesthesia carts. These two societies' professional working relationship may not have been possible without the continued initiative of AANA President Maziarski and his ASA counterpart.

Mr. Speaker, I ask my colleagues to join me today in recognizing Mr. Frank Maziarski, CRNA, MS, CLNC, for his notable career and outstanding achievements.

TRIBUTE TO ELISSA GIAMBASTIANI

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Elissa Giambastiani who is retiring after 18 years as President and CEO of the San Rafael, California, Chamber of Commerce. Under Elissa's dynamic leadership, the Chamber has successfully promoted not only the immediate needs of local businesses but also the long-term economic interests of the community.

As an advocate for workforce housing and transportation infrastructure improvements, Elissa has been in the forefront of efforts to establish a housing trust and to pass a transportation sales tax. Her expertise is widely recognized, and she was recently invited to speak at a National Workforce Housing summit in Arlington, Virginia, on "Fostering Community Acceptance of Affordable and Workforce Housing."

Born and raised in Minnesota, Elissa worked there as a teacher before taking a job with the Army teaching in Europe. After her return, she moved to San Francisco where she worked in an architect's office and met her husband Ron Giambastiani who worked in the same office and lived in San Rafael. She also worked as public relations consultant before joining the Chamber in 1987.

As President, Elissa developed and implemented the overall program for an organization with over 950 members. She also took the lead in tracking and advocating the business viewpoint on legislation, including an instrumental role in the formation of the Alliance of North Bay Chambers to increase clout. This function lead to the San Rafael Chamber earning an Advocacy Chamber of the Year Award, one of the first winners in this category which was created by the California Chamber of Commerce in 2003.

Elissa has also won an award from Western Association of Chamber Executives for management excellence and an Accredited Chamber Executive designation from the U.S. Chamber of Commerce. Locally, she is a member of the League of Women Voters, the Ecumenical Association for Housing, and the San Rafael Rotary.

Mr. Speaker, "tenacious" and "tireless" are appropriate words frequently used to describe Elissa Giambastiani. I would add "clear-sighted, passionate, and caring," all adjectives which do justice to her effectiveness as a leader in of the San Rafael community. I wish her luck in her new pursuits of piano playing, Japanese flower arranging, Italian study, public relations consulting as well as grandmothering.

TRIBUTE TO MR. S. WARD CASSCELLS III

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. DELAY. Mr. Speaker, I congratulate Mr. S. Ward Casscells III of Houston, Texas upon his commission as a lieutenant colonel in the United States Army Reserve Medical Corps.

In accepting this commission, Lt. Colonel Casscells becomes one of the brave souls to serve not only as our Nation's defender, but also as our ambassador of freedom throughout the world.

Serving in the United States military is a great gift of self and an act of the truest patriotism.

Through his service, Lt. Colonel Casscells has displayed his patriotism and great love for his Nation, while proving his commitment and dedication to the cause of freedom.

This admirable man brings great honor to himself, his family, and his community in joining the United States Army Reserve and proving his loyalty to family and his commitment to country.

He is truly a shining example to his peers and, indeed, to all the citizens of the United States of America.

I again congratulate S. Ward Casscells III on joining the United States Army Reserve, and I wish him well in his heroic endeavors.

RECOGNIZING DAVID CRAWFORD OF NAPA, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize David Crawford of Napa, California as he steps down from the Napa City Council after 8 years of service.

David was first elected to the Napa City Council in 1982. After a 4-year break he decided to run for office again and was elected to his second term in 2000. As a councilmember, he helped restore and rejuvenate historic downtown Napa.

Mr. Speaker, David also acted as the mayor of Napa for 6 months in 1988 after Mayor Bob Pelusi passed away.

A dedicated and professional man, David continued working as a full time physician during his 8 years on the Napa City Council. He continues his practice full time at Kaiser Permanente Medical Center in Vallejo, CA.

Mr. Speaker, David is also very active with the First Christian Church of Napa, California where he has served for 10 years as the mission chairman.

David graduated with a bachelor of arts from the University of California, David earned his medical doctorate at Temple University in Philadelphia, Pennsylvania.

Born in Palo Alto, California, David and his wife Christine reside in Napa, California. They have three daughters.

Mr. Speaker, it is appropriate that we recognize and thank David Crawford for his dedication to our community. Please join me in wishing him the best in all his future endeavors.

IN RECOGNITION OF ERLING HORN IN CELEBRATION OF HIS 100TH BIRTHDAY

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor Erling Horn, who will celebrate his 100th birthday on July 17, 2005.

Mr. Horn, the father of Lafayette Past Mayor Erling Horn, begins his centennial year as an active, independent member of his community who can be seen driving his Jeep to church activities or to meetings of the City of Oakland Retirement Board, where he has served for the past 12 years.

Born in 1905, Erling Horn was orphaned as an infant and raised by his mother's siblings in a large extended Norwegian family in Seattle. With their help and the support of the scholarship program of the Reserve Officer Training Corps, he earned a Bachelors Degree and a Masters Degree in electrical engineering at the University of Washington. In 1927, he earned a commission in the U.S. Army, where he served as Captain and Major in various coast and field artillery units during World War II.

From 1931 to 1935, he served in the Civilian Conservation Corps; and from 1935 to 1966, he was employed by the City of Oakland, first as City Surveyor, and then as Traffic Engineer. In his 30-year career with the City, he helped to design and install Oakland's first parking meters, traffic control signals, traffic-friendly intersections, and freeway interfaces.

During the Vietnam War, Mr. Horn was an active antiwar protestor, always supporting the troops but not always supporting his government's policies to deploy them. His oldest son served in the U.S. Navy during the War.

As one who benefited from family solidarity early in life, Erling Horn has been a source of family strength to his wife, now deceased, to his three children, Arthur, Erling, and Margaret, and to his seven grandchildren. I am pleased to join his family and friends in congratulating Mr. Horn on his career achievements, service to his country, and community contributions. I wish him continued health, happiness, and success as he enters his second hundred years.

TRIBUTE TO THE SLOVAK CATHOLIC SOKOL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. PASCRELL. Mr. Speaker, I am honored to take this opportunity to salute the Slovak Catholic Sokol. On Saturday, July 9, 2005 the Sokol celebrated a very proud moment, its Centennial Anniversary.

It is only fitting that the Slovak Catholic Sokol be honored, in this, the permanent record of the greatest freely elected body on Earth, for it has been a fundamental institution in the community; offering guidance and support to all in need.

The Slovak Catholic Sokol was founded on July 4, 1905 by citizens who wanted to establish an athletic organization for Catholics of Slovak ancestry. It was not long after its creation that the group began to flourish. The year 1912 marked the first field meet or "Slet," as it is called in Slovak. Since then, these Slets have attracted members and crowds by the thousands; all of whom gather to take part in an array of track and field events.

The organization grew quickly; the 46 original founders from Passaic, N.J. has blossomed into 32,000 members located throughout the United States & Canada. This unprecedented expansion has allowed the group to become heavily involved with the youth movement. Every year, the Slovak Catholic Sokol awards an array of scholarship grants to college bound members as well as qualified members who attend Catholic High School. Over the years, nearly 1300 members have been fortunate enough to receive scholarship grants in order to further their education.

In the most recent years, the Slovak Catholic Sokol entered its most ambitious stage of growth, especially in terms of volunteer work. As a Catholic entity, participation in parish life is obviously encouraged and support for both men and women of Slovak heritage is given. Therefore, donations whether monetary or perishable, are routinely sent to Catholic Bishops in Slovakia for distribution amongst their congregation. Working in conjunction with other reputable Slovak organizations, such as the Slovak League of America is also quite commonplace. In fact, together with four other fraternals, the Slovak Catholic Sokol established the Slovak Foundation at the University of Pittsburgh.

Committed to the democratic way of life, the Slovak Catholic Sokol will continue to spread goodwill. The leadership and the members of this organization recognize the dedication it took to elevate this venerable institution to where it is today and will ensure that it remains untarnished.

The work of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing institutions like the Slovak Catholic Sokol.

Mr. Speaker, I ask that you join our colleagues, the City of Passaic, Passaic County, all of the members, and me, in recognizing the Slovak Catholic Sokol.

HONORING LEO GOLD FOR HIS OUTSTANDING CONTRIBUTIONS TO THE COMMUNITY AND OUR NATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join the entire Hirschorn family as they celebrate the life and accomplishments of their oldest living relative, Leo Gold. Today, the Hirschorn family, nearly 150 strong and from all corners of the world, have gathered to pay tribute to Leo not only for being a wonderful member of the family, but for his many contributions to his Nation and community.

Leo Gold has had a full life. He has served in our Nation's armed forces, married and raised a wonderful family of his own, worked as a stockbroker by trade, and has spent countless hours volunteering with a myriad of service and community organizations. His life is the very reflection of what every community member should be.

Like so many of his generation, Leo served in the United States Army during World War II. A member of the Engineers' Corps, Leo was one of the hundreds of remarkable soldiers who landed on Omaha Beach on D-Day. He diligently served his country with dignity and integrity from 1943 until the end of the war. Today, I stand to extend my sincere thanks and appreciation to Leo Gold for his outstanding service to our country. It is veterans, like Leo, whose stories will never allow future generations to forget one of the free world's greatest victories.

Leo spent his professional career as a stockbroker and continues to own a seat on the American Stock Exchange. He has been happily married to his wife, Beatrice, for 63 years, raising two children, Helaine and Harold. Today, they continue to see their small family grow with three grandchildren, Heidi, Keith, and Sandra, as well as one great-grandchild, Maya. Throughout the years, it has been his family which has brought him such great joy and I find it a fitting tribute that his extended family has gathered to honor him today.

Veteran, successful businessman, and devoted husband, father, and grandfather—one would not find it hard to believe that Leo has also been an active member of his community, volunteering his time and efforts to make a difference in the lives of others. Before retiring to Florida, Leo lived in Great Neck, NY, where he was deeply involved with B'nai Brith and his synagogue Temple Israel. Now, as he and Bea enjoy their retirement years, they can be found volunteering for the Jewish Federation, among other organizations. In fact, Leo participated in the Big Brother Program just a few years ago, acting as a mentor and friend to children in need. Through his many philanthropic activities, Leo has quietly touched the lives of many—making a real difference in their lives.

Our communities and our country would not be the same without individuals like Leo Gold who so willingly dedicate themselves to serving and protecting others. It is an honor and a privilege for me to stand today to join his wife, Bea, children Helaine and Harold, grandchildren Heidi, Keith, and Sandra, and the entire Hirschorn family as they pay tribute to Leo Gold—an outstanding citizen and community leader. My heartfelt congratulations on this very special occasion—what an inspiration you are. Mazel Tov.

HONORING DAVID GAD-HARF

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. KILDEE. Mr. Speaker, I rise today to recognize the accomplishments of a man who has selflessly devoted many years to his community and his culture. On July 13, civic leaders, family, and friends will join the Jewish Community Council to honor its executive director, Mr. David Gad-Harf, as he celebrates his retirement after 17 years.

A native of Erie, PA, David Gad-Harf graduated with honors from Harvard University, and later received his Master's Degree from the University of North Carolina. Over the years, he worked as executive director of the Jewish community relations agency in St. Louis, as well as executive director for a national health care advocacy group. David also spent time on Capitol Hill as a legislative assistant in the Senate. He joined the Jewish Community Council in 1988, embodying its mission of being the public affairs voice of the Metro Detroit Jewish Community.

In addition to his work on behalf of the council, David was elected to the West Bloomfield, MI, School Board in 1999. He was reelected in 2003, and served as its president from 2003 to 2004. He also sits on the board of New Detroit, Inc. David's peers have acknowledged his efforts on several occasions, most notably in 1999, when he received the Berman Award, presented to Detroit's most outstanding Jewish community professional.

Among David's great blessings is his wonderful family: his wife, Dr. Nancy Gad-Harf, and their son Joshua.

Mr. Speaker, I have had the pleasure of traveling with David Gad-Harf to Israel, and I can personally attest to his commitment and dedication to making our country a better place in which to live. I applaud his many successes, and I ask the House of Representatives to please join me in congratulating him on his retirement, and wishing him the very best in all his future endeavors.

TRIBUTE TO COLONEL JOHN C. GOETCHIUS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the outstanding service of Colonel John C. Goetchius, who will retire this October after 29 years service while working for the United States Army and the Secretary of the Army Legislative Liaison. Colonel John Goetchius is a decorated and distinguished soldier.

Colonel Goetchius began his career as a United States Military Academy graduate, Class of 1976, and was immediately selected to lead our Nation's sons and daughters. During his career, he has endured the hardships of deployments and separation. As one of many testaments to his professionalism and accomplishments in defense of our Nation, in 2002 he was awarded the Defense Superior Service Award for his leadership as the Commander of the United States Military Group, El Salvador.

Most recently, Colonel Goetchius served the soldiers and civilians of the Office of the Chief of Legislative Liaison (OCLL) in the capacity of the Executive Officer to the Chief of Legislative Liaison. Colonel Goetchius's last assignment was a capstone of nearly 30 years of service to the United States Army. As the Executive Officer Colonel Goetchius was the principal assistant to the Chief of Legislative Liaison, responsible for the formulation, coordination and execution of policies governing the Army's relationship with Congress. He personally coordinated the efforts of the seven Division 100 person OCLL Organization with wide ranging responsibilities to manage all U.S. Army Congressional contacts. Colonel Goetchius played an active role in communicating Army requirements, programs and policies to the U.S. Congress during a period of historic defense transformation and extremely high operational tempo.

Mr. Speaker, as Colonel John C. Goetchius prepares to retire from the Army, I know my colleagues will join me in commending him for his outstanding service to our Nation.

INTRODUCING H.R. 3141

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. KIRK. Mr. Speaker, today I introduced H.R. 3141 to terminate general system preferences for imports from Brazil.

I take this action because of extreme action now threatened by the current government of Brazil. Last week, that government delivered a clear threat to seize patents held by the United States. That threat was extreme, unwarranted, and will meet with certain retaliation by the United States government. Given that our economy is far larger than Brazil's, action of this type will hurt Brazil far more than the U.S. and will cause unemployment and loss of income directly due to Brazil's reckless trade policy.

In specific, Brazil threatened Abbott Laboratories, Illinois' largest employer. The doctors and scientists at Abbott helped to invent the test for HIV and then invented the most powerful treatment for HIV. Scientists now are on their way to a cure for AIDS but all of this work will end if we let extreme policies seize the patents of scientists that represent the only hope for a cure.

In Brazil, anti-HIV drugs already sell for only half the price of the same drugs in the U.S. In my judgment, this proposed action to seize U.S. patents is only a subterfuge to not only produce the drug in Brazil but also to export it to other countries on the black market—all in direct violation of Brazil's solemn obligations to the WTO.

The bill I introduced today will cancel $2 billion in Brazilian exports. If Brazil takes this action, further actions will follow to the detriment of Brazil.

Mr. Speaker, I have reviewed this matter with the Chairman of the Ways and Means Committee and Speaker HASTERT. They share my concerns and would strongly urge Brazil to reconsider extreme threats that will—in the long run—hurt Brazil far more than the U.S.

STANDING IN SOLIDARITY WITH THE PEOPLE OF GREAT BRITAN

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. KING of New York. Mr. Speaker, the American people proudly stand in solidarity with the people of Great Britain in the wake of last Thursday's murderous attacks in the city of London.

It is tragic whenever anyone, anywhere is brutally and senselessly murdered. The carnage and bloodshed in London last week, however, were particularly poignant and moving to Americans because we have had no more resolute ally or steadfast friend in the war against terrorism than the British people and their leader, Prime Minister Tony Blair.

Prime Minister Blair has been there from the start, visiting Ground Zero just days after the tragic attacks of September 11, 2001 and then sitting in the gallery of the House of Representatives when President Bush addressed a joint session of Congress on September 20, 2001. That was America's darkest hour and Tony Blair stood by us. For that and more America will always be in his debt.

Today's world is brutal and treacherous, We are engaged in a struggle which could well determine our survival as a civilization. British troops fight beside American troops in every theatre of that struggle and British police, law enforcement and intelligence agencies work in full concert with their American counterparts.

Just as Franklin Roosevelt and Winston Churchill stood as one to lead the world through the ravages of Nazism and fascism, George Bush and Tony Blair stand shoulder to shoulder in the war against terrorism. And just as the British people mourned with us on September 11, we assure them that our thoughts and prayers go out to all those good people in London who were murdered as well as those who were injured and all of their families. They will always be remembered.

TRIBUTE TO MR. AND MRS. HARRY AND HILDA EISEN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. CALVERT. Mr. Speaker, I rise today to recognize and honor an extraordinary couple that survived one of history's darkest periods to live a vibrant and successful life together. Their tremendous life story is filled with incredible inspiration and hope. In a fitting celebration of their life together, Harry and Hilda Eisen will mark their 60th anniversary by renewing their wedding vows on July 10, 2005.

Harry and Hilda were both born in 1917 in the small Polish village of Ibicza. When Poland was invaded by German Nazis during World War II, their lives became a struggle for survival.

Harry served in the Polish Calvary and eventually became interned in the Auschwitz Concentration Camp. As a forced laborer, Harry worked in the coal mines and other grueling jobs during the 5 years he spent at Auschwitz, before escaping the forced death march in the winter of 1945. Meanwhile, Hilda escaped the Lodz Ghetto internment camp and joined a group of Jewish partisan fighters that fought back against the Nazis.

Following Poland's liberation, Harry and Hilda met up back in Ibicza and in July of 1945 they were married. They subsequently immigrated to America in 1948.

In America, Harry used the money he earned as a sausage-maker to start up a modest chicken business in Arcadia, California. As his business and urban encroachment grew, Harry needed to find another location for his chicken enterprise and settled in Norco, California. As time went by, the once small chicken business, now named Norco Ranch, Inc., continued to grow as a producer and distributor of shell eggs and other egg products in the Southern California marketplace and beyond.

Eventually, Norco Ranch successfully became one of the largest suppliers to the retail food chains in Southern California, employing nearly 500 people throughout the Inland Empire. Additionally, the business that once started with 100 chickens grew to have 8 million chickens producing egg products.

In 2000, Harry sold Norco Ranch so that he could focus his energies on his philanthropic interests. Harry is a founder of the Holocaust Museum in Washington, D.C. and was President of the Lodzer Organization, which is a non-profit philanthropic association of Holocaust Survivors.

Having lost their original marriage certificate after the war, Harry and Hilda decided to renew their wedding vows to commemorate their 60th anniversary. Their grandson Michael Rubinstein, who will shortly be ordained as a rabbi, will perform the ceremony and provide them with a new marriage certificate. They will also be joined by their four children, Ruth, Mary, Howard and Frances.

I want to congratulate Harry and Hilda on this wonderful occasion and end by sharing with you the sentimental words that accompanied the ceremony announcement: "Each believing the other to be a giver of love, a sharer of sorrow, a bearer of joy and a reason for life, they decided to renew their wedding vows."

TRIBUTE TO THE ALAMO SCOUTS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the fine accomplishments and storied history of the Alamo Scouts. The Alamo Scouts were the forerunners of the Army Special Forces "Green Berets." Without their determined efforts, the United States Army's path to victory in the Pacific would have been much harder.

I mention the Alamo Scouts today not only because they were the soldiers who had the skill and tenacity to accomplish the most top secret missions of World War II, but because as the years go their numbers are dwindling. I feel that it is important that all here today recognize the accomplishments of The Alamo Scouts and that we all pay tribute to them before they are lost to us forever.

The Alamo Scouts' role in history has remained obscure for many years, though their role in defeating the Japanese was crucial. Their training was rigorous and their missions were top secret. Of the thousands of soldiers who the military selected, only 138 men completed their training and became Alamo Scouts. Men like Robert L. Shirkey, Zeke McConnell, and Conrad Vineyard completed their training and went on to participate in missions that saved the war. It was an Alamo Scout, Galen C. Kittleston, who discovered the Cabanatuan prison camp that led to the release of hundreds of prisoners of war who would have surely died otherwise. It was an Alamo Scout, Robert Shirkey, who discovered that General Tomoyuki Yamashita, The Tiger of Malaya, had returned to Northern Luzon. This gave General MacArthur the information he needed to recapture the Phillippines.

Most remarkable, Mr. Speaker, is the fact that despite the Alamo Scouts' daring and dangerous missions and despite the weeks and months spent behind enemy lines, not one Alamo Scout was ever killed in action. Even though they had the ability to defy death on the field of combat, many Alamo Scouts are no longer with us. Of the 138 original Alamo Scouts, only about 20 are still with us today.

Mr. Speaker, I know that you, along with the other members of Congress, will join me in honoring the Alamo Scouts and recognizing their invaluable contribution to America's success in World War II.

H.J. RES. 10, FLAG DESECRATION RESOLUTION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I believe burning the flag is an offensive and disrespectful act. However, I oppose H.J. Res. 10, a resolution proposing an amendment to the Constitution authorizing the Congress to prohibit the physical desecration of the flag of the United States.

Rather, I rise in support of the amendment offered in the form of a substitute, H. Amdt. 337, which would ensure that the First Amendment right to free speech is protected and that any statute enacted by Congress attempting to prohibit the physical desecration of the flag would remain consistent with the First Amendment.

I have confidence my colleagues on both sides of the aisle can agree that the liberty and freedom guaranteed by our Constitution, and symbolized by our grand old flag, is our Nation's greatest strength. Everyday, the freedoms that surround us in our homes, schools and places of work here in this chamber, are a constant reminder of what out flag means, and what has been sacrificed to ensure its lasting stability and continuity in our Nation. Every day Congress is in session, we pledge allegiance to this flag, "and to the republic for which it stands."

The willful destruction of our Nation's flag is, indeed, deeply offensive. The flag is a symbol of our national unity and a source of national pride, and our flag deserves to be treated with respect at all times. Yet, despite my love for my Nation and the flag, and my deep appreciation for the men and women who yesterday and today fight and live their lives defending our Nation, I cannot support this resolution.

We must take heed of the constitutional parameters that will be reduced as a result of this amendment. One of our most cherished liberties is our freedom of expression. Every individual in America is truly free to express his or her opinions, without threat of hindrance or persecution. From time to time we undoubtedly may disagree with another's opinion. However, this does not mean that their views should be constricted by the Constitution. If we place any limits on this freedom, we are opening the possibility that further limitation can be placed on our freedom of expression at a later time. This resolution, H.J. Res. 10, will indeed serve to reduce that freedom which is so crucial and essential to the maintenance of a strong, vibrant democracy.

IN SUPPORT OF H. RES. 256, IN REMEMBRANCE OF THE BRAVE SERVICEMEN WHO PERISHED IN THE APRIL 24, 1980, RESCUE ATTEMPT OF AMERICAN HOSTAGES IN IRAN

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the lives and endeavors of eight brave soldiers who perished in the April 24, 1980 rescue attempt of American hostages in Iran. Their courageous, and ultimately fatal, effort was an extraordinary example of bravery and sacrifice. They risked their lives for the sake of the freedom of others. It is important that we remember them and commemorate their effort, not only for the sake of their memory, but for ours as well. These American heroes provide us all with examples of sacrifice and commitment to country, with models of bravery and strength whose attitudes we may attempt to emulate.

On November 4, 1979, a mob of Iranian students, calling themselves Imam's Disciples, seized the United States embassy in Tehran. Out of 90 embassy employees, 66 were taken captive as hostages. By mid-November, 14 of the hostages—the women and African-Americans—had been released, but 52 remained.

President Jimmy Carter initially attempted to diffuse the situation through diplomatic and economic means. He froze Iranian assets, ceased oil imports from Iran, and expelled numerous Iranians from the United States. Unfortunately, these measures proved unsuccessful, and when the Iranian government issued a set of demands for the release of the hostages, President Carter approved the plan for a secret rescue mission called Operation Eagle Claw. In his words, "I ordered this rescue mission prepared in order to safeguard American lives and protect America's national interests, and to reduce the tensions in the world that have been caused among many nations as this crisis has continued."

On April 24, 1980, six C–130 transport planes set off to rendezvous with a group of nine U.S. military helicopters at a remote desert location, southeast of Tehran. Each vessel carried American soldiers ready to do whatever it took to rescue their fellow Americans.

Unfortunately, the rescue was not meant to be. Two helicopters broke down and one was damaged upon landing at the rendezvous point, and the mission was forced to abort. As if the hostages not being saved on that night was not disappointing enough, the real tragedy followed immediately thereafter. One of the helicopters clipped a C–130 transport as it took off. Tragically, the helicopter crashed, killing eight United States servicemen and injuring four others.

Mr. Speaker, these servicemen embarked upon their mission with one objective: to leave no man behind. It is imperative that today we do the same. We must honor the fallen soldiers and their memory. We must learn from their bravery and their determination. We must preserve the memory of each and every one of the courageous men who lost their lives in this valiant effort. In short, Mr. Speaker, we must never forget the sacrifice they made for their fellow soldiers. I urge my colleagues to support this resolution.

COMCAST LEADERS AND ACHIEVERS SCHOLARSHIP AWARD WINNERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to congratulate three students in the Third District of Kansas who are being honored for their community service, leadership skills, positive attitudes and academic achievement. On August 10, 2005, the Comcast Leaders and Achievers Scholarship Program will award these students with grants to aid their pursuit of higher education. These students were nominated for this scholarship by the principals of their respective high schools, and they have distinguished themselves, their schools, and their community by being selected from a nationwide field of nominees. It is my honor to recognize each student, their school, and their hometown by listing them in the CONGRESSIONAL RECORD.

Samantha Brown, Olathe Northwest High School, Olathe, KS.

Adam Doll, Olathe South High School, Olathe, KS.

Lorie Wadell, Olathe North High School, Olathe, KS.

COMMENDING DISTRICT OF COLUMBIA COURT OF APPEALS CHIEF JUDGE ANNICE WAGNER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Ms. NORTON. Mr. Speaker, because of my personal admiration and friendship, I am particularly pleased to rise today to introduce a resolution that gives me personal pleasure even beyond the pleasure I would normally have in commemorating the service of District of Columbia Court of Appeals Chief Judge Annice Wagner. Judge Wagner's distinguished service for almost 30 years to the courts and to the people of the District of Columbia is documented in this resolution, also introduced in the Senate by Governmental Affairs Chair, SUSAN COLLINS, I am pleased to ask the House as well to express its gratitude to Chief Judge Wagner.

Judge Wagner was first nominated as an Associate Judge by President Jimmy Carter in 1977, re-nominated by President George H.W. Bush in 1990, and appointed Chief Judge in 1994 By President Bill Clinton. Under Judge Wagner's leadership, the Court has benefited in many ways while growing in respect by the profession, the bar and the Congress. Recently, along with other officials, I helped Judge Wagner break ground on the renovation of the historic Old District of Columbia Courthouse (Old City Hall), a project she has long championed as the new home of our highest court, which Chief Judge Wagner has so successfully led. The Chief Judge led the court through a historic transition after the federal government for the first time assumed financial responsibility for the D.C. courts. Although the President always has appointed the judges of the D.C. courts, the District of Columbia alone was responsible for the costs until passage of the District of Columbia Revitalization Act of 1997. Joining the financial responsibility with the appointing power helped the District emerge from its worst financial crisis in a century. However, the transition required changes in many details of operations, and the leadership of Chief Judge Wagner was critical to the success of this important transition.

When Judge Wagner was Annice Robinson and I was Eleanor Holmes, we were close friends and classmates at Dunbar High School. Annice was known then for her top academic achievements, her leadership skills, and her ability to bring people together. No one who knew Annice Robinson would be surprised that she would become Chief Judge of the highest court in her hometown or that she would leave her signature on the Court and on our city.

We are fortunate indeed that Chief Judge Wagner will assume senior status enabling the courts to continue to tap her years of experience and dedication. The Bar of the city, our elected officials, and our residents have been the direct beneficiaries of Judge Wagner's extraordinary service. Because of the role of the federal government in our local government, Congress shares in the pride and gratitude of the city and the profession for Chief Judge Wagner's service. I ask the House to join me in endorsing this resolution of appreciation and commendation for the service of Chief Judge Annice Wagner.

SERVICEMEMBERS' GROUP LIFE INSURANCE ENHANCEMENT ACT OF 2005

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. MILLER of Florida. Mr. Speaker, I am proud to introduce H.R. 3200 the Service members' Group Life Insurance Enhancement Act of 2005. Honorable SHELLEY BERKLEY, Ranking Member of the Subcommittee on Disability Assistance and Memorial Affairs, joins me as an original cosponsor of the bill.

H.R. 3200 would amend and make permanent certain provisions of Public Law 109–13, the War Supplemental, as they pertain to the Servicemembers' Group Life Insurance (SGLI) and Veterans' Group Life Insurance (VGLI) programs, which expire on September 30, 2005.

Specifically, this bill would make permanent the maximum increases in coverage for both Servicemembers' and Veterans' Group Life Insurance from $250,000 to $400,000, and make permanent the increments of SGLI coverage a servicemember may elect from $10,000 to $50,000. It would also require the military service Secretary concerned to notify a servicemember's spouse or an unmarried servicemember's next-of-kin, in writing, if the servicemember declines coverage or chooses an amount of coverage less than the maximum, as well as ensure that a servicemember's spouse be notified if the servicemember designates someone other than the spouse or child as the policy beneficiary. Finally, the bill would amend the new Traumatic Injury Protection program, established in Public Law 109–13, to allow a servicemember to opt out of the program.

Mr. Speaker, Congress recognized the need to enhance VA insurance benefits provided to our servicemen and women and did so in the Supplemental. This bill builds on the provisions enacted in Public Law 109–13 and ensures that servicemembers are provided with adequate insurance options to protect their families and loved ones.

I urge my colleagues to support this bill.

TRIBUTE TO NORTH MIAMI AVENUE CHURCH OF GOD

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. MEEK of Florida. Mr. Speaker, today, I join the North Miami Avenue Church of God and its members in giving thanks to Almighty God on the wonderful occasion of the rededication of their expanded sanctuary.

The church had its beginning at a prayer meeting in November 1977 at the home of Mr. and Mrs. Roy Hitchman. The church obviously filled a spiritual need in many people because, after only two months, the interest and support of additional congregants led the group to rent the church hall of the First Baptist Church of Carol City. By the end of the first month at First Baptist there were approximately 50 people attending each Sunday. The official opening and dedication of Bahman Avenue Church of God was held on Sunday, February 4, 1979.

In November of 1994, the Florida State Overseer, Rev. Larry J. Timmerman, appointed Rev. Lawford A. Smith as pastor of the North Miami Avenue Church of God. Reverend Smith led the church in several new directions. Through a series of prayer meetings, worship services, neighborhood visitations, and the preaching of God's word, Reverend Smith continues to lead the church to new heights.

Early in 2005, now Bishop Smith, became concerned with the deteriorating condition of the main sanctuary and its surroundings. His concerns prompted him to propose a renovation project to the church. His vision was shared by a faithful group of people who were determined to see the work done.

Since April 4th, the membership has experienced the discomfort of dusty chairs, no air-conditioning, limited lighting, and the like. Now that the project has been completed, members are united in saying that it was well worth it. We are humbled to see what God can accomplish through the good works of people of willing heart and mind.

I want to extend my congratulations and best wishes to Bishop Smith and his congregation on this joyous occasion. May this new sanctuary help inspire those who gather together in His name.

HENRY LAMB EXPOSES THE DANGERS OF CODEX

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. PAUL. Mr. Speaker, I urge my colleagues to read "Your dietary supplements: Under attack again" by Henry Lamb, which I am inserting into the RECORD. Mr. Lamb explains the threat to American consumers of dietary supplements and American sovereignty by the Codex Alimentarius commission, commonly referred to simply as Codex. The United Nations created Codex to establish international standards for foods and medicines. Just last week, representatives of the United States government agree to a final version of Codex's standards on dietary supplements which, if implemented in the United States, could drastically reduce Americans' ability to obtain the supplements of their choice. Members of the American bureaucracy may be hope to achieve via international fiat what they cannot achieve through the domestic law-making process—the power to restrict consumers' access to dietary supplements. American bureaucrats may gain this power if the World Trade Organization, which considers Codex "guidelines" the standard by which all other regulations are judged, decides that our failure to "harmonize" our regulations of dietary supplements to meet Codex's "recommendations" violates international trading standards! This could occur despite the fact that American consumers do not want to be subjected to the restrictive regulations common in other parts of the world, such as the European Union.

This article is typical of Henry Lamb's work. For almost twenty years, beginning at an age when most Americans are contemplating retirement, Mr. Lamb has worked to expose and stop threats to American liberty, sovereignty, and prosperity. Mr. Lamb became involved in the battle for liberty when, as the CEO of a Tennessee construction company, he founded a state association of contractors to work against excessive regulations. In 1988, Henry Lamb founded the Environmental Conservation Organization to defend true environmentalism, which is rooted in the truth that there is no better steward of the environment than a private property owner, from those who used the environment as a cover for their radical statist agendas. Since 1992, Mr. Lamb and ECO have focused on the threat to economic liberty and self-government posed by the radical global environmental agenda.

Henry Lamb works to further the cause of liberty by giving speeches around the country, editing an on-line magazine, making numerous television and radio appearances, and writing a weekly column to inform his fellow Americans of the latest scheme to undermine their freedoms. Mr. Lamb is the model of a citizen-activist, and all who wish to become involved in the battle for freedom can learn from his example. In conclusion, I once again urge my colleagues to read Mr. Lamb's article to learn about the need to protect American consumers from Codex, and I thank Mr. Lamb for his tireless devotion to the cause of freedom.

[From the WorldNetDaily, June 11, 2005]

YOUR DIETARY SUPPLEMENTS: UNDER ATTACK AGAIN

(By Henry Lamb)

The Codex Alimentarius Commission sounds like one of those shadowy, sinister organizations conjured up by one-world-government nuts to scare people.

Truth: It is!

The Food and Agriculture Organization and the World Health Organization created this commission in the early 1960s to set standards for food safety and to "harmonize" the laws of member nations. The commission was endorsed by U.N. Resolution 39/248, which says:

"When formulating national policies and plans with regard to food, governments should take into account the need of all consumers for food security and should support and, as far as possible, adopt standards from the . . . Codex Alimentarius. . . ."

The Codex Alimentarius Commission consists of delegates from 163 member nations representing 97 percent of the world's population. It meets every two years, either in Rome or Geneva. Between meetings, the commission is governed by an executive committee that directs the activities of its many committees.

Of immediate concern is the ongoing effort to bring dietary supplements in America under the control of standards set by this commission. Dietary supplements generate a $17 billion industry in the United States, which affects more than 150 million consumers, according to Congressional findings (H.R. 2485). Proposed procedures and standards could virtually destroy this market and deprive millions of Americans of the supplements they want to use.

The European Union Directive on Dietary Supplements°, which becomes law in August, severely restricts the types and quantities of supplements that may be legally sold. Most forms of vitamins C and E, for example, are not available, or are available only in extremely small doses. If current plans proceed on course, American consumers are in for a shock.

How can this little-known international commission control what consumers buy in the United States?

An even less-known agency, deep within the bowels of the U.S. Department of Agriculture is responsible for U.S. participation in the Codex Commission and designates delegates to each of the commission's committees. Barbara O. Schneeman is the delegate to the Codex Committee on Nutrition and Food for Special Dietary Uses.

The effort to regulate dietary supplements has been under way for more than a decade. In 1994, Congress adopted the Dietary Supplement Health and Education Act, which kept supplements beyond the reach of the drug police. In the past, Codex recommendations have been non-binding. Now, however, the Codex Alimentarius Commission is teaming up with the World Trade Organization to bring international enforcement to the dietary-supplement battle.

Ironically, it was primarily the U.S. that brought the WTO into existence in 1994, as the successor to GATT, the General Agreement on Tarriffs and Trade. The WTO agreement specifically requires that the member nations—including the U.S.—conform its laws to meet the requirements of WTO decisions. Failure to conform results in stiff financial penalties. The Codex Commission and the European Union want the WTO to enforce Codex standards, which fly directly in the face of the Dietary Supplement Health and Education Act.

Pascal Lamy of France was just selected as director general of the WTO. Lamy served as a member of the French Socialist Party's steering committee and was chief of staff and representative of the European Commission for President Jacques Delors. Since 1995, he has served as a member of the Central Office of the Mouvement Européen (France) and as a member of the European Commission, responsible for trade.

The Codex Commission will be meeting in Rome July 4-9 to adopt the final rules on dietary supplement use. Dr. Carolyn Dean, president of Friends of Freedom International, will attend this meeting and return to the U.S. just in time to present her report to the Sixth Annual Freedom 21 Conference in Reno, July 14-16.

The Codex Alimentarius Commission's reach is much broader than dietary supplements. Its committees are also working on standards for pesticide residue, labeling of all kinds of foods, food additives and nutrients, veterinary medicine and drugs, as well as standards and methods for analysis. The function of this organization is to establish standards for all food worldwide and to enforce those standards through the power of the World Trade Organization.

Few people know that there is such a thing as the Codex Alimentarius Commission. It was created to promote food safety in international trade. It is on the brink of becoming an Orwellian bureaucracy—far worse than the worst fantasies of the one-world conspiracy theories.

The Codex Alimentarius Commission is neither fantasy nor theory; it is real.

IN HONOR OF CHARLES W. BAUER

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor my former Chief of Staff for Texas Operations, Charles "Chuck" W. Bauer, who recently left my office. Chuck has been at my side for the last 11 years, starting with grassroots outreach, then on to handle legislative issues in my Washington, DC office before returning back to Texas to run my Dallas district office. Chuck has provided experienced judgment and advice to his fellow staff members and me for years, and his tireless work ethic will be greatly missed. I have come to appreciate and value his keen ability to lead by example and facilitate smooth flowing district operations for so many years.

Chuck graduated with a bachelor of science degree in political science in 1993 from Texas Christian University in Fort Worth, Texas and he received his masters of business administration from the McCombs School of Business at the University of Texas earlier this year.

Chuck and his wonderful wife have two children, Abbey (3) and Hayden (6 months). I wish the entire Bauer family all the best for Chuck's next endeavor. I thank him for his great service to the people of the 32nd Congressional District of Texas.

Even though he will no longer be employed by the Congress, I will always be able to call him my dear friend. I am sure that the great Chuck Bauer will continue to impress those around him in his new line of work.

IN RECOGNITION OF MARY WEST

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. SALAZAR. Mr. Speaker, I rise today in recognition of Mary West, the 2005 recipient of the Disney Teacher award. Ms. West is a special needs high school teacher in Montrose, Colorado. In this capacity, she teaches students what they need to know to function in their community. Working with students as old as 21, she is often times the last teacher these students will have before they enter the adult world.

It is an honor and a privilege to have a teacher of Mary West's caliber in my district. Ms. West's dedication exemplifies the kind of steadfast determination and drive I grew up with in Colorado. As one of only 45 winners selected out of more than 50,000 nominees, Ms. West, and her school, will receive upwards of $15,000 from the Walt Disney Company for use in maintaining this high quality of education at Montrose High School.

Education is about the future, about making our dreams for a better tomorrow a reality. Family values, a good education, these are the foundation on which that future ought to rest. What more could we possibly want for our children than the opportunity to see their dreams, large or small, come true. More than simply watching our children succeed though, this foundation allows us to take pride in knowing that their success is not due to luck, but rather to their own ability to make something of themselves.

We therefore have a responsibility to ensure our children enter that future with the best education possible. Teachers, like Mary West, are putting these seemingly incredible dreams within reach. So, it is my hope that you will join with me in congratulating Ms. West on her accomplishments. With the help of Ms. West and other dedicated teachers throughout Colorado, I feel confident that today's youth will be prepared to accept the challenges and the possibilities of tomorrow.

TRIBUTE TO LINDA GRAHAM WARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Linda Graham Ward, who retired on June 17, 2005 after thirty-three years as a teacher in the Ocean View School District of Huntington Beach, California.

Linda G. Ward is a fantastic teacher who truly cares for her students. She has dedicated her 33 years of teaching to improving the quality of life of her students by teaching them Fitness for Life. Her greatest career achievements include not only saving the lives of several students, but teaching students how to live healthier lives through physical fitness. She inspired her students to go on to become Olympians, professional athletes, and teachers.

Linda was born and raised in El Centro, California. Her love of learning lead her to the University of Southern California where she earned her teaching credential in 1972. That fall she began her long career with the Ocean View School District teaching Physical Education and Science. Her. campus assignments took her to the Rancho View School, the Vista View Middle School and the Spring View Middle School. She kept learning as well and earned a master's degree in kinesiology in 1973.

At each campus she served as a teacher, coach and mentor to her students. She coached volleyball, basketball, track, cross country, softball and soccer. She was the Mentor Teacher for Ocean View School District Physical Education Program and Developed and implemented the Ocean View School District's Physical Fitness Program for Grades 6, 7 and 8. Linda went above and beyond the normal teaching role to inspire her students to live a fit and healthy lifestyle. She created the Ocean View School District's Physical Fitness Awards Program based on Olympic Games model to recognize students' achievements and implemented the California Fitness Testing Program in Ocean View School District.

She made remarkable strides in improving the health of her students by becoming a CPR Instructor for the Ocean View School District and teaching students and employees how to save lives. Linda also served as Physical Education expert and advisor to Orange County Grand Jury investigation regarding childhood obesity. She also wrote, obtained and expended PEP grant funds in the amount of $472,000 to implement the SPARK Program for physical fitness in her district. For her efforts Linda was named the Most Inspirational Teacher in the Ocean View School District, an award she certainly deserves.

For over three decades Linda G. Ward has been educating and motivating the young people of Southern California. She has indeed made a positive difference in thousands of lives and earned my many thanks. I wish her all the best in her future endeavors.

PERSONAL EXPLANATION

HON. TOM COLE

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. COLE. Mr. Speaker, on June 30, 2005, I was unavoidably detained during a vote on H. Res. 344. Had I been present, I would have voted "aye" on rollcall vote 316.

HONORING U.S. ARMY CORPORAL PHILLIP C. EDMUNDSON

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 11, 2005

Mr. BUTTERFIELD. Mr. Speaker, I rise today to remember U.S. Army CPL Phillip Charles Edmundson, of my hometown of Wilson, NC, for serving our country during Operation Iraqi Freedom. Corporal Edmundson made the ultimate sacrifice for our country when he died on June 1, 2005 when an improvised explosive device detonated near his Bradley Fighting Vehicle during combat operations. He was assigned to the 1st Battalion, 9th Infantry Regiment, 2nd Infantry Division, Fort Carson, CO. He was just 22 years old.

Corporal Edmundson was the first person from my community to die in combat since Vietnam. While we are saddened at this great loss, we are so honored to claim Corporal Edmundson as the product of our community.

Corporal Edmundson had re-enlisted while in Iraq and was scheduled to be promoted to sergeant. During his funeral service, Corporal Edmundson was awarded a Bronze Star and Purple Heart posthumously for his bravery and dedicated service.

It was my honor to represent U.S. Army CPL Phillip Charles Edmundson and to have a friendship with his parents, Robert Edmundson and Anne Edmundson. I extend my deepest sympathies to his family and friends. He will be deeply missed and his service was greatly appreciated.

Mr. Speaker, I would like to submit for the RECORD a poem by CPL Phillip Charles Edmundson.

A SOLDIER'S REFLECTIONS

I was that which others did not want to be.
I went where others feared to go
and did what others failed to do.
I asked nothing from those who gave nothing
and reluctantly accepted the thought of eternal loneliness . . .
Should I fail, I have seen the face of terror;
Felt the stinging cold of fear;
and enjoyed the sweet taste of a moment's love.
I have cried, pained, and hoped . . .
but most of all, I have lived times others would say
were best forgotten. At least someday
I will be able to say that I was proud of what I was . . .
"A Soldier".

—CPL Phillip Charles Edmundson

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 12, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 13

9:30 a.m.
Environment and Public Works
Fisheries, Wildlife, and Water Subcommittee
To hold hearings to examine the Endangered Species Act and incentives for private landowners.
SD–406

Homeland Security and Governmental Affairs
To hold hearings to examine the Federal role regarding chemical facility security.
SD–562

Judiciary
To hold hearings to examine habeas corpus proceedings and issues of actual innocence.
SD–226

10 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine the financial stability of airlines.
SR–253

Banking, Housing, and Urban Affairs
To hold hearings to examine money laundering and terror financing issues in the Middle East.
SD–538

2 p.m.
Commission on Security and Cooperation in Europe
To receive a briefing regarding the politcial and business implications of the prosecution and imprisonment of Russian Yukos Oil Chairman and CEO, Mikhail Khodorkovsky.
SD–192

JULY 14

9:30 a.m.
Environment and Public Works
To hold hearings to examine the nominations of Marcus C. Peacock, of Minnesota, to be Deputy Administrator, Susan P. Bodine, of Maryland, to be Assistant Administrator, Office of Solid Waste, and Granta Y. Nakayama, of Virginia, to be Assistant Administrator, Office of Enforcement and Compliance Assurance, all of the Environmental Protection Agency.
SD–406

Judiciary
Business meeting to consider pending calendar business.
SD–226

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine how prepared the National Capitol Region is for terrorism, focusing on how the National Capitol Region (NCR) is spending its homeland security grant funding, the organizational structures established to provide coordinated security, and if the NCR can be used as a model for security in other regions of the country.
SD–562

Armed Services
Personnel Subcommittee
To hold hearings to examine military justice and detention policy in the global war on terrorism.
SR–325

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Department of Treasury's report to Congress entitled: "Assessment: The Terrorism Risk Insurance Act of 2002".
SD–538

Health, Education, Labor, and Pensions
Bioterrorism and Public Health Preparedness Subcommittee
To discuss preparing an effective and immediate public health response in the aftermath of a terrorism attack.
SD–430

Energy and Natural Resources
To hold hearings to examine the nominations of R. Thomas Weimer, of Colorado, and Mark A. Limbaugh, of Idaho, each to be an Assistant Secretary of the Interior.
SD–366

10:30 a.m.
Veterans' Affairs
To hold hearings to examine the nominations of James Philip Terry, of Virginia, to be Chairman of the Board of Veterans' Appeals, Department of Veterans Affairs, and Charles S. Ciccolella, of Virginia, to be Assistant Secretary of Labor for Veterans' Employment and Training.
SR–418

1:30 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the Department of Homeland Security.
SD–562

2 p.m.
Appropriations
Business meeting to consider H.R. 3010, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2006.
SD–106

2:30 p.m.
Indian Affairs
Health, Education, Labor, and Pensions
To hold joint hearings to examine S. 1057, to amend the Indian Health Care Improvement Act to revise and extend that Act.
SD–430

Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine the National Park Service's business strategy for operation and management of the national park system, including development and implementation of business plans, use of business consultants, and incorporating business practices into day-to-day operations.
SD–366

Intelligence
To receive a closed briefing regarding intelligence matters.
SH–219

JULY 15

9:30 a.m.
Homeland Security and Governmental Affairs
Federal Financial Management, Government Information, and International Security Subcommittee
To hold an oversight hearing to examine the United States' relationship with the World Trade Organization, focusing on the role of the World Trade Organization and its impact on national sovereignty and economic security.
SD–562

JULY 18

2 p.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Brian David Miller, of Virginia, to be Inspector General, General Services Administration, and Richard L. Skinner, of Virginia, to be Inspector General, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.
SD–562

JULY 19

10 a.m.
Energy and Natural Resources
To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.
SD–366

Appropriations
Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee
Business meeting to consider H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006.
SD–116

10:30 a.m.
Judiciary
To hold hearings to examine reauthorization of the Violence Against Women Act.
SD–226

JULY 20

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine legislation to resolve Cobell v. Norton.
Room to be announced

10 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine biosecurity preparedness and efforts to address agroterrorism threats.
SR–328A

JULY 21

9:30 a.m.
Indian Affairs
To hold hearings to examine S. 1003, to amend the Act of December 22, 1974.
SR–485

10 a.m.
Foreign Relations
To hold hearings to examine United Nations reform.
SD–419

Veterans' Affairs
Business meeting to consider pending VA legislation.
SR-418

2 p.m.
Appropriations
Business meeting to consider H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006.
SD-106

JULY 27

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine IGRA exceptions and off-reservation gaming.
Room to be announced

JULY 28

9:30 a.m.
Indian Affairs
To hold oversight hearings to examine the implementation of the Native American Graves Protection and Repatriation Act.
SR-485

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

CANCELLATIONS

JULY 13

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

SENATE—*Tuesday, July 12, 2005*

The Senate met at 9:45 a.m. and was called to order by the Honorable DAVID VITTER, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, the giver and sustainer of life, we thank You that Your power extends beyond humanity's prowess and achievements. We thank You for the things that humble us before the mystery of life and keep us from the folly of worshipping the works of our hands.

Empower our Senators today to do Your will. As they labor for liberty, make them aware of Your willingness to be their divine ally. As they wrestle with issues, may they seek Your wisdom. Whisper Your words when they need them most. Let Your blessings be upon us all as we learn to experience the joy of friendship with You. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DAVID VITTER led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 12, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DAVID VITTER, a Senator from the State of Louisiana, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. VITTER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, in a moment we will begin consideration of the Homeland Security appropriations bill. Yesterday, all first-degree amendments to the bill were required to be filed at the desk. There appear to be about 100 that were filed. Although I hope the Senators will not feel compelled to call up many of these amendments, we have 100. Hopefully we can narrow those down. The chairman and ranking member will do so over the course of the day.

We will finish the bill this week. Therefore, Members should contact the two managers to schedule consideration of their amendments. At the current time, we have three amendments pending, one dealing with veterans health funding and two relating to the homeland grant formula. We hope to shortly work out time agreements on these and vote with respect to at least a couple of these amendments. Therefore, there is a chance for a vote prior to our policy luncheons today. We will alert Members as we come to an agreement on the starting times. We will continue to vote throughout the day on amendments. Senators can expect a busy day.

Yesterday, we came in for a 3-week block. It will be a very busy 3 weeks before our August recess. We need to continue to address the appropriations measures. Prior to the July Fourth recess, we finished some appropriations in a very positive way. We continue with Homeland Security, and we have a number of other legislative priorities. We need to make the most of this legislative period as we work together to complete all of the work that is ahead of us.

We are likely to have a nominee for the Supreme Court sometime in the near future, and much of September, I suspect, will be focused on that, which again establishes a sense of urgency for addressing the very important issues of the business that is before the Senate over the next 3 weeks. I will be talking to the Democrat leader over the course of the day in terms of working through the specifics of that schedule.

SUPREME COURT CONFIRMATION PROCESS

Mr. FRIST. Mr. President, I will take a moment now to speak briefly about the confirmation process, the upcoming confirmation process of the new Supreme Court Justice. This morning, the Democrat leader and I and the chairman and ranking member of the Judiciary Committee had a discussion with the President of the United States which continues the consulting process which I would say, at least as we get started, is being conducted in an unprecedented way.

Over the last few months, this Senate has made considerable progress with judicial nominations. We have confirmed six of the President's appellate court nominees and four district court nominees. I am very pleased with this progress. Indeed, this is real progress, especially when you consider each of the appeals court nominees were blocked. Those same people were blocked in the last Congress. That is real progress, working in a bipartisan way for the American people.

Now we will be able to continue that progress. To do so, we must place principle before partisan politics, and we must place results before rhetoric. That is the challenge to the Senate. Above all, we need to fulfill our constitutional duty as Senators.

Since Justice O'Connor announced her retirement now 11 days ago, the Supreme Court nomination has garnered a lot of attention in Washington, in the press, among our colleagues, and indeed all across America. As the President considers her replacement, many Senators have been talking about the issue of consultation. This raises some important questions: Is the President obligated to consult with Senators about a particular nominee? And if so, to what extent?

Under the Constitution, the President is not obligated to consult with Senators before making a nomination. In fact, he is not obligated to consult with anyone. Indeed, the consultation is a courtesy, it is not a constitutional mandate. The Constitution plainly states in article II that the President shall nominate and the Senate shall provide advice and consent. That is it. Yet this White House has welcomed suggestions from Senators.

On the very same day we departed for our recess, on the same day Justice O'Connor announced her retirement, the President personally engaged in the consultation process. He called Senator REID and myself, the two leaders of the Senate. He called the chairman and ranking member of the Judiciary Committee, Senators SPECTER and LEAHY. Since then, the President and the White House have continued to consult in an unprecedented manner and a very inclusive manner. For example, while in Europe at the G–8 summit with the President, White House Chief of Staff Andy Card made time to call a number of Senators, including Senators DURBIN, SCHUMER, KENNEDY, and Senator BEN NELSON. In the last few weeks, White House counsel Harriet Miers met one-on-one with the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Democrat leader, with myself, with Senator LEAHY, and with Senator SPECTER. She has called a number of other Senators to discuss the Supreme Court vacancy specifically.

All together, the White House has reached out to more than 60 Senators, including more than half of the Democratic caucus and every single member of the Judiciary Committee. This consultation process is well underway and, as I mentioned earlier, continued again bright and early this morning when the President invited the four of us to breakfast, the two leaders and the two leaders of the Judiciary Committee, the chairman and ranking member. That meeting was productive. We freely exchanged views on the nomination process and what to expect. We discussed the type of nominee the President may want to consider. It was in a good spirit, bipartisan, working together, everyone stressing the importance of, once the nomination is made, having a process that would play out and have that nominee in place by October 3.

I do commend the President for taking all of these steps. He is not obligated to consult before selecting a Supreme Court nominee, but he is choosing to consult. He is reaching out in this inclusive and bipartisan manner. It is a manner that is unprecedented.

I understand the White House will continue to consult after the nomination is made. Despite this effort by the President, I am concerned that no amount of consultation will be sufficient for a few of our colleagues in this Senate, and statements will continue to be made. I say that because conomination rather than consultation may be their ultimate goal. Some Senators may prefer to choose the nominee for the President, but that is not the way the system works. That is not the way the Constitution works.

The President has the power to nominate, and the Senate offers advice and consent. Again, consultation does not mean conomination: consultation is a courtesy of the President. It works two ways. If he extends it to us, as he has, we should extend it to him.

As we look ahead, most Senators face a relatively new challenge in a Supreme Court nomination. We talked about it this morning at breakfast. More than half of us in this Senate were not here 11 years ago when the Senate last confirmed a Supreme Court nominee. But I am confident we will rise to the occasion. We should work together to ensure that the nomination process is fair, dignified, and respectful, and we should make sure that a new Justice is confirmed before the Supreme Court begins its new term on October 3.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New York.

SUPREME COURT NOMINATIONS

Mr. SCHUMER. Mr. President, I was listening to our majority leader's words on consultation and the process thus far. I will make a couple of points.

The first is that we are off to a good start. I certainly agree with the majority leader. The phone calls that have been made and this morning's meeting with Senators FRIST, REID, SPECTER, and LEAHY are a good first start. That is how it should be. But simply phone calls or meetings, if they are devoid of substance, are not going to lead to real consultation.

I certainly agree with the majority leader's point. The Senate is not a conominee. It is the President who has to do the nominating. The way consultation has successfully worked in the past is for the President to quietly, privately, offer some of the names he is considering to those on both sides of the aisle and get opinions about those names: How would this one fare? How would that one fare? Would this one cause a fight? How about that one?

It is not that we would be conominators at all. Consultation is that. The President is the nominator, and a good consultation means that nominator discusses who he is thinking of nominating, takes the temperature, if you will, of the Senate, particularly of the other party, to see if a consensus nominee could come about. Thus far, neither the President nor any of the people working for him—I had one call with Andrew Card, the Chief of Staff—has offered a single name. From what I understand this morning, the President did not offer a single name.

So we are off to a good first start. Make no mistake about it—it is a first start to begin the consultation process. But the consultation process, for it to work, is not going to be, Okay, who do you think is a good name, and that is that and we do not have a back and forth. In fact, for consultation to work—and we all want it to work—the President should suggest some names and get the opinion of those in the Senate.

This is how it worked with President Clinton. It was not simply that President Clinton called up ORRIN HATCH and said, Give me some names, and didn't have a discussion. President Clinton bounced off names. In ORRIN HATCH's book, he states that one of the names offered who President Clinton very much wanted to nominate was Bruce Babbitt, the former Interior Secretary and Governor of Arizona. While ORRIN HATCH did not state how he would vote—and I have talked to ORRIN a little about this—he said: I think Babbitt would cause a big fight. And wisely, President Clinton did not offer his name. So that is how the consultation process, to be successful, ought to go.

In my call with Andrew Card, I told him something I have said repeatedly. And I think I speak for just about every member of this caucus on this side of the aisle. We do not want a fight. We certainly do not relish a fight. We would much prefer a consensus nominee. Furthermore, we know that nominee is not going to be a liberal or even a moderate. It is likely to be a conservative. But our view is—again, this time I am speaking for myself, but I think a lot of my colleagues share this view—our view is very simple: that nominee, though conservative, will interpret law, not make it; will be thoughtful, will be pragmatic, will understand the other point of view. If that happens, I think we can have a process that works well.

So in summary, Mr. President, the consultation we have had is great. The number of phone calls may exceed any others that have been named. But so far, at least according to my phone call and the ones of many of my colleagues with whom I have talked, and from what I have been told about the meeting this morning, we have not gotten into the real nitty-gritty of consultation—not co-nomination, absolutely not. The President is the nominator. But the nitty-gritty means offering some names. The President offers some names and gets the opinion before he makes his decision—and the decision, of course, by the Constitution is solely his—as to whether that nominee would get broad acceptance or whether that nominee is likely to cause quite a stir in the Senate.

Let us hope this is not the end of the consultation process but the beginning. Let us hope there will be that kind of dialog. I reiterate my call to the President to have a summit, to call a good number of Democrats and Republicans together for a day at Camp David or an evening or dinner at the White House and have a real back-and-forth where we roll up our sleeves and really get into a serious, detailed discussion of how we all feel. Who will benefit if that happens? Who will benefit if there is real consultation? Certainly the President, certainly the Senate, certainly the Supreme Court, but, most of all, certainly the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Reid (for Murray) amendment No. 1129, to provide emergency supplemental funds for medical services provided by the Veterans Health Administration for the fiscal year ending September 30, 2005.

Collins amendment No. 1142, to provide for homeland security grant coordination and simplification.

Feinstein amendment No. 1215 (to amendment No. 1142), to improve the allocation of grants through the Department of Homeland Security.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

AMENDMENT NO. 1215

Mrs. FEINSTEIN. Mr. President, I rise to call up amendment No. 1215.

The ACTING PRESIDENT pro tempore. That amendment is currently pending.

Mrs. FEINSTEIN. Thank you very much, Mr. President.

Mr. President, this amendment is offered on behalf of the Senator from Texas, Mr. CORNYN, and myself. It is identical to the Homeland Security FORWARD Funding Act of 2005. That is S. 1013.

I am very pleased to be joined not only by my colleague from Texas but, as well, by Senators BOXER, HUTCHISON, KERRY, MARTINEZ, SCHUMER, CLINTON, CORZINE, KENNEDY, LAUTENBERG, and NELSON of Florida. And, Mr. President, I ask unanimous consent to add Senator MIKULSKI to the list of cosponsors.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, a great deal has been said about how homeland security dollars should be allocated. I think it is pretty clear that the American people, and certainly major opinionmakers such as major newspaper editorials, major mayors and major Governors, believe it is time our Nation adopt risk-based analysis to guide critical resource allocation of homeland security efforts.

This legislation will do exactly that. The Cornyn-Feinstein amendment is extremely simple in approach. Its key language, which appears at its beginning, is clear. Let me quote it:

> The Secretary [of Homeland Security] shall ensure that homeland security grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent practicable.

This legislation will ensure that these priorities are set, and set according to analysis of risk and threat.

This bill accomplishes this through five basic mechanisms.

First, the law requires the Secretary of the Department of Homeland Security to allocate grants based on risk. The legislation will mandate that funding decisions be designed according to an assessment of risk. This is a key element of the law, which makes this clear in its very first section, entitled "Risk-Based Funding For Homeland Security," which reads—and I want to repeat it—

> The Secretary [of Homeland Security] shall ensure that covered grants are allocated based on an assessment of threat, vulnerability, and consequence to the maximum extent possible.

The bill defines "covered grants" as including the four major first responder grant programs administered by the Department of Homeland Security. That is: First, the State Homeland Security Grant Program; second, the Urban Area Security Initiative; third, the Law Enforcement Terrorism Prevention Program; and, fourth, the Citizens Corps Program.

In addition to these four core grant programs, the legislation also covers grants "provided by the Department for improving homeland security," including grants for seaport and airport security.

The bottom line is that if Federal funds are going to be distributed to improve first responders' ability to "prevent, prepare for, respond to, or mitigate threatened or actual terrorist attacks," those funds should be distributed in accordance with a risk-based analysis. Al-Qaida and its allies do not attack based on a formula. This bill rejects the formula approach in favor of a framework that is flexible and risk focused.

Second, the legislation requires that covered grants be designed to meet "essential capabilities." "Essential capabilities" is a concept defined in this law. It is what we get for the money spent: The ability to meet the risk by reducing vulnerability to attack and diminishing the consequences by effective response.

Third, the bill requires States to quickly pass on Federal funds to where they are needed. States should not hold Federal funds back from where they are most needed. This bill will ensure that States quickly and effectively move the funds through to the location.

And, fourth, the bill addresses the small State minimum issue. The underlying bill requires each State to get .75 percent of the grant funding. Now, what does that mean? That means that 37.5 percent of the funds go on a formula basis to areas that might not have risk, threat, or vulnerability. For instance, under the current appropriations bill, of the $1.918 billion appropriated, $548 million is taken right off the top, allocated to States regardless of whether they are vulnerable, whether they have risk, or whether they have threat. Thus, that $548 million is not available to meet risk.

This legislation will significantly reduce this large set-aside. It will reduce it from 37.5 percent to the .25 percent. Now, I must admit I am uncomfortable even with the .25 percent minimum and would prefer to eliminate any impediment to risk-based funding. I believe it is the right thing to do. I would believe this regardless of what State I came from. We set up a huge Department of Homeland Security and have given them the basis and the ability to do the analyses that are required and the intelligence that has moved in to determine what is vulnerable, where it is, where the threats are, and what the risks are. And these are going to be ever changing. But I understand the realities of the Senate, so we decided to track what the President requested in his budget.

In this post-Cold-War world of asymmetric threat, there are two fundamental understandings which apply to efforts to make our Nation more secure against a terrorist attack.

The first understanding is that predicting what terrorists will do requires risk analysis. It is an uncomfortable fact that even with the best intelligence we will never know exactly how, when, and where terrorists will strike. The best we can do is to adequately assess risks and threats and make predictions.

The second understanding is that our defense resources are not infinite. The sum total of money, time, and personnel that can be devoted to homeland security is limited.

Together these two understandings define the task for our Nation: We must accurately assess the risks of an array of possible terrorist attacks, measure the vulnerability of all of these possible targets, and then divide up resources based on that assessment, not based on some arbitrary formula that will exist regardless of what kind of threat or vulnerability may emerge in the future.

The 9/11 Commission agrees with us, finding that "nothing has been harder for officials—executive or legislative—than to set priorities, making hard choices in allocating limited resources." The Commission concluded:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

The Cornyn-Feinstein amendment is the only amendment that clearly does what the 9/11 Commission has recommended.

The New York Times has agreed. In an editorial entitled "Real Security, or Politics as Usual?" the Times wrote:

> Defending places where the terrorist threat is greatest is not parochialism; it is defending America.

We think that last week's tragic events in London underscore the point. The effectiveness of the British first response to these terrible attacks illustrates that they put their resources where the risks were: In London, not in some remote community, but where they knew the terrorists were most likely to attack.

Despite all recommendations, we find again and again that scarce resources are allocated based on factors unrelated to real security. For instance, a small State minimum in the Collins amendment is designed to ensure that every State gets a substantial portion of scarce resources, regardless of the measure of risk or vulnerability. As a result, a State such as Wyoming gets $27.80 per capita in funding, while New York and California get $15.54 and $8.05, respectively.

The problem is not just in Congress. For example, a recent Department of Homeland Security inspector general report found that in the critical area of port security, grants are "not well coordinated with the Information Analysis and Infrastructure Protection." The result: "funding of projects with low [risk and vulnerability] scores."

Now, this is the IG of Homeland Security who is saying projects with low risk and vulnerability scores are currently being funded. Frankly and candidly, that is just plain wrong. It is a waste of money, and I think, to an extent, it enables—well, it really is a kind of deception because unless you can put your money where the intelligence indicates and the assessments indicate there is threat and risk, you are not protecting America.

A recently issued joint report from the Center for Security Studies and the Heritage Foundation found that there is:

> no funding formula that is based on risk analysis and divorces from politics . . . [w]ith only limited resources available to achieve the almost limitless goal of protecting the entire United States . . . it is critical that we set priorities.

That is what we are trying to do here. This amendment, and the bill upon which it is based, builds on efforts last year by Representatives COX and TURNER, the chair and ranking member respectively of the other body's Homeland Security Committee. That effort passed the House of Representatives as part of the intelligence reform bill but was dropped at conference. Our amendment is similar to this House bill.

I understand and appreciate the efforts made by Senators COLLINS and LIEBERMAN to craft the bill now before us. I applaud their leadership in this area. The Collins-Lieberman bill, while it purports to be risk based, is actually not. It incorporates complex formulae with a preordained list of factors which approximate what is believed to be the risk. Candidly, I don't think that works for the following reasons.

First, the key to responding to al-Qaida and similar organizations is flexibility. It is not a frozen formula. Al-Qaida doesn't make decisions based on formula. While today it may seem obvious that mass transit or ports are obvious targets, tomorrow they may not be. Hopefully our intelligence community will be increasingly able to ferret out our terrorist adversaries and our analysts will be better at understanding and predicting their behavior. What are today's targets could change and change yet again. Building a formula mechanism based on our best guess about what al-Qaida will do is simply not good policy.

Secondly, we created the Department of Homeland Security primarily to do exactly what this legislation calls for. The first mission statement for the Department stated:

> [The [illegible]partment will] identify and understand th[illegible] assess vulnerabilities, determine pote[illegible] impacts, and disseminate timely information to our homeland security partners and the American public.

This is what the Department is supposed to do. It cannot be done by arbitrary formula. It can only be done listening to intelligence analysts, engaging in flexible interpretation, and being willing to move the money where the risks show up to be. That is important to do, and it should be important whether you are from a small State, a middle-sized State, or a large State. The money should go where the problems are.

This is exactly what President Bush said in announcing the creation of the Department. He stated:

> This new department will bring together the best intelligence information about our vulnerabilities to terrorist attack so that we can act quickly to protect America.

He didn't talk about an arbitrary formula. He said, the Department will bring together the best intelligence information so that flexibility becomes the watchword of the day, and money can go where it is truly needed.

Senator LIEBERMAN was a leader in this effort, and we all worked with him to create the Department of Homeland Security. In my view, the biggest selling point for this new Department was, as the President said, that for the first time, we would have a place in the Government that would map threats against vulnerability and thus allocate our defenses in an effective, efficient way. The Department of Homeland Security can be seen as a department of risk analysis. That is what it should be doing. So it is ironic that having provided the authority and responsibility to do this, the Congress then handcuffs the Secretary by restricting these resources based on geography, politics, and parochial interests. Let's let the Secretary do the job we gave him.

Third, in addition to creating the Department of Homeland Security, the Congress, again with the leadership of Senators COLLINS and LIEBERMAN, reorganized the intelligence community. The purpose of this task was to ensure that the most important ingredient in risk analysis—good intelligence—was enough to keep America safe. So there is an irony that having gone to such trouble to improve the intelligence community, we are prepared to pass legislation which for a large percentage of funds will make intelligence irrelevant. All they need is a map, a census, and a list of important places in each State. That makes no sense to me.

I mentioned the difference in funding levels and amounts subject to risk. Last week the Congressional Research Service issued an analysis of the underlying appropriations bill, the Collins amendment, and the Cornyn-Feinstein amendment. The results are startling. If we assume that the base amount of Homeland Security grant funding contained in the appropriations bill becomes law, that means the total amount available for these programs will be $1.918 billion. The underlying bill would allocate a considerable amount under the existing small State minimum framework, $579.2 million, leaving $1.3 billion to be allocated through a risk assessment process.

If the Collins-Lieberman amendment is adopted, $762 million will be allocated according to the formula—not based on risk, not based on threat, not based on risk analysis, not based on vulnerability, but simply on population and geographical distribution. That leaves even less to be allocated based on risk, only $1.155 billion. In other words, the Collins-Lieberman amendment reduces the risk-based funding in the underlying bill by nearly $150 million. If this amendment is adopted, only $251.2 million will be allocated based on the .25 small State minimum, leaving $1.66 billion for risk-based allocation.

Here is the bottom line: Put another way, under the underlying bill, only 70 percent of available funds are allocated based on risk. If the Collins-Lieberman approach is adopted, that drops to 60 percent: under the approach embodied in Cornyn-Feinstein, 87 percent of funding to risk. So between the two amendments, our amendment, 87 percent of funding to risk, Collins-Lieberman, 60 percent, and the underlying bill, 70 percent. The choice is clear.

What is the bottom line? The bottom line is, our Nation faces danger. We have a limited amount of resources available to defend ourselves. Those resources must and should be targeted. They should be targeted to where they can do the most good and where the risk actually is. That is the simple question which faces us today. How can we best protect our country? I believe the best way to protect America is to let the Secretary of Homeland Security do the job we appointed him to do: match resources to risk, using the best available intelligence analysis. That is the only way to safety. That is the only way to reassure our people, should there be a catastrophic event, that we have put the money in the right places. Any arbitrary formula doesn't do this.

I ask unanimous consent to print in the RECORD a letter from the High Threat Joint Working Group on Homeland Security. This is a group of large cities that has banded together. The letter is in support of our amendment. It is the city of Anaheim in California; city of Baltimore in Maryland; city of Baton Rouge in Louisiana; the city of Boston in Massachusetts; the city of Charlotte in North Carolina; the city of Chicago in Illinois; the city of Cleveland in Ohio; the city of Columbus in Ohio; the city of Dallas in Texas; Jacksonville in Florida; the city of Kansas City, MO; the city of Long Beach, CA; Los Angeles, CA; Miami, FL; New York in New York; Newark in New Jersey; Oakland in California; Philadelphia in Pennsylvania; city of San Diego in California; the city of San Francisco in California; the city of San Jose in California; and the city of Santa Ana.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HIGH-THREAT CITY JOINT WORKING GROUP ON HOMELAND SECURITY,
July 11, 2005.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.
Hon. HARRY REID,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER AND MINORITY LEADER: As cities on the front line of the war on terrorism, we are writing to express our support for S. 1013, the "Homeland Security FORWARD Funding Act of 2005", introduced by Senators Feinstein and Cornyn, which targets first responder funds to areas of highest risk and highest threat throughout the nation and to support homeland security funding for state and local governments at least at last year's level. The recent events in London underline the importance of homeland funding for state and local governments.

The Feinstein-Cornyn legislation most closely tracks the recommendations of both the 9/11 Commission and the Administration in supporting the principle that homeland security funds should be allocated solely on the basis of risk of terrorism. According to the Congressional Research Service, S. 1013 would increase the amount of money distributed on threat to 87% of the funds, compared to only 60% distributed based on threat under S. 21.

S. 1013 also maintains the critical partnership between the federal government, states and the nation's highest risk areas by maintaining the Urban Area Security Initiative (UASI) program. These UASI regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and DHS. Maintaining the UASI program will preserve and sustain the substantial planning, long-term projects, and regional decision-making processes underway.

The homeland security bill as reported by the Senate Appropriations Committee would cut homeland security funding to state and local governments by almost a half billion dollars, $467 million less than FY 05. Please restore this funding.

We again commend you on your efforts to increase the amount of homeland security funds distributed based on threat, vulnerability, and consequences of a terrorist attack.

Sincerely,

City of Anaheim, California.
City of Baltimore, Maryland.
City of Baton Rouge, Louisiana.
City of Boston, Massachusetts.
City of Charlotte, North Carolina.
City of Chicago, Illinois.
City of Cleveland, Ohio.
City of Columbus, Ohio.
City of Dallas, Texas.
City of Jacksonville, Florida.
City of Kansas City, Missouri.
City of Long Beach, California.
City of Los Angeles, California.
City of Miami, Florida.
City of New York, New York.
City of Newark, New Jersey.
City of Oakland, California.
City of Philadelphia, Pennsylvania.
City of San Diego, California.
City of San Francisco, California.
City of San Jose, California.
City of Santa Ana, California.

Mrs. FEINSTEIN. I also ask unanimous consent to print in the RECORD a letter addressed to Senator CORNYN and me, signed by Governor Rick Perry of Texas and Governor Arnold Schwarzenegger of California. What they ask is that we follow the 9/11 Commission report recommendation to better allocate Federal resources based on vulnerability.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 12, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Washington, DC.
Hon. JOHN CORNYN,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINSTEIN AND SENATOR CORNYN: We are writing to thank you for your leadership in working to assure that Department of Homeland Security (DHS) counterterrorism grant programs recognize the homeland security needs of the United States. Any effective strategy to secure our nation must apply risk-based analyses to manage the threat from terrorism. We believe that the Homeland Security FORWARD Funding Act of 2005 will provide much needed changes to these programs by better recognizing the risks and vulnerabilities faced by larger states such as California and Texas.

We support the efforts of your bill to build a coordinated and comprehensive system to maximize the use of federal resources and to provide clear lines of authority and communication. Your bill will further the efforts of DHS, cities, counties and state agencies as they continue to work together to detect, deter and respond to terrorism. Specifically, we appreciate the following provisions of the bill:

Follows the 9/11 Commission Report recommendation to better allocate federal resources based on vulnerabilities;

Analyzes risks, threats, vulnerability, and consequences related to potential terrorist attacks; current programs do not give full consideration to our states' urban population centers, numerous critical infrastructure assets, hundreds of miles of coastland, maritime ports, and large international borders;

Reduces the "small state" minimum from 0.75% to 0.25%, providing each state a baseline award while allocating an increased level of funds based on risk; the current base + per capita method allocates a disproportionate share of funds to states with small populations;

Continues the Law Enforcement Terrorism Prevention Program and exempts the program from the base percentage, allocating all funds based on risk;

Continues the central role of states, building on existing systems that effectively coordinate planning efforts and insure accountability;

Allows for limited regional applications from existing UASI cities or other urban areas with at least a population of at least 500,000; and

Recognizes the importance of national standards for evaluating the "essential capabilities" needed by state and local governments to respond to threats.

Your continued support for improving the nation's ability to detect and deter and coordinate responses to terrorist events is appreciated.

Sincerely,

RICK PERRY,
Governor of Texas.
ARNOLD SCHWARZENEGGER,
Governor of California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that a letter from the mayor of San Francisco, Gavin Newsom, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
CITY & COUNTY OF SAN FRANCISCO,
San Francisco, CA, May 11, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I want to commend you for your continued leadership on homeland security and express the City's support for your "Homeland Security FORWARD Funding Act of 2005", which prioritizes threat and risk and improves the ability of local first responders to deter, prevent and respond to terrorism.

Your proposal goes the furthest in supporting both the 9/11 and Administration's principle that homeland security funds should be allocated on the basis of risk of terrorism. The bill corrects the major formula imbalance that exists in current law by reducing the current mandatory state minimums from 0.75 percent to 0.25 percent. The current inequity has resulted in, since 9/11, California receiving $5 per capita compared to Wyoming collecting $38 per capita.

Your bill also reaffirms the federal government's critical partnership with the nation's areas that are at highest risk of terrorist attack by grandfathering existing high-threat regions under the Urban Area Security Initiative (UASI). The City and County of San Francisco has proudly, under its UASI grant, aggressively been leading the Bay Area in a ten county regional plan to help protect and strengthen the region against terrorist attacks.

I want to again express my deep appreciation for you and your staffs outreach to San Francisco and other stakeholders throughout California who are on the front lines of the war on terrorism. Thank you for your important efforts.

Sincerely,

GAVIN NEWSOM,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from Mayor Richard Daley of Chicago be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF THE MAYOR,
CITY OF CHICAGO,
Chicago, IL, June 28, 2005.

Hon. JOHN CORNYN.
Hon. DIANE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATORS CORNYN AND FEINSTEIN: I am writing to applaud your collective efforts to develop the Homeland Security FORWARD Funding Act of 2005. As a high threat urban area, and a UASI grantee, the Chicago region is on the front lines of our country's war on terrorism and I believe that this legislation begins to more appropriately target first responder funds to areas of highest risk and highest threat throughout the nation.

Your proposal most closely tracks the recommendations of the 9/11 Commission that call for funding to be distributed based on risk. By reducing the small state minimum from .75 percent in current law to .25 percent, your proposal more equitably distributes critical funds to states and localities that are truly at the highest risk of terrorism. Your legislation also recognizes the importance of the work that has been done at the state and local government level since September 11, 2001, by reaffirming the regional approach to terrorism preparedness and prevention and grandfathering existing UASIs. The City of Chicago has worked closely with our regional partners and the State of Illinois to develop a coordinated homeland security plan and we welcome the opportunity to build on that plan.

I again thank you for your bipartisan leadership in developing this important legislation and look forward to working with you in the future to move this bill forward.

Sincerely,

RICHARD M. DALEY,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from the League of California Cities be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LEAGUE OF CALIFORNIA CITIES,
Sacramento, CA, May 4, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to express the League of California Cities' (League) support and appreciation for your leadership on homeland security legislation that would allocate homeland security grants on the basis of risk of terrorism. Your staff's work with our Washington staff is very encouraging and we hope to continue this partnership.

California cities, together with the State and other stakeholders throughout California, have advocated in favor of bringing down the mandatory state minimums. Your draft bill significantly corrects the major formula imbalance that exists in current law by reducing the current state minimums from 0.75% to 0.25%. We would ask that you consider going the extra step and remove minimums altogether, but if there must be a State minimum, we urge that your bill keep it as small as possible. In addition, your bill clarifies the regional approach taken in both the pending Senate and House bills (S. 21 and H.R. 1544).

California cities are on the front lines of the war on terrorism and your legislation is very important to us. We look forward to continuing to work closely with you as you finalize your proposal, as well as providing support for your legislation upon introduction. Thank you for your important efforts.

Sincerely,

CHRISTOPHER MCKENZIE.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from Laura Miller, the mayor of Dallas, TX, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF DALLAS,
Dallas, TX, May 5, 2005.

Senator JOHN CORNYN,
U.S. Senate,
Washington, DC.

DEAR SENATOR CORNYN: I would like to thank you for your work to improve Homeland Security programs. This legislation you are introducing addresses many of the City of Dallas' concerns with the Urban Area Security Initiative (UASI) and Homeland Security Grant programs. I am appreciative of your effort to include certain measures that will allow the city to receive an equitable share of Homeland Security funding and spend it as we see appropriate. Your legislation is the one which directs maximum funding to states and regions based on risk. This change is critical.

The Dallas UASI has received approximately $35 million in the last three years from the UASI program. This funding has been used to enhance the metro area's first responder capabilities to protect our citizens and critical infrastructure. Unlike other proposed legislation, this new bill allows for cities that are currently receiving Homeland Security funds through the UASI program to be grandfathered for future UASI funding. There are no provisions in the legislation before the House or Senate to maintain current UASI planning and the city greatly appreciates your concern for our needs. The other bills could require a complete revision of the approaches and strategies we have adopted.

Your proposal gives local governments a degree certainty and ensures that we can make long-term plans. It also includes provisions to ensure that state money will be passed down to local governments quickly and efficiently. Your legislation is the only measure that ensures that federal funds reach first responders more expeditiously.

Thank you for your work this important legislation and for including these important provisions. It will help the City of Dallas and the nation as a whole to prepare.

Cordially,

LAURA MILLER,
Mayor.

Mrs. FEINSTEIN. I ask unanimous consent that a letter from the mayor of Long Beach, CA, Beverly O'Neill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CITY OF LONG BEACH,
Long Beach, CA, June 28, 2005.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the City of Long Beach, I am pleased to support your Homeland Security FORWARD Funding Act of 2005 (S. 1013). This bill would target scarce Homeland Security dollars to areas of highest threat and need, rather than maintaining the current system that allocates dollars through a non-risk based minimum guarantee formula. This legislation will truly benefit urban areas, such as the City of Long Beach, that have a high terrorist risk by targeting federal funds to help mitigate potential threats.

The House has passed the Cox-Thompson Bill (H.R. 1544), which is similar to S. 1013. While the City of Long Beach supports the direction of H.R. 1544, we believe your legislation is superior because it addresses two critical local concerns.

First, under the Cox-Thompson definition of an eligible funding region, effective and proven governance structures such as the Long Beach Urban Area Security Initiative (UASI) would no longer be eligible for federal Homeland Security Funds. The member cities that comprise the Long Beach UASI are Long Beach, Bellflower, Carson, Compton, Hawaiian Gardens, Lakewood, Paramount, and Signal Hill, as well as the County of Los Angeles. Long Beach is regarded as a model because it has formed an effective partnership with its other UASI member cities to implement the Department of Homeland Security's regional approach to security needs. Under the Cox-Thompson definition, this proven governance structure would not be large enough to qualify for funding. Senate Bill 1013 would grandfather-in existing UASI structures, allowing our effective model to continue to qualify for Homeland Security funding.

Second, the Cox-Thompson bill would require a local match of 25 percent after the first two grant years. This would create a tremendous burden on cities across the nation that are already struggling with difficult financial circumstances. By directing cities to become more secure while only providing 75 percent of the resources, the Federal government would be creating an unfunded mandate that cities would not be able to meet without reducing core services to their communities. Long Beach already devotes more than 60 percent of its General Fund budget to public safety such as Police and Fire first response, which helps contribute to national Homeland Security goals. Senate Bill 1013 would ensure that Homeland Security funding remains 100 percent grants, and that cities would not have to sacrifice local service to their communities in order to fund national Homeland Security needs.

Finally, Long Beach is concerned with the dwindling Homeland Security resources dedicated to state and local governments. Funding for state and local agencies through the Office of State and Local Government Coordination and Preparedness (SLGCP) decreased this year for the second straight year by 10.5 percent or $420 million. Over the past two years, there has been an overall decrease of 15 percent and $627 million. Last year, the Long Beach UASI experienced a 40 percent decrease in UASI funding from $12 million to $7.3 million.

For the next fiscal year, both the Senate and House Appropriations Committees are contemplating reduced funding on the premise that state and local governments have not spent prior year's funding. The Senate Appropriations Committee recommends reducing funding by 12.5 percent, while the House Appropriations Committee recommends reducing funding by 7.5 percent. Many of the delays in spending are not due to lack of need; rather they are due to the multi-leveled approval process, the time-consuming purchasing requirements, and the low-supply of sought-after equipment and other delays. For example, the Long Beach UASI received its UASI 05 allocation in December, yet as of the end of June, the authority to begin spending it has not yet been received.

In regards to funding, one of the City's biggest issues is providing Homeland Security resources for staff, particularly to support training requirements, exercise requirements, planning requirements, inventory management, as well as enhanced capabilities. To put this into perspective, the recent interagency security exercise, Operation Lead Shield, cost Long Beach approximately $100,000 in non-UASI refundable staffing costs. Costs for ongoing maintenance will also become a growing concern as the contracts that were funded for the life of a particular grant are now coming to a close with the costs being born by the City's General Fund.

We applaud you and your colleagues for proposing bold new changes to how Homeland Security funds are distributed. Senate Bill 1013 provides a rational blueprint for the effective risk-based distribution of Homeland Security dollars, while remaining cognizant of the needs of cities that rely on this important grant program. We hope you are also able to protect the current level of funding for these important programs, and work on the funding issues mentioned above.

Cordially,

BEVERLY O'NEILL,
Mayor.

Mrs. FEINSTEIN. All these letters are in support of this amendment which earmarks money based on intelligence analysis of risk and threat.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, just to bring my colleagues up to speed as to what the hoped-for game plan is, there has now been agreement reached between the parties which will allow us at 11:30 to turn from the debate on the formula proposal, offered by Senators COLLINS and FEINSTEIN, to the issue of the veterans amendment offered by Senator REID on behalf of Senator MURRAY. We will debate that for half an hour equally divided. Then we will vote on that at 12:00. Then we will return to the debate on the Collins amendment and the Feinstein amendment, and that debate will continue, so that the entire debate will encompass approximately 3 hours which would mean it would wrap up somewhere around 3:30, 3:45. At that point, there will be a window because we can't have a vote then due to outside circumstances. So there will be a window of an hour, an hour and 45 minutes, during which Members can bring amendments forward or, if they wish, during the debate time maybe come and be recognized to set these amendments aside for purposes of offering amendments.

In any event, there will be hopefully two votes occurring somewhere around 5 o'clock. This evening there is a joint Senate event for families. That is where we stand. We haven't reached that agreement yet.

Mr. DURBIN. If the Senator will yield for a question, it is my understanding we are working on a unanimous consent request, and we hope to get it agreed to momentarily. To reiterate for my side of the aisle and yours, if you have a pending amendment on this bill, there is a window from about 3:30, 3:45 until 5 o'clock, if the UC is adopted, to come to the floor and speak to your amendment and have it pending or at least considered.

I think what I am hearing from the chairman is what we would give as advice to all, and that is waiting until tomorrow or the next day is not the wisest course. There are too many pending amendments, and there is a lot to be done on this bill. This bill is urgent and is a priority. I think that is good advice to both sides of the aisle.

Mr. GREGG. I think the assistant Democratic leader's counsel is very appropriate and hopefully will be listened to.

The debate we have is a large State/small State debate over a formula. This is authorizing language being put on an appropriations bill, which we in the Appropriations Committee try to avoid. As a practical matter, this bill allocates funds. I hope Members will take a look at the allocation we did in this bill because this program has not been authorized.

Our theory in this allocation process was to have a threat-based allocation. I feel very strongly that this whole bill has been redirected with the work of Senator BYRD—I note that this is his belief also—we reworked the bill to be a threat-based bill. We did it in the area of border security, weapons of mass destruction, and we did it in the area of this formula. We protected and grandfathered all the States so the States going through upgrades of trying to get their first responder house in order will not see a devastating cut in what they are receiving. Everything over the grandfathered amount essentially moves on the basis of threat. So the actual appropriation in the bill falls about halfway between the two theories being put forward here by the competing interests relative to how this formula should be designed on the authorizing side. I just note that for my colleagues' edification.

At this time, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask unanimous consent that at 11:30 today the Senate resume consideration of the Reid for Murray amendment regarding veterans health; provided further, that the time until 12 noon be equally divided in the usual form, and that at noon the Senate proceed to a vote in relationship to the Murray amendment, with no second degrees in order prior to the vote. I further ask that the pending Feinstein-Cornyn amendment be modified in order to become a first-degree amendment. I further ask that the time for Senator FEINSTEIN's statement until 11:30 be divided equally between Senator FEINSTEIN or her designee, and Senator COLLINS or her designee to debate the Collins and Feinstein amendments concurrently; provided further, that at 2:15, there be an additional 90 minutes divided as stated above; finally, I ask that at 5 p.m. today the Senate proceed to a vote in relation to the Collins amendment, to be followed by a vote in relation to the Feinstein amendment, with no amendments in order to either amendment prior to the votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, and I don't object, I only make two points, and one perhaps the Senator from California can help us clarify. Again, that is reiterating what the chairman has said. We urge Members who have pending amendments to be here in the neighborhood of 3:30 or 3:45 to call up their amendment and make sure they are pending on the bill, so we can keep this moving along. This is a very important bill. It is all the more compelling because of the events of last week.

Second, relating to the Senator from New Jersey and how his time is going to be credited to this unanimous consent request, it is my understanding that the Senator from California has said that the time used by the Senator from New Jersey was to be taken from the time allocated to her amendment with Senator CORNYN; is that correct?

Mrs. FEINSTEIN. That is correct.

Mr. DURBIN. Otherwise, I have no objection to this unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I thank the Senators.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise today to voice strong opposition to the amendment being offered by Senator COLLINS to this Homeland Security appropriations bill. It is the wrong approach at a critical time in the war on terror. Need any of us here be reminded that it wasn't Portsmouth, England, that was attacked last week? I will tell you that the odds are that it won't be Portsmouth, ME, that is going to be under terrorist threats or that it compares in any way to the most inviting targets in the country—one of which is in the State of New Jersey, where 12 million people could be killed if there is a raid on the chemical plant that is very close to the New York border and within our State.

Mr. President, I am a member of the Homeland Security Committee. For the record, the Collins legislation didn't pass without dissent in the committee. I strongly opposed the Collins bill offered by the chairman in committee, and I strongly oppose it here as an amendment to this appropriations bill.

The Collins amendment flies in the face of the recommendations of the 9/11 Commission. Everybody says they worked hard. As a matter of fact, Senator COLLINS was a leader in getting the legislation done to reform the intelligence operation. I commend her for that. But they are very clear in the 9/11 Commission report that distribution should be made on the basis of risk. And it also, by the way, defies the wishes of President Bush and Secretary Chertoff.

The Commission stated in no uncertain terms that homeland security funding should be allocated on the basis of risk, not political pork.

Unlike the Collins amendment, the underlying appropriations bill and the Feinstein amendment move toward the goal of more risk-based funding.

I salute the senior Senator from New Hampshire, Senator GREGG, and the ranking member, Senator BYRD, for their efforts to move us toward more risk-based funding in this appropriations bill. Their bill greatly improves the confusing status quo by allocating 70 percent of homeland security funding based on risk and threat. Very frankly, we ought to be at 100 percent, if we were consistent with the report produced by the 9/11 Commission. I checked this again directly with former Governor Kean from New Jersey. He reaffirmed his belief that you ought to put the money where the risk is. But the Collins amendment before us today is a step backward, not forward. The Collins amendment would change the appropriations bill by reducing the amount of risk-based funding to just 60 percent.

This is an affront to the 9/11 Commission. What they said about how homeland security funds should be distributed is clearly stated here. Their recommendation No. 25 said this:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.
>
> Federal homeland security assistance should not remain a program for general revenue sharing.

That is clear. They went on to make the point in very blunt language:

> Congress should not use this money as pork barrel.

It is not just the 9/11 Commission that said that. Homeland Security Secretary Michael Chertoff has stated numerous times the need for homeland security funding should be based more on risks, threats, and vulnerabilities.

This past Sunday on "Meet the Press," Secretary Chertoff said:

> We have to be risk-based in our funding.

He went on to define "risk-based" funding this way:

> It means we look not at the question of political jurisdiction, we look at where the consequences would be catastrophic, where the vulnerabilities would be, where the threats are.

He is right. We need to protect our Nation where the risks and vulnerabilities are. If we want to peel off pork, then we have to go to some other bill to do it. I am not saying these are casual programs that are being funded by a reduction in risk-based grants, but it is the wrong thing at the wrong time, and everybody knows that. We are all in a semistate of shock as a result of the bombing in London.

Mr. President, 700 of my fellow New Jerseyans lost their lives on September 11, 2001. Families, in many cases, are ruined forever, with the lack of a daddy, a husband, a brother, a sister or a mother.

Throughout that tragic day, people in northern New Jersey could see the smoke rising from the Trade Center, where many of our friends, neighbors, and loved ones worked. It could be seen from my house. The New York-New Jersey region bore the brunt of the attacks on 9/11, and it continues to be the area of our Nation that is most at risk. But I don't plead for this on a parochial basis. I plead for it for the safety of our country as a whole.

In fact, the FBI determined that the 2-mile stretch in New Jersey, between the Port of Newark and Newark Airport, is the most at-risk area in the country for a terrorist attack.

The New York Times recently reported that an attack on just one particular chemical plant in this area could kill or harm millions of people.

I ask my colleagues to think about that. With the potential loss of life in the millions, this is no time for putting parochial interests before the security of the Nation.

The tragic attacks in London only reinforce the need to protect the high-threat areas. As I said earlier, it is not Portsmouth, England, or Portsmouth, ME, that was attacked. That is not where the principal focus of the terrorist is. We have to protect our entire country, but there ought to be a system of priority that says this is the most important area. We should not casually dismiss an area that is one of the largest population centers of our country or of the world, in fact.

Mr. President, I pose the question: How can we, in the wake of the London attacks, with all of the alerts that we have around the country, now move to take funding away from where the threats are? It makes no sense. We ought to have more funding, not less, and we ought to have it directly aimed at the area of highest risk.

Under the amendment proposed by the Senator from Maine, 40 percent of homeland security funds will be distributed not based on risk, but simply distributed to every State and territory, regardless of the risks they face. The Congressional Research Service has analyzed how the Collins legislation would change the amount of funding going out based on risk under this bill. They concluded that the Collins approach would reduce risk-based funding by over $183 million—$183.53 million—compared to the underlying appropriations bill.

It is absolutely critical that the Senate reject the Collins amendment. In the wake of the London attacks, we need to show the American people we are serious about protecting the country and not just interested in another back-home project.

In addition to opposing the amendment, I urge my colleagues to support the Feinstein-Cornyn-Lautenberg amendment. Our amendment moves us much closer to the goal of risk-based funding as called for by the 9/11 Commission and the President of the United States.

The issue before us is bigger than politics. We are talking about the best way to protect fellow Americans from another terrorist attack but also, in protecting our ability to function in the event of an attack, making sure we have the communications link and the transportation link. We ought to make certain that we pay attention to securing those areas that are most likely to be inviting targets for terrorism. This is not about regional rivalries. It is about protecting our most vulnerable communities.

With our votes on these two amendments, we are going to decide whether we are going to follow the guidance of the 9/11 Commission or simply ignore their recommendations. I do not know how we do that. It is fairly simple. I urge my colleagues to reject the Collins approach and support the Feinstein-Cornyn-Lautenberg amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, it is my understanding that Senator CORNYN, who is the prime cosponsor of the amendment of the Senator from California, wishes to go next. If he is not going to go next, I will be happy to speak on my time. But it was my understanding he wanted to speak first.

Mrs. FEINSTEIN. Mr. President, if I may respond.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Senator for her courtesy. It is my understanding we have 45 minutes this afternoon at 2:15 and Senator CORNYN will lead off at 2:15. I thank the Senator.

Ms. COLLINS. Mr. President, I thank the Senator from California for that clarification.

Mr. President, the Collins-Lieberman amendment has picked up a number of cosponsors, so I want to bring my colleagues up to date by reading the full list of the cosponsors of the Collins-Lieberman amendment. They are as follows: Senators VOINOVICH, DEWINE, COBURN, AKAKA, CARPER, SALAZAR, COLEMAN, BEN NELSON, PRYOR, SNOWE, and DAYTON. I ask unanimous consent that all of those cosponsors be added to the Collins-Lieberman amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, my friend from California, as well as the Senator from New Jersey, have both referred to a memo the Congressional Research Service put together for Senator LAUTENBERG. First, let me say I have not seen this memo despite my staff repeatedly requesting a copy from Senator LAUTENBERG's office. The memo appears to have been widely distributed to the press but, unfortunately, the Senator has chosen not to share it with the two sponsors of the amendment.

Why would that be? Perhaps it is because the last time my colleague from New Jersey asked CRS to put together a memo attacking S. 21, we quickly discovered it was based on fatally flawed assumptions.

The memo purported to show that S. 21 would lead to less risk-based funding than under current law, but that was just plain wrong. And CRS, once the analysts talked with my staff, agreed they had made a mistake. In fact, CRS issued the memo I hold in my hand correcting the flawed conclusions of the Lautenberg memo.

I ask unanimous consent that the CRS analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Honorable Susan M. Collins, Attention: Michael Bopp

From: David C. Huckabee, 7-7877, Specialist in American National Government Government and Finance Division

Subject: Homeland Security Minimum Allocation Comparisons: Figures From FY 2005 Appropriation Act, and S. 21, As Reported

This memorandum responds to your request for a comparison of S. 21, as reported, and the FY 2005 Department of Homeland Security (DHS) appropriations act with regard to the allocation of funds in three homeland security assistance programs: the State Homeland Security Grant program (SHSG); the Law Enforcement Terrorism Prevention Program (LETPP); and the Urban Area Security Initiative (UASI) grant program.

You asked for comparisons of percentage change figures between funds that were guaranteed to be distributed to the 50 states, the District of Columbia, and specified U.S. possessions. For the purpose of this analysis I used the $2.303 billion that DHS distributed in FY 2005 using the rules in place for that year, and procedures included in S. 21, as reported. Comparisons of funding to jurisdictions in FY 2005, and what would occur if S. 21 (as reported) were enacted, are complicated by several factors:

S. 21's guaranteed minimum funding to states (0.55% of the total) is computed on a larger base ($2.303 billion, the entire aggregate appropriation for SHSG, LETPP, and UASI) as compared to the FY 2005 appropriation where states' 0.75% base is applied to $1.448 billion (after excluding UASI funds), and;

The FY 2005 appropriation act required DHS to allocate all the funds remaining after the required minimum percentages were distributed among the states and territories (excluding VASI funds) in the same manner as in FY 2004, i.e., by population.

The addition of the population distribution requirement in FY 2005 increased state "guaranteed minimum" funds for that fiscal year. If the S. 21 distribution formula were to be adopted and appropriations remain at the FY 2005 level for the SHSG, LETPP, and UASI programs in FY 2006, "guaranteed" funding would decline by 39% (from $1.488 billion to $906 million), and risk-based funding would increase by 71% (from $815 million to nearly $1.4 billion).

TABLE 1. PERCENT CHANGE IN GUARANTEED, AND RISK-BASED FUNDING BETWEEN S. 21 AS REPORTED, AND FY 2005 APPROPRIATIONS ASSUMING A $2.385 BILLION APPROPRIATION

[Figures are in millions of dollars]

Description	FY 2005 funding[1]	S. 21, as reported	Percent change
"Guaranteed" funding	$1,488.40	$906.36	−39.1
Risk-based funding: For FY 2005, figure included only UASI; S. 21 would include UASI and funds not allocated by "sliding scale" formula	814.80	1,396.84	71.4
Total	2,303.20	2,303.20	

[1] "Guaranteed" funding included all SHSG and LETPP funds in FY 2005 because the FY 2005 DHS appropriations act required population to be used to distribute funds not allocated by the PATRIOT act formula in 2005.

Congressional Quarterly's coverage of the Senate Homeland Security and Governmental Affairs mark-up of S. 21 cited information from the Congressional Research Service (CRS) indicating that risk-based funding "would fall by 19 percent" under the S. 21 formula. The earlier CRS analysis had compared funding levels required in authorizing legislation. Thus the FY 2005 appropriation language requiring DHS to do a population-based distribution of the remaining funds after each state received its 0.75% base amount was not included in the analysis.

The FY 2005 DHS appropriations act required all SHSG and LETPP funds to be distributed by a combination of a guaranteed base, with the remaining funds allocated by population. Thus, no SHSG or LETPP funds were available to be allocated by risk in FY 2005 (or any other method DHS could have chosen to use) because the PATRIOT act does not specify how remaining funds will be distributed.

If the funding formula is not changed for FY 2006, and the DHS appropriations act omits the requirement that "formula-based and law enforcement terrorism prevention grants . . . shall be allocated in the same manner as fiscal year 2004," funds guaranteed to states in 2006 would only include the PATRIOT Act minimums.

I trust that memorandum will meet your needs in this matter. Please feel free to call me if I can further assist you.

Ms. COLLINS. Mr. President, as I understand it, the latest CRS analysis—as I understand it from press accounts since, again, the Senator has not been willing to share it with my office—is once again flawed. It does not take into account the sliding scale minimum allocation that is included in the Collins-Lieberman amendment.

His sliding scale minimum distributes 10.7 percent of the funds in our bill based on population and population density. Those are two risk factors that are used by the Department of Homeland Security to distribute risk-based funds.

I note, because I want to give credit where credit is due, that the proposal for this sliding scale minimum came from our colleague, a senior member of the committee, Senator LEVIN of Michigan.

Let's look at the real numbers. The fact is there is a doubling in the amount of money that is based on risk under our amendment. The legislation before us emphasizes risk-based funding and doubles the amount of money compared to current law that would be allocated based on risk.

The Committee on Homeland Security has done a great deal of work on this formula. I think we see today the problems that occur when we try to write a formula not in committee, not based on careful hearings, input from all interested parties, two markups, 3 years of deliberations by the committee, but instead try to cobble together an amendment on the Senate floor.

I have heard again today the comparison that Wyoming gets more money on a per capita basis. The Senator from California, my friend and colleague, made that argument. Over and over again we hear the argument that homeland security dollars are unfairly allocated because less populous States generally get more per capita than more populous States. But the truth is, that argument does not hold water.

What is the point of that argument? That homeland security dollars should be distributed on a per capita basis rather than risk and a minimum free each State? The fact is, risk-based allocations lead to per capita disparities as well.

Let's take the District of Columbia as an example. I think every single Member of this distinguished body would agree that the District of Columbia, despite its relatively small population, is an extremely high-risk area. In fact, the District of Columbia gets by far the most on a per capita basis, nearly $217 per resident, because it is a small population, high-risk area.

Taken to its logical conclusion, the argument of these advocates is fewer dollars to the national capital region. The fact is, distributing funds based on risk does not necessarily lessen the per capita disparities among recipients.

We took a look at the distribution of fiscal year 2005 urban area security initiative funds which are allocated based on risk. What we found were the same or even greater levels of per capita disparities compared to an analysis of the urban areas and State grant funds combined. For example, Boston received nearly $48 per capita, where Houston, with over three times the population, received under $10 per person. Los Angeles received about $18 per capita; Pittsburgh, $29.

The point is, moving from a formula to a risk-based distribution does not necessarily bridge those per capita divides.

Second, let's look at what this is really all about. Under S. 21, the amount the small States would be guaranteed beyond their per capita shares amounts to less than 3 percent of the funds that are allocated—3 percent. Let's use the real example.

S. 21 would authorize $2.9 billion for homeland security grants. The total that small States are guaranteed in excess of their per capita share is just $85.4 million out of that $2.9 billion. Here is the chart that demonstrates what this allocation is all about.

In contrast, the 19 most populous States receive some $619 million in guaranteed funds under the bill, seven times more than the less populous States are guaranteed beyond their per capita share.

In short, we are not talking about a major redistribution of homeland security dollars.

The fact is also that the potential of terrorist attacks against rural targets is increasingly recognized as a national security threat. I quoted yesterday the Harvard study that talked about rural areas facing unique and profound homeland security challenges. Bioterrorism, an attack on our food supply, where would those most likely occur? The food supply is outside our urban areas. A great many power grids, water supplies, nuclear plants—all of those are outside of urban areas.

Likewise, a report from the RAND Corporation, prepared for the National Memorial Institute for the Prevention of Terrorism, assessed how prepared State and local law enforcement is. It noted that homeland security experts and first responders have cautioned against an overemphasis on improving the preparedness of large cities to the exclusion of small communities or rural areas.

The report recognized that much of our Nation's infrastructure and potential high-value targets is located in rural areas.

The Department of Homeland Security said that it is well known that terrorists choose to live and train in small and rural communities.

Communities that my friends from California and New Jersey would say are at no risk, they are low risk, they should not receive risk money. These small and rural communities are where the terrorists live, train, and hide.

That is why law enforcement has overwhelmingly endorsed the Collins-Lieberman amendment. We have letters from the National Troopers Coalition, the Grand Lodge Fraternal Order of Police, the National Association of Police Organizations, the International Union of Police Associations, the International Association of Chiefs of Police, the United Federation of Police Officers, the International Brotherhood of Police Officers, the National Organization of Black Law Enforcement Executives, the International Association of Fire Chiefs.

All of these groups representing law enforcement and representing our firefighters are endorsing the approach taken in the Collins-Lieberman amendment. One reason they do is for the first time we are going to have standards, we are going to tie spending to standards, and we recognize that the first responders in each and every State deserve our support.

We need to bring every State up to a minimum level of preparedness, and we are not there now. That is why the National Governors Association and the National Emergency Management Association strongly endorse our approach.

Over and over again we hear from these organizations that the funding formula proposed in the Collins-Lieberman amendment "promotes a better level of preparedness and brings some predictability to States for planning purposes." That is from the National Troopers Coalition.

The Fraternal Order of Police says our legislation—this is the Collins-Lieberman legislation—recognizes the fact that the majority of Federal funds have been previously directed toward recovery response operations, too often at the expense of the efforts to prevent future attacks. Ensuring that all communities achieve and maintain the appropriate response-and-recover capacity for terrorist incidents is a critical component. However, it is the goal of law enforcement to ensure that we never have a terrorist incident to respond or recover from. We want to stop the attack before it even occurs.

Those are important advantages of the Collins-Lieberman approach. The accountability measures in our bill are absolutely critical and are missing from the Feinstein-Cornyn-Lautenberg approach.

We know there has been wasteful funding. We cannot tolerate inappropriate and wasteful spending of critical homeland security funds. That is why we have strong accountability measures in the Collins-Lieberman proposal, measures that are lacking completely from the alternative put before us today. These accountability measures will ensure that no longer will homeland security funds be spent to purchase air-conditioned garbage trucks in the State of New Jersey—that is the kind of wasteful spending that we want to guard against—or leather jackets for the District of Columbia. Instead, spending would be tied to achieving essential capabilities for our first responders to meet national preparedness goals.

This is a carefully thought out bill. It is a comprehensive bill. It reflects many hearings and input from the first responder community.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mrs. FEINSTEIN. I yield such time as he may consume to the Senator from New Jersey.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I will be very brief. We just heard a reference to an investment made by the city of Newark. Newark Airport and the Port of Newark have been identified as the two most dangerous miles for a terrorist attack in the United States, and they chose to use the money to make sure their access ways would be clear of debris. That was their choice. We are not going to talk about what any other State does with their money. That is not the argument. The argument is, what is the truth? The truth is, CRS, in a phone call just now, for the information of the Senator from Maine, confirmed exactly what they gave us as being correct. Under the Collins amendment, they come down with a conclusion that the percentage allotted for the risk would be 60 percent, and the percentage allotted for a guarantee, 40 percent. That is not what we are going into. Anything that we try to do to confuse the figures to say that oh, no, in fact we are getting more, well, New Jersey may get a couple more dollars under the Collins formula, but we have to look at where the bulk of the danger is to our country.

Sure, rural States are entitled to be protected, but that is not done at the expense of having the most inviting targets in the country not get more money to protect themselves.

The Senator from Maine asked for it. We are going to send over for her review the report from CRS, and we have clarified a couple of things. But at 60/40, we are far worse off than we were when we left the committee, and I do not understand why that is. Perhaps the Senator from Maine does not see threats in the country in the same way that the 9/11 Commission or the Secretary of Homeland Security does. Dismiss that and make sure that everybody gets a little bit of the pie, that is not where we are.

This is the second front in a war against terrorism, and we ought to make sure we put plenty of funding here. We spend over $200 billion a year in maintaining our fighting force in Iraq, and I want to do it as well as anybody else, but we sure do not say we ought to distribute funds throughout the Army, whether they are based in Georgia or some other State. No, we want to take care of them in the area where the risk is greatest, and that is the same thing we ought to be doing, and not trifling with this and trying to defend the numbers as not really saying what they say.

They say what they say, and I ask unanimous consent that the report from CRS be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, July 8, 2005.

MEMORANDUM

To: Honorable Frank Lautenberg, Attention: David Garten.

From: Shawn Reese, Analyst in American National Government, Government and Finance Division.

Subject: "Guaranteed" Base Homeland Security Grant Amounts in S. 21 and Senate Reported H.R. 2360.

This memorandum responds to your request for information on homeland security grant base amounts that would be distributed in FY2006 to the states, U.S. possessions, and territories ("guaranteed amounts") in S. 21, as reported by the Senate Homeland Security and Governmental Affairs Committee on May 24, 2005, and H.R. 2360, as reported by the Senate Appropriations Committee on June 16, 2005. Specifically, you requested a chart (see Table 1) that depicts allocations to the states, U.S. possessions, and territories assuming an appropriation of $1.918 billion, the amount recommended by the Senate Appropriations Committee in H.R. 2360, and you requested the percent of funds that S. 21 and H.R. 2360 would allocate for such base amounts, as well as the percent that would remain to be allocated through risk assessments conducted by the Department of Homeland Security Secretary. The first column of Table 1 depicts S. 21 base amount allocations, and the second column depicts H.R. 2360 allocations. Additionally, you requested a third column to the chart depicting a 0.25% guaranteed base.

H.R. 2360. Of the $1.918 billion appropriated in H.R. 2360 ($1.518 billion for state and local grants and $400 million for law enforcement terrorism prevention grants), $580 million would be distributed through the same distribution process applied in FY2005. From the total of $580 million, each state, DC, and Puerto Rico would receive $10.86 million, and each U.S. possession and territory $3.62 million. After the distributions, roughly $1.3 billion would be available to be distributed through the risk assessment process.

S. 21. The bill would allow states, U.S. possessions, and territories to select either of two options that yields the highest funding level. First, funds would be divided among the states, the District of Columbia (DC), and U.S. possessions and territories as follows: Puerto Rico and specified U.S. possessions and territories 0.055%; these total 28.62%. Second, states could alternatively choose to receive an amount based on a "sliding scale baseline allocation" calculated by multiplying 0.001 times (1) a state's population ratio and (2) a state's population density ratio. After the funds are distributed ($763 million as shown in Table 1), the remainder is distributed through the risk assessment process, with a maximum of 50% to be distributed to high-threat urban areas, and the remainder to the states.

I trust that this memorandum meets your needs; please contact me if you need further information.

TABLE 1.—S. 21 AND SENATE REPORTED H.R. 2360 GUARANTEED BASE AMOUNTS

[All amounts in millions]

State	S. 21	Senate Reported H.R. 2360	0.25% Base
Alabama	$10.55	$10.86	$4.80
Alaska	10.55	10.86	4.80
Arizona	10.55	10.86	4.80
Arkansas	10.55	10.86	4.80
California	57.59	10.86	4.80
Colorado	10.55	10.86	4.80
Connecticut	13.82	10.86	4.80
Delaware	10.55	10.86	4.80
Florida	30.38	10.86	4.80
Georgia	15.29	10.86	4.80
Hawaii	10.55	10.86	4.80
Idaho	10.55	10.86	4.80
Illinois	22.12	10.86	4.80
Indiana	11.57	10.86	4.80
Iowa	10.55	10.86	4.80
Kansas	10.55	10.86	4.80
Kentucky	10.55	10.86	4.80
Louisiana	10.55	10.86	4.80
Maine	10.55	10.86	4.80
Maryland	15.15	10.86	4.80
Massachusetts	19.39	10.86	4.80
Michigan	17.55	10.86	4.80
Minnesota	10.55	10.86	4.80
Mississippi	10.55	10.86	4.80
Missouri	10.55	10.86	4.80
Montana	10.55	10.86	4.80
Nebraska	10.55	10.86	4.80
Nevada	10.55	10.86	4.80
New Hampshire	10.55	10.86	4.80
New Jersey	27.03	10.86	4.80
New Mexico	10.55	10.86	4.80
New York	34.17	10.86	4.80
North Carolina	15.11	10.86	4.80
North Dakota	10.55	10.86	4.80
Ohio	28.80	10.86	4.80
Oklahoma	10.55	10.86	4.80
Oregon	10.55	10.86	4.80
Pennsylvania	22.21	10.86	4.80
Rhode Island	13.75	10.86	4.80
South Carolina	10.55	10.86	4.80
South Dakota	10.55	10.86	4.80
Tennessee	10.70	10.86	4.80
Texas	35.40	10.86	4.80
Utah	10.55	10.86	4.80
Vermont	10.55	10.86	4.80
Virginia	13.61	10.86	4.80
Washington	10.58	10.86	4.80
West Virginia	10.55	10.86	4.80
Wisconsin	10.55	10.86	4.80
Wyoming	10.55	10.86	4.80
DC+NCR	10.55	10.86	4.80
Puerto Rico	6.71	10.86	4.80
U.S. Virgin Islands	1.05	3.62	1.60
Guam	1.05	3.62	1.60
American Samoa	1.05	3.62	1.60
Northern Marianas	1.05	3.62	1.60
Guaranteed Base Total	762.73	[1] 579.20	251.20
Remainder to Be Allocated Based on Risk	1,155.27	1,338.80	1,666.80
Total	1918.00	1918.00	1918.00
Percentage Allocated for Guaranteed Base	40%	30%	13%
Percentage Allocated for Risk	60%	70%	87%

[1] Due to rounding in CRS calculations, this amount is $800 thousand less than $580 million.

Source: CRS calculations based on formulas in S. 21 and Senate reported H.R. 2360.

Mr. LAUTENBERG. We will see that the Senator from Maine gets a copy immediately.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, the Senator from New Jersey is mistaken in saying this bill provides less risk-based assistance than the legislation reported from the committee in April. It does not. The Senator is in error. It is exactly the same as the committee-reported bill, which was reported without dissent on a voice vote.

The fact is, the Collins-Lieberman amendment doubles the funds that would be distributed based on threat, risk, and consequences while maintaining a predictable and meaningful level of funding for each State.

For the Nation to be prepared, all States must achieve a baseline level of essential capabilities. The Federal Government is a partner with our State and local governments and with our 9 million first responders in this regard. Unfortunately, what we are seeing today is a regrettable and corrosive argument that is pitting urban centers against rural States. Our bill does not do that. We have carefully crafted a compromise that ensures that every State receives a baseline level in order to recognize that every State has homeland security needs and vulnerabilities and that first responders throughout the country need to be properly equipped, trained, and supported.

We know the terrorists traveled through, trained in, and stayed in rural States. Two of them left from my home State of Portland, ME, to begin their journey of devastation and death on September 11. A predictable stream of funding is essential to achieving the goals, but the fact is, S. 21 doubles the amount of money for risk-based funding compared to the current law. If one looks at this chart, the Senator from New Jersey repeatedly ignores the 10.7-percent distribution, which was Senator LEVIN's proposal, which means that risk-based factors account for more than 70 percent of the funding. That is more than double what is involved in current law.

So we have doubled the amount of money that would be allocated based on risk factors while maintaining a steady, predictable base line funding so that all States can achieve a level of preparedness. Again, the Senator from New Jersey——

Mr. LAUTENBERG. Will the Senator yield?

Ms. COLLINS. I will be happy to yield once I conclude my explanation.

The Senator from New Jersey again ignores the amount of money in this bill that would go to the law enforcement terrorism prevention program, which would be authorized for the first time in this legislation. Prevention takes a back seat to responding to a terrorist attack, and that is why virtually every police association in this country has endorsed the Collins-Lieberman bill, virtually every one, because of our emphasis on prevention as well.

The National Association of Police Organizations wrote: Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receives a significant share of homeland security funds.

I would be happy to yield to the Senator from New Jersey on his time or on the time of Senator FEINSTEIN.

I yield the floor but reserve the remainder of my time.

Mr. LAUTENBERG. I thank the Senator from Maine.

Mr. KENNEDY. Mr. President, I strongly support the Feinstein amendment which is a sensible and vital reform of the way our homeland security dollars are distributed.

The 9/11 Commission wrote in its report that:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities.

All communities, large and small, need to be prepared for the worst. However, with limited and, frankly, inadequate resources, we have to make choices about how to prioritize homeland security spending.

The 9/11 Commission stated in its report:

> Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support.

That is exactly what the Feinstein amendment does. It requires homeland security grants to be allocated based on an assessment of threat, vulnerability, and impact on the Nation.

According to the Congressional Research Service, under the Feinstein amendment, 87 percent of homeland security spending would be based on risk.

Today, by comparison, fully 37.5 percent of homeland security funds are allocated for distribution before any risk analysis is done.

A Washington Post editorial of May 17 asked the question:

> What, exactly are Federal "first responder" grants supposed to do? Are they intended to give extra financial help to firefighters and police officers who work in places where the risk of a terrorist attack is highest? Or are they meant to spread Federal pork evenly around the country?

This is not an attempt, however, to deny any Federal homeland security funding to those areas that we know are the least likely to be targets.

Under the Feinstein amendment, $251 million in Federal homeland security aid would still be spread evenly across the States.

However, the vast majority of funding—over $1.6 billion—would be allocated based on actual risk.

In practical terms, the amendment will guarantee $300 million more than the underlying bill for high-risk areas.

It means that cities like Boston, with its dense concentration of high-risk targets, will get the support it needs and deserves.

The city is a major financial hub with more than 130,000 people employed in the securities, banking and insurance sectors. Any interruption in the ability of these industries to function would undoubtedly reverberate far beyond the city, and be felt across the Nation.

The city was also a major part of the high-tech boom years of the 1990s. Today, it remains one of the Nation's most innovative high-tech corridors. It employs over 100,000 professionals whose inventiveness is not limited to the city, but is a major component of the Nation's economic recovery.

The $7 billion tourism industry is also a major driver of economic growth. September 11 had an acute impact on Boston's ability to attract visitors. Undoubtedly, if another attack were to happen, a similar chilling affect would occur.

The danger is not theoretical. In 2001, an Algerian citizen, who later joined al-Qaida entered Boston as a stowaway on an Algerian gas tanker.

Security experts said that if the tanker's hull and cargo tanks had been successfully breached, the result could have been a disastrous fire in the port of Boston.

Another key aspect of the Feinstein amendment is its preservation of the Urban Area Security Initiative, which has funded preparedness and prevention efforts in 56 of the most likely target regions that are home to more than 75 million people.

Yesterday, the mayors of 22 cities, including Boston, wrote the distinguished majority and minority leaders expressing their support for the Feinstein amendment. They wrote:

> It maintains the critical partnership between the Federal government, States and the Nation's highest risk areas by maintaining the Urban Area Security Initiative program. These Urban Area Security Initiative regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and the Department of Homeland Security. Maintaining the Urban Area Security Initiative program will preserve and sustain the substantial planning, long-term projects, and regional decision-making processes underway.

Without the Feinstein amendment, we could see a funding cut in the Urban Area Security Initiative.

We all agree that every community in America deserves to receive its fair share of Federal homeland security assistance. No community should be left unprotected. But it makes no sense to use limited resources to provide maximum preparedness in the least at-risk communities, when we still have not yet achieved even the minimum level of preparedness in our most high-risk areas. The Feinstein amendment reflects that obvious priority for communities across the country, and I urge my colleagues to support it.

Mr. PRYOR. Mr. President, I rise in support of the Collins amendment to the Homeland Security appropriations bill before this body. I want to thank Homeland Security and Governmental Affairs Committee Chairwoman COLLINS and Ranking Member LIEBERMAN for the diligent and considerate effort they have made to bring this legislation forward.

Also, I would like to thank Jeffrey Highley, a civil engineering fellow in my office, for all of his hard work on this issue. He has been a valuable asset to my office.

I know there will always be more that we can do to prepare for and prevent against the threats to our security. Yet the Homeland Security appropriations bill before this body continues to reduce the level of State funding that began as a response to an attack on our Nation.

That is why this amendment is so necessary. It restores threat-based funding to the level States received in 2004 and increases the amount in the underlying bill by more than $1 billion. Furthermore, it provides a smart and responsible approach to funding.

In order for our State and local emergency response teams to plan a long-term strategy of preparedness, they need to have a level of predictable funding. States are required to submit plans to DHS 3 years in advance. This amendment will establish a fair and stable funding formula that States such as Arkansas can use to plan ahead.

Furthermore, this amendment will ensure that critical prevention efforts receive funding. The National Association of Police Organizations agrees, "[this amendment] ensures that the prevention of terrorist attacks—not just response efforts—receive a significant share of the homeland security funds."

I know there are some in Congress who believe that the funding formula for homeland security grants should solely reflect perceived threat and risk. While I understand these concerns, I respectfully disagree with my colleagues on the merits of their arguments.

Conventional wisdom might suggest that another terrorist attack will involve a target-rich environment—a big bustling city with skyscrapers and millions of people. Conventional wisdom suggests that terrorists might strike at a location or at a symbol that personifies America. I say, however, that to only rely on conventional wisdom sets ourselves up for unforeseen but certain tragedy down the road.

I ask my colleagues: Four years ago could we have fathomed 19 terrorists hijacking American airliners with box cutters no less? Could we have fathomed these hijackers using those airliners to conduct suicide missions? Could we have fathomed watching as two airplanes struck the World Trade Center and yet another crashing into the Pentagon?

And as you ponder those questions, I also ask: Just 1 month after that, as America was pulling itself out of the ashes, still recovering from the horrific acts of September 11, 2001, did anyone foresee an envelope being sent to Senator Tom Daschle's office that would cause the largest biological attack on American soil and effectively shut down the Senate Hart Building for several months?

We look back at these events now in hindsight and I think we have learned a lot about our enemy and what it will take for us to both win the war on terror and defend our homeland.

But let us remember: we must be prepared for the next terrorist attack, not the last. And that terrorist attack could come in many shapes and sizes.

I understand how some might think that big cities on the east and west coasts are those most vulnerable, most at risk for another horrific attempt. But I think it is obtuse to write off a large section of this country because of conventional wisdom.

I think it is naive to believe terrorists would never strike at our heartland, that they would not attempt to attack our food supply or our nuclear and chemical plants located in both large and small States.

I think it is shortsighted to think that the next attack will be similar to the first and to prepare with such narrow vision.

In order for America to be protected from terrorism, we need all parts of the country to be prepared.

Local and State entities and first responders across the Nation have worked doggedly to make our Nation safer, and they have. Our civilian authorities must be able to respond to whatever may confront them in the future. But how can they properly respond when they are not given adequate resources?

With the amendment offered by Senators COLLINS and LIEBERMAN, State homeland security will be based on the essential capabilities necessary to prepare for potential terrorist attacks, major disasters, and other emergencies—no matter where they might occur.

September 11 made us acutely aware that there are vulnerabilities in our homeland but it also made us acutely aware of the need of genuine partnerships that involve all segments of our communities and all levels of government—we all have a role in keeping our community safe.

So I submit that part of our job of the Federal Government must be to ensure that local governments are given the resources to protect their citizenry and that we all share the responsibilities for homeland security wisely and fairly.

This is why I urge my colleagues from States small and large to support the Collins amendment. It strikes a fair balance between the critical need to provide a baseline of protection and providing risk-based funding.

Mr. GRASSLEY. Mr. President, While I support the underlying amendment and hope my colleagues will support it, I rise to strongly object to a provision in this amendment which lies within the jurisdiction of the Senate Finance Committee. Section 1808 requires the Bureau of Customs and Border Patrol to conduct a study on the screening of municipal waste. The Bureau is then required to ban the importation of such waste 6 months after the report is submitted unless certain certifications are made.

I have been in consultation with the Office of the United States Trade Representative and believe that this provision raises serious international trade concerns. In fact, this provision could violate trade responsibilities under both the World Trade Organization and the North American Free Trade Agreement. If that is the case, our exporters are likely to face retaliation. I don't want that to happen. Furthermore, it could also provoke similar restrictive actions by our trading partners against U.S. waste exports. According to the Environmental Protection Agency, approximately 250 U.S. companies in over 30 States sent hazardous waste shipments to Canada in 2003 alone.

I am especially disappointed that this provision was reported out by the Committee on Homeland Security. Last year we engaged in significant debate regarding appropriate jurisdictional responsibilities of each committee. The Senate determined that provisions relating to Customs and border protection and international trade clearly lie within the jurisdiction of the Finance Committee.

Just a cursory reading of the scope of the Finance Committee's jurisdiction under Rule 25 of the Standing Rules of the Senate provides that:

> The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:
>
> Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects: Customs, collection districts, and ports of entry and delivery; reciprocal trade agreements; revenue measures generally; and tariffs and import quotas, and matters related thereto.

An elaboration of the scope of the Finance Committee's jurisdiction can be found on our web site where it is clearly explained that:

> The Senate Finance Committee's jurisdiction is defined by subject matter—not by agency or Department.
>
> As a consequence of the committee's broad subject matter jurisdiction, the Finance Committee has sole or shared jurisdiction over the activities of numerous agencies and offices: the Office of the United States Trade Representative; the Department of Agriculture Foreign Agricultural Service on matters relating to foreign barriers to U.S. agriculture goods; numerous divisions within the Department of Commerce; and Broad Jurisdiction over the Department of Homeland Security.

This provision of this amendment clearly falls within the jurisdiction of the Finance Committee. And there is a reason for committee jurisdiction. We need to ensure that those committees with appropriate expertise have an opportunity to weigh the implications of these provisions before they become law. Otherwise, we end up exactly where we are today—exposing our exporters to unnecessary trade retaliation due to ill conceived and shortsighted provisions.

I urge the conferees to reject this provision during conference consideration.

Mr. CORZINE. Mr. President, I rise today to speak about the need for risk-based homeland security funding. This concept is as urgent as it is simple.

Homeland security grants related to terrorism prevention and terrorism preparedness should be allocated based strictly on an assessment of risk, threat, and vulnerabilities.

The best approach is to ensure that all homeland security funds are allocated to States based on the vulnerabilities of each State. Earlier this year, Senator LAUTENBERG and I introduced a bill to ensure that the distribution of Homeland Security funds would be 100-percent risk based. This is the right way to ensure that our homeland is truly protected. It is not an issue of believing that larger, more populous States deserve more funding; it is simply a question of believing that the places with the greatest need deserve the most resources.

The Department of Homeland Security appropriations bill on the Senate floor includes a 70-percent risk-based formula that would ensure that $1.3 billion in funding would be allocated based on risk. Senators FEINSTEIN and CORNYN have proposed an amendment to improve this and ensure that 87 percent of the funds—$1.9 billion—would be allocated based on risk. While I would still prefer 100 percent, I support the Feinstein-Cornyn amendment.

New Jersey and the rest of the country will be much safer under the Feinstein-Cornyn proposal than under the Collins-Lieberman amendment, which would only allocate 60 percent of the funds based on risk. Under the Collins-Lieberman amendment, all of the homeland security grant money would be combined into one fund; of that, 40 percent would be allocated as guaranteed funding for the States and would be distributed either on the basis of .55 percent per State or on a sliding scale baseline allocation, which would be determined by a State's population and population density. Even given the enhanced funding allowance for densely populated States, New Jersey and other high-risk States would still fair worse under the Collins-Lieberman amendment. That is because the amendment combines all funding sources into one fund and allocates too much funding, 40 percent of the total allocation, as minimum, guaranteed grants to each State. Under a more risk-based formula, New Jersey would receive greater homeland security funds to handle the substantial risks that face my State.

Mr. President, those of us who live in high-risk areas are acutely aware of the threat of terrorism. But protecting our homeland is not something that can, or should, be looked at as an exclusively "local" issue. Experts throughout the Nation support a risk-based approach. Protecting America, in the places where we are most vulnerable, in places where we know that terrorist want to inflict the greatest harm, is in fact a national issue—which is why the 9/11 Commission recommended pure risk-based allocation.

To quote the Commission:

> Homeland security assistance should be based strictly on an assessment of risks and vulnerabilities. . . . [F]ederal homeland security assistance should not remain a program for general revenue sharing. It should supplement state and local resources based on the risks or vulnerabilities that merit additional support. Congress should not use this money as a pork barrel.

Mr. President, one of the reasons this is such a national priority is because of the economic issues at stake. An attack on our Nation's economic assets, our capital markets, or our financial institutions would have a ripple effect throughout the country and have a serious long-term effect on our Nation's economy.

Protecting these assets has to be part of our national strategic considerations. In my State, New Jersey, we have many such targets. We have areas like the Port Newark. Eighty percent of the cargo containers that come into the east coast arrive at that port.

Then there is the 2-mile stretch, from the port to Newark Airport, a stretch of terrain the FBI has called the "most dangerous 2 miles in America."

And Mr. President, Newark Airport is not only the busiest airport in the tristate area, it is, depending on the time of year, the third or fourth busiest airport in America. A terrorist attack on Newark Airport, or on any of these other possible targets, would have a wide-ranging, long-term effect on our national economy. Protecting these critical national assets must be a national priority.

Regrettably, the current homeland security grant system results in funding allocations that fail to adequately consider the risk, vulnerability and threats posed to specific communities. And that is just plain wrong.

To understand why, we need to look at the practical realities of homeland security.

My home State of New Jersey is on the front lines of terrorism. We lost 700 people on September 11, 2001. Two of the 9/11 terrorists were based in New Jersey and the anthrax that hit this institution originated in New Jersey.

In addition to Port Newark and Newark Airport, the Ports of Philadelphia and Camden are critical vulnerabilities.

New Jersey is home to rail lines, bridges, and tunnels to New York City, as well as chemical plants and nuclear facilities.

Atlantic City has the second highest concentration of casinos in the country.

Wall Street and other financial services firms house important front and back office operations, including clearance and settlement services, and other operations essential to functioning of America's capital markets in Newark, Jersey City, and Hoboken.

To underscore those risks, in the summer of 2004 Newark was one of three locations—including New York City and Washington, DC—that was put on Orange Alert for a possible terrorist attack as intelligence suggested that the Prudential building in downtown Newark could be a target.

And Mr. President, the costs associated with protecting Newark during that period of heightened security alert were very real.

Last year wasn't the first time that New Jersey has incurred substantial costs because of its unique vulnerability.

The post office in Hamilton, NJ, where the anthrax was sent, has had to be cleaned up. The costs are expected to be $72 million for decontamination and $27 million for the refurbishment of the facility.

Yet despite these growing threats to New Jersey—from anthrax to the Orange Alert, and the ever-expanding costs associated with protecting the most densely populated State in the country, remarkably homeland security grants to New Jersey were cut in 2005.

Funding was reduced from $93 million in 2004 to $61 million in 2005. Newark has seen a 17-percent reduction in funds, from $14.9 million to $12.4 million. And, incredibly, Jersey City's homeland security funds have dropped by 60 percent, from $17 million in 2004 to $6.7 million in 2005.

These cuts leave New Jersey—home of countless businesses and people that keep our economic engine moving; home of one of the most active and exposed ports in the country; home of one of the busiest airports in America; home of our Nation's new Homeland Security Secretary—36th in the Nation in per capita homeland security funding.

That, Mr. President, is a travesty.

We must allocate assistance to cities, municipalities and communities according to risk and vulnerability.

Mr. President, it is hard for the people of New Jersey to live through what they have and then see cuts in homeland security. This is an extremely important issue to them and they want and expect change.

I am not seeking to deprive other parts of the country of the homeland security funding they need. But I believe that we must leave it to the Department of Homeland Security to make the determination of what States should receive funding based on need, vulnerabilities, and threats.

The Department of Homeland Security was created to stop terrorism. It is responsible for analyzing intelligence on threats to our Nation and for protecting our people and our infrastructure.

Mr. President, directing our homeland security funding toward those areas that are most at risk is especially critical in times of shrinking budgets. And let me note that the President understands the need for risk-based funding and suggested an approach similar to the Feinstein-Cornyn amendment in his budget for 2006 when he proposed the allocation of $251 million to each State and $1.7 billion, or 87 percent of total funds, for higher risk areas based upon need.

By passing the Feinstein-Cornyn amendment, we will continue the critical work of post-9/11 reform that included the creation of the Department of Homeland Security itself, the establishment of the 9/11 Commission, and the passage of the intelligence reform bill.

Mr. President, we need to deal with homeland security as we do national security. That means directing our resources toward making us safer by targeting need, vulnerability, and threat to address the Nation's homeland security funding needs.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much do I have remaining this morning?

The PRESIDING OFFICER. The Senator from California has 4 minutes 10 seconds remaining. The Senator from Maine has 14 minutes remaining.

Mrs. FEINSTEIN. I yield, then, to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I had asked to be yielded to for a question, but if there is no yielding, if the time is charged to me, I do not need consent from anybody. If it is our time, we are going to use it.

I thank the Senator from Maine but would say no thank you, and I will take this brief minute because what we are looking at is what has passed through the committee and what is actually on the floor as an appropriations bill.

Under the appropriations bill—this is CRS—it very simply says $1.338 billion for the underlying bill creates a shortage for the risk-based of $183.53 million. We can turn the table, we can play with the numbers, but we are looking at an appropriations bill. And if we do not believe CRS, then I do not know to whom we ought to turn for advice and for understanding.

When the Senator from Maine suggests that my numbers are incorrect, do not take my numbers, please. Just take CRS and see what they say. It makes it all very clear. It is a 60/40 relationship, far different than that which we intended when the amendment passed the committee.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from California.

Mrs. FEINSTEIN. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from California has 2½ minutes remaining.

Mrs. FEINSTEIN. I will use the time, if I might, then. The distinguished chairman of Homeland Security and Governmental Affairs mentioned something which affected me a little bit, and I would like to respond to it respectfully, that our amendment was cobbled together on the Senate floor. I point out that our amendment was introduced as a bill on May 12. I also point out that prior to that we worked on this amendment for at least 6 months with high-risk areas, with cities, with States, and with law enforcement.

This amendment is born in the belief that just as terrorists in Great Britain did not go to Stratford-on-Avon, they went to London; just as 9/11 did not take place in Milpitas, CA, it took place in the financial center of America; and just as the bombers in Spain did not go to a rural Spanish community, they went to Madrid.

Now, I can only use my experience as a member of the Intelligence Committee to say whether it is advisable to have a fixed formula or advisable to give those people who have access to all of the intelligence—intelligence from CIA, intelligence from counterterrorism people, intelligence from the FBI, and all of those who do the risk analysis, whether they should have the flexibility to determine where the moneys go. From my perspective, that is the way to go. From my perspective, America is best protected if we give the people with the knowledge and the intelligence the maximum flexibility to allocate funds based on quality of grants to areas that are likely targets. Nothing can change my mind on this. If you review intelligence, you get an idea of what might be a target and what is not a target.

That is just today. It could change in 6 months. It could change in 2 years. There are many of us who believe we are in this war, this asymmetric, terrible, non-state-actor war, for a long period of time. For me, just as you would give the Joint Chiefs of Staff the ability to mount a battle plan, I think we should give Homeland Security the ability to mount the risk analysis that enables the distribution of grants in the most effective way.

We have tried to do this in our bill. The underlying bill has 70 percent of the funds based on risk; the Collins-Lieberman amendment, 60 percent on risk; and Feinstein-Cornyn, 87.5 percent on risk.

The choice is clear. People who believe differently will vote differently. There is always a question because we know the composition of this body, we know the number of small States, and we know the likelihood that people are going to vote their State. I say to them, whether they do the best thing, if something happens and people look back as to how the money was allocated, I would much prefer to be able to say that the best experts we have have made the decisions on the allocation of funds, rather than that I would doing it on any other basis, whether that basis is population, whether it is geography, whether it is based on whether you produce food or whether you produce high tech or anything else. The money must go where the threat and risk is, the money must go where the vulnerabilities in the eyes of the terrorists are, and no formula can know where those vulnerabilities are.

The PRESIDING OFFICER. The time of the Senator has expired.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine has 14 minutes remaining.

Ms. COLLINS. Mr. President, before the Senator from California leaves the floor, let me say I admire the Senator from California, who is one of the most careful, thorough Members of this body.

The point that I was trying to make, and perhaps not as artfully as I should have, is that the Homeland Security Committee has held extensive hearings on the Homeland Security Grant Program. I am not aware of other committees in the Senate having done that. We have held extensive hearings over 3 years. We drafted a bipartisan bill. We received input from a number of groups. We have had two different markups, and the bill was reported unanimously last year, with only Senator LAUTENBERG in dissent this year. So our bill has had a great deal of consideration. That was the only point I was trying to make.

As the Senator knows, I have a great deal of admiration for what a careful legislator she is.

Mrs. FEINSTEIN. If I might say, Mr. President, I have great admiration for the Senator from Maine in the way she has conducted herself and the leadership she has shown.

Ms. COLLINS. Mr. President, let me clear up a couple of misperceptions surrounding this debate. First of all, this debate is not about big States versus small States, although it certainly sounds that way.

Our amendment, for example, is cosponsored by both Senators from Ohio and, in fact, was heavily influenced by and contributed to by the Senator from Michigan, Mr. LEVIN. I ask unanimous consent he be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. One reason our amendment bridges the small State-big State divide is that unlike the alternative amendment, the underlying bill, or current law, our amendment breaks away from a one-size-fits-all approach by establishing this sliding scale minimum allocation. Does a more populous State require more funds to achieve adequate levels of preparedness and prevention? The answer is yes, which is why the 19 most populous and densely populated States would get a higher baseline allocation than the .55 percent that other States would achieve. That includes the State of New Jersey, I would note, which receives considerably more.

Second, the underlying bill is not a middle point between the amendment that Senator LIEBERMAN and I have offered and the Feinstein-Cornyn amendment. In fact, the underlying bill in our amendment includes substantially the same type of baseline allocation for most States. The difference is that under our amendment, the 19 most populous and densely populated States would receive a greater baseline allocation.

If you take into account the sliding scale minimum, which neither of my friends on the other side of the aisle have taken into account when they look at our bill, our amendment and the underlying bill allocates substantially the same amount of funds based on risk.

When we talk about the significance of preventing the next terrorist attack, it is important to note that terrorists have been proven to use staging areas away from the most obvious targets. So while New York City, Los Angeles, and Washington, DC, are clearly targets, let us not forget that opportunities to catch terrorists, to stop them, exist in places such as Portland, ME; Norman, OK; and Norcross, GA.

As a recent publication of the International Association of Chiefs of Police notes:

> Several of the terrorists involved in the September 11 attacks had routine encounters with State and local law enforcement officials in the weeks and months prior to the attack. If State, tribal and local law enforcement officers are adequately equipped and

> trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

Let's again look at some of the facts. As the 9/11 Commission report notes, terrorists trained and operated in different parts of the country to prepare for and carry out the September 11 attacks. For example, two of the terrorists were pilots and visited the flight school in Norman, OK. Norman is also where Moussaoui and another terrorist resided while attending school. Two of the terrorists stayed in Georgia, visiting such small communities as Norcross and Decatur before living in Stone Mountain, GA.

Although the 9/11 Commission found no explanation for these travels, the terrorists' mobility reveals an unpredictable pattern that shows that their presence was not confined to large cities. Over and over again, if you look at the list from the 9/11 Commission, you will see that the terrorists trained and lived in rural America, in small communities. As I have said earlier, this issue is very real to us from the Northeast, from the State of Maine in particular, because two of the terrorists started their day on 9/11 from the Portland, ME, airport.

Over and over again, we have seen, from law enforcement, warnings that we need to pay attention to prevention, and that is exactly what this bill does. Local police departments and sheriff's offices provide the bulk of law enforcement services to rural communities, and they are severely constrained by a lack of resources. That is why so many law enforcement groups have endorsed the Collins-Lieberman proposal.

There are other challenges; for example, to our food supply. But I see the Senator from Connecticut is now on the floor, so I yield to him the remaining time before we return to the Reid amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Maine. I regret I had other commitments that did not allow me to join with her in defense of our very worthy amendment. I look forward to being back here at 2:15 when we return to it.

Yesterday, I explained why I believe that our amendment is the right thing to do. It is balanced. It increases the funding based on risk to those areas that have been deemed to be highest risk. But it recognizes a reality that terrorists strike at vulnerable targets. Because they struck Washington and New York on September 11, 2001, doesn't mean that they are not going to strike smaller areas of our country, less populated, in the years ahead. In fact, one of the great fears people have had is of a coordinated series of terrorist attacks on public places outside of large urban areas.

The fact is, those places in America need to have some support from us as well for their first responders and to serve also as first preventers. That is exactly what our amendment does.

The amendment introduced by the Senators from California and Texas would all but eliminate the minimum amount of Homeland Security funding guaranteed to each State and would give the Secretary of Homeland Security almost unfettered discretion over more than 90 percent of Homeland Security grant funds. This amendment that Senator COLLINS and I have introduced dedicates significantly more funding to purely risk-based grants than has been the case in previous years. Under our amendment, it is fair to say that everybody gets more support to protect their citizens against the terrorist threat, including those areas that are deemed to be the highest risk, but at the same time we, in the Collins-Lieberman amendment, strike a judicious balance that would allow each State to achieve basic preparedness.

Further, substantial reductions in the minimum would make it more difficult for States to achieve those essential capabilities, as outlined in the National Preparedness Goals that the Department of Homeland Security has set out for our Nation.

I want to very briefly outline, in the minute or two left before we go to another matter, several reasons why I think we should stick with the balanced approach in S. 21, which is the Collins-Lieberman amendment that came out of the Homeland Security Committee with overwhelming bipartisan support—only one vote against it. While there is a need for more risk-based funding, risk-based methodology is an art, not a science. The bottom line is that while we think we know where terrorists wish to attack based on past experience, the fact is we don't know for sure. They strike hard targets, they strike soft targets.

Risk-based methodology is an art the Department of Homeland Security is still struggling to develop. So let's not talk about it as if it is science. It is prediction. It is a probability. If we focus all of our funding on where those probabilities lead, it will leave most of the country undefended.

Terrorists have demonstrated a willingness to attack a wide variety of targets in a wide variety of places. In 2001, a plot was uncovered by intelligence agencies to attack an American school in Singapore. In 2002, in Bali, terrorists targeted a discotheque. In 2003, terrorists struck a residential compound in Riyadh. In 2004, terrorists targeted a school in Beslan, Russia. Most of these may not have been considered to be high-risk areas, but nonetheless they were targets of terrorists.

Our own distinguished FBI Director Bob Mueller has said America is awash in desirable targets for the terrorists throughout this country. Funding provided to States outside of the so-called high-risk areas could well be the key to preventing an attack in another State, which I will speak to later in the day.

The Collins-Lieberman amendment will assure that every State can achieve the level of preparedness the Department of Homeland Security has defined for the Nation. It will be a predictable, reliable stream of funding. The bottom line is more States have more to gain from our amendment in defense of our homeland security.

I thank the Chair. Noting the hour, I yield the floor.

AMENDMENT NO. 1129

The PRESIDING OFFICER. Under the previous order, the time until 12 o'clock will be equally divided in the usual form for debate on the Murray amendment.

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, would you state the pending amendment?

The PRESIDING OFFICER. Under the previous order, there is 30 minutes of debate on the amendment offered by Senator REID on behalf of Senator MURRAY of Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senators CORZINE, DAYTON, CONRAD, BINGAMAN, and SALAZAR to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, 2 weeks ago the Senate came together, not as Republicans and Democrats, but as Americans, to do what is right for our Nation's veterans. By a vote of 96–0, we all agreed to increase veterans funding by $1.5 billion. We agreed to fill the appalling shortfall the VA faces this year by agreeing to that amendment for $1.5 billion. It was a very clear message that we will be there for the people who have served our country. I was very proud of the Senate when we passed that amendment to do the right thing.

Shortly following that unanimous vote, the majority leader stood on the Senate floor and moved to have the Senate yield to the House of Representatives' lower figure of $975 million. That would have gone against what this Senate had just agreed to. That proposal by the majority leader also went against what the Senate Appropriations Committee had agreed to earlier that very same day. On a bipartisan and unanimous basis, the Senate Appropriations Committee members reaffirmed that the Senate should approve the full $1.5 billion in immediate funding for the VA. The Appropriations Committee and the full Senate unanimously agreed that America's veterans deserve the full $1.5 billion for this fiscal year. Then there was an attempt to accept a lower number.

We need to make sure in this Senate there is no backtracking and that veterans in this country who have served us honorably do not get shortchanged. To make it clear to our Nation's veterans and to the American public, I am here with my colleague Senator AKAKA and others in the Senate, offering an amendment that clears up this confusion. It clearly says the Senate stands firmly behind our unanimous vote of $1.5 billion in emergency spending for veterans health care.

If we backtrack, if we walk away from the $1.5 billion we promised this year for our veterans, our men and women who have served this country honorably will be hurt. If we yield to the House's $975 million, the VA hiring freeze will remain in place. That means no new mental health specialists will be hired to help our veterans who are dealing with posttraumatic stress disorder.

If any of my colleagues went home as I did last week and talked to returning soldiers from Iraq and Afghanistan, they will know as I do that these mental health specialists are absolutely needed for our men and women who are serving America today.

If we yield to the House's $975 million, the VA will not be able to build any of the new clinics our veterans have been promised. That means inconvenience and less access to care for the people who have sacrificed for our country. That is not what we promised our veterans. This is a critical priority.

We have a huge problem right now in this fiscal year 2005. Secretary Nicholson has made it very clear that the VA is at least $1 billion short this year. My colleagues know I have been here since the beginning of the year warning that this problem goes much deeper. Go out to any of your VA facilities and talk to any veterans who are trying to get access and Members will know as I do that veterans are waiting today 3 years for surgery.

The Associated Press reported in the papers today that the Army National Guard is having trouble recruiting the soldiers it needs.

I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Associated Press]

NATIONAL GUARD MISSES RECRUITING GOAL AGAIN

WASHINGTON (AP).—The Army National Guard, a cornerstone of the U.S. force in Iraq, missed its recruiting goal for at least the ninth straight month in June and is nearly 19,000 soldiers below its authorized strength, military officials said Monday.

The Army Guard was seeking 5,032 new soldiers in June but signed up only 4,337, a 14% shortfall, according to statistics released Monday by the Pentagon. It is more than 10,000 soldiers behind its year-to-date goal of almost 45,000 recruits, and has missed its recruiting target during at least 17 of the last 18 months.

"The recruiting environment remains difficult in terms of economic conditions and alternatives," the Army said in a statement released Monday. "We are concerned about meeting the fiscal year 2005 recruiting missions, but we are confident that our recruiting initiatives will take hold and the American public will respond."

Jack Harrison, a spokesman for the National Guard Bureau, said that despite the shortfall, the service is still able to meet its commitments to the Pentagon as well as to state governors, who call on the Guard during disasters and other emergencies.

Some governors have complained about shortages of troops and equipment in their Guard units, prompting the Guard to set a goal of keeping half of each state's Guard forces at home at any given time.

The Pentagon has already significantly reduced its use of all Guard and reserve forces in the last two years. In April 2003, during the height of the Iraq invasion, some 224,000 of them across all the services were mobilized for all federal missions both at home and overseas; that figure now stands at 138,000, according to Pentagon statistics.

Harrison acknowledged the heavy use of the Guard in missions in Iraq and Afghanistan has affected recruiting efforts, but noted that the service is ahead of its goals in retaining soldiers who have the option to get out.

"We have folks that are coming back from long periods of time in Iraq and Afghanistan who are reenlisting," he said.

Guard troops make up more than one-third of the soldiers in Iraq, numbering six brigades plus a division headquarters. In the next rotation of troops, to take place over the next two years, the Guard's portion of the total force in Iraq is expected to drop substantially as newly reorganized active-duty Army units come online and take up more duties there, officials said.

In total, the Army Guard has about 331,000 soldiers, 94.5% of its authorized strength of 350,000, officials said.

Pentagon spokeswoman Lt. Col. Ellen Krenke said the Army Guard last made its monthly goal in September 2004, when it exceeded its target by 27 recruits. The last time it made its goal before that was December 2003.

Harrison, however, said the Army Guard had not met its monthly recruiting goal for 20 straight months, since October 2003. Officials could not immediately explain the discrepancy. The Army Guard also missed its annual recruiting goals for 2003 and 2004, Krenke said. The entire Army is suffering from recruiting problems, but the other components of the service—the active-duty force and the Reserve—made their goals for June. Both, however, remain well behind their annual goals, which they measure from October 2004 to September 2005.

The regular Army has recruited 47,121 soldiers, or 86% of its goal of 54,935 for this point in the year. It is trying to reach 80,000 by the end of September. Officials are becoming less hopeful they will make it, even though the summer is considered the high season for recruiting, as recent high school graduates look for jobs.

To deal with the problem, the Army has increased the number of recruiters in its ranks, and augmented incentives for those signing up.

"We think these adjustments will begin to take hold in the upcoming months," the Army statement said.

The Army Reserve has recruited 15,540 soldiers, or 79% of its goal of 19,753 at this point in the year.

All three components of the Army are ahead on their efforts to retain current soldiers. Officials credit that to a desire on the part of the troops to finish the mission of making Iraq a stable democracy.

The only other arm of the military that missed its June recruiting goal was the Navy Reserve, which fell 8% short and remains the same percentage behind its annual goal of 8,733 recruits. The active Navy, Air Force and Marines made their monthly goals, and are at or ahead of their year-to-date targets, the Pentagon said.

The Air National Guard, Air Force Reserve and Marine Corps Reserve made their June goals; of those, the Air Force Reserve and Marine Reserve are at or ahead of their year-to-date goals. The Air National Guard is 17% behind its year-to-date goal of 7,619 recruits.

The Air Force and Navy are seeing far less action in Iraq and Afghanistan than their counterparts in the ground combat forces of the Army and Marines, who have suffered most of the casualties.

Mrs. MURRAY. Mr. President, that article states:

> The Army National Guard . . . missed its recruiting goal for at least the ninth straight month in June and is nearly 19,000 soldiers below its authorized strength, military officials said Monday.

Further, the Army Guard:

> . . . is more than 10,000 soldiers behind its year-to-date goal of almost 45,000 recruits and has missed its recruiting target during at least 17 of the last 18 months.

Many factors, as we all know, affect recruiting, but how we care for our veterans is absolutely one of them. As George Washington said:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional as to how they perceive the Veterans of earlier wars were treated and appreciated by their country.

That was George Washington back in 1789. It is still true today.

We need to show our veterans—today's veterans and those considering military service—we will be there for them. If the Senate retreats from what we agreed to 2 weeks ago, it will tell potential recruits the VA will have a hiring freeze and the VA will not have new clinics and we will not be there for them. That is the wrong message to send.

The Senate agreed our veterans need $1.5 billion. We agreed on a bipartisan basis. I am offering this amendment today to make sure there is no backtracking and that our veterans get the help they need, they deserve, and they were promised. This is a basic American issue we can and must all support.

If Members vote for this amendment, we are giving the VA money to lift the hiring freeze to hire the medical staff it needs and to open new clinics. We are telling today's soldiers and tomorrow's recruits we will be there for them. But if members choose to vote against my amendment, they are simply voting to keep their local VA hospital overwhelmed and understaffed, telling veterans in your State that they will not get the new clinics they were promised. This vote will send a strong message to today's veterans and tomorrow's recruits.

This Senate needs to make sure we will show those who serve our country that we will be there for them just as they have been there for us.

My colleague from Hawaii is here. He has been a tremendous advocate for veterans. I thank him for all his work.

I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank my colleague for her efforts today.

Mr. President, I rise today to once again address the tremendous funding crisis in the VA. I thank my colleague, the Democratic leader, Senator REID, for his determination at this time to ensure that $1.5 billion is provided without delay. Again, I thank my colleague Senator MURRAY for her efforts as a member of the Committee on Veterans' Affairs.

While we have consensus in both bodies of Congress that VA is facing a tremendous funding shortfall this year, we are lacking consensus on how much should be provided this year. The Senate clearly believes that $1.5 billion is needed.

The House, on the other hand, has taken the administration's view that only $975 million is needed.

While I am delighted that the administration has admitted that there is a shortfall, I don't believe that we can now put our faith in their estimate of what VA needs.

As I said last night, judging by the supplemental sent forward by the President, VA officials are less than generous and, frankly, less than accurate.

The $975 million now proposed by the administration—and carried forward by the House—falls way short of addressing all of VA's problems. Just examine one part of their estimate—their new costs associated with returning service members.

VA now believes that 103,000 more veterans will be treated this year. The cost of treating this kind of patient is $5,437 a year—as documented by VA data.

Yet, the administration wants to now convince Congress that, in fact, the cost of treating a patient is less than half of this amount. Again, using VA data, the cost of caring for an additional 103,000 returning veterans is $560 million and not the $273 million suggested by the administration. And other key programs such as readjustment counseling and dental care were ignored by the House in the VA supplemental.

It is imperative that the Senate again send the House a message that we intend to provide adequate funds.

The Senate has already spoken in a clear and bipartisan manner on this issue.

Given the House's work to provide less than the full amount needed, it is clear that we have more work to do for this year. This amendment reiterates that point.

The battle for next year's funding will be upon on us shortly, but we need to shore up hospital and clinic operations today.

I am hopeful that we all learned a clear lesson from this experience, that talking with health care providers in VA hospitals and with the veterans service organizations is invaluable. They told us what was really going on months ago. They are continuing their call for full funding for VA now.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized for the time in opposition.

Mrs. HUTCHISON. Is there a time limit?

The PRESIDING OFFICER. Each side controls 15 minutes. There is 2½ minutes remaining controlled by the Senator from Washington and 14 minutes remaining controlled by the majority leader.

Mrs. HUTCHISON. Mr. President, I commend Senator MURRAY, Senator AKAKA, and all Members who have worked together with Senator FEINSTEIN and myself on this veterans issue.

I spent last Thursday with Veterans' Administration Secretary Nicholson. I am very pleased Secretary Nicholson has done so much to address this issue once he determined from an audit of the agency that we were not going to get through 2005 for the Veterans' Administration without taking from maintenance funds and other funds to cover our operating expenditures. The Secretary could have tried to put this Band-Aid on, but he did not. Secretary Nicholson came right out and said we do not have enough for 2005. We have models that show us what the growth rate for service in the Veterans' Administration would be. The models show about 2.3 percent. That has been the norm throughout the last number of years. But in fact the growth rate is 5 percent. So Secretary Nicholson, Josh Bolton, at the Office of Management and Budget, and the President himself said we are not going to put a Band-Aid on the Veterans' Administration.

Senator MURRAY saw this coming early on. She did believe there were more veterans coming into the system from what she was hearing in the field, and the Veterans' Administration at that time did not see the model that was not working. But when they did, they stepped up to the plate. They have now come back with numbers that are higher than the $975 million that has been put in an emergency appropriation on the House side just for 2005. Now, our $1.5 billion that I intend to support is to be spent this year or going into next year if necessary. I am going to support this amendment and, in fact, Mr. President, I ask unanimous consent to be added as a cosponsor of the Murray amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHINSON. I do want to say we are continuing to push the ball, but this is not where I want it to end. What I hope we would be able to do, once we talk in a little more detail to the Veterans' Administration Secretary and to Mr. Bolton at the OMB, is to go ahead and pass the emergency supplemental for 2005 that will be more than $975 million, probably more in the range of $1.2 billion or $1.27 billion for 2005, and then come in with another supplemental from OMB to the budget that we would put into our 2006 appropriation, because Senator FEINSTEIN and I are the chairman and ranking member of Veterans Appropriations. Senator MURRAY sits on that committee as well. And we want to do 2006 the right way. We already, through the cooperation of the chairman of the Appropriations Committee and the ranking member, Senator COCHRAN and Senator BYRD, added $1.3 billion to what was in the President's original request. I believe the President will agree to come in with another add to that of $1.6 billion or so. So I think if we can continue to work together as we have been, we will have a more definitive answer, but I do not think we ought to stop with what Senator MURRAY is trying to do until we do come to the agreement to solve this problem both for 2005 and for 2006 in the most responsible way.

So I am very happy to cosponsor the amendment knowing we hopefully will finish the emergency supplemental before this bill actually makes it to the President. That would be the goal of all of us, I believe—to have the emergency for 2005 passed this week or at the earliest possible moment and send it to the President so that money becomes available.

In the meantime, I know the Veterans' Administration is not turning anyone away. They are not stopping any dirt from flying for the clinics that are in the process of being built and the hospitals that are on the drawing boards. I know the sincerity of Secretary Nicholson, having traveled with him on Thursday and seeing how much he cares about our veterans getting the best care. This is a decorated Vietnam war veteran. He is a man who graduated from West Point and knows the veterans community very well.

So with that, Mr. President, I am very appreciative of Senator MURRAY bringing this matter to everyone's attention. With Senator AKAKA, we all serve on the Veterans' Affairs Committee as well as the Veterans Appropriations Committee. And speaking of that, Senator CRAIG, the chairman of the Veterans' Affairs Committee, has been a real leader here as well in trying to work this through. I think all of us intend to work on a bipartisan basis, Senator FEINSTEIN and myself on the appropriations side, Senator CRAIG and Senator AKAKA on the Veterans' Committee side, Senator MURRAY as the leader in bringing this to everyone's attention before it became a fact.

I think we have the nucleus here, working with the administration, to do the right thing and to do it in the right way. I think Secretary Nicholson is to be commended for stepping up to the plate and working with Josh Bolton to do that right thing. There will be no dollar, no dime spared in treating our veterans. It is a part of our war on terror, to make sure those coming home do have the care and service they need. In this war we are seeing many more injuries. That is one of the reasons the tables were skewed, the models that have been used for the future. We have fewer deaths in this kind of conflict on a normal basis, but we have more injuries. And that means we are going to have to take care of these people because they have been taking care of us. We intend to do that and we need to do it on a bipartisan basis. I thank Senator MURRAY, Senator AKAKA, Senator CRAIG, and Senator FEINSTEIN for taking the lead on the Senate side, working with the administration, and I think the veterans can be assured the right thing will be done and this is one more step to make that happen.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. Mr. President, I want to thank the Senator from Washington for raising this issue again. Before the Fourth of July recess, the Senate passed this amendment 96 to 0 showing this body's united commitment to our Nation's veterans.

We worked hard with our colleagues across the aisle to ensure that the Veterans' Administration's shortfall in Fiscal Year 2005 was addressed by passing a $1.5 billion emergency supplemental.

I was disappointed that the House of Representatives did not follow our lead and instead passed a nonemergency $975 million supplemental appropriations.

I understand that the administration will be submitting a Budget amendment, shortly to address the Fiscal Year 2006 needs of the Veterans' Administration and I look forward to working with Chairman HUTCHISON to ensure that adequate resources are available for veterans health care next year.

In the meantime, I would urge my colleagues to support the Murray amendment which addresses this year's shortfall and reaffirms our commitment to our veterans.

The PRESIDING OFFICER. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Washington controls 2½ minutes.

Mrs. MURRAY. How much does the other side control?

The PRESIDING OFFICER. Five minutes.

Mrs. MURRAY. Mr. President, I would ask if the other side would mind, if they have no other speakers, yielding Senator DURBIN 2½ minutes of their time or if they want to continue.

Mrs. HUTCHINSON. I would give some time away, but I would like to be able to respond. I don't know, because I haven't been on the floor, what the Senator's comments are going to be. If I could reserve a couple of minutes also for rebuttal if I need to, the other side is welcome to go forward.

The PRESIDING OFFICER. Without objection, the Senator from Illinois is recognized for 2 minutes.

Mr. DURBIN. I say to the Senator from Texas, she will not have to rebut any of these remarks because we agree completely. The good thing is we are talking about money for the Veterans' Administration. This is not a hard call. We have veterans returning who need help. Millions of Americans have been promised they will have a helping hand once they serve our country and need assistance in the VA system, and so we try to guess how many dollars will be needed to meet that obligation. It is a very tough calculation, tougher still because we have soldiers coming back from Iraq and Afghanistan and other places who are seriously wounded, as the Senator from Texas has just mentioned, and they, of course, are our high priority.

Senator MURRAY came to the floor months ago and said the administration is not making an appropriate calculation of how much money this is going to cost. We are going to end up having more veterans needing assistance than money to take care of them. For a long time she was a lonely voice, offering amendments to appropriations bills that were being defeated. It turns out 2 or 3 weeks ago she was proven right and the Veterans' Administration came forward and said, We need more money; we don't have enough.

The most positive thing that occurred was immediately Senator LARRY CRAIG, the Republican chairman of the committee, and Senator MURRAY came together and said, Now let's deal with this on a bipartisan basis, and the Senate did, putting $1.5 billion in emergency funding for the Veterans' Administration.

That is the good news. The bad news is the message did not get across the Rotunda to the House. They decided they were going to cut that amount to $900 million, almost in half.

You think to yourself: What are they doing here? Aren't they hearing the same things we are hearing? The Veterans' Administration needs the money, the veterans need the money.

So our message is not just to the veterans that we stand behind you. Our message is to the House of Representatives: Stand behind us, join us in the battle for $1.5 billion to make sure we keep our promise to veterans.

What we are doing, when we are not debating this, is the Homeland Security bill in light of terrorism and threats to the United States. As Senator STABENOW of Michigan has said, we need to be prepared and protected both at home and around the world. If we are going to be protected, we need the best military in the world with our support. This money for the Veterans' Administration keeps that promise to our soldiers and to our veterans.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Washington.

Mrs. MURRAY. I thank my colleague from Illinois, and I also thank my colleague from Texas.

Mr. President, I saw the Washington Post article yesterday on "VA Hospital in Texas Fights to Stay Open."

I ask unanimous consent that the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 11, 2005]

VA HOSPITAL IN TEXAS FIGHTS TO STAY OPEN

(By Sylvia Moreno)

WACO, TX.—Building 7 on the campus of the Veterans Affairs Medical Center here is called Blind Rehab, a special unit for aging vets who have macular degeneration or diabetes-induced vision problems.

But this past year, Blind Rehab began to see a new type of patient: veterans barely past their 20th birthdays, blinded by gunshot wounds and bombs in Afghanistan and Iraq.

"These soldiers now have flak jackets and armor that protect their bodies and keep them alive, but we see traumatic limb injuries and traumatic head injuries," said Stan Poel, chief of Blind Rehabilitation Services at the Waco hospital. "Those are the things that are presenting a challenge to the VA."

These are also the kinds of patients the Department of Veterans Affairs now projects will flood an already overtaxed and underfunded health care system that treated more than 5 million veterans last year.

"Our number one priority is returning service members from the combat theater . . . and to provide world-class health care to veterans, as well as benefits," Veterans Affairs Secretary Jim Nicholson said after a tour late last week of the 127-acre Waco campus, whose neighbors to the west include the huge Army base of Fort Hood, with 41,000 soldiers, and President Bush's ranch in Crawford.

"The increase in demand for our services from what we projected is up 126 percent," he said. "We have to obviously be prepared to ramp up."

The-Waco hospital, with its well-kept pre-World War II red-brick, red-roof-tiled buildings, has provided health care for veterans in central Texas for 73 years. Now it is on the chopping block, scheduled along with 17 other VA hospitals to be closed or downsized as part of an agency plan to restructure the health care system. A 1999 government study found the VA was spending $1 million a day on buildings it did not need, and in 2003 a government commission recommended closing older, underused hospitals, including the one in Waco. The Waco facility is part of the Central Texas Veterans Health Care System, which also includes a hospital in Temple and outpatient clinics in Austin and five other communities.

For the past two years, Waco officials, residents and veterans groups have been fighting back, emphasizing the importance of the facility's specialized blind rehabilitation, psychiatric and post-traumatic stress disorder units; the large and aging veteran population (Texas has the third-largest population of veterans in the country with 1.7 million, a third of whom received VA health care last year); and, now, the wave of veterans from the wars in Afghanistan and Iraq who will need its services.

"They guaranteed so many years ago that they will take care of [veterans], and I would say they're pretty much going back on their word," said Ron Peterson, 35, an engineer with the 91st Engineer Battalion, 1st Cavalry Division at Fort Hood. Peterson used a day off last week to provide a motorcycle escort for Nicholson's visit to Waco and to register his support for keeping the hospital there open.

Peterson was deployed to Iraq from January 2004 to this February. He was wounded twice, receiving the Bronze Star, two Purple Hearts and an Army Commendation Medal for valor in combat

"They're not ready for everybody coming back," Peterson said. "They're trying to shut everything down and they're going to need PTSD units. The guys aren't seeing the things they saw in Vietnam, but they're seeing a lot of stuff."

This year, the post-traumatic stress disorder in-patient unit in Waco has seen more than 75 new cases of veterans from Operation Iraqi Freedom. The 15-bed blind rehab unit, which has helped 106 blind veterans this year learn skills such as how to use a walking cane, cook and negotiate e-mail, has a wait list of 73.

"This is the best PTSD facility in the union, and these [guys] are trying to close it down," said Bill Mahon, a Vietnam War veteran and the McLennan County veterans service officer. In the past two years, Mahon has organized several motorcycle rides to the gate of Bush's nearby ranch to protest the proposed closing. "This is not their hospital; it's our hospital."

Nationwide this fiscal year, 250,000 new patients—40 percent of them veterans from Afghanistan and Iraq and 60 percent of them veterans from other eras—have entered the VA health care system, Nicholson said.

As Congress works to eliminate an emergency funding shortfall this year of at least $1 billion and a projected shortage in the VA health care budget of more than $1 billion in the coming fiscal year, VA hospitals have felt the impact nationwide.

According to documents released at recent meetings of the House and Senate Veterans Affairs committees, the VA hospital in White River Junction, Vt., was forced to shut its operating rooms temporarily because of a lack of maintenance funds to repair a broken heating, ventilation and air conditioning system. Hospitals in Arkansas, Oklahoma, Mississippi, Louisiana and eastern Texas stopped scheduling a appointments for many veterans. The VA medical center in San Diego, with a waiting list of 750 veterans, diverted $3.5 million in maintenance funds to partially cover operating expenses and delayed filling 131 vacancies for three months to cover operating expenses. The Portland, Ore., hospital delayed non-emergency surgery for at least six months, and 7,000 veterans who use the VA facility in Bay Pines, Fla., are waiting longer than 30 days for a primary care appointment.

"I'm going to go to a civilian doctor rather than wait 70 to 90 days," Douglas McKee, 63, of Chilton, Tex., said as he left the Waco facility on Thursday afternoon. McKee, who said he was disabled by a mine explosion in Vietnam while serving with the 173rd Airborne Brigade, had just learned that his regular doctor was on duty in Iraq and that he could not get an appointment with a new physician until mid-October. He would also have to wait for some of his prescription refills, he said.

"We laid our life on the line and then got blowed up and then you come here and you get turned away. That ain't fair," said McKee, who suffers from a variety of ailments and uses a walker to get around. "And then they got all the kids coming back from Iraq."

Nicholson assured hospital employees and veterans gathered for his visit that no decision had been made about the facility's fate and that he had "no predispositions about this at all."

Nicholson, who visited the facility at the request of Sen. Kay Bailey Hutchison (R-Tex.), said he was concerned about the 300,000 square feet of vacant space at the Waco VA. A local advisory group suggested filling the space with nonprofit organizations such as the Salvation Army, which could tailor their services to veterans' needs.

Nicholson will make his decision about the Waco VA early next year, including a proposal to transfer its psychiatric and post-traumatic stress disorder services to Austin and Temple. He warned those gathered that his visit should not be interpreted as "an interception of the process." And he complimented the hospital for its track record. "This is the way the American people want veterans to be taken care of," he said.

As for the hospital's fate, Nicholson said, "the binding question is what's going to be the best for our vets? . . . They did what was best for us and for our country."

Mrs. MURRAY. I know the Senator from Texas was there and was quite startled to hear about the blind rehab unit at the Veterans Affairs Medical Center in Texas and how they have been serving older veterans, but in fact this year they are begining to see a new type of patient—veterans in their early 20s with macular degeneration or diabetes-induced vision problems. I think it goes to the point of exactly why we are seeing such a tremendous shortfall in the VA today—because of the types of injuries our returning soldiers are having.

I welcome my colleague's cosponsorship, and I agree we do need to look at 2006. We will work with her and the VA Secretary and all Senators on making up the shortfall. But we are here today with the Murray amendment because there has been some confusion in the Senate about how much aid we are going to send to the Veterans Department. We have heard a lot of numbers thrown around and a lot of discussion, but I think why I am here today and why it is so critical is because in the early morning hours just before our July 4 recess, some Senate leaders moved we lay down in deference to the House of Representatives' lower number.

I think in the Senate we need to say there is no confusion. On a unanimous vote we supported $1.5 billion. The Appropriations Committee, hours after the House tried to limit funding for veterans, unanimously affirmed our support for $1.5 billion and now the Senate has an opportunity before us to tell our veterans we will do all we can, all we promised, to support and care for them when they return home.

Make no mistake, this Department needs the money. Even before the dramatic, unconscionable shortfall at the Department was revealed, veterans around the country were facing long lines and crumbling facilities. We know the promised clinics are not there, and we know the soldiers returning with posttraumatic syndrome are not being served. The money is critical. I ask the Senate this morning to say we are sticking with the $1.5 billion shortfall.

Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I would be happy to yield the remainder of our time to Senator MURRAY.

Mrs. MURRAY. How much time remains?

The PRESIDING OFFICER. There is a total of 2 minutes remaining.

The Senator from Washington is recognized.

Mrs. MURRAY. I thank my colleague from Texas.

I remind all of our colleagues we should not be nickling and diming the Department of Veterans Affairs today. For all of us who have been out on the ground visiting our VA clinics, talking to our soldiers who are returning, it is very clear this war has created a need and demand for us to be there. When we call up our soldiers, we promise them we will be there for health care. It is not right that we sit in hearings and community meetings as I did last week and hear veterans saying: I finally gave up; I went and paid for health care out of my own pocket. That is not what we promised them and that is not a way to get new soldiers which we obviously need to do today.

A train wreck is coming in 2006. I will work with all of my colleagues. I know the administration is looking at sending over a budget amendment and I agree we need to find the money. But for right now we need to pass an emergency supplemental. This Senate has gone on record in the full Appropriations Committee and in this full body and we should have no backtracking. That is why we are voting on this amendment today, once again, to reaffirm our commitment and tell all the men and women who have served us both in this war and in previous wars that we will be there for them.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Texas has 30 seconds remaining.

Mrs. HUTCHISON. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not been ordered.

Mrs. HUTCHISON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

All time having expired, the hour of 12 o'clock having arrived, the question is on agreeing to the Murray amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Mississippi (Mr. LOTT), the Senator from Alabama (Mr. SESSIONS), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER), and the Senator from Alabama (Mr. SESSIONS) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—95

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Burr
Byrd
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Martinez
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner
Wyden

NOT VOTING—5

Alexander
Lott
Mikulski
Sessions
Thune

The amendment (No. 1129) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as in morning business for 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Massachusetts is recognized for 6 minutes.

Mr. KENNEDY. I thank the Chair.

SELECTING A SUPREME COURT JUSTICE

Mr. KENNEDY. Mr. President, President Bush met this morning with the leaders of the Senate and the Judiciary Committee, and I am sure we all have the same questions. Was this really the first step in a serious consultation process that will be meaningful and will continue in the days and weeks ahead? Will the process result in an effort to select nominees who can bring the Nation and the Senate together instead of further dividing us?

I sincerely hope the answer to those questions is "yes." Consultation is more than a process, it's about an outcome. I hope we are not just going through the motions. That will be up to the President. True consultation is not a one-sided conversation. The President must share his thoughts with all of us as well. I firmly believe the Nation wants and needs us to proceed in good faith and with open minds. The conditions are right for serious cooperation between the Senate and the executive, whom the Framers of the Constitution made "jointly" responsible for assuring the quality and independence of the Federal judiciary.

The President has won a second term and does not have to run again. He is freer to carry out his desire to be a uniter, not a divider, despite the pleas from the fringes of the party he leads.

Notwithstanding the constant clamor from the right, the public obviously does not support extreme right-wing positions on key court-related issues. Most Americans opposed the effort by some in Congress to order the courts to intrude into private medical decisions in the Schiavo case. Most Americans also rejected the idea that 200 years of Senate history should be reversed in order to give a narrow Senate majority the absolute power to approve extreme judges.

Our constituents wonder why we seem to spend so much time shouting angrily at one another. "Washington" has lost the respect of many Americans because of the atmosphere of confrontation and conflict that pervades Congress and the executive branch. They much prefer us to spend more time and thought on finding common ground. They know that their families, their local governments, their schools, and their own businesses, could not function if they operated in the kind of hostile, polarized environment that often seems to prevail on issues here.

Since the selection of judges is an area where the constitutional Framers placed the decision in the hands of the Senate and the President, we have a special obligation to make choices and take positions that facilitate cooperation and consensus, and avoid choices and positions that provoke confrontation and conflict.

History demonstrates that the Senate and the President can work together on judicial nominations, especially Supreme Court justices. Many of us have been here for the nominations of numerous new Justices—in my case 18 of them. On 13 of those, there was a consensus, with close to 90 percent more of the Senators voting for confirmation. On 5, there was a unanimous vote in the Senate.

It is not difficult to achieve that kind of consensus. We know what the Court needs and what the country expects. Nominees should be excellent lawyers who respect the Constitution, understand the law, and understand and respect the vital role of the judiciary in our Government. Most of the public do not want judges whose goal is to advance a result-oriented agenda, or to take the law on detours of their own. They want judges who proceed from the basic principles that unite us, as reflected in the Constitution and in two centuries of our shared history.

Most Americans would agree with Chief Justice John Marshall that to keep the Constitution relevant and responsive, judges have to be willing to look at it not as an inflexible and technical "legal code," but as a document that sets forth "great outlines" and important goals, with the details to be filled in later, by Congress and the Courts. Certainly, when the Framers wrote the copyright clause of the Constitution, they never contemplated computer downloading, but their objective in that clause is something on which laws and legal decisions can build.

Of course, in the minds of most Americans, what defines this country, and about which our courts must be deeply concerned about is our rights and liberties. That is what our ancestors fought for two centuries ago. That is why the Framers spent so much of their time and effort on a governmental structure and a bill of rights establishing and protecting our freedoms—both freedoms to and freedoms from. That is why we fought a civil war to expand freedom. That is why our ancestors came to these shores in the 1800's 1900's why people everywhere still want to come here. There is no freer place in the world, and we must find judges who agree that their first obligation is to keep it that way: to safeguard those freedoms.

Our judges must therefore be aware of freedom's history, so that they know what happens when we are tempted to dilute bedrock rights and liberties by subordinating them to short-term political expediency. The notorious "Palmer raids" after World War I, the internment of Japanese Americans during World War II, and the McCarthy era during the cold war are obvious examples of past abuses of which Supreme Court nominees should be well aware.

Next only to protection of their freedoms, Americans expect and want fairness. That means the rights and freedoms we cherish must be applicable to all—rich and poor, popular and unpopular, powerful and powerless—especially the poor, the unpopular and the powerless who may have no other recourse. That is what makes America very special among all the nations of the world. Courts cannot cure all the ills of society, but a court system that purports to provide legal remedies for legal wrongs must make those remedies real. It cannot be credible if it erects impenetrable barriers of money, process, or theory that deprive a right of any meaningful reality.

The American people understand that our system of checks and balances is a cornerstone of our basic rights and liberties. They want us to make sure that the judges we confirm will not permit unconstrained Executive power to usurp legislative power or judicial power. They certainly do not want the Congress or the President to control or interfere with the judiciary. They surely want an independent judiciary.

We can look deeper into each of these general principles on which there is a national consensus, and find areas of agreement and disagreement, but they are clearly a guide for choosing a Supreme Court nominee who can achieve a broad consensus in Congress and the country.

We cannot do so if we adopt an ideological standard promoted by a narrow group as the first principle of the process. It makes no sense to delegate the process to groups or their supporters within the government whose personal goal is to limit the range of nominees to those who will advance their own ideological agenda.

Clearly, the choice is the President's. We can help him if he chooses the route of cooperation and consensus. Hopefully, he will not follow the advice of those who want to pick fights instead of picking judges.

I would like to see a wide open process that begins with a search for Republicans in all walks of legal life—not just judges—selected for the quality of their minds and their commitment to the law, rather than for their adherence to extreme ideologies. I am confident such a search would produce a wide range of eligible candidates who might be able to gain a consensus in the legal profession, among the American people and with the Senate.

President Bush has a unique opportunity to unite us, not divide us. He has an extraordinary chance to do so with this nomination and perhaps other Supreme Court nominations to come. If he does, American people and American history will thank him.

Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:38 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. CHAMBLISS).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. There will now be 90 minutes of debate equally divided on the Collins and Feinstein amendments.

Who seeks time?

The Senator from Texas.

Mr. CORNYN. I yield myself 20 minutes from the time allocated for the proponents of the Feinstein-Cornyn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I ask unanimous consent—I think Senator FEINSTEIN has agreed—that I be given 10 minutes immediately after the Senator from Texas.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CORNYN. Mr. President, in the debate on the competing amendments, the Collins-Lieberman amendment and the Cornyn-Feinstein amendment, before I get into the body of my remarks, I want to address some criticism that was lodged at the Cornyn-Feinstein amendment. I believe reference was made to the amendment as being "cobbled together."

I point out to my colleagues that the amendment of Senator FEINSTEIN and myself was not a cobbled-together proposal. Our work was based on work already done in the House of Representatives and in this body as well. We have also worked with a number of cities and States. In fact, our language is precisely the same, or I should say based on Congressman Chris Cox's legislation, H.R. 1544, which passed in the House 409 to 10, hardly indicative of an amendment that was cobbled together.

The question really is, Who should make the decision on how to allocate homeland security dollars? There has been a lot of discussion about how much money should be distributed as a minimum amount and how much should be distributed based on risk. I ask my colleagues to consider in this war on terror who should make the decisions on how best to allocate resources. Should Congress divvy up the pie and decide to distribute money based on how many pieces of pie ought to be cut up, or should those who have access to the intelligence, who know about risk and how best to allocate our resources to address that risk be the ones to make that distribution?

In our military and national defense, Congress provides for adequate training and equipment for the Department of Defense and then empowers the Department to allocate the resources where it believes they will be the most effective.

I suggest to my colleagues that in the war on terror, the rules should be no different. We should empower the Department of Homeland Security with the similar flexibility to respond and marshal resources as needed.

Finally, just by way of preliminary remarks, this morning Senator FEINSTEIN offered a letter for the RECORD from a number of high-threat cities that support the Cornyn-Feinstein amendment. There have been several additions to the list of cities, including Atlanta, Buffalo, Houston, San Antonio, Seattle, and Toledo. I ask that this updated letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JULY 11, 2005.

Re high-threat cities joint working group on homeland security.

Hon. BILL FRIST,
Majority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

Hon. HARRY REID,
Minority Leader, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MAJORITY LEADER AND MINORITY LEADER: As cities on the front line of the war on terrorism, we are writing to express our support for the amendment offered by Senators Feinstein and Cornyn to incorporate S. 1013, the "Homeland Security FORWARD Funding Act of 2005, into the FY2006 Homeland Security Appropriations bill. The Feinstein-Cornyn approach best targets first responder funds to areas of highest risk and highest threat throughout the nation. We also write to support homeland security funding for state and local governments at least at last year's levels. The recent events in London underline the importance of homeland funding for state and local governments.

The Statement of Administration Policy (SAP) issued today, in addressing State and Local Programs, urges Congress to take further steps to increase the share of State grants that can be targeted to where they are needed most, consistent with the President's request. The Statement further notes, when referring to Potential Amendments, that the Administration "supports efforts to allocate a greater share of homeland security grants based on risk and would be opposed to any amendment that would . . . cap funding for high-threat cities while not providing flexibility to distribute over 90 percent of grant funds on the basis of risk, as proposed in the President's Budget." The Feinstein-Cornyn Amendment clearly meets these standards, and the alternative Collins Amendment incorporating S. 21 does not.

The Feinstein-Cornyn Amendment most closely tracks the recommendations of both the 9/11 Commission and the Administration in supporting the principle that homeland security funds should be allocated solely on the basis of risk of terrorism. According to the Congressional Research Service, the Feinstein-Cornyn Amendment would distribute 87 percent of state and local homeland security funds based on threat, compared to only 60 percent distributed based on threat under the Collins Amendment.

The Feinstein-Cornyn Amendment also preserves the critical partnership between the federal government, states and the nation's highest risk areas by maintaining the Urban Area Security Initiative (UASI) program. These UASI regions have for several years been aggressively working to implement comprehensive plans for terrorism prevention and preparedness approved by their States and DHS. Maintaining the UASI program will preserve and sustain the substantial planning, longterm projects, and regional decision-making processes underway. The Collins Amendment would cap the amount of funds that can go to high-threat cities at 30 percent of the total amount of state and local homeland funding. This cap would restrict the high-threat program to a lesser amount than appropriated in previous years.

The homeland security bill as reported by the Senate Appropriations committee would cut homeland security funding to state and local governments by almost a half billion dollars, $467 million less than FY2005. Please restore this funding.

We again commend you on your efforts to increase the amount of homeland security funds distributed based on threat, vulnerability, and consequences of a terrorist attack.

Sincerely,

City of Anaheim, California, City of Atlanta, Georgia, City of Baltimore, Maryland, City of Baton Rouge, Louisiana, City of Boston, Massachusetts, City of Buffalo, New York, City of Charlotte, North Carolina, City of Chicago, —Illinois, City of Cleveland, Ohio, City of Columbus, Ohio;

City of Dallas, Texas, City of Denver, Colorado, City of Jacksonville, Florida, City of Kansas City, Missouri, City of Long Beach, California, City of Los Angeles, California, City of Miami, Florida, City of New York, New York, City of Newark, New Jersey, City of Oakland, California;

City of Philadelphia, Pennsylvania, City of Sacramento, California, City of San Antonio, Texas, City of San Diego, California, City of San Francisco, California, City of San Jose, California, City of Santa Ana, California, City of Seattle, Washington, City of Toledo, Ohio.

Mr. CORNYN. Finally, by way of preliminary remarks, I have in my hand a letter written by the Secretary of the Department of Homeland Security, Michael Chertoff, dated July 12, 2005, where Secretary Chertoff writes to express his concern with regard to amendments that may be offered to change the first responder grant funding formula. Secretary Chertoff says that he welcomes the efforts by Congress to ensure that more homeland security dollars are distributed on the basis of risk, which is precisely what the amendment Senator FEINSTEIN and I have offered does.

I ask unanimous consent that this be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. I rise to join the Senator from California, Mrs. FEINSTEIN, and other distinguished colleagues in urging support for the amendment that we have offered. I am compelled to bring this issue to the Senate's attention because I think it is imperative that we effectively and efficiently protect our most vulnerable assets and population centers, as this amendment is calculated to do. I am grateful for the opportunity to have this debate, and I certainly want to acknowledge the outstanding work that Senator COLLINS and Senator LIEBERMAN have done on homeland security issues generally.

However, the amendment that Senator FEINSTEIN and I offer takes a different approach than the one they have taken. I submit their amendment, as embodied in S. 21, does not achieve the level of risk-based funding necessary to most effectively spend our homeland security dollars.

We have said it often on the Senate floor and elsewhere that 9/11 has changed everything. The attacks of that day were unprecedented in our history, and they brought home the need for similarly unprecedented security measures. In an effort to respond quickly to the devastation that day wrought in our country, the Federal Government created a system that worked to raise overall national emergency preparedness to ensure that we would better guard against another such terrorist attack in the future.

So we embarked on shoring up our airline, transportation, border, and port security. We worked to protect our critical infrastructure, to protect our cyber security, our agriculture and food supply systems. But taxpayer dollars are not limitless. Nor do any one of us want to live in a lockdown that would be tantamount to a police state. Rather, in this free society in which we live, Congress must work to ensure that every penny allocated for our homeland security efforts must be directed where it will do the most good.

It is imperative that we guard the places across our Nation where terrorists may strike and where such strikes could do the most harm to our people, to our Government, and to our economy. I believe this is the most responsible way to prepare for any future terrorist attack.

In addition to the important efforts we are undertaking with regard to collecting and analyzing intelligence, we must take the fight on the offensive where the terrorists work, train, and recruit rather than on our homeland. We need to have a system that will protect our most vulnerable population centers and that recognizes the need to protect the critical infrastructure and vital components of our national economy.

I am reminded of a tour that I took recently of several Texas seaports. I visited with port directors, industry leaders, and emergency responders in and around the ports of Houston, Beaumont, and Corpus Christi. These kinds of facilities and the communities that surround them have enormous security needs, and the consequences of a successful terrorist attack on any of these facilities would be devastating, not just to these local communities but to the economic engine that runs this whole country.

The ripples of a successful attack to any one of these areas would reach well into the interior of our country. We should protect our population centers, but we must also realize that when it comes to protecting our economy and vulnerable critical infrastructure, it is necessary to protect the vital components of these systems and not just the population centers. We must take further steps to secure our agricultural and food production systems and protect the ports that ship products in and out of this country. I believe the amendment offered by Senator FEINSTEIN and myself maximizes this kind of flexibility and this kind of protection.

This amendment would require that the Federal Department of Homeland Security funds be allocated to States according to a risk-based assessment. It is vital that we better allocate our limited resources to the vulnerable places in the country that we most need to protect and that these funds be distributed in an efficient and timely manner.

Senator FEINSTEIN and I have evaluated the 9/11 Commission's recommendations that call for allocation of money based on vulnerabilities. Our legislation provides for a distribution formula for homeland security grants based upon three main criteria: threat, vulnerability, and consequence. This requires States to quickly pass on Federal funds to where they are most needed. This proposal is inspired by the hard work and examination done on this issue by our colleagues in the House of Representatives and in the Senate.

We have also taken input from stakeholders in our respective States and from across the country. It is our hope and intention that by introducing this amendment we can contribute and enrich the public discourse on this critical issue and help move the Nation toward a more rational and effective distribution of our homeland security resources.

Key provisions of this amendment provide establishing a first responder grant board consisting of the Department of Homeland Security leadership that will rank and prioritize grant applications based on threat and vulnerability, enabling a region that encompasses more than one State to apply for funds. The money would still pass through the States but would go to the region to better enable coordination and planning.

This amendment would provide greater flexibility in using the funds, allowing the State to use them for other hazards consistent with federally established capability standards. And it allows States to retain authority to administer grant programs, but there are penalties for States that do not pass funds to local governments within 45 days. If a State fails to pass the funds through, local governments may petition the Department of Homeland Security directly to receive those funds.

In addition to trying to implement a system that was recommended by the 9/11 Commission, Senator FEINSTEIN and I have proposed an amendment that honors the requests of the administration as reflected in the fiscal year 2006 Presidential budget, which calls for awarding funds to meet national preparedness goals and priorities rather than on mandated formulas that bear little relation to need and risk.

It is my concern that our colleagues' alternative approach places too high a priority on providing steady streams of Federal assistance to each State to provide for possible terrorist attacks, with not enough regard to a risk-based consideration. With their proposal, States continue to receive a significant minimum amount, and other States with greater populations and population density get an additional amount. The result, though, is that just over half of the remaining funds are distributed based on risk.

Can the taxpayers afford to keep up that level of support for every State without regard to risk factors as being the predominant concern? Can we afford providing this level of support to every State at the expense of those communities that are most at risk, regardless of whether they happen to be resident in a large State or a small State?

I assert that continuing to spread homeland security funds throughout the Nation without regard to actual risk would be an inefficient approach and would ignore much of what I believe we have learned as part of our efforts to assess our vulnerabilities since the attacks of September 11.

As we have recently learned from the tragic events in London, terror still has the ability and the strength to strike. The effectiveness of our continued vigilance and preparedness relies heavily on the efficient spending of our limited homeland security dollars.

Let me say in closing, at least for this portion of my remarks, I believe Chairman GREGG, the chairman of the Homeland Security Appropriations Committee, and the entire subcommittee have done a very good job trying to address the concerns I have laid out and that Senator FEINSTEIN and I have addressed, our concerns that these funds be primarily allocated on the basis of risk. But I believe we can do better. I believe we can and should do better, and I believe the optimal formula which provides every State with access to homeland security grant funds but which optimizes the receipt and delivery of those funds based on risk, threat, and consequence is the preferable way to go. I urge my colleagues to support the Feinstein-Cornyn amendment.

EXHIBIT 1

U.S. DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, July 12, 2005.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: As the Senate prepares to debate the FY 2006 Homeland Security Appropriations Act (H.R. 2360), I write to express my concern regarding amendments that may be offered to change the first responder grant funding formula. The Department welcomes the efforts by Congress to ensure that more homeland security dollars are distributed based on risk. The Department of Homeland Security strongly supports authorizing legislation that would distribute Federal homeland security grant funds based on risk and need (the delta between the level of capabilities possessed by a particular jurisdiction and the level set by the National Preparedness Goal) according to the President's budget request, rather than on static and arbitrary minimums.

The Administration strongly believes that Federal homeland security funds should be distributed to our first responders based on risk and need. Since the tragic events of September 11, 2001, we have distributed billions of dollars to our Nation's first responders to prevent and respond to major events. For the Department's primary State assistance program—the State Homeland Security Grant Program—we have complied with Congressional direction to distribute grants according to a formula authorized in the USA PATRIOT Act, which divides nearly half the funds evenly among all states. We have also complied with Congressional direction to allocate the remaining funds based on population. As we know through experience, however, the threat posed by terrorists and others that would do us harm is ever changing. We, therefore, must not continue to base the distribution of limited homeland security funds on such a static, inflexible formula.

Instead, the Administration strongly supports a methodology that distributes the greatest amount of funds based on risk and need. This is consistent with the President's budget request for Fiscal Years 2005 and 2006, which supported distributing nearly 90 percent of DHS' homeland security grant programs according to risk and need. We also believe it is important for the Administration and Congress to retain the ability to adjust the balance of state and regional grants each year. Such an approach would still provide a minimum funding level for each state, recognizing that each state has unmet homeland security capabilities. For these reasons, the Administration would oppose amendments that would add new bureaucratic requirements and cap funding for high-threat cities while not providing enough flexibility to distribute over 90 percent of grant funds on the basis of risk.

Further, with the development and implementation of the Interim National Preparedness Goal and the accompanying National Planning Guidance, we now have the requisite tools and resources to make more informed decisions on how to focus our finite resources. In coordination with other Federal agencies, DHS has identified the 36 capabilities that are critical to preventing another terrorist attack and, if an attack does occur, to respond and recover in a manner that minimizes loss of life and other damage. We must focus our state and local preparedness efforts on building those capabilities to the right level and in the right places. Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

The Department would appreciate your support of legislation consistent with these principles, and looks forward to working with you to ensure that communities across the country improve their preparedness to prevent, respond to, and recover from terrorism and other major incidents.

Sincerely,

MICHAEL CHERTOFF.

The PRESIDING OFFICER. Under the previous agreement, the Senator from New York is recognized for 10 minutes.

Mr. SCHUMER. Mr. President, I rise in strong support of the Feinstein-Cornyn amendment or the Cornyn-Feinstein amendment, whichever it may be, because it would distribute a greater percentage of first responder money to areas that need it the most.

First, I thank my colleagues, Senator COLLINS and Senator LIEBERMAN, for their leadership. They have been at the forefront of saying that we needed a new formula. I think all of us in this area agree. I know they are trying their best to balance the interests of smaller States and larger States, an issue in this Republic since it was founded in 1789. While I do not agree with the way they came out, I have a great deal of respect for their efforts to be fair. If I were from a smaller State, who knows, maybe I would be supporting that formula. I hope not, but that might be the case.

But the reason I feel so strongly about the Feinstein-Cornyn amendment is this: The war on terror is a war we probably faced before 9/11, but we probably only realized we were fighting a full-fledged war after 9/11. The war on terror is a serious one, and I have said time and time again we have to make this a two-front war—a good war on offense, which you fight overseas, and a good war on defense, which you fight here at home.

Unfortunately, because of technology, small groups of bad people can hit any place at any time. Technology allows them to do this. So every one of our citizens is on the front line.

I understand that a Senator from Wyoming or a Senator from Maine or a Senator from Connecticut believes, correctly—or a Senator from Georgia, a middle-size State—believes that their people are on the front line. But I have to tell you that you have to live in New York to understand the difference. It is theoretically possible, of course, that terrorists could hit us everywhere, as I said. But it is not everywhere that has been subject to two devastating terrorist attacks. It is not everywhere where 100 members of the police force are overseas, on their own, trying to figure out intelligence to thwart an attack on our dear city. It is not everywhere, where every bridge in New York, every major bridge, has two police officers at one end and two police officers at the other end, 24 hours a day, 7 days a week.

It is not that the other areas are any less careful; it is just the threat and danger is greatest to us. So it seems patently unfair to say that States that might have a threat but do not have as large, as tangible, as repeated a threat—week after week, month after month—should actually get more money on a per capita basis than States such as New York or California or Texas, which are much more on the front lines simply because they have large agglomerations of people. We all know that is where the terrorists want to hit. They want to try to hurt as many people as they can, and our larger cities and larger metropolitan areas have those concentrations.

You do not read in the newspapers and when we have our intelligence briefings up in 407, when you ask what names have been named, you don't hear the smaller cities. You only hear a handful of names, over and over again. They are not the smaller cities. They are not the smaller States. They are the New Yorks and the Los Angeleses and the Washingtons and the Miamis.

I hope my colleagues in this case would rise to the occasion. Again, I understand that every State has needs. As I said, how can I be sure that if I were from a small State I would not want to favor a formula that had more for the small States? But in New York City, we would like to get a lot of corn subsidies or oil subsidies, but we don't have much corn or oil. This provision is aimed at threat. It is not something good to have, it is something bad to have, but it is only fair and it is only right that we make this as threat-based as possible.

The great irony is that at the very time when the administration, under Mr. Chertoff's leadership, has made pledges that their discretionary dollars, which is now 60 percent, would be threat-based, we in the Senate are making the formula less threat-based. The great irony is that, if we gave 100 percent of the money to the administration, the areas under the greatest threat would do better than under this proposal. That often doesn't happen when you are from New York City, but this is the case right now.

I hope we rise to the occasion. To have Wyoming get $38.31 per capita while New York gets only $5.47 per capita doesn't look like a formula based on threat but looks like a formula based on politics, to me. So we can change this around. The Cornyn-Feinstein bill does not go all the way to make it totally threat-based, but at least it restores some of the balance and makes it fair. I hope my colleagues will rise to the occasion and support a bill that we all know is ultimately the right thing to do. Support the Cornyn-Feinstein amendment which will give the areas under the greatest threat the greatest amount of dollars.

I yield the remaining time to my colleague from California, who generously ceded to me the 10 minutes I was granted.

Mrs. FEINSTEIN. Thank you. We reserve the remainder of that time.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I yield 15 minutes to the Senator from Connecticut, who is the chief cosponsor of the Collins-Lieberman amendment.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 15 minutes.

Mr. LIEBERMAN. Mr. President, this is an important debate. I wish to give a little background to it because there is a sense in which what is said up here is a contest between the Collins-Lieberman amendment and the Feinstein-Cornyn amendment. Both of these amendments are amendments to the underlying bill. It is in that sense I urge my colleagues to consider the Collins-Lieberman amendment first.

There is some history to this amendment. It just didn't arise up in response to this Homeland Security appropriations bill, but from our committee; Senator COLLINS is the chair and I am the ranking Democrat on the Homeland Security and Governmental Affairs Committee. This is the committee from which the Department of Homeland Security emerged as an entity to be adopted by the Congress and signed and implemented by the President.

We have been concerned about these homeland security grants because, if I am correct, we had some testimony that there was not another grant program of this size, over $1 billion—over $2 billion, actually, last year—that did not have an authorization, that just sort of was in the air.

We wanted to create an authorization for it. We also wanted to create some accountability. This is a lot of money. We, as Senator COLLINS has indicated, create a series of auditing and review processes to make sure the people's money is well spent so we do not find the kind of wastefulness of which Senator COLLINS has given examples. So that is the first thing. The bill, S. 21, that passed our committee overwhelmingly—as a matter of fact, I believe it passed on a unanimous voice vote, bipartisan obviously—becomes this amendment, so it creates an authorization.

Second, it creates a formula. Because the formula has been changing from year to year at the judgment of the Department of Homeland Security and the administration, it doesn't give a predictable flow of funds to the local communities that are trying to prepare themselves to protect us from a terrorist attack, which could occur anywhere in this country.

The second part of it is, how do you allocate the money in the formula? That is what now is at issue between the two amendments that are being debated, the Collins-Lieberman and the Cornyn-Feinstein amendment.

Senator COLLINS and I very strongly believe that our amendment, the committee proposal, is balanced. The choice seems to be, do you allocate based totally on risk assessments or do you allocate based on risk assessments and then give some minimum amount to every State in the country because we are not sure where the terrorists are going to strike next?

My friends who are supporting the other amendment sometimes have seemed to describe what is at issue here as a choice between a congressionally mandated, politically inspired—some dare use the word pork barrel formula—on the one hand and an intelligence-driven, pure risk-based approach determined by the Department of Homeland Security on the other hand. Not true. In fact, contrary to what my friend from New York, Senator SCHUMER, just said, it is not really a battle between big States and small States. It is a much more complicated but very crucial argument here as to how you assess risk in an age of terrorism, post-9/11, when our homeland was struck and 3,000 people were killed.

Sometimes my friends supporting the Cornyn-Feinstein amendment speak about risk assessment as if it were pure science, as if it were an exercise that was 100 percent predictable, as if one could say 2 plus 2 equals 4. That is right, you can say that: 2 plus 2 equals 4. You cannot make that same kind of certain conclusion about risk assessments regarding where terrorists will strike. The fact is, forgive me—maybe don't forgive me—terrorists are inherently irrational, insane, crazy, inhumane. So how could we predict where they are going to strike next?

We understand one of the factors they consider is the visibility of an attack. Presumably that is one of the reasons why they struck on September 11 in New York and in Washington. But that is not the only motivation they have. Their motivation is to create panic and fear in our society.

In fact, they have not always struck major population centers. Remember the disco attacks in Bali, a resort area. Why was that done? There are westerners gathered there, and it was done to terrify people in an area where they would not expect to be attacked. What about the school in Beslam, Russia? That was not a major population center. That was carried out in a community similar to thousands of communities across America for the psychological impact as well as the brutal effect on the children who were there.

When we talk about risk analysis, it is not a certainty. It is an educated guess about where the terrorists are going to strike next. The most likely guess, an educated guess about where they will strike in the United States.

But does that justify not continuing to fund the Homeland Security grants, the local law enforcement personnel all across America in other medium-sized cities and small cities? What about the risk everyone talks about of attacking our food supply or poisoning our water supply? That risk is not in the cities designated, according to the conventional risk analysis, as high risk.

The 9/11 Commission said our failure to be better prepared for September 11, our failure to do more to prevent it was what they described as a "failure of imagination." What did they mean? We could not imagine that people would do what the terrorists did on September 11. And they were right. Therefore, as we think about how best to protect America, we have to put ourselves in the perverse and hateful heads of terrorists. There is all too much of a plausibility that terrorists want to strike not just the major population centers but smaller towns, places where people congregate. Want to create real panic in the United States? Do something like that.

For us to assume, based on essentially an educated guess that is risk analysis, that all the communities around the country that need our help should not get some amount of help seems to me to be without foundation.

Senator COLLINS was very compelling yesterday when she said also that if we take the September 11 attacks and look at places around America where those 19 terrorists gained access to the United States—Portland, ME, for instance; they took off from Portland to head to New York; the small towns where they trained in flying planes, where they acquired equipment to carry out their deadly deeds—we need to provide the kind of support that the Collins-Lieberman amendment provides to law enforcement officers all across America, the 700,000, God bless them, out there risking their lives every day for us.

They are the first responders. But they are also the first preventers, the ones whose eyes and ears are all across America. They see that piece of evidence that makes them suspicious; that can be the thread that will unravel the next terrorist plot, even one targeted toward one of the areas that is higher risk according to these risk assessments.

Senator COLLINS and I tried to balance this. We have deferred to the current risk analysis. We give effectively 60 percent and as high as 70 percent when we follow our sliding scale of money under this grant program to higher risk analyzed places in America. But the rest deserve some support, too. The rest merit some protection, as well. Bob Mueller, the FBI Director, said America is awash in targets. America is awash in possible vulnerable targets for terrorists—and they are all over America. We want to respond in a positive way and work to protect all of America.

This chart is a map of the United States of America. It is a comparison of the impact of the Collins-Lieberman amendment compared to the Feinstein-Cornyn amendment. All the States in green would get more funds under the Collins-Lieberman amendment than under the Feinstein-Cornyn amendment. The big States would also do fine. They get that extra money because of risk analysis. And we defer to that, but we do not yield totally to it.

Incidentally, we have some big States that receive more money under our proposal than under the other, including Texas, Florida, Michigan, and Ohio. Senator LEVIN will explain why, coming from Michigan, he strongly supports this amendment. I hope Members will keep this chart in mind when voting.

The second point. I go back to what I said at the beginning. This is an amendment to the underlying Homeland Security appropriations bill. In addition to the argument about risk and the formula, there is a difference of opinion about money. We have all been talking about this with an intensity after the dreadful attacks in London last week. The current appropriations bill would cut funding in these grant categories from $2.3 billion down to $1.9 billion. Senator COLLINS and I and members of our committee believe that is not enough.

I say again what I have said before: We have the best military in the world for a lot of reasons, one of which is we have had the guts to invest in that military, to spend the money on it. We will only have the best homeland defense if we similarly invest. This amendment would raise the authorization level up to $2.9 billion. That is the least we can do to support our local and State efforts, our first responders and first preventers.

I hope, as our colleagues come to vote on these two amendments at 5 o'clock, they will understand not only the differences in the approach on risk formula, but the differences between our amendment and the underlying appropriations bill.

In the moment or two remaining, I will speak a little bit about how the Collins-Lieberman amendment improves on H.R. 2360, the underlying bill. We provide States with predictable funding over time. The appropriations bill adopts a different formula this year than last year and may adopt another formula next year. That does not help our local first responders, preventers, Homeland Security agencies in planning and protecting America.

Second, our amendment includes a sliding-scale baseline different from the Appropriations Committee proposal that provides additional guaranteed funds to the largest and most densely populated States.

Third, the amendment provides an overall framework for how Homeland Security funds are to be distributed.

Fourth, there are accountability measures designed to ensure that the grant money is spent properly and effectively. There are no accountability measures in the Appropriations Committee bill. Incidentally, there is no dollar number in the Cornyn-Feinstein amendment as compared to our $2.9 billion and the Appropriations Committee's $1.9 billion.

Finally, fifth, our amendment does improve the grants process itself compared to the underlying bill. The Collins-Lieberman amendment does not just establish a formula, it includes measures to streamline and improve the Homeland Security grants process. That includes provisions on applications, planning, and reporting measures to encourage regional coordination, so important in protecting our people from terrorism.

We establish a list of essential capabilities for all jurisdictions so that the Homeland Security Department and the localities understand what capabilities the experts feel they should develop in the local areas to be prepared to prevent, and God forbid, if an attack occurs, to respond to a terrorist attack. And it creates an interagency committee to find ways to eliminate redundant and duplicative requirements for the Homeland Security grants across the Federal Government.

In short, our amendment takes a far more comprehensive approach to the first responder grants than the underlying bill. On that basis alone, not to mention the fairness of our formula, I urge my colleagues to support the Collins-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mrs. FEINSTEIN. Mr. President, I yield 10 minutes to the Senator from Florida, Mr. MARTINEZ.

The PRESIDING OFFICER (Mr. COLEMAN). The Senator from Florida is recognized for 10 minutes.

Mr. MARTINEZ. Mr. President, I rise today in support of the Feinstein-Cornyn amendment to the fiscal year 2006 Department of Homeland Security appropriations bill.

The concept of this amendment is simple—to direct homeland security dollars to the areas where the threat of attack is greatest.

It was no accident that when the terrorists attacked our Nation on that September morning they chose to strike at our two most powerful cities, our center for capitalism and commerce, New York, and our center of Government, Washington.

Since that fateful day, we have been fortifying our Nation in order to prevent another attack—and so far we have succeeded—but we must remain vigilant.

And just last week London was hit by a string of deadly terrorist bombings, another heinous and despicable act performed by outlaws too weak to show their face and too naïve to know that this recent attack will only strengthen our resolve to hunt and destroy terrorists and their sympathizers wherever they lie. My heart goes out to our allies and friends in Great Britain and I know all of my colleagues join me in expressing our sympathy and solidarity with the British people.

It was no accident that when the terrorists attacked our Nation on September 11, 2001, they picked powerful, high-profile, and heavily trafficked targets.

Terrorists target areas where they can inflict the most damage and get the most attention, and for those reasons they focus on urban centers, areas of national importance, areas that are highly populated.

But if you include the interests of a region—be they tourist attractions, amusements parks or resorts, at any-one time there can be millions of visitors.

For instance, Orange County, FL, is one of the top vacation destinations in the world. In 2003 the region played host to over 45 million visitors.

On March 18, 2003, the Federal Aviation Administration imposed a no-fly zone over the Walt Disney World Resort area—because, according to an FAA spokesperson: "The Disney parks are a potential target of symbolic value . . ." Florida is also home to 14 deepwater ports, many of which are nationally significant and critically important parts of our country's shipping infrastructure.

For example, at the Port of Miami nearly 4 million cruise passengers passed through the Port and over 9 million tons of cargo transited through the seaport. This combination of cruise and cargo activities supported approximately 98,000 jobs, and has an economic impact in Miami-Dade County of over $12 billion.

The Port of Tampa had over 800,000 cruise passengers and handles nearly 50 million tons per year, or half of the State's total seaborne cargo tonnage. The Port of Tampa is also the largest economic engine in west central Florida.

Again, these examples highlight the issues associated with regional influx.

The whole State of Florida, in fact, now plays host to 77 million tourists a year. That is on top of our 17 million person population.

We cannot overstate the importance of regional concepts and that models created by this amendment will encourage funding to be spent not only on our major cities, but also on those regional centers that require certain protections.

One more point. In a letter. In a letter dated today from Homeland Security Secretary Michael Chertoff, he writes:

> Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

Secretary Chertoff adds:

> The Department of Homeland Security strongly supports authorization language that would distribute Federal homeland security grant funds based on risk and need, rather than on static and arbitrary minimums.

This amendment, the Feinstein-Cornyn amendment, meets Secretary Chertoff's desire, and that is to require the Department of Homeland Security to allocate grants to States based primarily on threat assessment and vulnerability. I believe that kind of discretion to the Secretary of Homeland Security will only enhance his ability to keep our country safe and to respond to the areas of most critical and immediate need and concern.

As a Congress, we must be prudent in appropriating funds to meet our essential capabilities. The ability to meet the risk to our Nation by reducing our vulnerability to attack is essential to our success in defending America in this war on terror.

Mr. President, I ask my colleagues to join me in supporting this important amendment. It is currently a time in which we have been reminded by the events of last week of the importance that we must place on our homeland security, on the security of our Nation in order that we might be able to forestall any future terrorist designs upon our Nation.

I believe the people of Florida will be best served by an approach that bases the decision on the Department of Homeland Security of where the grants may go on the risk and the perceived assessment of that risk and not on some static formula.

Thank you, Mr. President. I yield the remainder of my time back to the Senator from California.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, at this time I would like to yield up to 10 minutes to the Senator from Michigan. I thank the Senator from Michigan for his many contributions to this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank the Chair. Let me thank our chairman, Senator COLLINS, for all the work she has put in on this bill. It is a vast improvement over the formula and over the proposal of the administration, which came to us and which was worked on very hard by Senator COLLINS, Senator LIEBERMAN, and others on the Homeland Security and Governmental Affairs Committee. What we will be voting on at 5 o'clock will be two amendments. The first amendment will be the Collins-Lieberman amendment, which is a significant improvement, it seems to me, from the vantage point of almost every State over the administration proposal. It is that amendment that I want to talk about and which I am proud to cosponsor.

For the past 3 years, the State homeland security grant program has distributed funds using a funding formula that arbitrarily sets aside a large portion of the funds to be divided equally among the States regardless of need. This formula disadvantages States with high populations. While other Federal grant programs provide a minimum State funding level to ensure funds reach all areas of the country, the State minimum formula which has been used to allocate State homeland security program funds in the underlying bill and which was in the administration's proposal—let me correct that—in the underlying bill, the underlying bill is unusually high. The underlying bill basically is a .75 percent minimum guarantee, which is similar to the one which has been in effect until now, and this is an unusually high minimum formula when compared to other formulas in other bills. The most common minimum formula in most programs is .5, one-half of 1 percent.

The .25 percent minimum is more common than the .75 percent minimum. Yet in the bill before us—and I misspoke before when I said the administration's proposal. In the appropriations bill before us it is effectively a .75 percent minimum guarantee, which is significantly higher than most of the kinds of guarantees which have existed in programs similar to this where .5, half of a percent, is the most common formula and, in fact, one-quarter of 1 percent, or .25, is more common than the .75, or three-quarters of 1 percent, which is effectively the minimum guarantee in the Appropriations Committee's report.

We have been working hard to come up with a more equitable formula. We worked very hard, as the Presiding Officer knows, in the committee on which both of us serve. It is a very difficult issue to reach a consensus, and yet we came to a very near consensus in committee. It wasn't unanimous, but it was close to unanimous in committee because of the hard work particularly of our chairman and our ranking member to come up with a formula which would try to treat all of our States equitably.

We did a number of things, but perhaps the most significant addition we made to what has been the practice is that we added a new option basically for high population or high population density States so that they could choose in effect either between the minimum formula of .55 percent, which is in the Collins-Lieberman amendment, or select another formula which is based more on population and population density. Almost all of our States—not quite all but almost all of our States—as a result of that option that is built into the Collins-Lieberman amendment do better than they do under the bill which is pending before us.

The underlying appropriations bill that provides funding for homeland security grants provides that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005, and that is what essentially leads to the conclusion that that would be a .75 percent base State funding formula that arbitrarily sets aside a large portion of funds to be divided equally among the States regardless of need.

The authorizing committee—it is a key point here—the Homeland Security and Governmental Affairs Committee is the authorizing committee—after holding hearings and going through a markup passed this compromise formula language which is in the Collins-Lieberman amendment before us, which would allow States to choose either the .55 percent of the total amount appropriated for the threat-based homeland security grant program or—and this is the addition which is so critical to so many of our States—a minimum amount based on a State's relative population and population density. This option for States will provide additional guaranteed funds to the largest and most densely populated States. The remainder of the total funds, approximately 60 percent, would go to the States and regions based purely on risk and threat assessment by the Department of Homeland Security using factors set forth in the amendment—and that is another important point—that the factors for the Homeland Security Department to consider are set forth in the amendment. And then up to half of the remaining funds could be allocated in the discretion of the Department to metropolitan areas.

The amendment sets some guidance, in other words, on the factors to be considered in allocating risk-based funding.

Mr. President, this amendment that is before us represents a compromise. It is a compromise that has the support of small States and many of our largest States and our most populated States. Perhaps not all of them, although I believe by any measure, by any measure, the Collins-Lieberman amendment before us advantages even the most populated States compared to the bill that it seeks to amend.

There will be a later amendment that will be voted upon that from the perspective of a number of States would be an improvement over Collins-Lieberman, but that is not what people have to vote on, as to whether they support Collins-Lieberman or the Feinstein amendment. People could vote for both amendments. It is not one amendment substituting for the other. This is not a decision as to which is better, vote only for one. From the perspective of some States both of the amendments would be an improvement over the underlying bill.

The reason I am cosponsoring the Collins-Lieberman amendment is I believe it is the result of a carefully crafted compromise which adds a number of critical factors that do not exist in the way funds have been distributed up to now. The addition of the option for the population density factor is a significant improvement over the underlying bill which basically reflects the way funds have been apportioned to now. And the fact that there are also factors which are laid out in the bill to be considered by the Department means that all of us can see when it comes to the discretionary decisions by the Department the factors that the Department is to take into account when apportioning those funds. These are significant improvements in the underlying bill. I believe, for almost every State here. I repeat, the fact that an amendment that we will be voting on subsequently may be better even from the perspective of a number of States should not cause people to vote no on the Collins-Lieberman amendment, which from the perspective, I believe, of almost every State is an improvement on the underlying bill which is before us.

So I commend the Senator from Maine and the Senator from Connecticut for working so hard to try to find a bipartisan approach, an approach which has great equity in it for all of our States greater than, surely, the present status quo, which needs to be changed but which I am afraid would be perpetuated if we simply adopt the Appropriations Committee proposal and if we defeat the Collins-Lieberman amendment. I hope that amendment will be greeted with strong support on the floor because it does represent an improvement from the perspective of almost all if not all States over the underlying status quo.

I thank the Chair. I yield the floor.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 17 minutes 26 seconds remaining.

Mrs. FEINSTEIN. I think this small chart describes both amendments. The underlying appropriations bill has $1.39 billion. That is 70 percent of the money. Under the Collins-Lieberman amendment, $1.155 billion is based on risk. That is 60 percent. And under the Feinstein-Cornyn amendment, $1.667 billion is based on risk. That is 87 percent. The source is the Congressional Research Service. The Congressional Research Service was called again this morning. They stand by these figures.

Now, let me quickly bring to your attention the position of the administration. The position of the administration is set out in a letter of July 12 signed by Michael Chertoff to Members of the Senate. Let me just read a few parts.

> The administration strongly believes that Federal homeland security funds should be distributed to our first responders based on risk and need.
>
> The Administration would oppose amendments that would add new bureaucratic requirements and cap funding for high threat cities while not providing enough flexibility to distribute over 90 percent of grant funds on the basis of risk.
>
> The administration's position is 90 percent of grant funds should be distributed on the basis of risk. The closest amendment to that is Feinstein-Cornyn at 87 percent of grant funds distributed on the basis of risk.

And here is the reason that DHS gives.

> DHS is identifying 36 capabilities that are critical to preventing another terrorist attack and, if an attack does occur, to respond and recover in a manner that minimizes loss of life and other damages. We must focus our State and local preparedness efforts on building those capabilities to the right level and in the right places. Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner.

Mr. President, I could not agree with that more. That is why we feel so strongly about our amendment. You have to send the money where the need is.

You have to send the money where the anticipation is that there might be an attack, where the intelligence says—not this body; we don't know—this Nation is vulnerable. What Senator CORNYN and I have tried to do is see that there is enough flexibility to get enough of that money out there. The President has set the standard at 90 percent. Our bill comes to 87 percent.

Unlike the Collins-Lieberman amendment, the Cornyn-Feinstein amendment retains the high-threat cities' Urban Area Security Initiative Program. This program and these regions—some 50 cities—have for several years been aggressively working to implement comprehensive plans. They remain intact, unless the Secretary of Homeland Security decides to the contrary. I included in the RECORD previously the letter from them containing 30 of the cities.

It is actually true this body can vote yes on both amendments. But my view is this: We are spending billions and billions on intelligence. We are beefing up every aspect of intelligence, creating new entities, improving interfacing, giving this huge new Department of Homeland Security all kinds of analysis responsibility. But we are also giving them a formula by which they have to allocate the money. That makes no sense at all. Let them do it on the basis of risk. Let them do it on the basis of threat and vulnerability. Let them move money around as the need indicates.

I don't believe there is anyone in this body who is prescient enough to know where al-Qaida or Gama'a al-Islamiyya or any other group might attack the United States next. One thing we do know, there are terrorist cells in this country, and they are geographically spread across the country. There is no question about that. So why shouldn't the money be based on risk and threat?

This amendment does that: 87 percent of the funds, $1.667 billion, based on risk. The administration's standard is 90 percent. Our amendment comes closest to that standard.

Mr. President, I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from California and the Chair.

I want to clear up some of the confusion that took place this morning in our debate over these amendments on homeland security funding. First, I want to make it absolutely clear that we have checked continuously with the CRS. Their report sent to me about the effects of the amendment proposed by Senators COLLINS and LIEBERMAN to this appropriations bill is absolutely accurate. They confirm that the ratio of funds directed to the high-risk areas is at 60 percent and the other distribution is 40 percent. So we take it away from the highest risk areas. The Senator from Maine earlier suggested that CRS has somehow disavowed their memo. That is not so. Again, we have talked to CRS recently and have been assured that the memo sent to me is valid and accurate.

The CRS memo sent to me summarizes how much money the Collins amendment would direct to risk and how much to State guarantees. In a nutshell, the report finds that the Collins-Lieberman amendment would only provide 60 percent of the funding based on risk. The CRS report goes on to explain that the underlying appropriations bill would provide 70 percent of the funding on a risk basis. CRS reports this is a difference of over $183 million. That is over $183 million that Secretary Chertoff wanted to send to the highest risk places.

We don't want to tie the Secretary's hands. The administration has been very clear about what they want. They want to put the money where the risk is. That is what makes the most sense.

I have said in the past we are the second theater of war to Iraq because we know that at any time our enemies could attack, and they are not telling us when or where. The fact is, we are all under the misgiving that what happened in London and what happened at the World Trade Center and what happened in Madrid could happen here. How dare we say: No, we have to distribute around to other places. Everybody wants to protect their constituents, small towns, large cities, whatever it is. I don't blame people for that. But when you have a plague in an area, you give the vaccine, if you have it, to the people who live in that area. When you have an attack on the water, you send the ships to the area. Why in the world are we deciding here and now that we shouldn't give the money to the areas of highest risk?

In my State, a place called South Carney, NJ has a significant chemical manufacturing and distribution operation. If that was attacked and those chemicals were released into the air, we could see 12 million people die. We saw the terrible events in London. It has been said that a couple seconds either way could have created a much higher casualty figure.

Today you heard from the Senator from California that Secretary Chertoff wrote a letter to all Senators. I repeat:

> The administration strongly believes that Federal Homeland Security funds should be distributed to our first responders based on risk and need.

You have heard again that Secretary Chertoff wants the flexibility to distribute up to 90 percent of the funds based on risk. Ninety percent is a lot different than a mere 60 percent.

We can't legislate risk. It is that simple. We need to leave this to the experts. Secretary Chertoff is developing analytical tools to target areas of risk and vulnerability. We confirmed him almost unanimously. Now we should let him do the job he has been selected to do.

The 9/11 Commission was adamant that we must distribute homeland security money based on risk. I have talked to former Governor Tom Kean, a distinguished public servant and head of the Commission, about this subject. He continues to demand that we move toward risk-based funding. I remind the Senate that Secretary Ridge, before Secretary Chertoff, supported full funding to go to the areas of highest risk.

There was an arduous effort put into the creation of an intelligence reform bill, led by Senators COLLINS and Senator LIEBERMAN. I say to them: Let's help the administration target real areas of risk and vulnerability. Let's make sure we understand that the authorization for the bill was at $2.9 billion, around that, and the appropriations bill is at $1.9 billion. So on the surface it does look like there is more coming to everybody. But it is not true. The fact is, we should not be taking money away from the highest risk areas and dividing it based simply on population.

I hope we will approve the Feinstein amendment and reject the Collins amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, would the Chair inform me how much time is left on the Collins-Lieberman amendment?

The PRESIDING OFFICER. There is 18 minutes 51 seconds.

Ms. COLLINS. Mr. President, I am pleased to yield 5 minutes to the Senator from Nebraska, who has played a very important role in crafting this legislation.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I thank my colleague from Maine for the opportunity to rise in support of the Collins amendment today. I am also a cosponsor of the bill she and Senator LIEBERMAN have introduced, S. 21, the Homeland Security Grant Enhancement Act of 2005. Each year since the attacks on the Pentagon and World Trade Center, many of us have come to the floor to remind our colleagues that terrorism is not only a threat faced by States with large urban populations but also States with large rural populations. Since September 11, States and communities of all sizes have made great strides in preparing for another possible terrorist attack.

Based on the National Strategy for Homeland Security's principle of shared responsibility, Federal, State, and local governments, together with the private sector and the American people, work in partnership to ensure our first responders are well equipped and well trained. States and local governments are responsible for preparing and implementing multiyear plans to ensure our Nation's first responders receive the equipment and training they require. This year we turn our attention to the fiscal year 2006 Homeland Security appropriations bill following the devastating terrorist attack on our closest ally in the global war on terrorism. The coordinated attacks in London last week remind us that Islamic totalitarianism is still a threat to our democratic values and ideals and not solely confined to the borders of Iraq or the Middle East. The bombings on the subway and bus lines in London underscore the fact that terrorists will attempt to attack us when they choose, how they choose, and where they choose. And because terror can strike us anywhere, it is vitally important that our first responders have the funding they need in order to prepare for most, if not every, imagined threat.

Each year we look for better ways to provide homeland security funding for States, be they large or small. The amendment offered by my colleague from Maine would achieve something that has not happened yet with respect to first responder funding. It would provide much needed predictability for our first responder planners. Because there has never been an authorization for this funding, each year, these programs are subject to great debate and amendments on the Senate floor, leaving our city and State officials without any sort of certainty in their preparedness planning. In the years since the attacks of September 11, 2001, the Federal Government has provided States with a share of available homeland security funds through the State Homeland Security Grant Program, SHSGP. This program has been the primary source of coordinated funding for first responders, allowing States and local governments to build a base capacity by funding essential prevention, preparedness, response, and recovery capabilities. In past years, States have been guaranteed a minimum of .75 percent of these funds.

The Collins amendment would modify the State funding program in three primary ways. First, it would combine three programs into one larger pot of funding. The SHSGP, with the Law Enforcement Terrorism and Prevention Program and the Urban Area Security Initiative, would now become one pool of money to be shared among the States. Second, it would authorize $2.9 billion in total funding for the three programs. This is important because the trend has clearly been to decrease this amount. Last year's bill included $2.7 billion in first responder funding, and this year's underlying Senate bill only includes $1.9 billion for these programs.

Third, it would set the funding formula so that each State would be guaranteed a minimum level of funding, .55 percent of the total funding of the program. The remainder of the funds would be distributed based on risk. This guaranteed funding stream is critical for all of our smaller States. For many of our States, this guaranteed minimum will be most, if not all, of our first responder funding. I am not advocating that homeland security funds be diverted from high risk areas. But, rather, I am saying that rural and smaller States also need assistance in securing their communities and preparing for a possible attack. States set their own priorities when it comes to preparing for terrorist attacks.

The PRESIDING OFFICER. The Senator's time has expired.

Ms. COLLINS. Mr. President, I yield 30 more seconds to the Senator.

Mr. NELSON of Nebraska. Mr. President, our amendment would give the smaller States the ability to have continuity and predictability in budgeting for their plans. I think it suffices to say that our country is only as safe as our weakest vulnerability. We need to make sure every part of the country is prepared, regardless of location or size. The citizens of America expect that everything possible is being done to prevent another terrorist attack, and they expect that if another tragedy were to occur, the response and recovery will be immediate, well coordinated, and well trained.

The Collins amendment will strengthen regional efforts and increase every State's ability to protect both its urban and rural critical infrastructure. Whether it is the protection of an urban shopping mall or the prevention of a rural bioterrorism incident that would affect our food and water supply, these infrastructures in every State must be protected. I urge my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 12 minutes 42 seconds.

Ms. COLLINS. Mr. President, I yield myself 9 minutes.

Let me make some concluding remarks about the impact of the amendment offered by our colleagues, Senator FEINSTEIN and Senator CORNYN. The fact is that the amendment would decimate the predictable funding levels for States. The minimum in the Feinstein-Cornyn amendment is only .25. It is simply too low to support the efforts by States to have a predictable base level of funding each year to fund multiyear projects, such as creating interoperable communications networks, first responder training programs, or the agriterrorism project that the Midwestern Governors are eager to establish.

I will give you a couple of examples of what the differences would mean. Assuming the Senate bill's appropriation level under our amendment, the State of Georgia could plan on receiving a base amount of $15.3 million. Under the Feinstein-Cornyn amendment, Georgia would be assured of getting only $2.4 million as a minimum allocation.

Under our amendment, North Carolina would receive a base of a little over $15 million. But under Feinstein-Cornyn, the State could only count on $2.4 million.

Under our amendment, Florida would receive a base amount of more than $30 million because of the sliding scale minimum. But under the Feinstein-Cornyn amendment, Florida would only get $2.4 million.

Furthermore, the Feinstein-Cornyn amendment's lack of predictable funding inhibits the ability of States to plan. Both our colleagues' amendment and the Collins-Lieberman amendment would require States to submit 3-year State homeland security plans. Yet, the Feinstein-Cornyn amendment does not provide a predictable base, so such plans would not be a fruitful exercise.

For example, the Feinstein-Cornyn amendment requires that the State plan include "a prioritization of needs based on threat, vulnerability, and consequence assessment, and a description of how the State intends to address such needs at the city, county, regional, tribal, and interstate level."

I simply fail to see how a State could satisfy these ambitious requirements without any assurances that it would receive a significant base amount of funding. Because our amendment provides States with that predictable, substantial base allocation, the 3-year plans would actually become useful roadmaps and would allow for more efficient expenditure of homeland security funds. That is why our amendment is strongly supported over the Feinstein-Cornyn amendment by the National Governors Association.

Mr. President, the Feinstein-Cornyn amendment shortchanges funding dedicated to the prevention of terrorism attacks. It simply does not provide the kind of assured funding needed for law enforcement to help detect and prevent attacks before they occur. Indeed, it takes significant steps backward from what Senators GREGG and BYRD have included in the underlying bill.

The underlying bill appropriates $400 million for the Law Enforcement Terrorism Prevention Program, which provides funds for police, sheriffs, and other law enforcement personnel to stop terrorist activity before it occurs. By contrast, the Feinstein-Cornyn amendment actually swallows up the existing law enforcement terrorism prevention program, without ensuring any funds whatsoever—any funds whatsoever—for our police, sheriffs, and other law enforcement personnel.

In other words, all of the funding under the Feinstein-Cornyn amendment could be used to prepare to respond to terrorist attacks, leaving efforts to prevent such attacks entirely up to our States and communities.

In sharp contrast, the Collins-Lieberman amendment would formally authorize the Law Enforcement Terrorism Prevention Program and ensure that prevention efforts are adequately protected by treating them as a separate program with different allowable uses than response efforts. That is why the law enforcement community has overwhelmingly endorsed our amendment.

The Collins-Lieberman amendment enjoys the support of the National Troopers Coalition, the Fraternal Order of Police, the National Association of Police Organizations, the International Union of Police Associations, the Association of Chiefs of Police, and the list goes on and on, including the International Brotherhood of Police Officers, the National Organization of Black Law Enforcement Executives, and the National Emergency Management Association.

I ask unanimous consent that the letters from these and other organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LETTERS OF SUPPORT FOR S. 21

NATIONAL TROOPERS COALITION,
Green Bay, WI, June 9, 2005.

Hon. SUSAN M. COLLINS,
Chair, Homeland Security and Governmental Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN COLLINS: On behalf of the 40,000 state troopers and highway patrol men and women represented by the National Troopers Coalition (NTC), I would like to express our support of S. 21. "The Homeland Security Grant Enhancement Act of 2005."

By bringing together existing programs and initiatives addressing homeland security, this legislation will help streamline and rationalize the process by which grants are made to individual cities and metropolitan regions based on relative threat, vulnerability, and consequences faced by an area from a terrorist attack.

As a nationwide organization, the NTC feels the funding formula proposed in this bill promotes a better level of preparedness and brings some predictability to states for planning purposes. In addition, S. 21 adopts new accountability measures to ensure homeland security grants are used effectively and appropriately.

We appreciate your leadership and support of the law enforcement community, and would like to offer any assistance we can provide for the successful passage of S. 21.

Sincerely,

CASEY PERRY,
Chairman.

FRATERNAL ORDER OF POLICE,
Washington, DC, June 21, 2005.

Hon. SUSAN M. COLLINS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

Hon. JOSEPH I. LIEBERMAN,
Ranking Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MADAM CHAIRMAN AND SENATOR LIEBERMAN: I am writing to advise you of the position of the Fraternal Order of Police on S. 21, the "Homeland Security Grant Enhancement Act," which was favorably reported by the Committee on Homeland Security and Governmental Affairs in May of this year.

Almost four years have passed since the terrorist attacks on New York and northern Virginia, and at that time it has become clear that the current system of distributing Federal homeland security grants needs to be reformed. Under the current system, not enough of those funds are being targeted to our Nation's primary goal-preventing future terrorist attacks. Your legislation recognizes the fact that the majority of Federal funds have been directed toward "recovery and response" operations, too often at the expense of efforts to prevent future attacks. The Homeland Security Advisory Committee (HSAC) Task Force on State and Local Homeland Security Funding reached this conclusion in its final report, issued last June:

The Task Force found that the vast majority of funds received thus far by State, county, municipal and tribal governments have been spent on emergency response equipment and related training. . . However, the Task Force also notes that the loss of life, human suffering, social instability, and financial repercussions that would result from a successful terrorist attack mandates that State, county, municipal and tribal governments take aggressive, objectively measurable, and well planned steps to prevent such an attack from occurring. . . Accordingly, the Task Force strongly recommends that State and local governments consider allocating these and future resources to enhance the ability of State, county, municipal and tribal governments to detect and prevent future acts of terrorism.

The Fraternal Order of Police strongly agrees with the findings of the Task Force and believes that the best way to ensure that these resources are used for prevention is the authorization of the current Law Enforcement Terrorism Prevention Program (LETPP), which is designed to assist law enforcement agencies in developing the capabilities to detect, deter, disrupt, and prevent acts of terrorism. The LETPP allows Federal funds to be used by State and local governments to improve information sharing to preempt terrorist attacks, harden targets to reduce their vulnerability to attack, enhance interoperable communication systems, and to support overtime expenses related to the homeland security plan.

Your legislation is the only bill which formally authorizes this important program. The reported version of S. 21 would allow up to 25 percent of the authorized level of all grant funds to be used for the LETPP, a level which we strongly urge you to consider making the minimum, rather than the maximum, authorized level. This would be consistent both with the needs of the law enforcement community that is working every hour of every day to prevent the next terrorist attack from occurring and with the final recommendations of the HSAC's Task Force on State and Local Homeland Security Funding.

Ensuring that all communities achieve and maintain the appropriate response and recover capacity for terrorist incidents is, and always will be, a critical component of any homeland security plan. However, it is the goal of law enforcement to ensure that we never have a terrorist incident to respond to or recovery from—we want to stop the attack before it ever occurs. For this reason, we need a greater focus on prevention than is currently the case when allocating Federal homeland security funds. We believe that the authorization of the LETPP is the best way to achieve this goal and the F.O.P. strongly supports your efforts in this regard.

I look forward to S. 21 being considered on the floor and ultimately reconciled with similar legislation that passed the House of Representatives with our support in early May. On behalf of the more than 321,000 members of the Fraternal Order of Police, I want to thank you for reaching out to the F.O.P. to seek our input on this bill and for recognizing the critical role that law enforcement plays in securing our homeland. We appreciate your leadership on this issue and look forward to working with you to enact meaningful grant reform at the Department of Homeland Security. If I can be of any further help, please do not hesitate to contact me or Executive Director Jim Pasco through our Washington office.

Sincerely,

CHUCK CANTERBURY,
National President.

NATIONAL ASSOCIATION
OF POLICE ORGANIZATIONS, INC.,
Washington, DC, May 31, 2005.

Re: S. 21, the Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the National Association of Police Organizations ("NAPO") representing more than 235,000 law enforcement officers throughout the United States, I am writing to ask you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs Committee on April 13, 2005 and is expected to be considered by the full Senate in the next few weeks. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposed, S. 21 ensures that the prevention of terrorist attacks—not just response effects—received a significant share of the homeland security funds. Under S. 21, up to 25% of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first respondent equipment and encourage the expansion of the SAVER program, which provide first respondent with "consumer report" type information on the performance of various brands of equipment relied on by law enforcement officers every day.

We need to be sure that state and local enforcement are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that state and local law enforcement receive a fair share of federal assistance dedicated for prevention purposes.

NAPO therefore urges you to cosponsor S. 21. The appropriate contacts to do so are Jon Nass with the majority staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Sincerely,

WILLIAM J. JOHNSON,
Executive Director.

INTERNATIONAL UNION
OF POLICE ASSOCIATIONS, AFL-CIO,
June 3, 2005.

Senator SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Senator JOE LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS COLLINS AND LIEBERMAN: On behalf of the more than 110,000 field level law enforcement personnel that the International Union of Police Associations, AFL-CIO represents throughout the United States, I urge you to do everything in your power to convince your colleagues to support S. 21, the Homeland Security Grant Enhancement Act of 2005.

The men and women we represent form the very first line that protects us against terrorist attacks and are the very first to respond to any actions taken against our citizens. Local and state law enforcement officers both need and deserve the support that S. 21 will provide them.

When critical resources are allocated, these brave men and women who willingly rush in to harm's way deserve the guarantees that S. 21 provides—that ensures they will have these resources. Resources that to date have too often been denied them.

We in law enforcement are constantly held accountable for our decisions and actions. It is time that federal decision makers are held to the same standard of accountability. S. 21 will end the old practices that too often resulted in state and local law enforcement receiving little or no support. It ensures that once allocation decisions are made, we will be given an explanation for those grant allocation decisions.

We know from long experience that prevention must come before response. Swift and effective response should only be necessary when those who would do us harm circumvent prevention. By requiring that up to twenty-five percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes, we will be able to place prevention in its proper place, in front of response. We will have better information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses to carry out our mission of protecting the American public. Only in this way will we be able to build our nation's prevention capabilities from the ground up.

Please take this message from those on the front line and use it to your best advantage in convincing your colleagues to rally full support for S. 21.

Thank you for your commitment and your consideration.

Sincerely yours,

SAM A. CABRAL,
International President.

INTERNATIONAL ASSOCIATION OF
CHIEFS OF POLICE,
Alexandria, VA, June 21, 2005.

Hon. SUSAN M. COLLINS,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the International Association of Chiefs of Police (IACP), I am writing to encourage you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill, sponsored by Senators Susan Collins and Joseph Lieberman, is designed to reform homeland security grant system in order to make it both more accountable and more effective, thereby increasing the ability of our nation's law enforcement agencies to prevent terrorist attacks before they occur.

As you will see in the attached report, "From Hometown Security to Homeland Security," it is the IACP's belief that in our national efforts to develop the capacity to respond and recover from a terrorists' attack, we have failed to focus on the importance of building our capacity to prevent a terrorist attack from occurring in the first place. While planning their attacks, terrorists often live in our communities, travel on our highways, and shop in our stores. As we have discovered in the aftermath of the September 11th attacks, several of the terrorists involved had routine encounters with state and local law enforcement officials in the weeks and months prior to the attack. If state, tribal, and local law enforcement officers are adequately equipped and trained, they can be invaluable assets in efforts to identify and apprehend suspected terrorists before they strike.

By authorizing for the first time the Law Enforcement Terrorism Prevention Program (LETPP), S. 21 makes prevention a priority, and partners the federal government with state and local law enforcement. Under the bill, up to twenty-five percent of all authorized homeland security grant funding will be used for law enforcement terrorism prevention purposes, including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

In addition, recognizing how important prevention is, Senators Collins and Lieberman have agreed that they will work to amend S. 21 when it gets to the Senate floor to ensure that a set percentage of homeland security grant dollars are fenced off for LETPP, thus establishing a predictable, significant funding homeland security funding source for this critically-important program. Successful terrorism prevention requires that state, tribal, and local law enforcement across the country continue to receive LETPP funds.

To date, the vast majority of federal homeland security efforts have focused on increasing our national capabilities to respond to and recover from a terrorist attack. These efforts are important and must continue. But we must not ignore the need to build the capacity to prevent attacks. S. 21 strikes a proper balance, and it has the IACP's support.

We therefore urge you to cosponsor S. 21. If you wish to co-sponsor the bill, your staff should contact Jon Nass with the majority staff of the Senate Committee on Homeland Security and Governmental Affairs, and Beth Grossman with the minority staff.

Thank you for your consideration.

Sincerely,

JOSEPH ESTEY,
President.

UNITED FEDERATION
OF POLICE OFFICERS, INC.,
Briarcliff Manor, NY, June 25, 2005.

Re: S. 21, The Homeland Security Grant Enhancement Act of 2005

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of the members of the United Federation of Police Officers, Inc. and the United Federation of Security Officers, Inc., I am writing to ask you to cosponsor S. 21, the Homeland Security Grant Enhancement Act of 2005. This legislation will reform the homeland security grant system to make it more effective, efficient, and accountable. It will also ensure a significant role for state and local law enforcement and Security Officers in preventing the next terrorist attack.

Sponsored by Senators Collins and Lieberman, S. 21 was reported out of the Senate Homeland Security and Governmental Affairs committee on April 13, 2005 and is expected to be considered by the full Senate within the next several days. S. 21 ensures that law enforcement will have a seat at the table when homeland security resource allocation decisions are being made.

Unlike other homeland security grant proposals, S. 21 ensures that the prevention of terrorist attacks, not just response efforts, receive a significant share of the homeland security funds. Under S. 21, up to 25 percent of the homeland security grant funding will be used for law enforcement terrorism prevention purposes including information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will also foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment and encourage the expansion of the SAVER program, which provides first responders with "consumer report" type information on the performance of various brands of equipment relied on by law enforcement and security officers every day.

We need to be sure that state and local law enforcement and security officers are properly supported, trained and equipped to prevent terrorism before it occurs. S. 21 will ensure that these agencies will receive a fair share of federal assistance dedicated for prevention purposes.

Thank you for your support and attention to this matter.

Sincerely,

RALPH M. PURDY,
President.

INTERNATIONAL BROTHERHOOD
OF POLICE OFFICERS,
Alexandria, VA, July 7, 2005.

Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR COLLINS: On behalf of the International Brotherhood of Police Officers (IBPO), representing 25,000 rank-and-file officers from across the nation as the largest police union voice in the AFL-CIO, I would like to thank you for your introducing S. 21, the "Homeland Security Grant Enhancement Act of 2005" and inform you of IBPO's wholehearted endorsement of this legislation. S. 21 aims to make Homeland Security grants more effective and efficient. It further, rightly ensures significant support for state and local law enforcement in their work of terrorism prevention.

As the devastating loss of innocent life from this morning's terrorist attacks in London England become fully understood, America is again tragically reminded that those who wish to derail our way of life and trumpet subjection over the goals of freedom will be unrelenting in their efforts of tyranny. The vigilant struggle against such aims in alleviated by proper response and prevention, which this legislation rightly works to guarantee.

Under S. 21, up to 25 percent of the Homeland Security grant funding will be used for law enforcement terrorism prevention purposes. This will include information sharing, target hardening, threat recognition, terrorist intervention activities, interoperable communication, and overtime expenses occurred in support of federal agencies for increased border security and training.

S. 21 will foster the development and enforcement of voluntary consensus standards to improve the safety of first responder equipment. It will also encourage the expansion of the SAVER program, which provides first responders with "consumer report" type information on the performance of various brands of equipment relied upon by the law enforcement community.

IBPO will work to ensure passage of this important legislation and we thank you for your continued support of our nation's law enforcement officers.

Sincerely,

STEVE LENKART,
Special Assistant to the President, Director of Legislative Affairs.

NATIONAL ORGANIZATION OF BLACK LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, July 11, 2005.
Hon. SUSAN COLLINS,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. JOSEPH LIEBERMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS COLLINS AND LIEBERMAN: The National Organization of Black Law Enforcement Executives (NOBLE), an organization of nearly 3,500 primarily African-American law enforcement CEOs and command level officials writes to express its support and appreciation for S.21 the Homeland Security Grant Enhancement Act of 2005.

S. 21 allocates up to 25 percent of homeland security grant funding to address the critical training, equipment and human resource needs of state and local law enforcement agencies in a proactive manner that will allow for greatly needed prevention efforts.

Our members are on the front lines in the war on terror, and when terror strikes our communities we want them prepared. We want our citizens working in partnership with law enforcement. We want our communities to know that their law enforcement agencies have the necessary resources to minimize death and injury. We need the funding that S. 21 provides, for: planning, training, inter-operable communications, proper protective equipment, information exchange and community based terrorism prevention programs.

We believe that S. 21 will provide state and local officials with not only resources, but also a voice in what is needed to best protect their community. We trust that your colleagues will make a positive commitment to those who are sworn to keep the homeland secure.

Thank you for your leadership on this issue.

Sincerely,

CLARENCE EDWARDS,
National President.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 22, 2005.
Hon. SUSAN COLLINS,
Chair, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. JOSEPH I. LIEBERMAN,
Ranking Minority Member, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR MADAM CHAIR AND SENATOR LIEBERMAN: We would like to thank you and the Committee for your attention to state concerns in S. 21, the Homeland Security Grant Enhancement Act of 2005. The bill appropriately acknowledges the need to assure that each state and territory is prepared to prevent, respond to and recover from a terrorist attack. Similarly, we appreciate your recognition that homeland security funding and planning should be coordinated through each Governor's office for maximize the efficiency and effectiveness of homeland security spending and, by extension, the safety of our citizens.

After each state and territory receives a base amount, we believe that additional funding be distributed based on an assessment of risks and threats, the calculation of which should be as transparent as possible given the classified nature of the threat information. Risk and threat assessments should be based on all threats, including, but not limited to, ports, borders, agricultural food production and supply, water supply, fuel, and computer systems.

The Governors appreciate your recognition and inclusion of state and local officials in determining the essential capabilities for first responders. Our homeland security personnel must be included in determining the levels and competences needed in planning and equipping to prevent, prepare for, and respond to acts of terrorism and other catastrophic events; and must be given the flexibility to set priorities based on local or regional needs, while reaching nationally determined preparedness levels.

In addition, Governors support the continuation of separate funding sources for pre-9/11 programs for law enforcement, public health and emergency management; the establishment of a "one-stop shop" to assist state and local officials with information regarding homeland security; the flexibility to use homeland security funds among programs for equipment, training, exercises, and planning; and the ability to pay overtime expenses regarding training activities consistent with the goals outlined in the state plan.

To effectively protect our states and territories from potential terrorist events, all sectors of government must be part of an integrated plan to prevent, deter, respond to and recover from a terrorist act. For the plan to work, it is essential that it be funded through a predictable and sustainable mechanism both during its development, and in its implementation. A minimum allocation to each state and multiyear authorization levels of funding will provide the predictability necessary to implement statewide plans that will assist Governors in securing our nation.

We appreciate the time and attention you have given to some concerns in drafting this measure and look forward to working with you as the bill moves through Senate.

Sincerely,

GOVERNOR RUTH ANN MINNER,
Delaware, Lead Governor on Homeland Security.

GOVERNOR MITT ROMNEY,
Massachusetts, Lead Governor on Homeland Security.

NATIONAL EMERGENCY MANAGEMENT ASSOCIATION,
Washington, DC, July 7, 2005.
Hon. SUSAN M. COLLINS,
Chair, Senate Homeland Security and Governmental Affairs Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.
Hon. JOSEPH LIEBERMAN,
Ranking Member, Senate Homeland Security and Governmental Affairs Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: On behalf of the National Emergency Management Association (NEMA), I would like to thank you for your efforts to enhance the state homeland security grants program in order to build a stronger national emergency response system. NEMA is particularly encouraged by provisions in S. 21 that would continue coordinating federal homeland security funds through the nation's Governors to ensure coordination of funding with priorities identified by the state domestic preparedness plan.

We strongly support the inclusion of a state minimum level of funding for capacity building included in S. 21. State and local capacity building will be increasingly important as we deal with the requirements of Homeland Security Presidential Directive 8 on Preparedness. Additionally, we support efforts to increase state and local flexibility on the use of federal homeland security funds. States and localities have unique needs for addressing homeland security preparedness, as identified in their individual state plans. Further, we also support provisions in S. 21 that would eliminate duplicative planning requirements for state and local governments.

We are also appreciative of your recognition that a match requirement would be too burdensome for state governments to address, especially as we address matters of national security. Additionally, the provision in your bill that creates a Task Force on Essential Capabilities is critical to ensuring that state and local governments, as well as emergency responders are involved in identifying national guidelines from early in the process of development.

Thank you for your contributions to emergency management and homeland security. We truly appreciate the strides that you are making in building upon national capacity to prevent, prepare for, and respond to acts of terrorism, as well as all disasters.

We look forward to continuing to work with you in continuing to develop your legislation.

Sincerely,

DAVE LIEBERSBACH,
NEMA President, Director, Alaska Division of Homeland Security and Emergency Management.

Ms. COLLINS. Mr. President, there are other issues as well that are very important to comment on. Another one is that the Feinstein-Cornyn amendment does not include adequate accountability measures. We know that we need tough accountability measures, such as what is included in the Collins-Lieberman amendment. Such measures, for example, include a requirement for a GAO audit. We would also require in our amendment—in contrast to the Feinstein-Cornyn amendment—that all spending be tied to achieving essential prevention and preparedness goals.

This is an important point. We cannot afford to have scarce homeland security dollars wasted on leather jackets in the District of Columbia or be used to buy air-conditioned garbage trucks for a New Jersey city. We need to make sure the expenditures are wise and appropriate, and the tough accountability measures included in the Collins-Lieberman amendment will do that.

I note that the Feinstein-Cornyn amendment is silent on an authorization level, and it doesn't attempt to restore the $900 million in cuts since fiscal year 2004. Only our amendment seeks to stop the reduction of funding for first responders by authorizing a significant level of funding. We didn't go overboard. It is a level of funding that was provided in fiscal year 2004; it is $2.9 billion.

While we are making progress every year on becoming better prepared to prevent or respond to attacks, we are a long way from completing the task. I note that the Feinstein-Cornyn amendment excludes from risk-based funding substantially all the cities that have not received funds in the past. This is an important point. While the Feinstein-Cornyn amendment purports to authorize the Secretary of Homeland Security to distribute funds as he sees fit based on risk, in reality it effectively restricts the universe of cities that could apply for risk-based funding to those that have received risk-based funding in the past. In this sense, it perpetuates the status quo.

If a city or region has not received risk-based funding in the past and then is faced with a potential threat, for example, due to the construction of a new chemical facility or another piece of critical infrastructure or because it is hosting a large event, it is out of luck; it is ineligible to apply for risk-based funding under the Feinstein-Cornyn amendment.

Finally, let me show you the impact—on this chart in green and white—of the Feinstein-Cornyn amendment. The States in green are better off under the Collins-Lieberman approach—the approach supported by the occupant of the chair. It is virtually every State. I also point out that those seven states in white don't do badly. They do very well because we are doubling the amount of money that is risk-based, and we are also providing for a reasonable minimum allocation.

There it is. I hope my colleagues will consider this. A lot of work went into crafting this amendment. It is a comprehensive approach for a grant program for which we have appropriated billions of dollars, but never authorized. Let's do this right. Let's adopt the bipartisan Collins-Lieberman amendment.

I yield the remainder of my time to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I am glad to summarize on our side. The last opportunity I had to speak, I said that there is a very significant difference, which Senator COLLINS compellingly demonstrated, between the Collins-Lieberman approach to contributing these funds and the Cornyn-Feinstein approach. Of course, I think ours is much more fair.

The amendment Senator COLLINS and I are introducing is an amendment to the underlying appropriations bill. I want to stress the differences between our amendment and the underlying bill. The first goes to funding.

Here is a sad story in the midst of an increasing concern about terrorism. In 2004, the Federal Government appropriated $2.9 billion to the States and localities in homeland security grants. In 2005, that number was reduced to $2.3 billion. The President's budget for 2006 recommended slightly over $2 billion. The appropriations bill that is before us now has slightly over $1.9 billion.

Senator COLLINS and I do what we think is the minimum we should be doing to protect our people from the threat of terrorism here at home. We went back to the 2004 level of $2.9 billion. So we increase by $1 billion the amount of money authorized in the underlying bill.

Secondly, we have a predictable formula. It is not ad hoc every year. It will tell local law enforcement what they can expect to get.

Third, it is a balanced formula. Most of it is based on risk. The rest gives a minimum to each State. Why a minimum to each State? Because who knows where the terrorists will strike next? A lot of emphasis has been put on risk analysis here, Mr. President. I repeat that risk analysis is an educated guess about what these insane, inhumane, hateful terrorists will do next to strike at America.

All of America is vulnerable and all of America needs help. That is why the National Governors Association supports our amendment and most law enforcement agencies do as well.

I thank the Chair and urge support of the amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 54 seconds remaining.

Mrs. FEINSTEIN. Mr. President, I thank both Senator COLLINS and Senator LIEBERMAN, and particularly Senators CORNYN, SCHUMER, LAUTENBERG, and MARTINEZ, who spoke on behalf of our amendment.

Let me make clear, our amendment does not in any way, shape, or form, we believe, interfere with the authorizing committee. The authorizing committee has the absolute right to set whatever standards it might want to in operations. What we are trying to do is see that this huge new bureaucracy, which has been set up under the Department of Homeland Security, with all of its robust new intelligence capabilities, is able to put forward a plan and have that plan be funded, and that plan will be based on risk and threat and vulnerability. And, in fact, that is what Secretary Chertoff says in his letter to us, that he and the President want at least 90 percent of the funds devoted on a risk, threat, and vulnerability basis.

He also says they have come up with 36 essential capabilities they believe are critical in preventing another terrorist attack.

I don't think we should go to 60–40. I truly don't believe places should get money just to increase whatever it is they can increase with their own funds. I really believe that because the money is limited, it has to go to places where there are risks, where we know there are targets, where these targets have figured actionable intelligence that has reached us. So that is what we try to do.

Let me summarize once again. Under the underlying bill, the Homeland Security appropriations bill, there is $1.339 billion based on risk. The Collins-Lieberman amendment has $1.155 billion based on risk, 60 percent of the dollars. It is, in essence, less than the underlying bill. What we have tried to do is increase the amount on risk. So under the Feinstein-Cornyn amendment, there is $1.667 billion based on risk. That 87 percent of the available dollars is based on risk.

This does not take anybody out of applying. This does not say this city cannot apply or this town cannot apply. What it says is, if you apply, you are going to be judged on risk, threat, and vulnerability. I actually think that when you have limited numbers of dollars, that is what you have to do.

My friend and colleague, the Senator from Connecticut, mentioned the Bali bombing. And, yes, one might say that is not the capital of Indonesia. But, on the other hand, if we look at Baghdad, if we look at Beirut, if we look at most of the places where these attacks take place, they are in highly symbolic places where the economic and individual damage is large.

When it comes to the United States, many of us fear a large attack, a major attack. So we have to figure, based on intelligence, where that attack is going to come down. Yes, someone might come in through a port, or they might come over the southwest border from Mexico. This is why we are trying to tighten our borders. All of that is true, but we have to figure, if that big attack takes place, where is it going to take place? What is the first response going to be? How fast is it going to be?

The fact is that the British people have done this. They put an emphasis on London. Therefore, when those bombs blew up, the response was fast, and the speed of the response was able to save lives. So it is a kind of prototype, if you will, of what we are trying to achieve here.

For once, I am on the same note as the administration. We would like to see as much money as possible go to cities based on risk.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. That is what our amendment does. I hope this body will vote yes.

Have I used all my time?

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. FEINSTEIN. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1200

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendment be set aside and that amendment No. 1200 be stated by the clerk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for himself, Mr. KENNEDY, Mr. DEWINE, Mr. CORZINE, and Mr. DODD, proposes an amendment numbered 1200.

At the appropriate place, insert the following:

For necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), $100,000,000 shall be available to carry out section 33 (15 U.S.C. 2229) for the fiscal year ending September 30, 2005, to be available immediately upon enactment, and to remain available until September 30, 2007.

Mr. BYRD. Mr. President, I thank the clerk.

I ask unanimous consent that the following Senators be added as cosponsors: Messrs. KENNEDY, DEWINE, CORZINE, and DODD. That is it. That completes the list.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I rise today to talk about a very important group of men and women and to offer an amendment on their behalf.

All across this land, there are men and women who put their lives on the line every day fighting fires, over a million firefighters, and over three-fourths of them are volunteers. So when one reads a list of the responsibilities firefighters bear each day, it reads like a litany of good public service: fire suppression, wild land firefighting, hazardous materials response, code enforcement, fire prevention, education, explosives response, investigation, industrial fire prevention and safety, and counterterrorism.

So in this high-technology, post-9/11 world, it is not our father's fire service. Firefighters require the latest equipment and training to cope with changing threats. When our Nation fell under attack on September 11, 2001, firefighters raced into buildings, buildings engulfed in flames, to save people.

Today, over 8,000 firefighters are battling wildfires in eight States that threaten our environment and property. When a house is on fire, firefighters arrive quickly on the scene to rescue people and their pets. They rush into burning buildings to pull people from the mayhem. When vehicles spill hazardous, even toxic materials, firefighters clean up the spill, thereby protecting nearby populations.

They do all of this often without proper equipment, often without enough training, often without sufficient staffing but—but, but—they do it anyway. Yes, they do it anyway, and we are all better off for their bravery.

One could go on and on about these heroes, but words are meaningless without action. That is why I am offering an amendment that will restore funding for the Assistance to Firefighters Grant Program, a program that provides equipment and training for these courageous public servants.

So I say, restore funding for the Assistance to Firefighters Grant Program because the bill that is before the Senate reduces funding for firefighter grants by $100 million in comparison with last year. There is no justification for this cut. Applications for fiscal year 2005 totaled $2.7 billion. With the funding that Congress approved, the Department of Homeland Security funded less than one-quarter of the eligible applications.

Instead of responding to this significant demand for firefighter equipment and training, the administration proposed to cut firefighting grants for fiscal year 2006 from $715 million to $500 million, a reduction of 30 percent.

Our leader, Homeland Security Subcommittee Chairman GREGG, has done all that he can to address the greatest needs in this Homeland Security appropriations bill for fiscal year 2006. But our bank account—ah, now, there is where the problem is—our bank account was pilfered by a budget proposal from the White House. The White House proposed that the Appropriations Committee raise $1.68 billion in fees by raising airline passenger fees. The problem is, the Appropriations Committee does not have authority to increase such fees. So what happened? This left the committee with a deep hole to fill, and as a result, our firefighters are $100 million short.

I received a letter on June 10 of this year from Chief Robert DiPoli, retired, president of the International Association of Fire Chiefs. I shall make this letter a part of the RECORD shortly but not at this moment.

In the letter, Chief DiPoli tells me that the Assistance to Firefighters Grant Program and the Staffing for Adequate Fire and Emergency Response Firefighters, or SAFER, Program are the highest priorities of the members of the association. He goes on to state that although the fire departments are locally funded and operated, they do provide a national service in times of crisis, whether natural or man made.

Chief DiPoli has said that the Assistance to Firefighters Grant Program is the greatest program ever to hit the streets because fire departments cannot fund all of their needs through bean suppers and bingo games. I have to agree. I agree.

According to a recent study by the U.S. Fire Administration entitled "A Needs Assessment of the U.S. Fire Service," only 13 percent of the fire departments have the equipment and training to handle an incident involving chemical or biological agents, and half of all fire engines are at least 15 years old. Ten percent of fire departments in cities with at least one building over four stories high or higher do not have adequate ladders or aerial apparatus. Overall, fire departments in the United States do not have enough portable radios to equip half of the responders on a shift, and the percentage is even higher in small communities.

So who would want to be a firefighter? I would not want to be, with all of that shortage of equipment.

One-third of firefighters per shift are not equipped with self-contained breathing apparatus.

How about that? This equipment is not cheap. A portable radio costs $950. A chemical agent detector costs $8,585. An air pack costs $4,424. A defibrillator costs $1,695. Night vision goggles cost $3,210. Uniforms and other basic gear cost $1,000. So it is no surprise to me that the demand for this program has grown from $2.1 billion for fiscal year 2003 to $2.3 billion in fiscal year 2004 to $2.7 billion for this year.

What does surprise me, what disappoints me, is that in the face of documented needs—now these are not just "suspicion" needs or "maybe" needs or "perhaps" needs. What does surprise me, what disappoints me, is that in the face of documented needs for better equipment and growing demand for this program, the bill cuts the funding for equipping and training our firefighters.

I am pleased that the bill provides an increase for the SAFER firefighter hiring program. I commend my chairman, Senator GREGG, for his support for the program. Overall, firefighter grants are cut by $100 million. Firefighters in both big cities and small towns across this land face new challenges every day, while maintaining their traditional missions. They should not rely on bean suppers and bingo games to raise the funds to pay for their needs on the job. Individually and collectively, we are safer with properly equipped and trained firefighters. As a Nation, we rely on their capabilities. Therefore, Federal dollars are wisely invested in the effort.

That brings me to the present moment. I offer this amendment to provide $100 million to the Assistance to Firefighters Grant Program. By approving this amendment, the Senate will be answering the call, will be saying, We hear you, we hear what you are saying, will be answering the call from our firefighters.

This is a modest amendment. It simply restores firefighter grants funding to the fiscal year 2005 level of $715 million. Even if this amendment is adopted, the firefighting program will be almost $300 million below the level authorized by Congress. I wish we could do more, but this is the least we can do.

I urge my colleagues on both sides of the aisle to adopt the amendment. I ask unanimous consent that the letter to which I earlier referred from Chief Robert A. DiPoli be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL
ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, June 10, 2005.

Hon. ROBERT C. BYRD,
Ranking Member, Subcommittee on Homeland Security, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: As you craft appropriations legislation for Fiscal Year 2006 (FY 2006), I would like to draw your attention to two critical federal grant programs for first responders: the Assistance to Firefighters Grant Program (commonly known as the "FIRE Act") and the Staffing for Adequate Fire and Emergency Response Firefighters Act of 2003 (commonly known as "SAFER"). The FIRE Act and SAFER are two of our members' highest priorities, and we ask that you provide full funding for both programs in your bill.

Established in 1873, the International Association of Fire Chiefs (IAFC) is a powerful network of more than 12,000 chief fire and emergency officers. Our members are the world's leading experts in firefighting, emergency medical services, terrorism response, hazardous materials spills, natural disasters, search and rescue, and public safety legislation.

Though fire departments are locally funded and operated, they provide a national service in times of crisis, whether natural or manmade. That means preparing for everything from hurricanes and wildfires to potential acts of terrorism. America's fire service is ready, willing and able to answer the public call.

To do so, however, America's fire service must be adequately staffed, trained and equipped. In December 2002, the U.S. Fire Administration (USFA) and the National Fire Protection Association (NFPA) issued a joint study entitled A Needs Assessment of the U.S. Fire Service. While the federal government has since begun funding state and local homeland security programs, the NFPA believes that the following statistics still reflect the problems that America's fire service faces in meeting basic mission needs. For example:

Half of all fire engines are at least 15 years old.

On the whole, fire departments do not have enough portable radios to equip more than about half of the emergency responders on a shift.

About one-third of firefighters per shift are not equipped with self-contained breathing apparatus (SCBA), and nearly half of SCBA units are at least 10 years old.

An estimated 57,000 firefighters lack personal protective clothing.

This report also documented a significant deficiency in firefighter staffing. NFPA Standard 1710 requires that a minimum of four firefighters respond to an event. An alarming number of both volunteer and career fire departments are unable to meet this safety standard:

The USFA/NFPA report found that at least 10% of volunteer firefighters serve in fire departments that cannot achieve a standard minimum response to a mid-day house fire.

A 2003 report by the NFPA entitled Preparing for Terrorism: Estimated Costs to U.S. Local Fire Departments estimated that more than 50,000 new career firefighters are needed to provide an adequate baseline level of response. To adequately respond to a terrorist attack, the nation would need 75,000 to 85,000 new career firefighters.

To help address some of the glaring deficiencies in equipment and training, Congress passed the FIRE Act in 2000. Congressional, administration, and fire service officials alike have called the FIRE Act one of the very best federal grant programs. The U.S. Department of Agriculture (USDA) issued a program analysis in 2003, proclaiming that the FIRE Act works. In USDA's own words, the FIRE Act "has been highly effective in increasing the safety and effectiveness of grant recipients . . . 99 percent of program participants are satisfied with the program's ability to meet the needs of their department . . . [and] 97 percent of program participants reported positive impact on their ability to handle fire and fire-related incidents."

There are good reasons for the FIRE Act's success, and they are the five pillars of the program. First, funds go directly to local fire departments for the purposes intended. There is no opportunity for the money to get bottlenecked at intermediate levels as with so much other first responder funding. Second, grants are awarded on a competitive basis, and not on a predetermined formula. Third, grant applications are peer-reviewed. Fourth, grants are supplemental only; they may not supplant local funds. The fifth and final pillar of the FIRE Act's success is that it requires a co-payment by the community, and thus ensures community "buy-in" to the idea of improving the fire service and, therefore, advancing public safety.

As with the FIRE Act, SAFER would use a competitive and peer-reviewed application process, and grants would be supplemental only. Grants would be for a four-year period, during which time the federal contribution would phase down from 90 percent to 30 percent. Grantees must commit to retaining new hires for an additional year. At least 20 percent of funds would be reserved for volunteer firefighters.

In FY 2005, Congress funded the FIRE Act at $650 million and SAFER at $65 million. We ask that you include funding at the full authorized levels for these two critical programs in your budget plan for the coming year.

Thank you for your consideration.

Sincerely,
Chief ROBERT A. DIPOLI (Ret.),
President.

Mr. BYRD. I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the proposal of the Senator from West Virginia. It is sincere and well intentioned. Obviously, if we had the extra money, I would do it. Unfortunately, we are working within budget restraints, and the decision was made within this bill to move dollars from accounts that we felt had either robust funding or a fair amount of money still in the pipeline toward accounts where we knew we had great needs such as weapons of mass destruction and border security.

I simply note that in the area of firefighter assistance, since 2003 we have put $2.5 billion into this initiative. In an earlier amendment, we moved money from the equipment funds over to the staffing funds so that we now have $115 million in this budget for staffing initiatives, which I think is very important because of that $2.5 billion, a very small percentage has been spent on staffing. As the Senator from West Virginia noted, we need to get people up to speed as to training and staffing capabilities.

We retain still $500 million for equipment in this bill, which is a fair number of dollars. We have approximately $715 million in the pipeline which has not gone out yet from 2005. Hopefully it will go out quickly and soon, but it has not gone out yet. So we know there is a fair amount of money in the pipeline.

Overall, the funding for firefighters, since 2003, is now over $3 billion, which is a very strong commitment to our firefighter community and one which is very appropriate considering, as the Senator from West Virginia has so effectively outlined, the risks which these people undertake every day for our safety. So we believe that this is a strong commitment to the firefighter community. We would like to do more if we could do it within this budget context, but we cannot. Unfortunately, this amendment would put us outside of the budget guidelines we are presently pursuing or subject to.

In addition, of course, many of these firefighting departments can obtain money from their State plans on top of the earmarked funds which go to the fire departments, the earmarked firefighting funds of $3 billion. There is the rather significant and robust commitment of over $14 billion which has been made toward first responder activity generally, and all of these dollars would theoretically be available to fund firefighters.

Obviously that is not going to happen, but clearly, if the State plan decides they need more money in their firefighter community, a State plan can allocate that money for those firefighter initiatives beyond the money which comes through this $3 billion initiative over the last 3 years. So this is a strong commitment to the firefighter community, and it is an attempt to reorient that commitment so that we focus more on staffing than on equipment, which we feel has received a disproportionate amount of the funding over the last few years at the expense of the staffing and training activities.

That is where we stand in this bill. I believe the bill is reasonable on this point. At the proper time, obviously a point of order will lie against this amendment, and I would presume that we would have to make it.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Would the able chairman yield for a comment?

I urge the chairman not to raise the budget point of order at this time. I wonder if perhaps I might implore the chairman to work with Chairman COCHRAN to approve using a portion of the fiscal year 2005 allocation for our firefighters so that this amendment would not be subject to a point of order. Would the very able chairman be willing to give some consideration to my request in this light?

Mr. GREGG. Mr. President, I know the Senator from West Virginia, the senior Senator in the Senate and the ranking member of the full committee, has discussed this matter with Senator COCHRAN. I am perfectly willing to pursue that course. I am willing to talk with the chairman of the full committee on that point, but I think probably from the chairman's position—I cannot make his case because I have not talked to him about it but suspect his concern is that opens the door that could lead to a large amount of authorization from 2005 being used, which would then generate outlays in 2006 which would absorb money that I suspect the chairman of the full committee feels he is going to need in order to meet what is a fairly tight budgetary restriction already subjected to the 2006 bill.

So I can understand if the chairman of the full committee might be reticent to accept such a request, but I will certainly be happy to—well, I will not need to pass it on because I know the Senator from West Virginia has, but I would be happy to sit on the sidelines and allow these titans to settle this issue.

Mr. BYRD. Mr. President, if the distinguished Senator would allow me further just to say that I thank the chairman for his consideration that he is giving to my request. I might add, firefighters and the communities they protect ought not to be penalized by inside-the-beltway procedures. We are in this tough position because the White House proposed that the Appropriations Committee raise $1.68 billion by increasing airline passenger fees.

I have gone over this already, but I have to say again, as I said earlier, that the Appropriations Committee does not have authority to increase these fees. Therefore, we have been left with a gaping hole in resources, and this means that our firefighters are going to suffer a funding cut of $100 million below the fiscal year 2005 level.

Some Senators might be surprised to know that the United States has one of the highest fire death rates in the industrialized world at 13.5 deaths per million population. Fires kill more Americans than all natural disasters combined. In 2003, 3,925 civilians lost their lives as a result of fire, and 111 firefighters were killed in duty-related incidents. In that same year, 18,125 civilians suffered injuries that occurred as a result of fire. So there is a real need for this funding. Communities need the money to buy essential equipment. This is not a case of throwing dollars at fire departments so they can buy extravagant items.

This is a very modest amendment. Even with adoption of the amendment, the program will still be $300 million below the level authorized by Congress. Last year, the Department of Homeland Security was unable to approve over $2 billion in eligible applications for equipping and training our firefighters because of lack of funding. We ought to do everything we can to meet this demand for equipment and training for our firefighters.

The Appropriations Committee currently has $1.058 billion in budget authority available under the 302(b) allocation for fiscal year 2005. So the reason I have asked my beloved chairman, Senator GREGG, to consider discussing this with Chairman COCHRAN is that if Chairman COCHRAN made just $100 million of this unused allocation available to homeland security, this amendment would not be subject to a Budget Act point of order.

I again thank my friend, the chairman, for at least saying that he will withhold the point of order, and that he will give this matter some further consideration.

Before I yield the floor, I ask unanimous consent to add Senators LIEBERMAN and MIKULSKI as cosponsors to my amendment.

I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Obviously I am perfectly happy and do not intend to make this point of order until the Senator from West Virginia feels he has had adequate time to discuss this matter with the chairman of the full committee, and hopefully it can be resolved.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I ask that prior to the votes which are to occur at 5 o'clock on the Feinstein and Collins amendments—I guess the Collins amendment will be first—that 4 minutes be equally divided between the two sides with 2 minutes under the control of Senator COLLINS and 2 minutes under the control of Senator FEINSTEIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1162

Mr. KERRY. Mr. President. I call up an amendment numbered 1162.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

Mr. KERRY. I thank the Chair. I offer this amendment together with Senator LAUTENBERG and Senator CORZINE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1162.

Mr. KERRY. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Inspector General to report to the Congress on the port)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Within 90 days after the date of enactment of this Act, the Department of Homeland Security's Office of Inspector General shall issue a report to the House and Senate Committees on Appropriations, the House and Senate Committees on Homeland Security, and the Senate Committee on Commerce, Science, and Transportation regarding the steps the Department has taken to comply with the recommendations of the

Inspector General's Report on the Port Security Grant Program (OIG-05-10).

Mr. KERRY. Mr. President, this is a rather straightforward amendment, not very complicated in its scope but important in its scope. I offer it together with Senator LAUTENBERG and Senator CORZINE.

This is an amendment to require the Department of Homeland Security inspector general to issue a report to the Congress within 90 days detailing the steps which that agency is taking to correct what many people feel is amounting now to a dangerous situation of either oversight or mismanagement.

Let me explain that record and why I am concerned about it. Earlier this year, the Department of Homeland Security inspector general issued an alarming report. We all ought to be very grateful to the IG for the issuance of that report. The IG concluded that 4 years after September 11, the administration, and I quote the IG, "has no assurance that our ports program is protecting the Nation's most critical and vulnerable infrastructure and assets."

The IG concluded that the program's design hinders its ability to direct enough funding to the most vulnerable ports, that available critical infrastructure information was not used during the application vetting process, that of the $564 million awarded for port security grants since September 11—that is over almost a 4-year period—only $106 million has actually been spent, that 82 out of 86 projects funds for the Office of Domestic Preparedness in 2003 lacked merit, and perhaps the most damaging revelation was in 2003 the Transportation Security Administration, which funded 811 projects, had only one staff member overseeing the entire program.

That is a situation, according to the inspector general, that leaves America more vulnerable to attack. I know my colleagues and, I am confident, the President do not want to allow this situation to continue.

What is the best thing we can do to avoid that? Obviously, our priorities are reflected in how we choose to spend money and what we do with that. When we passed the Maritime Transportation Security Act in 2002, the Coast Guard estimated then it would cost port authorities, the private sector, and the Government $7.3 billion to implement its requirements. In other words, after the Maritime Transportation Security Act of 2002, which was in direct response to what we learned needed to be done as a result of September 11, we had a private sector and Government estimate of $7.3 billion that needed to be expended in order to put America in the place we ought to be for security.

To date, only $561 million has been awarded for port security grants to help port authorities improve security and comply with the law. And of that, the IG report states very clearly only $106 million has actually been spent as of last year.

If we put that in perspective, according to the GAO, more funding has been spent on the Capitol Visitor Center than was awarded during the first four rounds of the port security grant program. If we consider that only $106 million out of $7.3 billion that needed to be spent has actually been spent, the reality is we have almost five times the funding going into the Capitol Visitor Center as is going to protect the ports and providing security of our ports in the security program. I think that comparison would surprise a lot of Americans.

A lot of Members have supported spending a little bit more in the security for the ports because we believe it is basic to the national defense of our country. We know al-Qaida and other terrorists target transportation systems. We have seen that since September 11 in Madrid and now London. We saw it in 1998 when they bombed the USS *Cole* as it sat docked at a port in Yemen.

We also know millions of containers enter our country each year uninspected. And we are told by the Department of Homeland Security that all of the radiation screening equipment purchased after September 11 will have to be replaced because it is ineffective.

If a major U.S. port were to be the victim of some kind of container attack, that attack could take any number of different forms. There was a threat in New York City not long after September 11 which was taken very seriously about the potential of a dirty nuclear bomb. There is obviously the threat of an actual primitive nuclear weapon of some kind being used which, primitive as it might be, could still pack the force of a bomb that was used at Hiroshima. That would threaten anywhere between 50,000 and 1 million American lives. It could blow a $300 million to $1.2 trillion hole in our economy in very short order, not to mention what it would do with respect to the energy crisis or to the larger longer term issue of the overall port security and flow of goods we rely on in our international trade. We would have a global economic disaster.

No one can predict in any way that we can set up a fail-safe system. I am not suggesting that. But I do know from the information we have gleaned from any number of people working on this technology that there is a significant advance in the state of the art of technology for large-scale container screening. There are a number of different tracking systems that are available to secure containers at the place of embarkation and guarantee very inexpensively that they have not been jimmied or monkeyed with in the course of transit so that we know we have a secure container that is going from point of embarkation to debarkation. There are any number of things we can do and they are very important to the longer term security of the country and not that expensive in the end.

In the Senate, Members have debated previously whether we ought to be dedicating more funding. I understand the votes are not there at this moment to actually do the funding, but I hope the votes would be there to take the IG of Homeland Security seriously. The IG has already suggested the deficiencies that exist now. We ought to be looking to the IG to further help the Senate make a choice about the future.

Nearly 4 years after September 11, the administration has yet to complete a national maritime security plan that was due to Congress last year and they have offered no contingency plans to redirect the flow of commerce and keep the economy running in the event there were a terrorist attack at a port. All of this is required by Congress now. Port authorities, shippers, importers, vessel owners, truckers, and other commercial maritime entities have no idea what would be expected of them, what the procedures would be if an attack were to occur. We do not even know which Federal agency would be in charge. The Coast Guard says it will be in charge. The FBI says it is in charge.

In short, we are unprepared to do all we can do to detect and prevent and we are unprepared to deal with the reality if it were to occur. Therefore, we understand why the IG was critical of the way this program has been thus far administered.

I ask my colleagues this: If we cannot agree that protecting our ports at this point deserves more funding—which many Members believe on its face is obvious it ought to get more than the $106 million that has been spent or the $560 million allocated—but if we cannot agree on that, if we cannot agree it ought to get more funding than the Capitol Visitor Center, at least we ought to be able to agree we ought to be able to find out from the IG how the money could be spent in a way that is not mismanaged and that accomplishes our goals to the best of our ability with the funds we have.

Thus far, the Department of Homeland Security has concurred with 11 of the 12 recommendations from the IG, and they have promised reforms. But what we need to know is whether they have been implemented, they are going to be implemented, whether there are further steps we ought to be taking. We would be remiss in our responsibilities of oversight if we did not follow up on the report of the IG detailing what the Department has done to fix the problems.

That IG report was released in January. Since then there have been no congressional hearings on the issue, and no formal report has been delivered to Congress. We ought to ask for one. It is important to get this information since the Office of State and Local Government Coordination and Preparedness, which inherited the program, is going to conduct a fifth round of grants beginning in September. So we go into a fifth round of grants without understanding what the urgency and priorities are according to the goals set out by the Congress itself.

My amendment is very simple: It requires the inspector general to issue another report so that Congress knows the exact state of the program now and performs the appropriate level of congressional oversight and helps us to improve our port security. I hope this would be an amendment we could accept. It should not be that controversial and does not provide for the expenditure of money, but provides for congressional oversight and accountability that is so important to doing our job to improve the security of our country.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Let me join with the Senator from Massachusetts on his concern. It is a very important and correctly stated concern about the way these funds are being distributed and the slowness with which these funds are coming out.

In this bill we have put forward additional funding for port security. We consider that a priority, an area of significant threat. We bumped up the amount of money for port security over what the President requested. We put in the report language which specifically says on page 11 that we believe the Department can expedite awards for Homeland Security grants—including a series of them, port security—and the committee directs the Department to submit a report to the committee on February 18, 2006, that lays out a schedule for the award of grant funds made available by this act as well as any prior year funds that remain obligated. If any grant funds are awarded after March 30, 2006, the Department should provide a detailed explanation for the delay.

It is a legitimate concern and something the committee has focused on. The Senator's proposal is constructive to the effort. We would be happy to accept it by unanimous consent. I ask unanimous consent the amendment of the Senator from Massachusetts be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1162) was agreed to.

Mr. KERRY. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERRY. I appreciate the chairman accepting that and I appreciate the efforts of the committee. I know the committee put in additional money, about $200 million, and that is important funding.

Again, I restate, we are looking at a $7.3 billion problem. That is a step forward. I am very grateful to the chairman for being willing to try to find this report. I hope the Department itself will respond accordingly to the language which the committee has appropriately put in here to try to get this in scope. We have been talking about this for 4 years now and most people would agree, in the major ports—California, New Jersey, New York, Miami, various places—this is a major concern. The communities are increasingly feeling ill-equipped to respond appropriately.

I thank the Chair for his response.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I ask that the pending amendment be set aside.

Mr. President, I call up amendments Nos. 1112 and 1113 and ask for their consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Hawaii [Mr. AKAKA] proposes amendments numbered 1112 and 1113.

Mr. AKAKA. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1112

(Purpose: To increase funding for State and local grant programs)

On page 77, line 18, strike "$2,694,300,000" and insert "$3,281,300,000".

On page 77, line 20, strike "$1,518,000,000" and insert "$1,985,000,000".

On page 79, line 21, strike "$321,300,000" and insert "$341,300,000".

AMENDMENT NO. 1113

(Purpose: To increase funding for State and local grant programs and firefighter assistance grants)

On page 77, line 18, strike "$2,694,300,000" and insert "$3,281,300,000".

On page 77, line 20, strike "$1,518,000,000" and insert "$1,985,000,000".

On page 79, line 21, strike "$321,300,000" and insert "$341,300,000".

On page 81, line 24, strike "$615,000,000" and insert "$715,000,000".

On page 81, line 24, strike "$550,000,000" and insert "$650,000,000".

Mr. AKAKA. Mr. President, I rise today to offer an amendment to the fiscal year 2006 Department of Homeland Security Appropriations Act to ensure that the men and women on the frontlines of a terrorist attack on the United States are not unduly jeopardized by budget cuts. I am joined by my colleagues, Senators LIEBERMAN, HARKIN, OBAMA, MURRAY, CORZINE, LAUTENBERG, BINGAMAN, DURBIN, and SCHUMER.

Our amendment is simple. It would restore first responder funding to fiscal year 2005 levels.

Last week, the world witnessed a horrific attack on the United Kingdom. My heartfelt sympathy goes out to the people who have been affected by this atrocity. As we reflect on this tragedy, we should remember the images of police, firefighters, and emergency medical personnel who ran into the underground tunnels and streets as others were evacuated. These images are a reminder that we should not abandon America's first responders by cutting their funding.

The Homeland Security Appropriations Subcommittee had a difficult job this year, and I would like to thank the chairman and ranking member for their hard work. However, I disagree with their choice to reduce first responder funding below fiscal year 2005 appropriated levels and in one case even below the President's fiscal year 2006 budget request.

Our amendment would restore funding by adding a total of $587 million to the Homeland Security First Responder Grant Program. The majority, $467 million, would go to State and local grants which include the State Homeland Security Grant Program and the Urban Area Security Initiative. It would also direct $20 million to the Metropolitan Medical Response System and $10 million to the Assistance to Firefighters Grant Program, commonly known as the FIRE Act grants.

Our amendment does not address the other first responder grant programs that are funded at or above last year's level.

Let me be clear, Mr. President. This amendment does not seek to increase funding over what has already been spent in fiscal year 2005. We simply are seeking to prevent a reduction in appropriations for first responder grants.

This country cannot afford to take resources away from its first responders at a time when we rely on them now more than ever. In 2003, an independent task force sponsored by the Council on Foreign Relations estimated that Federal funding for first responders would fall $98.4 billion short of actual needs between 2004 and 2008. And that figure was based on fiscal year 2004 funding levels remaining constant. If Congress approves the level of funding proposed in the Senate version of H.R. 2360, Federal funding will have decreased by over $592 million from the fiscal year 2004 numbers the CFR task force used for their calculations.

The First Response Coalition, a nonprofit organization, reworked CFR calculations using the President's fiscal year 2006 budget proposal and found the gap would grow to $100.2 billion. The President's budget proposal allocates more funding to first responders than the bill we are considering today.

In my home State of Hawaii, this discrepancy between needs and funding will be acutely felt as State emergency responders must be self-sufficient because there are no neighboring States to rely upon for assistance. Hawaii State civil defense must assume that aid from the mainland will not arrive for at least 72 hours and, in some cases, such as during a hurricane, for 7 days. In addition, the State is responsible for not only protecting its own citizens but also the approximately 1.4 million tourists and U.S. servicemembers who are in Hawaii on any given day.

The Federal Government is increasingly asking States and localities to bear more of the brunt of the war on terror. We ask our first responders to run into a burning building not knowing whether they will find a small fire or a lethal chemical agent. We ask them to understand and execute on a moment's notice the different response protocols for a radiological, biological or chemical attack. We ask this of our first responders, in addition to carrying out their traditional responsibilities. With all we ask of our first responders, it is not too much for them to ask us for a constant level of support and funding.

Last month, I joined with Senators COLLINS, LIEBERMAN, and LEVIN to introduce the Interoperable Communications for First Responders Act which would create a grant program dedicated to interoperability funding. We were forced to do this because there has not been enough funding in the existing first responder programs to meet the country's considerable interoperable communication needs. How can we justify cutting the funding even more?

This is not a fiscally irresponsible amendment. I am not proposing an increase in spending, simply a restoration of last year's funding.

Much progress has been made since the tragic attacks of September 11. We should not undo this progress. We must build upon it. I ask my colleagues to consider carefully the needs of the first responders in their communities, and I urge support for this important amendment.

Mr. President, I ask unanimous consent that Senators DAYTON and SALAZAR be added as cosponsors to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. I yield back my time.

Mr. GREGG. Mr. President, I understand the Senator from North Dakota wants to ask for 2 or 3 minutes to offer an amendment. I understand we are going to have 4 minutes, equally divided, before we begin the vote on the Collins and Feinstein amendments. So I would ask unanimous consent that I be allowed to speak for about a minute and a half, in response to the Senator from Hawaii, that we then go to the Senator from North Dakota for the purpose of calling up an amendment, speaking for 2 or 3 minutes, and then that we go into the 4-minute presentation prior to the vote and the votes occur after that. After the first vote, which will be the Collins vote, I would ask there be, by unanimous consent, 2 minutes equally divided, with 1 minute controlled by the Senator from California and 1 minute by the Senator from Maine.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. GREGG. Mr. President, the amendment from the Senator from Hawaii I know is well-intentioned, but we are working within a budget, and the purpose of our bill was to focus our energies on areas where we saw highest threat, and, yes, we did reduce the amount of first responder funds and take those monies and move them onto the effort to try to fight weapons of mass destruction and to put more people and more emphasis on protecting our borders. That is where the money is moved, but we kept $1.9 billion in the first responder funds, and that means that since 2003 there will have been $13 billion put into first responder funds.

To try to put this into perspective, this money has been flowing so fast into these accounts that there remains, from 2004 and 2005 appropriations, almost—or over—$7 billion of unspent money, I mean money that is in the pipeline that simply cannot be handled efficiently yet. So we are putting another $1.9 billion under this bill on top of that $7 billion. And we believe that that is reasonable, in light of the needs on the borders, to put more people on the borders. That is why we made this decision. The amendments of the Senator from Hawaii, although well-intentioned, are subject to a point of order, and we will make a point of order at the proper time.

At this point, I yield to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1111

Mr. DORGAN. I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I call up amendment No. 1111 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 1111.

Mr. DORGAN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004)

At the appropriate place, insert the following:

SEC. . None of the funds appropriated under this Act may be used to promulgate regulations to implement the plan developed pursuant to section 7209(b) of the 9/11 Commission Implementation Act of 2004 (8 U.S.C. 1185 note) to require United States citizens to present a passport or other documents upon entry into the United States from Canada.

Mr. DORGAN. Mr. President, I know the manager of the bill and the ranking member are asking for amendments to be offered and considered. I wanted to do that.

Very quickly, this amendment deals with the issue of whether to require passports for everyone entering and leaving this country at our borders.

We have a common border with the country of Canada, over 4,000 miles. In my State of North Dakota, we have people moving back and forth across the border all the time. We have people who farm on both sides of the border, people with families on both sides of the border. At the Pembina port of entry, we have 100,000 people a month crossing the border.

To require a passport for that is, in my judgment, far too burdensome. A passport now costs a $55 fee, a $12 security surcharge, and a $30 execution charge—a total of $97 to obtain a passport.

I believe very strongly we do need border security, no question about that. That is important. But I think, especially with respect to day travel and common tourist and business practices across, for example, the United States-Canadian border, with which I am familiar, to require a passport for moving across that border is enormously burdensome. I hope we will not do that.

The President, when asked about it, spoke to the American Society of Newspaper Editors and said: When I first read that in the newspaper, about the need to have passports particularly for day crossing—he is talking about the border—I said, what's going on here? I thought there was a better way to expedite the whole flow of traffic and people.

I think the President is right, and I know that since the President said that, the folks in Homeland Security have been reconsidering this issue, but I am very worried that they still may proceed with their regulations at some point, and I hope this Congress would weigh in on the question of whether we think everyone who moves back and forth across the Canadian border should have a passport. I don't believe the requirement for a passport is practical. I think it is overly burdensome. I believe that we ought to send that message to the Department of Homeland Security.

I am not suggesting we don't care about security. We do. We care deeply about border security. But there must be other ways in which we can accomplish that task. And so my amendment will address that.

I thank my colleague from New Hampshire for giving me the opportunity, just a few minutes, to at least get the amendment offered, to be talking about it, and have it considered.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes evenly divided before votes in respect to the Collins and Feinstein amendments.

The Senator from Maine is recognized.

AMENDMENT NO. 1142

Ms. COLLINS. Mr. President, during the past 3 years, we have appropriated more than $8 billion in homeland security grants, despite the fact that this program has never been properly authorized. The Homeland Security Committee has spent the last 3 years working on an authorization bill. We have produced a carefully crafted, balanced bill that is incorporated in the Collins-Lieberman amendment.

This debate is about establishing a formula that provides a predictable level of funding scaled to reflect the different needs of large and small States that will allow all States to achieve essential preparedness and prevention capabilities. We break the mold that provides a set baseline amount to each State regardless of size and needs. This debate is also about distributing more funds based on risk.

Let's put this important issue in perspective. Compared to last year, our amendment would double the amount of funds distributed based on risk. Last year only 37 percent of funds appropriated for homeland security grants were allocated based on risk. Under our amendment, more than 70 percent of the funds would be distributed based on risk or factors used now by the Department of Homeland Security to determine risk. That is a lot of discretion that we are giving to the Secretary.

I want to address the CRS memo solicited by Senator LAUTENBERG that was discussed this morning. It has been used by our opponents to suggest that only 60 percent is distributed based on risk. In fact, it is more than 70 percent, as is the underlying bill. Tellingly, in a memorandum issued just today, CRS categorizes the sliding scale allocation as risk based.

This is a balanced approach. I urge my colleagues to vote for the Collins-Lieberman amendment.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

Mr. REID. Who has the time?

The ACTING PRESIDENT pro tempore. The Senator from California has time remaining.

Mr. REID. I yield back the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The question is on agreeing to amendment No. 1142 offered by the Senator from Maine.

Mr. REID. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 71, nays 26, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—71

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Cantwell
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Frist
Graham
Grassley
Hagel
Harkin
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kohl
Levin
Lieberman
Lincoln
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Voinovich
Wyden

NAYS—26

Allard
Allen
Boxer
Byrd
Clinton
Cornyn
Corzine
Durbin
Feinstein
Gregg
Hatch
Hutchison
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Leahy
Martinez
Nelson (FL)
Obama
Santorum
Sarbanes
Schumer
Vitter
Warner

NOT VOTING—3

Lott
Mikulski
Thune

The amendment (No. 1142) was agreed to.

AMENDMENT NO. 1215, AS MODIFIED

The ACTING PRESIDENT pro tempore. There is now scheduled to be 2 minutes of debate equally divided, to be followed by a vote on the Feinstein amendment.

Mrs. FEINSTEIN. Mr. President, despite this vote, I wish to make a point. The administration has said in a letter dated today from Secretary Chertoff that their position is that 90 percent of homeland security funds should be distributed on the basis of risk. The Secretary goes on to say that they have 36 essential capabilities they need to carry out, and the way to do that is based on risk.

Here are the numbers: In the underlying appropriations bill, 70 percent is based on risk, $1.339 billion. Under Collins-Lieberman, less than 70 percent goes to risk. It is cut back to 60 percent, $1.155 billion. Under the Feinstein-Cornyn amendment, $1.667 billion is based on risk, or 87 percent. It is the closest number to the administration's letter dealing with this issue.

I have a very hard time substituting pork for risk. I just was reading some of the intelligence. Let there be no doubt that not every State is equal in terms of target. We have set up a huge agency of 22 departments. We have given them risk analysis. We have given them intelligence. We have broken down the wall between FBI and CIA. Why? Because there is a real threat, and money should be accorded based on that threat, not based on pork.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, we all want more funding to be distributed on risk. The Collins-Lieberman amendment which was just adopted more than doubles the amount of money allocated based on risk. Risk is not a science. We are giving unprecedented authority to the Secretary of Homeland Security, that there is no precedent for in any grant program of this size.

The fact is, under the Feinstein-Cornyn amendment, every State would lose at least $8 million in guaranteed funding. Some States would lose tens of millions of dollars. Even taking into account how funds have historically been distributed based on risk, 43 States lose money under the Feinstein-Cornyn amendment verses the Collins-Lieberman amendment. We have to recognize that every State has vulnerabilities and needs to be brought up to a baseline ability to prepare and prevent for terrorist attacks. The Collins-Lieberman amendment was endorsed by many law enforcement groups that do not support this approach.

I urge opposition to the Feinstein-Cornyn amendment.

Mr. STEVENS. I ask for the yeas and yeas.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 1215, as modified. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Maryland (Ms. MIKULSKI) is necessarily absent.

The PRESIDING OFFICER (Mr. ISAKSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 65, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—32

Allard
Allen
Boxer
Cantwell
Clinton
Coburn
Cornyn
Corzine
Durbin
Ensign
Feinstein
Hutchison
Inouye
Kennedy
Kerry
Kyl
Landrieu
Lautenberg
Levin
Martinez
McCain
Murray
Nelson (FL)
Obama
Santorum
Sarbanes
Schumer
Specter
Stabenow
Vitter
Warner
Wyden

NAYS—65

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Byrd
Carper
Chafee
Chambliss
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Enzi
Feingold
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inhofe
Isakson
Jeffords
Johnson
Kohl
Leahy
Lieberman
Lincoln
Lugar
McConnell
Murkowski
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sessions
Shelby
Smith
Snowe
Stevens
Sununu
Talent
Thomas
Voinovich

NOT VOTING—3

Lott
Mikulski
Thune

The amendment (No. 1215), as modified, was rejected.

Mr. DURBIN. Mr. President, it is my understanding that under an agreement, the minority leader, Mr. REID, may offer an amendment on behalf of Democratic Senators. I ask consent, on his behalf, to send two amendments to the desk, one on behalf of Senator BARBARA BOXER and one from Senator DEBBIE STABENOW.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1216

Mr. DURBIN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for Mrs. BOXER, proposes an amendment numbered 1216.

The Senator from Illinois [Mr. DURBIN], for Ms. STABENOW, proposes an amendment numbered 1217.

The amendments are as follows:

AMENDMENT NO. 1216

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor "then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free."

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, "significant release of radiation into the environment is a very real one."

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Congress should pass legislation to assess terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

AMENDMENT NO. 1217

(Purpose: To provide funding for interoperable communications equipment grants)

On page 77, line 18, strike "$2,694,300,000" and insert "7,694,300,000".

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) $5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

MORNING BUSINESS

Mr. FRIST. Mr. President, I ask unanimous consent there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. NELSON of Florida. Mr. President. I would like to take this opportunity to explain to the Senate my absence during yesterday's vote on S. Res. 193, expressing sympathy for the people of the United Kingdom.

On Sunday, the Florida panhandle was struck by Hurricane Dennis, a category 3 storm. Last September, Hurricane Ivan also hit the same area causing extensive damage from which many had not yet fully recovered. I went to the area yesterday to survey the damage and meet with constituents affected by the disaster. I was able to visit the emergency operations center in three of the counties affected by Dennis.

Had I been present, I would have voted aye on the resolution. Because I was unable to vote my strong support for the resolution, I would like to express my thoughts at this time. We as Americans have close ties to Great Britain; and, extend to the British people our deepest sympathies as they cope with their losses. In response to these barbaric attacks, the United States and the community of free nations must unite with an even greater resolve to defeat those who seek to destroy liberty by slaughtering innocent civilians.

HONORING LIEUTENANT GENERAL ROGER C. SCHULTZ

Mr. GRASSLEY. Mr. President, I would like to take this opportunity to offer my congratulations and gratitude to an extraordinary Iowan. LTG Roger C. Schultz is stepping down from his distinguished position as Director of the Army National Guard for the National Guard Bureau. He assumed this position in 1998 and has served for 7 years, the longest anyone has held this title. I would like to take this opportunity to show Lieutenant General Schultz the appreciation that the country, the State of Iowa, and myself personally, have for his extensive commitment to the Army National Guard. He joined the Iowa Army National Guard in 1963, and from there he began a career that lasted 42 years.

Lieutenant General Schultz has had an extensive career. In his most recent position as director, he was responsible for the formulation, development, and implementation of all programs and policies affecting the Army National Guard. Previously, he served as Deputy Director for Military Support on the Department of the Army Staff, where he was responsible for coordinating all Department of Defense military support to civilian authorities, which included disaster relief. While stationed with the Iowa Army National Guard, he was in Command of the 2nd Brigade, 34th Division and served as the Army Guard Chief of Staff and Deputy Adjutant General. General Schultz also received several awards and recognitions for his exemplary service. He is honored with the Distinguished Service Medal, Silver Star, Legion of Merit with Oak Leaf Cluster, Bronze Star, Purple Heart with Oak Leaf Cluster, Meritorious Service Medal with Two Oak Leaf Clusters, Department of the Army Staff Badge, Army Superior Unit Award, Humanitarian Service Award, the Combat Infantry Badge for service in the Republic of Vietnam, and many others.

General Schultz was born in LeMars, IA and enlisted when he was 18 years old. He was a student at officer candidate school at the Iowa Military Academy. Following these studies, he was commissioned in 1967 as an infantry officer. Shortly thereafter, he was sent to serve his country in the Republic of Vietnam with the 25th Infantry Division. During his several assignments, he also earned a bachelor's degree in management from Upper Iowa University and a Masters degree in public administration from Shippensburg State University in Pennsylvania. He also attended Army War College.

I share my appreciation for the general with not only his neighbors in the State of Iowa but the entire country. He has proven himself to be versatile and fully capable of accepting and mastering the tasks placed before him. His enduring commitment to the safety of Americans is cause for admiration.

Again, I offer my congratulations and sincere appreciation to LTG Roger Schultz for his remarkable achievements in the Army National Guard. He has continually provided an invaluable service to his country and I thank him for his dedication and devotion to Iowa and to America.

ADDITIONAL STATEMENTS

COMMENDING JOE KELLY McCUTCHEN

• Mr. ISAKSON. Mr. President, I am very pleased to rise and commend Mr. Joe Kelly McCutchen of Ellijay GA for his selection as outstanding alumni for the living history program of Georgia Tech.

Georgia Tech could not have made a better decision. Joe McCutchen is a living role model for community involvement, excellence in action, and sharing the American dream. His selection places him in the company of great Georgians like medal of honor winner General Raymond Davis, former President Jimmy Carter, astronaut Jan Davis, former Lockheed president Robert Ormsby, and Federal judge Marvin Shoob.

No one in northwest Georgia has had a greater positive effect on the young people than Joe. He constantly engages with young people to inspire them to excellence. He teaches the promise of free enterprise, and power of the American dream.

Joe McCutchen is also Georgia's leading advocate for lower taxes and sound fiscal policy in government. He and his friend Oscar Poole travel to Washington often to present their Taxpayer Champion Award, and there is not a credible radio or television public policy call in show in the United States on which Joe has not participated.

Joe McCutchen has lived the American dream and commits his life to sharing its promise with others. Georgia Tech is to be commended for its living history program and its selection of Joe McCutchen.•

IRAQ TRIP REPORT

• Mr. LEVIN. Mr. President, during the July 4th recess, I traveled to Iraq and Jordan to evaluate the progress of Operation Iraqi Freedom. I ask unanimous consent that the full text of my trip report be entered into the RECORD at this point.

I spent two days—July 5 and 6—in Iraq and the morning of July 7 in Jordan. I believe mine was the first Congressional delegation to overnight in Iraq since the start of the war. It was also my fifth post-war trip to Iraq.

In Iraq, I spent a day and a half in Baghdad meeting with U.S. Embassy and military personnel and with Members of the Government of Iraq, including the President and Prime Minister. Additionally, I met with numerous Sunni Arabs, including officials of the Government, a member of the Iraqi National Assembly, and representatives of political groups, including some who had just been added to the Assembly's constitutional drafting committee. I also met with the Chairman of the constitutional drafting committee and the UN Special Representative, whose staff is advising on the drafting of the constitution.

I spent the remainder of the second day in Iraq in Fallujah in the Sunni Triangle, where I was able to meet with a number of U.S. servicemen and women, and was privileged to have dinner with ten Marine Corps and Navy personnel from Michigan.

Once again, I was deeply impressed by the dedication and professionalism of our servicemen and women and with their very high morale. I told them that the Congress and the American people are proud of them and back them one hundred percent, regardless of differing positions on the Administration's policies.

One purpose of my trip was to gauge the level of the insurgency. I found strong support for the recent assessment of General Abizaid, the regional U.S. Commander, that the insurgency is not weakening and that the flow of foreign jihadists into Iraq has increased. I found no support for Vice President Cheney's view that the insurgency is in its "last throes."

Another purpose of my trip was to assess the current and potential level of participation of the Sunni Arabs in the political and constitutional drafting processes, including the likelihood that the Iraqi constitution would be completed by August 15th (and therefore not needing to utilize the one six month extension allowed under Iraqi law). I was surprised by the optimism of most Iraqis that the constitution would be agreed by August 15th and particularly that the Sunni Arab participants (recently increased by 15) would likely be supportive of the draft. If that is true, that will pave the way for a referendum on the draft constitution on October 15th and a national election on December 15th.

If this optimism is not borne out, however, a way must be found to bring pressure to bear on the parties to make the reasonable compromises that will be required for agreement on the constitution. Everyone whom I met on this trip advised that none of the Iraqis—not just Shia and Kurd, but also Sunni Arab—want U.S. forces to leave now. They want our forces to be less visible and Iraqi security forces to be more visible, but they want us to stay for now.

Given that fact and given the consensus that a political solution is necessary if there is any prospect of defeating the insurgency, we need to make clear to the Iraqis that if they are unable to reach agreement on the constitution, we will reconsider our presence in Iraq and that all options will be on the table, including withdrawal. (The logic of that position is that if a political settlement is essential if there is a chance of lessening the insurgency, that without a political settlement the insurgency is not going to be defeated even with our presence.)

I focused on meeting with members of the Sunni Arab community, as I believe they are the key to a successful political process in Iraq. Most of them realize it was a mistake for them not to have participated in the January elections and they want to participate in the drafting of a constitution and in the follow-on elections. At the same time, the so-called former regime element that is fueling the insurgency in an attempt to block a political settlement comes from the Sunni Arab community, and too many members of that community sympathize with and provide support for the insurgents.

There are a number of issues that will need to be resolved if a draft constitution is to be agreed upon by August 15th. These include the role of Islam; the form of the government (i.e. parliamentary or presidential); the relationship between the national government and the provinces and the degree to which natural resources will belong to the provinces or the national government; and the degree of autonomy that will reside in the regions. Since the oil resources of Iraq are located in the Shia south and the Kurdish north, these are issues that are extremely important to the Sunni Arabs, whose area lacks oil resources.

The decision of the National Assembly to accept 15 Sunni Arabs as members of the constitutional drafting committee, despite the Sunni Arabs lack of participation in the election, hopefully augurs well for the kind of compromises that will need to be made by all three of the main political factions for a draft constitution to be reached.

Although the successful drafting of a constitution, with the active participation of the Sunni Arab community, is very important and may help create an environment within which the insurgency can be dramatically reduced, it will not automatically achieve that result. The Sunni Arabs with whom we met, although from different groups, complained of the extended detention of their brethren, the perceived focus of raids by Coalition and Iraqi security forces on their community, the forced unemployment of hundreds of thousands of Sunni Arabs fired in the de-Baathification process and denied the pensions to which they contributed. They expressed a preference for the U.S. military to leave the cities and to locate on bases removed from populated areas.

and the need for at least a rough estimate as to when Coalition forces will be withdrawn.

I explored in depth the training and equipping of Iraqi security forces. It is clear that a great deal of time was wasted during the existence of the Coalition Provisional Authority or CPA. While it appears that progress is being made now, it is moving slowly and will take quite some time before Iraqis will be capable of dealing with the insurgency on their own.

In his recent speech to the nation on Iraq, President Bush said, with respect to the training and equipping of Iraqi security forces, that "as Iraqis stand up, we will stand down." General Casey, the overall commander on the ground in Iraq, acknowledged to me that he is working on a plan whereby units of the Iraqi security forces would first partner with Coalition military units and gradually take the lead in military operations, then will assume control in selected provinces, and gradually assume control more broadly until they ultimately can control the entire country. Part of that plan provides for Coalition forces to be reduced as Iraqi security forces become more and more capable.

I also spoke to General Casey and to Iraqi officials about the need for greater progress in the review of Iraqis detained by Coalition or Iraqi forces and the need to either release or try them. While some progress has been made in this area, it has been too slow in coming and much more must be done and done quickly.

In Jordan, I was pleased to be able to meet with King Abdullah. King Abdullah had just finished presiding over the closing session of a three day International Islamic Conference that he had organized. This visionary and critically important Conference was attended by top Muslim authorities from around the globe. It was aimed at finding common principles among various Muslim schools of thought and isolating and deligitimatizing those who preach violence in the name of Islam.

Two things need to happen within the next 40 days to improve chances of a successful outcome in Iraq.

A draft of the Iraqi constitution needs to be agreed and sent to the National Assembly by the constitutional committee no later than August 15—the timetable the Iraqis have set for themselves. All of the people with whom I spoke—whether Sunni, Shia, or Kurd—agree that that date should and can be met.

There also needs to be a more detailed road map for drawing down U.S. forces. General Casey, commander of the multi-national forces in Iraq, has said that it should be possible for a fairly significant reduction in U.S. force levels in the first few months of next year. But what is so far missing are the decision criteria for determining when that reduction can begin so that presidential rhetoric and statements of intent are turned into a credible and reassuring roadmap for Iraqis taking ownership of the risks and responsibility for their own security and survival.

After much prodding by Congress, the Administration has finally created and implemented a capability assessment system for determining the readiness of Iraqi military and police units to conduct counter-insurgency operations—whether alongside of Coalition units, or in the lead but with Coalition support, or independently. Now there must be a detailed plan, mutually agreed to by the Coalition and Iraqis, with measurable benchmarks to determine progress, and with a reasonable estimate of the time required to reach those benchmarks. Only in this way can we know the approximate number of Iraqi units that need to be capable of counterinsurgency operations so that coalition units can first withdraw from cities and other visible locations and begin a withdrawal from the country as a whole.

It is essential that such a plan be promptly agreed to and implemented, and its outline publicly announced, so as to provide reassurance to the American public which is expressing growing concern about simply being told we need to "stay the course" in Iraq, and to the Iraqi public which needs to see that U.S. forces will not be in their country indefinitely. Both publics must see that the President's statement that "as the Iraqis stand up, we will stand down" is not just a bumper sticker slogan.

Secretary Rice has said that we will be in Iraq as long as we are needed. Without adopting and implementing a measured and credible plan, coalition forces could be "needed" for an indeterminate time. Without such a plan, Iraqis may never assume the responsibility for taking back their country from the insurgents and taking the risks and making the compromises necessary to chart their own destiny.

Finally, while I was surprised by the high level of optimism about the August 15 date being met for agreement on a draft Iraqi constitution, I was given a sobering assessment about the current and future strength of the insurgency.

Even if the timetable for adopting a constitution is met, and even if a plan is agreed upon for phasing in capable Iraqi military forces to take over responsibility for security so U.S. forces in Iraq can simultaneously be reduced, there is still great uncertainty that the insurgency will be eliminated or lessened in the near term.

But, while taking those steps doesn't guarantee success, they could help change the dynamic in Iraq and provide the only way a poorly thought through and mistake ridden U.S. policy in Iraq can still reach a successful conclusion.●

TRIBUTE TO JOHN H. JOHNSON

● Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a renowned publisher, entrepreneur, businessman, humanitarian and an outstanding Arkansan, Mr. John Harold Johnson.

John H. Johnson, a native of Arkansas City, AR, was born on January 19, 1918, to Leroy and Gertrude Johnson. Over 60 years ago, John H. Johnson founded and became owner of the largest black-owned publishing company in the world, Johnson Publishing Company, Inc., located in Chicago, IL. From this company, the Negro Digest, Ebony, Jet and other magazines and periodicals were created. Ebony and Jet magazines enabled Johnson to have an impact on Civil Rights in America, Entertainment, Sports and the Nation's culture as a whole. These two magazines continue to successfully reflect and comment on the African-American experience. Johnson has also enjoyed success in the cosmetic industry with the establishment of Fashion Fair Cosmetics.

In 1999, the University of Arkansas at Pine Bluff and Arkansas City, AR, formed an alliance for the creation of the John H. Johnson Delta Cultural and Entrepreneurial Learning Center. The Cultural and Entrepreneurial Learning Center will provide accommodations in Arkansas City for classroom and educational activities that originate at the University of Arkansas at Pine Bluff.

On Saturday, May 21, 2005, the John H. Johnson Cultural and Education Museum was dedicated in Johnson's hometown. Using materials from the original, the museum was constructed as a replica of Johnson's boyhood home. It will now provide valuable insight into his life and origin while bringing tourism dollars to his native home of Arkansas City and the surrounding area. His life is an inspirational American story where, rising from poverty with a strong sense of self, he overcame adversity and became one of the country's most successful entrepreneurs. I am grateful to have been a part of this magnificent event and honored to have Mr. John H. Johnson at the top of the list of notable Arkansans and Americans.●

IBM BOULDER'S 40TH ANNIVERSARY

● Mr. SALAZAR. Mr. President, I ask that this letter be printed in the RECORD.

The letter follows:

U.S. SENATE,
Washington, DC, June 30, 2005.

IBM BOULDER,
Diagonal Highway,
Boulder, CO.

DEAR FRIENDS, It is with great pleasure that I am able to share in your celebration of IBM Boulder's 40th Anniversary here at this majestic site next to the Rocky Mountains. IBM's commitment to this facility, and to the region, serves as a testament to its central role in the development of the technology industry here in Colorado.

When IBM Boulder was founded in 1965, this region was still mostly agricultural. By choosing to locate amongst undisturbed open space and farmland, IBM demonstrated a bold vision for the symbiotic potential of the technology industry with the natural beauty of our State. I also respect and admire how the workers at this facility have survived the ebb and flow of the industry over the past 40 years. They have shifted from manufacturing computer parts in the early years to housing and supporting 20 different IBM divisions that now develop printing systems, design engineering, software and global services. And IBM's commitment to the community through the annual Employee Charitable Contribution Campaign has left a lasting mark on local health and human service agencies that sets a tone for others to emulate.

Thank you for the honor of joining in your anniversary celebration. As your newest United States Senator, I am proud of the rich economic diversity of our State. You should be proud of your significant contributions to the region and to Colorado.

Sincerely,

KEN SALAZAR,
U.S. Senator.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 168. Concurrent resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 168. Concurrent resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

S. 1374. A bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S. 1375. A bill to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2899. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of proposed legislation "To authorize appropriations to the National Aeronautics and Space Administration for science, aeronautics, and exploration; space flight capabilities; and Inspector General, and for other purposes" received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2900. A communication from the Director, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report entitled "Federal Assistance for Interjurisdictional and Anadromous Fisheries Program Report 2003–2004"; to the Committee on Commerce, Science, and Transportation.

EC–2901. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report entitled "Science, Service, and Stewardship in Chesapeake Bay: A Biennial Report to Congress"; to the Committee on Commerce, Science, and Transportation.

EC–2902. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Director, NIST, the designation of an Acting Director, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC–2903. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary and Director General, the designation of an Acting Assistant Secretary, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC–2904. A communication from the Acting White House Liaison, Department of Commerce, transmitting, pursuant to law, the report of a vacancy in the position of General Counsel, the designation of an Acting General Counsel, and the name of a nominee to fill the vacancy; to the Committee on Commerce, Science, and Transportation.

EC–2905. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Vermilion Snapper Rebuilding Plan" ((RIN0648–AS19) (I.D. No. 021705A)) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2906. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Allocating Bering Sea and Aleutian Islands King and Tanner Crab Fishery Resources; Final Rule" (RIN0648–AS47) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2907. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quota Specifications and General Category Effort Controls" ((RIN0648–AT01) (I.D. No. 030405C)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2908. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Foreign Fishing; Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications; Pacific Whiting" (RIN0648–AS27) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2909. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Western Pacific Pelagic Fisheries; American Samoa Longline Limited Entry Program" ((RIN0648–AQ92) (I.D. No. 061704A)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2910. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Trip Limit Reduction for Gulf of Mexico Grouper Fishery" ((RIN0648–AS97) (I.D. No. 053105G)) received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2911. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reef Fish Fishery of the Gulf of Mexico; Closure of the 2005 Deep-Water Grouper Commercial Fishery" (I.D. No. 060705B) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2912. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries: Adjustment of Retention Limits" (I.D. No. 052405D) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2913. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule, Correcting Amendment to the Regulations Governing the Bering Sea and Aleutian Islands Crab Fisheries" (RIN0648–AS47) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2914. A communication from the Secretary of Transportation transmitting, the report of a proposed bill entitled "The St. Lawrence Seaway Development Corporation Enhancement Act" received on June 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2915. A communication from the Acting Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135–AA21) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2916. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rule Concerning Disclosures

Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ('APPLIANCE LABELING RULE') (Energy Cost and Water Heater Ranges—2005)" (RIN3084-AA74) received on June 28, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2917. A communication from the Attorney Advisor, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in the acting role of Administrator received on June 23, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2918. A communication from the Attorney Advisor, Research and Innovative Technology Administration (RITA), Department of Transportation, transmitting, pursuant to law, the report of a vacancy and a nomination for the new position of Administrator; to the Committee on Commerce, Science, and Transportation.

EC–2919. A communication from the Attorney Advisor, Bureau of Transportation Statistics, Department of Transportation, transmitting, pursuant to law, a change in previously submitted reported information relative to a vacancy in the position of Director, received on June 23, 2004; to the Committee on Commerce Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S.J. Res. 18. A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003 (Rept. No. 109–101).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE:

S. 1381. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences before any relicensing of that facility; to the Committee on Environment and Public Works.

By Ms. CANTWELL (for herself and Mr. DORGAN):

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe; read the first time.

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. 1383. A bill to seek urgent and essential institutional reform at the United Nations; to the Committee on Foreign Relations.

By Mr. SCHUMER:

S. 1384. A bill to amend the Higher Education Act of 1965 to establish a demonstration program to support college and university communities that wish to expand their book store services and saving for students through the creation of course material rental programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 1385. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BOND (for himself and Ms. MURKOWSKI):

S. Res. 196. A resolution welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore; considered and agreed to.

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 146, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 313

At the request of Mr. LUGAR, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON), the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 313, a bill to improve authorities to address urgent nonproliferation crises and United States nonproliferation operations.

S. 350

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 350, a bill to amend the Foreign Assistance Act of 1961 to provide assistance for orphans and other vulnerable children in developing countries, and for other purposes.

S. 375

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 375, a bill to amend the Public Health Service Act to provide for an influenza vaccine awareness campaign, ensure a sufficient influenza vaccine supply, and prepare for an influenza pandemic or epidemic, to amend the Internal Revenue Code of 1986 to encourage vaccine production capacity, and for other purposes.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 484

At the request of Mr. WARNER, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 484, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 627

At the request of Mr. HATCH, the names of the Senator from Virginia (Mr. WARNER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 627, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 629

At the request of Mr. SESSIONS, the names of the Senator from North Carolina (Mrs. DOLE) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 629, a bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

S. 635

At the request of Mr. SANTORUM, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 635, a bill to amend title XVIII of the Social Security Act to improve the benefits under the medicare program for beneficiaries with kidney disease, and for other purposes.

S. 647

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 647, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 658

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 658, a bill to amend the Public Health Service Act to prohibit human cloning.

S. 666

At the request of Mr. DEWINE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 666, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 770

At the request of Mr. LEVIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 770, a bill to amend the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 to reauthorize and improve that Act.

S. 772

At the request of Mr. CORNYN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 772, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 843

At the request of Mr. SANTORUM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 843, a bill to amend the Public Health Service Act to combat autism through research, screening, intervention and education.

S. 1014

At the request of Ms. SNOWE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1014, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 1035

At the request of Mr. INHOFE, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1035, a bill to authorize the presentation of commemorative medals on behalf of Congress to Native Americans who served as Code Talkers during foreign conflicts in which the United States was involved during the 20th century in recognition of the service of those Native Americans to the United States.

S. 1047

At the request of Mr. HAGEL, his name was added as a cosponsor of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1062

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1062, a bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

S. 1076

At the request of Mr. JOHNSON, his name was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1110

At the request of Mr. ALLEN, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 1110, a bill to amend the Federal Hazardous Substances Act to require engine coolant and antifreeze to contain a bittering agent in order to render the coolant or antifreeze unpalatable.

S. 1112

At the request of Mr. GRASSLEY, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1112, a bill to make permanent the enhanced educational savings provisions for qualified tuition programs enacted as part of the Economic Growth and Tax Relief Reconciliation Act of 2001.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1224

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1224, a bill to protect the oceans, and for other purposes.

S. 1239

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1239, a bill to amend the Indian Health Care Improvement Act to permit the Indian Health Service, an Indian tribe, a tribal organization, or an urban Indian organization to pay the monthly part D premium of eligible medicare beneficiaries.

S. 1265

At the request of Mr. VOINOVICH, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1287

At the request of Mr. COLEMAN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 1287, a bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students.

S. 1313

At the request of Mr. CORNYN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1313, a bill to protect homes, small businesses, and other private property rights, by limiting the power of eminent domain.

S. 1320

At the request of Mr. DEWINE, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 1320, a bill to provide multilateral debt cancellation for Heavily Indebted Poor Countries, and for other purposes.

S. 1343

At the request of Ms. LANDRIEU, the names of the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1343, a bill to support the establishment or expansion and operation of programs using a network of public and private community entities to provide mentoring for children in foster care.

S. 1366

At the request of Mr. DORGAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes.

S. 1374

At the request of Mr. MCCAIN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1374, a bill to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

S.J. RES. 19

At the request of Mr. BROWNBACK, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S.J. Res. 19, a joint resolution calling upon the President to issue a proclamation recognizing the 30th anniversary of the Helsinki Final Act.

AMENDMENT NO. 1106

At the request of Mrs. CLINTON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 1106 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1112

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1112 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1113

At the request of Mr. AKAKA, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1113 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1129

At the request of Mrs. MURRAY, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Colorado (Mr. SALAZAR) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 1129 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. HUTCHISON, her name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, supra.

At the request of Mrs. CLINTON, her name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, supra.

At the request of Mr. JEFFORDS, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, supra.

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of amendment No. 1129 proposed to H.R. 2360, supra.

AMENDMENT NO. 1142

At the request of Ms. COLLINS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Nebraska (Mr. NELSON), the Senator from Arkansas (Mr. PRYOR), the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1145

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1145 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1146

At the request of Mr. BUNNING, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of amendment No. 1146 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1156

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1156 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1158

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1158 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1159

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1159 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1160

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1160 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. REID, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1161 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1162

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, supra.

AMENDMENT NO. 1200

At the request of Mr. BYRD, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Ohio (Mr. DEWINE), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. DODD), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 1200 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 1200 proposed to H.R. 2360, supra.

AMENDMENT NO. 1202

At the request of Mr. DODD, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1202 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1205

At the request of Mr. OBAMA, his name was added as a cosponsor of amendment No. 1205 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 1205 intended to be proposed to H.R. 2360, supra.

AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Ohio (Mr. DEWINE), the Senator from Delaware (Mr. BIDEN) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of amendment No. 1206 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1211

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1211 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1215

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 1215 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. CORZINE:

S. 1381. A bill to require the Nuclear Regulatory Commission to consider certain criteria in relicensing nuclear facilities, and to provide for an independent assessment of the Oyster Creek Nuclear Generating Station by the National Academy of Sciences before any relicensing of that facility; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, I rise today to introduce legislation to help ensure the safety of the Nation's oldest nuclear power plants before they receive a renewed license to operate.

The Oyster Creek Nuclear Generating Station in Lacey, NJ, has operated for 35 years and is the oldest nuclear facility in the country. It provides approximately ten percent of New Jersey's electricity, powering 600,000 homes. Oyster Creek also provides high paying jobs for 450 New Jerseyans. While the plant is an important source of energy and jobs for New Jerseyans, serious environmental, health, and safety concerns must be taken into account before the plant is relicensed. Three and a half million Americans live within a fifty-mile radius of this plant. Congress must recognize that it is imperative that the safety, performance and reliability of this plant be assessed by an independent entity before it is relicensed.

I have been very clear about my support for an independent review of Oyster Creek's safety and security as part of the relicensure process. Such an assessment would have to go beyond what is currently studied by the Nuclear Regulatory Commission (NRC) when it reviews a license renewal. Unfortunately, when the NRC decides whether to renew a plant's license, it does not subject that application to the same thorough analysis that would be applied to a new power plant's application.

In particular, a plant's emergency plan is not evaluated by the NRC when it considers a license renewal. This is surely unacceptable.

The legislation I am introducing would require the NRC to withhold relicensing of the Oyster Creek Station until the National Academy of Sciences provides an independent assessment of safety performance, along with recommendations for relicensing and relicensing conditions. The assessment must identify health risks, vulnerability to terrorist attacks, evacuation plans, population increases, ability to store nuclear waste, safety and security records, and the impact of a nuclear accident. The NRC would not be allowed to grant the license until it gives appropriate consideration to the recommendations in the report. This is important not just for New Jersey as it applies to Oyster Creek, but for all nuclear plants across the country.

In addition, the bill requires NAS to review and recommend what the life expectancy of nuclear plants should be that are designed like Oyster Creek.

Most public officials do not have the training or knowledge base needed to make an independent assessment regarding the safety and security of a nuclear power plant. This is why it is so critical that policymakers solicit the independent and unbiased opinion of experts who are able to thoroughly assess whether the Oyster Creek nuclear power plant would be able to operate without fail throughout the duration of a new license.

This Nation needs a plan for a sound energy future. Such a plan must address the increasing role for clean, renewable energy. The plan, however, must ensure that nuclear power plants such as Oyster Creek operate safely and only as long as they are needed.

If New Jersey's energy future is left up to chance, it could leave my State more reliant on coal-fired energy imported from other States over a regional grid that is unable to handle bulk power transfers of such a magnitude. The obvious end result of such reliance on distantly generated and transported energy is more air pollution and more blackouts.

Considering that New Jersey already suffers from the health effects of out-of-State air pollution and is still smarting from the 2003 blackout, we should know better than to let this happen.

A mistake in this matter has devastating potential consequences for New Jersey. An independent assessment of the safety of Oyster Creek is a significant step to ensure the safety of the 3.5 million residents who live in the vicinity of the plant. This additional layer of safety will help ensure that if Oyster Creek is relicensed, it will have passed a stringent, independent assessment of its safety. New Jersey should not expect anything less when it comes to the safety of its citizens.

I urge my colleagues to support this crucial piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Oyster Creek Nuclear Generating Station Relicensing Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Oyster Creek Nuclear Generating Station, which has been in operation for more than 35 years, is the oldest nuclear facility in the United States;

(2) as of the date of enactment of this Act, more than 3,500,000 people reside within a 50-mile radius of the Station;

(3) nuclear power facilities have been identified as targets for terrorist attacks;

(4) it is necessary to assess the safety, performance, and reliability of the oldest operating reactor in the United States; and

(5) an independent assessment of the Station will help in determining whether the Station can continue to maintain adequate levels of safety.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) STATION.—The term "Station" means the Oyster Creek Nuclear Generating Station.

SEC. 4. RELICENSING CRITERIA FOR NUCLEAR FACILITIES.

Section 182 of the Atomic Energy Act of 1954 (42 U.S.C. 2232) is amended by adding at the end the following:

"e. In determining whether to approve an application for relicensing, the Commission shall evaluate the facility with respect to—

"(1) the health risks, vulnerability to terrorist attack, evacuation plans, surrounding population increases, ability to store nuclear waste, and safety and security record of the facility; and

"(2) the impact of a nuclear accident at the facility.".

SEC. 5. INDEPENDENT ASSESSMENT OF STATION.

(a) IN GENERAL.—The Commission shall not relicense the Station until—

(1) a date that is not earlier than 90 days after the date on which the Commission receives the report described in subsection (b); and

(2) the Commission has given appropriate consideration to the recommendations in the report.

(b) ASSESSMENT BY NATIONAL ACADEMY OF SCIENCES.—The Commission shall enter into an agreement with the National Academy of Sciences to submit to the Commission a report that includes, with respect to the Station—

(1) an independent assessment of safety performance; and

(2) recommendations with respect to—

(A) whether the Station should be relicensed by the Commission; and

(B) conditions for relicensing the Station.

(c) INCLUSIONS.—In preparing the report under subsection (b), the National Academy of Sciences, in accordance with any applicable regulations issued by the Commission, shall—

(1) provide an independent assessment of whether the Station conforms to the design and licensing bases of the Station, including appropriate reviews at the site and corporate offices of the Station;

(2) provide an independent assessment of the operational safety performance of the Station, including an identification of risk factors, as the National Academy of Sciences determines to be appropriate;

(3) provide an independent assessment of—

(A) the health risks, vulnerability to terrorist attack, evacuation plans, surrounding population increases, ability to store nuclear waste, and safety and security record of the Station; and

(B) the impact of a nuclear accident at the Station;

(4) evaluate the effectiveness of licensee self-assessments, corrective actions, and improvement plans at the Station;

(5) determine any cause of a safety problem at the Station;

(6) assess the overall performance of the Station; and

(7) assess, and provide recommendations regarding, the optimal life expectancy of—

(A) the Station; and

(B) nuclear facilities that are similar in design to the Station, as determined by the National Academy of Sciences.

(d) ACCESS.—The Chairperson of the Commission shall issue such regulations as are necessary to ensure appropriate access to the National Academy of Sciences to carry out this section, as determined by the Chairperson.

(e) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commission shall submit to Congress the report of the National Academy of Sciences described in subsection (b).

By Mr. COLEMAN (for himself and Mr. LUGAR):

S. 1383. A bill to seek urgent and essential institutional reform at the United Nations; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to join Senator NORM COLEMAN in introducing the United Nations Management, Personnel, and Policy Reform Act of 2005.

United Nations reform is not a new issue. The structure and role of the United Nations have been debated in our country almost continuously since the U.N. was established in 1945. But in 2005, we may have a unique opportunity to improve the operations of the UN. The revelations of the Oil-For-Food scandal and the urgency of strengthening global cooperation to address terrorism, the AIDS crisis, nuclear proliferation, and many other international problems have created momentum in favor of constructive reforms at the UN.

We have ample evidence that the United Nations is in need of reform. The Foreign Relations Committee held the first Congressional hearing on the UN's Oil-for-Food scandal a year ago last April. Since that time, through the work of Paul Volcker, Senator COLEMAN, and many others, we have learned much more about the extent of the corruption and mismanagement involved.

Senator COLEMAN's hard work as a Member of the Senate Foreign Relations Committee and as the Chairman of the Homeland Security and Governmental Affairs Permanent Subcommittee on Investigations has provided the Senate with extensive knowledge of what went wrong in the Oil-for-Food Program. We have combined efforts to offer the Senate a top-down/bottom-up comprehensive look at what needs to be reformed if the United Nations is going to be a highly effective institution in this century. I would like to thank staff on the Foreign Relations Committee and the Permanent Subcommittee on Investigations who have collaborated for many hours during the past several weeks as we have finalized this bill.

We know that billions of dollars that should have been spent on humanitarian needs in Iraq were siphoned off by Saddam Hussein's regime through a system of surcharges, bribes, and kickbacks. This corruption depended upon members of the UN Security Council who were willing to be complicit in these activities. It also depended on UN officials and contractors who were dishonest, inattentive, or willing to make damaging compromises in pursuit of a compassionate mission.

The diminishment of UN credibility from corruption in the Oil-for-Food Program and other scandals is harmful to U.S. foreign policy and to efforts aimed at coordinating a stronger global response to terrorism. The capabilities possessed by the United Nations depend heavily on maintaining the credibility associated with countries acting together in a well-established forum with well-established rules. Profiteering, mismanagement, and bureaucratic stonewalling squander this precious resource. At a time when the United States is appealing for greater international help in Iraq, Afghanistan, and in trouble spots around the world, a diminishment of UN credibility reduces U.S. options and increases our own burdens.

The UN's ability to organize burden sharing and take over missions best handled by the international community is critical to the long-term success of U.S. foreign policy. As such, the United States must help achieve effective reform at the UN.

Our legislation contains a comprehensive list of reforms that the United States must pursue at the United Nations. Some were espoused in the Gingrich-Mitchell UN reform study. Others have been proposed by our colleague on the House side, HENRY HYDE, and have already been adopted by the House of Representatives. Others have emerged from the Senate Foreign Relations Committee's and the Permanent Subcommittee of Investigation's examination of sound management, personnel and oversight practices that can prevent past failures from reoccurring.

The legislation includes a new UN procurement system that embodies the high standards required in modern governments and private sector companies, including relevant standards contained in the Foreign Corrupt Practices Act. It calls for a new Management Performance Board to hold senior UN officials accountable and a Sanctions Management Office to assist the Security Council in managing, monitoring, and overseeing UN sanctions programs. It calls for strengthened financial disclosure requirements for UN personnel and the creation of an Office of Ethics to monitor the disclosure policy and enforce a code of ethics. On the UN budget, it supports sunset provisions for all new programs mandated by the General Assembly and cost-cutting measures such as greater use of the internet for public information, expanding outsourcing of translation, and reducing the frequency of conferences and international meetings. It promotes whistle-blower protections for UN employees and strengthens the UN inspector general function carried out by the Office of International Oversight Services (OIOS). And it calls for the creation of a new Independent Oversight Board to ensure the integrity and fiscal independence of the OIOS.

The legislation also calls for reforms in the two functions, peacekeeping and humans rights protection, where the United Nations will need to be stronger and more effective over the next several decades if it is to make a major contribution to international peace and security.

This legislation would provide President Bush with Congressional support and flexibility as he moves to generate reforms at the UN. The bill establishes a comprehensive agenda for creating the kind of United Nations the American people can support. It does not impose an artificial formula or rigid checklist of items that narrows our definition of success. Nor does it require mandated cuts in UN dues. Instead, the underlying premise of this legislation is that we want to give a President who knows how to achieve reform and is firmly committed to doing so the tools he needs to achieve our national objectives.

We see President Bush's pledge to seek reform reinforced by his deeds, including his nomination of a reform-minded expert on UN affairs to be our ambassador at the United Nations and now his subsequent nomination of a trusted White House aide to be the Assistant Secretary for International Organizations at the State Department.

The drive for reform at the UN is not going to occur in a national security vacuum. We will continue to have national security interests that are affected by UN agencies and UN deliberations. Without narrowing the President's options, this legislation gives him the leverage he needs. If he believes that, despite our best efforts, the other member states of the UN do not share our views on the urgency for reform, this bill grants the President full authority to withhold 50 percent of our UN dues until reforms are implemented. But it allows the President to make tactical judgments in the national security interest about how to apply leverage and about what methods to use in pursuing reform.

Secretary General Kofi Annan has proposed a substantial reform plan that will provide a platform for further reform initiatives and discussions. Other member nations have ideas for reform as well. The United States must be a leader in the effort to improve the United Nations, particularly its accountability. And this legislation provides the right balance, outlining the kinds of reforms that will make the United Nations an accountable, transparent, and well-managed international organization, while giving the President the authority to withhold contributions if reform efforts fall short.

I thank Senator COLEMAN for the expertise and leadership he has provided in crafting this legislation, and I ask my colleagues to give it their full support.

By Mr. FEINGOLD (for himself, Mr. KENNEDY, and Ms. LANDRIEU):

S. 1385. A bill to amend part A of title IV of the Social Security Act to ensure fair treatment and due process protections under the temporary assistance to needy families program, to facilitate enhanced data collection and reporting requirements under that program, and for other purposes; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, later this year the Senate may again consider reauthorization of the 1996 Personal Opportunity and Work Responsibility Reconciliation Act. This law ended the Aid to Families with Dependent Children program and created our current Federal welfare program, the Temporary Assistance for Needy Families (TANF) program.

I supported the legislation that created TANF because I believed that the welfare system was failing recipients and their families and that we needed to do better. Now, almost nine years later, poverty levels are again on the rise and it is clear that improvements need to be made to the TANF program in order to achieve the goal of breaking the cycle of poverty and moving recipients into well-paying, sustainable jobs.

As we all know, each State's welfare program is different, and the implementation of these programs often varies from provider to provider and from county to county. While we encouraged State-level innovation with the 1996 law and should continue to encourage it with our reauthorization legislation, we should also ensure that all State plans conform to uniform Federal fair treatment and due process protections for all applicants and clients.

I am deeply concerned that a client who applies for or receives benefits in one part of Wisconsin may not be getting the same treatment as another applicant or client in a different part of my State.

The bill that I introduce today, the Fair Treatment and Due Process Protection Act, would improve Federal fair treatment and due process protections for applicants to and clients of State TANF programs by addressing gaps in current law in three areas: access to translation services and English as a Second Language education programs, sanction notification and due process protections, and data collection and analysis. I am pleased to be joined in this effort by the Senator from Massachusetts, Mr. KENNEDY and the Senator from Louisiana, Ms. LANDRIEU.

In order for low-income parents whose primary language is not English to understand their rights with respect to availability of benefits, to comply with Federal and State TANF program rules, and to move from welfare to work, we should ensure that translation services and English as a Second Language classes are available.

My bill would require States to provide interpretation and translation services to low-income parents who do not speak English, and provides that the standards currently used in the food stamp program would be used to determine when the requirement to provide such services would be triggered for TANF-funded programs.

States would also be required to advise adults who lack English proficiency of available programs in the community to help them learn English, and to allow individuals who elect to enroll in such programs to participate in them. Individuals who participate in such activities on a satisfactory basis would be considered to be engaged in work activities and these activities would be counted towards the work participation rates.

If we are not only to reduce the welfare rolls but to reduce poverty and to ensure that low-income parents find sustainable jobs, we must ensure that these parents have access to education and training, including ESL classes, and that this training counts toward the work requirement. I support efforts to expand the number of activities that TANF clients are permitted to count as work, and my bill would add ESL classes to that list.

In addition, I am concerned about reports of unfair sanctioning and case closures across the country. We should make every effort to minimize discrimination in the application of sanctions and the termination of benefits. My bill would require that, prior to imposing a sanction, States inform individuals of the reasons for the sanction and what individuals may do to come into compliance with program rules to avoid the sanction. It also would stipulate that sanctions may not continue after individuals have come into compliance with program rules, and that individuals be informed of all other services and benefits for which they may be eligible during the period of the sanction, and of their rights under applicable State and Federal laws.

Finally, this bill would require States to perform enhanced data collection and analysis so that we can get a better picture of the people who apply for and receive TANF benefits and those who leave the welfare rolls.

I share the concern that has been expressed by a number of my constituents regarding the lack of comprehensive, uniform data about State welfare programs, including information on those who apply for benefits and those who have left the welfare rolls. My bill would require States to collect and manage data in a uniform way; to disaggregate the data based on a larger number of subgroups, including race, ethnicity/national origin, gender, primary language, and educational level of recipient; to include information on work participation and about applicants who are diverted to other programs; and to track clients whose cases are closed.

In addition, the Federal Department of Health and Human Services would be required to include a comprehensive analysis broken down by these same data groups in its annual report on the TANF program. The Department would also be required to perform a longitudinal study of program outcomes that includes data on applicants for assistance, families that receive assistance, and families that leave assistance during the period of the study. The Secretary of Health and Human Services would be required to protect the privacy of individuals and families applying for or receiving assistance under State TANF programs when data on such individuals and families is publicly disclosed by the Secretary.

These enhanced requirements are not meant to impose an additional burden on the States. Rather, they are intended to measure the success of the program in a more comprehensive and transparent manner.

This legislation is supported by the Leadership Conference on Civil Rights, the Nation's oldest and most diverse civil rights coalition. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Fair Treatment and Due Process Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references.
TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS
Sec. 101. Provision of interpretation and translation services.
Sec. 102. Assisting families with limited English proficiency.

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS
Sec. 201. Sanctions and due process protections.
TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS
Sec. 301. Data collection and reporting requirements.
Sec. 302. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 303. Longitudinal studies of TANF applicants and recipients.
Sec. 304. Protection of individual privacy.
TITLE IV—EFFECTIVE DATE
Sec. 401. Effective date.

(c) REFERENCES.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—ACCESS TO TRANSLATION SERVICES AND LANGUAGE EDUCATION PROGRAMS

SEC. 101. PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a) is amended by adding at the end the following:

“(12) PROVISION OF INTERPRETATION AND TRANSLATION SERVICES.—A State to which a grant is made under section 403(a) for a fiscal year shall, with respect to the State program funded under this part and all programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)), provide appropriate interpretation and translation services to individuals who lack English proficiency if the number or percentage of persons lacking English proficiency meets the standards established under section 272.4(b) of title 7 of the Code of Federal Regulations (as in effect on the date of enactment of this paragraph).”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

“(15) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

SEC. 102. ASSISTING FAMILIES WITH LIMITED ENGLISH PROFICIENCY.

(a) IN GENERAL.—Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by adding at the end the following:

“(E) INDIVIDUALS WITH LIMITED ENGLISH PROFICIENCY.—In the case of an adult recipient who lacks English language proficiency, as defined by the State, the State shall—

“(i) advise the adult recipient of available programs or activities in the community to address the recipient's education needs;

“(ii) if the adult recipient elects to participate in such a program or activity, allow the recipient to participate in such a program or activity; and

“(iii) consider an adult recipient who participates in such a program or activity on a satisfactory basis as being engaged in work for purposes of determining monthly participation rates under this section, except that the State—

“(I) may elect to require additional hours of participation or activity if necessary to ensure that the recipient is participating in work-related activities for a sufficient number of hours to count as being engaged in work under this section; and

“(II) shall attempt to ensure that any additional hours of participation or activity do not unreasonably interfere with the education activity of the recipient.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 101(b), is amended by adding at the end the following:

“(16) PENALTY FOR FAILURE TO PROVIDE INTERPRETATION AND TRANSLATION SERVICES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 407(c)(2)(E) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

“(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.”.

TITLE II—SANCTIONS AND DUE PROCESS PROTECTIONS

SEC. 201. SANCTIONS AND DUE PROCESS PROTECTIONS.

(a) IN GENERAL.—Section 408(a) (42 U.S.C. 608(a)), as amended by section 101(a), is amended by adding at the end the following:

“(13) SANCTION PROCEDURES.—

“(A) PRE-SANCTION REVIEW PROCESS.—Prior to the imposition of a sanction against an individual or family receiving assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for failure to comply with program requirements, the State shall take the following steps:

“(i) Provide or send notice to the individual or family, and, if the recipient's native language is not English, through a culturally competent translation, of the following information:

“(I) The specific reason for the proposed sanction.

“(II) The amount of the proposed sanction.

“(III) The length of time during which the proposed sanction would be in effect.

“(IV) The steps required to come into compliance or to show good cause for noncompliance.

“(V) That the agency will provide assistance to the individual in determining if good cause for noncompliance exists, or in coming into compliance with program requirements.

“(VI) That the individual may appeal the determination to impose a sanction, and the steps that the individual must take to pursue an appeal.

“(ii)(I) Ensure that, subject to clause (iii)—

“(aa) an individual other than the individual who determined that a sanction be imposed shall review the determination and have the authority to take the actions described in subclause (II); and

“(bb) the individual or family against whom the sanction is to be imposed shall be afforded the opportunity to meet with the individual who, as provided for in item (aa), is reviewing the determination with respect to the sanction.

“(II) An individual to which this subclause applies may—

“(aa) modify the determination to impose a sanction;

“(bb) determine that there was good cause for the individual or family's failure to comply;

“(cc) recommend modifications to the individual's individual responsibility or employment plan; and

“(dd) make such other determinations and take such other actions as may be appropriate under the circumstances.

“(iii) The review required under clause (ii) shall include consideration of the following:

“(I) To the extent applicable, whether barriers to compliance exist, such as a physical or mental impairment, including mental illness, substance abuse, mental retardation, a learning disability, domestic or sexual violence, limited proficiency in English, limited literacy, homelessness, or the need to care for a child with a disability or health condition, that contributed to the noncompliance of the person.

“(II) Whether the individual or family's failure to comply resulted from failure to receive or have access to services previously identified as necessary in an individual responsibility or employment plan.

“(III) Whether changes to the individual responsibility or employment plan should be made in order for the individual to comply with program requirements.

“(IV) Whether the individual or family has good cause for any noncompliance.

“(V) Whether the State's sanction policies have been applied properly.

“(B) SANCTION FOLLOW-UP REQUIREMENTS.—If a State imposes a sanction on a family or individual for failing to comply with program requirements, the State shall—

“(i) provide or send notice to the individual or family, in language calculated to be understood by the individual or family, and, if the individual's or family's native language is not English, through a culturally competent translation, of the reason for the sanction and the steps the individual or family must take to end the sanction;

“(ii) resume the individual's or family's full assistance, services, or benefits provided under this program (provided that the individual or family is otherwise eligible for such assistance, services, or benefits) once the individual who failed to meet program requirements that led to the sanction complies with program requirements for a reasonable period of time, as determined by the State and subject to State discretion to reduce such period;

“(iii) if assistance, services, or benefits have not resumed, as of the period that begins on the date that is 60 days after the date on which the sanction was imposed, and end on the date that is 120 days after such date, provide notice to the individual or family, in language calculated to be understood by the individual or family, of the steps the individual or family must take to end the sanction, and of the availability of assistance to come into compliance or demonstrate good cause for noncompliance with program requirements.”.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)), as amended by section 102(b), is amended by adding at the end the following:

“(17) PENALTY FOR FAILURE TO FOLLOW SANCTION PROCEDURES.—

“(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

"(B) Penalty based on severity of failure.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

(c) State Plan Requirement To Describe How States Will Notify Applicants and Recipients of Their Rights Under the Program and of Potential Benefits and Services Available Under the Program.—Section 402(a)(1)(B)(iii) (42 U.S.C. 602(a)(1)(B)(iii)) is amended by inserting ", and will notify applicants and recipients of assistance under the program of the rights of individuals under all laws applicable to program activities and of all potential benefits and services available under the program" before the period.

(d) Requirement To Provide Notice to Applicants and Recipients of Rights and of Potential Program Benefits and Services, and To Train Program Personnel To Respect Such Rights.—

(1) In general.—Section 408(a) (42 U.S.C. 608(a)), as amended by subsection (a), is amended by adding at the end the following:

"(14) Requirement to provide notice to applicants and recipients of rights and of potential program benefits and services, and to train program personnel to respect such rights.—A State to which a grant is made under section 403 shall—

"(A) notify each applicant for, and each recipient of, assistance under the State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) of the rights of applicants and recipients under all laws applicable to the activities of such program (including the right to claim good cause exceptions to program requirements), and shall provide the notice—

"(i) to a recipient when the recipient first receives assistance, benefits, or services under the program;

"(ii) to all such recipients on a semiannual basis; and

"(iii) orally and in writing, in the native language of the recipient and at not higher than a 6th grade level, and, if the recipient's native language is not English, through a culturally competent translation; and

"(B) train all program personnel on a regular basis regarding how to carry out the program consistent with such rights.".

(2) Penalty.—Section 409(a) (42 U.S.C. 609(a)), as amended by subsection (b), is amended by adding at the end the following:

"(18) Penalty for failure to provide notice to applicants and recipients of rights and of potential program benefits and services, and to train program personnel to respect such rights.—

"(A) In general.—If the Secretary determines that a State to which a grant is made under section 403 in a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to up to 5 percent of the State family assistance grant.

"(B) Penalty based on severity of failure.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.".

TITLE III—DATA COLLECTION AND REPORTING REQUIREMENTS

SEC. 301. DATA COLLECTION AND REPORTING REQUIREMENTS.

Section 411(a)(1) (42 U.S.C. 611(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "(except for information relating to activities carried out under section 403(a)(5))" and inserting ", and, in complying with this requirement, shall ensure that such information is reported in a manner that permits analysis of the information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors, and that all data, including Federal, State, and local data (whether collected by public or private local agencies or entities that administer or operate the State program funded under this part) is made public and easily accessible";

(B) by striking clause (v) and inserting the following:

"(v) The employment status, occupation (as defined by the most current Federal Standard Occupational Classification system, as of the date of the collection of the data), and earnings of each employed adult in the family.";

(C) in clause (vii), by striking "and educational level" and inserting ", educational level, and primary language";

(D) in clause (viii), by striking "and educational level" and inserting ", educational level, and primary language"; and

(E) in clause (xi), in the matter preceding subclause (I), by inserting ", including, to the extent such information is available, information on the specific type of job, or education or training program" before the semicolon;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A), the following:

"(B) Information regarding applicants.—

"(i) In general.—Each eligible State shall collect on a monthly basis, and report to the Secretary on a quarterly basis, disaggregated case record information on the number of individuals who apply for but do not receive assistance under the State program funded under this part, the reason such assistance were not provided, and the overall percentage of applications for assistance that are approved compared to those that are disapproved with respect to such month.

"(ii) Requirement.—In complying with clause (i), each eligible State shall ensure that the information required under that clause is reported in a manner that permits analysis of such information by race, ethnicity or national origin, primary language, gender, and educational level, including analysis using a combination of these factors.".

SEC. 302. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) Case Closure Reasons.—Section 411(a)(1) (42 U.S.C. 611(a)(1)), as amended by section 301, is amended—

(1) by redesignating subparagraph (C) (as redesignated by such section 301) as subparagraph (D); and

(2) by inserting after subparagraph (B) (as added by such section 301) the following:

"(C) Development of comprehensive list of case closure reasons.—

"(i) In general.—The Secretary shall develop, in consultation with States and individuals or organizations with expertise related to the provision of assistance under the State program funded under this part, a comprehensive list of reasons why individuals leave State programs funded under this part. In developing such list, the Secretary shall consider the full range of reasons for case closures, including the following:

"(I) Lack of access to specific programs or services, such as child care, transportation, or English as a second language classes for individuals with limited English proficiency.

"(II) The medical or health problems of a recipient.

"(III) The family responsibilities of a recipient, such as caring for a family member with a disability.

"(IV) Changes in eligibility status.

"(V) Other administrative reasons.

"(ii) Other requirements.—The list required under clause (i) shall be developed with the goal of substantially reducing the number of case closures under the State programs funded under this part for which a reason is not known.

"(iii) Public comment.—The Secretary shall promulgate for public comment regulations that—

"(I) list the case closure reasons developed under clause (i);

"(II) require States, not later than October 1, 2006, to use such reasons in accordance with subparagraph (A)(xvi); and

"(III) require States to report on efforts to improve State tracking of reasons for case closures, including the identification of additional reasons for case closures not included on the list developed under clause (i).

"(iv) Review and modification.—The Secretary, through consultation and analysis of quarterly State reports submitted under this paragraph, shall review on an annual basis whether the list of case closure reasons developed under clause (i) requires modification and, to the extent the Secretary determines that modification of the list is necessary, shall publish proposed modifications for notice and comment, prior to the modifications taking effect.".

(b) Inclusion in Quarterly State Reports.—Section 411 (a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (xvi)—

(A) in subclause (IV), by striking "or" at the end;

(B) in subclause (V), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(VI) a reason specified in the list developed under subparagraph (C), including any modifications of such list.";

(2) by redesignating clause (xvii) as clause (xviii); and

(3) by inserting after clause (xvi), the following:

"(xvii) The efforts the State is undertaking, and the progress with respect to such efforts, to improve the tracking of reasons for case closures.".

SEC. 303. LONGITUDINAL STUDIES OF TANF APPLICANTS AND RECIPIENTS.

(a) In General.—Section 413 (42 U.S.C. 613) is amended by striking subsection (d) and inserting the following:

"(d) Longitudinal Studies of Applicants and Recipients To Determine the Factors That Contribute to Positive Employment and Family Outcomes.—

"(1) In general.—The Secretary, directly or through grants, contracts, or interagency agreements, shall conduct longitudinal studies in at least 5, and not more than 10, States (or sub-State areas, except that no such area shall be located in a State in which a Statewide study is being conducted under this paragraph) of a representative sample of families that receive, and applicants for, assistance under a State program funded under this part or under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(2) REQUIREMENTS.—The studies conducted under this subsection shall—

"(A) follow families that cease to receive assistance, families that receive assistance throughout the study period, and families diverted from assistance programs; and

"(B) collect information on—

"(i) family and adult demographics (including race, ethnicity or national origin, primary language, gender, barriers to employment, educational status of adults, prior work history, prior history of welfare receipt);

"(ii) family income (including earnings, unemployment compensation, and child support);

"(iii) receipt of assistance, benefits, or services under other needs-based assistance programs (including the food stamp program, the medicaid program under title XIX, earned income tax credits, housing assistance, and the type and amount of any child care);

"(iv) the reasons for leaving or returning to needs-based assistance programs;

"(v) work participation status and activities (including the scope and duration of work activities and the types of industries and occupations for which training is provided);

"(vi) sanction status (including reasons for sanction);

"(vii) time limit for receipt of assistance status (including months remaining with respect to such time limit);

"(viii) recipient views regarding program participation; and

"(ix) measures of income change, poverty, extreme poverty, food security and use of food pantries and soup kitchens, homelessness and the use of shelters, and other measures of family well-being and hardship over a 5-year period.

"(3) COMPARABILITY OF RESULTS.—The Secretary shall, to the extent possible, ensure that the studies conducted under this subsection produce comparable results and information.

"(4) REPORTS.—

"(A) INTERIM REPORTS.—Not later than October 1, 2008, the Secretary shall publish interim findings from at least 12 months of longitudinal data collected under the studies conducted under this subsection.

"(B) SUBSEQUENT REPORTS.—Not later than October 1, 2010, the Secretary shall publish findings from at least 36 months of longitudinal data collected under the studies conducted under this subsection.".

(b) ANNUAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(A) in paragraph (2)—

(i) by inserting "(including types of sanctions or other grant reductions)" after "financial characteristics"; and

(ii) by inserting ", disaggregated by race, ethnicity or national origin, primary language, gender, education level, and, with respect to closed cases, the reason the case was closed" before the semicolon;

(B) in paragraph (3), by striking "and" at the end;

(C) in paragraph (4), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(5) the economic well-being of children and families receiving assistance under the State programs funded under this part and of children and families that have ceased to receive such assistance, using longitudinal matched data gathered from federally supported programs, and including State-by-State data that details the distribution of earnings and stability of employment of such families and (to the extent feasible) describes, with respect to such families, the distribution of income from known sources (including employer-reported wages, assistance under the State program funded under this part, and benefits under the food stamp program), the ratio of such families' income to the poverty line, and the extent to which such families receive or received noncash benefits and child care assistance, disaggregated by race, ethnicity or national origin, primary language, gender, education level, whether the case remains open, and, with respect to closed cases, the reason the case was closed.".

(2) CONFORMING AMENDMENTS.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6), the following:

"(7) REPORT ON ECONOMIC WELL-BEING OF CURRENT AND FORMER RECIPIENTS.—The report required by paragraph (1) for a fiscal quarter shall include for that quarter such information as the Secretary may specify in order for the Secretary to include in the annual reports to Congress required under subsection (b) the information described in paragraph (5) of that subsection.".

SEC. 304. PROTECTION OF INDIVIDUAL PRIVACY.

Section 411 of the Social Security Act (42 U.S.C. 611) is amended by adding at the end the following:

"(c) PROTECTION OF INDIVIDUAL PRIVACY.—With respect to any information concerning individuals or families receiving assistance, or applying for assistance, under the State programs funded under this part that is publicly disclosed by the Secretary, the Secretary shall ensure that such disclosure is made in a manner that protects the privacy of such individuals and families.".

TITLE IV—EFFECTIVE DATE

SEC. 401. EFFECTIVE DATE.

The amendments made by this Act take effect on October 1, 2005.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 196—WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES, EXPRESSING GRATITUDE TO THE GOVERNMENT OF SINGAPORE FOR ITS STRONG COOPERATION WITH THE UNITED STATES IN THE CAMPAIGN AGAINST TERRORISM, AND REAFFIRMING THE COMMITMENT OF THE UNITED STATES TO THE CONTINUED EXPANSION OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES AND SINGAPORE

Mr. BOND (for himself and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 196

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner to the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1216. Mr. DURBIN (for Mrs. BOXER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1217. Mr. DURBIN (for Ms. STABENOW (for herself and Mr. REID)) proposed an amendment to the bill H.R. 2360, supra.

TEXT OF AMENDMENTS

SA 1216. Mr. DURBIN (for Mrs. BOXER) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . STRENGTHENING SECURITY AT NUCLEAR POWER PLANTS.

(a) FINDINGS.—The Senate finds that—

(1) A taped interview shown on al-Jazeera television on September 10, 2002, included a statement that al Qaeda initially planned to include a nuclear power plant in its 2001 attacks on the United States.

(2) In 2001, David Kyd of the International Atomic Energy Agency said that if a fully fueled large jetliner hit a nuclear reactor "then the containment could be breached and the cooling system of the reactor could be impaired to the point where radioactivity might well be set free."

(3) Dr. Edwin Lyman, a physicist and former scientific director of the Nuclear Control Institute has noted that if a nuclear power plant were hit by a large commercial passenger jet, "significant release of radiation into the environment is a very real one."

(4) Operating nuclear reactors contain large amounts of radioactive fission products that, if dispersed, could pose a direct radiation hazard, contaminate soil and vegetation, and be ingested by humans and animals.

(5) According to the organization Three Mile Island Alert, a nuclear power plant houses more than 1,000 times the radiation that would be released in an atomic bomb blast, and the magnitude of a single terrorist attack on a nuclear power plant could cause over 100,000 deaths.

(6) The federal government has offered Governors potassium iodide pills to distribute to people living near nuclear power plants in case of an attack, but no legislation has passed to protect against an attack in the first place.

(7) In the 108th Congress, the Senate Environment and Public Works Committee approved bipartisan legislation to improve nuclear plant security. No action was taken by the full Senate.

(8) Last month, the Senate Environment and Public Works Committee again approved bipartisan legislation to improve nuclear plant security.

(b) SENSE OF THE SENATE. It is the sense of the Senate that the Congress should pass legislation to assess the terrorist threats at each nuclear power plant and to establish new federal standards to protect against those threats.

SA 1217. Mr. DURBIN (for Ms. STABENOW (for herself and Mr. REID)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "7,694,300,000".

On page 79, line 22, strike the colon and insert a period.

On page 79, between lines 22 and 23, insert the following:

(7) $5,000,000,000 for interoperable communications equipment grants: *Provided*, That such amount is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress):

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Wednesday, July 20, 2005, at 2:30 P.M. in Room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, and for other purposes; S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, MT, to Jefferson County, MT; for use as a cemetery; S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, and for other purposes; S. 1170, to establish the Fort Stanton-Snowy River National Cave Conservation Area; S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and other purposes; and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510-6150.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 12, 2005, at 10 a.m. on Digital Television Transmission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, July 12, 2005, at 2:30 p.m. in Digital Television Transmission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meeting during the session of the Senate on Tuesday, July 12 at 10 a.m.

The purpose of the hearing is to consider the nomination of Jill L. Sigal to be Assistant Secretary of Energy for Congressional and Intergovernmental Affairs; David R. Hill to be General Counsel of the Department of Energy; and James A. Rispoli to be Assistant Secretary of Energy for Environmental Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, AND INTERNATIONAL SECURITY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, and International Security be authorized to meet on Tuesday, July 12, 2005, at 2 p.m. for a hearing regarding "Improper Payments: Where are Truth and Transparency in Federal Financial Reporting?".

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTELLECTUAL PROPERTY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Intellectual Property be authorized to meet to conduct a hearing on "Music Licensing Reform" on Tuesday, July 12, 2005 at 2:30 p.m. in Dirksen 226.

Witness List:

Panel I: Marybeth Peters, U.S. Register of Copyrights, Washington, DC.

Panel II: Rob Glaser, Chairman and CEO, RealNetworks, Inc., Seattle, WA; Rick Carnes, President, Songwriters Guild of America, Nashville, TN; Glen Barros, Pres and CEO, Comcord Records, Beverly Hills, CA; Marilyn Bergman, President and Chairman, American Society of Composers, Authors and Publishers, New York, NY; and Ish Cuebas, Director of Merchandising Operations, Trans World Entertainment, and Co-Chairman of the Media on Demand Task Force Corporate Circle, National Association of Recording Merchandisers, Albany, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the subcommittee on water and power be authorized to meet during the session of the Senate on Tuesday, July 12, 2005 at 3 p.m.

The purpose of the hearing is to receive testimony on S. 49, to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; S. 247, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; S. 648, to amend the reclamation states emergency drought relief act of 1991 to extend the authority for drought assistance; S. 819, to authorize the Secretary of the Interior to reallocate costs of the Pactola Dam and Reservoir, South Dakota, to reflect increased demands for municipal, industrial, and fish and wildlife purposes; S. 891, to extend the water service contract for the Ainsworth Unit, Sandhills Division, Pick-Sloan Missouri Basin Program, Nebraska; and S. 1338, to require the Secretary of the Interior, acting through the bureau of reclamation and the United States Geological Survey, to conduct a study on groundwater resources in the State of Alaska, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. COLLINS. Mr. President, I ask unanimous consent that Jeffrey Highley, a civil engineering congressional fellow in Senator PRYOR's office, be granted the privilege of the floor for the remaining duration of the debate on the Homeland Security appropriations bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Ray Kovachy and Lynden Melmed, detailees from the Department of Homeland Security to the majority staff of the Immigration, Border Security, and Citizenship Subcommittee of the Judiciary Committee during the remainder of the first session of the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. I ask unanimous consent that Brian Walsh, a member of my staff, be granted floor privileges during consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

WELCOMING THE PRIME MINISTER OF SINGAPORE ON THE OCCASION OF HIS VISIT TO THE UNITED STATES

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 196, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 196) welcoming the Prime Minister of Singapore on the occasion of his visit to the United States, expressing gratitude to the Government of Singapore for its strong cooperation with the United States in the campaign against terrorism, and reaffirming the commitment of the United States to the continued expansion of friendship and cooperation between the United States and Singapore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 196) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 196

Whereas Singapore is a great friend of the United States;

Whereas the United States and Singapore share a common vision of promoting peace, stability, security, and prosperity in the Asia-Pacific region;

Whereas Singapore is a member of the Proliferation Security Initiative, an initiative launched by the United States in 2003 to respond to the challenges posed by the proliferation of weapons of mass destruction, and a committed partner of the United States in preventing the spread of weapons of mass destruction;

Whereas Singapore is a leader in the Radiation Detection Initiative, an effort by the United States to develop technology to safeguard maritime security by detecting trafficking of nuclear and radioactive material;

Whereas Singapore will soon be a partner to the United States in the Strategic Framework Agreement for Closer Cooperation in Defense and Security, an agreement which will build upon the already strong military relations between the United States and Singapore and expand the scope of defense and security cooperation between the 2 countries;

Whereas Singapore responded quickly to provide generous humanitarian relief and financial assistance to the people affected by the tragic tsunami that struck Southeast Asia in December 2004;

Whereas Singapore has joined the United States in the global struggle against terrorism, providing intelligence and offering political and diplomatic support;

Whereas Singapore is the 15th largest trading partner of the United States and the first free trade partner of the United States in the Asia-Pacific region, and the United States is the second largest trading partner of Singapore;

Whereas the relationship between the United States and Singapore extends beyond the current campaign against terrorism and is reinforced by strong ties of culture, commerce, and scientific and technical cooperation; and

Whereas the relationship between the United States and Singapore encompasses almost every field of international cooperation, including a common commitment to fostering a stronger and more open international trading system: Now, therefore, be it

Resolved, That the Senate—

(1) welcomes the Prime Minister of Singapore, His Excellency Lee Hsien Loong, to the United States;

(2) expresses profound gratitude to the Government of Singapore for promoting security and prosperity in Southeast Asia and cooperating with the United States in the global campaign against terrorism; and

(3) reaffirms the commitment of the United States to continue strengthening the friendship and cooperation between the United States and Singapore.

MEASURE READ THE FIRST TIME—S. 1382

Mr. FRIST. I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

Mr. FRIST. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read the second time on the next legislative day.

MEASURES PLACED ON THE CALENDAR—S. 1374 AND S. 1375

Mr. FRIST. I understand there are two bills at the desk due for a second reading. I ask unanimous consent they be read for the second time en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1374) to amend the Homeland Security Act of 2002 to provide for a border preparedness pilot program on Indian land.

A bill (S. 1375) to amend the Indian Arts and Crafts Act of 1990 to modify provisions relating to criminal proceedings and civil actions, and for other purposes.

Mr. FRIST. In order to place the bills on the calendar under the provisions of rule XIV, I object to further proceeding en bloc.

The PRESIDING OFFICER. The bills will be placed on the calendar.

ORDERS FOR WEDNESDAY, JULY 13, 2005

Mr. FRIST. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Wednesday, July 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the Homeland Security appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 13, 2005

Mr. FRIST. Mr. President, tomorrow the Senate will resume consideration of the Homeland Security appropriations bill. We have several important amendments pending, focusing on first responders. Additional amendments will be offered and debated through the day. Due to scheduling issues, any votes ordered with respect to amendments will be stacked to occur later in the day. We will alert Senators as to the exact timing of that series of votes tomorrow. We will complete the Homeland Security appropriations bill this week, and therefore we will need to make good use of our time on Wednesday, Thursday, and Friday, if necessary.

Again, the intention is we will complete this bill this week. I mention that because I know there are a lot of scheduling challenges and problems, but we need to keep moving ahead. We will be stacking the votes, as I mentioned earlier in the day, to try to accommodate as many Members' schedules as possible.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:09 p.m., adjourned until Wednesday, July 13, at 9:30 a.m.

NOMINATIONS

Executive Nominations received by the Senate July 12, 2005:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

KEITH A. NELSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE VICKERS B. MEADOWS.

FEDERAL MARITIME COMMISSION

REBECCA F. DYE, OF NORTH CAROLINA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2010. (REAPPOINTMENT)

DEPARTMENT OF STATE

PATRICIA LOUISE HERBOLD, OF WASHINGTON, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

JAMES CALDWELL CASON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PARAGUAY.

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT AS A PERMANENT COMMISSIONED REGULAR OFFICER IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

MELISSA DIAZ, 1264

THE FOLLOWING NAMED OFFICER, OF THE UNITED STATES COAST GUARD TO BE A MEMBER OF THE PERMANENT COMMISSIONED TEACHING STAFF OF THE COAST GUARD ACADEMY IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 188.

To be lieutenant

ROYCE W. JAMES, 9717

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MONROE N. FARMER, JR., 3645
FRANCIS C. LEITH, JR., 0423
DAVID A. PRUGH, 3964
CYNTHIA A. SMITH, 1559
WILLIAM L. SMITH, 8577
WENDY C. SPRIGGS, 0144

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JERRY R. ACTON, JR., 9401
ARNOLD B. HARMSEN, 2509
NEAL G. LOIDOLT, 5900
JOHN F. MCKENNEY, 9378
STEVEN R. MOUNT, 8380

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

MARIA E. BOVILL, 3530
BRYAN L. BOYEA, 0119
NIKKI L. BUTLER, 6415
RACHEL K. EVANS, 2161
DAVID D. GOHDES, 2600
DANIEL M. JAYNE, 1717
COLLEEN S. KESSELRING, 4290
DAVID E. MEYER, 9627
ANNE C. RESTY, 6659
MARYBETH SALGUEIRO, 4587
MICHAEL J. * WALKER, 2492

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

THELDA J. * ATKIN, 1827
BESS P. * BROSEY, 5284
STEPHEN J. * DALAL, 8265
JAMES S. * ESTEP, 6693
DAVID J. * FLETCHER, 2026
DAVID S. * GALLOWAY, 1054
TODD O. * JOHNSON, 7284
ROBIN K. * KING, 6338
HENRY J. KYLE, 9510
BRIAN D. * MOORE, 1769
LEN E. * MURRAY, 2114
RANDALL L. * RIETCHECK, 7012
WILLIAM H. * SMITH, 3926
EDWARD L. * STEVENS, 2028
NANCY A. * TWENHAFEL, 3254
RUSSELL L. * WIESSINGER, 5621
LOUDON D. * YANTIS, JR., 7583
TAMI ZALEWSKI, 3502

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

CHRISTOPHER AMAKER, 2663
PAUL D. ANDERSON, 8929
MARK R. * BAGGETT, 0943
DAMON G. BAINE, 3698
BRIAN J. BALOUGH, 5305
LYNNETTE B. BARDOLF, 8360
KENTON M. BASS, 9526
KEVIN J. BELANGER, 6805
MICHAEL T. BLOUNT, 3365
JAMES R. BOLTON, 9352
SHAWN T. BOOS, 3186
LEONARD W. BOWLEY, 5315
CHARLES D. BRADLEY, 7631
MIA S. BRENNAN, 5170
CARLTON C. BRINKLEY, 6328
THOMAS C. BURZYNSKI, 0490
KYLE C. CAMPBELL, 6821
JACQUELINE CHANDO, 1420
JACQUELINE B. * CHEN, 5748
CHRISTOPHER H. CHUN, 4970
JEFFERY M. * CLELAND, 9559
CHARLES D. * COE, 5805
REGINALD D. COFFEY, 9285
FABIAN F. COOK, 6955
ANTHONY L. COX, 8159
JOHN P. CUELLAR, 4091
ROBERT P. CUREE, JR., 0803
WILLIAM M. DARBY, 0624
JAMES W. DAVIDSON, 8413
GRETCHEN L. DEMMIN, 3876
SHERYL L. DUNN, 6414
JAY E. * EARLES, 0568
PAMELA M. EVANS, 7522
LAUREL S. FIELDS, 4457
STEPHEN M. FORD, 7305
KEVIN M. FORREST, 4866
KARRIE A. FRISTOE, 0307
JOSE L. * GARCIA, 1341
GREG S. GENTRY, 7964
BRADLEY A. GOLDEN, 4000
GILROY G. GOTIANGCO, 9745
EMMETT * GOURDINE, 0710
PAUL J. GOYMERAC, 3256
JOSEPH D. GRAHAM, 5077
GERALD J. GRUBER, 2789
JOHN J. GUARDIA, 3104
LANETTE R. HAMILTON, 5789
OWEN N. HARDY, JR., 5797
BERNARD HARPER, 6690
DAVID S. HENCSHEL, 7913
THOMAS S. HINES, 7229
PENNIE L. * HOOFMAN, 0589
MATTHEW S. HUFFMAN, 4497
ARTHUR A. JACKSON, JR., 1200
KEITH M. JOHNSON, 4774
HENRY K. JUNG, 5656
MARTIN D. KERKENBUSH, 0377
JEFFERY S. KING, 6398
KEITH D. KIZZIE, 4057
CHRISTOPHER M. KNAPP, 5787
THOMAS K. KOGER, 2909
MICHAEL P. KOZAR, 2784
DANIEL R. KRAL, 4312
JOHN P. LAMOUREUX, 0406
JAMES A. LATERZA, 6199
ROBERT E. LEONARD, 0472
PAULA C. LODI, 8803
BRYAN W. LONGMUIR, 4789
ROBERT C. MAXHAM, 7256
SHARON A. * MCBRIDE, 0772
WILLIAM MCCARTHY, 6580
NEDRICK L. MCDADE, 4842
WILLIAM M. MCGRATH, 8587
MICHAEL D. MILLER, 0001
KATHERINE R. MOORE, 9805
JAMES W. * NESS, 7954
LAWRENCE P. NOLAN, 2891
MICHAEL T. ONEIL, 9560
DOUGLAS ONKST, 2065
DAVID J. PARRAMORE, 4611
BRADLEY D. PECOR, 9854
JOHN L. * PRESS, 4003
CARLA S. PRICE, 8097
JEFFREY A. ROBERTS, 5976
PAUL L. ROBERTS, 8606
CEPHUS L. ROUPE, 8719
NANCY D. RUFFIN, 2752
BRADLEY S. RUSTAN, 5962
DAVID G. RYNDERS, 0968
TERESA A. SAPP, 6202
JOHN M. * SCHERER, 7298
SONYA S. SCHLEICH, 4916
JAMES F. SCHWARTZ, 2710
AARON J. SILVER, 0438
JAMES B. SNOW, 1568
STACIA L. SPRIDGEN, 9898
WALTER M. STANISH, 3714
RICHARD P. STARRS, 2559
CHARLES H. STRITE, JR., 3998
ALEX H. STUBNER, 0680
EDWIN C. * SUPPLEE, 1990
MICHAEL J. TALLEY, 8402
JESSIE L. TUCKER III, 4093
TROY L. WALKER, 8148
RONALD T. WILLIAMS, 1375
STEPHEN C. WOOLDRIDGE, 0611

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C. SECTIONS 624, 531, AND 3064:

To be lieutenant colonel

DENISE D. ADAMSMANN, 2717
PATRICK J. AHEARNE, 9248
JAVIER F. ALTAMIRANO, 0605
RAY C. ANTOINE, 6338
FRED P. * BAKER, JR., 4769
KIRSTEN S. BAUTISTA, 5013
DEBRA D. BOYKINS, 3713
KELLY K. * BRAMLEY, 7715
CHERYL L. BROWN, 0692
MYRA R. BROWN, 5305
VICKI L. CARR, 1578
THOMAS S. CLARK, 1804
TINA L. CLEMENTS, 8522
JAMES A. CLEVELAND, 6483
DAVID L. COLVIN, 7748
TINA A. CONNALLY, 2443
MATTHEW H. COWELL, 1172
JOECELYN P. CRITTENDEN, 6277
JACK M. DAVIS, 2039
LISA F. DAVIS, 6617
MINERVA R. * DEPACHECO, 1305
CORINNE K. DEVLIN, 3005
JEAN M. * EDWARDS, 1197
LAURA R. FAVAND, 5322
PATRICIA A. FORTNER, 2883
PAMELA F. GODINEZ, 8029
MELISSA K. * HALE, 3679
PATRICIA A. HEMBREE, 6781
TERESA H. HENDRIX, 6713
KATHLEEN M. HERBERGER, 8289
WENDELL M. HOLLADAY, 3195

LISA A. INGULLI, 2015
SUSANNA S. ITARA, 9670
MELINDA L. JACKSON, 4911
SHARON Y. JACKSON, 2328
BEVERLY JEFFERSON, 4293
CLUNIE M. JOHNSON, 6794
IVETTE * JUSTICE, 7328
BRIAN K. KONDRAT, 7482
JEANNE M. LARSON, 5341
LINDA R. LEBEDOVYCH, 3817
VERONICA S. LEWIS, 7372
TAYLOR T. LINEGAR, 2616
JANIE K. LOTT, 6875
VIVIAN G. LUDI, 2285
BARBARA A. * MAHONEY, 7069
KAREN L. * MARRS, 6687
PAULETTE B. MATTHIEBROWN, 4755
VAN E. MCCOY, 0773
DANIEL W. * MCKAY, 0941
COLETTE L. MCKINNEY, 4671
DONNA E. * MOORE, 7871
MARY S. MOORE, 7442
MARGARET M. NAVA, 3332
TERRYN B. NELSON, 8411
SONIA T. NEUMEIER, 4820
THERESA H. NEWLIN, 5661
JOSEPH C. * OSULLIVAN, 8332
KOLET R. PABLO, 9318
KELLY L. PEROUTKA, 7782
CHERYLN A. POLLARD, 8470
RENEE M. * PONCE, 2712
SHARON M. PRYOR, 9950
JAMES R. QUIGLEY, 0017
REBECCA S. RABB, 3013
JENNIFER ROBINSON, 7008
JANET L. ROGERS, 6627
DONNA L. SCHANCK, 4458
JACQUELINE R. SCHULER, 3851
JACQUELINE A. SHEEHAN, 1930
BETTY J. SIMMONS, 8348
BARBARA A. SION, 3597
MIRIAM A. SPELLS, 6438
NANCY J. * STEIMER, 8318
CARLETTE T. TOFT, 7396
LISA A. TOVEN, 7541
ABEL TREVINO, 5525
SHIRLEY D. TUORINSKY, 4469
ROBIN A. VILLIARD, 4318

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

THOMAS H. AARSEN, 7869
KRISTIN A. * ABERG, 3446
ALISSA R. ACKLEY, 8130
GEOFFREY R. ADAMS, 6891
JOHN D. * ADAMS, 1440
STEPHANIE R. AHERN, 9045
THOMAS S. AKIN, 6456
SARAH K. * ALBRYCHT, 7711
PAUL E. * ALESSIO, 9798
CLARENCE C. * ALFORD, 1336
ANDY R. * ALLEN, 1022
CHRISTINE E. * ALLEN, 5457
ZACHARY J. * ALLEN, 1504
DANIEL P. ALLMACHER, 3874
PATRICK S. ALTENBURG, 3170
JAMES C. * ANDERSON, JR., 2599
JASON L. ANDERSON, 3221
JOHN P. ANDERSON, 9827
PHILIP W. * ANDERSON, 5657
ROBERT R. ANDERSON, 2535
NIKOLAI L. ANDRESKY, 9226
MARIA T. * ANGELI, 5657
PAUL M. ARMSTRONG, 1309
SHERMAN * ARMSTRONG, 7291
ARIC N. ARNOLD, 0206
ROBERT R. * ARNOLD, JR., 1233
WANDRA F. * ARNOLD, 0064
BRYAN D. * ASHER, 2684
JOHN M. * ASKEW, 1240
KENNETH S. ATES, 2666
CINDY T. ATKINS, 4857
DENNIS R. ATKINS III, 9957
GAIL E. ATKINS, 6505
CHRISTOPHER S. AUCLAIR, 3377
RICK J. * AVERA, 4856
GERALD AVILA, 3060
SCOTT C. * BAGER, 1055
CHAD A. BAGLEY, 1752
JAMES E. BAGLEY, 1598
JOHN J. * BAILER, JR., 3412
DESMOND V. BAILEY, 2409
ROBERT G. * BAILEY, 7021
VINCENT P. BAILEY, 8035
MARSHANNA BAINGIPSON, 4058
JAMES J. * BAIRD III, 4662
THOMAS R. * BAIRD, 6528
DARIEN L. BAISLEY, 8156
TODD E. * BAJAKIAN, 0741
BRIAN K. * BAKER, 1975
JEFFREY E. BAKER, 8108
KOO BAKER, 6333
MICHAEL D. * BAKER, 1373
PATRICK J. * BAKER, 1449
PHILLIP C. * BAKER, 4099
SCOTT R. BAKER, 2806
THOMAS M. BALLENGER III, 7309
THOMAS W. * BAMFORD, 2548
GARY A. * BANTAD, 6371
CHARLES R. * BARBER, JR., 1505
CLAUDE A. * BARFIELD, 2534
STEPHEN K. * BARKER, 4430
MARK W. * BARLOW, 5766
SHANE A. * BARNA, 1601
CATINA M. * BARNES, 1766
SHANE C. * BARNES, 0094
SHAWN M. * BARNES, 7901
LESLIE A. BARNETT, 0600
MAURICE O. BARNETT, 4233
SEAN G. * BARRETT, 6338
THOMAS J. BARRETT, 1652
CHRISTOPHER T. * BARRY, 9588
JOHN M. * BARRY, JR., 1419
STEVEN T. BARRY, 3711
AARON C. BARTA, 4775
LISA M. BARTEL, 3499
SCOTT L. * BARTLEY, 5234
LAWRENCE O. * BASHA, 0661
BASSEY E. BASSEY III, 3762
BRETT A. BASSINGER, 8684
JAMES E. * BATCHELOR, 4774
CHAD T. BATES, 1510
BRYAN K. BATSON, 9052
THOMAS M. * BAUCHSPIES, 3223
RANDALL G. BAUCOM, 4645
ANTHONY C. BAUER, 6214
JOHN W. BAUER, 3886
SHIRLEY J. BAUMANN, 9561
ERIC A. BAUS, 7744
RICARDO A. BAUTISTA, 2148
JEFFERY D. * BEACHAM, 4404
JON P. BEALE, 2160
TIMOTHY R. * BECK, 2618
JOHN R. BECKHAM, 5327
JOHN C. BECKING, 8382
DAMON A. BECKNEL, 3097
GARY M. * BELCHER, 6811
LARRY A. * BELCHER, 6389
RALPHAEL R. BELL, JR., 4711
VINCENT J. * BELLISARIO, 1731
JASON M. BENDER, 7622
DANIEL J. BENICK, 8003
IAN S. * BENNETT, 6503
LEROY D. * BENTON, 3739
PAUL E. * BERG, 0483
ROBERT S. BERG, 0235
JEREMY R. BERNADEAU, 7174
ARICAI M. * BERRY, 9420
PATRICK J. BERRY, 8955
STEPHEN M. BERT, 4534
MICHAEL R. BIANKOWSKI, JR., 1796
JOHN * BIRDSONG, 0804
DREW A. * BISSELL, 5850
BRIAN A. BISSONNETTE, 5974
WILLIAM R. * BLACK, 0731
WARD T. * BLACKLOCK III, 4871
DEVON M. BLAKE, 5730
JAY A. * BLAKLEY, 0272
JOSEPH C. * BLANKENSHIP, 5521
GLEN L. * BLANTON II, 9396
JAMES T. * BLEJSKI, JR., 2666
JASON B. BLEVINS, 9856
MARK A. BLISS, 2506
MARK A. BOEKE, 1646
DEREK E. * BOESE, 4342
BRIAN C. BOLIO, 8228
NATHAN J. * BOLLINGER, 9627
AQUANITA R. * BONDS, 8658
ELMER A. * BONTRAGER, 2115
RONNELL * BOOKER, 0953
TIMOTHY B. * BORAAS, 1278
PETER S. * BORETSKY, 7435
LEONARD A. BORNINO, 5624
JOSEPH W. BOSCIA, 5443
CRAIG P. BOSTON, 0494
KIRT R. * BOSTON, 0192
WILLIAM E. BOSWELL, 2800
JESUS E. BOTELLO, 1504
DON E. * BOTTORFF, 9181
WADE R. BOVARD, 4546
DENNIS BOWERS, 7994
MATTHEW R. BOWLER, 9867
ANTHONY R. BOWMAN, 1507
BRADLEY L. BOWMAN, 4609
CLARENCE W. * BOWMAN III, 8268
ALAN J. BOYER, 3384
TERRI L. * BRADLEY, 6289
DONALD W. * BRADY, JR., 3066
EDWARD A. BRADY, 8024
WILLIAM P. BRAMAN, 6590
SCOTTY P. * BRAMBLETT, 2200
THOMAS A. * BRASHEARS, 0662
TODD I. * BRATTMILLER, 5904
CHRISTOPHER C. * BRESKO, 3737
BRIAN D. * BRITTAIN, 0454
TIMOTHY S. * BROADENAX, 7064
KEVIN * BROADNAX, 5565
WILLIAM F. * BROCKMAN III, 5570
JARETT D. BROEMMEL, 3989
WILLIAM H. * BROOKS, 0178
ANGELIQUE O. * BROUGH, 2804
ERIC L. BROWN, 2887
GEORGE B. * BROWN III, 4677
JUSTIN W. BROWN, 4149
KELVIN D. * BROWN, 9686
ROBERT S. BROWN, 8665
DUDLEY C. * BROWNELL III, 6892
TODD A. * BROWNING, 4465
JAMES E. * BROWNLEE, JR., 7431
BRADLEY N. BRUCE, 9709
JAKOB C. BRUHL, 8248
BOBBY W. BRYANT, 6990
CHARLES E. BRYANT, 9990
JAMES W. BRYANT, JR., 0703
LETITIA L. * BRYANT, 6665
TED M. * BRYANT, 0099
THOMAS B. * BRYANT, 5299
JEFFREY C. * BRYSON, 1134
BENJAMIN D. * BUALAT, 0083
JEFFREY D. BUCK, 5825
TODD E. BUHR, 0730
ROBERT S. BUINISKIS, 0110
DALE W. BURBANK, 1837
MARIA V. BURGER, 7760
ROBERT L. * BURGESS, 4853
SEAN M. * BURKE, 0034
WILLIAM B. * BURLEY, 6244
CHARLES R. BURNETT, 0953
BARRY A. BURNS, 1953
DONALD L. BURTON, 9495
JASON R. * BURWELL, 5233
JAMES A. BUSHNELL, 6248
JAMES N. * BUSLER, 7147
MATTHEW N. * BUTLER, 9234
RAYMOND D. * BUTLER, 1691
ALLEN R. * BYRNE, 8413
ELLIOTT R. * CAGGINS, 4053
CHRISTOPHER H. * CALDWELL, 5217
JASON C. CALDWELL, 4083
TERENCE A. * CALIGUIRE, 9145
KREG C. * CALVERT, 4672
JAMES J. CAMERON, 4165
JONATHAN G. * CAMERON, 0061
CHERYL R. * CAMPBELL, 5001
MICHAEL L. CAMPBELL, 6850
CHAD E. CAMPFIELD, 4528
LUCIEN * CAMPILLO, 5839
LANCE CANGELOSI, 6072
GREGORY A. * CANNATA, 2390
JOHN M. * CANTIN, 2421
JULIE L. CAPLES, 4015
KEVIN S. CAPRA, 3197
DAVID F. CAREY, 3360
HEATHER J. CARLISLE, 0098
BARRY R. CARLSON, JR., 5976
STEVEN P. CARPENTER, 4848
JULIE M. * CARSKADON, 1750
ADAM J. CARSON, 1248
ANDREW T. CARTER, 2920
CHRISTOPHER M. * CARTER, 0874
HORACE * CARTER, JR., 4362
MARCUS D. * CARTER, 7294
ROBERTO R. * CASTILLO, 1439
RAFAEL E. * CATHELINEAUD, 6141
JOHN R. * CAUDILL, 8453
CHAD C. CHALFONT, 1774
JERRY E. * CHANDLER, JR., 2275
MALCOLM O. * CHANDLER, 8139
KEVIN S. CHANEY, 2337
JENNIFER CHAPMAN, 8307
DONALD J. * CHARRON, 6601
THADDEUS E. * CHASE, 6912
PATRICK C. * CHAVEZ, 2710
PETER C. * CHEN, 3330
DERRICK W. CHENG, 7678
CHRISTA M. CHEWAR, 9052
THOMAS A. * CHIAPPETTA, 1904
MARK S. * CHILDRESS, 2294
KEITH T. * CHINN, 8782
MOBARAK H. * CHOWDHURY, 1337
ERIC * CHOY, 2978
DEREK P. CHRISTENSEN, 3960
MARK W. * CHRISTENSEN, 2879
ROBERT B. * CHURCH, 3330
BRIAN J. * CHWOJDAK, 2466
CHRISTOPHER W. * CIRINO, 3906
NICOLE N. CLARK, 0535
KENDALL J. * CLARKE, 6428
KELVIN R. * CLAUDE, 3181
CLIFFORD D. * CLAUSEN, 0695
CHRISTOPHER J. * CLAY, 9170
DOMENIC P. * CLEMENTI, 3070
JAMES L. CLIFT, 3703
SPENCER J. CLOUATRE, 1709
NOAH C. CLOUD, 4380
MARC A. CLOUTIER, 6043
GREGORY S. * COBURN, 3457
JERRY E. COBURN, 4226
DANIEL K. * COFFEY, 9604
WILLIAM G. COLBERT, 4817
CURTIS L. * COLE, 0160
STEVEN R. COLE, 7142
MICHAEL D. COLEMAN, 9227
TIMOTHY E. * COLLIER, 2022
DARYL L. * COLLINS, 5180
MICHAEL P. * COLLINS, 3376
RICHARD C. COLLINS, 6932
PATRICK T. COLLOTON, 4816
JOHN D. COLWELL, JR., 0417
KRIS M. COLWELL, 2054
KEVIN A. COMFORT, 8081
CHRISTOPHER D. COMPTON, 7038
WILLIAM M. CONDE, 9860
MATHEW M. * CONDRY, 4053
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STONEY A. * TRENT, 3360
GARY * TREVINO, 6852
WILLIAM * TRIMBLE, JR., 9575
MICHAEL T. * TRIPLETT, 5986
MARK L. TROMBLEE, 4989
MICHAEL J. TROTTER, 2623
AKINORI R. TSUCHIDA, 3744
JONATHAN E. * TUGMAN, 9018
JAMES J. TUITE IV, 9106
JOHN K. * TULIFUA, 4726
JAMES E. TURLEY, 3298
DIEDRA V. TURNER, 5828
RUSSELL G. * TURNER, 3720
MARCIA J. * TUTT, 2106
DANE A. TYNES, 4280
TIMOTHY S. TYSON, 7207
WILLIAM M. UNDERWOOD, 4777
SCOTT L. UNSWORTH, 0101
RONALD H. * UPTON, 5999
MATTHEW S. URBANIC, 9551
CAINAZ A. * VAKHARIA, 5879
FELIX J. * VALENTIN, 9397
CARLOS M. * VALENZUELADURR, 3830
CHRISTOPHER M. * VALERIANO, 5814
JAMES A. VAN ATTA, 1955
JOHN B. * VAN HOOK, 6300
LITA NMN VAN HOOK, 4766
AARON J. * VANALSTINE, 8354
STEWART J. * VANBUREN, 4228
ERIC J. VANDENBOSCH, 8667
GEOFFREY R. VANEPPS, 0291
RICHARD D. VANGORDEN, 2126
CHRISTIAN G. VANKEUREN, 4970
TERRY R. * VEENEMAN, 9490
BRYAN D. VELARDE, 8814
MARK D. VERTULI, 7482
TIMOTHY C. VILES, 4221
TITO M. VILLANUEVA, 6351
WILLIAM C. * VILLNOW, 0843
NATALIE C. * VINES, 3218
SAMUEL L. VOLKMAN, 2232
JOSEPH W. VONGSVARNRUNGRUANG, 8067
WILLIAM D. VOORHIES, 6920
WILLIAM E. WADDINGTON, 9115
CHRIS A. * WADE, 0710
SCOTT O. WADYKO, 3290
ELIAS G. * WAHESH, 1682
ROY R. * WALDHOFF, 6578
BLAINE N. * WALES, 6028
JENNIFER S. WALKAWICZ, 0256
BERNETTE * WALKER, 4333
JOHNNIE R. * WALKER, JR., 9552
JOSHUA H. WALKER, 6548
BRADLEY J. WALLACE, 4174
KEVIN A. * WALLACE, 2851
DOUGLAS R. WALTER, 1876
MARK D. WALTERS, 9400
JOHN P. WALTON, 0657
CHRISTOPHER J. * WARD, 9398
MARK S. WARDEN, 7822
BRIAN E. WARFEL, 6671
STEPHEN * WARGO, 7892
RONALD A. WARNER, 7286
ANDREW H. * WARNINGHOFF, 2555
MICHELLE G. * WASHINGTON, 0161
BRIAN T. WATKINS, 2104
MICHAEL B. WEATHERS, 7018
LYDIA * WEATHERSPOON, 5505
SETH A. WEAVER, 8617
DAVID L. * WEBSTER, 7429
WILLIAM C. * WEDLEY, 4645
SYLVESTER O. * WEGWU, 5906
ALEX L. WEHMEYER, 1878
HEATHER E. WEIGNER, 7788
JEFFREY J. WEINHOFER, 3782
MATTHEW R. WEINSHEL, 4342
DAVID C. * WELCH, 5133
SHAMAI T. WELLONS, 1295
CHARLOTTA D. WELLS, 2862
JAMES S. WELLS, 8494
PATRICK C. * WENTZ, 3603
RYAN M. WERLING, 0660
JAMES R. WEST, 7572
DENNIS E. * WHEELER, 7071
CHRISTOPHER M. * WHELAN, 4421
EDWARD S. WHITAKER, 9891
DALE M. WHITE, 0315
PAUL A. * WHITE, 4779
STEPHANIE J. WHITE, 6723
TIMOTHY D. WHITE, 4848
CLAUDE W. * WHITNEY, JR., 8055
RYAN H. WHITTEMORE, 2242
JESSE R. * WIGHTMAN III, 2765
MARCUS A. * WILDY, 9128
CARLOS A. * WILEY, 9284
CURTIS D. * WILEY, 0508
RONALD D. * WILKES, 7073
PATRICK S. WILKINS, 5024
DENNIS G. WILLE, 7774
JOHN C. * WILLIAMS, 3992
JOHN M. * WILLIAMS, 2056
KENNETH A. WILLIAMS, 7021
LEEVAINE * WILLIAMS, JR., 0003
LEON O. * WILLIAMS, 5591
MICHAEL R. WILLIAMS, 8448
RAYMOND E. * WILLIAMS, 0801
RHONDA Y. * WILLIAMS, 8375
XAVIERA C. * WILLIAMS, 6938
WESLEY J. WILLIAMSON, 0566
HERBERT R. * WILLINGHAM, JR., 3818
PATRICK R. WILLIS, 8946
JAMES D. WILLSON, 1661
CHRISTOPHER R. * WILSON, 1383
FRANKLIN M. WILSON, 7187
JEREMY S. WILSON, 9985
KENNETH C. * WILSON, 8894
PETER B. * WILSON, 2462
KEVIN P. * WIMBERLY, 0587
RITA J. * WINBORNE, 7781
MARK A. * WINKLER, 0971
SCOTT M. * WINTER, 3376
GARTH K. WINTERLE, 4301
JASON M. WINTERLE, 5305
KEVIN D. * WISSEL, 5918
LAWRENCE H. WITTE, 9177
AARON W. * WOLF, 3349
MARK D. * WOLF, 0446
KIEU D. * WOLFORD, 4841
PHILLIP E. WOLFORD, 6869
FREDERICK D. * WONG, 1424
WARREN R. WOOD, 2365
JOHN A. WOODARD, 3694
KEVIN G. * WOOLEY, 3587
BRIAN D. WOOLWORTH, 4811
JOHNNY * WORKMAN, JR., 7778
BRIAN K. WORTINGER, 1035
JOHN J. * WRANN, 2966
DAVIE L. * WRIGHT, JR., 7990
JOSHUA D. * WRIGHT, 7942
MARESE R. * WRIGHT, 0899
NANCE J. * WRIGHT, 2305
RICHARD W. * WRIGHT, 3107
ROMEO * WRIGHT, JR., 7008
NATHAN YANCY, 0448
TED D. * YATES, 6553
MITCHELL L. * YBARRA, 1464
JOHN B. * YORKO, 1308
CHRISTOPHER J. YOUNG, 3391
GREGORY H. * YOUNG, 9010
RODNEY R. YOUNG, 5588
WILLIAM R. * YOUNG, 1598
DAMON M. * YOURCHISIN, 4674
MICHAEL R. ZAHURANIC, 9610
JOHN J. * ZEIGLER, 3504
ANDREW S. ZIESENISS, 6893
KIRK F. * ZIMPEL, 3157
RAYMOND C. ZINDELL III, 5385
* X4628

* X5704
* X1943
* X5574
X0242
* X6224
* X3476
X3541

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C. SECTION 531:

To be captain

JAMES R. MARTIN, 5056
MICHAEL F. ROCKLIN, 8698

To be commander

JAMES K. AMSBERRY, 8594
DOUGLAS N. CARBINE, 1889
PATRICK J. DAIGLE, 6797
MARK E. HAMMETT, 0483
KENNETH P. GREEN, 3904
RUBY S. HENDERSON, 3583
BENJAMIN W. JORDAN, 7482
JEFFREY N. KORSNES, 7937
PATRICK R. LARABY, 6114
GARY W. LATSON, 6462
STEPHEN J. LEPP, 1403
JAMES A. LOWDER, 7813
SCOTT A. MAGNES, 5697
ROBERT W. MARTIN, 0943
LORING I. PERRY, 5486
ANDREW POTTS, 4643
JOHN W. SANDERS III, 9432
PETER K. SCHROEDER, 3350
JOEL A. SMITHWICK, 4740
TIMOTHY C. SORRELLS, 1817
JEFFREY A. TERRY, 8135
JEFFREY W. TIMBY, 9263
MARTHA P. VILLALOBOS, 6996
PETER J. WEIS, 7199
ROBIN M. WILKENING, 7634

To be lieutenant commander

KEVIN L. ANDERSON, JR., 1246
ROBERT A. CHURCH, 7984
DAVID L. CLINE, 3933
REGINALD S. DANIELS, 0942
PAUL J. DEMIERI, 4940
LOUIS P. GONCALVES, 9968
MARK G. LIEB, 8239
JAMES B. MOORE, 1377
RONALD R. RINGO, JR., 0463
KIMBERLY SAWATSKY, 6565
DAVID A. TUBLEY, 6919
RANDY E. WILLIAMS, 9722
GLEN WOOD, 1337

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARJORIE ALEXANDER, 8572
THERESA M. ANTOLDI, 5917
ELLEN A. ARGO, 0081
VERONICA G. ARMSTRONG, 0581
ELIZABETH A. G. ASHBY, 7492
MARY BAKER-DOVE, 3717
LAWRENCE M. BATEMAN, 5344
GERALD BOYLE, 1502
DENA A. BRADLEY, 9112
NORMAN F. J. CHARBONEAU, 3541
PATRICIA CORLEY, 1807
VIVIAN M. DEVINE, 9820
RAMONA M. DOMEN-HERBERT, 3535
DENISE J. EICHER, 0380
REBEKAH J. EID, 3183
KAREN F. ELGIN, 7398
ELIZABETH J. FRENCH, 9671
ANGELA B. GARDNER, 7253
ELIZABETH K. GILLARD, 2319
ROBIN C. GREGORY, 3863
ROSANNE I. HARTLEY, 5100
DINETA C. HAUGHTON, 2718
KATHLEEN E. HEWITT, 1683
MICHELE C. HUDDLESTON, 1855
DEBBIE R. JENKINS, 0028
SCOTT A. JOHNSON, 6670
ETHAN B. JOSIAH, 6590
GLORIA S. KASCAK, 4795
MICHAEL T. KELLEY, 3631
DANIEL P. KINSTLER, 0427
LENORA C. LANGLAIS, 1586
ELIZABETH D. LASSEK, 4785
CLYDA L. LAURENT, 2020
LAURIE S. MACGILLIVRAY, 5076
LORI J. MARTINELLI, 7693
MARYANN C. MATTONEN, 3842
CATHY M. MCCRARY, 8580
FRITZI J. MCDONALD, 5819
JULIE C. MCNALLY, 7146
ROSARIO P. MERRELL, 9162
JULIE D. MILBURN, 8189
LISA M. MORRIS, 9450
CHERYL A. MOSLEY, 6345
CINDY A. MURRAY, 6123
LISA A. OSBORNE, 0845
SUSAN M. PENNEBECKER, 4816
DREW S. PINILLA, 4350
EVELYN M. QUATTRONE, 8041
MICHAEL D. RAMOS, 6131
LOVETTE T. ROBINSON, 2380
SHERRI L. SANTOS, 7869
CANDY M. SIMMONS, 3710
FAWN R. SNOW, 8264
TANYA STEVENSON-GAINES, 6862
WANDA J. STONE, 1229
DEBORAH M. SWEETMAN, 1766
DAVID A. TAIT, 7261
YVONNE TAPIA, 1562
CHRISTINE M. WARD, 1542
ROBYN C. WARD, 2985
KARIN E. WARNER, 5179
TERESE M. WARNER, 6679
JOHN J. WHITCOMB, 5834
RICHARD D. WHITE, 8902
CATHERINE E. WIDMER, 6034
MARIA A. YOUNG, 2075

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ERIC M. AABY, 6771
JOSEPH F. ALLING, 1963
KEITH E. AUTRY, 3561
JOHN F. BENNETT, 5978
GORDON E. CLARK, JR., 8960
MARC R. DELAO, 9217
STEPHEN J. DONLEY, 0165
WILLIAM C. DUERDEN, 9943
DAMON S. FETTERS, 3070
PATRICK A. GARIN, 1904
MARK T. GERONIME, 6849
BRADLEY S. HANCOCK, 5986
CHERYL M. HANSEN, 7567
ANDREW J. HOLLAND, 3054
GLENN W. HUBBARD, 8580
KEVIN M. KREIDE, 6543
CHRISTOPHER M. KURGAN, 8599
JONATHAN W. LEBARON, 5081
NICHOLAS L. MERRY, 5135
THOMAS J. MITORAJ, 2153
DARREN C. MORTON, 9711
MICHAEL P. OESTEREICHER, 4862
NORMAN D. STIEGLER, JR., 9989
ALEX D. STITES, 6892
GREGORY S. WAGNER, 1769
STANLEY W. WILES, 0846
CHARLES S. WILLMORE, 2819

HOUSE OF REPRESENTATIVES—*Tuesday, July 12, 2005*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BURGESS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 2005.

I hereby appoint the Honorable MICHAEL C. BURGESS to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes, but in no event shall debate extend beyond 9:50 a.m.

The Chair recognizes the gentleman from Ohio (Mr. BROWN) for 5 minutes.

CENTRAL AMERICAN FREE TRADE AGREEMENT

Mr. BROWN of Ohio. Mr. Speaker, last year the House Majority Leader the gentleman from Texas (Mr. DELAY), the most influential Republican in the Congress, promised that this Congress would vote during last year on the Central American Free Trade Agreement, a trade agreement that includes six countries in Latin America and the United States. December 31 rolled around, there was no vote.

Majority Leader DELAY then promised a vote by Memorial Day on CAFTA. Memorial Day came and went.

Majority Leader DELAY then promised a vote on CAFTA prior to July 4. July 4 has since come and gone. Now, Leader DELAY has said there will be a vote on the Central American Free Trade Agreement some time in July.

Mr. Speaker, the reason that there has not been a vote on the Central American Free Trade Agreement is because of the overwhelming opposition to that trade agreement, opposition from Republicans on that side of the aisle, Democrats on this side of the aisle, opposition from small manufacturers, machine shops, tool and die makers, small manufacturing companies, opposition from unions and all kind of worker organizations, opposition from environmentalists, opposition from religious leaders, opposition from in the United States to the Central American Free Trade Agreement, widespread opposition among leaders and religious leaders, labor leaders, environmentalists advocates for the poor, small business people, small farmers and ranchers throughout the six Latin American countries. The reason they oppose the Central American Free Trade Agreement is it simply will not work for the great majority of people whether it is in Nicaragua or the United States, whether it is in Guatemala or the Dominican Republic.

All of us understand that this CAFTA does not make sense. We should renegotiate the Central American Free Trade Agreement, get rid of this one, renegotiate one that works for everyone.

The reason CAFTA does not work is that it was crafted by a select few, negotiated by a select few to benefit a select few. The drug companies were at the negotiating table. They, of course, will benefit from the Central American Free Trade Agreement, but small manufacturers will not.

The insurance companies and the financial institutions and the banks were at the negotiating table helping to write the Central American Free Trade Agreement. The representatives of small farmers and small ranchers in small businesses were not at the table.

Oil companies and other big energy companies were at the table negotiating the Central American Free Trade Agreement. But consumers and people who will be hurt, the poor and working families in all seven CAFTA countries, were not at the table. It, as I said, was negotiated by a select few, for a select few.

Now, Mr. Speaker, the reason we know that our trade policy is not working is exemplified very well in this chart. 1992, the year I first ran for Congress, was elected, our trade deficit in this country was $38 billion. In 2004 that trade deficit was $618 billion, from $38 billion to $618 billion in the space of 12 years.

Mr. Speaker, those numbers, those are just trade deficit numbers. But what they represent is loss of manufacturing jobs in large part. The states in red are states that have lost 20 percent of their manufacturing jobs. My State of Ohio, at 216,000 in just 5 years. Michigan over 200,000, Illinois over 200,000, Pennsylvania over 200,000. The Speaker, the man in the Speaker's chair, his State of Texas, 200,000. The gentleman from Oregon (Mr. BLUMENAUER'S) State has lost 30,000 manufacturing jobs. The gentleman from New Jersey, (Mr. PALLONE'S) State of New Jersey has lost 105,000 manufacturing jobs in the last 5 years.

Mr. Speaker, this trade policy is not working. These trade agreements are not working. This trade agreement is not about lifting up workers in the developing world. It is about U.S. companies moving plants to Honduras, outsourcing jobs to El Salvador and exploiting cheap labor in Guatemala, not to help those workers, because those workers living standards under past trade agreements simply have not risen.

We know, Mr. Speaker, that we need a different CAFTA, and we have a different CAFTA when the world's poorest people can buy American goods, not just make them, we will know our trade policies are finally working. We should defeat this CAFTA and renegotiate a better Central American Free Trade Agreement.

CHANCE TO KEEP FAITH WITH AMERICAN TAXPAYERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this week, Members of the House of Representatives will have a chance to keep faith with the American taxpayers and the interests of our each and every district. The gentleman from Arizona (Mr. FLAKE) and I will offer an amendment to assure that the most expensive project in the history of the Corps of Engineers, the Upper Mississippi River Navigation expansion, is in fact justified.

This $1.8 billion project will take up 10 to 15 percent of the entire Corps construction budget for years, perhaps decades to come, impacting projects in every congressional district. That is because the Corps' current backlog of construction is about $58 billion and the construction budget is less than $2 billion a year. We need to make sure that we are using our limited funding for worthwhile projects.

Now, while I have deep reservations about this project, I respect the hard

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

work of our chairman, the gentleman from Tennessee (Mr. DUNCAN), of the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and particularly of the gentleman from Illinois (Mr. COSTELLO), who, for years has worked hard in the committee and behind the scenes to make this a better project.

Out of respect for their hard work, the gentleman from Arizona (Mr. FLAKE) and I have come up with a compromise, not to eliminate the project, but simply to make sure that we are preserving the integrity of the Corps' project and the fiscal responsibility of Congress.

The amendment we will offer will authorize the project to proceed if the minimum economic justification that has been offered for the project is met. The planning is such that this project is going to be in a planning stage for the next 5 years. So our amendment will not in any way interfere with the planning process itself. It will simply require that over the course of the next 3 years that the projections for barge traffic at the minimum level are met.

Now, this is the key justification because barge traffic is cited in scenarios put forward by the Corps to show the need for this massive project because they claim that barge traffic on the Mississippi River system is going up. But according to the Corps' own data, barge traffic has declined 23 percent from 1992 to 2003. Last year it dropped by 19 percent.

While it seems the Corps' traffic scenarios are wildly overoptimistic, and that barge traffic is likely to continue its decline, our amendment will allow the Corps to go forward with its planning project if, over the next 3 years, they meet the lowest scenario that makes this project economically justified.

Why is this special attention so important? Well, I have already pointed out it is the largest project in the history of the Corps and is going to impact projects all across the country that are worthy and much more important. But we ought to consider the troubled history of this project, for this project is, for many people, the project that launched the Corps Reform movement. In 2000, the Corps economist, Donald Sweeney, claimed that the Corps officials ordered him to cook the books in order to economically justify this project. After a whistle blower investigation, the Army Inspector General agreed, and two generals and a colonel lost their jobs.

This project epitomizes the need for reform and modernization of the Corps of Engineers. It is an example of how the Corps' planning system has a bias towards large structural projects. The National Association of Science has concluded that the Corps has ignored nonstructural alternatives such as congestion fees, scheduling and switch boats, that will enable the system to work better. And we do not yet have a good system of independent review, which, if it had been required of this project, we would not be arguing about it today.

Several National Academy of Science reports have examined the project. In 2001, the panel concluded the Corps had relied on over optimistic projections. In December of 2003 a second panel renewed their objections, concluding it was not possible to evaluate the benefits of lock expansion until an efficient system for managing the waterway was implemented. Last year an additional report concluded that despite the Corps' efforts, "the study contains flaws serious enough to limit its credibility and value in the policymaking program."

While I believe we have gone a long way in modernizing many of the Corps activities, I salute my colleague, the gentleman from Tennessee (Mr. DUNCAN) and the committee for the work that WRDA has done. It is a step in the right direction. I urge my colleagues to look at this amendment, and I urge its approval.

KARL ROVE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, it is time President Bush's Deputy White House Chief of Staff Karl Rove level with the American people and explain exactly what his role was in the leak of a covert CIA agent.

Mr. Speaker, this is serious business. But from the way the White House has been handling it, you would think it is no big deal. Valerie Plame was a covert CIA agent stationed in many hot spots around the world. When someone in the White House decided to leak her name to reporters they were jeopardizing any undercover operations that Plame had worked with in the past.

You would think that President Bush would take this issue very seriously, since it was his father who said in a presidential address at the CIA headquarters back in 1999, and I am going to quote that, "that I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view the most insidious of traitors."

Now those are some tough words from the first President Bush who knew the CIA well from his days as director of that agency. But when Valerie Plame's name was first leaked, this president, the current President Bush, also had some tough comments for whoever was responsible. In September 2003 he said in response to a question regarding the leak of Plame's name, and again I am quoting, "if there is a leak out of my administration, I want to know who it is, and if the person has violated the law, the person will be taken care of."

Well now, Mr. Speaker, it appears that we know who one of those people is. And now the question is, will President Bush hold Karl Rove accountable for his actions?

Karl Rove has also repeatedly denied any involvement. When he was first asked if he had any knowledge or involvement in the identification of the CIA agent, Rove simply said no. Then earlier this month, when interviewed by CNN, Rove amended that statement slightly and said, and again I am quoting, "I will repeat what I said to ABC News when this whole thing broke some number of months ago. I do not know her name and I did not leak her name."

Well, we now know that he may not have necessarily given the reporter Valerie Plame's name. But he certainly told the reporter that Joseph Wilson's wife was a covert CIA agent.

Now how difficult would it be for a reporter to find out the name of Wilson's wife? Not that difficult, obviously.

Mr. Speaker, it is troubling that neither Karl Rove nor the Bush administration have leveled with the American people about Rove's real involvement. Shortly after the leak became news, White House Press Secretary Scott McClellan went before White House reporters and told the world he talked with Karl Rove, Elliot Abrams and Lewis Libby, and that each of three had assured him that they were not involved.

And so now the question is, was Karl Rove withholding information from his colleagues at the White House about his involvement in the Valerie Plame scandal? Or did the White House know, and did they send out erroneous and false statements to the media?

It would be nice if the White House would answer these questions, but now the White House refuses to comment on any issue regarding the ongoing investigation. Yesterday reporters tried to ask Scott McClellan whether or not he would stand by the statement he made back in 2003 in which he stated that Karl Rove had told him he was not involved. And McClellan said he could no longer comment on the investigation. How convenient, Mr. Speaker, that McClellan was able to vouch for Rove back in 2003 but is silent today.

So today we are left are two possibilities really. 1, the White House has been bending the truth on this very serious issue since the beginning, or 2, Karl Rove has misrepresented his involvement to the White House. Either way, Karl Rove has a lot of explaining to do. And I believe, Mr. Speaker, that President Bush should stand behind his past statement and ask Karl Rove to either defend his actions or resign.

DRAWDOWN OF FORCES IN IRAQ

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2005, the gentleman from Massachusetts (Mr. MEEHAN) is recognized during morning hour debates for 5 minutes.

Mr. MEEHAN. Mr. Speaker, this weekend many of us learned that the Bush Administration may have a plan for a phased drawdown of coalition forces in Iraq in the next 12 to 18 months.

Unfortunately, we did not learn about these plans from the Administration's legally mandated yet unfulfilled reporting requirements to Congress. We learned about it from news reports of a leaked memo circulating in the British government.

The memo outlines the Administration's plan to cut the size of our force in Iraq from 140,000 down to 66,000 by the middle of next year, and describes a "strong U.S. military desire" to hand over control to the Iraqi security forces in most of Iraq.

In January I released a white paper in which I proposed a timetable for a phased drawdown of the majority of American troops by the end of 2006. If the information in the British memo is true, then the Administration may be planning similar plans, despite its public claims to the contrary.

Ironically, the British memo, reportedly written at least a month ago, broke in the American press at exactly the same moment that the Administration missed a very important deadline to share precisely this sort of information with this Congress.

There is something wrong when we are learning about the Administration's plans for our troops, not from the President, not from the Pentagon, but from leaked foreign memos. Yesterday the Pentagon should have released to Congress an essential report on the benchmarks and guidelines for measuring progress in Iraq.

The report for "Measuring Stability and Security in Iraq" was a provision of the Supplemental Defense Appropriations Bill passed by this Congress and signed into law by President Bush on May 11, 2005. This law required the Administration to outline a comprehensive approach to Iraq by July 11, yesterday, with follow-up reports every 90 days thereafter.

This report presents an invaluable opportunity for the administration to explain to Congress and to the American people their plans and intentions in Iraq. Providing Congress with a more comprehensive set of performance indicators will undoubtedly lead to a more informed debate over U.S. policy in Iraq.

The congressionally mandated report calls on the Administration to outline key measures of stability and security in Iraq. This includes measurements of political stability, the training of Iraqi forces. Specifically, the report mandates that the Administration provide information on the operational readiness status of the Iraqi military forces, including the type, number, size and organizational structure of Iraqi battalions, as well as their ability to conduct counterinsurgency operations.

The report requirement also calls for estimates of the strength of the Iraqi insurgency and details on the training of the Iraqi police force.

I urge the Administration to take this responsibility seriously and to take this legal obligation seriously by providing this information to Congress as quickly and as comprehensively as possible.

The information contained in this report is a critical step towards bringing our troops home. To that end, I am a cosponsor of House Resolution 55, the Homeward Bound Act. This bipartisan legislation requires the President to announce a plan by December 31 of this year for the eventual return of all elements of the Armed Forces. This plan would be a natural extension of the report due to this body yesterday.

The bill also requires the President to begin a drawdown of our troops on or before October 1, 2006. Beyond that date, it provides the President with the flexibility for an orderly drawdown.

Finally, the legislation requires the President to accelerate the training of Iraqi forces and to ensure that they are adequate to take the leading role in fighting the insurgency.

Our troops have done everything we have asked of them in Iraq. They have acted heroically. They have done their job. Now is the time for Washington to do its job.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 22 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

AFTER RECESS

The recess having expired, the House was called to order by the SPEAKER pro tempore (Mr. FOLEY) at 10 a.m.

PRAYER

Rabbi David Greene, Chabad-Lubavitch, Rochester, Minnesota, offered the following prayer:

Almighty God, Master of the Universe, according to the Jewish tradition, You instructed mankind to obey seven universal laws:

not to worship false Gods;

never to blaspheme Your Holy Name;

not to murder;

not to commit adultery, incest, or any sexual misdeeds;

not to steal, lie, or cheat;

not to be cruel to any living creature;

and that every society govern by just laws based on the recognition of You, O God, as a sovereign ruler of all men and all nations.

Today the Members of this House convene to fulfill one of these commandments, to govern by just laws. May it be Your will that those assembled here enact laws to govern this great country, be mindful of Your presence and conduct themselves in all their matters with justice, kindness, and peace.

Grant them success in making this country truly fit for Your presence. Bless them with good health, wisdom, compassion, good cheer, and fellowship. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. GUTKNECHT) come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has agreed to the following resolution:

S. RES. 194

In the Senate of the United States, July 11, 2005.

Whereas Gaylord A. Nelson served in the United States Army from 1942–1946;

Whereas Gaylord A. Nelson served as Governor of the State of Wisconsin from 1959–1963;

Whereas Gaylord A. Nelson served the people of Wisconsin with distinction for 18 years in the United States Senate;

Whereas Gaylord A. Nelson served the Senate as Chairman of the Select Committee on Small Business from the Ninety-Third through the Ninety-Sixth Congresses and as Chairman of the Special Committee on Official Conduct in the Ninety-Fifth Congress;

Whereas Gaylord A. Nelson received the Presidential Medal of Freedom in 1995;

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Gaylord A. Nelson, formerly a Senator from the State of Wisconsin.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Gaylord A. Nelson.

The message also announced that the Secretary of the Senate be directed to request the House to return to the Senate the bill (H.R. 2985) "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2006, and for other purposes.", to make technical corrections in the engrossment of the Senate amendment.

HONORING RABBI DAVID GREENE

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute.)

Mr. GUTKNECHT. Mr. Speaker, I rise today in honor of our guest chaplain and my friend, Rabbi David Greene of Rochester, Minnesota. I often tell students when they come to visit the Capitol that the first official act of the United States Congress was to appoint a chaplain. The second thing that they did was they prayed, and it was not a perfunctory prayer. They prayed for 1½ hours. We have long understood the importance of faith in our society.

Rabbi Greene was born and raised in Minneapolis, Minnesota. He attended the first Orthodox Jewish parochial school in Minnesota, received his ordination from the Rabbinical College of Canada in 1984, and completed postgraduate Judaic studies at Lubavitch Yeshiva in Brooklyn, New York.

Since 1988 Rabbi Greene has served as the Lubavitcher Rebbe's Emissary to Rochester, more specifically, to the Mayo Clinic. In his service, he meets the spiritual needs of Jewish people who reside in or visit Rochester, Minnesota.

I thank Rabbi Greene for his service as our guest chaplain to the United States House of Representatives today.

ELLINGTON FIELD AIR FORCE BASE

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, I question whether the Defense Department in the base closing process has neglected the obvious: homeland security.

No place does this appear more evident than Ellington Field in Houston, Texas. It is said that Ellington Air Force base with its F-16 fighters and National Guard units are of little military value. Without agreeing to that, I point out that over 8 million people live in the area. There are three major ports: the port of Houston, second largest in the United States, sixth in the world; Port Arthur; Port of Beaumont, where one third of the military cargo going to Iraq comes out of this one small port. The massive petrochemical and refineries in the region, Houston still is the energy capital of the world. Over one-half of the gasoline refined in the United States comes from this area. Of course, we have the nuclear power plant in southeast Texas, the largest medical center in the world, and then there is NASA.

Mr. Speaker, I served in the United States Air Force and was stationed at Ellington Field, and the people of southeast Texas want Ellington. They want to keep those F–16s flying. When 9/11 hit, it was the F–16s at Ellington that flew over the blue skies of Texas on watch. It would defy common sense to take those fighters from this needed area of securing the homeland.

KARL ROVE

(Mr. WAXMAN asked and was given permission to address the House for 1 minute.)

Mr. WAXMAN. Mr. Speaker, I rise to talk about the disgraceful revelation that Karl Rove and people in the White House may have been involved in outing a CIA agent. How serious is this matter? I refer people to the quote of President George H.W. Bush. He said: "I have nothing but contempt and anger for those who betray the trust by exposing the name of our sources. They are, in my view, the most insidious of traitors." What did this President Bush say? He said he would fire anybody who might have been involved in doing such a thing.

Now what we are hearing is that the evidence is mounting that Karl Rove and others in the White House may have been involved in using classified information as part of a conspiracy for political purposes, jeopardizing our national security. It is imperative that we know the facts. And how do we get to the facts? Not just wait for a special prosecutor, but Congress has the responsibility to hold hearings. Let us bring Rove here, put him under oath, and let him tell us what he has to say.

BRITS RESPOND WITH RESOLVE, DETERMINATION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, July 7 in Britain is not the same as March 11 in Spain. Last week's terrorist attacks were met not with blame, self-loathing, and retreat. They were met with proper expressions of mourning, steely resolve, and clarion calls for justice. I would expect nothing else from the country that withstood the onslaught of the Nazis.

And while all of Great Britain mourns, our friends across the Atlantic should be commended for the face of resolve they have shown in recent days. This resolve was best expressed by London's mayor when he told the terrorists: "Whatever you do, however many you kill, you will fail."

If terrorists thought that the murder of innocent people would further their aims, they picked the wrong country to target. Giving terrorists safe haven in the name of tolerance only encourages the violent intolerance expressed most vividly in last week's attacks. These attacks again demonstrate the reason everyone needs to root out these barbarians.

A SOLDIER'S REFLECTIONS

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUTTERFIELD. Mr. Speaker, on June 1, 2005, U.S. Army Corporal Phillip Charles Edmundson of my home community of Wilson, North Carolina, became the first war casualty since Vietnam. I rise today to remember his bravery by reading a poem written by George L. Skypeck called, "A Soldier's Reflections":

> "I was that which others did not want to be.
> I went where others feared to go
> and did what others failed to do.
> I asked nothing from those who gave nothing
> and reluctantly accepted the thought of eternal loneliness . . .
> Should I fail, I have seen the face of terror;
> felt the stinging cold of fear;
> and enjoyed the sweet taste of a moment's love.
> I have cried, pained, and hoped . . .
> But most of all, I have lived times others would say
> were best forgotten.
> At least some day
> I will be able to say that I was proud of what I was . . . 'a soldier.' "

STRONG RESOLVE IN THE FACE OF TERRORISM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I conclude every floor speech with the reminder, "God bless our troops and we will never forget September 11," because I strongly believe that we must remember the lessons of that tragic day to protect American families.

After witnessing a handful of terrorists murder thousands of innocent Americans, our Nation immediately took action to defeat terrorism at home and abroad. Yesterday, I observed hundreds of terrorists now detained at Guantanamo Bay, Cuba and witnessed the tremendous progress our Nation is making in defending our freedom and defeating terrorism.

Last week's brutal attacks on the streets of London demonstrated that we must remain on the offensive against terrorists who seek to murder innocent civilians and destroy our way of life. Terrorists who believe they can break our will through cowardly attacks are mistaken. As President Bush said, "America will not retreat in the face of terrorists and murderers. And neither will the free world."

In conclusion, God bless our troops; we will never forget September 11 and London's July 7.

ANNIVERSARY OF THE MEDAL OF HONOR

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, I rise today to pay homage to the Medal of Honor recipients and the values that the Medal of Honor symbolizes. On this date in 1862, President Abraham Lincoln approved the legislation that created the Medal of Honor, our Nation's highest military medal. The Medal of Honor is awarded for acts of valor and gallantry above and beyond the call of duty. In its 140-plus-year history, only 3,441 individuals have been awarded this distinguished medal; 121 of those individuals are still alive today.

Mr. Speaker, I wish to pay tribute to these brave individuals and to those men and women currently serving our Nation overseas. The Nation's highest award is facing a serious challenge to its meaning and symbol. I am outraged by the impostors who claim they have received this and other honors the military awards for deeds and actions of soldiers. These criminals not only dishonor themselves, but they dishonor the sacrifice that true recipients have made.

That is why, Mr. Speaker, I plan to introduce the Stolen Valor Act of 2005 next week. This piece of legislation will make it easier for Federal law enforcement officials to prosecute phonies and impostors and restore the true meaning of these illustrious awards.

I hope my colleagues can join me in this effort to reclaim the meaning of honor and bravery and sacrifice in these United States.

RETURN TO FLIGHT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, today I wish all the best for NASA and the crew of the Space Shuttle *Discovery* and the men and women of Kennedy Space Center on attempting to launch tomorrow. Those of us who support the program understand how critically important it is for the United States to have a continuing human presence in space.

After the loss of the Space Shuttle *Columbia* in February of 2003, we have not been able to launch our astronauts into space for almost 2½ years. With a successful launch tomorrow, we will once again show the world that our program and the dedicated people behind it are second to none and that our space shuttle fleet is unrivaled when it comes to technology and mission capability. This launch will be an important first step, a first step in the new vision for space exploration articulated by President Bush in January of 2004, a vision that is not only taking us back to low Earth orbit and the space station but that will lead us back to the Moon and one day on to Mars.

Again, I know I speak for all Americans when we wish the crew of *Discovery* God speed and a safe mission.

COLLAPSE OF A COVER-UP

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, in the last 48 hours we have witnessed the sad collapse of a cover-up. On September 29, 2003, Press Secretary Scott McClellan said that he had spoken with the deputy chief of staff of the White House and it was simply not true that he had anything to do with the disclosure of the identity of a CIA agent. He characterized it as "totally ridiculous." And again on October 10, 2003, he said the White House had nothing to do with this terrible disclosure.

The President was then asked on June 10, 2004, whether he would stand by the promise to the American people to fire someone responsible for this disclosure, and he answered with a simple "yes."

The American people do not want sensitivity training after this sad disclosure of a CIA agent. They need full accountability. The jig is up. The deputy chief of staff needs to come in front of Congress and answer questions about this. And this is not just a matter of a simple violation of Federal law. It is a sad violation of democracy to try to punish a truth-teller, Joe Wilson, who blew the whistle on the "yellow cake" false statement made by the President. We know that that is wrong because Mr. McClellan said this is not the way the White House operates. We beg to differ.

URGING SUPPORT FOR THE 527 FAIRNESS ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, all of us remember the summer of 527s. Groups organized on the left and right under section 527 of the Internal Revenue Code spent nearly $400 million in the midst of the Presidential campaigns while the Nation's two major political parties, its most respected labor unions, associations, businesses, and constitutional groups seemed to stand on the sideline in mute amazement.

In response to that summer of 527s, some here in Washington, D.C. want to exert even more regulation and control, and that is certainly their right to pursue. But the gentleman from Maryland (Mr. WYNN) and I have a different approach. We believe that the only proper response to inequities in the political economy of a free society is more freedom, not less freedom.

☐ 1015

The Pence-Wynn bill is our effort to restore freedom and fairness to political parties and outside organizations, to give them the opportunity to compete more effectively with not only 527 organizations but their progeny that may arise if the Congress decides even yet to regulate them.

Thomas Jefferson said, "I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it."

Mr. Speaker, I urge my colleagues to consider the Pence-Wynn Freedom resolution.

REPUBLICAN PLAN TO MOVE SOCIAL SECURITY INSOLVENCY CLOSER

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, congressional Republicans have shown their hand once again. It is now clear that Republicans have no desire to strengthen Social Security for future generations. Instead, their only intentions are to privatize the guaranteed retirement program.

The Republicans' risky privatization scheme would create private accounts financed by diverting money out of Social Security. It does absolutely nothing to extend solvency of Social Security. In fact, the Republican proposal would actually move Social Security insolvency up 2 years. The Republican plan actually harms Social Security by taking away money from the trust fund. Every so-called "surplus" dollar put into the trust fund is already earmarked to pay future benefits. There is simply no way to divert those dollars to private accounts.

If Republicans really want to strengthen Social Security, do we not think they would come up with a proposal that would really actually extend solvency?

The American public demands reform, but not in this manner. Privatization is not the way to go. In my own district, 60,000 people are on Social Security. They look forward to that continued support.

GROWING REAL OWNERSHIP FOR WORKERS ACCOUNTS ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, when my constituents find out that Congress has been spending Social Security money on programs other than Social Security, they are mad. That is why I am working to put an end to this immoral practice.

In the past, Congress has not had the discipline to keep its hand out of the Social Security cookie jar.

Our proposal says that future Congresses cannot get their hands on the money in the first place.

My commonsense solution is simple: make sure that Congress spends Social Security taxes on Social Security.

When workers can save part of their Social Security money in a personal retirement account with their name on it, Congress will have to cut spending from other bloated programs.

Our bill, the Growing Real Ownership for Workers Accounts Act, grows accounts and is an achievable first step toward sending the Social Security surplus back where it belongs, in the pockets of hardworking Americans.

I urge my colleagues to cosponsor this bill today.

KARL ROVE DIRECTLY INVOLVED IN OUTING OF COVERT CIA AGENT

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, we now know that Karl Rove is one of the White House officials directly involved in the outing of a covert CIA agent.

Rove and his attorneys can parse the words all they want, but it is now clear that while Rove may not have given a reporter Plame's name, he clearly identified her by telling the reporter that Joseph Wilson's wife was a CIA agent.

Does Rove expect us to believe that any reporter worth a byline could not easily find out the actual name of Wilson's wife? And, as disturbing as this is, it is even more disturbing that President Bush continues to support Rove.

In September 2003, President Bush told reporters, "If there is a leak out of my administration, I want to know who it is." Well, the President now knows at least one of the persons in his administration is responsible for this leak. The question is, will he keep his word and fire Mr. Rove?

President Bush should not forget the comments of his own father who in a speech before the CIA in 1999 said, "I have nothing but contempt and anger for those who betray the trust by exposing the names of our sources. They are, in my view, the most insidious of traitors." And right on, first President Bush.

If this President agrees with his father, he will fire Karl Rove and clear the way for his prosecution.

EXPLOSION OF TRIBAL CASINOS

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I am concerned about the rapid spread of gambling in the United States, now largely through the dramatic expansion of tribal casinos, which are devastating America's communities and families.

Gambling ruins families. It ruins communities. It ruins businesses. Gamblers often neglect their families and lose their jobs, careers and marriages to the habit. Gambling preys on the weak and gambling exploits the poor. Study after study shows that when a casino opens in a community, crime and suicide and bankruptcies rise.

As if our Nation is not saturated enough with gambling operations, now comes news of plans to open a casino two miles from the historic Gettysburg battlefield. Yes, Gettysburg. Thousands of Americans from the north and the south died at Gettysburg. It is hallowed ground. Its place in our history is sacred.

Is there no place in America immune from the lure of gambling?

I recently wrote President Bush urging him to issue an Executive Order to halt the explosion of gambling with a 2-year moratorium on new tribal casinos. Why will the Bush administration not act?

TIME FOR ROVE TO COME CLEAN WITH PUBLIC

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, when Karl Rove's attorney finally admitted to the Washington Post yesterday that Rove told a reporter Joseph Wilson's wife was a CIA agent, he was indeed identifying her. It does not take too much investigative reporting beyond that to actually come up with a name.

Now, Rove's attorney is trying to explain away Rove's actions by stating that he was merely "discouraging Time from perpetuating some statements that had been made publicly and weren't true." Convenient explanation, but are we supposed to believe this from an attorney who previously stated that Rove did not reveal any confidential information?

Clearly, Rove did reveal confidential information when he told Time reporter Matt Cooper that Joseph Wilson's wife was a CIA agent.

Karl Rove himself should come forward and level with the American people about his involvement in the Valerie Plame leak. Failing this, President Bush should ask for his resignation.

IMPROVING ECONOMY

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, 146,000 jobs were created in the month of June with the unemployment rate dropping to 5 percent, the lowest unemployment rate since September of 2001. Steady job growth has taken place each month over the last 25 months, and more Americans are working than ever before.

Economic indicators show strong and sustained growth, with real gross domestic product and real income revised up for the first quarter and inflation down. Profits as a share of GDP are up to their highest levels since 1967. Durable goods orders are on the rise, with new orders increasing 5.5 percent for May, the largest increase in 14 months. U.S. manufacturing continues to expand. For the 25th consecutive month, manufacturing expanded, again, in June. Consumer confidence is up, rising nearly 3 points in June to its highest level in 3 years.

Mr. Speaker, the improving economy is not empty rhetoric. What is crystal clear is that the policies of this Congress and this administration are progrowth, leading the charge, and they are succeeding.

WATER RESOURCES DEVELOPMENT ACT

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, the single most important vote of the week and one of the most important of the year is buried in the massive Water Resources Development Act coming before Congress this week: the Upper Mississippi Lock project. This is the "Big Dig" of water projects. Actually, it is like five or six big digs, since 10 percent of all water resources for years to come will be spent on this single project.

I urge my colleagues to look closely at the amendment that I will be offering with my colleague, the gentleman from Arizona (Mr. FLAKE), which will require that before this project moves from planning to construction in 5 years, that the minimum justification for the demand for barge traffic, the rationale for the project, is justified. Taxpayers deserve no less for the largest water resources project in America's history.

REVISING THE NATIONAL FLOOD MAPS

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, my district is the fifth congressional district of Florida, and the area is commonly referred to as the "Nature Coast." Residents of this area, most of them are not owners of beachfront property; they live on what previously were pristine, swampy wetlands that were filled in. We certainly have a beautiful view and, unfortunately, while it is the Nature Coast, it also has historically been the area where many hurricanes have hit.

While this last hurricane, Dennis, did not directly hit our area, we had residual effects of the hurricane. We had storm surges, and a lot of areas were under water. Suddenly, residents thought they owned waterfront property, because right out front of their homes, waterfront existed.

I am very, very glad to see that we are looking at revising the national flood maps so people who previously were denied flood insurance now, once we revise those flood maps, they will be able also to be able to purchase flood insurance.

GAMING INDUSTRY FUELS ECONOMY

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, I came down to the floor to speak about Social Security and the President's plan to privatize, but after hearing the comments of the gentleman from Virginia regarding the gaming industry, I felt it is my responsibility as the Congresswoman from Las Vegas to speak on behalf of the gaming industry.

I grew up in Las Vegas. I know the people well. I know the community well. And I know the industry well. My father has a ninth-grade education. He was a waiter when I was growing up. On a waiter's salary in a Las Vegas casino, he made enough money to put a roof over our heads, food on the table, clothes on our backs and two daughters through college and law school. That is not so bad on a waiter's salary. The reason he was able to do that was because of a strong economy fueled by the gaming industry.

For anybody that thinks that the social ills of this country are caused by gaming, I invite them to come to my beautiful city of Las Vegas and see for themselves firsthand the strong economy based on the gaming industry that is run by some of the most reputable people that I have ever met. Come to Las Vegas and see for yourself the wonders of that amazing community.

TIME FOR KARL ROVE TO STEP ASIDE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, it appears that either President Bush's righthand man Karl Rove was deceiving his boss or the Bush administration was deceiving the American people in regards to the leak of a CIA agent's identity to the press.

When asked in September 2003 if he had any knowledge or leaked the name of the CIA agent to the press, Rove simply answered, "no." The deception continued earlier this month when, on July 4th, Rove simply amended his previous statements by saying, "I'll repeat what I said to ABC News when this whole thing broke some number of months ago, I didn't know her name, didn't leak her name." Last week, after Newsweek reported that the leak came from Rove, Rove's attorney shot back and said Rove "did not tell any reporter that Valerie Plame worked for the CIA."

Well, now Karl Rove's attorney is admitting that Rove did tell a reporter that Joseph Wilson's wife was a CIA agent. Sounds like a leak to me. So, it is now time for President Bush to ask for Karl Rove to go.

AMERICAN NEWSPAPERS NOT BUYING CONGRESSIONAL REPUBLICAN SOCIAL SECURITY PLAN

(Mr. MELANCON asked and was given permission to address the House for 1 minute.)

Mr. MELANCON. Mr. Speaker, America's editorial boards, both liberal and conservative, were not fooled by the Congressional Republican Social Security proposal unveiled this past month. The Republican plan would create private accounts out of the money now going into the Social Security trust fund.

The Baltimore Sun called the plan "the worst plan yet." While the Minneapolis Star-Tribune said, "It is so weird and ill-conceived that it wouldn't merit comment, except that prominent GOP lawmakers have rallied around it." USA Today examined the plan and concluded, "for every one part substance, the plan contains nine parts gimmick." While the New York Times wrote that the plan abandons "efforts to restore solvency in order to resuscitate those doomed, unwanted, unwise private accounts." Finally, the Roanoke Times and World News opined, "Republicans touting the plan say it will stop the 'raid' on the Social Security trust fund. But if they wish to identify those perpetrating that 'raid' for the last 4 years, they need only look in a very large mirror."

Mr. Speaker, Republicans are no longer fooling anyone. It is time that they take privatization off the table.

□ 1030

KARL ROVE MUST GO

(Mr. FRANK of Massachusetts asked and was given permission to address the House for 1 minute.)

Mr. FRANK of Massachusetts. Mr. Speaker, a couple of weeks ago, the right wing hit man, who is now the deputy chief of staff in the White House made an outrageously, consciously dishonest set of attacks on Members of this body by arguing that liberals had show ignored the terrible events of September 11, despite the fact that we virtually unanimously voted to go to war in Afghanistan, and voted for a homeland security department, in fact advocated it over the administration's objections.

We now have learned that the response of this hit man was to leak the name of a CIA agent, probably in violation of the law, certainly in violation of the rules that ought to be in place. And now we have this defense, the lawyer having previously denied that he did it, now says, well, it was not really a problem because he only said it was Joe Wilson's wife, he did not mention her name.

Now, perhaps the President's hit man maybe got him confused with one of his Saudi prince friends that thought that Mr. Wilson was a polygamist and had several wives and therefore identifying his wife would have thrown people off the track.

But I do not think that is really acceptable in a court of law. And as to the argument that by not naming her no one knew who he meant, does anyone doubt that the right wing hit man I am talking about, whose name I have not previously mentioned, is Karl Rove.

KARL ROVE MUST WALK THE PLANK

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, now that we know Karl Rove was one of the White House officials who leaked the identity of Valerie Plame, it is time for President Bush to hold his right-hand man accountable and ask for Rove's resignation. This is, after all, what members of his own administration stated would happen when the President learned the identity of those responsible for the leak.

In September of 2003, White House Press Secretary Scott McClelland told reporters, "If anyone in this administration was involved in it, they would no longer be in this administration."

Pushed further a reporter asked him if the leaker should be fired. And he answered, "If a source leaked information of this nature, yes."

Republican National Committee Chairman Ed Gillespie said, I do not believe it would be hard for President Bush to ask the person to walk the plank. The fact that Karl Rove remains at the White House speaks volumes. It is certainly not the way the White House should operate.

The White House should not aid and abet those within it in exposing CIA agents who work for this country and defend it to danger, and therefore it is time for Karl Rove to walk the plank.

DISCOURAGING JOB NUMBERS

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, last Friday we got another employment report showing that American workers are losing out. Payroll employment growth was disappointing once again. Only 146,000 jobs were added in June, when market forecasters were expecting between 175,000 and 200,000.

Though the unemployment rate edged down, it was not because people are reentering the labor force. There still seems to be a great deal of hidden unemployment. Compared to the start of the recession in early 2001, participation in the labor force now is actually 1.2 percent lower.

A smaller proportion of the working age population has a job now compared to then. Worst of all, inflation is still outpacing wages, and the distribution of earnings is increasingly imbalanced.

The signs are clear, workers are being shortchanged in this economic recovery, but this administration is standing idly by.

RESTORE VETERANS HEALTH FUNDING

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, the House should not recess this week until we have addressed the VA health care crisis. As we speak, health care services for veterans all across America are either being delayed or cut because of a billion dollar plus shortfall in VA health care programs.

Cutting veterans health care during a time of war is inexcusable and wrong. Unfortunately, 12 days ago the House leadership refused to support the billion and a half emergency funding bill passed by the Senate 96 to 0 on a bipartisan basis.

We could have had help already on its way to our veterans. It has been 8 days since Members of Congress gave patriotic speeches on July 4 honoring the service of our veterans. Those speeches are fine. Veterans deserve our support with our deeds not just our words.

Given the House leadership caused the VA health care crisis in the first place by underfunding, seriously underfunding health care programs for veterans over the last 2 years, they have a moral obligation to bring and pass through this House and send to the President this week an emergency funding bill for veterans. Our veterans deserve no less.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

TREATMENT OF CERTAIN PAYMENTS UNDER NATIONAL FLOOD INSURANCE PROGRAM

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 804) to exclude from consideration as income certain payments under the national flood insurance program, as amended.

The Clerk read as follows:

H.R. 804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF CERTAIN PAYMENTS UNDER NATIONAL FLOOD INSURANCE PROGRAM.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following new section:

"TREATMENT OF CERTAIN PAYMENTS

"SEC. 1324. Assistance provided under a program under this title for flood mitigation activities (including any assistance provided under the mitigation pilot program under section 1361A, any assistance provided under the mitigation assistance program under section 1366, and any funding provided under section 1323) with respect to a property shall not be considered income or a resource of the owner of the property when determining eligibility for or benefit levels under any income assistance or resource-tested program that is funded in whole or in part by an agency of the United States or by appropriated funds of the United States.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentleman from Massachusetts (Mr. FRANK) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BAKER).

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was just last year that the United States Congress acted to reform the flood assistance programs of this country to ensure that those who engaged in abusive practices and thereby were over assessing the program for repetitive flood losses would no longer avail themselves of that inappropriate opportunity.

Accordingly, as the House passed legislation, there was an unintended consequence, however, pursuant to a ruling by the IRS which found that there was no technical or legislative basis on which to exempt payments made from the flood assistance program for the purposes of an individual qualifying for additional governmental assistance.

I will translate that into something that is more appropriate. If, for example, a person were to accept an assistance mitigation payment to reduce the probability of future flooding, that income could then be counted and disqualify that person from receiving food stamps, aid to dependent children, perhaps Social Security, other health care assistance. And that, of course, was not the intent of the legislation as passed.

In fact, under the provisions of the Stafford Act, all other emergency assistance granted by FEMA does not count toward qualifying individuals for governmental assistance, or for that matter, as income qualifying under the IRS for taxable liability.

The reason for this policy position is quite clear, the whole goal of the effort was to incent people to make changes necessary to their property so they would no longer call on the Federal Government for flood mitigation assistance.

In one instance, an individual who was to receive significant mitigation funding, had he accepted it, would have put him far over the qualifying limits for even his Social Security benefits. That is not the outcome that one would want to see as a result of trying to assist a person with flooding problems.

Coming on the heels of Hurricane Dennis and many events across the Gulf Coast of the past few months, it is now clear this action is not only appropriate but necessary and does not violate precedent nor other actions of the Congress with regard to other assistance programs.

For these reasons, I feel the adoption of H.R. 804 is highly appropriate and responsive to the needs of our constituents.

Mr. Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I agree that this is a very important improvement to what was a very important piece of legislation.

At a time when people wonder about whether or not we are able to go forward, it ought to be noted clearly there are strong ideological and partisan differences over some issues, as there should be in a democracy, but we have been able, from time to time, to work together on things where there is a consensus of common sense.

In this particular instance, the underlying legislation here was one which was strongly supported by a coalition of environmentalists and taxpayer groups who had a common understanding that in effect encouraging people to continue to rebuild in areas that were going to be flooded made no sense from either the environmental or the taxpayer perspective.

There was also an unusually fruitful bipartisan collaboration that brought us this bill. Our former colleague, the gentleman from Nebraska (Mr. BEREUTER), a senior member of the Committee on Financial Services, worked very closely with a continuing Member, the gentleman from Oregon (Mr. BLUMENAUER) and they did an excellent job of putting this piece of legislation together.

And we now, having enacted the legislation, encounter something that was unanticipated. This would clean it up. It would make a very good piece of legislation better.

Mr. BAKER. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Speaker, I just wanted to express my appreciation to the gentleman from Massachusetts (Mr. FRANK) and to the gentleman from Oregon (Mr. BLUMENAUER) for his cooperative work in this matter.

It has been bipartisan. I think it achieves a worthwhile policy goal, and I express my appreciation.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield as much time as he would consume to the gentleman from Oregon (Mr. BLUMENAUER) who will be my last speaker.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy in permitting me to speak on this and the leadership of our friend, the gentleman from Louisiana (Mr. BAKER), who, as was mentioned along with our colleague, the former Member, the gentleman from Nebraska (Mr. Bereuter), will ironically will be in Washington D.C. this week.

I cannot think of a better gift for Mr. Bereuter, a recognition for his long service to this House and to the people of Nebraska and the country, to do this important clarification. I could not agree more with my friend from Louisiana (Mr. BAKER) how important it is to clarify the intent of this legislation.

The whole thrust of it was to, in some cases, eliminate potential abuse of the program. But more than an isolated case of abuse here and there, there were a number of people who were trapped in a pattern of flood and having to repair and did not know how to get out of it.

And the bill was designed, as my friend, the gentleman from Massachusetts (Mr. FRANK), pointed out, in cooperation with environmental groups, with taxpayer groups, with industry, the insurance industry, home building industry, financial institutions, to try and make sure that we did the right job for both the taxpayer and people who are in flood-prone areas.

The National Flood Insurance Program is critical to the lives of over 4 million policyholders. And many of the people eligible for flood-mitigation assistance under the flood insurance program were caught in this cycle of flooding and rebuilding and flooding again that could be ended with mitigation assistance.

Now, I support strongly this legislation to remove a disincentive for people living in flood-prone areas to accept the mitigation grant that will help prepare them for floods before they happen, reduce damage for future floods, and save lives for future disasters. Everybody wins if this program works right.

The policyholders win because, as we pointed out, as the legislation was moving forward, when we have the legislation, only 1 percent of the property owners were responsible for 25 percent of the flood-loss dollars.

By reducing the magnitude of this repetitive flood loss program, we were able to make a huge difference to a wide range of people. The Association of State Flood Plain Managers estimates that avoiding just one 10 percent increase will save the 4.4 million policyholders about $175 million each year.

Taxpayers will win if the mitigation program works right, because the flood insurance payments are the tip of the iceberg. Because there are many, many people in harm's way, who get part of their relief from flood insurance, but we have disaster plains on the Federal Government that far exceed them.

By making this program work right, we will save taxpayers money time and time again. I appreciate the hard work the Financial Services Committee has done in trying to fine-tune the flood insurance program, continuing hearings to make sure that it works right, and here, clearing up any ambiguity to make sure that we take any disincentive for using the mitigation grants and solve that problem to make sure that people take advantage of moving out of harm's way, saving money, enhancing the environment.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield back the balance of my time.

□ 1045

Mr. BAKER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE) who is a strong advocate of our flood insurance program.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I want to thank, on behalf of my constituents, many of whom have to have flood insurance, I would like to thank the gentleman from Louisiana (Mr. BAKER) for introducing H.R. 804.

As we all know from watching the television, hurricane season has arrived again. Residents of the Gulf and east coast face familiar anxieties associated with the hurricane season. They begin to cross their fingers and hope their home will not be devastated by nature's wrath and that their belongings will not be washed away.

What residents should not have to be crossing their fingers over is whether the government is going to hit them with additional liabilities after they receive help. Yet, under the National Flood Insurance Program today, that is exactly what happens. The IRS considers NFIP grants as income which means any person on means-tested assistance loses. Residents who accept NFIP grants after their homes are destroyed by floods are then slapped with reduced government benefits such as health care, education or even nutrition assistance.

I commend the gentleman from Louisiana (Mr. BAKER) for introducing this legislation that prevents agencies other than the IRS from considering NFIP grants as income and I implore my colleagues to support this bill. Those who have been hit by floods should not have to choose between NFIP assistance and food stamps.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to express my appreciation to all Members who have had an interest and role in perfecting this legislation. Merely for the purposes of establishing in the record as we close the chapter I believe on the reform of the Flood Mitigation Assistance Program, but every dollar of benefit paid is generated by premiums of flood insurance paid into the fund by home and property owners. It is a program which pays out benefits, and at any time, if there has been an advance of funding by the Federal Government when funds on hand have been deficient to pay existing claims, all dollars have been repaid plus interest over the life of the program. So in fact it is a program that functions in an efficient taxpayer-responsible manner.

And with the adjustments made over the past 18 months to the program, I hope it brings to an end further Congressional review and oversight of the important flood assistance programs as now constructed.

Mr. Speaker, the following is the revised cost estimate prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 11, 2005.
Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for H.R. 804, a bill to exclude from consideration as income certain payments under the National Flood Insurance Program. This estimate supersedes our original estimate that was transmitted on March 31, 2005.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kathleen FitzGerald.

Sincerely,
DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 804—A bill to exclude from consideration as income certain payments under the National Flood Insurance Program

If H.R. 804 were enacted, payments made under the National Flood Insurance Program for flood mitigation activities would not be counted as income or resources when determining eligibility for any federal means-tested program. The Federal Emergency Management Agency (FEMA) awards grants to states and communities, which in turn distribute funds to individuals and businesses for activities that reduce the risk of repetitive flood damage to buildings. Data from FEMA show that the average approved award is about $75,000.

CBO expects that enacting this bill would increase the number of persons eligible for certain means-tested programs including Food Stamps and Medicaid. Currently, flood mitigation grants are counted as income or resources. by these programs and make some people ineligible for benefits or reduce the amount of their benefit. (Certain other FEMA grants are already excluded from income for benefit-eligibility purposes.) Based on data from FEMA on the number of flood mitigation grants awarded since fiscal year 1997 CBO estimates that the increase in the number of people newly eligible for these programs as a result of this legislation would be small and that any increase in direct spending for them would not be significant. Enacting the bill would not affect revenues.

H.R. 804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act, and any increased spending by states for public benefits would be minimal.

This revised estimate supersedes the estimate that CBO transmitted on,this bill on March 31, 2005. Based on new information on both the number of flood mitigation grants and how they are distributed, CBO has lowered its estimate of the number of instances where individual families receive such grants. We previously estimated a cost of about $1 million a year, but now estimate that such costs would be less than $500,000 a year.

The CBO staff contacts for this estimate are Kathleen FitzGerald (for federal costs), Leo Lex (for the impact on state, local, and tribal governments), and Paige Piper/Bach (for the private-sector impact). This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 12, 2005.
Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: I am writing concerning H.R. 804, a bill "[t]o exclude from consideration as income certain payments under the national flood insurance program," which is scheduled for floor consideration on Tuesday, July 12, 2005.

The bill is within the jurisdiction of the Committee on Ways and Means because it would exclude certain flood insurance mitigation payments from consideration for purposes of determining eligibility for and amount of benefits under certain means-tested programs. As a result the bill could affect eligibility for and benefit levels under certain programs under the Committee's jurisdiction. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 804, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,
BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 12, 2005.
Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: Thank you for your letter regarding H.R. 804, a bill "to exclude from consideration as income certain payments under the flood insurance program."

I recognize that specifying the treatment of these payments for purposes of determining eligibility for any income assistance or resource-tested programs could affect eligibility for and benefit levels under certain programs, including those under the jurisdiction of the Committee on Ways and Means. I appreciate your cooperation in developing an amended version of the bill, thereby permitting its consideration under suspension of the rules. This cooperation does not prejudice your Committee in any way with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I intend to place this exchange of letters in the Congressional Record. Thank you again for your assistance.

Yours truly,
MICHAEL G. OXLEY,
Chairman.

Mr. NEY. Mr. Speaker, I appreciate Chairman BAKER's effort on crafting this piece of legislation and Chairman MIKE OXLEY's diligence in seeing this bill to the floor.

H.R. 804, introduced on February 15, 2005, will prevent federal agencies that administer means-tested or income-tested benefits from considering NFIP mitigation grants as income. H.R. 804 is necessary due to an IRS ruling in July 2004 that such grants must be reported as income for tax purposes. This IRS ruling has caused significant uncertainty in the administration of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. Anecdotal information has revealed that a significant number of homeowners have refused mitigation offers not only due to the fear of a potential tax liability, but also the potential for other unknown liabilities imposed by other federal government agencies. These penalties could include the loss of certain federal education, nutrition and health care benefits. H.R. 804 eliminates the potential for additional penalties by preventing federal government agencies (other than the IRS) from considering NFIP flood mitigation grants as income.

The precedent for this exception is found in the Stafford Act, which explicitly states that any disaster or pre-disaster mitigation payments made to homeowners under that Act are not to be considered as income by any federal agency administering a means- or income-tested benefit. By incorporating this language in the National Flood Insurance Act, H.R. 804 will resolve any additional uncertainty by likewise preventing federal agencies from considering flood mitigation grants as income.

Floods have been, and continue to be, one of the most destructive and costly natural hazards to our nation. In the aftermath of Hurricane Dennis this past weekend, I fear many communities in the South and Midwest will witness this unrelenting power firsthand as the tropical depression continues to unload heavy, flooding rains inland.

During this past year, there have been three major floods in my district in eastern Ohio. All three of these incidents qualified for federal relief granted by the President. Recent flooding in January of this year resulted in historic levels in several local dams, and, in Tuscarawas County, three communities were forced to evacuate, which displaced 7,000 people. I was able to witness this devastation firsthand when I toured damaged properties in both Tuscarawas and Guernsey counties. Also, I am planning to hold a field hearing in Tuscarawas County next month to continue the Subcommittee's oversight of the National Flood Insurance Program.

The National Flood Insurance Program is a valuable tool in addressing the losses incurred throughout this country due to floods. It assures that businesses and families have access to affordable flood insurance that would not be available on the open market.

Prior to the passage of the National Flood Insurance Act in 1968, insurance companies generally did not offer coverage for flood disasters because of the high risks involved. Today, almost 20,000 communities participate in the national flood insurance program. More that 90 insurance companies sell and service flood policies. There are approximately 4.4 million policies covering a total of $620 billion.

Last year's Flood Insurance Reform Act achieved significant reforms to this important federal program and I look forward to hearing from all of our witnesses today as we discuss FEMA's implementation of its flood mapping policy, as well as determine whether new reforms and initiatives are in order to complement the work we accomplished last year.

I urge my colleagues to approve this legislation.

Mr. OXLEY. Mr. Speaker, I rise today in support of H.R. 804, a bill that would exclude from consideration as income certain payments under the national flood insurance program.

This bill was introduced by my friend and colleague from Louisiana, Mr. RICHARD BAKER, and was reported from the Financial Services Committee, by voice vote, on March 16, 2005. I am pleased to see it on the floor of the House this morning and am confident that it will receive favorable consideration.

H.R. 804 is a common-sense bill that will prevent Federal agencies administering means- or income-tested benefits from considering National Flood Insurance Program (NFIP) mitigation grants as income. Successful distribution of these mitigation grants is vitally important to the financial soundness of the NFIP, since they help prevent costly repetitive flood losses by allowing homeowners to elevate their properties or take other measures to prevent future flooding.

In July 2004, an IRS ruling maintained that these mitigation grants must be reported to the IRS as income for tax purposes. As a result, some homeowners have refused mitigation offers out of a concern that mitigation funds could increase their reported income to levels that would result in a loss of Federal education, nutrition and health care benefits. Other homeowners fear potential tax liabilities.

We in the Congress have put in a great deal of work over the past several years on the repetitive flood loss issue, culminating in the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004. This Act expanded the use of mitigation grants and requires homeowners to participate in flood mitigation programs. Unfortunately, we are now faced with a situation where affected homeowners face the loss of benefits such as subsidized school lunches, Federal education grants and Medicaid. That is just not right.

H.R. 804 removes this concern and will allow flood mitigation grants to work as intended. I urge my colleagues to help protect homeowners throughout our Nation by supporting final passage of H.R. 804.

Mr. BAKER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 804, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NASA AND JPL 50TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. BAKER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 68) to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, as amended.

The Clerk read as follows:

H.R. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. SHORT TITLE.

This Act may be cited as the "NASA and JPL 50th Anniversary Commemorative Coin Act".

SEC. 2. COIN SPECIFICATIONS.

(a) DENOMINATIONS. In commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary) shall mint and issue the following coins:

(1) $50 GOLD COINS. Not more than 50,000 $50 gold coins which shall—

(A) weigh 33.931 grams;

(B) have a diameter of 32.7 millimeters; and

(C) contain 1 troy ounce of fine gold.

(2) $1 SILVER COINS.—Not more than 400,000 $1 coins of each of the 9 designs specified in section 3(a)(3)(B), which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

SEC. 3. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL. The design of the coins minted under this Act shall be emblematic of the 50 years of exemplary and unparalleled achievements of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2008"; and

(C) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum", and such other inscriptions as the Secretary may determine to be appropriate for the designs of the coins.

(3) COIN IMAGES.—

(A) $50 COINS.—

(i) OBVERSE. The obverse of the $50 coins issued under this Act shall bear an image of the sun.

(ii) REVERSE.—The reverse of the $50 coins issued under this Act shall bear a design emblematic of the sacrifice of the United States astronauts who lost their lives in the line of duty over the course of the space program.

(iii) EDGE.—The edge of the $50 coins issued under this Act shall bear the names and dates of the spacecraft missions on which United States astronauts lost their lives over the course of the space program.

(iv) HIGH RELIEF. The design and inscriptions on the obverse and reverse of the $50 coins issued under this Act shall be in high relief.

(B) $1 COINS.—

(i) OBVERSE. The obverse of the $1 coins issued under this Act shall bear 9 different designs each of which shall consist of an image of 1 of the 9 planets of the solar system, including Earth.

(ii) REVERSE.—The reverse of the $1 coins issued under this Act shall bear different designs each of which shall be emblematic of discoveries and missions of the Jet Propulsion Laboratory to the planet depicted on the obverse of the coin, subject to the following requirements:

(I) EARTH COIN. The reverse of the $1 coins issued under this Act which bear an image of the Earth on the obverse shall bear images emblematic of, and honoring, the discoveries and missions of the National Aeronautics and Space Administration, the Mercury, Gemini and Space Shuttle missions and other manned Earth-orbiting missions, and the Apollo missions to the Moon.

(II) JUPITER COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Jupiter on the obverse shall include a scientifically accurate depiction of the Galilean moon Europa and depict both a past and future mission to Europa.

(III) SATURN COIN.—The reverse of the $1 coins issued under this Act which bear an image of the planet Saturn on the obverse shall include a scientifically accurate depiction of the moon Titan and depict both a past and a future mission to Titan.

(IV) PLUTO COIN. The reverse of the $1 coins issued under this Act which bear an image of the planet Pluto on the obverse shall include a design that is emblematic of telescopic exploration of deep space by the National Aeronautics and Space Administration and the ongoing search for Earth-like planets orbiting other stars.

(iii) EDGE.—It is the sense of the Congress that, to the extent practicable, the edge of each $1 coin should bear the names and dates or range of dates of missions or mission types to the planet depicted on the obverse.

(4) REALISTIC AND SCIENTIFICALLY ACCURATE DEPICTIONS. The images for the designs of coins issued under this Act shall be selected on the basis of the realism and scientific accuracy of the images and on the extent to which the images are reminiscent of the dramatic and beautiful artwork on coins of the so-called "Golden Age of Coinage" in the United States, at the beginning of the Twentieth Century, with the participation of such noted sculptors and medallic artists as James Earle Fraser, Augustus Saint-Gaudens, Victor David Brenner, Adolph A. Weinman, Charles E. Barber, and George T. Morgan.

(b) SELECTION.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with the Administrator of the National Aeronautics and Space Administration, the Director of the Jet Propulsion Laboratory, and the Commission of Fine Arts; and

(2) reviewed by the Citizens Coin Advisory Committee.

SEC. 4. SYMBOLIC INCLUSION OF METALS THAT HAVE FLOWN IN SPACE.

(a) COLLECTION. Each Federal agency and instrumentality of the United States, including the Department of Defense, the Smithsonian Institution, the National Aeronautics and Space Administration, and the Jet Propulsion Laboratory, that has in its possession any craft, or any part of a craft, that flew in space shall—

(1) retrieve such gold, silver, copper, and other metals that the Director of the United States Mint determines are appropriate for use in the production of any coins under this Act, from such craft or part, that can be retrieved without harming any such craft or

part that may be of continuing use for its original purpose or for research, or whose preservation is appropriate for historical purposes; and

(2) deposit such metals so retrieved with the Director of the United States Mint.

(b) USE OF METALS IN PRODUCTION OF COINS.—Any metals deposited with the Director of the United States Mint under subsection (a) shall be used in the production of the coins struck under this Act by blending such metals with other metal necessary for the production of such coins so that all of the coins produced under this Act will contain some proportion of the bullion obtained from craft or parts of crafts that flew in space in an amount appropriate for the types and denominations of the coins and the amount of metals so deposited.

(c) RECORDKEEPING.—It is the sense of the Congress that each Federal agency and instrumentality of the United States which retrieves any metals in accordance with subsection (a) should maintain accurate and complete records of the retrieval and deposit of any such metals sufficient to allow the Director of the United States Mint—

(1) to provide certificates of authenticity with coins issued under this Act that some proportion of the contents of such coins were obtained from craft or parts of crafts that flew in space; and

(2) to package with each issued coin a list of the missions in which such craft flew in space.

(d) PRIVATE SPACECRAFT.—

(1) IN GENERAL.—Each Federal agency and instrumentality of the United States that has or continues to conduct space-related missions shall, in addition to the efforts described in subsection (a), make efforts to secure and retrieve from privately-held craft that has flown in space such gold, silver, copper and other metals that the Director of the United States Mint determines are appropriate for use in the production of any coins under this Act.

(2) RECORDKEEPING.—It is the sense of the Congress that each Federal agency and instrumentality of the United States which retrieves any metals pursuant to paragraph (1) from privately-held craft that has flown in space should comply with the recordkeeping procedures described in subsection (c) with respect to such metal.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in proof quality only.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular combination of denomination and quality of the coins minted under this Act.

(c) COMMENCEMENT OF ISSUANCE.—The Secretary may issue coins minted under this Act beginning January 1, 2008.

(d) TERMINATION OF MINTING AUTHORITY.—No coins may be minted under this Act after December 31, 2008.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in section 7(a) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) PRESENTATION.—In addition to the issuance of coins under this Act in such other methods of presentation as the Secretary of the Treasury determines to be appropriate, the Secretary shall provide, as a sale option, a presentation case which displays the $50 gold coin in the center surrounded by the $1 silver coins in an elliptical orbit.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of $50 per coin for the $50 coin.

(2) A surcharge of $10 per coin for the $1 coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly distributed as follows:

(1) The first $1,000,000 available for distribution under this section, to the NASA Family Assistance Fund for the purposes of providing need-based financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

(2) Of amounts available for distribution after the payment under paragraph (1), ½ to the Secretary of the Smithsonian Institution for the preservation, maintenance, and display of space artifacts at the National Air and Space Museum (including the Steven F. Udvar-Hazy Center).

(3) Of amounts available for distribution after the payment under paragraph (1), ½ to the Secretary of the Smithsonian Institution for the express purpose of providing funding for the establishment of a new stand-alone National Museum of Money.

(c) AUDITS.—The NASA Family Assistance Fund and the Secretary of the Smithsonian Institution shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual 2 commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. BRONZE DUPLICATES.

The Secretary may strike and sell bronze duplicates of the $50 gold coins authorized under this Act, at a price the Secretary determines to be appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BAKER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BAKER).

GENERAL LEAVE

Mr. BAKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 68 and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the gentleman from Texas (Mr. CULBERSON) and the Members of the Texas delegation for their efforts in recognizing the achievements of NASA with the introduction of H.R. 68.

It is highly appropriate at the time we are soon to expect the space shuttle program to reenter demand exploration effort this week that we observe and appreciate the heroism, genius and sacrifices that the program has given us to this point in time.

I think it is also appropriate that with NASA's Deep Impact Project of just a few days ago, impacting the surface of Comet Temple, as well as the very slow rolling wheels of *Spirit and Opportunity* cross and traverse the face of Mars, it seems stunningly impossible that these programs began only 50 years ago. That is why, Mr. Speaker, I think this legislation is important for the House to favorably consider as it seeks to commemorate the anniversary by issuing in 2008 into silver dollar coins and a single $50 coin representing the nine planets and the gold coin representing the sun.

Fittingly, the first million dollars of surcharges resulting from this effort will go to a needs-based fund benefiting the next of kin of those heroes who died in the exploration of space. Further, the remainder of funds will go to the Smithsonian for help in preservation of important spacecraft and half of the fund to create a stand-alone Smithsonian museum here in the District dedicated specifically to coins, currency and other monetary forms of transaction.

Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. CULBERSON) who has led the charge to see this goal through to its final conclusion.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman for yielding me time and for bringing this bill to the floor in an expeditious fashion. I want to thank the committee members. I want to thank my 291 co-sponsors. I especially want to thank an extraordinarily able member of the gentleman's staff, Joe Pinder, who has done a superb job in helping prepare this bill for this floor.

It is indeed appropriate that the Congress recognize the 50th anniversary of the creation of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory with this commemorative coin set for the year 2008 here about 24 hours away from America's return to space with our launch tomorrow afternoon of the Space Shuttle *Discovery*, which will go from zero to Mach 25 in 8 minutes and 30 seconds into Earth's orbit tomorrow and just a short week after the Jet Propulsion Laboratory again showed the world the technological prowess of America's space program by hitting a comet for the very first time and exposing its inner workings to the eyes of scientists.

It was, in fact, on January 31 of 1958 that the American space program began with the launch of the first U.S. satellite, Explorer 1, which was built and controlled by the Jet Propulsion Laboratory, under the guidance of the United States Army in response to the Soviet Union's launching of Sputnik. The United States responded very quickly, and before the year was out, the Congress had created the National Aeronautics and Space Administration on December 3, 1958. JPL was then transferred over to the control of NASA. And since that time, JPL and NASA and the United States have gone on to explore our entire solar system with the help of the Hubble Space Telescope, the Spitzer Space Telescope.

We now have telescopes in orbit around the Earth that have identified up to 160 planets around other solar systems. NASA has discovered, as the chairman just mentioned, with the Mars Rovers that liquid water not only once existed on the surface of Mars, it appears that there are large frozen lakes on Mars. We have landed on the surface of the moon Titan. We not only landed men on the moon with the very successful Apollo program, but we are, under President Bush's vision for space exploration and the leadership of our new NASA administrator, Mike Griffin, rapidly moving towards the day very soon when men and women will return to the surface of the moon.

The accomplishments of NASA and the Jet Propulsion Laboratory are absolutely extraordinary, but this exploration has not come without risk or loss. As with all exploration that is new in pressing the frontiers, it is dangerous. Tragically, on January 27, 1967, the three *Apollo* astronauts were killed in a fire on the launch pad of *Apollo 1*. On January 28, 1996 the Space Shuttle *Challenger* was lost with its entire crew. And on February 1, 2003, the Space Shuttle *Columbia* and its seven-member crew were lost during reentry.

Therefore, in designing this set of coins, I have proposed in this bill that the centerpiece will be a $50 gold piece in high relief and proof honoring the lives of astronauts who have lost their lives in their exploration of space. On that $50 gold piece will be an image of the sun. Then arranged around it will be nine silver proof dollars, each one representing a different planet in the solar system and each one commemorating missions to that planet. And of course the silver dollar for the planet Earth on the reverse side will have a design emblematic to the Apollo missions as well as Earth orbital missions.

This commemorative coin set is just one small piece of ongoing work that Congress is doing in support of NASA. It is difficult to even measure the value of the work that NASA does in exploring outer space. Measuring the value of NASA's work today is a lot like the question facing Americans 200 years ago when the Lewis and Clark expedition was launched to explore the west. How could Americans then measure the value of all the minerals and animal species that the Lewis and Clark expedition would find? How can we today measure the value of the exploration and discoveries that will be made by NASA in the Jet Propulsion Laboratory?

Americans today are enjoying the value of the miniaturization of computers, medical technology, heart pumps, valves, power generators, image processing, cell phone technology, CAT scanners, MRI machines, pacemakers. All of these extraordinary technological innovations are the result of work on our space program.

Mr. Speaker, I am very proud to be the author of this legislation.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 68, the NASA and JPL 50th Anniversary Commemorative Coin Act. Since it was first introduced by the gentleman from Texas (Mr. CULBERSON) at the beginning of this Congress, it has gathered almost 300 bipartisan cosponsors, and I am very proud to have worked with him in this effort.

It is not surprising that it has such strong support. NASA is a national institution that has always had strong support in this body. Its quest for scientific knowledge and new frontiers of exploration has often pulled this Nation together.

In the half century since its founding, NASA has so often given us something to be proud of and patriotic about. When President Kennedy first told the world that the United States would be the first to put a man on the moon: when Neil Armstrong fulfilled that promise with one small step seen around the world, and I do not think any of us who had the honor of seeing that will ever forget it; when the Hubble telescope sent back those first amazing photos of far away galaxies 15 years ago; when the Mars Rovers, Spirit and Opportunity found evidence of a former sea deep beneath the surface of the red planet, these are just a few of the very proud moments that this coin remembers.

This coin also honors those brave men and women who have given their lives in their pursuit of knowledge. The crew of the *Challenger*, the crew of the *Columbia*, the *Apollo 1* crew. These are true heroes, and it is imminently fitting that the proceeds of this coin will go to the families of NASA personnel who have died in the line of duty.

It is particularly appropriate that we consider this bill today just hours before the important launch of the Space Shuttle *Discovery* tomorrow. That launch begins the mission stage of the Return to Flight program NASA undertook after the *Columbia* tragedy. That review included new safety procedures, new analysis and reporting procedures, and new cost efficiencies. Let us hope that it is the successful beginning of a new and exciting era of this agency.

Commander Eileen Collins, the first woman to command a space shuttle mission, and her crew of 7 will once again take the shuttle to the International Space Station testing new safety procedures and delivering supplies. Although there have been several well-known women astronauts before, Commander Collins is still a new first, and I for one am particularly excited about this mission. We, the world, will be watching as *Discovery* lifts off tomorrow.

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I urge my colleagues to support H.R. 68, which commemorates the proud history of our National Aeronautics and Space Administration, and I would like to join my colleagues in thanking Joe Pinder, a member of the committee, for his very, very hard work in bringing the bill before us today.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. AL GREEN) a member of the committee whose district is very close to where the shuttle will take off tomorrow and who is also a member of the Committee on Financial Services.

Mr. AL GREEN of Texas. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise to support this bipartisan effort to honor NASA with a 50th anniversary commemorative coin. Mr. Speaker, this is a great occasion, and I wish to thank those who have made this great occasion possible.

I thank the gentleman from Louisiana (Mr. BAKER), chairman of the Committee on Financial Services; the gentleman from Texas (Mr. CULBERSON); the majority leader, the gentleman from Texas (Mr. DELAY); the gentleman from Texas (Mr. GENE GREEN); the gentlewoman from New York (Mrs. MALONEY); and the gentleman from California (Mr. SCHIFF) for their singular effort to bring this bipartisan bill to the floor.

I also wish to thank the many who work at NASA, Mr. Speaker, from the top administrator to the janitors who sweep the floor. They all play a role in making space flight possible. And of course, Mr. Speaker, I thank God for those brave astronauts who leave loved ones behind to traverse the heavens.

Mr. Speaker, while we commemorate NASA's 50 years of existence, we must acknowledge that it could not have been done without the hand of God.

And if it is God's will, Mr. Speaker, it is safe to say that we have only just begun.

Mrs. MALONEY. Mr. Speaker, I reserve the balance of my time.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. CULBERSON. Mr. Speaker, will the gentleman from Louisiana yield for the purpose of entering into a colloquy?

Mr. BAKER. I yield to the gentleman from Texas for the purpose of a colloquy.

Mr. CULBERSON. Mr. Speaker, I would ask the chairman of the subcommittee, is it his understanding that a major purpose of commemorative coin legislation is to produce coins that commemorate particular institutions, individuals, or places, allowing both collectors and other citizens who are fans of the person or thing being commemorated to buy coins at a reasonable cost?

Mr. BAKER. That is my understanding.

Mr. CULBERSON. Is it further the gentleman's understanding that the Congress has received complaints from citizens who want to buy such commemorative coins claiming that, particularly for the more sought-after coins, that professional coin dealers buy up large numbers of those coins and sets, and then turn around and resell them to the public at a marked-up price?

Mr. BAKER. That is unfortunately the case.

Mr. CULBERSON. Would the gentleman also agree that it is the intent of Congress, through this legislation, that as many people as possible have an equal opportunity to buy these commemorative coin sets or individual coins once the Mint initially issues them?

Mr. BAKER. That is correct.

Mr. CULBERSON. Then I am sure the gentleman would also agree with me that the Mint should be very careful, take as much care as possible with all high-demand commemorative coin issues, but particularly with coin sets produced under this act, to sell no more than 10 complete sets of any issue to any individual, whether the purchase is made by that individual or through straw buyers.

Mr. BAKER. The gentleman agrees and stipulates the Mint should make every effort not to sell more than 10 sets of coins produced under the act to any buyer, be they bought by that individual or through buyers acting on behalf of that individual.

Mr. CULBERSON. I thank the gentleman, and would the gentleman yield further?

Mr. BAKER. The gentleman continues to yield.

Mr. CULBERSON. As the gentleman knows, the legislation under consideration by the House today would devote a portion of the surcharge income produced by the sale of these coins to provide not only funds for the NASA Family Assistance Fund, but also the initial funding for a stand-alone museum of money in Washington, DC, as a part of the Smithsonian Institution.

And as the gentleman also knows, the National Numismatic Collection of the Smithsonian is not currently on display, except for a few coins or currency in various exhibits related to the coins or currency or to the images displayed on them. Would the gentleman agree with me that the numismatic collection, one of the largest and best of its sort in the world, should be displayed in its own building here in Washington, in such a way that helps people understand not only the history of commerce and coins and currency in the United States but also the history of this country's development?

Mr. BAKER. I do agree.

Mr. CULBERSON. Would the gentleman further agree that the numismatic collection would best be displayed in a separate museum here in Washington, not as a subset or subsidiary of any existing Smithsonian museum, but that such a museum could also display examples of other forms of exchange of value, from barter and wampum to coins and currency of other countries, to electronic transfers of value, along with demonstrations of how coins and currencies are produced in its own stand-alone museum here in Washington, DC?

Mr. BAKER. I do agree.

Mr. CULBERSON. Does the gentleman agree that such a museum's exhibits could be kept vital by constant development of traveling exhibits to museums around the country, including those of the American Numismatic Association, the American Numismatic Society, and perhaps, if it is constructed, a museum in the old Mint in San Francisco?

Mr. BAKER. The gentleman agrees and believes that such a plan would be an excellent way to keep a new national museum of money exciting so that visitors would be interested in returning many times.

Mr. CULBERSON. Mr. Speaker, I thank the gentleman for this colloquy.

Mr. BAKER. Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield 4½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a member of the House Committee on Science, this is an important day and an important week. I am delighted we have an opportunity to debate the assets of NASA today in the commemoration of their beginning their human space flight again. This legislation, the NASA and JPL 50th Anniversary Commemorative Coin Act, is one that I think speaks loudly to the celebration that we hold tomorrow.

Mr. Speaker, I congratulate my colleague, the gentleman from Texas (Mr. CULBERSON), and I was a proud original cosponsor in his effort to promote and celebrate the excitement of the work of NASA and the Jet Propulsion Lab. I also thank the gentleman from Louisiana (Mr. BAKER) and the gentlewoman from New York (Mrs. MALONEY) as well for their efforts in moving this legislation forward.

This legislation is unique in its promotion of NASA and the Jet Propulsion Lab, and it speaks to the best of what NASA represents. I believe, of course, that human space flight is crucial to the knowledge of men and women and the improvement and enhancement of Americans and people around the world. At the same time, the Jet Propulsion Lab also offers its own assets: new technology and understanding of flight and new sciences regarding these issues.

The good news of this particular legislation is it responds to a concern that I have, and that is to recognize the families that have seen their loved ones lost in the exploration of space. We know that space exploration is a good thing, so the idea that the $50 coin and the $10 coin, or the two coins that will be offered, the surcharge that will be on those two coins will be utilized for the NASA Family Assistance Funds, which proposes financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties.

As a neighbor to the Johnson Space Center, I knew the families of *Challenger* and *Columbia*, and my heart, as well as the hearts of all Americans, poured out in response to the enormous impact and loss of life to those families and to America, brave astronauts willing to risk their lives so that others might live well or better.

Tomorrow, at 3:51, the Space Shuttle *Discovery* is scheduled to launch from the Kennedy Space Center in Florida with a woman commander. What better statement to support that effort than by passing this legislation today. Even as they go forward, they will have the opportunity to test the muster and fortitude of the space station by delivering goods and services there. They will first demonstrate repair techniques on the shuttle's protective tiles, known as the thermal protection system. During the second space walk, they will replace a failed control moment gyroscope, which helps keep the station oriented properly. And, finally, they will install the external storage platform, a sort of space shelf for holding spare parts during station construction.

This bill also provides for a freestanding museum and also a traveling exhibit to promote and celebrate the various metals that have been found in space. I think that is an excellent idea.

Mr. Speaker, I rise to support this legislation and I make one comment. It is important as we support the human space shuttle as it goes off tomorrow, that we continue our oversight with the NASA authorization bill and that we recognize the importance of safety and that we promote in large dollars the needs of NASA as it looks to the sophistication of new safety standards.

Then of course I hope that my colleagues will join me in honoring those who lost their lives aboard *Columbia* by rendering a gold medal, where I sought 300-plus signatures on legislation that I offered to promote that and to acknowledge their loss through a gold medal. I think that will bring us full circle to acknowledging going forward but also acknowledging the sacrifices that were being made.

Let me conclude my remarks by saying that in 1962, John F. Kennedy was at Rice University and he said these words: "We set sail on this new sea because there is new knowledge to be gained and new rights to be won, and they must be won and used for the progress of all people, for science technology has no conscience of its own."

Today, we honor them by this legislation. I congratulate my colleague for H.R. 68, and I urge my colleagues to enthusiastically support it, for it recognizes NASA and JPL for their 50th anniversary.

I rise today as a proud cosponsor of H.R. 68, the NASA and JPL 50th Anniversary Commemorative Coin Act. Let me first thank the sponsor of this legislation my colleague from Texas, Mr. CULBERSON and the work of Ms. MALONEY in bringing this legislation to the floor. This bill would require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

I am heartened to see that the NASA and JPL 50th Anniversary Commemorative Coin Act stipulates that any funds generated by the sale of these coins shall be paid by the Secretary to the NASA Family Assistance Fund for the purposes of providing financial assistance to the families of NASA personnel who die as a result of injuries suffered in the performance of their official duties. This Act also states that each coin shall include a portion of metal that has flown In space so that these coins are truly symbolic of our Nation's journey through space.

Being from the City of Houston, which is home to the Johnson Space Center I take great pride in the accomplishments of NASA. Tomorrow at 3:51 p.m. the Space Shuttle *Discovery* is scheduled to launch from the Kennedy Space Center in Florida. I am proud to say that I will be among the Congressional Delegation that will be in attendance at this historic launch. The launch of the Space Shuttle *Discovery* will come more than 2 years after the tragic *Columbia* shuttle accident. The crew of the *Discovery* will include astronauts Steve Robinson, Jim Kelly, Andy Thomas, Wendy Lawrence, Charlie Camarda, Eileen Collins and Soichi Noguchi. With implementation of the *Columbia* Accident Investigation Board recommendations completed, this crew of seven astronauts will fly aboard Space Shuttle *Discovery* on mission STS–114 to test new safety techniques and deliver needed supplies to the International Space Station. Two crewmembers, Steve Robinson and Soichi Noguchi, will venture outside the Shuttle three times on spacewalks. The first will demonstrate repair techniques on the Shuttle's protective tiles, known as the Thermal Protection System. During the second spacewalk, they'll replace a failed Control Moment Gyroscope, which helps keep the station oriented properly. Finally, they'll install the External Stowage Platform, a sort of space shelf for holding spare parts during Station construction. STS–114 will also be the third trip of the Multi Purpose Logistics Module, MPLM, named Raffaello to the Station. It's essentially a "moving van" that transports supplies to the orbital outpost.

I have consistently stated that since the *Columbia* shuttle accident, that safety must be our number one priority. There is no doubt that the Space Shuttle *Discovery* is the safest ever flown by NASA, but when it comes to safety there is always more work to be done, both in regards to the shuttle as well as to the International Space Station. All Americans can look proudly upon the achievements of our space exploration tomorrow when we witness the launch of *Discovery*.

Truly, we as a nation have come a long way in the area of space exploration since President John F. Kennedy set the course for our Nation when he stated in a speech at Rice University in 1962: "We set sail on this new sea because there is new knowledge to be gained, and new rights to be won, and they must be won and used for the progress of all people. For space science, like nuclear science and technology, has no conscience of its own. Whether it will become a force for good or ill depends on man, and only if the United States occupies a position of pre-eminence can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war—The great British explorer George Mallory, who was to die on Mount Everest, was asked why did he want to climb it. He said because it is there. Well space is there, and we're going to climb it. And the moon and the planets are there. And new hopes for knowledge and peace are there. And therefore, as we set sail, we ask God's blessing, on the most hazardous, and dangerous, and greatest adventure, on which man has ever embarked." Tomorrow afternoon we embark on yet another journey of exploration and we write another chapter in the history of space. Our Nation has seen great tragedy and yet we continue to move forward because that is the only path that knowledge will accept, truly it is appropriate that tomorrow's shuttle will be called *Discovery*.

Mrs. MALONEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GENE GREEN), who has the honor of representing many NASA employees.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank both my House colleagues but also my Rayburn Hall colleague, and also we both came to Congress in 1993 together. I rise to offer my strong support for H.R. 68 as an original cosponsor. The National Aeronautics and Space Administration and the Jet Propulsion Laboratory have made significant contributions to all aspects of science advancement over the last half century and deserve the commemoration by having a coin minted celebrating this anniversary.

Since its inception in October of 1958, NASA has pushed the boundaries of exploration from Earth to the Moon, to the outer reaches of the solar system and to the edge of the universe through scientific and technological feats in air and space. NASA remains a leading force in scientific research and stimulating public interest in aerospace exploration, as well as science and technology in general.

Since 1997, I have had the privilege of having NASA astronauts visit middle schools in the congressional district I represent. It is good to have them as neighbors, literally in the district of the gentleman from Texas (Mr. DELAY), but they actually come to our district to visit. The interaction between these middle school students with the astronauts and the questions they ask about space and NASA demonstrate the benefits of our space program and the impact on getting our students today who are in middle school excited about math and science.

It is really great when an astronaut who has a great story to tell can get the attention of these 6th, 7th and 8th graders. Because, again, that is the future not only of NASA but of our Nation. When looking back over its history, we remember such revolutionary achievements as the Echo Project, which led to advancements towards the satellite systems we take for granted today, the creation of the manned spacecraft center and mission control in my hometown of Houston, which later was renamed the Johnson Space Center, on through Neil Armstrong's first steps on the Moon and the lift-off of the shuttle program and the construction of the International Space Station.

The achievements of NASA have not come without cost, however, and having a coin minted to celebrate NASA's accomplishments will also honor the sacrifices made by crew members of *Apollo I*, *Challenger* and *Colombia* who gave their lives advancing our space program.

As NASA takes one more significant step in history tomorrow by returning to flight after more than 2 years, we have the opportunity today to express our support by authorizing the production of a coin emblematic of the 50 years of exemplary and unparalleled achievements of NASA and the JPL. Our prayers and support are with our astronauts tomorrow, and I strongly urge my colleagues to support this legislation.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume and advise that that concludes the speakers on this side. As revealed by the eloquent statements from my colleagues, the gentlewoman from Texas (Ms. JACKSON-LEE), a 10-year member of the Committee on Science; and the gentlemen from Texas (Mr. AL GREEN) and (Mr. GENE GREEN), both of whom represent NASA employees, I would say there is great enthusiasm on both sides of the aisle, with over 300 cosponsors.

This is important legislation. It honors not only NASA on its 50th anniversary but the commitment of this country and body to science and scientific advancement. I thank very much the chairman of the committee, the gentleman from Louisiana (Mr. BAKER), and the gentleman from Texas (Mr. CULBERSON), who has really been the fight behind moving this to the floor, along with the fine help of Joe Pinder.

Mr. Speaker, I yield back the balance of my time.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wish to point out that the astronauts are the bravest of the brave and assume the most dire risk in these missions as they approach to reach the outer limits of mankind's understandings. But within the organization known as NASA and JPL, there are literally thousands of individuals who work collaboratively for years to get these launches to the place where they can proceed at the highest level of safety and responsibility.

So I look at this act and this step the Congress is now authorizing today as one which recognizes not only those life-risking astronauts as being the pinnacle of our recognition, but certainly every member of the NASA JPL teams who literally work lifetimes to make these steps of exploration by humankind possible.

Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. CULBERSON).

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Mr. CULBERSON. Mr. Speaker, it is a collaborative effort. There are thousands of scientists and engineers at NASA and the Jet Propulsion Laboratory and across the country and scientists around the world who participate in these missions.

I also want to point out that this set of coins will contain metal that was recovered from spacecraft that actually flew in space. So some portion of each coin will contain metal that flew in space. There will be a certificate to that effect. The money will go to the support of the families, and it will also go to the support of the Air and Space Museum and for the creation of a money museum. The coins are expected to generate quite a bit of revenue, and, therefore, it will be a benefit to the families who have lost loved ones.

But above all, Congress has expressed its strong support for NASA. I am proud to serve on the Committee on Appropriations, Subcommittee on Science. The gentleman from Virginia (Chairman WOLF) is a strong supporter. This House has supported increased funding for NASA in a vote on this floor just weeks ago.

So in addition to this coin, Congress has expressed our tangible support for NASA and their mission with increased funding.

As this coin is brought into production in 2008, we do not know what the future holds, but I am confident it holds immense promise. Just as the Lewis and Clark expedition brought unknown and immense benefits to the Nation, the American space program will continue to bring incredible growth in our economy as a result of technological spinoffs. The unparalleled growth we have seen in worker productivity in America is a direct result of improvements in high technology and communications and scientific and medical research.

Thomas Jefferson, my hero, always said freedom is the firstborn child of science, and there is no better way for America to express our pride and our confidence in our Nation's space program than by commemorating their 50th anniversary with this coin set in the year 2008.

Mr. BAKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD an exchange of correspondence between the Committee on Financial Services and the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 11, 2005.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN OXLEY: Thank you for your letter regarding H.R. 68, the "NASA and JPL 50th Anniversary Commemorative Coin Act," which was reported to the House by the Committee on Financial Services on June 17, 2005.

As you noted, the Committee on Ways and Means maintains jurisdiction over matters that concern raising revenue. H.R. 68 contains a provision that establishes a surcharge for the sale of commemorative coins that are minted under the bill, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this bill for floor consideration, the Committee will forgo action. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this bill or similar legislation.

I appreciate and agree to your offer to include this exchange of letters on this matter in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, June 24, 2005.

Hon. WILLIAM M. THOMAS,
Chairman, Committee on Ways and Means, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN THOMAS: I am writing concerning H.R. 68, the "NASA and JPL 50th Anniversary Commemorative Coin Act," which will be scheduled for floor consideration in the near future.

I acknowledge your committee's jurisdictional interest in this bill and request your cooperation in moving the bill to the House floor expeditiously. I agree that your decision to forego further action on this bill will not prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this or similar legislation. I would support your request for conferees on those provisions within your jurisdiction should this bill be the subject of a House-Senate conference.

I will include a copy of this letter and your response in the Congressional Record when this bill is considered by the House. Thank you again for your assistance.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. OXLEY. Mr. Speaker, two and a half years ago we all watched in horror as the space shuttle *Columbia* fell apart during reentry over the Southwest. Nearly two decades ago, we all watched in horror as the *Challenger* blew up on launch. And before that, we remember other space tragedies. But, Mr. Speaker, despite all the sense of sorrow and loss that those events brought, we also remember the successes of NASA and the Jet Propulsion Laboratories—spacewalks and moon walks, moon rocks and rocket jocks.

The history of NASA and the JPL are a glorious celebration of all that is American, the right stuff, the elation and the tragedy, the bravery and the genius. And so today I rise in strong support of the proposal by the gentleman from Texas to honor the 50th anniversary of NASA and the JPL with commemorative coins to be issued in 3 years.

Mr. Speaker, just like the space exploration program, this program is big and reaches for the stars. The coins will have symbolic, though trace, amounts of metal that has actually flown in space. Though the coins will be available individually, the prize no doubt will be sets representing the solar system that will become prized collector items for space fans and coin collectors alike who will be glad to fork over the $1,200 or $1,500 that will be necessary to buy nine silver dollars and one gold $50 coin.

Fittingly, surcharges on the sale of the coins will go to help the survivors of those heroes killed in space exploration accidents, and to help preserve and display spacecraft at the Smithsonian Air and Space Museum, said to be the most popular tourist destination in the District of Colombia. Also fittingly some of the surcharge money will be used to seed creation of a Smithsonian Museum of Money here in DC. I know the gentleman from Texas, besides being an energetic Member of this body, is a coin collector himself, and I think it is fitting that a coin program and a coin collector will be the start of such an overdue money museum effort.

And so, Mr. Speaker, as we all look at television this week and see the re-start of the space shuttle program, let us think a little about heroes, and about guts and glory, and about genius, and how all of these things are the essence of America. And today, let us support this legislation overwhelmingly.

Mr. DREIER. Mr. Speaker, I rise today in strong support of H.R. 68, legislation authorizing the U.S. Mint to produce commemorative coins for the 50th anniversary of the National Aeronautics and Space Administration (NASA) and the La Canada-Flintridge-based Jet Propulsion Laboratory (JPL), which I am privileged to represent.

NASA and JPL's decades of space and planetary exploration are worthy of this recognition. For more than fifty years, JPL has reached the outer limits of our solar system and made incredible technological breakthroughs. These achievements are all thanks to the outstanding people who have worked there over the years. Having just recently visited JPL for Deep Impact, I am confident they have another exciting fifty years ahead.

Several colleagues joined me at JPL on July 4th to watch Deep Impact, a mission that will expand our understanding of the universe and answer many questions about the origins of our solar system. As many of you read in the news, Deep Impact mission scientists at JPL accomplished the amazing feat of flying an 820-pound probe into the heart of a comet 268 million miles from Earth. To complicate matters, the comet was speeding through space at 23,000 miles per hour.

I want to thank my good friends Mr. CALVERT, who chairs the House Science Subcommittee on Space and Aeronautics, and Mr. SCHIFF, who used to represent JPL and now has Caltech in his district, for joining me at JPL to celebrate our nation's independence. I am sure they will agree that the fireworks we saw from JPL' s Mission Control room on July 4th rivaled those that were launched here at our Nation's capital.

Deep Impact is just the latest in a long series of incredible accomplishments of JPL and NASA, dating back to the very beginning of United States space exploration. On January 31, 1958, the American space age began with the launch of Explorer I, the first U.S. satellite. At a time of national disappointment following the Soviet Union's successful launch of *Sputnik*, Explorer I turned the tide in international space exploration, displayed America's pioneering spirit-and scientific excellence, and spurred our space efforts. The organization behind the development, launch, and control of Explorer I was JPL.

JPL will continue to push the boundaries of space and science with upcoming missions, such as SIM PlanetQuest and the Terrestrial Planet Finder. These missions will bring us closer to discovering whether there may be other planets like our own. This quest is an important one, which is why the search for Earth-like planets is a central part of the President's vision for space exploration.

I have no doubt these very exciting missions will expand our horizons, answer many questions and capture our imagination, just as previous missions have. For example, it was one year ago that the *Cassini-Huygens* Spacecraft successfully entered orbit around Saturn. Since that time we have seen some incredible images and learned a great deal about Saturn and its rings.

A little over two years ago, the first of the two Mars Exploration Rovers, Spirit, was launched. In January 2004, the second rover, Opportunity, landed on Mars. Both have proven to be work horses on the planet's unforgiving surface, and both have made fascinating discoveries. Spirit found evidence that early Martian history was wet and violently explosive, and Opportunity found evidence of a shallow ancient sea.

There are also tangible scientific and technological results from JPL and NASA's successes. For example, the work of scientists and engineers at JPL has resulted in medical imaging technology used in brain surgery, the detection of breast cancer and detection of skin cancer, and in computer chips that have been used to reduce engine emissions in automobiles. These and other breakthroughs play a critical role in ensuring America keeps its technological and scientific edge.

I congratulate JPL and NASA on their many decades of exploration and discovery.

Mr. BAKER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHAW). The question is on the motion offered by the gentleman from Louisiana (Mr. BAKER) that the House suspend the rules and pass the bill, H.R. 68, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

Mr. BOUSTANY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 352) providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy.

The Clerk read as follows:

H. RES. 352

Whereas the economy of the United States is part of a global economy in which domestic industries face ever stronger competition from foreign industries;

Whereas growth in exports accounts for one-sixth of all growth in the United States economy;

Whereas approximately 1 in 5 factory jobs in the United States depends directly on international trade;

Whereas American farmers export 1 in 3 acres of their crops, and exports generate nearly 25 percent of farmers' gross sales;

Whereas the estimated total regulatory burden on United States business is more than $850 billion per year;

Whereas, according to a study sponsored by the Office of Advocacy of the Small Business Administration, government regulations cost firms with fewer than 20 employees 60 percent more per employee than the cost to firms with more than 500 employees;

Whereas the Office of Management and Budget recently found that for every dollar of direct budget expenditure devoted to regulatory activity, the private sector spends $45 to comply with regulations;

Whereas high-technology industries are driving economic growth around the world, as shown by the fact that the global market for high-technology goods is growing at a faster rate than the rate for other manufactured goods;

Whereas more than 1 million American jobs are dependant upon research and development spending in the United States;

Whereas the cost of medical care in the United States regularly outpaces general inflation;

Whereas 90 percent of Americans who are under age 65 and covered by health insurance currently obtain that insurance through employers;

Whereas 85 percent of jobs in the United States today are classified as skilled jobs and in 1950, only 20 percent of jobs were so classified;

Whereas 80 percent of the 50 fastest growing occupations require education beyond high school;

Whereas, despite spending $60 billion per year on training, 60 percent of United States companies are prevented from upgrading technologically by the low educational and technical skill levels of their workforce;

Whereas, in 2003, American taxpayers spent an estimated $203.5 billion to comply with the Federal income tax code, enough to buy more than 5 million new luxury 4-door sedans at retail price and by 2007, annual compliance costs are projected to rise to $244 billion;

Whereas the tax compliance burden is twice as much for businesses with fewer than 20 employees as it is for businesses with more than 500 employees;

Whereas the cost of frivolous litigation in the United States exceeds $230 billion per year, an amount equal to more than $2,000 per American household;

Whereas the cost of liability defense is approximately $150,000 per year for each small business, money that could be spent to hire additional employees, expand operations, or improve health care coverage;

Whereas, in 2002, trial lawyers received approximately $40 billion from litigation, more than the annual revenues of Microsoft and Intel, and twice the revenue of Coca-Cola;

Whereas total energy consumption in the United States is expected to increase more rapidly than domestic energy supply through at least 2025;

Whereas the Energy Information Administration projects that net imports will constitute 36 percent of total United States energy consumption in 2025, as compared with only 26 percent in 2002: and

Whereas, according to a study sponsored by the National Association of Manufacturers and American Council for Capital Formation, consumers will face a 61 percent increase in gasoline prices unless the United States implements a policy to increase the supply of affordable energy: Now, therefore, be it

Resolved,

SECTION 1. RECOGNITION OF EXISTING BARRIERS TO KEEPING AND CREATING JOBS.

The House of Representatives recognizes that there are existing barriers to keeping and creating jobs in the United States, particularly in the following areas:

(1) Trade restrictions and inequality.
(2) Bureaucratic red tape.
(3) Innovation and investment.
(4) Health care security.
(5) Lifelong learning.

(6) Tax burden and complexity.

(7) Lawsuit abuse and litigation management.

(8) Energy self-sufficiency and security.

SEC. 2. NEED FOR CONGRESSIONAL ACTION.

The House of Representatives recognizes that improving the competitiveness of the United States economy depends on congressional action to remove barriers in the areas referred to in section 1.

SEC. 3. FEDERAL AGENCY REVIEW OF RULES AND POLICIES.

The House of Representatives expresses the sense that every Federal agency should review its rules and policies regarding the competitiveness of the United States economy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. BOUSTANY) and the gentleman from New York (Mr. OWENS) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY).

GENERAL LEAVE

Mr. BOUSTANY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 352.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BOUSTANY. Mr. Speaker, I yield 4 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, the United States has the number one economy in the world. For almost two centuries, we have been the envy of the world: a dynamic economy; a hard-working, motivated workforce; truly the land of opportunity where innovation has thrived. The status is changing, though. We are running a $670 billion annual trade deficit which is contributing to our Federal budget deficit and slowed economy over the past few years.

This development is not a temporary blip on the radar screen. It is the culmination of a generation of increased regulation, unsound tax policies, languishing emphasis on math and science education, unchecked health care costs, rampant lawsuit abuse, unfocused research and development funds and a weak trade policy enforcement. In short, our government has made it difficult and undesirable to do business in the United States. We have put roadblocks to keeping and creating jobs in America, and we have done this to ourselves.

If these current trends continue, our economy will continue to lag and we will no longer remain the most dynamic economy in the world. Meanwhile, China, India and other nations are preparing for the future. They are educating their students in math, science and technology, and pumping out record numbers of engineers. They are reducing tax rates and other economic barriers to entice investments in their nations. They are pursuing aggressive trade policies to reduce America's dominance in world trade.

Without attention to these matters, the United States is headed towards a third-rate economy; 5, 10, 20 years down the road, we will no longer be the world's leader or even second place. We will become a third-rate economy. That is why we need to take this issue seriously.

Last year, we began the competitiveness legislative agenda on the floor, and over a period of 8 weeks, we discussed and voted on issues related to keeping and creating keeping jobs in America. Later this summer, the Jobs Action Team will again bring legislation to the floor to combat this problem. We need to take a longer-term vision.

For this reason, I am initiating the House Economic Competitiveness Caucus. The caucus will carefully examine the issues facing our ability to compete economically over the coming years. We will work to focus congressional efforts to removing the barriers to American economic competitiveness and develop economic goals for the future and find paths to get there.

I encourage my colleagues to join me in finding ways to guarantee a vibrant, internationally competitive American economy now, 5, 10, 15 and 20 years down the road. Our goal is to ensure high-quality and high-paying jobs for all Americans today and in the future.

Mr. OWENS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, none of us could be against removing barriers. However, the definition of barriers allows room for a lot of disagreement. It is very interesting that the thrust of this resolution is that regulations in the United States are barriers to competitiveness, and yet our economy is linked to a nation which has the maximum number of barriers in terms of regulatory procedures, the economy of China.

China is still a communist government. China is still an economy ruled by a communist government, which means they can set up regulations as they see fit and change the rules as they see fit, and yet we are linking our economic fate to China. Our industries have moved on a wholesale basis to China. Obviously, regulation is not ruining the situation in the Chinese economy, and our propensity for dealing with this communist/capitalist country, this mongrel, whatever economy we want to call it, our greedy manufacturing industry has gone there. Retail and wholesale industries are bringing back the consumer goods. We just love China. Wall Street loves China, and China is a very tightly regulated economy. The greatest barrier one can imagine is there, and yet they thrive.

I want to run through a few of the whereases in this very interesting resolution which covers a lot of territory. One cannot disagree with some of the whereases: Whereas our technology is driving economic growth around the world, as shown by the fact that the global market for high-technology goods is growing at a faster rate than the rate for other manufactured goods. I agree with that whereas.

Whereas more than 1 million American jobs are dependent upon research and development; whereas the cost of medical care in the United States regularly outpaces general inflation. How can I disagree with that? That is a fact.

Whereas 90 percent of Americans who are under age 65 and covered by health insurance currently obtain that insurance through employers. Maybe that is a barrier we want to remove by having a national health care plan which takes some of the burden off employers. I would be in favor of that, certainly.

Whereas 85 percent of the jobs are classified as skilled jobs, and in 1950, only 20 percent were so classified. That is a fact.

Whereas 80 percent of the 50 fastest-growing occupations require education beyond high school. Let us pause there. Is that fact going to lead to a recommendation that we expend more money to improve our education system, that we catch up with some of the nations in the world? Do Members know that the richest nation in Europe now is Ireland? Ireland. Ireland is the richest nation in Europe. In terms of per capita income, Ireland has the highest per capita income. Why, because the Irish decided a couple of decades ago to invest wholeheartedly into a state-of-the-art public school system. Now they have moved beyond that, and they are providing free higher education. So an Irish youngster can develop in the free system right up to the end of his higher education.

So that is a barrier that we would like to remove. So we agree that this is significant, that 80 percent of the 50 fastest-growing occupations require higher education beyond high school, and yet we are shortchanging our education. No Child Left Behind has been shortchanged by $20-some billion over the last few years.

Whereas, despite spending $60 billion per year on training, 60 percent of the United States companies are prevented from upgrading technologically by the low education and technical skills level of their workforce. That is a fact. We can agree with that. Our public school system ought to be doing a better job.

Whereas, in 2002, trial lawyers received approximately $40 billion from litigation, more than the annual revenues of Microsoft and Intel, and twice the revenue of Coca-Cola. What does that have to do with anything? Why did they take a swipe at the trial lawyers in the midst of the whereases? The money received by the trial lawyers was money used to defend ordinary Americans. How about the corporate lawyers? You do not have a whereas about the corporate lawyers, or a whereas about the tremendous amount of corruption in corporate America that the Republican Party refuses to even hold hearings about. Enron, WorldCom, a whole series of criminal activities that have been unveiled by the attorney general of New York State, nobody wants to deal with that corruption. That is a barrier to our success and our competitiveness.

I hope that you will address some of these whereases that I have just mentioned in terms of some answers as to why we do not pursue the obvious, commonsense solutions.

Mr. BOUSTANY. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to respond to the gentleman with regard to Ireland. Surely they have improved their public education system. And, furthermore, they have lowered their regulatory burden and cut taxes. I think those two areas are largely responsible for their growing economy and the increased opportunity in Ireland.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, in America, the road to opportunity is a fast-moving highway. Any American with creativity and simply a desire to work hard can achieve their dreams. Anyone can succeed. Anyone can start a business. Our road to opportunity has been an open road.

But unfortunately, our government, sometimes with very noble intentions, is putting up red lights, stoplights and dead ends on the road to opportunity. The heavy burden of needless governmental regulation is slowing down hard-driving Americans, Americans whose diligence and hard work is needed to secure our Nation's economic future.

Let us consider a few numbers for a moment. The regulatory burden on United States businesses is more than $850 billion each and every year. The Small Business Administration says that complying with all of the government's rules and regulations costs small businesses a staggering $7,000 per employee. American taxpayers spend an estimated $250 billion a year every year just trying to comply with the American Federal income tax code. This crippling over-regulation can destroy the entrepreneurial spirit. It is a hidden tax on our businesses and on our citizens.

Simply put, the cost of doing business in America is quickly rising. And make no mistake, our foreign competitors are capitalizing on it. Our trade deficit is now an unbelievable $670 billion and growing. It is time for America to reopen the road to opportunity, and it is imperative that this Congress and this Nation enact a competitiveness agenda.

It is unacceptable that the cost of frivolous litigation now exceeds $230 billion a year. That interpolates to $2,000 for every American household. Our citizens, business owners and entrepreneurs face enough hurdles as it is. Our government does not need to raise new ones. We need to focus on eliminating some of the ones we have.

We must and will make America more competitive in the global marketplace. I know by working together we can do the right thing for the American people, for American business and for America's future.

□ 1130

Let us remove the red lights, remove the stop signs and the dead ends and reopen the road to opportunity.

I urge my colleagues to support this resolution.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman very much for yielding me this time.

And I must say that never have I seen a resolution that demonstrates so completely the lack of understanding by the other side of what is necessary to maintain and improve America's competitiveness in the world economy.

They go through all of their whereases, but when they get to the therefores, this resolution does nothing, does nothing. They ignore what those people who are on the cutting edge of trying to improve America's competitiveness, those companies that are on the cutting edge of competing in a world economy, their recommendations, one of the first of which is to fully fund No Child Left Behind. They are $40 billion behind the curve. But that is what the American Electronics Association says should be done first and foremost in education.

Improve math and science teaching, you do nothing to improve math and science teaching.

They go on to say support research and development. The permanent, the permanent R&D tax credit, not the year-to-year funding that you provide, but the permanent, so companies can count on this, can make their economic decisions, can make their financial decisions. Improve the business climate, the stock options, which your side failed to provide for. Stop having the raids on the patent and trademark offices of the United States Government to fund the general fund.

The fact of the matter is that this provides nothing, provides nothing that the industries that are on the cutting edge identify as their most important objectives, their most important priorities, and that is to provide for a dramatic and sustained improved investment in education; a dramatic and sustained improvement in the R&D of this country, nondefense related, basic R&D on a permanent basis, something you have not done in 6 years.

And also they recommend, after doubling the National Science Foundation, a sustained effort at doubling the National Science Foundation. You thought it was a one-time target, and now you are cutting. You thought sequencing the human genome was a one-time event. That is the beginning, not the end of the story. That is the beginning, is the doubling of the National Science Foundation, then maintaining it. What we are talking about and what the companies have constantly recommended to us is a sustained effort and investment in education, in innovation, in health care. Universal access to health care, universal access to affordable health care, something not discussed in this resolution, something not done in the 6 years. More people are without health care now than in the 5 years that this administration has been in office.

This resolution so completely misses the mark that we wonder why we would spend an hour of our time on the floor dealing with this when there are such important items. The problem is that the other side of the aisle already voted for a budget that does not make the R&D tax credit permanent, voted for a budget that cuts higher education, voted for a budget that cuts elementary secondary education. A budget that does not even get close to funding No Child Left Behind, as, again, the companies who are out there competing, not the political rhetoric on the floor, but what they have made after years of discussion.

It does not even get close to an immigration policy that allows our universities to continue to attract the highly skilled students that we were before 9/11. That is not working. Those young people now are going to India. They are going to China. They are going to France. They are going to Germany. The are going to England, and they are not coming to the United States because this administration failed to take that action.

Finally, the protection of our intellectual properties. The protection of our intellectual properties is so terribly important. We continue to see them hijacked on a daily basis from the automotive industry, to the film industry, to the music industry, to the computer industry, and the effort has not yet been made.

That is the report on what has happened over the last 4 or 5 years in this country. That is the report of what this Republican-led Congress has done. And what does the Republican-led Congress do? They give us a resolution with a lot of "whereases," a lot of "whereases." No action, just "whereases."

Mr. BOUSTANY. Mr. Speaker, I yield 2½ minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time.

I welcome the comments from the gentleman from California (Mr. GEORGE MILLER). He talks about a lot of issues that are more important to making America more competitive. We may disagree on the track, but I think it is important that we do move forward with an R&D tax credit that is permanent. I think it is important that we do move forward to protect intellectual property rights. But he does make an additional point, and that it is always easy to be against something instead of for something. If we are going to make progress, we need to work together; so I would welcome him to join the Economic Competitive Caucus because I think together we could find ways to fund technology grants and technology schools. And I would like to point out that we have doubled the funding for the National Science Foundation, and we continue the strong funding of that.

The gentleman from New York (Mr. OWENS) also mentioned a couple of things that I think are important to be addressed in this debate. One is the effect that China is having on our economy, and I think the point was made by the gentleman from New York that regulation is not holding them back. But let me tell the Members what is happening in China. They have focused on technology. They graduated 350,000 engineers last year. They graduated more English-speaking electrical engineers than America did, and they have done that because they want to target certain areas. In Kansas they have targeted several industries: the hand truck industry, the auto lift industry. They are trying to run American businesses out of business so that they can have a corner on the market, and that is why we need to have enforceable trade policy, which is part of this resolution.

The gentleman from California (Mr. GEORGE MILLER) addressed education. That is why education and lifelong learning is part of this resolution.

But let me just tell the Members what China is doing that I think is important to the debate and why I think they should understand why we need to address these issues today instead of putting them off. The regulation barriers that we have are keeping us from doing wonderful things that could help create and start jobs. In China they are trying to create a Silicon Valley. They have set up a top-notch university. They have given venture capital to the area. They have office space available. They have property management for anybody who has a good idea. They have legal advice, patent advice. They even allow professors and students to start businesses on their own.

The way to address that is by changing our system and removing the barriers. The gentleman from New York (Mr. OWENS) mentions the trial lawyers, the $40 billion that came out of our economy for trial lawyers. Just think, if we apply some commonsense reforms, we can make jobs in America. One example is in 1995 when the Statute of Repose was passed, which put commonsense limits on the manufacture of airplanes, and the following year 4,000 jobs were created in Kansas alone, plus additional jobs all across the United States.

All we are saying in this resolution is let us step back from what we are doing today and say if we were going to start this system tomorrow, would we do the same thing? Will it impact jobs? Can we work together to create and keep jobs in America instead of seeing them slide off to other countries?

So I think this is a good resolution, and I would welcome the suggestions from the other side, and I think together we can help bring jobs back to America.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Mr. Speaker, when I looked at today's floor schedule, I was pleasantly surprised to see an item addressing the issue of declining United States competitiveness in the world.

The fact is the issue of competitiveness has not been a priority for Republican leaders in this Congress or in any preceding one in the last 10 years, and I thought perhaps finally the Republicans had woken up. Unfortunately, I was very disappointed when I read the text of the proposal because this plan is nonbinding; it has really nothing that will make the United States more competitive. That is what I have come to expect in this Congress, this Republican-led Congress: more talk and no action. And once again this resolution has failed to propose specific policies that would actually boost technological innovation or our commitment to education.

As many know, I represent Silicon Valley, along with the gentlewoman from California (Ms. ESHOO) and the gentleman from California (Mr. HONDA), the most creative and innovative place on Earth; and if I were to bring your resolution back to the leaders of the Silicon Valley, the engineers, the techies, Ph.D.s, venture capitalists, educators, CEOs, I think I would be laughed all the way back to D.C. I suspect that you did not consult with any of the people in the tech industry because, if you did, we would have had something with a little meat on it that meant something.

We need a sustained commitment to Federal funding of R&D. The 2006 budget proposed by President Bush continues to cut R&D. It underfunds the National Science Foundation by billions of dollars; and the fact is if we do not count weapons research, this administration has sharply reduced federally funded scientific research, and this nonbinding resolution will not do a darn thing to change it.

We need to dramatically improve our math and science education in our country. We know that we are falling short, and meanwhile we are continuing to fail in our funding promises to No Child Left Behind. We need to reform our immigration policies so that the best and brightest students can come and study in the United States and not be poached by universities who are benefiting in Australia and England and elsewhere through our shortsighted and bureaucratic policies; and we need a sustained commitment to science research and education. We cannot afford to sit back and pass nonbinding resolutions that do nothing. We could at least enact the gentlewoman from California's (Ms. ESHOO) bill for stock options.

With an exploding deficit, reduced support for education of Americans, a door shutting on Nobel-level scientists from abroad, no energy policy that will lead to energy independence, this proposal is worse than nothing because the right wing will not take action on competitiveness and will probably say they did something if this stupid and meaningless resolution is permitted to pass.

Republicans are like the guy in court who killed his parents and now pleads for mercy as an orphan. They have controlled the House of Representatives for 10 years. Their policies for the last 10 years have shorted education. They have shorted science. They have eliminated protection for tech innovation. These words do not change those failed policies, and I hope that we turn down this resolution and tell the truth that our policies are threatening the competitiveness of our United States, and this mere meaningless resolution will do nothing, nothing, to solve that.

Mr. BOUSTANY. Mr. Speaker, I yield myself such time as I may consume.

First I want to respond to a few comments made by the opposition here. There is a lot of talk about a nonbinding resolution, but this House today is going to take up four bills to reform OSHA that will help small businesses and their enterprises be more competitive and their employees be more competitive in the global economy. Health care, the gentleman from California (Mr. GEORGE MILLER) brought up health care, and he very well knows that the Committee on Education and the Workforce that he sits on as the ranking member is addressing health care. We recognize that health care is a problem. We recognize that the plight of the uninsured is a problem. And yet I will say as a physician, as someone who has dealt with health care on a daily basis, universal government-run health care is not the answer.

We need to continue to address this problem and support solutions like association health plans, something that we have already taken up in committee and will be coming to the floor soon. This will help get people who are uninsured back on to the rolls of being insured. This will help small businesses provide insurance for those who lack insurance today.

We need to continue to expand health savings accounts. These have already begun to help many Americans, but we need to continue to work on this. This is the future of health care. This is how we are going to create a competitive health care environment that will bring down the cost and make it affordable for all Americans.

And we need medical liability reform. We need medical liability reform. No question about it. And this Congress will address these issues.

So to say this is a nonbinding resolution, surely it makes a statement about some of the needs that we need to work on, but at the same time this Congress is addressing all of those issues; and we ask our colleagues across the aisle to join us to pass these bills so that we can help those Americans in need and we can increase our competitiveness on the global market.

I support this resolution, and I want to thank the gentleman from Texas (Mr. DELAY) and the gentleman from Kansas (Mr. TIAHRT) for their tireless work to remove barriers on U.S. companies, to ensure that America can be competitive in the global economy.

American businessmen and -women are second to none in resourcefulness, entrepreneurial spirit, business ingenuity; and the government should foster, not stifle, these qualities.

I mentioned, as a member of the Committee on Education and the Workforce, that we are going to work on OSHA reform and AHPs. These are commonsense good measures that will improve our competitiveness.

Frivolous lawsuits, costly health insurance, an overly complicated Tax Code, skyrocketing energy costs, compliance with innumerable Federal and State regulations result in small businesses spending more time just trying to comply with government and government laws and regulations than growing their businesses, creating jobs, and generating revenue. Yet because of the entrepreneurial spirit of these Americans and many small businesses that we have out there, they do survive and even thrive despite all these adversities.

□ 1145

Let me talk about my district in southwest Louisiana for a moment, which has been known for its entrepreneurial spirit. Today, it is a spirit that continues to grow our agricultural influence, despite many adversities, and build small businesses that are grabbing the eye of the global market. We have a port, the 11th largest port in the country, the Port of Lake Charles. Once known as a regional provider, it has grown into an economic engine for our State and our Nation. And as it continues to increase in size, it is moving larger numbers of products into the United States and out into the world.

Our economic developers are finding ways to attract businesses that have never before known the advantages of doing business in Louisiana. Let me give an example. Lafayette Economic Development Authority is a prime example of showcasing the educational and technological benefits of Louisiana's Seventh Congressional District to attract companies to our area. Gregg Gothreaux heads up this organization and has strived to capitalize on an outstanding workforce to make Lafayette a competitive force in the business world. In fact, in the year 2004, Inc. Magazine named Lafayette, Louisiana, one of the best places to do business. And 3 months ago, Entrepreneur Magazine named Lafayette one of the top technology centers in the South, based on its appeal and ability to attract high-tech companies.

Another great example from my district is a small business with 15 employees headed up by Rick Broussard, and he has been able to attract the United States Marine Corps with a service by building these drone airplanes. And he is hoping to build his business, employing hopefully in the near future 100 employees, so that he can improve his competitiveness and raise his revenue and contribute to the competitiveness of our country and our defense initiatives.

He is not an isolated example. There are many examples in Louisiana and around this country that are competing, despite the regulatory burden, the tax burden and other added costs of doing business.

Mr. Speaker, it is our job, it is our job as elected officials to ensure that our businesses have the necessary tools to compete in this global economy, and this Congress will address these issues.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New York for his leadership in defense of our economy, workers' rights, and our desire to build on an American economy that can provide opportunity for all.

Mr. Speaker, if the Congress were to take up legislation for the purpose of removing barriers to the competitiveness of the U.S. economy, I do not believe, respectfully, it would read like H. Res. 352.

But, it might read something like this: Whereas, U.S. trade with foreign countries is so imbalanced that the U.S. has a trade deficit with every continent in the world except Australia and with nearly every country in the world;

Whereas, before NAFTA, the U.S. exported about an equivalent amount to Mexico as it imported to Mexico. But, after NAFTA, imports from Mexico increased 195 percent, more than double the increase in exports. NAFTA caused a balanced trade scenario with Mexico to become unbalanced, to the disadvantage of the U.S.;

Whereas, exports create jobs; imports destroy jobs. And when imports outpace exports, more jobs are destroyed than created. So while increased exports after NAFTA may have created almost 800,000 jobs, according to the Economic Policy Institute in 2003, increased imports due to NAFTA destroyed almost 1.7 million jobs. Every State in the Nation lost jobs due to NAFTA;

Whereas, Congress will soon be compounding the damage with consideration of CAFTA, which is modeled on NAFTA;

Whereas, China's seemingly endless supply of dollars to acquire IBM, Maytag, and now UNOCAL is supplied by America's huge trade deficit with China. In fact, since Congress agreed to admit China to the WTO, granting it permanent Most Favored Nation status, the U.S. trade deficit with China grew by 50 percent in only 2 years.

Now, if Congress was to take up legislation for the purpose of removing barriers to the competitiveness of the U.S. economy, it might read like this: Whereas, America needs a new trade policy based on the principle that what the U.S. buys from a country should roughly match what it sells to that country;

Whereas, the cost of private, for-profit health care is a serious impediment to competitiveness;

Whereas, the U.S. paid $5,270 per capita for health care in 2002, and two countries with the closest level of spending were Germany at $2,820 and Canada $2,930, both of which provided universal health care;

Whereas, the CEOs of Ford Motor Company of Canada, GM Canada, DaimlerChrysler Canada wrote in a 2002 letter that "publicly-funded health care thus accounts for a significant portion of Canada's overall labor cost advantage in auto assembly versus the U.S. which in turn has been a significant factor in maintaining and attracting new auto investment to Canada."

The resolution that we need to hear would say: Whereas, H.R. 676, the U.S. National Health Insurance Act, which has 50 cosponsors, would provide less expensive, high-quality, single-payer health care systems like many U.S. competitors;

Whereas, the current course of U.S. economic and health policy is unsustainable, and a day of reckoning could involve the bursting of the housing price bubble, rise of interest rates, budget austerity and the shredding of the social safety net, mass unemployment, and a loss of economic sovereignty.

Therefore, be it resolved, Congress has once again lost the opportunity to change the course, correct the trade imbalance, lift up living standards in the U.S. and the world, and set the country on a more sustainable economic course. The coming readjustment will be painful indeed while this administration and Congress drive the U.S. economy over a cliff.

Vote "no" on H. Res. 352.

Mr. BOUSTANY. Mr. Speaker, I am pleased to yield 1 minute to the distinguished Majority Leader, the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the resolution before us represents a promise, a promise by the House of Representatives to the American people that not only are we aware of the hindrances to prosperity now existing in the national economy but that we are committed to removing them as soon as possible.

We are aware that compliance with Federal regulation costs American companies $850 billion a year. We are aware those costs are passed along from American businesses to American consumers in higher prices to the tune of $8,000 per family per year.

We are aware that exports account for one-sixth of our economic growth, and that one in five American factory jobs and one in three American crop acres depend on customers in foreign markets and that many markets are still closed to our goods.

We are aware that 1 million American jobs rely on research and development conducted by private businesses and through our world-class university system.

We are aware that 60 percent of American businesses are impeded in their growth by the lack of advanced training in the workplace. We are also aware that health care is too expensive, coverage too limited, and that small businesses are at a disadvantage in covering their employees.

We are aware that our tax system is unfair and inefficient, and that it costs families and businesses billions of dollars and hours every year.

We are aware that our economy is dangerously dependent on foreign sources of oil, and that it is overrun with frivolous lawsuits that abuse our legal system.

And, starting this week, Mr. Speaker, the House is going to do something about it. We are going to take up major legislation addressing these eight sources of economic friction and tear down these eight walls now surrounding the American dream.

The debate about these eight issues: trade freedom and fairness; bureaucratic red tape; innovation and investment; health care security; lifelong learning; tax relief and simplification; lawsuit abuse reform; and energy independence are over. We all know these impediments to prosperity need reform, and we know what we have to do to reform them.

With this resolution, Mr. Speaker, the House will take a first step toward enacting these needed economic reforms to help small businesses create not just jobs but long-term, rewarding careers for the American people.

Mr. OWENS. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. SMITH).

Mr. SMITH of Washington. Mr. Speaker, there is really nothing terribly, terribly wrong with this resolution. Talking about a need to invest in greater innovation, research and education, certainly makes sense. The vexing thing for me is this Republican Congress and White House has systematically unfunded almost all of those items. We heard the numbers from my colleagues, and I will not go back over them, except to remind folks of the recent debate we had over the appropriations bills.

Repeatedly, throughout the debate, as Democrats talked about spending more money on a variety of different items, the Republican appropriators said, You know, this is the money we have, this is the best we can do with what we have.

Well, let us look at the decisions that left us in the position where "this is what we have." One of the consequences of those decisions is we do not have enough money to fund the research, education and innovation that is necessary. All of the items that are ticked off, the National Science Foundation, the National Institutes of Health, No Child Left Behind, we all know what they are. We know how important in the global economy innovation, research, education and skills training is. Yet the programs that fund those vital needs, vital needs particularly for blue-collar, middle-class and lower-class workers, are consistently cut, reduced, not funded like they should be because of the budget decisions of this Congress.

Part of it certainly is the tax cut. That has been the decision of this Congress; supply-side tax cuts for people making a lot of money at the expense of all of these programs we are talking about today. It is incredibly vexing to hear the Republican majority stand up and talk about how much they care about these programs.

At a minimum, I wish they would make a choice, they would say: Supply-side tax cuts for people making a lot of money, that is what we support; that is what we are going to do. That being done, we cannot afford to do these other things, and that is okay. But to stand up today and say that you care about them when you have created a budget environment where they cannot be funded is disingenuous, to say the least. If these are priorities, then let us change the budget. And it is not just tax cuts. We can look at the spending decisions of the last 6 years that have seen massive increases in overall Federal spending while, at the same time, underfunding these critical items.

The budget priorities of the Republican Congress are responsible, and an empty "Sense of Congress" resolution is not going to fix that.

Mr. BOUSTANY. Mr. Speaker, I yield myself 30 seconds to respond.

I would remind the gentleman that these tax cuts have led to an economic growth of 3.8 percent and significant job growth, so I would remind him that these are pro-economic growth policies.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana for yielding me this time.

The gentleman from Washington (Mr. SMITH) did talk about some issues that I think are very important, especially when he talked about education. I think education is very important for the future of this economy. If we look at education spending over the last 5 years, we have had dramatic increases in education, as far as the spending is concerned.

What we need to do now is focus on math, science, engineering and technology. We know this is the direction the future economy is going. The world is getting more technically complex, not less technically complex. Yet we have fewer people going into engineering. We have fewer young women going into science. We have fewer people going into the technologies, the maths and the sciences. It should be concerning to us, and we need to take steps today. I would welcome their support as to how we do that.

National Science Foundation money, the NSF has come up several times here. We increased the NSF again this year, again. Over $5.6 billion will go into NSF this fiscal year and we have plans to increase that funding in the future, too.

Innovative research is very important. We need help from the other side of the aisle to get research and development tax relief permanent, and I think we can do that. I just want to mention the supply-side tax cut did stimulate the economy. We have more people working today than ever before in the history of our Nation. The average wage is higher than it has ever been in the history of this Nation. We have more people owning their own homes today than ever before in the history of this Nation, and we have done it because we cut taxes. More money got into the economy, and jobs started increasing. But does that mean we should be satisfied? No. We have barriers that need to be removed so that we can increase the number of jobs and the number of opportunities in America in the future.

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I think it is important that we work together. I look forward to working with the gentleman from New York (Mr. OWENS) on issues like we addressed with Sarbanes-Oxley, corporate corruption, we had hearings. We had hearings; we had legislation on the floor. We made progress. We passed Sarbanes-Oxley. And now there are white collar criminals in jail today.

Corporate corruption was addressed and needs to be addressed in the future. But certainly we made some movement. But I welcome them. I know we can agree on creating more jobs. I think it is important that we work together to do that.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume. I certainly look forward to working with the gentleman also.

Mr. Speaker, in closing, I would like to just cite a few examples of how Republican policies have shortchanged the initiatives which they talked about today. Instead of having an aggressive policy on math and science education, the Bush administration has underinvested in proven math and science instruction.

Today, China graduates four times as many engineers as the United States. And South Korea, which has one-sixth of the population of the United States, graduates the same number of engineers as the United States. Instead of keeping the Republican promise on education, President Bush has already underfunded No Child Left Behind, his own legislation, his own innovation, he has underfunded by more than $40 billion.

Instead of investing in research and development to keep the U.S. on the cutting edge of technological advancement, Republicans have cut $877 million in Federal science and technology funding. Instead of having a national broadband policy, the Bush administration has allowed access to broadband to lag.

Instead of passing the 21st century bill to increase energy independence through advances in cutting-edge technology, the Republicans have failed to enact any energy bill at all. This resolution before us is a mulligan stew that has been allowed to spoil; it is a spoiled mulligan stew. It is not serious. We have 40 minutes to discuss items which would require really 40 days.

If we were serious, we would have a long discussion of these items before we move on and prepare some real legislation to deal with the shortcomings.

Mr. Speaker, I yield back the balance of my time.

Mr. BOUSTANY. Mr. Speaker, I yield the balance of my time to the gentleman from Kansas (Mr. TIAHRT), who has worked so hard to ensure the competitiveness of this country.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. BOUSTANY) for his leadership on the floor today and his help in these very important issues of making America more competitive tomorrow.

Mr. Speaker, you know, when I listened to the debate today, I find that there are areas both Republicans and Democrats can agree on. And there are ways that we can work together to make a more solid economy in the future so that we can retain our number one status in the future instead of falling into a second or third-rate economy.

The danger is out there. We heard talk from the gentleman from Ohio (Mr. KUCINICH) that it is all because of NAFTA. That we have lost all jobs to NAFTA. Yet we have more jobs than ever before in the history of our Nation. We have heard that we do not spend enough money on R&D, that the tax credits are not permanent.

We need your help in making them permanent. We need to make these tax credits permanent. There are eight issues that we have confined the problems that we are facing tomorrow in, and these eight issues are health care, security, bureaucratic red tape termination, lifelong learning, energy self-sufficiency and security, spurring innovation, trade fairness and opportunity, tax relief and simplification, and ending lawsuit abuse.

Today we are going to take a giant step forward in dealing with regulation. The gentleman from Georgia (Mr. NORWOOD) is going to lead the effort to reform OSHA.

And let me just tell you a little bit about why it is important that we take on these agencies and try to change the environment. In the past we have had this adversarial relationship between the government and the private sector. There are fines, there are citations, there are unannounced intrusions into companies.

Employers are unable to deal with this without high expenses, without high cost, without hiring individuals to take care and track what the increasing regulation burden is.

Today we are going to start with OSHA, and we are going to deal with that today. We are going to try to create an environment where we work together. You know, we could work together. In fact this happened in Wichita, Kansas, where OSHA targeted Sedgwick County, and said we are going to go to the homebuilders and we are going to make it a safe place. They stood off. They took pictures. They fined, they created citations, and the housing industry shut down.

We got the Wichita Builders Association together with OSHA and we said, why do we not work together? Why do you not come in on an announced basis, make a list of the violations, let the company have time to make the safe environment at the work area, and then come back and see how they are doing? Well, they did that. The housing industry went back to work. And they created a safe work environment by working together, working together instead of against each other in an adversarial relationship.

That is what we are talking about in changing the environment in America so that we can create and keep jobs in the future, working together and not against each other. Now, this environment here on the floor of the House is an adversarial environment. But yet we can work together. That is what we are advocating here, the government working with private sector to make more jobs in the future.

Ms. ESHOO. Mr. Speaker, the issue of competition is one that is lived out and dealt with daily in my congressional district, Silicon Valley.

As this resolution states, high-tech industries drive economic growth around the world. Every day my constituents tell me that the United States is falling behind our competitors in Europe and Asia.

This resolution identifies some of the challenges for U.S. competitiveness. But this is not enough. The resolution is not binding. It does not set into motion any legislative action to address the key issues relative to competition.

One of the top issues in Silicon Valley today is stock options. Broad-based employee stock options plans drive innovation and competitiveness.

The House overwhelmingly passed legislation I authored with Rep. BAKER to protect employee stock options almost a year ago, but the Administration has refused to lift a finger to get this bill through the Senate and to the President's desk.

For many, many years the high-tech industry has begged Congress to make the R&D tax credit permanent. It hasn't happened. What has happened is a decline in investment and a diminishment of innovation.

The President has said that the U.S. should have universal broadband access by 2007. We've yet to see the Administration's plan for achieving this. Today the United States has fallen to 16th in broadband penetration, down from 4th in 2001.

This resolution correctly points to education as a critical issue of competitiveness, but once again this Administration and the congressional majority have underfunded critical education programs. No Child Left Behind is funded $39 billion below its promised level. Pell grants will be eliminated for 90,000 college students, and an additional 1.3 million students will have their scholarships reduced this year. These figures do not meet the standards of a great nation serious about her technological and competitive future.

The resolution states that energy is a major problem, yet the Department of Energy's independent analysts have said that the provisions in the House energy bill will have a "negligible" impact on prices, production, consumption, and imports of energy.

The Administration continues to underfund critical Federal research programs, flat-funding civilian research and development and reducing total Federal research by $400 million. This underfunds our collective future.

What is missing in the Congress is the commitment to reshape the critical policies which will renew our Nation's competitiveness in the 21st Century.

Mr. UDALL of Colorado. Mr. Speaker, I am not voting for this resolution, because I think it does not make a constructive contribution to the problems facing our country and the national economy.

The resolution says that trade restrictions and inequality are barriers to keeping and creating jobs in the United States—but it does nothing about them, just as it does nothing to make it easier for Americans looking for work to find good jobs.

The resolution says that bureaucratic red tape is a barrier to economic progress, but it does nothing to reduce that barrier or to require the Bush Administration to exercise leadership in reducing red tape.

The resolution says there is need for more innovation and investment, but it offers nothing substantive to promote innovation or to encourage more productive investment.

The resolution correctly says there is a need to overcome barriers to health care security, but it does nothing to help the millions of Americans who lack health insurance or to make good health care more affordable.

The resolution says we need to promote lifelong learning, but is silent as to how to go about achieving that desirable result.

The resolution mentions taxes and the complexity of the tax laws, but provides no useful suggestions as to how to reduce that complexity or to promote tax fairness.

The resolution complains about "lawsuit abuse" and seems to support "litigation management," but says nothing about the extent to which the courts can protect individual rights and the essential role of law in our society.

And while the resolution correctly says there is a need for greater energy self-sufficiency and security, it does nothing about it. While that actually is an improvement over the energy-policy bill the House passed earlier this year, with its many wrong-headed provisions, it falls far short of what is needed.

In short, this resolution is not serious. It deserves neither the time consumed in debating it nor approval by the House. I will not vote for it.

Mr. MARSHALL. Mr. Speaker, I voted for H. Res. 352 because I agree that there are barriers to keeping and creating jobs within the United States and that Federal agencies ought to review their rules and policies to improve the competitiveness of our economy. But I do not associate myself with the sense of the "Whereas" clauses that America must adopt foreign values and standards in order to compete economically. I also note that the "Whereas" clauses include partisan distortions and falsehoods that are an ill-considered disservice to the cause of American competitiveness.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, House Resolution 352.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. OWENS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 739, OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005; H.R. 740, OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005; H.R. 741, OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005; H.R. 742, OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BISHOP of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 351 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 351

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the Commission. The bill shall be considered as read. The amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions.

SEC. 4. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorney's fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 5. (a) In the engrossment of H.R. 739, the Clerk shall—

(1) await the disposition of all the bills contemplated in sections 2–4;

(2) add the respective texts of all the bills contemplated in sections 2-4, as passed by the House, as new matter at the end of H.R. 739;

(3) conform the title of H.R. 739 to reflect the addition to the engrossment of the text of all the bills contemplated in sections 2–4 that have passed the House;

(4) assign appropriate designations to provisions within the engrossment; and

(5) conform provisions for short titles within the engrossment.

(b) Upon the addition of the text of the bills contemplated in sections 2-4 that have passed the House to the engrossment of H.R. 739, such bills shall be laid on the table.

(c) If H.R. 739 is disposed of without reaching the stage of engrossment as contemplated in subsection (a), the bill contemplated in sections 2-4 that first passes the House shall be treated in the manner specified for H.R. 739 in subsections (a) and (b), and all other bills contemplated in sections 2-4 that have passed the House shall be laid on the table.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) is recognized for 1 hour.

Mr. BISHOP of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

The resolution before us is the rule for the consideration of a package of four bills, H.R. 739, 740, 741, and 742. They are pieces of legislation which passed with a significant bipartisan majority in the 108th Congress and are once again being brought to the floor today to help reduce the impact of unduly burdensome regulations for American small businesses and thereby enhancing American competitiveness, and to restore fairness in applying workplace safety regulations to small business.

The rule before us, House Resolution 351, provides for the separate consideration of each of these four bills. Under the rule, each bill will have its own debate time and the opportunity to be thoroughly debated and voted on by this body.

Finally, the rule also provides that at the close of consideration of these measures, the Clerk of the House will be directed to combine the text of each of these bills that do pass the House under this rule as one engrossed bill, and send that bill to our friends on the other side of this Capitol, where they will have a better opportunity this time to be both deliberative and, hopefully, active at the same time.

While this may seem to be a complicated rule, the effect is quite simple. The bills brought up for consideration under this rule will allow small businesses to focus more of their energy on competing in the marketplace, providing their customers with better goods and better services and creating new jobs across America, rather than spending their time paying questionable fines, wrangling with regulators, worrying about the uncertainties created by an inadequate dispute process, created by staffing shortages, or having to pay for lawyers' fees to help fight a just cause with occasionally insensitive, but most often distant, Federal bureaucracy in Washington, D.C.

The gentleman from Ohio (Chairman BOEHNER) and the subcommittee chairman, the gentleman from Georgia (Mr. NORWOOD), as well as the hard work by both Republican and Democratic Members of this committee, are to be commended in bringing a well-balanced small business fairness package to the floor today.

The first of these four bills, 739, which is the Occupational Safety and Health for Small Businesses Day in Court Act, tries to provide flexibility to employers filing responses to OSHA citations.

We currently have a hard and very arbitrary standard of 15 days to respond to an OSHA citation, even though in the 1980s, the Federal Rules of Civil Procedure granted employer relief to file a late notice if there was a mistake, inadvertence, a surprise, or excusable neglect.

This bill simply codifies this commonsense practice. Hard and fast deadlines in instances sometimes work an injustice, but in any case they provide only a safe standard for the bureaucrats, but lack the common sense to help small businesses which were clearly recognized in the Federal Rules on Civil Procedure.

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There is no good reason why we should not codify for all what is occasionally given to some and allow for some discretion in granting relief to innocent employers for, as the law says, mistake, inadvertence, surprise or excusable neglect. There should be no controversy over this commonsense bill.

The second bill, H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005, provides for the addition of two additional members to the review commission, and the additional human resources will allow it to complete its work in a timely fashion for the benefit of both employers and employees. For two-thirds of the life span of the review commission's existence, the commission has frequently been paralyzed by vacancies that have resulted in several critical and well-documented inefficiencies and rendered the entire regulatory scheme devised by Congress to resolve OSHA disputes as unworkable. The byproduct of this breakdown delays final adjudication. It harms real business. It hinders real job creation. There is a simple and easy way to resolve this particular problem.

The third bill, H.R. 741, the independent review of OSHA citations, by legislative history and practice, OSHA was designed to be responsible for rulemaking, enforcement and adjudication. But Congress also established a review commission. Its intention was to give an independent review of OSHA functions as a check on prosecutorial excesses by OSHA.

A 1984 court decision extended the concept of administrative deference to the agency and subsequent court decision which have been conflicting, have compounded the problem, and conflicted the process of checks and balances Congress intended. This bill simply restores responsible checks and balances to the current system by making it clear that it is the commission's legal interpretation that should be given proper judicial deference.

Finally, Mr. Speaker, the fourth bill, H.R. 742, deals with small employers' access to justice. This simply provides for a small employer to have payment of attorney fees when that small employer prevails in litigation that was prompted by the issuance of a citation by OSHA. The legislation is simple in its rationale: Small business people should not be intimidated into blindly following mandates because they do not think they can afford to fight a case in court in which they would otherwise prevail. This levels the playing field so that small businessmen and businesswomen have an equal chance with powerful government bureaucracies that have virtually unlimited legal resources of the Federal Government behind them. This bill helps the mom-and-pop businesses to be able to have the courage to speak up for themselves when they are right.

Small businesses still provide a majority of the jobs in this country, and they feel the economic pressure brought by government regulations and taxes every day. It is only fair that through these four bills in these very specific areas that we take care to remove any economic incentives for the fostering of an insensitive Federal regulatory bureaucracy.

Mr. Speaker, these are four commonsense good bills which, once again, enjoyed a bipartisan majority of Members' support in the 108th Congress.

Our country has had 35 years of experience with OSHA. As documented in testimony before the House Committee on Education and the Workforce, modest improvements are needed to restore balance to the regulatory scheme through these bills as they relate to small business. Last year, the Office of Management and Budget reported to the Congress the annual cost of major Federal regulations for the decade from 1992 to 2002 was somewhere between $38 and $44 billion which means that, for every dollar we spend for regulation, we also as a government spend $1.50 for compliance costs and the private sector spends $45 in compliance costs.

The over-regulation of business puts us at a competitive disadvantage with the rest of the world, places unlimited, unnecessary limits on our economy and harms the consumer.

I am proud the congressional leadership is continuing to look at ways to pare back the overwhelming growth in regulation and bureaucracy, and I urge my colleagues to support the rule for these four bills to keep American businesses competitive in a global marketplace, to keep jobs here in America. I urge my colleagues to support this rule and the underlying bills.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Utah (Mr. BISHOP) for the time.

Mr. Speaker, I rise today in strong opposition to this closed rule and all four of the underlying pieces of legislation that it encompasses. For those who did not hear me the first time, I said four pieces of legislation under one closed rule.

This is a quadruple coupon day in the House of Representatives, Mr. Speaker. Four opportunities to shut off democracy for the price of one. What is perhaps most offensive about the rule is the fact that not one amendment was made in order for any of the four bills. Let me repeat that: Not one amendment was made in order for any of the four underlying bills.

Closed rules are an affront to our democracy. We should stop it now. My outrage and the outrage of all on this side of the aisle is as much about process as it is about policy. Pure partisan politics never produces sound public policy. And patronizing corporate interests to pad one's campaign coffers has no place in the people's House. Yet, that is all the majority seems interested in doing.

The political score Republicans are seeking to settle with their barrage of anti-working-class legislation is not going to be fulfilled by stifling debate and blocking Democrats out of the process. Republicans are calling this the OSHA fairness package. Fair for who? There are only losers with these bills, Mr. Speaker, and the biggest victim is the American worker. All four of the underlying pieces of legislation represent a buffet of rollbacks in our laws governing working conditions.

Mr. Speaker, do we have an overwhelming epidemic in this country of ridiculous and overzealous workplace lawsuits that I do not know about? The judicial process for violations and workplace health and safety standards has been in place for nearly 30 years. It is fair, and most importantly, it protects the rights of workers. Yet, two of the underlying bills affecting OSHA standards are coming as a direct result of recent court rulings that Republicans and their corporate friends do not agree with. The other two are aimed at stacking the OSHA commission with anti-worker commissioners and creating a system where only those who can afford legal representation will be permitted to file a complaint with the Workplace Safety and Health Board.

Mr. Speaker, I do not like the new policy of this Congress which can best be described as "when the courts rule against you, legislate against the courts."

Why are we stifling Members from offering thoughtful amendments? Just one example, if I may. The ranking Democrat on the Committee on Education and the Workforce, my good friend, the gentleman from California (Mr. GEORGE MILLER), a man who served in this body for 30 years and is known throughout the country as a champion for working-class Americans, Republicans denied him the opportunity to offer a substitute to one of the underlying bills that came out of his committee.

Had the majority made the Miller substitute in order, the House could have done something today that would have actually benefited working-class Americans. We could have had a real debate about increasing the minimum wage to a meager $7.25 an hour.

Realize, this is an amount that while above the current level of $5.15 is significantly below the much needed living wage that is needed to pull someone making the minimum wage 40 hours a week above the poverty line. In blocking the gentleman from California (Mr. GEORGE MILLER) from offering his amendment, Republicans are again proving that they are anything but the people's party. Perhaps the majority is blocking what it knows it cannot defeat, or better yet, perhaps the majority is just protecting its members from taking a vote that will show their true colors. Shame on them and shame on this body if it allows this assault on American workers to continue. None of us in this body would want to live on $5.15 an hour. None of us would want to work three jobs just to make ends meet. None of us would want to work three jobs and still have no health care. Yet, that is what we are asking, no, requiring millions of our fellow citizens to do.

When the opportunity to increase the minimum wage presents itself, Republicans blocked House Members from voting on it. At least in the other body, while the leadership opposed an increase in the minimum wage, they at least permitted a vote. Protecting the rights of those most in need is the cornerstone of our great democracy. I refuse to remain silent while those on the other side of the aisle seek to dismiss this cardinal American value.

I urge my colleagues to reject the closed rule and oppose the underlying pieces of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am appreciative of being able to talk about the four bills dealing with regulatory reform, all of which have had full debate in the committee this year, as well as full debate in the committee last year. And the Committee on Rules did approve every amendment that was germane. Unfortunately, of the three amendments that were present, none of them were germane to the topic of regulatory reform.

Mr. Speaker, I yield 7 minutes to the gentleman from Georgia (Mr. NORWOOD), the subcommittee chairman, to address this rule.

Mr. NORWOOD. Mr. Speaker, I cannot help but add or repeat so our Members know, the amendments that were not accepted from the Democrats had nothing to do with these bills. They were simply not germane, and I know that upsets them, but those are the rules of House.

Mr. Speaker, I rise in support of this rule which provides the House an opportunity today to address four very important bills. These measures in my view are very modest reforms. They have been narrowly drafted to make needed changes in our law, actually for about 34 years, while avoiding the possibility of any reduction in the current levels of workplace protections.

Now, I believe that our committee, at least most of our committee, believes that. As such, a structured rule providing for consideration of these four measures on their merits in my view is entirely appropriate.

As I will detail later in the debate on these bills, we need to implement these changes because small employers ought to be devoting more of their time and attention to creating new jobs and less on dealing with government lawyers intent on manipulating legal technicalities. And that, in fact, is going on. With that, I will briefly summarize each of these bills for my colleagues.

The first measure for consideration under this rule is H.R. 739, the Occupational Safety and Health Small Business Day in Court. In almost every other court in this Nation, a party that acts in good faith but nonetheless misses a lead deadline that results in a legal default can ask the court to have the case heard on its merits. Currently, there is doubt over whether the Occupational Safety and Health Review Commission, the agency specifically and importantly created by Congress to hear each legal dispute between an employer and OSHA, has the statutory flexibility to grant this type of relief.

All H.R. 739 does is to provide flexibility that almost every other court in the Nation exercises. We use identical terminology to that used in the Federal Rules of Civil Procedure, Rule 60(b), a rule used by nearly every other court in the Nation.

The second bill provided for under the rule is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2004. Under current law, two members of a three-member panel are needed to constitute a quorum. For 20 percent of its existence, this agency has lacked even a quorum of two. OSHRC has had a full complement of members seated and active for only about one-third of its history. That does not work. That does not work for anybody.

Even now, the commission can be paralyzed only with two members if there is not complete agreement as to all points. To remedy the situation, H.R. 740 proposes, increases the membership of OSHRC from three members to five. This change is modeled on other government agencies and, in particular, the Federal Mine Safety and Health Review Commission.

H.R. 740 also incorporates a new provision that permits the President to invite an incumbent member of OSHRC whose term has expired to hold over until a replacement can be confirmed by the Senate.

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Now, this just makes sense if you want OSHRC to work, and I do. There are some cases that have been over there for 8 years, for pity's sake.

Now, my friends on the other side may say, oh, all they are trying to do is to pack the commission because there is a Republican President. Well, these commissioners do not serve for life. You will have an opportunity sometime in the future maybe to put your own commissioner on there, but we need to get these things resolved. This will solve that.

The next measure to be considered under the rule is H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005. This one is important, in my view. H.R. 741 simply reinstates congressional intent, and we will say that over and over in the next 4 hours, because an activist judge changed the law of 1971.

The legislative history of the OSH Act clearly indicates that back in 1970 Congress realized that in granting extraordinary and unprecedented authority to OSHA, the agency would need some mechanism to make sure that the authority was not abused. If you study the history on this a little bit, Senator Javitz noted the future of the OSH Act depended on this compromise that created an independent review at the time it was passed, with a Democratic House and a Democratic Senate and a Republican President.

This bill never would have passed had not this review been put in there. H.R. 741 simply restores congressional intent by ensuring that this review is, in fact, an independent one and not dictated by OSHA.

The last measure considered under the rule is H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act. This measure simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of government litigation against small businesses.

To empower small business employers to seek their day in court, H.R. 742 simply provides that if OSH loses, very small employers can recover their attorneys' fees and costs. This remedial measure is important because it has become crystal clear that failings in current law prevent almost any recovery of attorneys' fees in the OSHA environment. I think there has been one and a half a year for the last 24 years.

Mr. Speaker, the rule under consideration provides for ample debate on each of these measures. I urge my colleagues on both sides of the aisle to support both this rule and each of the bills we will consider under it.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 3½ minutes to the gentleman from California (Mr. GEORGE MILLER), a champion of worker rights.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, for his leadership on the Committee on Rules, and for being such a stalwart on behalf of worker protections.

Mr. Speaker, I urge Members to defeat the previous question on the rule and allow this body to have an up-or-down vote on an increase in the minimum wage. By refusing to take up this bill over the past 9 years, the leadership of the House must take responsibility for what effectively is a repeal of the national minimum wage.

American workers are long overdue a raise. Real wages are declining for the first time in more than a decade, while prices of health care, gasoline, and other necessities are rising, making it even more urgent that we raise the minimum wage now. The minimum wage has been stuck at $5.15 an hour since 1997. That is $5.15 an hour since 1997, and that is what this Congress has done to the American worker.

Every American deserves a decent wage for the work they do, and most Americans agree that we should raise the minimum wage. They see it as a matter of fairness for their fellow workers. Unfortunately, the Republican Congress disagrees, and the Republican Congress disrespects workers and violates the will of the people when it refuses to increase the minimum wage. We ought to respect workers by guaranteeing them a fair wage. Work should be the path out of poverty, but millions of Americans work full time every day all year long and still live at poverty because they work at the Federal minimum wage.

The failure of Congress has pushed millions of America's most vulnerable workers into poverty or near poverty. The Fair Minimum Wage Act of 2005 we present today as an alternative to these bills which roll back health and safety protections would in fact raise the minimum wage to $7.25 an hour in three steps, $5.85, 60 days after enactment of the bill; $6.55 one year later; and $7.25 one year after that.

This would reverse the trend we now see where the number of Americans in poverty has increased by 4.3 million since President Bush took office. Nearly 36 million people live in poverty, including 1 million children.

A recent report by the Center of Economic Policy Research shows that most minimum wage workers make a significant contribution to total family income. Half of them are between the ages of 25 and 54. Many workers find themselves trapped in minimum wage jobs; more than one-third of 25-to-50-year-old workers in minimum wage jobs are still earning a minimum wage after 3 years.

Another report from the Children's Defense Fund finds that the annual income of a single parent working full time at minimum wage covers only 40 percent of the estimated cost of raising two children; 7½ million workers will directly benefit from minimum wage increases. More than 84 percent of those workers are 20 years old or older, 45 percent are married or have children, 60 percent work full time, 59 percent are white, 13 percent are black, and 23 percent are Hispanic, with 57 percent women and 94 percent, of course, not protected by union representation.

In the past 8 years, Members of Congress have had a COLA seven times. In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn $10,700 a year for working all year, all day long.

Mr. Speaker, we should vote against the previous question so that we will have an opportunity to offer this up-or-down vote on the minimum wage, one that is sorely overdue and one that has been kept from the American public, despite its overwhelming support by the Republican leadership of this Congress.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume to note that, though I appreciate the very articulate remarks of the gentleman from California about the issue at hand, which is a significant issue we should somehow debate, I remind him that we are talking here about reform of a regulatory process of OSHA. The gentleman's comments are not germane to this particular bill. There will be a point in time for that discussion, but we should not cloud what this bill is actually doing.

Mr. Speaker, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS) to hopefully clarify this.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise today in strong support of this rule and the underlying legislation. I want to take this opportunity to thank my colleague, the gentleman from Georgia (Mr. NORWOOD), for 10 years of leadership in this body on a very critical and important issue.

The opposition today just simply neglects the reality that these bills do not affect safety at all. Rather, they will improve the climate of business, and they will improve the opportunity for safety because all small business owners know that good safety makes good business, and safety is not what this is about.

OSHA was founded to establish a common guideline to improve safety and, hence, to improve competitiveness nationally. But it has mutated into an organization that is seen in the business community, frankly, with fear, as one that comes with retribution, of uncertainty and subjectivity in enforcement. Each piece of legislation being considered today makes commonsense and practical reforms to the Occupation Safety and Health Administration and to the Occupational Safety and Health Review Commission to restore original intent of the act from 34 years ago. Moreover, it will restore the context and the spirit of the original intent of the law.

Mr. Speaker, I have spent most of my professional life in manufacturing, working with small manufacturers who were competing in the global economy and dealing with compliance issues. I have seen this lost original intent firsthand. What was intended to provide that commonsense standard is now a confusing mass of regulations that create cost, that cost us jobs, and that damage competitiveness without affecting one aspect of safety. Indeed, 50 percent of the regulations that OSHA can shut down a business with have nothing to do with safety, but paperwork compliance.

I have watched subjectivity and enforcement where one of my clients, who had never had a lost day for a safety violation, was violated repeatedly because this perfect facility had railings that were 34" instead of 36" tall all around their machining center, costing them tens of thousands of dollars in legal fees.

Another client, who had over 100 identified safety violations that I personally noted in my report to their corporate parent, was never violated because of personal relationships and subjectivity in that particular locale. This is a travesty and misses the entire point because the workers in the one location were adversely affected by a lack of context and enforcement.

Ironically, the fiercest opponents of this small business-friendly agenda have never created a job, have never met a payroll, and have never sacrificed personally to ensure their employees have had their benefits and had their salaries. I have done that, the gentleman from Georgia (Mr. NORWOOD) has done that, and those who are supporting this legislation in many cases have themselves.

OSHA serves an important function, but I remember one thing one of my supporters, Riley, said, who started a business from scratch and has the great loyalty of hundreds of his employees in his small business: he believes that nobody should run a Federal regulatory agency or even serve in Federal elected office unless they have created one job, because it changes your world view and your outlook regardless of party.

OSHA was created to protect the safety of the workforce and not to strangle small business. This legislation represents four commonsense solutions for fine-tuning OSHA to improve protection for our workers, while reducing unnecessary burdens on small business.

H.R. 739 allows the review commission to waive the hard 15-day rule appeals deadline for cause. As my colleague previously mentioned, it removes ambiguities in the current law and brings context to specific situations so that there can be a climate of dialogue and compliance. Most small businesses cannot afford to maintain in-house compliance professionals, and an OSHA citation can be intimidating and confusing, regularly causing small businesses to miss that 15-day window inadvertently. This resolution simply permits a waiver for demonstrated causes or mistake.

H.R. 740 increases the number of commissioners on the review commission, not to stack the deck, but to allow the backlog of cases to be able to be removed so these businesses can get back to creating jobs, generating growth in our economy, and ultimately providing a future for the generation following behind us.

Currently, there are citations on appeal that have been unresolved for 8 years. We cannot compete in a climate like this. Stalemate serves no one.

H.R. 741 clarifies the original congressional intent by affirmatively declaring that a review court must defer to the review commission. This brings it back into original statutory compliance and original intent. The review commission was designed to be the independent arbiter or judge. OSHA, on the other hand, serves as the prosecutor. Deference by a reviewing court should be given to the independent arbiter, not to the prosecutor.

Finally, H.R. 742 allows a small business to recover its legal costs if it wins. Under current law, a small business is often faced with simply paying the penalty because it is cheaper than fighting. Too often our small businesses suffer devastating financial losses just to prove they are innocent.

In the case I mentioned previously that had no safety violations, or no loss time for safety violations but was violated on silly paperwork compliance, there were jobs lost, or actually not created, more correctly, because of those tens of thousands of dollars spent paying attorneys instead of paying working families.

As a former small business owner, I know the important impact of this legislation, what it will have on our small businesses, on the safety of their employees, and on the generating of additional hopeful jobs for working families.

I urge all my colleagues, Mr. Speaker, to vote in favor of this rule and to support this critical underlying legislation.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, as an original cosponsor of the Fair Minimum Wage Act of 2005, I urge the Members to defeat the previous question on the rule and to allow a vote on raising the minimum wage.

Raising the minimum wage is a very important matter for working families in America. The four bills we will have before us today are packaged and they are designed to try to trivialize one aspect of the government's relationship with working families: their safety. We want to trivialize workers it seems, and working families in every way possible. In fact, the gentleman just before said unless you have created a job, you do not deserve the right to speak on policy. Only those who have created jobs. Well, one might take the attitude that unless you have fought in combat on the front lines in America, you do not deserve to make policy.

Working families provide the soldiers who defend this Nation. In all the wars, 90 percent of the people who die are from working families. In Iraq, the people on the front lines are from working families. Working families deserve the protection of their government on the job through OSHA and any other device we can use.

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They also deserve an increase in the minimum wage. Let us take a look at the scandal of the minimum wage. Let us stop for a moment and consider the fact that Members of Congress have had several increases in their wages in the past 8 years. Members of Congress will have raised their own pay seven times by $28,500. Let me repeat, in the past 8 years, Members of Congress have raised their own pay seven times by $28,500. In those same 8 years, minimum-wage workers have not increased their wage by a single penny. They continue to earn $10,700 a year, $5.15 an hour.

All we are saying is, please, Members of Congress who have gotten a $28,500 raise in the last 8 years, let us all together sponsor a very moderate, conservative bill, it is far too conservative for me, but where we would raise minimum wage to $7.25 an hour in three steps. Our bill only proposes that we raise it to $5.85 an hour 60 days after the enactment of the legislation. We raise it to $6.05, 1 year later, and 1 year after that, we raise it to $7.25. That is what we are proposing. Who can disagree with that?

Today, the real value of minimum wage is more than $3 below what it was in 1968. To have the purchasing power it had in 1968, the minimum wage would need to be more than $8.50 today. I strongly urge that we consider this amendment. Working families in America deserve some of the fruits of the Nation's prosperity. They deserve to have their government not only call upon them to defend the country in times of war and to die, they deserve to have their government look out for their interests all of the time. Giving them a way to earn a living is a good beginning.

The neglect that we have experienced on the battlefield of Iraq with combat soldiers not being properly outfitted is a reflection of the way we feel about working families. Working families deserve our attention. I urge Members to defeat the previous question.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, once again, I have enjoyed the articulate and emotional discussion that has gone forward on this rule so far. Eventually, we may actually have a bill that meets the debate.

I would remind my colleagues that these four packages are how we help small business negotiate through the stream of Federal regulation.

Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Chairman Boehner) to once again reemphasize that point.

Mr. BOEHNER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, we are here today to discuss four important bills that make modest reforms to the Occupational Safety and Health Act. These bills will help enhance business competitiveness, encourage further job creation, but most importantly, they will help improve worker safety by promoting a cooperative climate between employers and OSHA that focuses on results.

Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May of 2003, marking the 25th consecutive month of sustained job creation. But we want to make sure that onerous government regulations do not hamstring small businesses' ability to hire new workers and compete in our economy. That is why these bills are important, and that is why they are on the floor today.

OSHA regulations are amongst the most complex and difficult legal requirements imposed on employers today. For many employers, especially smaller employers, compliance with OSHA regulations is a challenge even with help from experts. Many smaller work sites could make significant progress in reducing injuries and illnesses if OSHA would just lend them a helping hand through cooperative partnerships. These voluntary partnerships take nothing away from strong enforcement. They supplement traditional enforcement programs to help achieve the best results.

These four bills remove the arbitrary and unintentional legal traps in current OSHA law that help hamstring better trust and voluntary cooperation between the agency and employers. While fairly modest in substance, these reforms are important to small business owners who struggle every day to comply with complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy.

Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court. These commonsense bills will help ensure they receive that opportunity. These commonsense bills passed the House last year with bipartisan support, and they deserve every Members' support today. The rule before us is a fair rule, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, I kind of question whether a closed rule is fair, but I hear the chairman.

Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. Woolsey).

Ms. WOOLSEY. Mr. Speaker, 38 years ago, I was a single working mother with three small children. They were 1, 3 and 5 years old. I was receiving no child support, earning minimum wage. Even though I was employed, I was earning so little I needed welfare to provide my children with the child care, the health care, and the food that was necessary to keep us going. Even though I was educated, I had good job skills, I still was not earning enough to fully support my family. My story bears repeating because too many families today are in the absolute same predicament I was 38 years ago.

If this Congress is truly serious about reducing dependence on welfare, let us increase the minimum wage, let us pay working parents enough to support their families and take care of themselves. Otherwise, taxpayers who pay for welfare are subsidizing employers who do not pay a livable wage.

The minimum wage has not kept up with the increase in the cost of living. Workers these days can put in a full day, 40 hours a week at minimum wage and still live below the poverty level. The majority leadership in this Congress want to kick single moms and their families off welfare, and they want to cut $10 billion out of Medicaid to reduce health benefits for low-income families.

A minimum wage increase is also a matter of basic fairness for millions of working Americans. It is not as if businesses are not doing well. Private business productivity has and is increasing. Profits are up, but wages are stagnant. What is wrong with this picture? Is it not time to let American workers share in the fruits of their labor?

President Bush and his allies say they support traditional American family values. Well, let us return to the traditional family value of paying an honest wage for an honest day's work by raising the minimum wage. If they, the Republicans, believe their own rhetoric, they would have allowed this discussion as part of this bill.

Vote "no" so we can discuss minimum wage and an opportunity for everybody in the House to say their piece. Vote "no" for the four bills included under this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. Gene Green).

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding me this time opposing this rule.

I would like to express my disappointment that the Committee on Rules refused to allow a vote on an amendment that has bipartisan support, an amendment that would require to list contract workers on their injury site log.

This was not a major expense or an inconvenience for employers, yet the Committee on Rules defeated it on a party-line vote.

The bills that are up today are not major legislation. They may correct individual problems, and each of them need to be debated, and they should be. But not to allow other needed OSHA reforms is a travesty of this House because of the situation I am getting ready to talk about. Our amendment was defeated on a party-line vote, even though we have bipartisan support on the original legislation that was introduced in March of this year.

Mr. Speaker, 15 people lost their lives during an explosion and fire at a refinery in Texas City. This is a picture of the site, and I include for the Record a copy of the Baytown Sun article on the deadly accident. This picture shows the site in Texas City.

The bills that are allowed under this rule will do nothing to help the 15 people killed in this accident. Nothing. That is what the travesty is on this floor today.

A series of news articles quickly discovered that it is extremely difficult to assess the safety of such facilities due to the way employers are required to keep their site logs of injuries on the work site. While all deaths and injuries are reported to OSHA, only those involving direct employees of the site-controlling company are required to be maintained on the site incident log. This means that the incidents involving contract workers or part-time workers do not show up on the injury log employers are required to keep by law. Unfortunately, because current law does not require them to do so, the site log will look just the same as it did the day before March 23. It will show no lives were lost.

Those 15 workers who died on this site were contract workers, and they should be reported. Residents and communities surrounding these facilities have a right to know if they live near a place that could endanger them if something were to go wrong. If we had full disclosure of these incidents, the free market system may be able to work. Workers are less willing to work in hazardous environments, so facilities would have incentives to improve safety. Right now, it is nearly impossible to determine exactly how many accidents have occurred at a particular site without cross-referencing contracts between employers and contractors.

OSHA has known these reporting requirements were a problem for 14 years, and yet here we are today dealing with three pieces of legislation that deal with nothing to do with contract workers.

In 1989, one of the most serious plant explosions in our country occurred at a plant in Pasadena, Texas, and I am honored to represent that area. This accident killed 23 workers and injured 232 others. As a result, OSHA called for a study regarding the use of contract labor in the petrochemical industry. This study was conducted while the first George Bush was President, and this study found there was a lack of adequate injury and incident data. It states that current data reporting procedures do not capture the full range of injury or illnesses experienced in the industry because the injury statistics do not include the experience of contract workers.

This amendment does not require an industry to do anything more than record injuries and accidents on their site log regardless of whether they are their employee or someone working on their site. I am not here to bash employers or OSHA. The bottom line is that neighbors and employees have the right to know. These bills that we are considering today may very well weaken job safety, but I do not think they are that major. We should be working on a bipartisan basis to solve problems and prevent deaths and injuries like what happened on March 23, 2005, in Texas City, Texas. That is why these three bills are woefully inadequate to deal with the problems that we have with on-site job injuries right now.

[From the Baytown Sun, June 29, 2005]

ALARMS, INSTRUMENTATION FAILED IN BP REFINERY BLAST

(By Pam Easton)

NASSAU BAY.—Key pieces of instrumentation and alarms at BP's Texas City refinery weren't working properly in March when explosions rocked the plant, killing 15 and injuring more than 170, federal investigators said Tuesday.

Don Holmstrom, lead investigator with U.S. Chemical Safety and Hazard Investigation Board, said an alarm within the isomerization unit—where the explosion occurred—didn't work properly until after the explosions had begun.

Holmstrom also said a sensor in a section of the raffinate splitter, which separates chemicals for gasoline production, indicated the liquid level in the tower was decreasing when it was instead flooding. Another alarm that should have sounded when the liquid exceeded 10 feet high didn't activate, "even as the liquid flooded more than 12 times that height," Holmstrom said.

Among the 15 people killed in the March 23 explosion, seven were from Baytown or surrounding communities.

They were: Jimmy Hunnings, 58, of Baytown; Morris Raymond "Monk" King, 57 of Baytown; Susan Duhan Taylor, 33, of Baytown; Ralph Herrera Jr. 27, of Baytown; Larry Linsenbardt, 58 of Mont Belvieu; Ryan Rodriguez, 28, of Dayton; and Lorena "Lori" Cruz, 32 of La Porte.

BP spokesman Ronnie Chappell said the federal safety board's findings are similar to the company's own investigation completed in May.

The company blamed staff errors for the March 23 explosion and fire. Among the procedural lapses company executives cited were a lack of supervision and a six-minute window in which unit supervisors could have sounded an alarm to evacuate the area, but didn't.

"If personnel responsible for the safe startup of the isom unit had followed procedures, the fire and explosion would not have occurred," Chappell said Tuesday.

An alarm notified operators of a liquid level that was too high in the raffinate splitter at 3:05 a.m. on March 23, company records show. An operator silenced the alarm, but an illuminated warning remained on screens and the alarm remained in effect until 1:20 p.m., the time of the blast, Holmstrom said.

Meanwhile, liquid-level indicators drifted down from 100 percent to 79 percent beginning at 7:30 a.m., and "erroneously indicated to operators that the liquid level in the tower was below 10 feet and was falling back toward a normal value."

However, the 164-foot tower was instead flooded with liquid that reached 120 feet or more, Holmstrom said. A normal level is below 10 feet.

When the excess liquid and vapor was discharged, it overwhelmed one of the unit's systems, causing the vapor and liquid to be released and ignited by a still-unknown source.

Holmstrom said federal investigators will spend the next four to six weeks testing at least 30 instruments and other equipment in the isomerization unit, which boosts the octane level in gasoline. Federal investigators have also asked BP for equipment maintenance records. Chappell said BP was cooperating.

Holmstrom said it is "unprecedented" for his investigators to spend so much time looking into equipment, instrumentation and their possible failures.

"Our objective is to understand why this tragedy occurred, and, we hope, to prevent similar occurrences in the future," he said.

The board will hold a public meeting to discuss complete findings of the federal probe this fall, Holmstrom added.

Chappell said BP and federal investigators have the same goal.

"We want to ascertain exactly what occurred and take action to prevent something like this from ever happening again," he said.

The blast was the plant's third accident in a year, following a March 2004 explosion that caused an evacuation.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I join my colleagues in rising in the defense of America's working poor. Instead of weakening workplace safety and not doing this today as the majority intends to do, we ought to be strengthening the American family by raising the minimum wage.

Mr. Speaker, I include for the RECORD a report by the nonpartisan Congressional Research Service which shows that minimum wage will be at the lowest value as a percentage of poverty in nearly half a century.

Mr. Speaker, it has been 8 years since Congress has increased the minimum wage. In those 8 years, Members of Congress have raised their own pay seven times by $28,500.

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In those same 8 years, minimum wage workers have not gotten a single raise. They continue to earn $10,700. We have given raises to Federal employees. We have given tax cuts to the extremely wealthy. We have given tax breaks to oil and a host of other big industries. But we have ignored the needs and the plight of America's working poor. This study proves it, and it is time to change it. The current minimum wage fails to provide enough income to enable minimum workers to afford adequate housing in any area of this country. It is inexcusable that today in America nearly one-fifth of children go to bed hungry at night while their parents work full time at minimum wage. Whether one is a Democrat or a Republican, ending child poverty should be central to our domestic agenda. Nearly 3½ million children have parents who would get an immediate raise if Congress increased the minimum wage.

Hard work is an American value. We teach our children the importance of work and encourage them to do well in school to achieve a job that rewards it. Despite this, 36 million working Americans live in poverty. Poverty and wage volatility have doubled for full-time, full-year workers since the 1970s. Since President Bush took office, the cost of housing has gone up 33 percent, college tuition has gone up 35 percent, and health insurance has gone up 59 percent. But the working poor have not seen one thin dime.

Leave No Child Behind is a cruel joke. America's future depends on strong families, and if Members believe in values of families, as some say they do, then they would vote this rule down. Every day we prolong raising the minimum wage, we ask families and children to do more with less. It is a bankrupt policy. Instead of rolling back workplace protections or fooling around the edges with that, we should be increasing the minimum wage.

I urge my colleagues to vote against this misguided rule and move on something more important, which is reinvesting in America's people.

JULY 5, 2005.

Hon. JIM MCDERMOTT,
House of Representatives,
Washington, DC.

MEMORANDUM: HISTORICAL RELATIONSHIP BETWEEN THE MINIMUM WAGE AND POVERTY, 1959 TO 2005

This memorandum is in response to your request about the historical relationship been the federal minimum wage and poverty from 1959 to 2005. In particular, you were interested in the annual income a full-time, full-year worker earning the minimum wage would earn relative to the poverty level for a family of three.

Table 1 shows the effective annual minimum wage from 1959 through 2005 for a full-time full-year worker, relative to the poverty level for a three-person family. The table shows when statutory changes to the federal minimum wage became effective. Average effective minimum wage rates for the year were calculated based on the pro-rated average of effective wage rates over the course of the year. For example, in 1997, the minimum wage was $4.75 per hour for the first eight months of the year (January through August), and $5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: (($4.75 x 8) + ($5.15 x 4))/12, or $4.8833 per hour. Here, full-time full-year work is assumed to amount to 2,080 hours of work per year (40 hours per week x 52 weeks).

The poverty income level used here is the U.S. Census Bureau's average weighted poverty thresholds for a family of three. The earliest year for which official Census Bureau poverty income thresholds are available is 1959. Census Bureau poverty thresholds vary by family size and composition (e.g., the poverty threshold for a family differs by the number of children in the family). The average weighted thresholds reflect the average of the individual thresholds for a given family size by the observed distribution of families of varying composition in the population, as measured by the Census Bureau's Current Population Survey (CPS). Each year the Census Bureau updates the individual poverty thresholds to reflect changes in prices, and the average weighted thresholds, to reflect changes in the composition of the population for families of each size. The estimate for 2004 is based on the Census Bureau's preliminary average weighted poverty thresholds, which reflect price changes for 2004, but reflect the population weighting from 2003, as opposed to 2004. The final average weighted poverty thresholds for 2004, scheduled for release this fall, may differ by a few dollars from those shown here. The projected poverty thresholds for 2005 are based on the 2004 preliminary weighted poverty thresholds adjusted for average price inflation from January 2005 to May 2005, compared to the same period in 2004, which amounted to a 3.1 percent increase in the projected 2005 poverty thresholds, compared to the 2004 preliminary poverty thresholds. The Census Bureau will issue preliminary poverty thresholds for 2005 in January 2006, when price changes for the 2005 calendar year will be available. Final weighted poverty thresholds for 2005 won't be available until the fall of 2006.

Figure 1 depicts the basic trends shown in the table. Table 1 and Figure 1 show that the federal minimum wage was highest relative to poverty in 1968, when it amounted to 118.7 percent of poverty for a full-time full-year worker supporting three people. Since 1980, the minimum wage has been below the poverty line for a full-time full-year worker supporting a family of three. The most recent increase to the federal minimum wage to $5.15 per hour in September 1997 (from $4.75 per hour) brought full-time full-year minimum wage earnings for a family of three up to 82.4 percent of poverty. Since then, the nominal minimum wage of $5.15 per hour has eroded relative to the poverty level, which is adjusted each year for changes in prices. In 2005, full-time full-year earnings for a minimum wage worker amounts to $10,712, or 68.9 percent of the estimated projected poverty level for a family of three ($15,536). Based on the assumptions used, it is projected that the level of the minimum wage relative to poverty in 2005 will be at the lowest level seen at any time over the past 47 years.

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Table 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005

Year	Statutory federal minimum wage[a]	Average effective minimum wage for the year[b]	Annual earnings: 1 full-time full-year worker earning the effective minimum wage	Weighted average Census Bureau poverty threshold for a 3-person family[c]	Annual earnings as a percent of poverty for a 3-person family
1959	$1.00/hr., effective Mar. 1956	$1.00	$2,080	$2,324	89.5%
1960	↓	$1.00	$2,080	$2,359	88.2%
1961	$1.15/hr., effective Sept. 1961	$1.05	$2,184	$2,383	91.6%
1962	↓	$1.15	$2,392	$2,412	99.2%
1963	$1.25/hr., effective Sept. 1963	$1.18	$2,461	$2,442	100.8%
1964		$1.25	$2,600	$2,473	105.1%
1965		$1.25	$2,600	$2,514	103.4%
1966	↓	$1.25	$2,600	$2,588	100.5%
1967	$1.40/hr., effective Feb. 1967	$1.39	$2,886	$2,661	108.5%
1968	$1.60/hr., effective Feb. 1968	$1.58	$3,293	$2,774	118.7%
1969		$1.60	$3,328	$2,924	113.8%
1970		$1.60	$3,328	$3,099	107.4%
1971		$1.60	$3,328	$3,229	103.1%
1972		$1.60	$3,328	$3,339	99.7%
1973	↓	$1.60	$3,328	$3,548	93.8%
1974	$2.00/hr., effective May 1974	$1.87	$3,883	$3,936	98.6%
1975	$2.10/hr., effective Jan. 1975	$2.10	$4,368	$4,293	101.7%
1976	$2.30/hr., effective Jan. 1976	$2.30	$4,784	$4,540	105.4%
1977	↓	$2.30	$4,784	$4,833	99.0%
1978	$2.65/hr., effective Jan. 1978	$2.65	$5,512	$5,201	106.0%
1979	$2.90/hr., effective Jan. 1979	$2.90	$6,032	$5,784	104.3%
1980	$3.10/hr., effective Jan. 1980	$3.10	$6,448	$6,565	98.2%
1981	$3.35/hr., effective Jan. 1981	$3.35	$6,968	$7,250	96.1%
1982		$3.35	$6,968	$7,693	90.6%
1983		$3.35	$6,968	$7,938	87.8%
1984		$3.35	$6,968	$8,722	79.9%
1985		$3.35	$6,968	$8,573	81.3%
1986		$3.35	$6,968	$8,737	79.8%
1987		$3.35	$6,968	$9,056	76.9%
1988		$3.35	$6,968	$9,435	73.9%
1989	↓	$3.35	$6,968	$9,885	70.5%
1990	$3.80/hr., effective Apr. 1990	$3.69	$7,670	$10,419	73.6%
1991	$4.25/hr., effective Apr. 1991	$4.14	$8,606	$10,860	79.2%
1992		$4.25	$8,840	$11,186	79.0%
1993		$4.25	$8,840	$11,522	76.7%
1994		$4.25	$8,840	$11,821	74.8%
1995	↓	$4.25	$8,840	$12,158	72.7%
1996	$4.75/hr., effective Oct. 1996	$4.38	$9,100	$12,516	72.7%
1997	$5.15/hr., effective Sept. 1997	$4.88	$10,157	$12,802	79.3%
1998		$5.15	$10,712	$13,003	82.4%
1999		$5.15	$10,712	$13,290	80.6%
2000		$5.15	$10,712	$13,738	78.0%
2001		$5.15	$10,712	$14,128	75.8%
2002		$5.15	$10,712	$14,348	74.7%
2003		$5.15	$10,712	$14,680	73.0%
2004[d]		$5.15	$10,712	$15,071	71.1%
2005	↓	$5.15	$10,712	$15,536	68.9%

Source: Table prepared by the Congressional Research Service (CRS).

[a] See CRS Report RS20040, *Inflation and the Real Minimum Wage: Fact Sheet*, by Brian W. Cashell, Jan. 24, 2005.

[b] Effective wage, prorated for the year. For example, in 1997, the minimum wage was $4.75 per hour for the first eight months of the year (January through August), and $5.15 per hour for the last four months of the year (September through December). The average effective minimum wage for the year is thus: (($4.75 x 8) + ($5.15 x 4))/12, or $4.8833 per hour.

[c] U.S. Census Bureau weighted average poverty thresholds for a family of three. Historical tables at: [http://www.census.gov/hhes/www/poverty/histpov/hstpov1.html].

[d] Weighted annual average poverty threshold for a family of three is a preliminary estimate from U.S. Census Bureau: [http://www.census.gov/hhes/www/poverty/threshld/04prelim.html] accessed on June 29, 2005. Final published weighted average poverty thresholds may differ by a few dollars, when published in the fall of 2005.

Projected 2005 poverty threshold based on 2004 preliminary estimated poverty threshold inflated to 2005 by the average increase in the CPI-U from January to May 2005, compared to January to May 2004.

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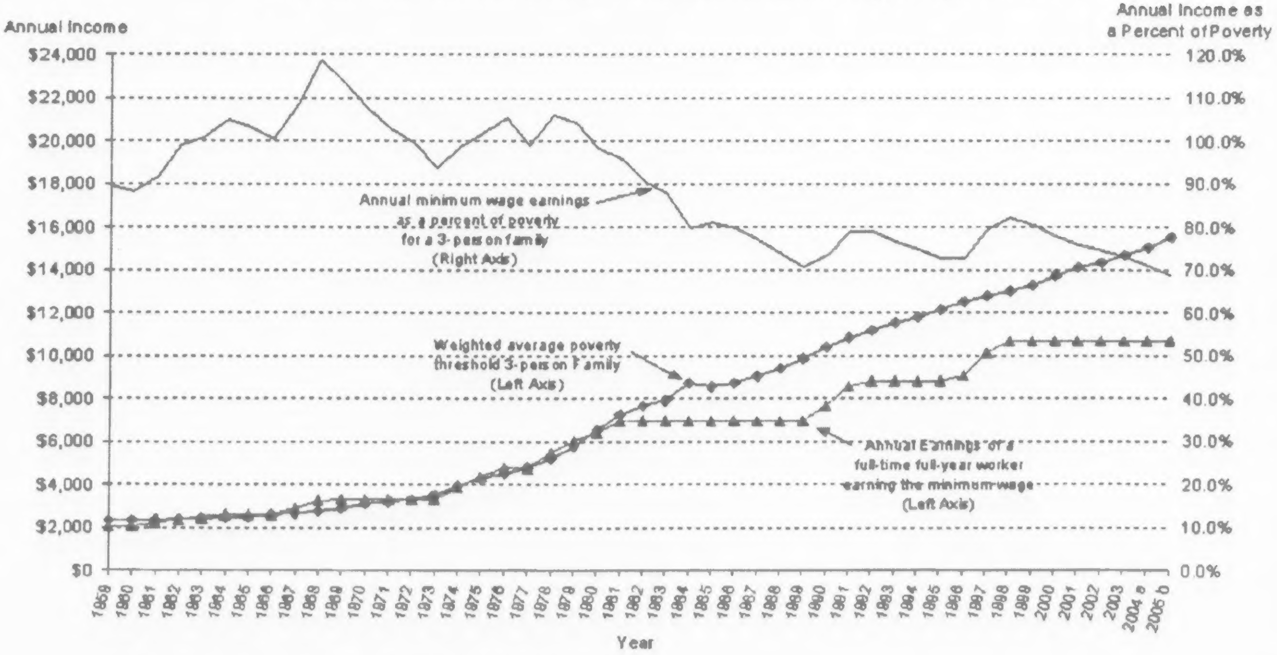
Figure 1. Relationship Between the Minimum Wage and Poverty for a Family of Three with One Full-Time Full-Year Worker Earning the Minimum Wage, 1959 to 2005



a Preliminary 2004 poverty threshold issued by the U.S. Census Bureau.

b Projected 2005 poverty threshold based on preliminary 2004 threshold projected to 2005 by the change in average CPI-U from January through May 2005, compared to January through May 2004.

Source: Figure prepared by the Congressional Research Service (CRS).

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, today the minimum wage is at a level so low that it represents only one-third of the average hourly wage for American workers as a whole. This represents the lowest level for a minimum wage since 1949. This is not a "living wage"; it is not even a "minimum wage." It is actually a "sub-minimum wage." Today, American families need a minimum wage increase because there is no maximum on gas prices at the pump. American families need a minimum wage increase because there is no maximum on the cost of prescription drugs and a doctor's visit. American families need a minimum wage increase because there is no maximum on the cost of getting a college education.

While the Bush administration sits on its hands as gas prices, tuition expenses, housing, and health care costs go through the roof, it nails the lid shut on most hard-working Americans as to how much they can earn.

Administration friends, like Halliburton, get no-bid, billion-dollar, open-ended contracts; but the administration cannot spare an extra eight quarters and a dime for those Americans that are doing some of the hardest and dirtiest work in our society.

Republicans call debate on this issue today "out of order." I think it is really our economy that is out of order, when nurses who care for all of us cannot afford child care; when teachers' aids cannot put their own children through college; and when first responders, our police, fire fighters and EMT, cannot afford to live in the neighborhoods that they help protect.

Republicans have helped to make the richest richer than ever with one tax break after another and one special interest piece of legislation after another going through this House. Corporate executives have seen their compensation skyrocket, and the latest economic studies show that the gap between rich and poor in this country approaches Third World standards.

It is long past time for this Congress today, right now, to raise the minimum wage for those workers who are striving to climb up that economic ladder and share in the American Dream like the rest of us. Let us vote in favor of giving American workers and American families the minimum wage they deserve and do it today.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I also rise to ask my colleagues to vote "no" on the previous question so we can begin a discussion about the minimum wage and the need to provide for the Fair Minimum Wage Act, which would raise the minimum wage to $7.25. In 60 days after enactment, it would go to $5.85. In 1 year it would go to $6.55. And in 1 year after that, it would go to $7.25.

In the State of California that I represent, currently the minimum wage is at $6.75, and I can tell the Members that sometime back our legislature at one point did not want to enact reform in terms of providing minimum wage increases; so we went directly to the voters. We passed an initiative back in 1996 and were able to get support both from Republicans and from different religious denominations, labor groups, and just about everybody.

They saw that it was reasonable to provide a minimum wage increase to those that deserve it the most; and we are talking particularly about women, women who are in many cases the sole earner, bread winner for their families, families ranging anywhere from two to three children, trying to survive on a minimum wage.

Republicans joined us at that time, and I know that many would believe that this is not a burden on them and it is something that should be provided for all individuals. I can tell the Members that right now there are millions, 4.3 million, since President Bush took office, that are currently living in poverty. Nearly 36 million people, 13 million children.

Among the full-time year-round workers, poverty has doubled since the 1970s from about 1.3 million then to more than 2.6 million. This is an unacceptably low minimum wage that we are currently faced with right now in our country, $5.15. Other States in the Union have provided for more equitable, reasonable increases in the minimum wage. Why can the Federal Government not do the same thing? Let us move on. Let us make this agenda one that empowers our working families and not just those college students that are looking for jobs; but we are talking about retirees that are also trying to supplement their income as well.

I urge my colleagues to support an increase in the minimum wage.

Mr. BISHOP of Utah. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished member of the Committee on Rules for yielding me this time and also for his leadership.

Mr. Speaker, let me just say that I wish we were on the floor today actually passing a minimum wage bill. The reason why I say that is I do not believe there is one Member of Congress in their district, no matter whether they are representing Beverly Hills or representing Palm Springs or maybe they are representing the Gold Coast in one of our great cities or maybe one of the higher-priced areas in the city of Houston, does not have some person in that district that is suffering from a lack of a reasonable income and no health insurance.

We know there are 44 million uninsured individuals in America, but we also know there are individuals who cannot afford to make ends meet because of a lack of a minimum wage. We come to the floor today to do something that I think is unfortunate: one, to not pay attention to the need for an increase in the minimum wage. But we also dumbed down the safety requirements of America. Can one imagine an accident, a tragedy occurs in their plant and their employer now does not have the responsibility of notifying OSHA or the Department of Labor? What an outrage, Mr. Speaker, because we in America believe that the Federal Government is there to provide the necessary umbrella of safety, the umbrella of security for Americans.

And yet we have legislation on the floor that would extend or eliminate the 15-day time frame in which they are supposed to respond. It also takes away the responsibility of the Department of Labor from overseeing OSHA and overseeing safety, overturning a Supreme Court decision. I cannot imagine, Mr. Speaker, that we would be here today after celebrating July 4, home with our friends and family, pledging our allegiance to the flag of the United States and the values of America that we come back one day, one day after that recess where we were suggesting the need for providing for America and do this kind of legislation.

I close on this: we have on the front lines of Iraq young men and women who have offered their lives. They will come back here to take minimum wage jobs. What an outrage that these young men and women, Reservists and National Guard, are on the front line and now they cannot get an increase in the minimum wage because today we take away safety, but we do not provide for an increase in the minimum wage.

I ask my colleagues to vote "no" on the previous question and also I ask them to vote "no" on the underlying legislation.

Mr. Speaker, I rise in opposition to the rule, H. Res. 351, to provide for consideration of the four very contentious and overreaching bills that amend the Occupational Safety and Health Act (OSHA)—H.R. 739, H.R. 740, H.R. 741, and H.R. 742. I am utterly disappointed by the fact that the Committee on Rules has issued a closed rule on the debate over all three bills. Furthermore, it is no mistake that the rule fails to make in order the amendment offered by Reps. GEORGE MILLER and MAJOR OWENS to increase the minimum wage. This amendment is identical to the Minimum Wage bill that was introduced by Mr. MILLER that would increase the minimum wage from $5.15 per hour to $5.85 per hour 60 days after enactment, up to $6.55 per hour one year after the first increase, and $7.25 an hour one year from the second increase.

I oppose the underlying bills partly because the relief granted have nothing to do with "small businesses" as their titles purport. Among other, they address a single situation by overturning a case out of the Second Circuit, Chao v. Russell P. Le Frois Builder, Inc. (Second Circuit, May 10, 2002) to allow the employer to contest an OSHA citation with a ridiculous amount of latitude.

In Houston, OSHA proposed fines of $258,000 against the Pasadena Tank Corporation for an August 23, 2001 accident that killed a worker at a construction site. The company had 15 days in which to contest or pay the fines. The Houston-based firm received a citation of six willful and serious safety violations for failing to protect workers by providing an inadequate fall protection system. The employee repairing a rooftop of a storage tank fell 56 feet to the ground when the rooftop collapsed. An OSHA employee said of the situation, "The employer knew about the unsafe working conditions, but continued to place workers at risk . . . A similar incident happened two years ago when two employees fell to their deaths from a storage tank. This company's continued failure to protect its workers from falls is simply unacceptable." This failure to act when there is sufficient knowledge to mitigate an unsafe condition is what these bills will sanction and permit.

Our innocent employers should not be punished from a piece of legislation that attacks from the "back door" by weakening a procedural standard that has been set in place to protect them. We should follow the motto, "if it isn't broken, don't fix it."

Mr. Chairman, I oppose the rule and the underlying bills, and I strongly urge my colleagues to do the same.

Mr. BISHOP of Utah. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), subcommittee chairman.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think we all want to make sure that the record is clear. Every court in this country allows for some leeway other than 15 days, and that is simply all this bill actually is doing. We are trying to give these small business owners the same right as litigants in every Federal court in the country. It is not very hard to figure out, and it is not very hard to understand why sometimes some people might lose the letter they get from OSHA. There are good reasons. And to say to them, Oh, gosh, you did not make 15 days? You do not get any justice. You do not get any day in court.

And I just want to put that in the record immediately following the previous speaker so if anybody ever reads it, they might get all the facts.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

First, I heard several times that the matter of the minimum wage is not germane to the four measures included in this one rule. The simple fact of the matter is that an amendment was offered at the Committee on Rules last night and that amendment was voted down on a party-line vote. So at least a discussion during the period of the rule allows the germaneness of the question having to do with the minimum wage, not so much of the substance of the base bill.

I will be asking Members to vote "no" on the previous question. Mr. Speaker, so I can amend the rule and allow the House to vote on the Miller-Owens bill to increase the Federal minimum wage. This amendment was offered in the Committee on Rules, as I just said, last night, but was defeated on a straight party-line vote.

My amendment to the rule would provide that immediately after the House adopts this rule, it will bring H.R. 2429 to the House floor for an up-or-down vote. This bill will gradually increase the minimum wage for Americans from the current level of $5.15 an hour to $7.25 an hour after about 2 years.

Mr. Speaker, it is time we in the House started helping American workers instead of taking away their rights as the four underlying bills in this rule do. I think one of the best things we can do to help working families is to increase the minimum wage. It has been nearly 10 years since this Congress has voted to increase the minimum wage, an increase that was signed into law by President Clinton in August of 1996. Since that time, the value of that increase has eroded by 20 percent. A full-time minimum wage earner is working 40 hours a week, makes about $10,700 annually, an amount that is $5,000 below the poverty line for a family of three.

Clearly we are way overdue for another increase. Somehow we have had time to implement numerous tax breaks for the wealthiest Americans, but we have turned our backs on those who work the hardest and are paid the least, those who struggle to make ends meet every day.

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I think it is time this Congress developed a conscience and started helping those who need help the most.

Mr. Speaker, I urge all Members of this body to vote "no" on the previous question so we can help these 7.5 million American workers who directly benefit from an increase in the minimum wage.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. FORBES). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last term, when I was a freshman here, having had some State legislative experience, I remember sitting back there by the rail talking to some other freshmen saying one of the things we need to do desperately in this body is have the rule that there should be one bill and one issue. If we did that, it would create better transparency and actually better legislation that people would understand.

I think our discussions today illustrate that point. I have a great deal of empathy for the gentleman from Texas who spoke a few moments ago, a good friend, a good legislator, and he said, the bills we have before us would not solve the problem that he introduced. He was totally accurate, because the topic of his amendment is not the same as the topic of the bills we have before us today, which is why they were ruled nongermane and not put in on the rule itself.

I think we have had some fascinating words that I have enjoyed. I am going to call it fascinating rhetoric today, not really debate, because like ships passing in the night that never touch, so has our discussion from both sides of the aisle gone forward, but never really discussed the same topic at the same particular time.

The four bills we have before us are very narrow in their approach, and they are very good bills, because they help small businessmen and small business women to try and negotiate the rule process with OSHA. They deserve our support, as they deserve the support they got last year when they were discussed in committee; last year when we passed them with bipartisan support on the floor; this year, once again, as they were discussed in committee, because the goal of those bills is to eliminate the conflict between the Federal Government and small business and, instead, to enhance cooperation. And that enhanced cooperation will make a better atmosphere for the business community in America and make a better country for all of us. That is the point of these four very good, very narrow and very specific bills.

I urge the Members to support this rule. It is a fair rule. I urge the Members to support the four underlying bills. They are good bills.

Mr. LEVIN. Mr. Speaker, I rise in strong opposition to the four bills the House is considering today.

There is a real disconnect between the issues the American people say they want Congress to address, and the legislative agenda of the Majority Party that runs the House of Representatives. Three months ago, NBC News and the Wall Street Journal commissioned a poll that asked Americans about the issues they felt were important for Congress to be engaged on. The response was clear. The number-one ranked issue that Americans want Congress to deal is workplace health and safety. A full eighty-four percent of those surveyed said they wanted Congress to spend more time addressing this issue.

Americans are right to be concerned. Almost 6,000 workers a year die due to accidents in the workplace. Tens of thousands more die every year due to occupational illnesses.

So what is the response of the Congressional leaders? Today they have brought four bills to the House Floor that weaken enforcement of workplace health and safety. Instead of addressing the need to improve health and safety conditions on the job, these four bills would undermine worker protections under the Occupational Safety and Health Act.

Are the American people wrong in demanding that Congress strengthen workplace health and safety? It seems to me that the Congressional leaders and the Majority Party are out of touch with working Americans that they continue to advance legislation that would take us in exactly the opposite direction.

I urge my colleagues to join me in opposing these workplace safety rollbacks.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to the Republican attack on workplace health and safety represented by the four bills offered today amending the Occupational Safety and Health Act. Once again in this Republican Congress, the lobbying power of big business takes precedence over the well being of hard working Americans.

Every year almost 6,000 workers in this country die due to workplace accidents. That number will surely rise if the Republicans are successful in passing these four bills. I could understand if Congress wanted to attack supposedly overbearing OSHA regulations, but this legislative package makes it harder for OSHA to enforce even the most non-controversial workplace safety regulations. Republicans have no interest in actually reforming OSHA, they merely want another notch on the bedpost to attract more campaign contributions from big business.

In post 9/11 America, strong enforcement of OSHA regulations can save lives. In the unfortunate event of another terrorist attack, it is OSHA who ensures clear ingress and egress from buildings, and proper size and placement of stairwells and exits to facilitate emergency evacuations. The bills before us undermine OSHA's ability to effectively enforce these vital safety standards. Once again, the misguided priorities of the Republicans and the Bush Administration seem more concerned about corporate profits than the safety of our workers.

Even more shameful, is the message these bills send about the true Republican agenda for labor rights. For over a year, Republicans in Congress have been talking about how the Central America Free Trade Agreement (CAFTA) improves working conditions in other countries. Not only is that contention blatantly false, it is clear from this legislation that Republicans don't care about working conditions in this country, let alone in Central America.

We should not undermine worker health and safety for the benefit of big business. I urge my colleagues to look past the rhetoric of "OSHA reform" and vote against these destructive bills that erode worker protections.

Mr. BACA. Mr. Speaker, I rise in opposition to the previous question on the rule. We need to allow for Democratic amendments, namely one to increase the federal minimum wage.

While Republicans demand up or down votes on controversial appointees, why are American families denied an up or down vote on the Miller-Owens bill to raise the minimum wage. The Miller-Owens bill would gradually raise the minimum wage by $2.10—from $5.15 to $7.25 an hour.

The minimum wage has been frozen at $5.15 since 1997. The inflation-adjusted minimum wage is 26 percent lower today than it was in 1979. If the minimum wage had just kept pace with inflation since 1968 when it was $1.60 an hour, the minimum wage would now be $8.88 an hour.

The number of Americans in poverty has increased by 4.3 million since President Bush took office—and the minimum wage is part of the problem. Nearly 36 million Americans live in poverty, including 13 million children. This is a travesty that must end.

Increasing the minimum wage would help lift a half million workers rise out of poverty and would not have any impact on jobs, employment or inflation. In the four years after the last minimum wage increase passed, the economy experienced its strongest growth in over three decades. Nearly 11 million new jobs were added, at a pace of 232,000 per month. There were ten million new service industry jobs, including more than one and a half million retail jobs.

Mr. Speaker, a fair increase in the minimum wage is long overdue, and I urge my colleagues to defeat the previous question so we can vote on the Miller-Owens minimum wage bill.

Mr. HONDA. Mr. Speaker, I rise today to oppose efforts to pass legislation that will harm the American worker. Republicans are again bringing forward bills that would rollback worker safety regulations under the jurisdiction of the Occupational Safety and Health Administration (OSHA). All four of the bills being voted on today passed the House in the 108th Congress, but the Senate very reasonably did not even hold mark-ups on these bills.

The four bills are coming up notwithstanding the fact that we are at a point in time when workplace safety remains a critical national problem. Almost 6,000 workers a year die due to workplace accidents and another estimated 50,000 to 60,000 die every year due to occupational illnesses. Sadly, the bills on floor today will endanger the lives of even more workers by: making it easier for employers to challenge OSHA citations, unnecessarily expanding the OSHA Review Commission, undermining the enforcement authority of the Secretary of Labor, and punishing OSHA for substantially justified enforcement actions if the agency does not completely prevail.

More specifically, H.R. 739 rolls back OSHA's ability to enforce the law. One of the principle purposes of the Occupational Safety and Health Act is "to assure so far as possible every working man and woman in the nation, safe and healthful working conditions." This bill would have the effect of delaying the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correct health and safety hazards.

H.R. 740 is an attempt to stack the Occupational Safety and Health Review Commission with Republican nominees by expanding it from three to five members (with the newest members to be appointed by the Bush Administration). The Commission has functioned with three members since its establishment in 1970 and there has never been a demonstrated need for additional commissioners.

H.R. 741 reduces the authority of the Secretary of Labor to issue citations. This bill overturns a unanimous 1991 Supreme Court decision in Martin v. OSHRC, which held that the Labor Department should be given deference in interpreting worker safety laws.

Finally, H.R. 742 would require OSHA to pay attorneys' fees and costs for certain employers in any case in which OSHA did not prevail, regardless of the reason why the agency did not prevail. OSHA would be required to pay even if the agency was substantially justified in bringing the complaint which will have the effect of dissuading OSHA from pursuing many legitimate claims.

Mr. Speaker, since taking office in January 2001, the Bush Administration has turned its back on workers and workplace safety. The Administration started its assault on worker safety soon after taking office by repealing OSHA's ergonomics standard. I view this week's attempt to rollback worker safety regulations as another example of the Administration's misguided priorities.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to the four bills relating to the Occupational Safety and Health Act that the House of Representatives is scheduled to consider today. While these measures purport to protect the safety and health protections of millions of American workers, in reality, they will do nothing of the kind, and will instead undermine existing workplace health and safety laws.

The statistics on workplace safety is frightening. It is estimated that nearly 4.7 million workers are injured and almost 6,000 workers die due to workplace accidents each year. Thanks to the Occupational Safety and Health Act, workplace safety and health conditions have improved, though there are still great strides to be made, and this is the time for OSHA regulations and requirements to be strengthened, not weakened. On an average day, 152 workers lose their lives as a result of workplace injuries and diseases, and another 12,877 are injured.

These measures do not address the fact that workers are still losing their lives due to unsafe working conditions. Instead these bills punish the very workers the authors of these measures claim they are trying to protect. By allowing employers to challenge OSHA citations, they will undermine the Occupational Safety and Health Act's enforcement policies by penalizing the agency when it attempts to enforce the OSHA law and does so unsuccessfully.

H.R. 742 would require OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of $7 million or less in any administrative or judicial proceeding in which OSHA does not prevail. While OSHA is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified, H.R. 742 goes beyond that, because now OSHA will be hesitant to cite employees for violations of the OSHA unless there is absolute certainty that they will prevail in a court of law. If OSHA, the federal agency that is tasked with enforcing the law, is hesitant to raise awareness to a meritorious workplace safety issue because they might not win, the true losers in this case are the American workers. Employees have no private right of action under OSHA and depend on the Occupational Safety and Health Administration to address their concerns and remedy violations of the law.

H.R. 742 also purports to help "small businesses" recover the cost of attorney's fees, but in fact, this bill would apply to the majority of private sector workplaces. It is widely known that across all industries, businesses with fewer than 100 employees have a higher rate of fatal occupational injuries than do businesses with 100 or more workers, which typically have better workplace safety standards in place. It is troubling that this Congress is attempting to rollback the few safety and health workplace regulations that are currently in place, instead of strengthening OSHA standards in order to save the lives of American workers.

I urge all my colleagues to vote against these measures and protect the rights of American workers and their families who deserve a decent, safe and healthy workplace.

Mr. EVANS. Mr. Speaker, I rise to oppose the rule and to discuss my concerns with the current efforts to reform the Occupational Health and Safety Act through the four bills before us today.

As my colleagues know, the Occupational Safety and Health Act of 1970 created OSHA to protect American workers while they are at their workplaces. Since then, workplace fatalities have been cut in half and occupational injury and illness rates have declined 40 percent. This record of protection is commendable, but nearly 6,000 workers a year die due to workplace accidents. We need to continue to work to prevent the needless loss of life. Reforming OSHA oversight and procedures to the disadvantage of workers will not do that.

I am deeply concerned that H.R. 739, 740, 741, and 742 will do nothing to protect workers who are dependent on OSHA to ensure their safety. Instead, these bills will open up OSHA to increased challenges to citations, subject the OSHA Review Commission to political tampering, undermine the enforcement authority of the Secretary of Labor, and punish OSHA for justified enforcement actions if the agency does not completely prevail. None of these measures will improve the safety of the workplace.

American workers deserve to know that when they go to the workplace they will be protected from work-related harm. I believe that OSHA is essential to maintaining the high level of safety and productivity that America's workers currently enjoy and these measures will prevent improvements to the system. I urge my colleagues to vote against these blatantly anti-worker pieces of legislation and against the rule.

Ms. MATSUI. Mr. Speaker, I rise today to urge my colleagues to vote down H.R. 739, 740, 741 and 742 in order to ensure the continued health and safety of America's workers.

We are here today to talk about improving the lives of America's workers, but the quartet of bills before us would only serve to further endanger them. Together these bills represent a one-sided rollback of the workplace health and safety standards established by the Occupational Safety and Health Administration (OSHA) and would lead to increases in workplace injury, illness and quite possibly death.

For our nation's workers, this is a matter of life and death—by the end of today, 15 workers will have died and 12,000 will have sustained an injury or illness because of workplace incidents. Congress should be making law to improve workplace safety. And while this seems to be the view of the vast majority of the country, my colleagues on the other side of the aisle have put forth legislation today that does exactly the opposite.

This legislation will undercut the ability of OSHA to enforce its own rules and actually creates a legal loophole, which will allow businesses to stall and avoid addressing a safety violation. Adding insult to injury, the legislation allows President Bush to stack the Occupational Safety and Health Review Commission, the body responsible for OSHA appeals, with Republican appointees subservient to business interests. Inexplicably, one measure actually punishes OSHA for attempting to enforce its own workplace safety standards.

While the Congressional Budget Office estimates the cost of the bill, it is unable to estimate the cost to America's workers . . . the lives lost or the injuries sustained as a result of this misguided legislation. Republicans argue that this legislation will help all businesses. The small businesses that I know would benefit far more from having safe and healthy workers than from having a law that encourages more dangerous work environments. In fact, Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is $1 billion a week. Considering these massive costs, we should be strengthening workplace safety standards, not undercutting them.

But Congress has a choice today. We actually have the opportunity to do something that would benefit workers. My distinguished colleague, GEORGE MILLER, the Ranking Member of the Education and Workforce Committee, has offered a bill that rather than attacking OSHA, would instead raise the minimum wage from $5.15 to $7.25 an hour. This would allow workers to better meet the basic challenges they face everyday like paying rent, putting food on the table and getting access to health care.

It is truly a statement of this nation's priorities that an individual who is working at a minimum wage job, lives below the poverty line. Barbara Ehrenreich, a New York Times reporter, tried to do so—moving from Florida to Maine to Minnesota, she worked as a waitress, a hotel maid, a cleaning woman, a nursing home aide, and a Wal-Mart sales clerk. What she learned and shared in her book, appropriately titled, "Nickel and Dimed: On (Not) Getting by in America," was that one job is not enough, especially if you want to live inside.

This is the real challenge that Americans are facing and Congress should be seeking to address, but the bills we are considering merely serve to undercut the government's ability to enforce workplace safety guidelines. It is shameful that in the same breath the Republican leadership advocates reducing worker safety and refuses to even permit a vote on raising the minimum wage.

We truly have a choice today—an opportunity to actually improve the lives of America's workers, those who propel our economy forward—we should not overlook this. I urge my colleagues to vote no on the previous question to support real help for America's workers.

The amendment previously referred to by Mr. HASTINGS of Florida is as follows:

PREVIOUS QUESTION ON H. RES. 351, THE RULE PROVIDING FOR CONSIDERATION OF FOUR OSHA BILLS H.R. 739, H.R. 740, H.R. 741, H.R. 742

At the end of the resolution add the following new section:

"SEC. ____. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 2429) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) 60 minutes of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit with or without instructions."

Mr. BISHOP of Utah. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 351 will be followed by 5-minute votes on House Resolution 351, if ordered; a motion to suspend the rules on House Resolution 352, by the yeas and nays; and a motion to suspend the rules on House Resolution 343, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 223, nays 191, not voting 19, as follows:

[Roll No. 365]

YEAS—223

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass

Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Case
Chandler
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—19

Abercrombie
Berman
Brown, Corrine
Carson
Clay
Conyers
Delahunt
DeLay
Ehlers
Gonzalez
Hinojosa
Jones (OH)
Marchant
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

☐ 1339

Mr. SCOTT of Georgia, Mrs. NAPOLITANO and Mrs. LOWEY changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 365 I was on the floor and voted, but for some reason the vote was not recorded by the electronic system.

Had the vote been recorded, I would have voted "yea."

Stated against:

Mr. ROTHMAN. Mr. Speaker, on rollcall No. 365, I inadvertently voted "yea," when I intended to vote "nay."

Ms. CARSON. Mr. Speaker, due to a previously scheduled speaking engagement, I was unavoidably delayed during rollcall vote No. 365. Had I been present I would have voted "nay."

The SPEAKER pro tempore (Mr. FORBES). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 189, not voting 20, as follows:

[Roll No. 366]

AYES—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Porter
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—189

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd

Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Cleaver
Clyburn
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—20

Abercrombie
Berman
Brown, Corrine
Clay
Conyers
Delahunt
Frank (MA)
Gonzalez
Hinojosa
Jones (OH)
Kennedy (RI)
Miller (FL)
Myrick
Obey
Ortiz
Poe
Pombo
Price (GA)
Shadegg
Watt

☐ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on the evening of July 12, I missed one rollcall vote. It was my intention to vote "no" on rollcall 366 for H. Res. 351, Rule providing for consideration of H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

PROVIDING THAT THE HOUSE OF REPRESENTATIVES WILL FOCUS ON REMOVING BARRIERS TO COMPETITIVENESS OF THE UNITED STATES ECONOMY

The SPEAKER pro tempore (Mr. FORBES). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 352.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. BOUSTANY) that the House suspend the rules and agree to the resolution, H. Res. 352, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 242, nays 177, not voting 14, as follows:

[Roll No. 367]

YEAS—242

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chandler
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Melancon
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—177

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Brown, Corrine
Clay
Conyers
Gonzalez
Hinojosa
Johnson (IL)
Jones (OH)
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

☐ 1356

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHNSON of Illinois. Mr. Speaker, on rollcall No. 367 I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Speaker, I was delayed in my district attending a very important Base Realignment and Closure Commission hearing of critical importance to my constituents. Had I been here, I would have voted "yes" on rollcalls 363, 364, 368 and "no" on rollcalls 365, 366 and 367.

COMMENDING THE STATE OF KUWAIT FOR GRANTING WOMEN CERTAIN IMPORTANT POLITICAL RIGHTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 343.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 343, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 420, nays 0, not voting 13, as follows:

[Roll No. 368]

YEAS—420

Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Olver
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Abercrombie
Brown, Corrine
Clay
Conyers
Gonzalez
Hinojosa
Jones (OH)
Miller (FL)
Myrick
Obey
Ortiz
Pombo
Shadegg

□ 1403

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GONZALEZ. Mr. Speaker, on rollcall Nos. 363, 364, 365, 366, 367, and 368, had I been present, I would have voted "yes" on 363, 364, and 368, and "no" on 365, 366 and 367.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to important business in my district, I was unable to vote during the following rollcall votes. Had I been present, I would have voted as indicated:

Rollcall vote No. 363—"yes"; rollcall vote No. 364—"yes"; rollcall vote No. 365—"no"; rollcall vote No. 366—"no"; rollcall vote No. 367—"no", and rollcall vote No. 368—"yes."

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

Mr. BOEHNER. Madam Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 739) to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 739 is as follows:

H.R. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Small Business Day in Court Act of 2005".

SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

Section 10 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 659) is amended—

(1) in the second sentence of subsection (a), by inserting after "assessment of penalty" the following: "(unless such failure results from mistake, inadvertence, surprise, or excusable neglect)"; and

(2) in the second sentence of subsection (b), by inserting after "assessment of penalty" the following: "(unless such failure results

from mistake, inadvertence, surprise, or excusable neglect)''.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to a citation or proposed assessment of penalty issued by the Occupational Safety and Health Administration that is issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 739, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today we will debate four important bills that make modest reforms to the Occupational Safety and Health Act. These measures ensure that small business owners who make good faith efforts to comply with health and safety laws are dealt with fairly and equitably by the Occupational Safety and Health Administration.

Nearly every employer recognizes that improving workplace safety is good for business, and it is good for workers. Employers are subject to fierce competition both at home and abroad and must compete in the face of high taxes, skyrocketing health costs, escalating litigation, and burdensome government regulations. These OSHA reform bills are designed to improve worker safety and enhance the competitiveness of small businesses that are the real engine of job growth in our country.

The U.S. economy continues to grow, and more and more employers are continuing to hire workers each month. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003, marking 25 consecutive months of sustained job creation. But we need to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire new workers and compete in our economy. That is why these bills are so important.

Madam Speaker, since Republicans assumed leadership of Congress 10 years ago, we have undertaken considerable efforts to make bureaucracy more responsive and more accountable to workers and taxpayers. Let me give just a few examples:

We stopped unwarranted and invasive OSHA regulations proposed by the Clinton administration that would have held employers liable for the safety of their employees who work from home. We stopped one of the most overreaching attempts at regulation in our Nation's history by repealing an irresponsible and unworkable ergonomics regulation that would have cost employers billions of dollars and killed millions of jobs. We have dealt with the problem of costly unfunded mandates by ensuring that Congress does not pass expensive legislation and then place it onto the backs of State and local governments.

This decade of progress on regulatory reform should give every American confidence that Congress is making positive steps every year to improve government accountability. And today we want to take one more step, one more positive step to help improve workplace safety, I think a goal we all share.

OSHA, under the Bush administration, has made significant efforts to supplement traditional enforcement programs with cooperative partnerships between the agency and employers. I am pleased to report these voluntary programs have proven successful in reducing workplace injuries and illnesses. In fact, if we look at this chart, workplace injuries and fatalities have declined significantly during the Bush administration. And as this chart shows, workplace injuries and illnesses have declined significantly under the Bush administration to their lowest point in history, to a rate of just five injuries or illnesses per 100 workers.

Moreover, workplace fatalities have made similar declines. There has been a 5.8 percent reduction in workplace fatalities since the Bush administration took office, and that is significant progress.

Why has such progress been made? Because under this administration, OSHA and employers have started to work together more cooperatively and more proactively to solve workplace safety problems before injuries and fatalities occur. A GAO report released last year said voluntary partnerships between OSHA and employers "have considerably reduced the rates of injury and illness" and have fostered "better working relationships with OSHA, improved productivity, and decreased workers' compensation costs."

We strongly support OSHA targeting the bad actors that defy the law and compromise the safety of their workers, but we also need to recognize that most employers are good actors who work hard to address job safety concerns. No employer wants to deal with unnecessary OSHA-related litigation and escalating attorneys' fees that would result from that enforcement. Most employers want to comply with the law, and the offer of assistance from OSHA is enough to provide the incentive they need to make this investment. Employers will use these resources because safety pays.

The reform measures we will consider today are proposals that, while fairly modest in substance, are important to small business owners who struggle every day to comply with the complex OSHA laws and provide a safe working environment for their workers while facing an increasingly competitive worldwide economy. Employers who make good faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court, and these commonsense bills will help ensure that they receive that opportunity.

The first bill on tap today, the Occupational Safety and Health Small Business Day in Court Act gives the Occupational Safety and Health Review Commission additional flexibility to make exceptions to the arbitrary 15-day deadline for employers to file responses to OSHA citations when a small business misses the deadline by a mistake or for good reason.

This bill essentially codifies administrative action taken by the Labor Department last year and ensures appropriate disputes are resolved based on merit rather than legal technicalities. It passed the House with strong bipartisan support last year, and it deserves every Member's support.

Madam Speaker, I reserve the balance of my time.

Mr. OWENS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here again. We went through this marathon a year ago. We have had several sets of hearings and markups on these four bills, and one would think they are very important. They are important, but in the reverse way. They are not important to protect the health and safety of working families in America. They are important because they are trying to trivialize the whole safety component of the Department of Labor and the whole safety responsibility of the government. They want to trivialize it and make it seem insignificant and unimportant.

I understand each of the four bills amending the Occupational Safety and Health Act now on the floor will be considered individually, and I would therefore save my comments on the specifics of the other three bills until the appropriate time. When you consider these four bills as an entire package, however, it becomes very clear that they will seriously erode the enforcement of U.S. safety standards, they will undermine the ability of the Occupational Safety and Health Administration to enforce on-the-job safety standards, and will only add to more worker deaths and more serious injuries.

□ 1415

It will not only lead to the Department of Labor becoming more and more the department against laborers, the department against working people; by bringing these bills to the House floor, the Republican leadership shows yet again just how out of step it is with the American people. In this case, the House Republican leadership is backing four bills to weaken OSHA at the very time that the American public is demanding the exact opposite be done.

According to a recent poll sponsored by the Wall Street Journal, eight out of every ten Americans believe Congress should be passing legislation to ensure greater health and safety in the workplace. Let me repeat that: The Wall Street Journal, which is hardly a liberal publication, they sponsored a poll in April 2005 revealing that 84 percent of those surveyed want lawmakers to pass bills ensuring safer workplaces in America. That is 84 percent.

Parade Magazine, another mainstream publication, tells us the same story. An article published in the April 10 issue of Parade Magazine assessed our national priorities based on 2005 dollar allocations for government programs. The article juxtaposed business versus safety, pointing out that this year's funding for the Securities and Exchange Commission is $888 million and the Small Business Administration, which is $580 million, far exceeds that for OSHA, which is $464 million, and the Consumer Product Safety Commission which is $63 million. The amount dedicated to business, Parade Magazine concludes, is close to $1 billion more than that dedicated to safety in this simple comparison.

The OSHA bills being voted on today will only serve to exacerbate this huge divide between Federal investments in business versus safety. One of the bills, H.R. 742, will even require OSHA to spend part of its meager budget rewarding certain employers who are repeat safety violators. This bill would reimburse firms that are repeat safety offenders for attorneys' fees whenever OSHA citations are downgraded on a technicality during administrative or court proceedings.

The American people are serious about seeing tougher laws enacted to improve safety on the job, and their concerns are well founded. In a hearing last month, the U.S. Chemical Safety Board underscored the fact that chemical dust explosions represent a serious industrial hazard in this country. Since 1980, 200-plus explosions and dust fires in U.S. plants caused the deaths of 100 workers and significant injuries to 600 others. Even though the Chemical Safety Board chair stresses that these industrial explosions are clearly preventable, no comprehensive Federal effort has yet been established to address these clearly preventable explosions.

As recent headlines about worker deaths in Texas, New York and Ohio have revealed, American workers are far too often killed or severely injured as a result of safety violations by employers who have lengthy histories of similar offenses.

In March 2005, 15 workers were killed and more than a hundred injured in a massive British Petroleum refinery blast. A preliminary Chemical Safety Board investigation indicates that faulty equipment was a key factor in this terrible explosion which also destroyed buildings and cars. Yet OSHA had already fined the same British Petroleum plant $100,000 in September 2004 for safety violations that at that time had killed two workers. In fact, OSHA had previously cited and issued a fine of $63,000 in March 2004 to that British Petroleum plant for 14 safety violations.

Even though the Texas City British Petroleum Plant is clearly a repeat safety offender, OSHA routinely reduces penalties and downgrades violation findings as a means of encouraging correction of the problem. I suppose that is what is alluded to by this voluntary compliance. They are going to voluntarily comply one day, but in the meantime, many more workers will be killed.

A newly released analysis of 2,500 inspections of New York construction sites reveal similar patterns of serious and frequent violations of OSHA safety standards. Nearly two-thirds of all violations in 2003 involved faulty scaffoldings and/or the failure to provide fall protection equipment. Scaffolding collapses and falls are the most common cause of construction worker hospitalizations and deaths of three or more workers. Sponsored by the New York Committee on Safety and Health, this report recommended more vigorous OSHA enforcement and the hiring of more OSHA inspection officers, among other remedies. Under its current staffing, it would take OSHA 108 years to inspect all of the workplaces in the United States.

Yet this administration has proposed that we hire 41 new auditors to audit organized labor records. If we have the money for 41 new auditors to audit the petty cash records of labor unions, surely we ought to be able to find the money to hire more inspectors and have those inspectors be inspectors not on a voluntary compliance basis but on a serious basis to save lives and injuries.

OSHA also lacks adequate safety standards to cope with globalization. Four ironworkers killed last year by a massive crane collapse near Toledo, Ohio, were working for a contractor with a history of repeated safety violations.

Moreover, OSHA has yet to release a standard an advisory committee drafted a year ago to govern inspection of cranes manufactured in Europe, as the crane in the Ohio fatalities had been.

In closing, the American people are watching us. By an overwhelming majority, the public wants to pass bills to strengthen OSHA, not to weaken OSHA. They want safer workplaces in America. The bills before us now do just the opposite. I urge my colleagues to join me in voting "no" on these bills.

Madam Speaker, I include for the RECORD letters from the AFL–CIO, the Teamsters, the UAW, AFSCME, as well the United Steelworkers in opposition to these bills.

AMERICAN FEDERATION OF LABOR
AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: I am writing to express the strong opposition of the AFL–CIO to H.R. 739, H.R. 740, H.R. 741 and H.R. 742, four bills that would erode worker protections under the Occupational Safety and Health Act. These bills, which are scheduled for a floor vote the week of July 11, 2005, would change established law and procedures to benefit employers and stifle OSHA enforcement. They would do nothing to enhance workers' safety and health protection, while weakening the OSHAct. We are particularly concerned about H.R. 742 and H.R. 741, because these two bills would significantly undermine OSHA's ability to carry out its core mission.

H.R. 742. Occupational Safety and Health Small Employer Access to Justice Act—This bill requires taxpayers to pay the legal costs of small employers who prevail in any administrative or enforcement case brought by OSHA regardless of whether the action was substantially justified.

The language expands provisions of the current Equal Access to Justice Act, which already permits small businesses to recover litigation costs where the government position was not substantially justified. H.R. 742 will have a chilling effect on both OSHA enforcement and OSHA standard setting. OSHA will be hesitant to cite employers for violations of the OSHAct unless there is absolute certainty that the enforcement action will not be challenged, will be upheld or there will be no modification in the terms of action. Similarly, unless OSHA is certain that a standard will not be challenged (which they are routinely for any number of reasons), it would not dare begin the rulemaking process on any hazard no matter how grave the threat of the hazard to workers. No rational public policy would be furthered by discouraging OSHA from issuing citations that are substantially justified, but as to which the government ultimately is unable to carry its burden of proof. Rather, the inevitable result of such a rule, which would penalize the government every time it loses, would be to chill the issuance of meritorious citations in close cases on behalf of employees exposed to unsafe working conditions. This bill would further weaken OSHA enforcement efforts and standard setting to the detriment of American workers.

Across all industries, establishments with fewer than 100 employees (which in 2000 made up 97.7 percent of all private sector establishments) have a higher rate of fatal occupational injury than do establishments with 100 or more workers. Effectively hampering OSHA's enforcement ability in these establishments would be devastating to workers.

resulting in even higher rates of worker fatalities, injury and illness.

The number of OSHA enforcement actions that involve contested adjudications is fairly small, the penalties are generally modest, and the substantive and procedural standards already accommodate the interests of small-business litigants. To be clear, there is no evidence that this legislation is necessary. The result of H.R. 742 will be a skewed set of enforcement priorities and a risk of injury, illness and even death to workers.

H.R. 741. Occupational Safety and Health Independent Review of OSHA Citations Act—This bill would change the Act to give deference to the Commission regarding the interpretation of OSHA standards. The bill seeks to overturn a 1991 decision by the Supreme Court that found that deference should be given to the Secretary of Labor as the official responsible for enforcing the OSHAct.

The Secretary of Labor has much greater experience and expertise regarding the interpretation of safety and health standards and regulations than the Commission. The Secretary develops the rules and is responsible for their broad application. In contrast, the Commission only reviews the application of standards in those few cases that are contested and come before the Commission. Giving deference to the Commission would create an incentive for challenges to the Secretary's rules and interpretations, undermining the Secretary's policymaking and enforcement functions.

H.R. 740. Occupational Safety and Health Review Commission Efficiency Act—The bill requires that the number of members on the Commission be increased from three to five and that all members must be attorneys. It also seeks to allow members whose terms have expired to continue serving on the Commission for an additional 365 days in cases where no successor has been confirmed by the Senate.

The Review Commission has operated with three Commissioners since it was first formed in 1970. Increasing the size of the Commission from three to five members is not necessary and would enable the Bush Administration to stack the review commission with business-friendly appointees. The requirement that the Commissioners be lawyers would exclude a large pool of talented persons from service. Allowing members whose terms have expired to continue serving on the Commission for an additional 365 days unless a new appointee is confirmed by the Senate may mean a sitting member could have a de facto seven year term, dending on the political makeup of the Senate and White House. The current requirement that a member step down at the expiration of his or her term is appropriate and maintains pressure on all parties to work together to select a qualified person for the Commission. Under this legislation, rather than having two members for a working quorum, three will be needed. However due to the way the language is crafted a minority of the Commission and fewer than a quorum could take action. This makes no sense and opens the door to abuses of power. Moreover, there is not enough enforcement activity at OSHA to warrant five commissioners.

H.R. 739. Occupational Safety and Health Small Business Day in Court Act—This bill seeks to excuse employers who miss the fifteen-day timeframe to contest citations and failure to abate notices. Its practical effect would be to make numerous excuses into legal reasons for missing the fifteen-day timeframe in which employers currently must respond to OSHA citations. This action will only encourage more litigation. The idea of the fifteen-day requirement is to give all parties a reasonable timeframe in which to take action, and to ensure that the case is moved along as quickly as possible so the hazards cited will be addressed in as timely a manner as is possible. The Commission should be able to review any missed deadlines on a case-by-case basis, as is currently the practice. The one case being held up to demonstrate an insurmountable obstacle for employers is just that—one case. No legitimate reason has been presented as to the need for this bill.

As demonstrated above, these bills undermine the intent of the Congress when it enacted the OSHAct more than 30 years ago. Generally speaking, these policies and procedures have been serving workers well for over 30 years. American workers deserve a safe and healthy workplace and the full protection the OSHAct can offer. These bills would surely diminish the protections provided to workers by the OSHAct. For these reasons, the AFL-CIO opposes these four bills, and we strongly urge you to vote against each of them.

Sincerely,

WILLIAM SAMUEL,
Director, Department of Legislation.

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, AFL-CIO:
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: On behalf of the more than 1.4 million members of the International Brotherhood of Teamsters, I am writing to express our strong opposition to four bills that would amend the Occupational Safety and Health Act: H.R. 739, H.R. 740, H.R. 741, and H.R. 742. These bills, which the House of Representatives will consider this week, do nothing to enhance safety and health protections for workers. Rather they would change established law and procedures to benefit employers (at the expense of workers), and they would make OSHA enforcement more difficult. Instead of weakening the intent of the OSH Act, Congress should take steps to strengthen safety and health protections for workers, and improve enforcement.

The Teamsters Union opposes H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act, which would require that OSHA (i.e. the taxpayer) pay the legal costs when it loses a case against a small business that prevails in administrative or judicial proceedings, regardless of whether the governments position was substantially justified. We view this as another effort to impede OSHA's and the Departments efforts to enforce the law and provide an avenue for workers to seek redress.

We see no justification for such an arbitrary departure from the current practice of each party paying for its own litigation costs for only one class of public prosecutions. We know of no other agency, charged by statute to enforce the law, which is impeded from fulfillng its responsibility with respect to a meritorious complaint because it cannot guarantee the outcome. In effect, H.R. 742 says that unless the agency is absolutely certain that it can prevail—that it is absolutely certain that its enforcement action will not be challenged, will be upheld, or no modification will occur in terms of action—it will be penalized (budgetarily) for fulfilling its statutory obligation to protect the safety and health of all workers (union and non-union) and to provide an avenue for redress.

Furthermore, H.R. 742 would effectively gut OSHA's statutory authority to promulgate safety and health standards. Unless certain that a standard will not be challenged (and many routinely are for a number of reasons), OSHA would not dare (or be extremely reluctant, at best) to begin a rulemaking on any hazard no matter how serious. We believe that H.R. 742 is tantamount to a stealth repeal of OSHA's statutory authority to issue workplace safety and health standards.

H.R. 739, the Occupational Safety and Health Small Business Day in Court Act, seeks to excuse employers who miss the current fifteen-day time frame to contest citations and failure to abate notices. We believe this proposal does nothing more than create "artificial" legal reason for failing to respond in a timely fashion. It is an "about face" from ensuring that an OSHA case is moved along as expeditiously as possible to ensure that workplace hazards are addressed in as timely a manner as possible, thus improving worker safety and health. The current practice of a case-by-case review is the most appropriate way to ensure that hazards are addressed as quickly as possible, and to reinforce the importance of workplace safety.

H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act, would require that the number of commission members be increased from three to five, that all members be attorneys, and that members be able to serve until a successor is confirmed. We see no justification, or need, for these changes—unless one wishes to tilt the "playing field" against workers. First, the level of enforcement does not warrant five commissioners. And, there is no reason to limit the pool of talented people for consideration. Further, the current system helps ensure that all parties work together to select qualified people to serve, and to do so in a timely manner.

H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act, would, we believe, turn the OSH Act on its ear", by giving deference to the commission. Presently, the Secretary of Labor is given deference as the official responsible for enforcing the OSH Act. The bill would take away the authority held by the Secretary in bringing cases to the Court of Appeals and the Supreme Court, an important avenue of redress to protect workers from dangerous and unhealthy workplaces.

Each of these bills will undermine, subtly in some instances and egregiously in the case of H.R. 742, workplace protections and the protection that the OSH Act was designed to provide workers. The Teamsters Union urges you to reject each of these bills.

Sincerely,

MICHAEL E. MATHIS,
Director, Government Affairs Department.

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA—UAW,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: This week the House is scheduled to take up four bills to amend the Occupational Safety and Health Act of 1070—H.R. 739, H.R 741 and H.R. 742. The UAW opposes each of these anti-worker bills and urges you to vote against them.

H.R. 742, the "Occupational Safety and Health Small Employer Access to Justice Act," would require taxpayers to pay the legal costs of employers with 100 or fewer employees and worth up to 7 million who win administrative or enforcement cases brought by OSHA or any challenge to an OSHA standard, regardless of whether OSHA's actions were substantially justified." The UAW is deeply concerned that this legislation would have a tremendous chilling effort on the ability of OSHA to enforce workplace health and safety protections. In addition, this bill would reverse the time-honored rule of American jurisprudence that requires litigants to bear their own cost and fees. There is no need for such legislation because the Equal Access to Justice Act already protects parties from administrative overreaching by compensating them in cases where the government is not "substantially justified" in bringing a law enforcement action, or under other "special circumstances."

The other three bills, H.R. 739, H.R. 740 and H.R. 741, all relate to the Occupational Safety and Health Review Commission (Commission or OSHRC). In considering these bills, the UAW urges the House to bear in mind that OSHRC functions as an intermediate appeal for employers, between decisions of the Occupational Safety and Health Administration (OSHA) and the U.S. Courts of Appeal. During the time a case is on appeal to OSHRC, employers do not have to pay any assessed penalties, nor do they have to abate the violations for which they were cited. Thus, procedural delays at OSHRC serve only to postpone justice and to delay the correction of workplace safety and health violations.

H.R. 739, despite being mislabeled the "Occupational Safety and Health Small Business Day in Court Act," is not limited to small businesses. Instead, it would effectively eliminate the statutory time period within which all employees—not just small employers—must contest an OSHA citation or assessment before it becomes a final order of the Commission. This bill would excuse employers from the fifteen-day deadline for contesting OSHA citations and lead to more litigation.

The purpose of the fifteen-day requirement is to give all parties a reasonable amount of time to take action and to move cases along as quickly as possible so that hazards can be abated in a timely manner. The bill excuses employers from missing their fifteen-day deadline but does not extend the same provisions to an employee who challenges the period for abatement in a citation. This provision is one-sided and unfair to employees. Under the statute, an employer contests by simply mailing a letter to the OSHA office. Therefore, contestation is not burdensome, and the statutory time period should be retained.

The federal courts already provide relief, pursuant to Rule 60(b) of the Federal Rules of Civil Procedure, for employers who can show that their failure to meet filing deadlines was due to mistake, inadvertence, surprise, excusable neglect, fraud, misrepresentation or misconduct by an adverse party, so long as the employer can show the existence of a meritorious defense. There is a body of established case law pursuant to Rule 60(b) that would be subject to wasteful re-litigation if H.R. 739 were enacted.

H.R. 740, the "Occupational Safety and Health Review Commission Efficiency Act," would expand the number of OSHRC commissioners to five from three and authorize subpanels of three members to exercise all of the powers of the Commission. It would also authorize commissioners to hold their position at the expiration of their six-year term, until a successor has been nominated by the President and confirmed by the Senate. Finally, it would add a new requirement that Commissioners must have legal training.

The UAW submits that the only good to come from adding two commissioners to OSHRC would be the creation of two more jobs to an economy that has already lost millions of industrial jobs. Otherwise, it is wasteful and unnecessary to expand OSHRC, which has been composed of three members since it was established in 1970. Indeed, the UAW believes that Congress should give consideration to abolishing all of the OSHRC commissioners' positions, allowing appeals to go directly from the decision of the Commission's Administrative Law Judges to the Courts of Appeals, as is done with Social Security Administration appeals. The UAW also objects to the legal training requirement because it would work against persons with workplace health and safety expertise. Furthermore, we object to the provision allowing commissioners to retain their position after the expiration of their term because it deprives the Senate of its Constitutional advice and consent role.

H.R. 741, the "Occupational Safety and Health Independent Review of OSHA Citations Act," would overturn a 1991 Supreme Court decision holding that OSHRC's interpretation of a health or safety standard may not be substituted for the interpretation of the Secretary of Labor. The bill explicitly provides, "The conclusions of the Commission with respect to all questions of law shall be given deference if reasonable." Because it is for all practical purposes only employers who appeal cases to OSHRC, there is never an instance when the Commission would be expanding workers' rights by substituting its interpretation for the Secretary's. In other words, H.R. 741 would give unprecedented and unwarranted authority to the OSHRC to take away workers' workplace health and safety protections.

For all of the reasons set forth above, the UAW strongly opposes H.R. 739, H.R. 740, H.R. 741 and H.R. 742. We urge you to vote against these anti-worker bills that would undermine workplace health and safety.

Sincerely,

ALAN REUTHER,
Legislative Director.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, July 11, 2005.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the American Federation of State, County and Municipal Employees (AFSCME), I am writing to urge you to reject H.R. 739, H.R 740, H.R 741 and H.R. 742. These bills would weaken important worker safety and health protections that are guaranteed under the Occupational Safety and Health Act (OSHAct).

Collectively, these bills would erode important OSHA policies that have served to protect the health and safety of workers all across this country. H.R. 739 would allow employers to avoid current law's fifteen-day deadline to contest OSHA citations. Such a change would result in a delay in correcting dangerous work place hazards in a timely manner. H.R. 740 is simply an unnecessary move to stack the Occupational Safety and Health Review Commission with new members while requiring that they have legal training. H.R. 741 would remove policymaking and the interpretation of OSHA's policies from the Secretary of Labor and give that responsibility to the OSHA Review Commission. Such a move would be an extreme departure from the original intent of the OSHAct and make it difficult for the Secretary of Labor to enforce and implement the Act. Finally, H.R. 742 would require OSHA to pay attorneys' fees for small employers when they prevail in administrative or enforcement proceedings, placing yet another financial burden on an already underfunded agency.

We urge you to reject all four of the measures. These bills will erode a law that has served American workers well.

Sincerely,

CHARLES M. LOVELESS,
Director of Legislation.

UNITED STEELWORKERS,
July 11, 2005.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: The United Steelworkers (USW), a union which represents industrial workers in virtually every sector of the economy, strongly opposes the four bills amending the Occupational Safety and Health Act (OSHA) which the House is scheduled to take up tomorrow. HR 741, HR 740 and HR 739 all relate to the Occupational Safety and Health Review Commission (OSHRC) while HR 742 adds new rules under which small employers can receive compensation for attorney's fees.

Proponents of these bills paint them as simply eliminating bureaucratic "red tape" with a "common-sense fix," but workers' safety and the protections established under the 1970 OSH Act and the rights of claimants to a timely response to OSHA citations cannot be equated to red tape.

Perhaps most onerous is HR 742, the "Occupational Safety and Health Small Employer Access to Justice Act," which requires taxpayers to cover the legal costs of small employers who prevail—or partially prevail—in any administrative or enforcement case by OSHA, or in any challenge to an OSHA standard, regardless of whether the action was "substantially justified". In other words, this bill will go beyond the protection already provided to litigating parties in the Equal Access to Justice Act which currently protects a party in cases where the government is not "substantially justified" in bringing about a law enforcement action.

HR 742 will effectively act as a deterrent to OSHA enforcement and standard setting. Statistics show that small employers (those with fewer than 100 employees) have a higher rate of fatal occupational injuries than those with more than 100 workers. Since small employers account for over 97% of all private sector employers, USW vigorously opposes any bill that could further weaken OSHA enforcement efforts and standard setting for this proportionally large group of private sector small employers.

HR 741 the "Occupational Safety and Health Independent Review of OSHA Citations Act" overturns a 1991 Supreme Court decision and undercuts the Secretary of Labor's authority to interpret and enforce the law. HR 741 would order judges in cases appealed to the courts to give deference to the OSHRC, giving the Commission unprecedented authority to interpret OSHA standards. The USW strongly urges you to vote against HR 741 and keep policymaking and the interpretation of OSHA policy with the Secretary of Labor.

HR 740 the "Occupational Safety and Health Review Commission Efficiency Act" proposes to expand the number of commissioners from three to five, require commissioners to have a legal training and allow commissioners to hold their position after their six year term expires until their successor has been appointed by the President and confirmed by the Senate. Since 1970 the OSHRC has been composed of three members and there is no need to expand the Commission while excluding from the Commission persons with workplace health and safety expertise, but no law degree. The USW also urges you to vote against this bill.

Finally, HR 739 or the "Occupational Safety and Health Small Business Day in Court Act" would excuse all employers—not just small employers—that miss the fifteen-day deadline for contesting OSHA citations. In other words, this bill will effectively eliminate the 15-day deadline, further delaying the timeframe for moving a case through the process and further delaying actions to correct the possible hazard. The USW opposes this bill as redundant, since employers already have recourse for missed deadlines in the federal courts under Rule 60(b) of the Federal Rules of Civil Procedure if the failure to contest meets certain requirements.

Sincerely,

WILLIAM J. KLINEFELTER,
Assistant to the President, Legislative and Political Director.

Mr. OWENS. Madam Speaker, I reserve the balance of my time.

Mr. BOEHNER. Madam Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD), the chairman of the Subcommittee on Workforce Protections.

Mr. NORWOOD. Madam Speaker, I thank the gentleman for yielding me this time.

Madam Speaker, I cannot help but think that all has been said that needs to be said about all four of these bills during the rules debate; the problem is just not everybody has said it.

If we can perhaps confine our thinking and remarks to the bills before us, we could probably get through this pretty nicely. And those who want to talk about things that are not germane to these bills have a great opportunity to do so during special orders. Maybe for once we could simply talk about the four bills that we have.

We are starting out with H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005. At the outset, I would like to stress that this legislation in no way diminishes the worker safety protections of the Occupational Safety and Health Act. I believe that. I think most members of our committee believe that. It is not our intention and I do not believe it will be the outcome of any of these bills that we consider today, most especially the one we are discussing now, H.R. 739.

The Occupational Safety and Health Small Business Day in Court Act amends the OSH Act to resolve a conflict between section 10 of the act and the Federal rule of civil procedure 60(b). The bill is designed to make sure that an employer who fails to respond to an OSHA citation in a timely fashion is allowed to do so and have his or her day in court, and how reasonable of us to allow that, if the reason for missing the deadline was excusable neglect, a mistake or inadvertence. That is what rule 60(b) allows, and that is frankly all this bill does.

Until recently, if an employer filed a late notice of contest to an OSHA citation, OSHA had limited flexibility in accepting the notice because of a conflict in the law that was written 34 years ago. OSHA would not accept late notices of contest even if the employer could prove an excusable neglect. The Occupational Safety and Health Review Commission, however, would allow a late notice of contest to be filed under rule 60(b). This makes no sense.

On December 13, 2004, the Solicitor of Labor issued a memorandum to regional solicitors announcing a change in the Department's legal interpretation. This change will allow the Department's attorneys to excuse late notices of citation if it can be determined that the lateness was due to an inadvertence or excusable neglect. The solicitor cites case law, OSHRC's longtime interpretation, and rule 60(b) as the reasons for this change. This is the right policy in my view, and I include for the RECORD the aforementioned memorandum.

DEPARTMENT OF LABOR,
Washington, DC, December 13, 2004.

MEMORANDUM

To: Regional Solicitors, Joseph M. Woodward, Associate Solicitor for Occupational Safety and Health.

From: Howard M. Radzely, Solicitor of Labor.

Subject: Late Notices of Contest to OSHA Citations.

This memorandum announces a change in the Department's legal interpretation of Section 10(a) of the Occupational Safety and Health Act of 1970, 29 U.S.C. §659(a). The Department previously interpreted that provision to preclude the Occupational Safety and Health Review Commission from considering an employer's contest of an OSHA citation that is filed after expiration of the statutory fifteen working-day contest period, except in the unusual situation in which the limitations period has been equitably tolled. The Commission's position has long been that it can consider late contests if the employer establishes that its failure to meet the deadline was due to "excusable neglect" as that phrase is used in Fed. R. Civ. P. 60(b), which provides criteria for granting relief from final judgments or orders.

Despite our best efforts, our legal argument has met with only limited success. Although the Second Circuit agreed with our view in Chao v. Russell P. LeFrois Builder, Inc., 291 F.3d 219 (2d Cir. 2002), the Commission has repeatedly rejected it, and this past June the Third Circuit ruled against us in two cases. George Harms Constr. Co. v. Chao, 371 F.3d 156, 160–65 (3d Cir. 2004); Avon Contractors, 372 F.3d 171, 174–75 (3d Cir. 2004).

After studying the statute and relevant case law, the Department has concluded that late filed notices of contest may be considered under the conditions specified in Rule 60(b). This change is not only consistent with the Commission's interpretation, but it is also consistent with MSHA's and the Federal Mine Safety and Health Review Commission's interpretation of identical language in the Mine Act, 30 U.S.C. §815(a). Moreover, the previous interpretation had a disproportionate impact on small businesses in that these entities are more likely than larger companies to file untimely notices of contest. Our new position avoids further needless and often futile litigation on an issue that is collateral to OSHA's primary safety and health mission.

Accordingly, I am directing that all Regions implement this new interpretation by no longer making the argument that the Commission lacks authority to consider late notices of contest under Rule 60(b). However, the Regions should continue to argue aggressively, as they have previously and usually successfully done in the alternative, that Rule 60(b) relief can only be granted to employers that establish all elements of the excusable neglect standard. In this way, we can focus our limited resources on protecting worker safety and health rather than on litigating a collateral procedural issue. Specific implementation guidance follows. If there are additional questions, please contact Daniel Mick, Counsel for Regional Trial Litigation, in the OSH Division.

GUIDANCE

1. No attorney in the Office of the Solicitor shall argue on behalf of the Secretary that the Commission lacks the authority to apply Rule 60(b)'s excusable neglect standard to consider late notices of contest. Instead, SOL shall implement OSHA's current view that the Commission has such authority. Attorneys handling OSHA cases arising in New York, Connecticut, or Vermont, or when otherwise appropriate, shall note that the Second Circuit Court of Appeals has held to the contrary, but point out that the Le Frois decision made clear that the Secretary's reasonable interpretations of the OSH Act are entitled to judicial deference, and was rendered before OSHA adopted its current view.

2. Where appropriate, SOL attorneys shall protect the Department's interests by opposing late notices of contests on the grounds that the employer has not established "excusable neglect" for the late filing. Consistent with existing law, SOL attorneys shall argue that, in addition to the employer establishing that the neglect was excusable, relief cannot be granted unless the employer also asserts a meritorious defense to the citation. See Teamsters, Chauffeurs, Warehousemen & Helpers Union, Local No. 59 v. Superline Transp. Co., 953 F.2d 17, 20 (1st Cir. 1992) (citing cases). In addition, because Rule 60(b) relief is only available "upon such terms as are just," in appropriate cases, such as where the employer contests only the penalty or the characterization of the violation, or its knowledge of a violative condition, SOL may ask that the employer be required to establish that employees are no longer exposed to the cited hazard as a condition of going forward with a hearing on the merits.

Madam Speaker, all H.R. 739 would do is simply codify the solicitors' new directive, permanently cementing this change in the OSH Act and ending the conflict between the OSH Act and rule 60(b).

Last year, the House approved this measure with bipartisan support of 251–177, and I again urge my colleagues to vote "yes" on this measure.

I know many of my Democrat friends think that the labor bosses are against this, and they are right. The labor bosses are against something this simple, which is simply an indication to me they may not like small businesses. They may not want anything to occur that helps small businesses.

The gentleman from New York (Mr. OWENS) says this bill is not important. I tell Members what, if you are a mom and pop in this country running a small business with three or four employees, I promise this is important to them. The 12 percent of the labor union members in this country, I guarantee it is important to many of them because many of them are also in small businesses. Many of them who have spouses are in small businesses. This is just a decent thing to do, allow a little flexibility. Why beat up on small businesses? If you have a small business in your district, you certainly should vote "yes" for this one bill.

Mr. OWENS. Madam Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Madam Speaker, I rise in opposition to H.R. 739 because it appears to be just another way for this administration to distract from the real priorities of our Nation's workers: fair wages, open labor negotiations, secure pensions, U.S. jobs over the outsourcing of our jobs and, of course, a safe working environment that protects workers from harm and allows their families peace of mind. Yet with this legislation, we put the company's bottom line above the safety of American workers.

With the narrowing definition of willful violations, we make it easier for employers to avoid responsibility after disregarding a safety standard requirement. This bill would allow a company to receive a filing extension no matter why the paperwork was lost, whether they lost track of it in the first place or if they even put it aside because of their very own negligence.

□ 1430

Why should any worker be forced to suffer in unhealthy or unsafe working conditions or, worse, lose their life or be maimed for their life because of inefficiencies within a company's system? That is why I support real workforce reform that strengthens worker protections and insists that employers face real consequences when their poor safety standards cause a wrongful death, no excuses, no added waivers, no way to help an employer miss their deadlines and then get away with it.

You cannot put a price tag on life, Madam Speaker, and you cannot put a price tag on serious injury. We can all agree that every worker's life is more precious than a profit. That is why I encourage my colleagues to join me and join the gentleman from New York (Mr. OWENS) in opposing H.R. 739.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Madam Speaker, I want to thank the gentleman from Ohio (Mr. BOEHNER) for his leadership in the Committee on Education and the Workforce and the fact that he has been able to pass reasonable legislation that not only helps the employee but the employer and gives us a better business atmosphere in this country. I would also like to thank my friend and fellow Georgian (Mr. NORWOOD) for his leadership in fine-tuning our occupational safety and health laws. The gentleman from Georgia has waged a years-long effort to improve the relationship between small businesses and the Federal Government's regulatory agencies, and for that I thank him.

Madam Speaker, I am a small businessman. I started my own construction business 25 years ago, and that is how I supported my family until my recent election this year to Congress. OSHA regulations are not just an interesting debate topic for Washington dinner parties. For me and the millions of other small business owners, they are tough rules with real consequences. No one wants to regress to the days when workers had few rights and worked in ridiculously dangerous situations with little or no regard for their safety.

In the end, good precautions are good for workers, good for businesses, and good for the economy as a whole. We are not keeping OSHA from enforcing Federal safety regulations with this legislation. We are just ensuring that regulators are fair and reasonable when enforcing regulations.

In the construction business, I worked closely with subcontractors who were small business owners themselves. One of them, a good friend of mine, ran into trouble with OSHA over this very rule that we are debating today in the Small Business Day in Court Act. He and an employee were digging a hole for a septic tank. They made a mistake during the process, and it was a mistake with horrible consequences. The walls of the hole caved in, killing the employee. While my friend was recuperating from and dealing with all the painful consequences that come with the death of an employee when you are a three-or four-man business, OSHA gave him a summons. I think everyone would agree that during those 15 days after the accident, responding to an OSHA summons should not and could not be at the top of his priority list. He missed the deadline; and, of course, under OSHA rules he was not given another chance to defend himself.

This legislation will help small business owners such as this, who run small shops but who employ the vast majority of American workers. They cannot employ full-time OSHA compliance officers and most owners are not going to be experts on the fine print of Federal regulations. When it comes to our Nation's job producers, we should not be tying their hands. We should be giving them a hand up.

I urge my colleagues to support this legislation, H.R. 739.

Mr. OWENS. Madam Speaker, I yield myself such time as I may consume.

H.R. 739 specifically creates a legal loophole for bypassing the obligation on an employer's part to meet a 15-day deadline for contesting OSHA citations. As such, the bill promotes increased litigation. Given that the OSHA commission already has the authority to review any missed deadlines on a case-by-case basis, such litigation is completely unnecessary. That bears repeating. At present, the OSHA commission relies on its longstanding practice of reviewing, on a case-by-case basis, any missed deadlines. So what is the rationale for this bill?

H.R. 739 is not only superfluous and offers nothing productive that is positive and new: it also negatively serves to delay the timely correction of workplace safety violations and hazards. The 15-business-day timeline for an employer's response was set to encourage speedy removal of work site hazards as well as the expeditious handling of cases. It establishes a reasonable time frame for protecting all the parties. It protects the employers as well as the workers. By contrast, H.R. 739 will needlessly place some workers at greater risk of on-the-job injuries or fatalities.

Let me give you a few concrete examples to illustrate the risk. In March 2003, OSHA began an inspection of Strack, Incorporated, a pipeline company in Atlanta, Georgia. OSHA inspectors had seen Strack employees working in a trench that was up to 12 feet deep. Yet a trench box, designed to protect workers, had been left on higher ground and more than 100 feet away from the site. In May 2003, OSHA issued Strack, Inc. a willful citation with a proposed fine of $44,000 for failure to use a trench box. Fortunately in this case, the hazards were corrected before anyone was killed. As an OSHA inspector put it, cave-ins occur quickly and without warning; and then it is too late to protect workers.

When it comes to trenching, failure to correct hazards in the 15-day required period can have fatal consequences. As Jeffrey Walters of Cincinnati, Ohio, testified before me last year, his only son Patrick died in a cave-in on June 14, 2002, only weeks after OSHA cited the firm Patrick worked for, which is Moeves Plumbing, for willful trenching violations. In fact, Moeves Plumbing had been inspected by OSHA 13 times before Patrick's death. Moreover, another worker had died while digging trenches for the same plumbing company several years before Patrick died in the same way.

All of this is to say that speedy correction of work site hazards cited by

OSHA can often mean the difference between life and death. Thus, when OSHA finds a safety violation, it clearly merits immediate attention. I urge my colleagues to vote "no" on this bill again.

Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I rise in opposition to this bill. What sounds like a very small change in the rules could have very large and unwelcome consequences. The way the law works now, if an OSHA inspector noticed the trench that the gentleman from New York just made reference to and gave that employer a notice that the trench needed to be properly put together so it would not cave in, under present law the employer has more than 2 weeks, 15 days, to decide whether to contest that citation. And if the employer fails to contest the citation, the law presumes that the violation ought to stand and there is corrective action taken to try to protect the worker.

Now, sometimes employers do have surprises or accidents or situations beyond their control and they mean to object to the citation, but they fail to do so. They fail to file the paper on time, or they have some other surprise or circumstance. The law, as the gentleman from New York said, already provides for that circumstance. On a case-by-case basis, OSHA is able to say there are special circumstances which justify missing the 15-day deadline. In the law, he or she who has the burden of proof loses.

What this bill does is to shift the burden of proof to OSHA to prove that the 15-day deadline was somehow unreasonable, instead of properly vesting the burden on the employer to show that there was an accident or a surprise that made them fail to hit the 15-day deadline. There is a reason that this deadline is so short. It is because the circumstances that give rise to the violations put people's lives and health at risk. We should not shift this burden. We should not approve this bill. I would urge a "no" vote.

Mr. BOEHNER. Madam Speaker, I am pleased to yield 4 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Speaker, I am proud to support and cosponsor all four of these important pieces of legislation on OSHA reform. Each is an integral step to come to the aid of our small businesses. Not only are our small businesses increasingly faced with greater competition from the bigger competitors in the U.S. but also are they faced with greater competition from across the globe. The last thing they need are unnecessary and burdensome regulations from their own government.

According to a study discussed in the Office of Management and Budget's "Draft Report to Congress on the Costs and Benefits of Federal Regulations for 2005," it is estimated that the, quote, total cost of Federal regulation, environmental, workplace, economic and tax compliance regulation, was 60 percent greater per employee for firms with under 20 employees compared to firms with over 500 employees.

In another recent study, these costs translate to approximately $7,000 in regulatory costs per employee per year. We need to aid our small businesses in being more competitive, not help force them out of business. Certainly the goals of the Occupational Safety and Health Agency to ensure workplace safety and health are laudable and protecting our workers is and must remain paramount. But oftentimes good intentions do not result in the best practices. Our small businesses and our workers deserve better.

H.R. 739, the first of four bills that we are considering today, promotes fairness for small businesses while improving competition and worker safety. It allows the Occupational Safety and Health Review Commission more flexibility to make exceptions to the 15-day deadline when employers must file appeals to OSHA citations. Many of our small businesses unintentionally and innocently miss this arbitrary deadline and can be denied their day in court as a result. While many of our small businesses are struggling to provide their employees with the safest work environments and access to the best health care and other benefits, they must comply with inflexible regulations such as these. Many small businesses that have unintentionally missed this deadline are simply not able to navigate the complex regulations in order to appeal the OSHA citation.

In January of this year, even the Department of Labor agreed that this deadline is too burdensome and decided it would allow the Occupational Safety and Health Review Commission to have discretion over the 15-day deadline for filing appeals. This was welcome news for small businesses. Now, all we need to do is codify this provision. We are certainly not advocating that every small business be given a pass on this deadline to respond to a citation, but let us be reasonable here and give them the benefit of the doubt by instilling just a little bit more flexibility into these regulations.

Let me also mention these three other bills, H.R. 740, H.R. 741 and H.R. 742, that we are debating this afternoon. Expanding the review board for appeals cases to OSHA from three to five commissioners would speed up the appeals process so small businesses will have their cases reviewed in a timely manner.

H.R. 741 will restore the original practice and congressional intent to ensure that the Occupational Safety and Health Review Commission, or the court, will be the party to interpret OSHA regulations, not OSHA itself. And finally, H.R. 742 will allow small businesses to recover the costly attorney fees incurred if they successfully challenge an OSHA citation. Each of these will help alleviate overbearing regulations that thwart the creativity and entrepreneurial spirit of small businesses.

In past years, each of these four bills has passed the House by good margins. Let us send these provisions once again to the other side of the Capitol and encourage them to act this year to help our small businesses. Jobs are at stake and a vital economy lies in the balance. We must keep our small businesses vital, healthy, and competitive.

Mr. OWENS. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Madam Speaker, I rise to oppose this bill which would give a pass to employers who do not meet workplace safety conditions. We could have taken this opportunity to help hardworking Americans feel a little safer in the workplace, or we could have made today's priority giving some relief to middle-class families who are struggling to keep up with record-breaking gas prices, tuition increases, and health care costs.

Instead, this administration has once again chosen in favor of the corporate sector and the special interests. Their reward in this bill comes at the expense of hardworking employees who depend on OSHA to keep an eye on their working conditions. But when former executives win appointments to regulate the same industries in which they used to work, sound science and smart public policy usually tack a back seat to political favoritism and ideology. This bill creates a new loophole around the 15-day deadline for contesting OSHA citations. It is yet one more corporate handout that could have been better spent on job training, reversing the tide of outsourcing, or raising the minimum wage.

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Meanwhile, hard-working Americans are increasingly faced with workplace conditions in which critically important safeguards are watered down, emerging problems are ignored, and enforcement is scaled back.

If OSHA already has the authority to review missed deadlines on a case-by-case basis, why would we need a bill that changes this process in a one-sided way that could further disadvantage workers, encourage litigation, and undermine health and safety protections?

Madam Speaker, I believe the Senate got it right last year when it declined to consider this or any of the other three proposed rollbacks of OSHA's responsibility to hard-working Americans.

I encourage my colleagues to vote against all four of these bills.

Mr. BOEHNER. Madam Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. PRICE), a member of our committee.

Mr. PRICE of Georgia. Madam Speaker, I appreciate the opportunity to talk on this bill. I want to commend the chairman for his work in this area and commend the gentleman from Georgia (Mr. NORWOOD), who has labored long and hard on these issues.

Let me make a few points initially before I talk about the merits of the bill. I think it is important for people to appreciate that no one, no one, is interested in trivializing the issue of safety in the workplace. We are interested in improving workplace safety and in holding businesses accountable when they are at fault, not just because. No one is interested in trivializing this issue.

No one is putting a price tag on life. That has been mentioned. No one is putting a price tag on life here, and no one is interested in giving employers a pass.

They also talked about a legal loophole. This is not a legal loophole. What this does is simply put faith in small business, and it shifts the burden of proof to the accuser, where it should be. There was some analogy drawn to a court of law. What this does is shift the burden of proof to the accuser, that is, OSHA, where it should be.

The bill will not weaken OSHA either. It will simply allow small business a fair opportunity for a fair hearing when it is cited, and that is it.

I rise in support of H.R. 739. The magnitude of this bill is huge: 99.7 percent of all businesses are small businesses, 99.7 percent. Seventy-five percent of all new jobs come from small business, three out of every four jobs.

In talking about this before and in researching this, I went back and looked at the original OSHA Act. The original OSHA Act in 1970 said that it was to assure safe and healthful working conditions for working men and women by authorizing enforcement of the standards developed under the act. The mission today as described by OSHA on their Web site is to ensure the safety and health of America's workers by setting and enforcing standards. Do the Members notice the difference? We have shifted who is setting the standards from Congress to a nonelected body. I think this is a lot of power. A lot of power.

The OSHA budget is $468 million, 1,100 inspectors out of 2,200 employees. A lot of power.

As has been mentioned, currently if a citation is given, the employer is given 15 days to respond. This is an arbitrary time frame. Nobody can argue that. There really is no rationale for those 15 days. Why not 5? Why not 35? Why not make it fair to small business? This is a simple commonsense amendment. Eleven words is all the amendment is, 11 words. It would add that "unless such failure results from mistake, inadvertence, surprise, or excusable neglect," 11 little words. A commonsense amendment, which I am sorry to say is oftentimes all too uncommon around here. It does not mean that any citation is null and void. It does not mean that at all. It simply means that small business has an opportunity to get its fair day in court.

So in closing, Madam Speaker, I want to commend once again the gentleman from Georgia (Mr. NORWOOD) for the hard work he has done and the gentleman from Ohio (Chairman BOEHNER) for bringing this issue to the floor.

I urge all of my colleagues to support H.R. 739 and do it for small business and for the employees and jobs in our Nation.

Mr. OWENS. Madam Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Speaker, I rise in opposition to H.R. 739. It is part of a package of bills that we have before us today that serve no purpose that I can see but to gut the occupational health legislation record before this Congress.

Current law requires that employers challenge a citation or notice of a failure to abate a hazard within a 15-day time period. There is a reason that this is a short time period. It is because these are serious matters. The short deadline was enacted to encourage expeditious handling of cases and to ensure that the workplace hazards are corrected in a timely manner. The commission already has the ability to review specific cases of missed deadlines in a manner that protects the rights of employers. In fact, my colleagues defending this legislation said what about unintentional missed deadlines or deadlines that are missed innocently. The commission can deal with that. What we are concerned about are the ones that are missed disingenuously: oh, I forgot; oh, I did not quite get around to taking care of that.

It is clear that H.R. 739 is designed to ease the burden on employers at the expense of the health and safety of workers. This is the dramatic change in policy. My colleague from Georgia said the dramatic change in policy is somehow OSHA has gained regulatory authority. No. OSHA has always had regulatory authority for the last 35 years. The real change is this dramatic change in policy that would delay the employers' responsiveness to the health hazards and increase the time that workers have to work in unsafe conditions.

These measures would make it more difficult for employees to seek redress and would impede the enforcement of worksite safety and health provisions.

Again, this is one of a set of bills that would serve to gut OSHA. It puts aside, really, the seriousness of the matter here. We do not want OSHA to become just an annoyance or a minor delay or an inconvenience or just the cost of doing business. No. OSHA should have teeth.

There are hundreds of thousands, if not millions, of Americans, I do not know who they are, they do not know who they are, who today have their arms, their eyes, their health, even their lives because of OSHA; and they do not know who they are. But they can thank people like Senator Pete Williams from New Jersey and others, who 35 years ago realized that it is the appropriate role of the Federal Government to be involved.

I know there are those who think that it would be better if the Federal Government had never gotten involved in this. I suppose they would say, well, the employee could sit down with the employer and the employee could point out the unsafe working conditions and the employer will surely take care of it because no employer wants his employees harmed. It just does not work that way. It did not work that way for the century before OSHA was passed.

Let me repeat: there are hundreds of thousands of Americans who have their eyesight, who have their arms, who have their health, who have their lives because OSHA has teeth, because OSHA requires prompt remedy to unsafe conditions.

Mr. BOEHNER. Madam Speaker, I reserve the balance of my time.

Mr. OWENS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I would like to just say that when we say the Republican majority is trying to trivialize the role of OSHA and the role of safety in the workplace, there is good foundation for this. When this administration took power, the present administration in the White House, one of the first acts that they perpetrated was the repeal of ergonomic standards at the urging of, of course, Republican Members of Congress. They repealed the ergonomic standards that had been in process with a lot of bipartisan development and support over a long period of years.

When the Secretary of Labor was Elizabeth Dole, great steps were made; and slowly we reached a point where we had ergonomic standards to pass. The current Bush Administration's first act was to repeal ergonomic standards, to toss them aside and to send a message that workers in the workplace are not that important, working families are really not important, working conditions in America are not important. The history of OSHA is that step by step they have saved thousands and thousands of lives.

One of the worst industries for safety before OSHA came into existence was the construction industry. The construction industry is still one of the most unsafe industries, but it has made tremendous strides in terms of saving lives as a result of being forced to follow certain kinds of standards by OSHA.

I think we need more light thrown on this subject, and for that reason we have prepared some information for each member of the committee by district, and they can get familiar with the problem in their district with this information that we have compiled.

For example, according to the Bureau of Labor Statistics in 2003, there were 200 worker deaths in the State of Illinois. But in the 13th Congressional District of Illinois, 69.5 percent of all the state's deaths took place. I think the Member of Congress from the 13th district ought to know that and take a look at what has happened in that district.

This packet that we want to prepare for each Member includes a chart detailing the statistics. The chart also lists the worker deaths according to the industry the person worked in and also the type of incident that was responsible for their death: was it a fall, contact with equipment, et cetera. The information is also broken down between government workers and those working in the private industry. This packet also includes a census report for each one of the districts showing how it relates to the surrounding areas, et cetera.

We will prepare this for each Member to just let them know how serious a matter this is in terms of their own immediate districts. We think working families in America should not be treated as if they lived in a Third World country, and a lot of Third World countries mores are being attempted by certain U.S. industries.

Particularly the construction industry, the construction industry looks for the most vulnerable people, immigrants. Illegal immigrants are employed in large numbers in the construction industry. And I come from a city where 40 percent of all male blacks are unemployed, according to two studies, two studies that confirm that 40 percent of all male blacks are unemployed. Yet there is a tremendous amount of construction going on, and if we go around the construction sites, we will find that the workers doing the manual labor, unskilled labor, are immigrants; and in many cases there are tremendous accidents, and these people are shuffled off and frightened and intimidated to the point where they never even report it. They do not have any workman's compensation, let alone feel that they have the right to be protected under the OSHA laws.

A review of more than 2,500 OSHA construction site inspection records in New York State from the year 2003 found that nearly one third of all OSHA construction violations in the State were of scaffolding or fall protection requirement violations, more than any other standard. The organizations involved in the analysis also said the results of this study as well as a separate review reveal troubling data about the plight of immigrant workers in the construction industry.

Their analysis, titled "Lives in the Balance—Immigrants and Workers at Elevated Heights at Greatest Risk in Construction," was prepared by the New York State Trial Lawyers Association and issued by the New York Committee for Occupational Safety and Health and the Association of Community Organizations for Reform Now, called ACORN. Two other organizations Make the Road by Walking, and the New York Immigration Coalition, also sponsored the study.

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The study reviewed all construction site OSHA inspections conducted in the State during 2003. Now, personally, I know and I have related on this floor, the total accidents that have taken place since then in New York City. Five immigrant workers lost their lives in a trench that was being constructed without proper safeguards.

I want to repeat that there is a class problem developing in America. There is a class problem. Those in power are insensitive to the needs of those who are out there working on the front lines, whether it is in domestic service or in dangerous jobs like construction, trucking and a number of chemical plants. These are dangerous jobs, but they have to be done. Our industries cannot survive without people who work in those dangerous jobs. They deserve all the protection we can give them. Just as the soldiers on the front lines in Iraq, Afghanistan or anywhere else always deserve the best that we can give them. Every soldier is automatically a hero when he goes out to fight for his country, because for every one who goes out to fight, there are a few hundred thousand left behind who will never be called. We should recognize and honor those who go out to fight. Therefore, the best armor protection, the best bullet-proof vests, all of the things that are available to protect an individual's life should be available to those who go out to fight.

What we have found in this present war in Iraq is that people on the top, with their class-conscious sentiments at work, did not provide at first the kind of protection that should have been provided to the soldiers on the front lines out there. The soldiers come from the same working families. I cannot stress enough the need for all Americans to recognize that we are all in this together.

We have a governor of New York State now whose son was in the National Guard in a program that required that, once he came out, he had certain duties and obligations. This governor's son now is asking for a waiver. He does not want to go to Iraq; he wants a waiver. What kind of a message is that sending to all of the mothers and fathers of young men and women who have gone off to fight in Iraq in terms of our society? The person with the power does not want to make a sacrifice of his son.

Mr. BOEHNER. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, let me remind my colleagues what this small, innocuous bill does. It says to the Secretary of Labor and to OSHA that the arbitrary, 15-day deadline that is in the statute for complying with an OSHA citation or to respond to OSHA can, in fact, be waived under special circumstances, if OSHA believes that the employer missed it by accident or had other extenuating circumstances, they have the option of extending the 15-day deadline. That is all this bill does.

Now, some of my colleagues on the other side have suggested, well, no, they already have this authority. But the fact is, they do not. The ability of the commission to waive a deadline on a case-by-case basis when circumstances warrant it have been drawn into increased legal uncertainty by the recent decision of the U.S. Circuit Court of Appeals for the Second Circuit in Chao v. LeFrois Builder, Incorporated, and indeed, as recently as 2003, OSHA has argued that OSHRC does not have the authority to apply this rule.

So we think that voluntary cooperation between OSHA and the employer community will, in fact, lead to a safer workplace. And as the chart showed that I displayed earlier, workplace injuries and fatalities have continued to decrease in each year of the Bush administration.

Let us make this commonsense change to help employers and their workers achieve a safer workplace.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in opposition to these measures. This legislation moves in the wrong direction for worker safety.

We are spending valuable time changing small portions of OSHA to overturn court decisions and tweak the law to benefit industry.

I'm not sure we should be spending time addressing all these small issues when we know that reporting requirements are a problem and we could be doing something about it.

It doesn't matter in which facility these accidents occurred. The fact is people should know if an accident has occurred and the company managing the site should report it whether contract workers were involved or not.

If someone is seriously injured at my home, regardless if I'm at fault, there will be a report by the paramedics or the police and it will list my residence.

In March, fifteen people were killed in a refinery accident in Texas City. None of them will be on the injury site log because the law doesn't require them to list contract workers.

Since 1991 we've known reporting requirements should be changed to include contract workers. The report recommending this was sanctioned by OSHA under the first George Bush's administration.

There is no reason the Republican leadership couldn't allow at least some discussion on the reporting issue today. People have the right to know if they are applying for a job at a facility that has a poor safety record.

We should be talking about real issues instead of making things just a little better for industry. We've known about this problem for 14 years. That's too long to avoid making a simple change to the law to require site-based reporting of injuries.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to speak in opposition to H.R. 739, a bill to amend the Occupational Safety and Health Act of 1970 to provide for adjudication flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration. In essence, this bill would amend current law to authorize the Occupational Safety and Health Review Commission (OSHRC) to make exceptions to the 15-day deadline for employers to challenge OSHA citations if the employer's failure to meet this deadline is due to a "mistake, inadvertence, surprise, or excusable neglect."

This would weaken the ability of the Occupational Safety and Health Review Commission to enforce the current deadline and would encourage increased litigation and disrupt OSHA's ability to address workplace hazards in a timely manner. OSHA is already "astonishingly ineffectual" in protecting workers' lives. In the past 20 years OSHA has failed to seek criminal prosecutions in 93 percent of the cases where employers' willful and flagrant safety violations ended up killing workers. (New York Times/December 2003). Furthermore, according to a recent GAO report, since 1996, OSHA has cut resources dedicated to enforcement by 6 percent.

The U.S. lags behind other western nations in protecting workers' lives. A U.S. construction worker is 4 times more likely to be killed on the job than one in Denmark. (Center for Worker Rights 2004). As a New York State Supreme Court Judge observed: "Why Congress has adopted such a spineless response to industrial malfeasance is best left to voters to assess." (Newsday, 1/15/04).

As responsible Members of congress, we cannot afford to vote for this bill. I urge my colleagues to oppose H.R. 739.

Mr. MANZULLO. Madam Speaker, I wish to express my strong support for H.R. 739, the Occupational Safety and Health Small Business Day in Court Act; H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act; H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act; and H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act. As Chairman of the Small Business Committee, I see daily the immense regulatory burden placed upon our small businesses. The Office of Advocacy at the Small Business Administration (SBA) estimates that the average small business is burdened with almost $7,000 per employee in regulatory compliance costs. I am pleased that the House has taken action to relieve small businesses of some of this burden.

H.R. 739 provides small businesses with additional flexibility by allowing certain exceptions to the arbitrary 15-day deadline for employers to file responses to citations by the Occupational Safety and Health Administration (OSHA). This commonsense measure allows an extension of the 15-day deadline in narrowly tailored circumstances, namely when a small business inadvertently misses this deadline by mistake. H.R. 739 helps ensure that disputes between OSHA and small businesses would be resolved based on the merits of the situation as opposed to legal technicalities. No small business should be foreclosed from a remedy simply because of an arbitrary deadline.

H.R. 740 helps ensure that OSHA reviews cases in a timely and more efficient manner by adding two additional commissioners to the Occupational Safety and Health Review Commission (OSHRC). This change ensures that small businesses do not have long, drawn-out proceedings that monopolize their limited resources.

H.R. 741 is designed to restore the review process that was originally intended by Congress when it enacted the OSHA law. Congress's original intent was to form a separate, independent, and unbiased entity, OSHRC, that presided over OSHA hearings. However, the lines between OSHA and OSHRC have become blurred. This bill restores the original system contemplated by Congress and ensures that OSHRC, and not OSHA, would be the party who interprets the law and provides an independent review of OSHA citations.

Finally, H.R. 742 will assist small businesses by giving these businesses an opportunity to recover attorney fees if successful in challenging an OSHA citation.

In all, this common-sense legislation allows OSHA to continue protecting workers at their place of employment, while giving small businesses the ability to be competitive, create jobs, and to be protected from frivolous lawsuits.

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise in strong opposition to H.R. 739, H.R. 740, H.R. 741, and H.R. 742.

Today, America's workers need the protections provided under the Occupational Safety and Health Act more than ever. Each year, 6,000 workers die in workplace-related accidents, and 50,000–60,000 people die from illnesses caused by their jobs. The protections in OSHA ensure what our Nation's workforce has fought for and deserves—a safe and healthy workplace.

Instead of strengthening these worker protections, the bills before us today are an attack on the very intent of these important safeguards.

The first bill, H.R. 739, excuses employers that fail to respond to OSHA citations within the 15-day deadline. The Occupational Safety and Health Review Commission (OSHRC) already has the authority to review missed deadlines on a case-by-case basis. This change removes the incentive for employers to quickly respond to hazards. Meanwhile, the safety and health of workers hang in the balance.

H.R. 740 seeks to expand OSHRC to five members and require that all members be lawyers. Since the Comnission was established in 1970, it has been composed of three members and has benefited from the expertise of those not holding law degrees. This change inaccurately reflects the workload and responsibilities of OSHRC and unfairly excludes the contributions of members with strong backgrounds in safety and health.

H.R. 741 transfers the authority to bring cases to the Court of Appeals and the Supreme Court from the Secretary of Labor to OSHRC. This modification overturns a 1991 Supreme Court decision and undermines the Secretary's responsibility to enforce OSHA policies.

The biggest blow delivered by H.R. 742 requires OSHA to pay attorney's fees for every case it does not win, regardless of why the case lost or how well-justified it was. This places the burden of these cases squarely on the taxpayer and leaves America's workforce more vulnerable than ever.

The substitute amendment offered by Congressman GEORGE MILLER to raise the minimum wage has my full support. It is unacceptable that employees working 40 hours a week, 52 weeks a year, for minimum wage earn only $10,700 a year—$3,400 below the poverty line for a family of three. American full-time, full-year workers should not be forced to raise their families in poverty. It is unfortunate that this amendment was not made in order by the Republican leadership, as this raise would have benefited over 11 million American workers and their families.

The hard-working men and women of this country deserve to be protected and safe in the workplace, Madam Speaker. That is why I urge my colleagues to vote against these ill-conceived bills.

Mr. BOEHNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. WILSON of New Mexico). All time for debate has expired.

Pursuant to House Resolution 351, the bill is considered read for amendment and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 740) to amend the Occupational Safety and Health Act of 1970 to provide for greater efficiency at the Occupational Safety and Health Review Commission, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. TERRY). Pursuant to House Resolution 351, the bill is considered read for amendment.

The text of H.R. 740 is as follows:

H.R. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Review Commission Efficiency Act of 2005".

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

(a) INCREASE IN NUMBER OF MEMBERS AND REQUIREMENT FOR MEMBERSHIP.—Section 12 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 661) is amended—

(1) in the second sentence of subsection (a)—

(A) by striking "three members" and inserting "five members"; and

(B) by inserting "legal" before "training";

(2) in the first sentence of subsection (b), by striking "except that" and all that follows through the period and inserting the following: "except that the President may extend the term of a member for no more than 365 consecutive days to allow a continuation in service at the pleasure of the President after the expiration of the term of that member until a successor nominated by the President has been confirmed to serve. Any vacancy caused by the death, resignation, or removal of a member before the expiration of a term for which a member was appointed shall be filled only for the remainder of such term."; and

(3) in subsection (f), by striking "two members" each place it appears and inserting "three members".

(b) NEW POSITIONS.—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April 27, 2008, and the other shall be appointed by the President for a term expiring on April 27, 2010.

(c) EFFECTIVE DATE FOR LEGAL TRAINING REQUIREMENT.—The amendment made by subsection (a)(1)(B), requiring a member of the Commission to possess a background in legal training, shall apply beginning with the two vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the amendment in the nature of a substitute printed in the bill is adopted.

The text of the amendment in the nature of a substitute is as follows:

H.R. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Review Commission Efficiency Act of 2005".

SEC. 2. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

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(3) in subsection (f), by striking "two members" the first place it appears and inserting "three members".

(b) NEW POSITIONS.—Of the two vacancies for membership on the Occupational Safety and Health Review Commission created by subsection (a)(1)(A), one shall be appointed by the President for a term expiring on April 27, 2008, and the other shall be appointed by the President for a term expiring on April 27, 2010.

(c) EFFECTIVE DATE.—The amendment made by subsection (a)(1)(B) shall apply beginning with the 2 vacancies referred to in subsection (b) and all subsequent appointments to the Commission.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 740.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the second bill we will debate is another narrowly-crafted bill that addresses a specific problem we found in the OSHA law.

For nearly two-thirds of its 30-plus years of existence, the Occupational Safety and Health Review Commission has been undermanned and unable to function properly. Now, because a quorum of two out of the three total commissioners is needed for timely decision-making, the Commission has in the past been unable to act simply because a quorum was not present.

There are a number of reasons for this. The appointment process is sometimes controversial, leading to vacancies, and sometimes commissioners must recuse themselves from considering cases, meaning even if there is only one seat open, there is often no working quorum. For too much of its history, the Commission has been unable to gain a working quorum and, as a result, is simply unable to function, despite being otherwise fully staffed. The Occupational Safety and Health Review Commission Efficiency Act increases the membership of the Commission from three to five members to ensure that cases are reviewed in a timely fashion.

Increasing membership to five commissioners will help ensure that cases are reviewed in a more timely fashion, improving the current system of judicial inactivity that only results in government waste. In short, it will allow the Commission to complete its job by reducing the case backlogs that are as much as 8 years old. Now, the Commission's sister agency, the Federal Mine Safety and Health Review Commission, has 5 panelists, and we have found has worked well in reviewing cases more efficiently. Lastly, the bill permits incumbent members whose terms have expired to stay on until a replacement can be confirmed by the Senate, and most vacancies occur during these turnovers.

The U.S. economy is improving more and more, and employers are hiring new workers each and every month. Last week, the Labor Department reported that 3.7 million new jobs have been created since May of 2003. We want small businesses hiring more workers and contributing to our economy, not facing years of OSHA-related litigation if they cannot resolve it simply because the Commission has an endless backlog of cases. This bill simply ensures that OSHA cases are resolved in a timely and efficient manner, a goal that we all should support. Employers who make good-faith efforts to comply with OSHA standards deserve to be treated fairly and have their day in court, and this measure will help ensure that they receive that opportunity.

Mr. Speaker, I ask my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the ranking member of the committee, the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him so much for his service to this committee and for his constant support of workers' rights, workers' health and safety, and the protection of their families if they are injured on the job.

The Occupational Safety and Health Act has substantially improved the safety of the American workplace to the benefit of the American worker. Far fewer workers are killed or injured today than was the case before the law was enacted. Despite this progress, too many Americans continue to be sick or injured or killed in workplace accidents that could or should have been avoided.

Every day, 15 workers are killed on the job. Another estimated 50,000 to

60,000 die every year due to occupational illnesses. Hundreds of thousands of workers face serious injuries on the job every year. Liberty Mutual, the largest workers' compensation insurance company, estimates that the direct cost of occupational injuries and illnesses is $1 billion a week.

Two major workplace tragedies, one in Texas this year and the other in Ohio last year, underscore the need to strengthen, not weaken, the health and safety laws of this country.

On March 23 of this year, a huge explosion at the BP Amoco Texas City refinery killed 15 workers and injured 170 others. Although BP initially blamed contract workers for the explosion, it now appears that faulty equipment played a major role in this catastrophic blast. As it turns out, the BP Amoco refinery in Texas City has been a repeat safety violator.

Repeat safety violations also played a key role in the deaths of four iron workers when a massive bridge crane collapsed near Toledo, Ohio, in 2004. The contractor Fru-Con failed to address urgent issues with anchoring the crane properly raised by the crane's European manufacturers. OSHA fined Fru-Con $280,000 and cited the contractor for willful safety violations.

Rather than taking decisive action on behalf of hardworking employees, like increasing the minimum wage, stopping runaway pension terminations or expanding access to health care, these bills do nothing more than jeopardize the health and safety protections of employees on the job.

H.R. 742 significantly diminishes the protections of Occupational Safety and Health by discouraging OSHA from even enforcing the Occupational Health and Safety Act and punishing taxpayers unless the agency, like Perry Mason, can win every case. That simply is not going to happen, and this bill weakens workers' protections.

H.R. 740 unnecessarily expands the size of the Occupational Health and Safety Review Commission, and H.R. 741 weakens the fundamental responsibilities of the Secretary of Labor. It contorts the law and confuses enforcement responsibilities of both the Secretary and the review commission.

Finally, H.R. 739 creates a legal loophole for employers' obligations to meet the 15-day deadline for contesting an OSHA citation or notice of a failure to abate a hazard. The deadline for an employer's response was set at the 15-day mark to encourage both a timely correction of cited workplace hazards and expediting the handling of cases. The commission already has the authority to review any missed deadlines on a case-by-case basis in a manner that protects both employers and workers.

We have an obligation to help hardworking Americans and their families to have a safe and healthy workplace. These bills do the opposite. Taken together, these bills will significantly weaken OSHA enforcement laws, and I urge my colleagues to oppose H.R. 742, 741, 740 and 739.

Mr. NORWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the previous speaker. I know he is really busy today and had to go "no" on all four bills, but maybe I can refocus us just a little bit and explain that we are on one bill right now, and it is a very simple bill. It is H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005. Maybe we can concentrate just on this bill now for this hour and understand that this is a badly-needed change in OSHA unless you do not believe OSHA ought to work, unless you do not believe that the OSHA Commission should be in place.

This legislation is especially timely. In April, the Occupational Safety and Health Review Commission's term expired, placing the Commission in the same position it has been in for almost two-thirds of its existence; now, listen to me: almost two-thirds of its existence for the last 34 years undermanned and unable to function properly. Well, why is that important? It is not. It is only important to someone who has a citation hanging over their business, hanging over their head, and you cannot get the review commission to operate. It is clearly, after 34 years: No, we understand it does not work. Half of the time they cannot do business.

H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act, increases the size of the Occupational Safety and Health Review Commission from three members to five. My goodness. We really need to spend a lot of time debating this.

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We are actually going to change this commission, like most commissions in the Federal Government, and change it to five members so it finally can do the job that the Congress in 1970 wrote into the law they wanted it to do. What an extreme bill this is.

The bill changes the quorum requirements from two members to three members, and allows the President to consider legal training, in addition to education and experience, as criteria in selecting an individual to serve on the board.

Finally, H.R. 740 allows a confirmed member of the commission to continue to serve for up to 365 days to prevent the breaks in service that occur when a Senate confirmation is not concluded in a timely manner. Does that mean every time somebody retires this commission goes out of business, because we cannot get the Senate to do its job? That does not matter. to anybody except the small business who has a citation hanging over their head that the government will not deal with.

The committee heard testimony in the 108th Congress that because of the vacancies, the commission has been nonfunctioning for two-thirds of 30-plus years of its existence. Now, listen to that, for pity sakes. The commission that you are trying to protect has been nonfunctioning for two-thirds of the 30 years of its existence. Why in the world would you want to protect the present-day system?

Given that the creation of the commission was the catalyst for the passage of the OSH Act in 1970, there never would have been an OSHA had not this particular provision been in this review commission. And now you do not want it to work. We are trying to change that.

I believe it is important to prevent the commission from being stalled and unable to rule on cases when there is a gap in appointees. That does not serve employees or small employers well at all.

Let me make one final point. My colleagues on the other side have been very critical of the inclusion of legal training as a qualification for commissioners, criticism that I cannot understand.

Mr. Speaker, OSHRC is an adjudicative body. Legal training is therefore important because the commission writes opinions that will be reviewed by the courts if a finding is challenged. I would certainly think our Democratic lawyers would agree and understand that. But I would note that legal training is but one of three criteria the President could review before appointing a commissioner, that would mean a Democratic President or a Republican President.

Nothing in this bill suggests or requires that every member of the commission be a lawyer. The simple fact of the matter is this: when the commission is unable to rule on cases, resolution does not occur in a timely manner. That is unfair and that is wrong.

This is unfair to all parties and drastically undermined congressional intent from 1970. In the 108th Congress this bill passed the full House with bipartisan support by 228 to 199.

I urge passage again this year. And I will say, if you live in a district where there are no small businesses in that district, then I would vote "no" on this. But if I had any small businesses in my district, I would give it some serious consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 740 because workers deserve to know that their interests will be heard without biased judgment by the Occupational Safety and Health Review Commission.

Grieving families across America depend on OSHA to stand up for them and for their deceased and injured loved ones. But this legislation will threaten one of the only hopes that families have for justice when a loved one is harmed at work.

By increasing the membership of the commission from three to five, the administration could actually play politics with the commission, filling it with antiworker safety appointees, making it more difficult to reach a quorum than now. The very idea that it is simpler to get a three-member quorum than a two-member quorum makes no sense. If you cannot fill a quorum when you only have three, how are you going to fill it when you have five?

Since President Bush took office, it has been really clear that he intends to use OSHA to protect employers rather than employees when addressing worker safety. Why then would we believe that he would appoint members to the commission that would steer the commission toward helping the employee rather than the employer?

Employees need to know that business interests are not the primary basis of the OSHA Review Commission. The size of the OSHA Review Commission has no meaning in the face of employee health and safety, in the face of death and injury. What does it matter to the worker the size of the business or how many members sit on a commission? Death is death. Injury is injury. That is what we should be talking about, protecting our workers.

Mr. Speaker, this legislation is not what workers need or want. Their grievances must be taken more seriously than these little fixes here and there in the OSHA review. If you cannot sit three members, why could you sit five? Think about it. That is why I urge my colleagues to oppose H.R. 740.

Mr. NORWOOD. Mr. Speaker, I yield myself 1 minute. I would just like to mention to the gentlewoman from California (Ms. WOOLSEY) that this bill is not about death. It is simply about making OSHA work, making the commission work. It is as simple as that.

If you want to be against making OSHA actually work, and the review commission doing the job that the Democratic Congress wrote in the bill in 1970, then vote "no."

Mr. Speaker I yield 3 minutes to my good friend, the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I once again want to commend the gentleman from Georgia (Mr. NORWOOD) for his wonderful and excellent work in the area of worker safety and his real concern for making certain that the rules under which we ask businesses and employees to work are workable.

We are all interested in workplace safety. We have got to get that on the table as often as possible. We are all interested in workplace safety.

Now, the gentleman from California (Mr. GEORGE MILLER) made some very moving and interesting points. The problem is, they do not have a thing to do with this bill, not a thing to do with this bill. We have just heard that grievances should be heard. That is a concern of somebody opposed to this bill, that grievances should be heard.

Well, we agree. The grievances should be heard. But as you heard from the gentleman from Georgia (Mr. NORWOOD), two-thirds of the time the commission has been unable to sit for a variety of reasons, not the least of which they have been unable to seat a quorum.

And then the question is raised: If you cannot sit three, how can you sit five? No, the question is, if you cannot sit two, how could you sit three? Well if you add two people to the commission, to the review commission, then it makes all of the sense in the world that you have made it easier to reach a quorum.

Mr. Speaker, I think it is also important that we keep in mind the magnitude of the discussion that we are talking about and why these things need to be fixed: 99.7 percent of all business is small business, 99.7 percent. And 75 percent of all new jobs in this Nation have been created in small businesses.

Small business owners, they work hard and they drive our economy. In this instance, regarding 740, I rise in support of H.R. 740 because if those small business owners are not working, they are not producing. If they are not producing, then jobs are not being created.

Once cited by OSHA, an employer deserves his or her expeditious day in court. And with the current membership of the review commission, it is often, we have heard extremely often, difficult to end that process. There are some cases that are before the commission right now that have been there for over 10 years, over 10 years. That is not fair to employers; that is not fair to employees.

So I rise and say that increasing the review commission will help small businesses, and it will increase the safety of workers; and I urge my colleagues to support H.R. 740.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend from New York (Mr. OWENS) for yielding me this time.

Mr. Speaker, I would be remiss if I did not tribute my friend from New York (Mr. OWENS) for his years of advocacy for working people generally and in worker safety specifically.

Year after year, month after month, the gentleman from New York (Mr. OWENS) has come to this floor and raised these issues with great clarity and passion, and we very much appreciate his contribution in this area.

Mr. Speaker, I also appreciate the efforts of my friend from Georgia (Mr. NORWOOD) who is the author of the bill. I never thought I would see the day, I must say, Mr. Speaker, to the author where he would propose a bill that could create two jobs for lawyers.

On behalf of our profession, I guess we have to express our appreciation. I do want to note my three bases of objections to the bill. The first is it does provide the opportunity for what we might call court packing. It does provide the opportunity by expanding the commission from three members to five, that we would find a fishing expedition for two members that would be more attuned to the ideological predilection of the administration.

I do not think either a liberal or conservative administration should have the right to pack the commission. I think expanding to five members runs that risk.

Secondly, I am concerned about the undue reliance upon legal training. The language of the bill does not expressly require the appointment of lawyers, but it does indicate that the principal consideration for appointment is legal training or the lack thereof.

There are many positions in the Federal administrative service that are very complex that are adjudicatory in nature that do not require formal legal training, and I do not believe that these positions should either.

I would note for the record that none of the nonlawyers appointed to this commission in its history have been appointed by Democratic administrations. All of the nonlawyers appointed, to my knowledge, have been appointed by Republican administrations. So my objection is not partisan or ideological. I think that the door should be wide open for people of all backgrounds and ability to serve on the commission provided they are qualified.

My third objection has to do with what appears to be a minor provision, but could be a major provision. It appears that the language would permit two members of the commission, now it is expanded to five, only two members of the commission to transact business on behalf of the commission.

I do not know of really any other decisionmaking body in the Federal structure where a minority of the members can make an affirmative decision. I know of institutions where a minority can veto a decision, bit I am not familiar with a situation where two members out of five could in fact act on behalf of the commission. I have a concern about that as well.

So for these reasons I would urge opposition to the bill.

Mr. NORWOOD. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, the gentleman from New Jersey (Mr. ANDREWS), my good friend, and believe me he is, I want him to be well aware that I am not certainly trying to hire two lawyers. You can be certain of that.

But we do think some legalese is advisable on the commission. But being a lawyer is only one of three criteria. I know that you know that. The other part that I just want to mention to you is that when we changed this commission to have five members so it actually will work, if you have got a better idea how to make a commission work that is totally useless right now, with three members, of course I have always been open to hear that, but we think five may well do it; but it will take three members to form a quorum, not two.

That is for sure. I appreciate you bringing that up so I can clarify that.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to sum up and repeat, because I think it deserves repeating. First and most importantly, no one has really shown a need to increase the size of the commission from three to five members. We find it very unusual that the majority party with great emphasis on saving dollars on education and a number of much needed programs, wants to waste a little money on two additional members, create a little bit more of a bureaucracy by having two more members to make a decision. Instead of five people, three people can make this decision.

They have been functioning with three members since the creation in 1970. Why should it be any different now?

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Given the enormous deficit spending promoted by this Republican majority, there is no real purpose in adding members and swelling the ranks.

Last but not least, I find it quite ironic also that my colleagues on the other side of the aisle want to tack on the requirement that the commission members have legal training. I think you have heard the expression that our colleague, the gentleman from Georgia (Mr. NORWOOD), often makes about the government being over burdened with lawyers. So I am surprised to hear that the leaning of this bill as we read it would certainly require more appointment of lawyers or somebody similar to lawyers. There is no demonstrated need for such a requirement. There is no demonstrated need for this particular addition to the bill.

The capacity of OSHA to produce cases is steadily shrinking as a result of the steady chip-away strategy of the Republican majority. They have chipped away at the budget every year. OSHA is far smaller and far less effective than it was when the Republican majority took power in the House. Certainly that was accelerated when the Republicans took control of the White House as well as the House.

So OSHA is under attack in a way which produces less work for such a commission. Why should we increase the size of the commission when there is less work for it? It is part of the pattern to chip away in every little way and trivialize what OSHA is all about. At the same time, the only parts of the Department of Labor that are being increased are those parts that are aimed at attacking organized labor, the organizations that represent working families. We happen to know there is a great push on to drive the unions into the ground with trivial audits, financial audits mostly, of petty cash, the receipts for cab fare and receipts for lunch. Various efforts are underway at this point to force labor unions to defend themselves from bookkeeping errors.

The same kind of zeal needs to be expressed in the way that OSHA is staffed and manned to provide the basic necessities to keep our workplace safe for our workers.

Let us just discuss for a moment the 2,578 OSHA violations in Georgia in 2002. The Occupational Safety and Health Administration in 2002 issued an average of seven citations a day to Georgia businesses that year. OSHA found 2,578 violations of its rules during 1,481 inspections of companies operating in Georgia and documented more than 50 workplace deaths in that year.

In 2001, OSHA issued 2,962 citations, more than eight a day, and 1,596 inspections in Georgia. So 2002 had improved a bit from 2001. But I think it would be good if Members got in touch with what is happening in their States and in their districts.

The Atlanta Business Chronicle documented this information in an article published March 23, 2003. At that time, the Atlanta Business Chronicle had documented safety concerns in three of Georgia's largest companies, the Home Depot Incorporated, the Georgia Pacific Corporation, and United Parcel Service Incorporated. But as OSHA records show, safety is a widespread concern among many Georgia companies.

On February 24, OSHA issued a list of 14,200 U.S. facilities that had accident and illness rates at twice the national average. The national average is about three illnesses or injuries for every 100 workers that are serious enough to cause employees to lose time from work. Included in OSHA's list were 563 workplaces in Georgia, and more than 200 of them were in the Atlanta metropolitan area. Wal-Mart stores, the Nation's largest retailer, had the largest single number of Georgia facilities on the list, 11. Of the companies based in Georgia, United Parcel Service had the most facilities on the list with 174 nationwide.

Out of all the Georgia companies during 2003, Durango-Georgia Paper Company in St. Mary's was fined the most by OSHA. OSHA assessed Durango-Georgia $258,000 after an August 19 boiler explosion that killed two workers and injured one. OSHA found 48 violations during an investigation of that accident. In addition to the safety violations that contributed to that explosion, OSHA cited the company for allowing employees to work at heights of up to 50 feet without fall protection and for requiring employees to stand on a conveyor belt to remove jammed logs without adequate protection against being caught in a machine.

It was not the first large fine against that paper manufacturer. OSHA fined the company $157,000 after an accident had resulted in the double amputation of a worker. In 2000, the company had paid $220,250 for 12 citations. The pattern goes on and on.

The American workplace is not a safe place. It becomes more complicated all the time. The new chemicals, new machines, and new challenges, the building of houses, buildings and facilities at higher heights, for example all lead to complications. We talk about small businesses, and it is true that a large number of construction businesses are small businesses. That does not make the work that their workers do any less dangerous. The fact that they are a small business does not remove the fact that their workers must use scaffolding. Small business workers have trenches that they dig. They are doing work that is very dirty and very dangerous. The workers in small construction firms deserve protection.

Small contractors are also the ones who are most likely to disobey immigration laws and have large numbers of people who are illegal immigrants working in their facilities. And therefore, I have noted before we have a noticeable large number of deaths of immigrants in the construction industry. And this is not confined to Georgia or any one State. This spreads right across the country.

The employers of construction companies know that they can save money by disobeying the law and using illegal immigrants. So it has become a major problem. Again, the working families of America deserve better.

We have come to the point where our economy is compared to other economies in our global partnerships around the world. We compare ourselves and say, Oh, it is awful that we cannot compete better with China. Well, China was organized as a country which has dictatorship of the proletariat. Dictatorship of the proletariat meant workers were going to be charge. All of the unions in China are collapsing to the government. China produces a large part of its consumer goods in prisons. They produce a large part of their consumer goods in factories where workers are paid less than a dollar a day.

It is not useful for us to invoke the third world countries, the developing countries and China—I do not know what China would be categorized as—

with exploiting companies and decide that we ought to be more like that so we can be more competitive. Some allege that one way we can be more competitive is to make the workplace less safe, by providing employers with a situation where they do not have to worry about workers' safety. China—as a dictatorship—can do what they want to with their workers. They can continue, as I pointed out, pay workers the lowest possible wages, and they can also not spend any money on guaranteeing worker safety.

So given the fact that we are on the floor for the second time in 2 years with these four bills, it is an opportunity for us to educate our colleagues as to the seriousness of the current situation in the American workplace today. We must be more sensitive to the fact that our working families are out there suffering. Our health care situation does not get any better. We need to come to the rescue of private enterprise in terms of their pension funds collapsing. And their health care systems are so expensive that they are now calling for help from the government.

All of this is part of a threatening and more intimidating atmosphere that mushrooms all the time against the interests of working families. And the attack on OSHA, which is consistent, the harassment of OSHA, the downgrading of OSHA, the chip-away erosive effect of OSHA is all part of that pattern.

A Department of Labor which declares it has no money to really have an OSHA that functions appropriately is the Department of Labor which has managed to spend a great deal of money on the faith-based initiative. We noticed that large amounts of money from the Department of Labor have gone to faith-based initiatives over the last few years, and that is a great mystery as to how that money was doled out, under what criteria was it given to certain faith-based organizations. I think one got more than $1 million. It was on the front page of the New York Times. The Department of Labor had given a grant to one faith-based group for more than $1 million, and we do not know what it is the DOL is doing here. This all happened right before the November 2004 election. So the Department of Labor is being used for some good purpose for some group or some persons, but it is certainly not being used as the advocate for working families. And today's exercise is just one more example of how the drum beat goes on. The effort continues to minimize and trivialize that which is most important for working families in this country.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BACA).

Mr. BACA. Mr. Speaker, I rise in opposition to H.R. 740 and the three other OSHA bills under consideration today. Republicans are suggesting that our laws are hurting American jobs and productivity. How can that be so when we continue even now to push for CAFTA that would outsource additional jobs outside of this area, not to mention many of the other jobs that we have lost? It is untrue. It is bad enough that millions of Americans are being shipped overseas. We cannot afford to lose any more jobs. We have got to keep them here in the United States.

Now the Republicans want to weaken the protection that exists for our Nation's workers, our Nation's workers, working families and others who deserve the right.

Last year, Republicans passed FCC and ETI, a bill that gave tax breaks to companies that moved to China and India, and I state that, moved to China and India. Half the time the consumers do not know who they are talking to when they pick up the phone because they are from some other company.

Republicans need to stop confusing people on the reason why jobs are leaving the mainstream and are being sent to mainland China. We should put the blame for losses in California and across the country where it belongs, and I state where it belongs. They failed, the policies of this administration, the President's so called compassionate conservatism has cost us 3 million jobs, and I state, 3 million jobs. That is American jobs that we could put on working families. Please end this compassion.

Remember that it was the President Bush's top economic advisors who claimed that sending American jobs overseas is a good thing. Well, we know it is not a good thing to American workers here and what it does to them.

Weakening American labor standards and allowing American workers to be exploited as they are in third world countries is not the solution. That type of thinking would put boys and girls out of the classroom and into the coal mines? These four bills are anti-worker, and I state, anti-worker, anti-safety, and they weaken the health and safety laws. And they hurt the American workers and working families.

H.R. 739 weakens enforcement of the health and safety legislation by dragging out the debate for imposing penalties.

H.R. 740 weakens worker protection by packing commissions with partisan appointees who agree with the President's anti-workers agenda, and I state, partisan appointees who agree with the President's anti-workers agenda.

H.R. 741 encouraged frivolous challenges to labor law rules and interpretation. H.R. 742 requires OSHA to pay attorneys fees for employers that win cases against OSHA.

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However, these companies do not pay OSHA when they lose. Therefore, employers have nothing to lose by challenging those violations in court.

The real losers under this legislation are the American taxpayers, American workers, American families in this country, American people who work to make our country great.

As you can see, all four bills are antiworker laws, and the only way to justify them is to trump up charges that worker protection laws are costing American jobs and hurting American productivity. That is not true, because it is American families, American workers who have made this country great. We need to keep them here, and we need to protect them here in the United States.

Mr. Speaker, I urge my colleagues to oppose all four of these anti-OSHA bills.

Mr. Speaker, I rise in opposition to H.R. 740 and the other three OSHA bills under consideration today.

Republicans are suggesting that our laws are hurting American jobs and productivity.

This is untrue. It's bad enough that millions of American jobs are being shipped overseas.

Now Republicans want to weaken the few protections that exist for our Nation's workers.

Last year, Republicans passed the FSC/ETI bill that gave tax breaks to companies that move to China or India. Republicans need to stop confusing people on the reasons why jobs are leaving Main Street and being sent to mainland China.

We should put the blame for job losses in California and across the country where it belongs: the failed policies of this administration. The President's so-called compassionate conservatism has cost us 3 million jobs. Please end the compassion!

Remember that it was President Bush's top economic advisor who claimed that sending American jobs overseas is a good thing.

Weakening America's labor standards and allowing workers here to be exploited as they are in third world countries is not the solution. That type of thinking would take boys and girls out of the classroom and into the coal mine.

These four bills are anti-worker and anti-safety. They weaken health and safety laws and hurt American workers.

H.R. 739 weakens enforcement of health and safety regulations by dragging out the date for imposing penalties.

H.R. 740 weakens worker protections by packing the commission with partisan appointees who agree with the President's anti-worker agenda.

H.R. 741 will encourage frivolous challenges to Labor Department rules and interpretations.

And, H.R. 742 requires OSHA to pay attorney fees for employers that win cases against OSHA. However, those companies do not pay OSHA when they lose. Therefore, employers have nothing to lose by challenging most violations in court.

The real losers under this legislation are American taxpayers and American workers.

As you can see, all four bills are anti-worker laws. The only way to justify them is to trump up charges that worker protection laws that are costing American jobs and hurting American productivity.

Mr. Speaker, I urge my colleagues to oppose all four of the anti-OSHA bills.

Mr. NORWOOD. Mr. Speaker, how much time do we have left on each side?

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Georgia (Mr. NORWOOD) has 17½ minutes remaining, and the gentleman from New York (Mr. OWENS) has 4½ minutes remaining.

Mr. NORWOOD. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time and for his leadership.

Mr. Speaker, we just heard about how antiworker this legislation is, as well as the other three bills; but I would like to clarify a few things. This is not an antiworker agenda. What this does is simplify the rules that govern OSHA.

Now, there seems to be some thought that this legislation is going to make it more dangerous for workers or that it is antiworker, and that is really not the case. What we are trying to do is smoothly process the help that OSHA should be giving to employers for a safe workplace. There is no economic benefit for employers or those who keep and create jobs in America to want injured workers.

Quite the contrary. If a worker gets injured on the job, their insurance rates go up, there is loss of productivity, and quite often, small employers especially, hire family members. The last thing they would want to do is to go to the next family reunion and explain why their brother-in-law or their sister or some member of their family was injured on the job.

What we would like to see is a cooperative effort between the OSHA folks and people who keep and create jobs in America, working together for a safe work environment. One of the ways you do that is you have the timely processing of cases so that you do not have a backlog. This particular bill would simply help that backlog be alleviated.

This is a pro-worker piece of legislation. It does more to keep and create jobs in America than anything I have heard from the opposition both today and for the balance of this year. So I am very pleased to be supporting this piece of legislation.

I want to make the point that it is a pro-worker agenda that we are moving forward here because it will help us keep and create jobs in America.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

The two speakers prior to me have raised the question of outsourcing, and other people have challenged the relevancy of that topic to this particular set of bills. Every statement I read from industry complaining about the competitive edge that other nations have mentioned the fact that our environmental laws and our safety laws and our minimum wage, that combination, puts them at a disadvantage. So it is logical to conclude that part of the exercise today is to take away one of those disadvantages, to the degree it can be accomplished. And if you have to chip away at it with bills like this and remove worker safety as an expense that has to be undertaken. This civilized nation was built by workers and the workers deserve to have a fair break. But those that want to reduce us to the level of Third World nations or want to imitate China are going to pursue the kinds of bills that we have before us today.

So I want to just conclude with another section from the report of the AFL–CIO, their annual report on worker safety. I just want to read a few excerpts, which I think are excerpts that are important to educate our Members.

More than 306.706 workers can now say their lives have been saved since the passage of the OSHA Act in 1970. Unfortunately, too many workers remain at risk. On average, 15 workers were fatally injured and more than 12,000 workers were injured or made ill each day of 2003. These statistics do not include deaths from occupational diseases, which claim the lives of an estimated 50,000 to 60,000 workers each year.

According to the Bureau of Labor Statistics, there were 5,559 workplace deaths due to traumatic injuries in 2003, which was a slight increase from the number of deaths in 2002, when 5,534 workplace deaths were reported. Wyoming, of all places, led the country with the highest fatality rate, 13.9 people per 100,000. The lowest State for the fatality rate was 1.5 per 100,000, which was reported in Delaware.

The construction sector had the largest, as I said before, the construction sector had the largest number of fatal work injuries, 1,126 in 2003; followed by transportation and warehousing, which had 805 injuries; and agriculture, forestry, fishing and hunting, which had 707 injuries. Industry sectors with the highest fatality rates were agriculture, forestry, fishing, and hunting, 31.2 per 100,000 in hunting. Mining had 26.9 per 100,000. And transportation and warehousing, 17.5 per 100,000.

So you can see we are not here just to talk in support of the blue States, the urban States, the Rust Belt States; but the rural areas are suffering quite a bit also. The workers there—the rural areas—suffer in terms of the large number of fatalities in the workplace.

Transportation and material-moving occupations had the highest number of fatalities, 1,388, followed by construction and extraction occupations, with 1,033 fatal injuries. The occupations of greatest risk of work-related fatalities based on the number of fatalities per 100,000 employed were logging workers. Their occupation had 131.6 fatalities per 100,000; fishers and related fishing occupations had 115 deaths per 100,000; and aircraft pilots and flight engineers, 97.4 deaths per 100,000 employed.

Very interesting that simple guys out there, fishers and logging workers, are in the same category as aircraft test pilots and flight engineers in terms of deaths and injuries. So our concern is universal, and the mission of OSHA is important and should not be denigrated or trivialized by this kind of legislation.

Mr. NORWOOD. Mr. Speaker, I yield myself the balance of my time.

I do wish my friend, the gentleman from New York (Mr. OWENS), would get the AFL–CIO to send him talking points just on this bill. That is what we have this hour for, to discuss this one bill, where we actually are trying to make OSHA work.

Now, I will go over it again. This is about an agency called OSHA that has a review commission made up of three people. This review commission was written into the law in 1970, written into the law by a Democrat House and Senate that simply said OSHA did not get to be the judge and jury. They do have the right to set the standards. They can write the regulations and enforce the regulations, but they are not to be the final judge and jury. OSHRC is. The review commission is.

Now, what we find is the commission is not working. It does seem to me that some people do not want it to work. I am not sure I know why, but to stay with a bill that is 34 years old and just like it is, thinking it is perfect, when we absolutely know that it is not. For more than two-thirds of its existence, this commission has been paralyzed by frequent vacancies and often been unable to act. Two-thirds of the time in 34 years this commission has been unable to act. For more than half of its existence, it has had two or fewer members. For 20 percent of that time it lacked even a quorum of two.

Now, why does the AFL–CIO or the labor bosses not want this to change? I do not know, but you misread it if you say working families do not want this kind of change. Because most working families in this country are in small business. And tell you the truth, many labor union members also have small businesses with their wives and sometimes themselves as a second job.

You take it on yourself to tell us what the majority party wants. Well, this is simple what we want in this bill: We want a review commission at OSHA that works. It is just that simple. We do not want any more or any less. That is all this bill is about. We believe having five commissioners will help aid that process.

Mr. Speaker, I urge all our Members to just simply come to the floor and remember what this is about. This is a small tweak in a 34-year-old bill that is not working, and it does not help anybody. It does not help workers, and it does not help employers to not pass this little thing to help this agency work.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to H.R. 740, a bill to amend the Occupational Safety and Health Act of 1970 by expanding the size of the commission that hears OSHA appeals from three to five members. Supporters of the measure argue that the panel has had difficulty meeting a quorum because of recusals and vacancies. However, I would argue that the change would allow the current Administration to stack the board with pro-business members.

Many responsible employers are tired of continually being underbid by unscrupulous and reckless operators that refuse to spend anything on protecting workers' lives or promoting public safety. Voting in favor of H.R. 740, could potentially erode a basic respect for human life. We must remember that workers killed on the job are someone's son or daughter, husband or wife, and/or father or mother. Unlike other victims of crime, their lives are often seen as expendable. As a Mexican Consular officer said: "Too many employers don't see these people as human beings." Bereaved family members suffer further upon discovery that federal law denies them justice. If H.R. 740 is allowed to pass, we would be allowing the current Administration to stack the board with pro-business members. I urge my colleagues to oppose the passage of H.R. 740.

Mr. NORWOOD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 351, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OWENS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 741) to amend the Occupational Safety and Health Act of 1970 to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission with respect to an order issued by the commission, and ask for its immediate consideration in the House.

The Clerk read title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 351, the bill is considered as having been read for amendment.

The text of H.R. 741 is as follows:

H.R. 741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Independent Review of OSHA Citations Act of 2005".

SEC. 2. JUDICIAL DEFERENCE.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660(a)) is amended in the sixth sentence by inserting before the period the following: ", and with respect to such record, the conclusions of the Commission with respect to questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable".

The SPEAKER. The amendment in the nature of a substitute printed in the bill is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Independent Review of OSHA Citations Act of 2005".

SEC. 2. INDEPENDENT REVIEW.

Section 11(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 660) is amended by adding at the end the following: "The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable.".

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 741, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the third bill we will debate today is another narrowly crafted bill that addresses a specific problem we found in the OSHA law.

In 1970, when it created OSHA, Congress also created the Occupational Safety and Health Review Commission to independently review all OSHA citations. The commission was intended to hold OSHA in check and ensure that it did not abuse its authority. Congress passed the OSHA law only after being assured that judicial review would be conducted by "an autonomous independent commission which, without regard to the Secretary, can find for or against the employer on the basis of individual complaints."

Congress even separated the commission from the Department of Labor. It was truly meant to be independent. The bill before us, the Occupational Safety and Health Independent Review of OSHA Citations Act, restores the original system of checks and balances intended by Congress when it enacted the OSHA law, and ensures that the commission and not OSHA would be the party who interprets the law and provides an independent review of OSHA citations.

Now, let me try to put this in simpler terms. If you are stopped by a police officer and issued a citation for speeding, would you want the same police officer to be your judge and jury and decide whether you are guilty? Of course you would not. And unfortunately for small businesses today, the law is ambiguous and it is vague. Since 1970, the separation of power between OSHA and the review commission has become increasingly clouded because of legal interpretations, mostly argued by OSHA in efforts to expand its own authority.

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Congress intended there to be a truly independent review of disputes between OSHA and employers, and when a dispute centers on OSHA's interpretation of its authority, Congress intended the independent review commission, not the prosecuting agency, OSHA, to be the final arbiter. H.R. 741 restores this commonsense system of checks and balances.

Small businesses are the real engine of job growth in this country, and we should be helping them, not hindering their progress. Last week, the Department of Labor reported that more than 3.7 million new jobs have been created since May 2003. We want to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire workers and compete in our economy. That is another reason why all of these OSHA reform bills are important.

The measure before us is a narrowly crafted, commonsense bill that address a specific problem in the OSHA law. It passed the House last year and deserves the support of all of our Members.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

I want to make my comments on this bill very briefly. Essentially, H.R. 741 weakens the fundamental policy of the Secretary of Labor while enhancing the powers of the OSHA commission. Such action would create two divided regulators and a great deal of confusion. The Secretary of Labor is best able to regulate and enforce safety standards, and as such, the authority should remain with her. This is just plain common sense. I urge my colleagues to vote "no" on H.R. 741.

We do not need more confusion. More confusion is only a way to trivialize and make OSHA less effective.

Mr. Speaker, I would like to turn my attention to an issue that should be of great concern to all Members of this body in relation to this particular subject, and that is worker deaths and serious injuries. Between 5,000 and 6,000 American workers are killed on the job every year by willful and negligent safety violations on the part of errant employers. I have talked about that already. The surviving family members killed by corporate wrongdoing deserve much more than just our sympathy, however. They deserve immediate congressional attention and action.

Instead of considering these bills to weaken OSHA, we should be strengthening provisions of the Occupational Safety and Health Act. We should be considering a bill like H.R. 2004, the Protecting America's Workers Act, which I introduced on April 28 to coincide with Workers' Memorial Day, a day set aside every year to honor workers killed on the job by safety violations. Joining me as cosponsors of H.R. 2004 are the gentleman from California (Mr. GEORGE MILLER), the gentleman from New Jersey (Mr. ANDREWS), the gentleman from Massachusetts (Mr. LYNCH), the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Maine (Mr. MICHAUD), the gentlewoman from California (Ms. WOOLSEY), the gentleman from Texas (Mr. GENE GREEN) and the gentlewoman from Ohio (Ms. KAPTUR). The bill will hold those who commit corporate manslaughter accountable at the same time it reinforces critical health and safety protections for workers nationwide.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR) to give us an example of the seriousness of the situation.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman for yielding me this opportunity and take great privilege in coming to the floor today to place into the public realm a concern that is deep-seated in the city of Toledo and the State of Ohio which I am so honored to represent.

It in fact deals with corporate manslaughter. I stand today to oppose any weakening of OSHA statutes, and support the Owens bill to strengthen worker safety and protection. For, in fact, if those protections had been in place, the men I am going to tell Members about today would not be dead. Our community would not be in mourning. Their families would not be in mourning.

We have all observed with awe the marvelous photos of construction workers sitting on I-beams swinging above some of our Nation's major cities. High above New York City is one photo that comes to mind, as we admire the skill and the daring of these Americans who put their lives on the line every single day. These tradespeople indeed build America. I cannot think of a citizen in our country that does not respect their prowess and their skill.

Well, the worst construction accident in the history of the State of Ohio occurred in our city on February 16 of last year. It occurred on a Federal project, a Federal project that I had authorized and that has been being built now for several years. I was so proud when we passed that legislation. I said this is going to be a Federal project which is going to be built without one death, and we worked for almost 2½ years to sign a safety agreement with each of the trades involved in this project and with the major company and the State of Ohio. It was difficult to bring them all to the table. I said I did not want this to be another Mackinaw. I did not want dead men at the base of another river. Instead, I hoped we would build this project and demonstrate respect for those doing the work.

Well, on February 16, 2004, these four men lost their lives. Several others were seriously injured on this job. Crushed to death on this job were ironworkers Mike Phillips, age 42; Arden Clark, age 47; Mike Moreau, age 30; and Robert Lipinski, Jr., age 44.

I cannot tell Members what it was like to go to the funeral of each of these men. How poignant, how unforgettable to be with those families following an accident I know could have been prevented. But, yes, there were people in this city, people in our capital of Columbus, people in that company who did not care, who simply did not care.

One of the men who lost his life, his nickname was Bubba, Bubba Lipinski, he was such a magnificent man. He weighed about 320 pounds. He was not heavy-set; he was just strong. He was about 6 feet 6. When I walked into the funeral home, his casket was the size of a child's casket, a mountain of a man, crushed to death.

Joe Blaze, the President of the Local Ironworkers observed, "What happened will affect our community for generations." The local paper, The Toledo Blade, reported, "Workers told investigators the crane's rear legs," this is, the crane that fell, "were held up with 14 inches of shims and no anchors in the footers while each front leg had shims in only one of only two anchors." The workers were literally crushed when this million-ton crane moved, and it just could not hold itself. And it fell, crushing them to death in the process.

The question really is, why did it fall? Incredibly, its feet were not tied down. And people knew that. People in the company knew that. There are internal memos that show that they knew that.

But though the accident occurred over a year ago, the State of Ohio, that I view as an accomplice in this willful manslaughter, will not release inspection records. OSHA will not permit its inspector general at the Department of Labor to give us the pre-accident inspection reports. So, who was on site? Who was not on site? Who should have inspected? Who did not?

Moreover, there seems to be an issue of whether the Federal Government had responsibility to inspect a "launching Gantry crane", which is a specialized type of crane, that is, whether OSHA really had responsibility for inspecting launching Gantry cranes as opposed to other types of cranes.

Another major wrinkle, is that this particular crane, and there were two of them, was made in Italy, not the United States. The crane was imported. The men were a little uncomfortable with that. They generally build their own cranes and then build bridges using those cranes. Yet the State of Ohio assured the workers that it was of equal measure to any crane built in the United States. But there seems to be a little stickler in the OSHA regulations that OSHA may not equally regulate foreign imported cranes to the same standards expected of U.S. made cranes. They are not held to the same standard. Hmmm, why would that be?

I tried last month during the markup of the Labor, Health and Human Services appropriations bill to include simple report language in that bill, which is never denied to a member of this House, merely asking the Department of Labor's Occupational Safety and Health Administration to gather all records relating to the inspections that should have been done on the job, or lack thereof, prior to the accident and to provide them to the public record as well as to provide any communications that have occurred with the U.S. Department of Justice related to this accident. This was denied to me as an elected representative of the people of my district. It was denied to me by the Republican majority of this House, by the Republican majority of my committee, and by the Republican leader of the committee that is on the floor today.

I am angry. I am very angry. They do not want any oversight. They want the weaker OSHA regulations. They do not care about these men. They do not care about their families.

I have asked the majority to hold oversight hearings regarding OSHA's action or inaction in this I-280 Federal interstate highway accident. No word yet. No word yet on their willingness to agree for a request for a hearing. Surely the Congress has an oversight responsibility in a matter as serious as this one.

OSHA's Midwest office has ruled there was willful negligence on the job. And for reasons not completely understood, although they ruled willful negligence, they had to change the ruling. The ruling has now been changed. We do not know who changed the ruling. We want to know that. Now it has been termed "unclassified". It has gone from willful negligence, or corporate manslaughter, to unclassified. What does that mean?

It probably means that as the individual court cases move forth locally, somehow civil litigation is going to be affected by a careful dance of words. How absolutely cruel. Cruel. We talk about being pro-life. You are looking at a pro-life Member, and every one of those lives means everything to us. They went to work faithfully. They worked hard. They did magnificent work. I was up on that bridge last winter. It was blasted cold up there and windy. I represent the Saudi Arabia of wind up there on Lake Erie. They went to work in 32 degrees below zero. It was so cold with that wind factor.

Now guess how much OSHA is able to fine the company, and this is a $300 million to $400 million project. how much is OSHA able to fine the company and others responsible for this serious loss. a total of $70.000 for each lost life. $70,000 for each lost life? That is travesty. For 4 lost lives, OHSHA will impose a fine totalling $280.000 on a $300 million-plus project. That equals a fine of .0009% . . . almost embarrassing were it not so wrong. And, the money goes to the U.S. Treasury; it does not even go to the victims' families. What kind of country is this? What kind of shop are we running here?

Well, in my opinion, in cases of such gross negligence and criminal manslaughter, there should be more than civil damages and OSHA fines.

Our chief of police who is a very measured man said these men were murdered. There is criminal wrongdoing here. You know the amazing thing about our law, though this is a $300-plus million transportation project, I cannot even dedicate a few percentage points to give money to our local county prosecutor to investigate the nature of the negligence get to the bottom of this. The Department of Labor does not allow it. The Department of Transportation does not allow it. How do we find out what happened?

My questions are, where was OSHA? Who was investigating and who was inspecting on site? Where was the State of Ohio Department of Transportation? Where was their inspection? Why did they sign an acceleration agreement with the company—to make work on the project move even faster when the workers were a year and a half ahead of schedule? Who knew those footers were not tied down, both at the front and back ends of the launching Gantry crane? Did OSHA purposely not inspect what is termed a launching Gantry crane? Did OSHA not inspect nor require equal standards on a foreign made crane similar to one that is made in the United States of America?

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Why did I have to jump start the negotiation of a safety agreement before construction started? Why did OSHA not do that? Why did the U.S. Department of Transportation not do that? Why did the State of Ohio not do that? The State of Ohio has got their head in the sand. Those in charge are hiding in Columbus somewhere under the sidewalk. You cannot even find them. Here we have the largest transportation project in Ohio history with criminal manslaughter, and they are all taking the duck.

Why is this Congress undermining what little authority OSHA ever had? What are we doing here? And who are we doing it for? Fru-Con, the major contractor? They have been responsible for five deaths in the last year at two different project sites. That is quite a record.

We have now been told OSHA has not developed a standard or promulgated a rule stating that foreign-manufactured cranes, like this one, must equal or exceed U.S. safety standards. Who is responsible? On whose hands does the blood of these men lie in this House? On whose hands does it lie? I have a pretty good idea. Recommendations for such a standard were made nearly a year ago but not acted upon. Why not? Why not? Why has this Congress not demanded and implemented as soon as possible these regulations? Or made meeting U.S. standards a condition of eligibility for Federal funding? There is a serious abdication of responsibility here. We were always taught in school, there are sins of commission and there are sins of omission. Both sides of the ledger you are accountable for. Here there is a serious abdication of responsibility by the U.S.—an ommission, a purposeful omission. The inept Department of Labor caused the deaths of these men, as well as those in this Congress that would seek to weaken OSHA and gave no value to their lives.

These men died, in my view, because of the apparent willful negligence of our U.S. Department of Labor and the office of safety and health within it that was supposed to be set up to protect their lives as well as their allies here in the Congress who are completely undermining worker safety laws. They have abdicated their responsibility not just as lawmakers but as human beings to their fellow men and women to conduct aggressive oversight. The State of Ohio, as the contractural agent for the federal government, fell asleep on its oversight. The fact there are 4 dead men, and a half dozen injured is grim testament to that.

I have appealed already to our Committee on Education and the Workforce to hold hearings into this tragedy in Ohio. The hearings ought to be held in Ohio. It is my hope that, in spite of the actions being taken today, there might be some accountability, some conscience out there that asks—no, that demands—that this Congress act on behalf of the mothers and the fathers and the wives and the children and every single person in our community that goes under that bridge every day or looks at that construction project, all the people that still lay wreaths at the site, they are numerous, all the prayers, all the offerings, all the memories that are there forever.

I want to say to my colleague from New York, Mr. OWENS you have my strongest support on your bill. I am so sorry that I have to come here to the floor today and speak these words that I know, for the families back home, is so very hard to listen to. But I feel it is my responsibility as the only voice they have got here. I want to say to the ironworkers union, if I can hold my composure, you deserve a lot better than this. You serve us with great distinction. We value the lives of your members and the faith that they put in us to protect them. Some of us take this obligation as a sacred obligation. We salute them.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

My colleague from Toledo clearly laid out what was a tragedy in her community with regard to the four gentlemen who lost their lives in this accident. This accident continues to be under review by OSHA. We hope that OSHA will get to the bottom of what did happen, and, more importantly, who was responsible. I do not think it serves those families, the community or any of us to point fingers and to lay blame without facts. To my knowledge at this point, this particular case is still under investigation. There are still lots of details to be gleaned. And when this picture becomes clearer, we can then take a course of action that in fact may be appropriate. But I am waiting for this review and this investigation to continue.

But the point here is that the bill that we are debating would actually, I think, assist in making the determination about who is guilty, because by making it clear that the review commission should hear these cases and can adjudicate these cases, you can make a determination about who was right and who was wrong by an independent commission, not by OSHA itself.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. Mr. Speaker, I would like to start by saying that neither this bill nor the other three weaken OSHA. We designed these bills to help OSHA. Part of the problem is that this 34-year-old bill has been changed by activist judges, it has not been reviewed or looked at in 34 years in any sense, and these simply bring fairness back into the equation. As you can imagine, 34 years ago, we had an OSHA bill that was drawn up by a Democratic House and a Democratic Senate that was very fair, just a little tilted in one direction, and we are trying to undo that tilt just a little bit so finally, finally, maybe we can get OSHA to work with the small business community to benefit the workers.

The Occupational Safety and Health Independent Review of OSHA Citations Act restores congressional intent where the operation of the Occupational Safety and Health Review Commission is concerned. It just puts it back like it was 34 years ago. It got knocked out of whack with activist judges. When the Occupational Safety and Health Act was passed, the only reason it passed was a last-minute compromise to create an independent review commission. If you do not believe me, you do not have to. Go read the testimony. It is exactly what happened in the seventies.

It is clear in the legislative language of the OSH Act that Congress empowered the commission to interpret ambiguities under the act. This, however, has been undermined by legal interpretations that did not consider congressional action at the time. I would think all of us would want them to consider what we in Congress did.

Mr. Speaker, the OSH Act empowers OSHA to inspect and propose citations for violations of safety and health standards. The commission's responsibility is to review contested citations and render judgment. OSHA's responsibility is to make up the rules and enforce the rules. But they should not sit in judgment of their own rules. That can never be fair to anybody. The Congress in 1970 understood that, and we are going to fix that in OSHA sometime very soon. Congress did not intend for OSHA to create the regulations, enforce them, and then turn around and interpret them. I would compare OSHA's role to a prosecutor, and the commission's role to a court. Congress never intended that OSHA should also be the judge and jury. This is the commission's role.

Unfortunately, that position has been undermined by other court cases, cases that did not directly deal with safety and health law, for pity's sake, which suggested that deference should be given to OSHA instead. In my view, this must be corrected, and as long as I am in this town and in this body, I am going to try to correct it.

H.R. 741 simply states that deference shall be given to the reasonable findings of the commission in accordance with the governing court precedents as Congress originally intended. In the 108th Congress, most of us understood this was important: 224 voted for it: 204 against. I know that the union bosses are against anything we do, anything that might possibly help the majority of citizens in this country who are in small business. Lord, they are always against it. But those of you who care about union members, think about them on these votes. Don't worry about the union bosses. They are going to contribute to you, anyway. Think about the workers. They are the folks who would appreciate this kind of legislation.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. I thank the gentleman from Ohio for yielding me this time, and I appreciate the leadership that he has presented to this Congress on making America more competitive in the world economy.

Mr. Speaker, this week, Congress embarks on an important agenda to make America more competitive in the global marketplace. Over the next several weeks, the House will pass significant legislation as part of the Republican Congress' competitiveness agenda. Globalization is not something we can ignore, nor is it something we can stop. As Thomas Friedman says in his book, The World is Flat, globalization is a reality of our world today. How Congress deals with this reality will determine whether America remains the dominant economic superpower or whether we are relegated to a second-class economy.

America's businesses and workers have the skills and talent to compete and succeed in the global economy when given the opportunity to succeed. Unfortunately, over the past 40 years, Congress has constructed barriers to competitiveness. This institution now has a responsibility to break down these barriers and allow workers and businesses to prosper. This week of the competitiveness agenda is dedicated to eliminating bureaucratic red tape. Over the years, regulation after regulation has been levied upon our businesses, hindering their growth and development. Some of these regulations have proved helpful, but far too often these policies work simply to constrain our businesses from effectively competing and thereby keeping our workers from earning the best wages and benefits. OSHA is an excellent example of a good idea poorly executed that now hinders our businesses and workers.

The gentleman from Georgia (Mr. NORWOOD) has been a leader in the fight to keep American businesses competitive without sacrificing workplace safety and health protections. The four bills that we are considering today will establish basic principles of fairness, reduce regulatory burdens and expedite administrative reviews that will increase business productivity among America's small businesses. I want to thank the gentleman from Georgia for his vision and hard work on all these issues.

In 1971, OSHA was created to ensure a safe and healthy workplace for workers throughout the Nation. However, the bureaucracy has led OSHA to develop an adversarial relationship with our small businesses, defying common sense, good government principles and congressional intent. In order to successfully create a safe work environment, OSHA must be cooperative, not confrontational or punitive. People who own and operate businesses do not want dangerous workplaces or injured workers. They want to do the right thing, and OSHA should be there as a guide and resource, cooperatively working for a safer work environment. Unfortunately, this is simply not what is happening with OSHA.

This is particularly true in the residential construction industry where OSHA seemed to unfairly target small homebuilders in Sedgwick County, Kansas. In June of 2003, I was contacted by a group of homebuilders in Wichita who were frightened by the prospect of having to stop working in order to avoid fines from OSHA. These constituents told me OSHA was planning to fine builders for plastic cups on stairs and for workers' failure to wear earplugs while operating a wet vac. While seemingly minor issues to most of us, these fines, which some in the community claimed could be as high as $50,000, would effectively put small businesses out of business.

While OSHA claimed these reports were exaggerated, there is no way I can exaggerate the impact OSHA's hostility and excessive regulation can have on the still-recovering Wichita economy. In the case of these small construction companies, OSHA chose surprise visits, ill-conceived compliance guidelines and an adversarial demeanor to achieve everyone's goal of a safer, more secure workplace. The results were that many small contractors in my area of the country were forced to stop working in order to avoid unfair fines which could have been as high as $7,000 per infraction, no matter how insignificant. Under this approach, OSHA was doing more to hurt employees than to help them, threatening the ability of the men and women of the residential construction to make a living. That is why I am a strong supporter of the gentleman from Georgia's OSHA reform legislation, including H.R. 741. This is important piece of legislation would establish an independent review of OSHA citations.

The American political structure is based on a system of checks and balances, Federal and State, the executive, legislative and judicial branches. However, OSHA currently acts both as the prosecutor and the judge for the disposition of OSHA citations. Not only is this inherently unfair and inconsistent with our political system, the structure of the Occupational Safety and Health Review Commission does not live up to congressional intent.

As the gentleman from Georgia has eloquently explained, when Congress established the OSHRC, it was designed to be an independent judicial entity to provide proper and nonbiased review and adjudication of OSHA citations.

☐ 1630

This independent citation is critically important to the integrity and fairness of OSHA. Restoring this independence will help OSHA and the workers it serves.

I support the competitiveness agenda for America, and I support eliminating bureaucratic red tape, and I support the gentleman from Georgia's (Mr. NORWOOD) OSHA reform legislation.

Mr. BOEHNER. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), a member our committee.

Mr. PRICE of Georgia. Mr. Speaker, once again I want to commend the chairman of the committee for his wonderful work in this area and commend the gentleman from Georgia (Mr. NORWOOD) for keeping this issue alive as he has tried to enact these appropriate reforms.

Once again from the opposition we have heard some very interesting stories. But the problem is they do not have anything to do with the bill. I am reminded of the newspaper correction column, that column that is on page 5 or 6 or 10 or 12. We need a correction column right here. The misstatements and the untruths by the opponents would be amusing if this were not so doggone important.

We are not interested in dismantling OSHA. We are interested in improving workers' safety. I rise to support H.R. 741, and I want to once again bring us back to the magnitude of the issues we are talking about. Small business, 99.7 percent of all business is small business; and 75 percent of all new jobs are hired in the small business sector.

Have my colleagues ever been up against Big Brother? Ever been up against Big Brother? OSHA's budget is $468 million; 2,200 employees; 1,100 inspectors. OSHA is Big Brother. And the analogy has been used here, but what if Big Brother were the prosecutor and the judge and the jury? Unfair? Unfair? You bet. That is the current system. That is the current system under which we are working. OSHA is the prosecutor, it is the judge, and it is the jury. And that was not the intent. That was not the intent.

H.R. 741 restores the original intent and the original system of checks and balances that was intended by Congress. Read the bill. What does it say? All it says is: "The conclusions of the Commission with respect to all questions of law that are subject to agency deference under governing court precedent shall be given deference if reasonable." That is it. That is all it says. What does it mean? It means that the review committee will be the independent committee and the commission that Congress intended originally. Very simple common sense.

I urge my colleagues to adopt H.R. 741.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the critical question is what more important things should we be doing? This commission bill which creates confusion, to our knowledge, is still not sanctioned by the administration or the Secretary of Labor. Why are we putting such great amounts of time and energy into proposing new powers for this commission when there are other more important things that we ought to be addressing?

And the statement by the gentlewoman from Ohio (Ms. KAPTUR) was all related to what other important things should we be doing. Why can we not have hearings when there is a major accident with four men being killed under the circumstances they were killed in Ohio? Why can we not call in OSHA and demand that there be an expedited investigation? Why are citations allowed to be unclassified? This committee, the Committee on Education and the Workforce, has oversight over the work of the Department of Labor and OSHA. Why can we not get better answers? Why can we not consider my bill, H.R. 2004, the Protecting America's Workers Act, which will call for penalties for corporations who are guilty of the kind of neglect that led to the deaths of the four workers in Ohio?

Even by conservative estimates, 15 workers in this country will be killed on the job today, July 12. They will be killed due to serious safety lapses on the part of their employers. Why are we wasting our time playing around with the adjustment of a commission when these workers deaths are still going on in America?

I spoke earlier about the fiery explosion some 3 months ago at the BP plant in Texas City that killed 15 workers and injured more than 100 others. This happened three months ago. It is not ancient history. Why has this committee with jurisdiction not examined that explosion more closely here in Washington? I had also previously mentioned the bridge collapse in Toledo, which the gentlewoman from Ohio (Ms. KAPTUR) discussed in greater detail.

Many other cases of worker deaths, equally as tragic and preventable, only make local headlines. They only know about them locally. And they go on in different parts of the country because we are not aware of the seriousness of the situation. The fact is that much of what happens in one area can be prevented from happening in another area if we would just address those serious issues.

Every year in New York City, for example, a number of unprotected construction workers are killed by free-falls from buildings and collapses of faulty scaffolds and concrete walls. Almost 8 months ago in Walnut Creek, California, a gas pipeline explosion killed five workers, and badly injured four others. The list goes on and on.

We welcome this opportunity to get on the record from both the Members of Congress and the American people the fact that these things are continuing—this steady rate of somewhere between 5,700 and 6,000 workers dying each year—and it has been going on too long. Why not address the fact that this is something that can be stopped? We can change the death rate by having a more effective OSHA instead of playing around the edges, as these four bills are doing.

In the words of a New York State Supreme Court justice, these worker deaths in New York were not simply "random accidents" but rather, and I am quoting the judge here, "tragic certainties." "Tragic certainties." The workers died as the direct result of some employer's willful safety violations or serious negligence. What is even more reprehensible is that too often, and in the specific worker death cases I just referred to, the employers responsible for these fatalities are repeat safety offenders.

In a forum I held last year entitled, "Jobs to Die For: Inadequate Enforcement of U.S. Safety Standards," I heard from the grieving parents of 22-year-old Patrick Walters. Patrick was buried alive on June 14, 2002, working on a sewer pipe in a 10-foot trench. Patrick had spoken before about his fear of being suffocating because he was repeatedly sent down into the trenches without any protective equipment and without a metal trench box. We have a picture of Patrick here. He is the young man at the top tier of the poster to my right.

I mentioned Patrick's employer before, Moeves Plumbing, with respect to H.R. 739. I did this because Moeves Plumbing is a repeat safety offender. The firm has been the subject of 13 OSHA inspections since 1989. Patrick died only weeks after OSHA had cited Moeves Plumbing for willful trenching violations. When OSHA settled the case of Patrick Walters' death with Moeves Plumbing, however, they changed the willful violation to an "unclassified" one. Have we heard that before today? Unclassified, just as they did in the case of Ohio. It was not a willful violation, but an unclassified violation. A weak OSHA, a corrupt OSHA changed it to "unclassified." Without a willful violation, the Solicitor of Labor would not recommend criminal prosecution of Moeves Plumbing. As Patrick's parents told me last year: "We need to get some stiffer penalties and some muscle behind it, or Moeves' company is going to kill another child again. They will. It's only a matter of time."

Patrick's parents, who still live in the Cincinnati area, continue to see Moeves employees working inside trenches without any cave-in protections. As Patrick's father told a reporter in March of 2005, March of this year, about the owner of Moeves Plumbing: "She's killed two people now, and she'll probably kill two people again. It's obvious she's not listening to what OSHA is telling her."

Under the current OSHA Act, the maximum penalty any employer can receive for causing the death of a worker, considered a misdemeanor, is 6 months in prison and a $10,000 fine. Six months in prison and a $10,000 fine. Unlike surviving relatives of other crime victims, family members of workers killed on the job are left without any victim services or assistance under current law. They even lack a voice in any OSHA investigations of their loved ones' deaths. They also lack any voice in OSHA's subsequent negotiations with culpable employees over the downgrading of initial citations and fines tied to the worker fatalities.

By stiffening criminal penalties for those found guilty of blatant safety violations that result in worker deaths, the Protecting America's Workers Act will make other employers think twice about ignoring basic health and safety rules that risk workers' lives. H.R. 2004 incorporates in its entirety the provisions of a bill I introduced last year, and that was called the Workplace Wrongful Death Accountability Act. Both bills would make it a felony offense to kill a worker and provide for a term of no more than 10 years in prison. A felony offense to kill a worker, and there will be a term of no more than 10 years in prison. For a second offense, the maximum term for a culpable employer would be 20 years in prison. Fines would be set in accordance with title 18 of the U.S. Code, which is standard practice for all other criminal matters.

In other legislative matters, everyone agrees that holding people accountable by such means as stiffened penalties serves a critically important deterrent purpose. We are often on this floor talking about the need to not be soft on crime, to come with the hardest possible punishment as a deterrent. Yet I know that there are many on the other side of the aisle who are absolutely allergic to what I am proposing here, the prospect of holding accountable any employer whose willful or grossly negligent safety offenses kill workers. They don't want to hold accountable any employer whose willful or grossly negligent safety offenses kill workers. The opposition to holding such bad actors accountable does not even waver in instances where a number of workers are killed by the same safety violations over a 5- or 10-year period. The opposition also does not waver no matter how many workers are killed by an employer's egregious safety offenses.

I am heartened, however, by the fact that yesterday's "Inside OSHA" reports that Senator ENZI from Wyoming, who chairs the Health, Education, Labor and Pensions Committee, supports stiffening criminal penalties for health and safety violations that kill workers. As I understand it, Senator ENZI and I might differ on the maximum penalty for corporate manslaughter, but we agree on the need to make this a felony offense.

I believe Senator ENZI would prefer to see a maximum prison sentence for a first offense set at 18 months, whereas my bill would set the maximum at 10 years, in accordance with standard criminal law. Senators KENNEDY, CORZINE, and others introduced the Protecting America's Workers Act on the Senate side; and they agree with setting the maximum penalty for corporate manslaughter at the 10-year mark.

Mr. Speaker, the Protecting America's Workers Act would also extend OSHA coverage to millions of workers who currently lack the protection of workplace safety and health laws. Among others, these include public employees in a number of States and localities, certain transportation workers such as flight attendants, and a number of Federal workers, as well as those in public/private entities such as the Nuclear Regulatory Commission. Moreover, this act provides stronger protections for any worker who reports safety and health violations of an errant employer.

□ 1645

This bill requires OSHA to investigate any workplace incident that results in the death of a worker or the hospitalization of two or more workers. At the same time, it gives surviving family members of workers who are killed greater participation rights in OSHA's workplace investigation and penalty negotiation process with the respective employers responsible for these fatalities. Moreover, it prohibits OSHA from downgrading willful citations in worker fatalities, downgrading them to this "unclassified" category. They should not be categorized as "unclassified" ever again.

Last, but not least, this bill that I propose strengthens workplace prevention efforts by requiring employers to cover the costs of personal protective equipment for their employees.

Mr. Speaker, I want to commend the New York Committee on the Safety and Health, NYCOSH, joined by COSH committees in other States, for launching a national campaign against corporate killing. This grassroots campaign will alert workers and the wider public about the importance of ensuring employers do not place profits above basic safety measures at the expense of workers' very health and lives. This is a serious business that this committee ought to be about. This is a serious business that ought to be on the floor today. This grassroots campaign says what Congress should also be saying, that it is important to ensure that employers, that bosses do not place profits above basic safety measures at the expense of workers' health and lives.

Mr. Speaker, the time for the Protecting America's Workers Act is now. Although we have been making progress and making the American workplace safer in prior administrations, that progress has stalled, and we need to act immediately in a serious manner and stop the kinds of adjustments that are taking place in the bills that are on the floor today.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

Mr. Speaker, having been an employer, I realized early on that the greatest asset in my business were the people who work for me. And having worked every job known to man growing up, I know that the people I worked for realized that the greatest asset they had in their business were their workers. When it comes to the protection of workers, I believe that all employers are interested in trying to protect their employees.

Congress, in 1970, passed the OSHA Act, putting in statute a set of laws, rules and regulations about the protection of American workers. And over the last, really the last 7 or 8 years, we have made great progress in reducing workplace accidents, illnesses and deaths, because OSHA, at the prodding of many of us, began to work more cooperatively with employers around the country. I have been to many work sites in my own district where voluntary protection programs have been instituted and have been signed off by OSHA that allow employers and their employees to work cooperatively in order to have a safer workplace. And the results, the results are pretty clear. If you look at, over the last 5 years, the rate of illness, workplace injuries, and deaths has continued to decline precipitously. We are making real progress. So I would continue to urge OSHA to work with employers and their employees to help create the safer workplace that all of us want.

Now, the bill before us simply says that there ought to be this independent review of the decisions that OSHA makes, that OSHA as the policeman, as the prosecutor, as the judge and the jury, is not fair to American workers or their employers. And we believe that when Congress created OSHA in 1970, they believed, and it is clear in the legislative language and in their intent, that they believed that there would be an independent review commission making these decisions. All we do in this bill is to make clear that it is Congress's intent and that OSHA will, in fact, abide by the law as it was written.

So I would urge my colleagues to support the underlying bill today.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 741. Instead of working to strengthen OSHA standards, my Republican colleagues have presented yet another piece of legislation aimed to weaken it by undermining the clout of the Secretary of Labor.

The Secretary of Labor should be the final authority on how OSHA law is interpreted, and this bill undermines the Secretary's authority . . . giving the Commission too much latitude.

The Secretary of Labor needs an unbiased group of peers during the appeals process. If the Commission's authority on the interpretation of OSHA law trumps the Secretary of Labor, what legal basis would the Secretary have to appeal a decision with which he/she disagrees?

The Commission's role is to fact-find and review while the Secretary of Labor is the enforcer. If the Commission becomes both the fact-finder and the enforcer, the employee cannot be ensured protection from bias. This legislation undermines the entire appeals process. It is unnecessary and not in the best interests of the employer or the employee.

If the administration was really interested in helping workers, it wouldn't be focusing on these unnecessary semantics in the law. But instead, it would be granting workers something they really need, like increased minimum wage or stricter penalties for employers that ignore safety regulations. I urge my colleagues to join me in supporting real worker reforms, not legislation promoting the erosion of worker protections.

Mr. Speaker, the administration's priorities are wrong, and I urge my colleagues to join me in opposing H.R. 741.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today speak in opposition to H.R. 741, a bill to amend the Occupational Safety and Health Act of 1970 by requiring judges in OSHA appeals cases to give more weight to the commission's decisions than to Labor Department regulators. Supporters argue the legislation would codify the intent of the 1970 Occupational Safety and Health Act (PL 91–596). However, I would argue that the measure would violate a 1991 Supreme Court ruling that gave the Labor Department priority in interpreting OSHA regulations.

Nearly every working man and woman in the Nation comes under OSHA's jurisdiction (with some exceptions such as miners, transportation workers, many public employees, and the self-employed). Users and recipients of OSHA services include: occupational safety and health professionals, the academic community, lawyers, journalists, and personnel of other government entities. To ensure that these individuals are safe and protected on the job, OSHA and its State partners have approximately 2,100 inspectors, including complaint discrimination investigators, engineers, physicians, educators, standards writers, and other technical and support personnel spread over more than 200 offices throughout the country. This staff establishes protective standards, enforces those standards, and reaches out to employers and employees through technical assistance and consultation programs. OSHA has proven that it is committed to doing its job and the Labor Department should continue to have the authority to interpret OSHA regulations.

I urge my colleagues to oppose H.R. 741.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. REHBERG). All time for debate having expired, pursuant to House Resolution 351, the previous question is ordered on the bill, as amended.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OWENS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

Mr. BOEHNER. Mr. Speaker, pursuant to House Resolution 351, I call up the bill (H.R. 742) to amend the Occupational Safety and Health Act of 1970 to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 742 is as follows:

H.R. 742

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Occupational Safety and Health Small Employer Access to Justice Act of 2005".

SEC. 2. AWARD OF ATTORNEYS' FEES AND COSTS.

The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) is amended by redesignating sections 32, 33, and 34 as sections 33, 34, and 35, respectively, and by inserting after section 31 the following new section:

"AWARD OF ATTORNEYS' FEES AND COSTS

"SEC. 32. (a) ADMINISTRATIVE PROCEEDINGS.—An employer who—

"(1) is the prevailing party in any adversary adjudication instituted under this Act, and

"(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the adversary adjudication was initiated,

shall be awarded fees and other expenses as a prevailing party under section 504 of title 5, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the Secretary was substantially justified or special circumstances make an award unjust. For purposes of this section the term 'adversary adjudication' has the meaning given that term in section 504(b)(1)(C) of title 5, United States Code.

"(b) PROCEEDINGS.—An employer who—

"(1) is the prevailing party in any proceeding for judicial review of any action instituted under this Act, and

"(2) had not more than 100 employees and a net worth of not more than $7,000,000 at the time the action addressed under subsection (1) was filed,

shall be awarded fees and other expenses as a prevailing party under section 2412(d) of title 28, United States Code, in accordance with the provisions of that section, but without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust. Any appeal of a determination of fees pursuant to subsection (a) of this subsection shall be determined without regard to whether the position of the United States was substantially justified or special circumstances make an award unjust.

"(c) APPLICABILITY.—

"(1) COMMISSION PROCEEDINGS.—Subsection (a) shall apply to proceedings commenced on or after the date of enactment of this section.

"(2) COURT PROCEEDINGS.—Subsection (b) shall apply to proceedings for judicial review commenced on or after the date of enactment of this section.".

The SPEAKER pro tempore. Pursuant to House Resolution 351, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from New York (Mr. OWENS) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 742.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the fourth bill we will debate today is another narrowly crafted bill that addresses a specific OSHA problem. In short, we strongly believe that small businesses that face meritless OSHA enforcement actions should not be prevented from defending themselves simply because they cannot afford it.

The Occupational Safety and Health Small Employer Access to Justice Act levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. Under current law, the Equal Access to Justice Act allows small business owners to recover attorneys' fees if the owner successfully challenges a citation. However, if OSHA can establish that its enforcement action was "substantially justified" or the result of "special circumstances," small businesses can be refused attorneys' fees even if OSHA loses the case in court. Historically, the law's "substantially justified" and "special circumstances" standards have made it easy for OSHA to prevent recovery under this broad standard, so attempts by small business owners to recover costs often exacerbate the financial harm caused by OSHA's dubious enforcement actions.

Let us look at some of the facts. In 2004, OSHA cited 86,708 violations based on its nearly 40,000 workplace inspections. Yet, how many applications were filed for attorneys' fees against OSHA in 2004? That number is four. Yes, exactly four. How many were granted? Three. Three. Moreover, for the last 25 years, only 1 year has seen more than ten applications filed for attorneys' fees against OSHA. Now, when you compare that number to the more than 80,000 OSHA violations cited every year, you start to wonder. We heard testimony in our committee on this issue, and what we found is that the law's "substantially justified" and "special circumstances" standards have made it easy for OSHA to deny small businesses the ability to recover attorneys' fees.

What these numbers tell us is that small businesses can already see the writing on the wall. They know that OSHA has the upper hand, and if the prospect of recovering attorneys' fees is as bleak as it appears, then why fight the citation at all? Small employers should not be forced to knuckle under to OSHA citations and settle up front when they know and believe that they are innocent. This measure simply forces OSHA to carefully evaluate the merits of its cases against small employers before they bring the case. If OSHA's case is weak, and they bring the case anyway, then the agency will have to pay attorneys' fees, and rightly so.

Employers face relentless competition every day in the face of high taxes, rising health care costs and burdensome government regulations. The last thing they need is a meritless OSHA-related litigation that could take years to resolve. Last week, the Labor Department reported that more than 3.7 million new jobs have been created since May of 2003. We want to make sure that onerous government regulations do not hamstring small businesses' ability to continue to hire new workers and compete in our economy. Frivolous litigation kills jobs, and this measure will help ensure that OSHA carefully considers the merits of its case before they bring an enforcement action.

The measure before us is, again, narrowly crafted and a commonsense bill that addresses a specific problem in the OSHA law. It passed the House last year and deserves the support of all of our Members.

Mr. Speaker, I reserve the balance of my time.

Mr. OWENS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the worst of all of the OSHA bills before us today. It would treat OSHA differently than any other Federal agency. Under the Equal Access to Justice Act, if any agency's position is not "substantially justified," the government must pay the opposing party's attorneys' fees. This bill says OSHA must pay attorneys' fees to a prevailing employer, even if OSHA's actions were reasonable. Under this bill, OSHA will find itself paying the attorneys' fees of repeated safety violators whose penalties were reduced on a technicality.

The real-life example of an employer by the name of Eric Ho in Houston illustrates the problem here. Eric Ho hired undocumented workers and exposed them to high levels of asbestos, and this represents the kind of case that could not be tolerated by OSHA. Even after a city worker issued a stop-work order, Eric Ho secretly had the workers stay on the job. Eric Ho's workers ate at the site. They worked throughout the night, and some even slept at the site. Ho then directed the workers to tap into what would prove to be a gas line, and there was an explosion which resulted in one contractor and two workers being seriously injured. In the end, OSHA cited Eric Ho for ten serious violations and 29 willful violations. In turn, Eric Ho challenged OSHA and a divided OSHA review commission eventually downgraded Eric Ho's citations. Although Eric Ho was sentenced to prison in a prosecution led by the Environmental Protection Agency, because they had jurisdiction also. Eric Ho violated the Clean Air Act and H.R. 742 would require that this man, who had been convicted by one Federal agency, be awarded attorneys' fees because of OSHA's actions. OSHA would have to award attorneys' fees to Eric Ho. In this instance, H.R. 742 would use taxpayer funds to reimburse a convicted felon on OSHA technicalities.

Under the Equal Access to Justice Act, when a Federal agency is not substantially justified and cites an employer and the employer prevails in judicial proceedings, the employer is reimbursed for his attorneys' fees and expenses by the U.S. Treasury funds. Under this bill, H.R. 742, OSHA would be required to reimburse from its own budget an employer who prevails in judicial or administrative proceedings, even when OSHA was "substantially justified" in issuing its initial citations. Now, they say, still, they are not trying to chip away at the effectiveness of OSHA, destroying OSHA bit by bit. OSHA would have to pay out of its own budget. Whereas, under the other circumstances that are similar, U.S. Treasury funds are used. Thus, any time an OSHA staffer conducts an inspection and discovers serious safety violations, that inspector would have to second-guess himself or herself.

□ 1700

OSHA's inspectors will be forced to perform many mental gymnastics, trying to predict whether a citation, no matter how justified, might have the slightest chance of being adjusted or overturned on a technicality in review proceedings.

Mr. Speaker, Members of both sides of the aisle agree that under its current budget and staffing configuration, it would take OSHA 108 years, 108 years to inspect all of the workplaces in America.

Now, H.R. 742 would have the effect of tying the hands of OSHA inspectors behind their own backs, causing them to analyze each and every citation in the most serious minute detail.

In a sense this bill calls for OSHA inspectors and supervisory staff to become forecasters. They will be required to predict any and all possible scenarios in which a specific citation might be reversed on a technicality. In the meantime, the founding purpose of OSHA, to assure, quote, "every working man and woman in the United States safe and healthful working conditions," that would be more or lose forgotten.

Mr. Speaker, there are Members on the other side of the aisle who would have us believe that every OSHA inspector is like police inspector Javert in Victor Hugo's famous novel "Les Miserables."

These Members compare every business owner to Hugo's noble character Jean Valjean, hounded by OSHA's Javertian inspector for having innocently slipped up on one point, one miniscule point of an obscure and archaic OSHA safety rule.

In turn, those Members refuse to acknowledge the relevance of another great novelist, Charles Dickens, who captured bleak scenarios in which greed led the owners of blacking factories to subject child workers to inhumane and life-threatening conditions. In reality, we do not have to turn to 19th century novels to enlighten us on workplace safety conditions in this country. We need merely turn to the last year's astounding New York Times investigative series on worker deaths by David Barstow.

Reporter Barstow reminded us all that someone harassing a wild burro on-

Federal lands in 2004 would get a stiffer penalty, that is up to a year in prison, than an unscrupulous employer whose willful safety violations resulted in the death of a worker.

As I have repeated several times during today's debate, that employer's malfeasance could result in a sentence of no more than 6 months in jail. However, if Mr. Barstow were to write his series this year, he would have to alter the comparison slightly. It is not, I am afraid, that we are doing a better job of holding errant employers accountable for serious safety offenses. Rather, it is because a provision in the Omnibus Appropriations Act enacted at the end of the 108th Congress repealed the protection of wild burros and horses on Federal lands.

So it is a different scenario; but still workers are no better off, I assure you.

Mr. Speaker, I reserve the balance of my time.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Puerto Rico (Mr. FORTUÑO).

Mr. FORTUÑO. Mr. Speaker, I am quite pleased to have the opportunity today to address my colleagues and argue all to support the four OSHA bills that are being discussed today. At this point I would like to particularly address the importance of H.R. 742.

This bill narrows the target to a very specific goal, fairness. By permitting small employers to defend themselves against OSHA's superior litigation position when they believe that they are right, we are both creating consciousness about the values and needs of occupational security and health among employers and simultaneously promoting responsibility to our regulatory agency at the moment of acting.

Reality is that many small businesses simply do not have the resources to compete against OSHA's team of legal experts and are forced to "surrender" just because of the economic burden that litigating a case will have on their company.

It is not a matter of having a strange or poor case. It all comes down to the amount of time and money that litigating represents for them. We cannot allow our regulatory agencies such as OSHA to take advantage of their superior position and by doing so affect an important part of our national economy.

I personally have been informed by the Puerto Rico Chamber of Commerce that the main frustration among small employers is the unfair advantage that OSHA has when pursuing litigation against a small company even when the case is without merit or on shaky legal ground.

But, in fact, it is not news. Congress clearly recognized this problem when it passed the Equal Access to Justice Act. Still, this act just does not work when it comes to OSHA law.

In 2003, OSHA collected over $82 million in penalties; but in 12 of the last 20 years, OSHA's total EAJA awards have been less than $10,000. This simply does not make sense in light of all of the complaints that we hear from our small business constituents. We have to promote a level playing field for all. That should be our motive.

The message that we have to make clear to the small businesses is, if you need to, you can fight OSHA and win, and your victory will involve no burden.

Mr. Speaker, no one wants OSHA to be using taxpayer money to pay attorneys' fees instead of enforcing the law. That is not the purpose of this bill. But we do care to ensure that OSHA will think twice before pursuing expensive and time-consuming litigation in cases with no merit.

Mr. OWENS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I rise in opposition to this bill. If the principle in this bill were applied to U.S. attorneys across the country, we would have a crime wave like you would not believe. If prosecutors had to be sure they were going to win every time they brought a case, they would bring very few cases. And that is the flaw in this bill.

There are four kinds of results when OSHA brings an action. The first is the result when OSHA is right, when they win on every question. And this bill does not affect that situation.

The second is the mixed result where OSHA wins some and loses some, where some of the charges that they make are downgraded, others are dismissed, and others are upheld in their entirety. As I read this legislation, Mr. Speaker, in that case, it is indeed possible, perhaps likely, that OSHA would be held responsible for paying the attorneys' fees of the defendant or accused party in that case.

The third kind of case OSHA brings is one where OSHA loses on all counts, but the claim was not unreasonable, where they made a judgment call and they thought they were right, but the adjudicator, the court, the decisionmaker made a different decision.

Well, in that case, it is obvious under this bill that OSHA would be responsible for the counsel fees of the accused party.

The fourth kind of case is the case where OSHA brings a case that is unreasonable, that is arbitrary and capricious. Under present law, under such circumstances, OSHA is responsible for the counsel fees and attorneys' fees of the accused party.

Now, our friends on the other side say, well, this has been rarely invoked. I believe they said there are three cases in recent years, in a long time, where this has been invoked. And they draw from that the conclusion, Mr. Speaker, that there must be many, many cases where OSHA has done something arbitrary or unreasonable, but not been called on it, not been caught at it.

One could draw a very different set of conclusions from that record. It could draw the conclusion that in the vast majority of the cases, even when they lose, their claims are reasonable; and the adjudicator and finder of fact in law has found that although OSHA is wrong, they were not acting in a vindictive or unreasonable way. This is a consistent principle across the board in Federal law.

If a Federal agency brings a case that is vindictive or unreasonable or patently unfair, then they are in fact responsible to pay the attorneys' fees of the accused party. But if they bring a case that is just wrong, but not unreasonable, where reasonable people could disagree before the case was brought as to whether it was right or wrong, then they do not have to pay the attorneys' fees, and it is for a very good reason.

It is because there are judgment calls that prosecutors have to make, there are judgment calls that enforcing agencies have to make, and we do not want to chill that judgment by saying, we will bring the case if you are sure that you are going to win. I am glad that the Securities and Exchange Commission is not going to be held to this standard, because if every time someone on Wall Street were accused of stock fraud, the SEC had to say, well, are we sure we are going to win before we bring this case, the cases of stock fraud that we have seen would be far more rampant than we have seen in recent years.

I am glad that other agencies, the mine safety agency is not held to this standard. You know, the basic question here is whether we want to so chill and corrode the enforcement powers of the agency that we want to wipe them out all together. I just do not think that makes any sense.

I think a far more sensible course would be to examine the existing legal provisions as to whether they go far enough, whether they are properly administered; but to make this wholesale change is to say to OSHA, unless you are sure you are going to win, do not bring the case.

You know, every lawyer is asked by every client at some phase of the litigation, am I going to win? Clients want to know this. And competent, honest lawyers usually give an answer that says, I am not sure. I can give you the probabilities. I can give you the circumstances under which I think we can win, and the circumstances under which I think we would not win. And a sensible client decides whether to go forward or not.

OSHA should have the same degree of discretion. If it abuses that discretion, it should be punished. If it does so on a consistent basis, we should change the law. But I believe there is no record that would demonstrate that conclusion, and I think that this proposal would seriously corrode the ability of this much needed agency to protect the working people of the country. I would urge both sides to cast a "no" vote on this bill.

Mr. NORWOOD. Mr. Speaker I yield myself such time as I may consume.

Mr. Speaker, I always enjoy following my friend, the gentleman from New Jersey (Mr. ANDREWS). I love to hear his debate, and I respect it. But I just think he is wrong about this.

We are not chilling anybody. What we are telling OSHA is you be darn careful before you drag people into court or force them to pay the citation because they simply cannot go to court.

They can take anybody to court anytime they want to under this bill. But they better be right more often than they are wrong, and that is not necessarily the case. So many of the cases we never hear about because the poor small business owner simply has to pay the citation because he knows that the attorneys' fees are going to be 10 times more than the citation.

In hearings before my subcommittee in the last Congress, we heard testimony from several witnesses about settling citations with OSHA rather than contesting citations, even though the employer felt the citation was dead wrong.

Why is this a continuing theme? I do not even have to be in Congress to hear this. I know about this kind of thing going on in my area all of the time. I would argue that since it is too hard to challenge OSHA and its attorneys, and the fact that you are challenging the entire taxpayers of the country and the use of their dollars, an employer simply cannot afford to go to court to prove that they are right because of the cost.

Does this remind any of you that have been in business about hearing from any of your friends with the IRS? They do the same thing. They just beat you to death and make you pay whatever they want you to pay and you cannot go to court to defend yourself.

The Occupational Safety and Health Small Employer Access to Justice Act, would award attorneys' fees to small businesses that successfully challenge an OSHA citation. They need to know what they are doing before they drag people into court. They need to be right.

They will not be every time. It may cost them sometimes. But that is better than not ever allowing a small businessman to be able to defend himself in court. The legislation defines a small business as one with 100 employees or less and with a net worth of not more than $7 million.

This is a very limited definition. This very limited definition will award attorneys' fees to the very small employer who is often pressured into settling with OSHA despite the fact that the company believes it has done nothing wrong.

□ 1715

This legislation is needed because the Equal Access to Justice Act has not been effective in redressing unfair citations for small business owners. Some people think that is not true. We think it is true. The numbers of cases filed under EAJA are few and far between. Why? Because OSHA can easily claim that the citations were justified. Under EAJA this is all they need to do.

In fiscal year 2004, small businesses were awarded only $11,585 by OSHRC. Witnesses before the Committee on Education and the Workforce have described the economic calculus small businesses make where settling OSHA cases is concerned. What was the common theme? It is cheaper to settle with OSHA than it is to fight, win and file for attorneys fees. That is wrong. Occasionally, some businessmen cannot stand it. They just cannot stand what OSHA is doing to them, and they are willing to pay a lot of money to go to court, a lot more money than the citation to prove that they were not wrong. But not everybody can do that.

Mr. Speaker, my bill is simply not a new concept. I would like to point out that in 180 other areas Congress has provided fee-shifting statutory arrangements for attorneys fees. This includes the Fair Labor Standards Act, the Americans with Disabilities Act, and numerous other laws. H.R. 742 simply levels the playing field for small employers by encouraging OSHA to better assess the merits of the case before bringing the full force and power of the United States government in their litigation against a small business. If you think that is not scary, you ought to try it some time.

This measure passed the House, thank goodness, last year in the Congress with bipartisan support, 223 to 194. I urge my colleagues, in particular my Democratic friends who have small businesses in their district, I urge them to vote for all four of these bills. I know it has been hard to tell what we have been talking about today because there has been so much superfluous conversation going on not concerning these four bills. But these are four simple, commonsense, fair bills that small business in this country need.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, how much time remains?

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia (Mr. NORWOOD) has 19 minutes remaining. The gentleman from New York (Mr. OWENS) has 18 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from New York (Mr. OWENS) for his defense of workers rights.

I rise in strong opposition to H.R. 742 and to any bill that seeks to weaken OSHA at a time when we should be strengthening it. I further want to say that I think the passage of this bill sets a dangerous precedent because what we would be doing effectively is undermining OSHA, not only discouraging it from performing its statutory mission of making sure that the workplace is safe, but also setting the stage for depriving OSHA of any revenues that it would need to be able to enforce the law.

It also occurs to me that there is a question of the constitutional rights of workers here, that since OSHA is given rather exclusive jurisdiction to protect the rights of workers and to enforce workplace safety standards, that working people would in effect be deprived of due process of law and equal protection of the law. So it seems to me there are constitutional issues here at stake as well.

The core mission of OSHA is to protect workers by enforcing safety standards. This bill will undermine that mission. It will alter OSHA's ability to enforce, and it will leave workers in danger. The latest numbers from the Bureau of Labor Statistics show a rise in deaths of American workers on the job. In 2002, 5,524 workers were killed due to injuries on the job. By 2003, that number had risen to 5,575. In 2003, 4.4 million, 4.4 million non-fatal workplace injuries were also reported.

Let us remember what OSHA is: OSHA is the Federal cop on the workplace safety beat. H.R. 742 will discourage OSHA from enforcing the laws against dangerous workplaces. Instead, OSHA will spend its time weighing the odds of winning against the costs to its budget if it loses.

H.R. 742 would require OSHA to pay attorneys fees in any case which it does not prevail. This would discourage settlements which save both time and money and in effect leave businesses with little or no reason to not contest charges.

Imagine if Congress were to consider a bill to require police departments to pay attorneys fees of a criminal defendant charged with reckless endangerment merely because they were acquitted or found guilty of a lesser charge. Would this House support that? The question answers itself.

Why support H.R. 742 which, in effect, does this same thing? The Nation's workplaces will be more dangerous and more lawless if the changes made by this bill are passed. This bill was designed to weaken enforcement of workplace safety laws and to in effect steal from exploited Americans the protection from injury and the justice they deserve. This legislation will severely handicap OSHA, the Federal workplace safety force, by discouraging it from citing employers unless the agency is completely certain it will win.

This legislation will endanger Americans, the vast majority of whom work for others to make a living. They work in factories, in shops, in hospitals. They work in nursing homes and in schools. They are not the bosses who decide if and how businesses will obey the law. Instead, they face the consequences of those decisions, and they live and die by those decisions. They need strong workplace safety laws and vigorous enforcement. They need to have H.R. 742 to feed it.

Current law already permits small businesses to recover litigation costs when the government position was not substantially justified. In the year 2000, 97.7 percent of all private establishments had less than seven employees and such establishments have a higher rate of occupational fatalities than establishments of more than 100 workers.

The fundamental question that faces this House here is, do workers have rights to fair compensation when they are hurt on the job? Because this is not just about workers; it is about the American family. Does a breadwinner have the right to be protected in the workplace? Do we have an obligation as a Congress to ensure a safe workplace? That is really the question that we are deciding here today. We are acting as though the interest of business and the interest of workers is somehow divided. The interest should be the same.

Workplace safety should be the highest criteria. We should not give up on workplace safety because of some odd notion that OSHA should pay if it brings a proceeding that is not upheld in a higher jurisdiction. We as Members of this House will pay a price if we fail to uphold workers' rights, if we fail to uphold the rights of a safe workplace, if we fail to uphold the right to fair compensation if someone is injured on the job, if we fail in our moral obligation to assure that corporations have a responsibility to their workers.

This should not be a matter of Democrat or Republican. It should not be a matter of labor management. This should be an American commitment to safe workplaces. And because of that I urge my colleagues to vote to defeat H.R. 742 and to work in a bipartisan way to assure that the American workplace is going to be safe for all those who toil for a living.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding me time and for his tremendous leadership on this issue. He has been working it for a long time.

Mr. Speaker, I rise today in support of the Occupational Safety and Health Small Employer Access to Justice Act. And I read it that way in the quotes for a purpose. The gentleman from Georgia (Mr. NORWOOD) mentioned earlier that we have heard language today that ranged on a wide variety of subjects, and I am not sure at all that they were talking about the issue before us today.

This legislation that is before us now is one of four bills under consideration today which reflects the commitment of the gentleman from Georgia (Mr. NORWOOD) and me and my colleagues to improve the effectiveness of OSHA regulations and changes the environment that has hindered U.S. employers from creating and keeping more jobs.

I have listened to language today earlier this afternoon on these four bills that talked about us losing millions of jobs to China and elsewhere. The purpose of the legislation that we are talking about today is to, in fact, help create and keep jobs here in America. I will repeat what my friend from Georgia said earlier today, that the OSHA Small Employer Access to Justice Act levels the playing field for small business owners and encourages OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small business.

Loopholes in the current law make it possible for small businesses to be denied attorneys fees, and as my friends said, therefore, not even take the case to court because they simply cannot afford to defend themselves against a case brought against them by OSHA. This exacerbates the financial harm called by OSHA's sometimes dubious enforcement actions and discourages small business owners from seeking the restitution which rightly belongs to them. By closing this loophole, we ensure it is in everyone's best interest.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I thank the chairman and I appreciate all he does.

Mr. Speaker, I rise today in support of all four of the OSHA reforms bills on the floor. These bills contain reforms that will encourage a more collaborative environment in which small business owners and the Occupational Safety and Health Administration can work together and, in doing so, improve workplace safety.

In particular I rise to support H.R. 742, the Small Employer Access to Justice Act. It would amend the OSHA Act of 1970 to reimburse small employers for attorneys' fees and costs when they are successful in challenging an OSHA citation.

Now it is true that the Equal Access to Justice Act already allows small business owners to recover attorneys' fees when a ruling is in the employers favor. However, reimbursement for attorney fees is refused if OSHA can establish that the citation was substantially justified or that special circumstances led to the issuance of citations. This loophole means that small businesses are saddled with costly attorneys fees regardless of their innocence.

Small business owners who believe that they have not violated any law are faced with a difficult question. Should I simply pay the fine or risk possibly incurring greater costs and attorneys fees by challenging this citation?

No small business owner should face such a choice, especially if he or she is wrongly accused. Small business that have violated health or safety laws should be fined. It is important that workers should be protect. But small business owners that have not broken any laws should not be drained by large attorneys fees that they have accrued in order to contest the citation.

I ask Members to support the OSHA reform and in particular H.R. 742 so that a fair legal environment can be created for small businesses owners.

Mr. OWENS. Mr. Speaker, I reserve the balance of my time.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I have come down on these four bills and I have come for a variety of reasons, but one main reason is to make those corrections that are so necessary with the arguments on the other side.

We have heard, why can we not have investigations? Why can we not consider another bill? Why can we not do this or that?

Well, these are all interesting questions but they have nothing to do with this bill. The hyperbole from the opposition has been remarkable.

□ 1730

The contention, they would say, is that unless you are going to win, do not bring the case. That is not what this bill says. This bill simply provides that if the small business owner wins, then OSHA should be responsible for the attorneys' fees. We seek to improve OSHA and make it responsive to the intent of Congress. This bill is designed to strengthen small business and to save jobs.

Again, the magnitude of this issue, 99.7 percent of all businesses are small businesses, 75 percent of all new jobs are in the area of small business. OSHA has a budget of $468 million, with 2,200 employees and 1,100 inspectors. The deck is stacked. Yes, it is stacked: it is stacked against those most beneficial to our economy, small business owners and their employees.

H.R. 742 would allow a small businessman or -woman to recover attorneys' fees if they contest and they win, they win, an allegation in a citation by

OSHA. Remember OSHA's budget, $468 million? You win. OSHA was wrong. Right? OSHA was wrong, but you spent thousands of dollars to defend your business and your workers' jobs. Remember, you win against a $468 million budget. So OSHA should reimburse your attorneys' fees. Right? Just like current law. Right? Wrong.

You cannot win. Even if you win your case, you may be out the amount of money it cost to defend yourself. Less money in your business means fewer jobs. Remember, reimbursement only occurs if you win. If you lose, you are responsible, and that is as it should be.

So let us stop punishing the backbone of our economy. Let us stop punishing small businesses and employees and workers. I urge support for H.R. 742, one of four commonsense worker-friendly, job-friendly, small business-friendly bills before us today.

Mr. NORWOOD. Mr. Speaker, it is a pleasure to yield 2½ minutes to the gentleman from Texas (Mr. SAM JOHNSON), another of our subcommittee chairmen.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to express my support for the legislation introduced today by my colleague from Georgia. I am a cosponsor of all four of these bills on the floor today, and I believe they will improve the workplace safety level, the playing field for small business, and ensure that employers and employees are treated fairly.

H.R. 742 encourages OSHA to really look at the merits of the case before it brings unnecessary enforcement actions to court against small businesses. Current law already does allow small business owners to recover attorneys' fees if they successfully challenge a citation; but in the real world of OSHA, it simply does not work for small businesses.

Case in point: in the last 24 years, small business owners have been able to recover costs from OSHA only 38 times. In 2004, only three employers were awarded attorneys' fees, despite more than 86,000 citations issued by OSHA. H.R. 742 also limits its scope to small businesses with less than 100 employees or less than $7 million in net worth. This assures targeted and meaningful relief to those businesses that are least able to cope with these hefty and ongoing litigation costs.

This reform is necessary for the vitality of America's small businesses and the job security of America's workforce. As chairman of the Subcommittee on Employer-Employee Relations, I have seen these bills through the committee and the full House in the past, and I look forward to their passing again today.

Again, I applaud my colleague from Georgia for his hard work on behalf of American small business owners and their employees.

Mr. NORWOOD. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The gentleman from Georgia has 11 minutes remaining.

Mr. NORWOOD. Mr. Speaker, it gives me absolute pleasure to yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), my friend and neighbor, who lives right up the road from me in Columbia.

Mr. WILSON of South Carolina. Mr. Speaker, my legal career of 25 years was to represent small business owners. And since coming to Congress 3 years ago, I have worked consistently to make it easier for small businesses to grow and succeed in our country. I appreciate the leadership of the chairman, the gentleman from Ohio (Mr. BOEHNER), and my next-door neighbor, the gentleman from Georgia (Mr. NORWOOD), for their promotion of small businesses.

However, OSHA regulations placed upon our small businesses continue to be among the most complex and difficult legal mandates imposed on employers. The Occupational Safety and Health Small Employer Access to Justice Act is a vital piece of legislation that significantly reduces burdensome government regulations. H.R. 742 levels the playing field for small businesses and encourages OSHA to better assess the merits of a case before bringing unnecessary enforcement actions to court against small businesses.

By passing this vital legislation, Congress will enhance fairness for employers, especially small businesses; and give them new tools to defend themselves against OSHA citations they believe are unjustified. Small businesses provide, in the district I represent, 99 percent of businesses, creating 85 percent of jobs for working people; and Congress should act now to help them succeed.

As a member of the Committee on Education and the Workforce, and cosponsor of the four bills today, I have been honored to work with Chairman BOEHNER and the gentleman from Georgia (Mr. NORWOOD). I applaud their efforts to provide commonsense legislation that will reduce the burden placed upon America's small business owners.

I urge my colleagues to support OSHA reform, H.R. 742.

Mr. NORWOOD. Mr. Speaker, it is a great pleasure to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank my colleague from Georgia for yielding me this time, and I am here in support not only of H.R. 742 but of all four of these OSHA reform bills. What we are talking about here, my colleagues, is leveling the playing field, that is all, reforming a 34-year-old act that is long overdue for reform.

During the 2004 elections, what we heard constantly from the other side was the concern about outsourcing of jobs, of losing jobs in this country. Well, there is no way we can compete with other countries with these burdensome rules and regulations like OSHA puts on our small businessmen and -women in this country who create most of the jobs. We just need a level playing field, and I am proud to stand in support of these four bills, and I am proud of my colleague from Georgia (Mr. NORWOOD). Nobody is more concerned about workers and workers' health. He has been a leader all these years in regard to issues like the Patients' Bill of Rights. He has shown great compassion, and I commend him for bringing these bills, and for the gentleman from Ohio (Mr. BOEHNER), the chairman, and the committee for working through this process.

So as my colleagues have said before me, it is time to make these reforms and level the playing field. Yes, protect our workers, but also protect our small employers so they can continue to create these jobs and compete in the world market. Then, and only then, will we end the outsourcing of jobs.

Mr. OWENS. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes remaining.

Mr. OWENS. Mr. Speaker, I yield myself the balance of my time and would like to point out that despite the rhetoric of my colleagues on the other side of the aisle, and we did hear again the last speaker mention the fact that one of the reasons we are attacking OSHA is because employers feel they cannot compete with these regulations. They cannot compete with American workers being treated the way they are being treated.

The humane treatment of American workers stands in the way of profits and competition with the people who are in the developing countries and China. They do not have to treat workers this way. They do not have to spend the money, as I said before.

But I want to point out that this bill is hardly limited to small businesses. The appearance or the notion that small businesses are being persecuted by OSHA, by the government, is an incorrect one. According to the Bureau of Labor Statistics, in 1998 there were more than 6.5 million private sector firms with 99 or fewer employees. H.R. 742 applies to all firms with 100 or fewer employees with a net worth of $7 million or less. These companies, those with a hundred or fewer employees and $7 million or less, comprise about 97 percent of all American businesses.

Let me repeat that. H.R. 742 applies to all but 2 or 3 percent of American businesses. This is the broadest definition of small business that anyone could ever come up with or dream up. It is similar to categorizing elephants as small mammals. It does not tell the story as it should be told.

Mr. Speaker, when it comes to employment-related laws, Congress traditionally defines a small business as one with 20 or fewer employees, 20 or fewer employees. As a matter of fact, that is the definition used on annual congressional appropriation riders, which exempt firms of 20 or fewer workers from scheduled OSHA inspections, 20 or fewer workers, not 100, as this bill treats.

Mr. Speaker, I would also point out that OSHA also has a long-standing practice of reducing penalties for small employers. For businesses with 25 or fewer workers, any OSHA penalty is routinely reduced by 60 percent. Routinely reduced by 60 percent. Likewise, for businesses with between 26 and 100 workers, any OSHA penalty is reduced by 40 percent. Again, OSHA inspectors, in reality, are hardly like the draconian police inspector Javert from the famous novel, "Les Miserable."

It is important, Mr. Speaker, to realize that there is a need for both parties to come together and for the Republican majority to yield on its strategy to destroy labor unions. There is a strategy that has been pursued relentlessly to destroy labor unions; and in the process, working families of course get hurt because working families are represented by labor unions. In the effort to destroy labor unions, everything related to them, it gives them some kind of power, has to be destroyed, among them including OSHA.

Members of unions are likely to complain. They are likely to insist on their rights. They are likely to report violations. OSHA is less likely to run over the interests of the workers if there is an accident or some problem. So the relentless pursuit of labor unions is part of the problem with this legislation. It has been brought back because it is a part of a master plan, and that master plan is to sort of distract our attention from the real issues related to safety in the workplace, distract our attention from the fact that it is really an employer protection act that we are concerned with. Employer protection at all cost.

The constituency of the Republican majority party demands it all: destroy the kind of environment and atmosphere that working families have been used to for years in this Nation. Let us change all that because it is not competitive. It is not competitive. It costs too much. We cannot compete with our overseas competitors. We are, in the process, drawn into the trap of class warfare. We hate to hear the term class warfare anywhere in America. Nobody wants to be accused of class warfare, but that is what it amounts to: working families against people who never get enough.

We have bloated capitalism. Aristotle said there are extremes of everything. There are extremes to capitalism. At one end of the spectrum, in terms of economic systems, you have communism; at the other end you have reckless capitalism. Capitalism out of control. Capitalism so greedy it never gets enough. I think democratic capitalism is the hope of the world, and we have enough experience now to know that democratic capitalism is the only system that really works. But if you allow capitalism to go to extremes, it tramples on the rights of workers. It tramples on the rights of consumers.

You know, workers are consumers. There is a madness at work here. As we destroy the buying power of workers, we are destroying that which makes our economy go.

□ 1745

We all agree, there is no debate about the fact that the economy of America is driven by consumer spending. Henry Ford understood that very early when he said, I am going to make cars and pay my workers enough money to buy them. That was a simple, commonsense idea that is at the heart of capitalism today. Two-thirds of our economy is dependent on what people buy. We are going to destroy the consumers by destroying the conditions in the workplace which allow our workers to work productively and get paid appropriately.

The minimum wage of today, Henry Ford would see right away, is not going to allow our consumers to keep buying products. We are lucky; there is a sort of credit card fantasy, an oasis of credit card credit that is driving our economy right now. But slowly, as we lessen the amount of money that flows into the hands of workers, as we move more jobs overseas and encourage outsourcing, as we give more and more of our dollars to China, because we are not giving all of our dollars to China, we are giving the dollars that they use for manufacturing, for production, but the trade with China benefits the wholesalers and retailers.

People are making big profits off China in this country. We would not be dealing with China if somebody was not making big profits in this country, but it is skewed. It is out of balance because in order to make big profits at the upper levels by producing products in a low-cost economy and getting the low-cost product, bringing them back into another economy with a different standard of living and selling those products at that standard, we are having consumers in America pay high prices for the lowest-priced goods that come from China. And the people who sell those goods and buy them from China, they walk off with the profits, along with the Chinese who produce those goods through the deals that have been made. There is more Wal-Mart in China than there is in the U.S., and more all of the time.

They find it so profitable to take the product, the production, the manufacturing to China, and bring back the products to capitalize on the sales here. It is not going to work eventually. We are catering to those who benefit at the top, but it is not going to continue to work because we are destroying our own consumer market. We are going to wake up and find that the economy is going to come to a standstill because nobody is able to buy the products that we want to sell.

Our own class war that we do not recognize and will not recognize will destroy us. Other evidence of a class war is the fact that we continue to give huge tax credits to the people at the very top who need it the least, yet we do not use the power of the Federal Government to increase the minimum wage.

We started this discussion about minimum wage, and we are going to end it on minimum wage. The minimum wage is one way that we guarantee all Americans have a part of American prosperity. We should be paying something like $8 an hour in order to keep minimum wage competitive with when minimum wage was first instituted. We should be paying about $8 an hour to enable those workers to buy the products that we want to sell and keep our economy going.

So minimum wage, we refuse to even consider. Congress has gotten huge increases in their own salaries, and refuse to consider a minimum wage increase for the workers at the very bottom. Is that not an element of class warfare? That is class contempt. That is class hatred, to stamp on those at the very bottom and refuse to use the authority invested in us by the American people.

We have the authority to raise wages, but the same people who are being protected by these bills as far as OSHA is concerned by minimizing their expenses and minimizing any trouble they have to encounter in making the workplace safe, they are being protected by refusing to raise the minimum wage. What is the ultimate danger here? The ultimate danger here is that, one day, working families are going to wake up and say, you have it all wrong. The country belongs to all of us, not you. If you do not want to admit that, it belongs only to us.

Working families are the people who go out and defend the existence of this country in times of war. They will determine whether we defeat terrorism or not. Working families are going to determine that we do not have domestic terrorism spreading in America because working families are going to save America by rising up to throw out people who insist on stamping on them and have contempt for them.

Mr. Speaker, in closing, I urge a "no" vote on all four of these bills today.

Mr. NORWOOD. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. HENSARLING), and just say we still are on H.R. 742.

Mr. HENSARLING. Mr. Speaker, as a former small businessman, I rise today in support of H.R. 742 and Republican efforts to reduce the regulatory burden on small businesses, the job engine in this country.

The Federal regulatory burden is strangling small business in America. The estimated total regulatory burden in America is now approaching $1 trillion a year. If we could only save 1 percent of that amount, if that could be returned to the marketplace, that would be enough money to provide capital for 400,000 new small businesses. Or it could pay the annual salaries for over a quarter million of our American workers.

Furthermore, according to the SBA, small businesses that employ fewer than 20 workers pay almost $7,000 each year in regulatory cost for every employee. Instead of using these funds to create new jobs or pay higher salaries or fund expanded health care benefits, small business owners are increasingly being forced to spend much of it complying with mind-numbing, inflexible, expensive, draconian and all too often just plain dumb Federal regulations.

H.R. 742 will make a difference in a small way in helping level the playing field for small businesses. It would require OSHA to better assess the merits of a case before it brings unnecessary enforcement actions to court against small businesses. This act will simply help small business owners to recover attorneys' fees if the owner successfully challenges a dubious OSHA citation. And there have been a number. Let us remember, OSHA does not always get it right. These are the folks who alleged that some workers face death or serious physical harm from lifting the top of a sandwich cookie from one assembly line and putting it on the bottom of the cookie on another. Give me a break.

Mr. Speaker, this is a matter of fairness. It is a matter of common sense and American jobs. I urge all of my colleagues to support small business owners and the millions of Americans they employ by voting in favor of H.R. 742.

Mr. NORWOOD. Mr. Speaker, I yield myself the balance of my time.

It has been a long 4 hours on four bills. We stayed on the subject for about 2 hours. These four bills are very important, I believe, for the small business community in the country. I realize that the labor union kingpins do not like these four bills, but I promise labor union workers who are out there in small businesses will like these bills.

There have been some outlandish statements that need to be corrected for the record.

Number one, there is nobody on our committee, including myself, any of us who made these bills, that believe for one minute any of these bills are going to harm the workplace safety or health factor. It is simply not going to do that. Somebody said, oh, gosh, if we pass these bills, workers will have more injuries. Members can have that opinion; it does not make it right. That is simply not true.

Somebody said, if you pass these four bills, you are going to weaken OSHA. That is not true either. We are going to help make OSHA work a little better.

Lastly, I want to mention to my friend who said OSHA is a Federal cop. That is the problem. If you believe they are a bunch of police over there, we never will get anywhere with OSHA because until we get this Federal agency working with people in small businesses who want to have a safer workplace rather than a bunch of cops who come around and beat people up, this is never going to work. I had this happen just yesterday in my own district where this female came in, and her badge was bigger than her brain. It was just ridiculous. Until we get a different attitude and not feeling that OSHA is a Federal cop, it is not going to get better.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. BOEHNER), chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, I congratulate the gentleman from Georgia (Mr. NORWOOD) who has spent a lot of years trying to make OSHA work better for those in the workplace and those who employ them in the workplace. He has done a great job in bringing these four bills out of the subcommittee and to the floor today.

Mr. Speaker, we are here today to help promote a climate of cooperation between OSHA and employers. The focus is on improving workplace safety. In so doing, we have the opportunity to enhance business competitiveness and further job creation.

Now these bills are important and here is why. No small business should be penalized for missing a deadline because of an honest mistake. No small business should have to wait 8 years to have their case reviewed by the Occupational Safety and Health Review Commission simply because it cannot get a quorum.

Thirdly, no small business wants to go up against an OSHA that is the prosecutor, judge and jury all in one.

Lastly, no small business should be required to spend years and significant money trying to recover attorneys' fees after defending itself against a meritless enforcement action by OSHA. These OSHA reform bills can make a real difference in the lives of small businesses that face fierce competition at home and abroad. We truly do believe that these bills will help the effectiveness of OSHA and help improve the workplace safety for millions of American workers. I encourage all of my colleagues to support all four bills.

Ms. WOOLSEY. Mr. Speaker, I rise in opposition to H.R. 742 because workers deserve to know their interests will be represented fairly by OSHA, not weighed by how much money it will cost to bring the claim forward.

We all have small businesses in our districts, and we all know that it saves money to provide for a safe workplace in the first place and preventing accidents.

Workers and their families suffer due to poor safety at some workplaces. They have enough angst because they can't count on their employers to provide protection. Experiencing further betrayal by their Government when they seek justice is the last thing they need.

But, this bill threatens the lives of thousands of workers employed by small businesses because it forces OSHA to consider the costs of attorneys' fees when deciding to take action. Putting this unique burden on OSHA may take away the only recourse employees have to stand up for their safety.

Since Bush took office, it has been clear that he intends to use OSHA to protect big business rather than worker safety. First, he signed legislation overturning workplace safety rules to prevent ergonomic standards.

Then he advocated budget cuts for job safety agencies, such as OSHA and NIOSH. He went even further by suspending twenty-three important job safety regulations. The list goes on and on. This legislation is one more way to weaken OSHA. If this passes it will be that much easier for businesses to avoid OSHA regulations.

If my colleagues on the other side of the aisle really wanted to help workers, they would increase penalties for employers that ignore safety regulations. They would protect companys from dumping their pensions on to the taxpayers and raise minimum wage. These actions would let our workers know that someone is worrying about the costs in their lives as well.

Mr. Speaker, I urge my colleagues to join me in opposing H.R. 742, which is an unnecessary attack on worker protections.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak in opposition to H.R. 742, a bill to amend the Occupational Safety and Health Act of 1970 by making it easier for small businesses to recover attorneys' fees from OSHA if the agency brought unjustified enforcement action. Small businesses under the bill are defined as those with no more than 100 employees and a maximum $7 million in net worth.

More than any of the other bills, H.R. 742 poses the greatest threat to worker safety and health. OSHA, as is almost every other Federal agency, is already required by law to pay attorneys' fees and costs in any proceeding in which the agency's charge is not substantially justified. H.R. 742 singles out OSHA, alone among all Federal agencies, to require it to pay attorneys' fees and costs in any proceeding in which it does not win, regardless of why it lost and notwithstanding the fact that the position of the agency was substantially justified. In effect, unless the agency can guarantee that it will win every case it brings, H.R. 742 punishes the OSHA for trying to enforce the law. The OSH Act does not afford workers a private right of action. If OSHA fails to enforce the law workers have no other means of doing so.

In summary, this bill, as would all the other OSHA bills considered today, would impede the enforcement of worksite safety and health provisions at the very time when more and more Americans have identified safety as one of their foremost concerns. According to a poll conducted in April by NBC and the Wall Street Journal, 84 percent of Americans want Congress to pass legislation that ensures greater workplace safety and health. Supporting this bill would take us in exactly the opposite direction.

Mr. CONYERS. Mr. Speaker, today, I express strong opposition to H.R. 742, the Occupational Safety Health Small Employer Access to Justice Act.

This fee shifting legislation before us is really a wolf in sheep's clothing. It is dangerous to our workers, overbroad, and unnecessary.

The bill is dangerous because it creates an incentive for employers to litigate with OSHA rather than to correct any safety flaws in the workplace. Since OSHA was created in 1970, its mission has been clear: "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." Unfortunately, H.R. 742 will undermine that goal and penalize OSHA for any instance in which it attempts to safeguard worker safety and loses the case even for technical reasons.

The bill is overbroad because it applies to any company with less than 100 employees, regardless of their revenues or their safety record. Currently, over 6.5 million private sector establishments fall into this category, more than 97 percent of all employers. These companies employ more than 55 million workers. Many of these businesses have millions if not billions of dollars in annual revenues, and have no business being covered by a "small business" bill.

The bill is unnecessary because this Committee has not received a shred of evidence that OSHA has pursued unwarranted litigation or abused its prosecutorial discretion. To the contrary, more than sixty percent of OSHA citations resulted in settlements, and OSHA wins nearly four out of five cases that make it to the Federal appellate level.

Moreover, employers are already entitled to the recovery of legal fees under the Equal Access to Justice Act. That law specifies that the government must pay the prevailing party's fees and costs in any situation in which the government's position was not "substantially justified." This offers more than sufficient incentive to prevent OSHA from overstepping its authority.

So we have before us an unnecessary and unwarranted bill, that, punishes an effective agency, and places our workers in danger. I urge Members to reject this measure.

Mr. BLUMENSUER. Mr. Speaker, this Congress has repeatedly undermined protections for the American workforce, shifting emphasis from employees to employers. Just like the identical bills introduced last year, the four bills brought to the House floor today are further examples that hinder the efficacy of the Occupational Safety and Health Administration (OSHA), taking away protections from the workers that need them most, and shielding businesses from government oversight.

As of late, Congress' hostility towards workers' rights has been widespread. Recently, I decided to oppose the Central American Free Trade Agreement (CAFTA) because it does not do enough to ensure adequate and fair labor laws for workers in foreign countries. Now today, Congress is trying to roll back significant worker protections that were put in place for our workers here at home.

Rather than "reform," the fact of the matter is that these four pieces of legislation weaken OSHA and undermine Congress's original intent when OSHA was enacted in 1970. Americans deserve a safe and healthy workplace. Limiting OSHA, the agency created to ensure workers receive these basic rights, will do nothing to advance the cause.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). All time for debate has expired.

Pursuant to House Resolution 351, the bill is considered read for amendment, and the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OWENS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed earlier today in the following order:

H.R. 739, by the yeas and nays;

H.R. 740, by the yeas and nays;

H.R. 741, by the yeas and nays; and

H.R. 742, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

OCCUPATIONAL SAFETY AND HEALTH SMALL BUSINESS DAY IN COURT ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 739, on which further proceedings were postponed earlier.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 256, nays 164, not voting 13, as follows:

[Roll No. 369]

YEAS—256

Aderholt
Akin
Alexander
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salazar
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—164

Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer

Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Frank (MA)
Green, Al
Green, Gene
Grijalva
Gutierrez
Hastings (FL)
Higgins
Hinchey
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu

NOT VOTING—13

Abercrombie
Brown, Corrine
Cardin
Conyers
Cox
Hinojosa
Jones (OH)
Miller (FL)
Myrick
Obey
Pombo
Shadegg
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon) (during the vote). Members are advised that 2 minutes remain in this vote.

☐ 1821

Messrs. GEORGE MILLER of California, BERMAN, and ORTIZ changed their vote from "yea" to "nay."

Mr. MOLLOHAN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 369, had I been present, I would have voted "no."

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION EFFICIENCY ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 740, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 185, not voting 14, as follows:

[Roll No. 370]

YEAS—234

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—185

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—14

Abercrombie
Brown, Corrine
Cardin
Conyers
Gutierrez
Jones (OH)
Miller (FL)
Myrick
Obey
Pombo
Rangel
Shadegg
Towns
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1828

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH INDEPENDENT REVIEW OF OSHA CITATIONS ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 741, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 197, not voting 10, as follows:

[Roll No. 371]

YEAS—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—197

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Cooper
Costa
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—10

Abercrombie
Brown, Corrine
Cardin
Conyers
Jones (OH)
Miller (FL)
Myrick
Obey
Pombo
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1835

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

OCCUPATIONAL SAFETY AND HEALTH SMALL EMPLOYER ACCESS TO JUSTICE ACT OF 2005

The SPEAKER pro tempore. The pending business is the question of the passage of the bill, H.R. 742, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 235, nays 187, not voting 11, as follows:

[Roll No. 372]

YEAS—235

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cooper
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Everett
Feeney
Ferguson
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Matheson
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Tanner

Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Velázquez
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (AK)
Young (FL)

NAYS—187

Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Boehlert
Boswell
Boucher
Brady (PA)
Brown (OH)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Costello
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fitzpatrick (PA)
Frank (MA)
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matsui
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu

NOT VOTING—11

Abercrombie
Brown, Corrine
Cardin
Conyers
Jones (OH)
Menendez
Miller (FL)
Myrick
Obey
Pombo
Shadegg

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1843

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MENENDEZ. Mr. Speaker, I was unavoidably detained on this last roll call vote. Had I been here to vote, I would have voted "no."

The SPEAKER pro tempore. Pursuant to section 5 of House Resolution 351, the text of H.R. 740, H.R. 741, and H.R. 742 as passed by the House, will be appended to the engrossment of H.R. 739 and H.R. 740, H.R. 741 and H.R. 742 shall be laid on the table.

PERSONAL EXPLANATION

Mr. POMBO. Mr. Speaker, on July 12, 2005, I missed four recorded votes. Had I been present, I would have voted "yea" on H.R. 739, the Occupational Safety and Health Small Business Day in Court Act of 2005 (rollcall No. 369); "yea" on H.R. 740, the Occupational Safety and Health Review Commission Efficiency Act of 2005 (rollcall No. 370); "yea" on H.R. 741, the Occupational Safety and Health Independent Review of OSHA Citations Act of 2005 (rollcall No. 371); and "yea" on H.R. 742, the Occupational Safety and Health Small Employer Access to Justice Act of 2005 (rollcall No. 372).

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, I rise today to enter into the RECORD that on July 12 of this year, due to unavoidable circumstances, I was unable to be present. If I had not been detained today, July 12, 2005, I would have voted as follows:

On Previous Question on OSHA rollbacks, I would have voted "nay" to defeat the previous question on the Rule. If defeated we would have allowed the House to consider the Miller-Owens bill to raise the minimum wage. The minimum wage would be raised to $7.25 an hour from $5.15 an hour. The minimum wage has been frozen since 1997.

On H. Res. 351—rule providing consideration for 4 OSHA rollback bills—I would have voted "nay."

On H. Res. 352—providing that the House of Representatives will focus on removing barriers to competitiveness of the United States economy—I would have voted "nay." I would not have supported the legislation because it would not improve U.S. competitiveness. Instead this resolution attempts to blame trial lawyers and "regulation" for the challenges facing the U.S. economy.

On H. Res. 343—commending the State of Kuwait for granting women certain important political rights—I would have voted "yea."

On H.R. 804—to exclude from consideration as income certain payments under the national flood insurance program—I would have voted "yea."

On H.R. 68—NASA and JPL 50th Anniversary Commemorative Coin Act—I would have voted "yea."

On H.R. 739—OSHA rollback on employer citations—I would have voted "nay." I would not have supported the legislation because it undermines the timely abatement of unsafe working conditions, encouraging employers to challenge OSHA citations. One of the principal purposes of the Occupational Safety and Health Act is "to assure so far as possible every working man and woman in the nation safe and healthful working conditions." However, this bill effectively delays the timely abatement of unsafe working conditions, by encouraging employers to litigate citations rather than correcting health and safety hazards.

On H.R. 740—OSHA rollback to stack the Occupational Safety and Health Review Commission—I would have voted "nay." I would not have supported the legislation because it unjustifiably ensures that only lawyers are appointed to the Commission.

On H.R. 741—OSHA rollback of the Secretary of Labor's authority to issue citations—I would have voted "nay." I would not have supported the legislation because it provides that the OSHA Review Commission shall have deference to override the Secretary of Labor's reasonable interpretations of the Secretary's own workplace safety standards—thereby increasing the incentives for challenges to Labor Department's rules and regulations.

On H.R. 742—OSHA rollback to require OSHA to pay attorneys' fees—I would have voted "nay." I would not have supported the legislation because it requires OSHA to pay attorneys' fees and costs for employers with 100 or less employees and a net worth of $7 million or less in an administrative or judicial proceeding in which OSHA does not prevail. It is a blatant attempt to chill OSHA's exercise of statutory responsibility to enforce the Occupational Safety and Health (OCS) Act, by penalizing the agency for every instance in which it attempts to do so unsuccessfully, and therefore, undermined the enforcement of workplace health and safety laws.

PERSONAL EXPLANATION

Mr. KUCINICH. Mr. Speaker, I was testifying before the BRAC Commission on June 27 for the purpose of protecting 1,075 jobs in Cleveland, Ohio, from removal by the BRAC process. Had I been here, I would have cast the following votes: roll call 322, aye; roll call 323, aye.

☐ 1845

ECONOMIC AND JOB GROWTH

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, you know last night I came down and had a little bit to say about the jobs, 146,000 new jobs that this economy, this private sector has grown in June, and near historic lows in unemployment at 5 percent.

And with the economic growth, the tax reductions, our deficit will be $100 billion lower than original projections. And we are going to continue to build on all of this.

Today, Mr. Speaker, I want to call attention to another article, this one on spending regulation keeps growing. And I think that is one of the things that we continue to look at and one of the reasons that we are addressing some of the bills and legislation that we are this week.

It is also the reason that we continue to address waste, fraud and abuse in this Congress, finding ways to reduce the cost of government so that this economy will continue to move forward and continue to grow.

HONORING THE LIFE AND CONTRIBUTION OF LIEUTENANT MICHAEL MURPHY

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize a fallen hero from my district who gave his life for our Nation. Lieutenant Michael P. Murphy, a U.S. Navy SEAL, age 29, was killed in action last week when he and three other SEALS were ambushed by terrorists during a reconnaissance mission in Afghanistan.

Lieutenant Murphy was from Patchogue, a town on Long Island which will never forget the ultimate sacrifice of one of its favorite sons. A common thread ran through Lieutenant Murphy's life, his selfless and steadfast dedication to others.

Growing up as a life guard, he watched out for local residents in the town of Brookhaven. After he graduated from Penn State, he chose his country first. He turned down acceptance to two law schools to pursue his dream of defending this country as a highly trained member of the special forces.

But Lieutenant Murphy's dedication would not have stopped there. He planned on joining the FBI's counterterrorist unit after he left the Navy. Lieutenant Murphy died doing what he loved, as he once described military service to his father.

It is fitting that he be awarded the Silver Star posthumously for his valor and sacrifice. Mr. Speaker, our thoughts and prayers remain with Lieutenant Murphy's family and his fiance. We owe him a debt of gratitude that can never be repaid.

LACK OF SUPPORT FOR CAFTA

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute.)

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement will likely be brought up for a vote this month. The opposition to CAFTA is broad and deep. Dozens of Republicans and Democrats in this body oppose the Central American Free Trade Agreement.

Small manufacturers and organized labor oppose the Central American Free Trade Agreement. Family farmers and small ranchers and environmentalists oppose the Central American Free Trade Agreement. Catholic bishops in Central American, in fact the cardinal from Central America is visiting this Chamber, this House this week, and Lutheran and Presbyterian and Jewish leaders in the United States are opposing the Central American Free Trade Agreement.

The reason there is this broad and deep opposition is because the Central American Free Trade Agreement was negotiated by a select few for a select few. We do not oppose trade; we support fair trade. Renegotiate the Central American Free Trade Agreement. Defeat this CAFTA. Bring forward a CAFTA that can get the broad support of farmers and ranchers and businesses and labor.

FREEDOM OF WORSHIP

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, it was my great pleasure to attend services earlier this month at Arlington First Baptist Church in Jonesville, North Carolina, at the invitation of Pastor Jerry Fugate and my dear friends Ray and Betty Shore.

Area elected officials were invited to worship that day and to celebrate our country's independence. On the front of the bulletin was Romans 13:4: "For government is God's servant for good."

On the back of the bulletin was this message: "The first part of the First Amendment to the U.S. Constitution says, 'Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof.' Yet today we see a constant barrage of individuals and organizations who prattle on and on about the separation of church and State, a concept nowhere to be found in the Constitution or its amendments."

I thank Pastor Fugate for the focus on the first amendment of the Constitution. I urge other churches to do all they can to help our citizens know what our Constitution says so they can be protected by it and help preserve it.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2567

Ms. SCHAKOWSKY. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 2567.

The SPEAKER pro tempore (Mr. WALDEN of Oregon.) Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE COST OF ILLEGAL IMMIGRATION ON THE PEOPLE OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, I rise today to bring attention to the issue of illegal immigration that is perhaps the most important concern to my Texas constituents.

I want to address just one matter, the cost. Government and academic estimates indicate there are 9 to 11 million illegal people living in the United States. Immigration officials estimate that the illegal population grows by as many as 500,000 a year; some say 4,000 a day cross into Texas from their southern border.

Someone pays for this illegal activity, and that somebody is the American public, not the illegal immigrants. There is a tremendous strain on local and State communities because of unrestricted illegal immigration throughout Texas and the entire United States.

While it is the Federal Government's responsibility to control immigration, it is the people of the States and local communities that pay the cost. They are the victims of illegal immigration. Those Americans spend millions of tax dollars on education, health care, and criminal justice for those that are here illegally.

Donald Huddle, a Rice University economics professor, has done a study that estimated the cost that we pay for illegals in this country. This chart here shows that the American public pays approximately $32 billion a year for the cost of illegal immigrants, such as public education. It is about $5 billion Americans pay.

Social security, $3 billion. Medicaid, $3 billion. Total cost to American taxpayers, about $32 billion a year we pay the cost of illegal immigration. When this study was done, the population of illegals in the United States was about 5 million. Now the population has doubled, and the costs have more than doubled.

Besides these stunning costs, Americans have to pay for their own health care and their own education of their own kids. Many Americans cannot afford these costs for their own families, but they are made to pay the same costs for illegals.

Mr. Speaker, education, public safety and basic health care are the roles provided primarily by our States and local communities. U.S. taxpayer dollars on the local level are used to pay for these services. Yet these communities are continuing to absorb more and more demand for these services while the resources to provide them cannot keep up.

I would like to specifically point out some of the costs that citizens must provide: one, health care. Emergency rooms, the most expensive health care system, are used by illegal immigrants because of the compassion of Americans. We do not turn people down at these hospitals. If the immigrants do not pay, Americans pay.

Some trauma centers in urban areas have closed because they cannot absorb the costs to pay. People are in the system who do not contribute to it financially.

In Michigan, 23 criminal cases were filed alleging that pregnant women from Syria, Lebanon and Yemen flew into the United States, falsified information on Medicaid forms to cover those costs of delivering their babies, and then returned to their native countries within a few months. Americans paid for all of this criminal activity. Also, the quality of health care will diminish because those in the system are not paying their way.

Second. education. The Supreme Court ruled in 1982 that all kids in the United States would be provided a free education. This cost continues to rise due to the fact that Americans are paying for and educating kids illegally in the United States.

Local property taxes continue to rise. And the quality of education will suffer. Why? Because there are people receiving from the education system, but are not contributing to it financially. Those are people that are here illegally.

Just last year, California spent over $7 billion a year educating illegal immigrant children. Once again, our compassion for others is to the detriment of our own kids.

In the criminal justice system, where I was a judge in Harris County, over 20 percent of the people in jail were illegally in the United States. Americans provided those individuals a defense attorney, a court system, a trial, and they paid for the incarceration if those individuals were convicted.

Who pays for this? Americans. Americans always pay. Mr. Speaker, everybody wants to live in the United States, but not everybody can live here. We need rules that are fair, and people must respect our rule of law and our borders.

American taxpayers cannot afford to pay for those here illegally who use our health care facilities, our education systems, and go through the criminal justice system.

The failure of this Congress to act on correcting our broken immigration system trickles down to the communities which we all represent, especially those of us who represent border States. The American taxpayer is funding illegals, and we must put a stop to the problem sooner rather than later.

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If we continue to offer free education, health care services and provide a criminal justice system, are we not encouraging more illegals to come to the United States?

This just ought not to be.

1996 COSTS TABLE FROM THE HUDDLE STUDY PROGRAMS

Public Education K–12	$5,850,000,000
Public Higher Education	710,000,000
ESL and Bilingual Education	1,220,000,000
Food Stamps	850,000,000
AFDC	500,000,000
Housing	610,000,000
Social Security	3,610,000,000
Earned Income Tax Credit	680,000,000
Medicaid	3,120,000,000
Medicare A and B	58,000,000
Criminal Justice and Corrections	76,000,000
Local Government	5,000,000,000
Other Programs	9,250,000,000
Total Costs	$32,740,000,000

HONORING JUDGE MEYER M. CARDIN

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, 2 days from today, July 14 of this year, Meyer M. Cardin would have turned 98 years of age. Meyer M. Cardin was a beloved member of the Maryland community. Meyer M. Cardin was the father of our colleague, the gentleman from Maryland (Mr. CARDIN).

Judge Meyer Cardin was not only a wonderful human being, Mr. Speaker, but also a respected jurist, a committed public servant and a patriotic American. He was born in Baltimore on July 7, 1907, and then educated in the public schools of Baltimore City. He also attended the Army and Navy Prep School.

He received his law degree from the University of Maryland Law School and was admitted to practice law in 1929, 10 years before I was born. Six years later in 1935 at the age of 27, Judge Cardin was elected to the Maryland House of Delegates and served in that body for 2 terms, 8 years. At the time of his death, Mr. Speaker, he was the oldest surviving former member of the Maryland General Assembly.

In 1955, Meyer Cardin became Chief Police Magistrate for Baltimore City and served in that post for 2 years. He then served as the Chief Judge of the traffic court in Baltimore City before becoming the Chairman of the Workmans Compensation Commission in 1958. Judge Cardin was then appointed as an Associate Judge of the Baltimore City Circuit Court by former Governor J. Millard Tawes in 1961 and served in that capacity until his retirement on his birthday July 14, 1977.

Mr. Speaker, the true measure of a successful man or woman is not simply the personal accomplishments that I have articulated or something that they have achieved in terms of honors throughout the course of their life or in their professional career.

No, Mr. Speaker, the true measure of a successful person is also whether they have made their community, their State, their church, in this case their synagogue, their Nation a better place and whether they have done their best to ensure that their children and the members of their family are contributing, productive members of our society. By this measure, Mr. Speaker, there can be no doubt that Meyer M. Cardin was an enormously successful human being.

For some eight decades, the Cardin name has been synonymous with public service and civic-mindedness. That is due in large measure to the work of Meyer; his brother, Maurice, who practiced law at the family law firm and also served in the House of Delegates; his son, the gentleman from Maryland (Mr. CARDIN) who is well known to us here for his intellect and commitment to public service; his son, Howard, who is a successful lawyer; and now, Mr. Speaker, his grandson, of whom he was extraordinarily proud, as he was proud of all of his grandchildren, John, who now serves in the House of Delegates.

Mr. Speaker, tonight, I want to offer my condolences and the condolences of all my colleagues to my friend, the gentleman from Maryland (Mr. CARDIN); to his brother, Howard; and to all of their family, to all of the friends of Judge Cardin.

Meyer Cardin lived a long prosperous and productive life, but more importantly, he has set a strong example and created a legacy that will long endure.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), the distinguished Democratic leader, a daughter of Baltimore, whose father was a very close friend of Meyer Cardin.

Ms. PELOSI. Mr. Speaker, I know the time is short so I wish to associate myself with the gentleman's magnificent and eloquent remarks about Meyer Cardin.

I knew him when I was a little girl growing up in Baltimore. He was a friend of my father's, as the gentleman has said. What was wonderful about Meyer Cardin was not only the magnificent contribution he made to the community, to the civic life of Baltimore but the joy that he did take in his family. I will never, I will absolutely never forget his coming over here for the gentleman from Maryland's (Mr. CARDIN) swearing in time and again, and the pride he took and the youthfulness up into his nineties that he always had.

My condolences as well to the gentleman from Maryland (Mr. CARDIN) and Myrna and also to Howard. And the pride they take in John running for office, this is not an easy task, although the Cardin name is a legendary one in Maryland. It is with great pride that we look to the service of the gentleman from Maryland (Mr. CARDIN) in the

House of Representatives, because when I was born, my father served in that same seat. It was configured differently all those many years ago, but nonetheless, the gentleman from Maryland (Mr. CARDIN) still represents that part of Baltimore City and beyond.

Again, the Cardin name is legendary, as the gentleman said, for eight decades. A gentle man, a lovely person, a sense of humor, a sense of history, a sense of community, a devoted family person. I hope that it is a comfort to the entire family that so many people mourn their loss and are praying for them at this sad time. But what a triumph to live such a respected life, such a fulfilled life well into his nineties.

I think that God has rewarded him with what we all pray for, a long and happy life.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for her comments.

Mr. Speaker, I know you are being kind on the timing.

In closing, let me say this, Meyer M. Cardin was a good and decent human being. He was beloved by his family, beloved by his friends and his community and by his State. Meyer Cardin was a great American, a great human being, a great dad, a great grandfather, and he will be missed sorely. But the gentlewoman from California (Ms. PELOSI) is absolutely correct. His life was a joy and a triumph.

EXCHANGE OF SPECIAL ORDER TIME

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Indiana (Mr. BURTON).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RENEGOTIATE CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am here on the floor again tonight to talk about my opposition to CAFTA, the Central American Free Trade Agreement.

I want to start my comments by quoting Ross Perot who was a candidate for the presidency in October 1992. I quote Mr. Perot, "You implement that NAFTA, the Mexican trade agreement, where they pay people a dollar an hour, have no health care, no retirement, no pollution control, and you are going to hear a giant sucking sound of jobs being pulled out of this country right at a time when we need the tax base to pay the debt."

That is what Mr. Perot said in 1992.

Mr. Speaker, since NAFTA became the law of the land, let me tell you what happened in my State of North Carolina. North Carolina has lost over 200,000 manufacturing jobs. The United States has lost over 2.5 million manufacturing jobs. CAFTA will continue these trends; 85 percent of the language in CAFTA is identical to the language in NAFTA.

Mr. Speaker, let me talk about Trade Promotion Authority, which I did not support. Since Trade Proportion Authority of August of 1992, North Carolina has lost over 52,000 manufacturing jobs; the United States has lost over 600,000 million manufacturing jobs.

Mr. Speaker, CAFTA will do nothing else but to help eliminate jobs in this great Nation. I do not think we as a Nation can afford to continue to see jobs go overseas, whether they be to Central America, China or other countries.

Mr. Speaker, this past weekend, I found an advertisement in a magazine, and it starts out, Are we blind? Can't we see what is happening to us? This is an ad by the Economy in Crisis. It is creating an awareness about our true economic conditions.

Let me take just two aspects of this ad. Losing ownership and control of our country: We are losing ownership and control of our country through unsustainable balances of trade deficits. In the last 10 years, we have lost $3 trillion through these trade deficits. $1.3 trillion has been returned and used by foreign companies to buy our best companies like Chrysler, Amoco, Atlantic Richfield Oil, and 8,600 other great companies. For example, key chokepoints, industries like cement is 81 percent foreign owned. The movie industry is over 70 percent foreign owned.

Mr. Speaker, additionally in this ad it says, How well and how long can we live like this? I read just one sentence, How secure can we be if we must live on imports and sell off or dismantle our factories?

Mr. Speaker, that is what this is all about. CAFTA is not good for this country. You will see to my left and to my right, one is a newspaper article that says VF Jeanswear Closes Plant, 445 Jobs Gone By Next Summer. Mr. Speaker, those jobs went down to Honduras.

Mr. Speaker, those jobs went down to Honduras. And just 2 years ago, in North Carolina, it says Pillowtex Goes Bust, Erasing 6,450 Jobs and the subtitle says, Five North Carolina Plants Closing in Largest Single Job Loss in State's History. That was just 2 years ago, Mr. Speaker, in 2003.

I do not know how we as a Congress can pass the CAFTA legislation as it is drawn. I agree with my friends on the other side of the aisle, Democrats and also Republicans who are opposed to CAFTA as it is drawn today. We need to rewrite, redraw this treaty with the Central American countries so that it can work for them as well as it works for the United States.

Mr. Speaker, in closing, I would like to show the those in attendance on the floor a candy. It says: Candy decorated fruit snack. And this was made in China.

Mr. Speaker, again, in closing, I hope that we on the House floor will do what is right, and that is to help protect jobs in America and help protect the American people who are working so hard to pay their taxes and meet their obligations.

Mr. Speaker, I ask God to please bless our men and women in uniform and please bless America.

SMART SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, back in my district this past weekend, I had an extraordinary meeting with a group of veterans, many of them from Alpha Company 579th Engineering Battalion who have recently returned from a tour in Iraq.

During their deployment, this National Guard unit of 88 mostly California soldiers lost 3 comrades; 23 were wounded in action. And they also received 26 Purple Hearts, eight Bronze Stars and one Meritorious Service Medal.

Saturday's town meeting was not about my position on the war or anybody else's. We were there to provide information about the services and benefits available to returning soldiers. We had the VA regional director as well as a local vice chairman from a group called Employment Support for the Guard and Reserve. One of our speakers was the National Managing Director of Helmet to Hardhats, an organization that helps place veterans in construction jobs. The administrator from the largest veterans home in the country in Yountville, California, was there. And we heard from a man who started a nonprofit called Welcome Home Heroes devoted simply to treating an Iraq or Afghanistan veteran to a night out with his or her family at a nice restaurant.

For so many soldiers, the return from the battlefield is just the beginning of their ordeal. There are those who have been wounded or mentally traumatized or both and must learn to cope with a life-altering condition. But even if you come home unscathed, the transition back to civilian life can be rough going. There are jobs to find, educations to complete and loans to pay off. There are cases in which service to the Nation has cost veterans their homes or their small businesses. Some may need family counseling to readjust to domestic life.

We cannot let them down. I was profoundly disappointed a few weeks ago when we learned that the Department of Veterans Affairs found itself a billion dollars short of what was necessary to cover veterans health expenses for the year 2005. But this body did the right thing by quickly passing a supplemental to help fill the gap before we left for the Fourth of July holiday, although the appropriations I believe could have been more generous.

How could we go home to celebrate the birth of American freedom if we were not doing our part to support our troops in the field today?

Every Member of the House who voted that day voted aye, voted for the bill which just goes to show, Mr. Speaker, that there is and there should be little partisanship when it comes to support for our veterans.

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I do not know anyone on either side of the aisle in this Chamber who does not feel the utmost pride in the brave men and women who are on the front line in Iraq. I do not know anyone who is not filled with gratitude for their sacrifice. Where I part with many of my colleagues is in my belief that the best way to support the troops is to bring them home as soon as possible, a position shared by a majority of the American people, by the way.

Helping war veterans is a top priority for me. But ironically, one that in an ideal world would hardly be necessary if the United States adopted what I call a SMART Security plan. War would be an absolute last resort, something we turn to reluctantly, only after every diplomatic channel has been pursued. The smart in SMART Security stands for Sensible Multilateral American Response to Terrorism.

As the tragedy in London demonstrates, our belligerence has not made America or the world safer; and it is time, I believe, that we had a new approach, one that relies on multilateral alliances and improved intelligence to track and detain terrorists, one that renews our commitment to nuclear nonproliferation, one that invests aggressively in international development to attack the poverty and hopelessness that breed terrorism in the first place.

SMART is tough, pragmatic, and patriotic. It protects America by relying on the very best of American values: our commitment to freedom, our compassion for the people of the world, and our capacity for global leadership.

Criticism of our Iraq policy must never be misinterpreted as criticism of those on the ground carrying it out. We must stand with our veterans, the fearless Americans literally wearing the scars of a war that they did not choose. Just because a policy may be flawed, and I believe it is, does not detract from the remarkable job they do. We must show the same selflessness toward them that they have showed toward our Nation.

COMPREHENSIVE IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, I rise today to issue a challenge to my colleagues, those who have criticized the comprehensive immigration reform that has been offered as legislation. In the last Congress, the gentleman from Arizona (Mr. KOLBE) and myself and Senator MCCAIN in the Senate offered comprehensive immigration reform. We have offered a similar bill this year. There have been a lot of critics who have taken the floor and have said that we should not do this; what we need to do rather than have comprehensive immigration reform is to simply secure the border and enforce the law, enforce the current law.

Let me just run down what that actually entails. If we were to enforce the current immigration laws that we have, it would mean that we would literally round up between 10 million and 15 million illegal aliens who are here presently, uproot them from their jobs, often from their families, and ship them home to their home country where they would be subject to a 10-year bar from reentry. After that 10 years, then they would get in line to go through the legal orderly process, which would probably take another 20 years.

Now, when I explain that to those who are critics of our immigration bill, they often say, well, we do not mean to enforce the current law as it is. Let us selectively enforce it. Let us go after the criminals, not after those who are legally law-abiding here. Well, that is called selective enforcement, and some will actually use that term. We need to selectively enforce the law. I ask the critics of comprehensive immigration reform, how is that any less of an amnesty than what has been proposed?

Under our legislation, anyone here illegally, who has broken no other law than crossing the border illegally, would be required to register, pay a fine, and wait as many as, at least 6 years until the current backlog of those going through the legal orderly process in their home country is complete. Then they would be forced to pay another $1,000 fine. How is that an amnesty, when simply selectively enforcing the current law is not?

Please explain. For those who are criticizing comprehensive immigration reform, how are you going to secure the border and enforce the law without a temporary worker program? Our legislation realizes that there are many here, probably around 8 million, that are in the workforce currently. Unless we are willing to uproot them and send them all home, then we have to have a temporary worker program or a guest worker program before we can enforce the law. That is why we have to have comprehensive immigration reform that says we need the rule of law.

In order to have the rule of law, we must have a law we can enforce. That is what this is all about, and that is the challenge I issue to those criticizing the comprehensive immigration reform that has been offered, the McCain-Kennedy-Kolbe-Flake-Gutierrez bill. Please come up with your own. Explain how we are going to enforce the current law unless we have a temporary worker program.

People say, let us secure the border first, enforce the current law, and then see if we need a guest worker program. I have already explained what it means to enforce the current law. If you believe that is what we need to do, please proffer a bill. Write legislation. If that is what we need to do, then, please, stand here and suggest it. Otherwise, join us. Join us in our quest to actually have a law that we can enforce. Let us have the rule of law. That is what this country was built on. That is what we need to return to.

It is not a healthy situation to have 10 million to 15 million people here illegally who are below the law, who work in the shadows. That is not healthy for national security. It is not good for our economy, and it is not humanitarian either. We simply need to change the law.

So I invite my colleagues, please, submit legislation. Join this great debate that we have, but do not criticize unless you are willing to offer legislation yourself.

CAFTA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the Central American Free Trade Agreement, according to Republican leadership, will come to a vote sometime this month. The Central American Free Trade Agreement was signed 13 months ago by President Bush. Every other trade agreement voted on in this Congress has been voted on within 2 months of the President's signature. That is, those trade agreements with Morocco and Chile, Singapore and Australia, all passed the Congress comfortably by wide margins within 60 days of the President affixing his signatures to them.

This trade agreement, CAFTA, was signed by President Bush in May of 2004, and it has not been brought to this Congress for a vote for one simple reason. One simple mathematical reason: the votes simply are not there to pass this agreement. The votes are not there because of the opposition from dozens of Republicans and Democrats, the opposition from small manufacturers and labor unions, and the deep and broad opposition from small farmers and from family farmers and ranchers and environmentalists. The opposition to CAFTA comes from Catholic bishops in Central America and Lutheran and Presbyterian and Jewish leaders in our country.

It is clear this agreement would not pass the House of Representatives today because Americans, in larger and larger numbers, including Members of Congress, representatives of the American people, understand our trade policy simply is not working.

Look at this chart. In 1992, the year I was first elected to Congress, we had a trade deficit. That means we exported less than we imported. We had a trade deficit of $28 billion. Last year, our trade deficit was $618 billion. From $38 billion to $618 billion trade deficit in only a dozen years. It is clear our trade policy is not working when we have these kinds of trade deficits, coupled with the budget deficits we have seen the last 5 years.

Now, these might just be numbers to economists, these numbers about the trade deficit, but here is what they really translate into. The States in red are States which have lost 20 percent of their manufacturing jobs in the last 6½ years. The States in blue have lost 15 to 20 percent of their manufacturing jobs. Now, again, those are numbers, but think about this. My State, and the State of my colleague, the gentlewoman from Ohio (Ms. KAPTUR), has lost 217,000; and the gentleman from Ohio (Mr. STRICKLAND), who has joined us, has lost 217,000. The State of our colleague, the gentleman from Oregon (Mr. DEFAZIO), has lost 28,000. The State of the gentleman from Illinois (Mr. EMANUEL) has lost 224,000. My colleague over here, the gentleman from Iowa (Mr. KING), has lost 32,000. Pennsylvania has lost 200,000; New York, 222,000; Michigan, 200,000; Texas, 200,000 jobs; and California, 353,000.

These are families who have lost their principal source of income. These are people living in school districts which have seen plants close and funding for education plummet. These are people who live in communities that have inadequate police and fire protection because the tax base in these school districts and in these cities and communities have been eroded when plants close. So it is clear that our trade policy simply is not working.

Now, the supporters of the Central American Free Trade Agreement love to say three things: they say that CAFTA will increase jobs in the United States; they say CAFTA will mean more production, more manufacturing in exports to other countries; and they say that CAFTA will increase, enhance, bring up the standard of living in each of these developing countries in Central America and the Dominican Republic. Well, Benjamin Franklin said the definition of insanity is doing the same thing over and over and over and expecting a different result. Presidents always, President Clinton and now President Bush, always promise the same things, more jobs, more manufacturing exports, a higher standard of living in the developing world. It does not work.

They tell us that these CAFTA countries will buy more American goods; that we will manufacture more goods and export them to these six countries. But, Mr. Speaker, if you look at this chart that says "show me the money," look at the income levels. The United States income of the average person is $38,000; in Costa Rica it is 9,000; the Dominican Republic, 6,000; El Salvador, 4,000; Guatemala, 4,000; Honduras, 2,600; Nicaragua, 2,300.

Guatemalans making $4,100 a year are not going to buy cars made in Toledo, Ohio, the district of my colleague. Hondurans making $2,600 a year are not going to buy software from the State of my colleague, the gentleman from Oregon (Mr. DEFAZIO). Nicaraguans making $2,300 a year are not going to buy a prime cut of beef from Illinois or from Nebraska. El Salvadorans making $4,800 a year are not going to be able to buy textiles and apparel from North Carolina and South Carolina and Georgia.

Mr. Speaker, this trade agreement does not work. Defeat this CAFTA and renegotiate a better trade agreement for all Americans and all of Central America.

PUBLIC HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to talk on a subject which is not often addressed on the floor of the House, which is public health, particularly public health as relates to threats of bioterrorism or naturally occurring events.

Today, and I am a member of the Committee on Homeland Security, we had some rather disturbing revelations of the lack of progress with Operation BioShield, which seems to have done more to enhance the profits of the pharmaceutical industry, to engage in some exotic forms of research, to ignore some off-the-shelf remedies which could deal with very real and horrible threats, such as the potential for a nuclear device that could deal with the radiological aftermath and things of that nature.

Now, the Committee on Homeland Security will continue to investigate those areas and deliberate in those areas, and that is good, because we need to improve how we target those funds, how they are spent, and how we assess the threats to the people of the United States. More than $12 billion was spent on smallpox and anthrax, the anthrax attack apparently perpetuated by somebody who perhaps stole that from Ft. Detrick, Maryland; and smallpox, of course, is not yet known to be a threat.

The administration, however, has ignored a very real threat to the American people. Many of us experienced the fact that last year there was not enough flu vaccine, because we have left it to the private sector, free markets, and competition to provide flu vaccine; and it is not working real well. This is not the first shortage in recent years, not the first series of price gouging for vulnerable people. It has become recurrent year after year.

Last year, I did not get a flu shot, as many other Americans did not, in order to give up our doses for those who might be more at risk.

☐ 1930

The system is broken. We can only hope that the Bush administration will begin to take more definitive action and introduce legislation along those lines.

But even more threatening than the annual flu occurrence is the prospect of H5N1, the avian flu virus, mutating and becoming the next pandemic attacking people around the world. It is estimated that 30 to 70 million people could die, many here in the United States, similar to the 1917, I believe, epidemic.

The Bush administration has been charged, granted we have known about H5N1 for quite some time, and the Clinton administration did very little in this area, so there is blame to go around. But it has become more persistently reported. It has reached more epidemic proportions. There have been more human infections, more reports of possible human infections being concealed by the Chinese communist government, as they often do in these matters. And the Bush administration in the last year spent a total of $110.3 million, $70.5 million for vaccines, and $15.6 million for antiviral drugs. Despite the fact that the World Health Organization tells us we should be stockpiling these drugs, the Bush administration is not stockpiling these drugs.

Mr. Speaker, $15.6 million for antiviral drugs. That is less than half of what they spent on adolescent family life prevention projects. They spent nearly twice as much money on abstinence-only education money in America as on all flu vaccine spending.

A looming pandemic, and the Bush administration and Health and Human Services are off worried about abstinence-only education, as opposed to an extraordinary threat to millions of Americans.

This could become an incredible problem as early as this year, but this administration seems determined to just bumble along until the time when the pandemic begins, and then it will be too late. There is only one producer overseas. Other nations have lined up to buy their production. The United States of America has not. The pharmacies will run out quickly. We do not have adequate hospital surge capacity. We are vulnerable in so many ways, but the Bush administration thinks it is more important to spend money on abstinence-only education than preserving the health of the American people in the face of these deadly threats.

Hopefully they will begin to do better, and, if they cannot, perhaps the Republican leadership in Congress will allow us to move legislation that will force them to do better in the future to protect the American people.

OUTSOURCING MILITARY TO SOLDIERS OF FORTUNE

The SPEAKER pro tempore (Mr. CONAWAY). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, this evening, I would like to talk about a cultural change occurring in the U.S. military that is very troubling to me. For those people who have served our country and continue to serve our country in the military service, the words honor, duty, God, and country mean everything. These timeless words have motivated hundreds of thousands of our patriotic citizens to enlist and serve in the United States military over the decades, and they inspire a calling to rise above one's own self-interest for the betterment of our Nation and her highest principles: Liberty, equality and justice.

Those high principles are in stark contrast to what the World Book Dictionary defines as a soldier of fortune, "a man serving or ready to serve as a soldier under any government for money, for adventure or for pleasure."

I could not help but think about this and read and reread that definition as I examine how pay and benefits provided to these private military personnel engaged in the Iraqi war dwarf what we provide our all-volunteer military. Guards for private security firms on average are earning $400 to $600 a day or $144,000 to $216,000 in a single year, and they are earning it tax free. That is right. These salaries and tax-free dollars are provided so long as the men remain in-country for more than a year.

The slain guards for Blackwater were earning nearly a thousand dollars a day for an astronomical salary of $365,000 a year. Let us compare that to what we provide the men and women who have served in our military for 6 years, not even the 1 or 2 years that most personnel in Iraq are at. A military commissioned officer can expect to earn between $100 and $270 a day, for a paltry total of $36,000 to $96,000 a year. Enlisted soldiers, those who carry out the toughest assignments and are in the most danger and need the most support, earn $36,000 in a good year. That is outrageous.

General Omar Bradley, the GI general himself said, "Leadership in the democratic Army means firmness, not harshness; understanding, not weakness; justice, not license; humaneness, not intolerance; generosity, not selfishness; pride, not egotism."

I thought a lot about those words as I am increasingly saddened as I watch what seems to be transpiring in the Iraqi war. As each day passes, a nonsensical strategy is unraveling in Iraq that threatens to transform many of our most important ideals into crash commercialism. The utter mismanagement of the war troubles me as I witness what I perceive to be the undermining of the honor code and the diminishment of the meaning of the words "service" and "duty" that have served as hallmarks of our military tradition from its inception.

Let me be clear. For those soldiers, both enlisted personnel and officers serving under the time-tested rules of engagement, I have no quarrel. They serve bravely. Their integrity is indisputable, their will resolute. No, my apprehension lies with the architects of war. Where I am growing increasingly uncomfortable and downright concerned is with the actions of the President and his role as commander in chief, his Vice President, and their Secretary of Defense, Donald Rumsfeld. Together, they are authorizing a strategy for the outsourcing of military functions that is unparalleled in scope and size in the history of this Nation. Never before have so many private contractors, an estimated 20,000 private military personnel and 100,000 civilian contractors, been utilized in such a function to perform critical security and military needs in theater, duties that heretofore had been under the direct purview of the regular military and its established chain of command beginning with the commander in chief and his joint chiefs of staff.

Mr. Speaker, no one in Congress has any idea of the exact number of private security contractors working and operating in Iraq. Last year, in response to a detailed request levied by myself and dozens of our colleagues, the Coalition Provisional Authority compiled a list of 60 different firms employing a total of 20,000 personnel back then, including U.S. citizens, Iraqis and third country nationals. No additional information, no specifics on the contracts awarded, just a list.

And so we watch the news, and we try to figure out what is actually happening over there. According to an excellent journalistic expose' on Frontline, and I quote, "Beforehand handing over power to the newly elected Iraqi government in January 2005, the CPA established Memorandum 17, a notice that called for all private security companies operating in Iraq to register by June 1 and established an oversight committee led by Iraq's Ministry of the Interior. According to Lawrence Peter, a former CPA official and the director of the Private Security Association of Iraq, as of June 21, 2005, 37 security contractors have registered with the Iraqi Ministry of the Interior. One is awaiting approval, and 18 additional security companies are in the process of registering."

Mr. Speaker, what on earth is going on in Iraq? How do we distinguish between soldiers of fortune and those of our own military who are committed to honor, duty, God, and country? Why can this Congress not get straight answers from the administration on this and a bevy of other issues? Why are we relying on thousands of contractors, including some from third countries, to provide backup and support to our regular military? Why is it perfectly acceptable to outsource war, and this under a veil of secrecy? I have hundreds of questions, and Members can rest assured I will refuse to stop asking them until the American people get real and substantive answers to those responsible.

What really bothered me was when I saw that Paul Bremer at the beginning had guards around him that did not have military-issued uniforms nor U.S. Department of Defense weapons. I began to ask questions. I will continue to raise them, and I include for the RECORD some additional materials.

Honor, duty, God, country. These timeless words have motivated hundreds of thousands of patriotic citizens to enlist and serve in the United States Military over the decades. These words inspire a calling to rise above ones own self for the betterment of our nation and her highest principals—liberty, equality, justice.

General Omar Bradley (the GI General himself) said that "Leadership in the democratic army means firmness, not harshness; understanding, not weakness; justice, not license; humaneness, not intolerance; generosity, not selfishness; pride, not egotism." / General George Marshall, the architect of the Marshall Plan and one of the foremost General officers of his day is oft quoted as saying, "Morale is the state of mind. It is steadfastness and courage and hope. It is confidence and zeal and loyalty. It is élan, esprit de corps and determination." If only we were to heed the words of these two incredible men as we continue to engage in a costly and unpredictable war in Iraq.

Instead, I am increasingly saddened as I watch what seems to be transpiring in the Iraqi war. As each day passes, a nonsensical strategy is unraveling in Iraq that threatens to transform many of our most important ideals into crass commercialism. The utter mismanagement of the war troubles me as I witness what I perceive to be the undermining of the honor code—and the diminishment of the meaning of words "service" and "duty" that have served as hallmarks of our military tradition from its inception.

Let me be clear. For those soldiers (both enlisted personnel and officers) serving under the time tested rules of engagement, I have no quarrel. They serve bravely. Their integrity is indisputable. Their will resolute.

No, my apprehension lies with the architects of the War. Where I am growing increasingly uncomfortable and downright concerned, is with the actions of this President in his role as Commander and Chief, his Vice President, and their Secretary of Defense, Donald Rumsfeld.

Together they are authorizing a strategy for the outsourcing of military functions that is unparalleled in scope and size. Never before have so many private contractors (an estimated 20,000 private military personnel and 100,000 civilian contractors) been utilized in such a fashion—to perform critical security and military needs in theatre. Duties that had heretofore been under the direct purview of the regular military and its established chain of command—beginning with the Commander in Chief and Joint Chiefs of Staff.

Mr. Speaker, no one in this Congress has any idea of the exact number of private security contractors working and operating in Iraq. Last year, in response to a detailed request levied by myself and dozens of colleagues, the Coalition Provisional Authority (CPA) compiled a list of 60 different firms employing a total of 20,000 personnel (including U.S. citizens, Iraqis and third-country nationals). No additional information. No specifics on the contracts that were awarded. Just a list.

My colleagues and I are forced to rely on the tabulation of news articles and press releases to keep on top of what companies are operating in theater, what duties they may or may not be performing and just how much money the United States government is paying them.

According to an excellent journalistic expose on the PBS program Frontline, "before handing over power to the newly elected Iraqi government in January 2005, the CPA established "Memorandum 17" a notice that called for all private security companies operating in Iraq to register by June 1 and established an oversight committee led by Iraq's Ministry of the Interior. According to Lawrence Peter, a former CPA official and the director of the Private Security Company Association of Iraq, as of June 21, 2005, 37 security contractors have registered with the Iraqi Ministry of the Interior. One is awaiting approval, and at least 18 additional security companies are in the process of registering."

Mr. Speaker—What on earth is going on in Iraq? Why can't this Congress get straight answers from the administration on this and a bevy of other issues? Why are we relying on thousands of contractors to provide backup and support to our regular military? Why is it perfectly acceptable to outsource war—and this under a veil of secrecy? I have hundreds of questions Mr. Speaker, and you can be assured that I refuse to stop asking them until the American people get real and substantive answers from those responsible.

Perhaps the problem is the constant replacement of theater commanders during an already tumultuous occupation. After the ground victory, the U.S. watched the architect of the rapid sprint to Baghdad—General Tommy Franks—retire early. When his photo appeared like a 12 inch high pin up on the cover of Cigar Aficionado Magazine in December of 2003, just months into the occupation, I wondered what Generals Joe Stillwell and Omar Bradley would think. In that interview, General Franks discussed the over-reliance on Reserve troops, and the types of jobs that U.S. military personnel were asked to handle. He said "We need to get people out of those jobs, get civilians in them, and get our military into the jobs that are the highest payoff in terms of the military skills." I thought to myself: "This is coming from a general who has left nearly 150,000 of his troops in theater, while at the same time feels that we are not allocating our resources in the best way possible." I couldn't think of a single precedent for such an action—to leave before relative calm was restored. Before the peace was won.

General Franks had it half right. We are getting civilians into thousands of jobs in Iraq with ease, but we're doing it in exactly the wrong way. We are filling critical slots with civilians who are paid far more money than regular U.S. troops, who have a much more cavalier attitude toward duty, justice and honor and who are simply wrong for the job.

My concerns grew exponentially during the first year of the occupation. It was quite a shock to see Ambassador Paul Bremmer on the front page of the New York Times guarded not by U.S. soldiers (in regular military uniform and carrying military issue weapons), but by private contractors in civilian clothing looking like something out of the NYPD undercover squad. To then learn their salaries were 5 to 10 times as high as our soldiers—who by the way still can't get adequate body or vehicle armor—riveted my attention.

Then, on March 31, 2004, four Blackwater USA guards (again, private military/security forces) were ambushed by Iraqi insurgents while on escort-duty west of Fallujah. As recounted, "The guards were killed; a mob of Iraqis set their cars on fire and hung two of the bodies from a bridge. The families of the guards are suing Blackwater for wrongful death: They claim the company did not meet its contractual obligation to supply two SUVs with three guards per vehicle."

Those men went into Fallujah without notifying or seeking the approval of the U.S. Marine Corps, then responsible for the security of that sector. Tragically those men lost their lives and it is a miracle that our own military servicemen—who were ordered in to recover their remains—escaped uninjured. More importantly, the regional Marine commander was forced to alter his strategy for quelling the insurgency to not only recover the remains of the men, but deal with the heightened tensions caused by the incident.

Mr. Speaker, the World Book Dictionary defines a soldier of fortune as: "a man serving or ready to serve as a soldier under any government for money, adventure, or pleasure."

I cannot help but read and re-read that definition as I examine how pay and benefits provided to these private military personnel dwarf what we provide our all-volunteer military.

Guards for private security firms on average, earn $400 to $600 per day—or $144,000 to $216,000 in a single year. Tax-free. That's right Mr. Speaker, these salaries are tax-free providing that these men remain in-country for more than one year. The slain guards for Blackwater were earning nearly $1000 a day for an astronomical $365,000 yearly salary.

Let's compare that to what we provide the men and women who" have served in our military for six years (not even the one or two years that most personnel are in Iraq). A military commissioned officer can expect to earn between $100 and $270 a day—for a paltry total of $36,000 to $96,000 each year. Enlisted soldiers, those who carry out the toughest assignments, are in the most danger and need the most support might earn $36,000 in a good year. That is outrageous, Mr. Speaker.

In my hand I hold a solicitation sent to a police officer in my Congressional District in Toledo, Ohio. It is from DynCorp International LLC and promises an annual compensation of over $120,000 to perform an "armed, plainclothes mission" to "help the Iraqi judicial system organize effective civilian law enforcement agencies."

This is what we are dealing with on a daily basis Mr. Speaker. As the U.S. attempts to secure the peace in Iraq, thousands of individuals are flooding into the country to perform armed, dangerous and complex tasks, often with little to no formal or military training.

A constituent of mine reports that her husband of more than 20 years, who moved to Kuwait last year to take a very high-paying job ferrying security personnel into (and out of) Iraq, is earning a huge salary and may not return to the U.S. He has decided to divorce her for a much younger Asian woman who has moved to Kuwait. Both intend to remain in the Middle East.

Mr. Speaker, this is not honor. It is not duty. It is not God. And it certainly is not country. It is money. It is adventure. It is pleasure.

Mr. Speaker, we need to ask ourselves a fundamental question: what is a soldier and what is a mercenary? Why are we short-changing, under-supplying and selling out our own U.S. troops to pay private military companies hundreds of millions of dollars so that their professional warriors can earn exorbitant salaries?

I will be in the well of this House (every day if I must) asking these questions until they are answered in a satisfactory manner.

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ANNUAL COMPENSATION $120,632.00

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Up to 1,000 civilian police advisors will be deployed to help the Iraqi judicial system organize effective civilian law enforcement agencies.

Advisors will work with Iraqi criminal justice organizations at the national, provincial and municipal levels to assess threats to public order and mentor personnel at all levels of the Iraqi law enforcement system.

Contract length is one year. This is an armed, plainclothes mission.

All lodging, meals, and transportation, logistical, technical and administrative support is provided at no cost to the officer.

REQUIREMENTS TO QUALIFY

United States Citizenship.

Minimum 5 years full time sworn law enforcement experience.

Actively serving law enforcement officers, or recently separated (within 3 years).

Unblemished background.

Excellent health.

Valid U.S. driver's license.

Valid U.S. Passport.

Ability to communicate in English.

Minimum age of 26.

Ability to qualify with a 9MM semi-automatic weapon.

Annual pay package is $120,632.00.

Resumes should detail specific experience, certifications, specialties, ranks, and assignments.

Apply today!

[From FOXNews.com, July 6, 2005]

HOW DO YOU LIKE YOUR CONTRACTOR MONEY?

(By Liza Porteus)

NEW YORK.—For three days, a group of 16 American contractors in Iraq feared they had stumbled into a different world—one where the U.S. military viewed them, and not Islamic extremists, as the enemy.

The ordeal began May 28 when a group of Marines suspected the contractors for Zapata Engineering (search) of shooting at them and Iraqi civilians in Fallujah. The Marines allegedly bound and roughed up the contractors, who were given orange jumpsuits to wear. They also received a prayer rug and a copy of the Koran (search) and were placed in a cell next to Iraqi insurgent suspects.

The contractors, eight of whom are former military men, wondered how the Marines supposedly could throw the idea of "Semper Fi" out the window and treat fellow Americans so poorly.

"If we were terrorists, they would have extradited us so they could have charged us . . . once they cleared us, they should have let us go," Pete Ginter, one of the Zapata contractors, told FOXNews.com in a recent interview. "I think it's some personal vendetta they had against us."

Several of the contractors told FOXNews.com the gripe appeared to be financial, stemming from jealousy over the belief that contractors make more money.

"How do you like your contractor money now?" one Marine barked, according to those contractors interviewed.

On June 9, a statement from a Marine spokesman said that while detained "in accordance with standard operation procedures, the Americans were segregated from the rest of the detainee population and, like all security detainees, were treated humanely and respectfully."

The statement said the investigation will look into "all aspects of the incident, as well as the accusations made by the contractors."

Manuel Zapata, president of Zapata Engineering, released a statement soon after the incident saying he was "disturbed" by the allegations but acknowledged the root cause likely was a "misunderstanding by people who are living and working in an intense and stressful situation."

He added: "At the same time, we are also disturbed over reported accounts by our personnel of their treatment while in Marine detention."

'BLUE-ON-WHITE' ANTAGONISM

The Zapata crew was part of a community of about 120,000 private foreign contractors in Iraq, many working side by side with U.S. military personnel to rebuild a country virtually destroyed by 30 years of neglect and war.

These contractors say they wholeheartedly stand behind President Bush and the U.S. military in the mission to put Iraq on the road toward democracy. But they say a few bad apples aren't helping in those efforts.

"It seems there's a lot more American-on-American [conflict] right now—we call it 'blue on white'—but then again there's a lot of military people who are our closest friends . . . so it's a catch-22," said Robert Shaver, another detained Zapata contractor.

Among the contractors are about 20,000 who work for private security companies, some of whom have come under criticism for bad behavior. Witnesses have been quoted telling stories about caravans of intimidating contractors driving fast through Iraqi streets in their SUVs with guns hanging out the window.

Marine Col. John Toolan, who was the military commander of the area that included Fallujah when four private security contractors employed by Blackwater (search) were ambushed and murdered last year, told PBS' "Frontline" that the part of the problem is that the military and contractors have different motivations in a dangerous environment.

"We have a tendency to want to be a little bit more sure about operating in an environment," he said. "Whereas I think some of the contractors are motivated by the financial remuneration and the fact that they probably want to get someplace from point A to point B quickly, their tendency [is] to have a little more risk. So yes, we're at odds. But we can work it out."

Contractors who were once in the armed forces themselves, like Zapata's Ginter and Matt Raiche, say they went over to Iraq as private citizens to help pay the bills back home.

"I didn't want a dead-end job, I didn't want to live paycheck to paycheck" and live off loans, Ginter told FOXNews.com about why he became a contractor.

A CASE OF THEY SAID, THEY SAID

The Zapata contractors were detained in Fallujah (search) after the Marines said the contractors sprayed gunfire at them and a group of Iraqi civilians from an armored convoy twice earlier that day. The crew was in Iraq destroying enemy ammunition and explosives.

The contractors say they have proof that they weren't near the position where the Marines claim they were shot at earlier in the day and were actually dropping off ordnances at Camp Victory at the time. Several told FOXNews.com in interviews that sign-in logs can corroborate their story and they said they have receipts from a restaurant and other places they stopped at during the time in question. Plus, the contractors say the Marines' description of the convoy doesn't match the vehicles they were driving.

Ginter and Raiche say the problems began with a flat tire. Their group was changing a tire that blew out after their driver didn't make a turn wide enough to avoid a spike strip when a group of Marines came out and said they wanted to go back to their compound and talk.

The Marines said two rounds of ammunition had hit near where they were stationed. When the Zapata crew asked to see exactly where the rounds hit, they said they couldn't get a straight answer.

The contractors said they fired warning shots into the ground—standard procedure—to prevent a suspicious vehicle from approaching their convoy but that they never aimed at Marines or civilians.

The Marines eventually brought the Zapata contractors to a compound where they were put in 6-by-6 foot concrete cells. When they asked for an attorney, they were told to "shut up," the contractors claim. They were detained there for three days.

"I know for a fact with our situation, the first 36 hours we were detained, there was a lot of tension in the air and a lot of animosity toward us contractors for the money we make," Shaver, who is now back in the United States and living in upstate New York, told FOXNews.com.

Ginter claims that on his way back from being escorted from the bathroom, one of the Marines "physically forces me on the ground, banged my knees on the ground . . . he kicked my ankle into the cross position," and took off his cross necklace. He also claims the Marine squeezed his testicles "so hard I almost puked" and threatened to unleash a dog on him if he moved.

"Seriously, I thought someone had died, I thought some way they had connected a death to us and I thought . . . maybe it was a joke, maybe it was training and we didn't know about it," Ginter added.

Raiche said he had his wedding ring and jewelry removed and was also threatened with the dog. He also said he heard one Marine heckle, "how does it feel to make that contractors' money now?" A female Marine was taking pictures of the proceedings, they said. The contractors had blacked-out goggles placed over their heads when they were put on a bus from the original detention site to another one near Fallujah, where Iraqi insurgent suspects are also kept. Ginter said there was a small slit in the goggles that he could see out of.

"I watched as my fellow brothers were thrown to the ground, physically abused . . . knees, necks, tossed to the ground with the female taking pictures," Ginter said. "It was like going into the Twilight Zone."

Ginter and Raiche said only five or six members of their group were interviewed when investigators from agencies like the FBI showed up. They said they asked for a lawyer, to make a phone call, to contact the Red Cross, Amnesty International and others but were denied such requests. They claim about four Marines, however, were in "total awe—they could not believe what was happening," Ginter said.

INVESTIGATING THE INVESTIGATIONS

Neither Ginter nor Raiche have been questioned by military investigators since they returned from Iraq. Mark Schopper, the Nevada-based lawyer for some of the contractors in question, said he doesn't believe anyone in the group has been. The Justice Department also reportedly is looking into the incident.

Gail Rosenberg, a public relations consultant for Zapata, told FOXNews.com on Thursday that the internal investigation from Zapata Engineering is still ongoing. Rosenberg added that "there has been no direct contact" between Zapata and the government on the investigation since the original Zapata statement was released after the incident.

The military has had little to say about the incident since it first happened. Lt. Col. David Lapan, a Marine spokesman, issued a statement saying the Naval Criminal Investigative Service would handle the investigation.

Lapan suggested that the Marines were following procedure in how they handled the contractors. And while Lapan said all charges would be investigated, he added "thus far we have seen nothing to substantiate the claims."

When contacted by FOX News for an update on the investigation last week, Lapan-said in an e-mail exchange: "No new developments on the military side. The investigation continues."

So far, even though some of the Zapata contractors say they haven't been contacted by the NCIS, investigators have spoken to personnel with the U.S. Army Corp of Engineers.

"As far we know, it's still ongoing, we don't have anything new" on the investigation, said Kim Gillespie, a spokeswoman for the U.S. Army Engineering and Support Center in Huntsville, Ala., which specializes in ordnance and explosives and administered the Zapata contract. "They didn't give us any indication as to when they're going to wrap this up . . . I will assume we will be made aware when this investigation is complete."

Coincidentally, Gillespie said Zapata's contract for the explosives work it was doing in Iraq expired Thursday; that contract date was predetermined a year ago, however, and has nothing to do with the alleged incident involving the Marines.

GETTING ON WITH LIFE

After the Fallujah incident, the military gave each of the 16 contractors a letter barring them from further operations in Al Anbar province in western Iraq.

"The contractors clearly, without doubt, experienced physical and psychological abuse and have suffered serious monetary damages," Schopper said. "They lost their jobs, some of them their careers. . . . There are serious, serious civil rights violations."

Schopper said that since he went public with information regarding credit card receipts and time logs that show his clients weren't in the area of the first shootings at the time in question, the Marines have changed their story as to who they think shot at them.

He has not yet filed any formal complaints with the military because, "until we get a better feel of what's going on, it doesn't behoove us to show any of our cards."

"We're hoping in fact that this is cleared up without any legal action and hopefully the investigation, if they are in fact doing one, is in fact legitimate and will clear our guys," Schopper added.

Until then, several of the contractors said their lives have been at a virtual standstill.

"There's not much we can do" so far as work is concerned, Ginter said, noting that many government jobs he's qualified for involve high-level security clearances, which involve background checks. "Right now, with this blot on my background, it ruins everything, even if I was to work for the post office . . . unless I want to work at McDonald's in a job."

Raiche, a former firefighter before heading to Iraq, said he couldn't even get that job back, nor a job in law enforcement, until his name is cleared.

"I have guys in the military right now who were personal friends of mine," Ginter said. "I have no resentment toward the military. I want this off my record."

URGING LOBBYING REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today in the Washington Post, we found out that a key adviser to President Bush on the Intelligence Advisory Committee has been instrumental in helping China and the Chinese oil company put together their bid to purchase Unocal.

The other day, the Center For Public Integrity disclosed that big drug companies spent $800 million in the last 7 years to influence the Congress, the Senate, and the legislation and the policies we have here; and then just last year we passed a pharmaceutical prescription drug bill that ended up producing or will produce $132 billion in additional profit for the pharmaceutical industry.

The tobacco industry donated over the last few years $40 million to the Republican Party, and then they get a sweetheart deal by the Department of Justice for just pennies on the dollar when it came to settling a lawsuit. They settled for 8 percent of what they had originally gone in for, $10 million versus $130 million. USA Today points out that corporate donors have given more than $120 million to Republicans during the last election, and now they are receiving their reward. For some businesses, invest a little now and get a larger return later. That has been the motto.

Just take energy prices. Big oil and big energy companies has been a major contributor to the majority party, the Republican Party. Oil is at $60 a barrel, approximately, and yet we talk about giving a $8 billion taxpayer give-away so big oil can do what? Drill for oil. I thought that was their business plan. So what we are asking the American taxpayer to do is pay once at the pump and again on April 15. Why? Because big oil is a more influential player here in Washington.

Special interests have attached themselves to Congress, and this parasitic relationship is having a corrosive effect on our Nation of and for the people. When the Speaker's gavel comes down, it is intended to open the People's House, not the auction house. And lately when we look at the tobacco industry, the energy industry, the pharmaceutical industry, those who lobby on behalf of major interests like Chinese oil companies, we can see something that is happening as it relates to the People's House.

The relationship between lobbyists and lawmakers has become far too cozy and close. Professional lobbyists and the lobbyist profession have become a back office for Congress, serving as travel agents, employment agencies, and authors of legislation. In fact, in the past 6 years, lobbying expenditures have more than doubled to $3 billion annually. Yet while the number of professional lobbyists and their fees have increased, only one in five lobbyists actually register as required. Of the 250 top lobbying firms, 210 failed to file one or more of the necessary documents.

The special interests have benefited from the weak reporting, nonexistent oversight and toothless penalties while the credibility of the United States Congress suffers. We have had a debate about campaign finance reform here in this Congress, a debate that ultimately put some distance between donors and candidates. Now we need a similar debate as it relates to lobbyists and Members of Congress.

□ 1945

We tell, in this institution, corporate America how to clean up their act. We tell professional sports teams how to clean up their act. Yet when it comes to our business, how we clean up our house, we are not very good at that. We think business as usual is just fine.

It is time we updated our laws to reflect the explosive growth and increasing influence of the professional lobbyist community. It has been 10 years since we have done anything. The gentleman from Massachusetts (Mr. MEEHAN) and I have introduced the Lobbying and Ethics Reform Act. Our bill creates a code of official conduct for Congress. In the coming days, we will have a Senate bill, itself, introduced by a colleague of ours. This code of conduct would close the revolving door by requiring former Members and staff to wait a minimum of 2 years after they leave Congress before becoming lobbyists to work back here influencing legislation and trading on their knowledge. The bill would end the practice of lobbyists serving as congressional travel agents by arranging lavish junkets for Members of Congress. We also require lobbyists to disclose their past connections, previous Hill employment and financial activities on a public database.

The Meehan-Emanuel bill increases the penalties for failing to comply with the Lobbying Disclosure Act. It also creates a bipartisan House task force to recommend ways to reinvigorate ethics oversight and enforcement. And it would require the Government Accountability Office to report twice a year on the state of oversight and enforcement.

Mr. Speaker, the gavel should mark the opening of the People's House, not the auction house, and that is what the American people now see this Congress doing. Unless we reform the relationship between the lobbying community and Members of Congress, we cannot restore the public's faith in the People's House. We are suffering from a systematic problem requiring an institutional solution. We need more sunlight, more transparency, better oversight and stiffer penalties. The Meehan-Emanuel bill provides that transparency. And let me add that this is not a partisan issue. I hope that Members of both parties will join us in working together to pass these important reforms.

Mr. Speaker, we have a duty to ensure that the voices of the American people are not drowned out by the professional lobbyists working the halls of Congress. Only through lobbying reform can we return the People's House to the American people.

IN MEMORY OF CONGRESSMAN JAKE PICKLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, I did not just like Jake Pickle; I loved Jake Pickle. Congressman Pickle was one of the finest public servants to have ever served in this House, and he was a true Texas treasure. He was a kind, decent, caring human being who spent his entire life making life better for others. Whether it was helping a veteran receive health care, bringing research dollars, and he brought many of them, to his beloved University of Texas or saving the Social Security system in 1983, Jake was always dedicated to helping others.

Jake Pickle's faith was shown time and time again as he lived the commandment to love thy neighbor. Jake Pickle lived every day with another biblical verse, "This is the day the Lord hath made. Let us rejoice and be glad in it." Jake lived every day joyfully. He lit up a room when he walked into it because of his joyful, positive approach to life. His positive approach has enlightened the lives of all of us blessed to have known him.

Jake Pickle exemplified courage when he voted as a freshman Congressman from Texas to pass the Civil Rights Act which brought to reality the promise of equal opportunity to millions of African-Americans. He did it because it was the right thing to do, even though it could have ended his political career.

I want to tell one story about my friend Jake Pickle. In June of 1994, he and I were part of a U.S. congressional delegation at the 50th anniversary of D-Day. After the ceremony on June 4 of 1994, our bus was about to leave to go back to a hotel an hour to 2 hours away. I noticed Jake getting off the bus by himself. I stopped, walked up to him and said, Jake, what are you doing? And he said, Why don't you come with me, Chet?

So I followed Jake Pickle off that bus. We walked several hundred yards. We went to Point du Hoc, that monument to American GI courage on D-Day when Colonel Earl Rudder led Rudder's Army Rangers up that stiff cliff against murderous fire by the Germans above them. It turned out that Jake Pickle and Earl Rudder, then the land commissioner of Texas, roomed together after the death of Jake's first wife when then General Rudder was serving as land commissioner in Austin, Texas.

So that June day in 1994, Jake Pickle got off the bus, not knowing how he would get back to his hotel in France, to go pay his respects to his personal friend and fellow Texan and American, Earl Rudder, the hero along with America's Rangers at Point du Hoc. That was the character of Jake Pickle. Our Nation will miss Jake Pickle, but the world is a better place today because of his life of dedicated public service.

Mr. Speaker, Winston Churchill once said that we make a living by what we get, we make a life by what we give. By that high standard, Jake Pickle led a rich life, a life that enriched every one of us blessed to have known him.

Goodbye, my friend, until we meet another day. Thank you for the memories. Thank you for your friendship. Thank you for making America and the world a better place.

GENERAL LEAVE

Mr. EDWARDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my special order today of J.J. "Jake" Pickle's death.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SMALL BUSINESS AND HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PRICE of Georgia. Mr. Speaker, what an honor it is to come before my colleagues tonight to talk about some of the most important aspects of all of our lives, and that is our jobs and our health and how they are tied together.

I think it is helpful to begin this by answering the question, how did we get to this point? Why do most Americans receive their health insurance from their employer? Did you ever think about that? Whether it is good or bad. You think about other kinds of insurance. Car insurance does not come from your employer necessarily. Certainly, health insurance does, and that is so incredibly important. Your home insurance does not come from your employer. Why health? Like most things, it has a long and a curious and sometimes a colorful history.

By way of introduction, and I will be brief, but I think it is important to review kind of how we got to where we are right now. Actually it begins during World War II when employers were short on employees, and they were attempting to attract employees, and so they offered a health benefit to try to encourage some folks to come and work at their place of business. The government at that time had to decide whether it was going to treat that health benefit as a taxable benefit or whether it was going to be a nontaxable benefit. Were they going to tax the employee for getting that benefit or not? What the government at that time elected to do is to treat it as a nontaxable benefit. And so began this incentive that we now have and have lived with for the past 60 years or so for employer-based health care.

During the 1950s, there was a period of significant collective bargaining in our Nation, and many individuals got their health insurance with what is called first dollar coverage, meaning that every single dollar of their health care was paid for by somebody else. In the 1960s, the government got involved with Medicare and Medicaid and instituted Medicare as a program that was a cost-plus program, meaning that those individuals that were providing the care were paid for the cost for providing it plus some. And so what you had over a period of the next 10 or 12 years or so was a significant increase in the cost of health care. Businesses said, Hey, wait a minute, what's going on here? We've got to have some help. And so instead of looking at that situation then and moving toward a system that allowed individuals greater choice and greater opportunity for their selection in health care, what happened was an increasing regulation of both the insurance industry and the beginning of HMOs and the managed care as we know it. All of this began basically with the tax favorability for employers to purchase health insurance. And so that system flourished.

Now, tying health care to jobs has had many unintended consequences and many that have adversely affected those who can get insurance. As a legislature, as a Congress, as leaders and decisionmakers, we need to make it easier for businesses to provide health insurance. One person who knows firsthand about that and about how to make that happen is the gentlewoman from Tennessee (Mrs. BLACKBURN). The gentlewoman from Tennessee is a small business owner herself and represents a district that is heavily dependent on small businesses and the jobs that they generate. She understands this issue as few do and has been a great leader in our Congress in an effort to pass both the health savings accounts and associated health plans. I am proud to yield to my colleague as she discusses the issue of small business and health care for a few moments.

Mrs. BLACKBURN. Mr. Speaker, I thank the gentleman from Georgia for his leadership on this issue. He certainly brings a wonderful perspective to our body as he leads in the discussion of small businesses and health. I think most people know that small town physicians, that is a small business, and working with small business employers, he understands so readily how employers truly desire to provide great benefits for their employees. Mr. Speaker, I think most small business employers feel like their employees are family. They want to be certain that they have got the best of everything, the best of opportunity, the best of health care, the best work environment, because they treasure having those individuals work with them. Most small business owners understand, too, that it is important that employees be happy and content in their work environment, that they stay with you, because one of the greatest expenses is having to train a new employee, having to help them learn the ropes, learn the skills, come up to speed to fill that role. They also know that good health care is important because of time lost from work. That is very expensive. That means an employer, if he has an employee who is sick, who has not had access to good preventative health care, then what happens? He has to go hire a temporary employee to fill that job. So small business employers understand the importance of creating a good comprehensive work environment and the importance of appropriate health care and health coverage for employees.

I cannot go any further talking about a small business without first having a couple of things to say about this economic engine and what a lot of these small business employers are able to do. We are averaging 146,000 new jobs a month. Unemployment is at near historic lows. We are just above 5 percent on unemployment. What that tells us is that the small business sector is working, that with new ideas and new innovations and lower taxes and with the focus on lessening regulation like we have done this very week, this very day right here in this House as we have looked at OSHA regulations and found ways, we passed four bills, finding a way to help make OSHA and the rules and the regulations less burdensome to small businesses. So it is wonderful that during this small business week, we have our legislative attention focused on what we do, not to create jobs, what we do not to strap down business, but what we do to create the type environment in this Nation that small business and free enterprise can do what they do best, that is, create jobs, be the economic engine for this great Nation.

I commend our leadership here in the House for continuing to work on these issues and put this focus on small businesses, whether it is through an energy bill or through the death tax repeal or class action fairness or bankruptcy or jobs training improvement. All of that affects small business, much the same way as health care affects small business and its employees.

There are just a couple of other quick points that I would like to add. Looking at health care and the viability of health care for small business is not new. This is not something that is on the plate for the first time in the 109th Congress. This is an issue that our leadership has been focused on for many years.

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One provision that was on the table for quite a while and finally was passed in the 108th Congress is health savings accounts; and for small businesses that are seeking to find an affordable way to continue or to give health choices for their employees, the health savings accounts are a wonderful alternative.

And, Mr. Speaker, one of the things that has come to mind that we have seen with the past year, with the advent of health savings accounts, more than 1 million Americans have chosen this as an option because it is a way for them to save, to set aside, and a way for them to begin looking to expanding their health care dollar, being certain that they have that health care dollar where they are getting basically the most bang for their buck. And I certainly think that it is to our credit that this option was made available to the American people last year, and I commend our leadership for that.

Another bill that this House has passed, and we certainly are looking forward to the same type of success with, is association health plans. These are basically small business health plans that we talk about in my district, because it will allow businesses to group together in their associations, of different types, whether they are small business manufacturers or maybe marketing companies or some of the high-tech companies, but group together and pool their buying power so that they can have group policies for their employees and will be able to do it more affordably.

So association health plans will be another great addition, putting a little bit more of that private sector expertise back in there to get the cost of health care down so that it is more affordable for our small business employers.

I want to thank the gentleman from Georgia again for allowing me to come in and participate as we talk about small businesses, keeping them healthy, keeping them vibrant, and also having health care affordable and available for their employees. I thank him for the leadership.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I thank the gentlewoman so much for her comments. I appreciate her leadership in this issue and so many other issues in our Congress, and I thank her for her perspective as a small business owner and somebody who has been a real advocate for increasing choices for patients and opportunities to purchase health insurance.

I mentioned briefly before the tax treatment of health insurance and why we seem to be in a situation now where there is this remarkable incentive for employers to purchase health insurance, and that again is because of the tax treatment. And nobody understands that better than the next individual whom I have asked to join me today. Because of this tax incentive, solutions to our current situation must address the taxes and how they affect decisions about the purchase of health care.

And one person who understands this as well as anybody and is a good friend and legislator is the gentleman from Iowa (Mr. KING). The gentleman from Iowa (Mr. KING) is working to fight burdensome government regulation and red tape. He truly understands the challenges of starting and operating a business first hand as a successful agribusinessman. He brings 28 years of business know-how with him to Congress, and he has introduced a very exciting piece of legislation that talks about the tax treatment of the purchase of health insurance.

I yield to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Georgia (Mr. PRICE) for yielding to me. I appreciate the opportunity to speak here tonight, and I appreciate his organizing this Special Order so that we can further take a look into some of the things that we can do to improve the health care circumstances within this country.

Mr. Speaker, health care costs are escalating. And there are few options for small business owners to choose from when selecting insurance coverage for their employees. In order to keep and attract talented workers, sourcing affordable, quality health insurance is a top concern. As an owner/operator of a small construction business for over 28 years, I am well aware that the largest challenges here are access and cost.

But even though small business is the backbone of our American economy, over 60 percent of the estimated 43 million people without health care are small business owners, both employers and their dependents. Additionally, small businesses, which create two out of every three jobs in this country, continue to struggle with the high cost of offering health insurance to their employees. The structure of the current health care industry does not allow many small business owners and their employees access to affordable health insurance. As a result, uninsured figures continue to rise as the cost of insurance continues to skyrocket, pricing many small businesses out of the marketplace.

Many factors contribute to the overall cost of health care. Lack of competition in the small group market, litigation, and mandates are just some of the many culprits driving up costs. The problems facing small business owners, their employees and families must be addressed as part of the overall health care debate.

I support health savings accounts, HSAs, recently enacted under the Medicare Modernization Act, coupled with hide-deductible health care plans. They are a way for small businesses and individuals to lower their health care premiums. Along with HSAs, individuals should be allowed to deduct 100 percent of their high-deductible health plan premiums if they are not subsidized by an employer plan already. High-deductible health care premiums are defined as a minimum of $1,000 and up to $5,100 deductible for individuals and a minimum of $2,000 and up to $10,200 deductible for families. I have introduced a bill titled the Health Insurance Affordability Act, H.R. 37, which would allow for this type of deductibility for health insurance premiums.

Currently, large businesses are allowed to deduct employee health insurance premium payments, as are small businesses, for their employees as a business expense. Unfortunately, employees of small businesses that cannot afford to provide health insurance coverage are not able to deduct the cost of health insurance. This group of people includes waitresses in diners, workers in dry cleaners shops, temporary workers; and that is just a few. With the rising cost of health care coverage, many of the Nation's small employers are dropping coverage, which increases the number of uninsured Americans.

In the 2004 State of the Union Address, President Bush proposed that individuals who buy catastrophic health care coverage as part of our new health savings accounts be allowed to deduct 100 percent of their premiums from their taxes. President Bush's fiscal year 2006 budget request stating the following: "Above-the-Line Deduction for Certain Health Insurance Premiums, under this proposal all individuals who purchase a high-deductible health plan in conjunction with a health savings account would be allowed to deduct the amount of the health plan's premium from their taxable income even if they do not itemize their deductions." That is the President's proposal. It mirrors my proposal on H.R. 37, the Health Insurance Affordability Act, which I drafted and dropped last year as well as this year. This new deduction would make high-deductible health plans more affordable.

We should follow the President's lead and continue to promote personal health care ownership and control of health care policies. H.R. 37 provides an above-the-line tax deduction of the health insurance premiums for those who buy their own HSA plan. Several HSA providers report that a high number of previously uninsured individuals are buying HSAs in the individual market. By allowing consumers to deduct the premiums, we are building on the benefits of HSAs and will make health insurance affordable for America's uninsured population.

Health savings accounts will also help reduce the number of uninsured Americans by allowing small businesses more choice in the current small group market. Additionally, individuals who have catastrophic health care coverage with a health savings account should be allowed to deduct 100 percent of their premiums from their taxes. HSAs, along with 100 percent deductibility, will provide small businesses with more accessible, affordable options in the health insurance market.

A government-run health care system is not the solution to the health care problems facing small businesses. A government-run health care system or mandates and minimum benefit packages forced upon small employers will deter or even destroy entrepreneurship and the growth of small businesses.

Mr. Speaker, the small businesses in this country lead in new jobs. They lead in employment. They are at a disadvantage today because the structure of health insurance premiums is wrong, and it is wrong because it lacks full deductibility for the people who utilize it. And this goes back in history to World War II when we had wage and price controls and when that order came out, employers were looking for a way to compete in a shrinking labor market because much of the labor put on a uniform and went overseas to fight World War II.

So in keeping with the freezing of wages and prices, instead they gave health care benefits to their employees; and it was not really circumventing a raise, but it was keeping with the freeze, but it was benefits to compete for that shrinking labor supply that was there.

That tradition now has been in place over 60 years, and in this 60-plus years, we have watched it get more and more distorted every year. So if a large corporation or a government employer can offer a health insurance benefit that is fully deductible and especially to large corporations and there sits a ma-and-pa operation, a family farm, a gas station, a convenience store, a company that is hiring part-time labor, these people that are disadvantaged from the current structure, when they are disallowed from full deduction of their health insurance premiums, should be allowed that deduction. That is what the Health Insurance Affordability Act does, H.R. 37. It is one piece of the whole puzzle that we need to do.

The gentleman from Georgia (Mr. PRICE) is bringing forth a more comprehensive discussion here tonight. I have targeted on H.R. 37 because I think it is the one thing that we can do to bring deductibility to the employees who are not able to deduct their health insurance premiums. But I believe that if a Fortune 500 company can deduct a full coverage insurance plan and every dime that they put into that full coverage insurance plan is an above-the-line deduction, a Schedule C deduction, on their income tax, then that also should be available for every citizen whatsoever in the United States of America.

H.R. 37 takes us down that path. It gets us closer. It does not get us all the way. We will not get this done overnight. It has been over 60 years to get in the condition that we are in.

I thank the gentleman from Georgia for organizing this Special Order tonight and for bringing his professionalism in the health care industry and his experience as a doctor that actually sees how this works in the lives and minds of patients to the floor here tonight and to everything he does here in this Congress. I thank the gentleman from Georgia (Mr. PRICE) and appreciate his yielding to me.

Mr. PRICE of Georgia. Mr. Speaker, reclaiming my time, I thank the gentleman from Iowa (Mr. KING) so very much for his comments.

When I first started looking into this issue of health insurance and why it seemed that employers had this remarkable incentive and I looked back and looked back and tried to figure out where it began and I got to the discussion about World War II and I talked to some of my friends about it and they would say it could not have started back then. I appreciate his perspective on it and his knowledge and expertise in appreciating that the tax treatment of the purchase of health insurance is so important, so incredibly important, as we try to solve the challenges of the increased cost of health insurance and health care. I thank him so much for joining me tonight. He was very kind to participate and bring focus to those issues.

I touched a little earlier on that association between jobs and health care and how jobs are so important to health care because of the tax treatment. And so it is important that we talk about jobs and small businesses; and this Congress has worked incredibly hard, incredibly hard, to create jobs, especially in the area of small business; and it is important. We keep talking about small business because that is the engine, that is the engine that drives our economy.

Ninety-nine percent of all businesses in this Nation are small businesses, and 75 percent of all new jobs that have been created have been jobs that are added in the area of small business. And this Congress has been incredibly diligent in making certain that we have the right incentives to create jobs. And they have been mentioned earlier, but I would like to touch on a couple of them.

The Energy Policy Act that we passed will create nearly ½ million new jobs in the manufacturing and construction and agriculture and technology sectors, ½ million jobs. The Death Tax Repeal Permanency Act, that is not only an unfair tax, but it is also taking money out of the pockets of individuals, especially small business individuals, that they could use to instead grow their businesses. The Class Action Fairness Act that we passed, some legal reform. It is estimated that $88 billion a year, $88 billion a year, is spent on lawsuits; and if that money is not needed on inappropriate lawsuits, then where can that money go? To small business and to jobs, create jobs, hire more workers. So this was an important bill that was passed and signed into law by the President.

The highway bill, the Transportation Reauthorization bill, not only will it increase the quality of our transportation infrastructure across this Nation, but it is estimated that for every $1 billion that is spent to improve our highways, 40,000 jobs are created, 40,000 jobs: $1 billion, 40,000 jobs.

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Do we know what that means for a bill that has a price tag of about $280 billion? That is 15 million jobs. You talk about a Congress that is serious about putting people to work, this is that Congress. And the Job Training Improvement Act that we passed breaks down the barriers for millions, millions of job-seekers.

So this Congress has actively worked to expand small business which, again, is the engine, the engine of our economy, and it is working. We see the results already. Mr. Speaker, 146,000 jobs were created in the month of June with the unemployment rate dropping to 5 percent, the lowest unemployment rate since September of 2001. Steady growth has taken place each of the last 25 months with more Americans working than ever before.

This chart shows the declining unemployment rate and the number of jobs that have been created, and we see each month for the past, on this chart, 13 months, but it has been 25 months in a row, each month we have created jobs in this Nation, across the Nation. The economic indicators show strong and sustained growth with real gross domestic product and real income revised up for the first quarter, and inflation down. Listen to this: profits as a share of gross domestic product are up to their highest level since 1967, profits up to their highest levels since 1967. What does that do? It allows businesses to reinvest and create more jobs.

Mr. Speaker, durable goods orders are on the rise with new orders for durable goods increased by 5.5 percent in May. That is the largest increase in 14 months. U.S. manufacturing continues to expand. Again, for the 25th consecutive month, manufacturing expanded again in June. And we see it in the private sector as well, with consumer confidence rising nearly 3 points in June to its highest level in 3 years.

Mr. Speaker, I am telling my colleagues, the improving economy that we have talked about and the jobs that have been created, it is not empty rhetoric, it is not just words. The policies of this Congress and this administration, they are pro-growth, and they are leading the charge, and they are indeed succeeding in the challenges that we have before us in creating jobs.

But when I go home, when I talk to folks at home who are small business owners, who create the jobs in this Nation, and when I talk to them and I ask them, what is the biggest challenge that you have? I do not care what kind of small business it is, whether it is a restaurant owner or gas station folks or a small business owner or lawn care people, real estate, shoe repair, I do not care what it is, their biggest challenge, they will tell you that their biggest challenge is the health care, providing health care for their employees, and many, many simply stop. They are unable to provide health care any longer for their employees, whether it is that extra dollar that the health insurance costs or whether it is the undue burden of the regulation that pushes them over the top. And they say, as much as I would like to, I am just unable to do so from a financial standpoint.

So it is imperative; remember, most employees, most people get their health insurance through their employer, again, because of the things we were talking about before, but it is imperative that we work on those constraints that make it so that it is difficult for employers to purchase that health insurance.

The unemployment rate is coming down with all of the work that we have done, now down to, as the gentlewoman from Tennessee (Mrs. BLACKBURN) mentioned, 5 percent, a remarkable, remarkable improvement in our economy.

I want to talk about small business and health care facts. I want to talk about the problem as it relates to the rising cost of health care and how it affects jobs and the provision of that health care. As health care premiums continue to increase or as they increase, employers are forced to pass that expense on to their workers in the form of higher copayments or deductibles, and oftentimes, they have to reduce coverage. They are not able to provide the same kind of coverage that they have in the past. It is not because they want to; it is because they are being constrained from a financial standpoint. Employers this year will pay an estimated 12 percent more for employee health care than benefits in 2003, 12 percent more, marking the fifth consecutive year of double-digit increases and a doubling of employer health care costs since 1999.

This graph is so incredibly poignant, and it just shows the continuing increase of the cost of health care. The cost for employers is the lower bar. The middle bar is the cost for employees. And then the upper bar is the out-of-pocket costs for employees, and we see those continue to rise over the years. Decreasing these costs to American businesses is imperative, because what it will allow them to do is to spend more money on expanding their operations and hiring workers, more jobs.

It has been shown that each percentage point increase, this is a phenomenal statistic, each percentage point increase in health insurance costs increases the number of uninsured by 300,000 people. Think about that. Each single percent of increase in health insurance costs increases the number of uninsured by 300,000 people. This is an issue that is imperative, imperative for us to tackle as a Congress.

Then we have heard about the need for legal reform, what kind of challenges we have in the area of liability insurance that physicians and hospitals and others have. Those premiums for medical liability insurance have increased 500 percent, 500 percent since 1976, and what that has done is driven many doctors out of the profession, many of them closing their practices or decreasing the high-risk procedures that they do. I had one fellow physician tell me that they had to stop one of their high-risk procedures, and I said, what was that? And they said, delivering babies. An obstetrician, they could no longer deliver babies because that is defined as a high-risk procedure. In fact, in our State, over a third of the obstetricians have stopped delivering babies because it is a high-risk procedure because of the cost of liability insurance. The average jury award in a medical malpractice case is now up to $3.5 million, up more than 70 percent since 1995. This cost of insuring doctors against oftentimes petty and frivolous lawsuits is reducing the quality and access of Americans to top-rate health care.

Now, there are a number of solutions that have been put on the table, and I want to talk about three of them in kind of a larger principled way. The first is about pooling resources. The second is about the tax treatment that we have talked about, and the third is about liability reform.

Associated health plans, which the gentlewoman from Tennessee (Mrs. BLACKBURN) mentioned, are incredibly important, and they work because what they allow people to do is to pool larger numbers to purchase health insurance. Remember that 60 percent, 60 percent of the 44 million uninsured Americans are employed by small businesses or are dependents of someone who is employed by a small business. Some people estimate that that number is as high as 85 percent, meaning that 85 percent of the folks that are either employed or live in the home of somebody who is employed by a small business do not have health insurance, of the 44 million who are uninsured. Phenomenal when you think about it.

What do associated health plans allow you to do? They allow you to buy in bulk. They allow one small business, a group of employees, say three or five folks to join with three or five folks from some other businesses to pool with eight or ten somewhere else, and before you know it, you have hundreds and thousands and sometimes millions of individuals who then use that purchasing power to purchase health insurance. It allows them to get health insurance at the cost that some of the larger employers do. Associated health plans would be required to offer fully-insured or self-insured benefits that are certified by the United States Department of Labor. There has been some discussion about whether or not people could provide cut-rate health insurance. Well, that is not the case. It encourages broad participation in coverage by prohibiting discrimination of any kind against certain high-risk individuals. Again, if you pool numbers of folks together, if you allow them to join together and use their power to purchase insurance, then they will be able to do so in a very competitive way. It increases the bargaining power.

So the first area is allowing folks to get together as groups, large groups, thousands, hundreds of thousands, millions of people to have the benefit of purchasing insurance.

The second issue I want to bring to the fore that would allow for a real solution has to do with the tax treatment and flexible spending accounts. Now, the gentleman from Iowa (Mr. KING) talked about his idea for health savings accounts and the equal tax treatment for individuals to purchase health savings accounts. Great idea. Works splendidly to move some of those incentives so that people who are employed by a small business or are self-employed or are unable to get their insurance in another way will have an incentive to purchase health insurance. And what flexible spending accounts do is that they allow workers to direct their employers to deduct money from their paychecks to be placed in this flexible spending account, tax-free—tax-free. That is the key. That is the incentive: to pay for health care expenses that they may incur during the course of the year. It is a tax benefit to employees. Workers could save on their taxes for the purchase of health insurance.

It also provides for long-term coverage advantages, because 37 million employees right now in America have access to these accounts, but few of them take advantage of it because there is a use-it-or-lose-it rule. Now, what is the use-it-or-lose-it rule? Well, currently, if you do not use the money by the end of the year that you have put into a flexible savings spending account for health care, then that money is forfeited. It goes away. It goes back to the employer.

This rule is a huge disincentive for participating in a flexible spending account, and it probably drives up health care costs itself because it encourages individuals to spend money on health care at the end of the year that may not necessarily be needed, but you have three weeks left, and you have this money in your account, so you might as well go do that. So it has that adverse incentive for the purchase of appropriate health insurance.

So flexible spending accounts, allowing you to have equal tax protection, tax-free purchase of health insurance or health care, in addition to the pooling that we talked about. Those are the first two. And the final one is medical liability reform. As the gentleman from Iowa (Mr. KING) mentioned, I am a physician, an orthopedic surgeon; spent nearly 20 years in private practice of health care and saw during that period of time an incredible explosion in the cost of liability insurance, for somebody that was never sued, never had a suit. And whether or not you do, the real cost of the current crisis that we have as it relates to medical liability reform is not the cost of the purchase of the insurance for the doctor; that is not the real cost. Those costs are going up, certainly, but that is not the real cost. But those are millions and millions of dollars.

The real cost, the real reason that we need liability reform in the area of health care is because of the practice of defensive medicine. You may have heard about this. What is defensive medicine? Well, when you go to your doctor and you tell your doctor what your symptoms are, what you think is wrong, your doctor, he or she, will run through in their mind or look through their resources to be able to determine what kind of tests or studies ought to be done to make an appropriate diagnosis.

Now, the practice of defensive medicine says to the doctor that we ought to do virtually everything that we can do to make that diagnosis as rapidly and as accurately as possible, even though those tests may not be absolutely imperative to do to make that diagnosis. The example that I like to use is, if you have back pain and you came into my office, 90 percent of back pain, 90 percent of back pain is what is called functional back pain. It means that you hurt your back, and you strained it, and it will go away, given a little rest and therapy and exercise and sometimes some medication, 90 percent. But I promise you that everybody that comes into the doctor's office with back pain, what do they get? They get an x-ray. Now, they do not get an x-ray because you can diagnose functional back pain on an x-ray; they get an x-ray because if something is not picked up immediately on that x-ray, then they are liable. They are liable to be sued for not picking it up in 1 week when they may have picked it up in 3 weeks if the back pain did not get any better. That is the kind of thing that goes into the practice of defensive medicine. It has to do with blood tests. It has to do with heart tracings. It has to do with extremely expensive tests and studies that we have available to us that are wonderful. They allow us to have the kind of quality health care that we have as a Nation. But what happens is that they drive up the cost of health care to an incredible degree and frankly do not increase the quality of care that is being provided.

How much money is that? The estimates vary because you cannot get a firm figure on that. No doctor orders a test and says, this test is unnecessary. So the cost is likely to be somewhere in the range of $250 billion to $500 billion, that is with a B, $250 billion to $500 billion in the cost of health care each year in our Nation.

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That is why, that is why it is imperative that we have medical liability reform. So the cost of the insurance itself is significant. But that is not the real reason.

Now, there are a number of ways that you can institute appropriate health care reform. I believe that we must give States as much flexibility as possible. I think that there are a number of good solutions on the table. I believe that we have got to adopt one of those solutions that will have true and real and honest effect on the medical liability crisis that we face.

So lots of solutions. Three that I have put out on the table tonight: one is to allow individuals to pool together, to be able to use the power of many people for the purchase of health insurance; second it is imperative to allow individuals to have that equal tax treatment for the purchase of health insurance that the employer has. We need to make it so that all individuals have an incentive to be able to purchase and have health insurance; and then the third issue is the one that I touched on at the end there, that is, the extreme importance of reforming our crisis in lawsuit abuse. It is imperative that that happen. If we do not do that, we do all of the other things, it is not likely that we will be able to get our handle on the increase of health care costs.

So, finally, what three things drive up the cost of business for any business, be it large or small? There is a common denominator to those things that drive up costs. They are taxation, they are litigation, and they are regulation.

The problem with the area of health care is that all of those costs for the provision of health care for our entire Nation are passed on to somebody else. They are passed on in this instance to the employer, by and large, who provides again the majority of health insurance.

When they are passed on to the employer, what is the employer bound to do? They must pass them on to the employee, to the worker. So the worker is hit twice. It is a double jeopardy as it relates to the ability to obtain health insurance.

So hopefully what we have been able to do tonight is to bring some clarity and some focus to how jobs and how health insurance are related, why it is important to concentrate on the cost drivers for health care, taxation litigation, regulation, and why it is important to provide options and opportunities for both individuals and businesses to purchase health insurance and to provide health insurance for their employees.

So with that, Mr. Speaker, I am honored to have had the opportunity to address the House tonight; and once again I want to thank my colleagues, the gentlewoman from Tennessee (Mrs. BLACKBURN) and the gentleman from Iowa (Mr. KING) who were so very helpful in bringing clarity to those issues.

And I look forward to garnering the support of my friends on both sides of the aisle, because this is not a Republican issue, it is not a Democrat issue. It is an American issue. It is an issue that is important for all of our constituents across this Nation.

I look forward to working with all Members of this House to solve the challenges that we have.

IN REMEMBRANCE OF J.J. JAKE PICKLE

The SPEAKER pro tempore (Mr. REICHERT). Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. DOGGETT) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. DOGGETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this subject.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOGGETT. Mr. Speaker, I rise on the joyous occasion of celebrating the life and the public service of a great Texan and a great American, J.J. Jake Pickle of Austin, Texas. Congressman Pickle led a long life, 91 years. He led a long period of public service in this Congress, some 31 years.

And tonight provides an opportunity to draw attention to that public service and that life and give Members of this House an opportunity to incorporate their remarks into the RECORD in honor of Congressman Pickle's service.

Mr. Speaker, with the announcement just before we began tonight that there would be no votes tomorrow, and with our running now approaching 8:30 here in Washington, a number of Members have asked to have their remarks incorporated into the CONGRESSIONAL RECORD already.

I have those of the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) extolling particularly her long service with Congressman Pickle, and his important vote for the 1964 Civil Rights Act, and the statement of the gentleman from Texas (Mr. SMITH) who, following redistricting, now has a portion of Travis County that he represents for us in Congress.

The gentleman from Texas (Mr. SMITH), the gentleman from Texas (Mr. MCCAUL), the gentlewoman from Texas (Ms. JACKSON-LEE), and I, along with the gentleman from Texas (Mr. THOMAS), the gentleman from New York (Mr. RANGEL), and the gentleman from Texas (Mr. BARTON), were among those who traveled to Austin, Texas, a couple of weeks ago now, for the memorial service at the First United Methodist Church.

And while all of our hearts were heavy with the loss of Congressman Pickle, I cannot say that I have ever been to a happier memorial service. Because, in addition to being a father, a grandfather, a great-grandfather and a public servant, Jake Pickle was quite a story teller and there were plenty of stories told in the course of that beautiful memorial service, which will be made a part of our RECORD, here as a part of the CONGRESSIONAL RECORD in this tribute.

And there were many stories told outside of that memorial service that added even more to the meaning of friends sharing the tremendous service that Jake Pickle represents.

I am reminded of it, of course, each time that I travel back to my hometown, because when you land at the Austin airport, you land on the Pickle Runway or the Lyndon B. Johnson Runway. And when you travel into the City of Austin, of course you see the University of Texas tower, very closely identified with J.J. Jake Pickle, the research center there at the University of Texas, north of the main campus named for Congressman Pickle, not far from the J.J. Pickle Elementary School, a unique concept of a community center and health center and elementary school all in one.

I noted among the tributes to Congressman Pickle, the words of the first principal of that school, Claudia Kramer Santamaria, who said, I was honored to open the J.J. Pickle Elementary School and have Jake celebrate time after time with our school community. He brightened our day with his visits, told unforgettable stories to our students, and gave endless support to our school.

The Pickle School family will continue to cherish and live out his example of genuine kindness and giving never-ending pride to our children. Jake set an example for me, not just the school community. He will remain in our hearts.

And with the new school year coming up, another generation of young students will benefit from his work in public education and the work that goes on in the St. Johns neighborhood in the Pickle Elementary School and the community health center that is located there.

You know, there are these physical monuments, and of course when I travel into my office, along with other Federal officials there in Austin, that is also the J.J. Pickle Federal Office Building. There are those many physical tributes to Congressman Pickle. But I think those tributes that are most meaningful are the ones that are reflected in the stories of his service.

Normally, when someone appears here in the House, they do so without lapel pins or labels. I chose tonight to wear my Jake green pickle button. And there were lots of those that were at the memorial service. There were many of them that were passed out through the years, along with the squeaky green pickle that was Jake's symbol that he would pass along to kind of warm up, establish a tie to someone that he was meeting for the first time.

He continued passing out those pickles even after he announced his retirement in 1994 at a gathering that I was at, as if he had an endless supply of pickles and an endless supply of energy and interest in working with people.

He really did set the standard for public service. Naturally, the Congressman could not have accomplished this without the support of a loving and supportive family. First and foremost his wife throughout this service, Beryl, there was a great photograph of her and Jake boarding a Braniff airplane for Washington, just after he was elected in 1963, coming up, I suppose, to celebrate Christmas here in Washington after he was elected in a special election there.

I knew him first as Peggy's dad, because Peggy Pickle and I were in Austin High School the same year that he was elected to Congress. Peggy gave a wonderful tribute to her father at this memorial service. And of course the even broader tribute that exists from her, in working with Jake and the many stories that are incorporated in a book that they wrote and presented together called "Jake" in 1997.

Peggy; her husband, Don: Dick McCarroll and his wife, Missy; Graham McCarroll and his wife, Marsha. Jake's brother. There was something I remember going to, I believe it was an 80th birthday party at the University of Texas Alumni Center a decade ago. And there were all of those people in their 80s from the Big Spring and the Roscoe area. There was something good in those big springs in that Howard County area, because many people with long lives, great stories and great service in their own way, and one of those who remains with us, our friend, the brother of Jake Pickle, Joe, his sister Judith Pickle Lancaster, and her husband Jonathan, six grandchildren, including my former neighbor Bergan Casey, four great granddaughters, including her son, Peyton Casey, the McCarrolls, the Caseys, the other expanded family of the Pickle family, sharing a special place in their hearts for all that this man contributed to the public, but for the family man that he was, and recognizing the sacrifices that they made so that he could continue to be in there day in day out working so hard for people throughout central Texas.

He was also blessed with a tremendous staff. I can remember coming here to Washington for the first time as a University of Texas student myself and the warm feeling that one got in going into Jake's office over in the Cannon Building, an office that when he first came to Washington, with Jake Pickle, he served in a more humble way, I believe as a night watchman, probably at hours like this, a job he told me he was never very good at; but he was sure good at what was happening working night and day, first for Congressman Lyndon Johnson, and later in his own right on behalf of the thousands of people across Texas that he represented.

In the Washington office, Molly Kellogg was always there at the front desk greeting people so warmly and giving them that Texas hospitality that we all relished when we came to see Jake in Washington.

In the Austin office, a similar role was played for many years by Dorothy Elliott. Here in the Austin office, Paul Hilgers headed up the team as they passed the torch to me there in Austin. And there are so many others: Sandy Dochen, Joyce Arnold, my long-time friend from the University of Texas, Cliff Drummond, Judge Bill Schroeder and Kay Schroeder from down in Lockhart, Fleetwood Richards, who was at this memorial service who served Jake early in his career in the Congress.

Kathy Morris, Michael Keeling, Minnie Lopez who was there working on behalf of veterans as Jake worked to the last day in 1994 in his office there in Austin.

Missy Mandell, George Phoenix, Reg Todd who served admirably as a district director there in the office, Ateja Dukes who was there assisting Paul in the office. Joe Grant. So many others that have continued to serve in different ways here in Washington.

People like Janice McCullough and Barbara Pate who served here with Rob Portman on the Ways and Means Committee. One person after another who was inspired by Jake's own level of activity to be active participants in the process, not only working with Jake Pickle, but working after they completed their official tour with Jake Pickle, as indicated by the large number of Pickle staffers, both at this memorial service and at a great celebration of Jake's birthday here about a year ago. Once on this Pickle team, always a part of it.

□ 2045

It really is an humbling experience to try to capture just a little of the essence of this great American because while his focus was on his home folks, the folks of central Texas that he represented, he was also a great American leader. He played a pivotal role in the eighties in what was a very bitter and divisive debate over the future of Social Security. And by making some changes in the Social Security system then, he was able to bring it that additional solvency from which we continue to benefit today.

He was a person who knew a time in America when there was no Social Security system. He recognized how really important it is to provide that basic safety net for all of our seniors. His work for Social Security, for Medicare on the House Committee on Ways and Means, was extremely important to preserving that for another generation of Americans.

There is a great deal for us to learn from the work that he did at that time to try to bring people together to address Social Security problems, but to do it in a constructive way so that Social Security, the same Social Security Franklin Roosevelt signed into law could be there for generations of Americans to come. His work in oversight on the Committee on Ways and Means, investigating organized crime and its involvement with the pension fund, seeking to assure that nonprofits were complying with the law and not abusing the public trust and the public treasury are the kind of things that fill the footnotes but are extremely important to the operation of our government.

As I talk, though, with people on the Committee on Ways and Means, almost all of whom will have remarks to be inserted in the RECORD, they are mainly telling me the stories of Jake Pickle and how he could take a moment of divisiveness, perhaps of acrimony, and turn it around into a moment of humor. That is why a delegation of both Republicans and Democrats join together to bring honor to him at this memorial service and will be joining together as a part of this special order to reflect on their experiences with Jake Pickle.

One of Jake's longtime friends, Eric Stumberg, summarized him as a man with a heart for children and the underdog, a vision for possibilities, a great storyteller, and a wit and simple wisdom to humble the arrogant. And he always left a smile and an ideal to ponder along with that plastic Pickle.

Jake was a man of ideas and he was far ahead of his times. In addition to some of the other areas that he worked in over 20 years ago, he was named the Solar Power Congressman of the Year. He seemed to have energy from many sources, but he recognized the importance to our energy future of alternative energy sources. His attention to the need for research and development was unfaltering as he doggedly pursued one funding project after another for the University of Texas.

I think that it is noteworthy that when Jake was elected to Congress, his district stretched from the Johnson ranch out in Blanco County all the way to the Harris County line. He went from the hill country to the Texas Gulf. He went through dozens of small rural Texas communities, farming and ranching communities. And when he left office some 31 years later, he represented basically the City of Austin, Travis County, because it had grown to such a significant town. A city which would soon have, in 1 year, two $1 billion semi-conductor fabricators going up. And this man's ability to adapt over that period of time to those changing conditions and to be a force for change in helping get the research dollars, the government support, realizing that government certainly has to be restrained at times but that it can be a force for positive good in the lives of communities and in the lives of individuals. He recognized that.

He transformed, played a transforming role in our community in helping Austin become a really world class center for technology. And I think at the same time was able to preserve those values and those relationships which served him well from the first day that he got to Austin, Texas, from out in Big Spring. Indeed, I think everyone who was with us recently at the First Methodist Church there in Austin took note of the fact that Lady Bird Johnson, First Lady of America, and her daughters, Luci and Linda, were there at the service as they have been at every Pickle public event that I believe I have ever been to, as a tribute of the close relationship between the Johnson family and the Pickle family that served them well in politics but also served them well as individuals who respected each other, learned from each other and contributed to make a better central Texas and a better America and I believe a better world.

I am pleased to be joined by one of our colleagues who I see has Jake's book, as we all do, the book that Jake and Peggy put together here a few years ago. The gentleman from Texas (Mr. GENE GREEN) served with Jake. He represents the Houston area. And the gentleman may want to add a few stories. I have not really gotten into the storytelling part. I have just talked about the storyteller himself. I really appreciate the gentleman coming out, as I know the family and staff of the Congressman do, to add words at a time here when we are officially in recess and with so many of our colleagues heading off to the shuttle launching tomorrow.

Mr. Speaker, I yield to the gentleman.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank my colleague who served many years in the State Senate and in the Supreme Court of Texas and now in Congress.

Since it is replacing Jake Pickle, although nobody can replace Jake Pickle. I served only one term with Jake, but knowing him and when I served in the legislature with him for 20 years in Austin before I was elected to Congress, Jake for my whole career was the definition of Texas gentleman. He loved Texas and loved Austin and the hill country.

I guess my first experience knowing Jake was in 1974. I just completed my first term as a young 25-year-old member of State legislature. And another member that served one term, Larry Bails, Larry decided that Jake might be vulnerable in 1974. So Larry Bails, who had a good one term in the legislature and was the owner at that time of the landmark in Austin, the Schultz Beer Hall, where a lot of legislature folks decided to go after the session, Larry decided to run against Jake and ran a fairly aggressive campaign. But Larry was one of the many who made that wrong decision.

Larry was a good member of the State legislature but decided he would move up too quick. I watched Jake campaign, because we were at the Constitutional Convention during that primary of that year. I was in Austin at that time and still going home on weekends like we do now, and watched that campaign unfold and how Jake literally, he being a long-term member, at that time a little over 10 years, literally took this young fellow apart so to speak.

Jake was such a great person. We have so many good stories. The reason I brought his book over is that, in 1997, Jake gave me this book and wrote an inscription that I was so proud to come from someone of Jake Pickle's stature: To my distinguished colleague GENE GREEN, experienced, effective and trusted, and I know this GENE GREEN was for the people. And having that statement from Jake Pickle was more than anyone could ever expect.

I would just suggest that if someone wants to have some great stories of how government works and how, in our process, if you do not have a sense of humor, you will surely go crazy; Jake did this in his book and I assume it is still in print, the University of Texas print. For my colleagues, I know the Library of Congress has them. My colleagues will love to read it. You will stay up all night because I did that. When I first got the book, I stayed up and read all the great stories about LBJ when Jake was a staff member for President Johnson.

I served with a lot of great people in my time and great Texans, and Jake was one of them. I compare Jake to Lieutenant Governor Bob Bullock in one way; they both loved Texas and loved the job they did.

I have to admit, Bullock would wake up in the morning and give everybody a good cussing and, thank goodness, forget about it in the afternoon. You did not have to worry about that with Jake Pickle because he was a gentleman. But he also had a sense of humor I do not think any of us can express too much.

In the introduction to his book, I believe his daughter wrote the introduction, and briefly some of Jake's rules are: In a parade, do not get behind the horses but do ride in a convertible with your name on the sides. Always be available to constituents. Do not assume they will not find out about it because they will.

These are some good tests for all elected officials whether you are in Congress or not.

If it does not pass the smell test, do not do it. A politician who expects financial privacy is in the wrong line of work. Do not arrive at events too early because they do not know what to do with you. Listen for the bell.

Those of us in Congress understand that. We have to listen for the bell so we can go vote.

Answer every constituent's letter within 3 days of its receipt. We have that goal in our office still, 3 business days anyway.

If you do not know where the money came from, give it back. Holding a drink gets in the way of shaking hands.

That is a good saying for elected officials also.

In your home district, you cannot say no. Jake understood that.

In a restaurant, face the door so people can see and talk to you. Always carry a pen and paper. Introduce yourself first. At barbecues, which is something we do a lot of in Texas, stand at the head of the food line. Everybody has to pass by and you get to shake their hand. Never take it all for granted.

Those are some of Jake's sayings that I think any elected official can live by. Jake will be missed.

I will close by telling a personal experience. When my daughter went to the University of Texas, she had a project one time, and this was after Jake had left Congress. And she went down to his office, and Jake literally opened up for an hour or more helping her do her project at the University of Texas. Of course, this is a young lady who grew up in politics and was actually born while I was in the legislature.

After she met Jake Pickle, and she did not call me to say she had to go do it; she did call me and say, Dad, I just met one of the greatest folks I ever talked to, Jake Pickle, Congressman Pickle was so good to talk to me. He was so down to Earth, so easy to understand.

I think that is Jake's legacy. I guess the last thing I would say is his legacy goes on because, at the University of Texas, the J.J. Pickle Fellowship Program supports internships within the executive, legislative, and judicial branches of the Federal government. It is fitting that, after passing, J.J. Pickle will be helping the future public servants just like he has helped so many of us in the past.

Jake will be missed. I know his family will miss him, but we will also miss the feeling of his love for Texas, his love for Austin, the communities of central Texas, but also our country.

I thank the gentleman from Texas (Mr. DOGGETT) for allowing for this special order this evening.

Former Congressman J.J. Pickle was a standout in the great tradition of Texas legislators. He was deeply loved and respected throughout Central Texas and the entire state.

My sincere condolences go out to his family and friends throughout Texas and the Nation for their loss of this great man.

From Big Spring, Texas J.J. Pickle went on to win Former President Lyndon Baines Johnson's 10th District Congressional seat and became a senior member of the powerful House Ways and Means Committee.

His accomplishments here were numerous. One example when he chaired the Social Security subcommittee was the bipartisan, consensus changes to save Social Security back in 1983.

I served with him in this House from 1993 to 1995, and he was an inspiration to all of us.

He was a dedicated public servant, whose legacy shows he did what was best for his constituents, not politics. As proof of his dedication to public service, the J.J. Pickle Fellowship program at the University of Texas supports internships within the executive, legislative, or judicial branches of the Federal government.

It is fitting that even after his passing, J.J. Pickle will be helping future public servants, just like he helped so many in the past.

His passing should give us all an opportunity to reflect on his ideals of constituent service and hard, honest work.

Politics sometimes distracts us from why we got into this public service in the first place—which is the honest reward you feel when you help the community.

Mr. Speaker, I rise in deep regret at the passing of a great Texas leader, J.J. Pickle. May God bless him and his family during this difficult time.

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for being here and for participating and sharing those thoughts.

Our colleague, the gentleman from Texas (Mr. EDWARDS) already spoke earlier this evening before we formally began this special order, but his remarks, the various written remarks of our colleagues of both parties will be made a part of this RECORD.

We talked about the stories of Jake Pickle and what a storyteller he was. I liked the one, in the aftermath of his passing away, that came from a local Austinite and admirer of Jake Pickle, John Kelso, in the Austin American Statesman. He said, "Jake Pickle was like your barber. You knew his name, and you knew what he did."

But the story amongst several that John tells that I think really captures the essence of what Jake was all about was, could you pick your representative from Washington out of a line up? Maybe not, but you could not say that about Jake Pickle. You could have had seven Jake Pickle clones in an eight-man line up with Jake Pickle and you could tell which one was Pickle. He would be the one shaking the other seven guys hands and telling funny stories. And there was one after another out of the Pickle barrel that he would tell around here and to our colleagues.

□ 2100

He also could be very eloquent in discussing the needs of the people of central Texas and of our country. During one very lengthy debate here in 1983 here over Social Security, he pointed to Daniel Webster's quotation at the Speaker's podium and read the words: "Let us go forth to build up and protect our national resources that we too in our time may do something worthy to be remembered."

Certainly, from his first major vote on the Civil Rights Act to his hard-fought preservation of Social Security, there is no doubt among those who know of his deeds, his constituents, his colleagues and friends, that his contribution will be remembered long after in the very words that Webster spoke.

I believe that of all the votes that Jake cast here and the speeches he gave at this very spot that the one that he talked about the most, that was the most significant, was among his first votes on the 1964 Civil Rights Act. That vote took place in the aftermath of the assassination of President Kennedy at a time of great strife in our country over civil rights and our future. It was a critical vote to the rebirth of our country and to trying to cope with some of the wrongs, many wrongs of the past.

Congressman Pickle, representing a southern State, was a new Member, faced a difficult decision, and he describes that at some length in the book that we have referred to and will incorporate portions of as a part of this RECORD. But I have heard him personally tell, as so many have here, about casting that vote and about calling the White House to talk to the President, it being so late, and then getting the opportunity to hear from the President of how very proud he was of the fact that Congressman Pickle cast one of the only votes from the southern States in support of this very critical piece of legislation.

From there he went on to add a road here, a project there, assist a constituent with a veterans health care problem here, and someone who had a Social Security problem there. For each of those people that he assisted directly, and for those that he encouraged by the example of public service that he provided, his hard work, his integrity, his commitment, his gentle nature, I think he will long be remembered in our community.

I was just noting another of the comments that I saw in the aftermath of his passing away where one of our neighbors there in central Texas, who identified herself as a Republican, Marcia Manor, said, "When I would take my mom to vote, she always said, 'I only care about voting for Jake.' She would of course vote for some other candidates, but Jake Pickle was the important vote. And when I asked her why, she said, 'Because he always kisses me when he sees me.'" Well, Jake kissed and hugged a lot of folks across central Texas because he had that genuine warmth, that genuine Texas hospitality for which our community is known.

I think that it was that individual touch and contact with people more than the detail of a piece of legislation that had the most meaning to people in our community. We will, through this Special Order, have an opportunity to add more extended remarks honoring Jake. I have been contacted by a number of our colleagues who will, over the course of the next several days, want to add their remarks to the RECORD and make it a part of the history of this body, reflecting on 31 years of faithful service here in this House.

I would just say that, Jake, I feel we owe you a tremendous debt in setting such a high standard for what it really means to be a public servant; for someone who worked the hardest for those who had the least; for someone whose sense of duty kept him and his loyal staff working long hours; and for making it all look so very easy. Thank you for reminding us how much one person can accomplish; what a difference one person can make in his or her community, world, country, State; and reminding us how much one person can accomplish when you devote your life to the service of others.

Texas and a grateful Nation salute you and say, "J.J. Jake Pickle, a job well done for America."

Mr. HINOJOSA. Mr. Speaker, on June 18, this nation lost a true patriot when James Jarrell "Jake" Pickle passed away. Congressman Jake Pickle was truly dedicated to his country, the state of Texas he loved so much, and to the constituents he served so dutifully. In 1942, young Jake Pickle began his public service by enlisting in the U.S. Navy and serving as a gunnery officer in World War II. After surviving three torpedo attacks he returned to Texas and with some fellow veterans established radio station KVET in Austin, Texas. As a protégé of President Johnson, he came to the U.S. House of Representatives in the early 1960s looking to make a difference. He got his chance almost immediately.

Bucking the trend of the times, and breaking with many from the Southern delegation, Congressman Pickle voted for the Civil Rights Act of 1964, and continued to remain a staunch advocate for civil rights and protections for minorities. He always said that this vote was the proudest moment of his career. In the early 1980s, as chairman of the Ways and Means Subcommittee on Social Security, he worked to protect and strengthen Social Security from financial ruin. Recognizing the need to maintain America's technological edge and always mindful of the need to increase job opportunities for his constituents, he helped bring high-tech industries to Austin and worked to make the University of Texas, my alma mater and his, a cutting edge research institution.

As I have traveled throughout my newly reconfigured district, I have heard numerous stories about Jake and the plastic pickles he used to hand out on the campaign trail. He loved the people of Texas, and was happiest when he was sitting at a local diner telling stories and listening to his constituents. I was very honored to represent my colleagues as part of the official Congressional delegation that was sent to Congressman Pickle's funeral. It is my hope that as the Representative for some of the communities Congressman Pickle proudly represented for 31 years I can continue advocating for the issues he cared for the most, and represent the people of the 15th Congressional District with the same honor, grace and dedication. I extend my sincere sympathy to Congressman Pickle's wife Beryl, his children, grandchildren, family and friends on their loss, but know that his memory will live on in the halls of Congress and in the communities of Texas.

Mr. THOMAS. Mr. Speaker, I rise today in honor of our former colleague and friend, the late Representative J.J. "Jake" Pickle.

As many of you know, Jake and I served together on the Committee on Ways and Means for eight years. In fact, when I first began to serve on the Committee in 1983, I was assigned to the Subcommittee on Social Security, which he chaired. Jake's hard work and skill helped develop the legislation enacted in 1983 to enhance Social Security. Jake is also well-remembered for his courageous vote in support of the Civil Rights Act of 1964 and the superior service he provided to his constituents.

I admired Jake's ability and work ethic and appreciated his friendship. I will miss him and extend my deepest condolences to his wife Beryl and the rest of his family.

Mr. HALL. Mr. Speaker, I join my colleagues today in paying tribute to a truly great former Member of the House, the late Jake Pickle of Austin. Jake served his district and the people of Austin for more than 30 years and was one of the most effective and formidable Representatives this body has ever known.

Jake was my colleague in the House for about half of his tenure. He loved this institution and was one of its leading Members throughout his service. Time and again, Jake convinced a majority of us to support appropriations and programs that benefited the citizens of his district around Austin—and at the same time he managed to convince us that it was somehow good for our districts, too.

Jake had the intellect, personality, and drive to accomplish countless legislative victories for his district and our country. As a senior Democrat on the House Ways and Means Committee, he was instrumental in passing major Social Security reform legislation in 1983. This legislation helped ensure the viability of this great program for senior citizens for the past two decades.

Jake managed to be both respected and beloved. He will be long remembered not only for his accomplishments but also for his engaging and flamboyant personality. His influence will be felt for generations to come, and he will forever be remembered in Austin as one of the great statesmen of the State of Texas.

May God bless his family, and may he rest in peace.

Mr. SMITH of Texas. Mr. Speaker, many great Americans have served in this House; men and women of conviction who represented their constituents with integrity, energy and devotion to assuring the American dream becomes a reality for all.

Few Members of Congress have served with such unbridled enthusiasm, such untiring good humor and such true pleasure in the task as did my late colleague from Texas, Jake Pickle.

Jake's passing last month at the age of 91 was, in many ways, the end of an era in Texas history. A longtime confidant of President Lyndon Johnson, Jake represented the 10th District of Texas for 31 years. During that long tenure, he set an enviable record for constituent service and responsiveness. No constituent concern or problem was too small for Jake's attention.

Jake loved this House and took seriously his responsibility to uphold the integrity of the institution and the responsibilities of representative government.

Sometimes his enthusiasm was expressed in his tireless work for legislation. At other times, it was expressed in his support for his beloved University of Texas Longhorns. And at other times, it was expressed in a quiet talk with a troubled constituent he encountered on Congress Avenue in downtown Austin.

It is most fitting that Jake's funeral service was conducted in his church that stands in the shadow of the dome of the Texas State Capitol. And it is fitting that he rests now in the Texas State Cemetery with other leaders of the Lone Star State.

It was both a tremendous honor and a great learning experience to have served in this House with Jake Pickle.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I would like to join my distinguished colleagues and pay tribute to my good friend, J.J. Pickle. Those of us who have the tremendous honor of serving in this great institution sometimes fail to see the giants that serve among us. Certainly J.J. Pickle was one of those giants.

He was a man who gave his heart, literally, to this country. He poured hours after hours into trying to grapple with the important issues we faced as a Nation, and he did it because he loved this country. He was truly a public servant who cared about the people in the State of Texas, and cared about the people in this great country.

It is rare that we see people in this institution who worked as hard as J.J. Pickle. However, in doing so, he was always able to retain his touch of the common man. As much as he accomplished academically and through the higher ranks of government in this country, he never lost the ability to relate to people on a day-to-day level. To me he will always be Jake, the fellow who would put his arm around you, smile and joke, and ask how things were going. He was a man who cared about you as an individual and I cared about people.

He loved high-powered debates with intellectuals, but he never put on airs. He was one of only seven southern representatives to vote for the 1964 Civil Rights Act legislation. He believed that his most significant accomplishment as a lawmaker was the 1983 Social Security reform bill, which he helped pass as chairman of the Social Security subcommittee. That legislation eased Social Security's financial problems by raising the age for full benefits from 65 to 67 in the year 2000. He could talk to farmers and mechanics as easily as Presidents such as from his mentor, President Johnson and other leaders. It is no wonder the voters of Central Texas kept Jake in Congress for 31 years. They knew a good man when they saw him. They, and all Americans, have lost someone very special.

Thank you, Mr. Speaker, for allowing me to recognize J.J. Pickle, a man whose spirit and involvement has made a lasting mark on Texas and this Nation.

Mr. GONZALEZ. Mr. Speaker, I rise today to pay my respects to one of the giants of this institution and the State of Texas, a man who recently passed away, former Congressman J.J. "Jake" Pickle. Cancer finally beat him on June 18, 2005 and anyone who knew Congressman Pickle knew he did not quit on anything and fought until the end. His relentless approach to politics and life earned him the respect and admiration of the 10th Congressional District he served so well and his colleagues on both sides of the aisle. First elected in a special election in 1963, Congressman Pickle served 16 terms until stepping down in 1995. During his service in Washington, he chaired the House Subcommittee on Social Security and was instrumental in implementing improvements that ensured the trust fund's long term solvency for decades to come.

Too often, the term public servant is casually used for any person who worked in the public sector, but Congressman Pickle personified every facet of the phrase. Congressman Pickle distinguished himself in a variety of service positions, beginning as the University of Texas student body president, as a member of the National Youth Administration, and as organizational secretary for the State Democratic Executive Committee. After being elected to Congress, he relished returning to his district whenever possible and upon boarding the plane would walk up and down the aisles as if he were working a campaign rally and shake everyone's hand and talk to them. Learned at the knee of President Lyndon Baines Johnson, Congressman Pickle's politics hailed from an era still shaped by the Great Depression and small-town America, a time in which connecting with constituents was a must.

Campaigning was a full contact sport in the best sense of the phrase, and every 2 years, he would outwork much younger campaign aides and sought to meet every voter in his district. For Congressman Pickle, politics was a person-to-person enterprise, and he would talk to his constituents and find out their cares and concerns. Full of stories and a smile for everyone, he would engage every person in his path no matter if he happened upon them in the halls of the Capitol or in the streets of Austin.

Of course, his influence here in Washington greatly benefited Austin and Central Texas as he was crucial in ensuring funding for the University of Texas, his alma mater, and helped it become the world class facility it is today. Congressman Pickle fought to make sure his district and his state received their fair share. The university benefited in the millions of dollars he steered into its research, technological, and educational programs, and this was pivotal in making Austin one of our Nation's centers for high-tech enterprises such as Dell computers.

However, the vote Congressman Pickle was proudest of was the one he cast in favor of the 1964 Civil Rights Bill, which he thought would end his career. As one of six southern Representatives who voted for that landmark piece of legislation, he thought voting his conscience and his principles would make him a one term Congressman. Thankfully that was not the case as he was given the opportunity to work tirelessly and use his unique set of skills in service of his district and Nation. We have truly lost a great American, and we are the poorer for it. Tonight, my prayers and thoughts are with the thousands of lives he touched and his family.

Mr. RANGEL. Mr. Speaker, my dear friend, Jake Pickle, has left us but he will be remembered for both his accomplishments as a great Congressman and his ability to make everyone laugh.

He was a special man—a man who prided himself in his sense of justice and a man who could tell a "hell of a good story."

Jake Pickle and I joined the Ways and Means Committee together in the 94th Congress. It was after Rep. Helstoski was defeated in the next election, that I got the privilege of sitting next to Jake for the remainder of his career in the House of Representatives. What an experience it was.

He squeaked green plastic pickles at me (from deep in his pocket) and taught me how to de-shell two pecans with one hand and a single squeeze (and then eat them and throw the hulls under our desks with no one knowing). Over time, we became a team and sent juicy pecans to Members sitting down the row from us. Jake always thought that "everyone should have a little something in their tummies to do good work."

Jake Pickle and I became close personal friends over the years (as did our wives, Beryl and Alma). We could not have come from more different backgrounds—the inner-city of New York and the rolling hills of Texas. Yet, he became one of the Members I respected most for his sheer determination, unending zeal, and ability to truly develop bipartisan relationships.

J.J. Pickle served in the Congress for 31 years representing the Texas 10th Congressional District—from December 1963–January 1995. All agree that Jake was a class act, a star, and someone to love because he loved back.

I am one of the special few who signed his red pump organ—a treasure of his that he took home with him to Austin upon retirement and kept in his house. Signing the organ meant that you meant something to him.

J.J. Pickle was very, very proud of his Congressional record. He would be the first to tell you that he did not seek to be famous, to be a Senator, to be Governor, or to be President. What Jake Pickle wanted to be was "The Darn Best Congressman" for his Congressional District and even a better one for his country. That he was, and more.

Jake became Chairman of the Ways and Means Committee's Social Security Subcommittee in the early 1980s and led the charge for solving the system's financial problems. (It is too bad he is not with us now to do it again—on a bipartisan basis and in a prudent way.) The picture of Pickle standing next to President Reagan signing the "Social Security Amendments of 1983" is a classic of the decade.

Jake moved on and became Chairman of the Ways and Means Committee's Oversight Subcommittee for 10 years. One of his proudest accomplishments was reforming the tax code penalties so that they were fair to taxpayers. His face adorned the cover of a major tax publication titled, "Congress At Its Best."

Pickle was relentless in many ways. Once he drafted a "Taxpayer Bill of Rights;" it was his personal goal to see it enacted into law—and it was.

Once he learned that some TV evangelists were stealing from the public, it was his personal goal that they visit the Committee and change—and they did.

Once he learned that tax-exempt organizations were being used as fronts for illegal activities; it was his goal that the Justice Department intervene—and they did.

Once he learned that workers' pension plans were not funded properly; it was his goal to change the law to protect retirees—and he succeeded.

Even to the end, he was counseling us (Members and staff) about the issues Congress needed to "get a rope around and move it."

So I will close with the following: I missed Jake when he retired from Congress in 1995. But now I miss him more. He was a good man and he will not be forgotten.

Mr. EDWARDS. Mr. Speaker, I did not just like Jake Pickle; I loved Jake Pickle. Congressman Pickle was one of the finest public servants to have ever served in this House, and he was a true Texas treasure. He was a kind, decent, caring human being who spent his entire life making life better for others. Whether it was helping a veteran receive health care, bringing research dollars, and he brought many of them, to his beloved University of Texas or saving the Social Security system in 1983, Jake was always dedicated to helping others.

Jake Pickle's faith was shown time and time again as he lived the commandment to love thy neighbor. Jake Pickle lived every day with another biblical verse, "This is the day the Lord hath made. Let us rejoice and be glad in it." Jake lived every day joyfully. He lit up a room when he walked into it because of his joyful, positive approach to life. His positive approach has enlightened the lives of all of us blessed to have known him.

Jake Pickle exemplified courage when he voted as a freshman Congressman from I Texas to pass the Civil Rights Act which brought to reality the promise of equal opportunity to millions of African-Americans. He did it because it was the right thing to do, even though it could have ended his political career.

I want to tell one story about my friend Jake Pickle. In June of 1994, he and I were part of a U.S. congressional delegation on the 50th anniversary of D-Day. After the ceremony on June 4 of 1994, our bus was about to leave to go back to a hotel an hour to 2 hours away. I noticed Jake getting off the bus by himself. I stopped, walked up to him and said, "Jake, what are you doing? And he said, Why don't you come with me, Chet?"

So I followed Jake Pickle off that bus. We walked several hundred yards. We went to Point du Hoc, that monument to American GI courage on D-Day when Colonel Earl Rudder led Rudder's Army Rangers up that stiff cliff against murderous fire by the Germans above them. It turned out that Jake Pickle and Earl Rudder roomed together after the death of Jake's first wife when then General Rudder was serving as land commissioner in Austin, Texas.

So that June day in 1994, Jake Pickle got off the bus, not knowing how he would get back to his hotel in France, to go pay his respects to his personal friend and fellow Texan and American, Earl Rudder, the hero along with America's Rangers at Point du Hoc. That was the character of Jake Pickle. Our Nation will miss Jake Pickle, but the world is a better place today because of his life of dedicated public service.

Mr. Speaker, Winston Churchill once said that we make a living by what we get, we make a life by what we give. By that high standard, Jake Pickle led a rich life, a life that enriched everyone of us blessed to have known him.

Goodbye, my friend, until we meet another day. Thank you for the memories. Thank you for your friendship. Thank you for making America and the world a better place.

Mr. MCCAUL of Texas. Mr. Speaker, Texas and our Nation has lost one of its most genuine and gracious public servants. Last Saturday morning, James Jarell Pickle, "Jake," passed away on Saturday, with his wife by his side. For 31 years, Congressman Jake Pickle represented my hometown in this esteemed body as a Representative to the 10th Congressional District of Texas. And he did so with integrity, humility, honor, and a sense of humor that we should all attempt to mirror.

As a current holder of Congressman Pickle's seat, I work hard every day to provide the same kind of service to my constituents that Jake Pickle did to those he served. He was not just good at what he did, he was the best.

His family talks about the proudest vote he ever cast was in 1964 when he voted for the Civil Rights Act. He was one of only six southern Representatives to vote for that important piece of legislation. In the 1980s, he worked hours on end to protect Social Security and keep it solvent. He worked even harder in the 1990s to turn Austin into the high-tech society that it is today.

It is because of Jake Pickle that Austin continues to see new high-tech businesses locate to Texas's capital city. The University of Texas has also benefited greatly because of Jake Pickle. UT would not be churning out the latest in technology and new patents, as it now does every year, without the help that Congressman Pickle provided. It is also my honor to represent the research arm of the University of Texas which bears the name J.J. Pickle Research Campus.

But even as good and as smart a politician as he was, he is known today not for his ability to influence legislation or to help bring new business to his district, but rather for being a good and decent man. It is for this reason his nickname was Gentleman Jake. This gentleman served in the Navy during World War II, and worked his way through college by delivering milk to Austin homeowners. During his first congressional campaign and every time after when he was out in public, he was shaking the hands of those he served. He enjoyed hearing about their lives and telling stories about his. He listened to their problems and sometimes used his own money to fix whatever problems they were having.

Representative Jake Pickle was a good man who will be terribly missed by all who knew him.

So tonight as I stand in the well of this esteemed body, a place so loved and respected by Jake, I am comforted in the thought that the Lord above is thankful to have this great servant back home in heaven where I am sure he is telling stories and shaking the hands of everyone that he meets.

Mr. GENE GREEN of Texas. Mr. Speaker, I submit this statement for the RECORD.

EULOGY FOR J.J. PICKLE

(By Dr. William H. Cunningham)

Jake Pickle always referred to The University of Texas at Austin as "my University," and no one ever had a greater right to that claim. When Jake said that, it was an expression not of what The University owed to him, but of his abiding love for it and all that he wanted to do to benefit it.

And benefit The University he did. Across all the generations, since The University was only a dream in the heart of Dr. Ashbel

Smith, no one has ever loved The University of Texas more than Jake Pickle.

No one ever stood by The University with greater loyalty in its time of need.

No one has ever worked harder to help it realize its vision of greatness.

No one has ever given it wiser counsel or embraced it with greater love.

And The University never had a greater friend.

So today we remember and celebrate a man in whose heart The University held a central place. And we remember and celebrate also the fact that Jake Pickle was central to the rise of The University as an internationally prominent institution.

The story of The University's development and flourishing since the mid-20th century is a complex one, with many chapters and versus and many personalities. But no one should ever underestimate the crucial importance of the fact that during much of that time The University was represented in Congress by Jake.Pickle.

I had the good fortune to talk with Jake on many occasions about his experiences at The University, and he often said that his decision to enroll at U. T. was one of the most important decisions he ever made.

To a large extent, we can thank the Great Depression for that decision. Jake's older brother and sisters had gone to Baylor, and everybody was assuming that Jake would follow them, but the Depression intervened and changed his plans dramatically.

By the time Jake graduated from high school in his home town of Big Spring in 1932, the family could no longer afford to send him to Baylor, so Jake decided to enroll at The University.

Jake's father had saved a grand total of $65 to get Jake started as a freshman in September of 1932. Tuition was $25 a semester, and Jake's room at the Little Campus Dormitory was another $25, so that left him with $15 for books and everything else.

He soon got a job delivering milk to the other residents of the dormitory and made as much as twenty five cents a day—enough to buy a full meal.

But even more important than the money, Jake told me that his milk route enabled him to get to know the other 140 students in the dormitory, and those friendships later became the foundation of his success in campus politics—which, in turn, laid the groundwork for his success in politics in the wider world.

Like Jake, those boys were from relatively poor families, drawn to the university from all over Texas by the opportunity it offered for an affordable education, which in turn provided a lifetime of additional social, economic, and political opportunities.

With those 140 friends from Little Campus spread out across the university, Jake found that he had a strong base of support when he ran for the Student Assembly and the Texas Union Board.

He later combined that base with the growing circle of campus friends and supporters that he and fellow student John Connally attracted when each of them ran for president of the Student Government. By the way, each of them served as the other's campaign manager in those elections.

Jake served as president of the student body after he entered law school in 1937, and Connally was elected the next year. They both ran as "independents," rather than as representatives of the powerful fraternity and sorority cliques, but they also had a lot of support through the Delta Theta Phi fraternity—a group that Jake said went by the nickname of the "Dollar Thirty-Fives."

Campus politics was a serious contact sport in those days, and more than one political rival learned that Jake Pickle and John Connally were formidable politicians.

As Jake told me: "At first Connally and I went in with the fraternities and sororities and other groups in what we called the People's Political Party, but the fraternities decided that the Little Campus men were becoming too powerful so they kicked us out. So then John and I joined together and organized all the independents, all the dorms and boarding houses, and everything else on the campus. We divided the campus into precincts and had a chairman for every one. We found that there were more have-nots than haves."

Jake called the experience "the best political training anybody could have."

He told me another great story about his campaign for student body president. There were three candidates—Bob Eckhardt, who was another independent like Jake, and Ramsey Moore, who was the candidate put forward by the fraternities and sororities. Jake and John Connally were worried that the independent vote would be split, thus giving the election to the Greek candidate.

First they tried to persuade Bob Eckhardt to drop out, but when that didn't work Connally came up with the idea of having a runoff election if no one won a majority. They researched the matter and found that it was permitted by the student constitution although, apparently, student body presidents had always been elected with just a plurality of the votes. Whether to have a runoff became a major issue across the campus, and Jake and John stirred up student opinion and circulated a runoff petition, so the Greeks finally had to accept the idea or appear to be undemocratic.

Well, the runoff plan backfired, because, to everyone's surprise, Jake came out on top in the first round of voting! If they hadn't sold everybody on the runoff, Jake would have been elected that night.

Jake told me he went to see Dean Shorty Nowotny to ask him what he should do—have a runoff or not—and Shorty told Jake it was up to him. Jake wrestled with the idea of ignoring his own runoff petition, but he finally decided that going ahead with the runoff was the right thing to do.

Jake went on to win the runoff election and take office as president!

That campaign was also notable for Jake's use of his now famous "Pickle Pins." He got the idea from the H.J. Heinz Co., which had given away the green pickle-shaped pins at a World's Fair. Jake said he wrote to Heinz and asked to have any of their old pins, and they sent him five thousand of them. He and his volunteers covered up the Heinz name and wrote "Jake" across every one of them!

Jake never forgot the way The University brought together people from all walks of life, from every station in society and from all economic backgrounds, and gave them all a chance to achieve and excel.

He never forgot the friends that he made during his student days and the hardships and triumphs that they shared. And, of course, he never forgot The University itself.

When Jake first ran for Congress he campaigned on the idea of strengthening the Balcones Research Center and developing it into a truly world-class research and development facility. Building on the work of Lyndon Johnson and others through the years, Jake helped The University finally gain title to the Balcones site in 1971, and he contributed in many ways to advancing the status of research facilities at the site. Much of this work was accomplished through Jake's chairmanship of the House Science, Space, and Technology Committee.

In 1994, The University of Texas System Board of Regents renamed the Balcones Research Center as the J. J. Pickle Research Campus in honor of Jake's noble work in support of this outstanding educational enterprise.

Jake's tireless labors on behalf of The University frequently encompassed the arcane nuts and bolts of federal tax policy, and he got things done that nobody else could have. For example, he helped get University oil revenues excluded from the windfall profits tax of the 1970s. And another time, he was instrumental in passing a tax credit that helped direct private-sector resources into university research and development—not just at U.T. but at universities across the nation.

And he was a genius at finding ways to get the federal budget to come to The University's rescue in a time of crisis.

I know that Provost Gerry Fonken, Vice Provost Steve Monti, and Dean of Engineering Herb Woodson will never forget the day back in 1991 when we met with Jake at the Willard Hotel in Washington to try to save our microelectronics building from disaster. Somehow, The University had "value engineered" enough money out of the project so that upon its completion it was nothing more than a shell of a building. This $10 million problem was presented to the Board of Regents by U.T. System Chancellor Hans Mark and Executive Vice Chancellor Jim Duncan. I was called in to explain how I was going to solve the problem. I turned to the Regents and said I have a plan. Fortunately for me, they accepted my brash confidence and proceeded to the next item of business. Unfortunately for me, I had no plan.

However, I did know how to call my Congressman, our Congressman, the Congressman Jake Pickle.

Within two weeks of the Regent's meeting, Gerry, Steve, Herb and I were nervously waiting in the dining room of the Willard Hotel to meet with Jake. He and Beryl came charging into the dining room.

Jake was running his hands through his hair, and he announced before he even sat down, "I don't know what the problem is, but I will solve it!" Within one hour he laid out a strategy that involved Jim Wright, Lloyd Bentsen, and Phil Gramm. With a little luck and lots of hard work, in less than two years Congress implemented the Pickle plan and The University was able to successfully "compete" for a special $10 million package to support microelectronics and material science.

Now that's the kind of Congressman everybody ought to have!

When I think back across the years and recall all those times that I had the good fortune to meet with Jake, two over-riding impressions stand out.

First, it was clear that he was a man who combined the qualities of uncommon vision, boundless energy, and enviable political skill—and that he was always instantly ready and will to bring those talents to bear for the benefit of his University and its succeeding generations of students.

And second, it was always clear that underlying everything Jake did was his great love of people, the immense joy that he felt just by being in the company of other people—listening to them, caring about them, sharing stories and memories, and, yes, sharing with them the dream for a better future.

In all these ways, Jake embodied the spirit of American democracy at its best—a spirit of optimism and hope and good cheer; a spirit of inclusiveness and opportunity; and a spirit of public service that embraced honesty, hard work, practical problem solving, and faithfulness to the fundamental values and principles of representative government.

We all loved Jake, and we will always treasure his memory—a memory that will last for as long as the lights on the U.T. tower orange and for as long as young Texans continue to come to Austin seeking education and opportunity at Their University.

Jake, we love you, and HookEm' Horns!

Mr. DOGGETT. Mr. Speaker, I submit the following eulogies honoring, J.J. Jake Pickle the Doggett Special Order.

(By Peggy Pickle)

AUSTIN, TX, June 22.—Good afternoon! Hot tamale!!! This is not going to be a sad funeral. This is a celebration of a remarkable life. I'm Jake and Beryl's daughter, Peggy. My father asked me to speak on behalf of our family at his memorial service.

Everyone in this sanctuary knows what kind of man Jake Pickle was. Most of you are familiar with his life and career: born in West Texas in 1913, attended the University of Texas, served in the Navy during World War II, had a lifetime love affair with politics which included 31 years representing the 10th Congressional District of Texas in the United States House of Representatives. He had two wives, three children, six grandchildren, and four great-grandchildren.

He was a tolerant and demanding man. Tolerant because he didn't believe in forcing his opinions on others. Demanding because he had high standards for himself and those close to him.

It is trite to say that a person left this world a better place, but in his case it is true. Hardly a day goes by without my being stopped and told, "Your father helped me when my Social Security benefits dried up," or "When my son was injured in Vietnam, Jake Pickle cut through the red tape and got him home." What Daddy loved about serving in Congress was the clout he used to get things done. He considered his staff family. Together they accomplished great things.

But my assignment today is to talk about Jake Pickle from the standpoint of his family. He was the fourth child in a tight-knit family of seven whose values and work ethic defined the rest of his life. Jake's sister Judith and brother Joe and their families are in this audience, along with the families of deceased sisters Janice and Jeanette. The familial bonds which sustained Jake as a child taught him to treat people and relationships with respect.

Jake and Beryl both endured the loss of their first spouse—my mother, Sugar, in 1952, and Beryl's husband, Graham McCarroll, in 1948. In 1960, Beryl and Jake married and began their own family: Jake, Beryl, Dick, Peggy, Graham and a goofy collie dog named Ike. It was a semi-normal life for two years—and then Jake up and announced he was running for the U.S. Congress!

Having Jake Pickle for a husband and father was an interesting experience. He was gone a lot. Except in cases of family emergency, work came first. He was "On Duty" every day except Christmas, and even then if a constituent had trouble. He believed that public officials are answerable to The People 24-hours-a-day, so our telephone number was listed in the phone book. The phone rang all the time, sometimes at 3 a.m., when the constituent was drunk or had an ax to grind.

Jake loved to work the crowd. One of his favorite places to eat was Luby's Cafeteria because there was that long line of people whose hands he could shake. We all know Jake was tight with a buck. Once he said to me, "If you've got some money, I'll take you to Luby's."

Sometimes Daddy worked the crowd when I least expected it. One morning 20 years ago, I drove out to Dillards in Barton Creek Mall to buy, of all things, a Weed Whacker. I got there early so I could cut my grass before it got hot, so I was there when the doors opened. I rode the escalator up to the second floor, picked out a Weed Whacker, and took it to the register.

By now it was maybe 10:05 a.m., there were few people in the store, and nobody but me in the appliance department. When I wrote the check and gave it to the clerk, he looked at my name on the check and said, "Pickle? Are you related to Jake Pickle?" I said I was.

"Well by golly," the guy said. "Mr. Pickle was here this morning, you just missed him."

"But how?" I stammered. "The store just opened!"

"Oh, he addressed our employee meeting at 8 a.m.," the clerk said. "Everybody ate in the lounge. That man sure seems to like his job!"

So I paid for my Weed Whacker and left. It was funny, but it also gave me an eerie feeling that Daddy could be anywhere, and probably was. He was always ten steps ahead, with the rest of us scrambling to catch up.

Jake was quick to make friends and quick to forgive. It was a wonderful trait for a politician because he made few enemies and nursed no grudges. Both Democrats and Republicans voted for him and worked with him; Jake wasn't partisan, he just wanted to get things done. If at times it was hard to have a legend in the family, it also made us proud. We knew that he was the Gold Standard. The usual temptations like money, women, alcohol and power were no match for Jake's addiction: work. Growing up surrounded by politics, I cannot describe the comfort of knowing that no matter what nastiness was abroad, I would not open the newspaper and read my father's name tainted by scandal.

Daddy was a great motivator, and not only about Congressional business, but about Jake Pickle business: his bees, his garden, his pear relish, his longhorns, his stumps that needed rooting at Niederwald. He rallied people with such enthusiasm that it was only later, when you went home, that you realized your aching back and calloused hands were all you had to show for his project.

Two of Daddy's other projects concerned Christmas. For years our family had a "Hats Off to Christmas" tradition on Christmas morning, as Jake and Beryl distributed hats they had gathered during the year while on junkets—oops!, I mean "fact finding tours." During the 1990s, Daddy, dressed as Santa, arrived in increasingly outrageous ways: in Don Cook's Model A Ford, in a fire truck, on a donkey, in a sidecar motorcycle. He always claimed he wanted to arrive by climbing down a rope ladder from a hovering helicopter, but thank God, he never tried it.

Jake didn't care much about stuff—life's fancy trappings—and looking ridiculous never occurred to him. In 1961, when Jake had just been appointed Texas Employment Commissioner, he often drove Dick's used car to work at the fine new TEC office in the Capitol Complex. Dick's '52 Ford was rusty gold, with a '55 front grill, '53 headlights and two bent antennas, but to the new TEC commissioner, it was damn fine transportation.

Years ago in Washington, Daddy had a vivid dream in which he was being chased by a bear. In his sleep, he hollered and flew out of bed, cracking his head on the bedside table. Beryl woke to find him holding his bleeding nose, but happy he had outrun the bear. For weeks, my father went to work on Capitol Hill with black eyes that faded to green and yellow. Cheerfully, he told everybody about his dream—and his narrow escape. I always wondered what people thought. Probably oh, that's just Jake!

He was a stickler for details, always carrying around a piece of paper and a pen in his coat pocket so he could make notes. It will surprise no one that he helped plan this funeral. He was habitually late because he was always coming from another event—and on his way to the next one. His memory was phenomenal. When he ran into a constituent, he remembered their name, their spouse or where they worked.

He loved his family and friends, ice cream, a good story, playing the harmonica, Christmas, the University of Texas, this church, the principles of Democracy, banging on the piano, the hymns of his childhood, dominoes. . . . and a thousand other things. He was innately curious and asked questions constantly. He was a very tough old bird. He endured treatment for cancer which at his age should have killed him, but he hunkered down and got through it. He won remission from cancer an incredible five times. Being weakened irritated him; it cut into his schedule! Right up to the end, he found life interesting. Mom and Pop Pickle whispered in his ear: he always tried to do the right thing.

After my father retired from Congress, and during the years of his decline, many of the people in this Sanctuary—and others not present today—came to visit Jake and Beryl. If he worried that once out of the public eye, he would be forgotten, he needn't have. On behalf of our family, we thank you. Your visits, laughter, advice and friendship meant the world to them.

My father's legacy is considerable. There are buildings, schools, research facilities, an airport runway and children named after him. Legislation he helped pass changed this country for the better. He counted the mighty among his friends, but treated no person better than another.

But of all his legacies, the one I'm most grateful for is his allowing me to be my own person. He raised me with easy affection instead of a preconceived idea of how a little girl should act. As an adult I have come to understand that the worst thing you can do to any person, especially a child, is to stifle their spirit. Jake Pickle made you want to do your best. I can think of no greater accolade for any person.

I enjoyed a 59-year relationship with my father. Because he was ill for a long time and I witnessed his suffering, I've already grieved for him. I do not grieve for him today. Instead, I am proud of the person that he was and the life he tried to live, right up to the end.

We have other speakers today. As Daddy would say, "Keep it short. People need to get back to work!"

Thank you for being here to help us say goodbye.

EULOGY FOR CONGRESSMAN J.J. PICKLE

(By Paul Hilgers)

AUSTIN, TX, June 22.—Surely you would all know that it is a great honor to be asked to represent the people who worked on Mr. Pickle's staff.

Once you were on the staff, it was a lifetime appointment. Whether you were on the payroll or not, it did not matter. We work for him because we love and respect him.

Like all Pickle staffers, I never knew how hard I could work in one day, or how many people I could help in one day until I started working with Jake Pickle.

We are a proud bunch, those of us who worked in the "Pickle Factory" as we called it. I would like to ask all of you who served on Mr. Pickle's staff to stand. There are many more who could not be here today and a few were already doing advance work in heaven.

Those who worked in his office understood the importance of their job. Whether it was the District Director, the Administrative Assistant who ran the office in Washington, the legislative assistant, the caseworker, or the person who was on the real front line answering the phone and greeting people, he made you feel that what you were doing was critical. He knew that it all had to work together to properly serve the public. He valued the role we each played.

We have a bond that will never be broken, built upon his singular dedication to public service. It is a bond built upon the common experience of knowing this very uncommon man who was so proud of the service we provided together.

We are also bound together by the great Pickle stories. Now, Dr. Cunningham, I need to mention just a couple that escaped your remarks about his time at the University. Like the time he got caught stealing turnips from one of his professor's garden. And, while he did love being in Little Campus, there were stories about nailing their roommates furniture upside down to the ceiling. There are so many stories, way too many stories to tell.

So, when the staffers get together, only a word or a phrase is needed to spark memories of the experiences we shared: squeaky pickles, the county black books, 1000 acres of beautiful topsoil, the Pickle Float, full tank of gas and an empty bladder, retrieving that Stetson, the dry run, the Virgil Conn story, playing the harmonica and the piano, the pump organ.

There were the annual episodes of serving Venison Chili to the entire House of Representatives every Texas Independence Day, or feeding catfish from the Inks Lake Fish Hatchery to the Interior Appropriations Subcommittee.

And stories about parades! Parades with and without squeaky pickles, cars that worked, and cars that did not. Once, there was a car with a stick shift that Ms. Pickle had to drive.

Always a convertible so he could be seen and so he could throw his pickles. Parades where he was the Grand Marshall and the first car in the parade, and the one where he followed the horses, after his third parade of the day.

At the end of the parade route—Mr. Pickle would stop the car, get out and walk both sides of the route personally shaking every hand and handing out more squeaky pickles.

Most of all he was fun—he was fun to be with.

Our stories are his lasting legacy to us—which is fitting because he was the master storyteller. He knew how to use humor to communicate his message. He would make people laugh, just before he would make them think about a serious issue facing our Nation or our community.

Staffers who took Mr. Pickle to an event were asked two questions just as we arrived: (1) "what is my key message", and (2) "tell me something funny to say." We had the old regulars—the Claude Pepper story, the Round Rock story, Dollars for Democrats, but not a Nickel for Pickle story. Many times he would turn to Mrs. Pickle for some of his best material.

We worked hard but his sense of humor made the job enjoyable. But, no one worked harder than he did.

He would start the week with a 6:20 a.m. flight to Washington on Monday mornings. He would put in 15 hour days in Committee hearings, holding meetings with people from the District or from associations and businesses, casting countless votes on the floor of the House, working the phones, signing the mail, reviewing legislation, and then attending 2-4 receptions before going home to Ms. Beryl.

He would keep that schedule everyday until Friday about 12:00 noon when he would fly back to Austin at 5:00 p.m. We would go immediately to the office where he would sign all the mail that had been prepared by the District staff that week. He signed virtually every piece of mail that went out of his Office. This is how he kept up with what was happening to his constituents.

We would often sign the mail on Friday and see one of those constituents at an event that weekend. He would tell them how their case was going, or that we had just sent off the letter. That made an impression on people—they knew that he cared.

He would go to Church on Sunday and we would have some event that evening before I had to get him back to the Airport on Monday mornings. No matter how tired I would get, spending the weekend with Mr. Pickle would re-energize you. His love of public service and his energy was contagious.

He campaigned even harder! He was relentless. On weekends, we would have to have three shifts of staff just to keep up!

So many times people would say . . . he is the only Democrat I ever voted for . . . or, I don't always agree with him, but I always voted for him. He wanted every vote. He earned every vote.

Just one example: a person came to him and asked for help in finding a job—just one of thousands who asked for help. Mr. Pickle sent out the man's resume a number of times who always seemed to be a finalist for the job, but without success. After several months of writing letters and requesting interviews, I asked Mr. Pickle one day while I was driving him home if he had not done enough and why he was trying so hard to help this man?

He looked at me and said simply, "Paul, the man asked me for help. Is there any other reason that I need to try and help him?" He loved helping people.

Mr. Pickle represented the people of Central Texas to the Federal government, but he was also a representative of the Federal government to the people of Central Texas. He loved welcoming people from the District to Washington. No one gave a tour of the Capital like a Jake Pickle tour of the Capital. He took people in places where you just are not supposed to go. He made the Capital come alive with its history.

He had a vision and a love for Central Texas that no one could match. He was our strongest lobbyist and he lobbied for so many things in addition to UT and SEMATECH. Boggy Creek, a Wildlife Refuge, airports (big ones and small ones), the right of way for MoKan. He worked on behalf of the Austin Housing Authority, the Boy Scouts, Veterans Outpatient Clinic, IRS Service Center, the LCRA, Bergstrom Air Force Base, Flood Control on the Upper San Marcos Watershed, the Visitors Center at the LBJ National Park, the Gary Job Corps, and literally a thousand other things for Central Texans.

Yes, Mr. Pickle worked hard for Central Texas, but he was one of Washington's most respected members of Congress. He believed in having personal relationships with other members of Congress . . . on both sides of the aisle. This is evident by those in attendance today.

Integrity, Honesty, Loyalty, Courage, Determination, Tenacity—these are the qualities that he relied upon to become a trusted legislator. These are the qualities that defined Jake Pickle.

Of all of the legislative work and votes over 31 years, he took the greatest pride in one of his first: the Civil Rights Act. He would get tears in his eyes every time he told the story when President Johnson called him the night the Civil Rights Act passed. The President demanded that Mr. Pickle call him no matter what time of night so he could tell him how proud he was of his vote.

He was also proud of his work as Chairman of the Ways and Means Subcommittees of Social Security and Oversight. His most important legislative accomplishment was in maintaining solvency of the Social Security system in 1983. He worked closely with Senator Bob Dole on legislation that represented a bi-partisan approach to the problem. He told me many times that providing a sense of security to tens of millions of Americans gave him a deep sense of pride and meaning.

Third, was his work in the area of pensions and pension reform. He could see problems in the system long before they became the crisis they are today. In fact, if not for some of the reforms he put into place, the crisis would be much greater today. He would say pensions are not a very newsworthy subject, but it was damned important to families counting on them.

The J. J. Pickle formula for success in government was really very simple: a dedication to public service plus a love of helping people, multiplied by a deep faith in our system of government.

He placed the highest priority on constituent service because he thought the highest calling of government was to help people with their problems. He was committed to being responsive and accessible.

Mr. Pickle often referred to the Congressional Office as "the big buffer" between the individual and "big government." It was the place where any citizen, rich or poor, democrat or republican, could come for help when there was nowhere else to turn.

Finally, Mr. Pickle had a truly unique ability to balance a short-term immediate focus with his long-term vision. He taught us that the best public policy always made the best politics.

Social Security legislation was to be based upon solvency of the system, pension policy based on protecting the pension holders not big business, civil rights legislation based on justice and equal protection.

Locally, his long-term vision included the need for inter-modal transportation systems, two runways at Bergstrom Airport, flood control systems, public power, solar energy, habitat for endangered species and protection of water quality, a first class research facility at UT's Balcones Research Center that bears his name.

There is a phrase he used in some of his later speeches, "In the Shadows of Greatness". Referring to the portion of MoPac north of U.S. Hwy 183 that runs between MCC and the J.J. Pickle Research Campus—

he talked about how people would drive through that corridor not realizing that they were actually traveling "in the shadows of greatness" because of the world class research being conducted in the buildings they were passing by.

Those of us on the Pickle staff understand a different meaning for this phrase. We worked in the Shadows of Greatness every day we were with him. He had an impact on this world and particularly on this community that is—as he predicted—already being forgotten by most.

But, his fingerprints are everywhere. His legacy of public service, of loyalty to his University, of his commitment to good and responsive government has been recognized through the naming of the Federal Building, the Research Center, the Elementary School, the Pickle Runway at Bergstrom Airport, and even a peach orchard on Town Lake.

So, on behalf of your eternal staff . . . we will never forget what you taught us. We will always celebrate and treasure our time with you. My prayer is that you are already—cheating at dominoes with all of your friends—friends who have been waiting so long for you. I am confident that the quality of life in heaven just got better.

God Bless You, Great Leader, for your service, for your legacy, for giving us the opportunity work in your great shadow!

We had a great ride!!

Mr. DOGGETT. Mr. Speaker, I yield back the balance of my time.

STEM CELL RESEARCH

The SPEAKER pro tempore (Miss MCMORRIS). Under the Speaker's announced policy of January 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, there have been a number of articles in the recent press relative to stem cell research, with particular reference to embryonic stem cell research. I thought it might be well in starting this little discussion to take a look at what we mean by stem cells.

I have here a chart which shows in very abbreviated form the development of an early embryo. It starts out with the zygote, which is the fertilized egg; and then it skips a couple of stages of development, and it goes through the blastocyst, and then it goes to the gastrula. By the time the embryo gets to the gastrula stage, the cells have already differentiated to the place that we have three different kinds of somatic stem cells. This is the ectoderm, and the mesoderm, and the endoderm, and then those very specialized cells, which in the female will be the germ cells in the ovary, the ova, and in the male will be the millions and millions of sperm that are in the gonads of the male.

If we look back, Madam Speaker, at these stem cells that are present here in the gastrula, where we have these three, as we call germ layers, we see the ectoderm can further differentiate into skin and nervous system and some of the pigment cells in our body; and then the mesoderm, the middle layer, that differentiates into what is most of us by mass and weight, cardiac muscle, our big skeletal muscles, the bone, the smooth muscle, all of our blood, and the blood is an organ, it happens to be a liquid organ that is dispersed through the body; and then the endoderm. This is much more limited in volume and in variety, but still very important. The pancreatic cells, the thyroid cells, the lining of the gut, the lining of the lung and so forth.

It might be worth just a moment, Madam Speaker, to take a look at our next chart, which kind of puts this in context. We started out with the zygote, which is the fertilized egg here, and we ended up with the inner cell mass with these three germ layers. What we show here are all the stages that were omitted in that first chart. This is one-half, as the little diagram here in the upper left shows, of the reproductive tract of a female. It shows the ovary on one side and the fallopian tube, with the funnel-like opening here called the infundibulum. Then it shows the fallopian tube on down to the uterus itself.

What it shows, Madam Speaker, is that fertilization takes place well up in the fallopian tube, and that begins day one. And then as the egg slowly moves down the tube, it splits first into two cells, then four cells, and then eight cells, and then the larger variety of cells, and finally where you have the inner cell mass and then to the gastrula.

There are two kinds of stem cells, adult stem cells, and those are derivatives of the cells that we showed in the previous chart. For instance, in the humans we have adult stem cells in our bone marrow. These are cells which are differentiated to the point that they will produce a limited variety of cells, but still undifferentiated to an extent because these stem cells in the bone marrow can produce red blood cells and polymorphonuclear leukocytes, part of the white blood cells, and the thrombocytes, those are the cells, the platelets as we call them, that are associated with clotting. And there are a number of adult stem cells similar to that that still retain some of the capability for producing more than just one kind of cell.

We have been working with adult stem cells medically now for more than 3 decades, and there have been a number of medical applications, treatment of humans that have been made with adult stem cells. But just because they are what they are, Madam Speaker, a great number of people believe that there should be more potential from the embryonic stem cells simply because they can produce any and all of the tissues of the body.

Since we have been working with embryonic stem cells for now just a little over 6 years, we have not had the opportunities for medical applications we have had in adult stem cells, but this does not dim the hopes of the scientific community and the medical community that ultimately there may be more and better applications of embryonic stem cells to treatment of diseases than adult stem cells, simply because of what they are, puripotent cells retaining the ability to produce any and all of the tissues of the body.

It is possible, Madam Speaker, that this characteristic, which makes them so potentially attractive and exciting, may be uncontrollable. They may be so bent on dividing that we cannot control their division. They may end up producing tumors and cancer-like growths in the organism in which you put them.

But if that can be controlled, the medical community and the researchers associated with it believe there is potential for enormous applications to medicine of embryonic stem cell research. We have now had 58 applications of adult stem cells in helping to treat some of the diseases.

What are the diseases that could be treated with stem cells? Ordinarily, one thinks that the greatest potential for the use of stem cells would result from use in diseases from tissue deficiency rather than diseases that result from some organism, although if there is an infection in the body and a tissue is damaged, there is the hope that it might be replaced with stem cell application. There are a number of diseases that the scientific community and the general public believe might be amenable to treatment with stem cells, particularly embryonic stem cells.

Diabetes is one of those. This is the most costly disease in our country. It costs more to treat the diabetics in our country than any other single disease. I have these come through my office. Particularly heartrending are the little children that come there, 5 and 6 years old some of them, such brittle juvenile diabetics that they have an implanted pump and they have to prick their finger or some part of their body a number of times a day to monitor the glucose level so that just the right amount of insulin can be injected to control this.

This insulin is produced by cells called island of Langerhan cells. Dr. Langerhan was the German scientist that described them. And they look like little eyelets because they are simply distributed through the tissue of the pancreas. The pancreas is a very large gland at the very beginning of the small intestine that secretes all of the different kinds of digestive enzymes so that fats, carbohydrates, and proteins all are digested using the enzymes secreted by the pancreas.

□ 2115

I have no idea why nature placed the islets of Langerhans in the pancreas. They could be placed anywhere. With these stem cell applications if we could create islet tissue, they could be placed in the person. It could be placed in the groin, under their arm, under the skin, anywhere. It does not have to be in the pancreas. This islet tissue could then make insulin which would cure diabetes. When you give insulin to the diabetic, it delays progression of the disease, but it does not cure it. A person with juvenile diabetes faces the prospect that they probably will have a shortened life, problems with their vision as the vascular bed in the back of the eye breaks down, and they may have problems with circulation in their extremities, particularly in the feet where there is some difficulty getting blood back uphill to the heart.

As many people in this country know through relatives and friends, this results frequently in sores that do not heal and results in gangrene, so the toes or a foot may need to be taken off. Diabetes is one of the diseases that is very attractive as a potential for use of stem cells, because if we could just produce islet tissue, we could cure diabetes, the most expensive disease that we have.

Another disease is multiple sclerosis, and if impaired cells could be replaced through stem cell therapy, then the person could walk again.

Lou Gehrig's disease. I remember my grandmother was tripping and falling, and they did not know why. It took them quite awhile back, this was a number of years ago, to determine she had Lou Gehrig's disease. I remember as a teenager going to her bedside. She was maintained in the home. She slowly deteriorated, losing first one muscle function and then another. Finally, at the end, the only muscle function she had remaining was the ability to blink her eyes. It was once for yes and two for no, as I remember. She could not swallow and had indicated she did not want to be force fed and ultimately she died from starvation with this disease.

Well, anybody who has a friend or a relative that has gone through that kind of experience has to be enthusiastic about the potential for stem cell therapy. This was a number of years ago, but if it were tomorrow or the day after tomorrow figuratively, maybe there could be stem cell therapy for my grandmother, and she would not have to have died at the relatively young age she died at.

Alzheimer's disease is another one. President Reagan died from Alzheimer's disease. Victims do not even recognize their favorite loved ones, have no memory and may wander outside and wander off.

There is a whole category of autoimmune diseases. I have a paper which lists 63 of the autoimmune diseases. By that, I mean a disease where the body gets confused as to what is the body and what is not the body.

When we are developing as embryos in our mother's womb, there are certain cells in our circulatory system called T-cells located in the lymphatic tissue, and the T-cells are imprinted with who we are because once we get out of the mother's womb, we are going to be in a hostile environment, exposed to bacteria and viruses, and so it is important that the body knows what it is so the defense mechanisms in the body can be marshaled to eject the intruder.

These T-cells identify what is you and what is not you, and they alert some of the specialized cells in our white blood cell system so they are attracted to the site, and they eject, they may consume, they eject the intruder.

There are 63 distinct autoimmune diseases. For some reason, the body gets confused and the autoimmune system gets confused and starts attacking your joints, for instance. We know that disease as arthritis.

I remember my first real introduction to this big list of autoimmune diseases was a secretary I had, a very vibrant young lady whose life was really, really changed because she had lupus. There are many Americans who have family or friends who have lupus, and lupus was one of the first autoimmune diseases that was discovered.

There is a controversy going on over the potential for embryonic stem cell medical applications and adult stem cell medical applications. We have been working for more than 3 decades with adult stem cells, and our very able medical scientific community has been able to develop a number of applications that can cure or at least lessen the severity of disease using adult stem cells.

Since we have been working with embryonic stem cells for only a brief period of time, we do not have any direct applications to medicine of embryonic stem cell therapy, but that does not dim the enthusiasm of the medical community because they believe that the potential there ought to be greater.

But the real problem here is that up until this time the only way that we can get embryonic stem cells is to destroy the embryo. The scientists go into the inner cell mass stage. That is this stage here, day five. Of course, what we are doing now in the laboratory is not done in the uterus. All of this is done in a petri dish. The in vitro is in glass. In vivo means life. The embryo is destroyed at the inner cell mass stage, and cells are taken to produce a stem cell line.

About 4 years ago, this produced a real dilemma for the President who, like all of us, has family and friends who have one or more of these diseases that could be potentially ameliorated or cured by embryonic stem cell application. Yet the President knew the only way we were presently getting embryonic stem cell lines was by destroying embryos. He, as I am, is a strong pro-life advocate and the President had a problem with taking one life because that embryo produced in the laboratory in surplus and in vitro fertilization had the potential when implanted in a receptive mother to become a baby and the President's problem was that he had a moral problem with taking one life with the hope of helping another.

While the President was wrestling with this problem and what to do about it, there was a briefing at the National Institutes of Health for Members of the Congress and for their staff. I went out there to that briefing.

As the next chart shows, when we were talking about the potential for embryonic stem cell lines, I remembered my training of more than 50 years ago when I got my doctorate at the University of Maryland and had a course in advanced embryology and then went on to teach medical school for 4 years and postgraduate medicine doing basic research at the National Institutes of Health. I remembered what everybody knows, because they had the course in advanced embryology it was in my mind, that whenever we have identical twins what has really happened is that half of the cells have been taken from the early embryo. The half that is taken becomes a perfectly normal baby, and the half that is left becomes a perfectly normal baby.

Madam Speaker, one is a clone. When one thinks about cloning, remember that Mother Nature or God, to whomever you want to subscribe it, has been cloning for a very long time. Now these early embryos can split either at the two-cell stage or at the inner cell mass stage or anywhere in between, presumably.

We know at least at those two extremes because we can tell by how they present at birth when they split. If they share an amnion, they split at the two cell stage. If they have separate amnions, they probably split at the inner cell mass stage.

So knowing that half of the cells could be taken away from an early embryo without harming the embryo, unless you think identical twins are somehow deficient, and I have talked with a number of identical twins, and I have not talked with any of them who thought they were less a person or deficient because half of the cells were taken away to produce the other identical twin.

It occurred to me that you ought to be able to take cells from an early embryo without hurting the embryo to develop a stem cell line from that early embryo. I mentioned this to the researchers at NIH, and they said, yes, that is theoretically possible to do that.

Just after that, I was at an event and the President was there and when I went through the line, I mentioned my visit at NIH and the response that they had given to my question. A few days later, I had a call from Carl Rove and the President had turned the pursuit of this suggestion over to Carl Rove. Carl told me that he talked to the people at NIH, and they tell me what you have suggested is not possible.

Carl, I said either they are funning you or they misunderstand you, because these are the same people that can take a single cell and take the nucleus out of that cell and put another nucleus in it. That is what they did with Dolly the sheep and the large number of clones that have been produced since then.

I said, of course, if they can take the nucleus out of a cell and put another nucleus in it, they can certainly take a cell or two out of what is a relatively big embryo. So he went back and asked them again and then called back and said they are still telling me they cannot do that. So a few days later, the President came out with his executive order.

Madam Speaker, you may remember this was kind of a decision like Solomon might have made. Obviously, from the potential efficacy of embryonic stem cell research and medical applications, it is very desirable that we do that.

On the other hand, if the only way to get embryonic stem cells is by destroying an embryo, then you are left with the quandary of, is it really acceptable to destroy one life with the hope that you are going to help another?

So the President came to a decision that I think represented great wisdom. He recognized that a number of embryos had already been killed, destroyed to establish stem cell lines, and since you cannot turn back the hands of time to change that, these embryos were gone, the stem cell lines were there, and so the President, recognizing the potential for embryonic stem cell research, and being concerned that you should not take one life with the hope of helping another, wisely I think, said we could spend Federal dollars on any exploration we chose with the existing stem cells lines, and he thought there were about 60. There have never been 60, but he was told there were something like 60 stem cell lines, and Federal dollars could be used for research on those lines, but no Federal dollars could be used for developing or destroying any additional embryos for stem cell lines.

□ 2130

This was about 4 years ago, and as we knew, the scientific community knew, as I knew because of my background, these stem cell lines would eventually run out. Stem cell lines, like people, age. For reasons that we may not understand, they do not last forever. Those stem cell lines, Madam Speaker, are running out. We now have, I think the accepted figure is 22 stem cell lines left, and all of these are contaminated with mouse feeder cells. This is the result of a technique which is used to facilitate the replication of these cells in the tissue culture, and they are now all contaminated with mouse feeder cells so that although they are perfectly good for research and a lot of research is being done, they are not good for medical application because you would not want to put the cells contaminated with mouse feeder cells in a human.

So what now? One of the potential solutions to this problem is included in H.R. 810, the Castle-DeGette bill; and the argument made in this bill is that there are about 400,000 surplus embryos out there from in vitro fertilization. You see, to make sure that the doctor is going to have a good embryo or two or three to implant in a mother, because they do not all take, he will produce more embryos than he will probably need. Then he will look at them under the microscope and pick the strongest looking of those embryos and may put two or three or so in the mother.

One of our Members, the ROHRABACHERS, are now the proud parents of triplets from in vitro fertilization. All of them grew and so they are now the proud parents of these very happy and healthy little babies. Since there are 400,000 surplus embryos out there that are frozen, the argument is, and this is the argument of the bill, that since these embryos, at least many of these embryos, realistically most of these embryos will ultimately be discarded, they will not stay frozen for 49 years there, they will not last forever, and by and by they will be discarded, and so the argument is, why should medicine not benefit from cells, from embryos that are going to be discarded anyhow? That to many people is a compelling argument. It was a compelling argument to a majority of people in the House, and now they are considering this bill in the Senate.

But to those in the pro-life community, there is another way of looking at these embryos. I am at the microscope and there is an embryo under the microscope there. That embryo could become a snowflake baby. More than 100 times parents who do not have an ovum, cannot get pregnant any other way, have adopted these surplus embryos and we have more than 100 of what we call snowflake babies. The embryo that I am looking at under the microscope might be adopted and that could be any one of the 400,000 embryos, and it might be the next Albert Einstein. How could I destroy an embryo that might be adopted and might be the next Albert Einstein? So this is the argument on the other side, which is why the great debate over H.R. 810.

As a result of a series of discussions with the White House and with a number of the interested groups, we have developed a bill which is called H.R. 3144, the Respect for Life Pluripotent Stem Cell Act of 2005.

Madam Speaker, I will make this short bill a part of the RECORD.

H.R. 3144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Respect for Life Pluripotent Stem Cell Act of 2005".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Stem cells may be derived from various sources, including adult tissue, umbilical cord blood, and living human embryos. The use of cells from embryos has drawn great interest in the scientific community but also raises very serious ethical concerns for many Americans, because as practiced today it requires the destruction of human embryos to obtain their cells.

(2) The President's Council on Bioethics in its May 2005 White Paper: "Alternative Sources of Pluripotent Stem Cells," describes several potential methods to derive stem cells like those now derived through the destruction of embryos, but which would not involve doing harm to embryos. Some methods propose to involve embryos in ways that do not harm them, while others propose to reprogram adult cells to produce cells with the capabilities of embryonic stem cells without producing or involving embryos at all.

(3) Such proposals should be thoroughly tested in animal models before being applied to humans, to establish that they do not involve creating or harming human embryos.

(4) Several scientific reports also suggest that some subclasses of adult stem cells (derived from postnatal tissues, umbilical cord blood and placenta) show a flexibility comparable to that of stem cells now derived through the destruction of embryos.

(5) American scientists should be encouraged to pursue all ethical avenues of stem cell research and to explore morally uncontroversial alternatives to research requiring the destruction of human embryos.

SEC. 3. DERIVATION OF STEM CELLS WITHOUT HARMING EMBRYOS; RESEARCH THROUGH NATIONAL INSTITUTES OF HEALTH.

Part B of title IV of the Public Health Service Act (42 U.S.C 284) is amended by adding at the end the following:

"SEC. 409J. BASIC AND APPLIED RESEARCH ON DERIVATION AND USE OF PLURIPOTENT STEM CELLS WITHOUT HARMING EMBRYOS.

"(a) DEFINITIONS.—In this section, the following definitions apply:

"(1) HUMAN EMBRYO.—The term 'human embryo' includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of the Respect for Life Pluripotent Stem Cell Act of 2005, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

"(2) PLURIPOTENT STEM CELL.—The term 'pluripotent stem cell' means a cell that can in principle be differentiated to produce all or almost all the cell types of the human body, and therefore has the same functional capacity as an embryonic stem cell, regardless of whether it has the same origin.

"(b) IN GENERAL.—With respect to producing stem cell lines for important biomedical research, the Director of NIH shall, through the appropriate national research institutes, provide for the conduct and support of basic and applied research in isolating, deriving and using pluripotent stem cells without creating or harming human embryos. Such research may include—

"(1) research in animals to develop and test techniques for deriving cells from embryos without doing harm to those embryos;

"(2) research to develop and test techniques for producing human pluripotent stem cells without creating or making use of embryos; and

"(3) research to isolate, develop and test pluripotent stem cells from postnatal tissues, umbilical cord blood, and placenta.

"(c) PROHIBITIONS REGARDING HARM TO HUMAN EMBRYOS.—Research under subsection (b) may not include any research that—

"(1) involves the use of human embryos; or

"(2) involves the use of stem cells not otherwise eligible for funding by the National Institutes of Health; or

"(3) involves the use of any stem cell to create or to attempt to create a human embryo, or

"(4) poses a significant risk of creating a human embryo by any means.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $15,000,000 in fiscal year 2006, and such sums as may be necessary for each of the fiscal years 2007 through 2010. Such authorization is in addition to other authorizations of appropriations that are available for such purpose.".

Mr. BARTLETT. Madam Speaker, the gentleman from Georgia (Mr. GINGREY) has joined us. I would like to yield to him before I go through the history of how we got to this bill and the people we talked to and exactly what is in the bill. I thank the gentleman for joining us.

Mr. GINGREY. I certainly thank the gentleman from Maryland for yielding. It is indeed a pleasure to again be with him tonight, Madam Speaker. Any opportunity that I have as an original cosponsor of the gentleman from Maryland's legislation, H.R. 3144, is an opportunity that I gladly accept no matter what the hour. The importance of this issue really cannot be overstated.

I know the gentleman from Maryland as he started this Special Order hour discussed the fact that of the so-called throwaway embryos, throwaway babies as we see it in these in vitro fertilization clinics that exist across this country. I think somebody estimated there were 400,000 of them and that in some instances couples who had gone through in vitro fertilization and completed their families truly would have some extra embryos that they at least at a certain point in time had no intention of having reimplanted. So for the time being, maybe they were excess embryos.

But those of us who feel very strongly about the sanctity of life truly believe that there is no such thing as an excess human life at either extreme, the very youngest embryonic stage or the very oldest, many of whom I would be referring to, our octogenarians and older who might be in a nursing home suffering from Alzheimer's disease at the final stages of their lives, but all of these lives are extremely important; and as the gentleman from Maryland pointed out, there are actually 100 or close to 100 little babies, up to 6, 8 months old now who were referred to as the snowflake babies. They actually were donated to couples who were barren, infertile, from these couples who had completed their family and had these excess embryos frozen that they were not going to use.

We have seen them. I think the gentleman from Maryland (Mr. BARTLETT) had a lot to do with bringing, along with the gentleman from Pennsylvania (Mr. PITTS), these little children to the House, to the Congress, and indeed to the White House during the week that we were debating the bill brought to us by the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Colorado (Ms. DEGETTE).

As the gentleman from Maryland points out, there are a lot more of those little lives that are still on ice, if you will; and the gentleman from Maryland is so right in pointing out that, hey, maybe one of those would be an Einstein one of these days, the next Einstein. Some of my colleagues say, well, just 100 out of 400,000, that is not very many. Indeed, it is a fourth of this body. Madam Speaker, almost a fourth of 435 Members of the House of Representatives. There may be some real smart ones remaining on ice that possibly could end up being United States Senators. More importantly, of course, it could be the next Pope John II or Pope John III or Martin Luther King, Jr. or Abraham Lincoln. Who is to say what we are talking about as a throwaway life? I am just so grateful for the gentleman from Maryland for bringing us a bill, H.R. 3144, which avoids this issue of destroying human life for the purpose of obtaining embryonic stem cells.

I do not think, Madam Speaker, that we will ever get to the point in this Chamber, as much as I, and I am sure the gentleman from Maryland is of the same mind-set, of wanting to do things in a bipartisan fashion with our colleagues on both sides of the aisle, this issue, this pro-life/pro-choice issue. The country is probably pretty evenly divided. This body is probably evenly divided.

But the point is we do not have to get into a knockdown, drag-out, hair-pulling, fingernail-scratching bloodbath over this issue. That is what the gentleman from Maryland is bringing to us, an opportunity to support a bill that does not lead us down that road where there seems like there will never be a meeting of the minds. This opportunity, basically, as he is pointing out with his posters in regard to the ability, with some research, to be able to obtain embryonic stem cells without destroying human life, without destroying the embryo, I have heard him refer to this almost like an embryonic biopsy.

As I understand the bill, it is an opportunity to encourage, with the President's blessing, increased funding through the NIH for research on nonhuman primates to make sure that this biopsy, actually it has already been done in genetic counseling studies on couples who have a really strong family history of inheritable diseases, something like hemophilia or Duchenne's muscular dystrophy where maybe if it is an adult child, it has a 50 percent chance of having one of these life-threatening, eventually fatal diseases. We are already doing testing on those embryos to make sure that it would be safe to put them back into the mother's womb to grow and develop and become a full-term fetus and there has been no harm in those instances.

This is not wild-eyed science, something that is Star Wars mentality. Not at all. We are talking about one of the brightest Members of this body, a Ph.D. physiologist, a doctor of physiology who has taught in medical school.

Madam Speaker, when I was in medical school, it was my instructor who taught me physiology, the functioning of the human body in a healthy situation, whether we are talking about the heart, the lungs, or any organ system of the body. That is the study of physiology. That is who we are talking about when we reference this Member, the gentleman from Maryland, who is bringing us this bill. He knows of what he speaks. He has taught not only physiology but also embryology.

I know my colleagues as they listen to his presentation tonight and they look at the material, the visual aides that he has with him, it is clear that his understanding, his depth of knowledge is far beyond maybe what even the physician Members of this body have. So it is with a deep amount of respect for him that I have signed on to this bill. I am fully supportive of it. It gives us an opportunity to address this issue of trying to find a way with stem cells, whether they are adult or embryonic; and I tend to agree with the gentleman from Maryland that embryonic stem cells probably do have a little more potential, although we have had great success in adult stem cells and a lot of these diseases that our colleagues have talked about and we have seen public service advertisements, famous people, actors, former politicians, a former first lady, families of those suffering from diabetes, spinal cord injury, degenerative disease, Parkinsonism, Alzheimer's. These things really tear at your heartstrings.

There is no argument, I do not think, in this body, in a partisan way about wanting to help and wanting to use science to the best of our ability to look for a cure. There is not a guarantee. There is absolutely no guarantee. There are probably lots of complications, false starts, two steps back for one step forward. There will be lots of money, Federal dollars probably being spent on research. But the point is the President in August of 2001 was absolutely right, in my humble opinion, in regard to his decision to put a moratorium on the harvesting of stem cells, embryonic stem cells that would result in the destruction of human life. At that point, there were some 60 cell lines already in existence that our university research scientists at NIH and other places were using. The President said, that is perfectly okay to continue.

□ 2145

Those lives have already been destroyed in obtaining those stem cell lines. Good research was occurring. The President, this President, George W. Bush, is the very first President that, in fact, allowed Federal funding for research on embryonic stem cells. So those who criticize or suggest, Madam Speaker, that this President is insensitive and uncaring, I suggest to my colleagues that this President is the most caring that we have ever had in regard to this issue. He has done more than any other President. He does not deserve to be criticized, but rather applauded for his efforts in this regard.

And I think he is steadfast in his determination not to destroy human life because, as the gentleman from Maryland has pointed out and as I just said, we do not know those so-called extra embryos, those throwaway embryos. We do not know what those lives entail. We do know that they have a very unique, full complement of DNA that have all of their genetic material they are going to ever have. They are the tiniest of human life, little tiny babies. We call them embryos, but they are little tiny embryos whose lives are frozen and suspended. But they should have that opportunity.

And even the couples who think, Madam Speaker, that they would never use those embryos, we have witnessed tragedies every day in the news, this 24-hour cable news that we are subjected to, but we read about children that are kidnapped, abused, murdered, the situation in Aruba, the situation in Nebraska. We can just name so many where people think that their family is complete and they have got all they want out of their reproductive life, and all of a sudden, as the old country song goes, "some days are diamonds and some days are stones," all of a sudden we have a few days that are stones and there might be a tragic loss of a child or more than one child, and all of a sudden maybe those frozen embryos do not seem so expendable anymore.

So that is why this issue is so important and why I feel so very passionate, not just myself and the author of this bill, the gentleman from Maryland (Mr. BARTLETT), but a number of others who have signed on to this bill. The White House, I think, is very supportive of this. There is a companion piece of legislation, as I understand; it originating in the other body. We are on to something here.

And again it is a pleasure to join my colleague tonight and share these thoughts, try to maybe enlighten my colleagues on both sides of the aisle, Madam Speaker; and I do thank the gentleman for giving me an opportunity to be with him to discuss such an important issue. And I will be glad to stick around for a little while if we want to get into a colloquy later on, but I thank him for giving me this opportunity.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I want to thank my colleague very much for his comments. He is very generous. I did not come to the Congress, and that was 13 years ago, until I was 66 years old; and I am very fortunate to have some prior life experiences that have permitted me to understand some opportunities here in the Congress that might not have been so obvious to others who did not have this background.

After the President came down with his executive order, I continued to meet with the folks at NIH, and I subsequently learned, by the way, I need to come back to that problem with Karl Rove and his discussion with the NIH people, and this was a typical example of failed communications. And so often we think that we are carrying on a dialogue and we are really carrying on simultaneous monologues.

However it happened, what the NIH people were telling Karl Rove was that they were not sure that they could make a stem cell line from an embryo that early. That is true. That is why in our bill we advocate animal model research rather than beginning with humans. But there is no reason we should not be able to do that.

Now, as a matter of fact, a Russian scientist working in this country, Verlinsky, says he has, in fact, done that. I have met a number of times with people from NIH. On July 20 of last year, for instance, we had an extended meeting in my office with representatives from NIH, with representatives from Health and Human Services, and with representatives from the White House.

And then, Madam Speaker, a very interesting thing happened while we were having this series of meetings with the NIH and HHS and the White House and with the outside groups. There appeared in the literature a paper, a very interesting paper, on preimplantation genetic diagnosis. And what these medical people were doing, and this was in England, the first paper came from a clinic in England, what they were doing was going into the eight-cell stage and taking a cell or two out to do a preimplantation genetic diagnosis to see if the baby would have a genetic defect. And if there was no genetic defect, they implanted the remaining seven cells, sometimes six cells. And more than 600 times that went on to produce a perfectly normal baby. That is now being done in this country just outside Washington, in Virginia. A few weeks ago I spent probably a half hour or more on the phone with two of the medical scientists there who were involved in this research.

There is one potential ethical problem here, although the President's Council on Bioethics thinks it is not a problem. I would like to avoid, Madam Speaker, even the possibility of a problem. And that problem is that the cell that we take from that embryo might, under the right circumstances, become an embryo itself. The members of the President's, and I have the white paper here I am going to refer to in just a moment, Council on Bioethics think that that is not feasible. But, Madam Speaker, if we were to wait just a little later to take the cell to the inner cell mass, and I probably ought to put that chart of the uterus back up here so that I can point to what I am referring to here, in the laboratory they are going at the eight-cell stage and taking a cell or two out and doing a preimplantation genetic diagnosis.

If there is no genetic defect, they implant the remaining cells, and more than 1,000 times worldwide now, they have had a normal baby born. The argument is that that cell they take out under the right circumstances is pluripotent, totipotent at that stage probably, and could produce another embryo. To avoid that, if we just wait until the inner cell mass stage, which is the stage from which the embryonic stem cell lines are now developed when they destroy the embryo, there is no reason they cannot go into this inner cell mass and through the trophoblast and they could take out several cells then because there are a lot of cells there.

By that time we already have some differentiation. The cells in the inner cell mass are going to produce the baby. The three germ layers that we talked about at the very beginning and the cells in the trophoblast are going to produce the decidua. The decidua is the amnion and chorion, the tissues that support the baby, and we can see those starting to develop down here in day 8 and 9 when the embryo has attached itself to the wall of the uterus and the uterus grows and produces some tissues and there is a growth of this decidua here and we have the placenta, these big opposing vascular bags through which food and oxygen and CO_2 and hormones and so forth are exchanged between the baby and the mother.

By the way, Madam Speaker, this is a pretty hazardous journey; and we do not know the exact percentage, but maybe less than half of all of the ova here that get fertilized actually implant in the uterus. As a matter of fact, one of the techniques for preventing conception is an IUD. They simply place a foreign object here in the uterus, and the uterus reacts to the presence of that foreign by not permitting the fertilized egg, the embryo, to implant there.

Mr. GINGREY. Madam Speaker, will the gentleman yield?

Mr. BARTLETT of Maryland. I yield to the gentleman from Georgia.

Mr. GINGREY. Madam Speaker, I wanted to mention to the gentleman that as an OB/GYN physician, of course I have had some experience with some of the processes that can occur in reproductive endocrine laboratories and the technique dealing with infertile couples, and I have had a discussion with the gentleman from Maryland about this. But in a situation where the couple is infertile and it is because of male infertility, there is nothing wrong with the egg, but there is a very, very low sperm count in the male, and normally it takes probably 1,000 sperm to successfully fertilize an egg in the natural way.

In fact, the normal sperm count in a male is about 60 million. But even a sperm count as low as 1,000, pregnancy can occur in the normal, natural way. But when it gets much lower than that, it becomes less and less possible. But they have a technique. And there is an acronym, Madam Speaker. There is an acronym for everything, it seems, even though this is not in the military. That acronym is ICSI. It stands for intracytoplasmic sperm injection, ICSI. And these biologists working with reproductive endocrinologists, medical doctors who specialize in infertility, can literally take a single sperm and with a needle inject that sperm into the egg and create a life, and that has been done many times, and not just at the NIH, but in a lot of these infertility clinics across this great country, in my State of Georgia. It is something that is done routinely.

So what the gentleman from Maryland (Mr. BARTLETT) is talking about in this poster presentation in regard to waiting to just the right point for these scientists to be able to develop a technique to obtain embryonic stem cells without destroying that embryo and beyond the point where that single cell itself would be an embryo, he knows of what he speaks. And I wanted to have an opportunity to share that, Madam Speaker, with our colleagues and make sure they understand that here again we are not talking about Star Wars technology here. We are talking about things that are being done today.

Mr. BARTLETT of Maryland. Madam Speaker, reclaiming my time, I thank the gentleman very much for that contribution.

While we are carrying on these discussions with the White House and NIH and HHS and with the outside groups, the President's Council on Bioethics submits a white paper; and in this white paper they go over four potential techniques that might produce pluripotent stem cells, which is another way of saying the equivalent of embryonic stem cells, without destroying or harming an embryo. And what our bill does, Madam Speaker, is simply ask NIH to please explore these potentials, first of all, in animal models; and the bill gives them $15 million to begin this exploration.

I just wanted to spend just a moment talking about the four things that are in here because it may be of interest to a number of people. The first is called pluripotent stem cells derived from organismically dead embryos. Well, this says that all these embryos I had mentioned earlier, all these embryos will not live. And when an embryo is moribund, it is not going to divide anymore, then it is the equivalent of a brain dead person and there should be no problem taking cells from it like they would take organs from a brain dead person.

One might have a little question about the vitality of the cell they take from that embryo, but at least ethically if the embryo is dead or moribund, the equivalent of a brain dead person, they could take an embryo from it. The second procedure, and the next chart shows a little clip from that, is one in which, down at the bottom here, it says "a similar idea was proposed by Representative ROSCOE BARTLETT." This was my recommendation in 2001. And this simply says they go into an early embryo, as I have mentioned, and take out a cell without hurting the embryo because mother nature or God, whoever people think makes identical twins, has been doing this for a very long time.

Our bill simply asks the NIH to do this in animal models to make sure that it is safe and efficacious.

A third technique is called pluripotent stem cells derived from biological artifacts. This is an interesting one. And what the proposal there is that they take an ovum and they take the nucleus out of the ovum and then they take an altered nucleus out of a somatic cell.

□ 2200

You alter the nucleus so that you have turned off some of the genes, and then you put that nucleus inside the egg. Now, why would you do that? Because in the cytoplasm of the egg outside the nucleus of the egg, there are some factors which turn on and turn off genes and kind of control what happens inside the nucleus. So now they have turned off some genes so this thing will divide; that will never be a baby because they have kind of messed up the genetics. Well, if they can never be a baby, then maybe ethically you can take stem cells from it, and this is something that really needs to be explored.

These several techniques are all open for investigation. Oh, the fourth one of these is pluripotent stem cells by differentiation. I mentioned the differentiation of cells. That is when they decide that they are going to be just this or that, and all the cells they produce after that are just that kind of cell. Now, sometimes, you can take a cell and kind of put it in an environment where you have confused it, you have shocked it, you have done something to it, so it forgets what it was supposed to be, and it starts making cells, tissues that it would not ordinarily make in that stage of differentiation. So what our bill does is to permit the research, particularly on two of these, the nucleus transfer and the taking of cells from the early blastomere.

Our bill has received input from the White House, from the Conference of Catholic Bishops, from Right the Life communities, so there is a broad spectrum of individuals and organizations out there that are supportive of what we are doing.

In the few moments left, Madam Speaker, I would like to note that there have been a plethora of articles very recently about this, and I would like to submit these for the RECORD. They are not very long, and I will insert them into the RECORD. Here is National Geographic, July 2005. Stem cells, a big article, very good article on stem cells there. Here is a letter of May of this year from Dr. Battey who is the chief spokesman for stem cell research at the National Institutes of Health who is quite supportive of our bill and what we propose to do, and here is a very interesting op-ed piece written by Richard Doerflinger who represents the Catholic Bishops.

By the way, I need to give credit where credit is due. It was Richard Doerflinger who made the great suggestion that the first thing you do with that cell you take from the early embryo is to create a repair kit so that all during the life of that person, they will have frozen the ability to produce a new liver if they need it, islets of Langerhans, spinal cord cells, whatever they need. There is a great op-ed piece by Richard Doerflinger who explains his support for our bill. He says, Representative BARTLETT and his colleagues are helping to demonstrate what has always been true: science and ethics were meant to be allies, not enemies, and this is certainly true.

Tuesday, July 12, Associated Press, Lawmakers Wary of Backup Stem Cell Bill. For those who would like to see just the Castle-DeGette bill passed, our bill, and the President, by the way, says that if that other bill gets to his desk, he will veto it. For those of us who believe that we really ought to research stem cells, we really look forward to a bill which the President can support.

Stem Cell Legislation is At Risk, July 9. Washington Post. GOP Probes Nondestructive Cell Research. Washington AP. June 29. And then just today. in Congressional Quarterly. Congress Considers Numerous Stem Cell Bills. It mentions our bill in the House, and that BILL FRIST is expected to draft a related bill in the Senate.

I am very pleased, Madam Speaker. that my background has permitted me to understand some of the potential here. my experience with my grandmother. with these little diabetic kids, my profound pro-life commitment. I am very pleased that I was able to propose a potential solution that I think meets the morals and the demands of both sides of this issue.

Madam Speaker, I ask unanimous consent to insert the following articles:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
Bethesda, Maryland, May 23, 2005.
Hon. ROSCOE G. BARTLETT.
House of Representatives,
Washington, DC.

DEAR MR. BARTLETT: I am pleased that Drs. Allen Spiegel and Story Landis were able to meet with you, Mr. Otis and Mr. Aitken during your visit to the National Institutes of Health (NIH) last month to discuss ways to derive human embryonic stem cells (hESCs). Drs. Spiegel and Landis were serving as Acting Co-Chairs of the NIH Stem Cell Task Force during my leave of absence from this position. Earlier this month, I returned to chair the Task Force. NIH shares your enthusiasm on the therapeutic potentials of hESC research and thank you for your continued support of this field.

Drs. Spiegel and Landis briefed me about your April 26th meeting. I am also aware that you have had previous meetings with NIH officials, including myself, Lana Skirboll and Richard Tasca, on this topic. You propose the possibility of using a cell (or two) removed from the 8-cell stage human embryo undergoing preimplantation genetic diagnosis (PGD) to: (1) create a "personal repair kit" made up of cells removed from the embryo and stored for future use; and (2) for deriving human embryonic stem cell lines.

You suggested that creating hESC lines in this manner would avoid ethical questions surrounding the fate of a human embryo. Live births resulting from embryos which undergo PGD and are subsequently implanted seem to suggest that this procedure does not harm the embryo, however, there are some reports that a percentage of embryos do not survive this procedure. In addition, long-term studies would be needed to determine whether this procedure produces subtle or later-developing injury to children born following PGD. Also, it is not known if the single cell removed from the 8-cell stage human embryo has the capacity to become an embryo if cultured in the appropriate environment.

NIH is not aware of any published scientific data that has confirmed the establishment of hESC lines from a single cell removed from an 8-cell stage embryo. We are aware of the published research of Dr. Yury Verlinsky in the Reproductive Genetics Institute in Chicago that showed that a hESC line can be derived by culturing a human morula-staged embryo (Reproductive Bio-Medicine Online, 2004 Vo. 9, No. 6, 623–629, Verlinsky, Strelchenko, et al). It is also worth noting, however, that in these experiments, the entire morula was plated and used to derive the hESC lines. The human morula is generally composed of 10–30 cells and is the stage that immediately precedes the formation of the blastocyst.

At the April 26th meeting, NIH agreed that such experiments might be pursued in animals, including non-human primates. That is, animal experiments could be conducted to determine whether it is possible to derive hESCs from a single cell of the 8–cell or morula stage embryo. To date, to the best of our knowledge no such derivations have been successful. NIH also does not know whether these experiments have been tried and failed in animals and/or humans and, therefore, have not been reported in the literature. NIH agreed to explore whether there have been any attempts to use single cells from the 8–cell or morula stage of an animal embryo to start embryonic stem cell lines by consulting with scientists that are currently conducting embryo research. From these discussions, these scientists believe it is worth attempting experiments using a single cell from an early stage embryo or cells from a morula of a non-human primate to establish an embryonic stem cell line.

Of note, a recent 2003 paper from Canada shows that when single human blastomeres are cultured from early cleavage stage embryos, before the morula stage, that there is an increased incidence of chromosomal abnormalities. Even with hESCs derived from the inner cell mass of the human blastocyst, the odds of starting a hESC line from a single cell are long, perhaps one in 20 tries. Thus, the odds of being able to start with a single cell from an 8-celled or morula staged embryo are equally challenging. This would make it difficult to accomplish the goal of establishing "repair kits" and hESC lines from any single PGD embryo. (Fertil Steril, 2003 June, 79(6):1304–11, Bielanska, et al). It is possible, however, that improvements in technologies for deriving and culturing hESCs may improve these odds.

NIH concludes that the possibility of establishing a stem cell line from an 8–cell or morula stage embryo can only be determined with additional research. NIH would welcome receiving an investigator-initiated grant application on this topic using animal embryos. The Human Embryo Research Ban would preclude the use of funds appropriated under the Labor/HHS Appropriations Act for pursuing this research with human embryos. As with all grant applications, the proposal must be deemed meritorious for funding by peer review and then will be awarded research funds if sufficient funds are available. It also bears keeping in mind that it may take years to determine the answer.

At the April 26th meeting, you had mentioned that twins can develop when the inner cell mass splits in the blastocyst and forms two embryos enclosed in a common trophoblast. You asked if cells from the inner cell mass could be safely removed without harming the embryo. In animal studies, it has been shown that the blastocyst can be pierced to remove cells of the inner cell mass and the embryo appears to retain its original form but it is not known whether the embryo will result in the birth of a healthy baby. Since this experiment in human embryos at either the morula or the blastocyst stage would require evaluations of not only normal birth but also unknown long term risks to the person even into adulthood, it would have to be considered a very high risk and ethically questionable endeavor. Because of the risk of harm, this research would also be ineligible for Federal funding.

You had also asked NIH about the latest stage in development that an embryo can be artificially implanted into the womb. We know that infertility clinics transfer embryos at the blastocyst stage (approximately Day 5 in human embryo development) as well as at earlier stages.

Finally, I am providing an additional resource that was discussed at the April meeting. I have enclosed a copy of a recently released white paper developed by the President's Council on Bioethics (PCB) on Alternative Sources of Human Pluripotent Stem Cells. In this white paper, the PCB raised many ethical, scientific and practical concerns about alternate sources for deriving human pluripotent stem cells without harming the embryo. Your proposal is specifically discussed in this report.

I hope this information is helpful.

Sincerely,

JAMES F. BATTEY, Jr.,
M.D., Ph.D.,
Chairman, NIH Stem Cell Task Force and Director, National Institute on Deafness and Other Communication Disorders.

[From the News Observer, June 29, 2005]

GOP PROBES NON-DESTRUCTIVE CELL RESEARCH

(By Laurie Kellman)

WASHINGTON (AP).—Embryonic stem cell research that doesn't destroy budding human life? Right now, it's possible only in theory, or on animals. But those alternatives to the most promising stem cell science are enough to win the attention of anti-abortion Republicans and President Bush.

Senate Majority Leader Bill Frist and other GOP lawmakers are considering legislation drawn from a report in May by Bush's Council on Bioethics, which studied research that might carry medical promise but is in its infancy.

In some cases, the research is ethically objectionable, the panel wrote. Nonetheless, it said four types of studies "deserve the nation's careful and serious consideration."

Bush was receptive to funding the theoretical approaches rather than medically more promising research that destroys embryo, three lawmakers who have discussed the subject with him told The Associated Press.

"There was a sense around the table that if we could discover a way to extract the stem cells without destroying the embryo, that that was something that nearly everyone could support," said Representative David Dreier, R-Calif., who discussed the option with Bush at a White House meeting earlier this month. "The president was very enthusiastic about that. He clearly supported it."

Another possible compromise, being drafted by Representative Roscoe Bartlett, R–MD., a biological engineer, would send $15 million to the National Institutes of Health for stem cell research on animal embryos, according to a draft obtained by the AP.

"Congressman Bartlett sought and received technical assistance from the administration to ensure that the bill that he is working on would be consistent with the president's principles and goals," said Lisa Wright, Bartlett's spokeswoman.

Bush has repeatedly said he would veto a bill the House passed last month backing standard embryonic stem cell research and any similar version by the Senate, which is expected to turn to the issue in July.

"We'll probably consider a number of bills," Frist told the AP.

Senator Rick Santorum, R Pa., who also attended the meeting with Bush, said he may try to amend one of Congress' must-pass spending bills to provide federal money for specific studies outlined in the bioethics council's report.

Senator Gordon Smith, R–Ore., said that in his own talk with Bush, he found the president "looking for a way to stay within his ethical boundaries."

Almost two-thirds of Americans say they support embryonic stem cell research and a majority of people say they would like to see fewer restrictions on taxpayer funding for those studies, according to recent polling.

The proposal may free senators from a tight spot between Bush's veto threat and public pressure for embryonic stem cell research, which has shown promise in the search for cures for Parkinson's, Alzheimer's and other diseases.

But it also would spend millions of dollars on studies whose value is speculative. Some of the techniques have not even been attempted in animals.

Frist, who is a heart and lung transplant surgeon, told the AP at least three of the processes on the bioethics council's list met his criteria for funding embryonic stem cell research.

"All of the research you have there stops short of the creation of an embryo for experimental purposes, and short of destruction of an embryo for experimental purposes," he said. "That is the direction I think we should explore."

Those are the same boundaries set out by Bush, who in a 2001 executive order prohibited federal funding of any research using human embryonic stem cells harvested after Aug. 9 of that year.

Senator Tom Harkin, D–Iowa, a chief supporter of traditional embryonic stem cell research, shrugged at the notion of an alternative.

"Most of these ideas are nothing but theories. They haven't been tested," he said Wednesday.

The processes studied by the council could theoretically develop embryonic stem cell lines—which can develop into any cell in the body—without harming the embryo. They would:

—Derive stem cells from technically dead embryos. When embryos frozen during in-vitro fertilization are thawed, some never resume dividing and thus are discarded. No one knows whether scientists could find healthy stem cells inside an embryo already so damaged that it wouldn't grow, or coax them to live when transferred out of that embryo.

—Extract stem cells from two-day-old embryos using a non-lethal biopsy technique. Until now, most stem cells have been culled from embryos that contain 100 or so cells. However, in vitro fertilization clinics frequently extract one cell, called a blastomere, from a younger, eight-celled embryo to perform genetic testing—to tell, for instance, whether some embryos will have a disease like cystic fibrosis. This testing doesn't destroy the embryo, so women can choose to have only healthy ones implanted. According to one report, more than 1,000 healthy children have been born after blastomere testing. The questions are whether enough stem cells could be culled from a single blastomere to be worthwhile, and which embryos would be used.

—Develop stem cells derived from specially engineered tissue. One such technique is called "altered nuclear transfer," essentially cloning in a way that grows only tissue, not an actual embryo. This process hasn't been attempted yet.

—Turning back the clock on older cells so they again become "pluripotent," the scientific term for the ability to turn into any tissue. Scientists already are trying to do this to some degree through "adult stem cell" research, such as turning blood-making cells into cells that produce liver or muscle tissues. It's not clear whether older cells can be returned to an embryonic state.

[From the Guardian, July 12, 2005]

LAWMAKERS WARY OF BACKUP STEM CELL BILL

(By Laurie Kellman)

WASHINGTON (AP).—President Bush and his conservative Senate allies are trying to peel votes from a stem cell bill by offering alternative legislation that would instead fund promising but unproven studies, several senators said Tuesday.

"I'm all for these alternative sources, (but) not as a substitute, not as some way of stopping what we're about to do," said Tom Harkin, D–Iowa, Senate sponsor of a bill already passed by the House that would end Bush's 2001 ban on federal funding for new human embryonic stem cell studies.

Several scientists testifying Tuesday before the Labor, Health and Human Services Appropriations subcommittee agreed that Harkin's bill, cosponsored by panel Chairman Arlen Specter, R–Pa., should be passed before even their own research receives federal funding.

"It's a no-brainer," said Robert Lanza, one of the scientists working on a process by which embryonic stem cells are derived without destroying life. "I do not think we should keep the scientific community or the patient community waiting."

Another scientist at the table, William B. Hurlbut of Stanford University, said vital science that could someday lead to cures of diseases like Alzheimer's and Parkinson's must have the engine of public consensus behind it.

A member of the President's Council on Bioethics, Hurlbut noted that large sections of the public believe human embryonic stem cell research is immoral because it destroys the embryo, which many, including Bush and some congressional conservatives, consider a budding human life. Government, he said, should set "a coherent moral platform to guide our science."

But staring down a self-imposed Aug. 1 deadline for voting on the legislation, Senate negotiators were no closer Tuesday to agreeing on a list of bills to debate on the Senate floor. Still swirling were talks over a six-bill package of legislation, including the Harkin-Specter measure, and others that would fund alternative methods or ban certain stem cell and cloning techniques altogether.

Specter, a cancer patient also helming the fight over Supreme Court nominations, said he was growing impatient with the delay and made clear that his bill is the first priority.

"If we 'can pass the House bill, Specter-Harkin, that is the most important bill to be enacted," Specter said as he gaveled open the Labor, Health and Human Services subcommittee hearing.

Testifying were James Battey, chairman of the National Institutes of Health Stem Cell Task Force, and Lanza, who has done research into deriving stem cells from a single animal cell without destroying the embryo.

The House approved the Harkin-Specter bill, 238–194, on May 24. That is far less than the two-thirds support that would be needed to override a veto Bush has threatened, and it was unclear that either house of Congress had the two-thirds vote necessary to override a veto.

The bill numbers are H.R. 810 and S. 471.

[From the Life Issues Forum, June 30, 2005]

STEM CELLS WITHOUT EMBRYOS?

(By Richard M. Doerflinger)

The battle lines of the stem cell debate have become familiar.

In one corner we have embryonic stem cells, obtained by destroying one-week-old human embryos. The cells are "pluripotent," capable of producing all the 210 cell types in the human body. In the other corner are stem cells obtained harmlessly from adult tissues, umbilical cord blood and placentas. These pose no ethical problem, but supposedly are more limited.

Herein lies the alleged tension between science and ethics. We can cure devastating diseases, or respect embryonic human life, but not both.

That dichotomy has always been misleading. Embryonic stem cells are far from curing any disease, while adult and umbilical cord blood stem cells have helped many thousands of patients. Yet scientists still claim that cells obtained by destroying early human life have special advantages that cannot be duplicated.

This claim is about to be tested.

Just before Congress's July 4 recess, Representative Roscoe Bartlett (R–MD) introduced the "Respect for Life Pluripotent Stem Cell Act." It instructs the National Institutes of Health to fund research in obtaining "pluripotent" stem cells without creating or harming human embryos.

Mr. Bartlett knows whereof he speaks. He holds a Ph.D. in physiology, and bases his proposal on a report by the President's Council on Bioethics and the latest research findings.

His bill outlines two ways to get pluripotent stem cells without harming embryos. One is to remove the cells from embryos without harming or destroying them. The bill would fund such efforts in animal embryos, to see if this can be safe enough to consider doing in humans.

The other approach would produce embryo-like stem cells without creating embryos at all. A dozen studies now indicate that umbilical cord blood and adult tissues contain stem cells that may be as versatile as embryonic stem cells. In addition, cutting-edge research suggests that adult cells can be "reprogrammed" in several ways into pluripotent stem cells.

One avenue is dubbed "ANT-OAR"—altered nuclear transfer by oocyte assisted reprogramming.

"Nuclear transfer" is the cloning method that made Dolly the sheep. The nucleus of a body cell is combined with an egg deprived of its own nucleus. Signals in the egg activate a much wider range of genes in that nucleus, so it no longer directs one specialized type of cell but begins the development of a whole new organism. What if the egg and the body cell were altered in advance so that, from the beginning, the result is not a one-celled embryo, but a pluripotent stem cell like those now obtained by destroying embryos?

There are good scientific reasons to believe this can be done. And many Catholic scientists and ethicists have declared that it can and should be explored (see www.eppc.org/news/newsid.2375/news detail.asp).

It would be good news indeed if modern science ends up resolving some moral dilemmas that an irresponsible use of science has created. Representative Bartlett and his colleagues are helping to demonstrate what has always been true: science and ethics were meant to be allies, not enemies.

[From the Washington Post, July 9, 2005]

STEM CELL LEGISLATION IS AT RISK

(By Ceci Connolly and Rick Weiss)

Promising but still unproven new approaches to creating human embryonic stem cells have suddenly jeopardized what once appeared to be certain Senate passage of a bill to loosen President Bush's four-year-old restrictions on human embryo research.

The techniques are enticing to many conservative activists and scientists because they could yield medically valuable human embryonic stem cells without the creation or destruction embryos.

Embryonic stem cells are coveted because they have the capacity to become virtually every kind of body tissue and perhaps repair ailing organs, but they are controversial because days-old human embryos must be destroyed to retrieve them.

"The new science that may involve embryo research but not require destruction of an embryo is tremendously exciting," Senate Majority Leader Bill Frist (R-Tenn.) said recently. "It would get you outside of the boundaries of the ethical constraints."

But because the value of these new scientific methods remains speculative, they have complicated the political calculus in the highly partisan Senate, which could take up the issue as early as next week.

Proponents of embryonic stem cell research are divided over how strongly to promote the new work because of fears it will undermine efforts to expand federal funding of conventional embryo research, which they say has better odds of success.

But some opponents of embryo research are uncomfortable with the emerging alternatives, too. That is because they involve cells that closely resemble human embryos, raising novel questions about what, exactly, is a human life.

The science poses a strategic dilemma for both groups: Should they support newly circulating legislation that would fund the new methods or try to defeat what some decry as a Trojan horse?

"This is something that could be very valuable if it works, no doubt about it," Stanford University stem cell researcher Irving Weissman said of the new work. "But don't tell me we should stop doing [embryo] research until we find out, because people's lives are at stake."

In May, the House easily passed bipartisan legislation allowing federally funded scientists to study stem cells derived from some of the thousands of human embryos destined for disposal at fertility clinics—a significant expansion of the Bush policy. Until this week, Senators Arlen Specter (R-Pa.) and Orrin G. Hatch (R-Utah) expressed confidence that they had more than enough votes to pass the same bill in the Senate, despite threats of a presidential veto.

Last week, however, opponents began circulating a competing bill that shifts attention toward the more distant but ethically more palatable new procedures. The House version, sponsored by Representative Roscoe G. Bartlett (R-Md.), was written with assistance from the White House, a Bartlett spokeswoman said.

The administration is eager for Bush to sign legislation supportive of at least some types of stem cell research, according to several lobbyists close to the congressional negotiations. Signing such a bill could take some of the sting out of a veto that is sure to infuriate patient groups and could rile a majority of Americans, who tell pollsters they back expanded funding of embryonic stem cell research.

During the Fourth of July recess, many Senate Republicans struggled with the question of whether the new legislation should be brought to the floor as a substitute for the House-passed bill or as a competing bill—and if both were to come up, then how to vote on each. At least a handful of senators have hinted in recent days that they may transfer their vote to the new bill, Hill sources said—among them Hatch, Johnny Isakson (R-Ga.) and Kay Bailey Hutchison (R-Tex.).

The issue will get its first formal airings at a Senate subcommittee hearing Tuesday and at a Hill media event on Wednesday at which pro-research celebrities Michael J. Fox and Dana Reeve, widow of "Superman" star Christopher Reeve, will call for an immediate loosening of Bush's policy.

Some supporters of the research say they would be happy if both bills passed. But for some of the more ardent advocates of an immediate expansion of the Bush policy, Bartlett's alternative legislation is a diversion.

"Don't stop embryonic stem cell research now, hoping there will be some other way to do it in the future," Senator Tom Harkin (D-Iowa) said in an interview. "These alternative methods of deriving stem cells—we don't know whether they'll work. The one thing we do know how to do is derive embryonic stem cells."

The new techniques fall into two major categories. In one, a single cell is removed from a days-old embryo created for fertility purposes and coaxed to become a self-replicating colony of stem cells, leaving the remainder of the embryo to develop normally.

The technique shows great promise, according to researchers at Advanced Cell Technology Inc. in Worcester, Mass., who pioneered it. But critics have raised the possibility that individual cells removed from such young embryos may have the biological potential to become embryos themselves, which would mean their destruction or cultivation as colonies could still raise ethical issues.

Bush's Council on Bioethics also expressed concerns recently that such a technique may subtly harm an embryo, even if it does not kill it.

"You may get a human being, but you may not get the same human being," said William B. Hurlbut, a Stanford professor and a council member. "You might find that late in life, there are some strange differences between those people and others."

Hurlbut is the leading proponent of a different approach, which he calls altered nuclear transfer, or ANT. It involves the creation of an embryo—or what Hurlbut says is something akin to an embryo—that lacks a gene necessary for the development of a placenta. Because a placenta is required for an embryo to implant in a woman's womb, the altered embryo would be genetically incapable of becoming a fetus or a baby. For many, that would obviate ethical concerns about destroying it to get its stem cells.

Researchers have tried the technique in mice with some success, but its usefulness as a source of human stem cells remains hypothetical. Some, such as Weissman, think the difficulties inherent in making such a system work are being overlooked by Hurlbut, who is a physician but not a research scientist.

"I've been telling Bill, 'Why don't you go work in a lab this summer? Why not see how easy or hard it really is?'" said Weissman. He said he has no problem with the funding of such research as long as it does not interfere with increased funding for existing programs of embryo research.

Practical or not, ANT has gained a quickly widening circle of support. The Roman Catholic archbishop of San Francisco, William J. Levada, has written a letter to Bush assuring the president of his support.

But other conservative leaders have mixed views on whether it makes sense to pursue the new alternative therapies or to focus single-mindedly on defeating any expansion of the current policy.

"I have significant concerns about all the alternatives," said David Prentice, senior fellow for life sciences at the Family Research Council, which he said does not yet have a formal position on the science.

Jessica Echard, executive director of the Eagle Forum, the public policy organization founded by Phyllis Schlafly, said her group opposes "middle ground" legislation that pursues alternative methods for producing embryonic stem cells.

"Most scientists will say it's never enough," she said. "We will be giving ground to more and more unethical research."

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ABERCROMBIE (at the request of Ms. PELOSI) for today on account of illness.

Mr. CARDIN (at the request of Ms. PELOSI) for today after 4 p.m. and the balance of the week on account of a family emergency.

Mrs. JONES of Ohio (at the request of Ms. PELOSI) for today and July 11 on account of constituent business in the district.

Mr. OBEY (at the request of Ms. PELOSI) for today on account of attending the funeral of the late Senator Gaylord Nelson.

Mr. EVERETT (at the request of Mr. DELAY) for July 11 on account of being unable to travel due to Hurricane Dennis.

Mr. BACHUS (at the request of Mr. DELAY) for today from 7 p.m. until July 13 at 6 p.m. on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. KAPTUR) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. EDWARDS, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. FLAKE, for 5 minutes, today.

Mr. NORWOOD, for 5 minutes, today and July 13 and 14.

Mr. SAM JOHNSON of Texas, for 5 minutes, July 13.

Mr. CUNNINGHAM, for 5 minutes, July 13.

Mr. HUNTER, for 5 minutes, July 13.

Mr. MCCAUL of Texas, for 5 minutes, July 13.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on July 1, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 120. To designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 289. To designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building."

H.R. 324. To designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building".

H.R. 504. To designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building".

H.R. 627. To designate the facility of the United States Postal Service located at 40 Putnam Avenue in Hamden, Connecticut, as the "Linda White-Epps Post Office".

H.R. 1072. To designate the facility of the United States Postal Service located at 151 West End Street in Goliad, Texas, as the "Judge Emilio Vargas Post Office Building".

H.R. 1082. To designate the facility of the United States Postal Service located at 120 East Illinois Avenue in Vinita, Oklahoma, as the "Francis C. Goodpaster Post Office Building".

H.R. 1236. To designate the facility of the United States Postal Service located at 750 4th Street in Sparks, Nevada, as the "Mayor Tony Armstrong Memorial Post Office".

H.R. 1460. To designate the facility of the United States Postal Service located at 6200 Rolling Road in Springfield, Virginia, as the "Captain Mark Stubenhofer Post Office Building".

H.R. 1524. To designate the facility of the United States Postal Service located at 12433 Antioch Road in Overland Park, Kansas, as the "Ed Eilert Post Office Building".

H.R. 1542. To designate the facility of the United States Postal Service located at 695 Pleasant Street in New Bedford, Massachusetts, as the "Honorable Judge George N. Leighton Post Office Building".

H.R. 2326. To designate the facility of the United States Postal Service located at 614 West Old County Road in Belhaven, North Carolina, as the "Floyd Lupton Post Office".

ADJOURNMENT

Mr. GINGREY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 13, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2561. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General John W. Handy, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2562. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Admiral Vernon E. Clark, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

2563. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Mark I. Fox, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

2564. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis M. McCarthy, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

2565. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting certified materials supplied to the Defense Base Closure and Realignment Commission, pursuant to Public Law 101 510, section 2903(c); to the Committee on Armed Services.

2566. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2567. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2568. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting a report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

2569. A letter from the Executive Secretary/Chief of Staff, Bureau for Global Health, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2570. A letter from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2571. A letter from the Assistant Director, Executive and Political Personnel, Department of the Air Force, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2572. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2573. A letter from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2574. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2575. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2576. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2577. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2578. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2579. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2580. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2581. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2582. A letter from the Director, Office of Human Capital Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2583. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2584. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2585. A letter from the Chief Human Capital Officer/Director, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2586. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2587. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2588. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2589. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2590. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2591. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2592. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2593. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2594. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2595. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2596. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2597. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2598. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2599. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2600. A letter from the Deputy Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2601. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2602. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2603. A letter from the Counsel to the Inspector General, General Services Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2604. A letter from the Chairman, National Labor Relations Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2605. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2606. A letter from the Administrator, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

2607. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting recommendations for modification of the flood damage reduction project at Centralia, Washington; to the Committee on Transportation and Infrastructure.

2608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric (GE) CF6-80E1 Series Turbofan Engines [Docket No. FAA-2005-21238; Directorate Identifier 2005-NE-12-AD; Amendment 39-14093; AD 2005-10-16] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747 Airplanes [Docket No. FAA-2004-19538; Directorate Identifier 2003-NM-99-AD; Amendment 39-14098; AD 2005-10-21] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, -100B, -100B SUD, -200B, -200C, -300, -400, and -400D Series Airplanes; and Model 747SR Series Airplanes [Docket No. FAA-2004-19796; Directorate Identifier 2004-NM-61-AD; Amendment 39-14095; AD 2005-10-18] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 and -300 Series Airplanes [Docket No. 2003-NM-214-AD; Amendment 39-14094; AD 2005-10-17] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-200B, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes [Docket No. FAA-2004-19532; Directorate Identifier 2004-NM-87-AD; Amendment 39-14096; AD 2005-10-19] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. FAA-2004-19998; Directorate Identifier 2004-NM-224-AD; Amendment 39-14097; AD 2005-10-20] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) 250-B17B, -B17C, -B17D, -B17E, -C20, -C20B, -C20F, C20J, -C20S, and -C20W Turboprop and Turboshaft Engines [Docket No. FAA-2004-19648; Directorate Identifier 2004-NE-31-AD; Amendment 39-14090; AD 2005-10-13] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-300, -400, and -500 Series Airplanes [Docket No. FAA-2004-19531; Directorate Identifier 2004-NM-45-AD; Amendment 39-14088; AD 2005-10-11] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R Series Airplanes, and Model C4-605R Variant F Airplanes (Collectively Called A300-600 Series Airplanes); and Model A310 Series Airplanes [Docket No. FAA-2005-20625; Directorate Identifier 2003-NM-148-AD; Amendment 39-14092; AD 2005-10-15] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Schweizer Aircraft Corporation Model 269C, C-1, and D Helicopters [Docket No. FAA-2005-21217; Directorate Identifier 2005-SW-06-AD; Amendment 39-14089; AD 2005-10-12] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS355E, F, F1, F2, and N Helicopters [Docket No. FAA-2005-20293; Directorate Identifier 2004-SW-34-AD; Amendment 39-14091; AD 2005-10-14] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F.28 Series Airplanes [Docket No. FAA-2005-20594; Directorate Identifier 2004-NM-213-AD; Amendment 39-14084; AD 2005-10-07] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20481; Directorate Identifier 2004-NM-183-AD; Amendment 39-14085; AD 2005-10-08] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. FAA-2005-20596; Directorate Identifier 2004-NM-113-AD; Amendment 39-14086; AD 2005-10-09] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2005-21204; Directorate Identifier 2005-NM-078-AD; Amendment 39-14087; AD 2005-10-10] (RIN: 2120-AA64) received May 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-400ER, 777-200, and 777-300 Series Airplanes [Docket No. FAA-2005-20026; Directorate Identifier 2004-NM-150-AD; Amendment 39-14040; AD 2005-07-16] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-19762; Directorate Identifier 2004-NM-168-AD; Amendment 39-14038; AD 2005-07-14] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2625. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. FAA-2005-20222; Directorate Identifier 2004-NM-230-AD; Amendment 39-14041; AD 2005-07-17] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2004-18997; Directorate Identifier 2004-NM-19-AD; Amendment 39-14036; AD 2005-07-12] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2627. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-300 and -400ER Series Airplanes [Docket No. FAA-2004-19989; Directorate Identifier 2004-NM-151-AD; Amendment 39-14037; AD 2005-07-13] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2628. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, -500 Series Airplanes [Docket No. FAA-2004-19003; Directorate Identifier 2003-NM-245-AD; Amendment 39-14044; AD 2005-07-19] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2629. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-600, -700, -800, and -900 Series Airplanes [Docket No. FAA-2004-19986; Directorate Identifier 2004-NM-247-AD; Amendment 39-14045; AD 2005-07-20] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2630. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. FAA-2004-19761; Directorate Identifier 2003-NM-167-AD; Amendment 39-14039; AD 2005-07-15] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2631. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model ERJ 170 Series Airplanes [Docket No. FAA-2005-20883; Directorate Identifier 2005-NM-064-AD; Amendment 39-14047; AD 2005-07-22] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2632. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-15F Airplanes Modified in Accordance With Supplemental Type Certificate (STC) SA1993SO; and Model DC-9-10, DC-9-20, DC-9-30, DC-9-40, and DC-9-50 Series Airplanes in All-Cargo Configuration, Equipped With a Main-Deck Cargo Door [Docket No. FAA-2004-18561; Directorate Identifier 2004-NM-13-AD; Amendment 39-14042; AD 2005-07-18] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2633. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; the Cessna Aircraft Company Models 208 and 208B Airplanes [Docket. No. FAA-2005-20514; Directorate Identifier 2005-CE-08-AD; Amendment 39-14025; AD 2005-07-01] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2634. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (formerly TRW Hartzell Propeller) Models HC-B3TN-2, HC-B3TN-3, HC-B3TN-5, HC-B4TN-3, HC-B4TN-5, HC-B4MN-5, and HC-B5MP-3 Turbopropellers [Docket No. 83-ANE-14-AD; Amendment 39-14043; AD 83-08-01R2] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2635. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-8E Series Turbofan Engines [Docket No. 2004-NE-06-AD; Amendment 39-14033; AD 2005-07-09] (RIN: 2120-AA64) received April 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2636. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Annual Report On Child Welfare Outcomes 2002, pursuant to Public Law 105–89, section 203(a) (111 Stat. 2127); to the Committee on Ways and Means.

2637. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "June 2005 Report to the Congress: Issues in a Modernized Medicare Program"; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 2385. A bill to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program; with amendments (Rept. 109–164). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. H.R. 3100. A bill to authorize measures to determine arms transfers by foreign countries to the People's Republic of China (Rept. 109–165). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHADEGG (for himself and Mr. TOWNS):

H.R. 3204. A bill to amend title XXVII of the Public Health Service Act to extend Federal funding for the establishment and operation of State high risk health insurance pools; to the Committee on Energy and Commerce.

By Mr. BILIRAKIS (for himself, Mr. DEAL of Georgia, Mr. BROWN of Ohio, and Mr. WAXMAN):

H.R. 3205. A bill to amend title IX of the Public Health Service Act to provide for the improvement of patient safety and to reduce the incidence of events that adversely affect patient safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCHENRY (for himself, Mr. TOWNS, Mr. GILLMOR, Mr. KING of New York, and Mr. SAM JOHNSON of Texas):

H.R. 3206. A bill to amend the Federal Credit Union Act provisions relating to any conversion of a credit union charter to a mutual savings bank or savings association charter, and for other purposes; to the Committee on Financial Services.

By Mr. FITZPATRICK of Pennsylvania:

H.R. 3207. A bill to direct the Administrator of the Small Business Administration to establish a pilot program to make grants to eligible entities for the development of peer learning opportunities for second-stage small business concerns; to the Committee on Small Business.

By Mr. JINDAL (for himself, Mr. WEINER, and Mr. SOUDER):

H.R. 3208. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that the religious status of a private nonprofit facility does not preclude the facility from receiving assistance under the Act; to the Committee on Transportation and Infrastructure.

By Mr. BRADLEY of New Hampshire:

H.R. 3209. A bill to amend title 38, United States Code, to add nasopharyngeal cancer to the statutorily prescribed presumptive diseases associated with exposure to Agent Orange during military service in Vietnam; to the Committee on Veterans' Affairs.

By Mr. BUYER:

H.R. 3210. A bill to extend the temporary suspension of duty on 3-Amino-5-mercapto-1,2,4-triazole; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3211. A bill to extend the temporary suspension of duty on g748_bromo-g748_nitrostyrene; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3212. A bill to the temporary suspension of duty on asulam sodium salt; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3213. A bill to extend the temporary suspension of duty on diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3214. A bill to extend the temporary suspension of duty on 2-Propenoic acid, polymer with diethenylbenzene; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3215. A bill to suspend temporarily the duty on ADTP; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3216. A bill to extend the temporary suspension of duty on Benfluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3217. A bill to suspend temporarily the duty on DCBTF; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3218. A bill to suspend temporarily the duty on Noviflumuron; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3219. A bill to reduce temporarily the duty on Cyhalofop; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3220. A bill to suspend temporarily the duty on parachlorobenzotrifluoride; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3221. A bill to suspend temporarily the duty on mixtures of insecticide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3222. A bill to extend the temporary suspension of duty on 2,6-Dichloro aniline; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3223. A bill to suspend temporarily the duty on a certain mixture of fungicide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3224. A bill to suspend temporarily the duty on 1,2-Benzisothiazol-3(2H)-one (9CI); to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3225. A bill to extend the temporary suspension of duty on 3, 4-Dichlorobenzonitrile; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3226. A bill to suspend temporarily the duty on Styrene, ar-ethyl-, polymer with divinylbenzene and styrene (6CI) beads with low ash; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3227. A bill to suspend temporarily the duty on 1,2-Benzisothiazol-3(2H)-one (9CI); to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3228. A bill to extend the temporary suspension of duty on DEPCT; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3229. A bill to reduce temporarily the duty on trifluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3230. A bill to extend the temporary suspension of duty on 1,2-Benzenedicarboxaldehyde; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3231. A bill to extend the temporary suspension of duty on DMDS; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3232. A bill to suspend temporarily the duty on mixtures of fungicide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3233. A bill to extend the suspension of duty on trifluralin; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3234. A bill to extend the temporary suspension of duty on 1,3-Dimethyl-2-imidazolidinone; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3235. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxyacetic acid; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3236. A bill to reduce temporarily the duty on certain mixtures of florasulam; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3237. A bill to suspend temporarily the duty on 2-Methyl-4-chlorophenoxy-acetic acid, di-methylamine salt; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3238. A bill to extend the temporary suspension of duty on isoxaben; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3239. A bill to extend the temporary suspension of duty on halofenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3240. A bill to extend the temporary suspension of duty on methoxyfenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3241. A bill to reduce temporarily the duty on myclobutanil; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3242. A bill to extend the temporary suspension of duty on propanil; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3243. A bill to extend the temporary suspension of duty on propiconazole; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3244. A bill to extend the temporary suspension of duty on quinoline; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3245. A bill to reduce temporarily the duty on fluoroxypyr; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3246. A bill to extend the temporary suspension of duty on tebufenozide; to the Committee on Ways and Means.

By Mr. BUYER:

H.R. 3247. A bill to extend the temporary suspension of duty on mixed isomers of 1,3-dichloropropene; to the Committee on Ways and Means.

By Mr. FERGUSON (for himself, Mr. LANGEVIN, Mr. TERRY, Mr. NORWOOD, Mrs. WILSON of New Mexico, and Mr. BROWN of Ohio):

H.R. 3248. A bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GOODE:

H.R. 3249. A bill to amend title II of the Social Security Act to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. GORDON (for himself, Mr. UDALL of Colorado, Mr. AL GREEN of Texas, Mr. MILLER of North Carolina, Mr. COSTELLO, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY, Mr. HONDA, Mr. DAVIS of Tennessee, Ms. JACKSON-LEE of Texas, Mr. BAIRD, Mr. MATHESON, Mr. COSTA, Mr. MOORE of Kansas, Mr. CARNAHAN, Mr. MELANCON, Mr. SHERMAN, Mr. WU, Mr. LIPINSKI, and Ms. WOOLSEY).

H.R. 3250. A bill to authorize appropriation for the National Aeronautics and Space Administration, and for other purposes; to the Committee on Science.

By Ms. HARRIS (for herself, Mr. MACK, Mr. MILLER of Florida, Mr. BILIRAKIS, Ms. GINNY BROWN-WAITE of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. FOLEY, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. SHAW, Mr. PUTNAM, Mr. CRENSHAW, Mr. STEARNS, Mr. HASTINGS of Florida, Mr. FEENEY, Ms. WASSERMAN SCHULTZ, and Mr. MEEK of Florida):

H.R. 3251. A bill to permanently prohibit the conduct of offshore drilling on the outer Continental Shelf off the State of Florida, and for other purposes; to the Committee on Resources.

By Mr. JEFFERSON (for himself, Ms. Ginny Brown-Waite of Florida, Mr. Snyder, and Mr. Boustany):

H.R. 3252. A bill to amend the definition of independent student for purposes of the need analysis in the Higher Education Act of 1965 to include older adopted students; to the Committee on Education and the Workforce.

By Mr. MENENDEZ (for himself, Mr. Owens, Mr. Grijalva, Mr. Stark, and Mr. Lipinski):

H.R. 3253. A bill to study and improve the air quality inside school buses, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Ms. Ros-Lehtinen, Mr. Brady of Pennsylvania, Ms. DeLauro, Mr. McNulty; Mr. Boustany, Mr. Rangel, Ms. Wasserman Schultz, Mr. Wexler, and Mr. Owens):

H.R. 3254. A bill to provide funding and incentives for caregiver support and long-term care assistance; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MILLER of Michigan (for herself and Mr. Souder):

H.R. 3255. A bill to direct the Secretary of Labor to update an Occupational Safety and Health Administration fire protection safety standard to incorporate the current consensus standard for fire protection for styrene cross-linked composites manufacturing; to the Committee on Education and the Workforce.

By Mr. MURPHY:

H.R. 3256. A bill to designate the facility of the United States Postal Service located at 3038 West Liberty Avenue in Pittsburgh, Pennsylvania, as the "Congressman James Grove Fulton Memorial Post Office Building"; to the Committee on Government Reform.

By Mr. OLVER:

H.R. 3257. A bill to suspend temporarily the duty on biaxially oriented polypropylene dielectric film; to the Committee on Ways and Means.

By Mr. OLVER:

H.R. 3258. A bill to suspend temporarily the duty on biaxially oriented polyethylene terephthalate dielectric film; to the Committee on Ways and Means.

By Mr. RYAN of Ohio:

H.R. 3259. A bill to amend the Higher Education Act of 1965 to establish a demonstration program to support college and university communities that wish to expand their book store services and savings for students through the creation of course material rental programs; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 3260. A bill to amend the Internal Revenue Code of 1986 to deny employers a deduction for payments of excessive compensation; to the Committee on Ways and Means.

By Mr. SERRANO (for himself, Mr. Delahunt, Mr. Grijalva, Ms. Eddie Bernice Johnson of Texas, Ms. Lee, and Mr. McDermott):

H. Con. Res. 206. Concurrent resolution expressing the sense of the Congress that the President should temporarily suspend restrictions on remittances, gift parcels, and family travel to Cuba to allow Cuban-Americans to assist their relatives in Cuba in the aftermath of Hurricane Dennis; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. Pelosi, Mr. McDermott, Mr. Lynch, Ms. Jackson-Lee of Texas, Mrs. Jones of Ohio, Mr. Lantos, Ms. Eshoo, Ms. Solis, Mr. Grijalva, Mr. Filner, Mr. Neal of Massachusetts, Mr. Bishop of Georgia, and Mr. Brady of Pennsylvania):

H. Con. Res. 207. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued depicting the Lone Sailor Memorial, located by the Golden Gate Bridge; to the Committee on Government Reform.

By Mr. HYDE (for himself and Mr. Lantos):

H. Res. 356. A resolution condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005; to the Committee on International Relations.

By Ms. GINNY BROWN-WAITE of Florida (for herself and Ms. Solis):

H. Res. 357. A resolution honoring Justice Sandra Day O'Connor; to the Committee on the Judiciary.

By Mr. FOSSELLA (for himself, Mr. Pascrell, Mr. King of New York, and Mr. McNulty):

H. Res. 358. A resolution expressing thanks to the people of the city of Rome for welcoming several million people into Rome and Vatican City during the funeral observances of Pope John Paul II in April 2005; to the Committee on International Relations.

By Mr. PRICE of Georgia:

H. Res. 359. A resolution expressing the condolences of the House of Representatives to the victims, their families and friends, and the people of the United Kingdom for the loss suffered during the terrorist attacks in London on July 7, 2005; to the Committee on International Relations.

By Mr. STEARNS (for himself, Mr. Duncan, Mr. Wilson of South Carolina, Mr. Burton of Indiana, Mr. Feeney, and Mr. Evans):

H. Res. 360. A resolution commemorating the 60th anniversary of V-J Day and the end of World War II in the Pacific; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PASTOR introduced a bill (H.R. 3261) for the relief of Luis Nava, Yuliana Huicochea, Oscar Corona, and Jaime Damian; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mr. George Miller of California.

H.R. 147: Mr. Bachus, Mr. Brady of Pennsylvania, and Mr. McCaul of Texas.

H.R. 151: Mr. Salazar.

H.R. 156: Mr. Kildee, Mr. Green of Wisconsin, Mr. Osborne, Mr. Hastings of Florida, Mr. Oberstar, Mr. Clay, Mr. Rangel, Mr. Wilson of South Carolina, and Ms. Hart.

H.R. 164: Mr. Wexler.

H.R. 197: Mr. McCotter.

H.R. 202: Mr. Waxman and Mr. Hinchey.

H.R. 215: Mr. Pickering, Mr. McGovern, Mr. Shimkus, and Mr. Shaw.

H.R. 225: Mr. Kennedy of Minnesota.

H.R. 226: Mr. Moore of Kansas.

H.R. 269: Mr. Jindal.

H.R. 281: Mr. Marshall, Mr. Westmoreland, and Mr. Kingston.

H.R. 282: Mr. Allen, Mr. Tiahrt, Mr. Schwarz of Michigan, Ms. Pryce of Ohio, Ms. Moore of Wisconsin, Mr. Gibbons, and Mr. Ruppersberger.

H.R. 301: Mr. Westmoreland.

H.R. 314: Mr. Radanovich.

H.R. 335: Mr. Fattah.

H.R. 376: Mr. Melancon, Mr. Wynn, Mr. Doggett, and Ms. Schakowsky.

H.R. 414: Mr. McGovern, Mr. Calvert, Ms. Jackson-Lee of Texas, Mr. Filner, Mr. Kennedy of Minnesota, Ms. Eshoo, and Mr. Kind.

H.R. 415: Mr. Hinojosa, Mr. Tom Davis of Virginia, Mr. Pickering, Ms. Eshoo, and Mr. English of Pennsylvania.

H.R. 445: Mr. Coble.

H.R. 466: Mr. Dent.

H.R. 478: Mr. Ackerman, Ms. Wasserman Schultz, and Ms. Linda T. Sánchez of California.

H.R. 503: Mr. Wolf.

H.R. 551: Ms. Pelosi, Mr. Rothman, and Mr. Holt.

H.R. 562: Mr. Tancredo, Ms. Watson, and Mr. Crowley.

H.R. 602: Mr. Lincoln Diaz-Balart of Florida.

H.R. 670: Mr. Smith of New Jersey.

H.R. 676: Ms. Solis.

H.R. 759: Mr. Neal of Massachusetts, Ms. Millender-McDonald, and Mr. Carnahan.

H.R. 772: Mr. Al Green of Texas, Mr. Alexander, and Mr. Wolf.

H.R. 783: Mrs. Jones of Ohio, Mr. Kanjorski, and Mr. Stark.

H.R. 822: Ms. Linda T. Sánchez of California.

H.R. 827: Mr. Shaw.

H.R. 857: Mr. Payne, Mr. Kucinich, Mr. Crowley, and Ms. Berkley.

H.R. 880: Ms. Herseth.

H.R. 910: Mr. Grijalva.

H.R. 939: Mr. Evans.

H.R. 968: Mrs. Jones of Ohio, Mr. Gibbons, Mr. Rothman, Mr. Pastor, Mr. Ackerman, and Mr. Alexander.

H.R. 997: Mr. Weldon of Pennsylvania.

H.R. 1020: Mr. Tiberi.

H.R. 1029: Mr. Berman, Mr. Ruppersberger, Mrs. Napolitano, and Mr. Reyes.

H.R. 1048: Mr. Carnahan.

H.R. 1105: Mr. Moore of Kansas.

H.R. 1124: Mr. McNulty.

H.R. 1153: Mrs. McCarthy, Mr. Ackerman, and Mr. Hinojosa.

H.R. 1155: Mr. Shays and Mr. Carnahan.

H.R. 1182: Ms. DeLauro.

H.R. 1184: Ms. DeLauro.

H.R. 1194: Ms. Bordallo.

H.R. 1229: Mr. Akin.

H.R. 1241: Mr. Davis of Kentucky and Mr. Conyers.

H.R. 1246: Mrs. Maloney, Mr. Dicks, Mr. Brady of Texas, Mr. Doyle, Mr. Honda, Mr. Brady of Pennsylvania, and Mr. Farr.

H.R. 1259: Mr. Al Green of Texas, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Clay, Mr. Rush, Mr. Thompson of Mississippi, Mr. Davis of Illinois, Ms. Norton, Mr. Jefferson, Ms. Watson, Ms. Kilpatrick of Michigan, Mr. Wynn, Ms. Moore of Wisconsin, Ms. McKinney, and Ms. Waters.

H.R. 1273: Mr. FLAKE.

H.R. 1288: Mr. WAMP, Mr. POMEROY, and Mr. COBLE.

H.R. 1298: Mr. MARCHANT, Mr. COLE of Oklahoma, Mr. JINDAL, Mr. SHAW, Mr. CARDIN, Ms. LINDA T. SÁNCHEZ of California, and Mr. STRICKLAND.

H.R. 1305: Mr. CARNAHAN.

H.R. 1335: Mr. PAYNE, Ms. ROS-LEHTINEN, and Mr. NADLER.

H. R. 1355: Mr. JENKINS.

H.R. 1376: Mr. LARSEN of Washington.

H.R. 1402: Mrs. NAPOLITANO, Mr. SULLIVAN, Mr. CARDIN, Mr. LANTOS, Mr. OWENS, Mrs. DAVIS of California, Mr. OLVER, Mr. CUMMINGS, and Mr. EMANUEL.

H.R. 1409: Mr. GRIJALVA, Mr. ACKERMAN, Mr. JACKSON of Illinois, Ms. HOOLEY, and Mr. FARR.

H.R. 1417: Mr. NUSSLE.

H.R. 1426: Mr. POMEROY.

H.R. 1431: Ms. MATSUI, Mr. LEVIN, Mr. BROWN of Ohio, and Mrs. TAUSCHER.

H.R. 1445: Mr. MCCOTTER.

H.R. 1471: Mr. WEXLER, and Ms. WOOLSEY.

H.R. 1498: Mr. DINGELL, Ms. GINNY BROWN-WAITE of Florida, and Mr. SHIMKUS.

H.R. 1505: Ms. HART.

H.R. 1508: Mr. BISHOP of New York.

H.R. 1545: Mr. STRICKLAND.

H.R. 1554: Ms. GINNY BROWN-WAITE of Florida, Mr. MOORE of Kansas, and Mr. GENE GREEN of Texas.

H.R. 1582: Ms. GINNY BROWN-WAITE of Florida.

H.R. 1588: Mrs. NAPOLITANO and Mr. DOGGETT.

H.R. 1634: Mr. PRICE of North Carolina, Mr. LANTOS, and Mr. RYAN of Ohio.

H.R. 1648: Mr. TOWNS.

H.R. 1668: Mr. ABERCROMBIE.

H.R. 1671: Mr. POMEROY.

H.R. 1704: Mr. FITZPATRICK of Pennsylvania, Mr. SCOTT of Georgia, and Mr. JACKSON of Illinois.

H.R. 1722: Mr. MCCOTTER.

H.R. 1736: Ms. CARSON, Ms. GRANGER, and Mr. WOLF.

H.R. 1748: Mr. SESSIONS.

H.R. 1814: Mr. HINCHEY.

H.R. 1816: Mr. BILIRAKIS and Mr. CONAWAY.

H.R. 1898: Mr. OTTER, Mr. HALL, Mr. INGLIS of South Carolina, and Mr. FLAKE.

H.R. 1928: Mr. SESSIONS.

H.R. 1986: Mr. INGLIS of South Carolina and Mr. MCCAUL of Texas.

H.R. 2061: Mr. RENZI, Ms. HARRIS, Mr. ROGERS of Alabama, and Mr. DAVIS of Tennessee.

H.R. 2089: Mr. SHAYS.

H.R. 2092: Ms. WATSON, Mr. DAVIS of Illinois, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. TOWNS, Mr. RUSH, Mr. LEWIS of Georgia, Mr. HONDA, Ms. MILLENDER-MCDONALD, Mr. OWENS, Mr. HINCHEY, Mrs. CHRISTENSEN, Mr. FILNER, and Mr. CUMMINGS.

H.R. 2231: Ms. ZOE LOFGREN of California, Mr. NUSSLE, Ms. BALDWIN, Mr. OLVER, Ms. LINDA T. SÁNCHEZ of California, Mr. SHAW, Mr. COSTELLO, and Mr. KING of New York.

H.R. 2317: Mr. RENZI and Mr. KING of New York.

H.R. 2338: Ms. HERSETH.

H.R. 2339: Mr. SESSIONS and Mr. ROHRABACHER.

H.R. 2355: Mr. SHAW.

H.R. 2357: Mr. PENCE.

H.R. 2389: Mr. POE and Mr. SHAW.

H.R. 2456: Mr. KUCINICH and Mr. GEORGE MILLER of California.

H.R. 2484: Mr. NUNES.

H.R. 2498: Mr. HALL, Mr. SNYDER, and Mr. GORDON.

H.R. 2500: Mr. GEORGE MILLER of California.

H.R. 2513: Mr. PENCE, Mr. GREEN of Wisconsin, and Mr. SODREL.

H.R. 2526: Mr. MCGOVERN.

H.R. 2533: Mr. ROSS.

H.R. 2564 Mr. HINOJOSA.

H.R. 2567: Mrs. MCCARTHY, Mr. DOYLE, Mr. SHAYS, Mr. WOLF, Mr. MOORE of Kansas, and Mr. EVANS.

H.R 2588: Mr. BOUCHER and Mrs. DRAKE.

H.R. 2639: Mr. WYNN and Mr. OWENS.

H.R. 2662: Mr. WYNN and Ms. LINDA T. SÁNCHEZ of California.

H.R. 2694: Mr. RUPPERSBERGER and Mr. CLAY.

H.R. 2720: Mr. UDALL of New Mexico.

H.R. 2723: Mr. STARK.

H.R. 2730: Mr. FOSSELLA, Mr. ROGERS of Michigan, and Mr. DOYLE.

H.R. 2737: Ms. SCHAKOWSKY.

H.R. 2739: Mr. FATTAH.

H.R. 2792: Mr. HINCHEY and Mr. SANDERS.

H.R. 2793: Mr. SHUSTER, Mr. ROGERS of Michigan, Mr. MCGOVERN, Mr. FOSSELLA, and Mr. NEY.

H.R. 2815: Mr. SALAZAR.

H.R. 2830: Mr. CALVERT and Mr. WESTMORELAND.

H.R. 2835: Mr. BOUCHER.

H.R. 2859: Mr. SCHWARZ of Michigan.

H.R. 2872: Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. ALLEN, Mr. SABO, Mr. MCCOTTER, Mr. ENGLISH of Pennsylvania, Mr. RAHALL, Mr. KANJORSKI, Mr. MORAN of Virginia, Mr. WAXMAN, Mr. EVANS, Mr. HONDA, and Mrs. NAPOLITANO.

H.R. 2874: Mr. CROWLEY and Mr. PAYNE.

H.R. 2876: Mr. WILSON of South Carolina, Mr. AL GREEN of Texas, Mr. MORAN OF KANSAS, MR. ANDREWS, Mr. ROTHMAN, Mr. LEVIN, Mr. HOLT, Mr. BRADLEY of New Hampshire, Mr. MOLLOHAN, Mr. KIND, and Mr. KIRK.

H.R. 2877: Mr. MOORE of Kansas and Mr. STARK.

H.R. 2892: Mr. GERLACH.

H.R. 2926: Mr. CROWLEY.

H.R. 2947: Mrs. EMERSON, Ms. LINDA T. SÁNCHEZ of California, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, and Mr. CONYERS.

H.R. 2962: Ms. BORDALLO and Mr. REYES.

H.R. 2989: Mr. MCCOTTER, Mr. GALLEGLY, Mr. ABERCROMBIE, Mr. SMITH of New Jersey, Mr. GORDON, Ms. ZOE LOFGREN of California, and Mr. MOORE of Kansas.

H.R. 3037: Mr. FRANK of Massachusetts.

H.R. 3050: Mr. MARSHALL.

H.R. 3081: Mr. COSTELLO.

H.R. 3095: Mr. TANCREDO, Mr. ROHRABACHER, and Mr. JONES of North Carolina.

H.R. 3111: Mr. GOODE.

H.R. 3135: Mr. TAYLOR of Mississippi, Mr. SHAYS, and Mr. HALL.

H.R. 3143: Mr. PAUL.

H.R. 3146: Mr. WALSH and Mr. JINDAL.

H.R. 3147: Mr. MURPHY.

H.R. 3157: Mr. MCCOTTER and Mr. RYAN of Ohio.

H.R. 3160: Mr. MURPHY and Ms. ROYBAL-ALLARD.

H.R. 3186: Mrs. MCCARTHY.

H.R. 3196: Mrs. MCCARTHY.

H.J. Res. 53: Mr. PAUL.

H. Con. Res. 38: Mr. VAN HOLLEN and Mr. OWENS.

H. Con. Res. 40: Mr. MOORE of Kansas.

H. Con. Res. 55: Mrs. JONES of Ohio.

H. Con. Res. 59: Mr. DINGELL, Mr. ENGEL, Ms. HERSETH, Ms. NORTON, Mr. PAYNE, Mr. SNYDER, and Mr. MOORE of Kansas.

H. Con. Res. 128: Ms. LORETTA SANCHEZ of California.

H., Con. Res. 137: Mr. MCNULTY.

H. Con. Res. 138: Mr. HIGGINS.

H. Con. Res. 140: Mr. KENNEDY of Minnesota.

H. Con. Res. 157: Mrs. MALONEY, Mr. NEAL of Massachusetts, Mr. WYNN, Ms. SCHWARTZ of Pennsylvania, Mr. KUCINICH, Mr. UDALL of Colorado, Mr. BOSWELL, Mr. KIRK, Mr. LARSEN of Washington, Ms. KAPTUR, Mr. ALEXANDER, Mr. MENENDEZ, and Mrs. LOWEY.

H. Con. Res. 170: Mr. BUYER.

H. Con. Res. 172: Mr. HINOJOSA, Mr. PALLONE, and Mr. NEAL of Massachusetts.

H. Con. Res. 197: Mr. THOMPSON of Mississippi and Mr. PALLONE.

H. Con. Res. 201: Mr. SNYDER and Mr. WILSON of South Carolina.

H. Res. 76: Ms. WASSERMAN SCHULTZ.

H. Res. 116: Mr. HINCHEY.

H. Res. 189: Mr. KENNEDY of Minnesota.

H. Res. 288: Mr. COLE of Oklahoma and Ms. SCHAKOWSKY.

H. Res. 289, Mr. WAXMAN, Mr. BRADY of Pennsylvania, Mr. MCINTYRE, Mr. SMITH of Washington, Mr. KENNEDY of Rhode Island, Ms. SOLIS, and Mr. GENE GREEN of Texas.

H. Res. 325: Mrs. LOWEY.

H. Res. 332: Mr. ALLEN.

H. Res. 347: Mr. CAPUANO, Mr. SERRANO, Mr. SCOTT of Georgia, Mr. WATT, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, and Mr. DAVIS of Alabama.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2567: Ms. SCHAKOWSKY.

EXTENSIONS OF REMARKS

IN RECOGNITION OF JOE PLASKAS ON HIS INDUCTION INTO THE NORTHERN ILLINOIS UNIVERSITY HALL OF FAME

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. HASTERT. Mr. Speaker, I rise today to congratulate Joe Plaskas on his upcoming induction into the Northern Illinois University Hall of Fame on October 14, 2005.

A native of Oswego, Illinois, Joe started his athletic career at Oswego High School as a 3-year letter winner in both football and baseball. Joe's love for sports continued after his playing years as a long-time football and baseball coach at Barrington High School in Barrington, Illinois. Through coaching, Joe was able to instill the same values of hard work, dedication and discipline he displayed to the many students he guided as a teacher and coach.

During his college career at Northern Illinois University (NIU), Joe earned eight letters as an outstanding two sport athlete in football and baseball, earning First-Team All-Interstate Intercollegiate Athletic Conference (IIAC) honors in both sports.

As a fullback at NIU, Joe powered his way through defenses, leading the Huskies in rushing in the 1958 and 1959 campaigns. In his final season, Joe helped lead the Huskies to a 7–2 record and second place finish in the IIAC, earning National Association of Intercollegiate Athletics All-America Honorable Mention and First-Team All-IIAC honors. He also earned a place on the Fourth-Team Peoria Journal Star All-State team in 1959.

Currently ranked No. 22 on the all-time NIU rushing list with 1,315 career yards, Joe not only rewrote school records set by Hall of Famers before him, but held that standard for five more seasons until 1964.

On the diamond, Joe performed with equal passion and excellence. At the plate, Joe led the league in batting with a .455 average as a sophomore and won First-Team All-IIAC honors as a pitcher.

Once again, congratulations Joe on your many successes on and off the field.

IN RECOGNITION OF GENE SPARLING

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. ROSS. Mr. Speaker, I rise today to recognize Gene Sparling of Garland County, Arkansas, who recently rediscovered the ivory-billed woodpecker in the Big Woods area of Arkansas. North America's largest woodpecker, often called the "Lord God Bird," was last spotted in 1944 and thought to be extinct.

Mr. Sparling has sought out wild and natural wonders throughout his life, exploring Mexico's Baja Peninsula, the Rocky Mountains, and Arkansas's own Ozark and Ouachita Mountains. In 2003, Mr. Sparling began exploring Big Woods of Arkansas through the Cache River National Wildlife Refuge by way of kayak and observed the ivory-billed woodpecker.

Since the search began in March 2004, there have been over a dozen sightings of the ivory-billed woodpecker by experts in the Big Woods of Arkansas's Mississippi Delta. The ivory-billed woodpecker, valued for its plumage and sought after by American Indians as magical, has birdwatchers and environmentalists around the world rejoicing.

I am honored to recognize Mr. Sparling, and extend my sincere gratitude for his incredible discovery of the once thought extinct ivory-billed woodpecker. Mr. Sparling is an inspiration to us all, and I consider it a privilege to serve as his United States Congressman in the House of Representatives.

PERSONAL EXPLANATION

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. NEUGEBAUER. Mr. Speaker, I was unable to return to Washington, DC, in time for votes on Monday, July 11, due to official congressional business in Texas. I testified yesterday, before the Base Realignment and Closure, BRAC, Commission meeting in San Antonio in support of Dyess Air Force Base which is located in my congressional district. As a result, I missed rollcall votes Nos. 363 and 364. Had I been present I would have voted "aye" on both votes:

Rollcall vote No. 363: H. Con. Res. 168—Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights; and

Rollcall vote No. 364: H. Res. 333—Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan.

PERSONAL EXPLANATION

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, yesterday I missed rollcall vote Nos. 363 and 364. Had I been present, I would have voted "aye" for both.

REAR ADMIRAL DENNIS DWYER

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MURTHA. Mr. Speaker, I rise today to recognize an outstanding naval officer, Rear Admiral Dennis Dwyer, who hails from Philadelphia, Pennsylvania. Admiral Dwyer has served with considerable distinction and dedication for the past 32 years, and I would like to thank him for his service and many contributions to the defense of our great Nation.

On July 29th, RADM Dwyer will retire from the Navy after 32 years of active duty, and will leave command of the Navy's Program Executive Office for Aircraft Carriers here in Washington, DC.

During his tenure as Commander of the Navy's Aircraft Carrier Programs, Admiral Dwyer was responsible for the delivery of the USS *Ronald Reagan* (CVN 76), the complex nuclear refueling overhaul on USS *Dwight D. Eisenhower* (CVN 69) and the development of the "6 plus 2" aircraft carrier surge plan now considered the centerpiece and backbone of the U.S. Navy's Strike Warfare Operations Plan.

As Life Cycle Manager for the entire Carrier Fleet, Rear Admiral Dwyer significantly increased the material readiness of the Force. In 2003, as a result of this increased posture, the United States was able to surge eight aircraft carriers, on short notice, to conduct combat operations in support of Operation Iraqi Freedom. In 2004, the Fleet was again able to simultaneously surge seven aircraft carriers world-wide for Exercise Summer Pulse, once again demonstrating the Navy's ability to execute the new Fleet Response Plan engagement strategy. This high state of combat readiness would not have been possible without Rear Admiral Dwyer's improvization of a brillant Class Action Maintenance Plan.

However, his most enduring legacy will certainly be the strategic vision and hands-on leadership he provided throughout the concept and detailed design process of the CVN–21 Class of Future Aircraft Carriers. This new class of ships was developed utilizing revolutionary aircraft carrier designs and advanced computer modeling techniques. He relentlessly drove future technologies forward, established and led the largest government and industry ship design team ever assembled, and created a world class modeling environment that significantly reduced design costs throughout the life cycle of this next generation of Aircraft Carriers.

Mr. Speaker, I am extremely proud to offer my personal gratitude to Admiral Dwyer and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his wife Eva for their honorable and faithful service to our Nation, and I urge my fellow Colleagues to wish them continued success and the traditional Naval blessing of "Fair Winds and Following Seas" as he closes out a very distinguished military career.

IN LASTING MEMORY OF JOHN W. PARKERSON

HON. MIKE ROSS

OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 12, 2005

Mr. ROSS. Mr. Speaker, I rise today in honor of the life and legacy of John W. Parkerson, who passed away at the age of 59 in Hot Springs, Arkansas on April 21, 2005. John was born on October 18, 1945 in Paragould, Arkansas, in the hills of Greene County. John distinguished himself as a husband, father, grandfather, lawyer, and legislator.

A graduate of Hot Springs High School, John considered Hot Springs home and was driven by the ideal of improving the lives of the citizens of Garland County. After graduating from Hendrix College, John attended the University of Arkansas Law School and graduated in 1971. John was extremely active in the Hot Springs community, including the Arkansas Bar Association, the Arkansas Game and Fish Foundation Board, Abilities Unlimited, and the Hot Springs Rotary Club. Additionally, he became the first Garland County Small Claims Court Judge and was a member of the Garland County Community College Board of Trustees.

John spent 12 years in the Arkansas Legislature and once ran for the United States House of Representatives, commenting the best part of politics was the people it gave you the opportunity to meet. John led a life of public service and dedication in every endeavor he undertook and will always be remembered for his tremendous devotion to Arkansas.

John truly led an exemplary life. My deepest sympathies go out to his wife Sanda, his son Christopher Parkerson and daughter-in-law Kim, and son Ben Parkerson, and his grandchildren.

ON THE PASSING OF CLIFFORD W. BARNHART

HON. JEFF MILLER

OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 12, 2005

Mr. MILLER of Florida. Mr. Speaker, it is with great sadness that I rise today to recognize the passing of Clifford W. Barnhart. Mr. Barnhart had a tremendous impact in my district over his tenure as editor of the Pensacola News Journal and as an appointed Escambia County Commissioner.

A native of New Alexandria, PA who began his career in Pittsburgh, he was already a seasoned newspaper man when he arrived in Pensacola. Not only was he respected for his business acumen, but he was also admired for his service to community, whether in the form of supporting local sporting events for youngsters or making sure that readers were always well informed. When Hurricane Frederic, a dangerous Category 3 storm hit the Gulf Coast in 1979, Mr. Barnhart managed to get the paper on the street the very next morning.

When Governor Jeb Bush needed to replace four elected county commissioners who had been removed from office because of scandal, Mr. Barnhart was one of the people that he knew could be trusted to restore integrity to the position. Even though he had been retired from the Pensacola News Journal for 18 years, Mr. Barnhart gladly stepped forward to serve his community.

My prayers go out to Clifford's wife Zee, his son Scott Barnhart, his daughters Bonnie Mae Barnhart and Sue Glenn, and all others who mourn the loss of this great man. He loved his family as they loved him, and his loss will have a vast impact on so many.

Mr. Speaker, on behalf of the United States Congress, it is with no small amount of sorrow that I tell of the passing of Clifford Barnhart from this world, and his family is in my thoughts and prayers.

PERSONAL EXPLANATION

HON. MIKE ROGERS

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 12, 2005

Mr. ROGERS of Michigan. Mr. Speaker, on the legislative day of June 16, 2005 the House voted on an amendment to H.R. 2862, the Fiscal 2006 Commerce-Justice-Science Appropriations Act. On House rollcall vote #261, I was unavoidably detained. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 12, 2005

Mr. GALLEGLY. Mr. Speaker, on Monday, July 11, 2005 I was unable to vote on a motion to suspend the rules and agree to H. Con. Res. 168, Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights (rollcall 363); and H. Res. 333, Supporting the goals and ideals of a National Weekend of Prayer and Refection for Darfur, Sudan (rollcall 364). Had I been present, I would have voted "yea" on both measures.

IN LASTING MEMORY OF DANIEL R. KINLEY

HON. MIKE ROSS

OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 12, 2005

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Daniel R. Kinley who passed away at the age of 46 on June 12, 2005, in Chicot County, Arkansas. Danny was born on March 14, 1959, in Wichita, Kansas. Danny distinguished himself as a terrific father, loving husband, and community hero.

Danny, a member of Parkview Baptist Church, was a firefighter for the El Dorado Fire Department for 11 years, eventually earning the distinguished rank of Captain. Day after day, Danny risked his life in the pursuit of saving others. There is no greater civil service, no job more commendable than that of a firefighter.

I extend my deepest sympathies to Danny's family. My thoughts and prayers are with his wife Leslie; their son Braxton; their daughters Heather and Devan; mother and stepfather Maureen and Fred Buchanan; his brother Bryan Taylor of Little Rock; and his two sisters Karen and Tanya.

INTRODUCTION OF THE HEALTHY SCHOOL BUS ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 12, 2005

Mr. MENENDEZ. Mr. Speaker, today I am pleased to be joined by several of my colleagues in introducing the Healthy School Bus Act, which calls attention to a serious but overlooked health threat that our children face every day that they ride to school in a bus.

Congress passed the Clean Air Act and subsequent amendments because we recognized the tremendous health risks of breathing polluted air. Children are particularly at risk because their lungs are still developing and they breathe more air per pound of body weight than adults do. Nearly 4.5 million American children suffer from asthma, and air pollution is believed to be a serious contributing factor in asthma attacks, bronchitis, and emergency room visits.

One of the most insidious forms of air pollution is diesel exhaust, which contains over 40 potential carcinogens, as well as fine soot particles that can get lodged deep in the lung. The Clean Air Task Force recently released a report which found that fine particle pollution shortens the lives of nearly 21,000 people each year, and leads to lung cancer, heart attacks, and asthma attacks. For New Jersey's children alone, the report linked diesel pollution to over 540 emergency room visits due to asthma and nearly 1,300 cases of acute bronchitis each year.

Although school buses are far and away the safest way for children to travel to school, the diesel exhaust from school buses puts our children at unnecessary risk. A number of programs already exist to try to cut down our children's exposure to school bus exhaust, such as New Jersey's "Stop the Soot" initiative to reduce bus idling, and the Environmental Protection Agency's Clean School Bus campaign, which provides grants for school districts to purchase new, cleaner buses, or to retrofit old buses with pollution control equipment.

These programs are doing an excellent job reducing the amount of pollution our children are exposed to while they're waiting for the bus or just playing outside. But some recent studies have made it clear that our children have more to worry about inside a school bus than just who to sit next to. Researchers from Yale University, the University of Connecticut, the University of California, and Purdue University have found that the concentration of air pollution inside school buses can in some cases be far higher than outside the bus. And the evidence suggests most of the pollution is coming from the bus's own exhaust. One study published in March of this year suggests that in some cases the amount of exhaust inhaled by children on a school bus is greater than the amount of that bus' exhaust inhaled by all other people in a metropolitan area.

We know a lot about how to control emissions from the tailpipe. But we don't know a lot about how to control emissions inside the bus. We don't know how the pollution gets into the bus, and we don't know the best ways to stop it. That's why I'm introducing this legislation, which will direct EPA to do a comprehensive study of air quality inside school buses, and come up with the most effective strategies for keeping the pollution out. This bill also greatly increases the authorization level of EPA's Clean School Bus program, and makes sure that school districts can use grant money from that program to implement the strategies that fight in-bus pollution.

Mr. Speaker, this bill calls attention to an overlooked aspect of our fight for clean air, and it is targeted at those people who are most vulnerable to air pollution—our children. It creates no new requirements on school districts or municipalities; it simply gives them the tools necessary to make their school buses as healthy for children as possible. I ask my colleagues to join in me supporting this legislation, because dirt in a school bus should mean mud in the aisles, and not soot in the air.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. LEE. Mr. Speaker, on July 11, 2005, I missed rollcall votes Nos. 363 and 364. Had I been present, I would have voted "aye" on H. Con. Res. 168 and H. Res. 333.

PERSONAL EXPLANATION

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. WESTMORELAND. Mr. Speaker, on Wednesday, June 29, and Thursday, June 30, I was attending a hearing of the Base Realignment and Closure Commission in the state of Georgia regarding the proposed base closures and realignments for the southeastern states. I had the opportunity to testify on the importance of bases in Georgia, and particularly how vital Fort Benning is to my district and to our national security.

Due to my efforts in fighting for bases in the state of Georgia, I was unable to vote on some of the amendments proposed to the Transportation, Treasury, Housing and Urban Development FY06 Appropriations legislation (H.R. 3058).

On the amendment of Mr. KING of Iowa, rollcall Vote No. 341, had I been present, I would have voted "no."

On the amendment of Ms. HERSETH of South Dakota, rollcall Vote No. 342, had I been present, I would have voted "no."

On the amendment of Ms. HOOLEY of Oregon, rollcall Vote No. 343, had I been present, I would have "no."

On the amendment of Mr. SOUDER of Indiana, rollcall Vote No. 344, had I been present, I would have voted yes.

On the amendment of Mr. DAVIS of Florida, rollcall Vote No. 345, had I been present, I would have voted "no."

On the amendment of Ms. LEE of California, rollcall Vote No. 346, had I been present, I would have voted "no."

On the amendment of Mr. SANDERS of Vermont, rollcall Vote No. 347, had I been present, I would have voted "no."

On the amendment of Mr. RANGEL of New York, rollcall Vote No. 348, had I been present, I would have voted "no."

On the amendment of Mr. SOUDER of Indiana, rollcall Vote No. 349, had I been present, I would have voted "yes." I strongly support Second Amendment rights, and the ensuring that the people have the right to personal protection. I strongly support allowing the people of the District of Columbia to defend themselves, and the crime prevention results it will bring. I applaud Mr. SOUDER for bringing this amendment, and its passage will be helpful to the people of the District.

On the amendment of Mr. GARRETT of New Jersey, rollcall Vote No. 350, had I been present, I would have voted "yes."

On the amendment of Ms. DELAURO of Connecticut, rollcall Vote No. 351, had I been present, I would have voted "no."

PERSONAL EXPLANATION

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, on Monday, July 11, on account of district business I was absent for votes on roll call numbers 363 and 364. Had I been present, I would have voted "yea" on both.

INTRODUCTION OF THE CAREGIVER ASSISTANCE AND RELIEF EFFORT (CARE) ACT, LEGISLATION PROVIDING CAREGIVER ASSISTANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to introduce The Caregiver Assistance and Relief Effort (CARE) Act. This bill addresses the needs of families that are making sacrifices to care for their loved ones by making long-term care more affordable. It would provide tax credits to those caring for ailing family members and loved ones, and encourage individuals to plan and invest in their own long-term care by offering a tax deduction for long-term care insurance. In addition, it would double the funding for the existing National Family Caregiver Support Program, which supports a wide range of important services for older persons.

There are an estimated 44.4 million caregivers in the U.S., which is 21 percent of the adult population. My home state of New Jersey has over 830,000 caregivers, ranking it 9th in the country. To respond to the needs of our country and my state, I am introducing legislation that will help all American families and all New Jersey families afford to provide the care that their loved ones need and deserve.

As the father of college-age children and the son of a mother with Alzheimer's, I understand first-hand the challenges of putting children through college while providing long-term care for a loved one. Caregiving families face unique strains. They are burdened with additional costs and often caregivers must sacrifice their job or cut back on their hours at work. Almost 6 in 10 caregivers either work or have worked while providing care and 62 percent of caregivers report having had to make work-related adjustments ranging from going in late and leaving early to having to give up work entirely. Their compassion, dedication, and selflessness come at a price. This legislation is aimed at addressing their hard work and sacrifice.

The challenge of caring for our aging population will only increase as the baby boom generation grows older and our life expectancy increases. We need to work now to address the challenges of providing affordable long-term care, encourage future retirees to plan for their own long-term care, and strengthen our existing programs to address this growing need. Please join me in supporting this legislation and helping all families afford to care for the ones they love.

HONORING THE 15TH ANNIVERSARY OF THE BOBBY MITCHELL HALL OF FAME CLASSIC

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to commemorate the 15th anniversary of the Bobby Mitchell Hall of Fame Classic, held in Loudoun County, Virginia.

The Bobby Mitchell Hall of Fame Classic is a golf tournament that benefits the Leukemia and Lymphoma Society. Since 1990, Bobby Mitchell and other Hall of Famers have donated their time every year to help raise needed funds to find a cure for leukemia and blood-related cancers such as lymphoma and myeloma.

Since retiring from professional football after a successful 11-year career, Bobby Mitchell has dedicated his time to achieving his goal of defeating leukemia. Mitchell was traded by the Cleveland Browns to the Washington Redskins for Ernie Davis, a Heisman Trophy winner. Unfortunately Davis was diagnosed with leukemia and died at age 23, never getting the chance to play a game of professional football. Davis' heartbreaking death motivated Mitchell to take up the cause and find a cure for the disease.

This tournament is the nation's largest annual hall of fame reunion with more that 40 pro football and basketball legends present. Funds are generated by donations made through spectators, raffles and other contests. Mitchell and the fellow hall of fame participants are aiming to cross the $4 million threshold in funds raised for the charity. Funds from the tournament are donated to the Leukemia and Lymphoma Society

Mr. Speaker, in closing, I would like to commend and congratulate the Bobby Mitchell Hall of Fame Classic on 15 years of success. It has helped many lives, truly meriting recognition. I call upon my colleagues to join me in applauding Bobby Mitchell and the Hall of Famers' past accomplishments and in wishing them continued success in the many years to come.

HONORING THE RETIREMENT OF LAKOTA SUPERINTENDENT KATHLEEN KLINK

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BOEHNER. Mr. Speaker, today I stand before you to recognize the retirement of Mrs. Kathleen Klink, Superintendent for the Lakota Local School District, and to express my appreciation for her dedication and commitment to education. For more than forty years, Mrs. Klink contributed her talents to the educational field, and for this, I offer her my utmost congratulations and thanks for her efforts.

After graduating from the University of Heidelberg in Germany, receiving a masters in education from the University of Virginia and a post graduate degree from Miami University in Oxford, Ohio, Mrs. Klink began teaching in the Hamilton City Schools. From there, she traveled to Lewiston, Maine, Charlottesville, Virginia, and Wright State University in Dayton, until she arrived in the Lakota School District. Her extensive teaching career, in which she specialized in English, German, and Counseling Psychology, provided her with valuable experience and expertise. In 1981, Mrs. Klink became Assistant Principal at Lakota High School where she served for two years until taking over as Assistant Superintendent. Then, in 1994, Mrs. Klink advanced to Superintendent where she remained until her recent retirement.

Throughout her professional career, Mrs. Klink received substantial recognition for her work including being named as the Ohio Superintendent of the Year, the Sam Walton Business Leader for Southeastern Butler County, and the Buckeye Association of School Administrators Exemplary Education Leader. Furthermore, she attended the Harvard Institute for School Leadership, the Ohio School Leadership Institute, and the Michael Fullan Leadership Seminar through the University of Toronto.

Mrs. Klink's participation in numerous professional organizations, as well as her devoted service to community positions, exemplifies the strength of her leadership. For example, Mrs. Klink served on the West Chester Chamber Alliance Board of Directors, the Fitton Center for the Arts Board of Directors, and the Executive Board for the University of Cincinnati's Center for Economic Education. In addition, she is involved in the Ohio Association of Local School Superintendents, the Phi Delta Kappa Educational Society, and the American Association of School Administrators. Mrs. Klink's long list of publicized articles and also her guest presentations at the University of Cincinnati, Xavier University, Miami University, and Mt. St. Joseph College showcase her commitment to educational success.

Mrs. Klink, I offer my congratulations and gratitude for your long and successful career in the field of education. I wish you well in your future endeavors, and I hope you continue to achieve happiness and success wherever your life journey chooses to lead you throughout your retirement.

RESTORING AN OBLIGATION OF CITIZENSHIP

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, I rise today to draw our attention to the most important obligation of citizens in a democracy and to illuminate the discomfort of many Americans to the elimination of that obligation. I speak about the right to vote—the cornerstone of every democratic system of government, particularly ours.

Democracies are based on the principle that their citizens participate actively in the decision-making processes of the government. Whether in small communities or throughout the vast expanse of the Nation, citizens cast ballots to express their preferences and choices for the direction of the country and to determine the policies and leaders that will be implemented throughout the Nation. The voice of each and every citizen is expressed equally through their ballot and their ability to cast a ballot. Generations of Americans have fought and died to guarantee that all Americans share in this right and obligation.

Unfortunately, today we still face the predicament that millions of American citizens are denied their right to vote. They are denied the ability to influence policy, policymakers, political leaders, and the direction of the country that they belong to. Millions of American citizens who have been convicted of crimes in the past are denied the ability to cast ballots in elections. Regardless of the nature of their crime or any rehabilitation that may have occurred, these ex-felons cannot participate in the decision-making process of this great Nation.

Though they have served their time, fulfilled their sentence, and paid back their debt to society, millions of ex-felons continue to be punished for their past criminal records. Those who turned a corner in their life and fled the criminal path can never again fulfill the most important obligation of citizenship—voting. They remain on the outside looking in at our political system. They want, they deserve, the right to be re-integrated as full citizens into our system. Yet, the system stands firmly in their way, stripping them of their right to vote.

I bring this issue to the attention of the House of Representatives with the hope that this Congress will take the important steps of fulfilling the promises of democracy. I hope that the House of Representatives would take action to restore the right to vote to American ex-felons. They have paid their debts to society and we should permit their participation in our democratic process. Too many Americans fought and died for this right to vote and too many today are denied the ability to exercise their rights.

I submit for the RECORD a Carib News article providing further evidence and argument for our consideration. Progress is being made on the restoration of rights to ex-felons, but immediate action is needed by this Congress.

[July 5, 2005]

PROGRESS IN RESTORING FELONS' RIGHT TO VOTE

Following victory in Iowa, where the Governor recently announced that he would reverse his state's lifetime ban on felon voting, advocates for restoring felons' right to vote expressed optimism that progress was being made in rolling back laws that disproportionately affect blacks and other minorities.

According to Catherine Weiss, a lawyer with the Brennan Center for Justice at New York University, felony disenfranchisement laws represent the last vestiges of Jim Crow that disenfranchise African Americans. As of 2000, almost 5 million Americans couldn't vote because of laws that restrict those convicted of a felony from casting ballots; four in 10 of those disenfranchised were black.

The full 2nd U.S. Circuit Court of Appeals in New York is also expected to hear arguments in cases brought by two prisoners who claim that the 1965 Voting Rights Act, which removed barriers to black voters, should be used to argue that the felony laws are unfair. Forty-eight states restrict voting rights for felons while they are behind bars or serving parole or probation. Four states—Alabama, Florida, Kentucky, and Virginia—ban voting for life on the grounds that such restrictions are justified. In 2001, New Mexico lifted a lifetime ban, and Nebraska followed suit in March. In several states, felons can now apply to have their voting rights restored.

The issue of disenfranchisement escalated in Florida after the 2000 presidential election, which was decided by fewer than 600 votes there. With more than 820,000 felons who could not vote as of 2000, Florida is said to have the largest disenfranchised population of any state.

One driving force behind efforts to roll back disenfranchisement laws is the nation's swelling prison population. Though crime rates have fallen the prison population soared to 2.1 million by June 2004, according to figures compiled by the Justice Department. In 1970, that number was about 200,000.

According to Theodore M. Shaw, president of the NAACP Legal Defense and Education Fund, who will present arguments in the

New York cases, "As the numbers of prisoners have grown, more awareness of the injustice of it has also grown."

With 13 percent of all black men barred from voting because of disenfranchisement laws, advocates contend that many have become disengaged since felons also face prohibitions in other areas of life, such as living in public housing, obtaining identification cards, and getting student loans.

On June 22, in the shadow of the U.S. Federal Courthouse in Foley Square, standing before the African Burial Ground Memorial Sculpture, New Yorkers representing persons who have a felony conviction stood in silent protest to demand the full restoration of voting rights to the formerly incarcerated

In recognition of a historic en banc hearing in the cases of Hayden v. Pataki and Muntaqim v. Coombe, the silent protest was conducted as the Nation recognized the 40th anniversary of the passage and President Lyndon B. Johnson's signing of the Voting Rights Act of 1965. The landmark legislation extended voting rights confirmed in the 15th Amendment of the U.S. Constitution to disenfranchised blacks in southern states. The Act has since been reauthorized and its protections extended to language minorities and northern jurisdictions with a history of vote dilution, voter intimidation, and discriminatory polling practices.

The silent protest was staged to symbolically represent citizens, who for no other reason than having been incarcerated for felony offenses have been denied their voting rights while still being expected to fulfill all other obligations of citizenship, including paying taxes.

THANKING MR. RICK CHESSER

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. SHAW. Mr. Speaker, I rise today to thank Mr. Rick Chesser for his 35 years of support and dedication to the State of Florida as an employee of the Florida Department of Transportation. Rick has decided to retire from public services, yet at the time of his departure, he was the longest serving District Secretary with 17 years of service to District 4, which encompasses Broward, Palm Beach, Martin, St. Lucie, and Indian River counties.

Throughout his 17 years with the Florida Department of Transportation, Rick has compiled a lasting legacy. Under his watch, the district received much needed funding and he opened constructive dialogue between the district, the public and local elected officials. It should also be highlighted that within District 4, Rick allocated numerous hours to ensure mobility of constituents while simultaneously keeping the best results for the environment and quality of life at heart.

In particular, Rick's commitment to South Florida's public transportation system was never more evident when he served as project director for Interstate 595. Through this project, the Port Everglades Expressway was created, Interstate 75 was constructed, and Interstate 95 was widened in two of the five counties within his district. From there, funding was received for a tri-county rail system providing even greater accessibility for South Florida commuters.

As construction progressed with these numerous projects, Rick ensured the attractiveness of the land by providing District 4 the highest level of amenities in the state for landscaping, paver blocks, and decorative lighting. He also worked with individual cities to assist them in development plans that would shift with population growth.

Mr. Speaker, Rick Chesser's work for the State of Florida and that of District 4 will not be forgotten. Rick has made great strides in the development of various areas to raise the morale and the quality of life for all residents. We are indebted to him and to his service for the past 35 years. My staff and I wish him all the best in his retirement.

THE NEED FOR CULTURAL SENSITIVITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, today I come before this chamber to be heard on an issue of deep importance to U.S. and Mexican relations. It is a concern that to many seems trivial but which in reality represents an important aspect of the cultural relationship and respect that exists between our two nations.

I speak of the stamp intending to honor the comic strip Memin Pinguin. The decision to draw attention and promote this character that would be recognized by those in the international community as racist is an act of gross insensitivity on the part of the Mexican government. In this global day and age, the Mexican authorities should have been aware of the negative international impact of this characterization of the Negro race in grotesque imagery associated with the vilest forms of racism. They should have realized that the depiction of a childish apelike cartoon intended to draw attention to racial stereotypes would be seen as racist. They should have understood that the postage stamp would be seen as a reflection of the beliefs of Mexico and that to pay honor to a character that would signal tolerance with racism is disgraceful.

While President Fox has defended this insulting portrayal as simply cultural differences, he must also understand the cultural message his government is sending to the rest of the world. Clearly, African-Americans and other African and Afro-descendant populations would see the uplifting of a black cartoon character, with monkey-like lips and head and a childish demeanor, as an attempt to malign them. At a time when the world is becoming increasingly interdependent, President Fox's government has decided to insult an entire race of humans—a race that has long suffered discrimination, insult, and abuse. Rather than highlight for the international community and the Mexican people a rich heritage of understanding and harmony, the Mexican government has chosen a symbol of offense and smear.

Yes, we should be aware of the cultural differences that exist between the people of our two countries, but that awareness requires efforts from both sides. In this Congress and past congresses, I and members of the Congressional Black Caucus have worked to erase the elements of racism that exist towards Mexicans, Hispanics, African-Americans, and Blacks. We have reached out in the spirit of cooperation and harmony to our friends in the Congressional Hispanic Caucus to fight against discrimination and discord between our people. We have pursued policies and positions that call on our leaders to decry stereotypical comments that appeal to our most basic emotions. We have united to condemn characterizations and caricatures intended to offend, defame, or marginalize our people, our race, and our community.

In the last month alone, I have been joined by a number of my colleagues in supporting an resolution to draw attention to the challenges and struggles of Afro-descendant populations in Latin America and the Caribbean. We introduced this resolution because too often the international community and the governments of Latin America and the Caribbean ignore, marginalize, and dehumanize the descendants of the transatlantic slave trade. Throughout the region, Afro-descendant populations have the lowest standards of living, the highest rates of illiteracy, the poorest standards of health care, the smallest per capita incomes, and the least amount of access to the political, social, and economic levers of power and opportunity.

It was surprising to me that, the week after the House International Relations Committee favorably marked up this resolution to recognize and support Afro-Latino and Afro-Caribbean populations, the government of Mexico would issue a postal stamp honoring an apelike depiction of Afro-Mexicans. It was deplorable that the Mexican government would produce stamps that would remind Americans—white and black—of the humiliation and degradation of Sambo and Aunt Jemima. It is insulting that President Fox would defend the publication of this stamp as an example of our cultural misunderstandings, despite the call of the Asociacion Mexico Negro—a Mexican-based group representing the interests of over 50,000 blacks—for the recall of the stamps.

This is not simply an example of cultural differences. Afro-Mexicans deplore the comparison of being described as apelike and childlike, just as much as African-Americans. To say that it is acceptable to depict an entire race of people in one's country as childish apes is to not understand the universal impact and role of race in this world.

At a time when members of Congress are trying to find amicable ways of bringing our two countries together, the actions of President Fox's government apparently are to draw a line between us. President Fox has ridiculed the hard work and efforts of African-Americans. He has rejected repeated invitations to dialogue with the National Association for the Advancement of Colored People. His government has issued stamps that not only insult the character of his own people, but also those of Afro-descendant populations in the United States, and throughout the Americas.

I am disappointed in these acts by my friends in the Mexican government and by President Fox. I hope that they will reach out once again to those with whom they have worked here in the United States and put aside these insulting and racist stamps. For us to achieve greater cultural sensitivity on the part of the United States and to obtain greater racial sensitivity in the Americas, it is important to have an equal awareness and effort on the part of our international allies.

RECOGNIZING THE CITY OF POMPANO BEACH, FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. SHAW. Mr. Speaker, I rise today to recognize the City of Pompano Beach, Florida, which has been named as one of only ten cities nationwide designated as a 2005 All-America City by the National Civic League. I have represented the City of Pompano Beach since coming to Congress in 1981, and I take special pride in this recognition of their achievements.

The City of Pompano Beach was recognized for two programs which impact the community's youth, and an affordable housing project.

The Pompano Beach Junior Lifeguard Program which began as a small part-time recreational swimming program has grown into an annual recreation and education program for children ages nine to seventeen. The program partners parents and local schools in promoting activities which develop healthy lifestyles, sportsmanship and self-esteem in the community's youth. Childhood obesity has also be targeted with parents reporting improved eating habits, weight loss and increased muscle mass in their children.

The Kidz-N-The-Hood Program is a weekly TV show produced and scripted by kids of all ages, income levels and ethnic backgrounds. Developed to counteract the often negative and gratuitous images children are too often exposed to on television, the program receives accolades from parents and educators who report more attentive students, improved test scores and reduced drop out rates. Supported by a diverse community group including AT&T Broadband, the South Florida Sun-Sentinel, Pompano Middle School, Broward County Sheriff's Office, and the Broward County Urban League, the program has reached thousands of children through participation and viewing opportunities.

Pinnacle Village, a new affordable rental community, replaces a failed HUD subsidized housing complex which stood as an eyesore and haven for crime in the neighborhood. Frustrated by a failed project which had undergone numerous attempts at rehabilitation for a period of years, the public and private sectors worked together to improve the living conditions for dozens of families. The result was Pinnacle Village—148 town houses with one to three bedrooms. This project not only meets the needs of the resident families, it has had a positive impact on the surrounding community.

Mr. Speaker, I am pleased to congratulate the residents, officials, and the staff of the City of Pompano Beach whose efforts on behalf of their city have earned the title of 2005 All-America City.

TO REPORT ON THE SUCCESSES OF THE FOURTEENTH ANNUAL SESSION OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE'S PARLIAMENTARY ASSEMBLY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to report on the successes of the fourteenth annual session of the Organization for Security and Cooperation in Europe's Parliamentary Assembly which convened in Washington, DC over the first five days of July. Over 800 parliamentarians and staff were in attendance, making it one of the largest assemblies in the Organization's history, and one of the most productive.

The theme of this year's session, "30 Years since Helsinki: Challenges Ahead" reminds us of the agreement that founded the OSCE, and the ideals which must guide us through the tests of the future. The Washington Declaration, a compendium of resolutions adopted at this year's session, is a testament to the excellent progress that has been made in central areas of social, economic, and human rights policy. The OSCE has maintained its position at the forefront of some of our world's most critical concerns; eradicating human trafficking, ensuring fair elections, combating social prejudice, and maintaining stable economic relationships between all nations.

Members of both branches of Congress play a central role in the OSCE Parliamentary Assembly. Our delegation offered a resolution entitled "Combating involvement in trafficking in human beings and sexual exploitation and abuse by international peacekeeping forces" that was adopted into the Washington Declaration. The practice of human trafficking is an affront to humanity, and must not be tolerated. According to the most recent Department of State estimates, between 600,000 and 800,000 people are trafficked across borders each year worldwide, including 14,500 into the United States. Combined with trafficking within countries, the total figure is estimated at between 2 and 4 million. The OSCE, as the world's largest regional security organization, is uniquely positioned to take on this critical issue.

During this year's session, the U.S. delegation made major progress in international trade. Representative BEN CARDIN, Ranking Member of the U.S. Helsinki Commission, spearheaded a resolution urging the Mediterranean Partners to work with the Arab League in order to rescind the trade boycott of the State of Israel. The boycott has existed for almost half a century, and it is clear that a healthy economic relationship between the United States, Israel, and the Middle East will be central in the fight for a stable and more peaceful world.

Mr. Speaker, I am proud to serve as the current President of the OSCE Parliamentary Assembly, and delighted to have been elected to a second term. The U.S. delegation was at the forefront of efforts to preserve the quality of the OSCE's election monitoring activities, the battle against anti-Semitism and efforts to set codes of conduct for peacekeepers and international representatives.

We were also privileged to welcome you, Mr. Speaker, and Secretary Rice, to address the Assembly and I am pleased to report that the conference was a major success.

Mr. Speaker, at this time I ask for unanimous consent that the statement of the Honorable Canadian Senator Jerry Grafstein be added to the RECORD immediately following this statement. Senator Grafstein was elected to a second term as Treasurer of the OSCE Parliamentary Assembly, a clear endorsement of his dedication, prudence and fine leadership. I thank him for his kind words, and I thank the whole Canadian delegation for their admirable contributions to the OSCE Parliamentary Assembly.

ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

FOURTEENTH PARLIAMENTARY ASSEMBLY

Hon. Jerahmiel S. Grafstein: Honourable senators, yesterday the Parliamentary Assembly of the Organization for Security and Co-operation in Europe completed its fourteenth annual session in Washington, D.C. It lasted over five days and was attended by more than 1,000 parliamentarians and staff. It was probably the largest assembly in its history. The Washington Declaration, a compendium of all resolutions adopted, will be tabled in the Senate. The OSCE Parliamentary Assembly is composed of parliamentarians from 55 member states, and is the largest international organization dedicated to the advancement of democratic rights, human rights, and economic and security co-operation.

The Washington Declaration included a number of issues on which Canadian parliamentarians took the lead: trafficking in human beings; steps for cooperation in the Middle East; combating anti-Semitism; advancing the fight against corruption amongst parliamentarians and in the public service; improving democratic surveillance of election monitoring; codes of conduct for peacekeepers and international representatives; and gender issues.

I was pleased to be re-elected for a third time as a Senior Officer and Treasurer and as Leader of the Liberal, Democratic and Reformer's Political group. I extend my appreciation and congratulations to our colleague, the Honourable Senator Di Nino, for his assiduous performance as head of the Canadian delegation. I intend to have the Senate consider a number of aspects of the Washington Declaration, which each parliamentary delegation was mandated to do under the declaration.

I would like to add a special word of congratulations to Speaker Dennis Hastert, of the House of Representatives, to our Congressional American hosts and to Congressman Alcee Hastings, who was re-elected President of the OSCE Parliamentary Association and who invited us to share an outstanding visit to George Washington's home on Mount Vernon on the Potomac. Our hosts also invited us to participate in the festivities on Capitol Hill for their July 4 celebration, together with over one million Americans. It was a memorable experience for all of us.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, unfortunately yesterday, July 11, 2005, I was delayed in the Cincinnati Airport due to a mechanical failure of my plane, a parts swap, and a new plane having to be brought in for my flight from Cincinnati to Washington. There were no other flight options for me to arrive in Washington before the votes occurred on H. Con. Res. 168 (Rollcall No. 363) and H. Res. 333 (Rollcall No. 364). Had I been here to cast my votes, I would have voted "aye" on both H. Con. Res. 168 and H. Res. 333 and wish the Record to reflect as such.

As a member of the Human Rights Caucus and a stern believer that every human being has certain irrevocable rights, I stand in strong favor of both of these pieces of legislation. We cannot and should not stand by as gross human rights violations such as the kidnappings in Korea and the genocide in Darfur continue. I applaud my colleagues, Representative Henry Hyde and Representative Donald Payne, for introducing these bills and bringing them to the floor for our consideration.

Almost 3 years ago North Korean leader Kim Jong-Il admitted that North Korea had ordered abductions of Japanese citizens and promised that it would never do so again. However, evidence has surfaced that the North Korean government has continued to order the abductions of numerous foreign citizens and has placed these captives, along with prisoners of war, in forced labor camps. To stand by and do nothing in response to these gross violations of human rights is unthinkable and this bill clearly states to Kim Jong-Il and the North Korean government that the United States will not let this continue.

I am also pleased that we were able to debate H. Res. 333. I have been a huge supporter of our past funding for aid to Darfur and our condemnation of the genocide occurring there and can think of no better way to compliment these actions than by praying for and reflecting on this horrible situation. The better we personally understand this situation, the better we as a Congress will be able to respond to and prevent situations such as these from occurring in the future. As a man of faith, I will stand with my family, my colleagues, and fellow citizens and pray for the people of Darfur and reflect on the ongoing atrocities that they face on a daily basis.

Mr. Speaker, thank you again for allowing me to express my support for these two bills as I was unfortunately delayed on my way to Washington.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. CONYERS. Mr. Speaker, I rise today to enter into the Record that on July 11th of this year, due to unavoidable circumstances, I was unable to be present. If I had been in attendance, I would like the Record to reflect that I would have voted in the following manner on these bills:

On H. Con. Res. 168—Condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights I would have voted "yea."

On H. Res. 333—Supporting the goals and ideals of a National Weekend of Prayer and Reflection for Darfur, Sudan I would have voted "yea."

THOUGHTS ON LEADERSHIP AND AFRICAN DEVELOPMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, the plight of Africa has been the focus of much public discourse in recent months. The G–8 made commendable progress on the issue of African development in its Summit, but there is still much to be done. On a recent trip to the United States, Nelson Mandela visited the Riverside Church in New York City to thank the American people for their support in helping South Africa overcome apartheid, but also to remind us that Africa still faced enormous challenges.

The Riverside Church where Mr. Mandela spoke has long been a leader within America's faith community in bringing attention to various issues of social justice, even when the cause was not popular. The Church was a major center of activism during the antiapartheid movement, and had hosted Mr. Mandela on his first visit to the United States after being released from prison in 1990.

While Mr. Mandela won his fight against Apartheid in South Africa, he is still waging a battle against the many problems that face the African continent. The beginning of the 21st century sees an Africa affected by widespread poverty, the HIV/AIDS crisis, and crippling levels of debt. Mr. Mandela, through his Mandela Foundation, is fighting to address these critical issues.

On that note, I submit for the Record a piece from the July 5th edition of the CaribNews. The piece is by Harry Belafonte, the internationally known entertainer and activist, and was used to introduce Mr. Mandela at the Riverside Church event in May. The words of this introduction provide us ample food for thought as we continue the still unfinished crusade for African development.

Riverside Cathedral, A Platform for Truth

A SEARCH FOR AFRICA'S DEVELOPMENT AND THE ROLE OF NELSON MANDELA

This (Riverside) Cathedral has vigorously embraced its covenant with truth in the midst of the exodus of so many houses of worship that have in the name of faith and God made treaty with the devil.

Riverside Church has given us reason to believe in speaking truth to power. Many have claimed to be keepers of the flock. They have declared their right to pick who shall or shall not enter into the "kingdom of Heaven." Others have hidden behind the cloak of morality as they indulge themselves and the nation in the sin of homophobia that crucifies fellow human beings. There are those religious leaders and institutions that have announced unjust wars and carry the cross before armies that destroy the innocent and plunder the earth.

There are many Black church leaders who salivate in the midst of this new Christian inquisition for just thirty pieces of silver rewarded by the Caesar of faith-based oppression. All have made us understand how privileged we are that the (Reverend) James Forbes administers to our soul and can never be charged with patriotic treason.

Riverside Church has generously yielded its pulpit to many of the greatest thinkers of the 20th century. It has blessed and embraced all those, regardless of faith, who have come here in defiance of the tyranny of the State. Powerful voices have been heard in these walls, which speak out against injustice and bring truth and humanity to rebellious cause. This cathedral inspires change in a world that hungers for more than the food of the body; it hungers for leaders with voices of courage that will provide food and moral plenty for the soul. In this place, we once gather to honor truth.

After centuries of oppression and destruction, Africa, the greatest resource in the building of the empires of the world, has found no kindness from her conquerors. No one came to her with a Marshall Plan. She has found no generosity from the banks of her bleeders. Quite the contrary. Africa severely hemorrhages from the burden of the financial debt she carries. She cannot even repay the interest on the debt.

In many places, the continent suffocates from the pollution of decaying bodies that have died from violence. Americans and Europeans often view nuclear bombs, germ warfare, chemical weapons, poison gas and planes crashing to buildings as the only weapons of mass destruction. But for Africa, with 15 million of her people dead and millions more wounded, handguns, automatic rifles and land mines are added to the list. The great irony is that Africa does not have the capacity to mass-produce weapons. America and Europe, however, sell her all the arms required while vigorously fueling the conditions that create the demands for them.

For Africans, poverty, ignorance and illiteracy are also weapons of mass destruction. These realities, coupled with 27 million people infected with HIV/AIDS and 10 million children orphaned by the disease, ravage the population. And all of the sins attributable to Africa's pain, global indifference is the greatest offender.

But a maturing Africa is coming together in ways that are different than before. She is making choices that are African choices. The Africa on the horizon will have no tolerance for colonial status in the World Bank and the International Monetary Fund's economic slavery system, a system that, while admitting to its share of guilt, defined as "mistakes of the past", stays tragically addicted to the same sins of the present. Africa will no longer endure these indignities. She will know a decidedly different future. With this new determination, Africa affirms her spiritual, cultural and historical allegiance to her decedents in the four corners of the earth. She is telling citizens of the Diaspora that they are first and foremost citizens of the continent and saying to them, "Come, for by right of birth and of struggle and our common history, you are of us."

Most of this vision set in motion by the entrance of the Democratic Republic of South Africa into the arena of democratic nations. The African National Congress commits itself and the nation to the development, welfare, peace and dignity of the entire continent and other nations in the world who are in need. Its voice speaks for all to hear that this 21st century will be Africa's century.

Rolihlahla Nelson Mandela has stood here (at Riverside) before. From this Cathedral our nation was inspired when he spoke of his vision for the future of his South Africa. Through the guidance of his political genius and the compelling force of his moral authority he transformed his nation from a cruel oppressive state into one of the most advanced democracies humankind has ever known. Perhaps the most remarkable aspect of this achievement was Madiba and his comrades did this without the violence and racial upheaval the world anticipated. During the time of his presidency, he transformed his countrymen's mood for revenge into one whose desire to be a continuing search for national harmony rooted in truth and reconciliation.

Now in the autumn of his winter years he comes again to America at a time when our nation faces one of the most critical crossroads in its history. Would that our nation could be touched by his humanity and be guided by his moral vision!

(Harry Belafonte, the world famous actor, singer and human and civil rights advocate was introducing Nelson Mandela to a large audience at the Riverside Church during the South African Nobel Peace Prize winner's recent visit to New York City.)

JERRY HALE AND DAVE BRAGG

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. PENCE. Mr. Speaker, on the quiet afternoon of July 7, 2005 in Parker City, Indiana, Tim Hammer, who is paralyzed and wheelchair-bound, was crossing a set of railroad tracks on Franklin Street. Almost immediately after he began to cross the tracks, the traffic arms lowered to signal an approaching train. Hammer's wheelchair hit a rough spot and he was thrown to the ground. At the same time, Jerry Hale and Dave Bragg of Parker City were repairing an herbicide sprayer about fifty feet from the railroad crossing. Hale and Bragg saw Hammer lying on the tracks unable to move and the freight train approaching the crossing at approximately 55 miles per hour. In an instant, Hale and Bragg dropped their work and sprinted to the crossing where they pulled Hammer to safety just seconds before the train barreled through and crushed his empty wheelchair.

Hale and Bragg should be commended for their feats of courage and the nobility of purpose behind their actions. These men risked their lives in order to save the life of a stranger during his moment of need. Their actions on July 7th speak volumes about their good character and the high regard with which they hold human life.

After the incident, Hale and Bragg stated that they were uncomfortable with being called heroes and believed that they had been placed near the railroad crossing by the grace of God. Mr. Speaker, through the grace of God, America is blessed to have heroes such as these men, and I am honored today to commend them as heroes whose courage and selflessness should serve as an example to all Americans.

IN RECOGNITION OF HORACE L. DICKERSON, JR.

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today to acknowledge the contributions to our great country by a fine public servant who has selflessly given his time and talents to help his fellow man. Horace L. Dickerson, Jr. has served as the Southwest Regional Commissioner for the Social Security Administration since 1997. This position culminated a career that began in 1971. He has spent the past 34 years working with employees that Mr. Dickerson fondly refers to as "his family."

In his time with the Social Security Administration, Mr. Dickerson has been an outstanding example to his fellow employees, taking care of the needs of the American people. He has always carried with him an innate understanding that the institution he worked for was charged with an important public duty. To carry out that mission meant completing every task at the highest standards achievable.

His work ethic is to be admired and we can only hope duplicated. He fostered communication between his employees and encouraged teamwork to produce outstanding results for the people he serviced.

He retires with the admiration of his coworkers and a grateful administration. On behalf of the people of Louisiana's 7th Congressional District and the American public, I thank Horace L. Dickerson for his years of public service.

HONORING ANGELO REGUSCI OUTSTANDING AGRICULTURALIST OF THE YEAR

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor Angelo Regusci who has been named the 2005 Agriculturalist of the Year by the Napa County Farm Bureau.

I have had the privilege of knowing the Regusci family for nearly all of my life. Angelo, the family's patriarch, has spent the last eight decades as a dairyman, cattle rancher, farmer, businessman, viticulturalist and winemaker in the heart of the Napa Valley's Stags Leap District. Mr. Regusci, as I always referred to him while growing up just a short distance from his family's ranch, is a man of great talent and practical wisdom.

Mr. Regusci grew up living the hardscrabble life of rancher's son. He and his sister Isabella worked side-by-side with their parents Gaetano and Livia as they wrestled a living from the land through hard work and perseverance. Their stunning 286-acre ranch on the Silverado Trail was purchased by Angelo's father in 1932 or the princely sum of $22,000. As the economics of agriculture evolved over the next fifty years, Angelo and his family transitioned their love of labor and land from dairy to prunes to beef and ultimately to premium wine grapes. Throughout this entire time, Angelo and his family remained pillars of their community for their contributions to the advancement of agriculture and their work on behalf of local youths wanting to pursue future careers in farming.

Angelo Regusci began selling grapes door-to-door decades before his now famous Stags Leap District started producing coveted $100 bottles of Cabernet. He and his brother-in-law sold grapes by the ton to first and second-generation Italian, Portuguese, German and Greek home winemakers who kept alive the custom of making wine at home. I am told the price varied from $50 to $70 per ton, depending on whether they had to carry the bins more than two flights of stairs.

Angelo and Mary Regusci have produced many of the Napa Valley's greatest resources, but their finest contribution to our community has been the wonderful children they have raised and shared with all of us. They should be extremely proud of Jim, Joe, Bernadette and Martha.

Mr. Speaker and colleauges, it is appropriate at this time that we recognize and honor Angelo Cesare Regusci for his contributions to American agriculture and for being awarded the 2005 Napa County Farm Bureau Agriculturalist of the Year.

PERSONAL EXPLANATION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. POMBO. Mr. Speaker, on July 11, 2005, I missed two recorded votes. I take my responsibility to vote very seriously. Had I been present, I would have voted "yea" on H. Con. Res. 168, a resolution condemning the Democratic People's Republic of Korea for the abductions and continued captivity of citizens of the Republic of Korea and Japan as acts of terrorism and gross violations of human rights, rollcall No. 363; and "yea" on H. Res. 333, a resolution supporting the goals and ideals of a "National Weekend of Prayer and Reflection for Darfur, Sudan", rollcall No. 364.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BONNER. Mr. Speaker, on Monday, July 11, 2005, I was absent for votes because of my inability to travel due to Hurricane Dennis which hit the State of Alabama on July 10,

2005. I missed rollcall votes Nos. 363 and 364. Had I been present for votes, I would have voted "yea" on Nos. 363 and 364.

RECOGNIZING THE SERVICE OF COLONEL ROBERT A. ROWLETTE, JR.

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mrs. NORTHUP. Mr. Speaker, I rise today to recognize the outstanding service of Colonel Robert A. Rowlette, Jr., Commander of the Louisville Engineer District since July 2002. Colonel Rowlette will retire from active duty with the U.S. Army on September 1st of this year, with over 26 years of dedicated service to our nation.

A native of Berea, Kentucky, Colonel Rowlette was commissioned in the Corps of Engineers upon graduation from the University of Kentucky where he earned both a Bachelors and Masters degree in Civil Engineering. During his military career, Colonel Rowlette's leadership, vision and dedication to duty have contributed significantly to the national defense, economic prosperity and quality of life for our citizens.

As Commander of the Corps of Engineers' Louisville District, Colonel Rowlette oversaw Army, Air Force and DOD military construction projects valued in excess of $350 million annually. Major military installations supported include, Fort Campbell and Fort Knox in Kentucky, Scott Air Force Base near St. Louis, Wright-Patterson Air Force Base in Dayton as well as Army and Air Force Reserve facilities nationwide. Additionally, Colonel Rowlette has been responsible for comprehensive water resources and project operations in 76,000 square miles of the Ohio River watershed, providing flood damage reduction, ecosystem restoration and commercial navigation.

Colonel Rowlette extended his leadership well beyond the assigned missions of the Corps of Engineers by personally participating in regional events and promoting a strong partnership between Army and civilian engineers. As immediate Past President of the Society of American Military Engineers' (SAME) Kentuckiana Post, Colonel Rowlette was responsible for hosting the 2005 Joint Engineer Education and Training Conference where more than 1,200 participants came together for professional development.

Prior assignments also reflect Colonel Rowlette's commitment to military readiness and willingness to share his considerable talents for the good of others. His service as Commander of the Charleston (South Carolina) District supported our nation's vital deep-draft ports and operation of the Atlantic Intracoastal Waterway; as Assistant Professor of Mathematics at the U.S. Military Academy at West Point, he helped prepare our future Army leaders; and while serving in a variety of combat battalion assignments he helped provide the military deterrence necessary for peace.

A good neighbor and valued steward of our defense assets and natural resources, Colonel Rowlette will be remembered for his spirit of service, patriotism and dedication to our nation. On the occasion of his retirement, I wish to extend my best wishes to Colonel Rowlette, his wife Janet and their children Robert and Meredith.

THE HONORABLE FRITS E. LAWAETZ

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to a native son of the Virgin Islands, affectionately known as "The Bull from Annaly," the Honorable Frits E. Lawaetz, who passed away early this month. Senator Lawaetz was a true legend in our Caribbean American territory as a successful rancher, businessman, legislator, community leader, churchman and family man.

Born in Little La Grange, St. Croix on October 5, 1907, Senator Lawaetz was the son of Carl and Marie Lawaetz. A tall and imposing figure who was larger than life, Senator Lawaetz was fluent in English, Danish, Spanish and "Crucian." He was educated in Denmark and apprenticed to Danish farms until his return to St. Croix in 1925. He worked in various roles in the sugar industry as a cowboy and a manager in St. Croix at the La Grange Sugar Factory and in Puerto Rico at the United Puerto Rico Sugar Company.

Mr. Speaker, In 1940, Senator Lawaetz became the General Manager of Estate Annaly, owned by the late Ward Canady. There, he developed the largest private agricultural concern in the Virgin Islands with a 400-acre sugar cane farm and a 1500-head cattle ranch. He was instrumental in developing the famous "Senepol" brand of cattle, a world recognized sturdy breed of cattle in 1954. He began an export business, exporting bulls throughout the Caribbean, helping to improve the regional stock.

In partnership with Canady and his eldest son Hans, Senator Lawaetz founded Annaly Farms in 1964. He formed the Virgin Islands Senepol Breed Association in 1977 and served on its board until 1988 when headquarters for the association moved to the United States and became the Senepol Cattle Breeders Association with 500 breeders worldwide. The association now exports cattle, semen and embryos of the hardy breed to Australia, Africa and the Far East. The Breeders Association has honored Senator Lawaetz by naming its highest award the Frits Eduard Lawaetz Lifetime Achievement Award.

Mr. Speaker, an avid sportsman, Senator Lawaetz founded the Annaly Athletics in the 1950s, which sent seven local athletes on to play professional baseball, including major leaguers Joe Christopher (Mets) Julio Navarro (Tigers) and Elmo Plaskett (Pirates).

Serving for 20 years in the Legislature of the Virgin Islands, Senator Lawaetz was first elected in 1954 under the new Organic Act. He served from 1955 to 1970 and then again from 1974 to 1979, before retiring at the age of 71. He was known as the "People's Senator" and is still the longest serving senator from St. Croix. Married to childhood sweetheart, Bodil Tornoe for 63 years until her death in 1999, Lawaetz had three sons, Hans, Bent and Frits (deceased) who followed his footsteps in agriculture and community service.

Mr. Speaker, Senator Lawaetz received many honors and commendations in his distinguished life including being named to the order of the Commander of the Danneborg bestowed on him by the Queen of Denmark who he hosted on her visit to the Virgin Islands in May, 1976. He was named to the "Personalities of the Caribbean", the International Guide to Who's Who in the West Indies, Who's Who in American Politics, Who's Who in the South and South West and the Notable American Award. He served as a Delegate to the 1980 Democratic Presidential Convention. In 1982, the Lagoon Street Homes in Frederiksted were named in his honor in recognition of his efforts in their establishment and for his many years of dedication to the people of the Virgin Islands.

Senator Lawaetz also received the Distinguished Service Award from the Virgin Islands Chapter of the Boy Scouts of America, the Outstanding Service Award from the Holy Trinity Lutheran Church in Frederiksted, and he was appointed by the Danish Council Blak of the Virgin Islands as Honorable Trustee of Danish Cemeteries on St. Croix. In 2000, a book on his life, entitled "The Bull From Annaly" was written by Priscilla Watkins.

Mr. Speaker, until recently, Senator Lawaetz could be seen at every significant community activity. He will be missed by many. I will personally miss his words of advice, or praise or caution, whichever he felt was needed and which was always generously given. His memory will always loom large in my mind and in that of the entire Territory. His many contributions will endure as a lasting legacy for the benefit of many generations to come. One can truly say that the Virgin Islands is a better place because he passed this way.

Mr. Speaker, on behalf of my family, staff and the entire Virgin Islands community I extend condolences to his family and friends and our enduring gratitude for his service to the U.S. Virgin Islands, Denmark and the United States of America.

RECOGNIZING THE CONTRIBUTIONS OF BOB ABBEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. PORTER. Mr. Speaker, I rise today to recognize the contributions of Bob Abbey. Bob recently announced his retirement from 32 years of Government service—25 years with the Bureau of Land Management (BLM) alone—a career that all Americans should thank him for.

I represent a State where the Federal Government owns and controls almost 90 percent of our land. Although the U.S. Fish and Wildlife Agency and the U.S. Forest Service oversees parts of Nevada, more than 48 million acres of public lands in Nevada were controlled under Bob's leadership at the BLM for over 8 years—a large feat for anyone to undertake.

As Nevada's BLM Director, Bob was influential in ensuring that Nevada's public lands are preserved for future generations by taking an active leadership role in restoration and conservation projects, such as the Great Basin Restoration Initiative. Despite the monumental tasks he was often presented with due to the diverse nature of Nevada's landscape, Bob was always able to understand the importance of long-term goals so that our children's children can someday enjoy "wild Nevada."

Thank you, Bob Abbey, for your hard work and dedication as Nevada's BLM Director. Your love for our State is evident and appreciated, and I join with all Nevadans in wishing you a happy retirement.

INCOME EQUITY ACT OF 2005

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. SABO. Mr. Speaker, today I introduced the Income Equity Act of 2005. I have long believed that the growing wage gap in our country is a big problem that we need to address. Wage disparities between high- and low-income households are the largest on record. My legislation would encourage companies to evaluate their pay scale with a focus on those paid the lowest wages.

The Income Equity Act of 2005 would do two things: For tax purposes, companies are currently able to deduct reasonable employee compensation from their taxable income—up to $1 million dollars. My legislation would cap the top write-off for a company at 25 times whatever the lowest paid full-time employee earns. In other words, if the lowest paid worker makes $20,000 in a year, the highest salary write-off would be $500,000—25 times the lowest salary. But the important part is linking top to the bottom. My goal is that companies would be encouraged to evaluate their entire payscale—with an incentive to re-evaluate the lowest salaries paid.

My legislation also addresses payment in the form of stocks. Our tax code currently has no jurisdiction over compensation in the form of stock options or unrestricted stock, which is where most high-paid executives are deriving the bulk of their bounty these days.

I am not suggesting that we limit CEO pay. However, I believe that hard-working Americans should earn enough money to properly feed, house and clothe their families, and American businesses have a role to play.

The idea for the Income Equity Act occurred to me during a Congressional trip to Mexico in the early 90s where I witnessed extraordinary wealth alongside with heart-breaking poverty.

For years, we've been hearing reports of the growing gap between high wage earners and low wage earners. And this year is no different. As reported by many national magazines in annual executive pay surveys, salary increases continue to be more and more disproportionate. Business Week magazine, for example, reported that average CEO compensation rose 15 percent in the past year, while average worker compensation rose a mere 2.9 percent. And in some cases, lavish rewards continue to be heaped on executives with little to no correlation to stock performance or the fiscal health of the company.

The Census Bureau's most recent report shows that the disparities between high- and middle-income and the gap between high- and low-income households are the largest (or tied for the largest) on record since this data has been available.

In 1979, the total income of the top 1 percent equaled the income of the bottom 27 percent. In 2000, the total income of the top 1 percent equaled the income of the bottom 48 percent. That ratio still stands today.

People at the bottom of the income ladder suffer when they can't support themselves by their wages. In the end, our entire society pays when those being left behind must rely on government support for food, housing and health care.

Income inequality also threatens our democratic principles: Americans hold deeply the view that every person willing to work hard should be rewarded. But equal opportunity is undermined when most workers do not fairly share in the wealth created by their work.

To illustrate this point, one person earning a minimum wage would have to work 11,660 years to earn what the top-paid CEO made in 2004—which was $120.1 million. This is outrageous, and our government should not be in the business of encouraging or subsidizing such disparity.

While developing the assembly line and Ford Motor Co., Henry Ford firmly believed that all of his employees should be able to afford to buy the cars they were making. His compensation philosophy didn't just serve his employees well. It provided Ford Motor Company with a workforce that had incredible morale, high productivity, loyalty and ongoing recruiting success.

Mr. Speaker, there is no bad job, just bad pay. Removing tax deductions for excessive compensation sends the message that American taxpayers expect companies to do better by their workers.

RECOGNIZING KOFI ANNAN FOR HIS ROLE IN THE CREATION OF THE UNITED NATIONS DEMOCRACY FUND

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. RANGEL. Mr. Speaker, I rise today in recognition of United Nations Secretary-General Kofi Annan for his outstanding leadership in the creation of the United Nations Democracy Fund.

Under Mr. Annan's guidance, the UN has held leaders of the global community to a higher degree of accountability. In 2001, the Secretary-General issued a "Call to Action" to address the HIV/AIDS epidemic and proposed the establishment of a Global AIDS and Health Fund to stimulate the increased spending needed to help developing countries around the world confront the HIV/AIDS crisis.

His dedication to spreading democracy has also been at the forefront of his agenda. In 1998, he was instrumental in a mission to help promote the transition to civilian rule in Nigeria.

Earlier this year, Mr. Annan introduced his UN reform package, calling on world leaders to be responsible to the global community. His plan included strategies for achieving international development, maintaining security and ensuring human rights. Among these initiatives was the creation of the UN Democracy Fund. The fund promises to promote democracy throughout the world by providing technical assistance to countries seeking to establish or strengthen their democracy. Mr. Annan has urged Member States to show their support for democracy by financially contributing to the fund. These contributions will then be distributed within the UN Fund for International Partnerships.

Mr. Annan's perseverance has allowed for international cooperation in spreading democracy. So far, twenty-six countries, including the U.S., have expressed their support to fund.

It takes leaders from all over the world to deal with global threats and issues. Mr. Annan has taken an important step in holding these leaders accountable for doing just that.

The following CNN article discusses Mr. Annan's reforms and the UN Democracy Fund.

ANNAN: ADOPT U.N. REFORM PACKAGE

UNITED NATIONS (CNN)—U.N. Secretary-General Kofi Annan has urged world leaders to reconfigure the international body to reflect the world's population and better enable it to tackle environmental and human rights challenges.

In the speech he delivered to the general assembly, Annan urged countries to adopt his entire reform package at a summit of world leaders in September.

The report comes five years after the Millennium Declaration, in which the United Nations pledged to slash poverty rates around the world by 2015, and six months before a summit in New York to address achieving that goal.

Annan described his plan—which gives equal weight to development, security and human rights—as a comprehensive strategy.

"Specifically, I ask developing countries to improve their governments, uphold the rule of law, combat corruption and adopt an inclusive approach to development," Annan said.

The report, years in the making, comes days before Paul Volcker is expected to issue a report on Annan's handling of the corrupt oil-for-food program in Iraq. But Annan denied that there was any link.

Volcker, a former Federal Reserve chairman, began leading an independent probe of the program for the United Nations almost a year ago.

Annan's proposal establishes a specific charitable goal for prospering nations. By 2015, he wants developed countries to spend .7 percent of their gross domestic income on official development assistance.

And he linked prosperity and the environment. "Our efforts will be in vain if they are resolved by continued degradation of the environment and depletion of natural resources."

Annan said he wants the Kyoto Protocol extended beyond its 2012 expiration.

SECURITY COUNCIL SHIFTS

Annan's proposals include a recommendation to expand the 15-member Security Council to 24 to make it more representative of today's "geopolitical realities."

He recommends three, non-permanent seats with two-year terms and six new permanent seats—two from Africa, three from Asia and one from Latin America. None would have veto rights.

"Five out of the six will come from regions and areas that are under-represented."

Those seats would be in addition to the permanent seats the United States, Britain, France, Russia and China hold.

Annan also proposed strengthening its human rights mechanisms by abolishing the Commission on Human Rights and replacing it with a smaller, standing Human Rights Council.

Among other changes Annan requested were:

Creating a "Democracy Fund" with contributions from member states to provide money and technical assistance to countries seeking to establish or strengthen their democracy.

Asking all member states to sign and implement a comprehensive convention on terrorism, "based on a clear and agreed definition" of the term.

Strengthening the rule of law, human rights and democracy and clarifying when the use of force is necessary.

Reforming the secretariat to make it more transparent, and buying out some employees and replacing them with staffers who have the skills necessary to implement his proposals.

Pursuing the establishment of a worldwide early warning system for natural disasters.

"What's needed now is not more declarations or promises, but action," Annan said. "I believe my report provides a clear program of action."

TRIBUTE TO THE CITY OF HINES, OREGON

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to pay tribute to the City of Hines, Oregon, on the occasion of its 75th Anniversary. Although incorporated on December 8, 1930, Hines has a rich history going back to the 1870s.

In 1873, Mr. George A. Smyth was the earliest recorded settler near what is now Hines. He and his immediate family moved from the Willamette Valley to the "Warm Spring" area just south of Hines. Shortly thereafter, two brothers by the names of William and Montz Currey set up their ranch headquarters at a small spring, which is now located in the northwest section of Hines. They had a small general store and saloon that was used occasionally as a barricade by nearby settlers when rumors of attacks were circulated after the Paiute Indian uprising in 1878. The Warm Spring was also the site of year-round cattle grazing and many buckaroo camps for the fall and spring cattle round-ups.

In 1924, the Fred Herrick Lumber Company received a contract to start construction of the Malheur Railroad company's tracks to the City of Burns. The lumber company anticipated harvesting 890,000,000 board feet of Ponderosa pine from the nearby Bear Valley District of the Malheur National Forest. They chose the site of the Warm Spring for the construction of a lumber mill because it provided an ice-free log pond. In 1928, the Edward Hines Lumber Company of Chicago took over the Herrick interests of both the railroad and uncompleted lumber mill because of numerous delays in the project.

Due to the Hines Company's strong interest in the area, the Stafford-Derbes & Roy Company, a real estate development firm from New Orleans, purchased land from various ranchers and homestead owners to develop the beginnings of a new city. This project was advertised across the country as "The greater Burns development in the Great Harney Valley, it is Oregon's first made-to-order community, and one of the first scientifically planned cities undertaken in America." Edward Hines and his wife designed and planned the new city around a circular park that was to be, and still is, the heart of Hines. Mrs. Hines stipulated that every house be constructed with slight differences. She wanted this new city to look different from other mill towns. In 1929, Edward Hines ordered the first 150 homes built for his employees who were due to arrive within a year from Minnesota and Mississippi. In December 1930, the City of Hines was incorporated. The first officers to serve the city were selected, and by 1931 they had their first elementary school and post office. For the next sixty years, Hines Lumber and its employees prospered in this hidden oasis of the high desert.

Development slowed when the mill closed in the early 1990's. However, the loggers who lived there were very proud to have worked for the Edward Hines Lumber Company. Hines has always maintained its own identity. Even today, its residents are fiercely independent people who pride themselves on being from Hines and not from the adjacent city of Burns. This strong sense of community and history is evident by the families that still gather in Hines City Park, the hub of this pioneer town, as envisioned by Mr. and Mrs. Hines.

Mr. Speaker, on the occasion of the 75th Anniversary of Hines, thank you for allowing me to share with my colleagues the history of this fine town.

A SPECIAL TRIBUTE TO CEDAR POINT AMUSEMENT PARK ON THE OCCASION OF THE ONE HUNDREDTH ANNIVERSARY OF THE HOTEL BREAKERS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. GILLMOR. Mr. Speaker, it is my privilege to pay tribute to a special company in Ohio. This year, Cedar Point Amusement Park's Hotel Breakers in Sandusky, Ohio will celebrate one-hundred years of dedicated service.

Mr. Speaker, Cedar Point Amusement Park in Sandusky, Ohio is one of the oldest and most renowned entertainment complexes in the United States. Founded in 1870, Cedar Point has succeeded in providing family entertainment for over 135 years.

Opening on June 12, 1905 to a flurry of excitement, the Hotel Breakers welcomed more than five thousand visitors to its grand opening showcasing a hotel complete with running water, quite a feat for 1905. In addition to its state of the art amenities, the Hotel Breakers included a decor influenced by the elegance of the chateaus of France.

When the Hotel Breakers welcomed its first guests, rooms ranged from $1 to $2 per night and a meal cost only 35 cents. While today's prices may have risen, the Hotel now offers over 650 rooms, three pools, a deli, coffee shop, pizzeria and restaurant. Throughout its long history, the Hotel Breakers has also welcomed some of our country's finest guests. Among its accomplished guest list, the Hotel Breakers has welcomed Annie Oakley, Abbott and Costello, John Philip Sousa, and six U.S. presidents.

Throughout its many updates, much of the early twentieth-century charm has remained, including the stained-glass windows, designed by Louis Buser of Tiffany's and which continue to grace the lobby. With its history, and newer amenities such as sitting areas, an arcade and three gift shops, the Hotel Breakers is much more than a night's stay, it is an experience.

Mr. Speaker, the real success of the Hotel Breakers comes not only from the elegance of its facilities, but from its employees. The management and staff of the Hotel Breakers have indeed provided their guests with the service and dependability that are expected of a first-class resort. The staff's attention to service, boundless enthusiasm and loyalty to the history of the hotel continues to make the Hotel Breakers a world class hotel.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the employees and the legacy of Cedar Point's Hotel Breakers. As all who benefit from this fine establishment gather to celebrate its one-hundredth anniversary of service, I am confident that the good people of Sandusky, Ohio, will continue the successes of the Hotel Breakers into the future.

CONGRATULATIONS TO RODNEY STEPP

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. CARSON. Mr. Speaker, I rise today to extend my heartfelt congratulation to Mr. Rodney Stepp—a musician par excellence. Although there are many musically talented individuals in the Indianapolis area none compare to the abundance of talent, compassion and reputation of excellence.

Mr. Stepp was introduced to music by his parents at age 4. His parents enrolled him with the prestigious Jordan Conservatory School of music, Butler University, Indianapolis, Indiana. Imagine the foresight of his parents who believed their son was not too young to begin a career of music superbness.

Following the dictum: "Unto whom much is given, much is required." Rodney has been widely acclaimed for his dedication to humankind.

His good work and dedication to community is evidenced by the widespread recognition bestowed upon him by: Center of Leadership Development, Entrepreneurship Award 2005; Indiana State Museum Project, Addy Award 2005; Christian Service Charities, Board of Directors, 1999–2005, Achievement and Recognition; Addy Awards for Hoosier Lottery Commercials; Ebenezer Baptist Church, Aids Foundation, Dollars For Scholars; Indiana Black Expo; Circle City Classic, Indy Parks; Larry Conrad Vision Award, Indianapolis Downtown Inc.; United Way of America, Excellence Award; Valley Forge Freedom Foundation Award; Achievement Award United Way of America and Office of Personnel Management; Achievement Award United States Postal Service; and Honorable Discharge United States Army 1974.

Rodney is being celebrated by the Indiana History Center on July 14. His honors are noteworthy and deserving of acclaim.

On behalf of the U.S. Congress, we salute you Rodney Stepp and we wish you Godspeed.

COMMENDING SERBIAN PRESIDENT BORIS TADIC ON JOINING IN THE COMMEMORATION OF THE TENTH ANNIVERSARY OF THE SREBRENICA MASSACRE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to commend Serbian President Boris Tadic for the courage and humility he displayed by attending the commemoration of the tenth anniversary of the Srebrenica massacre.

Although time has yet to fully heal the wounds of hatred borne in war, President Tadic's actions stand out as a crucial first step in the process of peace. His attendance at the Srebrenica commemoration was a strong show of statesmanship and a demonstration of his firm commitment to reconciliation in that still unsettled region.

President Tadic's attendance marked the first time any Serbian representative attended the commemoration of the Srebrenica massacre. His visit to Srebrenica is an important outreach to the Bosnian people and an appropriate homage to the thousands of victims who were brutally murdered. President Tadic's presence also demonstrated Serbia's renewed commitment to cooperation and democracy and its rebuttal of nationalism and xenophobia. His attendance was also marked by his fellow democratic politicians in the Serbian Parliament in Belgrade who held a moment of silence for the victims of Srebrenica.

The Srebrenica commemoration was not the first time President Tadic made a bold statement underscoring his desire to achieve reconciliation. Eight months ago, he personally apologized to the Bosnian people for any crimes committed in the name of Serbia or the Serbian people when he visited Bosnia.

Tragically, despite President Tadic's firm leadership, dedication, and example, many Serbs still refuse to acknowledge the Srebrenica massacre; making his visit perhaps even more momentous. These actions, noble in their intent are not without dissent and protest back home in Serbia. Serbia's ultra-nationalist party, the Serbian Radical Party boycotted the Srebrenica commemoration, and even protested the moment of silence for the victims, as well as criticized President Tadic's attendance and actions.

Such intense divisions within Serbia between nationalists and democratic reformers, unthinkable a few years ago, only serve to underscore that thanks to the leadership of President Tadic, and other like-minded Serbs, Serbia is ready to face the war crimes of the past and condemn the heinous and brutal extermination of Bosnian males in Srebrenica 10 years ago.

Mr. Speaker, I believe President Tadic's actions should be a sign to the world and the Bosnians alike that there is a profound difference between Serbia's citizens and Serbian war criminals; and I know that President Tadic is firmly committed to bringing those responsible for war crimes, especially those responsible for the Srebrenica massacre, including General Ratko Mladic, to justice before the International Criminal Tribunal for the Former Yugoslavia (ICTY) at The Hague where they will be tried for their crimes against humanity.

I believe that President Tadic deserves the United States' respect and support as a democratic and reformist leader in a historically unstable region. He has fought for democracy and equality against the tide or nationalistic fervor unleashed by former Serbian President Slobodan Milosevic, and in many ways his actions speak loudly of his leadership and bravery. He is leading his country in a bold, new direction of cooperation with the West and is diligently working to ensure Serbia's integration into the European Union and NATO, as well as partner with the United States. President Tadic represents the future of Serbia and the Balkans and we should support him in his struggles and endeavors. I ask my colleagues to join with me to commend his leadership, applaud his courage, and renew our commitment to peace and stability in the Balkans.

PERSONAL EXPLANATION

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Ms. ESHOO. Mr. Speaker, I was unable to vote on Monday evening, July 11, 2005, due to United Airlines flight 950 experiencing mechanical problems. My plane was forced to return to San Francisco International Airport, requiring me to travel on a later flight.

I would like the RECORD to reflect how I would have voted had I been present:

On rollcall vote No. 363 I would have voted "yea."

On rollcall vote No. 364 I would have voted "yea."

FOSTERING ADOPTION TO FURTHER STUDENT ACHIEVEMENT ACT OF 2005

HON. WILLIAM J. JEFFERSON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. JEFFERSON. Mr. Speaker, I am pleased to join today with my colleagues, Mrs. BROWN-WAITE of Florida, Mr. SNYDER of Arkansas, and Mr. BOUSTANY of Louisiana, in introducing legislation that corrects an inequity in our Nation's higher education laws.

The foster care system in our country is not perfect. However, for all its flaws, it does provide some very genuine benefits. For example, those youth who graduate high school while still in foster care are afforded every opportunity to attend college and receive full federal financial aid benefits.

Unfortunately, those who are fortunate enough to be adopted into loving homes as teenagers are not given this same consideration. Under current law, children who are adopted and thus leave the foster care system are not considered "independent students" and are therefore considered for financial aid based on the income of the adoptive family. This is a barrier for families looking to adopt older children, but may not have saved for college—and it should be changed.

This important legislation would adjust the definition of "independent student" to include foster care youth who are adopted from the foster care system after their 13th birthday. Accordingly, when the adopted children apply for federal financial aid, they will not be penalized because eligibility would be determined by the adopted student's ability to pay, not the ability of his parents to do so.

Statistics show that older children who are adopted from the foster care system are more likely to attend college, have stable lives and have a permanent family. Conversely, of those who "aged-out" of foster care over three years: Only 54% had earned a high school diploma; Only 14:5 had graduated from a four-year college; and Between 25–44% had experienced homelessness.

It is estimated that approximately 20,000 youth "age out" of the foster care system each year and, of that number, nearly 30% are incarcerated in the first year. Currently, there are 523,000 children in foster care and nearly half of those children are over the age of ten.

These statistics show that when given the opportunity to move into a loving home, those who are still in the system are more likely to be successful. Making this minor change to current law can do so much to change the lives of these youngsters and the families looking to adopt them. But when these teenagers are forced to choose between adoption and federal financial aid to attend college, the odds are against them.

Families who adopt teenagers are remarkable. But these adoptions are rare. This legislation is designed not only to create greater access to college for those who are adopted but also to encourage adoption of older children by creating an incentive—not a barrier—to parents looking to add to their family by adopting a child out of the foster care system.

Mr. Speaker, I urge my colleagues to join with me and my colleagues in supporting and enacting this common sense, bipartisan legislation.

MILITARY PERSONNEL FINANCIAL SERVICES

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to commend the House of Representatives for its work on H.R. 458, the Military Personnel Financial Services Protection Act. Simply put, this bill solves the problem of rogue predatory lenders and goes after high-cost abusive lenders who seek to take advantage of the young men and women dutifully serving in our military. Our servicemen and women deserve the protection of Congress not only on the battlefield but right here at home. In times of war it is all too often that our military personnel find themselves in stressful financial situations and hardships, through no fault of their own, due to unforeseen call-ups. They are forced to leave good paying jobs for significantly less money and still provide for their families. This is an incredibly difficult task, like sticking a circle through a square. And what do rogue predatory lenders want to do, Mr. Speaker? They seek to prey on these individuals with inappropriate sales and impositions such as garnishing military wages, collection calls to a service member's chain of command, and deceptive marketing. Congress has the responsibility to crack down on unscrupulous lenders who use deceptive financial practices to make a quick buck off of our uniformed service members. H.R. 458 does that, Mr. Speaker. As my colleague from Illinois, Mr. RAHM EMANUEL said, it is time to end a culture on military bases that too often favors financial interests over the interests of our troops, their families, and their futures. I urge our colleagues in the Senate to give this legislation a vote and continue on with this body's efforts to protect our service men and women.

CELEBRATING MS. ODIE RICH

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I would like to take a few minutes to recognize a remarkable woman and Pickett County, Tennessee's oldest known living resident.

Ms. Odie (Riley) Rich was born on December 10, 1901 in Pickett County, where she has lived all her life. Ms. Rich is the daughter of the late William and Irene Riley.

Ms. Odie married A.L. Rich on December 23, 1923 when she was 22-years-old. When asked by her granddaughter, Paula Perry, in the local newspaper, where her wedding dress came from, Ms. Rich replied "I made it myself."

Mr. and Mrs. Rich raised several children, Dorthena Price, Paul Rich (deceased), Eladean Tompkins, Jack Rich, Morris Rich, Odell Rich, and Carolyn Long. She has 20 grandchildren, 38 great-grandchildren, and 3 great-great grandchildren.

Ms. Odie is a wonderful witness to history and the times. She remembers when women first got the right to vote, having voted for the first time herself in 1921. The first vehicle she and her husband owned was a 1941 Chevy truck. Up until then, they traveled by horse or mule. When asked how she rode with a dress on, she commented "Why, side saddle of course!" However, she never learned to drive an automobile. She remarked that if she ever learned that she would have been a speed demon.

Today, Ms. Rich still lives on the old home place and loves to do gardening and canning. Ms. Rich is an endearing character that has provided insight into the past all the while bringing joy and happiness to her loved ones and neighbors. May God continue to bless Ms. Odie Rich.

PERSONAL EXPLANATION

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 12, 2005

Mr. HOLT. Mr. Speaker, on July 11, 2005, I was in my district participating in the first meeting of the New Jersey Flood Mitigation Task Force. This Task Force is working to help prevent the devastating flooding that occurred for a number of my constituents earlier this year. Due to the schedule, I missed rollcall votes Nos. 363 and 364. Had I been present, I would have voted in the following manner: rollcall No. 363 "aye" and rollcall No. 364 "aye."

HOUSE OF REPRESENTATIVES—*Wednesday, July 13, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 13, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Arnold B. Lovell, Senior Pastor, Second Presbyterian Church, Knoxville, TN, offered the following prayer:

Eternal Father, strong to save; throughout the centuries You have guided the hands, hearts, and lives of the founders, leaders, and citizens of this Nation. We invoke Your presence and power today for those upon whom the mantle of leadership has fallen. As the Members of Congress gather this day, give them courage, clarity of vision, and compassionate hearts, that in their frailty as human beings they might carry out the enormous task of service to which they have been called.

May the decisions made in the deliberations of this day be governed by the common good, virtue, and the principles of participation, affirming the equality that all men and women have before You, O God. Give our representatives strength and honesty to avoid the politics of personal agendas, power, and partisanship, that they might serve the public good. And may all glory be given unto You, Almighty God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. EDWARDS) come forward and lead the House in the Pledge of Allegiance.

Mr. EDWARDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND DR. ARNOLD B. LOVELL

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, our guest chaplain today is my friend, Dr. Arnold Lovell, pastor of the Second Presbyterian Church in Knoxville.

The Second Presbyterian is one of Knoxville's leading churches with approximately 1,000 members. Arnold has led that church as a senior pastor since 1997. Prior to that, he served for 10 years on the faculty of Union Theological Seminary in Richmond, VA, as a professor of evangelism. He still teaches there in summer programs.

Before that he was pastor of the first Presbyterian Church in South Charleston, WV. Dr. Lovell has two doctorates and is a leader in denominational activities of the General Assembly of the Presbyterian Church in the United States.

Before going into the ministry, he was a coach of football and other sports at West Davidson High School in North Carolina. He is a chaplain for the Knoxville Quarterback Club and an avid fan of NASCAR and U.T. football.

He and his wife Emily have two daughters, Carolyn and Catherine, and the Lovell women are here today in the gallery.

Arnold Lovell is a patriotic American, a leader in both Tennessee and the Nation, and I am fortunate to have him as a friend and as guest chaplain in the United States House of Representatives today.

THE RETURN OF "DISCOVERY"

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, 2 years ago on a Saturday morning, the vessel and crew of space shuttle mission STS–107 were lost in the high skies over Texas.

That same day, even in mourning, America made a promise to the memory of the Columbia Seven that our journey in space will continue, that their legacy of discovery would survive them.

This afternoon at 3:51 on the east coast, the space shuttle *Discovery*, carrying as it will two women, five men, and the ancient hopes of an entire planet, will keep that promise by rocketing out of our atmosphere and into history.

Commander Eileen Collins and her crew, James Kelly, Andrew Thomas, Wendy Lawrence, Charles Camarda, Stephen Robinson, and Soichi Noguchi will pilot the safest, most sophisticated, and reliable spacecraft ever built back into low earth orbit to begin NASA's historic work realizing President Bush's bold new vision for space exploration.

That mission will command the physical and intellectual energies of some of America's brightest and bravest for years to come. The men and women of NASA, some of my constituents and some of my heroes, who devote their lives to doing the impossible for our Nation and our world, will spend the next decade and more on a technological and visionary quest: To send and resend the shuttle fleet into space to complete the International Space Station; to examine with unprecedented vigor and precision in the galaxy's preeminent laboratory the long-term exposure of the human body to microgravity and radiation; to design and construct the next generation of American spacecraft; to return to the moon; and to plot and endeavor a manned mission to Mars.

The exploration of the unknown is one of the innate motivating forces of our species. That universal and ancient yearning will be satisfied today by NASA's heroic "corps of discovery" in a mission not to conquer space, but to conquer human ignorance.

The darkness will be lighted, and this afternoon seven heroes will carry the torch of human discovery into the void.

Our future in space is still unknown and unknowable: The station remains incomplete, the moon is still years away, and Mars is still a red speck in the night sky, but today's launch is a step toward our destiny.

And like all steps into the unknown, the voyage of *Discovery*, T-minus 5 hours and 40 minutes, will prove the next giant leap in "the most hazardous and dangerous and greatest adventure on which man has ever embarked."

VETERAN FUNDING SHORTFALL

(Mr. SALAZAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SALAZAR. Mr. Speaker, as a veteran, I have made a pledge to serve

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

my country, and because of my desire to defend the ideals of democracy that I still cherish.

As part of our commitment, the Army promised all veterans a variety of benefits. In the past several years, I have seen some of those promises turn from honored commitments to veterans and their families to empty words that seem to be worth nothing more than the paper they are written on.

Mr. Speaker, 2 weeks ago, we were informed the Veterans Administration would fall short by more than a billion dollars of what is needed to provide critical services to veterans. I was angered and dismayed at this gross negligence and oversight and spoke before this very House in strong support of the emergency spending bill passed 2 weeks ago.

We will soon be seeing another request from the President to complete the needed funding for the health care of our Nation's veterans. I will support this measure too because I support our veterans, but it is absurd and it is a crying shame that the health of veterans boils down to bitter partisan fights.

As Democrats, we have repeatedly demanded full funding for our veterans' needs. It is our duty to fully fund the Veterans Administration and do it right the first time, not after three or four attempts.

WELCOMING ELIZABETH ALEXANDER

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Mr. Speaker, birth is a happy event for all peoples. We rejoice because we hope that child will make the world better. Every time a child is born, the Good Lord is making a bet on the future of mankind. We do not pick our parents, and we do not get to pick the country of our birth. And we who are born in the U.S.A. are the most fortunate of all people in the history of the world.

Last night in Waco, Texas, about the time the sun was going down, 8:29 p.m., Elizabeth Lenna Alexander was born, 7 pounds 3 ounces, July 12, 2005. The world she has been born into is full of the good and the not so good.

Our country must always be willing to protect the greatest resource, the innocent of our country, the soul of our future, our children.

It is my hope that her parents, Kara and Shane Alexander, will raise Elizabeth with a sense of justice and compassion, community, courage, and a deep sense and concern for liberty.

So Elizabeth, as your grandfather, I welcome you to the U.S.A. Make it a better place, a place of more freedom.

URGING CANDOR ON IRAQ

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, you cannot solve a problem if you do not acknowledge that you have a problem. In that light, I appreciate and applaud the comments of outgoing Under Secretary of Defense Doug Feith made to the Washington Post concerning the costly mistakes made in Iraq.

During a recent interview, Mr. Feith said, "It is an extremely complex judgment to know whether the course that we chose with its pros and cons was more sensible."

Further, he noted the transfer of power to Iraqis did not happen fast enough and that we were not able to train the Iraqis.

Mr. Feith's comments stand in contrast to the President's inability and unwillingness to acknowledge any errors made in the Iraq war effort.

The administration did a great job planning for a quick victory on the battlefield and for occupation, yet things have not turned out as planned. Some of today's challenges are a direct result of those mistakes made by the administration.

After 1,800 American lives, more than 10,000 wounded American GIs and $340 billion with no end in sight, now is the time to level with the American people. If we are going to be successful, we must work together, and to work together, you must be frank and honest.

Mr. Feith, thank you for your recent candor. Mr. President, we can do it. We are here to help, but it starts with truth and candor.

UTILIZING THE MISSISSIPPI RIVER

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, how do you haul corn, soybeans, fertilizer, petroleum products, coal and rock from Chicago, Illinois, to the port of New Orleans, or from the port of New Orleans up to Chicago, Illinois, without taking 870 tractor-trailer trucks over our highway system? That is 870 trucks that burn diesel fuel, 870 trucks that clog our interstate highway system, 870 trucks that made some of our roads less safe.

Mr. Speaker, you do it by the river, by the Mississippi River system. That is one of the best ways in which we can be an environmental steward, by getting all of these trucks off the road. That is one of the best ways that we can unclog our highway and transportation system. That is one of the best ways that we get a better return on investments and lower price fuels is by doing that.

The Water Resources Development Act, which we will take up on the floor this afternoon and tomorrow, is the best way to be a good environmental steward, energy security, and promote the well-being of all Americans. I ask Members support for passage.

VALERIE PLAME'S IDENTITY

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McGOVERN. Mr. Speaker, when news broke early this week that Karl Rove was involved in the outing of CIA agent Valerie Plame, it was clear that either Karl Rove had been withholding his involvement from the White House, or that the White House knew of his involvement and falsely allowed the public to believe he had no role in the scandal.

This Congress should be outraged by Mr. Rove's involvement and should be demanding answers from both him and the White House. I would like to know when exactly, if ever, President Bush was told of Mr. Rove's involvement. If the President did indeed know, that means that the White House is involved in a coverup which should be investigated by this House.

Mr. Rove's actions are a major abuse of power. Valerie Plame was a covert CIA agent stationed in many hot spots around the world. When someone in the White House decided to leak her name to reporters, they were not only jeopardizing Plame's life, but also the lives of other covert agents she has been in contact with.

Mr. Speaker, House Republicans should be concerned about whether or not this White House has been spreading this information. The only way we can get answers is by conducting a congressional investigation. It is time that this Congress do its job.

SPACE SHUTTLE LAUNCH

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of Georgia. Mr. Speaker, 2 years ago, the Nation mourned the space shuttle *Columbia* tragedy. President Bush declared, "This cause of exploration and discovery is not an option we choose, it is a desire written in the human heart."

Today, seven more astronauts will take hold of that desire and follow their heart into space. This return to flight marks a new era of space travel with unparalleled safety measures. As the crew tests new safety techniques and delivers much-needed supplies to the International Space Station, we will all watch. We will watch with excitement and pride, and we will remember. We will remember and honor the lost crew of the space shuttle *Columbia*.

The *Columbia* crewmembers valiantly gave their lives pursuing knowledge in our name for space exploration and today, we continue our quest to get our shuttle program back.

Mr. Speaker, thanks to those who worked so hard to get that shuttle program back. To today's crewmembers, Eileen Collins, James Kelly, Charles Camarda, Wendy Lawrence, Soichi Noguchi, Steve Robinson, and Andy Thomas, may they be safe and may their mission be successful. We thank them for their dedication, their determination, and their courage. Godspeed.

□ 1015

SOCIAL SECURITY PRIVATIZATION

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, early this year the President said, "There's no Social Security trust." Lately, some White House supporters in this Congress say they want to establish private accounts with money from the same trust fund which the President says does not exist. That way, when favored Wall Street interests take the money from the administration's private accounts and lose it in stock speculation, they can turn around and tell the American people, "Hey, the money was never there to begin with."

There is a line in the Bible which says, "That which is crooked cannot be made straight." Think about that line when you think about Social Security privatization.

AMERICA'S FLOURISHING ECONOMY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Fridays are turning out to be a great day for American workers for more than one reason. Last Friday, the Department of Labor announced that over 146,000 new jobs were created for American workers in June. Over the last 25 consecutive months, 3.7 million Americans have gone to work due to President Bush's tax cuts. Additionally, the national unemployment rate has dropped over the past year to 5 percent, which represents the fastest decline in nearly a decade. More Americans are working now than ever before in our Nation's history and our tax receipts continue to rise as the Federal deficit continues to steadily decline. The Congressional Budget Office now predicts that our deficit may fall to under $325 billion. Friday's job reports continue to bring positive news for American families and prove that President Bush's tax cuts are moving the economy forward.

In conclusion, God bless our troops and we will never forget September 11.

VETERANS HEALTH CARE FUNDING

(Mr. EDWARDS asked and was given permission to address the House for 1 minute.)

Mr. EDWARDS. Mr. Speaker, it has now been 13 days since the House could have passed a $1.5 billion emergency VA health care spending bill to address the VA health care crisis in America. Unfortunately for millions of America's veterans, the House leadership refused to pass the bipartisan bill that the Senate had already passed by a vote of 96–0. We could have already had help on the way, but the House leadership said no.

Yesterday, the VA confirmed what House Democrats said on this floor 13 days ago, the House leadership-backed VA bill does not fully address the VA health care crisis. Every day that goes by is a day when veterans are either having their important health care delayed or canceled. The House Republican leadership caused this VA health care crisis by underfunding VA health care for 2 years. Now they have a responsibility to deal with it.

Now I hear the House leadership says we might be on vacation this Friday. What is more important, Members of the House taking a vacation this Friday or addressing the needs of America's veterans?

VETERANS HEALTH CARE FUNDING

(Mr. BUYER asked and was given permission to address the House for 1 minute.)

Mr. BUYER. Mr. Speaker, I would say that my good friend from Texas's 1-minute is very unfortunate because, CHET, you and I are working together. We are working with your colleague, Chairman WALSH, to find the right number. And so to try to say that, gee, there is a bogeyman, there is a bad person here, that is false. What we are looking for, CHET, is to get the right number.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would advise Members that they should address their remarks to the Chair and not to other Members either in the second person or by given name.

Mr. BUYER. I can address the Chair, but I think we know who we are talking to.

I am hopeful, Mr. Speaker, that the gentleman who just spoke will be very careful, because we are trying to work together to get the right number. I think it is an embarrassing moment. When we ask the administration for the number, they testify to a number, and then we find that it is not right potentially? We are trying to get the number right and to make sure that veterans are served properly on a bipartisan basis. Please, let us not erode that.

VA FUNDING SHORTFALL

(Mr. EVANS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVANS. Mr. Speaker, 2 weeks ago the administration told Congress that the VA health care system did not need any more money. Then, feeling the heat, they said they needed an additional $975 million. Just yesterday, the Bush administration conceded that it had made another mistake. Now they say they need another $300 million. It is clear that either the administration cannot get it right or does not want to get it right. The nearly $1.3 billion that the administration now admits is necessary this year is the amount Democrats have been working hard for this last year. The Republican leadership has consistently fought adequate increases in the VA health care budget. Now, more than 50,000 veterans are coming to health care appointments and being denied care. It is time to stop nickel-and-diming veterans health care and give the veterans of this country what they need and deserve.

POSITIVE ECONOMIC NEWS

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute.)

Mrs. BLACKBURN. Mr. Speaker, there is great economic news for American workers. The reason this economy is growing is because of small business. That is why we are celebrating Small Business Week. We found out from the Bureau of Labor Statistics last week, 25 months of consecutive economic growth, 146,000 jobs in June. We have unemployment at near historic lows. We are going to see the deficit $100 billion less than projected. The reason that is happening, the reason we have steady economic growth, is because the tax reductions are working. The tax reductions are working, and we are seeing higher Federal revenues.

We are going to continue with this. It shows that the agenda laid forth by the majority leadership has worked for all Americans, and we are going to continue to work to reduce Federal regulations like the bills we did in dealing with OSHA to make the environment more friendly for small business to do what they do best, create those jobs. We look forward to continuing to create the environment for a great competitive American workplace.

WHITE HOUSE STONEWALLING ON ROVE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHAKOWSKY. Mr. Speaker, it has now been 2 days since we discovered Karl Rove told a Time magazine reporter that Ambassador Joe Wilson's wife was a CIA agent, and what is the response from the White House? Silence.

White House press secretary Scott McClellan has refused to take questions from reporters for the last 2 days on Karl Rove, citing an ongoing Federal investigation. However, McClellan had no trouble spreading erroneous information about Rove's supposed innocence.

On October 1, 2003, McClellan was asked about Rove's involvement; and after first stating that there was an ongoing investigation taking place, McClellan continued by stating, "It's simply not true that he was involved in leaking classified information."

Nine days later in reference to another question about Rove, McClellan began by reminding reporters of an ongoing investigation, but then continued by stating that Rove had assured him he was not involved.

It now turns out that everything the White House was saying was false. Mr. Speaker, the ongoing investigation is not what is keeping the Bush White House from commenting. They are stonewalling because they cannot explain these falsehoods away. It is time for the stonewalling to end.

THE ECONOMY

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute.)

Mr. CHOCOLA. As we have heard, Mr. Speaker, last week our country did receive more good economic news. The jobless rate fell to 5 percent in June, the lowest rate since September of 2001. Economic growth has continued to average a strong and steady 4 percent. The deficit is down by over $100 billion to its lowest point in 3 years. And tax receipts have skyrocketed this year.

That news should send a clear signal to Members of this body, it is time to give the tax cuts of 2003 the credit that they deserve. Time and again we have learned that the best way to achieve growth and create jobs is for hard-working people to keep more of their own money in their own pockets.

Mr. Speaker, I urge my colleagues to help sustain this growth and help eliminate the deficit by controlling spending and making the 2003 tax cuts permanent.

VA BUDGET SHORTFALL

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, once again the administration is forced to admit that it failed to acknowledge the full extent of the VA's budget shortfall. In June, the administration submitted a request for $975 million to keep the VA ship afloat. This number was a joke. Democrats, myself included, protested that at least $1.3 billion would be required to meet the VA's obligation to our Nation's veterans.

Former VA Secretary Anthony Principi, then Chairman Chris Smith and Ranking Member EVANS, the Independent Budget, the American Legion, and countless veterans wrote Members of Congress and warned us that the VA could not operate with the budget request submitted by the administration. As usual, the administration stubbornly clung to its ridiculously low figure. Once again, the administration was wrong.

Now that the administration acknowledges its billion-dollar shortfall, let us make sure our veterans are provided for and that no veteran in this country goes without the best health care we can provide to these great Americans.

NEED TO MONITOR FEMA

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to express my condolences to Floridians in the wake of Hurricane Dennis. Hurricane Dennis blasted into Florida as a category 3 storm and is estimated to have caused about $1 billion worth of damage and the loss of seven lives. I share my fellow Floridians' anguish over their losses. This hurricane unfortunately is just the first of many that will assail Florida's coasts.

Last year, FEMA bungled cleanup efforts in the aftermath of four terrifying hurricanes by refusing to pay for debris removal on private roads, slow reimbursement, and exorbitant overpayments in the Miami-Dade area.

I urge FEMA to respond quickly to this latest hurricane so that the 2004 debacle is not repeated.

ROVE NEEDS TO BE STRAIGHTFORWARD ABOUT HIS INVOLVEMENT IN VALERIE PLAME SCANDAL

(Ms. WATSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON. Mr. Speaker, Karl Rove needs to stop hiding behind his attorney and be straightforward with the American people about his involvement in the Valerie Plame scandal. Whether or not Karl Rove is the only administration official who leaked information to reporters remains to be seen. What is clear today is that Karl Rove has not been up-front with the American people. He has consistently denied any involvement in the case despite the revelation on Monday through his attorney that he did indeed tell a Time magazine reporter that Joseph Wilson's wife was a CIA agent. This is a serious breach of trust on Karl Rove's part. Truth and trust are devalued when this happens.

Larry Johnson, a former CIA operative who worked with Plame, explained how serious Rove's actions were, and I am quoting: "The fact that she's been undercover for 3 decades and has been divulged is outrageous because she was put undercover for certain reasons. One, she works in an area where people she meets with overseas could be compromised."

He needs to step down.

LONDON BOMBING

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to offer my deepest condolences to our friends in London who suffered a heinous attack of terrorism last week when several bombs tore through their public transit system. Events like the London bombing remind us how absolutely important it is to stand firm against terrorism wherever it rears its hideous head. We must never let down our guard.

Next week, the House is slated to take up legislation to reauthorize 16 provisions in the PATRIOT Act. Those in Congress acted quickly in the wake of September 11 to get this strong legislation passed to help safeguard our Nation from the agony of another terrorist attack.

So far, we have been successful. The PATRIOT Act has helped our intelligence and law enforcement officials prevent another attack from occurring on American soil. But last week's London bombings remind us that we are still in the middle of a fierce battle. Our safety depends on our intelligence and law enforcement officials having the tools they need to track terrorists and to prevent terrorism, at home and abroad. Indeed, this is not the time to let down our guard.

☐ 1030

SUPPORT THE FLAKE-BLUMENAUER AMENDMENT TO ENSURE THAT THE UPPER MISSISSIPPI RIVER LOCK AND DAM EXPANSION IS JUSTIFIED

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, we heard earlier today that there is a need to have a massive investment in the lock system in the Mississippi River to avoid having product move up and down in trucks. That is not the issue.

The problem that we are facing now is that more and more of the grain and other agricultural product are being shipped by truck and rail because it needs to get to locations not served by the Mississippi River system. This has been shown by the Congressional Research Service and the National Academy of Science.

The bill that is coming before us for a vote next week would be the Nation's most expensive waterway project and would siphon off 10 to 15 percent of all core construction funding for years, perhaps decades, to come, for an area where the barge traffic is actually going down.

I strongly urge my colleagues to support the amendment that the gentleman from Arizona (Mr. FLAKE) and I are offering that would allow the project to go forward only if the minimum standards that make it economically viable are, in fact, met over the next 3 years.

TAXES AND BUDGET

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, since President Bush took office in January 2001, America has seen a recession that began before the administration was really up and running, the worst terror attacks in the history of the world, scandals that rocked the Fortune 500 companies and our financial markets, a war in Afghanistan, a war in Iraq, and the highest energy prices in recent memory.

We have faced enormous economic challenges that should have devastated the United States; but, instead, we have seen 4 years of economic growth, the best housing market in American history, all more evidence that tax relief benefits the economy. And getting the government off the backs of the taxpayers actually helps our economic engine.

The 2001 tax cuts and the 2003 cuts on capital gains and dividends have been the linchpin to our economic rebound. Federal tax receipts are up this year. State tax receipts are up this year. The economy is turning around, and we have reduced the deficit by $100 billion this year alone, all the work of tax relief and tight budgets, what we as Republicans believe, what we are fighting for, and they work.

TRUTH, TRUST, AND ACCOUNTABILITY

(Mr. MORAN of Virginia asked and was given permission to address the House for 1 minute.)

Mr. MORAN of Virginia. Mr. Speaker, truth, trust, and accountability should be the defining characteristics of the American Presidency.

President Bush's press secretary, in October of 2003, Scott McClellan, told the White House press corps and, through them, the world at large that Karl Rove and two other high-level administration officials had assured him that they were not involved in outing CIA covert agent Valeria Plame. He said that unequivocally.

Now we find that Karl Rove has sat back in timid silence while he has watched two reporters go through the costly, torturous experience of legal prosecution, all to protect his identity.

Mr. Speaker, the 41st President of the United States, George Bush, for whom the CIA headquarters is named, said that what Karl Rove did was an act of treason. Mr. Speaker, it is time to hear from the President of the United States.

STOPPING THE SPREAD OF TERROR

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today in support of the pledge made by Prime Minister Tony Blair. He said that we must "defeat terror and emerge from this horror with our values, our way of life, our tolerance and respect for others undiminished." I support that pledge.

The attacks on London show that the war on terror is not over, nor is it confined to a specific geographical domain. Securing our homeland is only one facet of the war. Spreading democracy in the savage lands where terrorism is allowed to propagate is another.

In the face of terrorism, a united front is one of the strongest weapons. A terrorist network that believes a nation so tested will fold under pressure of a few horrific acts may capture its attention, but will not achieve its submission. The terrorists who attacked Great Britain have underestimated the resolve of an alliance that shares the ideals of freedom and democracy.

Those of us who thought the threat of terrorism receded with time now look no further than the horror visited on our closest allies. Complacency only allows the waves of terror crashing over the Western World to cause erosion. None of us in either country should be content to live under this constant threat. We must instead insure ourselves against such terror by allowing democracy to spread and flourish.

VETERANS HEALTH CARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, talk is cheap, but health care is very expensive; and for the last 5 years, the Bush administration has offered our veterans empty rhetoric while denying them access to needed health care.

As veterans groups and Democrats fought to increase the veterans budget for the last 3 years, the Republican majority and the White House have been in deep denial. But I get weekly reports, and I bet you do too, from my veterans rep who tells me that people's treatment has been delayed, denied, people who cannot even get in the door for 6 months.

Now, 2 weeks ago, the administration admitted, well, I guess we need another $1 billion for health care for veterans this year. Today they said it is $3 billion more; but they say, oh, you know, we just could not have known, we could not have anticipated there would be veterans coming home from Iraq or Afghanistan who are wounded and injured and need services. They did not know there was a war going on. And they also said they could not anticipate the aging of the World War II and Korean veterans. They did not build that into the budget. They just did not know.

But they had a chairman on that side for a couple of years who told us he did know. He told us we needed more money, and they fired him from that job. At least a few Republicans are standing up for what is right.

TIME FOR KARL ROVE TO COME CLEAN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I guess the Republican leadership is now condoning Karl Rove's behavior, but think about what the previous President Bush said about this.

On September 30, 2003, and I am quoting President Bush, this is the current President Bush, "If there is a leak out of my administration, I want to know who it is, and if the person violated the law, the person will be taken care of."

Well, that was nice talk then, but now it appears that it was all talk. The Republican leadership has no problem condoning Karl Rove's behavior and his leak. On Monday we learned that Karl Rove leaked Valeria Plame's identity, an act that Bush's father called treasonous.

Rove's actions were an outrageous abuse of power, but the longer President Bush allows him to remain on the job, the more it looks like the President is condoning activity that his own father called treasonous. It is amazing to me that the Republican leadership is now willing to come to the floor and say that that is okay. It is outrageous.

Listen to what the previous President Bush said: "Don't let this stonewall continue on the part of the White House."

It is time that Karl Rove come clean. It is time that the President force him to resign.

ECONOMY AND JOBS

(Mr. HENSARLING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENSARLING. Mr. Speaker, thanks to President Bush's economic growth plan passed by Republicans in Congress, I am very pleased to relay even more good news about America's expanding economy, growing jobs gains, and shrinking Federal deficit.

First, our economy grew at 3.8 percent in the first quarter. This is the 14th consecutive quarter of growth and one of the strongest growth performances in years. Secondly, a recent Congressional Budget Office report shows yet another decline in the Federal deficit due to this economic growth. The deficit is down about $100 billion. More good news. The unemployment rate has now declined to 5 percent, the lowest level since that tragic day on 9/11.

Over the last 2 years, more than 3.7 million new jobs for the future have been created in America. These encouraging reports show once again that the tax relief for families and small businesses which President Bush and the Republican Congress passed is paying dividends: more jobs, higher incomes, and a lower deficit.

THE BUSH LEGACY: LARGEST NATIONAL DEBT IN HISTORY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, today the administration is telling us that the Federal budget deficit for this year will not be as large as they were predicting it would be back in January. Some are taking this as evidence of some type of supply-side miracle, but nothing could be further from the truth.

As analysts at Goldman Sachs have pointed out today, this year's large increase in tax receipts stems from temporary factors that are unlikely to be repeated, and some short-term improvement does not change the big picture.

The Bush administration has given us a record: the largest national debt in history, over $7 trillion; and they have raised the ceiling, the debt ceiling three times. This breaks down to each citizen's share being over $26,000. And they still have a record trade deficit, another record: the largest in history.

The administration may have another excuse to ignore the long-term structural budget problems of this Nation, but the American people deserve to know the truth: $7 trillion, a debt that our children will have to pay.

TIME FOR THE WHITE HOUSE TO CLEAN UP ITS HOUSE

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, raising questions about national security is not partisanship; it is patriotism.

Now that we know that Karl Rove, the Deputy Chief of Staff at the White House outed a CIA agent, Republicans have begun to try to forgive the unforgivable, to explain the unexplainable. And to suggest that Karl Rove was simply trying to set a news story straight as a reason for outing a CIA agent is unacceptable.

CIA agents operate in secret so they can protect America from its enemies, from terrorism here at home. When their identity is revealed, not only are they put at risk, but America is also put at risk.

Whether Karl Rove violated the law or not is a question for the special prosecutor; but the White House said they had a higher standard, and it is the standard that should be enforced with Mr. Rove.

Former CIA agents have said that if this is not treacherous, it might very well be treasonous. Either way, it is time for the White House to clean up its house.

FUNDING FOR VETERANS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, the cornerstone at the Department of Veterans Affairs from the time of Abraham Lincoln has read: "To care for them who shall have borne the battle, their widows, and their orphans." Why can this administration not keep that promise?

Veterans who have served our country and are now coming home, and the World War II, Korean, Vietnam and Persian Gulf War vets who are aging, are lined up, over 50,000 currently waiting to get into the system. Our doctors and nurses are stressed out.

We know we need $1 billion additional funds for veterans health care. We seem to be able to find money for everything else in the world, but the administration cannot get it right, or does not want to get it right on veterans care. A couple of weeks ago they said they did not need any more money. Then, yesterday, they said, oh, wait, maybe we need $300 million, when their own chairman that they took off the committee 2 years ago, robbing him of his distinguished career here in public service to veterans, told us we needed $1 billion, and they ripped him off the committee.

That is really wrong. It is not meeting our commitments to those on whom our freedom rests. And do my colleagues know what? It is having a major impact on our ability to recruit in our Guard, Reserve and Army, because they do not believe that this country will keep the promise that we have had enshrined since Lincoln . . . to care for those who have borne the battle.

☐ 1045

VETERANS HEALTH CARE SHORTFALL

(Ms. HERSETH asked and was given permission to address the House for 1 minute.)

Ms. HERSETH. Mr. Speaker, I rise today to express my concern shared by many of my colleagues this morning regarding the veterans affairs health care budget shortfall.

I am afraid this shortfall is further evidence that the misgivings many Members of Congress, veterans, and veterans service organizations have had about the VA health care budget have been justified.

The bottom line, in recent years veterans health care has not been given sufficient consideration when it comes time to write the budget. Providing the benefits earned by veterans, yesterday's heroes and today's, is part of the Federal Government's responsibility to provide for the common defense, a responsibility that should direct our funding priorities.

The necessity to reprogram $1.27 billion to the medical services account for fiscal year 2005 and possibly up to $1.7 billion, not factoring in $600 million for enrollment fees and increased co-payments that will not be accepted by Congress, over the President's request for fiscal year 2006 is an obvious signal that VA health care is not suitably funded to meet the needs of our veterans.

However, this is not the first indication that the problem existed. It is not a problem that has crept into the system in the last few months. It is a problem that has existed for many years. I am pleased that we are now working to solve the shortfalls of fiscal year 2005 and 2006 and to ensure effective methodologies that can produce reliable projections regarding adequate levels of funding in the future.

HONOR OUR TROOPS

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. Mr. Speaker, the President asked this Nation to fly the flag for our troops over the Fourth of July holiday. But while the Nation supports the active duty men and women in uniform serving in harm's way, the President is shortchanging the soldiers who are now serving and will be veterans in the future.

Mr. Speaker, I serve on the appropriations subcommittee most ably led by the ranking member, the gentleman from Texas (Mr. EDWARDS), who has led the battle of pointing out the underfunding of the Veterans Administration for health care. We now see it is a fact.

Both the Republican leadership in the House and the Senate made a quick fix. The Democrats have said this fix is not enough, claiming that we will have a greater shortfall as the veteran soldiers from Iraq come home.

If you truly want to honor those serving, you have to pledge to honor them in the future. Fully funding veterans health care is the most patriotic way we can honor our troops, all of whom will some day be veterans.

SUPPORT OUR TROOPS—GIVE VETERANS BETTER HEALTH CARE

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, this morning in "CQ Today" we see: "Shortfall in Veterans Funds Widened."

The chairman of our committee says, well, we have to find the right number somewhere; we have to find the right number.

Well, I tell you, we had a process where we had the right number. The veterans service organizations through this Independent Budget said exactly what was needed and what we should have both for this year and for the coming year. But did we listen to them? No.

The Democrats on the Committee on Veterans' Affairs, the Democrats on this floor tried to amend the appropriations bills so we would get the money that veterans need. They were voted down by a strict party-line vote: all the Democrats voting for the veterans, all the Republicans voting against.

We are at war, Mr. Speaker. The way that we win a war is to make sure that the troops when they come home have sufficient funding for health care. I have a thousand veterans on the waiting list at my veterans hospital in San Diego. The brave young men and women who are returning from Iraq and Afghanistan will have a high probability of having post-traumatic stress disorder, PTSD.

Will they get the treatment they need? No. Will they have to wait a year for a dental appointment? Yes.

Let us support our troops by supporting them when they come home with proper VA health care funding.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend rules on which a recorded vote or the yeas and nays are ordered, or on which a vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2005

Mr. BUYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1220) to increase, effective as of December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "Veterans' Compensation Cost-of-Living Adjustment Act of 2005".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2005, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under section 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amounts in effect under section 1311(b) of such title and paragraph (1) of section 1311(f) of such title (as redesignated by subsection (e) of this section).

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—

(1) BASE FOR INCREASE.—The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2005.

(2) PERCENTAGE OF INCREASE.—Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2005, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) ROUNDING.—Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

(e) DESIGNATION CORRECTION.—Section 1311 of title 38, United States Code, is amended by redesignating the second subsection (e) (added by section 301(a) of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3610)) as subsection (f).

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2006, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

SEC. 4. CODIFICATION OF FISCAL YEAR 2005 COST-OF-LIVING ADJUSTMENT PROVIDED IN PUBLIC LAW 108–363.

(a) VETERANS' DISABILITY COMPENSATION.—Section 1114 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "$106" and inserting "$108";

(2) in subsection (b), by striking "$205" and inserting "$210";

(3) in subsection (c), by striking "$316" and inserting "$324";

(4) in subsection (d), by striking "$454" and inserting "$466";

(5) in subsection (e), by striking "$646" and inserting "$663";

(6) in subsection (f), by striking "$817" and inserting "$839";

(7) in subsection (g), by striking "$1,029" and inserting "$1,056";

(8) in subsection (h), by striking "$1,195" and inserting "$1,227";

(9) in subsection (i), by striking "$1,344" and inserting "$1,380";

(10) in subsection (j), by striking "$2,239" and inserting "$2,299";

(11) in subsection (k)—

(A) by striking "$82" both places it appears and inserting "$84"; and

(B) by striking "$2,785" and "$3,907" and inserting "$2,860" and "$4,012", respectively;

(12) in subsection (l), by striking "$2,785" and inserting "$2,860";

(13) in subsection (m), by striking "$3,073" and inserting "$3,155";

(14) in subsection (n), by striking "$3,496" and inserting "$3,590";

(15) in subsections (o) and (p), by striking "$3,907" each place it appears and inserting "$4,012";

(16) in subsection (r), by striking "$1,677" and "$2,497" and inserting "$1,722" and "$2,564", respectively; and

(17) in subsection (s), by striking "$2,506" and inserting "$2,573".

(b) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Section 1115(1) of such title is amended—

(1) in subparagraph (A), by striking "$127" and inserting "$130";

(2) in subparagraph (B), by striking "$219" and "$65" and inserting "$224" and "$66", respectively;

(3) in subparagraph (C), by striking "$86" and "$65" and inserting "$88" and "$66", respectively;

(4) in subparagraph (D), by striking "$103" and inserting "$105";

(5) in subparagraph (E), by striking "$241"and inserting "$247"; and

(6) in subparagraph (F), by striking "$202" and inserting "$207".

(c) CLOTHING ALLOWANCE FOR CERTAIN DISABLED VETERANS.—Section 1162 of such title is amended by striking "$600" and inserting "$616".

(d) DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.—

(1) NEW LAW DIC.—Section 1311(a) of such title is amended—

(A) in paragraph (1), by striking "$967" and inserting "$993"; and

(B) in paragraph (2), by striking "$208" and inserting "$213".

(2) OLD LAW DIC.—The table in paragraph (3) of such section is amended to read as follows:

"Pay grade	Monthly rate
E–1	$993
E–2	$993
E–3	$993
E–4	$993
E–5	$993
E–6	$993
E–7	$1,027
E–8	$1,084
E–9	[1]$1.131
W–1	$1,049
W–2	$1,091
W–3	$1.123
W–4	$1,188
O–1	$1,049
O–2	$1,084
O–3	$1,160
O–4	$1,227
O–5	$1,351
O–6	$1,523
O–7	$1,645
O–8	$1,805
O–9	$1.931
O–10	[2]$2.118

[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $1.221.

[2] If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse's rate shall be $2,272.".

(3) ADDITIONAL DIC FOR CHILDREN OR DISABILITY.—Section 1311 of such title is amended—

(A) in subsection (b), by striking "$241" and inserting "$247";

(B) in subsection (c), by striking "$241" and inserting "$247"; and

(C) in subsection (d), by striking "$115" and inserting "$118".

(e) DEPENDENCY AND INDEMNITY COMPENSATION FOR CHILDREN.—

(1) DIC WHEN NO SURVIVING SPOUSE.—Section 1313(a) of such title is amended—

(A) in paragraph (1), by striking "$410" and inserting "$421";

(B) in paragraph (2), by striking "$590" and inserting "$605";

(C) in paragraph (3), by striking "$767" and inserting "$787"; and

(D) in paragraph (4), by striking "$767" and "$148" and inserting "$787" and "$151", respectively.

(2) SUPPLEMENTAL DIC FOR CERTAIN CHILDREN.—Section 1314 of such title is amended—

(A) in subsection (a), by striking "$241" and inserting "$247";

(B) in subsection (b), by striking "$410" and inserting "$421"; and

(C) in subsection (c), by striking "$205" and inserting "$210".

SEC. 5. DEMONSTRATION PROJECT TO IMPROVE BUSINESS PRACTICES OF VETERANS HEALTH ADMINISTRATION.

(a) DEMONSTRATION PROJECT REQUIRED.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a demonstration project under this section for the improvement of business practices of the Veterans Health Administration.

(2) PERFORMANCE-BASED CONTRACT.— To carry out the demonstration project, the Secretary shall enter into a performance-based contract for a contractor to carry out the functions specified in subsection (e).

(3) COST LIMITATION.—The total amount paid to the contractor under the contract may not exceed $10,000,000.

(b) COMMENCEMENT AND DURATION OF PROJECT.—The demonstration project shall be conducted during the two-year period beginning on the first day of the first month beginning more than 120 days after the date of the enactment of this Act.

(c) SITES FOR CONDUCT OF PROJECT.—The Secretary shall conduct the demonstration project at two facilities, at least one of which shall be a medical center, of the Veterans Health Administration within the same service area (referred to as a Veterans Integrated Service Network) of the Veterans Health Administration. The two facilities at which the project is conducted shall be selected by the Secretary from among facilities that the Secretary determines have relatively low performance for recovery or collection of indebtedness from third-party payors under section 1729 of title 38, United States Code.

(d) SELECTION OF CONTRACTOR.—The Secretary shall carry out the process for selection of the contractor for the demonstration project so that the contractor to perform the contract is selected, and the contract is awarded, not later than three months after the date of the enactment of this Act. The contractor shall be an entity or organization that has significant experience in the administrative processing of health care charges and claims.

(e) FUNCTIONS OF CONTRACTOR.—The Secretary shall provide in the contract for the following functions of the contractor with respect to each facility at which the demonstration project is conducted:

(1) Detailed specification of existing business processes that the contractor determines are relevant to the capability of the facility to recover or collect indebtedness from third-party payors under section 1729 of title 38, United States Code.

(2) Reengineering of the business processes identified under paragraph (1), including provision for standardized application of such reengineered processes throughout the facility.

(3) Establish and implement a plan to transition from the business processes identified under paragraph (1) to the reengineered and standardized businesses established pursuant to paragraph (2).

(4) Establishment of a comprehensive database containing third-party payor information for veterans receiving health care and services at the facility.

(f) VHA PROJECT MANAGER.—As part of the demonstration project, the Secretary shall ensure that a Veterans Health Administration employee is designated to be the full-time project manager for the project and that such employee's duty station is at one of the facilities at which the project is conducted, with provision for visits as needed to the other facility at which the project is conducted.

(g) EMPLOYEE PROTECTION.—The Secretary shall administer the demonstration project so that during the period of the conduct of the demonstration project there is no reduction in active full-time equivalent employees of the Department of Veterans Affairs at the facilities at which the project is conducted that is attributable to the conduct of the demonstration project.

(h) REPORTS TO CONGRESS.—

(1) PERIODIC PROGRESS REPORTS ON PROJECT IMPLEMENTATION.—

(A) REPORTS REQUIRED.—The Secretary shall submit to Congress progress reports on the implementation of the demonstration project.

(B) TIME FOR PROGRESS REPORTS.— Such reports shall be submitted as expeditiously as feasible after the end of—

(i) the 60-day period and the 90-day period beginning on the date of the enactment of this Act; and

(ii) the 60-day period, the 90-day period, and the 180-day period beginning on the date of the award of the contract under subsection (d).

(C) MATTER TO BE INCLUDED.—Each report under this paragraph shall set out the progress to date of the demonstration project, including—

(i) before the contractor has been selected, progress toward selection of the contractor (identified by the steps in the acquisition process that have been accomplished and that remain to be accomplished); and

(ii) after the contractor has been selected—

(I) the contractor's progress in initiating and carrying out the demonstration project in accordance with the requirements of this section; and

(II) a copy of each contract under the demonstration project and any change order or modification to any such contract.

(2) INTERIM REPORTS ON PROJECT OPERATION.—After the completion of the first 12 months, and after the completion of the first 18 months, of the demonstration project, the Secretary shall submit to Congress an interim report on the operation of the demonstration project to that date. Each such report shall include the following:

(A) The assessment of the Secretary as to whether the rate of recovery or collection of indebtedness owed the United States from third-party payors has improved by reason of the project.

(B) The assessment of the Secretary as to the performance of the contractor.

(3) FINAL REPORT.—

(A) REQUIREMENT.—After the conclusion of the demonstration project, the Secretary shall submit to Congress a final report on the project.

(B) CONTENT.—The Secretary shall include in that report—

(i) the matters specified in paragraph (2);

(ii) the Secretary's estimate of cost savings to the Department attributable to the reengineered business processes implemented under the demonstration project, with supporting evidence and documentation for such estimate; and

(iii) the Secretary's recommendation for implementing on a permanent basis the recovery or collection system demonstrated in the project and expanding the project to other facilities of the Veterans Health Administration.

(C) SUBMISSION.—The final report shall be submitted not later than 90 days after the conclusion of the demonstration project.

(i) COMPTROLLER GENERAL REVIEW AND REPORTS.—

(1) REVIEW.—The Comptroller General shall review the demonstration project on an ongoing basis.

(2) REPORTS.—The Comptroller General shall submit to Congress a report on the Comptroller General's findings and recommendations concerning the demonstration project—

(A) after the operation of the demonstration project for a period of one year; and

(B) after the operation of the demonstration project for a period of two years.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Veterans Affairs for the conduct of the demonstration project under this section the sum of $10,000,000.

SEC. 6. PARKINSON'S DISEASE RESEARCH, EDUCATION, AND CLINICAL CENTERS.

(a) REQUIREMENT FOR ESTABLISHMENT OF CENTERS.—

(1) IN GENERAL.—Subchapter II of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 7329. Parkinson's Disease research, education, and clinical centers

"(a) The Secretary, upon the recommendation of the Under Secretary for Health and pursuant to the provisions of this section, shall designate six Department health-care facilities as the locations for centers of Parkinson's Disease research, education, and clinical activities and (subject to the appropriation of sufficient funds for such purpose) shall establish and operate such centers at such locations in accordance with this section.

"(b) In designating locations for centers under subsection (a), the Secretary, upon the recommendation of the Under Secretary for Health, shall—

"(1) designate each Department health-care facility that as of January 1, 2005, was operating a Parkinson's Disease research, education, and clinical center unless (on the recommendation of the Under Secretary for Health) the Secretary determines that such facility does not meet the requirements of subsection (c) or has not demonstrated effectiveness in carrying out the established purposes of such center or the potential to carry out such purposes effectively in the reasonably foreseeable future; and

"(2) assure appropriate geographic distribution of such facilities.

"(c) The Secretary may not designate a health-care facility as a location for a center under subsection (a) unless the peer review panel established under subsection (d) has determined under that subsection that the proposal submitted by such facility as a location for a new center under subsection (a) is among those proposals which have met the highest competitive standards of scientific and clinical merit, and the Secretary (upon the recommendation of the Under Secretary for Health) determines that the facility has (or may reasonably be anticipated to develop) each of the following:

"(1) An arrangement with an accredited medical school which provides education and training in neurology and with which such facility is affiliated under which residents receive education and training in innovative diagnosis and treatment of chronic neurodegenerative diseases and movement disorders, including Parkinson's disease.

"(2) The ability to attract the participation of scientists who are capable of ingenuity and creativity in health-care research efforts.

"(3) A policymaking advisory committee composed of appropriate health-care and research representatives of the facility and of the affiliated school or schools to advise the directors of such facility and such center on policy matters pertaining to the activities of such center during the period of the operation of such center.

"(4) The capability to conduct effectively evaluations of the activities of such center.

"(5) The capability to coordinate, as part of an integrated national system, education, clinical, and research activities within all facilities with such centers.

"(6) The capability to jointly develop a consortium of providers with interest in treating neurodegenerative diseases, including Parkinson's Disease, and other movement disorders, at facilities without such centers in order to ensure better access to state-of-the-art diagnosis, care, and education for neurodegenerative disorders throughout the health care system.

"(7) The capability to develop a national repository for the collection of data on health services delivered to veterans seeking care for neurodegenerative diseases, including Parkinson's Disease, and other movement disorders in the health care system.

"(d)(1) The Under Secretary for Health shall establish a panel to assess the scientific and clinical merit of proposals that are submitted to the Secretary for the establishment of new centers under this section.

"(2)(A) The membership of the panel shall consist of experts in neurodegenerative diseases, including Parkinson's Disease, and other movement disorders.

"(B) Members of the panel shall serve as consultants to the Department for a period of no longer than two years except in the case of panelists asked to serve on the initial panel as specified in subparagraph (C).

"(C) In order to ensure panel continuity, half of the members of the first panel shall be appointed for a period of three years and half for a period of two years.

"(3) The panel shall review each proposal submitted to the panel by the Under Secretary and shall submit its views on the relative scientific and clinical merit of each such proposal to the Under Secretary.

"(4) The panel shall not be subject to the Federal Advisory Committee Act.

"(e) Before providing funds for the operation of any such center at a health-care facility other than a health-care facility designated under subsection (b)(1), the Secretary shall assure that the center at each facility designated under such subsection is receiving adequate funding to enable such center to function effectively in the areas of Parkinson's Disease research, education, and clinical activities.

"(f) There are authorized to be appropriated such sums as may be necessary for the support of the research and education activities of the centers established pursuant to subsection (a). The Under Secretary for Health shall allocate to such centers from other funds appropriated generally for the Department medical services account and medical and prosthetics research account, as appropriate, such amounts as the Under Secretary for Health determines appropriate.

"(g) Activities of clinical and scientific investigation at each center established under subsection (a) shall be eligible to compete for the award of funding from funds appropriated for the Department medical and prosthetics research account and shall receive priority in the award of funding from such account insofar as funds are awarded to projects for research in Parkinson's disease and other movement disorders.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7328 the following new item:

"7329. Parkinson's Disease research, education, and clinical centers.".

(b) EFFECTIVE DATE.—Section 7329 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana (Mr. BUYER) and the gentlewoman from Nevada (Ms. BERKLEY) each will control 20 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1220, as amended, is one of the more important bills the committee brings to the floor each year. This bill, as amended, would authorize the cost-of-living adjustment effective December 1, 2005 for veterans with service-connected disabilities and their survivors.

The projected increase is 2.3 percent, but may be higher or lower depending on changes in the consumer price index. After our ranking member, the gentleman from Illinois (Mr. EVANS), speaks, the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the Subcommittee on Disability Assistance and Memorial Affairs, will provide a more detailed description of this provision.

H.R. 1220, as amended, will also authorize a demonstration project to improve the ability of the Veterans Health Administration to collect funds from third party insurance companies. Under certain circumstances, the VA may bill insurance companies for the treatment of conditions that are not a result of injuries or illnesses incurred or aggravated during military service. Despite improvements, weaknesses in VA's billing and collection process still exist. Every dollar rightfully owed to the VA and not collected is a dollar less to veterans care.

We are working to ensure the VA can accurately forecast health care demand. We must also ensure that the system is able to collect a just debt. I expect that all revenue collected from the project will be returned to the VA medical center where the pilot occurs and not be subjected to appropriations offsets.

Finally, the bill would permanently authorize six Parkinson's disease research, education and clinical centers. Parkinson's disease affects as many as 1.5 million Americans. While treatment exists, we are still in search of a cure.

Currently, the VA has six of these centers. They provide researchers the ability to see results rapidly and put their knowledge to use in helping patients. These centers, working with other VA clinicians, treat tens of thousands of veterans with Parkinson's disease. This section will ensure that the VA continues this invaluable research and treatment.

I want to thank my ranking member, the gentleman from Illinois (Mr. EVANS), for his work on this part of the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. BERKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Indiana (Mr. BUYER) for his help and his work on this; the ranking member, the gentleman from Illinois (Mr. EVANS), as always; and subcommittee chairman, the gentleman from Florida (Mr. MILLER), for their continued efforts to ensure the value of veterans benefits does not erode as the cost of living increases.

H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act of 2005 will help our service-disabled veterans and their survivors maintain the purchasing power of their benefits in 2006. Although we do not know at this time the amount of the increase until the consumer price index is calculated in October, I believe this bill will help VA beneficiaries keep the value of their benefits. No amount of money can adequately compensate our veterans for the loss of their health and families for the loss of loved ones. It is important that the benefits which our Nation provides to partially compensate for such losses do not lose their value over time.

In 2004, over 28,000 veterans in Nevada received disability benefits compensation or pension payments from the VA, and thousands of Nevada family members and survivors received VA cash benefits. The actions we are taking here today will help Nevada veterans and families who depends on these VA benefits.

I am particularly pleased that the bill contains an amendment that I was pleased to offer to include the transitional DIC benefit in the COLA. Without the amendment, the value of the $250 transitional benefit paid to surviving spouses with minor children for their first 2 years of eligibility would have eroded in value by 2006.

Mr. Speaker, this is the least we can do for our Gold Star wives and their children.

I am also pleased to note that the bill contains authority for six VA Parkinson's disease centers. I believe that the research conducted at those centers will improve the lives not only of the veterans with Parkinson's, but of many thousands of other Americans.

Veterans in Las Vegas are already reaping the benefits of the local VA's affiliation with the Southwest Center in West Los Angeles. I want to thank the gentleman from Illinois (Mr. EVANS) in particular for bringing this to our attention and making sure that it was a top priority for the VA committee.

The bill also contains provisions for a demonstration project to improve VA's procedure for collecting money owed by third parties such as insurance companies when VA provides medical care for veterans with nonservice-connected conditions.

H.R. 1220 will receive my full support. It deserves the full support of all Members of this House.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs.

Mr. EVANS. Mr. Speaker, I am proud that H.R. 1220, in addition to providing veterans with needed health care, includes the cost-of-living adjustment as well. This will permanently authorize VA Parkinson's centers as well. Some 42,000 veterans with Parkinson's receive care at the VA.

In 5 years, an estimated 39,000 older veterans will have the disorder. Treatments exist for Parkinson's, but research continues to improve treatments and to search for a cure.

VA is on the cutting edge of research and treatment because of these centers. Veterans service organizations and Parkinson's advocates all support the permanent authorization of these centers.

While the bill does not also authorize VA's two multiple sclerosis centers, I continue to support the centers and hope they can work so we can get them properly authorized.

Authorizing the centers will make sure that the VA will continue to be a model of innovation in the delivery of health care and research for this chronic disease. This bill offers hope to veterans and others with Parkinson's. I ask my colleagues for their support.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the gentlewoman for yielding me time and for her leadership in this effort.

Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans' Compensation Cost-of-Living Act of 2005. I believe that this is a good bipartisan bill. Each year we pass the COLA for veterans. This ensures that veterans benefits maintain their value as the cost of living goes up. These benefits were earned by the men and women who have served our country and their families, and they should not be allowed to diminish.

These benefits are critical to helping many veterans and their families make ends meet. I would also like to thank the gentlewoman from Nevada (Ms. BERKLEY) for her efforts to include a provision to improve benefits that I have been working on since I became a Member of Congress.

Last Congress in response to the VA evaluation, we passed legislation to provide an increase of $250 to the monthly DIC benefits for surviving spouses with children under 18 years of age for the first 2 years of eligibility.

While I believe that we should make this benefit permanent, especially in light of our brave men and women giving their lives in Afghanistan and Iraq, the provision in today's bill is extremely important and will ensure that this benefit maintains its value over time.

Finally, I am pleased that this legislation will allow the VA to continue its important work on Parkinson's disease research. I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership in this very important legislation.

This is a good bill to help veterans and their families across the country. I urge my colleagues to support it.

Ms. BERKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from South Dakota (Ms. HERSETH).

Ms. HERSETH. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise today in support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, which authorizes the annual cost-of-living adjustment for disabled veterans and their survivors.

I would like to thank the chairman, the gentleman from Indiana (Mr. BUYER), and the ranking member, the gentleman from Illinois (Mr. EVANS), for their leadership on the full committee and for their good work in shepherding this bill to the floor today. I would like to thank the gentleman from Florida (Mr. MILLER) and the ranking member, the gentlewoman from Nevada (Ms. BERKLEY) of the Subcommittee on Disability Assistance and Memorial Affairs, for their hard work and bipartisan leadership.

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Mr. Speaker, I support this legislation and am a proud cosponsor of the bill because it is an important way we can keep our Nation's promise to the veterans who have served. This legislation is aimed at improving the quality of life for disabled veterans and their families whose sacrifices and contributions to our great country should not be forgotten. I believe the way we treat our veterans is a moral issue and we need to do the right, moral, honorable thing with respect to disabled veterans and their families.

There are more than 3,000 veterans in my home State of South Dakota who received disability compensation last year, and tens of thousands more nationwide who rely on this annual cost of living increase to help support a dignified quality of life. With wounded young servicemen and women returning home by the thousands from battlefields in Iraq and Afghanistan, we know there is a new and growing generation that is equally deserving of this modest increase to reflect a rising cost of living. It is imperative we work to provide this newest generation of veterans and their families with the benefits they have earned and deserve.

This bill will provide continuing assistance for these brave men and women who will forever live with the scars of their sacrifice. We must honor their service by considering veterans' care to be an ongoing cost of war.

I would like to thank the gentlewoman from Nevada (Ms. BERKLEY) for an amendment she offered in committee, which was passed and included in this bill to provide a cost of living adjustment in fiscal year 2006 for the additional payment of $250 per month for the first 2 years of dependency indemnity compensation eligibility to surviving spouses with minor children.

I also would like to thank the gentleman from Illinois (Mr. EVANS) for his work to include a provision to provide for the establishment of Parkinson's Disease Research Education Clinical Centers in the Veterans Health Administration of the Department of Veterans Affairs.

Again, I am proud to support H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, and urge my colleagues to do the same.

Mr. BUYER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. GINNY BROWN-WAITE), a member of the committee.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise in support of the Veterans' Compensation Cost-of-Living Adjustment Act of 2005. H.R. 1220, as amended, would provide a cost-of-living adjustment, in the same amount as given to Social Security recipients, to disabled veterans and their surviving spouses. Veterans who receive disability compensation and survivors of certain veterans would receive a full COLA beginning on December 1 of this year. Congress has provided for these increases every fiscal year since 1976.

This bill would also codify the current amounts of disability compensation and dependency and indemnity compensation. More than 2.6 million American veterans are receiving service-connected disability compensation. Many of them reside in my Congressional District. These benefits are paid monthly and range from $108 per month for a 10 percent disability to $2,299 for a 100 percent disability.

Additional monetary benefits are available for our most severely disabled veterans as well as those with dependents. Spouses of veterans who died on active duty or as a result of a service-connected disability likewise are entitled to monetary compensation. Additional amounts are paid to survivors who are housebound or in need of aid and attendance or who have minor children.

Currently, more than 336,000 surviving spouses and children are receiving survivor benefits. The administration's fiscal year 2006 budget projects a 2.3 percent cost-of-living increase, but it may be higher or lower, depending on changes in the Consumer Price Index. The exact percentage will be calculated as of September 30 of this year.

I certainly want to thank the subcommittee's chairman and ranking member, the gentleman from Florida (Mr. MILLER), and the gentlewoman from Nevada (Ms. BERKLEY), respectively, for their work on H.R. 1220, as amended. I also want to commend the chairman of the committee, the gentleman from Indiana (Mr. BUYER), and ranking member, the gentleman from Illinois (Mr. EVANS) for their leadership in bringing the bill to the floor today, as well as the subcommittee staff on both sides of the aisle for their hard work on this issue.

Mr. Speaker, I urge my colleagues to support H.R. 1220, as amended.

Ms. BERKLEY. Mr. Speaker, may I inquire how much time I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Nevada has 12 minutes remaining.

Ms. BERKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her outstanding, consistent leadership on behalf of our veterans. It is incredibly important.

I rise in full support of this increase of benefits of an across-the-board cost-of-living adjustment, but I rise particularly to speak about the authorization for the permanent Parkinson's disease research education. As the founder and co-chair of the Parkinson's Task Force, this is critically important. Many of our veterans, because of exposure to toxic elements, suffer from Parkinson's. This research is important. Some of their breakthroughs in these veterans' research facilities have led to cures.

I rise in strong support of the overall bill and for this particular aspect that will help many veterans and many Americans across our Nation.

Ms. BERKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her leadership on veterans' issues.

I too rise in support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, and I would just like to speak briefly about two provisions in it.

This bill will, in December, provide a cost-of-living adjustment to the disability compensation received by our Nation's veterans, and to compensation received by their widows. A transitional benefit to widows with minor children, who will receive an extra $250 per month for 2 years, is specifically included in this cost-of-living increase.

The compensation that veterans and their widows receive does not adequately compensate them for their losses, but we hope it will ease their burden and let them know our Nation is grateful. It is important this compensation keep abreast of the rising cost of living.

Another provision of the bill establishes, subject to appropriations, a Parkinson's Disease Research Educational and Clinical Center in six VA health care facilities, with appropriate geographical distribution of these centers. These centers would cooperate with an accredited medical school, one that provides education and training in neurology and attracts the participation of scientists who are capable of ingenuity and creativity in their research efforts.

The centers would provide the opportunity for VA clinicians to more fully understand Parkinson's Disease and collaborate on innovative treatments. The findings would be shared with facilities without research centers in order to ensure access to state-of-the-art information through our VA health care system. I am especially supportive of the provision which would advance our knowledge of Parkinson's Disease and would provide new treatments to those who are suffering.

So let us support H.R. 1220, but let us not get too self-congratulatory about this bill. It is a necessary bill. It is already provided for in the appropriations process, but the amount of money we are talking about in this bill is very, very small compared to the shortfall in the health care budget of the VA that we have been informed about by our new Secretary of VA.

Mr. Speaker, we are being irresponsible by not approving an adequate health care budget for our veterans. While today we approve the Disability Compensation COLA, we are still leaving our veterans health care short by billions of dollars, both in this year's and next year's budget.

And for those who say, well, we did not know about it, or it was a bad mathematical model that was used, these are rather ridiculous statements. The Independent Budget, which has been formulated by our veterans' service organizations in a very professional, a very detailed way, forecast the exact amount that we would need in the health care budget. While the chairman of our committee is going around searching for a right number, the number was right here in the independent budget.

And, in fact, Mr. Speaker, the Democrats in this House tried to get this budget number into our budget. But were we allowed to? No, we were not allowed to vote on it in our committee. We were not allowed to vote on it on the floor. There were attempts to do that by the gentleman from Texas (Mr. EDWARDS) and the gentlewoman from Oregon (Ms. HOOLEY). I had an amendment on the floor to put the required money in the budget that we were lacking for our veterans, and I was ruled out of order. Out of order to help our veterans? I will tell you what was out of order, and that was the process that the majority party set up.

Mr. Speaker, I have a thousand veterans in San Diego, California, who are-on a waiting list to get into the VA health system. Does that sound like we were adequately funding our health care? We will have thousands of returning Veterans from Iraq and Afghanistan, many with PTSD, post-traumatic stress disorder, who will not be able to get the required counseling at our VA centers. They will have to wait a year for a dental appointment. Is this supporting our troops? Is this showing how much we care about them?

Mr. Speaker, the way to show that we support our troops is to treat them well when they return home. We already have unsettling reports of veterans returning from Iraq and Afghanistan. We have reports of veterans who suffer from PTSD probably, who are committing domestic violence, who have not gotten help from the VA and who may be on the streets already. We know what happens to the troops when they do not get the proper help. Half of the homeless on the streets today are Vietnam vets.

That is a tragedy, that is a disgrace, and an incredible immoral act that we have allowed this country to commit, to put our veterans on the streets. But the same thing is going to happen again. The same thing is going to happen again if we do not adequately fund this budget.

This House voted a week ago to put $900 million into this year's budget. The Senate appropriated 1.5 billion. And the Veteran's Committee chairman said, oh, I do not know how they got their number. Well, that is the right number. We should vote for the Senate number. We can get this passed for veterans immediately, and then we can fix the 2006 budget in our regular appropriations process.

Mr. Speaker, when the President says support our troops, support our troops, support our troops, and then does not provide the adequate funding when those troops come home, we are not doing the job that we should be doing to thank the veterans for their service. It is time to adequately fund the health care budget. It is time to listen to the Independent Budget. It is time for the chairman to listen to those who have been saying this for years. It is time to show proper respect for the veterans who have given us our freedom today.

Ms. BERKLEY. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would urge everybody to support H.R. 1220, everyone in this body. I do not think there is a reason why anybody should be voting against it. It is a very important piece of legislation. But I would like to echo what the gentleman from California (Mr. FILNER) has so eloquently stated in his floor remarks.

When I go home and talk to my veterans, they look to me for my help and my support in providing the health care that they so justly deserve and are entitled to. This Congress needs to step up to the plate and do what we know is right. We cannot continue short-changing our veterans. We cannot continue low-balling them, taking the lowest number, when we know it is the highest number that will barely suffice to provide for the health care needs of our veterans.

Our older veterans, Vietnam, Korea, World War II, some left in World War I, these men and women age, and they are continuing to age. We will have hundreds of thousands of veterans from our latest operations across the globe. Let us be farsighted. Let us be prepared for what is coming. And let none of us, none of us, have the temerity or the audacity to state that we did not know what the needs of the veterans were or what they will be confronted with in the near future. Let us all be on the same page, work in a bipartisan way, and let us do what is right for our veterans. And let us pass unanimously H.R. 1220.

Mr. Speaker, I yield back the balance of my time.

Mr. BUYER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank the ranking member of the committee, the gentleman from Illinois (Mr. EVANS), for his work and cooperation on this legislation. I also would like to say to him that he is a champion of Parkinson's Disease, and I am proud of his leadership by example and I am proud of his spirit to live and equally am proud to call him my friend.

I also commend the gentleman from Florida (Mr. MILLER) and the gentlewoman from Nevada (Ms. BERKLEY), the chairman and ranking member on the Subcommittee on Disability Assistance and Memorial Affairs, for their timely work concerning H.R. 1220, ensuring that disabled veterans and their survivors receive their COLA.

I would also like to thank the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. STRICKLAND), the chairman and ranking member of the Subcommittee on Oversight and Investigations, for their hard work on reaching a compromise on the authorization of the demonstration project.

I am equally appreciative of the hard work of the staff directors of the majority and the minority, Art Wu and Len Sistek for their work to improve the bill.

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Mr. Speaker, I urge my colleagues to support the Veterans Cost-of-Living Adjustment Act of 2005.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act of 2005.

All too often, our veterans and their dependents are forced to pay unexpected medical fees and sometimes forced to juggle their finances just to make ends meet. By increasing the COLA we would help ease these burdens forced upon our veterans and their dependents. Our veterans deserve and need this assistance now.

This legislation is especially important to me because my Congressional District of El Paso, Texas is home to nearly 60,000 veterans.

These brave men and women have made tremendous sacrifices for our freedom, just as our servicemembers are currently doing in Iraq and Afghanistan. It is our responsibility as Members of Congress to take care of our Nation's heroes so that we can fulfill our promises to our veterans after their service to our country.

Mr. Speaker, my colleagues and I on the House Veterans' Affairs Committee favorably passed H.R. 1220 and I would urge all my colleagues to do the same on the House floor.

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of H.R. 1220, the Veterans' Compensation Cost-of-Living Adjustment Act, which will increase, effective December 1, 2005, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain disabled veterans. As in previous years, these deserving men and women will receive the same cost-of-living-adjustment (COLA) that Social Security recipients are scheduled to receive, and as a cosponsor of H.R. 1220, I am pleased that we are acting to provide disabled veterans and their survivors with an annual COLA.

In the 108th Congress, we created an additional Dependency and Indemnity Compensation (DIC) payment of $250 a month provided for the first two years of DIC eligibility to surviving spouses with minor children. This new benefit is aimed at easing the transition following the death of the servicemember or veteran. H.R. 1220, as amended, would also increase the amount of this additional assistance by the same COLA.

I am pleased that the amended bill also includes the provisions from H.R. 2988, the Veterans Medical Care Revenue Enhancement Act of 2005. This is a bill that I introduced which authorizes a two-year demonstration project to improve business practices within the Veterans Health Administration (VHA) relating to third-party billing collections.

When Congress gave the Department of Veterans Affairs (VA) the authority to collect payment from insurance companies for the treatment of non-service connected conditions, the funds collected were returned to the U.S. Treasury. At one point, the VA acknowledged that it did a poor job of collecting payments from insurance companies because it had no real incentive to do so. As a result, in 1997 Congress gave VA the authority to retain any third party collections recovered.

Despite improvements in VA's third-party collections, there continue to be weaknesses in the billing and collections processes that impair the VA's ability to maximize the amount of dollars paid by third-party insurance companies. In June, the VA briefed the staff of the Veterans' Affairs Committee that the Department has about $600 million in outstanding payments that have been billed but not collected from third-party insurers. Collecting these funds would be a significant revenue source for the Department which could improve its ability to provide health care services to our Nation's veterans.

H.R. 1220 creates a modest $10 million demonstration project to improve the VA's business practices at two sites that have low collections rates. It is our hope that this demonstration project will lead to improved collection practices by the VA.

Finally, H.R. 1220 would permanently authorize six Parkinson's Disease Research Education and Clinical Centers with the VA.

I urge my colleagues to support H.R. 1220.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to offer my support for this bill, but also to voice my concerns with the Leadership and Administration's handling of other veterans' issues. This bill is recognized by members on both sides of the aisle as necessary to ensure veterans' compensation is adjusted regularly each year to keep up with inflation and other market trends by linking the increase to that of the Social Security COLA, which is based on changes in the Consumer Price Index.

This is a common-sense approach to ensure veterans' compensation keeps pace with the cost of living. It would make sense then that a similar approach would be taken using an appropriate formula to determine funding levels for other programs such as VA healthcare. Instead, House Leadership has refused to move legislation for the last three Congresses to reform the discretionary budget-appropriations process for VA healthcare, and the result is the current funding crisis that the VA is experiencing.

Less than two weeks after first telling Congress it could ride out the fiscal year with inadequate funding, then reversing and asking for $975 million in supplemental funds, the Administration admitted this week that it needs yet another $300 million to take care of veterans' health care needs through September. Had this House followed the Senate's lead and appropriated $1.5 million in emergency VA funding, we would have already covered the second shortfall just recently acknowledged by the White House, and the VA would have the funds to resume providing healthcare to our Nation's veterans.

Instead, while the differing supplemental measures wait to be reconciled, more than 50,000 veterans await health care appointments, clinical positions across the VA are not being filled, VA hospitals are deferring critical equipment purchases, there are shortages of medical supplies in some locations and the number of veterans of the wars in Iraq and Afghanistan seeking services at VA hospitals continues to rise.

The 2006 budget request was similarly short. What is even more troubling is that funding for veterans' health care beyond 2007 is cut significantly below the amount needed merely to account for inflation.

In a recent letter to House Veterans' Affairs Committee Chairman Steve Buyer, the directors of nine Veterans' Service Organizations pointed out that VA employees in VA facilities are denying and rationing care to tens of thousands of fully eligible veterans, even those with service-connected disabilities, serious chronic illnesses and deteriorating health.

These organizations also stated that veterans are being told they are not eligible for nursing home care when they are absolutely eligible by law. They are told that visits to VA and contract mental health practitioners must be limited to one visit per month irrespective of diagnosis or intensity of need. Veterans are told they cannot be seen for routine physical examinations or preventive visits because they are not "authorized" to receive such care. Veterans are told if they fail to appear for scheduled appointments, they will be dropped from VA rolls altogether and must re-apply for enrollment from the back of the line. While forcing untold numbers of veterans to wait unconscionable periods, VA denies the existence of a waiting list.

Mr. Speaker, this is deplorable. If the VA cannot provide healthcare to the veterans currently needing care, how can they take care of the men and women coming back from Iraq and Afghanistan requiring care?

I urge the Veterans' Affairs Committee and the House Leadership to take steps to address this problem so that we are not faced with similar problems in the future. Our veterans have served their country bravely and deserve better than this.

Mr. BACA. Mr. Speaker, I rise today to express my extreme disappointment in the mediocre efforts of the Republican administration and leadership to adequately fund the Veterans Administration. Their lack of consideration and foresight led to an enormous shortfall in veterans' health care funding which we must immediately remedy.

Time after time, the Republican majority has shown our beloved veterans where their priorities lie. For the 2005 and 2006 budgets, they were unwilling to listen to Democrats who have consistently fought for increases for veterans' health care. More than a year ago, my distinguished colleague from Illinois, Mr. EVANS, made it known that the funding for the VA would fall immensely short of what is required for proper health services—over $1.3 billion short.

Despite these figures, the Administration and Republican leadership continued their indifference towards helping our veterans. They were reluctant to admit any shortfall in VA health care funding until recently, when they reversed their position by asking for supplemental funding of $975 million. Still, my Democratic colleagues and I were dissatisfied because it still fell short of the $1.3 billion total that was necessary. Finally, just yesterday, the Bush Administration admitted that an additional $300 million was needed to secure veterans' health care for FY05.

While it is nice to see that the Republican leadership has finally decided to take care of our veterans, this delayed and belated action is unacceptable. Many VA medical facilities have already been affected by the lack of funds. They have begun cutting nursing and medical staff, closing operating rooms, and not scheduling medical appointments.

Though many speak of acknowledging the contributions of our veterans, actions speak louder than words.

It is not enough to thank our veterans for their contributions and then fail to provide them with the fundamental right of access to health care.

We must continue the work we have seen from the Senate and supplement the budget with an additional $1.5 billion in funding for veterans' health care.

It is the least we can do for those that have sacrificed to defend our country.

Mr. BUYER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Indiana (Mr. BUYER) that the House suspend the rules and pass the bill, H.R. 1220, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BUYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1220, as amended, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MAKING PERMANENT THE AUTHORITY OF THE SECRETARY OF COMMERCE TO CONDUCT THE QUARTERLY FINANCIAL REPORT PROGRAM

Mr. TURNER of Ohio. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2385) to make permanent the authority of the Secretary of Commerce to conduct the quarterly financial report program, as amended.

The Clerk read as follows:

H.R. 2385

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEN-YEAR EXTENSION OF AUTHORITY FOR SECRETARY OF COMMERCE TO CONDUCT THE QUARTERLY FINANCIAL REPORT PROGRAM.

Section 4(b) of the Act entitled "An Act to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes", approved January 12, 1983 (Public Law 97–454; 13 U.S.C. 91 note), is amended by striking "2005" and inserting "2015".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. TURNER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TURNER).

GENERAL LEAVE

Mr. TURNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2385.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the Committee on Government Reform, H.R. 2385 reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report Program through 2015. The purpose of this bill is to ensure uninterrupted continuation of this well-established and indispensable program. I urge my colleagues to support this important legislation.

The Quarterly Financial Report, or QFR program, has been conducted uninterrupted since its inception in 1947. It provides ongoing, up-to-date statistics on the financial performance of the manufacturing, mining, wholesale and retail trade sectors of our economy. QFR is the sole source for this information.

Many public and private organizations rely on QFR data to make economic policy decisions based upon quality information. For example, the Commerce Department uses QFR data to develop the all-important gross domestic product and national incomes estimates. The Federal Reserve uses QFR data to assess industry debt structure, liquidity and profitability. The Treasury Department uses QFR to estimate corporate tax liability. And the Council of Economic Advisers uses QFR-based reports and analysis to develop economic policy proposals.

In short, the data gathered from the QFR program affects everyone from Wall Street to Main Street. The QFR is the Nation's most current and comprehensive source of data on corporate financial activity. Federal Reserve Chairman Greenspan is on record stating that if anything, it would be desirable to expand the program to more sectors of the economy.

Originally, H.R. 2385 would have given the Secretary of Commerce permanent authority to conduct the QFR program. But after consultation with my colleagues on the other side of the aisle, we decided to amend the original bill by expanding the sunset clause from 5 years to 10 years.

Mr. Speaker, this is a noncontroversial bill to reauthorize the time-tested QFR program. I urge my colleagues to support the passage of H.R. 2385.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2385 as amended. This bill will reauthorize for 10 years the Quarterly Financial Report conducted by the U.S. Census Bureau, and I congratulate the gentleman from Ohio (Chairman TURNER) for moving this bill quickly through the committee process.

The reauthorization of this program expires this September, and it is very important that Congress gets this bill to the President before that deadline.

The QFR is critical data collection for economic statistics and policy. It is used by the Bureau of Economic Analysis in constructing the national income and product accounts and in calculating the gross domestic product. Quarterly Financial Report data are also used by the Federal Reserve in tracking the investments and liabilities of households and corporations. Quarterly Financial Report data are used by the Treasury Department in developing economic policy, and by the private sector in planning for the future.

There are two important issues that were considered by our committee in reauthorizing this data collection.

First, the Quarterly Financial Report is a mandatory survey. That means that businesses can be prosecuted if they do not provide the information the Census Bureau requests.

Secondly, like any survey, the Quarterly Financial Report imposes a certain burden on those who provide the information to the government. The Quarterly Financial Report is one of the few mandatory data collections authorized by Congress. The decennial census is mandatory, and is required by our Constitution. The Census Bureau also conducts the American Community Survey as a mandatory survey telling respondents that they are required by law to provide the requested information. That authority does not come from any explicit authorization by Congress, but rather through an interpretation of the law by the Office of Management and Budget.

As representatives of the people, Congress should monitor closely any information collected that carries with it a penalty for not complying with the request. It is unfortunate that the mandatory authority is necessary for the Quarterly Financial Report. The Census Bureau has assured Congress that without this authority, the quality of the information collected would seriously decline. The Quarterly Financial Report asks businesses to provide detailed information on financial transactions during the quarter. In return, the government and the private sector use this information to form sound economic policy.

According to the Census Bureau, the basic form can take up to 10 hours to complete and the average is almost 4 hours. I believe that is a fair balance of burden and benefit. I am a strong supporter of a Quarterly Financial Report. Through my work on the Joint Economic Committee, I have seen firsthand the importance of the data provided by this survey. At the same time, I take my responsibility as an authorizer seriously. When we reauthorized this program in 1998, it was for 7 years. I appreciate the chairman's willingness to make this authorization for 10 years rather than a permanent authorization. I believe our committee should regularly review programs that place mandatory burdens on the public.

Mr. Speaker, I urge my colleagues to pass this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, on behalf of the Committee on Government Reform, I rise in favor of H.R. 2385, a bill that reauthorizes the Secretary of Commerce to conduct the Quarterly Financial Report program through the year 2015.

This important program provides data essential to calculating all aspects of national economy. Along with the gentleman from Ohio (Mr. TURNER), the chairman of the Subcommittee on Federalism and the Census, I urge support of this necessary legislation.

The Quarterly Financial Report Program is our Nation's most comprehensive source of data on corporate financial activity. For the past 58 years, QFR data has been the basis of estimating the gross domestic product and the national income accounts. Consequently, countless public and private organizations rely on QFR data to make informed economic policy decisions every day.

Since 1983, the U.S. Census Bureau has successfully executed this valuable program. The Census Bureau has put forth laudable efforts to improve the process that provides the timely data. Specifically, the Census Bureau has significantly reduced time required for reporting the data by making it possible for companies to submit their surveys electronically by sending out filing reminders and providing help via the Census Website.

The Census Bureau has done an exceptional job conducting this survey for the Secretary of Commerce. That fact notwithstanding, it is the responsibility of Congress to reauthorize this program after a period of 10 years pending a thorough review on the condition that the Census Bureau continues to effectively administer this necessary economic survey.

Mr. Speaker, this is, in fact, a noncontroversial bill to reauthorize the time-tested Quarterly Financial Report Program. Passage of this legislation will ensure an uninterrupted continuation of this program.

I thank the gentleman from Ohio (Chairman TURNER) and the gentleman from Virginia (Chairman TOM DAVIS) for moving this bill through the subcommittee and full committee. I am pleased to be an original cosponsor of H.R. 2385 and urge its passage.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support this legislation and the census in general. It is not only a foundation of facts on which our government and the private sector formulate public policy, it keeps our government fair.

Every 10 years based on census numbers, we redistribute power among the States in order to have a fair representation based on the numbers of people in our country, and it tells us who we are. It tells us about our diversity, it tells us about our growth. It is literally a portrait of our country every 10 years.

This particular report, the Quarterly Financial Report, is a very important part of that portrait. So I rise very strongly in support of this bill and the census in general. I thank the gentleman from Ohio (Chairman TURNER) for moving this bill so quickly.

Mr. Speaker, I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. TURNER) that the House suspend the rules and pass the bill, H.R. 2385, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to extend by 10 years the authority of the Secretary of Commerce to conduct the quarterly financial report program.".

A motion to reconsider was laid on the table.

JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2113) to designate the facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, as the "John F. Whiteside Joliet Post Office Building".

The Clerk read as follows:

H.R. 2113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOHN F. WHITESIDE JOLIET POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 McDonough Street in Joliet, Illinois, shall be known and designated as the "John F. Whiteside Joliet Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "John F. Whiteside Joliet Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2113.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2113 introduced by the gentleman from Illinois (Mr. WELLER) names this Post Office in Joliet, Illinois, as the John F. Whiteside Joliet Post Office Building. All 18 Illinois colleagues of the gentleman from Illinois (Mr. WELLER) have cosponsored this bill, and I am pleased to participate in this bill's consideration today.

John Whiteside was a long time opinion writer for the Joliet Herald News. Upon graduation from Northern Illinois University in 1971, he was hired by the Herald News which was the only newspaper he ever worked for.

For the first decade of his career, he worked as a beat and general assignment reporter. But in 1981, he began writing a daily column in the paper each weekday that became beloved by Joliet residents.

Mr. Whiteside wrote the vast majority of his columns on local matters. The most frequent and passionate topics on which he opined were matters of importance to community veterans and law enforcement officials. An Air Force veteran himself, Whiteside correctly viewed all of our Nation's military service veterans as American heroes.

He, likewise, had tremendous respect for police officers, once championing an attempt to raise funds for a police memorial in Joliet, among other efforts. For his eloquent advocacy over many years, it appears safe to say his subjects admired him, too.

Mr. Speaker, unfortunately, after battling cancer for 18 months, John Whiteside passed away on January 22, 2005. He was 61 years old. Days after he died, the front page of the Sunday Herald News carried one final John Whiteside column. It was a posthumous article full of life's lessons that he had written in anticipation of his death. It was a touching end to a meaningful career that was cut short by a struggle with cancer.

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His struggle was all the more touching because Whiteside had shared tales of his battle with melanoma with his readers from October 2003 through his passing in January 2005. On a personal note, my own father-in-law passed away from that same disease in January of this year, so I have some understanding of what Mr. Whiteside and his family went through. My sympathies go out to his family.

Mr. Speaker, John Whiteside was indeed a memorable resident of Joliet. Readers of the Herald News have spent a few moments with John every Monday through Friday for nearly a quarter of a century. For these reasons, it is fitting that the House would pass this bill to name a post office in his honor in his hometown of Joliet. I urge all my colleagues to join me in support of H.R. 2113.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Government Reform Committee, I am pleased to join my colleague in consideration of H.R. 2113, legislation naming a postal facility in Joliet, Illinois, after the late John Whiteside. This measure was introduced by my friend, the gentleman from Illinois (Mr. WELLER), on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005. H.R. 2113 enjoys the support and cosponsorship of the entire Illinois State delegation.

John Whiteside worked at the Herald News, a suburban Chicago newspaper, for 34 years as a reporter and columnist. He was well respected in his community as someone who fought for the rights of veterans. As a veteran, one of his most notable achievements was to increase the number of honor guard volunteers for the Abraham Lincoln National Cemetery in Elwood, Illinois.

Sadly, John Whiteside passed away in January of cancer. Mr. Speaker, I commend my friend and colleague for renaming the Joliet post office after Mr. Whiteside and urge support for this measure.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, today I rise in support of H.R. 2113, legislation in tribute to John Whiteside which names the Joliet post office in his honor. John Whiteside was a citizen and a local hero from the congressional district that I have the opportunity to represent, a man who touched so many lives through his daily commentary with the Herald News in Joliet, Illinois. John F. Whiteside inspired countless readers through his 34 years of service with the newspaper.

Let me begin by thanking Government Reform Committee Chairman TOM DAVIS; my friend Mr. DENT of Pennsylvania; my very, very good friend Mr. DAVIS of Illinois for joining me here on the floor today; and the support of the Government Reform Committee for this legislation, because today the House will be voting on legislation that I along with the entire delegation of Illinois, all 19 Republicans and Democrats, have cosponsored, legislation naming the Joliet post office the John F. Whiteside Joliet Post Office Building. I would note that this post office building is on McDonough Avenue just a few short blocks from the Joliet Herald News offices where he put in so many hours and so many days over the years. I ask my colleagues to support this legislation today.

John Whiteside started his career with the Joliet Herald News in 1971 as a beat reporter and became a true storyteller in 1981 when he started his own personal daily column. Many of his columns focused on the good nature of people, and he especially loved writing about police officers and veterans because he looked to police officers and veterans as his heroes. Readers appreciated his dedication and his advocacy for veterans. John himself was a United States Air Force veteran and wrote thousands of stories about the concerns of local veterans.

One of the biggest veterans accomplishments for John, something he was so proud of and something he invested so much time and personal effort in, was helping organize the honor guard units for military funerals at the Abraham Lincoln National Cemetery located outside of Joliet at the former Joliet arsenal. Mr. Whiteside's legacy included helping to raise funds that equipped squad cars in Will County with video cameras to help nail drunk drivers. He is also noted for reviving police interest in the unsolved disappearance of Joliet newspaper editor Molly Zelko in 1957.

Mr. Whiteside was a recipient of many awards during his 34-year career with the Herald News in Joliet, Illinois, and some of these awards and recognitions included the Will County Sheriff's Department 2004 lifetime achievement award; Joliet area historical museum war heroes gallery named in John Whiteside's honor; and an Illinois State house resolution in 2004 honoring his long service to the Herald News and the Joliet community, just to name a few.

As a columnist, John knew how to connect with every reader through the emotions he brought to his stories. He brought even more emotion to them when he found out he had melanoma cancer in the fall of 2003. Through his trials and tribulations, he chose to share his cancer story with his readers and gave many other cancer victims empathy and hope in their own troubled times.

On January 22, 2005, John Whiteside lost his battle with cancer, leaving behind his wife, Mary Jane, and his daughter, Shelley. He so enjoyed spending time with his family and will be remembered for the time he spent creating birdhouses out of wood in the basement of his home.

In Mr. Whiteside's very last column, he gave some very valuable advice. He said, "Live every second of every minute of every hour of every day you are given on this good Earth. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it."

Mr. Speaker, I would like to take a few minutes to share John Whiteside's last column with my colleagues. This column, of course, was published after John passed away on the front page of Joliet Herald News. It is entitled, "Lifelong Dream Ends in Final Column," published in the Herald News on January 23, 2005.

"If you're reading this, I have already looked upon the face of God. And I pray that he has nodded his head in a positive way.

"I had a good life. A good wife and daughter. Good friends and good times. A good job.

"But, sure, I have some regrets. I did some wrongs at times, which I hope I have been forgiven for doing. The last months of my life were full of blessings. So many of you prayed for me and wrote of your concern for my health. I had hoped for a miracle, but it wasn't meant to be. I guess I completed my purpose in being in this world.

"In heaven, well, I don't expect pearly gates and streets of gold. But I know I'll find a place full of goodness, compassion, and mercy. There will be no evil. No meanness. No brutal crime and war. No disease and illness. No jealousy and no hatred. No greed. And no politics.

"If I am allowed to enter this place, I believe that I will be united with my lost loved ones, including my dad, Uncle John, Aunt Mary, Grandma and a whole bunch of great uncles and aunts who loved me as a child. I'll see my buddies like Happy Chopp, Dan Stobbe and Ralph Wick.

"As I visualize my role in heaven, maybe God needs a birdhouse builder to construct shelters for his birds which sing lovely songs. I really have enjoyed creating birdhouses. Some of my happiest hours were in my basement workshop cutting and hammering on them.

"But the real love of my life, outside of my wife and daughter, has been this column. From the time I was old enough to dream, I wanted to be a writer. I wanted to be a storyteller. And I even thought that God told me as a child that I would be a writer.

"The column gave me an outlet to hook words together and tell you a story on a daily basis. I wrote thousands and remembered most of them. But I couldn't remember the names. I thought that the Lord directed me at times to tell certain tales, which just seemed to fall into my lap. Someone told someone to call John Whiteside because they recognized that as my kind of story.

"Two of my very best friends have been storytellers, too, Marx Gibson and Lonny Cain. Both were mentors as well as buddies.

"In my last days, cancer changed me. I believe it made me a better man. It brought me closer to my wife and daughter. It made me more compassionate to mankind. It brought me honors from friends, colleagues and people.

"I have no major regrets. I called them, for the most part, like I saw them. But I wasted time when I should have been living every moment to the fullest.

"If I have any advice to pass on to the rest of you, it's all about living. Living every second of every minute of every hour of every day you are given on this good Earth. And don't get caught up in any form of hatred. Hatred, anger, and the negative only feeds upon you and will destroy you. Look for the positive. Search for the smile. Seek out the good. It is all around you if you just take the time to recognize it. And laugh a lot, because laughter is healthy.

"As my storytelling days have ended, now perhaps I have the final chapter of what happened to Molly Zelko. Maybe God will allow me to interview her if she made it upstairs, too.

"But, no, Molly isn't what I consider my best accomplishments. They include helping with the honor guard system at the national cemetery, the Taylor Pirc video camera project, writing veterans' memories and building the police memorial in front of the courthouse.

"But most of all, I like my people stories. Stories about ordinary folks caught up in some form of human drama. My favorite saying was, everyone has a story to tell if you just listen. I believed that all of my journalism life.

"But now it's over. Good-bye, my friends. Thanks for reading my stuff. God bless you all.

"At this time, my only regret is that I can't write a column and share with you what is happening to me right now.

"P.S. I don't have a phone number to accept calls anymore. But maybe I can hear a few prayers coming my way."

That final column published in the Joliet Herald News on January 23 of this year says so much about John Whiteside, and he wrote it in his own words.

Ladies and gentlemen of this House, I ask again that you join me in honoring and remembering this extraordinary man who touched so many lives in so many ways and I ask for an "aye" vote on H.R. 2113.

Mr. DENT. Mr. Speaker, I want to thank the gentleman from Illinois (Mr. WELLER) for his work on H.R. 2113.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from

Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2113.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VINCENT PALLADINO POST OFFICE

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2183) to designate the facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, as the "Vincent Palladino Post Office".

The Clerk read as follows:

H.R. 2183

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VINCENT PALLADINO POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 567 Tompkins Avenue in Staten Island, New York, shall be known and designated as the "Vincent Palladino Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Vincent Palladino Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2183 honors the late president of the National Association of Postal Supervisors, Vincent Palladino. Palladino passed away unexpectedly at his home in nearby Arlington, Virginia, at the age of 69 in December 2004. He was a native of Staten Island, New York, which is in the district of the distinguished sponsor of H.R. 2183 and my good friend, the gentleman from New York (Mr. FOSSELLA). I congratulate the gentleman for offering this important measure.

After serving his Nation in the Air Force, Palladino began his lifelong career in and around the United States Postal Service. He started working as a letter carrier in Staten Island in 1960. He was later promoted to foreman of mails and then station manager in 1970. Last August, Vincent Palladino was elected to his seventh consecutive 2-year term as president of the postal supervisors association. NAPS is an organization that represents more than 35,000 first-line postal supervisors who work in facilities where employees process and deliver the mail.

Mr. Speaker, it is clear he was a knowledgeable, empathetic and effective leader and advocate in the postal community, and that is why this post office naming in his honor is so appropriate. I urge all my colleagues to join me in support of H.R. 2113.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Government Reform Committee, I am pleased to join my colleague in the consideration of H.R. 2183, legislation designating the postal facility in Staten Island, New York, after the late Vincent Palladino. This measure was introduced by the gentleman from New York (Mr. FOSSELLA) on May 5, 2005, and unanimously reported by the Government Reform Committee on June 16, 2005. H.R. 2183 enjoys the support and cosponsorship of the entire New York delegation.

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Born in New Brighten, New York, Vince Palladino joined the post office after serving in the U.S. Air Force. In 1962, he began his career as a letter carrier in the Rosebank Post Office. He held several supervisory positions, including station manager. In 1986, he was elected secretary of the National Association of Postal Supervisors, NAPS, and in 1992, he was elected the organization's President.

Mr. Speaker, as president of NAPS, Vince Palladino spearheaded a very impressive management association of over 35,000 active and retired supervisors, managers, and postmasters. Throughout his years as president, Vince testified before the Committee on Government Reform on many occasions. He fought hard to improve the United States Postal Service and pressed for changes in performance and labor management relations and reforms in pay.

Vince Palladino left his friends at NAPS and the postal service with a very simple, yet poignant message: "Be fair and honest."

Sadly, after serving as president for 12 years, Mr. Palladino died in December, 2004, at the age of 69.

Mr. Speaker I commend my colleague for naming the post office after Vince Palladino. How fitting a tribute. And I urge swift passage of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from the State of New York (Mr. FOSSELLA), the author of H.R. 2183.

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time and the ranking member for their support.

And today I request the House approve the naming of a post office in my district after Vincent Palladino. Vincent, who passed away last December, was the president of the National Association of Postal Supervisors for 12 years, ending in 2004. He was also a native of Staten Island, New York, in my district.

Vincent was kind-hearted, compassionate, outgoing, and had an unquenchable thirst for helping his friends and neighbors. Vincent made his community a better place to live and touched the lives of those around him. And although his professional obligations carried him far and wide, his heart was always in Staten Island.

He began his career as a letter carrier in the Rosebank Post Office in 1962. He held numerous supervisory positions in Staten Island, including station manager of the Rosebank Post Office and operations manager for all Staten Island post offices. In 1986, he was elected secretary of the National Association of Postal Supervisors, which represents more than 35,000 active and retired supervisors, managers, and postmasters who work for or who retired from the United States Postal Service. In 1992, he was elected president of NAPS and held that post for 12 years.

Vincent brought his life lessons learned on the streets of Rosebank and Arlington to that position and was a strong advocate for all those postal workers he led. I would also like to take this opportunity to thank all those postal workers for the job they do every day. I know Vincent would stand up and correct me if I failed to mention them and how much he appreciated, like we all do, their work. I would also like to thank Vincent's family, especially his children, Anthony, Nicholas, Regina, Renee, and Mary Lou, for their support of this fine man.

Born in 1935, Vincent also served his country in the Armed Forces, that is, in the United States Air Force, from 1955 to 1959. Today we honor Vincent's lifetime hard work and achievement by asking the House to approve the measure to rename the Rosebank Post Office in his honor, where he got his start. And might I add, he also happened to be my family's letter carrier in the early 1960s when he started.

I would like to thank the fellow members of the New York delegation for their unanimous support of this legislation and all those who have cosponsored the bill. Like many American success stories, and Vincent Palladino was one of them, he never forgot where he came from. He may have lived his last years in Arlington, Virginia, but his heart and his family will always be in Staten Island.

I thank the Members for their support.

Mr. DENT. Mr. Speaker, I urge support from all Members for this measure, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2183.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

J.M. DIETRICH NORTHEAST ANNEX

Mr. DENT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2630) to redesignate the facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex".

The Clerk read as follows:

H.R. 2630

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. J.M. DIETRICH NORTHEAST ANNEX.

(a) REDESIGNATION.—The facility of the United States Postal Service located at 1927 Sangamon Avenue in Springfield, Illinois, and known as the Northeast Annex, shall be known and designated as the "J.M. Dietrich Northeast Annex".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "J.M. Dietrich Northeast Annex".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. DENT).

GENERAL LEAVE

Mr. DENT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DENT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the distinguished gentleman from Illinois (Mr. LAHOOD) introduced H.R. 2630, which redesignates the postal facility located at 1927 Sangamon Avenue in Springfield, Illinois, as the "J.M. Dietrich Northeast Annex." All members of the Illinois State congressional delegation have cosponsored this legislation, and I support its passage.

James Michael Dietrich was an earnest lifelong postal employee. He began his career as a letter carrier in 1970. In 1983 he was promoted to supervisor of Delivery and Collections, and finally he earned the position of Customer Service Supervisor in 1989. Regardless of his rank or duties with the postal service, Dietrich gained the respect of his peers through his friendly demeanor, leadership, and hard work.

Mike Dietrich died in September, 2003. He was a tremendous asset to the postal service and a terrific individual who is worthy of this fitting honor by the House. So I encourage my colleagues to join with the distinguished gentleman from Illinois (Mr. LAHOOD) and me in renaming the Northeast Annex in Springfield, Illinois as the "J.M. Dietrich Northeast Annex."

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 2630, legislation redesignating a postal facility in Springfield, Illinois, after the late James Michael Dietrich. This measure was introduced by the gentleman from Illinois (Mr. LAHOOD) on May 25, 2005, unanimously reported by the Committee on Government Reform on June 16, 2005. H.R. 2630 enjoys the support and cosponsorship of the entire Illinois State delegation.

Mr. Speaker, it is always a pleasure to join my colleagues in praising the hard work of postal employees. And the late James Michael "Mike" Dietrich was a postal supervisor long remembered for his dedication to his job, the employees, and the United States Postal Service.

James Dietrich was a lifelong employee of the postal service. After serving in the U.S. Army, he joined the postal service as a letter carrier. He was promoted to supervisor of Delivery and Collections in 1983 and later to supervisor of customer service in 1989. He handled daily assignments and personnel staffing. He was known for his patience, problem solving, and recognized as the "go to" man.

Sadly, he died unexpectedly in September of 2003. Mr. Dietrich's colleagues have described him as a hard worker and a fantastic human being. I commend my colleague for seeking to honor the memory of Mr. Dietrich and urge swift passage of this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DENT. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois (Mr. LAHOOD).

Mr. LAHOOD. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to read a letter that I received from the National Association of Letter Carriers, Abraham Lincoln Branch No. 80, Springfield, Illinois:

"Dear Congressman LaHood: The Letter Carriers of Springfield are requesting that the Northeast Annex, 1927 Sangamon Avenue, Springfield, Illinois, be renamed the J.M. Dietrich Northeast Annex.

"James Michael 'Mike' Dietrich died unexpectedly September, 2003, just over 1 month short of his retirement. Mike was a lifelong employee of the United States Postal Service. He served in the U.S. Army from 1968 through 1970. After an honorable discharge from the Army, he was hired as a letter carrier.

"In May, 1983, he was promoted to supervisor, Delivery and Collections. He was charged with the supervision of approximately 50 letter carriers and collectors. It was his responsibility to see that those in his section were properly trained and successfully functioned as city carriers. In 1989 he was promoted to supervisor, Customer Service. He managed the daily operations of a group of carriers numbering about 100. He also handled scheduling of day-to-day assignments as well as annual and incremental leave for the entire group of Springfield city carriers and collectors. During his service, he received several safety and leadership awards, and in 2002, became the OSHA record-keeper.

"Mike was not only a great supervisor but he was a fantastic human being. You would be hard pressed to find a U.S. Postal Service employee in Springfield, Illinois, who would have a bad word to say about Mike. He was a man of never-ending patience. He was someone we could all go to with a question and know we would come away with a reasonable and correct answer. And if one of us had a problem, he was our sounding board and mentor, one who can never be replaced.

"Mike and his wife, Carol, raised a beautiful family of six girls for whom they worked hard to provide college educations. They are all now productive adults, some beginning families of their own. I know his career was important to him, but I also know that he considered his family to be his greatest accomplishment.

"Not a day goes by that Mike's name is not uttered by someone on the workroom floor. We all feel it is only fitting that we work in the J.M. Dietrich Northeast Annex.

"Thank you for the consideration" of renaming the annex.

"Pat Kruger, letter carrier, Springfield, Illinois."

Mr. Speaker, I read this letter because it is the opportunity for me to thank the letter carriers that work with Mike, to thank them for recognizing all of his accomplishments and thank them for bringing to my attention the opportunity to name the facility that they all work in and that he worked in and that he accomplished so much with.

And, too, a word about the letter carriers. We have the greatest mail delivery system in the world, anywhere in the world, right here in our country. And it is thanks to the people like Mike and all the people who work in Springfield and all the people who work in the postal service that letters get delivered on time 6 days a week in a professional manner, and I know all Americans appreciate that. And I am grateful to the letter carriers of Abraham Lincoln Branch No. 80 for bringing this to my attention and the ability of this committee to bring this to the floor as a bill that will become law and to have this facility named in Mike's honor.

Mr. DENT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. DENT) that the House suspend the rules and pass the bill, H.R. 2630.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EAST ASIA SECURITY ACT OF 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3100) to authorize measures to deter arms transfers by foreign countries to the People's Republic of China.

The Clerk read as follows:

H.R. 3100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "East Asia Security Act of 2005".

SEC. 2. STATEMENTS OF POLICY.

Congress—

(1) previously expressed its strong concerns in House Resolution 57 of February 2, 2005, and Senate Resolution 91 of March 17, 2005, with the transfer of armaments and related technology to the People's Republic of China by member states of the European Union, which increased eightfold from 2001 to 2003, and with plans to terminate in the near future the arms embargo they imposed in 1989 following the Tiananmen Square massacre;

(2) welcomes deferral of a decision by the European Council to terminate its arms embargo following adoption of those Resolutions, the President's visit to Europe, and growing concern among countries in the regions and the general public on both sides of the Atlantic;

(3) welcomes the decision by the European Parliament on April 14, 2005, by a vote of 421 to 85, to oppose the lifting of the European Union's arms embargo on the People's Republic of China, and resolutions issued by a number of elected parliamentary bodies in Europe also opposing the lifting of the arms embargo;

(4) also welcomes the onset of a strategic dialogue between the European Commission and the Government of the United States on the security situation in East Asia, through which it is hoped a greater understanding will emerge of the consequences of European assistance to the military buildup of the People's Republic of China for peace and stability in that region, to the security interests of the United States and its friends and allies in the region, and, in particular, to the safety of United States Armed Forces whose presence in the region has been a decisive factor in ensuring peace and prosperity since the end of World War II;

(5) hopes that a more intensive dialogue with Europe on this matter will clarify for United States friends and allies in Europe how their "non-lethal" arms transfers improve the force projection of the People's Republic of China, are far from benign, and enhance the prospects for the threat or use of force in resolving the status of Taiwan, a troubling prospect made more ominous by recent adoption of a new law by the Chinese National People's Congress expressly authorizing the use of force;

(6) also hopes that this dialogue will result in an important new consensus between the United States and its European partners on the need for coordinated policies which encourage the development of democracy in the People's Republic of China and which discourage, not assist, China's unjustified military buildup and pursuit of weapons that threaten its neighbors;

(7) however, deeply regrets that none of the European friends and allies of the United States who have been transferring arms to the People's Republic of China has announced a cessation or even a temporary halt to those transfers while this new dialogue with the United States ensues, and notes with concern that such European friends and allies have provided little, if any, transparency to the United States Government into the full range and capabilities of all of the armaments and related technology that they have transferred to date and continue even now to do so;

(8) is further troubled by public reports describing well known European companies as suppliers to weapons programs of the People's Republic of China, who are also participants in numerous sensitive United States Government weapons programs, and the increased risks of diversion of United States weapons technology to China inherent in such an undesirable situation; and

(9) in view of the gravity of European arms sales to the People's Republic of China, which have not abated, believes it is necessary to make provision for greater scrutiny and oversight with respect to those areas of international armament cooperation that present increased levels of risk to the security interests of the United States and to authorize appropriate measures which the President may drawn on in deterring foreign support for China's military buildup in order to safeguard the national security interests of the United States and peace and security in East Asia.

SEC. 3. REPORT ON FOREIGN MILITARY EXPORTS TO CHINA.

(a) REPORT.—The President shall, at the times specified in subsection (b), transmit to the appropriate congressional committees a report that identifies every person of a member country of the European Union, and any other foreign person the President may consider appropriate, with respect to whom there is credible information indicating that the person, on or after January 1, 2005, exported to—

(1) the People's Republic of China any item on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions; or

(2) the military, intelligence, or other security forces of the People's Republic of China—

(A) any item on the Wassenaar List of Dual Use Goods and Technologies of July 12, 1996, and subsequent revisions; or

(B) any other dual use item if the item is intended, entirely or in part, for use with an item described in paragraph (1).

(b) TIMING OF REPORT.—The report required under subsection (a) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter.

(c) EXCEPTIONS.—A foreign person is not required to be identified in a report required under subsection (a) if the person—

(1) was identified in a previous report transmitted under subsection (a) on account of a particular export, except to the extent that the export may have continued, involved additional transfers, or was larger, more significant, or different in nature than described in the previous report;

(2) was engaged solely in an export on behalf of, or in concert with, the Government of the United States; or

(3) was engaged in an export which, as determined by the President, would be exempt from the restrictions of section 902(a) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246; 22 U.S.C. 2151 note), if the export were subject to the jurisdiction of the United States, by reason of the issuance of a report under section 902(b) of such Act.

(d) FORM.—If the President considers it appropriate, reports transmitted under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 4. REPORT ON CHINA ARMS TRANSFER POLICIES OF COUNTRIES PARTICIPATING IN UNITED STATES DEFENSE COOPERATIVE PROJECTS; CERTAIN LICENSE REQUIREMENTS.

(a) STATEMENT OF POLICY.—Congress is concerned with the significant additional risk of unlawful use and diversion of sensitive United States weapons system research, design, and development arising from cooperative research and development projects with foreign governments and foreign persons who may also transfer arms and related technology to the People's Republic of China.

(b) REPORT.—The President shall, at the times specified in subsection (c), transmit to the appropriate congressional committees a report that—

(1) identifies every foreign government with respect to which the United States is carrying out a cooperative project described in subsection (d) and whose policies or practices, on or after the date of the enactment of this Act, permit the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a); and

(2) describes the cooperative projects and policies or practices referred to in paragraph (1) of every foreign government identified under such paragraph.

(c) TIMING OF REPORT.—The report required under subsection (b)—

(1) shall be transmitted not later than 180 days after the date of the enactment of this Act and not later than the end of each 12-month period thereafter; and

(2) may be included in the report required under section 3, as the President determines appropriate.

(d) COOPERATIVE PROJECTS.—The cooperative projects referred to in subsection (b) are projects carried out under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or section 2350a, 2358, or a memorandum of understanding under section 2531 of title 10, United States Code.

(e) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—Notwithstanding any other provision of law, a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) shall be required for the export of defense articles or defense services by any person who is not an officer or employee of the Government of the United States in furtherance of a cooperative project described in subsection (d) with a country identified in a report transmitted under subsection (b).

(2) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to paragraph (1) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

SEC. 5. CERTAIN FOREIGN OWNERSHIP AND CONTROL OF DEFENSE ARTICLES IN THE UNITED STATES.

(a) STATEMENT OF POLICY.—Congress determines that special care should be taken by the United States with respect to foreign persons who sell arms and related technology to the People's Republic of China, while simultaneously seeking ownership of United States defense articles or defense services, including the results of United States Government funded defense research and development, through the acquisition or control of United States defense firms, directly or through their subsidiaries and affiliates based in the United States.

(b) LICENSE REQUIREMENTS.—

(1) REQUIREMENT.—The President shall require a license pursuant to regulations issued under section 38(g)(6) of the Arms Export Control Act (22 U.S.C. 2778(g)(6)) for the transfer of ownership or control of United States defense articles or defense services arising from the acquisition or control of a person required to be registered under section 38(b)(1) of such Act (22 U.S.C. 2778(b)(1)), or any subsidiary, division, affiliate or other entity thereof, whenever the person gaining acquisition or control is—

(A) a foreign national of the People's Republic of China or a foreign person otherwise subject to the jurisdiction, ownership, or control of the People's Republic of China;

(B) a foreign person identified in a report transmitted under section 3 or having its principal place of business in a country described in a report transmitted under section 4; or

(C) a United States person owned or controlled by a foreign person, including a subsidiary or affiliate of a foreign person described in subparagraph (B).

(2) ADDITIONAL REQUIREMENT.—A license under section 38(g)(6) of the Arms Export Control Act for a person described in paragraph (1)(A) shall not be issued until 30 days after the date on which the President transmits a report that contains a determination of the President that—

(A) the Government of the People's Republic of China meets the requirements of section 902(b)(1) of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246; 22 U.S.C. 2151 note); or

(B) it is in the national interest of the United States to issue the license.

(c) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) EXCEPTION.—The issuance of a license pursuant to subsection (b) shall not be required in the case of an amendment to a munitions license or a change in registration arising from a sale or transfer of ownership or control of United States defense articles or defense services to a person described in subparagraph (A), (B), or (C) of subsection (b)(1) that was approved prior to the date of enactment of this Act unless the President determines that it is in the national security interests of the United States to require the issuance of a new license pursuant to subsection (b).

SEC. 6. CHINESE MILITARY END USE OF DUAL USE EXPORTS.

(a) STATEMENT OF POLICY.—Congress welcomes the understanding reached at the Wassenaar Arrangement's December 2003 plenary meeting to require governmental authorization for the transfer of non-listed dual use items intended for military end use in a destination subject to any relevant regional arms embargo or to any United Nations Security Council resolution.

(b) LICENSE REQUIREMENT.—

(1) REQUIREMENT.—The President shall require a license under the Export Administration Regulations for the export of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) that is not subject to a license under section 38 of the Arms Export Control Act (22 U.S.C. 2778) if the item is intended for military end use by the People's Republic of China.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the President should not approve a license pursuant to paragraph (1) unless the President determines that approval is important to counterterrorism, nonproliferation, or other national security interests of the United States.

(c) CONGRESSIONAL NOTIFICATION.—The issuance of a license pursuant to subsection (b) shall be subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) (without regard to the dollar amount requirements relating to contracts contained in such section), including the transmittal of information and the application of congressional review procedures in accordance with such section.

(d) DEFINITION.—In this section, the term "military end use" means, with respect to an item, the item is or may be intended, entirely or in part, for use in conjunction with an item described on the Wassenaar Munitions List of July 12, 1996, and subsequent revisions.

SEC. 7. APPLICATION OF MEASURES TO CERTAIN FOREIGN PERSONS.

(a) APPLICATION OF MEASURES.—Subject to sections 8 and 9, the President may apply with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall apply with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3, any or all of the following measures:

(1) RESEARCH AND DEVELOPMENT.—Denial of participation in existing and new cooperative research and development programs and projects under section 27 of the Arms Export Control Act (22 U.S.C. 2767) or sections 2350a, 2358, or a memorandum of understanding under 2531 of title 10, United States Code.

(2) CONTROL OF UNITED STATES DEFENSE FIRMS.—Prohibition of ownership and control of any business organization required to be registered with the United States Government as a manufacturer or exporter of defense articles or defense services under section 38(b)(1) of the Arms Export Control Act (22 U.S.C. 2778(b)(1)).

(3) SECURITY ASSISTANCE.—Prohibition on participation in any foreign military sales under chapter 2 of the Arms Export Control Act (22 U.S.C. 2761 et seq.) or any design and construction sales under chapter 2A of such Act (22 U.S.C. 2769).

(4) MUNITIONS LIST APPROVALS.—Prohibition on licenses and other forms of approval under section 38 of the Arms Export Control Act (22 U.S.C. 2778) for the export of any item on the United States Munitions List as in effect on August 8, 1995.

(5) DUAL USE APPROVALS.—Prohibition on licenses and other forms of approval for dual use goods or technology, the export of which is controlled under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act) or the Export Administration Regulations.

(b) APPLICATION OF ADDITIONAL MEASURES.—Subject to sections 8 and 9, and notwithstanding any other provision of law, the President may, with respect to any foreign person (including a foreign government) identified in a report transmitted under section 3, and shall, with respect to any foreign person (including a foreign government) identified in more than one report transmitted under section 3—

(1) suspend the use of any license exemption and expedited license procedure established in the International Traffic in Arms Regulations or other provisions of law for the export or temporary import of defense articles and defense services;

(2) require the execution of a non-transfer and end use certificate for the export of any defense articles and defense services; and

(3) require, as a condition of issuance of any license for the export of defense articles and defense services, United States access to and verification of the items after the export of the items or alternative measures to ensure compliance with restrictions on the transfer of the items to third-parties.

(c) EFFECTIVE DATE OF MEASURES.—Measures applied pursuant to subsection (a) or (b) shall be effective with respect to a foreign person (including a foreign government) no later than—

(1) 30 days after the report identifying the foreign person is transmitted, if the report is transmitted on or before the date required by section 3(b); or

(2) on the date that the report identifying the foreign person is transmitted, if the report is transmitted more than 30 days after the date required by section 3(b).

(d) DURATION OF MEASURES.—Measures applied pursuant to subsection (a) shall be for a period of 2 years or longer, as the President determines appropriate. Measures applied pursuant to subsection (b) shall be, at a minimum, consistent with the duration of the license and the normal requirements for record keeping established in the International Traffic in Arms Regulations or longer, as the President determines appropriate.

(e) PUBLICATION IN FEDERAL REGISTER.—The application of measures to a foreign person pursuant to subsection (a) or (b) shall be announced by notice published in the Federal Register, except if the President determines that doing so would be inconsistent with the protection of classified information.

SEC. 8. PROCEDURES IF DISCRETIONARY MEASURES ARE NOT APPLIED.

(a) REQUIREMENT TO NOTIFY CONGRESS.—If the President does not exercise the authority of subsection (a) or (b) of section 7 to apply any or all of the discretionary measures described in such subsection with respect to a foreign person identified in a report transmitted under section 3, the President shall so notify the appropriate congressional committees not later than the effective date under section 7(c) for measures with respect to that person.

(b) WRITTEN JUSTIFICATION.—Any notification transmitted by the President under subsection (a) shall include a written justification describing in detail the facts and circumstances relating specifically to the foreign person identified in a report transmitted under section 3 that support the President's decision not to exercise the authority of subsection (a) or (b) of section 7 with respect to that person.

(c) FORM.—If the President considers it appropriate, the notification of the President under subsection (a), and the written justification under subsection (b), or appropriate parts thereof, may be transmitted in classified form.

SEC. 9. DETERMINATIONS EXEMPTING FOREIGN PERSONS FROM MANDATORY MEASURES.

(a) WAIVER.—Any mandatory measure described in section 7 shall not apply with respect to a foreign person if the President transmits to the appropriate congressional committees a report that contains a determination of the President that—

(1) on the basis of information provided by that person or the foreign government having primary jurisdiction over the person, the person did not, on or after January 1, 2005, knowingly export to the People's Republic of China the item the apparent export of which caused the person to be identified in a report transmitted under section 3; or

(2) the foreign government having primary jurisdiction over the person has entered into a written agreement with the United States which—

(A) is binding under international law;

(B) prohibits further exports of any item described in paragraph (1), or subparagraph (A) or (B) of paragraph (2), of section 3(a) by any person subject to its jurisdiction;

(C) is supported by the foreign government's adoption of policies and procedures providing for credible implementation of the requirements in subparagraphs (A) and (B);

(D) does not constrain the President's authority to impose measures under this act in the event of a future export of concern by the same or other persons subject to the jurisdiction of the foreign government party to the agreement; and

(E) is submitted to the appropriate congressional committees 30 days prior to its entry into force.

(b) ADDITIONAL WAIVER.—Any mandatory measure described in section 7 shall not apply to a foreign person if the President determines that it is important to the counterterrorism, nonproliferation, or other national security interests of the United States and transmits to the appropriate congressional committees a report in writing that contains such determination.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President should—

(1) strengthen international coordination and execution of arms export policy through the development of bilateral and multilateral agreements under subsection (a)(2), particularly with member states of the North Atlantic Treaty Organization (NATO), Japan, Australia and New Zealand, and exercise the waivers provided under this section in all appropriate instances that further this objective; and

(2) whenever the President determines that the measures described in section 7 should be applied, that the measures be applied comprehensively with respect to the affected foreign person's affiliates and subsidiaries, wherever located, in order to deter to the fullest extent possible a recurrence or continuation of the export giving rise to the President's determination.

(d) FORM.—If the President considers it appropriate, the determination and report of the President under subsection (a), or appropriate parts thereof, may be transmitted in classified form.

SEC. 10. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

(2) DEFENSE ARTICLES AND DEFENSE SERVICES.—The term "defense articles and defense services" has the meaning given the term in section 47(7) of the Arms Export Control Act (22 U.S.C. 2794 note).

(3) DUAL USE.—The term "dual use" means, with respect to goods or technology, those goods or technology that are specifically designed or developed for civil purposes but which also may be used or deployed in a military or proliferation mode. Such term does not include purely commercial items.

(4) EXPORT.—The term "export" has the meaning given that term in section 120.17 of the International Traffic in Arms Regulations, and includes re-exports, transfers, and retransfers by any means.

(5) EXPORT ADMINISTRATION REGULATIONS.—The term "Export Administration Regulations" means those regulations contained in sections 730 through 774 of title 15, Code of Federal Regulations (or successor regulations).

(6) FOREIGN GOVERNMENT.—The term "foreign government" has the meaning given the term in section 38(g)(9)(B) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(B)).

(7) FOREIGN PERSON.—The term "foreign person" has the meaning given the term in section 38(g)(9)(C) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(C)).

(8) GOOD.—The term "good" has the meaning given the term in section 16(3) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(3)).

(9) INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.—The term "International Traffic in Arms Regulations" means those regulations contained in sections 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

(10) ITEM.—The term "item" means any good or technology, defense article or defense service subject to the export jurisdiction of the United States under law or regulation.

(11) LICENSE.—The term "license" means an official written document of the United States Government issued pursuant to the Export Administration Regulations or the International Traffic in Arms Regulations, as the case may be, authorizing a specific export.

(12) OTHER FORMS OF APPROVAL.—The term "other forms of approval" includes any authorization, rule or exemption contained in any statute or regulation that permits an export without a license.

(13) OWNERSHIP OR CONTROL.—The term "ownership or control" has the meaning given the term in section 122.2(c) of the International Traffic in Arms Regulations.

(14) PERSON.—The term "person" has the meaning given the term in section 38(g)(9)(E) of the Arms Export Control Act (22 U.S.C. 2778(g)(9)(E)).

(15) TECHNOLOGY.—The term "technology" has the meaning given the term in section 16(4) of the Export Administration Act of 1979 (50 U.S.C. App. 2415(4)).

(16) UNITED STATES MUNITIONS LIST.—The term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3100, a bill which I introduced for the purpose of authorizing measures to deter arms transfers by foreign countries to the People's Republic of China.

□ 1200

This bill has 14 cosponsors from both sides of the aisle, including the gentleman from California (Mr. LANTOS), the ranking Democratic member of the Committee on International Relations; and the gentleman from California (Mr. HUNTER), the chairman of the Committee on Armed Services. The Committee on International Relations has marked up the bill and ordered it reported unanimously. The background and need for this legislation can be briefly summarized.

When the House passed Resolution 57 overwhelmingly 411 to 3 on February 2, 2005, it did so in the context of a rising chorus from European leaders that it was time to terminate the European Union's arms embargo on China. In response to this development, Resolution 57 called on the European Union to take two steps: one, to maintain its arms embargo on the People's Republic of China; and, two, to eliminate weaknesses in the embargo and in the national policies of the EU member states. Indeed, those weaknesses are loopholes of one form or another that had permitted European weapons technology to flow to China at an increasingly higher level, even while the embargo remained in place.

Now we have word that the EU has decided for the time being not to terminate the China arms embargo. This, of course, is a welcome development, but it only responds to one of the two steps we asked to be taken. Unfortunately, while maintaining the embargo in the formal sense, the EU and its member states have remained silent on whether they will actually stop the flow of arms-related technology from Europe to China. The supply of European arms technology to China has risen steadily in recent years, both in quantity and quality or sophistication.

With respect to quantity, European arms sales to China increased eightfold, to $540 million in the 3-year period between 2001 and 2003. Qualitatively, European transfers have included a number of systems which increased the range, reliability, and lethality of China's attack aircraft and other offensive weapons systems.

The implications of these transfers are uniformly negative for the security of U.S. Armed Forces in East Asia, for the defense of our friends and allies in the region, and for regional stability more broadly. In this respect, I note the public testimony by the Director of the CIA, Mr. Goss, on February 16, 2005, before the Senate Select Committee on Intelligence. At that time he pointed out that Beijing's military modernization and military buildup is tilting the balance of power in the Taiwan Strait and that improved Chinese capabilities threaten U.S. forces in the region.

H.R. 3100 would address these continuing serious concerns in several ways. First, the bill would ensure Congress has the information it needs from the executive branch concerning foreign support for Chinese weapons acquisitions. Under H.R. 3100, the President would henceforth submit an annual report to Congress on European companies that are aiding China's military buildup and on European governments whose policies condone these sales.

Second, for those European companies and governments that continue dangerous arms relationships with China, the bill would expand U.S. export license requirements and increase congressional oversight in certain circumstances. This will ensure that access to sensible U.S. weapons technology is monitored carefully in the case of foreign companies that are also suppliers to Chinese military programs. As the chairman of the Committee on Armed Services noted during our April 14 hearing, the technology control plans which govern access to our weapons technology by foreign contractors who are also aiding the Chinese could be very challenging, if not "mission impossible."

Third, the President would be given new authority to help deter future European arms-related sales, should enhanced procedural safeguards not be enough. H.R. 3100 provides a menu of measures the President could draw upon in limiting access of culpable persons to U.S. weapons technology.

Significantly, H.R. 3100 would not have a retroactive character. It will not reach back. This is because the bill is not intended to be punitive; its primary purpose is deterrence. In this context, the optimal report Congress could receive is one in which no European company or government is named. However, if EU member states do not make it possible for this to happen, the President would be in a position to take other steps in consultation with the Congress to safeguard our security interests.

Mr. Speaker, I hope our colleagues will join me in supporting H.R. 3100.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of H.R. 3100, the East Asia Security Act of 2005.

Mr. Speaker, tens of thousands of American troops are currently deployed in Asia, and the American Armed Forces one day could be sent to the Taiwan Strait to help defend the island nation from invasion by Mainland China. It is also possible that American troops might be mobilized in other circumstances in East Asia.

We certainly do not seek a military confrontation with China. Our country is actively working to reduce the possibility of any hostilities with that country. At the same time, I am certain that my colleagues remember our tense confrontation with China over the incident involving an American EP-3 aircraft that was forced to land at Hainan Island in southern China after it was harassed and damaged by a Chinese fighter aircraft.

In addition to our own troops' safety, Mr. Speaker, our country has other vital interests throughout the Asia Pacific region, including the national and economic security interests of our friends and allies.

Earlier this year, we faced a serious problem when the European Union announced its ill-advised intention to lift the embargo against the sale of sophisticated weapons to China. For the American people, this raised the threat that American soldiers could face the latest in high-tech weaponry manufactured in Europe as well as Chinese weapons systems that could be greatly improved by European technology. In February of this year, this House adopted House Resolution 57, introduced by my good friend, the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), and myself. That resolution called upon the Europeans to maintain their embargo on arms sales to China; and as my colleagues recall, Mr. Speaker, the Hyde-Lantos resolution was adopted in the House by a vote of 411 to 3.

Our European allies received that clear message, and their ill-advised effort to lift the embargo was quietly dropped. I welcomed that action by the European Union.

The embargo on arms sales was initially initiated because of China's horrendous human rights record. Nothing about that record has changed in the 16 years since the Tiananmen Square Massacre. The only difference is China's dramatically increasing military strength and the consequent threat to the entire region.

Even with the embargo still in place, Mr. Speaker, several of the leading nations of Europe have dramatically increased their sales to China of military-related goods and high technology. In 2003, the last year for which data is available, these sales amounted to over a half a billion dollars from some European Union countries, including France, Germany, Italy, and the Czech Republic. Other non-European Union countries have also sold significant military equipment to China which represents a threat to regional stability.

For all of these reasons, it is important that we make clear our opposition to the sale of sophisticated military equipment to China, and that we establish penalties by law against those companies and countries that engage in sales that are damaging to our own national security interests and the security of East Asia.

Our legislation, the Hyde-Lantos legislation, H.R. 3100, covers any nation whose policies permit the export of dangerous military materiel and technology to China. At the President's discretion, he can publicize the activities of any country that is transferring sensitive goods and technology to the People's Republic of China, and he has the authority to impose sanctions if he chooses.

For any country that is involved in sensitive defense research and development projects with the United States, and whose practices have the potential to allow the transfer of U.S. technology to the People's Republic of China, the Hyde-Lantos bill would require that all U.S. exports of goods and technology to these countries be carefully reviewed and licensed prior to export.

Our bill is extremely important to persuade other countries that there will be severe consequences if they fail to respect the security interests of their most important ally, the United States of America.

I urge all of my colleagues to support this bill.

Mr. HYDE. Mr. Speaker, I enclose two letters relating to the consideration of H.R. 3100 The East Asia Security Act."

HOUSE OF REPRESENTATIVES, COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, July 12, 2005.
Hon. BILL THOMAS,
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill H.R. 3100 "The East Asia Security Act of 2005". The Committee has marked up the bill and ordered it reported by a unanimous vote.

Under Rule X of the House Rules the Committee on Ways and Means has jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President's ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means.

In the interest of permitting this Committee to proceed expeditiously to the floor consideration of this bill, I request your Committee waive its right to sequential referral on this matter. I understand that such a waiver only applies to this language in this bill, and not to the underlying subject matter. I will urge the Speaker to name Members of your Committee to any conference committee which is named to consider this bill.

I appreciate your willingness to allow us to proceed. I will insert this exchange of letters into the Congressional Record during the debate of this bill.

Sincerely,

HENRY J. HYDE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 13, 2005.
Hon. HENRY J. HYDE,
Chairman, Committee on International Relations, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HYDE: I am writing concerning H.R. 3100, the "East Asia Security Act of 2005," which is scheduled for floor consideration on Wednesday, July 13, 2005.

As you know, the Committee on Ways and Means has jurisdiction over matters concerning imports. One provision under Section 7 of H.R. 3100 may suspend the President's ability to use a license exemption or expedited procedure for licensing of the temporary importation of defense articles, and thus falls within the jurisdiction of the Committee on Ways and Means. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3100, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Best regards,

BILL THOMAS,
Chairman.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 3100.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMEMORATING 60TH ANNIVERSARY OF CONCLUSION OF WAR IN THE PACIFIC AND HONORING VETERANS OF BOTH PACIFIC AND ATLANTIC THEATERS OF SECOND WORLD WAR

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 191) commemorating the 60th anniversary of the conclusion of the War in the Pacific and honoring veterans of both the Pacific and Atlantic theaters of the Second World War, as amended.

The Clerk read as follows:

H. CON. RES. 191

Whereas on December 7, 1941, a date which will live in infamy, the United States was suddenly and deliberately attacked at Pearl Harbor, Oahu, Hawaii, resulting in the loss of over 2,400 American lives, the greatest such loss of life in a single attack before September 11, 2001;

Whereas the United States joined with allies from 32 countries to fight the common foe of fascist militarism in a war in which over 16,000,000 Americans served in the military;

Whereas the United States suffered over 670,000 casualties, with more than 400,000 deaths, while over 105,000 Americans were held as prisoners of war, many of whom were forced to participate in the infamous Bataan Death March or were forced to work on the construction of the Siam-Burma Railway;

Whereas two former Presidents, John F. Kennedy and George H. W. Bush, served with particular distinction and valor in the Pacific theater during the Second World War;

Whereas the sea battles of the Coral Sea, Midway, Leyte Gulf—the greatest naval battle in history—and Lingayen Gulf turned the tide of the war in the Pacific and led to ultimate victory;

Whereas the Sullivan family of Waterloo, Iowa, who lost five sons in a single morning when the USS Juneau was sunk in the Battle of Guadacanal, came to symbolize for the United States the grief felt by American families over the loss of loved ones during the Second World War;

Whereas on May 14, 1943, the Australian hospital ship Centaur, in transit to New Guinea to pick up the wounded, was sunk fifty miles East-Northeast of Brisbane, Australia, resulting in 268 dead, representing the highest number of casualties of any merchant vessel sunk by a submarine in the Pacific theater;

Whereas General Douglas MacArthur fulfilled his promise of "I shall return" to the Philippine people by leading the successful campaign for the liberation of the Philippines, part of a wider campaign which freed much of Asia from militarist occupation;

Whereas more than 20,000 Japanese and 7,000 Americans died in the battle of Iwo Jima, which raged on the small island of Iwo Jima for over one month between February and March 1945, the fierceness of which was captured in the historic photo of five Marines and one Navy corpsman raising the American flag on Mount Suribachi;

Whereas the Battle of Okinawa, waged between April and June 1945, was the largest sea-land-air battle in history, with more than 38,000 Americans wounded and 12,000 killed or missing, more than 107,000 Japanese and Okinawan conscripts killed, and perhaps 100,000 Okinawan civilians who perished in the Battle;

Whereas millions of people died in Hawaii, Guam, the Coral Sea, Midway, the Marshall Islands, the Solomon Islands, Wake Island, Guadacanal, Nanjing, Harbin, Beijing, Shanghai, Chongqing, Hong Kong, Singapore, Malaya, Indonesia, Burma, Bataan, Corregidor, Manila, Luzon, Leyte Gulf, Lingayen Gulf, New Guinea, Korea, Saipan, Iwo Jima, Okinawa, Tokyo, Hiroshima, and Nagasaki;

Whereas the Second World War led to dramatic social changes in the United States as more than 19,500,000 women joined the American workforce at defense plants and 350,000 women joined the Armed Forces;

Whereas the roles of minorities in both the Armed Forces and industry were changed forever as greater opportunities for employment and service in the defense of the United States presented themselves;

Whereas Japanese-Americans, including Senator Daniel Inouye, served with courage and valor in the 442nd Regimental Combat Team, the most decorated regiment in United States military history;

Whereas the people of the United States and Japan worked together after the Second World War to reconstruct Japan and to ensure the post-War emergence of Japan as a beacon of democracy and economic liberalization in the Asia-Pacific region, and the United States and Japan further solidified the post-War security relationship by signing the Security Treaty of 1951 and the Treaty of Mutual Cooperation and Security in 1960;

Whereas the sacrifices in the Pacific of United States veterans and veterans of United States allies during the Second World War led to the emergence of an Asian region where democratic institutions and free market economies have taken hold, contributing greatly to the peace and prosperity of the region; and

Whereas on May 29, 2004, the United States gratefully dedicated the World War II Memorial, honoring both the Pacific and Atlantic theaters, on the National Mall in Washington, D.C., with decorated World War II hero Senator Robert Dole giving the dedication speech: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) honors all veterans, living and deceased, of the Second World War in both the Pacific and Atlantic theaters on the 60th anniversary year of the War's conclusion and expresses the deep appreciation and gratitude of the United States for their valor and selfless service to their country;

(2) calls upon the people of the United States to commemorate the 60th anniversary of the final surrender of the Second World War aboard the USS Missouri as a day of remembrance and appreciation for the members of the greatest generation who, through their sacrifices both in the Armed Forces and on the homefront, preserved liberty for future generations and rescued the world from the scourge of fascist militarism;

(3) reaffirms the judgment in Tokyo rendered by the International Military Tribunal for the Far East of 1946-1948 and the conviction of certain individuals as war criminals for their crimes against humanity; and

(4) recognizes that the alliances formed in the Asia-Pacific region following the Second World War, including those with Australia, Japan, the Philippines, the Republic of Korea, and Thailand, have contributed immeasurably to the continued peace and prosperity enjoyed throughout the region.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 191.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the 60th anniversary of the final victory in one of the greatest campaigns for the preservation of freedom in the history of the world. The heroic struggle of America's Greatest Generation and the peoples of the allied countries to defeat the scourge of Fascist militarism and liberate millions from its iron fist was the most monumental endeavor of the entire 20th century.

□ 1215

World leaders quite properly gathered in Moscow on May 9 to commemorate V-E Day, the 60th anniversary of the victory in Europe. We certainly join in honoring our heroic veterans of the D-Day landing and those of the entire Atlantic theater for their valiant efforts to liberate the people of Continental Europe, especially those trapped in death camps from Nazi tyranny.

We should well remember, however, that for the American people, the Second World War neither began nor ended in Europe. For our Nation, the war began on a quiet Sunday morning in Hawaii, when the U.S. was suddenly and deliberately attacked at Pearl Harbor. Over 2,400 lives were lost, including those buried in the sunken hull of the battleship USS *Arizona*. These dead represent the greatest number of American casualties in any such attack prior to September 11, 2001, another date which will live in infamy.

The war for America did not end on May 19 with the defeat of the axis powers in Europe. The battle for Okinawa, the largest sea-land air battle in history was largely fought after the surrender in Europe. It was not until General Douglas McArthur crossed the deck of the battleship *Missouri* in Tokyo Bay to accept the final surrender of Japan on September 2, 1945, that America and the world were finally at peace.

V-E Day had been the beginning of the end, but V-J Day was the final victory. I stand in strong support, therefore, for this concurrent resolution, which gives equal recognition to veterans of both the Pacific and Atlantic theatres as inscribed in the World War II Memorial which was dedicated last year on our National Mall.

This resolution calls upon generations of Americans who followed those who fought and died in this historic conflict to pause and give remembrance to the sacrifices of the greatest generation as the 60th anniversary of V-J Day approaches. The events of that war are slowly fading, and a distant memory, rekindled only in our national consciousness by readings in history textbooks or by clips from old war films, therefore we must assure, through commemorations like the one contained in this resolution that the sacrifices of the World War II generation are never diminished or never forgotten.

We here today should dedicate ourselves to preserving these memories, even as we stand once again to thank our World War II veterans for their sacrifice and their valor. As Americans reflect on the decades of unparalleled stability and prosperity following the aftermath of the Second World War, they may recall the words of the great British Scientist, Sir Isaac Newton who said, "If I have been able to see further, it was only because I stood on the shoulders of giants."

The blessings we enjoy today come from standing on the shoulders of those giants who fought, bled and died 6 decades ago so we might be free. And so to all those who fought, we owe an enormous debt of gratitude. Their legacy today is a peaceful and increasingly prosperous Asian Pacific region, where democratic institutions have taken root and market economies have flourished.

Their gift to us is an America which still stands as a beacon of liberty to the people of Asia who remember well the horrors inflicted by the coming of the Second World War.

With pride and boundless gratitude do we acknowledge the unpayable debt we all owe to veterans, who together with our allies and those on the home front, won the final victory which we commemorate today.

Mr. Speaker I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and rise in strong support of this concurrent resolution.

Mr. Speaker, in the context of this commemoration of what happened on the watery battlefields of the Pacific 60 years ago, I want to draw special attention to the actions of one of our most esteemed colleagues in this body, an esteem that is bound to grow once people know and understand the extent of his contributions to the allies' success in this crucial part of World War II.

Our distinguished colleague and my dear friend, the gentleman from Illinois (Mr. HYDE), now the respected chairman of the House International Relations Committee, back then was a young Naval officer facing the most important battle of his life.

On January 9, 1945, he piloted a landing craft into the Lingayen Gulf as part of a massive landing force hoping to establish a beachhead on the Philippine island of Luzon. His mission was to help liberate the people of the Philippines from Japanese control.

The liberation of the Philippines and the eventual victory of allied forces in the War in the Pacific now seems to have been predetermined. Yet it was anything but decided during this important moment in global history.

Fortunately, Mr. Speaker, the gentleman from Illinois (Mr. HYDE) survived the battle of Lingayan Gulf. For his exemplary service to his Nation, he was awarded the Asiatic-Pacific Campaign Medal, the World War II Victory Medal, the American Campaign Medal, and the Philippines Liberation Medal.

Mr. Speaker, it is evident to those of us who have had the privilege of working alongside him in the intervening years, that the gentleman from Illinois (Mr. HYDE's) tenacity in battle extends to other forms of conflict.

But it is also clear that he is committed to bipartisan cooperation in the national interest whenever possible. He has remained loyal to the values that propelled him into public service.

Mr. Speaker, I have the greatest respect and admiration for the sacrifices of American soldiers, many of whom gave their lives in this epic battle against the forces of fascism and Japanese militarism. I owe my very life to the American military and to the troops of other allied countries which liberated Europe at enormous costs.

There are millions of citizens in the Asia-Pacific region, from the Philippines to Korea, who also owe their freedom to the gentleman from Illinois (Mr. HYDE) and the thousands of other brave Americans.

In many ways, Mr. Speaker, the victory over Japan was more of a beginning than an end. In the aftermath of World War II, the United States developed strong alliances across the Asia-

Pacific region, which have only strengthened for the past 5 decades. The United States and Japan have developed a robust multifaceted relationship based on shared democratic values and mutual interests in Asian and global stability and development.

The strength of our relationship with Japan today and the relative peace of the Asia-Pacific region for over 50 years demonstrate the value of the sacrifices made by the brave American soldiers in the Pacific theater.

With the passage of our resolution, we commemorate these enormous contributions to peace, and we commit ourselves to remembering for all time those who made the ultimate sacrifice for this Nation.

Mr. Speaker, I strongly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from California has been incredibly generous in his remarks, and I would like to comment on his history for the edification of our colleagues.

Hitler's forces occupied Hungary on March 19, 1944. Along with the Nazi invaders came the notorious Adolf Eichmann, with orders to exterminate the Jewish population of Hungary. A 16-year-old boy viewing these somber events decided he had to take a stand. He joined the Hungarian underground, a loose-knit group which was made up of small clusters of individuals.

Sent to a work camp to perform forced labor to maintain a railway bridge, this boy was the sole survivor of an allied bombing raid. "I was convinced I would not survive," the boy recalled. But fate had greater things in store for this young hero. Escaping from the camp, the young man made his way to Budapest where he joined Swedish diplomat Raoul Wallenberg in his rescue operation to save much of the Jewish community of Hungary.

The young man ran operations for the underground carrying food and medicine through Nazi lines to Jews hiding throughout the city. After the war, the young man was reunited with his childhood friend, who was to become his wife, Annette. Together they immigrated to America to start a new life.

Fortunately for all of us on the International Relations Committee and in Congress and in America, that brave lad from Budapest is here with us today. After a distinguished academic career in California, the same determination which kept him alive at the bombed out railway bridge has now brought him to Congress, where he serves as the ranking Democratic member of the International Relations Committee.

For his courage in war, for his service in peace, especially here in Congress, I would like to express sincere and profound appreciation to my friend and colleague, the gentleman from California (Mr. LANTOS.)

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, before yielding to my friend, the gentlewoman from Guam (Ms. BORDALLO), I just want to express my most profound gratitude to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of our committee.

Mr. Speaker, I am delighted to yield 3 minutes to the distinguished gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I wish to thank my good friend, the gentleman from California (Mr. LANTOS) for yielding me the time and giving me the opportunity to speak on the floor today on this issue.

December 7, 1941 would come to mark a historical pivot point for both America and the world. Two days later, the Chamorros people of Guam would also begin a dark and somber time. Over the next 31 months, residents were turned into refugees. Men, women, and children were massacred, an entire island enslaved.

An estimated 700 Chamorro people perished over these years of occupation. On July 21, 1944, American troops once again touched the shores of Guam, ending the oppressive occupation.

□ 1230

Liberation meant a restoration of faith and future to the Chamorros as they sought to reconstruct their island and their lives. The scars of battle still resonate, yet the lingering message of history will never fade 61 years later.

I stand to honor those who fought to liberate our people and to honor the resiliency displayed by the Chamorro people in such formidable times. Just yesterday we went to Arlington to lay a wreath to honor those who perished. And tonight in the Cannon Caucus Room we invite the entire membership of the U.S. Congress and their staff and friends to come and join us in a liberation celebration beginning at 6:30 p.m.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in support of H. Con. Res. 191, a resolution to commemorate the 60th anniversary of the conclusion of the war in the Pacific and to honor veterans of both the Pacific and Atlantic theaters of the Second World War. It is-profoundly important that we remember the sacrifices our troops made in those terrible times. But more than remembering, we must convey the gratitude due to those soldiers who risked their lives in the defense of the innocent, the protection of freedom, and in the name of our great country.

To build a prosperous future, we must work to appreciate our past. It has not always been a peaceful one. From our country's founding over two centuries ago, American soldiers have engaged in many battles to defend our Nation and our way of life. Whether the call has been the defense of democracy, the ending of tyranny, or the protection of innocent civilians all over the world, American soldiers have answered with dignity and honor. This resolution reflects a will to remember the countless sacrifices of our soldiers in one of the most terrible wars of our history.

Aristotle wrote, "We make war that we may live in peace." Never was the need to engage greater than for President Roosevelt's America some 65 years ago. The spread of Nazism led our troops over the Atlantic into the first of what would soon be two major theaters of war. Our Armed Forces crossed the Atlantic to join the allies in an assault of Germany. Then, after the atrocious attack on Pearl Harbor in December 1941, they crossed the Pacific to engage the Japanese. These dark times witnessed monumental loss of life and called for the greatest levels of sacrifice, both from the troops and the families they left behind. Yet our spirit never wavered, and this country survived one of its greatest tests.

Mr. Speaker, we owe so much of this survival to the quality of our troops. They protected us then as they always have—with honor, courage and resilience. As we enjoy the freedoms afforded to this great Nation, we must remember and celebrate the achievements of our veterans. We are forever grateful for their gift of peace. This is a gift we will never be able to fully repay, but one that continues to engender respect and gratitude. It is the spirit of gratitude that gives birth to this resolution, and in that spirit I am privileged to offer my full support.

Ms. PELOSI. Mr. Speaker, I offer my heartfelt support for the House Concurrent Resolution 191 to commemorate the 60th anniversary of the end of World War II.

We are a free and prosperous nation because the Greatest Generation defeated tyranny in World War II. We owe them many debts, including remembering and teaching new generations of Americans that freedom is not free.

September 2, 2005, will mark the 60th anniversary of the final surrender of Japan, which occurred on the USS *Missouri.* This is a date we must remember and commemorate.

We remember the 16 million Americans who served in the military during World War II. We remember 670,000 U.S. casualties including 400,000 deaths. The Greatest Generation faced some of our Nation's darkest hours and emerged victorious. We learn from their courage and selflessness. We give thanks for their resolve.

We remember the sacrifices and struggles of the American soldiers, sailors, airmen, marines and members of the Coast Guard in World War II. We remember their families at home who prayed for victory and the safe return of fathers, mothers, sons, daughters, brothers, sisters and neighbors while making their own sacrifices for the war effort.

We remember those who fought in the Pacific campaigns against the Japanese Empire. We remember sea battles in the Coral Sea, at Midway, in Leyte Gulf—the greatest naval battle in history—and Lingayen Gulf, which turned the tide of the Pacific war and led to ultimate victory.

We remember Iwo Jima, where more than 7,000 Americans and 20,000 Japanese died.

We remember a battle that raged for more than a month between February and March 1945, and we remember the powerful image of five marines and one Navy corpsman raising the American flag on Mount Suribachi.

We remember the Battle of Okinawa, the largest sea-air-land battle in history, waged between April and June 1945. We remember the 38,000 Americans wounded, the 12,000 killed or listed as missing, and the more than 107,000 Japanese and Okinawan conscripts killed and the 100,000 Okinawan civilians who died.

The sacrifice of the Greatest Generation inspires us today. We remember with our words, but must also remember with deeds; by fully funding and supporting health care for our veterans; by passing and implementing a new GI Bill of Rights, which meets the needs of our soldiers and veterans in the 21st century; by realizing our troops lived with the creed that they would leave no one behind in battle and we must leave no veteran behind in addressing wounds suffered on our behalf.

I am proud to support this resolution to commemorate the 60th anniversary of the end of the Second World War. Let our prayers be filled with thankfulness. Let our words be replete with commemorations. And let our deeds be worthy of the sacrifice of the great Americans who answered the call in our darkest hours.

Mr. LANTOS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 191.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONDEMNING THE TERRORIST ATTACKS IN LONDON, ENGLAND ON JULY 7, 2005

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 356) condemning in the strongest terms the terrorist attacks in London, England, on July 7, 2005.

The Clerk read as follows:

H. RES. 356

Whereas, on July 7, 2005, a series of explosions on public transportation facilities in London, England, resulted in the death of scores of civilians and the injury of hundreds of others;

Whereas the explosions had been planned and carried out by terrorists;

Whereas British first responders reacted swiftly and heroically to save and assist civilian victims;

Whereas the people of London and of the United Kingdom have a history of bravery and resolve in the face of terrorism and war;

Whereas the people and Government of the United Kingdom have been engaged in common efforts with the people and Government of the United States in every front in the Global War on Terrorism and in other efforts to assure a safer and more secure world;

Whereas the people and Government of the United Kingdom have been making heroic sacrifices in Afghanistan, in Iraq, and in the ongoing "shadow war" against terrorists around the world; and

Whereas President George W. Bush, then present in Gleneagles, Scotland, with other world leaders, expressed the solidarity of the people and Government of the United States with the people and Government of the United Kingdom: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns in the strongest terms the terrorist attacks in London, England, on July 7, 2005;

(2) expresses its condolences to the families and friends of those individuals who were killed in the attacks and expresses its sympathies to those individuals who have been injured;

(3) joins with President George W. Bush in expressing the solidarity of the people and Government of the United States with the people and Government of the United Kingdom as the recovery continues from these cowardly and inhuman attacks; and

(4) expresses its readiness to provide any necessary assistance to the United Kingdom authorities and to devote the necessary resources to bring to justice those individuals responsible for the London attacks, and to pursue, disrupt, undermine, and dismantle the networks which plan and carry out such attacks.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 356.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Americans were shocked and dismayed but not necessarily surprised when terror struck at the heart of the capital of the United Kingdom, the cradle of Western liberty, on July 7, 2005.

It is too easy while we are preoccupied with celebrating our independence from Britain in early July to lose sight of what we owe Britain, our language and our culture, the notion of the rule of law and the separation of powers, our common law legal system, and the underpinnings of our economic system, to name a few examples.

The British have been at our side and we at theirs in the struggles against tyranny that preoccupied us throughout most of the 20th century and now in the struggle against the nihilistic terror that has marked the 21st century and in our efforts to bring freedom to Iraq.

So it came as no real surprise to find that those who hate us hate the British too and acted on that hate.

The British have always impressed the world with their courage, their resilience, recalling the days of the blitz.

Today, Britain is different than the Britain of the Second World War. Its streets are filled with people from all over the world who are making their homes in what is like ours, a land of opportunity where newcomers are integrated into society with remarkable success. Today's Londoners showed themselves to be just as brave and determined as the Londoners of the past.

President Bush made us all proud when he so forthrightly and eloquently supported Prime Minister Blair and pledged his people and government our full support. Today with this resolution, our House adds its voice to his.

We and the British people are bound by ties that terror cannot loosen or fray. We will not be satisfied until we have done what we as Americans can to bring the perpetrators of this attack to justice and we have successfully pursued, disrupted, undermined, and dismantled on a worldwide basis the networks that carry out such attacks.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 356. Mr. Speaker, once again the backbone, resilience and resistance to barbarity shown by the citizens of Great Britain have inspired men and women everywhere who love liberty and know that it comes with a price. The aftermath of last week's horrendous events in London and memories of an earlier generation's response to the German blitz bring clearly to mind a quality we Americans have long admired about our British cousins: the unwavering will to withstand a setback and then to get on with it.

By their words and by their deeds in the past week, the people of the United Kingdom have demonstrated yet again that they will not allow brutality to intimidate them. Far from it. They and we shall prevail.

Queen Elizabeth, II, who as a teenager helped rally her country to repel tyranny during World War II, was eloquent but emphatic on this point a few days ago as she visited the wounded in a London hospital. "Those who perpetrate these brutal acts against innocent people should know that they will not change our way of life. Atrocities such as these simply reinforce our sense of community, our humanity, and our trust in the rule of law. That is the clear message from all of us."

Mr. Speaker, while the Irish playwright George Bernard Shaw may have been correct when he observed that "England and America are two countries divided by a common language," today there is no sentiment more closely shared by Americans and Britons, nor one so clearly stated, as what Her Majesty said: the perpetrators of this revolting attack "will not change our way of life." Their deeds "simply reinforce our sense of community, our humanity, and," despite the all-too-human impulse to exact swift retribution, "our trust in the rule of law."

Mr. Speaker, our resolution on the events in London now before the House expresses outrage, fortitude and the readiness to provide whatever resources are needed to bring those responsible to justice. On behalf of all our constituents, and all our compatriots, we in the Congress of the United States extend across the Atlantic our deepest condolences and our outstretched hand in solidarity.

On September 12, 2001, Prime Minister Tony Blair called the dark events of the day before "an attack on the free and democratic world everywhere." What happened in London on July 7, 2005, was just such an assault. For the sake of democracy and freedom, it cannot and it will not go unanswered.

Coming as it did on the heels of an exalted week for Britain with the eyes of the world turned first on Wimbledon, then on the G–8 meeting at Gleneagles and finally on the triumph of being entrusted with the Olympic Games of 2012, this sickening blow may have seemed all the more horrific by contrast with those previous days.

Mr. Speaker, let our response to this outrage be neither to recoil nor to lash out, but to renew our determination to eradicate terrorism so that never again can it cast its insidious shadow over our peaceful lives.

I urge all of my colleagues to support this resolution unanimously.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, as chairman of the Subcommittee on International Terrorism and Nonproliferation, I rise in strong support of this resolution that condemns the heinous acts of terrorism that occurred in London last Thursday July 7.

At 8:50 a.m. in a coordinated attack, three bombs ripped through the London Underground in central London and an hour later a fourth explosion tore apart the No. 30 bus. At present, 52 are dead and hundreds and hundreds are wounded. Authorities are still attempting to recover bodies trapped under subway cars deep under Kings Cross station. As a police official gruesomely described this morning, "they have to literally piece people together and that takes time."

The latest news reports suggest that four young British citizens carried out this latest act of Islamist terror, blowing themselves up along with their innocent victims in what would be the first suicide attacks in Western Europe. I fear we are seeing the emergence of a new generation of terrorists, kids who were in their teens on 9/11.

One of the four implicated in the London bombings was a teen. The homegrown cell involved in the Van Gogh murder in the Netherlands included members as young as 18. North African extremists from France have been found in Iraq, some as young as 14. And as the 9/11 Commission described, "Our enemy is two-fold, al Qaeda, a stateless network of terrorists that struck us on 9/11 and a radical ideological movement in the Islamic world inspired in part by al Qaeda which has spawned terrorist groups and violence across the globe."

As the 9/11 Commission tells us, "The first enemy is weakened but continues to pose a grave threat. The second enemy is gathering and will menace Americans and American interests long after Osama bin Laden and his cohorts have been killed or captured. Thus, our strategy must match our means to two ends: dismantling the al Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism."

Now, unfortunately, lax asylum laws and lax immigration laws have done the British and the rest of Europe no favors and have contributed to the radicalization of society there. Long before bombs ripped through London, Britain had become a breeding ground for hate fed by a militant version of Islam. For a decade, the city has been a crossroads for would-be terrorists who used it as a home base to communicate their message, to raise funds and to recruit members.

□ 1245

For years before his arrest, Abu Hamza al-Masri openly preached violence at the Finsbury Park mosque in north London. Among those who have passed through that Finsbury Park mosque are Zacarias Moussaoui and Richard Reid.

Unfortunately, radical clerics gaining a foothold in traditionally tolerant societies is not unique to Britain. The reality is that hate and intolerance is being preached throughout the world, and I thank the gentleman from Illinois (Mr. HYDE) and the ranking member, the gentleman from California (Mr. LANTOS), for bringing this resolution to the floor.

As the British have stood with us, we stand by them. We will prevail. The terrorists will not.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. FOSSELLA).

Mr. FOSSELLA. Mr. Speaker, I thank the chairman for yielding me this time and for bringing the resolution to the floor, along with the ranking member, the gentleman from California (Mr. LANTOS); and I urge its unanimous adoption.

Mr. Speaker, on September 11, 2001, the United States was attacked, and Britain stood with us. This was not only an attack against America, but against the civilized world; and Britain understood this.

On July 7, 2005, the terrorists struck again, this time at our ally, Britain, in London. Over 50 people are believed dead and more than 700 wounded in these horrific attacks. These terrorist attacks have once again been directed towards innocent civilians, except that instead of New York and Washington, D.C., the targets were in London. We have seen this deliberate targeting of civilians by terrorists in other places, like Bali, Istanbul, Madrid, and beyond.

This message really goes to the people of Britain, the citizens of London, but especially to the families who lost loved ones last week. In 2001, when not just the United States of America came together but the rest of the global world stood with the United States and the families who lost loved ones on 2001, it was a show of appreciation, respect, sympathy, and condolences for those who lost their lives to terror.

Out of the pain and the sorrow for many of those families, and I know this because I represent about 300 who lost loved ones on that fateful day on September 11, one of the saving graces from all of that was the outpouring of support from around the world that let them know that they did not stand alone; that let them know that our allies, whether Great Britain or beyond, stood with them and that the best days, hopefully, would come.

Today, we stand as a body, as elected representatives, but really speaking for those people we represent to send those same sympathies and condolences to the people of London.

Yes, we will prevail. Yes, this web of terror, and if there is not a point in time we can say, it let now be the time, this web of terror must be destroyed, whether it is Bali, or the World Trade Center, or the Khobar Towers, or Nairobi, or Jakarta, or any other place around the world where innocent people still must fear for their lives because of these radical terrorists who think nothing of taking innocent lives, including their own.

The people of London have now been Exhibit A in the latest chapter in the war against terror. But the free people of the United States, the free people of Great Britain, and the free people around the world, with our brave men and women in the United States Armed Services and those who are willing to step up and give their life, will prevail against these rogue terrorist punks.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON of New Mexico. Mr. Speaker, I thank the chairman and ranking member for bringing forth this resolution today.

All of us here know how the Brits felt last Thursday morning. We had all been there ourselves in our own morning of terror not that long ago. It was a routine morning commute, just a regular ordinary day; and then the course of hundreds of lives changed and thousands of others were deeply affected. And we saw the best of the people of London: people shocked but calm, bravely helping others, a city getting up and getting back to work on Friday morning, and determined leaders who will not bow to terrorists.

There were two things that came to my mind, and more than one person has recalled the leadership of Winston Churchill not that long ago. While his admonishment to "never give in" is more well-known, there is another speech he gave in the summer of 1941, after London had endured months of bombing and 20,000 casualties in the fall and winter of 1940–41. He said: "But there was one thing about which there was never any doubt. The courage, unconquerable grit and stamina of the Londoners showed itself from the very outset. Without that all would have failed. Upon that rock, all stood unshakable."

Upon that rock, they are still unshakable. Our thoughts and prayers are with the people of London.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to reemphasize our united determination to stand with the people of the United Kingdom in their moment of sorrow and anguish and to reiterate our determination not to rest until terrorism is destroyed on the face of this planet.

Mr. Speaker, I have no additional requests for time, and I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume to associate myself with the remarks of the gentleman from California (Mr. LANTOS).

Mr. HOYER. Mr. Speaker, even today, as our friends and allies in London and the United Kingdom move forward with heavy hearts and continued anxiety, they are striking back at the barbaric and cowardly terrorists who attacked them without warning last week.

The British people have seen the face of evil and, as we knew they would, they have remained steadfast, resolute, and unbowed.

They have no intention of altering their way of life, or compromising the democratic principles that have fortified them through the centuries.

All of us can learn from their strong, courageous example, as we extend our deepest condolences to the loved ones and friends of those who have been stolen by these heinous murderers.

It is incumbent upon us not only to condemn the perpetrators and supporters of these unconscionable attacks, but also to express the unwavering solidarity of the American people and our government with the people and government of the United Kingdom.

Mr. Speaker, the civilized world is under attack today by the purveyors of hate, violence, intolerance and lawlessness. They have no compunction about attacking and killing innocent men, women and children.

And our responsibility to this and future generations could not be more clear. We must expose the moral emptiness and political hopelessness of those who subscribe to this twisted ideology—this jihadist death cult—and we must extinguish this force of darkness and despair.

Victory in this fight will not be easy, but it is inevitable as long as all those who cherish peace, tolerance and the rule of law stand together as one.

Sixty-five years ago, Winston Churchill, in steeling the British people against the terror of his day—Hitler's Nazi regime—said: "Victory at all costs, victory in spite of all terror, victory however long and hard the road may be; for without victory there is no survival."

We must summon the same courage and conviction today. Our enemies seek our destruction, but they underestimate our will. But we shall succeed. Victory will be ours. And, when we look back upon these difficult days, we will be reminded of the British people's courage and steadfast determination.

Mr. FRANKS of Arizona. Mr. Speaker, I am both saddened and angered by the terrorist attacks on the people of London on July 7, 2005. I extend my sincere and most heartfelt condolences to the families of victims. It is shameful that innocent citizens can no longer live in peace throughout the world.

It is because of such attempts to derail our united fight for human liberty that we must continue to hold steady and strong in this War on Terror.

I will in all ways continue this fight to protect our inherent rights to live free of fear from radical extremists. It is for such reasons that I supported the supplemental spending bill to aid our troops in this War on Terror. We must never falter or retreat.

The lives lost in the tragedy of July 7, 2005 will remain etched in our memories as proof that fear tactics must never win. Our prayers remain with the families of the victims and all the people of London.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMMONS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 356.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 2864, WATER RESOURCES DEVELOPMENT ACT OF 2005

Mrs. CAPITO. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 346 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 346

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2864) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from West Virginia (Mrs. CAPITO) is recognized for 1 hour.

Mrs. CAPITO. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. MATSUI); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 346 is a structured rule that allows for debate on H.R. 2864, the Water Resources Development Act of 2005. The rule makes in order seven amendments to the bill, five offered by Democrats, one offered by a Republican, and one bipartisan amendment.

The underlying bill is a solidly bipartisan piece of legislation introduced by the chairman and ranking member of the full Committee on Transportation and Infrastructure and the chairman and ranking member of the Subcommittee on Water Resources and the Environment.

I want to begin by thanking the chairman of the full committee, the gentleman from Alaska (Mr. YOUNG); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR); chairman of the subcommittee, the gentleman from Tennessee (Mr. DUNCAN); and the ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for working together to produce an outstanding piece of legislation.

The Water Resources Development Act renews the commitment of this Congress to dealing with our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

H.R. 2864 authorizes or modifies 102 projects and studies related to navigation, improving our country's ability to ship goods and improve our economy.

The bill includes 225 flood disaster reduction projects and studies. West Virginia, my home State, has been hit by several devastating floods in the past few years. I appreciate that this bill includes authorization for a watershed drainage assessment of the lower Kanawha River Basin in Kanawha, Putnam, Mason, Jackson, and Roane counties in my district.

H.R. 2864 also reauthorizes important corps projects across the country to bring water and sewer lines to rural communities. These water and sewer projects bring jobs and economic development to areas that need business investment. This legislation is a jobs bill because it provides for the infrastructure needs of our communities and allows for better movement of goods across our waterways.

The Committee on Transportation and Infrastructure reported the Water Resources Development Act in a bipartisan manner, and I trust that the full House will adopt the bill today in the same manner. I ask my colleagues to join me in support of the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Ms. MATSUI. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule and strongly support the underlying measure, H.R. 2864, that would provide for the water infrastructure needs of our Nation.

The Water Resources Development Act before us today reflects a shared commitment to the larger goal of developing our national water resources to address economic, environmental, and also public safety needs.

H.R. 2864 is a comprehensive bill. It does more than just authorize nearly $10 billion for the construction of nearly 700 water resource development projects and studies by the Army Corps of Engineers. It seeks to improve the corps' implementation of projects.

From working with the corps year after year, we know there are better ways to implement projects. This bill includes provisions to ensure that corps projects are managed in a coordinated and efficient manner, with improved financial management.

To improve the planning and execution of ongoing projects, the committee is asking that the corps submit yearly financial reports, including anticipated spending needs for future years.

□ 1300

The measure also streamlines the project review process for environmental reports and analyses.

Further, it would also allow for better coordination between the Federal review and State agencies affected by the project. And these are just a few examples of the many provisions this bill includes to encourage better management and coordination of U.S. Army Corps projects. These improvements are common sense. They will not only facilitate better economic and environmental benefits of the projects, but they will also allow projects to reach completion faster.

With a number of ongoing water projects in my district of Sacramento, California, these provisions will translate into real and tangible results. Sacramento has a long history intertwined with floods.

When the city endured a near catastrophic flood in 1986, the community quickly realized it did not have nearly the level of flood protection necessary to fully safeguard the region. After the city again faced more floods in 1997, the community redoubled its efforts to achieve 200-year flood protection. However, until that day arrives, flooding remains a very constant and genuine threat. And continued Federal assistance plays an important role in obtaining that goal.

Despite years of effort, Sacramento still remains one of the most flood-prone and threatened cities in the country, paling in comparison to the level of protection enjoyed by other river cities.

Thanks to the leadership of this committee, much has been done to address the flood control needs of the region. Indeed, several project authorizations already in place that, once completed, will provide in excess of 200-year flood protection for much of the area. With the continued support of Congress, Sacramento has already made incremental progress toward our initial goal of achieving 100-year flood protection for the region, and ultimately moving as quickly as possible towards 200-year flood protection.

Fortunately, as a result of lengthy bipartisan negotiations, Congress has authorized a suite of projects that will achieve 200-year flood protection. Upon completion of the authorized projects to improve area levees, modify the outlets of Folsom Dam and raise Folsom Dam by 7 feet, Sacramento will obtain its long-term flood control goal.

I deeply appreciate the years of support of the Committee on Transportation and Infrastructure has provided to ensure these projects continue to move forward, providing Sacramento the level of flood protection that it both needs and deserves.

In this bill, the committee embraced a project which seemed to be bogged down and hopeless, but because of a little bit of innovation and a strong commitment to finding success, it will be authorized today.

After the Corps of Engineers recommended a flood control project at Magpie Creek in Sacramento, the project faced an unavoidable redesign that nearly doubled the total cost of the project. The cost increase put the project out of reach of local affordability, and the project seemed to be stalled indefinitely. Taking the initiative, the local sponsor, the Sacramento Area Flood Control Agency, developed a revised plan that is not only less costly, but also has less of an environmental impact.

What is significant is the cooperation between the local stakeholders, the Corps and Congress to work together to find a solution. Because of this cooperation, Sacramento now has a more efficient project which will better protect us.

Just as thought went into this project's plan, it is apparent that the Transportation and Infrastructure Committee put great deliberation into this bill. I would like to offer my deep gratitude for the hours of work that the gentleman from Alaska (Chairman

YOUNG) and the gentleman from Tennessee (Chairman DUNCAN) and the ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) have put into this bill. Their long negotiations have produced a bill that will save lives, homes and businesses from devastation of floodwaters and improve the quality of life.

These are stakes Sacramento knows well. My district is located at the confluence of the Sacramento and American rivers. Sacramento is the hub of a 6-county regional economy that provides 800,000 jobs for 1.5 million people. A major flood along the American River will cripple this economy, and cost between $7 billion and $16 billion in direct property damages and likely result in significant loss of life.

The risk of serious flooding poses an unacceptable threat to the safety and economic well-being of Sacramento and to California's State capitol. It is because of the bipartisan commitment in the Sacramento region and the bipartisan commitment of these committee members that Sacramento is slowly reducing its risk of flooding. We are on a path, and I thank the committee for forging ahead with my community, to bring Sacramento the long-awaited flood protection it needs and deserves.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS), my colleague on the Committee on Rules.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from West Virginia (Mrs. CAPITO) for yielding me this time.

Mr. Speaker, I rise in support of this rule and the underlying bill, the Water Resources Development Act of 2005, or WRDA.

Our Nation's water resource infrastructure is critical to our economy, transportation system, power generation, flood control, and environmental protection and restoration. This is especially true in my area in the Pacific Northwest.

Our region's river system is a great resource, a resource that must be well-managed and protected. Hydroelectric dams provide clean, low-cost renewable power. These facilities also provide a system of locks that allow for the efficient transport of tons of agricultural products to coastal ports, which reduces congestion on our highways and rail systems. The dams allow for the control of floods, should that be necessary.

The coastal ports that receive the river-barged goods and products also need careful attention. They are the gateways to overseas markets. The success of farmers and manufacturers throughout the Northwest depend upon these ports being navigable and appropriately maintained.

I want to highlight several provisions of this bill that are of importance to the communities and individuals that I represent in central Washington.

Like the WRDA bill passed by the House in the last Congress, this bill includes direction to the Corps of Engineers to allow workers at northwest dams to participate in wage surveys. This is a simple matter of equity as workers' participation in wage survey is afforded to other Federal workers doing similar jobs, especially at other facilities in the northwest. I have worked with the United Power trade organization on this effort, and I am pleased it once again will pass the House.

This bill also includes language that will allow the Corps to officially give credit to the Port of Sunnyside for funding it has invested to maintain progress on its wetland restoration and waste water treatment project. This project is a creative initiative by the Port of Sunnyside to improve the river habitat and provide for greater economic growth in the local community. This provision ensures that the Port of Sunnyside gets proper credit for funds it invests as it works with the Corps to make this project a reality.

Finally, this legislation lifts Corps restrictions on the development of several Port of Pasco properties. I am very hopeful that elimination of these flowage easements will allow beneficial use of this prime riverfront property to move forward to the betterment of Pasco and the Tri-Cities, of which Pasco is one of the three cities.

Mr. Speaker, we must keep our commitment to sustain and enhance our Nation's water resource infrastructure, and that requires a regular review and updating of congressional direction to the Corps of Engineers to ensure that existing projects are maintained and that new needs are met.

This is the purpose of the WRDA bill and why it is important that it pass the House and the Senate act on it this year to ensure that this measure and the benefits it provides will become law.

Therefore, Mr. Speaker, I urge my colleagues to support this rule and the underlying WRDA bill.

Ms. MATSUI. Mr. Speaker, I yield 7 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman's courtesy for yielding me this time, and I noticed with pride her reference to the Sacramento situation. We worked with Bob Matsui on that for years, and he provided great leadership. I appreciate the gentlewoman's continued efforts, and I am pleased this bill looks like it may help move that project forward. It is a priority for not only California, but also the Nation.

I am also pleased to serve under the leadership of the gentleman from Tennessee (Chairman DUNCAN). I truly believe that the work of the gentleman from Tennessee (Mr. DUNCAN) is developing a path for a new direction for the Corps of Engineers and water resources.

This has been an arduous, difficult task in our Chamber and the other Body, dealing with a wide variety of issues and I salute him, our ranking member, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) and her predecessor, Mr. COSTELLO, because I know they have spent long, hard hours bringing forth a product that will do much good for America.

I come today in support, however, of one amendment which I appreciate being made in order in this rule which will enable the Chamber to take a step back and look at the largest, most expensive navigation project in America's history. I think it is important that we take that careful look, because frankly, there are grave questions about this project.

Today, for instance, I note yet another in a flood, if I may use the term, of editorials from around the country. This from the Chicago Tribune entitled "Reality on the River" that calls into question the wisdom of this massive investment.

WRDA would authorize $1.8 billion to expand seven locks on the upper Mississippi and Illinois Rivers. This would be the most expensive project for navigation in our Nation's history. It will take 10 to 15 percent of the Corps construction funding for years, indeed decades.

The gentlewoman from California (Ms. MATSUI) needs to be concerned about this if we are going to fund what she wants. The gentlewoman from West Virginia (Mrs. CAPITO) has water resource needs that are of significance to her constituents, which are at risk if we are going to make this massive investment.

For order of magnitude, Members are familiar with the "Big Dig" highway project in Massachusetts. This is an order of magnitude five times larger than the Big Dig when applied to water.

When the Corps is facing a $58 billion backlog of projects right now and a construction budget of less than $2 billion per year, we need to look at this very, very carefully; especially since the economic justification of this project is not just shaky, but frankly, it looks to be flawed.

Studies by the National Academy of Science and the Congressional Research Service, as well as the recent history of traffic on the Mississippi, shows that there is not an increase in barge traffic that would justify it. In fact, for the last 20 years, barge traffic has been flat, and for the last 13 years it has declined. It has declined more than a third from 1992. As barge traffic has declined, we have nonetheless spent almost a billion dollars rehabilitating the locks on the river. This has been controversial from the start. This project helped launch our Corps reform efforts. Members of this Chamber may remember in the year 2000, the Corps of Engineers fired the lead economist, Donald Sweeney, because he claimed Corps officials had ordered him to "cook the books," to underestimate how much was going to be shipped. Well, he applied for whistleblower protection. In fact, the Army's inspector general confirmed that the Corps had manipulated the documents. Unfortunately, the Corps has not adequately fixed the process.

Several studies from the National Academy of Science and the Congressional Research Service show that the model is still flawed. In fact, the most recent study from the National Academy of Science in 2004 points out that despite their efforts, "The study contains flaws serious enough to limit its credibility and value within the policymaking process."

Now, I want to make clear I am not here today to kill this project. The gentleman from Arizona (Mr. FLAKE) and I are offering an amendment that simply says if this project is justified, then it goes forward. Our amendment just says that the minimum justification, 35 million tons of barge traffic, is the lowest justification that would make this economically viable. They have 3 more years to hit the target. Maybe there has been an aberration in the last 20 years, so they have 3 more years. If in the course of the next 3 years there still is no increase, then certainly we should not be spending almost $2 billion.

This amendment does not delay the project. Testimony before our committee indicated it will take 4 to 5 years even with optimal funding for planning for this to move forward.

□ 1315

Not only would the amendment not delay the project at all, the gentleman from Arizona (Mr. FLAKE) and I recommend that there be immediate activities in the basin to be able to move barges more efficiently. Under our amendment, people who ship will get help immediately. It will make it easier for barge traffic to go up and down. It will make it easier to hit their projections. It would seem we are doing them a favor.

Bear in mind that this is a time of great change in the upper Midwest. Their products are going north to Canada on rail, south to Mexico on rail under NAFTA. They are actually exporting less because they are using product for the domestic market for things like ethanol and for food for animals. It is not likely that there is going to be a need for increased river capacity in the future. And it is not about shifting to trucks. This product is already moving on rail, going north and south, going west; and we are not taking away the barges in the Mississippi River. They will still be there.

I strongly urge my friends to look at this, the largest project for navigation in our history, to do things now under our amendment that will help the barge traffic, that are cheaper and more cost effective. Every Member has a stake in this, and I urge your consideration.

[From the Chicago Tribune, July 13, 2005]

REALITY ON THE RIVER

Congress is poised to approve the most expensive water navigation and restoration project in U.S. history, despite glaring evidence that the project is a multibillion-dollar boondoggle.

The proposed $1.8 billion project would enlarge and modernize the 80-year-old system of locks along the Mississippi and Illinois Rivers so barges carrying corn, soybeans and other goods to Gulf of Mexico ports can travel more quickly. Advocates say the project is needed for Midwestern agribusiness to stay ahead of rising competitors such as Brazil. The mighty Mississippi remains a cheap shipping route, but congestion and other delays sometime hold up barges for hours.

The 10-year-old project, though, has faced constant questions about wasteful spending and inflated expectations. The Army Corps of Engineers has predicted river traffic could increase as much as 30 percent over the next 20 years. But a Congressional Research Service report and studies by the National Academy of Sciences have found little to back up that rosy projection and have questioned whether the real economic benefits will be worth the cost.

Congress has one chance to protect taxpayers on this. The House is scheduled to vote as early as Wednesday on a measure that would cut off the project's funds before construction begins if river traffic fails to grow as much as the Army Corps projects it will over the next five years. That measure deserves strong support.

There's good reason to question the projections. Mississippi River traffic is close to where it was back in 1980 and has declined sharply through the five major locks since 1990, partly because Midwestern growers have been shipping more goods by rail and selling more corn to nearby ethanol plants.

The locks improvement project ground to a halt in early 2000 after a whistle-blower accused the Army Corps of inflating the project's economic benefits. An investigation by the Army's inspector general later cited a built-in bias at the Corps in favor of costly construction projects.

Yet a coalition of barge operators, agricultural producers and Midwestern lawmakers is pushing the House to approve the project before the August recess.

It may be too late to head off that approval. But an amendment sponsored by Rep. Jeff Flake, an Arizona Republican, and Rep. Earl Blumenauer, an Oregon Democrat, would make the first phase of construction money dependent upon river traffic increasing enough to justify it.

If traffic fails to reach the 16 percent growth that the Army Corps projects by 2010, funds to the expansion project would be denied. Taxpayers would have paid only $13.7 million, which was approved last year for research and design.

The Army Corps of Engineers has an unfortunate reputation for underestimating costs and exaggerating benefits of some of its projects. Tying its construction budget to its own predictions would create a powerful incentive for the Corps and other government agencies to ground their grand plans in realistic expectations.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), the chairman of the Subcommittee on Water Resources and the Environment.

Mr. DUNCAN. Mr. Speaker, I thank the gentlewoman from West Virginia for yielding me this time and for her hard work on this bill. I rise in strong support of the rule for consideration of H.R. 2864, the Water Resources Development Act of 2005. This is a good rule and a good bill. There are, as all of us know, very few amendments; and I think that is in large part because the committee has worked hard over a long period of time to address Members' needs in the bill and in the manager's amendment.

I think that our subcommittee does not have a better member than the gentleman from Oregon (Mr. BLUMENAUER), and I will speak more to his amendment during general debate. But I can tell you that I certainly sympathize with the thrust of his amendment because I think every water project in the country should be looked at very closely and should be done in the most cost-effective way possible. I will say just simply at this point that the project of which he has spoken and to which his amendment is addressed is the number one priority of the Inland Waterway Users Board representing the taxpayers who pay into the inland waterway trust fund and that pays one-half of the project cost. As I said, I will speak in more detail about the general provisions of the bill during general debate.

Right now, let me just say that H.R. 2864 is the product of several years of bipartisan work by the Transportation and Infrastructure Committee. The gentleman from Oregon (Mr. BLUMENAUER) mentioned the gentleman from Illinois (Mr. COSTELLO) who was the ranking member and with whom I worked so closely on this bill in the last Congress.

Basically, this bill in the last Congress is really the product or was the forerunner and is very, very similar to this bill and that bill passed the last Congress by a vote of 412–8. Basically, we have the same bill here today. By working together, the committee is presenting to the House a bill that is supported by over 200 organizations, including the U.S. Chamber of Commerce, which has stated that they plan to score the vote on this bill when they issue their annual "How They Voted" ratings.

I certainly would not want to run through the more than 200 of those groups, but just let me give you a short list of some groups supporting this bill, and you will see some of the wide variety: The Chamber of Commerce, the American Society of Civil Engineers, the American Farm Bureau Federation, the American Shore and Beach Preservation Association, the Associated General Contractors of America, the International Brotherhood of Teamsters, the National Association of Flood and Stormwater Management Agencies, the International Longshoremen's Association, the National Corn Growers Association, the American Association of Port Authorities, the Laborers International Union, the National Mining Association, the Agricultural Retailers Association, American Waterways Operators, National Rural Electric Cooperative Association, the American Shipbuilding Association, the National Stone, Sand and Gravel Association.

I could go and on. But you see that we have business groups supporting this bill, labor groups supporting this bill, governmental organizations supporting this bill; and so I think this is a bill that deserves bipartisan support. It is a very fiscally conservative bill.

But I think perhaps even more importantly, we have passed WRDA bills and water resource development bills usually every 2 years for many years. No WRDA bill in the history of this Congress has done more to be environmentally friendly, none has done more for environmental infrastructure projects, none has gone further in setting up peer review procedures for our major projects; and so I think this is a bill that will receive and will deserve the support of a very large number of Members on both sides of the aisle.

Mr. Speaker, I thank the Rules Committee for their help and assistance and cooperation, and I urge passage of this rule and passage of the underlying bill.

Ms. MATSUI. Mr. Speaker, I yield myself the balance of my time.

I encourage Members to support the rule. I look forward to the debate and hopeful passage of the underlying bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself the balance of my time. I urge all of my colleagues to support this fair rule and the bipartisan underlying legislation which provides critical funding to improve our Nation's water infrastructure. From clean drinking water and wastewater treatment to transportation on our rivers, it is crucial to invest in our water infrastructure.

This is a jobs bill that will spur economic growth and development in communities across our Nation. I believe all Members should be able to support this rule and the underlying legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. SIMMONS). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

☐ 1354

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 1 o'clock and 54 minutes p.m.

APPOINTMENT OF CONFEREES ON H.R. 6, ENERGY POLICY ACT OF 2005

Mr. BARTON of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6) to ensure jobs for our future with secure, affordable, and reliable energy, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

> Mrs. CAPPS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 6 (An Act to ensure jobs for our future with secure, affordable, and reliable energy) be instructed not to agree to the inclusion of any provisions in the conference report modifying the liability with respect to methyl tertiary butyl ether (MTBE).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentlewoman from California (Mrs. CAPPS) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this motion would do one thing: it urges conferees to reject a provision granting MTBE manufacturers a waiver from liability for the damage their products have caused to groundwater supplies throughout this country.

This broad liability waiver for MTBE manufacturers should be rejected for a number of reasons.

First, and most recent, a new draft risk assessment on MTBE written by the Environmental Protection Agency has concluded that MTBE is a likely, and I quote "likely," human carcinogen. According to the publication "Inside EPA," the study pinpoints kidney and lymph node tumors as a result of MTBE exposure.

Up until now, most of the concern about MTBE contamination has been that a tiny bit of it makes water smell and taste like kerosene, rendering the water unusable. But now EPA has released information that says MTBE in water may mean more than an unpleasant taste or smell: it may threaten your health.

MTBE contamination is a huge problem, and it is not going away. To date, this contamination has been found in over 2,300 water systems serving 36 States. Two recent studies have reconfirmed that the cost of removing MTBE from drinking water is substantial. The new studies put MTBE cleanup costs in the range of $25 billion to $33 billion and could be as high as $85 billion or more, and that is the cost for existing pollution.

Third, documents unearthed in court cases show that MTBE manufacturers knew as early as the mid-1980s about the damage their products caused to groundwater sources; and yet they continued to add it to gasoline. That is why juries have found that MTBE is a defective product. They also found that oil companies acted with malice because they knew what could happen with MTBE, and they did not do anything to stop it. That is why these oil companies have settled their cases. They did not pay millions of dollars to Tahoe, Santa Monica, and other communities out of good citizenship. They did it because they knew that juries would lower the boom on them for their actions. That is why this bill voids defective product lawsuits, because that is the way oil companies are being held accountable for their actions.

Fourth, CBO has found that the liability waiver in this House bill is an unfunded mandate. This protection for MTBE manufacturers is a huge unfunded liability that would shift the cost of the cleanup, literally billions of dollars, on to towns, cities, and water districts, on to your constituents, I say to my colleagues; and that is just plain wrong.

Mr. Speaker, 2 months ago, the House narrowly voted down my amendment to strike the MTBE liability waiver from our bill. Many Members voted "no" because of some impending deal to address the cleanup issue once and for all. Well, reports of this deal have leaked out. They are not pretty, and they will not address the MTBE contamination that your constituents face today or may face in the future.

The deal would provide full liability protection to MTBE producers and establish a $4 billion to $8 billion trust fund to address the contamination crisis. One big problem: remember, the cleanup of MTBE contamination is going to cost between $25 billion and $33 billion and could be as high as $85 billion, dwarfing this deal's cleanup fund.

Another problem: at least half of this fund comes from taxpayers. Mr. Speaker, why should taxpayers pay to clean up MTBE contamination? MTBE manufacturers caused this problem, and they knew it when they did it. They should clean it up.

This is a deal written by the industry for the industry. And it is no surprise that no one from the water industry, no cities, no counties, the people who will have to deal with the contamination, none of these people support this bill.

Finally, these are the controversial MTBE provisions that killed the energy bill in the last Congress. The Senate bill did not include MTBE provisions in their bill, and for good reason. They knew that giving these manufacturers protection from liability would end the chances of the bill becoming law. With the country continuing to experience record energy prices, the need for comprehensive energy legislation is clear, and MTBE provisions once again threaten the passage of this bill.

Mr. Speaker, the MTBE industry knowingly caused widespread groundwater pollution, and now it is trying to shirk its responsibility to the communities living with this huge problem.

So I urge my colleagues to support the Capps motion to instruct conferees and to reject this ridiculous bailout for the MTBE industry.

Mr. Speaker, I reserve the balance of my time.

□ 1400

Mr. BARTON of Texas. Mr. Speaker, I rise just to say that I object to the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I rise in strong support of the motion to instruct. I commend the Congresswoman for her extraordinary leadership, for working to protect communities from MTBE and from unfunded mandates that shift of cost of clean-up to communities without the funding to match.

For 5 years, Republicans have pushed policies to give billions of dollars to special interests which then reaped record profits. Republicans are not listening to the American people's concerns about the need for save drinking water, clean air, or for lowering the price at the pump of gasoline.

Instead of siding with the Americans strangled by high gas prices, President Bush's own Department of Energy said that the energy bill would actually raise gas prices, and that the President's proposals would increase our foreign oil dependance by 85 percent.

But nowhere is Republican pandering more on display than in the provisions relating to MTBE. Mr. Speaker, as you probably know, a few drops of MTBE can poison whole drinking water supplies. The industry knew that MTBE would leak from gasoline storage tanks when they lobbied for its use.

They deliberately hid this fact from Congress. The result of their malfeasance is clear: MTBE contaminated groundwater in every single State in America with estimated clean-up costs between $25 billion and $85 billion.

Incredibly, instead again of siding with communities poisoned by MTBE, House Republicans lined up to protect polluters from liability. Last year, the Majority Leader, the gentleman from Texas (Mr. DELAY) added language to the energy bill to protect MTBE polluters knowing it would kill the legislation and he did the same this year.

The House-passed bill protects MTBE producers form lawsuits. By their actions, House Republicans imposed an unfunded mandate on local communities to protect polluters. This is contrary to a fundamental principle that in our society polluters must pay for the damage they cause, not our children with their health.

The Republicans said to localities, not only will we protect the people who poisoned your water, but we are going to leave you with the bill.

Mr. Speaker, we are spending our time debating yet another huge subsidy for profitable oil and gas companies at taxpayer's expense, when we should be focusing on what consumers want, clean water to drink and relief from high prices at the pump.

This is a disgrace. Conferees should insist on the Senate version that excludes this shameful MTBE liability waiver. Only then can we reaffirm our commitment to strengthening community by promoting a clean and healthy environment where polluters pay again for the damage they cause, not our children with their health.

Again, I thank the gentlewoman from California. (Mrs. CAPPS) for seizing this opportunity as she did when the House first considered this legislation. I urge my colleagues to vote for the motion to instruct so that we can end this disgraceful giveaway to oil companies and MTBE polluters that poison water all across the country.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to my colleague, the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, I rise in support of the Capps motion. The House Energy Bill contains a so-called "Fuels Safe Harbor" that hands over get-out-of-court-free cars to the big oil companies responsible for polluting our communities' drinking water supplies with MTBE. The MTBE safe harbor is really a pirates cove for corporate polluters.

If enacted, it will let corporate polluters off the hook for water contamination and other damages to the environment and public health resulting from MTBE contamination.

A few months ago, President Bush said, "I will tell you, with $55 oil, we do not need to give incentives to oil and gas companies to explore, there are plenty of incentives."

Well, the President is right. Oil prices are now up to $60 a barrel, but the Republican energy bill would nonetheless hand billions of dollars worth of tax and regulatory subsidies over to wealthy oil companies. The MTBE liability waiver is only the tip of the vast iceberg of subsidies in this bill. $8 billion in tax subsidies and incentives for energy companies in the energy bill; $3 billion for the oil and gas industry; billions more in the Senate bill for the oil and gas industry.

There is something called royalty relief for the oil industry, which basically suspends requirements for oil companies to pay the Government for drilling on public land. There is a $2 billion subsidy for ultradeep water drilling R&D, and they also get a special exemption from the Clean Water Act.

With oil prices hovering at $60 a barrel, they do not need these breaks. Exxon reported $25 billion worth of profits last year; Conoco, $8 billion; royal Dutch Shell, $18 billion; BP, $16 billion; Chevron-Texaco, $13 billion. They do not need any incentives from the taxpayer, they are already in the pockets of the very same people as consumers, tipping them upside down.

And just think about it. The oil companies are making more money than they can ever spend, and Congress, in this bill, is going to pass a bill totally immunizing MTBE producers from any legal liability for producing an inherently defective product.

If there is an industry that can pay for this problem, it is the industry that has made more profits in the last year than any industry in the history of the world. We are going to do this despite scientific studies which have shown that MTBE causes cancer in laboratory animals.

Ladies and gentlemen, this is a huge mistake, the House "safe harbor" from legal liability will shift the burden of cleaning up MTBE contamination from the companies back to the local community. So again, the consumer will be paying high gasoline prices, high home heating oil prices, they will be paying out of their tax dollars to give subsidies to the oil companies, and then they will have to go into their pockets again to clean up the mess which is left over.

Vote yes for the Capps motion to instruct the conferees.

Ms. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I thank my distinguished colleague for her leadership, not only on this issue, but on so many others that come before the House Commerce Committee.

Mr. Speaker, I rise in support of this motion to instruct. It may indeed be our very last chance to get something right in this flawed energy bill, so-called energy bill. According to the independent analysts at the U.S. Energy Information Administration, this bill has virtually no impact on energy production, on consumption, on imports or on prices at the pump.

In fact, these independent analysts say that gas prices will increase. So wake up, America. Look what is happening to you under a so-called energy bill. The price that you pay at the pump is going to go up. Is that what we need the Congress for? I do not think so.

If the House bill did nothing, that would be one story. But the truth is that the bill imposes huge costs on taxpayers. And that is what we are protesting here on the floor, and why there is this motion to instruct.

Probably the worst provision of the bill is the MTBE liability waiver. What is it? It provides a safe place, a safe harbor that prevents refiners and MTBE manufacturers from being held accountable in court for selling a defective product. What this safe harbor does is relieve the industry of any obligation to pay even a portion of the estimated $29 billion to $85 billion cost of cleaning up drinking water that has been contaminated by the product.

So who pays? You pay. Not those that are responsible for it, but you. All under the guise of we want to lower your taxes. Imagine what is going to happen in your local community. Do you think your local government has this money? Mine does not.

The Congressional Budget Office calls this an unfunded mandate—you have to do it, but there is no money to do it—on local and State governments, because they have to pay for the cleanups on their own.

This is not just a matter of accounting. It is a matter of public health. Just last week it was reported in a new EPA draft report that MTBE is a likely carcinogen. And when MTBE is found in drinking water, we know we have to clean it up. There is not an option on this. I do not want my kids drinking it. I do not want yours to.

Successful lawsuits in California have led to substantial settlements with oil companies. And these settlements have enabled communities to begin cleaning up their drinking water supplies. Now, because communities are winning these suits, the industry wants Congress to let them off the hook.

Mr. Speaker, there is no reason to do this. If they are losing in court, it is because they have a lousy case. And there is a reason that these settlements are taking place, the industry is responsible for the mess and they have known about the threat for years.

So why is a safe harbor being created for the industry? No one outside the industry thinks this is a good idea. In May of this year, the Governor of California wrote to us and said that this provision should be stripped from the bill. I think that my California colleagues should be paying attention to that.

Along with the Governor, the National League of Cities, National Association of Counties, the Association of California Water Agencies and many others have sent letters voicing their opposition. This is a bad provision.

Last Congress the provision sank the bill. And it should have. This year we should strip it from the bill. Vote for the motion to instruct.

Mrs. CAPPS. Mr. Speaker, I yield 3½ minutes to the gentleman form Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I rise in support of the gentlewoman from California (Mrs. CAPPS') motion to instruct energy bill conferees to strike the MTBE liability waiver provision from the final energy bill.

The conferees should understand that we want an energy bill, not an energy subsidy bill. What is more important? The profits of oil companies or the health of our people and the financial health of States and communities in which we live?

The liability waiver assumes that Congress mandated MTBE use in 1990. But that is really not true. Congress mandated the use of an oxygenate in reformulated gasoline, but MTBE is not and was not the only oxygenate.

MTBE was used extensively in non-RFG areas where no mandate applied. Furthermore, MTBE was marketed and used extensively before 1990. Maine's experience really illustrates the MTBE problem.

Maine volunteered to phase into the Federal reformulated gas program in 1991. And in 1995 reformulated gas containing MTBE entered the marketplace in Maine. Two years later, in 1997, the Maine Bureau of Health reported MTBE in 7 percent of Maine public water supplies.

One year later, 1998, MTBE was detected in 16 percent of the public water supplies. So starting that year, 1998, Maine began phasing out the use of MTBE, and in 2007, Maine will impose a partial ban of MTBE.

□ 1415

This liability waiver creates a massive unfunded mandate. Communities face a 25 to $85 billion bill to clean up the MTBE. And juries in some cases have recently found the MTBE manufacturers, lax Texas oil firms, were dishonest about the impact of their product on groundwater. The juries concluded that the companies are liable for the cost of cleanup.

One reason is when you go back to 1981, the Shell engineers were joking with each other that MTBE stood for "menace threatening our bountiful environment" or "most things biodegrade easier." They knew what the impact of this substance would be.

Just this month, just this month EPA developed a draft risk analysis that concludes that MTBE is a "likely" human carcinogen. If finalized, this would dramatically increase the cost of MTBE cleanup.

So this liability waiver provision takes away the best claim that communities and States have to require manufacturers to help clean up the mess they created by manufacturing a defective product.

Now, finally, we hear a lot about a deal in the works to address this crisis. I would ask, will this deal protect communities from having to pay to clean up MTBE? Will this deal cover the cost of cleaning up the water, or will it just pay to remove leaking tanks? Will this deal be subject to an annual appropriations at a time when funding for clean water programs here in Congress is being cut, or will it charge cleanup costs to the American people in order to bail out Texas oil companies?

I encourage all of my colleagues to support the motion.

Mrs. CAPPS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a member of the Committee on Rules.

Mr. MCGOVERN. Mr. Speaker, I rise in strong support of the Capps motion to instruct.

Though this administration and the Republican majority often stress the need for an energy bill, citing rising gas prices, this bill will not do anything to lower energy prices in this country. Gas prices continue to rise, and this bill does nothing to lower them.

The Republican energy bill does nothing to reduce our Nation's dependency on foreign oil. It harms our environment, and in the end it is nothing more than a big fat giveaway to the oil and gas industries at a time when they do not need these giveaways.

If that were not bad enough, oil companies have knowingly contaminated our Nation's water systems with the fuel additive MTBE, polluting the same drinking water that serves 45 million Americans. These companies were fully aware of MTBE's ability to seep in the water supply, and they understood the impact that this potential human carcinogen could have on public health. Yet they still chose to use MTBE for nearly 20 years. And now the Republican leadership wants to protect these same oil companies from any liability for the damages they have caused.

Instead, they want to leave it up to our State and local governments to pick up the tab. This is unconscionable. This motion to instruct is based on common sense. These companies should be held responsible for the damages they caused.

Now, we all know the arguments. This is an unfunded mandate passed on to our State and local governments. Many communities have filed legitimate suits to recover the costs of MTBE cleanup estimated to exceed $29 billion. Yet this bill essentially blocks these suits and could preempt hundreds more, leaving communities with a multibillion dollar unfunded mandate at the hands of this Congress.

Mr. Speaker, the party of States' rights has become the party of Big Business. This bill is another handout to the oil, gas, and MTBE producers. Support the Capps motion to instruct and strike this lousy provision.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I would like to commend the work of the gentlewoman from California (Mrs. CAPPS) on this important issue that not only affects California but the entire country.

Mr. Speaker, today I rise in strong support of the motion to instruct conferees on the MTBE provision in the House energy bill. I adamantly oppose the language in the House bill passed which would give a free ride to manufacturers of MTBE, leaving taxpayers across the country holding the bag for cleanup. This is not an issue where a deal can be struck.

The industry, the only supporters of these deals, has been spreading false statements about the cleanup of MTBE being paid for by responsible parties and wants us to believe that future cleanup will be paid for. But who ends up paying that? The taxpayers.

These groups are ignoring two important items. One is that the leaking underground storage tank program which the manufacturers believe will bail them out is not appropriately funded right now. They are not cleaning anything up as they should be and many of the State programs are broke. Right now EPA oversees 700,000 leaking underground storage sites. Of the 700,000 underground storage sites, 136,000 are currently leaking, and they are not being cleaned up.

EPA anticipates that over the next 10 years, 120,000 new leaks will occur. Despite the need for cleanup funds and the growing inability of the funds needed to clean these up, we know that this administration cut back by 8 percent that fund.

State programs right now like California and other places are also being starved of this much needed funding.

Twelve States have funds with more claims than money. Two State funds have gone bankrupt. Fifteen State funds are funded only by gas taxes, and five States do not even have cleanup funds.

The provision in the House energy bill and any deal that may be struck is going to leave our taxpayers holding the bag. No deal is going to help our communities bear the burden for the rest of the cleanup. The only way to fairly and adequately pay for the cleanup is to allow for those manufacturers to be found responsible and accountable.

Lastly, I want to say also that the House Republican energy bill fails to address the Nation's record gas prices; and according to the Bush administration's own energy department, they would actually cause gas prices to increase.

Hello? What are we doing here today by not addressing the consumers' needs right now where gas prices and a barrel of oil is up to $60 a barrel.

We need reform. We need something that is going to help our consumers, and we do not want to see more of our water polluted by MTBE. Support the motion to instruct.

Mr. BARTON of Texas. Mr. Speaker, how many speakers does the gentlewoman have?

Mrs. CAPPS. Mr. Speaker, I do not have any further speakers, just closing comments of my own.

Mr. BARTON of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, back in the middle of the Depression in the late 1920s or the early 1930s, the east Texas oil field was discovered, and at that time it was the world's largest oil field. And since it was discovered by a man named Joiner who was an independent, all kinds of folks rushed in to get a piece of that action.

It was not discovered by the major oil companies, and so literally tens of thousands of people from all over the country came to east Texas and to Kilgore and to Longview to try to make their fortune.

The law enforcement facilities and the personnel were just overwhelmed. So finally in desperation, one of the county judges called down to Austin to speak to the Governor of Texas. He said, Governor, we are being overwhelmed here. We have a riot on our hands. Can you send the Texas National Guard and the Texas Rangers? Could you send us some help so we can restore law and order? The Governor of Texas said, I will be happy to do that.

So about a day later, the sheriff and the county judge and some of the county commissioners, they went to the train station to meet the help. And they were expecting hundreds, if not thousands, of troops and Rangers to step off the train; and one lonely Texas Ranger, a grizzled old guy stepped off the train. The county judge says, I called the Governor and I asked for help, where is it? The Ranger said, You are looking at it. The county judge said, We got a riot on our hands. And the Ranger said, How many riots? And the judge said. One. The Ranger said, Well, I am one Ranger. One Ranger, one riot. And he proceeded to quell the disturbance.

Well, we have heard from our friends, and they are my friends, every one of them except for one that just spoke is a member of the Committee on Energy and Commerce. They are all good people. Not one of them voted for the energy bill. That is okay. That is what democracy is all about.

You have heard the other side of the story, but that may not be the whole story. There is another side to this story on MTBE, and let us talk about it.

Our distinguished minority leader, the gentlewoman from California (Ms. PELOSI), when she spoke, stood up and said that back when they began to put MTBE in the gasoline, the manufacturers knew that it would leak. They knew that it would leak.

Well, let me ask you a question. If you put something in a tank underground and the tank is not tight, is it going to leak or not leak? The answer is it is going to leak if you do not have a tank that is not leakproof. So to say they knew MTBE would leak is to say they knew there were leaking underground storage tanks.

You put gasoline in a storage tank underground, whatever is in that gasoline, if there is a leak in the tank, it is going to leak. That is a fact. So when MTBE leaks, which is a fact, it is not just the MTBE. It is everything else in the gasoline. It is the benzene and all the other additives and the gasoline itself.

Now, to say that the solution to that is to ban MTBE is to say if I cut my arm and it is bleeding, instead of putting a BandAid on it and stopping the leak, I drain the blood out of my body. That is one way to stop the leak. But that may not be the most cost-effective and the most sensible way.

Now, surprising as it may be, under existing law we have a leaking underground storage tank fund called the LUST fund. It was specifically set up in law to prevent tanks from leaking, to have a mechanism to pay to repair these underground storage tanks. Just one problem, the law did not say the money that goes into the fund has to be used just for leaking underground storage tanks.

So what have the States done? They have used it for every purpose but that. We set up this fund. We funded it. We put money into the trust fund. We send that money to the States, and the States use it for any purpose. Some States actually do use it to repair and maintain leaking underground storage tanks, but not many.

This bill that my friends who have just been speaking voted against has a provision in it that says the States have to use some of the money for the underground storage tanks. And, in fact, it doubles the amount and it sets up a maintenance program where the States have to go out and actually enforce the law in this bill that is pending. That is my first point.

The gentlewoman who is offering the amendment said, and she is right, there are 2,600 water systems in this country that have MTBE contamination. She says it and I am going to say it is a fact. I have no reason to doubt that.

What she does not say because the reports that she studies do not tell her is what the level is. Now, the EPA standard is somewhere between 20 and 40 parts per billion. Some States have a tighter standard, as low as 13 parts per billion. The problem is, with all of these lawsuits that have been filed, the trial lawyers have found out that you can detect MTBE down to one part per billion. Somebody shows up in your city council office and says, we have a lawsuit on MTBE contamination. Can we check your water supply? Of course they are going to say, sure, check the water supply.

They come back and say, you got MTBE contamination, 2 parts per billion. Oh, my God. Let us join up. Well, unless you have got the most sensitive nose, you are not even going to be able to smell it, but it is there. It is way below the standard.

Now, if the State wants to set a standard even lower than 13 parts per billion, I have got no problem with that. If the State wants to ban MTBE, which some States have, I have got no problem with that. But to sit here and say that you have all this contamination, well, I could take a thumbful of MTBE and take it out and throw it on the ground out here in the Capitol. And if it rains very quickly after that, the thumbful gets into the water system, the wastewater run-off here in Washington, D.C., and some of that goes to a reservoir and the city of Washington gets some of its drinking water from that reservoir, it might show up at one part per billion.

□ 1430

That does not mean it is contaminated in the real sense, but it does mean there is some MTBE in there.

So the fact that we have all these water systems that claim contamination, part of that is because the trial lawyers have been going on and recruiting people to join the lawsuit, and they go out and study their water supply and they may actually be able to find a little MTBE in it.

The next thing, and my friend from Maine talked about the fact that MTBE was not mandated under the Clean Air Act Amendments of 1991. He is telling you the truth. But, again, as he pointed out, we did not mandate MTBE but we did mandate that you had to put an oxygenate requirement of 2 percent by weight. At that time, there were two ways to do it: One was ethanol and the other was MTBE.

Now, since that time, the oil and gas industry has come up with a product called reformulated gasoline that meets the minimum standard for combustion under the Clean Air Act Amendments, so there are now three ways to do it. But at the time there were two, and it was a mandate. So we told the industry, if you are in a nonattainment area, you have to put one of two things, MTBE or ethanol, in your gasoline during certain parts of the year so that you get better combustion in the engine so that you get cleaner air quality.

That was a good thing, not a bad thing. And what did they find out? They found out that those communities who used the MTBE, it was much more cost effective. It cost less money; and two, it cleaned the air better, about 40 percent better than ethanol, 40 percent. But, as has been pointed out, if you store it in a tank that leaks, it may leak. And when the gasoline leaks, the MTBE as part of the gasoline leaks and the MTBE does get into the water table and that does cause an odor.

Now, the last thing I want to talk about is this study that has been leaked. Is it not interesting we are having a debate about leaking underground storage tanks and a study has been leaked from the EPA? Heaven help us. This study that has been leaked is a draft study. It has not been peer reviewed. It will probably never become part of an actual public document that is presented to the Congress. But the folks at EPA understand the energy bill is about to go to conference, and those that agree that MTBE is not a good thing, somebody over there has conveniently leaked a draft report that says MTBE is now a likely carcinogen. Likely.

Well, I drink a lot of Diet Dr. Pepper. And my guess is if I were to drink ten gallons of Diet Dr. Pepper everyday for the rest of my life, I might develop cancer because of that. I do not think that MTBE, under the standard that is in current law, is a carcinogen, and all the studies that I have seen that have tried to prove it have come back just the opposite. So to hang our hat now on a draft study that has not been peer reviewed and has been leaked by the EPA, to me, is pretty weak soup indeed.

Let me just say that we are getting ready to go to conference with the other body. That is a good thing, not a bad thing on the energy bill. We need to find a compromise on MTBE. I think that is a good thing, not a bad thing. And I agree with some of the proponents of the Capps amendment that the manufacturers and the distributors and the retailers and the refiners, the people in the chain of custody for MTBE should help pay to clean up the water systems that are contaminated. Should. Should. So the compromise that we have been working on for several months now says that they have to do that.

We actually are going to set up a specific fund just for MTBE remediation, and that fund is going to be sufficiently funded to pay for the actual cleanup and remediation of contaminated sites. It is not going to pay for trial lawyers' contingency fees. Not going to do that. But if you are one of these water systems that has real contamination and you want it cleaned up, if this compromise becomes a part of the bill and the bill becomes law, you are going to get your water site cleaned up very quickly and you are not going to have any MTBE contamination in it.

If what you are really trying to do is enrich the pockets of the trial lawyers, when they talk about $85 billion or $30 billion or whatever the number is, most of that money is trial lawyer contingency fees. I am not in that game. I am about good government. I am about real cleanup. I am about a cleaner environment. And the bill that I hope to report back as a conference report, if I have anything to do with it, is going to have a compromise on MTBE that does exactly that.

The people that have helped cause the problem are going to help pay for it and help to clean it up. The communities that want clean water are going to get it quicker and sooner under the compromise that will be in our bill. I would think that the majority of the House, including 41 Democrats who voted for the energy bill when it went to the Senate, are going to continue to agree with me. And if that is the case, I hope they will vote against this Capps motion to instruct, as they already have done once at the end of the debate on the energy bill, and let us go to conference and find a real compromise to solve this problem.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank my esteemed colleague, who is in opposition to this amendment and, indeed, he, the chairman of the Committee on Energy and Commerce, is my friend and friends of all of us who have spoken today who are members of his committee. But I wish to comment on some of the remarks he made in his speech.

First, regarding the list funds which he spoke about as being a place for managing this pollution. Stopping the leaks from the tanks stops additional MTBE contamination, Mr. Chairman, but it does nothing about existing contamination, and that is the contamination that has polluted over 2,300 water districts across this country in 36 different States.

Second, the chairman referred to the very minute amounts of MTBE that have polluted all of this groundwater that we have been discussing. And it is true that the groundwater is rendered unusable because of the strong smell and taste of kerosene, even in a very small amount of MTBE which is in the groundwater. But I would argue, respectfully, that the American people deserve to know that the Environmental Protection Agency has a report, even though it is a draft report, because it identifies the state of a likely carcinogen that MTBE contains. Even if it is nothing more than a small amount, I do not believe, as a public health nurse, that we want to contaminate our drinking water with even a small amount of a likely carcinogen.

Third, I want to get back to the point about the liability of manufacturers of MTBE who knew when they created this product in the 1970s as an additive to gasoline that it was toxic and that it would pollute groundwater. Here is a statement from the deposition of Curt Stanley, a Shell Oil remediation expert, which is part of the testimony for the South Lake Tahoe water district when it was presented with a huge lawsuit against the Shell Company.

The question was asked: "So is it fair to say," and this is taken from testimony, "that by 1981, the Shell Oil Company knew that MTBE in its gasoline could contaminate public drinking water supplies?" The answer is: "Yes." Question: "And is it also fair to say that they knew by that time that it created taste and odor problems in public drinking water supplies?" The answer: "Yes." And the final question: "And did you report those facts to the Shell management?" And the answer is: "Yes."

Since at least that time, 1981, the oil companies, the MTBE manufacturers knew that they were making a defective product and knowingly they continued to manufacture it.

Now, the chairman described the compromise that has been worked out on the underlying bill, and in doing so, interestingly, acknowledges fault on the part of the MTBE manufacturers, because they are liable if they are going to be part of the deal in coming to a conclusion. "They should pay," he says. I say, "they must pay." They must be held accountable. And the deal that is struck is one in which they will pay only a portion of the damages and the taxpayers will pay the remainder.

The House Republican energy bill fails to address this Nation's record gas prices. And according to the Bush administration's own Energy Department would actually cause gas prices to increase, and that at a time when they are increasing. This energy bill we are now going to be considering in conference will do nothing to cause containment of that increase in gas prices. Instead of giving real relief to consumers, this Republican bill gives loads of new tax breaks and loopholes to special interests. And the worst example of these special interest giveaways is the complete liability shield for MTBE manufacturers, a shield that will shift billions of dollars in cleanup costs from MTBE manufacturers to the American taxpayer.

MTBE is responsible for polluting groundwater in so many communities across this country. Cleanup costs are estimated in the billions, $28 billion to maybe as high as over $50 billion. MTBE manufacturers are now being held accountable in court, but this provision would end that accountability. I would remind Members that it was the special protections granted to MTBE manufacturers that brought this bill down in the last Congress. Senate leaders have made it clear they are not including this grossly unwanted get-out-of-jail-free card for the MTBE this year either.

So I know many Members of the House have school boards, have water districts or towns with lawsuits against MTBE manufacturers, and those lawsuits are going to be voided. Null. They are not going to be able to proceed under this energy bill. Your constituents would lose their right to hold these manufacturers of MTBE accountable for the pollution in their groundwater. And the billions in MTBE cleanup that your communities face will be shifted from the oil companies, who have record profits and who caused the problem, to your constituents, who have to live with the problem.

Make no mistake, that is what this vote is all about. By voting for the motion to instruct conferees, you will be saying that it is not okay to make your constituents pay for pollution that they did not cause, but that was caused by MTBE manufacturers. The special protection in this bill for MTBE manufacturers is completely unwarranted and it will cost your constituents a fortune.

So I urge you to vote for the motion to instruct conferees. Vote for the Capps motion.

Mrs. WILSON of New Mexico. Mr. Speaker, the Energy Policy Act of 2005 that recently passed the House by a vote of 249–183 included a narrowly drafted provision giving manufacturers and distributors of MTBE limited liability protections for claims based upon a defective product. I voted in favor of this legislation knowing that in conference with the Senate, MTBE compromise language would be negotiated with members from affected states that would be based on a concept of shared responsibility focused on cleanup.

MTBE has reduced smog from cars and trucks and improved air quality. But when MTBE gets in water, it smells and tastes bad and is hard to clean up, raising questions about whether we should continue to use it to produce cleaner burning gasoline.

For the last couple of weeks, I have contributed to the discussions on an MTBE compromise to recommend to the Energy conferees. I do not believe that the views of states impacted by MTBE contamination have been adequately taken into account to this point. We are no closer today to an acceptable compromise than we were 2 weeks ago. Additionally, I am greatly concerned by a draft EPA internal risk study that suggests that in high concentration, MTBE is a likely human carcinogen. This is the first indication we have had of a public health impact of MTBE.

I continue to believe that a lawsuit based system is the wrong way to address this problem. We should spend money on getting the spills cleaned up quickly rather than having a lawsuit based system where people fight in court for years and the lawyers get a big cut of the pie before any cleanup is done.

I voted in favor of the Democrat motion to instruct conferees because, at this point, I think we should move toward the Senate language and focus on solving the problem, not litigating it.

I would be willing to support an MTBE provision that would create a joint industry/government financed MTBE remediation trust fund that would cover state and local government remediation costs. But industry's contribution must be mandatory and the government's contribution must be guaranteed and not subject to appropriations.

Mr. BACA. Mr. Speaker, I rise in support of the Motion to Instruct Conferees by Representative CAPPS.

Our greatest obligation is to protect the people we represent. That means protecting their health and wellbeing. Therefore, it is important that we do not let those responsible for MBTE contamination of our water off the hook.

Clean and safe drinking water is vital to our health, not a luxury.

So I want to make sure that chemicals that cause cancer or other illnesses that threaten the health, even the lives, of my constituents are not able to contaminate the water we drink.

That is why I have been working hard to gain funds to pay for the removal of perchlorate from groundwater in San Bernardino County.

And that is why I am concerned about MBTE and its impact on the communities I represent.

MBTE is a dangerous chemical that has contaminated the groundwater in thousands of sites across the country.

Unfortunately, instead of holding the manufacturers of MBTE accountable for the harm their products have caused, some Republicans in Congress want to make the American people pay.

I believe in being accountable and responsible. This Administration has talked about accountability, but now Republican leaders are now trying to pass the buck.

The cost of cleaning up MBTE-contaminated water nationwide is estimated to be $29 billion.

It is wrong to ask the county and city governments and local water agencies to pay. Their budgets are already under a lot of stress, and they would have to raise the funds from taxpayers and ratepayers.

We must reject provisions that give corporate polluters a free pass. MBTE manufacturers must be held accountable for the harm they have caused and clean up their own mess.

Mrs. CAPPS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mrs. CAPPS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

□ 1445

DEFICIT CONTINUES TO SHRINK

(Mr. CRENSHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRENSHAW. Mr. Speaker, this morning the President announced some very good economic news: Our economy continues to grow and our deficit continues to shrink. That is good news. Why is that happening?

Number one, we gave tax relief to the American people so they can keep more of what they earned, and that has helped create an awful lot of new jobs, and this year we put the brakes on Federal spending when we wrote our budget and passed our spending bills this year. We actually spend less money next year than we did last year. Spending goes down. When we take out homeland security and defense, discretionary spending is reduced.

Mr. Speaker, that is what every American family has to do. They write a budget and then they stay within the budget, and we did just that. That is great news for the American taxpayers, that is why the economy continues to grow. That is why interest rates are down. That is why jobs are up and unemployment is down.

That economic news is something we have been waiting to hear. When you give tax relief and put the brakes on Federal spending, good news happens and the economy is growing.

SHRINKING BUDGET DEFICIT

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Mr. Speaker, the Office of Management and Budget just released their deficit figures today. It is very telling.

A year ago, we projected the Federal budget deficit would be $521 billion. This year we projected the deficit would be $427 billion. Well, the budget deficit just came in at $333 billion. Down $94 billion this year, down $188 billion from last year. This is progress.

Mr. Speaker, why did this happen? Two reasons. When we cut taxes 2 years ago almost to this day, we increased economic growth in jobs. Many people said when we were going to cut tax, by cutting taxes on families and small businesses and job creators, we would blow a hole through the deficit and increase the deficit.

What happened? Tax receipts from those taxes went up. Taxes receipts are up. There has been a 41 percent increase in corporate tax revenues, 17 percent increase in individual income tax revenues. Because we lowered the tax on workers and people, we grew jobs and have more tax revenues coming in.

The next thing we have to do is watch our spending. That is why it is important we kept the level on spending as we have done this year. We need to stay on this course to get rid of this budget deficit once and for all by growing the economy, keeping taxes low and keeping the lid on pending.

KARL ROVE HAS COOPERATED

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. BLUNT. Mr. Speaker, I rise today with concern and in opposition to the partisan attacks on Karl Rove. I think we see too many efforts now where people quickly rush to judgment, rush to call for the most bizarre solutions to problems that are problems which are often just created in their own minds.

Karl Rove has fully cooperated in any investigation and, for more than a year now, has permitted investigators to talk to him. I think The Wall Street Journal put it best today when, in an editorial that I will submit as part of my remarks, and to quote directly from that editorial, the editors summed up this episode by stating: "In short, Joe Wilson hadn't told the truth about what he discovered in Africa, how he'd discovered it, what he'd told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know."

Mr. Speaker, I will submit The Wall Street Journal editorial for the RECORD.

[From the Wall Street Journal, July 13, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove's head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we'd say the White House political guru deserves a prize—perhaps the next iteration of the "Truth-Telling" award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real "whistleblower" in this whole sorry pseudo-scandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband's selection for a 2002 mission to investigate reports that Iraq was seeking uranium ore in Niger. To be prosecuted under the 1982 Intelligence Identities Protection Act, Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard about her work at Langley from other journalists.

On the "no underlying crime" point, moreover, no less than the New York Times and Washington Post now agree. So do the 36 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times's Judith Miller out of jail.

"While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place," the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can't be said for Mr. Wilson, who first "outed" himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous "16 words" on the subject in that year's State of the Union address.

Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC's "Meet the Press" and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her husband for the Niger mission. "Interviews and documents provided to the Committee indicate that his wife, a CPD Counterproliferation Division] employee, suggested his name for the trip," said the report.

The same bipartisan report also pointed out that the forged documents Mr. Wilson claimed to have discredited hadn't even entered intelligence channels until eight months after his trip. And it said the CIA interpreted the information he provided in his debrief as mildly supportive of the suspicion that Iraq had been seeking uranium in Niger.

About the same time, another inquiry headed by Britain's Lord Butler delivered its own verdict on the 16 words: "We conclude also that the statement in President Bush's State of the Union Address of 28 January 2003 that 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa' was well-founded."

In short, Joe Wilson hadn't told the truth about what he'd discovered in Africa, how he'd discovered it, what he'd told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know.

If there's any scandal at all here, it is that this entire episode has been allowed to waste so much government time and media attention, not to mention inspire a "special counsel" probe. The Bush Administration is also guilty on this count, since it went along with the appointment of prosecutor Patrick Fitzgerald in an election year in order to punt the issue down the road. But now Mr. Fitzgerald has become an unguided missile, holding reporters in contempt for not disclosing their sources even as it becomes clearer all the time that no underlying crime was at issue.

As for the press corps, rather than calling for Mr. Rove to be fired, they ought to be grateful to him for telling the truth.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DENT). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RULING BY JUDGE YOUNG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, most of my colleagues and the people of this country are not aware that the shoe bomber that was on the plane that was going to blow up that plane and kill all those innocent people was recently convicted and sentenced. People across this country did not see on television the judge's decision or hear what the judge said, so I want to read to the American people and my colleagues part of what Judge William Young said in that decision in putting that man in jail for two or three life sentences.

He said, We are not afraid of you or your terrorist conspirators, Mr. Reid. We are Americans. We have been through the fire before. You are not an enemy combatant, you are a terrorist. You are not a soldier in any war. You are a terrorist. To give you that reference to call you a soldier gives you far too much stature.

Whether it is the officers of government who do it or your attorney who does it, or if you think you are a soldier, you are not. You are a terrorist, and we do not negotiate with terrorists. We do not meet with terrorists. We do not sign documents with terrorists. We hunt them down one by one and bring them to justice, so war talk is way out of line in this court. You are a big fellow, but are not that big. You are no warrior, I have known warriors. You are a terrorist, a species of criminal that is guilty of multiple attempted murders.

In a very real sense, State Trooper Santiago had it right when he first took you off the plane and into custody and you wondered where the press and TV were, and he said, You are no big deal. You are no big deal. What your able counsel and what the equally able United States attorneys have grappled with, and what I have as honesty as I know how, have tried to grapple with is why you did something so horrific. What was it that led you to this courtroom today?

I have listened respectfully to what you have had to say, and I ask you to search your heart and ask yourself what sort of unfathomable hate led you to do what you are guilty of doing and what you admitted you were doing. And I have an answer for you. It may not satisfy you, but as I search this entire record, it comes as close to understanding as I know. It seems to me that you hate the one thing that to us is most precious. You hate our freedom. Our individual freedom. Our individual freedom to live as we choose, to come and go as we choose, to believe or not believe as we individually choose.

Here in this society, the very wind carries freedom. It carries it everywhere from sea to shining sea. It is because we prize individual freedom so much that you are here today in this beautiful courtroom so that everyone can see, can truly see that justice is administered fairly, individually, and discretely.

It is for freedom's sake that your lawyers are striving so vigorously on your behalf and have filed appeals, will go on in their representation of you before other judges.

We as Americans are all about freedom. Because we all know the way we treat you, Mr. Reid, is the measure of our own liberties. Make no mistake though. It is yet true that we will bear any burden, pay any price to preserve our freedoms. Look around this courtroom and mark it well. The world is not going to long remember what you or I say here today. The day after tomorrow, it will be forgotten. But this, however, will long endure.

Here in this courtroom and courtrooms all across America, the American people will gather to see justice, individual justice, justice, not war, individual justice is, in fact, being done.

The very President of the United States, through his officers, will have to come into courtrooms and lay out evidence on which specific matters can be judged and juries of citizens will gather to sit and judge that evidence democratically, to mold and shape and refine our sense of justice.

You see that flag, Mr. Reid? That is the flag of the United States of America. That flag will fly there long after this and you will all be forgotten. That flag stands for freedom. And it always will.

Mr. Custody Officer, stand him down.

RULING BY JUDGE WILLIAM YOUNG, U.S. DISTRICT COURT: SENTENCING OF SHOE BOMBER RICHARD C. REID

Prior to sentencing, the Judge asked the defendant if he had anything to say.

His response: After admitting his guilt to the court for the record, Reid also admitted his "allegiance to Osama bin Laden, to Islam, and to the religion of Allah," defiantly stated "I think I will not apologize for my actions," and told the court "I am at war with your country. "

Judge Young then delivered the statement quoted below:

January 30, 2003, United States vs. Reid.

Judge Young: "Mr. Richard C. Reid, hearken now to the sentence the Court imposes upon you.

"On counts 1, 5 and 6 the Court sentences you to life in prison in the custody of the United States Attorney General.

"On counts 2, 3, 4 and 7, the Court sentences you to 20 years in prison on each count, the sentence on each count to run consecutive with the other.

"That's 80 years.

"On count 8 the Court sentences you to the mandatory 30 years consecutive to the 80 years just imposed.

"The Court imposes upon you each of the eight counts a fine of $250,000 for the aggregate fine of $2 million.

"The Court accepts the government's recommendation with respect to restitution and orders restitution in the amount of $298.17 to Andre Bousquet and $5,784 to American Airlines.

"The Court imposes upon you the $800 special assessment.

"The Court imposes upon you five years supervised release simply because the law requires it.

"But the life sentences are real life sentences so I need go no further.

"This is the sentence that is provided for by our statutes.

"It is a fair and just sentence.

"It is a righteous sentence.

"Let me explain this to you.

"We are not afraid of you or any of your terrorist co-conspirators, Mr. Reid.

"We are Americans. We have been through the fire before.

"There is all too much war talk here and I say that to everyone with the utmost respect.

"Here in this court, we deal with individuals as individuals and care for individuals as individuals.

"As human beings, we reach out for justice.

"You are not an enemy combatant.

"You are a terrorist.

"You are not a soldier in any war.

"You are a terrorist.

"To give you that reference, to call you a soldier, gives you far too much stature.

"Whether it is the officers of government who do it or your attorney who does it, or if you think you are a soldier.

"You are not—you are a terrorist.

"And we do not negotiate with terrorists.

"We do not meet with terrorists.

"We do not sign documents with terrorists.

"We hunt them down one by one and bring them to justice.

"So war talk is way out of line in this court.

"You are a big fellow.

"But you are not that big.

"You're no warrior.

"I've known warriors.

"You are a terrorist.

"A species of criminal that is guilty of multiple attempted murders.

"In a very real sense, State Trooper Santiago had it right when you first were taken off that plane and into custody and you wondered where the press and where the TV crews were, and he said: 'You're no big deal.'

"You are no big deal.

"What your able counsel and what the equally able United States attorneys have grappled with and what I have as honestly as I know how tried to grapple with, is why you did something so horrific.

"What was it that led you here to this courtroom today?

"I have listened respectfully to what you have to say.

"And I ask you to search your heart and ask yourself what sort of unfathomable hate led you to do what you are guilty and admit you are guilty of doing.

"And I have an answer for you.

"It may not satisfy you, but as I search this entire record, it comes as close to understanding as I know.

"It seems to me you hate the one thing that to us is most precious.

"You hate our freedom.

"Our individual freedom.

"Our individual freedom to live as we choose, to come and go as we choose, to believe or not believe as we individually choose.

"Here, in this society, the very wind carries freedom.

"It carries it everywhere from sea to shining sea.

"It is because we prize individual freedom so much that you are here in this beautiful courtroom.

"So that everyone can see, truly see, that justice is administered fairly, individually, and discretely.

"It is for freedom's sake that your lawyers are striving so vigorously on your behalf and have filed appeals, will go on in their representation of you before other judges.

"We Americans are all about freedom.

"Because we all know that the way we treat you, Mr. Reid, is the measure of our own liberties.

"Make no mistake though.

"It is yet true that we will bear any burden; pay any price, to preserve our freedoms.

"Look around this courtroom. Mark it well.

"The world is not going to long remember what you or I say here.

"Day after tomorrow, it will be forgotten, but this, however, will long endure.

"Here in this courtroom and courtrooms all across America, the American people will gather to see that justice, individual justice, justice, not war, individual justice is in fact being done.

"The very President of the United States through his officers will have to come into courtrooms and lay out evidence on which specific matters can be judged and juries of citizens will gather to sit and judge that evidence democratically, to mold and shape and refine our sense of justice.

"See that flag, Mr. Reid?

"That's the flag of the United States of America.

"That flag will fly there long after this is all forgotten.

"That flag stands for freedom. And it always will.

"Mr. Custody Officer. Stand him down."

IN-STATE COLLEGE TUITION FOR ILLEGAL ALIENS DEFIES COMMON SENSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, America has the best public universities in the world. We have some of the best ones in Texas where I am from. Many Americans want to go to college. Parents want to send their kids to our public universities. Parents and students sometimes save for years to attend college. It is expensive, especially for the middle class. The rich can always pay; good for them. And the poor sometimes get grants and go to college, but it is the middle class that struggles, for a lifetime, sometimes, to send their kids to school.

Some students decide to go a university in another State. They are penalized by that State and required to pay out-of-State tuition since they are from out of State.

Citizens from other countries apply for Visas to come to the United States to go to public universities. If they are accepted, they pay out-of-State tuition since they are from out of State. These are citizens who come here legally and then go back to their native lands.

But, Mr. Speaker, if a person is in the United States illegally, they can get admitted to State universities and pay in-State tuition. So if a person is illegally here from, let us say, France, they apply to a State university. If they are admitted, they pay in-State tuition. But they are from out of State, not to mention they should not even be here. They are violating American law by just their presence.

So we continue to reward illegal behavior. This policy discriminates against American kids who want to go to, let us say, the University of Kansas from some other State. This policy also discriminates against foreign citizens who come here legally to go to college. It encourages more illegal immigration.

College admissions are so competitive now that even allowing illegals to attend our universities may prevent American citizens from being accepted. And who pays for this nonsense? Americans pay. They always pay. We cannot continue to subsidize illegal immigration and the benefits illegals receive.

There are several States that provide for in-State tuition for illegal individuals. The State that started this was my home State of Texas. If you go to the University of Texas and you are an in-State resident, you pay about $7,000. If you are from Oklahoma just across the Red River, you pay $10,000 more, about $17,000.

Kansas, if you are an in-State resident, you pay about $5,000. Out of State, about $13,000, and the same is true in several other States.

State University of New York: In State, $5,250; out of State, $11,200. University of Kansas: In State, $5,413, out of State, $13,865. University of Texas: In State, $7,438; out of State, $17,474.

Mr. Speaker, this ought not to be. This penalizes American kids and rewards illegal conduct. This defies common sense.

REMEMBERING ADMIRAL JIM STOCKDALE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I just want to take the floor briefly and comment on the passing of Admiral Jim Stockdale, one of the great heroes of our time.

Jim Stockdale, when he passed away was a resident of San Diego, California, with his wonderful wife, Sybil.

This occasion I think brought America's focus back to what Jim Stockdale accomplished and the enormity of his service to our country. I just thought it might be the right time to talk about that a little bit and about that extraordinary heroism that he demonstrated at a time when Americans had largely turned away from the operation in Vietnam.

Jim Stockdale was shot down, and I know that my two colleagues, the gentleman from Texas (Mr. SAM JOHNSON), who shared a cell with Jim Stockdale in the Hanoi Hilton, and the gentleman from California (Mr. CUNNINGHAM) who was the most proficient Navy pilot of that period, in fact the only Navy ace in the Vietnam conflict, would want to be with me talking about Jim.

But Jim Stockdale was shot down and was incarcerated in the Hanoi Hilton. At one point, the North Vietnamese wanted to use him for propaganda purposes. To keep them from being able to do that, he broke up a stool that was in his cell and beat his own face with the stool almost beyond recognition so that he had no value to the North Vietnamese in terms of being an image that they could broadcast for propaganda purposes.

He was a leader in the true sense of the term. He led his men in that prison under extraordinarily difficult circumstances. He showed incredible heroism. In reviewing the exploits of American pilots, and they are numerous because one thing that America has always had is a great pool of individuals who are willing to go out and risk their lives. Ever since the days when we flew biplanes in World War I, to the current operations over Iraq and Afghanistan, we have always had extraordinary Americans who, as James Michener said in his book "The Bridges of Toko-Ri," would fly off those little postage stamps that you call aircraft carriers and fly over and hit difficult targets, sometimes under enormous defensive fire, and then return back to that small carrier out at sea somewhere and try to make that extraordinarily difficult landing.

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Michener asked, Where do we get such men? Where does America get such men? The answer is, we have always had them and they are sometimes guys like RANDY CUNNINGHAM or SAM JOHNSON or, in this case, Jim Stockdale. Jim Stockdale when he was shot down really had the greatest challenge of his military career because that was a time when he had to be a leader, not in an aircraft that was going to return to a ship where he could live in some degree of comfort and convenience with his fellow pilots, but his war zone then was reduced to the small spaces that constituted the cells of the Hanoi Hilton.

He so inspired his men and so extended himself and endured torture to the degree that his countrymen who had served with him were unanimous when he was recommended for the Congressional Medal of Honor, they were unanimous in their support of Jim Stockdale for this Nation's highest honor, to go along with all of the other combat decorations that he had.

I just thought, Mr. Speaker, it might be a good time to remind Americans what a great hero Jim Stockdale was and what a great model he is for our Nation.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act. This status report is current through July 8, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95, the conference report on the budget resolution. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of budget authority and outlays for discretionary appropriations for fiscal year 2005 with the total of "section 302(b)" suballocations among Appropriations subcommittees. The comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures reported by the Appropriations Committee that would breach its section 302(a) discretionary action allocation of new budget authority.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 95

[Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars]

	Fiscal years—	
	2005	2005–2009
Appropriate Level:		
Budget Authority	2,078,456	n.a.
Outlays	2,056,006	n.a.
Revenues	1,483,658	8,519,748
Current Level:		
Budget Authority	2,073,462	n.a.
Outlays	2,055,979	n.a.
Revenues	1,484,065	8,603,391
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−4,994	n.a.
Outlays	−27	n.a.
Revenues	407	83,643

n.a. = Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of $4,994,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of $27,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2005 in excess of $407,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of $83,643,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JULY 8, 2005

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	0	0	400	400
Current Level	0	0	0	0
Difference	0	0	−400	−400
Energy and Commerce:				
Allocation	0	0	1,525	1,525
Current Level	0	0	0	0
Difference	0	0	−1,525	−1,525
Financial Services:				
Allocation	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION COMPLETED AS OF JULY 8, 2005—Continued

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	0	0	50	50
Current Level	0	0	0	0
Difference	0	0	−50	−50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	0	0	6	6
Current Level	0	0	0	0
Difference	0	0	−6	−6
Resources:				
Allocation	6	6	45	45
Current Level	0	0	0	0
Difference	−6	−6	−45	−45
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,488	0	12,238	0
Current Level	31	0	31	0
Difference	−3,457	0	−12,207	0
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	554	64	1,800	1,558
Current Level	81	45	242	240
Difference	−473	−19	−1,558	−1,318

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations [1]		Current level reflecting action completed as of July 8, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	n.a.	n.a.	18,689	18,844	n.a.	n.a.
Defense	n.a.	n.a.	352,127	398,270	n.a.	n.a.
Energy & Water Development	n.a.	n.a.	30,533	30,107	n.a.	n.a.
Foreign Operations	n.a.	n.a.	18,892	25,898	n.a.	n.a.
Homeland Security	n.a.	n.a.	38,469	31,925	n.a.	n.a.
Interior-Environment	n.a.	n.a.	26,969	26,874	n.a.	n.a.
Labor, HHS & Education	n.a.	n.a.	143,180	141,773	n.a.	n.a.
Legislative Branch	n.a.	n.a.	3,545	3,785	n.a.	n.a.
Military Quality of Life-Veterans Affairs	n.a.	n.a.	80,263	76,417	n.a.	n.a.
Science-State-Justice-Commerce	n.a.	n.a.	58,438	57,956	n.a.	n.a.
Transportation-Treasury-HUD-Judiciary-DC	n.a.	n.a.	67,873	117,669	n.a.	n.a.
Total (Section 302(a) Allocation) [1]	840,036	929,520	838,978	929,518	−1,058	−2

[1] Appropriations Committee has not submitted the subcommittee allocations since the restructuring of the committee.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through July 8, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions for fiscal year 2005 that underlie H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated May 26, the Congress has cleared and the President has signed the following three acts that affect budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2005 (Public Law 109–14);

The TANF Extension Act of 2005 (Public Law 109–19); and

The Surface Transportation Extension Act of 2005, Part II (Public Law 109–20).

In addition, the Congress has cleared for the President's signature the Junk Fax Prevention Act of 2005 (S. 714). The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,484,024
Permanents and other spending legislation	1,191,357	1,102,621	n.a.
Appropriation legislation	1,298,963	1,369,221	n.a.
Offsetting receipts	−415,912	−415,912	n.a.
Total, enacted in previous session:	2,074,408	2,055,930	1,484,024
Enacted this session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)[2]	−1,058	4	41
Surface Transportation Extension Act of 2005 (P.L. 109–14)	16	0	0
TANF Extension Act of 2005 (P.L. 109–19)	81	45	0
Surface Transportation Extension Act of 2005, Part II (P.L. 109–20)	15	0	0
Total, enacted this session:	−946	49	41
Passed, pending signature: Junk Fax Prevention Act of 2005 (S. 714)	0	0	*
Total Current Level[2,3]	2,073,462	2,055,979	1,484,065
Total Budget Resolution	2,078,456	2,056,006	1,483,658
Current Level Over Budget Resolution	n.a.	n.a.	407
Current Level Under Budget Resolution	4,994	27	n.a.
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,603,391
House Budget Resolution	n.a.	n.a.	8,519,748
Current Level Over Budget Resolution	n.a.	n.a.	83,643
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

[2] Pursuant to section 402 of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $83,140 million in budget authority and $33,034 million in outlays from the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

Source: Congressional Budget Office.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2006 AND THE 5-YEAR PERIOD FY 2006 THROUGH FY 2010

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2006 and for the five-year period of fiscal years 2006 through 2010. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2006 (H. Con. Res. 95). This status report is current through July 8, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by H. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2006 because those years are not considered for enforcement of spending aggregates.

The second table compares, by authorizing committee, the current levels of budget authority and outlays for discretionary action with the "section 302(a)" allocations made under H. Con. Res. 95 for fiscal year 2006 and fiscal years 2006 through 2010. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2006 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation as well as the 302(a) allocation.

The fourth table gives the current level for 2007 of accounts identified for advance appropriations under section 401 of H. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills or amendments thereto that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET STATUS OF THE FISCAL YEAR 2006 CONGRESSIONAL BUDGET ADOPTED IN H. CON. RES. 95

[Reflecting Action Completed as of July 8, 2005—On-budget amounts, in millions of dollars]

	Fiscal year 2006	Fiscal years 2006–2010
Appropriate Level:		
Budget Authority	2,144,384	n.a.
Outlays	2,161,420	n.a.
Revenues	1,589,892	9,080,006
Current Level:		
Budget Authority	1,320,959	(¹)
Outlays	1,645,064	(¹)
Revenues	1,607,661	9,185,688
Current Level over (+)/under (−) Appropriate Level:		
Budget Authority	−823,425	(¹)
Outlays	−516,356	(¹)
Revenues	17,769	105,682

[1] Not applicable because annual appropriations Acts for fiscal years 2007 through 2010 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2006 in excess of $823,425,000,000 (if not already included in the current level estimate) would cause FY 2006 budget authority to exceed the appropriate level set by H. Con. Res. 95.

OUTLAYS

Enactment of measures providing new outlays for FY 2006 in excess of $516,356,000,000 (if not already included in the current level estimate) would cause FY 2006 outlays to exceed the appropriate level set by H. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for FY 2006 in excess of $17,769,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by H. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2006 through 2010 in excess of $105,682,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by H. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JULY 8, 2005

[Fiscal years, in millions of dollars]

House Committee	2006		2006–2010 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Education and the Workforce:				
Allocation	100	100	500	500
Current Level	0	0	0	0
Difference	−100	−100	−500	−500
Energy and Commerce:				
Allocation	100	100	2,000	2,000
Current Level	0	0	0	0
Difference	−100	−100	−2,000	−2,000
Financial Services:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Government Reform:				
Allocation	50	50	50	50
Current Level	0	0	0	0
Difference	−50	−50	−50	−50
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Homeland Security:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	6	6	6	6
Current Level	0	0	0	0
Difference	−6	−6	−6	−6
Resources:				
Allocation	8	8	50	50
Current Level	0	0	0	0
Difference	−8	−8	−50	−50
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	3,027	0	4,107	0
Current Level	0	0	0	0
Difference	−3,027	0	−4,107	0
Veterans Affairs:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Ways and Means:				
Allocation	350	346	1,537	1,914
Current Level	148	165	161	195
Difference	−202	−181	−1,376	−1,719

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2006—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) Suballocations as of June 22, 2005 (H. Rpt. 109–145)		Current level reflecting action completed as of July 8, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development, FDA	16,832	18,691	7	5,399	−16,825	−13,292
Defense	363,440	372,696	27	126,306	−363,413	−246,390
Energy & Water Development	29,746	30,273	36	11,092	−29,710	−19,181
Foreign Operations	20,270	25,080	0	17,091	−20,270	−7,989
Homeland Security	30,846	33,233	0	14,762	−30,846	−18,471
Interior-Environment	26,107	27,500	0	11,504	−26,107	−15,996
Labor, HHS & Education	142,514	143,802	19,166	98,279	−123,348	−45,523
Legislative Branch	3,719	3,804	0	624	−3,719	−3,180
Military Quality of Life-Veterans Affairs	85,158	81,634	−2,170	16,515	−87,328	−65,119
Science-State-Justice-Commerce	57,453	58,856	0	23,080	−57,453	−35,776
Transportation-Treasury-HUD-Judiciary-DC	66,935	120,837	4,223	70,800	−62,712	−50,037
Unassigned	0	430	0	0	0	−430
Total (Section 302(a) Allocation)	843,020	916,836	21,289	395,452	−821,731	−521,384

STATEMENT OF FY2007 ADVANCE APPROPRIATIONS UNDER SECTION 401 OF H. CON. RES. 95

[Reflecting Action Completed as of July 8, 2005 in millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Elk Hills	0
Employment and Training Administration	0
Education for the Disadvantaged	0
School Improvement	0
Children and Family Services (Head Start)	0
Special Education	0
Vocational and Adult Education	0
Payment to Postal Service	0
Section 8 Renewals	0
Shipbuilding and Conversion, Navy	0
Total	0
Current Level over (+)/under (−) Appropriate Level	−23,158

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 12, 2005.

Hon. JIM NUSSLE,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR JIM: The enclosed report shows the effects of Congressional action on the fiscal year 2006 budget and is current through July 8, 2005. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of H. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006. Pursuant to section 402 of that resolution, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated May 26, the Congress has cleared and the President has signed The TANF Extension Act of 2005 (Public Law 109–19), which increases budget authority and outlays for 2006. In addition, the Congress has cleared for the President's signature the Junk Fax Prevention Act of 2005 (S. 714).

The effects of the actions listed above are detailed in the enclosed report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2006 HOUSE CURRENT LEVEL REPORT AS OF JULY 8, 2005

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:[1]			
Revenues	n.a.	n.a.	1,607,650
Permanents and other spending legislation	1,351,021	1,318,426	n.a.
Appropriation legislation	0	382,272	n.a.
Offsetting receipts	−479,872	−479,872	n.a.
Total, enacted in previous sessions:	871,149	1,220,826	1,607,650
Enacted this session:			
Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13)[2]	−39	−21	11
TANF Extension Act of 2005 (P.L. 109–19)	148	165	0
Total, enacted this session	109	144	11
Passed, pending signature:			
Junk Fax Prevention Act of 2005 (S. 714)	0	0	*
Entitlements and mandatories: Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	449,701	424,094	n.a.
Total Current Level[2,3]	1,320,959	1,645,064	1,607,661
Total Budget Resolution	2,144,384	2,161,420	1,589,892
Current Level Over Budget Resolution	n.a.	n.a.	17,769
Current Level Under Budget Resolution	823,425	516,356	n.a.
Memorandum:			
Revenues, 2006–2010:			
House Current Level	n.a.	n.a.	9,185,688
House Budget Resolution	n.a.	n.a.	9,080,006
Current Level Over Budget Resolution	n.a.	n.a.	105,682
Current Level Under Budget Resolution	n.a.	n.a.	n.a.

Notes: n.a. = not applicable; P.L. = Public Law; * = less than $500,000.

[1] The effects of an act to provide for the proper tax treatment of certain disaster mitigation payments (P.L. 109–7) and the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (P.L. 109–8) are included in this section of the table, consistent with the budget resolution assumptions.

Source: Congressional Budget Office.

[2] Pursuant to section 402 of H.Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2006, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the current level excludes $30,757 million in outlays from funds provided in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (P.L. 109–13).

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget.

IRAQ WATCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I come to the House floor today as part of the ongoing effort of myself and some of my colleagues in an endeavor we style the Iraq Watch. The Iraq Watch is a group of Members who are committed to the principle that we should not forget the Iraq war, a war started based on false information and based on the principle that Members of Congress owe it to the American citizens to continue our inquiry, to continue our critique, continue to review the operations of the administration in the initiation and the prosecution of the efforts in Iraq.

We do so because we have a heartfelt and deep belief that we owe this to our troops in the field who are performing with valor and distinction in Iraq; we owe it to American citizens whose sons and daughters and wives and husbands have been called away to Iraq; we owe it to those who believe that the prosecution of war should not result in the reduction of American civil liberties; and we do it in the name of those who believe that even during the fear and anxiety caused by war that we still as citizens must demand our elected officials recognize and respect basic matters of American democracy.

In these issues, the effort we have been involved with for over a year now about once every couple of weeks, we believe that the administration regrettably has fallen very, very short of what American citizens ought to demand of their Federal Government. So today, in a continuing series of the Iraq Watch, we intend to talk about several aspects leading up to the war and a matter that has now become of very great public interest.

If I may note, it is with great sadness I note the passing of an American Marine today in operations in Iraq, to add that proud Marine to the names of over 1,750 Americans who have lost their lives in Iraq, the over 13,000 Americans who have had very serious injuries in Iraq and to those families who will not have their family members coming home. I know every Member of this Chamber of both parties, our thoughts, prayers and compassion are with every one of those families.

It is in part because of their continuing sacrifice in Iraq that we feel very strongly that Members of the House of Representatives have an obligation, a duty not to just let things slide by, to let this administration just sort of pass by unchallenged and uncriticized in the prosecution of this war. We believe this Chamber, which is the people's House, has an obligation to blow the whistle when things are done wrong, to force the administration to fess up to mistakes they have made, and to hopefully get back on track in this Nation where we are seriously off track at the moment.

What I would like to talk about in Iraq Watch today is a very serious issue that resulted in part on the initiation of this war, and that is that leading up to this war, the administration, the President of the United States, exercised their best efforts to convince Americans that Iraq had or was very close to developing a nuclear capacity and that this was a primary rationale for the President of the initiation of the war in Iraq.

Indeed, in the President's State of the Union address standing right behind me in this Chamber, the President of the United States addressed the joint session of Congress, the Supreme Court, the Joint Chiefs, members of the Cabinet, and most importantly the American people; and he told the American people that our intelligence services had learned that Iraq had in fact obtained what is called uranium yellow cake, and he told the American people that this was well established. This yellow cake is a mineral from which uranium fissionable material can be developed, it is a precursor to an atomic weapon, and its acquisition would be of concern to the American people.

The President told the American people that this was a fact, that there was no doubt about this fact and that as a result of that, he led this Nation, against many of our positions against the war, myself included, in a war based on what turned out to be false information. We know it is false information for two reasons: one, because we have now gone through the most extensive search for weapons of mass destruction in human history in Iraq and found zero, zero yellow cake, zero precursors to nuclear weapons, zero triggering devices for nuclear weapons, zero indication that the things the President had told us were fact, in fact, turned out to be falsehoods and a war has resulted and 1,700 of our sons and daughters have paid the ultimate sacrifice in the sands of Iraq and that is continuing.

We had an earlier notice that this was false. The earlier notice we had was because the Central Intelligence Agency had concerns about this issue. Before the President's State of the Union address, they had received some suggestions that this was not fact and in fact was hyperbole at best and in fact that this claim about yellow cake may have been false.

So they dispatched a gentleman who had previously served with distinction in the Foreign Service, a gentleman named Joe Wilson, to Niger from which this yellow cake was supposedly obtained by Saddam Hussein, this brutal thug, this dictator who had caused so much damage in the world; and Joe Wilson, continuing in many of his patriotic duties, went to Niger to investigate this claim. What Mr. Wilson found was that this claim was, in laymen's terms, bogus. He came back to the United States and he reported to the agency that in fact this was a fraudulent claim, there was not a basis for it, it was highly unlikely that any such transaction took place and highly unlikely that Saddam Hussein had obtained yellow cake. He issued a written report in that regard, or a written report was generated from his report.

Yet despite the fact that an agent dispatched by our government went to Niger, the scene of this alleged crime, and reported back that this was a falsehood, the President of the United States told the American people that this was one basis that we had to send our sons and daughters into mortal combat in Iraq; and it was flat, plain false.

Why did that happen? Before I tell you a little bit about the story that occurred after that, I want to tell you just a little bit about Joe Wilson. Joe Wilson has served with distinction in the State Department. Joe Wilson is a guy who does not fit the mold of a person with sort of a pinstriped suit. He is a foreign diplomat who, to use the vernacular in the main street, has guts. Joe Wilson was the last American State Department official out of Iraq before the Persian Gulf War; and he was responsible, according to the first President Bush who honored him for his work leading up to the first Persian Gulf war when he was stationed in Baghdad, he was honored for helping save scores of Americans to get them out of Baghdad before the first Persian Gulf war started because, as you recall, Saddam Hussein had threatened Americans, to kill them when the war started when they were still in Baghdad.

Saddam Hussein essentially threatened with death anyone who helped Americans get out of Baghdad before the first Persian Gulf war. Joe Wilson, who was sort of our agent in charge of the embassy in Baghdad then, went down and held a press conference with a rope around his neck and said, you can come get me first, Saddam, because I am taking my people home. That is exactly what he did. He faced down that brutal dictator at the cost potentially of his own life to help American lives.

It was interesting. I just met a woman by accident 2 weeks ago who served in the Foreign Service who told me that Joe once went, and just before the war, to take care of some children who had been moved back to Iraq from the United States, to try to save them before the war started at great risk to his own life. Joe Wilson is a guy with guts who stood up for American lives and did it when he went to Niger to report on this yellow cake, who reported accurately, who served his country; and the President of the United States, after he gave him the truth, got up, stood right there and told the American people that there was yellow cake from Niger and it was false. Joe Wilson is someone we owe a debt of gratitude to.

What has happened to Joe Wilson since he told the truth about the President's war in Iraq? Did this administration give accolades to this Joe Wilson the way the first President Bush did? No. Did they call him up and thank him for pointing out this error in the State of the Union address? No. Was a letter sent by the President of the United States to thank him for his courage in standing up to Saddam Hussein like the first President Bush did? No. Did the President of the United States or the State Department or Scott McClellan or anyone else thank Joe Wilson for his contribution for telling the truth to the American people? No.

What did this administration do to this citizen who shared the truth with the American people? It is a sad story, but I am going to share it with you and you know it. What they did was to go after his wife to try to damage her, to hurt her career, to punish Joe Wilson for pointing out the truth. We should expect any administration, Democrat, Republican or whatever party, to punish lies, not to punish the truth. But this administration punished a truth-teller and frankly an American, maybe hero is too strong, but I think it approaches, a guy who showed some real courage under fire in Baghdad once before and in Niger a second time and they punished him. They punished him. They could not get to him, so they went after his wife.

I do not know what is a lower thing to do under the code of the West in American Western Civilization, to go after a truth-teller's wife, to punish them when he has told the truth and spoken the truth to power.

☐ 1515

It is difficult to speak truth to power and Joe Wilson did it, and look at what he got as a result. What he got was essentially an outing of his wife who news reports suggest worked for the Central Intelligence Agency as a covert agent, an agent undercover, and what he got were press reports because of an administration we now know leaks intentional leaks to the media to disclose that Joe Wilson's wife worked for the Central Intelligence Agency.

What a "thank you" to an American who did something at the request of this administration. What a great note of appreciation to essentially, number one, destroy his wife's career because once one is outed in the CIA, of course, they cannot be a covert agent anymore, number one; number two, potentially jeopardize her safety when she has been a covert agent working on weapons of mass destruction issues; number three, jeopardize the people whom she worked with who now could be suspect in her covert operations; and, number four, damage the national security of the United States by compromising a CIA agent, which this administration did.

Now, who did this in this administration? There has been some suggestion about that. There has been some suggestion that one, at least of the administration people who did this, is the Deputy Chief of Staff of the White House, and that Deputy Chief of Staff, when questions were raised a long time ago about that, about whether the Deputy Chief of Staff had, in fact, disclosed this information, let us ask as Americans whether this administration upheld its obligation to us to tell the truth. We elect the President of the United States. It is an exalted and important position, but they do work for us, and they owe us the obligation of truth in matters of national security.

Let us find out what the President's officials and the administration officials told Americans about this subject in the last several years, whether the Deputy Chief of the White House was responsible for or involved in any way in this issue. We have a briefing on July 22, 2003, a briefing where Scott McClellan, who is the press secretary for the President, on July 22, 2003, in the White House, a question was asked: "Scott, has there ever been an attempt or effort on the part of anyone here at the White House to discredit the reputations or reporting of former Ambassador Joe Wilson, his wife, or ABC correspondent Jeffrey Kofman?"

McClellan: "John, I think I answered that yesterday. That is not the way that this White House operates. That's not the way the President operates . . . No one would be authorized to do that within this White House. That is simply not the way we operate, and that's simply not the way the President operates."

We would like the administration not to operate that, to leak information about CIA agents, to punish somebody who told the truth. We will see a little later in this conversation whether they did.

July 23, 2003, answer by Mr. McClellan, when asked if Karl Rove did that, Mr. McClellan said, "I haven't heard that. That's just totally ridiculous. But we've already addressed this issue. I just said, it's totally ridiculous."

We go on to an interview with Mr. Rove on September 6, 2003, Andrea Owen of ABC asked Mr. Rove, "Did you have any knowledge or did you leak the name of a CIA agent to the press?"

Rove: "No."

September 29, 2003, again to Mr. McClellan: "Has the President either asked Karl Rove to assure him that he had nothing to do with this, or did Karl Rove go to the President to assure him that he . . ."

McClellan: "I don't think he needs that. I think I've spoken clearly to this publicly . . . I've just said there's no truth to it."

Question: "Yes. But I'm just wondering if there was a conversation between Karl Rove and the President or if he just talked to you and you're here at this . . ."

McClellan. "He wasn't involved. The President knows he wasn't involved."

Question: "How does he know that?"

McClellan. "The President knows."

We now have at least four instances where the President of the United States, through his spokesperson, has told us that the Deputy Chief of Staff was not involved in any way, in any way, at disclosing this information to destroy a CIA agent's career. But it is not just four times.

On September 29, 2003, question to Mr. McClellan: "Weeks ago, when you were first asked whether Mr. Rove had the conversation with Robert Novak that produced the column, you dismissed it as ridiculous. And I wanted just to make sure, at that time, had you talked to Karl?"

Answer by McClellan: "I've made it very clear from the beginning that it is totally ridiculous. I've known Karl for a long time, and I didn't even need to go ask Karl because I know the kind of person that he is, and he is someone that is committed to the highest standards of conduct."

A question to the President. Essentially people are starting to ask what will the President do when he finds out who leaked this information. Well, let us find out what the President said he would do.

On September 30, 2003, question: "Yesterday we were told that Karl Rove had no role in it . . ."

The President: "Yes."

Question: "Have you talked to Karl and do you have confidence in him . . ."

The President: "Listen, I know of nobody—I don't know of anybody in my administration who leaked classified information. If somebody did leak classified information, I'd like to know it, and we'll take the appropriate action."

October 1, McClellan: "The President doesn't condone the activity that you're suggesting, absolutely he does not."

October 7, and I will skip the question for a moment. McClellan: "I spoke with those individuals, as I pointed out, and those individuals assured me that they were not involved in this." And that included Karl Rove, Elliot Abrams, and Lewis Libby. "And that's where it stands."

Question: "So none of them told any reporter that Valerie Plame worked for the CIA?"

McClellan: "They assured me that they were not involved in this."

So the President subsequently said he would do what he should do if he found someone was involved in any way in leaking information. He said he would fire them. And when he was in Europe last week, when he was asked what he would do if he found that out, when asked if he would fire them, he said yes. So we have this situation where we now find, through hard evidence admitted by the lawyer for the Deputy Chief of Staff, that, in fact, Mr. Rove told Mr. Cooper, a news reporter, that, in fact, he told him that Joe Wilson's wife worked through for the Central Intelligence Agency.

And for 2 years now, the official position of the President of the United States telling the American people has said, My Deputy Chief of Staff had nothing to do with this, never mentioned it, never leaked a word, never hushed it, never gave an inclination about it, totally ridiculous. And now we know the sordid truth. And it is sordid. It is sad. We should be talking about some other things here rather than this. But we believe that the truth is important to the American people.

Americans deserve the truth. They deserve not to have an administration to punish Americans who stand up against power, and that is what they did.

We now find phase one a failure of the administration to hush this up and bury this story. They denied it for 2 years. They said it was ridiculous for 2 years. They tried to suppress this information for 2 years. They refused to be candid with the American people for 2 years, and that approach has failed. So what approach are they now using to try to wiggle out from this most terrible abuse of our national security? Let us go through their sort of defenses now.

By the way, it is interesting the White House now refuses to comment on this. That has not stopped the majority party talk machine from launching an all-out offensive against Mr. Wilson today. We can read—they're still defaming Mr. Wilson today. They still have not given up thinking that if they can destroy Mr. Wilson that we will forget about the falsehood that the President used in starting this war. We are not going to forget because this really is not about Mr. Wilson. It is about our sons and daughters in Iraq. And it is about American democracy and our right to have the President tell us the truth. And we are not going to forget.

So let us see what strategies they are using now rather than just suppressing the truth. They are using the strategy that Mr. Rove did not use the name Valerie Plame. All he said was it was Joe Wilson's wife who worked at the Central Intelligence Agency; therefore, they think no harm, no foul. Whom do the Members think they are identifying if not Valerie Plame? Unless Karl Rove thought that Joe Wilson was a polygamist, had ten wives so we could not tell which one it was, it is pretty clear whom he was identifying.

Just like I started this Special Order today and I made reference to the Deputy Chief of Staff at the White House, everyone knew whom I was talking about. I did not use his name, but we know who it was. That dog just will not hunt. It is embarrassing. It is embarrassing to try to fall back on that as some excuse for violating the security laws of the United States. So that one will not work.

Second, they argued that, well, it was unintentional, did not really intend to do this. That might be because we all make mistakes, we all make misstatements, we all misspeak on occasion, myself included. Perhaps we should just forgive and forget that. Except for one thing. It is clear it was not. It is clear it was not a simple accident. The reason we know it was not a simple accident is for 2 years they covered up the truth of what happened. When people act guilty and suppress the truth, frequently it means they were guilty. And this was not innocent conduct where for 2 years the White House was saying it was ridiculous that Karl Rove would be involved in this, ridiculous. I actually think it is ridiculous now that they are not taking responsibility and being accountable. We should not have to be arguing about this right now.

They say that they were just explaining, they were just explaining how Mr. Wilson happened to be in Niger. Mr. Rove could have just explained very easily by saying some people close to Mr. Wilson knew him and wanted to send him to Niger. That could have preserved the cover of this CIA agent, and there would have been no problem.

So what we are seeing is a collapse of excuses. This is a collapse of a fabricated effort to protect the Deputy Chief of Staff, which I understand. The Deputy Chief of Staff has been a loyal lieutenant and adviser to the President of the United States, and we can all, to some degree, respect loyalty. But when it comes down to a situation where the President is forced, through his spokesperson, to continue to not tell the truth to the American people, as it has happened here, it is unhealthy for the administration. It is unhealthy for America, and this boil needs to get lanced. It needs to get resolved. We cannot go on with this cloud hanging over the country. It needs resolution.

That is why in the next few days, the gentleman from New Jersey (Mr. HOLT) and myself and other Members will offer a resolution of inquiry calling on the U.S. House of Representatives to get to the bottom of what happened in this situation. And this is a very simple thing that will simply request, actually require, the administration to provide answers to the American people of what happened here once and for all. We need to get this resolved and behind us. We need to find a way, a bipartisan way, to bring our troops home; to find some way to leave Iraq a stable place and bring our troops home. And we need to be involved in a bipartisan attempt to do this rather than arguing about this situation.

But until the administration is candid with the American people and we know why an administration punished an American citizen for, number one, going to Niger as requested by the CIA; telling the truth to the administration, number two; three, having the courage to tell the public about it after the President stated a falsehood during his State of the Union address; and fourth, refusing to be intimidated, and I respect people who are not intimidated by power.

☐ 1530

Joe Wilson is not intimidated by power. He was not intimidated in Baghdad, and he is not intimidated now. We will not be intimidated to get to the bottom of this sordid affair. That is why we hope that on a bipartisan basis we will pass a resolution of inquiry calling to get answers to what happened in this sorry situation. Americans deserve it. It will help us move forward to get to the issues that we need to do.

Now, let me also talk about why perhaps, today and the last 2 days, if you have happened to watch the press conferences at the White House, you have noticed Mr. McClellan has been besieged by people who wanted to provide Americans the truth as we now know it about what actually happened here. Now, after telling us for 2 years, being quite willing to talk about this, saying this is ridiculous, this was just a fishing expedition, and that we should not bother with those little people over there in the corner who want to know the truth about this, now, all of a sudden, Mr. McClellan does not want to talk about this anymore. Why is that? You have to ask yourself why, after being so loquacious about this for 2 years, now they do not want to talk about it. Well, I think it is understandable when you think about it.

Think about this: Mr. McClellan told the American people that the President knows that the Deputy Chief of Staff was not involved in this, that it was ridiculous. The Deputy Chief of Staff says, no, I was not involved in this. The President of the United States says, no, he was not involved in this, and people who were, we would fire them.

Now, you take those three individuals, somebody is not telling the truth. Somebody is not being entirely candid with the American people. The Deputy Chief of Staff is not being candid with the President, perhaps, or the Deputy Chief of Staff is not being candid with the press secretary, perhaps, or the press secretary is not being candid with the American people, perhaps. There is a third possibility, and I am not even going to suggest it on the floor of this House. But somebody is not being candid with the American people about why an American was punished for doing his duty when he was asked to go to Niger.

I mean, you think about that. You imagine if the Federal Government tomorrow called you and said, I have this tough task. I want you to go to Africa where it is dusty and hot and a big day is when you get some sugar in your tea, and I want you to find out if there is yellow cake there because we are trying to decide whether to start a war or not. It is a big, big deal. And you go there, essentially out of retirement, and you bring back the truthful answer, and you give it to the administration. They then ignore your conclusion and put it in the State of the Union address anyway, a war is talked about to be started; you have the guts enough to write an op-ed in The New York Times telling America what you concluded, and, all of a sudden, the entire Federal Government comes after you and destroys your wife's career. That should not happen to any American of any political persuasion. And that principle is an important one.

This is not the only time this has happened in America. You recall back in the Vietnam era where there was an author who was critical of President Nixon's war in Vietnam. Daniel Ellsberg; and he published in The New York Times some information that was critical of the President. So what did the President do? Did he thank him for sharing this information with the public? No. He had people burglarize Daniel Ellsberg's psychiatrist's office in order to get information to destroy Daniel Ellsberg's credibility. That President tried to destroy their critic's credibility, and that is what happened here. A different way, a different strategy, a different effort, same goal: punish critics of the administration.

We went through a Revolutionary War to get rid of King George because we believed citizens rule the country and when citizens exercise their right of free speech and they tell the truth, nobody here in Washington, D.C. ought to be able to punish them. It was a principle worth going to the Revolutionary War about it. And in a small way, we are fighting it right here: that if you are a citizen and you tell the truth, nobody should be able to punish you, even the most powerful person in America. That is why we are filing this resolution of inquiry.

Mr. Speaker, I would like to yield to the gentleman from New Jersey (Mr. HOLT), who has provided great leadership and who was working on this subject last year to try to bring to the attention of the country this issue. He has shown a lot of courage on this. I thank the gentleman for joining us today.

Mr. HOLT. Mr. Speaker, I thank the gentleman, my friend from Washington, for this Special Order and for shining a light on this subject. The gentleman is right, this is something, it is curious. I have been trying for a couple of years to draw sharp attention to this, to this exposure of the identity of someone whom we have asked to undertake risky, dangerous, important assignments for quite a long time.

The press seemed very interested in this other issue of their ability to protect their sources, not an unimportant issue, but something apart from this critical issue of how we as a country collect intelligence, what we as a country ask of people who risk their lives to collect that intelligence, and what we do about protecting their ability to do it and protecting their lives and welfare.

This is a very important matter. Former President Bush, the current President's father, said that those who expose our human sources are "the most insidious of traitors." Ten former intelligence officers signed a letter calling the disclosure of this particular officer's identity "a shameful and unprecedented event in American history." It is an uncommon occurrence, and for good reason. Thank goodness, it is uncommon.

Intelligence is intended to save lives. Intelligence is intended to protect our national security. Intelligence is intended to be something that prevents us from going to war. But to collect that intelligence, people have to take great risks. Operating undercover, perhaps under an alias, dealing with people in out-of-the-way places is often a thankless job. We do not often acknowledge the people who do that. It is a terrible thing when their effectiveness is lost through some accident. It is even worse when they are exposed by the counterintelligence people in another country.

But worst of all, of almost unthinkable tragedy, is when a person would be exposed by his or her own government. Mr. Speaker, it is not just a matter of ruining a career, it is not just a matter of an affront to a person or her spouse, it is not just the loss of probably millions of dollars that goes into developing an undercover agent, providing the cover and all that.

No, it is more than the ruined career, more than the loss to our Nation of effective intelligence. It actually puts that person at risk. And anyone who ever had lunch with that person in a foreign country is now suspected by that country as having been fraternizing with a spy. We do not know what has happened to other people in other countries because of exposure of identities of intelligence officers. That an exposure should come from our own country is almost unthinkable.

So when we raise this subject today, it is not about political "gotcha"; it is not to embarrass someone. No. It is because we as a Congress have a responsibility to look after these people whom we have asked to take great risks. And we have to make sure that this sort of thing does not happen. That is why we want to know what happened and how it happened. It is, well, like someone sending an e-mail to the enemy with a position of our troops on the map. You do not do that at wartime. That is treasonous.

Today, the members of the House Permanent Select Committee on Intelligence on which I sit submitted a letter to the President, again underscoring the importance of this matter, abhorring the disclosure of identities of undercover officers, and asking that the President take the step of removing the security clearance from anyone known to have any association with this. We certainly know that Karl Rove, as acknowledged through his attorney, that he disclosed the identity, maybe not by name, but he might as well have; the identity of an intelligence officer to a reporter of a national news magazine.

Because the officer was undercover, her identity could be known only through access to classified information. There is ample precedent for suspending the security clearances of people under suspicion of leaking classified information. So we formally and soberly asked the President to suspend any and all of Mr. Rove's security clearances, at least and until the Fitzgerald investigation is complete. That is just one step.

But we here in Congress have an important role beyond that, a role of oversight to make sure that we, as I say, look after the welfare, effectiveness, and safety of those whom we have asked to take risks for our country so that we can know what is going on around the world, so we can avoid war, so that we can save lives, so that we can advance democracy.

I thank my colleague from Washington for this Special Order; and I hope, now that the country's attention is focused on this subject, that we really can get to the bottom of it. The President said at first that he would find and fire this person. Then a little bit later he said, you know, it is going to be really hard to find the person. This is the same President who said we will find Osama bin Laden, wherever he is in the world. But among the 5,000 people in the White House, I am going to have a hard time finding out who it was who leaked this. Well, we know at least one person in the White House now who was party to this. The President should take action so that this sort of thing will never happen again.

Mr. INSLEE. Mr. Speaker, I thank the gentleman from New Jersey. I have to say, one of the troublesome things to me now that this disclosure has come up, here the person, at least one, there might be more people who are responsible for this besides the Deputy Chief of Staff; there may be more than one, but at least one was a person who talks to the President at least several times a day. I cannot understand when this came out why the President did not demand his inner circle to give him an affidavit saying they were not involved in this, and get to the heart of this.

Instead, the President of the United States, who works across the desk from the gentleman who is at least one of the people responsible for this leak, the most powerful man in the world could not get a straight answer. Now, if he did not get a straight answer on this important thing, then the President should exercise what he promised the American people he would do, which is to send that person on to other pursuits, and we will see whether the President meant what he said in that regard shortly.

Mr. Speaker, I want to thank the gentleman and mention one other thing and ask for his response. There is one other excuse that we are hearing floated about this today, and I have heard some people defending the White House saying, well, this was not really that big of a deal. We might have said there was yellow cake in there anyway, because we really did not know; we would have thrown that up in the State of the Union address anyway.

☐ 1545

So no harm, no foul. I want to read something that Secretary of State Rice said on July 26, 2003, "My only point is that in retrospect, knowing that some of the documents underneath may have been, were indeed forgeries, and knowing that apparently there were concerns swirling around about this, had we known that at the time, we would not have put it in. And if there had been even a peep that the Agency did not want that sentence, or that George Tenet did not want that sentence in, that the Director of Central Intelligence did not want it in, it would not have been done."

Here we have the person sent by the CIA to get this information, reported back these were forgeries, reporting back it is highly unlikely there is yellow cake there, but the President put it in anyway, and then Secretary Rice was candid.

She said we should not have put that in. So let us not let this sort of octopus defense of squirting ink around this thing obscure a central truth. The President gave false information to the American people, and for one reason or the another did not report what his own agent, the CIA, had sent, and then his administration punished that person.

This cries out for action by Congress.

Mr. HOLT. Mr. Speaker, I would say this goes beyond political punishment. We certainly could condemn his punishing the envoy who went to learn the truth about the uranium from Niger. But for whatever reason to disclose the identity of someone whom we have asked to take risks, life and death risks on our behalf is almost unthinkable.

And to do it for what appear to be gratuitous political reasons makes it all the more shameful.

Mr. INSLEE. Would it be fair to say that if these assertions are true, someone put political convenience ahead of national security? I will make that a rhetorical question.

Mr. HOLT. I cannot imagine why this name would have been released, but for the sake of creating political embarrassment for someone. I call that a gratuitous breach of national security.

There does not seem to be any higher purpose here. I suppose you might be able to imagine some circumstances where for some higher purpose you probably could dream up something where releasing the identity of, you know, someone we have put in such a dangerous position might be justifiable, but this certainly is not it.

Mr. INSLEE. Well, we would stand for the proposition that political pettiness does not justify a breach of national security. I hope we can have bipartisan consensus on that.

I would like to yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank very much the gentleman from Washington (Mr. INSLEE) for bringing this issue to the floor of the House. I think it is at the moment one of the most important issues that this Congress should be dealing with, but is not doing so.

As you pointed out, there is a great deal of dissembling going on within the context of the Bush Administration. And one of the principal people responsible for that is Mr. Rove. It is quite clear that he revealed the identity of Valerie Plame, Central Intelligence Agency operative, and the wife of Ambassador Wilson, to at least one reporter, in this particular case a reporter for Time Magazine, and that he did so in the context of e-mail.

But it is also very likely that he made that revelation not just to the reporter for Time Magazine, but to others as well. And it may very well have been Mr. Rove who made that revelation to Robert Novak, who was the columnist who published her name and made the revelation that someone working for the intelligence agency in a very sensitive position now had that name made public, putting that person in danger.

So the question of the motivation here is one that is very important. It is quite clear that at least on one level, the motivation was to exact retribution against Ambassador Wilson, who you have pointed out rightly was sent by the Central Intelligence Agency to Niger to investigate the question as to whether or not enriched yellow cake uranium was being transported from Niger into Iraq.

The President of the United States in this room, in an address to a joint session of the Congress of the United States, and to the American people, made the assertion that enriched yellow cake uranium was being imported from Niger into Iraq, and that created the prospect that Iraq was developing nuclear weapons.

On numerous occasions, the President, the Vice President, the National Security Advisor, and others in the administration, used the illustration of the mushroom cloud in reference to Iraq, to create the impression that Iraq was developing a nuclear weapon.

Ambassador Wilson, in the context of his trip to Niger, made it very clear that no yellow cake uranium had been transported from Niger to Iraq. Nevertheless, the administration continued to allege that that is not the case, and that Iraq was engaged in a program to develop a nuclear weapon.

So what we see here in the course of this discussion this afternoon is another example of the dissembling, the misuse of information by important people within this administration. And from our point of view, as Members of the House of Representatives, one of the critical aspects of all of this is the failure of this House to address this circumstance.

We know that the allegations made by the administration with regard to the connection between Iraq and the attack of September 11 were untrue. We know that the allegations concerning the relationship between Saddam Hussein and Osama bin Laden were not true. We know that the allegations with regard to weapons of mass destruction, including the prospects of a nuclear weapon, were untrue.

Why is it that this House of Representatives is not carrying out its responsibilities under the Constitution to conduct an investigation and to hold Congressional hearings with regard to this issue?

Mr. INSLEE. I think you bring a very good point about Congress's obligation to investigate the executive branch. We do have a checks-and-balances system here. I think that is very important in this case, because essentially the President has said, as he said yesterday, look, this is a criminal investigation, so I have no responsibility whatsoever, he implied this, to find out what happened here.

He says, you know, there is a prosecutor here, so I have no responsibility to find out if people who work literally in my office had outed a security agent for punishment for someone telling the truth.

Whether there was a crime or not, any President, and this President has said so, should fire a person who discloses secret information of a covert agent's identity in part to punish a person who told the truth in criticizing the administration.

Even if that is not a crime, it is a crime against the code of the west and the expectations of millions of Americans, where we do not allow our elected officials to punish us for criticizing the administration. We do not allow a President's agents to jeopardize a man's wife who is a secret agent, and expose their two young children, and this couple have two of the most delightful young children that you will ever meet in your life, and you can assume that this covert agent for the CIA mother has the same concerns about her children that you would when you are a covert agent and someone has blown your cover, and then they attack Mr. Wilson's wife.

The President has an obligation that goes beyond simply upholding this felony laws of America. His obligation to Americans is greater than that. And he ought to call these people in and say, did you have anything to do with this? And if they did, he needs to make a decision about their continued employment. And yet he refuses to do that. That is most troublesome. You know, there are fifth amendment privileges. There are all of these little technicalities in the law. This is not a technicality, we are standing up for the proposition that Americans should not be abused in this regard.

We are running out of time. I want to yield to the gentlewoman from California (Ms. WATSON).

Ms. WATSON. Mr. Speaker, I want to very briefly take this to another level. And it is about truth and trust. I, as a former ambassador representing the United States of America, was trained in the State Department as to confidentialities and secret missions that were taking place around this globe. The audacity of someone in the Executive Branch even making reference to a covert agent violates that confidentiality and puts us all at risk.

It is not something you play with. It is not something you use for retaliation. When you out an agent, you are outing all of us.

Our intelligence functions on us having operatives in places where people are plotting against our Nation. Our defense will be in the fact that they bring that information to us and we prepare our defenses.

If these people are exposed, they no longer can gather the information that can save lives and property. So I think this is the most heinous act. I am not even going to get into the debate whether it is prosecutable or not. But, any leader in the executive branch ought to understand that you cannot have people there who will leak this information. The safety of all of our citizens depends on the confidentiality.

Mr. INSLEE. I think the Congresswoman has brought up another point, and that is, the nature of this agent who is a covert agent operating under cover for her own protection, and those people, as the gentleman from New York (Mr. HINCHEY) indicated, the gentleman from New Jersey (Mr. HOLT) indicated, the people that she worked with, the people that she had lunch with in various countries around the world are now suspect.

But it was interesting in the litany of excuses for this misconduct that we have heard out of the White House for the last few days or at least their operatives around the country, one of the excuses I have heard is that the deputy chief of staff, Mr. Rove, did not know that this CIA agent was a covert agent. He just did not know that.

And, therefore, he wants to excuse that misbehavior since he did not know she was covert. Maybe she could have been just a receptionist at the front desk. There is a problem with that. When you out a CIA agent, you darn well better know whether they are covert or not before you violate your security clearance in outing that CIA agent.

And unless we hear a real good reason that Mr. Rove asked the CIA and was told inappropriately or something, there is no excuse for someone in the highest levels of government, with supposedly the sophistication working at the right hand of the President of the United States, not to know you did not out a CIA agent knowing they could be covert.

The damage that has been done here to our security, to Joe Wilson's spouse, to our trust in the Federal Government, was occasioned, regardless of the intention of the deputy chief of staff, one way or another there has been an abuse of both the family and our sense of national security.

Ms. WATSON. Mr. Speaker, there is no way that a deputy chief of staff in the White House to even mention the name of Ambassador Wilson, not naming his wife would not know, because she is the one that sent him over there to Niger.

☐ 1600

So how did Robert Novak get the information to print her name in the press? So I do not buy the excuses. I do not think the American people, knowing the truth, will buy the excuses. What we have all lost is the faith and the trust in this administration to deal straightforwardly with the American people, and as the gentleman has so brilliantly enumerated all the other misinformation activities involving this administration. We must stop it and we must stop it now because the reputation of the United States has sunk to its lowest point.

Mr. INSLEE. Madam Speaker, I thank the gentlewoman for joining me.

I would like to conclude with a couple of comments. This is the greatest Nation on Earth, and it is the greatest because it works on a principle that our citizens should be in control of our democracy, not people in power.

It works on the assumption that that power will not be abused. It works on the principle that our elected officials will tell us the truth. It works on the principles that people's wives should not be attacked when a person fulfills their patriotic duty to go to Africa and ferret out the truth.

It works on the principle that people are human and they can make mistakes; but when they make mistakes, they ought to be candid and forthright with Americans. And the sooner the President of the United States is forthright and tells us what happened in this situation, the better off both for the White House and for us as a whole. And if it refuses to do that, which it is now stonewalling in its finest tradition of those who were caught red-handed, it is refusing to give Americans information.

That is why this House of Representatives needs to pass this resolution of inquiry so that we can have a bipartisan review of what happened here. Why? So that we can regain the bipartisan trust we need to go forward with and deal with our pressing problems in Iraq, our pressing problems with the threat of terrorism, and we can get back on track in this government.

Before I close, I want to thank the Wilson family for their courage in going to Africa. I want to thank Mrs. Wilson for her courage as an employee of the CIA. I want to thank them for their courage in standing up to the administration that has so willfully abused them. And I hope that the truth that they have worked so hard to bring to the American people will ultimately prevail in this affair.

HONORING RICHARD LEE WILES

The SPEAKER pro tempore (Miss McMORRIS). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

Mr. PETERSON of Pennsylvania. Madam Speaker, I rise today with a heavy heart. I rise today to honor Richard Lee Wiles, my friend, my former economic development and technical education coordinator, and a man who was as brilliant and far-sighted as he was straightforward and unpretentious; the kind of man who brought dignity and integrity and a great deal of expertise to everything he did in life.

I am sad to report that late in June, Richard, or Dick as he was known to friends and strangers alike, passed away while conducting his duties on behalf of people of the 5th district of Pennsylvania.

Dick was more than an employee. He was a true friend and a loyal confidant. Dick graduated in 1958 from East Brady High School and in 1963 from Penn State University where he received a bachelor's degree in agriculture and later a master's degree in communication.

For many years he operated Nova Productions, a public relations firm that was very successful. But, Madam Speaker, more than just a knowledgeable counselor and an able communicator, Dick Wiles was truly a renaissance man. Evidence of this can be seen during his high school and college years when to pay for his education, Dick started and was an active member in a well known dance band, The Rhythm Knights.

Indeed, he was a gentleman of the highest order who could cook, sing, fish, hunt, dance, paint, write poetry and prose, and charm everyone present within the sound of his voice. I used to joke that his charm almost earned him a seat in the Pennsylvania General Assembly over 25 years ago when he came within a few hundred votes of defeating a long-term popular incumbent, despite receiving absolutely no support, financial or otherwise, from the party structure or apparatus.

Madam Speaker, Dick Wiles was one of the most politically savvy and intelligent, gifted people I have ever met. What made him special, though, was how he selflessly used his talent to serve his neighbors and better his community. More than once Dick told me that he loved his job so much that he felt guilty for receiving a pay check.

But more than a humble public servant, Dick will be remembered as a humble servant of God, a man who deeply cared about the condition of his country; a husband who cherished his beautiful wife, Barbara; a father who loved his wonderful daughters, Julia and Jennifer; a grandfather who pampered his four lovely grandchildren, Seanna, Taylor, Alex and Colin; and was fond and took great care of his sister-in-law, Debbie, and her son, Ricky; a friend who reminded us all of what could be accomplished with a little hard work, gritty determination and general good will towards his fellow man.

He was one of the finest conversationalists I have met and one of the most inquiring minds I ever dealt with. His interests were broad. His memory was phenomenal.

Two years ago, Dick lost his lovely wife, Barb, unexpectedly. Since then he lived alone in east Brady and was very lonely. I knew that and I always had chatted with him often and always enjoyed those conversations, but I made it a habit to call him numerous times per day. I talked to him several times daily. I would call him on my way to the Capitol for a vote. I would call him in my apartment in the evenings. We would have lengthy chats. I would call him when I was traveling in my district at home because I have a large rural district. I enjoyed those visits I think more than he because he gave so much.

Madam Speaker, Dick was a phenomenal leader on several issues. He helped me develop technical education in the 5th district by helping equip our high schools with the newest, latest technology, and bringing technical schools and community colleges to help train our adults for the skilled technical jobs that are vital in today's high-tech economy. That was an education that we lacked.

He also was my staff person who was my specialist to help promote tourism in the 5th district. He was my steady voice on Governor Rendell's Pennsylvania Wilds Working Group, a group joining 13 counties together in beautiful north central Pennsylvania to develop our tourism potential, an area rich in natural beauty, historic sites and scenic Route 6, Pennsylvania's elk herd, Kinzua Lake and the Allegheny National Forest.

Dick truly loved his work and he was so good at it. He truly adored his family, his community, his State and his country. He was always a gentleman.

Dick, we really miss you.

Madam Speaker, I humbly submit these comments to the RECORD, and I humbly commit his spirit to the communion of saints above. May Dick rest in peace.

REFORMING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Arizona (Mr. SHADEGG) is recognized for 60 minutes as the designee of the majority leader.

Mr. SHADEGG. Madam Speaker, I rise today to engage, I hope, in a discussion with my colleagues about an important issue confronting our country, and it is an issue on which we have already begun a national dialogue. It is an issue that, at least before the last few months, was an issue of bipartisan concern, and that is reforming Social Security.

As you know, Madam Speaker, the former President of this Nation, Bill Clinton, raised this issue during his tenure in office and noted that the Social Security program in its current structure is in trouble and in need of reform. It is facing several serious problems.

One of them is the solvency of the program over time. And another is its fairness to the younger generations. There is a new idea here in Washington and a simple idea that has surfaced just within the last few weeks on Social Security reform that does not solve the entire problem in one fell swoop, but would start us on a path and would address the most egregious problem of all, and that is the structure of Social Security which simply is unsustainable in its current form. So I want to focus this discussion this afternoon largely on that new idea.

It is an idea that responds as the House should respond to the concerns and the interests of the American people about what is happening with their Social Security taxes, their payroll taxes. Let me begin with some of the basics.

As I think all Americans understand on both sides of the aisle, the Social Security system as it is structured today is a pay-as-you-go system. It is a system where those of us working today in the workforce pay in our payroll taxes and those payroll taxes by and large immediately go out the door to pay the retirement benefits of the Americans who are retired today. That is the structure of the current system, and that is the structure that many countries around the world created some 35 to 40 to 50 years ago.

Germany, I think, was first to substitute a Social Security program for its elderly based on this premise, that is, that we would tax workers to pay retirement benefits for those retired. There was nothing wrong with that proposal when initiated because at that time the workforce was dramatically larger than those who were on retirement. Indeed, I think most Americans now know that in 1935 when Social Security was created, there were some 42 Americans working for every American collecting retirement benefits. Clearly, 42 workers can, through their payroll taxes, support one retiree. But as most Americans know by today, those numbers have changed dramatically.

In the 1950s, it went to where we had roughly 15 or 16 workers per retiree. Again, that was sustainable. But now we face a new problem. The reality is that the workforce relative to the number of people retired has shrunk and today in America there are only 3.3 working Americans paying payroll taxes to support each individual currently retired and collecting Social Security taxes. If the trends continues, and it will, that is unsustainable. Very soon we will be down to where there are two workers and even less than two workers paying Social Security taxes, payroll taxes to support each retiree. That simply cannot be sustained over time. And so we have a problem with the structure of Social Security. We also have a problem with its long-term solvency. And, most importantly, I think we have a problem with what is referred to as generational fairness.

We all know that solvency is the issue of whether or not we have the money set aside to pay the benefits we have promised, and in point of fact we do not. While the system runs a short-term surplus today, we collect more in Social Security taxes than we pay out today in Social Security benefits. That short-term Social Security surplus of revenues in over benefits paid out will end as soon as 2017. Indeed, the surplus itself will begin to shrink, that is go down, year to year as early as 2008.

So this is a problem that confronts us very soon, and as the actuaries have told us and as I think Americans understand, the trust fund which we would have to begin drawing upon in 2017 to pay the promised benefit will itself be depleted by 2042. Thus, we have a long-term solvency problem with the current structure where we have a shrinking number of workers per retiree.

But the other issue that is not discussed very often is the issue of generational fairness. Generational fairness is a term I use, and I think most Americans and my colleagues understand it, but then when I talk to an audience they say they do not understand it so let me try to make that point clear. Solvency is one issue, but generational fairness is a separate issue. As it turns out under the Social Security system that we have today in America, my grandparents, most Americans' grandparents, collected an effective rate of return on the Social Security taxes they paid, that is, on the payroll taxes they have paid into Social Security, when they collected their benefits, on average they got a rate of return on the money they had put in of about 5 percent.

Now, 5 percent is not a great rate of return. You and I would like to be able to invest our money and get 8 or 10 or a better rate of return on the money we invest; but for a program which is designed as this program is designed to provide a floor of protection for those Americans who have either not been able to or have not, in fact, set aside money for their retirement, if you got a rate of return on the money you put into Social Security of 5 percent, you were doing fairly well.

□ 1615

That is a decent rate of return. But because of the current structure of Social Security, that is not continuing. Indeed, our children, my children and my grandchildren, will get a rate of return of less than 1.6 percent; and, indeed, for many of them, their rate of return will be negative, that is, they will pay in more in social security taxes than they collect in their lifetimes, on average, in Social Security benefits. That is generational fairness, and it is simply not fair.

I think most Americans would agree that creating Social Security, the Social Security program we have, creating a floor of protection so that all Americans can enjoy their retirement years, safe in knowing that they have money to pay for their groceries and to pay their rent is a laudable goal, and with a rate of return of 5 percent on your money, you can do that. But with a rate of return of 1.6 percent or less, or a negative rate of return, our children and our grandchildren, if we do not make changes, will in fact not have a secure retirement. Indeed, they will not have the funds when they go to retire to even minimally get by.

Now, those are the basics that have been involved in this debate from the outset, and there are lots of ideas on the table. President Bush has put ideas on the table to deal with both the issue of solvency and the issue of generational fairness so that we can make the program financially sound for the future. Indeed, he would like to make it financially sound forever, not just for the 75-year horizon that the Social Security trustees base their analysis on. But also he would like to make sure that we guarantee the next generation as secure a retirement as this generation has had and as the last generation had.

Now, I know a lot of Americans glaze over and say, wow, I have heard so many different ideas on Social Security and on Social Security reform that I get confused. People talk to me about personal accounts. People talk to me about benefit cuts. People talk to me about increases in taxes. I want to talk about a new idea, a new idea which can solve a part of the Social Security problem and stop a practice which is offensive and a bad idea.

When I went home and did my town halls with my constituents in Phoenix, AZ, discussing the issue of Social Security, I had to explain to my constituents this short-term surplus that we have. That is the fact that today, and every year since 1983, we have been collecting more in Social Security revenues than we are paying out in benefits. So we have a surplus. And I had to explain to my constituents, as my colleagues here in the Congress have had to do, that that excess money is not being set aside for Social Security.

Indeed, the Social Security surplus that Americans are paying in collectively through their payroll taxes, that is the money in excess of the amount spent today for those retired today, is being, I would say quite frankly, misappropriated by the Congress of the United States and the Federal Government. Because when Americans pay payroll taxes to fund the Social Security program, they believe, and they have an absolute right to believe, that their money, paid as payroll taxes to fund Social Security, should be and is being used for Social Security. But that is not true today, and it has not been true since 1983.

That money, this short-term surplus of Social Security revenues or Social Security benefits paid out, is in fact taken each year by the United States Congress and spent for general government purposes. It is spent to fund the Department of Agriculture. It is spent to fund the Department of Defense. It is spent to fund the Department of Health, Education and Welfare. It is spent all over this government for general purposes having nothing to do with Social Security. And I will tell you, my constituents, when they learn that, are angry.

Now, I mentioned a moment ago that there are many ideas for reforming Social Security. And some back home say, Congressman, it is all too confusing to me. I do not understand. That is the central key element of this new idea. When I went home and when my colleagues went home to address the issue of Social Security reform, and when the American people understood that we are misappropriating the Social Security surplus to things other than Social Security, they got angry; and they said, well, I do not care how and I do not understand how you reform the entire Social Security program, but the one thing you better do, Congressman, the one thing you owe to us, the American people, the one thing you owe to every single person collecting Social Security and every single person paying social security taxes is to stop stealing, stop raiding the Social Security surplus, those payroll taxes paid in for our future retirement, and using them for general government purposes. And that is precisely what this new idea does.

A colleague of mine in the Senate, JIM DEMINT, first elected to the House and served with me here in the House, has dropped a piece of legislation, and I and a group of members on the Ways and Means Committee in the House have dropped a piece of legislation that will do precisely that. It will take, from the moment it is enacted through a 10-year period, from roughly today through 2017, the Social Security surplus that comes in and it will stop spending that money on anything other than Social Security. Now, how do we do that?

What we will do is allocate that surplus to every single American who is paying payroll taxes under the age of 55, and we will set up an account in their name and we will put that money in that account. Now, for the first 3 years, the accounts will be invested in U.S. Treasury bonds, the safest investment in the world and the same kind of investment where your social security taxes are being invested today.

But the key difference, the critical difference is that we will stop using that money for general government purposes, we will stop using it to hide the real deficit and the real debt, and we will allocate it to Social Security.

Talk about a simple notion. I, an American taxpayer, Joe Smith in my district, an American taxpayer who works at a job and pays payroll taxes, he may be one of those American taxpayers who pays more in payroll taxes than in income taxes. We are going to say to him, Beginning with the passage of this bill, which is called the GROW Act, we will make sure that every single dime you pay in payroll taxes to fund the Social Security System goes to Social Security.

Now, a portion of it will go to current retirees, but the rest will no longer be spent for Forest Service pickup trucks or for national defense or for welfare benefits, or for any other purpose than Social Security. And the way we will do that is to put it into an account in your name.

I think that is a simple, straightforward basic idea that the American people can address and they can understand, because it is not complicated, and they can embrace and say, well, if we cannot fix all the problems with Social Security, we ought to at least get started. And I am extremely excited and encouraged that this simple notion of taking the Social Security surplus that we will have for the next decade and locking it away in individual, and use the overused term lockboxes, in the name of each American taxpayer so that we do not spend it on any other purpose, I think, is a great idea whose time has come.

By the way, these will be individual accounts. They will be in the name of each payroll taxpayer. They will be inheritable. It will be their money. Indeed, just to show you how different it is than the current system: under the current system, if you pay payroll taxes this year, and you pass away 2 years from now, and you are under the age of 65, that money that you paid in goes away. It is lost forever.

If we enact this simple bill, locking away just the Social Security surplus, and you work for 2 more years after the program goes into effect and then you pass away, still under the age of 65, instead of getting nothing, your spouse or your children or your grandchildren will inherit every dime of that money. It is your money; and when you pass away, it becomes their money.

This is not a gimmick. This is not a paper scheme. This is not a ledger entry here in Washington that never matters. This is hard, cold cash in the pockets of your children or your grandchildren beginning to accumulate the day this legislation takes effect.

There are lots of other good things to say about it, but I have been joined by my colleague from Texas (Mr. HENSARLING), and I have talked fairly long about this topic for a moment so maybe I will let him chime in and vary the discussion a little bit.

Mr. HENSARLING. Madam Speaker, I thank the gentleman for yielding to me, and I especially appreciate his leadership on this issue. Tens of millions of Americans, future generations, are going to have their retirement security threatened unless we do something and do something today. Every day that we postpone trying to help save and reform Social Security it is costing us an extra $200 million. The time to act is now.

Madam Speaker, for me this is much more than one's average congressional debate. This is something I take very, very seriously and very personally. I take it personally because my parents are in their 70s. Now, Social Security is an important part of their retirement security. They worked very hard their whole lives to earn that Social Security, and nobody has a plan that will take their Social Security away. As their son, as a Congressman, I am dedicated to making sure that my parents and every one of that generation gets every penny of Social Security that they have earned. I have a sacred obligation to my parents.

I have another sacred obligation. I have a 3½-year-old daughter and a 22-month-old son. And if we do not do something and do something today, Social Security as we know it will not be there for my children. We are rapidly approaching the point where we are going to lose the security from Social Security.

My colleague from Arizona, who is a great leader on this issue, and everyone should appreciate his helping coauthor the GROW account legislation, he very ably laid out for the American people, Madam Speaker, the challenges we are facing in Social Security. As much as Congress would like to, we cannot repeal the laws of demographics. So Social Security, as it was envisioned, took money from current workers to pay for current retirees. Now, that worked very well 50 years ago when we might have had 40 workers paying into a system for every one retiree. But that is not true today. Instead, we are down to 3⅓ workers now supporting every retiree, and we are rapidly on the road to having only two workers support every retiree. So we have this phenomena of having more and more retirees and fewer and fewer workers paying into the system.

Another challenge we have in Social Security, as far as demographics is concerned, is great news for seniors; it is just not particularly good news for the Social Security System. When Social Security was first created, the average life-span of an American worker was 60 years of age. You could not even draw your retirement until 65. Many folks had their name called on the roll up yonder before they could ever get a penny of retirement. Well, now, thanks to the marvels of modern medicine and technology, the average life-span of an American worker has increased to 77.

So, again, Madam Speaker, we have more and more retirees that are living longer and longer and fewer and fewer workers supporting them. And that is putting an incredible financial pressure on the system.

Something else it is doing is it is eroding the security in Social Security. Look at the amount of money people paid into a system versus what they took out. My grandparents, who are decreased, were born roughly in 1900. They received about a 12 percent rate of return on their Social Security. That is great. My parents, who were born in the late 1920s and early 1930s respectively, they receive about a 4 percent rate of return on their Social Security. Not bad.

People in my generation, represented by those who were born in roughly 1960, we are getting about 2½ percent rate on our Social Security. That will barely cover the rate of inflation. And my children, who I spoke about earlier, they are due to receive a negative rate of return.

Madam Speaker, that is absolutely unfair. We need to do something, and we need to do something today. But something as big as reforming Social Security needs to be done on a bipartisan basis.

□ 1630

I wish we could be joined by Members on the other side of the aisle who would come in and work with us on a bipartisan basis to try to do something about Social Security. Members cannot deny the underlying demographic challenges in this program.

Right now the Government Accountability Office, the Social Security trustees, and any agency that has looked at the problem says that the unfunded liability of Social Security is now $10.4 trillion. Nobody in America knows how much money that is, but to try to bring it down to a level we understand, that means every man, woman and child in America, to try to solve the long-term fiscal instability of this program, would have to write a $30,000 check out today to try to solve that problem. Surely that is not going to happen.

For those who continue to deny the problem, as so many of our colleagues on the other side of the aisle do, right now it is written in the current law that if we do not act, if we do nothing, if we ignore this problem, in 2042, there will be an automatic benefit cut of almost one-third.

Madam Speaker, I may not be here in 2042, but I hope and I pray that my children will be, and for generational fairness we need to do something.

What the gentleman from Arizona (Mr. SHADEGG) has laid out is a simple plan and a very simple first step. I am surprised it is even debatable in this body. But for years and years and years the Social Security surplus has been taken by Congresses, and I will admit both Republicans and Democrats. They have taken the surplus and spent it on other areas of government. They have spent it on Medicare wheelchairs that cost five times as much as what they did at the VA. They spent it on $2 million studies of the sexual habits of older men, and that is a study I do not even care to know what the results said. The list goes on and on and on.

That money needs to be dedicated to Social Security and nothing else. Those on the other side of the aisle said wait a second, this is very risky to create personal accounts for the Social Security surplus.

Madam Speaker, what is really risky is for Americans to leave their retirement security in the hands of Washington politicians and bureaucrats. The Social Security trust fund has been raided over 49 different times. Congress has just stepped in and spent that money on something else.

There have been over 20 tax increases in the Social Security system. Every time you are getting the same benefits but your taxes go up, your rate of return goes down. We are losing that security out of Social Security. There have been multiple benefit cuts. For example, the taxation of Social Security benefits that took place in the early 1980s. Also, very importantly, that the gentleman from Arizona (Mr. SHADEGG) pointed out, right now we have no ownership rights in our Social Security. None whatsoever. There have been several Supreme Court cases to tell us that we do not own our Social Security.

So this is a very simple plan. We know we do have some remaining years of surplus: 10, 11, 12 years of surplus remaining. Let us take that. Let us dedicate that to Social Security and let us get it out of Washington and put it into an account with your name on it that you own and that can be inherited and passed on, something that Washington cannot waste. What a simple proposition, and I am just saddened this is even debatable at this time.

I hope anyone who is listening to this debate will let their voice be heard. We need to enact our grow accounts. We need to keep the security in Social Security for future generations.

Mr. SHADEGG. Madam Speaker, I would like to engage in a brief discussion to make this a little more followable or reasonable for our listeners to understand.

Like me, I assume the gentleman has done town halls at home on this topic.

Mr. HENSARLING. Madam Speaker, I have done at least 30.

Mr. SHADEGG. And what reaction did you get back home when people began to learn from at least 1993 forward to today, we have had an ongoing surplus of Social Security revenues over the benefits we pay out to those currently retired?

Mr. HENSARLING. Madam Speaker, I think it is one of the most violent reactions I have ever seen at a town hall meeting, particularly when seniors realize they have worked and paid into this system, and for decades, Congress has taken that money and spent it on big government. They wanted it stopped today.

Mr. SHADEGG. Madam Speaker, I am guessing the gentleman's experience is like mine. Americans have a simple image in their mind that if these are payroll taxes taken to fund Social Security, we ought to be using them to fund Social Security.

Mr. HENSARLING. Madam Speaker, it is a very simple idea and they have been told for years that money is in the trust fund. In a technical legalistic sense maybe it is in the trust fund, but in any practical sense it is not. That money has been taken away and an IOU left in its place. That is like a person writing an IOU to themself. The only way that IOU can be redeemed is by raising taxes on the American people.

People who are entering the job force today, if we do not do something to try to make up that IOU, their payroll taxes are going to have to be increased 43 percent and what is that going to do to younger families and job creation in America.

Mr. SHADEGG. Madam Speaker, the gentleman mentioned that we are quickly approaching the point where Social Security no longer has the word "security" in it. I have a female constituent in Arizona, born in Hungary, moved to the United States, lived here all her life, paid into Social Security. She comes to my town halls, and she used to come to my coffee cup meetings on Saturday mornings. Years ago she stood up and made it very clear that, based on a point the gentleman made a few moments ago, it is not accurately described as Social Security, it is more accurately described as social insecurity. Because as the gentleman pointed out, the United States Supreme Court has ruled in a series of decisions that if the Congress were to decide tomorrow to not fund Social Security, to not pay the benefits but to use that money for some other purpose, it could do so. If a taxpayer were to sue and say no, wait a minute, that is my money that I paid into the Social Security system so it would be used for my retirement, that taxpayer would simply lose that lawsuit.

So her description of it is because it is in the hands of the politicians and they can take it away at any time, she describes it as social insecurity.

It is important for our listeners to understand these GROW accounts would change that and change that forever. We would be taking the surplus and putting it aside in the name of the taxpayer, and from that instant forward it would be their money and they could keep it. That is a dramatic change in the system.

Mr. HENSARLING. Madam Speaker, it could not be more simple and I cannot believe that at least in my district in Texas that 99 percent of my constituents would not want to embrace that idea. Such a simple idea that number one, Social Security ought to be used for Social Security, pure and simple.

Second of all, you know own it. Washington cannot take it away. Social Security is used for Social Security, and you own it and Washington cannot take it away. That is what the GROW account is all about. There is nothing more to it. It is that simple, yet it is that important.

Again, I think we need to emphasize for those soon-to-be retired, we will be running surpluses. These people will be okay, but it is future generations. That is the challenge that we face now. Too many people in this town care about the next election and not the next generation. We could ignore this problem if we wanted to for 5, 10, 12 years, but how do you look yourself in the mirror and know that you have set the Nation on a course to cut your children and grandchildren's Social Security by a full third or to raise their taxes by 43 percent.

That is why it is so important that we start the GROW accounts, dedicate Social Security to Social Security, and let taxpayers own it, not Washington.

Mr. SHADEGG. Madam Speaker, we have been joined by the gentlewoman from North Carolina (Ms. FOXX) and I am thrilled to have her join in the discussion about what we do about Social Security, reforming Social Security, and about the new idea of the GROW accounts, of taking just the surplus that Congress has been stealing and spending on general government, take that Social Security surplus and dedicate it to accounts in the names of individuals so it is their money and so every dime of Social Security taxes goes to Social Security.

Ms. FOXX. Madam Speaker, I thank the gentleman for yielding me this time, and all those who have developed the legislation to save Social Security which we call GROW.

I am going to repeat some of the things that both Members have said because I think it is important to repeat them. There are many times when we have to say the same things over and over in order to get the message across.

We have heard a lot about Social Security reform. I just came here this year. This is my first term. I was told it was going to be an exciting term, and a lot of things would be done, and I cannot think about something more exciting than save Social Security.

There are a lot of strong opinions about doing this, but we get some of our best ideas not from Washington but from places like the Fifth District of North Carolina that I represent. That is why I commute to Washington to vote but return home every chance I get.

Recently, as I often do, I stopped by a restaurant in my district to have breakfast. While I was there, I engaged the people there in a discussion about Social Security reform. I shared with them some of the same things you have been talking about, and many people do not understand the fundamental facts about Social Security.

We have got to make sure that our current retirees and those near retirement have the peace of mind of knowing they are going to get their full Social Security benefits for their entire retirement. The government has promised them that, and that is an obligation we have. But we also have to make sure that the benefits are there for our children and grandchildren. The folks in Bojangles that I talked with understand this and certainly agree with us, but we know right now that Social Security is financially broken.

I think that the President has done a good job of explaining that to the people, but again over and over we have to say it. As the gentleman from Texas (Mr. HENSARLING) said, back in 1950, we had 16 workers working for every person drawing from Social Security, for every beneficiary. Today there are just over 3 workers paying for each person receiving benefits. Within two decades only 2 people will be supporting each retiree.

I love his phrase about the law of demographics. He is absolutely right. We can repeal a lot of laws here and pass a lot of laws, but we simply cannot repeal the law of demographics, and we are facing that in this country. We have to deal with it. We have to understand that is a reality that has to be dealt with.

The life expectancy is much longer today than it was when Social Security was created. As he said back in 1929, people were only expected to live 57 years. In 1937 when Social Security was adopted, people were expected to live to only 60. Well, Social Security was set up to be drawn out at age 65. The people who set up Social Security never expected many people to draw from Social Security. But today, most people live to be 80, and it is not too much in the distant future that most of us are going to be living to 100.

The fact of the matter is that Social Security will begin running out of money in just 13 years and be completely broke in a matter of decades. For the millions of Americans who depend on Social Security, it is simply unacceptable. If we do not reform Social Security, taxes will have to be doubled or tripled in order for the system to keep its promises to future retirees.

In less than 40 years if we do not make changes, the government will have to take at least 30 to 40 percent of every worker's wages to pay for Social Security benefits. Compare that to 1940 when workers paid only 1 percent of their salary into the system, and that was basically the promise that was made when Social Security was adopted.

President Bush has called on Congress to help fix the Social Security system, and I agree with him that we have to take action. I think that the GROW accounts are a great step in the right direction. We have to protect Social Security benefits for our current retirees and near retirees while giving younger workers more ownership and control over their Social Security taxes.

I like the idea of giving workers control and putting their money into their personal accounts. This gives them control over their money and the government less opportunity to misuse it. I am confident that once people focus on the facts and study this issue, they will realize that Social Security reform is essential.

Many people have been misled about the need for reform. However, once they have the facts, and I am convinced of this, they agree that something has to be done to protect the retirements of our future generations. We have a responsibility to save Social Security so our children and grandchildren can receive the benefits that we have enjoyed.

☐ 1645

Several different programs have been recommended to deal with the Social Security problem, but I am convinced that the plan that has come together to be called the GROW accounts is the best plan that we have right now to move us in the right direction. As other people have said, we have an obligation not only to the people who are currently drawing Social Security but those who are coming after us to make sure that their money is where they can draw it out and look to their retirement.

One of the things I ask people about all the time, too, is can anybody live on the average benefit that Social Security gives them. It is my understanding it is $921. That is the average benefit. So far in all the town hall meetings that I have had and all the discussions I have had, nobody that I know of says they can live off $921 a month.

I think that this discussion we have had on Social Security is performing a couple of good services for us. One, it is focusing on the problems with Social Security; but it is also raising the awareness of the American public that you cannot just depend on Social Security for your retirement. You have got to be looking to other ways to have the kinds of funds that you need to live comfortably in your retirement, and I think that that is the other benefit that this discussion on Social Security has brought about.

I again want to commend the gentleman and his colleagues for what they have done in bringing to us the GROW accounts, and I want to tell you that you have my support on this. This may not be where we end up on salvaging Social Security, but it is certainly a step in the right direction. As they say, a journey of a thousand miles begins with one step. We are taking the first steps. I want to thank you for doing that and pledge my support to you in educating the American public about this and hope that even more good ideas will come as a result of the discussions.

Mr. SHADEGG. If the gentlewoman will remain for a moment, I would like to just ask her. I presume you have done Social Security town halls back home.

Ms. FOXX. We have.

Mr. SHADEGG. If they went like mine, you got a lot of feedback and a lot of confusion about how the Social Security system works.

Ms. FOXX. We did.

Mr. SHADEGG. I suppose, like a lot of us, people are confused about, well, what is the right overall solution and they are not quite sure exactly which reform measure is the right one to do. Is that right?

Ms. FOXX. That is right. But they do know, as you have pointed out before, that they and others have paid money into the government and they were expecting to get that money back with some reasonable rate of return, some interest paid back on it. That is the deal we made with them.

Mr. SHADEGG. And when they discover, as our colleague from Texas (Mr. HENSARLING) explained, that we are actually taking that short-term surplus that we have, the excess of revenues we are getting in this year over the benefits we are paying out this year and we are spending it on other things, as he pointed out, we are spending it on phenomenally expensive wheelchairs or we are spending it on Forest Service pickup trucks or we are spending it on welfare benefits or we are spending it on whatever other program is out there and not spending their Social Security taxes to set aside for Social Security, not on Social Security benefits and not on paying future benefits, what kind of reaction did you get from your constituents?

Ms. FOXX. They are very upset by that. And the question is, why have you been spending the money? I am in the fortunate position, I have not been in Congress before, so I can say, I did not do that, although the gentleman from Texas is absolutely correct, it has been done by both Democrats and Republicans, so we have to fix this situation.

Mr. SHADEGG. I think it is a fair question for us to ask as Members of Congress today, and I think the gentleman from Texas was very fair on that point, both Republican Congresses and Democrat Congresses have used the Social Security surplus for non-Social Security purposes. I guess the question, though, that I want to ask you and a question that I have thought about is, could I go home to my constituents and justify to them that it is appropriate for me to take their Social Security taxes and spend them on some other purpose? I think the answer for me is no. Have you given that question some thought?

Ms. FOXX. I have. I agree with them. And when my constituents say that to me, again through this education process, they have learned the problems that have been created by Social Security and, again, they have understood these laws of demographics that we have explained. They want us to stop this. It is a pretty simple thing. Most of the people in my district are just down-to-earth folks with a lot of common sense. There is some sort of rule, what is that law, when you are in a hole, the first law is to stop digging. They just say to me, just quit doing it.

Mr. SHADEGG. Just quit digging. Quit stealing that Social Security surplus and spending it on other things.

Ms. FOXX. That is right. So the proposal you have made I think is again a step in the right direction. Down the road we may find that we have to do other things, but the most important thing is to get people to get control of their retirement. As I said, I think that this issue has brought up the point that they cannot just depend on the Federal Government to look after them. I think we have performed a cruel hoax actually on the people of this country by letting them think that their Social Security was going to take care of them in the manner to which they have become accustomed. It is only one part of it, but it should be a secure part of their retirement. As the gentleman from Texas has said, the security part has gone away.

Mr. SHADEGG. I want to thank the gentlewoman for her contribution to this discussion and invite her to stay and discuss it further.

I do want to build on a couple of points she made. First of all, I want to make it clear that this is not my idea. I am one of the people advancing it. Here in the House, it will be introduced by the gentleman from Florida (Mr. SHAW). I think his name will be the second on the bill. The first name on the bill will be that of the gentleman from Louisiana (Mr. MCCRERY), who is the chairman of the subcommittee on Ways and Means that deals with Social Security, so it will be the gentleman from Louisiana (Mr. MCCRERY) and then the gentleman from Florida (Mr. SHAW) and then the gentleman from Wisconsin (Mr. RYAN) along with the gentleman from Texas (Mr. SAM JOHNSON). Those will be the original cosponsors along with myself here on the House side.

But I think there are literally dozens, maybe even hundreds, I would hope, of Members here on the House side who will be cosponsors of the bill when it is introduced. I have to give credit where credit is due. The original idea, as I mentioned earlier, was brought to the Congress by my former colleague here in the House, now a member of the United States Senate, JIM DEMINT, and there are at least 11 Senators who have already signed on as a coalition to try to build support for this idea on the Senate side as well. I think it is important that we build momentum for that.

When we have these discussions, it is useful for the listening audience to know that they can go other places to learn more. The policy committee which I chair has a Web site with substantial information about this idea of taking the Social Security surplus and dedicating it to individual accounts for individual taxpayers and making it their money forever; but I am certain that at your personal Web site and at my personal Web site, they can gather other information and learn about it.

The thing that occurred to me in that question about how do you oppose this, and our colleague from Texas (Mr. HENSARLING) said, Gosh, I don't even understand why this is even debatable, I would hope that Members listening to this debate, but, hopefully, Americans listening to our discussion tonight, might say to themselves, I would like to learn a little bit more about GROW accounts, I would like to at least ask my Member of Congress whether she or he thinks it is appropriate to take my payroll taxes that I pay in for Social Security and spend those on something other than Social Security, whether it is wheelchairs or jet airplanes; and if they say, no, it is not really appropriate to take the payroll taxes that I pay in for Social Security, FICA, that I get on my little pay stub and use those for something else, to ask their Member of Congress whether she or he will vote to dedicate the Social Security surplus, we have 10 more years of surplus that we know of without any reform at all, we have 10 more years of surplus, do you favor allowing the Congress to continue to steal that money and spend it on other things, agricultural programs, you name it, or will your Member of Congress agree to vote to dedicate the payroll taxes that we raise for Social Security solely to Social Security?

I certainly hope that Americans across the country when they see their Member of Congress this coming weekend or sometime over the August break, I hope they will confront them and ask them that question because I think it is the question we have to answer. Maybe we cannot solve the whole Social Security problem in a single blow. Maybe we cannot do it all at once; but the one thing we can do, and I like the way you say it, we can stop digging the hole deeper by taking the Social Security surplus and spending it on something other than Social Security.

Ms. FOXX. I think that is a very, very fair question. I think you are absolutely right. The challenge is to get a majority of the Members of Congress, in the House and the Senate, to commit to doing this. It is the only fair thing to do. Again, it is such a commonsense issue. The people of this country understand that is their money, they have worked hard for it, they and their employer are putting that money aside and they expect to be able to get that money back, again with some reasonable amount of interest when it comes time for them to retire.

People can find more information on the Internet these days than I ever even wanted to know, but they can get in touch with their Member of Congress, they can find out where he or she stands on the GROW accounts and where he or she stands on the issue of saving Social Security. I would encourage them to do so.

Mr. SHADEGG. I actually am going to spend a little time now trying, hopefully, to bring anybody who maybe joined this discussion late up to speed on this particular idea, and I want to do it first graphically.

In this discussion tonight, we have talked about what is happening with Social Security and the whole notion of Social Security reform; but we have tried to focus on a simple idea that has come forward recently to deal with the several problems that are confronting the Social Security program.

The biggest problem, of course, is that demographics make it unsustainable over time. We have too few people working and paying in benefits for the number of retirees. We have already heard about that tonight. In the long run, we are going to run out of money; but in the short run, we have a surplus and there is an idea that I think will protect America's taxpayers and strengthen our Social Security system that has just surfaced here in Washington within the last 3 or 4 weeks that I think is a brilliantly simple idea, and I want to try to explain it.

It is embodied in a bill called the GROW Act: Growing Real Ownership for Workers Account is the name of the act. It is being introduced here on the House side by several Members of the Ways and Means Committee, led by the gentleman from Louisiana (Mr. MCCRERY) and on the Senate side by Senator JIM DEMINT and 11 of his colleagues.

I just want to explain very simply the concept of the bill. First of all, I have got a blank piece of paper here. I want to just graphically show what is going on with Social Security. The first thing I want to do is put a line on the chart which shows the benefits that we are currently paying out. Those benefits are fairly level. That line just runs across the chart from left to right. You can see benefits just move across that line. That is the amount of money we have to pay out each year to retired Americans.

I want to start with today, and I want to show revenues. To show revenues, I want to show kind of the graphic notion of this temporary surplus. Right now, we are bringing in more money than we are spending in benefits. So the surplus stands out here. But that surplus begins to go down just like that. All of this is money that we are collecting in excess of what we are spending in benefits. So this is the benefit line, I will label it "benefit," and this is the revenue line. You can see because the revenue line is above the benefit, we have more money coming in in Social Security taxes today than we are paying out in benefits.

What that says is that today's retirees and near retirees are secure. We are not going to do anything to touch their benefits. If you are 55 years of age or older in America, you are safe. But let us put a date on this. This is 2005. This year is 2017. What happens is that in 2017 that surplus disappears, and we begin to have a deficit. That will be a line that goes down like this. We have to deal with our ability to pay our benefits during these years by using the trust fund.

But the question is, what do we do with this surplus? I am going to label it "S" for the surplus. That is the money we have that comes in in payroll taxes that my constituents have deducted from their paychecks and it says FICA on it and that is the amount of money that is not needed to pay benefits. That is extra money.

What we have been talking about here tonight is that extra money every year since 1983 with only two exceptions has been spent by Congress on something other than Social Security. They may be good things. They may be welfare benefits for those in need. They may be forest fire fighting. It may be spent for missiles or tanks for our war in Iraq, but it is being spent on something other than Social Security. Fundamentally, the American people deserve to have their payroll taxes that are collected to fund Social Security spent on Social Security.

□ 1700

What the GROW Act does, this bill that is being proposed here on the House side and there on the Senate side to deal with at least a part of the Social Security problem, is to say we need to stop spending this surplus, and I am going to label the surplus as showing this block of money right here, that block of money, that we need to stop the practice of spending that Social Security surplus on things other than Social Security.

It is pretty simple when we look at it graphically. Social Security money should be spent to pay for Social Security benefits, and if there is a surplus, we should set it aside to pay the Social Security benefits of those who will retire in years to come.

Let me go through just a simple kind of a Q&A session about what this bill does because it might help people, and then I would urge people to get on the Web site of the Policy Committee or to get on the Web site of the Republican conference here in Washington and look at what this bill does and how it works. But before I do that, let me go through a Q&A, just kind of a basic so people can understand what we are talking about.

First question: What will the GROW Act do? Simply put, it stops the government from spending the Social Security surplus, a person's payroll taxes paid to fund Social Security when they retire, on anything other than Social Security. Again, in almost every year since 1983, Congress has spent this surplus of payroll taxes over payroll benefits on something other than Social Security.

How would we stop doing that, how will Congress stop spending that? The answer is we are going to put it into individual accounts. We will take this surplus. We will divide it by the number of Americans who are paying payroll taxes, and we will put it aside in an account with their name on it. From that instant forward, it is their money. It will be in an individual lock box, and that will change the way the program works rather dramatically. For one thing, as the gentleman from Texas (Mr. HENSARLING) pointed out a few moments ago, people's current Social Security benefits are not guaranteed. If the government changes its mind, if Congress were to change its mind and stop paying those benefits or even reduce, people lose to that degree. Once we start taking this money and put it into a GROW account with their name on it, in my case, my daughter is young enough to enroll in this program. It would only apply to Americans under age 55. She can enroll and her name would be on an account. It would say "Courtney Shadegg," and a portion of the payroll taxes that she is paying in would go into that account in her name. If she were to pass away today, God forbid, she would get nothing and she would have nothing as an asset in her estate to pass on. But the moment we establish these GROW accounts, she would have the money in that account to give to her children if she wanted to.

People say to their themselves how much money in this surplus would that amount? If I am just an average worker in America and you take, Congressman, that surplus and you allocate it in my name, over the 10 years that we have left during which there is clearly a surplus, without any other reform, how much money would it amount to? Well, in typical Washington terms, they give us the gross number, and it is $790 billion. But what does that mean for me, individual? On average it means that every single working American paying Social Security taxes right now would have roughly $5,000 in this account in 2017, just 10 years from now. If we were to start the accounts this year, in roughly 10 years, they would have $5,000 in an account in their name that they could pass on.

Now, what happens to that money if one passes away? The answer is it is their asset. It is just like the car they own today or the savings account they own today or the bank account or the money in their checking account. If they pass away, that money goes, all of it, 100 percent of it, to their spouse or, if they are unmarried or divorced, it goes to their other heirs. It can go to their children or their grandchildren or to their brother or sister or whoever they want to leave it to just like any other asset that they own.

How does it affect current retirees? It does not affect current retirees. Current retirees are secure because we do not need this money to pay their benefits. This is, after all, the surplus after the benefits have been paid.

What is the budget impact of establishing these GROW accounts? I would call it truth in budgeting. What it says is that once we establish a GROW account and stop taking the Security Social surplus and spending that money to fund other operations of the government, we will be able to see the real deficit each year, and that way we will be able to know honestly and straightforwardly how much money we have.

What is the upside of these accounts? Well, there are so many upsides, it is hard to explain. Number one, it is a person's asset. They can keep it. Number two, initially they get to invest it in a treasury fund. For the first 3 years they may buy a treasury bill, and that is all they will be able to do is buy a treasury bill with it. But that treasury bill will be absolutely as secure as the Social Security funds are today, and indeed I will argue it will be more secure because it is theirs forever and the government cannot take it away. But 3 years from now the legislation provides that a board, an independent board, will be able to open up these GROW accounts so that they can invest them in other vehicles. They can invest them in an investment vehicle or an investment opportunity that would make a slightly better rate of return.

They will not be able to invest them wherever they want. They will not be able to invest them in any risky scheme, and they will not be able to pick a private firm to invest them for them. But they will be able to direct how they are invested, whether they leave them in a treasury or whether they put them in one of two or three other investment options. And I want to talk about that in a moment.

But there are two other basic things I want to touch upon. First, what about the issue of solvency? Well, GROW accounts alone will not solve the solvency problem. But they actually do make the solvency of the current system better. They make it better by roughly 2 years if we enact no other reform.

Let me see if I understand this, Congressman. You are telling me that this is a portion of the solution to the Social Security problem, it will set up a GROW account, we will stop spending the surplus on things other than Social Security; so every dime of Social Security taxes collected will go into Social Security and it also helps make the program more solvent over time?

I ask who would oppose that?

Before I conclude, and I do not know quite how much time I have left, but I would like to talk about the whole notion of personal accounts versus private accounts. This is a topic that has been discussed a lot in the press, and I would dare say that many people in the public do not understand the difference between a personal account and a private account, and yet there are dramatic differences. Although they right now is that Republicans call them personal accounts or individual accounts and Democrats call them private accounts. But that is not true. There are dramatic, substantive differences.

Under this proposal the individual accounts that would be established would remain in the hands of the government. They would go to a contract manager, who would manage them for everybody and who would put them only in very, very safe investments. The three most likely investments are: a municipal bond index fund; the second one is a corporate bond index fund; and the third would be a stock index fund.

What do those terms mean? Number one, since this would be a decision made by an entity that was working for the government and it would be made for all of the money in the account, a person as an individual would not have to be particularly shrewd or in any way savvy about the markets to be able to participate because they are not going to pick the individual stock or the individual bond in which the money is invested. Rather, they will be given, like those of us in the Federal Thrift Savings Plan, a choice of probably three different investments or four different investments. They can leave it in a treasury, they can put it in a municipal bond index fund, a corporate bond index fund, or a stock index fund. And each of those will have slightly greater return.

So people do not need investment knowledge and that is very important because some critics say that one has to be a savvy investor to be able to make this work. That is simply not true.

The other point is that, because the investment decisions are made by an entity contracting with the government, the management fees are extremely low, and because they are managing a huge amount of money, the cost of investing remains extremely low.

The last point I want to make is the restriction and the difference between a personal account and a private account is not just that the government will control the funds that are picked and the manager of those funds, but also people will not be able to invest them in risky investments. Unfortunately, both Chile and England allowed true private accounts where they picked their individual stock market in which to place the money and they picked the broker and the fees were high and the investments were risky. That is not what is being talked about here.

I urge Americans to study the issue of GROW accounts. There is, I think, in reality no downside to these accounts. They enable the Congress to stop spending Social Security on anything other than Social Security, and they let each American have an individual share of the Social Security surplus that is theirs forever and can never be taken from them.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BALDWIN (at the request of Ms. PELOSI) for today on account of attending the memorial service for former U.S. Senator Gaylord Nelson.

Mr. POMBO (at the request of Mr. DELAY) for July 11 and 12 on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. SOLIS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Ms. WATSON, for 5 minutes, today.

(The following Members (at the request of Mr. CRENSHAW) to revise and extend their remarks and include extraneous material:)

Mr. OSBORNE, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. BILIRAKIS, for 5 minutes, July 20.

Mr. POE, for 5 minutes, today.

Mr. PETERSON of Pennsylvania, for 5 minutes, today.

Mr. FITZPATRICK of Pennsylvania, for 5 minutes, today.

Mr. MACK, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. RYAN of Wisconsin, for 5 minutes, today.

ADJOURNMENT

Mr. SHADEGG. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Thursday, July 14, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2638. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Extension of Tolerances for Emergency Exemptions (Multiple Chemicals) [OPP–2005–0143; FRL–7722–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2639. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ethyl Maltol; Exemption from the Requirement of a Tolerance [OPP–2005–0153; FRL–7717–1] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2640. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—3-Hexen-1-ol, (3Z); Exemption from the Requirement of a Tolerance [OPP–2005–0028; FRL–7713–2] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2641. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Two Isopropylamine Salts of Alkyl C4 and Alkyl C8-10 Ethoxyphosphate esters; Exemption from the Requirement of a Tolerance [OPP–2005–0115; FRL–7712–1] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2642. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Tertraconazole; Pesticide Tolerances for Emergency Exemptions [OPP–2005–0078; FRL–7714–1] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2643. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP–2005–0142; FRL–7720–1] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2644. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Trifloxystrobin; Pesticide Tolerance for Emergency Exemptions [OPP–2005–0155; FRL–7720–2] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2645. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Cyprodinil; Time-Limited Tolerance [OPP–2005–0119; FRL–7718–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2646. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations [FRL–7925–9] (RIN: 2060–AJ31) received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2647. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Dumping; De-Designation of Ocean Dredged Material Disposal Sites and Designation of New Sites; Correction [FRL–7930–7] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2648. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing [OAR–2003–0121; FRL–7932–2] (RIN: 2060–AN09) received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2649. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of Methyl Ethyl Ketone; Toxic Chemical Release Reporting; Community Right-to-Know [TRI–2005–0027; FRL–7532–5] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2650. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Correction to the California State Implementation Plan, South Coast Air Quality Management District [R09–OAR–2005–CA–0004; FRL–7932–3] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2651. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Spokane PM10 Nonattainment Area Limited Maintenance Plan and Redesignation Request [Docket #: R10–OAR–2004–WA–0003; FRL–7927–2] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2652. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Minnesota [R05–OAR–2005–MN–0002; FRL–7931–2] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2653. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; State Implementation Plan Correction [SIP NO. CO–001–0072; FRL–7931–7] received June 28, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2654. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment by the Applicable Attainment Date for the Carbon Monoxide National Ambient Air Quality Standard within the Las Vegas Valley Nonattainament Area, Clark County, Nevada; Determination Regarding Applicability of Certain Clean Air Act Requirements [NV-FDA-129; FRL–7919–7] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2655. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Alabama: Final Authorization of State Hazardous Waste Management

Program Revision [FRL–7920–6] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2656. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Arizona; Redesignation of Phoenix to Attainment for the 1-Hour Ozone Standard [AZ131–0088; FRL–7901–6] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2657. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Determination of Attainment for the Ozone and Carbon Monoxide National Ambient Air Quality Standards in Washoe County, Nevada [NV-FOA–126; FRL–7907–3] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2658. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Michigan; Oxides of Nitrogen [R05–OAR–2004–MI–0002; FRL–7904–4] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2659. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [R07–OAR–2005–MO–0004; FRL–7906–7] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2660. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Iowa [R07–OAR–2005–IA–0002; FRL–7906–9] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2661. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Air Quality Redesignation for the 8-Hour Ozone National Ambient Air Quality Standard; for some Counties in the States of Kansas and Missouri [R07–OAR–2005–MO–0002; FRL–7906–5] received May 2, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2662. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Toxics Release Inventory Reporting Forms Modification Rule [TRI–2004–0001; FRL–7532–6] (RIN: 2025–AA15) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2663. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Nonattainment Major New Source Review Implementation Under 8-Hour Ozone National Ambient Air Quality Standard: Reconsideration [E-Docket ID No. OAR–2003–0079, FRL–7934–9] (RIN: 2060–AJ99) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2664. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(g) and 112(j) [OAR–2002–0038, FRL–7935–4] (RIN: 2060–AK52) received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2665. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Enforceable Consent Agreement and Testing Consent Order for Two Formulated Composites of Fluorotelomer-based Polymer Chemicals; Export Notification [OPPT–2004–0001; FRL–7710–4] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2666. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Final Enforceable Consent Agreement and Testing Consent Order for Four Formulated Composites of Fluoroploymer Chemicals; Export Notification [OPPT–2003–0071; FRL–7710–5] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2667. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; State of Arizona; Pima County Department of Environmental Quality; State of Nevada; Nevada Division of Environmental Protection [AZ-NESHAPS–131a; FRL–7935–2] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2668. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plan; Idaho [Docket #ID–03–003; FRL–7936–1] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2669. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Washington; Correcting Amendments [R10–OAR–2005–WA–0006; FRL–7936–3] received July 6, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2670. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7927–1] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2671. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing [OAR–2003–0193; FRL–7925–8] (RIN: 2060–AL91) received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2672. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delegation of Authority to the States of Iowa and Kansas for New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP); and Maximum Achieveable Control Technology (MACT) Standards [FRL–7927–4] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2673. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designation Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration; Correction [R06–OAR–2005–NM–0003; FRL–7928–4] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2674. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Ohio; Revised Oxides of Nitrogen (NO_X) Regulation and Revised NO Trading Rule [R05–OAR–2004–OH–0003; FRL–7923–2] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2675. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Washington; Spokane Carbon Monoxide Nonattainment Area; Designation of Areas for Air Quality Planning Purposes [Docket ID No. R10–OAR–2005–WA–0001; FRL–7929–7] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2676. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Control VOC Emissions From Aerospace, Mobile Equipment, and Wood Furniture Surface Coating Applications for Allegheny County [R03–OAR–2005–PA–0014; FRL–7927–5] received June 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2677. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Virginia; VOC Emission Standards in the Hampton Roads VOC Emissions Control Area [R03–OAR–2005–VA–0008; FRL–7925–6] received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2678. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Implementation of the 8–Hour Ozone National Ambient Air Quality Standard—Phase 1: Reconsideration [OAR–2003–0079, FRL–7918–6] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2679. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; VOC Regulations [R01–OAR–2004–ME–0005; A–1–FRL–7913–3] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2680. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the Arizona State Implementation Plan, Maricopa County [AZ–140–128; FRL–7912–3] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2681. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Smaller-Scale Electric Generating Resources [R01–OAR–2005–ME–0002; A–1–FRL–7915–1] received May 25, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2682. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone: Celebrate the Fourth/Salem Fireworks—Salem, Massachusetts [CGD01-05-052] (RIN: 1625-AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Rochester Harbor Boat Parade, Rochester, NY [CGD09-05-019] (RIN: 1625-AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Safety Zone; Boston Fouth of July Fireworks—Charles River, Boston, MA [CGD1–05–036] (RIN: 1625–AA00) received June 22, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Aging Airplane Safety; Correcting Amendment [Docket No. FAA-1999-5401; Amendment Nos. 121–310 and 129–41] (RIN: 2120–AE42) received May 18, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2686. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Ocean Disposal; Designation of Dredged Material Disposal Sites in Central and Western Long Island Sound, Connecticut. [FRL–7919–9] received May 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2687. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Award of Grants and Cooperative Agreements for the Special Projects and Programs Authorized by the Agency's FY 2005 Appropriations Act—received June 20, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 624. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants (Rept. 109-166). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 1359. A bill to amend the Federal Water Pollution Control Act to extend the pilot program for alternative water source projects; with an amendment (Rept. 109-167). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on Internal Relations. H.R. 2601. A bill to authorize appropriations for the Department of State for fiscal years 2006 and 2007, and for other purposes; with an amendment (Rept. 109-168). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BLACKBURN:

H.R. 3262. A bill to modify the civil money penalties incurred for unlawful employment of aliens; to the Committee on the Judiciary.

By Mr. WAMP (for himself, Mr. HALL, Mr. UDALL of Colorado, Mr. MARKEY, Mr. ALLEN, Mr. GONZALEZ, Mr. GORDON, Mr. CASTLE, Mr. EHLERS, Mr. BOEHLERT, and Mr. GILCHREST):

H.R. 3263. A bill to reduce the growth of energy use in the United States, to limit the impact of growing energy use on the economy, environment, and national security of the United States through reductions in energy demand, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LATOURETTE, and Ms. CORRINE BROWN of Florida):

H.R. 3264. A bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio (for himself and Mr. VAN HOLLEN):

H.R. 3265. A bill to amend the Higher Education Act of 1965 to provide an interest-free deferment of student loan repayment for Federal student loan borrowers during active military service; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 3266. A bill to condition the receipt of Federal housing funds by a State or political subdivision of a State, or any agency or office thereof, on the preparation of an economic housing impact analysis regarding any new rule proposed by the State, political subdivision, agency, or office that has a significant adverse economic impact on housing construction costs or housing affordability of $50,000,000 or more, and for other purposes; to the Committee on Financial Services.

By Mr. FRANK of Massachusetts (for himself, Mr. PASTOR, Mr. FILNER, Ms. LEE, Mr. OWENS, Mr. SCHIFF, Mr. DINGELL, Ms. MOORE of Wisconsin, Mr. MCDERMOTT, Mr. GRIJALVA, Mr. CAPUANO, Mr. ENGEL, Ms. WOOLSEY, Mr. EMANUEL, Mr. WAXMAN, Mr. SABO, Mr. GEORGE MILLER of California, Mr. OLVER, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Mr. BERMAN, Mr. CASE, Mr. SHERMAN, Mr. GUTIERREZ, Ms. CARSON, Mr. STARK, Mr. ALLEN, Mr. MCGOVERN, Mr. MEEK of Florida, Mrs. JONES of Ohio, Ms. MATSUI, Mrs. MALONEY, Ms. BALDWIN, Ms. SLAUGHTER, Mr. LANGEVIN, Ms. NORTON, Ms. BERKLEY, Mr. HOLT, Mr. MEEHAN, Mr. WEINER, Mr. HINCHEY, Ms. WATSON, Mr. SANDERS, Mr. RANGEL, Mr. PRICE of North Carolina, Mrs. LOWEY, Mr. ROTHMAN, Mr. LARSON of Connecticut, Mr. CLAY, Mr. INSLEE, Mr. FARR, Mr. MARKEY, and Ms. HARMAN):

H.R. 3267. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGREY (for himself, Mr. AKIN, Mr. PITTS, Ms. HART, Ms. FOXX, Mr. SHADEGG, Mr. GRAVES, and Mr. MACK):

H.R. 3268. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income gain from the conversion of property by reason of eminent domain; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 3269. A bill to amend the International Organizations Immunities Act to provide for the applicability of that Act to the Bank for International Settlements; to the Committee on International Relations.

By Ms. NORTON (for herself, Mr. MENENDEZ, Ms. PELOSI, Mr. HOYER, Mr. CLYBURN, Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. SPRATT, Mr. THOMPSON of Mississippi, Mr. OBERSTAR, Mr. DICKS, Mrs. CHRISTENSEN, Ms. MILLENDER-MCDONALD, and Ms. ZOE LOFGREN of California):

H.R. 3270. A bill to improve the security of public transportation and rail systems in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROGERS of Michigan (for himself, Mrs. MYRICK, and Mr. CONAWAY):

H.R. 3271. A bill to improve the enforcement of international trade agreements; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan:

H.R. 3272. A bill to provide for a demonstration project under which a basic housing allowance will be afforded to Federal law enforcement officers serving in high-cost areas, and for other purposes; to the Committee on Government Reform.

By Mr. SAXTON (for himself and Mr. GERLACH):

H.R. 3273. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for flexible fuel vehicles; to the Committee on Ways and Means.

By Mr. SAXTON (for himself and Mr. GERLACH):

H.R. 3274. A bill to amend the Internal Revenue Code of 1986 to extend the deduction for qualified clean-fuel vehicle refueling property and to amend the Clean Air Act to make ethanol fuels more available to motorists; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself and Mr. Udall of Colorado):

H.R. 3275. A bill to amend title 10, United States Code, to provide for an increase in the minimum end-strength level for active duty personnel for the United States Army, and for other purposes; to the Committee on Armed Services.

By Mr. ISTOOK (for himself, Mr. Taylor of Mississippi, Mr. Akin, Mr. Bachus, Mr. Barrett of South Carolina, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bass, Mr. Beauprez, Mr. Bilirakis, Mr. Bishop of Georgia, Mr. Bishop of Utah, Mrs. Blackburn, Mr. Boehner, Mr. Boozman, Mr. Brady of Texas, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Burton of Indiana, Mr. Calvert, Mr. Camp, Mr. Cannon, Mr. Case, Mr. Chabot, Mr. Chocola, Mr. Cole of Oklahoma, Mr. Conaway, Mrs. Cubin, Mr. Culberson, Mr. Cunningham, Mr. Davis of Kentucky, Mrs. Jo Ann Davis of Virginia, Mr. Dent, Mr. Mario Diaz-Balart of Florida, Mr. Doolittle, Mr. Duncan, Mr. Edwards, Mr. Ehlers, Mr. Feeney, Mr. Flake, Mr. Foley, Mr. Forbes, Mr. Ford, Ms. Foxx, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gibbons, Mr. Gilchrest, Mr. Gingrey, Mr. Gohmert, Mr. Goode, Mr. Goodlatte, Mr. Graves, Mr. Green of Wisconsin, Mr. Hall, Ms. Harris, Mr. Hayworth, Mr. Hefley, Mr. Herger, Mr. Hoekstra, Mr. Inglis of South Carolina, Mr. Issa, Mr. Jenkins, Mr. Jindal, Mr. Sam Johnson of Texas, Mr. Jones of North Carolina, Mr. Kennedy of Minnesota, Mr. King of Iowa, Mr. Kingston, Mr. Kirk, Mr. Kuhl of New York, Mr. LaHood, Mr. Lewis of Kentucky, Mr. Linder, Mr. Lucas, Mr. Mack, Mr. Manzullo, Mr. Marchant, Mr. Marshall, Mr. Matheson, Mr. McCaul of Texas, Mr. McCotter, Mr. McHenry, Mr. McIntyre, Mr. McKeon, Miss McMorris, Mr. Mica, Mr. Michaud, Mr. Gary G. Miller of California, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Neugebauer, Mr. Norwood, Mr. Otter, Mr. Pence, Mr. Petri, Mr. Pitts, Mr. Platts, Mr. Price of Georgia, Mr. Radanovich, Mr. Reichert, Mr. Ross, Mr. Royce, Mr. Ryun of Kansas, Mr. Sensenbrenner, Mr. Sessions, Mr. Shadegg, Mr. Shays, Mr. Shimkus, Mr. Shuster, Mr. Simmons, Mr. Simpson, Mr. Stearns, Mr. Tancredo, Mr. Taylor of North Carolina, Mr. Terry, Mr. Walden of Oregon, Mr. Wamp, Mr. Weldon of Florida, Mr. Weller, Mr. Westmoreland, and Mr. Wilson of South Carolina):

H.J. Res. 58. A joint resolution proposing a balanced budget amendment the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Sensenbrenner, Ms. Pelosi, Mr. Nadler, Mr. Meehan, Ms. Baldwin, Mr. Schiff, Mr. Van Hollen, Mr. Hall, Mr. Pallone, Mr. McDermott, Mr. Moran of Virginia, Mr. Sanders, Mr. Cooper, Mr. Farr, Ms. Eddie Bernice Johnson of Texas, Mr. Gene Green of Texas, Mr. Thompson of Mississippi, Mrs. Maloney, Mr. Jackson of Illinois, Mr. Doggett, Ms. Carson, Mr. Davis of Illinois, Ms. Lee, Mr. Shimkus, Ms. Berkley, Mr. Crowley, Ms. Schakowsky, Mrs. Jones of Ohio, Mr. Holt, Mr. Smith of Washington, Mr. Honda, Ms. Watson, Ms. McCollum of Minnesota, Ms. Solis, Mr. Grijalva, Mr. Scott of Georgia, Ms. Moore of Wisconsin, Mr. Fitzpatrick of Pennsylvania, Mr. Cleaver, Ms. Herseth, and Ms. Matsui):

H. Con. Res. 208. Concurrent resolution recognizing the 50th anniversary of Rosa Louise Parks' refusal to give up her seat on the bus and the subsequent desegregation of American society; to the Committee on the Judiciary.

By Mr. BUYER (for himself and Mr. Evans):

H. Res. 361. A resolution recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Moore of Kansas.

H.R. 13: Mr. Simpson.

H.R. 23: Ms. Schwartz of Pennsylvania, Mr. Ryan of Ohio, Mr. Cuellar, Mr. Bonner, Mr. LaTourette, Mr. Jones of North Carolina, Mr. Burton of Indiana, Mr. Sherman, and Mr. Al Green of Texas.

H.R. 223: Mr. Terry.

H.R. 314: Mr. Simpson.

H.R. 408: Mr. Daniel E. Lungren of California.

H.R. 475: Ms. Schwartz of Pennsylvania.

H.R. 550: Mr. Levin and Ms. Velázquez.

H.R. 551: Ms. Millender-McDonald and Mr. Frank of Massachusetts.

H.R. 586: Mr. Paul.

H.R. 595: Mr. Fattah.

H.R. 633: Mr. Boucher.

H.R. 818: Mrs. Maloney.

H.R. 896: Mr. Schiff.

H.R. 917: Mr. Grijalva and Mr. Rohrabacher.

H.R. 1039: Mrs. Emerson and Mr. Herger.

H.R. 1081: Mr. Visclosky.

H.R. 1188: Mr. Udall of Colorado, Mrs. Christensen, Mr. Faleomavaega, and Mr. Grijalva.

H.R. 1202: Mr. Kind and Mr. Conyers.

H.R. 1214: Ms. Roybal-Allard and Ms. Schakowsky.

H.R. 1245: Mr. Crowley.

H.R. 1246: Mr. Jenkins, Mr. Ford, and Mr. Skelton.

H.R. 1287: Mrs. Biggert.

H.R. 1288: Mr. Sherwood, Mr. Rogers of Michigan, and Mrs. Capito.

H.R. 1298: Mr. Boren.

H.R. 1366: Mr. Marshall.

H.R. 1480: Mr. Tierney.

H.R. 1502: Mr. Weiner, Mr. Gutierrez, and Mr. Stark.

H.R. 1554: Mr. Michaud.

H.R. 1600: Mr. Doyle.

H.R. 1667: Mr. Abercrombie and Mr. Conyers.

H.R. 2103: Ms. Woolsey, Ms. McKinney, and Mr. McCaul of Texas.

H.R. 2121: Ms. Hart and Mrs. McCarthy.

H.R. 2207: Mr. Wexler, Mr. Filner, and Mr. Payne.

H.R. 2338: Mr. Rehberg.

H.R. 2355: Mr. Simmons.

H.R. 2365: Mr. Owens, Mrs. Capps, Mr. Kildee, and Mr. McCotter.

H.R. 2429: Mr. Cleaver.

H.R. 2533: Mr. LaHood.

H.R. 2658: Mr. Ney.

H.R. 2716: Ms. Jackson-Lee of Texas, Mr. Sanders, Mr. Owens, Mr. Brady of Pennsylvania, and Mr. Chandler.

H.R. 2747: Mrs. Christensen and Mr. Grijalva.

H.R. 2794: Mr. Wynn.

H.R. 2865: Mr. Owens.

H.R. 2868: Mr. Radanovich.

H.R. 2942: Mr. Boswell.

H.R. 2952: Mr. Walden of Oregon, Mr. Farr, Mr. Hunter, Mrs. Tauscher, and Mr. Culberson.

H.R. 2989: Mrs. Cubin and Ms. Eshoo.

H.R. 3009: Mr. Owens, Mr. Kildee, and Mr. McCotter.

H.R. 3087: Mr. Sessions.

H.R. 3137: Mr. Sessions, Mr. Tancredo, Mr. Platts, Mrs. Jo Ann Davis of Virginia, Ms. Ginny Brown-Waite of Florida, and Mr. Bradley of New Hampshire.

H.R. 3147: Mr. Case.

H.R. 3200: Mr. Udall of New Mexico.

H.J. Res. 55: Mr. Tierney, Mr. Markey, and Mr. Grijalva.

H. Con. Res. 138: Mr. Bishop of Georgia and Mr. Conyers.

H. Con. Res. 140: Mr. Kline.

H. Con. Res. 174: Mr. Strickland.

H. Con. Res. 178: Mr. McDermott, Mr. Markey, and Ms. Kaptur.

H. Res. 220: Mr. Nussle, Mr. Pomeroy, Mrs. Myrick, Mr. Jindal, Mr. Istook, Mr. Rothman, Mr. Inglis of South Carolina, Mr. Brown of South Carolina, and Mr. Jefferson.

H. Res. 276: Mr. Davis of Florida, Mr. Waxman, and Mr. Dent.

H. Res. 313: Mr. Evans and Mr. Rohrabacher.

H. Res. 360: Mr. Brady of Pennsylvania and Mr. Case.

SENATE—*Wednesday, July 13, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Immortal, invisible God, thank You for the opportunity to share Your love and compassion with others. Guide us to those who need words of encouragement, and make us Your voice of hope in our world. Use us to bless others, and empower us with Your goodness and mercy.

Strengthen our Senators for today's work. Give them wise speech that will bring life and engender trust. Direct their steps on the roads they travel, and bring them safely to their desired destination. As they make decisions with potentially cataclysmic consequences, Lord, help them to count the cost.

Bless the many people who work with our leaders. Remind them often that their labors are not in vain.

Search our spirits and purify our motives. We pray in Your powerful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 13, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. BROWNBACK thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we will return to the pending business of the Homeland Security appropriations bill. We have six amendments that were called up yesterday and are currently pending. The two managers have been working on the sequencing of amendments. Therefore, we should have an additional lineup of amendments that are expected during today's session.

As we stated at closing last night, we have two Senate delegations today, one attending the funeral of former Senator Gaylord Nelson and another delegation in Florida. It is lining up in such a way that we will have very productive debate over the course of the day, but we will be voting later this evening. I do not know exactly what time that will be. We will have the exact timing of these votes announced later today as we look at the appropriate schedules. I doubt that there will be voting before 7:45 or so tonight. We will be voting tonight.

I have said on many occasions that we will be finishing homeland security legislation before we leave this week. I believe we have a good shot at completing that bill tomorrow night. I don't know what time that will be. We will go to another bill on Friday. That bill will be determined over the course of today.

The funding legislation we are currently addressing in the Senate is too important to not complete this week. We will be using debate time throughout the course of the day. We will have the votes this evening. We will have a very busy session tomorrow.

I also wish to take the opportunity to remind my colleagues we will have an all-Senate briefing this afternoon, for those who are interested, from 3 to 4 o'clock by Director Negroponte. I believe Secretary Chertoff will also be coming by as well.

SUPREME COURT CONFIRMATION

Mr. FRIST. Mr. President, I have some brief remarks about confirmation of a new Supreme Court Justice.

As we all have witnessed, the process is off to a great start. Consultation is well underway between the President of the United States and the Senate. It is ongoing. The President and his staff are reaching out to Senators from both parties to listen to their suggestions, both in person and through phone calls. To date, the administration, the President and his staff, have contacted directly more than 60 Senators, more than two-thirds of the Democratic caucus, every member of the Judiciary Committee. The President's approach has been bipartisan and open and unprecedented in scope. I commend him for that effort.

As we look ahead, I encourage each Senator to reflect upon the nominee we will consider and the confirmation process we will undertake. As Senators, confirming a nominee to the Supreme Court is one of our highest constitutional duties. The new Justice, whomever the President chooses, will influence American law for years and years to come. He or she will impact the lives of millions of Americans.

As Senators, we should ask ourselves, What kind of Justice does America expect on the Supreme Court? I am confident President Bush will choose a qualified nominee who will make America proud, someone of demonstrated character and integrity, someone who is fair, intelligent, openminded, and impartial; he or she will listen to the merits of every case and make a determination based on the facts, the law, and the Constitution, not driven to prejudge cases, predetermine outcomes, or advance a personal political agenda; the nominee will treat litigants and their attorneys fairly and with dignity and respect; and above all, this person will uphold the Constitution and be fully committed to equal justice under the law.

I am confident of all these things because every day I have seen the care, seriousness, and the thoughtfulness President Bush brings to this task.

In addition to considering the type of nominee America expects, I also encourage my colleagues to ask themselves, What kind of Supreme Court nomination process does America expect from the Senate? The American people, through their votes, have put their trust in us. They have entrusted us to govern as their elected representatives. History will reflect on the Senate's deliberations, how Senators conduct themselves, how we treat a nominee, and how we reach a decision.

We owe it to the American people to conduct a fair process that treats nominees with dignity and respect. It should include a fair hearing, a floor debate in which all views are heard, and then an up-or-down vote on the confirmation. This process should not

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

become a trial. It is a process by which we examine the character and credentials of someone willing to volunteer to serve America on its highest court.

In the past, the judicial nominations process has been marked by obstruction, many times partisan obstruction, and attacks on the character and integrity of nominees. I hope we have put this painful and humiliating process behind us. Given the monumental role this nominee will play sitting on America's highest court, we need the best of the best legal minds. This requires a process that will not deter the best of the best from serving. The fair and dignified nomination process requires civility, requires common sense and some self-restraint.

As we consider the nominee who will soon come before the Senate, I encourage my colleagues to focus on questions that are relevant to the nominee's qualifications and experience, questions such as: Will the nominee be fair, independent, and unbiased? Will the nominee consider each case before the Court with an open mind, examining the facts, the law, and the Constitution very carefully? Will the nominee place the Constitution and the law above personal political ideology? Will the nominee approach his or her role as a Justice as an interpreter of the law and the Constitution and not as a lawmaker who will legislate from the bench? Is the nominee qualified to serve on our highest court? Does he or she have the necessary experience to serve as a Supreme Court Justice?

These are the questions nominees should be asked to answer honestly and thoroughly. They should not be asked to prejudge cases or to speculate on how they would rule or not rule on a hypothetical scenario that may or may not come before the Court.

I look forward to working with our colleagues on both sides of the aisle in the coming weeks. We should work together to conduct the kind of confirmation process America expects from its elected representatives, a fair and thorough confirmation process that treats nominees with dignity and respect and confirms a new Justice before the Supreme Court starts its new term on October 3. I am confident the President will nominate someone who will make America proud, someone who will be worthy of this seat he or she will fill. This is what the American people expect, what our justice system needs, and what our Nation and the nominee deserves.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

SUPREME COURT NOMINATION PROCESS

Mr. REID. Mr. President, regarding the statement of my distinguished friend, my counterpart, the Republican leader, 90 percent of what he said is right on target. It is absolutely true that we need a process. That is why Senators HATCH and SPECTER have been working on this for several weeks prior to the resignation of Sandra Day O'Connor. The process is moving along very well.

I acknowledge that the meetings I have had with the President on this matter have been very productive. They have been good and are pointed in the right direction.

However, on a couple of things I disagree with my distinguished friend, the senior Senator from Tennessee; that is, we need to be very careful and put these problems we have had behind us, dealing with the so-called nuclear option. It is easy to throw words around like "obstructionism," but the fact is the vast majority of the President's nominees were approved easily. I don't know the exact numbers, but I believe 210 out of 219 were approved, and a number of them withdrew. The battles over 5 turned out to be 5 out of 219. We do not need words like that. We need to look at this in a positive sense.

There are times, as has been indicated in the recent debate that occurred in the Senate, where certain nominees have to be viewed very cautiously and carefully. For example, the person the President has chosen to go to the United Nations has caused close scrutiny of this individual.

The other two people the President sent to the United Nations as our Ambassador are people who the minority proudly voted for. Ambassador Negroponte went through here very quickly. And then, of course, Jack Danforth, the former Senator from Missouri, whipped through here and was our United Nations Ambassador. John Bolton is a different story. We had to take a look at him. That is not obstructionism. We asked for certain information. It was not forthcoming.

So as I said, I agree with my friend from Tennessee that this is a process that needs to have the view of the American public, and they need to be proud of the work we do. I think we are headed in the right direction. I am cautiously optimistic we can move through this. I have given President Bush the benefit of every doubt that he is doing this with his heart in the right place. I have told him personally and in writing how much I appreciate his reaching out to me. And I continually will be optimistic until there is no need to do so.

It would be so good for the country if they could see the Senate at its best, moving a nomination that is a consensus candidate; that is, someone Democrats and Republicans both support to this very high, honorable position, a member of the U.S. Supreme Court.

I look forward to my continued consultation with the administration. I had a conversation yesterday with one of the President's representatives, his legal counsel. I am going to continue to do whatever I can to make this process move as quickly as possible, and not only as quickly as possible but as dignified as possible. And having done this, it would be a strong message for us to send to the people of America.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2360, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2360) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

Pending:

Byrd amendment No. 1200, to provide funds for certain programs authorized by the Federal Fire Prevention and Control Act of 1974.

Akaka amendment No. 1112, to increase funding for State and local grant programs.

Akaka amendment No. 1113, to increase funding for State and local grant programs and firefighter assistance grants.

Dorgan amendment No. 1111, to prohibit the use of funds appropriated under this Act to promulgate the regulations to implement the plan developed pursuant to section 7209(b) of the Intelligence Reform Act of 2004.

Durbin (for Boxer) amendment No. 1216, to provide for the strengthening of security at nuclear power plants.

Durbin (for Stabenow) amendment No. 1217, to provide funding for interoperable communications equipment grants.

Mr. GREGG. Mr. President, what is the regular order under the bill? What is the pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is amendment No. 1217 offered on behalf of Senator STABENOW.

Mr. GREGG. Thank you. Today, Mr. President, we are going to try to continue to move forward on the Homeland Security appropriations bill. I hope Members, if they have amendments, will bring them to the floor so we can expedite this bill. I understand there are a number of Members who do intend to come to the floor, and we will look forward to entertaining their ideas.

AMENDMENT NO. 1124

Initially, Mr. President, let me send to the desk an amendment on behalf of Senator ENSIGN. I ask unanimous consent that the pending amendment be set aside.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. GREGG. I ask that the amendment be reported.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG] for Mr. ENSIGN, proposes an amendment numbered 1124.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures)

On page 77, line 20, insert "of which $367,552,000 shall be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and" after "local grants,".

Mr. GREGG. Mr. President, I have sent the amendment to the desk on behalf of Senator ENSIGN. I do not necessarily support this amendment as the chairman of the subcommittee, but as a courtesy to the Senator, I wanted to send it up to get him in the queue. We look forward to having other Senators bring amendments forward, and we will try to assist them in getting time and votes.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VITTER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 1207, 1209, AND 1210, EN BLOC

Mr. SALAZAR. Mr. President, I send to the desk three amendments en bloc, Nos. 1207, 1209, and 1210.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR] proposes amendments numbered 1207, 1209, and 1210, en bloc.

Mr. SALAZAR. Mr. President, I ask unanimous consent that further reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1207

(Purpose: To provide for a report on the effectiveness of programs concerning State and local government emergency officials, and for other purposes)

At the appropriate place, insert the following:

SEC.   . (a) Not later than September 30, 2006, the Secretary of Homeland Security shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives that includes—

(1) the results of the survey under subsection (c); and

(2) a plan to implement changes to address problems identified in the survey.

(b) Not later than June 30, 2006, the Secretary of Homeland Security shall submit an interim report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives on the specific design of the survey under subsection (c).

(c) In preparing the report under subsection (a), the Secretary of Homeland Security shall conduct a survey of State and local government emergency officials that—

(1) involve enough respondents to get an adequate, representational response from police, fire, medical, and emergency planners on the regional, State, county, and municipal levels, and other State and local homeland security officials as determined by the Secretary; and

(2) identifies problems relating to the effectiveness and user-friendliness of programs in which the Department of Homeland Security interacts with State and local officials, including grant management, intelligence sharing, training, incident management, regional coordination, critical infrastructure prioritization, and long-term homeland security planning.

AMENDMENT NO. 1209

(Purpose: To require a quadrennial review by the Department of Homeland Security)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct every 4 years, during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the next 20 years. Each review under this paragraph shall be known as the "quadrennial homeland defense review".

(2) CONSULTATION.—Each quadrennial homeland defense review under paragraph (1) shall be conducted in consultation with the Attorney General of the United States and the Secretaries of State, Defense, Health and Human Services, and the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with that national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk, and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security, and

(E) any other matter the Secretary of Homeland Security considers appropriate.

AMENDMENT NO. 1210

(Purpose: To express the sense of the Senate regarding rail tunnel security research)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations have been identified as particularly high risk terrorist targets because of the potential for large passenger volumes, confined

spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 898 miles of rail tunnels in transit systems across the country;

(4)(A) security experts have identified a number of technology and training needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks;

(B) technological needs include detection systems, dispersal control, and decontamination techniques; and

(C) training for emergency response to a variety of scenarios is also needed; and

(5) the Department of Transportations Transportation Technology Center in Pueblo, Colorado—

(A) is one of the Nation's largest and most advanced rail safety research centers in the Nation; and

(B) offers full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies as well as training classes to prepare first responders and test new safety technologies.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Homeland Security is urged to invest in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies; and

(2) employing existing Federal facilities in this effort can result in efficiencies and permit this important research to proceed at decreased cost to the taxpayer and with minimal interference with ongoing passenger and freight rail traffic.

Mr. SALAZAR. Mr. President, I rise today to address an issue that is perhaps the most important challenge of our National Government, and that is protecting the security of our people in this Nation, securing our borders, and making sure we have a homeland security that addresses the concerns of the post-9/11 world in which we live.

For 6 years, I had the honor of serving with 14,000 men and women who are peace officers in the State of Colorado. I worked with them to ensure that we had public safety on our streets and to help in the development of the best strategies we could develop in creating a homeland security that addressed the war on terror and the threats from terrorism within the State of Colorado.

The legislation we are currently considering is legislation that is specifically intended to address that issue on a national level. While there can be no doubt we have spent billions of dollars on the issue of homeland security since 9/11, the recent events in London remind us all that we can never be too far from having this issue at the forefront of our radar screens.

It is with that approach that I would like to speak about these amendments, as well as the amendment I cosponsored with Senators LIEBERMAN and COLLINS yesterday.

I commend Senator COLLINS and Senator LIEBERMAN on their efforts to dramatically improve our Nation's homeland security grant process. I also would like to discuss my three simple and straightforward amendments to the Homeland Security appropriations bill.

Before I arrived in the Senate, I was Colorado's attorney general. I worked hard to establish greater coordination between law enforcement agencies at the local, regional, and State level. This is a complicated task because often what happens with law enforcement agencies is they work within the stovepipes of their own jurisdictions. So bringing law enforcement agencies together to make sure they are coordinating and providing the greatest degree of public safety has been one of the monumental challenges of the last several years.

Unfortunately, at a national level, there is often very little consultation with local officials. Too often, lawmakers in Washington develop Federal policy without taking advantage of the expertise of the people who are on the ground. Too many local emergency officials in my State feel that the Department of Homeland Security policies are dictated to them from above.

One of the first things I did when I came to Washington was to survey Colorado's emergency response officials to ask them what they thought about a variety of issues. Those responses were alarming. Those chiefs of police and sheriffs told me that 66 percent of Colorado's first responders faced significant problems using radio equipment to communicate with other agencies. Fifty-nine percent said that Federal grants are not going to the right priorities. Fifty-nine percent said that the Federal grants were not going to the right priorities. And by a 4-to-1 margin, Colorado officials feel unprepared to handle a weapon of mass destruction. That is 4 to 1 of people on the ground in my State feel they are unprepared to handle a weapon-of-mass-destruction attack within my State.

By a 3-to-1 margin, responders feel that antiterrorism information they receive from the Federal Government is insufficient or not actionable. That is a 3-to-1 margin. So my survey at the bottom line says that we must do better in preparing our homeland to be more secure.

Senator COLLINS and Senator LIEBERMAN have sponsored, and we in this Senate last night adopted, a thoughtful and comprehensive piece of legislation that will make Americans safer. It will significantly increase the amount of Federal money targeted to high-risk States and cities while assuring that first responders in all States receive the necessary equipment and training to prevent and to be prepared for potential terrorist acts. That is an important balance.

We obviously have to focus money where there has historically been a greater threat. New York and Washington in the past have been targets, and there are other areas of the Nation that have been impacted. Likewise, in California, an attack on the ports of Los Angeles could cost the Nation's economy billions of dollars. We clearly need to step up security efforts in America's largest cities and in the port cities of our Nation.

However, in the past, we also have seen that the terrorists are constantly looking for targets of opportunity no matter where they lie. Whether it was the bombing of the USS *Cole* in Yemen or the Oklahoma City bombing or the hostage takeover in the Russian schoolhouse in Beslan or the bombing of hotels in Bali, the terrorists struck, and they will strike where they can. We cannot, therefore, make any assumptions about where the enemy will strike. If we can make New York a fortress, the terrorists may hit Philadelphia or Seattle or Denver or any of the rural communities which span the countryside of America. Our national security is only as strong as our weakest link.

This amendment, which I was proud to cosponsor, succeeds in maintaining that critical balance between assuring that our Nation's top cities are protected and that the entire Nation has the resources and infrastructure to keep us safe.

The amendment also takes huge steps toward reducing waste in Federal homeland security spending and giving State and local officials guidance and resources needed to improve long-term planning and grant administration. Its focus on essential capabilities and coordination of homeland security grants across the Federal agencies will help make sure we get the most bang for our homeland security bucks.

I was proud to work with Senator COLLINS and Senator LIEBERMAN to improve their already good amendment. My proposals included in this amendment would ensure that State and local officials have a seat at the table when Federal officials review the Homeland Security Grant Program. We task the Department of Homeland Security to make grant applications as user-friendly as possible, especially for the smaller police and fire departments of our Nation. My changes would also stiffen requirements on States that they do proper long-term planning and administration.

Together these changes will make it much easier for State and local officials to work with the Department of Homeland Security. They should ease the burdens on local first responders and help make America safer.

My amendments to the underlying appropriations bill build on the spirit of Collins-Lieberman and on the knowledge I have gained from Colorado's first responders.

My first amendment would improve the Department of Homeland Security's long-term planning. Every 4 years, the Department of Defense conducts a Quadrennial Defense Review. This invaluable document paints a detailed picture of the threats our country faces and a comprehensive plan for how to confront those threats in the future. My amendment would simply require the Department of Homeland Security to do the same.

The Homeland Security Secretary would work with the Director of National Intelligence to identify the greatest threats to our homeland security. The Secretary also would consult with the Department of Defense and other Federal agencies on how best to work together.

This is not just another reporting requirement. It is a move toward rational, strategic, long-term planning that will empower the Department of Homeland Security and Congress to make better decisions to protect the American people.

My second amendment would build on the knowledge I gained from the recent survey in Colorado. It would require the Department of Homeland Security to conduct a nationwide survey of police, fire, medical, and emergency management officials about the problems they are experiencing with Federal grants, intelligence sharing, infrastructure protection, and regional coordination. The Department of Homeland Security would have to report the results to Congress and come up with a plan on how to address the problems the locals have identified. This survey would help ensure that our significant investments in homeland security are going to the right priorities and that local officials are getting better direction to guide their efforts.

This sounds like a simple task, and it is, but I promise you that when we get this survey back, we will all learn something new that will help us improve America's security.

My last amendment is a sense of the Senate in support of research on tunnel rail safety. We have known for some time that subway and rail tunnels are particularly tempting terrorist targets. For the cost of a subway fare, a would-be bomber has access to thousands of people crammed into a very small space. A relatively small amount of explosives can cause many deaths and bring an entire city to a halt, as we have recently seen in London. That carnage in London last week showed that a handful of terrorists can strike subway tunnels and cause grave havoc for a city. Our prayers go out to the more than 50 people who perished during that cowardly attack. America has known the terrible pain of terrorism, and last week, Americans were all Londoners.

In America, there are more than 898 miles of rail tunnels and transit systems across the country. Many of our rail tunnels have structural deficiencies, ventilation problems, lack of communications equipment, and insufficient emergency access and exits. Detection systems, dispersal control, and decontamination techniques can greatly mitigate the effects of an attack, as can adequate training for emergency responders.

The Department of Transportation has long recognized the need to improve rail safety and has invested millions of dollars in researching new technologies and training first responders. The Department of Transportation's Transportation Technology Center in Pueblo, CO, is one of the largest and most advanced safety centers in the world. The Transportation Technology Center offers full-scale testing, dynamic modeling, performance monitoring, technical analyses, feasibility and economic studies, as well as training classes to prepare first responders and test new safety technologies. The center features 48 miles of test track and a variety of freight, passenger, and hazardous material cars, as well as other test vehicles. What the center does not yet have is the capability to simulate rail tunnel accidents. That is why the Transportation Technology Center's backers are now hoping to build a facility for underground rail security testing. This proposed complex of 1.5 miles of aboveground tunnels would simulate every major rail tunnel system in the country.

My amendment would not single out this or any particular facility. It simply encourages investment in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies. It would put the Senate on record for taking a small step forward in protecting the millions of Americans who depend on subways and passenger trains all across the country.

I urge my colleagues to support these three amendments, and I urge my colleagues to move forward in working on what is our most important agenda, and that is making sure we are doing everything we can to protect America's homeland from the kinds of attacks we saw on 9/11 or the attacks we saw last week in London.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, first, I congratulate my friend and colleague from Colorado for his excellent statement and his leadership on this issue and so many other issues. Since coming to the Senate 6 months ago, the Senator from Colorado has demonstrated his compassion, intelligence, and ability to speak to the issues that people in this country desperately care about and desperately need. I congratulate him, once again, on having amendments that are very important for the families of our country.

AMENDMENT NO. 1217

Ms. STABENOW. Mr. President, I ask unanimous consent that the pending amendments be set aside and call up my amendment No. 1217.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is pending.

Ms. STABENOW. Mr. President, I ask further unanimous consent that Senators LEVIN, CORZINE, AKAKA, DODD, and LAUTENBERG be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, one of the most important appropriations bills is before us now, and that is our Homeland Security bill. Certainly we are reminded again, because of what happened in London last week, that we on our soil are vulnerable and are looking to stop terrorists overseas.

Our goal, certainly the goal of our caucus, our goal as Democrats, has been to make sure Americans are prepared and protected both at home and abroad. That is what this bill is really all about. It is not a partisan issue. This is an American issue. All of us I know care about this issue, and we need to make sure this budget reflects the goals of making sure that our first responders are prepared, that all Americans are prepared, and that we are protected from terrorism in America. My amendment addresses a very important piece of that. We have come together in a bipartisan way to make sure that soldiers in America and Afghanistan have the most sophisticated technology so that they can be prepared to protect themselves and fight successfully abroad. Unfortunately, the same is not true at home for our police officers, our firefighters, and our emergency responders. Too many of them rely on outdated technology and equipment that is not integrated with our State departments, our transportation departments and our homeland security departments.

Even if we are defeating terrorists in Iraq, we are not providing the resources and the equipment at home to make sure that we are fully prepared to fight, succeed and, most importantly, protect our families and communities at home.

Too many of our police officers, our firefighters, our emergency medical services personnel and transportation officials are not able to communicate with each other. They have the basics. That is what my amendment speaks to, the ability to make sure that every part of our emergency preparedness system has the ability to communicate with each other. Interoperability is the term often used.

Right now, they are not able to communicate with each other. How much more basic can we get than creating a way for everyone to be able to talk to each other, to literally be on the same wavelength as well as figuratively. Too many first responders, whom I have spoken to as I have moved around Michigan in the last 4 years, have said to me that their communications, alerts going up or down, often come from CNN. The communications are received from CNN before they actually receive them directly to their departments. This does not make any sense.

A June 2004 survey by the U.S. Conference of Mayors found that 80 percent of the cities that responded do not have communications equipment and the ability to communicate with the Department of Homeland Security or the Justice Department. My guess is that the people we represent in our States assume something very different, as they should. After September 11, 2001, everyone assumes that these things have been addressed, and yet they have not been addressed.

The survey also found that 94 percent of cities do not have interoperable capability between their rail facilities, their police, their fire, and their emergency responders. This is especially troubling, given what just happened and the tragic attacks on London's subway system last week.

Their survey also said almost half of the cities said that a lack of interoperable communications had made a response to an incident within the last year very difficult. Sixty percent of the cities said they do not have the communications capability within the State emergency operations center. I have spoken with police and fire chiefs across my State, and overwhelmingly they have expressed concern about this issue, as well as the fact that they actually have fewer police and firefighters in their departments now than they did before 9/11.

I believe we find ourselves in a very vulnerable situation for a number of reasons as it relates to homeland security, but a basic area that needs improvement, in terms of infrastructure, is our ability to have our communications systems connected so that our emergency responders can talk to each other and can respond quickly, both before something happens and during an emergency, and do it effectively.

This is a crisis now, not just a nagging inconvenience. Our lack of interoperable communications is a crisis in this country.

The September 11 attacks highlighted this crisis when New York police and fire personnel were on different radio systems and could not communicate. Over 50 different public safety organizations from Maryland, Virginia, and the District of Columbia reported to the Pentagon that they could not talk to each other.

On more than one occasion now, we have had circumstances where we have been on the Senate floor, and there has come an alert to evacuate this very Chamber. We have been asked to move out away from the Capital complex over to Union Station or to other places around the city. We assume that folks are able to talk to each other, are able to communicate what is going on. Yet, unfortunately, the communication systems that need to be in place are not in place for full interoperable communications.

Nearly 4 years after September 11, 2001, the No. 1 request for appropriations that I receive each year from communities is on communication systems. This year, Michigan communities made over 41 requests. They requested over $75 million for interoperable communications in this bill and in the CJS appropriations bill alone. My guess is, if I went to every community, they would gladly have a request for help to be able to be connected. We can do something about it, and that is what this amendment does.

Most estimates place the cost of equipping America's first responders with interoperable communications in excess of $15 billion. In November 2003, the Congressional Budget Office testified before Congress that there is insufficient funding in place to solve our Nation's communications problems, and it would cost over $15 billion to begin to fix the problem.

So my amendment begins that process by suggesting a 3-year funding stream. My amendment would provide the first year funding for that, $5 billion for interoperable communications grants for America's first responders to provide a strong Federal commitment to the safety of our citizens. I might add, while that is a substantial sum of dollars, that is approximately what we are investing in Iraq each month. So my amendment would ask that we commit 1 month for America: 1 month for America's preparedness to protect the people of America; 1 month to be able to say that we have provided the resources, we have begun to make sure that we are prepared, that we are protected, that our communications systems are connected, and that we are doing all we can do to keep our families safe.

I urge the support of the Stabenow amendment on communications.

I see my colleague standing. I assume to make a motion, but I want to speak to one other amendment, briefly.

Mr. GREGG. Will the Senator from Michigan yield?

Ms. STABENOW. I would be happy to yield while retaining the floor, yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. My hope is that we can accept the amendments of the Senator from Colorado, then we will have further discussion of the pending amendment of the Senator from Michigan, probably with a point of order being made at that point, and then we would turn to the Senator from Massachusetts for up to 15 minutes. That is the game plan, hopefully. So when the Senator from Michigan completes her statement, I will proceed with that proposal.

Ms. STABENOW. Mr. President, I rise to speak to an amendment that Senator DODD will be offering on his and my behalf in the next hour, I am sure. This relates to the other piece of what needs to happen to make sure that we are thoroughly prepared and protected. Again, that is our goal, to be prepared and protected. That is what we are fighting for. That is what we are working toward. That is what we need to do together.

My amendment would invest in the interoperable communication so that everyone could speak to each other and be able to respond.

There is another amendment that Senator DODD and I are introducing that speaks to the larger question of whether we are providing all that we need to, to invest at home in our first responders and what they need to be successful. We know that right now, based on a report that was done back in the spring of 2003, there was a blue ribbon panel of experts, led by former Republican Senator Warren Rudman, that found the United States is drastically underfunding local emergency responders and, in their words, remains dangerously unprepared to handle a catastrophic attack on American soil. They recommended at that time a major investment over a 5-year period to fully prepare us so that our families and communities are protected.

After that report was given to us, Senator DODD and I came to the Senate floor 2 years ago and offered an amendment for the first year of that 5-year funding.

It was not passed. We came last year and offered it again. We stand today asking our colleagues, with an even greater sense of urgency, to finally pass this amendment so that we can begin that 5-year process of fully preparing our first responders and supporting them so that our families are protected. It is a major investment of $15 billion this year. But when we look at what we are spending abroad, we cannot be just concerned about fighting terrorism in somebody else's country. We know we have to be prepared to fight it here. Yet we see hundreds of billions being spent in Iraq, being spent overseas. I supported those dollars so our troops are successful, so they have what they need, but that is not enough. If the troops on the ground in America—our police officers, our firefighters, our emergency responders—do not have the same commitment from us, why would we say we are going to make sure our troops have what they need overseas and then dramatically underfund what they need at home? It makes absolutely no sense.

This is way beyond anything that is viewed as a partisan issue because it does not matter, Democrat or Republican, when we look at the vulnerabilities for our families and communities for us right now. this is something we should all be rallying around. I hope that we are not in a situation looking back at some point and saying we should have done this but, rather, aren't we glad that we did.

The Rudman report that was given to us in the spring of 2003 found that, on average, our fire departments have only half the number of radios they need, and I spoke to that in my other amendment, only enough breathing apparatus for one-third of their firefighters. So one out of three gets breathing equipment. Police departments across America do not have the protective gear to respond to a WMD attack. Our public health laboratories lack the basic equipment to respond to a chemical or biological attack and most report that they are overwhelmed with testing requests.

Finally, our first responders do not have the equipment they need to determine what kind of hazardous material they may be facing. The administration's support for first responders has been on a steady decline. It is less in this budget than it was in last year's budget. That makes no sense.

For example, last year's funding for Michigan State homeland security grants dropped from $47 million to $29.7 million. In this budget, the administration eliminates the law enforcement terrorism training program, cutting another $400 million from our first responders.

Last week's tragedy in London has again shown how important it is to be able to respond quickly and effectively, for them to be able to speak to each other, for us to be able to have enough personnel who can respond. Michigan has three of the busiest commercial crossings in the United States—approximately 3,200 miles of coastline, three nuclear powerplants, ports, and other numerous critical infrastructure that we must protect. Our homeland security needs are somewhere between $1.4 billion and $2.7 billion that we need to invest in every year, yet the allocation in this budget is less than $30 million—again, down from $47 million. That is not even close to what we need to be prepared and protected—not even close.

I have also spoken with police and fire chiefs across the State. Again, it is amazing to me. I do not believe the average person would believe what is happening until they talk to local law enforcement officials. When I talk to them, there are fewer police officers on the beat today than 9/11/2001. It is shocking. It is truly shocking, and I believe it is truly irresponsible.

Last month we spent about $5 billion in Iraq and Afghanistan. We need to put this in perspective. If we take 3 months of what we are spending there, we can fully fund what the Rudman report says is necessary for our first responders. I believe we cannot afford another day without acting on this and other critical areas of infrastructure need. This is about whether we are going to be committed to protect the people of America.

The two amendments about which I have spoken today address and would make sure that we begin to invest in being fully prepared in case of a terrorist attack here at home, and that our families are truly protected.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I wish to respond to the Senator from Michigan, but prior to doing that, I yield to the Senator from Colorado so we can straighten out his amendments.

AMENDMENTS NOS. 1209 AND 1210, AS MODIFIED

Mr. SALAZAR. I ask unanimous consent amendments Nos. 1209 and 1210 be modified with the changes I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1209, AS MODIFIED

On page 100, between lines 11 and 12, insert the following:

SEC. 519. QUADRENNIAL HOMELAND DEFENSE REVIEW.

(a) IN GENERAL.—

(1) FREQUENCY AND SCOPE.—Beginning in fiscal year 2008, and every 4 years thereafter, the Secretary of Homeland Security shall conduct every 4 years, during a year following a year evenly divisible by 4, a comprehensive examination of the national homeland defense strategy, inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States with a view toward determining and expressing the homeland defense strategy of the United States and establishing a homeland defense program for the next 20 years. Each review under this paragraph shall be known as the "quadrennial homeland defense review".

(2) CONSULTATION.—Each quadrennial homeland defense review under paragraph (1) shall be conducted in consultation with the Attorney General of the United States and the Secretaries of State, Defense, Health and Human Services, and the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland defense review shall—

(1) delineate a national homeland defense strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the inter-agency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland defense program and policies of the United States associated with that national homeland defense strategy required to execute successfully the full range of missions called for in the national homeland defense strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland defense strategy at a low-to-moderate level of risk, and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Secretary of Homeland Security in consultation with the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary of Homeland Security shall submit a report regarding each quadrennial homeland defense review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. The report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland defense review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security, and

(E) any other matter the Secretary of Homeland Security considers appropriate.

AMENDMENT NO. 1210, AS MODIFIED

On page 100, between lines 11 and 12, insert the following:

SEC. 519. RAIL TUNNEL SECURITY RESEARCH.

(a) FINDINGS.—The Senate finds that—

(1) railroad tunnels, and underground stations have been identified as particularly high risk terrorist targets because of the potential for large passenger volumes, confined spaces, relatively unrestricted access, and the potential for network disruptions and significant economic, political and social impact;

(2) many rail tunnels have safety problems including structural deficiencies, ventilation problems, lack of communications equipment and insufficient emergency access and exits;

(3) there are more than 898 miles of rail tunnels in transit systems across the country;

(4)(A) security experts have identified a number of technology and training needs to prevent attacks on tunnels and to mitigate and remediate the impact of such attacks;

(B) technological needs include detection systems, dispersal control, and decontamination techniques; and

(C) training for emergency response to a variety of scenarios is also needed; and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Homeland Security is urged to invest in research to promote tunnel rail safety as well as training to ensure first responders are prepared to respond to rail tunnel emergencies; and

(2) employing existing Federal facilities in this effort can result in efficiencies and permit this important research to proceed at decreased cost to the taxpayer and with minimal interference with ongoing passenger and freight rail traffic.

Mr. GREGG. I ask unanimous consent the three amendments which are pending, by the Senator from Colorado, 1207, 1209, and 1210 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (No. 1207); (No. 1209), as modified; and (No. 1210), as modified, were agreed to.

Mr. GREGG. Mr. President, the Senator from Michigan has offered one amendment and intends to offer another amendment. The first amendment that is pending is her amendment relative to interoperability which would increase spending in this account by $5 billion next year. The entire budget for homeland security, of course, is $30 billion, so this would be a 20-percent plus-up in her amendment for the entire budget in one line item which line item does not exist. Interoperability is obviously a major issue of concern.

It should be noted, however, that the purchasing of communication equipment has traditionally fallen to the responsibility of and to the decisionmaking process of the local departments, whether they be fire, police, or first responders in the area of health. Equipment purchasing has been done by those departments over the years, city by city, town by town, State by State. The failure to have interoperability is not so much a Federal failure, it is a decision made at the local level for local reasons not to have interoperability. If a local police department wants to buy a type of communications equipment and the local fire department in the same town wants to buy a type of communications equipment and they decide to buy communications equipment that does not communicate with each other, that is a local decision. That equipment is physically in place. It is not as if these departments don't have the equipment. They purchased the equipment.

It is not the Federal role to come in and rebuy equipment for every police, fire, and health first responder in this country. That still remains a local responsibility to a large degree. However, we do as a Federal Government request that States put forward what is known as a plan of action relative to first responder coordination.

As part of their plan of action, a State can decide to fund interoperability grants to local communities. As part of the first responder initiative, that has occurred and is occurring across the country. In fact, within the first responder grants that have gone out so far, approximately $1.8 or $1.9 billion of that has been spent on interoperability activity by States deciding they wanted to pursue interoperability or communities deciding they wanted to pursue interoperability.

However, the concept that we should increase funding in this interoperability initiative by $5 billion in 1 year is essentially an extraordinary statement as to what the priorities should be for the Federal Government in fighting terrorism. The Department of Homeland Security has a lot of issues of responsibility. The Federal Government has priority responsibility, for example, for protecting our borders. It has priority responsibility, for example, for protecting our airlines and air travel. It has priority responsibility for making sure we are ready to fight and address the threat of weapons of mass destruction.

It does not necessarily have, as a first responsibility, making sure that every police department and fire department in this country buys new radio equipment that can communicate with every other police and fire department. In fact, this effort is, and always has been, a State and local effort. In fact, there is still no consensus as to how interoperability should occur. There has been an attempt to reach a standard agreement on interoperability going on for 25 years, called the P-25 standards, and those standards simply have not been reached. I know from my experience in New Hampshire we had a problem in Vermont. The New Hampshire police couldn't talk to the Vermont police and our State police couldn't talk to our local police and our Fish and Game people couldn't talk to our State Police and our Customs officers along the borders couldn't talk to anybody other than the other Customs officers, so we sat down in a room and figured out how to do it and we got everybody on the same page. But that was a State decision on the issue of interoperability. Then the State decided to take funds and use them to fund interoperability coming through the State grants.

That is the way you approach this problem. But by taking the Homeland Security budget and increasing it 20 percent for a line item that doesn't exist to fund interoperability grants is, in my opinion, not the best way to spend dollars in this present context. It should be put in the fuller context, which is this: These funds would go into a pot of money which presently exists, first responder money, of which $7 billion still has not been spent. Seven billion dollars is still sitting here in the Federal Treasury waiting to be spent because the plans are not in place for how to efficiently spend it at the State and local level. So to put another $5 billion on top of that, and then I understand Senator DODD and the Senator from Michigan are going to come forward with another $15 billion or $20 billion plus-up of State and local grants for next year when we still have $7 billion in the pipeline that hasn't been spent is, to say the least, I think not good management of our dollars in the area of how we protect our Nation.

Much higher priorities exist. To the extent we can find additional resources, those high priorities such as the borders, such as fighting weapons of mass destruction, such as hardening our systems in the area of chemical plants, in the area of nuclear plants, in the area of intelligence gathering—which is the key to this whole exercise—are priorities.

Yesterday Secretary Chertoff outlined how he intends to refocus the priorities of the Homeland Security agency and, yes, first responders are a key part of this. But a 20-percent plus-up makes no sense.

This amendment has, as part of its elements, an emergency designation. Under the Budget Act an emergency is something that is sudden, urgent, and unforeseen. The failure of the police department to be able to talk to the fire department in Epping, NH, has been occurring for a long time. It is not a sudden, urgent, unforeseen event. It is actually something that should have been planned for. I am not picking Epping out, because I suspect Epping actually has everybody speaking to each other, knowing it is a very well-run town. But interoperability is not a sudden, unforeseen, urgent event. It is an event that needs to be addressed, it needs to be managed, and needs to be managed within the context of the plans the States have for developing their first responder response.

We know it is a big issue. Each State is hopefully grappling with this and coming forward with their plans. But clearly it does not fall within the context of an emergency designation as the budget perceives emergency designations. So this amendment as proposed is clearly outside the emergency designation qualification and it does represent a $5 billion plus-up, which would be an addition to our deficit of $5 billion were it to pass, and therefore is subject to a point of order and is not, in my humble opinion, good policy to pursue at this time.

Therefore, pursuant to section 401(b)(5) of H. Con. Res. 95 for the fiscal year 2006 Budget Resolution, I raise a point of order against the emergency designation provisions contained in this amendment and make that point of order.

Ms. STABENOW. Mr. President, I move to waive the applicable sections of the Congressional Budget Act for purposes of considering my amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, at a later time today we will set up this motion to waive the Budget Act vote. It looks as if we are not going to have votes until quite late this evening, probably not starting until 7:30 or 8 o'clock. This will obviously be one of those votes, should the leader decide he wants to hold votes at that time, and I appreciate the courtesy of the Senator from Michigan.

Pursuant to the prior discussion, I yield the floor to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

(The remarks of the Senator from Massachusetts, Mr. KENNEDY, are printed in today's RECORD under "Morning Business.")

Mr. KENNEDY. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I will speak for a few minutes and highlight some of the important provisions of this appropriations bill, specifically as they pertain to the issue of border security. The Senator from New Hampshire, the chairman of the Subcommittee on Homeland Security, along with the entire Appropriations Committee, have done much good that should be heralded. But those steps should also be seen as just a first step toward getting us in the right direction, which is to obtain operational security of our Nation's borders, something we do not have now and something which represents a clear threat to our national security.

As the Senate Committee on Appropriations recognized, these resources are just a first step toward true reform of our immigration system. Additional enforcement resources along the border will be needed. In that connection, Senator KYL, the junior Senator from Arizona, and I will be filing a bill within the next couple of weeks that will authorize additional resources to secure our border.

Our Nation's immigration and border security system is badly broken. It leaves our borders unprotected and threatens our national security. It makes a mockery of the rule of law. This system unfortunately has suffered from years of neglect. But in a post-September 11 world we simply cannot tolerate this situation any longer. We stand here today almost 4 years from that terrible date, and we are reminded as recently as just last week—with the attacks in London—that terrorism is a real and tangible threat to the free world.

National security demands a comprehensive solution to our immigration system. That means both stronger enforcement and reasonable reform of our immigration laws. We have to confess that we have not devoted the funds, the resources, and the manpower necessary to enforce our immigration laws and protect our borders.

Representing a border State with about 1,600 miles of border with Mexico, I can state that for too long Washington has simply taken the attitude that this is a local or State problem. If it is not the duty of the Federal Government to deal with the security of our borders, whose responsibility is it? It is a Federal responsibility, and it is one that has simply been abdicated for far too long.

No discussion of comprehensive immigration reform, however, is possible without a clear commitment to and a substantial and dramatic escalation of our efforts to enforce the law. In my capacity as the chairman of the Subcommittee on Immigration, Border Security and Citizenship of the Senate Judiciary Committee, we have held a number of hearings on this issue of border security and immigration enforcement. They have been quite revealing. I will share some of the information with our colleagues because it supports the direction in which this Homeland Security appropriations bill takes us, and puts us one step closer to the final goal: control of our borders and a secure, orderly immigration process.

The Department of Homeland Security has testified recently that they do not have operational control over parts of the southern border. That is obvious to those who live and work along that border and represent those States.

My constituents have told me as recently as last week when I traveled to south Texas, to Laredo, TX, when I traveled to McAllen, TX, and the Rio Grande Valley that the nature of the immigrants coming across our southern border is vastly different from what it has historically been. For example, over the last 3 years, the number of apprehensions of those designated as "OTM,"—other than Mexican—has doubled from 37,316 in 2002 to 75,000-plus in 2004. This year, it is currently 96,000. It is likely that the number will be twice this year what is was last year.

The vast majority of these individuals who are apprehended as they come across the border are from countries that you would expect: Mexico and countries in Central and South America. However, the Border Patrol chief, Chief Aguilar, has testified at one of our hearings that 400 aliens from special-interest countries had been apprehended last year. Some come from countries that support international terrorism. That ought to be a grave concern to all of us. We need to expend additional resources, both to ensure we are apprehending aliens who are trying to enter our country illegally, and to make sure we detain them and remove them in an expedited fashion.

Let me bring to the attention of our colleagues some of the facts because they may not be aware of them. I think they will be shocked to find out how unsuccessful we are, despite the best efforts of the Department of Homeland Security.

Last year alone, the Border Patrol detained roughly 1.1 million people coming across our borders. Now, my information, from those who are on the ground who deal with this on a day-in-and-day-out basis, is that they think they probably are capturing between one out of every three or one out of every four. Yet last year alone they captured approximately 1.1 million and detained them.

But the concern is that we only have roughly 20,000 detention beds. So what the Border Patrol does is, after doing a background check, after which they run these aliens' names against a terrorist watch list and various criminal justice data bases, they engage in what can only be called a catch-and-release program. In other words, they release them on their own recognizance based on their promise to return for further proceedings later on. It should come as no surprise that the overwhelming number of these detainees do not reappear for their hearing, and they simply melt into the landscape.

As a result of this flawed policy, we know we have approximately 10 million people living in our country outside of our laws. And those numbers are getting bigger, not smaller.

I do not know how we can stand here, particularly in the face of the threat of international terrorism, and tell the American people we are doing the job they sent us here to do. Because we know that organized crime groups, which are only interested in making money, do not care whether they deal with human beings who want to come here to work, whether they engage in human trafficking, whether they engage in illegal drug transactions, illegal arms transactions, or any one of a number of other activities that are designed to generate money. We know in these organized smuggling activities, many of which originate from Asia and the Middle East, people are literally brought across the ocean to South America, or to Mexico, or Central America, and then they take advantage of our porous southern border and potentially threaten our national security.

I hope, and indeed I believe, that most of the people who come to this country across our border outside of our laws are coming here for the same reason they have always come here; and that is, to find work and the ability to support their families because they cannot do so where they live. But we have to acknowledge this porous border we have and our failure to obtain operational security of our borders is a national security threat because the same avenues of entry into the country by which construction workers and others might come are available for exploitation by international terrorists.

We have no idea, and no agency of the Federal Government can tell us, whether or not we have sleeper cells of terrorists who have exploited that border to come here. But we know they continue to come, that vulnerability continues to exist, as long as the Federal Government fails to live up to its responsibility to secure our border.

This bill, to the great credit of the subcommittee and its chairman, the Senator from New Hampshire, recommends a total of about $6 billion for securing the Nation's borders, including $1.7 billion for border staffing between the ports of entry.

Separately, the bill includes $81 million for construction requirements associated with 1,000 new Border Patrol agents. I mentioned the issue of detention beds. There are only 20,000 beds right now, which is woefully inadequate. Given our failure to implement nationwide expedited removal processes for people who come to our country illegally, the Border Patrol and the Federal agencies are simply left with this unworkable and inexcusable system of catch-and-release, which merely exacerbates the problem we have in this country with illegal immigration.

This bill moves us in the right direction by funding an additional 2,240 detention beds, with a $77 million increase, bringing the total up to almost 23,000 beds. It is still not enough, but clearly this moves us in the right direction.

The Intelligence Reform Act authorizes 8,000 beds per year, and the Iraq war supplemental funded almost 2,000 beds.

The bill I alluded to earlier that Senator KYL and I intend to file shortly calls for an additional 10,000 detention beds to be constructed each year, at an estimated cost of $330 million, which is an increase of 2,000 beds per year over what was authorized in the Intelligence Reform Act.

The recent surge of people coming illegally into our country outside of just our immediate neighbor of Mexico demonstrates this catch-and-release policy must be changed. It is only through the commitment of resources, such as being done in this bill, that we are going to get to where we need to be.

I am pleased to see the recommendations that are made as to additional resources in this bill, but I remind my colleagues there is still much that needs to be done when it comes to ensuring our security and our safety by enforcement of our laws.

I hope at another time to be able to come back and address my colleagues on the details of the bill Senator KYL and I intend to introduce which is composed of four main provisions.

One provision has to do with enhanced border security, which I have already alluded to here. The second provision has to do with interior enforcement. In other words, once people get past the border, then they are simply lost to our Federal law enforcement agencies. We simply, as the Federal Government, do not provide them the additional resources they need in order to be partners in our law enforcement effort when it comes to border security and immigration law enforcement.

Last week, I visited with a group of sheriffs in Victoria and Goliad Counties. They are about 200 miles inland. But you may recall, Mr. President, and my colleagues may recall, it was about 2 years ago when 19 immigrants, who had been smuggled illegally into the country, were left to die in a trailer because the human smuggler—a coyote, as they are called in our part of the country—cared nothing about them and left them to die in over 100-degree temperatures inside a cattle trailer.

These local law enforcement officials are willing to help and willing to be of assistance, but they want the training and they need additional resources so they can hire the personnel. We must meet our obligations to provide the additional resources they need so we can work as partners with local law enforcement and State law enforcement to enforce the law.

So the first component is enhanced border security, and the second component is enhanced interior enforcement.

The third component of the bill Senator KYL and I will file has to do with employer accountability. It may come as a shock to the people of America to know we currently do not have in place an effective way for employers to authoritatively determine whether the person standing in front of them, who wants to be hired, is in fact authorized to work in the United States of America or whether they happen to be an illegal immigrant who cannot legally be hired by American employers.

What our bill will do is remedy that deficiency and provide employers with a reliable means to document the fact that indeed this perspective employee is authorized to work in the United States, and to do so in a reliable fashion.

We will also at the same time insist that employers, once we give them the tools they need, enforce the law and make sure they document that, in fact, this perspective employee is authorized to work in the United States.

The fourth and last component has to do with a temporary worker program. The President talked about this a couple of years ago. I think he is exactly right. But the problem is, it has to be combined with enhanced border security, enhanced interior enforcement, and tools that employers need in order to determine the legal status of the perspective employees that stand in front of them. But we also have to acknowledge the facts: America's economy is strong, and we have a demand for the labor many immigrants provide, but we simply need to provide a legal means for people to work and perform those jobs that American citizens do not want or are not available to do.

Then we need to provide a means to return those individuals who come here on a temporary basis and work in the United States under this legal regime, to return them to their home, with the skills and the savings they have acquired working in the United States. Because unless we deal also with the economic aspects of this problem that affects our national security, we will never have any hope of solving it.

I will speak more on that later. But I did want to give our colleagues a preview of what is being worked on as a comprehensive solution. And I did want to come to the floor and express my great appreciation to the Senator from New Hampshire, the chairman of the subcommittee, and all of those who have made it possible for us to focus our efforts on enhanced border security, and to explain why I believe it is absolutely critical to the safety and security of the American people that we obtain operational security of our border. It is something we cannot claim now and which, indeed, law enforcement officials of the U.S. Government admit we do not currently have.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LAUNCH OF SPACE SHUTTLE "DISCOVERY"

Mr. CORNYN. Mr. President, I would like to take about a minute more of our colleagues' time. I neglected to make some additional brief comments that I would like to make on the space shuttle launch that is occurring today.

It was my very first speech on the Senate floor, sadly, when I paid tribute to the astronauts who lost their lives in the *Columbia* disaster in February of 2003. The thoughts and admiration of the Nation are with the brave astronauts aboard *Discovery* today as they make their journey into space. It is the first one this Nation has attempted since that terrible tragedy in February 2003.

I believe the robust manned space program is critical to both America's proud tradition of exploration and its commercial and military preeminence in space.

NASA's missions foster technological and scientific advances and help ensure our national security as well as create jobs for thousands of Texans and thousands of Americans.

I believe the mission of NASA, together with the President's vision for future space exploration, will also encourage young people to study math and science and prepare for space-related careers. As so many young children have done in the past, they are inspired by the feats of daring and accomplishment by these brave astronauts who are launching into space again today. These goals are set not just for our current benefit, but also for future generations of leaders and innovators in Texas and across America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Madam President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCONNELL are printed in today's RECORD under "Morning Business.")

Mr. MCCONNELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1202

Mr. DODD. Madam President, I call up amendment No. 1202 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself, Ms. STABENOW, Mr. LAUTENBERG, and Mr. CORZINE, proposes an amendment numbered 1202.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To fund urgent priorities for our Nation's firefighters, law enforcement personnel, emergency medical personnel, and all Americans by reducing the tax breaks for individuals with annual incomes in excess of $1 million)

On page 77, line 22, strike $425,000,000 and insert $2,058,178,673.

On page 78, line 13, strike $365,000,000 and insert $1,878,088,040.

On page 78, line 16, strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22, strike $5,000,000 and insert $25,727,233.

On page 78, line 24, strike $10,000,000 and insert $51,454,467.

On page 77, line 18, strike $2,694,000,000 and insert $13,863,377,000.

On page 77, line 20, strike $1,518,000,000 and insert $7,810,788,066.

On page 79, line 1, strike $100,000,000 and insert $514,544,668.

On page 79, line 5, strike $50,000,000 and insert $257,272,334.

On page 79, line 7, strike $50,000,000 and insert $257,272,334.

On page 79, line 9, strike $40,000,000 and insert $205,817,867.

On page 79, line 21, strike $321,300,000 and insert $1,653,232,019.

On page 81, line 24, strike $615,000,000 and insert $3,164,802,000.

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $334,491,000.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 83, line 12, strike $203,499,000 and insert $1,047,210,000.

On Page 89, line 3, strike $194,000,000 and insert $998,327,800.

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my colleague from Michigan, Senator STABENOW, along with Senators CORZINE and LAUTENBERG of New Jersey.

The purpose of this amendment is very simple, although the amount I am asking for here is rather large. The purpose is to fund sufficiently the urgent priorities of our Nation's firefighters, law enforcement personnel, emergency medical personnel, transportation systems, and other critical infrastructure such as our ports and chemical plants. The amendment's language suggests paying for these vital priorities by limiting some of the tax breaks for individuals with annual incomes in excess of $1 million. I assume that at an appropriate time my colleague from New Hampshire or others will make a point of order against this amendment. I will then move to waive that point of order. In the meantime, let me explain the amendment.

It is one I initially offered two years ago during a similar debate regarding homeland security. I was not successful in having the amendment adopted then. I am hopeful that I will be successful today, especially in light of events during the last several days in London. But I understand, given the size of the amount I am requesting, that the chances of this amendment being adopted are not great.

Nevertheless, it is important to offer this measure anyway because it isn't an amendment I crafted per se, although I offer it here legislatively. The language and request of this amendment were a result of two task forces conducted by the Council on Foreign Relations that examined America's needs in the wake of the attacks on September 11, 2001, and laid out, by our former colleagues Senators Warren Rudman and Gary Hart, along with members of their task force, the vital importance of sufficiently preparing for the inevitable events that are occurring at the hands of terrorist organizations. I don't know how many more events it is going to take for us to respond with the kinds of resources we need to have in place.

I was a Member of this body when the Marine barracks in Lebanon were hit, the Lockerbie incident happened, the World Trade Center was first bombed, the USS *Cole* was attacked, the embassies in Africa were bombed, and then, of course, when the World Trade Center was attacked for the second time. We have seen in Tokyo the subway attacks in 1996, the Madrid train bombing in March of 2004 and, of course, the London Underground attacks only a few days ago. These are just a few of the hundreds of terrorist attacks that have taken place around our world over the last couple of decades.

Let me outline the Rudman report and why this amendment is important.

Two years ago the Council on Foreign Relations convened an independent task force to identify the challenges faced by our Nation in preventing and responding to acts of terrorism. This task force was chaired by our former colleague Senator Rudman. In June 2003, the task force issued a comprehensive report entitled "Emergency Responders: Dramatically Underfunded, Dangerously Unprepared."

Former Senator Rudman was joined on this task force by a very distinguished group of our fellow American citizens. I ask unanimous consent to print in the RECORD the entire list of those people who prepared the report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TASK FORCE MEMBERS

Charles G. Boyd is currently Chief Executive Officer and President of Business Executives for National Security (BENS). Before retiring from the U.S. Air Force in August 1995, General Boyd served as Deputy Commander in Chief for the U.S. European Command.

Richard A. Clarke is Senior Adviser to the Council on Foreign Relations and is currently Chairman of Good Harbor Consulting, LLC. Previously Mr. Clarke served under the last three presidents as a senior White House adviser.

William J. Crowe is Senior Adviser at Global Options. Previously, Admiral Crowe served as Chairman of the Joint Chiefs of Staff under President Ronald Reagan.

Margaret A. Hamburg is Vice President for Biological Weapons at the Nuclear Threat Initiative. Before coming to NTI, Dr. Hamburg was Assistant Secretary for Planning and Evaluation at the U.S. Department of Health and Human Services.

James Kallstrom is Senior Executive Vice President at MBNA America Bank. After September 11, 2001, Mr. Kallstrom took a leave of absence from MBNA America and served as Director of the Office of Public Security for the State of New York.

Joshua Lederberg is a Nobel Laureate and currently serves as President Emeritus and

Sackler Foundation Scholar at Rockefeller University.

Donald B. Marron is Chairman of UBS America as well as Lightyear Capital. Previously, he served for twenty years as Chairman and Chief Executive Officer of Paine Webber Group, Inc., until its merger with UBS in 2000.

Jamie F. Metzl is Senior Fellow and Coordinator for Homeland Security Programs at the Council on Foreign Relations. He has served on the National Security Council at the White House, in the Department of State, and as Deputy Staff Director of the Senate Foreign Relations Committee.

Philip Odeen is former Chairman of TRW Inc. Previously, Mr. Odeen was President of BDM International, Inc., and a Vice Chairman at Coopers & Lybrand LLP.

Norman J. Ornstein is a Resident Scholar at the American Enterprise Institute, and Senior Counselor to the Continuity of Government Commission.

Dennis Reimer is Director of the National Memorial Institute for the Prevention of Terrorism in Oklahoma City. Prior to that, General Reimer served in the U.S. Army in a variety of joint and combined assignments, retiring after 37 years as the Chief of Staff of the U.S. Army in 1999.

Warren B. Rudman is Chairman of the Independent Task Force on Emergency Responders. He is currently a partner in the international law firm Paul, Weiss, Rifkind, Wharton and Garrison and formerly Chairman of the President's Foreign Intelligence Advisory Board under President Clinton. Previously, he represented New Hampshire in the U.S. Senate from 1980 to 1992.

George P. Shultz is the Thomas W. and Susan B. Ford Distinguished Fellow at the Hoover Institution. He has served as Secretary of State, Secretary of the Treasury, Secretary of Labor, and director of the Office of Management and Budget.

Anne-Marie Slaughter is Dean of the Woodrow Wilson School of Public and International Affairs at Princeton University. Prior to her appointment at Princeton, she was the J. Sinclair Armstrong Professor of International, Foreign and Comparative Law at Harvard Law School.

David Stern has been Commissioner of the National Basketball Association since 1984. He joined the NBA in 1978 as General Counsel and became the league's Executive Vice President in 1980.

Paul Tagliabue is Commissioner of the National Football League. Prior to becoming NFL Commissioner in 1990, he served as Chief Legal Counsel to his predecessor.

Harold E. Varmus is President and Chief Executive Officer of Memorial Sloan-Kettering Cancer Center. Previously, he served as Director of the National Institutes of Health.

John W. Vessey is Chairman of the Council on Foreign Relations' Center for Preventive Action and previously served as Chairman of the Joint Chiefs of Staff as well as Vice Chief of Staff of the U.S. Army.

William H. Webster is a Partner at the law firm of Milbank, Tweed, Hadley & McCloy. He previously served as Director of the Central Intelligence Agency from 1987 to 1991 and Director of the Federal Bureau of Investigation from 1978 to 1987.

Steven Weinberg is Director of the Theory Group of the University of Texas. He is a Nobel Laureate in Physics, and a recipient of the National Medal of Science.

Mary Jo White is Chair of the 192 lawyer litigation group of Debevoise & Plimpton. She also served as U.S. Attorney for the Southern District of New York from 1993 until 2002.

Mr. DODD. Let me mention several of them because they are important. What I am offering as an amendment were suggestions made by this panel to the Department of Homeland Security and to the Congress as a way of bolstering our security needs across the Nation.

The membership of this distinguished panel included George Shultz, former Secretary of State, Treasury, and Labor; William Webster, former Director of the Central Intelligence Agency; Charles Boyd, chief executive officer and president of the Business Executives for National Security; Margaret Hamburg, vice president for biological weapons at the Nuclear Threat Initiative and former Assistant Secretary for planning and evaluation at the Department of Health and Human Services; Don Marron, former chairman of UBS America; James Metzl, former staff member of the NSC, the Department of State, and former staff director of the Senate Foreign Relations Committee; Norman Ornstein, resident scholar at the American Enterprise Institute; Anne-Marie Slaughter, dean of the Woodrow Wilson School of Public and International Affairs at Princeton University; and Harold Varmus, president and chief executive officer of the Memorial Sloan-Kettering Cancer Institute.

The list goes on. These are the people who "prepared," in a sense, the amendment I am offering. The suggestions I am offering are ones suggested as a result of the task force's recommendations.

Let me say that I have great respect for Senator GREGG and Senator BYRD who have dealt with these issues in their capacities as Chairman and Ranking Member on the Homeland Security Appropriations Subcommittee respectively. It is not easy to put together these bills under budget caps. I understand that, and I have respect for it. I understand the constraints under which my colleagues operate. Certainly, they are trying to provide adequate resources for our emergency responders and critical infrastructure needs in this country.

If the tragic events in London and the events I mentioned at the outset say anything to us as a people, it is that we must renew and redouble our efforts to prevent and respond to terrorism at home. The Rudman report only underscores the sense of urgency that we ought to have about protecting our country from the risk of terrorism.

I appreciate that the managers of the bill are seeking to have $100 million of added resources for transit security. They are working within very tight budget constraints. Nevertheless, the security needs of our country far exceed what the managers are able to provide with the limited resources they have been given under this bill.

The Rudman report says our Nation should immediately spend—and this was 2 years ago—$20 billion per year for 5 years to hire, equip, and train first responders and to better protect our critical infrastructure from attack. This bill spends roughly $3.9 billion—less than one-fifth of what the Rudman report called for 2 years ago. That, I might add, is close to $700 million less than was spent 2 years ago. So it appears we are headed in the wrong direction and doing less than what we should be doing.

I would like to read various passages of the Rudman report to try to persuade Members of the sense of urgency that Senator Rudman and the Commission certainly had 2 years ago, and to shed light, if you will, on a survey and study done by those who are very knowledgeable about the challenges posed by international terrorism and about the needs and steps that need to be taken to make our Nation more prepared to meet those challenges.

I will read the conclusion of the report prepared by Senator Rudman:

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on United States soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive the point home.

I do not think any words can express the problem before us more clearly than those of Senator Rudman.

I will quote from the foreword written by Les Gelb, the former President of the Council on Foreign Relations:

> As I sit to write this forward, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the very same time, diplomats, legislators, military, and intelligence officers, police, fire, and emergency medical personnel, and others in the U.S. and across the globe are working feverishly to prevent or prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

Several months prior to the issuance of the Rudman report, in October 2002, the Council on Foreign Relations convened another task force, the Independent Task Force on Homeland Security, which issued the report, "America: Still Unprepared, Still in Danger." The task force, co-chaired by Senators Rudman and Hart, came to the general conclusion that:

> America remains dangerously unprepared to prevent and respond to a catastrophic terrorist attack on U.S. soil.

The report further warned that:

> America's own ill-prepared response could hurt its people to a much greater extent than any single attack by a terrorist, and the risk of self-inflicted harm to America's liberties and the way of life is greatest during and immediately following a national trauma.

So here you have two seminal reports, issued within 8 months of one another, prepared by some of the most respected individuals in this country, who have longstanding experience in the matters of diplomacy and national security. These are not lightweights who made these recommendations I am offering as part of this amendment. They are top experts and they have sounded the alarm to us. They sounded it after 9/11; they sounded it before Madrid and London. How many more events before we put the kind of resources in place that allows this Nation to have a much higher sense of security, as we ought to have in light of the attacks presently being prepared and focused against us?

The funding level that Senator STABENOW and I are proposing in this amendment is over $16 billion. It is huge: I understand that. It supplements the approximately $4 billion that the underlying measure devotes to emergency responders and infrastructure security. Together the bill and the amendment provide $20 billion in emergency responder funding over the next year.

This is the recommendation of the Rudman report. This is the recommendation of the individuals who helped prepare that report. It is a recommendation made by respected experts and leaders in the fields of national security, intelligence, foreign relations, military affairs, bio-terrorism, business, public health, and budget analysis. These distinguished men and women spent significant time analyzing the problems facing our first responders and our Nation's security. They gave us their best professional judgment of what we need to do. Regrettably, we are falling woefully short of what needs to be done in this country.

I understand the need for a budget resolution that sets caps on appropriations bills. Effective budget resolutions in the Senate are those that achieve balance. They curb reckless spending while providing a sound investment in our domestic and foreign priorities. Unfortunately, I don't find the current budget resolution and the caps it has imposed very balanced at all. While constraining our ability to invest adequately in our emergency responders and domestic security, this resolution causes, in my view, the national deficit to increase by at least $130 billion over the next 5 years, principally through tax cuts that only benefit the most affluent of our citizens.

I represent if not the most affluent State, one of the most affluent States in the country. I have no doubt that the people of Connecticut would certainly be prepared—when asked whether they could do with a little less in order to provide the Nation with more security—to agree. They understand this issue. I believe that given the choice, they would rather see the tax cut they are receiving go to this kind of investment.

The report before us represents an uncomfortable reality that we have to face as a nation. I certainly applaud the hard and groundbreaking work done so far to reduce the threat of terrorism in this Nation. A lot of good people are working hard at this. Yet as the tragedy in London vividly showed us last week, no nation, including ours, is invulnerable. We still possess weaknesses in our domestic security and our infrastructure that must be strengthened.

For over 2 years now, we have possessed in the form of the Rudman and Hart reports a clear message from the most qualified experts in our Nation that we need to do more to prepare ourselves. While I apologize for offering an amendment that costs over $16 billion, I ask my colleagues why we should not offer an amendment that encompasses what the Rudman report recommends and what is dearly needed. Why not offer an amendment that meets the needs of our emergency responders while doing significantly more to boost security measures along our rails, on our trucks, and in our seaports and harbors? In my view, we should decide whether we think the recommendations made by these distinguished Americans deserve our support and whether we have the will to do what is needed to be done to put our country on a more sound and secure footing.

The Rudman report makes several comprehensive recommendations to increase our investment in emergency responders and domestic security. Among these recommendations are: One, developing a standard for emergency responder minimum essential capabilities in fields such as training, interoperable communications systems, and response equipment; two, developing a standard for determining the nature of cost sharing between Federal, State, and municipal governments for homeland security activities; three, guaranteeing multiyear Federal funding for homeland security activities funded jointly by Federal municipal resources; four, reforming congressional oversight; five, allowing for greater flexibility in using Federal homeland security resources; six, developing a standard for evaluating best practices; and seven, developing a standard to ensure more effective coordination between Federal, State, and municipal governments.

While the Department of Homeland Security has started to address some of these recommendations—and I note that this morning Secretary Chertoff announced some significant administrative changes to the Department of Homeland Security, and I applaud him for that—I think many more changes and resources must be implemented and provided respectively to meet the Rudman report recommendations fully. I think we ought to be doing more by supporting the financial needs that are going to provide for the various gaps that occur in the security of our various infrastructure systems.

Finally, we all know that the cost of this amendment is large. I want to put this figure in perspective. We are spending roughly $5 billion every month in Iraq and Afghanistan—$1 billion a week in Iraq and $1 billion a month in Afghanistan. That is $15 billion in vital spending and funding every 3 months to ensure that our men and women in uniform can deal with the threats in those foreign lands. Senator STABENOW, the other cosponsors of this amendment, and I are asking for $16 billion for a whole year to make us more secure at home. I understand the needs and I have supported the funding for our troops in the field. We know as a result of the Rudman report that we are woefully short in what needs to be done at home to keep our Nation more secure.

As I mentioned a moment ago at the outset of these remarks, how many more incidents need to occur before we do what the Rudman report has called for? How many more times do we have to be attacked to realize what major steps need to be taken to be better prepared?

I believe that if we have the will, we can find the resources that we know are needed to make sure we have the infrastructure security in place and the personnel support in place to give our fellow citizenry the greater sense of security that they ought to have.

With that, at the appropriate time, I will ask for the yeas and nays on this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Madam President, it is my intention to respond to the amendment proposed by the Senator from Connecticut and make a point of order relative to it. Prior to doing that, I will yield to the Senator from Arkansas for 5 minutes so he may offer an amendment and get it in the queue. Then we can agree to it.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Madam President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1125

Mr. PRYOR. Madam President, I ask that amendment No. 1125 be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arkansas [Mr. PRYOR] proposes an amendment numbered 1125.

Mr. PRYOR. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the acquisition by the Secretary of Homeland Security of an integrated mobile medical system)

On page 83, line 26, before the period, insert the following: ": *Provided further*, That of the total amount made available under this heading for the support and acquisition of mobile medical units to be used by the Federal Emergency Management Agency, Directorate of Emergency Preparedness and Response, in response to domestic disasters, the Secretary of Homeland Security is encouarged to acquire an integrated mobile medical system for testing and evaluation in accordance with subchapter V of chapter 35 of title 31, United States Code (commonly known as the 'Competition in Contracting Act')".

Mr. PRYOR. Madam President, my amendment simply encourages the Secretary of Homeland Security to consider an integrated mobile medical system as part of the Department's requirement for mobile medical systems.

The DOD is currently evaluating a fully integrated mobile medical system, and it appears that this system holds very promising results to provide quality medical treatment for emergency situations.

My amendment encourages the Department of Homeland Security to look at this issue and maybe allocate some resources for it.

I thank the majority staff, as well as the minority staff, and the two bill managers for their assistance on this amendment. The amendment has been agreed to. I thank my staff as well for all the hard work and diligence they put into it. The amendment has been cleared on both sides. I thank specifically Chairman GREGG and Senator BYRD for their support and assistance.

Madam President, I ask for the immediate consideration of amendment No. 1125.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 1125) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1202

Mr. GREGG. Madam President, the Senator from Connecticut, joined by the Senator from Michigan, as I understand it, has offered an amendment which would increase the funding for first responder activity by $16 billion. I note, as an initial comment, that this represents a 50-percent increase in funding for this bill in toto. In other words, the entire funding of the Homeland Security agency is about $31 billion, and $15 billion on top of that would be a dramatic increase, to say the least.

The logic for the approach is that there is a representation that the Rudman Commission and other people who have looked at this issue say first responders need more money. It is hard to argue with the fact that first responders do need more money, but the question becomes, in a world where we do not have unlimited resources, where should we put the resources to get the best results in this fight on the war on terrorism?

An additional logic for their position is because we are spending significant dollars in Iraq and Afghanistan on a monthly basis, $5 billion is the number suggested by both Senators that we should be able to simply, easily afford and $15 billion of additional spending for the Homeland Security agency in the area of first responder activity.

I suggest, at the beginning, that type of logic could lead to basically there being no end of spending on all sorts of programs. If we are going to use the example of the amount of dollars it takes to keep our service people properly equipped and properly armed and properly taken care of when they are in a field of battle, when they are engaged with an enemy on a daily basis, if we are going to use that number as the number which defines what we should spend, whether it is fire departments in New Hampshire or education departments in Connecticut or libraries in Michigan or colleges in West Virginia, we are going to end up with amendment after amendment which spends billions upon billions of dollars on the representation that, gee, we are spending all this money in fighting this war to try to make sure our troops are properly supported so, therefore, why can't we spend a lot of money somewhere else? I do not think there is a lot of consistency to that logic.

We know we have a limited amount of money as a Federal Government to spend—at least we should. We did pass a budget to try to put in place the context of how much money we have to spend. And in the context of that budget, we did fund the war, we did fund the Defense Department, and we did fund the other functions of Government at a certain level. We dramatically increased the funding, for example, in education, we dramatically increased the funding in the area of homeland security, and we dramatically increased the funding for first responders, but within the context of a budget.

So when you bring an amendment to the floor that essentially says, Ignore the budget and spend $15 billion next year on first responders and then spend another $5 billion on top of that, which would be the Stabenow amendment on providing communications equipment, you are essentially saying we have no fiscal discipline and our purposes are not controlled by any sort of logic as to the relationship of the amount of money which the Federal Government takes in versus the amount of money the Federal Government spends.

The representation from the Senator from Connecticut is, if we were simply to repeal some of these permanent taxes that were extended in the budget, we could pay for this. I note for the Senator from Connecticut that he may not have noted this because he did not vote for the budget, and I understand he may not have focused a lot of time on it. But the budget, as passed by the Congress, did not have any permanent tax extensions in it relative to general income tax.

The only permanent extensions in the budget are for tuition tax credits for kids going to school, tax deductions for teachers who spend money to pay for school supplies in their classrooms, and a couple of other lesser tax deductions within the Code. So maybe he wants to repeal those extensions. I think those extensions are good policy. If that is his position, that will recover maybe—I don't know, I am not sure how much it would recover off the top of my head, but it would not be a great deal of money, and it certainly would not be enough money to cover this $16 billion which is being proposed.

The budget did not, and it is a misrepresentation to come to the floor and represent that it did, extend permanently any rate tax cuts at all.

So this argument that, well, we can just do it by changing the budget, by changing the terms as to the way it applies to tax policy is incorrect on its face because there were no permanent extensions.

The issue really is this: Within the context of a reasonable budget for national defense and for homeland security, where should the dollars go first? What are the priorities? We made a conscious decision in this bill to focus the dollars on what we saw as the primary threats. I believe, and I was joined by the Senator from West Virginia and I think he agrees, that we should have a threat-based funding approach to the whole issue of homeland security. If one listened to Secretary Chertoff yesterday, that is what he plans to do.

What are the priority threats? No. 1, right at the top of the list, unquestionably the most significant threat is the question of weapons of mass destruction. So we have put a significant amount of dollars into trying to increase our capacity to address, first, the detection and, second, a response capability in the area of weapons of mass destruction.

No. 2, the second largest threat which we have, in our opinion, is the fact that we have borders which are extraordinarily porous. Madam President, 3 million a year is the estimate of how many people come into this country illegally; 500 million people come into this country legally, and we really do not know a great deal about what their purpose is or what they are doing coming in and out of the country. In fact, we do not know if they are criminals because our databases are not capable of analyzing their entry documentation to determine whether they are some sort of threat or whether they are just citizens from another country who are coming here to enjoy our great Nation.

We have committed significant resources in this bill. We have moved more than $600 million from various accounts into border security, specifically putting more feet on the border in the sense of adding many more Border Patrol personnel, giving those Border Patrol personnel the capital structure they need to support themselves, physical infrastructure, adding more detention beds, focusing on upgrading our computer and IT systems relative to entry-exit activity, especially the US-VISIT Program. That is because that is a huge threat.

Those are the two huge priority threats on which we focused.

The issue of first responders is a priority for us as a nation, but is it the No. 1 item that should be focused on in this bill? No. Is it Homeland Security's first line of activity? Quite honestly, it is not. It is a major line of activity, but the first lines of activity are the ones for which Federal Government is primarily responsible, such as airline safety, border safety, making sure we are ready to deal with weapons of mass destruction. That is why we mention those issues. But in the specific area of first responder accounts, this proposal, which would up the funding in first responders by $16 billion and the proposal of the Senator from Michigan which would up the funding for a new line item, it would create a new line item in first responders of $5 billion for communications assistance, truly is a misallocation of resources.

Even if we could afford it, we would not want to put that money into those accounts at that level. Why? Because these groups involved in developing first responder capability are not capable of spending that amount of money. How do we know that? Because we have $7 billion—$3 billion from the year 2004 and $4 billion from the year 2005—sitting in Washington, in the Federal Treasury, which has not gone out yet for first responder funding activity. Why is that? It is because, first, the Department of Homeland Security has some problems, and we are trying to address those in this bill, and we put in specific language to try to change that, and I know Secretary Chertoff has addressed it, but it is larger than that. It is not just the homeland security issue, it is the fact that one of the points the Rudman Commission made, and was even more aggressively made by the Gilmore Commission, which was another high-quality group of people who got together to study this issue, was that until you have a plan for how you are going to spend this money, if you just send it back to the States and to the communities without a plan which they have to follow, all you are doing is revenue sharing. It is going to end up being a plus-up for local agencies. Some will buy new cruisers or buy bomb dogs or just buy dogs, and they will buy whatever they want to buy without any plan or organization.

The reason the $7 billion is still in the Treasury instead of out there on the streets helping out the fire, police, and local agencies is that the assessment plans, which are critical to the effort of getting in place a thoughtful approach to first responder funding and how they use these dollars, have not yet been completed. States are still working on assessment plans so they can come forward with these plans, and then the money will go out, and it will be spent in an orderly way instead of a haphazard way.

We do not want to get back into the situation we had in the 1970s, where essentially we were sending out hundreds of millions of dollars—not billions of dollars as we are today—to various groups across the country in the name of better law enforcement. A great deal of it ended up buying equipment and items that turned out to be not only not productive but counterproductive because a lot of interoperability communications was bought with that money when there was no plan overlying that LEA money to require interoperability. So the police department would get a grant for $20,000, $30,000 and go out and buy their system of communications, and then the fire department in the same town would get their $20,000 or $30,000, and they would go out and buy theirs, and neither could talk to each other because there was no plan.

The whole concept behind the assessment approach is so we can have a plan so that the civil defense centers in the States—fire in the States, police in the States, first responder health care communities in the States—are all coordinated and the money goes out in a coordinated way, that when it is completed, we actually have a situation where, if there is an incident and these folks who are so committed to making their communities stronger and better have to respond to it, it will be done in a focused and coordinated way pursuant to a plan which has been funded and focused in a coordinated way.

First off, the theory behind this, that we can spend another $21 billion because we are spending $30 billion in Iraq is—I think that theory totally disconnects.

Secondly, the concept that this may be paid for some day by repealing the budget point on permanent extension of tax cuts is purely incorrect because there were no permanent extensions in the budget.

Thirdly, if we are going to spend money on national security in the homeland area, we should spend it on threat-based activity, which is what this bill does. And the threats, in order of priority, put the issue of first responders lower than some of the first responsibilities of Homeland Security, such as border security, airline security, weapons of mass destruction protection, and intelligence-gathering agencies. That is absolutely critical.

Fourth, as a practical matter, we can appropriate all this money, but it cannot be spent, so there is no point in appropriating it at this time. Maybe a year from now, maybe 2 years from now, after that $7 billion has come down a little bit. Remember, we are adding another $4 billion to it this year anyway. This bill is not cheap on the side of first responders. We are putting another $4 billion on top of the $7 billion that still has not been spent.

When these assessment plans get in place and we start to generate some proper activity that allows this money to be spent in an orderly way and does not get wasted, then we might want to significantly increase this funding because we know it will be effectively used. But right now, to increase this funding just means it is going to sit at the Treasury, instead of being used where it really needs to be used, which is on threats which exist today and which we have to address today, which brings me to the underlying issue of threat because we are going to hear about this again and again. There is going to be an attempt to spend another $1 billion, $2 billion, or $3 billion—I do not know what the final number will be—on mass transit.

The key to our capacity to defend ourselves from these terrorists is our capacity to stop them before they get here, and that means we have to have better intelligence and we have to have better border security. When they do get here, the key is to make sure they do not have the opportunity to use their hate and their commitment to trying to kill Americans in a vast way versus in a confined way by stopping them from having weapons of mass destruction or using a vehicle that would allow them to plus up their heinous crimes such as they did on 9/11 when they used airplanes as weapons, as missiles essentially.

So it all becomes a matter of order of threat, where the dollars should be. And the No. 1 issue we have to address is better gathering of intelligence, in which Homeland Security has a limited role, but Secretary Chertoff is going to expand that effort; followed by the issue of weapons of mass destruction;

followed by border security; followed by the first responsibilities of the Federal Government which are things such as air traffic control and air management; followed by, of course, funding and helping out first responders, which we have done, which is why there is still $7 billion sitting in the bank because we have done it, but the system is not yet ready to effectively handle that money. It will be soon, hopefully. A lot of pressure is being put on both the Department of Homeland Security in this bill and on the State assessment plans to accomplish that.

This proposal is maybe well intentioned, but it is misguided at all sorts of different levels. Therefore, I cannot support it. Obviously, even if it were within the budget I would not support it because this is not where we need to allocate resources at this time at this level of activity.

I make my point of order at this time that under section 302(f) of the Congressional Budget Act the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. DODD. Madam President, I move to waive the budget point of order and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I simply note that we will be voting on this, hopefully, later today when we have more of a contingency available to participate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I know my colleague from Hawaii is in the Chamber, but I want to respond to comments made by my friend from New Hampshire. He gave a good response to this amendment. It is a good bureaucratic response. As I said during my remarks, I apologize for offering an amendment of this magnitude. The Senator from New Hampshire is absolutely correct, the entire budget we are talking about for homeland security is around $31 billion. This amendment is 50 percent of that budget.

I was fully aware, when I came to the floor to offer this amendment, of the reaction it would receive, but I also happen to believe the Rudman report, written by a group of people who are serious about these matters, has laid out for us very clearly what needs to be done.

Whether our domestic security is funded by reducing millionaire tax cuts or by some other mechanism, I am willing to listen. I just tried to offer one idea of where these resources could come from. Obviously, when an amendment like this is offered, I do not have the right to offer necessarily an offset so large. Tax cuts provided to the most affluent Americans was simply a suggestion as to where the resources could come from.

The underlying point needs to be made that we are not doing enough in the areas where we are terribly vulnerable. I will state how we are spending this money and lay it out. First, we are spending actually less this year than we have in the previous 2 years. In the Office of State and Local Government Coordination and Preparedness, which covers port security, truck security, rail security, training, technical assistance and development, we are going to spend just under $2.7 billion. Last year, it was in excess of $3 billion. The numbers are coming down, and yet almost everyone now knows in this country that our ports across the Nation are entirely vulnerable.

Less than 5 percent of containers have any screening done on them. Our rail and freight systems are virtually wide open. Stories get written every single day about the vulnerabilities that exist. We take the bulk of the funding proposed by this amendment—in excess of $11 billion—and put it into these critical areas.

Again, I know it is a lot of money, but let another attack occur in this country, as I believe it will, and then look back and say: I wonder if we might have done a little more in the areas where we were vulnerable to prevent the attack, or I wonder whether or not the Senator from Connecticut was asking for too much.

I merely cited Iraq and Afghanistan to give a sense of proportionality. I have strongly supported the resources that ensure our troops receive the adequate funding they need.

And by the way, in certain areas like equipment, they are not even getting what they ought to be getting.

I make the point that there we are spending roughly $15 billion every 3 months. This amendment costs roughly the same amount over a full year.

I have a pretty good sense, after a number of years here, as to what is going to happen with this amendment. It is probably going to fail. But I want the American public to know there are those of us who believe that if one has the will, one can find a way to do this. Whether one likes my proposed offset or not, if one believes that we ought to be doing more to make our ports, our rail systems, our truck security, and other infrastructure far better prepared than they are today, then they ought to support this amendment.

If they think we are doing enough already, then vote against it. I believe we are not doing enough, and I think many people in this country believe that as well. That is why I offer this amendment.

In conclusion, I would like to add a summary of the conclusions and recommendations of the Rudman report. The full report is some 70 or 80 pages and that is too long to include in the RECORD. It is available to Members who would care to have a full copy of it. This is approximately 12 pages. I ask unanimous consent that the conclusions and recommendations of the Rudman Report on Homeland Security be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REPORT PREPARED BY THE COUNCIL ON FOREIGN RELATIONS—CONCLUSIONS AND RECOMMENDATIONS

I. DEFINE AND PROVIDE FOR MINIMUM ESSENTIAL CAPABILITIES

The Task Force found that there is no systematic national standard that defines the essential minimum capabilities for emergency responders that every jurisdiction of a given population size should possess or be able to access. Because of this, there are currently no comprehensive, systematic, and consolidated principles or measures against which the degree and quality of preparedness can be tracked nationwide. Current efforts to develop such standards are inconsistent and dispersed among various government agencies and nongovernmental organizations. Additionally, existing standards for minimum capabilities for emergency responders are a patchwork with many missing pieces that lacks systematic integration, are insufficient to address many major challenges—including that of catastrophic terrorism involving WMD—and are not harmonized across the many types of emergency responders. While existing standards provide a useful starting point, they do not constitute "national standards for emergency response training and preparedness," as called for in the National Strategy for Homeland Security. (A selection from this document is included in Appendix B.) At the end of five years of federal funding, therefore, some metropolitan areas may still lack fundamental emergency responder capabilities.

Congress should require DHS and HHS to work with other federal agencies, state and local emergency responder agencies and officials, and standard-setting bodies from the emergency responder community to establish clearly defined standards and guidelines for federal, state, and local government emergency preparedness and response in such areas as training, interoperable communication systems, and response equipment. These standards must be sufficiently flexible to allow local officials to set priorities based on their needs, provided that they reach nationally determined preparedness levels within a fixed time period. These capabilities must be measurable and subject to federal audit.

Congress should require that the FY05 budget request for DHS be accompanied by a minimum essential emergency responder capability standard of WMD—and terrorism-related disaster equipment and training per 100,000 persons in a metropolitan region, and by separate standards for rural areas. Each recipient state and metropolitan area should then be required to submit a plan detailing how it intends to achieve that standard, to incorporate it into all appropriate training programs, and to regularly test its effectiveness.

National performance standards could be implemented through an incentive grant system making federal funding conditional and available to those localities that adopt federally approved standards of preparedness.

2. DEVELOP REQUIREMENTS METHODOLOGY

National capability standards for levels of preparedness must drive an emergency preparedness requirements process. This process must evolve into one similar to that currently used by the U.S. military. Threats must be identified, capabilities for addressing threats determined, and requirements generated for establishing or otherwise gaining access to necessary capabilities. The Task Force found that the administration and Congress were funding emergency preparedness without any agreement on methodology to determine how much is enough or what the requirements are. It is therefore extremely difficult, if not impossible, to measure how well prepared the United States is.

Congress should include in the FY04 appropriations for DHS and HHS a provision calling on each agency to accompany the FY05 budget request with a detailed methodology for determining the national requirements for emergency responder capability and assistance.

Congress should require that DHS and HHS submit a coordinated plan for meeting national preparedness standards by the end of FY07.

Congress should require DHS and HHS to report annually on the status of emergency preparedness across the United States. This report should indicate the levels of federal, state, and local expenditures for emergency preparedness, evaluate how effectively that funding is being used, and assess the status of preparedness in each state based on national preparedness standards.

3. ACCEPT NECESSARY BURDEN-SHARING

The Task Force found that there were no accepted national guidelines for determining the nature of burden-sharing between the federal government and state and local jurisdictions. Although state and local jurisdictions should maintain primary responsibility for funding normal levels of public health and safety readiness, the Task Force found that the federal government should be responsible for providing the funds necessary to cover the incremental costs of achieving essential standards in responding to the additional national security threat posed by terrorism. In some outstanding cases, federal funds may be required to enhance state and local emergency responder infrastructure that has been starved of resources if the deterioration of capabilities is such that it poses a threat to national security and state and local resources are not reasonably sufficient for addressing this shortfall.

4. GUARANTEE SUSTAINED MULTIYEAR FUNDING

The Task Force found that many state and local governments are unwilling or unable to accept federal funding for programs that will generate long-term costs in the absence of guarantees that the federal government will make funds available for sustaining such programs. Stable and long-term funding is critical for encouraging state and local governments to develop the necessary emergency response capabilities and, most critically, to sustain them over time.

Congress should accompany all authorizations for emergency responder assistance grants in FY04 and thereafter with budget authority for sustaining those grants through the following two fiscal years.

5. REFOCUS FUNDING PRIORITIES

The Task Force found existing systems for determining the distribution of appropriated funds to states to be badly in need of reform. The federal government currently determines levels for emergency preparedness funding to states primarily on a formula that guarantees minimum funding levels to all states and then determines additional funding based on each state's population. All citizens of the United States deserve a base level of protection regardless of where they live. Nevertheless, the state and population-drive approach has led to highly uneven funding outcomes. Wyoming, for example, receives $10.00 per capita from DHS for emergency preparedness while New York State receives only $1.40 per capita. While this approach may have political appeal, it unnecessarily diverts funding from areas of highest priority. In addition, decision by state officials regarding the allocation of funds in their states have not sufficiently taken into account the multitude of necessary factors.

Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities. To do this, the federal government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each state. State governments should be required to use the same criteria for distributing funds within each state.

Congress should also require each state receiving federal emergency preparedness funds to provide an analysis based on the same criteria to justify the distribution of funds in that state.

6. RATIONALIZE CONGRESSIONAL OVERSIGHT

The Task Force found that the proliferation of committees and subcommittees in Congress makes it hard to devise a coherent homeland security policy and a focused homeland defense system. Congress needs to have a lead committee, or an effective joint committee, to shape overall policy. Otherwise the system is likely to be fragmented and plagued with pork.

The U.S. House of Representatives should transform the House Select Committee on Homeland Security into a standing committee and give it a formal, leading role in the authorization of all emergency responder expenditures in order to streamline the federal budgetary process.

The U.S. Senate should consolidate emergency preparedness and response oversight into the Senate Government Affairs Committee.

7. ACCELERATE DELIVERY OF ASSISTANCE

The Task Force found that many metropolitan areas and states had actually received and spent only a small portion of the funds for emergency responders that have been appropriated by Congress since September 11. The current inflexible structure of homeland security funding, along with shifting federal requirements and increased amounts of paperwork, places unnecessary burdens on state and local governments as they attempt to provide badly needed funds to emergency responders. While a balance should be maintained between the need for the rapid allocation of emergency preparedness funds and the maintenance of appropriate oversight to ensure that such funds are well spent, the current danger is too great to allow for business as usual. According to the National Emergency Managers Association, "appropriation cycles have been erratic causing extreme burdens on state and local governments to continue preparedness activities when there is no federal funding, and then forcing them to thoughtfully and strategically apply several years of federal funds and millions of dollars at one time." (NEMA, State Spending and Homeland Security Funds, April 2, 2003) As a first step toward addressing this problem, Congress instructed the DHS Office of Domestic Preparedness in the FY03 consolidated appropriations measure (P.L. 108-7) to distribute grant funds to states within 60 days of the enactment of the bill and required states to distribute at least 80 percent of those funds to localities within 45 days of receipt.

Congress should ensure that all future appropriations bills funding emergency response include strict distribution timeframes as exemplified by the FY03 consolidated appropriations measure.

Congress should require states to submit data regarding the speed of distribution of the federal funds for emergency responders appropriated to states.

Congress should grant DHS the authority to allow states greater flexibility in using past homeland security funding. As a first step in this direction, Congress should authorize greater flexibility in the federal guidelines laid out in the FY03 Omnibus Appropriations Bill for the percentages of funds that can be used for various emergency response activities (e.g., 70 percent for equipment, 18 percent for exercises, 7 percent for planning, 5 percent for training) to make it possible for states to better allocate resources according to their most urgent needs. This authority should be granted on a case by case basis by means of a waiver from the Secretary of the Department of Homeland Security.

8. FIX FUNDING MECHANISMS

Many states have been mandated to develop more than five separate homeland security plans. While the information requested by each homeland security plan is similar, states and communities are often required to reinvent the wheel from one emergency plan to the next.

DHS should move the Office of Domestic Preparedness from the Bureau of Border and Transportation Security to the Office of State and Local Government Coordination in order to consolidate oversight of grants to emergency responders within the Office of the Secretary.

States should develop a prioritized list of requirements in order to ensure that federal funding is allocated to achieve the best return on investments.

Congress should require DHS to work with other federal agencies to streamline homeland security grant programs in a way that reduces unnecessary duplication and establishes coordinated "one-stop shopping" for state and local authorities seeking grant funds. Efforts to streamline the grants process should not, however, be used as a justification for eliminating existing block grant programs that support day-to-day operations of emergency responder entities. In many cases, such grants must be expanded.

Congress should create an interagency committee to eliminate duplication in homeland security grants requirements and simplify the application process for federal grants.

9. DISSEMINATE BEST PRACTICES

Although emergency responders have consistently identified as a high priority the need to systematically share best practices and lessons learned, the Task Force found insufficient national coordination of efforts to systematically capture and disseminate best practices for emergency responders. While various federal agencies, professional associations, and educational institutions have begun initiatives to develop and promulgate best practices and lessons learned, these disparate efforts generally are narrow and unsystematic and have not sufficiently reached potential beneficiaries. Such information-sharing could be one of the most effective ways to extract the greatest amount of preparedness from a finite resource pool. Once centralized and catalogued, such data will allow all emergency responders to learn from past experiences and improve the quality of their efforts, thereby assuring taxpayers the maximum return on their investment in homeland security. Access to this resource will provide the analytical foundation for future decisions regarding priorities, planning, training, and equipment.

Congress should establish within DHS a National Institute for Best Practices in Emergency Preparedness to work with state and local governments, emergency preparedness professional associations, and other partners to establish and promote a universal best practices/lessons learned knowledge base. The National Institute should establish a website for emergency preparedness information and should coordinate closely with HHS to ensure that best practices for responding to biological attack are sufficiently incorporated into the knowledge base.

10. ENHANCE COORDINATION AND PLANNING

The Task Force found that although effective coordination and planning are among the most important elements of preparedness, jurisdictions across the country are neither sufficiently coordinating emergency response disciplines within their jurisdictions nor adequately reaching across jurisdictional lines to coordinate their efforts with neighboring communities. Although Title VI of the Stafford Act (P.L. 106-390) authorizes the Director of FEMA to coordinate federal and state emergency preparedness plans, this authority has not been applied sufficiently to ensure adequate levels of coordination and planning between and among federal, state, and local jurisdictions. In addition, state and local emergency management agencies lack the resources to develop and maintain critical emergency management capabilities. More also needs to be done to encourage and facilitate mutual aid and other cross-jurisdictional agreements that pool resources, minimize costs, and enhance national preparedness.

DHS should require that all states and territories submit statewide mutual assistance plans, including cross-border plans for all cities and counties adjoining state or territorial borders. Reference to such plans should be required in all homeland security grant applications for federal funding. Wherever possible, grants should be structured to reward the pooling of assets across jurisdictional lines.

DHS should develop a comprehensive national program for exercises that coordinates exercise activities involving federal agencies, state and local governments, and representatives from appropriate private sector entities including hospitals, the media, telecommunications providers, and others. These exercises should prepare emergency responders for all types of hazards, with a specific focus on WMD detection and response. When necessary, funds should be provided to ensure that exercises do not interfere with the day-to-day activities of emergency responders.

Congress should work with DHS to expand the capacity of existing training facilities involved in the National Domestic Preparedness Consortium and to identify any new training facilities for emergency responders that may be required.

Mr. DODD. Again, I have great respect for my colleague from New Hampshire. He has a very difficult job, and there are constraints, but I also have been around long enough to know that when faced with emergencies that we have a way of getting around those constraints and doing what needs to be done. We have certainly done that in Iraq. We have done it in Afghanistan. I believe we ought to do it at home as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. AKAKA are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. CHAFEE.) The Senator from Arizona.

Mr. McCAIN. Mr. President, I send three modifications of my amendments Nos. 1171, No. 1150, and No. 1151, to the desk and ask unanimous consent those modifications be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I have now three pending amendments that have been modified, is that correct?

The PRESIDING OFFICER. Does the Senator wish to make those amendments pending?

Mr. McCAIN. Mr. President, I believe they are not pending.

The PRESIDING OFFICER. The amendments have been filed for future consideration.

Mr. McCAIN. Yes. That is fine. The modifications to the filed amendments have been agreed to.

I would like to make a statement about rail security legislation and then, after conversations with Senator GREGG, bring up an amendment on UAVs, which is filed, and then have two additional amendments pending, because I am afraid I may need up-or-down votes.

I am pleased the Senate continues to make progress on the Department of Homeland Security appropriations bill. It is important that we adequately fund this Department and its essential programs which are critical to our Nation's efforts to secure our homeland as we fight the war on terrorism.

In addition to this funding measure, legislation authorizing security efforts is equally important. I am particularly concerned about an authorizing bill the Senate passed by unanimous consent in the 108th Congress, but which has not yet been enacted. Earlier this week I introduced the Rail Security Act of 2005, legislation that is nearly identical to the rail security bill that passed the Senate last year, as I say, unanimously. I sincerely hope we once again pass this important legislation and, given current events, the sooner we act, the better. Rail security must be made a top priority in this Congress.

I would like to mention the Rail Security Act we passed in the 108th Congress was the product of numerous hearings in the Commerce Committee, with expert witnesses and with administration support. So that is why I believe it should have relatively little controversy associated with it.

We are all deeply saddened by the tragic loss of life caused by the terrorist attacks in London last week. Those instances are a painful reminder of the cruel nature of our enemies in this war and of what we must do to fight and win against those who wish to eradicate our way of life. I have said on many occasions that we cannot just play defense in this war, that instead we must take the fight to the enemy. Still, we must do what is possible to protect Americans at home. The London bombings and the attacks on Madrid's commuter rail system last year demonstrate all too vividly the continuing need for this legislation.

We have taken considerable action to address aviation security and devoted significant resources to that mode. I think all would agree aviation is safer now than before 9/11. However, since the terrorist attacks nearly 4 years ago, only relatively modest resources have been dedicated to rail security. Our Nation's transit system, Amtrak, and the freight railroads, I am sad to say, remain vulnerable to terrorist attacks, this despite the fact that the Department of Homeland Security has identified as potential terrorist targets the freight and rail passenger networks, which are critical to the Nation's transportation system and national defense.

The 9/11 Commission, in its report on the facts and circumstances surrounding the 9/11 attacks, called for improved security in all modes of transportation, noting that "terrorists may turn their attention to other modes."

The Rail Security Act would authorize a total of almost $1.2 billion for rail security. More than half of this funding would be authorized to complete tunnel safety and security improvements at New York's Penn Station, which is used by over 500,000 transit, commuter, and inner city passengers each workday. The legislation would also establish a grant program authorized at $350 million to encourage security enhancements by the freight railroads, Amtrak shippers of hazardous materials, and local governments with security responsibility for passenger stations not owned by Amtrak.

Further, DHS would be required to complete a vulnerability assessment of the rail network to terrorist attack, and make recommendations to Congress for addressing security weaknesses. Importantly, to protect the taxpayers' interests, all Amtrak authorizations would be managed by the Department of Transportation through formal grant agreements.

We face a dedicated, focused, intelligent foe in the war on terrorism. This enemy will probe to find our weaknesses and move against them. We have seen the vulnerability of rail to terrorism in other countries and the devastating consequences of such an attack. It is essential we move expeditiously to protect all the modes of transportation from potential attack.

Also, at this time I ask unanimous consent that the Senator from Delaware, Mr. BIDEN, be listed as a cosponsor of the Rail Security Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. I thank the Senator for his cosponsorship of this legislation, particularly given that Mr. BIDEN travels daily on the rails, back and forth to his home in Delaware.

I trust the Senate will move quickly to once again pass this essential legislation. We owe at least that much to the American people as we continue our struggle against an enemy that wants nothing less than to destroy everything we stand for and believe in.

AMENDMENT NO. 1151, AS MODIFIED

Mr. McCAIN. I ask unanimous consent to set aside pending legislation and take up amendment 1151 as modified, UAVs at the southwestern border.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1151, as modified.

The amendment is as follows:

(Purpose: To specify how certain vehicles are to be deployed to enhance border security)

On page 61, line 26, insert "which may be deployed between ports of entry along the southwestern border of the United States, taking into consideration the particular security risks in the area and the need for constant surveillance of such border," after "unmanned aerial vehicles,".

Mr. McCAIN. Mr. President, despite the worthy efforts that have been made to secure our homeland, much remains to be done. I, for one, do not believe we can ever expect to fully secure our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement requirements. We cannot accomplish that in this pending bill, but in the meantime we can still take additional measures to better secure our border.

I commend the chairman, subcommittee chairman, and the ranking members for putting forward an appropriations bill that includes a number of sound border security funding provisions. One area I would like to see strengthened, as is proposed by this amendment, is to ensure we are more fully monitoring the southwestern border where most of the illegal crossing and needless deaths occur annually.

Let me cite a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died in the desert last year trying to cross the border. About 200 of those deaths occurred in the Arizona desert. The Border Patrol is currently apprehending approximately 1,300 undocumented immigrants a day in Arizona. This number is expected to rise. An estimated 3,000 people enter the United States illegally from Mexico every single day. Last year, 1.1 million illegal immigrants were caught by the Border Patrol and more than half of those were in the State of Arizona. The Border Patrol releases more than 90 percent of the people they catch through voluntary repatriation, because the system is simply overwhelmed.

I want to repeat that, Mr. President. Anybody who has visited our border and seen those wonderful men and women who serve there in the Border Patrol and Immigration will agree they are simply overwhelmed.

We have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both, but I hope by the time it passes the Senate that we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation. In that law we authorize for the coming year 2,000 more Border Patrol agents, twice as many as would be provided for in the underlying bill, and 8,000 detention beds, 5,790 more than provided for in the bill before us.

I filed amendments to fulfill these authorized levels and would like to work with the bill managers to address these important security issues.

Another area of particular concern along the southwestern border, particularly to Arizonans, since our State is now the leading gateway to illegal entry, is the Federal Government's use of technologies that are already available to strengthen our security efforts.

Manpower alone is not the answer when we are dealing with a 6,000-mile border area. The February grounding of the unmanned aerial vehicles, UAVs, in southern Arizona sent the absolute wrong message to those seeking to illegally enter our country. They are a helpful and needed deterrent to illegal entry and have been very useful in helping to monitor and better secure our southern border. Halting this program even temporarily needlessly jeopardizes our citizens and Nation.

The temperature today on the border between Arizona and Mexico is probably, in the middle of the day, 120 degrees. It is awfully hard on Border Patrol people, and there is no way we can patrol these hundreds of miles of border simply with ground vehicles. UAVs have proved extremely effective in Afghanistan, Iraq, and other places in the world. Clearly it would have tremendous utility in monitoring what is happening along our borders, not only to prevent illegal crossings but also, once those crossings are made, to track down and arrest those who are doing so. And as is well known, not everyone who is crossing the border is simply coming for a job. We have significant drug trafficking, and the Director of the FBI has stated that we are apprehending more and more citizens of "countries of interest" that are crossing our borders as well.

In our efforts to counter terrorism and promote national security, it is essential that we use all appropriate assets available to ensure the safety of our citizens and the security of our borders. As we learned through extensive military operations, UAVs have proven to be a highly effective aerial surveillance system that can be used as a force multiplier in coordination with other air and ground surveillance technologies. Of course, we should work to ensure the most effective UAV technologies are employed over the border, but it is important that some form of UAV be deployed in the short term to augment ongoing enforcement efforts. Grounding the UAVs also creates a perception in an already volatile border region that the Federal Government is abandoning its responsibilities.

We are now into our fifth month with grounded UAVs at the southern border, and I find this inexcusable and unacceptable. A UAV program not only helps to deter illegal immigrants but also maximizes the effectiveness of our law enforcement agents on the ground.

I commend the bill managers for recognizing the need for UAVs and hope they can agree to support my amendment that will make clear to DHS that the funding provided in this bill is not to support grounded technologies but, rather, is provided to support a robust UAV program that best meets the area's security risks while recognizing the need for constant surveillance along the southwestern border.

I urge my colleagues to support this amendment to ensure UAV surveillance at the Nation's borders and maximize our law enforcement efforts.

Mr. President, it is my understanding that the managers of the bill would agree to this amendment by voice vote at the appropriate time, but I would clearly await the presence of the managers before proceeding.

Mr. President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1150, AS MODIFIED

Mr. McCAIN. Mr. President, I call up amendment No. 1150 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1150, as modified.

Mr. McCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated for salaries and expenses by title II under the heading "CUSTOMS AND BORDER PROTECTION" is increased by $367,552,000, all of which may be made available to hire an additional 1,000 border patrol agents.

(b) The amount appropriated by title III for State and local grants under the heading "STATE AND LOCAL PROGRAMS" is reduced by $367,552,000.

Mr. McCAIN. Mr. President, despite worthy efforts to secure our homeland, much remains to be done, and I do not believe we can expect to secure fully our Nation until we enact comprehensive immigration reform that includes strong and effective enforcement requirements.

I commend the chairman and subcommittee chairman and ranking members for putting forward an appropriations bill that includes a number of important border security funding provisions. Clearly, they do not have an easy job. And I know they have worked to fund critical homeland security needs.

One area that I strongly believe should be strengthened, however, concerns the number of Border Patrol agents as they play one of the most critical roles in securing our homeland.

To help my colleagues to understand the great need for more manpower, let me cite just a few of the more alarming statistics about what is going on in the southwestern border region. Over 300 people died last year; an estimated 3,000 people enter the United States from Mexico every day. A few weeks ago, 79 people were found in a Phoenix alley crammed into a commercial horse trailer. The heat was over 100 degrees, and they had been there for several days. Of the 79, 11 were children, including a 4-month-old baby. At the beginning of the summer, when the temperature in the desert rose unexpectedly, 12 people died crossing into Arizona in 1 weekend.

Mr. President, we have our work cut out for us. We need more manpower and better focused technology. This legislation provides some needed funding for both. But I hope that by the time it passes the Senate, we redirect some of the $31.8 billion in this bill to allow us to fulfill a commitment we made just 7 months ago as part of the intelligence reform legislation.

Mr. President, a dangerous state of lawlessness exists along the southwestern border, and it has become increasingly volatile. The Federal Government's inability to stem the illegal traffic flowing across the border has shifted substantial financial and social burdens to residents of the border region. Recent action by minutemen along the Arizona border provided the Nation with an image of the frustration felt by many Americans.

Border States are suffering from the immediate and downstream problems associated with illegal immigration. Our hospitals are burdened with enormous uncompensated costs, and so are our State and local law enforcement agencies. We simply need more manpower to protect the border in the near term. While I strongly believe that once we fix our broken immigration system, we will see the day that some of our border resources can be shifted to other priorities, until then Congress must have the will to take the action needed to reform our broken immigration system. We need to have a robust Border Patrol force hired, trained, and on the job.

While providing solid resources to state and local officials to ensure the readiness of our first responders is imperative, the men and women serving in the Border Patrol are literally on the front lines in the fight to keep the terrorists out of our country. CIA Director Muller has said that more and more people from "countries of interest" are looking at our southwest border as a possible point of entry into the United States. Why shouldn't they. Hundreds of thousands and potentially millions of migrants who enter the United States illegally each year to work represent the perfect cover for potential terrorists. Of course, if others have offsets to suggest, that would be preferable. I am open to any and all options that will enable us to meet the full level of Border Patrol agents so desperately needed on the front lines.

Mr. President, I am aware that the managers are not in agreement with this amendment, and that is why I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1171, AS MODIFIED

Mr. McCAIN. Mr. President, I call up amendment No. 1171 as modified.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1171, as modified.

The amendment is as follows:

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) The amount appropriated for salaries and expenses by title II under the heading "IMMIGRATION AND CUSTOMS ENFORCEMENT" is increased by $198,990,000, all of which may be made available to add an additional 5,760 detention beds and additional positions or FTEs in the United States.

(b) The amount appropriated by title III for State and local grants under the heading "STATE AND LOCAL PROGRAMS" is reduced by $198,990,000.

Mr. McCAIN. Mr. President, the situation on our borders, as I have said, has reached a critical juncture. I have given the statistics. The Border Patrol releases more than 90 percent of the people they catch. I want to repeat that. The Border Patrol releases through voluntary repatriation more than 90 percent of the people they catch because the system is overwhelmed. That probably sounds unbelievable to most Americans. The unfortunate reality is that the Border Patrol simply cannot take into custody the vast number of people that are apprehended. Because of this, they must prioritize. Due to space limitations, our Federal agents rightly give a higher priority to aliens who represent potential criminal threats.

Mexican nationals who are apprehended are usually returned to Mexican Government officials, voluntarily taken back across the border, and, in the case of a recent pilot program, repatriated to the interior of Mexico with the hope they are less likely to risk crossing again.

However, foreign nationals from other countries often get off much easier. Because of the lack of detention space, the fact that their home countries are farther away, and limitations in our immigration laws, nationals from Guatemala, El Salvador, Brazil, and a number of other countries are frequently apprehended by Federal officials, given a court summons to report to deportation proceedings, and released.

Mr. President, let me tell you that again. They are apprehended, they find out they are from Brazil, they say, OK, show up in court, show up in court inside the United States, and then they are released. How many of those do you think we ever see again?

The reality has become demoralizing to the men and women serving in the Border Patrol. Word about this loophole has quickly traveled back to Central and South American countries. Summonses to report to deportation proceedings are frequently called "permisos" or permission slips. Smugglers now take migrants as far as they can and tell them to approach the first Border Patrol agent they see and turn themselves in. After migrants obtain their permiso, they are then free to continue their journey to Chicago, New York, or wherever there is a job or a family member awaiting them.

One result of this loophole has been a dramatic increase in the number of Brazilians crossing the border illegally.

Fox News channel, Monday, July 11, 2005. "Other Than Mexicans? Welcome to America."

LOS ANGELES.—For many people around the world, the U.S.-Mexico border is a doorway to opportunity—one that's unlocked and wide open.

Brazilians, Chinese, Pakistanis and many others are joining the tide of Mexicans who sneak across every day.

"OTMs include people from all over the world—South America, the Middle East, the Caribbean," explained former Immigration and Naturalization Service Special Agent Michael W. Cutler, currently a fellow at the Center for Immigration Studies. "Anyone other than Mexican is an OTM."

In 2001 5,251 "OTMs" were caught crossing over from Mexico. Last year the number was more than 35,000.

In the first eight months of this fiscal year, it's up to 70,000 already—230 people a day—and they're only the ones getting caught.

"The vulnerability of a porous border is a security problem, and we always have to be concerned the real bad guys will exploit these vulnerabilities," said Frank Sharry, executive director of the National Immigration Forum.

Critics are concerned at the way OTMs are handled.

Mexicans are processed and sent back across the border within a few hours but Mexico won't allow the United States to send them citizens from other countries—and under U.S. law they're entitled to a deportation hearing.

Because the immigration service lacks prison beds to hold them, the vast majority of OTMs are released from custody and asked to voluntarily return for their court date—which the majority of them obviously do not do.

"They are given a piece of paper called a notice to appear, which administratively starts the ball rolling for a deportation hearing," said Cutler. "Not surprisingly, fewer than 15 percent show up.

"Our bureaucracy is not up to the challenge of protecting this country, our Congress is not dealing with the reality in a 21st Century way, our immigration laws are terribly out of place," commented Sharry.

So what's the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immigrants a free pass is no solution at all.

I read from another article, "Loophole to America":

In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breast-stroked through the gentle current.

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants from countries beyond Mexico.

"We used to chase them; now they're chasing us," Border Patrol Agent Gus Balderas said as he frisked the Brazilians and collected their passports late last month.

What happened next explains the odd reversal.

The group was detained overnight and given a court summons that allowed them to stay in the United States pending an immigration hearing. Then a Border Patrol agent drove them to the McAllen bus station, where they continued their journey into America.

The formal term for the court summons is a "notice to appear." Border Patrol agents have another name for it. They call it a "notice to disappear."

Of the 8,908 notices to appear that the immigration court in nearby Harlingen issued last year to non-Mexicans, 8,767 failed to show up for their hearings, according to statistics compiled by the Justice Department's Executive Office of Immigration Review. That is a no-show rate of 98 percent.

The problem is that U.S. immigration authorities are short on detention space. They can send Mexicans back across the border within hours. But international law prohibits them from sending non-Mexicans to Mexico. Instead, they must arrange travel documents and flights directly to the immigrant's country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry for a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome wagon than a barrier.

It is one example of the tears in the "seamless web of enforcement" that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents. It also helps explain why the nation's illegal immigrant population has grown to record levels despite the buildup.

The morning after Agent Balderas encountered the 20 Brazilians, another Border Patrol agent drove them to the McAllen bus station where they headed toward their destinations. They were armed with notices to appear that carried them safely past Border Patrol checkpoints.

Two days later, Graice De Olveira-Silva and three companions from Brazil were working for her relatives' house-cleaning business in Atlanta.

It is a world turned upside down for the Border Patrol, especially here in South Texas. Back in 1985, things were so different that a woman was convicted on charges that she drove illegal immigrants from El Salvador around the Border Patrol and to the same McAllen bus station.

Now smugglers operate with impunity. After their loads of immigrants splash ashore, the smugglers slip back across the river.

As word of this border loophole filters back to Central and South America, the volume of people coming to exploit it is likely to grow, according to Border Patrol agents.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, "Anyone who has a little money will be coming."

Mr. President, I ask unanimous consent both articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From FoxNews.com, July 11, 2005]

OTHER THAN MEXICAN? WELCOME TO AMERICA

LOS ANGELES.—For many people around the world, the U.S.-Mexico border is a doorway to opportunity—one that's unlocked and wide open.

Brazilians, Chinese, Pakistanis and many others are joining the tide of Mexicans who sneak across every day.

"OTMs include people from all over the world—South America, the Middle East, the Caribbean," explained former Immigration and Naturalization Service Special Agent Michael W. Cutler, currently a fellow at the Center for Immigration Studies. "Anyone other than Mexican is an OTM."

In 2001, 5,251 "OTMs" were caught crossing over from Mexico. Last year, the number was more than 35,000.

In the first eight months of this fiscal year, it's up to 70,000 already—230 people a day—and they're only the ones getting caught. Hundreds more make it across undetected, experts believe.

"The vulnerability of a porous border is a security problem, and we always have to be concerned that the real bad guys will exploit those vulnerabilities," said Frank Sharry, executive director of the National Immigration Forum.

Critics are concerned at the way OTMs are handled.

Mexicans are processed and sent back across the border within a few hours but Mexico won't allow the United States to send them citizens from other countries—and under U.S. law, they're entitled to a deportation hearing.

Because the immigration service lacks prison beds to hold them, the vast majority of OTMs are released from custody and asked to voluntarily return for their court date—which the majority of them do not do.

"They are given a piece of paper called a notice to appear, which administratively starts the ball rolling for a deportation hearing," said Cutler. "Not surprisingly, fewer than 15 percent show up."

"Our bureaucracy is not up to the challenge of protecting this country, our congress is not dealing with the reality in a 21st-century way, our immigration laws are terribly out of place," commented Sharry.

So what's the answer? While some say more legal immigration is needed, others want the borders effectively closed. Both sides seem to agree that giving illegal immigrants a free pass is no solution at all.

[From SignOnSanDiego.com, June 4, 2005]

LOOPHOLE TO AMERICA

(By Jerry Kammer)

MCALLEN, TX.—In the silvery-blue light of dusk, 20 Brazilians glided across the Rio Grande in rubber rafts propelled by Mexican smugglers who leaned forward and breast-stroked through the gentle current.

Once on the U.S. side, the Brazilians scrambled ashore and started looking for the Border Patrol. Their quick and well-rehearsed surrender was part of a growing trend that is demoralizing the Border Patrol and beckoning a rising number of illegal immigrants from countries beyond Mexico.

"We used to chase them; now they're chasing us," Border Patrol Agent Gus Balderas said as he frisked the Brazilians and collected their passports late last month.

What happened next explains the odd reversal.

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The problem is that U.S. immigration authorities are short on detention space. They can send Mexicans back across the border within hours. But international law prohibits them from sending non-Mexicans to

Mexico. Instead, they must arrange travel documents and flights directly to the immigrant's country of origin. The process, which the U.S. government pays for, takes weeks or even months.

The result is an unintended avenue of entry for a rapidly growing class of illegal immigrants from Central and South America who now see the Border Patrol more as a welcome wagon than a barrier.

It is one example of the tears in the "seamless web of enforcement" that immigration authorities vowed to establish along the U.S.-Mexico border during the 1990s, when they spent billions of dollars on strategically placed lights, sensors, roads, fences and agents. It also helps explain why the nation's illegal immigrant population has grown to record levels despite the buildup.

The morning after Agent Balderas encountered the 20 Brazilians, another Border Patrol agent drove them to the McAllen bus station where they headed toward their destinations. They were armed with notices to appear that carried them safely past Border Patrol checkpoints.

Two days later, Graice De Olveira-Silva and three companions from Brazil were working for her relatives' house-cleaning business in Atlanta.

It is a world turned upside down for the Border Patrol, especially here in South Texas. Back in 1985, things were so different that a woman was convicted on charges that she drove illegal immigrants from El Salvador around the Border Patrol and to the same McAllen bus station.

Now smugglers operate with impunity. After their loads of immigrants splash ashore, the smugglers slip back across the river.

As word of this border loophole filters back to Central and South America, the volume of people coming to exploit it is likely to grow, according to Border Patrol agents.

Apprehension statistics bolster their assertion. Arrests of non-Mexicans along the U.S.-Mexico border totaled 14,935 in 1995, 28,598 in 2000 and 65,814 last year. In the first eight months of this federal fiscal year, which began Oct. 1, more than 85,000 have been apprehended. Nearly all are no-shows at their court hearings, but comprehensive federal figures are not available.

Statistics aren't the only evidence. Interviews with immigrants caught sneaking across the border recently suggest the problem will only increase as Central and South American migrants learn of the unintended opportunity.

"We thought they were going to deport us," said Ceidy Milady Canales Alvarez, a 22-year-old Honduran recently arrested by the Border Patrol in the McAllen sector. She said a cousin in Atlanta had encouraged her to make the trip. So she quit her $50-a-week job sewing shirts and pants that are exported to the United States and crossed the border.

A Guatemalan arrested late last month in the McAllen sector who gave his name as Hugo said that when word gets back home, "Anyone who has a little money will be coming."

In his office on Capitol Hill, Rep. Silvestre Reyes, D-Texas., fumed at the news from South Texas and called for emergency measures similar to those he adopted in 1989, when he was the Border Patrol's agent in charge of the McAllen sector.

"We need somebody with a stiff spine who can make a decision and say, 'We're going to build a temporary detention facility,'" Reyes said. "We need to send a message that anybody who crosses that border illegally is going to be detained. That message gets back (to the sending countries) instantaneously."

Sixteen years ago, Reyes faced a rush of immigrants fleeing the violence of Central American civil wars. Most of their asylum claims were rejected, but only after the migrants had moved far away, armed with notices to appear in court.

"They were coming across and flagging my men down," Reyes said. "It was destroying their morale."

He got permission from the commissioner of the old Immigration and Naturalization Service to establish a temporary tent city with several thousand beds for detained immigrants. That measure, coupled with an increase in the number of agents at key border crossing points, shut off the flow, Reyes said.

But the current director of immigration detention and removal operations in South Texas wants nothing to do with such emergency measures.

"Anytime you have temporary facilities, you have a degradation of services, you have anxieties," said Marc Moore, who administers 1,700 detention spaces.

Reyes reacted angrily to Moore's remarks. While a temporary facility would be expensive and might not be as tidy as Moore would like, Reyes said, "All these things are worth it given the alternative of the permiso syndrome."

Central and South Americans call the notice to appear their "permiso," which in Spanish means permission slip.

About 19,450 immigration detention beds are available nationwide under funding levels established by Congress. Although that is twice the number of beds Congress funded a decade ago, it is far less than the number needed.

With the shortage of beds, immigration authorities must choose between using a bed to hold a migrant with a serious criminal record in the United States or one who has come across the border without a criminal record. It's an easy choice. They release the immigrant without the criminal record.

Many Border Patrol agents express frustration over the dilemma. They also worry that the high volume of non-Mexicans is taking up much of their time and might be making it easier for potential terrorists to slip past. Some said they spend much of their 10-hour shift processing non-Mexicans.

One night last month when six agents were processing non-Mexicans at the Border Patrol's Rio Grande City station, for example, only seven agents were patrolling the 84 miles of river under their watch.

Agent Isidro Noyola, who that night detained illegal immigrants from Brazil and Honduras, said, "Our fear is that when we are processing and not patrolling the border, somebody else is going to be coming through."

Another agent expressed astonishment at the cheekiness of some of the migrants.

"They come up to you and say, 'I want my permiso,'" Agent Larry Alvarez said. "They want us to hurry up and get them out of here."

Others with the Border Patrol complained that they are being reduced to little more than gun-toting travel agents in uniforms.

In particular, the growth in the number of Brazilians taking advantage of the loophole has been spectacular, largely because of that country's poor economic conditions. In 1995, the Border Patrol detained 260 Brazilians along the Mexican border. Five years later, the number had grown to 1,241. But over the past eight months, it has soared to some 22,000.

The number of Brazilians floating north over the Rio Grande might continue to increase because of a prime-time soap opera in Brazil whose central character is smuggled across the Mexican border and finds work as an exotic dancer in Miami.

Since its first episode aired in March, "America" has become Brazil's most popular "telenovela." In a country of 178 million, it has an audience of some 60 million.

Mr. McCAIN. I am not sure this amendment will solve that problem, but I do believe a clear case is made for more detention beds. The underlying bill adds 2,240 new detention beds for fiscal year 2006. The amendment I am offering today further increases the number of detention beds by 5,760 beds, bringing the number of new beds to the level we authorized 7 months ago in the Intelligence Reform and Terrorism Prevention Act of 2004.

Lest there be any mistake made about me authorizing on an appropriations bill, this is authorized by the Intelligence Reform and Terrorism Prevention Act, as is the previous amendment.

I look forward to working with the managers of the bill on both of these amendments. I am grateful the first amendment I proposed has been agreed to.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1183 WITHDRAWN

Mr. SCHUMER. Mr. President, I ask that amendment 1183 be called up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1183.

Mr. SCHUMER. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding to counter man portable air defense systems)

On page 91, line 23, insert before the period ": *Provided further*, That of the total funds made available under this heading, not less than $140,000,000 shall be for activities to demonstrate the viability, economic costs, and effectiveness of adapting military technology to protect commercial aircraft against the treat of man portable air defense systems (MANPADS).

Mr. SCHUMER. I now ask that amendment 1183 be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1183) was withdrawn.

AMENDMENT NO. 1184, AS MODIFIED

Mr. SCHUMER. Mr. President, I ask that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I rise to call up amendment 1184, as modified, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. BOXER, proposes an amendment numbered 1184, as modified.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the Secretary of Homeland Security to designate an agency within the Department of Homeland Security as having responsibility for countermeasures for man portable air defense systems (MANPADS))

On page 100, between lines 11 and 12, insert the following:

SEC. 519. Upon completion of the Department of Homeland Security's operational testing of man portable air defense system (MANPAD) countermeasure systems for commercial aircraft, the Secretary of Homeland Security is encouraged to designate an agency within the Department as having responsibility for managing the procurement and installation of such systems, and may use any unobligated funds provided under title I to establish an office within the designated agency for that purpose.

Mr. SCHUMER. Mr. President, this amendment is about something the Senator from California and I have long cared about, arming our planes with Stinger missiles.

It is my understanding the managers of the bill have cleared the modified text. I ask unanimous consent the amendment as modified be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1184), as modified, was agreed to.

AMENDMENT NO. 1189

Mr. SCHUMER. Mr. President, I rise to call up amendment No. 1189.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. LIEBERMAN, proposes an amendment numbered 1189.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide that certain air cargo security programs are implemented, and for other purposes)

On page 69, beginning on line 2, strike $4,452,318,000 and all that follows through "That" on line 5, and insert the following: "$4,754,299,000, to remain available until September 30, 2007, of which not to exceed $3,000 shall be for official reception and representation expenses: *Provided*, That of the amount made available under this heading, not to exceed $2,000,000 shall be available to carry out section 4051 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3728): *Provided further*, That of the amount made available under this heading, not to exceed $100,000,000 shall be available to carry out the improvements described in section 4052(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3728): *Provided further*, That of the amount made available under this heading, not to exceed $200,000,000 shall be available to carry out the research and development described section 4052(c) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3728): *Provided further*, That".

Mr. SCHUMER. Mr. President, my amendment addresses the issues of air cargo security and how we need to be doing much more to protect our Nation's skies. Right now, TSA security procedures leave a staggering 95 percent of cargo on passenger and all-cargo flights unscreened. In addition, TSA security regulations are voluntary and go unenforced.

My amendment provides a total of $302 million for fiscal year 2006 to improve air cargo security. We all know not only are there planes that carry cargo exclusively but most commercial flights have cargo in the belly of their plane.

I ask a rhetorical question: What good does it do to make sure all of the passengers onboard the plane are screened so that there are no explosives or any other weapons, yet allow cargo that would ride in the belly of the plane to not be screened 19 out of 20 times, thus keeping every passenger on that plane, as well as the pilots and everyone else, at risk? The answer is obvious. It makes no sense.

For all the money we have put into passenger screening, we are leaving a gaping hole alongside, and that is cargo screening. While passenger screening has, indeed, improved rather significantly—anyone who goes to any airport in this country knows that—cargo security has not.

My amendment gives $200 million to improve the existing air cargo security measure and $100 million for a competitive grant program to fund private research and development into air cargo security technology, and $2 million to fund a pilot program to evaluate the use of blast-resistant cargo containers in commercial and all-cargo aircraft.

Last year, I was proud to join our good friend, former Senator Hollings from South Carolina, in cosponsoring an amendment included in the Intelligence Reform and Terrorism Prevention Act and signed into law by the President, authorizing these exact funding levels, totaling almost $1 billion over 3 years to improve air cargo security.

My amendment would fully fund 1 year of the 3 years of authorization. This is the second step in something that this body has found very necessary; that is, adequately protecting us from terrorists who might put bombs, explosives, or whatever in air cargo. The potential threat from unchecked air cargo is just as serious, just as dangerous as a threat from an actual terrorist boarding a commercial flight.

It has been reported that TSA considers the likelihood of a terrorist bombing a passenger airplane to be between 35 and 65 percent. It is the likely primary aviation target for terrorists.

An analysis done by the RAND Corporation on security measures at Los Angeles International Airport determined that a bomb smuggled onto a passenger plane by a passenger but through uninspected cargo posed the greatest threat relative to other types of attack. RAND determined it would be the most likely to succeed and, unfortunately, the most likely to kill the most people.

Twenty-six percent of all air cargo in the United States is not carried on cargo planes but rather on passenger flights, and only a tiny fraction of that is inspected. Even more cause for alarm is the fact that 46 percent of all international air cargo is carried on international cargo flights. The best way to protect against biological, chemical, or nuclear weapons being smuggled onto a flight is to ensure that as much cargo as possible is screened through advanced detection systems. However, TSA only screens 5 percent of the nearly 3 billion tons of cargo carried on commercial flights each year.

My amendment does three things. It gives $200 million to improve existing air cargo security measures, in addition to the $50 million already recommended by the committee for air cargo security activities.

Right now, TSA's principal means for checking cargo are through known shipper programs where so-called "trusted" shippers can avoid additional screening in exchange for following stricter security protocols. However, TSA does little to ensure that shippers are trustworthy and have adequate security measures in place. In addition, enrollment in a known shipper program is voluntary, with only a third of domestic shippers currently participating. Since the TSA screens such a small percentage of cargo, it is very likely something could be missed.

It is clear we need an additional line of defense. That is why I am proposing such a significant investment in new screening equipment and security infrastructure so the TSA can check more cargo and protect more flights.

Second, the amendment adds $100 million for the Secretary of Homeland Security to establish and carry out a competitive grant program to encourage the development of advanced air cargo security technology. The amendment will fund research into new cargo screening technology, including the use of x rays, CT scans, and chemical trace detection to speed up the screening process and allow more cargo to be screened more effectively.

Third, my amendment would fully fund a pilot program to evaluate the use of blast-resistant cargo containers, cargo baggage containers. You put the baggage in a container and even if, God forbid, it explodes, it cannot damage the plane. The 9/11 Commission recommended every passenger aircraft have at least one hardened container in which questionable or suspicious cargo can be shipped to reduce or eliminate the risk to passengers in the case of an explosion.

I know there are many competing demands for Homeland Security funding, but we are not investing enough time, effort, and resources into air cargo security. This amendment will help address this critical area. I hope my colleagues will support the amendment.

AMENDMENT NO. 1190

Mr. SCHUMER. I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I call up amendment numbered 1190.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER] proposes an amendment numbered 1190.

Mr. SCHUMER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate $70,000,000 to identify and track hazardous materials shipments)

On page 71, between lines 10 and 11, insert the following:

For necessary expenses of the Transportation Security Administration related to developing and implementing a system for identifying and tracking shipments of hazardous materials (as defined in section 385.402 of title 49, Code of Federal Regulations) by truck using global positioning system technology, $70,000,000.

Mr. SCHUMER. Mr. President, this amendment is about truck security and how we need to be doing much more to protect our highways and communities from the threat of truck bombs and stolen hazardous material.

Madrid was a wake-up call for us. And now London is a second wake-up call. Obviously, there is a lot of focus on rail. I support that focus and had my amendment which was going to add another $300 million to the $100 million already requested in rail security, but I have joined efforts with the Senator from Alabama, Mr. SHELBY, and the Senator from Maryland, Mr. SARBANES, and the Senator from Rhode Island, Mr. REED, and others to have one mass transit amendment which will have an amount far greater than the amount I was going to propose—and we will also have a colloquy—so that money can go to more things.

The MTA, in my area, the leading mass transit agency that runs New York City subways, the Long Island railroad, Metro-North, carrying millions of passengers every year—billions of passengers every year, and millions, I guess, every week—has said they cannot spend the money on what they need, such as explosive-detecting dogs, which is one of the best types of ways to stop explosives. But that is rail security. As I said, that will come for another time in debate, I believe, tomorrow.

But what Madrid also teaches us and London also teaches us is that terrorists look for weak pressure points. If we strengthen air, they may look to rail. If we strengthen rail, they may look to trucks. If we strengthen trucks, they may look to our ports. So it is extremely important we have a multifaceted war on terror at home.

As you know, I support a strong war on terror abroad. And we are fighting a strong war on terror abroad, maybe too strong in the eyes of some. But we also have to have not only a good offense in the war on terror, we have to have a good defense. We have to look across the board. It has been a great concern of mine that we are not doing enough in various areas. I have tried to put my efforts into the areas where there is clearly a great danger compared to meager effort. Truck security is one of those areas.

My amendment gives $70 million—not a large sum in this very large budget—to the Transportation Security Administration to develop and implement a system for identifying and tracking hazardous material shipments using global positioning system technology.

According to the 1997 Census of Interstate Commerce, 740,000 Hazmat shipments travel by truck each day in the United States. Approximately 50,000 trips are made daily by gasoline tankers, and many of them hold as much fuel as a Boeing 757. These trips often end with a late-night delivery to a deserted gas station.

Trucks also cross the country carrying potentially deadly chemicals, such as ammonium nitrate, chlorine, and cyanide. An attack with these types of chemicals could cause an even greater level of destruction because these chemicals can form clouds of deadly fumes which would affect individuals miles away from the site of a terrorist incident.

My amendment simply provides TSA with the financial resources to look into how we go about monitoring what has been shown to us as a vulnerability within our existing plan to secure our country from terrorist threats.

Have we forgotten the initial attack on the World Trade Center in 1993 and the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995, both of which were the result of truck bombs? While the Nation has completely revamped aviation security since the September 11 attacks—we have a longer way to go, but we have come a long way—we have done next to nothing to secure our country from the danger that can be caused by a truck filled with explosives, chemicals, or biological weapons.

Today, on their own, many of the larger trucking companies have GPS systems on their trucks, like an ever-growing percentage of American automobiles. Frankly, they have put the GPS systems on often to deal with theft as much as to deal with the threat from terrorism. The systems allow the companies to know where the trucks in the fleet are. If the truck moves off a route, the company knows. If a truck is stolen, the company knows.

I believe it is important the TSA take a similar approach and create a nationwide tracking system so that if a terrorist should steal or hijack a truck loaded with dangerous materials, we will find them quickly. It would be very similar to when a plane goes off track, we now know that. F-16s are scrambled. We have learned that here in the Capitol over the last year, twice. The same thing can be done with trucks, not very expensively.

My amendment provides TSA with tremendous flexibility and much-needed funds to address truck security and have none of the mandates or the high costs to industry that the ATA alleges.

In addition, my amendment specifically limits the type of commercial vehicles and content subject to tracking to the most dangerous and high-hazard materials. It is not going to affect every truck shipment.

Both the TSA and DOT are currently working on improving truck-tracking systems and background checks for commercial driver's licenses with a Hazmat endorsement. My amendment would help continue and build on those existing efforts, which have been slow, in part, due to lack of funding.

So I urge my colleagues to support this amendment and help close this hole in our Nation's homeland security.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, if I can get the attention of the Senator from New York, as I understand it, we reached an understanding on your amendment No. 1184, as modified. Are you going to send a modification to the desk? We can just agree to it now.

Mr. SCHUMER. I believe I have sent the modification to the desk.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator's amendment No. 1184 be agreed to.

Mr. SCHUMER. Be?

Mr. GREGG. Be agreed to, unless the Senator wishes to oppose it.

Mr. SCHUMER. No. I think I have asked that already. But if you want to do it twice, maybe it will increase my legislative batting average.

The PRESIDING OFFICER. It has been agreed to.

Mr. GREGG. It has been agreed to? OK, we missed that.

Mr. SCHUMER. If my colleague from New Hampshire would yield, I also withdrew amendment No. 1183, as per our agreement.

Mr. GREGG. All right. Great. So that leaves us with your amendment No. 1189, dealing with air cargo, and amendment No. 1190, dealing with hazardous materials; is that correct?

Mr. SCHUMER. Correct.

Mr. GREGG. We are on the same page. That is good. That is a starting point.

AMENDMENT NO. 1171

Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on amendment No. 1171, Senator MCCAIN's amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. It is in order to request the yeas and nays on that amendment.

Mr. GREGG. Mr. President, I ask for the yeas and nays on amendment No. 1171.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Thank you.

AMENDMENTS NOS. 1189 AND 1190

Mr. President, as to the two proposals by the Senator from New York, I am going to make a point of order that both proposals exceed the budget allocation which we received. Obviously, they are well-intentioned, and they are reasonably confined compared to some of the other proposals we have received this morning in the billions of dollars. These are in the hundreds of millions—in one case even under $100 million.

The fact is, in both instances, the Department does not believe it is necessary to do this at this time. They believe they have proposals in the pipeline which will address air cargo, and they have proposals in the pipeline which will deal with hazardous material shipments. But as of right now, they are not ready to deal with these additional dollars in a way that will use them constructively. So the Department opposes both of these proposals based essentially on the fact that they are pilot programs, and their initiatives in these areas are not ripe enough, are not at the level of capacity yet to handle these types of dollars.

As the Senator from New York has noted, this is really a question for us, as a Congress, and for the Homeland Security agency, as an agency, to allocate resources where they can get the most return and the most effective use. And within the limited dollars we have—and they are fairly significant dollars; actually, the increase in homeland security is significant—the focus has been on areas where we think we can get constructive results quickly with the dollars put into the accounts, specifically: weapons of mass destruction, water patrol—I have mentioned this before a number of times—and other items like that.

So, Mr. President, these dollars at this time exceed the budget and, therefore, I make a point of order against each of these two amendments. And so, on each amendment, beginning with 1189, I make a point of order that under section 302(f) of the Budget Act that the amendment provides spending in excess of the subcommittee's allocation under 302(f).

The PRESIDING OFFICER. The Senator is making it against 1189?

Mr. GREGG. Yes, 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act as applicable to 1189 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I make a budget point of order against amendment No. 1190 by the Senator from New York. It is the same point of order I just made against 1189.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I move to waive the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. Mr. President, I thank the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to spend a few moments talking about an issue of great concern, and that is transit security. I know my colleagues are working as we speak. I will be working with them—the Senator from New Hampshire; the Senator from West Virginia; my colleague, Senator SHELBY from Alabama—to raise the amount of resources devoted to transit security. The sticking point at the moment is how much we can raise these funds. I have urged a significant increase because of the significant threat.

We were all shocked last Thursday when we became aware of the news that 52 innocent transit riders in London were killed and over 700 injured in a series of cowardly attacks in the heart of London on their transit system, both on their underground system and their aboveground bus system. This horrific attack was reminiscent of other attacks in Madrid, Moscow, Israel, and elsewhere. All these attacks are specifically targeted to public transportation. We know this is a target for terrorists. We also understand that our system in the United States is still vulnerable to those types of attacks.

Every workday, 14 million Americans take a train or a bus. To put that in perspective, that is roughly 28 times the population of the State of Wyoming. Each and every day these 14 million Americans get on a bus or take a metro subway to work and to other necessary obligations and appointments. We know, quite clearly, that these transit systems are the prime target of terrorists. Subways, light rail, buses, and ferries are designed for easy access and to move large numbers of people efficiently. As a result, they do not have all the panoplies today of protection that you see at airline terminals, for example.

The facts are clear. There have already been numerous attacks on transit. We have 6,000 transit systems in the United States, with 14 million riders every workday. I do not think anyone could disagree with those facts or disagree with the fact that we have to do more to harden and protect our transit systems.

Yet the Federal Government's response to these facts has been underwhelming at best. In contrast to aviation, where we have invested $9 in security improvements per passenger, to date we have invested roughly $0.006 per passenger, a little over half a cent, to protect transit passengers throughout the country.

Now, I think we have to do much better. Perhaps we can never reach the level of protection for airlines because of the nature of that process—we can put screening devices in terminals; we can have elaborate followthrough in terms of passenger lists and identifying who is getting on which aircraft—but we have to do more in public transit. That is a consensus, a conclusion, I hope we all reach. Again, I think the debate today and tomorrow will be about how much we can do.

Now, I will make the case we have to do much more. I am working with my colleagues. I hope we can achieve a sufficient level of investment in transit security that is commensurate with the threat that has materialized just a few days ago, and, unfortunately, is likely to materialize again here or across the globe.

Now, after September 11, when I was serving as chairman of the Subcommittee on Housing and Transportation, I held a hearing on the topic of transit security. At that time it was clear that we needed to do more than simply rely on the Federal Transit Administration, whose expertise is building systems, not essentially making them secure. Their efforts were commendable but very limited. They were reviewing security procedures. They were trying to disseminate information. But they were not able to because of their expertise as well as because of the resources needed to go in and start making significant capital improvements, supporting operational changes, doing all those things that are absolutely key to protecting our security systems, our transit systems.

After the hearing, Senator SARBANES and I asked the General Accounting Office to do a study on transit security. That report was completed in 2002. They found that one-third of all terrorist attacks throughout the world were directed against transit. Yet we have nowhere committed the resources commensurate with that level of activity. And even more telling was the GAO's conclusion that, in their words, "insufficient funding is the most significant obstacle agencies face in trying to make their systems more safe and secure."

Typically, in the United States, transit systems are local systems. They depend upon riders' fares, local and State subsidies, and all of these sources are highly constrained in terms of coming up with the extra dollars to ensure protection of the system. Because of these conclusions from the GAO report, from our hearings, Senator SARBANES and I have come to the floor on several occasions to argue for additional funding. We have done this with respect to supplemental appropriations bills. We have done it with respect to other Department of Homeland Security appropriations bills. And indeed, we also tried to suggest increased funding during the National Intelligence Reform Act debate.

I have been pleased to work with many colleagues, particularly Senator SHELBY, chairman of the Banking Committee. Last year we were able to pass authorizing legislation in the Senate that would have created a threat-based transit security policy, along with authorizing $3.5 billion to help transit systems deter, detect, and respond to terrorist attacks. While the Senate did its part in passing the legislation, regrettably it was not passed by the House, nor was it supported with the kind of energy and enthusiasm by the administration which is so critical to achieving the objective of improved transit security. We are here again today on this legislation, in the wake of London, arguing for additional resources so that we can meet this threat to our transit systems.

There are some who might oppose these efforts. They might say it is too much money. Frankly, when you look at what has to be done—6,000 transit systems—when you look at the amount of training, the amount of capital equipment—just in terms of communications, for example—that is a huge number. And when you measure that with the threat—a third of all terrorist attacks over the last several decades have been directed at transit, and we have seen it in Madrid, in London, in Moscow, in Tokyo, where a Japanese fanatical group attempted to disperse a chemical agent in the tunnels—the threat is there; the resources are not.

Since 1992, the Federal Government actually has invested $68 billion to construct transit systems, but we haven't yet been able to commit ourselves to protecting those systems adequately. It has been estimated that roughly $6 million is necessary to provide the kind of protection that at least provides a minimal level of protection. These investments range from fencing to high-tech explosive detection systems, to communication upgrades. All of these things could be put in place, enhancing significantly the security of our systems.

In the wake of London, in the wake of Madrid, in the wake of the transit attacks in Russia, I don't think it is too much to ask to spend 12 cents per transit passenger, as some amendments have proposed, to protect them.

I have also heard that we should direct all of our efforts to threat-based approaches—don't single out transit, don't single out aviation, any particular mode of transportation or infrastructure. But frankly, the attractiveness—and I say this with regret—of transit to terrorists as a target is so compelling that this argument also does not hold water.

I also hope that we can continue to support these efforts, understanding that the primary responsibility is local. These systems are local or regional. The States and the localities have an obligation. But the reality is—and I don't think I have to spend too much time saying this—most transit systems are already just scraping by in terms of keeping their ridership up, making sure fares are affordable, making sure that they can make improvements in their basic rolling stock and facilities. These additional resources for security properly could be supported by the Federal Government.

We also authorized and created a few years ago the Department of Homeland Security. It is the appropriations for that Department we are discussing today. With respect to that Department, there was an acknowledgment that the Federal Government was stepping up to the issue of protecting all of our vital infrastructure, including transit, that we do have an obligation. We have assumed that obligation with the creation of the Department of Homeland Security and other steps to protect all of our vital infrastructure. Indeed, our situation with respect to transit is one that cries out for additional resources.

The President just ordered, in the wake of London, our transit systems to go to alert level orange. The threat is there. I hope our efforts over today and tomorrow will not only recognize this threat but match it with commensurate resources so that we can begin to seriously protect our transit systems and our riders.

One other point, too. Our transit systems—buses, subways—are integral parts of our economy. That is one reason why they are so attractive to terrorists. The attack in London was planned so that the bombs would go off right in the midst of the financial district, not only with the intent to cause the loss of life, the symbolic and psychological horror of such a dastardly act, but also to cripple the economy. If a successful attack is conducted against a transit system in a major city, it will not be measured just in terms of casualties but also in potentially huge economic losses. Our efforts today are not only sensible because of the threat, sensible because of the need to protect Americans in areas where they are vulnerable, but to avoid the kind of economic chaos that could result from a successful attack against transit.

I hope in the next few hours we can come together with support for these efforts. I know Senators BYRD and GREGG, SHELBY and SARBANES, and others, are working toward that end so we can come up with sufficient resources to meet this great threat.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1075

Mr. VOINOVICH. Mr. President, I rise today to offer amendment No. 1075 to the Department of Homeland Security Appropriations Act of 2006.

First, I acknowledge the hard work of Senators GREGG and BYRD and thank them for their diligence in coming to a consensus on this crucial legislation. The balance between enhanced security and responsible stewardship of the taxpayers' dollars is a fine one. I applaud their attention to both, and I support the legislation.

In an effort to increase the sound management of homeland security funds, I offer an amendment that would increase the funding of the Emergency Management Performance Grant Program by $10 million. I am joined on this amendment by Senators COLLINS and LIEBERMAN, the chair and ranking members of the Homeland Security and Governmental Affairs Committee, as well as 17 other Senators. I thank them all for their support. I believe that redirecting funds to the EMPG Program, which has a proven track record, is both fiscally responsible and strategically sound.

The EMPG Program assists the emergency management agencies and programs of the States, the District of Columbia, U.S. Territories, and local and tribal governments to prepare for all hazards and disasters, both natural and manmade. The EMPG Program is the only source of Federal assistance that supports comprehensive emergency management, coordination, and planning.

Funding for this program is split 50/50 between the Federal and State governments. This unique and important program provides States and localities with the flexibility to allocate funds according to risk, which helps address their most urgent needs in disaster mitigation, preparedness, response and recovery. Most importantly, EMPG funds are also used to pay for personnel costs, including training and exercises. This aspect of the program is important given the tight budget constraints and increased counterterrorism responsibilities currently faced by State and local governments. States also have the flexibility to develop intrastate emergency management systems that encourage the building of partnerships which include government, business, volunteer, and community organizations.

As Governor of Ohio, I had first-hand experience with the EMPG Program and would note some examples that illustrate its effectiveness.

Since 2002, Ohio has issued eight major disaster declarations and two emergency declarations. The 2005 winter storm was the most widespread disaster in Ohio's history, with 59 counties declared disaster areas with damage assessments that exceeded $260 million. EMPG funding has played a critical role in allowing Ohio State and local emergency management agencies to plan for these disasters, respond in a timely manner to those areas hit hardest, and pay the salaries of local emergency management staff.

Additionally, Ohio has elected to use a portion of the annual EMPG funding for special projects, such as local emergency operations center construction. This is one of the few funding streams that allow for brick and mortar type projects. At any given time there are several counties benefiting from the use of these dollars.

Ohio is not the only State that has benefited from the EMPG Program. For example, EMPG funds play a critical role in helping the State of Alabama develop its plans to respond to natural disasters, particularly hurricanes. EMPG grants have been used for contingency planning, including evacuation plans, debris removal plans, and plans for postdisaster distribution of critical aid to those affected by the storms.

The State of Kansas is struck by nearly 50 tornadoes every spring. Without local government emergency management staff paid for by EMPG funding, there wouldn't be adequate coordination to help respond to those tornadoes in a timely manner.

York County, ME, has had 12 declared disasters in 12 years, including coastal flooding and severe ice storms. The York County Office of Emergency Management works with 29 towns on the full range of emergency management, including preparedness, response, recovery and mitigation. Without the help of EMPG funds they would have only one full-time person; with EMPG support they have three.

Additionally, during last year's devastating hurricane season, the EMPG Program proved its worth. The Emergency Management Assistance Compact, which is funded by the EMPG, enabled 38 States to provide $15 million worth of aid and over 800 personnel to support Florida and the other impacted States for over 85 days.

These are just a few examples of how EMPG funds are used to help State and local governments prepare for the worst situations. They demonstrate that EMPG funds are the backbone of emergency management and disaster response in America.

Many of the people who have been involved in emergency management in the States have been impacted by the budget crisis we are experiencing in many States throughout the country. In Ohio, for example, they substantially cut back on the State funds for local and State government. Again, they are being asked to do the ordinary work that they do in emergency management and, at the same time, take on added responsibilities to deal with the issue of responding to terrorists.

I will now address how EMPG funds have been spent relative to other grant programs. The Senator from New Hampshire has noted how billions of dollars of Department of Homeland Security grant money remains unspent by State and local government. However, according to the Department of Homeland Security, EMPG funds are spent rapidly compared to other programs. In other words, there may be a problem with some of these other funds getting through to the folks who need them, but in this particular case, these moneys flow very rapidly.

In other words, if Congress appropriates extra EMPG funding, it will not go unused. Although both Congress and President Bush have recognized the importance of this program, it still faces a shortfall. The disaster relief fund is our Government's rainy day fund, and it is robust in comparison to other programs in this bill. Therefore, my amendment would take $10 million from this $2 billion account to increase EMPG funding. Increased EMPG funding will ensure strong management and planning prior to any disaster. In other words, when asked about the logic of taking $10 million out of the $2 billion account for the disaster relief fund, our arguments would be, as a result of this additional money, we can do a lot better job of preventing more of these disasters in the long run and make sure the dollars that are spent in the disaster relief fund are spent in the most efficient and effective way.

Increased EMPG funding will ensure strong management and planning prior to any disaster. In other words, redirecting these funds will enhance the effectiveness of every disaster relief fund dollar directed toward response and recovery and ensure we get the biggest bang for the buck when it comes to Federal disaster relief funding.

Again, there are some other funds in the Homeland Security appropriations. It was our best judgment that going after the disaster relief fund was the most logical way to pay and add this $10 million to the EMPG program.

As I mentioned, this amendment is sponsored by both the chairman and ranking member of the Homeland Security and Governmental Affairs Committee which has the oversight responsibility for homeland security, as well as 17 other Senators, including Senator GRASSLEY, chairman of the Finance Committee, which is significant.

In closing, we must prepare for terrorist attacks in addition to natural disasters. The EMPG program is a proven method of doing this. It is my strong belief that by enhancing the EMPG funding, we increase the capacity of State and local emergency management agencies to get the job done when the needs of our citizens are the greatest.

Once again I applaud the efforts of Senator GREGG and Senator BYRD, and I ask my colleagues to support increased funding for the EMPG program.

Mr. President, I was going to ask for the yeas and nays, but the fact is, we are negotiating now with Senator GREGG's staff and Senator GREGG and perhaps we can find some other language that might be more acceptable to them. I am not going to ask for the yeas and nays now. If we are unable to reach a compromise, then I will ask for the yeas and nays at a later date.

I yield the floor.

The PRESIDING OFFICER. If the Senator will withhold, does the Senator wish to request that the pending amendments be set aside so his amendment can be called up?

Mr. VOINOVICH. Yes, I do request that.

The PRESIDING OFFICER. Without objection, the amendment will be considered. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. VOINOVICH] proposes an amendment numbered 1075.

The amendment is as follows:

(Purpose: To increase funds for emergency management performance grants, with an offset)

On page 82, line 12, strike "$180,000,000" and insert "$190,000,000".

On page 85, line 17, strike "$2,000,000,000" and insert "$1,990,000,000".

Mr. VOINOVICH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1218

Mr. REID. Under the authority of the agreement pending before the Senate, I send an amendment to the desk on behalf of Senator BYRD.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. BYRD, proposes an amendment numbered 1218.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funding for intercity passenger rail transportation, freight rail, and mass transit)

On page 77, line 18, strike "$2,694,300,000" and insert "$4,025,300,000".

On page 78, line 13, strike "$365,000,000" and insert "$1,696,000,000".

On page 79, strike lines 1 through 4 and insert the following:

(D) $265,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail and $1,166,000,000 for transit security grants; and

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. GREGG. Mr. President, I ask unanimous consent the Senate stand in recess until 4 o'clock.

There being no objection, the Senate, at 3:02 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Mr. COBURN).

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2006—Continued

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will speak to the underlying bill for a moment. I find it interesting in debating this Homeland Security appropriations bill, there have been many colleagues come to the floor expressing the intention to amend the bill to add more resources here or there or someplace else. I think it is instructive that the chairman of this subcommittee has this year determined it is beyond the time that we need to begin fully funding some of the particular accounts that enable us to better control our border and that my colleagues are now coming, I suggest in the case of some later than I would like, but at least to the realization that we have not begun to put the resources to controlling our border and some of our other homeland areas of need that we should have.

This is a good development in the sense that we are finally beginning to realize we have not done what we should do. But I am troubled a little bit that there still is not adequate funding available to do everything we need to do on the border that I am concerned about, and that is our southwest border.

Compliments to the subcommittee and to the Appropriations Committee for substantially increasing the funding for more Border Patrol agents, for more detention space for people whom we have to detain who should not be in the United States and who cannot be returned to their country of origin immediately, for the technology which is funded here, and for all the other things we are trying to do to secure our border. Congratulations to Chairman GREGG and to the other members of the committee for doing this. For my colleagues who would like to add more, I appreciate their efforts as well because we all know that whatever we are able to do this year, it is still not going to be enough to actually gain control of our border.

One of the problems that has arisen is the problem of what the border control calls "other than Mexican" illegal immigrants. As we all know, most of the people coming across our southwestern border are from the country of Mexico, but a lot of them are simply transiting through Mexico. This population is of increasing concern to us. In fact, we were recently informed that already this fiscal year over 119,000 third-country nationals, that is third country other than Mexico, have been apprehended crossing our borders. We know there is a rough rule of thumb that three or four are not apprehended for every one that is apprehended, so you get a situation here where it is pretty clear that we have a huge influx of people coming into the United States from countries other than Mexico.

What does this mean? We know most of the people coming in from Mexico are coming for work. Perhaps some have criminal backgrounds or other nefarious purposes, but at least we don't suspect most of them are coming here for purposes of harming us. In the case of these "other than Mexican" nationals, the same thing cannot be said because between 20 or 30 of these countries are countries of special interest to the United States; in other words, countries from which terrorists have come. The question is both on the southern and on the northern border, which is equally a problem here, how many of the folks coming into this country from countries other than Mexico mean us harm?

We all know, for example, that in the days of testimony from former DHS Deputy Secretary Loy, advising the Senate Intelligence Committee, that:

> [r]ecent information from ongoing investigations, detentions and emerging threat streams strongly suggest that al-Qaida has considered using the southwest border to infiltrate the United States. . . . Several al-Qaida leaders believe operatives can pay their way into the country through Mexico, and also believe illegal entry is more advantageous than legal entries for operational security reasons.

Secretary of State Rice commented later that:

> We have from time to time had reports about al-Qaida trying to use our southern border. . . . [it] is no secret that al-Qaida will try to get into this country . . . by any means they possibly can. . . . [t]hat's how they managed to do it before and they will do everything they can to cross the borders.

There is at least one specific case of a terrorist having been apprehended coming into the United States.

There is more we can discuss here, much of it involving intelligence, but on both the northern and southern border there is a threat that people could come into this country and we would not be able to stop them. We wouldn't even know they are here. And clearly because of that means of entry as opposed to coming, say, from an airplane from London or another city, you could at least be carrying contraband here that could be detrimental to us in the form of a chemical or biological agent. It is even conceivable you could bring nuclear material in as well.

So the security of our borders is critical to homeland security, yet up to this year we have not had the kind of appropriations necessary to begin making a dent in the problem. I am, again, exceedingly grateful to the chairman this year for seeing to it we are able to get that funding to begin this effort.

One of the concerns about these "other than Mexican" detainees I mentioned is that, unlike the case in Mexico where we can simply send people back to the border to be returned, to be repatriated to their country, it is not that easy in the case of people from other countries. Obviously Mexico will not take them because they are not Mexicans, even though they transited through Mexico. So you have to begin a long, drawn-out process of contacting the country of origin and trying to get the paperwork in order to see if you can get the country to take the individual back, to begin that repatriation process. Some countries will not even take their people back. Other countries take a long time. What do we do in the meantime?

Obviously we need to detain those people. So we detain them—right? Wrong. There is not adequate detention space. So we give them a piece of paper and say, Come back in 90 days or 30 days, whatever the time period is, and report in so we can remove you from the United States.

Guess how many of them voluntarily return for removal to their country of origin? The percentages differ, but you get my drift. A very high percentage choose to simply meld into American society and become part of our illegal population here.

That cannot continue. We have called repeatedly on the Department of Homeland Security to come up with a plan to ensure that we can detain these individuals until their time for removal. It has yet to come to us.

One very worthwhile program is called "expedited removal." The chief of the Border Patrol, David Aguilar, testified before my Terrorism Subcommittee recently that it is their intention and hope to begin to expand this expedited removal program to all of the Border Patrol sectors on the southern and southwestern border. There are 20-some sectors, but only two have expedited removal today, the Laredo, TX and Tucson, AZ sectors. Here is why that is important. In most cases the average time to remove one of these detainees from another country is at least 3 months. It is about 90-some days. In the case of expedited removal we can actually accomplish this within less than 30 days, so at least you lessen the time for detention. You cut that in third, by one-third, and therefore if you have to put somebody in a detention space that is federally owned, you don't have to kick somebody else out in order to detain this person. If you have to rent the space from somebody else, it is going to cost you about one-third as much. It costs about $90 a day to house one of these detainees, and you can do that in State and local detention facilities.

The bottom line is we don't have enough of that detention space, so even today people are not being detained. They are being released on their own recognizance, told to come back when the paperwork has been developed with their country of origin so they can be returned.

That is wrong. We have to get the money to detain these folks and make sure we have a policy to do so at the same time we are trying to expand the expedited removal. There is money in this bill for that detention.

Again, I thank Senator GREGG for his alertness to this problem and willingness to put money in against the problem. But I fear the Department of Homeland Security has still not got a plan in place to both pursue the expedited removal for all sectors and, in the meantime, detain those who need to be detained.

If we should have a situation arise, as arose in England recently, in Great Britain, where people have come into the country—in this case they appear to be indigenous to the country itself—but where they have decided to engage in some act of terrorism, and it has been our own fault that we have allowed them to meld into our society illegally, then obviously we have no one to blame but ourselves.

I am calling this to the attention of my colleagues in the hope we can continue to both provide the funding the administration needs and to encourage the administration to get onto the solution of this particular problem as well.

The problem here is multipronged. I think all of us have understood that with the event in Great Britain a week ago. It illustrates to us the kind of harm that can be caused by a conventional kind of attack of terrorists. It doesn't take a major 9/11 kind of attack to create this kind of chaos. Yet it calls into question what we could do to provide total security within our homeland, because a train station, a bus station, other places of public congregation—be they shopping areas, sports events or the like—all suggest it is a virtual impossibility before the fact to provide 100-percent security. It simply cannot be done. That is why you have to try to prevent the problem from arising in the first place.

I will close by noting that part of our effort, in this appropriation bill, in order to control the border itself, is to provide a thousand new Border Patrol agents at the border, also 300 new Immigration and Customs investigators, the new enforcement agents. This bill provides 460 of those. Incidentally, all of these are in addition to numbers provided in the supplemental appropriations bill. So we have added to the number that we already acted on at the end of last year.

We fund over 40,000 positions dedicated to protecting our borders and enforcing immigration laws. To break it down, over 12,000 Border Patrol agents, 18,000 Customs and border protection officers, nearly 6,000 criminal investigators, nearly 1,300 deportation officers, 2,700 immigration enforcement agents and detention officers. We also have money for more training of Border Patrol and immigration enforcement personnel.

We have money to support the deployment of the US VISIT Program, which will help us better track the people who both come into our country and leave the country. We have over a half billion dollars for air and marine operations, as I mentioned before, money for over 2,000 new detention beds for these apprehended illegal aliens, and with the supplemental, that adds about 4,000 new detention spaces for this purpose.

We more than double the number of ports that have our container security initiative, 41 that take part in that, and nearly $1 billion for biological countermeasures. These things, by and large, are in place to try to prevent the capability of the terrorists from pulling off an attack in the first place. They are not responding to an attack after it has occurred. We have to have responses, but our primary goal here should be to take the fight to the enemy, to try to provide the protection going in, because there is no way, once they are in the United States, to protect every bit of this wide-open and liberty-loving society. So it is better to try to stop them before they get here, and it is better to try to degrade their ability to attack us by taking the fight to them.

That is why later on we are going to get into things such as reauthorizing the PATRIOT Act, on which we just heard testimony, as a critical component in our war on terror and protecting our homeland and other ways in which we can take the fight to the enemy. For now, this appropriations bill provides us a significant capability to stop the terrorists at our border as well as providing some internal protection in those areas that have the highest priority and for which we can get the biggest bang for the buck in terms of protection.

Again, I compliment the members of the Appropriations Committee, particularly the chairman of the Subcommittee on Homeland Security, for their attentiveness to this issue, their willingness to make a significant effort to help fight this battle.

I urge my colleagues to support this legislation when we get to that point.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent that after I be recognized to speak for 10, no more than 15 minutes, Senator CLINTON of New York be recognized to speak at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I thank the Chair.

Mr. President, I just returned from a week back in my State of Illinois traveling from Chicago through downstate southern Illinois meeting with many people at Fourth of July parades, the usual standard procedure in scheduling for many Members of the Senate and Congress. Many people came to say hello, but there were a couple who stand out in my memory of that week. One was a man in southern Illinois who pulled me aside and in very quiet tones said, "Bring our troops home." And another, a man standing at O'Hare Airport, as I walked by, recognized me and said, "Support our troops."

I think in those two brief sentences we really have a lot of the public sentiment of America. Support our troops. That is clear. These are our sons and daughters. If you have been there, as I was this last March, and seen them, in Iraq, in Baghdad, risk their lives, see those fresh-faced young people who are standing there so proudly on behalf of our country, you can't help but support these men and women. You must. And we have. We should continue to do so.

But there is a growing sentiment as well that they should come home. Some say bring them home right now. I am not one of those people. I do not believe we can just end our commitment today and leave Iraq. I am afraid what would be left behind would be chaos, a training ground for terrorism that would threaten not only the Middle East but the entire world. But yet I do believe all of us feel, even the President, that we should be looking to the day when our troops do come home and how we will reach that day because every single day we wait in anticipation of those troops coming home we are losing soldiers.

This morning's Washington Post, as it does every day, published the number of American soldiers killed in Iraq to this moment: 1,755—1,755—and more than 13,000 grievously wounded. Many of them I have met and seen. Some of the Illinois families, I have been to their funerals, met their families, dropped notes to and spoken to them. It breaks your heart to think that they have lost someone they love so much.

How do we reach this point where we can bring these troops home and feel that we have achieved what we set out to do? Well, we came up with a way to try to measure this and set us on a course for it to happen. When Congress passed the supplemental appropriations bill, we authorized $35 billion directly associated with U.S. operations in Iraq and $5.7 billion on top of that to train and equip Iraqi security forces. That is the way we bring American soldiers home, by training and equipping Iraqis to take their place.

That same bill required the Secretary of Defense to provide a detailed report on how the training was progressing and what U.S. troop levels would likely be by the end of the year. The report that was mandated by that supplemental appropriations bill was due in 60 days after it was enacted. The due date was July 11. Today is July 13, and we still have not received the report required by law. Some media reports the Pentagon is still working on it. Others say the report is on Secretary Rumsfeld's desk. When we call the Pentagon, the answers are conflicting.

Congress has approved over $200 billion for the war in Iraq. Although I have had serious misgivings about the initial invasion of Iraq as to whether we had a plan for success, not just for deposing Saddam Hussein but for building a peace, while I was concerned that we did not have allies to stand with our troops soldier by soldier—only the British came forward with any substantial numbers—and while I was concerned about the American burden of this war not only in human life but in treasure, I have decided, and I think most of my colleagues agree, we will not shortchange our troops in the field.

The last time we had a supplemental appropriations bill, $82 billion for our troops passed unanimously in the Senate. Many of us who had voted against the war voted for that money. If it were my son or daughter, I would want them to receive every single penny they needed to perform their mission, to perform as they have, and come home safely.

Despite having voted for this money, I stand here today with my colleagues in the Senate uncertain as to our progress because this report from the Pentagon which we had asked for, one which attempts to measure how we are progressing, how the Iraqis are progressing, has still not been delivered, and it is a concern to me because I think this report really goes to the heart of what we are trying to achieve. We are trying to finally learn where we stand in Iraq, how soon our troops are likely to come home. There have been a lot of claims—150,000 Iraqi soldiers ready to come into battle—and yet when it comes to the real battles it is American soldiers—American soldiers—risking their lives. That is why we have asked for the Pentagon to tell us what progress is being made.

The conference report to the supplemental stated that a new assessment is necessary because the Pentagon's existing performance indicators and measures of stability and security in Iraq are not adequate. We have heard about these claims, how many Iraqi soldiers and policemen are ready. Police have been recruited by the tens of thousands, according to reports from the Pentagon, but many are just missing in action.

The report that we require under law asks for a detailed assessment of Iraqi military, political and economic progress. Iraqi battalions must be able to operate on their own against the insurgency, and Iraqi forces must be able to secure their own borders.

The draft of the new constitution in Iraq is due next month. The Iraqis have made some progress toward creating a new political system of government, and they had an absolutely historical election with turnout evidencing a thirst for new leadership in their country, but Iraqi unemployment may be as high as 50 percent, and some of the most fundamental things of civilized life are not there, whether it is electricity, sewage treatment, water, security in your home.

The report we asked for demands an assessment on how far we progressed toward our goals. The fact that this report has not been filed is a source of real concern. Progress in Iraq is critical to bringing America's soldiers home with a victory. This report asks our Pentagon what U.S. force levels will be needed by the end of next year. We say that if there is any part of it that needs to be classified, do so. Don't disclose anything that could jeopardize the security and safety of our troops.

An amendment has been offered by Senator REID of Nevada and Senator KENNEDY and myself, an amendment to the Homeland Security bill before us, asking that this report be provided to Congress on a timely basis. It is long overdue. This is an administration which has measured many things in terms of performance and quality. So many different agencies of our Government were held to the standard of what are you producing for the money that is being provided. What we are asking is the same type of accountability and the same type of metric when it comes to our progress in Iraq.

I would agree with many who say setting a timetable for withdrawal may be counterproductive, but it is not unreasonable to hold the Iraqis to a timetable, a timetable to develop their government and their security force and their defense so that American soldiers can come home. I think that is reasonable. It was passed overwhelmingly on a bipartisan basis by Members of Congress.

The fact that there has been such a delay in providing this information is troubling, but I am hoping that even as I speak here today, the Secretary of Defense is preparing this report and sending it so we can learn as quickly as possible how soon our soldiers can come home to their families and those of us who love them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. I thank the Chair.

Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1105

Mrs. CLINTON. Mr. President, I would like to call up amendment No. 1105.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1105.

The amendment is as follows:

(Purpose: To require an accounting of certain costs incurred by, and payments made to, New York City, the State of New York, and certain related entities, as a result of the terrorist attacks of September 11, 2001)

At the appropriate place, insert the following:

SEC. ___.(a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) (referred to in this section as the "Secretary"), shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act—

(A) all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(B) all requests for funds submitted to the Department of Homeland Security and the Federal Emergency Management Agency by New York City and the State of New York (including the dates of submission, and dates of payment, if any, of those requests) that have been paid or rejected, or that remain unpaid; and

(2) a certified accounting and detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act;

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans of the Secretary for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information in addition to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

Mrs. CLINTON. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. Is there objection to the modification?

Mrs. CLINTON. Mr. President, I understand Chairman GREGG and Senator BYRD have agreed to accept this amendment as modified. I ask unanimous consent that this amendment be agreed to as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1105), as modified, was agreed to, as follows:

At the appropriate place, insert the following:

SEC. ___. (a) Not later than 15 days after the date of enactment of this Act, the Secretary of Homeland Security, acting through the Director of the Federal Emergency Management Agency (including the Emergency Preparedness and Response Directorate and all other staff under the direction of the Secretary) (referred to in this section as the "Secretary"), shall provide to the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate—

(1) a detailed list that describes, as of the date of enactment of this Act, all associated costs (as determined by the Secretary) incurred by New York City, the State of New York, and any other entity or organization established by New York City or the State of New York, as a result of the terrorist attacks of September 11, 2001, that were paid using funds made available by Congress; and

(2) a detailed description of—

(A) the amounts of funds made available after the terrorist attacks of September 11, 2001, that remain unexpended as of the date of enactment of this Act;

(B) the accounts containing those unexpended funds; and

(C) a detailed description of any plans for expenditure or obligation of those unexpended funds.

(b) Not later than 15 days after the date of receipt of a request from the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate for any information directly related to information described in subsection (a), the Secretary, and such staff located in a regional office of the Department of Homeland Security or the Federal Emergency Management Agency as the Secretary determines to be appropriate, shall provide the information to the Subcommittee.

AMENDMENT NO. 1106

Mrs. CLINTON. Mr. President, I call up amendment No. 1106 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 1106.

Mrs. CLINTON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to report to Congress regarding the vulnerability of certain facilities and measures to provide greater security, and for other purposes)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Transportation, shall assess and report in writing to the Committee on Appropriations, the Committee on Homeland Security and Government Affairs, and the Committee on Commerce, Science, and Transportation of the Senate on the following:

(1) The vulnerability posed to high risk areas and facilities from general aviation aircraft that could be stolen or used as a weapon or armed with a weapon.

(2) The security vulnerabilities existing at general aviation airports that would permit general aviation aircraft to be stolen.

(3) Low-cost, high-performance technology that could be used to easily track general aviation aircraft that could otherwise fly undetected.

(4) The feasibility of implementing security measures that would disable general aviation aircraft while on the ground and parked to prevent theft.

(5) The feasibility of performing requisite background checks on individuals working at general aviation airports that have access to aircraft or flight line activities.

(6) An assessment of the threat posed to high population areas, nuclear facilities, key infrastructure, military bases, and transportation infrastructure that stolen or hijacked general aviation aircraft pose especially if armed with weapons or explosives.

(7) An assessment of existing security precautions in place at general aviation airports to prevent breaches of the flight line and perimeter.

(8) An assessment of whether unmanned air traffic control towers provide a security or alert weakness to the security of general aviation aircraft.

(9) An assessment of the additional measures that should be adopted to ensure the security of general aviation aircraft.

(b) The report required by subsection (a) shall include cost estimates associated with implementing each of the measures recommended in the report.

Mrs. CLINTON. Mr. President, I ask that Senators LAUTENBERG, CORZINE, and SCHUMER be added as cosponsors of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, this is a commonsense amendment regarding the potential threat that all of our cities and States face from the theft or misuse of general aviation aircraft by criminals or terrorists.

This amendment would require the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to assess the dangers posed to high-risk, large population, and critical infrastructure areas should general aviation aircraft be stolen and used as a weapon by a criminal or terrorist.

This study would require the two Secretaries to assess the vulnerability of general aviation airports and aircraft and study what low-cost, high-technology devices could be available to better track general aviation aircraft.

Last month, a 20-year-old young man, while intoxicated and accompanied by two other individuals, breached a perimeter fence of an airport in Danbury, CT. He and his companions stole a small Cessna 172 aircraft, departed from the airport without detection, flew across the eastern border of New York, and eventually, thankfully, landed without incident at the Westchester County Airport in New York very near to my home.

What is alarming about this is that this happened, and it happened without detection. So far as we know, no one knew the aircraft had been stolen or that the joyride was taking place. This incident occurred very close to New York City, very close to Indian Point, the nuclear facility in the county. Thankfully, this particular incident ended without any damage, destruction, or death, and the individuals were eventually detained by law enforcement.

Following the incident, which, as you might imagine, happening so close to New York City involving stolen aircraft raised a great deal of concern among my constituents, I wrote to Secretary Chertoff and Secretary Mineta asking for an investigation into this incident, and I hope to hear back from them both soon. But this incident should be a forewarning of the types of threats we still face from aircraft. We have been very focused on the big commercial aircraft that many of us use on a regular basis, but we cannot forget that most aircraft are in private hands in local airports, many of them privately owned or privately leased, and that they still pose a potential danger to key infrastructure, to populated areas, and we need to be more aware of what that threat could be.

The 9/11 Commission, which looked at this, concluded:

> Major vulnerabilities still exist in cargo and general aviation security. These, together with inadequate screening and access controls, continue to present aviation security challenges.

In addition, the 9/11 Commission told us that we needed to be imaginative, we needed to think outside the box. Unfortunately, we needed to think like those who wish us harm about what the new and emerging threats could be.

The Transportation Security Administration, known as TSA, issued security guidelines for general aviation airports in May of 2004, and they outlined some guidelines that general aviation airports should follow in order to secure the aircraft and the airfield. There are more than 19,000 landing facilities nationwide, including heliports, lakes, and dirt landing strips from which aircraft could be launched and more than 200,000 general aviation aircraft in our country.

Of course, it is impossible to avoid every threat that is posed to the public or that we can imagine, but we should be vigilant to make sure we have a partnership so that local communities, private individuals, and private businesses can all take necessary steps to be vigilant and protective.

My amendment requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct a threat assessment posed by security breaches at general aviation airports and to look at the potential impact such threats could pose to a number of potential targets if an aircraft were used as weapon or were loaded with explosives by terrorists.

The Department of Homeland Security would assess low-cost technologies to track general aviation aircraft, the feasibility of implementing additional security measures and background checks, an analysis of airports with unmanned air traffic control towers and what costs may be associated with implementing necessary additional security measures.

We have been very blessed that we have not suffered another terrorist attack. That is due to the hard work and vigilance of countless Americans who have responded not just heroically but in a very steadfast, daily way to prevent, detect, deter, and defend against potential threats.

In this building, we have experienced evacuations which, thankfully, were caused by either false alarms or as a result of errors by pilots. Recently, another general aviation aircraft breached the airspace over Camp David while the President of the United States was present.

It is important to evaluate the threats that could be posed. In its 2004 report, the TSA stated that as many vulnerabilities within other areas of aviation have been reduced, general aviation may be perceived as a more attractive target and consequently more vulnerable to misuses by terrorists.

I have flown in just about every little kind of plane you can imagine—medium-sized plane, big plane, crop dusters. I have had doors blow off, windows blow off. I have had emergency landings in pastures and cow fields and roads. I have been in so many airports at all hours of the day and night when no one was around except those getting into the airport or those just landing. I have a good idea how available these airfields are.

I appreciate the work the Aviation Security Advisory Committee Working Group did in advising the TSA. However, given the heightened vulnerability that we all are aware of, given some of the recent events—including the evacuations of our own Capitol involving general aviation aircraft—we need to roll up our sleeves and take another hard look at this. I hope we can do it hand in hand with the general aviation fixed-base operators, pilots, owners, airport managers, and others who have been working hard to increase security measures at so many of these small airports.

I believe in general aviation. I take advantage of it practically every week. It is a significant and important contributor to our national economy. I want to be sure we do everything possible to make sure it is not in any way affected by any potential criminal or terrorist activity.

This amendment does not mandate any new costs for general aviation. It simply requires the study be conducted on vulnerabilities and a report made to Congress within 120 days. Most people who own these airports, most people who own these general aviation aircraft, want to be safe. They want to do what is necessary to protect their investment. But we need to have a good analysis of what the threats might be so we can be smart about how we address them. We certainly do not want to wait until an incident happens.

I appreciate Chairman GREGG and Senator BYRD who have agreed to accept this amendment.

I ask unanimous consent amendment 1106 be agreed to.

Mr. GREGG. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1106) was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1104

Mr. ENSIGN. Mr. President, I ask that the pending amendment be set aside to call up amendment 1104.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 1104.

Mr. ENSIGN. Mr. President, I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To require the Transportation Security Administration to implement the use of multi compartment bins to screen passenger belongings at security checkpoints)
>
> On page 69, line 12, after "presence:", insert the following: "*Provided further*, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and implement multi compartment bins to screen passenger belongings at security checkpoints:"

AMENDMENT NO. 1104, AS MODIFIED

Mr. ENSIGN. I send a modification to that amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 1104), as modified, is as follows:

> On page 69, line 12, after "presence:", insert the following: "*Provided further*, That of the amount made available under this heading, an amount shall be available for the Transportation Security Administration to develop a plan to research, test, and potentially implement multi compartment bins to screen passenger belongings at security checkpoints:"

Mr. ENSIGN. I understand both sides have agreed to the amendment, as modified, and I ask unanimous consent this amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment (No. 1104), as modified, was agreed to.

AMENDMENT NO. 1124, AS MODIFIED

Mr. ENSIGN. I call up amendment numbered 1124 for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Does the Senator wish to call for regular order with respect to that amendment?

Mr. ENSIGN. Yes. I send a modification to the desk to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is so modified.

The amendment (No. 1124), as modified, is as follows:

On page 77, line 20, insert "of which $367,552,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and" after "local grants,".

Mr. ENSIGN. Mr. President; last year when the Senate was considering the national intelligence reform bill, we adopted several recommendations of the 9/11 Commission.

One of those recommendations was to hire an additional 2,000 new custom and border protection agents each year for the next 5 years.

This body agreed with the recommendation. We agreed that our national security depended on such an investment, and we enacted that recommendation into law.

We are now considering the Homeland Security appropriations bill. The bill that was reported out of committee includes funding for 1,000 new agents in the coming fiscal year. I understand there are problems with training 2,000 agents.

My amendment as modified would provide the Secretary of Homeland Security with the discretion to shift $367 million to hire 2,000 new agents next year. This amendment is fully offset. I rise today to urge the Senate to adopt my amendment so that we can keep the commitment that we made to the American people last year. I thank JOHN MCCAIN for cosponsoring our amendment.

The threat of illegal border crossing by people who wish to kill us is very real.

The 9/11 Commission found that many of the 19 hijackers that attacked on 9/11 could have been placed on watch lists. But without adequate staff and coordinated efforts, the terrorists were allowed to enter the United States. Once here they learned how to fly airplanes at American flight schools. They conducted surveillance to assess our weaknesses. And they attacked.

In order to prevent another terrorist attack on American soil, we must improve every aspect of our Nation's security. Our security is truly only as strong as our weakest link.

For too long, the lack of funding for border agents has been a weak link. By funding additional agents, we protect both our southern and our, often neglected, northern border. This will make it harder for terrorists to enter the United States and attack us.

There have been several news reports recently that I want to bring to my colleagues' attention.

A few months ago, intelligence officials confirmed that the terrorist Zarqawi plans to infiltrate America through our borders. He plans to attack targets such as movie theaters, restaurants, and schools. My amendment commits the resources to make sure that this does not happen.

Just last month, in Detroit, a Lebanese national named Mahmoud Youssef Kourani, who was in the United States illegally, pled guilty in Federal court to conspiring to raise money for a recognized terrorist group. He was in the United States raising money to fund terrorists. That is outrageous. But what is equally outrageous is how he came into the United States in the first place.

Kourani took advantage of our porous border. Kourani paid a Mexican consular official in Beirut $3,000 for a visa to enter Mexico. Once in Mexico, he snuck across the U.S.-Mexican border in 2001 and settled in Michigan.

According to Federal prosecutors, Kourani and another member of his family are heavily involved with the same group that killed 214 marines in Beirut in 1983 and which is also responsible for bombing two U.S. embassies.

While in the United States, Kourani also helped harbor other illegal immigrants. Thankfully, he was prosecuted before he could inflict any direct harm on any American.

Given how easy it is for people like Kourani to enter the United States, I believe that my amendment is imperative to our national security.

My amendment does not require any additional spending. It gives the Secretary discretion which, if used, is completely offset. This amendment is paid for.

Homeland security spending must be based on priorities. The fact that terrorists would use our borders to gain access to the United States to attack is a real threat. So we must provide funds for customs and border protection.

Three and a half years ago it only took 19 people to change the course of this country. We must do everything that we can to prevent another terrorist attack on American soil.

The world has changed dramatically since 9/11 when the terrorists used our open and trusting society against us. We cannot allow a repeat of that tragedy.

This amendment will help those who guard our frontiers by providing the necessary, and I stress necessary, tools to ensure the safety of our citizens.

In conclusion, I commend the chairman of the subcommittee, Chairman GREGG, for the job he has done prioritizing what we are doing in the area of Homeland Security. His is a very difficult job. We have limited resources. It is a question of where are we going to manage our risk with the limited resources we have in this global war on terrorism. Chairman GREGG has a huge, huge task ahead not only this year but in the years to come.

This year's bill is going a long way to reprioritizing what we need to do to defend ourselves against the terrorists. Although the bill goes in the right direction, our amendment takes the bill that much further toward protecting our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the commitment of Senator ENSIGN and Senator MCCAIN on the issue of border security. They have been aggressive in their commitment and have done a lot of constructive work. I will leave it to the Senate to decide how to handle this amendment.

I make these points for the purpose of fair disclosure. First off, the amendment takes about $360 million out of the first responder program and moves it over to the Border Patrol for the purpose of hiring 1,000 new border agents. That means first responder money would go from $1.9 billion to $1.4 billion.

In addition, the money that will be moved would be money that would go out under threat. In other words, there are two pools of first responder money. There is the money that is distributed on the basis of threat, and there is the money that is distributed on the basis of formula.

Now, the language of the amendment says "may." I respect the decision of the authors of this amendment to use the term "may" because that will leave it up to the Homeland Security agency to make the decision as to where the money should go, whether it should stay in the area of first responders or whether it should be moved over to the Border Patrol. That is probably good policy in many ways.

The second thing I think that needs to be noted, however, is the reason we arrived at the number 1,000 that we funded—myself and Senator BYRD—in this bill for new Border Patrol is because when you combine that number with the supplemental, where there were 500 new Border Patrol agents added, you are up to 1,500 Border Patrol agents, and we know, through efforts of our staff and requests of the Department, that because of the facilities' restrictions—we moved most of the training from South Carolina over to

New Mexico—we can only train probably about 1,300 agents a year right now.

Now, this bill has money in it to get those facilities up to a position where they can do a much more robust effort in the area of training. In fact, my hope is next year we can train upwards of 2,500 when we expand these facilities. But right now they have, basically, limits on the number of people they can train. So it is not clear these additional Border Patrol agents would be able to be trained should we want to bring them on line. We do want to bring them on line; it is just a question when we can bring them on line. So that is a concern I think Members should know about.

In addition, the physical effort of hiring Border Patrol agents has become a problem for the Border Patrol. One of the reasons they were not able to hire up to the 2,000, which was originally requested a few years ago, was because they could not find qualified people to meet the enlistment rolls. We are not sure whether they are going to be able to find 1,500 new Border Patrol people. We hope they will. It will put a lot of pressure on them to try to find 2,500 new people, which is what this number will be if this amendment is adopted.

But, again, this is an issue of policy. I think the body has the right to make a decision on this issue. I do not intend to make any points of order against it. I will leave it to the majority of the body to decide where they want to have this money spent and how they want to set the policy on this issue when the amendment comes up for a vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

AMENDMENT NO. 1218

Mr. President, the amendment that the minority leader offered on my behalf would provide an additional $1.33 billion above the underlying bill for security funding needed for our transit systems, intracity buses, intercity rail, and freight rail.

Our thoughts and prayers are with the victims of the London bombings. For all of us, the pictures were all too graphic reminders of how quickly disaster can strike and how deadly terrorist strikes can be.

The horrific attacks in London a few days ago were eerily similar to the attacks in Madrid, Spain, in March 2004: targeted, coordinated, and timed bombings.

Sadly, crowded subway systems and trains have become inviting targets for terrorists. We have witnessed the hysteria and the chaos that these events can trigger. Could it happen here? Of course. Are our systems more secure? I wonder.

Last week, when asked if additional funding was needed to secure mass transit, Homeland Security Secretary Chertoff responded by saying:

> I wouldn't make a policy decision driven by a single event.

Well, with all due respect to the Secretary, the alarm bells have been ringing for years.

On July 8, the Washington Post printed a chart that provides a chronology of bombings with al-Qaida links. This chart shows that, starting in 1993 at the World Trade Center in New York City, there have been 16 bombings worldwide linked to al-Qaida.

Mr. President, I ask unanimous consent that this chart be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BOMBINGS WITH AL QAEDA LINKS

Date	City	Country	Facility	Attack type	Dead
2/26/93	New York City	U.S.	World Trade Center	Car bomb (some participants later became associated with al Qaeda).	6
6/25/96	Dhahran	Saudi Arabia	Khobar Towers housing	Truck bomb (some evidence of al Qaeda)	19
8/7/98	Nairobi	Kenya	U.S. Embassy	Truck bomb	247
8/7/98	Dar es Salaam	Tanzania	U.S. Embassy	Truck bomb	10
10/12/00	Aden	Yemen	Destroyer USS Cole	Bomb on small boat	17
9/11/01	New York, Washington, Pennsylvania	U.S.	World Trade Center, Pentagon, Pennsylvania	Planes flown into buildings, field	2,973
12/22/01	Paris-Miami	Airliner	Attempted plane bombing	Richard Reid caught with shoe bomb	0
4/11/02	Djerba Island	Tunisia	Synagogue	Truck bomb	21
6/14/02	Karachi	Pakistan	U.S. consulate	Suicide car bomb	14
10/6/02	Mina al-Dabah	Yemen	French supertanker Limburg	Bomb on boat	1
10/12/02	Bali	Indonesia	Two nightclubs	Suicide bombings	202
11/28/02	Mombasa	Kenya	Israeli-owned Paradise Hotel	Suicide car bomb	16
5/12/03	Riyadh	Saudi Arabia	Three compounds for Westerners	Car bombs	23
5/16/03	Casablanca	Morocco	Five locations	Suicide bombings	45
8/5/03	Jakarta	Indonesia	JW Marriott Hotel	Car bomb	12
3/11/04	Madrid	Spain	Four trains	Bombs in sachels	191

Source: Washington Post database.

Mr. BYRD. The alarms do not stop there, Mr. President. According to the RAND Corporation, between 1998 and 2003, there were 181 terrorist attacks on rail targets worldwide. The Congressional Research Service has reported that passenger rail systems in the United States carry about five times—five times—as many passengers each day as do the airlines. Yet the administration has continuously opposed funding to increase security on our trains, subways, and buses.

Public transportation is used nearly 32 million times a day—think of that: 32 million times a day—which is 16 times more than travel on domestic airlines. According to the Government Accountability Office, nearly 6,000 agencies provide transit services by bus, subway, ferry, and light rail to about 14 million Americans each weekday. Amtrak carried an all-time record ridership of 25 million passengers in fiscal year 2004. Are these lives not worth protecting? How about it?

What about the dangerous and hazardous materials that are transported by rail? We simply are not doing enough. Without proper security measures in place, these transports are vulnerable to attack or sabotage. Many of these shipments travel to or through major urban areas, such as Washington, DC, and, frankly, only minutes down the road from where we stand today.

The Homeland Security Council released a report in July 2004 indicating that a chlorine tanker explosion in an urban area could kill up to 17,500 people. According to a New York Times editorial on June 20, 2005:

> One of the deadliest terrorist scenarios the Department of Homeland Security has come up with is an attack on a 90-ton rail tanker filled with chlorine. As many as 100,000 people could be killed or injured in less than 30 minutes.

Yet only 2 out of every 100 transportation security dollars in this bill will be spent on rail and transit. What does this mean? This means that 98 percent of transportation security funding is going—for what?—going for aviation security.

Since 9/11, I have offered amendments on seven different occasions—seven different occasions—to add money for transit and rail security. However, every time the administration opposed my efforts. So I regret the Secretary's comments last week that policy should not be driven by a single event.

I was astonished to learn that the $150 million that Congress approved for mass transit and rail security last October is still sitting—where?—sitting in the Treasury.

Finally, on Tuesday, the Department notified Congress how they intend to allocate the funds. But an announcement does not make Americans safer.

It takes time for transit and rail systems to actually put these security improvements in place, so there is no excuse for these bureaucratic delays in Washington.

Within very limited allocations, Congress has taken the lead by providing $265 million between fiscal years 2003 and 2005 for transit security. Unfortunately, the administration has let the money sit in Washington far too long. It was all of 8 months before all of the 2003 funding was awarded, and 6 months before the 2004 funding went out the door. And here we are again, 9 months after the fiscal year 2005 transit funding was enacted, and what happens? Well, it is deja vu all over again. It is still sitting—where?—in Washington, right here in Washington. The administration must overcome the hurdles that have caused those delays.

Clearly, the administration is not taking this threat seriously. It certainly would not appear to be. So we must press the administration to do more. The horrific events we witnessed just a few days ago ought to serve as a call to action by this Government to protect our citizens from future attack. For far too long, the administration has put its head in the sand where rail and mass transit security are concerned.

We should be taking steps right now to improve deterrence in our transit and rail systems by investing in surveillance cameras, investing in locks, in gates, in canine teams, in sensors, and other tools.

Last October, the Senate passed two bipartisan rail security authorization bills, S. 2273 and S. 2884, that authorized additional funding for securing mass transit and rail systems, but the bills did not make it to the White House.

The bill that is before the Senate reduces funding from $150 million in fiscal year 2005 to $100 million. The amendment would increase the $100 million to $1.43 billion. That is the amendment that I offer. Let me say it again. The amendment would increase the $100 million to $1.43 billion. The $1.43 billion includes $1.166 billion for transit security and $265 million for rail security. So we are taking care of both transit security and rail security. That seems to meet both needs, at least part way.

Our security efforts cannot be delayed, Mr. President, and must not be underfunded. The lives of the American people depend on strengthened security. And whose life is it? It may be your own. It may be your relative's. It may be your friend's. The time for hand wringing is over. It is time to act.

So I urge all Senators to support the amendment.

I ask unanimous consent, Mr. President, that the following Senators have their names added as cosponsors to the amendment: Mr. INOUYE, Mr. SARBANES, Mr. REED of Rhode Island, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, and Mr. CORZINE.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1120

Mr. BYRD. Mr. President, on behalf of Senator FEINGOLD, I call up amendment No. 1120. The amendment requires the Department of Homeland Security to report to the Congress on the use of data-mining procedures.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. FEINGOLD, for himself, Mr. SUNUNU, Mr. LEAHY, and Mr. CORZINE, proposes an amendment numbered 1120.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require reports to Congress on Department of Homeland Security use of data-mining)

At the appropriate place, insert the following:

SEC. ____. (a) DEFINITIONS.—In this section:

(1) DATA-MINING.—The term "data-mining" means a query or search or other analysis of 1 or more electronic databases, whereas—

(A) at least 1 of the databases was obtained from or remains under the control of a non-Federal entity, or the information was acquired initially by another department or agency of the Federal Government for purposes other than intelligence or law enforcement;

(B) a department or agency of the Federal Government or a non-Federal entity acting on behalf of the Federal Government is conducting the query or search or other analysis to find a predictive pattern indicating terrorist or criminal activity; and

(C) the search does not use a specific individual's personal identifiers to acquire information concerning that individual.

(2) DATABASE.—The term "database" does not include telephone directories, news reporting, information publicly available via the Internet or available by any other means to any member of the public without payment of a fee, or databases of judicial and administrative opinions.

(b) REPORTS ON DATA-MINING ACTIVITIES BY THE DEPARTMENT OF HOMELAND SECURITY.—

(1) REQUIREMENT FOR REPORT.—The head of each department or agency in the Department of Homeland Security that is engaged in any activity to use or develop data-mining technology shall each submit a report to Congress on all such activities of the agency under the jurisdiction of that official. The report shall be made available to the public.

(2) CONTENT OF REPORT.—A report submitted under paragraph (1) shall include, for each activity to use or develop data-mining technology that is required to be covered by the report, the following information:

(A) A thorough description of the data-mining technology and the data that is being or will be used.

(B) A thorough description of the goals and plans for the use or development of such technology and, where appropriate, the target dates for the deployment of the data-mining technology.

(C) An assessment of the efficacy or likely efficacy of the data-mining technology in providing accurate information consistent with and valuable to the stated goals and plans for the use or development of the technology.

(D) An assessment of the impact or likely impact of the implementation of the data-mining technology on the privacy and civil liberties of individuals.

(E) A list and analysis of the laws and regulations that govern the information being or to be collected, reviewed, gathered, analyzed, or used with the data-mining technology.

(F) A thorough discussion of the policies, procedures, and guidelines that are in place or that are to be developed and applied in the use of such technology for data-mining in order to—

(i) protect the privacy and due process rights of individuals; and

(ii) ensure that only accurate information is collected, reviewed, gathered, analyzed, or used.

(G) Any necessary classified information in an annex that shall be available to the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Appropriations of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Appropriations of the House of Representatives.

(3) TIME FOR REPORT.—Each report required under paragraph (1) shall be submitted not later than 90 days after the end of fiscal year 2006.

Mr. BYRD. The amendment is cosponsored by Senator CORZINE. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1120) was agreed to.

Mr. BYRD. Mr. President, I move that the vote by which the amendment was agreed to be reconsidered.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1155, AS MODIFIED

Mr. BYRD. Mr. President, on behalf of Senator BOXER, I call up amendment No. 1155, with a modification which I send to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mrs. BOXER, proposes an amendment numbered 1155, as modified:

(Purpose: To provide oversight of homeland security spending)

SEC. . SPENDING OVERSIGHT.

"None of the funds made available in this Act shall be used for items identified in the Inspector General's Report of March 2005 'Irregularities in the Development of the

Transportation Security Operations Center' as wasteful."

Mr. BYRD. Mr. President, does the modification need unanimous consent?

The PRESIDING OFFICER. Is there objection to the modification? Without action, the amendment is so modified.

Mr. BYRD. The amendment, as modified, prevents funds from being used for wasteful expenditures. I urge adoption of the amendment, as modified.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1155), as modified, was agreed to.

Mr. BYRD. Mr. President, I move that the vote be reconsidered by which the amendment was agreed to.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1201

Mr. BYRD. Mr. President, I call up my amendment numbered 1201.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1201.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require State and local governments to expend or return grant funds)

On page 81, strike line 20 and insert the following:

award: *Provided further*, That any recipient of Federal funds granted through the State Homeland Security Grant Program, the Law Enforcement Terrorism Prevention Program, and the Urban Area Security Initiative Program, or any predecessor or successor to these programs, as appropriated in fiscal year 2004 and fiscal year 2005, shall expend funds pursuant to the relevant, approved State plan by September 30, 2007: *Provided further*, That any recipient of Federal funds granted through any program described in the preceding proviso, as appropriated in fiscal year 2006, shall expend funds pursuant to the relevant, approved State plan by September 30, 2008: *Provided further*, That any funds not expended by September 30, 2007 or September 30, 2008, respectively, as required by the preceding 2 provisos shall be returned to the Department of Homeland Security to be reallocated to State and local entities based on risk and in conformance with the assessments now being conducted by the States under Homeland Security Presidential Directive 8.

Mr. BYRD. Mr. President, this amendment would require that States and localities spend their first responder funds pursuant to approved State plans within 2 years of the end of the fiscal year that they received the funds. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, without objection, the amendment is agreed to.

The amendment (No. 1201) was agreed to.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, we are in the process of trying to reach an understanding on votes. It is not clear what that understanding will be, but we do intend to have votes this evening, maybe as many as five. In addition, I understand the Senator from Nevada wishes to be recognized on an amendment. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 1219 TO AMENDMENT NO. 1124

Mr. ENSIGN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The pending amendment is the Senator's amendment No. 1124.

Mr. ENSIGN. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN], for himself and Mr. MCCAIN, proposes an amendment numbered 1219 to amendment No. 1124:

(Purpose: To transfer appropriated funds from the Office of State and Local Government Coordination and Preparedness to the U.S. Customs and Border Protection for the purpose of hiring 1,000 additional border agents and related expenditures)

Strike all after the first word and insert the following:

On page 77, line 20, insert "of which $367,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency; and" after "local grants,".

Mr. ENSIGN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GREGG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I rise in support of the fiscal year 2006 Homeland Security appropriations bill. The first fundamental responsibility for our Federal Government is to protect the American people through a strong national defense and effective homeland security. Border security and immigration reform are essential elements of providing for a secure homeland. With that, I am here this afternoon to commend the chairman of the Appropriations Homeland Security Subcommittee, Senator GREGG, and the ranking member, Senator BYRD, for their aggressive and decisive steps forward that are being demonstrated in this legislation.

This bill continues to improve that which made our Nation and our people much safer than we were before and immediately after 9/11. I am proud to serve with the chairman and the ranking member and our colleagues on this subcommittee. We need to do more to improve our border security and immigration enforcement, however. It is important for Americans to understand that this Congress is making significant progress in this area.

Earlier this year, as a result of a Byrd-Craig amendment to the fiscal year 2005 emergency supplemental appropriations bill, we began the process of adding 500 new Border Patrol agents, 1,950 additional detention beds, and approximately 118 additional investigators, agents, and officers to the whole effort at Border Patrol. In fiscal year 2006, the bill that is before us continues to implement and build upon the progress that we have made in the Byrd-Craig amendment.

This bill, as reported by the committee, provides for 1,000 more Border Patrol agents. It increases the total number of beds at immigration detention centers by 2,240 to a total of 22,727.

It also adds 300 new immigration investigation positions and 200 new immigration enforcement agents and detention officers.

This bill, as reported, in combination with the supplemental bill we passed earlier, makes record increases to commit record resources to border security and immigration enforcement.

In total levels of key personnel alone, the Appropriations Committee has provided for 12,400-plus Border Patrol agents; 18,200-plus Customs and border protection officers; 6,000-plus criminal investigators for Customs and immigration work; 1,200-plus deportation officers; and 2,700-plus immigration enforcement agents and detention officers.

In other words, in these positions alone, this bill provides for literally an army of more than 40,000 agents and officers fighting on the front lines for border security and immigration enforcement.

The committee has made an earnest attempt to add resources and personnel as fast as the Department of Homeland Security can absorb them and use them effectively. The bill, as reported, makes available more than $7.1 billion for Customs and border protection, and more than $4.5 billion in immigration and Customs enforcement.

While those dollars and personnel numbers reflect something of our commitment to improve border security and immigration enforcement, it is important to emphasize the work being done and the progress being made for the American people.

More than 1 million individuals a year are being apprehended attempting to enter the country illegally, and formal removals have increased sixfold over the last decade. Worker identification checks have intensified. Development continues on US VISIT—the United States Visitor and Immigration Status Indicator Technology Program. Personnel are being trained. Technology is being modernized.

This bill calls on the administration, and provides resources to help, to close the gaps at our borders, to improve interagency coordination inside the Department of Homeland Security and with outside agencies, and to meet the challenges remaining from the historic, and massive, reorganization that created the Department.

As I have said, we do need to do more. The Federal Government has no laurels to rest on when it comes to border security or immigration. The problem of illegal immigration has grown to crisis proportion, with an estimated 10 million undocumented persons now living here in this country.

During much of the 1990s, and at different times in preceding decades, the Federal Government simply paid lipservice to enforcing the law while mostly looking the other way. This was with the quiet complicity of much of the public, in large part, because whole sectors of the economy have become increasingly dependent on the labor of these people. This is an intolerable situation.

Our Nation's immigration system and laws are broken. Whether we are talking about more money, more law, or both, a policy that focuses exclusively on more enforcement is not enough, and it will not work. It is a part of the total picture.

The United States has 7,458 miles of land borders and 88,600 miles of tidal shoreline. We can secure those frontiers well, but not perfectly. As we have stepped up border enforcement, we have locked persons in this country at least as effectively as we have locked them out of the country. Even as we have increased border enforcement, net illegal immigration is estimated at 400,000 to 500,000 a year. Fellow Senators, that is a figure worth repeating. Net illegal immigration in our country still, today, at this moment, in this year, will be between 400,000 to 500,000. To search door to door, as some would advocate, to find 10 million persons and flush them out of their homes, schools, churches, workplaces, and other areas is simply something the American people, in the end, would never tolerate. The question of civil liberties would grow and that effort would fall apart. We fought a revolution once in this great country of ours against search of our homes and, once again, I think the American people would react to that as not only unconstitutional, but dramatically intrusive.

So what do we do? This bill is a major step in the right direction. First and foremost, we secure our borders. As I have said, that is step one. Step two, to me, is we change the law and we change the character of the law to deal with the problem that clearly is at hand; provide incentives for those inside our borders to come forward and identify themselves; laws that ensure there is a supply of legal guest workers to take jobs Americans don't want or won't take. For example, when American agriculture briefly had a widely used legal guest worker program in the 1950s, illegal immigration plummeted by more than 90 percent. That program was called the Bracero Program. It worked well, but it had lots of criticism for the way the foreign nationals were treated inside this country. As a result, it fell apart. We were then given what we have today—a very cumbersome law that no longer works.

Last year, that law identified about 42,000 to 45,000 legal workers for American agriculture. Yet, we know there were well over a million working in this country for American agriculture that were probably illegal. That, too, is an intolerable situation. It is why several years ago I began to look at ways to solve this problem—at least for agriculture—because American agriculture is nervous, and they ought to be; they know that even though those workers who come to them have what appear to be legal documents, the reality is that they are, by 70 percent of their workforce, working illegal foreign nationals. If it is not corrected, it is an intolerable situation for American agriculture to be in.

That story can be played out in a variety of other industries. But as I began to focus on this a good number of years ago, I recognized there was a significant problem that had to be dealt with. It is not a popular thing to do, but immigration and immigration reform is never popular. Those of us who are the children of immigrants sometimes hold the attitude, close the border and let no one in. Yet, today, in the American workforce we know that at a growing high record of employment we still have well over 10 million foreign nationals, undocumented, working in our economy in jobs that Americans oftentimes choose not to work in.

That is why I created the bill AgJOBS, now supported by well over 60 Senators. We got a vote this year of 53 to 45 on a procedural motion to allow that Agricultural Job Opportunity and Benefit Security Act to come to the floor and ultimately work through the process and become law. Other colleagues of mine are working on types of reform.

So what we are doing today with the Homeland Security Appropriations bill is making a quantum leap in the right direction. No immigration policy, no matter how forward-looking, how flexible, and how reasonable it might be to identify those who are in the country, to allow the ebb and flow necessary to meet both the economic needs and humanitarian needs that we are all for—you cannot do it without controlling your borders, without controlling the flow that comes across them. That is what this bill makes a major step in doing.

I am pleased to be a member of the subcommittee and to join with Chairman GREGG and the ranking member, Senator BYRD, whom I have worked with on this issue before. I believe this bill deserves the support of the Senate. If you are for immigration reform, if you believe in controlling our borders, if you recognize this is an issue that has gone well out of control, then you would want to vote for this legislation. Is it a tremendous investment? You bet it is. But it is an investment long coming, because it is the investment we have denied and ignored as necessary to make for well over two decades. As a result of that, we have the consequences of the situation we deal with today.

Now is the time to correct it. Now is the time to reshape immigration policy in our country, and to do so recognizing that it is a two-front issue—both to have the right law in place, and to secure our borders so that those who come across are identified and move across legally and appropriately, consistent with the laws of our land.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators BOXER and KERRY have their names added to the Byrd transit amendment No. 1218.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I yield the floor.

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1166

Mr. DURBIN. Mr. President, I call up amendment No. 1166.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 1166.

Mr. DURBIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To designate a port of entry)

On page 70, line 20, strike "purposes." and insert the following: "purposes: *Provided further*, That MidAmerica St. Louis Airport in Mascoutah, Illinois, shall be designated as a port of entry.".

Mr. DURBIN. Mr. President, this is a very brief and simple amendment. It designates MidAmerica St. Louis Airport in Mascoutah, IL, as a port of entry.

MidAmerica Airport is the civilian side of Scott Air Force Base, one of the region's largest employers. MidAmerica and Scott Air Force Base have a successful joint-use plan.

MidAmerica is classified as a foreign trade zone and is a finalist to be classified as an interior transshipment point for international air cargo. The MidAmerica Airport does not currently have international traffic, although a passenger terminal was built to host pre-9/11 Customs activities. International air cargo transport is nonexistent in the region, and it would give MidAmerica a means to enhance the region's economy. This would be beneficial to homeland security and would enhance economic development in the metro East St. Louis region.

Mr. President, I ask that this amendment be set aside.

Mr. GREGG. Mr. President, I have no problem agreeing to this amendment if the Senator wants to ask unanimous consent for its approval.

Mr. DURBIN. Mr. President, I ask unanimous consent that amendment No. 1166 be considered and agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The amendment (No. 1166) was agreed to.

Mr. GREGG. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SHELBY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1205

Mr. SHELBY. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up amendment No. 1205.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Alabama [Mr. SHELBY], for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY, proposes an amendment numbered 1205.

The amendment is as follows:

(Purpose: To appropriate funds for transit security grants for fiscal year 2006 equal to the amount authorized in the Public Transportation Terrorism Prevention Act of 2004)

On page 77, line 18, strike "$2,694,300,000" and insert "$3,760,300,000".

On page 78, strike line 25 and all that follows through "(E)" on page 79, line 5, and insert the following: "security grants; and "(D)".

On page 79, between 22 and 23, insert the following:

(7) $1,166,000,000 for transit security grants, of which—

(A) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(B) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements; and

(C) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems:

AMENDMENT NO. 1205, AS MODIFIED

Mr. SHELBY. Mr. President, I further ask to modify the amendment with a modification that I sent to the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 1205), as modified, is as follows:

On page 77, line 15, strike all through page 79, line 6 and insert the following:

"For grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $3,860,300,000, which shall be allocated as follows:

(1) $1,518,000,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary, of Homeland Security to States, urban areas, or regions based on risks: threats; vulnerabilities: and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks: threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $1,531,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, of which—

(A) $200,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $10,000,000 shall be for intercity bus security grants:

(D) $100,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail security grants:

(E) 1,166,000,000 shall be for transit security grants, of which—

(i) $790,000,000 shall be for grants for public transportation agencies for allowable capital security improvements;

(ii) $333,000,000 shall be for grants for public transportation agencies for allowable operational security improvements: and

(iii) $43,000,000 shall be for grants to public or private entities to conduct research into, and demonstration of, technologies and methods to reduce and deter terrorist threats or mitigate damages resulting from terrorist attacks against public transportation systems; and

(F) $50,000,000 shall be for buffer zone protection plan grants.".

Mr. SHELBY. Mr. President, the funding level in this amendment is based on many things, and I will tell you about it. In fiscal year 2006, we were planning to have the Public Transportation Terrorism Prevention Act that would have provided a total of $1.166 billion for public transportation security grants based on risk. It provides for grants for capital infrastructure improvements, for public transportation systems, as well as operational costs for drills and training and research funding. Everything—cameras, dogs, and you might go further with it.

We have taken necessary and prudent steps toward protecting our air travel from terrorism—we hope. We made strides toward hardening our aviation systems and making them less vulnerable to attack. Now I believe is the time to do the same for public transportation.

In 2004, the last year that data was available, over 9.6 billion passenger trips were taken on buses, trains, and other forms of public transportation. The American Public Transportation Association estimates that over 14 million Americans ride on public transportation each weekday. The U.S. Department of Transportation estimates that another 25 million use public transportation less frequently but on a regular basis.

Securing public transportation presents many challenges. We know that. The public transportation system includes over 100,000 miles of rail, almost 1,000 train and subway stations, and 60,000 buses. Meeting this challenge will require devoted resources and steadfast commitment to the task.

Today this amendment I am offering on behalf of myself, Senator SARBANES, and others is an amendment to the Department of Homeland Security appropriations bill. As the Banking Committee has jurisdiction over transit security issues, a lot of the colleagues on the Banking Committee on both sides of the aisle are joining me in this amendment.

The London attacks well illustrate the threats we face in this country, and we know all too well that England is not alone. Terrorists have targeted public transportation systems the world over, and we know they would delight in a successful attack here.

To this date, most terrorist attacks around the world have occurred on public transportation. Examples are, as you know, Mr. President, Spain, Israel, Japan, and other countries, and this should cause us to consider how we will aim to prevent such terrible attacks on our soil.

Over a year ago, Senator SARBANES and I reported out of the Banking Committee the Public Transportation Terrorism Prevention Act. It had numerous cosponsors and passed the Senate with a unanimous vote. The bill was crafted in a thoughtful and considered manner after a series of hearings held in the committee.

In those sessions, we spoke to terrorism experts and industry officials to ascertain the best way to protect public transportation systems in the country. The product was a bill that had the support of industry and terrorism experts alike. This amendment we are offering today comes out of that bill.

I believe we must provide resources toward mitigating these security threats, and we must do so as soon as possible. We cannot wait.

I also appreciate the challenge that Chairman GREGG of the committee faces. I serve on the Appropriations Committee with him, and I, too, am chairman of a subcommittee on appropriations. As he attempts to address the multitude of security challenges in this appropriations bill, the allocation of funding is daunting. Attempting to find the balance between ports, rail, public transportation, and other targets is a difficult task.

We could have infinite resources to spend and still not be totally protected. We must realize this. We must concede that in the debate. But I think we have to do more to protect our public transportation system. It is in that spirit, I am offering this amendment tonight.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 1220 TO AMENDMENT NO. 1205, AS MODIFIED

Mr. GREGG. Mr. President, I send a second-degree amendment to the desk and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from New Hampshire [Mr. GREGG] proposes an amendment numbered 1220 to amendment No. 1205, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the first word and insert the following:
>
> grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,299,000, which shall be allocated as follows:
>
> (1) $1,417,999,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).
>
> (2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.
>
> (3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—
>
> (A) $195,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);
>
> (B) $5,000,000 shall be for trucking industry security grants;
>
> (C) $15,000,000 shall be for intercity bus security grants;
>
> (D) $200,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and
>
> (E) $50,000,000 shall be for buffer zone protection plan grants.

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

AMENDMENT NO. 1205, AS MODIFIED

Mr. SARBANES. Mr. President, I rise in support of the amendment offered by the distinguished chairman of the Senate Banking, Housing, and Urban Affairs Committee. The need to improve security throughout our Nation's public transportation system has been apparent for quite some time. In fact, last year in the committee. I worked closely with Chairman SHELBY and with Senator REED of Rhode Island who have been leaders on this issue both within the committee and throughout the Senate, on the Public Transportation Terrorism Prevention Act of 2004.

That legislation came out of the committee unanimously and was approved in the Senate last October 1 by unanimous consent. So every Member of this body, in effect, validated that legislation. That bill authorized $3.5 billion over 3 years in security for our Nation's mass transportation systems. Of that amount, $1.16 billion was scheduled for fiscal year 2006.

This funding level was authorized to begin to address the critical security needs that exist throughout the thousands of public transportation systems in our country. The amendment offered by the chairman of the committee, which I have joined in cosponsoring, along with my able colleague from Rhode Island, Senator REED, and others, seeks to provide the appropriations level to sustain the authorized level, which this body has heretofore approved.

In the wake of the tragic attack in London last Thursday, which has claimed over 50 lives and left hundreds more injured, we clearly need to more fully fund transit security, and going to the previously Senate-authorized level seems to make imminent good sense. The Senate anticipated this problem in the authorization, and the committee brought out well-considered legislation which this body passed unanimously. We have not provided the wherewithal to support the authorization, and this amendment seeks to do exactly that.

The threat to transit is not new. We have had terrorist attacks against transit systems in Moscow, South Korea, and London. In fact, in 2002, the GAO found that one-third of all terrorist attacks worldwide were against transit systems. Despite this significant threat, security funding has been grossly inadequate.

Our Nation's transit systems have been unable to implement necessary security improvements, including those that have been identified by the Department of Homeland Security. In an editorial last Friday, the Baltimore Sun stated that, "Since September 11, 2001, the Federal Government has spent $18 billion on aviation security. Transit systems, which carry 16 times more passengers daily, have received about $250 million. That is a ridiculous imbalance."

They go on to state:

> Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing $3.5 billion over three years for the same purpose.

That is a direct reference to the Public Transportation Terrorism Prevention Act of 2004, which, as has been noted, passed the Senate unanimously.

These moneys will be used for such necessities as: security cameras, radios, front-line employee training, and extra security personnel. They are not extravagant requests.

Let me give one example of a critical need right here with respect to Washington's Metro. Their greatest security need is a backup control operations center. This need was identified by the Federal Transit Administration in its initial security assessment and then identified again by the Department of Homeland Security in its subsequent security assessment. This critical need remains unaddressed because it has been unfunded. This amendment provides the funding to match what was set out in the authorization.

We know that transit systems are potential targets for terrorist attacks. We know the vital role these systems play in our Nation's economic and security infrastructure. We can wait no longer to address these critical security needs of the transit systems throughout the Nation. This amendment begins the important process of providing these critically needed funds.

Again, I thank the able chairman of the committee for his excellent leadership on the transit security issue and Senator REED for his strong and continued commitment on this issue and his perseverance over a sustained period of time. I thank all of our colleagues who have joined as cosponsors of this amendment. I urge my colleagues to support the amendment.

I ask unanimous consent that the editorial from the Baltimore Sun of July 8 referenced in my statement be printed in full at the end of my statement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECURITY DERAILED

Yesterday's attack on London's transit system was frighteningly familiar. Just 16 months ago, terrorists in Madrid killed nearly 200 people and wounded more than 1,500 by setting off bombs in commuter trains. Both demonstrated the potential vulnerability of buses and rail systems. Yet, until yesterday, many in Washington seemed unconcerned that something similar could happen in the United States.

Last month, the Senate Appropriations Committee voted to reduce the Department of Homeland Security's budget for transit and rail security from $150 million (the amount spent annually now) to $100 million in the upcoming fiscal year. Certainly, no one knew terrorists would target London, but the 2004 bombings in Spain should have been fresh in senators' minds. What does it take for Congress to grasp this issue?

Since Sept. 11, 2001, the federal government has spent $18 billion on aviation security. Transit systems—which carry 16 times more passengers daily—have received about $250 million. That's a ridiculous imbalance. Transit officials estimate it would take $6 billion to make buses and rail systems safe. And Congress has in the past considered authorizing $3.5 billion over three years for the same purpose.

How would those in charge of the nation's public transit systems spend the extra money? Chiefly for necessities like security cameras, radios, training and extra security personnel. Those aren't extravagant requests. Local governments have spent $2 billion to keep buses and trains safe over the past four years, according to the American Public Transit Association.

The Bush administration originally asked for significantly more than $150 million to create a Targeted Infrastructure Protection Program that would not only increase transit security but also assist vulnerable shipping ports and energy facilities, too. And though transit and rail systems might have been shortchanged by that arrangement, it is not unreasonable to let DHS officials set their own investment priorities—if an adequate budget is made available to them.

Transit advocates are hopeful that the $50 million cut can be restored. The attacks in London suggest much more is needed. Advocates want $2 billion for transit and rail security in the fiscal 2006 budget (not counting the amount needed to protect Amtrak). Suddenly, that doesn't seem quite so unreasonable an expenditure.

Still, the failure to address transit security in the wake of last year's bombings in Madrid underscores Capitol Hill's inability to set appropriate spending priorities in matters of domestic security. As the 9/11 commission pointed out, Congress has treated portions of the DHS budget like so much bacon, apportioning more per capita to Wyoming than to New York. Between the costly war in Iraq and record budget deficits, the nation can ill afford to be so foolish with its security resources.

Mr. SARBANES. I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to commend Chairman SHELBY for his leadership on this issue and Senator SARBANES for his leadership. I am proud to be a cosponsor of this amendment along with Chairman SHELBY and Senator SARBANES. They have said it very well. We understand that transit systems are threatened by terrorists. That understanding was developed after 9/11, but certainly it was sharpened last week with the attack in London that left 52 dead and over 700 injured.

We recognize that we have to protect these vulnerable transit systems, and the purpose of this amendment is to provide the resources to do that. There are 6,000 transit systems in the United States, so this money, although it seems significant, will barely keep up with the demands for security improvements to transit systems across the United States.

Each day, 14 million riders use transit to get to work, to get to appointments, to get to hospitals, to do what they must do. Let me disabuse the notion that this is just the province of the very biggest metropolises like New York City. In Dallas, for example, on a yearly basis, 55 million trips a year on transit; Houston, 96 million trips a year; Atlanta, 137 million trips per year; Portland, 95 million; Charlotte, NC, 16 million trips per year; Philadelphia, PA, 297 million trips per year; and Minneapolis, 56.9 million trips per year.

Millions of Americans each day get on a subway or a bus and use the transit system. They are today not as well protected as they should be. The point of this amendment is to begin to get the resources together to start those sensible investments in capital equipment, in operational techniques and training and in consequence management that are so important for transit security.

As Senator SARBANES pointed out, the GAO has found that one-third of the terrorist attacks in the last several years have been directed against transit systems. We know it is a target.

After 9/11, as I was acting as chairman of the Subcommittee on Housing and Transportation, I held a hearing—in fact several hearings—about the need for improvement of transit security. Today, that evidence is even more compelling based upon what has happened in London, Moscow, and Spain. All of these things should compel us to support this amendment enthusiastically.

One final point: Not only is transit important, not only is it a target for terrorists, but in terror attacks transit is an important aspect in consequence management. People were evacuated from the Pentagon because of the subway systems and the Metro systems in Washington. Transit trains moved underneath the World Trade Center. In fact, cool action by some of the transit police and transit dispatchers was able to minimize casualties. That will not happen if they do not have the communication equipment, the training, and the ability to respond and react to a possible terrorist attack.

So not only is transit a likely target, but it is an essential means of managing the consequences of an attack in any urban area anywhere in the United States.

So I again urge my colleagues to join Senator SHELBY, Senator SARBANES, and our other colleagues who support this amendment. It is important. It is more than timely; it is, frankly, after last week, overdue.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, it appears we will be able to begin voting here around 6:30, just for Members' edification. The first vote will be on the point of order relative to the amendment of Senator DODD, followed hopefully with a second amendment dealing with one of the amendments of Senator AKAKA.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

AMENDMENT NO. 1202, AS MODIFIED

Mr. DODD. Mr. President, I have cleared this with the distinguished manager of the bill. I send a modification of the Dodd amendment, amendment No. 1202, to the desk.

The PRESIDING OFFICER. Is there objection to the modification? Hearing none, it is so ordered.

The amendment is as follows:

On page 77, line 18, strike $2,694,000,000 and insert $13,863,377,000.

On page 77, line 20, strike $1,518,000,000 and insert $7,810,788,066.

On page 77, line 21, strike $425,000,000 and insert $2,058,178,673.

On page 78, line 13, strike $365,000,000 and insert $1,878,088,040.

On page 78, line 16, strike $200,000,000 and insert $1,029,089,337.

On page 78, line 22, strike $5,000,000 and insert $25,727,233.

On page 78, line 24, strike $10,000,000 and insert $51,454,467.

On page 79, line 1, strike $100,000,000 and insert $514,544,668.

On page 79, line 5, strike $50,000,000 and insert $257,272,334.

On page 79, line 7, strike $50,000,000 and insert $257,272,334.

On page 79, line 9, strike $40,000,000 and insert $205,817,867.

On page 79, line 21, strike $321,300,000 and insert $1,653,232,019.

On page 81, line 24, strike $615,000,000 and insert $3,164,802,000.

On page 81, line 24, strike $550,000,000 and insert $2,830,311,000.

On page 81, line 26, strike $65,000,000 and insert $334,491,000.

On page 82, line 12, strike $180,000,000 and insert $926,284,000.

On page 83, line 12, strike $203,499,000 and insert $1,047,210,000.

On Page 89, line 3, strike $194,000,000 and insert $998,327,800.

Mr. DODD. Let me begin once again by expressing my appreciation to the chairman and the manager of this bill, Senator GREGG, and my colleague from West Virginia, Senator BYRD. They have done a good job with this bill. This bill deals with several complicated issues. The events during the past few days in London have highlighted the importance of these issues concerning our homeland security. I want to express my appreciation to Senator GREGG and Senator BYRD for operating within the constraints of the budget caps.

I realize by offering an amendment so large—50 percent of the entire amount in this bill—I am offering an extraordinary amendment. I tried to make it clear today that these are extraordinary times with extraordinary events. Since 1983, when the bombing of the Marine barracks took place in Beirut where we lost 242 Marines, 221 major terrorist attacks have occurred around the world. Fifty-eight of those attacks, almost 25 percent, were carried out in transit systems, with the use of trucks or cars or in seaports.

We know today in our own country that we are glaringly lax in providing the security we need within our transit systems, harbors, and ports.

The amendment I am offering is not one that I have crafted on my own. It was crafted largely from the recommendations Senator Warren Rudman, our former colleague, had suggested in a report sponsored by the Council on Foreign Relations that included many distinguished Americans who have worked in areas of national security as well as public health, intelligence, and bioterrorism. They suggested strongly in their report that we spend some $20 billion a year in order to fully invest in what we need to make our country more secure.

Let me quote, if I can, once again, because I think his comments are worth repeating, the language of Senator Rudman in that report. Senator Rudman said at that time:

> The terrible events of September 11 have shown the American people how vulnerable they are because attacks on that scale had never been carried out on U.S. soil. The United States and the American people were caught underprotected and unaware of the magnitude of the threat facing them.

He goes on to say:

> In the wake of September 11, ignorance of the nature of the threat or of what the United States must do to prepare for future attacks can no longer explain America's continuing failure to allocate sufficient resources in preparing local emergency responders. It would be a terrible tragedy indeed if it took another catastrophic attack to drive that point home.

Let me also, if I can, read once again the language of Les Gelb, in preparing the foreword of that report. Les Gelb wrote, on the occasion of this report being filed:

> As I sit to write this foreword, it is likely that a terrorist group somewhere in the world is developing plans to attack the United States and/or American interests abroad using chemical, biological, radiological, nuclear or catastrophic conventional means. At the same time, diplomats, legislators, military and intelligence officers, police, fire, and emergency medical personnel and others in the United States and across the globe are working feverishly to prevent and prepare for such attacks. These two groups of people are ultimately in a race with one another. This is a race we cannot afford to lose.

I think those words ought to be taken to heart. Since that report was filed, of course, we have seen the attacks in Madrid on their transit system and the people there who lost their lives in March of 2004 and we have seen the attacks in London, the suicide bombings that we now know occurred there—the first time suicide bombers appeared in the West. What kind of attack will it take for us to realize we can no longer wait to do what needs to be done to prepare our transit systems, our ports, our harbors—what more needs to be done to make America more secure?

Is my amendment a large amendment? It is. Is it extraordinary in its size? It is. But I strongly suggest to my colleagues the events we are facing as a people are no less extraordinary and demand, I think, extraordinary action.

While there will be a move here, obviously, to raise the point of order on the budget against this amendment because of its size—and I have asked to waive that point of order—at some point we are going to be faced again with these tragedies. I only hope we have the resources at hand to minimize them. How many events will it take? What catastrophic occurrence is going to have to occur before we realize we need to make these investments?

I know all the bureaucratic arguments that are being made here, but I don't think they apply. I think when we are faced, as we have been historically, with major events, major problems, this body, this Congress, the American people have responded accordingly. I think the American people expect nothing less of us at this hour. So I urge my colleagues to support this motion to waive and to support this amendment so we can do what needs to be done to make our country more secure.

Again, I appreciate immensely the efforts of the Senator from New Hampshire. I understand his points. They are points that are well taken. But I also believe the point I am making here is one deserving of attention.

Mr. President, I list here, for those who may be interested, the 221 significant terrorist incidents since 1983. I have categorized each of them that occurred and the numbers of lives lost. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SIGNIFICANT TERRORIST INCIDENTS, 1961–2003: A BRIEF CHRONOLOGY

Bombing of U.S. Embassy in Beirut, April 18, 1983: Sixty-three people, including the CIA's Middle East director, were killed and 120 were injured in a 400-pound suicide truck-bomb attack on the U.S. Embassy in Beirut, Lebanon. The Islamic Jihad claimed responsibility.

Naval Officer Assassinated in El Salvador, May 25, 1983: A U.S. Navy officer was assassinated by the Farabundo Marti National Liberation Front.

North Korean Hit Squad, October 9, 1983: North Korean agents blew up a delegation from South Korea in Rangoon, Burma, killing 21 persons and injuring 48.

Bombing of Marine Barracks, Beirut, October 23, 1983: Simultaneous suicide truck-bomb attacks were made on American and French compounds in Beirut, Lebanon. A 12,000-pound bomb destroyed the U.S. compound, killing 242 Americans, while 58 French troops were killed when a 400-pound device destroyed a French base. Islamic Jihad claimed responsibility.

Naval Officer Assassinated in Greece, November 15, 1983: A U.S. Navy officer was shot by the November 17 terrorist group in Athens, Greece, while his car was stopped at a traffic light.

1984

Kidnapping of Embassy Official, March 16, 1984: The Islamic Jihad kidnapped and later murdered Political Officer William Buckley in Beirut, Lebanon. Other U.S. citizens not connected to the U.S. government were seized over a succeeding two-year period.

Restaurant Bombing in Spain, April 12, 1984: Eighteen U.S. servicemen were killed and 83 people were injured in a bomb attack on a restaurant near a U.S. Air Force Base in Torrejon, Spain.

Temple Seizure, June 5, 1984: Sikh terrorists seized the Golden Temple in Amritsar, India. One hundred people died when Indian security forces retook the Sikh holy shrine.

Assassination of Indian Prime Minister, October 31, 1984: Premier Indira Gandhi was shot to death by members of her security force.

1985

Kidnapping of U.S. Officials in Mexico, February 7, 1985: Under the orders of narcotrafficker Rafael Caro Quintero, Drug Enforcement Administration agent Enrique Camarena Salazar and his pilot were kidnapped, tortured and executed.

TWA Hijacking, June 14, 1985: A Trans-World Airlines flight was hijacked en route to Rome from Athens by two Lebanese Hizballah terrorists and forced to fly to Beirut. The eight crew members and 145 passengers were held for seventeen days, during which one American hostage, a U.S. Navy sailor, was murdered. After being flown twice to Algiers, the aircraft was returned to Beirut after Israel released 435 Lebanese and Palestinian prisoners.

Attack on a Restaurant in El Salvador, June 19, 1985: Members of the FMLN (Farabundo Marti National Liberation Front) fired on a restaurant in the Zona Rosa district of San Salvador, killing four Marine Security Guards assigned to the U.S. Embassy and nine Salvadoran civilians.

Air India Bombing, June 23, 1985: A bomb destroyed an Air India Boeing 747 over the Atlantic, killing all 329 people aboard. Both Sikh and Kashmiri terrorists were blamed for the attack. Two cargo handlers were killed at Tokyo airport, Japan, when another Sikh bomb exploded in an Air Canada aircraft en route to India.

Soviet Diplomats Kidnapped, September 30, 1985: In Beirut, Lebanon, Sunni terrorists kidnapped four Soviet diplomats. One was killed but three were later released.

Achille Lauro Hijacking, October 7, 1985: Four Palestinian Liberation Front terrorists seized the Italian cruise liner in the eastern Mediterranean Sea, taking more than 700 hostages. One U.S. passenger was murdered before the Egyptian government offered the terrorists safe haven in return for the hostages' freedom.

Egyptian Airliner Hijacking, November 23, 1985: An EgyptAir airplane bound from Athens to Malta and carrying several U.S. citizens was hijacked by the Abu Nidal Group.

Airport Attacks in Rome and Vienna, December 27, 1985: Four gunmen belonging to the Abu Nidal Organization attacked the El Al and Trans World Airlines ticket counters at Rome's Leonardo da Vinci Airport with grenades and automatic rifles. Thirteen persons were killed and 75 were wounded before Italian police and Israeli security guards killed three of the gunmen and captured the fourth. Three more Abu Nidal gunmen attacked the El Al ticket counter at Vienna's Schwechat Airport, killing three persons and wounding 30. Austrian police killed one of the gunmen and captured the others.

1986

Aircraft Bombing in Greece, March 30, 1986: A Palestinian splinter group detonated a bomb as TWA Flight 840 approached Athens airport, killing four U.S. citizens.

Berlin Discothèque Bombing, April 5, 1986: Two U.S. soldiers were killed and 79 American servicemen were injured in a Libyan bomb attack on a nightclub in West Berlin, West Germany. In retaliation U.S. military jets bombed targets in and around Tripoli and Benghazi.

Kimpo Airport Bombing, September 14, 1986: North Korean agents detonated an explosive device at Seoul's Kimpo airport, killing 5 persons and injuring 29 others.

1987

Bus Attack, April 24, 1987: Sixteen U.S. servicemen riding in a Greek Air Force bus near Athens were injured in an apparent bombing attack, carried out by the revolutionary organization known as November 17.

Downing of Airliner, November 29, 1987: North Korean agents planted a bomb aboard Korean Air Lines Flight 858, which subsequently crashed into the Indian Ocean.

Servicemen's Bar Attack, December 26, 1987: Catalan separatists bombed a Barcelona bar frequented by U.S. servicemen, resulting in the death of one U.S. citizen.

1988

Kidnapping of William Higgins, February 17, 1988: U.S. Marine Corps Lieutenant Colonel W. Higgins was kidnapped and murdered by the Iranian-backed Hizballah group while serving with the United Nations Truce Supervisory Organization (UNTSO) in southern Lebanon.

Naples USO Attack, April 14, 1988: The Organization of Jihad Brigades exploded a car-bomb outside a USO Club in Naples, Italy, killing one U.S. sailor.

Attack on U.S. Diplomat in Greece, June 28, 1988: The Defense Attaché of the U.S. Embassy in Greece was killed when a car-bomb was detonated outside his home in Athens.

Pan Am 103 Bombing, December 21, 1988: Pan American Airlines Flight 103 was blown up over Lockerbie, Scotland, by a bomb believed to have been placed on the aircraft by Libyan terrorists in Frankfurt, West Germany. All 259 people on board were killed.

1989

Assassination of U.S. Army Officer, April 21, 1989: The New People's Army (NPA) assassinated Colonel James Rowe in Manila. The NPA also assassinated two U.S. government defense contractors in September.

Bombing of UTA Flight 772, September 19, 1989: A bomb explosion destroyed UTA Flight 772 over the Sahara Desert in southern Niger during a flight from Brazzaville to Paris. All 170 persons aboard were killed. Six Libyans were later found guilty in absentia and sentenced to life imprisonment.

Assassination of German Bank Chairman, November 30, 1989: The Red Army Faction assassinated Deutsche Bank Chairman Alfred Herrhausen in Frankfurt.

1990

U.S. Embassy Bombed in Peru, January 15, 1990: The Tupac Amaru Revolutionary Movement bombed the U.S. Embassy in Lima, Peru.

U.S. Soldiers Assassinated in the Philippines, May 13, 1990: The New People's Army (NPA) killed two U.S. Air Force personnel near Clark Air Force Base in the Philippines.

1991

Attempted Iraqi Attacks on U.S. Posts, January 18–19, 1991: Iraqi agents planted bombs at the U.S. Ambassador to Indonesia's home residence and at the USIS library in Manila.

Sniper Attack on the U.S. Embassy in Bonn, February 13, 1991: Three Red Army Faction members fired automatic rifles from across the Rhine River at the U.S. Embassy Chancery. No one was hurt.

Assassination of former Indian Prime Minister, May 21, 1991: A female member of the LTTE (Liberation Tigers of Tamil Eelam) killed herself, Prime Minister Rajiv Gandhi, and 16 others by detonating an explosive vest after presenting a garland of flowers to the former Prime Minister during an election rally in the Indian state of Tamil Nadu.

1992

Kidnapping of U.S. Businessmen in the Philippines, January 17–21, 1992: A senior official of the corporation Philippine Geothermal was kidnapped in Manila by the Red Scorpion Group, and two U.S. businessmen were seized independently by the National Liberation Army and by Revolutionary Armed Forces of Colombia (FARC).

Bombing of the Israeli Embassy in Argentina, March 17, 1992: Hizballah claimed responsibility for a blast that leveled the Israeli Embassy in Buenos Aires, Argentina, causing the deaths of 29 and wounding 242.

1993

Kidnappings of U.S. Citizens in Colombia, January 31, 1993: Revolutionary Armed Forces of Colombia (FARC) terrorists kidnapped three U.S. missionaries.

World Trade Center Bombing, February 26, 1993: The World Trade Center in New York City was badly damaged when a car bomb planted by Islamic terrorists exploded in an underground garage. The bomb left 6 people dead and 1,000 injured. The men carrying out the attack were followers of Umar Abd al-Rahman, an Egyptian cleric who preached in the New York City area.

Attempted Assassination of President Bush by Iraqi Agents, April 14, 1993: The Iraqi intelligence service attempted to assassinate former U.S. President George Bush during a visit to Kuwait. In retaliation, the U.S. launched a cruise missile attack 2 months later on the Iraqi capital Baghdad.

1994

Hebron Massacre, February 25, 1994: Jewish right-wing extremist and U.S. citizen Baruch Goldstein machine-gunned Moslem worshippers at a mosque in West Bank town of Hebron, killing 29 and wounding about 150.

FARC Hostage-taking, September 23, 1994: FARC rebels kidnapped U.S. citizen Thomas Hargrove in Colombia.

Air France Hijacking, December 24, 1994: Members of the Armed Islamic Group seized an Air France Flight to Algeria. The four terrorists were killed during a rescue effort.

1995

Attack on U.S. Diplomats in Pakistan, March 8, 1995: Two unidentified gunmen killed two U.S. diplomats and wounded a third in Karachi, Pakistan.

Tokyo Subway Station Attack, March 20, 1995: Twelve persons were killed and 5,700 were injured in a Sarin nerve gas attack on a crowded subway station in the center of Tokyo, Japan. A similar attack occurred nearly simultaneously in the Yokohama subway system. The Aum Shinri-kyo cult was blamed for the attacks.

Bombing of the Federal Building in Oklahoma City, April 19, 1995: Right-wing extremists Timothy McVeigh and Terry Nichols destroyed the Federal Building in Oklahoma City with a massive truck bomb that killed 166 and injured hundreds more in what was up to then the largest terrorist attack on American soil.

Kashmiri Hostage-taking, July 4, 1995: In India six foreigners, including two U.S. citizens, were taken hostage by Al-Faran, a Kashmiri separatist group. One non-U.S. hostage was later found beheaded.

Jerusalem Bus Attack, August 21, 1995: HAMAS claimed responsibility for the detonation of a bomb that killed 6 and injured over 100 persons, including several U.S. citizens.

Attack on U.S. Embassy in Moscow, September 13, 1995: A rocket-propelled grenade was fired through the window of the U.S. Embassy in Moscow, ostensibly in retaliation for U.S. strikes on Serb positions in Bosnia.

Saudi Military Installation Attack, November 13, 1995: The Islamic Movement of Change planted a bomb in a Riyadh military compound that killed one U.S. citizen, several foreign national employees of the U.S. government, and over 40 others.

Egyptian Embassy Attack, November 19, 1995: A suicide bomber drove a vehicle into the Egyptian Embassy compound in Islamabad, Pakistan, killing at least 16 and injuring 60 persons. Three militant Islamic groups claimed responsibility.

1996

Papuan Hostage Abduction, January 8, 1996: In Indonesia, 200 Free Papua Movement (OPM) guerrillas abducted 26 individuals in the Lorenta nature preserve, Irian Jaya Province. Indonesian Special Forces members rescued the remaining nine hostages on May 15.

Kidnapping in Colombia, January 19, 1996: Revolutionary Armed Forces of Colombia (FARC) guerrillas kidnapped a U.S. citizen and demanded a $1 million ransom. The hostage was released on May 22.

Tamil Tigers Attack, January 31, 1996: Members of the Liberation Tigers of Tamil Eelam (LTTE) rammed an explosives-laden truck into the Central Bank in the heart of downtown Colombo, Sri Lanka, killing 90 civilians and injuring more than 1,400 others, including 2 U.S. citizens.

IRA Bombing, February 9, 1996: An Irish Republican Army (IRA) bomb detonated in London, killing 2 persons and wounding more than 100 others, including 2 U.S. citizens.

Athens Embassy Attack, February 15, 1996: Unidentified assailants fired a rocket at the U.S. Embassy compound in Athens, causing minor damage to three diplomatic vehicles and some surrounding buildings. Circumstances of the attack suggested it was an operation carried out by the 17 November group.

ELN Kidnapping, February 16, 1996: Six alleged National Liberation Army (ELN) guerrillas kidnapped a U.S. citizen in Colombia. After 9 months, the hostage was released.

HAMAS Bus Attack, February 26, 1996: In Jerusalem, a suicide bomber blew up a bus, killing 26 persons, including three U.S. citizens, and injuring some 80 persons, including three other U.S. citizens.

Dizengoff Center Bombing, March 4, 1996: HAMAS and the Palestine Islamic Jihad (PIJ) both claimed responsibility for a bombing outside of Tel Aviv's largest shopping mall that killed 20 persons and injured 75 others, including 2 U.S. citizens.

West Bank Attack, May 13, 1996: Arab gunmen opened fire on a bus and a group of Yeshiva students near the Bet El settlement, killing a dual U.S./Israeli citizen and wounding three Israelis. No one claimed responsibility for the attack, but HAMAS was suspected.

AID Worker Abduction, May 31, 1996: A gang of former Contra guerrillas kidnapped a U.S. employee of the Agency for International Development (AID) who was assisting with election preparations in rural northern Nicaragua. She was released unharmed the next day after members of the international commission overseeing the preparations intervened.

Zekharya Attack, June 9, 1996: Unidentified gunmen opened fire on a car near Zekharya, killing a dual U.S./Israeli citizen and an Israeli. The Popular Front for the Liberation of Palestine (PFLP) was suspected.

Manchester Truck Bombing, June 15, 1996: An IRA truck bomb detonated at a Manchester shopping center, wounding 206 persons, including two German tourists, and caused extensive property damage.

Khobar Towers Bombing, June 25, 1996: A fuel truck carrying a bomb exploded outside the U.S. military's Khobar Towers housing facility in Dhahran, killing 19 U.S. military personnel and wounding 515 persons, including 240 U.S. personnel. Several groups claimed responsibility for the attack.

ETA Bombing, July 20, 1996: A bomb exploded at Tarragona International Airport in Reus, Spain, wounding 35 persons, including British and Irish tourists. The Basque Fatherland and Liberty (ETA) organization was suspected.

Bombing of Archbishop of Oran, August 1, 1996: A bomb exploded at the home of the French Archbishop of Oran, killing him and his chauffeur. The attack occurred after the Archbishop's meeting with the French Foreign Minister. The Algerian Armed Islamic Group (GIA) is suspected.

Sudanese Rebel Kidnapping, August 17, 1996: Sudan People's Liberation Army (SPLA) rebels kidnapped six missionaries in Mapourdit, including a U.S. citizen, an Italian, three Australians, and a Sudanese. The SPLA released the hostages 11 days later.

PUK Kidnapping, September 13, 1996: In Iraq, Patriotic Union of Kurdistan (PUK) militants kidnapped four French workers for Pharmaciens Sans Frontieres, a Canadian United Nations High Commissioner for Refugees (UNHCR) official, and two Iraqis.

Assassination of South Korean Consul, October 1, 1996: In Vladivostok, Russia, assailants attacked and killed a South Korean consul near his home. No one claimed responsibility, but South Korean authorities believed that the attack was carried out by professionals and that the assailants were North Koreans. North Korean officials denied the country's involvement in the attack.

Red Cross Worker Kidnappings, November 1, 1996: In Sudan a breakaway group from the Sudanese People's Liberation Army (SPLA) kidnapped three International Committee of the Red Cross (ICRC) workers, including a U.S. citizen, an Australian, and a Kenyan. On 9 December the rebels released the hostages in exchange for ICRC supplies and a health survey for their camp.

Paris Subway Explosion, December 3, 1996: A bomb exploded aboard a Paris subway train as it arrived at the Port Royal station, killing two French nationals, a Moroccan, and a Canadian, and injuring 86 persons. Among those injured were one U.S. citizen and a Canadian. No one claimed responsibility for the attack, but Algerian extremists are suspected.

Abduction of U.S. Citizen by FARC, December 11, 1996: Five armed men claiming to be members of the Revolutionary Armed Forces of Colombia (FARC) kidnapped and later killed a U.S. geologist at a methane gas exploration site in La Guajira Department.

Tupac Amaru Seizure of Diplomats, December 17, 1996: Twenty-three members of the Tupac Amaru Revolutionary Movement (MRTA) took several hundred people hostage at a party given at the Japanese Ambassador's residence in Lima, Peru. Among the hostages were several U.S. officials, foreign ambassadors and other diplomats, Peruvian Government officials, and Japanese businessmen. The group demanded the release of all MRTA members in prison and safe passage for them and the hostage takers. The terrorists released most of the hostages in December but held 81 Peruvians and Japanese citizens for several months.

1997

Egyptian Letter Bombs, January 2–13, 1997: A series of letter bombs with Alexandria, Egypt, postmarks were discovered at Al-Hayat newspaper bureaus in Washington, New York City, London, and Riyadh, Saudi Arabia. Three similar devices, also postmarked in Egypt, were found at a prison facility in Leavenworth, Kansas. Bomb disposal experts defused all the devices, but one detonated at the Al-Hayat office in London, injuring two security guards and causing minor damage.

Tajik Hostage Abductions, February 4–17, 1997: Near Komsomolabad, Tajikistan, a paramilitary group led by Bakhrom Sodirov abducted four United Nations (UN) military observers. The victims included two Swiss, one Austrian, one Ukrainian, and their Tajik interpreter. The kidnappers demanded safe passage for their supporters from Afghanistan to Tajikistan. In four separate incidents occurring between Dushanbe and Garm, Bakhrom Sodirov and his group kidnapped two International Committee for the Red Cross members, four Russian journalists and their Tajik driver, four UNHCR members, and the Tajik Security Minister, Saidamir Zukhurov.

Venezuelan Abduction, February 14, 1997: Six armed Colombian guerrillas kidnapped a U.S. oil engineer and his Venezuelan pilot in Apure, Venezuela. The kidnappers released the Venezuelan pilot on 22 February. According to authorities, the FARC is responsible for the kidnapping.

Empire State Building Sniper Attack, February 23, 1997: A Palestinian gunman opened fire on tourists at an observation deck atop the Empire State Building in New York City, killing a Danish national and wounding visitors from the United States, Argentina, Switzerland, and France before turning the gun on himself. A handwritten note carried by the gunman claimed this was a punishment attack against the "enemies of Palestine."

ELN Kidnapping, February 24, 1997: National Liberation Army (ELN) guerrillas kidnapped a U.S. citizen employed by a Las Vegas gold corporation who was scouting a gold mining operation in Colombia. The ELN demanded a ransom of $2.5 million.

FARC Kidnapping, March 7, 1997: FARC guerrillas kidnapped a U.S. mining employee and his Colombian colleague who were searching for gold in Colombia. On November 16, the rebels released the two hostages after receiving a $50,000 ransom.

Hotel Nacional Bombing, July 12, 1997: A bomb exploded at the Hotel Nacional in Havana, injuring three persons and causing minor damage. A previously unknown group calling itself the Military Liberation Union claimed responsibility.

Israeli Shopping Mall Bombing, September 4, 1997: Three suicide bombers of HAMAS detonated bombs in the Ben Yehuda shopping mall in Jerusalem, killing eight persons, including the bombers, and wounding nearly 200 others. A dual U.S./Israeli citizen was among the dead, and 7 U.S. citizens were wounded.

OAS Abductions, October 23, 1997: In Colombia ELN rebels kidnapped two foreign members of the Organization of American States (OAS) and a Colombian human rights official at a roadblock. The ELN claimed that the kidnapping was intended "to show the international community that the elections in Colombia are a farce."

Yemeni Kidnappings, October 30, 1997: Al-Sha'if tribesmen kidnapped a U.S. businessman near Sanaa. The tribesmen sought the release of two fellow tribesmen who were arrested on smuggling charges and several public works projects they claim the government promised them. They released the hostage on November 27.

Murder of U.S. Businessmen in Pakistan, November 12, 1997: Two unidentified gunmen shot to death four U.S. auditors from Union Texas Petroleum Corporation and their Pakistani driver after they drove away from the Sheraton Hotel in Karachi. The Islami Inqilabi Council, or Islamic Revolutionary Council, claimed responsibility in a call to the U.S. Consulate in Karachi. In a letter to Pakistani newspapers, the Aimal Khufia Action Committee also claimed responsibility.

Tourist Killings in Egypt, November 17, 1997: Al-Gama'at al-Islamiyya (IG) gunmen shot and killed 58 tourists and four Egyptians and wounded 26 others at the Hatshepsut Temple in the Valley of the Kings near Luxor. Thirty-four Swiss, eight Japanese, five Germans, four Britons, one French, one Colombian, a dual Bulgarian/British citizen, and four unidentified persons were among the dead. Twelve Swiss, two Japanese, two Germans, one French, and nine Egyptians were among the wounded.

1998

UN Observer Abductions, February 19, 1998: Armed supporters of late Georgian president Zviad Gamsakhurdia abducted four UN military observers from Sweden, Uruguay, and the Czech Republic.

FARC Abduction, March 21–23, 1998: FARC rebels kidnapped a U.S. citizen in Sabaneta, Colombia. FARC members also killed three persons, wounded 14, and kidnapped at least 27 others at a roadblock near Bogota. Four U.S. citizens and one Italian were among those kidnapped, as well as the acting president of the National Electoral Council (CNE) and his wife.

Somali Hostage-takings, April 15, 1998: Somali militiamen abducted nine Red Cross and Red Crescent workers at an airstrip north of Mogadishu. The hostages included a U.S. citizen, a German, a Belgian, a French, a Norwegian, two Swiss, and one Somali. The gunmen were members of a sub-clan loyal to Ali Mahdi Mohammed, who controlled the northern section of the capital.

IRA Bombing, Banbridge, August 1, 1998: A 500–pound car bomb planted by the Real IRA exploded outside a shoe store in Banbridge, North Ireland, injuring 35 persons and damaging at least 200 homes.

U.S. Embassy Bombings in East Africa, August 7, 1998: A bomb exploded at the rear entrance of the U.S. Embassy in Nairobi, Kenya, killing 12 U.S. citizens, 32 Foreign Service Nationals (FSNs), and 247 Kenyan citizens. Approximately 5,000 Kenyans, 6 U.S. citizens, and 13 FSNs were injured. The U.S. Embassy building sustained extensive structural damage. Almost simultaneously, a bomb detonated outside the U.S. Embassy in Dar es Salaam, Tanzania, killing 7 FSNs and 3 Tanzanian citizens, and injuring 1 U.S. citizen and 76 Tanzanians. The explosion caused major structural damage to the U.S. Embassy facility. The U.S. Government held Usama Bin Laden responsible.

IRA Bombing, Omagh, August 15, 1998: A 500 pound car bomb planted by the Real IRA exploded outside a local courthouse in the central shopping district of Omagh, Northern Ireland, killing 29 persons and injuring over 330.

Colombian Pipeline Bombing, October 18, 1998: A National Liberation Army (ELN) planted bomb exploded on the Ocensa pipeline in Antioquia Department, killing approximately 71 persons and injuring at least 100 others. The pipeline is jointly owned by the Colombia State Oil Company Ecopetrol and a consortium including U.S., French, British, and Canadian companies.

Armed Kidnapping in Colombia, November 15, 1998: Armed assailants followed a U.S. businessman and his family home in Cundinamarca Department and kidnapped his 11-year-old son after stealing money, jewelry, one automobile, and two cell phones. The kidnappers demanded $1 million in ransom. On January 21, 1999, the kidnappers released the boy.

1999

Angolan Aircraft Downing, January 2, 1999: A UN plane carrying one U.S. citizen, four Angolans, two Philippine nationals and one Namibian was shot down, according to a UN official. No deaths or injuries were reported. Angolan authorities blamed the attack on National Union for the Total Independence of Angola (UNITA) rebels. UNITA officials denied shooting down the plane.

Ugandan Rebel Attack, February 14, 1999: A pipe bomb exploded inside a bar, killing five persons and injuring 35 others. One Ethiopian and four Ugandan nationals died in the blast, and one U.S. citizen working for USAID, two Swiss nationals, one Pakistani, one Ethiopian, and 27 Ugandans were injured. Ugandan authorities blamed the attack on the Allied Democratic Forces (ADF).

Greek Embassy Seizure, February 16, 1999: Kurdish protesters stormed and occupied the Greek Embassy in Vienna, taking the Greek Ambassador and six other persons hostage. Several hours later the protesters released the hostages and left the Embassy. The attack followed the Turkish Government's announcement of the successful capture of the Kurdistan Workers' Party (PKK) leader Abdullah Ocalan. Kurds also occupied Kenyan, Israeli, and other Greek diplomatic facilities in France, Holland, Switzerland, Britain, and Germany over the following days.

FARC Kidnappings, February 25, 1999: FARC kidnapped three U.S. citizens working for the Hawaii-based Pacific Cultural Conservancy International. On March 4, the bodies of the three victims were found in Venezuela.

Hutu Abductions, March 1, 1999: 150 armed Hutu rebels attacked three tourist camps in Uganda, killed four Ugandans, and abducted three U.S. citizens, six Britons, three New Zealanders, two Danish citizens, one Australian, and one Canadian national. Two of the U.S. citizens and six of the other hostages were subsequently killed by their abductors.

ELN Hostage-taking, March 23, 1999: Armed guerrillas kidnapped a U.S. citizen in Boyaca, Colombia. The National Liberation Army (ELN) claimed responsibility and demanded $400,000 ransom. On 20 July, ELN rebels released the hostage unharmed following a ransom payment of $48,000.

ELN Hostage-taking, May 30, 1999: In Cali, Colombia, armed ELN militants attacked a church in the neighborhood of Ciudad Jardin, kidnapping 160 persons, including six U.S. citizens and one French national. The rebels released approximately 80 persons, including three U.S. citizens, later that day.

Shell Platform Bombing, June 27, 1999: In Port Harcourt, Nigeria, armed youths stormed a Shell oil platform, kidnapping one U.S. citizen, one Nigerian national, and one Australian citizen, and causing undetermined damage. A group calling itself "Enough is Enough in the Niger River" claimed responsibility. Further seizures of oil facilities followed.

AFRC Kidnappings, August 4, 1999: An Armed Forces Revolutionary Council (AFRC) faction kidnapped 33 UN representatives near Occra Hills, Sierra Leone. The hostages included one U.S. citizen, five British soldiers, one Canadian citizen, one representative from Ghana, one military officer from Russia, one officer from Kyrgystan, one officer from Zambia, one officer from Malaysia, a local bishop, two UN officials, two local journalists, and 16 Sierra Leonean nationals.

Burmese Embassy Seizure, October 1, 1999: Burmese dissidents seized the Burmese Embassy in Bangkok, Thailand, taking 89 persons hostage, including one U.S. citizen.

PLA Kidnapping, December 23, 1999: Colombian People's Liberation Army (PLA) forces kidnapped a U.S. citizen in an unsuccessful ransoming effort.

Indian Airlines Airbus Hijacking, December 24, 1999: Five militants hijacked a flight bound from Katmandu to New Delhi carrying 189 people. The plane and its passengers were released unharmed on December 31.

2000

Car bombing in Spain, January 27, 2000: Police officials reported unidentified individuals set fire to a Citroen car dealership in Iturreta, causing extensive damage to the building and destroying 12 vehicles. The attack bore the hallmark of the Basque Fatherland and Liberty (ETA).

RUF Attacks on U.N. Mission Personnel, May 1, 2000: On 1 May in Makeni, Sierra Leone, Revolutionary United Front (RUF) militants kidnapped at least 20 members of the United Nations Assistance Mission in Sierra Leone (UNAMSIL) and surrounded and opened fire on a UNAMSIL facility, according to press reports. The militants killed five UN soldiers in the attack. RUF militants kidnapped 300 UNAMSIL peacekeepers throughout the country, according to press reports. On 15 May in Foya, Liberia, the kidnappers released 139 hostages. On 28 May, on the Liberia and Sierra Leone border, armed militants released unharmed the last of the UN peacekeepers. In Freetown, according to press reports, armed militants ambushed two military vehicles carrying four journalists. A Spaniard and one U.S. citizen were killed in a May 25 car bombing in Freetown for which the RUF was probably responsible. Suspected RUF rebels also kidnapped 21 Indian UN peacekeepers in Freetown on June 6. Additional attacks by RUF on foreign personnel followed.

Diplomatic Assassination in Greece, June 8, 2000: In Athens, Greece, two unidentified gunmen killed British Defense Attaché Stephen Saunders in an ambush. The Revolutionary Organization 17 November claimed responsibility.

ELN Kidnapping, June 27, 2000: In Bogota, Colombia, ELN militants kidnapped a 5-year-old U.S. citizen and his Colombian mother, demanding an undisclosed ransom.

Kidnappings in Kyrgyzstan, August 12, 2000: In the Kara-Su Valley, the Islamic Movement of Uzbekistan took four U.S. citizens hostage. The Americans escaped on August 12.

Church Bombing in Tajikistan, October 1, 2000: Unidentified militants detonated two bombs in a Christian church in Dushanbe, killing seven persons and injuring 70 others. The church was founded by a Korean-born U.S. citizen, and most of those killed and wounded were Korean. No one claimed responsibility.

Helicopter Hijacking, October 12, 2000: In Sucumbios Province, Ecuador, a group of armed kidnappers led by former members of defunct Colombian terrorist organization the Popular Liberation Army (EPL), took hostage 10 employees of Spanish energy consortium REPSOL. Those kidnapped included five U.S. citizens, one Argentine, one Chilean, one New Zealander, and two French pilots who escaped four days later. On January 30, 2001, the kidnappers murdered American hostage Ronald Sander. The remaining hostages were released on February 23 following the payment of $13 million in ransom by the oil companies.

Attack on U.S.S. *Cole*, October 12, 2000: In Aden, Yemen, a small dingy carrying explosives rammed the destroyer U.S.S. *Cole*, killing 17 sailors and injuring 39 others. Supporters of Usama Bin Laden were suspected.

Manila Bombing, December 30, 2000: A bomb exploded in a plaza across the street from the U.S. Embassy in Manila, injuring nine persons. The Moro Islamic Liberation Front was likely responsible.

2001

Srinagar Airport Attack and Assassination Attempt, January 17, 2001: In India, six members of the Lashkar-e-Tayyba militant group were killed when they attempted to seize a local airport. Members of Hizbul Mujaheddin fired two rifle grenades at Farooq Abdullah, Chief Minister for Jammu and Kashmir. Two persons were wounded in the unsuccessful assassination attempt.

BBC Studios Bombing, March 4, 2001: A car bomb exploded at midnight outside of the British Broadcasting Corporation's main production studios in London. One person was injured. British authorities suspected the Real IRA had planted the bomb.

Suicide Bombing in Israel, March 4, 2001: A suicide bomb attack in Netanya killed 3 persons and wounded 65. HAMAS later claimed responsibility.

ETA Bombing, March 9, 2001: Two policemen were killed by the explosion of a car bomb in Hernani, Spain.

Airliner Hijacking in Istanbul, March 15, 2001: Three Chechens hijacked a Russian airliner during a flight from Istanbul to Moscow and forced it to fly to Medina, Saudi Arabia. The plane carried 162 passengers and a crew of 12. After a 22-hour siege during which more than 40 passengers were released, Saudi security forces stormed the plane, killing a hijacker, a passenger, and a flight attendant.

Bus Stop Bombing, April 22, 2001: A member of HAMAS detonated a bomb he was carrying near a bus stop in Kfar Siva, Israel, killing one person and injuring 60.

Philippines Hostage Incident, May 27, 2001: Muslim Abu Sayyaf guerrillas seized 13 tourists and 3 staff members at a resort on Palawan Island and took their captives to Basilan Island. The captives included three U.S. citizens: Guellermo Sobero and missionaries Martin and Gracia Burnham. Philippine troops fought a series of battles with the guerrillas between June 1 and June 3 during which 9 hostages escaped and two were found dead. The guerrillas took additional hostages when they seized the hospital in the town of Lamitan. On June 12, Abu Sayyaf spokesman Abu Sabaya claimed that Sobero had been killed and beheaded; his body was found in October. The Burnhams remained in captivity until June 2002.

Tel-Aviv Nightclub Bombing, June 1, 2001: HAMAS claimed responsibility for the suicide bombing of a popular Israeli nightclub that caused over 140 casualties.

HAMAS Restaurant Bombing, August 9, 2001: A HAMAS-planted bomb detonated in a Jerusalem pizza restaurant, killing 15 people and wounding more than 90. The Israeli response included occupation of Orient House, the Palestine Liberation Organization's political headquarters in East Jerusalem.

Suicide Bombing in Israel, September 9, 2001: The first suicide bombing carried out by an Israeli Arab killed 3 persons in Nahariya. HAMAS claimed responsibility.

Death of "the Lion of the Panjshir", September 9, 2001: Two suicide bombers fatally wounded Ahmed Shah Massoud, a leader of Afghanistan's Northern Alliance, which had opposed both the Soviet occupation and the post-Soviet Taliban government. The bombers posed as journalists and were apparently linked to al-Qaida. The Northern Alliance did not confirm Massoud's death until September 15.

Terrorist Attacks on U.S. Homeland, September 11, 2001: Two hijacked airliners crashed into the twin towers of the World Trade Center. Soon thereafter, the Pentagon was struck by a third hijacked plane. A fourth hijacked plane, suspected to be bound for a high-profile target in Washington, crashed into a field in southern Pennsylvania. The attacks killed 3,025 U.S. citizens and other nationals. President Bush and Cabinet officials indicated that Usama Bin Laden was the prime suspect and that they considered the United States in a state of war with international terrorism. In the aftermath of the attacks, the United States formed the Global Coalition Against Terrorism.

Attack on the Jammu and Kashmir Legislature, October 1, 2001: After a suicide car bomber forced the gate of the state legislature in Srinagar, two gunmen entered the building and held off police for seven hours before being killed. Forty persons died in the incident. Jaish-e-Muhammad claimed responsibility.

Anthrax Attacks, October–November 2001: On October 7 the U.S. Centers for Disease Control and Prevention (CDC) reported that investigators had detected evidence that the deadly anthrax bacterium was present in the building where a Florida man who died of anthrax on October 5 had worked. Discovery of a second anthrax case triggered a major investigation by the Federal Bureau of Investigation (FBI). The two anthrax cases were the first to appear in the United States in 25 years. Anthrax subsequently appeared in mail received by television networks in New York and by the offices in Washington of Senate Majority Leader Tom Daschle and other members of Congress. Attorney General John Ashcroft said in a briefing on October 16, "When people send anthrax through the mail to hurt people and invoke terror, it's a terrorist act."

Assassination of an Israeli Cabinet Minister, October 17, 2001: A Palestinian gunman assassinated Israeli Minister of Tourism Rehavam Zeevi in the Jerusalem hotel where he was staying. The Popular Front for the Liberation of Palestine (PFLP) claimed to have avenged the death of PFLP Mustafa Zubari.

Attack on a Church in Pakistan, October 28, 2001: Six masked gunmen shot up a church in Bahawalpur, Pakistan, killing 15 Pakistani Christians. No group claimed responsibility, although various militant Muslim groups were suspected.

Suicide Bombings in Jerusalem, December 1, 2001: Two suicide bombers attacked a Jerusalem shopping mall, killing 10 persons and wounding 170.

Suicide Bombing in Haifa, December 2, 2001: A suicide bomb attack aboard a bus in Haifa, Israel, killed 15 persons and wounded 40. HAMAS claimed responsibility for both this attack and those on December 1 to avenge the death of a HAMAS member at the hands of Israeli forces a week earlier.

Attack on the Indian Parliament, December 13, 2001: Five gunmen attacked the Indian Parliament in New Delhi shortly after it had adjourned. Before security forces killed them, the attackers killed 6 security personnel and a gardener. Indian officials blamed Lashkar-e-Tayyiba and demanded that Pakistan crack down on it and on other Muslim separatist groups in Kashmir.

2002

Ambush on the West Bank, January 15, 2002: Palestinian militants fired on a vehicle in Beit Sahur, killing one passenger and wounding the other. The dead passenger claimed U.S. and Israeli citizenship. The al-Aqsa Martyrs' Battalion claimed responsibility.

Shooting Incident in Israel, January 17, 2002: A Palestinian gunman killed 6 persons and wounded 25 in Hadera, Israel, before being killed by Israeli police. The al-Aqsa Martyrs' Brigades claimed responsibility as revenge for Israel's killing of a leading member of the group.

Drive-By Shooting at a U.S. Consulate, January 22, 2002: Armed militants on motorcycles fired on the U.S. Consulate in Calcutta, India, killing 5 Indian security personnel and wounding 13 others. The Harakat ul-Jihad-I-Islami and the Asif Raza Commandoes claimed responsibility. Indian police later killed two suspects, one of whom confessed to belonging to Lashkar-e-Tayyiba as he died.

Bomb Explosion in Kashmir, January 22, 2002: A bomb exploded in a crowded retail district in Jammu, Kashmir, killing one person and injuring nine. No group claimed responsibility.

Kidnapping of Daniel Pearl, January 23, 2002: Armed militants kidnapped Wall Street Journal reporter Daniel Pearl in Karachi, Pakistan. Pakistani authorities received a videotape on February 20 depicting Pearl's murder. His grave was found near Karachi on May 16. Pakistani authorities arrested four suspects. Ringleader Ahmad Omar Saeed Sheikh claimed to have organized Pearl's kidnapping to protest Pakistan's subservience to the United States, and had belonged to Jaish-e-Muhammad, an Islamic separatist group in Kashmir. All four suspects were convicted on July 15. Saeed Sheikh was sentenced to death, the others to life imprisonment.

Suicide Bombing in Jerusalem, January 27, 2002: A suicide bomb attack in Jerusalem killed one other person and wounded 100. The incident was the first suicide bombing made by a Palestinian woman.

Suicide Bombing in the West Bank, February 16, 2002: A suicide bombing in an outdoor food court in Karmei Shomron killed 4 persons and wounded 27. Two of the dead and two of the wounded were U.S. citizens. The Popular Front for the Liberation of Palestine (PFLP) claimed responsibility.

Suicide Bombing in the West Bank, March 7, 2002: A suicide bombing in a supermarket in the settlement of Ariel wounded 10 persons, one of whom was a U.S. citizen. The PFLP claimed responsibility.

Suicide Bombing in Jerusalem, March 9, 2002: A suicide bombing in a Jerusalem restaurant killed 11 persons and wounded 52, one of whom was a U.S. citizen. The al-Aqsa Martyrs' Brigades claimed responsibility.

Drive-By Shooting in Colombia, March 14, 2002: Gunmen on motorcycles shot and killed two U.S. citizens who had come to Cali, Colombia, to negotiate the release of their father, who was a captive of the FARC. No group claimed responsibility.

Grenade Attack on a Church in Pakistan, March 17, 2002: Militants threw grenades into the Protestant International Church in Islamabad, Pakistan, during a service attended by diplomatic and local personnel. Five persons, two of them U.S. citizens, were killed and 46 were wounded. The dead Americans were State Department employee Barbara Green and her daughter Kristen Wormsley. Thirteen U.S. citizens were among the wounded. The Lashkar-e-Tayyiba group was suspected.

Car Bomb Explosion in Peru, March 20, 2002: A car bomb exploded at a shopping center near the U.S. Embassy in Lima, Peru. Nine persons were killed and 32 wounded. The dead included two police officers and a teenager. Peruvian authorities suspected either the Shining Path rebels or the Tupac Amaru Revolutionary Movement. The attack occurred 3 days before President George W. Bush visited Peru.

Suicide Bombing in Jerusalem, March 21, 2002: A suicide bombing in Jerusalem killed 3 persons and wounded 86 more, including 2 U.S. citizens. The Palestinian Islamic Jihad claimed responsibility.

Suicide Bombing in Israel, March 27, 2002: A suicide bombing in a noted restaurant in Netanya, Israel, killed 22 persons and wounded 140. One of the dead was a U.S. citizen. The Islamic Resistance Movement (HAMAS) claimed responsibility.

Temple Bombing in Kashmir, March 30, 2002: A bomb explosion at a Hindu temple in Jammu, Kashmir, killed 10 persons. The Islamic Front claimed responsibility.

Suicide Bombing in the West Bank, March 31, 2002: A suicide bombing near an ambulance station in Efrat wounded four persons, including a U.S. citizen. The al-Aqsa Martyrs' Brigades claimed responsibility.

Armed attack on Kashmir, April 10, 2002: Armed militants attacked a residence in Gando, Kashmir, killing five persons and wounding four. No group claimed responsibility.

Synagogue Bombing in Tunisia, April 11, 2002: A suicide bomber detonated a truck loaded with propane gas outside a historic synagogue in Djerba, Tunisia. The 16 dead included 11 Germans, one French citizen, and three Tunisians. Twenty-six German tourists were injured. The Islamic Army for the Liberation of the Holy Sites claimed responsibility.

Suicide Bombing in Jerusalem, April 12, 2002: A female suicide bomber killed 6 persons in Jerusalem and wounded 90 others. The al-Aqsa Martyrs' Brigades claimed responsibility.

Car Bombing in Pakistan, May 8, 2002: A car bomb exploded near a Pakistani navy shuttle bus in Karachi, killing 12 persons and wounding 19. Eleven of the dead and 11 of the wounded were French nationals. Al-Qaida was suspected of the attack.

Parade Bombing in Russia, May 9, 2002: A remotely-controlled bomb exploded near a May Day parade in Kaspiisk, Dagestan, killing 42 persons and wounding 150. Fourteen of the dead and 50 of the wounded were soldiers. Islamists linked to al-Qaida were suspected.

Attack on a Bus in India, May 14, 2002: Militants fired on a passenger bus in Kaluchak, Jammu, killing 7 persons. They then entered a military housing complex and killed 3 soldiers and 7 military dependents before they were killed. The al-Mansooran and Jamiat ul-Mujahedin claimed responsibility.

Bomb Attacks in Kashmir, May 17, 2002: A bomb explosion near a civil secretariat area in Srinagar, Kashmir, wounded 6 persons. In Jammu, a bomb exploded at a fire services headquarters, killing two and wounding 16. No group claimed responsibility for either attack.

Hostage Rescue Attempt in the Philippines, June 7, 2002: Philippine Army troops attacked Abu Sayyaf terrorists on Mindanao Island in an attempt to rescue U.S. citizen Martin Burnham and his wife Gracia, who had been kidnapped more than a year ago. Burnham was killed but his wife, though wounded, was freed. A Filipino hostage was killed, as were four of the guerrillas. Seven soldiers were wounded.

Car Bombing in Pakistan, June 14, 2002: A car bomb exploded near the U.S. Consulate and the Marriott Hotel in Karachi, Pakistan. Eleven persons were killed and 51 were sounded, including one U.S. and one Japanese citizen. Al Qaida and al-Qanin were suspected.

Suicide Bombing in Jerusalem, June 19, 2002: A suicide bombing at a bus stop in Jerusalem killed 6 persons and wounded 43, including 2 U.S. citizens. The al-Aqsa Martyrs' Brigades claimed responsibility.

Suicide Bombing in Tel Aviv, July 17, 2002: Two suicide bombers attacked the old bus station in Tel Aviv, Israel, killing 5 persons and wounding 38. The dead included one Romanian and two Chinese; another Romanian was wounded. The Islamic Jihad claimed responsibility.

Bombing at the Hebrew University, July 31, 2002: A bomb hidden in a bag in the Frank Sinatra International Student Center of Jerusalem's Hebrew University killed 9 persons and wounded 87. The dead included 5 U.S. citizens and 4 Israelis. The wounded included 4 U.S. citizens, 2 Japanese, and 3 South Koreans. The Islamic Resistance Movement (HAMAS) claimed responsibility.

Suicide Bombing in Israel, August 4, 2002: A suicide bomb attack on a bus in Safed, Israel, killed 9 persons and wounded 50. Two of the dead were Philippine citizens; many of the wounded were soldiers returning from leave. HAMAS claimed responsibility.

Attack on a School in Pakistan, August 5, 2002: Gunmen attacked a Christian school attended by children of missionaries from around the world. Six persons (two security guards, a cook, a carpenter, a receptionist, and a private citizen) were killed and a Philippine citizen was wounded. A group called al-Intigami al-Pakistani claimed responsibility.

Attack on Pilgrims in Kashmir, August 6, 2002: Armed militants attacked a group of Hindu pilgrims with guns and grenades in Pahalgam, Kashmir. Nine persons were killed and 32 were wounded. The Lashkar-e-Tayyiba claimed responsibility.

Assassination in Kashmir, September 11, 2002: Gunmen killed Kashmir's Law Minister Mushtaq Ahmed Lone and six security guards in Tikipora. Lashkar-e-Tayyiga, Jamiat ul-Mujahedin, and Hizb ul-Mujahedin all claimed responsibility. Other militants attacked the residence of the Minister of Tourism with grenades, injuring four persons. No group claimed responsibility.

Ambush on the West Bank, September 18, 2002: Gunmen ambushed a vehicle on a road near Yahad, killing an Israeli and wounding a Romanian worker. The al-Aqsa Martyrs' Brigades claimed responsibility.

Suicide Bomb Attack in Israel, September 19, 2002: A suicide bomb attack on a bus in Tel Aviv killed 6 persons and wounded 52. One of the dead was a British subject. HAMAS claimed responsibility.

Attack on a French Tanker, October 6, 2002: An explosive-laden boat rammed the French oil tanker Limburg, which was anchored about 5 miles off al-Dhabbah, Yemen. One person was killed and 4 were wounded. Al-Qaida was suspected.

Car Bomb Explosion in Bali, October 12, 2002: A car bomb exploded outside the Sari Club Discotheque in Denpasar, Bali, Indonesia, killing 202 persons and wounding 300 more. Most of the casualties, including 88 of the dead, were Australian tourists. Seven Americans were among the dead. Al-Qaida claimed responsibility. Two suspects were later arrested and convicted. Iman Samudra, who had trained in Afghanistan with al-Qaeda and was suspected of belonging to Jemaah Islamiya, was sentenced to death on September 10, 2003.

Chechen Rebels Seize a Moscow Theater, October 23–26, 2002: Fifty Chechen rebels led by Movsar Barayev seized the Palace of Culture Theater in Moscow, Russia, to demand an end to the war in Chechnya. They seized more than 800 hostages from 13 countries and threatened to blow up the theater. During a three-day siege, they killed a Russian policeman and five Russian hostages. On October 26, Russian Special Forces pumped an anesthetic gas through the ventilation system and then stormed the theater. All of the rebels were killed, but 94 hostages (including one American) also died, many from the effects of the gas. A group led by Chechen warlord Shamil Basayev claimed responsibility.

Assassination of an AID Official, October 28, 2002: Gunmen in Amman assassinated Laurence Foley, Executive Officer of the U.S. Agency for International Development Mission in Jordan. The Honest People of Jordan claimed responsibility.

Suicide Bombing in Jerusalem, November 21, 2002: A suicide bomb attack on a bus on Mexico Street in Jerusalem killed 11 persons and wounded 50 more. One of the dead was a Romanian. HAMAS claimed responsibility.

Attack on Temples in Kashmir, November 24, 2002: Armed militants attacked the Reghunath and Shiv temples in Jammu, Kashmir, killing 13 persons and wounding 50. The Lashkare-e-Tayyiba claimed responsibility.

Attacks on Israeli Tourists in Kenya, November 28, 2002: A three-person suicide car bomb attack on the Paradise Hotel in Mombasa, Kenya, killed 15 persons and wounded 40. Three of the dead and 18 of the wounded were Israeli tourists; the others were Kenyans. Near Mombasa's airport, two SA–7 shoulder-fired missiles were fired at an Arkia Airlines Boeing 757 that was carrying 261 passengers back to Israel. Both missiles missed. Al-Qaida, the Government of Universal Palestine in Exile, and the Army of Palestine claimed responsibility for both attacks. Al-Ittihad al-Islami was also suspected of involvement.

Attack on a Bus in the Philippines, December 26, 2002: Armed militants ambushed a bus carrying Filipino workers employed by the Canadian Toronto Ventures Inc. Pacific mining company in Zamboanga del Norte. Thirteen persons were killed and 10 wounded. Philippine authorities suspected the Moro Islamic Liberation Front (MILF), which had been extorting money from Toronto Ventures. The Catholic charity Caritas-Philippines said that Toronto Ventures had harassed tribesmen who opposed mining on their ancestral lands.

Bombing of a Government Building in Chechnya, December 27, 2002: A suicide bomb attack involving two explosives-laden trucks destroyed the offices of the pro-Russian Chechen government in Grozny. The attack killed over 80 people and wounded 210. According to a Chechen website run by the Kavkaz Center, Chechen warlord Shamil Basayev claimed responsibility.

2003

Suicide Bombings in Tel Aviv, January 5, 2003: Two suicide bomb attacks killed 22 and wounded at least 100 persons in Tel Aviv, Israel. Six of the victims were foreign workers. The Al-Aqsa Martyrs' Brigades claimed responsibility.

Night Club Bombing in Colombia, February 7, 2003: A car bomb exploded outside a night club in Bogota, Colombia, killing 32 persons and wounding 160. No group claimed responsibility, but Colombian officials suspected the Colombian Revolutionary Armed Forces (FARC) of committing the worst terrorist attack in the country in a decade.

Assassination of a Kurdish Leader, February 8, 2003: Members of Ansar al-Islam assassinated Kurdish legislator Shawkat Haji Mushir and captured two other Kurdish officials in Qamash Tapa in northern Iraq.

Suicide Bombing in Haifa, March 5, 2003: A suicide bombing aboard a bus in Haifa, Israel, killed 15 persons and wounded at least 40. One of the dead claimed U.S. as well as Israeli citizenship. The bomber's affiliation was not immediately known.

Suicide Bombing in Netanya, March 30, 2003: A suicide bombing in a cafe in Netanya, Israel, wounded 38 persons. Only the bomber was killed. Islamic Jihad claimed responsibility and called the attack a "gift" to the people of Iraq.

Unsuccessful Hostage Rescue Attempt in Colombia, May 5, 2003: The FARC killed 10 hostages when Colombian special forces tried to rescue them from a jungle hideout near Urrao, in Colombia's Antioquia State. The dead included Governor Guillermo Gavira and former Defense Minister Gilberto Echeverri Mejia, who had been kidnapped in April 2002.

Truck Bomb Attacks in Saudi Arabia, May 12, 2003: Suicide bombers attacked three residential compounds for foreign workers in Riyadh, Saudi Arabia. The 34 dead included 9 attackers, 7 other Saudis, 9 U.S. citizens, and one citizen each from the United Kingdom, Ireland, and the Philippines. Another American died on June 1. It was the first major attack on U.S. targets in Saudi Arabia since the end of the war in Iraq. Saudi authorities arrested 11 al-Qaida suspects on May 28.

Truck Bombing in Chechnya, May 12, 2003: A truck bomb explosion demolished a government compound in Znamenskoye, Chechnya, killing 54 persons. Russian authorities blamed followers of a Saudi-born Islamist named Abu Walid. President Vladimir Putin said that he suspected that there was an al-Qaida connection.

Attempted Assassination in Chechnya, May 12, 2003: Two female suicide bombers attacked Chechen Administrator Mufti Akhmed Kadyrov during a religious festival in Iliskhan Yurt. Kadyrov escaped injury, but 14 other persons were killed and 43 were wounded. Chechen rebel leader Shamil Basayev claimed responsibility.

Suicide Bomb Attacks in Morocco, May 16, 2003: A team of 12 suicide bombers attacked five targets in Casablanca, Morocco, killing 43 persons and wounding 100. The targets were a Spanish restaurant, a Jewish community, a Jewish cemetery, a hotel, and the Belgian Consulate. The Moroccan Government blamed the Islamist al-Assirat al-Moustaquim (The Righteous Path), but foreign commentators suspected an al-Qaida connection.

Suicide Bomb Attack in Jerusalem, May 18, 2003: A suicide bomb attack on a bus in Jerusalem's French Hill district killed 7 persons and wounded 20. The bomber was disguised as a religious Jew. HAMAS claimed responsibility.

Suicide Bombing in Afula, May 19, 2003: A suicide bomb attack by a female Palestinian student killed 3 persons and wounded 52 at a shopping mall in Afula, Israel. Both Islamic Jihad and the al-Aqsa Martyrs' Brigades claimed responsibility.

Suicide Bombing in Jerusalem, June 11, 2003: A suicide bombing aboard a bus in Jerusalem killed 16 persons and wounded at least 70, one of whom died later. HAMAS claimed responsibility, calling it revenge for an Israeli helicopter attack on HAMAS leader Abdelaziz al-Rantisi in Gaza City the day before.

Truck Bombing in Northern Ossetia, August 1, 2003: A suicide truck bomb attack destroyed a Russian military hospital in Mozdok, North Ossetia and killed 50 persons. Russian authorities attributed the attack to followers of Chechen rebel leader Shamil Basayev.

Hotel Bombing in Indonesia, August 5, 2003: A car bomb exploded outside the Marriott Hotel in Jakarta, Indonesia, killing 10 persons and wounding 150. One of the dead was a Dutch citizen. The wounded included an American, a Canadian, an Australian, and two Chinese. Indonesian authorities suspected the Jemaah Islamiah, which had carried out the October 12, 2002 bombing in Bali.

Bombing of the Jordanian Embassy in Baghdad, August 7, 2003: A car bomb exploded outside the Jordanian Embassy in Baghdad, Iraq, killing 19 persons and wounding 65. Most of the victims were apparently Iraqis, including 5 police officers. No group claimed responsibility.

Suicide Bombings in Israel and the West Bank, August 12, 2003: The first suicide bombings since the June 29 Israeli-Palestinian truce took place. The first, in a supermarket at Rosh Haayin, Israel, killed one person and wounded 14. The second, at a bus stop near the Ariel settlement in the West Bank, killed one person and wounded 3. The al-Aqsa Martyrs' Brigades claimed responsibility for the first; HAMAS claimed responsibility for the second.

Bombing of the UN Headquarters in Baghdad, August 19, 2003: A truck loaded with surplus Iraqi ordnance exploded outside the United Nations Headquarters in Baghdad's Canal Hotel. A hospital across the street was also heavily damaged. The 23 dead included UN Special Representative Sergio Viera de Mello. More than 100 persons were wounded. It was not clear whether the bomber was a Baath Party loyalist or a foreign Islamic militant. An al-Qaeda branch called the Brigades of the Martyr Abu Hafz al-Masri later claimed responsibility.

Suicide Bombing in Jerusalem, August 19, 2003: A suicide bombing aboard a bus in Jerusalem killed 20 persons and injured at least 100, one of whom died later. Five of the dead were American citizens. HAMAS and Islamic Jihad claimed responsibility, although HAMAS leader al-Rantisi said that his organization remained committed to the truce while reserving the right to respond to Israeli military actions.

Car Bomb Kills Shi'ite Leader in Najaf, August 29, 2003: A car bomb explosion outside the Shrine of the Imam Ali in Najaf, Iraq killed at least 81 persons and wounded at least 140. The dead included the Ayatollah Mohammed Bakir al-Hakim, one of four leading Shi'ite clerics in Iraq. Al-Hakim had been the leader of the Supreme Council for the Islamic Revolution in Iraq (SCIRI) since its establishment in 1982, and SCIRI had recently agreed to work with the U.S.-sponsored Iraqi Governing Council. It was not known whether the perpetrators were Baath Party loyalists, rival Shi'ites, or foreign Islamists.

Suicide Bombings in Israel, September 9, 2003: Two suicide bombings took place in Israel. The first, at a bus stop near the Tsrifin army base southeast of Tel Aviv, killed 7 soldiers and wounded 14 soldiers and a civilian. The second, at a café in Jerusalem's German Colony neighborhood, killed 6 persons and wounded 40. HAMAS did not claim responsibility until the next day, although a spokesman called the first attack "a response to Israeli aggression."

Assassination of an Iraqi Governing Council Member, September 20, 2003: Gunmen shot and seriously wounded Akila Hashimi, one of three female members of the Iraqi Governing Council, near her home in Baghdad. She died September 25.

A Second Attack on the UN Headquarters in Baghdad, September 22, 2003: A suicide car bomb attack on the UN Headquarters in Baghdad killed a security guard and wounded 19 other persons.

Suicide Bombing in Israel, October 4, 2003: A Palestinian woman made a suicide bomb attack on a restaurant in Haifa, killing 19 persons and wounding at least 55. Islamic Jihad claimed responsibility for the attack. The next day, Israel bombed a terrorist training camp in Syria.

Attacks in Iraq, October 9, 2003: Gunmen assassinated a Spanish military attaché in Baghdad. A suicide car bomb attack on an Iraqi police station killed 8 persons and wounded 40.

Car Bombings in Baghdad, October 12, 2003: Two suicide car bombs exploded outside the Baghdad Hotel, which housed U.S. officials. Six persons were killed and 32 wounded. Iraqi and U.S. security personnel apparently kept the cars from actually reaching the hotel.

Bomb Attack on U.S. Diplomats in the Gaza Strip, October 15, 2003: A remote-controlled bomb exploded under a car in a U.S. diplomatic convoy passing through the northern Gaza Strip. Three security guards, all employees of DynCorp, were killed. A fourth was wounded. The diplomats were on their way to interview Palestinian candidates for Fulbright scholarships to study in the United States. Palestinian President Arafat and Prime Minister Qurei condemned the attack, while the major Palestinian militant groups denied responsibility. The next day, Palestinian security forces arrested several suspects, some of whom belonged to the Popular Resistance Committees.

Rocket Attack on the al-Rashid Hotel in Baghdad, October 26, 2003: Iraqis using an improvised rocket launcher bombarded the al-Rashid Hotel in Baghdad, killing one U.S. Army officer and wounding 17 persons. The wounded included 4 U.S. military personnel and seven American civilians. Deputy Secretary of Defense Paul D. Wolfowitz, who was staying at the hotel, was not injured. After visiting the wounded, he said, "They're not going to scare us away; we're not giving up on this job."

Assassination of a Deputy Mayor in Baghdad, October 26, 2003: Two gunmen believed to be Baath Party loyalists assassinated Faris Abdul Razaq al-Assam, one of three deputy mayors of Baghdad. U.S. officials did not announce al-Assam's death until October 28.

Wave of Car Bombings in Baghdad, October 27, 2003: A series of suicide car bombings in Baghdad killed at least 35 persons and wounded at least 230. Four attacks were directed at Iraqi police stations, the fifth and most destructive was directed at the International Committee of the Red Cross headquarters, where at least 12 persons were killed. A sixth attack failed when a car bomb failed to explode and the bomber was wounded and captured by Iraqi police. U.S. and Iraqi officials suspected that foreign terrorists were involved; the unsuccessful bomber said he was a Syrian national and carried a Syrian passport. After a meeting with Administrator L. Paul Bremer, President Bush said, "The more successful we are on the ground, the more these killers will react."

Suicide Bombing in Riyadh, November 8, 2003: In Riyadh, a suicide car bombing took place in the Muhaya residential compound, which was occupied mainly by nationals of other Arab countries. Seventeen persons were killed and 122 were wounded. The latter included 4 Americans. The next day, Deputy Secretary of State Armitage said al-Qaeda was probably responsible.

Truck Bombing in Nasiriyah, November 12, 2003: A suicide truck bomb destroyed the headquarters of the Italian military police in Nasiriyah, Iraq, killing 18 Italians and 11 Iraqis and wounding at least 100 persons.

Synagogue Bombings in Istanbul, November 15, 2003: Two suicide truck bombs exploded outside the Neve Shalom and Beth Israel synagogues in Istanbul, killing 25 persons and wounding at least 300 more. The initial claim of responsibility came from a Turkish militant group, the Great Eastern Islamic Raiders' Front, but Turkish authorities suspected an al-Qaeda connection. The next day, the London-based newspaper al-Quds al-Arabi received an e-mail in which an al-Qaeda branch called the Brigades of the Martyr Abu Hafz al-Masri claimed responsibility for the Istanbul synagogue bombings.

Grenade Attacks in Bogota, November 15, 2003: Grenade attacks on two bars frequented by Americans in Bogota killed one person and wounded 72, including 4 Americans. Colombian authorities suspected FARC (the Revolutionary Armed Forces of Colombia). The U.S. Embassy suspected that the attacks had targeted Americans and warned against visiting commercial centers and places of entertainment.

More Suicide Truck Bombings in Istanbul, November 20, 2003: Two more suicide truck bombings devastated the British HSBC Bank and the British Consulate General in Istanbul, killing 27 persons and wounding at least 450. The dead included Consul General Roger Short. U.S., British, and Turkish officials suspected that al-Qaeda had struck again. The U.S. Consulate in Istanbul was closed, and the Embassy in Ankara advised American citizens in Istanbul to stay home.

Car Bombing in Kirkuk, November 20, 2003: A suicide car bombing in Kirkuk killed 5 persons. The target appeared to be the headquarters of the Patriotic Union of Kurdistan. PUK officials suspected the Ansar al-Islam group, which was said to have sheltered fugitive Taliban and al-Qaeda members after the U.S. campaign in Afghanistan.

Attacks on Other Coalition Personnel in Iraq, November 29–30, 2003: Iraqi insurgents stepped up attacks on nationals of other members of the Coalition. On November 29, an ambush in Mahmudiyah killed 7 out of a party of 8 Spanish intelligence officers. Iraqi insurgents also killed two Japanese diplomats near Tikrit. On November 30, another ambush near Tikrit killed two South Korean electrical workers and wounded two more. A Colombian employee of Kellogg Brown & Root was killed and two were wounded in an ambush near Balad.

Train Bombing in Southern Russia, December 5, 2003: A suicide bomb attack killed 42 persons and wounded 150 aboard a Russian commuter train in the south Russian town of Yessentuki. Russian officials suspected Chechen rebels; President Putin said the attack was meant to disrupt legislative elections. Chechen rebel leader Aslan Maskhadov denied any involvement.

Suicide Bombing in Moscow, December 9, 2003: A female suicide bomber killed 5 other persons and wounded 14 outside Moscow's National Hotel. She was said to be looking for the State Duma.

Suicide Car Bombings in Iraq, December 15, 2003: Two days after the capture of Saddam Hussein, there were two suicide car bomb attacks on Iraqi police stations. One at Husainiyah killed 8 persons and wounded 20. The other, at Ameriyah, wounded 7 Iraqi police. Guards repelled a second vehicle.

Office Bombing in Baghdad, December 19, 2003: A bomb destroyed the Baghdad office of the Supreme Council of the Islamic Revolution in Iraq, killing a woman and wounding at least 7 other persons.

Suicide Car Bombing in Irbil, December 24, 2003: A suicide car bomb attack on the Kurdish Interior Ministry in Irbil, Iraq, killed 5 persons and wounded 101.

Attempted Assassination in Rawalpindi, December 25, 2003: Two suicide truck bombers killed 14 persons as President Musharraf's motorcade passed through Rawalpindi, Pakistan. An earlier attempt on December 14 caused no casualties. Pakistani officials suspected Afghan and Kashmiri militants. On January 6, 2004, Pakistani authorities announced the arrest of 6 suspects who were said to be members of Jaish-e-Muhammad.

Suicide Bombing in Israel, December 25, 2003: A Palestinian suicide bomber killed 4 persons at a bus stop near Petah Tikva, Israel. The Popular Front for the Liberation of Palestine claimed responsibility for the attack in retaliation for Israeli military operations in Nablus that had begun two days earlier.

Restaurant Bombing in Baghdad, December 31, 2003: A car bomb explosion outside Baghdad's Nabil Restaurant killed 8 persons and wounded 35. The wounded included 3 Los Angeles Times reporters and 3 local employees.

Mr. DODD. I know the Senate would like to vote quickly and I am prepared to do so. I thank the Senator for his patience and indulgence.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I appreciate the concern of the Senator from Connecticut and I know he is working hard in this area, but the response to this amendment is not bureaucratic. The response to this amendment focuses on the fact that this bill, and our efforts as a Nation, must be threat based as we address terrorism.

I was interested today in a quote from Mayor Bloomberg in one of the New York papers. He essentially said if a professional terrorist, whose purpose it was to kill Americans indiscriminately, wishes to attack the transit systems of New York, it is virtually impossible to stop that individual at the site of the attack.

Where do you stop that individual? You stop him by obtaining the intelligence necessary to interdict him before he can attack us. The energy we in this Nation are putting in the area of fighting terrorism is to do exactly that.

One of the primary reasons we are fighting in Iraq, one of the primary reasons we are fighting in Afghanistan, is in order to develop intelligence which will give us the capacity to stop these individuals. These individuals come from that part of the world. One of the reasons we have Guantanamo Bay is to develop intelligence capability. A significant amount of our intelligence capability coming out of that facility is as a result of taking their prisoners, who are bad actors, people who are fundamentally focused on hurting Americans, and getting information from them in a proper way.

One of the reasons we have the PATRIOT Act is to develop the intelligence we need to interdict an attack.

One of the reasons we do profiling is in order to get the intelligence we need to catch these people before they attack us. This bill addresses intelligence. We have significantly improved or are trying to improve with this bill what is our highest risk relative to the capacity of a terrorist to attack us, which is the porousness of our borders.

And so these funds which are being proposed here, $16 billion, which literally represents 50 percent of the entire budget of the Homeland Security agency being put into first responder programs when we already have $7 billion in the pipeline that hasn't been spent yet because the assessments and plans for spending the money haven't been properly prepared, would really be a true misallocation of resources, a true misallocation of resources in our effort to defend ourselves. They simply could not be handled, these types of dollars. The dollars already in the pipeline we have not been able to handle. This bill puts $4 billion into these accounts, and we know that $4 billion will not be out the door as quickly as it should. To put $16 billion on top of that is a political statement but is not going to have a dramatic impact because the system to handle the dollars is not there and lot of money will be wasted. Taxpayers will find that instead of getting more security, what they are getting is dollars that could have been used more efficiently somewhere else, that will have been drained off, and those dollars should be going into intelligence gathering and protecting our borders and to fighting these wars which we are participating in and making sure our military has adequate support in places such as Afghanistan and Iraq.

Independent of that, the amendment dramatically exceeds the budget and is therefore subject to a point of order, which I have made, and the motion to waive has been made by the Senator from Connecticut, and we will have a vote on it.

So at this time, Mr. President, I ask unanimous consent that at 6:30 this evening the Senate proceed to a series of votes in relation to the following amendments and the motions where pending; further, that no second-degree amendments be in order to any amendments prior to the vote, and that there be 2 minutes equally divided for debate prior to each vote: The first amendment will be the Dodd amendment, a motion to waive the budget point of order, and the second amendment would be Akaka amendment No. 1112, and on that amendment there will also be a point of order and I presume the vote will be on the motion to waive the point of order since that amendment also significantly exceeds the budget allocation of this committee.

The PRESIDING OFFICER (Mr. COLEMAN). Is there an objection? Without objection, it is so ordered

Mr. GREGG. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1112, AS MODIFIED

Mr. GREGG. Mr. President, I ask that the pending amendment be set aside and the amendment No. 1112 of Senator AKAKA be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment by Senator AKAKA provides spending in excess of the subcommittee allocation under section 302(b).

I am sorry. I reserve that motion and I guess Senator AKAKA is going to send a modification to the desk.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I reply to the chairman it does not affect the content of the amendment. I ask unanimous consent to modify my amendment.

The PRESIDING OFFICER. Does the Senator from Hawaii wish to send a modification to the desk?

Without objection, the modification is accepted.

The amendment (No. 1112), as modified, is as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$3,181,300,000".

On page 77, line 20, strike "$1,518,000,000" and insert "$1,985,000,000".

On page 79, line 21, strike "$321,300,000" and insert "$341,300,000".

Mr. GREGG. Mr. President, at this point I raise a point of order under section 302(f) of the Congressional Budget Act that the amendment provides spending in excess of the subcommittee's 302(b) allocation.

Mr. AKAKA. Mr. President, in accordance with section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for purposes of the pending amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. The yeas and nays are ordered.

Mr. GREGG. It is my understanding that we will now have a vote on Senator DODD's amendment, on the motion to waive the Budget Act, followed by a vote on Senator AKAKA's motion to waive the Budget Act. I should inform Members that we actually are going to have three other votes following those two votes as soon as we line them up. The first vote will begin at 6:30.

I think Senator AKAKA wanted time.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. I thank the Chair.

Mr. President, I ask unanimous consent that Senator SARBANES be added as a cosponsor to my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AKAKA. Mr. President, I rise today to speak briefly on my first responder amendment to the Homeland Security appropriations bill.

The distinguished chairman of the Homeland Security Subcommittee has cited $7 billion in unspent first responder grants as justification for reducing first responder funding in fiscal year 2006. I wish to take a moment to respond to the statement. First, much of the $7 billion figure has been legally obligated for specific purposes or in some cases even already spent. As the DHS inspector general observed in a March 2004 report on the distribution of first responder grants, the amount of funds drawn down by States provide an incomplete picture of the progress States and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent by the State and local jurisdictions.

Following this approach and looking at data received from DHS, virtually all the money that has been awarded to States in prior years under the three main homeland security first responder grant programs has been obligated.

Second, the $7 billion includes fiscal year 2005 grant funds which were only made available to States by DHS very recently and could not reasonably be expected to have already been spent in the middle of the same fiscal year.

We should not punish first responders for bureaucratic procedures and redtape. Our country cannot afford to take resources away from its first responders at a time when we rely on them more than ever.

Mr. President, I urge support of our amendment. I have asked for the yeas and nays. I yield back my time.

Mr. LIEBERMAN. Mr. President, I rise today to support this amendment to the fiscal year 2006 Department of Homeland Security appropriations bill to provide additional funding for our first responders and preventers—the men and women who go to work every day to keep our communities safe, and who rush into the face of disaster when it happens.

Last Thursday, the world saw again with the despicable attacks in London that terrorists are still capable of killing innocent civilians. It is yet another wake up call to all of us, and a sign that we cannot let down our guard. We must stay vigilant.

In fact, our intelligence and security experts have been telling us in no uncertain terms that the threat of terrorist attacks right here at home is one we will have to live with for some time to come. CIA Director Porter Goss has said, "It may only be a matter of time" before terrorists strike again within our borders with weapons of mass destruction. And FBI Director Robert Mueller has said our Nation is, "awash in desirable" targets for terrorists.

Given these pronouncements, it is wrong to leave our police, firefighters, and emergency medical workers undertrained and ill-equipped to protect American citizens. We would never consider denying the training and equipment needs of our men and women fighting in Iraq and we should not deny the training and equipment needs of those we rely on to protect us in the war on terror at home.

Yet that is exactly what this spending bill does. It sends the wrong message not only to first responders and the state and local officials struggling to cover the costs of preparing for new threats. It also sends a dangerous message of complacency to the public.

The amendment that Senator AKAKA and I are offering today would boost our first responder spending by $587 million—to restore three key grants programs to last year's funding levels. Those grant programs are the State Homeland Security Grant Program, the Urban Areas Security Initiative, and the Fire Assistance Grant Program—all of which supply first responders with the training and equipment they need to do their jobs effectively and safely.

Opponents of this amendment will argue that Congress has already appropriated billions of dollars for first responders and preventers since September 11, and that some $7 billion remains unspent in the pipeline. This is a common misperception.

First, the $7 billion figure includes fiscal year 2005 grant funds—funds that were only made available to states by DHS very recently and that could not reasonably be expected to have already been spent in the middle of the same fiscal year. Second, the $7 billion refers to money that has not actually been "drawn down" from the U.S. Treasury. Much of this money, however, has been legally obligated for specific purposes or in some cases even already spent. As DHS's inspector general observed in a March 2004 report on the distribution of first responder grants, "The amounts of funds drawn down by states provide an incomplete picture of the progress states and local jurisdictions are making. A more accurate way to monitor progress would be to identify the amount of funds obligated and spent (outlays) by the states and local jurisdictions."

Following this approach and looking at data we have received from the Department of Homeland Security, it appears that virtually all the money that has been awarded to States in prior years under the three main homeland security first responder grant programs—the State Homeland Security Grant Program, the Urban Area Security Initiative, UASI, and the Law Enforcement Terrorism Prevention Program, has been obligated.

At any rate, the billions we have appropriated over the years still pales by comparison to what most experts—Republican and Democrat—say is needed to adequately prepare our first responders and preventers. In June 2003, a nonpartisan task force chaired by former Republican Senator Warren Rudman reported that—over the next 5 years—we will under fund the needs of critical emergency responders by nearly $100 billion. And that figure was arrived at based on maintaining 2003 funding levels.

The task force found that, on average, fire departments had enough radios to equip only half the firefighters on a shift, and breathing apparatuses for only one-third. Just 10 percent had the personnel and equipment needed to respond to a building collapse; and police departments did not have the protective gear needed to secure the site of a WMD attack. These dismal numbers may have improved somewhat since 2003, but no one has suggested that our level of preparedness is near where it should be.

On the key issue of first responder communications interoperability—the top priority of State and local homeland security advisors—the task force recommended spending almost $7 billion over 5 years. And DHS estimates the cost of modernizing first responder communications infrastructure at $40 billion. No wonder most States have not yet achieved interoperability.

In March, New York's Center for Catastrophe Preparedness and Response reported that emergency medical workers generally lack not only proper equipment but also proper training. And at a Homeland Security and Governmental Affairs Committee hearing in April, we heard disturbing testimony that first responders are often not prepared to respond adequately to accidents at chemical facilities, leaving the American public dangerously exposed, even more so if there is deliberate release caused by terrorists.

I cannot say it often enough: our first responders are on the frontlines of the war on terror here at home, and we must equip and train them to do their jobs safely and effectively. Words of praise are useless. They need dollars—dollars to help train and equip State and local police, firefighters, and emergency medical technicians to help detect or disrupt terrorist activity before an attack occurs or to save as many lives as possible and contain the damage if an attack occurs.

This amendment is a modest proposal—$587 million—and it seeks primarily to halt to downward trend in funding for our Nation's first responders, and important, and I hope achievable goal. Last year, we spent more on Mars exploration. I have consistently advocated that we spend much more to make sure that first responders have the training and equipment they need to keep the American people safe. For example, earlier this year, I proposed to the Budget and Appropriations Committees that we spend $4.2 billion more for first responders and preventers, consistent with the advice of experts who have told us that we need to invest billions more to secure our Nation.

Yet this appropriations bill reflects, once again, an ill-advised administration strategy to reduce funding for first responders for the second year in a row. This is no time to retreat. I urge my colleagues to support this modest but urgent effort to meet our homeland security needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I appreciate the work of the Senator from Hawaii. He is always a very positive and effective spokesperson in the Senate for a variety of different issues. He brings this amendment forward. The simple fact is that you can't disregard the fact that there is $7 billion in the pipeline for first responders—$3 billion from the year 2004, $4 billion from 2005—that hasn't been spent. This bill puts another $4 billion into these accounts, so we are not shorting these accounts. One of the reasons the Senate has offered this bill is it takes money from first responders that is not going to be spent in a timely manner, moves it over to Border Patrol where we do need the money, moves it over to weapons of mass destruction where we do need the money, and that is the priority we set as a committee, in a bipartisan way, because this has been, as I mentioned a number of times, a threat-based bill. This is the first time this bill has been brought forth recently, or ever, really, based on threat, and we determined the threat was weapons of mass destruction and border porousness. The fact there were $7 billion in the pipeline, retaining $4 billion in this account we felt was an adequate amount to fund those accounts for first responders, knowing that down the road we are going to put more money into first responders as it can be absorbed. But to put more in now would mean just holding it, and that money can be much more efficiently used as we propose to use it by adding more Border Patrol agents and detention beds, and more aggressive attempts to fight the use of a weapon of mass destruction against us. So that is why we are opposed to this approach.

Clearly, it breaks the allocation which we have received. Therefore, it would add $587 million to the deficit, which would also be inappropriate, and that is why the point of order lies against it and that is why we oppose it at this point.

I understand we are now on a minute equally divided on the Dodd amendment.

The PRESIDING OFFICER. The understanding is 2 minutes equally divided.

Mr. DODD. The chairman is very gracious. He has probably worn out his patience on this amendment.

This amendment is an extraordinary amendment. I fully understand that. I believe the events, particularly over the last week, have highlighted the extraordinary times we are in and the challenges we face.

The bulk of the $16 billion is not to first responders but to harbors, port and chemical plants where there is great vulnerability today.

Recently, I was in Seville, Spain, attending a conference. I rode the train from Seville to Madrid and arrived in the same station where the attacks occurred in March of 2004. My luggage, when I got on the train in Seville to go to Madrid, was quickly checked through a scanning system. We have nothing like that.

I am not suggesting had something like that existed in London the problem could have been avoided. I know terrorists might have used another means to attack as they did that day, but it minimizes the possibility.

The vulnerabilities we have in our country today in the areas I have described demand attention. With all due respect, this bill is a reduction in funding for these areas, not an increase. We ought to be doing more. This amendment is a large amount, but to do less would be a tragedy. I hope the waiver will be adopted.

Mr. GREGG. This is $16 billion, $16 billion into an account where there presently is sitting $7 billion in the bank.

We as a nation obviously have a lot of vulnerabilities because we are an open society. I wish we could cover them all. But the simple fact is there is not enough money to cover them all. We need to prioritize. This bill does that. This amendment basically flies in the face of good utilization of the dollars because we simply could not spend these types of dollars if they were appropriated effectively. They may get spent but not effectively, in our opinion.

It is much more appropriate to look at addressing weapons of mass destruction, border patrol, airline security, and to make sure we have in place the proper systems in order to protect the homeland through these assessment programs which are going forward before we put a large amount of money—$16 billion, which would be half the budget of the Homeland Security agency—into new spending initiatives or additional spending initiatives, the $4 billion in the bill and the $7 billion in the pipeline.

The point of order has been made. This is a motion to waive it. This amendment would add $16 billion to the deficit. We do not think it would accomplish what its purpose is.

The PRESIDING OFFICER. Under the previous order, the question is now agreeing to the motion to waive the Budget Act with respect to Dodd amendment No. 1202, as modified. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent: the Senator from Mississippi (Mr. LOTT), and the Senator from South Dakota (Mr. THUNE).

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER (Mr. DEMINT). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 36, nays 60, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—36

Akaka
Bayh
Biden
Boxer
Byrd
Cantwell
Clinton
Corzine
Dayton
Dodd
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Murray
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—60

Alexander
Allard
Allen
Baucus
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Burr
Carper
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Dorgan
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Vitter
Voinovich
Warner

NOT VOTING—4

Landrieu
Lott
Mikulski
Thune

The PRESIDING OFFICER. On this vote, the yeas are 36, the nays are 60. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, let me take a moment and update everybody on the schedule. We are going to have one additional vote scheduled this evening. We will be starting that momentarily. We have 14 additional amendments pending at this time. We should be able to lock in a voting sequence for tomorrow morning, and thus we will have one more vote tonight, and then we will have a series of stacked votes beginning tomorrow morning at 10 a.m. As we have said again and again, we will be completing the bill this week, and we can complete the bill late tomorrow night but, if necessary, we would go into Friday. But we will finish the bill this week.

Senators should be prepared to stay late tomorrow night. We will have one more vote starting shortly, and we will start stacked votes at 10 in the morning. We will work straight through tomorrow, hopefully finish tomorrow night. We will be in on Friday as well, but I think we can finish this bill tomorrow night.

AMENDMENT NO. 1112, AS MODIFIED

The PRESIDING OFFICER. There are now 2 minutes of debate equally divided on the Akaka amendment. The Senator from Hawaii is recognized.

Mr. AKAKA. Mr. President, we have been very concerned about first responders and funding they really need. My amendment simply seeks to maintain the fiscal year 2005 funding for first responders. Our country cannot afford to take the resources away from them. I urge support of the amendment.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment adds $587 million in new spending to first responder grants, above the levels provided already in the bill. There is no offset. The bill already provides $3.4 billion for first responder grants. In addition, there is nearly $7 billion previously appropriated that State and locals have available to spend at this time for first responders. The funding pipeline is full of money. This amendment will cause the subcommittee to exceed its 302(b) allocation. The Budget Act point of order should be sustained.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the motion to waive the Budget Act with respect to the Akaka amendment No. 1112, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senator was necessarily absent: the Senator from Mississippi (Mr. LOTT).

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Maryland (Ms. MIKULSKI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 42, nays 55, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—42

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carper
Clinton
Corzine
Dayton
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sarbanes
Schumer
Stabenow
Wyden

NAYS—55

Alexander
Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Burr
Chafee
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Craig
Crapo
DeMint
DeWine
Dole
Domenici
Ensign
Enzi
Frist
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—3

Landrieu
Lott
Mikulski

The PRESIDING OFFICER. On this vote, the yeas are 42, the nays are 55. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained, and the amendment falls.

The Senator from New Hampshire.

AMENDMENT NO. 1172

Mr. GREGG. Mr. President, at this time I call up amendment No. 1172 on behalf of Senator THOMAS and ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. THOMAS, proposes an amendment numbered 1172.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize and direct the Secretary of Homeland Security to designate Natrona County International Airport, Wyoming, as an airport at which certain private aircraft arriving in the United States from a foreign area may land for processing by the United States Customs and Border Protection, and for other purposes) .

At the appropriate place, insert the following:

SEC.   . (a) Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall designate the Natrona International Airport in Casper, Wyoming, as an airport at which private aircraft described in subsection (b) may land for processing by the United States Customs and Border Protection in accordance with section 122.24(b) of title 19, Code of Federal Regulations, and such airport shall not be treated as a user fee airport for purposes of section 122.15 of title 19, Code of Federal Regulations.

(b) PRIVATE AIRCRAFT.—Private aircraft described in this subsection are private aircraft that—

(1) arrive in the United States from a foreign area and have a final destination in the United States of Natrona International Airport in Casper, Wyoming; and

(2) would otherwise be required to land for processing by the United States Customs and Border Protection at an airport listed in section 122.24(b) of title 19, Code of Federal Regulations, in accordance with such section.

(c) DEFINITION.—In this section, the term "private aircraft" has the meaning given such term in section 122.23(a)(1) of title 19, Code of Federal Regulations.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1172) was agreed to.

AMENDMENT NO. 1173, AS MODIFIED

Mr. GREGG. Mr. President, I call up amendment No. 1173 on behalf of Senator HUTCHISON, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mrs. HUTCHISON, proposes an amendment numbered 1173, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding coordination with the American Red Cross)

On page 100, between lines 11 and 12, insert the following:

SEC. 519. It is the sense of the Senate that the Federal Emergency Management Agency or any other organization within the Department of Homeland Security should continue to coordinate with the American Red Cross in developing a mass care plan for the United States in response to a catastrophic event.

Mr. GREGG. Mr. President, I ask unanimous consent that the amendment, as modified be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1173), as modified, was agreed to.

AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President. I ask for the regular order on Senator MCCAIN's amendment No. 1171, as modified.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 1221 TO AMENDMENT NO. 1171, AS MODIFIED

Mr. GREGG. Mr. President. I send a second-degree amendment on behalf of Senator HATCH to Senator MCCAIN's amendment No. 1171.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. GREGG], for Mr. HATCH, proposes an amendment numbered 1221 to amendment No. 1171, as modified.

Mr. GREGG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the source of funds allocated under amendment No. 1171 to H.R. 2360)

(A) On line 3, page 2, strike "." and insert ";".

(B) Add at the end, "provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities pursuant to Homeland Security Presidential Directive 8 (HSPD-8)."

Mr. GREGG. Mr. President, I ask unanimous consent that the second-degree amendment offered by Senator HATCH be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1221) was agreed to.

Mr. GREGG. Mr. President. I ask unanimous consent that at 10 a.m. tomorrow, the Senate proceed to a series of votes in relation to the following amendments or motions where pending; further, that no second-degree amendments be in order to any of the amendments prior to the votes, and that there be 2 minutes equally divided for debate prior to each vote; finally, that the first vote in the series be 15 minutes, with the remaining votes in the series limited to 10 minutes each. The first amendment will be Senators ENSIGN and MCCAIN second-degree amendment No. 1219; the second amendment will be Senator SCHUMER's amendment No. 1189; third will be Senator SCHUMER's amendment No. 1190; fourth will be Senator MCCAIN's amendment No. 1171, as modified, as amended by the Hatch amendment; and fifth will be Senator STABENOW's amendment No. 1217.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1161

Mr. REID. Mr. President. I call up amendment No. 1161, which is at the desk. I wish to have it reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Mr. BIDEN, and Mr. KENNEDY, proposes an amendment numbered 1161.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on the submittal to Congress of a report on performance indicators on Iraq)

At the appropriate place, insert the following:

SEC. ____. (a) FINDINGS.—The Senate makes the following findings:

(1) The Joint Explanatory Statement to accompany the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 (Public Law 1090913) requires the Department of Defense to set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(2) The report requires performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(3) In specific, the report required, at a minimum, the following:

(A) With respect to stability and security in Iraq, the following:

(i) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(ii) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(iii) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(iv) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(v) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(I) unemployment levels;

(II) electricity, water, and oil production rates; and

(III) hunger and poverty levels.

(vi) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(B) With respect to the training and performance of security forces in Iraq, the following:

(i) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(ii) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(iii) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(I) capable of conducting counterinsurgency operations independently;

(II) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(III) not ready to conduct counterinsurgency operations.

(iv) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(v) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(vi) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(I) the number of police recruits that have received classroom training and the duration of such instruction;

(II) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(III) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(IV) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(V) attrition rates and measures of absenteeism and infiltration by insurgents.

(vii) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(viii) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(ix) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(x) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2006.

(3) The deadline for submittal of the report to Congress was 60 days after the date of the enactment of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005, that is July 11, 2005, and every 90 days thereafter through the end of fiscal year 2006.

(4) The report has not yet been received by Congress.

(5) The availability of accurate data on key performance indicators is critical to understanding whether the United States strategy in Iraq is succeeding, and the substantial resources provided by Congress, which total more than $200,000,000,000 and an approximate monthly expenditure of $5,000,000,000, with substantial resource expenditures still to come, are being utilized effectively.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the information requested in the report described by subsection (a) is critical—

(A) to fulfilling the oversight obligations of Congress;

(B) to ensuring the success of United States strategy in Iraq;

(C) to maximizing the effectiveness of the substantial resources provided by Congress and the American people for United States efforts in Iraq;

(D) to identifying when the Iraqi security forces will be able to assume responsibility for security in Iraq; and

(E) to obtaining an estimate of the level of United States troops that will be necessary in Iraq during 2005 and 2006, and in any years thereafter;

(2) the report should be provided by the Department of Defense, as required by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, 2005 as soon as possible; and

(3) the Secretary of Defense should communicate to Congress and the American people why the report was not submitted to Congress by the original deadline for its submittal.

Mr. REID. Mr. President, in the 2005 Iraq Emergency Supplemental Appropriations bill, the House and Senate conferees agreed to an extensive set of Defense Department reporting and benchmarking requirements on Iraq that addressed the security, economic, reconstruction, and governance areas.

This report was due on July 11, and has yet to be provided to Congress.

This amendment conveys the Sense of the Senate that this information is critical to formulating a strategy for success and that the report should be delivered to Congress as soon as possible.

Over the last few weeks, the American people have been assured by the administration that they have a strategy for success in Iraq.

Unfortunately, too often the rhetorical excesses of senior administration officials have left an impression with the American people of a credibility gap.

Overly optimistic statements such as that by the Vice President that the insurgency is in its "last throes" have not matched what real experts, including the administration's own intelligence analysts and senior military officers, have said about the challenges ahead.

With all this obfuscation, the American people are right to be concerned and right to demand that the administration report more cold, hard facts about Iraq on a regular basis.

As the administration asks Congress for billions more in funding for the Iraq war in coming months, on top of the more than $218 billion we have provided so far, the American people are entitled to information measuring whether those resources are having an impact and moving the ball forward in Iraq.

Let me remind my colleagues that this is important not just for our debate about Iraq but for our debate about other priorities such as homeland security. We spend more on Iraq in a month than we spend on first responders in an entire year. Since 9/11, we have spent $500 million on mass transit security—an amount that we spend every 3 days in our operations in Iraq. This puts a premium on ensuring the taxpayers' money is being well spent.

We won't know whether our strategy in Iraq is making true progress until real report cards start coming in.

The amendment is a reminder that the first of these report cards from the administration was due this past Monday, and that the representatives of the people in Congress are waiting.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, what is the amendment now pending in the Senate?

The PRESIDING OFFICER. Amendment No. 1161 offered by the Democratic leader.

Mr. REID. I ask that the Senate act on the amendment at this time.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 1161.

The amendment (No. 1161) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. GREGG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1075

Mr. GREGG. Mr. President, I ask for the regular order with respect to amendment No. 1075. It is Senator VOINOVICH's amendment.

The PRESIDING OFFICER. The amendment is pending.

Mr. GREGG. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1075) was agreed to.

AMENDMENT NO. 1151

Mr. GREGG. Mr. President, I ask for the regular order with respect to McCain amendment No. 1151.

The PRESIDING OFFICER. The amendment is now pending.

Mr. GREGG. Mr. President. I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1151) was agreed to.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GREGG. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE FIRST QUARTER ACCOMPLISHMENTS

Mr. McCONNELL. Madam President, as we return from the celebrations marking our Nation's Independence Day, we should take a moment to mark the accomplishments of this Senate as we conclude the first quarter of the 109th Session of the U.S. Congress.

The list of accomplishments is impressive.

Judges to our circuit courts of appeals, stalled for years, now sit on the bench. Key legislative initiatives, once left to languish, are now the law of the land or on the brink of completion.

Class action reform protects plaintiffs from abusive coupon settlements while it prevents lawyers from gaming the system.

It had been delayed for at least a decade despite strong public support and legislative majorities. Now it has been signed into law by President Bush.

So too was a bankruptcy reform bill that ushers in a new emphasis on personal responsibility. It is another reform of our civil justice system that was long delayed, despite broad support.

We met our responsibilities to defend freedom, and the challenges of continuing to wage war on terrorism, with an emergency funding bill for Iraq.

We responded to the heart-breaking human cry for help by funding international relief efforts for victims of the Southeast Asia tsunami.

The budget resolution, which sets the vision of this nation, was completed and now permits smooth consideration of appropriations bills, tax relief measures, the highway bill, the energy bill and numerous other initiatives.

After failures to enact a budget in two of the last three sessions, getting this one in place means we are on course to meeting the President's goal of cutting the deficit in half while funding our important priorities of health, education, veterans, and homeland security.

When we've found that our budget needed to be adjusted to meet the medical needs of veterans, we voted to make the adjustments to ensure veterans have the health care they need this year as well as next.

We now are poised to soon enact a highway bill that will help Americans get where they need to go more quickly and safely, and will help create jobs within our States as well.

We are going to conference now on an Energy bill that will help reduce our national dependence on foreign sources of oil and prevent blackouts like the one that hit the Northeast United States in 2003.

We made the homeland safer by passing the Real ID provision. These provisions tighten our borders, reform our asylum system, and safeguard our identity documents so that terrorists cannot use them to avoid detection.

We've broken the unprecedented three-year filibuster of President Bush's judicial nominees who finally received up-or-down votes. Now, Judges Owen, Pryor, Brown, Griffith, McKeague, and Griffin have each taken their oaths and assumed the Federal appellate bench.

Most recently, the Senate has expanded the benefits of free trade, economic opportunity, and political stability to new regions of our own hemisphere with Senate passage of the Central American Free Trade Agreement.

We've made a good down payment on the appropriations process by passing the Interior, Legislative Branch, and Energy and Water.

And finally, this week we have paid our respects and expressed our condolences to the victims of the London terrorist bombings, and are proceeding to work on funding our own homeland security needs.

Freedom never had a greater ally than the valiant United Kingdom, and the United Kingdom will never have a greater friend than America. Our prayers are with that great nation today.

That is an incredible body of achievement in just six months. Where once there was inaction, we can now boast of accomplishment. We have done what the American people sent us here to do.

I hope everyone enjoyed the Fourth of July weekend and paused for a moment to celebrate the fact behind those fireworks—that government of, for, and by the people can work, and that the accomplishments of this Senate show that it does work.

ETHIOPIA

Mr. McCONNELL. Mr. President, today I rise to express concern about recent events in Ethiopia. On May 15, 2005, 90 percent of registered Ethiopian voters went to the polls in the country's third election under its current constitution. Unfortunately, this historic election was marred by a disputed outcome. Because of the controversy over the election, civil unrest ensued. In responding to protests by opposition parties, the Government of Ethiopia acted with excessive force, killing 36 protestors and arresting large numbers of demonstrators.

Final results of the May election were due to be completed by the National Electoral Board first by June 8, then by July 8, and are still ongoing. Interim certified results from the Electoral Board indicate that approximately 40 percent of the vote is either still under investigation or in need of review, with one region of the country still to cast its ballots.

Let me be crystal clear that the Government of Ethiopia must respect the neutrality of the Electoral Board and permit it to go about its work in a fair and impartial manner. I also call upon Kemal Bedri Kelo, chairman of the Electoral Board, to conduct the board's proceedings in a transparent, fair and evenhanded fashion in order to ensure that the board's ultimate decision is respected by all sides.

Ethiopia is an ally of the United States. But that friendship could be strained by failure of the Ethiopian Government to observe international norms in its elections, failure by the Government to abide by the rule of law or failure by opposition groups to avoid overheated rhetoric. As chairman of the State/Foreign Operations subcommittee, I will be keeping a close eye on events in Ethiopia as they continue to unfold.

CLERGY SEXUAL ABUSE

Mr. KENNEDY. Mr. President. RICK SANTORUM owes an immediate apology to the tragic and long-suffering victims of sexual abuse and their families in Boston, Massachusetts, in Pennsylvania, and around the country. His outrageous and offensive comments which he had the indecency to repeat yesterday blamed the people of Boston for the depraved behavior of sick individuals who stole the innocence of children in the most horrible way imaginable.

Senator SANTORUM has shown a deep and callous insensitivity to the victims and their suffering in an apparent attempt to score political points with some of the most extreme members of the fringe rightwing of his party. Boston bashing might be in vogue with some Republicans, but RICK SANTORUM's statements are beyond the pale.

Three years ago, Senator SANTORUM said:

> While it is no excuse for this scandal, it is no surprise that Boston, a seat of academic, political and cultural liberalism in America, lies at the center of the storm.

When given an opportunity yesterday to apologize, he refused and instead restated these outrageous statements. The people of Boston are to be blamed for the clergy sexual abuse? That is an irresponsible, insensitive, and inexcusable thing to say. RICK SANTORUM should join all Americans in celebrating the accomplishments of the people of Boston. Apparently Senator SANTORUM has never heard of the enormous contributions of our universities and industries to our quality of life, our economic strength, and our national security.

Harvard and MIT have produced 98 Nobel laureates whose work has made an enormous difference in America's strength. Their graduates contribute to industries, Government, their communities, our Nation, and throughout the world. In fact, only a quarter of MIT graduates remain in New England. Their research keeps our Nation secure.

The Pentagon and the CIA, the military, the Energy Department, the Veterans Administration—all turn to MIT and Harvard for technology and strategies to protect our Nation from those who would hurt us, and their research in cancer, children's health, housing, community development, so many other issues, continues to make an enormous difference to the well-being and the health of our children and families.

More than a dozen current U.S. Senators were educated in Boston.

Senator FRIST was trained as a heart surgeon at Harvard Medical School. Senator DOLE went to Harvard Law School. Senator ALEXANDER went to Harvard's School of Government. Surely my memorable colleagues would not go to a school that is somehow contributing to the downfall of America. No, Mr. President, they went to a worldwide leading institution to prepare them for incredible careers of service and leadership.

Senator SANTORUM's self-righteousness also fails to take into account the enormous amount of good will the people of Boston demonstrate for the less fortunate. They started the Massachusetts Children's Hunger Initiative, working with leaders in 20 low-income communities to end hunger among children.

Boston's Children's Hospital has been ranked first in the Nation in the past decade for care and concern of sick children.

The quality of life for Boston and its families is rated third in America. Massachusetts has the lowest divorce rate in the Nation.

Massachusetts ranks in the top 10 States in the Nation when it comes to addressing the needs of at-risk or vulnerable children, including our efforts to address low birth weight babies, teen homicides and other challenges to our children. Pennsylvania doesn't even rank in the top 10.

Boston gave birth to America's liberty, and the values that sparked our revolution continue to inspire Bostonians today—love of freedom, dedication to country, and concern for our fellow citizens.

The men and women of Boston have served honorably in our Armed Forces. They fought and died for our country so that their children might live in freedom and opportunity.

The abuse of children is a horrible perversion and a tragic crime, and I am proud that the good people of Boston and Massachusetts were leaders in coming forward, shedding light, and demanding accountability for this devastating violation of children.

Sadly, the sexual abuse of children is a problem throughout the world, and it is not confined in any way to members of the clergy or to one town or one city. Every State in the country has reported child sexual abuse, including Pennsylvania.

On behalf of all the victims of abuse and the people of Boston and Massachusetts, I ask that he retract his unfounded statements and apologize. I think the families of Massachusetts were hurt just as much by this terrible tragedy as the families of Pennsylvania. Abuse against children is not a liberal or conservative issue. It is a horrific, unspeakable tragedy. Sadly, it happens in every State of this great Nation—in red States and blue States, in the North and South, in big cities and in small. The victims of child sexual abuse have suffered enough already, and Senator SANTORUM should stop making a bad and very tragic situation worse.

JUDICIAL PHILOSOPHY OF SUPREME COURT NOMINEES

Mr. KENNEDY. Mr. President, President Bush and Members of the Senate will soon have the duty of appointing a new justice to the Supreme Court. In recent days, there have been differences of opinion over whether we should consider the judicial philosophy of nominees to the Supreme Court as part of the appointment process. I hope the President's remarks yesterday make clear once and for all that judicial philosophy is an important part of a nominee's qualifications. President Bush said that judicial philosophy would be one of the criteria he used to choose a nominee, along with character, integrity, and the ability to do the job.

I agree with President Bush that these qualities—including judicial philosophy—are important to whether a nominee is fit to serve on the Court. Many times in recent months, and during his campaign for re-election, President Bush has said that nominees to the Federal courts must interpret the law, not make the law. He has said that we should appoint persons who would not try to legislate from the bench. This view has been echoed by Members of the Senate, both Republican and Democrat, myself included. Senators of both parties agree with the President that we should not appoint judicial activists who would decide cases based on personal ideology rather than the law.

The only way to know whether nominees have an activist judicial philosophy is to find out what their judicial philosophy is. That's the only way to know whether nominees will follow the law or attempt to rewrite it. We certainly can't tell judicial philosophy from nominees' resumes, where they went to school, or where they worked. These issues are relevant and should be considered as part of a nominee's qualifications for the Supreme Court. But a resume is no substitute for answering questions about whether the nominee respects the basic rights and freedoms on which the nation was founded.

The American people deserve to know if a nominee would favor corporate or other special interests, rather than giving everyone the same fair hearing in deciding cases. They deserve to know whether nominees would respect the Constitutional power of Congress to enact environmental protections or if nominees are so opposed to such protections that they would bend or distort the law to strike them down.

The American people deserve to know whether nominees would roll back civil rights laws or uphold the rights of the disabled, the elderly, and minorities. The American people are entitled to know if a nominee respects women's rights to equal treatment in our society and to privacy in making reproductive decisions.

This does not mean every nominee should promise to rule a particular way in each of the cases on the Supreme Court's docket for the next term. It doesn't mean that nominees must state how they would rule in any specific case. But it does mean that the Senate should expect the nominee to answer questions about important legal principles—such as the constitutional power of Congress to protect Americans against corporate abuses, the right to equal treatment, Americans' right to privacy in making personal decisions about medical care, the principle of non-discrimination, and the right to be free from unwarranted government intrusion.

The American people deserve to know the answers to those questions, and the Senate's review is the only way that they can get those answers. The nominee will need to say more than "trust me" in response to these important questions, because so much hangs in the balance.

The importance of judicial philosophy in deciding whether to confirm a Supreme Court justice is nothing new. During the first 100 years after ratification of the Constitution, 21 of 81 Supreme Court nominations one out of four—were rejected, withdrawn, or not acted on.

Since 1968, a third of all Supreme Court nominations have failed. During these confirmation debates, ideology often mattered. John Rutledge, nominated by George Washington, failed to win confirmation as Chief Justice in 1795, when Alexander Hamilton and other Federalists opposed him because of his position on the Jay Treaty.

In 1811, James Madison's nominee, Alexander Wolcott, was defeated because of his enforcement of the embargo and other trade laws opposed by Federalists in the Senate.

A nominee of President Polk was rejected because of his anti-immigration position. A nominee of President Hoover was not confirmed because of his anti-labor view. The Senate failed to elevate Justice Abe Fortas to Chief Justice in 1968, when Senate Republicans filibustered his nomination because they objected to his decisions on free speech and defendants' rights.

Chief Justice Rehnquist himself has stated that it is appropriate for the Senate to ask about a Supreme Court nominee's judicial philosophy, stating that this "has always seemed . . . entirely consistent with our [C]onstitution and serves as a way of reconciling judicial independence with majority rule."

As our colleague from Mississippi, Senator TRENT LOTT, stated in 1996, "[w]e should look not only at their education, background, and qualifications, but also . . . what is their philosophy with regard to the judiciary and how they may be ruling." In Senator LOTT's words, "if we do not ask questions, then we will be shirking our responsibilities."

Earlier this month, the Senator from Texas, Senator CORNYN, stated that while nominees should not be asked to promise how they will vote in a specific case, "it's an appropriate question to ask what their views are on cases that have been decided and judicial opinions that have been written."

We should all agree that it's appropriate for the Senate to ask nominees about the issues most important to Americans. The American people expect and deserve to learn about a nominee's legal philosophy during the hearings on any Supreme Court nominee. We should do all we can to see that the process provides clear answers, so that the American people will have full confidence in the outcome.

HONORING OUR ARMED FORCES

IN HONOR OF PRIVATE FIRST CLASS ERIC PAUL WOODS

Mr. NELSON of Nebraska. Mr. President, I rise today to honor PFC Eric Paul Woods of Omaha, NE.

Private First Class Woods served his country with the utmost bravery. A graduate of Urbandale High School in Urbandale, IA, Woods moved to Omaha 5 years ago, joining the Army in April 2004 as a medic with the G Troop, 2nd Squadron of the 3rd Army Cavalry. He was based out of Fort Carson, CO. Seven years earlier, Private First Class Woods met his wife Jamie, also of the Des Moines area. The two were wed a year later on their first anniversary as a couple. On March 8, 2005, Private First Class Woods was deployed for his first tour in Iraq.

On July 9, 2005, Private First Class Woods was killed in action while serving courageously in Iraq. While bravely attempting to save the life of a wounded soldier near Tal Afar, Iraq, he sustained fatal wounds as an improvised explosive device detonated near the side of the road. His courage should be an example to all, as days before he turned down an offer to be moved away from the front lines. His dedication to both his fellow soldiers and his country clearly display both his valor and resolve.

Private First Class Woods is survived by his wife Jamie and his 3-year old son Eric Scott, among numerous other friends, family, and countrymen who proudly honor and remember his sacrifice. I would like to offer my sincere thoughts and prayers to Private First Class Woods' family. His selfless commitment to his country will not be forgotten. Private First Class Woods will be remembered as a man who honored, served, and died for the liberties and freedoms of all Americans and Nebraskans.

PETTY OFFICER 2ND CLASS DANNY P. DIETZ

Mr. SALAZAR. Mr. President, I rise today to commemorate an outstanding Coloradan who made the ultimate sacrifice for all of us: Navy Petty Officer 2nd Class Danny Philip Dietz, Jr.

Petty Officer Dietz was a native of Littleton, CO, and was a member of the Navy's elite fighting force, the SEALs. He was killed in Afghanistan after an unsuccessful rescue attempt. He was just 25 years old about to embark on his fifth year of service to our Nation.

Petty Officer Dietz, D.J. to his friends and family, joined the Navy in 1999 after graduating Heritage High School where he played football. Serving his country as a Navy SEAL was Petty Officer Dietz's dream. He spent his spare time in high school swimming and building his strength to make him a better candidate for this elite program. He spent years in training to become part of a specialized SEAL reconnaissance team.

In doing so, Danny Dietz took his first step toward becoming a hero for America.

When Petty Officer Dietz left for his most recent deployment in April out of Virginia Beach, just a few hours from where we are tonight, he told his wife that he was going to do something special for his Nation. He did for all of us, including one of his fellow soldiers who was rescued from those Afghan mountains, where Petty Officer Dietz was lost to us.

Matthew 5:9 teaches us, "Blessed are the peacemakers, for they shall be called sons of God." Petty Officer Dietz brave actions overseas are the kind of heroism of which you should be extraordinarily proud and to which all aspire. Petty Officer Dietz's service to the people of the United States is a gift for which we are all profoundly grateful and will never forget.

Petty Officer 2nd Class Danny Philip Dietz, Jr. served this Nation with extraordinary courage, honor and distinction in fighting for our freedom and liberties. To his wife Maria and his entire family, I can only offer my deepest condolences at your loss. The thoughts and prayers of an entire Nation are with you.

MR. GENE MAY, A BUILDER OF HOMES

Mr. BYRD. Mr. President, it is commonly said that a man is known by his work. For half of a century, Mr. Gene May of McLean, VA, was known by the fine homes he built in the Washington area.

Mr. May, who died recently of lung cancer, was a builder and a developer, who made an important and lasting impact on this busy, ever-growing, and highly transient region. He was a good man, who touched people with his hard work, his dedication to his profession, and the extra care that he put into the structures that he built.

Gene May did not merely build houses; he built homes, and he built more than a thousand of them starting with his first, in 1947. He put a part of himself into each of his endeavors, into each of the homes he built; and as a result, the homes he built reflect his values. Years after he retired, according to the Washington Post, people were still writing to him, praising him for the sturdiness of the homes he had built for them, and thanking him for his superb work.

Yet, according to his daughter, his work was not the most important thing in his life. It wasn't even second. His daughter explained that "the most important thing in his life was his family, followed by his church. And he viewed his work as a way to serve both."

What a wonderful way to regard one's work. What a contribution all of us could make to our families, our society, and ourselves with such an outlook on life, that our work is a way to serve our family and our Creator.

Gene May's philosophy served as an underpinning for a rewarding life. He put family first, and what a wonderful family he had. He was married to his loving wife, Barbara May, for 58 years. They had two children and five grandchildren.

Gene May faithfully served his church. I knew Gene May. He built the house in which I now live. He was a charter member, treasurer, and one of the first deacons of the Church of Christ of Falls church. He supervised the building of two of the church's facilities, and actively participated in the church's mission. In addition, he helped to establish, then served as president of, a christian youth summer camp in Virginia's blue ridge mountains.

Gene May's community involvement extended well beyond his church activities. For example, he was a member of the school board, a board member of the Arlington Trust Bank, and a founder of the Northeastern Junior College in Villanova, PA.

When Mr. May learned that he had terminal cancer a little more than a year ago, he reacted to the news with the calmness and level-headedness that had characterized his life.

He taught his wife how to handle the family finances, even budgeting the money for his funeral expenses. He then signed up for hospice care, so that he would not be a burden to his family; and, he began to prepare himself for the afterlife. How about that? He began to prepare himself for the afterlife. Gene May succumbed to the dreaded disease on May 4 of this year.

This good man, this good neighbor, this good citizen will be missed by his family, his community, and his legion of friends. But through the homes he built for more than a thousand people, the memories of his life and work will live for years and years to come. He was a builder.

Gene May was a builder in the best and truest meaning of the word.

I saw them tearing a building down,
A group of men in a busy town.

With a "ho, heave, ho" and a lusty yell
They swung a beam and the sidewall fell.

I said to the foreman, "Are these men skilled?
The type you would hire if you had to build?"

He laughed, and then he said, "no indeed,
Just common labor is all I need;
I can easily wreck in a day or two,
That which takes builders years to do.

I said to myself as I walked away,
"Which of these roles am I trying to play?
Am I a builder who works with care,
Building my life by the rule and square?
Am I shaping my deeds by a well-laid plan,
Patiently building the best I can?
Or am I a fellow who walks the town,
Content with the labor of tearing down?"

My wife Erma, and I extend our deepest condolences to Mr. May's wife, Barbara, and their children, and grandchildren.

May his ashes rest in peace.

VOTE EXPLANATION

Mr. THUNE. Mr. President, yesterday the Senate, again, acted in a unified bipartisan manner when it voted 95 to 0 to add an additional $1.5 billion to the Department of Veterans' Affairs. Although a family medical emergency unfortunately prevented me from being able to vote on the Murray amendment, I fully support the measure and would have gladly voted in favor of it. Even though the VA could provide some health care to veterans until fiscal year 2006, it would have to do so by taking funds from other accounts and slashing other projects. This is simply unacceptable.

I am proud the Senate chose to emphasize our position that the VA needs an additional $1.5 billion to properly carry out its mission of caring for America's veterans.

Thank you Mr. President.

TERRORIST BOMBING IN LONDON

Mr. CHAMBLISS. Mr. President, my wife Julianne and I express our deepest sympathies to those who lost loved ones and those injured in the terrorist attacks in London last Thursday. Our thoughts and prayers are with them.

The terrorists who claim allegiance to al-Qaida undertook these atrocious acts in response to the United Kingdom's unflinching, courageous support for the global war on terrorism. Prime Minister Tony Blair and the British people have stood along side the United States and the other members of the coalition in the war on terrorism.

This is a reminder that we must always be vigilant against those who wish to attack our freedom and our way of life. We must not waiver in our resolve to pursue and bring to justice those who commit these heinous crimes.

I add my support to Monday's passing of S. Res. 193, which expressed "sympathy for the people of the United Kingdom in the aftermath of the deadly terrorist attacks." At the time of the vote, I was delayed in returning to Washington because of Hurricane Dennis. Had I been in present for that vote, I would have voted in favor of the resolution.

LEADERSHIP AND COORDINATION IN LANGUAGE EDUCATION

Mr. AKAKA. Mr. President, I rise today to discuss the foreign language needs of the country, a problem that is receiving renewed public attention because of the ongoing war in Iraq and the impact the lack of language expertise is having on our foreign policy. As John Limbert, president of the American Foreign Service Association, was quoted in the Federal Times last month, the shortage of linguists "makes our mission of representing the American people that much harder."

Frankly, I agree with Mr. Limbert. The stability and economic vitality of the United States and our national security depend on American citizens who are knowledgeable about the world. We need civil servants, area experts, diplomats, business people, educators, and other public officials with the ability to communicate at an advanced level in the languages and understand the cultures of the people with whom they interact. An ongoing commitment to maintaining these relationships and language expertise helps prevent a crisis from occurring and provides diplomatic and language resources when needed.

My own State of Hawaii is a leader in promoting language education and cultural sensitivity. As a gateway to Asian and Pacific nations, we in Hawaii understand the importance of knowing other languages and cultures, which help to develop strong relationships with other people. For example, according to the 2000 Census, more than 300,000 people in Hawaii, or about 27 percent of those 5 years and older, spoke a language other than English at home. This is compared to about 18 percent nationwide. In addition, the University of Hawaii is a leader in teaching Korean and is the host of one of two National Korean Flagship Programs established by the National Security Education Program. Hawaii is also host to the internationally recognized East-West Center, an education and research organization established in Hawaii by Congress in 1960, which is a leader in promoting and strengthening relations between the United States and the countries of the Asia Pacific region.

In 2000 the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services, then chaired by Senator COCHRAN, held a hearing on the foreign language needs of the Federal Government. At that hearing Ellen Laipson, vice chairman of the National Intelligence Council, testified as to the language shortfalls in the intelligence community and how these shortfalls could impact agency missions, especially in emergency situations. For example, a lack of language skills limits analysts' insight into a foreign culture which restricts their ability to anticipate political instability and warn policymakers about a potential trouble spot. In addition, Ms. Laipson testified that thousands of technical papers providing details on foreign research and development in scientific or technical areas were not being translated because of the lack of personnel to interpret the material, which could lead to the possibility of "a technological surprise."

Understanding the importance of improving our language capabilities, I introduced with Senators DURBIN and THOMPSON the Homeland Security Education Act and the Homeland Security Federal Workforce Act. Our bills proposed a comprehensive strategy to improve language education, as well as science and math education, at the elementary, high school, and college levels and to provide incentives for individuals possessing such skills as a result of these programs to enter Federal service in critical national security positions. The Senate passed the Homeland Security Federal Workforce Act on November 5, 2003, and provisions of the bill were included in the Intelligence Reform Act of 2004. In addition, I successfully added an amendment to the Defense Authorization Act for fiscal year 2005 requiring the Department of Defense to report on how it will address its language shortfalls in both the short and long term. Earlier this year, the Department issued its Defense Language Transformation Roadmap which lays out an ambitious plan for improving the language education of its employees.

While Congress has adopted several provisions to improve language education, including some that I have proposed, it has not been easy to gain a wider acceptance of this need. It has been said that the events of September 11, 2001, were a modern day Sputnik moment, demonstrating that shortages of critical skills can have dire national security consequences. While Sputnik pointed out the importance of science and math education, September 11th reminded us that language skills and cultural awareness are essential for improving relations with the international community and strengthening our national security. However, nearly 4 years after that terrible day, we are still without sufficient language skills. We still have not learned the lesson that the Soviet launch of Sputnik taught us in 1958: investment in education is just as important to our national security as investing in weapons systems. As such, we need sustained leadership and a coordinated plan of action to address this on-going problem and to ensure that this Nation never falls short in its language capabilities again or fails to communicate effectively with our neighbors around the world.

That is why I have introduced the National Foreign Language Coordination Act with Senators DODD and COCHRAN. Our legislation, S. 1089, is designed to provide the needed leadership and coordination of language education. Primarily, the legislation creates a National Foreign Language Coordination Council which is composed of the secretaries of various executive branch agencies and chaired by a national language director. The national language director would be appointed by the President and is to be a nationally recognized individual with credentials and abilities necessary to create and implement long-term solutions to achieving national foreign language and cultural competency. By having the key players of the executive branch on the Council, I hope that each agency will come away with an understanding of what their role is, how they can reach out to their stakeholders for input, and become engaged in addressing this problem.

The Council would be charged with developing and overseeing the implementation of a national language strategy. In particular, the Council would identify priorities, increase public awareness, advocate needed resources, and coordinate efforts within the Federal Government to ensure that we are meeting our goal of improved language education and cultural understanding. As former Senator and 9/11 Commissioner Bob Kerrey recently said, "Someone in the executive branch has got to say, 'Here's where we are today, here's where we want to be in five years, and here's what it's going to take to get there.'" The National Foreign Language Coordination Act will do just that.

There have been several articles issued recently that have highlighted the need for more language training and the need for leadership in this area. I ask that the following articles be printed in the RECORD:

Tichakorn Hill, Does Anyone Here Speak Arabic? (or Farsi, or Pashto?) The Government's Push to Close the Language Gap, Federal Times, June 20, 2005. John Diamond, Terror War Still Short on Linguists, USA Today, June 20, 2005. John Diamond, Muslim World Isn't Big with U.S. Students, USA Today, June 19, 2005.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, Jun. 20, 2005]

MUSLIM WORLD ISN'T BIG WITH U.S. STUDENTS

(By John Diamond)

WASHINGTON—Despite an expansion of federal efforts to promote learning Arabic and other languages of the Islamic world, there has been no dramatic increase in Americans studying in countries where such languages are spoken, according to the latest statistics on overseas study. That's the case even though the number of Americans studying abroad has more than doubled since the mid-1990s.

There are some signs of growing interest among American students in learning Arabic, which the U.S. intelligence community hopes will help bolster its ranks with specialists for the war on terrorism.

But as Karin Ryding, a professor of Arabic at Georgetown University, points out, U.S. intelligence can't get by with "hothouse" Arabic speakers who have learned the language sitting in American classrooms. They must travel to the region and immerse themselves to become fluent.

Overall interest in foreign languages hasn't surged either since the Sept. 11 attacks. The difficulty of learning Arabic and other Middle East languages means it will be years before academia can produce significantly more graduates fluent in languages important to U.S. national security.

"It's going to take a good, long while. It's going to be a lot more expensive. And it's a question of whether you can afford to wait," says Andrew Krepinevich, head of the Center for Strategic and Budgetary Assessments, a Washington-based defense think tank.

Numbers aren't good

For 2002–03, the first full academic year after 9/11, 1,293 Americans studied in predominantly Muslim countries in Africa, the Middle East and Asia. That's a 4.5% increase over the yearly average of 1,237 for the five years leading up to Sept. 11, according to an analysis of figures compiled by the Institute of International Education, which administers several federal study-abroad scholarship programs. The figures cover students who financed their own education as well as those who received private and public scholarships.

The list of majority-Muslim countries in which students studied is not identical from year to year but typically includes countries in the Middle East and North Africa such as Senegal, Morocco, Egypt, Saudi Arabia, Jordan, Kuwait, Lebanon and Turkey; and nations in Asia such as Pakistan, Indonesia and Malaysia.

The institute's figures show that more Americans are studying abroad: 174,629 in 2002–03, up from 84,403 in 1994–95. Yet fewer are focusing on foreign languages: Two decades ago, 16.7% of Americans studying abroad listed foreign languages as their primary field of study, according to the institute's figures. A decade ago, it was down to 11.3%; for 2002–03, 7.9%.

"Despite our growing needs, the number of undergraduate foreign language degrees conferred is only 1% of all degrees," Sen. Chris Dodd, D-Conn., said last month. Dodd is sponsoring legislation that would increase federal spending on language and foreign study and create a "national language director" to coordinate language programs.

The stakes are high, according to a January Pentagon report: "Conflict against enemies speaking less-commonly taught languages and thus the need for foreign language capability will not abate."

Language ability is critical not just for fighting wars or spying, says Thomas Farrell, deputy assistant secretary of State for academic programs. It also means having a better knowledge of "regions of the world that are important to the United States," Farrell says. "We're seeking to demonstrate, especially to countries with Islamic populations, that people in the United States have respect for their societies and want to learn about them."

Uptick in Arabic studies

For years, U.S. students didn't learn much about Arabic. In 2002, the latest nationwide figures available, 10,584 students were studying Arabic, whether as a major or an elective. That was a 92% increase from 1998 but still amounted to fewer than 1% of all students enrolled in foreign language courses in 2002, according to a report by the Association of Departments of Foreign Languages.

The Department of Education is spending about $10 million this year for language study centers based in the Middle East, U.S. language development centers and scholarships for study abroad. The Pentagon is spending $3.6 million for Middle East language scholarships and other language programs. Some of the money is tied to promises that students will commit to jobs in national security.

The State Department handles the bulk of federal money for language scholarships through its Fulbright programs for undergraduates and scholars. Last year, the department spent $86 million on Fulbright and other programs out of a total education and cultural exchange budget of $231 million. Not all of that $86 million was focused on Muslim countries, however.

Concerned that no one coordinates the federal programs, a group of senators—including Dodd, Thad Cochran, R-Miss., and Daniel Akaka, D-Hawaii—wants to start a National Foreign Language Coordination Council.

For now, U.S. military and intelligence agencies compete with one another for a small pool of qualified candidates. Arabic professor John Walbridge of the University of Indiana is worried about the push to fill hiring quotas.

"They're desperate for people," Walbridge says. "They're recruiting people who by no reasonable standard are ready to do intelligence work using Arabic."

[From USA Today, June 20, 2005]

Terror War Still Short on Linguists

(By John Diamond)

WASHINGTON.—Nearly four years after the Sept. 11 attacks, the federal government has created a profusion of programs to train students in languages and cultures important in the war on terrorism. But government leaders and language experts say the effort is an uncoordinated jumble too slow to produce measurable results.

"We're not there, and we're not moving fast enough," says Rep. Pete Hoekstra, R-Mich., chairman of the House Intelligence Committee.

Since 9/11, Congress and the White House have pumped money into new and existing programs for training in Arabic and other Middle Eastern languages and cultures. Annual spending has jumped from about $41 million in 2001 to $100 million today. While the funding and programs have grown, the results are, so far, insufficient, according to Sen. Chris Dodd, D-Conn. The government needs to hire 34,000 foreign-language specialists, particularly Arabic speakers, for homeland security, defense and intelligence agencies, he says.

The effort to produce more speakers of Arabic and other languages of the Islamic world is needed because many Americans fluent in these languages have difficulty getting security clearances if they have relatives in the region. Producing a "homegrown" speaker of Arabic, with its different alphabet and many dialects, can take 10 years, says professor John Walbridge of the University of Indiana, "if you apply yourself."

No government agency coordinates this effort, and there are no readily available statistics on how many students get federal money intended to produce more speakers of Arabic, Urdu and other strategic languages and more experts on the Islamic world.

Based on public records and interviews with relevant officials, about $9.5 million in federal money goes to programs designed specifically to produce job candidates for U.S. intelligence and other national security agencies. Only about 40% of that total, roughly $3.8 million, is focused on the Middle East.

The number of students in these programs—named for current and former chairmen of the Senate Intelligence Committee—is modest: 150 in the Pat Roberts Intelligence Scholars Program and 230 in the David Boren Scholarship program. About one-third of the students focus on Middle Eastern languages.

"Someone in the executive branch has got to say, Here's where we are today, here's where we want to be in five years, and here's what it's going to take to get there,'" says Bob Kerrey, a Democrat who served on the federal commission that investigated 9/11. That panel pointed out last year that only six students received undergraduate degrees in Arabic in 2002.

Walbridge and other Arabic scholars agree that living in the Middle East is essential to becoming fluent. But the number of Americans studying in predominantly Muslim countries has remained about the same as pre-Sept. 11 levels. In 2002-03, the most recent year for which figures are available, fewer than 1,300 Americans were studying in Muslim countries, or less than 1% of the Americans studying abroad.

"As a nation, we just don't have any sort of organized language policy, and it shows," says Kirk Belnap, director of a federally funded National Middle Eat Language Resource Center at Brigham Young University in Provo, Utah.

[From the Federal Times, June 20, 2005]

Does Anyone Here Speak Arabic? Or Farsi, or Pashto . . . The Government's Push To Close the Language Gap

(By Tichakorn Hill)

When a congressman asked David Kay, the former head of the U.S. team searching for weapons of mass destruction in Iraq, how many on his 1,400-person team spoke Arabic and understood the technology of weapons of mass destruction, the answer was discouraging.

"I could count on the fingers of one hand," Rep. Rush Holt, D-N.J., recalled Kay as saying about a year ago.

Similarly, Holt asked special forces who were combing through Afghan mountain ranges for Osama bin Laden how many of them spoke the local language of Pashto. They said they picked up a little while they were there.

"If Osama bin Laden is truly American public enemy No. 1, how do we expect to track him down if we cannot speak the languages of the people who are hiding him?" Holt said.

Whether it is military troops, intelligence analysts, translators, interpreters, or just federal employees delivering services to an increasingly diverse American population, there is a troubling shortage of people with foreign language skills. And the shortage is most critical in Middle Eastern and South Asian languages: Arabic; Pashto; Dari, which is spoken in Afghanistan; Farsi, spoken in Iran; Kurdish, spoken in Iraq, Iran, Turkey, Armenia and Syria; and Urdu, spoken in India and Pakistan.

The consequences, say experts, are disturbing. The problem threatens government efforts to keep the peace and rebuild infrastructure in Iraq, translate foreign documents and interpret foreign conversations that could prove to be valuable intelligence, explain U.S. policies to foreign populations, investigate terrorists, and track down illegal aliens.

The shortage of linguists "makes our mission of representing the American people that much harder," said John Limbert, president of the American Foreign Service Association and a former ambassador to Mauritania. "Most of that mission involves communication—speaking and listening to what others are telling us. I don't see how we can do that without knowing the language of those with whom we are communicating."

The Defense and State departments, intelligence agencies, the FBI and many other agencies were suffering severe shortages of linguists even before 9/11. The FBI, for example, complained to Congress in 2000 that it had large stockpiles of audio tapes and documents awaiting translation. The Defense Department didn't have a single Dari-speaking employee. And it had only one Marine and one sailor who spoke Pashto.

Kevin Hendzel, a spokesman for the American Translators Association, estimates it will take intelligence agencies between 10 and 15 years to catch up in translating tons of materials recovered from Iraq and Afghanistan. "As a society, we pay a huge price for not being competent in foreign languages. This is particularly true in the national security area where the people who want to do us harm do not speak English," he said.

Federal agencies are expected to hire more than 10,000 contract and staff linguists this year.

But while hiring of linguists since 9/11 has exploded, it still hasn't kept pace with the government's needs—especially for people who know Arabic and South Asian languages.

The problem

Federal managers blame the American education system.

According to the National Center for Education Statistics, out of 2 million college graduates in 2004, only 17 earned bachelor's or advanced degrees in Arabic. Only 206 earned degrees in Chinese, the world's most popular language.

"Academia is not producing enough of the right kind of linguists fast enough," said an FBI official. "And we simply cannot wait for the education system to catch up."

But the government is trying to kick-start the system. Last year the Defense Department began awarding grants to universities for foreign language studies in Chinese, Arabic, Korean and Russian.

And in Congress, Holt introduced this year the National Security Language Act, which would subsidize colleges and universities that teach critical languages and offer intensive study programs overseas. The bill, which has 43 cosponsors, also would repay student loans for those who study critical foreign languages and then work for federal agencies or as elementary or secondary school language teachers.

The recruiting challenge

In their rush to recruit people with hard-to-find language skills, agency managers are trying a variety of tactics.

They hold job fairs in minority communities, such as Arabic communities in California and Michigan. They advertise in foreign-language newspapers, offer thousands of dollars in sign-up bonuses, and recruit at colleges and universities where needed languages are taught.

But there are a lot of factors working against them. One is stiff competition for a limited pool of candidates.

"We're always in competition with other federal agencies and the private sector for that talent," said Reginald Wells, deputy commissioner for human resources at the Social Security Administration.

Many candidates are foreign-born and foreign-educated, which presents another challenge for agencies trying to verify their credentials.

And as if finding people who speak difficult languages is not difficult enough, finding people who know those languages at a professional or technical level is even harder.

"Many of our assignments are highly technical and they [native speakers] simply do not have vocabulary to move between the two languages. That's where our challenges lie," said Brenda Sprague, the director of Office of Language Services at the State Department.

Not all candidates who meet the grade want to work for, say, the Foreign Service and be posted far from their families, said Nancy Serpa, former director of the Human Resources for Recruitment, Examination and Employment at the State Department.

"The Foreign Service is not a career for everyone, and finding people who want to spend their career overseas away from their family is very difficult to begin with, even though we have a lot of people who take the Foreign Service test," Serpa said.

National Security Agency managers find that many candidates are reluctant to move even to the agency's Maryland headquarters.

"We may be successful in attracting people to the type of work we do and the opportunities and possibilities we have available, but we're not always successful in encouraging them to move to Columbia or Baltimore," said John Taflan, NSA human resources director.

Getting new employees a security clearance is another hurdle.

"We require, for all our full-time positions and even some of our contract positions, that people have the ability to obtain a security clearance, and that's become extremely difficult for those who are naturalized American citizens," Sprague said. "That limits your pool to a large extent."

Hiring binge.

Despite the recruiting challenges, agencies have been hiring.

Since 9/11, the FBI has hired nearly 1,000 linguists and plans to hire 274 more next fiscal year. Currently it has nearly 1,400 contract and full-time linguists who speak 100 languages. Ninety-five of those linguists are native speakers of their languages. The bureau increased its linguists by 69 percent and the number of those in critical languages, such as Arabic, increasing by 200 percent.

The State Department this year is hiring nearly 400 Foreign Service generalists, many of whom will get training to speak another language. It's also hiring translators and interpreters. Many of those new hires will staff new embassies in Baghdad, Iraq, and Kabul, Afghanistan; and a new liaison office in Tripoli, Libya. Currently the department has about 7,000 employees speaking 60 languages working in the United States and at 265 posts abroad.

Likewise, the National Security Agency is aggressively recruiting: Currently at 35,000 employees, the agency plans to hire 1,500 people every year until 2010, and many will become language analysts. It offers sign-up bonuses of up to 20 percent of a person's salary for those who speak critical languages. NSA also hires 50 to 200 bilinguals a year whom it then trains to speak a third language.

More training.

The shortage of linguists prompted the Defense Department to overhaul its language program. The department in April unveiled a plan, called the Defense Language Transformation Roadmap, to build up its foreign language skills. It includes directing money to colleges and universities to teach languages. Also, the department plans to invest $45 million more than current levels—$195 million in fiscal 2006—in its Defense Language Institute. The department also will build a database of active-duty personnel, civilians, reservists and retirees who speak foreign languages.

"9/11 really changed our whole orientation to understand that this is a major issue that's going to be with us for a long time," said Gail McGinn, Defense deputy undersecretary for plans. "It's going to take a long time to solve it."

Today, Defense has nearly 84,000 military linguists who speak about 250 languages and dialects—up from 72,000 in 2000. The military services plan to train about 2,300 linguists this year. The Air Force is the most active and plans to train 1,500 military linguists this year.

Agencies that cannot hire or train enough people with foreign language skills borrow them from other agencies or contract for them.

Congress in 2003 also created the National Virtual Translation Center, an interagency clearinghouse that lets agencies share translators with each other or to seek the services of translators in the private sector and academia. The center also performs translation work for intelligence agencies.

Federal contracting for people with language skills has taken off since 9/11. But as demand has shot up, so have labor rates.

Before 9/11, a linguist speaking Arabic might get paid $15 or $20 an hour. Now, rates are about double that. And for those with security clearances and expertise, rates are up to between $70 and $80 an hour. A contract linguist working in Iraq now can make $150,000 a year, Hendzel said.

Not all agencies are willing to pay so much, he said. Some want to settle for $20 an hour and hire someone who can speak a foreign language but may not be certified or have experience or expertise in a particular field. By doing that, Hendzel said agencies risk getting poor-quality work that could undermine their missions.

"Mistranslation or distortion are as dangerous as a lack of translation," he said.

Mr. AKAKA. We all understand the importance of language education and cultural understanding in this country; we just need to figure out how we make it happen. I am confident the National Foreign Language Coordination Council will provide the needed leadership and coordination to reach our goal.

U.N. REFORM

Mr. COLEMAN. Mr. President, I rise today to discuss Coleman-Lugar bill that will effect meaningful and reasonable reform of the United Nations. But before I delve into the issues of U.N. reform, I must take a moment to thank my colleague Senator LUGAR for his leadership. As the chairman of the Senate Foreign Relations Committee, Senator LUGAR has been at the forefront of these issues for years—working to pass bipartisan, consensus legislation touching a wide range of international matters. In short, Senator LUGAR's leadership on the issue of U.N. reform has been crucial.

Sixteen months ago, as the chairman of the Permanent Subcommittee on Investigations, I initiated a bipartisan, comprehensive investigation into the massive international fraud that flourished under the United Nations Oil for Food Program. You will recall this program was created to help protect the poor of Iraq from the impact of international sanctions. Unfortunately, Saddam Hussein manipulated the program—siphoning off billions of dollars in under-the-table payments—and used that money to strengthen his murderous regime at home and reward friends abroad. As Secretary of State Condoleezza Rice testified at her confirmation hearing, Saddam Hussein was "playing the international community like a violin." It could not have been more wrong: evil prospered while the poor starved: the program designed to control and oust the oppressor actually helped him stay in power and bolster his arsenal.

Over the course of our 16-month investigation, the subcommittee has held three hearings and released three reports on the oil-for-food scandal. At those hearings and in our reports, we exposed how Saddam abused the program—we documented how the Hussein regime rewarded political allies by granting lucrative oil allocations to foreign officials, such as Russian politician Vladimir Zhirinovsky and the Russian Presidential Council; we presented evidence of how Saddam made money on the oil deals by demanding under-the-table surcharge payments, and how he generated illegal kickbacks on humanitarian contracts.

All of Saddam's abuses occurred under the supposedly vigilant eye of the U.N. How could that happen? Well, over the course of our investigation, an avalanche of evidence has emerged demonstrating that the U.N. terribly mismanaged the Oil for Food Program. That evidence revealed mismanagement ranging from outright corruption to sloppy administration. For instance:

Our subcommittee uncovered evidence that Kofi Annan's handpicked executive director of the Oil for Food Program, a man named Benon Sevan, appears to have received lucrative oil allocations from Saddam.

Our subcommittee discovered evidence that a U.N. oil inspector received a large bribe to help Saddam cheat on two oil deals.

Fifty-eight reports written by the U.N.'s own internal auditors revealed rampant mismanagement by the U.N., describing a program rife with sloppy stewardship and riddled with "overcharges," "double charge[s]" and other "unjustified" waste of more than $100 million.

The U.N.'s investigators, headed by Paul Volcker, determined that the U.N.'s process for awarding three multimillion-dollar contracts in the program was "tainted."

The U.N.'s investigators also found that Kofi Annan failed to adequately investigate or remedy a serious conflict of interest—namely, that the U.N.

had awarded a massive contract to the company that employed Annan's son.

Perhaps most disturbing, however, was that Kofi Annan's chief of staff ordered the destruction of 3 years' worth of documents. That order was given the day after the U.N. decided to investigate the Oil for Food Program.

Such gross mismanagement and corruption in the Oil for Food Program raise serious questions about the U.N.'s ability to administer crucial programs in the future. American taxpayers pay roughly 22 percent of the U.N.'s operating costs. They need assurances that their tax dollars are well spent. This is especially true in light of the fact that the U.N. is playing an increasingly larger role in world affairs.

As a result, we must bring about meaningful and reasonable reform of the U.N. Such reforms must include three elements. First is the concept of "transparency." As Supreme Court Justice Brandeis famously stated, "Sunlight is the most powerful of all disinfectants." Today, the U.N.'s operations are shrouded in mystery—not a single ray of sunlight disinfects the internal machinations of the U.N. The U.N. should be transparent to its member states, and use those rays of sunlight to prevent another episode of massive mismanagement.

Another necessary element for U.N. reform is "accountability." Specifically, U.N. officials responsible for the operation and management of programs, such as sanctions regimes and humanitarian efforts, must be held accountable for their performance. Such accountability should apply to all U.N. officials from the highest to the lowest.

The third element necessary for U.N. reform is effective internal oversight. Simply put, the U.N.'s internal auditor—the Office of Internal Oversight Services, OIOS, needs drastic improvement. The OIOS is woefully underfunded and lacks true independence. With respect to funding, the OIOS receives $24 million per budget—a paltry pittance when compared to the $162 million allocated to U.N.'s press office. Without an effective and independent auditor, the U.N.'s operations will continue to be plagued with misconduct and mismanagement.

Those crucial elements are the cornerstones of the proposed Coleman-Lugar bill, the United Nations, Management, Personnel, and Policy Reform Act of 2005. The bill presents a well-balanced and constructive U.N. reform initiative that addresses: (1) a variety of U.N. management weaknesses identified by the subcommittee, a lack of transparency, oversight, accountability, and effective budgetary and personnel systems, and (2) a series of U.N. policy issues that need reform, including peacekeeping and human rights. The legislation strikes an appropriate balance between important goals: effecting crucial U.N. reforms, preserving U.N. administrative discretion, and ensuring limited U.S. government monitoring and oversight.

Our proposed legislation underscores that an effective United Nations is in the interest of the United States and that the United States must lead the United Nations toward greater relevance and capability. The bill also emphasizes that the U.S. push for further reform will require bipartisanship and the joint involvement of the executive and legislative branches so that the U.S. presents a unified position toward the United Nations. The proposed legislation exhorts the U.S. to use its voice, vote, and funding in the U.N. to accomplish U.N. management, personnel, and policy reforms. It requires the President to submit an annual report on U.N. reform to "appropriate congressional committees." It also authorizes the President to withhold 50 percent of U.S. contributions to U.N. if he determines that the U.N. is not making sufficient progress in implementing reforms described in the act.

While the proposed legislation acknowledges that the U.N. has initiated some reforms, it also recognizes that the U.N. has failed to make many necessary changes. The bill cites past GAO reports on U.N. reforms and recent U.N. reports, including the High-Level Panel Report and the Secretary-General's Report, on the need to expedite existing reforms and implement new urgently-needed reforms. It emphasizes that the U.N. must transform itself to meet current and future challenges and undertake institutional reforms that ensure the effectiveness, integrity, transparency, and accountability of the United Nations system.

The proposed legislation recognizes the important findings of the subcommittee in its Oil for Food Program investigation identifying key internal management weaknesses that led to mismanagement, fraud, and abuse of the program. It also cites the June 2005 Gingrich/Mitchell U.N. Reform Report. The majority of the U.N. management, personnel, budget, and policy issues addressed in the proposed legislation are consistent with many recommendations of the subcommittee and the recent Gingrich/Mitchell report.

The management section of the proposed legislation stems from the many U.N. management weaknesses revealed in the subcommittee's oil-for-food investigation. The section strengthens the power of the Secretary-General to replace top officials in the U.N. Secretariat and recruit only the highest quality individuals, placing emphasis on professional excellence over geographic diversity. It calls for an updated assessment of the U.N. procurement system and the establishment of a new and improved procurement process that embodies the standards currently present in the U.S. Foreign Corrupt Practices Act of 1977, which prohibit officials from making or receiving payments, gifts, or exchanging other promises to secure an improper benefit.

In short, this legislation will help transform the United Nations into a modern and dynamic institution capable of responding to the many complex and varied challenges confronting it. The reforms embodied in this legislation provide the United Nations the opportunity to embrace change and regain its role as a critical institution in today's rapidly changing international environment. This legislation will force the United Nations to be a better managed, transparent, and accountable organization. This legislation will prevent reoccurrences of scandals like the Oil for Food scandal, peacekeeping abuses, and other managerial failures.

I must reiterate the importance of a robust and effective U.N. for the future of U.S. relations with the international community. The U.N., when properly led and properly managed, can play an important role in promoting global peace and stability. Real reform, and not mere rhetoric, is the proper course of action to ensure an effective U.N.—the mission of the U.N. is simply too important to look the other way.

As I conclude my remarks, I would like to reiterate my thanks to Chairman LUGAR for his leadership on the issue of U.N. reform and for the opportunity to work with him to tackle this important issue.

ADDITIONAL STATEMENTS

RECOGNITION OF KENNETH W. MONTFORT COLLEGE OF BUSINESS

• Mr. ALLARD. Mr. President, I rise today to congratulate Kenneth W. Montfort College of Business at the University of Northern Colorado on receiving the 2004 Malcolm Baldrige National Quality Award, the Nation's highest honor for quality and performance excellence.

The Kenneth W. Monfort College of Business at the University of Northern Colorado is the sole business school to receive the Malcolm Baldrige National Quality Award from the National Institute of Standards and Technology. This award recognizes the outstanding performance and accomplishments of American businesses, schools, and health care organizations that surpass standards of excellence and ethics.

Monfort College of Business offers the only program of its kind in the Rocky Mountain region focused exclusively on undergraduate business education and internationally accredited in business administration and accounting. Monfort is one of five undergraduate-only programs in the United States to hold such accreditations. Students at Monfort score in the top 5 percent on nationwide standardized exit exams and earn a degree in business administration with an emphasis in accounting, computer information systems, finance, general business, management, or marketing. An interdisciplinary degree is also available in nonprofit management. Monfort's student-centered approach is exemplified by its three-dimensional learning strategy: High-Touch, small class sizes taught on an interactive basis, Wide-Tech, exposure to a wide array of business technologies, and Professional Depth, instruction from seasoned professors, including highly placed executives.

Understanding the importance of a well-rounded college education is important if we are to produce the next generation of our State's and our Nation's leaders. I commend Kenneth W. Montfort College of Business at the University of Northern Colorado for their efforts to promote excellence in higher education. Undoubtedly, their success serves as an example of excellence to colleges and universities around the country.

I ask my colleagues to join me in congratulating the Kenneth W. Montfort College of Business at the University of Northern Colorado for being recognized for their efforts and success.•

A TRIBUTE TO COLONEL RAY ALEXANDER

• Mr. BURR. Mr. President, I rise today to offer my thanks and appreciation, and those of all North Carolinians, to Colonel Charles "Ray" Alexander, Jr., Commander of the Army Corps of Engineers Wilmington, NC district. Today is Colonel Alexander's last day as commanding officer of the district. While we celebrate his retirement with his family, we will miss the impact he has had on North Carolina and the Nation.

Colonel Alexander has distinguished himself with exceptionally meritorious service as district commander since 2002. Under his command, the district continued construction of the Wilmington Harbor deepening project and met the target for delivering deep water to the State port docks in January 2004 despite numerous fiscal challenges. The Wilmington Harbor deepening is the largest civil works project in the district's history and a very important navigation project, providing economic benefit to the State. Additionally, the deeper channel has been an asset to the local military installations in support of the global war on terror.

Under Colonel Alexander's direction, the district has been involved and successful in protecting the Nation's environment. Numerous environmental enhancement projects, including the Roanoke Island Festival Park aquatic habitat restoration and protection project, are testament to this highly successful program.

This and many other projects earned the district the 2004 Coastal America Partnership Award and North Carolina Coast Federal Pelican Award, the 2003 Chief of Engineers' Environmental Award for product delivery team design and construction of an island estuarine habitat, and nomination and subsequent recognition as the North Carolina Conservationist Partner of 2003 by the North Carolina Land Trust Council. A district project delivery team under Colonel Alexander's command also earned an environmental award from the Environmental Protection Agency for its work cleaning up EPA facilities in the Research Triangle Park.

Colonel Alexander also executed a systematic plan to improve relationships with local, State, and Federal entities. Locally, we completed renourishment of Kure, Carolina, and Bald Head Island Beaches and a project to reinstitute the use of dredged materials on Bogue Banks. Additionally, the district created a water management committee to meet the needs of over 40 agencies and many private citizens.

Colonel Alexander also led the efforts in 2003 to provide exceptionally responsive emergency management services during Hurricane Isabel in North Carolina, including the highly successful reconstruction of vital road infrastructure for the Cape Hatteras breach. He also led the Wilmington effort in aiding the recovery from the record-breaking 2004 hurricane storm season.

I would also like to commend Colonel Alexander for his support of the Army Corps outside his district and in the war on terror. His selflessness was exhibited by his leadership for the $84 million recovery effort in 2004 after Hurricane Ivan devastated Alabama. This highly complex operation included providing emergency power, ice, water, housing, debris collection and reduction, roofing, and technical assistance to the citizens of Alabama following the storm, which made landfall 700 miles from the district headquarters. Hundreds of Corps of Engineers employees from all over the Nation were brought in to this well executed operation.

Colonel Alexander's leadership and commitment in the global war on terror is evident in his ability to motivate more than 20 team members to volunteer to serve abroad as members of South Atlantic Division's Forward Engineer Support Teams, Task Force Restore Iraqi Electricity, the Gulf Region Division, and the Afghanistan District. The number continues to grow and several members have served on multiple deployments.

In closing, generations of North Carolinians who have never met Colonel Alexander will benefit from the results of his work. At this special time in his career, I wish him all the best and thank him for a job well done.•

LIEUTENANT COMMANDER ELIZABETH J. FRENCH

• Mr. BURR. Mr. President, the Naval Hospital at Camp Lejeune, NC, has selected LCDR Elizabeth J. French to be the hospital's Officer of the Year for 2004. She serves as the department head for the inpatient obstetrics department at the hospital. U.S. Navy Captain Richard C. Welton presented Commander French with a Letter of Commendation for her "dedication to this Command and continual support of superb family centered maternal and childcare services in the Obstetric Department sets the standard."

I am proud of Elizabeth French's outstanding service and I ask unanimous consent that Captain Welton's Letter of Commendation be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER OF COMMENDATION

The Commanding Officer, Naval Hospital Camp Lejeune takes pleasure in commending Lieutenant Commander Elizabeth J. French for service as set forth in the following citation: Upon the occasion of her selection as the Officer of the Year, Calendar Year 2004, Commander French is commended for her dedicated and outstanding performance of duty while serving as the Department Head, Inpatient Obstetrics Department, Naval Hospital, Marine Corps Base, Camp Lejeune, North Carolina from 1 January 2004 to 31 December 2004. Commander French's dedication to this Command and continual pursuit of superb family centered maternal and childcare services in the Obstetric Department sets the standard. She expertly led 70 military, civilians, and contract personnel in providing quality and safe care for 1,500 births and 4,800 outpatient visits. She chaired the Lactation Council and coordinated lactation services. Commander French implemented a lactation consult call schedule to provide 24/7 lactation services for 300 beneficiaries, which reduced infant readmissions for hyperbilirubinemia and dehydration by 80 percent. Clinically proficient, Commander French provides daily hands-on care to patients in addition to covering critical staffing shortages during off-duty hours. She coordinated the Bureau of Medicine and Surgery's, Family Centered Care training for more than 40 medical and nursing personnel. Commander French saved the Command $5,000 in Temporary Additional Duty costs when she established a regional testing site for the Maternal Newborn and Inpatient Obstetric Nursing National Certification exam, allowing 10 military and civilian nurses to locally obtain certification. She coordinated the $5 Million Labor and Delivery, Recovery, and Postpartum renovation project, continuously interacting with Facilities Department personnel, contractors, news media and multiple hospital departments to ensure the project remained within contractual agreements and maintained patient safety and workload. Commander French's professionalism, initiative, and total devotion to duty reflected great credit upon herself and were in keeping with the highest tradition of the United States Naval Service. On behalf of the entire staff, she is extended the traditional Navy "Well Done."

RICHARD C. WELTON,
Captain, Medical Corps,
United States Navy.●

100TH ANNIVERSARY OF FORDVILLE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. On July 1-3, 2005, the residents of Fordville, ND, past and present, gathered to celebrate the community's centennial.

Fordville is a city in the northeastern part of my great State with about 266 residents. Although its population is small, Fordville holds an important place in the history of North Dakota. Medford was founded in 1905 and was an important stop along the Soo Railroad line. Because of confusion caused as a result of other stations along the Soo line with the name Medford, it was decided to combine its name with the rural post office of Belleville. The combination of Medford and Belleville resulted in the now familiar name of Fordville.

The people of Fordville are proud of their local public schools and the railroad system, which helps to sustain the city. Additionally, the city has a strong farming co-operative system featuring a new grain elevator. Their lively centennial celebration included a parade, street dance, musicals and a fireworks display.

I ask the Senate to join me in congratulating Fordville, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Fordville and all the other historic small towns of North Dakota, we keep the pioneering tradition alive for future generations. It is places such as Fordville that shaped this country into what it is today, which is why this fine community deserves our recognition.

Fordville has a proud past and a bright future.●

100TH ANNIVERSARY OF TURTLE LAKE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I rise today to honor a community in North Dakota that is celebrating its 100th anniversary. From July 15 to 17, the residents of Turtle Lake, ND, will celebrate their history and the town's founding.

Turtle Lake is a small town in north-central North Dakota with a population of 580. Despite its small size, Turtle Lake holds an important place in North Dakota's history. The founder of Turtle Lake was Peter Miller, the earliest homesteader in the region. Mr. Miller established the Turtle Lake post office in his farmhouse on January 25, 1886, and subsequently formed the first Turtle Lake business by setting up a shop under a lean-to. As other businesses spread throughout the area, the Miller town site was formed. Over the next decade, the post office moved to Wanamaker town site and then finally to the current location of Turtle Lake, north of the lake itself. The communities of the area came together and were incorporated as the village of Turtle Lake in 1907. Turtle Lake is a thriving community today, with a rapidly growing tourist industry that brings visitors to the turtle shaped lake for which the town is named.

I ask the Senate to join me in congratulating Turtle Lake, ND, and its residents on their first 100 years and in wishing them well through the next century. I believe that by honoring Turtle Lake and all the other historic small towns of North Dakota, we keep the pioneering, frontier spirit alive for future generations. It is places such as Turtle Lake that have helped to shape this country into what it is today. I believe that the community of Turtle Lake is deserving of our recognition.

Turtle Lake has a proud past and a bright future.●

IDAHO'S VERY OWN GUNFIGHTERS

● Mr. CRAPO. Mr. President, I would like to recognize a nontraditional Idaho community that although a Federal installation, is as much a part of our State as any other community. The Mountain Home Air Force Base Gunfighters support and execute our military air mission worldwide while devoting time and energy to improve the quality of life on base and off.

In the 1940s, Mountain Home Air Force Base was established and over the next few decades took on many different Air Force missions including bombers, fighters, tankers, and even intercontinental ballistic missiles for a short time. As the needs and overall mission of the Air Force has evolved over the years, Mountain Home has followed suit, proven to be a site of flexibility and superior support, operations, and training. Wings based at Mountain Home have provided air support all around the world and, in times of need like September 11, here at home. The capabilities of the personnel, facilities, resources and organizations at Mountain Home have always been characterized by flexibility, readiness and immediate and forceful global deployment in a tightly controlled and effective command and control environment. Exercising their skills and military professionalism, Gunfighters have not only fought the battles but participated in reconstruction and humanitarian missions in the current conflict in the Middle East as well as other places around the globe where innocent people are suffering from the evils of poverty, economic oppression, and the tragedies of natural disasters.

In a similar way, Gunfighters have proven to be able to "deploy" to the community on base and off at a moment's notice when duty calls. Last year alone, volunteers worked on base more than 100,000 hours valued at $1.5 million. Many of these individuals already have more than full-time work in the military but have found the time to make a difference to others expecting no compensation. Stories abound of emergency assistance given by members of the military to civilians in Idaho. Recently, two jet fighters escorted a disabled civilian aircraft to safety, averting a possible crash and fatality. Another form of giving that is particularly important to the troops who are deployed is donating blood. I am proud to say that in the recent Armed Forces blood drive, Mountain Home Air Force Base more than doubled its goal and donated a total of 265 units of blood that was shipped directly to Iraq. In addition, the base sent 60 units of a special blood product designed to promote quick clotting to our mobile medical units. What a terrific example of fellow soldiers and families lending aid and comfort to our military men and women across the world.

I offer my sincere thanks and gratitude to our very own Idaho Gunfighters, both at Mountain Home and deployed. You make Idaho proud.●

HONORING THE CITY OF CHAMBERLAIN, SOUTH DAKOTA

● Mr. JOHNSON. Mr. President, today I wish to honor and publicly acknowledge the 125th anniversary of Chamberlain, SD, a small city nestled on the eastern bluffs of the Missouri River marking the divide between eastern and western South Dakota.

Chamberlain, located in Brule County in central South Dakota, was founded in 1880. The land on which the town is located was obtained from the Federal Government by means of Civil War script. Once the property was acquired, a small group of men, for whom the streets of the city are now named, established the town. Soon thereafter, it was announced that the railroad would pass through the area, thus bringing a flood of pioneers to the city in search of a new home on the frontier.

The town of Chamberlain grew rapidly. Within weeks, it was home to the Merchant's Hotel, the Brule County Bank and the Dakota Fire and Marine Insurance Company. Chamberlain's post office was established in May of 1881, and the Dakota Register, the town's first newspaper, was founded later that year.

The first church in Chamberlain was the Congregational Church, established under the leadership of Reverend W.H. Thrall. Built in 1881, the structure was donated by Selah Chamberlain, an officer of the Milwaukee railroad and the man for whom Chamberlain was named. The church still stands today as a symbol of unity in this small city. Other denominations, including the Methodists, Catholics, Episcopalians, Lutherans, and Seventh Day Adventists, also established their respective churches in Chamberlain's early years.

Ask any of its residents about the history of Chamberlain and they will probably recount the story of Theodore Roosevelt's campaign visit. Roosevelt and his band of Rough Riders arrived from the west on a very windy day when the air was so full of dust that people could barely see each other as they made their way around the town. Consequently, two cowboys collided on the street and one of the horses was killed in the accident. Roosevelt asked Mr. Lockwood, marshal of the day, if a local cowboy would lend him a horse. The request was overheard by a nearby rancher who promptly offered up one of his. Roosevelt, proud of his new acquisition, rode the horse around town with local boys until he left to continue his campaign elsewhere.

Chamberlain is also known as one of the many places the Louis and Clark Expedition passed through. In mid-September of 1804, the team was greeted by exotic animals, such as jackrabbits, antelopes, mule deer and black-billed magpies, as well as the enormous herds of buffalo, deer, elk and antelope. The path the expedition traveled is now a popular hiking destination for outdoorsmen and history buffs alike.

Like most young communities in the Dakotas, Chamberlain was not without its share of tragedy and hardship. In the first two years of Chamberlain's existence, the pioneers of the area experienced two of the hardest winters on record. Also, few can forget the typhoid epidemic in 1932. Towns upstream believed an old tale that the water in the river cleansed itself every 20 feet due to its saturation of mud and sand. As a result, many residents diverted their sewage into the river. Unfortunately, this resulted in a widespread typhoid outbreak. In a matter of months, the disease claimed the lives of 33 Chamberlain residents.

Anyone who has traveled the State of South Dakota can attest to the beautiful vistas from the eastern bluffs of the Missouri River. This picture of the river stands as a warm welcome to western South Dakota and is a lasting reminder of the unique treasures and beauty of our State. Perhaps it was this panorama which inspired an early pioneer to write, "I've reached the land of wealth and kine, a home in it may yet be mine."

I take this opportunity to recognize the achievements of the small city of Chamberlain and to congratulate its 2,260 residents as they celebrate their vibrant 125 year history.•

HONORING THE CITY OF MADISON, SOUTH DAKOTA

• Mr. JOHNSON. Mr. President, it is with great honor that I wish today to publicly recognize the 125th anniversary of the founding of the city of Madison, SD. It is at this time I would like to draw my colleagues' attention to the achievements and history of this charming city that stands as an enduring tribute to the moral fortitude and pioneer spirit of the earliest Dakotans.

Located in the eastern part of South Dakota, Madison is one of the oldest towns in Lake County. The present town of Madison is actually the result of the merging of two cities, Madison and Herman. Lake County was established in January of 1873, and in the fall of that year, the county commissioners selected Madison to serve as the county seat. Interestingly, the town of Madison was not platted until July of 1875, 2 years after receiving its county seat title. The nearby town of Herman was founded in 1878 and a rivalry quickly developed between the two communities.

In 1880, the southern Minnesota division of the Milwaukee Railroad decided to extend the rail line through the region. The area chosen for the tracks, however, missed Madison by three miles but passed through Herman. Herman's close proximity to the trains put Madison's status as county seat in jeopardy. Consequently, Madison residents decided to relocate their town to a new 320 acre plot owned by Mr. and Mrs. C.B. Kennedy, which was in the railroad's path. When railroad officials favored Madison over Herman, the two communities decided to merge into one, thus forming the present city of "new" Madison.

Madison grew rapidly. The move to the new town began in August, 1880, when the J.H. Law building was transported from old Madison into new Madison. Dyer Hardware and the P.H. Harth General Store quickly followed. By the end of 1880, Madison boasted two general stores, a drug store, a livery barn, a blacksmith shop, a carpenter shop, three saloons, and a millinery store.

The area's first newspaper, the Lake County Leader, was established by F.C. Stowe in Herman. In 1880, Stowe moved the printing press to Madison, and in the spring of 1881, Stowe sold the Leader. After passing through a few hands, James F. Stahl eventually purchased the paper. Stahl converted the weekly paper into a daily publication in 1890. Madison's second paper, the Madison Sentinel, began in old Madison in April, 1879 by Joe H. Zane and F.L. Fifield. The Leader and Sentinel were competitors until 1937, when the two combined to form the Madison Daily Leader. Since 1947, the Hunter family has published the Madison Daily Leader, and to this day the paper continues to provide residents with accurate and reliable news coverage.

Among Madison's notable attributes is its public library. In 1905, town residents held a meeting and decided to create the facility. Quickly thereafter, the community raised money, donated books, and secured a room in the building of Mr. John Warren's new bank. The Madison Free Public Library opened its doors in December of that year. Meanwhile, George R. Farmer had been working with Andrew Carnegie to secure additional funds for a library. One month after the opening of the Madison Free Public Library, Farmer received word from Carnegie's private secretary that Carnegie would donate $10,000 to erect a public library if the city would provide and maintain a suitable site for the building. A site was selected and construction quickly began. On Thursday, November 12, 1907, the new Madison Library opened. In 1960 and 1980, improvements were made to the building. Yet these modifications pale in comparison to the major renovations undertaken in 1994, when the size of the library was increased by 400 percent with a striking architecturally compatible addition. The facility now houses 48,055 books and more than 3,500 audiovisual materials.

Like most communities in the Dakotas, Madison's history is not without its share of tragedy and hardship. On July 4, 1919, "The Reliance," a touring boat used to take people around Lake Madison, set out with a group of 32 passengers to view the fireworks from the water. The ship headed across the lake to hug the shoreline as it always did. Sadly, it struck a sunken tree about 80 to 100 feet off shore. The passengers on board panicked and rushed to one side of the vessel, causing it to capsize. Nine people, including the engineer, drowned in that tragic accident.

Similarly, on the night of April 11, 1980, the Hotel Park caught fire and burned for nearly 8 hours, killing four people. The blaze was so difficult to contain that the National Guardsmen, who were on their weekend drill in Madison, were called in to assist the exhausted firefighters the following morning. Despite these adversities, this resilient community has always managed to recover, rebuild and prosper.

Madison is home to Dakota State University, DSU, founded in 1881 by William H. Beadle. DSU is recognized nationally as a leader in computer and information systems. Additionally, Karl Mundt was a notable DSU faculty member. Not only was Mr. Mundt an extraordinary speech and social science teacher, but he also served in Congress longer than any other South Dakotan. Elected to the House of Representatives in 1938, he remained a Congressman until 1948, when he took office as U.S. Senator from South Dakota. Senator Mundt held that post until 1972, having served 34 years in Congress.

The sense of community, moral fortitude, perseverance, and enduring work ethic that is evident in the people and the history of Madison stands as a testament to the integrity of all South Dakotans. It is my honor to acknowledge the proud residents of Madison, as they celebrate 125 years of history.●

TRIBUTE TO CAPTAIN JAMES C. STEIN

● Mr. WARNER. Mr. President, I rise today to recognize and honor Captain James C. Stein, United States Navy, as he retires from the Naval Service. Captain Stein is a Naval Officer of the finest caliber who has established an impeccable reputation in the Navy and with the Senate through his distinguished tour as deputy director of the Navy Senate Liaison Office.

He is a 1982 graduate of the University of Notre Dame. As the midshipman achieving the highest 4-year academic average in the NROTC curriculum, he received the Notre Dame Reverend Hugh J. O'Donnell Award.

A Captain's List flight student, he was designated a Naval Aviator in 1984. His initial squadron tours were with Patrol Squadron 26, Patrol Squadron 30 as a Fleet Replacement Squadron Instructor Pilot, and as a department head with Patrol Squadron 10. He served as the Assistant Navigator in USS *Ranger*, CV–61, during Operation Desert Storm, was selected as the 1991 Pacific Fleet Shiphandler of the Year, and ultimately earned designation as a Surface Warfare Officer.

While ashore, Captain Stein earned a master of arts degree in national security and strategic studies from the Naval War College. He served on the chief of Naval Operations' staff as the assistant Maritime Patrol Aviation Requirements Officer, and deputy executive assistant to the director, Air Warfare. Selected for the Navy Federal Executive Fellowship program, he attended the Harvard University Center for International Affairs John M. Olin Institute for Strategic Studies.

Captain Stein commanded Patrol Squadron 8, leading the Fighting Tigers on a highly successful Sigonella, Sicily deployment, earning the Naval Air Forces Atlantic Fleet Battle Efficiency Award, Meritorious Unit Citation, and Atlantic Fleet Retention Excellence Award. As commanding officer, Captain Stein was one of four finalists for the prestigious Vice Admiral J. B. Stockdale Leadership Award.

Following command, Captain Stein reported to the Office of Legislative Affairs, where he has served as a valued advisor to the very top echelons of the Navy and Congress. His insight into the legislative process is respected and sought out by all levels of the chain of command. The Department of the Navy, the Congress, and the American people have been served well by this dedicated naval officer. Members of this Congress will not soon forget the leadership, service, and dedication of Captain Jim Stein. He will be missed.

I have had the privilege of working with this outstanding Naval officer and commend him for his dedicated service to our country. We wish Jim, his lovely wife Melissa, and their sons Alexander and William, our very best as they move on to a bright future.●

MESSAGE FROM THE HOUSE

At 12:52 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 68. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory.

H.R. 739. An act to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to provide for greater efficiency at the Occupational Safety and Health Review Commission; to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission; and to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration.

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 68. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 739. An act to amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration; to provide for greater efficiency at the Occupational Safety and Health Review Commission; to provide for judicial deference to conclusions of law determined by the Occupational Safety and Health Review Commission; and to provide for the award of attorneys' fees and costs to small employers when such employers prevail in litigation prompted by the issuance of a citation by the Occupational Safety and Health Administration; to the Committee on Health, Education, Labor, and Pensions.

H.R. 804. An act to exclude from consideration as income certain payments under the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

S. 1382. A bill to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1394. A bill to reform the United Nations, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–2920. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class E Airspace; Wray, CO" ((RIN2120-AA66)(2005-0133)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2921. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Area Navigation Instrument Flight Rules Terminal Transition Routes; Charlotte, NC" ((RIN2120-AA66)(2005-0135)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2922. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Restricted Area 2211, Blair Lakes, AK" ((RIN2120–AA66)(2005–0132)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2923. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Restricted Areas 5103A, 5103B, and 5103C and Revocation of Restricted Area 5103D; McGregor, NM" ((RIN2120–AA66)(2005–0134)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2924. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747-200F and 400 Series Airplanes; Model 767–400ER Series Airplanes; and Model 777 Series Airplanes" ((RIN2120-AA64)(2005-0282)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2925. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 Series Airplanes" ((RIN2120–AA64)(2005–0283)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2926. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8 400 Series Airplanes" ((RIN2120–AA64)(2005–0285)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2927. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0100 Airplanes" ((RIN2120–AA64)(2005–0284)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2928. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2005–0287)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2929. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200, 300, and 400ER Series Airplanes Equipped with Door-Mounted Escape Slides" ((RIN2120–AA64)(2005–0286)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2930. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6–45A, CF6–50A, CF6–50C, and CF6–50E Series Turbofan Engines; Correction" ((RIN2120–AA64)(2005–0288)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2931. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Revo, Incorporated Models Colonial C–2, Lake LA–4, Lake LA–4–4A, Lake LA–4P, and Lake LA–4–200 Airplanes" ((RIN2120–AA64)(2005–0289)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2932. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Teledyne Continental Motors S–20, S–1200, D–2000, and D–3000 Series Magnetos" ((RIN2120–AA64)(2005–0290)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2933. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Turbomeca S.A. Arrius 2 B1, 2 B1A, 2 B1A–1, and 2 B2 Turboshaft Engines" ((RIN2120–AA64)(2005–0291)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2934. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 401, 401A, 402, 402A,402B,411, and 411A Airplanes" ((RIN2120–AA64)(2005–0292)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2935. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Cessna Aircraft Company Models 402C and 414A Airplanes" ((RIN2120–AA64)(2005–0293)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2936. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GROB–WERKE Model G120A Airplanes" ((RIN2120–AA64)(2005–0294)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2937. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200, 300, 400, 500, 600, 700, 800, 900, 757–200, and 300 Series Airplanes; and McDonnell Douglas Model DC 10–10, DC 10–10F, DC 10–30, DC 10–30F, DC 10–40, MD 10–10F, MD 10–30F, MD–11, and MD–11F Airplanes" ((RIN2120–AA64)(2005–0295)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2938. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200, –200PF, and –200CB Series Airplanes" ((RIN2120–AA64)(2005–0296)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2939. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Sikorsky Aircraft Corporation Model S–92A Helicopters" ((RIN2120–AA64) (2005–0297)) received on June 27, 2005; to the Committee on Commerce, Science, and Transportation.

EC–2940. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Maryland; Approval of Clarifications of Requirements for Fuel-burning Equipment" (FRL7933–6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2941. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Transportation Conformity" (FRL7928–6) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2942. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropathrin; Re-Establishment of Tolerance for Emergency Exemption" (FRL7723–2) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2943. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Public Records" (RIN3150–AH12) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2944. A communication from the Acting Director, Office of Congressional Affairs, United States Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Export and Import of Radioactive Materials: Security Policies" (RIN3150–AH44) received on June 28, 2005; to the Committee on Environment and Public Works.

EC–2945. A communication from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting, pursuant to law, a report relative to the Flood Damage Reduction Project in Centralia and Chehalis, Lewis County, Washington; to the Committee on Environment and Public Works.

EC–2946. A communication from the Special Trustee for American Indians, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Deposit of Proceeds from Lands Withdrawn for Native Selection" (RIN1035–AA04) received on June 28, 2005; to the Committee on Indian Affairs.

EC–2947. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Response to Telephone Inquiries to Commissioner Hill Regarding Recommendations in Texas") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2948. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (4 subjects on 1 disc beginning with "Navy Response Regarding Relocation of Naval Submarine School from Naval Submarine Base New London, CT") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2949. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (1 subject on 1 disc entitled "Fort Bliss, TX Net Fires Center Concept Brief") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2950. A communication from the Under Secretary of Defense for Acquisition, Technology, and Logistics, transmitting, pursuant to law, a report (3 subjects on 1 disc beginning with "Master Plan for Fort Knox, KY") relative to the Defense Base Closure and Realignment Act of 1990, as amended; to the Committee on Armed Services.

EC–2951. A communication from the Director, Executive Office of the President, transmitting, the report of proposed legislation entitled "The Government Reorganization and Program Performance Improvement Act of 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–2952. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled "Regulation on Maintaining Telecommunication Services During a Crisis or Emergency in Federally-owned Buildings" received on June 28, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–2953. A communication from the Chairman, Postal Rate Commission, transmitting, pursuant to law, the Annual Postal Rate Commission Report on International Mail Costs, Revenues and Volumes for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–2954. A communication from the Investment Manager, Treasury Division, Army and Air Force Exchange Service, transmitting, pursuant to law, reports entitled "Retirement Annuity Plan for Employees of the Army and Air Force Exchange Service"; "Supplemental Deferred Compensation Plan for Members of the Executive Management Program of the Army and Air Force Exchange Service"; and "Retirement Savings Plan and Trust for Employees of the Army and Air Force Exchange Service"; to the Committee on Homeland Security and Governmental Affairs.

EC–2955. A communication from the Counsel for Legislation and Regulations, Office of the Inspector General, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Office of Inspector General (OIG) Subpoenas and Production in Response to Subpoenas or Demands of Courts or Other Authorities" (RIN2508–AA14) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2956. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (44 CFR 65) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2957. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (44 CFR 64) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2958. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (70 FR 30643) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2959. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR 67) received on June 28, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–2960. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Canada; to the Committee on Banking, Housing, and Urban Affairs.

EC–2961. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the six-month periodic report on the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938 of November 14, 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC–2962. A communication from the Administrator, Rural Business-Cooperative Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Intermediary Relending Program Direct Final Rule" (RIN0570–AA42) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2963. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Increased Assessment Rate" (FV05–915–1 FR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2964. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Apricots Grown in Designed Counties in Washington; Decreased Assessment Rate" (FV05–922–1 IFR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2965. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Almonds Grown in California; Revision to Requirements Regarding Credit for Promotion and Advertising" (FV05–981–1 IFR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2966. A communication from the Acting Administrator, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Decreased Assessment Rate" (FV05–948–2 IFR) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2967. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dimethyl Ether; Exemption from the Requirement of a Tolerance; Technical Correction" (FRL No. 7721–1) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2968. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alpha-cyclodextrin, Beta-cyclodextrin, and Gamma-cyclodextrin; Exemption from the Requirement of a Tolerance" (FRL No. 7720–9) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2969. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Fruit Fly; Interstate Movement of Regulated Articles" (APHIS Docket No. 03–059–3) received on June 28, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 364. A bill to establish a program within the National Oceanic Atmospheric Administration to integrate Federal coastal and ocean mapping activities (Rept. No. 109–102).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

Air Force nomination of Maj. Gen. Terry L. Gabreski to be Lieutenant General.

Air Force nominations beginning with Col. David G. Ehrhart and ending with Col. Richard C. Harding, which nominations were received by the Senate and appeared in the Congressional Record on June 8, 2005.

Army nomination of Lt. Gen. Walter L. Sharp to be Lieutenant General.

Army nomination of Maj. Gen. John F. Kimmons to be Lieutenant General.

Army nomination of Brig. Gen. Paulette M. Risher to be Major General.

Marine Corps nomination of Gen. Peter Pace to be General.

Navy nomination of Adm. Edmund P. Giambastiani, Jr. to be Admiral.

Navy nomination of Vice Adm. Albert M. Calland III to be Vice Admiral.

Navy nomination of Rear Adm. Paul E. Sullivan to be Vice Admiral.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MARTINEZ:

S. 1386. A bill to exclude from consideration as income certain payments under the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE (for himself, Mr. KERRY, Mr. KENNEDY, and Mr. REED):

S. 1387. A bill to provide for an update of the Cultural Heritage and Land Management Plan for the John H. Chafee Blackstone River Valley National Heritage Corridor, to extend the authority of the John H. Chafee Blackstone River Valley National Heritage Corridor Commission, to authorize the undertaking of a special resource study of sites and landscape features within the Corridor, and to authorize additional appropriations for the Corridor; to the Committee on Energy and Natural Resources.

By Ms. SNOWE:

S. 1388. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SPECTER (for himself, Mrs. FEINSTEIN, and Mr. KYL):

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

By Mr. INOUYE (for himself and Mr. SUNUNU):

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY):

S. 1391. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mr. DORGAN):

S. 1392. A bill to reauthorize the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. VITTER:

S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SMITH (for himself, Mr. KYL, Mr. COBURN, Mr. INHOFE, and Mr. VITTER):

S. 1394. A bill to reform the United Nations, and for other purposes; read the first time.

By Mr. HATCH (for himself and Mr. BIDEN):

S. 1395. A bill to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. CRAPO):

S. Res. 197. A resolution to commemorate the 60th Anniversary of the Trinity Test, the culmination of the Manhattan Project, and to honor the people who made it possible; to the Committee on Energy and Natural Resources.

ADDITIONAL COSPONSORS

S. 21

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 21, a bill to provide for homeland security grant coordination and simplification, and for other purposes.

S. 37

At the request of Mrs. FEINSTEIN, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 58

At the request of Mr. INOUYE, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 58, a bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft.

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 151

At the request of Mr. COLEMAN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 151, a bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs.

S. 309

At the request of Mr. DEMINT, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide for the disposition of unused health benefits in cafeteria plans and flexible spending arrangements.

S. 392

At the request of Mr. LEVIN, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 392, a bill to authorize the President to award a gold medal on behalf of Congress, collectively, to the Tuskegee Airmen in recognition of their unique military record, which inspired revolutionary reform in the Armed Forces.

S. 424

At the request of Mr. BOND, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 424, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 440

At the request of Mr. BUNNING, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 440, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the medicaid program.

S. 467

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 467, a bill to extend the applicability of the Terrorism Risk Insurance Act of 2002.

S. 559

At the request of Mr. BIDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 559, a bill to make the protection of vulnerable populations, especially women and children, who are affected by a humanitarian emergency a priority of the United States Government, and for other purposes.

S. 611

At the request of Ms. COLLINS, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 611, a bill to establish a Federal Interagency Committee on Emergency Medical Services and a Federal Interagency Committee on emergency Medical Services Advisory Council, and for other purposes.

S. 629

At the request of Mr. BYRD, his name was added as a cosponsor of S. 629, a bill to amend chapter 97 of title 18, United States Code, relating to protecting against attacks on railroads and other mass transportation systems.

At the request of Mr. SESSIONS, the names of the Senator from South Carolina (Mr. DEMINT) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 629, supra.

S. 642

At the request of Mr. HATCH, his name was added as a cosponsor of S. 642, a bill to support certain national youth organizations, including the Boy Scouts of America, and for other purposes.

S. 676

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of S. 676, a bill to provide for Project GRAD programs, and for other purposes.

S. 776

At the request of Mr. JOHNSON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 776, a bill to designate certain functions performed at flight service stations of the Federal Aviation Administration as inherently governmental functions, and for other purposes.

S. 784

At the request of Mr. THOMAS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 784, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1010

At the request of Mr. SANTORUM, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1010, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. 1047

At the request of Mr. SUNUNU, the names of the Senator from Oregon (Mr. WYDEN), the Senator from West Virginia (Mr. BYRD), the Senator from Arkansas (Mr. PRYOR), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from North Dakota (Mr. CONRAD), the Senator from New Jersey (Mr. CORZINE), the Senator from South Carolina (Mr. GRAHAM), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Maine (Ms. SNOWE), the Senator from Ohio (Mr. DEWINE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1047, a bill to require the Secretary of the Treasury to mint coins in commemoration of each of the Nation's past Presidents and their spouses, respectively to improve circulation of the $1 coin, to create a new bullion coin, and for other purposes.

S. 1060

At the request of Mr. COLEMAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1060, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1076

At the request of Mrs. LINCOLN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1076, a bill to amend the Internal Revenue Code of 1986 to extend the excise tax and income tax credits for the production of biodiesel.

S. 1082

At the request of Mrs. HUTCHISON, the names of the Senator from Iowa (Mr. GRASSLEY) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1082, a bill to restore Second Amendment rights in the District of Columbia.

S. 1103

At the request of Mr. BAUCUS, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1103, a bill to amend the Internal Revenue Code of 1986 to repeal the individual alternative minimum tax.

S. 1171

At the request of Mr. SPECTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1171, a bill to halt Saudi support for institutions that fund, train, incite, encourage, or in any other way aid and abet terrorism, and to secure full Saudi cooperation in the investigation of terrorist incidents, and for other purposes.

S. 1180

At the request of Mr. OBAMA, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1180, a bill to amend title 38, United States Code, to reauthorize various programs servicing the needs of homeless veterans for fiscal years 2007 through 2011, and for other purposes.

S. 1197

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1197, a bill to reauthorize the Violence Against Women Act of 1994.

S. 1240

At the request of Mr. SMITH, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1240, a bill to amend the Internal Revenue Code of 1986 to allow an investment tax credit for the purchase of trucks with new diesel engine technologies, and for other purposes.

S. 1265

At the request of Mr. VOINOVICH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1265, a bill to make grants and loans available to States and other organizations to strengthen the economy, public health, and environment of the United States by reducing emissions from diesel engines.

S. 1283

At the request of Mrs. CLINTON, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. 1283, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 1317

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 1317, a bill to provide for the collection and maintenance of cord blood units for the treatment of patients and research, and to amend the Public Health Service Act to authorize the Bone Marrow and Cord Blood Cell Transplantation Program to increase the number of transplants for recipients suitable matched to donors of bone marrow and cord blood.

S. 1355

At the request of Mr. ENZI, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1355, a bill to enhance the adoption of health information technology and to improve the quality and reduce the costs of healthcare in the United States.

S. 1367

At the request of Mr. ALEXANDER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1367, a bill to provide for recruiting, selecting, training, and supporting a national teacher corps in underserved communities.

S. 1371

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1371, a bill to extend the termination date of Office of the Special Inspector General of Iraq Reconstruction and provide additional funds for the Office, and for other purposes.

S. 1379

At the request of Mr. MCCAIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1379, a bill to provide increased rail transportation security.

S. RES. 77

At the request of Mr. SANTORUM, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 77, a resolution condemning all acts of terrorism in Lebanon and calling for the removal of Syrian troops from Lebanon and supporting the people of Lebanon in their quest for a truly democratic form of government.

S. RES. 121

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 121, a resolution supporting May 2005 as "National Better Hearing and Speech Month" and commending those states that have implemented routine hearing screening for every newborn before the newborn leaves the hospital.

S. RES. 173

At the request of Mr. DURBIN, his name was added as a cosponsor of S. Res. 173, a resolution expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

At the request of Mr. HARKIN, his name was added as a cosponsor of S. Res. 173, supra.

S. RES. 184

At the request of Mr. SANTORUM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 184, a resolution expressing the sense of the Senate regarding manifestations of anti-Semitism by United Nations member states and urging action against anti-Semitism by United Nations officials, United Nations member states, and the Government of the United States, and for other purposes.

AMENDMENT NO. 1075

At the request of Mr. HAGEL, his name was added as a cosponsor of amendment No. 1075 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

At the request of Mr. VOINOVICH, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Virginia (Mr. ALLEN), the Senator from Washington (Ms. CANTWELL), the Senator from Montana (Mr. BAUCUS), the Senator from Vermont (Mr. JEFFORDS), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1075 proposed to H.R. 2360, supra.

AMENDMENT NO. 1112

At the request of Mr. AKAKA, the names of the Senator from New York (Mrs. CLINTON), the Senator from Washington (Ms. CANTWELL), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maryland (Mr. SARBANES) were added as cosponsors of amendment No. 1112 proposed to

H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1113

At the request of Mr. AKAKA, the names of the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 1113 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1120

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1120 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1124

At the request of Mr. ENSIGN, the names of the Senator from Oklahoma (Mr. COBURN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. MCCAIN) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 1124 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1125

At the request of Mr. PRYOR, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of amendment No. 1125 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1126

At the request of Mr. BIDEN, the names of the Senator from New York (Mrs. CLINTON), the Senator from Illinois (Mr. DURBIN), the Senator from Maryland (Ms. MIKULSKI), the Senator from West Virginia (Mr. BYRD), the Senator from New Jersey (Mr. CORZINE), the Senator from Minnesota (Mr. DAYTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Colorado (Mr. SALAZAR) were added as cosponsors of amendment No. 1126 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1128

At the request of Mr. BIDEN, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1128 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1139

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1139 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1140

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of amendment No. 1140 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1142

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of amendment No. 1142 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1161

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 1161 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1162

At the request of Mr. KERRY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of amendment No. 1162 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1181

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of amendment No. 1181 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1184

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1184 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1189

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1189 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1190

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1190 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1191

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1191 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1192

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1192 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1194

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1194 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1206

At the request of Mr. SARBANES, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of amendment No. 1206 intended to be proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1207

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1207 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1209

At the request of Mr. SALAZAR, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 1209 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1210

At the request of Mr. SALAZAR, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of amendment No. 1210 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

AMENDMENT NO. 1217

At the request of Ms. STABENOW, the names of the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. CORZINE), the Senator from Hawaii (Mr. AKAKA), the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of amendment No. 1217 proposed to H.R. 2360, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 1388. A bill to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. SNOWE. Mr. President, as Chair of the Senate Committee on Small Business and Entrepreneurship, I have fought to ensure that small businesses across the country are treated fairly by Federal Government regulations. Unfortunately, in far too many cases, Federal agencies promulgate regulations without adequately addressing the economic impacts on small businesses.

The Regulatory Flexibility Act, RFA, was enacted in 1980 and requires Federal Government agencies to propose rules that keep the regulatory burden at a minimum on small businesses. The RFA requires agencies to analyze the economic impact of proposed regulations when there is likely to be a significant economic impact on a substantial number of small entities.

In 1996, I was pleased to support, along with all of my colleagues, the Small Business Regulatory Enforcement Fairness Act, SBREFA, which amended the RFA. The intent of SBREFA was to further curtail the impact of burdensome or duplicative regulations on small businesses, by clarifying key RFA requirements. In September we will celebrate the 25th Anniversary of the RFA—a law that is largely working as Congress intended.

Unfortunately, there remain a number of loopholes in the RFA that undermine its effectiveness in reducing these regulatory burdens. To close these loopholes, today I introduce the Regulatory Flexibility Reform Act of 2005, RFRA. This bill would ensure that Federal agencies conduct a complete analysis of the impacts of Federal regulations, thereby providing small businesses, which represent more than 99 percent of all firms in America and provide up to 75 percent of new jobs each year, with much needed regulatory relief.

Under my legislation agencies must consider the indirect effects of an "economic impact." Rules with indirect effects are currently exempt from RFA coverage according to well-established case law. This has serious consequences for small businesses. It means a Federal agency can avoid the various analyses required under the RFA by either requiring the States to regulate small entities or regulating an industry so rigorously that it has a negative trickle down impact on other industries.

For example, rules can regulate a handful of large manufacturers in the same industry. Yet, a foreseeable, indirect effect of these rules—not presently considered under RFA analyses—is that small distributors would no longer have the right to sell the product produced by the larger manufacturers. In one case 100,000 small distributors were prevented from distributing their products.

This indirect economic effect had a significant impact on a substantial number of small businesses because their ability to compete in the marketplace—and create jobs—has and will continue to be harmed.

In addition, this large loophole amounts to an "unfunded mandate" because many States do not have a requirement to conduct an RFA-type analysis of regulations. And even when there is such a statute on the books, those States frequently do not have the resources to conduct the analysis themselves. Worse still, for States with no requirement to conduct RFA-type analyses, the impact of the Federal regulation upon small businesses is never properly assessed either at the Federal or State level.

This situation demands reform.

Second, my legislation requires Federal agencies to consider comments provided by the Small Business Administration's Office of Advocacy. The SBA's Office of Advocacy does not receive the public attention it deserves. It should. In case after case it has been the last, best hope for small businesses faced with burdensome, duplicative and nonsensical Federal regulations.

The Office of Advocacy serves two critical roles: No. 1, it represents small business' interests before the Federal government in regulatory matters, and No. 2, it conducts valuable research to further our understanding of the importance of small businesses and their job creating potential in our economy.

My legislation would also amend the RFA to include a provision for agencies to specifically respond to comments filed by the Chief Counsel for Advocacy. Codifying this necessary change would ensure that agencies give the proper deference to the Office of Advocacy, and hence, to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

Finally, the RFRA would clarify the circumstances for a periodic review of Federal rules. If there is a significant impact on a substantial number of small entities, a review would be required. It would also clarify the requirement that agencies review all 10-year-old rules to avoid confusion over which rules to review. In addition, agencies would be required to review rules every 10 years and not just the first 10 years. That's because rules can have unintended and negative consequences in our changing global, information-age economy.

This legislation is absolutely necessary. I urge my colleagues to support my bill so we can ensure that our Nation's small businesses and their employees are provided with much needed regulatory relief.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1388

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Regulatory Flexibility Reform Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
Sec. 4. Requirements providing for more detailed analyses.
Sec. 5. Periodic review of rules.
Sec. 6. Clerical amendments.

SEC. 2. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to creating jobs in a dynamic economy.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, even though the problems sought to be solved by such regulations are not always caused by these small businesses and other small entities.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but have failed to do so.

(5) Alternative regulatory approaches that do not conflict with the stated objectives of the statutes the regulations seek to implement may be available and may minimize

the significant economic impact of regulations on small businesses and other small entities.

(6) Federal agencies have failed to analyze and uncover less-costly alternative regulatory approaches, despite the fact that the chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), requires them to do so.

(7) Federal agencies continue to interpret chapter 6 of title 5, United States Code, in a manner that permits them to avoid their analytical responsibilities.

(8) The existing oversight of the compliance of Federal agencies with the analytical requirements to assess regulatory impacts on small businesses and other small entities and obtain input from the Chief Counsel for Advocacy has not sufficiently modified the Federal agency regulatory culture.

(9) Significant changes are needed in the methods by which Federal agencies develop and analyze regulations, receive input from affected entities, and develop regulatory alternatives that will lessen the burden or maximize the benefits of final rules to small businesses and other small entities.

(10) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences or enhance economic benefits.

(11) Federal agencies should be capable of assessing the impact of proposed and final rules without delaying the regulatory process or impinging on the ability of Federal agencies to fulfill their statutory mandates.

SEC. 3. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

"(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

"(A) any direct economic effect on small entities of such rule; and

"(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).".

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

"(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

"(1) describing the reasons why action by the agency is being considered;

"(2) describing the objectives of, and legal basis for, the proposed rule;

"(3) estimating the number and type of small entities to which the proposed rule will apply;

"(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

"(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

"(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available."; and

(2) by adding at the end the following:

"(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

"(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

"(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.".

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking "succinct";

(B) in paragraph (2), by striking "summary" each place it appears and inserting "statement";

(C) in paragraph (3), by—

(i) striking "an explanation" and inserting "a detailed explanation"; and

(ii) inserting "detailed" before "description";

(D) in paragraph (4), by inserting "detailed" before "description"; and

(E) in paragraph (5), by inserting "detailed" before "description".

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting "(or certification of the proposed rule under section 605(b))" after "initial regulatory flexibility analysis".

(3) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively, and inserting after paragraph (2) the following:

"(3) the agency's response to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;".

(4) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

"(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's Web site, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the Web site where the complete analysis may be obtained.".

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

"(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.".

(d) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended—

(1) by inserting "detailed" before "statement"; and

(2) by inserting "and legal" after "factual".

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

"§ 607. Quantification requirements

"In complying with sections 603 and 604, an agency shall provide—

"(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

"(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.".

SEC. 5. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

"§ 610. Periodic review of rules

"(a) Not later than 180 days after the enactment of the Regulatory Flexibility Reform Act of 2005, each agency shall publish in the Federal Register and place on its Web site a plan for the periodic review of rules issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's Web site.

"(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Reform Act of 2005 within 10 years after the date of publication of the plan in the Federal Register and every 10 years thereafter and for review of rules adopted after the date of enactment of the Regulatory Flexibility Reform Act of 2005 within 10 years after the publication of the final rule in the Federal Register and every 10 years thereafter. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy and Congress.

"(c) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to Congress and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44, United States Code), to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (d) and a detailed explanation of the reasons for such determination.

"(d) In reviewing rules under such plan, the agency shall consider—

"(1) the continued need for the rule;

"(2) the nature of complaints received by the agency from small entities concerning the rule;

"(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy;

"(4) the complexity of the rule;

"(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

"(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (c);

"(7) the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

"(8) the current impact of the rule, including—

"(A) the number of small entities to which the rule will apply; and

"(B) the projected reporting, recordkeeping and other compliance requirements of the proposed rule, including—

"(i) an estimate of the classes of small entities that will be subject to the requirement; and

"(ii) the type of professional skills necessary for preparation of the report or record.

"(e) The agency shall publish in the Federal Register and on its Web site a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.".

SEC. 6. CLERICAL AMENDMENTS.

(a) In General.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(1) the term" and inserting the following:

"(1) Agency.—The term";

(2) in paragraph (2)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(2) the term" and inserting the following:

"(2) Rule.—The term";

(3) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(3) the term" and inserting the following:

"(3) Small business.—The term";

(4) in paragraph (4)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(4) the term" and inserting the following:

"(4) Small organizations.—The term";

(5) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking "(5) the term" and inserting the following:

"(5) Small governmental jurisdiction.—The term";

(6) in paragraph (6)—

(A) by striking "; and" and inserting a period; and

(B) by striking "(6) the term" and inserting the following:

"(6) Small entity.—The term";

(7) in paragraph (7), by striking "(7) the term" and inserting the following:

"(7) Collection of information.—The term"; and

(8) in the matter preceding paragraph (1), by striking "chapter—" and inserting "chapter, the following definitions apply:".

(b) Heading.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

"§605. Incorporations by reference and certifications".

(c) Table of Sections.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

"605. Incorporations by reference and certifications."; and

(2) by striking the item relating to section 607 and inserting the following:

"607. Quantification requirements.".

By Mr. SPECTER (for himself, Mrs. Feinstein, and Mr. Kyl):

S. 1389. A bill to reauthorize and improve the USA PATRIOT Act; to the Committee on the Judiciary.

Mr. SPECTER. Mr. President, I seek recognition to introduce, along with my colleagues Senator Feinstein and Senator Kyl, the USA PATRIOT Improvement and Reauthorization Act of 2005, a bipartisan bill to reauthorize provisions of the landmark anti- terrorism legislation we adopted in the wake of September 11, 2001. We continue to give tools to law enforcement to protect our security; and, at the same time, we make important improvements to the law to ensure greater protection of civil liberties and to require greater accountability through enhanced reporting and oversight.

In recent months, the political rhetoric about the PATRIOT Act has reached a fever pitch. Not surprisingly, however, the reality fails to match the rhetoric. As the Washington Post has editorialized, "[a]lthough the PATRIOT Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the most serious infringements on civil liberties in the war on terrorism." At the same time, it would be unwise to credit the act with all of our hard-won successes in the effort to combat terror. As evidenced by the grisly attacks in London last week, no law or surveillance regime can prevent every terrorist attack.

Nevertheless, as last week's attacks remind us, the danger of international terrorism remains real, and has not abated in the years since 9/11. So, we must remain vigilant, and we must be cautious not to recreate the legal circumstances that arguably contributed to significant intelligence failures before 9/11. Reauthorizing the PATRIOT Act, while incorporating improvements designed to safeguard our liberties and enhance oversight, is the right thing to do. To quote the Post again, "there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what's known, it merits reauthorization with minor modifications."

The bill we introduce today is the result of careful consideration. We have listened both to the concerns of critics and the arguments of the administration. We have probed and prodded both for information. And, we have consulted with both sides of the political aisle to fashion language designed to maintain the Government's ability to effectively investigate—and hopefully preempt—terrorist attacks, while making changes to reassure the American people that the law will be used responsibly, consistent with the rights enshrined in our Constitution.

Mr. President, I would like to focus on the changes we have made to those PATRIOT Act provisions that have generated the most controversy.

The PATRIOT Act modified electronic surveillance authority under the Foreign Intelligence Surveillance Act of 1978, or FISA, to permit multipoint wiretaps of suspected terrorists or spies; but only upon a judicial finding of probable cause to believe the target is an agent of a foreign power and a further finding that the target's actions could thwart efforts to identify a single phone company or similar communications provider upon whom to serve the order. The principle behind this authority, which parallels similar authority in the criminal law, is that surveillance of a suspected terrorist or spy should be permitted to continue, uninterrupted, when the target changes phones. By definition, a multipoint wiretap order does not identify the specific phone to be tapped, because the order allows the Government to track the person not a single device. This was a change made necessary by the advent of cell phones, which are easily purchased and then discarded. After passage of the PATRIOT Act, however, this authority was further modified, so that a FISA surveillance order only had to specify the identity of the target "if known." If the identity was unknown, the order had to include a "description of the target," but there was no further requirement about how detailed the description of such "John Doe" targets had to be—raising concerns that the Government could conduct roving surveillance of a broadly described target. Our bill corrects this shortcoming and makes other improvements to the roving authority under FISA.

First, the bill responds to concerns that so-called John Doe roving wiretaps could be used against someone described generically as a "Middle Eastern male" or "Hispanic female" by requiring such orders to include "sufficient information to describe a specific target with particularity." This makes it clear that, although such orders may "rove" from one phone to another when the target changes devices, the Government cannot "rove" from one investigative target to another, seeking to identify the right person. Through this change, we avoid rewarding terrorists or spies who successfully conceal their identities, but we also protect innocent Americans from unwarranted surveillance.

The bill further minimizes the chance that "roving" wiretaps could be used indiscriminately against multiple devices by requiring the Government to notify the court every time it begins surveillance of a new device. This notice must be made within 10 days of the initiation of surveillance, and must include a description of the new device, as well as the "facts and circumstances" indicating that each new phone or similar device is "being used, or is about to be used," by the target. The notice must also update the techniques being used to minimize the interception and retention of unrelated communications. Finally, the bill adds new reporting requirements and extends the sunset date until December 31, 2009, allowing Congress to revisit the need for this surveillance tool.

I would next like to turn to the bill's modification of section 215 of the PATRIOT Act, perhaps the most controversial provision of the act, and one that is frequently misidentified as the "library" provision.

Prior to the PATRIOT Act, FISA authorized the FBI to obtain orders for the production of certain types of business records, including those of hotels, car rental agencies and storage facilities, in limited circumstances. Under the pre-PATRIOT standard, however, the FBI could not even seek the records of someone observed in the presence of a suspected spy or terrorist, unless it had specific reasons to suspect the associate was himself a spy or terrorist. Strangely, this standard was significantly higher than the standard applicable to similar records requests in criminal cases. Accordingly, section 215 of the PATRIOT Act amended FISA to permit orders for any records or tangible things sought in connection with an authorized investigation to obtain foreign intelligence not concerning a U.S. person or to protect against international terrorism or clandestine intelligence activities.

As enacted, however, section 215 did not require the FBI to establish the factual basis for the requested order. According to critics, section 215 rendered the FISA court little more than a rubber stamp for the Government's requests. Moreover, section 215 included no explicit right for recipients to confer with legal counsel. And, despite oft-repeated comparisons to grand jury subpoenas, orders under section 215 included no explicit right to judicial review akin to a motion to quash a subpoena. Indeed, in testimony before the Judiciary Committee earlier this year, Attorney General Gonzales conceded these shortcomings in the law, and expressed a new willingness to consider modifications of section 215.

Our bill addresses these issues, and adds still more protections to ensure the provision is used responsibly. First, the bill eliminates the mere certification of relevance required by current law and enhances the factual showing that must be made by the Government to obtain records. It also requires the court to agree with the adequacy of the Government's factual showing, and adds several procedural protections including heightened approval requirements and increased reporting for orders seeking sensitive materials, like library or medical records. Specifically, the bill requires the Government to submit "a statement of facts" showing "reasonable grounds to believe that the records or other things sought are relevant" to an authorized investigation. The bill then addresses concerns about the FISA judge acting as a "rubber stamp" by requiring the court to find that the facts establish "reasonable grounds to believe" the items sought are relevant. The bill also adds an explicit right to consult counsel; provides for judicial review; requires approval of the FBI Director or Deputy Director for orders concerning library records and other sensitive materials; and adds annual reports to Congress regarding use of the provision to obtain library records, book sales records, firearms sales records, health information or tax information. This reporting feature is important because it enables the Congress to monitor the Justice Department's activities.

In addition to the foregoing, the bill also requires an annual report on the number of times FISA orders for records and tangible things have been issued, modified, or denied. At our April 5 hearing, the Attorney General declassified the fact that, as of March 30, 2005, the FISA court had "granted the department's request for a 215 order 35 times." He further noted that section 215 had not been used to obtain library or bookstore records, medical records or gun sale records. According to the Attorney General, section 215 had been used only to obtain driver's license records, public accommodation records, apartment leasing records, credit card records and subscriber information, such as names and addresses for telephone numbers captured through court-authorized pen register devices. It is our hope that regular public reporting, together with enhanced congressional reporting, will bolster public confidence in the law without compromising sensitive investigations. Finally, as with the multipoint surveillance authority, we have extended the sunset date for section 215 of the PATRIOT Act until December 31, 2009, so Congress must revisit the continuing need for this tool.

Another PATRIOT Act provision that has inspired significant criticism is section 213 of the act, which authorized delayed notice or so-called sneak & peek search warrants. Unlike the other sections I have discussed, section 213 is not scheduled to sunset later this year. Nevertheless, in recognition of the concerns raised about this provision, we have made several changes to this authority as well.

Prior to the PATRIOT Act, three Federal circuits had approved the practice of delayed notice search warrants. Supreme Court precedent also supported the legality of judicially authorized covert entries. Indeed, in Dalia v. United States, a 1979 case involving the analogous situation of a covert entry to install a listening device, the Supreme Court described as "frivolous" the argument that "covert entries are unconstitutional for their lack of notice." Nevertheless, in the 1995 case of Wilson v. Arkansas, which focused on whether officers must "knock and announce" their presence before serving a warrant, the Court held that, "in some circumstances an officer's unannounced entry into a home might be unreasonable under the Fourth Amendment." But, the Court did not address sneak and peek warrants directly, and it left "to the lower courts the task of determining the circumstances under which an unannounced entry is reasonable under the Fourth Amendment."

The PATRIOT Act sought to create a unified standard for delayed notice searches. Under the PATRIOT Act, notice of a search may be delayed if a court finds reasonable cause to believe immediate notice may have an adverse result, including: (A) endangering the life or physical safety of an individual; (B) flight from prosecution; (C) destruction of, or tampering with, evidence; (D) intimidation of potential witnesses; or (E) otherwise seriously jeopardizing an investigation or unduly delaying a trial. Notice must be provided within a "reasonable period" of time, which may be extended for good cause. As noted by critics, however, the period of delay could be indefinite. And, in at least six instances reported by the Department of Justice, courts have authorized unspecified periods of delay—such as delays until the conclusion of an investigation.

Over the last 3 months, at the Judiciary Committee's request, the Department of Justice has furnished new information about its use of delayed notice search warrants. This data shows that delayed notice warrants account for less than 0.2 percent of the warrants handled by Federal district courts. Moreover, delayed notice warrants based solely on seriously jeopardizing an investigation account for less than 1 in every 1,500 warrants—mitigating concerns that the "catch-all" provision is being overused. DOJ has also now supplied summaries of 15 cases—out of a total of 22 where the delay was based solely on the "catch-all." In these cases, the delay was based on the substantial risk of comprising a title III wiretap or frustrating efforts to identify the full scope of a complex criminal enterprise. Accordingly, the draft bill does not eliminate seriously jeopardizing an investigation as a basis for delay. Instead, the bill enhances reporting requirements—including the addition of new public reporting requirements—to ensure that DOJ continues to use this authority responsibly. The bill also requires the court to set a "date certain" for notice to be provided, eliminating concerns about indefinite delays. The bill permits extensions of the delay period, but requires that extensions be granted only "upon an updated showing of the need for further delay." Finally, the bill limits extensions to 90 days each, which parallels the notice requirements for criminal wiretaps and "bugs" which are arguably more invasive that a one-time search, because they may require covert entries and they continue to collect personal data for extended periods of time.

As these changes illustrate, while reauthorizing the PATRIOT Act, we have emphasized enhanced oversight through reporting. This bill adds reporting requirements to several PATRIOT provisions, including the aforementioned public reporting on delayed notice search warrants and FISA business records orders. The bill also adds public reporting on FISA pen registers and the emergency authorization of FISA electronic surveillance. Moreover, throughout FISA, the draft bill adds the Senate and House Judiciary Committees to reporting provisions currently limited to the Senate and House Intelligence Committees.

In addition, we have made adjustments to other provisions of the PATRIOT Act. These include:

Section 203, sharing criminal information with intelligence agencies: The bill requires notice to the authorizing court when foreign intelligence information gathered via a court-authorized criminal wiretap is disclosed to intelligence agencies.

Section 207, Duration of FISA surveillance of non-U.S. persons: The bill extends surveillance periods for non-U.S. persons under FISA, 120 days for original orders, and up to 1 year for extensions. Also, it extends the duration of FISA pen registers for non-U.S. persons, up to 1 year.

Section 212, emergency disclosure of electronic communications: The bill adds new reporting requirements to ensure the government is using this authority appropriately. The bill also makes technical corrections to harmonize the language permitting the emergency disclosure of contents and records.

Section 505, national security letters: The bill incorporates legislation introduced by Senator CORNYN to address a 2004 Federal district court decision holding a national security letter, or NSL, served on an Internet service provider unconstitutional. This legislation permits disclosure to legal counsel; allows court challenges; and permits judicial enforcement of NSLs.

Sunsets: As I have noted, the bill retains sunsets for PATRIOT sections 206, multi-point wiretaps, and 215, FISA orders for business records and tangible things. The bill also extends the sunset date for the "Lone Wolf" provision added to FISA by last year's Intelligence Reform and Terrorism Prevention Act until December 31, 2009.

Taken together, these changes provide important checks on the governmental authorities contained in the PATRIOT Act. At the same time, these amendments honor President Bush's call for Congress to reauthorize the act without weakening the tools used to combat terrorism. I am pleased to be joined by Senators FEINSTEIN and KYL in introducing this measure, and I look forward to securing the support of other Judiciary Committee members as we move to consider this bill.

Mr. President, I would ask that the Washington Post editorial mentioned in my remarks, as well as three letters from the Department of Justice on the use of delayed notice warrants, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 13, 2005]

PATRIOT SECOND ACT

Congress passed the USA Patriot Act in haste after the Sept. 11, 2001, attacks. Critics predicted that the act would deal a blow to liberty, while proponents insisted it was essential to the fight against al Qaeda. A wise compromise gave the administration new powers but had them expire at the end of 2005, giving Congress a chance to take a second look. Consequently, various congressional committees are considering whether the Patriot Act should be reauthorized, rolled back or expanded—and whether this time it should be made permanent, as the administration wishes, or renewed only temporarily.

Although the Patriot Act has become a catch phrase for civil liberties anxieties, it in fact has little connection to the most serious infringements on civil liberties in the war on terrorism. It has nothing to do with the detention of Americans as enemy combatants, the abuse of prisoners captured abroad or the roundup of foreigners for minor immigration violations. The law's key sections were designed to expand investigative powers in national security cases and permit more information-sharing between intelligence and law enforcement agencies. These have sparked controversy more because of abuses they might permit than because of anything that is known to have happened. Indeed, there is little evidence of abuse—and considerable evidence that the law has facilitated needed cooperation. Based on what's known, it merits reauthorization with minor modifications.

But first more ought to be known. Far from regularly releasing information about its use of the law, the administration has generally hidden even basic information—only to release it when politically convenient. Neither in the Patriot Act nor in the surveillance statute it amended did Congress require the sort of routine public reporting that would offer Americans a useful ongoing sense of the law in operation. And while the administration has, in recent months, released a good deal of information to support its request for reauthorization, the public still lacks a full picture. Before reauthorizing the Patriot Act, Congress needs to demand and release sufficient information. And in revising the law, Congress should make it more transparent, so the public is not at the mercy of the administration's sense of openness.

Nor should reauthorization be permanent. Knowing it had to return to Congress for reauthorization was one of the few incentives for the administration to release information; it's useful to maintain that incentive. And it's not overly burdensome to ask the executive branch to periodically justify its need for such powerful investigative tools.

Finally, the Senate intelligence committee has included as part of its reauthorization package a broad authority for the FBI to collect information from businesses in intelligence matters using an administrative subpoena the FBI can issue on its own. This should not become law. Administrative subpoenas make sense in regulatory matters have made their way into certain criminal and security investigations. But the Justice Department already can get the records it needs using the traditional, wide-ranging investigative powers of the grand jury or another provision of the Patriot Act. Administrative subpoenas are more secretive than grand jury subpoenas, and they involve less scrutiny from prosecutors; they strip away a layer of oversight. The administration may well make a persuasive case for Patriot Act renewal, with increased oversight. But this particular power should not be granted.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, Apr. 4, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We have indicated in some of our responses to questions for the record, including those recently submitted on April 1, 2005, that we would supplement our responses to some questions. This letter is intended to supplement previous information we have provided regarding the usage of section 213 of the USA PATRIOT Act ("the Act"), relating to delayed-notice search warrants. We believe the information contained herein completely answers all the Committee's questions submitted to date regarding section 213 and we look forward to working with you on this and other issues related to the reauthorization of the USA PATRIOT Act.

As you know, the Department of Justice believes very strongly that section 213 is an invaluable tool in the war on terror and our efforts to combat serious criminal conduct. In passing the USA PATRIOT Act, Congress recognized that delayed-notice search warrants are a vital aspect of the Department's strategy of prevention: detecting and incapacitating terrorists, drug dealers and other criminals before they can harm our nation. Codified at 18 U.S.C. §3103a, section 213 of the Act created an explicit statutory authority for investigators and prosecutors to ask a court for permission to delay temporarily notice that a search warrant was executed. While not scheduled to sunset on December 31, 2005, section 213 has been the subject of criticism and various legislative proposals. For the following reasons, the Department does not believe any modifications to section 213 are required.

To begin with, delayed-notice search warrants have been used by law enforcement officers for decades. Such warrants were not created by the USA PATRIOT Act. Rather, the Act simply codified a common-law practice recognized by courts across the country. Section 213 simply created a uniform nationwide standard for the issuance of those warrants, thus ensuring that delayed-notice search warrants are evaluated under the same criteria across the nation. Like any other search warrant, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that the property to be searched for or seized constitutes evidence of a criminal offense. A delayed-notice warrant differs from an ordinary search warrant only in that the judge specifically authorizes the law enforcement officers executing the warrant to wait for a limited period of time before notifying the subject of the search that a search was executed.

In addition, investigators and prosecutors seeking a judge's approval to delay notification must show that, if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following might occur: (1) notification would endanger the life or physical safety of an individual; (2) notification would cause flight from prosecution; (3) notification would result in destruction of, or tampering with, evidence; (4) notification would result in intimidation of potential witnesses; or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial.

To be clear, it is only in these five tailored circumstances that the Department may request judicial approval to delay notification, and a federal judge must agree with the Department's evaluation before approving any delay.

Delayed-notice search warrants provide a crucial option to law enforcement. If immediate notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a "Hobson's choice": delaying the urgent need to conduct a search and/or seizure or conducting the search and prematurely notifying the target of the existence of law enforcement interest in his or her illegal conduct and undermine the equally pressing need to keep the ongoing investigation confidential.

A prime example in which a delayed-notice search warrant was executed is Operation Candy Box. This operation was a complex multi-year, multi-country, multi-agency investigative effort by the Organized Crime Drug Enforcement Task Force, involving the illegal trafficking and distribution of both MDMA (also known as Ecstasy) and BC bud (a potent and expensive strain of marijuana). The delayed-notice search warrant used in the investigation was obtained on the grounds that notice would cause serious jeopardy to the investigation (see 18 V.S.C. §2705(a)(2)(E)).

In 2004, investigators learned that an automobile loaded with a large quantity of Ecstasy would be crossing the U.S.-Canadian border en route to Florida. On March 5, 2004, after the suspect vehicle crossed into the United States near Buffalo, Drug Enforcement Administration (DEA) Special Agents followed the vehicle until the driver stopped at a restaurant. One agent then used a duplicate key to enter the vehicle and drive away while other agents spread broken glass in the parking space to create the impression that the vehicle had been stolen. The ruse worked, and the drug traffickers were not tipped off that the DEA had seized their drugs. A subsequent search of the vehicle revealed a hidden compartment containing 30,000 MDMA tablets and ten pounds of BC bud Operation Candy Box was able to continue because agents were able to delay notification of the search for more than three weeks.

On March 31, 2004, in a two-nation crackdown the Department notified the owner of the car of the seizure and likewise arrested more than 130 individuals. Ultimately, Operation Candy Box resulted in approximately 212 arrests and the seizure of $8,995,811 in U.S. currency, 1,546 pounds of MDMA powder, 409,300 MDMA tablets, 1,976 pounds of marijuana, 6.5 pounds of methamphetamine, jewelry valued at $174,000,38 vehicles, and 62 weapons. By any measure, Operation Candy Box seriously disrupted the Ecstasy market in the United States and made MDMA pills less potent, more expensive and harder to find. There has been a sustained nationwide eight percent per pill price increase since the culmination of Operation Candy Box; a permanent decrease of average purity per pill to the lowest levels since 1996; and currency seizures have denied traffickers access to critical resources preventing the distribution of between 17 and 34 million additional Ecstasy pills to our Nation's children.

Had Operation Candy Box agents, however, been required to provide immediate notification of the search of the car and seizure of the drugs, they would have prematurely revealed the existence of and thus seriously jeopardized the ultimate success of this massive long-term investigation. The dilemma faced by investigators in the absence of delayed notification is even more acute in terrorism investigations where the slightest indication of governmental interest can lead a loosely connected cell to dissolve. Fortunately though, because delayed-notice search warrants are available, investigators do not have to choose between pursuing terrorists or criminals and protecting the public—we can do both.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notice search warrants allow the government to search an individual's "houses, papers, and effects" without notifying them of the search. In every case where the government executes a criminal search warrant, including those issued pursuant to section 213, the subject of the search is told of the search. With respect to delayed-notice search warrants, such notice is simply delayed for a reasonable period of time—a time period defined by a Federal judge.

Delayed-notice search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in Dalia v. United States that the Fourth Amendment does not require law enforcement to give immediate notice of the execution of a search warrant. Since Dalia, three Federal courts of appeals have considered the constitutionality of delayed-notice search warrants, and all three have upheld their constitutionality. To our knowledge, no court has ever held otherwise. In short, long before the enactment of the USA PATRIOT Act, it was clear that delayed notification was appropriate in certain circumstances; that remains true today. The USA PATRIOT Act simply resolved the mix of inconsistent rules, practices and court decisions varying from circuit to circuit. Therefore, section 213 had the beneficial impact of mandating uniform and equitable application of the authority across the Nation.

The Committee has requested detailed information regarding how often section 213 has been used. Let us assure you that the use of a delayed-notice search warrant is the exception, not the rule. Law enforcement agents and investigators provide immediate notice of a search warrant's execution in the vast majority of cases. According to Administrative Office of the U.S. Courts (AOUSC), during a 12-month period ending September 30, 2003, U.S. District Courts handled 32,539 search warrants. By contrast, in one 14-month period—between April 2003 and July 2004—the Department used the section 213 authority only 61 times according to a Department survey. Even when compared to the AOUSC data for a shorter period of time, the 61 uses of section 213 still only accounts for less than 0.2% of the total search warrants handled by the courts. Indeed, since the USA PATRIOT Act was enacted on October 26, 2001, through January 31, 2005—a period of more than 3 years—the Department has utilized a delayed-notice search warrant only 155 times.

We have been working with United States Attorneys across the country to refine our data and develop a more complete picture of the usage of the section 213 authority. We have manually surveyed each of the 94 United States Attorneys' Offices for this information which, we understand, is not in a database. We are pleased to report our additional findings below.

In September 2003, the Department made public the fact that we had exercised the authority contained in section 213 to delay notification 47 times between October 2001, and April 1, 2003. Our most recent survey, which covers the time frame between April 1, 2003, and January 31, 2005, indicates we have delayed notification of searches in an additional 108 instances. Since April 1, 2003, no request for a delayed-notice search warrant has been denied. It is possible to misconstrue this information as evidence that courts are merely functioning as a "rubber stamp" for the Department's requests. In reality, however, it is an indication that the Department takes the authority codified by the USA PATRIOT Act very seriously. We judiciously seek court approval only in those rare circumstances—those that fit the narrowly tailored statute—when it is absolutely necessary and justified. As explained above, the Department estimates that it seeks to delay notice of fewer than 1 in 500 search warrants issued nationwide. To further buttress this point, the 108 instances of section 213 usage between April 1, 2003, and January 31, 2005, occurred in 40 different offices. And of those 40 offices, 17 used section 213 only once. Looking at it from another perspective over a longer time frame, 48 U.S. Attorneys' Offices—or slightly more than half—have never sought court permission to execute a delayed-notice search warrant in their districts since passage of the USA PATRIOT Act.

To provide further detail for your consideration, of the 108 times authority to delay notice was sought between April 1, 2003, and January 31, 2005, in 92 instances "seriously jeopardizing an investigation" (18 U.S.C. §2705(a)(2)(E) was relied upon as a justification for the application. And in at least 28 instances, jeopardizing the investigation was the sole ground for seeking court approval to delay notification, including Operation Candy Box described above. It is important to note that under S. 1709, the "SAFE Act," which was introduced in the 108th Congress, this ground for delaying notice would be eliminated. Other grounds for seeking delayed-notice search warrants were relied on as follows: 18 U.S.C. §2705(a)(2)(A) (danger to life or physical safety of an individual) was cited 23 times; 18 U.S.C. §2705(a)(2)(B) (flight from prosecution) was cited 45 times; 18 U.S.C. §2705(a)(2)(C) (destruction or tampering with evidence) was cited 61 times; and 18 U.S.C. §2705(a)(2)(D) (intimidation of potential witnesses) was cited 20 times. As is probably clear, in numerous applications, U.S. Attorneys' Offices cited more than one circumstance as justification for seeking court approval. The bulk of uses have occurred in drug cases; but section 213 has also been used in many cases including terrorism, identity fraud, alien smuggling, explosives and firearms violations, and the sale of protected wildlife.

Members of the Senate Judiciary Committee have also been concerned about delayed notification of seizures and have requested more detailed explanation of the number of times seizures have been made pursuant to delayed-notice warrants. The Department is pleased to provide the following information.

Seizures can be made only after receiving approval of a Federal judge that the government has probable cause to believe the property or material to be seized constitutes evidence of a criminal offense and that there is reasonable necessity for the seizure. (See 18 U.S.C. §3103a(b)(2)). According to the same survey of all U.S. Attorneys' Offices, the Department has asked a court to find reasonable necessity for a seizure in connection with delayed-notice searches 45 times between April 1, 2003, and January 31, 2005. In each instance in which we have sought authorization from a court during this same time frame, the court has granted the request. Therefore, from the time of the passage of the USA PATRIOT Act through January 31, 2005, the Department exercised this authority 59 times. We previously, in May 2003, advised Congress that we had made 15 requests for seizures, one of which was denied. In total, since the passage of the USA PATRIOT Act, the Department has therefore requested court approval to make a seizure and delay notification 60 times. Most commonly, these requests related to the seizure of illegal drugs. Such seizures were deemed necessary to prevent these drugs from being distributed because they are inherently dangerous to members of the community. Other seizures have been authorized pursuant to delayed-notice search warrants so that explosive material and the operability of gun components could be tested, other relevant evidence could be copied so that it would not be lost if destroyed, and a GPS tracking device could be placed on a vehicle. In short, the Department has sought seizure authority only when reasonably necessary.

The length of the delay in providing notice of the execution of a warrant has also received significant attention from Members of Congress. The range of delay must be decided on a case-by-case basis and is always dictated by the approving judge or magistrate. According to the survey of the 94 U.S. Attorneys' Offices, between April 1, 2003 and January 31, 2005, the shortest period of time for which the government has requested delayed-notice of a search warrant was 7 days. The longest such specific period was 180 days; the longest unspecified period was until "further order of the court" or until the end of the investigation. An unspecified period of time for delay was granted for six warrants (four of these were related to the same case). While no court has ever rejected the government's request for a delay, in a few cases courts have granted a shorter time frame than the period originally requested. For example, in one case, the U.S. Attorney for the District of Arizona sought a delay of 30 days, and the court authorized a shorter delay of 25 days.

Of the 40 U.S. Attorneys' Offices that exercised the authority to seek delayed-notice search warrants between April 1, 2003, and January 31, 2005, just over half (22) of the offices sought extensions of delays. Those 22 offices together made approximately 98 appearances to seek additional extensions. In certain cases, it was necessary for the Offices to return to court on multiple occasions with respect to the same warrant. One case bears note. The U.S. Attorney in the Southern District of Illinois sought and received approval to delay notification based on the fifth category of adverse result—that immediate notification would seriously jeopardize the investigation. The length of the delay granted by the court was 7 days. However, the notification could not be made within 7 days and the office was required to seek 31 extensions. So, each week for almost eight straight months, the case agent was made to swear out an affidavit, and the Assistant United States Attorney (AUSA) then had to reappear before the judge or magistrate to renew the delay of notice.

In the vast majority of instances reported by the U.S. Attorneys' Offices, original delays were sought for between 30 to 90 days. It is not surprising that our U.S. Attorneys' Offices are requesting up to 90-day delays. Ninety days is the statutory allowance under Title III for notification of interception of wire or electronic communications (see 18 U.S.C. 2518(8)(d). In only one instance did a U.S. Attorney's Office seek a delay of a specified period of time longer than 90 days (180 days), and the court granted this request. In another instance, an office sought a 90-day delay period, and the court granted 180 days. In seven instances, the Department sought delays that would last until the end of the investigation. In only once instance was such a request modified. In that matter, the court originally granted a 30-day delay. However, when notification could not be made within 30 days, the U.S. Attorney's Office returned to the judge for an extension, and the judge granted an extension through the end of the investigation, for a total of 406 days. This is, according to our survey, the longest total delay a court authorized. However, most extensions were sought and granted for the same period as the original delay requested.

In one case, a court denied a U.S. Attorney's Office's request for an extension of the delay in providing notice. This matter involved three delayed-notice search warrants—all-stemming from the same investigation. The original period of delay sought and granted was for 30 days on all three warrants. The Office then sought 30-day extensions on all three warrants out of concern that the multiple targets of the investigation might flee to a foreign country if notifie.d The court denied our request. The judge in the matter reasoned that the need to delay notification warranted only a 30-day stay of service, particularly in light of the fact that one of the targets of the investigation was, by this time, in Federal custody in California on an unrelated matter. At some point after notification was made, however, the other targets fled to Mexico.

In sum, both before enactment of section 213 and after, immediate notice that a search warrant had been executed has been standard procedure. Delayed-notice search warrants have been used for decades by law enforcement and, as demonstrated by the numbers provided above, delayed-notice warrants are used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm individuals or compromise investigations, and even then only with a judge's express approval. The investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to make that choice. Section 213 enables us to better protect the public from terrorists and criminals while preserving Americans constitutional rights.

As you may be aware, the Department published a detailed report last year that includes numerous additional examples of how delaying notification of search warrants in certain circumstances resulted in beneficial results. We have enclosed a copy for your convenience.

If we can be of further assistance regarding this or any other matter, please do not hesitate to contact this office.

Sincerely,

William E. Moschella,
Assistant Attorney General.

Department of Justice,
Office of Legislative Affairs,
Washington, DC, May 3, 2005.

Hon. Arlen Specter,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: During the closed session of the Senate Judiciary Committee on April 12, 2005, you requested additional information regarding Section 213 of the USA PATRIOT Act. Specifically, you inquired about examples of where the "seriously jeopardizing an investigation" prong was the sole "adverse result" used to request delayed notice. In addition to Operation Candy Box, which was detailed in our April 4, 2005, letter to the Committee, we have described seven additional cases below. It is important to note that the twenty-eight instances cited in our April 4 letter do not equate to twenty-eight investigations or cases. For example, some of the cases that used delayed-notice search warrants utilizing the "seriously jeopardize" prong involved multiple search warrants.

As we are sure you will agree, the following examples of the use of delayed-notice search warrants illustrate not only the appropriateness of the Department's use of this important tool, but also its criticality to law enforcement investigations.

Example #1: Western District of Pennsylvania:

The Justice Department obtained a delayed-notice search warrant for a Federal Express package that contained counterfeit credit cards. At the time of the search, it was very important not to disclose the existence of a federal investigation, as this would have revealed and endangered a related Title III wiretap that was ongoing for major drug trafficking activities. Originally, the Department was granted a ten-day delay by the court; but the Department sought and was granted eight extensions before notice could be made.

An Organized Crime Drug Enforcement Task Force ("OCDETF"), which included agents from the Drug Enforcement Administration (DEA), the Internal Revenue Service, and the Pittsburgh Police Department, as well as from other state and local law enforcement agencies, was engaged in a multi-year investigation that culminated in the indictment of the largest trafficking organization ever prosecuted in the Western District of Pennsylvania. The organization was headed by Oliver Beasley and Donald "The Chief" Lyles. A total of fifty-one defendants were indicted on drug, money laundering and firearms charges. Beasley and Lyles were charged with operating a Continuing Criminal Enterprise as the leaders of the organization. Both pleaded guilty and received very lengthy sentences of imprisonment.

The Beasley/Lyle organization was responsible for bringing thousands of kilograms of cocaine and heroin into Western Pennsylvania. Cooperation was obtained from selected defendants and their cooperation was used to obtain indictments against individuals in New York who supplied the heroin and cocaine. Thousands of dollars in real estate, automobiles, jewelry and cash have been forfeited.

The case had a discernible and positive impact upon the North Side of Pittsburgh, where the organization was based. The DEA reported that the availability of heroin and cocaine in this region decreased as the result of the successful elimination of this major drug trafficking organization. In addition, heroin overdose deaths in Allegheny County declined from 138 in 2001 to 46 in 2003.

While the drug investigation was ongoing, it became clear that several leaders of the drug conspiracy had ties to an ongoing credit card fraud operation. An investigation into the credit card fraud was undertaken, and a search was made of a Fed Ex package that contained fraudulent credit cards. Had the search into the credit card fraud investigation revealed the ongoing drug investigation prematurely, the drug investigation could have been seriously jeopardized. The credit card investigation ultimately resulted in several cases including US v. Larry Goolsby, Sandra Young (Cr. No. 02-74); US v. Lasaun Beeman, Derinda Daniels, Anna Holland, Darryl Livsey and Kevin Livsey (Cr. No. 03-43); US v. Gayle Charles (Cr. No. 03-77); US v. Scott Zimmerman, Lloyd Foster (Cr. No. 03-44). All of the defendants charged with credit card fraud were convicted except one, Lloyd Foster, who was acquitted at trial. These cases have now concluded.

Example #2: Western District of Texas:

The Justice Department executed three delayed notice searches as part of an OCDETF investigation of a major drug trafficking ring that operated in the Western and Northern Districts of Texas. The investigation lasted a little over a year and employed a wide variety of electronic surveillance techniques such as tracking devices and wiretaps of cell phones used by the leadership. The original delay approved by the court in this case was for 60 days. The Department sought two extensions, one for 60 days and one for 90 days both of which were approved.

During the wiretaps, three delayed-notice search warrants were executed at the organization's stash houses. The search warrants were based primarily on evidence developed as a result of the wiretaps. Pursuant to section 213 of the USA PATRIOT Act, the court allowed the investigating agency to delay the notifications of these search warrants. Without the ability to delay notification, the Department would have faced two choices: (1) seize the drugs and be required to notify the criminals of the existence of the wiretaps and thereby end our ability to build a significant case on the leadership or (2) not seize the drugs and allow the organization to continue to sell them in the community as we continued with the investigation. Because of the availability of delayed-notice search warrants, the Department was not forced to make this choice. Agents seized the drugs, continued our investigation, and listened to incriminating conversations as the dealers tried to figure out what had happened to their drugs.

On March 16, 2005, a grand jury returned an indictment charging twenty-one individuals with conspiracy to manufacture, distribute, and possess with intent to distribute more than 50 grams of cocaine base. Nineteen of the defendants, including all of the leadership, are in custody. All of the search warrants have been unsealed, and it is anticipated that the trial will be set sometime within the next few months.

Example #3: District of Connecticut:

The Justice Department used section 213 of the USA PATRIOT Act in three instances to avoid jeopardizing the integrity of a pending federal investigation into a Connecticut drug trafficking organization's distribution of cocaine base and cocaine. The provision was used to place a global positioning device on three vehicles.

These applications were submitted in the case of United States v. Julius Moorning, et al. That case was indicted at the end of April 2004, and 48 of 49 individuals charged have been arrested. As of this date, 38 of the defendants have entered guilty pleas, and several more are being scheduled. The trial of the remaining defendants is scheduled to begin on July 15. All defendants with standing to challenge any of the orders obtained have entered guilty pleas.

The Justice Department believed that if the targets of the investigation were notified of our use of the GPS devices and our monitoring of them, the purpose of the use of this investigative tool would be defeated, and the investigation would be totally compromised. As it was, the principals in the targeted drug-trafficking organization were highly surveillance-conscious, and reacted noticeably to perceived surveillance efforts by law enforcement. Had they received palpable confirmation of the existence of an ongoing federal criminal investigation, the Justice Department believed they would have ceased their activities, or altered their methods to an extent that would have required us to begin the investigation anew.

In each instance, the period of delay requested and granted was 90 days, and no renewals of the delay orders were sought. And, as required by law, the interested parties were made aware of the intrusions resulting from the execution of the warrants within the 90 day period authorized by the court.

Example #4: Western District of Washington:

During an investigation of a drug trafficking organization, which was distributing cocaine and an unusually pure methamphetamine known as "ice," a 30-day delayed-notice search warrant was sought in April 2004. As a result of information obtained through a wiretap as well as a drug-sniffing dog, investigators believed that the leader of the drug distribution organization was storing drugs and currency in a storage locker in Everett, Washington. The warrant was executed, and while no drugs or cash was found, an assault rifle and ammunition were discovered. Delayed notice of the search warrant's execution was necessary in order to protect the integrity of other investigative techniques being used in the case, such as a wiretap. The investigation ultimately led to the indictment of twenty-seven individuals in the methamphetamine conspiracy. Twenty-three individuals, including the leader, have pled guilty, three are fugitives, and one is awaiting trial.

Example #5: Southern District of Illinois:

The Justice Department used section 213 of the USA PATRIOT Act in an investigation into a marijuana distribution conspiracy in the Southern District of Illinois. In particular, in November 2003, a vehicle was seized pursuant to authority granted under the provision.

During this investigation, a Title III wiretap was obtained for the telephone of one of the leaders of the organization. As a result of intercepted telephone calls and surveillance conducted by DEA, it was learned that a load of marijuana was being brought into Illinois from Texas. Agents were able to identify the vehicle used to transport the marijuana. DEA then located the vehicle at a motel in the Southern District of Illinois and developed sufficient probable cause to apply for a warrant to search the vehicle. It was believed, however, that immediate notification of the search warrant would disclose the existence of the investigation, resulting in, among other things, phones being "dumped" and targets ceasing their activities, thereby jeopardizing potential success of the wiretaps and compromising the overall investigation (as well as related investigations in other districts). At the same time it was important, for the safety of the community, to keep the marijuana from being distributed.

The court approved the Department's application for a warrant to seize the vehicle and to delay notification of the execution of the search warrant for a period of seven days, unless extended by the Court. With this authority, the agents seized the vehicle in question (making it appear that the vehicle had been stolen) and then searched it following the seizure. Approximately 96 kilograms of marijuana were recovered in the search. Thirty one seven-day extensions to delay notice were subsequently sought and granted due to the ongoing investigation.

As a result of this investigation, ten defendants were ultimately charged in the Southern District of Illinois. Seven of these defendants have pled guilty, and the remaining three defendants are scheduled for jury trial beginning on June 7, 2005.

Example #6: Eastern District of Wisconsin:

In a Wisconsin drug trafficking case, a delayed-notice search warrant was issued under section 213 because immediate notification would have seriously jeopardized the investigation. In this case, the Department was in the final stages of a two-year investigation, pre-takedown of several individuals involved in the trafficking of cocaine. The Department initially received a delayed-notice search warrant for seven days, and thereafter received three separate seven-day extensions. For each request, the Department showed a particularized need that providing notice that federal investigators had entered the home being searched would compromise the informant and the investigation.

On February 14, 2004, the United States Attorney's Office for the Eastern District of Wisconsin requested a search warrant to look for evidence of assets, especially bank accounts, at a suspect's residence as well as to attach an electronic tracking device on a vehicle investigators expected to find in the garage. The purpose of the device would be to track the suspect and observe his meetings in the final weeks before the takedown. The warrant also requested delayed notice, based on the particularized showing that providing notice that federal investigators had entered the home would compromise an informant and the investigation. The court issued the search warrant and granted the delayed notification for a period of seven days. On February 15, 2004, authorized officers of the United States executed the search warrant on the subject premises. However, agents were unable to locate the vehicle to install the electronic tracking device.

Before the expiration of the initial delayed-notice period, the Department sought an extension of the delay based on the showing that notice would compromise the informant and the investigation. The court granted a seven-day extension, but investigators were still unable to locate the suspect's vehicle during this time. During this period, however, five suspects were charged with conspiring to possess more than five kilograms of cocaine, and arrest warrants were issued for each of the individuals.

After the issuance of the arrest warrants, the Department sought its third delay of notice to allow agents to endeavor to install the electronic tracking device and to attempt to locate the five suspects. Once again, the request was based on the showing that notice would compromise the informant and the investigation. The court granted another seven-day extension, and agents were able to find a location where one suspect appeared to be staying. After locating the suspect, and before the expiration of the delayed-notice period, the government requested a separate warrant for this location and for other locations used by the conspirators. The Department also requested its fourth and final delay in the notice period to allow agents to execute the search warrants sought, and to arrest the suspects. The court granted all requests and the suspects were subsequently arrested. As required by law, notice of the searches was given upon arrest.

Example #7: Eastern District of Washington:

In a drug trafficking and money laundering case in the State of Washington, a delayed-notice search warrant was issued under section 213 because immediate notification would have seriously jeopardized the investigation. In this case, a district judge had authorized the interception of wire and electronic communications occurring over four cellular telephones that were being used in furtherance of drug trafficking and/or money laundering activities. On December 18, 2004, more than one month after the Drug Enforcement Administration (DEA) began surveillance, DEA agents administratively seized a black Ford Focus owned by one of the suspects based on the determination that the vehicle likely contained controlled substances.

On December 21, 2004, the DEA requested a warrant to search the seized vehicle for drugs, and the court issued the warrant based on the DEA's articulation of probable cause. On the same day, the search warrant was executed on the suspect's vehicle, which was still in the DEA's possession pursuant to the administrative seizure. During the search, agents located approximately two kilograms of suspected cocaine and three pounds of suspected methamphetamine. At the time, the service copy of the search warrant was "served" on the vehicle.

Due to the nature of the investigation, which included the orders authorizing the interception of wire and electronic communications to and from a number of cellular telephones, the DEA believed that both the continued administrative seizure of the vehicle and notice of the execution of the search warrant would greatly compromise the investigation. Therefore, the DEA requested an order allowing them to remove the served copy of the warrant from the vehicle, and delay notice to the owner for sixty days in order to avoid jeopardizing the ongoing criminal investigation. The court granted the order, concluding that immediate notification would compromise a major drug trafficking and money laundering investigation.

Approximately twenty-five individuals have been indicted as a result of this investigation (eight of whom are still fugitives), and trial is scheduled for this October.

In closing, the Department of Justice believes it is critical that law enforcement continue to have this vital tool for those limited circumstances, such as those discussed above, where a court finds good cause to permit the temporary delay of notification of a search.

We hope the information provided above is helpful. Should you require any further information, please do not hesitate to contact this office.

Sincerely,

WILLIAM E. MOSCHELLA,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, June 28, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This letter responds to your request for more information regarding the use of section 213 of the USA PATRIOT Act ("the Act"), which relates to delayed-notice search warrants. The Department of Justice has provided the Senate Judiciary Committee two letters detailing the specific usage of delayed-notice search warrants. Those letters were sent to the Committee on April 4, 2005, and May 3, 2005, respectively. This letter is intended to supplement the previous information we have already provided the Committee.

As you know, the Department believes very strongly that section 213 is an invaluable tool in the war on terror and our efforts to combat serious criminal conduct. In passing the USA PATRIOT Act, Congress recognized that delayed-notice search warrants are a vital aspect of the Department's strategy of prevention: detecting and incapacitating terrorists, drug dealers and other criminals before they can harm our nation. Codified at 18 U.S.C. §3103a, section 213 of the Act created an explicit statutory authority for investigators and prosecutors to ask a court for permission to delay notice temporarily that a search warrant was executed.

Delayed-notice search warrants have been used by law enforcement officers for decades. Such warrants were not created by the USA PATRIOT Act. Rather, the Act simply codified a common-law practice recognized by courts across the country. Section 213 simply established a uniform nationwide standard for the issuance of those warrants, thus ensuring that delayed-notice search warrants are evaluated under the same criteria across the nation. Like any other search warrant, a delayed-notice search warrant is issued by a federal judge only upon a showing that there is probable cause to believe that the property to be searched for or seized constitutes evidence of a criminal offense. A delayed-notice warrant differs from an ordinary search warrant only in that the judge specifically authorizes the law enforcement officers executing the warrant to wait for a limited period of time before notifying the subject of the search that a search was executed.

In addition, investigators and prosecutors seeking a judge's approval to delay notification must show that, if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following adverse results might occur: (1) notification would endanger the life or physical safety of an individual; (2) notification would cause flight from prosecution; (3) notification would result in destruction of, or tampering with, evidence; (4) notification would result in intimidation of potential witnesses; or (5) notification would cause serious jeopardy to an investigation or unduly delay a trial.

To be clear, it is only in these five tailored circumstances that the Department may request judicial approval to delay notification, and a federal judge must agree with the Department's evaluation before approving any delay.

Delayed-notice search warrants provide a crucial option to law enforcement. If immediate notification were required regardless of the circumstances, law enforcement officials would be too often forced into making a "Hobson's choice": delaying the urgent need to conduct a search and/or seizure or conducting the search and prematurely notifying the target of the existence of law enforcement interest in his or her illegal conduct and undermine the equally pressing need to keep the ongoing investigation confidential.

It is important to stress that in all circumstances the subject of a criminal search warrant is informed of the search. It is simply false to suggest, as some have, that delayed-notice search warrants allow the government to search an individual's "houses, papers, and effects" without notifying them of the search. In every case where the government executes a criminal search warrant, including those issued pursuant to section 213, the subject of the search is told of the search. With respect to delayed-notice search warrants, such notice is simply delayed for a reasonable period of time—a time period defined by a federal judge.

Delayed-notice search warrants are constitutional and do not violate the Fourth Amendment. The U.S. Supreme Court expressly held in *Dalia* v. *United States* that the Fourth Amendment does not require law enforcement to give immediate notice of the execution of a search warrant. Since *Dalia*, three federal courts of appeals have considered the constitutionality of delayed-notice search warrants, and all three have upheld their constitutionality. To our knowledge, no court has ever held otherwise. In short, long before the enactment of the USA PATRIOT Act, it was clear that delayed notification was appropriate in certain circumstances; that remains true today. The

USA PATRIOT Act simply resolved the mix of inconsistent rules, practices and court decisions varying from circuit to circuit. Therefore, section 213 had the beneficial impact of mandating uniform and equitable application of the authority across the nation.

The Department has provided the Committee with detailed information regarding how often section 213 has been used. Let us assure you again that the use of a delayed-notice search warrant is the exception, not the rule. Law enforcement agents and investigators provide immediate notice of a search warrant's execution in the vast majority of cases. According to Administrative Office of the U.S. Courts (AOUSC), during the 36-month period ending September 30, 2004, U.S. District Courts handled 95,925 search warrants. By contrast, in the 39-month period between the passage of the USA PATRIOT Act and January 31, 2005, the Department used the section 213 authority only 153 times according to a Department survey. Even when compared to the AOUSC data for a shorter period of time, the 153 uses of section 213 still only account for less than 0.2% of the total search warrants handled by the courts.

Specifically, you have inquired about examples of where the "seriously jeopardizing an investigation" prong was the sole "adverse result" used to request delayed notice. From April 1, 2003, to January 31, 2005, the "seriously jeopardizing an investigation" prong has been the sole ground for requesting delayed notice in thirty-two instances. Contrary to concerns expressed by some, this prong is not a "catch-all" that is used in run-of-the-mill cases. The Department estimates that fewer than one in 500 of the search warrants that have been obtained since the passage of the PATRIOT Act have been delayed-notice search warrants. In other words, in over 499 of 500 cases, immediate notice was provided. Moreover, fewer than one in three delayed-notice search warrants obtained by the Department in the last two years solely relied on the fact that immediate notification would seriously jeopardize an investigation. Thus, fewer than one in 1,500 search warrants relied solely on this prong, a fact hardly consistent with the concern that the Department will obtain a delayed-notice search warrant in the typical case.

Of those thirty-two instances, delayed-notice search warrants were used in a total of twenty-two investigations. The thirty-two instances do not equate to thirty-two investigations or cases because some of the cases that used delayed-notice search warrants utilizing the "seriously jeopardize" prong involved multiple search warrants. The Department of Justice has provided the Committee detailed descriptions of eight of the twenty-two investigations where the "seriously jeopardizing an investigation" prong was the sole "adverse result" used to request delayed notice. The descriptions already provided include Operation Candy Box, which was detailed in our April 4, 2005, letter to the Committee, and seven additional cases described in a May 3, 2005 letter to the Committee. This letter is intended to supplement the previous information we have provided by detailing the seven remaining investigations that have been unsealed, and identifying the seven remaining investigations that are currently sealed. Two of the seven investigations that remain under seal are terrorism-related.

As we are sure you will agree, the following examples of the use of delayed-notice search warrants illustrate not only the appropriateness of the Department's use of this vital tool, but also its importance to law enforcement investigations.

Example #9: Southern District of Illinois:

The United States Attorney's Office for the Southern District of Illinois used a delayed-notice search warrant pursuant to Title 18 U.S.C. §3103a in the investigation of an OCDETF (Organized Crime Drug Enforcement Task Force) case. Although the Southern District of Illinois handled the investigation, the search warrant application was filed by the United States Attorney's Office in the Eastern District of Missouri because the apartment to be searched was located there. The search warrant was sought because a Title III wiretap revealed that the house to be searched was being used as a safehouse for those trafficking in drugs, and it was believed that the notification of the search warrant would seriously jeopardize the ongoing investigation into the drug organization and its numerous members and frustrate the identification of additional sources of supply. The search warrant was issued by a Magistrate Judge in the Eastern District of Missouri on April 6, 2004, for a period of 7 days. No extensions were requested or authorized. The case was indicted on November 18, 2004. One defendant has pled guilty and thirteen defendants are awaiting trial.

Example #10: Northern District of Georgia:

The United States Attorney's Office for the Northern District of Georgia used section 213 in a drug investigation to delay notice of three search warrants in three locations. A Title III wiretap had revealed that a drug dealer had three stash locations, and the United States Attorney's Office wanted to search those locations without tipping off the drug dealers. A federal judge approved three delayed-notice search warrants that yielded several kilos of cocaine, pounds of ICE, a very pure form of methamphetamine, and firearms. The agents were also able to photograph documentary evidence such as ledgers. The use of the delayed-notice search warrant was successful in cementing the case against the defendant, who was indicted in April 2005.

Example #11: Northern District of Georgia:

The United States Attorney's Office for the Northern District of Georgia also used section 213 in another drug investigation. The DEA had obtained court approval to install and monitor wiretaps of several cellular phones used by high-level members of a Mexican cocaine and methamphetamine distribution cell operating in Atlanta. While monitoring the phones, the targets' conversations showed that they were delivering 100 kilograms of cocaine to a purchaser. Surveillance identified one of the stash houses from which the targets obtained 14 kilograms of the cocaine, and the conversations indicated that more of the cocaine was located in the stash house. At that time, however, the investigation and interceptions on the cell phones had not identified the highest-level members of the cell, so the agents were not in a position to make arrests and take down the organization. The agents therefore needed to seize the cocaine while trying to minimize the chances that the seizure would cause the targets to cease usage of their cellular phones. Investigators decided it was appropriate to seek a delayed-notice warrant that would allow them access to the stash house. A federal judge approved the warrant that resulted in the seizure of 36 kilograms of cocaine, some methamphetamines, and two weapons including a sawed-off shotgun, without having to leave a copy of the warrant and provide confirmation to the targets that they were being watched by law enforcement. Since the subsequent arrests of sixteen individuals for various drug-trafficking charges in this investigation, two have pled guilty, three have been sentenced, five are set for sentencing and six are currently awaiting trial.

Example #12: Western District of New York:

Operation Trifecta was a Title III wiretap investigation being conducted in the United States Attorney's Office for the Southern District of New York, the Western District of New York (WDNY OCDETF Operation Next of Kin) as well as in U.S. Attorney's Offices in California, Ohio, and Arizona and by law enforcement authorities in Mexico. As part of this multi-district and international investigation, Title III wiretap orders were obtained in each of the jurisdictions involved in the investigation. In May 2003, information was received as a result of a Title III interception order that the targets of the investigation were arranging the transportation of a vehicle ("load vehicle") that was believed to conceal a substantial quantity of cocaine by transporting it on a car carrier. Once it was determined that the car carrier would transport the load vehicle through the Western District of New York, an application was made to search the load vehicle. The magistrate judge that issued the warrant also authorized delay in giving notice of the execution of the search warrant pursuant to section 213 of the USA PATRIOT Act.

Once the car carrier transporting the load vehicle arrived in the Western District of New York, a local Sheriff's Department deputy executed a traffic stop. It was discovered that the VIN plate on the dashboard of the load vehicle appeared to have been tampered with or replaced. As a result of the suspect VIN plate, the load vehicle was removed from the car carrier, impounded and the car carrier was allowed to proceed on its way. Thereafter, a delayed-notice search warrant was executed on the load vehicle, resulting in 37 kilograms of cocaine being seized from it. After the seizure of the load vehicle, conversations regarding efforts to re-obtain the load vehicle were intercepted between the subjects of the investigation. These efforts continued until July 30, 2003, which was the takedown date for all aspects of the investigation. Extensions of the order delaying notice were obtained until the takedown date. Until they were arrested, the subjects of the investigation were completely unaware as to the actual reason why the load vehicle was seized, and that the cocaine secreted in the load vehicle had been located.

Obviously, had the subjects of the investigation received notice that a search warrant had been obtained for the load vehicle, this investigation would have been seriously compromised. Delayed notice allowed the investigating agencies to make a significant seizure of cocaine while at the same time allowing the investigation, which had national and international ramifications, to continue to its successful conclusion. Twenty defendants were charged in the Western District of New York, and all have pled guilty.

Example #13: Western District of New York:

As a result of investigations in the Western District of New York, the Eastern District of California, and Canada, including wiretaps in all three locations, information was obtained that several defendants were involved in smuggling large quantities of ephedrine, a listed chemical, from Canada into the United States. There were four delayed-notice search warrants issued in the case, which were all justified by the "seriously jeopardizing an investigation" prong only; two for premises that were believed to be "stash houses" for ephedrine and money; and two for packages sent through the U.S. and Canadian mail which were believed to also contain contraband. All delayed-notice search warrants were issued for 10 days on the grounds that providing notice would adversely affect the investigation of this multi-district case in that the Canadian wiretaps were still up, and a series of arrests were planned for the week following the search in a related drug case in the Eastern District of California. The prosecution in this case is currently pending.

Example #14: Western District of New York:

A delayed-notice search warrant was obtained for the District of Maryland to open and photograph the contents of a safe deposit box that the target, a Canadian citizen, was allegedly using to store his proceeds of drug trafficking. Following the sale of heroin by the target to undercover law enforcement in Maryland, the target was followed back to the U.S./Canada border and observed going to a bank in Niagara Falls, New York before entering Canada. A search warrant was obtained for the safe deposit box, and the money (identified through prerecorded serial numbers) from the purchase of the drugs was found in the box. The contents were photographed but not seized. The notification was delayed until arrests could be made in the case—a period of six months. This target is currently a fugitive while other subjects of the investigation were arrested in August 2003.

Example #15: Western District of Michigan:

The defendant in United States v. Eason was charged on numerous drug-trafficking counts in indictments returned in 1995 and 1996, and was a fugitive until his arrest in July 2004. While the defendant was incarcerated and his case was pending, information was discovered that the defendant was corresponding with associates and family members through the mail at the Kalamazoo County Jail in an attempt to intimidate witnesses, obstruct justice or even contract for the murder of a federal prosecutor. It was determined that the only way to effectively obtain information about these threats was to use a delayed-notice search warrant, which allowed agents to copy the defendant's ingoing and outgoing mail and envelopes, reseal the mail, and then forward the mail to the intended recipient. The judge determined that notifying the defendant of these actions would have seriously jeopardized the investigation. Additional information concerning the underlying threat investigation cannot be disclosed at this time. The defendant was convicted on January 18, 2005 on numerous drug-trafficking counts and faces a statutory range of 20 years to life. His advisory United States Sentencing Guideline range is life imprisonment.

Example #16: District of Maryland—Sealed.

Example #17: Northern District of Georgia—Sealed.

Example #18: Southern District of Iowa—Sealed. Two delayed-notice search warrants were issued in this investigation.

Example #19: Southern District of Ohio—Sealed.

Example #20: Southern District of Ohio—Sealed.

Example #21: Southern District of Texas—Sealed.

Example #22: Western District of New York—Sealed.

In sum, delayed-notice search warrants have been used for decades by law enforcement and, as demonstrated by the numbers and examples provided above, delayed-notice warrants are used infrequently and scrupulously—only in appropriate situations where immediate notice likely would harm individuals or compromise investigations, and even then only with a judge's express approval. The investigators and prosecutors on the front lines of fighting crime and terrorism should not be forced to choose between preventing immediate harm—such as a terrorist attack or an influx of illegal drugs—and completing a sensitive investigation that might shut down an entire terror cell or drug trafficking operation. Thanks to the long-standing availability of delayed-notice warrants in these circumstances, they do not have to make that choice. Section 213 enables us to better protect the public from terrorists and criminals while preserving Americans constitutional rights. The Department of Justice believes it is critical that law enforcement continue to have this vital tool for those limited circumstances, such as those discussed above, where a court finds good cause to permit the temporary delay of notification of a search.

We hope the information provided above is helpful. Should you require any further information, please do not hesitate to contact this office.

Sincerely,

William E. Moschella,
Assistant Attorney General.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 1389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "USA PATRIOT Improvement and Reauthorization Act of 2005".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Patriot section 203; notice to court of disclosure of foreign intelligence information.
Sec. 3. Patriot section 206; additional requirements for multipoint electronic surveillance under FISA.
Sec. 4. Patriot section 207; duration of FISA surveillance of non-United States persons.
Sec. 5. Patriot section 212; enhanced oversight of good-faith emergency disclosures.
Sec. 6. Patriot section 213; limitations on delayed notice search warrants.
Sec. 7. Patriot section 214; factual basis for pen register and trap and trace authority under FISA.
Sec. 8. Patriot section 215; procedural protections for court orders to produce records and other items in intelligence investigations.
Sec. 9. Patriot section 505; procedural protections for national security letters.
Sec. 10. Sunset provisions.
Sec. 11. Enhancement of sunshine provisions.

SEC. 2. PATRIOT SECTION 203; NOTICE TO COURT OF DISCLOSURE OF FOREIGN INTELLIGENCE INFORMATION.

Section 2517 of title 18, United States Code, is amended by adding at the end the following:

"(9) Within a reasonable time after disclosure is made, pursuant to paragraph (6), (7), or (8), of the contents of any wire, oral, or electronic communication, an attorney for the Government must file, under seal, a notice with the judge that issued the order authorizing or approving the interception of such wire, oral, or electronic communication, stating that such contents or evidence was disclosed and the departments, agencies, or entities to which the disclosure was made.".

SEC. 3. PATRIOT SECTION 206; ADDITIONAL REQUIREMENTS FOR MULTIPOINT ELECTRONIC SURVEILLANCE UNDER FISA.

(a) Particularity Requirement.—Section 105(c)(1)(A) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)(1)(A)) is amended by inserting before the semicolon at the end the following: ", and if the nature and location of each of the facilities or places at which the surveillance will be directed is not known, and if the identity of the target is not known, the order shall include sufficient information to describe a specific target with particularity".

(b) Additional Directions.—Section 105(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(c)) is amended—

(1) by striking "An order approving an electronic surveillance under this section shall—";

(2) in paragraph (1), by inserting before "specify" the following: "Specifications.—An order approving an electronic surveillance under this section shall";

(3) in paragraph (1)(F), by striking "; and" and inserting a period;

(4) in paragraph (2), by inserting before "direct" the following: "Directions.—An order approving an electronic surveillance under this section shall"; and

(5) by adding at the end the following:

"(3) Special directions for certain orders.—An order approving an electronic surveillance under this section in circumstances where the nature and location of each of the facilities or places at which the surveillance will be directed is unknown shall direct the applicant to provide notice to the court within 10 days after the date on which surveillance begins to be directed at any new facility or place of—

"(A) the nature and location of each facility or place at which the electronic surveillance is directed;

"(B) the facts and circumstances relied upon by the applicant to justify the applicant's belief that each facility or place at which the electronic surveillance is directed is being used, or is about to be used, by the target of the surveillance; and

"(C) a statement of any proposed minimization procedures that differ from those contained in the original application or order, that may be necessitated by a change in the facility or place at which the electronic surveillance is directed.".

(c) Enhanced Oversight.—

(1) Report to congress.—Section 108(a)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)(1)) is amended by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "Senate Select Committee on Intelligence".

(2) Modification of semiannual report requirement on activities under foreign intelligence surveillance act of 1978.—Paragraph (2) of section 108(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1808(a)) is amended to read as follows:

"(2) Each report under the first sentence of paragraph (1) shall include a description of—

"(A) the total number of applications made for orders and extensions of orders approving electronic surveillance under this title where the nature and location of each facility or place at which the electronic surveillance will be directed is not known; and

"(B) each criminal case in which information acquired under this Act has been authorized for use at trial during the period covered by such report.".

SEC. 4. PATRIOT SECTION 207; DURATION OF FISA SURVEILLANCE OF NON-UNITED STATES PERSONS.

(a) ELECTRONIC SURVEILLANCE ORDERS.—Section 105(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1805(e)) is amended—

(1) in paragraph (1)(B), by striking ", as defined in section 101(b)(1)(A)" and inserting "who is not a United States person"; and

(2) in paragraph (2)(B), by striking "as defined in section 101(b)(1)(A)" and inserting "who is not a United States person".

(b) PHYSICAL SEARCH ORDERS.—Section 304(d) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1824(d)) is amended—

(1) in paragraph (1)(B), striking "as defined in section 101(b)(1)(A)" and inserting "who is not a United States person"; and

(2) in paragraph (2), striking "as defined in section 101(b)(1)(A)" and inserting "who is not a United States person".

(c) PEN REGISTERS.—Section 402(e) of the Foreign Intelligence Surveillance Act (50 U.S.C. 1842(e)) is amended by—

(1) inserting after "90 days" the first place it appears the following: ", except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an order issued under this section may be for a period not to exceed 1 year"; and

(2) by inserting after "90 days" the second place it appears the following: ", except that in cases where the applicant has certified that the information likely to be obtained is foreign intelligence information not concerning a United States person, an extension of an order issued under this section may be for a period not to exceed 1 year".

SEC. 5. PATRIOT SECTION 212; ENHANCED OVERSIGHT OF GOOD-FAITH EMERGENCY DISCLOSURES.

(a) ENHANCED OVERSIGHT.—Section 2702 of title 18, United States Code, is amended by adding at the end the following:

"(d) REPORTING OF EMERGENCY DISCLOSURES.—On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

"(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8); and

"(2) a summary of the basis for disclosure in those instances where—

"(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

"(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges.".

(b) TECHNICAL AMENDMENTS TO CONFORM COMMUNICATIONS AND CUSTOMER RECORDS EXCEPTIONS.—

(1) VOLUNTARY DISCLOSURES.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(8)—

(i) by striking "Federal, State, or local"; and

(ii) by inserting "immediate" before "danger"; and

(B) by striking subsection (c)(4) and inserting the following:

"(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving immediate danger of death or serious physical injury to any person requires disclosure without delay of the information.".

(2) DEFINITIONS.—Section 2711 of title 18, United States Code, is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) the term 'governmental entity' means a department or agency of the United States or any State or political subdivision thereof.".

SEC. 6. PATRIOT SECTION 213; LIMITATIONS ON DELAYED NOTICE SEARCH WARRANTS.

(a) GROUNDS FOR DELAY.—Section 3103a(b)(1) of title 18, United States Code, is amended by striking "may have an adverse result (as defined in section 2705);" and inserting "may—

"(A) endanger the life or physical safety of an individual;

"(B) result in flight from prosecution;

"(C) result in the destruction of or tampering with evidence;

"(D) result in intimidation of potential witnesses; or

"(E) otherwise seriously jeopardize an investigation;".

(b) LIMITATION ON REASONABLE PERIOD FOR DELAY.—Section 3103a(b)(3) of title 18, United States Code, is amended by—

(1) inserting "on a date certain that is" before "within a reasonable period of its execution"; and

(2) after "good cause shown" inserting ", subject to the condition that extensions should only be granted upon an updated showing of the need for further delay and that each additional delay should be limited to periods of 90 days or less, unless the facts of the case justify a longer period of delay".

(c) ENHANCED OVERSIGHT.—Section 3103a of title 18, United States Code, is amended by adding at the end the following:

"(c) REPORTS.—

"(1) REPORT BY JUDGE.—Not later than 30 days after the expiration of a warrant authorizing delayed notice (including any extension thereof) entered under this section, or the denial of such warrant (or request for extension), the issuing or denying judge shall report to the Administrative Office of the United States Courts—

"(A) the fact that a warrant was applied for;

"(B) the fact that the warrant or any extension thereof was granted as applied for, was modified, or was denied;

"(C) the period of delay in the giving of notice authorized by the warrant, and the number and duration of any extensions; and

"(D) the offense specified in the warrant or application.

"(2) REPORT BY ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—In April of each year, the Director of the Administrative Office of the United States Courts shall transmit to Congress a full and complete report—

"(A) concerning the number of applications for warrants and extensions of warrants authorizing delayed notice pursuant to this section, and the number of warrants and extensions granted or denied pursuant to this section during the preceding calendar year; and

"(B) that includes a summary and analysis of the data required to be filed with the Administrative Office by paragraph (1).

"(3) REGULATIONS.—The Director of the Administrative Office of the United States Courts, in consultation with the Attorney General, is authorized to issue binding regulations dealing with the content and form of the reports required to be filed under paragraph (1).".

SEC. 7. PATRIOT SECTION 214; FACTUAL BASIS FOR PEN REGISTER AND TRAP AND TRACE AUTHORITY UNDER FISA.

(a) FACTUAL BASIS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES UNDER FISA.—

(1) APPLICATION.—Section 402(c)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(c)(2)) is amended by striking "a certification by the applicant that" and inserting "a statement of the facts relied upon by the applicant to justify the applicant's belief that".

(2) ORDER.—Section 402(d)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(1)) is amended by striking "if the judge finds that" and all that follows and inserting "if the judge finds that the application includes sufficient facts to justify the belief that the information likely to be obtained is foreign intelligence information not concerning a United States person or is relevant to an ongoing investigation to protect against international terrorism or clandestine intelligence activities and otherwise satisfies the requirements of this section.".

(b) RECORDS.—Section 402(d)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1842(d)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (ii), by adding "and" at the end; and

(B) in clause (iii), by striking the period at the end and inserting a semicolon; and

(2) in subparagraph (B)(iii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(C) shall direct that, upon the request of the applicant, the provider of a wire or electronic communication service shall disclose to the Federal officer using the pen register or trap and trace device covered by the order—

"(i) in the case of the customer or subscriber using the service covered by the order (for the period specified by the order)—

"(I) the name of the customer or subscriber;

"(II) the address of the customer or subscriber;

"(III) the telephone or instrument number, or other subscriber number or identifier, of the customer or subscriber, including any temporarily assigned network address or associated routing or transmission information;

"(IV) the length of the provision of service by such provider to the customer or subscriber and the types of services utilized by the customer or subscriber;

"(V) in the case of a provider of local or long distance telephone service, any local or long distance telephone records of the customer or subscriber;

"(VI) if applicable, any records reflecting period of usage (or sessions) by the customer or subscriber; and

"(VII) any mechanisms and sources of payment for such service, including the number of any credit card or bank account utilized for payment for such service; and

"(ii) if available, with respect to any customer or subscriber of incoming or outgoing communications to or from the service covered by the order—

"(I) the name of such customer or subscriber;

"(II) the address of such customer or subscriber;

"(III) the telephone or instrument number, or other subscriber number or identifier, of such customer or subscriber, including any temporarily assigned network address or associated routing or transmission information; and

"(IV) the length of the provision of service by such provider to such customer or subscriber and the types of services utilized by such customer or subscriber.".

(c) Enhanced Oversight.—Section 406 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846) is amended—

(1) in subsection (a), by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "of the Senate"; and

(2) in subsection (b), by striking "On a semiannual basis" through "the preceding 6-month period" and inserting, "In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year".

SEC. 8. PATRIOT SECTION 215; PROCEDURAL PROTECTIONS FOR COURT ORDERS TO PRODUCE RECORDS AND OTHER ITEMS IN INTELLIGENCE INVESTIGATIONS.

(a) Factual Basis for Requested Order.—

(1) Application.—Section 501(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(b)(2)) is amended by striking "shall specify that the records concerned are sought for" and inserting "shall include a statement of facts showing that there are reasonable grounds to believe that the records or other things sought are relevant to".

(2) Order.—Section 501(c)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)(1)) is amended by striking "if the judge finds that" and all that follows and inserting "if the judge finds that the statement of facts contained in the application establishes reasonable grounds to believe that the records or other things sought are relevant to an authorized investigation conducted in accordance with subsection (a)(2) to obtain foreign intelligence information not concerning a United States person or to protect against international terrorism or clandestine intelligence activities, and the application meets the other requirements of this section.".

(b) Additional Protections.—Section 501(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2), by inserting after "An order under this subsection" the following: "—

"(A) shall describe the tangible things concerned with sufficient particularity to permit them to be fairly identified;

"(B) shall prescribe a return date which will provide a reasonable period of time within which the tangible things can be assembled and made available;

"(C) shall provide clear and conspicuous notice of the principles and procedures set forth in subsections (d) and (f); and

"(D)".

(c) Director Approval for Certain Applications.—Section 501(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(a)) is amended—

(1) in paragraph (1), by striking "The Director" and inserting "Except as provided in paragraph (3), the Director"; and

(2) by adding at the end the following:

"(3) No application shall be made under this section for an order requiring the production of library circulation records, library patron lists, book sales records, book customer lists, firearms sales records, or medical records containing personally identifiable information without the prior written approval of the Director of the Federal Bureau of Investigation. The Director may delegate authority to approve such an application to the Deputy Director of the Federal Bureau of Investigation, but such authority may not be further delegated.".

(d) Prohibition on Disclosure.—Section 501(d) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861(d)) is amended to read as follows:

"(d)(1) No person shall disclose to any other person that the Federal Bureau of Investigation has sought or obtained tangible things pursuant to an order under this section other than to—

"(A) those persons to whom such disclosure is necessary to comply with such order;

"(B) an attorney to obtain legal advice or assistance with respect to the production of things in response to the order; or

"(C) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

"(2)(A) Any person having received a disclosure under subparagraph (A), (B), or (C) of paragraph (1) shall be subject to the prohibitions on disclosure under that paragraph.

"(B) Any person making a further disclosure authorized by subparagraph (A), (B), or (C) of paragraph (1) shall notify the person to whom the disclosure is made of the prohibitions on disclosure under this subsection.

"(3) An order under this section shall notify, in writing, the person to whom the order is directed of the nondisclosure requirements under this subsection.".

(e) Judicial Review.—Section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) is amended by adding at the end the following:

"(f)(1)(A) Any person receiving an order to produce any tangible thing under this section may challenge the legality of that order by filing a petition in the court established under section 103(a).

"(B) That petition may be considered by any judge of the court.

"(C) The judge considering the petition may modify or set aside the order if the judge finds that the order does not meet the requirements of this section or is otherwise unlawful.

"(D) Any petition for review of a decision to affirm, modify, or set aside an order under this paragraph by the United States or any person receiving such order shall be sent to the court of review established under section 103(b), which shall have jurisdiction to consider such petitions.

"(E) The court of review shall immediately provide for the record a written statement of the reasons for its decision and, on petition of the United States or any person receiving such order for a writ of certiorari, the record shall be transmitted under seal to the Supreme Court, which shall have jurisdiction to review such decision.

"(2)(A) Judicial proceedings under this subsection shall be concluded as expeditiously as possible.

"(B) The record of proceedings, including applications made and orders granted, shall be maintained under security measures established by the Chief Justice of the United States in consultation with the Attorney General and the Director of National Intelligence.

"(3) All petitions under this subsection shall be filed under seal, and the court, upon the request of the Government, shall review any Government submission, which may include classified information, as well as the application of the Government and related materials, ex parte and in camera.".

(f) Enhanced Oversight.—Section 502 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1862) is amended—

(1) in subsection (a), by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "of the Senate"; and

(2) in subsection (b)—

(A) by striking "On a semiannual basis" through "the preceding 6-month period" and inserting "In April of each year, the Attorney General shall transmit to the Congress a report setting forth with respect to the preceding calendar year";

(B) in paragraph (1), by striking "and" at the end;

(C) in paragraph (2), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(3) the total number of applications made for orders approving requests for the production of tangible things under section 501, and the total number of orders either granted, modified, or denied, when the application or order involved any of the following:

"(A) The production of tangible things from a library, as defined in section 213(2) of the Library Services and Technology Act (20 U.S.C. 9122(2)).

"(B) The production of tangible things from a person or entity primarily engaged in the sale, rental, or delivery of books, journals, magazines, or other similar forms of communication whether in print or digitally.

"(C) The production of records related to the purchase of a firearm, as defined in section 921(a)(3) of title 18, United States Code.

"(D) The production of health information, as defined in section 1171(4) of the Social Security Act (42 U.S.C. 1320d(4)).

"(E) The production of taxpayer return information, return, or return information, as defined in section 6103(b) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(b)).

"(c) Each report under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

"(d) In April of each year, the Attorney General shall transmit to the Administrative Office of the United States Courts and to Congress a report setting forth with respect to the preceding calendar year—

"(1) the total number of applications made for orders approving requests for the production of tangible things under section 501; and

"(2) the total number of such orders either granted, modified, or denied.".

SEC. 9. PATRIOT SECTION 505; PROCEDURAL PROTECTIONS FOR NATIONAL SECURITY LETTERS.

(a) In General.—Section 2709(a) of title 18, United States Code, is amended—

(1) by striking "A wire or electronic communication service provider" and inserting the following:

"(1) In general.—A wire or electronic communication service provider"; and

(2) by adding at the end the following:

"(2) Judicial review.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court to modify or set aside the request. Any such motion shall state the grounds for challenging the request with particularity. The court may modify or set aside the request if compliance would be unreasonable or oppressive.".

(b) Nondisclosure.—Section 2709(c) of title 18, United States Code, is amended—

(1) by striking "No wire or electronic communication service provider" and inserting the following:

"(1) In general.—No wire or electronic communication service provider"; and

(2) by adding at the end the following:

"(2) Judicial review.—A wire or electronic communication service provider who receives a request under subsection (b) may, at any time, seek a court order from an appropriate United States district court challenging the nondisclosure requirement under paragraph (1). Any such motion shall state the grounds for challenging the nondisclosure requirement with particularity.

"(3) Standard of review.—The court may modify or set aside such a nondisclosure requirement if there is no reason to believe that disclosure may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, interfere with diplomatic relations, or endanger the life or physical safety of any person. In reviewing a nondisclosure requirement, the certification by the Government that the disclosure may endanger the national security of the United States or interfere with diplomatic relations shall be treated as conclusive unless the court finds that the certification was made in bad faith.".

(c) Enforcement of National Security Letters.—Section 2709(a) of title 18, United States Code, as amended by subsection (b), is amended by adding at the end the following:

"(3) Enforcement of requests.—The Attorney General may seek enforcement of a request under subsection (b) in an appropriate United States district court if a recipient refuses to comply with the request.".

(d) Disclosure of Information.—

(1) Secure proceedings.—Section 2709 of title 18, United States Code, as amended by subsections (b) and (c), is amended—

(A) in subsection (a), by adding at the end the following:

"(4) Secure proceedings.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App)."; and

(B) in subsection (c), by adding at the end the following:

"(4) Secure proceedings.—The disclosure of information in any proceedings under this subsection may be limited consistent with the requirements of the Classified Information Procedures Act (18 U.S.C. App).".

(2) Disclosure to necessary persons.—Section 2709(c)(1) of title 18, United States Code, as amended by subsection (b), is amended—

(A) by inserting after "any person" the following: ", except for disclosure to an attorney to obtain legal advice regarding the request or to persons to whom disclosure is necessary in order to comply with the request,"; and

(B) by adding at the end the following: "Any attorney or person whose assistance is necessary to comply with the request who is notified of the request also shall not disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.".

SEC. 10. SUNSET PROVISIONS.

(a) Modification of PATRIOT Act Sunset Provision.—Section 224(a) of the USA PATRIOT Act (18 U.S.C. 2510 note) is amended to read as follows:

"(a) In General.—Except as provided in subsection (b), sections 206 and 215, and the amendments made by those sections, shall cease to have effect on December 31, 2009, and any provision of law amended or modified by such sections shall take effect on January 1, 2010, as in effect on the day before the effective date of this Act.".

(b) Extension of Sunset on "Lone Wolf" Provision.—Subsection (b) of section 6001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended to read as follows:

"(b) Sunset.—

"(1) In general.—Except as provided in paragraph (2), the amendment made by subsection (a) shall cease to have effect on December 31, 2009.

"(2) Special rule.—With respect to any particular foreign intelligence investigation that began before the date on which the amendment made by subsection (a) ceases to have effect, section 101(b)(1) of the Foreign Intelligence Surveillance Act of 1978, as amended by subsection (a), shall continue in effect.".

(c) Repeal of Sunset Provision Relating to Section 2332B and the Material Support Sections of Title 18, United States Code.—Section 6603 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 10809458; 118 Stat. 3762) is amended by striking subsection (g).

(d) Technical Amendment.—Section 1(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 is amended to read as follows:

"(a) Short Title.—This Act may be cited as the 'Uniting and Strengthening America by Providing Appropriate tools Required to Intercept and Obstruct Terrorism Act of 2001' or the 'USA PATRIOT Act'.".

SEC. 11. ENHANCEMENT OF SUNSHINE PROVISIONS.

(a) Rules and Procedures for FISA Courts.—Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) is amended by adding at the end the following:

"(e)(1) The courts established pursuant to subsections (a) and (b) may establish such rules and procedures, and take such actions, as are reasonably necessary to administer their responsibilities under this Act.

"(2) The rules and procedures established under paragraph (1), and any modifications of such rules and procedures, shall be recorded, and shall be transmitted to the following:

"(A) All of the judges on the court established pursuant to subsection (a).

"(B) All of the judges on the court of review established pursuant to subsection (b).

"(C) The Chief Justice of the United States.

"(D) The Committee on the Judiciary of the Senate.

"(E) The Select Committee on Intelligence of the Senate.

"(F) The Committee on the Judiciary of the House of Representatives.

"(G) The Permanent Select Committee on Intelligence of the House of Representatives.

"(3) The transmissions required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.".

(b) Enhanced Congressional Oversight of FISA Emergency Authorities.—

(1) Emergency electronic surveillance.—Section 107 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1807), is amended—

(A) in paragraph (a), by striking "and" at the end;

(B) in paragraph (b), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(c) the total number of emergency employments of electronic surveillance under section 105(f) and the total number of subsequent orders approving or denying such electronic surveillance.".

(2) Emergency physical searches.—Section 306 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1826) is amended—

(A) in the first sentence, by inserting ", and the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate," after "the Senate";

(B) in the second sentence, by striking 'and the Committees on the Judiciary of the House of Representatives and the Senate";

(C) in paragraph (2), by striking "and" at the end;

(D) in paragraph (3), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(4) the total number of emergency physical searches authorized by the Attorney General under section 304(e) (50 U.S.C. 1824(e)), and the total number of subsequent orders approving or denying such physical searches.".

(3) Emergency pen registers and trap and trace devices.—Section 406(b) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1846(b)), as amended by section 7, is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) the total number of pen registers and trap and trace devices whose installation and use was authorized by the Attorney General on an emergency basis under section 403, and the total number of subsequent orders approving or denying the installation and use of such pen registers and trap and trace devices.".

By Mr. INOUYE (for himself and Mr. Sununu):

S. 1390. A bill to reauthorize the Coral Reef Conservation Act of 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, I rise today to introduce the Coral Reef Conservation Amendments Act of 2005, legislation to reauthorize and update the Coral Reef Conservation Act of 2000. I am pleased to be joined in this endeavor by Senator John Sununu, the new Chairman of the Commerce Committee's National Ocean Policy Study, who is also greatly concerned about the fate of coral reefs and the future well-being of our coastal regions and resources.

Coral reefs, often called the "rainforests of the sea," are among the oldest and most diverse ecosystems on the planet. Covering less than one percent of the Earth's surface, these fragile resources provide services worth billions of dollars each year to the United States economy and economies worldwide. Coral reef resources provide economic and environmental benefits in the form of food, jobs, natural products, pharmaceuticals, and shoreline protection. In Hawaii, reef-related activities generate $360 million each year for the State's economy, and the overall worth of our reefs has been estimated at close to $10 billion.

However, these reefs are also under pressure from some 1.2 million residents and the seven million tourists visiting each year. Threats range from land-based sources of pollution, overfishing, recreational overuse, alien species introduction, marine debris, coral bleaching and the increased acidity of our oceans. Despite these impacts, there are still remote coral reefs that are largely intact, such as those in the Northwestern Hawaiian Islands. The continued conservation and study of these isolated reefs is necessary for understanding healthy coral reef ecosystems and restoring impacted ecosystems.

The reefs of the Northwestern Hawaiian Islands are an important nesting and breeding site for many endangered and threatened species. A Federal public designation process is underway to manage these areas as a National Marine Sanctuary, under a science-based management scheme that will accommodate multiple uses while achieving the necessary conservation goals. Increased funding and expanded Federal, State and local partnerships in this area have resulted in monitoring, mapping, and research programs have improved our understanding of the spatial and temporal dynamics of Hawaiian reefs which can be used to guide conservation and management decisions.

Through this reauthorization, we can build upon lessons learned in Hawaii and other areas and apply them throughout the United States. A mere five years ago, Congress took its first step toward addressing coral reef declines by authorizing legislation that provided targeted funding to advance our understanding and capacity to address threats to coral reefs. Since then, strong support for these programs around the country, as well as focused funding, have given us much information that will help us strengthen and refocus the legislation. The report of the U.S. Ocean Commission has further underscored the urgent need to improve management and conservation of coral reefs from a variety of threats. Our hearing on coral threats last month provided additional recommendations for changes to move from monitoring to action to improve coral conservation.

The Coral Reef Amendments Act of 2005 responds to these recommendations by increasing annual authorizations under the Coral Reef Conservation Act, starting at $30 million in fiscal year 2006, and increasing to $35 million in fiscal year 2009 to 2012. This roughly doubles the authorization levels in the existing act. It also gives priority attention to local action strategies and territorial needs, as well as on prevention of physical damage from vessel impacts. A new $8 million Community-Based Planning Grants program is included to encourage and enhance on-the-ground efforts to develop and implement coral management and protection plans, working through appropriate Federal and State management agencies. I am particularly pleased that this grant program will encourage adoption of traditional and island-based management approaches, many of which have a long history in the Pacific region.

The bill also fills a gap in authority needed for NOAA to respond to vessel groundings on coral reefs, damage that compounds over time if left unaddressed. Grounded vessels have remained on reefs, and have been a particular problem, when there is no viable owner or when the grounding occurs under circumstances that do not allow for response under authorities such as the National Marine Sanctuaries Act or the Oil Pollution Act. The July 2, 2005, grounding of the survey vessel CASITAS in the remote Northwestern Hawaiian Islands, and the damage caused in American Samoa several years ago when a typhoon drove 9 abandoned fishing vessels onto reefs in Pago Pago harbor, highlight the vulnerability of coral reefs to groundings, and limitations of existing law and funding.

The bill responds to these needs by giving NOAA statutory authority to respond on an emergency basis to prevent or mitigate coral reef destruction from vessel or other physical impacts, including damage caused by natural disasters. The bill also authorizes NOAA to use Coral Reef Conservation Funds for these purposes, and encourages leveraging resources and assistance from other Federal agencies, as well as private sources. To assist in preventing future groundings, the bill authorizes NOAA to establish a vessel grounding inventory, identify reefs outside National Marine Sanctuaries that are at risk, and recommend measures that may be used to prevent future groundings, such as navigational aids or beacons to warn mariners.

Finally, the bill specifically directs NOAA to coordinate on the federal, state, and local levels to implement the U.S. National Coral Action Strategy.

I hope that my colleagues will join me in supporting this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1390

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Coral Reef Conservation Amendments Act of 2005.".

SEC. 2. EXPANSION OF CORAL REEF CONSERVATION PROGRAM.

(a) PROJECT DIVERSITY.—Section 204(d) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(d)) is amended—

(2) by striking "GEOGRAPHIC AND BIOLOGICAL" in the heading and inserting "PROJECT";

(2) by striking "40 percent" in paragraph (2) and inserting "30 percent"; and

(3) by striking paragraph (3) and inserting the following:

"(3) Remaining funds shall be awarded for—

"(A) projects (with priority given to community-based local action strategies) that address emerging priorities or threats, including international and territorial priorities, or threats identified by the Administrator in consultation with the Coral Reef Task Force; and

"(B) other appropriate projects, as determined by the Administrator, including monitoring and assessment, research, pollution reduction, education, and technical support.".

(b) APPROVAL CRITERIA.—Section 204(g) of that Act (16 U.S.C. 6403(g)) is amended—

(1) by striking "or" after the semicolon in paragraph (9);

(2) by redesignating paragraph (10) as paragraph (12); and

(3) by inserting after paragraph (9) the following:

"(10) activities designed to minimize the likelihood of vessel impacts on coral reefs, particularly those activities described in section 210(b), including the promotion of ecologically sound navigation and anchorages near coral reefs;

"(11) promoting and assisting entities to work with local communities, and all appropriate governmental and nongovernmental organizations, to support community-based planning and management initiatives for the protection of coral reef systems; or".

SEC. 3. EMERGENCY RESPONSE.

Section 206 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6404) is amended to read as follows:

"SEC. 206. EMERGENCY RESPONSE ACTIONS.

"(a) IN GENERAL.—The Administrator may undertake or authorize action necessary to prevent or minimize the destruction or loss of, or injury to, coral reefs or coral reef ecosystems from vessel impacts or other physical damage to coral reefs, including damage from unforeseen or disaster-related circumstances.

"(b) ACTIONS AUTHORIZED.—Action authorized by subsection (a) includes vessel removal and emergency restabilization of the vessel and any impacted coral reef.

"(c) PARTNERING WITH OTHER FEDERAL AGENCIES.—When possible, action by the Administrator under this section should—

"(1) be conducted in partnership with other Federal agencies, including the United States Coast Guard, the Federal Emergency Management Agency, the U.S. Army Corps of Engineers, and the Department of the Interior; and

"(2) leverage resources of such other agencies, including funding or assistance authorized under other Federal laws, such as the Oil Pollution Act of 1990, the Comprehensive Environmental Response, Compensation, and Liability Act, and the Federal Water Pollution Control Act.".

SEC. 4. NATIONAL PROGRAM.

Section 207(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6406) is amended—

(1) by striking "and" after the semicolon in paragraph (3);

(2) by striking "partners." in paragraph (4) and inserting "partners; and"; and

(3) by adding at the end the following:

"(5) activities designed to minimize the likelihood of vessel impacts or other physical damage to coral reefs, including those activities described identified in section 210(b).".

SEC. 5. REPORT TO CONGRESS.

(a) IN GENERAL.—Section 208 of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6407) is amended to read as follows:

"SEC. 208. REPORT TO CONGRESS.

"Not later than March 1, 2007, and every 3 years thereafter, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Resources of the House of Representatives a report describing all activities undertaken to implement the strategy, including—

"(1) a description of the funds obligated by each participating Federal agency to advance coral reef conservation during each of the 3 fiscal years next preceding the fiscal year in which the report is submitted;

"(2) a description of Federal interagency and cooperative efforts with States and United States territories to prevent or address overharvesting, coastal runoff, or other anthropogenic impacts on coral reefs, including projects undertaken with the Department of Interior, Department of Agriculture, the Environmental Protection Agency, and the United States Army Corps of Engineers;

"(3) a summary of the information contained in the vessel grounding inventory established under section 210, including additional authorization or funding, needed for response and removal of such vessels;"

"(4) a description of Federal disaster response actions taken pursuant to the National Response Plan to address damage to coral reefs and coral reef ecosystems; and

"(5) an assessment of the condition of United States coral reefs, accomplishments under this Act, and the effectiveness of management actions to address threats to coral reefs.".

(b) CLERICAL AMENDMENT.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended by striking the item relating to section 208 and inserting the following:

"208. Report to Congress.".

SEC. 6. FUND; GRANTS; GROUNDING INVENTORY; COORDINATION.

(a) IN GENERAL.—The Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by striking "organization solely" and all that follows in section 205(a) (16 U.S.C. 6404(a)) and inserting "organization—

"(1) to support partnerships between the public and private sectors that further the purposes of this Act and are consistent with the national coral reef strategy under section 203; and

"(2) to address emergency response actions under section 206.";

(2) by adding at the end of section 205(b) 16 U.S.C. 6404(b)) "The organization is encouraged to solicit funding and in-kind services from the private sector, including nongovernmental organizations, for emergency response actions under section 206 and for activities to prevent damage to coral reefs, including activities described in section 210(b)(2).";

(3) by striking "the grant program" in section 205(c) (16 U.S.C. 6404(c)) and inserting "any grant program or emergency response action";

(4) by redesignating sections 209 and 210 as sections 212 and 213, respectively; and

(5) by inserting after section 208 the following:

"SEC. 209. COMMUNITY-BASED PLANNING GRANTS.

"(a) IN GENERAL.—The Administrator may make grants to entities who have received grants under section 204(c) to provide additional funds to such entities to work with local communities and through appropriate Federal and State entities to prepare and implement plans for the increased protection of coral reef areas identified by the community and the best scientific information available as high priorities for focused attention. The plans shall—

"(1) support attainment of 1 or more of the criteria described in section 204(g);

"(2) be developed at the community level;

"(3) utilize watershed-based approaches;

"(4) provide for coordination with Federal and State experts and managers; and

"(5) build upon local approaches or models, including traditional or island-based resource management concepts.

"(b) TERMS AND CONDITIONS.—The provisions of subsections (b), (d), (f), and (h) of section 204 apply to grants under subsection (a), except that, for the purpose of applying section 204(b)(1) to grants under this section, '25 percent' shall be substituted for '50 percent'.

"SEC. 210. VESSEL GROUNDING INVENTORY.

"(a) IN GENERAL.—The Administrator may maintain an inventory of all vessel grounding incidents involving coral reef resources, including a description of—

"(1) the impacts to such resources;

"(2) vessel and ownership information, if available;

"(3) the estimated cost of removal, mitigation, or restoration;

"(4) the response action taken by the owner, the Administrator, the Commandant of the Coast Guard, or other Federal or State agency representatives;

"(5) the status of the response action, including the dates of vessel removal and mitigation or restoration and any actions taken to prevent future grounding incidents; and

"(6) recommendations for additional navigational aids or other mechanisms for preventing future grounding incidents.

"(b) IDENTIFICATION OF AT-RISK REEFS.—The Administrator may—

"(1) use information from any inventory maintained under subsection (a) or any other available information source to identify coral reef areas outside designated National Marine Sanctuaries that have a high incidence of vessel impacts, including groundings and anchor damage; and

"(2) identify appropriate measures, including action by other agencies, to reduce the likelihood of such impacts.

"SEC. 211. REGIONAL COORDINATION.

"The Administrator shall work in coordination and collaboration with other Federal agencies, States, and United States territorial governments to implement the strategies developed under section 203, including regional and local strategies, to address multiple threats to coral reefs and coral reef ecosystems such as coastal runoff, vessel impacts, and overharvesting.".

(b) CLERICAL AMENDMENT.—The table of contents for the Coral Reef Conservation Act of 2000 (16 U.S.C. 6401 et seq.) is amended—

(1) by redesignating the items relating to sections 208 through 211 as relating to sections 211 through 214; and

(b) by inserting the following after the item relating to section 207:

"209. Community-based planning grants.
"210. Vessel grounding inventory.
"211. Regional coordination.".

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 212 of the Coral Reef Conservation Act of 2000 (formerly 16 U.S.C. 6408), as redesignated by section 6, is amended—

(1) by striking "$16,000,000 for each of fiscal years 2001, 2002, 2003, and 2004," in subsection (a) and inserting "$30,000,000 for fiscal year 2006, $32,000,000 for fiscal year 2007, $34,000,000 for fiscal year 2008, and $35,000,000 for each of fiscal years 2009 through 2012, of which no less than 30 percent per year (for each of fiscal years 2006 through 2012) shall be used for the grant program under section 204 and up to 10 percent per year shall be used for the Fund established under section 205.";

(2) by striking "$1,000,000" in subsection (b) and inserting "$2,000,000"; and

(3) by striking subsection (c) and inserting the following:

"(c) COMMUNITY-BASED PLANNING GRANTS.—There is authorized to be appropriated to the Administrator to carry out section 209 the sum of $8,000,000 for fiscal years 2007 through 2012, such sum to remain available until expended."; and

(4) by striking subsection (d).

By Mr. LAUTENBERG (for himself, Mr. JEFFORDS, Mrs. BOXER, Mr. KERRY, Mr. CORZINE, Mrs. CLINTON, and Mr. KENNEDY)

S. 1391. A bill to amend the Toxic Substances Control Act to reduce the exposure of children, workers, and consumers to toxic chemical substances; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise today to introduce the Child, Worker and Consumer Safe Chemicals Act of 2005. Senators JEFFORDS, BOXER, KERRY, CORZINE, CLINTON and KENNEDY are cosponsors of this legislation.

Every day, Americans use household products that contain hundreds of chemicals. Most people assume that those chemicals have been proven safe for their families and children. Unfortunately, that assumption is wrong. Many chemicals that have been in use for decades have never been tested for their health effects.

Over 40 years ago Rachel Carson, in her book Silent Spring, warned about the danger of using chemicals that had not been fully tested. Today, nearly all of those same chemicals are still being used—yet to this day most of them have never been tested for their health effects.

Many of these chemicals perform amazing services and make our lives easier. But in recent years study after study has raised concerns about some of the chemicals that are used in thousands of products.

For instance, take the common baby bottle. Many baby bottles contain the chemical "Bisphenol A" which at very low doses has been shown to affect reproduction, the immune system, brain chemistry, behavior and more. How great is the risk of using Bisphenol A in baby bottles, water bottles and other everyday products? The answer is "we don't know."

Mothers have every right to expect their babies to be safe from exposure to toxic chemicals—before and after birth. We have laws to make sure that pesticides and medicines are safe—and even toys. But we fail to require similar assessments for the chemicals used in baby bottles, water bottles, food packages and thousands of other products. This is inexcusable.

But the current law, known as "Toxic Substances Control Act" (TSCA) actually sets up roadblocks to EPA getting the vital information it needs to determine whether these chemicals are safe. So last year, I asked the Government Accountability Office (GAO) to assess TSCA to determine how effective it has been in doing the job of protecting public health and the environment.

In the GAO report released today, Chemical Regulation: Options Exist to Improve EPA's Ability to Assess Health Risks and Manage its Chemical Review Program, we learn that TSCA is such an ineffective and burdensome law that it often fails to protect our children, workers and the general population from exposure to carcinogens such as asbestos—for which there is no safe level of exposure.

According to the GAO, only five chemicals that existed 29 years ago when Congress passed TSCA have ever been restricted by EPA. In 29 years, the agency has formally requested health and environmental effects information on just 200 chemicals—out of about 80,000.

The GAO reports, "EPA does not routinely assess existing chemicals and has limited information on their health and environmental risks." It adds, "EPA lacks sufficient data to ensure that potential health and environmental risks of new chemicals are identified."

Children are the most sensitive population to chemical pollutants and we must protect that sacred bond between a mother and her child. Again, it is inexcusable that our laws require extensive data to approve pesticides and pharmaceuticals as safe—but fail to require similar analysis for the chemicals used in baby bottles, water bottles, food packages and thousands of other products.

That is why today I am introducing The Child-Safe Chemicals Act. My bill will establish a safety standard that each chemical on the market must meet. It shifts the burden for proving that chemicals are safe from EPA to the chemical manufacturers. Under my bill, the manufacturers must provide the EPA with whatever data it needs to determine if a chemical use meets the safety standard. And the bill strengthens EPA's authority to restrict the use of chemicals which fail to meet that standard.

I have ten grandchildren . . . and I believe we have a sacred duty to protect the health of infants and children. I agree with Daniel Maguire, a professor of religious ethics at Marquette University who stated, "As a principle of ethics, whatever is good for kids is good; whatever is bad for kids is ungodly."

My bill has been endorsed by the American Public Health Association and many of the nation's leading pediatricians. The American people have a right to assume that the products they use are safe. This bill will help guarantee that right.

Mr. JEFFORDS. Mr. President, I rise today to introduce the Kid Safe Chemicals Act with Senators LAUTENBERG, BOXER, KERRY, CORZINE, CLINTON and KENNEDY. The purpose of the bill is simple—improve children's health by reducing exposure to harmful toxic chemicals in everyday consumer products.

Synthetic chemicals play an integral role in the US economy and in enhancing our quality of life. Yet—like most Americans—I assumed basic safeguards were in place to ensure that chemicals widely used in household products were first determined to be safe. Sadly, this assumption is false.

A new report, issued today by the Government Accountability Office, shows that most chemicals used in consumer products today have never undergone any Federal safety review. Further, the report demonstrates that EPA lacks the necessary legal tools to protect our children from harmful chemicals. The report, which I requested along with Senators LAUTENBERG and LEAHY, is titled "Chemical Regulation: Options Exist to Improve EPA's Ability to Assess Health Risks and Manage its Chemical Review Program."

To all people who care about our children's health, GAO's conclusions should be a call to action. Three findings merit particular attention.

First, GAO found that "EPA does not routinely assess the human health and environmental risks of existing chemicals and faces challenges obtaining the information necessary to do so." For example, the Agency has required testing for fewer than 200 of the 62,000 chemicals used in commerce since EPA began reviewing chemicals in 1979.

Additionally, GAO found that "EPA's reviews of new chemicals provide limited assurance that health and environmental risks are identified before the chemicals enter commerce." According to the report, chemical companies generally do not test new chemicals for toxicity or gauge human exposure levels before they are submitted for EPA review, forcing the Agency to rely on predictive modeling that "does not ensure that the chemicals' risks are fully assessed before they enter commerce."

Finally, even when EPA has toxicity and exposure information on chemicals showing significant health risks, GAO found that the Agency has difficulty overcoming the legal hurdles needed to take action. As a result, in almost three decades, EPA has issued regulations to ban or limit the production or restrict the use of only five chemicals.

Our toxic ignorance would be less alarming if it wasn't coupled with overwhelming evidence of widespread human exposure. Study after study—including those by the Centers for Disease Control—have found a cocktail of synthetic chemicals in the blood and tissue of most people tested. For example, bio-monitoring studies have found Bisphenyl A, a chemical used in plastic baby pacifiers, water bottles, and food and beverage containers, in 95 percent of people tested. Similarly, chemicals such as P-FOA, which is used in non-stick Teflon pans, and polybrominated diphenyl ethers, used as flame retardants, are regularly found in breast milk and fetal liver tissue.

To be clear, the health effects of these chemicals are unknown. Unknown because no one is required to look. We do know, however, that most of us are carrying in our bodies dozens—if not hundreds—of synthetic chemicals to which our grandparents were never exposed. We also know that the incidence of certain cancers and neurological and developmental disorders linked to chemical exposure are on the rise.

The Kid Safe Chemical Act would fundamentally overhaul the nation's chemical management framework. First, it would protect kids by requiring chemical manufacturers to perform basic testing of their products. Second, it would reduce our toxic ignorance by providing much needed hazard and exposure information to EPA and the public. Third, using a science based, worst-first priority system, EPA would be required to determine the safety of 300 chemicals within the next five years. By 2020, all chemicals distributed in commerce would need to meet the safety standard.

To avoid imposing an undue burden on industry, the Kid Safe Chemicals Act relies on essentially the same safety standard as the Food Quality Protection Act, which passed the Gingrich-Lott Congress unanimously and which chemical manufacturers themselves have complied with for the past decade. In short, chemical manufacturers would need to establish to EPA that there was "a reasonable certainty of no harm" before distributing their chemicals in commerce. A ten-fold safety factor would be built in to account for the unique sensitivity of children.

Finally, the Kid Safe Chemicals Act encourages innovation of less toxic chemicals by removing existing disincentives and initiating a safer alternatives and green chemistry program.

As a result, the bill has been endorsed by a wide array of public health groups, such as the Breast Cancer

Fund, the Center for Children's Environmental Health, and the American Public Health Association.

I believe that the Kid Safe Chemicals Act represents a rational, common sense approach to reducing children's exposure to toxic chemicals.

By Mr. SMITH (for himself and Mr. DORGAN):

S. 1392. A bill to reauthorize the Federal Trade Commission; to the Committee on Commerce, Science, and Transportation.

Mr. SMITH. Mr. President, I rise today with Senator DORGAN to introduce the FTC Reauthorization Act of 2005.

As the chairman of the Subcommittee on Trade, Tourism, and Economic Development, I am pleased to have Senator DORGAN, the ranking member of the subcommittee join me to introduce this important bill. Our subcommittee has jurisdiction over the Federal Trade Commission and its missions and this legislation would reauthorize the FTC from fiscal year 2006 through 2010.

The FTC reauthorization bill is important for the FTC to carry out its critical mission of preventing unfair competition and protecting consumers from unfair or deceptive acts or practices in the marketplace.

The responsibility to protect consumers is quite broad and includes a wide array of deception and unfair business practices, including price fixing, telemarketing fraud, Internet scams, and consumer identity theft.

As a product of its responsibilities, the FTC plays a vital role in maintaining integrity in the marketplace and strengthening our economy.

This legislation authorizes appropriations to fund the FTC's operations including moneys for efforts to secure data privacy and to combat spyware and identity theft. These are areas that have posed an increased threat to consumers recently, affecting millions of consumers with a pricetag to society in the billions of dollars.

The services and protections the FTC performs for consumers are invaluable and we need to pass an authorization bill, which it has operated without since 1998.

I urge my colleagues to support this legislation and its expeditious passage through the Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1392

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FTC Reauthorization Act of 2005."

SEC. 2. REAUTHORIZATION.

The text of section 25 of the Federal Trade Commission Act (15 U.S.C. 57c) is amended to read as follows:

"There are authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $213,000,000 for fiscal year 2006, $241,000,000 for fiscal year 2007, $253,000,000 for fiscal year 2008, $264,000,000 for fiscal year 2009, and $276,000,000 for fiscal year 2010.".

By Mr. VITTER:

S. 1393. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for reimbursement of certain for-profit hospitals; to the Committee on Homeland Security and Governmental Affairs.

Mr. VITTER. Mr. President, I rise to introduce the Hospital Emergency Reimbursement Act of 2005. This bill will help ensure the safety of many patients, elderly residents, and those who require critical care during the event of a hurricane or other disaster.

Each year, natural disasters place millions of Americans in harm's way. Hurricanes, floods, and other hazards pose a particular danger to people with special needs. Many patients depend on technology to keep them alive. For them, electricity is a necessity that makes lengthy evacuations a life-threatening race against the clock. These patients must be sheltered in medical facilities with reliable power generators that will perform during a severe storm and during the immediate recovery period after the storm.

Providing for their safety is precisely why I am introducing the Hospital Emergency Reimbursement Act. This bill will enable the Federal Emergency Management Agency, under certain circumstances, to reimburse private for-profit hospitals that shelter special needs patients during federally declared disasters.

Currently, FEMA only has the authority to reimburse a hospital for sheltering if it is a public or nonprofit institution. However, the number of these facilities is shrinking in many communities. The guidelines for providing assistance must acknowledge this reality. Last year in Louisiana, two people with critical needs died in transit from New Orleans to a temporary public facility in Baton Rouge in the evacuation for Hurricane Ivan. With every storm or evacuation order, tens of thousands of families with relatives in critical condition scramble to make arrangements to protect their loved ones.

By allowing reimbursement to additional private facilities, the Hospital Emergency Reimbursement Act of 2005 would promote the safety of Americans around the Nation by allowing greater flexibility during an emergency. The amount of reimbursement provided by FEMA under this bill would be limited to the same amount available to public and nonprofit facilities. Furthermore, funds would be available to for-profit hospitals when public and nonprofit facilities within a 30-mile radius have met or exceeded their capacity. Under this measure, public and non-profits still are used first for emergency needs, with private for-profit hospitals available as backup to ensure that everyone in a medically critical condition is covered.

I urge my colleagues to support the Hospital Emergency Assistance Act of 2005.

* * *

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 197—TO COMMEMORATE THE 60TH ANNIVERSARY OF THE TRINITY TEST, THE CULMINATION OF THE MANHATTAN PROJECT, AND TO HONOR THE PEOPLE WHO MADE IT POSSIBLE

Mr. DOMENICI (for himself and Mr. CRAPO) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 197

Whereas the Trinity Test of July 16, 1945, in Alamogordo, New Mexico, the detonation of the first atomic device, demonstrated scientific and engineering capabilities applied to understanding the atom and for the first time the practical application of nuclear fission, changing mankind's understanding of the universe;

Whereas the Manhattan Project, the project for the development of that device, involved the labors of 130,000 men and women over 28 months at a cost of more than $2,200,000,000, and was one of the largest single scientific and engineering endeavors in history;

Whereas the fruits of the Manhattan Project brought an early end to World War II and saved the lives of countless military and civilian personnel on all sides in that conflict;

Whereas the scientific accomplishments demonstrated by the Manhattan Project provided a new era of technological development resulting in clean energy sources, new medical technologies, supercomputers, and a host of new materials and processes;

Whereas the Manhattan Project was a model for collaboration between the Government, the private sector, and United States institutions of higher education, as well as scientists and engineers of all nationalities, who worked to preserve freedom;

Whereas the success of the Manhattan Project played a central role in the development of the modern research enterprise in the United States, including the establishment of the National Science Foundation and the National Institutes of Health; and

Whereas, with the passage of time, it becomes more important to preserve the historic facilities used during the Manhattan Project, and to honor those remaining men and women who took part in it:

Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the significance of the 60th anniversary of the Trinity Test of July 16, 1945, in Alamogordo, New Mexico, the detonation of the first atomic device, as marking one of the one of the seminal events in

human history and one that epitomizes the American spirit;

(2) acknowledges the brilliance and dedication of the men and women of all nationalities who strove so valiantly to make it happen; and

(3) recognizes the critical role of science and technology in keeping our Nation free and prosperous.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1218. Mr. REID (for Mr. BYRD (for himself, Mr. INOUYE, Mr. SARBANES, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, Mr. CORZINE, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, and Mr. ROCKEFELLER)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes.

SA 1219. Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to amendment SA 1124 proposed by Mr. ENSIGN to the bill H.R. 2360, supra.

SA 1220. Mr. GREGG proposed an amendment to amendment SA 1205 proposed by Mr. SHELBY (for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY) to the bill H.R. 2360, supra.

SA 1221. Mr. GREGG (for Mr. HATCH) proposed an amendment to amendment SA 1171 proposed by Mr. MCCAIN TO THE BILL H.R. 2360, SUPRA.

TEXT OF AMENDMENTS

SA 1218. Mr. REID (for Mr. BYRD, (for himself, Mr. INOUYE, Mr. SARBANES, Mr. REED, Mrs. CLINTON, Mr. SCHUMER, Mr. KENNEDY, Ms. MIKULSKI, Mr. LIEBERMAN, Mr. LAUTENBERG, Mr. DAYTON, Mr. CORZINE, Mrs. BOXER, Mr. KERRY, Mr. BIDEN, and Mr. ROCKEFELLER)) proposed an amendment to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending september 30, 2006, and for other purposes; as follows:

On page 77, line 18, strike "$2,694,300,000" and insert "$4,025,300,000".

On page 78, line 13, strike "$365,000,000" and insert "$1,696,000,000".

On page 79, strike lines 1 through 4 and insert the following:

(D) $265,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code) and freight rail and $1,166,000,000 for transit security grants; and

SA 1219. Mr. ENSIGN (for himself, Mr. MCCAIN, and Mr. GRAHAM) proposed an amendment to amendment SA 1124 proposed by Mr. ENSIGN to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following: page 77, line 20, insert "of which $367,551,000 may be transferred to Customs and Border Protection for hiring an additional 1,000 border agents and for other necessary support activities for such agency: and" after "local grants,".

SA 1220. Mr. GREGG proposed an amendment to amendment SA 1205 proposed by Mr. SHELBY (for himself, Mr. SARBANES, Mr. REED, Mrs. DOLE, Mr. DODD, Mr. SCHUMER, Ms. STABENOW, Mr. CORZINE, Mr. BYRD, Mrs. CLINTON, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. KENNEDY, and Mr. KERRY) to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

Strike all after the first word and insert the following:

grants, contracts, cooperative agreements, and other activities, including grants to State and local governments for terrorism prevention activities, notwithstanding any other provision of law, $2,694,299,000, which shall be allocated as follows:

(1) $1,417,999,000 for State and local grants, of which $425,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for formula-based grants: Provided, That the balance shall be allocated by the Secretary of Homeland Security to States, urban areas, or regions based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8).

(2) $400,000,000 for law enforcement terrorism prevention grants, of which $155,000,000 shall be allocated such that each State and territory shall receive the same dollar amount for the State minimum as was distributed in fiscal year 2005 for law enforcement terrorism prevention grants: Provided, That the balance shall be allocated by the Secretary to States based on risks; threats; vulnerabilities; and unmet essential capabilities pursuant to HSPD–8.

(3) $465,000,000 for discretionary transportation and infrastructure grants, as determined by the Secretary, which shall be based on risks, threats, and vulnerabilities, of which—

(A) $195,000,000 shall be for port security grants pursuant to the purposes of 46 United States Code 70107(a) through (h), which shall be awarded based on threat notwithstanding subsection (a), for eligible costs as defined in subsections (b)(2)–(4);

(B) $5,000,000 shall be for trucking industry security grants;

(C) $15,000,000 shall be for intercity bus security grants;

(D) $200,000,000 shall be for intercity passenger rail transportation (as defined in section 24102 of title 49, United States Code), freight rail, and transit security grants; and

(E) $50,000,000 shall be for buffer zone protection plan grants.".

SA 1221. Mr. GREGG (for Mr. HATCH) proposed an amendment SA 1171 proposed by Mr. MCCAIN to the bill H.R. 2360, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2006, and for other purposes; as follows:

(A) On line 3, page 2, strike "." and insert ";".

(B) Add at the end, "Provided that the balance shall be allocated from the funds available to the Secretary of Homeland Security for States, urban areas, or regions based on risks; threats; vulnerabilities pursuant to Homeland Security Presidential Directive 8 (HSPD–8)."

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled Climate Change Science and Economics, will be held on Thursday, July 21 at 10 a.m. in Room SH–216.

The purpose of the hearing is to receive testimony regarding the current state of climate change scientific research and the economics of strategies to manage climate change. Issues to be discussed include: the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact: Steve Waskiewicz at 202–224–7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 13, 2005, at 9:30 a.m., to receive testimony on the investigation into FBI allegations of detainee abuse at the Guantanamo Bay, Cuba Detention Facility.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 13, 2005, at 10 a.m., to conduct a hearing on "Money Laundering and Terror Financing issues in the Middle East."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, July 13, 2005, at 9:30 a.m. for a hearing titled, "Chemical Facility Security: What Is the Appropriate Federal Role?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Habeas Corpus Proceedings and Issues of Actual Innocence" on Wednesday, July 13, 2005, at 9:30 a.m. in Dirksen 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation be authorized to meet on Wednesday, July 13, 2005, at 10 a.m., on the Financial Stability of the Airlines.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet on July 13, 2005, at 9:30 a.m., to hold a hearing to discuss the Endangered Species Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARMY PFC MEGAN ADELMAN-TENNY

Mr. DEWINE. Mr. President, next week, on Saturday, July 23, people of all ages will gather for a special 5K race in Alliance, OH. This race will benefit the Megan Adelman-Tenny Foundation, which was set up in memory of Army PFC Megan Adelman-Tenny, who was killed in an airborne training accident on January 25, 2005, when her parachute failed to open. She was 19 years old.

This foundation will award an annual scholarship to a high school student who has participated in cross-country, has lettered in the sport, and who possesses the same attributes that made Megan such a special person. I rise today to pay tribute to Megan and to celebrate those attributes—her zest for life, her zeal for organization, and her unmatched competitiveness.

According to her mother Melissa, Megan grew up as a "tomboyish" girl. She was always outside, riding her bike or rollerblading. She never backed down from her older siblings and twin-brother, Matt. She was always speaking her mind and asserting her will. Her sister, Tina, describes her as "energetic and full of life. She was a kick-butt girl. She took no prisoners. She didn't let anything hold her back."

Indeed, Megan was someone who lived her life to the fullest. At Alliance High School, Megan played the violin, sang in the choir, and ran on the cross-country team. Starting her sophomore year, Megan also worked part-time at McDonald's. Her involvement in all these activities left her just enough time to spend with her junior high and high school sweetheart—the love of her life—Joshua Tenny.

As a testament to Megan's penchant for living in the moment, she and Joshua eloped on December 22, 2004. Her older brother, Marcus, remembers the surprising elopement:

> I picked Megan and Joshua up, and we were driving to the Best Buy store in Canton, and Megan told me they needed to make a stop first because they wanted to get married. So, we went to the municipal building in Canton. They filled out all the paperwork for their marriage license and were getting excited. . . . It was spur-of-the-moment, but they wanted to get married and be together.

While Megan lived her life as it came to her, she was also the type of person who made plans, set goals, and did her best to fulfill them.

As a member of the cross-country team, Megan took responsibility for packing the medical bag, organizing meets, and taking care of her twin-brother. According to their mom, Megan acted as another mother to Matt. She cooked for him, cleaned his room, and packed his cross-country bag before meets.

In addition to being exceptionally organized, Megan was also a fierce competitor. In junior high school, she faced the choice between two sports: basketball and cross-country. Megan decided to join the cross-country team, an individual sport in which the athletes must compete with other runners, as well as their own bodies.

Megan excelled. She was a fantastic runner, qualifying for the State meet three times. She was a leader on her team and inspired others to do their best. Her track coach, Al Eibel, remembers Megan as a hard worker who never complained. During the 2002 season, Megan was clipped by a car mirror while on a practice road-run. Though she didn't break it, her arm was badly bruised and swollen. Even though she could barely move her arm, Megan competed a few days later. Coach Eibel recalls Megan's perseverance:

> I know she was in pain, but she didn't say a word. She ran, and by districts, she was fine. Everyone knew we'd always be able to count on Megan.

Upon graduating from high school, Megan knew that it wasn't the right time for her to go to college. She didn't feel particularly drawn to it and, with two siblings already attending Ohio University, Megan knew it would be a financial hardship for her family. Instead of college, Megan made a plan to serve 4 years in the Army, with her husband Joshua, and then start a family. She reserved a place for college at a later time, if she felt inclined to go.

Her mother remembers Megan's decision to join the Army:

> She thought about it and came to the conclusion she was going to do it. And, she went in and did it with gusto.

Megan completed advanced individual specialty training in human resources and was part of the 82nd Airborne at Fort Bragg, NC. Megan's organizational skills and attention to detail allowed her to breeze through basic training. At one point, she even mentioned to her mother that she might want to become a drill sergeant. Her mother said:

> Well, you're bossy and you're organized—I don't see what would keep you from doing it.

It didn't surprise anyone when Megan was the strongest woman and fastest person in her basic training unit. She earned the nickname "Speedy Gonzales" from others in her unit because of her running ability. Megan was not someone who held back when it came to competition and she never backed down from anyone or anything.

Her brother, Marcus remembers Megan crying during boot-camp, not because it was difficult, but because she felt others were not taking it as seriously as she was. That's just the type of person Megan was. She was passionate about the things and the people she cared about.

Marcus talked to his sister after she had completed her first training jump with the 82nd Airborne. Megan, who was always something of a daredevil, had "loved the jump." She told her brothers and sister that they would have to try sky diving with her. Megan was also extremely excited about her next jump and her career in the Army. Frankly, Megan was just excited about life.

Any person who devotes a large part of their time and effort to competitive running has probably seen the movie "Chariots of Fire." In the film, one of the characters asks the question: "[W]here does the power come from to see the race to its end?" The answer to this question is, "From within."

Megan Adelman-Tenny had that power, that passion, that drive from within, which allowed her to accomplish anything she set her mind to. She was someone who, like any good runner, took things step by step, while also keeping the finish line in sight.

On July 23, many people will run and walk 5 kilometers in memory of

Megan. And, with each step taken, they honor her life.

As I think about Megan's short, but full life, I am reminded of a very familiar passage from the Bible, a passage from St. Paul's second letter to Timothy, in which St. Paul said:

> [T]he time of my departure has come. I have fought the good fight. I have finished the course. I have kept the faith.

There is no question. Megan Adelman-Tenny fought the good fight. She finished the course. She kept the faith. Megan was truly a wonderful young woman, whom we will never forget.

My wife, Fran, and I continue to keep Megan's husband, Joshua, her parents, Mark and Melissa, her sister Tina, and brothers Marcus and Matt in our thoughts and in our prayers.

MARINE CORPORAL RICHARD GILBERT, JR.

Mr. DEWINE. Mr. President, I rise today to pay tribute to Marine Cpl Richard Gilbert, Jr., from Dayton, OH, who gave his life in the defense of freedom on January 26, 2005. Richard lost his life in a helicopter accident near the town of Rutba, Iraq. Thirty-one service members lost their lives in this tragic accident.

Having just completed major operations in Fallujah, Richard and his unit were on their way to help secure Iraq for the upcoming elections. They sacrificed their lives standing up for freedom and standing against terror and tyranny. Like his comrades who perished with him, Richard Gilbert gave his body, will, and soul to his country and for his country. For that I wish to honor him this evening.

Richard Gilbert was born on May 12, 1978. He was a caring boy, who loved animals and being outdoors. He hated when people cried. His mother, Helen, recalls that if Richard saw anyone around him crying, he would go over to them, throw one of his small arms around their shoulders, and tell them it was "ok."

As Richard grew up, he made friends, played Little League, and followed his favorite sports teams. He was an avid fan of the University of Dayton Flyers basketball team and The Ohio State University football team. His support of the Buckeye's football team, however, caused a bit of tension in the Gilbert home every year in the late fall. It seems Richard's brother was a Michigan Wolverines fan and according to their mother, when the Wolverines and the Buckeye's squared off, "You didn't even want to be near the house when those boys watched the game!"

When Richard wasn't discussing football with his brother, he was often found discussing something with somebody. He was an incredibly articulate and intelligent young man, able to spout facts about anything from sports to religion to politics. His friends would often call Richard over if they were having a dispute and needed someone with the knowledge to settle it.

Richard also loved music. He was a self-taught guitarist, who composed his own music. According to friends, he loved heavy metal and he was always at peace when composing or playing his guitar.

Of all his interests, however, Richard's greatest love was of politics. After discovering that President Harry Truman was one of his distant cousins, Richard made it his goal to ascend one day to that same office. His passion for politics earned him the nickname "The Governor" from his friends, and his mother jokingly recalls that, "[h]e was a natural-born politician. When you asked him a question, he'd talk for a half-hour and never give you an answer!"

Richard had hopes of running either for Mayor of Dayton or the Dayton City Commission after he returned from Iraq. I remember being at calling hours and talking with people who told me about his aspirations, and how they thought he would be a great politician, a great public servant. He would have been great in either position.

Richard was, like many of our service men and women, deeply affected by the terrorist attacks of September 11, 2001. Prior to the attacks, he was working on the assembly line at Behr Dayton Thermal Products. He had just purchased a house, not far from his mother. Richard was also studying political science at Sinclair Community College. He had thought about joining the military, but had held back because he didn't want to cut his long hair.

After September 11, however, Richard saw a clear duty to his country and to protecting all of us from future threats. In December 2001, he joined the Marines, where he was assigned to the 1st Battalion, 3rd Marine Regiment, of the 31st Marine Expeditionary Unit based in Hawaii. His lifelong friend, Marine SSgt Lonnie McMurchy, remembers the phone call he got from Richard. Lonnie tried to talk him out of the Marine infantry, telling Richard that his intelligence would be more valuable in another area that might also be less dangerous, but, according to Lonnie, "He wanted it. He wanted the infantry. He wanted to go fight [and] defend our country."

In joining the Marines, Richard stood up for freedom, leaving behind a good paying job, a new house, and his beloved friends and family. He put his life on hold so that we could safely go on with our own.

Richard served our Nation with a dedication and fervor, that was noteworthy even to one of his fellow Marines. According to JJ Holmes, who wrote in an email message on an Internet tribute to Richard:

> I served with Gilbert, and we became very good friends, which is saying a lot, because I didn't make many good friends while I was in the Marines. I guess it's because I'm picky about the company I keep. And it doesn't get much better than Gilbert to have as a friend. We had very different religious and political views, yet it never hindered our relationship, because we had a mutual respect for each other.
>
> I know this though, out of all the Marines in our Company, Gilbert never complained once about his duty to his country. I could see every day I spent with him how proud he was to serve. Not to diminish the belief of all the other Marines in their duty, Gilbert shined a little more. His dedication was unwavering. [He was] an example to all Marines. I know without a doubt through our conversations we had sitting on the backs of our packs waiting to move out, that if Gilbert had to go, he wanted to leave us the way he did—fighting for the country he believed in more than anything.

As a child, Richard wrote an essay about his father, Richard Gilbert, Sr., who was a Vietnam veteran. In the essay, Richard described his dad as a hero. Today, Mr. Gilbert says this of his son: "[H]e was my hero, and he was the bravest person I ever met."

This sentiment was echoed by his friend, Lonnie McMurchy: "He was a warrior. He was a son, a brother, an uncle, a friend, and a U.S. Marine. He wanted nothing more and nothing less."

Richard Gilbert wanted our country to be safe from the dangers of terrorism, and he wanted the Iraqi people to be safe and free. He gave everything he had for those things, as they were the things in which he so firmly believed. Richard stood so that freedom could flourish. We will never forget his service and his sacrifice.

My wife, Fran, and I continue to keep his family and friends in our thoughts and in our prayers.

ARMY SERGEANT CHARLES "CHUCK" WEBB

Mr. DEWINE. Mr. President, this evening I honor the life of Army SGT Charles "Chuck" Webb, from Hamilton, OH. Chuck was a member of Company A, 82nd Engineering Battalion, 1st Infantry, Division, based out of Bamberg, Germany. On November 3, 2004, Sergeant Webb was killed near Salman Pak, Iraq, when a roadside bomb detonated. He was 9 days shy of his 23rd birthday.

Days before his death, Chuck had told his squad that he didn't want them in harm's way if he could help it and that he would be taking the lead whenever possible. That was the kind of person Chuck was—always looking out for others, always giving them strength, always keeping them safe.

Chuck was born in San Antonio, TX, on November 12, 1981. He moved with his family to Hamilton when he was in sixth grade. Chuck was an easy going, likable kid. He had a passion for history, especially World War II history.

He and his father, Conley, could talk at length on the subject, and Chuck was known for his ability to recall facts and figures from specific battles.

Conley, a veteran of Vietnam and Desert Storm, was also the source of Chuck's interest in the military. Chuck's sister, Teresa, remembers when Chuck was 5 years old, and the family dressed him up in his father's BDU's and gave him a plastic machine gun. They took pictures of Chuck dressed up in his father's uniform in front of a large American flag. Teresa says he looked like a "miniature G.I. Joe."

Chuck was proud of his military heritage, and his family and friends were proud of the person Chuck became. His junior high school principal, Tom Alf, remembers Chuck as "a fine young man—quiet and polite. I remember his smile . . . he always had a smile."

Chuck also always had an eye out for others. His sister, Teresa, remembers a phone call she got from her brother in the dead of winter a few years ago. "Teresa," Chuck said, "I need a huge favor." Apparently, Chuck had been approached by a homeless man asking for money. The man had no coat and instead of money, Chuck gave him the coat off his back. He then struck up a conversation with the man and found out that he was trying to get to the other side of the city to meet his wife and kids. That's when Chuck called his sister to come and pick up his new friend and give him a ride.

"That's just the kind of guy Chucky was," Teresa recalled, "He'd give you the coat off his back if you needed it."

In 2000, Chuck graduated from Hamilton High School. He still had a passion for history and had determined he wanted to become a teacher. Chuck decided to take advantage of the G.I. Bill, while also following in his father's footsteps. Just weeks after graduation, the boy who had once posed as a "miniature G.I. Joe," became the real thing when he enlisted in the Army.

During basic training, Chuck broke his foot. He was also, at this time, set to marry his high school sweetheart, Stephanie. Chuck wanted everything to be perfect on that day and had his tuxedo specially altered so that the cast on his foot would be unobtrusive. Friends remember Chuck being incredibly happy on his wedding day, shedding tears as he said his vows. Chuck was a very sensitive person, who wore his emotions on his sleeve.

The same qualities that made Chuck an exceptional human being made him an exceptional soldier. He was beloved by his fellow service men and women. In a deployment to Kosovo, Chuck earned the nickname "Cabbage Patch," because of, what his sister Teresa describes as, "his chunky face, deep blue eyes, and blonde hair." His buddies made a gift of a modified cabbage patch kid to Chucky by giving the doll a "high and tight" hair cut, adding some tattoos, and dressing it in tiny BDU's. Chuck's mother still has that doll. It sits in a room dedicated to her son in Alexandria, AL.

In Iraq, Chuck led a squad of 10 men. They specialized in mine clearing, bridge building, and in assisting the Iraqi patrols. Their mission was one of rebuilding and security. In carrying out this mission, Chuck was known for protecting his men, putting their safety before his own. He often led patrols, "on point," meaning he was out front in combat formations, leaving himself the most exposed to danger. This leadership style led to a Purple Heart, when Chuck was wounded by shrapnel from a previous roadside explosive, and earned him the admiration of his fellow soldiers.

SSG Scott Swanson speaks for many of those who knew Chuck when he said this:

> [He] was a great NCO—one who soldiers looked up to for knowledge, strength, and most of all, courage. I'm honored to be able to call [Chuck] my brother in arms.

In an email posted on an Internet tribute to Chuck, fellow serviceman Sergeant Shane Uras, wrote the following:

> Chuck—it's been two months now, and I'm still having trouble getting it through my head that you're gone. I love you bro, and there's not a day that goes by that your memory doesn't make me a stronger person. You were my best friend and godfather to my son Luca. . . . We are having a huge party when we get back in your memory and were going to send the video of it and other videos to your parents so they understand how big a part you played in our lives while you were away from them. I love you man, and I'm proud to have known you. Your country is grateful for your sacrifice—I know my family and I are. God bless you Chuck!

It is hard to lose someone like Chuck Webb. He was the anchor of his unit. His comrades looked to him for strength and depended on him to keep them safe. Such a role was not new for Chuck. His life was one of service to others. He was a caring, sensitive, devoted person who, quite literally, would—and did—give the "coat off his back."

The following lines, from Emily Dickinson, seem, in a way, to have guided Chuck's life. She wrote:

"If I can stop one heart from breaking,
I shall not live in vain.
If I can ease one life the aching,
Or cool one pain,
Or help one fainting robin unto his nest again,
I shall not live in vain."

Chuck Webb was a good person, who cared so much—so deeply—about others. We owe it to him to celebrate his life—a life devoted to easing the aches and cooling the pains of so many others. It is in these good deeds that his memory lives on.

My wife, Fran, and I continue to keep Chuck's family and in our thoughts and in our prayers.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION

Mr. SESSIONS. Mr. President, I will make some remarks on an amendment I have offered—S.A. 1140—along with Senators HATCH and GRASSLEY that is dealing with the appropriation of $5 million, with that amount equally divided between two purposes. One, facilitating the Department of Homeland Security entering into memorandums of understanding with States and localities under section 287(G) of the Immigration and Naturalization Act. That is, the ability to enter into memorandums or agreements with States and localities in order that they may participate in a positive way in helping enforce the immigration laws of the United States. And, two, reimbursing States and localities for the costs they incur in training their law enforcement officers under these memorandums of understanding. Reimbursement would be permitted for expenses such as those related to travel and transportation to the training location, subsistence payments or per diem allowance and costs for securing temporary replacements for law enforcement personnel who are participating in the Federal training.

I am pleased Senators HATCH and GRASSLEY have cosponsored the amendment. I hope each of my colleagues will carefully consider it and vote for its passage.

The amendment is needed to confront two issues currently prohibiting the nationwide advancement of agreements under INA section 287(G). This is a provision in the Immigration Code that provides for cooperative agreements to be entered into—it is a section that is not being adequately utilized.

First, there is a lack of Department of Homeland Security personnel tasked with negotiating and overseeing the entry into 287(G) training agreements with the States. There is also a shortage of DHS resources and trainers to conduct State and local training courses in a timely manner, including annual refresher courses for States such as Alabama that have already entered into 287(G) MOU.

Second, States that enter into MOUs must currently absorb the cost related to pulling their law enforcement officers off duty and sending them to an intensive 5- to 6-week training course. They are extensively trained under these agreements. If a State does not have the money to pay for these extended leaves of absence or to hire replacements for the law enforcement officers wanting to receive immigration enforcement training, then costs related to the training under the MOU can prohibit States from being able to participate.

If costs are prohibitive, many States will simply choose to go forward in the realm of immigration law enforcement either without training, or generally not participate in any meaningful way.

Immigration training for State and local officers is important to many of my colleagues. I hope they will recognize that this amendment is the way to show their support for such training.

In the realm of immigration law enforcement, the State of Alabama struggled for years to achieve effective cooperation between Federal enforcement entities and our State and local law enforcement officers. All too often I heard the same story from our Alabama sheriffs and police chiefs: We call Immigration and Naturalization Service when we arrest an illegal alien, and they say they do not have the time to pick them up. They tell us to let them go. They have told me, on occasion, that INS told local officers unless they had 15 or 18 individuals at one time, don't bother to call them.

As a result, Alabama requested that additional Federal immigration agents be assigned to the State, Alabama advocated that extra immigration detention bedspace be established in the state, and Alabama requested the Immigration and Naturalization Service be responsive to requests that illegal aliens be taken into Federal custody. Though some progress was made, most of the requests were only partially met, at best.

To address the problems, I arranged for an Immigration and Customs enforcement officer to travel to the State of Alabama for 2 weeks to train all of our State troopers on cooperation with the Federal Government in the enforcement of Federal immigration laws. State troopers reviewed fake documents, were taught about different categories of aliens, legal and illegal, and were shown how to use a computer database at the Law Enforcement Support Center (LESC), a database that had been used only three times in the State of Alabama the year before the training because the officers simply did not know how to use it.

In September of 2003, Alabama followed in the footsteps of the State of Florida and became the second State in the Nation to enter into an INA 287(G) agreement with the Federal Government. This law has been on the books for over a decade, but was not used until after 9-11. It is a tragedy we fail to take now advantage of the opportunity this law provides. That agreement allowed for a select group of 21 Alabama State troopers to receive extensive immigration enforcement training and gave them the authority to perform immigration and enforcement functions which resulted in their active communication with the Federal immigration agents stationed in the State—these agreements ought to be done routinely in every State in America.

After the MOU was negotiated and signed, the Department of Homeland Security sent personnel to Alabama to train the first class for a 5-week period. I thought 2 weeks was more than sufficient to my way of thinking. A deputy sheriff or city police officer can arrest a Senator for committing crimes in his community, but I suppose we have to have a 5-week training before they can arrest somebody who is not a citizen for violation of our immigration laws.

They were trained in how to identify fraudulent immigration documents, and in how to work together with federal agents to enforce immigration laws. I strongly believe that the MOU has been the most important step in Alabama in the realm of immigration enforcement. As a result of the MOU, Alabama State troopers have performed close to 200 criminal and illegal alien apprehensions, largely of aliens involved with document fraud, drug trafficking, and human smuggling, and have seized close to $750,000 in drug, document and human trafficking related cash.

Because of the MOU, new Federal immigration agents have been assigned to the State of Alabama, dramatically increasing the Federal immigration enforcement presence in the State. This February, DHS announced the Alabama MOU would not only be continued but would be expanded, a second class of 25 State troopers is scheduled to be trained by DHS this October. The MOU Alabama entered into has added to the knowledge and resources available to Alabama's Department of Public Safety and has changed the level of cooperation we receive from the Federal immigration enforcement entities on a daily basis.

I am certain the State of Alabama will seek to continue the agreement for many years to come. I am hopeful other States will follow the lead of Alabama so that they, too, can benefit from the cooperative partnerships fostered by 287(G) MOUs.

Why is this important? It is important for one reason. We have just over 2,000 federal agents nationwide who are not on the borders of our country and charged with the responsibility of apprehending and enforcing immigration laws throughout the heartland of America.

There is no way those 2,000 officers can ever adequately patrol our streets for immigration violators and do a good job of handling these problems. But we have 750,000 State and local law enforcement officers who are on our streets and in our communities every single day, apprehending people for DUIs, apprehending people during fights, apprehending people for other activities that bring them to the notice of law enforcement. In the course of that, they often discover these people are here illegally. They, as a result, should be subject to the enforcement of immigration laws by the State and local officers that discover them. If we have any respect for law in this country at all that is what should happen, but that is not occurring.

So how do we get to that point? They tell us they have to have all this training to be qualified. OK, let's give them training. I do not know that we need a full 5 weeks for every officer out there, but I think it is quite helpful that some of these officers have a good and sincere training to be more effective. If we train them and clarify their authority, we will have thousands of new officers patrolling our streets all over America at no cost to the Federal Government, watching out on our streets and in our communities for those who violate our laws. That is what we ought to be doing if we are serious at all about enforcing the laws of this country. I think the American people are. I think those of us in Congress need to get serious about it.

I think MOUs under 287(G) of the INA are a good place to start and need to be expanded. Under these MOUs, officers receive good training. The program creates good cooperation between local law enforcement and Federal agents. They learn how each others' systems work, and they develop memoranda as to what will happen if somebody is apprehended, whom they should call, how they should be detained, how long they should be detained, where they should be taken, and who is going to be compensated for that effort.

In conclusion, I think this amendment will make it financially attractive for more States to participate in these agreements. After all, they are helping enforce Federal immigration law. Why shouldn't we assist them in paying for the training we want them to receive? State and local police forces can make a difference in these efforts. I am excited we will perhaps be moving forward with this amendment. It will make a big difference.

I understand the managers are not here tonight and will not call up the amendment or attempt to do so, but I have talked with the manager and, hopefully, we can make some progress on that.

Mr. President, I will share briefly that also tomorrow I expect to call up the S. 629, the mass transportation bill I have offered and believe strongly in. We had a hearing on it in the Judiciary Committee. I will seek unanimous consent to call up and to adopt S. 629. I understand there may be an objection. There is not an objection on the Republican side. There may be an objection on the Democratic side, although it did come out of our Judiciary Committee with bipartisan support. I am hopeful we can move this important bill forward.

We have seen now in Spain and in London that there are people who desire to attack our mass transit transportation systems. What the Department of Justice tells us is that we have gaps and loopholes in our current laws that deal with those that would attack our mass transit systems, and that those laws need to be tightened up. If we do so, it will help the investigators and prosecutors be more effective in prosecuting those who may seek to do us harm.

I think it is time to move on that legislation. After all, we have been working on it for over a year. I think everybody has had good opportunity to review it. I think it is in every way professional and fair and ought to be passed. I look forward to moving it. If there is some objection from Members, and they would like to share that with me, perhaps we can solve those difficulties and reach an accord and move this important piece of legislation forward. We absolutely do not need to have an attack on our mass transportation system in America and not have the tools for our prosecutors and investigators to prosecute it adequately. That bill, as I noted, the mass transportation bill, is S. 629. It is not an amendment to the appropriations bill on the floor tomorrow, but a piece of legislation that I expect to be offering.

Finally, Mr. President, I will also be offering tomorrow and would be calling up an amendment to this appropriations bill that deals with making sure our Federal officials enter into the National Crime Information Center the names and identifying factors of people who have absconded after having been arrested for illegal immigration. That amendment is S.A. 1139.

We have hundreds of thousands of absconders, people who have been apprehended in our country for being here illegally. Amazingly, this is what happens: They are apprehended, they are given a date for a deportation hearing, and they are released on bail prior to that hearing. Or sometimes they have the hearing and are to be deported on a given date, and they are released on bail at that time, with the order to show up for deportation.

For those who have been ordered deported and released on bail, to show up for deportation, we now have learned that over 87 percent of them do not show up to be deported and in some counties over 90 percent never show up for their initial hearings, these percentages really make a mockery of the law. It has to be discouraging to the agents who have gone out and worked these cases, just to see them released on bail, and nobody even enters their names in the National Crime Information Center database.

What is the National Crime Information Center database? This is the database that every police officer in America accesses when they apprehend someone to see if the person is wanted anywhere in the country. If you had a DUI in Washington State, and you did not show up for your trial, and they catch you in Mobile, AL, and you are entered in the NCIC because of your DUI in Washington State, the officers in Mobile will hold you, and send you back to Washington State for your trial. But if you jump bail and do not show up for your immigration hearing or for your deportation proceeding, you are not treated the same way, your information is not currently being entered into the NCIC.

So I have been raising this and talking about it for quite some time now, and I have raised it with top officials in the Department of Homeland Security, and they say they are working on it and trying to enter the names faster. I know they as of December of last year they only had about 15,000 names entered into the Immigration Violators File of the NCIC which is really pathetically small. We ought to have them all of the absconder immigration violator files entered in there. This amendment would provide $1 million to make sure those names are entered into the system.

Tomorrow we will proceed, hopefully, to call that amendment up and I will seek to have it made a part of the appropriations bill that is moving forward.

Mr. President, I thank the Chair for your time tonight.

ORDER OF BUSINESS

Mr. SESSIONS. Mr. President, I believe we have, on behalf of the majority leader, Senator FRIST, some closing remarks and matters.

MEASURE PLACED ON THE CALENDAR—S. 1382

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk that is due for a second reading.

The PRESIDING OFFICER. The Senator is correct.

The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1382) to require the Secretary of the Interior to accept the conveyance of certain land, to be held in trust for the benefit of the Puyallup Indian tribe.

Mr. SESSIONS. Mr. President, in order to place the bill on the calendar under the provisions of rule XIV, I object to further proceeding.

The PRESIDING OFFICER. Objection having been heard, the bill will be placed on the calendar.

MEASURE READ THE FIRST TIME—S. 1394

Mr. SESSIONS. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1394) to reform the United Nations, and for other purposes.

Mr. SESSIONS. Mr. President, I ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

Mr. SMITH. Mr. President, I rise today to discuss the issue of United Nations reform. This year marks the 60th anniversary of the founding of the United Nations. As you know, the U.N. emerged from the ashes of the Second World War with a mandate to save succeeding generations from the scourge of war and to reaffirm faith in fundamental human rights and in the dignity and worth of human beings.

These basic principles embodied in the U.N. charter are still significant in today's changed strategic environment. Yet, the scandals and mismanagement that has engulfed the organization threaten both its reputation and its relevance.

These scandals have resulted in a consensus that the U.N. must be reformed. Three major reports have been released in the past 7 months, including one by Secretary-General Kofi Annan, that outline the need for specific reforms to make the U.N. more efficient, more accountable, more transparent, and more effective in responding to the challenges we face today. I am pleased to see that there is agreement on this need. Yet, I remind my colleagues that when the current Secretary-General took office in January 1997, he vowed to make the hard decisions necessary to reform the institution.

But 8½ years have gone by, and he has been unwilling or unable to do so. In fact, reprehensible dealings and scandalous behavior at the U.N. has continued unabated.

Furthermore, the U.N. budget has grown by leaps and bounds. Over the past 4 years, the U.N. regular budget has increased by more than $1.1 billion over a 2-year period—from $2.5 billion to $3.6 billion.

The U.S. is handed a bill from the U.N. for 22 percent of the cost, and whether or not we agree with the way the U.N. spends its money, we are expected to pay. And this does not take into account the costs of peacekeeping operations, which are expected to be over $5 billion this year alone.

The Constitution gives to Congress the power of the purse and as such, it is our duty to monitor how the American taxpayers' money is spent. In the case of the massive waste, fraud, and abuse at the U.N., we must take action to rectify an untenable situation.

As the recent report issued by the USIP Task Force on the United Nations said, "Americans are vested in a United Nations that embodies values of honesty, decency, and fair play."

Yet, the U.N. is hardly a model for these basic values.

The appalling kickbacks, bribes, and financial mismanagement of the Oil-for-Food program are the most obvious illustration of an insufficient oversight system within the U.N. The design of the program and the failure of the U.N. to properly monitor it allowed Saddam Hussein to pocket billions of dollars in money that was meant for the Iraqi people suffering under his brutal regime.

Sexual exploitation and abuse by U.N. peacekeepers serving in missions around the world is an intolerable abuse of trust by those who are supposed to be contributing to a peaceful resolution to conflict situations.

Embezzlement and extravagant personal spending have been documented at U.N. programs such as UNICEF, the United Nations Development Programme, and the United Nations Conference on Trade and Development.

Countries such as Zimbabwe, Cuba, and Sudan—known violators of the basic human rights of their citizens—have been included as members of the U.N. Commission on Human Rights and have used their position to manipulate its agenda to prevent resolutions that condemn their human rights records.

If the U.N. does not act boldly, and act now, it will have little credibility to serve as an organization that promotes the values in its Charter. As a European diplomat told me recently, however, the U.N. is incapable of reforming itself. It is quite good at issuing reports, having meetings, appearing contrite, and then resolutely promising to change when news reports publicize the details of the problems within the organization. But history has shown that U.S. leadership is critical to ensuring that meaningful reform is implemented at the U.N.

Last month, the House of Representatives passed comprehensive legislation that provides a framework for implementing U.N. reform. This effort was led by the Chairman of the House International Relations Committee, Mr. HYDE, who worked diligently to produce a responsible bill that addresses the need for serious, meaningful, and practical reform.

Today I am introducing this legislation in the Senate. I recognize that the method used in this bill to compel the U.N. to make these reforms may not be popular with some of my colleagues. But I feel that there is no other way to proceed.

This legislation requires that 50 percent of the U.S. contribution to the United Nations regular budget be withheld if specific reforms are not implemented. Before dismissing this approach, I urge my colleagues to examine the reforms mandated and the flexibility inherent in the legislation.

First, the reforms. Title I requires management and budgetary reforms to create a more streamlined, efficient, and effective organization. It shifts funding mechanisms for 18 programs of the U.N. from the regular assessed budget to voluntarily funded programs in an effort to make these programs more accountable to those who fund them. It calls for budgetary practices that would allow us to measure the effectiveness and relevance of programs. And it creates an Independent Oversight Board, an Office of Ethics, and a Chief Operating Officer to increase the accountability of the U.N.

This Title also addresses the shameful anti-Semitism inherent in U.N. structures by calling for Israel to have a permanent seat in one of the regional groups, with all the accompanying rights and privileges. And it requires the State Department to review U.N. agencies that focus exclusively on the Palestinian agenda.

Title II deals with the human rights mandate of the U.N. It establishes basic criteria that member states must meet to be eligible to serve on U.N. human rights bodies and requires the U.N. entity that selects members on these bodies to abide by these criteria.

Title III mandates reforms of the International Atomic Energy Agency so that it can better focus on the key issues of nuclear safety and security, and nuclear verification activities.

Title IV calls for a review of U.N. peacekeeping operations and requires that the U.S. deny support for new or expanded missions until procedures are in place to prevent further sexual exploitation by U.N. peacekeepers.

These measures, including adopting a Code of Conduct for all personnel participating in these operations, and establishing a data base so that past abusers are not able to participate in future operations, have been specifically endorsed by the Secretary General's special advisor on sexual exploitation and abuse and should be in place by this summer. Yet it is incumbent upon us to ensure that they are not stalled by member states that don't see this tragic situation as a serious problem.

Title V puts forward ways to improve budget practices by requiring more details about the U.N. budget, including proposed increases, to be presented to Congress.

And finally Title VI provides the leverage.

If I could come up with a better way, I would pursue it wholeheartedly. But even the strongest supporters of the U.S.-U.N. relationship acknowledge that the only way the U.N. pays attention to calls for reform is when its budget is threatened. Experience has shown that the U.N. will institute needed improvements only when Congress threatens to withhold U.S. funding.

This is not meant to be draconian. These reforms, if implemented, will increase the credibility, the legitimacy, and the effectiveness of the U.N.

In fact, I want to underscore the importance I place on a United Nations that can fulfill its core objective—to serve as an institution that supports the preservation of international peace and security. I feel this objective is at risk.

Finally, it is important to highlight the flexibility that is built into this legislation. It allows the administration 2 years to work with the U.N. to make these necessary reforms before the withholding provision is triggered. Even after 2 years, it does not insist that every one of the reforms be implemented, but allows an additional year for the U.N. to complete the job. If the U.N. adopts measures that achieve the same purpose as those outlined in this bill, it allows the full U.S. contribution to be expended. And if the U.N. chooses not to implement these needed reforms, the legislation authorizes the contributions that are withheld from expenditure to remain available until the U.N. acts.

In 1949, Dean Acheson said that the United States must work actively to make the United Nations an effective instrument of international cooperation. There is, and always will be, a role for America in ensuring that the U.N. lives up to the ideals of its charter. By pushing for these critical reforms, I believe that we can forge the U.N. into the effective instrument of international cooperation that we all hope it can be.

It is my belief that this legislation is the instrument to get the job done—to make the U.N. the organization that its founders envisioned 60 years ago.

I yield the floor.

CONTROLLED SUBSTANCES EXPORT REFORM ACT of 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1395 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1395) to amend the Controlled Substances Import and Export Act to provide authority for the Attorney General to authorize the export of controlled substances from the United States to another country for subsequent export from that country to a second country, if certain conditions and safeguards are satisfied.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1395) was read the third time and passed, as follows:

S. 1395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REEXPORTATION OF CONTROLLED SUBSTANCES.

(a) SHORT TITLE.—This Act may be cited as the "Controlled Substances Export Reform Act of 2005".

(b) IN GENERAL.—Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953) is amended by adding at the end the following:

"(f) Notwithstanding subsections (a)(4) and (c)(3), the Attorney General may authorize any controlled substance that is in schedule I or II, or is a narcotic drug in schedule III or IV, to be exported from the United States to a country for subsequent export from that country to another country, if each of the following conditions is met:

"(1) Both the country to which the controlled substance is exported from the United States (referred to in this subsection as the 'first country') and the country to which the controlled substance is exported from the first country (referred to in this subsection as the 'second country') are parties to the Single Convention on Narcotic Drugs, 1961, and the Convention on Psychotropic Substances, 1971.

"(2) The first country and the second country have each instituted and maintain, in conformity with such Conventions, a system of controls of imports of controlled substances which the Attorney General deems adequate.

"(3) With respect to the first country, the controlled substance is consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance has been issued by the country.

"(4) With respect to the second country, substantial evidence is furnished to the Attorney General by the person who will export the controlled substance from the United States that—

"(A) the controlled substance is to be consigned to a holder of such permits or licenses as may be required under the laws of such country, and a permit or license to import the controlled substance is to be issued by the country; and

"(B) the controlled substance is to be applied exclusively to medical, scientific, or other legitimate uses within the country.

"(5) The controlled substance will not be exported from the second country.

"(6) Within 30 days after the controlled substance is exported from the first country to the second country, the person who exported the controlled substance from the United States delivers to the Attorney General documentation certifying that such export from the first country has occurred.

"(7) A permit to export the controlled substance from the United States has been issued by the Attorney General.".

GOOD FRIDAY AGREEMENT OF 1998

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of S. Res. 173 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 173) expressing support for the Good Friday Agreement of 1998 as the blueprint for lasting peace in Northern Ireland.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, I urge my colleagues to support S. Res. 173, which Senators COLLINS, DODD, MCCAIN, BIDEN, LEAHY and I introduced to express support for the 1998 Good Friday Agreement as the blueprint for lasting peace in Northern Ireland. All of us are hopeful that a constructive way forward will be found, and the best way to do so is by continuing to implement the Good Friday Agreement.

The 1998 Agreement was endorsed in a referendum by the overwhelming majority of people in Northern Ireland and the Republic of Ireland. The parties to the Agreement made a clear commitment to "partnership, equality, and mutual respect" as the basis for moving forward to end the longstanding conflict and achieve lasting peace for all the people of Northern Ireland. The parties affirmed their "total and absolute commitment to exclusively democratic and peaceful means" to achieve the goal of peace.

Our resolution reiterates our support for the Good Friday Agreement as the way forward in Northern Ireland. It rejects the statement of Democratic Unionist leader Ian Paisley, who said in May that the Agreement "should be given a reasonable burial." Inclusive power sharing based on the defining qualities of the Agreement is essential to the viability and success of the peace process.

The resolution calls on the Irish Republican Army to immediately complete the process of decommissioning, cease to exist as a paramilitary organization, and end its involvement in any way in paramilitary and criminal activity. We know that discussion of the issue is underway within the IRA, and we all await a final, positive, and decisive action.

In addition, the resolution calls on the Democratic Unionist Party in Northern Ireland to share power with all the other parties, according to the democratic mandate of the Good Friday Agreement, and commit to work in good faith with all the institutions established under the Agreement, including the Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland.

It calls on Sinn Fein to work in good faith with the police service of Northern Ireland.

It also calls for justice in the case of Robert McCartney, the Belfast citizen who was brutally murdered there in January.

Finally, the resolution calls on the British Government to permanently restore the democratic institutions of Northern Ireland, complete the process of demilitarization in Northern Ireland, and advance equality and human rights in Northern Ireland.

The United States Government continues to strongly support the peace process in Northern Ireland. The Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward.

The Good Friday Agreement is the only way forward in Northern Ireland, and it deserves our strong support. I urge my colleagues to approve this resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 173) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 173

Whereas in 1998, the Good Friday Agreement, signed on April 10, 1998, in Belfast, was endorsed in a referendum by the overwhelming majority of people in Northern Ireland;

Whereas the parties to the Good Friday Agreement made a clear commitment to "partnership, equality, and mutual respect" as the basis for moving forward in pursuit of lasting peace in Northern Ireland;

Whereas the parties to the Good Friday Agreement also affirmed their "total and absolute commitment to exclusively democratic and peaceful means" in pursuit of lasting peace in Northern Ireland;

Whereas inclusive power-sharing based on these defining qualities is essential to the viability and advancement of the democratic process in Northern Ireland;

Whereas paramilitary and criminal activity in a democratic society undermines the trust and confidence that are essential in a political system based on inclusive power-sharing in Northern Ireland;

Whereas the United States Government continues to strongly support the peace process in Northern Ireland; and

Whereas the Government of the United Kingdom and the Government of Ireland continue to strongly support the Good Friday Agreement as the way forward in the peace process, and have committed themselves to its implementation: Now, therefore, be it

Resolved, That—

(1) the Senate reiterates its support for the Good Friday Agreement, signed on April 10, 1998, in Belfast, as the blueprint for a lasting peace in Northern Ireland; and

(2) it is the sense of the Senate that—

(A) the Irish Republican Army must immediately—

(i) complete the process of decommissioning;

(ii) cease to exist as a paramilitary organization; and

(iii) end its involvement in any way in paramilitary and criminal activity;

(B) the Democratic Unionist Party in Northern Ireland must—

(i) share power with all parties according to the democratic mandate of the Good Friday Agreement; and

(ii) commit to work in good faith with all the institutions of the Good Friday Agreement, which established an inclusive Executive and the North-South Ministerial Council, for the benefit of all the people of Northern Ireland;

(C) Sinn Fein must work in good faith with the Police Service of Northern Ireland;

(D) the leadership of Sinn Fein must insist that those responsible for the murder of Robert McCartney and those who were witnesses to the murder—

(i) cooperate directly with the Police Service of Northern Ireland; and

(ii) be protected fully from any retaliation by the Irish Republican Army; and

(E) the Government of the United Kingdom must—

(i) permanently restore the democratic institutions of Northern Ireland;

(ii) complete the process of demilitarization in Northern Ireland; and

(iii) advance equality and human rights agendas in Northern Ireland.

PERMITTING THE EXECUTIVE DIRECTORS, DEPUTY EXECUTIVE DIRECTORS, AND GENERAL COUNSEL OF THE OFFICE OF COMPLIANCE TO SERVE ONE ADDITIONAL TERM

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3071, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3071) to permit individuals currently serving as Executive Directors, Deputy Executive Director, and General Counsel of the Office of Compliance to serve one additional term.

There being no objection, the Senate proceeded to consider the bill.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3071) was read the third time and passed.

ADDITIONAL COSPONSOR—S. 629

Mr. SESSIONS. Mr. President, I ask unanimous consent that Senator BUNNING be added as a cosponsor to S. 629, the Railroad Carriers and Mass Transportation Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 14, 2005

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 a.m. on Thursday, July 14. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then resume consideration of the Homeland Security appropriations bill; provided that the time until 10 a.m. be equally divided between the two leaders or their designees, and that at 10 a.m., the Senate proceed to the series of stacked votes, as provided for under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. Mr. President, tomorrow, the Senate will resume consideration of the Homeland Security bill. Under a previous order, at 10 a.m., the Senate will proceed to a series of votes on five pending amendments to the bill.

Following those votes, we will continue working through the remaining amendments. There are currently a dozen pending amendments, and more are expected to be offered tomorrow.

We will complete action on the bill this week. Therefore, Senators should expect a very busy day with votes throughout.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:44 p.m., adjourned until Thursday, July 14, 2005, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING THE LIFE OF TESS MANALO-VENTRESCA

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. LANTOS. Mr. Speaker, I rise today in sadness to honor the extraordinary life and service of Tess Manalo-Ventresca. Ms. Manalo-Ventresca died on Tuesday, July 12th, 2005 of complications from heart surgery. I wish to offer my sincere condolences to her husband Joel Ventresca, her family and friends.

Tess Manalo-Ventresca's passing is a loss for the people of the 12th Congressional district. Tess was an extraordinary human being, one we all can look up to in hopes of serving our community as selflessly as she did. For the past 30 years Tess played a vital role in the Bay Area community, volunteering in the Haight Ashbury, the Tenderloin and the Sunset districts of San Francisco. She donated her time to numerous causes, from helping local youths to assisting underserved communities, to promoting small, local businesses and neighborhood safety. Most recently she was a volunteer with Experience Corps at the Sunset Beacon Center. For the past five years she participated in this program, which places older adult volunteers in public schools to provide tutoring for children in need.

Ms. Manalo-Ventresca never looked for accolades, no matter how richly deserved; nevertheless they were showered upon her. Earlier this year, she was named California Woman of the Year by the California State Assembly and was chosen to be an Asian Pacific American 2005 Local Hero by KQED. In April she was selected for a MetLife Foundation Older Volunteers Enrich America Award.

Just last April my wife Annette and I met with Tess. I could not then, and can not now, express adequately the appreciation I have for the incredible work she did throughout her lifetime. The Sunset, the Bay Area and the country need more people like Tess. To the very end Tess was working on projects to help children live up to their potential and to improve the neighborhoods in which we live.

Tess helped give children a brighter future, a gift that will live on with us forever. The joy she brought to life will never be forgotten.

TO HONOR THE RECEIPT OF THE ARMY ACHIEVEMENT MEDAL OF PRIVATE FIRST CLASS JON BRUMBAUGH

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the exemplary service and achievement of Private First Class Jon Brumbaugh, a former resident of the Chautauqua County City of Jamestown, upon receiving the Army Achievement Medal.

Brumbaugh, a graduate of Jamestown High School was awarded this honor for meritorious achievement while serving as a Heavy Armor Specialist during JRTC Rotation 05–05. His leadership and ability to accomplish missions made PFC Brumbaugh a vital part of his infantry division.

PFC Brumbaugh began his time in the Army in October of 2003. Due to several outstanding characteristics, he became known as a team leader and gained multiple comments from officers, thus allowing him to move up the chain of command. In February of 2004 Jon went to Airborne School, where he received his Wings upon graduation.

Currently, Jon is assigned to the 4th Infantry Division, known as the 4th ID, B Company 2–8 INS. Part of Jon's duties involve being assigned to a Bradley Fighting Vehicle where he is second in command of his section. Jon is stationed at Fort Hood where he resides with his wife and their two sons.

HONORING THE FLIGHT FOR LIFE TEAM OF COLORADO

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor the tremendously dedicated and talented group of professionals who make up the St. Anthony Hospitals Flight for Life team of Colorado.

Specifically, I want to thank and honor the flight crew that allowed me to join them on Saturday, June 18th: Flight Nurse Hollie Seeley, Medic Vance Silvia, and Pilot Jeff Warner. Having the opportunity to spend a mere four hours with these remarkable individuals was certainly enough to realize that, on any given day, there are angels in the skies over Colorado.

Responding to everything from car accidents to farm accidents, Flight for Life has not only saved countless lives of the people of Colorado and the surrounding states, they've enabled those citizens who live far from a metro area to enjoy the small town quality of Colorado and the West while not totally losing access to world class medical care.

Established in October 1972, Flight for Life was the first hospital-based civilian emergency air ambulance program in the Nation. During its 30-year history, Flight for Life has logged more than 75,000 missions and has become the model for the nearly 200 air ambulance programs worldwide, and is still considered a leader in its field.

Serving every community in the great state of Colorado and the surrounding seven states, Flight for Life is the biggest and busiest critical care air transport program in Colorado, transporting patients to any appropriate medical facility.

Flight for Life's reputation is second only to its dedicated crew. Located across the state in Denver, Frisco, Colorado Springs and Pueblo, the crew consists of 31 flight registered nurses, 27 flight paramedics, 14 helicopter pilots, 6 fixed-wing pilots, 6 helicopter mechanics, 10 emergency medical technicians (EMT), and 10 communications specialists.

Mr. Speaker, the people of Flight for Life in Colorado are not only talented professionals, but they are indeed public servants who deserve our admiration. I join the large number of Coloradans and others across the country who have been positively affected by these people in saying a well-deserved "thank you" for all that they do to serve and protect our citizens.

TRIBUTE TO REV. J.J. ROBERSON

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, on Sunday, July 10, 2005, in the great city of Houston, TX, my friend and distinguished religious leader Dr. J.J. Roberson will commemorate more than four decades in the ministry with the observance of Mt. Hebron Missionary Baptist Church's Annual Father, Son's and Grandson's Day.

Born in New Gulf, TX, in 1918, Dr. Roberson graduated from Wharton County Training School and attended Tyler Barber College where he was certified as a Master Barber. He also attended Southern Business College, Southwestern Seminary, Texas Southern University and Mount Hope Bible College where he earned his Doctor of Divinity degree. Dr. Roberson has been married to his darling wife Elouise Jackson Roberson for 63 years and is privileged to count among those who will be honoring him on this special occasion his sons in the ministry and his extended family.

Founded on January 8, 1958, Mt. Hebron, under Dr. Roberson's leadership, has been

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the mecca of community activism. His church is known throughout the city of Houston as a spiritual soldier who leads by example. Over the years, he has presided over the establishment of a number of sanctuaries, an apartment complex and a state-of-the-art Pipe Organ installed in 1998 with the expansion of the pulpit and the purchase of 75 acres of land in Brazoria County. To date, the membership has grown to more than 1,900 members and 1,058 families.

A decorated World War II Veteran of the U.S. Army, Dr. Roberson is presently Commander of VFW Eugene Warren Post No. 471. He is also the President of the Baptist Ministers Association of Houston and Vicinity, 1st Vice Moderator of the Independent Missionary Baptist General Association of Texas, Secretary-Treasurer of the Missionary Baptist General Convention of Texas BTU Board, and 1st Vice President of the South Texas Regional Convention.

Mr. Speaker, in 2001, Dr. Roberson was inducted into the Religious Hall of Fame in Dallas, TX. That same year, he received the L.A. Simpson Pastor of the Year Award. Over the years, he has received an NAACP Membership Citation, War Against Drugs Commendation and honors from the Sam Houston Area Council and the Boy Scouts of America. In 1986, he received an "Official Memorandum from the State of Texas" in honor of Martin Luther King Day. In 1982, the Mayor of Houston issued a proclamation declaring the month of June, 1982 as Building Project Days for Mt. Hebron Baptist Church, Inc.

Finally, Mr. Speaker, I am honored to have the opportunity to pay tribute to such a strong and dedicated leader who has, over the years, been a great friend and mentor. Dr. Roberson has, through his ministry, touched the lives of so many people and we are all the better for having him in our lives.

CELEBRATING THE LIFE OF GARY CLARK

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, Congresswoman LUCILLE ROYBAL-ALLARD and I rise today to celebrate the life of Gary Clark, who died on June 22, 2005 at age 47. Gary was a longtime resident of Signal Hill, CA in the 37th Congressional District.

Over the past two decades, Gary served with great distinction in the world of public transportation. He was the head of the Government Relations Department at the Los Angeles County Metropolitan Transportation Authority, one of the largest public transit agencies in the country.

He began his transit career with the Orange County Transportation Authority and in 1988 joined the Southern California Rapid Transit District, which eventually became LACMTA.

In his capacity as Deputy Executive Officer of Government and Board Relations, Gary played a leadership role in coordinating LACMTA's legislative advocacy in Washington and Sacramento. He spent a significant amount of time on Capitol Hill over the years and, as a result, we came to know him and his work well.

Gary possessed great integrity and intelligence. His friends, coworkers and family remember him as a person of dignity, strength and compassion despite the pressures of a demanding job. He was the quintessential public servant who dedicated himself to the needs of the community and firmly believed in the mission and purpose of public transportation.

In addition, Gary was a man of great faith. He served as Director of Music for 13 years at Grace United Methodist Church in Long Beach, CA. He also actively served Grace Methodist as a Trustee and member of its Worship Committee. Additionally, he was selected to be a lay delegate to the California Pacific Annual Conference of the United Methodist Church.

Although we know him primarily through his role in transportation policy, Gary displayed a real zest for life and was passionate about many things—the church, politics, democracy, equality and sports. He was an ardent Los Angeles Dodgers fan and also closely followed the football team at UCLA, his alma mater.

Mr. Speaker, it is with sadness that we say farewell to a remarkable human being who personified the best in public service and served the public transportation community with honor and distinction. Gary will be truly missed. We extend our condolences to his partner, Peter Cobo, his mother, Berniece Clark, sisters Diane Kildun and Kathleen Larson, and nephews and nieces.

HONORING GARLAND, TX, TEACHER, SHERRY MULLINS

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to recognize Ms. Sherry Mullins, an outstanding teacher and community leader from Garland, TX. Ms. Mullins has been named one of eight national finalists for the Richard T. Farrell Teacher of Merit Award in the field of history. This annual award is presented to a teacher who develops and uses creative teaching methods to enhance students' interest in history. In her tenure as a teacher at North Garland High School, Ms. Mullins has consistently helped her students achieve at the highest levels in the National History Day Program.

National History Day is a yearlong program in which students explore historical topics related to an annual theme. In preparing her students for the program, Ms. Mullins rose above the call of duty and equipped her students for success.

Mr. Speaker, I find it encouraging that there are extraordinary educators in this country like Ms. Mullins who work faithfully shaping the minds of our students. I hope you and our colleagues will join me in recognizing Ms. Mullins for her commitment to educating the potential leaders of tomorrow.

GAMBLING EXPLOSION

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. WOLF. Mr. Speaker, gambling is exploding throughout our country. Tribal casinos have been propagating at an alarming rate.

I am deeply concerned about the impact this is having on our society. Gambling destroys families and preys on the poor. The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005, issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed.

Mr. Speaker, I would like to enter into the RECORD a copy of the letter I recently sent to President Bush urging his action on this matter, a May 9 memorandum prepared by the Congressional Research Service (CRS) of the Library of Congress at my request detailing options the Bush Administration could take to address this issue, and the CQ Weekly sidebar article detailing the explosive growth of tribal casinos. If the administration believes it does not have authority to issue a moratorium to halt new tribal gambling operations, it should send Congress legislation so that we can take action.

House of Representatives,
May 19, 2005.

Hon. GEORGE W. BUSH,
The President, The White House,
Washington DC.

DEAR MR. PRESIDENT: Many in America, myself included, are deeply concerned by the explosive growth of tribal casinos. There are now more than 400 tribal casinos in 30 states. Tribes also are now aggressively seeking off-reservation land—commonly referred to as "reservation shopping"—to build even more facilities. This rapid expansion of casino gambling is spiraling out of control, with devastating consequences for our country.

This is not a Republican or a Democrat issue; nor is it a conservative or a liberal issue. It is a matter that calls for action in the best interest of every American. Casino gambling, once limited to places like Las Vegas and Atlantic City, is now coming to cities—and even small towns—across America and bringing with it all its social ills, like higher crime and suicide rates, increased personal bankruptcies and the breakup of families.

I write today asking that you issue an executive order placing an immediate two-year moratorium on the opening of any more tribal casinos until Congress can thoroughly review the Indian Gaming Regulatory Act (IGRA) of 1988. Congress, with the help of your administration, must examine the unintended consequences of this legislation and address the gaping loopholes in the law.

The moratorium also should apply to the federal recognition process of tribes, which is completely broken. As you know, I have long been calling for reforms of the tribal recognition process. I repeatedly asked former President Clinton and his administration to take action and have written your administration on several occasions asking for a top-to-bottom review of the process. To date, no steps have been taken to address the issue.

Something also needs to be done to address the issue of senior level staff leaving the Bureau of Indian Affairs and then immediately going out and representing tribes seeking federal recognition. Tougher restrictions must be put in place.

Native Americans have become mere pawns in what is now a billion dollar battleground as outside interests—and investors, some from outside the country—have worked behind the scenes to spur the growth of tribal casinos. In September 2001, the then General Accounting Office issued a scathing report saying the process was fraught with problems and needed improvement. The report concluded by saying because of weaknesses in the process, "the end result could be that the resolution of tribal recognition cases will have less to do with the attributes and qualities of a group as an independent political entity deserving of a government-to-government relationship with the United States and more to do with the resources that petitioners and third parties can marshal to develop a successful and political strategy."

The number of tribes now actively "reservation shopping" is extremely troubling. The cover story of the May 9, 2005 issue of CQ Weekly reports on the explosive growth of tribal casinos and cites eight states—Oregon, Kansas, Minnesota, Florida, California, Illinois, New York and Ohio—where off-reservation gambling is being proposed. The sidebar article detailing the battles being waged in these states over this issue is enclosed.

Also enclosed is a May 9, 2005, Congressional Research Service memorandum, which I requested, detailing options your administration can take to address this issue, including "(1) withdrawing authority to recognize new tribes; (2) directing that regulations be issued for land acquisition for gaming purposes and that regulations be rescinded for issuing procedures for class III gaming in the absence of a tribal-state compact; and (3) directing the Attorney General to take certain steps to enforce laws against illegal Indian gaming operations."

The unintended consequences of IGRA have not been positive, either for the overwhelming majority of Native Americans who still live in poverty or for the hundreds of communities across America that are now home to tribal casinos. As long as reliance on gambling continues, the welfare of most Native Americans will be in jeopardy. At the same time, the victims of the gambling industry will continue to mount in community after community after community and the economic and socials costs to those communities will only increase.

I implore you to involve your administration in this issue before it brings even more harm to the American people. Congress has begun to take steps to address some of these issues—legislation has been introduced in the House to prevent "reservation shopping"—but an executive order will have an immediate impact and is the right thing to do until the myriad of problems that have come with this explosive growth are addressed.

Sincerely,

FRANK R. WOLF,
Member of Congress.

MAY 9, 2005.

MEMORANDUM

Subject Presidential Authority with Respect to Indian Gaming.

To Hon. Frank R. Wolf, Attention: Courtney Schlieter.

From M. Maureen Murphy, Legislative Attorney, American Law Division.

This responds to your request that our office provide you with a brief list of possible tools that the President might employ to curb "reservation shopping," that is, locating Indian gaming on off-reservation, possibly distant, sites that are more conducive to gaming than traditional reservation lands. Specifically, you are interested in preventing recognition of new Indian tribes under the administrative acknowledgment process under 25 C.F.R. Part 83; limiting trust acquisition of land to be used for gaming; and curtailing the extension of casino gaming. We will address each in turn and indicate any Presidential authority or agency discretionary authority that may be used to pursue these goals.

Options to achieve the above results include: (1) withdrawing authority to recognize new tribes; (2) directing that regulations be issued for land acquisition for gaming purposes and that regulations be rescinded for issuing procedures for class III gaming in the absence of a tribal-state compact; and (3) directing the Attorney General to take certain steps to enforce laws against illegal Indian gaming operations.

Recognition of New Tribes. The Department of the Interior (DOI) has a regulation, 25 C.F.R., Part 83, detailing an administrative process by which an American Indian group may establish that it exists as an Indian tribe. Rather than being the result of a special delegation from Congress to the Secretary of the Interior (SOI) to make determinations as to whether or not groups satisfy specified criteria requiring recognition as Indian tribes, 25 C.F.R., Part 83, is based on various statutes delegating authority to the DOI. It, thus, might be possible for the President to issue a directive withdrawing from DOI the power to recognize groups as Indian tribes. Were that to occur, however, groups seeking to establish themselves as Indian tribes and eligible for benefits and services provided to federal Indian tribes would likely turn to the federal courts or Congress to obtain federal recognition.

Limiting Trust Acquisition of Land for gaming. Unlike the tribal acknowledgment process, the trust land acquisition process rests on authority specifically delegated to DOI by statute. There are general Indian land acquisition regulations. There is, however, no specific DOI regulation detailing a procedure that must be satisfied before land may be taken into trust for gaming purposes. Although DOI issued a proposal to this effect on September 14, 2000, and reopened the comment period on December 27, 2001, no final regulations have been issued. Should DOI decide to revisit the issue of amending its Indian land acquisition regulations and issue proposed regulations for land acquisition for gaming, it is possible that provisions could be included in such regulations that would have the effect of modifying the land acquisition process to such an extent that the overall effect would be to limit acquisitions for gaming purposes, including off-reservation acquisitions. Although it would seem that even if the President has no direct authority to modify or promulgate such regulations, he would be able to provide DOI with policy guidance to move in that direction.

Curtailing the Extension of Casino Gaming. Although SOI, rather than the President, has been delegated authority under the Indian Gaming Regulatory Act (IGRA), that authority is limited. For class III gaming to occur, there must be a tribal-state compact and SOI has authority to approve such compacts. Approval may be withheld only for three specified reasons, and the compact is deemed approved if SOI does not act within 45 days.

One way that might be available to SOI to curtail further casino gaming is to rescind regulations that the SOI has issued authorizing the promulgation of procedures for class III gaming when a State raises an Eleventh Amendment sovereign immunity defense to a suit brought by a tribe to compel negotiation of a tribal-state compact. These regulations, 25 C.F.R. Part 291, have not yet been used. Without the regulations, there would be no possibility of class III gaming in the absence of a tribal-state compact.

Other options that might be available to the President include instructing the Department of Justice to review all casino gaming on Indian lands and, to the extent permitted under applicable statutes, bring federal prosecutions or seek judicial injunctions against any gaming being operated in violation of IGRA or state law.

We hope this information is helpful to you and that you will call upon our office should you need further assistance.

M. MAUREEN MURPHY,
Legislative Attorney.

[From the CQ Weekly, May 9, 2005]

RESERVATIONS NOT REQUIRED

The best casino sites on Indian reservations have been taken, and some tribes are looking elsewhere for new markets. States around the country are debating proposals for off-reservation gambling, in addition to the expansion of existing casinos. Here are some of the proposals:

OREGON

Gov. Theodore R. Kulongoski has signed a deal with the Confederated Tribes of the Warm Springs Reservation to build a casino in the Columbia River Gorge, with the state getting a share of the revenue. The tribe would close a smaller casino in central Oregon. The federal government now must approve the site. The local congressman, Greg Walden, supports the plan. Meanwhile, across the river in Washington, just north of Portland, the Cowlitz Tribe wants to build a casino with the backing of the Mohegans of Connecticut.

KANSAS

Gov. Kathleen Sebelius has an agreement with two tribes—the Kickapoo and the Sac and Fox—to build a casino in the Kansas City area. Legislators also have been looking at other proposals for expanding gambling in the state, and there are reports of other plans for Indian casinos in the works. A court ruling on the state's education funding, expected soon, could leave Kansans scrambling to find more money for schools—and gambling could be the most attractive option.

MINNESOTA

Gov. Tim Pawlenty has proposed a casino in Minneapolis-St. Paul and is talking with the White Earth Band of the Chippewa Indians and a non-tribal operator about running it jointly. Gambling is already big business in Minnesota. But Pawlenty is having trouble selling his new casino idea to the legislature. Competing tribes also object to the deal. For now, anyway, his prospects are uncertain.

FLORIDA

In March, voters in Broward County, north of Miami, voted to allow slot machines at places with parimutuel betting, such as racetracks. The vote also could be an opening for two tribes—the Seminole and the Miccosukee—to get into Las Vegas-style slots, since the Supreme Court has said tribes are entitled to any kind of gambling allowed in a state. The tribes are pressing for talks with Gov. Jeb Bush. Meanwhile, the state legislature has been fighting over how to regulate and tax machines in Broward.

CALIFORNIA

A deal for one tribe to build a huge casino in the Bay Area might fall flat, but Gov. Arnold Schwarzenegger has struck revenue-sharing agreements with 10 tribes since he took office, allowing them to start or expand casinos. He is in talks now with a number of others.

ILLINOIS

The Ho-Chunk Nation of Wisconsin wants to open a casino in the Village of Lynwood, on Chicago's south side. The tribe has the backing of the town board as well as officials from some neighboring communities. Local Rep. Jesse L. Jackson Jr. is lobbying for it and says local and state governments could expect a share of the revenue. A congressman from an adjoining district, Jerry Weller, is fighting it.

NEW YORK

In 2001, to boost revenue and tourism, the legislature approved six new casinos. One tribe has opened two in western New York and is building a third. Gov. George E. Pataki now wants to let five tribes put casinos in the Catskills. The deal would title tribal land claims. A Supreme Court ruling in a separate New York case has forced him to rework four of the deals, which would have let the tribes buy thousands of acres of land. The court rejected the Oneida Nation's effort to unilaterally declare sovereign authority on newly purchased land and all local taxes and regulations, knowing the tribe has to go through the Bureau of Indian Affairs.

OHIO

A number of mayors state lawmakers and others been discussing ways to bring gambling to Ohio. Some have been negotiating with the Eastern Shawnee of Oklahoma, which claims historic ties to the state. The mayor of one town testified before Congress recently, saying that a tribal casino complex would bring new jobs and money to an area hard hit with the loss of manufacturing jobs. However, Gov. Bob Taft has said he opposes gambling.

THE INTRODUCTION OF THE NASA AUTHORIZATION ACT OF 2005

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. GORDON. Mr. Speaker, I am today introducing the "National Aeronautics and Space Administration Authorization Act of 2005". I am joined as cosponsors by all of my Democratic colleagues on the Science Committee, and I hope that other Members on both sides of the aisle will join us once they have had a chance to review the legislation.

Mr. Speaker, the legislation being introduced today provides an authorization for NASA that is credible, practical, and conferenceable. It recognizes that NASA has been, is, and should continue to be a multi-mission agency with significant R&D activities in science, aeronautics, and human space flight. This bill makes it clear that we support the President's goal of making exploration beyond low Earth orbit the long-term objective of NASA's human space flight program, and that we believe it is important to move forward aggressively to develop the Crew Exploration Vehicle and its associated launch vehicle. At the same time, it should be clear that we also believe that NASA's aeronautics R&D program needs to be revitalized because of its benefits to the nation's economy, national security, and quality of life. Similarly, NASA's science programs should also be supported because they offer the potential of dramatically increasing our knowledge of the Earth, the solar system, and the rest of the universe, as well as providing the opportunity for applications that can benefit life back here on Earth.

As a result, the legislation recognizes the need to ensure that the productive balance that has existed between NASA's major program areas is protected. To enforce that balance, the bill provides clear funding guidance, a restructuring of NASA's accounts into human-space-flight and nonhuman-space-flight accounts, flexible "firewalls" between NASA's major accounts, and consultation requirements in the event changes to the existing balance are contemplated.

Let me mention a few of the other main features of the bill. It provides a three-year authorization and funding guidance for NASA's major programs. Funding guidance contained in the bill includes:

Funding for a Hubble Space Telescope servicing mission.

Additional funding for the James Webb Space Telescope to compensate for the impact of the delay in selecting a launch vehicle for the mission, as well as for other programmatic challenges, so that this high priority mission can remain on track.

Funding for university research restored to FY 2005 levels.

Funding for the Earth Science program's Glory mission restored.

Additional funding for the high priority Earth Science program's Global Precipitation Mission (GPM).

Additional funding to allow ongoing, scientifically productive spacecraft missions such as Voyager and Ulysses to continue.

Funding preserved for fundamental, applied, and commercial life sciences and other microgravity research not tied to the human exploration program.

Aeronautics funding restored to the FY 2004 level and the decline contained in the President's five-year budget for aeronautics reversed.

Increased funding for education, including for the National Space Grant program.

Full funding for the Space Shuttle program.

Full funding for the International Space Station program.

Human Exploration funding to allow accelerated development of the Crew Exploration Vehicle (CEV) and its associated launch vehicle as well as for further implementation planning for NASA's human exploration program.

Funding provided for promoting technology transfer initiatives at NASA.

Some of the policy provisions contained in the bill include:

Ensuring that if the overall NASA budget is cut, the authorized levels for each of NASA's major programs would be cut proportionately, so no one area would suffer disproportionate cuts.

Having NASA prioritize its science programs and periodically assess their performance.

Having NASA develop a plan to ensure the continued health of the critically important Deep Space Network.

Directing NASA to schedule a Hubble servicing mission once NASA has successfully returned the Shuttle to flight.

Establishing a national policy for aeronautics R&D and initiating technology programs to advance the aeronautical state-of-the-art in key areas.

Directing NASA to honor its international obligations to the International Space Station program.

Strongly encouraging NASA to have a goal of retiring the Space Shuttle in 2010 and initiating Crew Exploration Vehicle (CEV) operations, but directing NASA not to retire all of the Shuttles until the CEV is operational unless the Administrator determines continued Shuttle operations would not be safe.

Establishing priorities for NASA's Human Exploration program for the next three years—namely, development of the CEV and its associated launch vehicle, and definition of the overall exploration architecture and prioritized implementation plan.

Directing NASA to work to improve access to its educational programs by minorities and economically disadvantaged students.

Directing NASA to seek an independent review of its educational programs and the extent to which they are effective in achieving STEM goals.

Establishing a prize program at NASA to encourage needed technology developments.

Encouraging NASA to aid in the development of the commercial space sector.

Directing NASA to develop a workforce strategy for its civil service workforce, seek input from the affected employees, and not undertake RIFs until Congress has had a chance to review NASA's plans.

Directing NASA to develop a financing policy for its test facilities that protects key national assets.

Providing NASA with enhanced use lease authority at its Centers.

Limiting off-shoring of contracts for the procurement of goods and services.

Having the Aerospace Safety Advisory Panel (ASAP) take on additional responsibilities, namely monitoring NASA's long-term compliance with the Columbia Accident Investigation Board's (CAIB) safety recommendations.

Establishing an independent commission to evaluate the safety of the International Space Station.

Providing a framework for establishing an independent commission in the event of a future human space flight accident.

Mr. Speaker, as you can see, the bill that we are introducing today is intended to provide clear Congressional direction to NASA with respect to priorities and balance. At the same time, it is intended to be flexible enough to accommodate changing circumstances and emergencies. Not everyone will agree with every provision in this bill—but that's been the case with every significant piece of legislation that I can remember being considered by this body. That is what the legislative process is all about. At the same time, I believe that the NASA Authorization Act of 2005 does provide a credible, practical, and conferenceable vehicle for providing needed guidance to NASA for the next three years.

NASA is an agency that has been committed to excellence in all of its areas of endeavor. It truly is a workforce of "rocket scientists". The legislation I am introducing today provides the policy and funding guidance that will position NASA for a productive and exciting future, and I hope that we can move it towards speedy enactment.

Finally, Mr. Speaker, I would like to close by stating a sentiment that I know is shared by all Members. Namely, our thoughts and prayers are with all of the members of the NASA family as they prepare to return the Space Shuttle to flight, and in particular we wish the crew of the Space Shuttle *Discovery* well on their upcoming journey.

PERSONAL EXPLANATION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. EVERETT. Mr. Speaker, on June 30th, I met with Governor Bob Riley and attended the Base Realignment and Closure Commission Regional hearing in Atlanta, Georgia in support of Alabama's military installations. As a result, I was unable to vote on rollcall votes 345–362. Had I been present, I would have voted as follows:

Rollcall Vote 345: "no." An amendment by Jim Davis to prohibit use of funds in the bill to enforce regulations preventing family travel to Cuba. Amendment failed.

Rollcall Vote 346: "no." An amendment by Barbara Lee to prohibit use of funds in the bill to enforce regulations preventing travel to Cuba by academic institutions. Amendment failed.

Rollcall Vote 347: "no." An amendment by Bernie Sanders to prohibit use of funds in the bill to provide for the competitive sourcing of flight service stations. Amendment passed.

Rollcall Vote 348: "no." An amendment by Charlie Rangel to prohibit the use of funds from being made available to implement, administer, or enforce the economic embargo of Cuba, except that the foregoing limitation does not apply to the administration of a tax or tariff. Amendment failed.

Rollcall Vote 349: "yes." An amendment by Mark Souder to prohibit the use of funds to enforce the DC gun ban. Amendment passed.

Rollcall Vote 350: "yes." An amendment by Scott Garrett to prohibit the use of funds to enforce the Supreme Court ruling about eminent domain. Amendment passed.

Rollcall Vote 351: "no." An amendment by Rosa DeLauro to prohibit use of funds in the bill to enter into any contract with an incorporated entity where such entity's sealed bid or competitive proposal shows that such entity is incorporated or chartered in Bermuda, Barbados, the Cayman Islands, Antigua, or Panama. Amendment failed.

Rollcall Vote 352: "yes." An amendment by Joel Hefley to reduce the overall level of spending by one percent. Amendment failed.

Rollcall Vote 353: "yes." An amendment by Carolyn Kilpatrick to prohibit the use of funds from being made available to recommend approval of the sale of Unocal Corporation to CNOOC Ltd. of China. Amendment passed.

Rollcall Vote 354: "no." An amendment by David Obey requiring testimony before Congressional committees and communication with Members of Congress, witnesses will give frank and complete answers to all questions. Amendment failed.

Rollcall Vote 355: "no." An amendment by Sherrod Brown to prohibit the use of funds from being used by the Council of Economic Advisers to produce an Economic Report of the President regarding the average cost of developing and introducing a new prescription drug to the market at $800 million or more. Amendment failed.

Rollcall Vote 356: "no." An amendment by Nydia Velázquez to prohibit funds made available in the Act from being used by the General Services Administration to carry out the eTravel Service program. Amendment passed.

Rollcall Vote 357: "no" An amendment by Chris Van Hollen to prohibit funds made available in the Act from being used to implement the revision of Office of Management and Budget Circular A–76 made on May 29, 2003. Amendment passed.

Rollcall Vote 358: "yes." Final passage of the Transportation-Treasury Appropriations bill.

Procedural and Suspension Votes

Rollcall Vote 359: "yes." Previous question vote

Rollcall Vote 360: "yes." Suspension vote expressing the sense of the House that a Chinese state-owned energy company exercising control of critical United States energy infrastructure and energy production capacity could take action that would threaten to impair the national security of the United States.

Rollcall Vote 361: "yes." Suspension vote expressing the grave disapproval of the House of Representatives regarding the majority opinion of the Supreme Court in the case of Kelo et al. v. City of New London et al. that nullifies the protections afforded private property owners in the Takings Clause of the Fifth Amendment.

Rollcall Vote 362: "yes." Suspension vote providing supplemental funding for VA health care.

TO HONOR JEFFREY C. KROON ON HIS 20 YEARS OF OUTSTANDING SERVICE

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today to honor the dedicated public service of Jeffrey Kroon, resident of Chautauqua County city of Jamestown, upon receiving the Boys and Girls Clubs of America National Service to Youth Award.

Kroon was presented with the award at the Boys and Girls Club awards night, for his 20 years of devoted service to the organization. He began working with the Jamestown club in 1985 as an employment coordinator for teens. Within 5 years he became the Boys and Girls Club of Jamestown assistant director, a position that he still holds.

In addition to the work he does with the Boys and Girls Club, Kroon has also been a volunteer with the Jamestown Area Youth Soccer League for the past 22 years. For 15 of the past 22 years Kroon has served as president.

Along with receiving the National Service to Youth Award, Kroon was also given the National Professional Service Award for extreme devoted service to boys and girls.

Kroon is a very dedicated man whose commitment and service is highly appreciated at the Jamestown Boys and Girls Club. I am proud, Mr. Speaker, to have the opportunity to honor him here today.

HONORING AND THANKING ALAN LEMONS AND CHADO JACOBS

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to honor and thank two men from Hudson, Colorado, Alan Lemons and Chado Jacobs, for their selflessness and heroic acts that helped save the lives of two other fellow Coloradans, Shalyn and Zach Roach on Saturday, June 18, 2005.

Mr. Speaker, on that same day I was witness to an event of true heroism and of God's great intervention. That Saturday, I had the honor of joining some of the tremendously dedicated and talented group of professionals who make up the St. Anthony Hospital's Flight for Life team of Colorado.

It just so happened that on this Saturday morning, the Flight for Life air ambulance was called to the accident site in Hudson, Colorado where Shalyn and Zach Roach had been in a car accident that led to their car being trapped upside down, underwater, in an irrigation canal.

As the car lay upside down, partially submerged in water, the situation was obviously very dire for the Roaches. However, thanks to Alan Lemons and Chado Jacobs, Shalyn and Zach Roach are still with us today.

After witnessing the accident, Mr. Lemons and Mr. Jacobs immediately rushed into the canal and, putting their own personal safety aside, went underwater in order to pull the Roaches from their submerged vehicle and perform CPR on Shalyn.

Mr. Speaker, the term "hero" means different things to different people. To some, people who have fought in wars for our country are heroes, and I think that's a very appropriate description. For others, a hero may be a former teacher or coach, or maybe even a professional athlete. I submit, Mr. Speaker, that the actions of these two men from Hudson, Colorado are nothing short of heroic. Before the Flight for Life crew arrived on the scene of the accident, these men acted without concern for themselves and helped save two lives of people they had never met before.

And so, Mr. Speaker, it's with great appreciation and honor that I speak from the floor of this great chamber to honor Alan Lemons and Chado Jacobs for their selflessness and heroism. We're proud to call them Coloradans, and the State is a better place because of them.

TRIBUTE TO JUDGE ARMANDO V. RODRIGUEZ

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. AL GREEN of Texas. Mr. Speaker, I would like to pay a special tribute to my friend Judge Armando V. Rodriguez, who recently celebrated more than thirty-two years as a Judge in the Harris County Justice Court.

Judge Armando V. Rodriguez is a native Houstonian who received his Bachelors of Business Administration, Bachelor of Law, and Doctor of Jurisprudence degrees from the University of Houston. He has been an active community leader in Harris County for over 40 years and has been an active member of a number of civic clubs and boards. He is truly one of the most dedicated public servants in our great city of Houston.

In 1972, Judge Rodriguez received the distinction of being appointed as one of the first Hispanics to preside over the City of Houston's Municipal Court system.

In 1973, he was the first Hispanic to be appointed Justice of the Peace by the Commissioners Court of Harris County, and by election has continuously held that office and is currently serving as the Presiding Judge. From 1992 to 1993, he was Vice Chairman of the Justice of the Peace Section of the State Bar of Texas.

Mr. Speaker, at the invitation of then President Jimmy Carter, Judge Rodriguez addressed the Conference on Hispanic Heritage in Washington, DC on the future of the Hispanic Community.

In the early 1980's Judge Rodriguez and I Co-Founded Houston's Black-Brown Coalition. This organization was designed to bring African-Americans and Hispanics together to work on issues of common interests. In addition, Mr. Speaker, in 1969, Judge Rodriguez founded Fiestas Patrias, a non-profit organization dedicated to promote an awareness of their culture and heritage among young Hispanics.

Judge Rodriguez has been the recipient of the Alex Award from the Houston NAACP Legal Program and the Benito Juarez Medallion from then President Luis of Mexico, the highest honor given a non-resident of Mexico for creating better goodwill and understanding between Mexico and the United States.

Finally, Mr. Speaker, I congratulate my friend, Judge Armando V. Rodriguez for thirty-two years of outstanding service to our community.

IN HONOR OF RETIRING MAJOR GENERAL JANET E.A. HICKS

HON. CHARLIE NORWOOD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. NORWOOD. Mr. Speaker, today I rise to recognize the lifelong dedication to our Nation's service of one of my constituents, Major General Janet E.A. Hicks of Augusta, Georgia.

This week, Major General Hicks retires after 30 years of service in the U.S. Army Signal Corps. She ends her Army career as Commander of the Army Signal Center and Fort Gordon, in which position she has served since 2002.

General Hicks graduated from Simpson College in Iowa, and received her Masters Degree from Georgia Southern University in Statesboro. She was granted a direct commission in the Army in March 1975, and attended the Women Officers' Orientation Course at Fort McClellan, Alabama.

Her first assignment was to the 41st Signal Battalion in Korea. She was subsequently assigned to the 25th Infantry Division at Schofield Barracks, Hawaii, where she taught the Signal Officer Basic and Advanced Courses. She next served at Fort Richardson, Alaska as logistics officer, followed by an assignment with Central Command MacDill Air Force Base, Florida.

She was promoted to command the 125th Signal Battalion, 25th Infantry Division in 1992. After attending the Army War College, she assumed command of the 516th Signal Brigade with concurrent duties as deputy chief of staff for information management of the U.S. Army, Pacific at Fort Shafter, Hawaii.

She assumed command of Fort Gordon in 2002.

Major General Hicks has been awarded the Legion of Merit, Defense Meritorious Service Medal, Joint Service Commendation Medal, Meritorious Service Medal with three oak leaf clusters, Army Commendation Medal with two oak leaf clusters, and the Humanitarian Service award.

Mr. Speaker, after 30 years of distinguished service to her Nation, Janet Hicks would be perfectly justified in taking some time off to serve herself for a change.

But I am pleased to note that her service to others will instead continue uninterrupted, as she assumes new duties as Headmaster of Augusta Preparatory School.

Mr. Speaker, as representative of the people of Georgia's 9th Congressional District, I thank Major General Janet Hicks for her decades of service to her Nation in uniform, and for her future service to our community and its young people.

CORPORAL LYLE J. CAMBRIDGE

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to honor the life of Corporal Lyle Cambridge.

Lyle lived a life rich in the traditions of his family and Navajo Culture. Unfortunately his life was cut short last Tuesday, July 5th, when he was killed while on patrol in Baghdad at the age of 25. This was his second tour of duty in Iraq.

Lyle, a graduate of Aztec High School, joined the United States Army in May 2002. He followed on the same military path as his brother Vernon, who has been in the Army for 12 years, and his father Joe, a veteran of Desert Storm.

Surviving Lyle are his parents, Virginia and Joe Cambridge Sr., his wife Evonne, his two sons, 3-year-old Wyatt and 1-year-old Nick, and many siblings.

After learning of Lyle's fate, they and other members of the Navajo community gathered to remember him and pray. Through their heartache, they recalled Lyle's generous spirit and fun-loving personality.

Today and always, we also recognize the spirit, strength and sacrifice of Corporal Lyle Cambridge.

Our heartfelt condolences and prayers are with Lyle's family and friends during this time of great loss. We salute him for his courage and bravery.

TRIBUTE TO LIEUTENANT COLONEL RICHARD "MOOSE" HAAS

HON. DENNIS. R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. REHBERG. Mr. Speaker, I rise today to salute one of the many brave men and women who serve all of us in our great military. I would especially like to pay tribute today and offer my personal thanks to Lieutenant Colonel Richard "Moose" Haas, of the United States Air Force, for a job well done.

As a fellow Montanan, I'd like to take this time to highlight Colonel Haas' service to our country. Today, he serves in the Pentagon, working at the leading edge of future National Defense writing concepts outlining how the Department of Defense will maintain the peace and security of this great Nation for years to come.

Moose is a highly decorated combat veteran winning two Distinguished Flying Crosses with Valor during missions in Operation Desert Storm. He has also served in Operations Desert Shield, Deny Flight, Provide Comfort, and more recently in Enduring Freedom where he helped plan the Air Campaign against Taliban and Al Qaeda forces. He has logged over 2500 hours in the F–111 and F–15E fighter aircraft, with over 300 of those in combat.

I know many of my colleagues will join me in thanking Colonel Haas for the many years of service he has given our country and in congratulating him on retirement. I wish him all the best in his future endeavors.

HONORING GAYLORD NELSON

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. BALDWIN. Mr. Speaker, I rise today to pay tribute to the life and legacy of Gaylord Nelson of Wisconsin. Since his death a little more than a week ago, at age 89, much has been written about this extraordinary statesman, environmentalist, husband, father, and friend.

Gaylord Nelson was a giant in Wisconsin history. In a life dedicated to public service, Gaylord Nelson embodied the ethics of his state: hard work, perseverance, honesty, integrity, compassion, and good humor.

Gaylord Nelson was a patriot who, as a young soldier, courageously served 46 months in a just war, and then, as a U.S. Senator, courageously took a stand against a war he believed was unjust.

As a State Senator and Governor of Wisconsin, Gaylord Nelson was an effective leader and natural-born politician who practiced the fine art of governing by always striving for the common good, seeking common ground, and practicing common decency. His political battles were never personal, and his personal friendships knew no political boundaries.

As a U.S. Senator, Gaylord Nelson brought his energy and activism to the national stage. His concern for the environment was visionary and relentless. Gaylord Nelson's efforts led to the Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act. In 1995, President Bill Clinton honored him with the Nation's highest civilian award: the Presidential Medal of Freedom.

Gaylord Nelson was an advocate for consumers, small business owners, farmers, and all who shared his belief in the promise of America.

Above all, he was, as one report noted, "A voice crying out for the wilderness." As the father of Earth Day, he leaves a legacy of environmental awareness and action that has changed lives and livelihoods for the better in communities throughout the world.

Gaylord Nelson of Wisconsin was a citizen of the world, a leader of the highest ethical standards, and a model public servant whose life's work will continue to inspire Americans for many generations. I join with all of Wisconsin in saluting him today.

SIKH FLAG RAISED IN CALIFORNIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. TOWNS. Mr. Speaker, on July 3 in Turlock, California, the Sikh flag was raised at an event there. There were speeches from many distinguished Sikhs, including Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, and many others. The event was organized by Dal Khalsa America, the American branch of a Sikh political party that is strongly in support of independence for Khalistan, the Sikh homeland. Leaders of Dal Khalsa have been arrested in India, along with other leaders, for raising the Khalistani flag there.

In all, dozens were charged last month on the 21st anniversary of India's military attack on the Golden Temple for daring to raise the flag of Khalistan and making speeches, even though these are not crimes in India. They are not crimes in any democratic country. Yet these charges follow the arrests of 35 Sikhs in January for hoisting the Sikh flag and making speeches on India's Republic Day.

These are just the latest acts in a pattern of repression that includes the killings of over 250,000 Sikhs since 1984, over 300,000 Christians in Nagaland, over 89,000 Muslims in Kashmir, tens of thousands more Christians and Muslims around the country, and tens of thousands of Assamese, Bodos, Dalits, Manipuris, Tamils, and other minorities. It seems that the more support for the freedom movement rises, the more brutal India's repression of it gets.

Self-determination is the essence of democracy. But instead of settling the issue of freedom democratically in a free and fair vote, India chooses to suppress the freedom movements with excessive and brutal force.

I am glad that we do not live in that kind of democracy, Mr. Speaker. Instead, we live in a country where you can say what you want, believe what you want, and raise a flag if you want. We must do what we can to help bring India to that kind of democracy, especially with Prime Minister Manmohan Singh coming for a visit soon.

Mr. Speaker, the time has come to stop our aid and trade with India and to put the Congress on record in support of self-determination for the people of Punjab, Khalistan, of Kashmir (as India promised in 1948), of predominantly-Christian Nagaland, and of the other states and nations seeking their freedom. It should start with the dropping of all charges against those arrested or charged for raising a flag and with the release of all political prisoners, and I urge President Bush to bring up these two issues when Prime Minister Singh is here. Only when these goals are achieved can India be welcomed into the family of democratic nations. Only then can these minorities live in freedom, peace, security, stability, dignity, and prosperity.

Mr. Speaker, I would like to place the Council of Khalistan's press release on the flag raising in California and its open letter on the charges against the Sikh activists who raised the flag into the RECORD at this time.

KHALISTAN FLAG HOISTED IN CALIFORNIA, USA

WASHINGTON, D.C., July 12, 2005.—At an event on July 3 in Turlock, California, Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America, invited Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, to hoist the flag of Khalistan. The Council of Khalistan is the government pro tempore of Khalistan. It is leading the struggle for Khalistan's independence. Dal Khalsa has led several marches and other events in Punjab to promote independence for Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. The event was shown throughout India on an Indian television channel called Aaj Tak on July 6. Dr. Aulakh was interviewed by a California representative of Voice of America.

As soon as Dr. Aulakh raised the flag, slogans of "Khalistan Zindabad" ("Long live Khalistan") were raised. Speakers at the event spoke out strongly for a free and independent Khalistan. Speakers included Dr. Awatar Singh Sekhon from Canada, Dr. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Philadelphia, Dr. Paramjit Singh Ajrawat, Sardar Dharam Singh Bains of Philadelphia, and others.

"If anyone speaks out for freedom, the Indian government labels them terrorists," Dr. Aulakh said. "This is not going to work. Everyone knows the modus operandi of the Indian government." The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians in Nagaland since 1948, over 90,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Bodos, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! "These prisoners never committed any crime but peacefully speaking out for Sikh freedom," said Dr. Aulakh. "How can there be political prisoners in a democracy?" he asked. "We demand the release of all political prisoners," he said.

"As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not a Khalistani, he is not a Sikh'," Dr. Aulakh noted. He added that the event in Turlock was in line with the strong sentiment for freedom in Punjab, Khalistan. "We must work hand-in-hand, the Sikh diaspora and our Sikh brothers and sisters in Punjab, Khalistan, until the glow of freedom shines on a free and sovereign Khalistan," he said. "I thank Sardar Sekhon for organizing this event."

"The flame of freedom still burns bright in the hearts of Sikhs despite the deployment of over half a million Indian troops to crush it," Dr. Aulakh said. "Last year, Punjab Chief Minister Amarinder Singh signed a bill canceling the agreements that allowed the diversion of Punjabi water to non-riparian states. The bill asserted the sovereignty of Punjab. Sardar Atinder Pal Singh, another former Member of Parliament, held a seminar on Khalistan in Punjab. It was well attended and featured outstanding presentations, including one by Professor Gurtej Singh, IAS, Professor of Sikhism," he said. "Dal Khalsa has held marches through Punjab demanding the establishment of an independent Khalistan."

On the Anniversary of the Indian government's military attack on the Golden Temple, the center and seat of Sikhism, last month, Dal Khalsa, the Khaisa Panchayat, the Shiromani Akali Dal (Amritsar), Damdami Taksal, the Sikh Student Federation (Bittu), and the Akal Federation marched through the streets of Amritsar demanding freedom for Khalistan. They carried posters of the demolished Golden Temple and distributed pamphlets on the life of Sant Jarnail Singh Bhindranwale, a Sikh leader who was murdered in the Golden Temple attack along with General Shabeg Singh, Bhai

Amrik Singh, and others. Bhindranwale was a strong advocate of Sikh freedom. Dal Khalsa also raised the flag of Khalistan on Republic Day, January 26. 35 Sikhs were arrested at that time. Some of them have been denied bail. Cases were registered against dozens of Sikhs for raising the Sikh flag at the Golden Temple on the anniversary of the Golden Temple attack in the presence of over 30,000 Sikhs. Warrants have been issued for their arrest. Those charged include Dal Khalsa leaders such as Kanwarpal Singh Bittu, Sarabjit Singh Ghuman, Dr. Manjinder Singh Jandi, and others, as well as former Member of Parliament Simranjit Singh Mann.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Steve Forbes, writing in Forbes magazine, said that India is a multinational, multiethnic, multireligious, multicultural, multilinguistic state that is doomed to disintegrate like the Austro-Hungarian Empire.

"We must continue to pray for and work for our God-given birthright of freedom," Dr. Aulakh said. "Without political power, religions cannot flourish and nations perish."

COUNCIL OF KHALISTAN,
Washington, DC, July 12, 2005.

DEAR KHALSA JI: Last month on the anniversary of India's brutal military attack on the Golden Temple and 125 other Gurdwaras throughout Punjab, dozens of Sikhs were charged by the Indian government. Warrants for their arrest were issued. Their crime was raising the flag of Khalistan in the presence of over 30,000 Sikhs. We salute them for this action and for their courage. Apparently, peacefully demonstrating in support of self-determination and freedom can get you arrested in India. Unfortunately, this is part of a pattern.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. On Republic Day, Sikh leaders raised the Sikh flag in Amritsar and made speeches in support of Khalistan. 35 Sikhs were arrested for raising the Sikh flag. Eleven of them continue to be held and they have been denied bail. I was invited to raise the flag on July 3 in Turlock, California, at an event organized by Dal Khalsa America. I would like to thank Sardar Paramjit Singh Sekhon and Sardar Gagandeep Singh of Dal Khalsa America, who invited me to hoist the flag of Khalistan. Speakers included Dr. Awatar Singh Sekhon from Canada, Dr. Aulakh, Sardar Sekhon, Sardar Ajit Singh Pannu, Dr. Ranbir Singh Sandhu from Tracy, California, Sardar Karj Singh Sandhu from Philadelphia, Dr. Paramjit Singh Ajrawat, Sardar Dharam Singh Bains of Philadelphia, and others. The event was shown throughout India on an Indian television channel called Aaj Tak on July 6. I was interviewed by a California representative of Voice of America. When I raised the flag, slogans of "Khalistan Zindabad" were raised.

In 1699, Guru Gobind Singh gave sovereignty to the Sikh Nation, giving the blessing "In grieb Sikhin ko deon Patshahi" ("I give sovereignty to the humble Sikhs.") Just two years after his departure from this earthly plane in 1708, the Sikhs established our own independent state in Punjab. Sikhs ruled Punjab from 1710 to 1716 and from 1765 to 1849. There was no such thing as India then.

Today we struggle to regain the sovereignty that Guru Gobind Singh bestowed upon us over 300 years ago. Yet the Jathedar of the Akal Takht, Joginder Singh Vedanti, was quoted as saying that "We don't want a separate territory." Does Jathedar Vedanti, like every other Sikh, pray "the Khalsa shall rule" every morning and evening? Has he forgotten our heritage of freedom? How can the spiritual leader of the Sikh religion deny the Sikh Nation's legitimate aspiration for freedom and sovereignty? Is he not stung by the words of one of his predecessors, former Akal Takht Jathedar Professor Darshan Singh, who said, "If a Sikh is not a Khalistani, he is not a Sikh"? Is Akal Takht occupied by a person who does not believe in Sikh values and Sikh aspirations?

Punjab's Chief Minister, Captain Amarinder Singh, was declared a hero of the Sikh Nation for asserting Punjab's sovereignty and preserving Punjab's natural resource, its river water, for the use of Punjab farmers by cancelling Punjab's water agreements. In so doing, Amarinder Singh and the Legislative Assembly explicitly declared the sovereignty of the state of Punjab. In December former Member of Parliament Simranjit Singh Mann again reverted to public support of Khalistan. He pledged that his party will lead a peaceful movement to liberate Khalistan. Obviously, Mr. Mann is aware of the rising support of our cause. Mann joins Sardar Atinder Pal Singh, Sardar D.S. Gill of the International Human Rights Organization, and other Sikh leaders in Punjab in supporting freedom for Khalistan openly. Jagjit Singh, President of Dal Khalsa, was quoted in the Deccan Herald as saying that "the Indian government can never suppress the movement. Sikh aspirations can only be met when they have a separate state." There is no other choice for the Sikh nation but a sovereign, independent Khalistan. Every Sikh leader must come out openly for Khalistan. We salute those Sikh leaders in Punjab who have done so.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. Leaders like Dr. Jagjit Singh Chohan, Harchand Singh Longowal, Didar Bains, Ganga Singh Dhillon, the Akali Dal leadership, and others who were complicit in the attack on the Golden Temple cannot be trusted by the Sikh Nation. The evidence against them is clear in Chakravyuh: Web of Indian Secularism. The Sikh Nation cannot believe that these leaders will not betray the cause of Khalistan, just as they betrayed the Sikh Nation in 1984. We must be careful if we are to continue to move the cause of freedom for Khalistan forward in 2005 as we did in 2004.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikh during June 1984 in Punjab. Even the Pope spoke out strongly against this invasion and desecration of our most sacred shrine. How can these so-called Sikh leaders connive with the people who carried it out? If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparallelled corruption. If Jathedar Vedanti opposes freedom and sovereignty for the Sikh Nation, then he is not fit to sit in Akal Takht, in the seat of the Khalsa Panth. The Sikh Nation should have a Jathedar who is committed to restoring sovereignty that is our birthright and that Guru Gobind Singh granted.

Is this the freedom that Guru Gobind Singh bestowed upon us? Is this the "glow of freedom" that Nehru promised us when Master Tara Singh and the Sikh leaders of the time chose to take our share with India?

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 19 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

The Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered more than a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. Otherwise they would behave like a real Jathedar, Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre of Sikhs and others at Jallianwala Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Over 250,000 have been murdered at the hands of the Indian regime. Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from Delhi. The leaders in Delhi are only interested in imposing Hindu sovereignty over all the minorities to advance their own careers and their own power. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo labelling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us dedicate ourselves to living up to the blessing of Guru Gobind Singh. It is time to launch a Shantmai Morcha to liberate Khalistan. We must demand self-determination in a free and fair vote, the democratic way. It is time to shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

Sincerely,

GURMIT SINGH AULAKH,
President.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. ABERCROMBIE. Mr. Speaker, yesterday, July 12, 2005, I was unavoidably absent from the business of the House. Had I been present, I would have voted as follows on recorded votes:

Rollcall vote No. 365, ordering the previous question on H. Res. 351, "no"; No. 366, passage of H. Res. 351, "no"; No. 367, suspend the Rules and pass H. Res. 352, "no"; No. 368, suspend the Rules and pass H. Res. 343, "yes"; No. 369, passage of H.R. 739, "no"; No. 370, passage of H.R. 740, "no"; No. 371, passage of H.R. 741, "no"; No. 372, passage of H.R. 742, "no."

RECOGNIZING THE 75TH ANNIVERSARY OF THE ESTABLISHMENT OF THE VETERANS ADMINISTRATION ON JULY 21, 1930

HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BUYER. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, today I am introducing H. Res. 361 recognizing the 75th anniversary of the establishment of the Veterans Administration on July 21, 1930. I am joined by the Committee's Ranking Member, Mr. EVANS, in introducing this resolution.

More than 48 million men and women have served America well and faithfully in military uniform. More than 1 million made the ultimate sacrifice for our freedom. Twenty-five million veterans are living among us today. These men and women selflessly set aside their civilian lives to put on the uniform and serve us. Many return from that service bearing wounds to body and spirit. Many return hungry to take advantage of the fruits of the democracy they defended, and seek education and employment opportunity.

The nation's obligation to her defenders is as old as that defense itself. In his second inaugural address in 1865, President Abraham Lincoln clearly expressed the obligation: ". . . to care for him who shall have borne the battle, and for his widow, and his orphan."

On July 21, 1930, pursuant to a Congressional authorization, President Hoover issued an executive order to "consolidate and coordinate Government activities affecting war veterans," creating the Veterans Administration. The new VA was charged with ensuring that America's veterans received the benefits and services they had earned through their military service.

Today the 230,000 public servants of the Department of Veterans Affairs, formed from the VA in 1989, continue the noble tradition of their predecessors in service to veterans and their families.

The men and women of today's VA are dedicated to caring for today's veterans and stand ready to provide for our servicemembers who now defend our freedoms and our way of life.

IN SUPPORT OF H.J. RES. 54: GIVING POSTHUMOUS U.S. CITIZENSHIP TO GENERAL CASIMIR PULASKI

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HIGGINS. Mr. Speaker, I rise today in support of H.J. Res. 54, honoring the heroism and sacrifice of General Casimir Pulaski (1748–1779), who fought valiantly with the Continental Army during the American Revolutionary war and died for freedom and American independence.

General Pulaski was born in Poland in 1748. As a young man of fifteen, Pulaski joined the Polish army, along with his father, to fight Russian and Prussian interference in Polish political affairs. After being outlawed by Russia for his actions in favor of liberty, Pulaski moved to Paris where he soon met Benjamin Franklin. In his quest to find mercenary soldiers, Franklin convinced Casimir Pulaski to join the colonies' cause against Great Britain.

In 1777, Casimir Pulaski came to Philadelphia to meet General George Washington. Upon meeting Washington Pulaski wrote in a letter that: "I came here, where freedom is being defended, to serve it, and to live or die for it."

On September 11, 1777, Pulaski fought bravely in the battle at Brandywine, helping to avert a disastrous American defeat and courageously saving the life of George Washington. General Washington was so impressed with Pulaski's valor and abilities at Brandywine Creek that he recommended that Continental Congress appoint Pulaski as general of the American cavalry.

General Pulaski continued serving the Continental Army for two years until a major offensive in October 1779 took his life. On an assault against British forces in Savannah, Georgia, Casimir Pulaski was mortally wounded. Once taken aboard the American ship the USS *Wasp*, Pulaski died at sea on October 11, 1779.

Directly after his heroic death in 1779, the Continental Congress resolved that a monument be erected in General Pulaski's honor. Today, almost every city has a street, memorial or a school named in Pulaski's memory.

We in Western New York have the great privilege of having a strong and vibrant Polish American community. The Polish influence in Western New York can be traced back to Pieter Stadnitski, one of the partners of the Holland Land Office Company; the Dutch company which purchased and brought settlers to the area in the early 19th century. Since that time the community in Cheektowaga has thrived both culturally and politically. It is therefore fitting that the Pulaski Parade honoring General Pulaski is to take place in Cheektowaga, NY on July 17, 2005. This parade will honor Polish artists, politicians, dignitaries and heroes like Pulaski. I very much look forward to attending this parade, supporting the great courage of General Casimir Pulaski and saluting our great Polish American friends in Western New York.

TRIBUTE TO ELIZABETH "BETSY" HOFFMAN

HON. BOB BEAUPREZ

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. BEAUPREZ. Mr. Speaker, I rise today to pay tribute to Elizabeth "Betsy" Hoffman for her devoted services as President of the University of Colorado System. President Hoffman has provided unwavering leadership to the University of Colorado bringing about several major achievements to each campus in the CU system. President Hoffman created and implemented CU Vision 2010, a bold system wide effort to enhance the University of Colorado in teaching, research, and service, by establishing a commitment to a culture of excellence.

I would like to recognize President Hoffman for her tireless efforts in working with Congress, federal agencies, local governments, and businesses that have furthered the development of a world-class health sciences center located at the Fitzsimons campus. Most recently, President Hoffman guided the University of Colorado through a consolidation of the Denver and Health Sciences Center campuses creating the number one research institution in the Rocky Mountain West at $330 million a year.

Under her direction, the Boulder campus has consistently ranked among the top tier of public universities in federal research funding and first among public universities in NASA funding, which has bolstered and created new partnerships with private industry in the community.

President Hoffman has worked to uniquely position the Colorado Springs campus as the fastest growing campus within the University of Colorado System. She has cultivated partnerships with U.S. Space Command and NORAD to provide education, training, and research in areas of homeland defense and homeland security and directly supporting government efforts to promote the development of a professional space cadre.

President Hoffman has facilitated a record level of private support including $250 million to establish the Coleman Institute to assist those with cognitive disabilities, providing the distinct honor of receiving the largest private gift to a public university at that time.

As an appointed member of the National Science Board and serving as Chair to the Board's Committee on Education and Human Resources, President Hoffman has championed policies for the University of Colorado and its peers to advance their basic research and applied science programs.

Mr. Speaker, it is a pleasure to offer my thanks to President Hoffman for her commitment and record of achievement as President of the University of Colorado System. I have enjoyed our working partnership and wish her and her husband, Brian, the best in her future endeavors.

INTRODUCTION OF A RESOLUTION COMMEMORATING THE 50TH ANNIVERSARY OF ROSA PARKS'S REFUSAL TO GIVE UP HER SEAT ON THE BUS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce a resolution commemorating Rosa Parks and her decision to stand up to injustice 50 years ago. On December 1, 1955, Ms. Parks refused to obey a bus driver's order that she give up her bus seat in the black section to a white man because the white section was full. It is the courage, dignity, and determination that Ms. Parks exemplified on this day that allows most historians to credit her with beginning the modern day civil rights movement. Ms. Parks's actions on December 1, 1955 led to the desegregation of American society and enabled all of this nation's citizens to realize freedom and equality.

The arrest of Ms. Parks led African Americans and sympathizers of other races to boycott the Montgomery city bus line until the buses in Montgomery were desegregated. The 381 day Montgomery Bus Boycott encouraged other courageous people across the United States to organize in protest and demand equal rights for all. The fearless acts of civil disobedience displayed by Rosa Parks and others resulted in the United States Supreme Court, on November 13, 1956, affirming a district court decision that held that Montgomery segregation codes deny and deprive African Americans of the equal protection of the laws. This decision would lead to other landmark Supreme Court decisions in which the Court would rule in the interest of justice and equality.

In the years following the Montgomery Bus Boycott, Ms. Parks moved to Detroit, Michigan in 1957 and continued her civil rights work by working in my District Office. Ms. Parks was with the office from 1965 until 1988. In the more than twenty years that Ms. Parks was in the office, she worked with a tireless spirit for the people of Detroit and other Americans. In 1987, she started the Rosa and Raymond Parks Institute for Self Development in Detroit, a nonprofit organization which motivates youth to reach their highest potential. So it is with great pleasure and honor that I stand today to recognize not only a civil rights pioneer, but a member of my staff, a constituent, and a friend.

It is in this recognition of the 50th Anniversary of Ms. Parks's refusal to give up her seat on the bus, that I ask the Congress and the great people of this nation to work with the same courage, dignity, and determination exemplified by her to address modern day inequalities and injustice. The American dream is out of reach for millions. The United States is one of the richest nations in the world so I ask: Why aren't our schools thriving? Why are so many African Americans unemployed? Why are health care, housing, and college education so difficult to afford?

Civil rights pioneer Rosa Parks displayed a defiant act of courage 50 years ago so that these questions would not be raised today. I know that this Congress and the people of this nation can work to further the ideals of Ms. Parks and the Civil Rights Movement.

SUPPORTING TITLE II OF H.R. 458, THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today in support of Title II of H.R. 458, the Military Personnel Financial Services Protection Act. This bill helps protect our troops and other military personnel from predatory lending. We must make sure that our fighting men and women have access to credit while ensuring that reasonable protections are put in place to combat abusive lending practices.

Over the last few years, there has been an alarming increase in predatory financial scams located outside or near many of our nation's military bases. These unscrupulous businesses target members of our military and their families through the sale of sub-standard insurance and investment products. Many even resort to misleading representations that attempt to convince customers that the military endorses these businesses, which is simply not true.

Mr. Speaker, Congress must take action to prevent such unfair lending practices, without punishing legitimate business in similar industries. H.R. 458 accomplishes this goal by identifying predatory businesses that abuse consumers and safeguarding the financial futures of our soldiers and their families who rely on their legitimate counterparts. I applaud my friend from Kentucky, Mr. Davis, for sponsoring this legislation and urge my colleagues, on both sides of the Capitol, to support it.

A TRIBUTE TO SENATOR GAYLORD NELSON

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to a leader whose lifetime of public service reflected the very best of Wisconsin values. Senator Gaylord Nelson, the man credited with sparking the modern environmental movement, died July 3, at the age of 89.

Growing up in the small town of Clear Lake, Wisconsin, Senator Nelson developed a passion for the natural world, the protection of which became his highest political priority. He learned the true value of public service from the examples set by his parents, a small-town doctor and nurse who were known for treating neighbors in need regardless of their ability to pay. Though his political career would take him to Madison, WI, and then on to our Nation's Capital, Washington, DC., he never lost the friendly and unpretentious character that marked his early years in Clear Lake.

Among elected officials, Senator Nelson's leadership is undeniable. He served three terms in Wisconsin's State Senate before being elected Governor in 1959. Four years later, he ascended to the U.S. Senate, where he served for 18 years.

His accomplishments are too numerous to list. He is most widely known as the founder of Earth Day, an annual celebration that mobilized public support for environmental stewardship and brought new political attention to the importance of protecting and preserving the natural world.

Building on the grassroots organizing that made Earth Day a success, Senator Nelson authored landmark conservation legislation at both the State and Federal levels. His legacy includes a huge array of public lands and park spaces, including the St. Croix Wild and Scenic Riverway, the Apostle Islands National Lakeshore, and Governor Nelson State Park. He sponsored legislation to protect rivers and waterways. He co-sponsored laws protecting the Appalachian Trail, and banning the use of toxic chemicals like DDT and Agent Orange.

Most widely known for his commitment to conservation, Senator Nelson also made his mark in other areas, including consumer protection, ethics and opposition to the Vietnam War.

As remarkable as his legislative accomplishments was the appealing and unpretentious style for which he was known. A friend to all, Senator Nelson once remarked that he could never dislike anyone whom he took the time to know. He avoided partisan rancor, and developed lifelong friendships with many whose views he opposed on the Senate floor. While he clearly understood that maintaining relationships enabled his political accomplishments, his sincere regard for his contemporaries was never in question.

When his career as an elected official ended in 1980, Senator Nelson continued his environmental advocacy as chairman of the Wilderness Society. As recently as April of this year, Senator Nelson wrote to students at MacDowell Montessori in Milwaukee—the same school my own granddaughters attended—to hail their Earth Day celebration and urge them to adopt a lifelong commitment to the environment.

Mr. Speaker, millions of Americans owe a debt of gratitude to Senator Nelson for his efforts to protect the natural world around us. He understood that access to clean air, water, and wilderness is crucial not only for our physical survival, but also for our spiritual nourishment. I am thankful to him for his passionate pursuit of these public goods, and for the example of public service that I take as inspiration in my own career.

HONORING RICHARD JOHNSON, SENIOR FARMER OF THE YEAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Richard Johnson for being selected as the 2005 Madera Chamber of Commerce Senior Farmer of the Year. Mr. Richard Johnson will be recognized at the Madera County Farm Bureau's 84th Annual Meeting and Senior Farmer Presentation on July 14th in Madera, California.

Mr. Johnson is a model of excellence in his community. For over 51 years, Richard has been a part of the agricultural community. As a child, Richard grew up working on a 300 acre farm, and upon entering Madera High School, he continued to strengthen his appreciation for Agriculture through his active membership in Future Farmers of America.

After graduating from Madera High School, Richard went on to attend Fresno State where he majored in Agriculture. Upon returning from military service with the United States Air Force (1951–1955), Mr. Johnson returned to farming in Madera County, where today he continues to farm a diverse bounty of crops and livestock on 1,940 acres.

Mr. Johnson has been a member of the Madera County Farm Bureau for over 30 years, over 11 of which he has served as a member of the organization's Board of Directors. In addition, Richard Johnson has tirelessly devoted his time to numerous community organizations and projects, including Coats for Kids, Chowchilla 20–30 Club, and the Madera County Republican Central Committee. During the Christmas season, Mr. Johnson can be seen visiting local elementary schools dressed as Santa Claus.

Richard Johnson, together with his wife Lila Nelson-Johnson, have 3 sons.

Mr. Speaker, I rise today to congratulate Richard Johnson upon being named Senior Farmer of the Year by the Madera Chamber of Commerce. His contributions to America's agricultural communities and to his country have been invaluable. I invite my colleagues to join me in commending Mr. Johnson for this achievement.

IN HONOR OF JOSEPH H. EVANS

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. CASTLE. Mr. Speaker, I rise to pay tribute to a heroic Delaware firefighter, Joseph Evans, who tragically died in the line of duty at the age of 61. While responding to a house fire in the early hours of July 10th, 2005, Joe, an engineer with the Bridgeville Volunteer Fire Company, suffered a heart attack. Despite the best efforts of medical personnel, Joseph Evans passed away shortly after his arrival at the Nanticoke Hospital.

For 41 years, Joseph Evans was a member of the Bridgeville Volunteer Fire Company. During his dedicated career with Station #72, Joe served in many capacities, including Director of Supplies, Assistant Chief Engineer, and Chief Engineer. In 1968, his work earned him recognition as Bridgeville's "Fireman of the Year." Joe's efforts were not confined to Bridgeville; he also served with the Sussex County Firemen's Association, the Sussex County Fire Chiefs Association, the Delaware State Fire Chiefs Association and the Del-Mar-Va Volunteer Firemen's Association.

In addition to his work with the fire department, Joe was successful in other pursuits. As a young man, he distinguished himself athletically as a member of the 1962 Blue-Gold All Star Football team. A lifetime farmer, Joe also worked as a telephone lineman for Diamond State and later Bell Atlantic, where he received the company's Spirit of Excellence Award.

Mr. Speaker, in closing, Joseph Evans heroically gave his life in the service of others. This dedication, which is typical of firemen throughout the United States, is a testament to his courage and selflessness. I join my colleagues in remembering Joe's contributions and offer my sincerest sympathy to both his family and his colleagues at the Bridgeville Volunteer Fire Company.

IN HONOR OF PAUL WINCHELL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. NADLER. Mr. Speaker, I rise today to recognize the life and accomplishments of Paul Winchell, who passed away on Friday, June 24th.

Paul was born in Manhattan's Lower East Side on December 21, 1922. He studied ventriloquism from an early age, overcoming speech impediments and a difficult family life. He would go on to become one of the great pioneers of early television, bringing a smile to every household with his ventriloquism act on the Paul Winchell-Jerry Maloney show in the 1950's.

To younger generations, Paul was best known as the voice of Tigger, the loveable tiger from Walt Disney's adaptation of "Winnie the Pooh." He also played numerous roles on children's programs such as the Jetsons, the Smurfs, the Brady Bunch, and the Beverly Hillbillies. But Paul was much more than an entertainer—he was also an innovative thinker and inventor with thirty patents.

At the age of 35, Paul decided to return to school at Columbia University, where he studied premed and went on to work on projects for the American Red Cross and the Leukemia Society. In 1963 he joined forces with Doctor Henry Heimlich, and together they developed and patented the first early artificial heart. Rather than sit on his accomplishment, however, he donated the heart to the University of Utah, where it served as the prototype for Dr. Robert Jarvik's first successful heart implant in 1982.

Paul Winchell lived a life of unparalleled diversity. Whether making children smile or improving lives through innovation, he dedicated his talents to the betterment of his surroundings, and I request that we honor him for a life well lived.

SECURE TRAINS ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Ms. NORTON. Mr. Speaker, today, I am reintroducing the Secure TRAINS, Secure Transit and Railroads Across America and Investment in National Security, Act of 2005 for the second time in 2 years, and pleading the urgency of passage before Congress goes on its August break. I am pleased to have as cosponsors, Democratic Leader NANCY PELOSI, Minority Whip STENY HOYER, Committee on Transportation and Infrastructure Ranking Member JIM OBERSTAR, Homeland Security Committee Ranking Member BENNIE THOMPSON, and Senior Transportation Committee Member and Chair of the Democratic Caucus BOB MENENDEZ. London should be too close for congressional comfort while the country's subways, buses, rail, light rail and ferries go unprotected. London's tally thus far of 52 dead and 700 injured and the Madrid totals of more than 190 killed and 1,800 injured could be far worse here, considering the abysmal state of passenger and freight preparedness across the United States today.

Instead of direct passage, I tried to get the Homeland Security Committee, on which I serve, to include Secure TRAINS in the Department of Homeland Security, DHS, authorization bill, passed by the House in May, but my bill was defeated on a party line vote. I managed to get two amendments requiring DHS to develop passenger security best practices for mass transportation operators, and to develop a national plan for public outreach and awareness for employees and I passengers. However, the key provisions of the bill and of another I cosponsored for freight hazmat security protection were defeated because the President's budget did not fund them.

President Bush's 2006 budget eliminated dedicated funding for mass transportation altogether, instead forcing mass transit into the Targeted Infrastructure Protection Program, TIPP, to compete with other transportation sectors, such as ports, which already receive at least some dedicated funding. Last year, Congress provided only $150 million for mass transportation security grants, but this year the Senate Appropriations Committee already has reduced these grants by $100 million.

I can only ask, rhetorically, whether the administration and Congress know what the people ride each day. Approximately 16 times as many passengers use public transportation as use airlines—9 billion passenger trips annually on public transportation—but 90 percent of transportation security funding has gone to air travel, after the fact, after the catastrophe. We are breaking our post-9/11 promise not to be caught flat footed again because we have let the record stand at $21 billion for air travel security and $550 million for public transportation security all told. Secure TRAINS at a little over

$3.8 billion modestly increases investment in public transportation and freight security.

Unlike much of the wasteful, open-ended funding for homeland security in the period following 9/11, most of the funding in Secure TRAINS would be available through grants. Thus, the Homeland Security Committee's formula based on threat, vulnerability and consequences would be applied with far greater financial efficiency and efficacy. The bill provides for first-line commonsense security, including cameras, communication systems, explosive detection, and security upgrades on tracks and in tunnels. The bill also includes whistleblower provisions I have been unable to get in prior bills. If stockbrokers and accountants can be protected by Sarbanes-Oxley, it's time we gave the same whistleblower protection to employees charged with keeping trains and buses secure.

We must not go on August vacation leaving subways, busses and rail as they were last week when London was attacked for the first time since World War II. This is the third time I have tried to get this bill passed. We must let it become three strikes and you're out.

H.R. 458—THE MILITARY PERSONNEL FINANCIAL SERVICES PROTECTION ACT

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. McHENRY. Mr. Speaker, I rise today to strongly support H.R. 458, the Military Personnel Financial Services Protection Act, and specifically to highlight Title II of this very important legislation. Title II is designed to protect our brave soldiers as they fight to defend our freedoms, by regulating all lenders that qualify as military lenders—including payday advance businesses, small loan companies, finance companies, or other types of creditors.

I would like to thank Congressman WESTMORELAND, the sponsor of this bill, as well as Chairman OXLEY and Chairman BACHUS. We would not be able to eliminate unscrupulous lenders from offering these products without the leadership demonstrated by the House Financial Services Committee.

As a representative from North Carolina, I am particularly concerned with protecting our military. North Carolina is the most military friendly State in the Nation. With bases such as Fort Bragg and Camp Lejeune, I am familiar with financial lenders that prey on our servicemen and women. These companies hurt our military by charging unjustifiable rates, using products with hidden fees, and refinancing loans to the detriment of military consumers. It often takes honest soldiers years to escape the financial hardships caused by these dishonest practices.

Our soldiers, like all American citizens, have a variety of financial service needs and value having a wide array of choices and alternatives to fulfill those needs. I applaud many of these alternative financial services outlets, including payday lenders, for striving to protect military personnel by conforming to the best practices recommended by the Community Financial Services Association, a panel of distinguished retired military members.

Rather than unnecessarily prohibiting lenders and limiting the options for our military, H.R. 458 cracks down on abusive practices while preserving access to credit. Title II mandates these necessary protections, such as disclosures and marketing and collection reforms, on a broad range of military lenders. Under Title II, all military lenders will be required to provide detailed disclosures on a variety of subjects. These mandatory disclosures include:

Not requiring service members to complete agreements merely because they signed an application or received a notice;

Advising military personnel, who are seeking short-term credit due to a family or other emergency, to consider applying through one of the Armed Forces' Relief Societies, the United Service Organizations or another base or military organization;

Acknowledging that any credit extension is not sponsored or endorsed by the Armed Forces, the Department of Defense, or any Federal entity;

That the lender may not contact the borrower's commanding officer or chain of command to collect the debt; and

That the service member and his/her dependents may have additional protections which cannot be waived, even if suggested or required by the lender.

Again, my sincere thanks to the financial institutions that pushed for these reforms and to Congressman WESTMORELAND for his leadership. I look forward to working with my colleagues and our partners in the private sector to eliminate abusive practices and protect the financial health and access of our military.

PUTTING ALLEGATIONS IN THE PROPER CONTEXT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. SOUDER. Mr. Speaker, in the press for the past few days, I have reportedly heard all sorts of allegations and innuendoes against Karl Rove. Most of these seem to be political, rather than factual. I believe this Wall Street Journal article puts the debate about what was said by whom into a proper context. Former Ambassador Wilson has been largely discredited. Karl Rove, though it has been implied that he broke the law, does not appear to in fact have done so.

It is Wilson whose politically motivated comments who should be under scrutiny, not Rove.

[From the Wall Street Journal, July, 2005]

KARL ROVE, WHISTLEBLOWER

Democrats and most of the Beltway press corps are baying for Karl Rove's head over his role in exposing a case of CIA nepotism involving Joe Wilson and his wife, Valerie Plame. On the contrary, we'd say the White House political guru deserves a prize—perhaps the next iteration of the "Truth-Telling" award that The Nation magazine bestowed upon Mr. Wilson before the Senate Intelligence Committee exposed him as a fraud.

For Mr. Rove is turning out to be the real "whistleblower" in this whole sorry pseudoscandal. He's the one who warned Time's Matthew Cooper and other reporters to be wary of Mr. Wilson's credibility. He's the one who told the press the truth that Mr. Wilson had been recommended for the CIA consulting gig by his wife, not by Vice President Dick Cheney as Mr. Wilson was asserting on the airwaves. In short, Mr. Rove provided important background so Americans could understand that Mr. Wilson wasn't a whistleblower but was a partisan trying to discredit the Iraq War in an election campaign. Thank you, Mr. Rove.

Media chants aside, there's no evidence that Mr. Rove broke any laws in telling reporters that Ms. Plame may have played a role in her husband's selection for a 2002 mission to investigate reports that Iraq was seeking uranium ore in Niger. To be prosecuted under the 1982 Intelligence Identities Protection Act, Mr. Rove would had to have deliberately and maliciously exposed Ms. Plame knowing that she was an undercover agent and using information he'd obtained in an official capacity. But it appears Mr. Rove didn't even know Ms. Plame's name and had only heard about her work at Langley from other journalists.

On the "no underlying crime" point, moreover, no less than the New York Times and Washington Post now agree. So do the 36 major news organizations that filed a legal brief in March aimed at keeping Mr. Cooper and the New York Times's Judith Miller out of jail.

"While an investigation of the leak was justified, it is far from clear—at least on the public record—that a crime took place," the Post noted the other day. Granted the media have come a bit late to this understanding, and then only to protect their own, but the logic of their argument is that Mr. Rove did nothing wrong either.

The same can't be said for Mr. Wilson, who first "outed" himself as a CIA consultant in a melodramatic New York Times op-ed in July 2003. At the time he claimed to have thoroughly debunked the Iraq-Niger yellowcake uranium connection that President Bush had mentioned in his now famous "16 words" on the subject in that year's State of the Union address.

Mr. Wilson also vehemently denied it when columnist Robert Novak first reported that his wife had played a role in selecting him for the Niger mission. He promptly signed up as adviser to the Kerry campaign and was feted almost everywhere in the media, including repeat appearances on NBC's "Meet the Press" and a photo spread (with Valerie) in Vanity Fair.

But his day in the political sun was short-lived. The bipartisan Senate Intelligence Committee report last July cited the note that Ms. Plame had sent recommending her husband for the Niger mission. "Interviews and documents provided to the Committee indicate that his wife, a CPD [Counterproliferation Division] employee, suggested his name for the trip," said the report.

The same bipartisan report also pointed out that the forged documents Mr. Wilson claimed to have discredited hadn't even entered intelligence channels until eight months after his trip. And it said the CIA interpreted the information he provided in his debrief as mildly supportive of the suspicion that Iraq had been seeking uranium in Niger.

About the same time, another inquiry headed by Britain's Lord Butler delivered its own verdict on the 16 words: "We conclude also that the statement in President Bush's

State of the Union Address of 28 January 2003 that 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa' was well-founded.

In short, Joe Wilson hadn't told the truth about what he'd discovered in Africa, how he'd discovered it, what he'd told the CIA about it, or even why he was sent on the mission. The media and the Kerry campaign promptly abandoned him, though the former never did give as much prominence to his debunking as they did to his original accusations. But if anyone can remember another public figure so entirely and thoroughly discredited, let us know.

If there's any scandal at all here, it is that this entire episode has been allowed to waste so much government time and media attention, not to mention inspire a "special counsel" probe. The Bush Administration is also guilty on this count, since it went along with the appointment of prosecutor Patrick Fitzgerald in an election year in order to punt the issue down the road. But now Mr. Fitzgerald has become an unguided missile, holding reporters in contempt for not disclosing their sources even as it becomes clearer all the time that no underlying crime was at issue.

As for the press corps, rather than calling for Mr. Rove to be fired, they ought to be grateful to him for telling the truth.

TOLERANCE AND ACCEPTANCE FOR PEOPLE OF OTHER CULTURES

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. HOLT. Mr. Speaker, I rise today to condemn in the strongest terms possible an ugly and xenophobic comment that recently came to my attention. Yesterday, a staff member who works for another Member of Congress responded to an e-mail inquiry regarding the upcoming visit of Indian Prime Minister Manmohan Singh with what can only be described as an insulting and bigoted attempt at humor. His comments were deeply offensive to Indians, Indian Americans, and countless others like me who do not tolerate such bigotry.

On one of my visits to India a few years ago I was able to meet with government officials, including Prime Minister Singh, then a member of the Rajya Sabha, India's Upper House of Parliament. I was deeply impressed by his intellect, thoughtfulness, and the success of his economic program, and I am proud to welcome him as he addresses a Joint Session of Congress this week. It is my hope that all Americans will listen to his words. We have much to learn from him regarding tolerance and acceptance of people of other cultures.

THE TUSKEGEE AIRMEN—A HERO'S WELCOME

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 13, 2005

Mr. RANGEL. Mr. Speaker, I would like to welcome to Capitol Hill today a contingent of veterans representing one of the most distinguished military units in American history. The individuals whom I speak of are known as the Tuskegee Airmen, and they are visiting the Capitol today as part of a 'Tuskegee Airmen Legislative Day'. Many people may see these gentlemen strolling the halls of the Capitol and not know that they are living components of American history who changed this country and its military forever.

The Tuskegee Airmen overcame segregation and prejudice to win the opportunity to fight for their nation and became one of the most highly respected fighter groups of World War II. In so doing, they destroyed the racist conceptions of their time, and inspired a generation of Americans to chase their dreams all the way to sky.

Before 1940, African Americans were barred from flying for the U.S. military, just as they were excluded from other aspects of American public and civic life. However, in that year African American airmen won the opportunity to fight for their country as American patriots, though in segregated units. The airmen were trained and stationed in Tuskegee, Alabama, the city which would come to define them and their heroism.

Young men from across the country answered the call to serve, and brought with them not only their own aspirations, but the hopes and dreams of an entire people. Many believed that African Americans did not possess the faculties to be military airmen, and predicted that the Tuskegee program would fail. However, failure was not an option for these men, and they delivered in amazing fashion.

The Airmen completed 15,500 missions, destroyed 260 enemy aircraft, sank one enemy destroyer, and demolished numerous enemy installations. They would also have the WWII distinction of never losing an American bomber under their escort, despite flying in some of the enemies' most heavily defended areas. During their World War II service, the Airmen would earn 150 Distinguished Flying Crosses, 744 Air Medals, 8 Purple Hearts, and 14 Bronze Stars.

There is currently an effort underway to bestow the Congressional Gold Medal on the Tuskegee Airmen. I have introduced H.R. 1259 here in the House, and Senator Levin has introduced similar legislation in the Senate. The Gold Medal was created and first awarded 200 years ago to Americans whose courage and determination in battle exemplified the spirit of our nation. In keeping with that tradition, I can think of no better recipients than the Tuskegee Airmen.

They not only displayed courage and bravery, they changed our military forever. Today, many minority groups, especially African Americans, are overrepresented in the military compared to their numbers in the general population. They are the central core of the volunteer military and serve our nation with heroic distinction in Iraq and through out the world. With the significant role that minorities continue to play in the Armed Forces, our country is indebted to the Tuskegee Airmen for helping to lay that foundation.

Today, the young men who roamed the skies of Tuskegee, Alabama, and World War II Europe, are seasoned veterans of war and life. Many of them are no longer with us, but the hope and pride that they inspired in all of us are reborn in the hearts and minds of every subsequent generation of Americans. I can attest to the hope they gave to a young kid from Harlem, as he set out to fight in Korea. Their example served me well in that war, and in life.

At a time in our country when we hear a lot of rhetoric about patriotism, we can learn from the example of the Tuskegee Airmen. They fought for their country at a time when the rights they risked their lives to protect did not extend to them. They fought not just for America, but the promise of America—the promise of liberty, equality, and freedom for all people. As long as we aspire to fulfill this promise, so too will the spirit of the Tuskegee Airmen live. Again, I thank the Tuskegee Airmen for all they have done for our country, and I extend this welcome—a hero's welcome—to them.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 14, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 15

9:30 a.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, and International Security Subcommittee

To hold an oversight hearing to examine the United States' relationship with the World Trade Organization, focusing on the role of the World Trade Organization and its impact on national sovereignty and economic security.

SD–562

JULY 18

9:30 a.m.

Foreign Relations

To hold hearings to examine improving security in Iraq.

SH–216

2 p.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Brian David Miller, of Virginia, to be Inspector General, General

Services Administration, and Richard L. Skinner, of Virginia, to be Inspector General, Department of Homeland Security; to be immediately followed by a hearing to examine the nomination of Edmund S. Hawley, of California, to be an Assistant Secretary of Homeland Security.

SD–562

JULY 19

10 a.m.

Energy and Natural Resources

To hold an oversight hearing to examine the effects of the U.S. nuclear testing program on the Marshall Islands.

SD–366

Appropriations

Transportation, Treasury, the Judiciary, and Housing and Urban Development, and Related Agencies Subcommittee

Business meeting to consider H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006.

SD–116

10:30 a.m.

Judiciary

To hold hearings to examine reauthorization of the Violence Against Women Act.

SD–226

2:30 p.m.

Foreign Relations

To hold hearings to examine advancing Iraqi political development.

SH–216

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings to examine a review of Federal consent decrees.

SD–226

JULY 20

9:30 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider proposed Better Healthcare through Information Technology Act, proposed Medical Device User Fee Stabilization Act of 2005, and pending nominations.

SD–430

Indian Affairs

To hold oversight hearings to examine legislation to resolve Cobell v. Norton.

Room to be announced

Judiciary

To hold hearings to examine issues and implications relating to reporters' shield legislation.

SD–226

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine biosecurity preparedness and efforts to address agroterrorism threats.

SR–328A

2:30 p.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine S. 703, to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the Las Vegas Motor Speedway, S. 997, to direct the Secretary of Agriculture to convey certain land in the Beaverhead-Deerlodge Forest, Montana, to Jefferson County, Montana, for use as a cemetery, S. 1131, to authorize the exchange of certain Federal land within the State of Idaho, S. 1170 to establish the Fort Stanton-Snowy River National Cave Conservation Area, S. 1238, to amend the Public Lands Corps Act of 1993 to provide for the conduct of projects that protect forests, and H.R. 1101, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California.

SD–366

JULY 21

9:30 a.m.

Indian Affairs

To hold hearings to examine S. 1003, to amend the Act of December 22, 1974, relating to Navajo-Hopi land settlement.

SR–485

10 a.m.

Energy and Natural Resources

To hold hearings to examine the current state of climate change scientific research and the economics of strategies to manage climate change, focusing on the relationship between energy consumption and climate change, new developments in climate change research and the potential effects on the U.S. economy of climate change and strategies to control greenhouse gas emissions.

SH–216

Foreign Relations

To hold hearings to examine United Nations reform.

SD–419

Veterans' Affairs

Business meeting to consider pending VA legislation.

SR–418

2 p.m.

Appropriations

Business meeting to consider H.R. 3058, making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, H.R. 2863, making appropriations for the Department of Defense for the fiscal year ending September 30, 2006, H.R. 2528, making appropriations for military quality of life functions of the Department of Defense, military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2006, and proposed legislation making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2006.

SD–106

JULY 26

10 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings to examine how farm bill programs can better support species conservation.

SR–328A

JULY 27

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine Indian Gaming Regulatory Act exceptions and off-reservation gaming.

SH–216

10 a.m.

Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold an oversight hearing to examine the Conservation Reserve Program.

SR–328A

JULY 28

9:30 a.m.

Indian Affairs

To hold oversight hearings to examine the implementation of the Native American Graves Protection and Repatriation Act (P.L. 101-601).

SR–485

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of the American Legion.

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